



LAW ENFORCEMENT ASSISTANCE AMENDMENTS

HEARINGS

BEFORE

SUBCOMMITTEE NO. 5

OF THE

**COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES**

NINETY-FIRST CONGRESS

SECOND SESSION

ON

H.R. 14341, H.R. 15947, and Related Proposals

TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE
STREETS ACT OF 1968 TO AUTHORIZE APPROPRIATIONS
FOR FISCAL YEAR 1971 AND SUCCEEDING FISCAL YEARS,
AND FOR OTHER PURPOSES

19, 25, 26; MARCH 2, 6, 9, 11, 12, 13, 17, AND 19, 1970

Serial No. 17

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LAW ENFORCEMENT ASSISTANCE AMENDMENTS

WEDNESDAY, FEBRUARY 18, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY.
Washington, D.C.

The subcommittee met at 1:40 p.m., pursuant to call, in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler, Rodino, Rogers, Donohue, Kasteneier, Edwards of California, McCulloch, MacGregor, McClory, Railsback, Poff, and Hutchinson.

Also present: Hon. David W. Dennis.

Staff members present: Benjamin L. Zelenko, General Counsel, and Franklin G. Polk, Associate Counsel.

The CHAIRMAN. The committee will come to order.

The Chair wishes to make a statement, and some of the members likewise wish to voice their sentiments at this very important meeting.

Today Subcommittee No. 5 begins several days of public hearings on legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968, to authorize future appropriations for the law enforcement assistance program as well as to revise its administrative organization.

The law enforcement assistance program is intended to provide State and local governments financial resources and technical assistance to control and prevent crime in the streets and to improve the quality of criminal justice.

The Omnibus Act rests on the premise that the safety and liberty of our citizens depend on the excellence of State and local law enforcement. The Safe Streets Act, which began its legislative journey in this subcommittee, constitutes a national commitment to mobilize Federal resources in the support of the States and local governments to better protect the lives, property, and the rights of our citizens.

Under the act, funding authority is limited in amount and duration. The current ceiling of \$300 million (\$268 million actually appropriated) is authorized only through June 30, 1970. Continuation of this grant-in-aid program requires legislation to authorize future appropriations.

At this juncture, then, it is appropriate that the Congress examine and appraise the operations and effectiveness of the grant-in-aid program to date.

Among other matters, the subcommittee will be interested to learn what the impact on the crime rate has been as a consequence of this program. How are the funds being distributed by the States, and what

specific programs are receiving priority? What guidance and leadership has the Law Enforcement Assistance Administration (LEAA) provided in establishing priorities and in monitoring effectiveness of the aid thus far advanced?

Not only should future funding requirements be explored, but the basic administrative structure of the aid program itself should be carefully studied.

The Omnibus Act requires that 85 percent of all Federal action funds be allocated directly to the States according to their respective populations. The remaining 15 percent of such Federal funds are to be allocated directly at the discretion of the Law Enforcement Assistance Administration.

Under the present statutory formula, "pass through" provisions require that the States channel 40 percent of all planning grants and 75 percent of all action grants directly to units of local government. The act also requires recipients to match the Federal financial support they receive in varying levels, depending on the program activity.

There are a number of measures pending before the subcommittee which would authorize future appropriations. These include my bill, H.R. 14341, and measures introduced by my colleagues on the subcommittee: H.R. 14296 by the distinguished gentleman from Ohio, Mr. McCulloch; H.R. 14397 by the distinguished gentleman from Virginia, Mr. Poff; H.R. 15532, by the distinguished gentleman from New Jersey, Mr. Rodino.

These and a number of other bills propose substantive amendments to the administrative structure of the law enforcement assistance program.

I note that yesterday, on the eve of these hearings, an executive communication from the Attorney General forwarded to the Speaker of the House a legislative draft proposal to amend title I of the Omnibus Crime Control and Safe Streets Act. The measure has been introduced as H.R. 15947 by my distinguished colleague, Mr. McCulloch, with cosponsorship of Messrs. Gerald R. Ford, the minority leader, MacGregor, McClory, Poff, and Hutchinson.

Of course, this proposal will be carefully considered by the subcommittee in the course of these hearings, and the Attorney General will be invited to testify thereon. All of these measures will be placed in the appendix to this record.

(The text of the bills before the subcommittee is found in the appendix at pp. 878-1021.)

Mr. Poff. Mr. Chairman, would the gentleman yield?

May I suggest at this point it might also be appropriate to place in the record the section-by-section analysis of the bill to which the distinguished chairman has referred.

The CHAIRMAN. The point is well taken, and the counsel shall do so.

(Document to be furnished follow:)

SECTION-BY-SECTION ANALYSIS OF H.R. 15947 (PREPARED BY THE DEPARTMENT OF JUSTICE)

To amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

Sec. 1. Enacting and title clause.

Sec. 2. Amendments to the Omnibus Crime Control and Safe Streets Act:

(1) *Amendment to section 203(c)*. This amendment would permit LEAA, in its discretion, to waive the requirement in section 203(c) that each State plan-

ning agency assure that at least 40 per centum of all planning funds granted to it by LEAA for any fiscal year will be made available to local governmental units within the State to permit such units to participate in the formulation of the State's comprehensive law enforcement plan.

(2) *Amendment to section 301(c)*. This amendment recasts the language of subsection (c) of section 301 to make it clear that the various percentage limitations on Federal expenditures set forth in the subsection apply only to block grants to State planning agencies made under section 301, and not to discretionary grants made under section 306.

(3) *Amendment to section 301(d)*. This amendment complements amendment (2) by changing the word "part" in the first sentence of section 301(d) to "section" so that the limitations on the use of block grant funds under that section to compensate law enforcement personnel will not apply to discretionary grants under section 306. The remaining changes made by the amendment are intended to make it clear that the personnel compensation restrictions set out in the section are limited. The amendment would provide that the use of grant funds for the salaries of personnel engaged in research, development, demonstration projects, or short-term programs would not be subject to the limitations set forth in section 301(d). They would, however, remain subject to the State and local matching fund requirements set forth in section 301(c).

(4) *Amendment to section 303(2)*. This amendment is a companion to amendment (1). It would permit LEAA to waive, in appropriate cases, the requirement that 75 per centum of the action funds granted to a State for a fiscal year be made available to local units of government to permit them to participate in the implementation of criminal justice reform programs.

(5) *Amendment to section 306*. This amendment would modify the present language of section 306 and designate it as subsection (a), and would add a new subsection (b). The modifications in the present language would make it clear that LEAA may utilize the 15 per centum discretionary funds for direct grants to local governmental units or for grants or contracts to other grantees appropriate to the purposes of title I. Of the discretionary funds, 20 per centum may be utilized to finance programs or projects in their entirety. No other grant may be for more than 75 per centum of the cost of the program or project.

The new subsection (b) would authorize LEAA to reallocate funds allocated to a State for any fiscal year but not utilized by that State during the year. LEAA would be permitted to use such unclaimed funds for grants under part C to other State planning agencies, local units or other appropriate grantees, thus assuring utilization of all funds appropriated by Congress for the purposes of the Act.

(6) *Amendment to section 406*. This amendment would make a number of changes and additions to the provisions under which LEAA makes grants to colleges and universities for loans and grants to persons enrolled in law enforcement studies who are either employed in law enforcement or are students desiring to pursue law enforcement careers.

Amendment (a) would conform the language in subsection (b), describing the types of degree and certificate programs that qualify under the loan provisions, with the language of subsection (c), describing the programs that qualify under the grant provisions. It would then be clear that the applicable standards are the same in both cases, as they should be.

Amendment (b) would amend the grant subsection to permit grant funds to be used for the purchase of books as well as for tuition and fees.

Amendment (c) would add three new subsections to section 406:

New subsection (d) would incorporate language, which is standard in Federal student aid legislation, to permit persons receiving Veterans Administration or Social Security assistance to receive LEAA funds concurrently without endangering their VA or Social Security benefits.

New subsection (e) would authorize LEAA to authorize loans and grants and forgiveness and cancellation benefits for persons employed or preparing for employment as full-time teachers of courses related to law enforcement.

New subsection (f) would authorize LEAA to make grants for the development and revision of programs of law enforcement education and for the development of curriculum materials.

(7) *Addition of a new section 407*. This amendment would add a new section authorizing LEAA to develop and support regional and national training programs and training teams to instruct State and local law enforcement personnel in improved methods of law enforcement. The section would provide explicitly that LEAA's training activities would not duplicate those of the Federal Bureau of Investigation under section 404.

(8) *Addition of new Part E concerning correctional institutions and facilities.* This amendment would add a new part to title I to establish a specific program of grants for the purpose of the construction, acquisition and renovation of correctional institutions and facilities and the improvement of correctional programs.

(9) *Amendment to section 508.* This section is redesignated section 608, and is amended to authorize LEAA to receive and utilize funds or other property transferred by other Federal agencies or donated from outside sources.

(10) *Amendments to section 517.* This section is redesignated section 617, and is revised to authorize LEAA to appoint individual consultants as well as technical advisory committees, and to provide that the technical consultants and committees may be appointed without regard to the civil service and classification laws. The amendment would also provide a maximum daily rate of compensation for consultants and technical committee members not to exceed the daily equivalent of the rate for GS-18.

(11) *Amendment to section 519.* This section is redesignated section 619, and as amended would change the deadline for submission of LEAA's annual report to the President and the Congress from August 31 to December 31.

(12) *Amendment to section 520.* This section is redesignated section 620, and would authorize the appropriation of funds for fiscal year 1971 and beyond. It is proposed that the Act be amended to authorize the appropriation for those fiscal years of such sums as Congress might deem to be necessary for the purposes of title I. The amendment would also add a provision permitting funds appropriated for LEAA to remain available until expended.

(13) *Amendment to section 601.* This section is redesignated section 701, and the amendment would add a definition of "correctional institution".

Sec. 3. This section would amend 5 U.S.C. 5108 to authorize LEAA to place a total of 25 positions in GS-16, 17, and 18.

The CHAIRMAN. The 1968 FBI uniform crime reports indicate overwhelmingly that the volume of crime is greatest in our large metropolitan centers. The incidence of crime is greatest where the population is densest.

The Legislative Reference Service of the Library of Congress has prepared a list of cities with populations over 250,000 and ranked them in terms of their respective rates of crime. The crime rate is based on FBI crime index offenses. (The crime index offenses include such State crimes as murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny \$50 and over, and auto theft.)

The compilation includes a ranking of 10 cities for 1968, and a ranking of 20 cities for 1969. These compilations, together with the latest FBI figures for the period January through September 1969, will be placed in the record at this point.

(Documents referred to follow:)

CRIME INDEX OFFENSES¹ IN CITIES WITH POPULATIONS OVER 250,000, 1969—A RANKING OF 20 CITIES WITH THE HIGHEST RATE OF CRIME²

City (with estimated population) ³	Projected yearly total crime index offenses ⁴	Rate for 100,000 inhabitants
Oakland, Calif. (360,000).....	30,265	8,406.9
Newark, N.J. (390,000).....	31,251	8,013.1
San Francisco, Calif. (705,000).....	52,843	7,481.3
Washington, D.C. (815,000).....	59,505	7,301.2
Baltimore, Md. (905,000).....	64,293	7,104.2
St. Louis, Mo. (665,000).....	46,957	7,061.2
Detroit, Mich. (1,570,000).....	105,896	6,745.0
Miami, Fla. (320,000).....	20,637	6,449.1
Cleveland, Ohio (770,000).....	48,092	6,254.7
Seattle, Wash. (550,000).....	34,216	6,221.1
Pittsburgh, Pa. (530,000).....	32,777	6,184.3
Nashville, Tenn. (270,000).....	16,684	6,179.3
Denver, Colo. (480,000).....	29,279	6,099.8
Boston, Mass. (570,000).....	34,565	6,064.0
New York, N.Y. (7,975,000).....	482,356	6,048.4
Los Angeles, Calif. (2,810,000).....	168,147	5,983.9
Kansas City, Mo. (355,000).....	31,595	5,692.8
Louisville, Ky. (380,000).....	19,555	5,146.1
Portland, Oreg. (375,000).....	19,271	5,138.9
Minneapolis, Minn. (440,000).....	21,953	4,989.3

¹ "Crime index" offenses are those serious offenses reported to the police which are considered by the Federal Bureau of Investigation to afford the best indication, when taken as a whole, of the degree of significant lawlessness in the community. Index crimes include: murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny \$50 and over, and auto theft.

² The Federal Bureau of Investigation warns against the use of crime statistics for rankings and comparisons because of the many variable factors involved—such as the reporting and investigative efficiency of the local law enforcement agency, the density and size of the community population and metropolitan area of which it is a part, and the policies of the prosecuting officials and courts. The above data should therefore be used with caution.

³ Estimates obtained from Rand McNally's "Commercial Atlas and Marketing Guide" (1969 edition) are as of Jan. 1, 1969.

⁴ These projected totals are based on the assumption that the volume of offenses in the 4th quarter of 1969 will be equivalent to the average of the 1st 3 quarters as given in the U.S. Federal Bureau of Investigation's uniform crime reports, January through September 1969.

Source: U.S. Federal Bureau of Investigation, uniform crime reports for the United States, January through September 1969.

CRIME INDEX OFFENSES¹ IN CITIES WITH POPULATIONS OVER 250,000, 1968—A RANKING OF 10 CITIES WITH THE HIGHEST RATE OF CRIME²

City (with estimated population) ³	Total crime index offenses	Rate per 100,000 inhabitants
Newark, N.J. (390,000).....	34,660	8,887.1
Oakland, Calif. (360,000).....	28,333	7,870.3
Baltimore, Md. (905,000).....	67,157	7,420.7
San Francisco, Calif. (705,000).....	47,108	6,681.9
Pittsburgh, Pa. (530,000).....	32,230	6,081.1
Washington, D.C. (815,000).....	49,360	6,056.4
New York, N.Y. (7,975,000).....	482,990	6,056.3
Miami, Fla. (320,000).....	19,370	6,053.1
Detroit, Mich. (1,570,000).....	94,590	6,024.8
St. Louis, Mo. (665,000).....	39,054	5,872.8

¹ "Crime index" offenses are those serious offenses reported to the police which are considered by the Federal Bureau of Investigation to afford the best indication, when taken as a whole, of the degree of significant lawlessness in the community. Index crimes include: murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny \$50 and over, and auto theft.

² The Federal Bureau of Investigation warns against the use of crime statistics for rankings or comparisons because of the many variable factors involved—such as the reporting and investigative efficiency of the local law enforcement agency, the density and size of the community population and metropolitan area of which it is a part, and the policies of the prosecuting officials and the courts. The data above should therefore be used with caution.

³ Estimates obtained from Rand McNally's "Commercial Atlas and Marketing Guide" (1969 edition), are as of Jan. 1, 1969.

Source: U.S. Federal Bureau of Investigation, uniform crime reports for the United States, 1968 issue, Washington, Aug. 13, 1969.

FOR RELEASE
FRIDAY PM
DECEMBER 12, 1969

UNIFORM CRIME REPORTING
(January-September, 1969)

The Crime Index recorded an 11 percent increase nationally during the first nine months of 1969 over the same period in 1968. As a group the violent crimes increased 12 percent, led by forcible rape up 17 percent, robbery 15 percent, and aggravated assault and murder 9 percent respectively. The voluminous property crimes witnessed an overall 10 percent rise, with larceny \$50 and over up 20 percent, auto theft 11 percent, and burglary 4 percent. Firearms were used to commit 65 percent of all murders during the first nine months of 1969 and 23 percent of the aggravated assaults. Serious assaults with a firearm rose 11 percent 1969 over 1968. National and regional trends, as well as an offense analysis of robbery, burglary and larceny, are set forth below.

Table 1

CRIME INDEX TRENDS
(January-September, percent change 1969 over 1968, offenses known to the police)

Population Group and Area	Number of Agencies	Population in thousands	Total		Property		Forcible		Aggravated		Larceny and Auto	
			Total	Violent	erty	Murder	rape	Robbery	assault	Burglary	\$50 and over	theft
Total all agencies	5,268	157,481	+11	+12	+10	+9	+17	+15	+9	+4	+20	+11
Cities over 25,000	817	88,053	+11	+13	+10	+11	+19	+15	+9	+5	+19	+11
Suburban area	1,941	45,564	+11	+12	+11	+9	+14	+12	+12	+3	+22	+9
Rural area	1,294	21,336	+8	+7	+8	-11	+6	+10	+8	+4	+16	+5
Over 1,000,000	6	19,444	+7	+10	+6	+12	+15	+14	+3	+2	+11	+11
500,000 to 1,000,000	20	12,821	+15	+22	+14	+16	+39	+22	+22	+10	+19	+15
250,000 to 500,000	28	10,024	+9	+7	+9	+1	+6	+7	+8	+3	+19	+9
100,000 to 250,000	94	13,899	+12	+12	+12	+4	+19	+16	+9	+7	+20	+10
50,000 to 100,000	240	16,725	+11	+12	+11	+20	+20	+11	+11	+5	+20	+10
25,000 to 50,000	429	15,140	+12	+15	+11	+19	+13	+22	+11	+2	+23	+10
10,000 to 25,000	1,034	16,227	+12	+6	+12	+8	+23	+12	+3	+4	+26	+6
Under 10,000	1,860	9,701	+11	-2	+12	+15	+9	+9	-6	+3	+26	+8

Table 2

CRIME INDEX TRENDS BY GEOGRAPHIC REGION
(January-September, 1969 over 1968)

Region	Total	Violent	Property	Murder	Forcible rape	Robbery	Aggravated assault	Burglary	Larceny \$50 and over	Auto theft
Northeastern States	+8	+12	+7	+10	+15	+15	+6	+2	+19	+9
North Central States	+13	+13	+13	+11	+16	+14	+10	+8	+21	+12
Southern States	+11	+12	+11	+3	+15	+19	+7	+5	+22	+11
Western States	+10	+13	+10	+19	+23	+11	+14	+5	+17	+10

Table 3

OFFENSE ANALYSIS
(January-September, percent change 1969 over 1968)

Robbery

Street	+18
Business house	+7
Service station	+8
Chain store	+20
Residence	+22
Bank	-4

Burglary

Residence, night	+9
Residence, day	+11
Nonresidence, night	-2
Nonresidence, day	+5

Larceny

Pocket-picking	+7
Purse-snatching	+20
Shoplifting	+13
From autos	+16
Auto accessories	+11
From buildings	+7

Issued by John Edgar Hoover, Director, Federal Bureau of Investigation
United States Department of Justice, Washington, D. C. 20535

Advisory: Committee on Uniform Crime Records, International Association of Chiefs of Police

Table 4

Offenses Known to the Police, January through September, 1968 and 1969
Cities over 100,000 in Population

			Murder, non- negligent man- slaughter	For- cible rape	Rob- bery	Aggra- vated assault	Bur- glary- break- ing or enter- ing	Lar- ceny \$50 and over	Auto theft
Ablene	Texas	1968	2	3	17	29	547	382	102
		1969	3	3	19	15	507	401	92
Akron	Ohio	1968	13	74	497	302	2,716	2,385	2,232
		1969	17	74	580	341	3,048	3,138	2,444
Albany	N Y	1968	4	3	100	75	922	280	786
		1969	4	2	107	67	956	338	973
Albuquerque	N Mex	1968	9	78	223	566	3,407	2,946	962
		1969	7	69	305	653	3,989	3,468	1,331
Alexandria	Va	1968	10	20	204	286	964	995	398
		1969	6	38	195	264	829	918	488
Allentown	Pa	1968		4	30	28	344	448	156
		1969	1	9	40	92	437	718	165
Amarillo	Texas	1968	2	13	43	212	993	910	263
		1969	2	11	39	155	1,069	939	282
Anaheim	Calif	1968	1	14	94	78	2,001	1,724	407
		1969	3	30	130	103	2,057	1,692	508
Arlington	Va	1968	5	32	105	106	1,210	1,255	542
		1969	5	20	77	59	1,007	1,565	602
Atlanta	Ga	1968	139	81	561	709	5,110	4,087	2,574
		1969	129	132	713	892	6,187	4,114	2,909
Austin	Texas	1968	21	33	120	504	2,021	893	691
		1969	17	33	182	535	2,381	1,088	762
Baltimore	Md	1968	171	478	6,319	7,043	19,146	8,291	8,707
		1969	174	521	6,879	8,408	14,970	9,473	7,995
Baton Rouge	La	1968	14	48	150	289	2,370	1,231	576
		1969	19	56	157	371	2,907	1,518	866
Beaumont	Texas	1968	14	2	33	332	1,035	278	175
		1969	9	9	76	438	1,186	305	265
Birmingham	Ala	1968	52	47	314	867	3,250	2,606	1,364
		1969	66	64	215	1,176	2,828	3,183	1,427
Boston	Mass	1968	59	150	1,487	1,116	4,807	3,961	11,797
		1969	74	180	2,298	1,184	6,565	4,716	10,907
Bridgeport	Conn	1968	10	6	161	97	1,380	1,116	988
		1969	8	5	278	129	1,859	2,318	1,316
Buffalo	N Y	1968	28	108	790	437	4,199	3,218	3,336
		1969	32	102	699	587	3,963	3,506	2,615
Camden	N J	1968	8	26	213	119	1,064	551	1,139
		1969	22	29	239	154	1,431	517	1,185
Canton	Ohio	1968	8	7	132	78	625	823	320
		1969	5	17	126	102	634	1,157	362
Cedar Rapids	Iowa	1968	1	5	15	13	336	407	259
		1969	1	7	43	37	369	511	361
Charlotte	N C	1968	39	64	278	1,610	2,929	1,699	539
		1969	35	59	293	1,805	3,120	2,146	799
Chattanooga	Tenn	1968	25	10	288	114	1,948	276	889
		1969	26	14	263	126	1,850	295	1,102
Chicago	Ill	1968	453	921	13,980	9,051	25,785	14,194	25,367
		1969	519	1,010	15,158	9,608	26,288	14,365	25,997
Cincinnati	Ohio	1968	33	109	626	595	3,598	2,301	1,375
		1969	43	129	606	536	3,760	3,244	1,338
Cleveland	Ohio	1968	131	110	2,319	885	5,694	4,521	9,717
		1969	179	210	3,939	1,556	8,854	5,174	16,157
Colorado Springs	Colo	1968	7	16	89	81	788	716	259
		1969	7	26	138	115	1,120	1,158	346
Columbia	S C	1968	19	25	122	247	1,406	662	624
		1969	17	20	182	265	1,744	945	903
Columbus	Ga	1968	12	13	48	60	655	440	454
		1969	13	8	76	58	635	443	379
Columbus	Ohio	1968	34	111	641	554	5,903	3,874	3,036
		1969	35	166	923	568	5,870	5,066	3,291
Corpus Christi	Texas	1968	8	25	108	410	2,308	1,305	617
		1969	8	28	121	545	2,042	2,202	663
Dallas (1)	Texas	1968	161	319	1,563	2,800	14,150	4,613	5,845
		1969	44	81	689	503	2,875	1,597	1,822
Dayton	Ohio	1968	38	64	691	606	3,566	2,042	1,625
		1969	4	6	94	37	581	677	594
Dearborn	Mich	1968	7	9	107	52	822	1,051	714
		1969	33	220	1,021	926	6,772	4,496	4,069
Denver	Colo	1968	51	254	1,189	1,154	8,243	6,570	4,482
		1969	10	32	147	66	1,270	1,366	679
Des Moines	Iowa	1968	6	27	160	72	1,326	1,797	776

(1) 1968 figures not comparable with 1969, and are not used in trend tabulations. Agency reports which are determined to be influenced by a change in reporting practices, for all or specific offenses, are removed from trend tables.

All 1969 crime figures from reporting units are preliminary. Final figures and crime rates per unit of population are not available until the annual publication. Trends in this report are based on the volume of crimes reported by comparable units.

Offenses Known to the Police, January through September, 1968 and 1969
 Cities over 100,000 in Population

			Murder, non- negligent man- slaughter	For- cible rape	Rob- bery	Aggra- vated assault	Bur- glary- break- ing or enter- ing	Lar- ceny \$50 and over	Auto theft
Detroit	Mich	1968	268	680	9,842	3,573	28,504	12,906	13,798
		1969	317	672	12,181	3,696	30,474	15,943	16,139
Duluth	Minn	1968	2	6	23	7	742	563	378
		1969	1	10	41	10	751	561	365
Elizabeth	N J	1968	7	26	167	246	1,372	444	808
		1969	4	27	128	235	1,511	579	975
El Paso	Texas	1968	10	49	160	349	2,869	1,144	1,136
		1969	9	32	161	309	3,019	1,449	1,269
Erie	Pa	1968	1	11	183	82	812	252	371
		1969	1	12	76	72	511	395	273
Evansville	Ind	1968	5	18	148	189	1,274	1,244	448
		1969	9	28	168	291	1,197	1,287	472
Fall River	Mass	1968	1	2	49	47	917	309	426
		1969		2	25	53	1,048	367	798
Flint	Mich	1968	19	55	379	989	1,575	2,456	696
		1969	21	56	605	1,113	2,614	3,010	767
Fort Lauderdale	Fla	1968	14	24	168	151	1,628	1,406	693
		1969	19	30	156	189	1,762	1,545	912
Fort Wayne	Ind	1968	11	17	159	61	1,090	1,626	385
		1969	11	29	110	66	1,161	1,092	479
Fort Worth	Texas	1968	71	67	380	437	4,443	1,491	1,745
		1969	73	71	656	463	4,722	1,574	2,420
Fresno	Calif	1968	14	33	260	132	3,634	1,799	1,237
		1969	7	24	244	141	2,387	2,330	1,172
Garden Grove	Calif	1968	2	16	63	69	1,220	1,267	245
		1969	1	12	94	80	1,251	1,474	275
Gary	Ind	1968	31	58	674	408	1,727	1,496	3,109
		1969	31	96	532	375	1,960	1,737	2,356
Glendale	Calif	1968	3	8	68	49	1,003	944	436
		1969	3	20	73	55	1,137	986	530
Grand Rapids	Mich	1968	9	35	195	294	2,213	885	677
		1969	14	37	176	332	2,346	1,131	578
Greensboro	N C	1968	11	19	84	663	796	868	386
		1969	21	19	77	722	1,110	1,062	431
Hammond	Ind	1968	3	9	161	191	630	978	580
		1969	3	21	149	83	660	1,084	691
Hampton	Va	1968	9	12	33	57	575	438	155
		1969	8	16	39	56	541	800	182
Hartford	Conn	1968	14	23	278	322	2,746	1,691	1,497
		1969	10	23	317	413	2,449	1,575	1,771
Honolulu	Hawaii	1968	10	18	97	183	5,259	2,779	2,037
		1969	7	42	174	88	4,692	3,498	2,368
Houston	Texas	1968	182	235	3,011	2,270	15,142	7,216	7,018
		1969	193	311	3,484	2,110	18,040	8,948	8,897
Huntington Beach	Calif	1968	3	18	39	55	605	1,101	197
		1969	2	22	64	118	956	1,330	295
Huntsville	Ala	1968	7	10	39	442	1,147	1,127	459
		1969	4	7	38	250	1,184	1,140	353
Independence	Mo	1968		23	22	98	574	398	146
		1969		14	25	112	551	472	173
Indianapolis	Ind	1968	59	141	1,381	650	5,982	2,807	4,373
		1969	48	130	1,128	607	6,531	3,307	3,834
Jackson	Miss	1968	13	2	50	83	919	503	268
		1969	16	10	39	71	774	704	285
Jacksonville	Fla	1968	58	119	1,076	1,421	7,263	2,214	1,408
		1969	53	163	791	1,446	6,399	4,138	1,800
Jersey City	N J	1968	15	14	323	197	814	191	3,126
		1969	25	29	437	183	1,139	181	2,777
Kansas City	Kans	1968	15	49	314	310	2,307	393	1,161
		1969	18	74	317	303	2,564	704	1,382
Kansas City	Mo	1968	57	213	1,539	1,313	7,384	4,348	3,535
		1969	71	292	1,952	1,536	9,138	5,519	5,188
Knoxville	Tenn	1968	18	11	98	278	1,570	706	734
		1969	19	7	80	229	1,552	797	770
Lansing	Mich	1968	6	26	99	136	1,312	1,387	543
		1969	4	22	104	185	1,749	1,442	805
Las Vegas	Nev	1968	6	17	136	77	1,030	630	412
		1969	17	20	203	86	1,247	737	520
Lincoln	Nebr	1968	1	17	18	79	601	975	242
		1969	3	12	37	107	529	684	237
Little Rock	Ark	1968	11	32	157	461	1,385	1,505	349
		1969	16	51	224	470	2,016	2,217	333
Livonia	Mich	1968		7	27	45	573	976	234
		1969		5	33	64	823	632	233
Long Beach	Calif	1968	27	106	771	417	4,479	3,030	2,194
		1969	20	140	684	400	4,329	3,311	2,055
Los Angeles	Calif	1968	263	1,260	8,281	10,499	48,091	30,181	23,498
		1969	296	1,581	8,737	11,245	47,830	32,801	23,621
Louisville	Ky	1968	50	69	820	474	3,854	3,853	4,043
		1969	52	64	1,073	520	3,830	4,854	4,273

Offenses Known to the Police, January through September, 1968 and 1969
 Cities over 100,000 in Population

			Murder, non- negligent man- slaughter	For- cible rape	Rob- bery	Aggra- vated assault	Bur- glary- break- ing or enter- ing	Lar- ceny \$50 and over	Auto theft
Lubbock	Texas	1968	13	33	60	180	1,638	1,526	240
		1969	9	27	41	215	1,746	1,460	237
Macon	Ga	1968	23	13	108	116	1,494	629	258
		1969	20	23	125	113	1,517	995	448
Madison	Wis	1968		22	35	9	824	897	339
		1969	2	20	34	16	718	1,295	341
Memphis	Tenn	1968	53	74	677	426	6,702	3,513	1,826
		1969	52	99	891	508	6,305	4,023	1,798
Miami	Fla	1968	49	94	1,841	2,037	5,892	3,191	1,540
		1969	46	62	2,002	1,910	5,365	3,836	2,257
Milwaukee	Wis	1968	33	69	618	576	3,255	4,825	3,272
		1969	30	60	428	523	2,994	5,970	3,408
Minneapolis	Minn	1968	30	129	1,315	538	7,072	3,428	3,434
		1969	27	138	1,205	448	6,911	4,136	3,600
Mobile	Ala	1968	21	43	207	437	2,772	1,008	648
		1969	28	37	223	435	3,359	1,210	740
Montgomery	Ala	1968	14	21	110	67	1,276	982	257
		1969	13	17	103	60	1,264	1,028	285
Nashville	Tenn	1968	58	74	575	1,117	4,251	2,996	2,207
		1969	45	101	606	949	4,652	3,627	2,533
Newark	N J	1968	81	188	2,639	1,812	10,220	5,008	6,116
		1969	77	170	3,018	1,727	8,636	4,299	5,511
New Bedford	Mass	1968	1	6	87	103	988	547	876
		1969		6	92	90	1,209	798	1,062
New Haven	Conn	1968	7	32	83	256	2,608	959	1,327
		1969	5	29	121	286	2,424	1,239	1,573
New Orleans	La	1968	74	205	1,487	1,337	6,061	6,296	4,328
		1969	52	231	1,732	1,734	6,343	6,285	4,585
Newport News	Va	1968	11	21	85	207	825	706	333
		1969	10	19	135	218	1,049	946	312
New York	N Y	1968	655	1,405	38,485	22,064	128,551	108,350	56,696
		1969	729	1,583	44,470	22,833	129,180	98,309	64,663
Norfolk	Va	1968	32	88	461	663	3,297	2,454	1,360
		1969	28	60	645	810	3,214	3,131	1,324
Oakland	Calif	1968	43	106	1,872	679	9,180	4,948	2,977
		1969	55	144	2,025	823	10,303	4,574	4,715
Oklahoma City	Okla	1968	21	98	360	420	4,090	1,536	1,170
		1969	36	68	405	584	4,141	824	1,579
Omaha	Nebr	1968	21	46	522	736	2,725	1,472	2,518
		1969	18	42	458	752	2,571	1,965	2,172
Orlando	Fla	1968	17	6	150	397	967	977	313
		1969	11	15	124	282	1,533	1,075	311
Pasadena	Calif	1968	8	35	304	242	2,197	1,219	661
		1969	8	48	284	287	2,109	1,520	736
Paterson	N J	1968	20	8	181	112	1,151	218	839
		1969	12	19	315	161	1,443	319	1,006
Peoria	Ill	1968	6	23	231	205	1,358	740	479
		1969	4	26	325	331	1,485	935	416
Philadelphia	Pa	1968	192	335	2,030	2,720	10,243	2,873	5,390
		1969	194	399	3,527	2,765	10,471	2,490	7,058
Phoenix	Ariz	1968	43	80	742	994	7,691	4,900	2,775
		1969	34	132	818	1,465	8,185	4,790	2,998
Pittsburgh	Pa	1968	33	150	2,202	917	6,854	5,785	7,441
		1969	43	181	2,215	1,364	7,625	6,023	7,132
Portland	Oreg	1968	21	66	787	521	4,972	4,685	1,757
		1969	21	88	909	576	5,444	5,245	2,170
Portsmouth	Va	1968	6	18	138	160	1,158	597	652
		1969	5	17	177	141	1,149	742	435
Providence	R I	1968	6	5	212	227	2,965	966	3,144
		1969	12	9	337	202	2,747	1,313	3,362
Pueblo	Colo	1968	3	5	39	123	583	597	162
		1969	1	9	28	147	529	698	210
Raleigh	N C	1968	12	11	70	297	577	814	285
		1969	9	14	63	340	594	1,123	228
Reading	Pa	1968	2	2	43	38	474	206	203
		1969	3	18	76	83	568	369	251
Richmond	Va	1968	33	44	443	371	2,908	1,244	1,342
		1969	32	61	553	402	3,013	1,892	1,842
Riverside	Calif	1968	3	31	99	189	1,859	1,408	599
		1969	3	24	154	241	2,745	1,607	648
Roanoke	Va	1968	11	8	101	234	1,043	659	492
		1969	7	5	103	137	933	598	488
Rochester	N Y	1968	23	39	401	392	3,303	2,435	903
		1969	25	44	240	400	2,484	3,069	855
Rockford	Ill	1968	3	5	105	60	826	770	368
		1969	7	24	185	107	1,133	1,077	522
Sacramento	Calif	1968	17	39	485	210	2,852	2,195	1,574
		1969	15	35	405	285	3,003	2,586	1,604
Saginaw	Mich	1968	12	10	222	742	2,665	1,188	188
		1969	12	16	269	214	1,183	371	480

Offenses Known to the Police, January through September, 1968 and 1969
 Cities over 100,000 in Population

			Murder, non- negligent man- slaughter	For- cible rape	Rob- bery	Aggra- vated assault	Bur- glary- break- ing or enter- ing	Lar- ceny \$50 and over	Auto theft
St. Louis	Mo	1968	126	326	2,899	2,019	12,192	2,622	8,050
		1969	189	470	3,571	2,738	14,306	3,282	10,662
St. Paul	Minn	1968	16	65	577	356	4,861	2,768	2,951
		1969	10	63	707	433	4,407	2,966	2,607
St. Petersburg	Fla	1968	18	46	402	490	2,938	1,335	439
		1969	8	34	345	563	2,830	1,414	382
Salt Lake City	Utah	1968	9	26	159	138	2,437	1,948	801
		1969	6	40	245	186	2,588	2,518	1,102
San Antonio	Texas	1968	68	123	561	1,306	8,663	5,135	3,325
		1969	70	123	656	1,596	8,511	5,192	3,996
San Bernardino	Calif	1968	8	29	128	121	1,297	1,872	653
		1969	5	13	170	136	1,534	1,897	655
San Diego	Calif	1968	19	54	434	510	3,020	5,985	2,226
		1969	25	113	517	565	3,649	6,716	2,511
San Francisco	Calif	1968	63	145	4,331	1,944	12,736	4,017	10,069
		1969	100	437	4,625	2,266	13,795	5,156	13,053
San Jose	Calif	1968	6	58	185	247	4,067	1,074	1,634
		1969	6	137	265	398	4,555	1,615	2,070
Santa Ana	Calif	1968	3	30	89	122	1,452	535	479
		1969	6	25	128	148	1,720	632	510
Savannah	Ga	1968	19	46	210	226	1,478	1,080	506
		1969	20	54	266	305	1,776	1,393	431
Scranton	Pa	1968			8	52	360	138	331
		1969		4	13	67	452	408	322
Seattle	Wash	1968	30	124	1,395	585	7,016	5,760	2,684
		1969	41	182	1,860	845	10,565	7,669	4,500
Shreveport	La	1968	21	9	81	501	1,184	523	486
		1969	33	5	96	508	1,258	668	477
South Bend	Ind	1968	4	6	249	71	1,139	766	503
		1969	6	7	279	87	1,059	1,050	539
Spokane	Wash	1968	4	15	92	54	1,421	742	571
		1969	6	14	130	85	1,546	1,179	447
Springfield	Mass	1968	11	12	50	114	821	1,018	1,912
		1969	3	12	51	123	1,587	1,374	1,974
Springfield	Mo	1968	3	1	12	18	679	418	172
		1969	2		19	22	699	725	129
Syracuse	N Y	1968	10	16	390	299	2,713	2,062	567
		1969	6	30	260	235	1,583	1,465	471
Tacoma	Wash	1968	4	39	122	277	1,336	1,098	574
		1969	7	38	255	240	1,666	1,306	717
Tampa	Fla	1968	48	41	577	713	5,123	2,594	1,107
		1969	24	46	531	763	4,061	2,670	965
Toledo	Ohio	1968	16	73	819	322	2,816	1,915	1,093
		1969	14	65	606	304	2,797	2,670	1,097
Topeka	Kans	1968	6	19	65	108	889	869	209
		1969	7	26	151	278	1,215	1,348	263
Torrance	Calif	1968	2	24	111	78	1,721	1,634	538
		1969	2	27	123	66	1,273	1,691	521
Trenton	N J	1968	9	11	346	157	1,855	810	836
		1969	16	32	499	144	1,830	889	799
Tucson	Ariz	1968	7	37	161	224	2,274	1,384	1,033
		1969	13	42	181	268	2,394	1,310	943
Tulsa	Okla	1968	20	52	265	350	2,800	2,758	1,181
		1969	12	65	261	389	2,741	3,385	1,332
Utica	N Y	1968		4	18	14	336	79	96
		1969	4	8	38	19	440	168	89
Virginia Beach	Va	1968	6	20	32	127	780	1,275	136
		1969	3	21	50	148	882	1,489	200
Waco	Texas	1968	5	14	54	209	1,277	516	216
		1969	9	21	60	221	1,274	753	229
Warren	Mich	1968	2	18	51	149	1,123	1,238	437
		1969	2	22	93	198	1,120	1,487	544
Washington	D C	1968	128	183	5,633	2,316	13,350	5,503	8,219
		1969	200	259	8,056	2,687	16,367	8,345	8,115
Waterbury	Conn	1968	1	1	54	75	867	438	319
		1969	5	1	81	46	961	680	747
Wichita	Kans	1968	16	58	182	204	1,913	1,917	970
		1969	9	39	201	279	2,245	2,433	891
Wichita Falls	Texas	1968	10	5	32	92	475	241	132
		1969	7	5	34	108	466	304	111
Winston-Salem	N C	1968	20	23	57	733	1,410	642	381
		1969	22	20	82	750	1,165	929	320
Worcester	Mass	1968	4	9	149	92	2,285	797	2,385
		1969	4	18	226	88	2,908	1,006	2,781
Yonkers	N Y	1968	3	6	175	145	1,102	1,427	965
		1969	4	7	204	147	1,529	1,536	1,052
Youngstown	Ohio	1968	12	15	207	142	1,397	339	799
		1969	15	24	268	196	1,270	456	968

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FRIDAY PM
DECEMBER 12, 1969

PLEASE NOTE

Figures used in this release are submitted voluntarily by law enforcement agencies throughout the country. Individuals using these tabulations are cautioned against drawing conclusions by making direct comparisons between cities due to the existence of numerous factors which affect the amount and type of crime from place to place. Some of these factors are listed in the annual Uniform Crime Reports. More valid use can be made of these figures by determining deviations from national averages and through comparisons with averages for cities in similar population groups. (Table 1) It is important to remember that crime is a social problem and, therefore, a concern of the entire community. The efforts of law enforcement are limited to factors within its control.

The CHAIRMAN. The subcommittee will be interested to learn how these cities participated in the development of State plans and what programs have been funded with Federal funds in these jurisdictions.

The fact as well as the fear of street crime haunts America today. Under the law enforcement assistance program, the States bear substantial responsibility for the implementation of innovative programs and policies to strengthen public safety, improve the court system, and modernize correction facilities.

It is hoped that these hearings will help to focus attention on the achievements as well as the shortcomings of this program, so that the subcommittee can properly evaluate the need for legislative amendments as well as future funding requirements.

Mr. McCulloch, do you wish to make a statement?

Mr. McCULLOCH. Yes, Mr. Chairman.

Mr. Chairman, the increase in crime that has occurred in America during the last 10 years is a matter of great concern to me as it is to many of my countrymen. Since 1960, crimes of violence have increased 85 percent. Our streets, our parks, our stores, even our homes are no longer safe.

Yet, our Constitution, our traditions, and our laws indicate that crime control is not primarily the responsibility of the Federal Government. In title I of the Omnibus Crime Control and Safe Streets Act of 1968, the Congress declared that—

Crime is essentially a local problem that must be dealt with by State and local government if it is to be controlled effectively.

The crime rates show that State and local governments have not been effective in controlling crime.

Why is that? State and local governments claim that they do not have the money to fight crime. It is clear that State and local governments are not exerting an anti-crime effort sufficient to the needs of our society, even though such governments spend in the aggregate between \$5 and \$6 billion a year to fight crime.

It is generally believed that the Federal Government is capable of making the extra financial effort that is needed, while State and local governments are not. This is thought true even though the people who pay the State and local taxes are the very same people who pay the Federal taxes.

It is said that State constitutions and laws hamper State and local governments from meeting their responsibilities to their people, but who wrote those constitutions? Who wrote those laws? Are we supposed to believe that those provisions cannot be changed?

These questions indicate that there is more before us than just a crime problem. There is a far more serious problem: the question of whether State governments, inhibited by the fears of the last century, can fulfill the desires of the next.

The problems presented here stand at center stage. What can be done to make the States healthy again? During these hearings we must inquire.

Are the States becoming educated to their duties in protecting the people?

Are the States meeting their responsibilities to prevent and reduce crime?

Are the States making a greater effort or are they reducing their effort in view of these Federal grants?

I would hope that the States could be revitalized. For, to me, healthy States seem absolutely necessary to fight crime. It is generally accepted that the Federal Government should not be in charge, directing and regulating the efforts to detect and apprehend criminals. And local governments are in a difficult position to organize themselves and self-impose a system of criminal justice.

A system of criminal justice—that ought to be, that must be our goal. We have a “nonsystem” now. Neighboring municipalities are completely uncoordinated in law enforcement. There is often needless duplication of effort among local governments. More often, there are serious gaps. And even within the jurisdiction one may find that police, courts, and corrections operate as if oblivious to one another.

We need a system. The States have been called upon to provide it. Let us look closely to see if they are on the right path.

That should be the purpose and the minimum scope of our inquiry. We cannot expect that, having concluded that the \$5 to \$6 billion annual effort by State and local governments was too small, a mere \$29 million first-year outlay in action grants would bring the rise in crime to a grinding halt. Nor should we necessarily conclude from the failure to reverse crime trends that the program or its administration is wanting.

But we can look where we have been and where we are heading to determine if we could and should correct our course.

The problems that will be presented in these hearings are far too important to be resolved on the basis of partisan polemics. Rather, I hope to witness a free and open discussion of these issues, so that we may perfect and fund an anticrime program in the best interests of the American people.

Thank you.

The CHAIRMAN. Mr. Rodino?

MR. RODINO. Mr. Chairman, I am very pleased that today we begin hearings to assess the operation of the Omnibus Crime Control and Safe Street Act of 1968.

You can readily appreciate my concern and my interest when, as you know, Mr. Chairman, I am a resident of the city of Newark, N.J., which unhappily was listed by the FBI in the crime index offenses in cities with populations of over 250,000 as first.

In developing that act 2 years ago, Mr. Chairman, we fully recognized that the crimes which most concern all Americans are local in nature and properly the responsibility of local and State law enforcement agencies.

Homicide, robbery, rape, aggravated assault; they constitute an insidious menace that spreads through every street and every alley and every neighborhood, forcing people to determine their activities not by choice or desirability, but by fear. They have in effect severely limited the lives of our citizens, and particularly those who live in the urban areas, where the threat of crime is greatest.

The Omnibus Crime Control and Safe Streets Act was established to provide desperately needed financial assistance to aid local and State police in carrying out law enforcement and criminal justice programs

to bring under control the street crime which is of such immediate and terrifying concern to us all.

In New Jersey, with the small amount of action grant money, \$860,000, made available last year, some very worthwhile programs were undertaken, including one that took a narcotics education project directly into the schools, another that sought to improve the response time of police to radio calls, and one that enabled the State police to hold a unique school on organized crime.

A large sum of the initial year's funds went to implement the ALERT system—Allied Law Enforcement Radio Tie, a portable radio system reserved for emergency use and operating on the same frequency, regardless of location, that implements a prime recommendation of three special commissions: The 1967 President's Crime Commission, the 1968 Kerner Commission, and the 1968 Lilley Commission in New Jersey.

However, with the limited funds available, 21 applicants had to be denied. Thus, it is imperative that we review accomplishments under the act, and, particularly, the question of the adequacy of fund levels for the projected multiyear plans which must be submitted by the States.

There are a number of other avenues of crime which need action, but overriding them all is the street crime which must be eradicated if we are to have a free and safe society, and not a nation of terrified individuals scuttling in fear between work and home, and living behind locks and bars.

Mr. Chairman, I welcome these hearings to determine the virtues and failures of the existing act, and to take action to improve it so it can effectively and expeditiously provide the aid our law enforcement officials throughout the country so desperately require.

I know you and the colleagues of our committee share my great concern as we begin this crucial task.

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. Mr. Chairman, I note that we have scheduled a number of distinguished witnesses, including the former Attorney General of the United States who will testify here shortly. Tomorrow morning we will have the privilege of hearing from the distinguished Governor of Illinois.

I have a prepared statement which I would like to leave at this time to file for the record.

The CHAIRMAN. That will be placed in the record at this point.

(The statement follows:)

STATEMENT OF HON. ROBERT McCLORY, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Mr. Chairman, it is never useful to legislate based on outmoded concepts of national interest. We have discovered recently, for example, that we can no longer applaud economic growth without first assuring ourselves that such growth is consistent with the need for protection of our natural environment. Concern for our environment, however, is not the only new concept in present-day American thinking.

In 1968, when Congress enacted the Omnibus Crime Control and Safe Streets act, it found that "the high incidence of crime in the United States threatens the peace, security and general welfare of the Nation and its citizens." In the less than two years since that time, it has become clear that the largest single threat to the freedom and security of Americans is crime.

Mr. Chairman, just as we can no longer legislate and appropriate for economic growth without examining the consequences for America's environment, we can no longer legislate and appropriate for national security without recognizing that crime, our number one domestic enemy, threatens our lives and safety. Is it an external enemy that prevents us from taking an evening stroll on the streets of Washington, D.C.? Is it an unfriendly foreign government that makes us lock our doors at home and when driving in our autos? Millions of Americans share our anxiety, Mr. Chairman, and the responsibility for responding to this enemy is ours.

In our Federal system of government, the direct burden of coping with crime traditionally lies with local government. The cities, counties and townships throughout the Nation have been fighting the crime problem for many years and for the most part successfully. However, in recent years, the need for Federal leadership, Federal policy and for financial support from the Federal Government has become apparent.

In 1968, Congress committed the Federal Government to a multi-year promise of massive financial support. Asking only that the States evaluate their crime problems and adopt comprehensive plans so that the Federal money will be well spent, the Law Enforcement Assistance Administration began to distribute planning and action grants to improve and strengthen local law enforcement.

The LEAA and its programs are in their infancy, yet already results are encouraging. It may well be too early to make final judgments about the route Congress has decided upon, but it is gratifying, Mr. Chairman, to see, from the distinguished list of witnesses scheduled to appear before the Committee, the intense interest and concern many have for the program. I note with great interest that the Governor of my State, Illinois, Governor Richard B. Ogilvie, will appear before the Committee tomorrow.

It is my sincere hope that this Committee will recognize the need that exists and substantially increase the authorization for funds for the Law Enforcement Assistance Administration. The Congress has chosen the LEAA as the vehicle through which funds will be committed to the fight against crime and now that the LEAA has had several years to mature, we in Congress have the obligation to see that the agency is adequately funded.

The CHAIRMAN. Mr. Poff.

Mr. POFF. Thank you, Mr. Chairman.

I intended to make a brief capsule of the bill that has only recently been introduced by the distinguished ranking minority member and other minority members of the subcommittee; but inasmuch as we have included in the body of the record a section-by-section analysis, I shall not do so.

However, I would, if I may, like to accent one specific recommendation which the message to the Congress has made and which this legislation would enact.

I believe, Mr. Chairman, that all familiar with the subject will agree that our corrections facilities can never fulfill the function of correction without themselves first being corrected. Too often, the function has been not corrective but custodial, not rehabilitating but debilitating, not constructive but destructive.

According to information gleaned from plans which the States have already filed with the Law Enforcement Assistance Administration, we have approximately 400 adult jail facilities in the United States. These range from maximum security facilities to simple forest camps.

But taking only the State institutions themselves, I was shocked to learn that 61 were constructed before the turn of the century, and of those 61, 25 are more than 100 years old.

I might add parenthetically, Mr. Chairman, that those buildings are not preserved as historical buildings customarily are preserved. On the contrary, you will find them very often rotting, decaying, and unsanitary.

One State plan said that generally the jails in that State do not have even minimum sanitary facilities. Another report showed that throughout the State, in all counties but one, the same jails which housed adults housed juveniles. Some reports in that State show that situations in the jail contributed in a direct way to certain suicides and personal injuries that were sustained.

Another statement noted that boys as young as 14 years old are being confined in adult prisons, where there is no effort to make any separation on account of category. All are lumped together—the mentally ill, the criminally sophisticated, the homosexuals.

In one county jail, prisoners are sleeping on mats welded to the top of cages which serve as cells. In another, heat was found to be so inadequate that a teenage inmate was compelled to burn his shoes to keep warm.

Now, these are just some more dramatic bits and pieces of evidence pointing to the need for correction reform.

One of the titles of the administration bill now before the committee will change the LEAA Act in order to make it possible for LEAA to make action grants to States to reform their correctional facilities, and the change would also invite States, when they submit their comprehensive planning plans, to include specific recommendations for upgrading their correctional system.

I just want to say, Mr. Chairman, that I consider this a most meritorious reform, and I believe that it will have the sympathy and support of the full membership of this committee.

The CHAIRMAN. Mr. Rogers.

Mr. ROGERS. I note that the National League of Cities—United States Conference of Mayors, during the month of February issued a report and analysis of the operations of the law enforcement assistance program to date.

In particular the report makes reference to my own congressional district, Denver, Colo., relating the city's dissatisfaction with the program allocations. The report states that:

The action program of Colorado reflected emphasis on the Colorado Law Enforcement Training Academy over the Denver Police Academy, riot equipment funds for the State police and the State penitentiary over the Denver Police Department needs, funds from numerous State juvenile facilities and none for Denver, funds for community relations for cities other than Denver.

Not only is Denver dissatisfied with the allocation made under the law, but also Boulder, Colo., which is the fifth largest city in the State, expresses dissatisfaction with the method of fund allocation that was supposed to be used in the fight against crime. I hope that as we proceed with these hearings that a method may be developed which makes it more certain that funds are allocated to those places where crime is most prevalent, and where Federal aid is most needed.

The CHAIRMAN. The gentleman from Colorado has read an excerpt from the report of the National League of Cities-U.S. Conference of Mayors. It is a very comprehensive report, and should be placed in the record.

Mr. ROGERS. Thank you.

(The material referred to follows:)

STREET CRIME AND THE SAFE STREETS ACT—WHAT IS THE IMPACT?¹

(An examination of State planning and dollar distribution practices under the Omnibus Crime Control and Safe Streets Act of 1968)

Crime has always been a subject of public concern, but in recent years this concern has risen in some areas to a state of alarm with demands for action by all levels of government to restore a general feeling of safety to America's streets. In the past three years three separate Presidential Commissions have studied problems relating to crime and issued reports recommending substantial, and costly, courses of action to deal with crime and the social conditions which create it. Such close and continued coverage of a subject by President Commissions is unprecedented in the history of America.

The most recent of these Presidential Commissions, the National Commission on the Causes and Prevention of Violence, reported in December of 1969:

"Violence in the United States has risen to alarmingly high levels. Whether one considers assassination, group violence or individual acts of violence, the decade of the 1960's was considerably more violent than the several decades preceding it and ranked among the most violent in our history."

Crime is primarily an urban problem. In 1968 approximately 3.8 million index crimes—85% of the national total—were committed within the nation's metropolitan areas. There are over 2,800 crimes per hundred thousand population in metropolitan areas compared to less than 800 per hundred thousand population in rural areas. City officials are particularly concerned about crime problems, for it is upon them that prime responsibility for crime prevention and control rests and it is they from whom the people are demanding most immediate action to improve safety on the streets.

Enactment of the Omnibus Crime Control and Safe Streets Act of 1969 signalled the beginning of a major new federal grant effort to aid in solution of the urban crime problem. Local officials particularly welcomed this development as a valuable source of support for improvement in their law enforcement systems above the improvements already being supported from heavily strained local revenue bases. Local officials were concerned at the time of the enactment of this legislation, however, with amendments to channel all funds through state agencies. While they were encouraged by assurances that states would use funds responsibly to deal with the most urgent crime problems, they were concerned that traditional state dollar distribution patterns would reappear in this program with the result that substantial portions of funds would be channelled away from the most urgent crime problems in the urban areas.

The Safe Streets Act establishes a program of planning and action grants to state and local governments for improvement of their criminal justice systems. All of the planning grants and 85% of the action grants must be channelled through states according to a formula established in the Act. Fifteen percent of the action grants may be allocated directly to state or local governments as determined by the Law Enforcement Assistance Administration.

Several provisions of the Act seek to assure that local government will have a definitive role in planning and funding of the programs. Most important of these protections are sections which require that 40% of each state's planning funds and 75% of the state block grant of action funds be "available to units of general local government or combinations of such units" for local planning and action programs. The percentage for allocations of action funds between state and local governments was drawn from the breakdown of expenditures for the criminal justice system cited in the 1967 report of the President's Crime Commission. The Act also requires that local officials be represented on the state planning agencies and specifically directs the states to take into account "the needs and requests of the units of general local government" and to "encourage local initiative..."

Because of the great needs of urban governments for assistance in upgrading their criminal justice systems and the concern of many city officials that funds appropriated under the Safe Streets Act be spent effectively, the National League of Cities and the U.S. Conference of Mayors have followed closely the progress of this program.

In March of 1969 the National League of Cities completed a preliminary examination of the program and issued a report which raised some very serious

¹ Prepared by the National League of Cities and the U.S. Conference of Mayors, February 1970.

questions about the early directions the program appeared to be taking. In the fall of 1969, as the state allocation of action funds to local governments are getting under way, Patrick Healy, Executive Vice President of the National League of Cities and John Gunther, Executive Director of the U.S. Conference of Mayors directed three staff members of NLC and USCM to undertake a substantial review of the first year fund allocation processes developed by the states. This report is the product of that study. The findings are a matter of concern because, essentially, they confirm the patterns identified as developing a year ago.

The program, as presently administered by most states, will not have the necessary impact vitally needed to secure improvements in the criminal justice system. The states in distributing funds entrusted to them under the block grant formula of the Safe Streets Act have failed to focus these vital resources on the most critical urban crime problems. Instead, funds are being dissipated broadly across the states in many grants too small to have any significant impact to improve the criminal justice system and are being used in disproportionate amounts to support marginal improvements in low crime areas.

A few states are operating programs which give promise of success, among these are Arizona, Illinois, New York, North Carolina, Washington and Wisconsin. But generally despite the great urgency of the crime problem, states are not acting responsibly to allocate Federal resources, or their own, in a manner which will be most productive in preventing and controlling the urban crime which was the target of the Act. In light of the findings, the Safe Streets Act must be amended to insure effective use of funds in areas of greatest need by giving its dollar distribution pattern greater flexibility, permitting full support of state programs where state and local governments have formed a cooperative and effective partnership to fight crime, but preserving the option of dealing directly with the Federal government to those cities within states which have neither demonstrated a clear commitment to improve the criminal justice system nor used Federal funds entrusted to them most productively.

Specifically, the intensive analysis of state programs under the Omnibus Crime Control and Safe Streets Act concludes:

1. The planning process has not been effective in creating real, substantive state plans. Generally the state plans have focused on individual problems and solutions of varied and often unrelated impact without providing the guidance for coordinated improvements to the criminal justice system which is the most appropriate role of a state planning operation. Further, in many states there appears little relation between plans and actual distribution of funds for projects. The final result is that local governments are presented with generalized statements of problems and solutions which create only confusion among localities as to their immediate role in the program and give no indication of the future impact of system improvements at the local level. In addition to confusing statements of generalized goals, many state plans produced shopping lists of specific projects which frustrated any local attempts at comprehensive criminal justice improvements. Localities in such states were forced to split their programs into separate project categories fixed by the state and hope for funding of those parts of their program which related to the state lists on a hit-or-miss, project by project basis.

This conclusion of confusion in state planning processes is not held by NLC and USCM alone. Mr. James A. Spady, Executive Director of the New Jersey State Law Enforcement Planning Agency and President of the American Society of Criminal Justice Planners, in explaining the need for a good state plan, told a meeting of the New Jersey State League of Municipalities about some of the other state action plans:

"If you had seen some of the confused, contradictory, and unimaginative plans of some other states that I have seen you would know what I mean. You would know how difficult it must be for local officials in those states to decide just what is available under the plan, just what has to be done to get it, and just where is the whole thing headed."

2. The states in their planning processes, have generally failed to take into account the specialized and critical crime problems of their major urban areas. This failure goes to the very heart of the state programs—a crime planning process which neglects to take special notice of problems in those areas where 85% of the crime is committed can be judged by no other mark than failure. Significantly, this is a general defect in the plans recognized by LEAA itself whose Police Operations Division, after reviewing the state plans, noted with concern: "The failure of those states having large metropolitan areas where from 25%

to 60% of the state's crime is committed, to give separate treatment to the law enforcement situation in those areas."

3. Despite general statements in plans advocating improvements, most states in the allocation of action dollars have neither demonstrated any real commitment to improve the criminal justice system, nor have they concentrated funds on programs in most critical need areas. Instead of need and seriousness of crime problems, emphasis in dollar allocation appears to have been placed on broad geographic distribution of funds. Some states have established formulas for distribution of planning and action funds among local units or through regional units established for fund distribution purposes. Others have simply allocated funds in many small grants to local units. Few, if any, states have attempted to make difficult decisions which would enable them to allocate sufficient amounts of dollars to have any impact on the most urgent problems. Though LEAA guidelines are reasonably explicit in urging concentration of funds on crime problem areas and in requiring local consent if the local share of funds allocated under the Act is to be used by other than local governments. LEAA has not been very active in enforcing these requirements. Nor does it appear that LEAA has been very demanding in requiring a certain level of quality in State plans.

4. Though better coordination and program comprehensiveness is a stated goal in most plans, and was a goal of Congress in enactment of the legislation, in practice state dollar distributions have frustrated chances for coordination. The many grants to low crime areas, often served by small departments may preserve the fragmentation of the criminal justice system and frustrate efforts to improve coordination. Some small departments which would otherwise be forced to consider coordination or even consolidation because of local financing constraints are now able to continue maintaining an independence existence because of the subsidy provided from Safe Streets funds. Also state programs often support separate regional training academies and development of new independent communications systems when these facilities could be operated more economically and improve coordination if they were tied into the existing training or communications facilities of major cities in the area. In some states which allocate dollars to regional units, coordination is also frustrated because jurisdictional lines for law enforcement planning regions have been drawn differently from jurisdictional lines for other existing multi-jurisdictional planning efforts.

5. Assignment of planning responsibility to regional planning units has often frustrated the capacity of individual cities and counties to gain expression of critical needs in the state plan and action program. These regions have been established, in most cases, at the direction of the state planning agency, often without the consent of and sometimes with the actual opposition of the local units assigned to the regions. In most cases these state established regions are supported from the 40% local share of planning funds. Allocations to such regions have have resulted in no Federal aid being available for necessary planning in individual localities. The regions impair the ability of LEAA to oversee the fairness of dollar distribution at the local level. In addition they increase administrative costs and often times result in several duplicative studies of similar problems in different areas of the state. Regional units also restrict the ability of local governments to gain expression in the state level plans of their particular local needs and ideas for improvement of the criminal justice system, thus restricting local control over local programs. In many cases representation on the governing boards of regional planning units is not fairly apportioned among participating local units.

6. Finally, the values of the block grant approach stated at the time of enactment of the Safe Streets Act have generally not been realized in application.

(a) Instead of avoiding a proliferation of paperwork and bureaucracy the block grant approach has interposed two new and costly layers of bureaucracy between federal crime funds and their local application in most states, with a resulting confusion of planning boards, staffs, application timetables, guidelines, plan priorities, etc.

(b) The states have not filled their proposed role as agencies to coordinate programs and assure that funds are spent most effectively, rather state program directions have created much confusion for localities trying to define a role for themselves in the program and state dollar allocations have spread funds broadly across the state without regard to need.

(c) Delay in getting funds to local projects has increased, not reduced. A year and a half after the fiscal 1969 appropriation was approved, many states

are still in the process of, or have just completed, allocation of fiscal 1969 action funds to their local governments. Regional and state approval must precede Federal program approvals and regional and state decisions to release funds must follow Federal decisions to release funds—compounding delay local governments face in filing applications and receiving determination on the funds they will receive.

(d) Though dispersal of program responsibility down through the levels of government was a stated goal of the block grant approach, the direction of the program has been toward increased concentration of power at the state level at the expense of cities and counties—the levels of government closest to the people and the problem. Many state programs are tending to limit the capacity of the local government and local citizens to affect their law enforcement systems, and the local say in state planning for local programs can often be best described as tokenism.

During the NLC and USCM examination of the Safe Streets program, LEAA officials have always been willing to discuss the issues of the Safe Streets program—its successes and failures—with an openness and candor which is refreshing. Though we have not always agreed with decisions made by LEAA, we believe that LEAA under the leadership of Administrator Charles H. Rogovin has been among the best of the Federal agencies administering grant-in-aid programs. The difficulties LEAA faces are primarily created by the restrictions imposed in the statute which limit LEAA's capacity to further stimulate expansion and improvement of programs in those states making a determined effort to upgrade state and local criminal justice programs, and deprive LEAA of sufficient flexibility to provide urgently needed assistance to cities in states which are failing to use Safe Streets funds responsibly to deal with their major crime problems.

Though review of the Safe Streets program indicates that serious problems exist in many states, several states appear to be acting responsibly in partnership with their local governments to improve their criminal justice systems. Programs in these states stood certain key tests in the NLC and USCM review of the Safe Streets program: (1) NLC and USCM staff identified no major flaws in the state's action plan; (2) No criticism of the state program was received from the largest cities in the state or from the State municipal league; and (3) No major criticisms of the state program were received from small and medium sized cities in the state. The states identified as a result of these tests were: Arizona, Illinois, New York, North Carolina, Washington and Wisconsin.

Generally, however, the picture has not been good. The necessary change in legislation should not, however, reject a major role in the Safe Streets program for those few states which are administering the program responsibly.

Cities are ready, willing and able to work closely with state government where state government demonstrates that it is willing to seriously commit itself to aid in solution to urban problems. Most states have not demonstrated that commitment today. Some have, and the Safe Streets Act should be restructured and program administration practices changed to recognize these differences among states, giving incentives for greater state involvement while at the same time guaranteeing that the urgent needs of all urban governments will be met by direct Federal aid in those many states which have little demonstrated commitment to aiding the solution of urban problems.

The following specific program modifications are suggested:

1. In order that cities with serious crime problems will receive urgently needed assistance, the Safe Streets Act must be amended to assure that an adequate share of funds can be distributed directly to cities.

2. Concurrent with amendments allowing adequate amounts of grants to cities, the Safe Streets Act should be amended to give states incentives to deal responsibly with the crime problems of the major urban areas.

3. The LEAA must take a much more active role in overseeing state programs:

to demand that states give proper recognition to needs and priorities of urban governments in development of state plans.

to prevent states from using the local share of planning funds for what are essentially state purposes without first obtaining the consent of affected local governments.

to assure that states and their regional planning agencies in allocating planning and action funds concentrate support on improvement programs for areas with the most serious crime problems.

4. Once these basic substantive changes are made to assure more effective use of funds, the level of assistance available under the Safe Streets Act should be

substantially increased and the program matching ratios reduced to allow comprehensive criminal justice improvement programs in all urban areas.

Study Background:

The NLC and USCM study of the first year state action plans covered a period of five months with a primary time commitment in January and February of 1970. The study included:

(a) A comprehensive analysis of 33 state action plans filed with LEAA and approved for funding during the summer of 1969. Action plans studied included those of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, and Wisconsin.

(b) Communications in person, over the telephone or by mail with local officials or state municipal leagues executives in 45 states. In this regard NLC and USCM wish to express particular appreciation to the city officials who composed two task force groups who met in Washington during January of 1970 to share their experiences and ideas relating to the Safe Streets program with NLC and USCM staff. A list of these officials is included in Appendix A.

(c) Discussions of problems relating to the Safe Streets Act with officials of the Law Enforcement Assistance Administration and several directors of state law enforcement planning agencies.

(d) A review of other studies of administration of the Safe Streets Act published during the last five months of 1969.

THE PLANNING PROCESS

Congress, in writing the statute, clearly expressed its intent that there be substantial local involvement in planning by requiring that 40% of the planning funds be available to local governments, that the state planning agency be representative of local governments and that the state plan "adequately take into account the needs and requests of the units of local government." Many states had promised this participation in grant applications filed with LEAA. Despite general statements in grant applications about the high degree of local government involvement in the planning effort, examination of the 1969 plan development processes indicated that in many states the actual degree of local involvement in the planning process can best be described as tokenism.

Local Representation

Mayors, county commissioners, and other local elected officials with general policy responsibilities have not been deeply involved in the planning process which is dominated by functional specialists in the various fields in criminal justice.

In September of 1969 the International City Management Association published a survey which showed that only 13% of the members of all state planning bodies were local policy making officials, that 15% were classed as "citizens" and the rest were either state officials or functional specialists in the various fields of law enforcement. At the regional planning level, functional specialists predominate to an even greater degree, with some states including Florida and Louisiana having regional boards made up almost entirely of local law enforcement officials. California has recently added several local policy making officials to its state board, and Pennsylvania has made a major effort to broaden the local policy making representation on regional boards. There has also been some expansion of local officials representation in other states, but generally representation of local policy making officials on state and regional planning boards remains inadequate.

Adequate representation of local policy making officials on state and regional boards is an absolute necessity as these officials provide an overall view of the problems and priority decisions facing local governments which can aid in structuring state and regional planning to assure that the programs developed from these planning efforts can be easily integrated into the overall local governmental processes. Adequate citizen representation on state and regional boards is also necessary to give state and local planning processes and resulting efforts to implement law enforcement plans a degree of legitimacy among those elements of the community who believe they will be most affected by improved law enforcement activity.

Funds for Local Planning

As NLC's 1969 study indicated, state practices in allocation of the 1969 planning funds severely limited local participation in the planning effort. The local share of planning funds was distributed in a manner which emphasized broad geographic coverage rather than the seriousness of local crime problems or the degree of need for planning assistance.

As a result, in many states a disproportionate share of the planning funds was allocated to benefit rural areas. Further, broad geographic distribution of funds resulted in many planning grants which were too small to have any significant impact in establishing and maintaining a competent local planning process. According to the ICMA survey, 24 states distributed the local share of their planning funds among local governments and regional planning units solely according to population while another 10 states made minimum allocations to regional planning units and then distributed the remainder of available funds to a formula basis.

Minimum allocations discriminate against heavily populated areas in distribution of funds. Superficially, such allocations can be justified as necessary to support a minimum planning competence. However, the manner in which most states drew the planning regions to receive the funds indicate that the regional dollar allocation structure may have been established to benefit the low density areas. Kentucky's plan notes that it has three major urban areas which account for 70% of the crime problems in the state, yet the state designated 16 law enforcement planning regions and allocated a \$5,000 base grant to each region. The result: rural regions received twice as much per capita in planning funds as the Louisville area. Oregon has over half its population concentrated in two of its 14 law enforcement planning regions, yet each region received a base grant for both planning and action purposes. Colorado divided planning funds in \$2,000 base grants among 14 regions, though more than half the state's population and 70% of its index crime is concentrated in the one region including Denver. As law enforcement systems are similar in many rural regions of individual states, it would appear that these rural regions could have been combined with no significant reduction in effectiveness of the basic planning effort, freeing a substantial amount of the funds to concentrate on planning for solution of crime problems in areas of greater need.

The Impact of Regionalization

Involvement of individual cities and counties in the planning process has also been severely limited by state imposition of regional planning units to take charge of the local planning effort. In addition to the 50 state planning agencies required under the Safe Streets Act, approximately 40 states have designated regional planning agencies as a third level of bureaucratic activity for planning and the processing of local grant applications. There are currently between 350-400 of these regional law enforcement planning units in operation across the nation. Generally states have made the decision to establish these regional units, but most are supported by the 40% share of the planning funds which the Act requires be "available" to local units for their planning efforts.

Many of these state planning sub-units were developed specifically for the Safe Streets program, others had existed on paper without any source of support until Safe Streets funds were made available, and some of the regional planning agencies were already in operation when aid for the Safe Streets program became available. The ICMA survey indicated local councils of government were used in only 12 states as the agency for regional law enforcement planning. State planning districts were used in 7 states, and economic development districts in 11 states, with the remainder emphasizing mainly regional planning districts which may or may not represent the interest of their local government.

Where they exist, states place primary reliance on regional planning units for direction on what the needs and priorities of local government should be. This saves the state planning agency the trouble of dealing with many local units having differing needs and complicated law enforcement problems. However, it makes it very difficult for individual local problems to gain expression at the state level. The City of Norfolk, Virginia noted the problem it faced in this regard:

"Localities cannot report to the state planning agencies, instead they must refer all priorities to a regional planning commission for approval and new priorities formed, which will then be forwarded to the state planning commission."

Though regions are theoretically established to represent local interest, the

ICOMA survey indicated that 45% of its 637 reporting cities did not believe that regional planning operations would take city needs into account. The regional arrangements are particularly amicable and convenient for those states which control the staff and/or appointments to the regional boards. There the regional units first loyalty is to the state and not to the local governments it is designated to serve. Among the states in which local officials noted problems because the governor or another state agency controlled appointments to regional boards and staff were Alabama, Arkansas, Colorado, Georgia, Indiana, Kentucky, Oklahoma and South Carolina. One comment from South Carolina noted:

"The state of South Carolina has been divided up into so called planning districts by the governor. The local legislative delegation from each county has appointed people to a "planning commission" to plan under this Act."

A Georgia official noted that regional boards are picked by "political philosophy rather than competence." In Florida regional board members are chosen by the police chiefs and sheriffs of the particular regions. The governor then selects a board member as chairman. However, broadening of board membership to include local policy officials, private citizens, etc., has been foreclosed by the state decision that regions should be controlled by law enforcement professionals.

As a result of this emphasis on sub-state regions in planning dollar allocations, local governments have been unable to obtain their fair share of planning dollars for necessary local level planning. Cities in those states where all of the local planning funds are retained at the regional level have a much more difficult time to gaining adequate expression of their needs, particularly since there is no assurance that a commitment of substantial local resources to a locally funded planning effort will result in an action grant from the state agency. St. Paul, Minnesota, pinpointed these problems in its comments about the Safe Streets program:

"Under the Minnesota plan no monies are forwarded to the cities of St. Paul or Minneapolis for planning purposes. In lieu of that the state has designated a Metropolitan Planning Council as the recipient of the funds. We recognize that there is a need for area-wide planning. However, the development of a data base suggests the need for input of the local units of government. Yet, these local units of government will be required to donate time to the state agency which is fully funded. In view of the financial distress of the cities it seems somewhat unrealistic."

Pennsylvania controls the regional boards but pays the board from state funds, freeing the local share of planning funds for expenditures in developing plans for individual local units. All local applications must filter through the regional planning boards, but the availability of planning funds to local units allows them to better analyze their needs and develop a more comprehensive case for assistance to submit to the regional board.

Some states have recognized the problems regional units create and are backing away from them. Kansas abandoned a regional structure which relied on state Congressional districts because of difficulties in establishing the regions and the projected inconsistency of the regional effort with local planning goals. New Jersey modified an initial planning program which emphasized regions to allow direct grants to aid local planning efforts in major cities of the state.

There has been some confusion over the role of LEAA in supporting regional planning structures. In discussion with NLC and USOM staff, several state planning directors have indicated much the same view as expressed by the Utah State Planning Director when he told a January 1970 meeting of executive directors of western leagues of municipalities that LEAA is urging states to establish regional structures for local planning. A publication of the Indiana Criminal Justice Planning Agency indicated regions were established "as requested by LEAA."

The Act says that state plans should: "encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment." When complaints about regional structures are presented to LEAA, it takes the position, consistent with the statute, that while multi-jurisdictional arrangements should be encouraged, LEAA is not urging regionalization upon state law enforcement planning systems.

NLC and USOM agree that multi-jurisdictional arrangements would be of great benefit to many areas to secure improvements in the criminal justice system, provided means are preserved for expression of individual local needs and problems. However, review of the Safe Streets program operations indicates that regional planning structures are essentially grant review and approval

mechanisms which provide little positive leadership in efforts to secure coordination of law enforcement and criminal justice systems.

In a number of cases imposition of regions is actually frustrating local coordination efforts already in effect. The cities which are the focus of the three leading city-county consolidation efforts, Indianapolis, Indiana; Jacksonville, Florida; and Nashville, Tennessee were placed in regions with a number of other independent local jurisdictions. The planner in charge of the law enforcement planning region including Jacksonville, Florida did not know of the existence of the Jacksonville-Duval County Planning Board in the early stages of the development of the Jacksonville region law enforcement council. Further, officials in Jacksonville are concerned that the law enforcement planning council is proceeding completely independently of all other planning activities done in the community and acting without regard to capital budgets, community improvement schedules and other factors essential to successful operation of local government.

Limited Local Participation

The final result of these difficulties in the state planning process is that local governments are effectively excluded from any meaningful participation in the planning process for their state. An NLC and USCM official attending a February, 1970 meeting with mayors, managers and selectmen from 40 communities in Vermont discovered with surprise that none of the attending officials had been contacted by the state regarding the Safe Streets program. Officials of the cities of Savannah, Georgia and Dallas, Texas indicated that their cities were not consulted in the development of the 1970 action plan which their regional planning agencies were submitting to the state. In Dallas' case the officials stated that this lack of consultation really made no difference since the plan was so general it could accommodate anything Dallas wished to do within the program. (This being the case, the question arises: If the plan was so general that it could accommodate anything proposed by a city what was the purpose of the whole regional and state planning process?). North Carolina designated 22 units to do criminal justice planning, but 14 of them had not received any funding when the state plan was submitted to LEAA. Likewise in Pennsylvania, funds were not distributed to regional planning agencies until June, 1969, after the state plan had been filed. The Alabama state plan was submitted to LEAA before the regional committees ever approved the regional plans which were to provide the local element of the state plan. Kansas used the questionnaire approach in developing information for its plan, but drew up and filed the state plan at a time when only 47% of the needs and priorities questionnaires had been returned.

Besides Kansas, Idaho, Illinois, Indiana, Montana and Ohio placed some reliance on questionnaires in developing fiscal 1969 needs and priorities. Questionnaires are valuable to gain data, but the danger of the questionnaire approach is that in adding up all of the votes, general needs, particularly needs of more numerous low crime communities, tend to be emphasized while specialized problems and situations peculiar to one or a few communities are relegated to positions of lesser importance. For example, in March 1969, Ohio requested a letter from each community stating its needs and made a compilation of those letters the basis of the local element of its first year plan. In response to a complaint that major city problems had been overlooked in the Ohio plan, the Ohio planning director justified placing primary emphasis in allocation of action funds on basic training because "the vast majority" of localities had expressed a need for training and that, "one of the basic lessons we learned . . . is that there is a great need for funds to support a minimum standard of law enforcement in the state."

In some states, the time constraints imposed on the local planning process belied the possibility of development of any real local input. The sub-regional board to take responsibility for planning in the Los Angeles area was not established until two weeks before the March 15, 1969 deadline when the comprehensive criminal justice plan for the Los Angeles area was to be filed with the state for inclusion of the state plan. One local official from North Carolina made this observation regarding the time constraints faced in his state: "We are rushing too fast to take advantage of the funds available—for fear they will be lost—without adequate planning and without establishment of proper priorities." Rockville, Maryland was given only two days from original notice to filing deadline to prepare a project application for submission to its regional planning body. Grand Rapids, Michigan had three days to prepare and file its application, then waited nine months for a response from the state.

PLAN RESULTS

Priority Structure and Program Impact

The allocation of action funds resulting from the first year planning process has created much dissatisfaction among the nation's cities. Even those few major cities relatively satisfied with their first year allocation are concerned at the structure of the program for they recognize that next year their particular projects aimed at satisfying most urgent needs may be sacrificed to appease some of the more strident critics in other cities. These conflicts have developed because of a difference between needs and priorities perceived by cities and state governments. In a paper presented to the annual convention of the American Political Science Association, Douglas Harman, Professor of Urban Affairs at American University pinpointed the basic problem of the Safe Streets Act: "There is a significant conflict between the goals of fighting immediate urban crime problems and a grant-in-aid system dominated by state governments."

Few of the city officials with whom NLC and USCM have discussed the Safe Streets program believe that the needs and priorities identified in the plans of their states adequately deal with the most urgent law enforcement needs of the major urban areas. One Texas official noted bluntly his belief that, "the state plan mainly aimed at solving problems in rural land suburban areas," while he recognized that there were needs in these areas, he said that the program emphasis was misdirected. He noted further that to get what they wanted most under the need categories set out in their state plan, cities had to play "phony games with words."

Often the plan results reflected state dominance and limited recognition of local needs in the planning process by emphasizing programs which created much concern among local officials. The Tennessee plan placed major emphasis on programs to establish general minimum standards for personnel, and uniform statewide systems in personnel, crime reporting and computer information, though local officials expressed concern at cost implications and other aspects of these programs and urged greater allocation of resources to deal with critical problems in individual jurisdictions. Local officials in Vermont believe that their greatest needs are for improved training and equipment. The Vermont League of Cities and Towns, reflecting these views, protested a proposal to put major emphasis on a statewide communications system and were told in defense of the communications system: "But, that's what the governor wants." Kansas planned to retain \$30,000 from the local share of action funds to establish a training academy through the League of Kansas Municipalities objected that localities had not been consulted about the projected use of local funds.

The city of Toledo, Ohio had four top priority needs in fiscal 1969: (1) modernization of its communications systems, (2) laboratory equipment to handle drug addiction, (3) improvement of a police training facility, and (4) an improved detention facility including a rehabilitation program. None of these were included in the priorities of the state plan. The only projects for which Toledo could apply for assistance under the fiscal 1969 plan were a closed circuit TV system, a mobile riot unit, or portable TV sets. Because the city had made complaints about the state planning process, it was encouraged to file an application. It did so, but the application was turned down because it was not in one of the three project areas set for assistance. Thus, Toledo did not receive a dime under the regular allocation of 1969 action monies, though it had received \$21,000 for a community relations unit as part of the allocation of riot funds made available in August of 1968.

Another city noting problems with the state priority determination was Norfolk, Virginia:

"The states number one priority deals with law enforcement training, which we feel is not a critical priority in the larger metropolitan areas."

Denver, Colorado relating their dissatisfaction with program allocations stated: "The action program for Colorado reflected emphasis on the Colorado Law Enforcement Training Academy over the Denver Police Academy, riot equipment funds for the State Police and the State Penitentiary over the Denver Police Department needs, funds for numerous state juvenile facilities and none for Denver, funds for community relations for cities other than Denver, etc."

Boulder, Colorado—the fifth largest city in the state—did not fair much better:

"Boulder's program request centered around crucial police-community relations and organized crime particularly in drug traffic . . . these program re-

quests were rewarded with evaluations of priority 5 and priority 6. From a rating scale that ranges from 1 to 6, it is obvious that our program requests did very poorly . . . in view of this determination, the city of Boulder, is likely to receive no funding under the Omnibus Crime Control Bill in 1970."

Where did all the money go?

Difficulties a city faces in getting needs recognized at state level are compounded when it is placed under a regional planning structure with many other units of government with widely differing levels of needs and varying law enforcement capabilities. Los Angeles, California has been placed in a sub-region of a region which extends all the way to the Nevada border and includes part of the Mojave Desert. Grand Rapids, Michigan, a city of 200,000 population, placed in a rurally dominated law enforcement planning region has received only \$188 of over \$54,000 allocated to its region under the program. Grand Rapids city officials contributed time worth substantially more than the grant received to developing local action program applications and participating in the regional planning body.

Two of the nation's largest cities have been placed in regions with vote allocation patterns designed to shift power away from them. Cleveland, Ohio was placed in a seven county region in which the two urban counties get five votes each, and five rural counties get three votes each, result: urban interests and urban priorities outvoted 15 to 10. To avoid this structure Cleveland is attempting to establish a direct relationship with the state through a cooperative planning venture with Cuyahoga County. Houston, Texas contains two-thirds of the population in the council of governments which was responsible for developing its law enforcement plan, but it has only one-twelfth of the vote on the COG board. When time came for allocation of action dollars, Houston received a grant for \$126,000 to tie in all suburban jurisdictions to Houston's computer. Superficially, this was a grant to Houston, but the suburban communities were the principal beneficiaries. Houston's operating costs may be increased because of the expanded maintenance requirements on its computer operations.

Though the plans generally did not deal adequately with the special crime problems of major urban areas, almost all plans reviewed by NLC and USCM placed major emphasis on providing basic training and equipment. Such programs will primarily benefit low crime areas serviced by small departments. In addition, many plans stressed broad geographic coverage as a goal to be achieved in allocating funds.

The Kentucky plan, for example, emphasizes that 75.65% of the state's action funds will be distributed among local governments on a "balanced geographical basis."

The Indiana plan often used the phrase: "appropriate geographic coverage will be stressed" in explaining how dollars would be distributed, and the Washington plan in aiming for broad geographic distribution stated: "certain other programs were chosen, partly because of their suitability to rural areas."

States which have allocated funds among regions on a formula basis to assure that each region gets something and broad geographic coverage is achieved include: Colorado, Florida, Georgia, Michigan, Oregon, Pennsylvania, and Texas. California has taken a more hard-nosed approach at the state level, judging each local application on its merits with the result that, as of January 30, 1970 no projects in three of its predominantly rural regions had been funded.

The net effect of these two policies, emphasizing geographic coverage and basic standards, has been dissipation of millions of Safe Street dollars in small grants to provide basic training and equipment for police operations in low crime areas. While the need for upgrading such police services cannot be questioned, its priority in most state Safe Streets plans, in face of the urgency of the urban crime crisis, pinpoints again the basic conflict between urban needs and traditional state dollar allocation practices.

State programs which emphasize improvement of basic services discriminate against communities which, because they face major crime problems, already have committed resources to acquire basic equipment but badly need more sophisticated equipment and training techniques to deal with their crime problems.

As a Lancaster, Pennsylvania official noted:

"Under the present system, dominated by rural interests, those of us in the cities who have made substantial financial commitments on our own in the fight against crime will be subverted to the interests of those who have made

little or no commitment and are using Safe Streets money as a substitute for local funds."

Essentially the same problem was recognized by Boulder, Colorado:

"Those agencies who do nothing to improve the most basic enforcement tools seem inevitably to benefit most by grant programs."

Spreading funds around the state in many small grants prevents concentration of a sufficient amount of funds in any one area to have any significant impact in improving the criminal justice system.

A communication from San Jose, California stated:

"Money allocated to the states for local use is being spread so thin as to make its effectiveness useless. This action ignores the mandate of the Act that priority should go to high crime areas: urban centers."

A representative of another California city asked: "What can you do with four or six thousand dollar grants?" And the City of Minneapolis indicated that though in total it has received a fairly substantial share of funds, the separate programs to which these funds were assigned by the state chopped them up into so many small pieces that their potential impact was minimized.

Commitment of large sums of money to support basic law enforcement services in low crime areas also contributes to continued fragmentation of the criminal justice system by providing a Federal subsidy for the continued independent operation of smaller agencies, which, without Federal support, would be forced by the economic pressures of rising costs to consider coordination or consolidation with agencies in neighboring jurisdictions. One Pennsylvania official stated that in several instances in his state grants had been made to establish independent county communications networks when combination with the communications system of the central city of the county would have been more economical and promoted coordination of law enforcement efforts.

Opportunities to foster interjurisdictional cooperation have also overlooked in establishment of many basic training programs. Funds have been allocated in 26 of the 50 states for regional training facilities to provide basic training for law enforcement officers. A large number of these regional facilities will be established for the first time under the Safe Streets Act. Local officials from Alabama, Georgia, Ohio and Texas noted that in their states it would have been much more economical if the state, instead of using the local share of action funds to establish new regional training facilities, had supported expansion of existing training facilities operated by the central city of the region.

Local efforts to coordinate criminal justice systems were also frustrated in many states by the structuring of state plans which presented localities long shopping lists of projects from which the localities had to pick and choose without any particular relation to the priorities at the local level. While these shopping lists often gave the state plans a superficial appearance of comprehensiveness, their net effect was to frustrate comprehensive planning and structure local programs and application processes on an individual project by project basis. A city must split its project applications into the separate categories suggested in the state plan and file separate applications for each with the state. Some of these projects may then receive funds, others may not. The final result is approval of bits and pieces of the local program with each separate part approved having various degrees of relevance to the needs of the local government. The city only knows what it will receive at the end of a long process of formal and informal negotiations.

As noted before, Toledo, Ohio's inability to reconcile its locally developed priorities with the list of projects presented by the state prevented that city from receiving any assistance under Ohio's regular allocation of action funds. The Massachusetts plan presented localities a list of 27 projects for which they could apply to receive federal assistance. The list of projects covered the whole field of criminal justice and gave the Massachusetts plan an aura of comprehensiveness. However, the city of Boston noted that any development of comprehensive local programs was frustrated because separate applications were required for each of the separate items listed in the plan, and the application process was further complicated because different deadlines were assigned for applying for various items on the state list. The 1969 Colorado plan presented a list of 31 projects. Of these, only 6 were to provide more than \$10,000 in federal assistance, and 16 provided under \$4,000 with one providing \$450 and another \$555 in federal aid. Eighteen of the twenty-nine projects listed in the Maryland plan called for federal aid of less than \$10,000. The Maryland plan particularly gave the appearance that federal aid fund allocations had been spread around among

many projects to give the appearance of comprehensiveness. In a number of cases the share of project costs provided from the federal assistance was well below the level required by the Act. The total Maryland plan called for expenditures of \$1,321,348 of which only \$457,528 was to come from the federal government. Considerable bookkeeping costs may have been saved without any reduction in the effectiveness of Maryland's plan if the federal assistance could have been concentrated on a few projects rather than spread over many to comply with the comprehensiveness requirement.

Fund Allocation Patterns

Following are some examples of state priority systems and grant allocations patterns illustrating the defects discussed above:

Major goals stated in the Arkansas plan were:

Improving patrol equipment by replacing obsolete and private vehicles presently in use (These vehicles were mainly in smaller communities).

Improving training through use of mobile equipment and regional training centers, and

Development of a system of minimum standards for jails.

The Kentucky plan noted that there were 90 police and sheriff's vehicles in Kentucky without radios and consigned up to \$25,000 in federal aid for use in providing basic equipment such as car radios and teletype hookups. The Kentucky plan also noted that ten smaller agencies would receive grants from \$500 to \$1,000 to procure services of management consultants.

The Massachusetts and Nebraska plans both indicated a major effort would be made to expand coverage of state teletype networks by installing teletype terminals in many smaller communities.

Idaho planned to split \$28,635 in federal aid into 32 subgrants ranging from \$395 to \$2,500 to provide basic communications equipment.

Alabama planned to use \$64,167 to establish seven regional training centers to provide basic training and proposed to divide another \$94,000 among 60 to 80 communities for police operations improvements.

Pennsylvania allocated at least 8 grants totaling \$186,611 for broadening the basic coverage of several local communications systems.

Michigan placed 23 grants in 22 communities to provide radio equipment. Of these grants, 8 were in amounts of less than \$750.

In Michigan, the city of Grand Rapids, with 200,000 population, and annual police expenditures of over \$2,900,000, received \$188 for a 75% share of two Polaroid cameras and a fingerprint kit while one community of 7,500 population received \$1,650 for an infra-red Varoscanner with accessories, \$1,275 for a surveillance camera, and \$2,400 for basic radio equipment. A rural county with a population of 38,600 and total police expenditure of \$197,000 was granted \$18,000 for basic radio equipment, and another rural county of 33,300 population won \$15,100 for a probation services program.

In Oregon, \$45,000 was allocated in \$5,000 base grants to 9 rural regions. A two county rural area with 31,800 population and an annual police budget of \$213,000 received a base grant of \$5,000 in action funds, while the four county region including Portland, with 833,500 population and combined annual police expenditures of well over \$13,000,000 received only \$89,358.

In Pennsylvania, the city of Scranton with 111,143 population and annual police expenditures of approximately \$1,000,000 received \$5,000 while a rural county with 16,483 population and annual police expenditures of \$12,000 received \$22,236 for a basic communications system. The city of Philadelphia was allocated \$207,536. To receive a comparable per capita allocation to that of the rural county, Philadelphia would have had to receive approximately \$2,800,000. To receive a comparable share of its annual police budget, Philadelphia would have had to receive approximately \$120,000,000.

There is every indication that allocation patterns which do not focus on areas of greatest need will continue in 1970. Pennsylvania has developed a complicated allocation formula involving crime index, defendants processed, incarcerated inmates and probationers, all related to population. Philadelphia is a region within itself and is assured of receiving one-third of the local share of action funds, or about \$2.6 million in fiscal 1970. However, as the allocations across the state are still directed to regions there is no guarantee that regional boards will divide funds to focus on the most pressing crime problems.

Florida and Georgia are planning to allocate fiscal 1970 funds among regions on a population formula as they did in fiscal 1969. Within its region Savannah,

Georgia with 150,000 population and an annual police budget of \$1,500,000 will receive \$132,000 while a rural community of 7,000 population and annual police expenditures of \$24,000 will receive \$8,400 for basic communications equipment and an additional \$5,000 for hire a juvenile officer.

For fiscal 1970, Denver, Colorado has been told it will receive \$350,000 out of the state's total allocation of \$1,800,000. This is about 20% of the funds though the city contains 30% of the population and must deal with 70% of the crime in the state. In fiscal 1969, Denver and the 8 counties in its state designated region received 23.6% of the state crime funds.

Red Tape and Delay

The state and regional bureaucracies imposed between federal dollars and their application at the local level have also added a substantial element of delay and costly confusion in distribution of funds. Though all the states had received their action grants by June 30, 1969, funds did not begin to filter down to the local level until late fall. As 1970 began a substantial portion of the 1969 action funds remained to be distributed. Alabama did not begin allocating its fiscal 1969 action funds until the end of January 1970. Over \$500,000 remained to be allocated in sub-grants from the local share of the state of California's \$2.35 million action grant as of January 27, 1970. As of January 12, 1970 the state law enforcement planning region including Jacksonville, Florida had received only \$13,500 out of its \$34,500 allocation of fiscal 1969 action monies. Pennsylvania did not announce grant awards from its allocation of action funds until December 19, 1969.

The city of Boston has indicated that they expect the following schedule to apply with respect to allocation of the 1970 action funds: (a) The state plan is submitted to LEAA in April; (b) Money is expected to be received from LEAA around the first of June. Until the state receives money from LEAA, cities will get no comprehensive guidelines on how to go about getting federal funds; (c) After the money is received and cities get the guidelines, they will have approximately two months to develop project applications which will have to be filed with the state sometime in early August; (d) The state will then approve local project application by comparing it with the programs listed in the state plan. Grant awards to cities are expected to be announced sometime in September.

Much confusion and delay has been added to state programs because of a high rate of staff turnover and uncertainties of funding for necessary state services. In the nine months from November 1968 when planning processes began in earnest in most states to August of 1969 when allocation of fiscal 1969 funds was completed, responsibility for program direction changed hands in 30 of the 50 states. Between August 1969 and January 1970 as states were gearing up for the second year planning process, responsibility for program direction changed hands in 18 states. One observer in New Mexico noted: "In thirteen months we have had three state directors of the program and we are working with an acting director at the present. All of this, plus insufficient staff, has put the entire state process way behind."

A number of states including Indiana, Maine, Nebraska and Nevada faced major difficulties because state legislatures were slow to authorize funds for staff to perform even the most essential state planning functions. In Indiana, the first planning agency director quit in frustration after eight months because of continuing inability to get staff under state cutback orders.

Several cities noted that difficulties attendant to direct federal-local financing were compounded when localities had to try to develop programs with regard not only to federal appropriations, application deadlines, and approval processes but also to these processes duplicated, often in a different time frame, at the state level. Following a request for assistance through the many levels involved in a block grant program can be an arduous task. One Southern California city in a sub-regional and regional structure noted:

"A unit of government interested in applying for an action grant must submit a request at the local level, and the request must receive approval from a regional task force, the sub-regional advisory board, a regional advisory board, a state task force operations committee, and finally, by the California Council on Criminal Justice before it may receive the money. In each case there is a possibility the action grants will be denied."

In addition to possibilities of denial, at each level the risk increases that the priority attached to a city's specific problem will become lost in more general consideration and that the end result will be grant allocations which favor only generally appreciated needs.

Administrative Costs

Some have to pay for all the checkpoints in the grant process. To the extent that Safe Streets funds are being used to pay for program administration they cannot be used in action programs to combat crime.

Bookkeeping costs for this program appear to be substantially higher than in programs involving a direct relationship between the federal government and localities. Houston, Texas indicated there were four separate levels of paperwork in administration of its grant program: program substance and financial reporting requirements required by LEAA; another, and different set of requirements imposed by the state; paperwork involved with the regional planning unit, and entirely separate accounting requirements in effect at the local levels. Another Texas city noted that it did not believe that any grant under the Safe Streets program in an amount of less than \$15,000 was worth the effort. The city of Boston decided to turn down one grant of nearly \$10,000 which had been offered to it because of the heavy bookkeeping and reporting requirement attached by the state. In addition, the state of Massachusetts has been withholding \$21,830 out of the city of Boston's \$31,830 allocation from under the special civil disorders program announced in August of 1968 because the City has been unable to comply with reporting requirements imposed by the state. The following quotation from a letter sent to the city of Boston by the state indicates the information required:

"The following information is needed before further funds can be released. When are the police-school seminars to be held, who is to be involved, what is the program format to be, and what expenditures are to be involved? With respect to the tactical patrol force training program we require:

- "1. A schedule of classes to be conducted including time, place and subject;
- "2. Lesson plan outlines for all classes to be conducted; and
- "3. Qualifications summaries of all instructors to be utilized.

With respect to the equipment purchases, we need to know what equipment has been ordered, when, from whom, and when delivery is expected."

Many of the reporting requirements imposed by the state appear to be almost impossible to comply with before Boston received funds and began implementation of the project.

The question of bookkeeping costs is of particular concern with respect to the myriad of very small grants being given out by state agencies. If a locality must prepare an application and follow it through the approval processes of the region and the state, and then prepare reports satisfactory to LEAA, the state and regional agency and the regular accounting and reporting procedures at the local level, it does not appear that grants of only a few hundred can add much value to a city's operation. Many state plans indicated small grants were planned. The Idaho plan noted that grants as small as \$75 were contemplated. The state of Indiana allocated the city of Evansville two very small grants, one of \$112 for drug abuse education and another \$89 for drug detection kits. While many small grants such as these may satisfy the state goal of broad geographic distribution of funds, it is unlikely that such grants can be of any significant impact on the criminal justice system, and in many cases the heavy cost of bookkeeping may more than outweigh the value of the grant to the community.

Duplication of Effort:

Several consultants retained by LEAA noted with concern that a substantial amount of federal funds were being committed toward repetitive studies because of lack of coordination among the individual states.

Professor Harry I. Subin, of the New York University School of Law, after reviewing the state plans at the request of LEAA noted with concern: "... the heavy emphasis in many of the state 'action' grant proposals on 'study'." Professor Subin continued "... It would appear that, in view of the urgency—and age—of many of the problems facing the criminal justice system, the emphasis upon "comprehensive studies" contained in the plans is misplaced."

A review for LEAA by the National Council on Crime and Delinquency noted that regarding state training programs:

"Unless national direction and leadership is given to all these training activities, there may be needless duplication of effort, substandard instruction and a training in self-defeating setting."

Loss of Local Control

Over the past year there has been developing a new protocol of federalism, strongly supported by many governors, which rests on a theory that direct federal-local contacts should be minimized and that all expressions of local needs and all federal actions to meet these needs should be channelled through the middle man in the state house. Mayors and other local officials are concerned at the growing acceptance of this protocol in the Administration because many believe, as this and other recent studies point out, that generally state government is not willing to respond to the most crucial urban problems and that lines of communication to Washington must be preserved as the only channel through which vital assistance can be gained. Reduced contacts between federal and local officials will make it more difficult for federal officials to understand local problems and gear federal programs to aid in solving these problems in a manner which makes most productive use of the taxpayers' dollar.

Attempts to limit the lines of access between the federal government and cities reached what the *New York Times* described as an "almost comic peak" in April of 1969 after President Nixon invited eleven mayors to the White House to discuss urban problems. Within a week a meeting of governors passed a resolution criticizing this meeting and urging the President to do his talking with governors, not mayors, when he wanted to learn about urban problems.

State House sensitivity to direct federal contacts has been particularly marked in the Safe Streets program. After LEAA announced grants from its 15% discretionary funds to eleven major cities in May of 1969, a strong criticism of these direct grants was filed by the National Governors Conference through their designated spokesman on urban crime matters, Utah Governor Calvin Rampton. Governor Rampton's telegram to LEAA asserted that governors, "expressed concern about your proposal to grant discretionary funds directly to the nation's ten largest cities. We questioned the wisdom of population as sole criteria of need and confinement of funds to artificial city boundaries. Of greater importance is the departure from your commitment to deal through the state agency."

The point about population allocation of funds according to artificial boundaries is particularly interesting as this is precisely the allocation method which governors supported in amending the Act to provide a block grant approach, and it is an allocation method adopted by many states, including Utah, for allocation of part or all of the Safe Streets funds. In closing, Governor Rampton urged that all future discretionary funds be granted through state agencies, despite the legislative history of the discretionary grant section recently confirmed by a ruling of the General Accounting Office which clearly establishes that discretionary grants may be made directly to units of local government.

Although their authority to make discretionary grants directly to local governments is clear, LEAA is requiring that local applications to receive discretionary grants from fiscal 1970 appropriations receive a state certification of approval before the application is filed and that funds for the local governments under the discretionary grant program be channelled from LEAA through the state agencies to local governments.

This new attitude of federalism has created particular problems for some cities which have tried to communicate with the federal government about problems they saw developing with the program in their state. Mayor George Seibels of Birmingham, Alabama was severely criticized by Alabama state officials after he attempted to gain information about the program by meeting with LEAA officials in Washington. Mayor Seibels had previously been unsuccessful in attempts to obtain adequate information from state officials about ways Birmingham could participate in the program and had appealed to Washington because Birmingham, in the midst of a major effort to upgrade its law enforcement systems, needed indications of the type and level of federal assistance that could be expected. Because of his initiative in this matter, Mayor Seibels, in addition to being criticized, was excluded from membership on the regional board assigned to do local planning for the Birmingham area although Birmingham comprises two-thirds of the population of the region.

In Maine, the Director of the State Law Enforcement Planning and Assistance Agency, facing numerous complaints from local officials about a new plan for allocating the local share of planning funds, sent a strongly worded letter to directors of regional planning agencies claiming for the state ultimate and complete decision making authority on matters relating to interpretation and ad-

ministration of the Safe Streets Act as it applies to local governments. The letter noted: "I cannot emphasize enough to you regional planners that it is the state agency that is administering this Act and it is the state agency that interprets whether there is need for waivers and everything else having to do with this particular legislation."

This trend for the state to assume for itself a greater share of power over planning and operation of criminal justice programs at the expense of local government is surfacing in many states. The Tennessee plan called for the state to establish mandatory minimum standards for the qualifications and training of police officers and proposed that the state set a basic scale for police salaries and benefits for all local governments. But the plan contemplated no state support for the substantial costs which would be required of local governments to meet the standards. The Tennessee Municipal League indicated that implementation of the plan would mean almost complete transfer of local police personnel administration authority to the state while cost responsibility would have been left with the local governments. The result of such transfer would be severe limitations of local government capacity to control its police and growth of police forces unresponsive to the needs and problems of local citizens. Observing the standards proposed for state imposition, the Executive Director of the Tennessee Municipal League warned:

"Once an assumption is made that municipal governments do not have self-governing capabilities in such areas as personnel administration, then there is really no stopping point except a complete transfer of authority to the state."

In addition to Tennessee, plans of at least four other states, Delaware, Mississippi, Missouri and Wisconsin proposed that substantial new mandatory standards be imposed on local police departments, and several other states suggested that existing controls be broadened.

States also assumed substantial direct and indirect control over local criminal justice planning operations in a number of instances. A Boston, Massachusetts official noted that the state kept the city planning process "off balance" through use of guidelines, grant conditions, deadlines, reporting requirements and heavy demands for detail. The end result for Boston was that, "at every level of the program the state is putting on so many conditions that it is becoming more their program than ours."

The potential for over-concentration of power at the state level was noted with concern in a review of the state plans conducted for LEAA under sponsorship of the National Sheriffs Association.

"There seems to be a distinct trend to a centralized rather than a local approach to most of the programs in the studied categories. Without adequate justification, study and careful planning for this approach, it might be claimed that a number of state 'monuments' were being built."

The centralization of power at the state level under the Safe Streets program at the expense of local governments is at cross purposes with goals recently stated by the President and Congressional leaders to establish a flow of power and responsibility back to citizens at the local level. If the trend established by the Safe Streets program toward concentration of power at the state level continues, the capacity of local citizens to control those government operations which most directly affect their daily lives may be seriously compromised.

The Role of LEAA:

The Law Enforcement Assistance Administration, to date, has not assumed any major responsibility to require that states deal fairly with local governments and concentrate crime control dollars in a manner which will be most effective. In large part, this is due to the mandate of the Safe Streets Act itself which directs that LEAA have only limited oversight functions regarding state use of funds. As Mr. James Spady, Executive Director of the State Law Enforcement Planning Agency in New Jersey related to a meeting of the New Jersey State League of Municipalities: "No matter how good or how bad your plan is (as long as it gets a "passing" grade) you get your population percentage share." In the first year plans, the passing grade required by LEAA was not very high. Further, LEAA has not been very forceful in following up on those actions it did initiate to protect the interests of local government and assure more effective use of crime control funds.

On April 5, 1969, soon after the National League of Cities had issued its critical report on allocation of planning funds under the Safe Streets Act, LEAA sent a directive to the state planning agencies urging that local governments be allowed greater involvement in decision making regarding law enforcement

planning affecting them and that major urban areas receive a greater priority in allocation of funds. In June of 1969, LEAA administrator Charles H. Rogovin, told the annual meeting of the U.S. Conference of Mayors: "We have made it clear—and will continue to do so—that special attention must be given by the states to areas with high crime incidence." Apparently the states did not listen to LEAA's directives. By August of 1969, LEAA in reviewing the state plan was forced to conclude that most of the plans had not taken into account the special conditions and problems of the major urban high crime areas. More recently, local officials meeting with NLC and USCM staff in Washington generally agreed that the memo of April 5, 1969, has been completely ignored by the state planning agencies. And there has been some indication that the memo is even being ignored by LEAA itself. At one point in discussing regional planning units, the memo states "It is particularly important, where new regions have been established by states or where pre-existing regions constituted for federal aid programs not directly related to crime control have been used as local grantees, that efforts be made to obtain and document acceptability by the local governments concerned." Despite this statement, LEAA on January 15, 1970, approved a regional planning structure established by the state of Maine in disregard of the stated preference of many localities and the state organizations representing mayors, town and city managers, police chiefs and county sheriffs for an alternative planning structure and the strong opposition of many municipalities and the Maine Municipal Association to the planning structure being imposed by the state.

It is also a matter of concern to NLC and USCM that despite LEAA's recognition that the 1969 state plans generally did not take into account the special problems of major urban high crime areas, LEAA, on February 2, 1970, approved allocation to the states of $\frac{1}{2}$ of their share of fiscal 1970 funds to be spent according to the 1969 plans deemed inadequate by LEAA.

Funding Problems

In addition to difficulties created by state administration, problems incident to raising the local share of program costs were also noted at a number of points. The Arkansas plan stated that local government capacity to put up necessary matching funds for the program was a "bold presumption."

Some cities lost funds because they were unable to provide the local matching share from their budgets at the time that state funds were made available. The city of Salisbury, Maryland noted:

"Our only offer was received in June just prior to the end of the fiscal year and, therefore, we were unable to consider the offer as the city funds had already been obligated for fiscal year 69 and it was impossible to purchase capital equipment."

The city of Arvada, Colorado noted a similar problem:

"Many of the cities and counties can take advantage of the planning funds whereas the action funds generally require a higher percentage of funds which have not been available to the jurisdictions under the present budget."

A predicament faced by many communities was cited by Indianapolis, Indiana, where the city council makes appropriations for each year in August, but the city was unable to determine the funds it would receive and thus the matching share required at that time. With the small amount of money available from fiscal 1969 funds, Indianapolis was able to scrape together sufficient dollars to provide its share of matching costs. However, problems were anticipated for fiscal 1970 and future years when a larger amount of dollars will be available and a larger matching contribution required.

Many local officials have expressed concern that some localities will face great difficulties in providing the 40% matching funds required by the Act as larger amounts of assistance become available. This concern is particularly marked among officials of larger cities which have placed severe strains on local resources to substantially increase police budgets in recent years. The Philadelphia police budget, for example, jumped from \$30 million in 1960 to \$70 million in 1970. The cities over 100,000 population are currently paying nearly \$1.5 million for police services, better than 55% of the costs of police protection paid by all local governments. These cities hope to receive substantial assistance under the Safe Streets Act, but may have difficulty participating if they must come up with 40% of project costs in addition to maintaining the heavy expenditure increases for police services they have budgeted in recent years.

Several city officials noted that because salaries comprise from 80% to 90% of local law enforcement budgets, the provisions in the Act which limit the amount

of assistance that may be provided for salaries impede local capacity to plan realistic improvements and result in overemphasis on equipment in law enforcement plans.

Kansas City, Kansas stated:

"While we agree that the program must encourage new approaches and cannot be merely a means by which cities increase salaries of their existing force, we have found in attempting to develop applications that the one-third limitation is completely unrealistic."

APPENDIX A.—PARTICIPANTS IN NLC AND USCM TASK FORCE REVIEWS OF THE SAFE STREETS ACT JANUARY 20 AND 22, 1970

John Chaig, Inspector, Philadelphia Police Department, Philadelphia, Pennsylvania.

E. H. Denton, Assistant City Manager, Dallas, Texas.

Richard Devine, Administrative Assistant to the Mayor, Chicago, Illinois.

Raymond Duncan, Administrative Assistant to the Mayor, Jacksonville, Florida.

W. F. Dyson, Chief of Police, Dallas, Texas.

Richard E. Eckfield, Washington Assistant to the City Manager, Dayton, Ohio.

Winston E. Folkers, Director of Community Development, Toledo, Ohio.

Picot, Floyd, City Manager, Savannah, Georgia.

Ken Gregor, Assistant to the Mayor, Atlanta, Georgia.

Thom Hargedon, Assistant to the Mayor, Boston, Massachusetts.

William B. Harral, Assistant Director, Pennsylvania League of Cities.

Mark Helper, Administrative Assistant to the Mayor, Houston, Texas.

James C. Herron, Inspector, Philadelphia Police Department, Philadelphia, Pennsylvania.

Louis A. Heyd, Criminal Sheriff, New Orleans, Louisiana.

Robert M. Igleburger, Chief of Police, Dayton, Ohio.

Alan Kimball, Director, Department of Public Safety, Indianapolis, Indiana.

John C. Martin, Assistant to the City Manager, Rockville, Maryland.

Richard G. McKean, Acting Public Safety Director, Cleveland, Ohio.

Frank E. Nolan, Chief Inspector, Philadelphia Police Department, Philadelphia, Pennsylvania.

James C. Parsons, Captain, Birmingham Police Department, Birmingham, Alabama.

Frank J. Vaccarella, Federal Programs Coordinator, New Orleans, Louisiana.

David Wallerstein, Federal Legislative Representative, Los Angeles, California.

Herbert C. Yost, Director of Public Safety, Lancaster, Pennsylvania.

The CHAIRMAN. I am pleased to present the first witness at these very important hearings, the former Attorney General, Ramsey Clark, a very, very dear friend of mine.

Under his tenure, the Omnibus Crime Control and Safe Streets Act was initiated and passed. He helped fashion this act, and therefore is thoroughly conversant with its provisions. I am certain that he can and will shed much light upon the difficult subject of crime in our streets.

We welcome you, Mr. Clark, to these hearings.

STATEMENT OF RAMSEY CLARK, FORMER ATTORNEY GENERAL OF THE UNITED STATES

Mr. CLARK. Thank you very much, Mr. Chairman, members of the committee.

I appreciate very much this opportunity to appear before you again and consider it, as I always have, an honor.

This is a very important committee, with a vital mission, and it has performed it with exceptional excellence in all areas I have been able to observe.

This committee will not hold hearings on a subject that holds a higher potential to enhance the effectiveness of criminal justice and reduce crime in America.

For decades this Nation has neglected its agencies of criminal justice at every level of government. Starved for resources, isolated from the broader national experience, often without a sense of purpose, and largely without priorities, the system of criminal justice in America today fails in its mission.

Police are underpaid, poorly trained, ill-equipped, badly organized, inadequately staffed, and alien to the people who need their services most. Courts, unorganized and understaffed, are unable to cope with the numbers of cases before them, and crowded dockets, long delays, and injustice destroy the deterrent effect of the system. Prisons, overcrowded and offering no hope, manufacture crime.

Of the millions of serious crimes committed in this Nation each year, probably no more than one in 50 results in the conviction of an individual for its commission. Of those convicted, one in four may go to prison. And of those who go to prison, most will probably commit crime again.

When President Johnson created the National Crime Commission and recommended to the Congress the creation of the Federal Office of Law Enforcement Assistance 5 years ago next month, the Nation was investing a total of \$4 billion annually in all the agencies of criminal justice—all police, prosecutors, courts, and corrections—Federal, State, and local, in the Nation.

This was half what we spent for tobacco and a third the expenditure for alcoholic beverages. It gives some indication of our national priorities.

The annual increase in criminal justice expenditures in 1965 was about 5 percent, barely enough, if enough, to offset population, inflation, and obsolescence of equipment then in use by the police.

In presenting its plea to the Congress for massive Federal funding for criminal justice 3 years ago this month, the Johnson administration sought \$100 million the first year, \$300 million the second, and, depending on subsequent experience, up to \$1 billion by the third year.

The law—the Omnibus Crime Control Act—was over a year in coming, and the levels of appropriation below our hopes for the first 2 years. Now, as we approach the third year of operation, \$1 billion seems more than can be beneficially invested, but surely \$750 million is not too high as the authorized ceiling for fiscal year 1971.

To speak only of money, however, is to ignore the major responsibility of the Congress. You are no mere fund raiser. You must establish national policies and priorities.

I testified before you 3 years ago that a “* * * mere increase in expenditures will be both inadequate and inefficient.” Today, I will add “dangerous.” We do not need more of the same. We need essentially different qualities in the processes of criminal justice.

To secure them, you must see present and future needs of the system of criminal justice, and then make the hard decisions necessary to secure them for our people. Government must be effective. Too often we have been benevolent in our purposes, but ineffective in our performance. Poor Gulliver means well, but is so tied down by Lillipup-

tian strings of deference, indecision, and distrust he cannot rise. Priorities, not mere money, are the greatest need.

To determine priorities, you will have to survey the system of criminal justice throughout the Nation, and the operation of the Office of Law Enforcement Assistance. The task is not so awesome as it sounds. You start with broad experience and knowledge. Recent comprehensive studies—Presidential Crime, Riot and Violence Commission reports among them—are available to the committee. The Office of Law Enforcement Assistance can advise you of its present practices and future plans.

I would urge six areas for careful study.

The first is the old and much mooted issue of State block grants. We are an urban society, and crime is an urban problem. Throughout our history, we have preached and practiced local law enforcement.

Local police expenditures are nearly 80 percent of all police expenditures, while State police expenditures are less than 12½ percent of the total. Seventy percent of State police expenditures are for highway traffic control.

Most States have no general law enforcement responsibility or manpower responsibility at the State level, or the manpower available to perform it. Law enforcement is fragmented into roughly 40,000 police jurisdictions created and preserved under State law.

Effective law enforcement has no greater handicap than jurisdictional fragmentation. Many urban counties have scores of independent police jurisdictions within them, some over 100 within the boundaries of a single county. Consolidation or coordination is imperative.

Robberies per capita in cities over 250,000 occur 10 times more frequently than in adjacent suburban police jurisdictions, and 35 times more frequently per capita than in rural areas.

There is the story. It is far more important that reapportionment apply here, perhaps, than in other areas. Per capita robbery is 35 times more frequent in urban areas than in rural areas. To distribute these insufficient funds merely on a population basis would be to tinker with a very important problem.

The CHAIRMAN. Would you say that that means more help is needed in the urban areas than in the rural areas?

Mr. CLARK. Many times more, Mr. Chairman. That is where crime is, and that is where our people are going, and that is where it must be reduced.

Auto theft is 14 times more common per capita in cities than in rural areas. Urban rates per capita of murder, aggravated assault, rape, burglary, larceny, and theft, the seven FBI index crimes, exceed those in suburban and rural areas by not less than two to fourfold.

Before continuing State block grants, this committee needs to have the answers to the following questions, among a good many others:

Are we building superfluous State agencies? Do they crystallize jurisdictional fragmentation? Do unnecessary delays result when there is urgent need now? Can the States be expected to allocate money directly and effectively to major crime areas? Are we simply spreading a few extra dollars thinly through criminal justice agencies without any impact?

Can you find one place where a State has allocated sufficient funds to have a measurable impact on urgent crime problems? Are some States allocating funds merely on a population basis? Are there States which have allocated 20 percent of their funds to urban areas, where 30 percent of the population lives, and 70 percent of the reported crime occurs? Is that adequate?

Do we allocate funds for boll weevil eradication to Bedford-Stuyvesant? Is there one State plan which can really be called a planning instrument with a comprehensive analysis of present status, commitments, priorities, goals, and measured progress, or are we creating shopping lists? Is it necessary to encumber funds needed for major urban agencies with State planning agency approval to achieve adequate State planning and coordination?

Can courts and corrections be treated statewide, and police locally? Can't we do both? Mustn't we do both, if we are to be effective? Can courts and corrections, which have a much higher involvement at the State level than the police, be treated statewide, and police locally?

Can we tailor this bill so it can effectively put the funds where the needs are?

Second, you need to look to the limitation on funds for police salaries. Law enforcement is personal service. Ninety percent of police budgets are for salaries. Police salaries are woefully low. The average salary of the full-time officer in the United States today is roughly three-fourths what is required to maintain a family of four at an acceptable standard of living.

In 1967, the median beginning salary for police was \$6,556 a year. Half of all patrolmen earned less than \$7,591. In other words, many of the full-time patrolmen are only making \$1,000 more than the recruits. Their average employment on the job is about 7 years. That is opportunity for the police officer—7 years, and you get a thousand dollars increase on an inadequate salary to begin with. Thousands of officers, in a nation racked with crime, must moonlight to support themselves and their families.

Standards of education and competence are difficult to establish and harder to maintain with such low salary levels. A major fraction of our full-time policemen did not complete the ninth grade.

However much we spend on the trappings of law enforcement, can we hope for excellence with salaries so low? Is there a single more effective way to improve police performance than to improve police through higher salaries?

Is there any occupation in America today that requires a greater bundle of professional skills of the highest order than police work? I think not. Can those skills be obtained without higher salaries?

Are we so afraid of Federal funds for local police that we sacrifice quality? Has our experience in State employment service and primary and secondary education indicated a real risk of Federal direction following Federal funds?

As a third priority, I would urge you to look at the area of police-community relations. The most difficult and important law enforcement issue of the 1970's will be the relationship between police and the various elements of the public they serve. Poor police-community relations has been recognized for many years now as perhaps the chief inhibition to effective law enforcement.

President Johnson's Crime Commission concluded that most serious crime is never reported to the police. No single fact could better illustrate the incapacity of law enforcement to prevent or control crime in many parts of our cities. Too often police cannot even know about crime, much less solve it. Relations between police and citizen are sometimes so estranged that for a variety of reasons—lethargy, fear, lack of concern, hatred, frustration, hopelessness—people harmed by crime would rather suffer it than report it.

Improvement of relationships between police and the public they serve is a mature science practiced conscientiously in the best departments of the Nation. Chief of Police Herbert Jenkins of Atlanta, Ga., a past president of the International Association of Chiefs of Police, and retiring Chief Curtis Brostron of St. Louis, Mo., the present president of the International Association of Chiefs of Police, and a man who has served in every rank on the force, pioneered methods of improving police-community relations more than a decade ago.

Former Chief of Police Tom Cahill of San Francisco, immediate past president of IACP, a man who knows the sources of crime, has described his community relations efforts as reaching society's "un-reachables."

Commissioner Howard Leary, head of the Nation's largest police department, New York City, who knows where the strength and effectiveness of police comes from, has said he wants 28,000 community relations officers on his force—that is, he wants every officer to be one.

It is difficult for police departments to find funds for the training, activities, facilities, and community participation that build strong community ties. These tend to become the next thing they will do.

The Federal Government could provide immense incentive and a vast improvement in critically impaired relations by requiring that 20 percent of the funds it provides for police departments be invested in community relations improvement.

The one possibility for irreconcilable division that I can foresee in this country is through a deterioration of relations between police and segments of the public they must serve—college, high school and junior high school students, poor people, Blacks, Puerto Ricans, Mexican-Americans, and others—followed by repressive action arising from lack of communication.

Riots, campus disturbances, massive assemblies, the events in Chicago at the time of the Democratic National Convention, police-Black Panther incidents all evidence the potential that we have here for trouble. We should act now.

We must recognize what is really involved in the relationship between police and the public. It measures the difference between a social order based on mere force and one derived from the will of the people: Between authoritarianism and democracy. It is the difference between a Government which serves its people and one which subjects them. One is freedom—the other fear, one a police state—the other a free society.

Fourth, I would direct your attention to the National Institute of Law Enforcement and Criminal Justice. The National Institute offers a major opportunity to reduce crime in America, if it is adequately funded.

There is no greater evidence of our total neglect of the criminal justice system than our failure to apply science to the solution of crime. We apply science to every major problem we have in this country, but we fail to bring it where it is needed the most, perhaps, in antisocial conduct. Criminal justice in America has changed only slightly—and then under the force of external pressures—since the 19th century.

The range of potential for the Institute covers the entire field of criminal justice. Computers could place officers in high crime areas and immediately identify palm and single fingerprints. Refined chemical analysis could produce physical evidence of arson, the weapon used in assault, clothing of a victim or suspect. New autopsy techniques could determine the precise cause of death.

For a small fraction of the cost of a *Polaris* submarine, scientists in laboratories might develop a combination of ingredients that for the first time in history could cure physical addiction to opiate derivatives. Through the history of this country, millions of lives have been wasted because of our failure to make this effort. The value in human lives and crime prevented is incalculable.

We could develop safe, nonlethal weaponry that would save hundreds of lives annually and avoid the violence, riots, embitterment, and hatred that visits our cities annually following the shooting of a prisoner or suspect of an officer.

We spend millions for methods of killing, and nothing for nonlethal weaponry, which is critically needed in law enforcement. How many times has an officer had to engage a suspect with nothing other than a gun? If he shoots the suspect, it certainly causes immense trauma and division in that community.

Professional skills could be developed for police in family crisis intervention, which accounts for one officer death in five. Better use of electronics could provide new systems of communication that would vastly expand the capacity of police to cover crime.

I use these only as illustrations. There are hundreds of things that this Institute could do, but we are barely tinkering with the possibilities. The Army Materiel Command spends hundreds of millions in military research, while the National Institute receives \$3 million. That is less than half what we had under the Law Enforcement Assistance Act of 1965—then \$7½ million.

This vital opportunity should be seized as one of highest priority, to which at least \$50 million should be devoted next year.

Five, I would indicate that there are a number of places in the bill where ineffectiveness and waste will result if this committee does not provide for more effective administration and for clear and more important priorities. I will suggest several, merely to indicate the need for comprehensive review.

The office of Law Enforcement Assistance must be effective. To be effective, it should be placed under the control of a single director. When did we last see an effective triumvirate?

The allocations in the law for organized crime and riot control were extremely undesirable. In the action grants last year, 30 percent were allocated across the Nation, not more than 12 percent to go to any State, 30 percent for riot control, 30 percent for organized crime, and 20 percent for corrections.

As a comparison, do we really think there is a presence of organized crime in the majority of the States? President Johnson's Crime Commission found less than one-third of the major cities in the country that were surveyed had any presence of organized crime.

Do we really think that riot control is a major problem in a majority of the States? Of course, it is a major problem in some, but in all?—That we should make them set aside 30 percent of their action funds for this purpose?

I think that needs careful consideration. They forced areas of the country with no organized crime or riot potential to invest in needless training and equipment.

Professionalized police is the only effective law enforcement answer to organized crime, and the only safe control technique for riots. Fulfillment of professional standards is the answer, not the political and emotional reference to riots and organized crime.

Finally, and I guess to me perhaps most importantly, I would direct you to corrections, and to the potential there. Of all the activities within the process of criminal justice, correction has by far the greatest potential to reduce crime, if that is what we want.

The reason is clear. Probably four-fifths of all serious crime is committed by repeaters, persons convicted before of crime, persons identified by the system as having a potential for further crime. At least half of these people, from studies that have now been made, we know could have been rehabilitated, and most of the others could have been kept out of harm's way, if we had cared. But we failed even to try.

Ninety-five cents of every dollar in this Nation that has been spent in penology has been spent for pure custody, iron bars and stone walls, and they don't do the job. We spent 5 cents out of every dollar for rehabilitation, which is crime reduction, and we have manufactured crime in the prisons and jails throughout the Nation. Little wonder we suffer so much crime.

Our failure to bring resources and skills to bear in corrections to protect the public and save the individual wastes our greatest opportunity within the system of criminal justice to reduce crime.

Today, approximately one-fourth of all the expenditures for criminal justice in America is in the field of corrections. I think we have been spending about 8 to 10 percent under the Law Enforcement Assistance Act since 1968. We need to double our efforts in this area as quickly as possible.

Community corrections, education, and vocational training, mental and physical health services—and by far the overwhelming majority of these people have never been to a dentist, have severe mental disturbances of one type or another, and need help desperately—special youthful offender efforts, substantial work release, pre-release guidance, and assured employment placement can greatly reduce crime, but it will cost money, and require professional manpower.

I would urge you to allocate not less than one-third of all Federal expenditures under this act for corrections, with clear priorities for the areas in which they are to be used.

Crime is a stubborn commodity. It reflects the character of a people. There is no easy or cheap way, no tough talk, or repressive action that will cause it to vanish. Crime tarnishes the quality of life in America today.

It will take strong leadership, determined effort, and vast resources to reduce crime. This act is the one significant contribution the Federal Government can make toward the substantial and lasting reduction of crime within the capabilities of criminal justice. The Nation has no greater concern than to act here with its might.

The CHAIRMAN. Thank you.

I know that you are scheduled to leave for California very shortly this afternoon.

Those bells have rung for a vote, and we will have to take a recess, say for 20 minutes. Can you wait?

Mr. CLARK. Yes, I can, Mr. Chairman, but if I am to catch my airplane, I will have to leave here at 3:30.

The CHAIRMAN. Then we stand in recess to answer the quorum call.

(Brief recess.)

The CHAIRMAN. Mr. Clark, the members would like to propound some questions to you, and I would like to ask under the present terms of this program what role do you believe the Law Enforcement Assistance Administration should pursue with respect to: (1), establishing program priorities; (2), overseeing the composition of State planning agencies; and (3), monitoring the effectiveness of State allocation of funds.

I will repeat that: Establishing program priorities; overseeing the composition of State planning agencies; and lastly, monitoring effectiveness of State allocation of funds.

Mr. CLARK. As to priorities, Mr. Chairman, I think first it is awfully important that the Congress itself give a clear indication of priorities, and that those priorities be, you know, perhaps augmented but not really formulated by the Law Enforcement Assistance Administration. I think the responsibility is in the representatives of the people.

As to its review of the composition of the State planning agencies, in my judgment it is almost impossible to achieve any real balance in a major State within a State planning agency of a size which is manageable, because there are too many cities, there is too much fragmentation, both horizontally and vertically, within the system, so to speak.

There are thousands of police jurisdictions within some States, the diversity of jurisdictional arrangements between prosecution and courts and prisons and jails. In many prisons you will find three jails within one part of the city operated by different jurisdictions.

Now, to bring one planning agency of a manageable size that can achieve balance and representation and knowledge of all of those is virtually impossible. The States have never tried to do this before. They have approached generally with interest and concern, but without the background, so I think the administration, the LEAA office, must try to help achieve balance there.

But I think as long as everything goes through the State planning agencies, and today, under the present practice, it is not 85 percent of the action funds that goes through the State planning agency, it is 100 percent, by the decision of the officials there, I think they will have to do the best they can.

The CHAIRMAN. You think presently we have to leave this to the discretion of the State itself?

Mr. CLARK. No. I think the agency has a responsibility under the law, and it is important that that responsibility be reposed in it to see that there is as much balance as can be obtained.

I remember when they first started in New York State, New York City had one representative on the State planning agency. Well, you know, just to have a sense of the problems of the police department, not to mention the correctional department and the other areas, this is too much to ask of one man. You don't get the quality of experience and knowledge that you need.

So you need someone to say we have got to do better than that. There has got to be greater participation.

If you put these funds into State planning agencies that in effect reflect rural needs, if they are like the State legislatures were 20 years ago, the cost to this country, and exercise of this program will be immense. The program will fail.

And I think the Congress and administration have to do what they can to see that those State planning agencies, as long as they are going to be really responsible for the allocation of virtually 100 percent of the funds that the Congress appropriates, that they actually represent not in population, but in criminal incidence, the areas where the crimes are.

The CHAIRMAN. This committee would have the assignment in the future to watch the situation and see what happens in the various States.

Mr. CLARK. If you don't, I think you risk total failure, or worse. I really do. I know it is an immense responsibility and immense burden, but I know of nothing more important.

If you don't follow it carefully—new programs are very difficult to develop and to perform, and they will need your guidance, and they will need your review.

I think if we just spread this money 2 cents deep over the country, it won't have any effect at all on crime. That is about how deep it will be, too.

Crime is not spread generously over the country. It is concentrated very intensively in particular urban areas, and that is where the action is.

The CHAIRMAN. Evidently the law enforcement program thus far has encountered criticism from many majors and local administrators.

The National League of Cities—United States Conference of Mayors just yesterday released a report which finds that the States have "failed to focus on the most critical urban crime problems."

Do you care to make any comment on that specifically?

For example, we received a letter, similar to many letters we received from a number of mayors, from the mayor of Birmingham, who says that he did not receive any money whatsoever through State channels. The letter will be placed in the record at this point.

CITY OF BIRMINGHAM, ALA.,
OFFICE OF THE MAYOR,
February 3, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Rayburn House Office Building, Washington, D.C.

DEAR SIR: The Omnibus Crime Control and Safe Streets Act was passed as public law 90-351 on June 19, 1968.

The City of Birmingham, the largest municipality in the State of Alabama, has of this date received no funds for planning or action programs under the provisions of the subject Act.

The facts pertinent to the funding provided to the State of Alabama are as follows:

On or about July 1, 1969, the State Law Enforcement Planning Agency received a \$337,600 planning grant. In addition, the State of Alabama Planning Agency received an action grant in the amount of \$43,840. The planning funds were initially retained by the State Planning Agency, and subsequently regional areas received portions of these funds. My regional district received \$34,462 in planning funds, of which I nor any other policy maker from the City of Birmingham were duly informed. In January, 1970, the State received additional monies amounting to 3.54 million dollars and as recent as today, another grant of \$369,000 was received by our State Law Enforcement Planning Agency to assist in improving state and local law enforcement agencies.

To the best of my information, the planning fund (40% of the total State planning grant) was divided among the regions on a population basis. Such inequitable distribution obviously overlooks the relative need for a logical and meaningful comprehensive approach that recognizes the incidence of crime as a factor in the consideration for proper disbursement of funds. The concentration of crime funds are simply not being focused in the critical areas that they were intended, rather they are being dissipated at random while the cities continue to suffer.

As an example, according to a recent FBI report, Birmingham ranks first in the State in number of crimes committed from January through September, of this past year. Birmingham also had the highest number of rapes, the highest number of robberies, the highest number of automobile thefts, and the highest number of homicides within the state. Added to the survey is the fact that our city also had the highest incidents of minor illegal acts that are fast becoming an unwelcome part of urban life.

To stop this onslaught on our citizens we must make the Act function as intended—to give our major urban areas and areas of high crime incidents the tools and assistance to do the job that we all know must be done in order for the major urban areas to survive.

Another great shortcoming of the Act was the assumption that there would be proper representation of local government within the state. I, as Mayor of the largest city in Alabama, was not appointed to represent my city on either the regional or state basis. This further points up the fact that there are many inconsistencies that have appeared that would thwart the intended degree of representation by local policy makers within the true spirit and meaning of the Act.

Inequitable distribution and proper placement of representation on the regional and state boards also gives rise to other adverse effects, such as lack of proper communication and the difficulty in proper programing and budgeting of city resources. Much of the information concerning the state and regional activities is derived from daily newspapers and radio bulletins. Such incidents provide little to the city in the way of encouragement to face the almost insurmountable task of eliminating urban blight.

Another problem that I see developing is the fact that the State sets the priorities for the dispensation of funds. In taking this approach it would appear that the cities that have in the past spent money in combating crime and in improving their police departments will actually be penalized in that many of the priorities set by the State have already been provided for by the cities. Under our present concept, therefore, those cities that have failed to spend money in the past will probably benefit the most because of the condition of their police departments and perhaps due to their neglect of proper improvements.

Another notable example of this theory is that the City of Birmingham hired a consulting firm to do a complete management and operational study of the Birmingham Police Department just prior to the establishment of the regional districts. This study was used as Birmingham's contribution to the state plan, and actually formed a basis for the state planning program. It was later pointed out, when the city anticipated asking for planning money to perform an Information System's Study, that our city had already spent considerable money on studies, and that additional planning studies would not appear to be warranted.

In summary, I feel the Federal Government should increase the amount of direct grants to units of local government, particularly in areas of urban population concentration in order that we may solve some of the problems that were the original objects of the Act. It is indeed paradoxical that the Federal Government through the Omnibus Crime Control and Safe Streets Act were trying to get dollars to local governments in a manner which assured the greatest return per dollar of expenditure in controlling crime, whereas our experience has been that we receive far greater cooperation and assistance in dealing directly with federal agencies. I suggest that the Federal Government should reconsider this program with the possibility of returning operational control within the Federal Governmental framework.

I appreciate your taking the time to look this over. I feel very strongly about it, and I have done my best to tell how I feel as forthrightly and as honestly as possible. I look forward to meeting you at some time in the near future so that I may disclose personally my feelings on the subject before your committee.

Sincerely,

GEORGE G. SEIBELS, Jr., *Mayor*.

Mr. CLARK. I have seen many instances where the malapportionment of funds between urban and rural areas is just—just shows that the thing won't work.

My sympathies are all with the Law Enforcement Assistance Administration. It is a tough assignment, and it is very difficult to get started.

I would like to support them every way I can, but I am afraid that this problem is inherent in the law, that while the funds have to go through the State agencies—I mean, just taking my State of Texas, I don't see how they can cope with the problems of the police in Houston, Dallas, San Antonio, Fort Worth, et cetera. These places have immensely different problems, and they won't have two or three representatives with police experience there, and the malapportionment of funds will be very great, I am afraid.

The CHAIRMAN. This is a letter from the mayor of the city of Birmingham, Ala. The mayor writes me as follows, on the date of February 3, a few days ago:

The City of Birmingham, the largest municipality in the State of Alabama, has as of this date received no funds for planning of action programs under the provisions of the subject act.

That is rather serious, don't you think, in a city as large and important as Birmingham?

Mr. CLARK. It is terribly serious. There is an urgent need.

I think in 1967 in the police-community relations area there were 14 incidents in which police were responsible for the death of citizens. That just shows we have got to get the money in there. We just can't wait forever.

The CHAIRMAN. The LEAA recently published a guide for discretionary grants. This refers to those grants which may be made directly by LEAA to units of local government.

The guide indicates that applications for such grants must be channeled through the State planning agencies. The guide requires that State planning agencies "should certify their willingness to accept such grants."

Do you have any comment on the way in which direct grants should be channeled?

Mr. CLARK. It is abdication of responsibility, in my judgment.

The 15 percent discretionary fund, as we call it, the 15 percent of the action funds under part C, were achieved only after a very difficult struggle in the Congress, and the whole purpose was to provide the potential for direct grants to meet urgent urban needs, and to now say it is a matter of discretion, you are going to funnel all those moneys, just like the 85 percent nondiscretionary, is the abandonment of your responsibility.

The CHAIRMAN. There were charges that some of the Governors were using those funds for political payments. Were you aware of any such charges, or practices?

Mr. CLARK. Well, that is always a risk, and the charges were inevitable, I think. You may have that problem in any activity.

The main thing to me is that the system has to work. It is going to be much too complicated. Most States not only have State planning agencies. They now have regional planning agencies under them. And it may include eight counties. One may be a great city like Denver or Los Angeles, and by the time you really have any understanding, you cut through all the red tape, it is too late.

I think one of the major lessons I have learned, or thought I learned, in government, was after our experience in Watts, after the riots in 1965. What we found was that all of these programs were failing to be effective because they would have to go through three levels of government.

We had funds that would have been very important for the school system in Watts, for Jordan High School. It could have relieved the pressure that caused the riots, but it had been hung up in Sacramento for a year and a half.

It is not effective government, and I hate to see law enforcement assistance move into that pattern.

The CHAIRMAN. I refer to the executive communication that was received by me from the Department of Justice, which embodied a bill that, incidentally, has been offered by a number of members on the committee, including our distinguished minority member, Mr. McCulloch.

That bill would amend title I of the Safe Streets Act to permit a waiver of the statutory "pass through" requirement, namely, that 40 percent of all planning funds, and 75 percent of all action funds, be made available by the States to units of local government.

Do you have any comments on this proposal?

Mr. CLARK. If I have any judgment about it at all, Mr. Chairman, that is in precisely the wrong direction.

We start with this: We start with the 85 percent action funds being required to be distributed among the States on a population basis. But crime isn't distributed on a population basis. Then finally, we say within those 85 percent funds, at least 75 percent should be passed through to urban areas, or local government.

But the fact is that if you allocate the present expenditure between State and local agencies, you would find that 85 percent, not 75—the pass-through to urban areas is 10 percent less than the proportion of police expenditure than it is today, so rather than giving them their share, you have cut down their share.

The real need is in the urban areas. It would be nice if we could spread it out, but it is not that way.

So I think this is in precisely the wrong direction. The funds must go to the cities, if we are going through the State planning agencies, because that is where the crime is, that is where the police are.

The CHAIRMAN. Mr. McCulloch.

Mr. McCULLOCH. Mr. Clark, did I understand you to say that the cities are where the police are and where the crime is?

Mr. CLARK. That is true; yes, sir.

Mr. McCULLOCH. And did I understand you to say that you thought the funds should perhaps go directly to the metropolitan areas, to these cities?

Mr. CLARK. I didn't say perhaps, Mr. McCulloch. I did say I thought it ought to go directly to the cities.

Mr. McCULLOCH. Well, for the record, there are at least two States that come immediately to mind, two States that have little local law enforcement as such, Alaska and Vermont. There, the thrust is primarily at the State level, isn't it? Or, do you believe that law enforcement is primarily at the local level in those States?

Mr. CLARK. I think that perhaps we all tend to oversimplify, and when I say just to cities. I mis-speak. There are variations in States. We have to make distinctions.

This is a big country, and a diverse country, and I am fairly familiar with Alaska, now. I think its problems tend to be statewide. I think the State has responsibilities for law enforcement in rural areas, that it hasn't adequately assumed. It tends to leave them to local constables and sheriffs. In many jurisdictions you have just one law enforcement agency for the whole geographic area, and that is inadequate.

But to look at the total national scene and sum it up in one line, you have to say that we are an urban people, and crime is in our urban areas.

Mr. McCULLOCH. I think that crime is an urban problem, and the statistics so show. But there has been a very big increase in crime, serious crime, in the suburban and rural areas as well. In view of those facts, don't you believe that if any administration is thoroughly honest with the use of money provided by the Congress to that administration in this field, it will use that money in a way the statistics show that it should?

Mr. CLARK. No, Mr. McCulloch. I am afraid not, for several reasons.

First, I think several States have already indicated that they are going to do what the Congress in itself, in a sense, did on the State level: Distribute according to population. It is easy. All you have got to do is count the people and get the money out there, and it doesn't weigh problems at all.

If we did that in some other programs, heaven only knows what it would mean. It would mean funds for boll weevil eradication in Bedford-Stuyvesant. It just doesn't make sense.

Mr. McCULLOCH. Well, if that be the case, don't you think there should be considerable leeway, considerable discretion in the allocation and use of funds in trying to bring in tow one of the major problems of our time?

Mr. CLARK. I think any very difficult and diffuse problem like this has to be approached with flexibility.

Mr. McCULLOCH. I think so, too.

I wonder, Mr. Chairman, if that is the attitude with which we should view the Birmingham situation.

Mr. CLARK. I think that is an illustration that is repeated hundreds of times around the country.

Mr. McCULLOCH. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Rodino.

Mr. RODINO. Mr. Clark, a while ago you commented on the method of regional planning and regional distribution of funds, and said that it has not been effective. It is very significant that the National League of Cities report which was just issued indicates that regional planning and regional distribution of funds is the almost universal method that has been used by the States under the law enforcement assistance program.

The report cites many objections to regional distribution of funds from Lancaster, Pa., San Jose, Calif., and other areas. One of the examples which it notes, which I would like you to bear in mind and then I will ask for a comment, is that the city of Grand Rapids, Mich., with a population of approximately 200,000, with an annual police expenditure of over \$2.9 million, received \$188 toward the purchase of two Polaroid cameras and a fingerprint kit, while a rural community in Michigan of 7,500 population received approximately \$5,300.

Now, would you comment on the efficacy of such regional distribution in terms of focusing on urban crime?

Mr. CLARK. Well, of course, it doesn't focus on urban crime, and it dissipates a very scarce resource that could be helpful, could be effective. It also, I am afraid, demoralizes people in participating in the programs.

People come in with laundry lists and say we would like this list of things, and this, and you are just buying a bunch of equipment and stuff.

For instance, 10 percent of the police officers in the United States who are full time are in the cities of Chicago and New York. We know that. More of the crime than 10 percent occurs in those two places. To try to go up to Albany and down to Springfield and work in all around is just unmanageable.

You try and draw up the budget for a big city police department, and it is a tremendous job. You have got to work with the LEAA office, with the State government, and by the time you get through, you haven't done much.

Mr. RODINO. As a matter of fact, Mr. Chairman, I would like to stress that this confusion in State planning processes has been well documented by the National League of Cities and the U.S. Conference of Mayors report. For example, the report quotes Mr. James Spady, the executive director of New Jersey State Law Enforcement Planning Agency, and president of the American Society of Criminal Justice Planners, in explaining the need for a good State plan, who told a meeting of the New Jersey State League of Municipalities about some of the other State action plans, and I quote :

If you had seen some of the confused, contradictory, and unimaginative plans of some other States that I have seen, you would know what I mean. You would know how difficult it must be for local officials in those States to decide what is available under the plan, and just where the whole thing is headed.

I guess this is where the confusion lies.

Mr. CLARK. That is a big part of it.

I remember in the fall of 1966, we had granted under the old Law Enforcement Assistance Act, \$25,000, as I recall, to each State to begin some planning, and we had the first planning groups come in for a meeting at the University of Maryland. The Governors had appointed them. I don't criticize the Governors for this. I think it is inevitable.

I don't know how many said, "I don't know why I am here. I never was a policeman or a lawyer, or judge, or anything." But he just got appointed.

Well, this is a complicated business, and we need people who have experience and judgment about it, and we don't always get them on these State planning agencies.

Mr. RODINO. In your opinion, if the Federal budget for law enforcement is increased, should the matching requirements of the act be revised in order to permit units of local enforcement more easily to use the Federal assistance?

Mr. CLARK. Yes. I think we have to start some place, and I think the initial provisions were essentially wise, because you have to seek an increment in investment from this.

Particularly in urban areas, where the pressures on the budget are so great, if you put money into law enforcement, and they are taking it out of law enforcement and putting it into their other problems, whatever they may be, you really have not done very much for law enforcement, have you?

I think we will have to be much more flexible in how we approach it. You have got to have people who can look at the total urban budget and see that you are putting as much as you can into law enforcement, but the cities that need the money the most would have the least adequate tax base and the most pressure, and most poor people living there, and they aren't going to be able to match and get the funds, and their problems are going to become more difficult.

Mr. RODINO. Thank you.

The CHAIRMAN. Mr. Kastenmeier.

Mr. KASTENMEIER. Thank you, Mr. Chairman.

I would like to commend the witness on his statement, although I must confess it is a bit grim.

Your opening indicates that of the millions of serious crimes committed each year, probably no more than one in 50 results in the conviction of an individual for its commission, and of those convicted, only one in four may go to prison, and that those will probably commit crime again. This is a sad commentary on our prison system.

Really what we can do in this bill is quite limited, is it not, with respect to the specter of what confronts America in the field of crime?

Mr. CLARK. Unquestionably, Mr. Congressman, the processes of criminal justice in their total reach, however effective they may be, can only have a limited role in the reduction and control of antisocial conduct.

In my judgment, they can do much better than we are doing in this country, and it is imperative that they do much better, from the standpoint of safety and liberty.

I don't think we have an area of governmental activity that has a higher call on excellence, and we need to bring excellence higher, so that while what this bill can do toward the total crime problem is limited, it is awfully important.

Mr. KASTENMEIER. You have answered questions relating to the need to make commitments directly to cities. I would like to ask you a little about corrections, because you seem to give emphasis, especially in the end of your statement to corrections as possibly being more fruitful in terms of meeting the problem.

What do you think we might do in that respect, concretely, in terms of corrections? What can we do to convince the citizenry that it ought to spend substantial sums of money for correctional and rehabilitative institutions?

Apparently we are very far short of committing the resources which are needed.

Mr. CLARK. We are unbelievably short, and it is the end of the line on the criminal justice process, and, therefore, before I take it up, I would like to say that outside the criminal justice process, but very close to it, in predelinquency youth groups in high crime areas, we can do an immense amount to catch people, not after they have come into the life of crime, but before.

But within corrections, back in 1965 we were spending about \$1.1 billion a year in corrections, and as I have indicated, 95 percent of it went to hard custody, just keeping people off the streets.

Now, Congressman Poff was talking about mats being riveted to steel frames in jails. There are jails in this United States that don't even have a steel frame; where on Saturday night you can't find room in the block you are in to lay down on the floor. They have a urinal right in the middle of the place. It is just unbelievable.

The fact is today we are spending about 80 percent of our correctional moneys in the prison, as distinguished from the community area, in prisons and jails as distinguished from probation and parole and work release and prerelease guidance.

In my judgment, that has to be more than reversed. In my judgment, where you will really rehabilitate is not in prison, but in community environments, and you have got to break down these great big jails that manufacture crime, and these great big penitentiaries that harden people beyond any human pity, and get them out into areas where they are under careful control, but where they can begin to go back to school.

We know that most convicted criminals are school dropouts. We think they dropped out before the crime for which they were convicted occurred. And what do we do? We put kids in Federal youth centers, and 70 percent never have a visit the whole time they are there.

Does that build families together? One reason is geography. We put them hundreds or thousands of miles from home.

We have got to get them back where if they have got a decent family, they can see them. Any opportunity to get them back in school should be taken, and just work with them a little bit at a time.

Now, probation and parole in the United States today is almost meaningless. We do not supervise. You know, we check every 30 days or something like that, and we might as well not do that, because you can't control individuals that way.

We have got to put just a great deal of professional manpower to work with these people. With proper guidance and control, it was shown in the California Youth Authority back 5 years ago we can cut recidivism in half.

Mr. KASTENMEIER. Let me ask you parenthetically about one minor aspect of the process of rehabilitation.

Often you have testified before this committee in relation to civil liberties, and the right to vote.

Wouldn't it be more beneficial for the hope of the people in prison if felons were permitted to vote, as a sense of participating in the community, and perhaps they can bring about political pressure in terms of improving these institutions. Perhaps it would encourage them to take part in the process.

Really, shouldn't inmates in prison be permitted to vote? Wouldn't that be more useful than taking him out of the process completely?

Mr. CLARK. I think so. You know, I think that is part of the rehabilitational approach, and attitude, and I think we need to do that.

I think there are far more serious consequences by segregation from involvement that occur than that, but I think that is one.

Mr. KASTENMEIER. Yes. I only use that for purposes of illustration. I want to thank you, Mr. Clark.

The CHAIRMAN. Mr. Clark, how late can you stay?

Mr. CLARK. Mr. Chairman, you know how I feel about this committee. I will stay forever. But if I am going to catch an airplane that I am scheduled to catch for a meeting in Santa Barbara first thing in the morning, I have to leave right away.

Mr. MACGREGOR. I wonder if the former Attorney General might return to our committee, because I do think that this subject is of great importance. I think we can benefit by a fairly detailed exchange of views with him.

Would it be possible, Mr. Chairman, to have the former Attorney General return?

The CHAIRMAN. Whenever the Attorney General wishes.

Mr. CLARK. I am at the disposal of the committee. My time is your time. I would like to catch that plane, but it is not absolutely necessary.

The CHAIRMAN. We will recess this afternoon at 3:30.

Mr. MACGREGOR. Thank you, Mr. Chairman.

Mr. Clark, I think your statement gives some new information, or at least it presents information in a way that appears in some respects to be new to me, and I have reference initially to a statement near the top of page 5 of your presentation to us, and the statement is, and I quote: "A major fraction of our full-time policemen did not complete the 9th grade."

Could you, Mr. Clark, with some greater specificity, tell us what a major fraction might be?

Mr. CLARK. You can get fairly complete analyses from the International Association of Chiefs of Police, or from George O'Connor in the Law Enforcement Assistance Administration.

I hate to give an illustration, because you are talking about places. Let me just say there is a city of over a million people in the United States where in 1968 15 percent of its officer personnel had not finished junior high school. That is a pretty major fraction to me.

Mr. MACGREGOR. Would it be fair to say that you had in mind something like 15 percent, when you used the phrase, "a major fraction"?

Mr. CLARK. Well, we have got probably 450,000 full-time law enforcement officers in the United States today. Most major urban areas have instituted in the last years a high school diploma requirement. Now, they blanketed in people who didn't have that before, who were still on the force. But I am afraid if I got out into the rural areas, in the small city areas, that you find it may take it above that. I don't know.

Mr. MACGREGOR. But a major fraction for our purposes was intended by you to mean something in the neighborhood of 15 percent or perhaps 20 percent?

Mr. CLARK. I would say 10 to 20 percent, yes. It varies from jurisdiction to jurisdiction, and if it is that dimension in a jurisdiction, it is a real problem. It is one of the problems for antagonism when you see officers confronting students on college campuses.

Mr. MACGREGOR. Part of our decisions which we made in 1967 and which we must make again in 1970 as members of this committee has to do with the use of statistics. I have been troubled about the accuracy of some of those statistics upon which we undertake to formulate a plan of attack on a substandard system of law enforcement and criminal justice.

Your statement on page 3 gives us certain statistics with respect to the incidence of major crimes such as robbery and auto theft in urban areas as contrasted with rural areas. Then you note—as I think all of us on this committee have noted in the past—on page 6 of your statement:

President Johnson's Crime Commission concluded that most serious crime is never reported to the police. No single fact could better illustrate the incapacity of law enforcement to prevent or control crime in many parts of our cities. Too often police cannot even know about crime, much less solve it.

In light of your amplification of the finding of President Johnson's Crime Commission with respect to the reporting of serious crimes, I am wondering, Mr. Clark, if you could tell us whether you feel that we can safely rely on the figures given us on the bottom of page 3 of your statement.

Mr. CLARK. My unhappy view is that our ignorance of crime far exceeds our knowledge, and I think we torture ourselves through ignorance.

The statistics at the bottom of page 3 come from the Federal Bureau of Investigation's Uniform Crime Report for 1968.

Now, you know, they have these hundreds of police jurisdictions. They cover about 97 percent of the population, if I recall. It is not complete. Some agencies do not participate, and it is reported crime.

There are reasons to think that reported crime doesn't always accurately reflect the shape of the dimension of the total crime, you know.

Mr. MACGREGOR. Or the incidence of crime. In other words, the crime statistics may not be an accurate reflection of the incidence of crime.

Mr. CLARK. There is no question in my mind that it is not an accurate reflection of the incidence. The incidence is much higher. These are scientific facts. There have been too many surveys where you take

crime that is reported. Then you go into an area without a blue uniform, and you can pick up a much greater incidence of crime, just by talking to people. You find out about it. You find that it did occur.

Even in some areas, insurance reports and other things. We find minor property crimes in some areas, perhaps 10 percent are reported, so we know there is a much greater incidence than there is a report.

The question is whether the reporting tends to reflect the general proportions.

Mr. MACGREGOR. Yes, of course, that is the important question.

If we assume—and I think we must—that there is far greater incidence of crime than is reported in the crime statistics, the question which we must deal with as members of this committee, is this: Is the greater unreported incidence of crime in the rural areas or in the city areas?

Do you have any guidance for us as to how we might find an answer to that question?

Mr. CLARK. You know, it depends on the type of crime. For instance—

Mr. MACGREGOR. Let's talk about serious street crime.

Mr. CLARK. Let's talk about a few violent crimes, not something like murder, which isn't really a street crime. Eighty-five percent of murders are between members of the same family, or friends.

Let's take robbery. Robbery is reported to an awfully high degree, probably, not as high as murder, but quite high.

Bank robbery. I think we can know for several reasons we get nearly all of it. The reasons are insurance, FBI jurisdiction with practically every bank in the country, and you would find that as to robbery, you know, it is 35 times greater per capita, as reported, in your urban areas.

My guess would be that it would tend to be more commonly reported in rural areas than in urban areas.

Mr. MACGREGOR. Would that be true of auto theft?

Mr. CLARK. Auto theft involves a number of things. It might not be, in auto theft. You know, accessibility is a major factor, and it is a little harder in rural areas. There are not that many cars around, and people know cars, and all these other things.

I would say—well, it varies. Now, you are not as likely to report an auto theft if it is the son of a neighbor, a friend, or a family that goes to your same church, or something like that, and that is more likely to be a factor in your rural areas.

On the other hand, the disappearance of your car is a bigger factor in rural areas.

I think our auto theft reporting is pretty high, because we have got compulsory insurance in most States, and that includes theft insurance, and you don't get a recovery without it, and the statistics show that on automobile theft reporting—and the FBI is very deeply into that, and that tends to mean that we have a better statistical picture—is 14 times more frequent in urban than in rural areas.

The CHAIRMAN. Will the gentleman yield?

Mr. MACGREGOR. Yes. I will be pleased to yield.

The CHAIRMAN. Mr. Clark, in the volume called Crime in the United States, the FBI Uniform Crime Reports, 1968, we have the following statement:

It should be pointed out that robbery, like all other crimes of violence, is primarily a big problem. Large core cities with over 250,000 population witnessed a 32-percent rise in the volume of robbery.

So robbery is primarily a city crime rather than a rural one

Mr. CLARK. That is true. The FBI describes robbery as the most urban-related crime.

Mr. MACGREGOR. Mr. Clark, I would like to turn for just a moment to our friend, the boll weevil, in Bedford-Stuyvesant.

It is a nice phrase, but I wonder about the propriety of any analogy to law enforcement and criminal justice.

Do you know of any part of the country where improved law enforcement is not a matter of major concern?

Mr. CLARK. Well, you know, it is a matter of degree, and I know the difference between one and 35, and it is a big difference, and you won't find the difference in this United States in one and one and a half, under your State plans.

Mr. MACGREGOR. But you didn't mean to suggest that there was any part of the United States where people were not concerned with improving the quality of their law enforcement?

Mr. CLARK. Out of 40,000 police jurisdictions, there are some that do not need Federal funds by any standard that we would set.

Take Beverly Hills, Calif. Things are pretty good out there.

Mr. MACGREGOR. Who should determine that need? Somebody in Washington, or somebody on the firing line in law enforcement?

Mr. CLARK. Well, I think the first thing we have got to do is reduce 40,000 jurisdictions to 2,000 before we can ever hope to be really effective in most areas.

Mr. MACGREGOR. How would you compel that with Federal legislation?

Mr. CLARK. Well, I think you at least wouldn't encourage just the opposite, by keeping agencies alive that don't have a rational reason for existence today, which you tend to do when you go through the State agencies, and you tend to support equally these little places that were created by them in the first place.

Mr. MACGREGOR. Do you advocate that we take Federal action to consolidate or coordinate local independent police jurisdictions?

Mr. CLARK. I think you ought to do everything you can to encourage it.

Take the sheriff's office. It doesn't have to be a police department. The Los Angeles County Sheriff's office now services by contract over 25 municipalities in Los Angeles County. Now, in my judgment, they get a much better quality of law enforcement from every conceivable standpoint.

Mr. MACGREGOR. I agree with you.

Should Federal action seek to bring that about in other areas?

Mr. CLARK. Sure.

Mr. MACGREGOR. That is a proper function of the Federal Government?

Mr. CLARK. Sure, it is. It is your money, and your responsibility.

Mr. MACGREGOR. You wouldn't feel it was the responsibility of this committee to draft legislation that would force the consolidation and coordination of law enforcement and criminal justice function within each State?

Mr. CLARK. No, I haven't said that. I don't think that is in the ball park at all. I am talking about encouragement.

Mr. MACGREGOR. In what way, Mr. Clark?

Mr. CLARK. Well, your way is money in priorities. That is what we are talking about. You have got money. If you are going to give money to 170 police jurisdictions in St. Louis County, the probability of consolidation that makes sense from the standpoint of law enforcement is reduced.

Mr. MACGREGOR. In order to get the money, you would require them to consolidate or coordinate?

Mr. CLARK. No. I wouldn't necessarily require it. I think it would depend on the circumstances.

I know this, that the police department in St. Louis has urgent needs, clear needs, and high crime in the area, and I would start with the money there.

If they can over a period of time begin to service these other areas by contract or consolidation or whatever makes sense, they will come to have much more effective law enforcement through that area, and you shouldn't take your money now and give new vitality to these places that were formed for reasons forgotten a long time ago.

Mr. MACGREGOR. And your feeling is that that can more effectively be done from Washington than from the State capitol in Missouri?

Mr. CLARK. I think it is important that the States assume new leadership in these areas, but not in the area of the municipal crime control law enforcement.

The States are like nations. The State police is a threat to many things, including efficient law enforcement and public safety, and we had better keep the police at the local area.

By and large, city jails are abominations. They are the worst factories for crime that we have. Court systems tend to be, although it varies, some States that have practically no State incidence, and other States where it is entirely statewide. But you have got to look at a different situation and treat it differently.

Mr. MACGREGOR. I have one final question.

I was impressed with a portion of the speech that you made on October 15, 1966, before the conference of State planning committees on criminal administration, and I would simply like to remind you of what you said, and ask you if you have made any change in your viewpoint.

In your address, you said:

I would urge upon you, upon the officials of your State and the people of your States, a vigorous crime commission for each State, with a broad mandate to know the state of all aspects of criminal justice within its jurisdiction, to know the best techniques and sciences of law enforcement and corrections that our total experience offers, to recommend their adoption and implementation for the general welfare of your State.

Do you feel today as you did on October 15, 1966, that State crime commissions are as important as indicated in your statement?

Mr. CLARK. Yes. Very much so.

That is not to say that they ought to control all the funds that go into local law enforcement, by any means. I think that is inefficient and wasteful, and they don't have that capacity.

In my judgment, it is awfully hard for Albany to tell the New York City Police Department about their problems.

MR. MACGREGOR. You see, Mr. former Attorney General, I am familiar with the plan in Minnesota. I have seen Minnesota develop just exactly what you say needs to be done in response to encouragement from Washington, D.C. I just cannot agree with what is at least implied in your remarks, that only the Federal Government in Washington, D.C. can accomplish the coordination and consolidation of independent police jurisdictions and other jurisdiction in the field of law enforcement and criminal justice.

I have a strong feeling that people within Minnesota, at all levels, both in public and private capacity, have a greater competence to develop a program for improving law enforcement and criminal justice in Minnesota than anyone, however well motivated, deeply committed, or well intentioned, here in Washington, D.C.

I thank you for the courtesy of your appearance before the committee.

THE CHAIRMAN. Mr. Clark, at this point I would like to inject the following.

A task force of the National Commission on Causes of Violence, and our distinguished member, Mr. McCulloch, was a member of that Commission, had this to say on this subject:

Instead of emphasizing Federal leadership * * * State planning groups have failed in many instances to represent the full range of citizens as well as official interests in crime control. Friction has erupted between the cities and the State governments over the question whether funds should be allocated on the basis of population or of crime rate. Agencies of the criminal processes have tended to plan their own individual programs by themselves. Crime control has continued to remain isolated to social programs aimed at employment, education, housing, health. Outside expertise to augment local planners has remained scarce. The consequence in many instances has been pedestrian State plans.

Do you agree with that?

MR. CLARK. That is inherent in the process, I think, and I would suggest that the leadership we really seek is not a contest between Washington and the State capitol, but between the city and the States, you know, and my judgment, as far as the police are concerned, the leadership must come from the cities, and we should recognize it there, and go straight to it.

THE CHAIRMAN. Well, Mr. Clark, there are other questions by other members, and quite a number of them. I hope that you will be able to return to us, and arrangements will be made at your convenience to do so.

Is that agreeable to you?

MR. CLARK. That is fine, Mr. Chairman.

THE CHAIRMAN. Thank you very much, Mr. Clark. We appreciate your coming. Indeed your statement has been very enlightening.

The Chair wishes to place in the record statements from the following: Mr. Kenneth Erickson, city manager, city of Casper, Wyo.; Mr. Carroll J. Fry, city manager of the city of Winona, Minn.; Mr. Elder Gunter, city manager, city of Stockton, Calif.; Hon. Paul Laxalt, Governor of the State of Nevada; Hon. Paul J. Manafort, president,

Connecticut Conference of Mayors, mayor of New Britain, Conn.; Mr. E. H. Potthoff, Jr., city manager, city of Saginaw, Mich.; Hon. William J. Randall, U.S. Representative from Missouri, with enclosures from Mr. George D. Owen, chief of police of Independence, Mo.; Mr. Edward R. Stiff, city manager of the city of Newark, Del.; Mr. Ted Tedesco, city manager of the city of Boulder, Colo.; Mr. Walter D. Weaver, executive director, Nebraska Commission on Law Enforcement and Criminal Justice, Lincoln, Nebr.; and a report of the National League of Cities U.S. Conference of Mayors dated March 18, 1969 on title I of the Omnibus Crime Control and Safe Streets Act. (Statements follow:)

OFFICE OF THE CITY MANAGER,
Casper, Wyo., January 29, 1970.

Re S-3171.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. CELLER: The City of Casper, Wyoming respectfully requests your support of S-3171 to improve the level of appropriations and method for distribution of funds for the Omnibus Crime Control and Safe Streets Act of 1968.

Casper is the financial and industrial center of Wyoming with an estimated regional population exceeding 60,000 people. While this number may seem small in comparison to the many cities interested in the legislation, the problems of crime and the local inability to finance a modern and professionally trained staff to realistically cope with the problem is as real as in the largest metropolitan areas. While Casper has received and efficiently used financial assistance under the existing Act through the excellent cooperation of the Governor's Crime Commission, it has been sufficient only to purchase minor equipment items, establish fundamental training programs, and analyze organizational deficiencies within the department.

Having recently moved from a metropolitan city adjacent to the Watts area and having experienced the terror initiated, in part, by the frustrations shared by the police and the community, I am convinced that more must be done to equip and professionalize the police. An entirely new and expanded approach in police sciences must be developed in order to relate to, and cope with the emerging social problems of Casper. The talent, initiative, and desire is here, only the financial support is lacking. In particular, it is our hope to promote representative citizen participation in a formal program of narcotics prevention, involve our young adults in the work of the police department through a structured cadet organization and develop an effective grievance response mechanism for the actions of the police department and other municipal agencies. The added assistance proposed in S-3171 will allow us to put money where it is most needed to insure the cooperative unstratified involvement for the future safety of the City of Casper.

Fortunately, time is still on our side. Your assistance is essential to permit us to use that time wisely.

Sincerely,

KENNETH ERIKSON, *City Manager.*

OFFICE OF CITY MANAGER,
Winona, Minn., February 3, 1970.

HON. EMANUEL CELLER
Chairman, House Judiciary Committee,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN CELLER: The City Council of Winona, Minnesota, has a continuing concern regarding the implementation of the Safe Streets Act.

This concern is translated in the minds of the City Council to mean that a greater share of crime control funds should come into the jurisdiction of the City with which to resolve local crime problems. The Council questions the

contention, on the part of the various States, that cities are receiving an adequate share of the Safe Streets Funds.

It is the further belief of the City Council that the cities' role in the program can be best improved if there are more *direct* grants to cities. For that reason, the Council supports Senate Bill 3171, which would release up to 50% of Safe Streets Funds for direct grants to the cities, leaving 50% for block grants to States. Furthermore, this bill would give the States, including our own, incentives to deal positively with urban crime problems while allowing direct dealing between cities and the Federal Government where cities do not receive adequate assistance from state channeled crime funds.

To date the City of Winona has been unable to obtain any funds under the Safe Streets Act. For this reason, we support the position of the National League of Cities urging the allocation of direct grants to the cities.

Respectfully yours,

CARROLL J. FRY, *City Manager.*

OFFICE OF THE CITY MANAGER
Stockton, Calif., February 3, 1970.

Subject: Safe Streets Act.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee, Rayburn House Office Building, Washington, D.C.:

It is our understanding that Congress must reauthorize the State Streets Act during 1970 and that hearings on the effectiveness of the Act will begin February 18, 1970 before your Committee. We have also been informed that, as a result of these hearings, you may, in addition to considering the renewal of this Safe Streets Act, consider amendments in order to make the Act more effective for the cities.

It is our opinion that money is being expended without any regard whatsoever for the Police Officer in the field who is attempting to be of service to the community in safeguarding lives and property. Innovative programs, training programs, etc., are important, but more important is funneling the funds to the Officer in the field actually performing the function of a Police Officer.

With this in mind, we would like to point out a number of instances wherein we feel Public Law 90-351 is misunderstood or misinterpreted, in our opinion, and should be corrected.

Title I, Part C, Section 301(b) (6) reads as follows:

"The organization, education, and training of regular law enforcement officers, special law enforcement units, and law enforcement reserve units for the prevention, detection, and control of riots and other violent civil disorders, including the acquisition of riot control equipment."

On the other hand, under the same part, Part C, Section 303, Subsection (4) reads in part as follows:

"* * * incorporate innovations and advanced techniques and containing comprehensive outlining of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan * * *"

You will note that, in the first section referred to above, the statement is made "including the acquisition of riot control equipment." In the second section listed, it states that it must be innovative. Unfortunately, the "California Council on Criminal Justice" has taken this innovative section to mean literally that money can only be expended on training or programs which have no relationship whatsoever to fighting crime in the streets. In other words, the City of Stockton, with 105,000 population, has had for many years a well-devised in-service training program approved by the State of California, along with a community relations program having a full complement of assigned personnel and many other so-called innovative programs such as public relations and sensitivity training. Because of this, the City of Stockton is not entitled to the approval of application of funds under the State Streets Act since none of our programs are innovative. Small cities not having the financial resources to enter into such programs, or cities having the financial resources but not the inclination to enter into such programs, in the past have been able to receive grants on the basis that their programs are innovative and are based on new training.

I have taken the liberty to duplicate the minutes of the California Council on Criminal Justice, dated January 14, 1970, addressed to Regional Advisory Board Chairmen, Regional Coordinators and Regional Task Force Chairmen to prove

the points that we are making above. The memorandum transmitting the minutes signed by Glenn J. Walker, Senior Consultant, along with the minutes of the Riots and Disorders Task Force meeting, carries a discussion starting on Page 2 which can be summed up as stating the following:

"Generally speaking, requests for equipment which are only for the purpose of supplementing the local agency budget will not be funded."

Another quote is:

"The discussion was concluded by a motion which was made by Mr. Ellingwood, seconded and passed that the policy of the Task Force would be that simple requests for small equipment would receive low priority."

One Page 4 of the minutes, you will note that request 0029, Riot and Crowd Control for the Los Angeles Sheriff's office, was recommended for funding since it was primarily a training program in riot and crowd control. Unfortunately, due to several years of civil disorders in our low-rent housing and our college campuses, the City of Stockton had been training its officers in riot and crowd control; therefore, our program was not innovative and our equipment requests were denied.

Another application, number 0030, by the City of Colton titled Riot and Crowd Control, was for equipment for riot and crowd control and, since it was merely for equipment, it was recommended by this body that it not be funded.

On the other hand, application number 0031, Equipment Acquisition and Logistical Control, again the Los Angeles Sheriff's Office which, you will remember, received funding for training, was asked to have the proposal recycled and resubmitted as a prototype system with the broadening of the scope of an innovative approach.

On Page 5, application 0050 was recommended not to be funded since it was from the City of Vallejo requesting training of eighty-eight officers and the purchase of equipment for riots and disorders. Please refer back to application 0029.

I think the point has been made that something must be done to amend the Safe Streets Act, either giving cities the money directly or taking out the language that can be used as a means of misinterpretation for basing recommendations for not funding.

The City of Stockton has a minority population of approximately fifteen percent (not including Mexican-American), along with a community junior college and a cluster university, as well as a number of low-rent housing projects, so that we have our fair share of disturbances throughout the year. Our City budget, for a city slightly over 100,000 population, is almost \$3,500,000 for the Police Department alone. In spite of the large number of problems and disturbances arising, we have not as yet experienced one person seriously injured or killed.

It seems to us, however, that if we mean the title of Safe Streets Act in Public Law 90-351, some attempt should be made to amend this law so that the Patrolman on the beat under field conditions can receive equipment that will facilitate his service to the community, along with his safeguarding of lives and property.

ELDER GUNTER, *City Manager*.

CONGRESSIONAL REPORT

NATIONAL LEAGUE OF CITIES, WASHINGTON, D.C.

Safe Streets Act Amendments Urged

Interest in proposals to revise the Safe Streets Act to assure a greater share of crime control funds to aid solution of city crime problems is growing rapidly in Congress and among city officials. President Nixon has called for a doubling of Safe Streets funds.

Congress must act to reauthorize the Safe Streets Act during 1970. Hearings on the effectiveness of the Act will begin February 18 before the House Judiciary committee (Celler D-N.Y., Chrmn.). The Committee has indicated a particular interest in hearing the views of city officials who have complained bitterly during the past year about the failure of the states to give an adequate share of Safe Streets funds to cities.

City officials concerned about the current impact of the Safe Streets Act are urged to notify:

Honorable Emanuel Celler, Chairman, House Judiciary Committee, Room 2137, Rayburn House Office Building, Washington, D.C.

Similar communications should be addressed to your city's Congressional delegation. Please send copies to NLC.

The most significant proposal to improve the city role in the program, S. 3171 (Hartke, D-Ind.), would release up to 50% of Safe Streets funds for direct grants to cities, leaving 50% for block grants to states. The Hartke bill would increase a state's grant by 20% if the state acts fairly in allocating crime funds to its major urban areas and would increase the state's grant by another 20% if the state agrees to pay half the non-federal share of local programs under the Safe Streets Act. Thus, S. 3171 would give states incentives to deal positively with urban crime problems while allowing direct dealing between cities and the federal government where cities do not receive adequate assistance from state-channeled crime funds.

NLC's National Municipal Policy for 1970 urges amendment of the Safe Streets Act to allow direct grants to cities.

HEW-Labor-OEO Appropriations Veto Seen

The HEW-Labor-OEO Appropriations bill was expected to be sent to the President as soon as the 2nd Session of the 91st Congress convened.

ALLOCATION UP:

California, as the nation's most populous State, will get a lion's share of \$17.3 million in "action grant" funds to be allocated under the Omnibus Crime Control and Safe Streets Act during fiscal 1970. New York is next with \$16.4 million.

This was the word from Attorney General John N. Mitchell who said the overall budget of the Law Enforcement Assistant Administration will climb to \$286 million this year, as compared to last year's figure of \$63 million. This includes \$182.7 million in block grants to States, and another \$21 million to States for planning purposes. California will receive \$1.5 million for planning purposes.

Attorney General Mitchell said that the bulk of last year's funds were awarded for comprehensive planning and setting up the program in all 50 States.

He said the LEAA will look to the States to "give every available dollar to cities and counties this fiscal year—with special emphasis on aid to cities and metropolitan areas with pressing crime problems."

MEMORANDUM FROM CALIFORNIA COUNCIL ON CRIMINAL JUSTICE

Attached please find the minutes of the Riots and Disorders Task Force meeting of November 14, 1969, which were approved at the meeting of January 12-13, 1970, in Sacramento. These are provided for your information and guidance as to the current thinking of the Council and its component advisory bodies.

GLENN J. WALKER, *Senior Consultant.*

Minutes on Riots and Disorders Task Force Meeting, November 14, 1969

1. *Call to Order.*

A regular meeting of the Riots and Disorders Task Force was called to order by the Chairman, Dr. William W. Herrmann, at 10:20 a.m. at the Airport Marina Hotel, Los Angeles, California. Roll was called with the results as indicated below.

2. *Rollcall.*

The following members were present: Dr. William W. Herrmann, Dr. Allan A. Burrows, Dr. Robert B. Callahan, Mr. Versal H. Caton, Mr. Lynn Compton, Mr. Phillip J. Daniel, Mr. Herbert E. Elingwood, Mr. Lowell Jensen, Brig. Gen. Bernard J. Kitt, Mr. Elmer P. Wohl.

The following members were absent: Mr. Daryl Gates, Mr. Stanley P. Golde, Mr. Charles P. Samson, Mr. Francis D. Tappan.

California Council Staff Present: Mr. Raymond J. Thielen, Consultant, Task Force Support; Mr. Patrick C. Gregory, Plans and Evaluation Consultant; Mr. Robert Tribe, Plans and Evaluation Consultant.

0057—*Intelligence System for Riots and Disorders* (California Disaster Office).

A copy of a letter from Charles Samson, a task force member, which bears directly on his proposal, was read to the members. Mr. Samson requests that his proposal not be acted upon pending review. The motion was made, seconded and unanimously passed that action of Proposal 0057 be deferred.

0190—*Riots and Disorders Intelligence Office* (State of California Military Department).

Dr. Herrmann voiced the opinion that proposal 0190 may not be a legitimate item for funding, in that it is support of the National Guard, which is a federally funded agency. A motion was made, seconded and passed unanimously to defer action on this motion.

0444—*Special Tactical Unit for Suppression of Disorder* (City of San Clemente).

The status of Proposal #0044 was presented by Mr. Thielen. It was revealed that the proposal will be funded by LEAA discretionary funds with consideration given to the strict compliance of the limitation to funding of personal services being no more than 33½% of the total project. In order to secure LEAA discretionary funding, it will be necessary for CCCJ to fund all personal services in excess of 33½%. It was agreed that the task force should be kept informed and be furnished a copy of the grant application to LEAA.

Prior to considering the remainder of the proposals before the task force, there was an extensive discussion regarding the advisability of funding purely equipment requests, which are not innovative in nature, and add nothing to the furtherance of the task force and council goals. The following views were presented:

Dr. Herrmann expressed the Council view that if equipment is innovative, the request will be considered on its merits. Generally speaking, requests for equipment which are only for the purpose of supplementing the local agency budget will not be funded. Dr. Herrmann continued by disclosing that approximately \$440,000 worth of equipment was funded under Section 307B of the Omnibus Crime Control and Safe Streets Act before the task force was organized in 1968.

Dr. Burrows expressed apprehension that the local agencies are not aware of the prevailing views toward requests for equipment only. He stated that these views should be communicated to proponents and prospective proponents.

Mr. Ellingwood expressed the view that the use of CCCJ funds for the purchase of equipment, which the local agency should be providing out of their normal local budget, is a misuse of the funds provided under the act.

Dr. Herrmann advised the members that the task force had about \$200,000 to allocate for the remainder of 1969, and would anticipate somewhere from 2.5 to 5 million dollars for 1970. He expressed the need for some guidelines to be followed in the allocation of this money.

Dr. Burrows expressed his feelings that equipment studies of benefit to all agencies should be encouraged and that such would be a project justifying funding.

Dr. Herrmann questioned the advisability of each department or each patrolman being fully equipped as opposed to equipment pooling in a central location. It was mentioned that such is being done under the mutual aid plan of the state, but that there is extensive complaint by local law enforcement as to the allocation and location of riot control equipment.

The discussion was concluded by a motion which was made by Mr. Ellingwood, seconded and passed that the policy of the task force would be that simple requests for small equipment would receive low priority.

Mr. Thielen presented a chart showing grant requests, which were primarily for equipment purchase. The proposals totalled \$1,313,269.00, with 5% of this amount being for equipment. This percentage is misleading in that five of the proposals were 100% equipment acquisition, but were not for such large amounts as those for other purposes, which were deferred at this meeting. That equipment requested for training purposes was shown separate from that for equipping forces only.

A new topic was presented, this being methods of encouraging proper proposals within the goals and priorities of the task force so that the funds allocated to the task force may be properly expended within the intent of the act. Broad discussion on this item was deferred until action on proposals presently before the task force.

The following proposals were presented by members of the CCCJ staff with staff recommendations. It was explained that the task force was in no way bound or to be influenced by the staff recommendation, but could independently recommend fund, do not fund or defer.

0029—*Riot and Crowd Control* (Los Angeles Sheriff's Office).

The proposal was presented by Mr. Tribe, who gave a synopsis of the program which is primarily a training program in riot and crowd control. It was determined that the proposed project is both innovative and applicable to the goals and priorities of the task force. After suspension of discussion until after consideration of the other proposals before the task force, it was agreed that if funded, it should be with the special condition that the program be structured in a prototype so that it can be used by counties other than Los Angeles. The task force recommended funding.

0030—Riot and Crowd Control (City of Colton).

A proposal to purchase equipment for riot and crowd control for the City of Colton. Moved, seconded and passed that it be recommended that the project not be funded, because it is a mere request for the purchase of equipment, and does not meet the priorities of the task force.

0031—Equipment Acquisition and Logistical Control (Los Angeles Sheriff's Office).

After discussion as to the adequacy of the funding requested, and the obsolescence of the equipment, it was moved, seconded and passed that the proposal be recycled and resubmitted as a prototype system with a broadening of the scope of an innovative approach to the keeping of files and data on a current basis.

0050—To Plan—Train 88 officers and Purchase Equipment for Riots and Disorders Control (City of Vallejo Police Department).

It was revealed that the Association of Bay Area Governments is presently conducting a study of the entire area in this field. In view of this consideration, it was moved, seconded and passed that the staff recommendation be followed, and that it be recommended that the proposal not be funded, as not coming within the goals and priorities of the task force.

0052—Acquisition of Riots and Disorders Equipment (Sacramento County Sheriff's Office).

Purely a request for a grant to purchase equipment. Moved, seconded and passed to recommend do not fund, since the proposal does not fit within the goals and priorities of the task force.

0060—Purchase of Riot Control Equipment/Training of Regular and Reserve Police Officers (Piedmont Police Department).

A request for the purchase of equipment with training merely incidental. Regional recommendation was to defer pending completion of area study being conducted. Moved, seconded and passed to recommend do not fund as not falling within the goals and priorities of the task force.

0073—Riot and Disorder Task Force.

0074—Riot and Disorder Task Force Equipment for City of Santa Maria.

Proposal #0073 and #0074 were considered together because they are so closely interrelated. #0073 is for a regional task force, including the group from the City of Santa Maria, which is sought to be equipped by Proposal #0074. Since both are purely equipment purchase requests, it was moved, seconded and passed that it be recommended that both proposals not be funded since they do not fall within the goals and priorities of the task force.

The meeting was recessed at 12:45 p.m. for lunch and reconvened at 1:10 p.m.

0087—Intelligence Information Processing System Related to Riots and Disorders and Riot Simulation (Los Angeles Police Department).

There was extensive discussion of this proposal as to the technique of gaming and the complicated area of intelligence. It was agreed to treat this proposal more in the nature of a Letter of Intent. A sub-group of Messrs. Wohl, Jensen, and Caton was formed. It was moved, seconded and passed that action on Proposal #0087 be deferred.

0111—Riots and Disorders Equipment Purchase (County of San Diego).

The proposal provides for no evaluation, and does not state a problem background to make it unique. On its face, it is merely an equipment purchase request. It was moved, seconded and passed that it be recommended that this project not be funded.

0115—Acquisition of Riot Control Equipment (City of Modesto).

Purely an equipment request. Recommendation not fund; moved, seconded and passed, because proposal does not fit within the goals and priorities of the Task Force.

0138—Improve Police Department Capability During Riots and Disorders (City of Merced).

Motion was made, seconded and passed that it be recommended that this proposal not be funded, because it is purely an equipment request and does not fit within the goals and priorities of the Task Force.

0171—Riots and Disorders (Monterey County Sheriff's Office).

Proposal is to provide an equipped riot van in the first year, and to employ a coordinator to operate the van in the second year. This is a duplication of the California Disaster Office Regional Mutual Aid Van, which is located in Monterey. It was moved, seconded and passed to recommend not funding of this proposal, since there is no demonstrated need.

0192—Law Enforcement Participation in Planning, Conduct of Exercise Cable Splicer II (November 1969 to April 1970) and Training Conference (2 days) (California Military Department).

The purpose of this proposal is to aid in defraying of expenses of local law enforcement agencies in the planning, participation and critiques of Cable Splicer III. After extensive discussion, it was moved, seconded and passed that it be recommended that this proposal be funded in the amount of \$65,000.

0194—Los Angeles Fire and Police Protective League's "Operation Concern" (Los Angeles Fire and Police Protective League).

This is a proposal to influence and modify public relations methods so as to allow protectors of the community to do their job. It was noted that there was no regional recommendation. It was moved, seconded and passed that action on this proposal be deferred pending regional action.

It was agreed that the agenda be modified to discuss projects out of order of that shown on the agenda. The topic of a study of disorders on the campus was then presented. The study was conducted under the supervision of Dr. Callahan, a member of the Task Force. The question was whether the study should be presented to the Council for its acceptance. Dr. Callahan explained that the study was only tentative findings with some sample responses and conclusions for the purpose of determining the need or advisability of a broader study, from which concrete conclusions could be drawn scientifically. It was moved, seconded and passed that the study should be followed by a broader study, and that a committee of Herrmann, Callahan and Burrows develop an outline of a request for proposal and report to the Task Force prior to the next Council Meeting. This was put in the form of a motion, seconded and passed. Mr. Ellingwood was appointed to head a group including Compton, Callahan, Burrows and Herrmann to meet at the Bahia Hotel in San Diego for the purpose determining action to be taken as to the broader study. The meeting was tentatively scheduled for November 25, 1969.

The next item of discussion concerned the date and place of the next Task Force Meeting. It was agreed that the meeting would take place in Sacramento, and was tentatively scheduled for January 14th and 15th.

As an item of new business, Mr. Ellingwood introduced the concept of the task forces providing a series of small grants to exceptional graduate students. The purpose is to consider an award of a grant of a "Mini Nobel Prize" to 15 to 20 above-average graduate students within their own discipline effort to produce some form of synergism between the hard technology with the younger view. This would entail the funding of \$5,000 to \$10,000 for grants to provide for studies of the application of other fields of study in the sociological problems presented within the criminal justice system. A group labeled the Synergism Group, was appointed to study this new proposal. The group is composed of Messrs. Wohl, Callahan, Jensen, Caton and Herrmann, and is headed by Mr. Ellingwood.

The Task Force Members were advised of the vacancy created by the moving of Dr. Boskin. No action was taken, but was deferred until the next task force meeting.

The meeting was adjourned at 8:10 p.m.

THE STATE OF NEVADA,
Carson City, Nev., February 6, 1970.

HON. EMANUEL CELLER,
Congressman, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CELLER: In its inception and original enactment by Congress in 1968, the Omnibus Crime Control and Safe Street Act was designed to

seek innovative methods to assist State and Local governments in reducing the incidence of crime, and to improve the criminal justice system at all levels of government.

The Act provided an initial innovative approach by providing that appropriated funds to implement the Act should be allocated to the various states under a block grant concept. Congress provided controlling provisions that states create comprehensive plans reflecting how they intended to allocate funds to areas within the state, to insure that funds would reach areas where the needs were apparent.

The Act provided that 40% of the Planning Funds were to be made available to local governmental entities, and 75% of Action funds be made available to the local units of government.

In the creation of the Nevada Commission on Crime, Delinquency and Corrections, the intent remained uppermost in my mind, and the selection of members to the Commission reflects my concern that the two metropolitan areas in our state would get ably represented.

In view of the fact that some opposition to the block grant concept appears to be forming, I am deeply concerned with the possibility that funds may be withdrawn from the control of the states and placed at the discretion of the large Federal bureaucracy.

Such a concept can only lead to more fragmentation at the Federal level and to thinking that does not take into account the diversity of the states and the unique problems of less populated states.

The funds allocated to Nevada has not led to the creation of a large state commission staff. At present the Commission itself, consists of seventeen persons knowledgeable in the field of Criminal Justice, and two advisors all of whom are unpaid. The administrative staff consists of four persons who supervise the allocation of funds.

In Planning funds, 43% has been made available to local units of government. In Action funds, 86% has been allocated to local units with all allocations being made on the basis of population with cases of exceptional or unusual needs being given consideration.

About 80% of all funds have been made available to the two metropolitan areas of Las Vegas and Reno, Nevada.

Our Commission members and staff have made personal contact with the small local agencies within our State to assist in applications for assistance in their never ending concern with persons who enter the criminal justice system. Every effort has been made to encourage planning on a regional basis through consideration of all disciplines within the System, rather than a narrow limited individualistic approach.

While as expected in the first year, a large percentage of the Applications concerning "Shopping Lists" of needed material items. A careful review, however, reflected a real need for those items requested.

In addition to the above requests, application for an area wide criminal laboratory was funded which will materially aid the metropolitan area of Las Vegas and surrounding counties.

These funds were made available and disbursed to local entities within a few months after receipt from the Law Enforcement Assistance Administration. This agency through its personal contacts and regional offices has made strides in disbursing funds to the states and providing counsel and guidance in the field of Law Enforcement Planning, which to many of us has been a refreshing experience.

I feel that the block concept in this field should be continued under the present restraint, guides and administration to insure that the aims and goals of the Omnibus Crime Control and Safe Streets Act of 1968 will be fulfilled in as efficient a manner, and as short a time as possible and hopefully with a minimum of Federal interference.

Sincerely,

PAUL LAXALT,
Governor of Nevada.

CONNECTICUT CONFERENCE OF MAYORS,
New Haven, Conn., February 13, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Rayburn House Office Building,
Washington, D.C.

Dear Representative Celler: We are writing in connection with the Omnibus Control and Safe Streets Act of 1968, on which your committee is now holding hearings.

It is essential to assure that cities get their fair share of such funds. It is in urban areas that the rising problems of law enforcement are faced on a day-to-day basis.

The mayors feel that the bill (S. 3171) proposed by Senator Vance Hartke is an excellent first step in the right direction for aiding the cities in their fight against crime. His proposal recognizes two basic principles supported by the Connecticut Conference—the need to direct federal crime control funds to urban areas and the necessity of local participation and local authority in law enforcement.

Senator Hartke's proposal for distributing 50% of Safe Streets action funds in block grants to the states and the remaining 50% directly to cities or states at the discretion of the Law Enforcement Assistance Administration is the minimum amount for the cities' all important battle against crime.

Local needs and priorities must be reflected in state crime plans. The additional 20% grant recommended by Senator Hartke for those states which recognize the needs of major urban areas will help provide such an incentive.

States should be encouraged to pay their fair share of the non-federal costs of crime-fighting programs. Our municipalities do not have adequate financial resources to bear this burden alone. We believe a more equitable sharing of costs will result from the 20% incentive, proposed in S.3171, to states paying half the non-federal share of such programs.

Crime can only be fought successfully in Connecticut cities and towns—and throughout the nation—if the federal commitment is longterm and if sufficient funds are provided by Congress. We therefore think any amendment should contain at least a three-year authorization and a significant increase in crime control funds, as provided in the Hartke bill.

The Safe Streets Act of 1968 was intended to strengthen and improve law enforcement at every level of government; it assumed the role of local government should be strengthened.

The Connecticut Conference of Mayor believes that a substantial increase in direct law enforcement funds for cities is a necessity to help further these important goals.

Sincerely,

PAUL J. MANAFORT, *President.*

CITY OF SAGINAW,
Michigan, January 28, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE CELLER: I noted with interest a recent proposal (S.3171 Hartke, D-Ind.) to improve the role of the city in the Safe Streets Act program. The proposed amendment would release up to 50 per cent of the Safe Streets Act funds for direct grants to cities.

Enclosed is a copy of a letter sent by our Mayor to Governor Milliken concerning the problems inherent in the present program administration which channels Safe Streets Act funds through the State and "regional" organizations prior to the cities receiving them. This approach tends to give a rural small-city bias to the distribution of program funds.

Saginaw's most recent experience under the program again indicates that monies are not getting to the cities where the needs are most acute, but are being distributed on a state-wide basis regardless of the greater needs of our larger cities.

Your support of any legislation which would provide additional funding to the cities under the Safe Streets Act would be most appreciated.

Sincerely yours,

E. H. POTTHOFF, JR., *City Manager.*

SEPTEMBER 16, 1969.

Hon. WILLIAM C. MILLIKEN,
Office of the Governor,
Capitol Building, Lansing, Mich.

DEAR GOVERNOR MILLIKEN: The City of Saginaw has actively participated in the Region 9 Task Force Law Enforcement Assistance Program. Although we were initially hopeful that this program would assist Saginaw in expanding its law enforcement capabilities, experience with this program to date has raised serious doubts as to its effectiveness.

Saginaw has been included within a fourteen-county regional planning organization for the purposes of defining needs and priorities in the general area of law enforcement in order to develop program applications for Federal assistance. It appears that the only criteria given for the adoption of such a large and diversified region was the existence of another agency, the East Central Michigan Economic Development District. With the exceptions of the cities of Midland, Bay and Saginaw, the Region 9 area is entirely rural in character. This has resulted in Saginaw, because of its size, population composition and crime rate, having little similarity with other local governments in the region. With the domination of rural interests on the Task Force, I am greatly concerned with the requirement that all LEA applications will be subject to approval by the Task Force prior to submittal to the State. Our experience to date indicates that some consideration should be given to the establishment of a more realistically defined law enforcement planning area.

The primary purpose of the LEA Program is to assist those larger metropolitan governments whose limited funds and rising crime rates require special consideration. I do not feel this goal can be achieved with the existing planning agency whose primary orientation is toward rural or small government interests. A more logical approach would be to establish a task force on a metropolitan basis where the situation and problems of law enforcement are similar.

I would request that your office review the concept and organization of the Region 9 Law Enforcement Task Force area to determine if a more logical planning area could be defined. I strongly urge such action to enable the LEA Program to become a truly effective approach in expanding the capabilities of our Law Enforcement agencies.

Sincerely,

WARREN C. LIGHT, *Mayor.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES.
Washington, D.O., February 10, 1970.

Hon. EMANUEL CELLER,
Chairman, House Committee on the Judiciary,
Rayburn Building, Washington, D.O.

DEAR MR. CHAIRMAN: We have taken the liberty to enclose herewith a copy of a letter just received from the Chief of Police, Mr. Owen, of the City of Independence, Missouri, who we believe brings up some very valid complaints about LEAA funding.

While the Act was designed to give police and other law enforcement agencies the equipment and manpower to fight crime and make the streets relatively safe for the general public, it would seem the way priorities are reached that very little money filters down to the local police forces. We think Mr. Owen's point is well taken that the main problem seems to be that funds are combined for social problems along with actual police problems.

It is our hope also that consideration might be given to the introduction of an amendment to the Omnibus Crime Control Act that would separate social problems and police problems in order that local police agencies might receive more assistance than they are at present.

With kindest regards,
Sincerely,

WILLIAM J. RANDALL,
Member of Congress.

Attachment

THE CITY OF INDEPENDENCE, MO.,
February 6, 1970.

Hon. WILLIAM J. RANDALL
House of Representatives,
Washington, D.C.

Dear BILL: You will find enclosed two clippings from recent issues of the local Independence, Missouri newspaper, *The Examiner*, which may be of interest to you. Both the newspaper article and the editorial that are enclosed pertain to the problems that have been encountered in Missouri Region #1 relative to the allocation of funds provided by the Law Enforcement Assistance Act under the Omnibus Crime and Safety Street Act of 1968.

The Northwest Missouri Law Enforcement Assistance Council, Kansas City, Missouri, is the agency that has been set up to administer the distribution of L.E.A.A. funds for the six county area comprising Region #1, and I have served as a member of the Council since its inception. Over a period of time I have become very disillusioned by the Council's failure to assign priorities for the distribution of L.E.A.A. funds in accordance with the intent of the original Act, that is, to provide assistance to local law enforcement agencies in combating crime in the streets.

The action of the Council that resulted in my opinions being voiced to the local news media was the determination of twenty projects to be given top priority for the year 1970 (copy enclosed). Of the twenty projects proposed by the Council, less than half are concerned with halting our spiraling crime rate. The majority of the priorities proposed for 1970 are social service projects that seemingly should be funded by the State, the counties, or United Funds. The critical needs of all of the smaller municipal law enforcement agencies have been virtually ignored; as a matter of fact, although Independence is the second largest city in Region #1, not one cent of L.E.A.A. funds has been allocated to the Independence Police Department in the past two years, nor will there apparently be any allocation of funds for 1970.

Part of our problems in assigning priorities stems from the broadness of the original Law Enforcement Assistance Act, in combining funds for social problems and actual police problems. While I do believe that it is imperative that we cooperate with the judges, prosecutors, juvenile authorities, etc. to coordinate our activities and objectives, the monies to bolster our respective responsibilities should be separate. As it is, the judicial system and the various social service agencies are in competition with actual law enforcement agencies for the same pool of funds, and the difficulty of assigning priorities among such divergent interests is seriously diluting the effectiveness of the Law Enforcement Assistance Act.

It is my hope that consideration will be given to the passage of an amendment to the Omnibus Crime and Safety Street Act of 1968, which would separate social problems and police problems, so that the critical needs of police agencies can be given adequate consideration and support to achieve the goal of safety and security in communities throughout our nation.

May I respectfully request your consideration of reading this information into the Congressional Record.

Sincerely,

COL. GEORGE D. OWEN,
Chief of Police of Independence, Mo.

NORTHWEST MISSOURI LAW ENFORCEMENT ASSISTANCE COUNCIL,
DEC. 10, 1969
ACTION PROJECTS—PROJECTS FUNDED WITH FEDERAL 1969 FUNDS

<i>Project</i>	<i>Amount of Federal funds</i>
Regional Training Institute for Law Enforcement and Criminal Justice -----	\$34,262.00
Computerized Criminal Justice Information System -----	6,345.00
Public Education Program for Crime Prevention -----	13,470.00
Establishment of Community Group Homes for Juveniles -----	27,000.00
Regional Crime Laboratory -----	9,000.00
Crime Laboratory Equipment—Kansas City, Missouri Police Department -----	11,712.00
Total -----	101,789.00

PROJECTS FOR WHICH FEDERAL 1970 FUNDS HAVE BEEN REQUESTED

<i>Project</i>	<i>Amount of Federal funds</i>
Regional Training Institute for Law Enforcement and Criminal Justice -----	\$185,000.00
Computerized Criminal Justice Information System -----	105,000.00
Public Education Program for Crime Prevention -----	25,000.00
Establishment of Community Group Homes for Juveniles -----	54,000.00
Regional Crime Laboratory -----	105,000.00
Regional Public Defender System -----	43,226.00
Alcoholic Detoxication Center -----	60,000.00
YMCA Youth-Adult Advisers -----	24,000.00

PROJECTS FOR WHICH FEDERAL 1970 FUNDS HAVE BEEN REQUESTED

<i>Project</i>	<i>Amount of Federal funds</i>
Regional Correction Facilities Study -----	\$4,000.00
Children In Need of Care Program -----	24,000.00
Parents Program—Juvenile -----	9,000.00
Expanded Helicopter Program—Kansas City, Mo., Police Department -----	81,000.00
Community Service Officer Program—Kansas City, Mo., Police Department -----	34,951.00
Ancillary Police Equipment -----	65,773.00
Pinpoint Patrol Program—Kansas City, Mo., Police Department -----	46,584.00
Study Fellowships in Criminal Law -----	4,080.00
Equipment for School Education Program—Jackson County Sheriff's office -----	1,080.00
Exercise Area—Jackson County Jail -----	4,800.00
Telecommunications Control Unit -----	78,000.00
Intensive Care Units—Jackson County Juvenile Court -----	100,000.00
Total -----	1,045,294.00

CITY OF NEWARK, DEL.,
February 2, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE CELLER: On behalf of the City of Newark I wish to submit this letter as a request for your committee to favorably report the Safe Streets Act out of committee with a recommendation for passage.

The Safe Streets Act as administered by LEAA and the State of Delaware Agency to Reduce Crime has been of great benefit to the City of Newark and other municipalities in Delaware. Continuation of the Safe Streets Act is in the interest of all. The Hartke Bill (S. 3171) is intended to correct the apportionment problems previously encountered.

Very truly yours,

EDWARD R. STIFF, *City Manager.*

CITY OF BOULDER, COLO.,
January 29, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee, Rayburn House Office Building, Wash-
ington, D.C.

DEAR REPRESENTATIVE CELLER: Enclosed for your review is a copy of a letter which was recently transmitted to the Colorado Region I Law Enforcement Assistance Planning Board. The contents of the letter adequately explain the City of Boulder's frustration in attempting to participate in the Safe Streets program as it has been administered within the State of Colorado.

In view of the inherent difficulties described, I hope your committee will give serious consideration to a proposal to amend the Safe Streets Act to permit direct grants to be made to municipalities. I am convinced that only such modification will assure the realization of inventive law enforcement programs within our area.

Thank you for your time and consideration.

Sincerely,

TED TEDESCO, *City Manager.*

CITY OF BOULDER, COLO.,
January 9, 1970.

DR. GERALD P. FOSTER,
Chairman, Region I Law Enforcement Assistance Planning Board,
University Park Station, Denver, Colo.

DEAR DR. FOSTER: Boulder's Police Chief, Don Vendel, and I have recently studied in considerable detail the October, 1969 report issued by your Board entitled "A Plan For Law Enforcement Assistance In Region I". Frankly, we are deeply distressed by the report and in particular some of the major conclusions contained therein.

Our major objection involves the manner in which priorities were established for Region I. In developing the City of Boulder's three proposals, we examined carefully the major recommendations for improving law enforcement which were made by two national commissions—The President's Commission on Law Enforcement and The National Advisory Commission on Civil Disorders. In addition, we examined our proposals to ensure that they conformed with one of the major purposes of the Omnibus Crime Control Act, i.e. "to develop new methods for the prevention of crime". Finally, we attempted to be prudent in our request for funds, asking only that three of our most pressing and crucial law enforcement programs be considered.

It would seem that the spirit and intent of the two commissions and particularly the Omnibus Crime Control Act itself envisioned that among other things imaginative programs for crime suppression should be initiated by the Act rather than to use the Act for the mere purchase of communications equipment, which received your Board's highest priority evaluation. The City of Boulder has consistently kept its communication network in top shape and recently completed a communication modernization program which will result in an expenditure in excess of \$80,000. To me, it appears that once again those agencies who do nothing to improve the most basic enforcement tools seem inevitably to benefit the most by grant programs. I would have hoped that in view of the complex social problems involving police and their relationships with youth, college students, minority groups, hippies, drug traffic, organized crime, and civil disorders, more imaginative proposals designed to deal with these problems would have received a higher priority rating. Boulder's program requests centered around crucial police-community relations and organized crime particularly in drug traffic. As you are well aware, these program requests were rewarded with evaluations of priority five and priority six. From a rating scale that ranges from one to six, it is obvious that our program request did very poorly. So poorly, in fact, that out of the approximate 26 governmental jurisdictions making application to your Board, our proposals received the overall poorest priority evaluation. In view of this determination, the City of Boulder is likely to receive no funding under the Omnibus Crime Bill in 1970. This is particularly distressing because the two national commissions mentioned above judged proposals such as ours to be much more vital than did the Board for Region I. Thus, I believe that it is essential that your priority listings and methods of establishing such priorities be reexamined.

Also, I am very upset as to the manner utilized in selecting Boulder County's representative to this Planning Board. Neither Police Chief Vendel nor Boulder County Sheriff, Marvin Nelson, were contacted before General McBride was appointed. Obviously, Boulder County would have preferred an individual who was either a law enforcement professional or someone who was at least somewhat familiar with the law enforcement needs of this fast-growing area. It is interesting to note that most other jurisdictions were represented by either a law enforcement official or an elected official. Boulder County, on the other hand, was represented by an individual who has, at best, only a limited understanding of the law enforcement needs of this fast-growing area. As a result of this appointment, the interests and concerns of our jurisdiction did not receive the most effective representation. It is not my intention to personally criticize General McBride but rather to strongly object to the criteria utilized in selecting members for your Board from Boulder. In the future, I believe it is absolutely imperative that the appointing authority for your Board confer closely with affected law enforcement and municipal officials before selecting individuals who are supposedly to be their representatives.

I am forced to conclude that decisions were made on the basis of which jurisdictions had the most direct influence and representation on the Board rather than upon the desirability of the proposed law enforcement programs. Because of these actions by your Board, I will strongly suggest to our legislative representatives that actions be taken either to ensure better representation requirements and particularly, a more valid basis for establishing the all important priorities, or to modify the Omnibus Crime Act to allow direct grants to local governmental units in coordination with federal programs.

We believe that your Board has made a most inauspicious beginning in this most critical area of municipal concerns. We would hope that the City of Boulder and Boulder County could assist your Board in attempting to follow through on major reforms which are essential if we are to make substantial progress in this area. We will be happy to meet with you or any other representative of the Board to examine this matter in greater detail.

Sincerely,

TED TEDESCO, *City Manager.*

NEBRASKA COMMISSION ON LAW ENFORCEMENT
AND CRIMINAL JUSTICE,
Lincoln, Nebr., February 5, 1970.

HON. EMANUEL CELLER,
*Chairman, House Judiciary Committee,
Washington, D.C.*

DEAR CONGRESSMAN CELLER: We are becoming more and more aware of a planned concerted effort on the part of a few to destroy the block grant concept of Public Law 90-351, the Omnibus Crime Control and Safe Streets Act of 1968. I urge you on behalf of the Nebraska Commission on Law Enforcement and Criminal Justice and all law enforcement personnel within the State of Nebraska to oppose any tampering with PL-90-351 which would tend to disturb or modify an extremely successful program. We have in Nebraska from the receipt of the first Safe Streets money endeavored quite successfully to meet the needs of our largest metropolitan areas wherein the majority of the crime occurs. We have also not forgotten and thrust aside the requests and applications from smaller local units of government wherein the crime problem is not as great by virtue of numbers, but is as great based on the per capita population of those communities.

I am enclosing a balance sheet that will reveal to you the distribution of the limited funds Nebraska received from the 1969 Safe Streets allocation.

Again, I urge you to oppose any attempt to modify the successful Safe Streets program. If I can be of any further assistance to you in this effort, including the furnishing of additional data, I would be most happy to do so. Thank you in advance for your cooperation in this matter.

Very truly yours,

WALTER D. WEAVER,
Executive Director.

Federal safe streets money actually received

Riot control advance-----	\$31,092.00
1969 planning allocation-----	196,525.00
1969 action allocation-----	145,146.00
Total -----	372,763.00

Of the amount received, \$210,788.50 must be made available to local units of government. Distribution is outlined below:

Riot control advance:	
Omaha P.D.-----	\$15,993.40
Lincoln P.D.-----	7,323.10
1969 planning allocation (\$78,610.00 available):	
Region I Omaha metro area-----	26,113.94
Region II Lincoln metro area-----	10,376.40
1969 action allocation (\$132,178.50 available):	
Omaha P.D.-----	5,309.05
Lincoln P.D.-----	6,384.00
Omaha metro area-----	10,303.05
Lincoln metro area-----	8,917.80
Total of all funds into Nebraska metro areas-----	¹210,788.50
Omaha Metro Area-----	² 52,410.00
Omaha and Lincoln Metro Area-----	³ 77,819.80

¹ Available.

² 24.86 percent.

³ 36.9 percent.

A 1969 application from Omaha P.D. in the amount of \$290,863.50 has been approved for funding from 1970 action allocation.

ANALYSIS OF STATE ADMINISTRATION OF PLANNING FUNDS ALLOCATED UNDER THE
OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

(Prepared by the National League of Cities, March 18, 1969)

CONCLUSIONS FROM THE NATIONAL LEAGUE OF CITIES STUDY

Analysis of planning programs indicates that the Safe Streets Act, as currently administered by LEAA and most of the states, will fail to achieve Congress' primary goal of controlling crime on the streets of urban high crime areas. Instead of focusing dollars on the critical problems of crime in the streets, local planning funds are being dissipated broadly without regard to need and are being used to finance third levels of bureaucracy as a matter of state administrative convenience. Though the original intent of Congress in accepting the approach of block grants to the states was to prevent federal bureaucratic control of local law enforcement activities and to encourage local planning and innovation, state administrative practices would appear to thwart this objective. LEAA has given so little attention to use of funds by the states and to the state planning processes that the result will be a planning product with few locally prepared plans and a state mandate to local units to accept programs and priorities dictated by state and regional planning agencies if local units wish to receive funds.

More specific conclusions highlighting these difficulties, follow:

1. Most states are not distributing law enforcement planning funds—particularly those planning funds to be allocated to local governments—in a manner which will assure greatest returns per dollar of expenditure in controlling crime.

(a) Between the federal source and their local impact, crime control dollars will have to filter through and support three separate granting agencies in many states; LEAA, the State planning agency, and the regional planning unit. One of the complaints voiced about the original Safe Streets Act which allowed direct grants to local governments with a minimum population limit of 50,000 was that a federal program of direct relationships with so many units of government would be complicated and get tied up in red tape. There are approximately 370 cities over 50,000 population in the nation. The 24 states surveyed with established regional systems had between them 211 designated regions for

crime control planning and four other states of the 31 surveyed were planning regional systems. Projected across the nation, it is likely that intermediate regional units interjected by states into the dollar flow between the federal government, the states, and local units, outnumber the cities over 50,000 which would have been eligible for direct grants under the originally proposed Safe Streets Act. Instead of just one granting agency, LEAA, to administer a direct grant program, federal dollars under the Safe Streets Act block grant formula will be called on to support some 400 grant administration bureaucracies at the state and regional level.

(b) Many state allocation formulas favor distribution of a disproportionately large share of planning funds for local planning in rural areas where crime rates are lowest.

(c) State policies which emphasize broad distribution of funds rather than concentrated application to problem areas as called for in the basic act result in many local and regional units getting small amounts of funds which cannot support any significant continuing planning effort.

(d) Creation of regional planning agencies will result in substantial expenditures of state and local crime control dollars to maintain regional agencies rather than deal with state and local crime problems. Limited financing from other sources available for regional agencies and the tenuous state of many regional planning agencies will require that substantial crime control funds be expended to make regional agencies operational. While development of regional systems may or may not be a laudable aim of general planning programs, crime control dollars should not be viewed as a subsidy to support establishment of general purpose regional planning systems.

2. There is little commitment by the states to help make local streets safer. Most state budgets provide the minimum 10 per cent matching funds required to qualify for their planning allocation under the Law Enforcement Assistance program. Only in Massachusetts was the state share of the planning agency's budget significantly higher than 10 per cent. Three of the states surveyed indicated that they were willing to contribute the full 10 per cent matching share. The rest will require local units to pay that part of the 10 per cent which covers local planning.

3. Local governments, to have any meaningful participation in the first year program will have to spend substantial sums. This problem arises for two reasons:

(a) State allocations of planning funds are so thinly distributed that the funds, by themselves, cannot support a competent planning effort—regional or local—except for a few areas. Since most "local" funds are going to finance regional planning, cities will have to fund virtually all the cost of local planning to have even a minimal opportunity to get critical local needs recognized.

(b) Many states require that local governments or regional planning units demonstrate staff capability, agree to maintain a continuing planning effort, establish representative advisory boards and make other demands on the local units which cannot be met with the limited funds allocated by the states.

4. Inherent difficulties in the planning process will stifle local initiative and innovation. Furthermore, local or regional needs will not receive adequate consideration in comprehensive plans.

(a) Insufficient time is allocated for developments of local in most states, especially those with regional planning units which are just being established and will need time to gain operating experience. Adequate local planning inputs will come only from those local units which have already done law enforcement planning and could have benefited more immediately under a direct grant program.

(b) Planning direction given by states on policy and priority issues, while perhaps speeding the local planning processes, will structure local planning toward those projects emphasized by the state because financing for these projects will be most certain.

(c) The responsibility of state agencies to coordinate all local planning data for inclusion in the state plan means that only those issues deemed to be of statewide importance will be included in state plans, although certain high-crime localities may have other needs.

(d) Proceeding from the general directions in the statute, LEAA guidelines and state planning grant directions become increasingly specific and, in many states, rather rigid in respect to the programs which may be planned and the priorities to be assigned.

5. There is a danger that views of operating officials of the various elements of the criminal justice system will dominate decisions in the state planning agencies at the expense of local general policymakers and community interests as a whole. Factors pointing to this are:

(a) Many state planning agency structures encourage a fractionalized rather than a comprehensive approach to criminal justice problems by assigning staff and dividing supervisory board subcommittees and advisory committees according to functional categories relating to specific operational areas in the criminal justice system. Such divisions of the state planning agency may make the various units into which it is divided clients of individual elements of the criminal justice system and frustrate efforts to achieve comprehensive improvement programs in the general community interest.

(b) Planning agency supervisory boards are dominated, almost without exception, by state and local operating officials with insignificant representation of local policymakers and general community interests.

(c) Too many local officials are delegating their responsibility for planning and administration of the Safe Streets program to their police departments with the result that more general local policy considerations may not be recognized even under otherwise favorable planning conditions.

(d) Some states are bypassing local policymakers to deal with local operating officials in implementing the planning program.

6. Though local policymakers are grossly underrepresented on most state boards, the relative degrees of their representation or under representation does not appear to have had any effect on such key issues in the planning process as the adequacy of the plan to allocate 40% funds to local governments. Some states with poor representation of local policy makers on state boards, such as Massachusetts or Wisconsin, have some of the more acceptable local fund allocation systems. Though the lack of correlation between local policy representation and the adequacy of distribution systems may indicate that representation on state boards is not an absolutely vital element for local policymakers, it is more likely indicative of the fact that state supervisory boards generally exercised limited supervision over preparation of planning applications. Dominance of state boards by operating officials may have had considerable influence in structuring state agencies around the specific operating units of the criminal justice system rather than orienting them toward a general programmatic approach.

7. In light of the difficulties resulting from failures in state administration of planning funds for the Safe Streets program, we believe that it is particularly unfortunate that the Department of Justice chose to issue new guidelines accelerating the state planning process to gear it to an April submission date for preliminary state plans on which action grants will be based. The new guidelines provide almost no protection for local governments and no assurance that LEAA funds will be spent responsibly to fight crime where crime problems are greatest. The accelerated application date severely compounds difficulties which most local governments would have faced in securing adequate recognition of their needs by the original June submission date, particularly in those areas where whole new regional planning structures must be established.

SAFE STREETS ACT : BACKGROUND AND ANALYSIS

Crime in the American city has been noted since Thomas Jefferson's day. Equally longstanding is the national belief that local control of the police power is fundamental to civil liberty. In today's complex urban society, marked with organized as well as personal criminal acts and providing technology and mobility to assist these acts, the issues of justice and liberty are not easily clarified by invoking past tradition. Much, however, remains valid.

The conditions of increasing crime afflicts metropolitan areas considerably more than smaller urban places or rural areas. The 1967 metropolitan crime index rate per 100,000 population was 2,400 compared to 700 for rural areas. Categories of crime amplify this difference: robbery was 1400 per cent more common in metropolitan areas; auto theft more than seven times as frequent. Larceny (over \$50) was 250 per cent greater, and burglary almost 300 per cent as great.

There should be no false conclusion regarding these figures; they are not the result solely of very high crime rates in a few of the largest cities. Even in states where rural population exceeds metropolitan residents, the comparison holds: metropolitan-area crime in South Carolina and West Virginia is double that of

those states' rural areas; in Iowa it is $2\frac{1}{2}$ times as great; in Kentucky, about $6\frac{1}{2}$ times as much.

The 1967 F.B.I. Uniform Crime Index shows that almost 84 per cent of all index crimes occurred within metropolitan areas—some 3.2 million index crimes. Most compelling is the fact that one-third of these were committed in cities of more than 250,000 population. Furthermore, local data shows that crime's heavy toll is rarely distributed equally throughout the central city; it is largely concentrated within certain neighborhoods.

The impact of crime as a serious problem must be seen as highly urbanized; and efforts to curb it must rest heavily on awareness of the local conditions which spawn it. There are unquestionably economics of scale to be realized in a system of criminal justice, but a major federal effort to assist the fight against crime should not rest solely on a concern for administrative efficiency. The problem of crime is not easily compared to water pollution control or freeways in which standards are widely applicable throughout a total system.

Because law enforcement responsibilities under the federal system have been placed largely upon local governments, there is great interest among local officials about the programs authorized by the Omnibus Crime Control and Safe Streets Acts of 1968. This Act seeks to achieve substantial improvements in the various elements of the system of criminal justice, including law enforcement, courts, correction, and rehabilitation. In addition to its unprecedented scale of national commitment to deal with serious problems in each of these fields, the Act represents a trail-blazing effort to fund its programs through block grants to states.

It is important to consider the implications of the Act, therefore, in two respects: first, its capacity to accomplish its programmatic aims, and, second, its effectiveness as a model for future revenue-sharing in other areas.

In order to identify developments in both matters, the National League of Cities conducted a preliminary study in early 1969. The study included:

- (1) Comprehensive analysis of 31 state planning grant applications selected at random.
- (2) Comments from state municipal leagues and individual cities.
- (3) Several direct contacts with state planning agency directors.

Limited to 31 due to time limits, the surveyed states were:

Alabama	Iowa
Arizona	Kansas
Arkansas	Maine
California	Maryland
Florida	Massachusetts
Georgia	Michigan
Idaho	Minnesota
Illinois	Pennsylvania
Mississippi	South Carolina
Nebraska	South Dakota
New Jersey	Tennessee
New York	Washington
North Carolina	West Virginia
Ohio	Wisconsin
Oklahoma	Wyoming
Indiana	

Enactment of the Omnibus Crime Control and Safe Streets Act on June 19, 1968, signaled the beginning of a major new Federal grant effort to aid states and local governments in planning and implementing comprehensive improvement programs for their law enforcement systems. Congressional debate on the bill, which had originally been introduced in February of 1967, was marked by a sharp controversy over whether federal funds for the program should be allocated directly from the federal government to states and local government or whether all funds should be allocated to state planning agencies for redistribution by the states to state agencies and local governments.

The issues of the debate are likely to characterize future legislative consideration of possible routes of revenue-sharing with cities and counties. Proponents of direct grants, including the National League of Cities, argued that this approach would show the most immediate results, taking advantage of already-planned improvements in municipal law enforcement, and assure efficient use of federal funds. Specifically it was held that direct grants on the basis of need would be more suitable to make quick impact on the problem of crime.

Block grant supporters, pointing to the existence of 40,000 separate law enforcement agencies and varying law enforcement structures among the states, declared a federally-administered grant program would prove unworkable. Furthermore, they stated, comprehensive statewide planning required by a block grant approach would eventually lead to long run improvements in criminal justice.

The block grant approach prevailed for a number of reasons, some of which dealt with the issue of crime, but also due to a growing belief that it was timely to apply this means of administration to a new grant program. The program was placed directly under the authority of the Governors to assure it high priority. Funds were to be distributed through state planning agencies "created or designated by the chief executive of the State and . . . subject to his jurisdiction."

The first phase of the program, the planning process, received \$19 million for 1969. Another \$29 million was appropriated for action grants for activities called for in the initial planning phase. Action grants are to be distributed 85 percent to states according to population and 15 percent either to states or local governments, as determined by the Law Enforcement Assistance Administration (LEAA) which was created by the Act.

Several provisions sought to assure that local governments would not be overlooked in critical matters of planning and funding. The Act requires that state planning agencies represent law enforcement agencies of the state and local general purpose governments. It was widely assumed that this would result in the appointment of public officials representative of these two interests, professional and policy, who would review the actions of the planning staff.

The statute further provided that 40 per cent of each state's planning funds and 75 percent of its subsequent action grant funds must be "available to units of general local government or combinations of such units" for local planning and action. In the past, states have avoided such "availability" provisions by claiming that their expenditures were for services benefitting local governments. The *LEAA Guide for State Planning Agency Grants* provides local governments protection against this procedure:

"Costs of services provided by the State to local units or combinations of such units may not be charged as funds made 'available' to local units without specific approval of the State planning agency's supervisory board and of the local units to which the services will be made available."

The statute also specifically directs the states to take into account "the needs and requests of the units of general local government" and to "encourage local initiative . . ."

To assure that money would be available to local governments without long delays, the statute provided that states must apply for planning grants within six months after enactment of the statute and that the states must file a comprehensive law enforcement improvement plan within six months after approval of a planning grant. When a state does not meet these deadlines, funds allocated to the state may be granted directly to the local governments.

The Safe Streets Act also suggested certain priorities for the use of funds by states and local governments. Most important for local governments is the provision which directs state planners to "encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities and equipment." Another section emphasizes projects dealing with organized crime and riots.

THE STATE PLANNING AGENCIES

Although Federal grant-in-aid assistance to states and localities for general crime control programs began with the Law Enforcement Assistance Act of 1965, by April of 1967, the Office of Law Enforcement Assistance reported that only ten states had become involved in the program. The limited role of most states in urban law enforcement also contributed to the slow awakening of state governments' interest in the "crime-in-the-streets" issue. (A survey by the International Association of Chiefs of Police showed that five out of six state law enforcement personnel are assigned traffic control duties, mostly in rural areas).

The year 1968 saw a great increase in the number of states establishing state law enforcement planning committees, spurred in part by a desire by Governors to show tangible evidence of interest in crime control planning, and partly due to the likelihood of a major increase in federal crime control money. By May of 1968, 27 states had received federal grants for planning committees and five others had established committees without federal aid.

At the expiration of the six-month application period—December 19, 1968—all 50 states had established some form of law enforcement planning agency, though in one of the states surveyed, Mississippi, the agency was only in the most tenuous form with no governing board having been appointed and staffing done in only a very preliminary form. Despite the fact that some state agencies had been established and operating for a year or more, most planning grant applications were received by LEAA during the last week before the application deadline. Many of the applications received appeared to have been prepared without much review by the governing body because of the time constraints placed upon the staffs of the newly created state agencies. Some states, however, including Maryland, Massachusetts and Wisconsin, began implementing their planning programs in November and December before making their final application to LEAA because they wished to have as much time as possible for this phase of the program.

Despite their detailed explanations of to the structure of the state planning agency, the planning process, and the background of the states law enforcement system, some planning applications were less specific on the method by which the 40 percent of the states allocation required to be available to local governments would be distributed. This, despite an LEAA requirement that states develop a clearly defined procedure for allocating funds to local governments. The LEAA, in November 1968, directed the states to indicate in their planning grant applications the policies and procedures by which they would distribute the 40 per cent funds to local governments. A preliminary LEAA staff survey in 1969 indicated that four applicants had not yet determined their method of fund distribution and that eight would use state services to local agencies to account for part or all of the 40 per cent funds although the grant guide said this was only to be done with the permission of local governments. Among states surveyed, plans to distribute the 40 per cent funds appeared particularly unclear in Alabama, Florida, Michigan, Mississippi, New York, and Tennessee.

The slowness of some states in developing plans for distribution of funds to local governments presents a serious difficulty to local governments. If local governments do not get planning aid in sufficient time to develop local plans or elements of the state plan, their needs may not be recognized in future action grants, only the needs covered in the comprehensive state plan will be eligible for action grant assistance.

Although LEAA recognized the inadequacy of allocation procedures in some states and it was recognized that delayed distribution of local funds might jeopardize equitable recognition of local needs in statewide plans made under the statutory time constraints, grants to all states were approved with conditions to some that they submit more detailed or revised plans for distribution of local funds, usually by sometime in February. Thus the six-month planning timetable began to run in some states despite inadequate plans for local fund distribution.

The state commitment to the planning program above the required 10 per cent matching funds is very small; of the \$21.6 million budgeted for planning activity, approximately \$19 million will be covered by LEAA grants. Most of the 31 states surveyed indicated that they would provide nothing above their required matching share. State plans, however, imply that local governments will have to provide a substantial commitment above this minimum matching share if their planning programs are to comply with state imposed requirements and become the active continuing efforts envisioned in the Safe Streets Act. A breakdown of the totals for fiscal 1969 state budgets follows:

	Millions	Percent
Personnel.....	\$5.8	26.9
Consultants.....	4.3	19.9
Travel.....	.8	3.7
For loyal units.....	8.5	39.3
Other.....	2.2	10.2
Total.....	21.6	100.0

The local share, while less than 40 per cent of the total state budgets is 40.5 per cent of the \$19 million allocated to the states by LEAA.

A number of specific issues arise relating to the role of local governments in the state planning process including: State Administrative procedures, Representation on State Planning Agencies, and Resource Distribution.

These issues will be treated separately in the following sections, although they are closely inter-related. In addition to their specific impact on the objectives of the Act, they imply a great deal in the overall matters of efficient expenditures of Federal Aid and the most viable approaches to revenue-sharing.

STATE PLANNING AGENCY ACTION PROCESSES

The greatest diversity, as indicated by state planning grant applications, is the manner in which they will coordinate staff work and supervisory committee oversight in developing the state plan. Despite the Act, there is clearly no guarantee that the process has engaged the attention of all Governors as one of high priority or visibility. The organization of state planning agency staff, the general supervisory boards and advisory boards to the supervisory boards varied widely among the states. Some states organized their criminal justice planning staff as units under state agencies with broader planning responsibilities such as state planning agencies or departments of urban affairs, others placed the criminal justice planning staff as an independent agency in the executive department.

State criminal justice planning agency staffs were organized either along general programmatic lines, with subunits in such areas as Finances, Program Coordination and Technical Assistance, or with an orientation toward particular operating areas such as police, courts, corrections, juvenile delinquency, and probation and parole. A few states tried to organize on both lines with one subunit for program supervision and another with specific competencies in operating areas. Many agencies will also fulfill the planning requirements of the Juvenile Delinquency Prevention and Control Act of 1968 (P.L. 90-445).

Supervisory Boards were often organized into subcommittees oriented toward the various functional units of the criminal justice system. In addition these supervisory boards were aided by advisory panels in seven states surveyed. Sometimes the advisory boards were one unit and sometimes they were separate units oriented to the various functional elements of the law enforcement system. A few states organized task forces with a mixed membership of supervisory board members and outside advisors to deal more closely with major functional units such as police, courts, corrections and probation and parole. California has eight such mixed task forces for corrections, education and training, judicial process, juvenile delinquency, law enforcement, narcotics, drugs and alcohol abuse, organized crime, and riots and disorders.

Structuring of state planning agency staffs or supervisory and advisory boards along functional lines may pose particular problems to local governments wishing to develop comprehensive law enforcement improvement plans rather than plans oriented to a single element of the system. Such comprehensive plans may be delayed if they require assistance and review by separate staff members and approval by separate subcommittees or advisory boards for each of the major subunits of the criminal justice system to which they relate. These problems might be particularly acute where advisory boards are delegated substantial responsibility for reviewing local applications. There is also a risk that structuring state planning agency staffs and supervisory boards along functional lines will foster development of separate programs oriented to the various elements of law enforcement—police, courts, corrections, probation and parole—rather than the comprehensive, unified improvement program toward which the Safe Streets Act was directed.

The extent to which the state planning agency supervisory board reviewed development of state planning grant applications was extremely limited in some states. Though substantial review of local applications was not expected, some policy review of staff activity should have been necessary because the applications would set directions in such key areas as allocation of funds to local governments. The Alabama and Mississippi applications stated that the supervisory boards had not met to review the application, and it can be assumed that late and hasty preparation of planning applications allowed little or not time for supervisory board review in other states. The New York application was submitted in the form of a proposal yet to be approved rather than an actual document accepted by the governing board. The Oklahoma Crime Commission met and discussed the Safe Streets Act in July of 1968 but had not met since that time and could have given little guidance to application preparation. In Arizona the supervisory board was not yet appointed, but the Arizona Law Enforcement Officers Advisory Board, a board with no local policy-makers, represented the state in preparing the application.

The question of the degree of supervision which the supervisory board will, as a practical matter, be able to exercise appears, particularly vexing; most supervisory boards are scheduled to meet once a month, at least in the early stages of the program, and some will meet only quarterly. The size of the committees, dictated in part by broad representation requirements, may further hinder the quality of review which can be accomplished in one day meetings of representatives of many diverse interests. An LEAA summary covering all grant applicants indicates the size of the average supervisory board at slightly more than 21 members.

Given sufficient time, a broadly representative committee of this size could do an effective job supervising preparation of a comprehensive plan, but the time constraints imposed by statute and the urgency of getting aid to local governments do not permit sufficient time for discussion and review of the substantial volume of material which must be produced. Because of the "blue-ribbon" nature of some state committees there may be difficulty in getting all members together at an appointed time once a month. However, the desired role of the supervisory body cannot be filled if representatives of key groups are absent. Membership of important officials, combined with frequency of meetings and the necessity of attendance at meetings to speak for particular represented interests, may result in delegation of committee duties from the appointed members to their supporting staff. Since instances, if widespread, could lower the authority and impact of the state planning agency's work and might make implementation of coordinated plans more difficult.

Some states have tried to compromise the need to get immediate action and continuing close supervision of staff with the need to have broadly representative review of programs by appointing small subcommittees of the larger governing boards to more closely monitor staff activities. Perhaps the most satisfactory compromise has been developed in Iowa where a five man board was designated to consult with SPA staff between bi-monthly meetings of the full supervisory committee. In five other states surveyed, Pennsylvania, Arkansas, Nebraska, Wisconsin, Wyoming; important supervisory functions relating to administration of the Safe Streets grant in aid program were delegated from the full committee. In most instances, the powers of the full committee to make final decisions continue. Wisconsin, however, established a nine member planning and evaluation subcommittee to be responsible for implementation of the Safe Streets Act. As this subcommittee is to report directly to the governor, it appears that is, and not the full 32-member commission, will make key policy decisions in program implementation.

Though these subcommittee plans have the advantage of assuring faster supervisory action in programs being developed under tight time constraints, they, like larger committees, have the problem of adequacy of representation of local policy-making interests and other criminal justice concerns.

Although some grant applications were hastily prepared, embodying only the most tenuous concept of the direction of a state's crime control program, many states are allowing local governments only an extremely short time for developing their contributions to the state plans. Ohio, where funds will be distributed under a regional system, requires that regional planning units absorb funds allocated to them within three weeks after regional allocations are announced. If funds are not absorbed, they will revert to the state planning agency for use in state level law enforcement programs. When it is recognized that some regional units in Ohio and other states will require time to organize, short deadlines to prepare budgets for use of funds or to do actual planning appear particularly unrealistic. Interestingly, Ohio in its planning application gives its state planning agency 60 days after receipt of the LEAA grant to make allocations to regional agencies which then would be given only 3 weeks to tell how this money would be spent.

Particularly rigorous deadlines were imposed on local governments in California with regional boards required to complete studies and submit local plans and priorities to the state agency by March 15. Communications from California cities expressed the belief that this deadline would prevent development of any meaningful local inputs to the state plan. Kansas, another short deadline state, requires regional agencies to submit reports by April 1. Most states required that local planning reports be presented to the state agency between May 1 and May 15, though these deadlines may be extended to compensate for time between the point when state planners believed the 6-month period after receipt of a planning grant would begin to run and the time when the LEAA

grant was actually received. Some states are also setting some key decision points so early in their planning process that recognition of needs developed from local planning will be difficult. Thus, South Dakota will have identified objectives, considered alternatives and established priorities by April 1 and New Jersey scheduled analysis of law enforcement systems to be completed by February 28.

To ease immediate financial burden on regional and local units, several states including Arizona, South Dakota, and Wyoming provided their local and/or regional units with an initial allocation, usually about 20 per cent of a regional or local unit's prospective planning allocation, immediately on receipt of the LEAA planning grant.

These state-established deadlines might be viewed as reasonable if the states were dealing directly with local units, many of which have done or are doing criminal justice planning. However, since much planning will be done by or coordinated through entirely new regional units which the states themselves are establishing without federal requirements, the deadlines appear unreasonably tight.

The short deadlines, the inexperience of many regional planning agencies and the failure to provide planning funds to local units, will almost certainly result in complete dominance of law enforcement planning by state programs and state level views of priorities in a number of states. Local input will be minimal and likely to be structured by state guidelines which reflect state interests. Recent adjustment of LEAA guidelines to encourage earlier plan submissions promises to compound these difficulties.

In some states, local policy officials have been bypassed by state planning grant agencies. Instead, the agencies are dealing directly or through regional units with local police chiefs and other operating officials. Local policymakers are not consulted in the plan development process. A number of states appear to assume that local operating agencies and even nonprofit groups can apply directly to the state for planning and action money. Such an interpretation, particularly with regard to private non-profit groups, appears to be inconsistent with the intent of the statute which describes subgrant requirements in terms of units of general local government in the planning and action grant program. (PL 90-351, Title I, sec. 304 defines the action subgrant application process solely for units of general local government: "State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units," see also sec. 203(c) relating to subgrants of planning funds.) At least four states, Maryland, Oklahoma, Pennsylvania and South Carolina indicated possible eligibility of nonprofit organizations for planning or action sub-grants. Washington's application states the intention to make 30 per cent of the local planning allocation available to "agencies, towns, cities, counties, or other local jurisdictions," thus encouraging direct applications from operating agencies along with applications of units of general government. The New York application also indicated the state's intent to bypass policy makers and deal directly with operating officials on a number of special projects. New Jersey identifies local law enforcement agencies, not local governments, as the parties to be consulted in development of regional plans.

Some states are delegating a large degree of responsibility for development of the state comprehensive plan to the International Association of Chiefs of Police (IACP). Tennessee's planning application noted that the state had contracted with IACP to produce a comprehensive plan for both the state and local governments. Local governments in Tennessee will be directed by sub-grant procedures to use part of this sub-grant funds to increase their capacity to provide data for the IACP planning effort. Other states indicating substantial involvement of the IACP in the state planning effort were Florida and Mississippi.

Such delegation of planning responsibility provides an immediately available and highly capable planning resource, but it also has two rather significant drawbacks. First, the use of substantial amounts of funds for such delegated planning will make it impossible for a state, at the same time, to develop an effective "in house" capability for continuous law enforcement system planning. Establishment of such a continuing planning capacity was one of the goals of the Safe Streets Act. Second, the IACP represents a single element, the police, in the total criminal justice system; plans so developed may not adequately take account of needs of other elements of the criminal justice system or of general policy considerations. The absence of these, in today's climate of opinion may seriously hinder effective implementation of the plans at both the state and local level.

REPRESENTATION ON STATE PLANNING AGENCY GOVERNING BOARDS

Congress required that state planning agencies be established with two categories of representation: law enforcement agencies of the state and units of general local government within the state. The Law Enforcement Assistance Administration interpreted this provision to require that each state establish a representative supervisory board to oversee the work of the agency staff. LEAA also broadened the two categories in the statute to seven, requiring representation of units of general local government policymakers in one category with five separate categories for representation of officials of various elements the criminal justice system and citizen interests. LEAA guidelines also provide that "Numerical representation on the board as between representatives of State law enforcement agencies on the one hand and representatives of local units of government and local law enforcement agencies on the other shall approximate or generally reflect relative State and local expenditure for law enforcement," thus weighting board membership in the direction of local governments.

During the development of the representation requirements, the National League of Cities, the National Association of Counties and the U.S. Conference of Mayors had all emphasized to LEAA the importance of local policy officials being adequately represented on the supervisory boards if comprehensive law enforcement improvement programs were to function at the local level. These organizations noted that only local officials with broad policy responsibilities (mayors, county commissioners, city councilman, city and county managers) would have sufficient awareness of the general policy implications of particular law enforcement improvement programs which might be proposed for implementation by local governments. Many programs developed by professional planners and operating agency officials lack an awareness of their broader financial and political implications, as well as the difficulties inherent in coordinating them with other local programs. Because of the comprehensive nature of the Safe Streets program and the assumption, proven correct by the NLC survey, that many cities would coordinate Safe Streets planning with planning for Model Cities and under the HUD 701 program, it was deemed particularly important that local policy officials be adequately represented in developing the comprehensive state law enforcement plans.

The intended degree of representation of local policy makers has not been realized except in a few state supervisory boards. The boards are generally dominated by representatives of state and local operating agencies. Out of a total of 678 supervisory board members or designated positions in the 31 planning grant applications surveyed, only 71 could be classified as representative of local policy making officials. Five states submitted to LEAA boards which contained no local policy makers. One of these, Kansas, noted that it was preparing to appoint two local policy makers; another, Pennsylvania, had a five-member Crime Commission with no local policy makers, but was in the process of establishing a 40-member advisory committee with six local elected officials to aid the crime commission but not to control policy. Two states, North Carolina and Oklahoma, indicated that state legislation would be required to change the composition of their boards, and the fifth state, Florida, agreed to appoint some local policy makers to its board during the first quarter of 1969. Local policy makers were outnumbered by 10 to 1 or more by state officials and local operating officials in 12 of the 31 states surveyed and in only eight states--Arizona, Indiana, Maine, Mississippi, New York, Tennessee, West Virginia and Washington, was the ratio better than 7 to 1. In two of these states, Arizona and Mississippi, places on the supervisory boards were designated by position because the actual appointments had not been made. NLC also learned of several instances where local officials were appointed to the state board despite their known disagreement with their mayors on issues which could affect Safe Streets planning.

LEAA has displayed a hair-splitting attitude in judging the adequacy of supervisory board representation between various elements of law enforcement. At the same time, it has largely accepted tokenism in representation of local policy officials. In September 1968, the Director of the Arkansas Commission on Crime and Law Enforcement submitted a proposed 45-member supervisory commission structure: with a 14-member executive board for general program oversight plus six advisory boards with a total of 31 members to advise in six functional areas. One mayor on the executive board constituted the only local policy-maker among the 45 members of the executive and six advisory boards.

In evaluating the representative nature of this board, an LEAA staff memo dated November 12, 1968 indicated that the executive board representation met minimum requirements but stated that "Although representation of corrections meets minimum standards, it consists solely of a penitentiary superintendent and could have a broader base.

Accordingly, our opinion could suggest that an additional corrections representative, preferably of the probation or parole system (the former being county based and the latter located within a State board independent of the Penitentiary), might be considered." Following this evaluation LEAA sent a letter dated November 18, 1968, to the director of the Arkansas Crime Commission stating:

"We might point out our impression that the Executive Committee's representation of correctional services appears much less comprehensive than that of the police. In corrections, the supervisory board representative is the director of the state penitentiary, whereas on the police side, the spectrum of representation includes two city chiefs of police, a county sheriff, and the state police agency. Arkansas might wish to consider adding to correctional representation on the Executive Committee someone directly involved in the parole or probation function at state or local levels unless you feel that these interests are adequately represented in your advisory committee on 'rehabilitation.' This point is made by way of suggestion and is not meant to qualify our opinion that the current board meets the Administration's 'representative character' standards."

LEAA did not rest after carefully weighting the scales among the various elements of the criminal justice system while ignoring the position of the one representative of local policy makers outnumbered by ten operating officials. *The LEAA staff memo and letter to the Arkansas Agency were sent to all State Planning Agency Directors as a sample opinion of how LEAA might view advisory board compositions in the future.* This pattern continued in special conditions attached to grant awards for example, Nebraska was advised to add a representative of juvenile delinquency disciplines despite the fact that operating officials, many of whom dealt with juveniles already outnumbered local policy-makers eight to two on the 16 man board. California was advised to add local representatives, though not necessarily policymakers, to a state board which only had two local policy representatives out of its 25 members, and Arizona was directed to add a representative of organized crime competencies to its proposed twelve-man board on which operating officials predominated over local policymakers.

In creating regional planning units the states had an opportunity to rectify the imbalanced representation of the state level bodies particularly in light of their proximity to local conditions and interests. It appears that local policy-makers indeed will be more numerous on many regional boards than they are on statewide supervisory commissions.

California requires that five out of thirteen suggested members of regional boards be local officials with general policy or administrative responsibilities. Ten of the state's 16 regional and sub-regional boards are headed by local officials with general responsibilities. Idaho suggests that four policymakers be included in regional committees numbering a minimum of 14 members.

This tendency is far from universal. In Pennsylvania, the membership of eight regional councils is carefully specified by the state with little influence from localities in the decision New Jersey's governor will appoint eight regional board chairmen who will in turn name the remainder of the board with the approval of the state agency. Indiana follows a similar approach. Kansas, Ohio, South Carolina go so far as to define suggested regional board membership only in terms of operating officials, but this extreme exclusion of local policymakers appears unusual among the states surveyed.

RESOURCE DISTRIBUTION

Any analysis of the effectiveness of an aid program must consider how efficiently resources are expended. At this stage, it is too soon to judge the Safe Streets Act's program performance. It is not, however, too early to observe major difficulties arising from the state allocation of federal funds as related to the planning of future programs and the subsequent distribution of substantially greater action grants. These difficulties are both financial—the scale of planning needs compared to funds available—and administrative—the introduction of a new layer of decision as regional units.

In financial terms, the formula of the Safe Streets Act has resulted in a maldistribution of planning funds. Each state, the District of Columbia, and four

territories were to receive \$100,000 for planning; additional planning funds were to be distributed by population. As a consequence, crime control planning for American Samoa amounts to \$3.54 per capita compared to only 7 cents each for citizens of California and New York. Among the states Alaska and Vermont received respectively 43 cents and 31 cents per capita for crime control planning.

Minimum allocations for planning are justified on the theory that there is a certain level of support below which a successful planning operation cannot be maintained. But when only limited resources are available, these formulas sometimes fail to take into account the increased costs which more populous areas face in identifying and coordinating the work of a great many operating agencies. The relationship of the planning allocation to funds for action grants, which will be distributed largely on the basis of population, reveals a serious imbalance in smaller states. Although Alaska and Vermont, for example, will receive \$118,000 and \$128,000 respectively for planning, they will receive only \$33,278 and \$51,272 respectively for action programs. Such limited funding for post-planning action may retard implementation of an active state program. This may be a particular problem for urban areas in smaller states; these areas have higher crime rates than the state as a whole, but their problems may not receive state level priority either because of limited action resources or the fact that crime is not a pressing statewide issue.

In a significant way, the Safe Streets Act and LEAA guidelines add a new element to the traditional distribution pattern of state-directed programs. In the past, such programs as those assisting waste treatment facilities, highway safety and outdoor recreation have been characterized by small direct grants to many jurisdictions, despite obvious economies of scale to be realized by concentration of effort. To deal with criminal justice, multijurisdictional programs have been encouraged. This, combined with the normal state preference for distributing funds broadly has led a preponderance of the states to adopt a regional approach for planning crime control efforts.

Of the 31 states surveyed, 28 were developing regional systems to distribute all or a substantial portion of the 40 per cent planning funds which the law requires be distributed to localities. Two of the remaining three, Illinois and Iowa, were encouraging multijurisdictional applications for planning funds. Twenty-four of the thirty-one states had officially designated a total of 211 regions, each of which will require staffing and separate policy review structures.

While planning and fund distribution on a regional basis is ideal for making sure that aid is available for all areas of the state, this system is limited in its ability to focus funds on areas with particular acute problems. Also, the regional system in some states is resulting in a fund distribution system which favors rural areas despite the LEAA guide provision which states: "Priorities in finding local planning should be given to the State's major urban and metropolitan areas, to other areas of high crime incidence and potential, and to efforts involving combinations of local units". (LEAA Guide for State Planning Agency Grants, November, 1968)

Favoritism of rural areas is most pronounced in those states which repeat the national dollar distribution pattern by allocating a minimum amount to each region. Thus in California a rural region of 19,000 population is allocated \$11,000, or 58 cents per capita, for planning while the region containing Los Angeles and a population of 9,981,000 is allocated \$235,000, or 2.3 cents per capita. In Georgia a rural region of 75,400 population is allocated \$10,500 or 14 cents per capita while the metropolitan Atlanta region with 1,307,700 population is allocated \$33,750 or 2.5 cents per capita. Furthermore, although the F.B.I. Uniform Crime Reports for 1967 indicate that 60 per cent of Georgia's index crimes were committed in the metropolitan Atlanta area, which contains 80 per cent of the state's population, only about 15 per cent of local planning funds were allocated to this region. A preliminary LEAA survey of all applications indicated that besides California and Georgia, eight other states planned to distribute funds to regions with a base grant and population as the determining factor, while 21 states planned to distribute funds strictly according to population. These population formulas take no account of relative need in distributing funds. Only eight states indicated any attempt to recognize incidence of crime as a factor in planning fund distribution by using crime index in combination with population to determine allocations.

Allocation of dollars strictly by population results in virtually useless allocations to some small areas. In Nebraska, one small region is allocated only \$864.70, another five county region is allocated \$1,037.64, and twenty-four of the state's 26 regions are allocated less than \$3,800 each. To make more effective use of

funds, regions or jurisdictions within regions may combine programs with other regions to increase the aggregate amount of dollars available to support a planning effort, but the dollar figure available to most units is so small that it is likely to be dissipated without stimulating any comprehensive local planning effort in the twenty-four regions. Similarly ineffective use of funds can be expected in Maryland where one region with 115,200 population received an allocation of \$4,100, New Jersey where a region with 303,260 population is to receive \$7,267, and Michigan where a three county region received a \$3,992 allocation and 7 of 14 planning districts containing 29 counties received allocations of less than \$10,000 though there were indications that the smallest regions might be combined. In eleven of the twenty-four surveyed states with regional apportionment plans, allocations to the smallest regions were under \$10,000. Allocations to all eight regions in South Dakota and all seven designated regions in Oklahoma were \$10,000 or under, though Oklahoma allocated \$12,000 and \$15,000 directly to its two largest cities. Minimum regional allocations in states not listed above were:

Arkansas : \$6,000.
 Georgia : \$9,000.
 Oklahoma : \$5,400.
 South Carolina : \$8,630.
 South Dakota : \$5,500.
 West Virginia : \$6,261.
 Wyoming : \$6,076.

This distribution system will not result in the continuing comprehensive criminal justice planning process which the Safe Streets Act and LEAA guidelines seek to achieve. Instead of one level of bureaucracy standing between federal dollars and their use to control crime in the streets at the local level, two bureaucracies are interjected. Now federal funds must support two intermediate planning organizations rather than just one, and local governments must await establishment first of state agencies and then of regional administrations before they can begin participation in the program. The potential for dollar drain and delay at the original level is large because in many states regional systems exist only on paper and in the most tenuous form. In a number of states including Alabama, Arizona, Indiana, Nebraska, New York and Oklahoma dollars intended for crime control will be used to establish and support state general purpose administrative districts for which federal and state support has previously been limited. Reliance on regional planning units to established priorities raises the possibility that crime control problems which may be very depressing for individual cities and counties may be overlooked in development of regional plans.

Those elements of law enforcement which lend themselves to regional planning are in such areas as communications, training, laboratory systems, etc. which are supportive of enforcement activity but are not involved in direct action to control crime on the streets. Regional plans are likely to emphasize such supportive functions while neglecting action oriented planning of concern to particular localities in such areas as police community relations, making more efficient use of professional personnel, revising beat assignments, or recruitment of ethnic minorities.

A bulletin from the California Council on Criminal Justice states:

"Planning for a region is different from city planning. It is performed on a broader scale and is not directly concerned with such details of local planning as for example, the number of police cars a particular department might need. The regional planning process concentrates on those features which are beyond the planning responsibility of any one local unit of government or any one process in the criminal justice system such as police, court, corrections." (California Council on Criminal Justice Bulletin, January 20, 1969)

These principles are generally acceptable, but they leave unanswered the question of how particular local needs and those planning features within the responsibility of one unit of government are to be included in the plan. If planning support were available to aid individual local units in developing their inputs to the regional plan in the same manner in which the regional plan will become the local element of the state plan, this problem might be partially solved. But with limited funds diverted largely to regions, and with regional units charged with priority setting responsibility, as they are in many states, serious obstacles appear in the path of adequate expression of individual local needs, regardless of any prior local crime control planning.

Though large cities often find it difficult to secure recognition of their needs in statewide planning processes, the cities in greatest danger of having their

individual problems overlooked in regional planning processes are those small and medium sized cities in regions dominated by a large city or rural area. A response from Ann Arbor, Mich., indicates the problem:

"One aspect of the system as it appears to be emerging does bother Ann Arbor. Having been placed in the same district with Detroit and Wayne County, we fear that the overwhelming needs of that area may pull funds otherwise available away from deserving programs in Ann Arbor and other areas of Southeast Michigan. By its location, Ann Arbor is pulled into the orbit of Detroit, but our concern is that we not have our needs overruled by those of the inner city."

Besides running the risk of having their individual needs overlooked in active regional planning programs, local governments may also be left out of the state planning process if they are required to express their needs through regions but the regions do not act, whether because of lack of interest or inability of the various local governments concerned to reach a common consensus on the direction which a regional program should take.

One North Carolina city noted problems it faced because of lack of county level interest in the Safe Streets Program. "We are somewhat concerned as to whether our county government is going to take any part in this proposition (the Safe Streets Program). So far, the county has declined to join in a ten-county area development application. Indications at present are that the county may also decline to participate on a one-county basis and thus exclude our city in any area plan." The city was preparing to apply directly for funds, but was concerned that its application might not be considered favorably because the city's population was below the minimum size generally specified by the state for a regional planning unit.

Several states such as California are minimizing this problem by permitting local units to receive funds directly from the state until regional units are fully operative. (All regions in California now appear to have fully operative regional planning units.) Alabama indicated that it would permit direct local applications where regional units are inoperative; what options localities have where the regional unit is barely operating is unclear.

Eventually, of course, the regional planning approach must bear some fruit in the form of formal recommendations for action, regardless of the deficiencies in outlook or input. In many states it appears that needs and problem solving ideas which it was expected would be developed at the local level will be buried under general issues of regional concern. Then local and regional needs will be similarly buried under general issues of statewide concern as identified in the state level planning process. By the nature of the program, most state planning agencies will take regional planning inputs, rate them, and approve or disapprove them for inclusion in the statewide plan. This analysis by state planners will almost certainly emphasize those issues which are identified as priority items at the state level.

Where state and local problems and priorities are similar, this will be no problem, but the differing role of states and local governments—and the field of law enforcement is one in which these roles differ most markedly—make it unlikely that state and local views of priorities and problems will be the same. Discussion in most state planning applications emphasized such areas as communications, education and training, and public information about the criminal justice system as items likely to receive planning priority. Admittedly, these issues are important, but the other issues such as police recruitment, community relations, control of drug use by teenagers, or the police role in model cities programs may be of vital concern in high-crime communities yet omitted from statewide plans because of their lack of general application.

In addition to the danger of dominance of state priorities in coordination of state and local planning inputs, some states are attempting to structure initial stages of local planning according to state level views of priority issues. Iowa is developing a priority list for evaluation of applications and will make this list available to local units as they prepare their planning programs. Florida will hold statewide meetings of cities in various population groups and then, without regard to possible demographic differences of cities within population groups, prepare lists of problems generally identified in these meetings. Only projects which aim at solving problems generally defined in these meetings will be eligible for action grant aid. Maryland and Oklahoma will publish state established policy objectives and planning priorities as guidelines for regional planning activities.

The danger of all these pre-established priority plans is that they will rule out local and regional initiative called for in the basic act because local and regional units will view compliance with state priorities as the most expedient way to get the greatest amount of funds to deal with their crime control problems. Projects which might be more productive in dealing with crime at the local level, but are rated low in state priorities are likely to be pushed to the background.

Some regional systems, though supported by dollars which are supposed to be available to local governments, may be dedicated primarily to achievement of state administrative goals rather than providing a means of coordination and expression of local desires. In Pennsylvania, membership of the eight regional councils is closely specified by the state with very little option for local governments to choose who will represent them on regional councils. Further, staff for the regional offices is not chosen by the local governments but will be assigned by the state administrative agency which is organized under the Attorney General, who is elected separately from the Governor. Regional staff will consist of a lawyer and two state police officers. They will have responsibility not only for local planning administration but also for criminal investigations in their regions. Because of the background of the regional staff it is likely that their investigative duties will take precedence over program administration. The Pennsylvania League of Cities and the Pennsylvania State Association of Boroughs have expressed concern to NLC that such is the case and that local planning funds are really being used to support state criminal investigations.

The pattern of state dominance is not consistent. Some states permit a considerable degree of local autonomy in establishing regional commissions and programs. North Carolina defined no planning boundaries and directed local units to cooperate in establishing planning bodies. The application states that units established voluntarily were believed more effective than those imposed from without. Only certain minimum standards were established for North Carolina regional units:

(a) The regional area must include at least 100,000 persons unless it is shown not feasible.

(b) The regional unit must have approval of the policy-makers of each municipality and county in the planning areas.

(c) There must be a supervisory board of at least three persons including one representative of each municipality and county involved in the planning effort.

(d) The capability to provide the 10% matching share and assure a competent planning staff must be demonstrated.

The state agency is making staff available to aid establishment of regional planning units.

Alabama plans to use as yet unestablished general purpose planning districts with designated boundaries for Safe Streets planning, but responsibility for forming the administrative structure and direction of these units is left entirely to the local governments involved. Where regional units do not already exist in California, responsibility is placed upon local officials to develop them, though the state has certain guidelines as to the representative character of the regional governing boards and a structure of regional advisory task forces. In Idaho and Maryland regional boundaries are set, the number of members of regional governing boards defined and certain guidelines on representative character established, but local officials are directed to work together to establish the regional agencies and appoint members of regional governing boards subject to review by the state.

Where local officials are given much latitude and little state direction in establishing regional programs, as in Alabama and North Carolina, for example, there may be a time lag in establishing regional planning units in some areas. This time lag will reduce the chances that needs of local units in these regions will receive adequate expression in the initial state comprehensive plans. However, the freedom of local expression which these less structured state systems allow appears preferable to the extreme dominance of local planning by the state which is likely to occur in Pennsylvania, New Jersey, Indiana, and other states with highly structured systems.

The CHAIRMAN. The committee will now adjourn, to assemble tomorrow morning at 10 o'clock.

(Whereupon, at 3:35 p.m., the subcommittee adjourned, to reconvene at 10 a.m., Thursday, February 19, 1970.)

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

THURSDAY, FEBRUARY 19, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler, Rodino, Donohue, Kastenmeier, Edwards (of Calif.) McCulloch, Poff, MacGregor, McClory, Railsback. Also present: Representatives Mikva and Dennis.

Staff members present: Benjamin L. Zelenko, general counsel, and Franklin G. Polk, associate counsel.

The CHAIRMAN. The subcommittee will come to order. Our first order of business this morning is hearing from the distinguished Governor of the State of Illinois, the Honorable Richard B. Ogilvie. Two of our colleagues on this subcommittee are distinguished sons of Illinois.

Mr. McCLORY. Thank you very much, Mr. Chairman. It is a great privilege I have to present to the members of the subcommittee the distinguished Governor of the State of Illinois, the Honorable Richard B. Ogilvie. In addition to his service as the chief executive of our State, Governor Ogilvie has had extensive experience in law enforcement.

He served formerly as Assistant U.S. Attorney General where he distinguished himself. He was also later the sheriff of Cook County, engaged actively in the field of law enforcement. He is very familiar with the problems of local government having served as president of the County Board of Cook County and now as Governor. So he brings to this hearing a wealth of experience and knowledge with regard to the subject which we are most interested in—financing State and local anticrime efforts through the Law Enforcement Assistance programs.

I am delighted to have this privilege of extending a warm welcome to Governor Ogilvie. I yield to my colleague, Congressman Tom Railsback.

Mr. RAILSBACK. I want to thank the gentleman for yielding. Mr. Chairman, I want to point out that our witness who is the Governor of Illinois has had the unusual experience of being involved in all three levels of government—at the Federal level as a U.S. Attorney, at the State level as a Governor, and at the local level as the sheriff of Cook County—as my good friend, Bob McClory, said.

We are both very proud to have our Governor here. We think he is doing a great job and I look forward with anticipation to what he has to say about this particular problem.

The CHAIRMAN. Governor, we will be pleased to hear from you.

STATEMENT OF HON. RICHARD B. OGILVIE, GOVERNOR OF THE STATE OF ILLINOIS

Governor OGILVIE. Thank you, Chairman Celler. My appreciation to your two distinguished colleagues, Mr. McClory and Mr. Tom Railsback.

I have been advised by my distinguished colleague, Governor Arch Moore of West Virginia, that a last-minute circumstance is going to prevent his appearance here in person before the committee today. He regrets that he cannot attend these hearings. He says he has looked forward to renewing his long association with your committee. He will be sending a written statement for inclusion in the record of these hearings.

I would also like to introduce two gentlemen who accompany me here today and if they will stand as I name them, Arthur J. Bieleck, chairman of the Illinois Law Enforcement Commission, our State planning agency. He is a full professor at the University of Illinois and directs the criminal justice curriculum at that institution.

With him is John F. X. Irving, director of the Illinois Law Enforcement Commission.

The CHAIRMAN. We welcome both of these gentlemen.

Governor OGILVIE. Chairman Celler and members of this subcommittee, I greatly appreciate this opportunity to testify before your distinguished subcommittee today. My testimony is being offered both from the vantage point of my role as Governor of Illinois, and also as a representative of the National Governors' Conference.

First, I am here to report the experience of Illinois under the Federal Omnibus Crime Control and Safe Streets Act of 1968.

Second, I appear in support of this act, and in opposition to any amendment which would dilute the block grant concept and thereby seriously hamper the progressive efforts underway in Illinois and in many other States.

Under the Federal act, you have looked to the States for planning leadership in strengthening our system of criminal justice. I feel that this is most appropriate, since the formation and administration of the organic criminal law is constitutionally the responsibility of the States. In Illinois, we have taken this responsibility seriously.

During the past decade, Illinois has made major strides in strengthening our system of criminal justice.

A new criminal code was adopted in 1961, and has served as a model to other States. In 1963, Illinois reorganized its basic laws of criminal procedure, and, in 1965, a juvenile court reform program was adopted.

During the past year, a strong legislative program was enacted which has several key features: All correctional work for youths and for adults was consolidated in a single State department separate from our law enforcement agencies.

For the first time, Illinois was given a full time, professional parole and pardon board. We have also created a statewide Illinois Bureau

of Investigation on the model of the FBI to consolidate and expand our efforts against organized crime and the traffic in drugs.

These actions reinforce the State's primary role, but we also recognize that the frontline in the fight against crime is at the local level.

In Illinois, local enforcement is divided between sheriffs in 102 counties, and police departments in nearly 800 municipalities. Clearly, such a number of operating units require a high degree of coordination, cooperation, and new financial support.

The Federal Act of 1968 was a major first step in meeting these needs. My first executive order upon taking office 13 months ago established the Illinois Law Enforcement Commission as the official State agency required by the 1968 act.

The commission includes 32 members representing every facet of the State's system of criminal justice. Major emphasis has been placed on nonpolitical or bipartisan representation from concentrated urban areas, from the areas of high crime incidents and from minority groups. Under the commission are 36 regional planning units through which the greatest allocation of planning funds, \$212,000, has gone to the city of Chicago.

Action funds have been allocated on a merit basis, with 84 percent going to the cities. Supplemental emphasis has been given to such other factors as population density, the incidence of civil disorders or of organized crime activities, the progress made locally under previous grants, and local conditions requiring special attention.

Two facts about the Illinois Law Enforcement Commission deserve your attention. First, we have consistently exceeded the requirements of the Federal act. Last year 50 percent of the planning funds went to local governments, though only a level of 40 percent was required.

In the allocation of action funds, where there is a requirement that 75 percent of the moneys go to local agencies, we have reached a level of 4 percent during the past year and expect to continue this record of performance during 1970.

The second significant fact about our program is that Illinois, to my knowledge, has made the strongest financial commitment of any of the 50 States. In fact, I believe we are the only State that has had its legislature commit such funds.

To meet the matching requirements of the Federal act, the State appropriated \$3,232,800 for fiscal 1970. But to this figure we added a total of \$5 million for statewide programs to supplement our comprehensive State plan.

The program of Illinois, to a marked degree, augments and strengthens the block-grant concept embodied in the Federal act. In special circumstances we have been able to supplement the financial resources of local governments which are unable to develop their own matching funds.

For example, in the economically depressed city of Cairo, the commission awarded \$25,000 in State money for a police-community relations program. Without this direct State assistance, the plan would have gone unfunded; it would have gone nowhere.

A broad program called Action Now is well underway in Illinois. And the State has assumed the entire local share of this \$1 million special anticrime program. Illinois has earmarked \$732,000 in State

funds to the program, and has already committed nearly \$200,000 for three phases of Action Now; namely, community relations, police management, and education and training in criminal justice.

Our own block-grant program, which is thoroughly consistent with the principles embodied in the Federal act of 1968, is but one aspect of the commitment of Illinois to the broader principle of revenue sharing with local governments.

Illinois last year enacted the first income tax law in its history. An integral feature of the act is the direct payment of one-twelfth of State income tax revenues to our cities and counties on a per capita, no-strings basis. Concurrent with this action, the State increased the local share of the State sales tax from three-quarters of a cent to a full cent.

Thus, I think it is apparent that Illinois has made a strong case before this subcommittee in support of the present Federal act. Our experience has been highly rewarding, and it has produced many additional benefits to all concerned with the problems of crime in our State.

For the first time, for example, all elements of the criminal justice system are meeting on a regular basis to exchange views. They are participating directly in the development of a comprehensive and unified effort. Through this process, we have been able to open lines of communications between agencies which have in the past jealously guarded their specific areas of responsibility.

We have begun to inventory our criminal justice problems and our resources so that we can rationally allocate our resources to matters which cut across jurisdictional lines. Major progress has been made in the standardization of statistics, emergency radio frequencies, computer techniques, and information retrieval.

In view of the record of progress in Illinois, therefore, I must oppose any amendment which would cut back the block grant concept. Such an amendment would, first of all, take from the States much of the means by which they can discharge their primary responsibility for creating and administering the criminal laws. It would diminish the degree of accountability which should be demanded of the States, and in effect set up another coequal level of responsibility which conceivably could work at cross purposes with State efforts. It would deny to communities some of the expert assistance now available through Illinois by our Law Enforcement Commission.

It would create twin paths for fund applications, and would further confuse local officials in their efforts to meet Federal requirements.

The strong statewide program in Illinois is rooted in a high degree of local autonomy, coupled with effective statewide planning and assistance. Our entire program is oriented in community action, under local control.

And I would be less than candid with you if I did not say today that we have created a workable system, a system that enjoys a high degree of support, a system that is getting the job done with a minimum of friction between State and local governments.

We have taken the hand you extended to us in 1968, and we have in turn extended our hand and our own funds to our communities.

[U.S. Department of Justice, Law Enforcement Assistance Administration,
Washington, D.C.]

SCHEDULE OF SUBGRANTS FOR ACTION PROJECTS (CUMULATIVE) (COVER SHEET)

1. Reporting State: Illinois.
2. Report SPA: Illinois Law Enforcement Commission.
3. Report Period Ending:
 - 9-30 12-31
 - 3-31 6-30
4. Action grant total: \$1,338,495.
5. Fiscal year: 1969.
6. Grant No(s): A11-011.

7. Name of subgrantee	7A. code	8. Date of award	9. Grant period	10. Amount of award	11. Funds paid to subgrantee
Riot control and prevention					
action grants—25 percent:					
1. City of Aurora.....	L	Oct. 30, 1968	Oct. 30, 1968 to June 30, 1969...	6,487.50	6,487.50
2. City of Carbondale.....	L	Nov. 8, 1968	Nov. 8, 1968 to June 30, 1969....	4,125.00	4,125.00
3. City of Champaign.....	L	Oct. 30, 1968	Oct. 30, 1968 to June 30, 1969....	5,565.75	5,565.75
4. City of Chicago.....	L	Nov. 8, 1968	Nov. 8, 1968 to June 30, 1969....	118,082.00	118,082.00
5. City of Danville.....	L	Oct. 23, 1968	Oct. 23, 1968 to June 30, 1969....	2,325.00	2,325.00
6. City of Decatur.....	L	Nov. 7, 1968	Nov. 7, 1968 to June 30, 1969....	9,000.00	9,000.00
7. City of East St. Louis.....	L	Nov. 15, 1968	Nov. 15, 1968 to June 30, 1969....	16,699.00	16,699.00
8. City of Joliet.....	L	Nov. 18, 1968	Nov. 18, 1968 to June 30, 1969....	9,705.00	9,705.00
9. City of Peoria.....	L	Oct. 28, 1968	Oct. 28, 1968 to June 30, 1969....	14,978.00	14,978.00
10. City of Rockford.....	L	Oct. 18, 1968	Oct. 18, 1968 to June 30, 1969....	7,668.75	7,668.75
11. City of Rock Island.....	L	Oct. 21, 1968	Oct. 21, 1968 to June 30, 1969....	3,672.00	3,672.00
12. City of Springfield.....	L	Nov. 15, 1968	Nov. 15, 1968 to June 30, 1969....	11,816.25	11,816.25
13. Commission on Human Relations.	S	Oct. 22, 1968	Oct. 22, 1968 to June 30, 1969....	25,917.00	25,917.00
Development of police training					
program—40 percent:					
1. Greater Egypt Law Enforcement Planning Commission.	C	July 26, 1969	July 26, 1969 to June 30, 1970...	12,000.00	2,800.00
2. Rock River Development Commission.	C	-----do-----	-----do-----	12,000.00	4,108.55
3. Woodford County.....	L	Aug. 15, 1969	Aug. 15, 1969 to June 30, 1970...	852.00	852.00
4. City of Springfield.....	L	-----do-----	-----do-----	71,712.00	14,342.40
5. Illinois local government law enforcement.	S	July 26, 1969	July 26, 1969, to June 30, 1970...	12,000.00	7,938.79
Career ladder project—40					
percent:					
1. Morgan County.....	L	-----do-----	-----do-----	7,200.00	1,825.83
2. City of Decatur.....	L	Nov. 21, 1969	July 26, 1969, to June 30, 1971...	15,407.02	3,081.02
School therapeutic intervention—					
40 percent:					
1. Youth guidance.....	O	July 26, 1969	June 26, 1969 to June 30, 1970...	48,542.00	20,128.88
Community team project—40					
percent:					
1. Greater Egypt Regional Planning and Develop- ment Community.	C	Oct. 24, 1969	Oct. 24, 1969, to June 30, 1971...	12,000.00	0
Juvenile halfway house (IN)—					
40 percent:					
1. St. Clair County.....	L	Sept. 19, 1969	Sept. 19, 1969, to June 30, 1970...	33,540.00	6,708.00
Social service officer, model—					
40 percent:					
1. Bureau County.....	L	July 26, 1969	July 26, 1969, to June 30, 1970...	3,900.00	3,900.00
2. Do.....	L	Dec. 19, 1969	Dec. 19, 1969, to June 30, 1971...	9,000.00	5,000.00
Management studies, local police					
departments—40 percent:					
1. Lawrence County.....	L	Aug. 15, 1969	Aug. 15, 1969 to June 30, 1970...	12,000.00	6,000.00
2. City of Dixon.....	L	Oct. 30, 1969	Oct. 30, 1969 to June 30, 1971...	3,000.00	2,700.00
3. City of Romeoville.....	L	Nov. 26, 1969	Nov. 26, 1969 to June 30, 1971...	2,580.00	0
4. City of St. Charles.....	L	-----do-----	-----do-----	2,500.00	2,250.00
5. Village of Western Springs..	L	Dec. 9, 1969	Dec. 9, 1969 to June 30, 1971...	3,600.00	3,240.00
6. Village of Oak Forest.....	L	Dec. 23, 1969	Dec. 23, 1969 to 6 June 1971....	9,700.00	5,000.00
Court reporter training—40 per-					
cent:					
1. Admin. Office, Illinois Probation officer training—40 percent:	S	July 26, 1969	July 26, 1969 to June 30, 1970...	11,000.00	2,200.00
1. Peoria County.....	L	-----do-----	July 26, 1969 to June 30, 1970...	18,660.00	3,720.00
2. Center for Crime and Delinquency, Southern Illinois University.	S	-----do-----	-----do-----	12,400.00	7,731.65

See footnotes at end of table.

7. Name of subgrantee	7A. code ¹	8. Date of award	9. Grant period	10. Amount of award	11. Funds paid to subgrantee
Minority group recruitment—25 percent:					
1. City of East St. Louis.....	L	June 20, 1969	June 20, 1969 to June 30, 1970..	16, 143. 00	8, 328. 62
2. City of Rockford—Winnebago County.	C	July 26, 1969	July 26, 1969 to June 30, 1970..	21, 000. 00	10, 433. 17
Riot Control—25 percent:					
1. City of Alton.....	L	June 20, 1969	June 20, 1969 to June 30, 1970..	9, 375. 00	3, 150. 00
Model community relations units—40 percent:					
1. City of East St. Louis.....	L	-----do-----	-----do-----	16, 143. 00	8, 328. 62
2. Vermillion County.....	L	July 26, 1969	July 26, 1969 to June 30, 1970..	8, 400. 00	4, 130. 00
3. City of Peoria.....	L	Aug. 15, 1969	Aug. 15, 1969 to June 30, 1970..	41, 625. 00	8, 325. 00
Closed circuit TV, model project:					
1. City of La Grange.....	L	Oct. 24, 1969	Oct. 24, 1969 to June 30, 1971....	45, 000. 00	9, 000. 00
Total.....				707, 320. 27	391, 263. 73

¹ "L" for unit of general local government, "S" for State agency, "C" for combination of such units, or "O" for other.

NOTES

Grant to unit of government over 50,000 population.
 Grants to local units represent 84 percent of total grants awarded.
 Local unit subgrants: Number, 35; value, \$597,461.27.

1969 LOCAL PLANNING GRANTS

Grant No.	Subgrantee	Grant	Grant No.	Subgrantee	Grant
5	Bi-State Metro.....	\$6, 238. 51	93	Montgomery County.....	\$1, 290. 91
11	Du Page County.....	12, 951. 22	94	Mason County.....	627. 73
13	De Kalb County.....	2, 136. 67	95	Wayne County.....	785. 36
15	Champaign County.....	5, 471. 87	96	Johnson County.....	286. 24
16	Vermillion County.....	3, 973. 71	97	Pulaski County.....	433. 42
23	Macon County.....	4, 886. 04	98	Lawrence County.....	766. 02
24	S.I.P.C. (Madison, St. Clair, and Monroe Counties).	20, 770. 31	99	Richland County.....	673. 43
25	Ford County.....	686. 11	100	Adams County.....	2, 828. 86
35	Knox County.....	2, 531. 91	101	Piatt County.....	618. 10
36	McLean County.....	3, 465. 55	102	Kendall County.....	724. 70
37	Lake County.....	12, 133. 01	103	Douglas County.....	795. 06
41	McHenry County.....	3, 479. 31	104	DeWitt County.....	712. 84
42	La Salle, Grand, and Kan.)	9, 305. 15	105	Scott County.....	263. 48
43	Greater Egypt P. & D. Commission.	7, 397. 74	106	Stephenson County.....	1, 909. 14
44	Rock River Regional P. & D. Commission.	6, 455. 76	107	Menard County.....	382. 10
47	Cass County.....	600. 71	108	Moultrie County.....	563. 36
49	Morgan County.....	1, 511. 01	109	Massac County.....	592. 53
51	Southeastern Regional P. & D. Commission.	2, 223. 48	110	Effingham County.....	954. 71
52	Sangamon County.....	6, 054. 57	111	Clay County.....	653. 43
53	Cook County.....	65, 252. 96	112	Marion County.....	1, 625. 79
54	Winnebago County.....	8, 666. 88	113	Clark County.....	683. 63
59	City of Chicago.....	146, 692. 40	114	Alexander County.....	663. 59
63	Union County.....	729. 04	115	Crawford County.....	857. 37
68	White County.....	800. 44	116	Edwards County.....	328. 06
69	Bond, Clinton, and Washington Counties.	2, 134. 36	117	Wabash County.....	580. 38
70	Mercer County.....	708. 55	118	Will County.....	7, 917. 06
71	Jo Daviess County.....	901. 58	119	Peoria County.....	7, 810. 75
72	Henry County.....	2, 037. 64	120	Fulton County.....	1, 733. 42
73	Randolph County.....	1, 239. 02	121	Kane County.....	8, 604. 12
74	Macoupin County.....	1, 798. 29	122	Marshall County.....	550. 92
75	Cumberland County.....	410. 53	123	Tri-County Regional Planning (Tazewell and Woodford Counties).	5, 138. 52
76	Fayette County.....	906. 75	Total.....		416, 524. 22
77	Boone County.....	839. 81	STATE PLANNING GRANTS AWARDED		
78	Coles County.....	1, 770. 85	1	William J. Scott, Attorney General..	\$35, 000. 00
79	Shelby County.....	966. 99	2	Public Defender, Cook County.....	10, 000. 00
80	Edgan County.....	931. 70	3	Illinois Department of Public Safety.	65, 000. 00
81	Stark County.....	336. 82	4	National Council on Crime, Delinquency.	14, 700. 00
82	Putnam County.....	188. 82	5	University of Chicago.....	32, 519. 00
83	Bureau County.....	1, 553. 28	8	Illinois Security Hospital.....	2, 111. 00
84	Jasper County.....	468. 78	15	Southern Illinois University.....	1, 200. 00
85	Green County Police Association....	721. 40	17	Office of the Attorney General.....	3, 000. 00
86	Jersey County.....	703. 34	23	Illinois Bureau of Criminal Identification.	1, 000. 00
87	Pike and Calhoun Counties.....	1, 094. 28	24	Illinois State Police.....	1, 400. 00
88	Livingston County.....	1, 666. 77	Total.....		165, 930. 00
89	Iroquois County.....	1, 386. 68			
90	Logan County.....	1, 390. 57			
91	Christian County.....	1, 537. 29			
92	Brown, Hancock, Henderson, McDonough, Schyler, and Warren.	4, 060. 73			

Crime in our society is one of the most deadly challenges before us. I would urge that you strengthen, rather than weaken the effectiveness of our response.

The role of the States is pivotal in the battle against crime. And I am hopeful that the record of Illinois will lead you to reject the amendment before you.

Mr. DONOHUE (presiding). Thank you very much, Governor. Would you supply to the subcommittee a summary of your State's allocation of sums to local governments for the fiscal year 1969?

Governor OGILVIE. Yes, we have that information available here now.

(The information referred to is found at pages 89-90.)

Mr. DONOHUE (presiding). What is the rate of crime in your State in terms of the FBI Crime Index?

Governor OGILVIE. I would estimate it would probably match the national average.

Mr. DONOHUE (presiding). What crimes have increased the most and where have they been concentrated?

Governor OGILVIE. I would think probably the greatest incidence of crime would be in the densely populated areas which are sometimes referred to as ghettos in our major cities.

Mr. DONOHUE (presiding). How effective have the programs been up until now?

Governor OGILVIE. Frankly, sir, I don't think there has been enough of an opportunity to make an objective judgment. For instance, for the fiscal year 1970, we have not yet received any Federal money.

Our operation in our State has been dependent entirely upon State funding which our legislature has provided. I understand the problem has been occasioned by the delay of the funding by the Congress.

Mr. DONOHUE (presiding). In testimony before the subcommittee yesterday, the former Attorney General Ramsey Clark recommended that there be a reordering of priorities under the law enforcement assistance program.

For example, he suggested first that the limitation on funding support for salaries be revised. The act limits the Federal share to no more than one-third of the funding at the present time. Would you comment on that?

Governor OGILVIE. I would agree that the limitation on the State's opportunity to use money for salaries should be eased or even eliminated. As you know, as far as training is concerned, there is no limitation on salary, but most of the applications that we receive from local governments involve personnel and it is very difficult to comply with some of these because of that restriction.

Mr. DONOHUE (presiding). He also suggested that not less than one-third of the total Federal expenditures should be earmarked for correction.

Governor OGILVIE. I would have no objection to that. We will be spending more than one-third in the area of corrections. I mentioned in my prepared remarks that we have recently reorganized our whole corrections facilities in the State which has been a bad one.

We in Illinois have had two dubious distinctions. We have our prisoners in jail longer than any other major State and we have one of the highest rates of recidivism. I lay a strong part of the reason for this to the antiquity of our prison system.

At my suggestion we have taken the entire corrections responsibility out of the Department of Public Safety and it is now a separate responsibility. We are very heavily committed in terms of State funds to a modernization of our penal system. Along with it is a great deal of work that needs to be done in all levels of correction, local, county, and State, which could be funded from a program such as the Law Enforcement Commission provides.

Mr. DONOHUE (presiding). Former Attorney General Clark also suggested that 20 percent of all funds provided for police departments should be invested in community relations programs.

Governor OGILVIE. Again, I have no objection to expenditures in that amount. Again, I think our records would show we have exceeded that amount of money. The point I would like to make is what he is suggesting is for the Congress to lay down certain standards, mandating the States to comply with certain requirements.

The point I would like to make is first of all, I think the States should be given a further experience and opportunity to administer this program with the State having the autonomy and, secondly, sir, I would point out that the problems in our States are greatly different.

Illinois is certainly different, for instance, than a State like one of the Dakotas where most of their population is rural. A majority of their police available are State policemen. They have a relatively small municipal police operation.

I think we have so many different situations that are represented by the multitude of our States that it would be very difficult to effectively mandate the States in percentages.

Mr. DONOHUE (presiding). Do you have any recommendations for statutory revision of the LEAA program?

Governor OGILVIE. I think the one that was referred to earlier, the easing of money available for personnel would be one.

If I may, I would like to make one other observation because of the very substantial portion of our State's population that is located in the city of Chicago. I have several points I would like to make.

The city of Chicago did not create or at least did not have a meeting of its Commission on Criminal Justice which is a subordinate committee under our Law Enforcement Commission until November of 1969, which is just several months ago.

Since that time, they have filed four applications with the Law Enforcement Commission totalling \$2,657,000. The largest of these, almost \$2 million, is for law enforcement community service aid and community relations, and I am told this will be acted on this Friday.

They have had approximately \$422,000 allocated, some by a predecessor commission to the one that I have created and funds have also been provided and the largest single block of planning money went to Chicago, \$212,000.

Mr. DONOHUE (presiding). Mr. McCulloch.

McCULLOCH. I would like to inquire of the Governor in a few particulars.

I note in the third paragraph of your formal statement you say:

I appear in support of this act and in opposition to H.R. 15876.

Governor OGILVIE. Yes, sir.

Mr. McCULLOCH. May I interpret that statement as meaning that you prefer block grants to project grants?

Governor OGILVIE. I am very strongly in support of that proposition. In my other remarks and in my prepared statement I pointed out my own commitment to this philosophy. At my urging we have in Illinois made very substantial progress in making this type of revenue available to our local units of government.

In turn, I would hope the Congress and the Federal Government would do the same thing for the States.

Mr. McCULLOCH. Has your State helped local governments by providing for the non-Federal share of funds to implement anti-crime programs?

Governor OGILVIE. Yes, in fact even where they can't match we have provided State money.

Mr. McCULLOCH. Do you propose to increase the State contribution insofar as you can?

Governor OGILVIE. We did request and receive approval of \$5 million of State money in the last fiscal year. We are now preparing the budget for our State for fiscal 1971. I am not prepared at this moment to say what our decision will be but certainly my own record would indicate that we are going to put substantial funds into it.

Mr. McCULLOCH. I asked that question because I am definitely of the opinion that the primary burden in law enforcement is shared by the States and the political subdivisions thereof.

Could you tell the subcommittee how many police agencies you have in Cook County, Ill.?

Governor OGILVIE. There are 121 municipal police departments in Cook County.

Mr. McCULLOCH. What is the population of Cook County?

Governor OGILVIE. It is slightly more than half of our total population. The State is 11 million. It would be about 5.5 million people.

Mr. McCULLOCH. I was interested in the answer to your question because, as you know, Cleveland is the largest city in the State of Ohio, and within the last several days I had a check made to see how many police agencies there are in Cuyahoga County. There are 65. That includes 35 city police departments, 22 village police departments, 4 township police departments, 3 university police departments, and one sheriff.

Of course, that is not as many as 121, but Cleveland's population is not nearly as large in comparison with that of Chicago. It is my opinion, Governor, that the time has come when the States should move in the direction of eliminating, wherever they can, the duplication of anti-crime services, facilities, and equipment.

Governor OGILVIE. I might say, sir, in that connection, Illinois currently has in session a constitutional convention to, we hope, provide the first new constitution for our State, since the last one, adopted in 1870. It has been an antiquated constitution which has been difficult to amend, which is one problem. We hope the work of this convention and the approval of our citizens will ease the problem you speak of.

Mr. McCULLOCH. We have had the same problem in Ohio. In my opinion, we must move for a change in our constitution.

Can you tell us some examples where this 1968 act has improved criminal justice in Illinois, particularly in Cook County?

Governor OGILVIE. If I may, let me refer to seven major accomplishments by grant recipients. Some of these will refer to Chicago exclusively and others will apply elsewhere.

One million dollars has been made available to an "Action Now" program and this is to all qualified applicants. During its first year of operation, our commission become the first State planning agency to commit such a program.

Federal and State funds are put quickly into the hands of local law enforcement agencies through the use of a short application form and quick consideration of each request. As of today, 35 police departments across the State are receiving funds to have management studies of their departments.

Let me say this is something most local police departments need, a modernization of procedures. Eight other departments will have expert consultation in the development or strengthening of police-community relations, that type of program. A training component in this series is now providing for professional training of more than 2,800 police officers throughout the State, 423 States' attorneys, juvenile court judges and auxiliary personnel and 963 school administrators, counselors and teachers from every section of the State.

A second major accomplishment is a statewide public defender project. In October of last year, the commission awarded \$2,200,000 to the Illinois Public Defender Association to improve the quality of defender services through our State.

That project which received the largest award granted by the commission will extend over a period of 3 years and will help supply counsel for defendants who might otherwise be denied legal counsel.

With this project Illinois joins Minnesota and New Jersey as one of the few States to have a statewide network of public defender services.

Mr. McCULLOCH. Might I interrupt you there. Has this system of public defenders been generally approved by the people of Illinois and particularly by the Bar Associations all over the State?

Governor OGILVIE. Especially by the bar associations, because it takes a great load off the organized bar. They don't have to provide the service as a charity which has been the case for many years. Now we will have full-time lawyers who are heavily involved in the matters of criminal defense.

Mr. McCULLOCH. Do you receive any complaints from the taxpayers about the cost that falls upon the law-abiding citizen to carry on this work?

Governor OGILVIE. Nothing that has particularly come to my attention.

A third project has been the attacking of the dropout problem. In July 1969 the commission funded a youth guidance program, for the purpose of establishing intervention teams in the schools, for three troubled innercity schools in the city of Chicago and in conjunction with the Chicago Board of Education. Each of these teams consists of two group workers and a group worker aide and deals with a demonstration project to test the feasibility of group treatment as a method of helping potential school dropouts remain in school.

A fourth project is operation store front. In another of our distressed or disadvantaged, at least economically distressed communities, East St. Louis, Ill., there an award was granted to establish police-community relations for store fronts to act as a service and as a bridge to the communications gap between the police and the communities.

Since that time, five store fronts are presently open and functioning and can be considered and understood as successful.

A fifth project is a model curriculum for police recruit training. In July a grant was awarded to the Illinois Local Law Enforcement Officers Training Board for the development of 240 model curriculum for the training of police recruits.

In many of our smaller communities we have officers who are actually placed on duty—this is in the past—with no prior training. They are just handed a badge and gun and go out and enforce the law. This is an intolerable situation we are correcting.

With the cooperation of the University of Chicago and a grant made to that institution, we have proceeded with a survey of our Illinois jails. That survey has been completed this month and is now in the hands of our legislators who are responsible for the reform of Illinois jails. For the first time in Illinois' history we feel that we have factual data regarding the local jails which can be used for planning and reforming.

A final item that I would refer to is a grant of \$108,000 to a legislative counsel on the diagnosis and evaluation of criminal defendants. Their project is a recodification of our corrections statutes into a modern correctional code.

Another point, and this is more general: We are not talking just about the function of policemen, the man with the badge and the gun as the answer to the problem of crime in this country. The State is the agency that is exclusively involved in corrections and a great deal of money is being committed, both from the commission and by our State to those programs under that umbrella. You just cannot separate Chicago from the rest of the State, although Chicago contributes more than its proportionate share of its population to our State institutions.

Our entire judicial procedure is a state responsibility and again there are commitments which will be contained in the itemization which will be provided the committee showing what we are doing to improve the administration of criminal justice in our courts.

I mentioned the public defender system, the education of States attorneys and other court personnel, all making more effective administration of criminal justice.

Mr. McCULLOCH. I take it, then, that in Illinois there are LEAA programs which are financed by the State and not by local governments which benefit local governments in meeting their crime problems?

Governor OGILVIE. Yes; particularly our public defender and our corrections programs.

Mr. McCULLOCH. Is Chicago reasonably satisfied with the proportion of funds that it gets under the act which you strongly support?

Governor OGILVIE. I would certainly think so. We have acted favorably, as I said, giving them four hundred plus thousand, and we have an action grant application for nearly \$2 million which I would anticipate action on this coming Friday.

Mr. McCULLOCH. So, Chicago has gotten everything it has asked for? It has not complained publicly that the State has shortchanged it in administering the program?

Governor OGILVIE. Nothing that has come to my attention.

Mr. DONOHUE (presiding). Mr. Rodino, do you have any questions?

Mr. RODINO. Thank you, Mr. Chairman.

Governor, on page 2 of your statement you indicate that these actions reenforce the State's primary role but we also recognize that the front line in the fight against crime is at the local level. I take it you believe that Federal financial assistance should be at the local level to the cities. Is that what you are implying by your statement?

Governor OGILVIE. What I meant and pointed out in my remarks was that the State should be the coordinating agency in the allocation and programing of Federal funds.

Mr. RODINO. What would be the role of the Federal Government?

Governor OGILVIE. The ideal would be for the Federal Government to give block grants to the States to be administered by the States.

Mr. RODINO. It is your opinion that block grants to the States work most effectively notwithstanding the maze of fragmentation in police structure and the fact that we know that the concentraion of crime is in the urban areas?

Governor OGILVIE. Let me point out, sir, that the city is a political subdivision of the State. Let us take Cook County which was inquired about before. Chicago is not fenced off from the rest of the State or from the rest of the world.

It is very much involved. Its population of 3,750,000 people with approximately 2 million people who live in suburban Cook County and some additional millions that live in and around the counties of Cook, but who are very closely tied with the city of Chicago.

The only agency that can coordinate and give an overview to any program in this area—again, we make the point we are not talking just about policemen; we are talking about the entire administration of the criminal justice program—is the State.

There is no other agency but the State, unless Congress chooses to substitute itself for the State. I would suggest the State is in much closer proximity and has the opportunity for more close attention to those problems.

Mr. RODINO. Talking about the policemen, Governor yesterday in a statement before us, former Attorney General Ramsey Clark pointed out that what we should concentrate on is the subject of funds for police salaries.

Mr. Clark said that in 1967 the median beginning salaries for police was \$5,650 a year and half of all patrolmen earned less than \$7,501 and thousands of officers must moonlight to support themselves and their families. What is the situation in Chicago and/or in Illinois?

Governor OGILVIE. The city of Chicago is one of the most highly paid police agencies in the entire country, exceeded, I think, only by the City of New York. The Cook County officer in the sheriff's department is compensated at or near the level of the city of Chicago.

Mr. RODINO. What about the rest of the State?

Governor OGILVIE. I would be happy to respond to that. The community of Cairo at the far south end of Illinois has been looking for a chief of police recently. With their limited income they can pay approximately \$11,000 a year to acquire a chief who very frankly should be a man who would require considerable abilities way beyond what would normally be required of the chief of police of a community of 7,500 which is the approximate size.

In connection with the former Attorney General's remarks, I indicated that I would like to see an easing of a limitation on how much Federal money could be used for salaries.

Mr. RODINO. The Omnibus bill allocates action grants among the States according to their respective populations. Do you believe that this is an appropriate and effective method for focusing Federal aid in the law enforcement area?

Governor OGILVIE. This is the basis on which we are distributing our own tax sharing in Illinois. We provide a 12th of our income tax and they get it with no strings attached on a per capita basis. I would say it is as good a way of doing it as I know of.

Mr. RODINO. Why should not the method of distribution be based on crime incidence rather than the simple factor of population?

Governor OGILVIE. We are not talking just about policemen. The city has nothing to do with the correctional institutions except the city jail. A substantial amount of funds will be allocated to corrections and rehabilitation of criminals.

Very substantial amounts of these funds have to be devoted to the court process, and this is not a city responsibility. That is a State responsibility.

Mr. RODINO. Does population have anything to do with it?

Governor OGILVIE. I would say with Chicago, having a third of the population in the State, should have very, very substantial amounts of money. In ball park figures, we have provided approximately 50 percent of the money that has been available, and this is State money—we put \$5 million of our own—50 percent of that money has gone to the city of Chicago, the county of Cook which has 50 percent of the population.

Mr. McCLORY. Governor, if we base the allocation on the incidence of crime instead of on population, it seems to me we might be rewarding those States and communities which are doing the poorest job and contributing the least local effort. Would you think that might be involved in changing the formula to provide that the U.S. Attorney General, for instance, allocate funds on the basis of the high incidence or the high rate of crime?

Governor OGILVIE. I would say there might be an element of that. I might point out where we have a State that is not, for instance, doing what we collectively think they ought to be doing, I would see the role of Congress as one to stimulate it, not to subsidize them or give a dollar to take over for their own inadequacies.

Certainly what Congress did in 1968 stimulated our State. We have moved further ahead in this area of crime and criminal justice than we probably had in the history of the State in the past several years.

Mr. RODINO. I might add to what my colleague just said and to what the Governor has just responded. It is not a question of rewarding areas that have more crime, but rather a question of recognizing that there is a heavy concentration of crime in certain areas and trying effectively, to control and prevent it. We are not seeking to reward areas.

I think we have to recognize that in the urban areas of this Nation crime is heaviest. As one member, I believe we have to utilize federal assistance effectively and assure that it is being spent where it is needed most.

Governor OGILVIE. Let me make this point, if I may. If Illinois had not passed an income tax law, the \$5 million we used to fund our activities would not have been available. It is a difficult decision for some States to make to come up with sufficient revenues to do the things that a State ought to do but I think the State ought to do this.

If a State is not providing sufficient revenue for its own needs it should not be able to look to the Congress to take over. I think if a State does not have an income tax it ought to have one.

Mr. RODINO. Thank you.

Mr. DONOHUE (presiding). Mr. MacGregor.

Mr. MACGREGOR. Governor, this subcommittee is honored by your presence here this morning. Your record before you became Governor of Illinois and your record in the field of law enforcement in Cook County and Illinois is well known to us, and I would imagine it is known to the people interested in law enforcement throughout America.

I have been much impressed with your statement here today. I am pleased that within Illinois—as you noted at the top of page 3 of your statement—action funds under the bill that several members of this committee wrote have been allocated chiefly on the criteria of crime rates.

A great point made before this subcommittee yesterday by the former Attorney General of the United States was that States were not allocating funds on the basis of crime rates which tend to be higher in urban areas for the major crimes of robbery and auto theft than in rural areas. But Illinois has paid attention to the greater incidence of crime in some of the urban areas and has allocated funds under this act on the basis of that recognition. Is that a fair statement?

Governor OGILVIE. Yes, sir, it is.

Mr. MACGREGOR. We have two very fine members from Illinois as members of this subcommittee, and I am not going to impose upon their time by talking further. I thank you very much for your presentation. I think it adds a great deal to the basic thinking behind title I of the Omnibus Crime Control and Safe Streets Act of 1968, namely, that States are in a better position than Washington, D.C., to determine what the priorities of law enforcement and criminal justice should be within those States. Your testimony indicates that the basic program is a sound program and ought to be continued.

I am pleased that you support that thesis and that you oppose amendments which would change the basic thrust of the Omnibus Crime Control and Safe Streets Act.

Mr. DONOHUE (presiding). Mr. Kastenmeier.

Mr. KASTENMEIER. Thank you, Mr. Chairman. First of all, you referred to a number of projects in Illinois and one of them was the East St. Louis project. I remember seeing on national television a few months ago apparently part of that program. I wondered whether you were familiar with it. Part of it seemed to involve a sensitivity type exposure between the black community and the chief of police of East St. Louis and other officers of the East St. Louis Police Department.

Governor OGILVIE. I am familiar with the program. Basically, it took officers of the East St. Louis Police Department who, at least it was alleged, were not sensitive to the problems of the citizens of the com-

munity, and put them in a close relationship over a weekend or something of that nature where they were compelled in a sense to talk to each other and the reports have been rather encouraging, that it has improved the understanding of the police of the problems of the community and the community seems to have a better awareness of the problems of the officers. I don't have the answer but I can get it for you where we funded this.

Mr. KASTENMEIER. I was interested in whether it was part of a State program?

Governor OGILVIE. I am advised that it was funded by the State of Illinois but through our human relations commission. It was not a part of the law enforcement commission.

Mr. KASTENMEIER. Thank you.

As you know, there has been a division of opinion as to whether there should be block grants or whether the Federal Government should make more direct grants to local enforcement agencies. I notice that you have distinguished States, in terms of their law enforcement role. You indicate that law enforcement is a State function rather than a local responsibility in some States, such as North Dakota.

Do you think in the spirit of compromise we should distinguish among the States in terms of their law enforcement roles?

Governor OGILVIE. I have great confidence in the American system of government. I think if Congress is going to take the responsibility for running local county or municipal enforcement, it is taking on more than it can handle. We are either going to have to trust our system or change it. I prefer not to change it.

I think the Congress is going to have to encourage the States to do those things which States ought to do. I would submit in Illinois we have responded to the encouragement that the 1968 act gave us in this area. I would hope that the record of Illinois and of other States which I understand will be represented before your committee would encourage the rest of the country to come up to these standards. I say that not immodestly.

Mr. KASTENMEIER. Former Attorney General Clark, the witness yesterday, suggested something that possibly relates to what you suggest on page 2 of your statement. Statistically, you state: "In Illinois local enforcement is divided between sheriffs in 102 counties, and police departments in nearly 800 municipalities." Mr. Clark suggested there are perhaps 30,000 law enforcement entities throughout this country.

Practically speaking, for efficiency's sake, utilizing the technology at our disposal, perhaps we ought to reduce this to 2,000 or some comparable figure? Looking at Illinois as a microcosm of the whole, would you agree we ought to do this?

Governor OGILVIE. Clearly, a reduction is indicated and I was not aware whether you were here when we were talking about a new constitutional convention in session in our State. We are optimistic that one of the results will provide for consolidation.

For instance, we have counties in the State that are so sparsely populated they don't have a sufficient tax base to pay their county officials an adequate salary; where their law enforcement officer is a sheriff and perhaps his wife may watch the jail for him.

Clearly, that is not an adequate situation. It is a question of judgment as to how far to move out. The most efficient police operation

would be one, but then we would have a national police force that takes on all sorts of horrendous possibilities and clearly I don't think that is consistent with the feeling in this country.

Mr. KASTENMEIER. I am glad to hear that Illinois is doing that. Do you feel that through Federal legislation we ought to encourage this type of consolidation?

Governor OGILVIE. I think you have already encouraged it by the 1968 act. The only other way would be to rewrite our State constitution, which power the Congress does not have.

Mr. DONOHUE (presiding). Mr. McClory.

Mr. McCLORY. I want to reiterate how pleased I am that the Governor could come here to present his testimony and to commend him for the very helpful statement he has presented to the committee.

With reference to the last question and answer, I would like to ask whether or not the State might be more knowledgeable and influential with regard to the consolidation and coordination of local law enforcement agencies, particularly where there is overlapping jurisdiction, or do you feel that the U.S. Attorney General in Washington would be more knowledgeable and influential with respect to effecting such a result?

Governor OGILVIE. I would think the States.

Mr. McCLORY. May I inquire about the makeup of the State planning agency? I don't think you covered that in your testimony or your answers. What is the composition with regard to rural, suburban, and urban representation on the agency?

Governor OGILVIE. Congressman, there are 32 members. I don't have it on a regional basis. I asked for the information on the basis of background. We have five mayors and elected officials, 10 representatives from law enforcement, two judges, two from the city of Chicago, three representing minority groups, eight from corrections, one from the clergy, five citizen representatives, and two academicians. I could get you the additional information.

Mr. McCLORY. In other words, you have endeavored to place representation on the State planning agency consistent with the incidence of crime and utilized personnel who know what the problem is and how the State planning agency can act to help resolve it?

Governor OGILVIE. We follow very closely the requirements as close as I think it is possible to come that were contained in the 1968 act.

Mr. McCLORY. Governor, of course, we have heard about and we recognize the high incidence of crime in our urban areas. But I think it is a fact, is it not, that the rate of increase of crime is higher in the suburban and rural areas than it is in the urban areas?

Governor OGILVIE. Yes, sir.

Mr. McCLORY. Most certainly, there is an increase of crime in the suburban and rural areas as well as in the urban areas.

Governor OGILVIE. I am sure this probably need not even be said but the problem of crime goes far beyond this subcommittee and the omnibus law enforcement bill. To look at it totally, we are talking about housing, we are talking about quality education for all of our youngsters, we are talking about nutrition which is something I would like to talk to another committee about at another time.

One of the great problems I think we have in the poverty stricken areas of our cities is that we have too many youngsters who don't get

started off nutritionally correct, there is brain damage they become behavior problems in the schools.

These are all related but it is a much bigger problem.

Mr. McCLORY. The suggestion made yesterday by former Attorney General Ramsey Clark was that since crime was greatest in the urban area, the Attorney General should have authority to direct grants to the urban law enforcement agency without regard to the State planning agency.

Governor OGILVIE. I would have to respectfully disagree. I think that is much too narrow a view of the problem.

Mr. McCLORY. In the amendments which Mr. McCulloch and I and others have introduced in the form of a bill, we have placed emphasis on State and regional planning to improve our correctional institutions.

Would you comment on that amendment?

Governor OGILVIE. I would honestly prefer that you include the legislative recommendation that this be done and leave the State the flexibility to decide whether it should be, in fact, something done in its particular jurisdiction.

Mr. McCLORY. Thank you very much.

Mr. DONOHUE (presiding). Mr. Railsback.

Mr. RAILSBACK. Thank you, Mr. Chairman.

I want to commend our Governor for presenting an excellent statement. I would like to ask what has been the relationship between the State agency and the municipal officials. Has there been cooperation? Is the State planning agency in a position to counsel and help municipalities with applications?

Governor OGILVIE. With our State funds we have a professional staff now, I believe, of 22 people with an office in Chicago which, of course, is the center of our major population in the State and we have regional representatives who are in contact with local enforcement, local courts, local jails.

Mr. RAILSBACK. Governor, I think you have covered the subject very well.

I just want to say there are many of us who have supported Federal aid to education. We have supported the funding of welfare programs. We have been called moderates or liberals. At the same time, many of us are hoping that we can, in fact, help the States to meet the important responsibility that should be theirs and which, as a former State legislator, I don't think the States have always assumed. But this is one case where it appears to me that this might be a forerunner of things to come in other areas where the States can, indeed, assume a new responsibility and relieve our overburdened centralized Federal Government.

Governor OGILVIE. I would certainly hope so.

Mr. DONOHUE (presiding). Mr. Poff.

Mr. POFF. First, I want to join my colleagues in the commendation that has been made. I think the Governor has attained a plateau of excellence rarely attained by witnesses in that chair.

I would like to explore with you, if I may, the question of proliferation of government. As my colleague from Wisconsin indicated a moment ago, there are many separate police jurisdictions in the United States; indeed, there are about 40,000.

Specifically, I think, there are about 18,000 municipalities and about 3,000 counties and then some 19,000 separate taxing jurisdictions. In your State you indicated that you have 102 counties, 800 for municipalities and perhaps additional taxing jurisdictions. Your effort to consolidate and combine has led you in the comprehensive plan to structure your organization into some 36 regional planning units.

Governor OGILVIE. That is right.

Mr. POFF. May I inquire what would be required of the constitution and the laws of the State of Illinois to combine and consolidate the function and jurisdiction of two or more separate jurisdictions?

Governor OGILVIE. This is what our constitutional convention we hope will accomplish. There has not been a change in the organization of our counties in probably 100 years. There are some things that we can do but the office of sheriff, for instance, is a State constitutional office. All police authority in our State is comparable to the power that a sheriff has, with jurisdictional limitations, State police having the jurisdiction statewide; a municipal official is confined to his particular municipality. There is a great deal of improvement that could be accomplished by easing the opportunities for annexation, for consolidation of communities, but you run into something there that is pretty characteristic of the American people, they like their Government pretty close to them, especially in Illinois, I feel.

It gets to be a luxury, I think, in many cases, one that perhaps we will not be able to continue to afford.

Mr. POFF. My question was intended to illustrate and dramatize the fact that whatever combination is to be made must be governed primarily by the constitution of a State and by the laws of a State. The Federal legislature sitting here in Washington has no comparable authority and there is no constitutional mandate.

May I ask if the State of Illinois has compact arrangements in the field of law enforcement with adjacent States?

Governor OGILVIE. I don't believe we do. The answer is no.

Mr. POFF. Unkown to the many, and that included myself until a year ago, there has been on the Federal statute books for many years a law which makes crime compacts among States automatically ratified. It is not necessary as it is with respect to other compacts to go through the process of getting congressional ratification.

I believe that in the process of combining and streamlining our law enforcement system in the Nation at large, further attention will have to be given such compacts.

Governor OGILVIE. Are you talking about relationships State to State?

Mr. POFF. Yes, I am.

Governor OGILVIE. To the best of my knowledge, our relationships with our sister States, Missouri, Wisconsin, Indiana, Kentucky, are excellent.

Mr. POFF. It has been indicated in testimony before this committee this year and in years past that States really have no law enforcement function. It is conceded by those same witnesses that there are differences among States, but I suggest the situation in the State of Illinois is not atypical but rather typical.

Governor OGILVIE. May I give you an example?

Mr. POFF. Yes.

Governor OGILVIE. We have 60 State policemen today who are assigned full time to the community of Cairo. This is traditionally a highway patrol agency. Because of the problem down there, they have become a municipal police department.

They are walking foot patrols in that community. This has stabilized a very dangerous and explosive situation in that community in my opinion. If we did not have a State police, clearly the county sheriff does not have the authority to move in and without the resources, the next level would be the Federal Government.

Mr. POFF. Is it not also probable that in most States, as in Illinois, jurisdiction with respect to the court system is statewide?

Governor OGILVIE. Yes; it is.

Mr. POFF. The same is probably true of the correctional system, isn't it?

Governor OGILVIE. With the exception of Cook County, which has a large county jail and a large municipal house of correction, but everywhere else essentially it is a State problem and particularly in the case of felons.

Mr. POFF. I understood you to say, too, you have developed a statewide public defender system?

Governor OGILVIE. Yes, sir.

Mr. POFF. Do you have statewide parole and pardon board?

Governor OGILVIE. Effective January 1, we now have our first full-time professional pardon board in the State of Illinois.

Mr. POFF. And it will have plenary jurisdiction?

Governor OGILVIE. Its agents are still in training and will be for sometime.

Mr. POFF. These several examples illustrate, then, I think, the State does have considerable responsibility in the area of law enforcement. If that is true, I wonder whether we are justified in using the incidence of crime as our sole yardstick in the allocation of funds. Isn't it necessary to measure some other quantities in the equation?

Governor OGILVIE. That would be one part of a number of the parts of your equation.

Mr. POFF. I thank the Governor. I would like to pursue the question of corrections more, but we have other witnesses. The House is going into session early today, and for that reason I will thank you again and yield to my colleagues.

Mr. DONOHUE (presiding). The Chair notes the presence of Congressman Mikva of the great State of Illinois, a member of the full committee. Although he is not a member of the subcommittee, I know he would like to make a few remarks to you, Governor.

Mr. MIKVA. I do, indeed, want to welcome Governor Ogilvie who is not only a good friend but one whom I have admired. We have respectfully disagreed on some subjects. I would suspect we disagree on this unless I get a yes answer. I don't think LEAA has provided Chicago through the State of Illinois enough assistance to really get at the crime problems. Would you agree?

Governor OGILVIE. We have not received any Federal action money this year. The money we are using is State money.

Mr. MIKVA. As you know, Governor, I am a firm believer that the State has a very important role to play, and I certainly cannot imagine any kind of a law enforcement system or criminal justice system of

which the State is not an integral actor and part. But I hope we can take a very critical look at the formula we have developed to see if there is not a better way of helping the States and cities in the allocation of Federal funds to get at the problem. I am pleased that you are here and I have read your statement.

Governor OGILVIE. Thank you.

Mr. DONOHUE (presiding). Thank you, Governor, for your contribution to the subject matter before us and we are most appreciative of your being with us this morning.

Governor OGILVIE. Thank you, Mr. Chairman. I really appreciate this opportunity and I enjoy the interchange in the sharing of ideas.

Mr. DONOHUE (presiding). Our next witness will be the Honorable Nelson A. Rockefeller, Governor of the great State of New York.

Before your proceed, Governor, the Chair would like to recognize our colleague, Congressman McClory of the State of Illinois.

Mr. McCLORY. Thank you very much, Mr. Chairman.

I seem to be serving on the welcoming committee here this morning. I am very privileged in welcoming both my Governor, Governor Ogilvie, and my former classmate at Dartmouth College in the great class of 1930.

In addition to being a distinguished Governor of the great Empire State, he has served with distinction in many important roles with our Federal Government. I am confident that he will contribute tremendously to this hearing this morning.

Finally, I wish to attest to the very excellent educational background he received from a little college in New Hampshire.

Mr. MacGREGOR. Mr. Chairman, just one word. As a member of the class of 1944 at Dartmouth College, I protest as discriminatory the reference to the "great class of 1930."

Mr. DONOHUE (presiding). Governor, may I suggest to you that our Chairman, Emanuel Celler, would like very much I know to be here to greet you but, unfortunately, he received a call that necessitates his presence elsewhere.

Before you proceed, Governor, I would like, and I know the members of the committee would like to have you identify your associates at the table with you.

STATEMENT OF HON. NELSON A. ROCKEFELLER, GOVERNOR OF THE STATE OF NEW YORK

Governor ROCKEFELLER. Mr. Chairman, I would like to thank you, sir, for this invitation to appear here before your committee, to express my appreciation to the committee members and especially those with that unique educational background, even the younger fellows from the class of 1944.

I would like to identify the gentlemen who are with me, as you request: Mr. Peter J. McQuillian, director of the State office of crime control planning. Mr. Howard Shapiro, assistant counsel, and Mr. Claude Shostal, program associate. These three gentlemen are all intimately connected with the problem of crime control in our State and have been the ones who have worked most closely with the Safe Streets Act funds and legislation.

I have a statement here which, with your permission, I would like to read.

Mr. DONOHUE (presiding). You may proceed.

Governor ROCKEFELLER. I have made some changes in the text. I say this just for the press, who may want to follow.

Before reading this, in my opinion there are two questions here before us: One is money and the other is coordination of the crime control effort. I think if we keep those two in mind as we go forward that it will simplify some of the problems because everybody wants more money, and that is one facet of the problem. The other is the coordination of the effort to get maximum benefit for the money spent.

I appreciate, as I have said, Mr. Chairman, the opportunity to testify before this committee regarding the Omnibus Crime Control and Safe Streets Act of 1968.

The shocking increase in crime over the past few years demands the most urgent attention of public officials at every level of government. Citizens are being terrorized on the streets of their communities and in their own homes.

The most frequent victims of violent crime are the poor and disadvantaged—a pattern which can only serve to heighten their frustration and anger. But suburban and even rural communities are feeling the impact of the rising crime rate as well.

My remarks today are made not only on behalf of the National Governors' Conference and its deep concern to insure strong and responsive State government and thereby a sound Federal system; I speak also as the Governor of a State with 18 million people, over 75 percent of whom live in urban areas; a State with eight cities of over 100,000 population including the largest city in the country; a State committed to meeting its responsibilities for improving the quality of life for its citizens.

But the quality of life can have little meaning without freedom from fear for the safety of oneself, one's family, and one's property.

New York State under the present administration has placed the highest priority on the prevention and control of crime. We have taken action at two levels, first to meet the State's responsibility, and second to support local government in meeting their responsibilities. Under the first, may I point out the following? We have:

Launched the most massive and comprehensive attack in the Nation on a leading cause of crime—the problem of narcotics addiction, including a mandatory treatment program for addicts.

Reorganized the State police and doubled its manpower.

Created a new narcotics enforcement unit in the State police, leading to major increases in narcotics arrests.

Enacted a new and completely revised penal law, and proposed a new criminal procedure law for action this year.

In addition, I have recommended this year:

The creation of a statewide prosecutor for organized crime supported by a task force;

The establishment of a new department of correctional service to implement modern and more flexible concepts of treating criminal offenders; and

The creation of a temporary commission to evaluate the structure and effectiveness of our entire court system, with the request that they make recommendations for its improvement.

Secondly, going to the question of State assistance. While the State can and has played a significant role, we have recognized that it is actually local government which carries the primary responsibility to insure the safety of the individual on the street and to protect his property. To assist this fundamental, front-line function of local law enforcement agencies, the State has done the following:

Created at the State level a municipal police training council and a division of local police to provide program and information services and technical assistance.

Established the Nation's first minimum training requirements for local police recruits and first-line supervisory officers as well as in-service training programs. As a matter of fact, we have also created a State police academy to which local police officers can come for advanced training.

Provided in legislation standard qualifications for new policemen.

Created a unique new State identification and intelligence system utilizing computer techniques in an information-sharing network adding local law-enforcement agencies. This is for courts, judges, district attorneys, as well as police.

Provided for full-time service by local district attorneys in larger counties.

Added 125 new judges and enacted other pioneering measures to reduce court congestion.

Only recently has the Federal Government recognized its responsibilities in meeting this growing problem.

In 1965, Congress took a major step to meet the critical problems which we still face by enacting the Omnibus Crime Control and Safe Streets Act. The act represents a national recognition of the seriousness of the crime problem. It also represents a national commitment to help make our communities safer places in which to live, work, and bring up our children. The President's Commission on the Causes and Prevention of Violence recently urged that the Nation should double its investment in the prevention of crime and the administration of justice as rapidly as that investment can be wisely planned and utilized. The Safe Streets Act is a sound instrument for this investment.

The concern of this committee to insure the maximum effectiveness of funds spent under the act is timely and commendable.

The Safe Streets Act does more, however, than simply funnel Federal funds through the States down to the local level.

The most significant feature of the Safe Streets Act has been the encouragement it provides, through the block grant mechanism, for an effective partnership of all three levels of government—Federal, State and local—in the prevention and control of crime. By calling upon each level of government to recognize its appropriate responsibilities, the Safe Streets Act is helping to insure the maintenance of a viable Federal system. This act is another example of the capacity of our Federal system to adapt its institutions to meet new challenges—to shape change and not be overwhelmed by it.

Under the act, State and local government must join together and, with concerned citizens, develop a statewide comprehensive crime con-

trol plan. This comprehensive planning process allows the broad based analysis of problems, the development of a coordinated approach to meet those problems, and a rational allocation of resources for the most effective implementation of that approach.

The act also requires a mandatory pass-through of at least 75 percent of the action funds and 40 percent of the planning funds to units of local government. It thereby recognizes that local government is in the front line in protecting citizens and property against crime in the streets.

This partnership—with its key coordinative role at the State level—is essential because of the nature of the crime problem.

First, local law enforcement agencies are structured along political boundaries—towns, cities, and counties. Criminal activities, most especially those of organized crime, are not restricted by such boundaries—in fact, crime thrives because artificial jurisdictional lines often hamper the effectiveness of police and prosecutory agencies.

In New York State, approximately 570 municipalities operate police departments, many with fewer than 10 full time officers. A sheriff's department is maintained by each of the 57 counties outside New York City. Two suburban counties in New York State maintain county police departments.

Prosecution of crime in the State is the responsibility of 62 district attorneys, separately elected on a countywide basis. New York City has five separately-elected, independent district attorneys. A number of municipal legal officers also perform limited prosecution activities.

Where crimes are committed across jurisdictional lines, this diversity of local law enforcement agencies often means that localities, acting alone, cannot adequately combat extortion, loan sharking, narcotics trafficking, corruption, graft, infiltration of legitimate businesses and other forms of racketeering.

It is for this very reason that I have proposed a statewide prosecutor of organized crime for New York State. We must overcome the limitations inherent in the present system. Isolated programs in response to strictly local perspectives are bound to be of limited impact and value. They may even aggravate the situation.

It is precisely because of the critical role of local law enforcement agencies as our first line of defense against lawlessness that coordination is so crucial. Plainly, this means coordination at State level.

Second, the total range of government's response to a criminal act and antisocial behavior generally must be logical and consistent—and the present pattern is a highly diverse one.

For example, each county in New York State outside New York City has a county court with criminal jurisdiction. At the municipal level, there are four more kinds of courts involved: district courts, city courts, town courts, and village courts. New York City maintains a criminal court with close to 100 judges for misdemeanor and petty violations alone.

Persons awaiting trial may be detained in any one of 177 municipal police department detention facilities, 57 county jails, or the several detention facilities under the jurisdiction of New York City. Persons sentenced to terms of imprisonment of 1 year or less are held in one of 62 county jails or penitentiaries. In addition, the city of New York maintains its own complex of institutions for sentenced prisoners.

Every effort must be made to insure that what happens to an offender in the hands of the police, the courts, the prosecutors and the correctional process represents a rational and integrated response. Furthermore, that response must be meaningfully related to the cause and nature of the offense committed.

The administration of a single function, at whatever level, must complement the administration of another function—not conflict with it.

Crime control efforts must be blended into a coordinated and effective system—a total system for criminal justice.

The surest way of achieving such a system is through a comprehensive statewide plan and the allocation of resources throughout the State according to that plan.

We recently provided a grant to New York City for a seminar for assistant district attorneys; to Nassau County to provide social and rehabilitative services for convicted offenders; to the State division of probation to study the extent to which paraprofessionals can assume selected probation officer tasks; to a private association for a training program for juvenile detention workers and training school staff.

These subgrants are helping to implement carefully selected elements of the State's comprehensive crime control plan. However, gentlemen, I would be less than frank if I did not point out that the \$3.6 million which we are receiving this year from the Federal Government is really a drop in the bucket in comparison to the money that is being spent by the State and local governments in New York which amounts to \$1.5 billion.

This coordinated approach under the Safe Streets Act also increases the effectiveness of experimentation, research, and evaluation of all aspects of crime control.

We simply do not know enough about the effectiveness of various techniques of crime prevention and policing; about the impact of coordinating and sentencing procedures; about the best methods of rehabilitating offenders. We must apply new technology and scientific evaluation to learn more in these critical areas.

By testing one approach in one city and a different approach in another, local areas can serve as laboratories for each other—just as States serve as laboratories for one another in the Federal system which is the unique strength of our form of government.

In New York State we are testing:

A sensor to detect heroin and marijuana in New York City,

A remote outdoor television surveillance system in Mount Vernon,

The feasibility of countywide police departments in two upstate counties,

The effectiveness of community service aids in Syracuse, and, the use of scooter patrols in Yonkers.

The results of these projects will be helpful to many areas throughout the State and will provide meaningful information for the ongoing refinement of the statewide plan.

Let me outline in summary form what we have done in New York State in the first full year under the Safe Streets Act.

New York State was awarded \$1.3 million in planning funds—65 percent of these funds were made available to units of local government, 25 percent more than required.

New York State has received \$2.5 million for action grants. Over 52 percent of this amount has gone to the five largest cities in the State. These five cities have, in fact, received 70 percent of all the funds passed through to units of local government. When grants to private agencies are included, over 50 percent of the action grant moneys went to projects in New York City.

These projects were identified and developed at the local level. They were approved and funded by a planning agency with broad local representation—but which also had a statewide perspective. On our crime control planning board the elected State attorney general and four State agency heads are joined by an upstate sheriff and district attorney; a district attorney and the police commissioner from New York City; the mayor of a large upstate city and the county executive of a large urban county; and representatives of professional, academic, and community viewpoints.

The board has developed a close working relationship with local planning agencies and city and county officials.

The partnership established by the Safe Streets Act holds great promise for making significant progress in meeting the problems of delinquency, crime, and lawlessness. We in New York State are highly optimistic about the success of this exciting, cooperative approach, even with the normal birth pains and limited funding that have marked this new program.

Legislation basically altering this partnership would at best be seriously premature. Certainly, measures which would weaken the block grant provisions of the act should deprive the partnership of its most cohesive force.

Without this major financial incentive, the comprehensive planning effort, the attempt to coordinate all aspects of the criminal justice system, and the ability effectively to allocate resources on a statewide basis would be undermined.

The Safe Streets Act looks to the State level for the setting and meeting of priorities in this critical area of concern.

Shifting these responsibilities to Washington would threaten to create a massive bureaucracy far removed from local problems.

Such a bureaucracy would be particularly ill-equipped to evaluate the complex factors, to weigh alternatives, to establish priorities, and to implement effective solutions within each of 50 different and unique law enforcement and criminal justice systems.

Recognizing this danger, the Law Enforcement Assistance Administration itself is anxious to continue working with and through the States. The States can and must respond forcefully and responsibly to this challenge.

I believe our experience in New York State indicates this is possible and proves it can be done.

Mr. DONOHUE (presiding). Thank you, Governor.

With your indulgence, the committee will recess for 15 minutes in order to respond to a quorum call which is taking place on the floor of the House. We will reconvene again in 15 minutes.

Thank you again, Governor.

(Brief recess during which Chairman Celler resumed the chair.)

The CHAIRMAN. Governor, we would be pleased to have you resume the witness stand. I believe some of the members want to address questions to you.

Mr. Rodino.

Mr. RODINO. Governor, as a resident of the neighboring State of New Jersey, I welcome you here. I have been reading in the newspapers where you and my good friend and former colleague, and now Governor of the State of New Jersey, have been working together very closely and hopefully some of the programs that emerge will effectively deal with some of the problems that are common to both of our States.

Governor, just a couple of questions. Governor Ogilvie has stated that he recognizes that the front-line in the fight against crime is at the local level. Do I take it, Governor, that this is also your view, that the fight against crime is at the local level?

Governor ROCKEFELLER. I do, and I so stated in my statement.

Mr. RODINO. Governor, as a representative of the National Governors' Conference you support the role played by States and apparently conclude that block grants are the most effective method and that it has been working. Apparently you don't envision too many changes in the organization of the program. However, I notice in the report that was issued by the National League of Cities that regional planning, and regional distribution of law enforcement funds has met with objection by many mayors throughout the country. For instance, Lancaster, Pa., San Jose, Calif., and others.

I wonder how should we correct these weaknesses or deficiencies? The program may be working all right in your State yet there still are these objections. Do you propose any changes at all to more effectively deal with the problems that arise in other areas in the country?

Governor ROCKEFELLER. A greatly increased allocation of funds by Congress I think would really cover most of the problems.

Mr. RODINO. You advocate using the same formula, then. But the objections and criticisms do not solely concern the amount of the funds but rather the method of planning and distribution of funds.

Governor ROCKEFELLER. I am not familiar with the specific objections to which you refer, and therefore it is a little difficult for me to comment on the objections not knowing what they were.

Mr. RODINO. For instance, the city of Grand Rapids, Mich., with a population of approximately 200,000, with an annual police expenditure of over \$2.9 million, received \$188 toward the purchase of two Polaroid cameras, while the rural community of 7,500 population received approximately \$5,300. This is because of a distribution formula that was adopted, and the method of regional planning and regional distribution of funds.

Governor ROCKEFELLER. If I understand the law correctly, the law was to have a statewide planning agency and that they were to do innovative and experimental programs to try to bring about a better understanding of the problems and the needs. This is not a subsidy by Congress of law enforcement activities. If the Congress wanted to make a financial program of subsidy then I think the Congress would go about this in an entirely different way. This is really, as I understand it, to try to bring into focus the totality of the problem, the need for much more effective integration and coordination and cooperation between the different levels of Government and to undertake some experimental programs which will be helpful to all concerned.

Mr. RODINO. In view of these very significant objections don't you think that the system is not operating as effectively as it should and

perhaps there is some other role that the Federal Government might play to insure that these areas are treated in a manner that focuses on the real crime problem?

Governor ROCKEFELLER. If the complaint was that St. Louis, or whatever city is was you mentioned, did not get enough money from the State committee, my hunch is that probably the amount of money the State got from the Federal Government was so small that it would not really have any effect on the budget of the law enforcement effort of St. Louis. Therefore, whatever would come through would be more of an experimental program.

As a matter of fact, the law says that these funds are not to take the place of local funds or to go toward the ongoing function of law enforcement activity but are to be new programs on a matching fund basis. I think that, for the objective of the law, this is very good. There is always one way Congress can reach the distribution of funds and the handling of these programs and that is to approve a State plan. In certain areas the Congress says "prepare a State plan, we will approve it if we like it and we will give you the money. If we don't, you don't get the money."

The Federal Government could have more influence by saying, "We would like to look at your plan and approve it."

Mr. RODINO. What about the allocation of funds? This is a two-phase program—First there is planning then there is the actual allocation.

Governor ROCKEFELLER. I suppose the funds would be part of the program. In other words, if we came up with a program, and if the Federal Government wants to take responsibility for seeing whether they like the plan, then they can look it over to see if they like it. My counsel tells me you already have this in the law. Therefore, if someone is complaining, a local government does not feel it is being treated fairly, I would think they can raise it with the Federal Government and the Federal Government can go back and look at the plans.

Mr. RODINO. With whom would the unit of local government raise a complaint? Since the State has already passed on the objections what purpose would there be in raising a complaint again.

Governor ROCKEFELLER. We have to submit our State plan to the Law Enforcement Assistance Administration before it is approved. If they don't like it, they can say, "You are not doing enough, we don't like the plan," and the State would have to go back to St. Louis and say, "Come up with more than \$100 for a transistor radio."

Mr. RODINO. Do you think they should make more of an allocation to a city when the plan has been approved?

Governor ROCKEFELLER. If you got into real money in this program, what you are saying would acquire some meaning, but the money is so small—

Mr. RODINO. We are talking about \$750 million. Would you consider that real money?

Governor ROCKEFELLER. I would, but so often these bills provide an authorization of a large amount and when the appropriation comes along it is a fraction level so at the State level we do not pay too much attention to the authorization. We wait until the appropriation comes through.

Mr. RODINO. The President only requested \$480 million.

Governor ROCKEFELLER. There you are.

The CHAIRMAN. Just what are the local authorities doing, Governor, with the money you allocate with reference to the reduction in crime? Have you overseen the expenditures and have you examined what they are actually doing?

Governor ROCKEFELLER. With the moneys received under these Federal grants, yes. Each of the experimental programs is evaluated and then the information is made available to all.

For instance, a very interesting experiment being undertaken in New York City is a sensor to detect heroin and marihuana. This is a new mechanical device. If there is heroin or marihuana in a building or in a room, this device would pick it up even though it is concealed. Now if this works this can be a very major improvement in the detection and prosecution of the distribution of drugs.

In Mt. Vernon, they are experimenting under a grant from the Federal Government with an outdoor surveillance system. This is used in banks and other places on a limited basis. Now they are trying it on a crime control surveillance basis for an area of a city. This is a very interesting approach. If this works out, this could be very important.

In two upstate counties I mentioned earlier we are working to try to see whether they would consolidate their rural police on a county-wide basis—getting rid of these small town village police forces which have maybe five or six men in them who can not have the necessary expertise to deal with modern criminal activities.

The CHAIRMAN. How do you develop a modus operandi where there are 20 different police forces? How do you work out any degree of unity by allocating funds to the county? Are the local townships satisfied with that? Do they cooperate?

Governor ROCKEFELLER. I think as Mr. Ogilvie said before, there is a very strong feeling on the part of people to keep government as close to the people as it can. Naturally, these local communities don't like to give up their local police force, or whatever they have. However, Nassau County, which is the largest county in the State outside of New York City has already gone to a consolidated police force. They took over all of the police forces and put them in one major police force.

The CHAIRMAN. They have a county executive?

Governor ROCKEFELLER. That is right, and we are trying this same concept with two rural counties to see if they would consider an experiment for working this out to go to a countywide police force. This would be a tremendously helpful thing in handling crime.

The CHAIRMAN. What has been the impact on the crime rate in the areas that you mentioned? Is it too soon to tell?

Governor ROCKEFELLER. It is, but at least it is a step in the right direction and it is the kind of thing where your funds, even though

they are limited, are helping us to do things which are in addition to what we are already doing, and in experimentation, research, and planning.

The CHAIRMAN. I understand the bill provides, if my memory serves me correctly, that the allocations be made on the basis of population. Is that correct?

Governor ROCKEFELLER. Yes, to the States, but then there is a formula whereby 75 percent of the project money is passed through.

The CHAIRMAN. Do you allocate in turn on the basis of population?

Governor ROCKEFELLER. No, we allocate on the basis of projects that come up from the local communities.

The CHAIRMAN. Do you consider the incidence of crime?

Governor ROCKEFELLER. Yes, we do but they have to have something good in terms of something new or an experimental concept. It just happens that 55 percent of all of the money is going to New York City. That is a reflection both of the incidence of crime and of the population.

The CHAIRMAN. I take it from your experience with the allocation made on the basis of population and the basis of the incidence of crime the funds would go to the cities rather than the rural areas.

Governor ROCKEFELLER. That is correct, 70 percent is going to the five largest cities.

The CHAIRMAN. Is it true that the statute does not require the application of that standard?

Governor ROCKEFELLER. No, it does not.

The CHAIRMAN. That is the standard that your State imposes?

Governor ROCKEFELLER. That is right. But we have combined that standard with the application by the community for funding of a project that has meaning. In other words, we just don't give the money out to some project that is meaningless.

The CHAIRMAN. It is one thing to allocate money but how do you monitor its use? How do you watch to see what is happening? Do you have an agency that is structured for that?

Governor ROCKEFELLER. There is a staff for this planning organization and there is an evaluation system built in in connection with the project so that those who are carrying it out have to make their own analysis. Then we review their analysis of the significance of the project. Of course, this detection for instance, of drugs by a mechanical device could be tremendously significant.

The CHAIRMAN. Will you supply, Governor, the subcommittee with a summary of your State's allocation of action funds to units of local government for the fiscal year 1969?

Governor ROCKEFELLER. Yes, sir. We will give you the full details. (The information referred to follows:)

Fiscal year 1969 financial summary of the State of New York, Office of Crime Control Planning

(a) Awarded by LEAA to New York State:		
1. Planning funds-----		<u>\$1,332,550</u>
2. Action funds:		
a. Sec. 307-b (August 8, 1968)-----		397,154
b. 1st year plan (July 7, 1969)-----		1,853,391
Total action funds-----		<u>2,250,545</u>
(b) Total available for subgrants:		
1. Planning minimum (40 percent of \$1,332,550)-----		533,020
2. Action (100 percent)-----		2,250,545
(c) Grant awards made by State crime control planning board:		

	Planning	Action
August 1968-----	0	\$394,070
March 1969-----	\$662,092	0
May 1969-----	50,150	0
October 1969-----	98,859	701,434
December 1969-----	107,304	888,889
February 1970-----	0	266,152
Totals-----	<u>918,405</u>	<u>2,250,545</u>

(d) Balances available for grants as of Mar. 1, 1970:		
1. Planning-----		0
2. Action-----		0

LIST OF GRANT AWARDS MADE BY STATE CRIME CONTROL PLANNING BOARD AS OF MAR. 1, 1970

Subgrantee/title	Planning	Action
Auburn Community College: Education program for inmates-----	\$4,370	
Black River/St. Lawrence RPB: Planning staff-----	24,532	
Buffalo, city of:		
Rumor control center-----		\$36,010.00
Command and control center-----		74,398.00
Total-----		<u>110,408.00</u>
Capital District RPB: Planning staff-----	22,725	
Central New York RPB: Planning staff-----	34,650	
Dutchess County: Mobile communication system-----		14,977.00
East Harlem Youth Employment Service, Inc.: Crime prevention-----		108,000.00
Erie County:		
CCTV system-----		4,796.00
Correction officer training-----		11,000.00
Total-----		<u>15,796.00</u>
Erie/Niagara RPB:		
Planning staff-----	48,253.58	
FORLAB, Cornell-----	29,197.00	
INFOBASE, Cornell-----	61,399.80	
Total-----	<u>138,850.38</u>	
Fulton County: Consolidation study-----	13,284	
Genesee/Finger Lakes RPB:		
Planning staff-----	42,480	
Training and education center-----	49,500	
Total-----	<u>91,980</u>	
Herkimer/Oneida RPB: Planning staff-----	26,649	
Institute for Child Mental Health: Juvenile detention in-service training-----		29,000.00
Lake Champlain/Lake George RPB: Planning staff-----	24,948	
Mid-Hudson RPB: Planning staff-----	39,870	
Monroe County: Regional crime lab-----		<u>20,381.00</u>

LIST OF GRANT AWARDS MADE BY STATE CRIME CONTROL PLANNING BOARD AS OF MAR. 1, 1970—Continued

Subgrantee/title	Planning	Action
Mount Vernon, city of:		
Tactical patrol unit.....		\$16,157.00
TV surveillance.....		32,000.00
P.D. records microfilming.....		9,180.00
Total.....		57,357.00
Nassau County RPB:		
Planning staff.....	\$50,459	
Community relations bus.....		20,500.00
Law, young people's course.....		13,000.00
Operation PAGE.....		17,500.00
Community relations booths.....		53,827.00
Operation Midway.....		68,133.00
Narcotics clinic.....	17,934	
Total.....	68,393	172,960.00
National Council on Crime and Delinquency: Seminars, organized crime.....		30,000.00
New Rochelle, city of: Community service officer.....		17,250.00
New York, city of, RPB:		
Police minority recruitment.....		25,000.00
Administration of justice under emergency conditions.....		41,000.00
Youth dialog.....		36,000.00
Guidelines for control of demonstrations.....		40,000.00
Planning staff.....	91,800	
Vera Institute.....	78,500	
Criminal justice information bureau.....	75,000	
Master calendar.....	20,945	
Bronx sentencing project.....	22,855	
Narcotics equipment.....		50,000.00
Police operations audit.....		50,000.00
System analysis personnel.....		50,000.00
Report writing reduction.....		50,000.00
Detective bureau performance.....		20,000.00
Criminal court calendar.....		66,000.00
Emergency reporting system.....		30,360.00
Methodone program.....		100,000.00
Police superior officers.....		42,000.00
Model police manual.....		20,000.00
College campus disorders.....		40,000.00
Narcotics detector.....		59,040.00
Command personnel training.....		51,600.00
Computer inquiry terminal.....		30,000.00
DA Association seminars.....		1,800.00
Precinct Service Officers structured training.....		18,850.00
Stress analyzer for training.....		38,725.00
Automatic robbery alarm system.....		86,726.00
Total.....	290,000	947,101.00
New York State Department of Correction:		
Para-professionals in probation.....		96,571.00
Computer training for inmates.....		20,000.00
Total.....		116,571.00
New York State Division of Human Rights: Community relations.....		55,797.00
New York State Division for Youth: New careerist program.....		8,000.00
New York State Identification and Intelligence System:		
Organized crime intelligence pilot program.....		37,500.00
Modus operandi program.....		15,000.00
Total.....		52,500.00
Newburgh, city of:		
Community relations.....		3,418.00
Civil disturbance prevention.....		5,447.00
Civil disturbance equipment.....		8,600.00
Personnel alerting system.....		6,004.00
Mobile trailer.....		26,078.00
Total.....		49,547.00
Niagara Falls, city of:		
Youth community relations.....		21,150.00
Police community service unit.....		51,795.00
Total.....		72,945.00
Onondaga County and Syracuse: Command control vehicle.....		21,588.75

LIST OF GRANT AWARDS MADE BY STATE CRIME CONTROL PLANNING BOARD AS OF MAR. 1, 1970—Continued

Subgrantee/title	Planning	Action
Rochester, city of:		
Police youth program.....		\$6,390.00
Defense equipment.....		5,310.00
Hispanic police workshop.....		2,887.00
Police youth workshop.....		14,036.00
Hispanic police workshop.....		9,900.00
Total.....		38,523.00
Schenectady County: Youth crime control and prevention.....		
		3,750.00
Schuyler County: Communication equipment.....		13,561.00
Southern district New York: Joint strike force.....		98,660.00
Southern tier central RPB: Planning staff.....	\$14,850	
Southern tier East RPB: Planning staff.....	21,468	
State University of New York: Deterrence and criminal justice study.....		14,176.00
Suffolk County RPB:		
Planning staff.....	42,686	
Community relations staff.....		16,568.47
Porta-mobile communications.....		25,468.00
Police community relations.....		33,780.00
Total.....	42,686	75,817.47
Syracuse, city of:		
Community service aid.....		36,520.00
Riot control equipment.....		6,303.75
Total.....		42,823.75
Utica, city of:		
Radio equipment.....		1,300.00
Police community relations.....		18,400.00
Report writing.....		2,000.00
Total.....		21,700.00
Warren County: Consolidation study.....	9,000	
Watertown, city of: Breathalyzer.....		576.00
Westchester County RPB: Planning staff.....	50,150	
White Plains, city of:		
Walkie-talkie units.....		4,800.00
Police community relations.....		1,800.00
Total.....		6,600.00
Yonkers, city of:		
Motor scooter patrol.....		12,000.00
Mobile crime vehicle.....		22,200.00
Total.....		34,200.00

The CHAIRMAN. Under the act, States are required to provide at least 10 percent of the funds for developing a comprehensive State crime plan (section 203(c)). How much of the State planning budget does your State actually provide?

Governor ROCKEFELLER. Fourteen percent of our budget went for the State planning activity.

The CHAIRMAN. Under the statute, Federal planning funds are allocated in the following manner: \$100,000 for each State and the remainder of the Federal appropriation, according to population (section 205.) Are you satisfied with this system of allocating planning funds? You partially answered that before, but I would like to get a more definite answer.

Governor ROCKEFELLER. We feel, Mr. Chairman, this is still very new. What we see of it has worked well so far, but it is premature to change until there has been more opportunity for observation as to the present structure. From our point of view, it looks good.

(Subsequently, the following information was supplied:)

STATE OF NEW YORK, OFFICE OF CRIME CONTROL PLANNING

PLANNING GRANTS

1. Award to New York State by LEAA.....	\$1,332,550
2. Forty percent (40%) of total planning funds must be granted to units of general local government.....	533,020
3. Total subgrants to New York City.....	290,000
(a) Percentage of total funds available.....	21.8
(b) Percentage of 40 percent funds.....	54.4
4. Population of Big Six (1968 estimates) :	

City	Percent	Population
New York City.....	44.7	8,125,000
Albany.....	.7	123,000
Buffalo.....	2.5	460,000
Rochester.....	1.6	291,000
Syracuse.....	1.1	208,000
Yonkers.....	1.1	207,000
Total.....	51.7	9,414,000

5. (a) Total planning subgrants to all units of general local governments as of February 16, 1970.....	868,255
(b) Percentage of total planning funds.....	65
<i>(Note: This is 25 percent above the statutorily required 40 percent.)</i>	

ACTION GRANTS

1. Award to New York State by LEAA.....	\$2,250,545
2. Total subgrants by Crime Control Planning Board.....	2,250,454
3. (a) Seventy-five percent (75%) of total action funds must be granted to units of local government.....	1,687,909
(b) Twenty-five percent (25%) available for State agencies and all others.....	562,635
Total.....	2,250,545
4. (a) Total action subgrants to Big Six (and percentage of total action funds [\$2,250] available) :	

City	Amount	Percentage
New York City.....	\$947,101	42.1
Albany.....	0	0
Buffalo.....	110,408	4.9
Rochester.....	38,523	1.7
Syracuse.....	42,824	1.9
Yonkers.....	34,200	1.5
Total.....	1,173,056	52.1

(b) Total action subgrants to Big Six (and percentage of action funds statutorily required to be made available to units of general local government [\$1,687]) :

City	Population percent	Amount	Percentage
New York City.....	44.7	\$947,101	56.1
Albany.....	.7	0	0
Buffalo.....	2.5	110,408	6.5
Rochester.....	1.6	38,523	2.3
Syracuse.....	1.1	42,824	2.5
Yonkers.....	1.1	34,200	2.0
Total.....	51.7	1,173,056	69.5

5. New York City

Total subgrants to New York City-----	\$947, 101
Subgrants to finance projects undertaken wholly in New York City	
YES -----	108, 000
SDNY -----	98, 660
ALT (50%) -----	15, 000
 Total -----	 1, 168, 761

This is 51.9 percent of \$2.25 million.

The CHAIRMAN. The act allocates action grants among the States according to their estimated population (section 306). Do you believe that this process sufficiently focuses Federal aid in the areas most in need and why?

Governor ROCKEFELLER. You have to have some system to allocate. I would think that this was as fair as any system. We have no complaints about it.

The CHAIRMAN. Can you describe how units of local government are involved in the development of your particular State plan? Are they represented in your planning central bureau, or how?

Governor ROCKEFELLER. They are represented on the planning board. The attorney general is a representative of the State. I will give you just a little rundown here: The commissioner of correction; the superintendent of State police; the chairman of the narcotic addition control commission; the director of the division for youth; and the State administrator for the judicial conference. Those are statewide officials. Then Frank Hogan, one of the New York City district attorneys; Howard Leary, the police commissioner of New York City; James White, district attorney for Montgomery County, a rural county district attorney; Maurice Dean; John Tutuska from Erie County is a member—he was a former sheriff of Erie County; Mr. Evans, chairman of the board of supervisors of Chautaugua County; Sidney Specter, director of the Legal Aid Society of Westchester County; John Martin, professor, Fordham University; Reverend Moore, First Baptist Church in Harlem; Marie Meng, New York Federation of Women's Clubs; Mr. Buiges, president of a New York City Bus Drivers Association.

The CHAIRMAN. You mentioned Commissioner Leary and Mr. Hogan.

Governor ROCKEFELLER. That is correct.

The CHAIRMAN. Is that sufficient New York representation?

Governor ROCKEFELLER. We will be expanding this board from 21 to 26 members which would allow, among others, more representation from New York City. However, the police commissioner and Frank Hogan are so highly regarded and their knowledge and judgment is so comprehensive we felt that really their experience outweighs in a sense the experience of most of the others but we have been considering increasing the official representation from New York.

The CHAIRMAN. Do you mean New York City?

Governor ROCKEFELLER. Yes. Two of the citizen members are from New York City also.

The CHAIRMAN. I think it should be increased.

How about Buffalo?

Governor ROCKEFELLER. Buffalo has the county executive of Erie County, John Tutuska, who was former sheriff and who is one of the able citizens in the area.

The CHAIRMAN. Can you describe how funds are allocated in your State? For example, is there a regional allocation of block grant funds?

Governor ROCKEFELLER. No, it is based on the application by the local communities. They come in with projects that are considered against the overall objectives, and as I said, we take into consideration populations and incidence of crime in making the allocation from among the projects.

The CHAIRMAN. When they make an application, do you insist they give you an itemized statement as to what they are going to do with the money?

Governor ROCKEFELLER. I could not tell you the form of the application but it must have the money tied to it or we would not have responsible details as to the amount and how the funds will be spent.

The CHAIRMAN. Do you give any funds for augmenting police forces?

Governor ROCKEFELLER. Under the law I don't think we are permitted. They would be very happy in any one of these communities to get that kind of money.

The CHAIRMAN. The law does not prevent the augmentation of the police force. It strikes me one real need is to increase the police in the crowded areas of the city.

Governor ROCKEFELLER. Mr. Chairman, with \$2.2 million which is the project funds, the number of police you could get it just infinitesimal.

The CHAIRMAN. I am quite sure you will receive much more money this year and I am wondering if you should give consideration to whether or not funds should be used for increasing the police force. I don't think the sums in the future will be infinitesimal.

Governor ROCKEFELLER. No question about it, and if we got substantial funds this would be a high-priority item for the use of those funds, but it is very hard to make up a budget for the State or for a local government on hopes.

The CHAIRMAN. As I understand it, you will probably get upwards of \$16 million this year. I am hopeful that you can use some of that money to increase the police forces of these local communities.

Governor ROCKEFELLER. I note your suggestion and we shall give it high-priority consideration.

Mr. McCULLOCH. I think, Governor, you have given us a clear, courageous, comprehensive statement. In this field it may appear easy to give a courageous statement, but there are many factors involved, if we do that which we need to do, that do not meet the wishes of all the people.

I was very pleased in particular to hear you say that you had been instrumental in organizing a police academy. I think we have waited too long for that in America, and I hope that your academy grows and produces graduates which even come out to Ohio.

Governor ROCKEFELLER. Thank you, sir, but please don't take too many.

Mr. McCULLOCH. In that connection, will you generally limit your admissions to people from the State of New York?

Governor ROCKEFELLER. It is a State police academy and we have stated that we would take for graduate work local police in the

various areas of the State. You are very generous in what you are indicating here, and I would think if there were men from other States who could bring to the academy different points of view and different experiences that it might be a very enriching experience for our academy to have men from other systems who could reflect ideas that might be very helpful to us.

Mr. McCULLOCH. Governor, I think this is so important that it is as necessary as a national defense academy, which we have had in this country since the founding of West Point. I think it may be necessary to put enough money and enough manpower into police academies to graduate police commissioners, chiefs of police, and officers who are as qualified as the people sought by industry and finance and the like. I think there are few more difficult problems in our times than crime.

Governor ROCKEFELLER. Thank you very much, sir, I appreciate that.

Mr. McCULLOCH. I am glad you have done that, and I wish you the best of luck.

I might add that I am most pleased to attend the reunion of three graduates of Dartmouth.

The CHAIRMAN. Mr. MacGregor.

Mr. MACGREGOR. Governor Rockefeller, we on this subcommittee and the Members of Congress generally have come to expect a measure of excellence from every presentation by you as the Governor of the State of New York, and you have not disappointed us this morning. I think your comments have been very helpful to us both in your prepared text and in the response which you have given in the questions put to you, sir.

I am interested that both in your prepared statement and in response to the chairman's questions you have indicated that in your judgment a major change in thrust would be quite premature at this time. That has largely been my belief as well. Those of us who helped to draft this proposal, including the Governor of the State of New Jersey who served on this committee, don't presume that we have written the last word in the Omnibus Crime Control and Safe Streets Act, but we think the thrust of the program is basically sound and experience with the program undoubtedly will point the way to needed changes in the draftsmanship of that title.

It has been my observation that we have not had sufficient experience at this time to be making any major changes in the proposal.

Would you agree with that, Governor?

Governor ROCKEFELLER. Very definitely, and the present bill gives enough latitude to really innovate. It seems to me that this is one of the most important things for all of us because obviously as a society we have not solved this problem, it is getting worse instead of better. Therefore, we need to innovate and we need to develop new methods and new techniques that would be more effective in protecting individual citizens, their families, and their property. I think the present bill is extremely well designed.

Mr. MACGREGOR. We have read in the papers from time to time that the mayors of the five largest cities have expressed dissatisfaction with the amount of money they get from Albany, and I guess that is old hat to you. But have there been specific complaints from the mayors

of New York's five largest cities on the specific subject concerning this subcommittee, namely, the proper allocation by State agencies of the Federal funds? Has it come to your attention, sir?

Governor ROCKEFELLER. I have just consulted my colleagues and they said we have had no complaints from the cities on the allocation of funds.

The CHAIRMAN. I think Mayor Lindsay will appear before the committee and he is expected to indicate that he is a bit dissatisfied with the amount of money he received.

Governor ROCKEFELLER. There is no question that the mayor of New York City is dissatisfied with the amount of money.

Mr. MACGREGOR. I suspect the Governor of New York is likewise dissatisfied with the amount of money and would like to receive more.

Governor ROCKEFELLER. Thank you—more.

The CHAIRMAN. We would like to give you more.

Governor ROCKEFELLER. May I just say when I took office, and I think we need to put this in perspective, New York State was giving \$356 million a year to New York City in the form of aid. That was 11 years ago. This year they will get over \$2 billion in State aid from the State to New York City to help them run their own government. They would like another \$500 million beyond that.

Our problem is we are rapidly getting into the same situation that the city is. We are using up our tax sources. We and the city of New York both have about the highest tax rates in the country. We are losing or threatened with the loss of individuals, business, industry, and so forth to other States where the taxes are lower. None of our neighbors have an income tax and this is a source of concern to many of our citizens who therefore go and live in the neighboring States.

This question of disproportionate taxation among States is a very serious problem. I must say that I was very deeply concerned when Congress, which has been very actively concerned about meeting these social problems on the home front, found it necessary to cut Federal taxes just before Christmas, thereby reducing the capacity of the Congress by about \$10 billion next year to meet these problems.

Some say why don't the States pick it up but they don't pick it up evenly, and therefore you have a disproportionate tax structure and you therefore have a warping of the economic and social structure of our country artificially due to the tax structure.

The Federal Government collects two-thirds of the taxes. They take from us \$22 billion a year and we get \$1.8 billion for the State and all local subdivisions in the State, which is less than we give to New York City. Sixty-four cents of every dollar the State collects goes back to local government in our State. It is the highest of any State.

Mr. MACGREGOR. Governor, you have given us a very graphic picture of the increase in funds distributed to New York City during the period of your governorship. If possible the record should show, in connection with the entire field of law enforcement and criminal justice, what is the dollar amount of assistance from Albany at the present time to the city of New York.

Governor ROCKEFELLER. We do not have a specific grant for law enforcement. Our grants are in three forms—categorical aid, block grant aid, and per capita aid, and education which falls under the block grant, but we do not have a specific program for law enforce-

ment, a specific aid program. For instance, narcotics control, the State has \$85 million and the city of New York has \$3.8 million, and we get no assistance from the Federal Government for narcotics control, which is the source of half of the crime in our city. That is why I say \$3.6 million from the Federal Government for crime control in New York is great but when you talk about the size of the problems, it can only be important for innovation and experimental programs.

Mr. MACGREGOR. I am intrigued by your statement about these sensors for locating narcotics which may be in a well-concealed package. Are these in operation at John F. Kennedy International Airport?

Governor ROCKEFELLER. That is an experimental program which is being developed. If they are successful they would be put into operation.

I might mention in the discussion with Mr. Ogilvie there were questions about the State police and its role. The situation in New York City regarding the arrest of people peddling dope and the big boys back of them was such that we decided to move in with State bureau of criminal investigation personnel being sent into the city. This resulted in a shake-up of the city narcotics control unit and some very drastic revelations. That was followed by revelations in the Federal narcotics operation which ended up in about 150 out of 300 people nationwide being fired. So State police do have the role and in this case it brought to light a very serious situation of corruption in narcotics control.

Mr. MACGREGOR. Thank you, Governor Rockefeller.

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. Thank you, Mr. Chairman.

I want to say the committee has been very enlightened as to how the Federal, State, and local governments operate in fighting crime.

I know the Governor not only is relying on his experience but also on a careful study he made in preparation for a number of lectures on federalism which have been published.

Governor ROCKEFELLER. It was in another college, Bob, called Harvard.

Mr. McCLORY. I did not want to mention that.

However, I do want to point out that your observations and your suggestions are extremely valuable to the subcommittee in view of your experience and study.

One of the suggestions others have made is that in distributing the funds authorized by the act there is such a multiplicity of jurisdictions and overlapping police districts that somehow or other the Federal Government in making this distribution should itself undertake the consolidation and coordination of jurisdictions. Do you feel that way or do you feel that the State planning agency is better equipped to consolidate and coordinate law enforcement agencies?

Governor ROCKEFELLER. If it is to be done through leadership and persuasion—leadership of common discussion and effort—then I think the State is the right level because it is close enough to local government to understand the problems and be able to work with them. If it is going to be done legislatively, it would have to be mandated down to units of government as small as a town. Towns have to consolidate. Then I would assume that kind of drastic action would be taken for the Nation as a whole.

I question whether there should be a restructuring but the discussion to date has not been a complete restructuring by Congress of the law enforcement system of our country. This would change the whole concept of the role of States assisting local governments. I think the States are the right place to do this and you have encouraged it both in planning and in giving us some money to implement the plans.

Mr. McCLOXY. That would also apply with regard to the encouragement of regional programs in New York, in Illinois, and in other States where you have large metropolitan areas which require close cooperation between the governmental units in order to handle area-wide problems such as police protection?

Governor ROCKEFELLER. Exactly.

Mr. McCLOXY. It is suggested by the objectors to this block-grant concept that the State planning agencies have given and will be inclined to give funds to local governments on a basis other than the incidence of crime. Is there anything in your experience to show that a State law enforcement planning agency would use some other basis for waging its attack than one designed to meet the crime problem?

Governor ROCKEFELLER. No, I think the experience that we have had indicates that the ladies and gentlemen on this project are sincerely dedicated to making the prosecution of crime more effective and they want to operate and put funds where the problems are. The experience has been that that is what they have done.

Mr. McCLOXY. What would be the effects of the U.S. Attorney General having arbitrary authority to distribute funds to cities without regard to the State planning agency, in your opinion?

Governor ROCKEFELLER. He would be a pretty busy man if he had that responsibility. I don't know how he can staff up just to handle New York City problems rather than the whole State.

Mr. McCLOXY. As your testimony indicated, crime goes beyond the district line.

I wanted to make this comment in support of your statement concerning the police academy. It has been one of my special interests in connection with this legislation to encourage State and regional training authorities and centers, and the amended legislation gives greater emphasis to that subject.

I might point out this does not involve a Federal police department or Federal control of nationwide police, but it encourages the establishment at the State level or on a regional basis of better training and education for our law enforcement officers. I would judge that that would also be consistent with your position on this general subject.

Governor ROCKEFELLER. Yes; it is, and in May we would be honored to have some members of your committee come up and participate in those ceremonies.

Mr. McCULLOCH. I'd like to say that I will be easy to invite.

Mr. McCLOXY. We will await the invitation.

The CHAIRMAN. Governor, we are noncritical of you. I have the highest regard for you as a friend and as a Governor, but crime in the streets is primarily a local matter.

Governor ROCKEFELLER. Yes, I think that is true.

The CHAIRMAN. I think the public has been somewhat misled in the belief that the Federal Government can stop crime in the streets dead in its tracks. In my opinion the Federal Government's role, vis-a-vis crime in the streets, is to supply financial assistance and help marshal local resources. The States, the municipalities, and the local governments must conduct their own anticrime campaigns. That is why we enacted the Omnibus Crime Control and the Safe Streets Act. There has been an attempt made to appropriate something like \$400 million to date. I have introduced a bill, H.R. 14341, to authorize \$750 million to be appropriated the next fiscal year. In any event, in the fiscal year 1970 New York State will receive \$1,490,000 for planning and \$16,392,000 for action grants. I am hopeful that that amount will be more than doubled with the future appropriations that undoubtedly will be made. That will give New York much more leeway.

Now I would like to ask this question: What is the appropriation that New York State itself makes in this cause?

Governor ROCKEFELLER. I would say around \$100-some million. I am told it is more.

These gentlemen are including the department of correction figures, or are you just speaking of police?

The CHAIRMAN. You might supply the information, and I would like to have it broken down for the record. You will have an opportunity to supply that.

Governor ROCKEFELLER. They say it is about \$300 million. We will give you the breakdown so that you can determine whether the items that we have in are items that you want.

The CHAIRMAN. Has New York State helped the units of local government in defraying part of the matching grant requirements to the applicant?

Governor ROCKEFELLER. No, sir.

The CHAIRMAN. Some of the local governments are pretty strapped for funds—I guess they all are—but some of them are pretty well strapped. Do you think the Federal Government should reduce this matching requirement?

Governor ROCKEFELLER. We have a grant-in-aid program that is just a per capita grant of about \$300 million that goes to local government, which is free money they can use for anything. I don't see that there is any particular need. We could. At the present time it is just a minor amount, not significant.

The CHAIRMAN. Do you think the local government should be excused from the matching requirements?

Governor ROCKEFELLER. Mr. Chairman, the real problem is not a few dollars here or a few dollars there. The real problem is there is a shortage of hundreds of millions of dollars in our cities and States of what they need to meet the problems. We are in a situation where the State and local governments are raising their taxes and the Federal Government is cutting taxes. We are in a very serious and chaotic situation.

Mr. McCLORY. It is my understanding that one of the amendments to the act contained in the administration bill would provide the authority for LEAA, in particular instances where local governments appear to be unable to provide their share, to make the grant complete

without any contribution by the local government. I am referring to H.R. 15947, the bill Mr. McCulloch, Mr. Ford, Mr. MacGregor, and I introduced.

The CHAIRMAN. I had asked if that matching provision should be eliminated.

Mr. ZELENKO. On page 5 of your statement, Governor, you describe the experiences of New York in so far as the pass-through requirements of the act are concerned. You state that New York State has exceeded the statute's requirements by providing more than 40 percent of the planning funds to the localities.

Governor ROCKEFELLER. 77 percent.

Mr. ZELENKO. The bill proposed by the administration and introduced by Congressman McCulloch and others permits the waiver of this "pass-through" requirement. First, has the "pass-through" requirement been burdensome in New York State?

Governor ROCKEFELLER. We do it anyway. We pass through 64 cents of every dollar we get in taxes. Our whole objective is to see that local government has the capacity to respond to local needs so we want a pass-through.

Mr. ZELENKO. I would like to get your opinion as to whether you believe the "pass-through" requirements should be waivable.

Governor ROCKEFELLER. My counsel is making the point that in some States like Alaska local government has very little responsibility and therefore if the State has to pass through a certain percentage it would not be meaningful because the big problem is at the State level. Since the Federal Government has the right to approve the State plan, you get the protection right there.

Mr. ZELENKO. Your testimony is that the total amount of funding should be increased and many bills before this committee would provide increased appropriations. However, do you believe that the matching requirements under the act would become more burdensome on local communities as funding levels grow and impair their ability to carry out these programs?

Governor ROCKEFELLER. Local governments and State governments are having difficulty in meeting their responsibilities for police salaries, teachers' salaries, garbage collection and so forth—the mundane things of life.

When you come along with these new programs of matching requirements it is difficult for some States to get the money. At the moment we are talking about a small amount, but if this became larger, there could be quite a problem. The Federal Government comes out with new, innovative ideas on top of our own without meeting the basic responsibilities. This is becoming a serious problem across the board as far as the State and local governments are concerned. I have a brother who is the Governor of a State that I won't mention—I don't want to identify him—but he has exactly this problem you are talking about. He has not been able to get money from his legislature.

He has them in special legislature right now hoping to get some tax money. But he can't pick up any of the Federal programs because he does not have any money to ask for.

The CHAIRMAN. You would want the law enforcement assistance program to continue?

Governor ROCKEFELLER. We are very happy with the whole program, but could use more money.

Mr. POLK. Mr. Chairman, I would like to address a question to the Governor.

Governor, the argument has been articulated that incidence of crime should be the standard by which money is allocated to the cities. With regard to that argument I would like to ask you a few questions.

The narcotic enforcement unit of the State police is operated as a State expenditure, is it not?

Governor ROCKEFELLER. Yes, it is.

Mr. POLK. Your police academy is operated as a State expenditure, is it not?

Governor ROCKEFELLER. Yes, sir.

Mr. POLK. The narcotic enforcement unit and the police academy do service New York City?

Governor ROCKEFELLER. Yes.

Mr. POLK. The organized crime task force and the Department of Corrections task force that you advocate would service all of New York State including New York City, would it not?

Governor ROCKEFELLER. New York City has its own prison system, which is under some discussion now between the State and city. Counsel points out to me despite the fact that they have their own prison system that 60 percent of the prisoners in the State prisons are from New York City, so we do get a generous share from them.

Mr. POLK. When a narcotics felon in New York City is detected and then convicted, does the expenditure appear on the ledger as a State expenditure rather than as a city expenditure?

Governor ROCKEFELLER. If he comes from our jurisdiction, yes. These figures will be broken down in the material the Chairman asked for so you will see where each one of these goes.

Mr. POLK. Would it be fair to comment that incidence of crime, rather than determining how much money goes to a particular city, determines what crimefighting effort should be given to that city?

Governor ROCKEFELLER. I think that is the basis on which we are doing it.

Mr. POLK. Then it would not follow that if New York City had 50 percent of the crime in the State that under the program New York City should itself receive 50 percent of the money?

Governor ROCKEFELLER. No, I think that is a fair statement.

Mr. POLK. Thus, New York City should receive 50 percent of the benefits of the total crimefighting effort.

Governor ROCKEFELLER. You are talking as though the money you were giving us was really big substantial money. Really, we are talking about something that as of the moment has amounted to doing a little research and experimentation so it really does not have any effect except for the future in the handling of crime control.

Mr. POLK. You may consider my questions as prospective, Governor.

The CHAIRMAN. You have been very patient and very kind.

Governor ROCKEFELLER. It is a pleasure.

The CHAIRMAN. What is the level of crime in your State in terms of the FBI index? If you don't have it you can supply it.

Governor ROCKEFELLER. It is too high, I know that. We will look it up and supply it.

The CHAIRMAN. What crimes have increased and where are they concentrated? You can supply that also.

Governor ROCKEFELLER. Unfortunately, Mr. Chairman, crime is increasing in suburban and rural areas as well as in the metropolitan area, and some of the rates percentagewise have been larger outside of the metropolitan area.

(Subsequently the following information was supplied:)

TABLE I.—ARRESTS FOR MAJOR CRIMES¹ OCTOBER TO DECEMBER 1968 AND CALENDAR YEAR 1968

Region and age	Current quarter			Current year		
	October to December 1968	Percent change from		1968	Percent change from 1967	Percent distribution
		July to September 1968	October to December 1967			
Total arrests:						
New York State.....	23,270	-14.1	+13.9	97,040	+7.3	100.0
New York City.....	17,679	-15.6	+12.8	74,713	+5.5	77.0
Upstate.....	5,591	-9.0	+17.5	22,327	+13.7	23.0
22 larger cities.....	2,255	+3.6	+25.3	8,387	+10.2	8.6
39 smaller cities.....	298	+1.0	+16.9	1,159	+3.8	1.2
Other upstate.....	3,038	-17.3	+12.4	12,781	+17.1	13.2
16 to 20 years:						
New York State.....	7,990	-12.0	+14.4	32,608	+12.1	100.0
New York City.....	5,811	-12.0	+15.3	23,611	+13.1	72.4
Upstate.....	2,179	-11.8	+12.1	8,997	+9.6	27.6
22 larger cities.....	813	+6.4	+11.4	3,031	+2.4	9.3
39 smaller cities.....	121	+13.1	+18.6	5,467	+3.9	1.4
Other upstate.....	1,245	-22.2	+12.0	5,499	+19.2	16.9
21 years and over:						
New York State.....	15,280	-15.2	+13.6	64,432	+4.9	100.0
New York City.....	11,868	-17.3	+11.6	51,102	+2.3	79.3
Upstate.....	3,412	-7.2	+21.3	13,330	+16.5	20.7
22 larger cities.....	1,442	+2.1	+34.9	5,356	+18.9	8.3
39 smaller cities.....	177	-5.9	+15.7	692	+9.7	1.1
Other upstate.....	1,793	-13.6	+12.7	7,282	+15.5	11.3

¹ All felonies and offenses specified in Section 552, Code of Criminal Procedure.

TABLE IA.—ARRESTS FOR MAJOR CRIMES¹ BY AGE AND REGION, 1968

Age	New York State	New York City	Total	Upstate		
				22 larger cities	39 smaller cities	Rest of upstate
All ages.....	97,040	74,713	22,327	8,387	1,159	12,781
16 to 20 years.....	32,608	23,611	8,997	3,031	467	5,499
16 to 18 years.....	19,347	14,004	5,343	1,823	260	3,260
19 to 20 years.....	13,261	9,607	3,654	1,208	207	2,239
21 years and over.....	64,432	51,102	13,330	5,356	692	7,282
21 to 39 years.....	53,694	42,762	10,932	4,381	583	5,968
40 and over.....	10,738	8,340	2,398	975	109	1,314
				Percent Distribution by Age		
All ages.....	100.0	100.0	100.0	100.0	100.0	100.0
16 to 20 years.....	33.6	31.6	40.3	36.1	40.3	43.0
16 to 18 years.....	19.9	18.7	23.9	21.7	22.4	25.5
19 to 20 years.....	13.7	12.9	16.4	14.4	17.9	17.5
21 years and over.....	66.4	68.4	59.7	63.9	59.7	57.0
21 to 39 years.....	55.3	57.2	49.0	52.3	50.3	46.7
40 and over.....	11.1	11.2	10.7	11.6	9.4	10.3

¹ All felonies and offenses specified in sec. 552, Code of Criminal Procedure.

TABLE II.—NEW YORK STATE TRENDS IN ARRESTS FOR MAJOR CRIMES¹ BY AGE AND CRIME,
OCTOBER TO DECEMBER 1968 AND CALENDAR YEAR 1968

Crime	Current year 1968						
	October to December 1968				Percent change from 1967		
		All ages	16 to 20 years	21 years and over	All ages	16 to 20 years	21 years and over
Total.....	23,270	97,040	32,608	64,432	+ 7.3	+12.1	+ 4.9
Class I offenses.....	9,993	43,817	16,870	26,947	- 5.0	- 3.0	- 6.2
Homicide.....	247	1,080	223	857	+24.6	+14.9	+27.3
Rape felony.....	291	1,351	352	999	-19.0	-21.1	-18.2
Felonious assault.....	2,340	10,487	1,970	8,527	-25.2	-29.1	-24.2
Robbery.....	1,962	8,058	3,966	4,092	+26.7	+32.0	+22.0
Burglary.....	2,730	12,617	5,756	6,861	+10.0	+ 8.1	+11.7
Grand larceny, not auto.....	1,298	4,881	1,656	3,225	- 3.3	+12.3	- 9.8
Auto theft.....	1,088	5,191	2,916	2,275	-21.1	-29.6	- 6.8
Manslaughter by negligence.....	37	142	31	111	+35.2	+34.8	+35.4
All other major offenses..	13,277	53,223	15,738	37,485	+20.0	+34.6	+14.8
Dangerous weapons.....	1,585	6,394	1,372	5,022	+55.3	+37.9	+60.8
Narcotic drugs.....	6,830	26,771	9,686	17,085	+33.9	+49.3	+26.6
B.T., U.E., and jos- tling ²	615	2,712	598	2,114	- 9.8	- 9.9	- 9.8
Forgery.....	723	2,940	670	2,270	+ 3.6	+ 1.4	+ 4.2
Sex offenses ex- cept rape felony..	703	3,329	651	2,678	-11.3	-32.7	- 3.8
Criminal record of stolen property..	1,592	5,963	1,877	4,086	+49.8	+75.1	+40.5
Abandonment.....	16	72	12	60	-46.7	+ 9.1	-51.6
Arson.....	128	447	134	313	+ 8.0	- 0.7	+12.2
Frauds and cheats..	14	46	3	43	-84.4	-81.2	-84.6
Intoxicated driving..	31	188	3	185	-45.7	-57.1	-46.5
Gambling felony.....	515	1,878	54	1,824	-44.1	-47.1	-44.0
Miscellaneous ex- cluding fugitives..	380	1,818	512	1,306	+27.6	+24.9	+28.7
Fugitives for other States.....	145	665	166	499	- 2.5	+3.1	- 4.2

¹ All felonies and offenses specified in sec. 552, Code of Criminal Procedure.

² Burglar's tools, unlawful entry and jostling.

TABLE IIA.—NEW YORK CITY TRENDS IN ARRESTS FOR MAJOR CRIMES¹ BY AGE AND CRIME, 1968

Crime	Current year 1968					
	All ages	16 to 20 years	21 years and over	Percent change from 1967		
				All ages	16 to 20 years	21 years and over
Total.....	74,713	23,611	51,102	+5.5	+13.1	+2.3
Class 1 Offenses.....	33,372	12,118	21,254	-3.8	+2.6	-7.0
Homicide.....	849	175	674	+26.7	+11.5	+31.4
Rape felony.....	1,026	255	771	-18.6	-24.6	-16.5
Felonious assault.....	8,359	1,503	6,856	-29.0	-32.5	-28.2
Robbery.....	6,676	3,324	3,352	+26.0	+33.8	+19.2
Burglary.....	7,913	2,968	4,945	+11.4	+9.2	+12.8
Grand larceny, not auto.....	3,766	1,279	2,487	+0.5	+22.5	-8.0
Auto theft.....	4,690	2,599	2,091	-1.6	-8.2	+8.0
Manlaughter by Negroes.....	93	15	78	+72.2	+25.0	+85.7
All other major offenses.....	41,341	11,493	29,848	+14.3	+26.9	+10.2
Dangerous weapons.....	4,424	902	3,522	+67.8	+49.3	+73.3
Narcotic drugs.....	21,672	7,343	14,329	+23.6	+34.4	+18.7
B.T., U.E., and jostling ²	2,541	529	2,012	-8.6	-3.5	-9.9
Forgery.....	1,944	383	1,561	-0.9	-3.5	-0.3
Sex offenses excluding rape felony.....	2,219	420	1,799	-17.5	-41.0	-9.0
Criminals receiving stolen property.....	4,917	1,452	3,465	+43.6	+62.6	+36.8
Abandonment.....	20	6	14	-48.7	+20.0	-58.8
Arson.....	292	70	222	+12.3	+4.5	+15.0
Frauds and cheats.....	29	3	26	-75.0	-62.5	-75.9
Intoxicated driving.....	80	2	78	-60.4	-66.7	-60.2
Gambling, Felony.....	1,737	53	1,684	-45.9	-46.5	-45.9
Miscellaneous excluding fugitives.....	1,175	281	894	+24.3	+29.5	+22.8
Fugitives for other States.....	291	49	242	-17.3	+25.6	-22.7

¹ All felonies and offenses specified in sec. 552, Code of Criminal Procedure.² Burglar's tools, unlawful entry and jostling.TABLE IIB.—UPSTATE TRENDS IN ARRESTS FOR MAJOR CRIMES¹ BY AGE AND CRIME, 1968

Crime	Current year 1968					
	All ages	16-20 years	21 years and over	Percent change from 1967		
				All ages	16-20 years	21 years and over
Total.....	22,327	8,997	13,330	+13.7	+9.6	+16.5
Class 1 offenses.....	10,445	4,752	5,693	-8.8	-14.7	-3.1
Homicide.....	231	48	183	+17.3	+29.7	+14.4
Rape felony.....	325	97	228	-20.1	-10.2	-23.7
Felonious assault.....	2,138	467	1,671	-4.9	-14.9	-1.7
Robbery.....	1,383	642	740	+30.1	+23.5	+36.5
Burglary.....	4,704	2,788	1,916	+7.7	+6.9	+9.0
Grand larceny, not auto.....	1,115	377	738	-14.3	-12.3	-15.3
Auto theft.....	501	317	184	-72.4	-75.8	-63.6
Manlaughter by Negroes.....	49	16	33	-3.9	+45.5	-17.5
All other major offenses.....	11,882	4,245	7,637	+45.0	+61.3	+37.3
Dangerous weapons.....	1,970	470	1,500	+32.9	+20.2	+37.5
Narcotic drugs.....	5,099	2,343	2,756	+108.1	+128.6	+93.4
B.T., U.E., and jostling ²	171	69	102	-24.7	-40.5	-8.1
Forgery.....	996	287	709	+13.6	+8.7	+15.7
Sex offenses excluding rape felony.....	1,110	231	879	+4.4	-9.8	+8.9
Criminal record of stolen property.....	1,046	425	621	+88.1	+137.4	+64.7
Abandonment.....	52	6	46	-45.8	0.0	-48.9
Arson.....	155	64	91	+0.6	-5.9	+5.8
Frauds and cheats.....	17	-----	17	-90.5	-100.0	-90.1
Intoxicated driving.....	108	1	107	-28.5	0.0	-28.7
Gambling and felony.....	141	1	140	-6.0	-66.7	-4.8
Miscellaneous excluding fugitives.....	643	231	412	+34.0	+19.7	+43.6
Fugitives for other States.....	374	117	257	+13.3	-4.1	+23.7

¹ All felonies and offenses specified in sec. 552, Code of Criminal Procedure.² Burglar's tools, unlawful entry and jostling.

TABLE III.—ARRESTS FOR MAJOR CRIMES¹ IN UPSTATE NEW YORK CITIES OF 25,000 OR MORE AND COUNTIES

Region	October-December 1968			All ages			1967
	All ages	16 to 20 years	21 years and over	July-September 1968	October-December 1967	1968	
CITIES OF 25,000 POPULATION OR OVER							
Total.....	2,339	846	1,493	2,270	1,885	8,749	7,937
Albany.....	172	67	105	145	121	582	534
Amsterdam.....	8	1	7	6	1	28	25
Auburn.....	12	7	5	21	10	58	57
Binghamton.....	40	14	26	33	24	144	112
Buffalo.....	613	201	412	605	556	2,383	2,151
Elmira.....	25	10	15	24	13	73	66
Ithaca ²	8	4	4	5	5	37	43
Jamestown.....	11	4	7	8	13	44	57
Kingston.....	15	5	10	16	25	64	87
Lackawanna ²	22	6	16	22	18	91	72
Lockport ²	14	6	8	14	19	53	66
Long Beach ²	35	14	21	44	42	147	133
Mount Vernon.....	120	41	79	143	91	516	392
Newburgh.....	44	18	26	44	22	141	105
New Rochelle.....	91	31	60	69	60	312	241
Niagara Falls.....	133	43	90	72	89	350	342
North Tonawanda ¹	5	3	2	9	2	34	12
Poughkeepsie.....	57	27	30	65	57	202	206
Rochester.....	404	132	272	337	238	1,326	1,098
Rome.....	4	1	3	19	13	55	26
Schenectady.....	19	12	7	25	19	102	130
Syracuse.....	142	52	90	213	138	736	609
Troy.....	27	16	11	17	28	92	128
Utica.....	54	27	27	55	38	189	192
Watertown.....	21	9	12	18	9	75	83
White Plains.....	53	35	18	57	59	209	256
Yonkers.....	190	60	130	184	175	706	714
COUNTIES							
Total.....	5,591	2,179	3,412	6,146	4,757	22,327	19,644
Albany.....	205	78	127	201	161	778	734
Allegany.....	16	6	10	29	17	100	76
Broome.....	68	29	39	66	45	252	218
Cattaraugus.....	17	3	14	23	17	70	106
Cayuga.....	21	11	10	37	25	123	105
Chautauquia.....	90	23	67	115	94	378	317
Chemung.....	36	15	21	42	20	118	92
Chenango.....	11	3	8	9	12	47	57
Clinton.....	41	19	22	30	24	149	100
Columbia.....	48	18	30	45	34	152	136
Cortland.....	9	3	6	14	15	60	54
Delaware.....	38	15	23	45	16	132	75
Dutchess.....	142	63	79	154	148	532	545
Erie.....	775	250	525	826	689	3,094	2,764
Essex.....	20	14	6	30	15	101	69
Franklin.....	13	4	9	15	22	65	76
Fulton.....	10	3	7	16	17	76	68
Genesee.....	27	12	15	37	13	117	78
Greene.....	15	4	11	20	19	69	70
Hamilton.....	1	1	1	2	2	26	15
Herkimer.....	25	4	21	38	45	159	140
Jefferson.....	39	14	25	58	30	191	202
Lewis.....	7	4	3	9	6	34	39
Livingston.....	49	9	40	38	25	136	80
Madison.....	36	14	22	46	13	121	79
Monroe.....	447	144	303	387	284	1,469	1,270
Montgomery.....	21	4	17	26	19	121	101
Nassau.....	763	325	438	691	548	2,776	2,225
Niagara.....	178	60	118	150	128	588	515
Oneida.....	83	34	49	124	99	385	407
Onondaga.....	222	83	139	333	208	1,069	909
Ontario.....	20	11	9	15	30	80	102
Orange.....	169	56	113	178	126	583	487
Orleans.....	13	3	10	24	12	64	43
Oswego.....	36	20	16	24	18	109	113
Otsego.....	16	8	8	25	24	70	67
Putnam.....	27	15	12	33	47	140	150
Rensselaer.....	69	29	40	55	61	227	285
Rockland.....	105	43	62	97	91	343	295
St. Lawrence.....	30	11	19	56	31	147	167
Saratoga.....	34	16	18	42	23	132	102
Schenectady.....	25	17	9	36	32	147	162

See footnotes at end of table.

TABLE III.—ARRESTS FOR MAJOR CRIMES¹ IN UPSTATE NEW YORK CITIES OF 25,000 OR MORE AND COUNTIES

Region	October-December 1968			All ages		1968	1967
	All ages	16 to 20 years	21 years and over	July-September 1968	October-December 1967		
Schoharie.....	12	1	11	8	14	36	54
Schuyler.....	5	3	2	3	4	24	32
Seneca.....	14	6	8	20	11	60	52
Steuben.....	26	10	16	29	25	106	102
Suffolk.....	560	268	292	652	475	2,456	2,040
Sullivan.....	76	19	57	143	79	368	303
Tioga.....	3	1	2	7	4	23	21
Tompkins.....	21	14	7	18	11	100	72
Ulster.....	74	35	39	102	80	347	337
Warren.....	20	10	10	49	16	111	97
Washington.....	13	4	9	13	11	52	47
Wayne.....	38	13	25	68	42	194	130
Westchester.....	694	292	402	755	664	2,860	2,579
Wyoming.....	14	6	8	17	15	44	62
Yates.....	3	.....	3	5	1	16	14

¹ All felonies and offenses specified in sec. 552, Code of Criminal Procedure.

² Not included in 22 larger cities.

The CHAIRMAN. I want to thank you, Governor.

Mr. DONOHUE. Before you leave, I would like to ask this question: In connection with your police academies, they are established more or less for the purpose of training your State police, are they not?

Governor ROCKEFELLER. The basic objective was the training of our State police in advanced work in various fields. We have invited local police to participate and I would think that perhaps one-third of the training would be for local police officials in advance.

Mr. DONOHUE. In the event a local policeman accepts the invitation to attend the academy, the expense of his attending is borne by the local police force, is it not?

Governor ROCKEFELLER. The local police would only have to pay his travel expense to and from the academy, which is in the city of Albany, and his salary. The State will cover all the academic costs.

Mr. DONOHUE. Permit me to ask this of you, Governor:

The State of New York does not preempt the field of narcotics. Each local police department has its own narcotics squad?

Governor ROCKEFELLER. New York City has by far the largest. Some of the other local forces are developing narcotics squads but if you have a police force of 10 men, it is pretty hard to have any experts with the budgets they have, and until we can provide that training, it will be very difficult for them to get that training.

Mr. DONOHUE. Does the State train all police in narcotics?

Governor ROCKEFELLER. We do have standards now and courses which are mandated by the State, standards as to eligibility of a man for the force and the number of hours and the various courses which they have to take for eligibility. That is now Statewide and we have elevated the qualifications of police officers very much as a result of that.

Mr. DONOHUE. Do I understand correctly there is a statute setting forth the qualifications that every candidate for the police force must attain before he is eligible?

Governor ROCKEFELLER. Authority. That is on the books now.

Mr. DONOHUE. What are the requirements?

Governor ROCKEFELLER. A high school education.

Mr. DONOHUE. Thank you very much.

Governor ROCKEFELLER. I might say as a matter of interest we are getting an increasing number of college graduates' applications for the State police.

Mr. DONOHUE. What are the functions of the State police?

Governor ROCKEFELLER. We have three. One is control of traffic on highways.

Mr. DONOHUE. What is the percentage of personnel assigned to that?

Governor ROCKEFELLER. Around a third. And then we have police patrol in rural areas, which is not highway but just safety patrol.

Mr. DONOHUE. What percentage of the police force is engaged in that?

Governor ROCKEFELLER. I would say 20 or 25 percent. And then we have a large body in criminal investigation, which is an FBI type of setup. Our standards are very close to FBI standards.

Until his untimely death, the previous head of our State police built up a very good tradition. He updated the force with modern techniques so we have very elaborate structures and so forth, and useful modern techniques, including the criminal investigation. We do extensive work for district attorneys in carrying out their investigations for them.

I have asked the legislature for a prosecutor for those who cut across county lines where they are operating; this makes it very difficult for the individual district attorneys.

Mr. DONOHUE. Is there an office within the office of your attorney general to do that work?

Governor ROCKEFELLER. No; he does not now have that authority. I can appoint a special prosecutor but it has to be for a specific situation. This way, this man would be there working with the district attorneys and move in with the Bureau of Criminal Investigation. Our feeling is this could be a very important arm to support the local district attorneys in their prosecution of crimes going across borders.

I have one comment on the statement the chairman made.

The Federal Government does have an impact on crime in the streets when it takes the form of narcotics, numbers, prostitution and so forth where those are organized and run by organized crime.

The CHAIRMAN. This will conclude your testimony, Governor. Your testimony has been enlightening and informative, and we thank you.

Governor ROCKEFELLER. I appreciate the opportunity, Mr. Chairman, and I am very grateful for what you are doing for all of us in the field.

(Subsequently the following information was furnished:)

State of New York 1969-70 operating expenses by State government for crime control purposes

[Does not include capital construction]

State police.....	\$40,700,000
Department of correction.....	69,700,000
Narcotic addiction control commission.....	53,900,000
Division of probation.....	13,000,000
Division of parole.....	11,500,000
New York State identification and intelligence system.....	6,200,000
Division for youth.....	6,400,000
Department of social services.....	22,100,000
Municipal police training council.....	300,000
Commission of investigation.....	599,000
Office of crime control planning.....	286,000
Total	¹ 224,685,000

¹ This figure does not include the State's share of operating the judicial system (which is \$20,855,000). There is no reliable means for determining what proportion of this cost is allocable to criminal matters.

The CHAIRMAN. Our next witness is the attorney general from Rhode Island, Mr. Herbert F. DeSimone.

STATEMENT OF HERBERT F. DeSIMONE, ATTORNEY GENERAL OF THE STATE OF RHODE ISLAND

Mr. DeSIMONE. I want to thank you, Mr. Chairman, and the committee, for the opportunity to appear here before you today.

I appear before you today in a dual capacity—as spokesman for the National Association of Attorneys General, which is comprised of the attorneys general of the 50 States, and as the attorney general of Rhode Island and chairman of the State planning committee—the Governor's committee on crime, delinquency, and criminal administration.

At our conference here in Washington, just 2 weeks ago, the National Association of Attorneys General adopted the following resolution:

The National Association of Attorneys General reaffirms its commitment to vigorous action to control crime in our States. Recognizing that crime transgresses jurisdictional boundaries, the State attorneys general pledge active support for the comprehensive planning and intergovernmental action mandated in the Omnibus Crime Control Act of 1968. Encouraged by initial results achieved in particular areas through State administration of the Omnibus Act, the attorneys general strongly oppose any modification of the present bloc grant approach that would dissipate the objective of a statewide, intergovernmental attack on crime. In addition, the association urges Congress to provide increased funding of the Omnibus Act to insure effective implementation of this intergovernmental crime control program.

Mr. Chairman, it is my belief that the greatest obligation of government is to provide for the safety and security of its citizens—in their homes and on the streets. All of us in this room here today are seeking the most effective method for government to accomplish this—its most basic function.

We, the attorneys general of the 50 States, and I, individually, as the attorney general of Rhode Island, have endorsed and do endorse the approach taken by the Congress in the Omnibus Crime Control and Safe Streets Act. That act provided for the first time in these United States for the development and funding of comprehensive statewide programs in each of the 50 States for the control and prevention of crime. Its purpose was the creation of effective State systems of criminal justice and programs of preventive action. It constitutes the most meaningful effort ever attempted by government in the discharge of its most basic obligation.

That approach has brought together in each of the 50 States representatives of local and State government who, working together in statewide planning committees are seeking solutions to the problem of ever-increasing crime, with the assistance of the Federal Government through its funding of the planning committees and the action programs developed by them.

Let us briefly examine the criminal justice system at the State level—a system which must be strengthened. Its foundation is the law—the law as enacted by the legislature of the several States. Its structure is composed of several component parts—the police—the prosecution and the attendant public defender systems—the courts and finally corrections, probation and parole. Each of the parts represents an interrelationship of varying levels of government.

When we speak of the police—we refer to State police, local police, county sheriffs and special statewide and countywide units such as are commonly used in the enforcement of our narcotics laws. Prosecution, public defender systems and the courts are most generally on a statewide or countywide basis as are departments of corrections, probation and parole.

To plan effectively for any one of these component parts of the criminal justice system, of necessity, requires an overview of governmental participation within a given State at each level of government—local, county, and State.

To plan for any one component part of the system on a piecemeal basis without considering its effect on the other parts—is to solidify what has proven to have been an unsatisfactory response to combating crime in this country. Congress, in its wisdom, with the enactment of the Omnibus Crime bill provided the States with the vehicle—“bloc grant” funding—to comprehensively plan for and strengthen through action programs, the whole of the system.

Congress, by creating the “bloc grant” concept—which provides funds directly to the States to be used by them for planning and action programs determined by them to be necessary—afforded the States their very first opportunity to address the existing fragmented criminal justice system and bring about long overdue coordinated changes to make it effective and responsive to present and future needs.

An effective program of crime prevention and control, however, requires much more than changes within and strengthening of the

criminal justice system. It requires an all-out attack on the problems of organized crime, drug abuse, and juvenile delinquency.

Control of organized crime has been set forth in the act as a matter of urgent priority. Here clearly, the "bloc grant" approach is the only feasible method of providing Federal funds to deal with this problem. The "bloc grant" funding concept provides the States an opportunity for comprehensive statewide planning to control a most vicious cancer eating at the very fiber of American society.

Organized crime cannot be localized within a State, as such, for its tentacles reach through every layer of society within a State without regard to intrastate governmental boundaries. Proper control requires statewide planning, statewide investigative units, statewide intelligence-gathering systems, statewide analysis and dissemination of organized crime information, and statewide prosecutorial power. It requires statewide educational programs as well.

It requires the utmost cooperation of all levels of government, municipal, county, and State, and of all law enforcement agencies at these varying levels of government. Proper planning and action programs, therefore, can only be effectively developed by this bloc grant approach as it alone provides for coordinated planning and action programs.

We recognize that organized crime knows no municipal bounds, county bounds, or even State bounds. We, therefore, believe that its effective control requires even more than a single State approach. We believe it requires an interstate approach. Recognizing this, the attorneys general and superintendents of State police in New England have recently developed an interstate, regional type approach.

We have, with the assistance of the Law Enforcement Assistance Administration, developed a plan for a New Englandwide intelligence-gathering analysis and dissemination system. This plan requires the closest cooperation among the New England States and its law enforcement agencies at every level of government.

This program is recognized by the Federal officials as being the most far-reaching effort developed at the State or local level in this country to date. The development of this program came about as the result of Federal funding provisions included in the Omnibus Crime Control and Safe Streets Act. This funding will include both the utilization of discretionary funds available to the administration together with a substantial commitment under the bloc grant.

This program is a living example of the kind of cooperation which the bloc grant approach affords to the States for developing the cooperation of all law enforcement agencies and is a clear demonstration, we believe, of the necessity for continuing the bloc grant concept.

In planning for the prevention and control of juvenile delinquency, there are several areas of concern which require study and the development of action programs. These areas of concern run the gamut from antisocial behavior both within and without existing school systems to the rehabilitation of the young offender. Past juvenile delinquency prevention control programs have not met with any substantial degree of success. In fact, in the area of rehabilitation, we have experienced over the years a most decided failure, especially as it relates to young offenders who have been committed to training schools.

It is our belief that juvenile delinquency will not be controlled and prevented without statewide coordinated planning and action pro-

grams at every level of government. It will not be prevented and controlled unless we bring together under one common umbrella—in an interdisciplinary approach—all agencies of government and all groups within the private sector that deal with our young people. Here, too, we believe the bloc grant approach provides the most meaningful opportunity within each State to accomplish this end.

To prevent and control the continued increase in the use of narcotics, we must have, not only the cooperative effort of law enforcement agencies at all levels, but we must have the development of massive statewide education programs both within and without the schools and the development of intensive statewide rehabilitation programs. This, too, requires statewide coordinated planning and action programs for which the bloc grant concept we believe provides the most appropriate vehicle.

To indicate to you the kind of in-school educational programs of which I speak, I am pleased to provide for the committee a copy of the educational program now in force in my State. This course of study in the dangers of narcotics which is being taught in the schools of Rhode Island right now arose as a result of a special meeting of the board of education of my State, called at my request for this specific purpose.

We, the individual attorneys general of the 50 States, believe that bloc grant funding for statewide comprehensive planning and action programs, which is the basic and integral part of the Omnibus Crime Control and Safe Streets Act, provides the most effective method of Federal funding for law enforcement and crime control and prevention purposes.

I do not mean to imply that the funding provisions of the act are perfect in every respect and should remain unchanged. In fact, I suggest to you that certain changes need to be made with the formula as it applies to the bloc grant to the States, which will facilitate the development of more meaningful programs for both States and units of local government.

The present formula contained in section 303 of title I of the act provides that at least 75 percent of Federal funds received by the States for action programs must go to units of local government or to combinations of such units. We believe that this restricts, and it certainly does in my State of Rhode Island, many action programs which are urgently needed. In Rhode Island for example as is found in several other States, our correctional probation, and parole systems are a function of State government. Our court system is a function of State government and our prosecution system and public defender system at the felony level is a function of State government.

It is therefore our recommendation and my urgent plea that the Congress amend the formula in such manner that the Law Enforcement Assistance Administration will be granted flexibility in cases where the need is shown, to provide more substantial funding of statewide projects and programs which will result in a more equitable distribution of Federal dollars, more effective programs for strengthening State criminal justice systems and requisite funding for more all-encompassing crime prevention and control programs.

We strongly urge, also, that the one-third limitation on compensation of personnel under section 301 (d) be eliminated. Law enforcement and crime prevention and control programs are especially dependent upon adequate personnel. The present restrictions, we believe, unduly restrict

the use of Federal funds for the purpose of compensating existing personnel and expanding existing personnel limits.

We further believe that substantially more funding should be affected under the act and on my own behalf and on behalf of each of the attorneys general of the 50 States, I respectfully urge and request that a substantial funding increase be voted.

In this regard, Mr. Chairman, may I compliment you and indicate to you our support for your proposed funding bill which would appropriate \$750 million for fiscal 1971.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much Mr. DiSimone for your testimony.

Mr. POFF. Mr. Chairman, I ask unanimous consent to place in the record at this point a communication from the Honorable Linwood Holton, Governor of the Commonwealth of Virginia, relative to the subject of legislation under consideration in these hearings.

The CHAIRMAN. Without objection, the letter will be inserted in the record at this point.

(The letter follows:)

COMMONWEALTH OF VIRGINIA,
GOVERNOR'S OFFICE,
Richmond, February 6, 1970.

HON. RICHARD H. POFF,
Washington, D.C.

DEAR DICK: Richard N. Harris, Director of our state planning agency for the administration of the Omnibus Crime Control and Safe Streets Act, the Division of Law Enforcement Administration of the Governor's Office, has previously written you regarding our opposition to the present attempts in Congress by Senator Hartke and others (S. 3171) to change the block grant concept presently being administered quite effectively by the states under Title I of the Crime Control Act.

I understand that hearings are scheduled before the House and Senate Judiciary Committees with reference to these matters during February and March.

I wanted to express to you my personal concern about these proposed amendments. If enacted, they will seriously affect the program as we have established it here in Virginia. I sincerely hope that you will do everything possible to defeat these amendments.

Yours very truly,

LINWOOD HOLTON.

The CHAIRMAN. That will conclude our hearings for today, and when we receive the statement of Hon. Arch A. Moore, Governor of the State of West Virginia, it will be placed in the record at this point.

Mr. DiSIMONE. May I ask that the drug abuse program I forwarded be included in the record; this having been my first opportunity to appear before a committee of this Congress, I am thankful for your patience and consideration, and I frankly never thought I would get through that without reading it.

The CHAIRMAN. The drug abuse program report will be retained in the committee files. You have been a credit to Rhode Island.

Our next meeting will be on Wednesday, next, when we will hear Judge A. Leon Higginbotham, vice chairman, National Commission on the Causes and Prevention of Violence, to be accompanied by Lloyd N. Cutler, executive director, and James S. Campbell, general counsel of the Commission.

We are now adjourned.

(Whereupon, at 12 noon, the subcommittee recessed, to reconvene on Wednesday, February 25, 1970.)

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

WEDNESDAY, FEBRUARY 25, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 5,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler, Rogers, Edwards of California, McCulloch, MacGregor, McClory, Poff, and Hutchinson. Also present: Representative Dennis.

Staff members present: Benjamin L. Zelenko, general counsel; Franklin G. Polk, associate counsel.

The CHAIRMAN. The committee will come to order.

Our first and only witness this morning is Judge A. Leon Higginbotham, Jr., vice chairman, National Commission on the Causes and Prevention of Violence.

He is accompanied by Mr. Lloyd N. Cutler, Esq., executive director, and Mr. James S. Campbell, Esq., general counsel to the commission.

STATEMENTS OF JUDGE A. LEON HIGGINBOTHAM, JR., VICE CHAIRMAN; AND LLOYD N. CUTLER, ESQ., EXECUTIVE DIRECTOR, NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE; ACCOMPANIED BY JAMES S. CAMPBELL, ESQ., GENERAL COUNSEL; FRANK W. LLOYD, ESQ., ALLEN T. EATON, ESQ., AND LARRY PALMER, ESQ.

The CHAIRMAN. Judge, we would be happy to hear from you and your colleagues.

Mr. McCULLOCH. Mr. Chairman, I would like to say this before they start, I am particularly pleased that they are to be witnesses before our committee. They did yeoman service on President Johnson's Commission on Violence.

I am happy that you are here this morning.

The CHAIRMAN. You are a little too modest. You are one of the members of that commission and you made very substantial contributions to that commission, also.

Mr. McCULLOCH. Thank you, Mr. Chairman.

The CHAIRMAN. Judge, we will be happy to hear from you.

Judge HIGGINBOTHAM. Mr. Chairman, Congressman McCulloch, Mr. Rogers, Mr. Edwards, members of this committee:

I am delighted to have the significant honor to appear before you today. Since I recognize your extraordinary time problems, with your permission, I will not read to you my entire statement, but will abbreviate it somewhat. Within that context you will be able to have a statement formally from Mr. Lloyd Cutler, who worked so ably as the executive director of our commission.

We have Mr. Campbell, as you have noted, and three very able young men, Mr. Frank Lloyd, Mr. Larry Palmer, and Mr. Allen Eaton who helped us in the preparation of our statements.

Judge HIGGINBOTHAM. Mr. Chairman, I appear here in my individual capacity and as the former vice chairman of the National Commission on the Causes and Prevention of Violence, which commission is often referred to as the Eisenhower Commission.

This commission was appointed by President Johnson in June of 1968, immediately after the assassination of Senator Robert F. Kennedy and not long after the slaying of Dr. Martin Luther King.

The commission was charged with the task of finding out what were the causes of violence in the United States today and of suggesting the means of preventing or reducing that violence.

Lloyd N. Cutler assembled a staff that ultimately was to be numbered in the hundreds. And, under the unfailing leadership of Dr. Milton S. Eisenhower, president emeritus of Johns Hopkins University and the brother of President Eisenhower, we set out bravely on what was to be an exhaustive 18-month inquiry into the state of our Union.

I would like to particularly note the extraordinary contribution given to our commission by Congressman McCulloch. He came with us with all of the cumulative wisdom which one must have as a member of your great committee here, and having served as a member of the Kerner Commission.

We hope that the participation and effective representation by two Members of the U.S. House of Representatives and two Members of the U.S. Senate will bring great strength to our commission in increasing the probability of a more favorable reception in the Congress and perhaps also in the White House, so that we can start to bridge that tragic gap which so often persists between the findings of a study commission and that hard road of implementation and results.

In the end, after surveying the whole landscape of American violence, the commission concluded that it was individual acts of violent crime—homicide, rape, aggravated assault, and robbery—that were “by far the most acute aspect of the problem of violence in the United States today.” We found, for example, that in a 5-year period between 1963 and 1968 there were some 642 political demonstrations involving more than 100 persons—civil rights and anticivil rights demonstrations, antiwar protests, and student protests. The total number of persons participating in these episodes was .2 million. The result was 1,100 injuries and no deaths. During the same 5-year period, however, individual acts of violent crime resulted in over 1 million reported aggravated assaults—a thousand times as many injuries as had resulted from the demonstrations—and over 50,000 homicides. Besides these totals of ordinary, everyday violent crime, even the ghetto riots seem of secondary importance: in the 5-year span, 239 ghetto riots produced 8,000 injuries and fewer than 200 deaths.

I should like to summarize for you today the commission's findings about violent crime because these facts profoundly affected all of the commission's recommendations, and particularly its recommendations in the field of criminal justice.

PROFILE OF VIOLENT CRIME

First of all, we found, after taking into account the many limitations of our present crime statistics, that over the past decade there have been significant and disturbing increases in the true rates of homicide and, even more dramatically, of robbery and aggravated assault. (For rape, no equivalent conclusion is possible: the statistics here are too unreliable.)

But the time is well past when the sharp increases in the FBI rates for homicide, robbery, and assault can be attributed to merely statistical factors. We are now experiencing the highest true rates of these violent crimes at any time since at least the early part of this century and we are the clear leader in violent crime among the modern, stable nations of the world.

In drawing the profile of violent crime we found it heavily concentrated in the larger cities. I would like to particularly underline this fact, Mr. Chairman, because if you are considering appropriations we have to think in terms of targeting the appropriations where the dangers are greatest.

Thus, this figure of 26 cities with over a half million residents account for only one-sixth of our total population, but almost one-half of our total reported violent crime is of extraordinary significance. In general, the larger cities have higher crime rates and have shown the greater increases in recent years.

In the cities violent crimes are disproportionately committed by males rather than females, by youths between the ages of 15 and 24 rather than by older people, by persons at the lower end of the occupational scale rather than by those who are better off, by residents of the ghetto slum rather than by residents of more affluent sections of the city. The highest violent crime rates of all occur in the population where these characteristics all intersect: the young, poor Negro male. Turning from offenders to victims, one finds many parallel patterns and only a few differences: the typical victim of a violent assaultive crime is also a young, poor Negro male, or in the case of rape, a young, poor Negro woman. Robbery, however, more often involves young black males robbing somewhat older white males. I will submit a more detailed statement. It is the one violent crime in the city which is predominantly interracial. Robbery is also different in that it is usually committed outside—in the street, especially—and by a stranger. While homicide, assault, and rape are more often committed indoors by an intimate or acquaintance.

Finally, to complete this quick profile, we found that by far the greatest proportion of all serious violence is committed by repeaters. In an ongoing study of 10,000 males born in 1945 and living in Philadelphia, it was found that 627 boys were chronic offenders, having been taken into custody for a nontraffic offense at least five times. Though they represented only 6 percent of the boys in the study, these chronic offenders accounted for 53 percent of the recorded arrests for personal

attacks—homicide, rape, and assault—and 71 percent of the arrests for robberies. I think that factor is extremely important as to why we need additional money to target, Mr. Chairman, our resources on those who are really, percentage-wise, only a small group but are the major chronic offenders.

CRIME BREEDING CONDITIONS IN THE GHETTO SLUM

I will not discuss in any detail the Commission's analysis of the causative factors which produce the disproportionately high rates of violent crime among poor, young Negro males in the cities, other than to say that we found these causes to be embedded in the basic conditions of life in the racial ghetto—conditions which the Kerner Commission report so dramatically thrust upon the national consciousness. These conditions of slum life in the center city have, historically, always produced high crime rates among whatever ethnic groups happened to be living in the center-city slum at a particular time. But in the past it was possible for Poles and Germans, Irish and Italians, to move out of the slum and into the mainstream of society. No other group has ever faced what Negroes face in their efforts to move up and out from the ghetto, and thus no other group has been so rigorously confined in conditions which are demonstrably conducive to high crime rates—as well as to joblessness, poor housing, disease, infant mortality, drug addiction, and a host of other forms of human suffering.

The Commission specifically noted that:

Negroes, however, have not been able, even when they have improved their economic condition, to move freely from the central cities. Therefore, movement of Negroes with higher income has tended merely to extend the ghetto periphery. The southern Negro migrants who have now been concentrated in the cities for two generations—as well as Negroes who have been living under conditions of urban segregation even longer—have experienced the same disorganizing forces as the earlier European settlers, but there are a number of reasons why the impact of these forces has been more destructive in the case of the Negro. Discrimination by race in housing, employment and education has been harder to overcome than discrimination based on language or ethnic background. With changes in the economy, there has been less demand for the Negro's unskilled labor than for that of the earlier immigrants.

Nor will I do more than refer briefly to the Commission's resolution of an apparent paradox about violent crime. The paradox is this: if social conditions really do cause crime, why has crime been increasing so dramatically in a period when these social conditions have apparently been improving, or at least not getting dramatically worse? The Commission's answer to the paradox has several parts.

First of all, it is a dangerous oversimplification to assert that ghetto slum conditions have generally improved in the last decade.

There have been some gains in education, employment, and income—but there has also been deterioration in crucial areas. For example, the Negro unemployment rate, though lower than in 1960, continues to be about twice that for whites. Most critically, unemployment among black teenagers in cities—during the time when you enacted the 1964 Civil Rights Act, the 1965 Civil Rights Act, and the 1968 Housing Act—increased by a third between 1960 and 1968, to 30 percent, 2½ times the urban white teenager rate.

Similarly, income gains are seen in a new light when it is realized that the "dependency ratio"—the number of children per thousand

adult males—is for blacks nearly twice what it is for whites, and the gap widened sharply in the 1960's.

What I think is one of the most significant statistics for anyone who wants to say that there has been extraordinary progress is to look at the statistic which I am about to give you now, which came from the Kerner Commission. Congressman McCulloch has cited it to me often. It was verified by our findings.

It is that:

Although it is growing, Negro family income is not keeping pace with white family income growth. In constant 1965 dollars, median nonwhite income in 1947 was \$2,174 lower than median white income. By 1966, the gap had grown to \$3,036.

That statistic, Mr. Chairman and members of this committee, is to me like a track race. If one would say that if you took the average black family in 1947 they would be 1 mile behind, and in the interim, in this 18-year interim, the average black family was 1½ miles behind.

I have cited this data not to in any way depreciate the significant accomplishments, but just to indicate that we have failed to close the gap, and just perhaps to imagine how much worse things would have been if we had not had some of those corrective approaches which this committee has made such a significant contribution to.

Beyond that, there are at least three important factors in the sharp increase in violent crime in the 1960's.

First, because the expectations of the disadvantaged have outrun the reality of improvement in their lives, there has been frustration that has manifested itself in violent crimes.

Second, because the processes of law enforcement have perceptibly broken down and failed adequately to deter crime, the temptation to commit crime has become stronger.

And third, during the decade of the 1960's a number of events and ideas have converged to weaken the legitimacy of our political and legal institutions and hence to lessen respect for traditional symbols of legitimate authority.

I think one quote which is not in our prepared statement, but which this committee must reflect on, agreed to unanimously by our Commission, is on page 12 in our history section:

We note that revolutions have not historically occurred in stagnant and utterly destitute nations. Rather, they have occurred in nations with rising but uneven prosperity that once inspired hope and intensified impatience with the old order.

Reflecting upon these basic facts about violent crime, the Eisenhower Commission unanimously concluded that a two-pronged strategy was required to prevent a rising tide of crime from turning America into a nation of fortress cities.

One part of the strategy involves a reordering of national priorities to achieve greater progress in reconstructing urban life—redoubled efforts in education, employment, housing, and new efforts in restructuring and refinancing local governments and in improving the effectiveness of Federal programs, particularly in the urban context.

While much of our presentation today, because of the responsibility of this committee, will be directed toward making the goal of strengthening the criminal justice process one of the Nation's top priorities, I must emphasize with the utmost vigor that in the long run merely improving the criminal justice process without eradicating

some of the great basic causes of crime will become nothing more than a tragic exercise in deception.

It is not without significance that we entitled our final report "To Establish Justice, To Insure Domestic Tranquillity." Thus, those persons who are concerned about "law and order" or "crime in the streets" must demonstrate that they are equally committed to the establishment of justice for all. For there will never be any long term domestic tranquillity, our highest national priority, unless we improve our capacity to assure justice for all, for the white, the black, red, the brown, for all. Thus, Mr. Chairman, the words of the distinguished President's Commission on Law Enforcement and the Administration of Justice, which Commission was headed by one of the greatest Attorney Generals this Nation has ever known, Nicholas Katzenbach, are particularly relevant today. For that Commission said:

Warring on poverty, inadequate housing and employment, is warring on crime. A civil rights law is a law against crime. Money for schools is money against crime. Medical, psychiatric, and family counselling services are services against crime. More broadly and most importantly, every effort to improve life in America's "inner cities" is an effort against crime.

Thus, I trust that the Members of this Congress will be as concerned about our Commissioner's statement, and that the members of the executive branch will be as concerned about our Commission's statement, to reorder the priorities in our Nation when we noted:

We solemnly declare our conviction that this nation is entering a period in which our people need to be as concerned by the internal dangers to our free society as by any probable combination of external threats. We recognize that substantial amounts of funds cannot be transferred from sterile war purposes to more productive ones until our participation in the Vietnam war is ended.

We also recognize that to make our society essentially free of poverty and discrimination, and to make our sprawling urban areas fit to inhabit, will cost a great deal of money and will take a great length of time. We believe, however, that we can and should make a major decision now to reassess our national priorities by placing these objectives in the first rank of the nation's goals.

Thus, I submit that anyone who talks about merely improving our skills to make an arrest or promptly institutionalizing the guilty, as important as that may be, but who fails to focus on reassessing our national priorities has, in effect, by this action repudiated the finding of this Commission and all of the other Commissions which have been obligated to focus on this critical problem.

STRENGTHENING CRIMINAL JUSTICE PROCESSES

The other necessary part of our dual strategy focused on the processes of criminal justice—police, courts and corrections. In the field of criminal justice we had the great advantage of having available to us the monumental 1967 Report of the President's Commission on Law Enforcement and Administration of Justice, which made a compre-

hensive analysis of the Nation's criminal justice processes and offered scores of important recommendations for their improvement. The job of the Eisenhower commission was not to replicate the work of its great predecessor, but rather to build on it and to further its implementation.

We tried to stand back and look at the whole forest, to bring the total problem into focus. Doing so, we saw that the agencies of criminal justice arrest a suspect for only 1 out of every 8 serious crimes actually committed and that they convict an offender for only 1 out of 16 serious crimes. Only a tiny fraction of serious crimes—1 out of 65—result in an offender being sentenced to a correctional institution, and between one-half and two-thirds of those incarcerated are, after release, sooner or later arrested and convicted again.

We saw further that the popular phrase "criminal justice system" is, I must tragically state, largely a myth and that too often what we have in the typical American city is a criminal justice nonsystem, a process whose components do not function together as a system at all.

Police, courts, and corrections, and the various professional personnel associated with these agencies, all cope with crime largely in isolation from one another and from radically different perspectives. Not only are the several components of the criminal justice process often ineffective and poorly administered, but the whole process, for lack of appropriate coordinating structures and procedures, is less than the sum of its parts. The Commission described its conclusions in these terms:

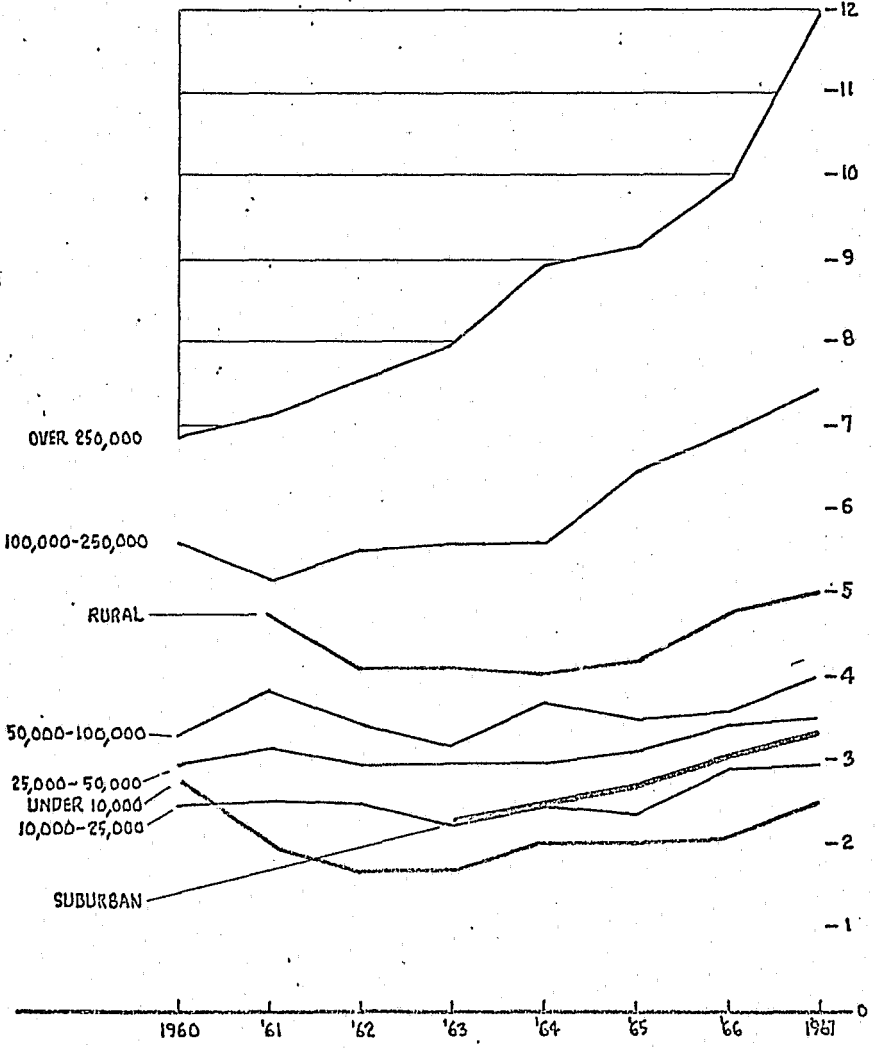
In the mosaic of discontent which pervades the criminal process, public officials and institutions, bound together with private persons in the cause of reducing crime, each sees his own special mission being undercut by the cross-purposes, frailties or malfunctions of others.

Finally, we saw that the entire criminal justice process—Federal, State and local, including all police, all courts and all corrections—is severely underfinanced, receiving less than 2 percent of all governmental revenues and less than three-quarters of 1 percent of our national income. I believe the former Attorney General Ramsey Clark pointed out to you that we spend substantially more on liquor and tobacco, whether it is pipes or cigarettes, than we spend on our entire criminal justice process. We spend less each year on this entire system than we do on Federal agricultural programs and little more than we do on the space program.

These observations, in light of the manifest seriousness of the crime problem, led the Commission to recommend a four-part plan for improving the performance of the criminal justice process and turning it into a true system, instead of the nonsystem it now is.

(The charts referred to follow:)

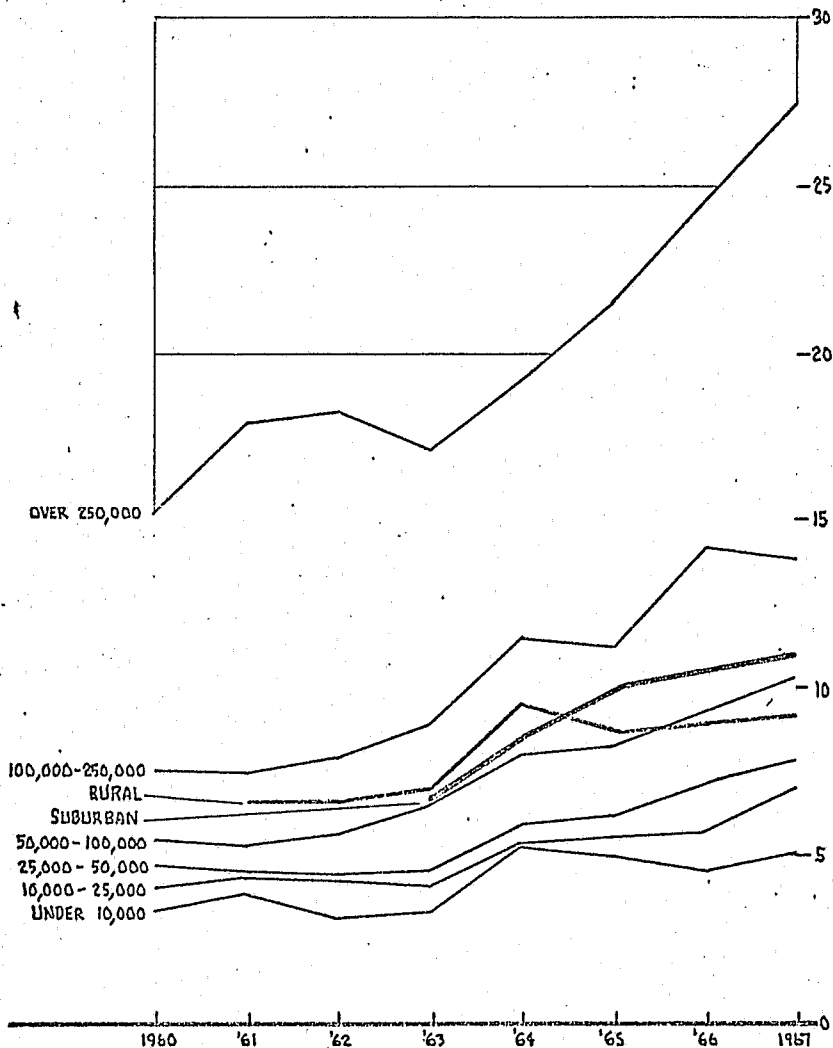
MURDER & NON-NEGLIGENT MANSLAUGHTER
 REPORTED OFFENSES BY SIZE OF CITY, 1960-1967 (RATES PER 100,000)



SOURCE: U.C.R., 1960-67

FORCIBLE RAPE

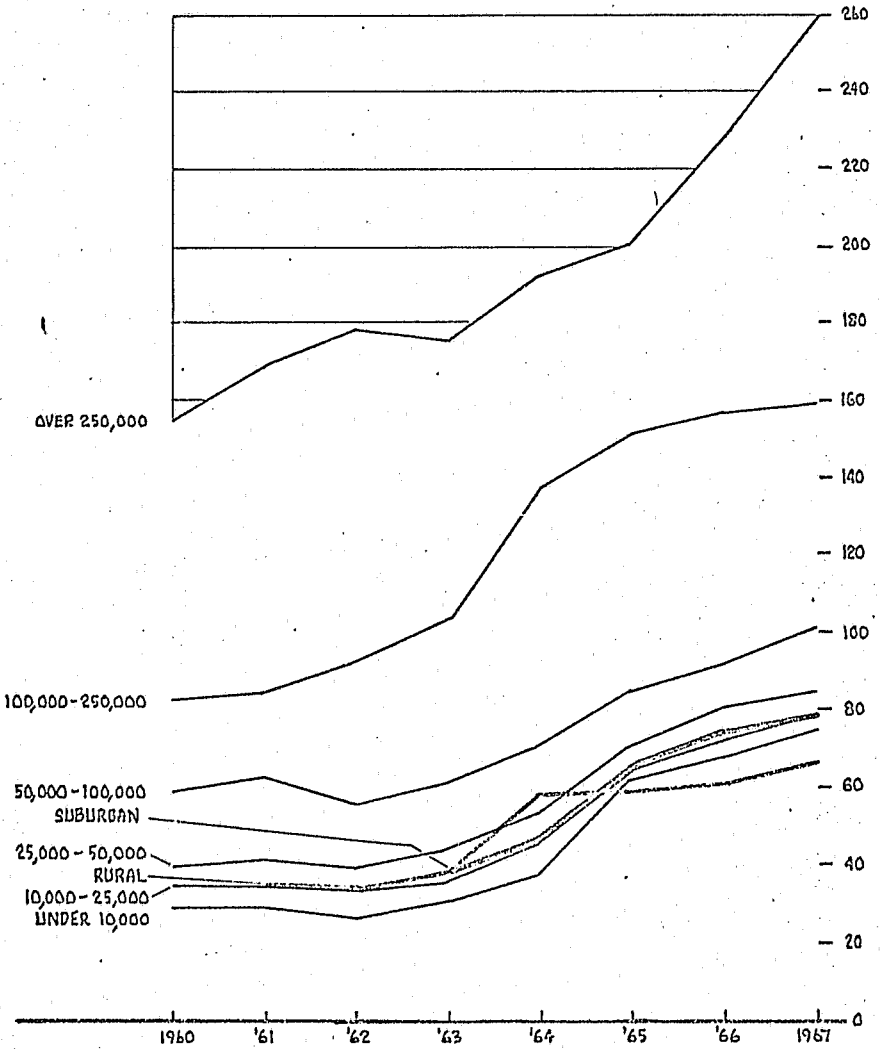
REPORTED OFFENSES BY SIZE OF CITY, 1960-1967 (RATE PER 100,000)



SOURCE: U.C.R., 1960-67

AGGRAVATED ASSAULT

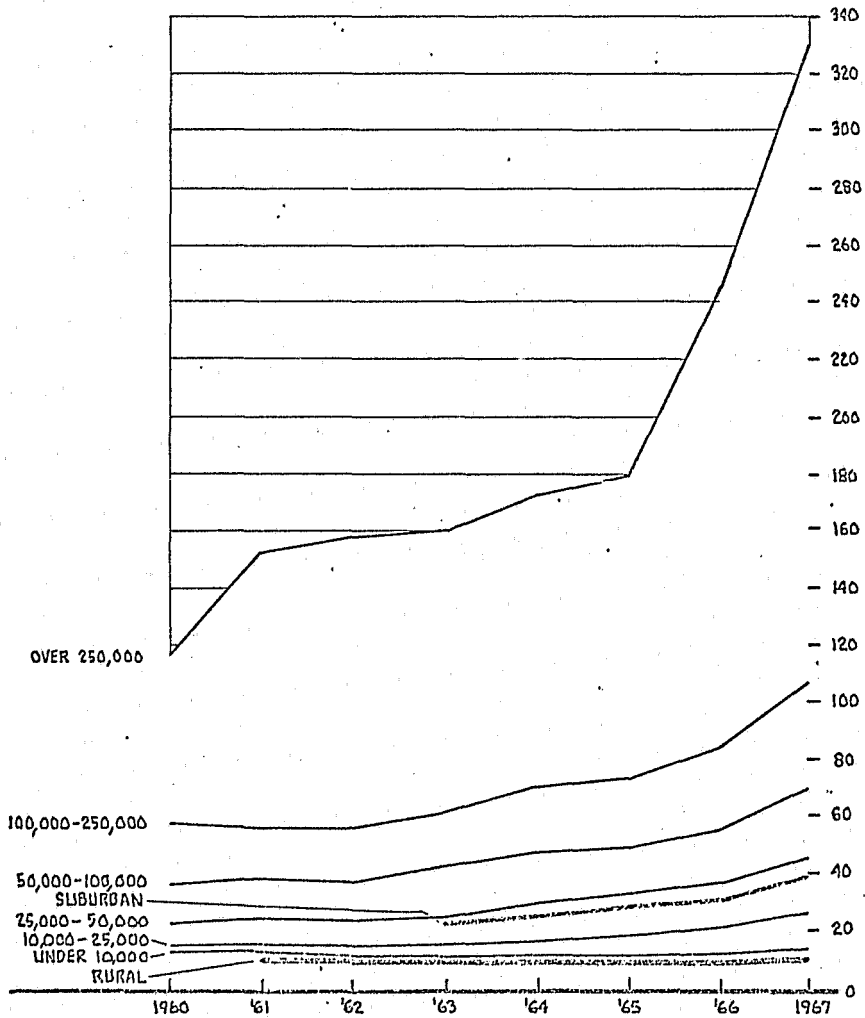
REPORTED OFFENSES BY SIZE OF CITY, 1960-1967 (RATE PER 100,000)



SOURCE: U.C.R., 1960-67

ROBBERY

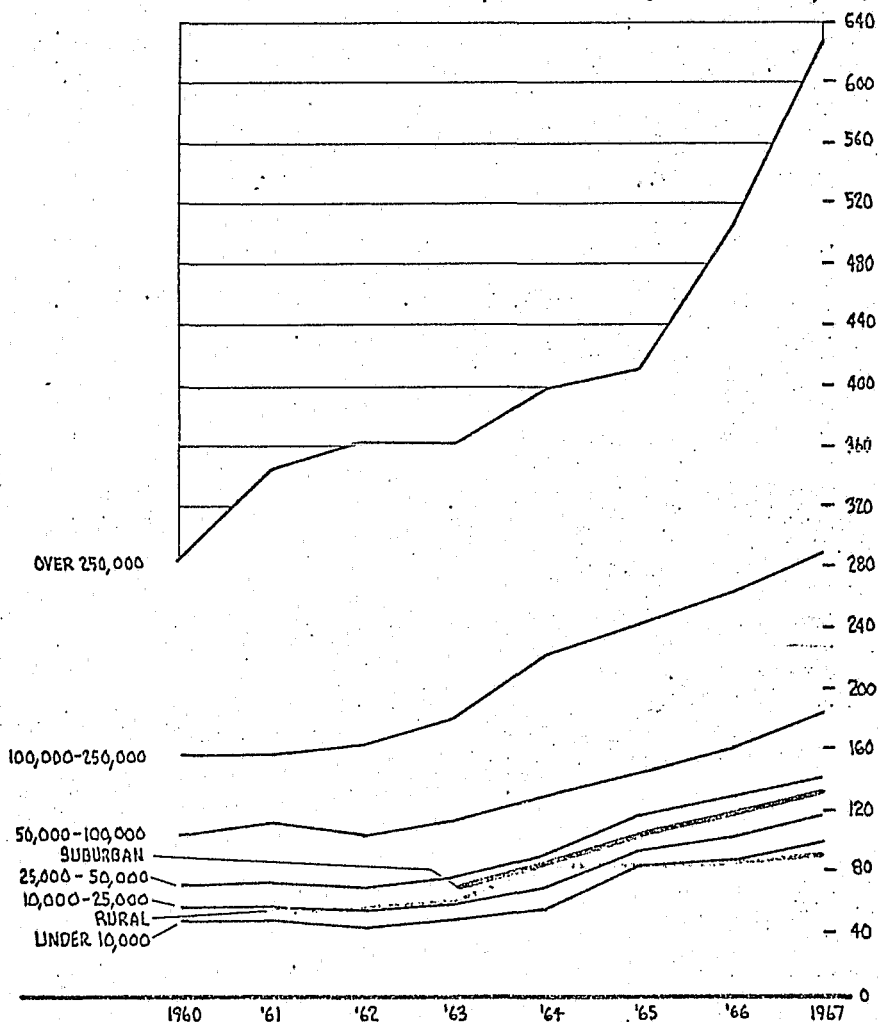
REPORTED OFFENSES BY SIZE OF CITY, 1960-1967 (RATE PER 100,000)



SOURCE: U.C.R., 1960-67

FOUR MAJOR VIOLENT CRIMES COMBINED

REPORTED OFFENSES BY SIZE OF CITY, 1960-1967 (RATES PER 100,000)



SOURCE: U.C.R. 1960-67

Mr. Chairman, you have had great scholars speak to you. I wonder if I can conclude my remarks by something that is noted by a poet, because sometimes poets understand the nature of our Nation, more so than even the finest academician. There was a poet who once said:

I live in a sea of words, where the nouns and the adjectives flow, where the verbs speak of action which never takes place, and the sentences come and go.

And as I look over the history of this Nation in the last 25 years, which I look over the great commissions which have studied the problems starting with the Truman Commission in 1947 "To Secure These Rights", with the Kerner Commission on Civil Disorders, with

the Katzenbach Commission on Law Enforcement, with the Douglas Commission on Urban Problems, and with the Kaiser Commission on Housing, I think it is an appropriate inquiry: Are we going to live in a sea of words which speak of action which never takes place?

I am confident that with the type and magnitude of bills which this committee is considering, we can move from a sea of words to an important area of action.

Our distinguished executive director, who is entitled to so much credit, will present to you some of the basic elements of the Commission's recommendations.

The CHAIRMAN. Do you mind if we ask some questions now, Judge? Judge HIGGINBOTHAM. I would be honored, sir.

The CHAIRMAN. Your statement is a very effective one. We are all deeply moved by its logic and by its commonsense.

We have always been a Nation that has been spotted with violence, haven't we?

Judge HIGGINBOTHAM. Yes.

The CHAIRMAN. Ever since Shay's rebellion, which goes back to 1787, when the people in New England rose and seized the legislature, in Massachusetts, I believe.

Judge HIGGINBOTHAM. And we had rebellions in Pennsylvania.

The CHAIRMAN. My history reminds me of the anti-Chinese riots on housing in 1840 and in 1850, in San Francisco, and the anti-Catholic riots in Philadelphia; the antidraft riots in New York when 2 square miles of property were burned down and 2,000 lives were lost, where they had to call out 18,000 Federal troops; the Homestead strike of 1880, and I believe, the Pullman strike thereafter, all involved tremendous violence.

So our history has been replete with violence.

Now we have this era of violence, which has been considerably augmented by the conditions that you speak of.

I believe you spoke of the temptation. We have the very rich and we have the very poor, and the very poor, I suppose, feel that they don't get their share of the goods of society and they help themselves by thievery and robbery. They can easily lose their identity in our pluralistic society. You can't easily detect them. You can't easily apprehend them. They know that, also.

All these factors, I think, make for the augmentation of crime.

Our problem is to pass laws. We don't execute the laws. You have given us a very comprehensive plan here, very painstakingly thought out and one which the whole Nation must eventually embrace.

But we are here to help by way of passage of statutes. I presume Mr. Cutler will make certain recommendations, or your other colleagues will make certain recommendations, in that regard. Your commission did make certain recommendations.

I shall be glad to get your reaction to that general statement.

Judge HIGGINBOTHAM. I would say, sir, we have always been a violent country, if you look at it in historical depth which you have noted.

Our commission did establish that within the last 10 years the degree of violent crimes has increased by 100 percent, which is perhaps a more marked increase than any decade of the 20th century. But I tried to give you merely a general overview. But this great committee cannot work on overview. You have to work on specifics, clauses and sentences.

Mr. Cutler will talk in terms of the precise recommendations which I know you are concerned about, and the only way under which you can operate, sir.

The CHAIRMAN. Mr. McCulloch.

Mr. McCULLOCH. I would like to say what is not necessary to be said to those who heard your statement. It is an excellent statement, one of the best that has been given to this committee in the many years that I have been on it. But I am not surprised. I knew that would be the kind of statement you would make.

Mr. Chairman, I am particularly pleased that Judge Higginbotham referred to the very effective Voting Rights Act of 1965, which registered so many blacks in the South.

I am glad you are here. I would like to see this statement as a personal document in the hands of every Governor, in the hands of every attorney general, in the hands of every chairman of every crime commission in the United States.

Judge HIGGINBOTHAM. Thank you, sir.

The CHAIRMAN. Mr. Rogers.

Mr. ROGERS. Judge, in your statement on page 4, in the top paragraph, you point out that there are 26 cities with over half a million residents which account for one-sixth of the total population, and yet one-half of the total reported violent crimes occur there.

Former Attorney General Ramsey Clark testified here a few days ago, and he recommended that there be a reordering of priorities under the law enforcement assistance program. For example, he suggested that the limitation placed on salary support be revised upward to permit greater federal aid for salaries.

He also suggested that not less than one-third of all appropriations be earmarked for corrections, and that 20 percent of all funds provided for police departments should be invested in community relations improvements.

Since we are considering this legislation, do you have any thoughts on these suggestions?

Judge HIGGINBOTHAM. Mr. Rogers, you have asked a very important question. The statistics you have pointed out are relevant. I don't want to run the risk of interpreting Mr. Ramsey Clark, but the correctional process is so absolutely essential for our whole criminal justice system.

It seems to me that if at least one-third of whatever sum you spend is not spent on the correctional process that we will just increase our efficiency in getting men into prison but not rehabilitating them.

I will, with your permission, send to your counsel a statement on Philadelphia prisons. I don't think Philadelphia prisons are worse than prisons in other States. We may not be as good as Colorado and Ohio, but we have problems. As an example, in the Philadelphia prisons report there was an extraordinary report about our city jails, of the most acute homosexual abuses, and a lot of serious problems. So I think at least one-third of the total funds should be spent on the correctional process.

Secondly, I do think that you have to have safeguards to see that the money is spent where crime is most prevalent. I didn't want to go into detail but Lloyd Cutler, I am certain, will comment, on this next point.

We have a whole series of statistics in charts at the back of our statement. If you look at the very last one, it shows that for cities over 250,000, the crime rate in 1967 is 640 per 100,000 as compared to places under 10,000 or 100 per 100,000. So I do think you have to make a major focus to see that the urban problem is met, sir.

Mr. ROGERS. And if you meet that, you come nearer to meeting the problems you have outlined?

Judge HIGGINBOTHAM. I think you will, sir. You will be 90 percent home.

Mr. ROGERS. Judge, there is another issue you point to on page 5 of your statement, namely, that 627 boys were chronic offenders, having been taken into custody for nontraffic offenses at least five times. Although they represent only 6 percent of the boys in the study, these chronic offenders account for 53 percent of recorded arrests for personal attacks, homicide, rape, and so on, and 71 percent of the arrests for robberies.

As we understand it in our parlance, they are repeaters.

Judge HIGGINBOTHAM. Yes, sir.

Mr. ROGERS. They either make bond or serve their time and when they get back out, again commit a crime.

In the recent past the Congress enacted the Bail Reform Act, which, in effect, provides that an accused cannot be kept in jail because he doesn't have money for bail. Unfortunately, many who are arrested, and then are released pending trial are repeaters.

One of the suggested solutions to the problem is so-called preventive or pretrial detention, which, as I understand it, provides for a hearing as to the accused's danger to the community and empowers the judge to confine the accused for 60 days.

Have you given that proposal any study? Are you in a position to make any comments on it?

Judge HIGGINBOTHAM. We have discussed the problem of preventive detention in our report, and I will make sure that that is noted. But just let me answer your question. I guess it depends on which side of the society one is on. You mentioned the issue of preventive detention, but if you were to apply under that Philadelphia statistic preventive detention, you would have given preventive detention for 94 percent of the boys when only 6 percent are responsible for more than 53 percent of the homicides and the serious crimes. So that what I think the meaning of this statistic is that we just haven't handled from the correctional standpoint this problem.

The probation officers have such extraordinary loads. This happens to be a Philadelphia statistic, and I noted that when Congressman McCulloch made reference to Ramsey Clark, he said, "In the well-run State of Ohio, automobile theft had increased by 30 percent."

Well, in the well-run city of Philadelphia, we have this problem, where probation officers had five times the caseload which one could possibly handle. These kids can't be dealt with. It is the money which perhaps this committee will provide, to do something on diagnostic centers, to do something on corrections, which will answer this problem. Otherwise, if you are going to go solely the preventive detention route, what you are going to do is put 100 percent of the juveniles for their first offense in jail, until you could have an adjudication. I think that would have counterproductive aspects.

Mr. ROGERS. Do you feel if we had that law which gave you, the Judge, the authority to confine an accused for 60 days, that it wouldn't help solve the problem?

Judge HIGGINBOTHAM. I don't think it would. Just for the record, I would like to quote page 154 of our report, a footnote. We point out that not only our commission but the American Bar Association in approving the report of the Special Committee on Minimum Standards for the Administration of Criminal Justice, opposed preventive detention.

Our Task Force on Law and Law Enforcement has gone into that in great detail. I don't want you to feel that we are giving you a capricious answer.

The CHAIRMAN. Why don't you read that note?

Judge HIGGINBOTHAM. I know your time is valuable, but I will read it.

The Report of the Commission's Task Force on Law and Law Enforcement contains a study of our bail system and recent proposals for preventive detention of persons arrested for serious crime who in the judgments of the court on the preliminary hearing are deemed likely to commit a serious crime if released on bail while awaiting trial. The Commission agrees with the position of the American Bar Association in approving the report of a Special Committee on Administration of Criminal Justice, that because of the drastic effects of preventive detention, the difficulties inherent in predicting future criminality and unresolved constitutional issues, preventive detention should not be adopted. While there is a very real public interest in preventing criminal activity by released persons awaiting trial, the interests would be better served by reforming the criminal justice system to expedite trials than by adding the additional burden of a preliminary trial to predict the likelihood of future criminality. It should be noted that even at present some crimes, such as first-degree murder, are not bailable.

Mr. Campbell did a lot of work on this. We have a whole volume on what we call "Law and Order Reconsidered." That goes into it in substantially greater detail.

Mr. CAMPBELL. If I could add just one word on the Philadelphia statistics, there is nothing in that study which suggests we have any ability to predict whether or not an arrested juvenile will commit a serious crime of violence. On those chronic offenders, most of the five offenses, four out of the five, are nonviolent offenses, lesser offenses. So your prediction problems are still very extreme even with this group.

Mr. ROGERS. Are you saying that the preventive detention proposal would not work so far as Philadelphia is concerned, because the crimes that are committed by repeaters are not those of violence?

Mr. CAMPBELL. No; I am saying that one of those crimes committed by these repeaters is a major violent crime. But when he first comes to the attention of the system, in many cases he will have committed a lesser offense. We don't know at that point whether the particular individual will go on to commit serious violent crimes that we are most concerned about, or whether he will drop out of the system and reform at that point.

Mr. ROGERS. Is that one of the reasons that you would oppose preventive detention, because it requires a judge to predict whether or not the accused is going to commit a crime within 60 days?

Mr. CUTLER. Mr. Rogers, if I could interrupt for a moment, I think our basic feeling is that the problem of the commission of crimes by persons who are out on bail awaiting trial on their first charge is

largely a problem of court and prosecutor delays in bringing them to trial the first time.

If you impose on this already terribly overburdened system the additional burden of additional trials in which prosecutors and defense counsel and judges have to hold what would undoubtedly become an extended preliminary trial in order to determine whether the man should be held for a later trial, it would be much better to give them the manpower and facilities, the courts and prosecutors needed, to try them quickly in the first place. If a man could be tried for a charge of a serious crime within 90 days after he is arrested and indicted, we wouldn't have the problem. Most of these new crimes seem to occur from men who are out on bail for a year or more.

Mr. ROGERS. Thank you.

The CHAIRMAN. Mr. MacGregor.

Mr. MACGREGOR. I think it probably was the intention of Judge Higginbotham and Mr. Cutler to each complete their statements and then submit to questions. I am sure they are not unhappy to have responded to the questions put here.

With your permission, Mr. Chairman, I would like to defer my questions until Mr. Cutler has had the opportunity to present his statement. I would like to do that with one exception because he raised a new subject by his most recent response.

I gather that you, sir, would feel that the cause of criminal justice would be enhanced were the Congress to promptly enact into law a bill to provide for an increase in the number of Federal judgments recommended by the Judicial Conference?

Mr. CUTLER. I would strongly favor that.

Mr. MACGREGOR. Thank you.

Mr. CUTLER. I would like to add that I don't think judges alone would do it anymore than additional prosecutors would do it. It is a system approach. But it would certainly help.

Mr. MACGREGOR. Thank you. I will defer further questions on the subject matter of Judge Higginbotham's and Mr. Cutler's statements until later.

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. Thank you, Mr. Chairman.

I think I will follow the lead of Mr. MacGregor because I am interested in hearing the program of action which the gentleman feels is essential to reduce the amount of crime, particularly in the area where it is most prevalent.

Mr. POFF. Mr. Chairman, I will defer until the conclusion of the other testimony.

The CHAIRMAN. Mr. Hutchinson?

Mr. HUTCHINSON. No questions, Mr. Chairman.

The CHAIRMAN. Mr. Cutler, we will be glad to hear you now.

Mr. CUTLER. Thank you, Mr. Chairman.

I would first like to draw to your attention the chart that looks like a bullseye chart on a piece of paper placed in front of all of you.

I think it underlines why we think a drastic revision of this criminal justice system is required. It shows in the outer circle all serious crimes committed in 1968, and we estimate that is some 9 million crimes. That is everything from auto theft on up, as you see at the bottom of the chart. Only half of those crimes, as you all know, are

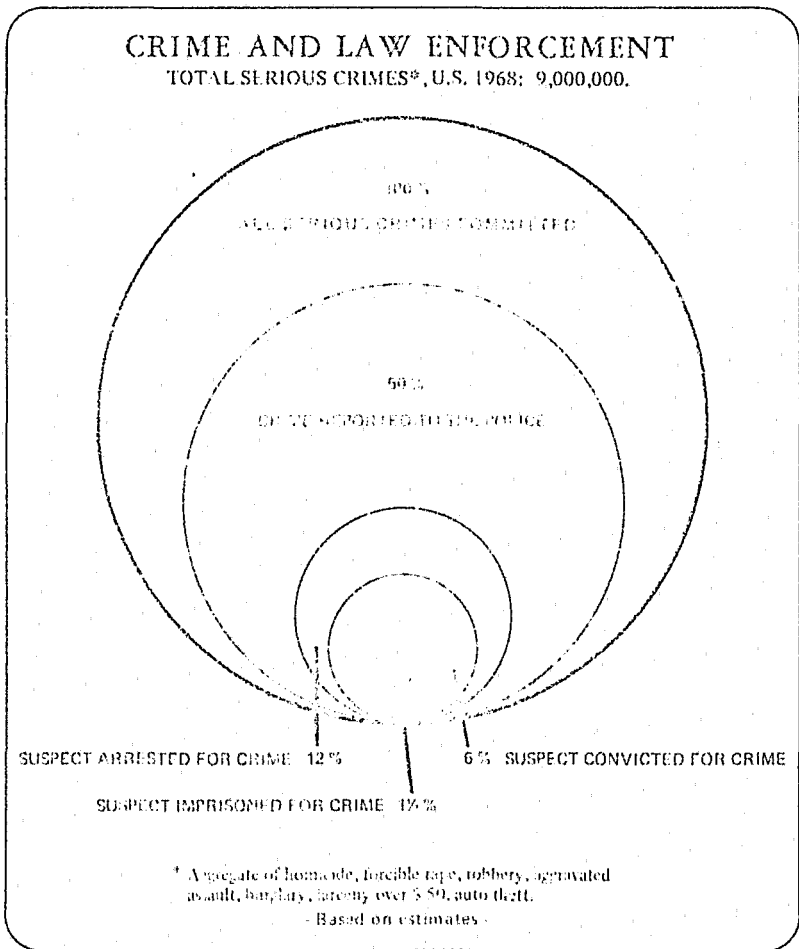
reported to the police. That is the best estimate Mr. Hoover and others can make. But note that only 12 percent—

The CHAIRMAN. How do you know that?

Mr. CUTLER. We cannot know it, Mr. Celler, but the best estimate which I think most criminologists, the FBI and police departments agree on is that roughly a half. Some even say only a third of the serious crimes are reported to the police. But that is the outer perimeter.

Note that in only 12 percent of the serious crimes does our criminal justice system succeed in arresting anybody. In only 6 percent does it succeed in convicting anybody, and that 6 percent includes more pleas to lesser offenses than it does actual convictions.

In only 1½ percent does it succeed in incarcerating anybody.
(The document referred to follows:)



Mr. CUTLER. Those are really pretty shocking figures. That is a criminal justice system that does not deter, that does not detect, that does not convict, and that does not correct. We all can tell by our own

physical observation that the most delapidated and overcrowded, inefficient public facilities in the major cities of the country today are the criminal justice facilities, the police stations, the courthouses, and the jails.

So the first part of the Commission's four-part plan for strengthening criminal justice system calls for additional resources—a:

Commitment to double our investment in the administration of justice and the prevention of crime, as rapidly as such an investment can be wisely planned and utilized.

We say double because we do so poorly right now and invest so little right now. We are not sure that doubling is enough, but we are sure that doubling is the least we should do.

This would ultimately mean an additional expenditure of about \$5 billion per year—less than three-quarters of 1 percent of our national income and less than 2 percent of our tax revenues, Federal, State, and local.

Given the realities of State and local financial resources, the Federal Government will have to take the lead in making this commitment and in providing most of the funds under the Omnibus Crime Control and Safe Streets Act of 1968.

At the present time, the grant programs administered under this act by the Law Enforcement Assistance Administration have only a modest degree of funding which, together with the matching State funds, would increase national criminal justice expenditures by less than 10 percent each year.

In light of the seriousness of the need, this amount is not adequate, and although the Eisenhower Commission did not recommend any specific figure for a particular fiscal year, we would personally support Chairman Celler's recommendation of \$750 million for fiscal 1971.

The CHAIRMAN. I want to add that is substantially Mr. McCulloch's proposal, also.

Mr. CUTLER. Yes. And Mr. McCulloch has a good, strong education on this subject.

The Commission strongly urged that the Federal commitment be made in a manner that will convince the States, cities, and the public that they can rely on the seriousness and continuity of the undertaking, and that they can invest matching funds of their own without fear that the Federal portion may be curtailed midway in the program.

Congress has available a variety of tested methods for making meaningful long-term commitments along these lines, such as authorization of long-term contracts, Federal guarantees of long-term bonds issued by State and local agencies, with an underlying commitment to cover part of the interest and amortization, and multiyear appropriation measures.

That has to do with money. But as the judge said earlier, money alone is only part of what is needed. We do need additional resources, but we need much more management of this system than we now have.

The remaining three elements of the Commission's program seek to improve the ability of the criminal justice process to plan for and effectively utilize the increased resources that hopefully will be made available to the States and cities for law enforcement planning and operations.

The first of these three is to create Offices of Criminal Justice within the governmental structure of each major urban area to develop better functioning relationships among the criminal justice subsystems and with public and private agencies outside the criminal justice process.

A full-time Criminal Justice Office is basic to the formation of a true criminal justice system. The optimum form of such an office needs to be developed through experimentation, whether it should be under the mayor or exist through some State statute will have to be worked out over time.

The function could be vested in a criminal justice assistant to the mayor or county executive, with staff relationships to executive agencies and liaison with the courts and community.

Alternatively, it could operate as a ministry of justice and be given line authority under the direction of a high-ranking official of local government, such as a director of public safety, to whom local police, prosecutor, defender and correctional agencies would be responsible and to whom special kinds of administrative relationships with the independent judiciary would have to be developed.

But whatever its form, the Office of Criminal Justice would:

Develop a comprehensive crime control budget for all components of the system;

Initiate a truly comprehensive criminal justice information system—this is shocking but it really doesn't exist today in the cities—including court backlogs and detention populations as well as crime reports;

Perform a coordinating role in respect to the many functions of the criminal process involving more than one element of the system—for example, to develop programs for the reduction of police waiting time in court, to improve pretrial release information and control, to enlist prosecutors and defense attorneys in cooperative efforts to expedite trials, to bring correctional inputs to bear on initial decisions whether to prosecute, to improve relations between criminal justice agencies and the community;

Perform the vital but neglected function of coordinating the criminal justice agencies with programs and organizations devoted to improving individual lives—for example, hospitals, mental health organizations, welfare and vocational rehabilitation agencies, youth organizations, and other public and private groups; and

Develop minimum standards of performance, new incentives and exchange programs for police, court attaches, and correctional personnel.

Mr. Chairman, there was almost a perfect example of why such an office is needed in a New York Times article of February 18, which you probably saw, describing the crowded conditions of the New York City jails, which were built to hold about 8,000 people and were holding 14,000 at that time.

One might think that if the jails are overcrowded the solution of that problem is to build more jails, and, undoubtedly, whoever is in charge of the bureau of the New York City government in charge of jails wanted that.

But the problem was approached from the mayor's level, because Mayor Lindsay does have the equivalent of an Office of Criminal Justice within his system.

The conclusion was essentially that, apart from the admitted need for greater facilities, the reason why there were 14,000 people in jails built to hold only 8,000 was that there were 8,500 prisoners awaiting trial or sentencing. These were ones who were not out on bail, Mr. Rogers. They were simply awaiting trial or sentencing.

In New York they can await trial for a year or so.

Additionally, there were 5,500 who had already been sentenced and were awaiting assignments to other jails or awaiting reports of probation officers or other elements of the correctional side of the system that had simply not been provided.

So the answer to the overcrowded jail in this case almost certainly was more courts, more prosecutors, more parole and probation officers, and a better manning of the correctional side of the system.

It is almost a perfect illustration.

The CHAIRMAN. Some of those delays are caused by the defendants' attorneys.

Mr. CUTLER. Undoubtedly, sir. That, also, is a part of the system that needs management. But defendants can be moved along very well by a good, effective trial judge who has an able staff, as has been shown in almost every city and, in particular, every Federal court that has abandoned the courthousewide calendar and has gone to a single-judge calendar, as Judge Higginbotham's court has, where one judge is responsible for cleaning up his own calendar.

The CHAIRMAN. A number of those prisoners in the jails have been sent to other institutions upstate.

Mr. CUTLER. That is correct. Even though they are awaiting trial, they are already in a penal institution.

We have been pleased to note that the Law Enforcement Assistance Administration has just recently made discretionary funds available to cities wishing to experiment with an Office of Criminal Justice, and we hope that this is an idea which will be tried out more widely around the country.

LEAA, as I understand it, is prepared to assist in funding in 25 major cities around the country if the cities and State agencies which supervise the planning are prepared to provide such a program.

We believe that LEAA should do everything it can to make the establishment of these Offices of Criminal Justice mandatory. If there is any legal doubt as to their power to require city and State planning agencies to set up such offices as a condition of receiving action funds under this program, we would urge that the committee take care of that in the pending legislation.

We think it is so vital as part of the planning process. There is just no point, as one of our task force authors said, in pouring new money down old drains. We have to get the system fixed before it can use money, additional money, effectively.

Mr. ZELENYKO. Is it your testimony that the statute now permits LEAA to impose such conditions on grants to the States?

Mr. CUTLER. I would read it as permitting the man who holds the pursestrings to say:

I am going to insist on an effective plan for insuring cooperation within any metropolitan area that is supposed to receive funds, and I don't regard your plan as adequate if it does not include an Office of Criminal Justice, at some high executive level within the city, that has budget control and supervisory power, not just committee coordinating power, over the various elements of the criminal justice system.

The CHAIRMAN. Are you suggesting an amendment to the Omnibus Crime Bill?

Mr. CUTLER. I personally do not think it is needed. I understand LEAA has some doubt about its power to require such Offices. I would think that if there is any basis for the doubt, it should be taken care of by amendment or at least some statement in your committee report.

If I were the administrator, I don't think I would have any trouble saying, "You need this."

The CHAIRMAN. Mr. Rogovin, in testifying before Congressman Rooney's Subcommittee on Appropriations for State, Justice and Commerce, stated as follows:

"Under the statute"—Title I of the Omnibus Crime Control and Safe Streets Act—"the order of priorities is a matter of State judgment and not to be done by the Federal Government."

Would you care to comment on that?

Mr. CUTLER. As we would read section 303 of the existing statute, it requires that each State plan shall—and then if you move over to 4—"incorporate innovations and advance techniques," and so forth, "including descriptions of organizational systems and administrative machinery for implementing the plan."

I would think that language could be used to say that:

Unless you have established effective administrative machinery at the highest executive level of your city or metropolitan area to make the elements of the criminal justice system work together, you have not submitted a plan that meets the criteria of the statute.

The CHAIRMAN. In other words, you don't agree with the statement of Mr. Rogovin. But to make the point doubly sure the statute might be amended?

Mr. CUTLER. Yes, or I think it could be handled in the report, if you think the power already exists.

Mr. ROGERS. Mr. Chairman, along that line, under title I of the Safe Streets Act, there is a statutory requirement that 40 percent of the planning funds and 75 percent of all action funds be made available by the States to units of local government.

One bill that we are considering, H.R. 15947, page 3, at line 7, provides that the administration may waive this requirement in whole or in part upon a finding that "adherence to the requirement would not result in an appropriately balanced allocation of funds between the State and the units of general local government in the State, or would not contribute to the efficient accomplishment of the purposes of this [Act]."

What is your comment on that proposed amendment?

Mr. CUTLER. I believe that deals with another subject, Mr. Rogers, the allocation of funds between the State agencies and the cities. I would be glad to speak to it, if you want my view on it.

Mr. ROGERS. Yes.

Mr. CUTLER. I do feel, as several of the witnesses before you have indicated, that it is essential in one way or another that the money be placed in the larger metropolitan areas. I am speaking of the action money. That is where the high crime rates are and, as a general rule, the larger the city, the higher the rate of crime per 100,000 residents of that city.

I don't think we are prepared to say or suggest to you precisely how that should be required. Obviously, there are questions of judgment to be exercised by somebody as to whether the money is going to be wisely used and whether the city has put up a respectable plan.

One of our problems, of course, is that the inefficiencies of city criminal justice systems are in part problems of the overall inefficiency of the government of urban areas, and that most cities govern only a small part or a relatively small part of the urban area of which they form the inner core.

Even within that area there are many overlapping State and Federal entities that are playing really on their turf, in their game.

Of the 227 so-called SMSA's standard metropolitan statistical areas, in the country, there are 21,000 local government units. Chicago has 1,113 local government units. Philadelphia has 876. Pittsburgh has 704. New York, the urban area, has 551, all independent of one another.

We have to fix that problem. Undoubtedly, in a three-level, State-Federal-local system of government, that problem has got to be fixed by the States. Just how the State-local relationship should be worked out is terribly complex.

The CHAIRMAN. With respect to New York City, are you referring to police departments?

Mr. CUTLER. No. Within the New York standard metropolitan statistical area—that television stations use to determine their market in New York City, for example—there are 551 mutually independent entities of local government.

The CHAIRMAN. Do you include the counties adjoining New York City?

Mr. CUTLER. Cities, villages, towns, counties, and so forth.

In New York, the problem is further aggravated by the fact, I suppose, that as many of them as two-thirds are not in the State of New York, but are in New Jersey and Connecticut.

Mr. ZELENKO. However, the crime rate you referred to in your statement does not include those counties, does it? You described crime as being heaviest in urban areas.

Were you talking about counties in Connecticut when you spoke about New York crime problems?

Mr. CUTLER. The crime figures that we gave you are actually for the cities. You can compute them either way.

But the problem, of course, is that to prevent crime in the inner core of Manhattan Island, you have to have a wider jurisdiction than Manhattan Island to operate in.

New York has the Sullivan law on guns. There are only 17,000 lawful gun permits in the city of New York, but there are probably a million guns because of the fact that the city of New York cannot exercise jurisdiction over the entire urban area.

Mr. McCCLORY. Mr. Chairman, may I ask a question at this point?

The CHAIRMAN. Yes.

Mr. McCCLORY. I assume, sir, that you include in these units of government school districts, park districts, and a great variety of governmental units, especially when you refer to the State of Illinois.

Mr. CUTLER. That is correct, yes.

Mr. McCCLORY. What I am wondering is this: Is this a plea for consolidation or revision? Is this a necessary prerequisite to more effective,

more efficient law enforcement programs which will reduce crime in a metropolitan area?

Mr. CUTLER. I don't think it is indispensable to make some improvement in the situation we now have within the territorial limits of the city government of New York. There is a great deal that can be done.

An office of criminal justice within the city of New York could do a great deal. But ultimately, it is my own personal view that until we have something approaching an urban areawide local government, we are going to be confronted by continuing law enforcement problems and more importantly, by insoluble zoning, school and tax problems that can only be approached on an urban area basis.

Mr. McCULLOCH. Would the gentleman yield?

Mr. McCLORY. Yes.

Mr. McCULLOCH. Earlier in these hearings I noted for the record that there were approximately 65 police agencies in Cuyahoga County, Ohio, and 121 in Cook County, Ill. It is apparent to me, Mr. Cutler, that if we are to get real efficiency in law enforcement in those metropolitan areas, we must move with vigor and conviction to unify that power which is exercised by so many political subdivisions. Is that what you are saying?

Mr. CUTLER. That is precisely what we are saying.

Mr. MACGREGOR. Is that a function of the Federal Government or did I hear you say that was the responsibility of the State governments?

Mr. CUTLER. In our system it undoubtedly takes action by the State government before it can be accomplished. But we believe the Federal Government can do a great deal. In fact, our Commission has urged the President to summon what we speak of as an "Urban Constitutional Convention," a meeting of State Governors, mayors of large cities, you gentlemen, and members of the executive branch, which could at least meet and confer on the problem of organizing urban areas, even though it could not take effective action at the State level.

Mr. McCULLOCH. Would the gentleman yield for another comment?

Of course I didn't intend to imply that the Federal Government had the authority to combine police departments in Ohio, Illinois, or any other State.

When I said "we", I meant the people of Ohio and the people of Illinois, and the people of the other 48 States, because it is within their constitutional authority to do that which they determine should be done, a part of which, at least, I have determined the people of those respective States should do.

Mr. McCLORY. I served for 10 years as a member of the Northeastern Illinois Planning Commission, and that was 8 years ago. So it has been in existence now for 18 years. I might say that the improvement in the coordination of and cooperation between units of local government has been rather gradual, rather hard to achieve. I particularly have in mind the problem of cooperation between police departments.

What I am wondering is this: We are considering legislation here that contemplates action now. Do you have an estimate as to the length of time that might be involved for the States to accomplish this kind of consolidation, this kind of improvement that you are recommending?

Mr. CUTLER. Since it is largely a political issue, Mr. McClory, I think I better leave it to you gentlemen. But I would note that Jack-

sonville moved in this direction only 2 years ago, Indianapolis moved in this direction; that in Britain—and perhaps because there are no States they can approach these things more directly—the government is planning to establish 51 metropolitan urban area governments built generally on the same idea as the Greater London Council, which has worked very well. It is going to take time.

I would like to tie this back to the office of criminal justice.

The office of criminal justice, even if its limits were the present political limits of the city within which it is located, has a great deal to do even in tying together the various components of the city governments.

As you gentlemen know, since most of you played some part in your own city government, the mayor of the city just doesn't have the executive power over the departments of that city government that the President of the United States has over his executive departments.

There is a tremendous amount of coordination to be done and effective management to be done within city governments, particularly in the law enforcement area. Anything you gentlemen can do to guide LEAA funds into encouraging these organizational improvements is at least as important, and perhaps more important, than the additions of the manpower and facilities that you can also bring about.

The second part of our plan is to foster the creation in each metropolitan area of a private citizen group patterned after the Vera Institute of Justice in New York City, which I believe the chairman is quite familiar with, and which has made some remarkable contributions in proposing what you might call "pick and shovel," day-to-day operating improvements in the New York City criminal justice system.

Some of these are described on pages 163 and 164 of the extract of the commission report attached to my statement.

Vera is responsible for the bail reform that has occurred in New York, for the police station summons project that saves policemen and citizens all the time involved in being arraigned before a magistrate and many other day-to-day improvements. We think there ought to be an organization like Vera in every major city in the United States, and that LEAA funds should be used to finance projects developed by such organizations, as I believe they are now used to some extent for Vera, in order to get those going.

Lastly, and perhaps as an essential catalyst to achieve the rest of our program, we call for the creation of a private national citizens justice center.

What we have in mind is a privately-financed group of leading citizens—as a for instance, I would give you Dr. Eisenhower—together with professional staff. Their chief functions would be to take the lead in forming and supporting these Vera-type citizens' organizations that I have described, and to encourage the creation of these metropolitan offices of criminal justice within each major city government; to act as a clearinghouse to transmit news of successful innovations in one city to another; to serve as a spokesman at the national level for private citizen interest and concern with the problems of law enforcement; and to support and cooperate with Federal programs and agencies such as the Law Enforcement Assistance Administration.

The commission proposes that in order to launch the private national citizens justice center with the maximum public support and visibility, the President should invite several leading private citizens to create it—the same method used in creating the highly effective lawyers committee for civil rights under law. The center would be a private entity with a small full-time professional staff and private financing, although it might in due course qualify for specific project and planning grants from LEAA. I understand this proposal is receiving serious consideration both by the attorney general and by the bar association, which, of course, would have to play a vital part.

That concludes the formal part of my statement, Mr. Chairman. We have attached more details on each of these plans in the form of extracts from our final report.

Judge Higginbotham and I would be happy to answer any further questions you may have.

(The attachments referred to follow:)

EXCERPT, CHAPTER 6: VIOLENCE AND LAW ENFORCEMENT FINAL REPORT OF THE NATIONAL COMMISSION ON THE CAUSES AND PREVENTION OF VIOLENCE—DECEMBER, 1969

III. TOWARD A CRIMINAL JUSTICE SYSTEM

The administration of criminal justice is primarily a state and local responsibility. The grave deficiencies we have noted reflect the fact that our states and cities lack both the resources to make a substantial investment in physical improvements, personnel, and research, and the management techniques to operate the system efficiently. Acting on the findings and recommendations of the Crime Commission, the federal government in recent years has sought to make additional resources available.

In the Omnibus Crime Control and Safe Streets Act of 1968, the Congress created the Law Enforcement Assistance Administration, for the purpose of making grants for law enforcement planning and operation to the states, and its subsidiary, the National Institute of Law Enforcement and Criminal Justice, to encourage research and development in the field of law enforcement. In another 1968 enactment, Congress also authorized the Department of Health, Education, and Welfare to carry on comparable activities in the field of juvenile delinquency and youth opportunity. Both of these programs, however, have only a modest degree of funding; fiscal 1970 appropriation requests for law enforcement are less than \$300 million—a sum which, together with matching state funds, would increase the nation's expenditures in that field by less than 10 percent. About \$15 million is being requested for the youth programs.

The nation is justifiably concerned about the increased rate of crime and about the conditions that give rise to crime, including our inadequate system of criminal justice.

In this Commission's judgment, we should give concrete expression to our concern about crime by a solemn national commitment to double our investment in the administration of justice and the prevention of crime, as rapidly as such an investment can be wisely planned and utilized.

When the doubling point is reached, this investment would cost the nation an additional five billion dollars per year—less than three-quarters of one percent of our national income and less than two percent of our tax revenues. Our total expenditure would still be less than 15 percent of what we spend on our armed forces. Surely this is a modest price to pay to "establish justice" and "insure domestic tranquility" in this complex and volatile age.

Given the realities of state and local financial resources, the federal government will have to take the lead in making this commitment, and in providing

most of the required funds under the matching grant formulas already contained in the 1968 statutes. The federal commitment should be made in a manner that will convince the states, cities and the public that they can rely on the seriousness and continuity of the undertaking, and that they can invest matching funds of their own without fear that the federal portion may be curtailed midway in the program.

Congress has available a variety of tested methods for making meaningful long-term commitments along these lines. These include:

(a) Amending the 1968 statutes to authorize the Law Enforcement Assistance Administration and the Department of Health, Education, and Welfare to enter into long-term contracts with state and local agencies, committing the federal government to expenditures for the capital and operating costs of specified projects over a period of up to 10 years. Actual disbursements would be subject to annual appropriation measures.

(b) Amending the 1968 statutes to authorize the issuance of federal guarantees of long-term bonds issued by state and local agencies to cover capital costs of the construction of new facilities and obtaining major items of new equipment (*e.g.*, communications systems), with an underlying contract under which annual contributions in a predetermined amount would be made by the federal government toward payment of interest and amortization of principal on the bonds. Actual expenditures would be subject to annual appropriation measures, but the credit of the United States would stand behind the bonds. The Public Housing program is financed in this manner.

(c) Multi-year appropriation measures, such as those that have been made for urban renewal, federal construction projects, defense contracting and similar purposes.

Money alone will not secure crime reduction, however. Wealthy states and localities which have limited their activity merely to expending more funds have become no more noticeably crime-free than jurisdictions which have not. Similarly, a substantial portion of the Crime Commission's proposals in 1967 are remarkably similar to those urged by the Wickersham Commission established by President Hoover 37 years earlier—yet despite that Commission's equally impressive documentation, conservatism and presidential prestige, little follow-through occurred. Experience with crime commissions at the state and local levels shows similar results.

This pattern suggests the existence of substantial built-in obstacles to change. It suggests that unless much more attention is given to the inability and unwillingness of present crime control systems to effectuate reform, new money may go down old drains. Vexing problems of politics, organization and leadership underlie the maintenance of the status quo and need to be faced directly.

In the search for more effective ways of carrying out Crime Commission recommendations, we have noted two promising but comparatively untried strategies based on recent experiments on the frontiers of criminal justice; these are:

(1) A program to coordinate criminal justice and related agencies more effectively by establishing central criminal justice offices in major metropolitan areas; and

(2) A program to develop private citizen participation as an integral operating component, rather than a conversational adjunct, of criminal reform.

The two innovations complement one another; the success of citizen participation will in many ways be dependent on the establishment of a central criminal justice office, and vice versa.

The Criminal Justice Office

The pervasive fragmentation of police, court and correctional agencies suggests that some catalyst is needed to bring them together. An assumption that parallel and overlapping public agencies will cooperate efficiently can no longer suffice as a substitute for deliberate action to make it happen in real life.

Periodic crime commissions—which study these agencies, file reports and then disappear—are valuable, but they are much too transient and non-operational for this coordinating role. A law enforcement council—consisting of chief judges and agency heads who meet periodically—is usually little more than another committee of overcommitted officials.

A full-time criminal justice office is basic to the formation of a criminal justice system. Its optimum form, *i.e.*, line or staff, and its location in the bureaucracy, need to be developed through experimentation.

The function could be vested in a criminal justice assistant to the mayor or county executive, with staff relationships to executive agencies, and liaison with the courts and the community. Alternatively, it could operate as a ministry of justice and be given line authority under the direction of a high ranking official of local government (*e.g.*, Director of Public Safety or Criminal Justice Administrator), to whom local police, prosecutor, defender and correctional agencies would be responsive. (Special kinds of administrative ties to the courts would be evolved to avoid undermining the essential independence of the judiciary.) A third alternative might take the form of a well-staffed secretariat to a council composed of heads of public agencies, courts and private interests concerned with crime. To avoid the ineffectiveness of committees, however, either the chairman of the council or its executive director would have to be given a good measure of operating authority.

Whatever its form, the basic purposes of the criminal justice office would be to do continuing planning, to assure effective processing of cases, and to develop better functioning relationships among the criminal justice subsystems and with public and private agencies outside the criminal justice system. For example:

It would develop a system of budgeting for crime control which takes account of the interrelated needs and imbalances among individual agencies and jurisdictions.

It would initiate a criminal justice information system which would include not simply crime reports (as is typical today), but arrests, reduction of charges, convictions, sentences, recidivism, court backlogs, detention populations, crime prevention measures, and other data essential to an informed process.

It would perform or sponsor systems analysis and periodic evaluation of agency programs and encourage innovations and pilot projects which might not otherwise have a chance in a tradition-oriented system.

It would perform a mediating and liaison role in respect to the many functions of the criminal process involving more than one element of the system, *e.g.*, to develop programs for the reduction of police waiting time in court, to improve pretrial release information and control, to enlist prosecutors and defense attorneys in cooperative efforts to expedite trials, to bring correctional inputs to bear on initial decisions whether to prosecute, to improve relations between criminal justice agencies and the community.

It would also perform the vital but neglected function of coordinating the criminal justice agencies with programs and organizations devoted to improving individual lives—*e.g.*, hospitals, mental health organizations, welfare and vocational rehabilitation agencies, youth organizations and other public and private groups.

It would develop minimum standards of performance, new incentives and exchange programs for police, court attaches and correctional personnel.

The comprehensive grasp of the system by an experienced criminal justice staff would facilitate informed executive, judicial and legislative judgments on priorities. It would help decide, for example, whether the new budget should cover:

A modern diagnostic and detention center to replace the jail, or an increase of comparable cost in the size of the police force;

Additional judges and prosecutors, or a prior management survey of the courts;

A computerized information system or a new facility for juveniles;

New courtrooms or new halfway houses.

For a full-time well-staffed criminal justice office to be successful, it must achieve a balanced perspective within its own ranks on the problems of public safety and justice. Practical experience in law enforcement, in the protection of individual rights, and in the efficiency and effectiveness of programs must be represented, as must the interests of the community. Such representation can be provided through an advisory board to the criminal justice office and through involvement of relevant persons in task force efforts to attack particular problems. Broadbased support of the office is quite important.

The transition from today's condition to a well-run system will not be easy. Especially troublesome is the fact that the criminal justice process does not operate within neat political boundaries. Police departments are usually part of the city government; but county and state police and sheriffs usually operate in the same or adjacent areas. Judges are sometimes appointed, sometimes elected, and different courts are answerable to local, county and state constituencies. Correctional functions are a conglomerate of local and county jails, and county and state prisons. Prosecutors may be appointed or elected from all three levels

of government. Defense lawyers usually come from the private sector but are increasingly being augmented by public defender agencies. Probation system are sometimes administered by the courts, sometimes by an executive agency.

If this confusing pattern makes the creation, location, staffing and political viability of a criminal justice office difficult, it also symbolizes why little semblance of a system exists today and why criminal justice offices are so badly needed in our major metropolitan areas.

To encourage the development of criminal justice offices, we recommend that the Law Enforcement Assistance Administration and the state planning agencies created pursuant to the Omnibus Crime Control and Safe Streets Act take the lead in initiating plans for the creation and staffing of offices of criminal justice in the nation's major metropolitan areas.

The creation of criminal justice offices will require the active participation and cooperation of all the various agencies in the criminal justice process and of officials at many levels of state and local government. Helpful insights in establishing the first such offices may be derived from the experience of some of the state law enforcement planning agencies (e.g., Massachusetts) now making efforts in this direction, from the criminal justice coordinating role developed by the Mayor's office in New York over the past two years, and from the experience of the Office of Criminal Justice established in the Department of Justice in 1964.

Private Citizen Involvement

Government programs for the control of crime will be most effective if informed private citizens, playing a variety of roles, participate in the prevention, detection and prosecution of crime, the fair administration of justice, and the restoration of offenders to the community. New citizen-based mechanisms are needed at the local and national levels to spearhead greater participation by individuals and groups.

In recent years, an increasing number of citizen volunteer programs have become allied with one or another phase of the criminal justice process. These are in addition to long-standing efforts of organization like the Big Brother movement and Boys' Clubs. Remarkable have been certain programs utilizing citizen volunteers for probation supervision and guidance of juvenile and misdemeanor offenders.⁶

Perhaps the most successful of private organizations in attacking the broad range of crime control problems through a public-private partnership is New York City's Vera Institute of Justice.⁷ Its unique role in cooperation with the system has developed over eight years. Its nonbureaucratic approach has permitted it to test new programs, through experiments and pilot projects, in a way no public agency would likely find successful. Its core funding is entirely private; its individual project financing comes from federal, state, and private sources.

Vera has achieved a number of concrete successes. Its Manhattan Bail Project resulted in bail reforms so successful in New York City that they became the basis of the federal Bail Reform Act of 1966. Its summons project proved the practicability of permitting the police to issue station house citations for minor offenses, sparing both police and citizens the time-consuming process of arraignment and similar pre-trial court procedures.

There are a number of reasons why private organizations such as Vera can be successful where a public agency cannot. Because municipal agencies are chronically understaffed and underfinanced, they are unable to divert resources for experimental purposes except in the most limited manner. Private organizations do not pose threats to existing agencies and carry no residue of past misunderstandings. They can intercede with a city's power structure without being bound by chains of command. They can test programs through a pilot project carried out on a small scale, which can be easily dismantled if it proves unsuccessful. If it proves effective, it can be taken over as a permanent operation by the public agency and the private group can move on to a new area.

In the broader field of improving urban society, citizens' organizations have launched programs in a number of major cities to stimulate both public and private efforts to improve housing, schools, and job opportunities for the urban

⁶ Example programs in this area include those outlined by Volunteers in Probation, Inc. (formerly Project Misdemeanor Foundation), Royal Oak, Michigan, and the Juvenile Court of Boulder, Colorado.

⁷ The Vera Institute was founded in 1961 by industrialist Louis Schweitzer and named for his mother. Until 1960, it was funded entirely by the Schweitzer family. In 1960, in order to expand and start special projects, Vera was given a 5-year grant from the Ford Foundation, and since then it has also received other federal, state and private grants earmarked for special projects. Herbert Sturz has been the Director of the Institute since 1961.

poor, to identify and treat the juvenile offender, and to improve relations between the police and residents of the inner city.⁸ These efforts are of vital importance, because improvements in the criminal justice machinery, isolated from improvements in the quality of life, *c.g.*, education, housing, employment, health, environment, will merely return convicted offenders to the hopelessness from which they came.

The successes of such groups have demonstrated that public institutions are receptive to changes proposed by private organizations. Organizations such as these should receive maximum encouragement and every effort should be made to extend their influence on the broadest scale. Of particular importance is the potential supporting role which private groups can have in relation to the new offices of criminal justice we have recommended.

We urge the creation and continued support—including private and public funding—of private citizens' organizations to work as counterparts of the proposed offices of criminal justice in every major city in the nation.

A catalyst is needed at the national level to help in the formation of such local citizen groups.

We therefore recommend that the President call upon leading private citizens to create a National Citizens Justice Center.

A similar presidential initiative led to the formation in 1963 of the Lawyers Committee for Civil Rights Under Law, a private group which has enlisted the organized Bar in the effort to make civil rights into a working reality.

The membership of the Center could be drawn from many sources, such as the National Council on Crime and Delinquency, the American Bar Association, and the members, staffs and consultants of the four federal commissions which have recently studied the problems of crime, violence, and social disorder—the President's Commission on Crime in the District of Columbia, the President's Commission on Law Enforcement and Administration of Justice, the National Advisory Commission on Civil Disorders, and this Commission.

The Center would supplement rather than duplicate the promising and important work of existing private entities. Following the successful precedent of Vera, the Center would concentrate on the various aspects of the criminal justice system, from crime prevention and arrest to trial and correction, including the specialized treatment of actual and potential juvenile offenders. We would expect it to receive financial support from foundations, business and labor sources, as well as from the legal profession.

The Center would help to form and support local private counterparts of Vera in our major urban areas, to work alongside local governmental agencies on specific operating and administrative problems. It would act as a clearing house for transmitting news of successful innovative procedures developed in one city to the attention of agencies faced with similar problems in another. It would cross-fertilize new approaches, and provide continuing public education about the complexity of crime prevention and the treatment of offenders. It would offer workable answers to the persistent citizen question—what can I do to help? Not least important, it might lessen the future need for *ad hoc* presidential commissions in this field, by assuring greater use of the findings and recommendations of the many commissions that have gone before.

IV. CONCLUSION

The levels of funding and the various public and private mechanisms we have suggested could go a long way toward organizing our criminal justice agencies into an effective system; our recommendations of additional legal services for the poor and new citizens' grievance agencies could do much to strengthen respect for legal processes and for the institutions of government.

The injection of federal funds into state crime control programs in 1968 was an important step, and the Law Enforcement Assistance Administration is doing a commendable job with limited resources. Much more money must be provided, and must be injected into research, development, and pilot projects, if the outdated techniques of yesterday are to be converted into an effective criminal justice system tomorrow.

⁸ Among the leading national organizations working in these fields are the League of Women Voters, the Urban League, the American Friends Service Committee, the National Council on Crime and Delinquency, the Lawyers Committee for Civil Rights Under Law, the Urban Coalition, and the Legal Defense Fund of the N.A.A.C.P.

Until more funds are committed, and until staffed organizations—public and private—are developed to assure wise investment and monitoring of new funds, the control of violent crime will be a campaign fought with bold words and symbolic gestures, but no real hope of success. The mobilization of private and public resources toward an ordered society—one in which the rights of all citizens to life, to liberty, to the pursuit of happiness and safeguarded by our governing institutions—deserves a high priority for the decade of the 1970's.

The CHAIRMAN. Mr. Cutler, Judge Higginbotham, the task force on law enforcement of the commission made the following statement:

Instead of emphasizing Federal leadership in the design and developing of sound criminal justice systems at the local level as originally proposed by the President's Commission, the Act has assigned a leadership role in the distributing of block grants and guiding their applications to the States.

State planning groups have failed in many instances to represent the full range of citizen as well as official interests in crime control. Friction has erupted between cities and their State governments over the question whether the funds should be allocated on the basis of population or crime rate. Agencies of the criminal process have tended to plan their own individual programs by themselves.

Crime control has continued to remain isolated from social programs aimed at employment, education, housing and health. Outside expertise to augment local planners has remained scarce.

The consequence in many instances has been pedestrian State plans. Unless some new ingredients are added, deficiencies such as these foreshadow the channeling of massive Federal funds into old programs, and into higher salaries for old-line personnel.

They will thereby tend to reinforce rather than reform the inadequate criminal justice institutions and perpetuate the polarized attitudes which exist today.

I would like to have you comment on that, gentlemen.

Judge HIGGINBOTHAM. Mr. Chairman, I know you believe in the original source. Mr. Campbell, our general counsel, was really head of this. With your permission, may I have him answer it?

The CHAIRMAN. Yes.

Mr. CAMPBELL. Mr. Chairman, I would just say that that is the judgment which the task force reached. It is a judgment expressed in this report by Mr. Daniel Freed, who, as the Director of the Office of Criminal Justice in the Justice Department for some years, had a great deal of experience in this field. I would also note that this judgment about the difficulties under the existing act is amply confirmed by the report which has been submitted to you and is in your record from the National League of Cities and the U.S. Conference of Mayors. This, I think, is a very excellent report. It has documented all of the points made in our task force report in much greater detail, and if I had a little bit of time I think I could probably footnote every single sentence in the passage you have just read from our report with findings from the League of Cities and the Conference of Mayors' report.

The CHAIRMAN. I suggest you supply that additional data for the record.

Mr. CAMPBELL. I will be glad to, Mr. Chairman.

The CHAIRMAN. Judge, what role do you believe the Federal Government can and should play under the law enforcement assistance program, in general terms?

Judge HIGGINBOTHAM. Well, first of all, providing funds. Secondly, I think on providing some models within the Federal system to which reference can be made. I think the Robert Kennedy Center at Morgantown, W. Va., is a very, very important contribution, because it is a model as to what can be done in handling juveniles, what can be done in handling young people.

I can't help but try to impress upon this committee that I would hope that in any report you write you emphasize that you are not concerned only about hardware. As I looked through some of the reports which have come before you, I think there is a great fear, Mr. Chairman, that we may operate it so that we get more expertise on getting mace and riot guns than we have on community relations. You know, the 1968 statute gives a disproportionate advantage if you are purchasing riot equipment than if you are working on community relations. I think that somehow or another we have to start turning the corner on that point.

That is the reason why, Mr. Chairman, I cited in the very early part of my presentation the fact that despite all of the protests and all the demonstrations on the street, if you make any analysis of the injuries and the deaths which have occurred in this country violently, they constitute only a small percent.

The CHAIRMAN. One last question, Judge. The task force, referring to the LEAA program, states that the Congress has "beset the entire program with restrictions which make progress difficult."

Can you or your colleagues describe what restrictions are being referred to and what recommendations you have concerning the structure of the LEAA program?

Judge HIGGINBOTHAM. May I have Mr. Campbell answer you precisely? I will add my evaluation of his comment.

Mr. CAMPBELL. Perhaps one of the most serious restrictions, I believe, is the small amount of discretionary funds which LEAA is given. There are proposals before this committee, I believe, to increase substantially the portion of funds appropriated under the act which would be administered in the discretion of LEAA.

This is one overriding sort of restriction that is referred to in the report. Some of the restrictions are sort of negative restrictions in that they don't have to take account of the realities of the crime situation. In particular, I think it is fair to say that both the planning and the action funds are not getting to the large cities where the real problems are.

The CHAIRMAN. Is that the fault of Congress?

Mr. CAMPBELL. That is why I said it is a negative restriction. I think when Congress acts in this area, it acts in the light of conditions as they are and as the structure is set up.

When the result is that the cities are not getting the share of the funds which they deserve, given the realities of the crime problem, that calls for affirmative action of some kind on the part of the Congress.

It calls for authorizing the administration to get the funds to the cities, perhaps by authorizing LEAA to make greater grants to cities in the larger category, that is, over 250,000.

I wouldn't say it is the fault of Congress except in the sense that affirmative action is required here, either by the statute or by broadening the LEAA authority.

Mr. McCLORY. Did the gentleman mean 250,000 dollars or 250,000 people?

Mr. CAMPBELL. 250,000 people. These are the charts in Judge Higginbotham's testimony. They show that figure, the high line across the top of the charts. Those are cities over 250,000 population.

Judge HIGGINBOTHAM. If a picture is worth a thousand words, I would like to cite page 19 of the League of Cities report. I am not lobbying for Philadelphia. The problems in this Nation are great nationally. They point out that in Pennsylvania, the city of Scranton, with 111,000 population and annual police expenditures of approximately \$1 million, received \$5,000, while a rural county with 16,000 population and annual police expenditures of \$12,000 received \$22,000 for basic communications systems. The city of Philadelphia was allocated \$207,000. To receive a comparable per capita allocation to that of the rural county, Philadelphia would have had to receive approximately \$2,800,000, or to receive a comparable share of its annual police budget, Philadelphia would have had to receive approximately \$120 million.

I am not lobbying for \$120 million for Philadelphia or \$2 million for Philadelphia, but I seriously submit that this Congress has an obligation to note its concern that in the areas where the crime rate is the greatest, where the problems are the greatest, and where the cities are trying to make substantial expenditures, they shouldn't come out on such a disproportionate allocation. That is the thrust of my comment.

The CHAIRMAN. Did your Commission find that moneys were used to augment salaries of employees, as has been charged?

Judge HIGGINBOTHAM. Sir, when you are vice chairman, with several task forces and really hundreds of people working on it, I cannot verify to you, sir, each statement in the task force report. But I haven't found any inaccuracies on anything in the task force report, and I would assume that it is absolutely accurate.

If there is any question about it, I will ask Mr. Campbell to submit to you a specific memorandum on the precise questions which you have asked.

The CHAIRMAN. For example, was any money used for political patronage? That is a very bold question requiring a bold answer.

Judge HIGGINBOTHAM. Sir, I don't know. Mr. Campbell has studied that. We were studying the causes and prevention of violence throughout America and comparative violence.

I don't know.

Did we have anything cited in our report that money was used for political purposes?

Mr. CAMPBELL. I don't believe we had evidence on that.

The CHAIRMAN. Mr. MacGregor.

Mr. MACGREGOR. Thank you, Mr. Chairman.

Judge Higginbotham and Mr. Cutler, a few moments ago Chairman Celler read a portion, specifically from page 274, of the document entitled "Law and Order Reconsidered, a Staff Report of the National Commission on the Causes and Prevention of Violence."

Would you tell us the date of issuance of this staff report? I am unable to find it in the document itself.

Judge HIGGINBOTHAM. I believe it was issued in October 1969, sir.

Mr. MACGREGOR. Based upon a study—and perhaps Mr. Campbell could be more precise in responding, though I don't suggest you don't have the information—based on a study covering what period of time, chronologically?

Mr. CAMPBELL. The task force was in operation from the summer of 1968 through the late summer or early fall of 1969 when we met our publication deadline on the report.

Mr. MACGREGOR. The purpose for my question had to do with my recollection as to the timing of the release of Federal funds pursuant to title I of the Omnibus Crime Control and Safe Streets Act of 1968. The States did not receive their first planning money under the Omnibus Crime Control Act until January 1969, some 6 months after the task force was in operation and functioning. Most States did not receive their action money until June of 1969, at about the time the task force completed its studies.

The States, therefore, had only been operating under the act for about 8 months at the time this publication was drawn together. In fact, many States have not completed making their first-year subgrants under the act. This means that we have yet to complete a 1-year cycle under what I believe to be a very ambitious, innovative and promising program, albeit underfunded, for the improvement of law enforcement and criminal justice in the United States.

I would like to come back to a portion on page 274 of the task force report which Chairman Celler read and ask you to comment on it.

Mr. POFF. Will the gentleman yield so that I might expand on this point before we move on to another?

Mr. MACGREGOR. Yes.

Mr. POFF. I think it might be useful in illustrating the function of my colleague's question if we had the complete chronology in the record at this point. I have assembled that chronology, and, if I may, I would like to cite it for the record.

Specifically, the act was signed by the President on June 19, 1968. Funds were appropriated August 1, 1968. Guidelines for comprehensive plans were not issued until November 1968.

As the gentleman says, it was not until January 1969, that planning grants actually reached the several States. There was thus a "lag time" of some 6 months after the signing of the act.

The gentleman's question was clearly intended to show that it left only a few months for State planning agencies and regional planning units to be established and staffed, for requests to be made and then judged by the State planning agencies, for plans to be drafted and returned to the Justice Department, assessed by the people in LEAA, and then for grants to be made.

I apologize for interrupting the gentleman, but I thought for the sake of the record we should have that chronology at this point.

Mr. MACGREGOR. I thank my colleague from Virginia. I think that perhaps this chronology is helpful in evaluating the "pedestrian" nature of some of the plans that may have been submitted under the press of very few months in which to prepare those plans.

I have noted with interest the terminology of the task force report indicating that in many instances the consequence of a number of factors has been "pedestrian" State plans.

I gather this would imply that the task force concluded that some of the State plans were not in fact pedestrian but were creative and innovative.

Judge HIGGINBOTHAM. Yes. I would say that the Conference of Mayors recognized that fact. They cited three or four States as having done an outstanding job, one of which was New York. Others, I believe, were Colorado, Illinois, North Carolina, Washington, and Wisconsin.

So I think there is obviously an inability even by a great task force headed by Jim Campbell to forecast the future when we wrote our report in October, but our observations were substantially corroborated in more precise detail by the February 1970 report of the Conference of Mayors.

So we were given an incomplete picture. You could not get this program completely moving. But we did see, and I know that of my own knowledge, some very noninnovative programs which were apparently being approved, and there is corroboration of that fact in the League of Cities report.

Perhaps I would reply with what President Kennedy used to say, "In a journey of 1,000 miles you have to take the first step."

Maybe the first one here was not as good, but I believe it just has to be improved and it can be with your intelligent guidance, which I know you will provide.

Mr. MACGREGOR. I am pleased that Judge Higginbotham has referred to Illinois because this committee, I think, was quite impressed with the appearance before this committee last Thursday of the Governor of Illinois, the Honorable Richard Ogilvie, and his discussion of some of the innovative and creative ideas outlined by him in the State of Illinois.

We were also impressed with some of the innovative ideas expressed by the Governor of the State of New York, Nelson Rockefeller, with respect to the use of some of the funds provided under the act now under consideration.

Without yielding the floor, I will be pleased to yield at this time to Chairman Celler.

The CHAIRMAN. Would you say, Judge, that the statement that I have read, to which reference has been made, is consistent with the brief filed by the National League of Cities and the U.S. Conference of Mayors in February 1970?

Judge HIGGINBOTHAM. Yes, sir. And corroborated by it, sir.

Mr. MACGREGOR. Judge Higginbotham, I was also interested in your reference to the need to shift emphasis from hardware to problems of deeper and more humanitarian concern, such as rehabilitation.

In that connection, I would like to advise you, as well as Mr. Cutler if he doesn't already know it, that late last week the Law Enforcement Assistance Administration made a grant primarily for construction purposes to seven counties in the northeastern portion of the State of Minnesota so that the jurisdictions might cooperate and coordinate in treating and rehabilitating juvenile offenders.

This is, to me, an exciting, cooperative effort between a group of historically competitive political subdivisions getting together in a cooperative plan to deal with a very deep problem in improving the quality of criminal justice.

That is the treatment of the juvenile offender in separate facilities designed exclusively for the purpose of analyzing the reasons for his difficulty and working with him or her to rehabilitate the offender.

I didn't think the record ought to be silent with respect to some of the very positive things that are being done under the discretionary authority of LEAA to make direct grants to local governments which show a spirit of cooperation.

Judge HIGGINBOTHAM. I think that is a very important contribution. If I can sort of piggyback on what Lloyd has said, these are some of the things which an Office of Criminal Justice could do in various areas with the pooling of their talents. You could get one full-time psychiatrist or two part-time psychiatrists at an institution where they are pooling, where you just could not fragment it otherwise.

I think that is a very important contribution.

Mr. MACGREGOR. I thank you, Judge and Mr. Cutler. I think the subcommittee is fortunate, indeed, to have men of the caliber of you and your four associates as we try to work together to make this program more effective in improving our anticrime efforts across the board in our admittedly complex, three-tiered system of government in the field of law enforcement and criminal justice.

Judge HIGGINBOTHAM. Thank you.

Mr. McCLORY. Perhaps I should ask Mr. Cutler this question. I am referring to the recommendation that a private citizen group be established in each city to improve law enforcement.

The thing I am concerned about is the plight of the law-abiding citizen in the ghetto area, the law-abiding Negro citizen who is the principal victim of the great increase in crime.

Does this hold forth much promise for some early progress toward reducing the crime or preventing crime?

Mr. CUTLER. Mr. McClory, that is really a terribly broad question. I am sure all of you feel as we do, that the high incidence of crime in urban areas today is a result of a whole complex of social forces.

You can say it in one phrase, that we do a very poor job of managing a crowded society. We don't know yet how to govern these sprawling urban areas and the mobile shifting population that is moving from even more disadvantaged circumstances someplace else into the urban areas.

Family patterns are being broken up. So many things are happening within the country. A statistic that to me is very relevant to everything we are saying is that in the State of California the divorce rate is now one marriage out of two. It shows what is happening to the entire population, as far as the old standards are concerned.

The Vera proposal is intended only as a private research tool to improve the functioning of the criminal justice system. It isn't going to help in proper family formation among the poor black citizens of the ghetto, recently come up from the South. It isn't going to correct juvenile delinquency.

It is not going to remedy the deficiencies in the schools or in housing.

It is only intended as one of the tools necessary to make the criminal justice system work better.

There are many other kinds of voluntary private efforts within the city community to produce some of the things you are talking about.

Mr. McCLORY. Are Law Enforcement Assistance Administration funds needed for the Vera program?

Mr. CUTLER. I believe so. I do think, though, that the amount of funding that is available for research, for the institute that is created by the statute, is so small that Vera, if we could get it started, would have a terrible time obtaining any Federal research money for their efforts.

Judge HIGGINBOTHAM. Mr. Chairman, if I could answer Mr. McClory also, I have learned a lot from Congressman Poff on the Com-

mission on Reform of Federal Criminal Law about creating a record.

I really would like to emphasize the question you raise, but you sort of tried to raise it inferentially and politely, about the problems of blacks as victims of crime. There is one statement in our report which I think is very relevant in how you gentlemen express your concerns which the administration will evaluate, the LEAA administration in how it allocates funds.

A census tract of Chicago where they had the highest degree of unemployment, the lowest median educational level, the lowest median income, had a crime rate of 1 out of every 77 persons in that area would become a victim of a violent crime. If you moved into the more affluent areas in Chicago, it would be 1 out of 2,000. If you went into the suburban area, it would be 1 out of 10,000.

What I think is one of the great dangers in terms of how one looks upon law and order is whether one is concerned about law and order where the risk of being a victim is greatest. Those are the areas of maximum poverty. Or are they concerned about law and order where the statistical risks are least, the most affluent areas?

I think there has to be a careful analysis as to how the funds are spent or whether they focus on, proportionately and fairly, the 1 out of 77 or the 1 out of 10,000.

Mr. McCLORY. I am mainly concerned about the situation where the crime is the greatest. I am wondering what particular part of the testimony was directed toward immediate action, early action. I know that "law and order" has been, I think, corrupted into an anti-Negro slogan by some, and yet I find that the victims of the serious crimes in the Negro community are the ones who most desperately need restoration of order and who are anxious for some kind of an "action now" program.

That is why I wondered whether the Vera-type program of youth patrols, block mothers, police auxiliaries and elements like that are intended to help cool the situation, to reduce the crime incidence in this area?

Judge HIGGINBOTHAM. I think the Vera-type situation is very valuable from an analytical standpoint, but on the problems to which you are referring, I think it is the Office of Criminal Justice which will have to do that. You have to really have some management authority to see to the allocation of resources.

But you are absolutely accurate. Our statistics indicate that for the violent crimes of rape, aggravated assault and battery, and murder, the victim is usually of the same race as the perpetrator. There is one exception in robbery, which we went into in substantial detail in our analysis. Still it is predominantly intraracial.

Mr. McCLORY. Would not the problem of providing the Office of Criminal Justice with elected district attorneys and elected attorneys general in most of the States pose great difficulty, especially when, as I read from your statement, these prosecutors would be responsible to the Office of Criminal Justice?

Mr. CUTLER. The Office of Criminal Justice, Mr. McClory, is intended as some adjunct to the mayor, city council, or whatever it might be, which screens the budgets from all of these other component agencies.

It says, "Why do you want 1,000 more policemen rather than a new diagnostic or detention center?" which might belong in some other department.

It is true that these attorneys general and district attorneys are elected. But all the same, they can function under the common supervision, I should think, at least as far as screening budgets, coordination and planning is concerned. It is part of the problem of fractionated local governments.

You were asking whether anything is needed in the legislation to channel funds to organizations such as Vera. The administration has proposed, and I think Mr. McCulloch's bill proposes, an amendment of section 306(a) which would permit grants to private entities, and we do strongly support that.

Mr. McCLORY. Thank you.

The CHAIRMAN. Mr. Poff.

Mr. POFF. Thank you, Mr. Chairman.

Judge Higginbotham has already indicated he and I were privileged to serve together on the National Commission on the Reform of the Federal Criminal Laws.

I use this opportunity to pay him tribute. I found him always faithful in his attendance, diligent in his homework, skillful and articulate in expressing himself, moderate and fair-minded and intellectually honest.

Judge HIGGINBOTHAM. Mr. Poff, if I may interrupt, you are familiar with the old joke about the person at the funeral, when the minister was describing the deceased and the mother said, "Go up and see if that is your son."

I want you to know my two children are here and they are going to come up and see if this is their father.

Thank you.

Mr. POFF. I am sure they have the same high estimate of you as I, and which you deserve.

I will have to be briefer than I would like to be because we want to recess this meeting as soon as possible to meet the President of France.

However, I would like to explore a few facets of the testimony.

I was impressed with the point that 26 cities with over a half million residents accounted for only one-sixth of our total population but almost half of our total reported crimes. This is an interesting set of facts and figures.

I am not, however, of the school of thought that the LEAA has ignored these facts. On the contrary, I believe that the facts show that it has been responsive to the crime problem. The record so far, Judge, shows that one-third of all the States have given local governments in excess of the minimum 75 percent required.

It is also interesting, I think, that when you assess the subgrants that the States have made under the block grant approach to the localities, you will find that many of the large metropolitan areas are receiving grants far out of proportion to their population.

To illustrate, the city of New York in fiscal year 1969, received 43 or 44 percent of the total action funds for that State.

I understand that Philadelphia and Pittsburgh jointly received about 41 percent of the total action subgrants. Am I correct?

Judge HIGGINBOTHAM. That isn't my understanding, sir. But as to Philadelphia, I don't know what the other city is—if Philadelphia didn't receive one-half of that 41 percent, maybe the other city did. Maybe Pittsburgh got a very, very heavy amount.

Mr. POFF. I don't know what Philadelphia's allocation was. It may have been less than half.

Judge HIGGINBOTHAM. I am with you now.

Mr. POFF. My information does not indicate how Philadelphia and Pittsburgh shared that 41 percent in 1969. I will let the letter speak for itself. Mr. Chairman, I ask unanimous consent that the letter to which I refer be included in this record at this point. The letter was addressed to some, if not all, members of the subcommittee over the signature of Mr. Harold Rosenm, chairman, and Mr. William F. Bull, executive director, of the Pennsylvania Council of the National Council on Crime and Delinquency.

The CHAIRMAN. That may be done.

Mr. McCULLOCH. Would the gentleman yield for just one comment?

Mr. POFF. Yes.

Mr. McCULLOCH. I notice in the letter which is referred to by my colleague that in fiscal year 1970 the State planning agency will make "33 percent of its moneys available to Philadelphia and 25 percent to Pittsburgh."

Judge HIGGINBOTHAM. I was only talking about its past record.

What it is going to do, that is fine. I wasn't aware of what it was going to do. The only thing I knew was what it had done.

Mr. POFF. I thank my colleague. I will add one further statistic. I think you will find that in fiscal year 1969 LEAA used about one-fourth of the total discretionary funds in disbursements to the 11 largest cities in the Nation.

Judge HIGGINBOTHAM. That is wonderful.

Mr. POFF. And the projection for fiscal 1970 will show a somewhat higher percentage.

Judge HIGGINBOTHAM. That is a good trend.

(The letter referred to follows:)

NATIONAL COUNCIL ON CRIME AND DELINQUENCY,
PENNSYLVANIA COUNCIL,
Harrisburg, Pa., February 19, 1970.

DEAR CONGRESSMAN: It has been brought to my attention that House Judiciary Subcommittee No. 5 will hold hearings on February 24 and 26 concerning the Omnibus Crime Control and Safe Streets Act.

In anticipation that the "block grant" concept of the Act may be under criticism, the Pennsylvania Council on Crime and Delinquency is impelled to point out that the concept has worked most satisfactorily in Pennsylvania through the operation of the Pennsylvania Crime Commission.

The critics of the block grant method of financial assistance to the criminal justice system prefer that the money be awarded directly from the Federal Government to units of local government. However, at this time such criticism is both premature and unwarranted. The Act, for the first time, permits each of the 50 states to examine the problems of criminal justice from a comprehensive systematic statewide point of view. Each state has designated an agency to make an in depth analysis and study of the criminal justice system in that particular state. In Pennsylvania, the Pennsylvania Crime Commission serves as that agency. In 1969, the Pennsylvania Crime Commission did not allocate funds on a pure population basis and consequently allocated over 41% of its total action monies to its two largest cities, namely Philadelphia and Pittsburgh, where the need was greatest. For 1970, it will make 33% of its monies available to Philadelphia and 25% to Pittsburgh or a total of 58% of the total action funds will be funneled directly to the two large metropolitan areas of the state.

We are confident that if given the opportunity, other states will demonstrate their ability and sound judgment to allocate funds where the need is greatest. Since the program is a new one and very little money was available during the year 1969, it would seem that criticism of the program at this early stage would be very premature.

We would urge that the "block grant concept" be continued to afford each state an opportunity to allocate the funds as its designated state agency deems best. To do otherwise in allocating funds directly to local units of government, would be self defeating and destroy the very purpose for which the State Crime Commissions were created.

Very truly yours,

HAROLD ROSENN,
Chairman.
WILLIAM F. BULL,
Executive Director.

Mr. PORR. Yes. It reflects, I think, an awareness of the need, and it also shows that there is an understanding that simple arithmetic about the incidence of crime or the population is not necessarily exclusively controlling.

I would like, if I may, to emphasize one feature of the task force report to which reference has been made. I found on pages 266 and 267 a statement to the effect that:

Nearly everyone who goes to prison is eventually released, often under parole supervision. Between two-fifths and two-thirds of all releasees are sooner or later arrested and convicted again, thereby joining the population of repeater criminals we call recidivists.

It is merely the predicate for the comment I want to make; namely, that one of my primary concerns is reform in our corrections system.

I know of the Judge's earnest interest in that problem. I believe he agrees with me, that we need better vocational training programs, we need more community-oriented facilities where prisoners requiring psychiatric attention would receive it.

The point I want to make is that it seems to me that we can serve that cause best by continuing the block grant approach on a trial basis.

I believe I am correct when I say that in most States the correctional system is a statewide function rather than a local-jurisdiction function.

Don't you agree that in efforts to upgrade corrections systems we should lean heavily upon each State in its assessment of the problem in that State and its solution to that problem?

Judge HIGGINBOTHAM. I could agree with you to the extent that you accept Justice Holmes' statement that "the test of the law is not logic but experience," and I would have to make my judgment on what our experience indicates.

If the experience would indicate that on this critical problem of corrections the States were not really putting in the type of creative programs, I would think that you would just have to come through with another method.

Mr. PORR. That leads me to my next question.

In the bill which a number of us introduced, we have proposed an amendment which would enable the States in structuring their comprehensive plans to include plans for updating and modernizing and upgrading their correctional system. That would be a new section E, as I remember. Without holding you to each and every part of the

recommendation there, I would like to know whether in your judgment the program might be expanded in such a way.

Judge HIGGINBOTHAM. No doubt about it. I think it is absolutely essential that it be expanded in great magnitude.

Mr. POFF. There is another comment from the task force report on page 275:

The pervasive fragmentation of the police, court and correctional agencies suggest that some catalyst is needed to bring them together.

Judge, would you recommend that this catalyst be a set of rigid, inflexible criteria laid down here in Washington applying to every State no matter what circumstances might exist, or do you think it would be wise, under the ongoing program that has already been launched, to give the States an opportunity to experiment with new approaches within their own boundaries, including the question of consolidation of jurisdictions and other mechanisms which will achieve some combination of effort and get at the problem of fragmentation?

Do you think that the States might better deal with that themselves?

Judge HIGGINBOTHAM. I think, Mr. Poff, you put me in the predicament which Justice Frankfurter said, "As I phrase the question, I can always guarantee the answer." I would agree with you that many States could, on their own, provide the catalyst. But if we accept the expression that "he who does not remember the lessons of history will be doomed to repeat its worst mistakes," we have to look at some States which have tragically failed.

So I think I could not answer you completely yes or no. There is one State which I understand from correctional officers (which they claim is Arkansas, where you may really want to look into it) has medieval correctional systems. I just think when you are giving money you have to make sure that the State authorities are going to come up with some creativeness, and give them very, very substantial discretion but also some rather precise concerns without telling them how to do it. I don't think you have to provide a do-it-yourself kit.

Mr. POFF. I interpret the distinguished witness' answer to say that you would not, as some may have suggested, give the Justice Department, through the LEAA, the power to compel a State to combine jurisdictions under sanction of withdrawal of LEAA funds.

Is that a fair summary?

Judge HIGGINBOTHAM. I think that is fair, that I wouldn't say to them in Pennsylvania that the three adjacent counties have to do this. But I would give them the right to deny funds if programs are not innovative and creative and within the guidelines.

Mr. POFF. That is another question. But you would not deny funds if they refused to obey the order of the Justice Department to combine two or more jurisdictions?

Judge HIGGINBOTHAM. On those precise facts and assuming nothing else, I certainly would agree with you.

Mr. POFF. I don't know whether I correctly understood Mr. Cutler's answer to a similar question, but I will ask him now: Do you agree with the answer given by Judge Higginbotham?

Mr. CUTLER. Our proposal of the office of criminal justice is speaking initially of the various constituent agencies of a single political entity, for example, the city of New York, or perhaps the city of

Richmond. But those constituent agencies, to a very considerable degree, are independent of one another, independent of the mayor, jealous of their own authority and privileges, and don't work together. We are all veterans of struggling with bureaucracy. The worst bureaucracy in the United States is the component fragments of the so-called criminal justice system.

Mr. Poff. We have about 40,000 different jurisdictions. To be specific, you would not want to amend this law, would you, to give to anybody in the Justice Department the authority, as much as it might be desirable, to require a State to combine two jurisdictions?

Mr. CUTLER. I don't think that is a proper function of the LEAA program. I might favor the objective, however.

Mr. Poff. One further comment having to do with your proposal concerning offices of criminal justice. I can see some problems, perhaps not insurmountable, but certainly baffling. Take the State of Illinois, for instance. There, I think, you will find that police forces fall under local jurisdictions. The court systems fall under the county jurisdictions. The correction system falls under the State jurisdiction.

How would you have an office such as you suggest function effectively in a State like Illinois?

Mr. CUTLER. It is a problem, but it is a problem that must be attacked. You can also bring up the traditional independence of the judiciary: how do you have an office of criminal justice give effective commands to the judicial component? But it is a problem that we have to get at. At least the office of criminal justice could function in the role of analysis, critique, budget screening, and all of those functions.

Judge HIGGINBOTHAM. Mr. Poff, may I read to you a statement in our report which indicates that we were not unmindful of what you say.

We noted, "If this confusing pattern makes the creation, location, staffing, viability of the criminal justice office difficult, it also symbolizes why little semblance of a system exists today and why criminal justice offices are so badly needed in our major metropolitan areas."

Mr. Poff. I thank the gentleman.

I shall not pursue my line of questioning. I do think you have made a fine contribution to the hearings and I am very grateful.

(Subsequently, Judge Higginbotham and Mr. Cutler submitted the following supplementary statement.)

MARCH 19, 1970.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

DEAR CHAIRMAN CELLER: We appreciate the opportunity to testify on February 25 on behalf of the National Commission on the Causes and Prevention of Violence before the Subcommittee of your distinguished Committee that is considering amendments to the Omnibus Crime Control and Safe Streets Act of 1968. In this letter we wish to clarify and supplement our testimony in two respects.

1. First we wish to remove any possible confusion as to our position on the necessity for amendment of the 1968 Act to provide that local governmental units receiving assistance under the Act must create some form of body or agency, which in the Commission's Final Report is called an "Office of Criminal Justice," to coordinate the activities of the various elements of the total criminal justice system—particularly police, prosecution, court, and correctional agencies—in each local jurisdiction. Although we believe that the combination and joint operation of criminal justice services of geographically separate localities should be encouraged by the States, as presently required by Section 303(5) of the Act, it is not our position that specific local governmental jurisdictions be required

to combine their law enforcement and criminal justice operations according to the directions of the Federal Government in order to receive Federal assistance under the 1968 Act.

Our proposal has a different focus. The present criminal justice system at the local level, even *within* a single governmental jurisdiction, is often so fragmented, uncoordinated, and subject to so many disparate lines of authority and operation, that the Act's purpose of contributing to a rational, effective criminal justice process is frustrated. Therefore, we believe that unless a State plan requires that jurisdictions receiving assistance create effective coordinating bodies within each large local jurisdiction along the lines of the Commission's "Office of Criminal Justice," the plan cannot be said to meet the requirement of Section 303(4) that a State plan must "contain a comprehensive outline of priorities for the * * * coordination of all aspects of law enforcement dealt with in the plan, including descriptions of * * * organizational systems and administrative machinery for implementing the plan." (Emphasis added.)

Accordingly, we believe that the Subcommittee's Report should confirm that this is the meaning of present law, or if the Subcommittee believes that there is any question about this interpretation of present law, that it add the following additional requirement to the comprehensive State plan requirements of Section 303:

"(13) provide that units of general local government or combinations of such units receiving funds under this section shall have a full-time official, agency, commission, or other appropriate person or governmental body specifically charged with developing and coordinating concerted efforts among police, prosecution, courts, correctional agencies and other elements of the total criminal justice process, to improve the performance of the criminal justice process in that unit or combination of units and otherwise carry out the purposes of this part."

The specific form of such an agency, whether under present law or the proposed amendment, would not be mandated by LEAA, but certain minimal guidelines for its representation and operation, similar to those presently contained in LEAA's *Guide for Discretionary Grant Programs—Fiscal Year 1970* (page 27) for discretionary grants to assist such offices, would be developed.

2. We would also like to propose a statutory provision that would carry out the view, expressed in our testimony and in the testimony of several other witnesses before your subcommittee, that planning and action grant funds should be distributed by the States among units of general local government on a basis that reflects the far more serious crime problem in areas of denser population, rather than on a simple geographic or population basis. Thus, for example, the charts submitted as attachments to Judge Higginbotham's testimony clearly indicate that the rate (per 100,000 population) of major violent crime varies widely among cities of different sizes and rural and suburban areas and that in general the larger the city, the higher the crime rate. In big cities there is not merely more crime *in toto*—but more crime *per capita*—than in other areas.

The often-heard argument against allocating more funds to particular cities which have high crime rates is that this in essence rewards bad law enforcement. But, whatever the intrinsic merits of this argument as to a particular city, it clearly does not apply to fund allocations reflecting aggregate statistics indicating a general relationship between city size and crime rate per 100,000 population. It would be difficult for anyone to argue either that all larger cities have had poorer law enforcement than all smaller cities in the past, or that larger cities will conspire together to raise their crime rates in order to receive increased Federal funding in the future. Obviously, more fundamental forces are at work to produce our high urban crime rates, and our national approach to crime under this Act should be generally based upon the prevailing crime patterns rather than upon occasional aberrational situations.

We therefore suggest amending the Act to require that all States must take into account the differing rates of crime in areas of different population density in determining allocation of planning and action grant funds within the State. This requirement could be placed in Sections 203(c) and 303(3) of the Act. It would mean that unless a State's urban-suburban-rural crime pattern differed from the national pattern (as some undoubtedly would, especially in the South, the State would have to allocate relatively more funds to its larger cities than would be allocated on a simple population-based formula.

Under this statutory mandate, a State might, for example, apply in disbursing its planning and action grant funds a formula such as the following, which would combine the factors of statistical crime rate by size and nature of local

unit and the actual population of that unit. The rate of major crime per 100,000 persons for all cities of, for instance, 100,000-250,000 population would be computed. This could be done on an individual State basis, if the State wished to undertake the computation, or the State could utilize available national or regional crime rates. Each city in this size category in the State would then be assigned a figure based on multiplying the statistical crime rate times the actual number of persons in the particular city. This process would be repeated for cities in other size categories and for rural and suburban areas. The resulting figures for all local governmental units in the State would be totaled, and each would receive planning and action grant funds in proportion to its share of the overall total. Use of this precise formula would not be necessary; our aim in setting it out at length is merely to indicate the feasibility of combining aggregate crime rates and population in a formula that can be rationally applied at the State level.

We appreciate the opportunity to supplement our testimony in this manner and hope that the Subcommittee will call on us again if we can be of further assistance in its deliberations on this or any other matter.

Sincerely,

A. LEON HIGGINBOTHAM, JR.
LLOYD N. CUTLER.

Mr. McCulloch (presiding). The hearing will now come to an end. I assure you were there not other matters scheduled, the members of this committee would be ready, willing, and anxious to stay a long, long time to listen to you.

You have made a substantial contribution to the record. It will serve a useful public purpose.

I want to thank you, Judge Higginbotham, Lloyd Cutler, James Campbell, and the rest of the staff.

We are supposed to be in our seats to welcome Mr. Pompidou at 12:15. We must leave now.

At this point, without objection, there will be placed into the record the statement of Hon. Arch A. Moore, Jr., Governor, the State of West Virginia; a letter from William L. Culver, executive director, Missouri Law Enforcement Assistance Council, Department of Community Affairs, Jefferson City, Mo., enclosing the 1969 Report, Activities To Improve the Missouri Justice System Through the LEAA Block Grant Program; and a statement of Hon. Charles E. Wiggins, a U.S. Representative in Congress from the State of California.

(The documents referred to follow:)

STATEMENT OF HON. ARCH A. MOORE, JR., GOVERNOR, STATE OF WEST VIRGINIA

Just a little over a year ago when the Omnibus Crime Control bill was before Congress and I was still a Member of the House of Representatives, we heard repeated again and again the phrase, "Crime is a local problem." I had no quarrel with that notion then and I have no quarrel with it today, but I think all of us see implicit in the programs we encourage for communities some needs which must be resolved at a higher level—the revision in our criminal code and judicial procedures, the provision for law enforcement training, the development of effective and efficient treatment programs for offenders, and the coordination of a statewide program of delinquency prevention.

We have made in our State a promising start in meeting problems of urban crime and the statewide upgrading of law enforcement services, but like all States we recognize how inadequate our own resources are to do the job alone. There have been too many years of neglect, too rapid a growth in the technology of law enforcement, too dramatic an advance in the expectations of all these services—too large an order for any State to fill in the face of pressing problems of crime control.

We are grateful for the financial and technical assistance being afforded by the Department of Justice, but we feel keenly the need for joint undertakings by local units of government with common borders and common needs. Only through the creation of certain standard procedures can we begin to make rational the

criminal justice system we serve, and only, it appears, through the sharing of services and facilities can we afford a correctional system with the wide range programs needed today. In these respects and others, it is our hope that the assistance extended through PL 90-351 can make a tangible beginning in meeting common responsibilities. Nevertheless, the mere submission of our comprehensive State plan has brought about an awareness that each discipline is an integral part of the criminal justice system. For the first time, elements of the criminal justice system (police, courts, corrections, juveniles) at all levels of government are beginning to work together in a concerted effort to reduce the incidence of crime in West Virginia.

Essentially, no two States have the same needs, problems or priorities within its criminal justice system: therefore, it would seem most appropriate that each State be given the responsibility and authority to administer the types of programs relative to its unique characteristics and conditions.

For the following reasons, I feel that direct block grants to the State is the simplest and most effective method for dispersing funds for improving the entire criminal justice system in West Virginia:

1. One of, if not the most, important features of the block grant approach under the Omnibus Crime and Control and Safe Streets Act of 1968 is that each State can establish its own goals and formulate programs to meet these goals.

2. Since the Governor's committee on crime, delinquency and correction has the authority and responsibility to make subgrants to local units of government, it can coordinate these requests to avoid overlapping and insure that projects and programs of local units of government are compatible with long range plans of the State. On the other hand, it is my belief that abolishing the "block grant" system would result in greater fragmentation in the function, services and cooperation among the separate units of the criminal justice system. Thus, it is felt that the multi-discipline committee funding approach serves to reduce such fragmentations.

3. It has been found that many representatives of local units of government are most apprehensive and reluctant to submit proposals directly to the Federal Government, since they lack the necessary "grantsmanship" skills to develop a quality application.

4. Psychologically, individuals within the State feel more comfortable, in dealing with State, rather than Federal, agencies. There is both a physical and psychological distance perceived by members of local units of government. This viewpoint is substantiated by the *Urban Data Service Study* which indicated that the smaller the city the more favorable it viewed the "direct block grant" concept.

5. The close proximity of committee and staff members makes possible frequent interaction, special assistance, detailed information and disposition of grant requests between the committee and local units of government.

6. Unnecessary time delay for the dispersal of funds is minimized if local units of government can apply directly to the committee for funding. This time delay is extremely critical if one is to purchase goods or services at a quotable price. (West Virginia has a maximum time delay of thirty days.)

7. The Governor's committee on crime, delinquency and correction is composed of competent and professional personnel representing all areas of law enforcement and criminal justice. I feel that to use these individuals simply as a clearing house for the Federal Government would result in a gross waste of talent and effort, reduced confidence in the program, increased fragmentation in the criminal justice system, and a lack of interest for those who are responsible for planning and implementing the State's criminal justice program.

Finally, it is argued that the State is the logical unit of Government to coordinate comprehensive planning and action programs necessary to achieve meaningful progress in the criminal justice system throughout the Nation. Moreover, Senator Hartke's proposed amendment, as set forth in Senate Bill 3171, would revise not only the action grant formula but, in effect, would destroy the block grant approach before sufficient experience is gained to determine its worth. If half of the action funds were given directly to the cities, as Senator Hartke's amendment proposes, the result would be to return to fragmented planning and action programs without benefit of central direction or control which is so vitally necessary for the development of a comprehensive criminal justice plan. To further support the block grant concept embodied in the omnibus crime control and safe streets act of 1968, let me describe briefly the administrative machinery and principles employed in West Virginia.

The Governor's committee on crime, delinquency and correction is West Virginia's response to PL 90-351. This committee is composed of 23 members which possess the "representative" character imposed by the act. Of the 23 members, 7 are State government officials, 5 are members of local law enforcement agencies, 4 are members of the local judicial system, 4 are representative of local government, and 3 are representative of education, minority groups and the public in general. Since 7 of the committee members are state representatives and 16 are local representatives, this more than satisfies the requirement of a 60/40 ratio of State-local expenditures.

This committee in April 1968, published a report entitled *Crime in West Virginia—Planning for Change*. This report was the culmination of eighteen months work by the committee under two grants from the office of law enforcement administration. The report embodies the committee's major findings drawn from an examination of crime throughout the State, in the county, the village, and the city and encompasses the police, delinquency, criminal justice corrections and the community. The committee not only identified the major problems in each area and developed suggested answers, but established priorities under which it believed these problems should be met. In evaluating the needs, the committee was ever mindful of the report of the President's commission on law enforcement and administration of justice, entitled *The Challenge of Crime in a Free Society*. The comprehensive criminal justice plan for FY 1969 relies heavily on the original finding in *Crime in West Virginia—Planning for Change* for objectives, direction and scope.

In order that the State planning agency might comply with section 203(d) of the act, the Governor's committee has established two regional offices for local planning.

Region I planning office, located at 1702 McClung Street, Charleston, West Virginia, serves the southern part of the State. The Charleston regional office serves regions 1, 2, 8, 9 and six southern counties of region 7, as defined by the West Virginia Department of Commerce Planning regions. Included within this region planning office's boundaries are twenty-two counties, five class II municipalities and two class I cities for a total population of 1,050,458. Whereas \$49,896.75 would have satisfied the 40% allocation of planning funds on a per capita basis, the 1970 fiscal budget for the local regional planning office is \$59,536.00.

Region II planning office, located at 719 College Avenue, Morgantown, serves the northern part of West Virginia, and thus, encompasses the jurisdictional boundaries of regions 3, 4, 5, 6 and four northern counties of region 7. Included within this regional planning office's boundaries are thirty-three counties, two class I municipalities, and eight class II municipalities for a total population of 800,963. Whereas \$38,473.24 would have satisfied the 40% allocation of planning funds on a per capita basis, the 1970 fiscal budget for the local regional planning office is \$48,120.

The foregoing allocations by the governor's committee makes it possible to maintain competent staffs of qualified planners to assist local units of government within the two regions in establishing local goals and needs that are necessary to develop a comprehensive State plan.

In addition to authorizing the two regional offices to undertake the responsibility for local law enforcement planning within his corporate jurisdiction, the respective presidents of regional development corporations serve as regional advisory councils for their respective regional offices. Moreover, each president appoints no more than five local law enforcement officials within his corporate region to serve as local advisory councils to assist the regional planning office in its effort to develop a comprehensive State plan for West Virginia.

The Charleston and Morgantown regional planning offices function as administrative and budgetary entities separate from the State planning agency. Nevertheless, three members of the State planning agency's staff (deputy director, research analyst, and juvenile delinquency analyst) contribute a portion of their time to assist local units of government throughout the State in researching their priorities and needs. Yet, none of this time is fiscally budgeted to the regional offices.

The regional offices with the support of the State planning agency provide technical assistance, program monitoring, planning and coordination with local governmental officials in developing and implementing planning and action grant proposals and applications which are based on the individual needs of each local unit of government. Region Office I in Charleston is serving approximately 150 local units of government or combinations thereof, whereas the Morgantown

regional office is serving approximately 160 local units of government or combinations thereof.

The data which is collected and compiled by region I and II planning offices will be disseminated and incorporated into the comprehensive criminal justice plan for 1970. The plan will be a reflection of the needs and priorities that were established by local units of government through numerous contacts with the various personnel employed in each regional office.

Strong support for the foregoing reorganization approved by the Governor's committee at its April 1969 meeting is found in *The Governor's Task Force on Local and Regional Planning and Development*. In its October 1, 1969 report, the task force pointed out that:

"Most local governments are too small and lack the financial resources to undertake the effort required to utilize these programs effectively. * * * It should be recognized that some counties are divided by terrain in such a way that certain areas should be assigned to a contiguous region to best facilitate their planning and development purposes."

Moreover, the task force recommended that "stability should be built into the local planning and development process by providing a professional staff on a continuing basis" at the regional level to "assist the local communities in developing applications for Federal grants, and to provide advice and counsel to the local units of government throughout the planning process."

It is argued, therefore, that the decision of the Governor's committee on crime, delinquency and correction to establish two local regional planning offices is fiscally sound and administratively responsible in pooling local resources, talents, and services to structure a systematic process by which goals are established, facts are gathered and analyzed, alternative proposals and programs are considered and compared, resources are measured, priorities are established and recommendations are made for the deployment of resources designed to achieve the established goals for assisting State and local governments in West Virginia to strengthen and improve law enforcement at every level through national assistance. Furthermore, it is argued that only through regional offices which are professionally qualified and adequately staffed can local units of government effectively participate in the formulation of the State comprehensive plan for West Virginia. Finally, it is argued that the regionalization of local units of government into two local regional planning offices satisfies both the fiscal technicalities of section 203(3) of the act and the intent and purposes of the Congress as set forth in PL 90-351.

Thus, in its adoption of regional planning units to support State comprehensive plan development, West Virginia is numbered among the forty-one of the fifty States utilizing regions for planning purposes and as a geographic base for allocating planning funds.

Gentlemen, as governor of the State of West Virginia, I can assure you that the block grant concept in West Virginia is focusing Federal dollars on critical problems of crime in the streets, with local planning being employed throughout the State with regard to needs, problems and priorities. In compliance with the act, 75% of the action allocation is being distributed to local units of government. The State of West Virginia received \$220,864 in action allocations for FY 1969 of which \$165,648 was made available to local units of government or combinations therefore for the development and implementation of programs and projects for the improvement of the criminal justice system. (See attachment A).

As of this date, a total of \$101,461 has been dispersed to local units of government or combinations thereof. These figures show that the State planning agency has allocated approximately 66% ($\frac{2}{3}$) of the action allocation to local units of government.

In conclusion, may I point out that it is abundantly clear today that every aspect of our criminal justice system in West Virginia needs strengthening. Focusing on one phase of the process is not enough because the elements of criminal justice are interdependent. Police, courts, and corrections are all parts of the whole and the success of one depends upon the success of the others.

Effective police work will have little impact on our crime rate if suspects are not brought to trial promptly, and speedier justice will accomplish little if offenders are not returned to society as more responsible citizens. As Chief Justice Burger noted in his address before the American Bar Association's annual convention in Dallas:

“ . . . without effective correctional systems an increasing proportion of our population will become chronic criminals with no other way of life except the revolving door of crime, prison and more crime . . .

“I have no program or plan. All I have is the profound conviction, which I believe most judges share, that there must be a better way to do it. There must be some way to make our correctional system into something more than a revolving door process which has made ‘recidivist’ a household word in America.”

Thus, the challenge facing corrections today is how to keep offenders—especially youthful offenders—from coming back again and again.

Of course, not all who are convicted can be reformed. It must be remembered that they were failures to begin with. But in many cases much can be accomplished if there is the will to study the individual and his problems. The question is not “What is tough?” or “What is soft?”, but “What is effective?”. To determine this takes skill and patience—and yes, money—much money in a time when many other needs cry for attention. But it is an investment society cannot afford to pass up.

Furthermore, I recommend the enactment of Senate Bill 2875 wherein Senator Hruska undertakes to make a significant inroad on the problems of crime and delinquency by amending the Omnibus Crime Control and Safe Streets Act of 1968 in order to provide financial assistance to States for the construction of penal and correction institutions. Only through such financial assistance will it be possible to provide modern and effective programs of rehabilitative treatment.

Attachment A

FUNDS ALLOCATED TO LOCAL UNITS OF GOVERNMENT FOR FISCAL YEAR 1969

I. UPGRADING LAW ENFORCEMENT PERSONNEL

Basic Recruit Training for Local Law Enforcement Personnel

Federal Allocation—\$36,936

Cities represented:

Class I (50,000 and up)—Charleston, Wheeling.

Class II (10,000-50,000)—Beckley, Fairmont, Martinsburg, Morgantown, St. Albans.

Class III (2,000-10,000)—Belle, Nitro, Logan, Point Pleasant, Princeton, Spencer, Vienna.

Counties represented—Kanawha, Cabell, Harrison.

Incentive Pay for Local Law Enforcement Personnel

Class II cities:

South Charleston—Received \$2,400 in Federal action allocations for FY 1969.

Martinsburg—Received \$1,248 in Federal action allocations for FY 1969.

The total Federal allocation—\$3,648.

The purpose of this award was to implement a continuing pay incentive program designed to encourage improvement of police personnel through college education and to attract new, better educated men into police departments.

II. PREVENTION OF CRIME INCLUDING PUBLIC EDUCATION

Burglary Prevention and Physical Security

Class I city:

Huntington, W. Va.—The city of Huntington was awarded \$8,396 of Federal action allocations for FY 1969 for the first 6 months of a 2-year pilot project.

III. IMPROVEMENT OF DETECTION AND APPREHENSION OF CRIMINALS

Improvement of Rural Communications

Class IV towns:

Glen Dale, W. Va.—Received \$795.00 in Federal action allocation for FY 1969.

Counties:

Boone County, W. Va. (1 Class III city and 3 class IV cities)—Received \$1,546 in Federal action allocations for FY 1969.

Braxton County, W. Va. (4 class IV towns)—Received \$6,442 in Federal action allocations for FY 1969.

Brooke County, W. Va. (1 class II city, 2 class III cities, 2 class IV towns)—Received \$1,433 in Federal action allocations for FY 1969.

Pocahontas County (4 class IV towns)—Received \$3,972 in Federal action allocations for FY 1969.

Putnam County (1 class III city and 6 class IV towns)—Received \$2,190 in Federal action allocations for FY 1969.

Total Federal for program—\$16,378.

*Improvement of Urban Communities**Class II city:*

Bluefield, W. Va.—Received \$3,000 of Federal action allocations for FY 1969.

*Prevention and Control of Riots and Civil Disorders**Class I cities (50,000 and up) (3 in West Virginia):*

Charleston, W. Va.—Received \$8,565 in Federal action allocations for FY 1969.

Wheeling, W. Va.—Received \$5,376 in Federal action allocations for FY 1969.

Huntington, W. Va.—Received \$8,308 in Federal action allocations for FY 1969.

Class II cities (10,000-50,000):

Bluefield, W. Va.—Received \$1,923 in Federal action allocations for FY 1969.

Morgantown, W. Va.—Received \$2,245 in Federal action allocations for FY 1969.

Weirton, W. Va.—Received \$2,815 in Federal action allocations for FY 1969.

Total action allocation distributed for category H to major cities—\$29,323.00.

*Improvement of Community Relations**Class I city:*

Wheeling, W. Va.—Received \$3,889 in Federal action allocations for FY 1969.

Class II cities:

Beckley, W. Va.—Received \$3,889 in Federal action allocations for FY 1969.

Weirton, W. Va.—Received \$3,889 in Federal action allocations for FY 1969.

Total allocations—\$11,667.

IV. RESEARCH AND DEVELOPMENT

Criminal Justice Curriculum Development for Secondary Schools

Jackson County school system—Received \$250.00 in Federal action allocations for FY 1969.

Marshall County school system—Received \$250.00 in Federal action allocation for FY 1969.

Total allocation—\$500.00.

MISSOURI LAW ENFORCEMENT ASSISTANCE COUNCIL,
DEPARTMENT OF COMMUNITY AFFAIRS,
Jefferson City, Mo., February 20, 1970.

HON. EMANUEL CELLER,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CELLER: Enclosed is a brief memorandum which constitutes a report from our Council on how action and planning funds under the LEAA block grant program to improve the justice system have been distributed in Missouri. This is pursuant to Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351).

Also included is a brief statement on the one project to aid juveniles for which we have obtained funding from HEW under the Juvenile Delinquency Act of 1968 (Public Law 90-445).

This information is forwarded to you so that you will be informed as fully as possible regarding the activities to improve law enforcement in Missouri through the administration of these two laws which we feel are working very successfully. You have already received a copy of our January Bulletin and the volume entitled *Missouri State Comprehensive Law Enforcement Plan* was forwarded to you late last summer. If you have additional questions, please feel free to write or call our office at any time.

Sincerely,

WILLIAM L. CULVER,
Executive Director.

MEMORANDUM

Subject: 1969 Report, Activities to Improve the Missouri Justice System Through the LEAA Block Grant Program.
From: William L. Culver, Executive Director.
Date: February 1970.

DISTRIBUTION LOCALLY OF LEAA PLANNING AND ACTION FUNDS

Attached to this memorandum are lists showing how both our *Planning Funds* (these are the funds used to finance special projects and office expenses of our regional planning councils and our state council staffs), and our *Action Funds* (the funds used on actual projects to improve law enforcement worked out with a particular agency, government, or not-for-profit corporation) have been spent to date. It is apparent from Attachment #1, for example, which shows how all 1969 initial funds were distributed, that of the amount of riot control funds required to be distributed locally 100% went to the metropolitan areas of St. Louis, Kansas City and Springfield; that over 78% of the funds to maintain staffs and pay expenses for law enforcement planning went to these metropolitan areas; and that over 85% of the amount of funds for action projects required to be sent to local units went to these metropolitan areas. The metropolitan areas as defined in our program are substantially the same now as those used by the Department of Community Affairs through the Regional Planning Commissions (see enclosed maps, Attachments 6, 7, and 8).

STATE-WIDE PROGRAMS

From the state's share of the money—25% of action funds and 60% of planning funds, under the federal law—a very significant development was a survey of all police agencies in the state, of which we will soon have a thorough report conducted by the University from planning funds; the college courses held within the main penitentiary walls conducted by the M.U. Rolla campus; plus the field training for police officers conducted with the help of the University of Missouri in several out-state communities. The persons in these programs have been extremely enthusiastic about them. The out-state field training for peace officers will help bring all such personnel up to the minimum training standards for police recently adopted by our Council, which exceed those of IACP.

FORWARDING FUNDS BY LETTER-OF-CREDIT

Attachment #3 shows the amount of funds that has actually been distributed to date, to our local law enforcement planning regions or state or units of government under our various projects. Missouri actually received no money in 1968. The only money received in lump form in early 1969 was the original \$409,150 planning grant and the \$99,590 riot funds grant. All money since that time is coming through the "Letter-of-Credit" system with the directors of the various projects requesting the money they need periodically (usually monthly) at which time we draw on our Letter-of-Credit and forward the checks out to the various projects. Once this was set up, the method has by and large worked very adequately.

TYPES OF LAW ENFORCEMENT PROJECTS AND RESULTS

As can be seen from Attachment #3, which shows the various types of projects conducted both from the state level and those planned by regional councils, we have begun working away at almost every facet of this "Missouri justice system" which we are attempting to improve. Perhaps the most significant results in Missouri have been that officials from all parts of this justice system of police, courts and corrections have begun planning together along with ordinary citizens to improve law enforcement in their respective communities. There have been community service officer projects in the highly populated and impoverished economic areas of our cities. There are dozens of police officers who now have more training in modern law enforcement services than previously; we launched statewide projects coordinating the efforts of prosecuting attorneys by supplying them systematic information through the Attorney General's office; a task force on organized crime control; and a project establishing a committee for review and revision of Missouri's entire criminal code. Many regions are increasing the alternatives for juvenile courts by promoting additional foster homes and community group homes for the care of juveniles. The metropolitan areas have established or increased the efforts of their own police training academies and are expanding them to regional rather than city operations. A laboratory now supplies aid to law enforcement officers in south-east Missouri through the cooperation of the State College at Cape Girardeau.

JUVENILE DELINQUENCY PLANNING AND PROJECTS

Missouri conducts juvenile delinquency planning and projects right along with our work regarding the remainder of the "justice system". We have full-time staff persons in the areas of police, corrections, courts and juvenile delinquency plus two program analysts who conduct information-gathering services, draft and review plans and proposals and carry on research and evaluation. Although the Juvenile Delinquency Act has received only sparse funding, we have an application on file to give us additional support for staff in this area and to enable us to conduct additional projects to fill the gaps in Missouri's present system of justice for juveniles. In 1969 we received funding of an action project which is being administered through the Board of Training Schools. This aftercare project provides additional counselors in the two metropolitan areas of Kansas City and St. Louis who render services to juveniles following their release from institutions. In addition, we have a statewide task force on juvenile delinquency which is presently formulating 1970 plans and comparing and analyzing all previous studies of the problem.

1970 PLANS FOR JUSTICE SYSTEM PROJECTS

We are in the process of formulating plans for 1970 projects in Regions 1 through 9, covering over 84% of the population of the state. These plans will be forwarded to the Department of Justice in Washington by April 15. Missouri should receive by July or August the first monies from a total 1970 action grant of \$4,155,000 to conduct our statewide and regional projects. This means that for only approximately \$50,000 of state appropriation Missouri will conduct almost eight million dollars worth of projects this year to improve our law enforcement. While we intend to request money from the General Assembly by 1971 if possible to aid our regions in supplying local matching funds (ideally this might come through federal revenue-sharing), this year we are attempting to meet the 40% local funding requirement on each project on the local level. Our \$452,000 planning grant to continue all our office planning and grant administration operations has already been formally approved by LEAA.

Attachments.—1. 1969 Distribution, all funds; 2. 1969 Distribution, all funds, by recipient; 3. 1969 Project list, funds actually forwarded to recipients; through January, 1970; 4. 1970 Planning Allocation; 5. 1970 Action Allocation; 6. Current 1970 Law Enforcement Regions; 7. Old 1969 Law Enforcement Regions; and 8. Missouri Community Affairs Regions.

1969 LEAA FUNDS—DISTRIBUTION OF FUNDS

	Amount	Percent
1. Planning funds:		
LEAA minimum distribution:		
To local units.....	\$163,660	40
SPA.....	245,490	60
Total grant.....	409,150	100
Actual distribution:		
To local units.....	173,506	42.40
SPA.....	235,644	57.60
Total grant.....	409,150	100.00
Amount of \$173,605 awarded to metropolitan areas:		
St. Louis metro.....	74,506	42.95
Kansas City metro.....	56,939	32.80
Springfield metro.....	5,000	2.85
Total.....	136,445	78.60
2. Action funds:		
To local units.....	348,671	75
SPA.....	116,224	25
Total grant.....	464,895	100
Amount of \$348,671 awarded to metropolitan areas:		
St. Louis metro.....	180,831	51.86
Kansas City metro.....	101,789	29.19
Springfield metro.....	16,241	4.65
Total.....	298,861	85.70
3. Riot funds:		
To local units.....	58,044	58.88
To State units.....	41,546	41.72
Total grant.....	99,590	100.00
Amount of \$58,044 awarded to metropolitan areas:		
St. Louis police.....	27,302	
Kansas City police.....	22,662	
Springfield police.....	8,080	
Total.....	58,044	

STATE OF MISSOURI—DISTRIBUTION OF 1969 LEAA GRANT FUNDS

Governmental unit	Action funds	Planning funds
St. Louis metro.....	\$180,831	\$74,506
Kansas City metro.....	101,789	56,939
Greene/Jasper-Newton Counties.....	27,071	10,000
Mid-Missouri.....	16,241	9,692
Bootheel.....	17,325	9,138
Marshall, Mo.....	0	9,000
Northeast Mo.....	5,415	4,231
State planning agency:		
Attorney general.....	18,500	67,540
Missouri University.....	70,064	20,967
Juvenile officers seminar.....	0	5,500
Juvenile judges seminar.....	0	7,000
Missouri Probation and Parole.....	21,944	0
Schuyler County.....	3,195	0
Shannon County.....	2,520	0
SPA planning operations.....	0	134,637
Riot control funds:		
St. Louis police.....	27,302	0
Kansas City police.....	22,662	0
State highway patrol.....	31,662	0
Springfield police.....	8,080	0
State department of corrections.....	10,093	0
Total, 1969 LEAA grants to Missouri.....	564,485	409,150

STATE PLANNING AGENCY PROJECTS—1969 ACTION FUND ALLOTMENTS

Agency and project	Project No.	Amount awarded	Amount funded
Schuyler County: Communication equipment.....	SCHCO-AC1-70	3,485	3,485.00
Shannon County: Communication equipment.....	SHANCO-AC2-70	2,520	0
Attorney general: Prosecuting attorneys' liaison department.....	AG-AC1-70	18,500	6,225.00
Missouri Board of Probation and Parole: Magistrate court probation and parole services.	MBPP-AC1-70	21,944	9,661.75
University of Missouri:			
Police Training:			
Maryville.....	MU-AC1-70	6,178	191.67
Farmington.....	MU-AC2-70	6,370	191.67
Sedalia.....	MU-AC3-70	6,178	892.15
Camdenton.....	MU-AC4-70	5,982	935.36
Higher education, Missouri Penitentiary.....	MU-AC5-70	5,995	2,345.14
Workshop in criminal identification.....	MU-AC6-70	3,739	2,601.21
Police Training:			
Camdenton.....	MU-AC7-70	5,980	0
Sedalia.....	MU-AC8-70	6,173	0
Warsaw.....	MU-AC9-70	2,889	0
Flat River.....	MU-AC10-70	6,437	0
Maryville.....	MU-AC11-70	6,173	0
Higher education, Missouri Penitentiary.....	MU-AC12-70	7,970	0
Total.....		70,064	7,157.20

STATE PLANNING AGENCY PROJECTS

	Amount awarded	Amount funded
Number of projects (16).....	\$116,513	\$26,528.95

RIOT CONTROL PROJECTS

Subgrantee	Project	Amount awarded	Amount funded
St. Louis Police.....	Equipment.....	\$27,302	\$27,302.00
Kansas City Police.....	Community service officer program.....	10,039	10,039.00
	Community relations center.....	12,623	10,169.04
Highway Patrol.....	Video equipment.....	11,205	11,205.00
	Equipment.....	20,248	17,431.76
Springfield Police.....	do.....	8,080	8,080.00
Department of Corrections.....	do.....	10,093	10,093.00
Number of projects (7).....		99,590	94,319.80

1969 ACTION FUND ALLOTMENT

Project	Project No.	Amount awarded	Amount funded
Region I—Kansas City metro:			
Northwest Missouri Regional Institute of Law Enforcement and Criminal Justice.....	I-AC1-70	34,262	34,262.00
Criminal justice information system.....	I-AC2-70	6,345	6,345.00
Public education program.....	I-AC3-70	13,470	3,000.00
Community group homes.....	I-AC4-70	27,000	10,000.00
Regional crime laboratory.....	I-AC5-70	11,712	11,712.00
Regional criminalistics operation.....	I-AC7-70	9,000	9,000.00
Total.....		101,789	74,319.00
Region II—Jasper/Newton-Greene Counties:			
Mobile crime laboratory.....	II-AC1-70	10,954	10,954.00
Law officers training.....	II-AC2-70	19,472	13,381.74
Total.....		30,426	24,335.74
Region III—Mid-Missouri:			
Equipment.....	III-AC1-70	8,909	8,762.50
Law officers training.....	III-AC2-70	7,332	7,332.00
Total.....		16,241	16,094.50
Region IV—Northeast Missouri:			
Public education.....	IV-AC1-70	675	200.00
Law officers training.....	IV-AC2-70	6,360	800.00
Juvenile court case services.....	IV-AC3-70	300	300.00
Total.....		7,335	1,300.00
Region V—St. Louis metro:			
Training, prosecutors council.....	V-AC1-70	10,000	0
Law officers training academy.....	V-AC2-70	16,800	16,800.00
Community group homes.....	V-AC3-70	1,000	0
Metro crime laboratory.....	V-AC4-70	9,800	0
Regular police information system.....	V-AC5-70	13,100	13,100.00
Rehabilitation for prisoners.....	V-AC6-70	78,693	0
Computation docket control system.....	V-AC7-70	8,900	8,900.00
Juvenile planning, phase I.....	V-AC8-70	5,412	0
Total.....		143,705	38,800.00
Region VI—Bootheel:			
Equipment.....	VI-AC1-70	10,725	7,500.00
Law officers training.....	VI-AC2-70	3,000	3,000.00
Crime laboratory.....	VI-AC3-70	3,600	3,600.00
Total.....		17,325	14,100.00
Grand total (24 projects).....		348,671	168,949.24

¹\$31,850 pending project approval by Region V council.

DISTRIBUTION OF 1969 SPA PLANNING FUNDS TO UNITS OF STATE GOVERNMENT

Government unit	Project title	Project No.	MLEAC grant
Attorney general.....	Task force on organized crime.....	AG-PL1-70	\$52,200.00
	Committee to draft modern criminal code.....	AG-PL2-70	15,340.00
Missouri University.....	Rural-urban police study.....	MU-PL1-70	20,966.63
State planning agency.....	Juvenile officers training seminar.....	SPA-PL1-70	5,500.00
Total.....			94,006.63

PROPOSED DISTRIBUTION OF 1970 PLANNING FUNDS

	Amount	Percent
Minimum 60-40 distribution:		
SPA.....	\$271,200	60
Regions.....	180,800	40
Total.....	452,000	100
Proposed distribution:		
SPA.....	228,733	50.60
Regions.....	223,267	49.40
Total.....	452,000	100.00

Regions	Population	Percent of population of 9 regions	Amount of allotment of 40 percent planning funds	Proposed allotment
I. K. C. Metro.....	946,300	24.45	\$44,206	\$44,206
II. Lakes Country.....	265,200	6.85	12,385	12,385
III. Mid-Missouri.....	209,200	5.41	9,781	9,781
IV. North East Missouri.....	160,700	4.15	7,503	7,503
V. St. Louis Metro.....	1,797,000	46.43	83,945	83,945
VI. Bootheel.....	174,500	4.51	8,154	8,154
VII. Ozark Foothills.....	59,900	1.54	2,784	17,500
VIII. South East Missouri.....	125,100	3.22	5,822	17,500
IX. Ozark Gateway.....	133,000	3.44	6,220	17,500
Total.....	3,870,900	100.00	180,800	188,474
Allotment to 9 proposed regions.....	¹ 739,100			² 34,793
Total.....	4,610,000			223,267

¹ Although the percentage of population of these regions would not warrant this amount of allotment from 40 percent of total planning funds, a minimum "base" was established to allow adequate funds for proper planning. The additional funds needed to meet the \$7,500 "base" were taken from the SPA 60 percent share of the total state allotment.

² The population of the 9 proposed regions represents 16.3 percent of total State population.

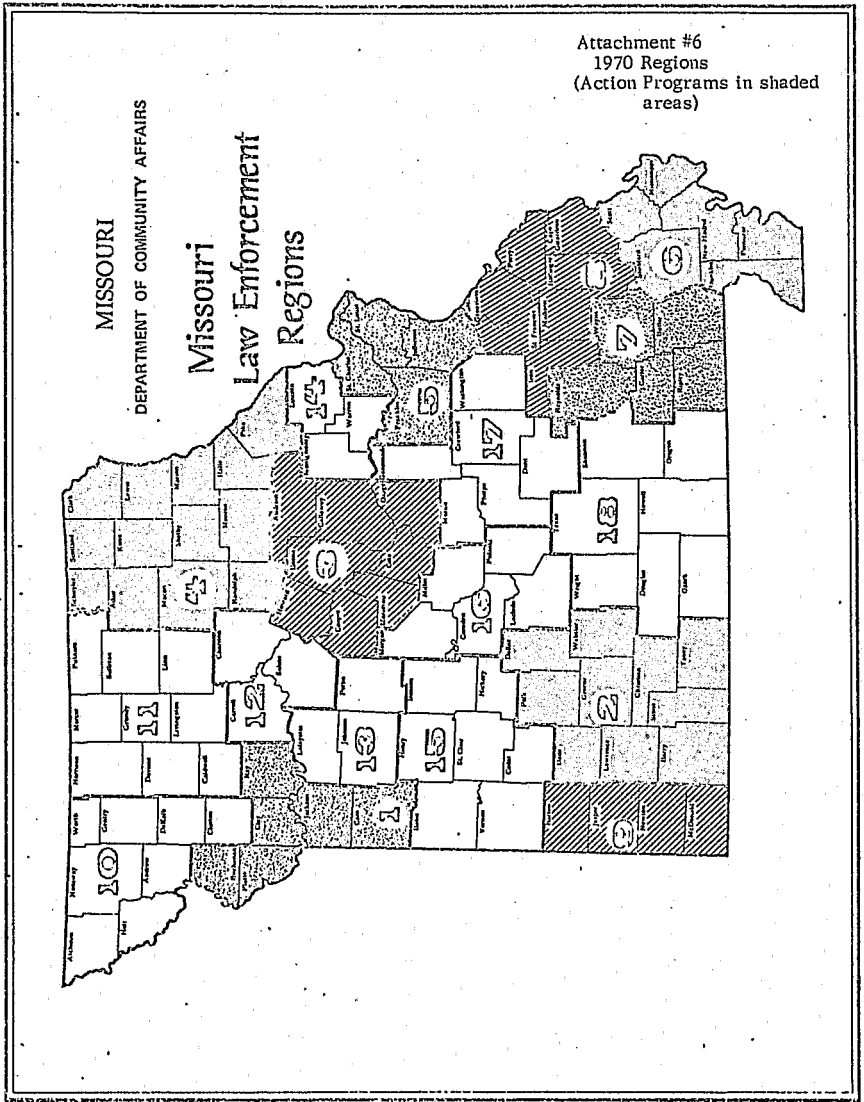
³ The \$34,793 proposed for studies in the 9 additional regions represents 15.50 percent of total funds (\$223,267) allotted for regional distribution.

1970 ACTION FUND ALLOTMENT, \$4,155,000

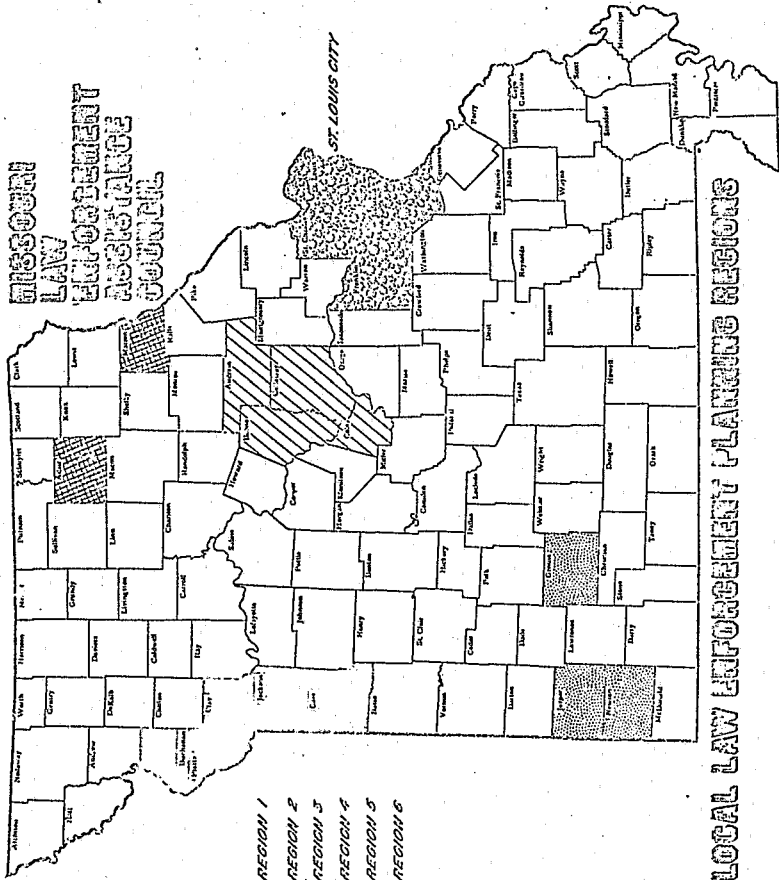
	Amount	Percent
SPA.....	\$1,038,750	25
To regions.....	3,116,250	75
Total.....	4,155,000	100

DISTRIBUTION OF 1970 ACTION FUNDS

Region	Percent of population	Federal funds	Local match	Total
I. K. C. Metro.....	24.45	\$761,923	\$507,949	\$1,269,872
II. Lakes Country.....	6.85	213,463	142,309	355,772
III. Mid-Missouri.....	5.41	168,589	112,393	280,987
IV. Northeast Missouri.....	4.15	129,325	86,217	215,542
V. St. Louis Metro.....	46.43	1,446,875	964,583	2,411,458
VI. Bootheel.....	4.51	140,543	93,695	234,238
VII. Ozark Foothills.....	1.54	47,990	31,993	79,983
VIII. Southeast Missouri.....	3.22	100,343	66,895	167,238
IX. Ozark Gateway.....	3.44	107,199	71,466	178,665
Total.....	100.00	3,116,250	2,077,500	5,193,750
SPA.....		1,038,750	692,500	1,731,250
Total.....		4,155,000	2,770,000	6,925,000



MISSOURI
LAW
ENFORCEMENT
ASSISTANCE
COUNCIL



- REGION 1
- REGION 2
- REGION 3
- REGION 4
- REGION 5
- REGION 6

LOCAL LAW ENFORCEMENT PLANNING REGIONS

Prepared By - JMM

MISSOURI CRIMINAL JUSTICE BULLETIN,
DEPARTMENT OF COMMUNITY AFFAIRS,
Jefferson City, Mo., January 1970.

Federal money encourages States to begin comprehensive law enforcement planning.—The Omnibus Crime Control and Safe Streets Act of 1968 made federal money available for the first time on a large-scale basis for the states and their units of local government to develop plans and programs to improve their police, courts, and correctional and juvenile services. Last year Congress appropriated over \$48,000,000 to be made available to the states. The money was distributed to the states on a population basis. This injection of federal monies has provided a stimulus for long-range planning throughout the country. . . . the type of planning which no one ever had the time or money to do before . . . this year \$236,000,000 is expected nationally. Missouri maintains planning operations in the state and its populous urban areas with 90% federal and 10% state or local funds.

Missouri Law Enforcement Assistance Council established to administer Federal law enforcement grants within the State.—Now one year old, the Missouri Law Enforcement Assistance Council, composed of nineteen citizens appointed by Governor Hearnes and aided by a full-time staff, has completed its initial program objectives. Approximately \$1,000,000 in federal funds has been utilized for comprehensive planning and action programs in the state. Next year . . . over \$8,000,000 is expected to be spent within the state for planning and action programs . . . almost \$5,000,000 will be federal funds—the rest from matching grants. Action grants are funded primarily with 60% federal money and 40% state or local funds.

Full-time staff assembled in Jefferson City.—A small group—interdisciplinary in nature—all interested in statewide comprehensive planning. Their experience covers various fields, and they are fast becoming knowledgeable in the other areas of law enforcement. The office is located in the Department of Community Affairs, 5th Floor of the Jefferson Building, Jefferson City, Missouri. . . . Feel free to call on them at any time. . . . They are there to assist you in all areas of the "justice system" police, courts, corrections or juvenile problems. The phone number is a/c 314 635-9241.

Gurman to continue as director.—Isaac Gurman, nationally recognized for his expertise in penal and correctional areas, has been asked by Governor Hearnes to continue as Chairman of the Missouri Law Enforcement Assistance Council. Gurman directed the St. Louis Bureau for Men for over thirty years and was an advocate for a medium security prison in Missouri twenty-five years before one was built in Moberly.

Former assistant attorney general appointed as executive director.—William L. Culver, a lawyer from Columbia, Missouri, has been appointed Executive Director of MLEAC. Mr. Culver has eleven years of law practice and administrative experience, public and private. He is a past National President of Phi Theta Kappa, the Junior College honorary scholastic fraternity. Since receiving his law degree (AB 1956, J.D. 1958, Missouri University), he has, in addition to private practice, worked in the offices of a county prosecutor, city attorney, and served as a substitute municipal judge. On the state level, he has been counsel for the Missouri Division of Welfare, as well as serving as Assistant Attorney General.

Special rate for criminal law reporter.—A special discount in the subscription rate for the Criminal Law Reporter is being made available through the Missouri Law Enforcement Assistance Council to any Missouri law enforcement agency. The MLEAC will fund 60% of the total cost of any subscription placed prior to February 15, 1970. Regular subscription rate is \$116.00. . . . You can subscribe for \$39.20. Send your check, made payable to "Criminal Law Reporter", by February 15th to the Missouri Law Enforcement Assistance Council, 500 Jefferson Building, Jefferson City, Missouri 65101.

Scholarships available to law enforcement personnel.—The Safe Streets Act of 1968 established a program to provide academic assistance to in-service law enforcement personnel and to persons who promise to enter the law enforcement field. Loans are available up to \$1,800 per academic year. These loans may be written off at a rate of 25% for each year spent by the student in law enforcement work following graduation. Direct grants also available . . . up to \$300 per semester . . . designed for the in-service officer. Contact the Student Financial Aid Officer at the College or University nearest you for fund information or call MLEAC, Missouri colleges now or soon to be in the program are: Central Missouri State College, Warrensburg, Mo.; Drury College, Springfield, Mo.; Junior College District of St. Louis County, Clayton, Mo.; Metropolitan Junior

College, Kansas City, Mo.; Missouri Southern College, Joplin, Mo.; Rockhurst College, Kansas City, Mo.; St. Louis University, St. Louis, Mo.; University of Missouri at Kansas City, Kansas City, Mo.; University of Missouri at St. Louis, St. Louis, Mo.; University of Missouri at Columbia, Columbia, Mo.; Washington University, St. Louis, Mo.; Westminster College, Fulton, Mo.

Police departments combined in Southeast Missouri.—Phil Shelton, Executive Director for the Southeast Missouri Region (MLEAC Region VI) reports his Council was recently effective in combining the police departments of six small communities into one unified department with common facilities and lockup * * * one of the towns hadn't even been able to afford 24-hour protection previously * * * A good example of how intra-governmental cooperation can provide savings to the tax payers and better protection.

British Columbia aids good samaritans.—Recent legislation by the British Columbia Legislature has extended the benefits of its Workmen's Compensation Act to any person who suffers personal injury or is killed while assisting a law enforcement officer in carrying out his duties, or who is injured while arresting or attempting to arrest a person whom he finds committing a criminal offense . . . hopefully this will encourage public cooperation and assistance to the law enforcement officer . . . time will tell.

Juvenile officers meet.—At Tan-Tar-A last October, juvenile officers met for a statewide conference on the prevention and control of juvenile delinquency. Over fifty JO's attended the conference . . . the first time that the juvenile officers from the major metropolitan areas had ever come together for a discussion of their mutual problems. Topics considered by the JO's included a discussion on "Future Trends in Juvenile Court Procedure", presented by Judge Henry Riederer, Chairman of the Supreme Court Committee to revise the Juvenile Court Rules, and a presentation by HBW regarding its comprehensive study of the juvenile court services in Missouri . . . This was the first comprehensive study ever taken in the state by an outside agency . . . The full report may be released by the Governor following completion of the work of an MLEAC Task Force on Juvenile Delinquency.

Minimum police standards recommended.—MLEAC has recommended voluntary adoption of minimum standards for the appointment and training of all Missouri peace officers. Copies of the standards are available from MLEAC and will soon be distributed to all police agencies. While the standards exceed the minimum recommended course of the International Association of Chiefs of Police, the recommended minimum is still below the training standards already in effect in Missouri's large urban areas. The standards are intended to provide a minimum for those police agencies without established standards or systematic training programs for recruits. MLEAC has recommended a minimum of 280 hours of training which includes 40 hours of on-the-job training. In planning the 1970 programs, MLEAC is making increased efforts to provide assistance to those law enforcement agencies whose training does not yet meet the suggested standards. For further information, contact Mike Hodge, Assistant in Police Matters, at the MLEAC Jefferson City office. Telephone: a/c 314 635-9241.

Modern criminal code.—A committee headed by Judge Norwin Houser, Commissioner of the Missouri Supreme Court, is undertaking a comprehensive survey of those statutes which have criminal penalties . . . with the aim towards developing an up-to-date comprehensive criminal code for Missouri. Research is currently underway to first determine those Missouri statutes which impose criminal penalties . . . A proposal to examine Missouri's Rules of Criminal Procedure, to up-date them and to coordinate them with any proposed changes in the substantive law, is in the wings.

Regional offices established.—MLEAC has utilized as its "grass roots" base, for determining Missouri's law enforcement needs and executing action programs to solve those needs, those areas established by the Department of Community Affairs as "planning regions". Regions are formed by combining counties which have common social, geographical, cultural, transportation, and business interests. Law Enforcement Planning Regions already established, the counties therein, and the Chairmen and Executive Directors are listed below. As authorized January 9, 1970, all regions except Region V will soon add counties and reorganize to conform more closely to Regional Planning Commission lines. The balance of rural Missouri will then begin organization with the use of the Missouri Justice Survey.

Region I—Buchanan, Platte, Clay, Jackson and Cass. Cole Hendrix, Executive Director, 523 Argyle Building, 306 East 12th Street, Kansas City, Mo. 64106

(a/c 816 221-6740) ; Russell Millin, Chairman, Commerce Tower, 911 Main, Kansas City, Mo. 64105 a/c 816 842-9400.

Region II—Jasper and Newton. Jack Williams, Chairman, 303 East Third, Post Office Box 1355, Joplin, Mo. 64801 (a/c 417 781-3220).

Region II—Greene County, John Crow, Chairman, Greene County Courthouse, Springfield, Mo. 65800 (a/c 417 869-3581).

Region III—Audrain, Boone, Callaway and Cole. Frank Conley, Chairman, Courthouse, Columbia, Mo. 65201 (a/c 314 442-3179) ; Don Cline, Executive Secretary, Post Office Box 443, Jefferson City, Mo. 65101 (a/c 314 635-1632) ; Perry Winget, Consultant (same as Don Cline).

Region IV—Adair and Marion. Tom Fulkerson, Executive Director, 13 Harrison, Kirksville, Mo. 63501 (a/c 816 665-8279) ; James Trent, Chairman, 218 North Franklin, Kirksville, Mo. 63501.

Region V—St. Charles, St. Louis County, St. Louis City, Franklin and Jefferson. Robert Curran, Executive Director, 1096 Arcade Building, 812 Olive, St. Louis, Mo. 63103 (a/c 314 421-2323) ; Thomas Gearty, Chairman, Meramec Building, Suite 201 Clayton, Mo. 63105 (a/c 314 863-6363, ext. 440).

Region VI—Cape Girardeau, Butler, Pemiscot and Dunklin, Eddie Roden, Chairman, 712 Herman, Kennet, Mo. 63857 (a/c 314 888-3962) ; Philip Shelton, Executive Secretary, Box 356, Malden, Mo. 63863 (a/c 314 276-2242).

Surveying caseload of "Missouri justice system".—Final plans are being made to acquaint citizens with how law enforcement works, through the first part of the Missouri Justice Survey on system caseload, developed by the State Council. Watch for the announcement in your area . . . The entire staff will be included, with initial contact through Regional Planning Commissions, extension field workers and community citizens groups, and officials as well as MLEAC staff.

STATEMENT OF HON. CHARLES E. WIGGINS, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, I appreciate the opportunity to come before the Subcommittee during its consideration of 1970 amendments to Title I of the Omnibus Crime Control and Safe Streets Act of 1968. I appear today not to request formal subcommittee action on an amendment. Rather, I believe that there is ample statutory authority now available to solve a particular problem which has arisen in my Congressional district if administrative discretion is exercised properly by the Administrator of the Law Enforcement Assistance Administration.

I am fortunate to have in the 25th Congressional District of California an outstanding Police Science Academy at Rio Hondo Junior College in Whittier. The high caliber of Rio Hondo's program has been recognized by the California Commission of Peace Officers' Standards and Training and in various national publications. The Academy however is currently housed in small, inadequate, abandoned U.S. Army "Nike" base buildings built in the mid-1950's. Last year when torrential rains hit southern California, storm damage at the Rio Hondo Police Science Academy was severe. College engineers estimated at that time that storm damage repair of the facility would cost \$357,596, at current costs in 1969. The U.S. Department of Health, Education and Welfare was able to grant Rio Hondo \$90,922 to provide for temporary restoration of the immediate site and access road to the Academy. This grant, as you can see, provided about one-fourth of the estimated repair costs. Another year of hard rains may very well cause the complete shut down of this existing facility. In light of the fact that Rio Hondo serves 26 local law enforcement agencies, processing several hundred police trainees annually for the Los Angeles area, such a shut down could be very detrimental to the provision of trained law enforcement personnel in this high-crime area.

The Police Academy program has received further recognition of its quality in the federal and state financial support already approved. Last year, the federal Law Enforcement Assistance Administration provided \$84,900 in funds for training programs at the center; the State of California also provided financial assistance through special legislation enacted last year (SB-493, authored by State Senator Deukmejian) to permit junior colleges tax credits for out-of-district students enrolled in police science programs. All told, the public investment in the Rio Hondo Police Academy program has been considerable. It is essential that this investment not be lost due to the difficulties of obtaining funds to replace the badly outmoded training facility at Rio Hondo.

The success of the Police Academy program at Rio Hondo has enabled the college to plan a significant transition from peace officer training and education into the broader area of establishing a multi-discipline criminal justice center; this center would include not only the basic and continuing police science programs, but also corrections improvement programs, organized crime programs, court procedures improvement—a total systems approach to criminal justice. This Criminal Justice Center at Rio Hondo would use the latest research and development skills of the social and physical sciences, systems analysis and operations research, technology and management techniques available to the problems facing the administration of criminal justice. The school has excellent community support for such an expanded Center (I have attached communications to me regarding the need for this facility as a replacement of the older, damaged facility).

So far the College's efforts to find funds for the construction of a replacement facility of the kind outlined above have been futile. Current state planning agency priorities make it very unlikely that a small but outstanding junior college like Rio Hondo will qualify for Title I funds in less than five years, assuming continued growth in Congressional appropriations for the Title I program. Further, construction funds of the kind desperately needed by Rio Hondo have generally received little emphasis by State planning agencies: in Fiscal 1969, only 2.9% of the state action grant funds went for construction of improved facilities. Thus, the dilemma faced by this small institution which has developed a model police science program and academy is that it may have to seriously curtail its service to the law enforcement needs of Los Angeles county if it cannot find emergency assistance from the government to replace the damaged facility.

I stated at the beginning that it is my view that there is ample statutory authority on the books to enable the Administrator of LEAA to come to the aid of schools or other local institutions which have emergency needs of the kind I have described. In short, there is nothing in the statutory language of Section 301(b) (4)—"Grants for Law Enforcement Purposes" which limits the ability of the Administrator to use discretionary funds, as authorized under Section 306 of the same title, to aid in emergency or other special construction needs. The guidelines which LEAA has prepared for the administration of its 15% discretionary funds are directed toward certain program areas—police improvement (including funds for expansion or creation of crime laboratories), corrections improvement (including funds to help establish regional corrections training centers), organized crime, prevention and control of civil disorder, court improvement, narcotics prevention and control, and information and statistics programs. All of these program areas would be incorporated into a Criminal Justice Center of the kind I have in mind at Rio Hondo Junior College. Further, the Administrator of LEAA is retaining \$2.3 million out of current appropriations to support "special projects" which may not be readily funded in other ways. In light of the outstanding success of the Rio Hondo program and the genuine hardship which the school faces because of storm damage and the scarcity of construction funds, it is my sincere hope that should the college apply for discretionary funds, perhaps in phases over two fiscal years, the Administrator will fund the construction program.

Mr. Chairman, with your permission I would also like to submit for the record of the hearings, in addition to the documents already mentioned, a communication to me from the distinguished Dean of the California Congressional Delegation and my colleague, Congressman Chet Holifield. Mr. Holifield represents part of the City of Whittier and has consistently sought constructive federal assistance for Rio Hondo Junior College.

HOUSE OF REPRESENTATIVES,
JOINT COMMITTEE ON ATOMIC ENERGY,
Washington, D.C., February 24, 1970.

HON. CHARLES WIGGINS,
U.S. House of Representatives, Longworth House Office Building, Washington,
D.C.

DEAR CHUCK: I want to commend you for the leadership you have taken in trying to help Rio Hondo find some form of assistance to replace the outmoded and substandard buildings they are now using for the police academy program.

I understand that you plan to take this particular problem up with Members of the Judiciary Committee during their hearings this month.

Officials of the College and numerous community leaders, including law enforcement officials, have communicated with me on the needs for an improved Criminal Justice Center at Rio Hondo. As you know, I have consistently supported authorizations and appropriations for law enforcement assistance. I believe that the establishment of such a Criminal Justice at Rio Hondo would be a benefit to the region, and a credit to the City of Whittier. Certainly it would be appropriate to have such a facility located in the President's "hometown"; I hope that the Administration will find some way to assist this very worthwhile project.

I am confident that Rio Hondo's success so far in providing basic police science training and academy programs is an indication of their special qualifications to have a model Criminal Justice Center established at the school.

Sincerely yours,

CHET HOLIFIELD,

MARSHAL OF MUNICIPAL COURTS,
COUNTY OF LOS ANGELES,
Los Angeles, Calif., February 16, 1970.

Hon. CHARLES E. WIGGINS,
*Member of Congress, 25th District, California, Longworth House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN WIGGINS: I have been informed that the Rio Hondo Junior College District has requested your help in securing Federal financial assistance to build a modern peace officer training facility to replace the old inadequate quarters now being used.

The present plant, converted from a WW II Nike control site, is entirely inadequate. About the most that can be said in its favor is that it is a place to use. How the Academy personnel are able to accomplish what they do with the recruits who attend, never ceases to amaze me. It is extremely difficult to maintain an atmosphere which is conducive of loyalty and enthusiastic comraderie, let alone learning, in such surroundings.

This department is the largest user of the Academy. We put over 75 recruit deputies through their 15-week academy training each year. This school fills a need for training which is not available anywhere else in this area. We are particularly happy with the flexibility of the Academy management to adjust their programs to the specialized needs of the participating law enforcement agencies.

The Academy, which I have used since 1964, has come to be known within law enforcement circles as one of the finest in the State, regardless of size. The agencies using the Academy are all very high in their praise of the caliber of officers who are graduated. Bear in mind that every man who enters this Academy is a recruit law enforcement officer, already having gone through a very thorough background check and an extensive civil service examination procedure.

One of the main drawbacks to the present site is the physical limitations of available usable space. The acquisition of additional land, complete removal of the present concrete buildings, and cutting down of the hill is economically not feasible. The extensive recent storm damage could, of course, be repaired, but at considerable cost. If this were done, however, the other limitations as to space would still prevail. From my personal standpoint as a taxpayer of the Junior College District, it seems like a waste of good money to make any more capital improvements if any way can be found to finance a new and adequate plant—one which is so badly needed in this area.

Because of the very strained local tax situation, it seems almost imperative that Federal assistance to law enforcement be supplied. Every law enforcement agency of any size, with recruitment standards, is experiencing great difficulty in recruitment. Higher salaries and increased fringe benefits help, but these cannot be justified above a certain level without higher educational achievement, which in many locations is difficult, or impossible, to obtain.

Your assistance is greatly needed in this matter. I hope you can see your way clear to do so. Not only the officers who would benefit from an enlarged academy, but the citizens whom they serve and protect, will be forever in your debt if this assistance can be secured.

Sincerely yours,

LESLIE R. KEAYS,
Marshal.

MONTEREY PARK, CALIF., February 17, 1970.

HON. CHARLES E. WIGGINS,
Member of Congress, 25th District, California, Longworth House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WIGGINS: This letter is to enlist your support in obtaining the necessary funds for the construction of a Criminal Justice Center at Rio Hondo Junior College in Whittier.

In coordinating the police science program at the Rio Hondo Police Academy, Mr. Alex Pantaleoni has earned the admiration and respect of many police administrators. In fact, recruits now come from as far away as Ventura and Orange Counties for basic training. The curriculum better than meets the requirements of California's Department of Justice Commission on Peace Officer Standards and Training. Furthermore, this academy is one of the three in the state which have been accepted by P.O.S.T. for on-campus living to enable more concentrated live-in type training.

Without doubt, the training afforded at the Rio Hondo Police Academy is one of the best in the state. However, they have been seriously handicapped due to inadequate facilities, added to by the recent storm damage, and their future efforts to meet the increased needs of law enforcement are jeopardized in the face of this problem. Further, we who utilize the facility for the training of our officers will suffer from delays to put well-rounded out and trained officers on the street ready to cope with our ever-increasing problems. It is therefore essential that the educational facilities be expanded to take care of these needs.

Your efforts are earnestly solicited in this matter and will be very much appreciated.

Sincerely,

EVERETT F. HOLLADAY,
Chief of Police.

POLICE DEPARTMENT,
Baldwin Park, Calif., February 17, 1970.

HON. CHARLES E. WIGGINS,
Member of Congress, 25th District, California, Longworth House Office Building,
Washington, D.C.

DEAR SIR: In the matter of the request of Rio Hondo College, Whittier, California, for funding of a new police training facility, be advised this agency is in full agreement with the program.

The City of Baldwin Park relies heavily on the services of Rio Hondo College in the training of its police personnel. The large municipal and county enforcement agencies, as a necessity, teach many procedures and policies that are not compatible to the policies and procedures of the small entities. As a result, much of the recruit's time is wasted on subjects he will have to be retrained in when he returns to his own department. Then, too, the time and distance factors have to be considered and these are often prohibitive.

The program at Rio Hondo College is excellent in content and is approved by P.O.S.T. Commission. It is held in high regard and fulfills a need of the small department.

The facilities are buildings from an abandoned "Nike" site and are inadequate and need replacing. Any assistance you can lend to this project would be greatly appreciated.

Very truly yours,

DALE J. ADAMS,
Chief of Police.

COUNTY OF LOS ANGELES,
OFFICE OF THE DISTRICT ATTORNEY,
Los Angeles, Calif., February 17, 1970.

HON. CHARLES E. WIGGINS,
Member of Congress, 25th District, California, Longworth House Office Building,
Washington, D.C.

DEAR MR. WIGGINS: The District Attorney's Bureau of Investigation of Los Angeles County has been using the services of the Police Training Facility at Rio Hondo College for many years. The cadets who have graduated from this

Police Academy have become excellent law enforcement agents and much of the credit should go to Mr. C. A. Pantaleoni who is the school's Police Science Coordinator.

It has come to my attention that congressional committee meetings are now in progress whereby federal funds may be disbursed to worthy law enforcement projects. A portion of these funds could be put to good use by the construction of a total Criminal Justice Center at the Rio Hondo College. Their present facilities have been damaged by recent rain storms and the land, itself, is in need of many improvements. I urge you to seek a favorable consideration from the congressional committee for this project.

Our Bureau of Investigation personnel have an average of three years of college training, and yet we are insisting that they continue their education. The Academy at Rio Hondo has given our men the needed practical application to round out their police training. The Academy, in general, and Mr. Pantaleoni, in particular, enjoy an excellent reputation throughout all law enforcement circles in California. I can assure you that any money furnished to the College will be in capable and honest hands.

Verly truly yours,

EVELLE J. YOUNGER,
District Attorney.

GEORGE R. STONER,
Chief, Bureau of Investigation.

POLICE DEPARTMENT,
Azusa, Calif., February 18, 1970.

HON. CHARLES E. WIGGINS,
Member of Congress, 25th District, California, Longworth House Office Building, Washington, D.C.

DEAR SIR: This is my urgent request for your support of the Rio Hondo Jr. College application for funds for a new Police Training Facility.

There is a very definite need in this valley for this training facility as it is used by at least seventeen (17) law enforcement agencies for the training of their personnel. The number of agencies using this training facility would undoubtedly increase if a new and larger facility was available.

This departmental has had officers attending training at Rio Hondo Jr. College in each class given for the past three years, so you can see that this facility is of utmost importance to us.

The present program presented at Rio Hondo in my opinion is of the very highest quality and this feeling is shared by all law enforcement throughout this area.

I strongly support the college in their effort in bringing to law enforcement a training and educational program and in turn I request your support.

I thank you in advance for your cooperation in this matter.

Sincerely yours,

G. W. ELKINS,
Chief of Police.

POLICE DEPARTMENT,
Laguna Beach, Calif., February 19, 1970.

HON. CHARLES E. WIGGINS,
Member of Congress, 25th District, California, Longworth House Office Building, Washington, D.C.

DEAR CONGRESSMAN WIGGINS: I certainly appreciate the fact that you are representing our cause by appearing before the Congressional Committee to request funds for the construction of a new Police Training facility at the Rio Hondo Junior College in Whittier.

The Academy program is outstanding and returns to us, well trained and qualified officers. It also assists us as a screening agent to help eliminate those persons who are not suited to law enforcement.

In this day and time of social unrest, raising crime rates and emphasis on individual rights, well trained officers are mandatory. It is absolutely necessary that we, as administrators, provide and utilize the best facilities available, to prepare our recruits to face the challenge of the service. This can only be accom-

plished when adequate facilities and training programs are made available to local police agencies.

I would encourage your continued support in providing funds, not only to restore but to expand this facility to better meet the needs of law enforcement.

KENNETH HUCK,
Chief of Police.

POLICE DEPARTMENT,
El Monte, Calif., February 19, 1970.

HON. CHARLES E. WIGGINS,
Member of Congress, 25th District, California, Longworth House Office Building, Washington, D.C.

CHUCK: As you are aware, the City of El Monte is approximately three miles from the Rio Hondo Junior College. My police department has an authorized complement of 77 officers and we have used the police training facilities at the college since its origin in 1963. I have seen the increasing requests from police agencies from not only the San Gabriel Valley area, but agencies as distant as 30 miles. Because of the professional, well-organized manner of instruction by the police academy staff, they are being plagued by requests from police agencies to the point where they can no longer satisfy law enforcement needs.

I am in need of a facility that can meet our training standards and one that I can be assured will be available to me to meet re-training needs as well as new officer training. Although the present police training facility at Rio Hondo College has met the minimum training requirements until now, it is located on a hilltop site accessible only by a very hazardous, narrow, winding, one lane roadway, which is constantly in need of repair from earthslides and water damage. The buildings at the facility have been plagued by the same erosion and are in desperate need of repair. However, even if the facility was repaired at exorbitant taxpayer expense, it would not nearly meet the present demands.

Any assistance that you could give in providing this growing area with a facility that can meet training needs of all law enforcement, will be greatly appreciated.

Your truly,

ORVAL DAVIS,
Chief of Police.

IRWINDALE, CALIF.,
February 17, 1970.

HON. CHARLES E. WIGGINS,
Member of Congress, 25th District, California, Longworth House Office Building, Washington, D.C.

DEAR SIR: It has reached our attention that a Congressional Committee is considering legislation which may aid in the construction of Police Training facilities.

We are currently using the Rio Hondo College Police Academy. Basically we prefer this institution for what we consider good cause. First, it is one of the few colleges approved by the State of California Commission on Police Officers Standards and Training. Second, its control is jointly shared by the school itself and all of the participating law enforcement agencies. Third, other police academies such as the Los Angeles Sheriff, Los Angeles Police, Pasadena Police, Riverside Sheriff are obligated to teach their departmental policy whereas the Rio Hondo Police Academy teaches only academically and refers policy questions back to the agencies providing the men.

We have been associated with this program for several years. We have never regretted our listening to our neighbors in the high regard which they recommended this academy to us. We know that the academy is filled almost always to capacity but we unhesitatingly recommend it to any agency which is not now using it.

The present police academy site is often the subject of humorous rebuttal whenever the Rio Hondo College is mentioned to have the most modern facility in Southern California. As you know, the former tenants of the site were the U.S. Army and its Nike missiles. As a missile site it was restricted to only a few visitors using the narrow roadway. Today, from fifty to a hundred vehicles use the road daily whenever we have gone there, even on Saturdays and Sundays. This road is an extreme hazard whenever the weather blesses us with any form

of precipitation including fog, rain or sleet. When the College took possession of this property it was given a long period of general limitations as to what improvements could be made. These limitations present a hardship on the College in the simple every day maintenance.

When the original Police Academy opened, the rest of the College was operating temporarily out of Santa Fe Springs. The Police Academy, then as now, functioned as a needed community service. Now that the modern facility has been brought down off the drawing boards and is an established reality, the Police Academy should be brought down off the hill where the police cadets could realize the benefits of such necessary commodities as the library, athletic fields, swimming pool, cafetorium, book store and administrative offices. Presently, whenever a cadet uses one of these facilities, there is a half-hour loss time traveling back and forth.

As our advocate, I would request you to support any legislative act that will benefit the joint effort of an educational institution to assist in the training and education of law enforcement.

Sincerely,

ERNEST V. AGUIRRE,
Chief of Police.

Mr. McCULLOCH (presiding). The next meeting of the subcommittee will be at 10 a.m., tomorrow, February 26.

(Whereupon, at 12:15 p.m. the subcommittee recessed, to reconvene at 10 a.m., Thursday, February 26, 1970.)

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

THURSDAY, FEBRUARY 26, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 5,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler, Rodino, Rogers, Eilberg, McCulloch, Poff, MacGregor, Hutchinson, McClory, Railsback, and Biester.

Staff members present: Benjamin L. Zelenko, general counsel; and Franklin G. Polk, associate counsel.

The CHAIRMAN. The subcommittee will come to order.

We have a splendid roster of witnesses this morning, Governors of the sovereign States, more particularly a very distinguished Governor from Pennsylvania, and another distinguished Governor from New Jersey, Governor Shafer, and Governor Cahill.

We want to welcome back, of course, a former member of this committee, Bill Cahill.

I want to say "Bill" because we have always called him Bill and he ever will be Bill to us. He made a very enviable record while he was on this committee, and he is doing a splendid job as Governor of the State of New Jersey.

Governor Shafer, we have two members of our committee who come from your State, Representatives Biester and Eilberg. I call on Representative Eilberg.

Mr. EILBERG. Mr. Chairman, I certainly appreciate the privilege and opportunity to greet, in my opinion, the most distinguished Governor in the United States, the Governor of Pennsylvania.

I have known Governor Shafer for many, many years. I knew him when he was only a State senator and I was a freshman State representative.

We have developed a very close friendship. I want you to know, Mr. Chairman and members of the committee, that this is a man of great integrity and a very sincere Pennsylvanian, and a fine American.

Thank you so much, Governor, for coming to testify before us today.

The CHAIRMAN. Mr. Biester.

Mr. BIESTER. I am pleased to join with my colleague in presenting Governor Shafer to us this morning.

Governor Shafer has had a distinguished record, not only as a private attorney, but also as a distinguished public prosecutor, as a legislator in the Pennsylvania State Senate and as an administrator and Governor of our Commonwealth.

I first came to know of Governor Shafer as Ray Shafer because he and his wife, and my father and mother got together many, many times during Pennsylvania District Attorneys' Conventions. His name was a household word in our home long before I got to know him as Governor.

He is an extremely fine representative to the Governors' Conference here this morning.

The CHAIRMAN. Mr. McCulloch.

Mr. McCULLOCH. Mr. Chairman, I am glad that we have such distinguished Governors here. I would like to say a few words in particular about Bill Cahill.

If my memory serves me correctly, and I am sure it does in this instance, Bill was the first champion of block grants. He persevered and won the battle.

We are glad to see you back, Bill.

The CHAIRMAN. Governor, we are pleased to hear you.

STATEMENT OF HON. RAYMOND P. SHAFER, GOVERNOR, STATE OF PENNSYLVANIA, AND CHAIRMAN, NATIONAL GOVERNORS' CONFERENCE COMMITTEE ON LAW ENFORCEMENT, JUSTICE, AND PUBLIC SAFETY; ACCOMPANIED BY CHARLES F. RINKEVICH, EXECUTIVE DIRECTOR, PENNSYLVANIA CRIME COMMISSION

Governor SHAFER. Thank you very much, Mr. Chairman, Mr. McCulloch, Mr. Eilberg, Mr. Biester, members of this distinguished committee.

It is a real pleasure for me as chairman of the committee of the Governors' Conference on Law Enforcement, Justice, and Public Safety, to represent all of the Governors of our country in talking to you for a few moments about this most important problem, and about this most important bill.

Following my testimony, the distinguished Governor of New Jersey, a former member of your committee and, as Mr. McCulloch has so eloquently pointed out, one of the fathers of the block grant approach, Governor Cahill will testify, and then there will be a few statements made by other members of our committee.

We are hopeful that Governor Licht of Rhode Island, Governor Rampton of Utah, and Governor Williams of Arizona will be with us.

We, the members of this committee, are very grateful for this opportunity to meet with you and discuss one of the most significant pieces of legislation ever enacted by Congress—the Omnibus Crime Control and Safe Streets Act of 1968.

As chairman of the Governors' committee, I will attempt to express the general view of the Governors and our concerns about certain attacks being made on the role of the States in administering the act.

There is no need to tell the distinguished members of this subcommittee why we feel this program is of highest importance to the people of our States.

Every American suffers from the devastating problems created by crime. Each of us, in effect is victimized because we live in fear of the criminal and are subjugated to the law of the jungle in what is supposed to be the most civilized Nation in the history of the world.

Concerned and responsible citizens are attempting to do something about this state of crisis. Congressmen, Governors, community officials, citizens are striving, in a common cause, to reestablish an orderly society in which respect for the law is an indispensable condition of respect for human rights.

This Congress enacted the Omnibus Act as part of that common effort. And now you are back to determine if those entrusted with the responsibility to make it work have done their job.

The questions asked by the distinguished chairman of the Judiciary Committee in the opening statement of these hearings could not have been better stated.

He placed heavy emphasis on the need to determine whether the States have been effective in their role since they "bear substantial responsibility for the implementation of innovative programs and policies to strengthen public safety, improve the court system, and modernize correction facilities."

We Governors say the States have been effective in carrying out their responsibilities under the act.

We admit to shortcomings, but they are far outweighed by the positive planning and action that was achieved with the first year's funds.

Let us briefly consider what has taken place:

Every State has established a crime-planning agency.

Every State has a comprehensive crime-fighting plan.

More than 1,000 citizens, representing State, community and professional points of view, serve on boards established to set priorities and oversee State administration of the program.

Although there is a shortage of trained personnel, competent staffs are being put together by the State agencies.

Citizens of the States are being made aware of the effort and, consequently, there is good public acceptance and involvement—a key to winning the battle.

I was surprised by a recent survey by International City Management Association in cities with more than 25,000 population. This survey showed that the majority of the people are informed about the programs being undertaken.

Finally, in my personal estimation, the largest and most important achievement is the fact that for the first time the Federal, State and local governments are working and planning together against the criminal elements.

We have heard much about the need to strengthen the Federal system if we are to preserve our democratic way of life. This joint effort of our governments provides us with one of the most critical tests of that system in modern times. If we fail, then all other current efforts to strengthen federalism could be doomed.

That is why it is so important for Congress not to respond favorably to attacks on the role of the States in administering the act.

The attacks are premature.

Certainly you cannot expect any measurable crime reduction from the action programs now underway when the money for them was not made available until 8 months ago.

Many of those who criticize the States for not producing results, or instant success, appear to be those who have been unable to do very much about the rising crime rate in their own communities for years.

The information you need to make a fair judgment about the effectiveness of the States is too insufficient at this time.

And the evidence you have received in testimony from the distinguished Governors of New York and Illinois about their programs should indicate to you that the States can be effective.

So, we need time. Not a lot of it, but enough to make it possible for you to fairly judge our efforts.

That is why every Governor urges you not to destroy the block grant provisions of the act, or reduce the percentage of block grant funds made available to the States.

If the fight against crime and the improvement of our criminal justice system is to occur, then the planning for the attack must be comprehensive—and it can't be comprehensive if every community is allowed to go its own way.

As the LEAA staff has so well pointed out:

Up to now, coordination of criminal justice in the United States has been nonexistent. Communities didn't plan with each other's needs in mind, and varying components of criminal justice never worked together. Police, courts and corrections all worked at arm's length, aware of each other's existence, but not each other's needs.

The comprehensive State plans are beginning to change that—and I emphasize beginning.

To take that planning power away from the States and return it to Washington would create an uncoordinated and unworkable system, and create unbearable competition between communities.

I can understand the concern among some mayors and community officials about the sensitivity of the States to the urban crime problems. The record of the States in providing assistance to combat the problems of urban America in this century has not been outstanding.

But that is changing. And the Omnibus Act is one of the reasons. Prior to the establishment of this program, few States had central planning agencies for criminal justice reform, and even fewer had developed long-range plans for statewide improvement, as Attorney General Mitchell has pointed out.

In my own State, the program has had a tremendous impact. Although we haven't satisfied everyone, including the National League of Cities, we have had excellent cooperation from our communities, including our two largest cities.

Our crime control program was well underway when the Omnibus bill became law. In 1967, the State's first crime commission was established.

That commission is now responsible for administering the Omnibus program and the Juvenile Delinquency Prevention and Control Act of 1968.

What have we accomplished?

Eight regional crime control planning councils and a citizens' advisory council to the commission have been created.

Some \$1.4 million in action grants have been awarded and more than \$700,000 in planning grants. It should be noted that Pennsylvania awarded 3.5 percent more money to communities than required by the act.

How have we used the money?

A residential center for the treatment of delinquent girls.

A prelease center for helping inmates about to be released adjust to civilian life.

A new program of after-care for juvenile offenders.

A neighborhood program for youth gangs.

Workshops for juvenile probation officers and juvenile court judges.

A computer-based criminal justice information system in one community.

Creation of a police-community relations unit in another community.

In addition, \$186,554 went to communities for dealing with the prevention and control of riots.

These programs have become a very important part of Pennsylvania's "Crusade Against Crime"—a citizens' effort to win the fight.

In the past few years, Pennsylvania has taken significant steps to deal with the consequences as well as attack the causes of crime.

Through constitutional revision, we are reforming and modernizing our court system throughout the Commonwealth.

We are reforming our entire corrections system, including the establishment of prerelease centers, regional jails, youth development centers, and forestry units.

Local police forces are being trained by State police and minimum salaries were established for local police officers.

An organized crime strike force has been created under the crime commission and is presently investigating the infiltration of business and industry by organized criminals.

The Commission has also provided us with the first comprehensive assessment of our criminal justice system through indepth studies. Goals have been set.

In addition, we have undertaken special urban-focused State programs to attack the problems that cause crime.

I point these things out to you as evidence that a State can respond effectively with her communities.

It is also used to respond to the criticism of the National League of Cities that we are ignoring, or not doing enough for urban areas, with LEAA funds.

The fact is that in Pennsylvania we gave our two major urban areas—Philadelphia and Pittsburgh—almost 42 percent of all grants. These two areas will receive 58 percent of all action grants in 1970.

I point to the first chart to show the figures that I just gave to you in my testimony.

Mr. McCLORY. Is that the LEAA funds or is that the combined Federal and State funds?

Governor SHAFER. Those are the LEAA funds.

The pie chart shows fiscal year 1970 LEAA grants, and shows exactly where the money is to be distributed.

Mr. McCLORY. The action funds?

Governor SHAFER. Yes.

The next chart is a chart showing by region. I would like to take a moment, if I may, to point this chart out to you. We are distributing funds throughout the Commonwealth. The two yellow bars are for Philadelphia and Allegheny County, which are the two major urban areas, and they get 58 percent of the total money.

All the rest of the State gets the balance, which, although we have

a large State, we have a large population, we feel we have to place the money where the action is, to use a phrase that is current today.

We think that we are doing it in a way that will help us solve the problems in Pennsylvania.

This is one of the beauties of the law as it is now drawn up. It gives each individual State an opportunity to draw up its own plans for its own circumstances.

I am very pleased to report that we in Pennsylvania have had excellent cooperation from our two urban areas.

I am going to submit today to the committee a letter that I received from Commissioner Rizzo, who is the police commissioner in the city of Philadelphia, one of the finest law enforcement officers in the Nation.

If I may, I would like to read it to you and then I will make it a part of the record, though it was not a part of my original testimony.

Dear Governor Shafer :

I wish to express my appreciation for the method by which the Pennsylvania Crime Commission allocated the action funds available to local governments from the Safe Streets Act. The Crime Commission's allocation of 33 percent of the action funds to Philadelphia is a fair and equitable evaluation of the needs of Philadelphia in strengthening the criminal justice system.

I am sure that continued cooperation of this nature will result in finding solutions to the many problems of crime. I send my personal thanks to you and the Pennsylvania Crime Commission.

It is signed :

Sincerely, Frank L. Rizzo, Commissioner, Philadelphia, Pennsylvania.

(The document referred to follows :)

PHILADELPHIA, Pa., February 17, 1970.

HON. RAYMOND P. SHAFER,
Governor, Commonwealth of Pennsylvania,
Harrisburg, Pa.

DEAR GOVERNOR SHAFER: I wish to express my appreciation for the method by which the Pennsylvania Crime Commission allocated the action funds available to local governments from the Safe Streets Act.

The Crime Commission's allocation of thirty-three percent of the action funds to Philadelphia is a fair and equitable evaluation of the needs of Philadelphia in strengthening the criminal justice system.

I am sure that continued cooperation of this nature will result in finding solutions to the many problems of crime.

I send my personal thanks to you and the Pennsylvania Crime Commission.

Sincerely,

FRANK L. RIZZO,
Commissioner.

Mr. McCULLOCH. Governor Shafer, I am pleased to say that Mr. Rizzo has been invited to testify next week. We all await his appearance.

Governor SHAFER. I am glad to hear that. If you have not met him, you will have a treat in store for you, because he is a fine individual and has done an outstanding job as a law enforcement official in a major metropolitan area.

On the basis of what I have just said about what is happening in Pennsylvania, I think that you can see that this is not insensitivity to urban need.

The remainder of the funds, as I pointed out on this chart, have gone and will go to six other regions which contain our other 10 metropolitan areas.

I might point out that we do have eight regional councils in Pennsylvania. They are not artificial regions just put together for the purpose of the omnibus bill. These are the same regions that we

are using for administering other State and Federal programs, and they occupy the same areas.

Gentlemen, this is my case for the block grant approach and its retention.

The other Governors here have their strong views on this matter, which you will hear.

I urge you to resist the attempts to change the block grant provision until we have had a sufficient time to prove to you that we, who so deeply believe in the federal system, can or cannot do the job.

We are not seeking this out of sheer pride, or a desire to get more dollars at the State level. We are doing it because we firmly believe that the States are the right best instrument to carry out the responsibility and help us defeat the criminal.

The burden is on us to produce. If we fail, we want that failure to be judged fairly, not on the basis of intergovernmental jealousies or unwarranted charges.

Thank you.

I am delighted to have the opportunity to be here personally. I thank the distinguished members of the subcommittee for his kind words and I am especially grateful to the distinguished chairman for permitting us to testify.

The CHAIRMAN. Governor, I take it that you believe that the prevention of crime is primarily, and I use the word "primarily", a State and local matter?

Governor SHAFER. Yes, sir.

The CHAIRMAN. It is not exclusively a Federal matter.

Governor SHAFER. You are absolutely right, sir.

The CHAIRMAN. We don't want a Federal police state.

In your State, you say you have established a crime planning agency. Is that what you call it?

Governor SHAFER. Yes. Our crime commission is our crime planning agency.

The CHAIRMAN. How many members have you?

Governor SHAFER. We have five members and an advisory board of 42 members.

The CHAIRMAN. Are the members of that commission paid?

Governor SHAFER. The members of the commission are not paid, except that the chairman of the commission, of course, is the attorney general. He is paid by the State in his official capacity.

The CHAIRMAN. Where do these five commissioners come from with reference to your State?

Governor SHAFER. Well, they are geographically from all over the State. The attorney general is from Erie. Our State police commissioner is from Westmoreland County, which is in the southeast. Mr. Rosenn is from Wilkes-Barre, which is in the anthracite coal region. The other two are from Philadelphia; Shane Kramer, who was at one time the executive director of our crime commission, is now a member of the Federal strike force working actively. I put him on the crime commission because of his experience. He is from Philadelphia. The fifth member of the crime commission is Judge Wright, from Philadelphia.

The CHAIRMAN. What is the tenure of the members of the commission? How long are they appointed for?

Governor SHAFER. They are staggered terms.

The CHAIRMAN. Who appoints them?

Governor SHAFER. The Governor.

The CHAIRMAN. What about the advisory board? Where are they from?

Governor SHAFER. The advisory board is from all over the Commonwealth. In addition to our eight regional commissions and the advisory board, the advisory board is appointed by the Governor and we have been very careful to name them from every area.

The CHAIRMAN. What is the cost of the maintenance of this crime commission per year? Is that taken out of the Federal grant?

Governor SHAFER. No. That is paid by the State. Our State budget is \$1.6 million State funds. Then we have used some of the LEAA funds for planning.

The CHAIRMAN. In fiscal year 1969, Pennsylvania received for action—

Governor SHAFER (continuing). \$2.3 million. We are going to get \$11 million in 1970.

The CHAIRMAN. You will get \$11,589,000.

Governor SHAFER. That is right. We are getting a little over \$11 million total and about \$10.5 million will be action.

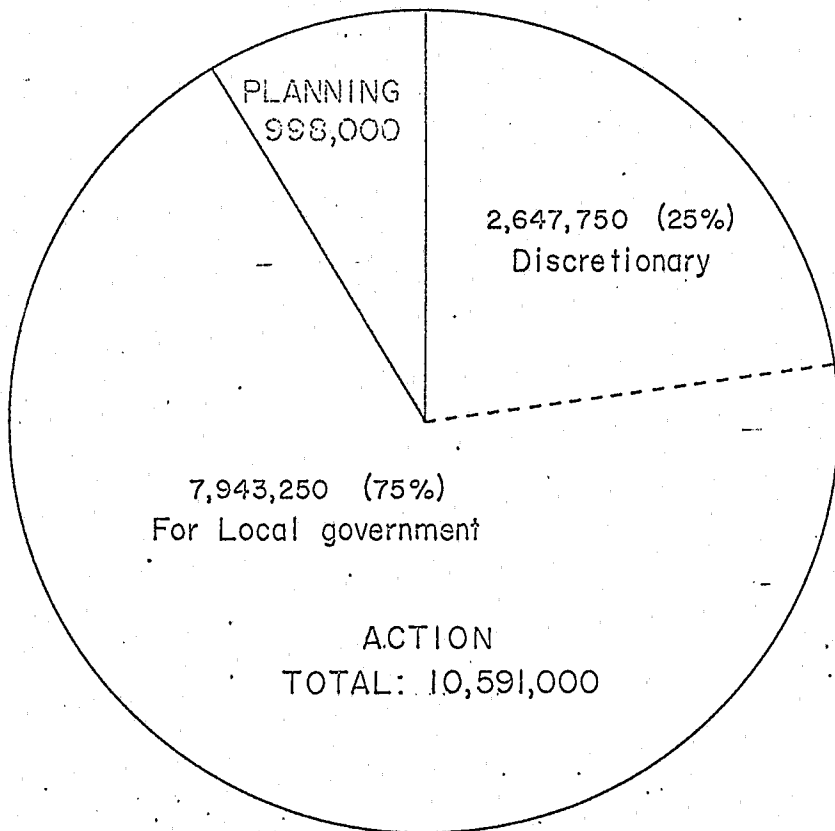
The CHAIRMAN. How do you intend to distribute that? Will that be according to these charts?

(The charts referred to follow:)

FISCAL YEAR 1970 LEAA GRANT

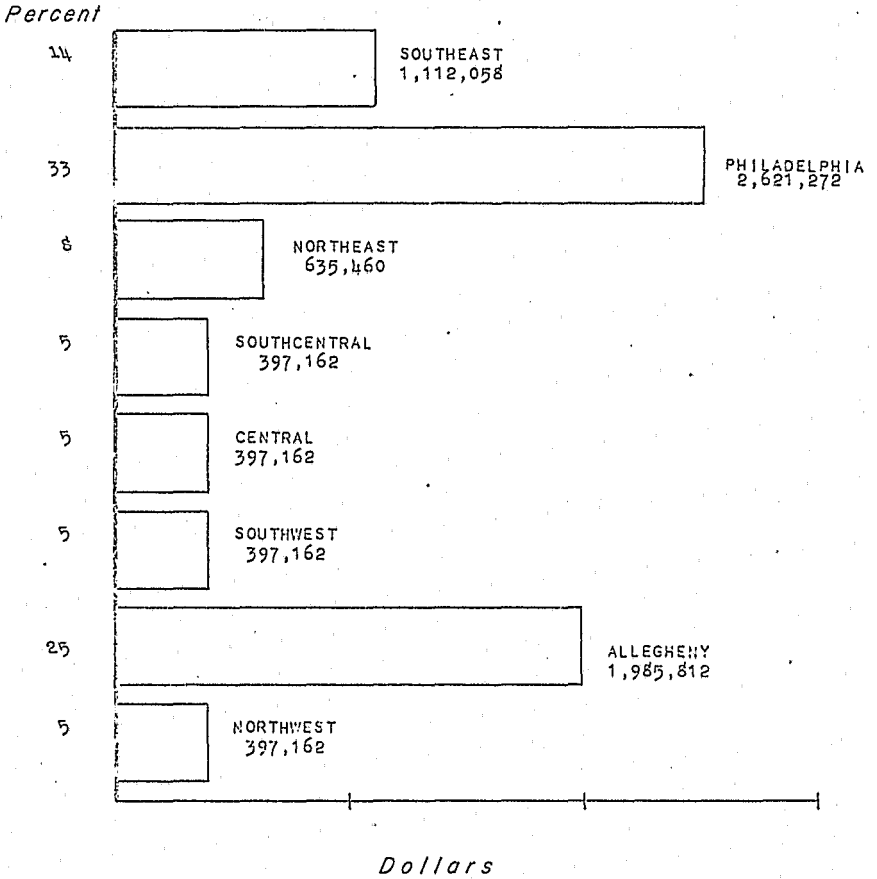
PENNSYLVANIA CRIME COMMISSION

TOTAL: \$ 11,589,000




FISCAL YEAR 1970 LEAA GRANT
COMMONWEALTH OF PENNSYLVANIA

DISTRIBUTION BY REGION

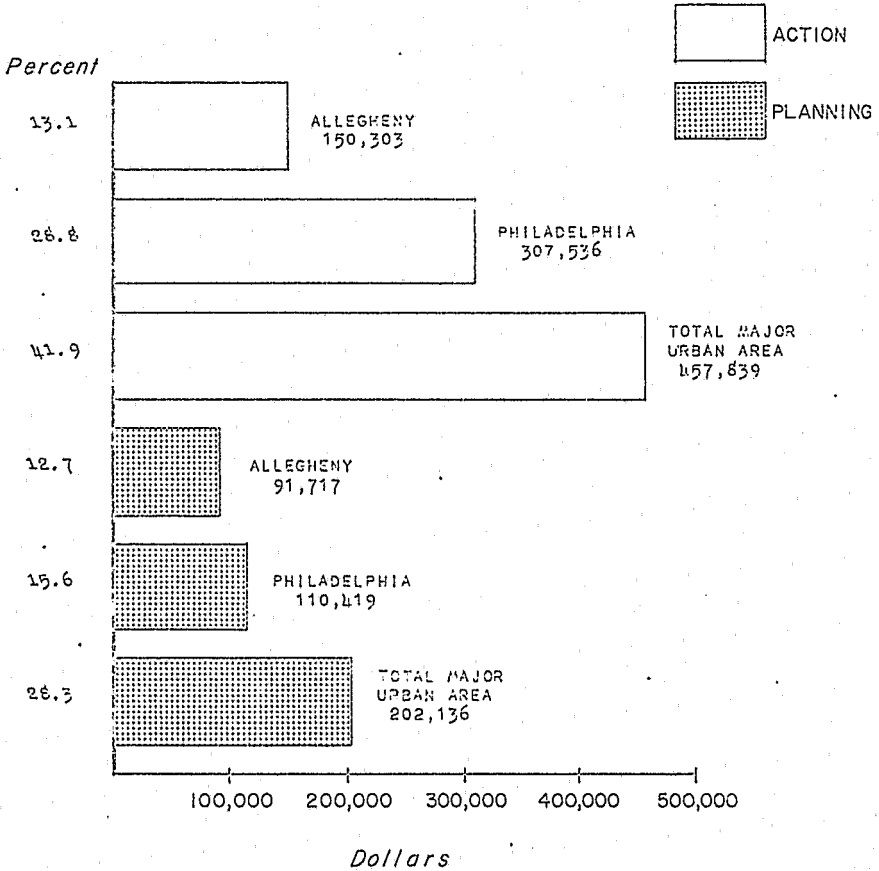


TOTAL: \$ 7,943,250

 Major Urban Area

MAJOR URBAN AREA GRANTS
COMMONWEALTH OF PENNSYLVANIA

FISCAL YEAR 1969



Governor SHAFER. Yes, sir. Mr. Rinkevich can point it out.

The top gray area is for the southeast area of Pennsylvania. The next bar is for Philadelphia. That is \$2.6 million.

The next bar is for the northeast portion of the State. The next three are central, southwest and southeast. The second yellow bar is for Allegheny County, which is our other major urban area. That is \$1.9 million.

The CHAIRMAN. I take it, then, that you distribute the money primarily where the incidence of crime is greater rather than on a population basis?

Governor SHAFER. That is correct. But we did give a minimum to every area. Pennsylvania is a recreation center now. We are one of the recreation centers for the eastern part of the United States. I know all members of the committee are aware of that.

So many of our rural sections, many of our sparsely populated sections, need a comprehensive police network. For example, in Potter County, which is a great hunting county, we have a comprehensive communication network devised which never probably would have been made available except for the thoughtfulness and vision of you in Congress.

The CHAIRMAN. I would like you to comment on this complaint that we have received from Lancaster, Pa.:

Under the present system, dominated by rural interests, those of us in the cities who made substantial financial commitments on our own in the fight against crime will be subverted to the interests of those who have made little or no commitment and are using Safe Streets money as a substitute for local funds.

That is from Lancaster, Pa.

Governor SHAFER. All I can say is that the statement made by that individual is not warranted by the facts. In the second place, that community, the city of Lancaster, applied, made application, for only \$9,800 in planning, and that was granted. That was given to them. That is the only money they asked for.

In addition to that, they did receive some money for action with reference to riot control, and they got every penny they asked for.

There is a problem in the Lancaster area between the city of Lancaster and the communities around it. I think that the statement made by that individual is not warranted as a justified attack on the system throughout Pennsylvania.

Allentown is a city about the same size as Lancaster.

I have just received this week a letter from the individual there, Gerald Monahan, director of public safety, which contradicts the statement from the Lancaster official.

Let me read the final paragraph of that letter. This is addressed to me as Governor of Pennsylvania.

It therefore becomes apparent that the Pennsylvania Crime Commission has established a partnership with every law enforcement agency in the Commonwealth engaged not only in the war on crime, but in the development of better services to our citizens and improving the image of dedicated public servants who wear a badge marked "police."

Sincerely,

GERALD MONAHAN.

Mr. McCLORY. Mr. Chairman, could that letter be made a part of the record?

Governor SHAFER. I will be happy to make it a part of the record. (The letter referred to follows:)

BUREAU OF POLICE,
DEPARTMENT OF PUBLIC AFFAIRS,
Allentown, Pa., February 19, 1970.

HON. RAYMOND SHAFER,
Governor of Pennsylvania,
Harrisburg, Pa.

DEAR GOVERNOR SHAFER: The Policy Academy's training and education function of the Allentown Police Department has been hard pressed to meet the needs of this community and extend to our neighbors the training and education so vitally necessary in preparing a police officer to meet the demands of a complex society such as the society we live in today.

In 1968, with the enactment into law of the Omnibus Crime Control and Safe Streets Act, those of us in law enforcement saw a glimmer of hope in being able to combat crime and criminality at the local level. Throughout the tenuous structuring of this vast program some of us may have become short tempered in our efforts to see the execution of funded programs at the local level.

Now then, it is my pleasure to inform you that we in Allentown have begun to phase in the program that we designed to make our Police Academy a Regional Academy, funded through the grant program of the Pennsylvania Crime Commission. We are now and will be lending our staff expertise to the training and educating of police officers from a 10 county area and hopefully these steps are only the beginning. I firmly believe that the place to start combating crime at the local level is to start with the men who are expected to man the front line trenches in the ceaseless war against crime.

The so-called "Social Disorders" of the 1960's/70's in our country, demand that a man endowed with police powers have special talents requiring police officers to exercise utmost restraint in dealing with people. I believe that in training and educating a police officer along these lines, to a really fine degree will, in a large measure reduce the acts of public disorder that have prevailed in American cities over the past decade and in so doing begin a new foundation for a more respectful attitude toward law and order and an orderly society.

It therefore becomes apparent that the Pennsylvania Crime Commission has established a partnership with every law enforcement agency in the Commonwealth engaged not only in the war on crime but in the development of better services to our citizens and in improving the image of dedicated public servants who wear a badge marked "Police".

Sincerely,

GERALD M. MONAHAN,
Director of Public Safety.

The CHAIRMAN. I have a letter here from Mr. Frederick C. Yost, director of the Department of Public Safety in the city of Lancaster, Pa. This letter I will place in the record.

One paragraph reads as follows:

I have compiled statistics showing the distribution of Safe Streets money in Pennsylvania which show that the money in this State, at least at the present time, is not meeting the needs of the cities in our population class.

Furthermore, as a member of the Regional Planning Council for the Administration of Safe Streets Act in this Commonwealth, I have become aware that the decision-making process that relates to policies, funding, and membership of councils, and so forth, is not, in my opinion, in accordance with either the letter or the spirit of the Act.

Would you care to comment on that?

(The full text of the letter referred to follows:)

LANCASTER, PA., February 2, 1970.

HON. EMANUEL CELLER,
Chairman, U.S. House of Representatives, Committee on the Judiciary,
Chairman, Committee on the Judiciary, U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In April of last year I contacted The Honorable Edwin D. Eshleman, Representative from the 18th District of Pennsylvania, with regard to my concern in the administration of the Omnibus Crime Control Bill and Safe Streets Act of 1968 (P.L. 90-351).

I attended a recent meeting at the National League of Cities office in Washington to discuss this Act and the way it was being administered. As a result of this meeting it became apparent that there seems to be a general dissatisfaction on the part of the cities throughout the Country.

The City of Lancaster, Pennsylvania is one of our smaller cities with a population of 61,055. We are, however, the center of a much larger metropolitan area and do have the same problems as our larger sister cities in the area of crime and delinquency.

I have compiled statistics showing the distribution of Safe Street monies in Pennsylvania which show that the money in this State, at least at the present time, is not meeting the needs in the cities in our population class. Furthermore, as a member of a Regional Planning Council for the administration of the Safe Streets Act in this Commonwealth, I have become aware that the decision making process that relates to policies, funding and membership of councils, etc., is not, in my opinion, in accordance with either the letter or spirit of the Act.

I am, therefore, requesting an invitation to appear before your Committee when hearings are held on the Safe Streets Act.

If you desire any further information, please feel free to call upon me.

Sincerely,

HERBERT C. YOST,

Director, Department of Public Safety.

Governor SHAFER. I can't think of anything that would be more contrary to fact than that particular statement. This gentleman is on our Regional Planning Council. He serves with other members, and even other members on his own council disagree with him.

If you wish me to, I can have other members of that same Regional Council write a letter contradicting him.

Mr. MACGREGOR. Would the chairman yield for a moment?

The CHAIRMAN. Yes, sir.

Mr. MACGREGOR. Governor Shafer, those of us in Minnesota who have studied the Minnesota plan are very pleased with it, and yet I find in our State that there are some who are unhappy with their distributive shares or with the fact that their projects weren't funded at all or as fully as they thought they might. I expect in Pennsylvania you have a disgruntled minority as well.

Governor SHAFER. You are absolutely right, Mr. MacGregor. We can't please everyone, as I said in my formal testimony. No matter what we did, someone would object.

The CHAIRMAN. You realize, Governor, I am not asking these questions as if they came from me. Those questions were sent to me, or, rather, these letters were sent, and I have to ask you to comment on them.

Governor SHAFER. You are absolutely right.

The CHAIRMAN. We have to get your answers.

What about the charge that the system is dominated by rural members?

Governor SHAFER. That is not right. We have five members, two of which come from Philadelphia, a third from Erie, and the fourth from Wilkes-Barre, which is our fifth largest city. So anybody who says it is dominated by rural interests just isn't telling the truth.

Mr. McCULLOCH. I should like to ask a question on that point, Mr. Chairman.

Has the allocation of funds supported the charge which some have made that the rural areas have been benefiting beyond proper considerations?

Governor SHAFER. Not at all. Forty-two percent of the money last year went to the two major areas. Fifty-eight percent of the money will go this year to the major urban areas.

Mr. McCULLOCH. And that is where the crime is.

Governor SHAFER. Exactly. But we think of crime as a State-wide problem, and it doesn't recognize city boundaries. We have a lot of crime in our growing, so-called rural, areas. We have to be prepared for it. If we don't plan now, it will get worse.

Mr. McCULLOCH. In that connection, are the leaders in your smaller cities outside of your metropolitan areas generally well satisfied with the distribution of funds?

Governor SHAFER. Yes, sir, Mr. McCulloch, they are, they are very satisfied. I have only known, I think, of two individuals who have complained. One has been in the city of Lancaster, and I think that has been more of a personality conflict with the people outside of Lancaster.

Mr. Eilberg and Mr. Biester know what I am talking about.

Mr. McCULLOCH. Do all such persons have a right to be heard by statements or in person?

Governor SHAFER. Absolutely.

The CHAIRMAN. Mr. Rodino.

Mr. RODINO. I have no questions.

The CHAIRMAN. Mr. MacGregor?

Mr. MACGREGOR. Mr. Chairman, there are a number of questions that I would like to put to our distinguished guest, the Governor of the Commonwealth of Pennsylvania, but I think his statement has been ample, and questions on my part would serve only to be redundant or duplicative of the statements that the Governor of Pennsylvania has already given to us.

Inasmuch as a number of his colleagues and fellow Governors are waiting to appear, I will forego any questions of Governor Shafer.

I do express my deep appreciation for your appearance here, Ray, and I think you have been of help to us.

Governor SHAFER. Thank you.

The CHAIRMAN. Mr. McClory?

Mr. McCLORY. No questions. Thank you very much.

The CHAIRMAN. Mr. Poff?

Mr. POFF. I have no questions.

I would like to join in welcoming our colleague.

The CHAIRMAN. Mr. Eilberg?

Mr. EILBERG. Coming from Philadelphia, as I do, where many of the complaints originally came from, I don't wish to undertake or quarrel with you with regard to the allocation of funds. But as a member of the full committee, and before the full committee ultimately decides, I wonder if you could provide for the record a breakdown by county of the incidence of crime, the incidence of trials, including major trials, less than major trials, and perhaps probation and other services so that the full committee may look at the incidence of crime, trials, and post-trial activity.

Governor SHAFER. I am delighted you brought this up, Mr. Eilberg, because this is one of the things that your committee and your perseverance in Congress has brought about. It has made each State collect this kind of information which generally was not available, and col-

lect it on a uniform basis. Statistics are sometimes misleading. In some areas, all crimes are not reported. In other areas, more crimes are reported of a certain nature than others.

Consequently, we are establishing a uniform system in Pennsylvania that will, I think, not only help us, but help all other States with the kind of system we are developing. We will make available that information.

(The information to be furnished follows:)

DEPARTMENT OF JUSTICE,
PENNSYLVANIA CRIME COMMISSION,
Harrisburg, Pa., April 7, 1970.

MR. BENJAMIN ZELENKO,
General Counsel, House Judiciary Subcommittee No. 5, Washington, D. C.

DEAR MR. ZELENKO: This letter and its enclosures are in response to your request for elaboration on Governor Raymond P. Shafer's reference to the Pennsylvania criminal justice statistical program. As Governor Shafer indicated in his testimony before the House Subcommittee No. 5 in February, Pennsylvania has a unique opportunity to collect meaningful criminal justice statistical data. This opportunity is the result of Act No. 188 of the Pennsylvania General Assembly of 1969 as approved by Governor Shafer on January 13, 1970. A copy of this Act is enclosed for your inspection.

This Act was originally proposed by the Joint State Government Commission (the research arm of the Pennsylvania General Assembly) and coincides with the Uniform Criminal Statistics Act adopted by the National Commissioners on Uniform State Laws in 1946. Although a handful of states have legislation enabling criminal justice agencies to pool resources for the collection of criminal justice statistics, only California and Kentucky have preceded Pennsylvania in adopting the Uniform Criminal Statistics Act.

To further elaborate on this program, I have enclosed a copy of a paper entitled, "Current Status of Pennsylvania Criminal Justice Statistics" presented at the First Annual Conference on State Statistics, Harrisburg Chapter, by Mr. John G. Yeager, Director of our Bureau of Criminal Justice Statistics.

I trust that this information will be helpful to you. If I may be of further service, please do not hesitate to contact me.

Sincerely,

CHARLES F. RINKEVICH,
Executive Director.

ATTORNEY GENERAL—CRIMINAL STATISTICS

ACT No. 188

S.B. No. 252

An Act amending the act of April 9, 1929 (P.L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," imposing powers and duties on the attorney general relative to criminal statistics, and imposing reporting duties on certain agencies and officers.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1.

The act of April 9, 1929 (P.L. 177), known as "The Administrative Code of 1929," is amended by adding at the end of Article IX, two new sections to read:

Section 924. Duties of the Attorney General Relative to Criminal Statistics.

The attorney general shall have the power and his duty shall be:

(1) To collect data necessary from all persons and agencies mentioned in section 919 of this act and from any other appropriate source;

(2) To prepare and distribute to all such persons and agencies, cards or other forms used in reporting data to the attorney general. Such cards or forms may, in addition to other items, include items of information needed by Federal bureaus or departments engaged in the development of national and uniform criminal statistics;

(3) To request the form and content of records which must be kept by such persons and agencies in order to insure the correct reporting of data to the attorney general;

(4) To instruct such persons and agencies in the installation, maintenance, and use of such records and in the reporting of data to the attorney general;

(5) To process, tabulate, analyze and interpret the data collected from such persons and agencies;

(6) To supply, at their request, to Federal bureaus or departments engaged in the collection of national criminal statistics data they need from this Commonwealth;

(7) To present to the Governor and the members of the General Assembly on or before July 1 of each year a report containing the criminal statistics of the preceding calendar year and to present at such other times as the Attorney General deems necessary reports on the special aspects of criminal statistics. The annual report shall contain statistics showing: (i) the number and types of offenses known to the public authorities; (ii) the personal and social characteristics of criminals and delinquents; and (iii) the administrative actions taken by law enforcement, judicial, penal, and correctional agencies in dealing with criminals or delinquents;

(8) The Attorney General, at the request of any of the following, may assist or advise in a statistical and research capacity the Bureau of Correction, the Pennsylvania Board of Probation and Parole, the Pennsylvania State Police, the Juvenile Court Judges' Commission and the State Court Administrator.

(9) It shall be the duty of the Attorney General to give adequate interpretation of such statistics and so to present the information that it may be of value in guiding the policies of the General Assembly and of those in charge of the apprehension, prosecution, and treatment of the criminals and delinquents, or concerned with the present state of crime and delinquency. The report shall include also statistics which are comparable with national uniform criminal statistics published by Federal bureaus or departments heretofore mentioned.

(10) The Attorney General shall take advantage of all available Federal funds and establish new programs as well as undertake a continuous analysis of future data needs.

Section 925. Duties of Public Agencies and Officers in Reporting Criminal Statistics

It shall be the duty of every constable, chief of police, county police force, sheriff, coroner, district attorney, probation officer and of the Bureau of Correction in the Department of Justice, the Pennsylvania Board of Probation and Parole, the Pennsylvania State Police, the Juvenile Court Judges' Commission, the Department of Public Welfare, State Fire Marshal, Pennsylvania Liquor Control Board, magistrates, the Philadelphia Municipal and Traffic Courts, aldermen, justices of the peace, county prison wardens, and every other person or agency dealing with crimes or criminals or with delinquency or delinquents, when requested by the Attorney General:

(1) To install and maintain records and recording systems needed for the correct reporting of statistical data required by the Attorney General;

(2) To report statistical data to the Attorney General at such times and in such manner as the Attorney General prescribes;

(3) To give to the Attorney General, or his accredited agent, access to statistical data for the purpose of carrying out the duties of the Attorney General relative to criminal statistics.

Section 2.

This act shall take effect immediately.

Approved the 13th day of January A.D. 1970.

CURRENT STATUS OF PENNSYLVANIA CRIMINAL JUSTICE STATISTICS

John G. Yeager, *Director*, Bureau of Criminal Justice Statistics, Pennsylvania Department of Justice

During the 1960's crime came to the forefront as America's major social problem, overshadowing in the minds of "the average citizen" such social ills as poverty, human relations, inflation, education, and unemployment. We hear of major urban cities, where citizens, black and white, fear to tread out of their homes after nightfall. We read, and some of us with mislaid admiration, of the activities of the "La Cosa Nostra," the "Mafia," or "The Syndicate" penetrating and corrupting law enforcement activities and respectable private enterprises in addition to the traditional areas of gambling and other illegal activities. Public opinion polls indicate a low respect for the occupations of the police officers, correctional officers, probation officers, and others involved in the criminal justice system. The Judiciary itself is viewed with suspicion, by those who feel justice is too lenient and by those who fear the possible equity of justice.

Crime is big business in America and Pennsylvania. The President's Commission on Law Enforcement and Administration of Justice estimates over \$4,000,000,000.00 a year is spent in the administration of the criminal justice system in the United States.¹ It further estimates that the Syndicate from its illegal activities collects for its pockets over \$8,000,000.00 from illegal goods and services, narcotics, loan sharking, prostitution, and gambling. Crimes against persons in the United States are estimated by the Commission at \$800,000,000.00 and against property, at \$4,000,000,000.00. In Pennsylvania, we have estimated during 1966 total expenditures for the law enforcement system at over \$200,000,000.00. In a state of close to 12,000,000 people, approximately 35,000 men and women are working in the criminal justice system.²

The President's Commission of 1966-1967 provided a comprehensive view of the problems of both crime and the criminal justice system designed to cope it. The Report was entitled *Challenge of Crime to a Free Society*, and the response to this challenge has been significant. In 1967, Governor Shafer appointed a Pennsylvania Crime Commission under Attorney General Sennett in the Department of Justice to conduct a similar survey in Pennsylvania. Accordingly, when Congress passed in 1968 the "Safe Streets" Act, providing for the first time a comprehensive attack on crime with Federal fundings of \$100,000,000.00 to be distributed through the States, the Pennsylvania Crime Commission was authorized by law and executive order to be the Commonwealth State Planning Agency and to distribute its share of some \$2,300,000.00 in planning and action grants to State and local criminal justice agencies. In Fiscal 1970, Pennsylvania expects to distribute some \$11,500,000.00 in such subgrants, as Congress has appropriated the Federal Law Enforcement Assistance Agency some \$300,000,000.00. It is not unlikely that future Federal appropriations will approach the billion mark for eventual distribution back to the States and local communities to combat crime and improve the criminal justice system.

Now, with such far-flung activities of both criminals and the criminal justice system and with such huge amounts of victim losses and expenditures for the system, we would expect applications of modern, operational management techniques to the problems of crime. Such techniques require sound information bases and statistics for their rational use. We more or less have such scientific information and statistics in the area of education, unemployment, population growth, and other social phenomena. However, the criminal justice system is probably the one area left in today's society that lacks sound and coordinated information bases upon which to intelligently plan its operations and advances against the challenge of crime. Attorney General Sennett has stated:

"The problem of crime in the United States and Pennsylvania is not new. It has existed for decade after decade. But we have taken the position that, to effectively counterattack this menace, we must first know its extent and true nature.

¹ The President's Commission on Law Enforcement and the Administration of Justice, *The Challenge of Crime in a Free Society*, U.S. Government Printing Office, Washington, 1967, p. 33.

² Pennsylvania Crime Commission, *Goals for Justice*. Harrisburg: Pennsylvania Department of Justice, January, 1969, p. 11.

"We want to inform the people of the dimensions of crime and the methods of combating and reducing it. An aware public is perhaps the most vital weapon in our common battle. . . ."³

Historically, a contributive factor to this lack of basic, strong information bases is that criminal justice systems in the United States have lacked coordination within themselves: between law enforcement agencies, the judiciary, and corrections, and further fragmentation between Federal, State, and local governments. The Law Enforcement Assistance Agency and the various state planning agencies created under the "Safe Streets" Act are the first steps toward coordination of both information and activities of entire criminal justice systems in the States.

In terms of existing criminal justice statistics and information systems in Pennsylvania, the same problem of fragmentation exists. The Joint State Government Commission summarized this situation as of mid-1969 in the attached table.⁴ Of the 18 criminal justice processes summarized in this table, seven state agencies are collecting some phases of statistical data; no statistical data are available for eight criminal justice systems.

The information gap can be serious. The Pennsylvania Crime Commission estimated 288,000 adult arrests during 1967 in Pennsylvania, excluding motor vehicle violations, but only 41,000 were actually arraigned and tried.⁵ Granted that a significant amount of these arrests were processed by the minor judiciaries, that many left the system during the prosecution phase, as charges were dropped or ruled insufficient or even combined for the multi-offender, we still simply do not know what is going on between arrest and trial court arraignment.

An analysis of Pennsylvania's crime and arrests is even more serious. The Federal Bureau of Investigation reported an estimated crime index of 151,864 Part I Offenses (Criminal Homicide, Rape, Aggravated Assault and Battery, Robbery, Burglary, Larceny over \$50, and Auto Thefts) occurred in Pennsylvania during 1968, a 19.5% increase from 1967's 127,009 such crimes.⁶ Yet, this estimate is based on only 93.5% of population areas reported in standard metropolitan statistical areas and 89.3% of population areas reported in cities presumably 2,500 and over, and 100% of rural population areas, this being covered by the Pennsylvania State Police. No detailed arrests data are presented for Pennsylvania (or any state). This is the extent of our knowledge of crime in this Commonwealth.

When we look closely at Pennsylvania data made available to the Pennsylvania Department of Justice by the Uniform Crime Reporting Section of the Federal Bureau of Investigation, we find that 270 police agencies reporting arrests represent only 53% of the population in Pennsylvania. Further, only a total of 367 police agencies are reporting offenses known. In 1968, the Pennsylvania State Police counted 1,150 police agencies in Pennsylvania. The Pennsylvania Crime Commission has counted recently over 1,300 possible police agencies. In short, we have an elementary problem of defining the base universe from which to gather crime statistics. Realistically, the FBI is not "fibbing" when it claims a 90% coverage of population areas. Many of the some 800 non-reporting police departments are one to three men forces and are even part-time or one-shift operations. Yet, we still have a creditability gap of exactly what is the universe from which crime is estimated for Pennsylvania.

It has been long evident to many authorities in the field that a centralized or coordinating agency is necessary to economically collect comparable data from all phases of the criminal justice system. In 1968, Attorney General Senett established a criminal justice statistics unit in the Pennsylvania Department of Justice as a beginning of such an effort. In 1969, the Joint State Government Commission recommended legislation "for the establishment of a Bureau of Criminal Justice Statistics in the Department of Justice to collect uniform statistical data from public agencies and officers dealing with crime and criminal, to analyze and interpret those data, and to present an annual report of criminal statistics to the Governor and the General Assembly."⁷ On

³ *Ibid.*, p. iv.

⁴ Joint State Government Commission, *Uniform Criminal Statistics*. Harrisburg: General Assembly, May, 1969, pp. 4-5.

⁵ Pennsylvania Crime Commission, *Assessment of Crime and Criminal Justice in Pennsylvania*. Harrisburg: Pennsylvania Department of Justice, January, 1969, pp. 68-69.

⁶ Federal Bureau of Investigation, *Uniform Crime Reports—1968*. Washington, D.C.: U.S. Government Printing Office, August, 1969, pp. 60-61.

⁷ *Uniform Criminal Statistics*, *op. cit.*, p. 1.

December 16, 1969, legislation was passed by the General Assembly giving such broad collection powers to the Attorney General, and on January 13, 1970, Governor Shafer signed Act 188, known as the "Criminal Statistics Act." The Department of Justice and the Pennsylvania Crime Commission are now in the preliminary stages of implementing this Act.

Therefore, once the "Criminal Statistics Act" is fully implemented, accurate statistical accounting of each phase of the criminal justice system will be available for law enforcement and governmental officials with which to evaluate the effectiveness of the system and with which to plan for the future. More important, an accountability can be given to the General Public of just how the criminal justice system is operating in Pennsylvania. Major initial emphasis will be placed on those areas not now fully covered by statistical programs in Pennsylvania, such as crime, the minor judiciaries, etc. In those areas now covered by competent state agencies, an emphasis will be placed on coordination of efforts and insistence of standards of both collection and definitions to assure comparability of data concerning the individual as he winds his way through the Pennsylvania Criminal Justice System.

There are several other encouraging developments on the National and State scenes in the area of Criminal Justice Statistics. First, there will be immense capability of the Pennsylvania State Police's CLEAN System, about which Major Kwiatek will speak. Secondly, there is the creation of two criminal justice statistics units in the Federal Government: the LEAA's National Criminal Justice Statistics and Information Center and the Census Bureau's Government Division's Criminal Justice Statistics branch. The former unit will encourage uniform data collection among the states and, hopefully, will provide Federal fundings for such projects. The latter branch will place its expertise and emphasis on administrative statistics and on nation-wide problems which can be best answered by various sampling universes available in the Census Bureau.

Another significant development is the LEAA's sponsored Project SEARCH, to which Pennsylvania has been invited to participate as an observer. Essentially, SEARCH is a System for Electronic Analysis and Retrieval of Criminal Histories. By following the individual through each step of the criminal justice system, meaningful statistical data are hoped to be generated. Currently, ten states are participating in this experiment: California, New York, Arizona, Maryland, Washington, Florida, Minnesota, Texas, Connecticut, and Michigan. By the use of a centralized state computer, each of these states can interface with each other to exchange information on a criminal history which has been generated. Such exchange is significant, because criminals, and especially professional criminals, are no longer provincial and their activities not only cross local boundaries but state and interlapping metropolitan boundaries. Perhaps, the most meaningful byproduct of Project SEARCH is the standardization of each data element involved in each phase of the criminal justice system so that maximum use of huge computer capabilities may be achieved.

In summary, although Pennsylvania still possesses a fragmented and unclear statistical picture of the activities of its criminal justice system, the developments of the past several years are most encouraging for this drought to end. The Pennsylvania Department of Justice is now armed with a mandatory criminal statistics collection act and is currently in the initial stages of implementing it. The development of modern computer technology, as exemplified by CLEAN and Project SEARCH, promises standardizations, exchanges, and maximum processing of essential offender data elements. At the Federal level, LEAA, NCJSIC, and the Census Bureau are sources of invaluable stimulations to the States and local government for modernizations of data collection. In short, the vast information gaps in criminal justice systems have been recognized by responsible managers and officials. The day is dawning when we can talk about the extent of crime as rationally as those in public health can discuss the extent of epidemics. More important, those of us in the criminal justice system can plan and act against the challenge that crime presents, as those in the public health field can move against a statistically demonstrated mass epidemic.

TABLE 1.—SUMMARY OF CRIMINAL JUSTICE STATISTICAL PROGRAMS IN PENNSYLVANIA, 1969

Criminal justice process (1)	Government agency (2)	Status of statewide data collection and reporting programs (3)
I. Police:		
(a) Criminal offenses known.	Federal Bureau of Investigation.....	7 major crimes only. No data for other offenses.
(b) Arrests.....	State and Local Police.....	No program.
II. Prosecution.....	District attorneys and other prosecutors..	Do.
III. Detention:		
(a) Juvenile.....	Office of Children and Youth, Department of Public Welfare.	Annual published report.
(b) Adult.....	Bureau of Correction, Department of Justice.	Do.
IV. Courts:		
(a) Minor judiciary.....	Department of Revenue and Bureau of Highway Safety.	Fines collected and dispositions on traffic offenses only. No reports on other offenses.
(b) Juvenile court.....	Juvenile Court Judges' Commission, processed by the Department of Public Welfare.	Infrequent detailed reports and annual summary reports.
(c) Criminal courts.....	Department of Justice.....	Annual published reports of data received from clerks of courts.
V. Probation:		
(a) Juvenile.....	Juvenile Court Judges' Commission.....	No program.
(b) Adult.....	Board of Probation and Parole.....	Semiannual published reports.
VI. Institutions:		
(a) Local lockups.....	Bureau of Correction.....	No program.
(b) County prisons.....	do.....	Annual and special published reports.
(c) Juvenile.....	Office of Children and Youth, Department of Public Welfare.	Annual reports.
(d) Adult, State.....	Bureau of Correction.....	Monthly, annual, and special reports.
VII. Pardons.....	Board of Pardons.....	No program.
VIII. Parole:		
(a) Juvenile.....	Juvenile Court Judges' Commission.....	Do.
(b) Adult, county.....	Board of Probation and Parole.....	Semiannual published reports.
(c) Adult, State.....	do.....	Monthly, annual, and special reports.

Source: Joint State Government Commission, Uniform Criminal Statistics, May 1969.

The CHAIRMAN. You will agree, Governor, I am sure, that the passage of the Omnibus Crime Bill itself was an excellent achievement of the Congress.

Governor SHAFER. Absolutely. It was one of the milestones, in my opinion, of the decade.

The CHAIRMAN. Good as it may be, it can be changed to make it even better, is that correct?

Governor SHAFER. I couldn't disagree.

The CHAIRMAN. That is why we want counsel who have expertise in the matter as you have to help us in this matter. But, on the other hand, a statute of this character is not the only remedy. It may help measurably to prevent crime, but the real thrust to prevent crime lies somewhat elsewhere. That is to reduce poverty and to level ghettos, to have better housing, more education, full employment, and so forth.

You will agree with that, won't you?

Governor SHAFER. I most certainly do. This is just one tool. We must have an all-out attack on all the problems of our society, including crime. You don't just solve crime with law enforcement officers. You solve crime by concerned citizenry.

The CHAIRMAN. I take it your State is in a campaign to have better housing, better education, more gainful employment?

Governor SHAFER. Yes, sir. If you would like to take a look at the scars in the back of my head because I have proposed additional funds for those purposes, I would be glad to show them to you.

Yes, we are. We have instituted three programs in just one specific area, site development, merit promotion and neighborhood assistance, all of which are geared toward bringing in private enterprise and government backing in the local area.

This takes more money, more energy, more concern. But we are at least starting in our area.

The CHAIRMAN. Thank you very much, Governor.

Mr. McCULLOCH. Mr. Chairman, I would like to ask one question. It is a leading question.

Might I conclude from what you have said that you are substantially in agreement with the recommendations of the Eisenhower commission on violence?

Governor SHAFER. There is no more distinguished American than Dr. Milton Eisenhower. I think that the recommendations made by him and his distinguished committee are excellent.

Mr. McCULLOCH. Thank you, sir.

The CHAIRMAN. Of course, you know Mr. McCulloch was a member of that commission. I have a high regard for that commission and we have a high regard for Mr. McCulloch. He has helped immeasurably in fashioning the report of that commission.

Governor SHAFER. I was aware that he was a member of the commission.

I wanted to point out, Mr. Chairman, that Governor Cahill is here and will testify next. Following him, Governor Licht of Rhode Island, Governor Williams of Arizona, and Governor Rampton of Utah will testify.

We are all members of the same committee of the Governors' Conference. These distinguished Governors are here today to let you know what we feel, how we feel, concerning this Omnibus bill.

We thank you again for your courtesy and cordiality.

The CHAIRMAN. We welcome this galaxy of stars. We are happy to have them all here.

Now we will hear from our former colleague, Governor Cahill.

STATEMENT OF HON. WILLIAM T. CAHILL, GOVERNOR, STATE OF NEW JERSEY; ACCOMPANIED BY T. HOWARD WALDRON, ACTING EXECUTIVE DIRECTOR, STATE LAW ENFORCEMENT PLANNING AGENCY, STATE OF NEW JERSEY

Governor CAHILL. Mr. Chairman, if it is acceptable, I would like to bring to the table the other Governors who are here to sit with us while I make my brief statement.

Governor Rampton of Utah is here, and Governor Williams of Arizona is here.

I also have with me, Mr. Chairman, the acting director of the State law enforcement agency, the planning agency of the State of New Jersey, with the thought in mind that he might be very helpful, and perhaps more helpful than I, in answering some specific questions that

the committee may have concerning the workings of this plan in the State of New Jersey. That is Mr. Howard Waldron.

The CHAIRMAN. We welcome all of you.

Mr. RODINO. Before the Governor proceeds, Mr. Chairman, I would like to welcome him, not only as a good friend and former colleague, but also as a very distinguished former Representative of this party.

I think he has been doing an excellent job in the State of New Jersey. He has been keeping in touch with the delegation. I am sure that the Governor is going to have a very fine presentation to make. I would like to have everyone know that this morning while he makes his presentation, there are present in the room many concerned citizens from the great State of New Jersey, members of the New Jersey business and professional women's groups.

They will be listening to your statement with keen interest, Governor.

Governor CAHILL. Thank you, Congressman.

Mr. Chairman and members of the committee, first of all, I am sure you all know that I come here today with mixed emotions, pleased, I guess, that I am the Governor, but sorry that I am not sitting next to Clark MacGregor. Obviously, the experience that I had on this committee, and the friendships that I made while a Member of this Congress, I think honestly, in large measure, made my election as Governor possible.

Certainly, the experience that I gained sitting on this committee and listening to those senior to me not only in years but in wisdom aided me immeasurably in meeting some of the problems that confronted me during that campaign, and I think confront me in the administration of this office.

I would also have to say, too, I really believe that I have perhaps some unusual experience in that I played some role in the legislation that we are discussing. Actually, the amendment which brought about the block grant concept bore my name. I, therefore, now am in a position where I can look at it not only in its legislative history but as it is working in my State.

I think another unusual observation would have to be this, that the implementation of this legislation was brought about in the previous administration by my predecessor who was of a different political party, and the complexion of this planning agency was made up of men not of my choosing with whom I have no direct association or affiliation, and, therefore, can take no pride, personal pride, in the observations that I make concerning the workings of this agency.

It inures to the benefit of my predecessor who happened to be a member of the opposite political party. I say this because I think that what I am about to say will perhaps be accepted with more validity than it would be if I had been the one who created this agency and had named the members and had appointed the staff. I had nothing to do with it.

But I can stay to you, Mr. Chairman and members of the committee, in all honesty and candor, that I have looked into this agency, and I have spoken with a great many local officials and State officials.

I have found and heard nothing but praise for the appointments that were made by Governor Hughes, for the staff, all composed of men of great experience—Mr. Waldron was a member of the FBI

for many, many years. His predecessors and staff all have experience in this field.

The complexion of the agency reflects the geographic areas of the State of New Jersey and also reflects, to a large measure, all of the interests in the field of law enforcement. So I can say to you that in my judgment, after 1 month in the office of the governorship, I really believe that this is working, really working, in the State of New Jersey, and that it is proving factually and pragmatically what I said orally and on the floor of the House of Representatives then as a theorist that it would work and it can work.

In my opinion, it does work.

I have a prepared statement which I will submit to the reporter, with the thought in mind that, as a member of this committee, I recognize that dialogue and questioning is probably more helpful than self-serving statement.

I am going to pretty much summarize this statement so that it will give the members some time and give the other Governors some time to submit their observations.

It is interesting to note, incidentally, Mr. Chairman, that of the four Governors here, two of us are from one political party and two from the other political party. I have been told that the Governors' Conference is unanimous in its support of this concept. This reflects the thinking of Governors from all over the Union, of both political parties, and from all areas of the country.

I think that is a pretty good indication that this is working throughout the United States of America.

Mr. MacGREGOR. Governor, by concept, do you refer to the block grant concept?

Governor CAHILL. That is right, Mr. MacGregor. I would like to, if I may, recall some of the reasons, from my position in 1967, and to point out why I think they are still valid today.

I opposed Federal control as proposed in the Johnson administration bill, because, in my opinion, it introduced substantial Federal control into State and local law enforcement.

It provides no equitable allocation formula. Because of the large number of cities and the multiplicity of local units of government in the United States it would be extremely difficult, if not impossible, to administer.

It fails to promote coordination and cooperation among local police and court systems.

It fosters duplication of effort and expenditure.

It does not permit any systematic coordination by the State.

Conversely, a block grant approach, in my judgment, provides opportunity to the States to establish innovative and comprehensive State anticrime programs.

It provides an equitable and efficient allocation of funds.

It eliminates a destructive nationwide competition for funding that encourages fragmentation and confusion among law enforcement agencies and services.

It requires every State to evaluate and assess its criminal justice and law enforcement system.

It is my understanding that the States have responded enthusiastically to the block grant approach that the Congress enacted. Each

of the 50 States have established planning agencies and have submitted initial comprehensive crime control plans.

I would point out that an observation was made that it is no system at all.

During New Jersey's recent campaign, as most of you know, I made a point to say that I would bring leadership in this field of crime. I would just point out the difficulty that I find as a Governor that presents itself to me in our State.

We have, for example, 594 criminal justice agencies with police powers. This includes 440 organized municipal police departments, 92 special or nonorganized municipal police departments, 21 prosecutors' offices, 21 sheriffs' offices, two county police departments, eight county park police departments, the New Jersey State Police, and nine other State agencies with some law enforcement responsibilities. There are also 21 county probation departments.

In addition, there are 21 county courts and an extensive State court network—there are 521 municipal or local courts, including 16 joint municipal courts, that make up in total the "inferior courts of limited jurisdiction."

These courts are presided over by 414 judges appointed in all instances, except for the 16 joint municipal courts, by local officials. They serve some 554 municipalities.

There are also in New Jersey 21 county jails, six county workhouses, annexes and penitentiaries, 15 county juvenile detention facilities and 241 municipal police lockups.

These then are the basic institutions that have primary but fragmented responsibility in the area of criminal justice administration.

However, this list is not exhaustive. It fails to include the related responsibilities of local and State agencies concerned with health, education, narcotics, rehabilitation and social services—for to attempt to explain the complex financial and functional relationships of these agencies with the criminal justice system would require much time.

If we are to have an effective system and continue to have some planning, we have to continue this concept of the block grants and we should not, in my judgment, disturb the formula that is in the present bill.

I would therefore urge—

That the Federal Government continue and expand its assistance to State anticrime efforts.

That the Congress not seek to establish unrealistic and inflexible priorities.

And that the block grant concept be strengthened, not weakened.

In my judgment, H.R. 15597 which would reduce block grant allocations from 85 percent to 50 percent of the action moneys appropriated is unwise. Certainly it would severely restrict the States' ability to mount a comprehensive attack on crime.

I would hope that the New Jersey experience would be considered.

We received \$860,000 for action programs. Of that sum, \$95,000 was granted in a State level grant. That went to the New Jersey State Police to fight organized crime.

Although the Federal formula specifies that 75 percent of the action funds must go to local units of government, State Law Enforcement Planning Agency (SLEPA) allocated 89 percent of the 1969 action

funds to local units of government. Thus, the cities received a far larger share of the block grant funds than actually was provided for under the provisions of the Omnibus Crime Control Act.

Thirteen cities and three counties were granted the remaining action funds based upon their 26 applications.

The projects funded are assisting the high crime, highly urban cities as follows: Newark received funding for five projects totaling \$120,767; Trenton for three projects totaling \$81,693; Jersey City for two projects totaling \$59,237; Camden for three projects totaling \$36,217; and Elizabeth for two projects totaling \$27,780.

	Percentage of index crimes	Percentage of local action grant moneys
Newark.....	20	19.7
Jersey City.....	4	9.6
Trenton.....	3	13.3
Camden.....	2	5.9
Elizabeth.....	2	4.5

With 31 percent of the total index crimes, these five cities received 53 percent of the total local action grant moneys. This shows clearly the heavy emphasis, in terms of funding, upon urban crime problems in New Jersey in 1969.

As the Nation's most urban State, New Jersey recognizes well the dimensions and impact of core city crime problems. However, as stated by the previously mentioned New Jersey Legislative Committee, the administration of criminal justice in today's complex society is not merely a matter of improved street lighting and more police officers. Meaningful and lasting change requires systematic reforms.

To decrease the proportion of block grants to States would certainly jeopardize plans being considered by my administration for such reform. These include—

A network of State police regional crime laboratories which could provide centralized special investigative services and equipment to local police forces.

Modern and regionalized penal and correctional system—which would eliminate duplication of effort and services by State, county, and local government. By providing effective rehabilitation such a system could unquestionably reduce recidivism—thus reducing the burden on police throughout the State.

A statewide school of criminal justice to respond to the need for higher education in all areas of law enforcement and corrections.

A modern and rapid system of statewide police information and intelligence communication.

Such a system would provide immediate crime information exchange between all important local and State and Federal law enforcement agencies.

However, I do not suggest that the present act cannot be improved in its provisions which seek to deal with the immediate and serious crime problems of our cities.

The chairman has indicated that no legislation is always perfect. Obviously, this legislation unquestionably can be improved. I recog-

nize that we are always, in the legislative process, in a period of change, and I recognize we are all striving to improve.

This bill, obviously, I am sure, with the assistance of this committee, will improve it. I recognize the problems as far as the cities are concerned.

Specifically, the requirement that action moneys be matched by 40-percent State or local funds has proven burdensome. In New Jersey, the State has provided urban grant recipients with their 10-percent matching share for planning.

However, with respect to action grants the 40-percent matching has come directly from the cities themselves. Unquestionably this has caused hardship.

I would therefore suggest that this committee consider the addition of some form of forgiveness clause which would provide a lower matching percentage and therefore a greater Federal share where funds are allocated to cities with critical crime problems and small financial resources—by increasing the Federal share to hard-pressed urban areas.

States would be provided with an incentive for allocating more funds to cities, they would not, however, be limited in dealing with statewide or systematic problems.

In short, I am convinced that the alliance of Federal, State, and local government established by the Omnibus Crime Control Act should be given a chance to work. This requires not only the greatest possible dedication of resources to the program, but also respect for and confidence of the partners involved.

I would respectfully point out as was indicated by Governor Shafer that this is a new program. It is just in its beginning.

It seems to me that the very fact that the Governors of all the States of the Union of both political parties have not only implemented it by developing planning agencies, but are now here unanimously urging the continuance of this program as it is with the block grant formula to remain the same is pretty convincing evidence that these Governors who know the problems of their States recognize that this is a good vehicle to fight one of the great problems, in my judgment, of the country today.

So I would hope, Mr. Chairman, that the block grant concept, with its present allocation formula, would be preserved.

Let me express once again my deep appreciation to you, Mr. Chairman, and to all my friends on the committee, for your courtesy in permitting me to come here and testify today.

Now, if it meets with the approval of the Chair, the other Governors might like to make some comments.

(The documents referred to follows:)

STATEMENT OF HON. WILLIAM T. CAHILL, GOVERNOR, STATE OF NEW JERSEY

Mr. Chairman, members of the committee, it is a great personal pleasure for me to see you again. However, I do not come here this morning as a former congressman or even as a former colleague, but rather as the Governor of New Jersey deeply concerned with the problems of finding effective means of fighting crime.

As you will all recall, almost three years ago, former President Johnson submitted the "Law Enforcement and Criminal Justice Act of 1967" or the "Safe Streets Act", as it was widely termed. This legislation among the most important

considered by the 90th Congress, would have given the U.S. Attorney General unlimited discretion to award anticrime funds to cities and local government—completely by-passing the States.

I felt then that this failure to recognize State government as a full partner in the war against crime was unwise. With the cooperation and assistance of similarly concerned committee members, I therefore helped draft legislation requiring Federal anticrime funds to be channeled through State governments. In turn, States were required to submit comprehensive crime control plans for justice department approval.

Today, as Governor of New Jersey, I return here to urge the continuation and strengthening of that "block grant" approach because I believe that it is the most effective manner of combatting crime. I should like to recall some of the reasons for my position in 1967 and to point out they are still valid today:

I opposed complete Federal control as proposed in the administration's bill because it:

- Introduces substantial Federal control into State and local law enforcement.

- It provides no equitable allocation formula. Because of the large number of cities and the multiplicity of local units of government in the United States it would be extremely difficult if not impossible to administer.

- It fails to promote coordination and cooperation among local police and court systems.

- It fosters duplication of effort and expenditure.

- It does not permit any systematic coordination by the State.

Conversely, a block grant approach:

- Provides opportunity to the States to establish innovative and comprehensive State anti-crime programs.

- It provides an equitable and efficient allocation of funds.

- It eliminates a destructive nationwide competition for funding that encourages fragmentation and confusion among law enforcement agencies and services.

- It requires every State to evaluate and assess its criminal justice and law enforcement system.

It is my understanding that the States have responded enthusiastically to the block grant approach that the congress enacted. Each of the 50 States have established planning agencies and have submitted initial comprehensive crime control plans.

However, during the first year's operation of the act it has become evident that the process of State planning, coordination and self-evaluation has required hard and critical judgments. In my own State of New Jersey, for example, a joint legislative committee, chaired by State Senator Edwin B. Forsythe, has concluded:

"New Jersey's system of administering criminal justice . . . is in reality no 'system' at all. [It is a haphazard assemblage of historical legacies and political compromises mired in neglect. It grew in response to demands of distant eras . . . the system now confronts a society of strangers and complex crime problems which did not exist during those decades long ago when the system was pieced together. We believe our first concentration must be on the system. It must be made to work adequately. If it cannot meet the task . . . then consideration must be given to fundamental change.]"

During New Jersey's recent gubernatorial campaign I pledged to provide determined leadership in establishing a system which can effectively halt the spread of crime in our State. This indeed will be a difficult task if State government is not provided continued federal assistance and resources under the Omnibus Crime and Safe Streets Act.

Some idea of magnitude of this task can be obtained from the fact that New Jersey has 594 criminal justice agencies with police powers. This total includes 440 organized municipal police departments, 92 special or non-organized municipal police departments, 21 prosecutors' offices, 21 sheriffs' offices, two county police departments, eight county park police departments, the New Jersey State Police, and nine other State agencies with some law enforcement responsibilities. There are also 21 county probation departments.

In addition, there are 21 county courts and an extensive State court network—there are 521 municipal or local courts, including 16 joint municipal courts, that make up in total the "inferior courts of limited jurisdiction." These courts are presided over by 414 judges appointed in all instances, except for the 16 joint municipal courts, by local officials. They serve some 554 municipalities.

There are also in New Jersey 21 county jails, 6 county workhouses, annexes and penitentiaries, 15 county juvenile detention facilities and 241 municipal police lock-ups.

These then are the basic institutions that have primary but fragmented responsibility in the area of criminal justice administration. However, this list is not exhaustive. It fails to include the related responsibilities of local and State agencies concerned with health, education, narcotics, rehabilitation and social services—for to attempt to explain the complex financial and functional relationships of these agencies with the criminal justice system would require much time.

Despite these complexities and the enormity of the task I believe an effective system can be created, and that State government can be a formidable adversary in fighting crime. I would therefore urge:

That the Federal Government continue and expand its assistance to State anti-crime efforts:

That the Congress need not seek to establish unrealistic and inflexible priorities: And that the block grant concept be strengthened not weakened.

In my judgment, HR 15597 which would reduce block grant allocations from 85% to 50% of the action monies appropriated is unwise. Certainly it would severely restrict the States ability to mount a comprehensive attack on crime. In seeking to channel funds directly to cities through discretionary grants, it would only serve to further fragment the total law enforcement system.

While attempting to give greater priority to areas with high incidences of crime, it would introduce a destructive competition for funding among our cities. Moreover, in view of the priorities already established for urban areas by New Jersey's planning agency, HR 15597's attempt to weaken the block grant concept is, at best, unnecessary and shortsighted.

Consider for example the distribution of New Jersey's 1969 block grant of \$860,000 for action programs:

\$95,067 of the \$860,285 was granted to the New Jersey State Police (the only State-level grant, placing New Jersey among the top five States in degree of emphases upon local needs) for two related purposes: (1) conducting the Nation's first "organized crime school" for organized crime investigators, and (2) provision of specialized equipment for anti-organized crime and intelligence and investigation activities.

Although the Federal formula specifies that 75% of the action funds must go to local units of government, SLEPA allocated 89% of the 1969 action funds to local units of government. Thus, the cities received a far larger share of the block grant funds than actually was provided for under the provisions of the Omnibus Crime Control Act.

Thirteen cities and three counties were granted the remaining action funds based upon their 26 applications.

The projects funded are assisting the high crime, highly urban cities as follows: Newark received funding for five projects totaling \$120,767; Trenton for three projects totaling \$81,693; Jersey City for two projects totaling \$59,287; Camden for three projects totaling \$36,217; and Elizabeth for two projects totaling \$27,780.

	Percentage of index crimes	Percentage of local action grant monies
Newark.....	20	19.7
Jersey City.....	4	9.6
Trenton.....	3	13.3
Camden.....	2	5.9
Elizabeth.....	2	4.5

With 81 per cent of the total index crimes, these five cities received 53 per cent of the total local action grant monies. This shows clearly the heavy emphasis, in terms of funding, upon urban crime problems in New Jersey in 1969.

As the Nation's most urban State, New Jersey recognizes well the dimensions and impact of core city crime problems. However, as stated by the previously mentioned New Jersey legislative committee, the administration of criminal justice in today's complex society is not merely a matter of improved street lighting and more police officers. Meaningful and lasting change requires systematic reforms.

To decrease the proportions of block grants to States would certainly jeopardize plans being considered by my administration for such reform—these include

A network of state police regional crime laboratories which could provide centralized special investigative services and equipment to local police forces.

Modern and regionalized penal and correctional system—which would eliminate duplication of effort and services by State, county and local government. By providing effective rehabilitation such a system could unquestionably reduce recidivism—thus reducing the burden on police throughout the State.

A statewide school of criminal justice to respond to the need for higher education in all areas of law enforcement and corrections.

A modern and rapid system of state-wide police information and intelligence-communication.

Such a system would provide immediate crime information exchange between all important local and state and federal law enforcement agencies.

However, I do not suggest that the present act cannot be improved in its provisions which seek to deal with the immediate and serious crime problems of our cities.

Specifically, the requirement that action monies be matched by 40% state or local funds has proven burdensome. In New Jersey, the State has provided urban grant recipients with their 10% matching share for planning. However, with respect to action grants the 40% matching has come directly from the cities themselves. Unquestionably this has caused hardship. I would therefore suggest that this committee consider the addition of some form of forgiveness clause which would provide a lower matching percentage and therefore a greater Federal share where funds are allocated to cities with critical crime problems and small financial resources—by increasing the Federal share to hard pressed urban areas. States would be provided with an incentive for allocating more funds to cities, they would not however be limited in dealing with statewide or systematic problems.

In short, I am convinced that the alliance of Federal, State, and local government established by the omnibus crime control act should be given a chance to work. This requires not only the greatest possible dedication of resources to the program, but also respect for and confidence of the partners involved.

The CHAIRMAN. I would be very glad to hear from the other Governors before we interrogate any of you. Governor Licht.

STATEMENT OF HON. FRANK LICHT, GOVERNOR, STATE OF RHODE ISLAND; ACCOMPANIED BY WALTER A. McQUEENEY, EXECUTIVE DIRECTOR, GOVERNOR'S COMMISSION ON CRIME, DELINQUENCY, AND CRIMINAL ADMINISTRATION, STATE OF RHODE ISLAND

Governor LICHT. Mr. Chairman and members of the committee, I want to thank you for this opportunity to address you.

Controlling crime depends on effective and cooperative interactions between the community and the criminal justice system.

As the chairman made the observation earlier, and I would like to underscore it, there can be no doubt that the most significant action that can be taken against crime is the elimination of slums and ghettos, the reversal of the decay in our cities, the provision of equal opportunities to all citizens, and the eradication of poverty.

Talking of crime prevention only in terms of improving the criminal justice system is a failure to realize that widespread crime implies a widespread failure by society. On the other hand, the reduction of crime without an effective criminal justice system is impossible.

The President's Commission on Law Enforcement and the Administration of Justice recommended that:

In every State and city an agency, or one or more officials, should be specifically responsible for planning improvements in crime prevention and control and encouraging their implementation.

The essential feature of the Omnibus Crime Control and Safe Streets Act of 1968 is the preparation of a comprehensive law enforcement plan by each State and the administration and implementation of both State and local plans under the supervision and coordination of the State law enforcement planning agency.

Significant improvements in the criminal justice system can only be the product of unified and coordinated action by all levels of government.

The President's Commission on Law Enforcement and the Administration of Justice recognized that fragmentation and lack of coordination was the single most important problem in the criminal justice system.

It pointed to excessive jurisdictional and geographical fragmentation hamstringing police operations in the direct control of crime, and more importantly, the Commission stressed the problems caused by the failure of the police, the courts, and the prevention and correctional agencies to coordinate their efforts instead of working at cross-purposes.

Although Rhode Island is the smallest State in the Union, its law enforcement problems run the full range—from poorly policed rural areas to ghetto areas with astronomical crime rates. During its first year of operation the State's law enforcement planning agency, the Rhode Island Governor's Committee on Crime, Delinquency, and Criminal Administration has attempted to deal with all facets of crime in our communities.

Through the Commission on Police Standards and Training we have established a statewide municipal training school for police officers.

Through the community service officer program we are enlisting the help of the younger members of the community in both assisting police officers in their duties and fostering better communication and understanding between the community and its law enforcement officials.

I think this has great hope and great promise, to have young persons who are not really deputized as policemen but who have some kind of rapport with those of the inner city and they have been doing a good job, through the supervision and help of our police departments.

Through the five youth service bureaus now in operation we seek to counsel youthful offenders and aid potential delinquents.

Through a series of special training programs we have focused upon the problems of dealing with youth, particularly those from disadvantaged areas.

With major assistance from the committee we have established a series of entirely new programs aimed at coping with the increasing problem of drug addiction. These include a residential treatment facility, an urban day-care center functioning as an outpatient clinic, and a program of after-care services.

As a result of this, because we have these facilities for the first time in the history of the State, I have been able to offer to the general assembly in this session a civil commitment law.

Without these services and really without the assistance of the Governor's Committee on Crime, we never would have brought ourselves, as I see it, to this kind of a place where we could present to the general assembly a civil commitment law.

In addition, we have begun a 5-year program to upgrade our juvenile treatment programs at the Rhode Island Boys' and Girls' Training Schools.

The program is designed to place major emphasis upon rehabilitation, and to help end the distressing trend which now finds many of those sent to the training schools eventually being sentenced to our adult correctional institutions.

Last year, we also held the first statewide Governor's Conference on Crime—a conference which brought together judicial officials, police officers, correctional specialists, counselors, parent groups, and concerned citizens.

Through an intense dialogue on juvenile delinquency and law enforcement, the conference provided the kind of contemplative discussion and exchange of views seldom possible in the daily press of official responsibilities.

In short, the Governor's Committee on Crime, with the assistance of State, local, and Federal funds, has begun a full-scale attack on crime in Rhode Island.

The committee has gone beyond echoing general reform goals and principles of improved operations. It has attempted to discover and consider the economic needs, requirements, and problems of each element of the criminal justice system as well as to recognize the interrelationships between the various parts of the criminal justice system as well as other public programs and private interests.

While the planning process is important as a means of expanding knowledge and making preparations, it is of primary importance as a vehicle for improving the operation of the criminal justice system and bringing about a reduction in crime.

Thus, it follows that the agency in each State with the responsibility for coordinating law enforcement planning should also have the authority to coordinate law enforcement programming, including the review of local grant applications and the funding of law enforcement improvement programs within the State.

In this regard, we have found the block grant system to be an excellent approach to the alleviation of the crime problems with which we are confronted, and we are anxious that it be retained.

We have been severely hampered, however, by section 303(2) of the Omnibus Crime Control and Safe Streets Act, which provides that a minimum of 75 percent of all Federal action funds be made directly available to local government or to combinations of local governments.

Such a provision may indeed make much sense in States with strong county government systems, but it hobbles action in Rhode Island and other States with similar patterns of government.

We don't have a county system. Except for police departments, as I shall say hereafter, the function of criminal justice is on the State level.

In Rhode Island, we have the responsibility for all criminal prosecutions of serious crimes, all courts except for police courts having minor jurisdiction, all correctional and rehabilitational services, drug abuse control and rehabilitation, municipal police training, organized crime control, and State police.

The only law enforcement function carried on by local government is the operation of local police departments.

A well-coordinated and planned approach to crime in Rhode Island would devote substantial resources to the improvement of correctional and rehabilitative services, the improvement and expansion of drug abuse control and treatment programs, the improvement and development of the court system, and the implementation of a broad-base program to attack juvenile delinquency.

Yet, by law, the State law enforcement planning agency can devote no more than 25 percent of its available funds to these important areas, and, conversely, it must devote 75 percent of its funds to the improvement of local police services.

Unless positive action is taken to implement the findings and recommendations of the comprehensive planning process, even the most carefully thought-out planning programs will have been wasted.

Unless the Congress provides relief from the requirement that 75 percent of all crime control action funds be made directly available to local government units, the planning of the State law enforcement planning agency will have only limited effect; no matter how competent local police departments become, they cannot hope to reduce the incidence of crime without improvements in other elements of the criminal justice system.

I believe Congress must recognize the severe limitations that the 75 percent local requirement is placing upon a number of States, and must amend the Safe Streets Act to give States the authority to mount a truly comprehensive attack on the challenge of crime in a free society.

The most reasonable way to allow States this discretion would be for the Congress to amend section 303(2) of the Crime Control Act to allow waivers at the discretion of the Law Enforcement Assistance Administration for those States in which the substantial portion of the criminal justice system is State-operated and State-supported.

Through such an amendment, the Congress would provide relief to States like Rhode Island whose law enforcement improvement activities are seriously curtailed by the 75-25 ratio, while still maintaining adequate control to insure that funds were not monopolized by State agencies at the expense of our cities.

In summary, I would hope that this session of Congress would retain the present block grant system, and relax current provisions stipulating that 75 percent of all Federal action funds be allocated to local governments.

I would like to say one other thing, which I think is quite correct as far as my State is concerned. In Rhode Island, the problem is not one of the State against the cities. The relationship in our State—I am not talking now about a political relationship; I am talking about the functional relationship, the operational relationship between the State and the cities, is one of cooperative action, and relaxation of the present 75-25 ratio, in my judgment, would allow us to utilize funds for more effective State and local programs, and the maintenance of the block grant principle would not have an adverse effect upon our cities or our rural areas as well.

Thank you very much, Mr. Chairman, for this opportunity.

The CHAIRMAN. Is there another Governor who wishes to address the group?

**STATEMENT OF HON. JACK WILLIAMS, GOVERNOR, STATE OF
ARIZONA**

Governor WILLIAMS. Mr. Chairman and members of the committee, my name is Jack Williams, Governor of the State of Arizona.

Arizona's experience with block grants in connection with the Omnibus Crime Control and Safe Streets Act of 1968 has been extremely successful.

This conclusion is based upon comments made by high-placed officials of LEAA in Washington and upon the responses of mayors, county boards of supervisors and local officials throughout the State.

There has been an involvement of law enforcement officials, courts and corrections people and citizens throughout the entire State; and this I believe has resulted in the almost complete lack of criticism of the program in Arizona.

Although the program has been in full operation for almost 10 months with limited funds we have actually expended 97.8 percent of the funds.

Arizona has spent 90%₁₀ percent of its funds either directly or in a manner benefiting local units of government. Of these funds, 63.8 percent went to Arizona's major population centers.

It can be said that in the first year each Federal dollar spent in Arizona generated \$2 in the criminal justice system. These are cash figures and do not represent in-kind match.

As an example of successful projects, may I call to your attention one involving five small towns: Peoria, Youngtown, El Mirage, Surprise and Tolleson. These five small communities banded together in a coordinative effort to improve their communications systems.

Some of the programs supported and included "reimbursement of local units for training of personnel", "statewide information communication system", "clinical internship program", "purchase of closed circuit TV units", "juvenile detention home staff", "group counseling of delinquent girls", and so forth.

In conclusion, may I assure you that the Law Enforcement Administration assistance program has been an unqualified success in Arizona.

I urge you to support legislation which continues the block grant concept and increases the amount of funds available under the Omnibus Act.

The CHAIRMAN. Thank you, Governor.

**STATEMENT OF HON. CALVIN L. RAMPTON, GOVERNOR, STATE OF
UTAH**

Governor RAMPTON. I am Calvin L. Rampton, Governor of Utah.

I believe that the statements that have been made by the Governors point up the strength of the block grant concept, because each of us, while we are concerned with the common problem of crime have a different structure within our State to meet it.

You attempt to meet that with a categorical grant that is supposed to be tailored to the typical State, and it is sort of like a ready-made

suit tailored to the typical figure and it doesn't fit anybody. There is no typical State and no typical figure.

On the other hand, if we can sort of take the cloth and within the restrictions you men lay down as guidelines sort of tailor it to fit our local situation, we get much better use of the money.

For instance, Governor Licht has a State Police force of general jurisdiction.

In Utah, we do not, except for a highway patrol and a small force of liquor enforcement officers. All our enforcement is on a local basis. Yet, our courts of general criminal jurisdiction, contrary to what he has, are on a multicounty basis, and our entire correctional and rehabilitational setup is on a statewide basis.

If you give me money on a categorical grant that was made to fit Rhode Island, they won't fit me at all. In fact, if this were on a categorical grant the only thing I could do would be to attempt to get the cities and counties together in some sort of a voluntary arrangement, a pooling arrangement, to see if we couldn't use these categorical moneys pretty much as we would like to use the block grant money at the present time.

So far as I am aware, and I know this is a dangerous thing to say, because you may have letters there I don't know about, I am not aware of any complaint that has come in from any local official in the State of Utah.

Like the others, we have a Law Enforcement Planning Commission composed of 19 representatives from throughout the State. In addition to this, I have had for some time in existence what we call an office of local affairs, that has an advisory council of, I think, nine mayors and 10 county commissioners.

This division sort of monitors the work that is done by the Law Enforcement Planning Commission and brings back to me a feedback as to whether it is meeting the needs of the local governments.

We pass through to the local governments much more than we are required to pass through under your guidelines. Furthermore, as we get into the implementation of the plans on the action money, the local governments, at least under the present setup, are going to be just unable to meet their matching requirements.

I think this is generally true. Most of the State government budgets are in fairly good shape at the present time. At least, that is true in most of the Western States, but the municipalities are in pretty bad shape. So we have to do one of two things on a State basis: Either we have to make some State money available to them which they can use for matching the grants under the omnibus crime bill, or we have to make some additional tax resources available to them.

So it is highly important that the State be involved very closely in the planning concept.

We felt that it has worked well in our State. While there may be some of the guidelines that you are putting in that may be too strict in view of some particular circumstances, such as Governor Licht raises, none of the guidelines will give us any trouble so far as the implementation of the program in the State of Utah is concerned.

(The prepared statement of the witness follows:)

STATEMENT OF HONORABLE CALVIN L. RAMPTON, GOVERNOR OF THE STATE OF UTAH

Mr. Chairman and Members of the Subcommittee:

Others have testified at length or submitted statements concerning the problem of crime and the urgent need to control it. I will not rephrase those statements nor add to the burden of the record by making the same points. However, in light of the very serious questions which are being raised concerning the nature of the most effective approach to use in solving the problem of crime in America there are several key points which should be made.

First, it appears to me to miss the point entirely when the statement is made that crime is primarily an urban problem. It is true, of course, that most of the major social and physical development crises which face the nation today have their most profound effects in urban areas. But, that is not the same as saying that the state has no significant role to play. State Government and Law provide the legal framework which allocates the responsibilities and functions of government among cities, counties, and special districts. It often is the only jurisdiction able to set standards for performance or develop unified delivery systems. It should be readily recognized that the state plays a critical role in dealing with crime and its ramifications. Often the crime may be committed in an urban area by citizens of the state residing in suburbs or rural areas. Thus while enforcement and judicial processes may be in the city, correctional and rehabilitation activities may center on the residence of the offender.

In Utah, as in many other states, major efforts are underway or completed to revise the State Court System and modify and update the Criminal Law and the Code of Criminal Procedure. These revisions provide for statewide criminal identification and information sharing systems to aid state and local law enforcement agencies. They provide legislation establishing standards, entry level qualifications, and training programs for local law enforcement officers. The major portion of Utah's correction system is organized on a statewide basis providing a significant opportunity to develop programs in that portion of the Criminal Justice System which may have the greatest impact upon the pattern of crime in the nation.

Second, because of the intricate structure of inter-relationships between various components of the Criminal Justice System, a careful ordering of priorities is necessary to provide maximum results. It is important to address those issues affecting courts and corrections systems equally as vigorously as those which relate directly to law enforcement activities. As mentioned, Utah's courts and corrections systems as in many states, are state systems in character. An increase in the national allocation of funds made available *directly* to local units of government would immediately imbalance any systematic approach to crime control in my state since such an increase would involve, only law enforcement or police related activities and not judicial and correctional functions. This would reduce incentives not only for cooperation between state and local units of Government, but also between the operating agencies of the Criminal Justice System.

Third, the regional approach to crime-control planning under the Omnibus Crime Bill, adopted by most states, has generated cooperation between the closely impacted cities and counties which deal with the crime problem in urban areas, and widely scattered groups of cities and counties which have very similar crime-control problems in rural areas. Any proposed increase in direct federal to local grant allocations would tend to destroy the built-in incentive for inter-area cooperation which, as any mayor or police chief can tell you, is the most acute problem in effective crime control. This remains true whether you speak of the large numbers of jurisdictions which share the major responsibilities in metropolitan areas or the large blocks of rural territory often characterized by inefficient and thinly spread law enforcement capabilities.

Fourth, the state level approach to crime control has fostered a *comprehensive* look at the problem of crime within areas of the state larger than individual city or county jurisdictions, but smaller than the whole state. There is no question in my mind but that this will prove to be the most significant strength of the Bloc Grant approach. It cannot be persuasively argued that the regional planning approach is a *fragmented* approach to the problem of crime when the alternative being proposed is separate dealings between local agencies and the national government. This latter concept would not only fracture areawide cooperation but also seriously damage the concept of a systematic approach to crime control which inter-relates police activities with those of courts and corrections. It

should also be noted that even though *planning* is regional in character within the state, *action* projects are submitted directly by individual local units.

Fifth, there are many states like Utah which are highly urbanized (Utah having more than seventy percent of its population living in "urban places"). The Bloc Grant approach which provides basic allocations for each state based upon population rather than requiring competition among and between all of the urban areas in the nation, appears to present a more rational attack on the nationwide problem. Since funds are still less than needs, it is self-evident that action funds will go to the highest priority areas of concern.

For Utah the Bloc Grant concept embodied in the Omnibus Crime Bill is working well. Our State Law Enforcement Planning Council, which has involved representatives of both local law enforcement and general local government extensively, has developed procedures providing fund allocations based upon both population and crime incidence that are almost uniformly satisfactory to local jurisdictions. As has been the case in several other states, we have "passed-through" more than the required amount of the funds to local jurisdictions both for planning and for action projects. Representatives to the Utah Municipal League and the Utah Association of Counties as well as the Governor's Advisory Council on Local Affairs (consisting of elected mayors and county officials from throughout the state) have concluded that comments from staff studies prepared by national organizations of municipal officials simply do not apply to Utah's experience.

In summary I believe that the Bloc Grant approach represents the most logical and consistent approach to problem solving available under our form of government. It represents a land mark effort in providing the means to demonstrate State capability and interest in solving the problems which affect our citizens. It is my view that the states have met the challenge very well and will continue to do so if given the opportunity.

Thank you for the opportunity to make this statement.

The CHAIRMAN. Thank you.

Do any other Governors wish to comment?

Governor SHAFER. That concludes the presentation of the Governors.

The CHAIRMAN. Mr. Rodino.

Mr. RODINO. Thank you, Mr. Chairman.

I have been very impressed with the statements of the various Governors.

As Governor Cahill knows, I was one of those who was an original cosponsor of the Safe Streets and Crime Control Act. I had another concept, because I believed that it was necessary to fight crime where the highest index of crime existed.

The statistics showed at that time that there was a concentration more intense in the urban areas than in the rural areas. However, it is interesting to note from the presentations made here this morning, especially that of my good friend Governor Cahill, that the experience of these Governors has been that the block grant program has been working.

I am wondering whether or not this is a unique experience for the Governors who are here today.

My wonder is based on the fact that the recent report of the National League of Cities and the U.S. Conference of Mayors is replete with complaints from officials who are involved on the local level who charge an inadequacy of funding to fight crime where crime really exists.

There is an apparent conflict of opinion between the National Governor's Conference who state that the block grant program is working, and a number of city and local officials who claim otherwise.

However, I was impressed with the figures you cited to show that

several cities have received a greater portion of funds than their relative crime index would require.

My question, Governor Cahill: Is the experience of the State of New Jersey unique because of the way it administers its program, and the personnel that it has to develop its planning?

Governor CAHILL. I don't think so. I don't think New Jersey's experience is unique from the conversations I have had with the various Governors.

I really believe, and I believe this very firmly, that the Governor of a State can look over the entire State a lot better than an individual mayor can. While he will understand his own individual problem, he will not see that in the context of a regional problem or even of a State problem.

Of course, the desire always is to get as much money into the local municipality, if you are a mayor, as is possible. Sometimes I think you overlook the broad view. I think in our State we reflect the thinking of the Governors of the other States, and that is we have the interest of each of the municipalities but we have the interest of all the municipalities.

It seems to me that the concept of a State plan in the long run will benefit the local municipality a lot more than to give, as the Governor of Utah pointed out, categorical grants to local municipalities.

For example, in our State it seems to me that if we can improve law enforcement from a county prosecutor level, if we can bring in sophisticated equipment, we can help all of the municipalities within that county and reduce crime by adequate and efficient law enforcement.

So I don't really believe it is a justifiable criticism.

Mr. RODINO. Governor, I have a letter which is quite typical of some of the complaints that have come in, expressing some of the feelings of local officials who are directly involved with the problem of crime.

This is a letter from the office of the mayor of the city of Birmingham, Ala., dated February 3, 1970.

If I may, I would like to read this last paragraph:

In summary, I feel the Federal Government should increase the amount of direct grants to units of local government, particularly in areas of urban population concentration in order that we may solve some of the problems that were the original objects of the Act.

It is indeed paradoxical that the Federal Government through the Omnibus Crime Control and Safe Streets Act, was trying to get dollars to local governments in a manner which assured the greatest return per dollar in expenditure on controlling crime, whereas our experience has been that we receive far greater cooperation and assistance in dealing directly with Federal agencies.

I suggest that the Federal Government should reconsider this program with the possibility of retaining operational control within the Federal Government framework.

This comment is what troubles someone like me, who is concerned with adequate funding of those areas where the need is greatest.

Again, I was happy to hear the recitation by Governor Cahill on the amount of funds that went into a city such as Newark. Unhappily, as a resident of the city of Newark, I see that city is rated first in the Nation in the crime index of cities with a population over 250,000.

I know the concern of the residents there, and the concern of the local governing officials.

However, I am also concerned about other cities. I am concerned also with the city of Birmingham, Ala., for example.

Mr. RAILSBACK. Will the gentleman yield?

Mr. RODINO. I yield.

Mr. RAILSBACK. This is the second time that I have heard Birmingham mentioned. I would be interested, and I think it would be interesting to all the members of the subcommittee, to know if it was funded or whether it was part of the funding for Jefferson County. I think it would be helpful if we could have the statistics that relate to Birmingham.

Mr. RODINO. I might advise my colleague that the mayor of the city of Birmingham is going to be present as a witness here, and I am sure we will get that information.

The CHAIRMAN. I just want to say to the gentleman that we have asked the Department of Justice to give us a breakdown as to all States and cities on their funding. We have not received it yet.

Governor Cahill, or any of the Governors who care to answer, under the present terms of the statute, do you believe that the Law Enforcement Administration should establish guidelines for program priorities?

Governor SHAFER. Yes, I think that they should.

The CHAIRMAN. Do you think that the Law Enforcement Administration should oversee the composition of the State planning agencies?

Governor SHAFER. I think they should at least be in constant contact on it. I don't think that the LEAA should actually do the job for the individual States. Each individual State has its own particular problem, but I think the LEAA, which is responsible for the overall administration, should be available for assistance and help.

The CHAIRMAN. Do you think the LEAA should monitor the States' distribution of funds?

Governor SHAFER. Absolutely. I think they should have all the information available to them as to what the State is doing.

The CHAIRMAN. So there might well be some guidelines put into the act?

Governor SHAFER. You are setting up guidelines initially, but I don't believe that the guidelines should be so restrictive as to prevent the flexibility that is needed at the local level.

The CHAIRMAN. Consistent with that statement, you would not object to guidelines?

Governor SHAFER. As long as they were of a general nature.

Governor RAMPTON. May I respond to that for a moment?

We have had more experience in the field of health in block grants than we have here.

The first place we went into was the health grants which brought together some 17 categorical grants. All of us were worried when this first started for fear that HEW would be so restrictive in approving our plans that it would practically convert the block grant back into a categorical grant.

But that has not been true.

Under your health act, there are some statutory guidelines, but HEW has the power by regulation to set additional guidelines.

I would say that your statutorily established guidelines should be held to the minimum but the law enforcement planning agency should

be given some regulatory power to impose additional guidelines which are consistent with the ability of the State to make its own plan.

The CHAIRMAN. You can very readily appreciate that while I don't make any charges against anybody or any charges about future conduct it is possible that some of the States might overstep the mark and might use funds for political purposes, for political patronage.

Don't you think that the Law Enforcement Administration should oversee the distribution of funds?

Governor RAMPTON. Mr. Chairman, we don't get a penny of these action funds until you look at our plan. It doesn't matter whether you have guidelines or not. If we turn the plan into the agency and the agency doesn't approve it, we don't get a penny.

The CHAIRMAN. I understand that. But I think I infer from the statement made by Governor Shafer that consistent with the suggestions he made we might well insert some sort of guidelines into the statute.

Governor Rampton, I might ask this: In your State, how many personnel are involved in your regional planning board or your State crime commission, whatever you may call it?

Governor RAMPTON. Do you mean staff members? On the board there are 19. There are about four or five staff members.

The CHAIRMAN. Is it a commission?

Governor RAMPTON. It is a planning agency.

The CHAIRMAN. How many members are involved?

Governor RAMPTON. Nineteen.

The CHAIRMAN. There are 19 members and they come from all over the State?

Governor RAMPTON. Yes, sir.

The CHAIRMAN. Are they selected by the Governor?

Governor RAMPTON. Yes, sir.

The CHAIRMAN. Are they selected for a definite term or do they rotate?

Governor RAMPTON. As I recall, they serve at the will of the Governor.

The CHAIRMAN. Just at the will of the Governor?

Governor RAMPTON. Yes.

The CHAIRMAN. Are they appointed as a result of any political persuasion?

Governor RAMPTON. No, sir. I don't know the politics of most of the people on it, unless they happened to have been a county commissioner or somebody like that.

The CHAIRMAN. How many employees have you in that planning agency?

Governor RAMPTON. Four or five. I can't tell you exactly.

The CHAIRMAN. Four or five? That is the total?

Governor RAMPTON. On the State level. We have some regional planning agencies that have employees, but these five are on the State level.

The CHAIRMAN. How many regional planning agencies are there in your State?

Governor RAMPTON. Nine, I am told.

The CHAIRMAN. What do the local planning agencies consist of? Do they consist of more than one member or several members, or what?

Governor RAMPTON. We have been regionalizing our State for the purpose of administration not only of State programs but to respond to various Federal programs.

We have attempted to follow as nearly as possible in this program that regionalization, because we think it meets the needs.

On the local level, generally the selection of the planning people is made by the local government, generally by counties and cities.

The CHAIRMAN. By the counties?

Governor RAMPTON. And the cities, yes.

The CHAIRMAN. Who in the counties make those selections?

Governor RAMPTON. The county commissioners.

Mr. McCULLOCH. Are they full-time employees?

Governor RAMPTON. It would depend upon the region. In a very sparsely settled region, where we had to put a region because of geographical considerations in spite of the fact that the population was small, there would be no full-time employee. They would have a part-time employee to do their planning, or they, in connection with another region, would cooperate to hire one man who would cover both areas.

Mr. McCULLOCH. What is the largest region that you have on the basis of population?

Governor RAMPTON. It would be Salt Lake County, which is approximately 50 percent of the State's population. We have about 1,100,000 people. Salt Lake County would be a half million of that.

Mr. McCULLOCH. How many people have you employed full time in that region?

Governor RAMPTON. I am advised there are two full-time staff men in that region. That is for planning.

We have two major police forces in that county. We have the Salt Lake City Police Department and the Salt Lake County Sheriff's Department, and some smaller police forces in other incorporated areas.

But the planning would be for the county as a whole.

Mr. McCULLOCH. Might I properly conclude from what you have said that you have seen no evidence of the beginning of "empire building"?

Governor RAMPTON. I don't see any empire building at all here, Mr. Congressman, not on the planning level. We have tried to keep away from that because we want to get as much money into the action programs and down to the county level as we can, the county or city level.

Mr. McCULLOCH. Are you seeing any empire building in any other of the activities? I don't mean to imply that I have. I would like to find that you have been very frugal and very efficient.

Governor RAMPTON. I think we have kept staffing at a minimum. In appointing the advisory committees, we have not provided any per diem. They get travel but no per diem. They donate their services. Generally, they will hold some other public position, a county commissionership, a chief of police or something like that. But they get no extra compensation for their service on this committee.

The only ones who are paid are the full-time staff and they have been held down.

The CHAIRMAN. Governor Licht, I would like to ask you a question. I know you support the proposed amendment to the Safe Streets Act

which would permit a waiver of what is known as the "pass-through" requirements.

The language in the Administration bill permits a waiver whenever "adherence to the (pass-through) requirement would not result in an appropriately balanced allocation of funds between the State and the units of general local government in the State or would not contribute to the efficient accomplishment of the purposes of the act."

Do you have any recommendation to make to the committee as to how to make that language more precise, and how to give standards to the Law Enforcement Assistance Administration before the "pass-through" requirements may be waived?

Governor LICHT. I am not prepared at the moment, but I would certainly give consideration to it and submit something to you with respect to that. I would be pleased to undertake that.

The CHAIRMAN. We would be pleased to have it.

(Subsequently the witness furnished the following:)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS,
EXECUTIVE CHAMBER,
Providence, March 5, 1970.

HON. EMANUEL CELLER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CELLER: In accordance with your request, I have prepared two proposals in relation to an amendment to Section 303-2 of the Omnibus Crime Control and Safe Streets Act of 1968 (PL 90-351).

These are merely suggestions for the consideration of the Committee. If you desire to have me do anything further in this connection, please feel free to call upon me.

I want to thank you and the Committee for the courteous reception I received when I appeared before the Committee.

Kindest personal regards.

Sincerely,

FRANK LICHT.

PROPOSED AMENDMENT TO SECTION 303-2 PUBLIC LAW 90-351

Provide that at least 75 per centum of all Federal Funds granted to the state planning agency under this part for any fiscal year will be made available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement, provided that the Administration may waive this requirement if the state planning agency demonstrates that compliance with such a local availability requirement would be inappropriate in view of the responsibility exercised by the state government for law enforcement services including, but not limited to, courts, prisons, youth correctional centers, probation and parole systems, state police agencies, prosecutor's offices, criminal identification bureaus, and drug abuse control agencies, and further if the state planning agency demonstrates that all Federal funds awarded to state agencies under such a waiver will be used for the development and implementation of programs and projects directly serving the local units of government and/or providing a state operated service where no comparable local service exists;

Provide that at least 75 per centum of all Federal funds granted to the state planning agency under this part for any fiscal year will be made available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement, provided that the Administration may waive this requirement if the state planning agency demonstrates that the major functions of the criminal justice system are the responsibility of the State Government. The criminal justice system shall include such functions as courts, prisons, youth correctional centers, probation and parole systems state police agencies, prosecutor's offices, criminal identification bureaus, drug abuse control agencies, and such other allied agencies as are normally included in such system.

The CHAIRMAN. On page 7 of your statement, you suggest that the LEAA can still "maintain adequate control" over the funds allocated to States.

What do you mean adequate control? Would you indicate how the Law Enforcement Assistance Administration can exercise that control?

Governor LICHT. It seems to me that there isn't any program that we can present or have approved without LEAA's acceptance of it. I am satisfied that there should be guidelines and controls with respect to the programs we propose.

I am prepared to say that I think it is fitting and proper that there be guidelines and that the projects that we present, either planning or action, meet with approval of these guidelines. I have no desire to avoid Federal guidelines.

The CHAIRMAN. Under the statute as presently constituted, do you believe that the Law Enforcement Assistance Administration can impose conditions on the grants it makes to the States to require that urban—and I emphasize urban—crime needs are met?

Governor LICHT. Let me say with respect to that, I imagine you can. But I don't have quite the same problem that is continually suggested as if it were a case in which the Governor of the State of Rhode Island has less concern about urban crime than the mayor of the city or cities.

You understand there isn't, as I see it, a dichotomy between the Governor and the mayors.

As far as Rhode Island is concerned, that is, and I hope it would be true in other States. I know where the crime is in our State from the statistics we have been able to determine. I know that is where we have to put the planning money and the action money.

So it is kind of difficult for me to reconcile the fears expressed about the fact that we would short-change the urban centers.

The CHAIRMAN. The reason I asked that question is because we get quite a number of letters from the various mayors throughout the country, raising serious complaints about the operation of the program.

Governor LICHT. I understand the question. As a matter of fact, I can readily understand that this is a matter of concern to mayors. But I would like to say to you that the chief of police of the city of Providence, the largest city in our State, is prepared to come and testify with respect to the operation of our plan.

I am prepared to say to you that as far as Rhode Island is concerned, and I can only speak for Rhode Island—

The CHAIRMAN. I am not speaking solely of Rhode Island. I am speaking generally. You as the Governor of a sovereign State, as well as the other Governors, are certainly well qualified to answer some of these questions.

Governor LICHT. My own feeling is this with respect to that, that the moneys should be put where the problems are. I have no quarrel with that.

But what I am also trying to say is that from my own point of view in my State, that does not appear to be a problem as far as attempting to set up those kinds of action programs that will be most helpful in the urban areas.

The CHAIRMAN. Do any other Governors care to comment on that question?

Governor SHAFER. I have spoken much too long already this morning, but I would like to comment on that just for a moment.

As I said in my formal testimony, there is no doubt that there has been a competition, especially in the past few decades, between State governments and municipal governments for Federal moneys.

The problem has been that we have had great problems facing all of us as Americans, and the States themselves have not acted as swiftly as they should in helping meet those problems.

As a result, many municipal officials have come to the Federal Government for assistance. But this is changing.

One of the reasons it is changing is just because of what you have done here in Congress with this omnibus crime control bill.

You have forced the State and local governments to get together and plan and work together. We are not going to solve crime just by appropriating money to urban areas. We are going to solve crime by citizens working together in a unified effort.

You are never going to have a unified effort if Pittsburgh is down here fighting for money against Philadelphia, Harrisburg, Erie, Allentown, and Lancaster.

You will never get a unified effort if Birmingham is fighting against Newark.

The CHAIRMAN. That is a wonderful goal and I hope we are achieving it.

But as I said, and I repeat, we are getting so many complaints that would seem to deny the answers some of you gentlemen are giving us.

Governor SHAFER. If the complaints are based on this statement issued by the League of Cities, this is replete with error.

This thing cites one individual as being employed by the State of New Jersey. He is no longer there. He cites a New Jersey State law enforcement planning agency which is nonexistent.

If that is the kind of evidence, this is ridiculous.

Governor CAHILL. Mr. Chairman, there is one observation I would like to make based on information supplied by our planning agency. That is that while perhaps some of the larger and more alert cities might be sufficiently sophisticated to take advantage of these Federal funds, a large number of them are not equipped either by way of personnel or expertise to do it.

The result has been that in getting the applications from the local units of government our State agency in a large measure had to help them to do it.

Secondly, we are holding schools now for local units of government.

They are not equipped to handle this, I think, on an individual basis.

The CHAIRMAN. What do you do when you have a town or municipality that may need aid and doesn't ask for it?

Governor CAHILL. I have the director with me. We find that we have been able to bring this knowledge to the local units of government. We have been able to assist them in helping themselves. This has been one of the problems in the State of New Jersey.

The State police have experienced it in trying to compile crime statistics. They couldn't get them. Some of the local units of government did not do the work that was necessary to compile the statistics.

I think what Governor Shafer points out is one of the unheralded accomplishments of this act. That is that it is making all areas of government more alert, more interested in doing some planning in order

to solve the unique problems indigenous to those areas in the field of crime.

The CHAIRMAN. Mr. McCulloch.

Mr. McCULLOCH. I would like to ask Governor Cahill a couple of questions.

Does the State of New Jersey have any program in the field of crime which is financed entirely by the State but from which the municipalities also receive benefits?

Governor CAHILL. Absolutely. We have the State crime laboratory. We have the uniform crime statistics of the State police. We have the State grand jury. We have, of course, the functions of the attorney general.

We have many organizations funded by the State that redound to the benefit of local municipalities. We have now a State investigations committee which has been doing yeoman work in the field of organized crime and has been, in my judgment, exposing the presence of many of the organized criminals in the State of New Jersey and, in large measure, is driving them out of the State of New Jersey.

Mr. McCULLOCH. Do you have a well-planned continuous training program for local police?

Governor CAHILL. Yes, we do. We have a State police academy which is not only training men for the State police, but which is also assisting the local municipalities and training their men.

We also have several mobile units of the State police going around into local areas for the purpose of training local police departments.

We also have some counties who have their own training schools for the training of local police departments.

Mr. McCULLOCH. Do you have statewide training programs for prosecuting attorneys?

Governor CAHILL. No, we do not. Incidentally, you will be interested in knowing, Mr. McCulloch, that for the first time in the history of the State of New Jersey I was able in this past 30 days to get legislation through making prosecutors full-time employees so that they are no longer permitted to practice law. They must devote full time to the office of prosecutor. This is true of all the assistant prosecutors.

Mr. McCULLOCH. By whom are they paid?

Governor CAHILL. They are paid by the counties and there is some thought being given now to participation by the State.

Mr. McCULLOCH. Might I properly conclude from what you have been saying, not only at this instance but before, that conditions are even better than these statistics for the percentage of money that goes to the various political subdivisions would indicate?

Governor CAHILL. I don't think there is any question about it, Mr. McCulloch. As you very well express it, these statistics do not truly reflect the benefits that are going to the local communities.

The CHAIRMAN. Mr. MacGregor.

Mr. MACGREGOR. Thank you, Mr. Chairman.

On a personal note, I think the members of the subcommittee are pleased not only to have Governor Cahill before us but to find in the audience Mrs. Cahill and their son, William. We welcome the supporting elements of the Cahill family.

I would like to ask one question of each of the Governors here present. I ask this question because running through these hearings is the suggestion that Governors are insensitive to the problems of the urban areas of their respective States.

Governor WILLIAMS, what percentage of the vote for Governor in Arizona comes from Phoenix, Tucson and the next three major metropolitan centers?

Governor WILLIAMS. Actually, the major vote, the majority vote, in Arizona, comes from two counties, Maricopa and Pima, approximately 75 percent of the vote coming from those two counties.

Mr. MACGREGOR. And the county seat of Maricopa County is Phoenix and the county seat of Pima County is Tucson?

Governor WILLIAMS. That is right.

Mr. MACGREGOR. Governor Licht, what percentage of the Governor's vote in Rhode Island comes from Providence?

Governor LICHT. Providence now is about 180,000 population. It is very substantial. Providence, Pawtucket, these are the cities. A large percentage of the vote comes from the cities in Rhode Island and no Governor is unmindful of the cities.

Mr. MACGREGOR. Governor Cahill, I suppose you have forgotten about November 1969, but can you give us some idea of the percentage of vote for Governor coming from the five major cities?

Governor CAHILL. I have the population here. Keeping in mind that the State of New Jersey is between 6 million and 7 million, the city of Newark's population is approximately 350,000; Jersey City is approximately 275,000; Paterson is about 150,000; Elizabeth is about 125,000; Camden is about 125,000; and Trenton is about 110,000 or 115,000. So you can see the great impact is in the cities. Of course, all of us, as the Governor indicates, that have been candidates are not unmindful of that fact.

More important than that, I think all of us are becoming aware of the impact on the outlying districts, on the suburbs. Just this morning I talked with the Governor of Maryland who is deeply concerned with the impact of the crime that exists in the District of Columbia on the suburban areas of Maryland.

So the cities are not only problems as far as crime within the city is concerned, but they also are problems as far as surrounding areas are concerned.

So it would be, certainly, a less than alert Governor of any State who was not aware of the importance of cities and the importance of doing something for the cities.

Mr. MACGREGOR. Governor Shafer, could you give us roughly the percentage of the people in Pennsylvania who are resident in the five largest cities?

Governor SHAFER. About 35 to 40 percent in the five largest cities. Our major population centers, of course, are in Philadelphia and in Allegheny County where Pittsburgh is located.

For example, Philadelphia represents between 15 and 16 percent of the total population, and yet we have allocated 33 percent of our action funds to Philadelphia.

Allegheny County represents between 10 and 12 percent of our total population, and we have allocated to them 25 percent.

So that we do recognize that these major population centers are action centers.

But we also take into consideration the entire State. The people in Philadelphia want this done, too. The people in Pittsburgh want this done. That is why we have been so successful, I think, in our planning arrangements.

Mr. MACGREGOR. You mentioned your State as a vacation State. I expect that much of the vacationing in the less-populated areas within your State has its origin in the cities of Pittsburgh and Philadelphia.

Governor SHAFER. This is true. I might add, Pennsylvania issues more hunting and fishing licenses than any State in the Union. That may sound peculiar, but it is true. So we get a year-round entry into Pennsylvania from other States as well as from the population centers moving out into the rural areas for recreational purposes.

Mr. MACGREGOR. You issue more licenses than does Minnesota, but I suspect that not more fish are caught.

Governor SHAFER. It would be certainly not very gracious of me to get into an argument with my good friend Clark MacGregor. You may get different kinds of fish, but you should see our wonderful Palomino trout.

Mr. MACGREGOR. Governor Licht, speaking for myself, and I expect other members of this subcommittee, we were most favorably impressed by the excellent presentation before this committee last Thursday of Rhode Island's attorney general. I say that not only to be complimentary but as a basis for a suggestion.

Chairman Celler indicated to you that one provision of a bill which has been coauthored by Mr. McCulloch, Mr. Poff, Mr. Hutchinson and others of us serving on the House Judiciary Committee would do precisely what you urge in your statement, namely, provide for a waiver granted by LEAA of the 75-25 feature of existing law.

I would like to second the request of Chairman Celler. I do think it would be extremely helpful to us if you, and as you see fit in consultation, perhaps, with your attorney general, might suggest specific language which would allay the fears of some States which have an internal structure in law enforcement and criminal justice different from that of Rhode Island.

It has come to the attention of members of this committee that not only your State but the States of Alaska, Vermont, and several others, would be greatly benefited by a relaxation of the 75-25 division. And yet, there are those of us, even among those who have coauthored this proposal, who are not entirely happy about the imprecise language in the bill that we have authored.

We are seeking advice and counsel, and suggestions, as to how we might tighten up that language and improve it so that it is very clear that we mean to make this amendment applicable to the specific situations in your State and some other States and, thus, we would be helped greatly if you could, as the chairman suggests, recommend some specific language to us.

Governor LICHT. I will undertake that, Mr. MacGregor. I will tell you now I can understand the concern you have with respect to the possibilities of waivers without some standards by which you make that determination, so there might be some arbitrariness in that.

There is always the difficulty in using language in a way that will not permit that. I will undertake that. I assure you that within a week to 10 days you will have from me language as best I can.

I am sure that your own counsel are probably more qualified, but I will undertake the task.

Mr. MACGREGOR. I thank you very much, Governor. We on this subcommittee are anxious to ameliorate the tensions that exist, insofar as they do, between mayors and Governors and to avoid exacerbating those tensions.

I think it would be helpful to us in that respect.

Governor WILLIAMS?

Governor WILLIAMS. I might comment on the concern you have over the pressure of mayors and cities. Having been a mayor for 4 years of the largest city in Arizona, we worked on the Governor all the time and never got all the money we wanted.

If there were anywhere else we could go to get more money, we would go there.

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. Thank you, Mr. Chairman.

I want to just comment on the testimony which has been presented here this morning and to appraise it as being extremely valuable. I think you have been very enlightening and very informative. And, in fact, you have presented a bipartisan position, which is extremely helpful to this bipartisan committee.

There is one question which I think you might be able to help me with. It has been raised in earlier testimony.

The suggestion has been made to the subcommittee that we should reduce block grants and expand the authority of the Attorney General in order to effect consolidation or cooperation between, for example, many police agencies which operate within a single metropolitan area. Do you have an opinion as to whether or not that could be accomplished better through reducing block grants, or do you feel that it can be accomplished better through the pressures which the Governors themselves or the State planning agencies can apply by offering or withholding funds which are granted under the Law Enforcement Assistance Program to the States for distribution?

Governor CAHILL. Of course, you have in mind the elimination of duplication, which is most desirable, but you will find in our State a fierce local pride, and I think education and a forceful bringing of the cost to the attention of the citizens is really the only answer to it.

I don't concede that the block grant approach that we are discussing here, the concept, would in any way deter the action such as you have envisioned, as we both desire.

Governor LICHT. If I may respond to that question. I don't think it is the block grant or the changing of the idea of the block grant that is going to, as I see it, force the local communities to regionalize or simplify some of the structures.

We have been successful in Rhode Island. We have left the larger cities alone as units. We have had a regionalization which is now beginning to be accepted as the future pattern for local State governments. So we have been able to accomplish that with the block grant.

One other thing that I think is of importance is that in response to an earlier question I would like to make this addition.

If our director, who is here with me today, had not gone into the field and had not helped to prepare the plans, if there had not been a concentrated statewide effort to get local communities to do something about planning, and even to come in and seek funds, I say that a great deal of what you sought to accomplish under the Omnibus Crime Act would not have been accomplished.

There is now already cast a structure. There is a recognition, for example, that Mr. McQueeney is the director to whom they will go. There is staff and research. To upset that, for example, in my community, my State, would not benefit the program at all.

For that reason, as well as other reasons that I have tried to suggest, it seems to me that you ought to certainly let this block grant system continue and let us work out these programs.

I have tried to take two things because I wanted to make that statement with respect to the block grant as well as an answer to your question.

Mr. McCLORY. I judge that you concur in that position, Governor?

Governor SHAFER. Yes, I do, Mr. McClory. We have had tremendous support from our local communities.

Our eight regional planning commissions cover the whole area. Our staff has gone into those areas and helped them with their specific problems. I think the Governor of Rhode Island has expressed it admirably when he said that the very essence of the act would not have been carried out in certain areas if we had not had this block grant approach.

Mr. McCLORY. Are the States better equipped to effect consolidation and cooperation than the U.S. Attorney General?

Governor SHAFER. Absolutely.

The CHAIRMAN. Mr. Railsback.

Mr. RAILSBACK. I have just one question.

Governor Shafer, you just answered this question, but I would like to ask my good friend, Bill Cahill, whom we are all delighted to see and who authored a great part of this bill, a question.

Governor, I wonder if your State agency has been able to be helpful to local governments.

Governor Shafer said that Pennsylvania's regional staffs were cooperating. I think this is very important.

Governor CAHILL. Yes, Mr. Railsback, absolutely. Mr. Waldron, who is here, will confirm the fact that, just as the Governor of Rhode Island pointed out, if it had not been for the assistance that the planning agency gave to many of these local communities, they would never have been able to participate.

I think because of the fact that there is an established State agency, these local communities who have problems now know where to go to get help.

I think we have helped them and we are continuing to help them. This in and of itself is improving law enforcement in the State of New Jersey.

Mr. RAILSBACK. If we didn't have these State agencies and if we were to give the same kind of help to these local governments it would

have to be from the Federal level. We would then have to have a tremendous staff operating from Washington.

Governor CAHILL. Absolutely. Absolutely.

Governor SHAFER. Absolutely.

Mr. RAILSBACK. Thank you.

The CHAIRMAN. Mr. Poff.

Mr. POFF. Mr. Chairman, I want to begin first by complimenting all of the States, through the Governors present here, and even those who are not represented by Governors today.

I think the record should be made plain that in the course of 3 to 6 months all 50 States responded with the preparation of a comprehensive planning program.

These States are now prepared to submit their second plan. They have already fixed their budgets for the second leg of this long journey.

That record should be compared, I think, with the record this country experienced under the Model Cities Act. It took a total of 2 years for the States to prepare those plans and prepare themselves with proper funding.

Under the Highway Safety Act, which is now 3 years old, the plans are only now beginning to come to the agency.

So in this most vital area of criminal justice and law enforcement, I think the States are to be commended and congratulated.

Secondly, Mr. Chairman, seeing that we are surrounded by such a host of witnesses, I would like to take the opportunity to get what I hope will be some agreement to improve the program, particularly with regard to reforming the corrections systems in the several States.

Part E of the bill to which my distinguished colleague referred a moment ago would authorize the Law Enforcement Assistance Administration to help States to implement programs and projects for the construction, acquisition and renovation of correctional institutions and facilities and for the improvement of correctional programs and practices.

Would the witnesses before the committee today agree that this would be a worthwhile improvement in the LEAA program?

Governor SHAFER. I certainly would. I think it is an excellent idea. As I said earlier, the problem of combating crime is not just in making arrests. We have to have changes and reforms in our criminal justice system, our court system, and especially in our correction system.

I note that you are considering an amendment which would permit additional money than just the 50 percent for law enforcement officers, that would be waived insofar as corrections officials are concerned. I think that is an excellent addition.

Governor CAHILL. I also enthusiastically and wholeheartedly support the suggestion, and would merely point out that I think one of the real problems in law enforcement is the percent of recidivism, and that if we have adequate correctional institutions, and we can retrain and rehabilitate, we are certainly going to reduce the number of repeaters.

I think, therefore, it is highly commendable.

Governor SHAFER. I might add, Mr. Poff, that my committee has already authorized the writing of a paper on corrections, and we, as

Governors, are going to concentrate in that area for our August meeting.

Mr. POFF. Would the other Governors care to respond?

Governor LICHT. I think we are all struggling, Mr. Poff, to try to improve our correctional systems. As a matter of fact, we make, from time to time, what I consider to be significant but modest gains. I concur 100 percent with the suggestion made, but I would like to add, because I am here advocating something else this morning, I want to tie in to the suggestion you made that our correctional institutions are State-operated as well as probation, as are our State police.

Therefore, if we are going to give it this kind of input, that would be another reason why I am so anxious that the 75-25 be relaxed. But I wholeheartedly concur in the statement you made.

Governor WILLIAMS. I would also concur. We have just recently placed a Department of Corrections in effect in the State of Arizona. Consequently, we are vitally interested in the same subject. We have all of our other agencies now being brought under one major director in one department, relating to girls, relating to young men.

The whole correctional field is now in one department. It has been scattered through the government. But now this would be of great assistance to us.

Mr. POFF. Governor Licht, you laid emphasis to the need to waive the 75 percent pass-through requirement for action funds. I assume you would make a similar recommendation with respect to the 40 percent pass-through requirement for planning funds?

Governor LICHT. Yes.

Mr. POFF. Actually, if my information is correct, there are only 10 or 12 States where the criminal justice and law enforcement system would be so structured that the State would have the primary responsibility and, therefore, would want to utilize a larger percentage of the funds.

Is that approximately correct?

Governor LICHT. My understanding is that it was 11. It is either 10 or 12 similarly structured. That is the information I have.

Mr. POFF. Do you think that it is possible to make a formula, with mathematical exactitude, that would clearly determine which States would be excepted without specifically naming those States?

Governor LICHT. I haven't really looked at the proposed language with respect to the modification.

I want to concur with the chairman and the other members of the committee that it is imprecise language. I have no quarrel with that.

I might say that I am an old lawyer and a former judge, so when you ask me to look at some language, it is not that I will not be able to look at it, I can, but I don't guarantee that having left the ivory tower of the bench I now can concentrate on that kind of language with the kind of care I might otherwise have done.

But I will look at it very carefully, with those who can help me in this, and I will get some information to you as soon as I can.

Mr. POFF. I appreciate that.

My question is intended to illustrate the fact that we must either define the power to waive in very broad and general terms, or we

must, in the alternative, be quite specific in designating those areas where the exception would apply.

Governor LICHT. I thought you were trying to get to the point of saying that if we could combine these States either as to their structure or the percentage of State operating functions in the criminal justice field, you might, by language, designate it along that line. Because I am not really sure that the 11 or 12 would fall into that kind of a pattern, I would have to take a look at it and see if we could suggest language of that kind.

Mr. POFF. Very good.

Finally, I want to join, if I may, in the welcome to our former colleague.

Mr. Chairman, I will not pursue questioning as we are due on the floor.

The CHAIRMAN. Mr. Biester.

Mr. BIESTER. I will be very brief in view of the fact that the bells have rung.

I am very pleased with the direction the "multilogue" has taken in the past few moments.

It seems to me that in an area of crime the greatest gains reachable by us as a society are in decreasing recidivism. Those gains have to be made basically at the State level. And yet, it is impossible to separate urban from State responsibility in that circumstance.

If a crime occurs in Philadelphia and the person convicted of that crime winds up in the State institution for penal control, and if that State institution works with respect to the rehabilitation of that individual, when he goes back to Philadelphia it may have been State money spent but it is certainly the urban center that has benefited.

I would also like to join with the others in commending the candid, forthright, and persuasive quality of the testimony this morning.

Governor Cahill, it is a pleasure to see you here.

The CHAIRMAN. Mr. Zelenko.

Mr. ZELENKO. As the Chairman of the National Governors' Committee on Law Enforcement, it would be helpful, I think, if you and the Governors' Conference could supply us with a State-by-State summary of the expenditures in each State for fiscal 1969 for police protection, judicial and correction activities, and also to indicate what percentage of the total State budget is devoted to police protection, correctional activities and judicial activities.

Governor SHAFER. We will be very happy to do that. I think that ought to be accompanied with information concerning the structure of each State. Some States rely primarily on the local level for many of its law enforcement activities.

We in Pennsylvania have a joint responsibility, a triple responsibility, really.

Mr. ZELENKO. I don't know, Governor, whether this material is available, but I understand the Census Bureau will soon publish that information for fiscal 1968. It will also publish the number of personnel, employed by the States in police protection, correctional activities, and in the courts.

If similar figures are available for the last fiscal year State-by-State, indicating the personnel in each of those areas, if they are available, that, too, would be helpful.

Governor SHAFER. Fine.

(Subsequently the following information was submitted:)

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, March 9, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Washington, D.C.

DEAR CONGRESSMAN CELLER: At the hearing before the House Judiciary Committee last week, you requested information from the states on the cost of police protection, judicial and probation activities, and correctional costs.

I have obtained and enclose herewith a factual statement of the cost figures for the State of New Jersey. If you desire any further information, please advise.

Sincerely,

WILLIAM T. CAHILL, Governor.

DATA FROM NEW JERSEY FOR HOUSE JUDICIARY COMMITTEE

Cost figures for New Jersey in the areas of police protection, judicial and probation activities, and correctional activities were requested on February 26, 1970 by the House Judiciary Committee. The latest complete statistics available are for 1968. They follow:

Police protection:

Local police protection-----	\$140,596,238.64
County police-----	2,749,894.32
Sheriff's offices-----	4,033,556.82
New Jersey State police-----	13,768,489.00
New Jersey police training commission-----	120,436.00
Total -----	161,268,614.78

Judicial and probation activities:

County probation offices-----	7,316,946.09
Prosecutors' offices-----	6,835,537.48
Magistrates' courts-----	5,827,477.90
Other county judicial costs-----	1,373,219.21
County general courts-----	11,286,785.79
County district courts-----	3,106,106.68
County juvenile courts-----	1,386,575.78
County superior courts costs-----	76,631.14
Jury commissions-----	2,901,180.53
Subtotal -----	40,115,460.60

The State courts include the administrative office of the courts, the Supreme Court and the Superior Court-----	6,091,651.00
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Prosecution and defense:

Division of law (Department of Law and public safety)---	1,264,599.00
Public defender (Department of instruction and agencies) -	1,900,000.00
Subtotal -----	3,164,599.00
Total -----	49,371,710.60

Corrections and rehabilitation:

Division of correction and parole-----	1,556,512.00
State prison—Trenton-----	3,000,565.00
State prison—Rahway-----	2,351,525.00
State prison—Leesburg-----	628,829.00
Yardville Youth Reception and Correction Center-----	2,009,572.00
Bordentown Reformatory-----	2,082,342.00
Annandale Reformatory-----	2,072,819.00
Clinton Reformatory-----	1,568,238.00
State home for girls-----	1,209,508.00
State home for boys-----	2,259,787.00

Corrections and rehabilitation—Continued

Training school for boys.....	28, 873. 00
Highfields Residential Center.....	61, 515. 00
Warren Residential Center.....	63, 710. 00
Ocean Residential Center.....	63, 393. 00
Turrell Residential Center.....	65, 629. 00
County jails and penitentiaries.....	13, 125, 592. 62
Total	32, 148, 407. 62
Total for New Jersey	242 788, 733. 00

NATIONAL GOVERNORS' CONFERENCE,
OFFICE OF FEDERAL-STATE RELATIONS,
Washington, D.O.

HON. EMANUEL CELLER,
Chairman, Committee on Judiciary
Washington, D.C.

DEAR MR. CHAIRMAN: During the recent testimony of the National Governors' Conference Committee on Law Enforcement before the House Judiciary Subcommittee #5, the Governors were requested to provide the Subcommittee with information on 1969 state and local expenditures and employment in police, corrections, and judicial administration.

We have made an extensive effort to secure this data quickly for the sake of the Committee record. All sources have unanimously indicated that the 1969 data is not yet available.

The best data now available is the soon-to-be-released 1968 data which you have already received from the Census Bureau. These figures are indicators of the relative efforts by each level of government for different functions. As you can see state expenditures rose over \$200,000,000 or 13 per cent from 1967 to 1968. On a per capita basis expenditures rose \$.94 from \$7.19 to \$8.13. However, we are convinced that the 1968 Census data does not fully reflect the totality of state and local expenditures for law enforcement and criminal justice purposes, especially state expenditures. The Census Bureau has warned, "The available sources did not consistently provide full itemizations of expenditures or employment for functional subcategories presented in this report. Readers should be cautious in comparing governments, remembering that these data are not the product of a survey design specifically developed to elicit criminal justice information . . ."

The Census document covers police, judicial and correctional activities but may not include expenditures and personnel such as attorneys-general, prosecutors, public defenders, juvenile delinquency and youth programs, coroners or

medical examiners, special narcotics programs and other less obvious but important law enforcement activities. Appendix A contains several charts comparing state expenditures and employment in Fiscal 1967 and Fiscal 1968, based on Census data.

The Census data is supplemented by Appendix B which gives detailed data on 1968 and 1969 budget figures and personnel for state police. The International Association of Chiefs of Police provides us with this information.

Finally, we are encouraged to learn that LEAA is working with the Census Bureau to obtain more information about law enforcement expenditures and employment. We plan to meet with Census officials to give our views on what should be included in their study and to encourage them to meet with state and local officials to insure that all expenditures are included.

The initial phase of an expanded and accurate information base is an LEAA questionnaire that has been mailed to all State Law Enforcement Planning Agencies. The LEAA questionnaire is of great relevant interest because it will make available for the first time some estimates of total national expenditure and employment. Appendix C is a copy of this questionnaire.

The Governors have repeatedly expressed their appreciation to you and the other committee members for your warm reception and the opportunity to share their experiences in cooperating with federal and local governments in the administration of the Omnibus Crime Control and Safe Streets Act. Please feel free to call upon me or our staff whenever we may be of assistance to you and the committee.

Sincerely,

CHARLES A. BYRLEY.

Appendix A

SELECTED DATA OF STATE CRIMINAL JUSTICE EXPENDITURES AND EMPLOYMENT¹

- Table I. Summary of criminal justice expenditure of State governments, by population size group, fiscal year 1967-68.
- Table II. Expenditure of State governments for police protection, and judicial and correctional activities, fiscal year 1967-68.
- Table III. Per capital expenditure of State governments for police protection, and judicial and correctional activities, fiscal year 1967-68.
- Table IV. Full-time equivalent employment of State governments for police protection, and judicial and correctional activities: October 1968.

¹ Source.—U.S. Bureau of the Census, Criminal Justice Expenditure and Employment for Selected Large Governmental Units: 1966-67 GSS-No. 51 U.S. Government Printing Office, Washington, D.C., 1969 and Preliminary 1967-1968 Data from Bureau of the Census.

TABLE I. SUMMARY OF CRIMINAL JUSTICE EXPENDITURE OF STATE GOVERNMENTS,
BY POPULATION SIZE GROUP: FISCAL YEAR 1967-68

(Dollar amounts in thousands)

STATE POPULATION SIZE GROUP	NUMBER OF STATES	POLICE PROTECTION, JUDICIAL AND CORRECTIONAL ACTIVITIES		POLICE PROTECTION		JUDICIAL ACTIVITIES		CORRECTIONAL ACTIVITIES		
		AMOUNT	PER CAPITA	AMOUNT	PER CAPITA	AMOUNT	PER CAPITA	AMOUNT	PER CAPITA	
Total.....	1967 1968	50	7,402,836 1,618,211	7.19 8.13	446,787 540,689	2.29 2.72	180,717 205,412	0.93 1.03	775,332 872,110	3.97 4.38
10,000,000.....		6	582,648 667,768	7.24 8.19	178,794 218,451	2.22 2.68	62,927 71,151	.78 .87	340,927 378,166	4.23 4.64
3,000,000 to 9,999,999.....		17	538,664 631,072	6.85 7.81	170,067 210,045	2.16 2.60	67,448 75,682	.86 .94	301,149 345,345	3.85 4.27
1,000,000 to 2,999,999.....		14	199,764 225,550	7.72 7.89	74,486 84,832	2.65 2.97	31,466 36,865	1.12 1.29	93,812 103,853	3.34 3.63
less than 1,000,000.....		13	81,780 93,821	10.30 11.65	23,440 27,361	2.95 3.40	18,876 21,714	2.38 2.70	39,444 44,746	4.97 5.56

TABLE II EXPENDITURE OF STATE GOVERNMENTS FOR POLICE PROTECTION, AND JUDICIAL AND CORRECTIONAL ACTIVITIES: FISCAL YEAR 1967-68

TOTAL (DOLLAR AMOUNTS IN THOUSANDS)

STATE AND POPULATION SIZE GROUP	TOTAL EXPENDITURES FOR ALL PURPOSE			CRIMINAL JUSTICE, LAW ENFORCEMENT EXPENDITURES			POLICE PROTECTION		JUDICIAL ACTIVITIES		CORRECTIONAL ACTIVITIES	
All States.....1967	\$ 53	755	093	\$ 1	402	836	\$ 446	787	\$ 180	717	\$ 775	332
1968	60	395	357	1	618	211	540	689	205	412	872	110
States with popula- tions of 10,000,000 or more												
CALIFORNIA.....	6	789	554	193	278	67	200		10	377	115	701
	7	546	632	222	801	79	911		11	270	131	620
ILLINOIS.....	2	290	566	67	745	17	467		13	644	36	640
	2	588	990	74	356	20	332		16	471	37	553
NEW YORK.....	5	887	562	149	265	36	617		20	954	91	694
	7	010	176	162	460	44	523		23	046	94	891
OHIO.....	7	967	583	48	487	12	492		4	442	37	553
	2	327	495	68	253	14	917		5	154	48	182
PENNSYLVANIA.....	2	674	332	77	557	27	893		7	320	42	338
	3	202	272	78	622	33	681		8	103	36	838
TEXAS.....	2	244	626	46	332	17	131		6	190	23	007
	2	523	502	61	276	25	087		7	107	29	082
States with popula- tions of 3,000,000 to 9,999,999												
ALABAMA.....		922	739	14	687	5	470		2	171	7	700
	1	020	576	24	894	5	796		2	282	16	816
FLORIDA.....	7	305	833	33	789	17	898		5	416	16	375
	1	431	307	38	317	13	096		6	170	19	051
GEORGIA.....	7	707	082	24	294	6	622		2	717	14	955
	1	256	036	28	903	7	837		2	557	18	509
INDIANA.....	7	169	863	25	769	9	582		2	137	14	050
	1	378	330	33	465	11	559		2	303	19	603
KENTUCKY.....		915	068	22	543	8	783		5	037	8	723
	1	047	999	23	945	9	557		5	294	9	094
LOUISIANA.....	7	308	298	23	312	9	402		3	474	10	455
	1	368	877	24	912	10	583		3	819	10	510
MARYLAND.....		930	777	47	356	8	767		5	882	26	687
	1	151	413	66	290	27	650		6	833	31	807
MASSACHUSETTS.....	7	392	911	39	857	7	815		5	259	26	783
	1	614	636	46	121	8	793		5	520	31	808
MICHIGAN.....	2	537	268	55	089	19	405		3	814	37	870
	2	772	481	62	025	23	309		4	897	33	819
MINNESOTA.....	7	043	960	20	035	5	572		2	069	12	394
	1	302	077	23	476	7	029		2	370	14	077
MISSOURI.....		966	086	23	977	9	273		5	206	9	558
	1	059	402	27	285	10	012		5	471	11	802
NEW JERSEY.....	7	787	768	56	517	19	206		6	683	30	622
	1	401	046	52	964	19	589		7	560	25	815

STATE AND POPULATION SIZE GROUP	TOTAL EXPENDITURES FOR ALL PURPOSE		CRIMINAL JUSTICE, LAW ENFORCEMENT EXPENDITURES		POLICE PROTECTION		JUDICIAL ACTIVITIES		CORRECTIONAL ACTIVITIES			
	\$		\$		\$		\$		\$			
NORTH CAROLINA 1967	\$	233	802	\$	39	357	\$	20	978	\$	25	398
1968	1	382	078		47	427		13	581		29	392
TENNESSEE		927	467		79	775		6	504		10	635
		948	919		21	496		6	457		2	491
VIRGINIA		064	169		37	134		17	842		6	028
1	1	193	633		41	240		19	408		7	066
WASHINGTON		164	997		32	073		7	389		7	439
1	1	286	754		32	670		9	346		1	531
WISCONSIN		364	952		30	133		4	579		4	499
1	1	563	431		35	642		6	443		5	064
States with popula- tions of 1,000,000 to 2,999,999												
ARIZONA		557	929		15	544		7	200			940
		557	468		15	107		7	953			949
ARKANSAS		487	565		7	579		3	384		1	280
		531	596		8	369		3	822		1	502
COLORADO		608	572		17	253		6	102		2	434
		663	425		20	685		7	140		1	654
CONNECTICUT		707	547		35	183		7	921		13	680
		860	926		42	640		9	529		17	326
IOWA		739	668		22	344		10	305		2	020
		903	880		25	243		10	912		2	223
KANSAS		546	787		13	857		4	469		1	676
		585	988		15	129		4	771		1	849
MISSISSIPPI		558	792		17	167		6	343		1	059
		634	468		12	772		7	257		1	092
NEBRASKA		309	643		8	918		3	178		1	168
		325	314		9	161		3	558		1	318
NEW MEXICO		420	202		9	154		3	562		1	088
		436	204		10	043		4	285		1	110
OKLAHOMA		813	035		22	501		4	858		1	652
		921	562		14	305		5	554		1	820
OREGON		666	613		16	301		5	084		2	067
		703	997		18	663		5	799		2	263
SOUTH CAROLINA		593	019		14	419		6	970			886
		670	237		16	391		7	894			970
UTAH		364	309		7	548		1	848		1	400
		367	453		7	910		2	134		1	626
WEST VIRGINIA		542	028		6	002		3	382		1	122
		605	976		9	142		4	033		1	163
States with popula- tions of less than 1,000,000												
ALASKA		264	353		7	939		2	248		2	577
		276	724		9	571		2	836		3	943

STATE AND POPULATION SIZE GROUP	TOTAL EXPENDITURES FOR ALL PURPOSE		CRIMINAL JUSTICE, LAW ENFORCEMENT EXPENDITURES		POLICE PROTECTION		JUDICIAL ACTIVITIES		CORRECTIONAL ACTIVITIES									
ALASKA.....1967	\$	264	353	\$	7	939			\$	2	577			\$	3	114		
1968		276	724		9	571				2	943				3	792		
DELAWARE.....		239	534		7	972				2	349				3	567		
		248	990		10	874				2	660				5	983		
HAWAII.....		396	249		7	978					40				3	983		
		432	485		8	551					62				4	033		
IDAHO.....		207	057		5	787				7	778				2	637		
		210	564		5	397				1	941				2	529		
MAINE.....		244	768		9	456				3	267				4	825		
		265	562		10	205				3	568				4	896		
MONTANA.....		214	078		5	579				7	965				2	995		
		233	082		6	427				2	178				3	622		
NEVADA.....		167	876		6	949				2	065				4	355		
		186	661		7	482				2	404				4	385		
NEW HAMPSHIRE.....		149	773		4	747				7	872				7	668		
		174	639		4	920				2	094				2	150		
NORTH DAKOTA.....		232	247		3	087				7	034				7	628		
		254	163		3	255				1	038				1	633		
RHODE ISLAND.....		288	750		9	389				7	747				4	259		
		340	785		11	964				2	556				5	232		
SOUTH DAKOTA.....		797	798		4	250				7	897				7	867		
		211	912		4	469				1	870				2	056		
VERMONT.....		768	293		6	397				7	882				2	765		
		207	543		7	376				7	891				2	846		
WYOMING.....		757	778		3	448				7	204				7	807		
		165	691		3	330				1	263				1	589		

TABLE III. PER CAPITA EXPENDITURE OF STATE GOVERNMENTS FOR POLICE PROTECTION, AND JUDICIAL AND CORRECTIONAL ACTIVITIES: FISCAL YEAR 1967-68

STATE AND POPULATION SIZE GROUP	TOTAL PER CAPITA	POLICE PROTECTION	JUDICIAL ACTIVITIES	CORRECTIONAL ACTIVITIES
All States.....1967	\$ 7.19	\$ 2.29	\$ 0.93	\$ 3.97
1968	8.13	2.72	1.03	4.38
States with populations of 10,000,000 or more				
CALIFORNIA.....	2 0.28	3.57	0.55	6.15
1 1.59	4.16	0.59	6.85	
ILLINOIS.....	6.28	7.62	1.26	5.40
6.78	1.85	1.50	3.42	
NEW YORK.....	8.20	2.02	2.15	5.03
8.97	2.46	1.27	5.24	
OHIO.....	4.68	7.27	0.43	3.04
6.46	1.41	0.49	4.55	
PENNSYLVANIA.....	6.68	2.40	0.63	3.65
6.71	2.88	0.69	3.14	
TEXAS.....	4.31	7.54	0.58	2.14
5.58	2.29	0.65	2.65	
States with populations of 3,000,000 to 9,999,999				
ALABAMA.....	4.78	7.54	0.62	2.02
6.98	1.63	0.64	4.72	
FLORIDA.....	5.73	2.04	0.92	2.78
6.22	2.13	1.00	3.09	
GEORGIA.....	5.47	7.48	0.67	3.38
6.30	1.71	0.56	4.03	

STATE AND POPULATION SIZE GROUP	TOTAL PER CAPITA	POLICE PROTECTION	JUDICIAL ACTIVITIES	CORRECTIONAL ACTIVITIES
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INDIANA.....	5.20	1.94	0.43	2.84
	6.60	2.28	0.45	3.87
KENTUCKY.....	7.09	2.76	1.58	2.74
	7.42	2.96	1.64	2.82
LOUISIANA.....	6.44	2.60	0.96	2.88
	6.68	2.84	1.02	2.82
MARYLAND.....	7.45	2.43	1.63	7.39
	7.64	7.36	1.82	8.47
MASSACHUSETTS.....	7.38	7.44	0.97	4.98
	8.48	1.62	1.02	5.85
MICHIGAN.....	6.52	2.29	0.45	3.76
	7.10	2.67	0.56	3.87
MINNESOTA.....	5.62	1.56	0.58	3.47
	6.44	1.93	0.65	3.86
MISSOURI.....	5.25	2.03	1.14	2.09
	5.99	2.16	1.18	2.55
NEW JERSEY.....	8.19	2.77	0.97	4.44
	7.48	2.77	1.07	3.65
NORTH CAROLINA.....	7.92	2.21	0.60	5.72
	9.24	2.64	0.87	5.72
TENNESSEE.....	\$5.12	\$1.68	\$0.68	\$2.75
	5.41	1.62	0.63	3.16
VIRGINIA.....	8.32	4.00	1.35	2.97
	8.97	4.22	1.54	3.21
WASHINGTON.....	0.22	2.43	0.47	7.32
	9.97	2.85	0.47	6.65
WISCONSIN.....	7.23	7.34	1.08	4.82
	8.45	1.53	1.20	5.73

STATE AND POPULATION SIZE GROUP	TOTAL PER CAPITA	POLICE PROTECTION	JUDICIAL ACTIVITIES	CORRECTIONAL ACTIVITIES
States with population of 1,000,000 to 2,999,999				
ARIZONA.....	8.70	4.49	0.59	4.62
	9.05	4.76	0.57	3.72
ARKANSAS.....	3.87	7.73	0.65	7.49
	4.16	1.90	0.75	1.51
COLORADO.....	8.83	3.22	0.73	4.97
	1 0.10	3.49	0.81	5.81
CONNECTICUT.....	7 2.22	2.75	4.75	4.72
	1 4.41	3.22	5.86	5.33
IOWA.....	8.70	3.73	0.73	3.63
	9.19	3.97	0.81	4.41
KANSAS.....	6.09	7.96	0.74	3.39
	6.57	2.07	0.80	3.69
MISSISSIPPI.....	4.78	2.77	0.45	7.67
	5.45	3.10	0.47	1.89
NEBRASKA.....	6.20	2.77	0.87	3.22
	6.38	2.48	0.92	2.98
NEW MEXICO.....	9.74	3.55	1.09	4.50
	9.89	4.22	1.09	4.58
OKLAHOMA.....	5.06	7.96	0.67	2.42
	5.66	2.21	0.72	2.75
OREGON.....	8.26	2.55	1.04	4.64
	9.29	2.88	1.13	5.28
SOUTH CAROLINA.....	5.57	2.67	0.34	2.56
	6.09	2.93	0.36	2.79
UTAH.....	7.49	7.84	1.39	4.28
	7.65	2.26	1.57	3.82
WEST VIRGINIA.....	4.42	7.87	0.62	7.93
	5.06	2.23	0.64	2.19

STATE AND POPULATION SIZE GROUP	TOTAL PER CAPITA	POLICE PROTECTION	JUDICIAL ACTIVITIES	CORRECTIONAL ACTIVITIES
States with population less than 1,000,000				
ALASKA.....	2 9.96	1 8.48	1 9.72	2 7.75
	3 4.55	0.24	0.62	1 3.69
DELAWARE.....	2 5.54	4.58	4.02	8.94
	2 0.36	4.98	4.18	1 1.20
HAWAII.....	\$ 2 0.97	\$0.06	\$5.44	\$ 5.48
	1 0.99	0.08	5.73	5.18
IDAHO.....	2 7.43	2.55	7.77	3.77
	7.66	2.75	1.31	3.59
MAINE.....	9.67	3.33	7.40	4.93
	1 0.42	3.64	1.78	5.00
MONTANA.....	7.95	2.80	0.88	4.27
	9.27	3.14	0.90	5.23
NEVADA.....	2 6.72	4.79	7.23	2 0.70
	1 6.52	5.31	1.53	9.68
NEW HAMPSHIRE.....	6.73	2.77	0.89	2.46
	7.01	2.98	0.96	3.06
NORTH DAKOTA.....	4.80	7.61	0.66	2.53
	5.21	1.66	0.93	2.61
RHODE ISLAND.....	2 0.46	7.94	3.77	4.74
	1 3.10	2.80	5.57	5.73
SOUTH DAKOTA.....	6.26	2.78	0.73	2.74
	6.80	2.85	0.83	3.13
VERMONT.....	2 5.55	4.85	3.98	6.73
	1 7.48	6.85	3.88	6.74
WYOMING.....	2 0.81	3.77	7.39	5.65
	1 0.57	4.01	1.52	5.04

TABLE IV. FULL-TIME EQUIVALENT EMPLOYMENT OF STATE GOVERNMENTS FOR POLICE PROTECTION, AND JUDICIAL AND CORRECTIONAL ACTIVITIES: OCTOBER 1968

STATE AND POPULATION SIZE GROUP	TOTAL FULL-TIME EQUIVALENT STATE EMPLOYEES		POLICE PROTECTION, JUDICIAL AND CORRECTIONAL ACTIVITIES NUMBER OF EMPLOYEES		POLICE PROTECTION NUMBER OF EMPLOYEES		JUDICIAL ACTIVITIES NUMBER OF EMPLOYEES		CORRECTIONAL ACTIVITIES NUMBER OF EMPLOYEES		
	1967	1968									
All States.....	7	938	911	136	290	46	601	12	341	77	342
States with populations of 10,000,000 or more	2	084	860	145	876	50	609	13	129	82	138
CALIFORNIA.....		175	710	16	591	7	010		261	9	320
ILLINOIS.....		181	304	17	102	6	111		270	10	021
NEW YORK.....		91	282	9	769	1	706	1	277	3	786
OHIO.....		95	976	7	434	1	958	1	301	4	175
PENNSYLVANIA.....		158	757	22	984	3	790	1	094	8	100
TEXAS.....		173	435	15	124	4	301	1	164	9	659
States with populations of 3,000,000 to 9,999,999		71	247	5	714	1	549		369	3	796
ALABAMA.....		76	200	9	121	1	684		404	4	033
FLORIDA.....		103	693	7	582	3	673		638	3	273
GEORGIA.....		112	719	7	687	3	948		636	3	103
		89	254	4	509	1	007		394	3	108
		96	755	4	532	1	018		396	3	118
ALABAMA.....		32	629	1	623		688		118		817
FLORIDA.....		35	261	1	597		670		117		810
GEORGIA.....		56	662	4	574	1	635		345	2	594
		62	439	4	911	1	709		348	2	854
		36	882	2	633		321		272	1	400
		44	837	3	091	1	059		266	1	766

STATE AND POPULATION SIZE GROUP	TOTAL FULL-TIME EQUIVALENT STATE EMPLOYEES		POLICE PROTECTION, JUDICIAL AND CORRECTIONAL ACTIVITIES		POLICE PROTECTION		JUDICIAL ACTIVITIES		CORRECTIONAL ACTIVITIES	
			NUMBER OF EMPLOYEES		NUMBER OF EMPLOYEES		NUMBER OF EMPLOYEES		NUMBER OF EMPLOYEES	
INDIANA.....	48	947	2	905	1	719		250	1	636
	50	849	2	992	1	243		139	1	610
KENTUCKY.....	36	363	2	052		989		718		925
	36	531	2	052	1	013		121		918
LOUISIANA.....	61	064	2	685		917		377	1	271
	52	978	2	575		911		370	1	294
MARYLAND.....	37	655	4	205	1	299		191	2	795
	40	944	4	620	1	381		253	2	976
MASSACHUSETTS.....	49	040	3	525		754		150	2	621
	52	644	3	654		876		154	2	624
MICHIGAN.....	60	141	4	825		869		215	2	731
	83	546	5	207	2	080		225	2	902
MINNESOTA.....	37	051	1	970		554		106	1	370
	39	799	2	051		614		108	1	339
MISSOURI.....	44	924	3	070	1	207		472	1	292
	48	743	3	317	1	314		571	1	431
NEW JERSEY.....	45	202	4	344	1	663		265	2	196
	48	744	4	938	2	044		503	2	391
NORTH CAROLINA.....	50	877	4	318	1	492		104	3	088
	35	503	4	065	1	167		104	2	791
TENNESSEE.....	39	795	2	520		700		249	1	571
	41	916	2	769		641		423	1	685
VIRGINIA.....	60	866	3	557		486		153	1	959
	57	507	3	770	1	531		136	1	103
WASHINGTON.....	38	803	2	823		810		140	1	875
	47	664	3	141		986		134	2	017
WISCONSIN.....	38	974	2	819		537		344	2	037
	42	780	3	116		685		358	2	076

STATE AND POPULATION SIZE GROUP	TOTAL FULL-TIME EQUIVALENT STATE EMPLOYEES		POLICE PROTECTION, JUDICIAL AND CORRECTIONAL ACTIVITIES		POLICE PROTECTION	JUDICIAL ACTIVITIES	CORRECTIONAL ACTIVITIES
			NUMBER OF EMPLOYEES		NUMBER OF EMPLOYEES	NUMBER OF EMPLOYEES	NUMBER OF EMPLOYEES
States with population of 1,000,000 to 2,999,999							
ARIZONA.....	18	590	Z	144	545	85	504
	19	218	1	197	608	96	493
ARKANSAS.....	21	794		805	416	730	259
	23	064		891	258	130	303
COLORADO.....	21	794		805	416	730	259
	29	100		843	635	144	064
CONNECTICUT.....	27	584	Z	783	601	160	1 022
	37	032	3	941	915	361	1 665
IOWA.....	29	839	Z	894	620	88	1 989
	31	015	2	081	981	85	1 015
KANSAS.....	27	885		437	354	151	926
	29	503	1	468	386	150	932
MISSISSIPPI.....	23	283	Z	055	672	84	289
	25	444	1	162	727	89	346
NEBRASKA.....	16	793		326	309	94	523
	18	249		997	384	95	518
NEW MEXICO.....	16	473		913	322	59	532
	18	100	1	012	346	149	517
OKLAHOMA.....	33	429	Z	536	555	184	797
	34	326	1	681	690	148	843
OREGON.....	28	279	Z	846	664	130	052
	29	881	1	886	656	128	102
SOUTH CAROLINA.....	25	672	Z	402	623	69	710
	27	874	1	576	722	73	781
UTAH.....	14	851		767	272	115	374
	15	408		864	280	169	415
WEST VIRGINIA.....	26	983	Z	079	449	60	570
	29	024	1	071	485	58	528

STATE AND POPULATION SIZE GROUP	TOTAL FULL-TIME EQUIVALENT STATE EMPLOYEES		POLICE PROTECTION, JUDICIAL AND CORRECTIONAL ACTIVITIES NUMBER OF EMPLOYEES		POLICE PROTECTION NUMBER OF EMPLOYEES		JUDICIAL ACTIVITIES NUMBER OF EMPLOYEES		CORRECTIONAL ACTIVITIES NUMBER OF EMPLOYEES	
States with populations of less than 1,000,000										
ALASKA.....	6	805		567		183		200		184
	7	603		701		233		212		256
DELAWARE.....	9	813		960		294		284		382
	10	705	1	012		301		296		415
HAWAII.....	22	837		578		NA		266		212
	23	785		679		NA		378		301
IDAHO.....	8	267		± 1		180		65		228
	8	970		607		312		71		224
MAINE.....	12	807		863		324		32		507
	13	899	1	018		341		148		529
MONTANA.....	10	655		672		202		43		367
	11	524		668		239		65		364
NEVADA.....	5	652		449		96		57		302
	6	299		460		107		51		302
NEW HAMPSHIRE.....	8	286		457		188		56		233
	8	535		459		163		54		242
NORTH DAKOTA.....	8	893		285		95		30		170
	9	330		298		93		30		175
RHODE ISLAND.....	12	410		950		170		349		431
	12	775		959		281		252		426
SOUTH DAKOTA.....	9	424		459		208		37		220
	10	303		484		227		31		226
VERMONT.....	8	955		667		246		138		283
	8	009		678		265		126		287
WYOMING.....	5	896		316		99		34		183
	6	809		337		130		34		173

NOTE: (NA) not available.

See Table III for estimated 1968 population for each state.

APPENDIX B. 1968-69 MANPOWER AND BUDGETS OF STATE POLICE AGENCIES*

STATE	1968 BUDGET	1969 BUDGET	1968 PERSONNEL	1969 PERSONNEL	STATE	1968 BUDGET	1969 BUDGET	1968 PERSONNEL	1969 PERSONNEL
ALABAMA	6,988,401	N.A. (1)	853	N.A.	MONTANA	2,563,000	2,876,600	150	253
ALASKA	3,060,700	3,450,900	212	225	NEBRASKA	8,524,529 (2 yrs.)	N.A.	333	N.A.
ARIZONA	6,893,133	7,858,819	599	639	NEVADA	1,240,368	1,601,165	94	134
ARKANSAS	4,000,000	4,449,137	-	493	N. HAMPSHIRE	1,811,972	N.A.	160	N.A.
CALIF.	85,810,834	98,242,671	4,146	6,952	N. J.	12,585,621	16,426,251	1,565	1,720
COLO.	5,949,677	6,554,063	323	608	N. MEX.	3,966,774	4,030,732	341	331
CONN.	8,758,000	10,730,000	949	944	N. Y.	36,851,290	42,160,245	3,383	3,674
DEL.	2,379,065	3,225,580	300	330	NO. CAR.	11,233,235	11,260,790	1,037	1,077
FLA.	12,964,390	12,980,354	1,549	1,667	NO. DAK.	950,000	N.A.	94	89
GA.	10,330,000	11,669,000	1,021	1,097	OHIO	13,811,936	14,972,429	1,603	1,677
HAWAII	no state police	-	-	-	OKLAHOMA	4,467,750	4,467,750	700	642
IDAHO	4,200,000	2,008,007.18	188	141	OREGON	7,300,000	7,300,000	658	660
ILL.	22,000,000	22,000,000	1,747	1,988	PA.	30,808,716	37,519,184	3,205	3,436
INDIANA	10,467,293	10,721,845	1,175	1,232	R. I.	2,134,237	N.A.	166	164
IOWA	6,245,535	6,245,535	609	612	SO. CAR.	5,500,000	7,119,543.41	609	645
KANSAS	3,694,364	4,775,723	355	371	SO. DAK.	1,600,000	2,007,165	162	162
KENTUCKY	7,553,986	8,883,590	769	824	TENN.	7,785,000	7,785,000	886	886
LA.	8,615,418	8,555,442	912	849	TEXAS	28,500,000	31,767,427	3,144	3,574
MAINE	3,600,000	4,025,719	350	350	UTAH	2,313,210	3,087,530	268	272
MARYLAND	12,967,083	14,454,459	1,347	1,459	VERMONT	2,567,318	3,500,000	253	262
MASS.	7,743,000	8,539,698	787	791	VA.	12,180,430	13,110,270	1,152	1,170
MICHIGAN	26,649,560	28,907,765	1,913	2,170	WASH.	11,579,103	12,529,388	942	1,064
MINN.	5,488,000	6,356,303	349	505	W. VA.	4,090,262	4,387,110	448	497
MISS.	7,000,000	N.A.	635	N.A.	WISC.	5,224,388	7,834,500	512	664
MISSOURI	11,493,000	15,293,575	1,260	1,300	WYOMING	1,275,000	1,458,329	100	98

*Data supplied by state police agencies to International Association of Chiefs of Police.
(1) N.A. - Not Available

**UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION**

IN REPLY PLEASE REFER TO

WASHINGTON, D.C. 20530

NOTICE TO STATE PLANNING AGENCY DIRECTORS

SUBJECT: 1970 Comprehensive Plans--Law Enforcement System Data Schedule

Many SPA's have inquired about the proposed Schedule of Law Enforcement System Data which, as the draft guidelines for 1970 State plans indicate, is to be added to the "Existing Law Enforcement Systems and Available Resources" section of State plans. This item was not included in the guidelines as furnished at the September Notre Dame workshop (although initial drafts were separately circulated). The purpose of the schedule is to generate national data--for LEAA, SPA and general use--on basic system information (law enforcement manpower, expenditures, facilities, workloads) which has proved not to be available from narrative plan descriptions of existing systems.

The draft data schedule was reviewed at an ad hoc committee meeting of SPA directors in Denver on November 3, 1969 (Ohio, Kansas, Delaware, Nevada, New Hampshire, and Texas were represented). Suggestions for several item additions were made, and general approval was extended for a limited schedule this year. Participating States confirmed that data of the kind included could be generated, at least in terms of reasonable estimates.

Attached is a draft of the schedule, with instructions, as adjusted after the Denver meeting. It also reflects internal reviews by LEAA's National Institute and Information and Statistics Service. It will be noted that information requested is based on statistics or best estimates as of the latest feasible date in calendar year 1969 (preferably December 31 and the calendar year itself). The schedule will be included in the final 1970 plan guideline printing to be released shortly. The few States which have already submitted their 1970 plans should submit this as a supplemental data item. (Plan review and processing will not be delayed pending submission of data schedules.)

The 1970 plan guidelines, as amended to reflect the shorter multi-year planning period established at the Notre Dame workshop and to add the data schedule attached hereto (SPA Directors Memo No. 23, October 20, 1969), are being reproduced for distribution by the end of this month. Apart from these changes, the guidelines will incorporate only minor modifications and clarifying language, hence current SPA reliance on the Notre Dame guidelines in plan preparation is warranted and should continue.

OFFICE OF LAW ENFORCEMENT PROGRAMS
February 24, 1970

Exhibit A - 1970 Plan Outline
SCHEDULE OF LAW ENFORCEMENT SYSTEM DATA

This schedule has been designed to facilitate standardized reporting and aggregation of basic data about individual State law enforcement systems. The major components are:

- Section I - Manpower Resources
- Section II - Workload Measures
- Section III - Facilities and Equipment
- Section IV - Expenditures

Since most States have collected or are collecting most of the data required for completion of the schedule, it should be possible to develop a national picture and a report that will permit States to measure where they stand in relation to one another. This is not currently derivable from the narrative "Existing Law Enforcement Systems" Section of State plans.

To the extent possible, all data for a single section of the schedule should be reported as of a single date within each State. A date during the last half of calendar 1969 (preferably December 31, 1969) should be used. Where data is required for a period of time, an annual period ending in late calendar year 1969 (preferably calendar 1969 itself) should be used.

Data based on actual censuses or surveys is desirable. However, few States, if any, will have such data for all items on the schedule. For those items where actual data is unavailable, a best estimate should be supplied. Where surveys or censuses are too old, intelligent projection or interpolation can produce good current estimates. Where estimates are used, SPA's should feel satisfied that the data is reasonably accurate within a modest margin of error.

An attempt has been made to provide definitions and clarifying instructions throughout the schedule. However, where items appear sufficiently clear or self-explanatory, no comment has been made. Questions concerning any item or entry should be referred to the LEAA Office of Law Enforcement Programs, Washington, D. C. (telephone - 202/386-3135).

The data in this initial schedule does not purport to cover all items of useful law enforcement system data. It represents, rather, an initial attempt at rapid aggregation of current, reasonably accurate national statistics not currently available from any source. In doing this, reliance is placed on the instrumentality now best equipped to collect available statistics or make knowledgeable estimates on a systemwide basis--the State planning agencies.

The number of informational items have been purposely limited and no State is expected to undertake extensive original data collection, relying instead on estimates or statistics already available. Some of the data will, or may, be superseded by future national surveys, samples or more rigorous statistical studies. The first of these, however, will not be available before the end of calendar year 1970. The utility of the schedule as an annual plan feature (component of the "existing systems" section) will be assessed based on the results and experience of the 1970 schedule submissions.

Definitions and Instructions

SECTION I - LAW ENFORCEMENT MANPOWER RESOURCES

General. The "Number of Individuals" columns should include all persons employed in the various categories shown. Where a substantial portion of these (i.e., 10 percent or more) are part-time staff (i.e., employed less than 30 hours per week), the SPA should indicate the estimated percentage of part-time employees (or actual number if known) in the category by footnote at the bottom or reverse side of the schedule page.

A. Police

- 1.a. State Agencies--Sworn Personnel. Exclude personnel working for agencies with limited jurisdiction, e.g., only traffic offenses, and agencies with principal missions other than enforcement of the general criminal law, such as regulatory agencies. See "General" instruction above re part-time personnel.
- 1.b. State Agencies--Auxiliary Personnel. Include the unsworn personnel of agencies covered in a. and the sworn personnel of agencies excluded from a.
- 2.a. Local Agencies--Sworn Personnel. See 1.a. above. Include sheriff's deputies. If such personnel do or may also perform duties related to corrections, provide a note on the bottom or reverse of the schedule page and estimate the full-time equivalent number of individuals who perform solely police type duties.
- 2.b. Local Agencies--Auxiliary Personnel. See 1.b. above. Include police cadets, sheriffs' posses, meter maids, etc. as well as clerks, mechanics, unsworn technicians, etc.

B. Judiciary

"Number of Individuals" Column. The schedule contemplates that entries here will show the total number of judges in the State assigned to courts that exercise some criminal jurisdiction. Exclude all members of courts with no original criminal jurisdiction. Handle part-time judges as per the "General" instruction at the top of the page.

Percent Estimates. After each type of court, give the SPA's estimate of the average percentage of time that member judges as a class devote to criminal cases in that court. That is, taking all judges assigned to criminal jurisdiction (some exclusively, some predominantly, some occasionally), what is the SPA's estimate of the average percent of time devoted by such judges to criminal as opposed to civil and other non-criminal jurisdiction. Juvenile court jurisdiction should be considered "criminal" for purposes of this item.

2. Other Judicial Officers. Include magistrates, commissioners, justices of the peace, hearing officers, etc., when such persons can finally determine, subject to appeal, the disposition of any criminal charges.

C. Prosecution and Defense

Include only lawyers employed by public agencies in items a, b, c, and d. For employees of agencies which have other than solely criminal law jurisdiction, estimate the approximate number of lawyers assigned solely to criminal cases and duties. Estimate non-lawyer personnel in prosecutor and defender offices (clerical, investigators, etc.) in items 1.e. and 2.e.

SECTION I - LAW ENFORCEMENT MANPOWER RESOURCES

NUMBER OF INDIVIDUALS

A. POLICE

- 1. State Agencies
 - a. Sworn Personnel
 - b. Auxiliary Personnel
- 2. Local Agencies
 - a. Sworn Personnel
 - b. Auxiliary Personnel

B. JUDICIARY

- 1. Judges
 - a. Municipal Courts %
 - b. County Courts %
 - c. District Courts %
 - d. *Juvenile Courts (regardless of geographical jurisdiction) % *
 - e. Other: %
- 2. Other Judicial Officers
 - a. Municipal Jurisdiction %
 - b. County Jurisdiction %
 - c. District Jurisdiction %
 - d. *Juvenile Courts % *

C. PROSECUTION AND DEFENSE

- 1. Prosecutors
 - a. Municipal Jurisdiction
 - b. County Jurisdiction
 - c. District Jurisdiction
 - d. Other:
 - e. Non-lawyer Personnel in All Prosecutor Offices.
- 2. Defenders
 - a. Municipal Jurisdiction
 - b. County Jurisdiction
 - c. District Jurisdiction
 - d. Other:
 - e. Non-lawyer Personnel in All Defender Offices.

*Where this duplicates judges listed in a, b, or c, indicate and explain the extent of overlap here: _____

Definitions and Instructions

SECTION I - LAW ENFORCEMENT MANPOWER RESOURCES (CONT'D)D. Corrections--Probation and Parole

General. Manpower figures here would include all kinds of agency personnel, i.e., management, supervisory, clerical, and auxiliary professional (statisticians, budget officers, trainers, testing and placement, etc.) in addition to probation and parole officers working with direct client caseloads.

2. Local Agencies. This would include district, county, municipal, and private agencies (where the latter handles significant parole or probation management caseloads under contract or other arrangement with local government). In the case of private agencies only personnel assigned to probation or parole duties should be included.

E. Corrections--Institutions and Residential Treatment

General. Where it is not possible to provide manpower breakdowns by the functional categories shown (custody officers, guidance and counselling personnel, academic and vocational teachers, and all other), gross personnel figures may be given. SPA's are urged, however, to make a maximum effort to provide some estimate of personnel in each category. For this purpose (i) the term "custody officers" refers to guards, correctional officers in charge or on duty in cell blocks, wards, cottages, or halls (even though these are encouraged and expected to serve counselling as well as custodial functions) and other custodial or guard personnel on duty in working, processing, and recreation areas or assigned to other administrative or security functions; (ii) the term "guidance and counselling personnel" refers to social workers, psychologists, or other treatment personnel performing these functions as a primary responsibility and with little or no custodial duties; and (iii) the term "other" refers to cooks, maintenance personnel, drivers, clerical workers, etc.

1. Long Term Confinement--Prisons. This excludes institutions dealing exclusively with juveniles and refers to prisons, reformatories, penitentiaries and other prison-type facilities (maximum security or otherwise) to primarily handle adjudicated adult offenders under sentence of 12 or more months confinement. It does not include halfway houses, forestry camps, or community-located group homes for adult offenders which should be reported under Section E.3.

Where county or local jails accommodate adult offenders serving 12 month or longer sentences but also provide short term and pre-trial confinement, the State should report personnel under this Section or Section E.4 depending on which service (long term or short term confinement) requires the majority of personnel or other resources. If desired, manpower may be apportioned in such cases among Section E.1 or E.4 based on estimates of personnel required for short term and long term prisoner management.

- 1.b. Local Institutions. This would include sheriff's office personnel or deputies who perform only corrections-type duties (applicable also to Section 4b).

SECTION I (CONT.)

NUMBER OF INDIVIDUALS

D. CORRECTIONS--PROBATION AND PAROLE

- 1. State Agencies
 - a. Adult Clients--Probation
 - b. Adult Clients--Parole
 - c. Juvenile Clients--Probation
 - d. Juvenile Clients--Parole
- 2. Local Agencies
 - a. Adult Clients--Probation
 - b. Adult Clients--Parole
 - c. Juvenile Clients--Probation
 - d. Juvenile Clients--Parole
- 3. Total number of probation officers and parole officers included in item 1 and 2 responses.

E. CORRECTIONS--INSTITUTIONS AND RESIDENTIAL TREATMENT

- 1. Long-Term Confinement--Prisons
 - a. State Institutions
 - (1) Custody Officers
 - (2) Guidance and Counseling Personnel
 - (3) Academic and Vocational Teachers
 - (4) All Other
 - b. Local Institutions
 - (1) Custody Officers
 - (2) Guidance and Counseling Personnel
 - (3) Academic and Vocational Teachers
 - (4) All Other
- 2. Juvenile Institutions
 - (1) Custody and Group Living Officers
 - (2) Guidance and Counseling Personnel
 - (3) Academic and Vocational Teachers
 - (4) All Other
- 3. Other Institutions or Residential Treatment Facilities (Adult)
 - (1) Halfway Houses and Community Based Group Homes or Residential Treatment Centers
 - (2) Work and Forestry Camps
- 4. Short-Term Confinement--Jails
 - a. State Institutions
 - b. Local Institutions
 - c. All Juvenile Institutions--Detention Homes

Definitions and Instructions

SECTION II - WORKLOAD MEASURES

General. These workload items are to be statewide in scope, i.e., totals for all agencies and institutions in the given category, whether State, district, county, or local.

Period Covered. All figures in this section except items D.1 and E are annual figures.

C. Criminal Proceedings

1. **Filed in Court.** This refers to proceedings or cases in which a formal charge (indictment or information) is filed in a court with jurisdiction to try that charge. Proceedings preliminary to formal charging (e.g., to hold a defendant for grand jury action) are not included. If States have aggregate figures or estimates on number of preliminary hearings, this should be shown by footnote on the bottom or reverse of the schedule page.

Misdemeanor Charge. This should exclude traffic offenses. Generally accepted definitions or classifications of felony and misdemeanor offenses in the reporting State will be adequate for purposes of the schedule although these may vary somewhat from State to State. In the absence of any classification, the general delineation of felonies as offenses punishable by as much as one year or more of confinement may be used.

SECTION II - WORKLOAD MEASURES

<p>A. OFFENSES KNOWN TO THE POLICE</p> <p>1. Total</p> <p>2. Part 1 Offenses Only (as defined in FBI Uniform Crime Reports)</p> <p>3. Number of Traffic Offenses Included in 1</p> <p>4. Number of Offenses Committed by Juveniles Included in 1 (exclusive of traffic)</p>	<table border="1" style="width: 100%; height: 100%;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table>								
<p>B. ARRESTS MADE BY THE POLICE</p> <p>1. Total</p> <p>2. Part 1 Offenses Only</p> <p>3. Traffic Offenses</p> <p>4. Juvenile Offenders (exclusive of traffic)</p>	<table border="1" style="width: 100%; height: 100%;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table>								
<p>C. CRIMINAL PROCEEDINGS</p> <p>1. Filed in Court</p> <p style="padding-left: 20px;">a. Felony charge</p> <p style="padding-left: 20px;">b. Misdemeanor charge</p> <p style="padding-left: 20px;">c. Juvenile charge</p> <p>2. Terminated</p> <p style="padding-left: 20px;">a. Felony charge</p> <p style="padding-left: 20px;">b. Misdemeanor charge</p> <p style="padding-left: 20px;">c. Juvenile charge</p>	<table border="1" style="width: 100%; height: 100%;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table> <table border="1" style="width: 100%; height: 100%;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table>								
<p>D. POPULATION OF CORRECTIONAL INSTITUTIONS</p> <p>1. Average Daily Population</p> <p style="padding-left: 20px;">a. Adult facilities</p> <p style="padding-left: 20px;">b. Juvenile facilities</p> <p>2. Persons Admitted to Institutions Annually</p> <p style="padding-left: 20px;">a. Adult facilities</p> <p style="padding-left: 20px;">b. Juvenile facilities</p> <p>3. Persons Released from Institutions Annually</p> <p style="padding-left: 20px;">a. Adult facilities</p> <p style="padding-left: 20px;">b. Juvenile facilities</p>	<table border="1" style="width: 100%; height: 100%;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table> <table border="1" style="width: 100%; height: 100%;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table> <table border="1" style="width: 100%; height: 100%;"> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table>								
<p>E. PROBATION AND PAROLE</p> <p>1. Number of Persons on</p> <p style="padding-left: 40px;">a. Probation</p> <p style="padding-left: 40px;">b. Parole</p>	<table border="1" style="width: 100%; height: 100%;"> <tr> <td colspan="3" style="text-align: center;">Annual Period</td> </tr> <tr> <td style="width: 33%;">1st Day</td> <td style="width: 33%;">Last Day</td> <td style="width: 33%;">Average</td> </tr> <tr><td style="height: 20px;"></td></tr> <tr><td style="height: 20px;"></td></tr> </table>	Annual Period			1st Day	Last Day	Average		
Annual Period									
1st Day	Last Day	Average							

Annual period (or periods) used for making compilation or estimates: _____

Definitions and Instructions

SECTION III - FACILITIES AND EQUIPMENTA. Number of Law Enforcement Agencies

4 & 5. Correctional Agencies. If county and local level agencies are field offices of a State agency, so indicate by footnote but include such separate offices in items A.4, 5, and 6.

D. Rehabilitation or Correction Facilities

3. Mixed Adult-Juvenile Facilities. Do not include a facility in this category if it is intended for use or employment for adult offenders exclusively or for juvenile offenders exclusively although under unusual or exceptional circumstances it may be obliged to handle offenders in the other category.

"Capacity" Column. Enter the total "rated" or normal capacity of facilities in the specific category shown.

SPA Guide 70 (January, 1970)

SECTION III - FACILITIES AND EQUIPMENT

		Number
A. NUMBER OF LAW ENFORCEMENT AGENCIES		
1.	Police Agencies - State Level	<input type="text"/>
2.	Police Agencies - County or Regional Level	<input type="text"/>
3.	Police Agencies - Municipal Level	<input type="text"/>
4. Correctional Agencies - State Level		
a.	Operating Facilities or Institutions	<input type="text"/>
b.	Supervising Probation or Parole	<input type="text"/>
c.	Performing both a. and b. above.	<input type="text"/>
5. Correctional Agencies - County or Regional Level		
a.	Operating Facilities or Institutions	<input type="text"/>
b.	Supervising Probation or Parole	<input type="text"/>
c.	Performing both a. and b. above	<input type="text"/>
6. Correctional Agencies - Municipal Level		
a.	Operating Facilities or Institutions	<input type="text"/>
b.	Supervising Probation or Parole	<input type="text"/>
c.	Performing both a. and b. above	<input type="text"/>
B. VEHICLES OPERATED BY THE POLICE		
1.	Passenger Automobiles	<input type="text"/>
2.	Motorcycles (including motor scooters)	<input type="text"/>
3.	Trucks and Buses (including patrol wagons)	<input type="text"/>
4. Aircraft		
a.	Helicopters	<input type="text"/>
b.	Fixed Wing Aircraft	<input type="text"/>
5.	Watercraft	<input type="text"/>
6.	Other (include all special purpose vehicles not included above and list what these are by footnote)	<input type="text"/>
C. RADIOS OPERATED BY THE POLICE		
1.	Base Stations	<input type="text"/>
2.	Portable Base Stations	<input type="text"/>
3.	Vehicular Radios	<input type="text"/>
4.	Personel (handheld) Radios	<input type="text"/>
D. DETENTION (JAIL) FACILITIES		
1.	For Adults Only	<input type="text"/>
2.	For Juveniles Only	<input type="text"/>
3.	Mixed Adult-Juvenile Facilities	<input type="text"/>
E. REHABILITATION OR CORRECTION FACILITIES		
		Number Capacity
1. For Adults Only		
a.	Prisons, Reformatories or Workhouses	<input type="text"/>
b.	Work or Forestry Camps	<input type="text"/>
c.	Halfway Houses or Residential Group Homes	<input type="text"/>
2. For Juveniles Only		
a.	Training Schools	<input type="text"/>
b.	Work or Forestry Camps	<input type="text"/>
c.	Halfway Houses or Group Homes	<input type="text"/>
3. Mixed Adult Juvenile Facilities		
		<input type="text"/>
		<input type="text"/>

Definitions and Instructions

SECTION IV - EXPENDITURES

2. Courts. Where costs of criminal court operations are impossible to segregate from total court budgets (civil and criminal) a reasonable proration or estimate of that portion of court costs fairly assignable to criminal jurisdiction may be made (based on criminal vs. civil workload or any other reasonable measure). Appellate court costs allocable to criminal cases should also be included in estimates. Indicate by footnote total court system expenditures (criminal and civil) if available.
3. Prosecution. Operations of State Attorneys General offices concerned with prosecution and related law enforcement and criminal justice functions should be included here. Reasonable proration of Attorneys' General budgets between civil and criminal jurisdiction should be made where costs are not segregated.
4. Defense (public). This category may include expenditures for services of assigned counsel to represent indigent defenders as well as costs of public defender agencies and personnel. Where assigned counsel costs are included, indicate amount by footnote at bottom of schedule page.
7. Other*. May include expenditures for investigative or enforcement agencies not included in police category (e.g., special units engaged in specialized enforcement activities--liquor laws, fish and game violations, etc.) provided these relate exclusively to some aspect of criminal code enforcement. Should also include costs of State and local law enforcement and criminal justice planning and coordinating agencies not covered in any preceding category.

SECTION IV - EXPENDITURES

Data reported below should be for the most current annual period available (preferably calendar year 1969). To the extent possible, a common annual period should be used for all data. Indicate at the bottom of this page the period used for each type of data. Include capital expenditures.

TOTAL EXPENDITURES BY FUNCTION AND BY LEVEL OF GOVERNMENT

FUNCTION	LEVEL OF GOVERNMENT		TOTAL
	STATE	OTHER	
1. Police (criminal)			
2. Courts			
3. Prosecution			
4. Defense (public)			
5. Corrections-- Institutions			
6. Corrections-- Probation and Parole			
7. Other*			
8. TOTAL			

* Indicate types of expenditures included in this category by footnote.

Annual period (or periods) use for making compilation or estimate: _____

Total Expenditures for Court Operations (Criminal and Civil Jurisdiction).
\$ _____

Mr. RODINO. Mr. Chairman, there is one last observation I wish to make.

I was impressed with the statement by Governor Cahill about the manner in which the State of New Jersey helps some of the local communities in developing law enforcement plans.

Then I wonder whether we must do anything for those areas which unlike those in the State of New Jersey are in States which do not recognize that this problem exists and do not provide necessary assistance to local governments.

Governor SHAFER. Mr. Chairman, if I may comment on that—I think your point is very well taken.

This is one of the beauties of the Federal system. Each State is a laboratory in itself. If New Jersey, Rhode Island, Utah, Arizona, and Pennsylvania can demonstrate what we are doing, those other States who have not actually taken advantage will see by example and follow through.

This is one of the things that is the beauty of the Federal system, as far as I am concerned. I think you will see, by virtue of the action that you have taken in Congress, that you will stimulate all States to take advantage of the benefits that have been shown to have arisen in certain individual States.

Mr. RODINO. Thank you, Governor.

Mr. POLK. Governor Shafer, the charge has been made in testimony given to this subcommittee that, in reality, there aren't any discretionary funds at all; that because the State planning agencies exercise control even over the grant of discretionary funds by LEAA not 85 percent but rather 100 percent of the funds given under the program are nondiscretionary.

Since Philadelphia, in fiscal 1969, received \$100,000 as a discretionary grant and since Philadelphia and Pittsburgh this year are eligible to receive discretionary grants, I was wondering if you could comment on that charge.

Governor SHAFER. I think you have answered the charge in the very excellent way you have explained it. The fact that LEAA has the power to make these discretionary grants to individual cities and to individual areas does show that there is discretion, and it does show that they can, in and of themselves, pinpoint areas that they want to see special programs in.

Here, again, they may want to try something in Philadelphia or in Providence, or in Tucson, and make a discretionary grant to that particular area which may be helpful then later to New York, Cleveland or Pittsburgh.

So I do believe that even under the present system there is sufficient discretion to carry out the purposes of the act.

Mr. RODINO. Does your State planning agency exercise any control over the purposes for which a discretionary grant is used?

Governor SHAFER. No. Actually, Philadelphia is a region in and of itself. When they make a request or get a discretionary grant, they have control over the utilization of that money.

Mr. POLK. With regard to the discretionary grants, I would like to point out that the discretionary grant program is now administered by LEAA.

There is some controversy about whether it should be administered in such a way that the recipient need not match the grant given by LEAA in any percentage.

Mr. McCulloch, last October, introduced H.R. 14296, which would make perfectly clear that these discretionary grants need not be matched by the recipient State or local government.

What would your position be on that?

Governor SHAFER. I wholeheartedly favor that. I think that the whole concept of constant matching grants defeats very often the very purpose that the original appropriation made, because sometimes there are areas that need assistance, and they are areas that can't provide the matching grants.

Therefore, the purpose fails. So I wholeheartedly endorse the proposition.

Mr. McCULLOCH. Mr. Chairman, I would like to make the observation that we have now heard seven able Governors. They have shown us, in my opinion, federalism at its best.

Your statements have been able, informative and persuasive to me.

Governor SHAFER. Thank you, sir.

The CHAIRMAN. The Chair wishes to state that we have learned a great deal from this very talented group of Governors. The testimony has been enlightening and very informative. We have profited by their appearance.

I would like to ask one last question of the Governor of Rhode Island.

How many States are in a similar position to Rhode Island? Did you say 12?

Governor LICHT. I thought 11 States had structures in which the bulk of the Justice Department action would be on the State level.

The CHAIRMAN. Do you care to give us those States?

Governor LICHT. Connecticut, Vermont, Rhode Island, Delaware, Oklahoma and Alaska. Montana, Wyoming, Hawaii, New Hampshire, and Maine, I think, would be included, also.

The CHAIRMAN. Thank you very much.

This will conclude the testimony for today.

The Chair wishes to place in the record the following: A statement by the Honorable John A. Burns, Governor of the State of Hawaii; a letter from Senator Clinton P. Anderson of New Mexico, enclosing a copy of a letter from the Governor of the State of New Mexico, the Honorable David F. Cargo.

I will also place in the record a letter from Congressman Howard W. Pollock, of Alaska, enclosing a copy of a letter from the Honorable Keith H. Miller, Governor of Alaska.

(The documents referred to follow:)

STATEMENT OF HON. JOHN A. BURNS, GOVERNOR OF THE STATE OF HAWAII

Mr. Chairman and members of the subcommittee, I am genuinely grateful for this opportunity to share with you Hawaii's response to the challenge extended by the Omnibus Crime Control and Safe Streets Act of 1968; and to respectfully urge the retention, indeed the strengthening, of the block grant feature of the Act. In my view, the positive experiences enjoyed by Hawaii under the Act are attributable to this most necessary feature.

While Hawaii may well be the paradise of the Pacific and thus unique within the sisterhood of States, here as in all States, crime is a grim and unacceptable reality. Hawaii enjoys unprecedented prosperity yet suffers unprecedented crimi-

nal activity. The quality of life of her people has been, and is being, seriously impaired by the soaring crime rate. Major crimes in Hawaii have increased by nearly 25%. The rapidly increasing population and consequent urbanization and the marked increase of tourists permitted only a pessimistic outlook on crime in the State.

By the enactment of the Omnibus Crime Control and Safe Streets Act, Congress extended a most welcome challenge to which Hawaii responded swiftly and enthusiastically. Initially, the Act was greeted in Hawaii by a geographically and jurisdictionally fragmented criminal justice system which, for the most part, lacked cooperation, coordination and comprehensiveness. There was little or no criminal justice planning. The planning efforts, if any, were being undertaken by the criminals and in many cases we yielded to their planning superiority. There was an acknowledged division between State and county functions. The functions of detection, apprehension and prosecution were relinquished to the four counties of the State. The judicial and correctional functions were administered by the State. Each county within the State and each agency within the counties operated as independent units. While each county and each agency within the county, as well as the State, narrowed its focus upon its limited jurisdictional responsibilities, the criminal elements ignored jurisdictional and functional boundaries. It was within this framework that crime in Hawaii flourished.

The Safe Streets Act served to mirror the shortcomings of Hawaii's system. It was, however, the funding method or the block grant feature of the Act which was quickly recognized and pursued by the enlightened local and State officials and interested citizens. The recognition of the need for comprehensive planning to effect meaningful improvement of the criminal justice system and the control and prevention of crime overshadowed the understandable self interest of the units of local government and the law enforcement agencies. The block grant feature provided the vehicle for unifying the system. Although the Act has not yet effected any structural change, the system as well as the attitude of people has changed.

In response to the challenge of the Act, I ordered the establishment of a State Law Enforcement and Juvenile Delinquency Planning Agency. The agency's supervisory board was, and is, composed of State and local elected and law enforcement officials or their designees. Each major law enforcement function as well as juvenile delinquency program competencies and other community programs and interests are represented on the board. Additionally, county planning committees and statewide task forces were established with even more diversified representation.

Pursuant to the block grant concept, Hawaii embarked upon her first experience of cooperative, coordinative and comprehensive planning to improve and strengthen the criminal justice system. The concept has encouraged a multi-disciplinary and multi-jurisdictional effort to isolate and eliminate the problems of crime and criminal justice in the State without sacrificing the needs of the units of local government and the various law enforcement agencies. As a result of the block grant concept, the counties and urban areas have enjoyed unprecedented State support which enabled them to implement their crime control programs. During the first year of implementation, the State provided nearly all of the matching funds required to support county programs. In light of conditions preceding the Safe Streets Act, this was a remarkable achievement.

Another positive achievement attributable to the block grant concept is the distribution of very limited funds to satisfy multi-county and multi-agency needs. This was accomplished by structuring cooperative programs involving the intercounty exchange of law enforcement personnel, the interlacing of related functions and multi-agency training programs. On the planning level, the emphasis is and has been upon the needs and requirements of the system as a whole rather than of the individual counties or agencies.

This is not to say that Hawaii is without problems in the implementation of the Safe Streets Act. The problems, however, relate to the Act's limitations upon the block grant feature and reflect a need for strengthening it. The requirement in Section 303 of Title I of the Act that at least 75% of federal funds must be made available to units of local government vitiates the purpose of the Act to achieve comprehensive law enforcement planning. The mandated earmarking of funds impedes funding allocations on the basis of need and encourages "localism."

It is not my intention to simply accept and advance the many arguments and points which have already been made in support of the block grant concept. I

wish only to impress upon you the positive influence it has had upon us in Hawaii.

I am familiar with the criticism which has been directed at the block grant concept. Fortunately, Hawaii's experience has demonstrated the irrelevance of this criticism to the implementation of the Act in Hawaii. While our experience may be inconclusive, it is indicative of the soundness of the block grant concept which has been the source of unexpected rewards to the State and its counties.

Without reiteration of the criticism against the block grant feature of the Act, it appears that such criticism relates to the implementation of the Act and not to the merit of the concept itself. It is therefore unfortunate that the opponents of block grant have focused upon implemental problems to destroy the concept. It makes very little sense to destroy the foundation of a structure merely because of a weakness in its frame.

The block grant concept has not failed. On the contrary, it has created opportunities and encouraged accomplishment where other funding schemes have failed. Judgment of the concept at this time would be premature. It must be given a try. Let us not fail for having failed to try.

U. S. SENATE,
COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES,
Washington, D.C., February 24, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee

DEAR MR. CHAIRMAN: Enclosed is copy of a letter I received from the Governor of New Mexico in connection with the block grant feature of the Omnibus Crime Control and Safe Streets Act of 1968. I am submitting this for the Committee's information and consideration during the hearings you are now holding on this legislation.

Sincerely yours,

CLINTON P. ANDERSON.

STATE OF NEW MEXICO,
OFFICE OF THE GOVERNOR,
Santa Fe, February 13, 1970.

HON. CLINTON P. ANDERSON,
Washington, D.C.

DEAR SENATOR ANDERSON: The Honorable Raymond P. Shafer, Governor of Pennsylvania and Chairman of the National Governor's Conference Committee on Law Enforcement, Justice and Public Safety, has asked me to inform New Mexico's Congressional Delegation of New Mexico's experience with the block grant feature, its desirability and effectiveness in implementing the Omnibus Crime Control and Safe Streets Act of 1968. Thus, if each state's congressional delegation is so informed, the thinking of the various states can be presented to Congressman Celler's House Judiciary Committee Hearings which begin in Washington, February 18, 1970.

I have been advised that considerable effort is being exerted to delete the block grant feature from the Omnibus Crime Control and Safe Streets Act. It is regrettable that these efforts are being generated now, before the block grant feature has been in effect a sufficient length of time to establish its desirability and effectiveness. It is our opinion, however, that block grants will prove desirable and highly effective, and it is requested that this be expressed as New Mexico's position.

The major difficulty being encountered by New Mexico in implementing the Omnibus Crime Control and Safe Streets Act is meeting the statutory requirement for local matching funds by the local government. These are 50% for construction projects; 25% for riot and crowd control training and equipment; and 40% for all other law enforcement programs. The poor or depressed localities and communities of New Mexico, most of which desperately need law enforcement assistance, generally are unable to generate the necessary funds to provide many of the basic government services, to say nothing of meeting the matching requirement for law enforcement programs.

We in New Mexico feel that consideration should be given not only to retaining the block grant feature but to increasing the federal participation in economically depressed communities.

Sincerely,

DAVID F. CARGO, *Governor.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1970.

HON. EMANUEL CELLER,
Chairman, Judiciary Committee
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is written to emphasize the need to retain the block grant concept in the Omnibus Crime Control and Safe Streets Act of 1968.

Because of the block grant system, many state law enforcement agencies have been able to modernize and improve their crime fighting activities. These improvements have had a beneficial impact on all areas of law enforcement. In this connection, I would like to bring your attention to a letter which I recently received from Governor Keith Miller of Alaska, concerning several worthwhile projects which were implemented with block grant funds. A copy of this letter is enclosed herein for your perusal. Because it presents a concise statement of Alaska's continuing need for block grant funds, I respectfully request that the Governor's letter be included in the hearing record which is being compiled in connection with the Safe Streets Act.

Mr. Chairman, I have been advised that there is a possibility that the block grant concept will be eliminated from the Safe Streets Act. I believe that such a step would seriously jeopardize the law enforcement efforts of many states. For this reason, I respectfully request that block grants be retained as an important part of any new legislation dealing with crime control.

Thank you for your consideration of this important matter.

Cordially,

HOWARD W. POLLOCK,
The Congressman for Alaska.

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, February 9, 1970.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

HON. HOWARD W. POLLOCK,
U.S. House of Representatives,
Washington, D.C.

DEAR HOWARD: As you are probably aware, the State of Alaska has been receiving Federal assistance under the Omnibus Crime Control and Safe Streets Act of 1968 since its inception. We have completed an initial State plan for the upgrading of law enforcement and have obtained funds for the implementation of such diverse projects as a Statewide police communications net, training for district attorneys, the microfilming of correctional files, the use of video tape training at our State Police Academy in Sitka and the use of volunteer probation officers to help selected misdemeanants.

These projects were selected on the basis of the outstanding needs of the criminal justice system in Alaska. We were able to fund these projects because the Act made funds available on the basis of a block grant to several states. The intent is to use the funds in the areas of most critical need as determined by each individual state.

I am now advised that this block grant concept is in danger of being deleted from the Act during the hearings before Congressman Celler's House Judiciary Committee on February 18, 1970.

I cannot express too strongly my opposition to any attempt to delete the block grant concept. As you can appreciate, Alaska, perhaps more than any other state, has its own unique problems in law enforcement. We are in danger of losing the latitude we now have in attacking these problems if we lose the block grant concept in the Omnibus Crime Control Act.

Your assistance in making our position known will be greatly appreciated.

Best personal regards.

Sincerely yours,

KEITH H. MILLER, *Governor.*

The CHAIRMAN. The next meeting of the committee will be at 2 o'clock on Monday next, if we get permission to sit on Monday.

Mayor Lindsay of New York will testify.

(Whereupon, at 12:20 p.m. the subcommittee recessed, to reconvene at 2 p.m., Monday, March 2, 1970.)

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

MONDAY, MARCH 2, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 5,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 2 p.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler, Rodino, Rogers, Donohue, Kasteneier, Edwards of California, McCulloch, MacGregor, Hutchinson, McClory, Railsback.

Also present: Representative Bingham.

Staff members present: Benjamin L. Zelenko, general counsel; and Franklin G. Polk, associate counsel.

The CHAIRMAN. The committee will come to order.

This is indeed a happy occasion for the committee, because we have back in our fold John Lindsay, who was a member of the committee for a number of years and who added distinction to the committee while he was here. I am sure he has profited tremendously by the experience he had on this committee.

John, we are very happy to have you.

Mr. McCULLOCH. Mr. Chairman, in addition to what you have said, I should like to say, for the record and personally to Mayor Lindsay that I am particularly glad he is back with us though only for a short time. He is well known as a former member of this committee who was instrumental in helping to develop some of the most progressive legislation ever written in Congress.

I am glad to see you back.

Mayor LINDSAY. Thank you.

The CHAIRMAN. With Mayor Lindsay, we have the Honorable Roman Gribbs, who is the mayor of the city of Detroit, who has rendered dedicated service to the people of that city. We will be happy to hear from him also.

Mr. McCULLOCH. I have nothing against the mayor of Detroit, Michigan, except that the University of Michigan occasionally has better football teams than does Ohio State.

STATEMENT OF HON. JOHN V. LINDSAY, MAYOR, CITY OF NEW YORK; ACCOMPANIED BY PETER TUFO, SPECIAL ASSISTANT TO THE MAYOR

Mayor LINDSAY. Mr. Chairman, and members of subcommittee No. 5, it is a pleasure to be back among former colleagues and dear

friends. The years that I spent in the House and most particularly on subcommittee No. 5, I regard as the most rewarding, most satisfying—not necessarily the most exciting—years in the political life that I have led, and I miss the committee very much indeed, more than any other aspect of congressional life that I had.

It is a pleasure to be before you, particularly in the company of the mayor of Detroit, Roman Gribbs.

Almost 3 years ago the original Safe Streets bill came before this committee. Primarily, it provided for direct grants to cities. Those who wanted almost all grants to go through the States and not directly to the cities were making a fight on that issue. I was among those prepared to fight back.

In testimony before this committee in 1967 I urged against a State-controlled program:

“Many States—that testimony said—have emphasized highway patrol and traffic control in their police activities and therefore lack experience in urban crime problems. New York State has pioneered in several areas of law enforcement and is providing various forms of assistance to localities. But the problems of our major urban areas, such as New York City, are not statewide plan. At least for our major cities, the appropriate planning unit is the locality and not the State. Planning grants for our largest cities, where the problem of crime is most severe and the feeling of insecurity most intense, should be given the same, if not higher, priority than grants to the States.”

Well, that was my testimony here in this same room in 1967, and as we all know, the cities lost that fight. Despite the warnings of many mayors, a bill authorizing block grants to the States rather than direct grants to the cities became law in 1968. Its State-oriented supporters had claimed several advantages for their block-grant approach. They said it would reduce the centralized bureaucracy in Washington, allow State officials close to the problems to set priorities, and stimulate statewide coordination and cooperation.

Now, after the first full year under the new act, it is time to review its operation. This review will show, regrettably, that State administration has been in many respects nonproductive or counterproductive. A report this month by the National League of Cities and the U.S. Conference of Mayors demonstrates gross discrimination in distribution of funds, absurdly favoring nonurban areas where the crime problem is far less serious.

The report contains a detailed mathematical analysis of the act, indicating that State administrations have not directed the money to the areas that need it most. Political and geographic considerations have dominated the distribution of funds rather than the incidence of crime. The report also shows that instead of eliminating a level of bureaucracy, the State administrations have created a new layer of inefficiency—regional planning boards within the State that are using up funds originally intended for local governments.

At least with regard to this last point, New York has fared better than most cities. Our State, like most other States, created a system of regional boards to participate in the planning and grant-review process. But unlike other States that lumped major cities together with surrounding counties, the State of New York treated New York

City as a separate region so that we could continue our crime control efforts unhampered by an artificial partnership with areas whose problems required solutions substantially different than ours.

Even so, New York City, too, has suffered from many of the other fundamental defects in the State-administered block-grant system.

Before I outline some of these difficulties, let me explain New York City's position within New York State in the area of crime control. Slightly less than half of the people in the State live in New York City, but far and away we have the State's dominant crime problem. More than 75 percent of the reported crime in the State is committed in New York City. More than 70 percent of the arrests in the State are in the city. And more than 70 percent of the local police employed in the State are within New York City.

New York City's crime problem is so serious, its commitments of resources to deal with the problem is so great that even the State's own efforts are small in comparison. The city police department has almost 32,000 officers, all paid for by the city. We also fund separate housing and transit police forces with 4,600 additional officers, while the entire State police force is less than 3,400 and does virtually no enforcement work in New York City, but are primarily trained and used for highway safety and rural law enforcement—and we are known as an urban State.

New York City has also been a leader in criminal justice reform. Three years ago in anticipation of the passage of this act, I established a criminal justice coordinating council including every law enforcement agency working in New York City. As a result of our head-start in partnership with the Vera Institute of Justice, the city now has underway more than 30 pioneering projects in virtually every area of crime control, from methadone treatment for narcotics addicts, to computerization of court calendars, to volunteer counseling for ex-offenders. The council's structure, strategy, and programs have been studied and copied by local governments across the Nation, including Washington, Boston, and Cleveland. The New York City Criminal Justice Coordinating Council has most recently been praised by the National Commission on Violence.

Despite the enormous size of our crime problem and this record of initial accomplishment, we have done poorly under the State's block grant system.

First, the Governor created a 21-member State crime control planning board, as required under the act, to prepare an overall plan for New York State, to set guidelines and to review specific grant proposals. The New York City Criminal Justice Coordinating Council, which has jurisdiction over 70 percent of the State's crime problem, received virtually no direct representation on the State board.

We had proposed to the State that five of the State board's 21 members should be nominated by the city's criminal justice coordinating council. By its failure to give formal recognition to the city's actual importance in crime control activity, the present State structure actually undercuts our local planning agency.

Second, the action funds received by the State have not been equitably apportioned in those areas where the crime problem is most severe. New York City, with more than 75 percent of the State's crime problem, this year received only 56 percent of the funds distributed to local

governments. Moreover, under the provisions of the act, the State may keep 25 percent of the funds for State programs. As a result, New York City actually receives only 43 percent of all action funds given to New York State, although we have more than 75 percent of the crime.

These are two clear indications that the act is not working because of the State-administered program.

One major reason that Congress gave the States control of this program was the fear the Federal officials might encroach on local law enforcement, even resulting in a national police force. But in giving control to the States, Congress obviously failed to provide adequate safeguards for the cities. As Dr. B. Douglas Harman of American University recently pointed out, "All of the governmental units involved in [the safe streets program] want to maximize their powers."

In short, for the first time the authority to allocate funds has given to the State significant power over local law enforcement operations in areas where the State has little competence or experience or—most importantly—responsibility.

Whereas the purpose of the block grant approach was to prevent Federal bureaucratic control of local law enforcement, State administrative practices have now tended to institute State bureaucratic control.

This violates a basic principle of creative federalism—that the level of government with responsibility for an activity should also have the decisionmaking authority and operating power. Our cities continue to have prime responsibility for law enforcement and crime control. Yet the State-administered block grant system has encouraged State officials to second-guess the professional judgment of city officials, and to impose unreasonable conditions on federally funded projects that hinder our flexibility to innovate. This is in addition to the misallocation of funds away from the cities.

I believe that the government with primarily responsibility for safe streets should determine the use of these funds and should receive the bulk of these moneys, and that government is city government.

I do not mean to suggest that the State cannot have a constructive role in this planning effort. We have seen ways in which the State can beneficially provide supporting services, technical assistance and coordination for local governments, especially those in smaller communities. Professional cooperation between State and city planners, thanks in large part to the efforts of Peter McQuillan, the executive director of the State office of crime control planning has been very useful. But the city's interest still is unprotected because the States are not involved on a day-to-day basis with the street crime problem. And New York State is no exception.

So I believe that large cities like New York can best deal directly with the Federal Government in this area. Failing this—if the block grant approach continues—I believe that local governments must have greater protection from State encroachment. Legislation introduced by Representative Bingham and others would be a considerable improvement in safeguarding the interests of our cities. It would provide that only 50 percent of Federal crime control funds go through the State, instead of 85 percent that the act now requires. However, the Bingham bill would allow 70 percent of the funds to go through

the State only if the State plan adequately deals with the special needs of urban areas with high crime incidence.

Furthermore, the bill would give an incentive to States to share with cities the matching funds required under the act, by allowing an additional 20 percent of all Federal funds to go through the State if the State pays half the matching contribution. This would be an important reform. At present, cities must pay 40 percent of each grant on a matching basis. The States have been granted broad authority under the block grant approach to control local expenditures, yet the States do not share any of the fiscal burden.

There are two other key provisions in the act that are exceedingly restrictive to our ability to use these funds most effectively.

First, the act requires that not more than one-third of a Federal grant can be used for personnel costs. This encourages cities to buy tanks, guns, and hardware, but prevents adequate funding of dramatic and vital programs in the most important areas of criminal justice reform. Better supporting equipment is important. But real breakthroughs in crime control will only come from hiring more doctors to treat narcotics addicts, more court administrators to free judges from routine calendar work, and more counselors to help ex-offenders in trouble. Three of our highest priority crime control areas are narcotics treatment, court calendar reform, and ex-offender rehabilitation. We have developed major projects in each area, but they almost entirely involve personnel costs.

Until the Congress allows us to fund these programs by removing the one-third limitation on personnel, more money will be spent on less important areas and programs that can have the greatest effect on street crime will suffer accordingly. This personnel limitation may be the single greatest technical flaw in the act, perhaps resulting in millions of dollars being spent on unnecessary equipment rather than critical action projects. Therefore, I urge that the one-third limitation be removed altogether, or at the very least, that it be amended to apply only to the police department personnel, but not to other personnel who are desperately needed to reform our court, prison, prosecution, and rehabilitation agencies.

Second, the act has a totally unrealistic matching requirement for local governments. We all understand the need to insure that local governments do not use the funds made available under the act to reduce the level of their own crime control efforts. But given the impossible fiscal squeeze of our cities, it is unrealistic to assume that we can find significant new funds to match Federal action grants on a 60-40-percent basis.

New York City next year will be unable to apply city funds to this purpose because of our budget crisis. We will only be able to propose programs that we can match with personnel or outside funds. Matching, then, is a severe limitation on our ability to use these moneys most effectively.

I urge that the matching ratio be altered to 90-10. After all, local governments automatically face rising public safety costs to finance increased police salaries. Those funds alone will not be easy to find. In addition, most cities are continually increasing the size of their police forces. In New York City during my first term the city added more than 4,000 new police at a cost of \$60 million a year, raising our

police department budget to half a billion dollars a year. If we are to have realistic programs, the Congress should insure that all localities can use these funds in areas of greatest need, not influenced by tight local budgets.

These three basic changes would, in my opinion, make the Safe Street Act substantially more responsive to local crime problems, insure greater protection of and participation by local governments, and enable the most effective use of Federal crime control funds in programs where they can have the greatest impact. These changes would make the State-administered block grant approach at least worthy an of experiment.

Let me speak for a moment to the problem of narcotics, which has rapidly become the most critical problem facing local law enforcement officials. New York City, as the key point of entry from abroad, suffers from it more than most cities in the Nation. I have often said that heroin doesn't grow in the streets of Brooklyn. It can only enter my city from abroad. And only a substantial Federal effort can reverse this deadly trend.

I am pleased to say that there are some hopeful signs. Under the leadership of the Department of Justice and the Bureau of Narcotics and Dangerous Drugs, we are receiving greater cooperation than ever before in a new effort to attack the flow of drugs into our city. But a great deal more has to be done. In the city I recently created a narcotics control council with former U.S. Attorney Robert Morgenthau as chairman. We are in the process of adding 200 more men to our Police narcotics bureau, increasing its strength to 700 full-time police officers. And we will be asking the State and Federal Governments in the near future for substantially more manpower and funds to combat this evil.

We hope to use a substantial part of our Federal crime control funds this year for narcotics control. But we will only be able to do that if the one-third limit on personnel is amended and the steep matching requirement is reduced. I urge you to take these steps if we at the local level are going to fully utilize the funds from this act to attack our No. 1 crime problem.

Finally, let me speak to the level of funding authorized in the act. This act, more than any other, was designed to have an impact on street crime. Yet the proposed level of funding for the entire Nation next year is far less than the budget for the New York City Police Department alone. That clearly does not deal with crime as a major national problem.

It clearly does not live up to the rhetoric we have all heard about a new national commitment to put an end to street crime. Therefore, I support the amendment sponsored by Chairman Celler to provide \$750 million next year which, along with the other changes I have suggested, would allow the Safe Streets Act to live up to its promise.

Thank you.

The CHAIRMAN. Mr. Mayor, this committee received many communications from a great many mayors and local administrators, stressing that the law enforcement assistance program has failed to focus on urban crime problems. You are among those who have been criticizing it, as you have this morning.

Governors representing the National Governors Conference testified before this subcommittee that LEAA is not to be criticized inasmuch as it is very new. They suggested that the mayors of big cities have traditionally pressed the State and Federal Governments for additional revenues.

Would you care to comment?

Mayor LINSAY. I think the report submitted by the U.S. Conference of Mayors and the National League of Cities evaluating the impact of the Omnibus Crime Control and Safe Streets Act for the first year speaks for itself. I understand that it has been introduced in the record and is part of the record of these hearings.

The CHAIRMAN. When we called several Governors' attention to that report that came from the conference of mayors, they said, in a rather cavalier way, "Well, the cities always complain they are not getting enough money."

What is your comment on that?

Mayor LINDSAY. I would make two comments, Mr. Chairman. First, that report gives a number of examples of what has happened to the past year. Just to cite one, in Michigan, the city of Grand Rapids, with 200,000 population, and an annual police expenditure of over \$2.9 million, received \$188 for a 75 percent share of two Polaroid cameras and a fingerprint kit, while one community in the same State, of 7,500 population, received \$1,650.

So it goes. This example is multiplied all over the country.

I mentioned that New York City, with 75 percent of the crimes in the whole State—and our State has perhaps the best record of any State in the Union, or certainly one of the best—receives only 43 percent of the allocation from the State.

Point 2. For the most part, I daresay for the whole part, States do not know what street crimes are all about, and how to go about ending them. New York State is a sophisticated urban State with progressive State government, and yet even in that State, its 3,300-man State trooper system has virtually no knowledge of what the street crime problem is, and what police science is, and what has to be done to control it.

If this 3,300-man State police system in an urban State is largely rural oriented, if that condition exists in New York State, one can only imagine what it is in most of the States of the Union.

I think the comment that the cities are always asking for more money is simplistic at best. Sure they are asking for more money. That is because most of them are bankrupt. Most of them are heaped with demands for more police, more correction officers in their detention centers, more help for their local district attorneys, more money for the judges and court systems, more traffic control measures. Escalating costs in the average city go up automatically at the rate of 15 percent a year—just to stand still with basic services—and yet every city is stuck with a fixed tax base, largely based on real estate.

Mr. McCLOXY. Would the chairman yield for an observation?

I refer to the statement that was made by the witness. As I recall, the Governor of the State of Arizona said that when he was mayor he always tried to get more money for the city from the State.

I thought there also was testimony questioning the accuracy of the report and the statements of the National League of Cities.

There were several errors that were pointed out. As I recall, Governor Shafer's attention was called to several items relating to Pennsylvania, and he commented on them with facts which disputed those set forth in this report.

So I think out of fairness to the Governors, I wouldn't want the witness to feel that there was this simplistic observation which impugned the dignity and integrity of cities with respect to their attitude toward the States.

The CHAIRMAN. Apparently, Mr. Mayor, your views clash with the views of Governor Rockefeller, who testified recently. He said that the most significant feature of the Safe Streets Act has been the encouragement it provides through the block grant mechanism for an effective partnership of all three levels of government—Federal, State and local—in the prevention and control of crime.

I take it you don't agree with the Governor on that.

MAYOR LINDSAY. No, sir, I don't.

MR. RODINO. Mr. Chairman?

The CHAIRMAN. Yes, Mr. Rodino.

MR. RODINO. Mr. Mayor, section 303 of the Safe Streets Act requires that each State law enforcement plan adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs for law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State, and among such units.

Mr. Mayor, I take it you don't believe that the States are living up to this statutory requirement?

MAYOR LINDSAY. Once again let me give you an example of my own State and city.

More than 3 years ago I established the criminal justice coordinating council.

It groups together all law enforcement agencies. As I testified a moment ago, we have an on-going series of programs, some of them highly experimental, from narcotics control and treatment, alcoholism, court calendar reform, rehabilitation of offenders, computerization of the police department to get police out of precinct houses and the courts and on to the streets.

This instrumentality has been visited by other cities across the Nation. Mayors and their representatives have come in, even from abroad.

Federal commissions have examined it, and as I mentioned a moment ago, it was the subject of testimony by the Commission on Violence, not too long ago, in the Congress.

It is emerging as one of the most effective crime-fighting devices that has been put together, and it has gained the respect of the courts and all law enforcement officials in New York City.

The Vera Institute of Justice, a private foundation, serves on a partnership basis as our staff arm. Again, Vera and this joint relationship has been saluted and noted by professions around the Nation.

This planning body for the administration of criminal justice, including police science, in New York City, could not even get the State of New York to recognize its existence by providing for representation on the State planning board.

Here you have an example of New York State which, again, I point out, in some respects has done better with the administration of this national law than most other States in the Union.

The CHAIRMAN. Mr. Mayor, I think Governor Rockefeller said there were approximately 21 members on the State crime control planning board. When we asked who were the members from New York City, he said the district attorney, Frank Hogan, and the police commissioner, Mr. Leary.

Do you feel that is sufficient representation for the city of New York?

MAYOR LINDSAY. No, I don't believe so. They are two distinguished men. They also happen to be members of the criminal justice coordinating council under my jurisdiction in the city. But they were not appointed to the State planning board as representatives of the council and do not serve in that capacity.

The CHAIRMAN. How many members would you want on that State plan?

MAYOR LINDSAY. We recommended five on a board of 21.

The CHAIRMAN. I think the Governor said he was going to reconsider the composition of that board, and I hope that New York City would get a proper representation. Certainly two members on a State board of 21 is insufficient for New York City, when you consider the incidence of crime in the city is greater than anywhere in the State.

On your own board, how many members are there?

MAYOR LINDSAY. Sixty, 30 of them government officials and 30 are private citizens.

The CHAIRMAN. Is that number unwieldy?

MAYOR LINDSAY. No; it has worked out extraordinarily well. It is broken down into committees and subcommittees. Each committee, whether it be on calendar reform, or the Bowery projects designed to reduce the amount of police and court time required with alcoholics, has a chairman who is from the private sector.

We found that this brings in the outside world in a very deep way. For example, the presidents of major companies, such as the telephone company and an insurance company, chair one of these committees, one involved in security systems, devices and crime prevention; the other in rehabilitation of offenders and the linking of jobs and employment services with the courts.

I have one of the reports of our criminal justice coordinating council which I would be glad to make available.

The CHAIRMAN. Does one of those committees have jurisdiction over the correctional system?

MAYOR LINDSAY. Yes.

The CHAIRMAN. It has been suggested that correctional systems are generally statewide and the responsibility of State governments. Can you describe the responsibility of the city of New York with respect to corrections?

MAYOR LINDSAY. That is true. It generally is a State function. New York City is the only large city I know of that has a system of its own, and it has long tried to get the State to assume the funding and operation.

Regrettably, we now have 6,000 sentenced prisoners—it is supposed to be only for detention—a good portion of those sentenced by State courts, and mandated to us by the State to house is custody.

The system is designed to house not more than 8,000 persons in custody. It now has 14,000 in custody, 6,000 of them are sentenced prisoners, which we are currently trying to get the State to take over on a reimbursed basis in underpopulated facilities in other parts of the State.

The overcrowding, which is partially the result of the 57-percent increase in narcotics arrests in the last year, has, of course, reached critical proportions. Some weeks ago, because of this emergency in our city detention centers, we renewed our request to the State to relieve us of the burden of sentenced prisoners, and also redoubled our efforts to get the courts to dispose of the detention cases.

Those 8,000 in detention are either waiting sentence, trial, or other disposition of their cases.

The CHAIRMAN. Mr. Mayor, the Law Enforcement Administration Act has recently published a guide for the discretionary grants. The guide requires that applications for such grants be channeled through the State planning agencies. It also requires that State planning agencies "should certify their willingness to accept such grants."

What is your comment?

Mayor LINDSAY. Let me see if I understand that point. Would you repeat that?

The CHAIRMAN. Yes. The administration has published guidelines for discretionary grants. The guide requires that application for such grants be channeled through the State planning agencies. It also requires a State planning agency "to certify their willingness to accept such grants."

Mayor LINDSAY. This applies to the 15-percent reservation by the direct funding in the present bill?

The CHAIRMAN. That is correct.

Mayor LINDSAY. Again, it seems to me that it raises the same problem.

The CHAIRMAN. Should it go through the States or directly to the cities?

Mayor LINDSAY. The Congress kept that reservation of 15 percent, I would suppose, during the debate on this question, in listening to the pleas of anguish from local law enforcement officials around the country who objected to application papers going through the State almost as much as they did the funneling of money through the States.

I recall so well the terrible nightmare that my colleague and friend, Mayor Ivan Allen, of Atlanta, was going through in this period, when he could see the Congress marching toward the resolution of this problem that would funnel moneys through his State. Mayor Allen was running a progressive government with an increasingly enlightened police department, dealing in street crimes every day, and he had no wish to see allocation of moneys to his city find their way into the hands of the Governor and sheriffs' brigades throughout the State.

This handling of the applications through a State is not quite, but almost, as bad as setting up the funding system through the State.

The CHAIRMAN. Mr. Mayor, in your statement you speak of discrimination in the distribution of funds, and you specifically emphasize that discrimination is based upon political and geographical considerations. Can you give us some illustration of that discrimination as far as New York State is concerned?

Mayor LINDSAY. Well, I think that in New York State that really speaks for itself. Once again, this is one of the better State situations in the country. In New York State, as I testified, the city receives 43 percent of the moneys that are allocated to the State.

We have by far the bulk of the street crimes in New York, 70 percent—75 percent.

Maybe one thing we might do in this area is to, with the committee's permission, turn to Mayor Gribbs for a moment. He is a newly elected mayor. He is building a fine record in Detroit, and formerly served as the sheriff of Wayne County, Mich. He understands what the crime problem is in a county outside a city and what the crime problem is in a city.

The CHAIRMAN. Mayor Gribbs, would you care to comment on political and geographical discrimination in the distribution of funds?

Mayor GRIBBS. Yes; I would like very much to comment on that.

I appreciate the fine words. I have a short statement, Mr. Chairman, that I would like to read. It is being reproduced.

The CHAIRMAN. We haven't finished with Mayor Lindsay yet. I wanted your comment on the question of whether or not there has been political and geographical discrimination in the distribution of funds.

Mayor GRIBBS. I adhere to his statement that the areas with the crime are not getting the money. That is in my statement. The city of Detroit, like New York, is not getting its share of the Safe Streets money.

The CHAIRMAN. Would you say that is political discrimination?

Mayor GRIBBS. No; I wouldn't make that judgment.

Mr. ROGERS. Mr. Chairman?

The CHAIRMAN. Yes.

Mr. ROGERS. One of the matters discussed in the National League of Cities' report, which the gentleman from Illinois, Mr. McClory, objected to, was that the city of Grand Rapids, Mich., received more money in proportion.

Now, would the fact that the Minority Leader happens to come from Grand Rapids have any influence in this matter?

Mayor LINDSAY. I would offer only this comment. I assume the chairman, when he said political considerations, understood that I was talking with a small "p," political in the sense that I was commenting on how the system works.

The system in most States, which is the political structure, the rulings of apportionment and long attitudes, is so structured that the nonurban areas for the most part have had the most clout. I think that the examples in the document supplied by the League of Cities and the Conference of Mayors, as well as the percentage formulas that I gave from New York State, which I think are bad, but not horrendous, indicate that the system is not geared to give urban centers the kind of tools that they need. Most State governments have not fully understood the nature of the terrible urban crisis and the burdens on these local governments.

But I do notice that they turn to us always when they are in trouble.

Mr. RODINO. Would the gentleman yield?

The CHAIRMAN. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I would like to call to your attention hearings conducted on April 23, 1969, before the Subcommittee on Appropriations in which Mr. Rogovin, the Administrator of LEAA, testified, and had to say:

Under the statute the ordering of priorities is a matter of State judgment, and not to be done by the Federal Government."

Mr. Velde, the Associate Administrator, said:

Congress was very firm in establishing this block grant program. It was clear it did not want the Federal Government dictating what programs should be set up by the States and involving local governments.

I would like your comments.

Mayor LINDSAY. This is what my testimony is about.

Mayor GRIBBS. But that is where, I think, we do not differ with that distinction, that it does not belong with the Federal Government, except that we want it in the hands of the cities, those cities, particularly the large ones, that have the crime problem. That is the thrust of my remarks.

The CHAIRMAN. Mr. McClory?

Mr. McCLORY. Thank you, Mr. Chairman.

I don't know too much about Grand Rapids, but I remember the testimony we received with respect to New York City and New York State, about which the mayor of New York is testifying today. The Governor of New York said that New York State has received \$2.5 million for action grants, of which five cities received 70 percent.

He further stated that when grants to private agencies were included, over 50 percent of the action-grant money in fiscal year 1969 went to projects in New York City, which has 44 percent of the State's population.

Are you questioning the accuracy of that statement?

Mayor LINDSAY. No, his figures aren't too far off. New York State has received \$2.4 million. Of that \$947,000 has been allocated to New York City, and this is 43 percent of all the funds received by the State.

Now, of course our crime figures for the whole State indicate that 75 percent of the crimes are committed in New York City.

The CHAIRMAN. You have received 56 percent of the funds despite the fact that the—

Mayor LINDSAY. 43 percent of the funds.

Mr. McCLORY. If the chairman will yield, we have a new angle here. We were talking earlier about allocating funds on the basis of population. Now the mayor has come forward with the suggestion we should allocate funds on the basis of crime.

Mr. ROGERS. Will the gentleman yield?

The CHAIRMAN. May I finish my questions? I will get to all of you.

New York City has 32,000 policemen, and approximately 5,000 additional transit and housing police. That is 37,000. The State police consists of approximately 4,000 men.

To what number would you want to increase the police force of the city to make an appreciable improvement in the control of crime?

Mayor LINDSAY. Well, really what you need even more than just plain police power, which is important, heaven knows, is all the man-

Mr. RODINO. Mr. Chairman, I would like to call to your attention justice, such as in the courts and the court systems of prosecution, probation, parole, and detention. Also, what happens in detention centers by way of rehabilitation and training for jobs. For example, the Criminal Justice Coordinating Council started a project with the late Senator from New York, Robert Kennedy, with a special Federal grant that he obtained, which enabled us to work with youngsters in the courts before they come up for trial, by way of job assignments.

These types of programs, plus new techniques of narcotic control, are just as important as the numbers of police manpower.

May I say, also, that another aspect of it is the use of police manpower, which is just as important as their gross numbers. You recall the tremendous battle we had on the fourth platoon.

The CHAIRMAN. Of course, you hear it said in New York, for example, that when somebody was stabbed on the block, it took hours to get a policeman to the scene of the crime. The people of New York complain bitterly with reference to that.

I take it that that situation would not be better if you had even 20,000 additional policemen, would it?

MAYOR LINDSAY. It depends on the effectiveness of your system. Numbers of police, as I said, are terribly important.

In the last 2 years we have brought in probably the most sophisticated electronic police communications system in the world. It is known as Sprint. It has to do with the use of computers for the processing of every telephone request for police help, so that within seconds there is a description of the location and availability of every effective police unit within the area.

It is a terribly complex and very expensive apparatus. Even this is not perfect. Even with 32,000 plus 5—37,000 police officers. It is not perfect because the techniques aren't perfect and the system isn't perfect.

I started to mention the fourth platoon struggle which we had, of which you are aware. Under New York State law, long mandated and long enforced, we were in effect required to have three shifts, three equal platoons of police during the 24-hour cycle on 8-hour shifts. But the crime statistics showed that between the hours of 6 p.m. in the afternoon and 2 a.m. in the morning most of the bad street crimes occurred, the muggings, the purse snatchings, and the robberies.

Yet under State law we were required to have the same number of police in the early morning hours, when the crime rate really dips down to the bottom, as we were in the other high-crime hours.

What the police commissioner wanted to do, and what most of his predecessors had wanted to do for years, was to shift manpower: to double the manpower in the evening hours from 6 to 2 in the morning, and shrink it in the other hours, because crimes don't occur at 8 o'clock in the morning.

Yet under State law the police commissioner of New York City was responsible for 32,000 police officers, which we fully fund—we don't get any matching help from the State on this—but he couldn't make this change.

After a tremendous battle with the State legislature, we finally last year got that law changed so that we could add a fourth platoon and pile that on top of the officers that are already on duty between the hours of 6 p.m. and 2 a.m.

That kind of a change has to do with productivity. The Rand Corp. of California helped us on it. They have been assisting us with police science in New York, as they have helped the Pentagon.

Mr. McCLORY. Were you also fighting a police patrolmans' organization that was organized in New York City and was lobbying with the State legislature?

Mayor LINDSAY. Sure, very much so.

The CHAIRMAN. Would more intensive lighting of the city help; and would the cost be prohibitive?

Mayor LINDSAY. We are doing it. We have relit 70 communities, and we have a long way to go to get the other neighborhoods relit, and we have intensified mid-block lighting programs, with new and powerful electric light systems.

Our capital budget has a sum of money in it for street lighting in New York.

The CHAIRMAN. You must remember, Mr. Mayor, that when this bill was first introduced, you and I and several others favored a bill which provided for categorical grants directly to the States, and to local authorities. I fought for that, as did you, but the bulk of the House Members decided otherwise, and the Senate did likewise.

The bill now provides for bloc grants to the States. It is going to be rather difficult to reverse the bloc grant approach.

If we can't revise it, would you be willing that certain conditions be imposed on bloc grants to the States which would require recognition of the needs of the cities in order to realize the goals that you seek?

Mayor LINDSAY. You are talking about a compromise here, down the road somewhere?

The CHAIRMAN. Do I make myself clear?

Mayor LINDSAY. I am not sure I understand you.

The CHAIRMAN. Well, could we satisfactorily provide certain guidelines which the Governors in their allocation of funds must follow when they make these grants to the cities?

Mayor LINDSAY. It would be better than what is there now. It would be preferable if the Congress were to make the changes I suggested in my testimony on the matching provision and on the personnel provision.

The CHAIRMAN. I am just making the observation that it is going to be difficult to reverse this bloc grant approach.

Mayor LINDSAY. You are talking about the building of a compromise.

I would strongly recommend a hard look at the compromise that is set forth in the Bingham bill. That, I think, is better than what is there now.

The CHAIRMAN. That would be satisfactory for you?

Mayor LINDSAY. That would certainly be a big step forward, for mankind and the cities. [Laughter.]

The CHAIRMAN. You note on page 3 of your statement that the act requires that not more than one-third of the Federal grant can be

used for personnel costs. This encourages cities to buy tanks, guns, and hardware, but prevents adequate funding of domestic programs in the most important area where criminal justice is performed.

Can you elucidate a bit more on that score? When did they buy tanks, and when did they buy the so-called guns and hardware?

MAYOR LINDSAY. I think you will find from an examination of communities across the Nation that, when it comes to action money, most have used that money for one form or another of hardware, and in some cases where personnel is allowed, personnel to go with hardware, of one kind or another.

The CHAIRMAN. Types of riot control material?

MAYOR LINDSAY. Riot control has been one of the big factors, you know, people get gadget happy. Police are turning to equipment and gadgets for riot control and other purposes.

We in New York used a piece of the money for a very careful review and plan on what would happen in the administration of justice in the event of a major civil disorder. What do you do about the courts, processing persons in detention, persons violating curfews; what do you do about bail; what can the bar association do in crisis conditions?

We laid out a very elaborate plan, and there is a copy of it here, called the Administration of Justice under Emergency Conditions. The first Federal money we received under this act went to the putting together of this book, which contains the blueprint in the event there is a major civil disorder, which, thank God, we did not have in New York City.

But if you did, what do you do about the administration of justice? The Kerner Commission Report found that one of the most serious breakdowns in the rule of law and the administration of justice came not just during periods of civil disorder, but immediately thereafter, trying to sort the whole thing out. The commission recommended that every community and every locality lay out a blueprint for the handling of people during such a crisis. We took our Federal money, and instead of buying Mace with it, or shields and visors for the police, we put this document together which, upon my signing of the proper proclamation of emergency, would automatically go into effect, and we have theoretically a system that could handle mass arrests, mass detention, mass bail proceedings, mass processing, et cetera.

The CHAIRMAN. It all boils down to money, doesn't it?

MAYOR LINDSAY. Yes.

The CHAIRMAN. A tycoon in Hollywood built a palatial mansion, but his bedroom faced the east and he woke up every morning in a dither of perspiration.

He hired architects, and he devised the planting of great oaks in front of his eastern window, at a stupendous cost, and after that he awoke every morning as cool as a cucumber, and he looked longingly at that tree and he said, "What couldn't God Almighty do, if he only had money?"

If we only had the money to do all this. That is the answer, isn't it?

MR. McCULLOCH. Mr. Mayor, I was very pleased to note your comment about your narcotics-control fight. Are you experiencing some success in that fight?

MAYOR LINDSAY. Mr. McCulloch, we have such a long distance to go, and the problem is so severe that it is very difficult to claim any kind

of success. We would like to think that we are trying some things. I have established 60 neighborhood anti-narcotics centers within the city of New York.

It is under our Addiction Service Agency, as we call it, which services a couple of thousand addicts, many of them youngsters, who have been caught up in the nightmare of narcotic addiction.

It first concentrated mainly on hard stuff, largely hero'n, but in recent months it has increasingly broadened out into the soft stuff as well.

We have about 600 teenagers involved in this program.

Our criminal justice coordinating council has also launched a major experimental program with methadone. We have deliberately linked it with our model cities community in central Brooklyn, so that it is being partially run by the neighborhood itself under the model cities program.

Mr. McCULLOCH. Do you believe the use of narcotics in this country, particularly by the younger people, is one of the major crime problems of our Nation?

Mayor LINDSAY. Very serious, and undoubtedly one of the major crime problems, as you mentioned. One reason for the emergency conditions in our city's 57 detention centers is because our police have brought about 57-percent increase in arrests connected with narcotics, either for possession, or for pushing, or for both.

Most of those are youngsters. If I could take you into our detention centers, or our police lockups at night, you would find kids of 14, 15, 16 years of age, who have been engaged in street crimes of one kind or another, and probably if you picked at random, you would find that a minimum of 50 percent of them are on narcotics of one kind or another.

We have been talking at length with the Federal Government, and we now have the beginnings of a Federal-City Narcotics Task Force, which is an unprecedented joint effort. New York City Police are working with Federal officers assigned by the Department of Justice, in effect at the street level, trying to get at the distribution system. Also, the Treasury Department, through the Customs Bureau, has, as you know, pledged additional manpower for the borders of New York.

Mr. McCULLOCH. In that connection, Mr. Mayor, I take it that you now have, or soon will have, 700 full-time policemen engaged in fighting the narcotics problem.

Mayor LINDSAY. We do, sir.

Mr. McCULLOCH. I think you are to be commended for that. Though not familiar with the salaries of such officers in New York, I imagine the cost in salaries alone to be somewhere between \$7 and \$15 million a year.

Mayor LINDSAY. Well, I may be able to calculate this. We will have a cost figure on that in just a moment.

Mr. McCULLOCH. Is it your opinion, Mr. Mayor, that the fight against narcotics is mired in controversy about whose responsibility it is? Is it the Federal Government's?

Mayor LINDSAY. It is totally Federal with respect to its importation. New York City, as I have said, does not grow heroin. It comes in from abroad, as you well know.

The CHAIRMAN. I would like to ask a fundamental question, Mr. Mayor. Would you say that an addict, aside from the seller of the drugs, is a diseased person, or a criminal?

Mayor LINDSAY. He is always a diseased person, and he is very often a criminal.

The CHAIRMAN. Is he a criminal if he is only an addict, and doesn't sell, or doesn't push?

Mayor LINDSAY. Under the laws of New York, depending on the amount and the type, it is a crime to possess narcotics. It is also a crime to sell.

The CHAIRMAN. If he is a diseased person, then, of course, it struck me that mere possession should not be a crime.

Mayor LINDSAY. Well, again, in New York for large enough amounts, possession is a crime, and should be.

The CHAIRMAN. I take exception. If he had a vast quantity of it, he undoubtedly doesn't have it for personal use. The presumption would be that he possesses it for sale. But if a man only has several doses on him, it is my humble opinion that he is a diseased person and should be so considered, and probably should receive treatment.

Mayor LINDSAY. I think that is true, and undoubtedly most pushers are users as well, as you know, but the law provides in New York that a large amount of narcotics in possession is a presumption to sell, and that is probably pretty accurate, because most users of the hard stuff eventually turn to pushing in order to get enough to support their habit.

The CHAIRMAN. Take marihuana. It is so easily grown, you can easily get it.

Mayor LINDSAY. I assumed you were not referring, Mr. Chairman, to the tragic case of a youngster caught with a marihuana cigarette in his pocket. Those are the stories which hit the newspapers, when it happens in a State which has an unrealistic law that carries mandatory sentence for a young kid.

That is wrong, and those laws have to be adjusted to reality.

New York State does not have a law that is of that rigid a nature in respect to the person who is an occasional user of a soft drug and happens to be found with a very limited amount of soft drugs in his possession, on his person.

Mr. McCULLOCH. Could I ask a question regarding salary costs?

Mayor LINDSAY. It is over \$10 million for the 700 officers.

Mr. McCULLOCH. Mr. Chairman, one can see the importance of that fact. That is much more money than you receive from the Federal Government in action grants in this fiscal year, isn't it?

Mayor LINDSAY. Oh, yes. We got less than a million dollars in action grants.

Mr. McCULLOCH. You know, Mr. Chairman, every one of these witnesses, every Governor and every person that I have heard testify, is giving unmistakable evidence that we are moving irresistably to revenue-sharing between the Federal Government and the States. The money just isn't there at the State and local level.

While a considerable amount of our funds is going to cities such as Philadelphia, Chicago, and New York, it isn't nearly enough.

MAYOR LINDSAY. Thank you, Congressman McCulloch. It is music to my ears to hear you say that.

MAYOR GRIBBS. Our ears.

MR. ROGERS. Mr. Mayor, as I understand the present Safe Streets Act, it provides for the distribution of funds by each Governor. Do you think under the present act that the Governors have followed distribution formulas designed to get at crime that is being committed?

MAYOR LINDSAY. Sometimes it is the State legislatures, whether or not the Governor wants it that way.

MR. ROGERS. Some of the Governors appear to feel that they are obligated to give every sheriff in the State some money. As an example, we have in our State 63 counties, and I think our Governor saw to it that every sheriff got some portion of that money.

Now, your suggestion is that we should change the law to assure that the money will be given to the localities where the crime is committed. In New York State most of it is in the city of New York. You think the best way to distribute funds is to let the city of New York convince the Federal Government directly that it should be funded, rather than have it funneled through the State government.

Is that your position?

MAYOR LINDSAY. Yes, sir. The act is the Safe Streets Act, and the act was conceived out of the intent of the Congress, as I recall it, to do something about crime in the streets.

MR. ROGERS. That is right.

MAYOR LINDSAY. And the streets where crimes occur and where people walk are located in the cities.

MR. ROGERS. And that was the objective of the legislation when it was first enacted?

MAYOR LINDSAY. Right.

MR. ROGERS. And then with the limitations placed on the distribution of funds by the States, it has resulted in moneys going to certain places where crime is not prevalent. Is that the situation?

MAYOR LINDSAY. Yes, sir.

MR. ROGERS. The gentleman from Illinois, Mr. McClory, said something about the inaccuracy of the National League of Cities report. It is not inaccurate as far as your State is concerned with respect to fund distribution that you know of, is it?

MAYOR LINDSAY. No, sir.

MR. ROGERS. As far as my State is concerned, the report is not inaccurate. The present plan provides for distribution to every county.

What you want to do is to see that those cities that need assistance are funded. We are more likely to effectively control and prevent crime in the streets.

Thank you.

MAYOR LINDSAY. Thank you, Congressman Rogers.

THE CHAIRMAN. Mr. Donohue?

MR. DONOHUE. Mr. Mayor, you mention that New York City represents 70 percent of the population of the State.

MAYOR LINDSAY. No, it has under 50 percent of the population.

MR. DONOHUE. What contribution to the support of the State government comes from New York City?

Mayor LINDSAY. If you talk about tax revenues that are generated in the city by city taxpayers, it is about 2 to 1. The city generates about \$3 billion in tax revenues for the State. We receive back about \$1.7 billion.

Mr. DONOHUE. I have no further questions.

The CHAIRMAN. Mr. Kastenmeier?

Mr. KASTENMEIER. No questions.

The CHAIRMAN. Mr. Poff?

Mr. MACGREGOR. I have a question. There is an apparent discrepancy in what Governor Rockefeller has told us about the distributive share of action money from LEAA to the city of New York, and that you have told us, and I stress the word "apparent" because I think we can resolve the dispute if one exists.

You have used the figure—

Mayor LINDSAY. On figures, we are about the same.

Mr. MACGREGOR. You used the figure 43 percent, and the Governor used a figure in excess of 50, but he referred to funds to private agencies. Could you tell us something about that? Mr. McClory quoted from Governor Rockefeller's testimony to the effect that when grants to private agencies are included, more than 50 percent of the grants went to New York City.

I don't believe we inquired of the Governor what the private agencies would be. Would you give us an example of them?

Mayor LINDSAY. I think it is minuscule. I don't know of any private agencies that are cut into the funds that are allocated in New York State.

Where I think your problem may be, Congressman MacGregor, in the difference in the figures is that the 56-percent figure that the Governor gave is before the State took the 25 percent that is reserved to the State, and is not allocated out to the localities, and that makes the difference.

After that skimming off for State purposes takes place, then comes the distribution to localities, and this is where New York City comes in with its 43 percent of all funds that are received from the Federal Government to the State. I don't think that figure is in dispute.

We think this is far from perfect for the reasons that I gave in my direct testimony.

I also pointed out, and the record should be clear on this, that we have one of the better situations in the country, and indeed the report of the Conference of Mayors and League of Cities pointed that out. They said that New York State was in pretty good shape.

Mr. MACGREGOR. I am glad you mentioned that, because you anticipated my next question. You made reference to a recent report on the act, in which New York is listed on page 6, the top paragraph, as one of six States meeting the following criteria:

1. NLC and UMC staff identified no major flaws in the State's action plan;

2. No criticism of the State program was received from the largest cities in the State or from the State municipal league;

3. No major criticisms of the State program were received from small- and medium-sized cities in the State.

Mayor LINDSAY. That is correct, and the reason is that we were negotiating with the State at the time the questionnaire was put out, and

I think negotiating rather well, too, and we were going to do nothing to ruffle the waters at all.

Our report to the National League of Cities and the National Conference of Mayors was that things were working out O.K. On the whole, they have, but there are deficiencies, and those are the ones I have mentioned in my direct testimony.

Mr. MACGREGOR. Those criticisms go to the basic legislation itself rather than any fundamental quarrel with Governor Rockefeller and the State Commission.

Mayor LINDSAY. For the most part, yes.

Mr. MACGREGOR. You were asked by the chairman, Mayor Lindsay, about channeling discretionary grants through the State. I gather you perhaps have not had the opportunity to see all of this particular booklet entitled "Guide for Discretionary Grant Programs."

I note this language which refers to applications which may come, for example, from the City of New York for direct or discretionary funds from LEAA and which is pertinent to the inquiry made by the chairman at your displeasure about having to route these through Albany.

If such certification is withheld, or is available only in limited form, applicants should so advise LEAA and a funding determination will be made on the basis of such facts and the application as submitted.

I just thought the record ought to show that the LEAA is, in fact, handling discretionary grants. It is not in any sense giving to the States absolute veto power.

Mayor LINDSAY. The real question is whether in practice that is going to work. I think that is the question. I am sure it will be developed by you and the committee in the course of these hearings.

The fundamental thing, I think, Congressman, as I said earlier, for the most part States and State governments, and that includes Governors and legislatures, really do not have any competence in police science and crime-fighting at the street level. When there is a crime problem, they have to turn to localities and rely on local police. For the most part they are too preoccupied in other things to have any real knowledge as to what it is all about.

They just don't know that.

The Governor of New York has an office in New York City. We supply a full-time police detective there, on the inside, just as a routine police matter to serve that situation, to say nothing for all of the city police that have to take care of the Governor's offices in the middle of the city.

There are no State Police. This is all done by the city, and it is a very big operation.

Mr. MACGREGOR. What functions of the State government of the State of New York in the field of narcotics benefit New York City?

Mayor LINDSAY. What functions of the State government?

Mr. MACGREGOR. Yes.

Mayor LINDSAY. Well, the State has a program which is, moneywise, largely for facilities. That is for hospitals and beds. The law that surrounds that has to do with the mandatory placement of persons who are certified as being addicts to those beds.

Mr. MACGREGOR. Is this a responsibility which would otherwise be the State government's?

Mayor LINDSAY. That is correct.

Mr. MACGREGOR. The city provides what percentage of that at the present time?

Mayor LINDSAY. We have three programs. One is police and enforcement. The police commissioner has put out directives that have made all 32,000 police officers narcotics agents, and they are getting some training. He has established seven narcotics review boards, which meet regularly, and focus on stopping distribution. And as I testified earlier, the fulltime narcotics agents are up to 700 now.

Mr. MACGREGOR. I appreciate that. I wanted to ask if it isn't fair to say that the city of New York benefits from the funding on these beds.

Mayor LINDSAY. Oh, sure. We send narcotics addicts to the State system, and the State system sends narcotics addicts to the city system, too. It is dovetailed.

Some of those are persons in detention. We have some of our facilities on what is called Rikers Island, which is an island near the Triborough Bridge complex.

On that island we have the beginnings of an addiction service. We took another island out near the Whitestone Bridge that was abandoned years and years ago, and we have turned that into an addiction center. About half the persons in residence are there voluntarily, and about half are there under sentence of one kind or another.

They are commingled. That is a city program.

Also, in our corrections institutions, we take care of State prisoners, as I mentioned, and some of those are under addiction treatment of one kind or another. We get reimbursed by the State for a portion of that cost—not the full cost, but a portion of it.

In other areas, addicts come under the State law, which requires them to be certified as addicts, and they may find their way to a State hospital under a formal detention for addiction treatment.

All of these things are more or less experimental. There isn't anything that can be claimed to be really 100-percent foolproof.

Mr. MACGREGOR. Governor Rockefeller told us about using State funds in an experimental program to detect the entry of narcotics, primarily from abroad, at the JFK Airport and other points of entry. Are you familiar with this?

Mayor LINDSAY. Yes. That is a city program which we are getting Federal help for. It comes through the State. There is no State money in it.

Mr. MACGREGOR. What kind of discretionary grant programs are now underway directly from LEAA to the city of New York?

Mayor LINDSAY. We have one discretionary program already funded and several others under consideration.

Mr. MACGREGOR. It seems to me one is \$100,000 directly from LEAA to the city of New York.

Mayor LINDSAY. That is for the development of an experimental automatic fingerprint transmission system using closed circuit TV.

Mr. MACGREGOR. Albany didn't have anything to do with that?

Mayor LINDSAY. That is correct. The narcotics detector system that you just referred to a moment ago, has partial funding through the State and we are also negotiating with the National Institute of Law Enforcement and Criminal Justice for a direct grant from Washington to supplement that basic project.

Mr. MACGREGOR. I see.

Finally, Mayor Lindsay, I was intrigued with the references that you made to the direct Federal-city relationship through the Customs Bureau and through, I gather, the Treasury.

Mayor LINDSAY. Yes.

Mr. MACGREGOR. That is in narcotics. This is an example of direct Federal-city cooperation, without any filtering through Albany?

Mayor LINDSAY. Yes. That is on the basis of meetings I have had with our police commissioner, and Mr. Rossides of the Customs Bureau, and Jack Ingersoll of the Department of Justice.

Mr. MACGREGOR. Is this very beneficial to the city?

Mayor LINDSAY. Extremely. It is in germ stages. It is small, but it is a beginning, and we hope to make it grow. Incidentally, we are going to ask the State to join it to make it a tripartite, provided they will come in on an equal basis, on manpower.

The big cost is manpower.

Mr. MACGREGOR. Here is an example totally outside the scope of these hearings and the legislation now before us, an example of Federal help to the city of New York in a sensitive important area.

Mayor LINDSAY. That is correct. It is tiny, but we hope it will continue.

Mr. MACGREGOR. That it will grow?

Mayor LINDSAY. We hope so. It depends on the Justice Department, and they say it depends on whether the Congress will be willing to support it.

Mr. MACGREGOR. I think we will.

Mayor LINDSAY. I am glad to have that in the record.

The CHAIRMAN. Mr. McClory?

Mr. McCLORY. Thank you, Mr. Chairman.

Mayor Lindsay, you made reference to the fact that in the area of riot control, a grant you received was devoted to a manual which contains material which would be useful in the event of a riot or civil disorder. I would like to ask whether this could not be used as a pattern for other cities which want to prepare for the same kind of a problem?

Mayor LINDSAY. Yes, I should think so.

Mr. McCLORY. But it would not be practical for every city to do what you did. However, by your devoting funds in that way, and with other cities devoting funds to possibly Mace or other riot control devices, you are really complementing each other, are you not?

Mayor LINDSAY. Well, it depends on the locality. The Kerner Commission found that all of the cities where there were major riots in the ghastly summer of 1967, that essentially everything came down to the processes of the city, and the inadequacies of those processes, the weakness of funding, the absence of talent, and of good, strong, sound systems, became clearer and clearer.

New York City's problem in some ways is simpler than other areas. We have five counties, all within our borders, and those counties have no separate funding problems. They are all under the roof of the city.

But if the chips are ever down in a big civil disorder, I can assure you the problem is going to be right in the lap of the local mayor. He is the fellow who will be looked to to put an end to it, and then to make sure everything goes right in the aftermath.

Mr. McCLORY. He is going to be confronted with the need for utilizing procedures, and also he is going to have to have the necessary personnel and, if possible, the necessary devices and techniques so that he inflicts a minimum amount of human injury and at the same time suppresses the disorders at the earliest possible stage before great damage is done.

Could you answer me this? So far as you know, have any LEAA funds been devoted to the purchase of tanks or other hardware?

Mayor LINDSAY. Not in New York City. Our funds have not been used for hardware for the most part. Some communications equipment, but not hardware beyond that.

Mr. McCLORY. To your knowledge, have any funds been used for the purchase of tanks by any city?

Mayor LINDSAY. By any city? I don't know the answer to that. I don't know whether armored vehicles of one kind or another have been used. I rather suspect that if you research it carefully, you would find there are some.

The main point is that the way the act is set up, it is very difficult not to spend the money for hardware and equipment, and that is really the wrong direction in which to go.

Mr. McCLORY. You have emphasized that since crime is prevalent primarily in the cities, greater authority should be vested in the LEAA, or the Attorney General, to deal directly with the cities. And aside from the question of population, you have emphasized the incidence of crimes, the number of arrests, and other related items.

Is it your view now that cities which have a high incidence of crime should be dealt with directly?

Mayor LINDSAY. Well, I would say this, Congressman, that most of your cities and most urban areas have a larger crime problem than do your rural and small-town communities. All of the statistics bear that out. And the chairman a moment ago was referring to guidelines. This ought to be one of the guidelines, if guidelines are needed.

Here, again, I go back to the intent of the bill as it was originally offered. It was a street crime bill. And the reason that the cities are under such pressure and you continually read that middle-income persons move out of the city and businesses get frightened is because of the crime problem.

This bill originally was aimed at that problem that exists in these cities.

Mr. MACGREGOR. Before it was modified in the House of Representatives and an alternative bill substituted?

Mayor LINDSAY. That is correct. And I happen to be one of those, with all due respect, who think that change was a great mistake.

Mr. MACGREGOR. We understand that. [Laughter.]

Mr. McCLORY. It was modified from cities having a population of 200,000 down to 50,000. And I think there was some question whether we shouldn't go below that.

Do you think the subject of a minimum population condition precedent to aid should be left out entirely?

Mayor LINDSAY. I think it indicates the difficulty of Congress doing anything more than laying down certain criteria that have to be taken into consideration, and then, very frankly, I would leave it to the Department of Justice and the executive branch to administer the

bill in such fashion that its impact would be felt in other areas where street crimes are prevalent.

Mr. McCLORY. Are you suggesting that we should legislate that the Attorney General, or the Administrator of the Law Enforcement Assistance Administration, should take into consideration population density and incidence of street crime, as you call it, and perhaps other factors, in exercising broad discretion in making grants? Is that right?

Mayor LINDSAY. Yes.

The Bingham bill tries to do this in some respects. The Congress always has the right to review. If there is unfairness being shown by the Department of Justice in the way it is allocating funds to cities and States and localities across the country, Congress can examine that any time they wish to.

Mr. McCLORY. You have used the expression "street crimes" frequently. You may recall that I, for one, succeeded in getting the bill amended in the committee to eliminate the expression "safe streets," since we are talking about crimes not only in streets but in the parks and homes and factories and generally in areas that are the subject of crime.

Shouldn't we also give consideration to these other crimes as well as to organized crime? You referred to the subject of narcotics. The narcotics traffic, I suppose, would be included within the organized crime problem.

Mayor LINDSAY. Yes; I would be delighted if you would do that, Congressman. I would suggest that your levels of funding are going to have to be substantially greater than they are presently if you are going to get into real support in the area of organized crime and narcotics.

Mr. McCLORY. Don't you also want a program that is administered essentially out of a central, single office here in Washington, with virtually complete discretion as to how and where to apply the funds and thus vest in the Federal Government the kind of control that an overwhelming majority of the Members of the Congress don't want and have often rather articulately denounced?

Mayor LINDSAY. The only control I am suggesting you vest in the executive branch, pursuant to whatever guidelines the Congress may want to lay down, is the allocation of funds. Those funds are then turned over to localities in order to be used in the crime-fighting business.

Mr. McCLORY. The decision as to who receives the money would be vested in the Attorney General or the Law Enforcement Assistance Administrator.

Mayor LINDSAY. For the most part, that is the way I think it should be. My testimony here has carefully avoided discussion of a national police force. You don't want it, and I don't want it.

I am not suggesting that. We have a problem with street crime, and this involves manpower. The five district attorneys of New York have joined with me calling for a quadrupling of the Federal manpower at our borders to control international and interstate traffic in narcotics.

Heroin comes in from the East, the Middle East, the Far East, via certain countries of the Mediterranean area. New York City polices the largest concentration of foreign government officialdom in the

United States, so that we are engaged in a vast international operation, for which we receive no reimbursement from the Federal Government. But our responsibility does not go to international traffic in heroin that comes from the Far East, the Middle East, and Europe.

So we called on the Federal Government to quadruple its police forces to stop this stuff from coming into our city and causing street crimes.

Now, no one would suggest, I would think, that this is calling for a dangerous Federal police force. It is already there. But it is there in very insufficient quantities. It is not doing the job, because the stuff keeps coming in. And one reason it is coming in is because the Federal Government has not supplied the manpower to stop it.

We ask the Treasury and Justice Departments why not? And they say, "Because Congress won't give us the money."

I say to them, "How can Congress not give you the money, when every Congressman is worried about law and order?"

Mr. McCULLOCH. It is my opinion that if the problem is presented to the Congress in a proper manner, the money will be forthcoming. When information on crime is obtained in New York, it soon reaches Columbus, Indianapolis, and other cities.

Mr. McCLORY. Mr. Mayor, I think your reference to the international aspects of the narcotics traffic suggests also the lack of respect for boundaries which is typical of other crimes as well. It also indicates a need for added cooperation and close coordination between the various units of government that are involved in all of the aspects of law enforcement.

Now, again, it seems to me that this need for cooperation and coordination is being met by the law in its present form.

Do you disagree with that? Don't you feel that direct grants from the Federal Government bypassing the State government limits the effectiveness of the program that may be developed?

Mayor LINDSAY. No; I don't. I don't agree that it does limit it. I think in some cases it could strengthen it.

I would suggest to you that you might want to look at a compromise. Congressman Bingham's bill, I think, represents a reasonable compromise, 50 percent through the States, plus 20 percent if the State adequately deals with urban crime areas. And, an incentive is also provided. There is an additional 20 percent if the State matches local contributions.

That seems right, as a matter of just simple justice and fairness. As it is now, I just can't understand why the Congress mandates a matching formula on cities after putting the controls in the States hands. At least require the State to match the Federal grant in some portion.

The cities have no elastic means of raising revenue. They are stuck with a tax base that gives them a maximum of 4- to 5-percent growth each year. Yet, they have mandated costs of servicing their communities that increase 15 percent each year, just to stand still. That is not to improve police service or any other type service.

That is why you have city after city on the edge of bankruptcy at this moment.

Mr. McCLORY. You would favor a provision which would authorize the administrator of LEAA to waive the requirement for matching funds?

Mayor LINDSAY. Yes. I think the matching fund requirement is very bad. It is too burdensome. Combine that with the one-third personnel restriction, and you are not going to the root of the urban crime problem.

The CHAIRMAN. Mr. Railsback?

Mr. RAILSBACK. Mr. Mayor, we are very glad to have you here, and I have enjoyed your testimony.

When the Governors were here, they indicated unanimously that they thought the present law was working very well. But it is true they have a certain bias, I am sure, because, as a matter of fact, they wanted to strengthen the block-grant approach. I asked them whether their State planning agencies were making themselves available to the local applicants and counseling them and working with them.

What has been your experience in this matter?

Mayor LINDSAY. In New York State, our experience is that it usually works the other way. The mayor of New York City, presiding over a police department of 32,000 men with lots of specialists in it, and a very complicated intelligence apparatus, has most of the expertise. We are in the position of having to guide the State.

Look; even if you are an extremist on guerrilla warfare in the streets, New York City has 32,000 armed officers. The State has a maximum potential National Guard of 14,000. I tell you that just so you get some idea of what a city is all about in the handling of a breakdown in the rules, whether it is a kid that is snatching a purse, or whether it is a lot of people who are engaged in something far more violent than that.

Mr. RAILSBACK. You mentioned in your statement that professional cooperation between State and city planners, thanks in large part to the efforts of Peter McQuillan, executive director of the State Office of Crime Control Planning, has been very helpful. Is this the agency with whom you have to deal?

Mayor LINDSAY. That is right. That is a plug for McQuillan. He is a very good man. He is director of the State planning board. We work with him very well.

Mr. RAILSBACK. What percentage of your applications have been turned down by the State?

Mayor LINDSAY. I think the answer would be relatively small. These are all the result of a lot of negotiations.

Mr. RAILSBACK. In some instances, we find cities are complaining, and yet they have not submitted the applications. They have not utilized the appeal procedures that are available to them.

Mayor LINDSAY. We don't have that problem. Our problem has been, you know, delay, review, second-guessing. There has been a lot of second-guessing.

Mr. RAILSBACK. There are some States that haven't received their money from the Federal Government, which has compounded the problem.

Mayor LINDSAY. That is not our problem in New York, I am happy to say.

Mr. RAILSBACK. We received testimony that indicated for the first time we have established a dialog among the various law-enforcement officers throughout the State. And there was some testimony that they are indeed fragmented. There is a multiplicity of these local law-enforcement agencies that for the first time are trying to work together.

Mayor LINDSAY. I hope that is correct. I think that is useful and good.

The CHAIRMAN. Mr. Hutchinson?

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Mr. Mayor, the hour is getting late, and I am going to restrict my inquiry to one statement in your principal testimony which, I might say, shocked me.

I refer to the statement on page 3 of your prepared testimony, in which you say :

If the block-grant approach continues, I believe that local governments must have greater protection from State encroachment.

I must say that I had always supposed that the very existence of a city was wholly dependent on State creation and continued only so long as the State wanted to permit it to continue.

I know that as a practical matter, no State is going to dissolve a city such as the city of New York. But it is rather surprising to me that the mayor of a city would take the position that the Federal Government should move in to protect the city against the State. I would think the mayor and the whole city administration would recognize that under our structure of government they have to work with the State.

I would appreciate your views on that.

Mayor LINDSAY. Can you understand why Mayor Ivan Allen of Atlanta would prefer to deal, when it comes to the funding of police officers and police systems, directly with the U.S. Department of Justice than with the Governor of his State?

Mr. HUTCHINSON. Perhaps I can understand his preference along that line, but you and I are now talking about constitutional, legal concepts.

Mayor LINDSAY. I know of nothing in the Constitution—and I thought I was a student of the Constitution—I know of absolutely nothing in the Constitution that suggests that the Federal Government should not be dealing directly with localities, which means cities as well as States, on a subject of this kind.

My own point of view is that we are interested here in protecting the public safety and public welfare, and we are talking about crime

and police. I would suggest that the first line of defense for all of us—and I am sure that includes your own city—happens to be your local police chief.

Mr. RAILSBACK. Will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman.

Mayor LINDSAY. I know in my city, no matter what happens, whether it is a street crime or a breakdown in the subway system, or the Governor coming to the city, or the President of the United States coming to the city, or whether it is a head of state coming to the city, or whether it is some heroin coming into the city from abroad, in the last analysis it comes down to a police question. And it is the mayor of the city of New York and his police commissioner and no one else who are accountable and responsible for the safety of the people. And that is true in every city in this country.

Mr. HUTCHINSON. But the city is part of the State. First, it is part of the State.

Mr. RAILSBACK. The Governor of Rhode Island and also the Governor of Pennsylvania indicated that with large cities comprising a big percentage of their population, they had to be concerned about the welfare of their large cities.

But to be honest, we were concerned that there might be mayors like Mayor Allen who would not receive cooperation. And for that reason we have a device that permits an application by that mayor or by the local government which would provide for an opportunity to be heard by the Federal Government and to bypass the States. It is my hope that mayors will be willing to recognize that they do have an opportunity, if they are willing, to utilize it.

Mr. ZELENKO. Mr. Chairman, just two questions.

Mayor Lindsey, could you supply the committee with a copy of the budget of the city of New York relating to law enforcement, police protection, and indicate what portion of the city budget that represents?

Mayor LINDSAY. The police department alone, not the courts or the parole system, or the correction institutions—is approximately half a billion dollars. The current operating budget of the city is \$6.6 billion.

The fiscal year ends on June 30. Obviously, in the next fiscal year, it is going to be bigger in both departments.

The capital budget of the city is a little over a billion dollars. And the proportion of that for the police is largely in the new huge police department headquarters downtown near city hall, and some 28 local precinct houses that are in the process of being built.

Mr. ZELENKO. It would be helpful, Mr. Mayor, to obtain for the record the amount of the individual budget items and their relative percentage to the entire city budget.

Mayor LINDSAY. We will give you that for all the agencies in the administration of justice.

(The information to be supplied follows:)

Expense budget, 1969-70

	<i>Million</i>
Total, expense budget.....	\$6, 604. 0
Police department.....	568. 4
Housing authority police.....	22. 9
Transit authority police.....	51. 8
District attorneys.....	10. 3
Manhattan.....	2. 9
Bronx.....	1. 5
Brooklyn.....	2. 7
Queens.....	1. 5
Richmond.....	. 2
Courts:	
Supreme.....	} 80. 8
Surrogates.....	
Criminal.....	
Civil.....	
Family.....	
County clerks.....	
Correction.....	54. 2
Probation.....	16. 1

Percent of total budget for public safety and law enforcement equal 12 percent.

Capital budget, 1969-70

	<i>Million</i>
Police.....	20. 1
Department of correction.....	6. 2
Courts.....	4. 9
Total, capital budget.....	1, 100. 0

Percent of total budget for public safety and courts equal 3 percent.

Mr. ZELENKO. To what extent has the State defrayed these expenses?

Mayor LINDSAY. We don't get any money——

Mr. ZELENKO. To what extent has the city participated in disbursement of funds by the State under this program?

Mayor LINDSAY. Under this program, as was pointed out, the State planning agency has 21 members, and from our whole planning apparatus in the city on law enforcement, which is the criminal justice coordinating council, there are two persons, the police commissioner and District Attorney Hogan.

Mr. ZELENKO. In your statement, you make three suggestions for amendments to the act, one relating to the existing limitations on salary use. You are saying that they should be revised or eliminated. Two, that the matching-grant requirements should be revised. And I am not clear on the third suggestion. Perhaps you could elaborate on the following statement:

If we are to have realistic programs, the Congress should be sure all localities could use these funds in areas of greatest need, not influenced by tight budgets.

Mayor LINDSAY. That is referring to the matching formula.

Mr. ZELENKO. You referred to the Bingham bill, which would reduce the State block grant from 85 to 50 percent. Do you visualize that under such a revision the cities could better deal directly with

the Federal Government? Or would they still rely on State planning agencies in order to obtain funding?

Mayor LINDSAY. I think both. The Bingham bill has provision for both, but it gives greater leverage, I think, particularly the incentive provision. The Bingham bill has a 20-percent addition, or addendum, if the State adequately deals with urban high-crime areas.

Again, I point to that as one change which we think would be preferable to the present law.

Mr. ZELENKO. There is an administration proposal before the subcommittee, Mr. Mayor, to amend provisions of the act requiring the States to "pass through" 75 percent of action funds to the cities. The amendment would authorize the Law Enforcement Assistance Administration to waive the pass-through requirement.

Do you have any comment on that provision?

Secondly, do you think there should be some mechanism whereby the cities could get more than 75 percent of the action funds?

Mayor LINDSAY. Well, again, I would like to examine it. I am not sure what is meant by "waivable."

Mr. ZELENKO. The proposal makes the State's pass-through of 75 percent of the moneys waivable, upon the application of the State to LEAA. Instead of passing through that money to the cities, the State could pass through something less than 75 percent.

Mayor LINDSAY. I would like to study that.

Mr. POLK. I would like to address questions to the mayor.

Section 301(d) of the present law, Mr. Mayor, says that not more than one-third of any grant made under this part may be expended for the compensation of personnel. You refer to that in your testimony. The administration has authored a bill which would limit that restriction so that it would apply only to regular law enforcement officials. Do you feel that that amendment would be preferable to the present law?

Mayor LINDSAY. Yes, it would be.

Mr. POLK. Thank you.

Last October, Mr. McCulloch introduced H.R. 14296, which would completely eliminate the matching requirement with respect to discretionary grants. Would you also support that amendment?

Mayor LINDSAY. Yes, I would.

Mr. POLK. You testified earlier with regard to street lighting in high crime areas. Is there anything in the present law which forbids LEAA funds from being used for this purpose?

Mayor LINDSAY. I don't believe so. I don't know of anything in the law as I read it.

The CHAIRMAN. I don't think there is anything in the act that prevents it.

Mr. POLK. I was only hoping to make that point clear.

Mr. Mayor, could you tell us the number of police agencies there are in the standard metropolitan statistical area of New York City?

We had testimony earlier that in Cook County there are 121 police agencies and that in Cuyahoga County there are 65.

Mayor LINDSAY. New York City is more streamlined than that. We have our police department, which is the biggest, obviously. Then we have the New York Transit Police, the subway policemen, funded by

the city budget. Then, thirdly, there is the New York City Housing Authority police, which are partially funded by the city.

The New York Port Authority, which runs the airports and some terminals, has their own police system. It is comparable to the Housing Authority police. In other words, it is a small body of uniformed police officers. I believe that there are 1,100 officers in that system.

Transit, incidentally, has 3,200 officers, and Public Housing has 1,400 police officers, uniformed.

For the four police organizations, we have a central police coordinating committee, on management, equipment, training, all kinds of things, that is grouped under the Mayor's Criminal Justice Coordinating Council.

We, of course, have to do this in many respects because the city budget funds of most of those police systems, with the exception of the port authority. But they have asked to come into this coordinating group.

MR. POLK. I am not sure I added up all those agencies. Perhaps for the record you may wish to submit a more accurate total figure. I would guess it might be in the hundreds.

Thank you, Mr. Chairman.

THE CHAIRMAN. Thank you, Mr. Mayor. You have been frank and informative and persuasive, as usual. We are very grateful to you.

We will now hear from the gentleman who has been very patient and who has been standing by for some time, the former sheriff of Wayne County, now the mayor of the great city of Detroit, the Honorable Roman S. Gribbs.

**STATEMENT OF HON. ROMAN S. GRIBBS, MAYOR, CITY OF DETROIT;
ACCOMPANIED BY NORMAN L. MILLER, SPECIAL ASSISTANT TO
MAYOR**

MAYOR GRIBBS. Thank you, Mr. Chairman and members of the committee.

I would like to indicate that much of what has been discussed here with Mayor Lindsay refers to Detroit as well.

I have a brief statement, and I would like to read that. And, again, I thank you for the opportunity to speak with you and discuss possible amendments to the Safe Streets Act of 1968.

This act has not been in effect either long enough or on a scale large enough to reverse the crime rate in this country. However, our experience with it to date is sufficient to recognize some of its more obvious shortcomings. And I welcome the opportunity to offer my recommendations.

Let me first mention that I have been personally involved in law enforcement and criminal justice most of my adult life. I have served as an attorney, then as a public prosecutor, as a traffic court referee, as sheriff of the third most populous county of the United States, and now as mayor and conservator of the peace of the city of Detroit. I have been very close to the problems and the attempted solutions of law enforcement and criminal justice.

I also have the benefit of the sage counsel of an outstanding police commissioner, Patrick V. Murphy.

Commissioner Murphy has a long and prestigious background of law enforcement in New York City, the city of Syracuse, the District of Columbia, and, most recently, the Urban Institute.

The day that I was sworn in as mayor, he became the police commissioner for the city of Detroit. He has reviewed and is in agreement with the recommendations I am about to make.

To begin, I want to state that in my opinion, the crime rate and the continuing rise in that rate are very closely related to narcotics and other addictive drugs, as has been discussed here this afternoon. A very large percentage of criminals we apprehend are addicts. The criminal activity of addicts is the direct result of their need to support that addiction.

In Detroit, we estimate that there are presently 6,000 addicts walking our streets. Few of them can pay the price of the drugs they crave from legitimately obtained income. They are literally forced to resort to burglaries, muggings, robberies and holdups.

The cost of these crimes is enormous. Various estimates have been cited by authorities. Let me give you our best estimate and opinion of the cost of addiction and its relation to crime.

We believe that the average addict needs about \$50 per day to support his habit. That, incidentally, I think is a conservative estimate. This requires him to obtain at least \$200 per day of other people's property. Simple arithmetic now places the annual cost of this condition at \$438 million.

This figure does not begin to measure the cost of the injuries to individuals which occur during the course of these crimes, the cost of police protection, judicial processing or incarceration. It does not reflect the cost in human misery and suffering to the families of addicts and their victims, or the fear of society, or the loss of businesses which cannot thrive in this climate of fear.

Now, at the same time we could treat these 6,000 Detroit addicts, using methods which we already have in hand and under a program which we have already initiated, for about \$9 million per year. All we need is the money.

My first recommendation to this subcommittee is that emphasis be placed on the drug problem. The cities, however, should be permitted the discretion regarding the expenditure of planning and action funds. We in Detroit, for example, would expend as much as 35 percent for the drug-abuse problem, that is, 35 percent of the funds that could be made available as stated above.

Second, I would recommend that Congress should authorize, then appropriate, a sum more likely to meet the need. I would ask that no less than \$1 billion be provided for fiscal year 1971 and more in subsequent years for safe streets and crime control.

Detroit needs additional help. We are trying hard to cope with this problem ourselves. Detroiters pay more than three times as much per capita for public safety, for example, than do the suburbanites outside Detroit. Almost 30 percent of the total moneys spent on the entire law enforcement and criminal justice system in the State of Michigan goes to pay for the operation of the Detroit Police Department. But this obviously is still not enough. We are near the bottom of our resources. This year alone we are faced with more than a \$60-million deficit in our budget just to maintain our current level of services.

Third, Congress could amend the act so as to assure that funds are directed to those places where the need is greatest. This could be accomplished by raising the discretionary funds from 15 percent to 50 percent, with a clear mandate that the majority of this 50 percent be direct grants to the cities.

Now, our experience with the Safe Streets Act so far convinces us that this is not now being done. We have 19 percent of the State's population and 40 percent of the State crime. Yet we received less than 6 percent of the planning funds that came to Michigan last year and less than 18 percent of the action funds. Based on our present scale of self-help and needs, we should have received at least three times as much as we received.

It is obvious that the State does not direct the money where it is most needed in the absence of a clear mandate to do so.

Fourth, I recommend that the act be amended to reduce the local required share of project costs from 40 percent to no more than 10 percent. Or, as an alternative recommendation, the required local share should be tied in with the relative size of the present local effort. This latter thought would also help to assure more help in the place it is most needed.

Finally, and in a similar vein, I would recommend that the act be amended to raise the percent of project costs allowable for personnel from the present 30-percent limit to 50 percent. Personnel costs are usually the biggest cost in any law enforcement improvement, and this is therefore where the need is greatest. By relaxing this requirement, you would also expand the kind of improvements that could be made under the act. In particular, we in Detroit would be better able to expand our technical services division and place more men on the street where they are needed.

Nothing that I have said or that I intend to say is meant to reflect discredit on the way that the Department of Justice has thus far administered this program or upon Mr. Charles Rogovin of the Law Enforcement Assistance Administration. Mr. Rogovin and his staff have acted commendably within the guidelines that Congress provided. I only suggest that Congress refine and redefine its priority guidelines. We certainly concur in the Department's policy of promoting higher local law enforcement standards. We easily abide by such policies because they are quite consistent with our own.

Again, I appreciate this opportunity to talk with your committee and hope that what I have had to say will help you in your deliberations on the many proposals before you.

The CHAIRMAN. Mayor Gribbs, the National League of Cities and the U.S. Conference of Mayors report states that many States, including Michigan, your State, have used a method of distributing funds to each region of the State to assure that "everyone gets something."

The report concludes that this dissipates the law enforcement funds. I would like to have your comment.

Mayor GRIBBS. Well, as a result of that policy, I can only indicate that where the money is most needed, where the crimes are, those areas suffer, and that is Detroit and the southeastern metropolitan area.

I might indicate, under the formula in Michigan, the State Crime Commission, which was organized pursuant to this act, has indicated that the seven counties surrounding Detroit—Detroit is in Wayne County—be one region. And they are functioning in that fashion.

If we cannot satisfy both needs, that is, give everyone a little bit, I would suggest that the money go where the crime is.

I am not against the sheriff in the Upper Peninsula of Michigan having a three- or four-man staff receiving a little assistance. It is a matter of comparing the drastic needs and the degree of needs. I think it is readily acknowledged—and it was acknowledged today with Mayor Lindsay, in the many comments—that the large metropolitan areas in the United States are the ones straddled with the major portion of the crime problem. And yet the major portions of the moneys of the act do not go into those areas, as it has been presently operating.

The CHAIRMAN. You say, then, that that formula that exists in Michigan, namely, that everyone gets something, is illogical, is it not?

Mayor GRIBBS. Well, it is a question of how much “something,” if I may say that, Mr. Chairman. If they want to give them a little, fine, but I think that the largest piece of that pie that comes to Michigan should come to Detroit and the metropolitan area, because that is where the crime is.

The CHAIRMAN. This would mean that many places where there was a substantially larger incidence of crime do not receive appropriate funding. Is that correct?

Mayor GRIBBS. It depends what you mean by “appropriate.”

The CHAIRMAN. By “appropriate,” I mean relatively proportional to the incidence of crime.

Mayor GRIBBS. Yes, I would agree with that.

The CHAIRMAN. It may be that some areas that get something, however little, may not be in need of it.

Mayor GRIBBS. It may be.

If I may add, Mr. Chairman, Wayne County is the county in which the city of Detroit is located, and I was the county sheriff there. Our force consisted of 500 men. The police functions were performed by approximately 250, which were in the external sections, the more rural sections of Wayne County. In addition to that, the sheriff has the duty of maintaining the county jail, which is the pretrial, presentence incarceration center for the entire county.

By contrast, the city of Detroit has over 5,000 policemen.

There was reference here to comparisons of figures that have to do with the State’s police function. And you might be interested to know that in Michigan, the State police number something like 1,750, or maybe 1,800, as compared to the 5,000-plus policemen in the city of Detroit.

The CHAIRMAN. We have a communication from the city of Saginaw, a letter addressed to me and dated January 28, signed by the city manager.

(The letter referred to follows:)

CITY OF SAGINAW,
Saginaw, Mich., January 28, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE CELLER: I noted with interest a recent proposal (S. 3171 Hartke, D-Ind.) to improve the role of the city in the Safe Streets Act program. The proposed amendment would release up to 50 per cent of the Safe Streets Act funds for direct grants to cities.

Enclosed is a copy of a letter sent by our Mayor to Governor Milliken concerning the problems inherent in the present program administration which channels Safe Streets Act funds through the State and "regional" organizations prior to the cities receiving them. This approach tends to give a rural, small-city bias to the distribution of program funds.

Saginaw's most recent experience under the program again indicates that monies are not getting to the cities where the needs are most acute, but are being distributed on a state-wide basis regardless of the greater needs of our larger cities.

Your support of any legislation which would provide additional funding to the cities under the Safe Streets Act would be most appreciated.

Sincerely yours,

E. I. POTTHOFF, Jr.,
City Manager.

SEPTEMBER 16, 1969.

HON. WILLIAM G. MILLIKEN,
Office of the Governor,
Capitol Building, Lansing, Mich.

DEAR GOVERNOR MILLIKEN: The City of Saginaw has actively participated in the Region 9 Task Force Law Enforcement Assistance Program. Although we were initially hopeful that this program would assist Saginaw in expanding its law enforcement capabilities, experience with this program to date has raised serious doubts as to its effectiveness.

Saginaw has been included within a fourteen-county regional planning organization for the purposes of defining needs and priorities in the general area of law enforcement in order to develop program applications for Federal assistance. It appears that the only criteria given for the adoption of such a large and diversified region was the existence of another agency, the East Central Michigan Economic Development District. With the exceptions of the cities of Midland, Bay and Saginaw, the Region 9 area is entirely rural in character. This has resulted in Saginaw, because of its size, population composition and crime rate, having little similarity with other local governments in the region. With the domination of rural interests on the Task Force, I am greatly concerned with the requirement that all LEA applications will be subject to approval by the Task Force prior to submittal to the State. Our experience to date indicates that some consideration should be given to the establishment of a more realistically defined law enforcement planning area.

The primary purpose of the LEA Program is to assist those larger metropolitan governments whose limited funds and rising crime rates require special consideration. I do not feel this goal can be achieved with the existing planning agency whose primary orientation is toward rural or small government interests. A more logical approach would be to establish a task force on a metropolitan basis where the situation and problems of law enforcement are similar.

I would request that your office review the concept and organization of the Region 9 Law Enforcement Task Force area to determine if a more logical planning area could be defined. I strongly urge such action to enable the LEA Program to become a truly effective approach in expanding the capabilities of our Law Enforcement agencies.

Sincerely,

WARREN C. LIGHT, Mayor.

The CHAIRMAN. Would you care to comment on that?

Mayor GRIBBS. I think one of the advantages of the Safe Streets Act has been cited by one of the gentlemen earlier, and that is, by requiring them to go through a reasonable natural vehicle has brought police departments a little closer together, practically and functionally. And I think that is a benefit of the act.

I do not argue with that organization function as such.

But I would strive, and I would hope that the committee and Congress devise and revise the formula to the end that the money go where the crimes are, to the end that the large cities would receive a larger share of the safe street money. That is why one of the means of accomplishing this that I propose you consider is providing for larger discretionary funds.

I have confidence that with larger amounts of discretionary funds and coupled with mandates that they be geared toward the major cities, because that is where the crime is, I think that that revision alone would substantially help and correct the situation that now exists.

Although I do believe that by and large, historically, police departments have been inclined to operate individually—in Wayne County, we have over 40 different police departments, one of which is the Detroit Police Department.

The CHAIRMAN. We have a tabulation here that the city of Grand Rapids got \$188. What in the world could the city do with that \$188?

Mayor GRIBBS. I haven't the slightest idea. They would be lucky to pay for postage.

The CHAIRMAN. And Lansing got \$600. And another town got \$3,800. Is this according to the principle that every locality gets "something"?

Mayor GRIBBS. I don't know that, sir. I wish I could answer that question.

The CHAIRMAN. Mr. McCulloch?

Mr. McCULLOCH. I have one question, and you may answer it only if you want to.

Do you think that every city that is named in this tabulation here, some of which have been mentioned by the chairman, were alert and persuasive in going after funds to which they were entitled under Federal law? Or do you think there was some lethargy?

Mayor GRIBBS. It is difficult to answer that without knowing the facts. Actually, I would suppose that there are those that are more skilled in being aware of what is available or because they have a research man or department, more skilled in drafting projects that are appealing when they are looked upon in black and white by the reviewing agencies, be they regional or State crime commissions, and more skilled in having their position voiced in the State crime commission, which ultimately in Michigan decides where the money will go.

So there will be those variances. I am not prepared—

Mr. McCULLOCH. If I might interrupt, some municipalities and some States are more aggressive than others.

Mayor GRIBBS. Correct.

Mr. McCULLOCH. You might not wish to answer the question, but I will answer it for Ohio. There has been foot-dragging in Ohio, and some municipalities and subdivisions haven't been aggressive.

Therefore, they haven't fared as well in comparison with others, not only in Ohio, but elsewhere.

The CHAIRMAN. Mr. McClory?

Mr. McCLORY. Mr. Mayor, you testified that the Federal money ought to go where the crime is. But you wouldn't want the Federal Government just automatically to send out the money on the basis of the crime incidence without passing upon any application or request, would you?

Mayor GRIBBS. No; not at all, just making it available for the areas that have the crime to get the money.

Mr. McCLORY. Last year in the city of Detroit, you received \$247,000. Was that amount consistent with the population?

Mayor GRIBBS. With the population, but not with the crime rate. Unfortunately, this is the criterion used in Michigan for disbursing or turning back dollars, be it a portion of the State income tax or the sales tax, and so forth. And it does not recognize the needs of the core cities, which are at this point in history very different than they were 30 and 50 years ago, and very different from other localities, because they have got peculiar and particular problems, with which we are all familiar, I am sure.

Mr. McCLORY. You wouldn't want the Congress to enact legislation that funds should be allocated absolutely and automatically strictly on the basis of reported crimes would you?

Mayor GRIBBS. I think a combination of population and crime rate, a formula in some fashion along those lines would be equitable. The purpose of the safe streets bill is to stop the crime. If you don't put the money where the crime is, you are not accomplishing the purpose.

Now, if we use the guideline of population, which on the surface is equitable, I think you will miss the target. And I think the Safe Streets Act is missing the target to that extent. And that is why I have made some suggested changes.

Whatever formula is decided, a combination of population and crime, and weight could be given to both, I think with the end result that the city of Detroit and the Detroit metropolitan area getting a larger share of the dollar, I think, would be a good thing, and would accomplish the objective of the bill.

Mr. McCLORY. Thank you.

The CHAIRMAN. Mr. Railsback?

Mr. RAILSBACK. Mayor Gribbs, I wonder if your figures relating to the incidence of crime were the FBI statistics that are based upon the SMSA. Are they?

Mayor GRIBBS. Yes.

Mr. RAILSBACK. Mayor Lindsay, could I ask you the same question? You cited crime statistics. I think there is a difference between the LEAA figures and your figures. I am wondering if your figures are the FBI figures for the SMSA, or are they only for the city?

Mayor LINDSAY. Our city figures are the city figures, and include just New York City.

Mr. RAILSBACK. Thank you.

The CHAIRMAN. Mr. Hutchinson?

Mr. HUTCHINSON. Mayor Gribbs, what percentage of the crime in Michigan occurs in the city of Detroit?

Mayor GRIBBS. Forty percent.

Mr. HUTCHINSON. As opposed to a population of 19 percent, right?

Mayor GRIBBS. Right.

Mr. HUTCHINSON. I thank you for that information, because somehow or other you gave some percentages which I missed.

Mayor GRIBBS. I am very sorry, gentlemen. I apologize. I inserted a paragraph that was not included in the statement that had these figures, and we will provide you with a corrected statement that includes that paragraph.

Mr. HUTCHINSON. Thank you.

It is my understanding that when this committee was first considering the present act, there was some concern that if the program was going to put all or most of the money "where the crime is," mainly just within the metropolitan core, and if we didn't provide any assistance to the outlying communities, all we would be doing would be driving the crime out of the core cities into the suburbs. Your argument is, "Put the money where the crime is." We are apprehensive that that might not be enough.

Mayor GRIBBS. I don't think they are mutually exclusive. That is why I was careful in answering the chairman's question.

I do not oppose every law enforcement agency getting something, but it is how the amounts are cut up. Certainly, you cannot isolate communities or a metropolitan area from the rest of the State, because Grand Rapids, Saginaw, and Flint have a crime problem. Smaller cities and counties, the county sheriffs, have a personnel problem.

But I think that amendments can be provided. And I would direct the committee's attention to this goal, to this end, that some of these recommendations that I suggest and that Mayor Lindsay suggests be put into operation, so that we do not exclude any area from qualifying for receiving funds, but a larger portion of the available funds come to the metropolitan area, because that is where the need is the greatest.

I don't know if I have answered your question.

Mr. HUTCHINSON. I would like to make one further observation. Mayor Gribbs is familiar with the layout of the State of Michigan. I represent a congressional district with the prescribed number of people in it, according to the 1960 census. Still, there is not in that congressional district any city over 25,000 in population. And I might say that even though it may be that the National League of Cities says that Michigan has some kind of a plan whereby everybody gets something. I would report that one of the counties in my district presented what appeared to be a very reasonable plan for training policemen working through a community college, which was well established there. The State of Michigan turned it down. So, obviously, they haven't granted everybody something.

Mayor GRIBBS. Oh, no. I may add—I don't have the exact figure—but I think the requests last year were three or four times the dollar value of the funds that were made available last year. The State of Michigan received \$1,055,000 action money in the current year. And according to the budgeted amount for this year, we will receive something like \$7.8 million for the entire State. And the request, I know, from the various police departments and law enforcement and criminal-justice agencies far surpassed the funds available last year, and probably will do the same this year.

Mr. HUTCHINSON. Thank you, Mayor Gribbs, for coming and appearing today. I am happy to have you here as a representative from Michigan.

Mayor GRIBBS. It is a pleasure to be here.

Mr. KASTENMEIER. I would like to commend both mayors for their testimony, which I think has been about the best we have had from an operational standpoint, about what the needs are and where the money ought to go.

At least two-thirds of my district lies in communities under 15,000. I would only say that this is obviously an area where the Congress, and I hope the administration, will get information often, every year or every other year, because, as Mayor Gribbs suggested, narcotics is such a great problem in crime in Detroit, and is becoming a problem in the small communities as well. And it may be that we will find that the city is the sole focus of crime in the future. But I think the argument you have made is most persuasive today. I think you have to look at it on a continuing basis.

Thank you, Mr. Chairman.

Mayor GRIBBS. Thank you, sir.

The CHAIRMAN. Mr. Mayor, I am grateful to you, as are the other members of this committee, and to the distinguished mayor of my city of New York, who have shed much light on the matter we are deliberating on. We are very grateful to you.

We meet on Friday next, when we will hear from Mayor Tate of Philadelphia, the city manager of Savannah, Ga., the city manager of Englewood, Calif.

I wish to insert in the record at this point the statement of Hon. James C. Corman, a U.S. Representative in Congress from the State of California; a letter from Hon. Mark O. Hatfield, a U.S. Senator from Oregon, enclosing a communication from Gov. Thomas McCall of Oregon, a letter to Hon. John N. Mitchell, Attorney General of the United States, from myself, requesting a summary for fiscal year 1969 of State allocations to units of local government of funds received under title I of the Omnibus Crime Control and Safe Streets Act, together with a breakdown of information requested; a letter from Hon. Philip E. Ruppe, a U.S. Representative from the State of Michigan, enclosing a report from the Michigan Commission on Law Enforcement and Criminal Justice.

(The documents referred to follow:)

TESTIMONY OF HON. JAMES C. CORMAN, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CALIFORNIA

Mr. Chairman and members of the committee, this is the second time in this Congress that you have given me an opportunity to testify in support of legislation that I have had a part in formulating when I was a member of this Committee, and I am grateful for your consideration.

Last summer I came before you to support the extension of the Voting Rights Act. Today, I am here on an even more personal mission, for the bill I have co-sponsored, H.R. 14689, provides funds for programs under the Law Enforcement Assistance Administration. The Law Enforcement Assistance Act of 1965, which I had the honor of authoring in this Committee, was the beginning of federal assistance to local and state law enforcement agencies. Needless to say, I have watched the progress and effectiveness of these programs with more than a passing interest.

The early 1960's saw an alarming rise in America's crime rate, practically all of it in the large cities, and the problem demanded new approaches. It was evi-

dent that an important task of local law enforcement agencies not only should be enforcement of the law, but also prevention of crime—to deter it before it occurs. President Johnson believed that a major opportunity lay in the development and testing of experimental methods of crime control, and with the support of his Administration, the federal role in this effort was translated in 1965 into the Law Enforcement Assistance Act. The Act established in the Department of Justice an office of Law Enforcement Assistance and provided financial assistance to train state and local enforcement officers and other personnel in an effort to improve the capabilities, techniques and practices in prevention and control of crime.

When, a year or so later, the President's Commission on Law Enforcement and the Administration of Justice put Congress on sharp notice that "the high incidence of crime threatened the peace, security and general welfare of the nation and its citizens," Congress decided that the role of the federal government must be enlarged; thus, the enactment of the Omnibus Crime Control and Safe Streets Act of 1968. Through its Title I, the Law Enforcement Assistance Administration, we attempted by financial assistance to strengthen local enforcement agencies and to forge stronger, concerted action against crime in all its forms, especially in the urban areas where its incidence remained the greatest.

The sums that Congress appropriated for the years 1969 and 1970 for the LEAA were not strikingly high in any sense of the word. But, the program was just getting under way. As I recall, some \$63 million was appropriated for fiscal 1969, and some \$268 million for 1970. The need for a great deal more money for LEAA is intensified by the continued rise in crime in urban as well as suburban neighborhoods, which is why I support Chairman Celler's request to authorize appropriations for fiscal 1971 in the amount of \$750 million, and such sums as are necessary to carry out the objectives of the Act for succeeding fiscal years. I hope that the Committee will support adequate financing to this agency.

I hope also that the Committee would give careful consideration to the degree of effectiveness that the LEAA programs under the 1968 Act have achieved, as well as to the several proposals before the Committee to amend the Act, especially as related to Title I.

The aim of the original Law Enforcement Assistance Act in 1965 was to attack crime in the streets of America's large cities. This is where the greatest amount of crime persists today. The final version of the 1968 Safe Streets Act, in my opinion, left great doubt that the LEAA programs would be efficacious. I was then, and still am, against authorizing block grants to the states, even though it was written into the Act that the cities must receive 75 percent of each state grant. I would gladly favor returning to the original concept of direct federal grants to the cities. It would be, as then envisioned, the most powerful tool the federal government could offer to crime-ridden cities.

Sharp criticism by several groups that have surveyed the strengths and weaknesses of the LEAA programs since 1968 point to the fact that sufficient funds have not been reaching high crime areas. And, of the portion that does pass through to the larger cities, it is not certain how well the money is being used to fight crime. Certainly, amending legislation to strengthen the statute is in order.

Every new President offers his own solutions to national problems, and indeed he should. President Nixon has been no exception to this practice, and his messages in many areas of national concern have been sent to the Congress for legislative consideration.

His proposals to the 91st Congress to combat crime, both crime in the streets and organized crime, have stimulated much controversy, and they are being reviewed seriously in both Houses.

The President's bill to amend Title I of the Safe Streets Act was introduced in the House on February 17. I have serious doubts that its provisions would do anything more than weaken what has already proved to be the weakest part of the statute.

The Administration asks to waive the present requirement that cities must receive 75 percent of each state's grant. Added to Paragraph 2 of Section 303 of the present Act would be the following language: "That the Administration may waive this requirement, in whole or in part, upon finding that adherence to the requirement would not result in an appropriately balanced allocation of

funds between the state and the units of general local government in the state or would not contribute to the efficient accomplishment of the purposes of this part."

It would seem to me that this is a vague statement of intent, and it fails to provide specific standards to LEAA by which the objectives of the statute can be achieved. While it is explained that this waiver would relieve states without large cities of the requirement of "passing through" to local governments 40 percent of the planning grants and 75 percent of the action grants, there is no assurance that large urban centers thereby would receive all the financial assistance they need. The discretionary power that a state would have under this amendment to "pass through" or "not to pass through" may have the dangerous effect of denying greatly needed funds to urban areas. It was to avoid precisely such a possibility that the original writing of the Safe Streets bill placed full administration of the program within the Federal government.

In considering all of the amending proposals before the Committee, I urge that careful thought be given to the program priorities for which LEAA money is being spent. I suggest the need for close scrutiny of the conditions LEAA can impose to place money in areas where the need is the greatest. There must be no waste of federal dollars. The politics of the issue must be set aside. After all the speeches about law and order are made, after all the rhetoric has quieted down, the role of the federal government remains only one of supplying the funds so desperately needed by overburdened local law enforcement agencies for the development of new techniques and methods of crime prevention and control that will help them to carry out their inherent right and duty to protect the citizens of their own communities. This was the philosophy behind the original Law Enforcement Assistance Act, as well as the later Safe Streets Act.

We do not abdicate our responsibility to the areas where crime is a less serious problem, but neither can we ignore that the highest incidence of crime continues to exist in our large cities. The Law Enforcement Assistant Administration must play its role in those areas.

Thank you.

FEBRUARY 5, 1970.

Hon. JOHN N. MITCHELL,
Attorney General of the United States,
Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: In response to my request of January 22 Charles H. Rogovin, Administrator, has furnished a compilation of materials concerning the operation of the Law Enforcement Assistance Administration. This information should be extremely helpful to Subcommittee No. 5 of this Committee in its consideration of pending legislation to amend the Omnibus Crime Control and Safe Streets Act of 1968.

I note that among the materials submitted by Mr. Rogovin is a summary of State allocations for action funds in fiscal year 1969 by program area. It would be of further assistance to the Committee if you would also furnish such a State-by-State summary for fiscal year 1969 of State allocations to units of local government of funds received under Title I of the Omnibus Crime Control and Safe Streets Act.

Sincerely yours,

EMANUEL CELLER, *Chairman.*

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION COMPILATION OF MATERIALS

Item No. 1.—Information on Fiscal Year 1969: Gives a breakout by State of LEAA Action Funds awarded; SPA Subgrant awards to cities in dollar amounts and as a percentage of total subgrants; and total Action Funds disbursed by the SPA.

Item No. 2.—1969 Action Funds to Cities: Amounts of 1969 Action Funds subgranted by States to cities having over 50,000 population.

Item No. 3.—Fiscal Year 1969 Discretionary Grants to Large Cities—Special Program: A list of the cities and the dollar amounts awarded under this special program.

INFORMATION ON FISCAL YEAR 1969—ACTION FUNDS AWARDED AND DISBURSED AND AVAILABILITY TO CITIES
OF 50,000 POPULATION OR OVER, AS OF DECEMBER 31, 1969

State	Total 1969 award by LEAA	SPA subgrant awards			Total funds disbursed by SPA
		Total	To cities	Percentage to cities	
Alabama ¹	\$433,840.00	\$104,510.00	0	0	\$104,510.00
Alaska	100,000.00	0	0	0	0
American Samoa		0	0	0	0
Arizona	200,651.00	196,199.76	\$39,536.26	20.2	187,254.42
Arkansas	241,570.00	209,622.00	21,964.00	9.2	209,334.09
California	2,351,610.00	2,047,572.00	704,616.00	34.4	481,800.00
Colorado	242,556.00	236,548.90	95,440.00	40.3	137,226.72
Connecticut ²	359,890.00	340,617.00	215,617.00	63.3	63,207.00
Delaware	100,000.00	100,000.00	29,814.00	29.8	14,053.00
District of Columbia	100,000.00	100,000.00	99,882.00	99.8	39,000.00
Florida ³	737,035.00	431,409.00	180,116.00	41.7	151,535.41
Georgia	554,625.00	554,625.00	161,519.00	29.1	154,036.00
Guam	40,000.00	0	0	0	0
Hawaii	100,000.00	38,865.00	38,865.00	100.0	24,164.70
Idaho	100,000.00	91,104.00	14,811.00	16.2	43,595.00
Illinois	1,338,495.00	707,320.27	479,536.27	67.7	391,263.78
Indiana	613,785.00	351,943.90	128,302.50	36.4	150,342.50
Iowa	337,705.00	334,305.00	187,599.00	56.1	162,322.00
Kansas	278,545.00	186,563.55	64,924.30	34.8	103,326.05
Kentucky	391,935.00	144,049.00	144,049.00	100.0	0
Louisiana	448,630.00	251,514.37	56,740.82	22.5	217,776.57
Maine	119,552.00	74,797.00	9,912.00	13.2	17,042.00
Maryland ⁴	451,095.00	451,095.00	108,946.05	24.1	149,370.75
Massachusetts	665,500.00	632,565.00	398,400.00	62.9	85,620.00
Michigan ⁵	1,055,020.00	1,054,300.00	351,856.00	33.3	7,135.00
Minnesota	438,770.00	363,473.00	194,735.00	53.5	0
Mississippi	288,405.00	142,930.60	11,916.98	8.3	44,467.98
Missouri ⁶	564,485.00	529,153.00	360,181.00	68.0	140,294.00
Montana	100,000.00	68,499.12	1,111.66	1.6	49,310.87
Nebraska	176,248.00	176,248.00	38,201.06	21.6	96,273.94
Nevada ⁷	100,000.00	78,674.32	9,000.00	11.4	50,732.32
New Hampshire	100,000.00	52,977.00	14,100.00	26.6	38,877.00
New Jersey	860,285.00	854,669.00	475,076.00	55.5	229,420.00
New Mexico ⁸	123,250.00	87,869.00	6,045.00	6.8	87,869.00
New York	2,250,545.00	1,970,013.03	1,175,569.41	59.6	293,152.08
North Carolina	618,715.00	607,394.63	164,810.47	27.1	77,451.24
North Dakota	100,000.00	100,000.00	24,363.00	24.3	53,929.40
Ohio	1,284,265.00	731,782.07	365,172.00	49.9	398,589.44
Oklahoma	305,660.00	243,080.25	55,233.00	22.7	109,132.25
Oregon	245,514.00	96,085.00	17,388.00	18.0	21,085.00
Pennsylvania	1,427,235.00	959,809.00	549,244.00	57.2	240,524.00
Puerto Rico	330,310.00	313,320.00	233,736.00	74.5	76,315.00
Rhode Island	110,432.00	110,432.00	27,393.00	24.8	76,897.11
South Carolina ⁹	317,985.00	141,469.00	10,017.00	7.0	53,978.00
South Dakota	100,000.00	86,559.44	7,122.45	8.2	30,529.19
Tennessee	478,210.00	295,681.71	126,069.29	42.6	96,094.47
Texas	1,333,565.00	774,098.00	572,613.00	73.9	242,503.00
Utah ¹⁰	125,715.00	82,641.00	27,573.00	33.3	29,993.34
Vermont	100,000.00	50,172.00	0	0	21,857.08
Virginia ¹¹	557,090.00	436,065.00	210,362.00	48.2	0
Virgin Islands	40,600.00	0	0	0	0
Washington	379,610.00	178,438.30	122,116.00	68.4	28,404.25
West Virginia	220,864.00	118,590.00	34,907.00	29.4	75,606.60
Wisconsin	515,185.00	408,977.00	147,155.73	35.9	256,698.98
Wyoming ¹²	100,000.00	100,000.00	0	0	53,674.80
Total	25,054,382.00	18,798,626.22	8,513,657.25	45.3	5,927,235.33
	¹³ 18,790,786.50	¹³ 14,098,969.66	8,513,657.25	60.4	5,927,235.33

¹ Alabama, \$174,378.02 awarded to cities of 50,000 in January 1970.

² Connecticut, projects will be of benefit to surrounding towns.

³ Florida, \$251,293 was deleted, as it was awarded to regional councils which include many cities with populations of under 50,000.

⁴ Maryland, additional \$106,215.51 awarded to urban counties.

⁵ Michigan, additional \$204,645 awarded to counties of over 50,000.

⁶ Missouri, suburban areas will participate in various projects.

⁷ Nevada, additional \$40,170 awarded to the standard metropolitan areas of Las Vegas and Reno.

⁸ New Mexico, additional \$5,000 awarded to Las Cruces (48,000 to 50,000 population).

⁹ South Carolina, additional \$6,919 awarded to the Richland County (Columbia) and Greenville County (Greenville) Sheriffs' Department.

¹⁰ Utah, additional \$17,072 awarded to projects which will have considerable impact within the larger cities.

¹¹ Virginia, additional \$38,733 awarded to the urban counties of Arlington, Fairfax, and Henrico.

¹² Wyoming, \$14,353 awarded to 2 largest cities (Casper, 41,500; Cheyenne, 45,000).

¹³ 75 percent of total.

Note: Percentage of subgrants to total award 75. Percentage of funds disbursed to subgrant awards 31.5

State/city	Population	Dollars amount of award	Dollars amount of award to be used within city
Alabama ¹			
Alaska.....			
American Samoa.....			
Arizona:			
Phoenix.....	505,700	\$24,719.17	\$24,719.17
Tucson.....	237,000	7,317.09	7,317.09
Scottsdale.....	55,000	7,500.00	7,500.00
Arkansas:			
Fort Smith.....	64,871	201.00	201.00
Little Rock.....	128,929	10,434.00	10,434.00
North Little Rock.....	61,510	8,842.00	8,842.00
Sherwood ²	1,846	2,487.00	2,847.00
California:			
Anaheim.....	158,200	3,000.00	3,000.00
Compton.....	76,600	53,555.00	53,555.00
Long Beach.....	387,600	6,000.00	6,000.00
Los Angeles.....	2,896,100	564,840.00	564,840.00
Oakland.....	385,700	18,750.00	18,750.00
Richmond.....	76,330	18,750.00	18,750.00
Sacramento.....	257,822	5,300.00	5,300.00
San Francisco.....	748,700	20,200.00	20,200.00
San Jose.....	412,700	9,221.00	9,221.00
Vallejo.....	,000	69,500.00	5,000.00
Colorado:			
Boulder.....	68,000	4,850.00	4,850.00
Colorado Springs.....		3,180.00	3,180.00
Denver.....	487,000	69,606.00	69,606.00
Pueblo.....	108,000	17,884.00	
Connecticut: ³			
Bridgeport.....	153,800	38,559.00	38,559.00
Hartford.....	163,500	41,898.00	29,072.00
New Britain.....	85,800	8,477.00	8,477.00
New Haven.....	139,300	76,558.00	76,558.00
Norwalk.....	76,300	18,071.00	18,071.00
Stanford.....	111,700	13,974.00	13,974.00
Waterbury.....	109,400	17,332.00	17,332.00
Meriden.....	57,100	3,400.00	3,400.00
Greenwich.....	65,000	10,974.00	10,974.00
Delaware: Wilmington.....	85,690	29,814.00	29,814.00
District of Columbia.....	809,000	99,882.00	99,882.00
Florida: ⁴			
Daytona Beach.....	52,400	13,660.00	13,660.00
Jacksonville.....	425,000	67,000.00	67,000.00
Lakeland.....	55,000	17,817.00	17,817.00
Miami.....	500,000	25,000.00	25,000.00
Orlando.....	99,135	7,500.00	7,500.00
Tallahassee.....	87,500	9,950.00	9,950.00
Tampa.....	325,000	36,189.00	36,189.00
West Palm Beach.....	127,400	3,000.00	3,000.00
Georgia:			
Albany.....	55,890	15,102.00	5,400.00
Atlanta.....	487,555	148,739.00	83,034.00
Augusta.....	70,626	16,389.00	5,200.00
Columbus.....	116,779	14,735.00	12,798.00
Macon.....	69,764	37,157.00	16,010.00
Savannah.....	149,245	39,077.00	39,077.00
Guam.....			
Hawaii.....			
Honolulu.....	617,714	68,186.00	38,865.00
Idaho: Boise.....	72,090	41,277.00	14,811.00
Illinois:			
Aurora.....	66,253	10,057.50	10,057.50
Champaign.....	55,358	5,565.75	5,565.75
Chicago.....	3,550,404	166,624.00	166,624.00
Danville.....	50,000	10,725.00	5,525.00
Decatur.....	88,536	17,732.02	17,732.02
East St. Louis.....	81,712	86,215.00	63,075.00
Joliet.....	73,480	13,395.00	13,395.00
Peoria.....	129,922	79,153.00	79,153.00
Rockford.....	133,522	28,668.75	28,668.75
Rock Island.....	51,863	3,672.00	3,672.00
Springfield.....	90,401	87,218.25	87,218.25
Bloomington-Normal.....	58,467	3,690.00	3,690.00
Indiana:			
East Chicago.....	57,669	5,610.00	5,610.00
Evansville.....	141,543	18,124.00	18,124.00
Fort Wayne.....	161,776	36,608.50	36,608.50
Hammond.....	111,698	5,610.00	5,610.00
Indianapolis.....	491,360	21,000.00	21,000.00
South Bend.....	132,445	15,000.00	15,000.00
Muncie.....	68,603	6,750.00	6,750.00
Gary.....	178,320	19,600.00	19,600.00

Footnotes at end of table, p. 338.

State/city	Population	Dollars amount of award	Dollars amount of award to be used within city
Iowa: ⁵			
Cedar Rapids.....	106,396	\$187,599.00	\$187,599.00
Council Bluffs.....	58,886		
Davenport.....	106,167		
Des Moines.....	218,195		
Dubuque.....	60,977		
Sioux City.....	86,197		
Waterloo.....	70,485		
Kansas:			
Kansas City.....	169,750	16,925.00	16,925.00
Topeka.....	120,467	17,333.50	17,333.50
Wichita.....	281,110	30,665.80	30,665.80
Kentucky:			
Covington.....	60,376	4,000.00	4,000.00
Lexington.....	70,000	29,337.00	29,337.00
Louisville.....	400,000	110,712.00	110,712.00
Louisiana:			
Baton Rouge.....	152,419	4,661.40	4,661.40
Lake Charles.....	63,392	776.64	776.64
Monroe.....	52,219	3,357.64	3,357.64
New Orleans.....	627,525	46,418.50	46,418.50
Shreveport.....	164,372	1,526.64	1,526.64
Maine: Portland.....	72,566	9,912.00	9,912.00
Maryland: ⁶ Baltimore.....	909,000	108,946.05	108,946.05
Massachusetts:			
Arlington.....	52,000	5,000.00	1,500.00
Boston.....	616,000	189,830.00	177,030.00
Cambridge.....	93,000	52,724.00	36,724.00
Chicopee.....	58,000	1,358.00	1,358.00
Framingham.....	52,000	1,359.00	1,359.00
Fall River.....	98,000	24,000.00	5,600.00
Holyoke.....	53,000	1,359.00	1,359.00
Lawrence.....	69,000	18,525.00	6,800.00
Lowell.....	37,000	12,525.00	500.00
New Bedford.....	100,000	68,466.00	50,066.00
Newton.....	89,000	16,359.00	16,359.00
Quincy.....	87,000	39,415.00	31,015.00
Springfield.....	174,000	31,500.00	24,500.00
Weymouth.....	50,000	15,000.00	3,800.00
Worcester.....	180,000	30,605.00	11,580.00
Brockton.....	83,000	28,850.00	28,850.00
Michigan: ⁷			
Bay City.....	53,529	1,950.00	1,950.00
Detroit.....	1,640,000	247,438.00	247,438.00
Flint.....	196,940	36,033.00	36,033.00
Grand Rapids.....	188,120	188.00	188.00
Jackson.....	50,145	27,830.00	27,830.00
Kalamazoo.....	82,089	8,400.00	8,400.00
Lansing.....	120,035	600.00	600.00
Pontiac.....	81,688	2,012.00	2,012.00
Saginaw.....	98,265	15,905.00	15,905.00
Warren.....	167,000	11,500.00	11,500.00
Minnesota:			
Minneapolis.....	482,872	82,594.00	82,594.00
St. Paul.....	313,411	68,500.00	68,500.00
Duluth.....	106,884	43,641.00	43,641.00
Mississippi: Jackson.....	144,422	11,916.98	11,916.98
Missouri: ⁸			
Kansas City.....	940,000	124,451.00	124,451.00
St. Louis.....	1,670,000	208,178.00	208,178.00
Springfield.....	105,000	27,552.00	27,552.00
Montana:			
Billings.....	55,000	2,377.66	867.66
Great Falls.....	60,000	1,566.11	244.00
Nebraska:			
Lincoln.....	129,028	14,914.90	14,914.90
Omaha.....	301,593	23,286.16	23,286.16
Nevada: ⁹ Las Vegas.....	153,284	9,000.00	9,000.00
New Hampshire:			
Manchester.....	93,960	11,100.00	11,100.00
Nashua.....	49,000	3,000.00	3,000.00

See footnotes at end of table, p. 838.

State/city	Population	Dollars amount of award	Dollars amount of award to be used within city
New Jersey:			
Atlantic City	62,960	\$6,072.00	\$6,072.00
Bayonne	74,000	34,455.00	34,455.00
Camden	117,230	42,289.00	42,289.00
Clifton	86,210	6,072.00	6,072.00
East Orange	78,290	31,072.00	31,072.00
Elizabeth	118,670	33,852.00	33,852.00
Jersey City	269,900	65,309.00	65,309.00
Newark	399,500	126,839.00	126,839.00
Passaic	57,800	6,072.00	6,072.00
Paterson	149,570	6,072.00	6,072.00
Plainfield	50,130	23,135.00	23,135.00
Trenton	109,600	87,865.00	87,865.00
Union Township	57,180	6,072.00	6,072.00
New Mexico: ¹⁰ Albuquerque	267,000	6,045.00	6,045.00
New York:			
Buffalo	450,127	110,408.00	110,408.00
Mount Vernon	70,150	57,337.00	57,337.00
New Rochelle	73,504	12,046.76	12,046.76
New York	8,125,000	777,786.00	777,786.00
Niagara Falls	85,246	72,945.00	72,045.00
Rochester	291,070	30,218.53	30,218.53
Syracuse	208,309	64,412.50	53,618.12
Utica	96,701	21,700.00	21,700.00
Yonkers	207,247	34,200.00	34,200.00
North Carolina:			
Ashville	60,192	18,735.60	10,078.00
Charlotte	201,567	20,945.05	20,945.05
Durham	78,302	71,005.32	71,005.48
Greensboro	119,574	12,000.00	12,000.00
High Point	62,063	24,075.00	24,075.00
Raleigh	93,931	21,611.94	21,611.94
Winston-Salem	111,135	5,095.00	5,095.00
North Dakota: Fargo	52,000	24,363.00	24,363.00
Ohio:			
Akron	298,943	19,986.00	19,986.00
Canton	118,815	6,408.00	6,408.00
Cincinnati	500,748	115,938.89	71,627.00
Cleveland	815,023	58,044.00	58,044.00
Columbus	556,144	112,829.00	112,829.00
Dayton	269,516	50,605.00	46,802.00
Kettering	70,893		2,160.00
Springfield	85,907	5,830.05	1,923.00
Toledo	394,320	28,237.00	24,827.00
Youngstown	164,716	19,466.00	19,466.00
Oklahoma:			
Lawton	72,500	3,996.00	3,996.00
Oklahoma	382,800	28,250.00	28,250.00
Tulsa	298,500	22,987.00	22,987.00
Oregon:			
Eugene	79,000	13,388.00	6,384.00
Portland	371,800	34,871.00	8,938.00
Salem	69,000	13,361.00	2,066.00
Pennsylvania:			
Allentown	113,000	11,683.00	11,683.00
Alliwna	70,500	4,982.00	4,982.00
Chester	64,200	28,755.00	28,755.00
Erie	145,900	18,840.00	18,840.00
Philadelphia	2,040,985	281,123.00	281,123.00
Penn Hills	61,500	13,397.00	13,397.00
Pittsburgh	548,400	52,186.00	52,186.00
Reading	57,100	50,630.00	50,630.00
Wilkes-Barre	59,800	3,000.00	3,000.00
York	56,600	54,523.00	54,523.00
Harrisburg	79,697	13,000.00	13,000.00
Lancaster	61,055	12,125.00	12,125.00
Scranton	111,443	5,000.00	5,000.00
Puerto Rico:			
Aquadilla	83,400	161,248.00	3,722.00
Arecibo	50,000		9,167.00
Mayaguez	93,100		5,963.00
Ponce	162,300		20,175.00
San Juan	496,100		36,337.00
Boyamon	117,000	77,170.00	2,600.00
Caguas	77,000		1,500.00
Carolina	74,500		1,200.00
Guaymabo	59,700		1,000.00
San Juan	496,100	142,072.00	142,072.00

See footnotes at end of table, p. 838.

State/city	Population	Dollars amount of award	Dollars amount of award to be used within city
Rhode Island:			
East Providence.....	50,000	\$8,650.25	\$8,650.25
Cranston.....	82,000	2,545.00	1,545.00
Providence.....	200,000	15,787.00	15,787.00
Warwick.....	85,000	1,410.75	1,410.75
South Carolina:¹¹			
Columbia.....	97,433	6,550.00	6,550.00
Greenville.....	66,188	3,467.00	3,467.00
South Dakota: Sioux Falls.....	65,466	7,122.45	7,122.45
Tennessee:			
Chattanooga.....	133,357	37,922.77	37,922.77
Knoxville.....	179,973	19,869.29	19,869.29
Memphis.....	536,585	37,451.23	37,451.23
Nashville.....	250,887	30,826.00	30,826.00
Texas:			
Abilene.....	103,162	21,433.00	15,000.00
Amarillo.....	175,844	3,000.00	3,000.00
Austin.....	274,446	72,500.00	52,500.00
Corpus Christi.....	213,750	9,900.00	9,900.00
Dallas.....	899,600	113,094.00	107,469.00
El Paso.....	348,127	9,000.00	9,000.00
Fort Worth.....	417,248	108,750.00	108,750.00
Galveston.....	73,000	10,953.00	10,953.00
Houston.....	1,244,000	127,000.00	127,000.00
Lubbock.....	164,500	2,520.00	2,520.00
Midland.....	65,000	15,624.00	3,000.00
Odessa.....	84,700	-----	3,000.00
Port Arthur.....	69,017	11,250.00	11,250.00
San Angelo.....	69,000	27,785.00	27,785.00
San Antonio.....	744,588	37,385.00	34,986.00
Wichita Falls.....	114,000	43,960.00	39,000.00
Waco.....	112,935	8,000.00	8,000.00
Utah:¹²			
Ogden.....	76,000	27,585.00	7,235.00
Salt Lake City.....	190,000	37,518.00	20,338.00
Vermont.....			
Virginia:¹³			
Alexandria.....	97,110	20,000.00	10,000.00
Chesapeake.....	73,647	64,135.00	2,147.00
Newport News.....	113,662	27,576.00	27,576.00
Norfolk.....	304,869	69,572.00	59,527.00
Portsmouth.....	114,773	-----	3,959.00
Virginia Beach.....	85,218	-----	3,959.00
Richmond.....	219,958	62,290.00	44,894.00
Roanoke.....	97,110	58,300.00	58,300.00
Virgin Islands.....			
Washington:			
Seattle.....	591,000	120,529.00	120,529.00
Spokane.....	188,500	1,587.00	1,587.00
West Virginia:			
Charleston.....	85,796	18,309.00	9,065.00
Huntington.....	83,627	16,704.00	16,704.00
Wheeling.....	53,400	9,238.00	9,238.00
Wisconsin:			
Appleton.....	56,000	4,974.00	3,500.00
Green Bay.....	62,888	3,932.50	3,000.00
LaCrosse.....	55,000	3,154.40	3,154.40
Madison.....	157,844	17,500.00	17,500.00
Milwaukee.....	741,324	112,500.33	112,500.33
Oshkosh.....	55,000	12,474.00	11,000.00
Wyoming¹⁴			

¹ No awards made prior to Dec. 31, 1969, \$174,378.02 awarded in January 1970.

² Sherwood is an incorporated city within metropolitan area of Little Rock and North Little Rock. \$4,375 awarded to Pulaski County Sheriff's Office (Little Rock).

³ Certain of the projects will benefit surrounding towns.

⁴ \$251,293 was deleted, since it was awarded to regional councils which include cities with population of less than 50,000.

⁵ Reported individual city awards in terms of the full amount (i.e. Federal and State) granted.

⁶ Additional \$106,215.51 awarded to urban counties.

⁷ Additional \$204,645 awarded to counties of over 50,000.

⁸ Suburban areas will participate in various projects.

⁹ Additional \$40,000 awarded to the Las Vegas and Reno standard metropolitan areas.

¹⁰ \$5,000 awarded to Las Cruces (48,000-50,000).

¹¹ \$6,919 awarded to Richland County (Columbia) and Greenville County (Greenville) Sheriff's Department.

¹² Additional \$17,072 awarded to projects having considerable impact within larger cities.

¹³ Additional \$38,733 awarded to urban counties of Arlington, Fairfax and Henrico.

¹⁴ No cities of 50,000 but \$14,353 awarded to Cheyenne (45,000) and Casper (41,500).

Fiscal year 1969 discretionary grants to large cities—special program

	<i>Amount</i>		<i>Amount</i>
Detroit -----	\$100,000	New York -----	\$98,596
San Francisco -----	100,000	Philadelphia -----	100,000
Milwaukee -----	79,950	Los Angeles -----	100,000
Houston -----	99,815	Dallas -----	100,000
Chicago -----	70,574		
Cleveland -----	100,000		
Baltimore -----	100,000	Total -----	1,048,955

U.S. SENATE,
COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES,
Washington D.C., February 23, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives.

DEAR REPRESENTATIVE CELLER: Currently, hearings are underway regarding continuation of the block grant facet of the Omnibus Crime Control and Safe Streets Act of 1968. I would appreciate it greatly if this letter and the enclosed letter from Governor Tom McCall and his supporting material would be included in the hearing record.

I urge continuation of the block grant approach. My eight years as Governor of Oregon were during years of rapidly expanding federal grant programs. As a general rule, I favor the block grant concept, and I endorse it regarding the legislation under consideration here.

As you are aware, Senator Hartke has introduced Senate legislation to achieve the same basic result as your committee now is considering.

I ask that you and your capable staff review the Governor's letter carefully. You will see how well this program works in Oregon as it now operates. Please consider this as you discuss its continuation. Thank you.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Salem, February 16, 1970.

HON. MARK O. HATFIELD,
New Senate Office Building,
Washington, D.C.

DEAR MARK: As you are aware, the Governors' and the National Governors' Conference worked successfully for the inclusion of the bloc concept in the Omnibus Crime Control and Safe Streets Act of 1968. I have recently learned that opponents of the block grant concept plan a major effort to have this provision removed from the Act. Such opposition runs counter to the efforts of many of us at the federal and state levels to strengthen the federal-state-local partnership.

I ask your help in preventing the elimination of the bloc grant provision from the Act. One year's experience with the bloc grant program under the Omnibus Act has confirmed my conviction that block grants of federal aid to states for redistribution to local governments is an effective way to attack, on an integrated state-local basis, the current shortcomings of the law enforcement system at the county and state government levels. It is not necessary to repeat here all of the many arguments in favor of bloc grants, but the following points should be made in respect to Oregon and the Omnibus Act:

1. The block grant approach works well in Oregon because we have excellent local law enforcement councils in each of the State's 14 administrative districts. These councils, familiar with local needs, receive, review and rank applications for planning and action funds from eligible applicants in the District. The process greatly increases the likelihood that the most pressing law enforcement needs of the area are given priority for funding. Local Council recommendations are received by the State Law Enforcement Council, and in the distribution of 1969 funds, with only one exception these local recommendations were followed.

This process, in Oregon at least *has* reduced "grantsmanship", and is strengthening integrated planning at the local-state level. Only through integrated planning among all components of the criminal justice system can rising crime rates be reversed.

2. The League of Oregon Cities have worked diligently in Oregon to help establish District Law Enforcement Councils. League officials have worked closely with my staff to establish the fund distribution formulas now used.

3. The League of Oregon Cities and the Association of Oregon Counties were consulted constantly during the time the policies and plans were being made to implement the Act in Oregon.

4. The League and Association continue to be consulted in the administration of the program.

5. The Columbia Region Association of Governments (CRAG) took note of early attacks upon the Act's bloc grant program, and voluntarily passed a resolution (Attachment A) affirming its approval of the block grant approach. CRAG encompasses Oregon's major metropolitan city and area.

6. No direct grants have been made to the City of Portland. However, State guidelines provide for direct grants, planning and action, to any local government by the District Law Enforcement Planning Agency, if desired.

7. Police in Oregon have indicated that radio and teletype communications and training are their priority needs. The larger police agencies have expressed the philosophy that smaller agencies must be able to communicate between themselves and with the larger agencies if efficient law enforcement is to be achieved. As a result, district and area-wide communications systems and training programs have topped the list of action grant proposals in the police area.

This larger city philosophy of bringing the smaller police agencies up to a higher standard of competence now, and funding the larger agencies later, has been expressed by City of Portland Chief of Police, Donald I. McNamara, as a member of the Oregon Law Enforcement Council.

One problem that we have experienced relates to local match money. Local governments are having difficulty providing the 40 percent matching funds required for most of the action program areas. There is also uncertainty about continuance of federal funds. The result is a hesitation on the part of local government to propose inovative programs.

The Omnibus Crime Control and Safe Streets Act of 1968 is working in Oregon. We think tremendous results have been achieved in the past twelve months. Enclosed is a summary of the implementation and administration of law enforcement planning programs in Oregon under the Omnibus Crime Control and Safe Streets Act of 1968. (Attachment B) I trust this material will be helpful to you in view of the pending hearings on the Act by the House Judiciary Committee. I urge you to support retention of the Act's bloc grant provision.

Sincerely,

TOM McCALL, *Governor.*

[Attachment A]

COLUMBIA REGION ASSOCIATION OF GOVERNMENTS,
Portland, Oreg., January 28, 1970.

Mr. DONALD DILL,
*State Law Enforcement Council,
Public Services Building, Salem, Oreg.*

DEAR Mr. DILL: Pursuant to requests from your office I hereby submit a statement of policy concerning the concept of Block Grants, especially as it applied to the Omnibus Crime Bill. This policy was declared by the Executive Committee of the Columbia Region Association of Governments at its meeting of April 18, 1969. The policy states:

"The Executive Committee of the Columbia Region Association of Governments is cognizant of efforts to emphasize the deficiencies of Block Grant programs connected with the Omnibus Crime Bill. The Executive Committee wishes to state, that, while they recognize some problems do exist or possibly could develop in the administration of Block Grants, the advantages to cities, counties, and states of having a Block Grant arrangement of administering Federal Grants far outweighs the disadvantages, thus the Executive Committee of the Columbia Region Association of Governments urges that the Block Grant program be continued in the Administration of the Omnibus Crime Bill and that said concept be extended to other Federal Grants. Further, the Executive Committee of the Columbia Region Association of Governments urges the State of Oregon to continue its efforts to strengthen its ties with local government

so that in the administration of Federal and State financial programs involving local government, all parties involved will be equitably represented. The Executive Committee invites the National League of Cities, the National Association of Counties, and the National Association of State Governments to work jointly in resolving difficulties with the Block Grant Concept so that a united effort from local governments will be presented to National officials."

Please accept our thanks for the State's effort in developing the close working relationship we now have in administering the Omnibus Crime provisions.
Sincerely,

HOMER C. CHANDLER,
Executive Director.

[Attachment B]

CHRONOLOGICAL HISTORY OF OREGON LAW ENFORCEMENT PLANNING

1967:

Oregon Legislature created Crime Control Coordinating Council under Corrections Division of Board of Control. Legislation named members, with Governor chairman and Attorney General vice-chairman. Council was to develop public information and education program to combat crime and delinquency.

Council held first meeting in November, 1967.

1968:

CCCC obtained federal grant in May to provide staff. An executive director was named in June.

June 19 Congress passed and President signed Omnibus Crime Control and Safe Streets Act of 1968 (PL 90-351). Provided bloc grants to states for planning and action grants. Defined 'Law Enforcement' as police, courts, public prosecution and defense, corrections, and juvenile agencies.

August saw first draft of federal guidelines by Justice Department for administering PL 90-351. Justice Department also advised states and large cities to apply for riot control funds. CCCC asked to act as steering body to prepare Oregon for action under new federal program.

In November tentative federal guidelines issued and hardened, and CCCC advised legislation be introduced in 1969 legislature to create new body to meet federal requirements. CCCC also completed work on form and budget for Oregon's application for planning funds.

Governor's office created State Law Enforcement Planning Agency and submitted application for funds in December. New agency to be a division of Governor's Planning Office. Roderic A. Gardner named by Governor to be coordinator of new agency.

Proposed legislation drafted.

1969:

During January state guidelines for local government participation completed. City and county elected officials and all segments of law enforcement system invited to three organizational meetings held in Portland, Pendleton and Roseburg.

District Law Enforcement Planning Agencies created in 14 administrative districts throughout state in February and March. During this same time planning efforts and recruitment of staff were begun and intensified.

Oregon legislature passed HB 1261 abolishing Crime Control Coordinating Council and creating Oregon Law Enforcement Council.

Placed LEOC under governor, and made appointment to council at the discretion of governor. New council named in June.

Oregon's first law enforcement plan submitted to Law Enforcement Assistance Administration of Justice Department.

August and September state agency, council and districts began planning effort for Fiscal Year 70.

[Attachment C]

OREGON FISCAL YEAR 1969 PLANNING GRANTS

Total Bloc grant awarded Oregon, \$234,460. (PL 90-351, Part B, Sect. 203 (c) provides a minimum of 40% of grant be available to units of local government for planning.)

Distribution: State, \$95,751 (41%); Local Govt. \$138,709 (59%).

PLANNING FUNDS ALLOCATED TO DISTRICTS

District	Population	State allocation (90 percent)
1.....	45,205	\$3,052
2.....	881,295	59,645
3.....	227,955	15,397
4.....	140,465	9,432
5.....	206,300	13,940
6.....	72,000	4,855
7.....	68,815	4,647
8.....	131,500	8,877
9.....	38,540	2,635
10.....	47,625	3,190
11.....	55,625	3,745
12.....	60,840	4,161
13.....	42,470	2,914
14.....	32,265	2,219
Total.....	2,050,900	\$138,709

DISTRICT ALLOCATION OF FISCAL YEAR 1969 ACTION FUNDS

Attachment D

District number	Allocation	Percent of Allocation
1.....	\$5,000	2.72
2.....	89,358	48.53
3.....	16,293	8.85
4.....	9,999	5.43
5.....	13,388	7.23
6.....	5,000	2.72
7.....	5,000	2.72
8.....	10,099	5.48
9.....	5,000	2.72
10.....	5,000	2.72
11.....	5,000	2.72
12.....	5,000	2.72
13.....	5,000	2.72
14.....	5,000	2.72
Total.....	\$184,137	100.00

OREGON, FISCAL YEAR 1969 ACTION GRANTS

Total Bloc Grant Awarded Oregon, \$245,514. (PL 90-351, Part C, Sect. 303(2) provides 75% of action funds must go to local government.)

Distribution: State, \$61,878.50. Local Govt., \$184,135.50.

Allocation as of January 26, 1970

District No. 1—Allocation: \$5,000

Clatsop and Tillamook counties—\$3,742 upgrading teletype communications system with automatic equipment, providing service to police departments of Tillamook and Clatsop county sheriffs, cities of Astoria and Tillamook. These will, in turn, provide service to cities of Warrenton, Hammond, Gearhart, Cannon Beach, Garibaldi, Rockaway, Wheeler and Manzanita.

A supplemental application will be considered by the Law Enforcement Council on January 31, 1970, to extend the service to the city of Seaside. Federal funds requested total \$1,247.40.

Total FY 69 action funds applied for, to date—\$4,989.40.

District No. 2—Allocation: \$89,358

Clackamas, Columbia, Multnomah and Washington counties—\$3,120 summer intern program by Multnomah District Attorney to train and recruit possible prosecutors from among selected law students.

\$19,626 for development of two metro area communications nets. Sheriff's net between four counties and Portland and State police. District net linking PDs of cities of Portland, Oregon City, Tigard, West Linn, Milwaukie, Lake Oswego, Beaverton and Gresham, and sheriff's departments.

\$2,354 for city and county police in Columbia county to establish centralized

reporting system, including sheriff, district attorney and cities of St. Helens, Scappoose, Veronia, Rainier, and Clatskanie.

\$32,035 for district-wide training-program for police in handling domestic family crisis disturbances, involving training in psychology and sociology, etc.
Total FY 69 action funds applied for, to date—\$57,135.

District No. 3—Allocation: \$16,293

Marion, Polk and Yamhill counties—\$13,361 for development of sheriff and police department communications network involving 26 police agencies in the three counties. The net will tie all agencies together, including state sheriff's net and state police.

Total FY 69 action funds applied for, to date—\$13,361.

District No. 4—Allocation: \$9,999

Benton, Linn and Lincoln counties—application to be considered at January 31, 1970, meeting of Law Enforcement Council.

Application asks for \$17,428.26 to upgrade and develop a public safety communications network covering all of Lincoln county, including county sheriff and cities of Waldport, Toledo, Newport, Lincoln City, and with tie to Benton.

District No. 5—Allocation: \$13,388

Lane county—\$13,388 for developing of computerized criminal justice information system utilizing county computer center. Will include police, courts, prosecution and juvenile departments of county with initial terminals installed in sheriff office; county jail; city police departments of Eugene, Springfield, Cottage Grove and Florence; circuit court; and juvenile department.

Total FY 69 action funds applied for, to date—\$13,388.

District No. 6—Allocation: \$5,000

Douglas county—\$5,000 to upgrade police communications for cities of Reedsport, Cyrle Creek, Winston, Roseburg, Oakland and Glendale.

Total FY 69 action funds applied for, to date—\$5,000.

District No. 7—Allocation: \$5,000

Coos and Curry counties—no application filed as of 1/26/70.

District No. 8—Allocation: \$10,099

Jackson and Josephine counties—no application filed as of 1/26/70.

District No. 9—Allocation: \$5,000

Hood River, Sherman and Wasco counties—\$251 for Hood River city for police investigation kits; \$799 for The Dalles for construction materials for firing range; and \$3,180 for Wasco county sheriff for closed circuit TV for county jail.

Total FY 69 action funds applied for to date—\$4,230.

(The LEC disapproved an application for riot control equipment for the Hood River county sheriff's department.)

District No. 10—Allocation: \$5000

Crook, Deschutes and Jefferson counties—no application filed as of 1/26/70.

District No. 11—Allocation: \$5,000

Klamath and Lake counties—\$2,160 for Klamath Falls city youth and law program in junior high schools; \$2,500 for remodeling Klamath county detention center for juveniles.

Total FY 69 action funds applied for, to date—\$4,660.

District No. 12—Allocation: \$5,000

Gilliam, Grant, Morrow, Wheeler and Umatilla—no application filed as of 1/26/70.

District No. 13—Allocation: \$5,000

Baker, Union and Wallowa—no application filed to date 1/26/70.

District No. 14—Allocation: \$5,000

Harney and Malheur counties—\$5,000 to upgrade county and city police departments communications.

Total FY 69 action funds applied for, to date—\$5,000.

NOTE 1.—The Oregon Law Enforcement council has not yet set any cut-off

date for FY 69 action fund applications by the districts. Those units of government awarded action funds have two years in which to expend the funds.

NOTE 2.—Action Fund allocations were made on the basis of an average of population plus crime index as determined from state police and FBI indexes. Where any district was not entitled to a minimum of \$5,000, based upon this formula, the district allocation was raised to the minimum \$5,000 by adjustment of small sums for the more populous districts.

NOTE 3.—District No. 4's action grant application exceeded its allocation by \$7,429, but was submitted with a letter stressing that the units of local government involved understood that they would have to meet the difference from local funds.

NOTE 4.—All of the action projects listed above have been approved by the full Oregon Law Enforcement Council, or its executive committee. These projects require federal-local matching on the basis of 60% federal funds, 40% local funds. The dollar amounts shown above are federal funds only.

NOTE 5.—The Omnibus Crime Control and Safe Streets Act of 1968 (PL 90-351) provided a special section on grants for civil disorder and riot control—Part C, Sect. 307(a) (b). Sect. 307(b) provided that applications for action grants for this purpose had to be submitted prior to August 31, 1968, and telegrams to the governors of all states and mayors of large cities were sent urging applications be made.

Under this provision special action grants were made in September, 1968, by the former Crime Control Coordinating Council as follow:

City of Portland, purchase mobile radios	\$6, 898
Multnomah County, purchase mobile radios.....	8, 347
State police, train 236 city and county officers, train 254 state officers.....	18, 426
State Board on Police Standards and Training, train city and county officers as tactical leaders.....	9, 655
Total	43, 326

State agency action grants

Oregon State Police—\$3,296 to upgrade teletype facilities, including tie with National Crime Information Center (FBI computer system).

Executive Department—\$30,000 to develop a state-wide criminal justice information system utilizing computers and teletype under name of Law Enforcement Data System (LEDS).

Attachment E

Allocation of fiscal year 1970 planning funds

Total planning funds.....	\$233, 000
State, 41 percent.....	95, 530
Local, 59 percent.....	137, 470
(a) Population (55 percent).....	128, 150
(b) Discretionary (4 percent).....	9, 320

District	Population only		Fiscal year 1969 carryover	Fiscal year 1970 total available
	Percent	× \$128,150 +		
1 (1).....	2.20 =	\$3, 819	\$1, 949	\$4, 768
2.....	42.97 =	55, 066	47, 178	102, 244
3.....	11.12 =	14, 250	15, 397	29, 647
4.....	6.85 =	8, 778	7, 199	15, 977
5.....	10.06 =	12, 892	8, 952	21, 844
6.....	3.51 =	4, 498	1, 631	6, 129
7.....	3.36 =	4, 306	4, 584	8, 890
8.....	6.41 =	8, 214	8, 877	17, 091
9.....	1.88 =	2, 409	2, 635	5, 044
10.....	2.32 =	2, 973	3, 190	6, 163
11.....	2.71 =	3, 473	2, 187	6, 660
12.....	2.97 =	3, 806	2, 336	6, 142
13.....	2.07 =	2, 653	2, 914	5, 567
14 (1).....	1.57 =	2, 013	1, 242	3, 255
Total.....	100.00 =	128, 150 +	110, 271 =	238, 421

¹ Districts Nos. 1 and 14 total available funds fall short of a minimum of \$5,000 for fiscal year 1970 planning; therefore, \$232 additional was allocated district No. 1; and \$1,745 was added to district No. 14's allocation, bringing both up to \$5,000.

Attachment F

Tentative fiscal year 1970 action grant allocation

Oregon, total allocation	\$1, 806, 000
State allocation (25 percent)	451, 500
Local allocation (75 percent)	1, 354, 500
(a) Formula allocation	1, 015, 875
(b) Discretionary	338, 625

DISTRICT ALLOCATION BY FORMULA

District	Percent	Amount
1	1.97	\$20, 000
2	51.86	526, 814
3	9.45	96, 017
4	5.10	51, 829
5	8.07	82, 004
6	2.77	28, 118
7	2.68	27, 239
8	5.56	56, 533
9	1.97	20, 000
10	1.97	20, 000
11	2.36	24, 004
12	2.30	23, 317
13	1.97	20, 000
14	1.97	20, 000
Total	100.00	\$1, 015, 875

ATTACHMENT G

MEMBERSHIP, OREGON LAW ENFORCEMENT COUNCIL, SALEM, OREG.

Name, address and telephone

- Lee Brown, Director, Law Enforcement Education Programs, Portland State University, P.O. Box 751, Portland, Oregon 97207. 226-7271.
- Eugene L. Bui, Director, Clatsop County Juvenile Department, P.O. Box 179, Astoria, Oregon 97103. 325-5563.
- Ragnar L. Carlson, Klamath County Commissioner, Courthouse, Klamath Falls, Oregon 97601. 882-2501, Ext. 231.
- Sam Dement (State Senator), 724 S. 7th St., Myrtle Point, Oregon 97458. 572-5091.
- Jack Duff, Adams, Oregon 97810. 276-2068.
- Barnes Ellis, Attorney at Law, Davies, Biggs, Strayer, Stoel & Boley, 1410 Yeon Building, Portland, Oregon 97204. 228-8545.
- Gurnee A. Flesher, Principal, McNary High School, 758 Greenwood Dr. N., Salem, Oregon 97303, 363-1323 (home); 585-6166 (school).
- John J. Galvin, Administrator, Corrections Division, 2570 Center Street, NE., Salem, Oregon 97310. 364-2171; Ext. 1681.
- Holly V. Holcomb, Superintendent, Oregon State Police, 107 Public Service Building, Salem, Oregon 97310. 364-2171; Ext. 1581.
- John A. Jelderks, District Attorney, Hood River County Courthouse, Hood River, Oregon 97031. 386-3103.
- Frank A. Kikel, Mayor, 935 Long Street, P.O. Box 115, Sweet Home, Oregon, 97386. 367-2141 (office); 367-5128 (City Hall).
- Reverend David S. Kullowatz, First Christian Church, Grants Pass, Oregon, 97526. 479-1712 (home); 476-4386 (church).
- John McCulley, Mayor, 4th and No. A Streets, Springfield, Oregon 97477. 342-5731 (office); 747-3328 (City Hall).
- Donald I. McNamara, Chief, Portland Police Department, 222 SW. Pine, Portland, Oregon 97204. 226-7551.
- A. Keith Martin, City Manager, City Hall, 744 SE. Rose, Roseburg, Oregon 97470. 673-4457 (office).
- W. L. (Bud) Mekkers, Sheriff, Yamhill County Courthouse, McMinnville, Oregon 97128. 472-5121 (office).
- Miss Ida Alice McClendon, Jr., 2302 NE. 12th Avenue, Portland, Oregon 97212. 281-0197 (home); 771-1112 (office).

- Allen B. Pynn (State Representative), 525 1st Street, Lake Oswego, Oregon 97034. 636-8451 (office); 655-2012 (home).
- *Jacob B. Tanzer, Solicitor General, Oregon State Department of Justice, 322 State Office Building, Salem, Oregon 97310. 364-2171; Ext. 1717.
- Grant Waheneka, Chairman, Warm Springs Indian Tribal Council, Warm Springs, Oregon 97761. 553-1161 (office); Ext. 28.
- John C. Warden, Judge, Circuit Court, Coos-Curry Counties, Coquille, Oregon 97423. 396-3121 (Coos Co.); 296-4658 (home).
- Ellis A. White, Malheur County Judge, Courthouse, Vale, Oregon 97918. 473-3123.

OREGON LAW ENFORCEMENT COUNCIL COMMITTEE ASSIGNMENTS

Executive Committee

X—Jacob Tanzer
Lee Brown
John Galvin
Keith Martin

W. L. Mekkers
Barnes Ellis
John Jelderks

Committee on Community Relations

X—Lee Brown
Grant Maheneka
Keith Martin
Ragnar Carlson

Jack Duff
Frank Kikel
John McCulley
Ida McClendon

Committee on Corrections

X—John Galvin
John Warden
David Kullowatz

Allen Pynn
Sam Dement
W. L. Mekkers

Committee on Criminal Justice

X—John Jelderks
John McCulley
Eugene Bui

Sam Dement
Ellis White
John Warden

Committee on Juvenile Delinquency

X—Barnes Ellis
Gurnee Flesher
John Jelderks

David Kullowatz
Eugene Bui
Ida McClendon

Committee on Planning and Special Projects

X—Keith Martin
Gurnee Flesher

John Galvin
Donald McNamara

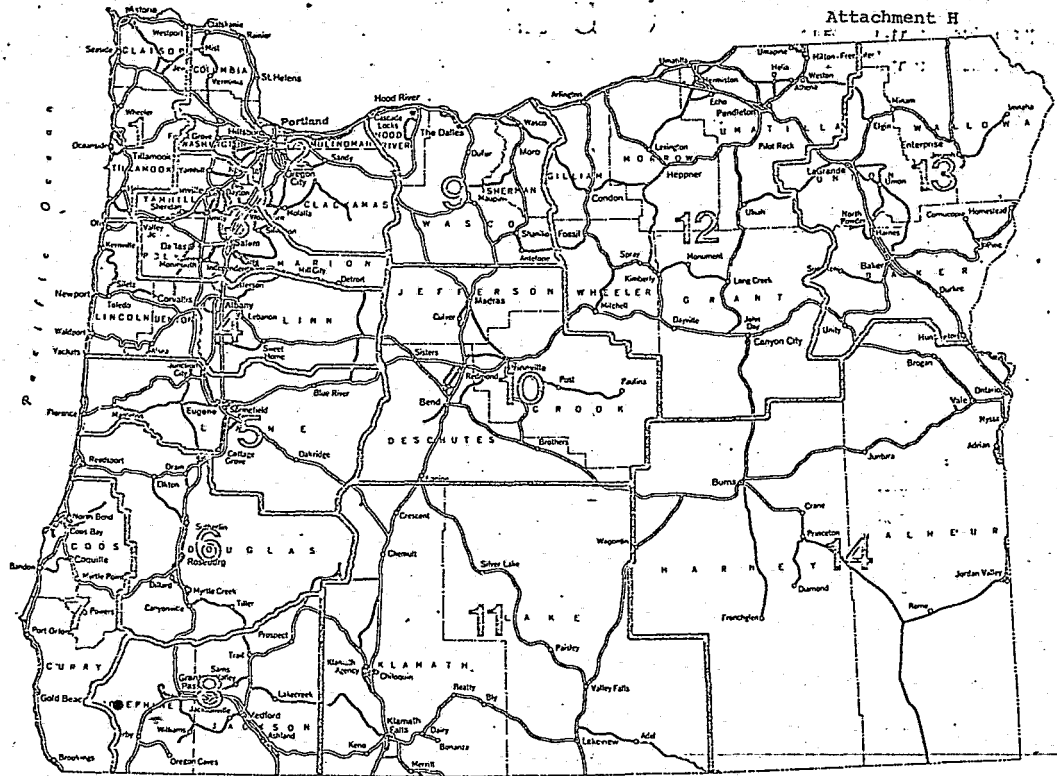
Committee on Police Operations

X—W. L. Mekkers
Donald McNamara
Barnes Ellis

Holly Holcomb
Lee Brown

NOTE.—X Indicates Committee Chairman.

*Chairman of the Council.



JULY 1968

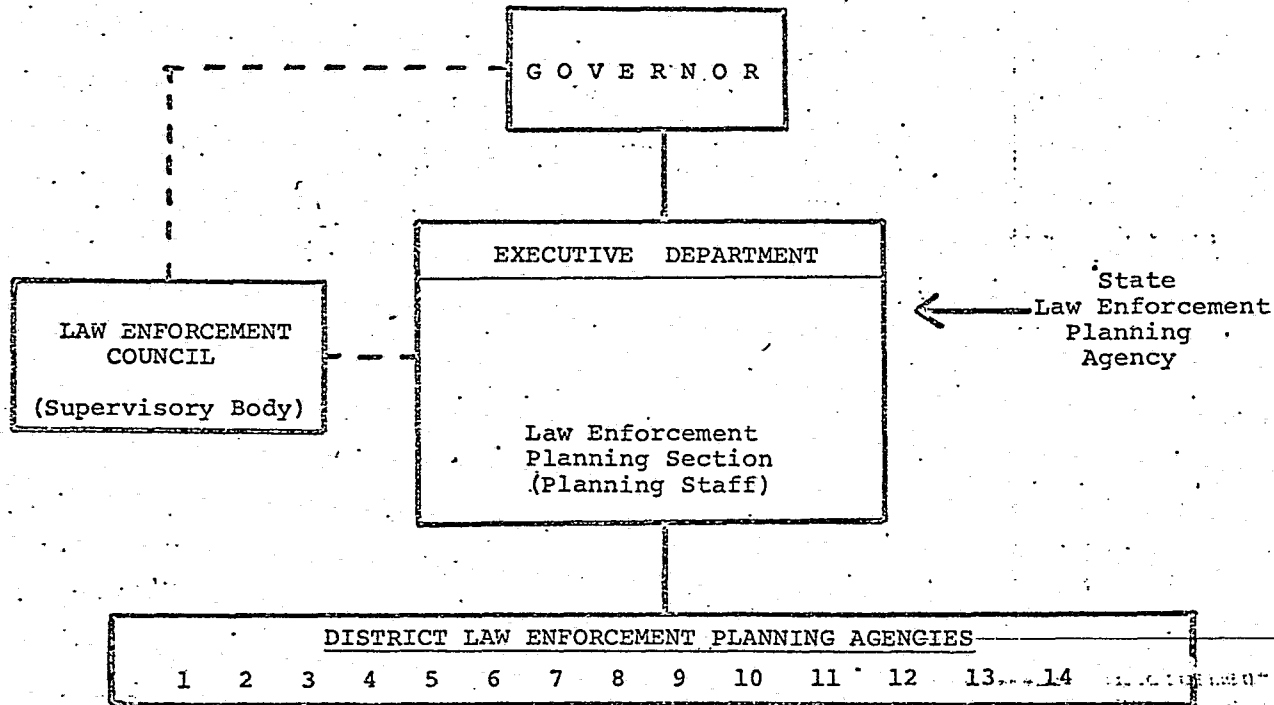
State of Oregon DISTRICTS

Office of the Governor - Planning Section

— district boundary
 5 district number

25
 347
 100
 100

ORGANIZATION CHART



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ATTACHMENT I

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ORGANIZATIONAL SYSTEM AND ADMINISTRATIVE MECHANISM FOR IMPLEMENTING
THE PLAN

The Oregon Law Enforcement Planning Agency has been established in the Executive Department and consists of two parts: (1) a supervisory body (Oregon Law Enforcement Council) and (2) a planning staff under the supervision of the Law Enforcement Coordinator.

1. FUNCTIONS OF LAW ENFORCEMENT PLANNING AGENCY

The Law Enforcement Planning Agency responsibilities shall include:
Preparation, development and revision of comprehensive plans based on an evaluation of law enforcement problems within the State.

Definition, development and correlation of action projects and programs under such plans.

Establishment of priorities for law enforcement improvement in the State.

Providing information to prospective aid recipients on the benefits of the program and procedures for grant application.

Encouraging grant proposals from local units of government for law enforcement planning and improvement efforts.

Encouraging project proposals from State law enforcement agencies.

Evaluation of local applications for aid and awarding of funds to local units of government.

Monitoring progress and auditing expenditures of grants by local units of government.

Encouraging regional and metropolitan area planning efforts, action projects and cooperative arrangements.

Coordination of the State's law enforcement plan with other federally-supported programs relating to or having an impact on law enforcement.

Oversight and evaluation of the total State effort in plan implementation and law enforcement improvement.

Collecting statistics and other data relevant to law enforcement in the State as required by the Law Enforcement Assistance Administration.

Related Plans and Systems

On the district level, coordination with locally administered plans will be insured in ten of the districts where the law enforcement planning activity is performed by a Council of Governments or similar organization. In the remaining four districts, coordination is achieved by representation of local elected officials serving on the law enforcement planning committee. In the near future, it is hoped that legislation passed recently will enable all districts to form a district planning council or council of governments which will provide an overview of all planning efforts and programs.

At the State level, coordination is provided through the Executive Department. Further coordination of Federal, State and local grant programs will be provided by the Intergovernmental Coordinating Committee.

Executive management of total State government activities, through agency program administration and reporting on a common district basis, also strengthens coordination of law enforcement program with other agency programs. The Law Enforcement Planning agency itself has established direct contacts with the pertinent agencies administering or receiving Federal funds related to law enforcement and will continue to maintain effective relationships.

Local participation

Section 303(3) of the Act states that each state plan shall:

Adequately take into account the needs and requests of the units of general local government;

Encourage local initiative in the development of programs and projects for improvement in law enforcement; and

Provide for an appropriately balanced allocation of funds between the state and units of general local government in the state and among such units.

1. *Local participation and involvement* in the planning process and in the development of the programs and projects for improvements in law enforcement have been substantially achieved during the first year's operations.

(a) *Organizational Efforts:*

Efforts begun in late January 1969, resulted in the formal organization of fourteen District Law Enforcement Planning Agencies. Planning grant awards have been made to all agencies.

Six Councils of Government have been designated by local units of general government as the district law enforcement planning agency. The eight remaining districts formed law enforcement planning committees, which were in turn designated as the district law enforcement planning agency by the governing bodies of the participating counties and cities.

State guidelines required that the district law enforcement planning agency be designated by cities and counties whose combined total population equalled or exceeded 75 percent of the total district population. Each district met this requirement, and one achieved 100 percent representation. At the present time we have received formal designations, in the form of resolutions, from 31 counties and 106 cities with a combined population of 1,899,949, or approximately 92 percent of the State's total population of 2,050,900*.

The 31 counties represent approximately 86 percent of the total number of 36 counties. The five remaining counties have a total unincorporated population of 17,175, and all of these counties except one are participating in the planning effort.

The 106 cities represent approximately 47 percent of the total number of cities (228) ; however, only 154** of the total 228 cities operate police departments, and on the basis of this comparison the 106 cities would exceed a 70 percent representation.

Excluding the governing bodies of the six councils of government, which are composed of elected local officials, there are 256 persons serving on either a COG technical committee or a law enforcement planning committee. One hundred (100) of those so serving are local elected officials. For a further breakdown of the membership of the law enforcement planning committees, see the Table on the following page.

District subcommittees and local committees have also been established to study various phases of law enforcement.

Continued effort is being made at the district level to get the remaining counties and cities to *formally* participate in the program by passage of resolutions.

*Oregon, July 1, 1968, Population Estimates by State Center for Population Research and Census.

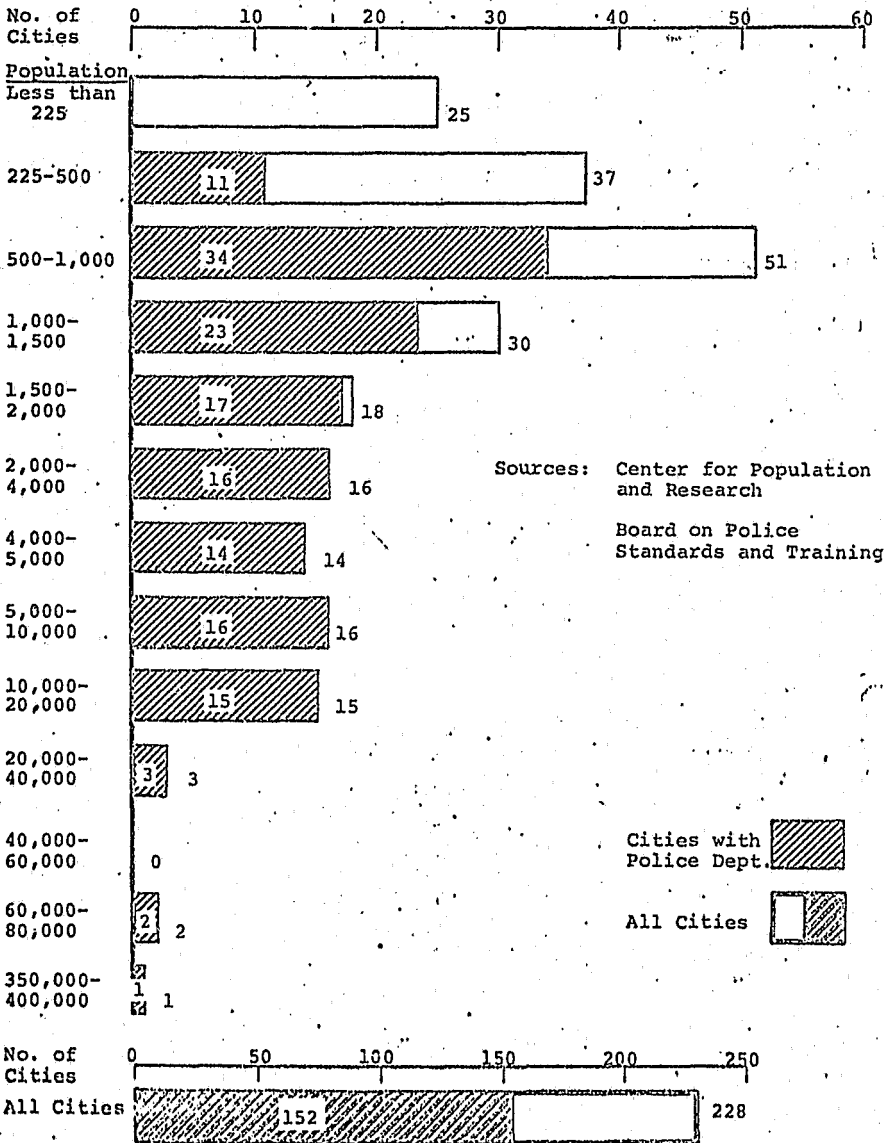
**Oregon Law Enforcement Survey, 1967, Board on Police Standards and Training.

DISTRICT LAW ENFORCEMENT PLANNING COMMITTEES*
COMPOSITION

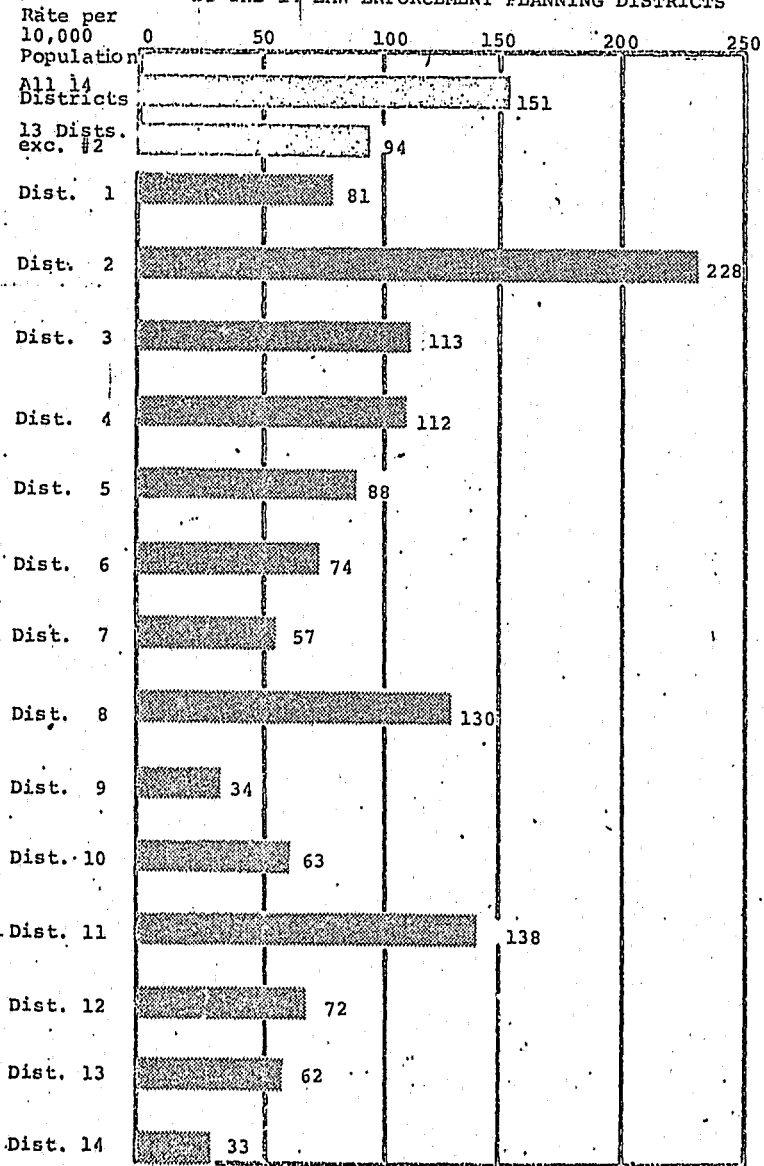
Law Enforcement Districts	1	2	3	4	5	6	7	8	9	10	11	12	13	14	Total
County Commissioners/Judges	2	0	3	1	0	1	2	2	3	2	1	1	2	1	21
County Sheriffs	2	3	1	2	1	1	2	3	3	3	1	3	2	2	29
County Juvenile Directors	1	2	1	1	1	1	2	3	2	1	1	1	0	1	18
County District Attorneys	1	2	1	2	1	1	2	4	3	2	1	1	1	1	23
City Mayors	2	0	2	1	0	1	0	3	1	2	1	1	2	0	16
City Councilmen	0	0	1	0	0	0	3	0	2	2	0	0	2	1	11
City Managers	1	0	1	0	0	0	0	1	0	2	0	0	2	0	7
City Attorneys	0	1	0	0	0	0	0	0	1	1	0	0	0	0	3
City Police Chiefs	3	3	3	7	3	6	3	4	3	4	1	5	4	3	52
Circuit Court Judges	2	0	1	1	1	1	1	1	1	0	1	0	0	0	10
District Court Judges	1	1	1	0	0	1	0	2	1	1	0	1	0	0	9
Municipal Court Judges	0	2	0	0	0	1	0	1	0	1	1	0	1	1	8
Vocational Rehab. Counselor Alcohol and Drug Section Regional Director	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Public Welfare Consultant	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
Educators	0	2	0	0	0	0	0	1	0	0	0	2	0	0	5
Parole Counselor	0	2	0	0	0	0	0	1	0	0	0	0	1	0	4
Park & Recreation Director	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
State Police Officers	0	1	0	0	0	0	0	0	1	1	0	0	0	0	3
Employment Counselor	0	0	0	0	0	0	0	1	0	0	0	0	0	0	1
FBI Agent	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
U.S. Jail Inspector	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1
Public Citizens	1	2	1	1	0	7	2	7	2	3	1	0	0	2	29
Totals	16	23	16	16	7	21	17	39	23	25	9	15	17	12	256

*Districts 2, 3, 4, 5, 7, and 8 have Councils of Government with governing bodies composed of county and city elected officials who have final review of district plans. This table shows only members of district law enforcement planning committees and technical committees.

OREGON CITIES WITH AND WITHOUT POLICE DEPARTMENTS
JULY 1, 1968 POPULATION

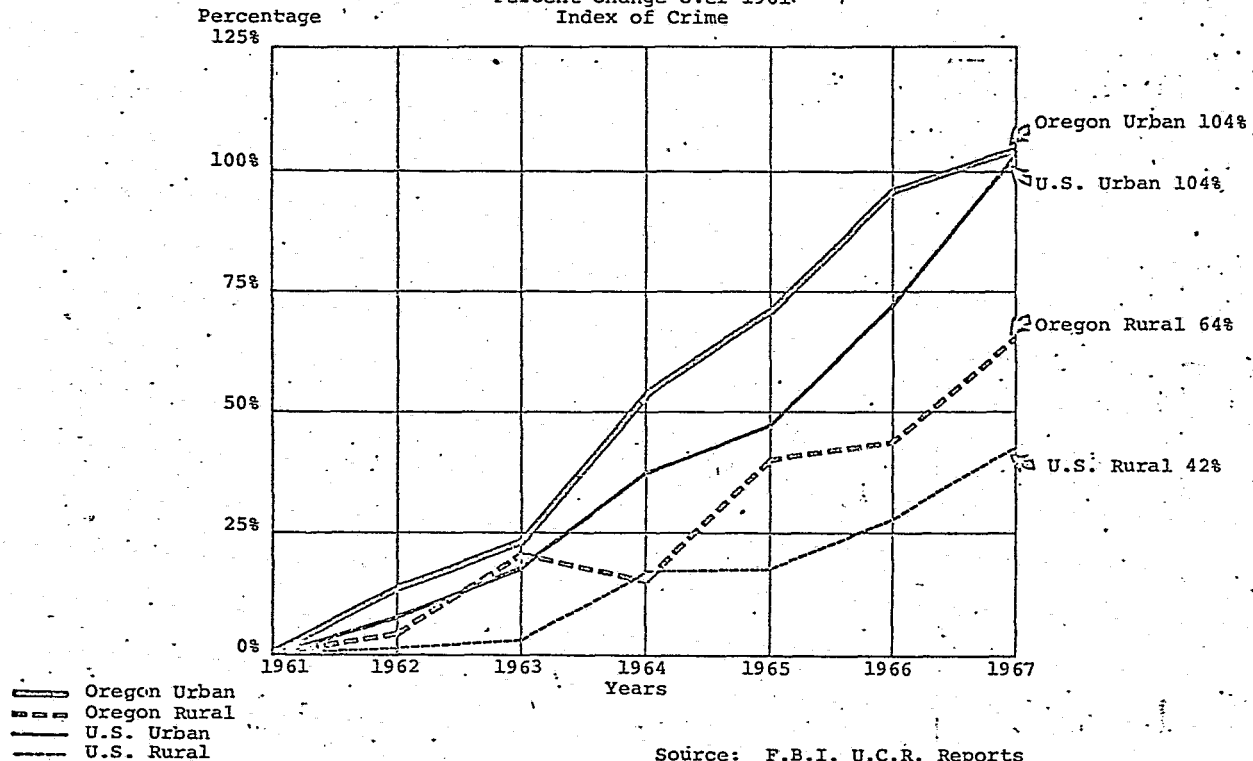


OREGON 1967 CRIME RATE
BY THE 14 LAW ENFORCEMENT PLANNING DISTRICTS



Sources: Oregon State Police Report and Center for Population Research and Census Estimates for July 1, 1967

URBAN:RURAL CRIME
Oregon-National 1961-67
Percent Change Over 1961.
Index of Crime

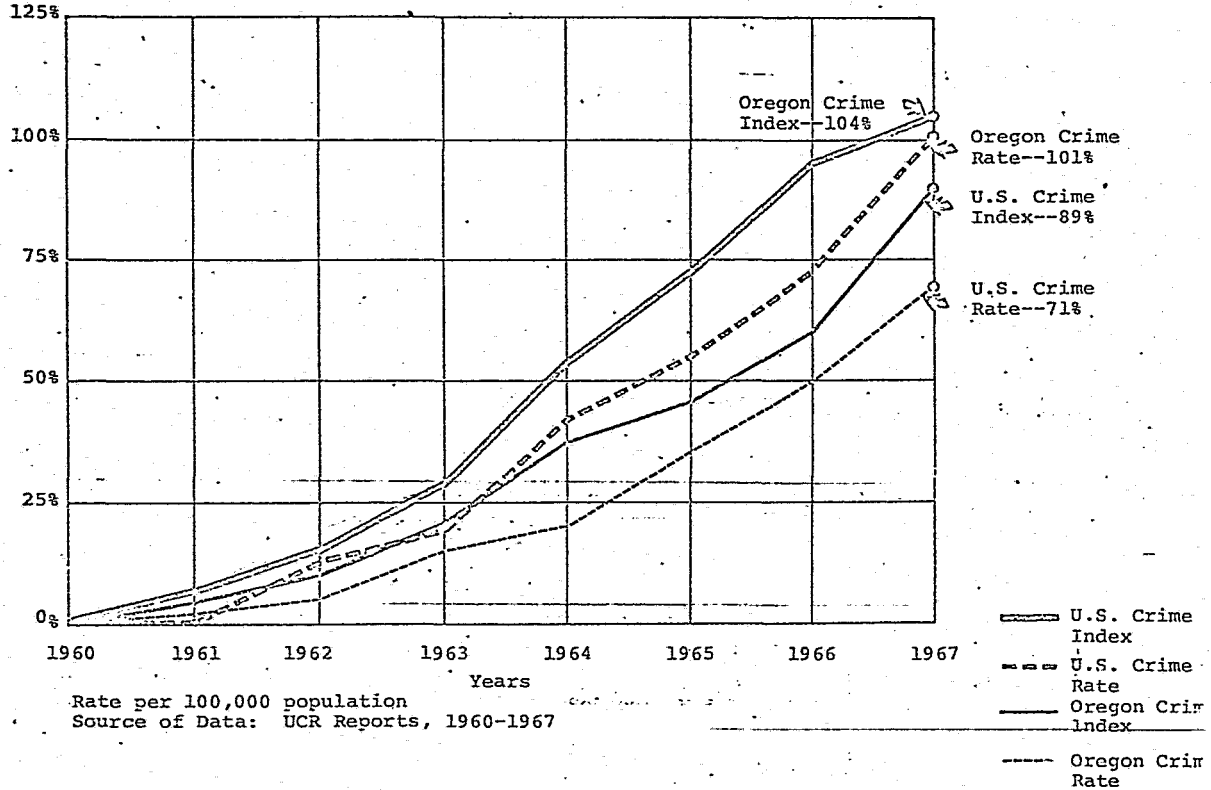


Source: F.B.I. U.C.R. Reports

CRIME TRENDS: OREGON COMPARED WITH NATIONAL

(Percent Change, 1960-67)
Rate and Index

Percentage



CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 26, 1970.

Hon. EMANUEL CELLER,
*Chairman, House Judiciary Committee,
Rayburn House Office Building, Washington, D.C.*

MY DEAR MR. CHAIRMAN: I understand that your Committee has recently been holding hearings on the Omnibus Crime Control and Safe Streets Act.

Funds allocated under this Act have made possible much of the work of the Michigan Commission on Law Enforcement and Criminal Justice. I am forwarding to you a copy of the first year-end report of the Commission, as an indication of the kind of projects and programs which have been initiated in the state of Michigan with the help of these funds. I am hopeful that the enclosed positive report will be useful to the Committee, as it deliberates on the merits of the block grant approach to crime control and prevention.

With best regards,

Sincerely,

PHILIP E. RUPPE,
Member of Congress.

EXECUTIVE OFFICE,
Lansing, February 11, 1970.

Gov. WILLIAM G. MILLIKEN,
*State Capitol Building,
Lansing, Mich.*

DEAR GOVERNOR MILLIKEN: The Michigan Commission on Law Enforcement and Criminal Justice recently completed its first full year of existence.

In that year, the Commission constituted itself, established the first comprehensive plan to improve and update the entire law enforcement system in this state, and distributed planning and action funds to state, regional and local units of government.

The following report chronicles those events and experiences, tracing the growth of programs, staff and direction of the Commission. It should serve as a guide and point of reference for all those involved in the law enforcement and criminal justice system.

Under your direction, the Commission and staff will strive to plan broadly and comprehensively, to identify needs and problems and to find innovative programs in order to help Michigan meet the challenge of crime in the 70's.

Sincerely,

LOUIS ROME,
*Executive Director,
Michigan Commission on Law Enforcement
and Criminal Justice.*

FIRST ANNUAL YEAR-END REPORT FROM THE MICHIGAN COMMISSION ON LAW
ENFORCEMENT AND CRIMINAL JUSTICE

MEMBERSHIP LIST

- Hon. William G. Milliken, *Chairman*, Governor of the State of Michigan, Capitol Building, Lansing, Michigan 48903.
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- Patrick V. Murphy, Commissioner, Detroit Police Department, 1300 Beaubien, Detroit, Michigan 48226. Phone: 313 224-4490.
- Kenneth L. Preadmore, Sheriff of Ingham County, 630 North Cedar Street, Mason, Michigan 48854. Phone: 517 676-2431.
- James W. Rutherford, Chief of Police, Flint Police Department, 710 East Fifth Street, Flint, Michigan 48502. Phone: 313 232-4121, Ext. 211.
- Miss Rosemary Scott, Attorney at Law, 714 Building and Loan Building, Grand Rapids, Michigan 49502. Phone: 616 454-7070.
- Mrs. Audrey B. Seay, 2787 Canterbury, Trenton, Michigan 48183. Phone: 313 676-3325.
- Hon. Chris H. Sonneveldt, Mayor of the City of Grand Rapids, City Hall, Grand Rapids, Michigan 49502. Phone: 616 456-3166.
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- Dr. Andrew S. Watson, 1050 Wall Street, Apt. 4A, Ann Arbor, Michigan 48104. Phone: 313 764-0245.
- Staff:* Louis Rome, Executive Director; James L. Shonkwiler, Associate Director; Barney Winckoski, Associate Director. Phone: 517 373-3992.

The State of Michigan along with the Nation is confronted today with increasing crime rates and corresponding public anxiety over violence and fear for one's own personal safety.

Riots have defaced and distorted some of our cities. Citizens, both black and white, have retreated to their respective communities to arm themselves with weapons and invective.

Police agencies and law enforcement officials have often been deluged with criticism for their efforts to cope with the problems of growing unrest and increased crime.

Candidates for public office have played on this raw public nerve with rhetorical cries of "law and order" to be elected or to remain in office.

But in this time of frequent emotionalism and irrationality, Michigan has entered a new era in law enforcement by initiating a bold, new effort to deal with problems of crime and injustice in this state.

In November of 1968 by executive order, then Governor George Romney created the Michigan Commission on Law Enforcement and Criminal Justice and designated himself as chairman. Governor William G. Milliken now serves as chairman.

It charged the Commission with the task of developing a comprehensive plan to improve and update the law enforcement and criminal justice system in Michigan. In so doing, it was to set priorities, encourage grant applications from

local units of government, award action and planning funds, encourage regional and metropolitan planning efforts, and to oversee and evaluate the total state effort in plan implementation and law enforcement improvement.

In approaching crime prevention and control rationally and comprehensively on a statewide basis, the 28-member Commission embarked on an uncharted course. There were no precedents, no past experiences to base judgments upon. So, 1969 was a building year. Policies had to be set, a staff to be recruited, administrative machinery to be put into operation.

This is not to say, however, that the Commission's first year of existence was one without positive action or tangible results. The Commission and staff quickly apprehended the unique opportunity not only to conduct comprehensive law enforcement and criminal justice planning but also to provide action grants to State and local units of government to help implement the results of that planning.

For its first six months, the Commission's major thrust was a two-pronged effort, to research and write the State's first comprehensive plan and to stimulate development of law enforcement planning on a regional level.

Michigan was appropriated \$877,800 for planning under the federal Omnibus Crime Control Act of which \$270,000 was disbursed to the regions for planning in 1969. The Commission is required under the Act to provide a 10 percent match in order to receive the block planning grant and in turn the regions are required to make provision for a similar match.

The comprehensive plan attempted to answer such questions as: How much crime is there in Michigan? What causes crime? How can it be prevented? How can it be limited? How can people who commit crimes become law abiding? It examined the physical and human factors that produce crime and how these are conditioned by local circumstances. Further, it looked at the needs of the police, prosecution and defense attorneys, the courts, correctional institutions, and offender himself, each as they relate to the total law enforcement and criminal system, rather than as isolated entities.

Upon completion of the plan, the Commission stated: "We believe that meaningful improvement in law enforcement and criminal justice services can come only through a coordinated effort by State and local government to comprehensively plan and cooperatively implement constructive projects. This is not intended to be an overnight crash program, but can only succeed as a systematic long-range development. This document provides a beginning."

A major part of the comprehensive plan was a compilation of 90 action programs. These were general descriptive umbrellas under which outlines of specific projects could be identified and for which funds would be available to eligible applicants. The federal share of the estimated cost of all these projects far exceeded Michigan's allocation for 1969, however. The Commission thus selected and budgeted 25 first priority programs under which local, regional and State organizations could apply for grants, and the selection of the 25 priority programs was governed in large part by the preferential local match provisions for training projects.

The plan was then submitted to and approved by the Law Enforcement Assistance Administration (LEAA) of the Justice Department, which administers funds to the States under the Crime Control Act. Once its plan was approved the Commission was authorized to disburse its \$1 million action grant which Congress approved for 1969.

Paralleling the writing of the first comprehensive plan was the establishment of regional law enforcement planning councils and planning staffs. The 11 multi-county regions were instructed to be fully representative both geographically and functionally within the regions. For example, representation from police agencies cannot exceed one less than a majority of regional law enforcement planning council. By year's end, each region had at least one full-time planning director.

Major responsibilities of the region include reviewing and passing upon all action grant applications from agencies within their respective regions, assessing local and regional needs and problems, and compiling a regional comprehensive plan. By the end of 1969, all regions had either completed or were in the final stages of writing their comprehensive plans which will be incorporated into the next State plan. During the year, the Commission staff undertook the responsibility of training the 11 regional planning directors. Special conferences were held in April and August and December to aid the regional directors in their planning activities.

Beginning in July, the Commission received action grant applications from state and local units of government in response to the priorities set in the comprehensive plan. In all, well over 200 applications were submitted to the Commission with requests for more than \$6 million. Each application was screened initially by a regional law enforcement planning council, the appropriate Commission staff and task force before final Commission action.

At its December meeting, the Commission earmarked over \$900,000 in giving preliminary approval to 67 Action Grants. The Commission had disbursed over \$100,000 in riot control funds earlier in the year.

Funds were committed to the six functional areas of the law enforcement and criminal justice system as follows:

Police services-----	\$407, 669
Administration of justice-----	170, 000
Corrections-----	120, 330
Juvenile problems-----	107, 600
Organized crime-----	72, 594
Prevention and community relations-----	25, 741

Governor Milliken characterized the Commission's action as "an extremely important step toward the improvement and updating of the law enforcement system in this state".

More than \$720,000 went to local units of government. Of the programs and projects funded in 1969, some merit special mention.

In Corrections, the most significant program developed was a jailer training academy. This is Michigan's first formal program for jailers despite the fact that his role in the criminal justice system is vital. The two-part program establishes a state academy to be run by the Department of Corrections along with a combined effort by the Wayne County Sheriff's Department and the Detroit House of Corrections to train a cadre of training officers.

In the administration of justice, there has been a growing acceptance of the need for an appellate defender. The Commission funded a pilot project to establish a statewide office of appellate defender to represent indigent criminal defendants on appeal or in other post-conviction proceedings.

In Organized Crime, the Commission awarded an action grant to the Wayne County Sheriff's Department for the creation of an organized crime unit which involves Wayne County Inter-departmental participation.

In Police Services, the Commission funded 38 action projects. Special emphasis was given to training programs coordinated with the Michigan Law Enforcement Training Council to achieve more uniform training. In addition, the Commission awarded action grants to two major projects of the Detroit Police Department, one a computer based management information system to analyze activity of scout car fleets and the other a surveillance communications project to combat street crime. Communications systems and radio equipment for local departments and combinations thereof also received special attention by the Commission.

In Juvenile Problems, there were two major developments. First, Governor Milliken assigned the Commission the task of planning a juvenile delinquency program for Michigan and designated it as the administering agent of the Federal Juvenile Delinquency and Control Act of 1968. The Commission also funded a \$100,000 program to provide in-service training for juvenile court staff and probation aides. Training programs will be operated on a regional basis and will be coordinated by the Supreme Court Administrator's office.

In Prevention and Community Relations, the Commission funded significant programs in Monroe County, Kalamazoo and Muskegon. The programs provided for instruction in the historical significance of minority group grievances as well as a presentation of psychological and sociological concepts for law enforcement officers.

The Commission and its staff also had other significant involvement in 1969:

1. Staff work for the Governor's Special Committee on a Commission on Investigations. The seven-member committee, made up of representatives of judicial, legal, academic, and law enforcement fields, conducted its study from April to September. In its report to the Governor, which received the support of Attorney General Frank Kelley, the Committee proposed a constitutional amendment to establish a non-prosecuting, investigative State Commission on Investigation. The Commission would investigate organized crime and public corruption in Michigan.

2. The Governor's Special Committee on Drug Dependence and Abuse also received staff support from the Commission. Completing its 6-month study in December, the 16-member committee recommended a variety of proposals in the areas of enforcement and control, treatment and rehabilitation and education. The Commission also co-sponsored the Governor's Conference on Drug Dependence and Abuse in December. More than 600 people gathered at Michigan State University to hear a group of national experts discuss the problem and possible solutions. Response to the conference was so great that closed circuit television was provided for nearly 300.

3. Staff members helped organize a Criminal Justice Information System (CJIS) in Michigan. A staff member now serves as chairman of the CJIS steering committee. CJIS is an attempt to computerize and integrate standardized data from all facets of the criminal justice system on a statewide basis. The project, a study of selected criminal case histories, will be completed this spring.

Staff also supported organization of the national System for Electronic Analysis and Retrieval of Criminal Histories (SEARCH). SEARCH was established to demonstrate the practicality of making standardized criminal histories rapidly available on a computerized interstate system. A second purpose has been to organize an interstate crime statistics system. Commission staff have filled leadership roles in the 10-state demonstration project.

The Commission staff also established a monthly newsletter, intended to cover as much as possible the whole realm of law enforcement. By the end of 1969, the newsletter was being mailed to more than 3,000 people throughout the state.

In addition to its own planning and fund allocation processes, the Commission and staff have provided technical assistance and counsel to a variety of state and local agencies.

In this first year, it has been clearly seen that the problems of law enforcement and criminal justice, as a system, overlap all traditional compartmentalized services. If effective planning is to occur, the divergent viewpoints and strategies, frequently in conflict, must be openly confronted, before positive interaction can result. Through the Commission's efforts, for the first time, direct interdisciplinary dialogue and interaction have been fostered—at the state, regional, and local level. While difficult to measure in terms of tangible results, this has been one of the major accomplishments of 1969 and will serve as a cornerstone for future law enforcement planning and implementation in Michigan.

The Commission enters 1970 with two major tasks immediately before it, first to update the first comprehensive plan by April 15 and to set priorities for action grant awards in the first half of 1970.

The opportunity to have an impact on the problems of crime, its causes and the entire law enforcement and criminal justice system will increase many fold in 1970. With a year of planning behind it, the Commission will also have nearly eight times as much action grant money (the Congressional appropriation for Michigan in 1970 is about \$7.8 million) to disburse in 1970 than in the previous year.

But the Commission enters the new decade with a realistic view of the problems it seeks to lessen and the scarceness of the resources it has available. It does so with the knowledge that it must be accountable for its decisions. The job is not only one to put money where the need is greatest, but also to invest in programs that obtain measurable results. (Already, an action grant evaluation procedure is being developed by the Commission and by the 11 regional planning councils.)

The Commission must be accountable to many, diverse publics—to Congress, to the Michigan Legislature, to local governmental units and criminal justice agencies, and finally to the citizens of Michigan. They all expect not only less crime but more justice.

So, tempered by enormity of its mission, but encouraged by its first year's experience, the Commission will continue its endeavor to help build a law enforcement and criminal justice system capable of meeting the needs of this state in the 70's.

Appendix A

LIST OF APPROVED ACTION GRANTS
POLICE SERVICES AND PUBLIC PROTECTION

1. Warren Police Department—request for videocorder to be used in training, \$11,500.
2. Ludington Police Department—"Region 8 Investigator's School," a school for additional training of police officers, \$17,000.
3. Grand Traverse County Sheriff—regional training coordinator to provide in-service training to personnel in all law enforcement agencies in the region, \$22,000.
4. State of Michigan, Michigan Law Enforcement Officers Training Council—a statewide correspondence course, "Basic Supervisory Program," for corporals and sergeants, \$7,500.
5. State of Michigan, Michigan Law Enforcement Officers Training Council—purchase of equipment for development and implementation of "sight-sound instruction," \$21,400.
6. Albion Police Department—police cadet program with emphasis on recruiting minority group individuals into police service, \$3,240.
7. City of Battle Creek—program to hire three police cadets who plan to become full-time police officers, \$2,150.
8. Benton Harbor Police Department—police-community relations project to hire youths on a part-time basis, \$4,471.20.
9. Detroit Police Department—development of a computer based management information system to analyze activity of scout car fleet, \$65,000.
10. Detroit Police Department—continue the rental of a National Crime Information Center computer terminal for checking on stolen property and wanted persons from the national information bank, \$4,800.
11. Detroit Police Department—communications project in area of street crime surveillance, \$35,000.
12. Detroit Police Department—system for transmitting fingerprints between headquarters and precinct stations and between headquarters and Washington, D.C., \$67,000.
13. Albion Police Department—community relations staff officer, \$5,000.
14. St. Clair County—combination of St. Clair County and Port Huron dispatch facilities, \$71,700.
15. Iosco County—police in-service training, \$600.
16. Jackson Police Department—new radio system, \$22,500.

Radio equipment

17. Centerline Police Dept., \$720.
18. Macomb County, \$6,240.
19. Clinton Twp. Police Dept., \$2,460.
20. Fraser Police Dept., \$2,400.
21. Berrien County Sheriff's Dept., \$2,560.
22. East Lansing Police Dept., \$3,796.
23. Village of Saugatuck, \$1,814.
24. Alpena Police Dept., \$2,040.
25. Macomb County Sheriff's Dept., \$1,600.
26. Benton Harbor Police Dept., \$3,378.
27. Isabella County Sheriff's Dept., \$1,800.
28. Midland County Sheriff's Dept., \$135.
29. Gratiot County Board of Supv., \$7,500.
30. Midland County Sheriff's Dept., \$577.
31. Ogemaw County Sheriff's Dept., \$1,488.
32. Saginaw County Sheriff's Dept., \$3,600.
33. Mt. Pleasant Police Dept., \$1,560.
34. Sanilac County Sheriff's Dept., \$500.
35. Village of Caro, \$500.
36. Lexington Police Dept., \$700.
37. Village of Cass City, \$500.
38. Osceola County Sheriff's Dept., \$540.

PREVENTION AND COMMUNITY RELATIONS

1. Muskegon Police Department, Civil Rights Commission—project to provide all personnel in the department with classroom instruction plus a one week assignment to social action agencies to meet and interact with people in the community in a non-police function; emphasis to be given to historical background of minorities in America, American judicial system and sociological concepts; specialized instruction to be given to supervisors, \$16,941.

2. Monroe County Sheriff's Department—project to provide 100 officers with instruction in sociological and psychological concepts as related to community relations; all police from local units of government will be invited to participate, \$3,300.

3. Kalamazoo Police Department—project to provide 40 police personnel with classroom instruction and selected reading in issues related to community relations (analysis of minority group dynamics, U.S. Supreme Court human rights decisions, and modern homogenous community), \$4,900.

4. Big Rapids Human Relations Commission—project to establish a forum for discussion of police problems and attitudes in relation to community problems and attitudes, \$600.

JUVENILE PROBLEMS

1. Supreme Court Administrator's office—In-service training program for juvenile court staff and probation aides; the program will be an interregional training effort in Probate Courts across the state, \$104,000.

2. Ferris State College—training for juvenile and adult corrections specialists and curriculum development for staff training positions, \$3,500.

CORRECTIONS

1. Wayne County Board of Supervisors and Detroit House of Correction—a cooperative effort to train present jailer staff, \$20,000.

2. Department of Corrections—training academy to be set up at State prisons to offer jailer training (120 to participate in 1970), \$10,100.

3. Jackson Community College—establish academic courses specifically designed for correction workers, especially subprofessional personnel, \$5,330.

4. Department of Corrections and Michigan State University—special training program at M.S.U. to train 40 prison counselors from state institutions in treatment techniques, \$15,900.

5. Delta County Board of Supervisors—recruit and train volunteer probation aides for work with misdemeanor offenders, \$15,100.

6. Kalamazoo District Court Probation Office—a pilot training project for probation officers dealing in group treatment methods and approaches, \$3,500.

7. Kent County Board of Supervisors Vocational Rehabilitation Center—to accelerate completion of a vocational training center at the Kent County Youth Honor Camp, \$5,700.

8. Michigan State Library—purchase additional books for State Library to expand Bookmobile service to State Prison trustees, \$2,000.

9. Genesee County Board of Supervisors—a feasibility study to select sites, plan program elements, etc. for Michigan's first residential treatment center(s), \$5,900.

10. Jackson 12th and 13th District Courts—to recruit and train volunteer probation aides for misdemeanor offenders, \$16,300.

11. Department of Corrections—send correctional specialists to the University of Hawaii's training program on inmate education, conducted in one month sessions at Morgantown, West Virginia, \$500.

12. Ingham County—development of a program to provide tailored educational and vocational programs for jail inmates, \$20,000.

ORGANIZED CRIME

1. Fraser Police Department—purchase of special equipment to be used to combat organized crime (infra-red Varoscanner with accessories), \$1,650.

2. Fraser Police Department—16mm Surveillance Camera to be used in organized crime enforcement, \$1,275.

3. Flint Police Department—video equipment to be used to combat organized crime, \$2,058.

4. Warren Police Department—equipment to combat organized crime, \$4,785.

5. Wayne County Sheriff's Department—purchase of equipment to be used to combat organized crime (automobiles, radios, surveillance equipment, etc.), \$62,826 (an additional \$47,000 tentatively committed for 1970).

ADMINISTRATION OF JUSTICE

1. Wayne County Circuit Court—Pretrial release project to create mechanism for screening defendants after arrest and communicating their personal history information to judge at the time bail decision is made, \$18,000.

2. Supreme Court Administrator—create statewide office of appellate defender to represent all indigent criminal defendants on appeal or in other post conviction proceedings, \$45,000 (an additional \$30,000 tentatively committed for 1970).

3. Prosecuting Attorney's Association of Michigan—establish executive office to in training, advising, informing and coordinating the 83 county prosecutors, \$27,000.

4. Supreme Court—Criminal Justice Information System Pilot Project to develop and implement a functional automated information system in five pilot counties, \$25,000 (an additional \$25,000 tentatively committed for 1970).

5. Supreme Court Administrator—study of administrative procedures and paper flow in Detroit Recorder's Court, \$25,000 (an additional \$25,000 tentatively committed for 1970).

6. Genesee County Circuit Court—study of administrative procedures and paper flow, \$30,000.

List of Regions and the counties which compose them:

Region 1. Livingston, Oakland, Macomb, St. Clair, Washtenaw, Wayne, Monroe.

Region 2. Jackson, Hillsdale, Lenawee.

Region 3. Barry, Kalamazoo, Calhoun, St. Joseph, Branch.

Region 4. Van Buren, Berrien, Cass.

Region 5. Shiawassee, Genesee, Lapeer.

Region 6. Clinton, Eaton, Ingham.

Region 7. Roscommon, Ogemaw, Iosco, Clare, Gladwin, Arenac, Isabella, Midland, Bay, Gratiot, Saginaw, Tuscola, Huron, Sanilac.

Region 8. Mason, Lake, Osceola, Oceana, Newaygo, Mecosta, Muskegon, Montcalm, Ottawa, Kent, Ionia, Allegan.

Region 9. Cheboygan, Presque Isle, Otsego, Montmorency, Alpena, Crawford, Oscoda, Alcona.

Region 10. Emmet, Charlevoix, Antrim, Leelanau, Benzie, Grand Traverse, Kalkaska, Manistee, Wexford, Missaukee.

Region 11. Luce, Mackinac, Chippewa, Menominee, Delta, Schoolcraft, Iron, Marquette, Alger, Dickinson, Gogebic, Ontonagon, Houghton, Keweenaw, Baraga.

APPENDIX B.—COMMISSION APPROVED PROJECT APPLICATIONS BY REGION 1969 ACTION FUNDS

Region No.	Total dollars approved for local projects	Riot control funds committed May 23, 1969	Police services	Administration of justice	Organized crime	Juvenile ¹ problems	Corrections	Prevention and community relations
1.....	453,468	\$37,823	\$268,430	\$18,000	\$72,594	\$33,321	\$20,000	\$3,300
2.....	48,996	945	22,500			3,921	21,630	
3.....	32,817	6,175	10,390			7,852	3,500	4,900
4.....	14,330		10,409			3,921		
5.....	50,539	6,787		30,000		7,852	5,900	
6.....	30,293	600	3,796			5,897	20,000	
7.....	50,028	17,855	20,390			11,783		
8.....	54,445	4,538	18,814			7,852	5,700	17,541
9.....	27,937		2,040			5,897		
10.....	27,897		22,000			5,897		
11.....	24,907					9,807	15,100	
Total....	795,657	74,723	378,769	48,000	72,594	104,000	91,830	25,741

¹ Estimated regional benefit from statewide program to train juvenile officers. An additional \$100,000 will be requested from 1970 action funds for expanded training in southeastern Michigan.

The CHAIRMAN. We will adjourn until Friday.
(Whereupon, at 4:40 p.m. the subcommittee recessed, to reconvene on Friday, March 6, 1970.)

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

FRIDAY, MARCH 6, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2141, Rayburn House Office Building, Hon. Byron G. Rogers presiding.

Present: Representatives Rogers, Rodino, and Brooks.

Also present: Representatives Eilberg and Mikva.

Staff members present: Benjamin L. Zelenko, general counsel, and Franklin G. Polk, associate counsel.

Mr. ROGERS. The committee will come to order.

This morning we have as the first witness, the Honorable James Tate, mayor of the city of Philadelphia. He is accompanied by Mr. Frank L. Rizzo, police commissioner of the city of Philadelphia.

Mr. Rodino?

Mr. RODINO. Mr. Chairman, I want to welcome this morning my good friend and our distinguished colleague, Congressman William A. Barrett, who will present the mayor of Philadelphia and the police commissioner to the committee.

It is certainly a welcome sight to see him along with these distinguished visitors, who I am sure are going to make a valuable contribution.

Of course, I would like to say we are honored, too, with the valuable presence of the distinguished colleague, who also represents your area, the Honorable Joshua Eilberg, who is a member of the Judiciary Committee. I am certain that all of you are aware of the fine contribution he has made to this committee.

Thank you very much, Mr. Chairman.

Mr. ROGERS. We will recognize our colleague from Philadelphia; Mr. Eilberg.

Mr. EILBERG. Mr. Chairman, we are very much honored today by having with us the Honorable James H. J. Tate. I would like to say a few words about him for the record.

Unquestionably, he is a mayor's mayor. In fact, he is an urbanologist, as well as being a mayor's mayor. By mayor's mayor, I mean that he is past president of the National League of Cities, he is vice president of the U.S. Conference of Mayors, and will be their president in 1971.

By urbanologist, I mean that he has had a long-standing commitment to the solution of big city problems such as public safety, mass transit, urban renewal, and low-cost housing.

Finally, I think of him personally as the representative of the forward thrust of Philadelphia in the last 20-25 years.

As you all know, Philadelphia has been going through a tremendous renaissance. We used to talk about Philadelphia as being corrupt. America doesn't talk about Philadelphia in that sense anymore. That term has vanished.

The gentleman before us is part of the reawakening of Philadelphia; he represents the backbone of the forward movement of Philadelphia.

I might say that as far as his offices are concerned, he started as a member of the city council and then became president of the city council. He went on to become mayor and actually has done more for the city of Philadelphia than any other mayor has done in the history of the city.

It is a pleasure to introduce the mayor to you, Mr. Chairman.

Mr. ROGERS. I would like to recognize one of our Philadelphia delegations here, the Honorable William A. Barrett, who has played a tremendous legislative role in housing and urban renewal.

Mr. Barrett, we are most happy to have you to introduce the mayor and the commissioner.

STATEMENT OF HON. WILLIAM A. BARRETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. BARRETT. Thank you, Mr. Chairman. It would be superfluous to add anything to the introduction already given by our distinguished colleague, Joshua Eilberg.

I do want to introduce what I think, Mr. Chairman, are two most outstanding men in the country today, and that may sound like an exaggerated statement. I think the mayor is the greatest mayor that the city of Philadelphia has ever had. I do think our police commissioner, Frank Rizzo, is not only the greatest commissioner that the city of Philadelphia has ever had, but I think very frankly he is the outstanding police commissioner in the entire United States.

He has brought great pride to the city of Philadelphia. We have received certificates of merit for being first in America in almost every area in anticrime enforcement. Philadelphia has recognized him as one of the greatest men, and I think his greatness comes, as does the mayor's, by the many, many hours that he and the mayor put in together.

Most unusually, you will find these two gentlemen on the streets at 3 and 4 o'clock in the morning in what might be considered crime pockets.

I think the commissioner knows more about crime behavior than anybody in the police business throughout the country. The mayor is determined to lessen crime in the city of Philadelphia. And this beautifully coordinated combination, working in this matter, has kept Philadelphia very low in crime.

And I am happy, Mr. Chairman, to bring these two very distinguished persons before your distinguished committee this morning.

Mr. ROGERS. Thank you, Mr. Barrett. We certainly appreciate your taking time out and being here with us.

Now, we will proceed to hear from the mayor and the commissioner. As I understand, each of you has a statement.

So, you can proceed in your own manner, Mr. Mayor, and Mr. Commissioner.

STATEMENT OF HON. JAMES J. TATE, MAYOR, CITY OF PHILADELPHIA; ACCOMPANIED BY FRANK L. RIZZO, POLICE COMMISSIONER, CITY OF PHILADELPHIA

Mayor TATE. Thank you, Mr. Chairman.

I do want to extend my own personal appreciation to the chairman and his colleagues who have taken time out of a very busy schedule to hear the story of the municipalities of America today as they are affected by the Safe Streets Act of 1968.

I deeply appreciate the fact that the dean of our congressional delegation from Philadelphia took time out from his very busy activities in his own district to be here in concert with Congressman Eilberg, who is a distinguished member of this committee as well.

We are very proud of these men helping us in the thrust of keeping Philadelphia looking forward.

We come to you today, myself as the chief executive of Philadelphia, and our own distinguished police commissioner in a matter of great concern, not only for Philadelphia, but for all the cities of America. I come to you as a past president and the chairman of the Advisory Committee of the National League of Cities and as vice president soon to be president of the U.S. Conference of Mayors.

I happen to be a member of the Steering Committee of the Urban Coalition as well, which has expressed a real interest in this very significant problem.

Back in 1967, when I succeeded as president of the National League of Cities, I said that where there was smoke, there was fire. I think that what happened in 1967 showed very significantly that we had trouble in the streets of the big cities of America.

So that we, as municipal officials, want to say for the record—and significantly that we have a deep concern about the law-enforcement problems in America. Our concern reaches out to the fact that municipal and law-enforcement officials in America feel, very frankly and quite candidly, that the Omnibus Crime Control and Safe Streets Act of 1968 cannot accomplish the goals established by the Congress as it is presently administered by the States.

When the Safe Streets Act was enacted on June 19, 1968, local officials were skeptical, but we did have hopes that it would provide some assistance for the financially strapped local urban governments in meeting their most urgent crime problems.

It was funded for fiscal 1969 by action of the Congress in August of 1968 in the amount of \$63 million.

You have presently under consideration about seven times that money. I understand the distinguished chairman of this committee very thoughtfully has indicated he would want more than that.

Today, those high hopes that we had in 1967-68 are rapidly turning to disillusionment in many States throughout this country.

Yes, I could admit that some States are trying. And other States have become more aware of the urban problems because of what you have done with this act.

Finally, there have been efforts by still other States to recognize their responsibilities in crime prevention and protection.

Give us a chance they say. Give us some more time to be able to perfect our bureaucracies and we will be able eventually to administer these funds properly.

Emphatically, America spoke out for the past 5 years that we are concerned with safe streets. This reaches out from our own Nation's Capital and every capital throughout America. We are speaking of crime in the streets. We are speaking of matters of life and death—yes, even sudden and violent death in the streets of our cities in America.

Tomorrow morning in my own particular area, they will bury a man who was beaten only Saturday night by gangs, a man who was a respected man in our community. There was little the police could have done, because what police action happened was after the fact.

We are now speaking of crime in the streets and we speak of it at this very minute. We cannot wait for the States to perfect their on-the-job training in fighting crime at the expense of victims.

Regretfully, we now see funds being allocated in disproportionate amounts to benefit low crime areas in keeping with the traditional and historic rural orientation of the State legislatures and administrations.

We also see planning priorities established by the States, which do not relate to the needs of the high crime areas, in the cities and in the urban centers.

Finally, we see the establishment of the topheavy State and regional grant administration bureaucracies, which drain off Federal funds into administrative costs rather than utilizing these funds to fight crime in the streets.

The streets of our big cities, where most of this danger exists, are far removed from the domes of our State capitals. We are on the front line in the battle to make our streets safe.

We know where the action is, and we know best how these funds should be spent. Attesting to this fact, both the National League of Cities and the United States Conference of Mayors have formally urged amending the Safe Streets Act to allow direct grants to cities to deal with their most urgent crime problems.

Mr. Chairman, may I ask that these resolutions be inserted in the record at this point. Mr. Alexander of our staff will present them.

Mr. ROGERS. Yes, we will be pleased to receive it and place it in the record at this point.

(The resolutions referred to follow:)

STATEMENT OF THE SAFE STREETS ACT ADOPTED BY THE EXECUTIVE COMMITTEE OF THE U.S. CONFERENCE OF MAYORS, JANUARY 28, 1970

Rising crime rates are having an increasingly harmful social and economic impact on life in the nation's urban areas. To aid financially hard pressed cities in dealing with the crime problem, the U.S. Conference of Mayors supported enactment of the Omnibus Crime Control and Safe Streets Act of 1968, to provide Federal aid for law enforcement improvement programs.

We are concerned at the time of enactment, however, that adoption of a block grant amendment which channeled 85% of Federal crime control funds

through state governments would limit the effectiveness of the program because of a limited state experience in the urban crime field and traditional state favoritism of non-urban areas in distribution of Federal aid dollars.

The experience from state controlled allocation of the first year planning and action funds has largely confirmed our initial fears about the block grant approach. Complaints from many cities and additional data gained from studies of state law enforcement plans indicate that crime control funds have not focused on the most urgent urban crime control needs, and that an excessively large proportion of funds have been distributed to benefit suburban and rural areas.

Even the Law Enforcement Assistance Administration has stated that the first year state plans generally did not give adequate recognition to the special needs of the major metropolitan areas. This is a major failing of the program as 84% of all FBI index crime occurs within metropolitan areas.

Considering this poor experience with state control of Safe Streets funds to date, and considering the urgent needs of the nation's cities to receive Federal assistance in their efforts to combat crime, we believe that the Safe Streets Act must be amended to assure that an adequate share of funds is distributed directly to cities to deal with their crime problems.

To assure effective local action on comprehensive criminal justice system improvements, the level of funding for the Safe Streets Act must be raised to at least \$800 million in fiscal 1971, and limitations on funds available to aid improvements in personnel must be removed.

In addition, existing matching ratios for grants under the Safe Streets Act must be abolished so that all cities may participate in the program equally, and cities which are currently maximizing their efforts in the field will not be discriminated against.

STATEMENT OF THE NATIONAL LEAGUE OF CITIES, NATIONAL MUNICIPAL POLICY.
ADOPTED AT CONGRESS OF CITIES, DECEMBER 1-4, 1969, SAN DIEGO, CALIF.

A. The federal government, through grants-in-aid, including direct grants to local governments, should encourage development of programs to improve law enforcement and criminal justice systems.

The Omnibus Crime Control and Safe Streets Act of 1968 should be amended to authorize direct grants to local governments.

Pending approval of such an amendment, administrative procedures should be established to assure that dollars for crime control are focused on areas of greatest need and will be spent most effectively by those familiar with the crime problems of the cities.

Mayor TATE. Just last month, the National League of Cities and the U.S. Conference of Mayors published a comprehensive analysis of the safe streets program as it has been administered to date.

Despite the protestations of our distinguished Governors, who have been before you on this matter, who seek help in this matter, the survey bears out that they really don't have the expertise at this point, and we cannot afford to wait until they get it. And regretfully, the State planning process has not been the least bit effective in creating real substantive statewide plans, it has been a dismal failure. A reflection on the State capitals and the Governors, you would say.

It is simply that the system cannot work.

Our survey shows that instead of providing guidance for coordinating improvements to the criminal justice system, the State plans have generally focused on the individual problems, but not on solutions.

We have had committee after committee explore, study, and focus attention on these problems. In some cases, they have made recommendations, but they are still gathering dust on the shelves of many capitol offices throughout this country. We have not had any action to come

to grips with this problem—assistance which the Safe Streets Act could provide directly to the local governments, which patrol the streets to make them safe for our people.

The States in their planning processes, according to our survey, fail to take into account the specialized and critical crime problems of their own major urban areas.

Our major crime problems, our most unsafe streets, are in our major urban areas—our cities and metropolitan areas.

The fact is that if it were not for these areas, we would not have a Safe Streets Act today. We would really not need one.

Instead of need and seriousness of crime problems, emphasis in State dollar allocation has been placed on broad geographic distribution of funds. A very sorry mistake.

Too many States have allocated part or all of their safe streets funds according to the old, tired formulae, with resulting minimal grants having little real impact. Yes, the press and those who run the funds have made much of the fact that there has been a fragmentation of a grant here and there. But we in Philadelphia have not seen any cash yet.

Pennsylvania, for example, received \$2,068,000 combined planning and action funds in 1969.

Our Philadelphia Police Department received less than \$150,000 of this amount. A grant, but no money, no cash.

Our Philadelphia Police Department did not take this lying down, and we finally prevailed on the State authorities to revise the antiquated formula, based on statistical data relating to the entire criminal justice system, including our police, the courts, our prisons, and probation system.

As a result, Philadelphia should receive 33 percent of the total action funds available to regional units during fiscal 1970 or approximately \$2 million. I say should or will receive, because we are still waiting for 1969 money.

Mr. ROGERS. What assurance have you that you will get that 33 percent out of 1970 funds?

Mayor TATE. This is something that was adopted by the council that administers this, but we have not seen anything yet. We don't have assurances, sir. I appreciate your inquiry.

Mr. ROBINO. Mr. Mayor, why haven't you received any money thus far?

Mayor TATE. I would like to have the commissioner tell you that because he serves on this commission. It is a slow process and regretfully it is the bureaucratic system at the State level. We just don't get it. There is a fragmentation or a proliferation where they give it to the district attorney or to some community group or perhaps to the court system, but the police department which really is on the action line doesn't receive anything at all. I think they were allocated \$50,000 for some sort of a television system, which we have not actually received yet.

Mr. ROBINO. Do you believe, Mr. Mayor, that if the State's distribution formula were altered, and that there was a recognition of a plan submitted by the city and direct contact with the city and a direct allocation to the city that the plan would then work much more expeditiously?

Mayor TATE. I think so, Congressman, because we really know what to do with the money. We know pretty well what the situation is in our own city.

In fact, we were successful in getting the State to adopt some sort of a better formula so that the city could get some.

Mr. ROGERS. Mr. Barrett.

Mr. BARRETT. Mr. Chairman, may I request that in order to get better continuity and be better able to answer questions, that we permit the mayor and the commissioner to read their statements in full and then be ready for questions afterward.

Mr. ROGERS. All right.

Mayor TATE. Excuse me. I know you wanted to make the point.

Mr. ROGERS. Go right ahead.

Mayor TATE. I don't want to procrastinate, but I do want to get this on the record not only because of Philadelphia, but because of my responsibility with the major municipal groups.

The anticipated 1970 money will not all go to the police department of Philadelphia, which can really use it, but will be spread throughout the law enforcement and judicial structure with the usual competition and compromise from various agencies requesting funds.

Our study points out, for example, that the city of Scranton, Pa., a pretty important city in the northeastern section of our State, with a population of 111,000, and annual police expenditure of approximately \$1 million received \$5,000 in 1969 funds.

In another case, a rural county in Pennsylvania of 16,000 population with an expenditure of \$12,000 received \$22,000 for a basic communications system.

If we in Philadelphia received the per capita allocation of that rural county, we would have received approximately \$3 million, and if we were to receive a comparable share of our annual police budget of approximately \$70 million a year, Philadelphia could have claimed approximately \$120 million. Honestly.

This points up another conclusion of our report that many grants to low crime areas, often served by small departments, can only continue the present fragmentation of the criminal justice system.

We, in Philadelphia, are aware of our needs. We are aware of the necessity of cooperating and coordinating with our region. Our police have been doing so for many years. We have, for example, trained more than 700 suburban and area policemen in our local Philadelphia Police Academy, which is a professional institution, without charge.

Our study also illustrates that the values of the block grant approach stated at the time of the enactment of the Safe Streets Act have not been realized. I remember the man who is now the Governor of your great State who said it was to reduce bureaucracy and delay and to improve coordination. I think he will have to eat those words.

I think we have to start a flow of program responsibility back to the local level—which has not been realized in practical application of the Safe Streets program by the States.

But it is not our purpose in appearing here today to urge complete rejection of the block grant approach to the States. A few States appear to be doing a commendable job in establishing an effective State and local crime fighting partnership. However, in most States the basis

for such a partnership has not been established, nor does one appear to be forthcoming.

Instead of a formula which cedes all funds and authority to States regardless of their willingness or capacity to deal with their major crime problems, I urge this committee to consider favorably the provisions of H.R. 15597 and related legislation which would modify the Safe Streets Act to recognize varying degrees of State responsibility and capacity, and grant incentives to States which have demonstrated a willingness to deal responsibly with the urgent problems of their high crime areas.

Enactment of H.R. 15597 can substantially improve the capacity of local governments to deal with their particular crime problems, while at the same time retain a role for States and enhance the capacity of some States to aid localities in crime control efforts.

H.R. 15597 would permit local governments with particular problems direct access to Federal assistance without in any way frustrating the overall State effort. Such an allocation method would preserve local autonomy and capacity to deal with local problems.

We recognize that the current program has been in operation less than 2 years. However, we believe that substantial amendments are fully justified at this time to assure its greater effectiveness. Otherwise, it won't work.

For example, the administration is urging amendments at this early stage of the program to improve resource allocation to correctional facilities. We believe that amendments to assure better concentration of resources on high crime areas are equally well justified.

The States, including my own, take the position that while the problems we have identified may exist with the present program, they will be corrected as the States gain experience and as more funds are made available.

Our experience in other programs including highway safety, water pollution control, highway maintenance and health programs indicates that State program administration does not necessarily improve with age.

You now have the opportunity, as the committee and as the Congress, to restructure the Safe Streets Act to make it effective before bureaucratic structures become fixed, and substantial changes become costly. We urge you to take this opportunity and amend the Safe Streets Act to recognize the great differences which exist between States, and allow cities which urgently need Federal assistance to get direct aid from the Federal Government.

We urge that you seriously consider the provisions of the Bingham amendment which provides for direct allocations to cities, and makes a serious and sincere effort to meet this problem in an equitable manner. We believe this will attain the results all of us want to achieve—safe streets in our cities. By continuing the system of block grants to the States, we can assist only those communities which have neither the ability nor the structure to cope with the problem themselves.

The major urban areas, however, really do not have the resources—I am going through my local budget right now preparatory to its introduction early in April—to be able to do what they know must be done, and it is for this reason that we urge amendment of the act to provide for direct grants to the cities also.

Our crime figures speak for themselves. The bloodshed on our streets doesn't need any embellished presentation. The crime statistics in themselves will furnish ample testimony and guidance for apportioning the funds where they are needed most.

I respectfully say that you Mr. Chairman, and your committee have been most kind to invite the commissioner of the Philadelphia Police Department, our own chief, as they say, Frank L. Rizzo, who I am sure can give you a first hand report on crime in the streets in America.

I do want the committee to know that the subcommittee itself, or the committee in full, is welcome to visit Philadelphia to see for itself the facts which he will relate to you.

Commissioner Rizzo is one of the most respected police officials in the Nation, and under his leadership, we, in Philadelphia, have the safest streets and lowest crime rate of any big city in the country. Despite this uncontested statement, however, the streets of Philadelphia, regretfully, are not safe enough.

I can assure you, and I know Commissioner Rizzo will support me, that you can make our streets a lot safer by supporting our position and the position of the mayors and the municipal officials of this great country.

It is my privilege to present him to you. I think he can give you another approach to this searching problem.

MR. ROGERS. I assume you will remain with us.

MAYOR TATE. I will remain, of course.

MR. ROGERS. Mr. Eilberg?

MR. EILBERG. Mr. Chairman, in addition to what Mr. Barrett has said, I would like to say an additional word about Mr. Rizzo. I know from my own personal friendship with him that he learned police work not from the book, but on the streets where crime is the hardest kind of reality. He is known, or has been known in Philadelphia, as the Cisco Kid.

When we speak of the Cisco Kid, we think of a resourceful, tough, colorful law official. That is certainly Frank Rizzo.

I might add that my personal experience is based upon our friendship which developed in 1952 at the police station at 12th and Pine Streets in Philadelphia, where I saw firsthand how he worked and it was my great pleasure to work with him.

He has a reputation as an excellent administrator. He has the absolute confidence of both his men in uniform and the citizens of the city of Philadelphia.

As Congressman Barrett said, he has received countless awards, and I won't elaborate at this point beyond introducing who is in my opinion America's No. 1 police administrator, Frank Rizzo.

MR. ROGERS. Welcome, Mr. Commissioner.

You proceed in your own manner to give us the benefit of your thinking.

Commissioner RIZZO. Thank you, Mr. Chairman.

As police commissioner of the city of Philadelphia, I am pleased to be here today offering my views on the Safe Streets Act.

First, I wish to thank the distinguished members of this committee for their keen interest in the urban crime problem and their efforts to help combat it.

Gentlemen, urban crime is one of the most pressing ills of our times. In Philadelphia, as in other large cities, violent crimes have increased sharply in recent years. We are confronted with a situation where city dwellers are afraid to walk the streets after dark, and some merchants operate behind locked doors, opening only to customers they recognize.

As police commissioner, I, too, am fearful for the safety of my wife and children when they venture out at night.

Gentlemen, I can continue with this stark portrait of crime in the big city, but I am certain the committee members are well aware of our plight. And, by the Safe Streets Act, you have demonstrated your desire to do something about it.

I am very grateful for the funds Philadelphia has received through this act, but I feel that we should receive more money, with the funds going directly to the cities. But more about that later.

Our crime problem, while immense, is not insurmountable. Surely, a massive, cooperative effort among police, community, and city, State, and Federal governments can roll back crime.

Some may ask: Why should the Federal Government help Philadelphia and other large cities with their crime problem?

The answer is simple: Crime is eroding our large cities, and the United States cannot survive with this cancer in our midst. Gentlemen, the day is past when the Federal Government sits unconcerned about crime problems of our large cities, quite simply, cities alone cannot cope with this problem.

Today, crime is too sophisticated, too violent, too brutal, and too frequent. Police, if they are to perform their tasks adequately, must keep a step ahead of the criminal. They must adopt new techniques, establish superior communications, maintain better records, and obtain additional equipment.

Also, many of the policeman's duties today involve social services in sensitive, underprivileged neighborhoods. Our policemen need special training to perform these tasks harmoniously.

No one knows better than I that social ills—poor housing, inadequate education, lack of jobs, and frustration—are at the root of much of our crime today.

But police cannot stand idly by in the face of muggings, beatings, rapes, and murders, and await an assessment and cure of this problem. Police are holding the line against mounting odds. Today, the judicial balance favors the criminal rather than the law-abiding citizen.

Pennsylvania's prisons are virtually unpopulated, while repeater-criminals make a mockery of our courts. Suspects arrested for violent crimes, then freed on bail, are rearrested for additional crimes while awaiting trial. This is revolving door justice at its worst.

I am convinced that certain hard-core, violent offenders will never be rehabilitated. For these, prison is the only answer; at least, they will be isolated and be unable to infect the rest of us.

It doesn't take another crime survey to understand the hard facts of recidivism. Forget surveys and reports. Police filing cabinets are jammed with these studies. The time for surveys is past. The time for action is now—not tomorrow, not next week, not next month.

Therein, gentlemen, lies the first suggestion I offer today—less safe streets money should be earmarked for planning, and more for action.

Most big city police officials understand their pressing crime problem. They don't need another survey or study to convince them. Let's stop merely thinking about crime for a change, and really do something about it.

I, for one, welcome more action money—money that can be channeled into the crime fight today, when the need is greatest, not 6 months from now. In this fashion we can reap immediate benefits from our crime fighting efforts.

Last year, Pennsylvania received \$881,000 in Federal planning funds, of which \$352,000 went to eight local units. Of this amount, \$62,000 was funneled to the Philadelphia Regional Planning Council for distribution. The Philadelphia allotment was based on 17.7 percent of State population.

In 1969, Pennsylvania also received \$1.1 million in Federal action funds, of which \$890,000 went to the eight local units. Philadelphia's share was \$157,000, again based on population. About \$75,000 of this went toward a closed-circuit TV communications system for police training and surveillance. The remaining \$81,000 was used to implement a computer-based criminal justice information system.

These grants to Philadelphia are meager amounts, barely sufficient to pay for 1 day's overtime when extra police are summoned to head off a possible civil disturbance.

Police costs today are staggering; \$100,000 will finance the yearly salary—plus fringe benefits—of only eight policemen.

In discussing the 1969 Federal grants, let me call your attention to another flaw in the block-grant system: Needless delays in getting funds to local projects. For instance, Pennsylvania did not announce its 1969 awards until last December 19, and so far, Philadelphia has none of these 1969 moneys "in hand."

Let's cut the mountains of redtape and get these funds to their destination in the quickest possible time. Oftentimes, the paperwork in filing an application is so overwhelming, you get the idea that the Federal Government or Commonwealth doesn't really want you to have the money after all.

For fiscal 1970, Pennsylvania will receive \$1 million in Federal planning funds; about \$77,000 will go to Philadelphia, based on population.

Pennsylvania's action funds for fiscal 1970 will be \$10.5 million, of which \$7.9 million will go to local units. Philadelphia's share will be \$2.6 million, or 33 percent of all local funds.

The 33 percent allocation was based on a complicated formula involving crime index, defendants processed, and number of prison inmates and probationers.

Gentlemen, I have no quarrel with Pennsylvania officials over distribution of these funds. As a matter of fact, I recently sent a letter to the Honorable Raymond P. Shafer, Governor of Pennsylvania, commending him for "the fair and equitable evaluation of the needs of Philadelphia in strengthening the criminal justice system."

However, I still oppose the block-grant system, and one of the reasons why I remain opposed is because of the uncertainty over whether Philadelphia will continue to receive its equitable share in the future.

I, as Police Commissioner, have no guarantee that in the future, Philadelphia will receive its fair share.

I also have no complaint with the distribution of funds by the Philadelphia Regional Planning Council, but, again, I oppose the system because of future uncertainties that the police department will receive its share.

In my opinion, Federal grants should bypass the State and local planning units, and go directly to the city agencies involved; namely, the police, courts, prisons, and probation services.

Gentlemen, I cite these additional reasons for making grants directly to cities:

1. Block grants have imposed two new and costly layers of bureaucracy between Federal crime funds and their local application, causing confusion, delay and duplication.

2. Crime and criminal justice basically are local problems.

About 25 percent of all crime is concentrated in the Nation's 10 largest cities, where only 10 percent of our total population resides. Thus, although only one in every 10 Americans lives in these 10 cities, one in every four crimes is committed there.

Also, local officials are more conscious of the crime problem, and more aware of ways to reduce it. These officials, by their grassroots involvement, can better formulate and implement crime fighting policies.

On the other hand, state officials, while aware of the urban crime problem, often fail to react responsively to the fears and concerns of city dwellers.

In short, the police chief is best qualified to assess the police needs; the court administrator is best equipped to determine court needs, and the penal officials are best informed on prison needs.

Why then should a police chief be compelled to convince others, less expert than he, of the validity of a police request, before his program is federally funded? This is sheer folly.

Gentlemen, I also recommend that safe streets funds be greatly increased. Our cities, beset by mounting financial woes, no longer can carry the crime fighting burden along.

In 1960, the Philadelphia Police Department budget was \$30 million; last year, it was in excess of \$70 million.

In this respect, Philadelphia is singularly blessed. Our mayor, the Honorable James H. J. Tate, has been a great friend of the police department, and quickly responds to our needs. His administration is dedicated to making the streets of our city safe for all citizens.

Another who is attuned to the crime problem is the Honorable Joshua Eilberg, esteemed member of this committee from Pennsylvania. I appreciate Congressman Eilberg's support in the past and hope for it in the future.

Still, much remains undone. I fear that without additional Federal funds, many of Philadelphia's long-range projects will go unfulfilled.

I say this because many large cities, Philadelphia included, are reluctant to become involved in costly long-range projects because of the uncertainty of continued Federal aid.

Yet, these are precisely the types of programs needed to improve the criminal justice system in our large cities.

Somehow, in some fashion, cities must be assured that long-range projects will be funded by the Federal Government for fixed periods beyond one year.

In Philadelphia, I would like to expand our TV communications system to include all district stations. This would enable us to beam training films, wanted messages, criminal records, and prisoner data, thus reducing the detention period for persons arrested on minor offenses. This would also enable police to devote more time to patrol duties.

Television also could be utilized during civil disorders to keep key buildings and locations under constant surveillance. This project will cost an estimated \$2 million, and we need continued Federal funds to implement it.

Another financial problem facing large cities is that of mandatory matching funds.

True, this has not been too great a problem so far, because most of our grants have been for less than \$100,000. However, larger appropriations geared to the real needs of Philadelphia may require matching funds not available to us.

Here, let me emphasize that all the money in Fort Knox will not solve our crime problem if we continue to return hardcore offenders to the streets to prey on innocent citizens.

Misplaced compassion for violent offenders must stop. Let's give the victims a fair shake by sending more of their attackers to prison. Prisons have a real place in our society. We must use them wisely.

Gentlemen, the future funding of the Safe Streets Act rests in great measure with this committee. I am convinced that the members of this committee are aware of the scope and urgency of our problem, and that you will act with wisdom and fairness.

I hope that I have offered some valuable information on this complex problem, and sincerely ask that you give us the help we so urgently need.

Thank you. I will be happy to answer any questions you may have.

Mr. ROGERS. Thank you, Mr. Commissioner. We are pleased to get your statement.

First, I would like to ask a question of the mayor.

Mr. Mayor, on page 2 of your statement you say: "Too many States have allocated part or all of their safe streets funds according to the old tired formulas with resulting minimal grants having little real impact."

That is along the line of the National League of Cities, the United States Conference of Mayors Report. They arrived at the conclusion that the Governors seem to feel obligated to divide up the action funds geographically with the result that the moneys do not get to those areas where, as the commissioner has pointed out, crime really exists.

And I assume that that conclusion applies to the State of Pennsylvania like the other 49 States.

Mayor TATE. That is correct, sir. I would not want to take the time of this committee to indicate specifically how this has failed to answer the problems that we face in the cities of Pennsylvania or in any other city.

But I do say very frankly that the spread is too thin, and the money which has been applied has been for bureaucratic establishment providing the layer or the insulation the commissioner of police referred to.

This is the position of the mayors' groups of America and I think

this applies without exception, because we do feel that we are where the action is.

The State capitals are too far removed from the problems of the city. I can specify or pick out any city in this country and show that they know where the problem is, while the Governor with his distraction with other problems, with the pressures of budgets and other requirements, cannot really give city problems the attention they deserve.

Mr. ROGERS. Thank you.

Mr. Rodino?

Mr. RODINO. Thank you, Mr. Chairman.

Mr. Mayor, and Commissioner, I have been impressed with the presentations you have made. Of course, I am aware of the fact that both of you are on the local scene. You have the expertise which is necessary in an area of this sort and especially, of course, the police commissioner, who is fighting crime on an everyday basis.

But I am confounded, I am perplexed, because we had presentations by Governors, eminent men, distinguished chief executives of their respective States, and they presented an entirely different story. They spoke about the bloc grant approach, which incidentally I vehemently opposed when it was first proposed, as doing an excellent job in law enforcement. The report issued by the National League of Cities and the National Conference of Mayors was called to the attention of the Governors. The Governors invariably challenged the report saying that it was replete with inconsistencies and that it didn't bear the test of real scrutiny.

Mr. Mayor, I would like to call your attention to the testimony of Governor Williams of Arizona. Governor Williams appearing before us had this to say:

I might explain the concern you have over the pressure of mayors and cities. Having been a mayor for four years of the largest city in Arizona we worked on the governor all the time and never got all the money we wanted. If there was anywhere else we could go to get more money, we would go there.

What is your response?

Mayor TATE. Congressman, it is his statement of course. If we had to rely on the Governors of this country to solve the problems of the city, we certainly could not get very far.

Basically, I have said again and again that we are where the action is. I do believe very frankly that there is a credibility gap, so far as the Governors are concerned.

I want to give you a case in point. We had a vacancy in the office of police commissioner about 7 years ago. We had a local committee select what they thought would be the best qualified man to operate the police department. He came from a town in Arizona where this Governor represents that great State.

This particular police official now is the police chief for Miami, Fla. Our managing director, who has the responsibility for the appointment, and I interviewed him, and while he is very highly regarded by the International Chiefs of Police Association, he did not understand the problems of Philadelphia.

He was from the little town of Tucson, Ariz.

With the exception of Pennsylvania, all of the testimony that you have heard from the Governors, I believe, has been from smaller

States. You have had Rhode Island. You have had Arizona. You have had New Jersey.

Mr. RODINO. We have also heard from the Governor of New York and the Governor of Illinois as well as the Governor of Pennsylvania.

Mayor TATE. But the Governor of Pennsylvania was wrong. We pointed this out, and that is how unfair the administration of this whole program is. We have had money granted to us in Philadelphia and we have not received a nickel yet.

Mr. RODINO. This is what the Governor said, Mr. Mayor.

Mayor TATE. I say there is a credibility gap, sir.

Mr. RODINO. He said in his testimony :

The burdens are on us to produce. If we fail, we want failure to be judged fairly, not on the basis of intergovernmental jealousies or unwarranted charges.

Does the commissioner have any comment? Commissioner, I notice that you wrote your Governor a letter in which you stated that the allocation of funds was on a fair basis. I am trying to in my mind reconcile this with what you have been stating this morning.

Commissioner Rizzo. I would like to clarify the letter. I at one time was told never write a letter and never tear one up. I let my guard down on that one. I only did it at a weak moment that I wanted to be kind.

When we were dealing with the regional planning council on the population basis, the police chief from Pittsburgh and myself, the two largest cities in Pennsylvania were constantly telling the State how unfair their formula was.

With great assistance from the major and other people in Philadelphia and Pittsburgh, we were able to convince them to change their formula and not have it computed strictly on a population basis.

Mr. Chairman, Congressman, I would like to have some charts presented here. You have these charts in a folder that was given to you. I think they would answer very clearly what the problems are state-wide.

With your permission, I would like to use these charts.

Mr. RODINO. If you will bear with me for a minute, I think the chairman will recognize you for that purpose.

Commissioner Rizzo. Not being critical of any other communities, I know the crime problem in the State and I am familiar with the crime problem across this country. I can give you an example.

I told this story to the mayor yesterday. I happened to be up in northwestern Pennsylvania. I stopped into a State police barracks. I was talking to the sergeant in charge, a real professional policeman, and I asked him, "How many robberies did you have up here last year?"

He said, "Commissioner, we didn't have any robberies."

"How many burglaries did you have?"

"We didn't have any burglaries."

I said, "Sergeant, how many men do you have here?"

He said, "Myself, a corporal and nine troopers."

I said, "How many miles do you cover?"

He says, "We cover 156 square miles."

So I asked him what he did.

He said, "We are strictly traffic."

"How many citations did you issue?"

He said, "10."

That is about 2 minutes work in Philadelphia.

These are the problems that have to be brought home. I am sure the Governor is well meaning, but the Governor doesn't spend any time in Philadelphia. I think he spends most of his time in Harrisburg, which has no crime problem of any consequence, and then I don't know exactly how much time he spends there either.

Mr. RODINO. Mr. Mayor, I refer to testimony of your Governor again and indicate the attitude of the Governor toward bloc grants. They feel to directly allocate to the cities instead would result in a shambles and in confusion. They are convinced that it would be an inefficient way to fight crime.

As a matter of fact, Governor Shafer said :

You are never going to have a unified effort if Pittsburgh is down here fighting for money against Philadelphia, Harrisburg, against Allentown. You will never get a unified effort if Birmingham is fighting against Newark.

Does this mean that cities are vying with each other as to the amounts of money they are going to get in order to fight crime in the streets? Are they making it impossible for the Governors to allocate the funds properly?

Mayor TATE. Very frankly we are united in our fight. This goes back many years. We have also opposed bloc grants. I think our suggestion is a sensible one with respect to this particular amendment.

Very frankly, sir, I think the Governor in this particular case was trying to dump his problems on you. That is exactly his point.

He has budget problems. He can't handle them the way they should be done. He has given us the most inequitable tax program we have ever had in Pennsylvania. Forgive me for being political. This has just happened within the last week.

He has failed to solve the crime problem as indicated by what the Commissioner says. He wants to give \$22,000 to an area who spends only \$12,000 locally on their law enforcement. They don't have any crime there, but he neglects Philadelphia. He gives \$25,000 to a civic agency and \$75,000 to a court system.

We have not received one nickel yet in cash from this State system; it was started in 1968 and funded the same year. We have not received it yet. We have not received our 1969 money and we don't know whether we are going to get our 1970 money.

This is the way this works.

Mr. RODINO. Commissioner, I conclude from your presentation that one of the primary weaknesses of the bloc grant system is that there is uncertainty and there is delay.

I am not certain whether or not you question the State's formula for allocation or distribution of funds.

I think you pointed out in your statement that Philadelphia was awarded 33 percent of the action funds and that this came about by some complex formula.

Was that formula a good one, was this a fair distribution, as you actually indicated?

Commissioner Rizzo. Mr. Rodino, prior to the formula that was accepted by the local planning council, or eventually by the State planning council, it was strictly on a population basis, which was completely unfair. We suggested to this council that we get together with the people who were most familiar with it, and also with Professor

Wolfgang from the University of Pennsylvania, where after many, many weeks—this is the delay we talk about, just to make out applications you need college professors.

Mr. RODINO. You feel that if there would be more direct allocation to the cities, that it would be the effective way to mobilize the fight against crime?

Commissioner Rizzo. Absolutely. That is the only answer. For instance, I know the director of public safety in your community, Dominick Spina, he and I have discussed this many times.

We are not even getting the money. We have not received one thin dime yet.

Mr. RODINO. Thank you very much.

I have a high regard for Director Spina.

Mr. ROGERS. You say you have not received a dime yet. How many people are employed in the planning agency in the State of Pennsylvania?

Do you know?

Commissioner Rizzo. Yes. About 50. I must attend two or three meetings a week. I am just about ready to throw my hands up. We are too busy to go to all of these meetings. As I mentioned, the filling out of applications and the conversations—crime is not waiting for all of this unnecessary delay.

It just has to be stopped.

Men who are concerned are becoming completely disgusted and have no desire to attend meetings.

Mr. ROGERS. Do they give you an excuse?

Commissioner Rizzo. They blame everything at the Federal level, generally that the funds are held up by you people.

Mayor TATE. They blame it on you, sir.

Mr. ROGERS. What is that?

Mayor TATE. They blame it on your committee.

Mr. ROGERS. You mean because they feel that in the passage of the law we created a formula that was unfair?

Mayor TATE. This is perhaps an extreme, sir, but they say we can't get the money from the Federal Government. You know the formula they have to have. The redtape. I think it is unfair for them to blame it on you people.

I know you are concerned. But the system is wrong because it is a block grant system sent to the States. They don't know how to administer it. They don't know how to do it. The Governor for instance said give us time to develop the system and we will do a good job. The Governor is going out of office at the end of this year. So he is running out of time.

Mr. ROGERS. Thank you.

Mr. Brooks, do you have any questions?

Mr. BROOKS. Mr. Chairman, I have no questions. I would like to commend the mayor and the commissioner for an excellent statement, a courageous and candid evaluation of what the crime problem really is.

I think they certainly ought to be commended for the good record they have in their city. It is still to be improved. There is still a considerable challenge. But they do have a good record.

I want to say that I am in full accord with the thought that regardless of how difficult it may be to establish criteria for funding Federal programs directly to cities and to regional combinations, there would be less chance of bureaucratic delay even in a Republican administration than there are when we send Federal funds to the States, in the form of bloc grants. This creates another layer or two for consideration and review.

I think we ought to set the criteria. I would leave it to the recipients to implement the program and distribute whatever funds we can directly to the cities, to the commissioners of police, to the mayors, who are working in these problems not day by day, but night by night, where the toughest situations come up.

I certainly commend you both for taking the time out to come down here to prepare good statements, and to help this committee in its consideration of legislation.

Mr. ROGERS. Mr. Commissioner, you have prepared charts for us. We will accept that for the record.

(The documents referred to follow :)



CITY OF PHILADELPHIA

POLICE DEPARTMENT
HEADQUARTERS, FRANKLIN SQUARE
PHILADELPHIA, PENNSYLVANIA 19106

FRANK L. RIZZO
Commissioner



CHART PRESENTATIONS

of
COMMISSIONER FRANK L. RIZZO
Philadelphia Police Department

3-6-70

before the House Judiciary Committee

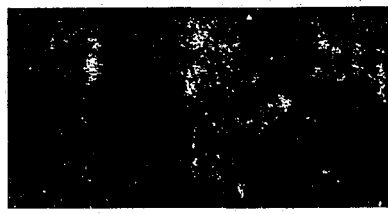


RE-ARRESTS-ON BAIL 1967-1969

* FOR SERIOUS CRIMES

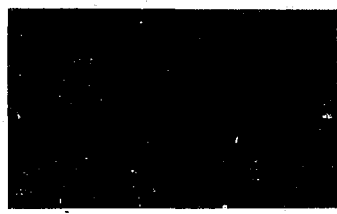
PER CENT OF ADULTS
ON BAIL WHEN
ARRESTED FOR
SELECTED CRIMES

34%



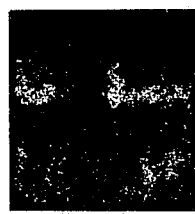
1969

30%



1968

19%



1967

*HOMICIDE, RAPE, ROBBERY, AGG. ASSAULT, BURGLARY



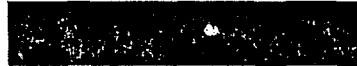
RE-ARRESTS - ON BAIL FOR SERIOUS CRIMES 1969

HOMICIDE



29%

RAPE



22%

ROBBERY



34%

AGG. ASSAULT



23%

BURGLARY



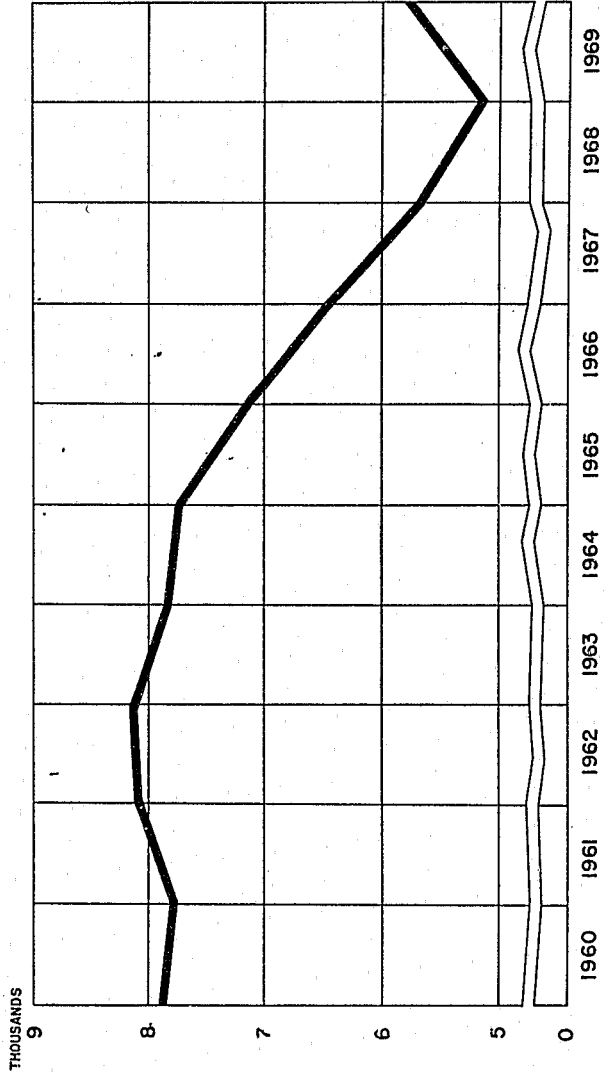
37%

OVERALL
RATE

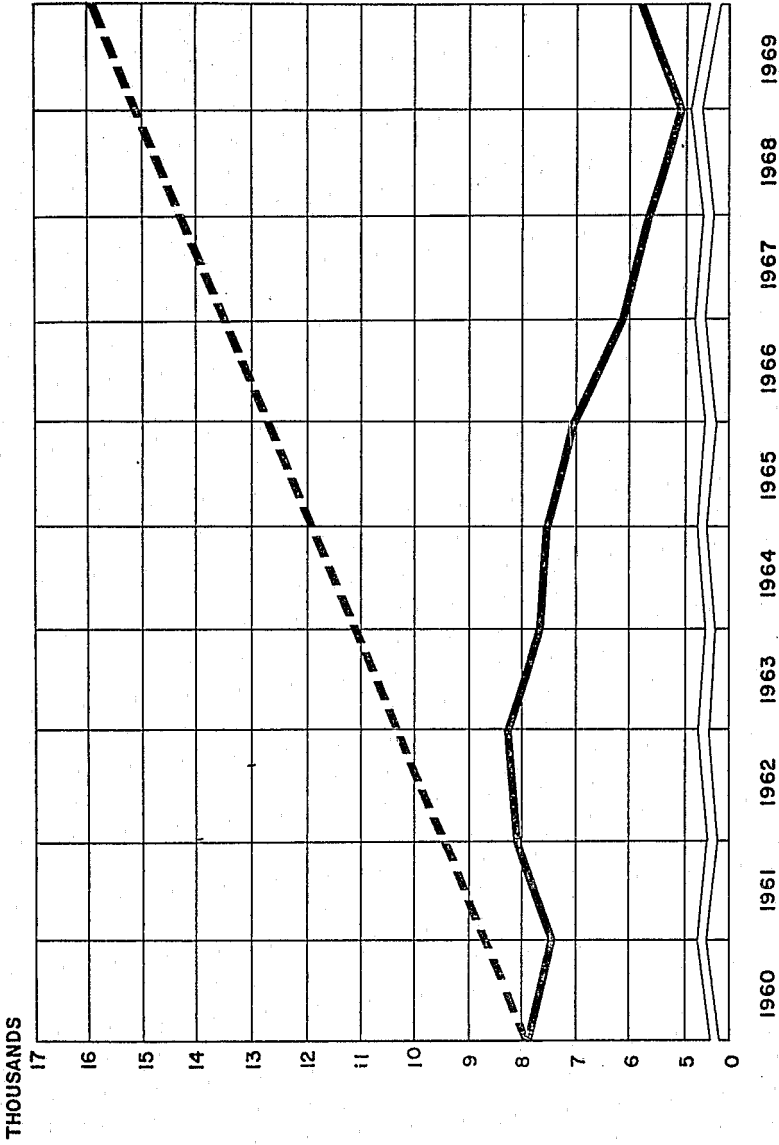


34%

AVERAGE PRISON POPULATION 1960-1969 PENNA. STATE PRISON FACILITIES



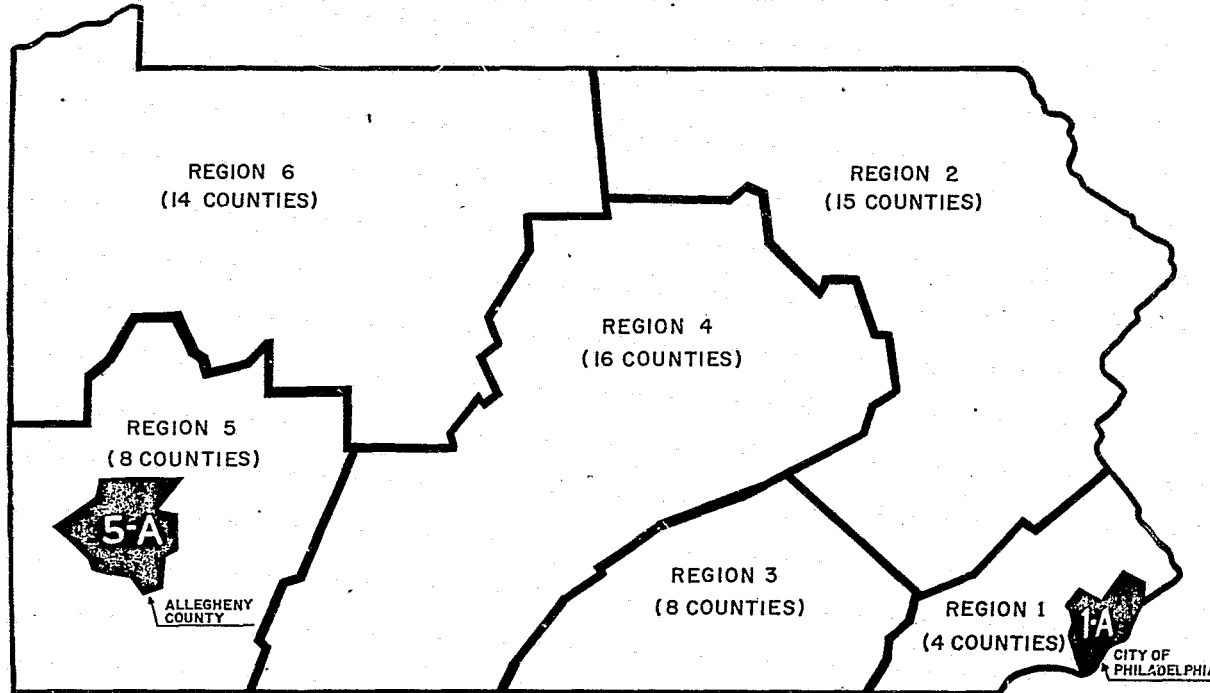
SOURCE: PENNA. BUREAU OF CORRECTIONS REPORT - 1969



SOURCE: PENNA. BUREAU OF CORRECTIONS REPORT - 1969

EXHIBIT
D

PENNA. CRIME COMMISSION REGIONAL PLANNING AREAS



388

EXHIBIT
E




CRIMINAL JUSTICE EXPENDITURES PER CAPITA BY REGION

REGION I	\$ 16.19
* REGION I-A	52.28
REGION II	16.64
REGION III	10.62
REGION IV	8.04
REGION V	8.95
REGION V-A	22.27
REGION VI	8.58
AVERAGE PER CAPITA FOR STATE	\$ 20.78
AVERAGE for 7 REGIONS (LESS PHILADELPHIA)	\$ 13.62

* City of PHILADELPHIA

EXHIBIT
F

 TOTAL EXPENDITURES CRIMINAL JUSTICE

BY LOCAL GOVERNMENT

	ENTIRE STATE	PHILADELPHIA	% of Total
POLICE	\$ 100,978,801	\$ 69,058,265	63.4%
COURTS	30,927,323	11,336,331	36.7%
PROSECUTOR	10,900,972	4,759,647	43.7%
CORRECTIONS	44,413,483	19,528,761	44.0%
	\$ 235,220,579	\$ 104,693,024	44.5%

EXHIBIT G



PROPORTION OF CRIME WORKLOAD

	TOTAL STATE WORKLOAD	PHILADELPHIA WORKLOAD	%
POLICE PART I & 2 OFFENSES (1967)	717, 565*	209, 423	29.2%
COURTS CASES TRIED (1967)	40, 819*	14, 205	34.5%
COUNTY PRISONS PRISON INMATES (1967)	5, 697*	2, 435	42.7%
PROBATION CASE LOAD (6/30-69)	22, 891**	10, 155	44.3%

* SOURCE- PENNA. CRIME COMM.
"ASSESSMENT OF CRIME"

** SOURCE- PENNA. PROBATION AND
PAROLE BOARD

EXHIBIT H

EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.
277457
P.S.P. NO.
59 31 35
F.B.I. NO.
239 8 C
DATE OF BIRTH
10-2-36
SEX
Male
RACE

ARRESTED	CHARGE	DISPOSITION	JUDGE
7/19/55 Austin, Texas	CPW	Fined \$12	
8/11/55	Larceny of Automobile, Violation of 620-E Motor Vehicle Code, Resisting Arrest, Conspiracy	6 Months to 5 Years County Prison	
8/19/55	Larceny of Automobile, Receiving Stolen Goods, Conspiracy	6 Months to 5 Years	
9/5/55	Contributing to the Delinquency of a Minor, Investigation, Protec- tion, Medical Examina- tion	Sent to 1801 Vine Street	
10/6/57	Disorderly Conduct, Frequenting Disorderly Club	Discharged	
4/13/58	Assault and Battery on Officer, Interfering With Officer, Breach of Peace	\$10 Fine and Costs	
11/30/58	Assault With Intent to Ravish, Indecent Assault, Aggravated Assault and Battery, Assault and Battery, Corrupting the Morals of a Minor	84 Days to 1 Year, 11 Months and 29 Days County Prison	
5/1/59	Violation of Parole	Re-paroled	

SUBJECT # 1
PAGE 1 OF 3 PAGES

*Indicates Arrest Not Supported by Fingerprints in Files of Philadelphia Police Department

EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

Page #2

PHILA. NO.

277457

P.S.P. NO.

F.B.I. NO.

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION	JUDGE	
9/22/59 W. Deptford Township, Thorofare, N.J.	Larceny of Automobile,	3 Months		
1/30/60	Violation of Parole	4 Years, 5 Months and 23 Days		
12/5/65	Assault and Battery on Officer, Resisting Arrest, Disorderly Conduct	1 Year Probation		
2/20/66 Folsom, Pa.	Leaving Scene of Acci- dent Without Identifying Self	No Disposition on Record		
10/5/68 12-77552	Burglary, Larceny, Receiving Stolen Goods, Conspiracy	Indicted, Awaiting Trial		
12/30/68 77-1311	Burglary, Larceny, Receiving Stolen Goods, Conspiracy	Indicted, Awaiting Trial		
2/13/69 25-7555	Carrying Concealed Deadly Weapon, Viola- tion of Uniform Firearm Act	Indicted, Awaiting Trial		
4/15/69 1-6540	Assault and Battery on Officer, Violation of Uniform Firearm Act, Carrying Concealed Deadly Weapon, Reckless Use of Firearm, Resist- ing Arrest, Discharging Firearm Within City Limits, Failure to Register Firearm, Carry- ing Firearm on Highway, Conspiracy	Guilty, Sentence Deferred		
		SUBJECT # 1 PAGE 2 OF 3 PAGES		

*Indicates Arrest Not Supported by Fingerprints in Files of Philadelphia Police Department

1 2 3 4 5

EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

Page #3

PHILA. NO.

277457

P.S.P. NO.

F.B.I. NO.

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION		JUDGE
5/17/69 26-32438	Carrying Concealed Deadly Weapon, Viola- tion of Uniform Firearm Act	Indicted, Awaiting Trial		
7-25-69	Bank Robbery	Turned over to Federal Bureau of Investigation		
12-4-69 25-10027	Murder	Indicted Awaiting Trial		
		SUBJECT # 1 PAGE 3 OF 3 PAGES		

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1 2 3 4 5

EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENTPHILA. NO.
283790
P.S. NO.
608510
F.B.I. NO.
509500 C

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			2-4-39	
		SEX	RACE	
		Male		
ARRESTED	CHARGE	DISPOSITION		JUDGE
10-21-53	Disorderly Conduct	Sent to Youth Study Center		
4-6-56	Possession of burglary tools	Sent to 1801 Vine St.		
8-10-57	Burglary, Larceny, Receiving Stolen Goods, Conspiracy	30 days to 18 months, County prison		
2-20-57 Florida	Breaking and Entering	No Disposition		
3-14-62 Olyphant Penna.	Parole violator and Burglary	No Disposition		
3-14-62 Sidney New York	Burglary (Safe)	No Disposition		
8-23-57	Burglary, Larceny and Receiving Stolen Goods	30 days to 18 months County Prison		
11-21-57 6th Dist.	Burglary, Larceny, Receiving Stolen Goods, Conspiracy, Contributing to the delinquency of a minor	Discharged		
12-6-57	Burglary, Larceny, Receiving Stolen Goods	5 years probation		
1-11-58 6th Dist.	Larceny of Automobile, Receiving Stolen Goods Conspiracy	Sentence Suspended		
4-20-58	Violation of Probation	Sent to County Prison		
4-30-58 North Central Detective Division	Burglary, Larceny, Receiving Stolen Goods, Conspiracy, Violation Of Parole	3 Years Probation		
		SUBJECT # 2 PAGE 1 OF 3 PAGES		

*Indicates Arrest Not Supported by Fingerprints in Files of Philadelphia Police Department

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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.

283790

P.S.P. NO.

F.B.I. NO.

PAGE #2

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION	JUDGE	
5-15-58	Burglary, Larceny, Receiving Stolen Goods, Conspiracy (28-Cases)	3 Years Probation		
10-4-59	Burglary, Larceny, Receiving Stolen Goods, Possession of Burglary Tools, Conspiracy	2 to 5 years Prison and cost.		
4-10-59	Frequenter of a disorderly house	Discharged		
8-22-66 6th Dist.	Carrying Concealed Deadly Weapon, Violation Uniform Firearm Act	Nolle Prossed		
10-8-66	Burglary, Possession of Burglary Tools, Conspiracy	Nolle Prossed		
2-17-67 6th Dist.	Loitering and Prowling, Attempt Burglary, Conspiracy	Nolle Prossed		
5-12-67	Assault With Intent to Kill, Aggravated Assault and Battery	Nolle Prossed		
10-25-67	Fugitive, Receiving Stolen Goods, Bringing Stolen Property into the State	5 to 12 years Prison and 20 years Probation		
2-22-68 25-7531	Carrying Concealed Weapon, Violation Uniform Firearm Act Possession of Burglary Tools and Conspiracy	Discharged		
3-27-68 DA-46218	Burglary, Larceny, Receiving Stolen Goods Conspiracy	Sentenced Same as 10-25-67 to run Concurrently		
		SUBJECT # 2 PAGE 2 OF 3 PAGES		
*Indicates Arrest Not Supported by Fingerprints in Files of Philadelphia Police Department				
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			3	4
			5	

EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PAGE #3

PHILA. NO.
283790
P.S.P. NO.
F.B.I. NO.

NAME	ALIASES	DATE OF BIRTH
ADDRESS		SEX
		RACE

ARRESTED	CHARGE	DISPOSITION	JUDGE
1-13-70	Robbery (2-Counts) Burglary (16-Counts)	Awaiting Court Action	
2-27-70	Burglary (32-Counts)	Awaiting Court Action	

SUBJECT # 2
PAGE 3 OF 3 PAGES

*Indicates Arrest Not Supported by Fingerprints in Files of Philadelphia Police Department

EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.

236121

P.S.P. NO.

46 36 86

F.B.I. NO.

196 209 B

DATE OF BIRTH

7-13-28

SEX

Male

RACE

ARRESTED	CHARGE	DISPOSITION	JUDGE
4/21/45	Assault and Battery, Aggravated Assault and Battery, Highway Robbery	Sent to Municipal Court	
5/4/45	Larceny of Auto Tags	No Disposition	
9/1/49	Gambling, Disorderly Conduct	Discharged	
10/23/49	Burglary	3 Years Probation	
3/8/51	Burglary from Autom- obile	Discharged	
6/2/51	Disorderly Conduct, Gambling	Discharged	
10/22/52	Suspected of Larceny of Automobile	Turned Over to Hazleton Police	
3/24/53	Aggravated Assault and Battery by Bottle, Malicious Mischief, Disorderly Conduct	3 Months to 1 Year County Prison	
6/16/53	Burglary From Automobile	6 Months to 2 Years County Prison	
7/9/54	Larceny, Receiving Stolen Goods, Conspir- acy, Possession of Burglary Tools	3 Months to 1 Year County Prison	
7/9/54	Accessory After A Felony	Discharged	
12/23/54	Aggravated Assault and Battery, Highway Robbery	1-5 Years County Prison	
8/3/57	Gambling, Breach of the Peace, Common Gambling	Discharged.	

SUBJECT # 3
PAGE 1 OF 3 PAGES

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7-1-10 (Rev. 9/57)

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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PAGE #2

PHILA. NO.
236121
P.S.P. NO.
F.B.I. NO.

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION	JUDGE	
8/4/57	Breach of the Peace	Discharged		
3/3/60 19th Dist.	Burglary, Conspiracy	Discharged		
11/14/60 9th Dist.	Burglary of Automobile, Larceny, Receiving Stolen Goods, Conspiracy, Violation of Criminal Registration	Pay Costs, 1 Year Probation		
11/17/61 3rd Dist.	Burglary, Larceny, Receiving Stolen Goods, Conspiracy	Discharged		
4/1/62 6th Dist.	Burglary, Larceny, Receiving Stolen Goods	2-5 Years State Industrial Correctional Institute		
11/9/62 4th Dist.	Robbery, Burglary, Conspiracy, Receiving Stolen Goods, Violation of Probation, Violation of Uniform Firearm Act	11½-23 Months County Prison		
11/21/62	Burglary, Larceny, Receiving Stolen Goods, Conspiracy	15 Years Probation		
1/15/67 6th Dist.	Attempted Burglary, Possession of Burglary Tools, Conspiracy	1½-3 Years State Correctional Institute		
4/7/67 6th Dist.	Attempted Burglary, Possession of Burglary Tools, Conspiracy	1½-3 Years State Correctional Institute		
4/5/68 6-46218	Burglary, Larceny, Receiving Stolen Goods	5-6 Years Probation		
1/13/70 6-49667	Robbery, Burglary (Three Robbery Cases) (Eighteen Burglary Cases)	Awaiting Municipal Court Action		
		SUBJECT # 3 PAGE 2 OF 3 PAGES		

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1 2 3 4 5

EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.

236121

P.S.P. NO.

F.O.I. NO.

PAGE #3

NAME -		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION	JUDGE *	
2-27-70	Burglary (2-Counts)	Awaiting Hearing		
		SUBJECT # 3 PAGE 3 OF 3 PAGES		

*Indicates Arrest Not Supported by Fingerprints in Files of Philadelphia Police Department

EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.
417 670
P.S.P. NO.
F.B.I. NO.

DATE OF BIRTH
5/14/50
SEX Male RACE

NAME	ALIASES
ADDRESS	

ARRESTED	CHARGE	DISPOSITION	JUDGE
7/4/68 39-26460	Rape, Assault with intent to Ravish, Indécent Assault, Assault and Battery, Threats	\$50 Fine, 30 Days	
2/7/69 39-5737	Violation Uniform Firearm Act	3 Years Probation	
4/25/69 39-18926	Assault with intent to Kill, Aggravated Assault and Battery, Conspiracy, Violation Uniform Firearm Act, Carrying Concealed Deadly Weapon, Violation City Ordinance #10-800	Guilty - 5 to 6 Years Probation	
5/3/69 14-18348	Assault with intent to Ravish, Aggravated Assault and Battery, Assault and Battery, (by fist) (Warrant)	Sentence Deferred, 11/14/69	

SUBJECT # 9
PAGE 1 OF 1 PAGES

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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.

422909

P.S.P. NO.

F.B.I. NO.

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			7-22-50	
ARRESTED		CHARGE	DISPOSITION	JUDGE
12/22/68 23-57096		Homicide by Stabbing, Carrying Concealed Deadly Weapon	Indicted, Awaiting Trial	
6/7/69 23-28277		Assault With Intent to Kill (Gun), Aggravated Assault and Battery, Assault and Battery, Carrying Concealed Deadly Weapon, Viola- tion of Uniform Firearm Act	Discharged	
10/21/69 District Attorney		Assault With Intent to Kill, Aggravated Assault and Battery, Assault and Battery, Carrying Con- cealed Deadly Weapon, Violation of Uniform Firearm Act, Violation of City Ordinance 10-810-814-818	Discharged	
11/17/69 23-61276		Murder	Indicted, Awaiting Trial	
			SUBJECT # 10 PAGE 1 OF 1 PAGES	

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73-10 (Rev. 9/59)

1 2 3 4 5

EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.
338711
P.S.P. NO.
698121
F.B.I. NO.
686 329 D

NAME	ALIASES	DATE OF BIRTH
ADDRESS		SEX RACE
		Male

ARRESTED	CHARGE	DISPOSITION	JUDGE
1959 Allentown, Pa.	Juvenile Delinquency	Indeterminate to State Industrial School, Camp Hill, Pa.	
12/20/60 6th Dist.	Burglary, Larceny, Receiving Stolen Goods, Conspiracy, Assault and Battery on Officer, Resisting Arrest	18 Months County Prison	
2/28/62 Pennsylvania State Police	Burglary, Larceny, Receiving Stolen Goods	Indeterminate to 6 Years State Correctional Institute, Camp Hill, Pa.	
11/1/67 39th Dist.	Illegal Possession and Use of Narcotics	5 Years Medical Probation	
1/29/68 3-3260	Burglary, Larceny, Receiving Stolen Goods, Passing Worthless Checks, Forgery	5 Years Medical Probation	
8/7/68 39-32200	Burglary, Larceny, Receiving Stolen Goods, Conspiracy	5 Years Medical Probation	
2/15/69 25-7905	Assault With Intent to Kill, Assault and Battery, Burglary, Larceny, Receiving Stolen Goods	Indicted, Awaiting Trial	
2/21/69 25-2066	Burglary, Larceny, Receiving Stolen Goods, Conspiracy	Indicted, Awaiting Trial	
7/17/69 9-35730	Attempted Larceny of Automobile, Assault and Battery on Officer, Resisting Arrest, Disorderly Conduct	Indicted, Awaiting Trial	

SUBJECT # 7
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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

Page #2

PHILA. NO.

338711

P.S.P. NO.

F.B.I. NO.

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION		JUDGE
1/27/70 69-39-64259 69-39-64208	Escape from Police Custody, Carrying Concealed Deadly Weapon, Possession of Burglary Tools	Awaiting Action by Grand Jury		
		SUBJECT # 7 PAGE 2 OF 2 PAGES		
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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.

403 965

P.S.P. NO.

91 46 98

F.B.I. NO.

39 551 G

DATE OF BIRTH

2/10/47

SEX

Male

RACE

ARRESTED	CHARGE	DISPOSITION	JUDGE
3/8/67 23rd Dist	Impersonating Officer	Discharged	
5/20/67 22nd Dist	Impersonating Officer	1 Year Probation	
9/7/67 9th Dist.	Larceny of Auto, Larceny of Auto Tags, Receiving Stolen Goods, Conspiracy	Plead Guilty, Sentence Suspended	
11/7/67 18th Dist.	Larceny of Auto, Larceny of Auto Tags, Receiving Stolen Goods, Conspiracy	1 to 2 Years Probation (6-2-69)	
11/18/67 18th Dist.	Larceny of Auto, Receiving Stolen Goods, Operating With- out Owner's Consent, Larceny of Auto Tags, Conspiracy	Discharged	
2/5/68 22nd Dist	Burglary of Auto, Larceny, Receiving Stolen Goods	Sentence Suspended (6-2-69)	
2/14/68 9th Dist.	Receiving Stolen Goods, Larceny of Auto	5 to 6 Years Probation (6-2-69)	
3/12/68 22-2569	Larceny of Auto, Receiving Stolen Goods, Operating With- out Owner's Consent	Sentence Suspended (6-2-69)	
5/2/68 22-24755	Larceny of Auto Tags, Receiving Stolen Goods, Conspiracy	Sentence Suspended (6-2-69)	
5/10/68 22-26034	Larceny of Auto, Larceny of Auto Tags, Receiving Stolen Goods	Sentence Suspended (6-2-69)	

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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

Page 2

PHILA. NO.

403 965

P.S.P. NO.

F.B.I. NO.

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION	JUDGE	
5/10/68 22-26138	Larceny of Auto Tags, Receiving Stolen Goods	Sentence Suspended (6-2-69)		
6/11/68 9-21229	Larceny of Auto, Larceny of Auto Tags, Operating Without Owner's Consent, Receiving Stolen Goods, Conspiracy	Discharged on charge of Conspiracy, Sentence Suspended on other charges (6-2-69)		
12/14/68	Forgery, False Pretenses, Fraudulent Conversion, Uttering and Passing Worthless Checks	Indicted, Awaiting Trial		
1/26/69 23-3877	Robbery, Aggravated Assault and Battery, Assault and Battery, Carrying Concealed Deadly Weapon, Conspiracy	9 Years Probation (6-2-69)		
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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.	347566
P.S.P. NO.	
F.B.I. NO.	290 905 E
DATE OF BIRTH	5-30-42
SEX	Male
RACE	

NAME	ALIASES	DATE OF BIRTH	SEX	RACE
ADDRESS			Male	
ARRESTED	CHARGE	DISPOSITION	JUDGE	
6/23/61 Camden, N.J.	Disorderly Person	3 Months County Jail		
10/3/61	Sale and Possession of Narcotics	5 Years Probation; Probation Revoked - 1 Year County Prison		
9/22/62 26th Dist.	Interfering With Officer	\$10 Fine and Cost		
1/4/63 26th Dist.	Violation Pennsylvania Liquor Control Act 491-2-9	Discharged		
4/19/63 26th Dist.	Maintaining Gambling Device, Enticing Per- sons to Gamble, Propri- etor of Gambling House	Discharged		
5/14/63 26th Dist.	Burglary, Unlawful Entry	62 Days to 1 Year		
8/15/63 26th Dist.	Burglary, Larceny, Receiving Stolen Goods	1-2 Years County Prison		
12/5/63 District Attorney	Illegal Voting, Perjury, Voting Under Age, False Documents	Sentence Suspended		
1/28/64 26th Dist.	Robbery, Aggravated Assault and Battery, Conspiracy, Threats	6-23 Months County Prison		
8/11/65 26th Dist.	Robbery, Assault and Battery, Larceny, Receiv- ing Stolen Goods, Con- spiracy, Resisting Arrest	1-2 Years County Prison		
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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

Page #2

PHILA. NO.

347566

P.S.P. NO.

F.B.I. NO.

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION	JUDGE	
1/20/68 26th Dist.	Robbery, Burglary, Larceny, Receiving Stolen Goods, Conspiracy, Violation of Uniform Firearm Act, Assault and Battery, Carrying Concealed Deadly Weapon, Impersonating Police Officer, Violation of City Ordinance 10-814, Illegal Use of Narcotics	Discharged		
2/22/68 25-7474	Burglary, Larceny, Receiving Stolen Goods, Conspiracy	5 Years Probation		
10/5/68 14-4353	Burglary, Larceny, Receiving Stolen Goods, Conspiracy, Forgery, Larceny of Automobile	Sentence Suspended, 5 Years Probation		
10/21/68 26-60618	Burglary, Larceny, Receiving Stolen Goods, Conspiracy	5 Years Probation		
12/20/68 6-60633	Burglary, Larceny, Receiving Stolen Goods, Illegal Use and Possession of Narcotics	Sentence Suspended, 4 Years Probation		
8/22/69 6-42258	Illegal Possession and Use of Narcotics	4 Years Medical Probation		
1/8/70 26-1592	Illegal Sale and Possession of Narcotics; Use of Narcotics	Disharged		
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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.

361962

P.S.P. NO.

74 80 67

F.B.I. NO.

387 761 E

NAME	ALIASES	DATE OF BIRTH	
ADDRESS		1-18-45	
		SEX	
		RACE	
		Male	
ARRESTED	CHARGE	DISPOSITION	JUDGE
9/29/60	Juvenile Delinquency	State Correctional Institute, Camp Hill, Indeterminate to Majority	
1/11/63 12-19224	Illegal Possession of Liquor	Discharged	
1/24/63 18-42696	Disorderly Conduct, Resisting Arrest	\$10 Fine and Costs	
3/30/63 12-160124	Contributing to the Delinquency of a Minor	Youth Study Center	
8/28/63 12-501453	Robbery, Aggravated Assault and Battery by Fists, Larceny, Receiv- ing Stolen Goods, Con- spiracy	Sentence Suspended	
10/30/63 25-644605	Robbery, Larceny, Receiving Stolen Goods, Conspiracy	Restitution, 9-18 Months County Prison	
6/6/64 22-314512	Prison Breach	1 Day to 1 Year County Prison	
10/4/65 3-133982	Larceny of Automobile, Larceny of Automobile Tag, Receiving Stolen Goods, Conspiracy, Failure to Stop and Identify Self	Demur Sustained	
10/8/65 26-138937	Assault With Intent to Kill, Aggravated Assault and Battery, Violation of Uniform Firearm Act, Violation of City Ordinance 10-814	3 Years Probation	
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CITY OF PHILADELPHIA
POLICE DEPARTMENT

Page #2

PHILA. NO.

361962

P.S.P. NO.

F.B.I. NO.

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION	JUDGE	
11/2/66 26-49719	Violation of Uniform Firearm Act, Corrupt- ing Morals of Minor	Discharged		
11/18/66 26-46939	Burglary, Larceny, Receiving Stolen Goods	Discharged		
1/2/67 Media, Pa.	Burglary, Larceny, Receiving Stolen Goods	No Disposition		
1/2/67 Media, Pa.	Burglary, Larceny, Receiving Stolen Goods	No Disposition		
3/22/67 26-12071	Resisting Arrest, Disorderly Conduct	Failed to Appear		
5/8/67 26-21742	Burglary, Larceny, Receiving Stolen Goods, Conspiracy, Possession of Burglary Tools	Discharged		
8/15/67 26-43413	Disorderly Conduct, Resisting Arrest	Discharged		
10/18/67 26-2655757	Burglary, Larceny, Receiving Stolen Goods, Conspiracy, Violation of Uniform Firearm Act, Violation of City Ordinance 10-814	Sentence Suspended		
10/18/67 2-18117	Robbery, Assault and Battery, Conspiracy, Violation of Uniform Firearm Act	11½-23 Months, 7 Years Probation		
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CITY OF PHILADELPHIA
POLICE DEPARTMENT

Page #3

PHILA. NO.

361962

P.S.P. NO.

F.B.I. NO.

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION	JUDGE	
10/18/67 25-45641	Rape, Assault With Intent To Ravish, Aggravated Assault and Battery	Sentence Suspended		
11/7/68 6-51759	Larceny of Automobile, Receiving Stolen Goods, Conspiracy, Operating Without Owner's Consent	Discharged		
6/2/69 6-22570	Burglary, Larceny, Receiving Stolen Goods, Conspiracy	Indicted, Awaiting Trial		
6/2/69 26-7610	Burglary, Robbery, Larceny, Receiving Stolen Goods, Assault and Battery, Conspiracy Resisting Arrest	Indicted, Awaiting Trial		
8/26/69 26-63486	Illegal Lottery	Discharged		
12/9/69 15-56526	Burglary, Larceny, Receiving Stolen Goods, Conspiracy, Auto Theft, Operating Without Owner's Consent, Ille- gal Use and Possession of Narcotics	Indicted, Awaiting Trial		
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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.

348 590

P.S.P. NO.

728 658

F.B.I. NO.

988 823 D

NAME		ALIASES	DATE OF BIRTH	
ADDRESS			SEX	RACE
ARRESTED	CHARGE	DISPOSITION	JUDGE	
2/17/60 Camp Hill Pa.	Juvenile Delinquency	Sent to State Correctional Institute		
11/3/61 22nd Dist	Robbery, Larceny, Receiving Stolen Goods	6 to 23 Months in County Prison		
7/15/62 22nd Dist	Burglary of Auto, Larceny of Auto, Receiving Stolen Goods, Carrying Concealed Deadly Weapons, Conspiracy	6 to 23 Months in County Prison		
10/17/64 23rd Dist	Larceny of Truck, Receiving Stolen Goods, Conspiracy	Discharged		
7/1/65 22nd Dist	Larceny, Receiving Stolen Goods, Conspiracy	5 Years Probation		
11/29/65 District Attorney	Contempt of Court	Bench Warrant Withdrawn		
2/14/66 District Attorney	Contempt of Court	Bench Warrant Withdrawn		
4/2/66 22nd Dist	Furnishing Liquor to Minor	Discharged		
4/2/66 NCDD	Burglary, Larceny, Receiving Stolen Goods	6 to 23 Months in County Prison		
8/1/66 District Attorney	Contempt of Court	Bench Warrant Withdrawn		
8/31/66 6th Dist.	Shoplifting	\$25 Fine & \$2.50 Costs or 5 Days in Prison - Committed		

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EXTRACT OF CRIMINAL RECORD

CITY OF PHILADELPHIA
POLICE DEPARTMENT

PHILA. NO.	348 590
P.S.P. NO.	728 658
F.B.I. NO.	988 823 D
DATE OF BIRTH	2/22/43
SEX	RACE
Male	

NAME	ALIASES
ADDRESS	

ARRESTED	CHARGE	DISPOSITION	JUDGE
9/6/66 23rd Dist	Robbery, Larceny, Receiving Stolen Goods, Assault and Battery	5 Years Probation	
3/6/68 23rd Dist	Burglary, Carrying Concealed Deadly Weapon	Sentence Suspended, 5 Years Probation on two bills- concurrent	
3/6/68 22-10995	Burglary, Larceny, Receiving Stolen Goods, Possession of Burglary Tools	Sentence Suspended, 5 Years Probation	
7/8/68 22-41461	Violation of Parole	Discharged	
10/20/68 22-67922	Burglary, Unlawful Entry, Conspiracy	Indicted, Awaiting Trial	
11/13/68 22-73259	Burglary, Larceny, Receiving Stolen Goods, Unlawful Entry	Indicted, Awaiting Trial	
2/13/69 22-6903	Possession of Burglary Tools, Resisting Arrest	Dismissed by Grand Jury	
7/7/69 22-50141	Burglary, Larceny, Receiving Stolen Goods	Indicted Awaiting Trial	

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Mr. ROGERS. Go ahead, sir, with your explanation of these charts. Commissioner RIZZO. Mr. Chairman, here is the State of Pennsylvania. You will note that down here is Philadelphia, which is the big city, and Pittsburgh. The rest is the rural areas. This is the amount spent by the regions per capita.

For instance, Region 1A is Philadelphia. We spend \$52.28 per capita for the whole system of jurisprudence, police, courts, prisons, probation, parole.

That is four times more than any of the other regions except Pittsburgh, which is region 5A and spends \$22.27. So again, gentlemen, of all the regions represented here, Philadelphia right now is spending four times as much again as the other regions.

Gentlemen, I would just like to go quickly to a couple of others here.

I have some here that I am sure will shock some of the members of this distinguished committee. For example, compare the moneys that are spent in the entire State for police, 108 million, with that spent by Philadelphia.

Philadelphia spent \$69 million or 63.4 percent of the total. The entire State for their court system, \$30 million, Philadelphia, \$11 million, or 36.7 percent; for prosecutors, \$10 million, Philadelphia \$4 million, 43.7 percent of the entire money spent in Pennsylvania.

Corrections, the entire State, \$44 million, \$19 million or 44 percent average for Philadelphia. There is a complete total of 44.5. So we are spending much more money than any of the other regions involved in the State of Pennsylvania.

Now the crime workload in the whole State of Pennsylvania, the total arrest by police—so you will know, gentlemen, there are no statistics available from the State in the area of crime statistics.

They don't keep records.

Mr. ROGERS. Doesn't the State have one bureau to deal with crime?

Commissioner RIZZO. No, sir, Mr. Chairman. We have to go from community to community to get these figures. There is no correlation of the crime statistics in the State of Pennsylvania and now the number of crimes committed in the entire State, 717,000 crimes. In Philadelphia alone we had 209,000 or 29 percent of that total.

Courts, cases tried in the entire State, 40,000, Philadelphia 14,000, 34.5 percent.

Prisons, in all the prisons in Pennsylvania, they have a prison population of 5,697; we have 2,435 in local prisons, for a total of 42.7 percent of the total.

People on probation, in the entire State, 22,000, in Philadelphia 10,000; or 44.3 percent of the entire total.

Gentlemen, I hate to take up all of your time. But I think you will find these interesting. This involves just the city of Philadelphia. Rearrests while on bail for serious crimes. The crimes we are talking about are homicide, rape, robbery, aggravated assault, battery, burglary; in 1967, 19 percent of the people that we rearrested were out on bail; in 1968, the percentage jumped to 30 percent; in 1969, 34 percent.

Again gentlemen, this means that we are arresting the same people

over and over again. Rearresting on bail for serious crimes; 29 percent of the people we arrest for murder are out on bail; 22 percent for rape are out on bail, robbery, 34 percent, aggravated assault, 23 percent, burglarly, 37 percent, for an overall total of 34 percent.

That was the reason in my statement I suggested that all the money in Fort Knox is not going to help any of us if we don't use our prisons wisely.

Here is something else that is interesting, as far as the prison population is concerned. So you will know, in the State of Pennsylvania, we did a survey. The State was reluctant to let us do it, but we finally accomplished it.

We found that 50 percent of the State prisons were empty. In other words, 50 percent of their cells had no prisoners while our local prisons were bulging at the seams.

In 1960 this is the average population of the prisons: State prisons, 1960 had about 8,000 inmates. The highest point was here in 1962, and this was up to about 8,300. Then it began to drop for some reason. In 1968, the State prison population was down to just a little over 5,000.

We have that many in one of our local prisons.

The mayor and I, and the district attorney, have joined together. We have been making some public statements and the State prison population is beginning to go up a little bit.

We hope to fill them all, if we are around that long. In my opinion this is what the prison population should be. The dotted line, with the amount of arrests we are making. Here is where it should be, up around 15,000, not down here at the low figure of about 6,000 inmates.

The charts that I will illustrate to you now are positively authentic criminal histories of men that we arrest.

We have thousands of these. I am sure that when I show you these, that you will be completely concerned and frightened.

Mr. RODINO. Could you give us some typical sampling?

Commissioner Rizzo. Yes, sir, this is one man, Mr. Rodino.

Mr. ROGERS. One man on each chart?

Commissioner Rizzo. The three charts represent one individual. This is his adult record. This is his juvenile record. I have the figures for the number of times he was arrested. This character started violating the law when he was about 7 years old.

This one here, Congressman Brooks, started in Austin, Tex., and we wound up with him.

Mr. BROOKS. Not in my district. [Laughter.]

Commissioner Rizzo. Gentlemen, this subject here, subject number 1, is a 33-year-old male with 19 arrests. He was arrested three times as a juvenile in our State which means he was under 18.

Persons over 18 are tried as adults.

He was convicted on six occasions as an adult with 7 or more cases waiting final disposition. During 1969, he was arrested on a gun carrying charge on three separate occasions. The dates are important here. He was arrested on bail in July of 1969, for a \$50,000 bank robbery. Then in December 1969, while he was out on bail on that \$50,000 bank robbery, he committed murder.

I would like to go over his record here real quickly. 1955, Austin, Texas, carrying a gun, look at the sentences here, 6 months to 5 years. Six months to 5 years, but 8 days later he is arrested for larceny of an automobile and given 5 to 6 months, contributing to the delinquency of a minor, assault and battery on a policeman, \$10 and costs, assault with intent to rape, he was given 84 days to a year, in 1959 he was paroled, less than a year later.

He is arrested again in New Jersey, by the way, Mr. Rodino, larceny of an automobile, violation of parole. Now he is arrested again, assault and battery, a year's probation, but about 3 months later he is arrested again and the probation is never lifted.

While he is out on bail he commits burglary carrying a gun, three times he is indicted, he is still walking on the streets, awaiting to be tried.

Then in 1969 he is arrested again for assault and battery of a policeman and carrying a gun and other charges, he is found guilty, sentence is deferred, he was not sentenced and he is still walking the streets.

Then he is arrested again for carrying a gun, bank robbery, and murder. I am happy to report after the murder they decided that he should remain in prison until he was tried.

Mr. ROGERS. Thank you so much, Mr. Commissioner.

That is typical of the cases that you have prepared and the remainder will be placed in the record.

Mr. POLK. Mr. Mayor, do you have nationwide statistics indicating the monies spent on police, the courts, and corrections at the local level as opposed to money spent at the State level?

Mayor TATE. I think it is on a three to one basis. I think there is more money spent locally for the enforcement of the law, including the courts and the prison system and the police system than there is at the State level.

We will have that supplied by the National League of Cities and United States Conference of Mayors.

(The information referred to follows:)

NATIONAL LEAGUE OF CITIES,
UNITED STATES CONFERENCE OF MAYORS,
Washington, D.C., March 17, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House Office Building, Washington, D.C.

DEAR CHAIRMAN CELLER: I am forwarding to you the information on the state and local breakdown of criminal justice system expenditures which was requested during Mayor Tate's testimony. The latest complete data we have is from the 1969 *Statistical Abstract of the United States* which shows that for 1966 local governments spent \$3,286,000,000 and states spent \$1,224,000,000 on the criminal justice system.

Attached also is a state by state breakdown of state and local police and corrections expenditures for fiscal 1967. The court expenditures for all local governments for 1967 were not available. The national breakdown of court expenditures in fiscal 1966 was—state \$175 million and local \$539 million. For fiscal 1967 state expenditures were \$181. The state and local totals for police and corrections would be greater in favor of local governments if court costs were added. All this cost data is from the 1967 Census of Governments published in 1969.

Sincerely,

DONALD G. ALEXANDER,
Legislative Counsel.

	State	Local		State	Local
Alabama:			Iowa:		
Police.....	5,410,000	24,764,000	Police.....	10,305,000	19,490,000
Corrections.....	6,345,000	1,929,000	Corrections.....	10,019,000	1,310,000
Total.....	11,755,000	26,693,000	Total.....	20,324,000	20,800,000
Alaska:			Kansas:		
Police.....	2,248,000	2,413,000	Police.....	4,469,000	17,930,000
Corrections.....	3,114,000		Corrections.....	7,712,000	1,004,000
Total.....	5,362,000	2,413,000	Total.....	12,181,000	18,974,000
Arizona:			Kentucky:		
Police.....	7,200,000	22,641,000	Police.....	7,674,000	20,041,000
Corrections.....	7,404,000	2,441,000	Corrections.....	8,731,000	2,849,000
Total.....	14,604,000	25,082,000	Total.....	16,405,000	22,890,000
Arkansas:			Louisiana:		
Police.....	3,384,000	9,942,000	Police.....	9,389,000	41,335,000
Corrections.....	2,915,000	909,000	Corrections.....	10,435,000	3,785,000
Total.....	6,299,000	10,851,000	Total.....	19,824,000	45,120,000
California:			Maine:		
Police.....	67,200,000	375,142,000	Police.....	3,261,000	6,114,000
Corrections.....	111,985,000	107,831,000	Corrections.....	4,825,000	572,000
Total.....	178,185,000	482,973,000	Total.....	8,086,000	6,686,000
Colorado:			Maryland:		
Police.....	6,102,000	20,670,000	Police.....	8,767,000	57,997,000
Corrections.....	9,546,000	2,906,000	Corrections.....	26,172,000	6,467,000
Total.....	15,648,000	23,576,000	Total.....	34,939,000	64,464,000
Connecticut:			Massachusetts:		
Police.....	7,921,000	40,171,000	Police.....	7,815,000	88,276,000
Corrections.....	13,542,000		Corrections.....	26,783,000	10,182,000
Total.....	21,463,000	40,171,000	Total.....	34,598,000	98,458,000
Delaware:			Michigan:		
Police.....	2,349,000	3,873,000	Police.....	19,405,000	116,471,000
Corrections.....	3,561,000	84,000	Corrections.....	31,282,000	13,912,000
Total.....	5,910,000	3,957,000	Total.....	50,687,000	130,383,000
Florida:			Minnesota:		
Police.....	11,998,000	83,009,000	Police.....	5,572,000	32,194,000
Corrections.....	16,375,000	4,716,000	Corrections.....	12,152,000	6,541,000
Total.....	28,373,000	87,725,000	Total.....	17,724,000	38,735,000
Georgia:			Mississippi:		
Police.....	6,622,000	36,624,000	Police.....	6,343,000	12,851,000
Corrections.....	14,955,000	4,855,000	Corrections.....	3,765,000	1,426,000
Total.....	21,577,000	41,479,000	Total.....	10,078,000	14,277,000
Hawaii:			Missouri:		
Police.....	40,000	14,781,000	Police.....	9,189,000	57,457,000
Corrections.....	4,175,000	551,000	Corrections.....	9,558,000	6,366,000
Total.....	4,215,000	15,332,000	Total.....	18,747,000	63,823,000
Idaho:			Montana:		
Police.....	1,778,000	5,989,000	Police.....	1,698,000	5,163,000
Corrections.....	2,631,000	140,000	Corrections.....	2,995,000	630,000
Total.....	4,409,000	6,129,000	Total.....	4,693,000	5,793,000
Illinois:			Nebraska:		
Police.....	17,461,000	168,863,000	Police.....	3,118,000	10,894,000
Corrections.....	38,824,000	9,658,000	Corrections.....	4,632,000	815,000
Total.....	56,285,000	178,521,000	Total.....	7,750,000	11,709,000
Indiana:			Nevada:		
Police.....	9,582,000	40,264,000	Police.....	2,065,000	11,741,000
Corrections.....	14,050,000	4,065,000	Corrections.....	4,355,000	956,000
Total.....	23,632,000	44,329,000	Total.....	6,420,000	12,697,000

	State	Local		State	Local
New Hampshire:			South Dakota:		
Police.....	1,872,000	5,557,000	Police.....	1,891,000	4,239,000
Corrections.....	1,666,000	331,000	Corrections.....	1,861,000	496,000
Total.....	3,538,000	5,888,000	Total.....	3,752,000	4,735,000
New Jersey:			Tennessee:		
Police.....	19,206,000	124,911,000	Police.....	6,504,000	29,595,000
Corrections.....	30,622,000	17,607,000	Corrections.....	10,635,000	2,816,000
Total.....	49,828,000	142,518,000	Total.....	17,139,000	32,411,000
New Mexico:			Texas:		
Police.....	3,519,000	8,363,000	Police.....	17,131,000	98,200,000
Corrections.....	4,504,000	1,168,000	Corrections.....	23,003,000	11,353,000
Total.....	8,023,000	9,531,000	Total.....	40,134,000	109,553,000
New York:			Utah:		
Police.....	36,617,000	453,764,000	Police.....	1,848,000	8,183,000
Corrections.....	70,116,000	81,096,000	Corrections.....	4,294,000	609,000
Total.....	106,733,000	534,860,000	Total.....	6,142,000	8,792,000
North Carolina:			Vermont:		
Police.....	10,978,000	34,134,000	Police.....	1,992,000	1,833,000
Corrections.....	25,398,000	2,578,000	Corrections.....	2,765,000	32,000
Total.....	36,376,000	36,712,000	Total.....	4,757,000	1,865,000
Ohio:			Virginia:		
Police.....	12,492,000	112,887,000	Police.....	13,188,000	37,106,000
Corrections.....	31,304,000	13,449,000	Corrections.....	12,084,000	2,024,000
Total.....	43,796,000	126,336,000	Total.....	25,272,000	39,130,000
Oklahoma:			Washington:		
Police.....	4,803,000	19,379,000	Police.....	7,389,000	33,722,000
Corrections.....	5,991,000	959,000	Corrections.....	22,225,000	3,520,000
Total.....	10,794,000	20,338,000	Total.....	29,614,000	37,242,000
Oregon:			West Virginia:		
Police.....	5,084,000	23,722,000	Police.....	3,382,000	8,547,000
Corrections.....	9,156,000	3,465,000	Corrections.....	3,506,000	1,326,000
Total.....	14,240,000	27,187,000	Total.....	6,888,000	9,873,000
Pennsylvania:			Wisconsin:		
Police.....	27,893,000	128,617,000	Police.....	5,564,000	59,298,000
Corrections.....	40,718,000	22,234,000	Corrections.....	20,055,000	4,598,000
Total.....	68,611,000	150,851,000	Total.....	25,619,000	63,896,000
Rhode Island:			Wyoming:		
Police.....	1,741,000	12,446,000	Police.....	1,204,000	3,343,000
Corrections.....	4,259,000		Corrections.....	1,801,000	67,000
Total.....	6,000,000	12,446,000	Total.....	3,005,000	3,410,000
South Carolina:					
Police.....	6,910,000	15,303,000			
Corrections.....	6,623,000	2,398,000			
Total.....	13,533,000	17,701,000			

Mr. POLK. Thank you.

Have you had a chance to look at the administration amendments that have been proposed?

Mayor TATE. Yes, sir.

Mr. POLK. I would particularly like to refer to the one concerning corrections. I note that the 3-to-1 ratio, which you assumed is correct, is reflected in the present requirement for a pass-through of action funds. Seventy-five percent must be passed through to the local units of government, and 25 percent may be kept at the State level.

If we were to adopt a separate program for corrections which does not require any pass-through, then part C of the present act would no longer reflect the national ratio which you indicated. That is, if we take out of part C the money we spent for corrections and adopt a separate program, then this 3-to-1 ratio which you have indicated is no longer accurate for simply police and courts because most of the State's money is spent in the field of corrections rather than in the fields of police and courts.

So if such a separate program were adopted for corrections, would you believe that we would also have to alter the percentage pass-through in part C.?

Mayor TATE. I think you made a very valid point in that connection. At the State level, most of the money is spent for corrections and not enough for police.

Mr. POLK. If the proposed corrections amendment were adopted, there would probably be a smaller percentage of money going through to local governments?

Mayor TATE. This is the point that concerns me, because we would not want to jeopardize the probability of getting money for the local enforcement program. As the commissioner has very aptly pointed out studies have been made from time to time and we have had many of them.

As he said, the criminals should go to jail. We have spent too much time and too much money on poor corrections programs. I think he made a significant remark when he said all the money in Fort Knox will not correct some of these problems we have.

Mr. POLK. There is one point in your testimony which I did not quite understand. In view of the statement that you made, I don't see exactly why you want to keep any portion of the bloc grant approach. But it happens that when you support the Hartke amendment or the Bingham amendment, you would preserve the bloc-grant approach for 50 percent of the funds, while the other 50 percent would be allocated at the discretion of the Federal Government.

Mayor TATE. As I said in my statement, we wanted to give this program a chance. We have become disillusioned.

Even yet, in an effort to get more money into the local system we are willing to accept some modifications of the bloc grant approach. That is the reason why we have supported this kind of an approach.

We are still for the direct aid to the cities, but if in the wisdom of Congress, you feel there should be some modification to protect, say, those 50 jobs that they want to take care of in Pennsylvania, so long as we get ours, we will be glad to yield that.

Mr. POLK. Thank you very much.

Mr. RODINO. Mr. Chairman, may I state before the witnesses leave that I believe that this committee has really had a very valuable contribution this morning, from both Mayor Tate and Commissioner Rizzo. Commissioner, I can now understand why you have achieved such an outstanding reputation as a fine policeman and police commissioner.

You certainly do your homework. I regret that we don't have more time this morning to examine the charts and the other studies, but we will later.

I certainly am going to study the charts.

Thank you.

Mr. ROGERS. Mr. Eilberg.

Mr. EILBERG. Mr. Chairman, perhaps this committee has not adequately heard the point of view expressed here as far as preference for direct grants, as opposed to bloc grants, is concerned.

The point has been made here that the cities are competing with one another. But what happens when the city is to compete. It is the rural parts of the State that benefit. They get the grants and the cities do not.

This is traditionally the case throughout the country. It is certainly true in the State of Pennsylvania. So it is not an adequate answer for a Governor to come in and say that Philadelphia is competing with Pittsburgh when the money ends up in the rural parts of Pennsylvania, as far as our State is concerned.

Also, Mr. Chairman, the question has been asked here why would the Governors support the bloc grant approach? I think human nature being what it is any Governor is going to look for additional power, additional influence, even though, perhaps, he can't handle the job.

I think it is obvious from the kind of statistics that have been presented here that the Governors are not doing the job.

They are simply looking as far as I am concerned for additional prestige at a time when crime in the streets is the number one issue in America today. That may be regarded as a political note, but we are all well aware of how the bloc grant approach became law. It was supported by a coalition of our friends on the other side of the aisle and some of our Southern democrats.

They were talking about States' rights. They were not so much concerned with fighting crime. This was secondary. It was a matter of establishing States' rights so when the Governors come in here and testify as they did, and speak about competition between the cities, I personally am not impressed.

I particularly want to thank Mayor Tate and Commissioner Rizzo for coming in and helping us.

Mr. ROGERS. Thank you.

Again thanks to you Mayor Tate and Commissioner Rizzo, we appreciate your testimony.

Mayor TATE. You have been very kind.

Thank you.

Mr. ROGERS. Our next witness is Mr. Picot B. Floyd, city manager, Savannah, Ga.

Mr. FLOYD. you have a statement here. We will accept the statement in full and you may proceed as you wish.

(The prepared statement of Mr. Floyd follows:)

STATEMENT OF PICOT B. FLOYD, CITY MANAGER, SAVANNAH, GA.

Gentlemen, it is a distinct honor for me to be here today to tell you of the experiences of the City of Savannah, Georgia, with regard to the implementation of the Omnibus Crime Control and Safe Streets Act.

At the onset of these remarks, please let the record clearly show that I have nothing but the highest regard on a personal and professional level for those Federal officials whom I know or with whom I have had contact regarding the Omnibus Crime Control Act. I have no complaint against the Federal officials; indeed, they have been most helpful, cooperative, and responsive to my concerns.

Since early 1968, the City of Savannah has followed with great interest the development and later implementation of the Omnibus Crime Control Act. Our problems with the state have been monumental, and I feel confident to state that

little tangible has been done so far to make a substantive impact upon our city's ability to fight urban crime.

It is my personal judgment that this has been caused by the organization and administration of the Omnibus Crime Control Act on a state level in Georgia.

Laying aside the obvious difficulties connected with the implementation of any new program, our problems have nonetheless remained monumental: deadlines have been changed, promises have been made and not fulfilled, misinformation has been relayed, insensitivity to urban crime problems exist and long delays in response have been experienced to official communications. These things indicate to me problems that could be effectively handled were the administration of the Georgia state anti-crime effort properly conducted.

One of the truly great things that has happened in the struggle for development of the State of Georgia has been the creation of 18 area planning and development commissions during the early 1960's. These voluntary organizations formed by cities, towns, and counties now embrace all but a handful of the state's 159 counties and 560-odd municipalities. They were formed under state enabling legislation as a mechanism to improve the physical, social, and economic development of the several regions within the state. With only one exception, they are largely rural in population and territory. The exception, of course, is the five-county Atlanta region. These agencies have performed well in leading depressed and deprived Georgia areas towards better environments, better living conditions, and hope for the future.

In the case of the City of Savannah, the area planning and development commission we support is the Georgia Southern Area Planning and Development Commission with headquarters at Statesboro, Georgia. (1960 population: 8,537) It comprises Bulloch, Candler, Chatham, Effingham, and Evans Counties and the towns and villages in them, with a total population of 230,633. Chatham County (my county) is the largest of the five counties in the Georgia Southern APDC; in fact, it is the third largest county according to the 1960 census in Georgia, with a population of 188,299. Fulton County (Atlanta) and DeKalb County (suburban Atlanta) are the first and second counties in size in the state, and lie about 280 miles to the northwest of Savannah.

Because elected officials of Chatham County (and Savannah) some years ago chose to associate themselves with only four other counties—instead of 5 or 10 others—Chatham County is now in an APDC that is sixth largest in the state with only 5.44 percent of the population of the state.

Yet, the City of Savannah has 13.5 percent of all of the state's urban population.

In determining allocations of Omnibus Crime funds, moreover, the state agency has used 1968 estimates of population from the State Health Department which, in the case of the City of Savannah and Chatham County, do not include personnel assigned to the large military installation nor their dependents, nor persons otherwise in institutional confinement; hence, our population figures are considerably lower than more probable and realistic estimates would indicate them to be. Obviously persons stationed in military reservations have contributed somewhat to the problems of urban crime.

Under the Omnibus Crime Control and Safe Streets Act of 1968, the State of Georgia was allocated in excess of \$554,000 for use in the fiscal year that ended June 30, 1969.

The 1968 late summer riot control grants provided the City of Savannah with \$13,887 of a total of \$97,875 distributed to Atlanta, DeKalb County, Macon, Columbus, and Savannah. Of the total amount of \$554,000, 25 percent or \$138,656 was deducted for "state use." After removing the 25 percent for state use and deducting the 1968 riot control grants, there remained \$318,094 net for local action grants. Then again, 25 percent, or \$79,524 was deducted from available funds for "discretionary funds." This left for the balance of Fiscal Year 1969, only \$238,570 for allocation throughout the state.

Each of the area planning and development commissions received a planning grant and an action grant. These planning grants were made to the APDC's even though the APDC's range from 1.79 percent of the population (Altamaha APDC) to the Atlanta Region Metropolitan Planning Commission with 30.56 percent of the population. The Altamaha group received \$10,500 for planning while the Atlanta APDC received only \$33,750. The governmental entities in the Altamaha APDC received action grants of \$4,270 while the Atlanta metropolitan area local governments received only \$72,907 in action grants.

During the late fall of 1968, about three days before the deadline for filing for planning grants, I learned through a faculty member friend at the Univer-

sity of Georgia that the State Planning Bureau had made a determination that planning and action grants would be made through the area planning and development commissions. I had received no notice from the state in this regard and immediately contacted the executive director of the Georgia Southern Area Planning Development Commission to determine the status of his application for these funds and our participation in the program. He advised me that the Georgia Southern Area Planning and Development Commission did not intend to participate in the program since they had only two professional staff members (himself and one other).

Sensing the urgency of this situation, I contacted the Chatham County-Savannah Metropolitan Planning Commission to determine if they would undertake to perform these planning services on behalf of Savannah and our five-county area. The MPC concurred. In order to further the prospects of the program, I assigned a Savannah Police Department captain who holds a master's degree in Police Science from Michigan State University to the MPC to undertake the planning effort on our behalf. (It might be of interest to know that as far as I am aware, this uniformed police captain is one of only two active police officers in the state who holds a graduate degree in his field.)

On December 19, 1968, the director of the State Planning Bureau advised the chairman of the Metropolitan Planning Commission "that the Planning Board on Crime and Juvenile Delinquency Prevention voted your commission of \$12,000 for planning funds for the nine-month period of January 1969 through September 1969."

This \$12,000 was distributed from \$236,175 available. The Chatham-Savannah Metropolitan Planning Commission had requested a grant of \$19,000 and was prepared to expend 75 percent of the police captain's salary, or \$6,000, for a total planning project to cost \$25,000 for one year.

On January 8, 1969, the Metropolitan Planning Commission was notified by the State Planning Bureau that the submission deadline for the local plan was May 15, 1969, more than four months in the future.

A month elapsed before the first instructional meeting for law enforcement planners was held by the State Planning Bureau in Atlanta on February 6 and 7, 1969. Three months remained before the required submission date of May 15.

On March 10, 1969, the Metropolitan Planning Commission was notified by the State Planning Bureau that the original deadline had been advanced from the May 15th date set earlier, to April 5, 1969, leaving about three weeks to complete the local effort.

On April 17, 1969, twelve days late, the MPC staff presented the Georgia Southern Regional Law Enforcement Planning Study to the State Law Enforcement Planning Board.

The Planning Director of the Metropolitan Planning Commission reported, "at that time the Board was engaged in dispersing \$554,625, Georgia's share of available funds for this program. (Of this amount, our region received \$12,978 in basic grants and \$12,200 in "discretionary" or merit awards.) During the course of this meeting, staff members noted a number of possible inconsistencies of irregularities in the Board's actions which could have serious long-term consequences for this area.

The Planning Director of the Metropolitan Planning Commission raised the following ten issues and questions:

"1. Is the Board representative of "... units of general local government within the State", as required by Sec. 203 (a) of the *Omnibus Crime Control Act of 1968*?

"If so, are 'representatives' of each region required to accurately reflect the evaluation of local law enforcement problems as determined by the responsible planning agency's documentation?

"2. Why are the population figures used in the action grant allocation formula based on State Health Department estimates, rather than on the 1960 official decennial census? (There is some question whether this procedure violates Ga. Laws; see attached memo.)

"3. Can the State Law Enforcement Planning Board refuse to allocate action grants to ADPC's on a *bloc* basis (grants have only been made for *programs specifically approved* by the Board, based on *priorities established* by the Board.)

"4. Does the Board have the authority to reserve 25% of total action grant funds allocated to the State for distribution as "discretionary" funds—supposedly to be distributed for programs of special merit? (No provision authorizing this can be found in applicable federal legislation or guidelines.)

"5. If this reservation is not lawful, does the Board's actions constitute misuse of federal funds?

"6. If 'discretionary' funds can be legally reserved, is the Board authorized to disburse these funds on the basis of verbal statements of need or must it require documentation? Further, should individual board members be permitted to 'lead' discussions relating to fields in which they have a special interest, and to substitute their judgment for those made in regional law enforcement plans. (Discretionary funds have been allocated on the basis of undocumented statements and largely on 'salesmanship'.)

"7. Can the State Law Enforcement Planning Board legally establish *state-wide* 'priorities' that are not consistent with the priorities established by each area planning and development commission, that is, can local needs be overlooked or modified on the basis of sweeping generalizations by Board members? (Basic police training has been established by the Board as the #1 priority in face of the fact that many police departments are undermanned and can't spare policemen for training and in the face of fact that where police departments lack adequate personnel, basic equipment and realistic salaries, 'priorities' are impossible to establish and quite meaningless!)

"8. Does the Board's recent actions in refusing to recognize local (and regional) expressions of need constitute an abuse of discretion?

"9. Has the Board's recent actions established undesirable precedents which may effectively deprive counties and cities in this region of much-needed financial support for better law enforcement programs?

"10. If any apparent inequities exist in regard to the Board's composition, allocation procedures or in regard to its compliance with existing state or federal laws or guidelines, should a formal complaint by the City of Savannah and Chatham County, on behalf of the other counties and cities in the planning area, be lodged with: State Planning Bureau, State Law Enforcement Planning Board, Governor's Office, State Attorney General, Law Enforcement Assistance Administration, and State Budget Office."

I wish at this point to read into the record a letter I addressed to the Director of the State Planning Bureau dated April 30, 1969:

"This letter is to raise substantive issues about procedures in the State of Georgia's involvement under the provisions of the Federal Omnibus Crime and Safe Streets Act of 1968.

"(a) Under what authority did the State Planning Bureau decide that APCD's were the appropriate entities to perform law enforcement planning under the Act? These entities do not appear to fall into these categories as stated in the Act: 'units of general local government in the State or combinations of States or units for improvement in law enforcement.' As you know, cities and counties voluntarily participate in APCD's, and some 6 or 8 counties have not decided to join an APDC. The minutes of the first meeting of the Planning Board indicate that actions designating the APDC's to do local planning were adopted, but I note in the same minutes that neither the adoption of rules for the Board's procedures were shown, nor that there were 12 members (a majority) actually present.

"(b) In regard to the composition of the board—and I am in absolutely no way critical of the persons appointed, nor of the appointing authority—how is 'The State Planning Agency—representative of law enforcement agencies of the State and of units of local government within the State?' Who represents law enforcement or local government from this region of the State, and how would an official from the United Community Services meet the criteria set forth in the Act?

"It has been alleged to me—but I have, of course, no personal knowledge—that there are no Negroes on the SPB or in the employment of the SP Agency, and that this could jeopardize our ability to be funded under the Act because of provisions of the Civil Rights Act.

"(c) Since, as you know, the Georgia Southern APDC did not choose (and I believe correctly so) to do the planning for us, how will the action funds be disbursed? through the APDC? through the Chatham-Savannah Metropolitan Planning Commission? If through the latter, what are the implications created since four of the five counties in the area are not under its jurisdiction? If either the APDC or MPC is used, what is their authority for doing so since they are not units of general local government? Also, what formula will be used to distribute action funds on the local level?

"(d) I am informed that 1968 population estimates of the State Health Department were used to determine the allocations of action grants to the APDC areas. If this is correct, how does one justify use of these figures that do not include military personnel, their dependents, or other persons in institutions, instead of the U.S. Census figures that include those persons?"

"(e) Why utilize a population formula at all in distribution of the action funds? I can find no reference to this in the Act in relation to local governments. Moreover, I believe the legislative history of the Act shows the intent of the Congress to put the money where the crime is. According to 1966 and 1967 average figures from the FBI Uniform Crime Reports, Savannah 'enjoyed' 22% of the States reported crimes against persons (murder, rape, assault, robbery). Instead we are assigned to sixth place in the State with a population of 4.59 percent, and only \$12,978 in action grants to the second largest city in the State to be shared with four rural counties and \$12,200 from discretionary funds.

"(f) What authority is there under the Act for the State to withhold 25% of the funds allocated to the State for discretionary use?"

"(g) I note that 12 of the 18 APDC action grants are less than the planning grants (and in 4 of these 12 areas amount to less than one-half the amount of the planning grant), and in four of the six areas, the action grants exceed the planning grants by only a few hundred up to \$3,000?"

"(h) I note with interest that the APDC's have spent \$234,000 for planning grants, and yet the 'Net Local Action Grant for proration' exceeds the amount provided for planning by only \$4,570.

"(i) At the April 17, 1969 meeting of the SPB, I am informed that a 'Junior Deputies' program was approved for \$10,000; that one APDC made only an oral presentation to the SPB of its needs, and was nonetheless approved; that local priorities as established by a number of APDC's were not respected. If these allegations are true, then it would seem that much of the \$234,000 spent for planning, in good faith, by the APDC's, was ignored, and tax funds abused.

"(j) To what extent has consideration been given to extra allocations for the five Model Cities in Georgia? I recall that you, yourself, expressed concern about this some time ago.

"(k) What procedures have been established to accomplish and coordinate the required review of the plan by Section 204 review agencies in those communities of the State where this is an obligation?"

"I look forward to hearing from you on each of these points per our telephone conversation earlier today."

On May 7, an official of the State Planning Bureau telephoned long distance in response to my letter. Toward the end of that conversation he agreed to reply to my letter in writing.

A telegram was sent to the State Planning Bureau requesting a response on June 11, 1969.

On July 14, the Director of the State Planning Bureau sent a ten line letter in which he said that he thought the telephone call sufficed, in spite of his subordinate's promise to send a written reply to each point raised.

On July 15, I wrote Governor Maddox, pointing out that I had written on April 30th and had not received a response.

On July 16, I received the State Planning officer's letter of July 14.

At the same time, I communicated with Governor Maddox again, pointing out that the questions were still not answered. On August 7th, finally, (14 weeks later) I received the following letter from the State Planning officer, dated July 25, that I feel would be of interest to this Committee and is here included:

"In response to your letter of July 16, 1969, I submit the following information:

"(a) The State Planning Bureau did not make the decision to use the APDC's. The Planning Board on Crime and Delinquency Prevention, at its first meeting resolved that the APDC's would do local planning. You were concerned that Savannah would not get fair treatment if the Georgia Southern APDC did local planning for your area. You requested that the Chatham County-Savannah Metropolitan Planning Commission be allowed to do planning for your area. As you know, an exception was made, and it was allowed to do the regional planning.

"The Guide for State Planning Agency Grants states on Page 10 that "Planning efforts on a regional . . . metropolitan or other combined basis are encouraged and should receive priority. Common or consistent planning regions with other federally supported programs or with existing state planning districts, as contemplated by the Bureau of the Budget, Circular A-80 (January 31, 1969) should be considered as well as utilized.

"Picot, you quote from the minutes and then state that a majority was not actually present. We sent you an original copy of the minutes, and there was a majority present (12).

"(b) You ask how the State Planning Agency is representative of law enforcement agencies of the state and units of local government within the state. Again, I quote from the Guide, page 8.

"Section 203 (a). As has been indicated, State agencies must consist of (i) a supervisory board, and (ii) an administrator and staff. The supervisory board oversees the work of the agency and thus must possess the "representative" character required by the Act. The composition of such boards may vary from state to state; however, balanced representation is required and must include:

"(1) representation of state law enforcement agencies;

"(2) representation of units of general local government by elected policy-making or executive officials;

"(3) representation of law enforcement officials or administrators from local units of government;

"(4) representation of each major law enforcement function—police, corrections and court systems—plus, where appropriate, representation identified with the Act's special emphasis areas, i.e., organized crime and riots and civil disorders;

"(5) representation of juvenile delinquency as well as adult crime control competencies;

"(6) representation of community or citizen interests; and

"(7) representation that offers reasonable geographical and urban-rural balance and regard for the incidence of crime and the distribution and concentration of law enforcement services in the state.

"In determining conformity with the foregoing, it is possible for one board member to be representative of more than one element or interest."

"You questioned how an official from the United Community Service meets the criteria set forth in the Act. There is a requirement for representation of community or citizen interest. He would well fit this criteria; also, he could represent the juvenile delinquency component.

"Reverend William Holmes Borders is a Negro and an extremely active member of the Board.

"(c) The APDC's, by their enabling legislation, cannot administer or distribute action funds; therefore, the action funds will be distributed directly to the local communities in conformity with the regional plan which was approved.

"(d) The best figures to use at this time were the 1968 population estimates of the State Health Department. The plan from your area used 1969 estimated figures.

"(e) You asked how the Board could decide to allocate the money on a population basis. I quote from a letter from Mr. Charles H. Rogovin to Mr. William T. Gaudry, Alderman of Savannah.

"Since the Omnibus Crime Control and Safe Streets Act directs the distribution of action funds to the states according to their population, it is legally permissible for the state of Georgia to make subgrants on this basis. If there is evidence of unfair treatment for the city of Savannah, I would suggest that you appeal the decision of the Area Planning and Development Commission. The appeal procedure is discussed on page 104 of the Initial Law Enforcement Plan for the State of Georgia, the comprehensive plan for fiscal year 1969."

"(f) The city of Savannah, with about 3.5 per cent of the state's population received almost 8.5 percent of the state's total action funds. The law states that 75 percent of the action funds must be made available to local units of government. The state of Georgia allocated 75 per cent of all action funds coming into the state to units of local government. The Board took 75 per cent of the 75 percent and allocated it on a population basis. The other 25 per cent of the 75 per cent was allocated on the basis of need. Savannah got over \$12,000 out of this 25 per cent discretionary funds.

"(g) Yes, some planning grants were larger than the action grants simply because the amount was almost as large for planning as the amount for action funds. In fact, some states received more planning funds than action funds. In future years, when the amount for action funds becomes larger, the amounts for local action funds would be larger.

"(h) You note with interest that APDC's have spent \$234,000 for planning grants and net local action grants exceed the amount provided for planning by only \$4,570. The total local action funds amounted to 75 per cent of the total

state's allocation or \$415,969. The State of Georgia did not have any say on the amount of action or planning funds it received. The amounts set for planning and action were decided by Congress.

"(i) You were informed correctly that the Junior Deputies program was approved for \$10,000. It was recognized by LEAA as a new way to approach the problem. More information was requested by Washington so that it could be disseminated to other states. You are also correct, one APDC made an oral presentation; it was the Chatham County-Savannah Metropolitan Planning Commission. For the most part, priorities set by the APDC were honored. One APDC wanted all its funds for riot control. This APDC has only small towns which would not really have any potential riot control problems.

"(j) In future years, when more funds are available, the Board might give the Model Cities extra allocations. As you know, the Board makes the allocations, not members of the State Planning Bureau.

"(k) Section 204(a) of the Demonstration Cities and Metropolitan Development Act of 1966 has to do with the construction of facilities. Funds allocated under the Omnibus Crime Control and Safe Streets Act of 1968 for the construction of facilities require no review under section 204. The Chatham County-Savannah Metropolitan Planning Commission has the responsibility for the planning and review of any project which may necessitate the coordination of both acts."

Judging from FBI Uniform Crime Reports for 1967, Chatham County experienced the highest rate of crimes known to police in the State of Georgia. The Savannah Standard Metropolitan Statistical Area, which is Chatham County, shows a rate of 2,391.4 crimes per 100,000 population, while the next highest rate is the Atlanta SMSA with 2,000.3 per 100,000 inhabitants. The Savannah SMSA crime rate of 2,391.4 is almost double the crime rate of the entire state of Georgia of 1,365.9 per 100,000 population in 1967. Savannah's crime rate is also considerably higher than the South as a whole, with a crime rate of 1,638.9; and Savannah's crime rate is higher than the crime rate in South Atlantic States, which have 1,819.3 crimes per 100,000. It should be noted, too, that both the crime rates for the South and the South Atlantic states are higher than Georgia's but lower than Savannah's.

TABLE I.—NUMBER OF CRIMES AND RATE OF CRIMES

Area	Year	Number of crimes	Rate per 100,000 population
South.....	1966	876,057	1,438.6
	1967	1,007,035	1,638.9
South Atlantic.....	1966	458,052	1,567.6
	1967	536,338	1,819.3
Georgia.....	1966	56,366	1,309.0
	1967	61,588	1,365.9
SMSA:			
Atlanta.....	1967	25,805	2,000.3
Savannah.....	1967	5,010	2,391.4
Columbus.....	1967	3,582	1,385.7
Augusta.....	1967	3,351	1,310.9
Albany.....	1967	709	692.8
City:			
Atlanta.....	1967	14,612	.....
Savannah.....	1967	4,045	.....
Macon.....	1967	3,193	.....
Columbus.....	1967	2,484	.....
Athens.....	1967	1,180	.....
Augusta.....	1967	973	.....
Albany.....	1967	592	.....
Valdosta.....	1967	569	.....

TABLE II.—CRIMES AGAINST PERSONS

Area	Year	Murder nonnegligent manslaughter	Forcible rape	Robbery	Aggravated assault
Atlanta.....	1966	1	2	3	4
	1967	121	99	473	925
Columbus.....	1966	141	129	613	872
	1967	14	7	41	63
Macon.....	1966	12	9	63	93
	1967	10	24	125	216
Savannah.....	1966	32	21	150	154
	1967	15	26	221	536
		21	33	228	164

Source: Uniform crime reporting offenses known to the police 1966 and 1967—Cities over 100,000 in population.

It is against this background that on June 19, 1969, the State Planning officer informed the Metropolitan Planning Commission that "Georgia's Initial Law Enforcement Plan has been approved by the Law Enforcement Assistance Administration. As a result, Georgia has been granted \$456,750 to implement action projects outlined in the plan.

"I am happy to inform you that based on your regional plan, local governments in your area will receive \$25,190."

As of March 4, 1970, not one cent of these funds had been received by the City of Savannah, according to the City's Finance Director. This is because of a requirement of the State Planning Bureau that cities file claims to the APDC for reimbursement of Federal funds. This requirement is in effect in spite of a Georgia Attorney General's opinion on "whether an area planning and development commission could coordinate and administer such programs." The Attorney General ruled, in a letter to the State Planning Officer, on March 28, 1969:

"I am aware of any law that would empower an area planning and development commission to coordinate and administer such programs. Generally speaking, commissions of this type have no powers beyond those granted by express constitutional or statutory provision or necessary implication. See Ga. Code § 2-7801 and 81 C.J.S. *States* § 58. I am of the opinion, therefore, that your . . . question must be answered in the negative."

Edward L. Morgan, Police Development Specialist, Institute of Government, University of Georgia, and Burton Sparer, executive director, Northeast Georgia Area Planning and Development Commission, made the following comments in Volume II, Number 2, of *Georgia Government Review*, page 2, a publication of the Institute of Government at the University of Georgia:

"Georgia received in planning funds, some \$403,075 this fiscal year (1969). Of that, at least \$161,000 or 40 percent was to go to local governments. In fact, approximately 59 percent, or \$236,000 was dispersed to local areas. With respect to the planning phase, the arrangements are 9 percent Federal funds and 10 percent matching in cash or kind by the state or local jurisdiction. This fiscal year some \$600,000 in action monies are anticipated. Next year, in the implementation phase, it can be anticipated that \$1.4 million will be available in Georgia, of which 75 per cent is to go to local jurisdictions.

"As a first step in implementing the Act in Georgia, Governor Maddox designated the State Planning Bureau as the state agency to prepare a comprehensive state plan for law enforcement. He also appointed a Georgia Planning Board on Crime and Juvenile Delinquency Prevention which has, among other things, the responsibility for setting priorities within the plan. Again, pursuant to Congressional intent, one of the items that must be included in the plan is a provision for annual revision, including its many inputs.

"The State Planning Bureau is encouraging local public officials and concerned citizens to work through the Area Planning and Development Commissions. The Area Planning and Development Commissions have agreed to the Bureau's request to submit local and area plans to the State Planning Bureau for establishing community eligibility and priority for action funds. Moreover, the multi-county proposals within the area plan will receive priority. One of the things to keep in mind is that when the state submits a state master plan to the Federal Government, a locality submitting a plan directly to the Justice Department will require over-all uniformity, and so will each of the local and

area plans. Accordingly, the State Planning Bureau has the responsibility to define data requirements, standards, questions, and specific problems to evaluate for law enforcement planning.

These plans, once submitted to the state, will be coordinated into a comprehensive state plan for law enforcement. After action priorities have been set, the State Planning Bureau will submit the plan to the Law Enforcement Assistance Agency where it will be reviewed and appropriate action monies released.

The Initial Law Enforcement Plan for the State of Georgia was received by my office on May 9, 1969. On page 2 of the application, over the signature of the State Planning Officer, the statement is made that "the state planning agency hereby assures that it will comply with and will insure compliance by its sub-grantees and contractors with Title VI of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Department of Justice (28 C.F.R. part 42) issued pursuant to that title, to the end that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from the Department of Justice."

To my knowledge, no one has contacted my office with respect to that provision. I believe the City of Savannah to have no problems in this regard, but I have serious reservations about the abilities or intentions of most other Georgia cities and counties. As far as I am aware, the State Planning Bureau has no Negro employees, nor do the APDC's (as far as I can determine).

On page 9 of Georgia State plan, the statement is made "It is recognized that the prime mission of police agencies is to act as the enforcement arm of the criminal justice system by protecting persons and property through advancing order and justice under democratic law." It would be my judgment that this sentence reflects total insensitivity to generalized objectives of prevention and rehabilitation that are certainly major elements and perhaps even the most important elements and aspects of any effort to fight crime.

On page 11, the State plan states "the figures (from the Uniform Crime Report) also show that most serious crimes are committed in cities. As for Georgia, the greater part of serious crimes occurred in heavily populated areas. . . ." Yet I believe that I have established that there has been no sensitivity to this statement in the actual allocation of Federal funds by the State agency.

On page 15 of the State plan, the State Planning Bureau points out "a good example of a need for equipment is the Fort Gaines Police Department. Fort Gaines is a town of nearly 2,000 residents which had over 2 and ¼ million visitors in 1968 as a result of its large Walter F. George Lock and Dam. The police department currently has two policemen working 12-hour shifts, seven days a week; the only police vehicle is not radio-equipped; therefore, there is no communication with any other law enforcement agency."

This "good example" cited by the State Planning Bureau fails, in my judgment, to indicate that there has been any criminal activity incident to Fort Gaines traffic control needs. This is the kind of inadequate basis upon which the State Planning Bureau has distributed Federal funds.

On page 23 of the State Plan, there is a discussion about the City of Atlanta's two kinds of programs designed to reduce racial tension between citizens and police. In discussing one of the two Atlanta programs, the statement is made that "the community service officers wear uniforms but do not carry guns or have the power of arrest."

Following that sentence, a new paragraph states, "The City of Savannah also has instituted a somewhat similar program in respect to the community service officer." This statement is grossly incorrect.

First of all, the City of Savannah's police program is a Community Relations Program; the officers do have the power to make arrests and do carry guns while wearing their uniforms in certain high crime areas.

Second, the City of Savannah does have a Community Service Officer. However, he is not a police officer. Indeed, Savannah's Community Service Officer program has received national attention since it is one of the very first municipal ombudsmen in the United States.

Page 68 of the State Plan relates "The Planning Board has provisionally allocated Federal funds in the amount . . . of . . . \$6,489 to the Chatham County-Savannah Metropolitan Planning Commission to extend and improve radio communications within the Georgia Southern APDC Region."

Note that this statement was made in spite of a previously submitted opinion to the effect that planning commissions could not do the kind of activity just described.

The State Plan, on Page 97, states "In the applicable areas, meetings were held with Model Cities personnel to coordinate the law enforcement planning activities and avoid duplication of effort." Savannah Model City officials report that contact from the State Planning Bureau has been at a minimum. (Moreover, the State Planning Bureau has offered little input into the Model Cities program insofar as any of the functional areas of Model Cities is concerned).

Under the \$12,000 planning grant that the MPC received for law enforcement planning, the Savannah Police Department captain prepared the law enforcement plan for the Georgia Southern area. It was printed in late November and was submitted to the State Planning Bureau in early December. Again because of shifting deadlines, the plan had to be submitted to the State Planning Agency even before it could be acted upon by the Chatham-Savannah Metropolitan Planning Commission or by constituent governmental entities. In fact, in the case of Savannah, the State Planning Board had met and decided upon the allocations to be made for Savannah before the City Council had had an opportunity to review the plan. It is indeed fortunate that the law enforcement planner is a member of the City's police department and sensitive to the City's requirements and needs.

On March 3, 1970 the State Planning Bureau contacted the Metropolitan Planning Commission by telephone to advise them that they were again providing \$12,000 for planning during the coming year. This is the same figure that was provided last year, and in a sum originally designed to support a nine-month program.

In reviewing the Initial Law Enforcement Plan for the State of Georgia, nowhere can one see the interlocking aspects—the interrelationships—between the various programs. There is no comprehensiveness to the plan. Furthermore, the sub-portions of the plan do not indicate the reasons for which allocational decisions were made. There is no supporting data to permit a judgment as to the adequacy of proposals; nor is it possible to track the train of a reasoning by which decisions were made.

It is my considered judgment that the initial law enforcement plan for the State of Georgia is at an extremely low level of sophistication.

There are no statements of goals in the State Plan.

There is no identification of the sources of non-Federal funding, nor statements of commitment on the part of the recipient agencies.

There is no hierarchy of components indicating their contribution to the total plan.

There is no time frame given for funding or implementing the proposals contained in the plan.

There is no provision for any kind of evaluation of the effectiveness of either component parts of the plan or of the plan itself.

There is no provision in the planning process as presently defined by the State Planning Bureau for input from appointed or elected chief administrators of units of general purpose local government within the State.

The State Planning Board in the allocation decisions has, generally speaking, failed to recognize priorities established on the area level.

There is relatively little to show and reflect a comprehensiveness in Georgia's approach. The plan is rather an attack on a variety of single issues and not directly focused upon those things which would make for comprehensiveness in combating crime.

The State Plan does not appear to have recognized or considered the priorities established by regional or area plans.

The State Plan has largely failed to put the money where the crime is—mainly in cities. Rather, it has been the Georgia experience to give everybody some funds both for planning and for action, hence diluting the amount of funds available for use by cities.

By putting Federal funds into very small law enforcement units, the State government in effect is perpetuating fragmentation of law enforcement in the State, instead of encouraging the formation of larger units that would be more able to achieve higher levels of sophistication and better utilization of scarce resources.

The level of administration of the State of Georgia program is insufficient to meet the needs of the cities in Georgia.

RECOMMENDATIONS

1. The Congress might wish to consider enacting into law a requirement to achieve certain minimum levels of performance and standards for the personnel assigned to State agencies responsible for the implementation of the Omnibus Crime Control Act.

2. The Congress might consider requiring the prior consent of the localities which are to receive funds from the State. They ought, at least, to have had an opportunity to review and comment upon the State Plan insofar as it affects local governments.

3. The Congress might consider developing legislation to insure that the inter-relationships between and among the sub-elements in the State Plan are clearly identified and properly linked.

4. The Congress might wish to consider language to define the meaning of the term "region": Language that would distinguish between "region" as a metropolitan or urban region as opposed to a rural region might be devised.

5. The Congress might consider requirements that would permit cities to bypass State agencies for certain kinds of funding programs where it would not impact on a comprehensive State program, or where a State agency does not meet minimum levels of competence, as established by statute.

6. The Congress might wish to examine the practices of State agencies to insure that Title VI of the Civil Rights Act is being followed.

SUMMARY OF STATEMENT

Based on Savannah's experience, with the State of Georgia administering the Omnibus Crime Control and Safe Streets Act of 1968, federal assistance is not being directed with full impact at urban areas, where high concentrations of crime exist.

Savannah believes this problem is created by the State of Georgia's organization and administration of the law enforcement program as authorized by the Act. Problems with the state include changed deadlines, unfulfilled promises, misinformation, insensitivity to urban crime problems, and long delays in communications.

In determining allocations, the state agency shows little regard for the seriousness of Uniform Crime Report figures, which clearly state that crimes are concentrated in cities. In Savannah's instance, the crime rate is the highest in Georgia. Instead, the state agency has used State Health Department population statistics, which are inaccurate in determining allocations. Even so, there is a wide disparity between amounts of planning grants and populations of areas where grants are made. Moreover, of the total \$554,000 allocated to Georgia for Fiscal 1969, funds designated for "state use" and "discretionary" purposes were deducted by the state, leaving only \$238,570 to be allocated throughout the state.

Savannah questions the procedure of the state's channeling federal funds through planning agencies, especially in view of an opinion by the Attorney General of Georgia that such procedure is unlawful.

Georgia's law enforcement plan lacks sophistication and is deficient in such areas as goals, evaluation of effectiveness, coordination of planning and implementation efforts with localities, establishment of priorities. In short, the state plan has largely failed to "put the money where the crime is"—in cities.

**STATEMENT OF PICOT B. FLOYD, CITY MANAGER OF SAVANNAH,
GA., ACCOMPANIED BY CAPT. LAWRENCE E. MAHANY OF THE
SAVANNAH POLICE DEPARTMENT**

Mr. Floyd. Thank you, Mr. Chairman.

Gentlemen, it is a distinct honor for me to be here today to tell you of the experiences of the city of Savannah, Ga., with regard to the implementation of the Omnibus Crime Control and Safe Streets Act.

At the onset of these remarks, please let the record clearly show that I have nothing but the highest regard on a personal and professional level for those Federal officials whom I know or with whom I have had contact regarding the Omnibus Crime Control Act. I have no com-

plaint against the Federal officials; indeed, they have been most helpful, cooperative, and responsive to my concerns, but I do have a horror story.

Based on the Savannah experience, with the State of Georgia administering the Omnibus Crime Control and Safe Streets Act of 1968, Federal assistance is not being directed with full impact at the urban areas where high concentrations of crime exist.

Savannah believes this problem is created by the State of Georgia's organization and administration of the law-enforcement program as authorized by the act. Problems with the State include changed deadlines, unfulfilled promises, misinformation, bureaucratic complications, insensitivity to urban crime problems, and long delays in communications.

In determining allocations, the State agencies show little regard for the seriousness of uniform crime report figures, which clearly state that crimes are concentrated in cities. In Savannah's instance, the crime rate is the highest in Georgia. Instead, the State agency has used State health department population statistics upon which to base allocation of funds. These figures are inaccurate because in our case they failed to show a large number of military people and their dependents in the area.

Even so, there is a wide disparity between amounts of planning grants and populations of areas where grants are made. Moreover, of the total \$554,000 allocated to Georgia for fiscal 1969, funds designated for "State use" and "discretionary" purposes were deducted by the State, leaving only \$238,570 to be allocated throughout the State and only \$25,190 to Savannah and no cash.

You might be interested to know that we did receive under section 307(B) some of the riot control money, \$13,887, although we asked for in the range of \$150,000.

There was an August deadline, as I recall, August 31, we rushed to get in the application.

On November 10, 1969, we received the check for \$13,887 under section 307(B) and the costs to deliver the check were probably in excess of \$100, because the State agency flew the check down with two men.

Mr. ROGERS. Mr. Floyd, according to the data supplied to the subcommittee, by the Law Enforcement Assistance Administration, the city of Savannah received in fiscal 1969 approximately \$39,000 in action funds out of a total allocation to the State of Georgia of \$554,000.

Mr. FLOYD. That would reflect those 307(B) funds as well, sir, I believe.

Mr. ROGERS. Thank you.

Mr. FLOYD. But under the direct action grants, allocated under the State plan, we have not received a penny to date, sir.

Savannah questions the procedure of the State's channeling Federal funds through the planning agencies, especially in view of an opinion by the attorney general of Georgia that such procedure is unlawful.

Georgia's law enforcement plan has serious problems. The initial plan for the State of Georgia was received in my office on May 9, 1969. On page 2 of that application, over the signature of the State planning officer, the statement is made:

The State Planning Agency hereby assures that it will comply with and will insure compliance by its subgrantees and contractors with Title 6 of the Civil Rights Act of 1964 and all requirements imposed by or pursuant to regulations of the Department of Justice, 28 CFR, Part 42, issued pursuant to that title to the end that no person shall on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from the Department of Justice.

To my knowledge, no one has contacted my office with respect to that provision. I believe the city of Savannah to have no serious problems in this regard, but I do have serious reservations about the abilities or intentions of many other potential grantees in Georgia.

As far as I am aware, the State planning bureau responsible for this act in Georgia has no Negro employees, nor do the 18 area planning and development commissions as far as I can determine.

Mr. ROGERS. You weren't asked anything about it and nobody else in the State of Georgia has been asked about it?

Mr. FLOYD. That is to the best of my information, sir.

Mr. ZELENKO. Has the Law Enforcement Assistance Administration made inquiries?

Mr. FLOYD. No.

Mr. ZELENKO. What are the number of personnel involved, if you know, on the State level in planning and disbursement of \$550-odd thousand in funds?

Mr. FLOYD. I have with me Capt. Lawrence E. Mahany of the Savannah Police Department, who has worked very closely and directly with the State personnel. Captain Mahany has a master's degree from Michigan State University sponsored under a Department of Justice fellowship. I think Captain Mahany may have well been able to answer that. Just parenthetically, though, if I might, sir, Captain Mahany and I were talking earlier. He is the only person in any of the 18 planning commissions who has had any law enforcement experience at all with one exception, a man who is a former Federal marshal.

Mr. MAHANY. To answer your question, there are approximately 14 employees.

Mr. ZELENKO. How many members are on the various regional committees? There are about 18 such committees, I understand, in the State.

Mr. MAHANY. For the whole State, for planning, approximately 30.

Mr. ZELENKO. How many employees in the State?

Mr. MAHANY. In the State planning bureau, it is about 14. For the 18 regions, there are one or two members from each region to do the planning for that particular area.

Mr. ZELENKO. Two people on each regional board and a staff as well for each region?

Mr. MAHANY. Yes.

Mr. ZELENKO. We would like to have for the record the number of personnel on the planning council and the number of personnel employed.

Mr. FLOYD. We would be pleased to provide that information.

(Information to be furnished follows:)

OFFICE OF THE CITY MANAGER,
Savannah, Ga., March 13, 1970.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
Washington, D.C.

DEAR MR. CHAIRMAN: At a recent hearing before Subcommittee No. 5, I promised to provide information relating to law enforcement planners in the Area Planning and Development Commissions throughout the State of Georgia.

Attached is a list of names and addresses. Should I be able to provide further information regarding this, I will be pleased to do so.

Sincerely,

PICOT B. FLOYD, *City Manager.*

Attachment:

REGIONAL LAW ENFORCEMENT PLANNERS

Location and name	Address	Telephone
ALTAHAHA: Holland, Mr. Charles G.	Post Office Box 328, Baxley, Ga. 31513	(912)367-3648
ARMPC: Burke, Mrs. Kathryn	900 Glenn Building, Atlanta 30303	(404)522-7577
CENTRAL SAVANNAH RIVER: Jarboe, Jim	630 Ellis Street, Second Floor, Augusta, Ga. 30902	(404)722-7571
CHATHAN-SAVANNAH: Mahany, Capt. Lawrence E.	Post Office Box 1027, Savannah 31402 (2 East Bay Street)	(912)236-9523
CHATTAHOOCHEE-PLINT: Potts, Mr. A. L.	Post Office Box 1363, LaGrange 30240 (111 Greenville St.)	(404)882-2575
COASTAL: Martin, Mr. Vernon	Post Office Box 1316, Brunswick 31520 (102 Old City Hall)	(912)264-3121
COASTAL PLAIN: Rice, Mr. Ray	Post Office Box 1223, Valdosta 31601 (327 West Savannah Ave.)	(912)244-2048
COOSA VALLEY: Davis, Thomas H. Jr.	Post Office Box 1424, Rome 30161 (3 Broad St.)	(404)234-8507
GEORGIA MOUNTAINS: Desiderio, Charles	Post Office Box 1294, Gainesville 30501 (419 North Bradford St.)	(404)536-3431
HEART OF GEORGIA: Cornelius, Bill	501 Oak Street, NW, Eastman 31023	(912)374-4771
LOWER CHATTAHOOCHEE: Mitchell, Joseph	Post Office Box 1908, Columbus 31902 (900 Second Ave.)	(404)324-4221
McINTOSH TRAIL: Lacey, Mr. Jerry	206 Childers Building, Griffin 30223	(404)227-3096
MIDDLE FLINT: O'Neal, Doug, Jr.	Post Office Box 6, Ellaville 31806	(912)937-2241
MIDDLE GEORGIA: Winters, Kirby	Post Office Box 4586, Macon 31208 (711 Grand Building)	(912)742-5862
NORTHEAST GEORGIA: Foster, Wm. L.	Post Office Box 1724, Athens 30601 (C. & S. Bank Building)	(404)548-3141
OCONEE: Sloan, Robert A.	Post Office Box 707, Milledgeville 31061 (104 East Hancock St.)	(912)452-0581
SLASH PINE: Luckie, J. E.	Post Office Box 1276, Waycross 31501 (902 Grove Ave.)	(912)283-3831
SOUTHWEST GEORGIA: Crook, Jack	Post Office Box 346, Camilla 31730	(912)336-5616

Mr. POLK. Mr. Floyd, in reference to the personnel on the planning boards, on page 14 of your statement, I believe you are quoting a letter from the State planning officer, the first paragraph of which says that, "Reverend William Holmes Borders is a Negro and an extremely active member of the Board."

How does that statement correlate with the one that you just made?

Mr. FLOYD. I speak of professional employees. This is the policy-making board of that State planning agency.

I might add that since I raised these points, the very distinguished Reverend Scott Steel, who is a Chatillon County commissioner has been added as a member of this board.

But at that time, the Reverend Borders had apparently not been seen at the meetings, as it was reported to me.

Mr. POLK. You testified there was only man in the entire planning operation that had law enforcement experience. By the term, "law enforcement," did you mean only police or did you mean courts and corrections as well?

Mr. FLOYD. Insofar as I am advised, in the multiarea planning and development commissions, there are only two persons who have had any law enforcement experience, courts, corrections, police or otherwise, one of whom is Captain Mahany, the other of whom is a gentleman who has served as a Federal marshal.

Mr. POLK. Thank you.

Mr. ROGERS. Go right ahead.

Mr. FLOYD. On page 9 of the State plan, the statement is made, "It is recognized that the prime mission of police agencies is to act as the enforcement arm of the criminal justice system by protecting persons and property through advancing order and justice under democratic law."

It would be my judgment that this sentence reflects total insensitivity to generalized objectives of prevention and rehabilitation that are certainly major elements and perhaps the most important elements in aspects of any effort to fight crime.

On page 11, the State plan states, "The figures from the uniform crime report also show that most serious crimes are committed in cities. As for Georgia, the greater part of serious crimes occurred in heavily populated areas."

Yet, I believe that I have established there has been no sensitivity to this statement in the actual allocation of Federal funds by the State agency.

For instance, on page 5 of the State plan, the State Planning Bureau points out that:

A good example of the need for equipment is the Fort Gaines Police Department. Fort Gaines is a town of nearly 2,000 residents, which had over two and one-quarter million visitors in 1968, as a result of its large Walter F. George lock and dam.

The police department currently has two policemen working 12-hour shifts, seven days a week. The only police vehicle is not radio equipped.

Therefore, there is no communication with any other law enforcement agency.

Gentlemen, I submit that this good example cited by the State planning agency fails in my judgment to indicate that there has been any criminal activity incident to Fort Gaines traffic control needs. This is the kind of inadequate basis upon which the State planning bureau has distributed the allocation of Federal funds.

Mr. ZELENKO. Mr. Floyd, I note that the Georgia allocation for fiscal 1970 of action funds under this program is in excess of \$4.1 million. Do you know at this time what the allocation for the city of Savannah will be under that program?

Mr. MAHANY. \$139,000.

Mr. ZELENKO. Savannah, Ga., ranks third in the State of Georgia in terms of the size of its police department. I believe that its crime rate is the largest crime rate in the State of Georgia?

Mr. FLOYD. Yes, sir. It is the highest crime rate per 100,000 in the State and in the South as a whole.

Mr. ZELENKO. What is the budget for the city of Savannah for police protection?

Mr. FLOYD. The police department budget for the calendar year 1970, which has been adopted, is \$2,237,467.

Mr. ZELENKO. Let me repeat the figure again, so it is clear in the record. Of the \$4.1 million fiscal 1970 allocation to Georgia for action

funds, the share that Savannah, Ga., has now been allocated is \$139,000?

Mr. FLOYD. That is correct, sir. I might point out that in 1969, the police department budget was \$1,821,000 which indicates an increase on our own motion of approximately \$400,000 trying to strengthen this situation.

Mr. ZELENKO. Let me ask one further question. Mr. Floyd, in your statement, you stress that the State of Georgia excludes counting military personnel that live in the vicinity of or in the city of Savannah itself for purposes of allocating of funds under the law enforcement program. However, as I understand it, such personnel are counted for other purposes such as congressional districting, and so forth.

Do you know whether the exclusion of this portion of the population in the city of Savannah by the State was brought to the attention of the Law Enforcement Assistance Administration in Washington?

Mr. FLOYD. In the sense, I believe, sir, that a copy of a letter that I wrote raising that as an issue—that I wrote to the State planning agency—was directed to Federal officials.

Mr. ZELENKO. Thank you.

Mr. ROGERS. Go right ahead.

Mr. FLOYD. In reviewing the initial law enforcement plans for the State of Georgia, I have not obtained a copy of the 1970 plans—nowhere can one see the interlocking aspects, the interrelationships between various programs.

There is no comprehensiveness to the plan. Furthermore, the sub-portions of the plan do not indicate the reasons for which allocational decisions were made. There is no supporting data to permit a judgment as to the adequacy of the proposals nor is it possible to track the train of reasoning by which a decision was made.

It is my considered judgment that the initial law enforcement plan for the State of Georgia is at an extremely low level of sophistication. There are no statements of goals in the State plan. There is no identification of sources of Federal funding, nor statements of commitment on the part of the recipient State agencies.

Gentlemen, the 1970 allocation was approved. We have no funds committed for it, since we were unable to determine what we would be given, under the 1970 plan.

There is no hierarchy of component in the State plan indicating contribution to the total plan. There is no time frame given for funding or implementing the proposals contained in the plan. There is no provision for any kind of evaluation of the effectiveness of either component parts of the plan or the plan, itself.

There is no provision in the planning process, as presently defined by the State planning bureau, for input from appointed or elected chief administrators of units of general purpose local government within the State.

The State planning board, in the allocation decisions, has generally speaking failed to recognize the priorities established on the area level.

There is generally little to show to reflect comprehensiveness in Georgia's approach. The plan is rather an attack on a variety of single issues. It is not directly focused upon those things which would make for comprehensiveness in combating crime.

The State plan does not appear to have recognized or considered the priorities established by regional or area plans.

The State has failed to put the money where the crime is, mainly, in cities. Rather, it has been the Georgia experience to give everybody some funds both for planning and for action, hence diluting the amount of funds available for use by cities.

By putting Federal funds into very small law enforcement units, the State government is, in effect, perpetuating fragmentation of law enforcement in the State instead of encouraging the formation of larger units that would be more able to achieve higher levels of sophistication and better utilization of scarce resources.

I might offer some recommendations. The Congress might wish to consider enacting into law a requirement to achieve certain minimum levels of performance and standards for the personnel assigned to the State agencies responsible for the implementation of the Omnibus Crime Control Act to insure that these personnel are experienced, trained, and capable.

The Congress might consider requiring the prior consent of the localities which are to receive funds from the State.

They ought, at least, to have had an opportunity to review and comment upon the State plan, insofar as it affects local governments.

The Congress might consider legislation to insure that the interrelationships between and among the subelements in the State plan are clearly identified and properly linked.

The Congress might wish to consider language to define the meaning of the term "region." Language that would distinguish between region as a metropolitan or an urban region as opposed to a rural region might be devised.

The Congress might consider requirements that would permit cities to bypass State agencies for certain kinds of funding programs where it would not impact on a comprehensive State program or where a State agency does not meet minimum levels of competence as established by statute.

Congress might wish to examine the practice of State agencies to insure that title 6 of the Civil Rights Act is being followed.

Mr. ROGERS. Thank you so much, Mr. Floyd.

We appreciate your giving us your thoughts in this matter. We certainly are indebted to you for the study and presentation.

Mr. Zelenko.

Mr. ZELENSKO. You mentioned in your written statement that you outlined your criticisms of the Georgia State plan and its operation, in a letter to the State Planning Bureau, a copy of which you sent to the Law Enforcement Assistance Administration in Washington. Your statement presents the reply that you received from the State. I am curious to know what response, if any, you received from Washington?

Mr. FLOYD. Sir, they received a carbon copy of a communication that was not addressed to them. I did subsequently discuss, and I don't recall the date, but I discussed the matter with Federal officials in the Department of Justice responsible for this program.

They indicated to me that it really was a State-level problem.

Mr. ZELENGO. I note on page 8 of your statement, that the Planning Director of the Metropolitan Planning Commission raised several issues after the problems of Savannah became obvious.

One of the problems was whether or not complaints should be logged with Federal officials in the Law Enforcement Assistance Administration.

As you know, under the statute, there is a procedure for hearings and withholding payments to the grantee if the plans of the State are not being complied with and so forth. I gather that Savannah did not choose to take that course—to raise a formal objection?

Mr. FLOYD. That is correct, sir, since among other things we have a wide variety of federally assisted programs, in which this State agency should be involved. About the time that this memorandum was prepared, there was a growing indication of the forthcoming implementation of the intergovernmental relations act.

It was pretty well identified that the State planning bureau would, in effect, be the clearinghouse, the State clearinghouse. Since we are heavily involved in some urban renewal programs, model cities, and things of this kind, we felt that an appeal really—

Mr. ZELENGO. Let us get this clear. Did you think that a challenge of the disbursement policy of law enforcement money might jeopardize the city's ability to get moneys in other areas?

Mr. FLOYD. Yes, sir, because it is the same agency in the State.

Mr. POLK. Mr. Zelenko, may I address a question at this point?

Mr. Floyd, do you construe sections 509 and 510 of the act as allowing an appeal as in the case outlined? Was that channel open to you?

Mr. FLOYD. Captain Mahany?

Mr. MAHANY. We were told when receiving the money, this was what was allocated and this is what we would get.

Mr. POLK. Yes, but as a matter of law, did you have an appeal to Washington? Am I correct then in concluding that when the Act refers to an applicant or a grantee, it is the State of Georgia for the block-grant program?

Mr. MAHANY. That is right. The State is the one. The State plan is approved by LEAA and then the State, in turn, after the approval of that plan, gives out the money.

Mr. ZELENGO. In other words, there was no avenue that you knew of that you could formally raise your objection about the State's allocation formula?

Let me go a step further. Your fifth recommendation is that the Congress enact a provision to permit the cities to bypass the State agencies, to apply for and obtain funds from the Federal Government.

I would like your comment in that connection on a guideline recently published by LEAA. It requires that LEAA's direct grants of its discretionary funds be channeled through the State planning agencies. The guideline was published just last month.

I gather that in view of your experience in the State of Georgia, you would be critical of requiring that such direct funding by LEAA go through the State agency?

Mr. FLOYD. Yes, sir.

Mr. ZELENGO. Would you elaborate?

Mr. FLOYD. My reaction is based quite candidly upon my prior experiences with the State agency.

For instance, we have had in Savannah a very fine experience with our police community relations program. This is a program wherein we identified high crime areas and then stationed a police officer in there, relieving him only of his patrol duties. He was assigned.

We found offices in the neighborhood. He was required to wear his uniform, however, and had the power to make arrests, and these gentlemen, of whom there are five or six, have had tremendous impact on our crime rates in these particular areas, neighborhoods, in which they are assigned.

The reduction is down over the summer period—I don't have the statistic directly before me—but are down approximately two-thirds in these areas. We had picked the high crime areas.

This very fine experience we would like to consider transferring, but it would require some rather considerable study. We don't think that this would fit into State patterns.

We did apply directly to LEAA some long time ago, through the Law Enforcement Institute, and to date I have had no response to my proposal.

Mr. ZELENKO. Mr. Chairman, it may be helpful to insert at this point in the record excerpts from the guideline we are discussing as well as a copy of the LEAA application for discretionary fund grants. My questions concerned that portion of the guideline entitled, "State Planning Agency Coordination," and item 20 of the application form which requires State planning agency certification and approval.

Mr. ROGERS. Without objection, the material will be placed in the record.

GUIDE FOR DISCRETIONARY GRANT PROGRAMS

(Fiscal Year 1970)

Law Enforcement Assistance Administration, U.S. Department of Justice

A. INTRODUCTION

This *Guide* sets forth information concerning programs and projects for which "discretionary funds" are available to qualified applicants during fiscal year 1970 under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968. Discretionary funds are action monies appropriated under the Act which, pursuant to Section 306 of the Act, may be allocated by the Law Enforcement Assistance Administration (LEAA) in its discretion. They may be contrasted with the bulk of action funds which must be allocated to the States on the basis of relative population for implementation of improvement programs developed as part of comprehensive State law enforcement plans. In fiscal year 1970, \$32.25 million has been appropriated for discretionary awards, constituting 15 percent of the total action grant appropriation of \$215 million under Part C of the Act.

Discretionary funds are viewed as the means by which the Law Enforcement Assistance Administration can advance national priorities, draw attention to programs not emphasized in State plans, and provide special impetus for reform and experimentation within the total law enforcement improvement structure created by the Act. Discretionary funds represent only a small portion of the total aid that will be available to State and local government and, thus, will be used for special emphasis and supplementation rather than to meet the massive or widespread need that State plans and "block grant" action funds must address.

The 1970 discretionary programs respond to needs which have been identified in major crime studies and analyses, by law enforcement groups, and in prevailing professional goals and standards. The program areas also address, to the extent possible at this stage of the LEAA program, issues and gaps suggested in the course of first year program implementation and by analysis of 1969 State plans.

The *Guide* first outlines general specifications and requirements for discretionary fund applications and awards (Section B). This is followed by a presentation

of the standard application form prescribed for discretionary grants and the standard grant conditions applicable to discretionary grants (Section C). The remaining sections set forth announcements of the various discretionary grant programs authorized for fiscal year 1970 (Sections D through M). These announcements indicate the objectives of each program, the tentative fund allocation authorized for grants under the program in Fiscal Year 1970, the approximate size and number of grants contemplated, a description of the scope and specifications for projects, and, finally, a discussion of any special coordinative, budget, approval, or other requirements established for the program.

The wide variety of program formats and authorizations requires considerable variation in the terms, conditions, and specifications for discretionary programs. Potential applicants are urged to review carefully the general specifications, application procedures, and terms of the specific programs in which they may have an interest. General specifications apply to all programs unless modified by a particular program announcement.

The programs set forth in the Guide account for anticipated award of the bulk of discretionary funds available in Fiscal Year 1970. Additional programs are in process of formulation and review. These will be added to the Guide as authorized. Some discretionary funds have been set aside for specific projects of national scope, special character, or demonstration significance which do not lend themselves to multiple award on the solicited proposal basis applicable to programs announced in the Guide.

Efforts in the areas of juvenile delinquency and citizen action, although not separately identified, have been included in a number of discretionary programs. For example, the "Large City Special Grants" program includes delinquency projects as one of the seven major areas for funding. The largest corrections programs indicate a special priority for juvenile treatment and rehabilitation. Citizen action and participation is stressed in such diverse programs as vertical policing services, metropolitan narcotics and dangerous drugs enforcement and prevention, training grants for Indians, and all project categories of the Large City Special Grants. Inclusion in substantive or target area categories was deemed a more meaningful way of programming for delinquency or private sector involvement. In future years, programs which deal exclusively with these elements may be developed.

Questions concerning the LEAA discretionary fund programs or any provisions of the Guide may be directed to the LEAA Regional Office responsible for the area in which the inquiring agency or applicant is located or, where the inquiry relates to a program under specific supervision of one of the OLEP Program Division, directly to that Program Division. A listing of the Regional Office and Program Division heads and their addresses is set forth in Appendix II of the Guide.

LAW ENFORCEMENT ASSISTANT ADMINISTRATION,
CHARLES H. ROGOVIN, *Administrator*.
RICHARD W. VELDE, *Associate Administrator*.
CLARENCE M. COSTER, *Associate Administrator*.

JANUARY 1970.

B. GENERAL SPECIFICATIONS FOR DISCRETIONARY GRANTS

Set forth below are general requirements, eligibility rules, and other specifications for "discretionary grants" from funds allocable "as the Administration may determine" under Section 306 of the Act. Except as expressly modified for individual programs set forth in succeeding section of the Guide these specifications apply to all applications for discretionary grants. They should be reviewed carefully by potential applicants.

Programs considered

Applications from State and local units of government will be considered only to the extent that they fall within the coverage of programs set forth in this Guide. For statements of the scope and specifications of discretionary programs, reference should be made to the individual descriptions set forth by major program area.

Eligible grantees

Discretionary grants, authorized under Part C of the Act (Grants for Law Enforcement Purposes), can be made only to States and to local units of government, or combinations of local units. While programs may contemplate action

by a particular type of law enforcement agency, or perhaps an effort conducted for State or local government by a university or private agency, application must be made by either (i) the department of State government under whose jurisdiction the project will be conducted, or (ii) a unit of general local government, or combination of such units, whose law enforcement agencies, systems, or activities will execute or be benefited by the grant.

Multi-state or multi-unit projects

Many discretionary programs encourage or give preference to multi-State, regional, or cooperative projects involving multiple units of State or local government. In such cases, and to facilitate these arrangements, a flexible approach to applicant selection has been adopted. Unless otherwise indicated in the specifications for a particular program, application may be made by (i) one governmental unit in the group on behalf of the others (ii) all units in the group jointly or (iii) by a special combination, association or joint venture created by a group of governmental units for general or grant application purposes. In all cases, clear evidence will be required of approval by all participating units of government with respect to (i) their participation in the project and (ii) the terms and commitments of the grant proposal or application.

Submission dates

Except as otherwise indicated in individual program descriptions, applications will be received for discretionary programs up to May 1, 1970. Applicants, however, are urged to submit proposals at the earliest possible time. Individual program descriptions may provide for early or intermediate award dates at which time grants will be issued on the basis of eligible applications on hand. In any event, an initial funding round for discretionary projects is contemplated in March, 1970.

State planning agency coordination

All discretionary grant applications should be submitted, in advance of LEAA filing, to the Title I State law enforcement planning agency of the State in which the program or project will be executed. In the case of multi-State efforts, such submissions are to be made to each State planning agency concerned. Applicants are encouraged also to consult with and seek assistance from State planning agencies in development of applications.

A necessary element of each application will be a State planning agency confirmation that (i) the proposed project is consistent with the State's comprehensive law enforcement plan (or plans where several States are involved), (ii) the grant project will, if approved, be incorporated or integrated as an action effort within the action plan component of the State plan, and (iii) State action fund allocations to the beneficiary agency, unit of government, or region will not be reduced or supplanted by virtue of the discretionary award. This confirmation is to be appended to the application. It is contemplated that most grants will be made through State planning agencies for fund administration and monitoring purposes and, accordingly, State planning agencies should certify their willingness to accept such grants. (See Appendix III for suggested form of State planning agency approval and certification).¹

Where the State planning agency, for any reason, withholds or is unable to furnish the requested certification, it should advise LEAA promptly of the reasons for not furnishing this item. In this case, or in the absence of any SPA action after a reasonable time, LEAA will make a final determination as to the application in question, reserving the right to make direct awards to qualified applicants.

Application forms

Form LEAA-OLEP-5 (see Section C of *Guide*) should be used for preparation of formal applications for all grants under discretionary programs. Except where individual programs contain special instructions or modifications as to application content, data, and attachments, all parts of this form should be completed.

¹ Another form of State/local coordination, applicable only to planning projects (e.g., option vii under the Large City Special Grants Program) and construction or facilities development projects (e.g., nos. 2 and 3 under the Corrections Improvement Programs) is the State and metropolitan clearinghouse notice system required by Bureau of the Budget Circular A-95 (July 24, 1969). Applicants under these programs should contact LEAA or their State planning agencies for guidance on the coordination and notice requirements of Circular A-95.

Since preparation of a formal application involves considerable investment of time and effort, LEAA encourages a preliminary submission of proposals and projects in summary form. A 2 or 3 page letter can serve adequately as a preliminary proposal if it includes a clear statement of project goals and methods, timetable, budget (by major categories), and resources available (facilities, staff, and cooperating agencies or entities). Following determination of eligibility and communication of LEAA questions and comments, the applicant can proceed more readily to develop the required formal application. Informal or preliminary proposals, whether in letter or draft application form, may be transmitted to either the cognizant Regional Office or Program Division (preferably in two copies).

Application submission

All discretionary grant applications should be submitted as follows :

Two copies to each cognizant LEAA Regional Office

One copy to each cognizant State planning agency

Original and three copies to the Office of Law Enforcement Programs

Where multi-State projects are involved, copies are required for each affected State planning agency and LEAA Regional Office. At the time of submission to LEAA, applications should include the completed State planning agency endorsement (Appendix III), or, where this is pending or endorsement has been withheld, an indication of status.

Grantee matching contributions

All grants made under part C of the Act, including discretionary grants are subject to the grantee contribution requirements set forth in Section 301(c) of the Act. That is, applicants must be prepared to provide at least: (i) 25 percent of the total project costs in efforts involving the prevention, detection, and control of riots and other civil disorders and the control of organized crime (as specified in sections 301(b)(5) & (6) of the Act); (ii) 50 percent of the project costs for construction of buildings and facilities (as specified in Section 301(b)(4) of the Act); (iii) 40 percent of total project costs in all other discretionary programs.

Matching cost contributions can include State, local, or private funds or in-kind resources (services, goods or facilities) but may not include funds from other federal sources (except for the statutory exceptions permitting treatment of Model Cities grant funds, under certain circumstances, as local matching contributions).²

Project budgets

The standard application form contains detailed instructions on formulation and justification of project budgets. Applicants are required to present total cost budgets and not merely budgets for expenditure of federal grant funds. That is, budgets must show total project expenses which will be met by the LEAA discretionary grant, the grantee matching contribution (see preceding paragraph) and any other funds or resources to be applied to the project. LEAA review will involve close study of proposed budget and, where necessary, "pre-audit" of grantee or implementing agency financial and grant accounting capabilities.

Fiscal administration of discretionary grants

Discretionary grants will be administered in accordance with the *LEAA Financial Guide* (May, 1969) as modified by Appendix I to this *Guide*. The *LEAA Financial Guide* relates primarily to fiscal administration of planning grants (Part B of Act) and action grants ("block grants"), allocated on the basis of State population (Part C). Appendix I adjusts the *Guide* for application to the special characteristics of discretionary grants.

Grant conditions

All discretionary grants are subject to the grant conditions set forth in Section C of this *Guide*. These conditions apply to all discretionary awards and must be adhered to throughout the duration of the grant period.

² See Section 105, Demonstration Cities and Metropolitan Development Act of 1966, as amended.

Research and development projects

Discretionary funds are not available for projects which are primarily research efforts. Discretionary programs contemplate, instead, action projects that support or stimulate law enforcement improvement in specially defined or focused directions. Research undertakings should be formulated and submitted under the "r&d" programs of the LEAA National Institute of Law Enforcement and Criminal Justice. A discretionary fund program, in its total reach, may constitute a demonstration seeking to apply and test a concept, technique or program growing out of an initial research effort. To that extent, the discretionary program may constitute an experimental or research undertaking, possibly embodying a funded LEAA or National Institute evaluation component. This, however, would not affect or alter the basic action character of the individual projects funded under the discretionary program.

Continuation support

Except in the few instances where program announcements indicate otherwise, 1970 discretionary awards will include no commitment for continuation support. Insufficient experience with the various discretionary programs along with possible expansion of "block grant" fund availability (with consequent ability of States to absorb promising discretionary projects) dictates this course of action. However, no policy has been established against considering second year support to grantees under discretionary programs in fact continued in Fiscal Year 1971. It is anticipated that many programs will, in current or related form, be so continued. Also, although one year is viewed as the normal project period, applicants may structure efforts contemplating a duration in excess of one year (e.g., 15 months, 18 months) so long as the proposed budget is within the grant maximum prescribed for a particular program.

Where applicants desire to present a multi-year or future year budget, or estimate future year needs for project continuation in order to better present their project concept and development, such data be added to the normal grant application budget material (see item 13 of Form 5). In some discretionary programs, it will be noted that future year cost data is explicitly or impliedly requested.

C. APPLICATION FORMS AND GRANT CONDITIONS

Standard application form

The standard form for submission of discretionary fund applications is Form LEAA-OLEP-5. This form is reproduced, with instructions, on the following pages. As previously indicated (Section B, page 7), LEAA encourages the submission of proposals in preliminary or draft form to permit initial review of project eligibility and reaction as to feasibility and merit. Ultimately a duly executed and completed Form LEAA-OLEP-5 will be required for virtually all applications.

There are specific exceptions to use of the standard form and these are set forth in relevant program announcements. (For example, no special application papers are required for grants under the "Small State Allocation Supplement." These allocations are merely incorporated in the annual State plan and "block grant" submission). Proposals developed on State planning agency subgrant application forms may also be utilized, provided these substantially meet the data requirements of Form LEAA-OLEP-5 and, provided also, that the face sheet for Form LEAA-OLEP-5 is completed and affixed to the proposal.

Because of the wide variety of discretionary programs, parts of the standard form may not seem appropriate for a specific application. In such cases, applicants should be as responsive as possible and seek guidance from LEAA. Occasionally, the announcement for a specific discretionary program will indicate special data or information to be included in applications. This should be added to the normal information required by Form LEAA-OLEP-5.

Although most programs do not contemplate commitments for future support, the form does make provision for submission of multi-year budget data (Item 13). All applicants for programs requiring such forward year data must complete the relevant section, and other applicants who have such data are encouraged to do so as well.

A signed original and six copies are required for each application submission. These should be directed by applicants or their co-applicant State planning agencies as follows:

Two copies to the cognizant LEAA regional office (Appendix II for addresses).

Original and three copies to the LEAA Office of Law Enforcement Programs, Washington, D.C. 20530.

One copy to the State planning agency.

For multi-state projects, copies of applications should be sent to each interested State planning agency and LEAA Regional Office.

Grant conditions

The standard grant conditions reproduced on pages 4 and 5 of the application form are incorporated in and made a part of all discretionary awards. These are based on legislative requirements (e.g., prohibitions against discrimination), federal grant administration policies (e.g., allowable costs) and specific LEAA regulatory pronouncements (e.g., written approval of changes). All grant conditions should be reviewed carefully because they define the obligations of potential grantees and express commitments that will have binding contractual effect once an award is made and accepted by the grantee.

Frequently, LEAA will approve, as a condition of grant award and receipt of funds, "special conditions" applicable only to the particular project or type of program receiving grant support. These may seek to secure additional project information or detail, establish special reporting requirements, provide for LEAA approval of critical project elements such as key staff, evaluation designs, dissemination manuscripts, etc. Where special conditions are to be negotiated and included in the terms of an award, notice and opportunity for discussion will be provided to grant applicants.

It will be noted that some of the grant conditions refer to and incorporate the requirements of other LEAA issuances. The most important of these are (i) the LEAA *Financial Guide* which, as delimited in Appendix I, is established as the basic fiscal administration manual for discretionary grants and (ii) LEAA regulations implementing the provisions of the Civil Rights Act of 1964 with respect to LEAA grants. Copies of these and other grant condition references may be obtained by request to the LEAA Office of Law Enforcement Programs.

Form LEAA-OLEP-5 (Revised)
(Edition 12-30-69)



U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

APPLICATION FOR GRANT
DISCRETIONARY FUNDS
PAGE 1

Application is hereby made for a grant under Section 306 of the Omnibus Crime Control and Safe Streets Act of 1968 (PL 90-351) in the amount and for the purposes set forth in this application.

(LEAVE BLANK FOR OFFICIAL USE ONLY)

Application Number	Program Division Assigned
Date Received	Region Assigned

1. Short title of Project: (Do not exceed one typed line)

2. Type of Application: (Check One)

Original Revision Continuation of Grant No. _____

3. Discretionary Program Under which Application is Made:

4. Project Duration: Total Length _____ months

5. LEAA Support Sought: \$ _____

6. Applicant or Implementing Agency or Governmental Unit: (Name, address, and telephone)

7. Project Director (Name, title, address, and telephone)

8. Financial Officer (Name, title, address, and telephone)

9. Official Authorized to Sign Application (Name, title, address, and telephone)

10. Project Summary - - Summarize, in approximately 200 words, the most important parts of the statement of project plan presented in application item 22 (page 6), briefly covering project goals and program methods, impact, scope, and evaluation.

Discretionary Grant Application Instructions--General and Page 1 Items

Read these instructions carefully before developing a discretionary grant proposal or completing an application under P. L. 90-351. Instructions appear on the reverse side of the application page to which they relate. It is also important to review carefully the LEAA Guide for Discretionary Grant Programs both as to general requirements and specifications and the features of the specific discretionary programs under which the application is seeking support.

An original and six copies of the complete applications must be submitted. These should be separately assembled and fastened by a single staple in the upper left hand corner. Whenever the space provided for an application item is insufficient for adequate response, continuation pages should be used, identifying the application page number and item number (e.g., for additional data on page 1, Item 9, the identification should read "Continuation Sheet--Page 1--Item 9").

Completed applications should be mailed as follows:

- (a) Original and three copies to Office of Law Enforcement Programs
Law Enforcement Assistance Administration
United States Department of Justice
Washington, D.C. 20530
- (b) One copy to the applicant or implementing unit's State law enforcement planning agency under P. L. 90-351.
- (c) Two copies to the cognizant LEAA Regional Office

Page 1 Items

1. Short Title of Project: Enter a brief, descriptive title not exceeding one typed line in length.
2. Type of Application: Check whether this is the first (original) application for this project, a revision of a prior application, or an application for continuation support of a previously funded project.
3. Discretionary Program Under Which Application is Made: Enter the exact title, as it appears in the LEAA Guide for Discretionary Grant Programs, of the specific programs pursuant to which this application is being submitted. If not under a defined program, so state.
4. Project Duration: Show the anticipated project length in months.
5. LEAA Support Sought: Enter the total amount of LEAA funding requested to conduct the project. This may not exceed the maximum grant size indicated for the particular program under which the application is made.
6. Applicant or Implementing Agency: Enter the official name, address, and telephone number of the state agency, local government unit, institution, department or other primary unit which will administer the project, whether as direct grantee or subgrantee of a State planning agency. For discretionary grant programs contemplating awards to local units or individual agencies through State planning agencies, SPA execution of the required "SPA Certification and Approval" will establish co-applicant status sufficient to award the grant to the SPA for subgranting to the implementing unit or agency.
7. Project Director: This is the individual who will be in direct charge of the project. He should be a person who combines knowledge and experience in the project area with ability in administration and supervision of personnel and will be expected to devote a major portion of his time to the project.
8. Financial Officer: This is the person who will be responsible for fiscal matters relating to the project and in ultimate charge of accounting, management of funds, verification of expenditures, and grant financial reports (normally someone other than project director).
9. Official Authorized to Sign Application: This is the individual authorized to enter into binding commitments on behalf of the applicant or implementing agency. He will normally be the chief officer of the agency or governmental unit involved.
10. Project Summary: Enter pursuant to instructions shown on the face sheet. If additional space is needed, add a continuation sheet per General Instructions above.

Form LEAA-OLEP-5 (Revised)
(Edition 12-30-69)



U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

APPLICATION FOR GRANT
DISCRETIONARY FUNDS
PAGE 2

11. DETAILED PROJECT BUDGET -- Include the estimated cost or value of all resources necessary to undertake the project.

A. Personnel (Employees)	L E A A SUPPORT	GRANTEE CONTRIBUTION	CATEGORY TOTAL
(1) Salaries (list each position with salary rate and percentage of time devoted)	\$	\$	
(2) FICA, Retirement, etc.	\$	\$	\$
TOTAL PROJECT COST	\$	\$	\$

DISCRETIONARY GRANT APPLICATION INSTRUCTIONS—PAGE 2 ITEMS

The budget form must be completed in detail with amounts rounded to the nearest whole dollar. It should be accompanied by a separate narrative (page 3 of application) providing justifications and detailing the basis for determining the cost of the items included in each budget category.

The budget should cover the entire project period (application item 4).

The budget has separate columns to show which costs or budget elements will be supported from grant funds and which from grantee matching contributions.

The cost of each item listed under the various budget categories should be shown under the "LEAA Support" or "Grantee Contribution" columns (or divided between them) depending on the funding source planned for the item. The cost of all items listed in each major budget category should be inserted in the "Category Total" space.

Whenever the space for any budget category is inadequate to permit listing of all items, the notation "See Continuation Sheet" should be entered, only the "Category Total", should be inserted, and all items in the category should be listed on a continuation page.

A. Personnel. (i) For salaries: list each position by title (and name of employee, if available), show the annual salary rate for the employee, and the percentage of time to be devoted to the project by the employee. (ii) For employee benefits: indicate each type of benefit included and the total cost allocable to employees assigned to the project. Budgets should take into account time needed to acquire new staff and changing demands for personnel during the course of the project.

B. Professional Services. (i) For individuals to be reimbursed for personal services on a fee basis: list each type of consultant or service (with numbers in each category and names of major consultants where available), the proposed fee rates (by day, week, or hour), and the amount of time to be devoted to such services. (ii) For organizations, including professional associations and educational institutions, performing professional services: indicate types of services being performed, and estimated contract price. (Further contract cost data should be supplied in the budget narrative--application page 3).

C. Travel. Itemized travel expenses of project personnel by purpose (e.g., faculty to training site, field interviews, advisory group meetings, etc.) and show basis for computation (e.g., "5 trips for 'x' purpose at \$80 average cost--\$50 transportation and 2 days per diem at \$15" or "6 people to 3-day meeting at \$70 transportation and \$45 subsistence"). In training projects, where travel and subsistence of trainees is included, this should be separately listed indicating the number of trainees and unit costs involved.

D. Equipment. Each type of item to be purchased should be separately listed with unit costs.

E. Supplies and Other Operating Expenses. List items within this category by major type (e.g., office supplies, training materials, research forms, telephone and postage) and show basis for computation ("x" dollars per month for office supplies, "y" dollars per person for training materials, telephone--long distance at "z" dollars per month, etc.). Large items should be separately listed and identified (e.g., unusual supply items, special printing or mailings required for project). (i) On miscellaneous expenses: a specific itemization of each type of expense with basis of computation should be provided. (ii) Where indirect costs are claimed: a computed rate allocated on the basis of wages or salaries must be shown plus evidence that the rate has been audited and approved by a government audit agency. For those projects being implemented by local governments, consistent with the Financial Guide (page 31), indirect costs not in excess of 5% of total project costs, may be claimed when the implementing agency does not have an audited rate. (iii) For subcontract services: the nature of the services, other than professional services indicated above, to be retained and estimated contract amount should be shown.

F. Total Project Costs. The "Total Project Cost" should be the sum of the "Category Totals" or of all individually listed budget items.

Form LEAA-OLEP-5 (Revised)
(Edition 12-30-69)



U. S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

APPLICATION FOR GRANT
DISCRETIONARY FUNDS
PAGE 3

12. BUDGET NARRATIVE

Begin below and add as many continuation pages (3a, 3b, etc.) as may be necessary to relate the items budgeted to project activities, and complete the required justification and explanation of the project budget.

Discretionary Grant Application Instructions--Page 3 Items
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The applicant should provide here a justification and explanation of the budget items shown on page 2. This should contain criteria and data used to arrive at estimates and, to the extent not permitted by space available on page 2, such further breakdown or detail on any budget figure as may be needed to understand the manner in which it was computed. Special information on particular items requested on page 2 (e.g., equipment listings) may also be provided where necessary. In completing the page:

- . Data should be identified by the major category involved.
- . There should be a special explanation of large items, e.g., heavy travel costs, large printing expenditures, extensive clerical services, high salary rates, indicating why these are deemed necessary for the proper conduct of the project. Where substantial subcontract services are shown under budget item B or E, a breakdown of the contract price by major cost element or other applicable basis for computation should be included.
- . Any Grantee Contribution items to be furnished "in-kind," (i.e., in the form of goods, services, or facilities usage, rather than cash) must be identified and the basis for valuation or computation indicated.
- . The budget narrative should also show the relationship between the budgeted expenditure categories and the proposed operation of the project. If the project has several major components (e.g., curriculum development, actual training, and evaluation of training) the amount of expenditures relating to each such component under the various categories should be identified or discussed.
- . In many cases, the budget schedule (page 2 of application) will not provide sufficient room to detail the items listed and the narrative will permit the necessary amplification. The narrative, however, should not be confused with continuation sheets required when space on the budget page is insufficient to include all items. Continuation sheets for the budget should be kept separate from the narrative so that the budget may be identified as a distinct document.
- . The extent and type of detail and explanation in the narrative will depend on the financial structure and particular needs of the project. The important consideration is that all components and items of the budget be explained with sufficient clarity to permit an intelligent evaluation by those responsible for review of applications.

Note on Grantee Matching Contributions

Applicants, in budget preparation, should keep in mind and must be prepared to meet statutory matching contribution requirements. These are:

- (i) Twenty-five percent of total project costs in projects relating to prevention, detection and control of riots and other civil disorders or to the control of organized crime.
- (ii) Fifty percent of total project costs for construction of buildings and facilities.
- (iii) Forty percent of total project costs in all other discretionary grant programs.

Other criteria and policies are also relevant to budget preparation. These include (a) minimum-maximum grant ranges prescribed for particular discretionary programs (federal funds requested should be within these ranges); (b) limitation of travel and subsistence charges by grantees to levels allowed under current federal travel regulations (or the grantee's established travel policies if lower), including use of less than first class accommodations in air and rail travel and a \$25 per diem subsistence maximum; (c) limitation of consultant fees to lowest rates consistent with procurement of competent services, and except in unusual circumstances and with prior LEAA approval, to not in excess of \$100 per day or equivalent; (d) use of rental equipment whenever significantly less costly over the project period than purchase of new equipment; and rules on approval of budget changes and transfers, allowable and non-allowable costs, non-reimbursement of costs incurred before the project effective date and other fiscal regulations set forth in the standard grant conditions applicable to discretionary grants (application item 16) and the LEAA Financial Guide as incorporated in such conditions.

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13. Budget Summary and Projection				
Budget Categories	Prior Project Phases	Present Phase	Successive Phases	Total
Personnel (Salaries and Benefits)	X			
Professional Services (Individuals and Consulting Organizations and Associations)				
Travel (Transportation and Subsistence)				
Equipment				
Supplies and Other Operating Expenses				
TOTAL				
Duration of Project Phases (In months)				

<p>14. Federal Support. Will other Federal support be available for any part of this project? Yes _____ No _____ If yes, identify and explain: _____ _____</p>	<p>15. Federal Submissions. Have other Federal agencies been contacted for assistance on this or similar projects? Yes _____ No _____ If Yes, identify and indicate status: _____</p>
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16. STANDARD GRANT CONDITIONS - Applicant understands and agrees that any grant received as a result of this application shall be subject to and incorporate the following grant conditions:
- (1) **Reports.** The grantee shall submit, at such times and in such form as may be prescribed, such reports as the Law Enforcement Assistance Administration may reasonably require, including quarterly financial reports and progress reports and final financial and narrative reports.
 - (2) **Copyrights.** Where activities supported by this grant produce original books, manuals, films, or other copyrightable material, the grantee may copyright such, but LEAA reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, and use such materials, and to authorize others to do so.
 - (3) **Patents.** If any discovery or invention arises or is developed in the course of or as a result of work performed under this grant, the grantee shall refer the discovery or invention to LEAA, which will determine whether or not patent protection will be sought, how any rights therein, including patent rights, will be disposed of and administered, and the necessity of other action required to protect the public interest in work supported with Federal funds, all in accordance with the Presidential Memorandum of October 10, 1963, on Government Patent Policy.
 - (4) **Discrimination Prohibited.** No person shall, on the grounds of race, creed, color or national origin, be excluded from participation in, be refused the benefits of, or be otherwise subjected to discrimination under grants awarded pursuant to P. L. 90-351 or under any project, program, or activity supported by this grant. The grantee must comply with the provisions and requirements of Title VI of the Civil Rights Act of 1964 and regulations issued by the Department of Justice and the Law Enforcement Assistance Administration thereunder as a condition of award of Federal funds and continued grant support. **As required by Section 518(b) of P. L. 90-351, this grant condition shall not be interpreted to require the imposition in grant-supported projects of any percentage ratio, quota system, or other program to achieve racial balance or eliminate racial imbalance in a law enforcement agency.**
 - (5) **Termination of Aid.** This grant may be terminated or fund payments discontinued by LEAA where it finds a substantial failure to comply with the provisions of P. L. 90-351 or regulations promulgated thereunder, including these grant conditions or application obligations, but only after notice and hearing and pursuant to all procedures set forth in Sections 510 and 511 of P. L. 90-351.
 - (6) **Inspection and Audit.** The Administration and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the grantee, and to relevant books and records of subgrantees and contractors, as provided in Section 521 of P. L. 90-351.
 - (7) **Maintenance of Records.** All required records shall be maintained until an audit is completed and all questions arising therefrom are resolved, or three years after completion of a project, whichever is sooner.
 - (8) **Utilization and Payment of Funds.** Funds awarded are to be expended only for purposes and activities covered by grantee's approved project plan and budget. Project funds may be made available through a letter of credit system pursuant to rules and procedures as to establishment, withdrawals, etc., issued by the Administration and with which grantees must comply. Where grant awards are not sufficiently large to require this system, payments will be made on the basis of periodic requests and estimates of fund needs submitted by the grantee. Payments will be adjusted to correct previous overpayments or underpayments and disallowances resulting from audit.

Discretionary Grant Application Instructions--Page 4 and 5 Items
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13. Budget Summary and Projection. This need be completed only where (i) specifically requested by the terms of the discretionary grant program under which application is being made or (ii) the applicant desires to show fiscal needs for project continuation in future periods (the successive phases column). The "present phase" column relates to the "project duration" shown in application item 4.

14. Federal Support: When other Federal funds will be available for financing of components or parts of the project, the applicant should indicate and explain. This should be interpreted broadly and include notice of any related activities supported by other Federal programs (OEO, HEW, Labor, etc.).

15. Federal Submissions: Indicate other Federal agencies or programs to which this proposal, or an earlier version, or a related project idea has been submitted to or offered for discussion. Indicate status thereof.

16. Standard Grant Conditions: This item sets forth the conditions for the extension of grant assistance to any applicant and, when an award is made and grant funds are accepted thereunder, will become a binding contractual commitment of the grantee. The applicant should satisfy itself that it has read, understands, and is willing to comply with these grant conditions and the rules and regulations incorporated therein concerning administration of grants established by the Law Enforcement Assistance Administration.

- (9.) **Allowable Costs.** The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items set forth in Bureau of Budget Circular No. A-87, "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments", as further defined and delimited in conditions 10 and 11 below, and in the LEAA Financial Guide for Administration of Planning and Action Grants.
- (10.) **Expenses Not Allowable.** Grant funds may not be expended for (a) items not part of the approved budget or separately approved by LEAA; (b) purchase or construction of land and buildings or improvements thereon, or payment of real estate mortgages or taxes, unless specifically provided for in the grant agreement; (c) dues to organizations or federations; (d) entertainment including luncheons, banquets, gratuities or decorations; (e) purchase of automobiles or other automotive vehicles unless provided for in the grant agreement; or (f) indirect (overhead) costs, where the grantee does not have an audited indirect expense allocation system and rate acceptable to LEAA. Expenditure of funds in excess of the submitted total cost estimate for any major budget category will be permitted only with LEAA approval where this involves an increase of more than 10 percent in the total category cost estimate. Such increases will be deemed, in effect, to constitute an amendment of the grant application and award requiring grantor concurrence.
- (11.) **Written Approval of Changes.** Grantees must obtain prior written approval from LEAA for major project changes. These include (a) changes of substance in project activities, designs, or research plans set forth in the approved application; (b) changes in the project director or key professional personnel identified in the approved application; and (c) changes in the approved project budget as specified in the preceding condition.
- (12.) **Project Income.** All interest or other income earned by the grantee with respect to grant funds or as a result of conduct of the grant project (sale of publications, registration fees, service charges on fees, etc.) must be accounted for. Interest on grant funds must be returned to LEAA by check payable to the United States Treasury, and other income should be applied to project purposes or in reduction of project costs; provided, however, that if the grantee is a unit of government, the grantee shall not be accountable for interest earned on grant funds pending their disbursement or actual application for project purposes.
- (13.) **Title to Property.** Title to property acquired in whole or in part with grant funds in accordance with approved budgets shall vest in the grantee, subject to divestment at the option of LEAA (to the extent of LEAA contribution toward the purchase thereof) exercisable only upon notice within 120 days after the end of the grant period or termination of the grant. Grantees shall exercise due care in the use, maintenance, protection and preservation of such property during the period of project use.
- (14.) **Publications.** The grantee may publish, at its own expense, the results of grant activity without prior review by LEAA provided that any publication (written, visual, or sound) contains an acknowledgement of LEAA grant support. At least 25 copies of any such publication must be furnished to LEAA but only 10 copies of training materials (where used in grant project) need be supplied, except as otherwise requested or approved by LEAA. Publication of documents or reports with grant funds beyond quantities required to meet standard report requirements must be provided for in approved project plans or budgets or otherwise approved by LEAA and, for large quantity publication, manuscripts must be submitted in advance to LEAA.
- (15.) **Third Party Participation.** No contract or agreement may be entered into by the grantee for execution of project activities or provision of services to a grant project (other than purchase of supplies or standard commercial or maintenance services) which is not incorporated in the approved proposal or approved in advance by LEAA. Any such arrangements shall provide that the grantee will retain ultimate control and responsibility for the grant project and that the contractor or subgrantee shall be bound by these grant conditions and any other requirements applicable to the grantee in the conduct of the project.
- (16.) **Obligation of Grant Funds.** Grant funds may not, without advance written approval by LEAA, be obligated prior to the effective date or subsequent to the termination date of the grant period. Obligations outstanding as of the termination date shall be liquidated within 90 days. Such obligations must be related to goods or services provided and utilized within the grant period.
- (17.) **Fiscal Regulations.** The fiscal administration of grants shall be subject to such further rules, regulations, and policies, concerning accounting and records, payment of funds, cost allowability, submission of financial reports, etc., as may be prescribed by LEAA, including those set forth in the LEAA Guide for Discretionary Grant Programs and those specified as applicable to discretionary grants in the LEAA Financial Guide for Administration of Planning and Action Grants.
17. **ASSURANCE OF COMPLIANCE WITH CIVIL RIGHTS ACT OF 1964.** The applicant hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (P. L. 88-352) and all requirements imposed by or pursuant to Regulations of the Department of Justice (28 CFR Part 42) and LEAA issued pursuant to that title, to the end that no person shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance from the Department; and gives further assurance that it will promptly take any measures necessary to effectuate this commitment as more fully set forth in the standard grant conditions set forth above. This assurance shall obligate the applicant for the period during which Federal financial assistance is extended to it by the Department and is given in consideration of and for the purpose of obtaining the grant for which application is hereby made, and the United States shall have the right to seek judicial enforcement of this assurance.

18. Date:	19. Total Pages in Application	20. State Planning Agency Certification and Approval Effectuated <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
21. Signature of Authorized Official (Item 8 of Application)		

Discretionary Grant Application Instructions--Page 5 Items

17. Compliance with Civil Rights Act: No entries are required for this item but it constitutes a major commitment of the applicant and must be accepted as a precondition for grant support. Its contents should be regarded as an integral part of the application and as binding as specific data or representations supplied elsewhere. Amplification and explanation of grantee commitments hereunder can be found in departmental and LEAA regulations issued under Title VI of the Civil Rights Act of 1964.

18. Date: Indicate the date the completed application is signed.

19. Pages in Application: Indicate the total number of pages (separate sheets) contained in the complete application, exclusive of appended brochures, printed materials, etc. Since there may be continuation pages ("1a," "2a") this number may be larger than that shown by the consecutive numbering of the application.

20. SPA Certification and Approval: All discretionary grant applications not directly prepared and filed by State law enforcement planning agencies should have a completed "Discretionary Grant Application Endorsement" (LEAA Form 5) attached to the application before final processing and award action can be completed. The preferred procedure is to have the attachment appended to the application submission when made to LEAA. If this is not done LEAA will assume that the endorsement has been requested and notification thereof will be forthcoming by separate transmittal.

21. Signature: The official named in Item 9 as the individual authorized to sign the application should execute the original application. Additional copies should also indicate the fact and date of signing.

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22. PROJECT PLAN AND SUPPORTING DATA

Please state clearly and in detail, within ten pages if possible, the aims of the project, precisely what will be done, who will be involved and what is expected to result. Use the following major headings:

- P. I. Goals
- P. II. Impact and Results
- P. III. Methods and Timetable
- P. IV. Evaluation
- P. V. Resources.

Number subsequent pages consecutively, i.e., Application Page 7, Application Page 8, etc. See page 6 instructions for future guidance.

Discretionary Grant Application Instructions--Page 6 Items
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Each of the informational items outlined below should be covered in the Project Plan and Supporting Data. Certain items may require more attention or elaboration than others, especially where the specifications of the discretionary grant program under which application is being made largely determine or define some of the project plan elements (e.g., goals, impact, methods). However, no item should be omitted, if only to explain how overall program goals or specifications will operate or be implemented in the particular project or law enforcement context of the applicant jurisdiction.

Special Note: Where the announcements of discretionary grant programs request specific data to be included in applications, such data should be added and integrated into the informational components below or separately set forth and identified. It is important that applicants respond fully to these special data requirements.

I. GOALS--The discussion of goals should indicate the problem or need being addressed and the manner in which it is expected that the program will make a contribution to law enforcement improvement or crime prevention or control in the applicant's jurisdiction or area of responsibility (and elsewhere, if such potential exists). Provide sufficient background in terms of existing law enforcement conditions, crime incidence and other local circumstances (statistical and descriptive) to permit full understanding of the applicant's project objectives.

II. IMPACT AND RESULTS--This section should describe precisely what the project, if successful, will demonstrate or achieve. This should include an indication of units of government, law enforcement agencies, or other groups to be benefitted, the level or scope of impact expected (e.g., workloads to be handled, number of persons trained, quantitative estimate of services to be provided, exactly what new capabilities or units will be established) and any ultimate impact anticipated or how law enforcement activities (police, court or correctional) are carried out or on crime control or prevention effectiveness.

III. METHODS AND TIMETABLE--Indicate as precisely as possible how the project will be executed and what design or methods will be utilized in carrying it out. This should include (i) a description of the various steps and stages of the project, (ii) a work schedule of what will be done at each stage and estimated time intervals involved, (iii) how the work will be organized, and (iv) who will handle each element. In training projects, the "methods" description should include (i) type of training proposed, (ii) an outline of curriculum, (iii) estimated number of trainees and course presentations to be involved, and (iv) teaching methods and materials contemplated.

IV. EVALUATION--Indicate what arrangements will be made to evaluate project results and performance (methods and criteria to be used, who will undertake, etc.). This is an important aspect of the project and should be accorded the same advance planning as the project design itself. In some cases, LEAA will undertake or arrange for evaluation of all like grants within the same discretionary fund program, in which case grantees will be expected to participate in and fully cooperate with data gathering, interviews, special reports and other evaluation activities and needs.

V. RESOURCES--In this section, the applicant should (i) provide short resumes or biographical sketches of key professional staff or consultants to be involved in the project (one or two paragraphs indicating position in project, education, past employment or experience, and publications or other professional recognition) or, where specific staff has not yet been identified, the qualifications and background which will be sought for key positions; (ii) to the extent not previously set out, describe the staff organization of the project, lines of decision, and policy or advisory bodies concerned with project execution; (iii) indicate achievements, experience and other activities which qualify the applicant to conduct the project or have relevance to project work and (iv) where the cooperation and support of units, groups, or agencies other than the applicant is necessary for project success, indicate their roles and relationships to the grantee and furnish letters of endorsement or other evidence of support for or willingness to participate in the project.

Mr. ZELENKO. Mr. Floyd, in order to obtain funds for fiscal 1970, the States are required to supply to LEAA their State plans by April 15, 1970. Thereafter, if LEAA approves those plans, it will make the actual disbursements of moneys to the States.

Have you reviewed the State plan for 1970?

Mr. FLOYD. No, sir.

Mr. ZELENKO. Have you seen the State plan for 1970?

Mr. FLOYD. No, sir. Only because I insisted was I given a copy of the State plan for 1969; only really very positively insisting. The implication was that "Your request is highly irregular and it is none of your business."

Mr. MIKVA. Under the present LEAA act, there is no avenue for you to appeal at any Federal level, if there is something wrong with the plan. Is that correct?

Your only avenue of appeal is to the State agency, itself? Last year you decided you didn't want to pursue that course; is that correct, Captain?

Mr. MAHANY. Yes.

Mr. MIKVA. So if the State chose to cut you out completely you would have no direct avenue of appeal to the Federal authorities as to the distribution of State funds?

Mr. MAHANY. One of the experiences we have had with talking with the other area planners within the State—these are young kids that are working on these planning commissions just out of school. I had occasion really to discuss many of the problems of law enforcement with them.

In your own area you look at the needs in law enforcement, and from the needs develop priorities of what you require. Then the State sets down priorities that they are going to look for within the plan submitted by the areas and if you don't have it on the State priority list, you don't get it.

This happened in 1969 and also in 1970 plans. We had top priorities that we knew were necessary from the effect of Parris Island in South Carolina, even though it is not in Georgia, but about 30 minutes from the city of Savannah. Also, Fort Stewart is not within our planning area, but this kind of field has military personnel who have an impact upon the city of Savannah. Because of these special situations some of the priorities we had were not the priorities set by the board.

Mr. MIKVA. The only recourse that would be open for you, if at all, would be to apply for discretionary funds from LEAA, and I gather that your experience there has not been exactly successful.

Mr. MAHANY. We are applying now for discretionary funds in the field of narcotics with which we have had a tremendous problem. But we are sending a carbon copy to LEAA.

Mr. ZELENKO. The last carbon copy had no response?

Mr. MAHANY. That is correct.

Mr. ZELENKO. Let me pursue one question on that point. The statute provides, and I am reading now from section 303:

Each plan shall—(3) adequately take into account the needs and requests of the units of general local government in the state and encourage local initiative in the development of programs and projects for improvement in law enforcement.

Your testimony to the subcommittee is that that has not occurred insofar as the city of Savannah is concerned.

Mr. FLOYD. That is correct. I might add we almost didn't get involved at all. The State decided arbitrarily and not in consultation with the local governments to go the regional planning route. It happened that the five-county regional planning agency, the one in which we are located, with headquarters 60 miles away in a small community, failed to tell us of a decision they had made that they weren't going to participate in this program.

Three days or thereabouts before the deadline for the application for planning funds, we found out.

Mr. ROGERS. Mr. Polk.

Mr. POLK. Mr. Chairman, I would like to clarify one point with regard to Mr. Mikva's question.

Section 510 indicates that there is no avenue of appeal for the denial of a grant to a local government. Does that refer to the 85 percent bloc-grant part and not the 15 percent discretionary part?

Mr. MIKVA. Yes, I was trying to make that clear.

Mr. POLK. When an application for a discretionary grant is denied, there could be an appeal?

Mr. MIKVA. Yes. I think we are talking about bloc grants. The funds which are given over to the State completely and I gather about which the cities and constituent parts of the State are not treated as existing entities as far as the present statute is concerned.

It is an area that has bothered me for some time.

Mr. POLK. I have one further question. Reference was made earlier as to how the discretionary grants are channeled through the State planning agency. The guide for discretionary-grant programs for fiscal year 1970 indicates that the State planning agency must certify that the proposed project is not inconsistent with the State's comprehensive law enforcement plan.

The guide continues that where such certification is withheld, or is available only in limited form, applicants should so advise LEAA and a funding determination will be made on the basis of such facts and the application as submitted.

As I understand this guideline, it does not mean that the discretionary grants are handled in the same way as the bloc grants are, but only that the State planning agency indicates that the application is either consistent or inconsistent with its own plan. Even if it indicates that it is inconsistent, the LEAA may still—in its own discretion—make that award.

Is that your interpretation also of these guidelines?

Mr. FLOYD. Yes, sir. I might add there are two sets of discretionary funds as I understand it.

Mr. POLK. In the State of Georgia?

Mr. FLOYD. Yes. There is, of course, the Federal discretionary fund, but the State is also withholding, as I recall the figure, 25 percent of the action money for State discretionary distribution. In one instance an oral presentation was made before the State agency of which \$10,000 was given to a junior deputy's program, with just an oral presentation.

It was at this point, and these were made from discretionary funds, that our representatives insisted that we get some of those discretion-

ary funds. Otherwise, the figure of \$25,000 would have been reduced. We received \$12,000 from the discretionary fund.

Mr. POLK. Do you believe, Mr. Floyd, that the funds that are used to finance the regional planning units should come from funds allotted to the States or from funds passed through to the units of local government?

I understand that about 40 States have established some form of regional planning unit. Only the State of Pennsylvania finances a regional planning unit out of the 60 percent which the act allocates for the State level, whereas, I believe all the rest of the States require that the regional planning units be financed by the local share of funds.

Do you have any comment as to whether Pennsylvania's approach is superior to that of the other States?

Mr. FLOYD. I am not thoroughly familiar with these aspects of it, sir, but the Pennsylvania approach seems to me to be a reasonable alternative to this at least.

I am uncertain in my own mind as to whether the funding is as important as establishing clear guidelines for performance or minimum levels of adequacy of personnel and organization within the State agency.

It would seem to me that many of these kinds of problems, if we had persons experienced and trained in public administration and political science directly on the State level, would be largely overcome. That is a hunch.

It just seems to me that the formula for funding is less important, compared to the adequacy and the level of competence and experience and training on the part of the persons who are involved in it.

Mr. POLK. Thank you.

Mr. ROGERS. Thank you, Mr. Floyd, and thank you, Captain Mahany. We appreciate your testimony.

Mr. MAHANY. I would like to say, just as the commissioner of Philadelphia said in his statement, when you sit down the first year and you set your priorities that you need law enforcement and you don't get the money and you turn right around and have to start rewriting the same thing year after year, using the same planning money, and you still have not received any money it becomes very frustrating. It seems to me that once we have set the priorities within our area for law enforcement we should not have to keep writing the plans. Why can't we use that money for action to put the plan into effect?

Mr. ROGERS. Thank you. We appreciate both of you appearing and giving us the benefit of your testimony.

(Subsequently, the following letter from Mr. H. Oliver Welch, Georgia State planning officer, was received.)

OFFICE OF THE GOVERNOR,
STATE PLANNING BUREAU,
Atlanta, Ga., March 4, 1970.

NATIONAL LEAGUE OF CITIES,
U.S. Conference of Mayors,
Washington, D.C.

GENTLEMEN: As State Planning Officer who is charged with the responsibility for the State of Georgia's Omnibus Crime Control program, I read with great interest the recent report you distributed concerning the impact of the Safe Streets Act. Since Georgia's actions were misrepresented completely in the

report I felt that two responsible organizations would now want the facts as they are, rather than as reported by some unknowing officials.

On page 12 you note that an official from the City of Savannah complained that his city was not consulted in the development of the 1970 action plan which his regional planning agency submitted to the State. In this particular instance, the Chatham County-Savannah Metropolitan Planning Commission performs the criminal justice planning for that region. This agency was selected on the recommendation of the City Manager of Savannah. In fact, a captain for the Savannah Police Department has been assigned on a full-time basis to the planning commission. His duty is to direct the law enforcement planning for the region. It is difficult to believe that Savannah's own planning commission and police captain did not consult with the city officials. If this is the case and no coordination resulted from such an ideal arrangement, how can dealing directly with LEAA resolve lack of coordination among their departments of city government?

It should be noted that Savannah with a population of 141,000 people (3.2 percent of the State's total population) received \$39,077 in 1969 action funds. This was 9.4% of the State's total local share. In 1970 the City of Savannah was allocated \$132,000 and within Chatham County an additional \$94,060 was allocated for a total of \$226,060. This is approximately 9% of the \$2,834,317 allocated initially to the local units of government. The City and County in question have 4.5% of the State's population. A total of \$263,000 of local funds remains to be allocated and is earmarked for projects in larger cities and counties. Savannah will undoubtedly be granted some of these funds as well. In addition to action funds, Savannah has been awarded \$24,000 in federal planning funds during the past eighteen months.

On page 16 Georgia is listed as a state which has allocated funds among regions on a formula basis to assure that each region gets something. While this was true in 1969, not one cent of 1970 money was allocated on the basis of any formula, population or otherwise, but was allocated on the basis of need. Below is a chart that depicts a breakdown of how 1970 funds were allocated by the Georgia Planning Board on Crime and Juvenile Delinquency Prevention to various cities and counties.

	Number of action subgrantees	Amount of subgrant
Cities by population:		
Over 500,000.....	(1)	
250,000 to 500,000.....	1	\$560,628
100,000 to 250,000.....	3	523,932
50,000 to 100,000.....	2	102,564
24,000 to 50,000.....	5	65,608
10,000 to 25,000.....	22	114,032
Under 10,000.....	138	229,778
Totals.....	171	1,596,542
Counties by population:		
Over 500,000.....	1	131,000
250,000 to 500,000.....	1	78,000
100,000 to 250,000.....	4	329,125
50,000 to 100,000.....	7	247,402
25,000 to 50,000.....	15	52,331
10,000 to 25,000.....	39	143,768
Under 10,000.....	41	238,149
Totals.....	108	1,219,775
Multijurisdictional units: Metropolitan Atlanta Council of Local Governments.....		18,000
Local government total.....		\$2,834,317

¹ Georgia has none.

² Includes 1 subgrant award of \$150,000 to one county to construct a regional jail to serve at least a five-county area.

³ \$2,834,317 allocated with \$263,000 to be allocated to the larger cities and counties for organized crime, community relations, improvement of courts and prosecution, and riot prevention.

Five largest cities and counties :

	<i>Dollar amount of action subgrant</i>
1. Atlanta -----	\$560, 628
2. Columbus -----	309, 662
3. Savannah -----	132, 000
4. Macon -----	88, 737
5. Augusta -----	74, 149
1. Fulton County (Atlanta) -----	131, 000
2. DeKalb County (Atlanta) -----	78, 000
3. Chatham County (Savannah) -----	78, 940
4. Cobb County (Atlanta) -----	136, 500
5. Bibb County (Macon) -----	20, 561

The above data makes several facts clearly visible. The large counties and cities with their great law enforcement needs were fairly treated. Georgia's many small cities and counties, in response to grave needs and resource inadequacies, were assisted but not given preferable treatment. In fact, division of this great number of small jurisdictions into the dollar amount allocated to them indicates the low sum each received.

Again on page 20 you cite Georgia as planning to allocate fiscal 1970 funds among regions on a population formula. The above tables demonstrate the inaccuracy of this statement as the Planning Board voted to allocate all 1970 money on the basis of need without any regard to a population formula.

It is my hope that inaccuracies such as those discussed above with reference to Georgia are the only ones in your report. However, one wonders—with so many errors applicable to one state—how much more misinformation may be included in the data on which the report is based. This would raise serious questions concerning the report's findings.

If my staff or I can be of any help in gathering factual information for you in the future, please do not hesitate to call upon me.

With kindest personal regards, I am

Sincerely,

H. OLIVER WELCH.

Mr. ROGERS. Our next witness is Mr. Douglas W. Ayres, city administrator, Inglewood, Calif. I understand you are accompanied by Mr. David Pierson, councilman, city of Inglewood.

Mr. AYRES. Unfortunately, Mr. Pierson is running for the California Assembly and had a crisis at the last minute and couldn't make the airplane.

Mr. ROGERS. We understand what those crises may be.

You may proceed as you desire.

**STATEMENT OF DOUGLAS W. AYRES, CITY MANAGER OF
INGLEWOOD, CALIF.**

Mr. AYRES. Mr. Chairman and honorable members of the subcommittee, I am here to bring you some insights into the practical problems involved in the administration of the act. I have been involved personally in combating urban crime since I began in city government nearly 20 years ago in a small southern town as a police radio dispatcher.

Today, I administer a city of 90,000 population encompassing an area of 9½ square miles, which is a completely developed part of the southern California megalopolis.

We are a minute portion of heavily urbanized Los Angeles, and except for the color of the street signs, one cannot tell when one leaves our city and crosses into that city. Inglewood is a proud part of a seething cauldron of more than 12 million people crammed into the Los Angeles basin—all of whom are besieged with what has be-

come popularly called crime in the streets. Inglewood also is experiencing what is called rapid racial transition.

I was an adviser to the President's Commission on Law Enforcement and Administration of Justice. I am now a member of both the Region X (southern California) Advisory Board on Criminal Justice, and the Los Angeles County Subregional Advisory Board on Criminal Justice.

I am serving my third city as its manager, and each has had a rapidly increasing problem of crime—so I am quite aware of your and our national urban crime crisis.

In appearing here, I am caught between some significant differences of opinion regarding the methods by which the crime problem can be solved. I am caught midway between the large and small cities, between the isolated city and the metropolitan central city.

I am between the Governors and mayors, who have considerable differences of opinion as to who should control crime fighting grants-in-aid. I am between the police and the radicals, being neither, and between the planners and reactionaries. So, I guess I'll have to tell it like it is and give you the benefit of my experience and opinion.

Regarding Chairman Celler's H.R. 14341 to authorize \$750 million for fiscal 1971, I do not believe the bill provides sufficient funds. We have a complete breakdown of basics of democracy in our cities in that people are literally in fear for their lives; are attacked in broad daylight; are mugged, raped, robbed, vandalized, and pillaged such that the exploits of Atilla the Hun pale by comparison. Fear is becoming endemic in America; and our whole way of life and civilization is threatened. The \$750 million simply is inadequate.

I would hope that the Congress could see that were it to appropriate as little as the proposed \$750 million that it would equal \$3.75 for every man, woman and child in the Nation. Were the Law Enforcement Assistance Administration and all the burgeoning State "planning" agencies wiped out aborning, and the money distributed directly to the responsible local law enforcement agencies, then it would fund around 10 percent of local law enforcement. In our city, we would receive around \$337,000, which is almost exactly 10 percent of our \$3.3 million police department budget.

Were the money concentrated in crime-ridden urban areas in true "bloc grant" fashion, I suspect it would approach \$5 per urban capita. To us at the local level, that would go a long way toward the withdrawal of restoring confidence in our citizens that they could once again walk their dogs and sleep undisturbed by fear.

All this brings me to two other subjects I understand the full committee has before it: H.R. 15597 and 15947, which would revise percentages of distribution to local and State agencies, and to planning and other components.

I hope you realize that these so-called "bloc grants" are anything but that. The money, in California at least, and I understand in most other States as well, is being handled like "demonstration grants," administered by the Departments of Health, Education, and Welfare and Housing and Urban Development.

I have applied for, received, and administered scores of millions of dollars of both demonstration and categorical grants from both de-

partments, and I can assure you that the Safe Streets money is not bloc grant money to the cities.

I have never been involved in a more confused, bureaucratic, inept, and well-intentioned effort in my 20 years in local government. The processing of HEW and HUD directly administered Federal grants has been expeditious, professional, direct and economical. The Safe Streets "bloc grants" have not been. If this type of State-administered grant portends what is to come out of the President's "New Federalism," no thanks, I'll stick to what we have.

Second, as of yet, precious little money has reached the streets. I'd suggest amending the title to the act, for "crime in the streets" is not being funded, at least not yet. A far better definition of "planning" is needed. In reviewing the action grants given in California, I judge that many of them are planning in nature, involving data processing, educational aid, esoteric theoretical analyses of crime, correction and corruption, and terribly light in potential crime alleviation impact.

If the act is to be a substitute program for aid to higher education, welfare funding, training of the unemployed, urban renewal, psychological experimentation, and is to be the solution of our myriad of national social ills, then the case for a name change is made. But I do not think that is the intent of Congress, or of the committee.

We do have deep needs for attention to our social ills requiring a basic reordering of our national priorities, but if we do not stop the crime epidemic from becoming endemic, and fear from being an inherent part of municipal America—and fast—then we may have to increasingly turn our National Guard, Army and military hardware on ourselves.

The "planning" allocations of the grants are almost solely going for administration of a rapidly building three-level bureaucracy in California. They're good, well-intentioned people, but overorganized. The same mistakes are being made in the law enforcement assistance program as were made in the poverty programs—the encouragement of a semiautonomous separate bureaucracy conducting alleged planning efforts and studies.

In Los Angeles County and southern California, we have converted two fine, young, well-educated police officers into paper shufflers presiding over two large "planning" bodies supposedly coordinating law enforcement and criminal justice planning. Yet the Southern California Association of Governments, a HUD-required regional governmental planning body, has only a limited role in the process.

At that, many of the Law Enforcement Advisory Board members resent and resist the Council of Governments' (SCAG) attempts to secure overall coordination. We have created another three layers of "planning" agencies, but outside the overall scheme of local governmental coordination.

Our regional board also combines, by State action, most of the Mojave Desert and its small, scattered cities, in with metropolitan Los Angeles, despite the obvious fact that we have absolutely nothing in common.

Our agency for administering the grant program is the California Council on Criminal Justice. It currently consists of 27 members, 14

of whom are State officials, and four city officials. The council existed prior to passage of the Omnibus Act. It is composed of dedicated people, and has done a remarkably good job under bewildering circumstances.

California had the first State plan submitted to LEAA, on April 4, 1969. It was a 24-volume, 5,896-page compendium of all the accumulated frustrations, fond dreams, and pious wishes of every branch of law enforcement and administration of justice.

The results have been interesting. For example, one of the major recommendations of the President's Commission on Law Enforcement and Administration of Justice was the creation of a corps of young men in each police agency, called community service officers.

That Commission's report, as you know, resulted in the act being discussed here today. Yet, the task forces set up by the California council denied an application to fund such a corps in one city because it did not comply with "The Plan."

Later it was informally disclosed that one police chief member had led the opposition, because he didn't like the motor scooters the young men would have to provide mobility. You know in California, if you don't have mobility, you have a problem. Immediately after, two other cities were found to comply with "The Plan" in a similar request, and were financed. Still later, the original city, which had applied on April 2, 1969, long before the others, was notified that if it changed the name from "Community Service Officers" to "Police Service Officers" and added a fee to cover a previously free consulting psychiatrist, that its application could get by another chief who had opposed the application because he didn't like the use of any word for officers except "Police."

That was done, just as notice was received that a third such grant had been made for community service officer. It is reported by this direct quote from a Sub-Regional Advisory Board "Proposal Review":

Community Service Officer, \$113,448, in response to recommendations of the President's Commission—to create new positions within the police department which will improve police services—the Task Force was informed that this project had already been approved by CCCJ. Under the circumstances there was little debate and the proposal was approved.

I have presented as attachments to the material presented, the specific documentation to which I refer here generally. Obviously, there is considerable confusion between the regions, subregions, three levels of task forces and committees, the State council, and law enforcement agencies as to who does what, when and how.

Mr. ZELENKO. Do you know how many members there are at these various levels of State planning and disbursement of funds?

Mr. AYRES. The estimate I have heard is that there are 4,000 people involved in planning.

Mr. ZELENKO. Can that be documented in any way? Can you supply any kind of breakdown for our information as to the numbers of persons involved at the various levels?

Mr. AYRES. Yes.

(Information to be furnished follows:)

CIVIC CENTER,
Inglewood, Calif., April 21, 1970.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
Committee on the Judiciary,
U.S. House of Representatives,
Washington, D.C.

DEAR CHAIRMAN CELLER: You have requested documentation of a statement which I made before your Subcommittee No. 5 on March 6, 1970. The statement was that around 4,000 persons were involved in the Criminal Justice planning process in California.

That information was taken from a recent League of California Cities memorandum written by League Assistant Director Howard Gardner. In that document Mr. Gardner reports "somewhere in the neighborhood of 3-4,000 local officials have participated in regional advisory boards and regional task forces. . ."

Should there be any more clarifying information that I can provide, I would be most willing to do so.

Sincerely,

DOUGLAS W. AYRES,
City Administrator.

Mr. ZELENKO. I understand from your statement that you are a member of the region 10?

Mr. AYRES. Region and subregion.

Mr. ZELENKO. How many persons serve on region 10?

Mr. AYRES. We have difficulty getting a quorum. So sometimes we meet and can't meet. But there are in excess of 30. They come and go. They drift in and out.

Mr. ZELENKO. Is there a staff employed?

Mr. AYRES. There is a staff. Each of the regional and subregional areas have a full-time staff. These are the two police officers I referred to.

Mr. ZELENKO. Two police officers for the region and subregion?

Mr. AYRES. Yes.

Mr. ZELENKO. Who would compose the membership of the region?

Mr. AYRES. We are, most of us, full-time governmental officials, judges, probation people, correctional people, chiefs of police, and so forth.

Mr. ZELENKO. Then there is a State board to which the regional boards report?

Mr. AYRES. We are not sure. That is what I point out here. The State approved an application; it was before one of the subregional boards to make a recommendation on, but it was approved, so the task force was informed it had already been approved. Under the circumstances there was little debate and it was already approved. This was my subregional board. We just don't know.

In California there are some significant glimmers of light, however, in that the California Council on Criminal Justice recently changed its top three personnel, all of whom were former policemen, and is now seeking a qualified administrator. His task will not be an easy one.

It is delightful for me to be able to give the big lie to the mistaken belief that the Federal bureaucracy is inept at processing grant applications, and point the finger at an exceptionally well-intentioned State agency that is merely inept because of overorganization.

The basic problem is the requirement that the States must now set up agencies to administer these so-called bloc grants. I have, of course, probably now sealed the tomb over Inglewood's applications, but this is a story that needs to be told.

It is ironic that many cities cannot or will not now apply for grants because they simply cannot afford their local share. This is for several reasons.

First, because at one time an application was made based on a political commitment made by a city council, and nothing happened. There, thus, is no desire to scrape up the money for future applications due to the dashed hopes on the first, or second, or third try.

Second, there is no real, or at least apparent, correlation between need and receipt of funds.

Third, in several States the legislatures have mandated salaries, fringe benefits, and working conditions for policemen that have become so financially onerous at the local level that revenue sources simply are not available.

Fourth, and probably most importantly, in all States the legislatures control the sources of city revenues sufficiently to effectively prevent cities from raising moneys with which to match. This is the basic reason for the act in the first place.

It would seem to follow, then, that if the States met their basic responsibilities to their cities, that maybe the act and its appropriations wouldn't be needed. But over the last several urbanizing decades it has become increasingly obvious, and devastatingly apparent, that the inaction of the States has led Congress to address itself to numerous critical problems existing in this Nation. To add insult to injury, under the Omnibus Act the States have that statutory 25 percent guaranteed, in addition to their planning and administration moneys.

In the deliberations of the President's Commission I was one of the proponents of channeling the grants through the States. The reason was simple—to avoid raising the specter, either real or imagined, of a national police force.

Well, the entire capability of the States to administer any grant programs is on the line, and their success in the past in such diverse fields as pollution control, transportation planning, HUD 701 planning assistance, and others, has been spotty at best.

So I am now seriously questioning my original judgment, and wondering which is the best alternative to face: the possibility of a Federal police force or of a national fear syndrome. I am still hopeful that the several States can pull themselves together and administer a true "block" grant program. But even sophisticated California is having extreme difficulties. There is hope, but little time.

In culminating my sharing of experiences and opinions with you, I would like to make some specific suggestions for incorporation into H.R. 14341, 15597, and 15947.

First, there should be a requirement that a given percentage, say half the planning money, be passed through to actual law enforcement agencies for truly local planning.

Second, there should be a careful distinction between, and definition of, what is "planning," what is "administration," and what is "action." These have gotten all jumbled up, with most of the required planning

percentages going to administration, and broad planning being funded from action moneys.

Some of the money should get out into the streets. I deeply respect all the police and policy officials with whom I serve on the advisory boards, but the struggle between them over control of the planning money does not accomplish much for the proverbial little old lady in tennis shoes from Pasadena who gets caught in the pigeon drop con game. Perhaps even a reduction in the percentage of planning moneys may be in order.

Third, the percentages allowed by the act for hardware, personnel, programs, and projects should be revised upward. Any law enforcement and justice agency has at least 90 percent of its money going for personnel costs.

Mr. ZELENSKO. I take it that this statement you just got through reading is saying this: To launch this program, a good deal of time and effort had to be spent on planning and getting the States and the cities within them organized on an attack on street crime, that that is over with now, that phase has been done, but the plans have been submitted.

What is now being done is that the money allocated for planning is essentially being used to run agencies that disburse the action funds that they receive?

Mr. AYRES. Yes, State imposed bureaucracies run it.

Mr. ZELENSKO. Can you document that; can you show that the planning moneys that California, for example, would receive in the next fiscal year, the present fiscal year, a large portion of that money will go to pay for salaries of persons who actually are disbursing action funds?

Mr. AYRES. Based on personal experience, I know that the State council on criminal justice is now attempting to disburse money to regional and subregional boards in southern California. In Los Angeles County, don't forget, there are 12 million people involved in the region, the largest by far in the State. I am intimately involved in it, it is solely administration.

I am fearful that many cities simply will go for the one-shot hardware rather than for meaningful programs, for no other reason than they cannot carry the personnel costs. It will be tough enough carrying the people after the grant expires which, of course, is another major problem.

Fourth, consider some type of contract authority or continuing true bloc grant upon which the cities can rely, similar to the recently passed urban mass transit program. H.R. 15706 would do this. We are hard pressed now, and I can foresee many cities starting, and then dropping, worthwhile programs, just as the payoff comes and the crime rate begins to turn down.

Fifth, if you do decide to revise the formula to require a 50-percent pass-through direct to cities from LEAA, make sure a supermarket is not set up, whereby applicants can try for both State and LEAA funds. I have nothing to offer as to a definition. I only know that the cities I have served have always gotten a fair shake from HUD and HEW. I would hate to see one played off against the other. The coordination should be continued.

Sixth, please define colleges and universities as coming from either the planning or State apportionments, before the professors eat the cops out of house and home.

Seventh, and last, since LEAA is a newcomer to grant administration, perhaps the best way to avoid the specter of a Federal police force is to transfer it intact to HUD. LEAA so far as I can determine, however, is doing a good job within its statutory limits.

In conclusion, let me quote from "Intercom," the quarterly journal of the Los Angeles County Delinquency and Crime Commission. The journal states about our California criminal control plan and system that:

. . . an awesome amount of subjective, intuitive decisionmaking will give way to judgments directed by inexorable data, computers, and the cool men who feed them.

Maybe yes, maybe no. But try, as our mayor and city council, police department and I have to try—just try to tell that to the elderly couple who have been stuck up in their mom-and-pop grocery; try a computer on the teenage narcotics addict; try data on an expectant mother who has just been raped; try the subregional crime control plan volume on the black candidate just defeated by a "law and order" platform; try to be a cool man talking to a bloody, puffed-faced merchant who has just been robbed and pistol-whipped.

I have tried. It doesn't work. Neither does the present system. Maybe it will, maybe it won't. Can we afford the gamble waiting for the "inexorable data, computers and cool men . . ."? I doubt it.

Thank you for the opportunity to be a witness. I will be glad to answer questions.

LOS ANGELES COUNTY SUBREGIONAL ADVISORY BOARD

PROPOSAL REVIEW

Project title: Community Service Officer.

Applicant: City of Compton.

Cost/duration: \$113,448—1 year.

Project summary: A program in response to recommendations of the President's Commission on Law Enforcement and Administration of Justice to create new positions within the Police Department which will improve police services and prepare young men from disadvantaged families for entry into the regular police force.

POLICE SERVICES—TASK FORCE

Evaluation: The Task Force was informed that this project had already been approved by CCCJ. Under the circumstances, there was little debate and the proposal was approved.

Recommendation: Grant application—Fund.

Comments: Added stipulations.

CRIMINAL JUSTICE APPLICATION—INGLEWOOD, CALIF.

(Police Services Officer; 0102)

1969:

April 1—Approved by City Council.

April 2—Twelve copies of application mailed to CCCJ; copy to SCAG; copy to L.A. County Subregional Advisory Board.

April 14—Informational copy to LEAA, Washington.

April 25—CCCJ Form 502 application form received.

April 28—Review of application with Don Reetz of CCCJ in Inglewood.

May 20—Revised application in three elements and on Form 502, was resubmitted to CCCJ. Copy transmitted to Ed Taylor at Public Systems Research Institute (PSRI) for review by Regional and Subregional Advisory Boards.

June 6—Meeting in CCCJ/Sacramento with Kai Martensen, Dick Deming, and Don Reetz.

June 12—Review of supplemental material with Joanne Barrett of CCCJ staff in Inglewood.

June 13—Supplemental material submitted to CCCJ.

July 1—Chief Kennedy met with Robert C. Walker of CCCJ staff in Sacramento. At that time, Mr. Walker indicated our applications were complete and moving through process.

August—October—Calls by Larry Coons and visits by Chief Kennedy to the OCCJ office provided no further negative information.

November 6—Mrs. Brathwaite learned from the CCCJ staff that an unfavorable recommendation was to be presented for action by the CCCJ.

November 13—Action deferred by CCCJ at Sacramento meeting.

November 26—Reconsideration by Law Enforcement Task Force at International Hotel in Los Angeles. Resubmission proposed.

December 19—Phase II (0103) and Phase II (0104) rejected by CCCJ.

1970:

January 7—Review of application with Patrick Gregory of CCCJ in Inglewood.

Mr. ROGERS. Thank you.

Mr. Ayres, there is no doubt you know this committee has received many communications from mayors and local administrators throughout the country stressing, as you have here, that the LEAA program has failed to focus on urban crime problems.

At the same time, we have had testimony from the National Governor's Conference who has testified that it is premature to criticize this LEAA program, inasmuch as it is all new and that the mayors in the big cities have traditionally pressured the States and Federal Government for additional revenue.

Do you have any comment on that situation?

Mr. AYRES. Yes, sir. I would submit that we know where the problems are. We know where the crime is, in the streets, and given the money expeditiously, I think we can make a significant impact on it.

The States let their cities go. They let their cities starve and their urban problems build up for decades. I am hopeful that they will now perhaps give us some revenues with which to match the Federal grants.

I had to literally, with the willing support of the city council, and the public works department, strip the public works department to get the matching money to make an application for an LEAA grant through the State.

They led me along and led me along. We made our application April 1, 1969, and said, "Fine, the money will be forthcoming any time. We will get this this fiscal year." We did. We carried the money right to the last minute.

Therefore, making it so we could not obligate it the following fiscal year, we still have not received one red penny from the Law Enforcement Assistance Act.

Mr. ZELENKO. How large is the city of Inglewood?

Mr. AYRES. Ninety thousand.

Mr. ZELENKO. How large is the police force?

Mr. AYRES. Two hundred. We are adjacent to the Watts and Grimshaw districts of Los Angeles. I might mention the impact of crime in our city is primarily upon our merchants in the middle class Negro areas.

Mr. ROGERS. Do you think that under these programs the cities should be able to either get it direct from the Federal Government without channeling it through the State or go through all of the rigmarole that you have testified to, that up to now you have not gotten a dime so to speak?

Mr. AYRES. Yes, sir, I do. I have not had any difficulty at all working with two other major agencies that work directly with cities. I have always had good rapport.

Mr. ROGERS. I take it from the answer that you have given me that any guidelines that would require the grants to be channeled through the State to a great extent are absolutely superfluous. It would be better handled if you made the application directly to the Federal Government from the city of Inglewood as an example.

Mr. AYRES. I would like to feel that maybe the States can pull themselves together, but I am not hopeful. They have not in the past done very well by the cities.

I would like to give them a chance but we have a crisis situation on our hands. I am looking for money.

Mr. ROGERS. Mr. Mikva.

Mr. MIKVA. Thank you, Mr. Chairman.

After 10 years in the State legislature, I share your gloomy concern that it would be nice if they would, it is not likely to happen this year.

One of the criticisms that has been made, though, of funding a substantial part of the money to the cities, the Bingham approach in the House here, has been that the cities only control the police forces in most States and that so much attention must be paid to the courts and the correctional system.

Would it help if there were some additional allocation—you mentioned HUD. HUD does set up guidelines for how much money can go into various kinds of programs, how much can go into low cost housing, how much can go to middle income housing.

Would it help that in addition to saying that the money would go directly to the cities put in a further guideline that only so much of it could be spent on police activities and some additional portion would have to be spent on correctional and court activities, which would mean that the cities would have to cooperate with whatever the overriding agency is, whether it is county or State on those other activities?

Mr. AYRES. Yes. This is why I agree with you. I think this is the reason there is a State planning agency to coordinate, but I think they have done it only a little bit, at least in California.

Mr. MIKVA. In Los Angeles, aren't your courts county-run?

Mr. AYRES. Yes, but State-controlled.

Mr. MIKVA. You have penal institutions which are both county-run and State-controlled?

Mr. AYRES. That is correct.

Mr. MIKVA. So, if there was a requirement that some of it be spent on corrections and court systems, there would be some kind of coordination that would be required but it wouldn't be the same kind of redtape that you are running into now?

Mr. AYRES. Yes, I think this would be a legitimate role for the State to play, to coordinate this, since each State does vary as to the funding and jurisdictional control over courts, correctional and police agencies.

This would be a legitimate administrative role and let us call it broad planning, but, unfortunately, in our experience—I can give you some lurid examples—the planning funds have been actually taken up by administration and the actual, what could be called planning, has been funded out of action grants.

Mr. ROGERS. Mr. Polk.

Mr. POLK. Mr. Ayres, was the California Council of Criminal Justice set up in response to the Omnibus Crime Control and Safe Streets Act?

Mr. AYRES. No, it existed for this general purpose prior to the passage of the original act.

Mr. POLK. Were there regions or subregions under the council?

Mr. AYRES. No, they were created in response to the act.

Mr. POLK. There are 4,000 employees?

Mr. AYRES. No, not employees. It is 4,000 on these advisory sub-regional, all the task forces, all of these bodies that a grant must presumably pass through.

Mr. POLK. I am asking whether that answer that you gave before referred only to employees that were added in response to this Federal program?

Mr. AYRES. Yes.

Mr. POLK. That is all. Thank you.

Mr. ROGERS. Thank you so much, Mr. Ayres. We appreciate your testimony and your coming so far. We are delighted to hear from you.

The subcommittee will next meet on March 9, to hear Hon. Vance Hartke, U.S. Senator from Indiana, and other members.

At this point in the record, I would like to insert the following documents:

One, a statement of Hon. Robert T. Stafford, a U.S. Representative in Congress from the State of Vermont, enclosing letters from the officials of the State of Vermont.

And, two, a letter dated February 24, 1970, to Chairman Emanuel Celler from Hon. Richard Fulton, a U.S. Representative in Congress from the State of Tennessee, with enclosures.

STATEMENT OF HON. ROBERT T. STAFFORD, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF VERMONT

Mr. Chairman, members of this distinguished committee, I appreciate this opportunity to file this statement with accompanying letters from officials of the State of Vermont in regard to H.R. 14341.

The letters from the Honorable Deane C. Davis, Governor of Vermont; the Honorable James M. Jeffords, Attorney General of Vermont; and Mr. Robert K. Bing, Esq., Executive Director of the Governor's Commission on Crime Control and Prevention for the State of Vermont, clearly state the case in favor of retaining the bloc grant concept of federal assistance to the states under the Omnibus Crime Control and Safe Streets Act of 1968. I am pleased to associate myself with the positions taken by these three officials.

I am well aware of the problems faced by our cities in regard to mounting crime, and would not be opposed to the Congress considering additional means whereby the cities might be assisted more directly. In states such as Vermont, however, the grant-in-aid program which presently exists in the 1968 Act is absolutely mandatory if such areas are to combat serious crime increases.

I commend the specific letters attached to this statement to your attention, for the information contained in them illustrates how successfully the present grant-in-aid program can operate. We in Vermont join state officials throughout the country in urging you to recommend that the present system of bloc grants to states be continued under this bill.

EXECUTIVE CHAMBER,
Montpelier, Vt., March 2, 1970.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
U.S. Congress, Washington, D.C.

DEAR CHAIRMAN CELLER: Governor Shafer spoke to your Committee this past week and expressed the consensus of the Governors. Our Attorney General and the Executive Director of my Commission on Crime Control and Prevention have written you in detail as to our programs and needs. I desire to add my expression of concern over the possible shift in funding percentages under the Omnibus Crime Control Act.

An extensive part of my address to our legislature this year dealt with our urgent law enforcement needs. The needs are recognized by our legislature. The programs will be approved subject to the availability of federal funds. The planning has been completed. To take away the relative certainty of these funds will be a step backwards into the chaos of the sixties, instead of the proud leap into the seventies.

I urge your committee not to change the present block grant concept.

Sincerely,

DEANE C. DAVIS, Governor.

OFFICE OF THE ATTORNEY GENERAL,
Montpelier, Vt., March 2, 1970.

Hon. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives, Washington, D.C.

DEAR CHAIRMAN CELLER: I am writing to echo the remarks of Attorney General DeSimone on behalf of the National Association of Attorneys General. I urge retention of the block grant concept as presently set forth in the Omnibus Crime Control Act of 1968.

Vermont like most states, is under extreme financial stress. Our people are taxed to the limit. Vermonters are close to the highest in the nation per capita taxes. We are third in the nation in state expenditures on all criminal justice agencies. Our correctional system is one of the finest in the country. In spite of these expenditures, serious crime increased in Vermont this past decade over 100%, whereas our population stayed relatively stable. The drug problem is increasing so fast statistics are meaningless. Organized crime has shown increasing activity in our southern sector. Without the Omnibus Crime Control funds, we will be helpless.

The State of Vermont has taken care of its communities. Whereas I understand the national average is 25% state expenditures and 75% local funds, Vermont State government expenditures account for 79% of law enforcement expenditures. The present programs utilizing Omnibus funds benefit significantly the local communities, with total state funds.

The largest project, a statewide communications system, will construct a modern multi-channel network. Instead of 46 unrelated frequencies, all law enforcement agencies, federal, state and local, will be able to work together. The local equipment will be given to the communities. The federal share over four years will be about \$700,000, the State share about \$800,000. The contracts are about to be signed. If the federal share is altered, this project will, by necessity, be abandoned.

Other projects such as a modern informational system, a new District Attorney System, law enforcement manual, training programs and correctional programs are all nearly totally funded by the State with local consent. If the federal share is reduced, these programs will be jeopardized. The local communities are totally unable to match the funds.

Vermont is an excellent example of how the block grant system works. To change the programs now would result in disastrous waste. The small share Vermont receives, though a drop in the bucket on the federal level, is our only water supply.

Very truly yours,

JAMES M. JEFFORDS, Attorney General.

GOVERNOR'S COMMISSION ON CRIME CONTROL AND PREVENTION,
Montpelier, Vt., March 2, 1970.

HON. EMANUEL CELLER,
Chairman of the House Judiciary Committee,
Washington, D.C.

DEAR SIR: The block grant concept for distribution of federal funds to Vermont has been highly successful for implementation of planning and action programs for the improvement of law enforcement and the Criminal Justice System within the State of Vermont. Through these funds, the Governor has been able to create a staff for his Commission on Crime Control and Prevention.

The value of such a staff on the state level is that the necessary information gathering can be more easily accomplished and the necessary planning done for the creation of comprehensive plans for the improvement of the Criminal Justice System in Vermont. All determinations with this regard, together with the establishment of priorities and the subgranting, are made by the Governor's Commission itself, which has twenty-one members, including the Governor, the Lt. Governor, the Attorney General, the Commissioners of Public Safety, Motor Vehicles, Corrections, representatives of states attorneys, district judges, superior judges, regional planning commissions, local police chiefs, county sheriffs, the Vermont Law Enforcement Training Council, town and city managers, defense attorneys, local government heads, educators and citizens at large. In our opinion the ability of this Commission to act effectively and to serve as an arm of the Governor could only be done at the state level. The efforts to eliminate block granting stems from certain large cities and metropolitan areas which desire to receive their grants directly from the Federal Government without needing to deal with the states. Vermont has no such large cities or metropolitan areas and this problem does not exist here, in our opinion. Vermont is in a somewhat peculiar situation, compared to other states, with respect to the total monetary expenditures for the Criminal Justice System (including police, courts and corrections). Whereas in many states, more than half of the total expenditures are from local units of government, in Vermont more than three quarters of the total expenditures are from state funds. The state supports the largest law enforcement agency, the state police, and all of the courts and the entire corrections system. Therefore, in Vermont we feel it is most appropriate that the grants of federal funds be made directly to the state. We in turn fund projects at the local level, and in fact, are constrained by the limits established in the Safe Streets Act itself to spend 75% of our funds on local agencies. Having the state administer the funds provides for the best and fullest use of the federal assistance. It provides for the coordination of plans and programs in the state so the implementation of the assistance does the most good.

By way of example of what we have been doing in Vermont, let me briefly mention that for fiscal 1969 Vermont received \$128,080 in planning funds and \$100,000 for action projects. We also received \$50,000 Health, Education and Welfare Department funds for the operation of our juvenile delinquency programs. For fiscal 1970 we will be awarded \$500,000 in action funds.

Among the projects which have been funded thus far are an International Association of Chiefs of Police study of Vermont Law Enforcement for purposes of creating the 1969 Comprehensive Plan; an award to the Central Vermont/Mad River Regional Planning Commission to analyze major offenses and methods of control in Washington County; an award to the Windham Regional Planning and Development Commission for the development of a comprehensive plan for crime prevention among youth by assessment of law enforcement, youth and community educational resources; an award to the Vermont/New Hampshire Regional Planning and Development Commission to study the feasibility of a regional law enforcement agency to cover the White River, Hanover and Lebanon area; an award to the Chittenden County Regional Planning Commission for a survey of police service in Chittenden County by the field operations division of the I.A.C.P.; an award to the Chittenden County Regional Planning Commission to fund an assistant state's attorney to coordinate the county juvenile agencies for juvenile matters; an award to the University of Vermont for a project to study the census of the corrections population of Vermont; an award to the State Department of Public Safety for riot control equipment; an award to the Vermont Law Enforcement Training Council to provide in-service training for local police agencies; an award to the State Department of Corrections for research and training; an award to the Windham Regional Planning and

Development Commission for a youth-police relations survey; and an award to the Vermont Attorney General for the preparation, publication and distribution of a Vermont Law Enforcement Manual.

In closing may I urge that your committee not eliminate the Block Grant concept from the Safe Streets Act.

Sincerely,

ROBERT K. BING, *Executive Director.*

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1970.

HON. EMANUEL CELLER,
*Chairman, House Judiciary Committee,
Rayburn House Office Building, Washington, D.C.*

DEAR MR. CELLER: Enclosed are copies of correspondence which I have received from Mayor Beverly Briley, Metropolitan Government of Nashville-Davidson County, Tennessee, and Mr. John P. Bruinooge, Executive Secretary of the Metropolitan Government's Administration of Justice Planning Agency. These letters reflect a very dire situation in Nashville, which I am sure is not uncommon to cities throughout the Nation.

Because of the constantly reduced sources of revenue to our cities and because of the constantly inflated prices for services required by our cities, funds which have been made available through block grants to the States under the Omnibus Crime Control and Safe Streets Act of 1968 are going to go unused because the municipalities do not have the necessary matching funds.

It seems to me that this would indicate not only the desirability, but the necessity to revise downward by at least half, and hopefully to the ten percent level, as suggested by Mayor Briley, the present matching requirements by the local governments.

It is my hope that your Committee, knowing full well and appreciating your busy schedule at this time, can look into this matter at the earliest possible convenience.

With warmest regards to you, I am

Sincerely,

RICHARD FULTON, *Member of Congress.*

NASHVILLE, TENN., February 11, 1970.

HON. RICHARD FULTON,
*House of Representatives,
House Office Building, Washington, D.C.*

DEAR CONGRESSMAN FULTON: Enclosed is a brief note to the President with respect to Attorney General Mitchell's recent crime control proposals. If this program is to have real impact locally, we desperately need to have the matching formulas in the Omnibus Crime Control and Safe Streets Act of 1968 revised downward.

Anything that you can do to help us out on the legislative scene with an amendment would be greatly appreciated.

Sincerely,

BEVERLY BRILEY, *Mayor.*

OFFICE OF THE MAYOR,
Nashville, Tenn., February 11, 1970.

Mr. CHARLES H. ROGOVIN,
*Administrator, Law Enforcement Assistance Administration, U.S. Department
of Justice, Washington, D.C.*

DEAR Mr. ROGOVIN: The Metropolitan Government is naturally interested in participating in the Large City Special Grant Program recently announced by Attorney General Mitchell, and I trust that you will see that we receive the necessary applications and program specifications. Yet I feel compelled to point out in advance why there is so little likelihood that your program will be of any avail to our community.

We are not afflicted by an inavailability of LEAA funds under the block grant program to the states. Indeed the Tennessee Law Enforcement Planning Com-

mission has substantially more funds at our disposal than we can possibly match—and that is precisely our problem. Beset—as is every other major metropolitan area—by rising interest rates, inadequate sources of revenue, and substantial taxpayer discontent, we cannot meet the existing match requirements established by the Omnibus Crime Control and Safe Streets Act of 1968. Anticipating a \$2 million revenue gap in next year's status quo budget, we face the prospect of reduced municipal services and the lapse of ongoing federal grant-in-aid programs. Under these circumstances we are hard pressed to conjure up the \$100,000 (40 per cent) local match necessary to obtain the \$150,000 potentially available from LEAA under this special program. So too our inability to utilize all of the monies earmarked for us by the Tennessee Law Enforcement Planning Commission.

To reiterate, we are interested in the Large City Special Grant Program, but we are more interested in amending P.L. 90-351 to substantially reduce the matching requirements contained therein so that we might actually be able to utilize some of the monies appropriated for our benefit.

Sincerely yours,

JON P. BRUINOOG, *Executive Secretary.*

OFFICE OF THE MAYOR,
Nashville, Tenn., February 11, 1970.

HON. RICHARD M. NIXON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: My initial reaction to Attorney General Mitchell's announcement that an additional \$30 million would be available during the remainder of the resent fiscal year under the Omnibus Crime Control and Safe Streets Act of 1968 was one of enthusiasm. That enthusiasm has now dissipated. Having had the opportunity to study Mr. Mitchell's announcement during the past week or so, I am forced to conclude that the program as announced leaves us no better off than we were before. We simply have no unappropriated local funds at hand midway through the fiscal year. Indeed, one might suggest that the situation has deteriorated since our people and our criminal justice agencies have been led to believe that there will be a substantial influx of federal funds which is never likely to materialize.

Never materialize? We now have some \$500,000 to \$800,000 in Law Enforcement Assistance Administration block grants available to us through the Tennessee Law Enforcement Planning Commission—yet it is unlikely that we shall ever realize more than a small portion of those monies. Caught up in the inflationary squeeze and the taxpayer's revolt, burdened by antiquated and inadequate revenue sources, we are being forced to cut back on existing services in order to overcome a \$2 million gap between anticipated revenues for FY 1970-71 and the cost of even maintaining present services at a status quo level. We are hardly in the position to take advantage of any grant programs which require us to muster 40 per cent local matching funds. Mr. Mitchell's announcement puts more money at our disposal—at a time when we cannot qualify for funds already available for want of local match.

Until such time, Mr. President, as your revenue sharing proposals reach fruition, there is only one way that you can help to ameliorate our critical needs in the area of law enforcement. P. L. 90-351 must be amended to reduce the present matching requirements to a level commensurate with the dearth of revenue sources presently available to local government. Your commitment to reduce the impact of crime in urban America will not be realized until the depredations of the criminal receive that same priority accorded interstate highway construction—90 per cent federal funding coupled with a 10 per cent local contribution.

Sincerely yours,

BEVERLY BRILEY, *Mayor.*

The subcommittee will stand in recess.
(Whereupon, at 12:40 p.m. the hearing recessed to reconvene on Monday, March 9, 1970.)

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

MONDAY, MARCH 9, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler, Kastenmeier, McCulloch, MacGregor, McClory, Railsback, Poff, and Hutchinson.

Staff members present: Benjamin L. Zelenko, general counsel, and Franklin G. Polk, associate counsel.

The CHAIRMAN. The committee will come to order.

Our first witness this morning is the distinguished Senator from Indiana, a good friend, Hon. Vance Hartke. I am sure that we are going to hear from him sound judgment and words of wisdom as we always do.

Senator, we are glad to have you.

STATEMENT OF HON. VANCE HARTKE, A U.S. SENATOR FROM THE STATE OF INDIANA

Senator HARTKE. Mr. Chairman, you flatter me.

I don't deserve those words of praise but I am glad to hear them. Let me say that the chairman has been a most effective chairman, not only in the field of crime fighting but in the whole judiciary field.

The CHAIRMAN. Thank you.

I want to say the words you addressed to me I think can be addressed to the very distinguished members of our committee also.

Senator HARTKE. Certainly, Mr. Chairman, the much talked about war on crime is being lost. It is being lost in our cities where last year more than 12,000 people died because of crime. It is being lost in our urban areas where in 1969, 200,000 people were hospitalized with injuries inflicted in a struggle which, in many ways, is more desperate than the one in Southeast Asia.

I find it undeniable that the existence of crime, the talk about crime, the reports of crime and perhaps most importantly, the fear of crime, have served to erode much that is basic to the quality of life in America.

Although most of us here this morning have not actually been robbed or injured or felt a gun at our necks, we are nonetheless the victims of crime. For we have been victimized by the fear of crime. That same fear that catches you when you hear footsteps behind you

on the street at night, or when you see someone waiting up ahead in an alley, or when you wonder as frequently as I do with my own wife when she says to me "have you double locked the front door?" before going to bed.

But surely a Nation such as ours which treasures above all else its heritage of personal freedom cannot long allow its citizens to live in fear, behind locked doors.

The challenge of crime must be met and met soon. The question is how? This subcommittee is currently reviewing what should be one of the chief tools in the battle against lawlessness: title I of the Omnibus Crime Control and Safe Streets Act.

If used intelligently, the planning and action grants distributed to the States by the Law Enforcement Assistance Administration could serve as invaluable instruments in the crime fight.

Unfortunately I find no persuasive evidence that this is now the case. It is my conclusion, rather, that these funds have generally been wasted in low crime, nonurban areas where crime is not nearly the real and present danger it is in our urban areas.

The cities, on the other hand, have been left to their own very limited devices to cope with the problem which daily grows in intensity.

In California, for example, the county of Twolumne located high in the Sierra Madre Mountains received \$30,000 to establish a halfway house for drug addicts under the authority of the local district attorney's office.

The population of Twolumne County is less than 20,000 yet it does not appear that the contemplated facility will serve any other county.

Thus a legitimate question can be raised whether the drug problem in this county merits an award of \$30,000 in view of the more obvious needs of other areas. In this regard, it should be noted that as of December 31, 1969, the city of Anaheim, Calif., had received only \$3,000, the city of Long Beach was only \$6,000, the city of Oakland only \$18,750 and the city of San Francisco, \$20,200.

In short, four of California's most populous cities received less Federal funding from their State agency than did the County of Twolumne, population less than 20,000. As much as I applaud the objectives of halfway houses, I cannot believe that the expenditure of \$30,000 in the Sierra Madre Mountains could not be better used in the high crime areas of Long Beach or Oakland or San Francisco, Calif.

As you are well aware from your current investigation the National League of Cities and the U.S. Conference of Mayors have voiced similar doubts concerning title I's first full action years.

In a report released on February 17 of this year the NLC indicated that title I block grant funds as presently allocated by the majority of States would not have the necessary impact vitally needed to secure improvements in the criminal justice system.

The States in distributing funds entrusted to them under the block grant formula of the Safe Streets Act have failed to focus these vital resources on the most critical urban crime problems.

"Instead" charges the study, "funds are being dissipated broadly across the States in many grants too small to have any significant impact to improve the criminal justice system and are being used in disproportionate amounts to support marginal improvements in low crime areas."

This is the report as it is quoted. I know too that the mayors of New York and Philadelphia have given similar testimony to this subcommittee.

Mayor Lindsay made the point that a purpose of title I was to insure that local law enforcement authority would be spared any Federal infringement. Yet we find the situation now where those local jurisdictions with the most obvious responsibility for law enforcement have been effectively preempted by the States.

This clearly violates that most basic tenet of creative federalism which holds that those jurisdictions which have the primary responsibility for action should also have the primary decisionmaking authority.

Under the present system State officials with oftentimes limited expertise are, as Mayor Lindsay very aptly put it, encouraged to second guess the professional judgment of city officials.

By November of last year the problems associated with the implementation of the program in Indiana (of which I will have more to say later) and other States, convinced me that there were serious defects in the block grant formula as currently written.

In an attempt to cure what I considered the most obvious inadequacies of title I, I introduced legislation in the Senate last year S. 3171 on November 21. Identical legislation has since been introduced in the House of Representatives by Mr. Bingham.

The Hartke-Bingham bill would change section 306 of title I so that no more than 50 percent of the funds appropriated by Congress, rather than the 85 percent currently provided, would go to the States as block grants. Attached to this amendment is the proviso that a State's block grant allocation will be increased by 20 percent from funds allocated at the discretion of LEAA, where it finds that the comprehensive State plan, required under the act, adequately deals with the special needs and particular problems of its major urban areas, and other areas of high crime incidence within the State.

This legislation further provides that a State's block grant will be increased by an additional 20 percent from LEAA discretionary funds where the State contributes at least 50 percent of the non-Federal share of the cost for programs of local government.

Thus, if LEAA finds that a State has adequately dealt with the pressing problems of its urban areas and if that State is also willing to accept at least half of the matching cost burden now placed on units of local government, this State's block grant award will actually be larger than under the current formula.

That is, a State which complies with the two provisos in this legislation will receive a 90-percent block grant allocation rather than the 85 percent currently provided.

With respect to the first proviso requiring the States to deal adequately with the crime problems of its urban areas, I would emphasize that it is not its purpose to weaken the effective control that the States now exert over title I funds. Rather it is an attempt to further sensitize the States to the needs of their major urban areas.

As things stand now, all too many State planning agencies have failed to make provision for the aggravated problems of those urban areas where high population density and low median income combine to breed massive lawlessness.

Similarly the second proviso is not meant to strengthen the position of the urban areas at the expense of the States but rather is an attempt to better recognize fiscal realities. At a time when our cities, and other units of local government are finding it increasingly difficult to generate revenue sufficient to perform even the most basic services, the matching cost requirements of title I place an unfair burden on our already overextended cities.

Even now many cities are finding it impossible to furnish matching funds under a program which is still relatively modest in scope. What then will be their position when title I grows into a billion-dollar program?

I strongly believe that if the block grant approach to Federal assistance is to work, there must exist a partnership between not only the Federal Government and the States but also between the States and the units of local government.

It is my belief that this partnership can best be established through a more equitable sharing of costs.

As this committee is aware certain objections have already been raised to S. 3171, the bill that is introduced. Chief among these is that it is too soon to tell if action grant money is being misallocated by the States.

Critics of the Hartke-Bingham approach contend that a program as new and complex as this must be given time to work out its defects, and that any attempt to amend at this time would be premature. I am afraid that I cannot accept this contention.

All indications are that the trend of fund misallocation established during this program's first year will be atypical. Essential to this conclusion is my belief that the traditional rivalry between State and local governments is very much in evidence in this program.

Until it is sublimated to the objective of fighting crime, I believe implementation of the program will suffer.

Interestingly enough this view is apparently shared by officials in the Justice Department. In an address before the Federal Bar Association, March 10, 1969, Attorney General Mitchell urged that the State "marshal their resources to concentrate on their urban centers." Later in his address the Attorney General commented that:

All too often needed cooperation and help has stumbled on political rivalries and bureaucratic parochialism which divide the urban centers and the state governments. While I understand the basis for much city-state government rivalry, political parochialism must be put aside in the name of our citizens who live in our cities.

On October 20 of last year Daniel L. Skoler, director of law enforcement programs at LEAA said that the title I program "promises to absorb billions in tax money in the coming decade," but it has yet to "produce anything in either improved law enforcement on crime control beyond paper plans and fund transfers."

Among its chief deficiencies, said Skoler, was the failure of the States to demonstrate a clear commitment to the problems of the large cities which account for the bulk of crime incidence.

A Justice Department memorandum sent to the States on April 5, 1969, in effect made official the doubts Attorney General Mitchell and Mr. Skoler expressed earlier. It stated that State planning agency programs for local planning awards have assumed a greater regional

emphasis than was expected. There has been considerably less direct pass-through to major local units or major metropolitan areas than had been anticipated.

In short the memorandum acknowledged that our major urban areas were not receiving an appropriate share of LEAA funds and urged the States to take into account their urban crime problems.

But as can be seen from a careful examination of the allocations by the States for fiscal year 1969, most States have failed to heed this advice and LEAA is unable to enforce its will.

In Indiana the failure of the State planning agency to adequately provide for the needs of its cities is most apparent.

Last year my State received \$613,000 from LEAA but as of this date less than half of those funds have been distributed. And those funds which have been distributed have generally not gone to urban high crime areas.

Gary, for example, an industrial city of close to 200,000, has yet to receive any funds from the State planning agency, although it did receive close to \$20,000 under section 307(b) earmarked for riot control.

These funds were received in August of 1968 and, as the committee is aware, predated the establishment of the State planning agencies. The city of Evansville, which incidentally is my home, with a population in excess of 140,000 has received a mere \$201 to fight crime since the establishment of the planning agency.

The situation in other major urban areas of the State is much the same.

Since in large measure the extent of our commitment to meet the challenge of crime is measured by the funds we reserve then for that task, the Hartke-Bingham legislation would also increase the authorization for this program to \$800 million in fiscal year 1971, \$1 billion in fiscal 1972, and \$1.2 billion in fiscal year 1973.

This is an authorization for \$3 billion for the period from June 30, 1970, to June 30, 1973. If this program is to be given a much needed sense of continuity, I believe such a 3-year authorization is essential, coupled with funds sufficient to get the job done.

I would add, however, that my support for quantum increases in the authorizations for LEAA is preconditioned on necessary changes being made in the fund distribution formula.

Certainly I would be unable to support massive increases in funding to the States without some better guarantee that these funds will be wisely used. In my estimation the Hartke-Bingham legislation would furnish this guarantee.

By way of conclusion, Mr. Chairman, I would suggest that the fear of crime, which I spoke of earlier, will not be diminished until real progress is made to check crime in the cities.

It must be emphasized that, although nonurban crime is on the rise, and cannot be ignored, it still represents only one-twelfth of the overall incidence of crime in this country.

If the war against crime is to be won, it must be won in our cities. If real substantial progress is made there, I am confident that all areas of the country, both urban and nonurban, will profit.

The CHAIRMAN. Senator, have you made inquiries to find why less than half of the funds allocated to Indiana; namely, \$613,000 from LEAA, have not even been distributed?

Senator HARTKE. Yes, we have. We have talked to the officials there. They have had some rather unfortunate difficulties since when the original agency was established there was insistence on the part of the State administration that some political appointees be used by the State agency, whom the director at that time refused to use.

And finally, he even quit. Now the new director has some of the same difficulties. Frankly, the only "achievement" of the Administration at the State level has been the creation of eight regional planning units which have been largely unresponsive to the needs of the geographic areas they were meant to serve.

The CHAIRMAN. Is there a State planning crime agency or something of that sort?

Senator HARTKE. There is now. There was an initial delay in the creation of the agency and a continuing delay in making appointments.

The CHAIRMAN. Have you inquired why the cities that you mentioned have received only a small portion of funds?

Senator HARTKE. Yes. Initially, the cities in question were not encouraged to file for available block grant funds. Even now it is not clear that Indiana's major cities are fully apprised of the application procedures for title I funds. To this extent the Indiana Criminal Justice Planning Agency and the regional planning boards have failed in their purpose.

This is one reason that I feel it is necessary to change the allocation formula. Although the problem of misallocation is particularly acute in Indiana, it is generally prevalent throughout the Nation. There are examples of where the State agencies have performed in accordance with the general overall intent of the bill but they are in the minority.

The CHAIRMAN. It seems anomalous that the city of Evansville should receive only \$201. What could they do with \$201?

Senator HARTKE. The chief of police is as upset as I am about that. The city of Evansville has received \$112 for drug abuse education and \$89 for drug detection kits from the Indiana agency. I would submit that this amount is patently inadequate for a city of more than 140,000.

The CHAIRMAN. Mr. McCulloch?

Mr. McCULLOCH. Thank you.

I am interested in your testimony, Senator Hartke. I regret to say that my own State of Ohio may be afflicted with the same trouble as that of our neighbor, Indiana.

I ask this question for no weighted purpose. Throughout the year of 1969, what was the party affiliation of the Governor of Indiana?

Senator HARTKE. Republican.

Mr. McCULLOCH. What was the party affiliation of the mayor of Evansville?

Senator HARTKE. He is a Democrat. Let me say to you, Mr. McCulloch, I do not find any evidence that the failure to distribute the money from the State agency to the cities has been due to any difficulties of partisanship between the Governor's office and the mayors.

But there has been no question that the attempt by the Governor to use political appointees that the administrator did not believe were qualified in the field of crime prevention or administration of these programs, has seriously weakened the effectiveness of the Indiana program.

Even at this moment, some of the Indiana agency's staff are patronage appointees.

Mr. McCULLOCH. I am very glad to hear the first part of your answer. I hope that blood money such as this is not going to be allocated or distributed to any political subdivision in accordance with the party affiliation of the Chief Executive. We are interested, however, in the delays which you mention.

I take it that there wasn't the experience nor the expertise at the State level to quickly allocate and distribute the money that came to the State from the Federal Government.

Senator HARTKE. That is true. Yet the lack of expertise constitutes only part of the problem. A more serious aspect of the problem is to be found in the traditional rivalry between the States and their units of local government; a rivalry which, unlike the present absence of expertise, is not likely to be eliminated in the foreseeable future.

Ultimately the difficulty is one of administering the funds in accordance with the directive of Congress. A difficulty which will not be eliminated until the States are willing to recognize and act rationally upon the needs of their urban areas.

Mr. McCULLOCH. Has the State of Indiana in the past, up to 2 years ago, had constitutional authority to perform law enforcement functions on a comprehensive basis?

Senator HARTKE. Constitutionally, there is no prohibition against the State utilizing its police power at all levels of State government. The fact of the matter is in at least the northwest territory States, the local authorities are nothing more than subdivisions of the State government. They have been allocated and given authority and police power by virtue of State legislation.

There is no constitutional prohibition whatsoever. The State could have a statewide police force and does have.

Mr. McCULLOCH. Even though the State does have that authority, has it been exercising it in the past or have local political subdivisions been responsible for the war on crime?

Senator HARTKE. Historically, as the Congressman knows, there has been a tendency on the part of the State governments to feel that the State police power in the field of crime is limited to highway patrol duties and other related activities.

Let me say to you that in this regard, as I understand the intent of the law, and as I am sure the Congressman would agree, the intent here was to insure that title I funds go to fight crime where the crime was, and crime was, and is, in the cities.

Mr. McCULLOCH. I think that is well said, Senator. Again comparing Indiana and Ohio, neighboring States, I think the basic constitutional law is the same. The State of Ohio, since its admission in 1803, has exercised little, if any, jurisdiction in the fight against crime, except on the highways and in a few fields, such as narcotics.

Consequently, the State of Ohio had few experienced people in office, either elective or appointive, who had been fighting crime. It was

necessary to start from scratch. And I am of the opinion that that is one of the reasons that my own State—and I don't like to say this—has not fared so well as it otherwise might have.

Senator HARTKE. Yes. Certainly the problem of inadequate expertise is one which is susceptible to eventual solution. It is problematical however, whether the larger problem of State-city parochialism can be as easily eliminated.

I am confident that expertise sufficient to the task at hand can eventually be created in my State. The question is how long will the process take.

Mr. McCULLOCH. Am I correct in concluding that you haven't organized it yet?

Senator HARTKE. This is part of the problem. Part of the problem is that the reason for it not being organized was the fact that there was an early failure to appoint the chairman and after he was appointed, there was an attempt to make it another bureaucratic operation rather than a crime-fighting operation.

At the time of title I's enactment, I know that the Congress looked upon this as a serious matter. I know I did. At that time we were not interested in merely creating another level, or two, of bureaucracy without really attacking the heart of the problem which is to reduce the incidence of crime in the urban areas of the United States.

Mr. McCULLOCH. I agree that the place of need is the urban areas. Have you had the same rate of crime increase in the rural areas of Indiana as in the urban areas over the last 10 or 20 years?

Senator HARTKE. Rural crime in Indiana has increased by approximately 16 percent in the last 5 years, while urban crime has increased by as much as 80 or 90 percent during the same period.

In other words, while rural crime is on the rise, it is not on the rise at the same dramatic rate as city crime.

Mr. McCULLOCH. Thank you, Senator.

The CHAIRMAN. Senator, I find for the record that \$433,840 was allocated to the State of Alabama and not one cent was allocated to any of the cities as of December 31, 1969.

In the case of Mississippi, \$288,405 was allocated to that State and of that sum 8.3 percent was allocated to the cities.

In Nevada, the allocation to the cities was 11.4 percent.

In South Carolina, the allocation for the cities, out of \$317,985, was 7 percent.

South Dakota, of \$100,000 allocated to that State, 8.2 percent was allocated to the cities.

That certainly bears out your contention. I notice in reference to Indiana that \$613,785 was allocated to that State. Under the act, 75 percent of such funds is supposed to be allocated to the cities or counties, but to the cities, only 36.4 percent was allocated in your own State.

In addition thereto, of the amount allocated to Indiana, with reference to Indianapolis, which has a population of a shade under a half million people, only \$21,000 was allocated.

What could the city of Indianapolis do with \$21,000 with its half million people?

Senator HARTKE. I think the question answers itself, Mr. Chairman. It is just a pittance. There isn't any question about it. That is why it is so important to offer an incentive to the States to cure these

deficiencies in fund allocation which the chairman so concisely pointed to.

With reference to Indianapolis I should note that the mayor, like the Governor, is a Republican. But, unfortunately, he did no better than the Democratic mayors.

The CHAIRMAN. In other words, the record seems to point up the fact that the cities are not getting their fair portion of the sums allocated to the States. We have to address ourselves primarily to that.

Senator HARTKE. I quite agree, sir.

The CHAIRMAN. Mr. Kastenmeier.

Mr. KASTENMEIER. Thank you, Mr. Chairman.

I would like to join you in welcoming the senior Senator from Indiana here.

As I recall, before you came to the Senate, you were mayor of Evansville up through 1958.

Senator HARTKE. Yes.

Mr. KASTENMEIER. Though conditions have certainly changed in the last 12 years, nonetheless, borrowing from the past experience and your own observations in Indiana, how do you regard the need for resources in the middle-sized American cities such as Evansville as compared to the large American cities such as Detroit or New York?

The mayors of those cities have testified here.

Is it the case that the need is as urgent in Evansville as it is in New York City for resources?

Senator HARTKE. I would suggest that the percentage incidence of serious crime decreases with decreases in an urban area's population. Which is to say that serious crime decreases as population density declines.

I would imagine that generally speaking those cities which are newer in their environmental structure, such as Dearborn, Mich., and economic concentration of low-income people would find less need at this time for crime funds.

I don't want to in any way detract from the need of the smaller and middle-sized cities. But the truth is that their problems are not as difficult as the big metropolitan areas.

Mr. KASTENMEIER. One of the first witnesses, former Attorney General Ramsey Clark, recommended several things to the committee; namely, that there ought to be a reordering of priorities under the LEAA program.

For example, he suggested that the limitation of funding to support salaries be revised upwards to permit what he apparently thought was a quality improvement in law enforcement.

Secondly, he recommended that not less than a third of all LEAA appropriations be earmarked for corrections. While I think there is a new emphasis generally expressed throughout the hearings on corrections, this is a particular point of view, that at least a third should go to corrections.

He also recommended that 20 percent of all funds provided for police departments should be invested in community relations improvement.

Do you have any comment on these suggestions?

Senator HARTKE. Let me say that generally speaking I feel that

legislation is better advised if it is general in scope and administration should be given the widest latitude in its application.

I would feel that although I could not find definite disagreement with the former Attorney General in these fields that these are administrative details which I feel that the Justice Department probably would consider and should consider.

In other words, corrections could be in the plan and should be in any crime prevention and criminal enforcement plan if it is to be found comprehensive.

Mr. KASTENMEIER. Thank you.

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. Senator, you are aware, are you not, that all 50 Governors are recommending an extension of the existing LEAA provisions plus augmented funding?

Senator HARTKE. I am perfectly aware of that. I can understand their position.

Mr. McCLORY. You are aware also that there are 50 State plans that have been worked out and approved by the LEAA? You refer to them as paper plans, but nevertheless these are plans that are already developed and already approved.

Senator HARTKE. Let me say I was quoting from the Justice Department. That was not my quote. But I quite agree with it.

Let me make two points before we leave this.

Mr. McCLORY. You are not complaining about the plans?

Senator HARTKE. I am complaining about the implementation of the program; and the difficulty is that in too many fields in which the Federal Government has moved to effectively supplement State or local programs, the expectation of improvement in local conditions has not been satisfied by actual achievements.

As with many programs designed by Congress this one was well intended but its implementation at the local level has left much to be desired. As I have attempted to point out, the essential deficiency of title I is one which is not likely to go away with the lapse of time. If allowed to continue unabated, the traditional rivalry between the States and their units of local government will surely weaken this block grant program, and by analogy the whole concept of block grant assistance. Be assured that absent some appropriate reordering of the percentage formula you will have mayors and police chiefs in front of this subcommittee again next year saying: "Yes, you passed a law, you gave money, it went to the State agency, we got a pittance of it and we never did receive the amount which was necessary to effectively fight crime."

This does not in any way say that the problems as outlined on paper were not basically good. But unless you can provide for some way to give an incentive to the State agency to allocate its funds in a fashion which will do two things: One, move the money to the areas of high incidence of crime; and number two, to encourage them to participate financially in these matching fund grants, the fight against crime is bound to be inefficient.

Mr. McCLORY. As a former mayor you know that the authority for taxation comes from the States. It seems to me in addition to asking us to override the Governors, you are asking us to substitute our judgment for theirs and to override their authority and prerogatives.

You suggest that we say, "Regardless of your State plans, regardless of your State authority, you are going to have this much money and we are going to dictate its use."

Senator HARTKE. That is the interpretation that has been placed on my legislation by the Governors.

Mr. McCLORY. That is just my observation.

Senator HARTKE. I think it is an observation which could be given.

Mr. POLK. Would the gentleman yield at this point?

Mr. McCLORY. Yes.

Mr. POLK. Senator, would you tell us for what reasons, in your opinion, the Justice Department could reject a law enforcement plan?

Senator HARTKE. If the plan is not comprehensive—if it is not balanced—it could be rejected.

Mr. POLK. Do you feel that LEAA, under the law as presently written, could reject a plan which does not adequately take care of the high crime areas in the State.

Senator HARTKE. It could, but it is doubtful that it would.

Mr. POLK. Could you cite a provision of the law on which the Justice Department could base that decision?

Senator HARTKE. On allocations of funds? It is implicit in LEAA guidelines—and I would underscore "implicit"—that a plan could be rejected as unbalanced if it did not adequately take into account the needs of its urban areas.

Mr. POLK. Could LEAA reject a plan because it disagreed with the priorities that were established?

Senator HARTKE. If the priorities were such that the plan could not be viewed as comprehensive, the plan could—at least in theory—be rejected; otherwise, it could not.

Mr. POLK. Section 203(b) states that the "State planning agency shall . . . (3) establish priorities for the improvement in law enforcement throughout the State."

Do I understand you to mean that LEAA then could not reject a plan because a State planning agency had given priority to some rural area rather than to some high crime area?

Senator HARTKE. I would think that is right. In practice, however, LEAA does not appear anxious to reject plans on the basis of misallocation.

Mr. POLK. Thank you Senator.

Mr. McCLORY. Senator, I represent part of Cook County in Illinois, and also Lake County, Ill., and McHenry County, Ill., which forms part of the great metropolitan area which includes Lake County, Ind. and I think Porter County, Ind.

Senator HARTKE. We think Chicago includes part of Porter County and Lake County, Ind.

Mr. McCLORY. It seems to me that the problem of crime is not a municipal one as far as Chicago is concerned. It is a regional problem, a problem to which the State has given recognition in forming an areawide planning commission for a great number of purposes including law enforcement.

I am very encouraged by the fact that your State plans were able to produce the kind of coordination and cooperation that we need in order to make an attack on crime.

Senator HARTKE. Yes. I agree that a regional organization is necessary in a metropolitan area such as you describe. It is questionable, however, whether the regional approach to crime fighting is as necessary in nonmetropolitan areas in Illinois and other States.

For example, take Congressman Shipley's district which extends from the eastern border of Illinois to the western border of Illinois. To say that a serious regional crime problem exists in this basically rural district would be to overstate.

Mr. McCLOXY. Take Congressman Ken Gray's district in the southern part of Illinois which includes Cairo. Without a State plan to accommodate the law enforcement elements now existing, it seems to me that Cairo, Ill., would be in a difficult situation.

I am trying to emphasize that the Governors—including Governor Ogilvie, who testified here that the major part of LEAA action funds is going to the metropolitan area of Chicago—know the problem. They have developed the plans to meet these problems.

For us now to upset the system that we have directed, which the Congress overwhelmingly supported, would be going backward.

But I understand that you would like us to do just that.

Senator HARTKE. I would just like you to provide an incentive plan to put the money where the crime is.

Mr. McCLOXY. You make the statement on page 2:

It is my conclusion that these funds have generally been wasted in low crime nonurban areas where crime is not nearly the real and present danger it is in our urban areas.

Are there any LEAA funds that you feel have been "wasted"?

Senator HARTKE. Those funds which have not been wisely expended have been wasted. Since the amount of title I funds available to the States and the units of local government will never be sufficient to meet the demand, intelligent allocation is essential. If an inappropriate percentage goes to areas where crime is not the same clear and present danger it is in our cities, then it may properly be said these funds have been wasted.

Mr. McCLOXY. Have they not been used in some anticrime activity?

Senator HARTKE. Generally speaking, in most cases I would assume not. They have certainly not reached the crime areas.

Mr. McCLOXY. Do you want to indicate to the committee what these funds are that LEAA has expended which have been "wasted"? I would be very interested in that.

Senator HARTKE. I think that this is quite evident, that when you look at the funds that have been expended in these cases and you find out that in most cases none of it went to the municipalities and urban areas where the crime is, then it has been wasted in its utilization toward fighting crime.

Mr. McCLOXY. Is that "wasted" in your opinion?

Senator HARTKE. If you allocate the funds of the taxpayer for the use of fighting crime and it is not used intelligently for that purpose, then I think it is wasted, yes.

Mr. McCLOXY. I would like you to specify what these grants are that you think have been "wasted," grants which you claim are not being used to fight crime.

The CHAIRMAN. Mr. Railsback?

Mr. RAILSBACK. Thank you, Mr. Chairman.

Senator, I wonder if you know what cities in Indiana have requested discretionary grants and have been turned down?

Senator HARTKE. We can give you a complete report of those, if you want them.

Mr. RAILSBACK. Thank you. I would appreciate that.

(The information requested follows:)

To date (March 23, 1970) no Indiana cities have made application for discretionary grant funds.

Mr. RAILSBACK. Also, I wonder what was the total amount requested in the applications that were made in the first year?

Senator HARTKE. I would be glad to answer that.

Mr. RAILSBACK. I don't want to engage in a debate, but I am interested in what cities have requested discretionary grants, what cities have been turned down, and what cities have requested a hearing under the provisions that are given to them to bypass the State agency.

Senator HARTKE. We will be glad to submit those.

(The information referred to follows:)

To date (March 23, 1970) no Indiana cities have made application for discretionary grant funds.

Mr. RAILSBACK. For instance, you mention the city of Evansville. I am curious as to what kind of an application was submitted by the city of Evansville. I would like to know if they were arbitrarily turned down and their assistance denied. We have found, incidentally, as indicated by the mayor of Detroit, that one thing this program has done for law enforcement is that it has started a dialog among all of the different fragmented law enforcement agencies within a given region.

I am sure you and I would not agree on what approach should be taken, but I do not mean to imply that your amendments would completely ruin the program. There is a difference in approach, and the Governors feel very strongly that their discretion should be expanded.

So, we have to weigh what your feelings are with what they have testified to.

Senator HARTKE. Let me say to you as far as the block grants are concerned, they can acquire more money under the proposal which Congressman Bingham and I have suggested here than they can at the present time. This proposal does not destroy the block grant approach. Rather, it strengthens the bloc grant approach.

Mr. RAILSBACK. We have these problems. We have certain States with few urban areas. These States have, in some cases, the predominant police force. These States, if required to participate, as you have suggested, to get these bonus funds, would face rather disrupting problems.

Many of us would like to see the States take the initiative. We know they have not been successful. They have not moved heretofore. What we are trying to do is get them involved in the crime fight.

The testimony that we have heard from the Governors is that they believe it has been very successful.

The CHAIRMAN. Mr. Poff.

Mr. POFF. Mr. Chairman, thank you. Senator Hartke, I have some problems with some of your language, I ask you to examine your bill—

Senator HARTKE. I don't have the original bill here.

Mr. POFF. Let me read the language to you. As a matter of fact, I will address the question to the Bingham bill, which I understand is substantially the same if not identical, to the Senator's.

On page 3 of the Bingham bill, beginning on line 5, the language is this: "Provided, That a State's allocation shall be increased by 20 percentum from funds allocated at the discretion of the Administration where the Administration finds that the comprehensive State plan required under section 303 adequately deals with the special problems and particular needs of the major urban areas of the State and other areas of high crime incidence within the State."

I am unable to understand precisely the impact of that language. To what would the 20 percent factor be added?

Senator HARTKE. At the present time, this would reduce it to 50 percent. What happens is the 50 percent block grant would be increased by an additional 20 percent.

Mr. POFF. An additional 20 percent of what?

Senator HARTKE. Of the State allocation.

Mr. POFF. Would it be 20 percent of the amount remaining, which is 10 percent, or would it be an additional 20 percent, making a total of 70 percent?

Senator HARTKE. Making a total of 70 percent.

Mr. POFF. The language doesn't clearly give that result. I think the gentleman would want to improve upon that language, if this is his purpose.

Senator HARTKE. This is the purpose. I believe it does do that.

Let me say to you that we can maybe come to language which would correct that deficiency if it exists. The intention definitely is, as I have said here, to provide that the 50 percent of the State's allocation shall be increased another 20 percent to a total of 70 percent.

Mr. POFF. Another 20 percent.

Senator HARTKE. Right.

Mr. POFF. The same is true, I assume, of the next proviso, which begins on line 12.

Senator HARTKE. Yes. This means that the total block grant would then be 90 percent instead of the present allocation of 85 percent which at the present time leaves 15 percent in the Justice Department hands for their discretionary funds.

Mr. POFF. Mr. Chairman, I will not ask any additional questions. I think it would be appropriate at this point for purposes of clarity in the record to include in the record the document mentioned by the witness, which was prepared by Mr. Skoler of the Justice Department. I ask unanimous consent that this document be included.

The CHAIRMAN. If there is no objection, that will be done.
(The document referred to follows:)

FEDERAL-STATE ADMINISTRATION OF THE OMNIBUS CRIME CONTROL AND
SAFE STREETS ACT OF 1968—A BALANCE SHEET

Gentlemen, I am here to offer an evaluation of one of the most closely studied federal assistance programs in recent history—Title I of the Omnibus Crime Control and Safe Streets Act. The record under this program has already been reviewed or surveyed by the National League of Cities, Urban Coalition, National Governors Conference, National Association of Counties, and International City Management Association. The LEAA program is now about to un-

dergo a further study by the prestigious Advisory Commission in Intergovernmental Relations.

Strangely enough, this program is also one of the youngest federal assistance efforts on the books. Its authorizing legislation was approved 16 months ago, its first appropriation (\$63 million) was signed into law 14 months ago. Its activation came almost exactly a year ago, on October 22, 1968, when the first administrators of the Act took office under recess appointment and thereby formally established the Law Enforcement Assistance Administration—implementing agency within the Department of Justice for the new legislation.

The special interest in the LEAA program may not be difficult to identify. First, crime is a recognized contender for the title of the nation's number 1 domestic problem. This is a view held not only by federal and State officials but by citizens as reflected in successive public opinion polls. Second, the new program embodies a new approach and philosophy for federal aid participation in problems that are essentially State and local in character—a substitution of federal priority setting and decision-making by State and local priority setting and decision-making. Third, the new Act reverses a trend of direct dealing with the nation's burgeoning cities and metropolitan areas by incorporating State government as a necessary conduit for planning, funding and coordination. All these factors—and especially the last two—appear responsible for the special and early scrutiny of the Title I "block program."

In one way, the Crime Control Act effort has been remarkable. Spurred by the "genius" or "tyranny" of impossible Congressional deadlines, the program has been a doer—an accomplicher of what might have been thought unaccomplishable. It took the Model Cities program 2 years to produce and fund comprehensive plans for improvement of inner city neighborhoods. The State plans under the Highway Safety Act are just being submitted after almost 3 years of program activity. State crime control plans were, in contrast, produced in 3 to 6 months and action grants funded within the first truncated year of LEAA activity. States are already redistributing these funds to local units and are preparing to produce second year plans and apply for more funds (six times as much as in 1969), all within the short 12-month period since establishment of LEAA last October.

This kind of speed, decisiveness, and action has its risks—the risks of sloppiness, waste, and wrong moves. But it also has virtues. Perhaps these are what the Governors of the nation were identifying when last month they approved the following commendatory resolution on the new program.

The National Governors' Conference commends the Administrators and staff of the Law Enforcement Assistance Administration for their extensive and helpful cooperation with the States in implementing the Omnibus Crime Control and Safe Streets Act of 1968 (Public Law 90-351). Their actions in fostering the development of qualified staff at the State level, providing wide latitude to the States in developing plans for improving the entire criminal justice system, and generally supporting the State-Federal partnership required in a bloc grant program, sets an outstanding example that could well be emulated by other federal departments. Their efforts to insure the success of this first program embodying a true bloc grant approach to an intergovernmental problem are noteworthy.

Or put more vividly by one major city newspaper :

Federal grants-in-aid, of course, are nothing new. Roughly 400 such programs are in operation now. But most of them, to judge from the complaints of local officials, are mired deep in bureaucratic swamps. They suffer from too many guidelines and too much paperwork. Most of the grants are characterized by regimentation, nitpicking demands, and maddening delays. The miracle of this fledgling agency in Justice, under the direction of Charles H. Rogovin, is that apparently it has avoided these morning-glory entanglements. In barely five months, the LEAA assembled staff, conferred with law enforcement officials in the States, and disbursed \$19 million for planning.

The State governments, which so often are accused of apathy and incompetence, responded to these galvanic urgings with the zeal of ballplayers just offered cold beer. By April 10 of this year, California had filed the first action plan—a 26-volume application, amounting to nearly 6,000 pages. Other States followed in a rush. By the time the fiscal year ended on June 30, everyone but American Samoa had come under the wire. In their scope and variety, the State-local programs provide a notable example of federalism at its best.

Doubtless some of the money will be wasted, in the sense that some of the experiments, pilot studies, and demonstrations will prove useless. But this is a part of what federalism is all about. What is new here is a bureaucracy with sense enough to keep its cotton-pickin' hands off the States, and to let them make their own success—and their own mistakes.

As heartening as the foregoing comments may be, they may lack an ingredient that is much in vogue today—that of "relevance." The recognition is nice but, in fact, we have a brand new program that promises to absorb billions in tax money in the coming decade and has yet to "produce" anything in either improved law enforcement or crime control beyond paper plans and fund transfers. Let us, then, take a serious look at the charge of the panel as formulated by Jim Barrett—the question of how well are we performing. I propose to kick things off by submitting to the Western States attorneys general a summary balance sheet—one with eight credit items and eight debit items, supplemented by a few explanatory remarks.

First, however, a short summary of the program.

As you know, the basic scheme of the Crime Control assistance program is for States, based on their own evaluation of law enforcement needs and problems, to produce comprehensive improvement plans. When these State plans are submitted and approved by the Justice Department as meeting statutory specifications, States are eligible to apply for matching action grants to implement their plans. The matching grants are allocated on the basis of population and 75% must be made available to local government. Funds are available also for development and administration of the statewide improvement plans by "State planning agencies" representative of law enforcement and local government interests in the State. Forty percent of planning monies must be passed on to local government.

In its first year of program activity—the year ending June 30—LEAA awarded \$19 million in planning grants and \$25 million in matching action grants. Under separate authorizations of the Act, it also funded \$6.5 million for student loans and tuition aid, \$3 million for research, and \$4 million for action grants awarded on a "discretionary basis." Now in its second year, LEAA is preparing to dispose of a budget estimated at \$250 to \$300 million with the greatest single increase occurring in the action grants—up more than 600% from \$25 million in 1969 to \$170 to \$200 million in 1970. We are not certain of the exact figure because final appropriation action remains to be taken.

Now for the balance sheet of accomplishments and deficits:

CREDIT SIDE

1. *Fifty State planning agencies have been established.* All States now have a continuing agency concerned with an integrated, planned and comprehensive approach to criminal justice improvements. This was accomplished in less than a year and was an absolute necessity for administering the block grant approach and philosophy embodied in the Act. As of June 30, these agencies, collectively, had 500 employees (average of 10 per State), supervisory or policy boards of from 15-30 members each (law enforcement professionals, general government officials, and public or citizen representatives) and an annual payroll of nearly \$4 million.

2. *Fifty Comprehensive State plans have been produced.* Each State has had a go at producing a comprehensive law enforcement plan and in most cases, the results have been creditable considering the short time available for formulation of plans in 1969. These plans describe present systems and resources, analyze needs and priorities and set forth a set of first year action programs.

3. *\$25 million in initial action funds have been programmed on a relatively comprehensive, balanced, and progressive basis. By and large States have shown an awareness of existing reform concepts and a concern for all phases of law enforcement.* Although the first year money allocations were somewhat deficient in courts and prosecution and substantially deficient in corrections, the State plans showed a sensitivity to these activities and some attention to all major program areas defined by LEAA—upgrading law enforcement; prevention of crime; prevention and control of delinquency; detection and apprehension of offenders; prosecution, courts and law reform; corrections and rehabilitation; organized crime; community relations; riots and civil disorders; research and development; and crime and criminal information systems.

4. *Relatively representative policy or supervisory boards have been created to set priorities and oversee State administration of the program.* Each State

has a broadly representative policy board to assure maximum expression of State, local and professional views. Although there may be individual flaws, these in total demonstrate an unprecedented broadness in scope among the more than 1,000 persons sitting on boards in the 50 States. The Attorney General of the State is typically a member.

5. *Relatively competent staffs have been assembled.* We don't know where they come from, but are generally impressed with the background, energy, education and dedication of the SPA staffs. It is never easy to staff rapidly for a new function such as this but a good start appears to have been made particularly in light of the civil service obstacles posed in many States.

6. *A good initial effort to make known the program and provide for meaningful local involvement has been instituted.* Any new program, in its initial phase, is difficult to communicate and to establish maximum levels of involvement for. These are goals that require a span of years for realization. Nevertheless a recent survey by the International City Management Association showed a surprisingly high level of local communication and involvement. For example, in this poll of all cities in excess of 25,000 population, the majority of responders indicated adequate knowledge of the program, participation in law enforcement planning, and acceptance of the block grant concept.

7. *Federal administration has shown a willingness to accept and support the block grant approach.* It seems fair to conclude that, at least, up to this point, the federal government has accepted the State/local initiative that lies at the heart of the block grant approach. This is reflected in the approval of all first year State plans and action programs submitted, with considerable LEAA negotiation for clarity and sharpening up thinking but almost no turnabouts on State/local priorities and decisions.

8. *Federal administration has shown a willingness to listen to State/local views and to minimize bureaucratic snarls.* State/local views have had a real and substantial effect on guideline and policy formulation. Just last month, major changes in policy on 1970 plan submission deadlines and action fund release were approved because of strong State views in opposition to the initial decisions. Moreover, LEAA has been proceeding on the basis of short guidelines, flexible policies and "delivery" of federal resources on deadline target dates.

DEBIT SIDE

1. *Staff turnover and quality presents a constant threat to the quality of the Crime Control Act program as administered through the States.* Probably 50% of the States have had a change in SPA staff direction since activation of the program last October. Without a period of stability here, the difficult mission of the Title I program will be in jeopardy. Gains in experience, training and working relationships are lost when the guard is changed too frequently.

2. *Although there are 50 State plans, these are rudimentary, exhibit gaps in coverage, are often vague and imprecise about implementation, and have yet to incorporate serious long-term or multi-year components.* Despite the encouraging start, it is still too early to tell whether the States will develop sophisticated, well-delineated plans capable of effectively directing funds and spearheading reform efforts. While we have insightful understanding of needs and sound conception of priorities, we do not have such plans as yet.

3. *The States have shown a weak initial commitment for the fields of court, prosecution and corrections.* As yet, a serious commitment to these segments of law enforcement remains to be demonstrated. An analysis of first year action fund allocations by the States shows the following contrast to current public expenditure ratios:

[In percent]

	1969 plans	Public expenditures ratios ¹
Police.....	79	67
Courts.....	6	8
Corrections.....	14	25
	100	100

¹ Public expenditures ratios derived from Challenge of Crime in a Free Society, President's Crime Commission, p. 34 (1967).

Signs are encouraging but it is not yet clear whether the natural and justified priority for the largest element of crime control—police services—will unduly overshadow the other segments of criminal justice, thereby confirming the fears of critics who see this as a police-dominated program.

4. *The States remain to demonstrate a clear commitment to the problems of the large cities which account for the bulk of crime incidence.* Here again, signs are encouraging but the flow of first year monies has been too modest to establish a proper share and priority for urban and inner-city law enforcement. Many critics wait to see how much "Statesmanship" will be exhibited by the powerful State planning agencies in responding to metropolitan and large city crime problems.

5. *In many States, it is not clear that local government needs and priorities will be fully reflected in the planning process or fully represented in State planning agency supervisory boards.* Because the States have been given responsibility to oversee improvement not only at State levels, but local and community levels, it is critical that the foregoing have a real voice in determining plans and priorities for the program. The statute has built in mechanisms for this, e.g., the representative character of State planning agencies, the requirement that 40% of planning funds be made available to local units. But without a whole-hearted State effort to foster local participation and involvement, the mechanism will not be enough. The ICMA survey previously referred to, for example, showed that 9 States had more State official members on the State agency policy boards than local government representatives despite substantially greater law enforcement expenditures at the local level in most of these States.

6. *Uncertain commitment of States to matching requirements of Act.* It is not yet certain whether States and local units will be able to provide matching shares for vastly increased levels of LEAA aid. The budget request for this year contemplates federal aid of close to 5% of national public expenditures for law enforcement. As that and higher aid levels are reached, the question arises as to whether States and local units will be able to provide their statutory shares. Frankly, no one knows what the "matching fund" tolerance level is in this field, particularly with average yearly cost increments for law enforcement services of 5% even without federal grant support.

7. *Uncertain responsiveness of States to citizen and community needs and values.* There has already been criticism to the effect that State planning and programs are oriented too much to professional viewpoints and miss the important step of "user" involvement, i.e., a voice for the citizen and community to whom law enforcement services are provided. Part of this is translated into a claimed absence of minority group representation on boards. LEAA has demonstrated that the State record here is better than critics have allowed (200 community representatives on the State boards or more than 15% of the total 1100-1200 members on such boards) but the States will need to continually prove their commitment on this point.

8. *The danger of inadequate quality in the planning, financing and implementation of improvement goals.* An essential failing in many of the nation's large urban problem programs is not the weakness of goals or lack of know-how on what should be done but an inability to implement large-scale change or improvement. What is involved is the difficult but crucial skill of mixing plans, men and money to achieve a permanent result, not just a temporary success, in improving law enforcement institutions. This is the "delivering the goods" component of the Title I program. What it requires is competence, hard work, and sound thinking—free of undue political restraint, pressures to distribute money without a hard look at how it will be spent, temptation to sacrifice basic gains for superficial solutions of the moment and continuing, frank evaluation of the Barrett question—"how well are we going?" The biggest battle of all will be the fight to preserve program quality of this nature.

The CHAIRMAN. Mr. Hutchinson?

Mr. HUTCHINSON. Thank you, Mr. Chairman.

Senator, I refer to your statement that there has been \$613,000 allocated to Indiana; that less than half of this money has been distributed; that none at all has gone to Gary, except for \$20,000 for riot control, and that very few dollars have gone anywhere else.

My question, Senator, is where did the money go in Indiana? Who did get the money?

Senator HARTKE. That which was used was used on the State level with the State agency for salaries and people and things of that sort.

Mr. HUTCHINSON. In other words, it was consumed administratively by the State agency?

Senator HARTKE. Not the entire amount. Part of it was never used at all.

Mr. HUTCHINSON. I understand.

Senator HARTKE. But that which was used was basically used for administrative purposes, that is right.

Mr. HUTCHINSON. But I thought that the law required that 75 percent of the funds be passed through to the local units within the State.

Senator HARTKE. Thirty-six percent of it has been allocated.

Mr. HUTCHINSON. Thirty-six percent of it has been allocated?

Senator HARTKE. Yes.

Mr. HUTCHINSON. Precisely where did that 36 percent go? Did it go to county sheriffs?

Senator HARTKE. In some cases we have a complete listing of that. If you want us to supply it for the record, we will show it to you.

Mr. HUTCHINSON. I think it would be interesting to know where it went.

The CHAIRMAN. Without objection.

(The information requested follows:)

The "Schedule of Subgrants for Action Projects" for the quarterly period ending December 31, 1969, as received by LEAA follows:

U.S. DEPARTMENT OF JUSTICE—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
SCHEDULE OF SUBGRANTS FOR ACTION PROJECTS

[Cumulative and cover sheet]

1. Reporting State: Indiana	4. Action grant total: \$613,785.00
2. Reporting SPA: Criminal Justice Planning Agency	5. Fiscal year: 1969
3. Report period ending: Dec. 31, 1969	6. Grant no(s): A110012

7. Name of subgrantee	7A. Code	8. Date of award	9. Grant period	10. Amount of award	11. Funds paid to subgrantee
Expanded training for police personnel A-1 (40 percent): City of Michigan City	L	Dec. 29, 1969	June 30, 1971	1,800.00	1,800.00
Police legal advisors program A-3 (40 percent): City of Indianapolis	L	Oct. 27, 1969	-----do-----	15,000.00	15,000.00
City of Ft. Wayne	L	Oct. 22, 1969	-----do-----	15,000.00	15,000.00
Increasing difficulty and risk in committing crimes B-1 (40 percent): City of Ft. Wayne	L	-----do-----	-----do-----	2,250.00	2,250.00
Narcotics and dangerous drug control B-2 (40 percent): City of Highland	L	Dec. 16, 1969	-----do-----	3,840.00	3,840.00
Acquisition of technological equipment D-1 (40 percent): City of Angola	L	-----do-----	-----do-----	1,400.00	1,400.00
Revision of State and substantive and procedural criminal law E-2 (40 percent): Judicial Study Committee	S	Aug. 29, 1969	-----do-----	15,000.00	15,000.00

U.S. DEPARTMENT OF JUSTICE—LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
SCHEDULE OF SUBGRANTS FOR ACTION PROJECTS—Continued

[Cumulative and cover sheet]

1. Reporting State: Indiana	4. Action grant total: \$613,785.00
2. Reporting SPA: Criminal Justice Planning Agency	5. Fiscal year: 1969
3. Report period ending: Dec. 31, 1969	6. Grant no(s): A110012

7. Name of subgrantee	7A. Code	8. Date of award	9. Grant period	10. Amount of award	11. Funds paid to subgrantee
Improvement of bail procedures E-4 (40 percent): Marion County Municipal Courts..... L		Dec. 29, 1969	June 30, 1971	\$18,000.00	\$6,000.00
Purchase of riot and crowd control equipment H-1(25 percent):					
City of Ft. Wayne..... L		Sept. 19, 1968	.....do.....	7,312.50	7,312.50
City of Muncie..... L		.....do.....	.....do.....	6,750.00	6,750.00
City of South Bend..... L		.....do.....	.....do.....	15,000.00	15,000.00
City of Hammond..... L		.....do.....	.....do.....	5,610.00	5,610.00
City of East Chicago..... L		.....do.....	.....do.....	5,610.00	5,610.00
Training officers in riot prevention and control as well as in community relations H-2 (25 percent):					
City of Evansville..... L		.....do.....	.....do.....	13,875.00	13,624.00
Reducing racial and community tension H-3 (25 percent):					
City of Ft. Wayne..... L		.....do.....	.....do.....	12,638.00	12,046.00
City of Gary..... L		.....do.....	.....do.....	12,864.00	12,439.00
City of Evansville..... L		.....do.....	.....do.....	4,500.00	4,500.00
Improving the easy identification of and appropriate response to potential riot situations H-4 (25 percent):					
City of Gary..... L		.....do.....	.....do.....	7,161.00	7,161.00

Senator HARTKE. There is a difference between allocation and distribution, as you well know. Part of it has been allocated and not distributed.

Mr. HUTCHINSON. Thank you.

The CHAIRMAN. Thank you very much, Senator.

Mr. Polk?

Mr. POLK. Senator, previously you agreed that the law presently allows the State planning agency to establish priorities for the improvement of law enforcement throughout the State. Because the statute seems to say no more than that, apparently there is no restriction on how those priorities may be established.

Could the very same goal that you seek be achieved by simply amending the law to say that the State planning agency shall establish priorities for the improvement of law enforcement throughout the State, adequately taking into consideration the high crime areas, and then also authorizing LEAA to reject any plan which did not adequately take into account the high crime areas?

Senator HARTKE. If you asked whether it could, there is no question whether it could. Whether it will is another question.

Mr. POLK. Do you think that that type of amendment would be inferior to the amendment which you propose?

Senator HARTKE. I don't think it is a question of inferiority. I think it is a question of definition. The point here is very simply that if the block grant approach is going to be used effectively, in my opinion legislative guidelines are preferable to administrative guidelines.

What we want to do here is really provide an incentive for the State agencies to do two things: One of them is to provide for an allocation of these funds to the high density crime areas.

Mr. POLK. Wouldn't it be better to require them to do, so as my hypothetical amendment provides?

Senator HARTKE. Yes, I think there would be more opposition to requiring them to do so than with the incentive provision I have proposed. I think this is a provision which will work and will work effectively and achieve the same results as the requirement.

Mr. POLK. Thank you, Senator.

The CHAIRMAN. Thank you very much, Senator. We appreciate your coming. We will certainly profit by your statement.

Senator HARTKE. Thank you for the courtesy that you have extended to me. I hope you will look into all of these matters carefully.

The CHAIRMAN. Our next witness is a gentleman who is a most worthy Representative, the Representative from the State of Washington, the Honorable Brock Adams. We await with interest what he has to say.

STATEMENT OF HON. BROCK ADAMS, A MEMBER OF CONGRESS FROM THE STATE OF WASHINGTON

Mr. ADAMS. Thank you, Mr. Chairman.

I have a prepared statement which has been distributed to members of the committee, I will skip through it in parts to save the committee's time and emphasize only those points and in particular the amendments that I suggest.

The CHAIRMAN. Without objection, it will be placed in the record.

STATEMENT OF HON. BROCK ADAMS, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. Chairman, Members of the Committee, I appreciate the opportunity to appear before you to testify on various proposals to increase the authorization of the 1968 Safe Streets Act. My own proposal, H.R. 15539, would increase the Act's authorization to one billion dollars in Fiscal Year 1971.

It hardly needs to be repeated to this Committee that we are in the midst of a crime crisis. Every day the lives and property of American citizens are threatened by criminal activity—and by fear of crime. Yet it must be emphasized that the Safe Streets Act is the only major federal program of financial assistance to states and localities which combats this violent street crime. To fail to fund the program to the maximum extent would be to fail miserably in our efforts to provide domestic security.

Title I of the 1968 Act has already provided much needed federal matching dollars for local law enforcement and criminal justice agencies. It has led to a more comprehensive law and justice planning process. And it has stimulated local agencies to improve and expand their public safety effort.

The current statute, however, contains three major deficiencies:

- (1) It falls far short of providing sufficient federal dollars;
- (2) It allows for a disproportionate allocation of federal and state monies to low-crime, non-urban areas; and
- (3) It encourages the purchase of hardware at the expense of assistance for staggering personnel costs.

First, to remedy the funding deficiency, I introduced on January 27, 1970, H.R. 15539, authorizing one billion dollars for federal matching assistance to local law enforcement and criminal justice agencies. This sum, when filtered through the fifty states into regional planning agencies and then into the various cities, suburbs, and smaller jurisdictions, allocates a relatively small amount of money in the fight against crime. The Nixon Administration, on the other hand,

has requested that only \$480 million be appropriated in F.Y. 1971 for the Safe Streets Act.

Mr. Chairman, how long will the Nixon Administration continue to coast on rhetoric alone? How long will the President avoid matching his pledges with cash dollars? I feel strongly that the American people are more concerned with action than with promises. And I find it incredible that an Administration elected partly on the issue of "crime in the streets" can fail so miserably to adequately fund the only major program which directly confronts that violent street crime.

I hope the Committee will agree with me that if we can spend 24 billion dollars to send a man to the moon, we can surely afford to spend one billion dollars for domestic peace and security.

Secondly, a disproportionate amount of federal and state monies are diverted from our largest cities. As all statistics have long indicated, the incidence of crime is highest in major cities. Crime, as we all are aware, is bred by conditions of poverty and social deprivation characteristic of our central cities. Yet too much of the scarce dollar resource in the Safe Streets program is going to suburban, small city, or rural areas.

To correct this misallocation, a change must be made in the language of the statute to direct a greater percentage of funds to major cities. A flexible formula to accomplish this objective should be devised based on a jurisdiction's crime rate, its arrest rate, or its expenditures for public safety. This would redress the problem many cities have when their states employ population percentages rather than crime statistics. An alternative proposal by Senator Hartke and Representative Bingham would provide the Law Enforcement Assistance Administration with more discretionary funds and would build in incentives for states to deal more effectively with major urban areas. A combination of the latter proposal with my recommendation, which deal with block grant monies as well as discretionary funds, might well be considered by the Committee.

Although I strenuously opposed the block grant approach in the 1967 debate on this Act and continue to have serious reservations about its bureaucratic delay and costs, I feel that a full-blown assault on block grants at this time may be premature. Since many courts and correctional institutions are components of the state-level criminal justice system, an abandonment of the block grant approach might weaken their chances for federal assistance. We must devise a mechanism to increase assistance to high-crime urban areas without undermining the ability of existent state law and justice agencies to deal with these crime problems. I hope the Committee will be able to report a bill with such a mechanism to the House floor.

Thirdly, the Safe Streets Act has been used much too extensively for the purchase of hardware and assorted equipment. While law enforcement agencies should be assisted in the purchase of sophisticated equipment, the statutory over-emphasis on this activity has worked to the detriment of personnel requirements, especially in court and correctional agencies.

To correct this imbalance, I urge that the statutory ceiling on the "compensation of personnel," Section 301(d), be raised from "one-third" to "two-thirds," or eliminated altogether. This would permit more federal assistance for innovative juvenile delinquency, narcotic addict, community correctional, probation and parole, and court programs—all of which require far more in personnel costs than in equipment expenses.

In addition, a change should be made in the statutory priorities contained in Section 301(b) to reflect the change in personnel requirements. For subsection (b)(2), the following wording should be added: "with special emphasis on correctional officers, probation and parole officers, prosecutors, public defender personnel, court administrators, and related personnel."

Finally, a change in (b)(4) should be made to implement the amended intent of the legislation. That language might include the following: "Renting, leasing, and/or construction of buildings or other physical facilities which would fulfill or implement the purpose of this section, with priority on community-based correctional facilities, addict treatment centers and temporary courtroom facilities in high crime areas."

Mr. Chairman, we must be willing to make the financial commitment to fight violent home and street crime as well as to fund those programs which eradicate the root causes of crime. To fail to fund both will be to see crime increase and the social programs—long championed by liberals—collapse.

Mr. ADAMS. I want to thank you and the members of your staff and the other members of the committee not only for allowing me to testify this morning but also for the assistance which they give us in working with the District of Columbia crime bill, which as you know, will be before the Congress this month. It is because I happen to sit on that committee, as well as being a former U.S. district attorney that I am here before the committee this morning, both to answer the committee's question as to what the Safe Streets Act might do in the District of Columbia, since it has been an issue of some importance, and second to state my views of the desperate importance that this bill be increased in size.

I introduced before the committee H.R. 15539, which requested that \$1 billion be authorized in fiscal year 1971 rather than the \$480 million requested by the administration.

My statement will have two basic parts to it. One, quantitative, and which I will place in the record with the chairman's permission what I have suggested as to the quantitative need in the District of Columbia, and second, qualitative, the changes that I believe must be made which will follow along and implement those that were made by Senator Hartke before me.

The CHAIRMAN. Without objection, it will be made a part of the record at this point.

You may proceed, Mr. Adams.

Mr. ADAMS. Thank you, Mr. Chairman.

(The document referred to follows:)

TESTIMONY OF CONGRESSMAN BROCK ADAMS, SUBCOMMITTEE No. 1, COMMITTEE ON THE DISTRICT OF COLUMBIA, OCTOBER 14, 1969

Mr. Chairman, the committee is meeting this morning to discuss an issue of utmost concern to every resident of the metropolitan Washington area—that of violent home and street crime. It is a matter of highest priority to both citizens and Members of Congress that potential offenders be deterred by an adequate police force, that the accused be granted a speedy trial, and that the guilty are effectively detained and rehabilitated. If this task cannot be accomplished in the Nation's Capital, the search for domestic peace will surely be weakened everywhere.

It is because I believe that we have not made the necessary commitment—and indeed that we are simply resorting to the same old patch-and-bandage job, with some new twists—that I have asked to testify this morning.

The Nixon Administration proposals, currently pending before this committee, illustrate the problem which confronts us. Those proposals for court reorganization, an expanded bail agency, and a public defender system are ones which will improve the administration of justice and which I believe a majority of this committee will support. The request for 1000 additional policemen in addition to the 1000 we have already authorized is also essential for the prevention and deterrence of crime.

But many of the Administration requests which seek to change criminal law—such as preventive detention (pending in the Judiciary Committee), greater use of electronic eavesdropping, a "no-knock" statute, and others—are not only of questionable constitutionality but do not attack the problem of violent home and street crime. How useful it is to make it easier to detain the accused when the D.C. Jail, with a capacity of 595, has a current population of 1033! What alternatives do we give judges when the probation officers in the U.S. District Court carry a caseload of 80 probationers and those in the Court of General Sessions carry an almost unbelievable 122! How can we expect our convicted felons to be "rehabilitated" when we provide no meaningful job training and assign our parole officers a caseload of 130 inmates within the institution and 51 parolees on the streets.

More basic, however, than this misdirection of several of the key Administration requests is its shortsightedness. To do the job adequately, to reduce violent crime, we must go far beyond these proposals. We must make a real commitment of resources, money, manpower and motivation to control home and street crime in the Nation's Capital.

Mr. Chairman, another series of harsh, repressive substantive pieces of legislation will not stop crime in the streets. The D.C. Omnibus Crime Act of several years ago was supposed to do the job, but, as we all know, the crime rate has not slackened in the least. What we do so desperately need is a dramatic modernization of what is basically a sound criminal justice system. I believe that our system can be made into a workable system of justice. But when the accused are out waiting trial for 8-10-12-even-16 months and when those found guilty simply serve their time and are released for a life of additional crime our system has broken down from overloading. The answer, then, lies in sharp improvement of a proven system of criminal justice.

This means that we in Congress must be willing to put up the necessary money to combat lawlessness. Over the next five years we must construct a new court building, which will cost approximately 55 million dollars, build a new D.C. Jail, costing roughly 25 million dollars, and construct a new correctional complex, which will cost at least 20 million dollars. In the meantime, we must approve and finance the necessary number of judges, Assistant U.S. Attorneys, Marshals, investigators, probation officers, law clerks, and supporting staff to make the courts operate effectively. We must insure that our police officers are well-equipped, well-trained and have adequate supporting personnel. We must support programs, such as work-release halfway houses and methodone and other drug addiction treatment, which turn potential and convicted offenders into productive citizens. And we must increase our expenditures to deal with the juvenile delinquent and the pre-delinquent.

To accomplish part of this undertaking, I propose that we contract with the federal government to hold a number of offenders in varying types of security, from minimum security to maximum security, in order to remove from the streets the dangerous repeat offenders who are terrorizing the community. We can at the same time give those who want it the chance to be rehabilitated through job training, counseling and educational opportunities.

My research demonstrates that instead of the \$76,000,000 we spent this year and the 104 million dollars for police, courts, corrections and related agencies which the D.C. Government requested for Fiscal Year 1970, we should be spending at least \$117 million, plus \$5 million in additional capital expenditures to fund a \$105,000,000 building program to be finished during the next 5 years. This will bring our system of criminal justice back into working order.

To fail to appropriate this money in the name of economy is little more than false economy. The personal anxiety caused by fear and the personal suffering from being a victim of crime are costs for which there can be no dollar figures. The millions of dollars spent by businesses and individuals for protection through insurance, and the expenses required by added security guards and burglar alarms, go largely unrecognized. And the pennies which merchants continually add to the price of goods and services to cover losses incurred through shoplifting amount to millions of dollars annually.

The problem of chronic home and street crime—assault, mugging, burglary and robbery—is caused mainly by offenders who resist and repeat. To illustrate, we presently have at liberty on the streets of Washington, D.C. over 1700 accused persons awaiting trial. Most of these have been previously convicted. A substantial portion of them are either on parole or are accused of more than one crime.

In order to meet this problem, let me say again, you must provide the facilities to quickly and accurately determine whether these 1700 chronic offenders are guilty or innocent of the crime of which they are accused, and then be prepared to hold those convicted offenders out of the community for a sufficient period of time to stabilize law enforcement in the community.

I pointed out in a September 4, 1969 speech to the International Association of Chiefs of Police—which I shall ask be included at the end of my remarks as a part of my statement—the District of Columbia Reformatory at Lorton is so badly overcrowded that the conditions there will only produce more offenders. In fact, the conditions are so bad that no matter what we do with mandatory sentences, no judge wants to send any man to Lorton to live under the conditions that currently exist there. The Youth Cor-

rection Center is overcrowded and understaffed. The Women's Detention Center is a breeding ground for promiscuity and, like most institutions, unintentionally provides its inmates a sophisticated education in narcotics trafficking.

The amount of money and some of the items I am proposing will probably shock some members of this Committee. But the amount of money that we are talking about to produce a safe Capital is small compared to the costs of crime in this city as well as the destruction of human life and property which occurs day after day.

I have made this statement today because I want the proposals made by the Administration to meet the whole problem. Court reorganization coupled with repressive substantive legislation will not do the job. I predicted at the time of the passage of the District of Columbia Omnibus Crime bill several years ago that it would not meet the fundamental problem of handling the great majority of criminal cases in our courts with dispatch and justice. It is only when we adopt the court reorganization provisions suggested by the Administration, hire the additional necessary policemen who have been authorized and requested, obtain a new temporary court facility, hire judicial and probationary personnel, establish a legal aid system, and provide effective correctional institutions that we will solve the crime problem and make this community safe for all its citizens.

I urge the Administration through the Department of Justice and the District Government to join with us in immediately and dramatically implementing this rehabilitation of our whole system of criminal justice in the District.

OPERATING EXPENSES TO ACHIEVE DOMESTIC PEACE IN WASHINGTON, D.C.

Agency	District of Columbia government, fiscal year 1970 request	Brock Adams proposals, fiscal year 1970
Police: Raises authorized number to 5,100.....	\$68,376,000.....	\$73,000,000 (addition only for proposed salary increases of uniformed police).
Courts.....	\$17,223,300.....	\$20,568,362.
(General Sessions, U.S. Courts, Juvenile Courts, District of Columbia Court of Appeals, District of Columbia Tax Court).	(\$16,172,700).....	(\$19,000,000 including proposed court reorganization costs).
(Legal Aid).....	(\$777,700 includes 12 additional attorneys).	(\$1,110,462 includes 16 additional attorneys and \$250,000 for Offender Rehabilitation Program).
(D.C. Bail Agency).....	(\$272,900 includes 22 additional staff).	(\$457,900 includes 37 additional staff).
Corrections.....	\$17,025,400.....	\$18,754,823.
(Includes: Work release program "halfway houses")	(\$1,461,700 for 250 inmates).	(\$2,900,000 for 500 people).
Additional parole officers.....	None.....	(\$230,000 for 16 additional parole officers plus supporting staff).
Additional parole aides.....	(\$58,877 10 positions).....	(\$120,000 20 positions).
Public Safety Related Departments:		
Drug Addiction Treatment and Rehabilitation Center.....	\$70,000.....	\$800,000.
Methadone Drug Treatment Center.....	\$400,000.....	\$800,000.
Juvenile Delinquency:		
Youth Group Homes (halfway houses).....	\$211,500.....	\$1,200,000 (10 centers).
Predelinquency program.....	\$372,400.....	\$800,000.
Juvenile Diagnostic and Evaluation Centers.....	\$417,000.....	\$834,000.
Total operating expenses.....	\$104,225,600.....	\$116,757,185.

CAPITAL EXPENDITURES REQUIRED 1970-75 FOR PUBLIC SAFETY FACILITIES

Remodel pension building for new courts.....	\$2,000,000
New District courthouse complex.....	55,000,000
New District jail.....	25,000,000
Renovation and new construction at Lorton complex.....	20,000,000
New women's detention center.....	3,500,000
Total capital outlay.....	105,500,000

Mr. ADAMS. The current statute has three major deficiencies in my opinion. One, it again falls short of supplying the number of Federal dollars necessary; secondly, it allows a disproportionate allocation of

Federal and State moneys to low crime and nonurban areas, and third, it encourages the purchase of hardware at the expense of assistance on staggering personnel costs.

The first remedy I have suggested is the bill H.R. 15589 which would authorize \$1 billion this year; the second thing is on the disproportionate amount of Federal and State moneys being diverted to the larger cities.

Crime as we are all aware is bred by conditions of poverty and social deprivation which are characteristic of our central cities.

To correct this misallocation a change must be made in my opinion in the language of the statute to direct a greater portion of funds to the major cities. For example, in many areas, we are still using a population allocation system.

I think that this could be improved with the flexible formula that would be based on the jurisdictions' crime rate, its arrest rate or its expenditures for public safety. One of the problems that many of the States have now is they employ population percentages rather than crime statistics.

You can in a metropolitan area have a very large suburban area which may be part of the metropolitan crime statistics but have a relatively stable crime rate or a crime rate growing in the nonviolent area such as drugs and other items, though it may have a great population growth.

In fact, it will be growing far more rapidly than the central core city, yet qualitatively the crime problem in the central core city is much more severe.

Therefore, I do hope the committee will consider Senator Hartke's proposals dealing with this particular problem this morning. I will not repeat any of them, though I have referred to them in my statement, because I think the Senator covered them very well.

I will give some comfort to those supporters of the block grant approach because I do not recommend at this time a wholesale dismantling of it, though I violently opposed it when it was on the floor the last time in 1967, and even though the very thing has happened that many of us predicted. We have seen a dissipation of funds through the States even though law enforcement is a local function. We have 40,000 separate police departments for example. We have the sheriffs in control of areas of law enforcement and these are all local units. At the time of the floor debate, we had only as I remember 28 States that had any kind of a statewide system of justice.

I would like in my qualitative suggestions to go to two other areas of the three parts of the system that must be corrected: The police departments, the courts and the correctional areas.

I find that in analyzing the States that a majority of the expenses in the courts and in the correctional institutions are borne by the States. Therefore I think we must be cautious in making a full blown assault on the bloc grant system which we must separate into its components from a State viewpoint.

In other words, police departments are locally controlled. That is all we have talked about this morning. But court systems, though they may be locally allocated by counties, or by bureaus, are basically paid for at the State level. In most of the States, you will have a

county superior court but the funding of that comes from the State area.

The correctional institutions, including parole and probation, are also controlled by the State level. What I am suggesting on page 4 of my statement is that first with regard to the police departments, I think we need the approach that has so been stated and by Senator Hartke of seeing that there is an allocation of funds into the local level.

But I think we must see to it that we get away from the hardware approach, which is drawn into the bill basically on pages 3 and 4. What this has resulted in is police departments instead of being able to pay personnel because of section 301(d), which prohibits payments for personnel, have started out first with basically buying riot equipment.

There may be riot equipment needed. But violent home and street crime is controlled by personnel and preventive police patrols on the street.

Second, having the courts available for immediate trial of the individuals so we don't get into gimmicks such as preventive detention and so on; and third to have the institutions available to handle these people.

What I have suggested as qualitative changes in the original bill, section 301, the operating section, is under 301(d) that we strike the limitation of one-third, which is all it can be used for compensation of personnel, and either raise it to two-thirds or eliminate it entirely.

This would allow more Federal money to go into innovative juvenile delinquency programs, handling and working with narcotic addicts, community correctional, probation, and parole programs and court personnel programs, all of which costs far more than equipment expenses.

The second that I would change is in 301(b)(2), the administrators have defined the ability to pay money in a grant of law enforcement personnel to cover personnel in the courts and personnel in corrections as well as in police department personnel.

I would suggest that there be added at the end of that, where it says, "recruiting of law enforcement personnel and the training of personnel in law enforcement." the following, "with special emphasis on correctional officers, probation and parole officers, prosecutors, public defender personnel, court administrators, and related personnel."

Finally under B4, 301B4, I recommend a change. We have in there a prevention of any money being used for the construction of buildings or other physical facilities. That was because we had such limited money available. I am proposing that we change it to say this, "Renting, leasing, or construction of buildings or other physical facilities which would fulfill or implement the purpose of this section with priority on community based correctional facilities, added treatment centers and temporary courtroom facilities in high crime areas."

Mr. Chairman, Washington, D.C., is held up as one of the examples of the worst crime problems in the United States.

Let's take Washington, D.C., and the problem of the Police Department.

We are raising the authorized strength of the Police Department. We started 3 years ago at 3,100, we authorized 1,000 police officers, and we have now authorized 5,100. I think we should do it. When you start to do that, every officer you put on costs you \$10,000 a year. But Washington, D.C., received from the Safe Streets Act only a total of \$100,000; \$100,000 going into Washington, D.C., is just infinitesimal. If we are to increase the act as I have indicated by raising the allocation which in 1968 was \$63 million to \$1 billion, you would have available here about \$1.5 million.

The \$1.5 million would only put on or would only pay for in terms of officers here, figuring about \$10,000 apiece, 150 policemen. As you can see, that is nothing compared to what we are trying to put on.

Yet, simply to put police on in this city is not going to solve the problem. You have got a court backlog at the present time here of 1,500 pending felony cases.

You can arrest as many more as you want. If you can't put them through the courts, you are just extending the time they are going to be on the streets under indictment. That leads to your problems of preventive detention.

Let's suppose we put them through the courts.

Where are you going to put them? The jail holds 593 here and it carries every day over 1,000.

Lorton here is 400 to 500 over capacity, at all times. The Youth Corrections Center is 300 over capacity. I have suggested that we remodel the pension building here for the courts. You could put 14 courtrooms in there. That would cost \$2 million.

Part of the money under this bill should be going then into things like that. A new district court complex will cost \$55 million. It is going to take them 5 years to build it.

That is why I say let's remodel the pension building now. A new District Jail would cost us \$35 million. Renovation at Lorton, \$20 million, a new Women's Detention Center, \$3.5 million.

My plea, therefore, is that we really raise this authorization if you really want to do something about crime, and get the money into the local areas for the three parts that are necessary, and make the qualitative changes so that we don't just emphasize the Police Department but we go to all of the portions of this.

When you start to do it, gentlemen, it is very expensive. Thank you, Mr. Chairman. You have been very kind in letting me go on. I would like to file these.

The CHAIRMAN. Without objection, they will be placed in the record at this point.

Mr. ADAMS. Thank you.

(The documents referred to follow:)

OPERATING EXPENSES TO ACHIEVE DOMESTIC PEACE IN WASHINGTON, D.C.

Agency	District of Columbia Government, fiscal year 1970 request	Brock Adams proposals, fiscal year 1970
Police: Raises authorized number to 5,100.....	\$68,376,000.....	\$73,000,000 (addition only for proposed salary increases of uniformed police).
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Additional parole officers.....	None.....	(\$230,000 for 16 additional parole officers plus supporting staff).
Additional parole aides.....	\$58,877 (10 positions).....	\$120,000 (20 positions).
Public Safety Related Departments:		
Drug Addiction Treatment and Rehabilitation Center.....	\$200,000.....	\$800,000.
Methadone Drug Treatment Center.....	\$400,000.....	\$800,000.
Juvenile Delinquency:		
Youth Group Homes (halfway houses).....	\$211,500.....	\$1,200,000 (10 centers).
Predelinquency program.....	\$372,400.....	\$800,000.
Juvenile Diagnostic and Evaluation Centers.....	\$417,000.....	\$834,000.
Total operating expenses.....	\$104,225,600.....	\$116,757,185.

Capital expenditures required, 1970-75, for public safety facilities

Remodel pension building for new courts.....	\$2,000,000
New District courthouse complex.....	55,000,000
New District jail.....	25,000,000
Renovation and new construction at Lorton complex.....	20,000,000
New women's detention center.....	3,500,000
Total capital outlay.....	105,500,000

The CHAIRMAN. I find your suggestions very interesting. They will be presented to the committee. We appreciate your coming. You have made a very good contribution.

Mr. Poff.

Mr. Poff. Mr. Chairman, I will be brief.

Mr. Chairman, the gentleman knows I share his concern for an adequate number of police officers on patrol in the active problem areas.

I am impressed by the need of the LEAA program to address this problem. Yet I know the gentleman would agree with me that this is possibly not all of the problem. As his own testimony has indicated, we have serious shortages in facilities. But just to explore the personnel problem a little, I went back to the 1968 uniform crime reports.

From those I learned that we had at that time a total of 212,006 full-time police department officers in this country. We had 30,316 uniformed officers in sheriff departments. We had 50,640 employees in State police and State highway patrol organizations.

That makes a grand total of 291,962. These figures do not include civilian employees in the police establishments, or part-time law en-

forcement officers. If these were included, the total would be much higher.

I suppose if we agree that police officers are underpaid, we would also have to agree that if their salaries were increased, we would improve the law enforcement methodology.

But I wonder how much we would have to increase the level of police salaries, nationwide, in order to achieve a measure of improvement in criminal justice and law enforcement. Does the witness have any opinion about that?

Mr. ADAMS. I can give you exact figures for Washington, D.C., as to the effect. Three years ago we were paying an officer here at \$5,600 which was about \$200 less than you paid a bus driver.

We could not fill the Department. They had 400 vacancies then with a 3,100-man force. We raised that salary level to \$7,000. This department began to be filled. We are now recommending \$8,500 as a level here and the Chief of Police testified the other day that their recruitment problems at this starting salary would be able to be solved.

That figure of \$8,500 will vary in various metropolitan areas. But taking this as an example, you are now able to get personnel and you are beginning to get good personnel at that figure.

That is the figure I used when I say an officer will cost you about \$10,000 a year. The figures that I have from New York City indicate they figure about \$13,000 for an officer. That is, his supervision, his uniforms, the equipment that is necessarily allocated to him and his salary.

Mr. POFF. Thinking about the problem nationwide again, I learned from a survey which, I believe, was published by the International Order of Police, that in cities throughout the Nation with populations in excess of 500,000 but less than 1 million, the average policeman's salary was \$7,095.76 and in cities below 500,000, but more than 250,000, the average police officer's salary was \$6,867.33.

If we project nationwide the sort of experience you have had here in the District of Columbia, you are talking about an average increase of about a thousand dollars a year per police officer, aren't you?

Mr. ADAMS. On your figures, I think yes, you would be talking that kind of money. But you also have to crank in the qualitative situation. For example, you can hire officers for less in Arlington, Montgomery, and all of the suburban areas than you can in the downtown area.

We are talking qualitatively about putting back the foot patrols in the central areas. This does not mean that you necessarily are going to have to lift the level of officers throughout the entire United States.

I don't think the Federal Government has that kind of money that it could do it. That is why I have zeroed in on the high crime areas where you are trying to buy some more preventive patrols.

Here we should now be moving out with foot patrols.

This is the program. Down through the areas, starting at Connecticut Avenue and moving across to at least North Capitol and probably on over farther than that. To produce those foot patrols will mean you will have to hire additional men.

That is where your department uses your money. They will have to raise most of their own money to raise the salary level of some 1,500 officers.

Mr. Poff. Again we are talking about a nationwide problem, Mr. Adams. I wonder whether if the Federal Government undertook to subsidize salaries on a massive scale, it could dare not to raise the salaries everywhere as a practical, pragmatic proposition.

If the salaries in small towns were raised \$1,000 and the salaries in tiny towns were not, I would rather expect a large migration of police officers from tiny towns to small towns.

Mr. ADAMS. I am afraid I would have to disagree with you on that. The migration is running the other way.

Mr. Poff. You mean they are going from a high salary level to a lower salary level?

Mr. ADAMS. Yes, depending upon the working conditions and the type of job to be performed.

Mr. Poff. I don't challenge your observation. But I am rather surprised that this is so.

Mr. ADAMS. This is the problem we have in the Metropolitan Police Department of Washington, D.C.

Mr. Poff. I am not talking about metropolitan areas.

Mr. ADAMS. I am saying officers here can find it more attractive at a lower salary level as you referred to in tiny towns than facing the streets of Washington.

Mr. Poff. This is my point. I am not talking in the hypothetical sense about any metropolitan situation. I am talking about two small towns in a State, one a little larger than the other and the difficulty in choosing which of the towns should receive a Federal subsidy for police salaries.

If we subsidize the police salaries at one small town and do not subsidize salaries in another small town, the police officers in the town that has been neglected are going to be tempted to move to the neighboring small town where the conditions except for salary are essentially the same.

Mr. ADAMS. I don't think we ought to try to do anything in the small town areas. That is the purpose of my testimony here, that you would not just use population and these other things, but you would take incidents of crime, arrests, the crime rate statistics, the law enforcement spending statistics, and spend your money there.

For example, in New York City, they are talking about wanting 3,000 more officers. We should help there based upon a qualitative analysis, like building out of your statistical blocks, which indicate where your crime occurs and how often and what kind and so on. Then the Federal Government, by tying itself and its priorities to these criteria would not get into the problem of trying to raise the level nationwide.

I think if you get the idea of trying to go from one small town to another, you would run into the precise problem you have now.

But right now you have to pay a going rate to get a qualified man to do the work of a policeman.

Mr. Poff. If we accepted your suggestion, do you believe that whatever moneys would be allocated to the State of Washington for police salary, subsidies would go exclusively to Tacoma and Seattle and not to rural areas?

Mr. ADAMS. Yes; absolutely, this is where our crime is. Our people in our State I think support that.

Mr. POFF. I thank the gentleman.

Mr. ZELENKO. Mr. Chairman, it seems appropriate at this point to cite the following data from the uniform crime reports issued by the FBI: as of December 31, 1968, there were approximately 211,000 police employees in approximately 3,800 cities across the Nation compared to a total of 36,000 State police in all 50 States of the Union.

I would like to ask Congressman Adams one question. Two of the amendments you proposed to the subcommittee relate to section 301 (b) of the statute. They have to do with the priorities contained in a State plan. You have not said so, but are you assuming, that the LEAA can impose conditions on a grantee, to assure compliance with such statutory language in order to guarantee that Federal funds go into those specified areas?

Mr. ADAMS. I think they should be required to. I don't think they have to now under the present language. That was why I was trying to add some language that moved LEAA from just looking in a passive sense into a more active requirement that certain things be done.

Mr. ZELENKO. I ask that question because two of the present administrators of the LEAA have testified before the House appropriations subcommittee that setting priorities is not a matter for LEAA but entirely up to the States to determine.

Do you suggest that in addition to amending section 301 in the fashion you propose, the subcommittee also consider means by which to assure that LEAA will require compliance with such statutory language by recipient states? Or should the matter be left as it presently stands?

Mr. ADAMS. I think you should amend to be sure the priorities are carried out. That is what I have attempted to do here. If it needs strengthening up under 203 (a) I think that should be done. I think we should spend more money where the crisis is.

Mr. ZELENKO. Thank you.

Mr. McCLORY. Mr. Chairman, I just want to comment that the gentleman has great experience in law enforcement. I was privileged to share the platform with him not too long ago at a meeting here in Washington of the International Association of Chiefs of Police.

The gentleman spoke on crime generally and I spoke on the subject of the National Institute of Law Enforcement and Criminal Justice, which I had some part in developing.

Does the gentleman support the extension of the law insofar as the National Institute is concerned?

Mr. ADAMS. Yes; very much so, and I want to state that the gentleman made an excellent presentation that day. I wholeheartedly support the idea that the National Institute of Justice must be given considerable support for their efforts.

By taking statistical and other information as it comes in from the States and seeing that it is disseminated, as the gentleman outlined, is terribly important, because for example most people don't realize that most police departments in the United States today, in establishing their patrols, use no statistical basis at all.

They use either a traditional one or a feeling by the chief that comes from the seat of his pants, as to where everybody ought to be during the day.

I think your Institute would do marvelous things in that area.

Mr. McCLODY. Thank you very much. I am glad I asked the question.

Mr. POLK. Mr. Adams, your bill, H.R. 15539, would authorize an appropriation of \$1 billion for the next fiscal year. Could you tell the subcommittee how you arrived at that figure?

Mr. ADAMS. Yes. What I tried to do in this instance was to look at the amounts that had been allocated as reported by the Department of Justice for the fiscal year 1969. It was really a \$43 million distribution of a \$63 million authorization.

I took for example the areas that I happen to know, like Washington, D.C., which received a mere \$100,000. By multiplying the total amount allocated that year, which was roughly the 50 million figure, by 20, then applying it to the other figures, you begin to get some idea of what each area would get. I think it is still woefully small. I will say this: That the program I envisioned is that we would move over a period of 5 years to a \$5 billion figure. That will match the amount being spent now by local law enforcement each year.

So we would, in effect, double the amount of money spent in the United States on crime. The \$1 billion was the figure I felt that would be meaningful for the first year and could be absorbed. Then we could begin moving up the scale toward \$5 billion.

As I multiplied out what this would mean in terms of allocation, it was still so small, but I felt it could be absorbed.

Mr. POLK. Could you tell the subcommittee how you arrived at a factor of 20?

Mr. ADAMS. So taking the 50 million figure, multiplying it by 20, or the 43 million and multiplying it by a factor of 20, you get to 1 billion. Then you take that factor of 20 and apply it in the report on each city and you get some idea of the effect.

Like New York City got \$3,583,000 and they would get under this \$60 million, you see.

That is for the whole State of New York. If they were to put on 3,000 new officers at \$15,000 a piece, you would have \$39 million being used in New York City alone.

Yet, all candidates in the last mayoralty election in New York said 3,000 new officers was minimal. That is how I arrived at that figure.

The CHAIRMAN. The ranking member on the Republican side of this committee, the distinguished member from Ohio, and myself, support a bill providing for \$750 million for the current fiscal year.

Mr. POFF. Would the gentleman yield? The chair is in error. The gentleman from Ohio has not introduced a bill providing for a \$750 million authorization. The gentleman from Ohio has introduced a bill calling for a \$650 million authorization.

The CHAIRMAN. I stand corrected. In any event, I don't think we can spend enough money to prevent crime. I am at least willing to spend \$750 million. I am willing to go, if necessary, to \$1 billion. That is my personal feeling.

Mr. ADAMS. I think if we used the qualitative approach which has been pointed out, of where the money goes, and start raising this amount of money, it will have an effect on crime.

Otherwise all the repressive legislation, and I might state to the members of the committee, that in the bill that will come up from the District of Columbia, the omnibus crime bill this next month, we will have included in that everything from preventive detention, electronic surveillance, no knock, and the changing of all the rules for juveniles. In other words, there will be no juvenile court for anyone over 16 in any kind of a felony. You will be able to waive over juveniles to adult court at 15 for a broad spectrum of offenses. I feel strongly that we must put money into the system, along with the qualitative changes, rather than repressive legislation.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Adams.

Our next witness is the dedicated and distinguished Member from Minnesota, the Honorable Donald M. Fraser.

**STATEMENT OF HON. DONALD M. FRASER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MINNESOTA**

Mr. FRASER. Thank you very much, Mr. Chairman. I appreciate the chance to talk to the subcommittee this morning. I would like to ask that my statement be submitted for the record, sir.

The CHAIRMAN. It will be made a part of the record in full.

(The statement referred to follows:)

**STATEMENT OF HON. DONALD M. FRASER, A U.S. REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MINNESOTA**

I accepted Chairman Celler's invitation to testify in behalf of H.R. 15702 with alacrity. I join Representative Bingham of New York and several other colleagues in sponsoring these amendments to Title I of the Omnibus Crime Control and Safe Streets Act of 1968. The Law Enforcement Assistance title is a major tool in our effort "to prevent crime and to insure the greater safety of the people," but this statute needs to be perfected.

I am here this morning because I believe the Congress can, with this Committee's counsel, improve the existing law and increase the monies authorized for law enforcement assistance. I also want to express my strong feelings concerning the issue often described as "The War on Crime."

I regret the emphasis on violence in this slogan. This nation is already involved in one war too many. The National Commission on the Causes and Prevention of violence indicated that violence has been a recurring feature of our political and social history. It is unfortunate that we tend to use a violent phrase to describe our effort to reduce violence in our society.

And let us not ignore the product of Dr. Eisenhower's Commission or the product of the other Commissions that have investigated aspects of our criminal justice processes.

The legislation my colleagues and I have introduced contains, we believe, five improvements of the existing statute. We do not present H.R. 15702 and the other bills identical to it as an exhaustive catalog of needed improvements.

For example, I hope the Committee will look at the special law enforcement problems facing Indian reservations. Even though certain reservations are eligible to receive grants under the 1968 Act, funds are not reaching them because of the matching requirement. Senator Burdick has introduced legislation to make LEAA funds available directly to the Secretary of the Interior—a formula used in grant-in-aid programs. Possibly the House Committee might want to consider similar legislation. This bill does not cover this problem.

But we do believe that the five matters raised by us require your close attention.

This bill has the endorsement of the National League of Cities (NLC) and the United States Conference of Mayors (USCM). I hope you will be favorably impressed by the following features:

One, a three-year authorization with 800 million dollars authorized for fiscal 1971, one billion dollars for fiscal 1972 and 1.2 billion dollars in 1973.

Two, and this is a key feature, we provide that the states receive, as block grants, only 50 percent of the total funds appropriated for grants rather than the present 85 percent. This means that rather than 85 percent of the Law Enforcement Assistance Administration's (LEAA) grant funds going to the states for redistribution, 50 percent will go to the States and the remaining 50 percent could be allocated by LEAA directly to high crime local areas.

We also provide for bonus block grants to the states when certain conditions favorable to major urban crime problems are met.

Three, grants to local governments or public agencies will not require local matching funds.

Four, the requirement that not more than one-third of a federal grant can be used for personnel costs will not apply to grants to local governments or public agencies.

And, five, grants for prevention programs such as street lighting in high crime areas are authorized.

Mr. Chairman, I think it unnecessary to go extensively into the reasons sponsors of this bill have for these five changes. You have already heard testimony concerning these reasons. Mayor Lindsay mentioned some of them in his recent appearance before you. Senator Hartke, the originator of this legislation I am co-sponsoring, appeared before you a few moments ago. The National League of Cities and the United States Conference of Mayors in their paper "Street Crime and the Safe Streets Act . . ." speak to the major problems of the existing grant procedures. Just last Friday the Mayor of Minneapolis withdrew his representatives from the Twin Cities Metropolitan Council's Criminal Justice Advisory Committee. This Committee is involved in planning the distribution of federal anti-crime funds in the metropolitan area. The Mayor and his police chief wrote: "We feel the formation of regional planning units serves only to spend money on administration rather than on solving the urban crime problems." The Mayor said he believed that the present system for allocating federal funds also means less money for the cities than their law enforcement problems require, and that too much money is being directed to rural and suburban areas.

The trickle-down theory is just not working in the use of federal aid for crime control. Grants to states have been dissipated in many cases in setting up complicated regional bureaucracies and state offices and too little has been allowed to get to the corrections systems of the cities and the city courts and police departments which are so overburdened.

This, then, briefly describes the legislation I have sponsored. The changes aim at making more money available for the program and especially for the cities which are areas of high crime incidence. Now I would like to take a few more minutes of your time to voice some of my general views on the crime problem.

It is time for us to grapple seriously with this problem and to abandon the gimmick-oriented, short-sighted approach to crime that is too often taken.

The rising crime rate is not a statistical mirage, although even her a modicum of skepticism might be in order. Years ago, police officials tended to understate crime statistics because they saw them as a measure of their effectiveness—high crime rates were, it was widely believed, indicative of a job poorly done. Today the pendulum has swung, and rapidly increasing crime rates are used to justify increased expenditures for anti-crime efforts.

But crime is increasing. And if we are to approach rationally this problem where irrationalities have too often ruled, we must look at things the way they are. As you gentlemen know, there is no easy, cheap way to solve the crime problem. Tough talk, repression, and short cuts through constitutionally protected terrain are no solution.

Many of your witnesses have already made the following point, and I suspect it will be made many more times with little effect on the public. The poor experience crime while the wealthy read about it. This is a simplified way of pointing out that the incidence of crime is much higher in the poorer neighborhoods of our cities. Indeed, the euphemism "high crime neighborhood" raises in most minds the black ghetto, and this is a fairly accurate conclusion. But those who are most likely to experience crime have been the least articulate segment of our society. Those who experience crime vicariously are more likely to be the opinion leaders. The results, too often, is the repressive measure which is tough, strikes at the insecurity felt by the middle-class newspaper reader, and does very little toward getting at the basic problems of crime.

These basic problems of our criminal justice system are located in our police administration, our courts, and our correctional institutions.

Being a police officer in our society is not an easy task. We ask these men to be a combination psychologist, social worker, human relations expert, infantryman, bouncer, and secretary at wages that have not kept up with the growing responsibilities of the job. In addition, we deny him the use of the best technology available and here I refer not so much to the paraphernalia of combat but to the tools of administration and criminology. Clearly we can do better.

Our problem with our courts is not that they are too lenient. They are understaffed and overworked and inefficient. As you know, we have not adapted the most modern administrative technology and management practices to our criminal processes. Justice delayed is justice denied. Justice rushed is justice degraded. And the best justice is that which is rendered surely and effectively avoiding both delay and hurried rendering.

Finally, we have too long tolerated correctional institutions that do not correct. I am greatly encouraged by Chief Justice Warren Burger's interest in this aspect of the criminal legal process. Our penal institutions are mislabeled when called reformatories, and we have long been familiar with our high rates of recidivism. Ramsey Clark calls our prisons crime factories and we know that they are.

Professionalization, in the best sense of that word, of our police, expanding and making efficient our courts, and humanizing our prisons—this is how we shall make progress against crime—not by preventive detention that condemns the innocent to a crime school and the guilty to a fate that speedier trial procedures would achieve for him without the danger of harming the innocent.

"No-knock" statutes seem to be attempts to codify existing law or efforts to expand it into constitutionally guarded realms. Surely this legislature should not posture before its public, knowing it will be eventually saved from itself by the courts and ignoring the harm this procedure does to the courts.

The Criminal process is a fragile thing. We should nourish it here and not subject it to ignoble assaults. We should strengthen and attend it diligently. Only in this way shall we accomplish what most Americans desire—tranquility, but not the tranquility of oppression nor of the grave.

MR. FRASER. Mr. Chairman, I am no expert in the field of crime control, but I have joined in the bill sponsored by Senator Hartke and Congressman Bingham and a number of others in the House out of conviction that some of the changes that are proposed in that bill are desirable, particularly the emphasis on the problems of the urban areas, where we all know that high crime rates prevail.

I must say that I appreciate the fact that Senator Hartke's proposal does maintain the block-grant approach. It does maintain the idea that the States ought to have a responsibility in the field of crime control. I think it would offer an inducement to them to pay more attention to the needs of the central urban areas.

Mr. Chairman, I would like to submit to the committee, if I may, copies of a newsclip that I just received in my office over the weekend, which helps to illustrate the problem.

This is a newsclip which states that the mayor of my city, the mayor of Minneapolis, has just pulled out of the regional planning unit which was established in connection with the administration of these Federal funds. I haven't talked with the mayor and am not fully conversant with the reasons he may have for his action.

But the reasons that are reported in the press are that "the system for allocated Federal funds siphons off too much money of the administrative costs, that representatives of suburban and rural communities should not be making decisions for the major cities, and too much money is being spent in suburban and rural areas."

I know that for the past 2 or 3 years our city has felt underrepresented in connection with the planning and programing of these funds.

This is the first concrete action that has been taken by one of our city officials to indicate the depth of his concern.

The CHAIRMAN. Without objection, we will place the newspaper clipping to which you refer in the record.

[From the Minneapolis Tribune, Mar. 7, 1970]

CITY QUILTS METRO CRIME UNIT—STENVIG, LUTZ CLAIM INEQUITIES IN FUND DISTRIBUTION

(By Dennis Cassano)

Minneapolis representatives on the committee making plans for allocation of federal anti-crime funds in the metropolitan area resigned Friday, claiming that not enough money reaches the city.

Mayor Charles Stenvig and Police Chief Basil J. Lutz stated in a letter that the system for allocating the federal funds siphons off too much money in administrative costs, that representatives of suburban and rural communities should not be making decisions for the major cities, and that too much of the money is being spent in suburban and rural areas.

The letter was addressed to James Hetland, chairman of the Metropolitan Council. The council is the planning agency for the distribution of funds in the metropolitan area.

Stenvig and Lutz are represented by Deputy Police Chief Eugene W. Wilson and police Captain Wayne Hartley on the council's Criminal Justice Advisory Committee, which recommends to the council how federal funds should be used in the metropolitan area.

"We feel the formation of regional planning units serves only to spend money on administration rather than on solving the urban crime problems," the letter said.

Federal money is given in block grants to each state under the Omnibus Crime Control and Safe Streets Act of 1968.

Minnesota's grants are administered by the Governor's Commission on Crime Prevention and Control, which divided the state into seven regions. Each region investigates its needs and develops a plan for allocating its share of the grants.

St. Paul Mayor Thomas R. Byrne said he does not know whether he will withdraw his representative from the committee.

Hetland said it was "extremely unfortunate" for Stenvig and Lutz to express their disagreement with the system by withdrawing. "Participation by Minneapolis is critical" to formulating a regional plan, he said.

Mr. Chairman, I would like to call attention, if I may, to quite an unrelated problem in connection with the bill that you have, and that has to do with the problem of Indian reservations.

Law enforcement on Indian reservations is bad, and as with almost every problem that affects the American Indian today, nobody cares about that problem.

We have eight major Indian reservations in Minnesota. Only one of these reservations is eligible to receive LEAA funds under the 1968 act. This is the Red Earth reservation. But the matching requirement provides a real obstacle for Red Earth and other eligible reservations throughout the country.

The other seven reservations in Minnesota are known as Public Law 280 reservations. This means that the State has taken over responsibility for law enforcement from the Bureau of Indian Affairs.

In these seven reservations, police protection is very inadequate. The State discharges its responsibility by leaving it up to the local sheriff.

There are no police personnel stationed on the reservation in many of these cases, and it is difficult to get a deputy sheriff to come into the reservation from the outside.

The fact of the matter is that reservations represent one of the areas of deprivation in good law enforcement. The Indians want better law enforcement and they can't get it.

Senator Burdick has made a proposal to route the Law Enforcement Assistance Act funds directly to the Secretary of Interior so that the Secretary of Interior can make these funds available to the reservations directly and without requirement of matching grants.

We have a parallel for this action in the Elementary and Secondary Education Act. That act was amended to provide that funds for education on the Indian Reservations would go directly to the Interior Department, so that they could use these funds to improve education on the reservations.

But the LEAA doesn't work well so far as Indians are concerned.

So, I would seriously urge this committee to consider Senator Burdick's proposal, to make money available from this act directly to the Secretary of Interior. I would hope that the Burdick bill could be amended to make funds available directly to the Public Law 280 reservations and to the law enforcement agencies that serve these reservations.

The problem of law enforcement is a serious problem on the reservations. Many of us met with an Indian task force from across the country. They testified that this was one of the major problems about which they were concerned.

The other matter, Mr. Chairman, has to do with the District of Columbia. I serve on the District of Columbia Committee. I had occasion to talk to the Federal administrators, the national administrators of this program that you have under consideration. It is evident to me that there is confusion in responsibility for planning and executing crime control programs in the District of Columbia.

The Justice Department is into it, the local police department is into it, there is a planning unit that has been set up in the District of Columbia that is into it, but they are not all into it in a systematic, integrated fashion.

One of the places, for example, that money for the District of Columbia went from this act was into corrections. The District of Columbia is beginning to move in the field of corrections.

Congressman Dowdy is in the process of trying to pull the Corrections Department apart. He wants to transfer the Lorton complex away from the District of Columbia and put it under the Department of Justice. The Department of Justice has not asked for that; they have not testified on the question; the Bureau of Prisons has not testified, and yet Congressman Dowdy is insisting that Lorton be severed from the rest of the integrated corrections and criminal administration system of the District of Columbia.

What I want to say is that I think it would be a good idea if this committee would take more direct concern about the crime problem in the District of Columbia.

The CHAIRMAN. We do exercise such concern for the areas under our jurisdiction. However, jurisdiction over the District of Columbia is exclusively with the District of Columbia Committee.

Mr. FRASER. You have a precedent in the last law that was passed. You have title X which prohibits extortion and threats in the District of Columbia. But let me set that aside.

You have especially a legitimate path to follow by trying to find out what is happening to this Federal money as it gets channeled to the District of Columbia. How is the money under the Law Enforcement Assistance Act being used in the District of Columbia as one of the areas for which this committee has responsibility in terms of how this act is working?

In this fashion I think this committee could play a useful role, one that is needed to compliment the quite inadequate role, if I may be very candid, of our own committee.

Our own committee has shown interest principally in legislation which increases penalties and inserts shortcuts in the constitutional procedure. I don't object to those matters being considered by the committee if the committee members are for them, but they don't show much interest and haven't shown much interest in the other related problems that contribute to crime.

The CHAIRMAN. You present to the chairman of this committee a rather delicate question.

Mr. FRASER. I can't help it, Mr. Chairman. You may feel you can't do anything about it. But all I can tell you is that I have the conviction from talking to the people in the District that the planning for the use of this money is being confused by the divided jurisdiction and that there is need for more extensive, more careful congressional inquiry into the matter.

The CHAIRMAN. I have no doubt that within the framework of title I of the omnibus crime control law, we can inquire as to how Federal funds are being spent that have been allocated to the District of Columbia. There is no doubt about that.

Mr. FRASER. I would say the District of Columbia would be better off, Mr. Chairman, if our committee were dissolved and the different jurisdictions of crime and so on were distributed to the major committees that have some expertise in this area.

The CHAIRMAN. We appreciate the confidence you have in this committee.

Let me ask this question: On the Indian reservations, I take it that you would improve H.R. 9262 offered by the gentleman from Arizona, Mr. Udall, where the following language appears:

For the purpose of making allocations and grants in funds to Indian tribes which perform law enforcement functions, state also means the Secretary of Interior.

Would that satisfy your plea in this regard?

Mr. FRASER. Yes, sir. I believe that, in general, that would do what needs to be done if the Public Law 280 reservations were also covered.

The CHAIRMAN. Are there any questions? Mr. MacGregor?

Mr. MACGREGOR. Thank you, Mr. Chairman.

Having been in Minneapolis last Friday and Saturday I had an opportunity to read the lead story in the Minneapolis Tribune, copies of which have been furnished us by our colleague, Mr. Fraser. I think in light of the portion of Congressman Fraser's testimony which particularly related to the city of Minneapolis and in light of the newspaper story about the actions of the mayor of Minneapolis and the chief of police of Minneapolis within the last 72 hours, the record

should show, at this point, that during fiscal year 1969 the three cities of Minneapolis, St. Paul, and Duluth received under the act the sum of \$194,735.

According to the 1960 census the cities of Minneapolis, St. Paul, and Duluth contain approximately 25 percent of the population of Minnesota. That percentage has probably decreased slightly during the decade of the 1960's.

With 25 percent of the population of the State, the cities of Minneapolis, St. Paul, and Duluth received 53.5 percent of the total moneys distributed pursuant to the block-grant allocation to the State of Minnesota.

The \$194,000 is broken down as follows: The city of Minneapolis, \$82,594; city of St. Paul, \$68,500; city of Duluth, \$43,541.

In addition, it should be pointed out that for the current fiscal year the city of Minneapolis and the city of St. Paul are each eligible for grants directly from LEAA of \$150,000.

To my knowledge, the city of Minneapolis has made no application directly to LEAA for a discretionary grant. However, the city of Minneapolis does have until May 1, 1970, to make application for such additional funds.

I would express the view that although the mayor of Minneapolis has not spoken to me about the reasons for his action announced last Saturday, it would seem to me that the city of Minneapolis would be better served through its mayor and its chief of police if it were to make application directly to LEAA for the funds for which it is eligible.

I thank you, Mr. Chairman. I have no additional questions of Mr. Fraser. But perhaps he would like to respond to the facts that I have put into the record and to the opinion I have just expressed.

The CHAIRMAN. I think it is well to point out the figures that are before me now, from the Library of Congress, Crime Index, that Minneapolis ranks 20th in the country in the incidence of crime rate.

In addition, I wanted to point out that this newspaper clipping that you indicated, entitled "City Quits Metro Unit," the following appears:

Mayor Charles Stenvig and police chief Basil J. Lutz stated in a letter that the system for allocating the Federal funds siphons off too much money in administrative costs, that representatives of suburban and rural communities should not be making decisions for the major cities, and that too much of the money is being spent in suburban and rural areas.

That seems to be the thrust of his reasons for quitting.

Would you care to comment on that statement?

Mr. FRASER. Mr. Chairman, based on my general information or knowledge about the ways in which urban areas have been treated, I don't think that the Twin Cities of Minneapolis-St. Paul have been treated as badly as some other urban centers have been. This is my view, particularly, after listening to some of the testimony I listened to this morning, but it is a question of what you compare it to.

Our three major cities in Minnesota, I think, account for probably 75 percent of the State crime. I know the three counties in which the three cities are located account for about 80 percent of the crime and that each of these three counties has a central city.

I would think that most of the crime is found in those central cities.

Of the action funds that went to Minnesota for fiscal 1969, a total of \$438,000, 44 percent went to those three cities, whereas, the amount of crime that they have in comparison to the State total would be, as I say, on the order of 70 or 75 percent.

So, it is a question of what you compare it to. If you make a judgment on the basis of where the crime is, the cities are being shorted.

I don't think there is any question about that.

The CHAIRMAN. I think the record shows that in Minnesota, only 53.5 percent went to the cities.

Mr. FRASER. Fifty-three and one half percent went to the three major cities if you only count the 75 percent of the funds which flowed through to the local communities. But if you say, "Of all of the money that the State got for action," then the three cities got 44 percent and yet the crime that they have is around 70 or 75 percent of the State's total.

So, measured against that standard, the funding is inadequate. They are getting more money proportionately per capita, but they are not getting as much money that they ought to if you base it on the incidence of crime.

I think also, just to be frank about it, I suspect that the mayor is concerned that he is finding that the Minneapolis department, which I think considers itself a very professionalized department in the field of law enforcement planning is having to sit down with some of the suburban police officials and others who they may feel are not as experienced or not as deeply sensitive or aware of the problems of a central city.

I don't want to make a judgment about that. But I suspect that it may be a part of the feeling involved in the mayor's action.

The CHAIRMAN. Are there further questions?

Mr. MACGREGOR. To add to Congressman Fraser's comments, Mr. Chairman, with respect to the counties where the crime rate is high, I think it should be noted that the city of Minneapolis is the seat of a county where the population outside of the city is approximately the same as the population within the city. This is quite significant because our figures on the incidence of crime are available to us on a county basis and not on a city basis.

The CHAIRMAN. Are there any further questions?

Mr. RAILSBACK?

Mr. RAILSBACK. Thank you, Mr. Chairman.

I just want to commend the gentleman for his statement about the Indian reservations. I am glad he called that to our attention.

Mr. FRASER. I might say I don't do this gratuitously. It turns out that my district has a large number of urban Indians. They have a direct relationship with the reservations. We have been forced to become more concerned about the reservation.

The CHAIRMAN. Thank you, Mr. Fraser.

Our last witness today is the distinguished Representative from the State of California, the Honorable John V. Tunney.

We are sorry that we are late.

STATEMENT OF HON. JOHN V. TUNNEY, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF CALIFORNIA

Mr. TUNNEY. Thank you very much, Mr. Chairman. I know it is very late and that the committee wants to go over to the floor of the House. So, I would like to submit my statement to the committee and ask that it be included in the record.

Then I would just like to very, very briefly summarize what my testimony is.

The CHAIRMAN. Your statement will be accepted for the record.
(The statement referred to follows:)

STATEMENT OF HON. JOHN V. TUNNEY, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CALIFORNIA

Mr. Chairman, last August when Mr. J. Edgar Hoover, director of the FBI, issued his annual report on crime in America, his statistics—as was expected—told a grim story. The report, covering the year 1968, showed that there was a 17 percent rise in serious crimes over 1967. In a follow-up report issued in September and covering the first six months of 1969, Mr. Hoover revealed that while the overall crime rate appeared to be leveling off, crimes of violence were still on the rise.

Confirmation of this trend toward crimes of violence has come from the Los Angeles Police Department—the largest police jurisdiction in my home state. In the first eight months of 1969, homicides increased by 15.4 percent and forcible rape by 20.1 percent. While the overall increase in crime in Los Angeles during the period was below the national average, these statistics make clear that below the national average, these statistics make clear that the safety of the city's people is still threatened by violence.

It is because of this threat to the citizens of Los Angeles and the other cities and towns across California, and the need of police authorities for greater resources to provide our people with protection, that I have come to testify in favor of greater funding for the Crime Control and Safe Streets Act.

The roots of crime go very deep into our society. They can be traced to the inability of our institutions to cope with a massive shift of our population into the cities, to the rootlessness of some of our youth because of a lack of preparedness for urban lives, to attitudes towards authority that have developed in a period of moral uncertainty, and to frustrating conditions in our urban ghettos. These roots will not be eradicated by the money we appropriate this year, nor next year, nor the year after.

But we can, by appropriating three-quarters of a billion dollars requested for the Safe Streets Act, give our people a greater sense of security in knowing that the resources required to control crime are being committed to the task. In my testimony, I want to focus on an amendment that I am offering to the Safe Streets Act, an amendment which can enhance this sense of security and which could be funded from the expanded appropriations under discussion here today.

My proposal is a simple one. It is based on a belief that there is a relatively inexpensive action we can take to give our people a greater sense of security at a time when crime rates are continuing to escalate.

My proposal is that our citizens have the security of knowing that by telephoning a simple three-digit number "911" that they can immediately contact the police authorities having jurisdiction over their area. Quick communications can reduce police reaction time and thereby capture or deter criminals who otherwise would expect a leisurely getaway while victims fumble for a seven-digit police number or wait for an operator to answer.

During peak crime hours, telephone company switchboards become jammed as citizens try to reach an operator—some to make a long-distance call, some for information, and some frantic to get police or fire departments to help them. Operators, facing rows of blinking lights, can't tell an emergency from a request for the time of day.

Even when she does answer, the operator must take precious minutes to dial a seven-digit number, and in sprawling metropolitan areas like Los Angeles

and the San Francisco Bay, there are so many different numbers that she is unlikely to be familiar with all of them.

The 911 emergency number has now been installed in over 50 cities ranging in size from New York City to Ilva, Oklahoma. Although this range covers a vast spectrum, there are some common features about these cities that make installation of 911 easier for them than other areas. They have a single police authority having jurisdiction over an entire metropolitan area and a single telephone service that is co-terminous with this jurisdiction. The task is usually the simple action of supplementing an existing seven-digit police number with the easier-to-remember three-digit number.

In sprawling metropolitan areas like those in California, the 911 emergency number is extremely difficult to install because telephone service areas rarely are co-terminous with police jurisdictions and because of the enormous problems of establishing tie-lines or referral mechanisms between one jurisdiction and another.

But these difficulties are all the more reason why the 911 emergency number needs to be installed. These problems of communication are at present obstacles to the citizen being able to contact the appropriate police authority. For instance, in Los Angeles County there are over 90 different seven-digit numbers for 47 separate city police departments, the county sheriff, and the State Highway Patrol. There are 102 telephone service areas spanning three area codes and having as many as eight police jurisdictions within one service area.

Because of the enormity of police communications in the Los Angeles area, I believe that if 911 can work there, it can work anywhere in America. Consider these facts:

Los Angeles County is unique in that it has a population of 7.2 million people residing in a 1,500 square mile area. This is a population greater than that of 42 states and an area that is not only half again as large as Rhode Island but also large enough to encompass the combined areas of New York, Chicago, Philadelphia, Detroit, Pittsburgh, St. Louis and Denver. The communications problems presented by this sprawling metropolis are obvious.

The police authorities of the Los Angeles area recognized early that an emergency number system could be of tremendous benefit in crime control. But the technical difficulties have also been tremendous and the necessary funds hard to acquire locally.

A pilot project using 911 was due to begin on March 1, 1970, but because of an adverse vote in the Los Angeles city council the program has been delayed. I sincerely hope that the council will reconsider its actions and vote to support the project.

Because I am aware of the substantial financial and technical difficulties that localities in California's sprawling metropolitan areas face in instituting the 911 number, I am today introducing an amendment to the Crime Control and Safe Streets Act which would provide matching funds for the installation of the 911 number. My bill would authorize \$50 million in the upcoming fiscal year. I believe this is about half the total amount required to establish the 911 number in every city in America. Another \$50 million would be authorized for the next fiscal year and then a smaller amount would be authorized for operations and maintenance once the major installation expenses had been met.

Since the problems of installing 911 in Los Angeles County are the most extreme of any area of either California or elsewhere in America, I have earmarked my bill an authorization of \$5 million for assistance to localities in this metropolitan area.

I believe that 911 will make a decisive difference. That is why I have investigated the need for this legislation. I was moved to act by a criminal incident that occurred in my home town last summer which could have easily been avoided if the victim and the bystander had had the speed and motivation of a three-digit number.

But before introducing my bill I wrote to police chiefs in the Los Angeles area to ask their opinion of 911. Of those who responded, about 90 percent were strongly enthusiastic and about 10 percent cited local conditions that would keep the system from being an advantage.

Nearly all of the responses cited the difficulties involved. Chief Robert McGowan of the Pasadena Police Department talked of the "technical magnitude of the undertaking." Chief Walter Koenig of the Torrance Police Department referred to "monumental problems." Chief Duane Baker of the Glendale Police

Department was concerned about the routing of calls between different police jurisdictions, while Chief Rex Andrews of the Burbank Police Department pointed out that the telephone companies had emphasized expensive equipment requirements. And Chief Louis Sunyich of the Redondo Beach Police Department offered the important suggestion that 911 should be coupled with the capacity for dialing the number from a pay phone without depositing a coin.

All of these law enforcement officers were enthusiastic in their support of the 911 emergency number. And because of their support, I believe that I am right in saying that the expenditure of the money I am calling for in my uniform emergency telephone number 911 act will give a greater sense of security against crime to our citizens than any other comparable expenditure we will make under the Crime Control and Safe Streets Act.

In summary, I believe that there could be greater public safety and more effective citizen action against rising crime if all communities switched to the 911 universal police and emergency number.

Dialing this number from any home or public phone would immediately connect a citizen with a police switchboard. This would do away with the agonizing slowness of asking an operator who has to look up the number of the police or fire department serving the caller.

Few areas of the United States need the 911 system more than Metropolitan Los Angeles and San Francisco. In Los Angeles County, there are over 150 seven-digit numbers for police and fire departments and in the San Francisco Bay area, there are over 50.

Under the 911 system, which communities could adopt only if they wanted it, a call for help would automatically be routed to the police and fire department serving the caller.

Mr. Chairman, I appreciate this opportunity of presenting this proposal of vital concern to Californians to this committee for its consideration.

Mr. TUNNEY. Mr. Chairman, I feel one of the things that would be extremely important in combating crime in our Nation would be to have greater citizen participation. I think that we can have greater citizen participation by setting up emergency communication facilities throughout the United States so that a citizen would know, no matter where he was, in what State, in what local political subdivision, that by dialing for instance 911, that he would be able to get in touch with the local police department, the local sheriff's office, depending on how the emergency communications facilities were established.

It is very expensive in some jurisdictions to establish this 911 emergency number. For instance, in Los Angeles County, there is an area of 500 square miles, there are 90 seven-digit numbers for 47 separate police departments, State highway patrols, and sheriff departments. There are in Los Angeles County 102 telephone service areas, with three area codes and, as a matter of fact, there are eight police jurisdictions in one telephone service area.

So, it is almost impossible for the local governments to establish this emergency number, unless they receive some form of funding, some form of assistance from the outside.

And I am going to be introducing an amendment to the Safe Streets Act to provide \$5 billion for fiscal year ending June 30, 1970, to help establish this system, \$50 million for the fiscal year ending June 30, 1971, and \$50 million for the fiscal year ending June 30, 1972.

It is estimated that approximately \$100 million would be needed to establish these emergency communication facilities throughout the United States. I think that we could accomplish this within 2 years, if we set our minds to it.

I might say that I have written and received replies from over 40 police chiefs in the southern California area and they are very enthusiastic about the concept. Over 90 percent of them thought it was not

only a good concept, but it was feasible and it would be very helpful to the police departments in law enforcement.

The CHAIRMAN. Is there any State that has such a system?

Mr. TUNNEY. There are 50 cities that have such a system throughout the United States. New York City has it, too.

The CHAIRMAN. New York City has something like it. Do any States have it?

Mr. TUNNEY. I do not believe that any State has it, no; not a State in its entirety. But there are 50 cities throughout the United States that have it.

The CHAIRMAN. I don't think many people know about New York. In fact, I didn't know about it until you told me.

Mr. TUNNEY. If it was universal throughout the country, there is no question that it would be of tremendous assistance, because it would bring in citizen participation. In my own home town last year, we had an incident where a woman was being attacked. People stood around, not knowing what to do. They didn't want to get involved between the attacker and the victim. But there was a telephone in the area, but by the time that the person who got to the telephone was able to get to the local police, and by the time the local police arrived, the woman had been subject to a severe battery, and her assailant had been able to flee the scene of the crime.

There is no doubt that approximately 10 minutes were lost in not having the telephone number of the police readily available to the citizens in that area, the witnesses.

I think it is important, and I think that we ought to recognize that the police chiefs throughout the United States think that it is important, and I think that we ought to make an allocation of moneys to establish such a system.

Thank you.

The CHAIRMAN. Mr. Kastenmeier?

Mr. KASTENMEIER. Thank you.

The gentleman has an excellent idea. What sort of research has been done? Has the Bell Telephone System itself looked into this and made a report as to the feasibility? Could not the Federal Communications Commission require this of the common carriers?

Mr. TUNNEY. It is very expensive. It would cost about \$100 million to establish it, particularly in areas like Los Angeles, as I have indicated, where you have 97 digit numbers to be able to get 47 police departments as well as the sheriff's office, as well as the highway patrol, State highway patrol. They have various offices.

Where you have in one telephone service area, as you do in Los Angeles County, eight different police jurisdictions, you can see what the magnitude of the problem is. It can be done technically. It can be done, but what it would require is a substantial expenditure of money.

Mr. KASTENMEIER. I certainly agree with the gentleman. I think citizens throughout the country would be aware of the number if it were in fact national. You could use nationwide public service announcements on network television and so forth to broadcast this information. I think it would be a great help.

But I am just wondering what has been done in the past and for what purpose Federal funds actually would be used? Would it be a

subsidy of the Bell Telephone System of California to install this system in given areas? How would it work?

Mr. TUNNEY. Yes, I don't like to coin the word "subsidy" for the telephone company, because I think it is for the use of the citizens and the Government would be demanding it.

So, I don't consider it a subsidy as far as the Government paying in what it expected in the way of service. But it would be used to set up a system which would enable a person, no matter where he was, to pick up the telephone, to dial 911 and he would be in touch with the local police jurisdiction in the area in which the telephone was located.

Mr. KASTENMEIER. I just want to say, Mr. Chairman, that I think the gentleman from California has an excellent idea.

The CHAIRMAN. Are there any further questions?

Thank you very much, Mr. Tunney.

We will accept for the record at this time the written statement of the Honorable William O. Cowger, a U.S. Representative in Congress from the State of Kentucky.

(The statement referred to follows:)

STATEMENT OF HON. WILLIAM O. COWGER, A UNITED STATES REPRESENTATIVE IN CONGRESS FROM THE STATE OF KENTUCKY

Mr. Chairman, I wish to thank the Committee for the opportunity to submit a statement in behalf of H.R. 15705, and other similar bills, regarding amending the Omnibus Crime Control and Safe Streets Act of 1968.

This major piece of legislation reached into many areas. It included the preparation of comprehensive plans for the improvement and strengthening of law enforcement, research and development directed toward the improvement of law enforcement, and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals, improvement of the criminal justice system, improvement of the corrections system and academic assistance. Our purpose in enacting such legislation was to provide the financial resources local governments could not afford in its fight against crime. It is obvious that in such a massive program revision would be necessary.

It is also most obvious now that this Act has not functioned as a weapon to fight crime in our cities. We are surrounded by reports of increases in murder, rape, robbery, aggravated assault, burglary, larceny, narcotic violations and auto theft. This is primarily an urban crisis. I do not mean to imply that crime is exclusively found in the cities. The suburbs and rural areas have experienced increases. But the highest volume of crime occurs in the large cities.

Urban crime has been described as the "agony of the cities." The National Commission on the Causes and Prevention of Violence has stated that the large cities are "places of terror." The Commission study shows the average rate of violent offenses in the cities of over 250,000 is eleven times greater than in rural areas, eight times greater than in suburban areas, and five and a half times greater than in cities with 50,000 to 100,000 inhabitants.

The hard, cold facts that should be known by officials in every level of government is that this war on crime must be a top priority. We must restore order to our cities. We must improve the quality of law enforcement.

Protection of persons and property is a basic local responsibility. But with the cities' tax base moving to the suburbs, the Federal government, with its greater financial resources, found it must step in and assist local governments carry out their basic responsibility. The provisions of the act specifically directed the states to take into account the needs and requests of the units of general local government and to encourage local initiative. The majority of state planning agencies have not done this.

The States are spending much of the money to set up agencies to administer the programs. The money that finally gets to the cities was described as "a dismal trickle down of funds" by Philadelphia's Mayor Jim Tate. The National League of Cities, along with other organizations, has concluded that most of the money is being used to build another layer of bureaucracy in the states, and that a disproportionate small amount is going to the cities.

The machinery of compliance and reporting itself absorbs still more money at the local level.

It is reported that in most states, the system of distribution has been established under which the rural and suburban areas receive a per capita amount equal to the large cities, where most of the major crimes occur.

In Kentucky the state government has allocated 75% of the state's action funds to local government on a "balanced geographic basis". What does geography have to do with population and crime?

I have had the experience of serving four years as Mayor of Louisville, Kentucky, two years on the Executive Committee of the National League, a year as President of the Kentucky Municipal League and three years as President of the Inter-American Municipal Organization. I can assure you that I know from experience the cities' problem of crime. While protection of persons and property is a basic local responsibility, the cities' tax base has been preempted by the State and Federal governments. Once again, I emphasize that the federal government must step in and directly assist local governments.

That is the purpose of these bills to amend this Act by providing increased funding and stronger assurances that these funds will be channeled to the high-crime areas where it is needed most.

To further this concept of direct assistance to the cities, I have also introduced H.R. 15706 to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services. This bill allows each locality to set up its own priority for improvement of police services through direct federal assistance in the form of unrestricted grants.

We must have meaningful anti-crime legislation if we hope to survive the crime trends of the cities.

I respectfully urge approval of this bill by this subcommittee.

The CHAIRMAN. This concludes the testimony for this morning, gentlemen. We will resume these hearings on Wednesday, March 11, when we will hear from the mayor of the city of Birmingham, and the administrator of planning and community affairs agency of the State of Washington, and Herbert C. Yost, director of the department of public safety, Lancaster, Pa. The subcommittee will now adjourn.

(Whereupon, at 12:11 p.m., the subcommittee was adjourned.)

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

WEDNESDAY, MARCH 11, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler, Kastenmeier, McCulloch, Poff, MacGregor, Hutchinson, and McClory.

Staff members present: Benjamin L. Zelenko, general counsel; and Franklin G. Polk, associate counsel.

The CHAIRMAN. The committee will come to order.

Our first witness today is Hon. George Seibels, mayor of the city of Birmingham, Ala.

We have one of our distinguished colleagues here, Representative Buchanan, from that State, who is anxious to introduce the mayor.

The committee always welcomes our colleagues.

We will be glad to hear from you, Mr. Buchanan.

STATEMENT OF HON. JOHN BUCHANAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

Mr. BUCHANAN. Mr. Chairman, it is a distinct pleasure to have the privilege of introducing to this great committee the distinguished mayor of the city of Birmingham, which it is my privilege to represent in the Congress.

Mayor George Seibels has for many years been a distinguished civic leader in our city. When in the spring of 1963 the people of Birmingham made a very dramatic decision to change their form of government, to remove the three commissioners in the midst of their term and to put in charge of our city a mayor and a city council, George Seibels ran fourth in a field of some 76 candidates for the city council.

This was an unusual tribute in that Mr. Seibels has been for many years a very prominent Republican in Birmingham. While the election was nonpartisan, it was a tribute to his standing in the community that he could run so high as a Republican in our city at that time.

He was subsequently elected our mayor and is the first Republican to serve in that high office in Birmingham's history.

He is a dynamic, progressive mayor who, with great energy and dedication, has sought to serve the total community. He is a mayor who on many Sunday afternoons is found in his shirt sleeves touring the disadvantaged neighborhoods of the city in order to find needs.

and problems to be met by action as prompt and as pertinent as he can make it during the following week.

It is a great privilege to present to your committee, Mr. Chairman, Mayor George Seibels of Birmingham.

**STATEMENT OF HON. GEORGE SEIBELS, JR., MAYOR, CITY OF
BIRMINGHAM, ALA.**

Mayor SEIBELS. Thank you, Mr. Buchanan. I do appreciate it. Mr. Chairman, I would like to make a few comments, if I may, and file my statement in the record at this point.

The CHAIRMAN. We will receive your statement for the record. You may proceed as you wish.

**STATEMENT BY HON. GEORGE G. SEIBELS, JR.,
MAYOR OF THE CITY OF BIRMINGHAM, ALA.**

Mr. Chairman and members of the Committee, I am George G. Seibels, Jr., Mayor of Birmingham, Alabama. I am honored to appear before this committee on behalf of the citizens of Birmingham and the National League of Cities and the U.S. Conference of Mayors. The citizens, the mayor and council of Birmingham are committed to an effective program to control and prevent crime, to eliminate the devastating inroads which crime has made affecting life, limb and property throughout America. Crime does not respect age, creed, color or affluence.

My city participates in the full range of criminal justice services through its police department, municipal courts and jail system. We have formulated our plans on the assumption that the Safe Streets Act would, through planning and action funds, bring to our city vitally needed assistance to professionalize and upgrade our total criminal justice system. However, after our experience in the first year of the program, in my humble opinion, it appears that not nearly enough emphasis is being placed upon the overall needs of our criminal justice system in the areas where there are concentrations of people and crime.

Delays and dissipation of funds incident to state and regional administration of the program threaten to dilute substantially the impact of the Safe Streets Act in Alabama and elsewhere. More than 17 months passed between August 1968, when the first funds for the Safe Streets Act were appropriated and the end of January 1970 when Birmingham was allocated its first dime of that money by the state.

There will have to be a far greater emphasis on getting Safe Streets money to the crime centers such as Birmingham in the future than there is now if we are to come even close to carrying out our plans for combatting crime and improving day-to-day law enforcement. With 22% of the crime and 10% of the state's population, the City of Birmingham would have to receive a reasonable and fair proportion of the total planning and action money coming to the state.

As mayor, I am fully aware of the regional approach to combat crime, and not for a minute do I discourage mutual cooperation and assistance between cities within a county or within several counties composing a region. However, as you would expect, the City of Birmingham does have certain crime problems which are usually not incident in other parts of the region and yet on which we must spend money for equipment and manpower.

Birmingham is the largest city in Alabama and the one with the greatest crime problems. Though my interest and commitment as mayor of Birmingham to improve the criminal justice system is well known, the city council and the mayor have no representation from a local policymaking viewpoint on the regional planning commission. In other words, I think the largest city in the region, in all fairness, should have policymaking representation if our city's needs for an up-to-date criminal justice system are to be realized.

In Alabama, all of the local share of planning funds was allocated on a population basis to 7 regional planning units, no funds were made available to cities for actual local level planning. These regions must approve all local applications submitted to the state, but beyond the grant approval process the regions, so far as I know, have performed no real planning functions.

Crime is concentrated in the major urban areas and despite an increase of crime in the suburban areas, our biggest problem in combatting crime is still concentrated, beyond any question, in the big cities. And it is in those big cities that we must concentrate our efforts through improving criminal justice systems by intelligent use of planning and action money. In Alabama, funds have been spread broadly across the state and it is my feeling that there must, in dispersing the 1970 and 1971 Safe Streets Act money, be a more realistic approach to getting money where there are concentrations of crime.

One item in the Alabama state plan submitted to LEAA noted that \$94,000 in Federal aid would be scattered in grants to up to 80 communities for various police improvements. If all these grants were made, the average grant would be \$1175. What impact can 80 grants for \$1175, more or less, have on improving the criminal justice system?

Gentlemen, just yesterday the National League of Cities completed a meeting here in Washington of over 800 city officials. I talked with many of them and found that the problems which exist in Alabama—delays, dissipation of funds, burdensome multi-level grant approval structures and failure to concentrate resources on most urgent problems—exist in the administration of many other state Safe Streets programs across the country.

To alleviate this condition and assure greater concentration of funds on the crime problems in Birmingham, some revisions must be made in the program structure. Publishing new guidelines and placing directives in the statute urging LEAA to encourage states to deal more responsibly with their high crime areas apparently is not sufficient to do the job. According to information I am getting, the statute and the guidelines are not being carried out as was originally intended by LEAA. As long as state law enforcement planning agencies partially ignore clearly set guidelines, then we can expect the continual "beefs" of the big cities.

For example, Section 303 of the Act requires that each state plan, before receiving approval, must "adequately take into account the needs and requests of the units of general local government in the state."

In the face of this requirement, the Alabama plan filed with LEAA stated: "At the time of this comprehensive plan preparation, the seven regional planning boards were not operating, and consequently, were not able to participate in the formulation of priorities and programs." As noted before, all local input in the Alabama planning structure comes through these regions. Despite this violation, the Alabama plan was approved and funded by LEAA. Perhaps it would have been best at that point, when the state was running many months behind, for LEAA to have dealt directly with the big city until the state had gotten its house in order.

Last April, LEAA issued a guideline on the role of regional planning units. That guideline states: "It is particularly important, where new regions have been established by states or where pre-existing regions constituted for federal aid programs not directly related to crime control have been used as local grantees, that efforts be made to obtain and document acceptability by the local governments concerned." The regional planning, or better stated, the regional application processing structure for Birmingham has not met the planning needs of the city. The NLC and USCM study of the Safe Streets Act noted that on January 15, 1970, LEAA approved a regional planning structure established by the state of Maine in disregard of the stated preference of many localities and the state organizations representing mayors, town and city managers, police chiefs and county sheriffs for an alternative planning structure and the strong opposition of many municipalities and the Maine Municipal Association to the regional planning structure imposed by the state.

Because of the limited role LEAA has taken in supervising state planning activity and the questionable performance of many states in getting federal aid to where the crime is, the proposal in H.R. 15947 to allow LEAA to waive the 40% and 75% "pass through" requirements must be rejected. Making these requirements optional will strip the act of any protections to assure that some funds will be spent effectively to deal with urgent local crime problems.

I would hope that before this committee considers any such changes, it makes sure that it has accurate figures showing the breakdown of state and local law enforcement expenditures. Expenditure breakdowns developed by state planning agencies must be recognized as self-serving and be closely questioned before they are accepted as fact. The breakdown presented in the Arkansas plan, for example,

differs markedly from the state and local expenditures for Arkansas presented in the most recent Census of Governments. The Arkansas plan shows state criminal justice system expenditures of \$11,254,718 as against local expenditures of \$10,986,077. Included in the state total is \$960,000 for the fish and game commission. According to the Census of Governments, Arkansas' fiscal 1967 criminal justice system expenditures were only \$7,579,000, while local expenditures for police and corrections alone were \$10,851,000. As Arkansas has a substantial municipal and county court system, its fiscal 1967 local expenditures are certainly well above the figures presented in the state plan. With the crime crisis what is it, it is unlikely that local expenditures have declined since then. The state figure, on the other hand, appears to represent a rapid increase in commitments which is subject to question as to accuracy.

Instead of limiting the capacity of localities to get Safe Streets funds, as proposed in H.R. 15947, I respectfully urge you to amend the Safe Streets Act by legislation such as H.R. 15597 to make a much greater portion of Safe Streets funds available for direct grants to cities to deal with urgent crime problems which are not receiving the needed attention in state administered programs.

My city, and many others, are making a total commitment to improve the local elements of the criminal justice system. We are appropriating substantial resources to this end, but our resources alone are not enough to do the job. We ask you to make available to us directly enough money to do our job effectively without having to play cat and mouse with state governments.

In Birmingham, we will use the money you give us in positive action programs directly combatting crime on the street.

My desire to improve the criminal justice system was a strong motivating factor in my decision to run for Mayor of Birmingham. Soon after I was inaugurated I began to implement a 43 point program for criminal justice improvements. Some of these needed improvements, such as beat surveys, new beat assignments and police operations and training practices, involved changes which could be accomplished without substantial cost. Others, such as the addition of 161 new men to the police force or acquisition of 60 portable hand radios to improve police mobility required substantial costs which were borne entirely by the city.

Many of the points in my original 43 point criminal justice improvement program have now been implemented, thanks to the willing support of the citizens of Birmingham, but much remains to be done. In addition to the 43 point program developed at the local level, we commissioned a police department survey by the Jacobs Company which did a complete study with recommendations for long range goals to improve the criminal justice system in Birmingham. The survey cost more than \$30,000 and many of its points apply the recommendations of the President's Crime Commission to the specific situation in Birmingham.

I cannot estimate the total cost of implementing this improvement plan other than to say it involves hundreds or thousands of dollars. We must scrape together the resources to do this job and at the same time maintain other vital city services, the costs of which are spiralling. From the end of fiscal year 1968, during which I took office, to the end of fiscal year 1970, the city budget for police services has jumped from \$4,523,960.00 to \$5,622,730.00. I must commit more resources to improving our criminal justice system, but at the same time, I must also maintain and improve our ability to put our fires, clean up trash and provide engineering and many other local services.

To implement our program of criminal justice improvements, Birmingham urgently needs more direct federal support through discretionary funds. At the present time, it is unsound to assume that we will get the necessary assistance from federal funds channelled through our state government to anywhere near meet the cost of needed improvements.

Let me tell you briefly some of the vital projects we can undertake if you give us the necessary funds.

Our first priority is improvement of our communications system by broadening it from one channel to at least four. We are applying for a \$150,000 discretionary fund grant from LEAA for this, but three times that amount is necessary to do the job. This project rates top priority for we have only one frequency and instantaneous communications, or close to that, is a critical area if we are to deal effectively with the criminal.

Our next priority is to improve our capacity to control and prevent use of narcotics and drugs. Currently, the use of narcotics is a serious problem and we are experiencing justifiably increasing concern. We want to turn back the alarming growth of drug traffic in Birmingham before control of the problem gets completely out of hand, and before large numbers of our young people are subjected to the dangers of drug abuse and the destructive effects physically as well as being caught while using drugs. To provide the necessary resources to further train and equip our police department in dealing with the drug traffic, we need federal assistance. City funds are not available to do the complete job.

In addition to these two vital programs, there are several other badly needed improvements which Birmingham would make in its criminal justice system if we had the available resources. These are not listed in order of priority, they are all urgently needed. They are improvements we can make now if we had the money, and—most importantly—they are improvements which will have a definite and direct benefit in improving our law enforcement program and reducing crime. With adequate assistance we can:

Develop a community relations program which not only improves police awareness of the concerns of the community in which they work but also involves the citizens, giving them greater respect for police and developing a willingness to cooperate with police and city officials in maintaining a stable community and a better overall criminal justice system.

Upgrade police training to make policing a truly professional operation. In Birmingham, we recently expanded our basic recruit training to 400 hours. I would like to expand this to 2400 hours, but I cannot do this without considerable increase in funding for our training operation.

Make major improvements in the administration and record keeping of our municipal court system and operation, particularly as it can effect short term offenders afflicted with such problems as alcoholism or drug addiction. Improved efficiency of police will expand pressures on our already over-taxed court and jail system. More resources must be available for these facilities now just to keep pace with present conditions and substantial new resources are required for necessary improvements.

Improve police record keeping and data retrieval. Installation of a computer system with improved record keeping practices will allow much faster identification of problems in the field and permit better coordination of our current information, allowing us to identify and thus attack patterns of crime which presently go unnoticed because of poor coordination of information.

These are just a few of the steps we are prepared to take to improve the criminal justice system as soon as resources are made available. I urge you to help us in providing these resources. The faster we can make these and other improvements suggested in our comprehensive survey, the faster we can cut the rates of robbery, rape, murder and other crimes and restore a feeling of safety to our streets. This assistance must be provided directly, channelling nearly all of it through the states will only result in further dissipation and delay in getting the assistance you have provided to attack crime problems where they are most abundant.

I respectfully urge you to amend the Safe Streets Act to allow a substantial portion of its funds to be distributed in direct grants to cities like Birmingham which have demonstrated their all-out commitment to combat the criminal through an improved criminal justice system.

Mayor SEIBELS. It is very kind of you to allow me to come before this committee in behalf of the U.S. Conference of Mayors, in behalf of my city and the National League of Cities.

May I say that the concept of the Safe Streets Act to combat crime and improve day-to-day law enforcement is commendable.

The whole purpose of this, as you and I know, is to meet the crime problem which 3 or 4 years ago we began to see snowball. The Congress, the Justice Department, in fact, most thinking people, support the idea of the Safe Streets Act.

We mayors all across this land are very grateful for your willingness to move in and grapple with one of America's most insidious

problems that is costing the American public billions of dollars each year and which knows no age, race, creed, color, social strata, or degree of affluency or poverty. It is everybody's problem, and that is why all of us, you and I, in particular, have acted positively.

I certainly would say, gentlemen, that you have made the move. We had your action of 1968, and then 1969 and 1970, and now you have the 1971 authorization before you.

The question before us is really not, in my opinion, overly complicated. As I see it, it is simply this: Presuming the 1971 appropriations for the Safe Streets Act successfully passes the Congress—this is the point—then how can this money be spent to the greatest advantage in meeting the crime problem head-on?

Quite frankly, I think America does have the brains and the ability and the know-how to meet this insidious problem, as I said, head-on, and do something about it.

I think the reason I am here, I know the reason I am here, is because I am a mayor of a large city. I was elected mayor because I made it very clear that this would be one of the things that was foremost in my mind.

I am going to read some of my testimony here. Keep in mind, if you will, that as a mayor of a city of some 355,000, which does have serious crime problems, drug addiction, the whole gamut, I feel, as mayor—and I think I speak for the city council; we have nine councilmen—that it is up to us to lead the way.

Again, I think this approach that the Congress has taken with the Safe Streets Act is commendable. The only question is how can we take this \$400 million, \$500 million, or \$600 million and use it to the greatest advantage.

I am going to give you my ideas about it today, not selfishly but solely for preserving life, limb, and property in my city.

I think my situation is analogous with other large communities.

You have, I think, three things before you.

The first is the Jacobs Survey. This cost a little better than \$30,000. The first thing that I did as mayor was to try to get the council to approve of a survey to see exactly where we stood, how bad was it, what were the good points, where were the weaknesses, that is, within our police department, our criminal justice system.

This is a fine survey. It was completed about September 1968 and we have implemented part of it but not all of it. It is going to cost some money.

The CHAIRMAN. We will receive that for our files.

MAYOR SEIBELS. Yes, sir. I was just pointing it out to you and making a few comments.

The other that I have in my hand is dated January 23, 1970, "Police Department Changes, Improvements and Reorganizations Since 14 November 1967."

These are things, as I will give you in my testimony, that I was able to do with some help, to move in and do things that were not too expensive but yet could accomplish some good.

For instance, and this is not said critically, our precincts closed at 11 o'clock, and we opened them around-the-clock and added a couple more people. That is money when you hire more people. We had the

Records Bureau openend around-the-clock, so when a person called in from Memphis, Indianapolis, or anywhere, they would have the benefit of information they desired from the Birmingham Police Department.

Mr. McCLORY. Mr. Mayor, were both of these studies financed with municipal funds?

Mayor SEIBELS. Absolutely, all our money.

Mr. McCLORY. There were no Federal funds?

Mayor SEIBELS. No, sir. This Jacobs Survey was done with taxpayers' money. As I have said, if you will excuse the expression, we put our money where our mouths were because I knew we needed it.

The other that you have, that is 43 things that we have done that did not cost too much money. If you have time to look through it, you will see something like beat surveys, hiring men now—and we don't put them out untrained but we give them the rookie training first.

In some police departments in America they still take the young man, hire him, put him out and maybe in 3, 4 or 5 months they would get him in rookie training. This is wrong and I stopped it immediately.

I am not here to criticize what was, but I am interested in what is going on now and what is to be.

These 43 points will show you some of the things, like recording all telephone conversations between the public and the police. Then you protect the policeman. Someone can't say, "I called in 30 minutes ago." All we have to do is push a button and we find out exactly when they called and what they said.

I won't go through all of them but we do have many, many things, like a Planning and Research Bureau that we didn't have. We now have an Internal Affairs Unit, which we didn't have. These are things that we have been able to do.

The CHAIRMAN. We will accept that statement for the files too.

Mayor SEIBELS. Thank you.

The third document you don't have. I will t. . . to get a condensation of it for you. These are our priorities established within the last month for the money that will be available, the 1970 money, in the State of Alabama. I have set up priorities so we are ready to move. All the action money from 1969 is gone, but these are our plans. I thought it would be well for you to know that. We have already formulated our plans.

Getting on with my comments, I would say that my city participates in the full range of criminal justice services, through its police department, municipal courts, and jail system. We have courts in there. Some cities do not.

We have formulated our plans on the assumption that the Safe Streets Act would, through planning and action funds, bring to our city vitally needed assistance to professionalize and upgrade our total criminal justice system.

However, after our experience in the first year of the program, in my humble opinion, it appears that not nearly enough emphasis is being placed upon the overall needs of our criminal justice system in the areas where there are concentrations of people and crime.

Delays of dissipation of funds incident to State and regional administration of the program threaten to dilute substantially the impact of the Safe Streets Act in Alabama and elsewhere.

Let me make this statement to you, gentlemen: I don't oppose the theory of money coming to the State and then out to the city. I think a larger percentage should be discretionary. But I think the guidelines—and this is not trying to be overly critical—I think the guidelines set up for the State to follow have not been pursued.

When I read some of my comments in here, I think you will agree with me. That right there is the crux. If the States, whether it be Alabama, Georgia, Illinois, Virginia, it doesn't make any difference, do not see that these guidelines—and the guidelines are reasonable—are carried out, then I think the cities—and this is my opinion—the larger cities, where the concentration of crime is, will have to get more discretionary funds.

We know that 15 percent is now available.

More than 17 months passed between August 1968, when the first funds for the Safe Streets Act were appropriated and the end of January 1970 when Birmingham was allocated its first dime of that money by the State.

There will have to be a far greater emphasis on getting Safe Streets money to the crime centers such as Birmingham in the future than there is now if we are to come even close to carrying out our plans for combatting crime and improving day-to-day enforcement.

With 22 percent of the crime and 10 percent of the State's population, the city of Birmingham would have to receive a reasonable and fair proportion of the total planning and action money coming to the State.

As mayor, I am fully aware of the regional approach to combat crime—and I support it, gentlemen—and not for a minute do I discourage mutual cooperation and assistance between cities within a county or within several counties composing a region.

However, as you would expect, the city of Birmingham does have certain crime problems which are usually not as prevalent in other parts of the region, and yet on which we must spend money for equipment and manpower.

The CHAIRMAN. Do I understand from the letter you wrote to me under date of February 3, 1970, that the city of Birmingham has received no moneys whatsoever under title I of the Safe Streets Act?

Mayor SEIBELS. Mr. Chairman, I think it was the 30th of January that we were allocated some. We put in for Mirror Code, NCIC, National Crime Information Center money, and also some video money. We received two of the three amounting to approximately \$22,000. That was as of the 30th of January 1970.

The CHAIRMAN. What did you receive in 1969?

Mayor SEIBELS. That was 1969 money, sir.

The CHAIRMAN. You received \$22,000 for planning?

Mayor SEIBELS. No; we didn't get any planning money.

The CHAIRMAN. Just for action?

Mayor SEIBELS. Yes, sir. We haven't received it yet, but we have been told we will get it.

The CHAIRMAN. You haven't received the check for \$22,000?

Mayor SEIBELS. No, sir, I have not. I would like to have that money. It is necessary.

The CHAIRMAN. Was there any particular reason why you have not received it?

Mayor SEIBELS. Yes, sir; I cover it in my statement. I point out the fact that our regional—and I am not here to castigate anybody, I am here to give you the facts—

The CHAIRMAN. We only want facts.

Mayor SEIBELS. I don't want it to appear that I am laying it on the State because I want to work with those people, and I will work with them. I have shown a cooperative attitude.

Let me answer your question. It was just about 5 or 6 months ago, I believe, that they even got the regional approach organized. That is what we call a regional advisory commission. That was just set up.

At the time the Alabama plan was submitted to LEAA, there was no regional organization.

Mr. McCULLOCH. Mr. Mayor, will you yield for a question?

Mayor SEIBELS. I will.

Mr. McCULLOCH. It is my understanding that several States through their planning agencies require that no funds which have been allocated to a local government be actually sent to the local government until that money has been obligated pursuant to contract and law.

Is that correct?

Mayor SEIBELS. Mr. McCulloch, that would sound reasonable. We have told them what we needed. It has been approved. As far as the machinery for getting the money, I would presume in a reasonable length of time the money will be forthcoming.

Mr. McCULLOCH. I ask this question because it is a technical matter.

Have you obligated any city funds for any purposes, any actions, pursuant to the law that we are discussing now?

If you have, it will serve a useful purpose, I believe, for it to appear in the record.

If you haven't, we may inquire of the State planning agency if my understanding is correct, if that would be the holdup.

Mayor SEIBELS. As I was trying to tell you in the last 10 or 15 minutes, Mr. McCulloch, we have gone ahead and spent money. We have spent several hundred thousand dollars on equipment, training, men. I hired 161 men in the last 2 years; new men.

May I go back over it and review? We applied to the State of Alabama for three different things, types of equipment, under this 1969 money.

We submitted an application. It was approved regionally, Mr. McCulloch, and we got two out of the three things that we applied for.

Mr. McCULLOCH. Would you tell us what they were, please?

Mayor SEIBELS. One was mirror code. Mirror code is a system whereby you can quickly assimilate fingerprint data.

Secondly, we are getting some money to do a better job with our NCIC, which is the National Crime Information Center.

As you may know, many cities are tied into that with the Teletype. You get on this Teletype and you can get information out of the computer in Washington. It comes to Washington and back to Birmingham in a matter of just a few seconds. We asked for some help on that, to get some more sophisticated equipment.

The third thing had to do with video equipment. This was turned down, although it was needed. We needed a playback in the jail. We needed one in the detective room. We needed one in the police academy, where they could play back certain things that would be beneficial.

Mr. McCULLOCH. For what sum was the request for that purpose? Mayor SEIBELS. The total for the three of them—depending on how much video equipment we got—would be around \$25,000 or \$26,000.

Mr. McCULLOCH. How soon after you notified the State that you had contractual obligations for two of these three requests did you receive the funding thereafter? Was that promptly done?

Mayor SEIBELS. After the application was taken under consideration by the region, and the region approved it—they approved all three of these—this is another thing I want to bring to your attention: The city of Birmingham, the largest city, has no representation, policy-wise, on this commission; yet the county has three representatives.

Mr. McCULLOCH. I want you to repeat that. Do I understand you to say that the city of Birmingham, with a population of approximately 350,000 people, has no member on this planning commission?

Mayor SEIBELS. We have an ex officio member. We have no real representation. I will just lay it on the line with you, Mr. McCulloch. I don't expect people to come crawling to my door and saying, "Mayor, what do you think of this?" or, "Do you agree with this?", but I would say that a city that has put tremendous emphasis on police matters, knowing of my great interest, with this survey, knowing of the interest of the council and of the willingness to put up the green, if you will excuse me—

Mr. McCULLOCH. Who is the ex officio member who is now on this planning commission?

Mayor SEIBELS. The chief of police is ex officio on the regional advisory commission. There are seven regions, Mr. McCulloch, in Alabama. All these things clear through the region and then back to the State law enforcement planning agency. They put the final stamp of approval. There are 30 people on that committee in the State.

Mr. McCULLOCH. Is he the representative and spokesman for Birmingham?

Mayor SEIBELS. I am not here to air dirty linen, not at all. But I have never had any report until a week ago of any of the things that have gone on in that region. I have sent representatives there. I would say in the future I will know. I will know pretty well.

Mr. McCULLOCH. Does the law require him to consult with and advise you of what is going on?

Mayor SEIBELS. No, sir; it does not.

Mr. McCULLOCH. I would like to ask this question, although it may seem strange. For there are some places in the United States where the mayor of a city is not the chief executive officer.

Are you the chief official executive officer of the city of Birmingham?

Mayor SEIBELS. Mr. McCulloch, I am. I am the chief administrator. But, and this is important, we have civil service and when I became mayor I took everything that was there. I need say no more. That is the way it is.

Mr. McCULLOCH. You have answered my question.

Mr. McCLORY. Will the gentleman yield?

The CHAIRMAN. Mr. Mayor, I notice that the State of Alabama received in 1969 from the LEAA \$433,840, and during that whole year nothing was allocated to anybody, to any county, city, or entity in the

State of Alabama except at the last day of the year, December 31, 1969. There was an allocation of \$174,000.

Have you any reason to offer why there was such a delay?

Mayor SEIBELS. Yes, sir; that is a good question, Mr. Chairman. You want the facts. There was a delay in getting the regional setup. As I told you, it was established just a few months ago.

At the time Alabama submitted its plan to LEAA there was no regional structure. Later, they did get the regional setup.

I would say to you, Mr. Celler, this is why there has been the delay, because there wasn't the regional setup.

As you know, the applications come from the city and then are considered by the region, and the region puts its stamp of approval and it goes back to the State law enforcement planning agency.

I hope that answers it, sir. There has been a delay. I would say that we are several months behind.

I am all ready to go on 1970 money. The action money for fiscal 1969 for Alabama has been expended.

Planning money was used, Mr. Celler. It was not used by the city. Birmingham did not get any planning money. The planning money was used for the region.

My theory has been where a city has shown the desire and has done something about it, it should have received some planning money. But the money was used for the regions to do the planning.

Mr. McCLORY. I want to ask this one question.

You said two of the three projects that were advanced by the city were approved and one was turned down. Was one turned down at the State level?

Mayor SEIBELS. It was turned down by the State, yes, sir.

Mr. McCLORY. Is it your opinion that it was turned down arbitrarily at the State levels?

Mayor SEIBELS. I think in things like that, Mr. McClory, you have to articulate them. I don't think it would have been turned down had it been properly articulated by our representative on the State law enforcement planning agency. I have been told if I resubmit there is a good chance I would get it.

Mr. McCLORY. How much money was involved for that project?

Mayor SEIBELS. I don't know the exact figures. Somewhere between \$3,000 and \$6,000.

Mr. McCLORY. It is your further opinion that, if you had more substantial representation on the State planning agency, the chances are it would have been approved?

Mayor SEIBELS. I was never consulted.

You might say, "Mr. Seibels, the State doesn't have to come to you and ask who you want on it," but when you have 22 percent of all the crime in Alabama in Birmingham, it would appear that there would have been some communication to you, particularly to the mayor that was taking the lead in this.

Again, I am not mad at anybody. My goal is to resolve this problem. On the regional setup, the smaller cities have representation and so does the county, but we don't direct.

Mr. McCLORY. You want more of a voice. You want more leverage with regard to the decisions of the regional board?

Mayor SEIBELS. Absolutely. I am not trying to dominate, sir, not at all. It is not up to you, really, but I think I have pointed out some weaknesses.

The CHAIRMAN. You might proceed with your statement, Mr. Mayor.

Mayor SEIBELS. Surely.

Birmingham is the largest city in Alabama and the one with the greatest crime problems. Though my interest and commitment as Mayor of Birmingham to improve the criminal justice system is well-known, the city council and the Mayor have no representation from a local policy-making viewpoint on the Regional Planning Commission.

In other words, I think the largest city in the region, in all fairness, should have policymaking representation if our city's needs for an up-to-date criminal justice system are to be realized.

In Alabama, all of the local share of planning funds was allocated on a population basis to seven regional planning units, no funds were made available to cities for actual local level planning.

These regions must approve all local applications submitted to the State, but beyond the grant approval process the regions, so far as I know, have performed no real planning functions.

Crime is concentrated in the major urban areas and despite an increase of crime in the suburban areas, our biggest problems in combating crime is still concentrated, beyond any question, in the big cities. And it is in those big cities that we must concentrate our efforts through improving criminal justice systems by intelligent use of planning and action money.

In Alabama, funds have been spread broadly across the State. It is my feeling that there must, in dispersing the 1970 and 1971 Safe Streets Act money, be a more realistic approach to getting money to where there are concentrations of crime.

One item in the Alabama State plan submitted to LEAA noted that \$94,000 in Federal aid would be scattered in grants to up to 80 communities for various police improvements. If all these grants were made, the average grant would be \$1,175.

What impact can 80 grants for \$1,175, more or less, have on improving the criminal justice system?

The CHAIRMAN. In other words, as far as planning funds and action funds are concerned, funds are scattered geographically, no matter how little or how inefficient the amount may be.

Mayor SEIBELS. That is a good comment, Mr. Celler.

I have felt, and this is a subject very close to me—that the smaller communities that have not really been too interested in this matter—though they have had some interest, naturally, when there is a rape or a murder, getting very interested—many of these smaller communities could combine training, police radio communications, schooling, equipment. They could pool their resources.

But I think if we see this money being dissipated out to these smaller communities it is going to have the adverse effect. This is what I don't want to see.

We talk about approaching crime on a regional basis. I don't discourage that, Mr. Celler, at all. I think it is good. I think several counties should work together. But the big city does have crime problems that might not be out there in the rural area.

I would hope that the money from the Safe Streets Act can be put into the big city and that it can be put among five or six little communities, 2,000, 3,000, 4,000, 5,000, 6,000, 7,000, where they can pool their resources and do a far better job.

This is what I would like to see. I think that is tied in with your comment, Mr. Celler.

Gentlemen, just yesterday, the National League of Cities completed a meeting here in Washington of over 800 city officials.

I talked with many of them and found that the problems which exist in Alabama—delays, dissipation of funds, burdensome multi-level grant approval structures, and failure to concentrate resources on most urgent problems—exist in the administration of many other State safe streets programs across the country.

To alleviate this condition and assure greater concentration of funds on the crime problems in Birmingham, some revisions must be made in the program structure.

Publishing new guidelines and placing directives in the statute urging LEAA to encourage States to deal more responsibly with their high crime areas apparently is not sufficient to do the job.

I don't think the guidelines under LEAA have been adhered to in many States. That is my personal feeling from talking to mayors and other officials from other parts of the country.

According to information I am getting, the statute and the guidelines are not being carried out as was originally intended by Congress. As long as State law enforcement planning agencies partially ignore clearly set guidelines, then we can expect the continual "beefs" of the big cities.

For example, section 303 of the act requires that each State plan, before receiving approval, must "adequately take into account the needs and requests of the units of general local government in the State."

In the face of this requirement, the Alabama plan filed with LEAA stated:

At the time of this comprehensive plan preparation, the seven regional planning boards were not operating, and consequently, were not able to participate in the formulation of priorities and programs.

That answers your question, Mr. Celler.

As noted before, all local input in the Alabama planning structure comes through these regions. Despite this violation, the Alabama plan was approved and funded by LEAA. Perhaps it would have been best at that point, when the State was running many months behind, for LEAA to have dealt directly with the big city until the State had gotten its house in order.

Last April, LEAA issued a guideline on the role of regional planning units. That guideline states:

It is particularly important, where new regions have been established by States or where preexisting regions constituted for Federal aid programs not directly related to crime control have been used as local grantees, that efforts be made to obtain and document acceptability by the local governments concerned.

The regional planning, or, better stated, the regional application processing structure for Birmingham has not met the planning needs of the city.

The NLC and USCM study of the Safe Streets Act noted that on January 15, 1970, LEAA approved a regional planning structure established by the State of Maine in disregard of the stated preference of many localities and the State organizations representing mayors, town and city managers, police chiefs, and country sheriffs for an alternative planning structure and the strong opposition of many municipalities and the Maine Municipal Association to the regional planning structure being imposed by the State.

Because of the limited role LEAA has taken in supervising State planning activity and the questionable performance of many States in getting Federal aid to where the crime is, the proposal in H.R. 15947 to allow LEAA to waive the 40 percent and 75 percent pass-through requirements must be rejected.

Making these requirements optional will strip the act of any protections to assure that some funds will be spent effectively to deal with urgent local crime problems.

I do appeal to you, gentlemen. I would hope that this 40 percent and 75 percent would not be eliminated.

I would hope that before this committee considers any such changes, it makes sure that it has accurate figures showing the breakdown of State and local law enforcement expenditures. Expenditure breakdowns developed by State planning agencies must be recognized as self-serving and be closely questioned before they are accepted as fact.

The breakdown presented in the Arkansas plan, for example, differs markedly from the State and local expenditures for Arkansas presented in the most recent census of governments.

The Arkansas plan shows State criminal justice system expenditures of \$11,254,718 as against local expenditures of \$10,986,077. Included in the State total is \$960,000 for the fish and game commission.

According to the census of governments, Arkansas' fiscal 1967 criminal justice system expenditures were only \$7,579,000, while local expenditures for police and corrections alone were \$10,851,000. As Arkansas has a substantial municipal and county court system, its fiscal 1967 local expenditures are certainly well above the figures presented in the State plan.

With the crime crisis what it is, it is unlikely that local expenditures have declined since then. The State figures, on the other hand, appear to represent a rapid increase in commitments which is subject to question as to accuracy.

Instead of limiting the capacity of localities to get safe streets funds, as proposed in H.R. 15947, I respectfully urge you to amend the Safe Streets Act by legislation such as H.R. 15597 to make a much greater portion of safe streets funds available for direct grants to cities to deal with urgent crime problems which are not receiving the needed attention in State-administered programs.

My city, and many others, are making a total commitment to improve the local elements of the criminal justice system. We are appropriating substantial resources to this end, but our resources alone are not enough to do the job. We ask you to make available to us directly enough money to do our job effectively without having to play cat and mouse with State governments.

In Birmingham we will use the money you give us in positive action programs directly combating crime on the street.

As I said a little while ago, we have moved on this and we have a plan. We have our priorities set up, ready to go.

My desire to improve the criminal justice system was a strong motivating factor in my decision to run for mayor of Birmingham. Soon after I was inaugurated I began to implement a 43-point program for criminal justice improvements. You have that before you and I hope you can read it when you have time.

Some of these needed improvements, such as beat surveys, new beat assignments, and police operations and training practices involved changes which could be accomplished without substantial cost.

Others, such as the addition of 161 new men to the police force or acquisition of 60 portable hand radios to improve police mobility required substantial costs which were borne entirely by the city. Those radios cost over \$600 each.

Many of the points in my original 43-point criminal justice improvement program have now been implemented, thanks to the willing support of the citizens of Birmingham, but much remains to be done.

In addition to the 43-point program developed at the local level, we commissioned a police department survey by the Jacobs Co. which did a complete study with recommendations for long-range goals to improve the criminal justice system in Birmingham.

The survey cost more than \$30,000 and many of its points apply the recommendations of the President's Crime Commission to the specific situation in Birmingham.

I cannot estimate the total cost of implementing this improvement plan other than to say it involves hundreds of thousands of dollars. We must scrape together the resources to do this job and at the same time maintain other vital city services, the costs of which are spiralling.

From the end of fiscal year 1968, during which I took office, to the end of fiscal year 1970, the city budget for police services has jumped from \$4,523,960 to \$5,622,730.

I must commit more resources to improving our criminal justice system, but at the same time I must also maintain and improve our ability to put out fires, clean up trash, and provide engineering and any other local services.

To implement our program of criminal justice improvements Birmingham urgently needs more direct Federal support through discretionary funds.

At the present time it is unsound to assume that we will get the necessary assistance from Federal funds channeled through our State government to anywhere near meet the cost of needed improvements.

Let me tell you briefly some of the vital projects we can undertake if you give us the necessary funds.

Our first priority is improvement of our police communications system by broadening it from one channel to at least four. We are applying for a \$150,000 discretionary fund grant from LEAA for this, but three times that amount is necessary to do the job.

This project rates top priority for we have only one frequency and instantaneous communications, or close to that, is a critical area if we are to deal effectively with the criminal.

You gentlemen know that as well as I do. The first thing we need in dealing with the criminal is try to have instantaneous communications.

That is why these portable radios are so important. I put great emphasis on it and I hope that every man on every shift within the next year will have it right in his pocket. He will never be out of touch with the central police communications system.

He will be in touch with everything that is going on.

Our next priority is to improve our capacity to control and prevent use of narcotics and drugs. Currently, the use of narcotics is a serious problem and we are experiencing justifiably increasing concern.

We want to turn back the alarming growth of drug traffic in Birmingham before control of the problem gets completely out of hand and before large numbers of our young people are subjected to the dangers of drug abuse and the destructive effects physically, as well as being caught while using drugs.

To provide the necessary resources to further train and equip our police department in dealing with the drug traffic, we need Federal assistance. City funds are not available to do the complete job.

We are willing to put up our share of the money. We have already done it. We have increased expenditures \$1.2 million in the last 2 years.

In addition to these two vital programs, there are several other badly needed improvements which Birmingham would make in its criminal justice system if we had the available resources.

I think it is important that you gentlemen know what we are willing to commit ourselves to, assuming that we can, through the State or through an increase in the percentage of discretionary funds, gain greater assistance from the Federal Government.

These are not listed in order of priority; they are all urgently needed. They are improvements we could make now if we had the money, and—most importantly—they are improvements which will have a definite and direct benefit in improving our law enforcement program and reducing crime.

With adequate assistance we can:

One, develop a community relations program which not only improves police awareness of the concerns of the community in which they work but also involves the citizens, giving them greater respect for police and developing a willingness to cooperate with police and city officials in maintaining a stable community and a better overall criminal justice system.

Secondly, upgrade police training to make policing a truly professional operation.

A year ago the city put up \$2,000 for a survey of our police rookie training. We found out that we had about one-fifth of the necessary number of training hours.

We are increasing our curriculum from 400 to 2,400 hours. I know this will take more money. These young men training in our rookie school will, at the same time they are going to school, be receiving college credits. This is new. We put up the money to find out the real facts. We are willing to spend the money to make this change. But we do need some assistance.

It doesn't appear, if the distribution of 1969 funds is any indication, that we are going to get anywhere near the help we need. That is why I am here today.

We want to make major improvements in the administration and recordkeeping of our municipal court system and operation, particularly as it can affect short-term offenders afflicted with such problems as alcoholism or drug addiction.

You probably don't know it, but Birmingham, and I say this with humility, Birmingham was the first city to put up money for the rehabilitation of the repeater.

We have these young fellows who come in and out of our jail. We are getting \$75,000 from Uncle Sam and we put up \$25,000.

We have a doctor, a psychiatrist, a psychologist, a lawyer, and other people who work with these young fellows.

We have been able to take many of them and get them on the right road. We are going to make useful citizens out of them. I think this is noteworthy.

We want to do more of that. That is what we are talking about in rehabilitation.

Improved efficiency of police will expand pressures on our already overtaxed court and jail systems. More resources must be available for these facilities now just to keep pace with present conditions and substantial new resources are required for necessary improvements.

I am also trying to buy some property, several dozen acres where I can take these young men, middle-age men, whoever goes to jail, and get them out there and raise vegetables and get them in the fresh air, hopefully to get them back to be useful, productive citizens.

We are already doing it but not half as much as I would like.

Finally, we also need to improve police recordkeeping and data retrieval. We are very weak on that, gentlemen, extremely weak. I think you will find most police departments in America, large and small, are not up to date on getting data. It does no good if you have crime and you don't know to what extent, where it is, when it happened, the particulars. This is terribly important.

Data processing system, filing and up-to-date methods of retrieving this information is so important. It is like the doctor when he goes to operate, he has to have the report from the pathologist, he has to have the report on the blood count of his patient before he operates. Likewise, operations within a police department must have the full data from planning and research in order to get out and do the job, and we don't have that now.

In this plan we do ask for some assistance so that we can upgrade our system of corraling information. This is a critical area and it has been overlooked, I think, to a large degree, by police departments which are supposed to be professional.

These are just a few of the steps we are prepared to take to improve the criminal justice system as soon as resources are made available.

I urge you to help us in providing these resources. The faster we can make these and other improvements suggested in our comprehensive survey, the faster we can cut the rates of robbery, rape, murder, and other crimes and restore a feeling of safety to our streets.

This assistance must be provided directly, channeling nearly all of it through the States will only result in further dissipation and delay in getting the assistance you have provided to attack crime problems where they are most abundant.

I respectfully urge you to amend the Safe Streets Act to allow a substantial portion of its funds to be distributed in direct grants to cities like Birmingham which have demonstrated their all-out commitment to combat the criminal through an improved criminal justice system.

Now let me say this, and I said it when I started out: I am not here totally opposing assistance through the State, Mr. Celler. I don't. I merely say that if the State is to play a role in getting this money out across the State, they have to meet the guidelines. They must be aware that this crime problem is concentrated in the big cities.

Therefore, they have to take into consideration the big cities. Among the people who are on the State Law Enforcement Planning Agency and the people on the regions, the big cities should be represented.

I think if 22 percent of all the crime is in the big city like Birmingham it should receive priority.

I would say as a mayor, and I have been mayor for 27 or 28 months now, having spent about 75 percent of my time, regrettably, on this law enforcement problem, the criminal justice system, we have put up the money, we have the Jacobs Survey, we have done what we could already with this 43-point program, and here are our plans for the future.

I just hope that the State can meet its responsibilities more in getting this money where the crimes are. I feel, and I said this a little while ago, that this money that is being—

The CHAIRMAN. Mr. Mayor, Alabama is to receive \$3.1 million in 1970 for action funds. What is the city of Birmingham's request with reference to the \$3 million allocated to your State? How much is Birmingham requesting?

Mayor SEIBELS. We are going to put in for about \$1.8 million. We are going to apply for that. That doesn't mean we will get it.

I have it all right here listed.

The CHAIRMAN. Would you use such funds to cover the projects you just related in the last few pages of your statement: A communications system, drug traffic control, improved criminal justice system, police records, and so forth?

Could you do all that without direct aid from the Federal Government?

Mayor SEIBELS. I didn't quite get that question, Mr. Celler. I have a little competition here with the bells.

The CHAIRMAN. Will the funds you receive from the State be used to cover the items you have mentioned in the last few pages of your statement?

For example, the communications system, drug traffic control, an improved criminal justice system, police records, police training, and so forth.

Could you undertake such programs without any aid from the Government?

Mayor SEIBELS. Mr. Celler, that is a very good question, sir. I don't want to be a pessimist, but if this thing continues the way it is going,

I don't think we will get anywhere near that. You might say, "How do you know, Mr. Seibels?" I just have a feeling, and I think I am justified. This money will be such that we will get some more, of course. But our communications system will cost probably \$500,000. We are putting in for \$150,000 through the discretionary grants where we will put up 50 percent ourselves in addition to the \$150,000. Then we hope to get some more through the State for this police radio communications system.

What I am trying to do is to see if there cannot be a greater percentage of discretionary money coming to the city. Also, of course, we want to get the money that will come through the State on 40 percent planning—75 percent to the communities.

But I don't think, Mr. Celler, we will come even close. This is my best judgment. I don't think we will come even close to getting anywhere near the amount that we need.

I am not trying to grab it all, not at all.

The CHAIRMAN. In other words, the thrust of your argument is that you are willing to accept the State plan, but you are fearful that under the system the State grants, the cities may not get their fair share?

Mayor SEIBELS. Absolutely, yes, sir. I am anticipating. Thank goodness we have this 15 percent. You and the other gentlemen are responsible for it. We appreciate it. We would like to see it increased.

I have the feeling, and I think it is justified, as I said a moment ago, that we will not be receiving the amount we need. We will get more, naturally, with \$3 million available for planning and action money through the State. Naturally, the city of Birmingham will get more.

The CHAIRMAN. Mr. McCulloch?

Mr. McCULLOCH. Mr. Chairman, I would like to commend the mayor on a very forthright statement. He has acquainted me with some issues in a city of this size that need our attention.

May I suggest to you that perhaps you need, if I interpret your testimony correctly, an able advocate who is more responsive to the needs of the city than your present chief of police.

If I were you, I would try to bring about an increase in the size of that Planning Commission and get such an advocate.

Mayor SEIBELS. I appreciate that very much, sir. Those are very kind remarks.

Some of you probably come from smaller cities or smaller communities. I didn't come up here to cry on your shoulders, but generally, the big city does get, in cases like this, the short end of it.

I indicated that today. I think these people are aware of the problem, but whether they are willing to say, "Yes, Birmingham, you do have a problem. You have shown your willingness. You have the Jacobs Survey. You had your 43-point program. You increased your budget by nearly \$1.3 million. We are going to support you."

I don't think that attitude exists. It may be in words but not in action.

I appreciate your concern and your listening to me. I have tried to relate to you as visibly as I can, as forcibly as I can, as realistically as I can, what we have done in the city.

This Jacobs Survey, gentlemen, if it could be implemented, is right in line with the most modern police methods that we could conceive

of. We have done part of it to the tune of \$1.2 million, and I want to do more.

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. Mayor, you have presented your case very enthusiastically and effectively. I commend you for it.

I just want to ask one question which I think you can answer yes or no.

As I understand it, you want to increase LEAA's discretionary authority. You are not asking that the share to cities be mandatory to the extent of, say, 50 percent? You are just asking that such amount of funds which might go to the city be discretionary with the administrator of LEAA.

You are not saying that he must distribute 50 percent directly to the cities without going through the State. You have in mind a discretionary and permissive authority, is that correct?

Mayor SEIBELS. I will wrap it up by saying this: I would like to see more money come to the cities through discretionary funds, particularly in those States which are not doing the job. I am not up here now to tell you folks how to run your business. But there are some States that perhaps will take the guidelines that are in force and see that the job is done. There are some that will not.

I don't think that the big city should suffer by the failure of the State in its State Law Enforcement Planning Agency to do the job. I don't think the big cities should. And those States that don't do the job, and I am not saying Alabama will not—though from what I have seen I have some doubts—I don't think the big city should suffer because the State has not carried out its commitments to LEAA. If they can't get on with the job, then please, I ask you, could you give some consideration to the big city in the event that its requests to the State are not met.

I have certainly shown you today our willingness to do our part. I am sure there are other cities all across the Nation that have done this. Right now I am at a point where I have some things coming up.

There is this survey, the priorities, our radio communications system, narcotics—I have a plan and I want to get with it.

I don't think I can get with it if things continue like they are going. That is why I am up here.

Mr. McCLORY. Thank you very much.

The CHAIRMAN. Mr. Poff.

Mr. POFF. If I understand the figures correctly, your application for fiscal year 1970 money is \$1.8 million out of a total for the State of about \$3.5 million.

Mayor SEIBELS. Mr. Poff, this is what my people from the various divisions and bureaus have submitted to me. These are the total requests. For instance, of that \$500,000 is in there for a new jail. We know we can't get all that. These are the total requests.

We have not pared them down. I have them set up in a system of priorities. If there were only \$3.5 million for the whole State, I wouldn't ask for \$1.8 million.

I was saying that my department heads, that is, division heads and bureau heads within our police department, have requested \$1.8 million. This will be pared down.

Mr. POFF. You have not prepared the formal application?

Mayor SEIBELS. This is it right here. All I have to do is pull out certain pages, put it together and off it goes. I didn't have time enough to submit this before I came. I have our priorities set up here.

As I said, this is my plan. It is going to have to be pared down, probably to around \$900,000. But I asked all the bureaus and all the divisions to submit to me their needs. I don't think the State will fill them all. But I have my priorities here.

As soon as I get back to Birmingham next Wednesday, if you care to have it I will mail it to you and show you exactly what we are applying for.

Mr. POFF. Realistically, do you think your minimum request then would be in the neighborhood of \$900,000?

Mayor SEIBELS. I would hate to tell you. If they would come up with a half million I would be delighted or even \$400,000.

Mr. POFF. For fiscal year 1969, I think the State received \$433,840.

Mayor SEIBELS. That is correct.

Mr. POFF. For how much did Birmingham apply in fiscal 1969?

Mayor SEIBELS. Birmingham applied for around \$28,000, if we had gotten the video.

However, the gentleman from Ohio, Mr. McCulloch, pushed the button there a little while ago when he talked about representation.

I am not evading your question. I was of the opinion, and that is why I am here now, that I am more or less taking the bull by the horns. I had thought that more was being applied for than was.

If we had gotten \$28,000 we would have been much closer to a fair percentage than \$22,000.

Mr. POFF. What do you consider your fair percentage?

Mayor SEIBELS. I would consider somewhere between 22 percent, which is the percentage of the crime in Birmingham, and the 10 percent we constitute of the people, so I would say 15 percent or even a little higher would be our fair share.

I can say this to you, Mr. Poff: I did have one of my representatives go and listen at one of these regional meetings. He wasn't invited but I sent him just so he could keep me informed because my representative on the commission had never informed me of anything. He was ex officio.

I don't think anymore than \$25,000 to \$30,000 would have been available from the State. I don't know that, but I just glean that from what I was told. I think this year coming up, the 1970 money, I am going to put in for the maximum that I think we can get.

I doubt we would have gotten more than \$25,000 to \$30,000.

Does that answer you, Mr. Poff?

Mr. POFF. It does answer, but the purpose of my line of questioning is to raise this question: How does it happen that Birmingham failed to make application for what you regard as your fair share for fiscal year 1969?

If, as I understand it, all of the money for which you applied had been granted, it would have been considerably less than the 22 percent which you consider fair.

Mayor SEIBELS. No, I wouldn't say 22 percent. I would say 15 to 20

would be our fair share under the present circumstances. We won't get that by any means.

Let me say this, Mr. Poff, and this is rather hard to explain publicly: We figured we would get between \$20,000 and \$30,000. I don't think we would have gotten anything like \$40,000 or \$45,000. I just know what I am talking about. You just have to accept that.

If those three things had been granted, we would have gotten around \$28,000. I know what you are saying is why didn't you put in for \$45,000?

I had a representative on the regional commission. I just told you, I had no report from him. In the future I will.

Mr. Poff. I am not saying, "Why didn't you ask for \$45,000?" I am asking you why you didn't ask for \$95,000? That would have reflected more nearly the relation between Birmingham's crime rate and the crime rate for the State of Alabama.

Mayor SEIBELS. I know now, sir. I am not leaving it up to others. That is why I am up here myself. I am not trying to do it all, "Let George do it," but in this particular instance I am vitally interested because we have put up the money.

I can assure you gentlemen of this committee that we will apply for the maximum. That is not being unreasonable.

I just told you, we didn't have any regions. The regions were 7 months late in getting established and we really didn't have anybody to go through. It wasn't until December that the region even met, either November or December.

Mr. Poff. Now another line of questions, if I may. I was interested in the fact that throughout the course of your testimony, unlike most mayors who have expressed by letter or otherwise an interest in this legislation, you did not mention the question of police salaries. You do not list them in your assigned priorities and you don't express a need for a future Federal subsidy.

Do you care to address that subject?

Mayor SEIBELS. I certainly will. I serve on the standing Committee of Public Safety of the National League of Cities and I have opposed supplementing salaries with Uncle Sam's money. I fought that in New Orleans in 1968 at the National League of Cities Convention, at the U.S. Conference of Mayors in Pittsburgh in 1969, and then in San Diego at the National League of Cities 1969 meeting. I opposed it all three times.

I am glad you mentioned that.

Mr. Celler, this won't take but a second, but I am delighted I have been asked about that.

If you could look over that 43-point program, here it is: There has been an extensive improvement in the salary of patrolmen and superior officers. The whole police department 6 months ago was upgraded by one step by the civil service board which meant a pay increase.

Incidentally, there had been another increase about 18 months previous.

The number of years for patrolmen to reach maximum pay has been substantially sliced. In other words, it used to be 9 years, then it went to six, then it went to five, now it is up to three, where he can get his maximum pay in 3 years.

Rookies, after 6 months' service, also get a pay increase.

Young policemen, after 5 years on the force, including all benefits, salaries, pension contributions by the city, insurance, including life, automobile, accidental death, Blue Cross, uniform, holster belt and gun, and other benefits, will make just under \$9,200.

That would be, I think, the second best in the whole Southeast.

Mr. Poff. For the benefit of the record—and it would be useful, I think, to all members—could you just sketch briefly your philosophical reasons for opposing Federal subsidies for police-officer salaries?

Mayor SEIBELS. Yes, sir. It looks like you are setting me up, Mr. Poff.

I don't know how these other gentlemen feel, but conceivably a policeman is making, let us say, \$800 a month. He is a patrolman who has been on the force for 3 years. Uncle Sam, by supplementing his salary under a certain bill that you pass costing several billion dollars, has his salary go up from, let us say, \$800 up to \$1,015 per month before taking off for social security and those things.

Now we come along and we have a different administration. We have different people on your committee. There are changes. Then they knock that off.

You know well enough if a fellow is making \$800 and goes to \$1,015 a month and then you come along and knock him down to \$800, there will be some weeping and wailing. I would think the city would certainly have to try to maintain what it has been paying, that is, with Uncle Sam's help.

It would have to find additional money to continue this on although Uncle Sam had gotten out of the picture.

You also have the problem of firemen, of street and sanitation workers, these other departments in the city. Would they be subsidized?

You might say, "The police are so much more important. We would only subsidize them."

I think it is a thoroughly unwarranted subsidization of police. I have shown you how I feel about it. We have had three police increases in the last 5 years in pay. We have upgraded them. Twenty years ago, we started a policeman at \$225 a month. Today, we start him at nearly \$600 a month and then he goes up. We have had this very much in mind.

I would oppose supplementing the pay of policemen by Uncle Sam.

I want to commend the LEAA, the Justice Department, and you people here on the fact that this money coming with the Safe Streets Act apparently has no strings attached, though we do have to meet certain specifications.

But I think if the policeman's salary were supplemented by Uncle Sam, I think you would be opening Pandora's box.

Does that answer your question?

Mr. Poff. That is very responsive.

Mr. Chairman, the witness testified he felt it would be unwise to eliminate a 40 percent or 75 percent "pass through" provision insofar as a State like Alabama is concerned.

There are, of course, different systems in different States. While a State generally may not have primary jurisdiction over most features of the criminal justice system, there are some States, particularly some

of the smaller States, that have statewide jurisdiction of police systems, of correctional systems, of court systems and other features of the criminal justice system.

With respect to those States, and there are only a few in number, wouldn't it be wise to give the Department of Justice, under some formula that would protect other States like Alabama, the power, the discretion, to suspend temporarily, or to waive in whole or in part, the "pass through" requirements, when to pass through would be to pass through money to a nonfunctional entity?

MAYOR SEIBELS. That is a good question.

You are saying when the State doesn't meet its responsibilities in getting this money out, is that what you are asking?

MR. POFF. I am saying that some States have statewide jurisdiction over the correctional system—

MAYOR SEIBELS. That is right, and they can do something about it.

MR. POFF. —and there is no local jurisdiction. No township, county, or city has any jurisdiction whatever with respect to the correctional system. To a lesser extent, this is also true in some States with regard to law enforcement functions.

With respect to those States as distinguished from States like Alabama, isn't it necessary to give operational discretion to the operational unit, namely LEAA, with respect to the pass-through provisions?

MAYOR SEIBELS. I would hope so. This is the point I am making. The city of Birmingham is on its own. I am not trying to change the constitution or the system in Alabama, but Birmingham is on its own.

When I became mayor, I saw we had a shortage in police, not enough pay, not enough this, not enough that, and I tried to do something to help it.

The State didn't help me. The Safe Streets Act of 1968 has given us heart. All I want to see, and this is repetitious, is to see more of this money.

To answer your question, I think when the State does not perform its responsibilities, and we are not trying to hit them over the head with rawhide—

MR. POFF. I am not talking about State responsibility. Some States are so structured by law that localities do not have jurisdiction with respect to correctional system or court systems.

With respect to those few States, isn't it wise to give operational discretion to the operational unit by permitting them to waive or suspend in whole or in part the pass-through provisions?

MAYOR SEIBELS. I would say so.

THE CHAIRMAN. Mr. Mayor, I will have to ask you to be brief because we have two additional witnesses and we have to conclude this morning.

Let your answer be rather brief, please.

MAYOR SEIBELS. I will.

MR. POFF. I understood the answer to the last question to be in the affirmative.

MAYOR SEIBELS. I would just make this closing statement.

I would hope that for the big cities that obviously have been short-circuited, that LEAA would have the latitude, the adaptability, the

adjustability, if you will, to fund more to those that have not received their fair share from the State directly through discretionary funds. Either that or make sure that the guidelines are being carried out and the large cities, where the crime is concentrated, do get their fair share.

But I would certainly prefer automatically an increase in the discretionary, certainly from perhaps 15 up to 35 or 40 percent.

The CHAIRMAN. Thank you very much, Mr. Mayor.

You have been very patient, and very wise in your statements. We will certainly take them into earnest consideration.

Mayor SEIBELS. Thank you.

The CHAIRMAN. Our next witness is Mr. Herbert C. Yost, director, Department of Public Safety, Lancaster, Pa.

STATEMENT OF HERBERT C. YOST, DIRECTOR, DEPARTMENT OF PUBLIC SAFETY, LANCASTER, PA.; ACCOMPANIED BY MRS. NANCY LaCROSSE, SPECIAL ASSISTANT TO MAYOR MONAGHAN FOR FEDERAL AND STATE PROGRAMING; AND WILLIAM HARRAL, ASSISTANT DIRECTOR, PENNSYLVANIA LEAGUE OF CITIES

Mr. Yost. Mr. Chairman, I have with me this morning Mrs. Nancy LaCrosse, a special assistant to Mayor Monaghan for Federal and State programing; and Mr. William Harral, the assistant director of the Pennsylvania League of Cities, whose primary concern is legislative affairs.

It will be difficult to make the points I wanted to make in a summarized capsule.

I think the committee has had this testimony for a few days and I hope they do review it.

The main thrust of my remarks is that in the State of Pennsylvania the action moneys and the planning moneys are administered through regional planning councils.

These have been, as I have substantiated in my testimony, rurally or suburbanly oriented.

The guidelines set down by LEAA in their directive mandating that local consent should be secured before the regional planning council concept would be approved were completely bypassed.

There were statements in the guidelines that said that these must be more than predetermined geographical units. In the State of Pennsylvania there was no local consent. In the 30-member regional planning council of which I am a member, there are only eight members who represent the interest of cities, cities of over 50,000.

There is representation on these committees from associations of chiefs of police, boroughs, sheriffs' offices, health, and welfare agencies and this sort.

I think that whether or not our charge can be substantiated that these councils are rurally oriented must rest with what the record has shown to be the case in the Commonwealth of Pennsylvania.

There were funds distributed under 307(b). These funds were distributed on the basis of previous actual experience with civil disorders, and when actual experience was used the distribution of funds seemed to be quite fair.

However, it is interesting to note that of the total \$619,285 approved in action grants for 1969, \$108,009 was awarded to cities or municipalities with a population of less than 50,000.

There was \$214,956 awarded to county governments, and the remaining \$296,000 was awarded to cities with a population of more than 50,000.

However, of this amount, in excess of \$32,000 was awarded to the city of Pittsburgh, and about \$156,000 was awarded to the city of Philadelphia.

This simply means that the remaining cities in the Commonwealth of Pennsylvania of 50,000 or more population shared \$107,911, and the cities of less than 50,000 received \$98 more in moneys than those of over 50,000.

I think that one other thrust that I would like to make to the committee is that there is a great inequity that exists in the fact that local effort in the area of law enforcement or the lack of it seems to have made little difference in the awarding of these moneys.

I have cited in my testimony certain figures that show that many townships, many boroughs, have received grants that, in my opinion, deserve no Federal help.

I cite some examples of a combination of Burgettstown Borough, Hanover, Jefferson, and Smith townships in Washington County received a grant of \$35,000 to construct a regional police lockup.

This lockup was built to serve a population of 12,430 people who had an average contribution to law enforcement of \$2.84 per capita. That wasn't bad enough; \$9.10 per capita was in Burgettstown Borough, \$3.84 per capita in Hanover, 66 cents per capita in Smith Township, and no expenditures whatever for law enforcement in Jefferson Township.

I cited many other examples in my testimony of exactly what happened. These contributions of people who received grants run anywhere from zero dollars up to \$9 or \$10.

I would just like to contrast the commitment of some of the above-mentioned counties with the contribution made by cities of our size.

Lancaster, Pa., had a \$14.32 per capita contribution; Williamsport, \$12.64; Allentown, \$13.15; York, \$14.33; the city of Pittsburgh, \$26.88.

One other point I would like to make is that along with other LEAA guidelines there was a directive that these cities having model cities agencies be given representation from the model cities agency on the planning council.

Again, in the Commonwealth of Pennsylvania, although this was called to their attention, it was completely ignored.

If I may presume upon the time of the committee, I would like to present the suggestions that I make.

The CHAIRMAN. Before you leave that issue I would like to call your attention to some of the testimony given by the Governor of your State. I had to read to him your communication to the committee, which, in part, read as follows:

I have compiled statistics showing the distribution of Safe Streets money in Pennsylvania which show that the money in this State, at least at the present time, is not meeting the needs of the citizens of our population class.

Furthermore, as a member of the Regional Planning Council in the administration of the Safe Streets Act in this Commonwealth I have become aware that the decision-making process that relates to policies, funding, and membership of councils, and for forth, is not, in my opinion, in accordance with either the letter or the spirit of the Act.

I asked the Governor if he would care to comment on that and the Governor said:

I can't think of anything that would be more contrary to the fact than that particular statement. This gentleman is on our regional planning council. He serves with other members, and even other members on his own council disagree with him.

Would you care to comment further?

Mr. Yost. My only comment is that I am sure they do. As I stated, in our own regional planning council of 30 members, there are only eight who represent the interests of cities.

I might further explain that through the efforts of the eight, the regional planning council set for themselves five or six guidelines in awarding distribution of action moneys.

At the very first meeting, because of the pressures brought to bear by the Commonwealth to get this money out, every one of the five guidelines that the council adopted for itself was broken.

We had set guidelines, some of which I am suggesting to you, Mr. Chairman, that no moneys be allocated for equipment that had a life expectancy of less than 5 years. It was the feeling of many of us from the cities that if this is going to be a meaningful use of Federal funds, certainly any equipment bought should last at least for that period of time.

We set guidelines that we would limit the amount that we were paying for salaries. I agree with the mayor of Birmingham. I, too, am opposed to subsidizing any types of police salaries.

We set limitations on substantial local commitments.

The CHAIRMAN. I also asked Governor Shafer the following question, "What about the charge that the system is dominated by rural members?"

The Governor said:

That is not right. We have five members, two of whom come from Philadelphia, the third from Erie, the fourth from Wilkes-Barre, which is our fifth largest city. So anybody who says it is dominated by rural interests just isn't telling the truth.

Mr. Yost. Mr. Chairman, I think that the Governor is referring to the crime commission which administers at the State level.

I am referring to the regional planning councils who really ultimately make the recommendation for the funding.

Mr. CHAIRMAN. I see.

Mr. Yost. I think that some recognition must be given to prior local contribution in the area of law enforcement and criminal justice.

A city that is currently making an annual contribution of from \$10 to \$20 per capita should not be forced to compete for funds with cities making a contribution of nothing, 66 cents, \$1.37, \$1.55 or \$2.65 per capita.

These meager contributions in the area of law enforcement do not represent, at least in Pennsylvania, an inability to pay. Rather, they represent an unwillingness, either on the part of local government

officials or their constituents, to face their responsibilities in the area of law enforcement.

Mr. McCLORY. Do local governments exact these low tax rates in the face of high crime rates, or is it the fact that the larger cities have much higher crime rates that require a much higher tax rate? Do the smaller cities have a relatively low crime rate, thus allowing a relatively low tax rate?

Mr. YOST. I take the position that if a community has a crime problem, then they are spending money, and these communities do not, apparently, have a crime problem or they would be having some sort of a substantial local commitment.

Mr. McCLORY. So the tax rates do fluctuate with the crime rate?

Mr. YOST. Yes.

The city taxpayer who is faced with constantly increasing taxes and a constantly diminishing tax base, deserves better treatment from the Federal Government.

In order to assure long-range benefits and not just transitory help, any equipment purchased with Federal funds should have a life expectancy of more than 5 years.

This would, I think, eliminate the constant requests from smaller municipalities for that first motorcycle, first cruiser, uniforms, and so forth.

Federal assistance in these areas has no effect on the long-range problems of law enforcement.

I suggest that definite limitations be placed on the amount of money allocated to pay salaries for new personnel.

The allocation of money this year by LEAA is no insurance that, in ensuing years, local government will be willing to allocate the funds necessary to continue those programs initiated with safe streets funds.

I feel that it is absolutely essential that some sort of substantial monetary incentive be given to those communities taking steps toward consolidation of law enforcement activities.

Every community, large or small, needs adequate full-time police protection. However, not every community can afford to provide individual, fully staffed, and trained police departments. Efforts toward consolidation must be made.

The Federal Government, with the moneys provide by the Safe Streets Act, is in a position to bring about this consolidation, and it should use every possible means to do so.

Mr. ZELENKO. How can the Federal Government seek to bring about consolidation?

Mr. YOST. First of all, anyone showing cooperation, I think, in a given area should get priorities on action funds.

Mr. ZELENKO. How would that be determined? Would LEAA guidelines direct the States to give such priorities?

Mr. YOST. I would suggest this would be a logical solution. We constantly see, and the record will show, that rather than encouraging this the allocation of funds to these small communities has, in fact, aided the proliferation of law enforcement agencies. It has done nothing to reduce the numbers that we have.

Mr. McCLORY. May I ask this question: Isn't it a fact that States promote and encourage regional cooperation, particularly in law enforcement? That has been my experience as a member of the Illinois State Legislature. Illinois has created and implemented a regional program which has had for its aim the consolidation of public services, including a very sophisticated coordination of police and law enforcement activities.

Isn't the State capable of doing this job, or do we have to say this is something we must turn over to a bureau in the Federal Government?

Mr. YOST. Mr. McClory, I think that the State is capable.

This is one of the reasons that I personally like the provision in the Hartke bill that is suggested, where a contribution on the part of the State will increase that State's share.

So far, in Pennsylvania, my experience has been that the efforts toward consolidation have been mostly lip service. Many communities can be encouraged to do something, but I think it is the dollars that are involved that are going to bring it about.

The CHAIRMAN. Mr. Zelenko.

Mr. ZELENKO. Mr. Yost, on page 4 of your statement, you declare:

At no time were we on the South Central Regional Planning Council consulted in the formulation of the 1970 comprehensive plan.

I gather that refers to the State plan. Your statement continues:

"The statute under which we operate, section 303, provides that each plan shall adequately take into account the needs and requests of units of local government in the State," and so forth. Is it the purport of your statement that the plan submitted by the State of Pennsylvania violates that statutory requirement?

Mr. YOST. I said in the statement and I repeat for the committee, that the Region 3 Planning Council was the first in the State to get organized.

We held extensive hearings that ran over months. We called in judges, probation officers. Many, many hours were devoted by members of the committee. A transcript was made of that testimony. However, in the drawing up of the State plan, I, as a member of the planning council, do not at this point know what is in the State plan. None of us as a body have been consulted, to my knowledge. Maybe individuals have but not as a body.

The members from my community, and I am talking about those surrounding our community, have not been consulted.

Maybe the transcript was used. It just so happens that the head of the planning section of the crime commission also was the executive director of our region, so he may have been using the transcript. But we were not consulted.

Mr. ZELENKO. Has the Pennsylvania State plan been submitted to the LEAA?

Mr. YOST. I don't know the status of the State plan in Pennsylvania.

Mr. ZELENKO. To what degree, if any, did LEAA ascertain whether your region was consulted in the development of the 1969 plan?

Mr. YOST. Not that I know of at all. I don't know.

Mr. ZELENKO. Have you given notice to the LEAA of any of the objections that you recite to the committee today?

Mr. YOST. Yes. In my initial letter to Congressman Eshleman, he forwarded the letter, I think, to the chairman of this committee. This was the letter I wrote back in April of last year. I have been in contact and did receive response.

The CHAIRMAN. Is that when you wrote to Senator Scott?

Mr. YOST. Yes. He is aware of the situation in Pennsylvania.

The CHAIRMAN. That is not a letter to the LEAA, though.

Mr. YOST. No, but Congressman Eshleman sent a copy of my letter to you to Mr. Rogovin.

Mr. ZELENKO. To what degree, Mr. Yost, if any, does LEAA monitor the operations of the State program in your State?

Mr. YOST. I don't know. This is one of the things I touch on later on. I think there has to be a more thorough monitoring.

Mr. ZELENKO. You have suggested in your statement that under the operations of the plan in Pennsylvania, the State, itself, has not abided by the standards set forth in that plan. You state that money has been spent contrary to the principles enunciated in the plan, but you don't have any information as to what degree the LEAA is aware of that fact?

Mr. YOST. I know that if they weren't before, they certainly are now because the same situation was brought to light at the National League of Cities recently concluded congressional conference at the Washington Hilton.

Representatives from LEAA were there. The things I am citing in this report are not the exception throughout the country; they are the rule.

Mr. POLK. May I address myself to this point, Mr. Zelenko?

Mr. YOST, is it not a fact that the Pennsylvania Comprehensive State Plan is not due to be submitted until April 15?

Mr. YOST. There is a deadline of April 15.

Mr. POLK. Is it not also a fact that region 3 is scheduled to have a meeting on April 7 to make its recommendations?

Mr. YOST. No, sir.

Mr. POLK. You are not aware of that fact?

Mr. YOST. My understanding is that the purpose of the meeting is to review the next go-round of applications.

Mr. POLK. What do you mean by "the next go-round of applications?"

Mr. YOST. In our regional planning council we establish for ourselves certain deadlines by which time applications for action funds can be received.

We meet every 2 months to review these applications. The April 5 meeting, so far as I know, was called for just that purpose.

Mr. POLK. But you were not informed that representatives of the State planning commission will be at this April 7 meeting?

Mr. YOST. I am not aware of that. It would be refreshing if they were. I am sure, though, from the date of April 7 to April 15 any positive suggestions we have in altering a State plan will be very difficult to implement in the 7-day period.

The CHAIRMAN. So your powers in that regard are almost nil?

Mr. YOST. Yes. Mr. Chairman, I might observe, too, that if this is the purpose of the meeting, perhaps it is coincidental with the fact that

Pennsylvania does know that there are some very unhappy local communities.

The CHAIRMAN. In other words, in order to stifle the complaints a meeting date has been set which is almost too late to permit any corrections or changes in the plan to account for complaints.

Mr. Yost. I can only surmise in my own mind, and I am speaking for myself, that this meeting has something to do with the fact that the Governor was here.

Mr. McCLORY. Mr. Yost, as I understand the position of the National League of Cities, it is not concerned so much with the large cities which appear to have been taken care of, or at least recognized fairly adequately, but their complaints seem to be directed more toward the medium-size cities and the smaller cities.

If the medium-size and smaller cities are permitted to go directly to the LEAA without going through the State planning agency, how is this going to encourage the kind of coordination and cooperation you need?

Won't you have individual cities receiving funds, with a proliferation of individual city operations instead of a comprehensive State plan coordinated through the State agency?

Mr. Yost. We have had some experience in our community with Federal programing where we had direct grants and we have been monumentally successful in them.

We have been very happy with our relationship with the Federal Government. In the plans that I have observed in the past, and I can pick out one very obvious one, the Highway Safety Act, which is administered as a block grant program, I spent a year and a half trying to get applications from the bureau that was set up to handle the administration of the Highway Safety Act.

I finally got the applications from the Health Department of the Commonwealth. This is the way these block grants-in-aid come down to the local communities.

I think the big reason so much of these moneys were expended in local communities up until this time is the lag time taken to establish this third level of bureaucracy and then the pressure put upon them, I don't know whether by LEAA or someone, to get these moneys out.

If you don't get them out they are going to lapse or Congress will view dimly increasing appropriations next year.

Mr. McCLORY. Because of your experience with another program or programs, you are generally opposed to the bloc grant principle, I would judge?

Mr. Yost. I am not against getting money in any way it comes, Mr. McClory, but I prefer a direct grant system.

Mr. McCLORY. You would prefer the categorical grant principle to the bloc grant principle?

Mr. Yost. Yes, sir; I would.

Mr. McCLORY. Are you, yourself, affiliated with the National League of Cities?

Mr. Yost. No, sir; just as a member city. Our city is a member city.

The CHAIRMAN. Mr. Yost, in Pennsylvania there are a number of regional planning commissions. How many are there?

Mr. Yost. There are eight, sir.

The CHAIRMAN. And you also have a State crime bureau?

Mr. YOST. A crime commission. There is a crime commission which is the agency that administers the act.

The CHAIRMAN. How many members serve on the crime commission?

Mr. YOST. I think there are five members on the crime commission. Then they have a 40-member advisory council.

The CHAIRMAN. How many members serve on the planning commissions? You say there are eight planning commissions, what is the number of members?

Mr. YOST. It varies. It started out being 24 in our region. Since many other people wanted to be represented, it is now up to 30.

The CHAIRMAN. And there are eight of those?

Mr. YOST. Only eight represent the direct interest of cities.

The CHAIRMAN. What is the total population of all these—

Mr. YOST. I misunderstood your question.

There are eight planning councils; yes.

The CHAIRMAN. And in each planning council there are how many members?

Mr. YOST. Anywhere from 24 members up. Ours has about 30.

The CHAIRMAN. What would be the total population, if I may put it this way, of all the regional planning commissions, plus the crime bureau?

Mr. YOST. I can only assume that 200 might be a fair figure. I don't know the exact membership.

The CHAIRMAN. That is a rather huge bureaucracy, isn't it?

Mr. YOST. Yes, sir; it is. I might add, too, sir, that in some of these regions that have this 24-member council there are no cities of over 50,000 population.

The CHAIRMAN. Are any of these individuals who serve as members paid?

Mr. YOST. No, sir. They have paid staff, but the members of the planning councils are not paid.

The CHAIRMAN. How many persons are there on the various staffs? Just roughly.

Mr. YOST. They are rather small. I am trying to think of the number on the staff of our local planning commission. I would say there are possibly six to eight people at a maximum.

The CHAIRMAN. Who arranges for the appointment for all the members of these entities?

Mr. YOST. They are all gubernatorial appointments, sir. The Governor does.

The CHAIRMAN. What is the tenure of their office?

Mr. YOST. There is no term designated. At least, there was no term designated in my appointment. I serve at the pleasure of the Governor.

The CHAIRMAN. They all hold office at the pleasure of the Governor?

Mr. YOST. That is right.

The CHAIRMAN. Have you any idea how many Democrats and how many Republicans are on these?

Mr. YOST. I have no idea.

The CHAIRMAN. Is there a preponderant membership of a particular party in these groups?

Mr. YOST. I have never checked their registration, I wouldn't know. I would suggest it may be evenly balanced. I don't know, sir.

Mr. ZELENKO. I gather that the advisory commission to the State crime commission which has approximately 40 members, and the State crime commission itself are the final arbiters in the State as to how the funds will be allocated?

How large is the staff of that commission?

Mr. YOST. I don't know. I couldn't tell you.

Mr. ZELENKO. But they do have the final say as to the distribution of funds in Pennsylvania?

Mr. YOST. Yes. Let me cite an example: There were two applications which came before region 3 planning council which we recommended denying. One was for a little community that wanted to tie into a radio service that wanted funding. They had police service, I think, about 6 hours a day.

We felt it was unfounded.

The second application was for a county to hire an additional probation officer.

We knew from the testimony that the caseload in that particular county was lower than it was in the other seven counties.

So we disapproved the application. Both the applications were returned to us by the crime commission with instructions to reconsider.

Mr. McCLORY. Could I ask this: Where there applications for probation officers for these other areas?

Mr. YOST. No, sir; there were not.

Mr. McCLORY. So you didn't approve the only one that was before you.

Mr. YOST. Let me expand and tell you why, sir.

Mr. McCLORY. You felt other areas needed them more. But they had not applied.

Mr. YOST. The reason they had not applied is for the same reason that Lancaster County did not apply. We had established certain guidelines. One of the guidelines for ourselves was that because of the limited funds this year we would try to hold funds for salaries to a very low level, so that, consequently, practically every community abided by this, at least the larger cities abided by it.

The others chose to ignore it.

Mr. McCLORY. Has the city of Lancaster applied for any grants which have been turned down?

Mr. YOST. No, sir; they have not.

Mr. McCLORY. The State has not turned down the city of Lancaster on anything?

Mr. YOST. No, sir.

The CHAIRMAN. You don't have to answer this question if you don't want to.

Would you say that there are politics involved in this whole operation in the State of Pennsylvania?

Mr. YOST. I would be very unrealistic, Mr. Chairman, to say that politics were not involved. I have been trying to find out and have been unable to find out how the members of the local planning councils were picked.

My mayor was not consulted. His police chief was on it. His community relations officer of our police department was on the planning council. He was never consulted as to whether or not they should serve.

I happen to be on the planning council at my mayor's insistence through an exchange of about six letters, and a final call to the Governor's office which apparently they could no longer ignore. That is why I am on it.

The CHAIRMAN. Is the mayor of Lancaster a Democrat?

Mr. YOST. Yes, sir; he is.

The CHAIRMAN. Do you think that is the reason?

Mr. YOST. He was originally appointed to the planning council, sir.

Mr. McCLORY. You are not stating, are you, that any meritorious applications which are sent to the State planning commission are turned down because of the politics of the individual?

Mr. YOST. No, sir; I am not. No, sir. I am complaining, I guess, that too many applications are being approved.

Mr. POLK. Mr. Yost, a while ago you referred to the bureaucracy which exists at the State level.

Do you believe that if the Hartke-Bingham amendment were adopted this bureaucracy at the State level would diminish?

Mr. YOST. No, but I heard yesterday for the first time of Mr. Cowger's amendment.

I think this would diminish that bureaucracy beautifully.

Mr. POLK. I take it you prefer the Cowger bill to the Hartke-Bingham bill?

Mr. YOST. Yes, sir; I do.

Mr. POLK. If the Hartke-Bingham amendment were adopted, do you feel the bureaucracy in Washington would increase because it would be necessary to have more people employed to process the applications?

Mr. YOST. Probably.

Mr. POLK. Thank you very much.

Mr. CHAIRMAN. Mr. Kastenmeier.

Mr. KASTENMEIER. I want to commend the witness for an excellent and highly informative statement.

Mr. Yost, what is your understanding of the Cowger amendment? What would it do?

Mr. YOST. My understanding, sir, is that this was a formula where all Safe Streets money allocated to law enforcement would be granted directly to cities of over 50,000 on a population basis.

I would only like to be presumptuous enough to improve upon that a bit by tying into that some formula that takes into consideration local effort, prior local effort.

Mr. KASTENMEIER. I notice Mr. Cowger has introduced two separate bills relating generally to the subject.

I wondered which of his approaches you found merit in.

Mr. YOST. The approach that gives the direct grant to cities of over 50,000 on the basis of population.

As I say, I would like to introduce into that the factor of prior effort.

Mr. POLK. Mr. Yost, one important feature of this Cowger proposal is that it allows for long-term funding of various projects; isn't that so?

Mr. Yost. I am not completely familiar. I just heard a briefing by Mr. Cowger yesterday on the bill. I like it for this reason: It is infinitely more difficult to do proper planning when you have a fairly sophisticated police department.

For the benefit of those of you who are not from Pennsylvania, the city of Lancaster has one of the finest police departments in the State. We have made contributions to law enforcement, and substantial ones.

I have gone through the experience of sitting down in the regional planning council and awarding \$15,000 or \$20,000 for a communications system that we had bought the previous year or had contracted for, for which we got no help.

In fact, in one case we hadn't even signed the contract but we had bids for it and were told that we were ineligible because we already had embarked on the project before the Safe Streets money became available.

We are now undergoing a study under a \$9,800 planning grant from the State to establish a metropolitan recordkeeping system, not just for Lancaster but for nine surrounding municipalities.

It will take about 6 months to complete that study. But at the end of 6 months we will be ready to spend a substantial amount of money and we will need it. We will need it for data processing equipment, to add something to our own data processing.

We will need it for new record storage facilities, possibly another radio console.

I very much fear that unless there is a provision made to reserve funds for us to do with as we see fit, by the time we get around to the end of the 6-month period we will find action money for 1970 is gone.

It doesn't take much expertise to make an application for your first radio. It is merely a matter of filling out four forms on a safe streets grant. That is not proper planning and not proper use of Federal funds, in my opinion.

Mr. Polk. Is your point, then, that the short-term outlook of the present law promotes the submission of "shopping lists" and "hardware" requests rather than the adoption of projects such as those you have outlined?

Mr. Yost. Yes.

Mr. Polk. Thank you.

The CHAIRMAN. Thank you very much, Mr. Yost, we appreciate your coming here. You have given very valuable testimony.

Mr. Yost. I thank the committee for the privilege of appearing.

(The text of Mr. Yost's prepared statement follows:)

STATEMENT OF HERBERT C. YOST, DIRECTOR, DEPARTMENT OF PUBLIC SAFETY, CITY OF LANCASTER, PA.

Mr. Chairman, Members of the Committee, I am Herbert C. Yost, Director of the Department of Public Safety for the City of Lancaster, Pennsylvania. I am also privileged to be a member of the Pennsylvania Crime Commission's South-central Regional Planning Council. These Planning Councils were established by the Commonwealth of Pennsylvania for the purpose of planning and making recommendations on applications for grants under the "Omnibus Crime Control and Safe Streets Act of 1968".

By way of background information, let me state that Lancaster is a community with a population of about 61,000 people. Our City is one of three cities

with over 50,000 population in the eight county area encompassed by our Regional Planning Council.

On April 1, 1969, I wrote a letter (Exhibit A) to Senators Hugh Scott and Richard S. Schweiker and to Congressman Edwin D. Eshleman, in which I expressed concern over developments in Pennsylvania's plans to administer the Safe Streets Act. One year later some of my concerns have proven to be very well founded and additional problems have come to light. I appreciate the opportunity to appear before this Committee to share with you some of my current concerns.

The statements that I am about to make are based only on my experience in the Commonwealth of Pennsylvania and, in particular, in the Southcentral Region. However, I feel, after consultation and correspondence that these conditions, or similar ones, exist in most of the fifty states.

My concern could probably be summarized by stating that I feel that the moneys appropriated under the Safe Streets Act are not going to the areas where the fight against crime must be waged most relentlessly—in our cities. I am particularly concerned that the small to medium size cities, 50,000 to 250,000, are being most neglected in every phase of the program.

Let me first of all talk about the planning process.

Under the date of April 5, 1969, the Law Enforcement Assistance Administration issued Memorandum No. 12 (Exhibit B) to State Planning Agency Directors. On Page 3, Section (a), "Character of Local Planning Units", the document states:

"LEAA has assumed, however, that any "combinations" organized to receive Title I planning funds would have some pre-existing or new base of local consent. It is particularly important, where new regions have been established by States or where pre-existing regions constituted for federal aid programs not directly related to crime control have been used as local grantees, *that efforts be made to obtain and document acceptability by the local governments concerned.*"

The same Subsection states that:

"Present planning arrangements will not be disrupted, but States should recognize that regional combinations must be more than state imposed geographic units and need to enjoy a base of local unit acceptability or representation."

The second paragraph of Subsection (b), "Character of Regional Planning", on the same page states that:

"Such groups have generally included a strong complement of law enforcement functionaries, but LEAA wishes to stress the equally important need to provide substantial involvement of elected local officials and afford special recognition in selecting members for the heavy crime incidence and law enforcement costs of center cities and urban counties."

In Pennsylvania, none of these guidelines were met.

First of all, the Regional Planning Councils established under this Act were the already existing human service areas used by the State Government for other purposes. There was no attempt at any time to gain any "local consent" for the establishment of these areas.

Secondly; members of the Regional Planning Councils were gubernatorial appointments. Local elected officials were not consulted in their selection, nor were they given the opportunity to select the representative of their own municipality. In the case of the City of Lancaster, for instance: the Chief of Police and the Community Relations Officer of the Bureau of Police were appointed without the knowledge of Mayor Monaghan. Although the Mayor was most happy with the appointments, he would have been consulted had the act been administered in line with LEAA's directive.

Let us for a moment look at the composition of the membership of the Southcentral Regional Planning Council, (Exhibit C). There are presently thirty members on this Council. Of this number only nine may be said to truly represent the interests of cities. The other twenty-one members represent county governments, county-wide health and welfare agencies, county-wide public defender staffs, etc. Therein, we substantiate our charge that regional planning Councils, with the exception of the Council representing only the City of Philadelphia and the Council representing Allegheny County, are rurally or suburbanly oriented. Although many of the members of these Councils have mailing or business addresses within the urban area, either their place of residence is outside the urban area or their professional area-of-responsibility is not restricted to the urban area.

Let us look now at the membership of the Crime Commission Advisory Board. The Crime Commission Advisory Board under the Pennsylvania plan "will be composed of forty members, broadly represented of state and local governments as well as state and local representatives of police, courts and correction systems and local private agencies and citizens advisory groups interested in criminal justice problems."

Some of its duties under the Pennsylvania Comprehensive Plan would be to: 1) advise the Crime Commission members concerning all Federally aided programs administered by the Crime Commission; 2) help establish, with the Crime Commission members, goals and priorities regarding the distribution of Federal grant monies and to determine the allocation of Federal grant monies.

Of the forty member Advisory Council, the members in our Region are listed in Exhibit D. None of these individuals directly represent the interest of cities.

Further let me state that although Region III conducted extensive hearings in the period between formulation of the State Comprehensive Plan for 1969 and the submission of the current plan for 1970, at no time were we on the Southcentral Regional Planning Council consulted in the formulation of the 1970 Comprehensive Plan. I believe it's fair to state that we were probably the only Region in the State that held months of hearings in depth, covering all aspects of the criminal justice system. The transcripts of these hearings might very well have been used in developing the plan, but our Planning Council, as a body, was never consulted.

It is only fair to question, at this point, whether or not the Commonwealth's planning procedures resulted in inequities in action money allocation. I think the best evidence in this area is the record itself. I have attached a chart (Exhibit E) which covers the State's appropriation under 307 B for control of civil disorders and a chart (Exhibit F) which lists the action grants awarded in 1969.

Those funds awarded under 307 B were awarded to those communities which showed actual experience with civil disorders. The record shows that when the awards were made on the basis of experience, \$33,591.75 was awarded to communities with a population of less than 50,000 people. Counties were awarded \$8,087.25, cities with a population of 50,000 or more were awarded \$144,875.00 and the State Government was given \$53,970.00. This seems to be a fair distribution of resources.

However, it is interesting to note that of the total \$619,285.00 approved in action grants for 1969, \$108,009.00 was awarded to cities or municipalities with a population of less than 50,000. There was \$214,956.00 awarded to county governments and the remaining \$296,320.00 was awarded to cities with a population of more than 50,000. However, of this amount, \$32,286.00 was awarded to the City of Pittsburgh and \$156,123.00 was awarded to the City of Philadelphia. This means simply that the remaining cities of 50,000 or more population shared \$107,911.00, or \$98.00 less than cities or municipalities with a population of less than 50,000. I submit that the record speaks for itself.

Another inequity which seems to exist, at least in the Commonwealth of Pennsylvania, is the fact that local effort in the area of law enforcement, or the lack of it, seems to have made little difference in the awarding of action grants. I have enclosed a list (Exhibit G) which shows expenditures for police protection in selected Pennsylvania taxing jurisdictions for the year 1968, all of which received grants. This list was compiled by the Pennsylvania Economy League at my request, using as a source the municipal financial reports for 1968 as filed with the Pennsylvania Department of Community Affairs. This list shows that in 1968 the City of Lancaster had a per capita expenditure of \$14.32. It further shows that some of the communities receiving grants had local contributions in the area of law enforcement ranging from 0 in Jefferson Township in 1968 to a high of \$12.64 in the selected municipalities. Let me cite some examples. A combination of Burgettstown Borough and Hanover, Jefferson and Smith Townships in Washington County received a grant of \$35,000.00 to construct a regional police lock-up. This lock-up was built to serve a population of 12,430 people who were making an average contribution to law enforcement of \$2.84 per capita—\$9.10 per capita in Burgettstown Borough, \$3.84 per capita in Hanover Township, \$.66 per capita in Smith Township and no expenditures in Jefferson Township.

Potter County, in the Northwest Region, received a grant in the amount of \$22,386.00 for a population of 16,483 people making a per capita expenditure of \$1.55. This money was to be used for the purchase of stationery, mobile and portable radio equipment and to construct an antenna tower.

The Borough of Youngsville in Warren County with a population of 14,505 people and a per capita expenditure of \$1.30, received a grant in the amount of \$6,701.00 for the purchase of equipment, a dog for police and for training of police officers.

Portersville Borough with a population of 344 people and a per capita expenditure of \$2.57, received a \$1,050.00 grant to train a special police unit to cope with problems presented by a new State Park.

Tioga County with a population of 36,614 people and a per capita expenditure of \$2.65, received a grant of \$2,405.00 to purchase radio equipment to enable all County Police to be in contact with police across the State border in New York.

Carroll Township in Washington County with a population of 6,205 people and a per capita expenditure of \$2.53, received a grant of \$1,017.00 for the purchase of a police car and radio. So much for the record.

It is abundantly clear that in the granting of funds, no recognition is given to the present commitment of the community making the application.

Contrast the commitment of some of the above mentioned counties with the commitment made by the following cities in the same year, 1968: Lancaster—\$14.32 per capita, Williamsport—\$12.64 per capita, Allentown—\$13.15 per capita, York—\$14.33 per capita, Reading—\$12.71 per capita, Chester—\$15.78 per capita, Erie—\$13.42 per capita, Harrisburg—\$17.57 per capita and Pittsburgh—\$26.88 per capita.

I might add for the Committee's information that Pennsylvania is divided into eight Regional Planning Councils. One for each of the six human service areas, and an additional Council for Allegheny County and one for the City of Philadelphia. Region I has six municipalities of over 50,000 in population, Region II has five municipalities of over 50,000 in population, Region III has three such municipalities, Region IV has one, Region V has no municipalities of over 50,000 in population and Region VI has one municipality in this category. We have recently been advised that the distribution of action monies for 1970 for Regions III, IV, V and VI will be equal. Some of these Regions literally have millions more trees than they do people!

I am attaching a letter and a directive (Exhibit II) from the Department of Housing and Urban Development to the Honorable Thomas J. Monaghan, Mayor of the City of Lancaster. This memorandum spells out certain cooperative efforts which should take place between Model Cities Agencies and State Planning Agencies for LEAA funds. It suggests that the State Planning Agencies take four actions. They are as follows:

1. An appropriate representative from a local City Demonstration Agency should be included, whenever possible, in the membership of the State Planning Agency's Supervisory Board and of regional or local planning groups established for the Omnibus Crime Control program.

2. The State Planning Agency should include City Demonstration Agencies in its program to provide consultation and technical assistance to local groups participating in the formulation of the Comprehensive State Plan.

3. The State Planning Agency and its local or regional planning groups should give consideration to the possible inclusion of Model Cities crime and delinquency components as a part of the Comprehensive State Plan.

4. The State Planning Agency should forward a copy of the crime and delinquency component of the Model Cities plan to the Law Enforcement Assistance Administration indicating the degree to which its proposals are included in the State plan.

Lancaster does have a Model Cities area, and, although this memorandum was called to the attention of the members of the Crime Commission, there has been no action taken to implement any of the four suggestions made.

I think the record clearly shows that the theory of distributing funds by Region and the present composition of the Advisory Councils and Planning Councils imposes a strong disadvantage on the larger urban areas and substantiates the charge that the money is not going to the areas in which the greatest concentration of crime exists. It was my concern, initially, that these monies would be used as a substitute for local commitment, and the record shows this to now be the case in many areas.

I think it must be perfectly clear to the members of this Committee, by this time, that I heartily favor amendments to this Act which will insure our larger urban areas a fair share of Federal expenditures. I am of the personal opinion that direct grants to cities or municipalities of over 50,000 people is a better

method. However, if Congress persists in making block grants to states with mandated pass-through of funds, I think certain remedies must be taken, and I list them not necessarily in the order of their importance:

1. Some recognition must be given to prior local contribution in the area of law enforcement and criminal justice. A city that is currently making an annual contribution of from \$10.00 to \$20.00 per capita should not be forced to compete for funds with cities making a contribution of nothing, \$.66, \$1.87, \$1.55 or \$2.65 per capita. These meager contributions in the area of law enforcement do not represent, at least in Pennsylvania, an inability to pay. Rather they represent an unwillingness, either on the part of local government officials or their constituents, to face their responsibilities in the area of law enforcement. The city taxpayer who is faced with constantly increasing taxes and a constantly diminishing tax base, deserves better treatment from the Federal Government.

2. In order to assure long range benefits and not just transitory help, any equipment purchased with Federal funds should have a life expectancy of more than 5 years. This would, I think, eliminate the constant request from smaller municipalities for that first motorcycle, first cruiser, uniforms, etc. Federal assistance in these areas have no effect on the long range problems of law enforcement.

3. I suggest that definite limitations be placed on the amount of money allocated to pay salaries for new personnel. The allocation of money this year by LEAA is no insurance that, in ensuing years, local government will be willing to allocate the funds necessary to continue those programs initiated with Safe Streets funds.

4. I feel that it is absolutely essential that some sort of substantial monetary incentive be given to those communities taking steps toward consolidation of law enforcement activities. Every community, large or small, needs adequate full-time police protection. However, not every community can afford to provide individual fully staffed and trained police departments. Efforts toward consolidation must be made. The Federal Government, with the monies provided by the Safe Streets Act, is in a position to bring about this consolidation, and it should use every possible means to do so.

5. The Federal Government must recognize the fact that the more advanced and sophisticated a law enforcement agency becomes, the more it recognizes the necessity of adequate planning prior to embarking on any program. There must, therefore, be some provisions for the reservation of funds for those communities undertaking proper planning prior to the execution of action programs. I greatly fear that many of the programs funded with 1969 funds and those to be funded with 1970 funds, are funded only because of the pressures being brought to bear by LEAA and, through them, by the states on Regional Councils or local governments to use these funds before they lapse. It really does not take much planning to decide that you need a police cruiser or a communications system when you have none. It is a far more complicated venture to install a completely new record system or a data processing system for an established police department. The lag-time for the conception of the study until execution of the project for the record system is far greater than the time needed to merely fill out an application for a Safe Streets grant.

6. I have visited several other police jurisdictions throughout the east coast, and I have seen some of the uses and misuses made of Safe Streets money. I heartily encourage the Federal Government and the States to more thoroughly review applications when submitted, to establish real needs. I fear that some communities have received awards for their expertise in "grantsmanship" rather than on the actual need of the area involved.

The statements I have made, and the positions I have taken have been cleared with the Legislative Affairs Committee of the Pennsylvania League of Cities. I have been insured by them that these statements do fairly represent League policy on this subject.

In conclusion, let me thank this committee for the opportunity to appear and present my views. All cities face the same problems. The only difference is the degree of their severity. I urge the members of this Committee and Congress not to forget the many small and medium-size cities, and at the same time to remember that the title given this legislation was the "Omnibus Crime Bill and Safe Streets Act". At no time has it been referred to as a "Safe Roads Act".

Thank you.

(Exhibit A)

APRIL 1, 1969.

Hon. HUGH D. SCOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SCOTT: I am writing at the suggestion of Mayor Monaghan to express to you some experiences and disappointments we have had with regard to the administration of the Omnibus Criminal Justice and Crime Control Act of 1968 in the Commonwealth of Pennsylvania.

I understand that during the debate prior to passage of this legislation, many people, particularly the National League of Cities and the State Municipal Leagues, supported making these funds available directly to the local municipalities rather than making the funds available to the states with a mandatory pass-through for local governments.

Here in Pennsylvania, we find that although the Act mandates that our share of the 19 million dollars of planning money for fiscal year 1969 be allocated 40% to local units, no funds have been allocated to local units but have been used instead to create and staff Regional Planning Units. These Regional Planning Units are to be composed of from 20 to 25 members. Each planning unit is to include in its membership one representative of each local municipality with a population of more than 50,000 persons. This is the only guarantee of representation of the cities on this Regional Planning Council. I am very much afraid that in this area we will experience domination of the councils by those persons from outside the cities. This in my opinion is directly contrary to the intent of the Act. I feel that a mandatory pass-through of 40% of planning funds to local governments means just that, and that the establishment of any regional units, the State feels necessary, should be financed with the State's share of the funds.

I feel that under the present proposed system, dominated by rural interests, those of us in the cities who have made substantial financial commitments on our own in the fight against crime will be subverted to the interests of those who have made little or no commitment and are using Safe Streets money as a substitute for local funds.

It is interesting to note that one of the objections raised to direct grants to local governments with a population of more than 50,000 persons was that a federal program of direct relationships with so many units of government would be complicated and would become involved with red tape. I am told there are approximately 370 cities in the Nation with a population of over 50,000. In the 24 states surveyed with established regional systems, there are already 211 designated regions. In addition, 4 other states were planning regional systems. It appears that the Federal Government will be involved with more regions than there are cities of over 50,000 in population.

Another very deep concern on our part is that although the State plan says that Regional Planning Councils shall have "one member representing the highest governing authority of the minor civil subdivision (50,000 population or over)," no attempt has been made to contact the highest governing authority for recommendations as to who should represent them. I have been told, upon inquires, that this condition exists in other municipalities, and I know for a fact from first hand experience that it exists so far as Lancaster is concerned. I am enclosing copies of correspondence which will substantiate my statement.

In summary, the point I am trying to make is that basically the problem of crime is a city problem. The solutions to the problem must be implemented by the cities. The cities have made a substantial financial commitment to the fight against crime and, therefore, the cities' interests must be protected and should indeed be paramount in the planning phase. State regulation should guarantee that federal funds be used to fight a problem where that problem exists—in this case, the cities.

Sincerely,

HERBERT C. YOST,
Director, Department of Public Safety.

(Exhibit B)

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., April 5, 1969.

MEMORANDUM FOR STATE PLANNING AGENCY DIRECTORS—No. 12

Subject: (i) Supplementation of 1969 action funds for smallest States and (ii) Local planning efforts under Crime Control Act.

SUPPLEMENTATION OF ACTION FUNDS

The Administration has determined that current year action fund allocations under Part C of P.L. 90-351 will, by supplemental award from "15 percent discretionary funds" under Section 306 of the Act, be increased to guarantee every State a minimum of \$100,000 in action funds for plan implementation this fiscal year.

This adjustment, which also includes an increase for the possessions comparable to the largest State percentage increase, will affect the action allocations of fourteen jurisdictions:

State	Population	Original action allocation	New allocation
Alaska.....	272,000	\$33,278	\$100,000
Wyoming.....	315,000	38,700	100,000
Vermont.....	417,000	51,272	100,000
Nevada.....	444,000	54,476	100,000
Delaware.....	523,000	64,336	100,000
North Dakota.....	639,000	78,387	100,000
Montana.....	701,000	82,028	100,000
South Dakota.....	674,000	82,824	100,000
New Hampshire.....	686,000	84,303	100,000
Idaho.....	699,000	85,782	100,000
Hawaii.....	739,000	90,712	100,000
District of Columbia.....	809,000	99,342	100,000
Guam.....	94,000	11,586	40,000
Virgin Islands.....	56,000	6,902	40,000

State planning agencies are all aware of the discrepancies in grant eligibility created for smaller States during this first year of Title I operation by the Act's allocation formulas. The \$100,000 minimum grant for planning awards has assured, for example, that Alaska will receive nearly \$120,000 for plan development. Yet, because the action fund formula has no minimum award, possibly due to legislative oversight, Alaska would have had less than \$34,000 to implement its planning efforts this year.

The foregoing supplementation is only a partial response to the absence of statutory minimums for action grant allocations and has been limited by the modest "15 percent discretionary fund" resources available this year. It will absorb a total of approximately \$.4 million in discretionary funds. The Administration regrets that this "across the board" increase could not have been larger or could not have affected more States.

All affected jurisdictions will still be obliged to work with action funds well below their federal planning grants but can look forward to alteration of this imbalance in the considerably larger action grant appropriations contemplated for fiscal year 1970 and future years. In addition, the Administration is now exploring the possibility of corrective legislation to provide a reasonable action grant minimum as a permanent part of the statutory allocation formula.

States affected by this action may rely on the new allocations shown above in preparing their first year comprehensive plans and action grant applications. Specifically, action programs formulated under Section C of the simplified plan guidelines (SPA Memo No. 10—February 25, 1969) should absorb the full revised allocation. No special applications, procedures, or records-keeping and reporting requirements are necessary. The affected States will simply ask for more funds in their Application for Action Grant, be awarded larger amounts, and account for the total grant as an entity.

LOCAL PLANNING EFFORTS

SPAs, by and large, have done an outstanding job in responding to the challenge and pressing deadlines of the Act. Planning activity, in order to take advantage of fiscal year 1970 funds, should be brought substantially to completion within the next few weeks. In the planning, decision-making, and program coordination that lies ahead, it is important that certain perspectives and objectives of the Title I program, relating to local participation in the planning process, local planning structures, and the establishment of local funding priorities receive proper consideration.

SPA programs for local planning awards have assumed a greater regional emphasis than was expected. There has been considerably less direct "pass through" to major local units or major metropolitan areas than had been anticipated. Funding plans under which, in addition to regional planning grants, direct funds have been given to major cities to focus on their special needs are in the minority (about 20 States). Yet both types of participation (regional combinations and major local units) have an important role to play in the program.

These patterns do not necessarily mean that large cities, major metropolitan areas, and the severe law enforcement problems which they face will be ignored or deemphasized in plan formulation or distribution of action monies. LEAA recognizes this. The patterns suggest, however, the need for special care in planning activity and priority setting as follows:

(a) *Character of Local Planning Units.*—The statutory requirement is that funds, to be charged as 40 percent local planning awards, must be "available to units of general local government or combinations of such units" to enable them "to participate in the formulation of the comprehensive State plan". The Administration has not limited "combinations" to formally constituted entities established by constitution or compact of participating local units. LEAA has assumed, however, that any "combinations" organized to receive Title I planning funds would have some pre-existing or new base of local consent. It is particularly important, where new regions have been established by States or where pre-existing regions constituted for federal aid programs not directly related to crime control have been used as local grantees, that efforts be made to obtain and document acceptability by the local governments concerned.

The Administration will define in forthcoming guidelines the requisites for "combinations of local units" to guide future local planning grant administration. Arrangements which currently appear to raise questions will be reviewed with States on a case-by-case basis and needed adjustments or documentation of local acceptability will be worked out. Present planning arrangements will not be disrupted but States should recognize that regional combinations must be more than State imposed geographic units and need to enjoy a base of local unit acceptability or representation.

(b) *Character of Regional Planning.*—Concern has been expressed by groups representing county and city government that planning conducted by regional entities may tend to focus on regional needs and programs and not give due consideration to programs and needs which are primarily local in character. The concern is a real one, and should be kept in mind in the course of plan formulation.

The constitution of local planning or policy boards with balanced representation, as has been effected in several States, is an excellent way to respond to this concern. Such groups have generally included a strong complement of law enforcement functionaries but LEAA wishes to stress the equally important need to provide substantial involvement of elected local officials and afford special recognition in selecting members for the heavy crime incidence and law enforcement costs of center cities and urban counties.

Another technique to focus on purely local as opposed to regional needs would be for regional planning grantees to suballocate planning funds to individual local units. This has been done in some States and is encouraged by LEAA.

(c) *Supervisory Board Priority Setting.*—This year's short plan formulation period raises perhaps insurmountable obstacles to obtaining full planning inputs from local units. This has been recognized by all concerned. Nevertheless, the Administration expects that local planning grantees will be able to make some preliminary contribution to plan formulation (particularly in identifying needed

action programs) and will continue to utilize their planning funds in fiscal year 1970 to provide more detailed studies, analyses, and local program inputs to the SPA.

Because of this necessarily limited local contribution to initial plans, the responsibility of supervisory boards to evaluate, balance, and weigh local needs, so as to attack the most pressing problems and apply resources where most urgently needed will be critical. Most supervisory boards have competent and balanced State and local representation. However, several boards, while meeting minimum standards, have exhibited relatively low numerical representation of elected and general executive officials of local governments (mayors, commissioners, county executives, city managers, etc.). This is perhaps attributable to LEAA's own specification of "representative character" elements, which lists twice as many substantive as general categories and may have contributed in many cases to a less than optimal number of members from the general elected or executive official ranks. SPAs should, as opportunity arises, re-examine supervisory board and subcommittee complements to ascertain whether changes are necessary.

(d) *Focus on Major Urban Areas and High Crime Incidence.*—LEAA guidelines stipulate that priorities be accorded "to the State's major urban and metropolitan areas" and to "other areas of high crime incidence". It is clear that effective State and local crime control efforts must honor such priorities if dollars are to be translated into significant results. In this respect, LEAA wishes to emphasize that the following are not inconsistent with the Act's "balanced allocation" requirements:

(i) *According special weight or priority to high crime areas in planning or funding action programs.*—States are not limited to strictly proportional distribution of funds because Title I general allocation formulas are based on population. Local needs may well require concentration in areas and programs where greatest results can be achieved.

(ii) *Distributing planning funds on a selective basis to meet most urgent needs.*—SPAs should scrutinize and reconsider planning and action fund allocations which in relative size are substantially out of balance with crime incidence and local law enforcement expenditures within a State. It may be for widely-dispersed low population areas, that the most effective approach to local planning might be directly provided SPA planning services with concentration of limited 40 percent funds in those parts of the State generating most crime and law enforcement problems. States have the authority and responsibility to select and set priorities that hold the greatest promise for reducing crime. This does not mean that long as well as short range goals cannot be accommodated or that the needs of all citizens cannot be responded to. It does require the highest order of SPA skill and leadership in seeking maximum return for federal, state, and local crime control dollars.

The Administration has raised these questions as a matter of concern to be shared with SPA's. It is hoped that they will offer guidance and exert influence in the plan formulation now in process. Their implications for planning and action grants in fiscal year 1970, and any responsive guideline adjustments will, as in the past, be developed in consultation with the SPA's and national representatives of State and local government after the experience and results of this first year effort are available.

* * * * *

Response to the simplified guidelines for first year plans has been positive and will, we hope, facilitate the job of plan formulation now in process. States are reminded that Section 307 (b) riot and disorders grants made last August will be offset against the action grant allocations to be applied for at the time of plan submission. This was not fully explained in the simplified guidelines. Also, our pending financial guidelines are now in advanced draft form and have been circulated for consultation and comments.

CHARLES H. ROGOVIN, *Administrator.*
 RICHARD W. VELDE, *Associate Administrator.*
 WESLEY A. POMEROY, *Associate Administrator.*

(Exhibit C)

COMMONWEALTH OF PENNSYLVANIA—DEPARTMENT OF JUSTICE

PENNSYLVANIA CRIME COMMISSION

*Southcentral Regional Planning Council**Chairman*

Alvin B. Lewis, Jr., District Attorney of Lebanon County, Courthouse, Lebanon, Pennsylvania 17042

Members

- Peter G. Alapas, Executive Director, Tri County Welfare Council, Hall Building, Harrisburg, Pennsylvania 17101
- William F. Bull, State Director, National Council on Crime and Delinquency, 500 North Third Street, Harrisburg, Pennsylvania 17101
- Huette F. Dowling, Esquire, 31 South Front Street, Harrisburg, Pennsylvania 17101
- Calvin L. Duncan, Lieutenant, Lancaster Police Department, Lancaster, Pennsylvania 17602
- Robert B. Failor, Sheriff, Cumberland County Courthouse, Carlisle, Pennsylvania 17013
- Professor Vern L. Folley, Police Administration Advisory Committee, Harrisburg Area Community College, 3300 Cameron Street Road, Harrisburg, Pennsylvania 17110
- Murray B. Frazee, Jr., Esquire, Public Defender of Adams County, 104 Baltimore Street, Gettysburg, Pennsylvania 17325
- Herbert C. Goldstein, Esquire, Executive Director, Dauphin County Legal Aide, 118 Market Street, Harrisburg, Pennsylvania 17101
- Francis R. Grady, Director, United Community Services, 309 East Market Street, York, Pennsylvania 17403
- Honorable Allan W. Holman, Jr., Member, House of Representatives, 14 East Main Street, New Bloomfield Pennsylvania 17068
- Honorable Gerald E. Kauffman, Mayor of New Cumberland, New Cumberland, Pennsylvania 17070
- Honorable Homer L. Kreider, President Judge, Court of Common Pleas, Courthouse, Harrisburg, Pennsylvania 17101
- Blake E. Martin, Esquire, Franklin County Public Defender, Chambersburg Trust Company Building, Chambersburg, Pennsylvania 17201
- John T. Miller, First Assistant District Attorney, 124 East Market Street, York, Pennsylvania 17401
- Honorable Thomas J. Monaghan, Mayor of the City of Lancaster, Lancaster, Pennsylvania 17604
- Clarence C. Newcomer, District Attorney of Lancaster County, Courthouse, Lancaster, Pennsylvania 17602
- David M. Rineer, Chief of Police, City of Lancaster, Lancaster, Pennsylvania 17602
- James H. Rowland, Sr., Esquire, 812-A North Seventeenth Street, Harrisburg, Pennsylvania 17103
- John J. Shumaker, Esquire, 401 Payne-Shoemaker Building, Harrisburg, Pennsylvania 17101
- Frank H. Simpson, Director of Public Affairs, Armstrong Cork Company, Lancaster, Pennsylvania 17603
- Russell E. Smith, 4053 Old Orchard Road, Supervisor, Springettsbury Township, York, Pennsylvania 17402
- Honorable Richard A. Snyder, Member, Pennsylvania Senate, 27 Orchard Road, Lancaster, Pennsylvania 17601
- Honorable Albert H. Straub, Mayor of the City of Harrisburg, City Hall, Harrisburg, Pennsylvania 17101
- Herbert C. Yost, Director, Dept. of Public Safety, City of Lancaster, Lancaster, Pennsylvania 17604
- R. L. Dunlap, Superintendent, Manheim Township School District, Lancaster County, Pennsylvania
- Honorable John C. Harman, Mayor, Hanover, Pennsylvania
- Leonard Landis, Chief, Bureau of Police, York, Pennsylvania
- Leroy Robinson, Jr., 1841 N Street, Harrisburg, Pennsylvania
- Mrs. Rex T. Wrye, Camp Hill, Pennsylvania

(Exhibit D)

SOUTHCENTRAL REGIONAL PLANNING COUNCIL

Advisory Council Members

Hon. George W. Atkins, President Judge, Court of Common Pleas, Courthouse, York, Pennsylvania 17401
 Richard G. Kohl, President, Pennsylvania State Association of Township Supervisors, 5425 Jonestown Road, Harrisburg, Pennsylvania 17112
 Burton R. Laub, Dean, Dickinson School of Law, Carlisle, Pennsylvania 17013
 Richard W. Lindsey, Member of the Board, Board of Probation and Parole, 3101 North Front Street, Harrisburg, Pennsylvania 17110
 Francis J. Schafer, Executive Director, Pennsylvania Chiefs of Police Association, 309 State Theater Building, Harrisburg, Pennsylvania 17101
 Richard D. Walker, Esquire, Public Defender of Dauphin County, Room 7, Courthouse, Harrisburg, Pennsylvania 17101
 LeRoy S. Zimmerman, District Attorney of Dauphin County, Box 1109, Courthouse, Harrisburg, Pennsylvania 17101
 Arthur W. Shulenberger, R.D. No. 2, Newville, Pennsylvania

(Exhibit E)

The following is a summary of monies awarded in the Fiscal Year 1969, under 307-B for control of civil disorders.

GROUP I—CITIES OR MUNICIPALITIES WITH A POPULATION OF LESS THAN 50,000

Date Sub-grantee received	Subgrantee	Population	Amount granted	Purpose
Dec. 18, 1968	Borough of Aliquippa	26,369	\$2,200.00	{ Communications equipment. Defensive equipment.
Nov. 26, 1968				
Jan. 31, 1969	City of Farrell	14,000	2,200.00	Walkie-talkies.
Nov. 26, 1968	Police department			Police training.
Dec. 18, 1969				
Apr. 9, 1969	Borough of Bristol	12,364	1,300.00	Helmets
Jan. 17, 1969				
Jan. 31, 1969	Borough of Carlisle	16,623	2,500.00	Training program.
Jan. 7, 1969				
Jan. 7, 1969	Police department	18,389	2,400.00	Communications equipment.
Jan. 7, 1969				
Apr. 24, 1969	City of Clairton	12,971	2,925.00	Communications equipment.
Jan. 31, 1969	City of Coatesville	12,971	2,925.00	Training officer
Jan. 7, 1969				
Jan. 7, 1969	Police department	12,075	1,045.47	Communications equipment.
Feb. 13, 1969				
Feb. 13, 1969	Borough of Columbia			Helmets.
July 16, 1969	Police department	8,418	1,118.85	Base radio.
July 16, 1969				
July 16, 1969	Borough of Crafton			Communications equipment; helmets.
Jan. 15, 1969	City of Duquesne	15,019	1,896.00	Communications equipment.
Do				
Do	Police department	44,790	2,500.00	Communications equipment.
Do				
Jan. 31, 1969	Police department	26,144	2,000.00	Training officer.
Jan. 31, 1969				
Dec. 18, 1968	Borough of Pottstown			Communications equipment.
Nov. 26, 1968				
May 15, 1969	Police	15,705	3,000.00	Communications equipment.
Mar. 31, 1969				
Jan. 16, 1969	Borough of West Chester	17,942	2,100.00	Community relations.
Nov. 26, 1968				
Jan. 16, 1969	Police department	22,409	3,600.00	Officer training.
Nov. 26, 1968				
Jan. 31, 1969	City of Uniontown	22,409	3,600.00	Communications equipment.
Jan. 31, 1969				
Jan. 31, 1969	Borough of State College—Police	25,267	1,287.00	{ Community relations study.
Jan. 31, 1969				
Jan. 31, 1969	City of Sharon	25,267	1,287.00	Helmets.
Jan. 31, 1969				
Jan. 31, 1969	Police department	25,952	636.39	Communications equipment.
Jan. 31, 1969				
Jan. 31, 1969	Ross Township			Helmets.
Jan. 31, 1969	Police department		883.04	Helmets and vests.
Jan. 31, 1969				
Do	Hopewell Township			Communications equipment.
Do	Police department			
Group I—Total amount granted			33,591.75	

GROUP II—COUNTY GOVERNMENTS

Dec. 19, 1968	{ County of Allegheny Allegheny Board of Commissioners	1,628,587	\$5,087.25	Communications systems study.
Jan. 6, 1969				
Jan. 6, 1969	{ County of Erie Sheriff's office	250,682	3,000.00	Portable radios.
Jan. 6, 1969				
Group II—Total amount granted			8,087.25	

GROUP III—CITIES OR POLITICAL SUBDIVISIONS WITH A POPULATION OF MORE THAN 50,000

Jan. 9, 1969	{Township of Bristol Police department}	59,298	\$1,250.00	Vests, helmets, visors.
June 13, 1969	{City of Chester Police department}	63,658	9,600.00	{Helmets and vests. Portable communications equipment.
Dec. 19, 1968	{City of Erie Police department}	138,440	15,000.00	Portable radios.
Dec. 18, 1968	{City of Harrisburg Police department}	79,697	13,000.00	Riot control study and com- munications equipment.
Jan. 31, 1969				
Apr. 24, 1969				
Nov. 26, 1968				
Apr. 24, 1969	{City of Lancaster}	61,055	12,125.00	{Communications equipment. Training program. Mobile unit. Base station.
Jan. 31, 1969				
Dec. 18, 1969				
Nov. 26, 1968				
Jan. 22, 1969	{City of Philadelphia	2,002,512	50,000.00	Communications equipment.
May 28, 1969	{City of Pittsburgh Pittsburgh Commission on Human Relations.	604,332	7,500.00	Human relations study.
Apr. 11, 1969				
Jan. 7, 1969	{City of Pittsburgh Police department}	604,332	12,400.00	Vests and helmets.
Dec. 18, 1968	{City of Reading	98,177	8,000.00	Training program.
Jan. 31, 1969	{Reading Model Cities Agency}			
Apr. 24, 1969				
Dec. 20, 1968	{City of York York Department of Public Safety, Bureau of Police.	54,504	11,000.00	Communications equipment. Emergency kits.
Jan. 22, 1969	{City of Scranton Police Department}	111,443	5,000.00	Communications equipment.
Group III—Total amount granted.			144,875.00	

GROUP IV—COMMONWEALTH OF PENNSYLVANIA

Dec. 19, 1968	\$4,325.50 Pennsylvania State Police	\$53,970.00	Mobile command post, riot control manuals.
Nov. 20, 1968	\$49,644.50		
Group IV—Total amount granted.		53,970.00	

(Exhibit F)

Action Grants awarded during the Fiscal Year 1969.

ALLEGHENY REGION

Subgrant recipient	Project description	Amount awarded	Population	Total project cost
County of Allegheny	Pay tuition and stipend for 2 child-care workers from the county detention center to receive special education at a local college.	\$8,352	1,628,587	\$13,920
Do	Provide group counseling for probationers and parolees.	15,404	1,628,587	30,944
Township of Penn Hills (Allegheny County).	Provide improved training program for police recruits, officers, and supervisors, and to enable an opportunity for college-level training.	13,397	51,512	22,397
City of Pittsburgh (Allegheny County).	Purchase of additional equipment for crime laboratory.	12,286	604,332	20,476
Do	Purchase, maintain, operate, and staff a mobile police community relations vehicle.	20,000	604,332	51,055
Borough of Verona (Allegheny County).	Purchase stationary and mobile police radio equipment.	1,105	4,032	1,842

NOTES

Cities or municipalities with a population of less than 50,000, total amount awarded, \$1,105.

County governments, total amount awarded, \$23,756.

Cities or political subdivisions with a population of more than 50,000, total amount awarded, \$45,683.

CENTRAL REGION

Subgrant recipient	Project description	Amount awarded	Population	Total project cost
City of Altoona (Blair County)	Purchase of portable police radios	\$4,982	69,407	\$8,304
County of Lycoming	Establish and begin operating a home for predelinquent and delinquent girls in need of care in a special residential center.	18,538	109,367	36,388
City of Williamsport (Lycoming County)	Purchase police mobile and stationary radio equipment and tape recorders for related use. Purchase police training films.	3,977	41,967	6,628

Note: Cities or municipalities with a population of less than 50,000, total amount awarded, \$3,977; county governments, total amount awarded, \$18,538; cities or political subdivisions with a population of more than 50,000, total amount awarded, \$4,982.

NORTHEAST REGION

Subgrant recipient	Project description	Amount awarded	Population	Total project cost
City of Allentown (Lehigh County)	Purchase equipment used in training police. Pay for services of training officers.	\$11,683	108,347	\$19,472
County of Luzerne	Organize and equip county police radio communications network.	42,600	346,972	71,000
City of Reading (Berks County)	Purchase stationary, mobile, and portable police radio equipment to enable countywide network coverage.	42,630	98,177	76,300
County of Schuylkill	do.	24,316	173,027	40,526
County of Tioga	Purchase radio equipment to enable all county police to be in contact with police across State border.	2,405	36,614	4,008
City of Wilkes-Barre (Luzerne County)	Establish and maintain tracking dog unit for use throughout northeast Pennsylvania.	3,000	63,351	6,970

Note: County governments, total amount awarded, \$69,321; cities or political subdivisions with a population of more than 50,000, total amount awarded, \$57,313.

NORTHWEST REGION

Subgrant recipient	Project description	Amount awarded	Population	Total project cost
City of Erie (Erie County)	Purchase uniforms for auxiliary police corps	\$3,840	138,440	\$6,400
Borough of Fairview (Erie County)	Purchase police mobile radio equipment	1,740	1,399	2,900
Borough of Grove City (Mercer County)	Purchase of police communications equipment and defensive items.	1,980	8,368	3,300
County of Jefferson	Organizing and staffing an adult probation program	5,296	46,792	14,659
County of Mercer	Pay salaries of persons filling the newly created positions of sergeant and warden in county jail.	7,250	127,519	14,500
Township of Millcreek (Erie County)	Purchase of portable police communications equipment.	2,700	28,441	4,500
County of Potter	Purchase of stationary, mobile, and portable radio equipment for countywide system providing blanket coverage by sheriff's deputies and police. Construct antenna tower.	22,386	16,483	37,627
Borough of Youngsville (Warren County)	Purchase equipment and dog for police. Train police officers.	6,701	2,211	11,168
City of New Castle (Lawrence County)	Purchase police equipment, portable and stationary radios, floodlights, and camera.	11,802	44,790	19,669

Note: Cities or municipalities with a population of less than 50,000, total amount awarded, \$24,923; county governments, total amount awarded, \$34,932; cities or political subdivisions with a population of more than 50,000, total amount awarded, \$3,840.

PHILADELPHIA REGION

Subgrant recipient	Project description	Amount awarded	Population	Total project cost
City of Philadelphia (Philadelphia County)	Develop and operate a computer-based criminal justice and law enforcement information system.	\$81,123	2,002,512	\$176,494
City of Philadelphia (County of Philadelphia)	Purchase and install closed circuit television system for use of police in training and surveillance.	75,000	2,002,512	125,587

Note: Cities or political subdivisions with a population of more than 50,000, total amount awarded, \$156,123.

SOUTH CENTRAL REGION

Subgrant recipient	Project description	Amount awarded	Population	Total project cost
City of Lebanon (Lebanon County).	Purchase telephone dictation equipment and photographic training equipment for police use.	\$3,450	30,055	\$7,319
County of Lebanon (Lebanon County).	Purchase of stationary and mobile police radio equipment for countrywide network.	7,728	90,853	12,880
City of York (York County).....	Staff and equip a police community relations unit....	9,224	54,504	19,224
County of York.....	Purchase police radio component of master public safety communication system. Purchase building, and install powerlines in proportion to use for law enforcement.	34,299	238,336	61,820

Note: Cities or municipalities with a population of less than 50,000, total amount awarded, \$3,450; county governments, total amount awarded, \$42,027; cities or political subdivisions with a population of more than 50,000, total amount awarded \$9,224.

SOUTHEAST REGION

Subgrant recipient	Project description	Amount awarded	Population	Total project cost
County of Bucks.....	Employ 1 juvenile probation officer. Purchase office furniture and equipment.	\$4,476	308,567	\$8,727
City of Chester (Delaware County).	Purchase equipment and instruments needed to establish public street emergency telephonic system.	19,155	63,658	31,925
County of Chester.....	Purchase equipment with which to teach inmates and staff in vocational training programs. Purchase radio equipment to facilitate security and protection.	2,306	210,608	3,843
County of Delaware.....	Employ juvenile aid specialists and a typist for assignment to the Juvenile Aid Bureau of the city of Chester.	10,300	553,154	20,600
County of Montgomery.....	Employ probation officers and clerk-typist.....	9,300	516,682	18,600
Borough of Norristown (Montgomery County).	Enlarge, furnish, and supply a police community relations division.	4,200	38,925	7,000
Borough of Norwood (Delaware County).	Purchase police radio equipment and recruit and train staff necessary to operate a communication system serving 4 municipalities.	10,247	6,729	17,077

Note: Cities or municipalities with a population of less than 50,000, total amount awarded, \$14,447; county governments, total amount awarded, \$26,382; cities or political subdivisions with a population of more than 50,000, total amount awarded, \$19,155.

SOUTHWEST REGION

Subgrant recipient	Project description	Amount awarded	Population	Total project cost
Borough of Burgettstown, townships of Hanover, Jefferson, and Smith (Washington County).	Construct a regional police lockup.....	\$35,000	{ 2,383 2,456 1,229- 6,362 }	\$70,000
Borough of Canonsburg (Washington County).	Purchase police radio equipment, items for auxiliary police, and a breath-alyzer. Obtain training for police.	5,461	11,877	9,446
Township of Carroll (Washington County).	Purchase police car and radio.....	1,317	6,205	2,195
Borough of Donora (Washington County).	Purchase police radio equipment, fingerprint camera, and first aid equipment, increase salaries of policemen.	4,034	11,131	7,591
City of Greensburg (Westmoreland County).	Purchase and install police radio communications base station.	12,000	17,383	22,000
Township of Hanover (Washington County).	Purchase police investigation and identification equipment.	509	2,456	849
Township of Middlesex (Butler County).	Purchase radio and siren-public address system for police car.	736	3,551	1,226
Borough of Portersville (Butler County).	Organize and train a special police unit to cope with problems presented by a new state park.	1,050	344	1,750

Note: Cities or municipalities with a population of less than 50,000, total amount awarded, \$60,107.

EXHIBIT G.—EXPENDITURES FOR POLICE PROTECTION IN SELECTED PENNSYLVANIA TAXING JURISDICTIONS 1968

	1968 expenditures	1960 population	Per capita expenditures
Allegheny County: Verona Borough.....	\$46,891	4,032	\$11.63
Butler County:			
Portersville Borough.....	883	344	2.57
Middlesex Township.....	27,099	3,551	7.63
Delaware County: Norwood Borough.....	52,762	6,729	7.84
Erie County:			
Fairview Borough.....	8,620	1,399	6.16
Millcreek Township.....	271,789	28,441	9.56
Lycoming County: Williamsport City.....	530,364	41,967	12.64
Mercer County: Grove City Borough.....	86,630	8,368	10.35
Potter County: All Municipalities.....	25,563	16,483	1.55
Tioga County: All Municipalities.....	96,943	36,614	2.65
Warren County: Youngsville Borough.....	19,824	14,505	1.37
Washington County:			
Burgettstown Borough.....	21,696	2,383	9.10
Canonsburg Borough.....	110,253	11,877	9.28
Donora Borough.....	91,460	11,131	8.22
Carroll Township.....	15,724	6,205	2.53
Hanover Township.....	9,432	2,456	3.84
Jefferson Township.....		1,229	-----
Smith Township.....	4,214	6,362	.66
Westmoreland County: Greensburg City.....	219,719	17,383	12.64
Lancaster County: Lancaster City.....	874,430	61,055	14.32

¹ Excluding capital outlay expenditures.

Source: Municipal Financial Reports (1968), as filed with the Pennsylvania Department of Community Affairs.

(Exhibit H)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
Washington, D. C., August 8, 1969.

HON. THOMAS J. MONAGHAN,
Mayor of Lancaster,
Municipal Building
Lancaster, Pa.

DEAR MAYOR MONAGHAN: One of the primary objectives of the Model Cities program is to increase the public safety of the neighborhood residents by the reduction of crime and delinquency in the model neighborhood area. The achievement of this objective requires the fullest cooperation of all levels of government. Such cooperation is necessary to assure that the combined resources of Federal, State and local governmental units will be effectively directed toward their common objective to improve law enforcement and correctional programs.

The major new resource at the State level in the area of crime and delinquency planning is the State Planning Agency funded by the Department of Justice under the Omnibus Crime Control and Safe Streets Act of 1968. The State Planning Agency is responsible for developing a State-wide comprehensive plan encompassing all areas of crime and delinquency activities. Cities, and other local units of government, apply directly to the State Planning Agency for grants made in accord with State guidelines.

It is the concern of the Law Enforcement Assistance Administration of the Department of Justice and the Model Cities Administration of the Department of Housing and Urban Development that the State Planning and City Demonstration Agencies work closely together to achieve their mutual objectives.

In order to further this cooperation, certain recommendations are being made for the City Demonstration Agency. These recommendations are contained in the enclosed memorandum. As Mayor, we look to you as the local official primarily responsible for making these recommendations effective and urge your support of these efforts. A letter is being sent to the Governor urging similar intergovernmental and interagency coordination.

It is through such efforts as these that local programs can move forward more successfully in the area of criminal justice.

Sincerely,

FLOYD H. HYDE,

Assistant Secretary for Model Cities and Governmental Relations, Department of Housing and Urban Development.

CHARLES H. ROGOVIN,

Administrator, Law Enforcement, Assistance Administration, Department of Justice.

MEMORANDUM

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
August 8, 1969.

To: CDA Directors.

From: Robert H. Baida, Model Cities and Governmental Relations.

Subject: Coordinating Activities of State Law Enforcement and Criminal Planning Agency and City Demonstration Agency in Area of Crime and Delinquency.

The passage of the Omnibus Crime Control and Safe Streets Act of 1968 provides a national strategy for bringing together State and local governments to achieve important improvements in the nation's law enforcement programs. These programs involve crime prevention, police, courts, prosecution and rehabilitation of offenders.

Concurrently the Model Cities Program, under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 provides funds to 150 localities to plan and implement comprehensive programs to restore blighted neighborhoods. Each Model Cities program must contain a component for reducing the incidence of crime and delinquency in the neighborhood.

It is the concern of the Law Enforcement Assistance Administration and the Model Cities Administration that the two programs work together to strengthen and improve law enforcement systems in accordance with the national objectives of the Demonstration Cities and Metropolitan Development Act and the Omnibus Crime Control and Safe Streets Act.

The purpose of this memorandum is to urge you to foster close coordination between the State Planning Agency established under the Justice Department program and the City Demonstration Agencies responsible for Model Cities programs. In order to achieve more effective coordination of local law enforcement planning efforts, we recommend that the following steps be taken:

ACTION BY CITY DEMONSTRATION AGENCIES

1. The City Demonstration Agencies should invite the State Planning Agency, and its regional or local planning groups, to participate in planning the crime and delinquency component of Model Cities plans within the State.
2. The City Demonstration Agencies should submit copies of the crime and delinquency component of their Model Cities plans to the State Planning Agency. Information copies should also be sent to appropriate regional or local planning groups operating under the Omnibus Crime Control Act.
3. City Demonstration Agencies should consider use of appropriate portions of Model Cities supplemental funds as the local share for grants made under the Omnibus Crime Control program and advise regional and local planning groups of this fact.

ACTION BY STATE PLANNING AGENCIES

To further assure effective coordination between the two programs, a joint letter is being sent to the Governor from Secretary George Romney and Attorney General John N. Mitchell recommending the following actions be taken by the State Planning Agency:

1. An appropriate representative from a local City Demonstration Agency should be included, whenever possible, in the membership of the State Planning Agency's Supervisory Board, and of regional or local planning groups established for the Omnibus Crime Control program.
2. The State Planning Agency should include City Demonstration Agencies in its program to provide consultation and technical assistance to local groups participating in the formulation of the comprehensive State plan.
3. The State Planning Agency and its local or regional planning groups should give consideration to the possible inclusion of Model Cities crime and delinquency components as a part of the comprehensive State plan.
4. The State Planning Agency should forward a copy of the crime and delinquency component of the Model Cities plan to the Law Enforcement Assistance Administration indicating the degree to which its proposals are included in the State plan.

JOINT ACTION

Other ways should be considered in which coordination of the two programs will contribute to attainment of their mutual goals. These include the following joint endeavors:

1. Formal channels should be developed for information dissemination between the two programs which will provide the State Planning Agency with access to additional citizen and local law enforcement views and priorities in the crime and delinquency area, and the City Demonstration Agency with technical and other law enforcement planning information available from the State.

2. State Planning Agencies and City Demonstration Agencies should pursue the possibility of joint funding of model neighborhood crime and delinquency projects which, by virtue of their scope, are unlikely to attract adequate federal funding from either program alone.

ROBERT H. BAIDA,
Deputy Assistant Secretary, MCGR.

The CHAIRMAN. Our final witness this morning is Mr. James N. O'Connor, administrator, Law and Justice Planning Office, State of Washington.

STATEMENT OF JAMES N. O'CONNOR, ADMINISTRATOR, LAW AND JUSTICE PLANNING OFFICE, STATE OF WASHINGTON (OLYMPIA, WASH.)

Mr. O'CONNOR. Thank you, Mr. Chairman. I will not read the prepared statement, though I made it a very brief statement.

The CHAIRMAN. It will be placed into the record.

Mr. O'CONNOR. Thank you. I want to emphasize the comment I make on page 6 of my statement. That is to the effect that it is my opinion that if 50 percent of the money should continue to be funneled through the State law enforcement planning agency and 50 percent of the funds were made available directly by LEAA to the cities, we would make it impossible to achieve the goal set by the President's Crime Commission that the activities of all law-enforcement agencies must be planned in a coordinated fashion.

The Crime Commission recognized and stated, as the No. 1 item in its national strategy for an action program, that activities of the total system be planned in a coordinated fashion.

That is not to say that the State Law Enforcement Planning Agency ought to plan activities of a police department or activities of courts and of corrections as they relate to programs, but it is essential, I believe, gentlemen, that the programs of police, courts, and corrections all be oriented toward the accomplishment of certain well-defined goals of a total system of criminal justice.

This has not been done, although the individual agencies have struggled very hard to do planning within themselves and to meet their very pressing individual needs of operation.

The needs of operation of the specific agencies, such as police, courts, and corrections, are not presently coordinated in a series of programs which is designed to meet overall goals of reduction of crime.

Planning is done to meet immediately perceived needs such as inadequate manpower on the streets. This is an immediate need, there is no question about that, and must be met.

However, the relationship of increasing police officers on the street and improving their capacity to apprehend criminals has to be related to the courts and correctional processes.

If we improve by 50 percent the ability of police agencies to apprehend criminals we will thereby increase the deterrent aspect of police activity, in large measure, but we will overburden the courts and the corrections system in such a manner that they cannot fairly mete out justice to the persons who are apprehended and they cannot apply valid correctional programs to offenders once they are convicted.

We will be turning back onto the streets, without applying any meaningful treatment to them, those persons who the police apprehend.

I noticed in response to prior testimony today that there were numerous questions with respect to the administration and operation of the Law Enforcement Assistance Administration. If there are questions, I would like to address myself to them.

Mr. McCLORY. Mr. Chairman, may I address a question to the witness?

First of all, I would like to commend the witness. His statement is very constructive. I had a chance to read it and I think it is very helpful to the work of this committee.

I would like to ask these questions of the witness:

Is it not your opinion that if we would adopt the principles that are continued in the Hartke-Bingham bill, which would authorize 50 percent of the action funds to be granted directly to the cities by the Administrator of LEAA, we would have two bureaucracies established?

Mr. O'CONNOR. It is my opinion that is exactly what would happen.

Mr. McCLORY. Wouldn't you also have, under such conditions, cities competing with each other and with their own States, by coming down to Washington to try to exert their influence so that they would get their fair share and thus not coordinating their requests in a logical and a planned manner through a State planning agency?

Mr. O'CONNOR. Yes, sir; I believe that is precisely correct.

The CHAIRMAN. Thank you very much, Mr. O'Connor. We appreciate your brevity.

Mr. O'CONNOR. Thank you, Mr. Chairman.

(The text of Mr. O'Connor's prepared statement follows:)

STATEMENT OF JAMES N. O'CONNOR, ADMINISTRATOR, LAW AND JUSTICE PLANNING OFFICE, STATE OF WASHINGTON

JAMES N. O'CONNOR

Yale University, B.A. 1956

Yale Law School, L.L.B. 1959

Private practice of law, Seattle, Washington 1959-1968

Present position since January, 1969

Chairman, Western Region State Law Enforcement Planning Agency Directors

Member, National Advisory Committee on Law Enforcement Education Program (LEEP)

Member, Project Group, System for Electronic Analysis and Retrieval of Criminal Histories (Project SEARCH)

Mr. Chairman, I appreciate very much the opportunity to testify at these hearings. I share the concern that we stop talking about "the crime problem" and take the concrete action necessary to reduce its impact on our daily lives. Although I recognize the importance of the general issue of block grants as opposed to categorical grants, particularly as federal income sharing with states and local governments looms larger on the horizon, my prepared remarks are directed solely to the issue of the appropriate structure for a program to reduce crime.

I am not a planner by background, or even by predisposition. However, the experience of administering a state law enforcement planning agency for the

past fifteen months leads me to believe that the Safe Streets Act will accomplish its objectives faster, more effectively, and with less infringement upon other goals of our society, than any other means of governmental response to crime. The reasons which have led me to this conclusion comprise the substance of my remarks today.

The broad objectives set forth by the President's Crime Commission should be kept in mind when considering appropriate action to prevent crime and improve law enforcement. The scope of these objectives, which I have attached as Appendix A to my testimony, is immense, ranging from assuring all persons of a stake in American life, to the reduction of criminal opportunities and improvement of personnel, equipment and techniques of the total criminal justice system. The work of the President's Crime Commission has obtained and held the respect of the entire law enforcement field, and it should be given full consideration in the implementation of our national policy.

The first objective stated by the Commission is to prevent crime before it happens. In amplification of this objective, the Commission stated:

"The prevention of crime covers a wide range of activities: Eliminating social conditions closely associated with crime; improving the ability of the criminal justice system to detect, apprehend, judge and reintegrate into their communities those who commit crimes; and reducing the situations in which crimes are most likely to be committed." (The Challenge of Crime in a Free Society, a report by the President's Commission on Law Enforcement and the Administration of Justice, VI).

I doubt that there would be much quarrel over the substance of this objective; the question at hand is how to accomplish improvements in the wide range of activities indicated, so as to achieve significant progress toward the objective.

It would be inaccurate to state that the police, courts and corrections have failed in the past to plan improvements in their operations. These agencies, in our state and in most other states, have done an outstanding job of trying to improve themselves within the constraint of grossly inadequate budgets. A critical problem each agency has faced has been insufficient resources to do the in-depth planning necessary to examine goals and long term objectives of the agency and of the total system of which the agency is a part. Instead, the most obvious and pressing needs of operation in the traditional manner have received the allocations of resources available. Given adequate resources, it is possible to move from planning on the basis of daily pressures to planning to implement explicitly stated goals and objectives. The Safe Streets Act provides the resources and encourages the coordinated planning which the Crime Commission identified as the first step in its presentation of "A National Strategy" (Chapter 13):

"... The police, the courts, the correctional system and the noncriminal agencies of the community must plan their actions against crime jointly if they are to make real headway." (Page 280).

The state law enforcement planning agencies have already made substantial progress in achieving this coordination of effort. I will speak only of specific experiences in the state of Washington, with which I am directly familiar, although I know that similar progress is being experienced throughout the United States. It begins with a State Committee on Law and Justice, which includes mayors, city councilmen, county commissioners, citizens from various walks of life, the state Attorney General, Chief of the State Patrol, Director of the state corrections department, state Administrator for the Courts, Chairman of the State Sentencing and Parole Board, sheriffs, chiefs of police, social workers, and legislators. These people actually come together, monthly in Washington, and discuss the mutual goals of law enforcement, the resources they each need, and how one agency can help another. These meetings are creating the necessary appreciation which each segment of the criminal justice system must have of the impact of its activities, and of its inaction, on the rest of the system.

The police and sheriffs of our state have long sought a police academy which would principally benefit small and medium size departments. The City of Seattle has provided its recruits with too little training in make-shift facilities; the King County (population 1,200,000) Sheriff's Office has provided almost no training for its deputies. Each saw the Safe Streets Act as the means to solve its pressing concern to provide improved training. Through the action of the State Committee on Law and Justice, we will provide something a little

different than that which each agency initially sought. We are developing a Criminal Justice Education and Training Center for the State of Washington. Using very adequate rented facilities for a demonstration project, Seattle police and sheriff's deputies (initially from King County, later from around the state), are sharing training experience this month. Within the next four months certain of these experiences, and other educational opportunities, will be shared by probation and parole workers, deputy prosecuting attorneys, corrections institution workers, juvenile officers, judges, and others. All of these personnel will be receiving greatly improved preparation for their specific duties within the criminal justice system over what they now receive, but far more important is the understanding and respect for one another that we expect to result. My point, of course, is that this type of improvement would not occur without the coordinated approach to crime reduction stimulated by the Safe Streets Act.

In addition to coordination, the Act provides the opportunity to do some new things which no agency would otherwise undertake. In one county in Washington we have stimulated the County Prosecutor, Judges and Juvenile Probation department to provide for a single judge to hear all matters which bear upon a single family unit when crime or delinquency is involved or the risk of future crime or delinquency is substantial. Coupled with a single referral point for court cases dealing with a criminal charge, a delinquency or dependency referral, a child custody or divorce proceeding, having to do with a single family, there will be counseling staff for diagnosis and referral to appropriate social agencies. As well as serving the families involved, this opportunity to view the total picture and have the benefit of pertinent professional assistance will better enable the prosecutor, court and probation officer to make proper decisions as to the issues each must resolve.

With due respect to the Law Enforcement Assistance Administration, which is led and staffed by many of the finest, professionally competent gentlemen it has ever been my pleasure to work with, no federal agency has the magical ability of knowing what methods will work best to reduce crime in the distinctive metropolitan—suburban areas of our states. No program is better than the information which goes into it. I believe that the information which is necessary to the Safe Streets Act program must come from the operating agencies (all of them), and from the citizens, both directly and through their elected representatives. Most of my time, and that of our Law and Justice Planning Office staff, is spent in providing and obtaining information, and translating what we learn from private and public meetings into staff recommendations to, and action by, the State Committee on Law and Justice. In order to do the same job, a federal agency would have to duplicate within the State of Washington the staff which the state now has.

Currently, we can and do call upon LEAA for technical assistance in various specialties, for the dissemination of information, and for other informational or "clearing house" services which are appropriate for a national agency. LEAA could well improve its services of this nature, but has had trouble in establishing certain positions and attracting appropriate staff in some functional areas. I expect these difficulties will be overcome in time. But I hope you will recognize that LEAA is still unable to perform adequately its present roles; to increase its responsibilities now would more likely than not hinder the states with no offsetting benefit.

If I may speak directly on the suggestion that the block grant funds be reduced to 50% of the action fund appropriation, I want to emphasize the comment that this would hinder the state program. The operating agencies, by necessity, will deal with the source of funds. This is a principle reason the Safe Streets Act program has had success in our state insofar as local governmental participation is concerned.

As soon as the source of funds is elsewhere than the state agency, the opportunity to plan activities to improve law enforcement in a coordinated, comprehensive manner will be lost. If 50% of the funds were available directly from LEAA, we would find the cities applying directly there for the improvement of police programs; state operating agencies would principally be applying through the state law enforcement planning agency to fund improvements in state operated corrections programs; and many agencies, state and local, would apply both ways. The opportunity to do the necessary coordinated planning to reduce crime would no longer exist. I cannot overemphasize my conviction that the suggested amendment to make one half of the funds available directly, is not merely a change in emphasis, but is a change in the basic philosophy of the Safe

Streets Act. This change in philosophy would be directly contrary to the first step of the national strategy to control crime recommended by the President's Crime Commission.

APPENDIX A

"First, society must seek to prevent crime before it happens by assuring all Americans a stake in the benefits and responsibilities of American life, by strengthening law enforcement, and by reducing criminal opportunities.

"Second, society's aim of reducing crime would be better served if the system of criminal justice developed a far broader range of techniques with which to deal with individual offenders.

"Third, the system of criminal justice must eliminate existing injustices if it is to achieve its ideals and win the respect and cooperation of all citizens.

"Fourth, the system of criminal justice must attract more people and better people—police, prosecutors, judges, defense attorneys, probation and parole officers, and corrections officials with more knowledge, expertise, initiative, and integrity.

"Fifth, there must be much more operational and basic research into the problems of crime and criminal administration, by those both within and without the system of criminal justice.

"Sixth, the police, courts and correctional agencies must be given substantially greater amounts of money if they are to improve their ability to control crime.

"Seventh, individual citizens, civic and business organizations, religious institutions, and all levels of government must take responsibility for planning and implementing the changes that must be made in the criminal justice system if crime is to be reduced."

The Challenge for Crime In A Free Society, a report by the President's Commission on Law Enforcement and Administration of Justice, February 1967.

The CHAIRMAN. Without objection, at this point in the record I will insert statements received from the following: Hon. John E. Moss, a U.S. Representative in Congress from the State of California and Hon. Seymour Halpern, a U.S. Representative in Congress from the State of New York.

(The documents referred to follow:)

STATEMENT OF HON. JOHN E. MOSS, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman and My Distinguished Colleagues of the Committee on the Judiciary, it is my pleasure to submit testimony in support of H.R. 14689, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations in the amount of \$750 million for fiscal year 1971 and succeeding fiscal years. In view of the great deal of testimony you have received in this regard, my statement will be brief.

The dire necessity for adequate funding to combat the high level of crime in our Nation is an indisputable fact. Crime has always been a problem of the cities, especially of their low income and physically deteriorated areas. However, crime is not increasing in cities any faster than in small towns, suburbs, or rural areas. As J. Edgar Hoover has stated, "The crime increases were consistent throughout the United States". Between 1966 and 1967, the increase in crime was 16% in the suburbs and 13% in the rural areas with an increase of 17% in large cities.

There is much one can say about crime and crime control—statistic after statistic could be quoted—anti-crime methods could be recited—but, the major controversy over crime is not over statistics or methods but over how much money should be spent.

As Attorney General Mitchell stated when announcing the recent LEAA allocation of \$236 million in direct grants to states and cities for programs to combat crime, "The first prerequisite for any effective anti-crime program is sufficient funding, not expansive rhetoric". He further stated that, "Public officials at every level—and the public itself—must be prepared to expand large sums if they really are serious about controlling crime".

The President has stated that he would support double the figure appropriated for LEAA in fiscal year 1970, which was \$268 million. Although the President would, therefore, support the expenditure of about \$536 million, the Bureau of

the Budget has recommended only \$480 million. It seems to me, Mr. Chairman, that if we *are* serious about effectively reducing crime, we must certainly expend more than \$480 million or \$536 million in order to wage a valid war on crime. In its relatively short life, the Law Enforcement Assistance Administration has done well, at least within the framework required by a limited budget. While it would be marvelous if we could authorize and appropriate the same amount for crime control as we do for defense, such is not feasible at this time. I agree with you, Mr. Chairman, and with my other Colleagues who have suggested an expenditure of \$750 million, which is approximately a 280% increase over last year's budget, that \$750 million would put us well on the road to recovery from one of our most pressing domestic problems.

STATEMENT OF HON. SEYMOUR HALPERN, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW YORK

Mr. Chairman, on February 5, 1970, I cosponsored H.R. 15702, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968. I appreciate this opportunity to comment briefly on the need for this legislation.

As you are all too well aware, the major controversy which has arisen in connection with the Federal law enforcement grant-in-aid program from its very inception has not concerned the most effective means and methods of preventing and controlling crime. It has instead centered around the funding mechanism, block grants to the states versus categorical grants to the cities and other high crime areas.

The amendment to the original Safe Streets legislation, transferring major administrative control of the Federal funds from the U.S. Department of Justice to State law enforcement planning agencies, was largely justified at the time by the alleged fear that Federal control would result in a large and powerful Federal bureaucracy, leading to general expansion of Federal power, and culminating perhaps in a national police force. I disagree with this premise now as I did then. On the contrary, I believe there is a much graver danger of eventual Federal encroachment in this area of State and local law enforcement if crime is allowed to continue virtually unabated. Crime has become the most important political issue on the domestic front, and in the coming elections there will be more campaign speeches by candidates for Federal office promising to do away with crime in the streets—that is, to enforce the criminal laws of New York, Chicago, and Los Angeles. Frankly, outside of Federally sponsored research and effective Federal financial assistance, it is difficult to see how the Federal government can enforce State and local laws. The ominous alternative, of course, is to pass new laws, like the antiriot law under which the Chicago 5 were just convicted, which would make law enforcement increasingly a Federal affair. This is where the true danger of a Federal takeover of our law enforcement system lies. The circumstances which could bring this about are more of what we have right now: increased crime, increased public alarm, and a Congress which increasingly cannot say "No" to anything labelled anti-crime legislation.

We know very little about the causes of crime and even less about its prevention. Early this month White House aide Daniel P. Moynihan reiterated this fact in a memo to President Nixon in which he urged more research, as follows:

"We really ought to be getting on with research on crime. We just don't know enough. It is a year now since the administration came to office committed to doing something about crime in the streets. But frankly, in that year I don't see that we have advanced either our understanding of the problem, or that of the public at large" (quoted in Washington Post, March 2, 1970, p. A-3).

It is imperative, then, that we pay heed to the little that we do know. We know that crime is primarily an urban phenomenon. In 1968 in the rural areas of this country there were 800 serious crimes committed for every hundred thousand population. In the metropolitan areas, there were 2,800 serious crimes per hundred thousand population. In 1968, of the national total of crime index offenses—murder, rape, assault, robbery, burglary, larceny \$50 and over, and auto theft—85% were committed within the nation's metropolitan areas. The National Commission on the Causes and Prevention of Violence reported that 45% of crimes of violence—the crimes the public fears most, encompassing murder, rape, assault, and robbery—occurred in the 26 cities in this country with populations of 500,000 residents or more. These cities accounted for only 17% of the total population. The six cities with populations of a million or more accounted for 30% of the major violent crimes, and 10% of the population.

Turning to New York, another statistic is relevant here. Governor Rockefeller testified in his recent appearance before this Subcommittee that, including grants to private agencies, over 50% of the action grant money received during the first year by New York State under the Safe Streets program had gone to projects in New York City which, he pointed out, has 44% of the State's population. However, New York City has 75% of the State's major crime. Accordingly to the F.B.I.'s Uniform Crime Reports for 1968, New York State had a total of 642,041 crime index offenses reported to the police; 482,990 of these crimes occurred in New York City. In 1968, the crime rate per hundred thousand inhabitants in New York State was 3,644.6; in the New York City SMSA, including Bronx, Kings, Manhattan, Queens, Richmond, Nassau, Rockland, Suffolk, and Westchester Counties, the crime rate per hundred thousand inhabitants was 4,733.9; in New York City, the crime rate per hundred thousand inhabitants was 6,048.4. These statistics are as indisputable as they are dramatic: Crime is primarily an urban problem.

The current Federal law enforcement assistance program seems to be being administered on the patently erroneous assumption that crime is a social problem similar to education or health, of equal relevance to all areas and all people, and requiring an equitable national distribution of Federal funds. The very opposite is true. As former Attorney General Ramsey Clarke put it the other day, spreading Federal anticrime money two cents deep across the country will not have any effect on crime. This, however, appears to be exactly what many of the State planning agencies are attempting to do.

In a combined study completed this February on operations under the Safe Streets program to date, the National League of Cities and U.S. Conference of Mayors concluded:

"... most states in the allocation of action dollars have neither demonstrated any real commitment to improve the criminal justice system, nor have they concentrated funds on programs in most critical need areas. Instead of need and seriousness of crime problems, emphasis in dollar allocation appears to have been placed on broad geographic distribution of funds. Some states have established formulas for distribution of planning and action funds among local units or through regional units established for fund distribution purposes. Others have simply allocated funds in many small grants to local units. Few, if any, states have attempted to make difficult decisions which would enable them to allocate sufficient amounts of dollars to have any impact on the most urgent problems."

The study urged amendment of the title I program to assure that an adequate share of funds be distributed directly to the cities; to provide States with incentives to deal responsibly with the crime problems in major urban areas; and to require the Law Enforcement Assistance Administration to take a much more active role in overseeing state programs. These are precisely the aims of the legislation which I am cosponsoring and which, in its companion Senate version, received enthusiastic endorsement by the National League of Cities. The NLC's Executive Director, Mr. Patrick Healy, wrote to Senator Vance Hartke, the Senate bill's chief sponsor, of the organization's strong support in part as follows:

"Under the program as presently constituted, many cities with major crime problems are not receiving their fair share of the crime funds or having their particular crime control problems recognized properly in state crime plans. Your bill would substantially improve the position of cities with high crime problems to receive adequate funding under this program. At the same time it gives states an inducement to deal responsibly with the crime problems of their major urban areas by allowing those states which adequately recognize urban crime problems and commit resources to aiding the crime control effort an even greater share of funds than they are presently entitled to. In doing so, S. 3171 encourages important new concepts in federal-state-local relations, allowing a greater state role in local programs for states which demonstrate a commitment and concern for solving local problems while assuring that local governments in those states which do not make a sincere commitment to solving urban problems will still receive their fair share of federal funds."

The provisions referred to by Mr. Healy are contained in Section 2 of H.R. 15702. Section 2 would amend the provision in the 1968 crime legislation that 85% of the funds appropriated for action grants be allocated among the States according to their respective population, leaving only 15% to be administered as the Law Enforcement Assistance Administration sees fit, presumably to the

areas with the highest crime. The amendment would change the 85% State-Federal allocation to 50%/50%, with two important provisos. A State's allocation could be increased by 20% from funds allocated for Federal distribution if, first, the Law Enforcement Assistance Administration determined that the comprehensive State plan now required by the legislation—and I quote from the bill, "adequately deals with the special problems and particular needs of the major urban areas of the State and other areas of high crime incidence within the State." This is not currently required. A second 20% increase of a State's block grant allotment would be made where a State provided local governments with matching 50% financial assistance for the non-Federal portion of action programs funded under the legislation.

The bill has two other sections. Section 1 would add another category to the list of action grant programs eligible for funding, as follows:

"Crime prevention, including improved lighting of high crime areas and development of laws and ordinances and building design techniques to lower opportunities for crime."

The remaining section would authorize appropriations for a three-year period, as follows: \$8 million for fiscal 1971, \$1 billion for fiscal 1972, and \$1.2 billion for fiscal 1973. The need for specific support of crime prevention efforts, and for a long-term commitment on the part of the Federal government of money in sufficient amounts to do the job seem to me to be self-evident.

In closing, I am happy to note that along with only five other states, New York was singled out for praise in the study I cited earlier by the National League of Cities and the U.S. Conference of Mayors. This is a credit to our State, and to Governor Rockefeller. The legislation which I am cosponsoring would not interfere with the intergovernmental anticrime partnership which in New York, much more than in most other States, seems to have been a felicitous result of the Safe Streets program. It would, however, mean that in all probability New York City would receive more financial help for crime control, both from the Federal government and the State government.

I do not need to tell you that we need all the help that we can get. The statistics coming out of New York City are unremittably lurid. One of the more exotic is a recent estimate that heroin-motivated theft costs the city \$2 billion a year. According to preliminary F.B.I. figures for 1969, there were 1,533 rapes, 44,470 robberies, and 129,180 burglaries—to give a few examples. The New York area needs money for narcotics rehabilitation, it needs money for improving police techniques ranging from increased biracial foot patrols to advanced computer technology, it needs money to clear the dockets in the criminal courts. As the President's Crime Commission noted back in 1967, "To lament the increase in crime and at the same time to starve the agencies of law enforcement and justice is to whistle in the wind."

Thank you.

The CHAIRMAN. I will also place into the record, without objection, the following letters which the chairman has received: A letter from Senator Lee Metcalf, dated March 4, 1970, enclosing a letter to Senator Metcalf from Gov. Forrest H. Anderson, of Montana, dated February 24, 1970, and a letter from Representative Louis C. Wyman, dated March 6, 1970, enclosing a letter from Gov. Walter Peterson, of New Hampshire, dated February 27, 1970.

(The documents referred to follow:)

U.S. SENATE,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Washington, D.C., March 4, 1970.

HON. EMANUEL CELLER,
*Chairman, House Committee on the Judiciary,
Rayburn House Office Building,
Washington, D.C.*

DEAR MR. CHAIRMAN: Governor Anderson of Montana has written to me about legislation to modify the block grant provisions of the Safe Streets and Crime Control Act.

I hope that his statement (enclosed) can be incorporated in the record of your current hearings as a comment on the House companion, H.R. 15597, even though it is directed to the Senate bill, S. 3171.

Thank you very much for your courtesy.

Very truly yours,

LEE METCALF.

Enclosure.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, February 24, 1970.

HON. LEE METCALF,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR LEE: As you know, Congressman Emanuel Celler's House Judiciary Committee has scheduled hearings this month concerning, generally, the Omnibus Crime Control and Safe Streets Act of 1968, and, specifically, the block grant concept incorporated in Title I of that Act.

I have been informed that a major effort will be made by opponents of the block grant system to strip that desirable feature from the Act.

S. 3171, introduced by Senator Hartke (Ind.) is but one example of the effort being made to weaken the Act. The amendments proposed in Senator Hartke's bill would be most damaging to the crime control program in Montana.

These attacks are not only premature, but also are based upon insufficient and misleading information gathered early last year by the National League of Cities.

The State Planning Agency (SPA) responsible for administering Omnibus funds in Montana is little more than a year old. Starting a new agency in a virgin field as broad as criminal justice planning has called for tremendous effort at both state and local levels. At present, about 100 persons across the state are directly involved in this program.

Action funds under Part C of the Act were made available to Montana in July, 1969, following the Law Enforcement Assistance Administration's approval of Montana's 1969 crime control plan. Sub-grant procedures were established by September, and, as of the end of the year, 75 per cent of all action funds available had been paid out to cities, towns, counties and state criminal justice agencies.

Applications in excess of \$150,000 are being processed by SPA at this time. An average of four applications for assistance are received each day. This volume is steadily increasing. Since 1969 funds are practically exhausted, most of these applications must be held up until 1970 funds become available, perhaps by May.

Montana has eight first class cities (over 10,000); five second class cities (5,000-10,000); and 45 third class cities (1,000-5,000). Using 1960 census figures, 57 per cent of Montana's population live in these 58 cities and are, therefore within city police jurisdiction. The remaining 43 per cent of our population live in counties and small towns, most of which have no police and are within county law enforcement jurisdiction.

I must admit that during 1969, Montana's larger cities did not submit many requests for action assistance, but the reasons for this are not the reasons stated by the opponents to the block grant system (see Attachment A). Only \$100,000 was available to Montana in 1969 for action assistance. This amount of assistance has done much to meet the needs and solve the problems facing smaller police and sheriff agencies. City programs require much larger sums of money. The large cities felt they should wait until more funds are available.

To meet this need in the future, SPA has designed a funding system which will earmark a certain percentage of Montana's annual action award for use by our larger cities alone, thus guaranteeing at least a minimum amount of assistance available to the cities each year. Nearly \$100,000 will be set aside for cities during 1970. As Congress increases action appropriations in the future, this amount will increase proportionately. The block grant system allows Montana to form a partnership with its cities, both large and small, which encourages comprehensive, long-range criminal justice planning. The Omnibus Act, stripped of the block grant concept, would force each county and city to stand alone, separate from each other and separate from the State. Senator Hartke's bill would, in effect, force Montana's cities to compete with every city in the nation for crime control dollars.

I suggest, therefore, that the block grant concept is the ideal vehicle for implementation of the declared policy of the Act: "to assist State and local governments in strengthening and improving law enforcement at every level."

I sincerely hope that my opinions and the enclosed materials will aid you in your determinations.

Sincerely yours,

FORREST H. ANDERSON, *Governor.*

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 6, 1970.

HON. EMANUEL CELLER,
*Chairman, House Judiciary Committee,
Rayburn House Office Building,
Washington, D.C.*

DEAR MR. CHAIRMAN: I am enclosing a copy of a letter I received from the Hon. Walter Peterson, Governor of the State of New Hampshire, relative to the distribution of LEAA funds through the block grant method. New Hampshire has been delayed with its participation in this program, and Governor Peterson firmly believes that the block grant approach is the most legitimate and useful of all alternatives. I offer his letter for the consideration of the Committee.

Thank you for your cooperation.

Sincerely,

LOUIS C. WYMAN,
Member of Congress.

Enclosure.

STATE OF NEW HAMPSHIRE,
Concord, February 27, 1970.

HON. LOUIS C. WYMAN,
*Congressman from New Hampshire,
House Office Building,
Washington, D.C.*

DEAR LOUIS: The House Judiciary Committee is now conducting hearings related to the Omnibus Crime Control and Safe Streets Act of 1968. I am advised that during these hearings, an effort will be made to remove the block grant feature from the Act.

During Fiscal Year 1969 New Hampshire received \$146,170. for planning and \$100,000. for action funds. The amounts allocated for the current Fiscal Year are \$154,000. planning and \$697,400. for action funds. These funds are allocated as a block grant to the State, and the brief experience of operating under this Act has shown, overwhelmingly, the desirability of this type of grant.

Receiving funds as a block grant permits the individual State to plan and carry out programs in the field of law enforcement which are designed carefully to fit the particular needs of the State, and permits maximum flexibility in carrying out the purposes of the Act. The Comprehensive Plan for Fiscal Year 1969, and the plan now in the process of being developed for the current year, reflect the needs of New Hampshire and contain law enforcement programs which are aimed at prevention, upgrading criminal justice, corrections and rehabilitation.

If the block grant feature is removed from the Act, the result may be a procedure requiring the funding of federally selected programs and projects which may, or may not, be suited to the needs of New Hampshire nor performed in the order of priority which would be in the best interest of the State. I fear that this will remove discretion and flexibility from State plans, and would result in the requirement to fund programs that may have little relation to our actual needs.

In view of the foregoing, I strongly urge that you make representations to Congressman Emanuel Celler's House Judiciary Committee recommending that funding under the Omnibus Crime Control and Safe Streets Act of 1968 continue on a block grant basis.

Most sincerely,

WALTER PETERSON, *Governor.*

The CHAIRMAN. This will conclude the hearing for today.

The committee will stand in recess until tomorrow morning at 10 o'clock, when our witness will be the Attorney General of the United States.

(Whereupon, at 12:08 p.m. the subcommittee recessed, to reconvene at 10 a.m., Thursday, March 12, 1970.)

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

THURSDAY, MARCH 12, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 5 OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler, Rodino, Rogers, Brooks, Kastemeier, Edwards of California, McCulloch, Poff, MacGregor, Hutchinson, McClory, and Railsback.

Staff members present: Benjamin L. Zelenko, general counsel; and Franklin G. Polk, associate counsel.

The CHAIRMAN. The committee will come to order.

Our witness this morning is our distinguished and eminent Attorney General, whom I am sure will be very enlightening and help us materially in the matters at hand, particularly concerning amendments to the Omnibus Crime Control and Safe Streets Act.

Mr. Attorney General, we welcome you.

Would you identify the gentlemen at the table with you?

STATEMENT OF HON. JOHN N. MITCHELL, ATTORNEY GENERAL OF THE UNITED STATES; ACCOMPANIED BY RICHARD VELDE AND CLARENCE COSTER, ASSOCIATE ADMINISTRATORS, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Attorney General MITCHELL. Thank you, Mr. Chairman.

I regret that the Administrator of the Law Enforcement Assistance Administration is not here this morning. That is Mr. Charles Rogovin, who became ill overnight and could not make it.

On my immediate right is Mr. Richard Velde, and next is Mr. Clarence Coster. Both of these gentlemen are Associate Administrators of the Law Enforcement Assistance Administration.

They, of course, have the specific expertise and it may be that during your inquiries there will be subject matters that I would like to refer to them for some specifics that might not be within my knowledge.

The CHAIRMAN. You might proceed, Mr. Mitchell.

Attorney General MITCHELL. Thank you, Mr. Chairman.

I thank you very much for this opportunity to testify on the LEAA program.

I consider these hearings on the LEAA to be among the most important congressional deliberations involving the Department of Justice for this session.

I can think of no administration program which is of a higher pri-

ority than the LEAA, because no problem is of a higher priority than the ever-increasing crime in our Nation.

LEAA is the Federal Government's major effort to help the States and the cities reduce the plague of crime—street crime, narcotics crime, juvenile crimes, organized crime, and the crimes associated with civil disorders.

It is a grant-in-aid matching fund program which makes the Federal Government a partner with the State and cities.

State and local governments are not able now to deal with the crime problem all by themselves. There is not enough money, nor enough public interest, nor enough trained personnel, nor enough research, nor enough coordination and planning, nor enough new programs.

The LEAA was designed to provide leadership, funding and technical assistance to help the States and cities in what is basically a local problem.

Our initial reports are that, on an overall basis, the administration of the program—has been extremely successful.

But I hope the committee will remember that the total budget in fiscal 1969 was a mere \$63 million.

For fiscal 1970, Congress appropriated \$268 million, although the administration had requested \$300 million. This appropriation was passed in late December so that we can only estimate its effects.

For fiscal 1971, we have requested \$480 million. This means that, in fiscal 1971, the States and cities may receive double the amount of Federal funds they received this year.

It means that the total Federal expenditure in fiscal 1971 may be one-twelfth of the total national expenditure of \$6 billion for law enforcement and the administration of criminal justice.

I predict that the Federal Government's commitment will probably reach \$1 billion annually sometime in the near future—but if, and only if, the money we are distributing now is used effectively.

I would be most pleased if Congress passes our \$480 million request for fiscal 1971. I think that the increase from \$63 million to \$268 million to almost a half-billion dollars in a 3-year period is about as much as our States and cities can effectively spend.

BUDGET CONCEPTS

The general budgetary distribution theory for Federal anticrime funds is that most of the money goes to the States in block grants according to their population. These block grants are primarily for planning activities and action programs.

But 15 percent of the action grant funds appropriated by Congress may be allocated in a discretionary manner by LEAA. A great portion of these discretionary funds are going and will continue to go directly to the cities to supplement the Federal funds they are already receiving within the State block grant concept.

The remainder of the funds are devoted to research, educational training for law enforcement personnel and special projects.

Let me offer the committee an idea of how the funds are being spent by the 50 States and the District of Columbia.

We find that the States and cities are spending 79 percent of our Federal funds for law enforcement (whereas, the national expenditure for law enforcement is about 67 percent).

They are spending about 6 percent of the Federal funds on courts (versus an 8 percent national expenditure).

And they are spending about 14 percent on corrections (versus a 25 percent national expenditure). Those are first-year figures.

Thus, our initial studies show that Federal anticrime funds are being utilized in the broad and comprehensive way which Congress intended—to aid the police, to improve the efficiency of the courts, to reform corrections, to update juvenile procedures, to attack narcotics problems, to investigate organized crime, to study civil disorder control procedures and to establish and improve vitally needed policy-community relations' programs with minority groups.

It seems appropriate to us that 79 percent of all the funds have gone directly or indirectly to the law enforcement function. The police are the first line of defense against street crime. They must be given better training and better equipment and new facilities, and given today.

But the States and the cities are also beginning to recognize other priorities in their fund requests.

We are now receiving information that, in this fiscal year, the law enforcement appropriation will be decreased and the appropriations for courts and corrections, will be increased more in line with the national averages, which I cited above.

This means that public officials are becoming more aware of the interrelationships among law enforcement, the courts and corrections.

They know that it is useless to improve the ability of the police to apprehend suspects if the suspects must wait a year or 18 months in the courts to be tried.

They realize that it is equally useless to improve the efficiency of the courts if convicted persons are sent to correctional institutions which are merely revolving doors to a return to street crime—especially since more than 45 percent of all adults released from prison are eventually convicted and returned to prison.

I think that LEAA can take substantial credit for this new progress in coordinating the various segments of the criminal justice system.

I also think that the LEAA is responsible, in some measure, for the new awareness among public officials that there must be a working relationship between the city, the county, and the State.

Our staff has worked very hard to show the necessity for systemwide improvement. Police forces are basically under the control of city government. Court systems tend to be under county or State governments.

Short-term incarceration facilities are generally under city or county governments while long-term correctional facilities are generally under State governments.

Thus, under the impetus of LEAA, we are seeing the emergence of regional planning commissions working with State planning commissions.

For the first time, on a nationwide basis, an attempt is being made to evaluate, coordinate and integrate the hundreds of different criminal justice agencies and their programs in each State.

We have also been pleased that the States and the cities are utilizing Federal funds in the broad range of functions which Congress in-

tended—for the training of existing personnel and the hiring of new personnel; for new equipment; for the improvement of existing facilities and the construction of new facilities; for pilot research projects and for communications and educational projects.

The result is that today the Law Enforcement Assistance Administration—the Federal Government's major program to reduce lawlessness—is achieving unprecedented goals in the nationwide war against crime.

It has started a wave of criminal justice reform all across the Nation, from the small towns to affluent suburbs to the largest cities.

It is building a new crops of public-minded experts in the field of law enforcement and criminal justice.

It is improving existing institutions and experimenting with new pilot projects. And perhaps most importantly, it is building the optimism and the hope of success against the crime problem which, I think you will agree, a year ago many of us believed was beyond control.

For such a large program which has evolved so rapidly, I believe there has been remarkably little waste and inefficiency. But, there has been in the past and continues to be today, a number of recurring criticisms.

I would like to present for the committee's consideration a detailed report on the program development and other successes of LEAA as an appendix to these remarks.

The CHAIRMAN. Permission is granted. We will accept it for the record.

Attorney General MITCHELL. Thank you, sir.

(The report to be furnished follows:)

PROGRESS REPORT ON LEAA PROGRAM FROM INCEPTION THROUGH APRIL 1, 1970

The new nation-wide, comprehensive crime control program under the Omnibus Crime Control and Safe Streets Act of 1968—the first in the country's history—began full operations during 1969. The program, administered by the Law Enforcement Assistance Administration (LEAA), provided unprecedented levels of financial assistance during the year to state and local criminal justice agencies throughout the nation.

LEAA was created by Congress in June, 1968 by the Omnibus Crime Control and Safe Streets Act to help state and local governments improve their police departments, court systems, and corrections agencies. Formal operations were begun by LEAA in October, 1968. Its first-year budget, for fiscal 1969, totaled \$63 million. The breakdown: \$19 million for planning grants, \$29 million for action grants, \$3 million for research and development, \$6.5 million for academic assistance, \$3 million for FBI programs, and \$2.5 million for administration.

The bulk of the fiscal 1969 budget—some \$50 million—was awarded in grants in the six-month period from January 1 to June 30, 1969.

Late in calendar 1969, Congress appropriated a \$268 million budget for LEAA for fiscal 1970, the second year of the agency's operations. The breakdown: \$21 million for planning grants, \$215 million for action grants, \$7.5 million for research and development, \$18 million for academic assistance, \$1.2 million for technical assistance, \$1 million for development of a statistics and information service, and \$4.3 million for administration.

Prior to the end of calendar 1969, some \$71 million was used for assistance to law enforcement and criminal justice agencies. In addition, LEAA in the latter half of calendar 1969 prepared to award in the first six months of calendar 1970 the bulk of the new \$268 million second-year appropriation.

Of the \$268 million, \$215 million is for action grants to carry out specific law enforcement improvement programs. The states will receive \$182,750,000 in block grants, and in turn will make at least 75 percent available to their city

and county governments. LEAA will award the remaining \$32,250,000 at its own discretion, with a major share of it earmarked for direct aid to cities and metropolitan areas with pressing crime problems. As of March 31, 1970, \$7.7 million of the \$215 million in action grants had been awarded, the bulk awaiting submission of the 1970 comprehensive state plans due by April 15, 1970.

In calendar 1969, every state put into full operation a top-level state law enforcement planning agency. In cooperation with their city and county governments, every state drafted a state-wide, comprehensive law enforcement improvement program, with the aid of LEAA planning grants. Each state then received, at mid-year, block action grants and initiated their improvement programs for police, courts, and corrections.

Here are major highlights of the LEAA program from inception in late 1968 through March 31, 1970.

For the first time in the nation's history, every state—in cooperation with its city and county governments—prepared state-wide, comprehensive law enforcement improvement plans.

For the first time in the nation's history, every state—in cooperation with its city and county governments—initiated state-wide comprehensive programs for law enforcement and criminal justice improvements.

LEAA grants for planning programs, action programs, research and development, technical assistance, and academic assistance totaled some \$118.5 million.

By March 31 1970, three states had submitted second-year plans and the remainder were completing their plans to be submitted to LEAA in mid-April 1970. Twenty-four states had applied for interim action funds of \$45.2 million and more than half of these had received grant awards.

By June 30, 1970, the 50 states, Washington, D.C., and the territories are scheduled to receive some \$182 million in block action grants—compared to some \$25 million in fiscal 1969 (a more than 7-fold increase).

More than 7,500 persons at the state, local and regional levels were engaged in criminal justice planning under the LEAA program.

Nearly 2,000 crime control and criminal justice projects were underway throughout the country as part of the LEAA program.

During calendar 1969, some \$18 million in planning funds were awarded by LEAA. Total action grants awarded during the year reached \$21.5 million. Calendar 1970 operations to date have added \$20.6 million in planning awards and \$7.7 million in action grants to that total.

Scores of projects were underway in every state as part of their comprehensive improvement programs. Plans varied in each state but all included projects for police, courts, and corrections. Here are examples of the diversity of state projects, with one listed from each state:

Alabama is modernizing police departments and conduct juvenile delinquency prevention projects.

Alaska is creating a state-wide criminal justice teletype network.

Arizona is using one-third of its funds for police training.

Arkansas is expanding police research, beginning public education in crime control, and purchasing new police equipment.

California is allocating more than \$800,000 to improve prevention and control of civil disorders.

Colorado is obtaining new communications equipment to serve a number of police jurisdictions.

Connecticut is creating crime prevention programs and community homes for delinquents.

Delaware is developing community relations units and conducting corrections research.

Florida is using \$312,000 of \$867,100 grant to build a criminal justice information system.

Georgia is beginning a pilot program of work release for inmates of correctional institutions.

Hawaii is supporting crime laboratory facilities.

Idaho is conducting training seminars for judges and developing a procedures manual for magistrates.

Illinois is studying approaches to controlling organized crime and conducting drug abuse education.

Indiana is working to reduce racial tensions, strengthening narcotics control, and supporting defense of indigents.

Iowa's largest budget item is for prevention and control of juvenile delinquency.

Kansas is strengthening corrections programs.

Kentucky is stressing crime prevention and police research and training.

Louisiana is developing a uniform court records system.

Maine is using half of its funds to improve police selection and training.

Maryland is working to reduce recidivism by former inmates.

Massachusetts is improving management and operations of criminal justice agencies.

Michigan is spending one-tenth of its \$1 million grant to train juvenile court staffs and probation aides.

Minnesota is enhancing police education and training and creating a riot-readiness program.

Mississippi is improving training standards for police and corrections personnel and developing a uniform crime reports program.

Missouri is strengthening prosecutors' offices and creating a criminal justice information system.

Montana is developing a program of public education, crime prevention, and community involvement.

Nebraska is improving law enforcement communications systems.

New Hampshire is expanding rehabilitation programs for adult offenders and combat drug abuse.

Nevada is improving police communications and equipment.

New Jersey is strengthening crime prevention and control through a project to reduce police response time.

New Mexico is spending 20 percent of its funds to improve corrections.

New York is improving police patrol, and combatting organized crime.

North Carolina is revising its criminal code and improving case preparation, court sentencing and scheduling, and rehabilitation of offenders.

North Dakota is working to control alcoholism and crime.

Ohio is enhancing police training and equipment and developing a criminal justice information system.

Oklahoma is expanding both its probation-parole services and police-community relations programs.

Oregon is creating ways to improve apprehension and prosecution of offenders.

Pennsylvania is expending juvenile delinquency and courts-prosecution-defense programs.

Rhode Island is consolidating police support services in the Western part of the state and improving the police communications system in Providence.

South Carolina is expanding police training and re-codifying its criminal code.

South Dakota is creating a juvenile court center and strengthening narcotics control.

Tennessee is intensifying training for corrections and police personnel and unifying the court system.

Texas projects are improving communications and information systems for police and community relations programs.

Utah is enlarging police operations and revising the criminal code.

Vermont is improving police training and communications and developing a law enforcement manual.

Virginia is creating regional crime laboratories and studying its court system.

Washington State is beginning a variety of delinquency and youth projects.

West Virginia is improving prosecution programs, conducting anti-burglary projects, and surveying organized crime.

Wisconsin is giving priority to improved police training, purchasing of emergency communications equipment, and strengthening community relations.

Wyoming is developing a police communications system covering all counties in the state.

In addition to these grants, the LEAA awarded a total of more than \$3.6 million in discretionary funds during the year, to finance innovative criminal justice projects, including \$1.1 million for anti-crime programs now underway in 11 major cities. Among these:

Baltimore is more than matching the LEAA grant to purchase a helicopter for use in a variety of anti-crime patrols.

Cleveland is setting up a special 18-member police group whose work will range from special anti-crime street patrols to police-community relations work.

A new kind of electronic burglary alarm system—which signals specially-equipped police cars on permanent patrol in a major business area—will be put into operation by Detroit.

Philadelphia has two major projects: To reduce violence by street gangs and develop a police communications system using closed-circuit television.

New York City plans to create a new system of high-speed transmission of fingerprints that might save up to 100,000 police man-hours a year.

Dallas is starting a program to prevent first-time juvenile offenders from becoming crime repeaters.

Two cities—Chicago and Houston—are creating treatment and rehabilitation programs for chronic alcoholics who comprise about one-third of all arrests made each year in the nation.

Milwaukee is setting up broad programs for police-community relations and improved police training.

The LEAA also provided consulting and technical services, its teams of experts working on such vital areas as organized crime, police operations and management, corrections and rehabilitation, prevention and control of civil disorders, and the courts.

To better assist states, local governments, and law enforcement agencies engaged in criminal justice planning, the LEAA opened seven regional offices in 1969, in Boston, Atlanta, Philadelphia, Chicago, Denver, Dallas and San Francisco. These are now operating at close to full strength.

Other technical assistance was furnished at 17 national and regional meetings, conducted by LEAA for more than 1,200 law enforcement and governmental officials who are engaged in criminal justice planning.

Considerable advances have already been made under the LEAA program to combat organized crime. For the first time in history, the federal government sponsored training conferences on organized crime, bringing together at three regional conferences police, prosecutors, judges, and criminal justice planners—more than 500 officials from all 50 states. Week-long sessions covered the training of agents, organization of intelligence units, conspiracies, citizen involvement, and investigative techniques. LEAA's organized crime programs division directed these conferences and provided other advisory services during the year to state and local law enforcement officials.

Five states received a \$174,000 grant to develop the prototype of a computerized organized crime intelligence system. A \$100,000 grant is financing an organized crime intelligence program to combat that growing activity in the Caribbean area and a half million dollar grant will support development of a multi-state system for the New England States.

In 1969, the LEAA's National Institute of Law Enforcement and Criminal Justice awarded \$3.6 million for research and demonstration projects to reduce crime and improve criminal justice. This sum represented the Institute's entire fiscal 1969 appropriation as well as some funds appropriated for fiscal 1970. By March 31 one-seventh of the 1970 appropriation of \$7.5 million had been awarded or committed to projects in final stages of processing.

Among the 127 Institute awards during FY 1969 were funds for these projects:

\$144,505 to design police communications system for a three-state area, from Milwaukee to Gary and including metropolitan Chicago.

\$105,000 to evaluate the effects of methadone treatment on crime and narcotics offenders in New York City.

\$25,000 to develop user requirements for an automatic system of locating police cars applicable for a metropolitan area; and \$102,148 for a study to improve police vehicles.

\$316,116 to the Michigan Department of State Police to perform research on voiceprint identification as an alternative or supplement to fingerprint identification.

\$64,013 to the Cedar Rapids, Iowa, Police Department to operate and evaluate a highly promising burglar-robbery alarm system, and a \$125,000 grant to Louisville, Kentucky, to develop automatic surveillance and alarm systems.

In its efforts to bring science and technology to bear upon criminal justice problems, the Institute began preliminary work on the development of a small, inexpensive transceiver radio for patrolmen; sponsored projects to improve communications systems including command and control; and explored methods to increase the safety of homes, office buildings, schools and industrial plants.

Special attention was given to court delays. A court study sponsored by the Institute found an urgent need for more court administrators. Another project is evaluating how to enhance the role of the state attorney general's office in all phases of law enforcement.

Projects were also initiated on such priority items as police patrol tactics, characteristics of chronic offenders, white collar crime, campus unrest, organized crime's penetration of legitimate business, urban rioting, and how to better control narcotics and drug traffic.

Another LEAA priority was represented by the Law Enforcement Education Program—which provides funds for college studies by law enforcement personnel and promising students preparing for criminal justice careers.

In the first six months of calendar 1969, a total of \$6.5 million was awarded to some 485 colleges and universities. They in turn awarded grants and loans to more than 20,000 students. In the final six months of the year, the program grew substantially. Some \$18 million was awarded in that period (the complete 1970 appropriation for this program) to 720 colleges and universities, and will help finance studies by between 60,000 and 80,000 students in the 1969-70 academic year. By March 31, the academic assistance program was approaching the final review stage for its fiscal year 1971 awards. This program is designed to help fully professionalize law enforcement and criminal justice agencies throughout the nation.

The National Criminal Justice Information and Statistics Service begin development of a nationwide system to determine the incidence of crime, the impact of crime upon society and the economy, and the effectiveness of anti-crime programs.

A major effort in 1969 was Project Search, which will develop a prototype system for exchange of criminal justice information among states. With \$600,000 in initial LEAA funds and a continuation award of \$800,000, six states—Arizona, California, Maryland, Michigan, Minnesota, and New York—are developing standardized records on offenders. Four additional states—Connecticut, Florida, Texas, and Washington—joined the original six states in the 1970 continuation grants and five new observer states—Illinois, Pennsylvania, Ohio, New Jersey, and Colorado—have been integrated into the program. Demonstration of the system is scheduled for July, 1970.

Also underway—in cooperation with the U.S. Bureau of the Census—are a directory of criminal justice agencies, a jail survey, and a survey of expenditures for employment by criminal justice agencies.

COMPLETE LIST OF FISCAL 1970 PLANNING AND ACTION GRANT AWARDS MADE BY THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION THROUGH MARCH 31, 1970

State	Total planning	Total Action	State	Total planning	Total action
Alabama.....	\$369,000	\$72,000	Nebraska.....	\$211,000	
Alaska.....	121,000		Nevada.....	66,978	
American Samoa.....	33,300		New Hampshire.....	154,000	
Arizona.....	228,000	18,360	New Jersey.....	641,000	\$143,000
Arkansas.....	252,000		New Mexico.....		
California.....	1,566,000		New York.....	1,490,000	
Colorado.....	258,000	1,863,000	North Carolina.....	492,000	
Connecticut.....	328,000		North Dakota.....	142,000	17,000
Delaware.....	141,000		Ohio.....	911,000	
District of Columbia.....	161,000		Oklahoma.....	294,000	
Florida.....	575,000		Oregon.....	233,000	
Georgia.....	450,000		Pennsylvania.....	998,000	
Guam.....	38,343		Puerto Rico.....	308,000	
Hawaii.....	159,000		Rhode Island.....	169,000	450,450
Idaho.....	154,000	151,239	South Carolina.....	304,000	657,202
Illinois.....	938,000	151,265	South Dakota.....	151,000	
Indiana.....	487,000		Tennessee.....	402,000	
Iowa.....	312,000	41,000	Texas.....	942,000	
Kansas.....	275,000		Utah.....	179,000	
Kentucky.....	347,000	1,431,916	Vermont.....	133,000	
Louisiana.....	384,000	75,000	Virginia.....	452,000	
Maine.....	175,000		Virgin Islands.....	104,000	
Maryland.....	384,000		Washington.....	352,000	
Massachusetts.....	515,875		West Virginia.....	239,000	
Michigan.....	763,000		Wisconsin.....	422,000	
Minnesota.....	380,000		Wyoming.....	125,000	12,717
Mississippi.....	280,000	985,000			
Missouri.....	452,000				
Montana.....	153,000				
			Total.....	20,612,496	3,529,581

COMPLETE LIST OF FISCAL 1969 AWARDS MADE BY THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

TABLE 1.—PLANNING AND ACTION GRANTS TO THE STATES

(Including awards made under sec. 307(b) for prevention and control of civil disorders)

State	Planning		Action			Total
	Initial	Total planning allocation	307(b)	Action grant	Total action allocation	Planning and action
Alabama.....	\$62,066	\$337,600.00	\$76,560	\$357,280	\$433,840	\$771,440.00
Alaska.....	23,000	118,000.00	-----	100,000	100,000	218,000.00
American Samoa.....	10,000	10,000.00	-----	-----	-----	10,000.00
Arizona.....	41,978	209,890.00	35,409	165,242	200,651	410,541.00
Arkansas.....	46,460	232,300.00	-----	241,570	241,570	473,870.00
California.....	200,000	1,387,900.00	414,989	1,936,621	2,351,610	3,739,510.00
Colorado.....	46,568	232,840.00	42,804	199,752	242,556	475,396.00
Connecticut.....	59,420	297,100.00	63,510	296,380	359,890	656,990.00
Delaware.....	27,047	135,235.00	11,353	88,647	100,000	235,235.00
District of Columbia.....	30,881	154,405.00	17,531	82,469	100,000	254,405.00
Florida.....	100,409	503,650.00	130,065	606,970	737,035	1,240,685.00
Georgia.....	80,000	403,750.00	97,875	456,750	554,625	958,375.00
Guam.....	20,000	41,742.90	-----	40,000	40,000	81,742.90
Hawaii.....	29,936	149,680.00	-----	100,000	100,000	249,680.00
Idaho.....	29,396	146,980.00	\$15,138	84,862	100,000	246,980.00
Illinois.....	166,610	833,050.00	236,202	1,102,293	1,338,495	2,171,545.00
Indiana.....	87,330	436,150.00	103,200	510,585	613,785	1,049,935.00
Iowa.....	56,870	284,950.00	51,875	285,830	337,705	622,655.00
Kansas.....	50,510	252,550.00	39,906	238,639	278,545	531,095.00
Kentucky.....	62,930	314,650.00	-----	391,935	391,935	706,585.00
Louisiana.....	69,140	345,700.00	79,170	369,460	448,630	794,330.00
Maine.....	33,000	165,475.00	-----	119,552	119,552	285,027.00
Maryland.....	69,400	347,050.00	-----	451,095	451,095	798,145.00
Massachusetts.....	92,900	464,500.00	117,450	548,050	665,500	1,130,000.00
Michigan.....	-----	677,800.00	186,180	868,840	1,055,020	1,732,820.00
Minnesota.....	68,000	340,300.00	75,000	363,770	438,770	779,070.00
Mississippi.....	51,590	257,950.00	-----	288,405	288,405	546,355.00
Missouri.....	81,830	409,150.00	99,590	464,895	564,485	973,635.00
Montana.....	29,423	147,115.00	-----	100,000	100,000	247,115.00
Nebraska.....	39,305	196,525.00	31,102	145,146	176,248	372,773.00
Nevada.....	20,000	129,835.00	-----	100,000	100,000	229,835.00
New Hampshire.....	20,000	146,170.00	14,877	85,123	100,000	246,170.00
New Jersey.....	114,230	571,150.00	151,814	708,471	860,285	1,431,435.00
New Mexico.....	33,500	167,500.00	21,750	101,500	123,250	290,750.00
New York.....	-----	1,332,550.00	397,154	1,853,391	2,250,545	3,583,095.00
North Carolina.....	87,770	438,850.00	77,000	541,715	618,715	1,057,565.00
North Dakota.....	28,586	142,930.00	-----	100,000	100,000	242,930.00
Ohio.....	160,670	803,350.00	226,634	1,057,631	1,284,265	2,087,615.00
Oklahoma.....	53,480	267,400.00	53,175	252,485	305,660	573,060.00
Oregon.....	46,892	234,460.00	43,326	202,188	245,514	479,974.00
Pennsylvania.....	176,330	881,650.00	240,524	1,186,711	1,427,235	2,308,885.00
Puerto Rico.....	56,180	280,900.00	54,650	275,660	330,310	611,210.00
Rhode Island.....	32,096	160,480.00	18,897	91,535	110,432	270,912.00
South Carolina.....	54,830	274,150.00	56,115	261,870	317,985	592,135.00
South Dakota.....	29,072	145,360.00	14,244	85,756	100,000	245,360.00
Tennessee.....	65,000	361,900.00	84,390	393,820	478,210	840,110.00
Texas.....	138,000	830,350.00	235,344	1,098,221	1,333,565	2,163,915.00
Utah.....	33,770	168,850.00	22,185	103,530	125,715	294,565.00
Vermont.....	25,616	128,080.00	9,048	90,952	100,000	228,080.00
Virginia.....	81,020	405,100.00	-----	557,090	557,090	962,190.00
Virgin Islands.....	20,756	103,500.00	-----	40,000	40,000	143,500.00
Washington.....	60,000	307,900.00	62,325	317,285	379,610	687,510.00
West Virginia.....	44,192	220,960.00	38,976	181,888	220,864	441,824.00
Wisconsin.....	60,000	382,150.00	90,100	425,085	515,185	897,335.00
Wyoming.....	24,239	121,195.00	6,829	93,171	100,000	221,195.00
Total.....	3,232,228	18,840,707.90	3,844,266	21,210,116	25,054,382	43,895,089.90

Attorney General MITCHELL. With your permission, I would like to discuss some of the criticisms.

THE CITIES

The most significant criticism that has been offered before this committee is that the State block grant concept should either be completely abandoned or should be substantially modified. Those supporting this point of view generally come from the cities.

They claim, in various ways, that the cities are not deriving fair treatment from the Federal program.

To prepare for these hearings, we have attempted to gather figures on the apportionment of money to the Nation's 411 cities of 50,000 persons or more.

Our studies show the cities have fared extremely well under the Federal anticrime effort. I can assure you that they will continue to get the special attention they so urgently need.

Crime rates in urban areas are substantially higher than in rural areas and the entire Federal anticrime effort reflects the urban priority.

But it would be, in my opinion, a mistake, for a number of reasons, for the Congress to change the present State block grant system.

As you know, the question of Federal anticrime funds to the cities was vigorously debated in Congress prior to the passage of the Safe Streets Act.

After a great deal of debate, the Congress reached a compromise which basically provided for a State block grant, matching fund program to the States with strong safeguard provisions to insure adequate attention to the cities.

Not only have these special safeguards for the cities been followed, but in many cases the cities have received even more than the minimums contemplated during the congressional debates.

Protection for the cities:

(a) Of the planning grant money, 40 percent must go to local government and at least 75 percent of the action grant money must go to local government. As a matter of fact, many States have exceeded the 75-percent limitation with some States redistributing to local government as much as 90 percent of the Federal funds.

(b) The Nation's 411 cities of 50,000 contain less than 40 percent of the total population and have 62 percent of the serious crime. It is our initial estimate that these cities have been granted 60 percent of all action funds distributed to local government by the State governments up to December 31, 1969.

This figure is based on State subgrants to cities and to countrywide or regional criminal justice programs in which the cities are directly participating.

(c) In some instances we know of additional amounts for cities which are not reflected in the 60 percent figure.

We have found in some initial audits that States have given subgrants to cities which they have not listed on their last quarterly report, from which our figures are derived.

Thus, we know that the percentage would run even higher.

(d) In addition, the 60 percent figure does not reflect funds given to heavily populated suburbs of under 50,000 surrounding large cities. Those suburbs have received significant amounts for crime projects which are closely related to the contiguous city areas.

I would like to point out, Mr. Chairman, that these figures are based on allocations as of December 31, 1969, when \$18.7 million of the available \$25 million had been redistributed by State governments to city and county governments.

(e) It may also be of interest to look at funds reallocated to cities over 50,000 as of December 31 on a State by State basis.

For example, Massachusetts, 63 percent; Illinois, 68 percent; Connecticut, 63 percent; New York 59 percent; Ohio, 50 percent; Pennsylvania, 57 percent, and Texas, 74 percent.

(f) Some of the critics of the program have argued that it is the largest cities and not the small- and medium-sized cities which are being denied fair treatment.

We have compiled a list of funds given to the 15 cities with the highest total FBI index crime figures.

As of December 31, these percentages of block grant action funds reallocated by States to cities were:

New York received 39 percent of the State action grant funds while having 44 percent of the population and 75 percent of the crime; Los Angeles received 27 percent of the State funds while having 14 percent of the population and 22 percent of the crime; Detroit received 23 percent of the State funds while having 18 percent of the population and 40 percent of the crime; Baltimore received 24 percent of the State funds while having 24 percent of the population and 54 percent of the crime; Washington, D.C., received 100 percent, but this is a unique situation; San Francisco received 1 percent of the funds while having 3 percent of the population and 6 percent of the crime; St. Louis received 39 percent of the funds while having 14 percent of the population and 37 percent of the crime; Newark received 14 percent of the funds while having 5 percent of the population and 20 percent of the crime; Pittsburgh received 5 percent of the funds while having 4 percent of the population and 21 percent of the crime; Oakland received 1 percent of the funds while having 2 percent of the population and 4 percent of the crime; Boston received 28 percent of the funds while having 10 percent of the population and 25 percent of the crime; Chicago received 23 percent of the funds while having 31 percent of the population and 53 percent of the crime; Cleveland received 8 percent of the funds while having 7 percent of the population and 18 percent of the crime; Houston received 16 percent of the funds while having 10 percent of the population and 22 percent of the crime; and Philadelphia received 28 percent of the funds while having 17 percent of the population and 21 percent of the crime.

I would be pleased to provide for the record a study of each city in detail if you wish.

The CHAIRMAN. We are very anxious to get that, sir.

(The information referred to follows:)

TABLE 1.—1968 CRIME INDEX (PER 100,000 POPULATION) AND CHANGE SINCE 1960, BY SIZE OF CITY

City size	All crime	Rate of increase, 1960-68 (percent)	Violent crime	Rate of increase, 1960-68 (percent)
1,000,000 and over.....	6,111.5	115	936.2	161
500,000 to 1,000,000.....	6,217.3	118	729.6	169
250,000 to 500,000.....	5,774.3	80	533.2	131
100,000 to 250,000.....	4,731.8	69	325.3	111
50,000 to 100,000.....	3,854.1	70	220.5	111
25,000 to 50,000.....	3,156.0	58	150.8	115
10,000 to 25,000.....	2,724.4	66	126.6	121
Under 10,000.....	2,157.0	81	111.4	134

TABLE 2.—1968 CRIME INDEX (PER 100,000 POPULATION) AND CHANGE SINCE 1960, BY AREA

Area	1968 crime index	Rate of increase 1960-68 (percent)
SMSA.....	2,803.0	111
Non-SMSA cities.....	1,357.8	86
Balance of United States.....	779.7	84
United States.....	2,234.8	99

CORE CITY STATISTICS OF 15 CITIES WITH HIGHEST CRIME RATE

City (1)	Population		Crime		Actual subgrant (6)	'Amount of subgrant according to population (7)	Amount of subgrant according to crime (8)	Actual amount as a percent of amount based on population (9)	Actual amount as a percent of amount based on crime (10)
	Total (2)	Proportion of State population (percent) (3)	Total index (4)	Proportion of State crime index (percent) (5)					
Newark, N.J.	392,900	5.6	34,660	20.0	\$126,839	\$47,861	\$170,934	265.0	74.2
Baltimore, Md.	911,000	24.2	67,157	54.3	108,946	109,165	244,945	99.8	44.5
Oakland, Okla.	392,600	2.0	28,333	3.9	18,750	40,951	80,265	45.8	23.4
San Francisco, Calif.	715,000	3.7	47,108	6.5	20,000	75,760	133,092	26.4	15.0
District of Columbia	809,000	100.0	49,360	100.0	99,882	(1)	(1)	(1)	(1)
New York, N.Y.	8,072,700	44.6	482,990	75.2	777,786	878,626	1,481,450	88.5	52.5
Pittsburgh, Pa.	548,400	4.7	32,230	21.2	² 52,186	45,111	203,480	115.7	25.6
Detroit, Mich.	1,602,000	18.3	94,590	40.1	247,438	192,940	422,774	128.2	58.5
Los Angeles, Calif.	2,850,000	14.8	163,162	22.6	564,840	303,041	462,751	186.4	122.1
St. Louis, Mo.	690,200	14.9	39,054	37.3	208,178	78,844	197,374	264.0	105.5
Boston, Mass.	605,200	11.1	32,887	25.4	177,030	70,215	160,672	252.1	110.2
Denver, Colo.	489,600	23.9	24,072	48.9	69,606	56,535	115,672	123.1	60.2
St. Paul, Minn.	316,200	8.7	15,300	22.5	68,500	31,622	81,781	216.6	83.8
Minneapolis, Minn.	457,800	12.6	21,236	31.2	82,594	45,798	113,404	180.3	72.8
Louisville, Ky.	387,400	12.0	17,940	37.7	110,712	17,286	54,306	640.5	203.9
Total (excluding District of Columbia)	18,431,000	21.0	1,100,719	44.9	2,633,405	1,993,755	3,922,900	132.1	67.1

¹ Not available.

² Pennsylvania subgranted only 67 percent of its LEAA grant by the end of 1969. All the other States containing the 15 cities with the highest crime rate subgranted 87 to 100 percent of their respective grants.

EXPLANATION OF COLUMN HEADINGS

Col. 1—Refers to central city only. Does not include remainder of SMSA.

Col. 2—Population of city as of July 1, 1968. Source: FBI.

Col. 3—City population as percent of State population. State population estimates as of July 1968; source, Bureau of Census.

Col. 4—FBI total crime index for city for all offenses known to police, 1968.

Col. 5—City total crime index as percent of FBI State total crime index, 1968.

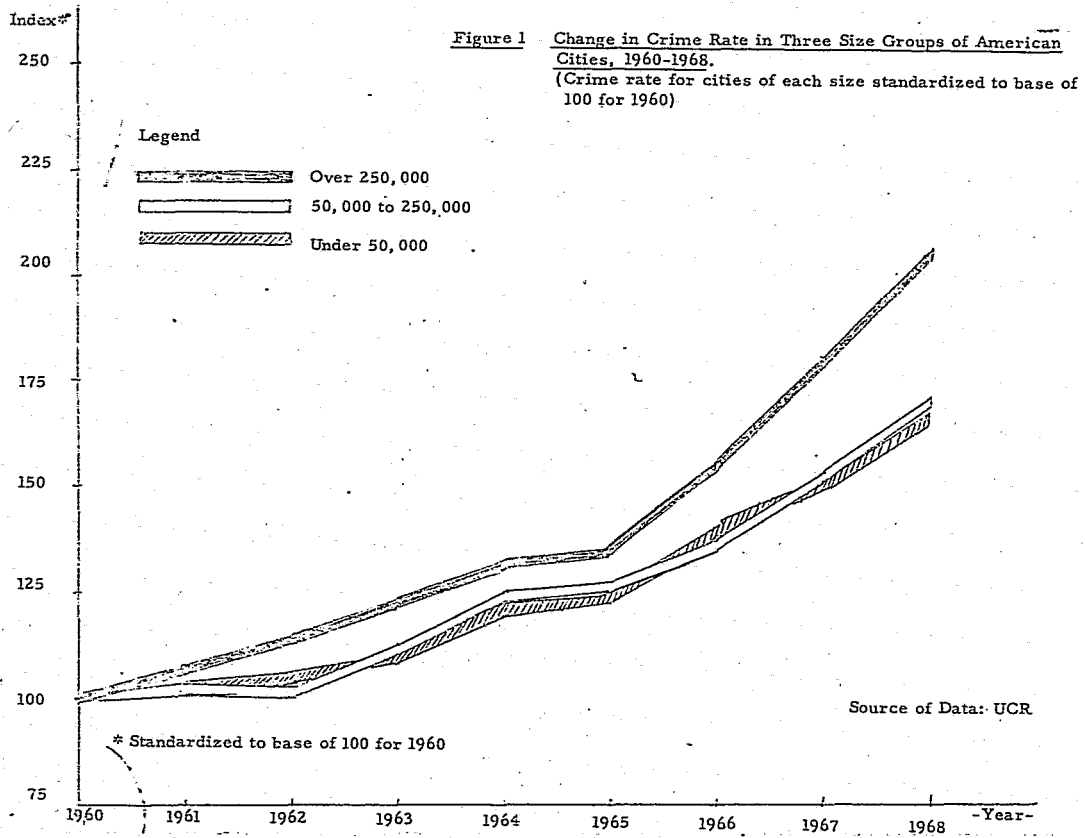
Col. 6—1969 dollar amount of subgrant received by city from State.

Col. 7—1969 dollar amount of subgrant city would have received from State if award had been made on basis of population proportion (see col. 3).

Col. 8—1969 dollar amount of subgrant city would have received from State if award had been made on basis of crime proportion (see col. 5).

Col. 9—Subgrant amount received by city expressed percent of amount city would have received if award had been based on population proportion.

Col. 10—Subgrant amount received by city expressed as percent of amount city would have received if award had been based on crime proportion.



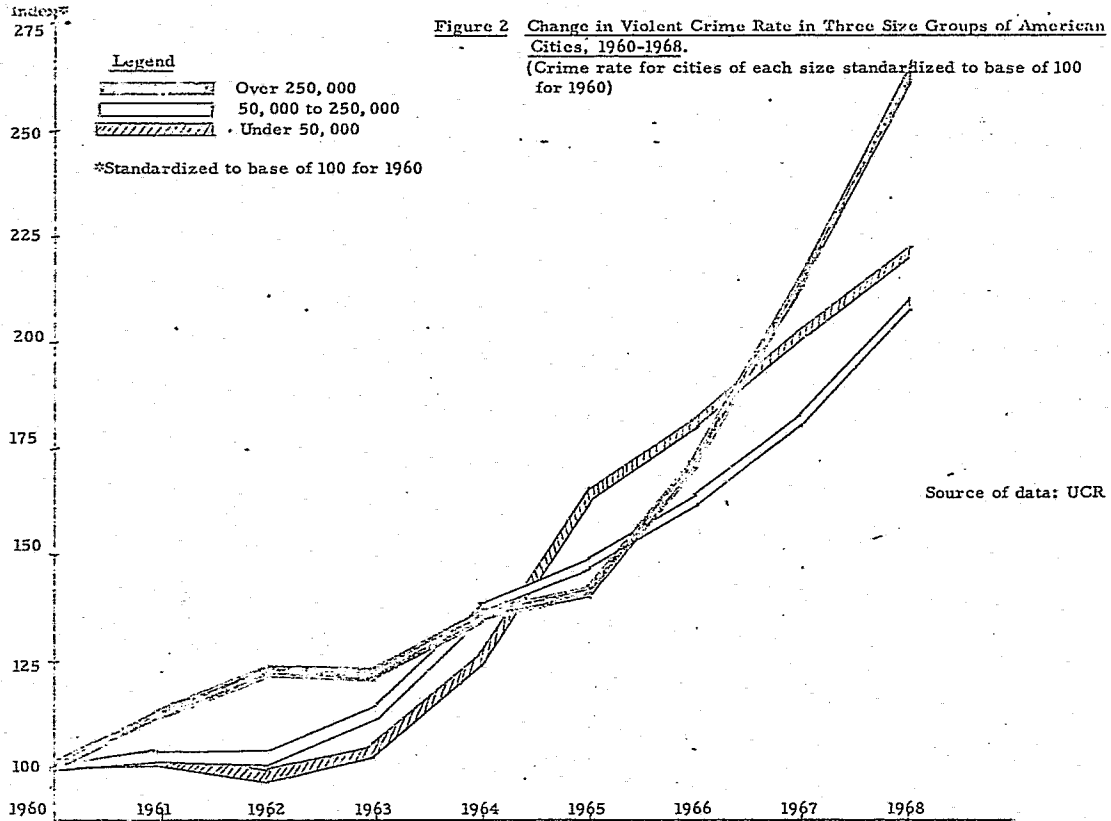
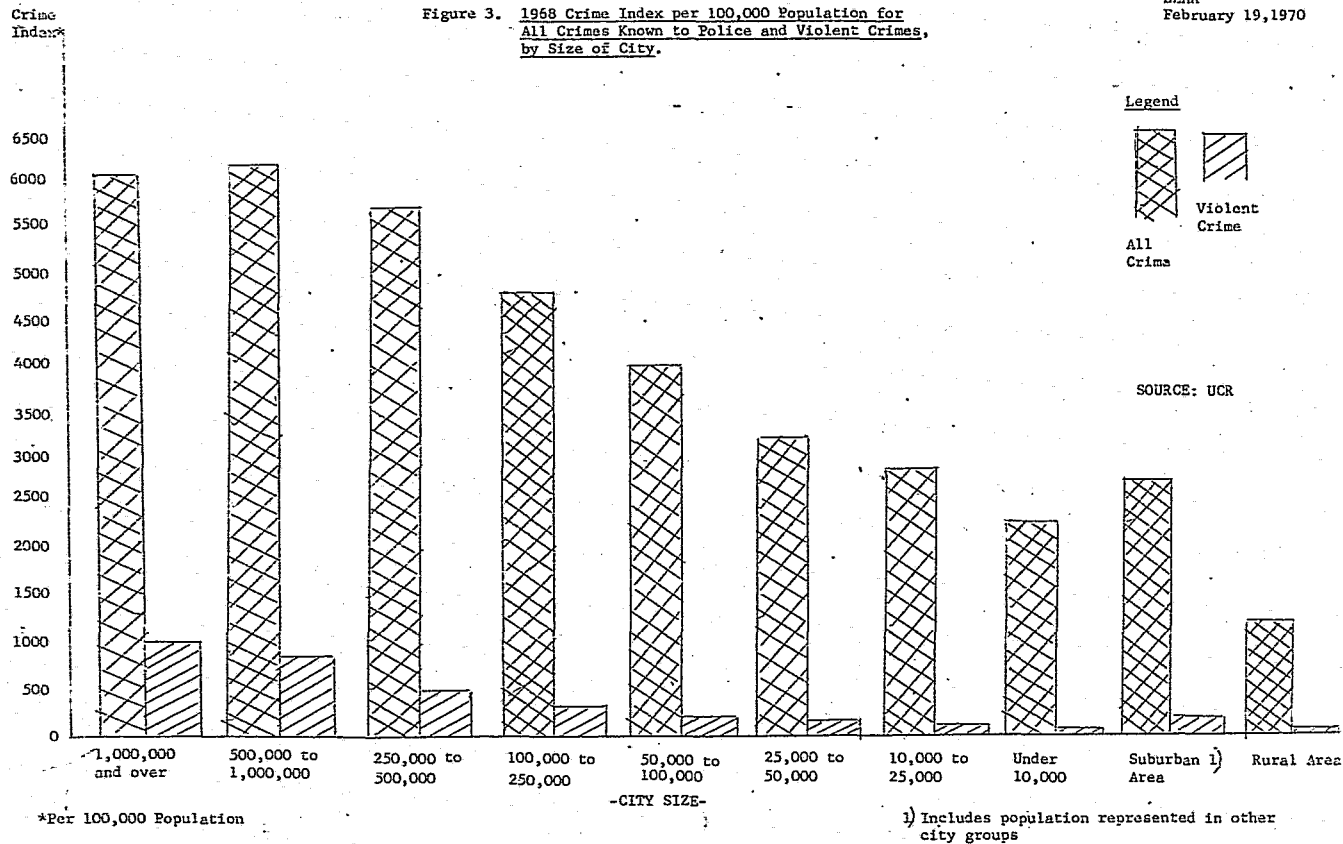


Figure 3. 1968 Crime Index per 100,000 Population for All Crimes Known to Police and Violent Crimes, by Size of City.



Attorney General MITCHELL. Very good, Mr. Chairman. The details of it, I am sure, will be of considerable interest to you, particularly with respect to the background actions of the particular cities in their requests for funds or their failure to request them.

But turning to those cities which received small percentages so far, we find a number of different answers.

For example, some cities have received substantial funds in the last 2 months of this year which are not reflected in our December 31 figures.

New York's share has risen to more than 50 percent because of grants awarded in the last 2 months and other New York City applications are now pending.

Other cities have simply failed to display initiative in applying for grants. San Francisco and Oakland each applied for one State grant of about \$20,000 each and these grants were awarded. But Los Angeles has so far received \$564,000, because of its applications.

San Francisco has also received directly a \$100,000 discretionary grant.

Cleveland made only one request for \$58,000 and it was granted. Cleveland also received a \$100,000 discretionary grant. It has yet to initiate the project for which it received this grant.

In other instances, cities such as Chicago were simply not prepared because of organizational problems to draw up sufficient plans for fund applications.

Newark has received 14.7 percent of the New Jersey funds or \$126,000. This is based on an allocation formula embracing both population and crime rate—and 14.7 percent is Newark's full share.

(g) Cities are benefiting directly from bloc grant action funds used for statewide projects and regional projects which may not be reflected in our figures.

The 60 percent figure does not show, for example, the benefits to a city of a statewide program to improve corrections or a State or countrywide program to improve the courts.

Since at least 45 percent of all adults released from prison are eventually convicted and imprisoned again, a statewide effort to improve corrections is of enormous benefit to the major cities with high crime rates.

In a similar fashion, cities benefit directly from State and county projects to attack organized crime or to establish juvenile facilities or to launch new efforts against narcotics. And the larger the city, the more it would benefit from funds which it may never see.

(h) The LEAA discretionary direct grant program to cities over 50,000 would certainly raise their share well over 60 percent even if we did not consider the benefits they are getting from State and countrywide projects.

In fiscal 1969, LEAA awarded \$1.1 million or about \$100,000 each to the Nation's 11 largest cities out of a total discretionary fund of \$4 million.

An additional \$1.3 million was awarded to continue projects started by the former Office of Law Enforcement Assistance.

Many of these projects, such as bail reform experiments, were located in large cities.

The amount of \$600,000 was awarded to six States to develop an interstate criminal justice information system. And another group of States received \$150,000 to help develop a statewide organized crime intelligence system.

The fiscal 1970 budget contains \$32 million in discretionary funds and LEAA recently announced that a major share will go directly to cities.

About \$10 million will go to 112 cities with major crime problems. These awards will range from a maximum of \$250,000 for cities of more than 1 million to a maximum of \$150,000 for those under 1 million.

The additional \$22 million will be given to city, county, or State governments for special anticrime projects and the 112 largest cities may apply for these additional funds.

In fiscal 1971, we hope to have \$60 million available in discretionary funds and again we propose that a major portion will be used by urban areas.

(i) There are two other programs in LEAA which should offer direct benefit to the cities—our academic assistance program and the National Institute of Law Enforcement and Criminal Justice.

The academic assistance program is now aiding 65,000 persons to pursue degrees in criminal justice studies in more than 700 universities. Most of these students and law enforcement officers will be working in urban areas.

The National Institute is funding a broad range of research projects. These involve law enforcement, the courts, and corrections. Most of these projects relate to the type of crime problems most prevalent in the cities.

BLOCK GRANT CONCEPT

Finally, Mr. Chairman, I am convinced that the State block grant concept is not only of great benefit to the cities today in terms of money but it will turn out to be the best vehicle to reduce crime in such cities in the future.

For the first time in our history, there are expert agencies concerned with planning and program development for criminal justice within an entire State.

These State planning agencies not only evaluate city plans but also attempt to coordinate the needs of more than one political subdivision.

For example, a number of States have received grants for statewide organized crime programs. Under the direct city grant approach, each independent political subdivision might start its own program with no cooperation from its urban or suburban neighbors.

Organized crime, once it establishes a foothold, tends to spread to adjoining areas to deal in gambling and narcotics. In the long run, a statewide effort is bound to be much more productive.

A number of States have also started statewide narcotics programs with emphasis on breaking narcotics distribution networks and on establishing rehabilitation centers.

Here again, a statewide approach appears to be much more productive since drugs are easily transported from one city to another, or from the city to the suburbs and back again.

The interrelationships between the cities and the suburbs make it mandatory that efforts to improve law enforcement, the police and the correctional systems should be integrated by urban area rather than isolated by artificial city line. State planning agencies appear to be best suited to supervise urban-suburban coordination efforts.

We think that it should be State officials—and not Federal officials—who evaluate requests and negotiate differences between cities, counties, and suburban and regional planning commissions.

This administration does not believe that Washington should directly monitor thousands of individual grant projects in cities and counties all over the Nation. State officials are much more familiar with local problems than we are.

A direct grant program to the cities would make Washington a dictator over every anticrime project in the country. It would also by necessity spawn an enormous Federal bureaucracy to evaluate these programs, and would undermine the whole concept of a Federal-State cooperative partnership which this administration is attempting to establish in the anticrime area and in other areas of social progress.

I think that the day is gone when cities were independent political fiefdoms, running their affairs without any consideration for the areas and even the States they dominate.

Considering the success of the LEAA program and the great benefits it has brought to the cities, I must disagree with those who still favor direct Federal city grants.

This opposition, if successful, would destroy our statewide coordinated approach to law enforcement programs which it has taken 2 years to build.

FUNDING LEVELS

While I am answering critics of our program, I should like to take this opportunity to mention another point of contention. That is the suggestion that the Federal Government ask for \$750 million or \$1 billion this year for the anticrime effort rather than the \$480 million the President has recommended.

As I mentioned earlier, we have been extremely fortunate so far to find that most of our Federal funds have been carefully distributed and that very little has been expended on nonproductive projects.

We want this program to continue and we want it to grow every year, but we also want it protected from its critics.

If we were to distribute \$1 billion in anticrime funds this year, much of it would be wasted.

There would also be the problem that much of the money would remain unspent. The LEAA is a matching fund program. I question whether many States have the resources to increase their share 1,500 percent in 3 years, in view of the increasing demands being made on them in the areas of education, social welfare, housing, and environmental control.

City and State planning agencies are still in their infancy.

They could not develop enough criminal justice experts to draw up plans and to implement new projects for a billion dollar program.

And I am not sure that we in the Federal Government could develop enough experts in LEAA to carefully evaluate State plans. In many ways, we are as inexperienced as the States and cities.

We are very pleased that in 2 years the cities, the States and the Federal Government have developed a new corps of about 7,500 experts in the field of criminal justice planning. But more are vitally needed to develop this program.

When this administration took office it promised to act on behalf of our urban areas. One of our most significant and promising actions is the Law Enforcement Assistance Administration.

The cities of this Nation are the centers of commerce, education, the arts, and political activity. And they must solve their crime problem if they are to continue to grow and flourish.

We hope that we can put aside our differences over the bloc grant concept. It appears to be working well and we have great hope that it will work even better in the future. Because of this, Mr. Chairman, we are urgently soliciting the support and cooperation of you and the subcommittee in this effort.

Mr. Chairman, that ends my prepared testimony.

The CHAIRMAN. I wish to state, Mr. Attorney General, that is a very excellent statement. It was extremely well prepared and presented.

I would like to ask you a few questions, and I am sure the other members would like to do likewise.

On the last page of your statement which you just read, you question whether the States, and I emphasize States, can efficiently use increased amounts of Federal funding under the Safe Streets Act.

You state, "I question whether many States have the resources to increase their share 1,500 percent in 3 years."

Mr. Attorney General, how many States, if any, have included matching funds with the Federal assistance they have received?

Is it not true, as a matter of fact, that the cities and counties—the ultimate recipients of the funds—are the ones who actually do the matching? In point of fact, it is not the States.

Attorney General MITCHELL. That is true, Mr. Chairman. Where the bloc grants flow through to the localities, they are the ones that provide the matching grants, unless otherwise provided.

The CHAIRMAN. But you don't say that in your statement on page 21. You say, "The LEAA is a matching grant program."

"I question whether many States have the resources to increase their share."

But it is the cities that must do the matching.

Attorney General MITCHELL. The recipients of the funds must do the matching, Mr. Chairman. The reference to the States here made reference to the total recipient area. But you are correct, that it is the recipient of the funds that must provide the matching grant.

I would supplement that by saying, Mr. Chairman, that, of course, in some areas I understand there are about 10 States where the States have provided the money for the matching grants, even though the moneys have actually been received and expended by the localities.

The CHAIRMAN. That is not the general practice throughout the country.

Attorney General MITCHELL. It is not the general practice.

The CHAIRMAN. It is the cities that have to do the matching and the cities have to tap their own resources to get the funds to match.

Attorney General MITCHELL. The moneys have to be made available, and in most of the States the requirement is that the city or other local government that is using the money provide the matching funds.

The CHAIRMAN. Have there been any cases where the cities could not match the funds given to them?

Attorney General MITCHELL. Not so far, Mr. Chairman, because we have only to date been working on the 1969 fiscal year appropriation which was only \$63 million. We have yet to have a determination in that area based on our 1970 budget, which, as you know, is substantially larger.

We are not far enough along in the program to have run into that problem. But there are indications that we will meet it.

Mr. RAILSBACK. Mr. Chairman?

May I just ask one question at that point?

Mr. Attorney General, isn't it true that at least one State, the State of Illinois, according to the Governor, who appeared before us, has actually contributed the local share where the local government was unable to come up with the matching funds?

Attorney General MITCHELL. Yes, that is true. As I said, there are 5 States, I believe, in which the States have provided the matching funds because of either their desire to do so or the inability of the localities to do so.

The CHAIRMAN. Mr. Attorney General, would you care to supply the committee with the names of those States you mentioned which made available certain cash to assist the cities in matching their Federal grants?

Attorney General MITCHELL. We would be pleased to, Mr. Chairman, to give you the details with respect to the allocations.

(The information to be supplied follows:)

APPROPRIATIONS BY STATES TO MEET LOCAL MATCHING REQUIREMENTS

Action grant awards to the States in fiscal year 1969 totalled \$25.1 million. Of this amount, 75% or \$18.8 million was to be made available to units of local government for implementation of programs contained in State plans.

It is estimated that \$11.1 million is required to match the federal funds. Approximately \$813,000 or 7.3% of the required amount, has been made available to local governments for this purpose by States.

States providing such funds are indicated below:

State:	Amount
Illinois -----	\$253, 000
Hawaii -----	59, 000
Maine -----	6, 000
Florida -----	300, 000
Idaho -----	194, 000

Information concerning additional States based on FY 70 funding is not yet available.

The CHAIRMAN. We have received testimony from heads of cities where they asked for additional funds to cope with this enormous situation that has developed in their respective cities, and they were willing to do the matching. That is why we ask these questions. This crime situation is so gigantic that I personally feel that a substantial increase in funds is fully warranted.

If the cities are willing to match, and the crime in those particular areas is so great, I wonder whether or not you want to revise your

opinion on this score and not limit yourself to the amount you have indicated.

Attorney General MITCHELL. Mr. Chairman, I would point out that many—not many, but at least a number—of the people who have testified before your committee, particularly those representing the cities, have requested that the requirements for matching funds either be eliminated or substantially reduced, which is an indication to me that they would have a problem under the existing formulas of providing the requisite funds.

The CHAIRMAN. From the record, I would like to give you some details as we see them here as to how cities have fared.

You say that the cities have fared extremely well. I take it for granted that that is true from your point of view. But we seem to have some other figures. I would like to give them to you.

Grants to cities of 50,000 or more in fiscal year 1969, through the 31st of December, 1969, in four States, Alabama, Alaska, Vermont, and Wyoming—nothing to the cities.

In six States, Arkansas, Mississippi, Montana, New Mexico, South Carolina, and South Dakota—less than 10 percent to cities.

In 22 States, Arizona, California, Delaware, Georgia, Idaho, Indiana, Kansas, Louisiana, Maine, Maryland, Michigan, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, Utah, West Virginia, and Wisconsin—less than 40 percent to the cities.

In sum, 32 States distributed less than 40 percent of their active funds to cities with 50,000 population or more.

Those are rather bold figures that I think should require the attention of the LEAA. There might be certain revisions in the future in that regard.

Attorney General MITCHELL. Mr. Chairman, in response to that I would like to point out that you have enumerated basically the rural States.

Some of them, of course, that you named, like Alaska, is primarily responsible at a State level for these problems.

The CHAIRMAN. That is correct. The first ones that I gave you were primarily rural. But Alabama is not. Alabama is one of them.

Attorney General MITCHELL. Let me say that Alabama had gotten around to allocating the funds since the calendar year 1969 figures. Since that period of time they have gotten around to allocating the moneys and the cities have received funds.

I think it would be very constructive for your record if we would take and update those figures for you with respect to the States that you have enumerated.

Here, again, is a factor that I mentioned in my testimony, that it is a problem of accumulating expertise to work out these programs.

As you know, the experts in this field are not numerous. There are many of them that have had to be trained. This is one of the reasons this program has moved slowly, because of the lack of the expertise.

But it is building, both at the Federal, State, and local levels, and this program, of course, will be cumulative in its effect based on that expertise.

(The information to be supplied follows:)

FISCAL YEAR 1969 ACTION FUNDS AWARDED THROUGH MAR. 31, 1970, TO CITIES OF OVER 50,000 POPULATION
IN SELECTED STATES

LEAA region and State	1969 allocation by LEAA	Total subgrants by SPA	Awards to cities by SPA	Percentage of city awards to total subgrants
Region I:				
Maine.....	\$119,552	\$75,495	\$9,712	12.9
New Hampshire.....	100,000	83,801	21,800	26.0
Rhode Island.....	110,432	110,432	64,073	58.0
Vermont.....	100,000	50,172		
Region II:				
Delaware.....	100,000	100,000	31,814	31.8
Maryland.....	451,095	451,095	108,946	24.2
West Virginia.....	220,864	149,120	34,907	23.4
Region III:				
Alabama.....	433,840	433,840	92,928	21.4
Georgia.....	554,625	554,625	166,119	30.0
Mississippi.....	288,405	156,294	11,737	7.5
North Carolina.....	618,715	607,395	164,810	27.1
South Carolina.....	317,985	285,526	14,561	5.1
Region IV:				
Indiana.....	613,785	480,000	214,535	44.7
Michigan.....	1,055,020	1,054,300	351,856	33.4
Wisconsin.....	515,185	515,185	194,088	37.7
Region V:				
Arkansas.....	241,570	239,266	21,954	9.2
Louisiana.....	448,630	448,630	61,000	13.6
New Mexico.....	123,250	121,869	16,045	13.2
Oklahoma.....	305,660	246,080	58,233	23.7
Region VI:				
Kansas.....	278,545	276,500	105,182	38.0
Montana.....	100,000	71,915	2,644	3.7
Nebraska.....	176,248	176,248	36,161	20.5
North Dakota.....	100,000	100,000	24,363	24.4
South Dakota.....	100,000	98,000	6,722	6.9
Utah.....	125,715	95,000	28,433	29.9
Wyoming.....	100,000			
Region VII:				
Alaska.....	100,000			
Arizona.....	200,651	196,199	39,536	20.2
California.....	2,351,610	2,200,000	345,710	15.7
Idaho.....	100,000	96,957	14,811	15.3
Nevada.....	100,000	80,475	35,600	44.2
Oregon.....	245,514	194,397	28,432	14.6
Total	10,796,896	9,738,816	2,306,719	23.7
75 percent of total for allocation and subgrants.....	8,097,672	7,311,612	2,306,719	31.5
The same computation with the addition of the following States (information as of December 31, 1970):				
Above total.....	10,796,896	9,748,816	2,306,719	
Illinois.....	1,338,495	707,320	479,536	67.7
New York.....	2,250,545	1,970,013	1,175,569	59.6
Ohio.....	1,284,265	773,782	365,172	49.9
Texas.....	1,333,565	774,098	572,613	73.9
Total	17,003,766	13,933,029	4,899,609	35.2
75 percent of total for allocation and subgrants.....	12,752,824	10,449,772	4,899,609	46.9

Source: Telephone communication from State planning agencies through LEAA regional offices.

The CHAIRMAN. We realize that this program is practically in its infancy and it takes time to develop. These questions are not meant to be hypercritical. We are simply trying to point out certain deficiencies so that you might arrange your program in the Department accordingly.

Attorney General MITCHELL. Mr. Chairman, we have a new program. It is being launched, I think, faster than any Federal grant program has been. We know it is not perfect. We would welcome any criticism that we receive from any source, particularly this knowledgeable committee.

The CHAIRMAN. We had testimony yesterday from the mayor of Birmingham. He indicated that Birmingham had received nothing until quite recently. Then, as a result of questioning, it developed that this resulted from the fact that the State planning board had not gotten into stride, and that there was great difficulty in setting it up.

The city of Birmingham and other cities got nothing. Do you supervise or monitor the operations of these State planning boards?

Attorney General MITCHELL. We most assuredly do with all the powers of persuasion that we have. That is about what it amounts to.

But, Mr. Chairman, if you would permit Mr. Velde to describe the situation specifically, we would appreciate it. Our good friend, the mayor, has been saying his piece at a number of places around the country and it doesn't always jibe with the facts.

If Mr. Velde could give you the actual circumstances with respect to Alabama and Birmingham, I think it might shed some light on the subject.

Mr. BROOKS. Would the gentleman yield for one question at this point that I think is pertinent?

The CHAIRMAN. Yes.

Mr. BROOKS. The mayor of Philadelphia testified and pointed out their problems in Philadelphia. He had his police commissioner with him. He had their records and facts. He pointed out the disadvantages of the grants to the States in preference to dealing directly with the cities.

In his case, the State had finally agreed to allocate to Philadelphia what they thought was a fairly accurate share of the money in relation to the number of crimes that they encountered in that metropolitan area.

But the mayor and the police commissioner pointed out that they had not yet received a dime of this money, and, while their crime problems were the same as when the allocations were approved, nothing from the Federal Government via the State level had gone down to them. It just hadn't gotten to them.

So I hope when Mr. Velde delineates the difficulties and details of the problems in Alabama, he can do the same for Philadelphia.

Attorney General MITCHELL. With the chairman's permission, we most assuredly will. That is another area where there has been a misunderstanding as far as the public information is concerned.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. I yield.

Mr. ROGERS. I am sure your Department has been supplied with the National League of Cities—U.S. Conference of Mayors report that was issued in February 1970. In connection with those matters, would you have Mr. Velde also answer some of the criticisms set forth in that report?

Attorney General MITCHELL. We would be pleased to do so, Mr. Rogers, either in a general way here or in a written response, whichever the committee would prefer.

Mr. POFF. Mr. Chairman, will my colleague yield?

The CHAIRMAN. I yield.

Mr. POFF. The report to which my distinguished colleague make reference is rather voluminous. I think it would be more meaningful if the witness is given an opportunity to treat with it definitively

over a period of time. Failure to respond to each criticism might otherwise be interpreted as an acquiescence in that criticism.

I most respectfully suggest that the Department be given the opportunity to make a definitive, written reply.

The CHAIRMAN. Yes. Mr. Attorney General, that is the practice usually in this committee, to give witnesses, especially those in the Government, the fullest opportunity to reply so the record can be complete as far as their views are concerned.

You have a perfect right to submit any data, any additional testimony you care to submit.

Attorney General MITCHELL. Mr. Chairman, I think it would be quite productive if we did take the national cities report and respond to it in writing.

As Mr. Poff says, it is quite voluminous. There are statements in there that need to be answered. I think it would help your record measurably if we did.

(The report referred to follows:)

The report of the National League of Cities (NLC) and the U.S. Conference of Mayors (U.S.C.M.) concerning the first year program of LEAA raises a number of issues. LEAA welcomes constructive criticism from all responsible groups and organizations. The program pursuant to the Safe Streets Act is new and developing, and it is important that an interested citizenry contribute to the program's success.

This discussion, then, is undertaken in a spirit of constructive analysts for the purpose of identifying and clarifying important issues in the LEAA program as cited in the NLC report. The following commentary is intended as a response to some of the more significant allegations and issues raised in the report.

The broad allegation on page 14 of the report that "few city officials believe that the needs and priorities identified in (State) plans adequately deal with the most urgent needs of major urban areas," is not supported by the record. The States' record of addressing themselves to the urgent needs of the big cities has been good, considering the limited funds that were available for the program and the difficult administrative and organizational problems encountered in beginning a new program.

City and State planning agency (SPA) officials sometimes do disagree in assessments of the most urgent needs and priorities of cities. Such differences would also arise, however, between Federal and local officials. The cities have, nevertheless, received the major part of fiscal year 1969 funds. The nation's 411 cities population in excess of 50,000 have an aggregate of less than 40 percent of the nation's total population and 62 percent of the serious crime, but they have received more than 60 percent of the block grant action funds reserved for all local governments. Funds awarded to suburban cities of under 50,000 population and action funds used for Statewide and regional projects also benefit cities but this increment is not included in the 60%.

The program guidelines developed and enforced by LEAA do not permit city needs to be ignored, and a special component of each State's plan must address major urban problems and needs. A plan cannot meet "comprehensiveness" and "balance" requirements unless adequate measures are taken to deal with such problems.

The NLC report alleges, through a variety of specific examples, that the planning in 1969 did not sufficiently acknowledge local problems. As one example, the report (p. 25) criticizes those States which proposed to establish minimum police officers standards and training programs. Mandatory or voluntary systems for upgrading police personnel through the establishment of minimum standards exist in more than 30 States. Such standards are an essential part of the movement to professionalize police service and have won the support of the International Association of Chiefs of Police.

The NLC report mentions Vermont as an example of an SPA ignoring local needs (p. 14). Local officials there believed their greatest needs were for improved training and equipment and protested the SPA proposal to put major emphasis on a Statewide communication system. The priorities set for the pro-

gram by local officials were training, radio communications, an information system, and a teletype system. Agreement was reached on the first two of these as State priorities and activity in both areas was supported with fiscal year 1969 funds.

The NLC report states on page 14 that none of the top priority needs of Toledo, Ohio, were included in the Ohio plan and Toledo "did not receive a dime under the regular allocation of 1969 action monies." The report was written before Ohio concluded its 1969 funding scheme and is erroneous. In fact, Toledo received more than \$10,000 for police and corrections programs.

The report (p. 15) is critical of the Virginia plan because Norfolk disagreed with giving law enforcement training a top priority. LEAA's review indicates that Norfolk's position was not the consensus of other big cities in Virginia; Richmond and Newport News, for instance, placed law enforcement training high on their priority lists of action needs.

The Colorado plan is criticized on page 15 of the NLC report because of alleged emphasis on improvement of State facilities in Denver rather than on expansion and improvement of the city's facilities. In fact, the share of funds available to Denver and the metropolitan region under the 1969 plan exceeded the area's proportion of the State population, and the same pattern is true in the 1970 plan. (Colorado is the first State to receive its block action grant for 1970.) Colorado allocated funds on its expectation of a \$1.7 million grant. Based on that amount, the city and county of Denver, which contains 24 percent of the State's population, received 28 percent of the State's share for local units of government. The Denver Metropolitan HUB—excluding the city and county of Denver—received 29 percent of the funds, or \$373,518. The Hub contains 30 percent of the State's population. Thus, Denver and its metropolitan hub, with 54 percent of the population, received 57 percent of the funds. In Denver itself, 13 of the city's 16 grant applications were approved. Colorado's action grant turned out to be larger than the State anticipated—\$1.86 million instead of \$1.7 million, and it is possible that the Denver area may receive some additional funds.

Grand Rapids, Michigan, is cited (p. 15) as another city all but forgotten by the SPA. The city received, prior to the NLC report, only \$188 of the \$54,000 allocated to its region. However, Grand Rapids filed only one other application, and that was for a \$60,000 crime laboratory facility. The application currently is being reviewed by the SPA, but it is significant to note that \$54,000 is allocated to the G.R. region.

The NLC report, at page 15, also indicates that Boulder, Colorado, expressed dissatisfaction with allocations in the State of Colorado; however, all of the requests for action funds in fiscal year 1970 from the Boulder region were honored.

A major criticism by the NLC (p. 3) is that the local planning structures established by the States are not responsive enough to the needs of big cities, and that there was not sufficient opportunity for the participation and involvement of big city representatives in regional planning activities.

A basic problem in law enforcement today is that there are numerous agencies within arbitrary boundaries, and all too frequently there is but minimum coordination among the agencies. Regional planning can help provide a forum for discussion of new programs and a mechanism for coordinated and cooperative action.

Regional planning also marshals planning funds instead of dissipating them. If all local jurisdictions sought planning funds directly, only an insignificant amount could be provided to any of them, and of course coordination would disappear.

More than a third of the States do make planning funds available to particular local governments, in any event.

Though the structure is determined independently by each State, LEAA may require more representation of city officials on regional planning bodies if such appears advisable. The States are not unresponsive to adjustment and many imbalances of representation in the initial year of the program are being corrected. Of course, the cities themselves must be willing to communicate with and make concrete contributions to these local planning bodies. Such difficulties as may currently exist may be symptomatic of deep, long-standing differences. The Act does not envision federal intervention in local affairs. It is largely through persuasion alone that LEAA or the SPAs can encourage improved communication between local officials, such as mayors and police chiefs.

Appointments to Oklahoma's regional boards were not controlled by the governor or any State agency, as alleged on page 10 in the NLC report. Oklahoma

utilized Economic Development Districts and Councils of Government, except in the western part of the State where no such bodies were in existence. In that area the SPA established planning districts but did not play a role in the selection of regional board members.

Another NLC criticism (p. 9) is that the allocation of a minimum base of planning funds to each region is disadvantageous to densely populated high crime urban areas. It is difficult to fault the States for emulating the federal pattern of providing a base allotment of planning funds to each State, regardless of size, thereby assuring a mechanism. It criticizes Colorado (p. 9) for dividing planning funds into \$2,000 base grants for 14 regions with each receiving additional sums based on population. More than half of the State's population and 70 percent of its index crime is concentrated in the region which includes Denver, and the entire request of that region for planning funds was approved with additional planning funds not required elsewhere being reallocated there as well. Kentucky's allocation in 1969 resulted in rural regions receiving twice as much per capita for planning funds as Louisville (p. 9), so the 1970 distribution formula included "crime rate" as a criteria and thus minimizes imbalance.

Oregon, too, is criticized (p. 9) of making base grants. However, the two regions with large population centers received the largest amount of funds and approve the State's grant scheme that insures comprehensive State coverage.

A related serious criticism of NLC concerns action grant programs that emphasize broad geographic coverage and the meeting of basic standards. This, it is alleged (p. 16) results in dissipation of funds. The need to address the criminal justice system comprehensively has been repeatedly stressed, and this notion negates the exclusion of any area from program implementation.

As Congress provided greater resources for action programs, big cities and urban areas will receive more impact from the infusion of resources; and LEAA's discretionary funds are being used for such purposes already.

Another point deserving attention relates to programs designed to help bring law enforcement activities within a State to minimize standards of effectiveness. But programs which raise the general level of effectiveness of fighting crime will benefit the big cities as well as the State as a whole. For example, if Vermont, Michigan, Massachusetts, Nevada, Idaho, Pennsylvania, and Texas develop effective State-wide communications systems as planned, they will have an important aid for the apprehension of all criminals throughout each State. Such a program should not be faulted on the basis that direct aid is not provided in big cities.

Another allegation in the NLC report is that the State and regional agencies create delay and costly confusion in the distribution of funds.

The States could not receive funds until after they had submitted plans. Though this was done in record time as compared to any other federal program, the States did not have funds to allocate until June, 1969. In less than 7 months thereafter they awarded 75 percent of all fiscal 1969 "block grant" funds. This constitutes an outstanding initial record, especially in view of the need for all new procedures to be designed. The Act contemplates annual cycles of plan submission, review and implementation, and the SPA's have indicated they can meet that cycle.

On the other hand, some specific examples in the report allege too fast action. For instance, it was charged on page 13 that Rockville, Maryland, had only two days from original notice to filing deadline to prepare a project application for submission to its regional planning board. This application was in reality stimulated by the regional planning staff who provided technical assistance to city authorities in preparing it. The application was promptly funded, and city authorities are satisfied.

The NLC alleges (p. 26) that "LEAA, to date, had not assumed any major responsibility to require that States deal fairly with local governments and concentrate crime control dollars in a manner which will be most effective." This is simply untrue. A variety of 1969 guidelines to this end have already been mentioned, and requirements for 1970 plans have been made more stringent in such critical areas as long-range planning, coverage of major city and metropolitan area problems and needs, and coordination with other federal aid programs.

LEAA is also criticized (p. 26) for being too lenient in reviewing initial State action plans. Although all States did secure approval of their plans, LEAA attached special conditions to its approval of more than half the plans. These conditions seek to improve the quality of plans and encourage the States to correct specific deficiencies. The need for conditional approval was obviated, in

other cases, by advice and technical assistance provided to the States during the plan formulation period.

The NLC report points to matching fund ratios (p. 27) and a limitation on the use of funds for personnel compensation (p. 28) as major problem for State and local governments in trying to maximize the impact of Safe Streets funds. LEAA is aware of these statutorily-imposed problems and will propose amendments to the Act as may be necessary and appropriate.

The CHAIRMAN. Mr. Attorney General, when you give money to a State, do you just give it in a form of a blank check and let them do anything they wish to?

Do you control the situation?

Do you monitor it?

Do you determine in any way how such funds are spent?

Explain the process.

Attorney General MITCHELL. Generally, Mr. Chairman, there is an allocation of money without, of course, remittance to a State. The State is required to submit a comprehensive plan as to how the moneys are to be expended.

This plan, of course, is submitted in draft form from time to time. There is liaison and working sessions between the State people and the people in LEAA to make sure that their plans come in properly.

After the plan is submitted and approved by LEAA, the funds are then made available to the State which, in turn, provides that portion that goes to the local government.

The LEAA is setting up an auditing function to make sure that the moneys have been expended for the proper purposes.

In addition, through its National Institute and through other grant projects, LEAA is undertaking research to evaluate the different types of projects that are undertaken with these grant funds.

There should be, of course, both the financial monitoring and auditing, but also there should be project evaluation. They are carrying on projects to ascertain whether these moneys are being spent in the most productive way.

There is a great lack of expertise in this area, as you may know. It is one thing to provide facilities and equipment for a police department. That is readily ascertainable as to its effects. But some of these other programs and projects that are equally as necessary to get at this total picture are new and innovative and they have to be evaluated to make sure that they are producing what they were intended to produce and to make sure if further recipients of the grants are going to follow those programs and projects that they will be as productive as anticipated.

The CHAIRMAN. We have had a number of mayors and city managers and other representatives of urban interests, who have testified that many of these State planning boards are rurally dominated; that most of the appointees made by the Governors of the States are from rural areas.

Does the LEAA offer any suggestions to the States in that regard so that there will not be a disproportion of rural representatives on these boards?

Attorney General MITCHELL. It most assuredly does; and, of course, has induced a number of them to change their composition.

The statute, of course, requires that there be representatives of local

governments on these boards, and they should come, and in most cases do come, from the large metropolitan areas.

The CHAIRMAN. For example, in our own State, your State and mine, Mayor Lindsay testified that in the great State of New York I think there were 32 members of the planning board, though I may be mistaken as to that number, but there were only two representatives from New York City on that board. One was Frank Hogan, the district attorney, and the other was the police commissioner of New York. That seems to be very unfair. I hope that will be corrected.

Attorney General MITCHELL. I would point out in connection with that, Mr. Chairman, that New York City has its own regional planning commission which, of course, develops many of these programs and projects and has a large input into the State committee.

We are not entirely satisfied either with respect to representation by metropolitan areas or by minority groups on these commissions.

We are working to the extent of our persuasion to have the proper representation on these bodies that do make these vital determinations.

The CHAIRMAN. There was also a complaint leveled against a number of these State planning boards by the mayors that they are never consulted as to the plans adopted by these boards. They are just kept completely in the dark.

Attorney General MITCHELL. I think that was probably true in the rush of the first year to get at the Federal trough, but I believe that as the availability of more funds has come about, and the necessity for developing larger plans and programs, and with the better time element, and with the localities making applications, that not only has there been consultation, more consultation, but there has been direct input as to what the regional or local planning boards would request from the State boards.

The CHAIRMAN. For example, yesterday the testimony was to the effect that the mayor of Savannah, Ga., hadn't even seen or heard anything about the State plan for 1970. He never was consulted, although Savannah is a major city in Georgia.

Attorney General MITCHELL. I would believe that that would present a great many problems to the mayor of Savannah. But we would point out here in connection with 1970 moneys the appropriation came down at the end of December. The allocation was made in the middle of January, and the plans for 1970 money are not due in the LEAA until the middle of April.

So it may very well be that there will be consultation with the mayor of Savannah in connection with those plans.

The CHAIRMAN. The reason I mentioned Savannah is because, as I understand it, the plans will be submitted to you on April 15. The city of Savannah will have had no opportunity at all to know what is in it.

I should have referred to the testimony of a representative from Lancaster, Pa. They will have no opportunity to make any recommendations with respect to the State plan, before it is submitted to LEAA.

Those are the things that have been developed in these hearings. We press them upon you and I hope you will harken to these deficiencies, if we might call them such, and make changes or suggest changes.

Attorney General MITCHELL. Is this Lancaster, Pa.?

The CHAIRMAN. Yes.

Attorney General MITCHELL. I would most certainly welcome this or any other such instance. The regional councils which, of course, would include Lancaster, must be consulted in the formulation of the State plans if this project or program is to succeed.

The CHAIRMAN. The director of public safety said they were not.

Mr. McCULLOCH. The mayor of Birmingham testified at length yesterday. I wasn't too impressed by the operation of the act in Alabama.

The mayor mentioned the people who were on the regional planning unit. He said the person representing Birmingham, Ala., held his position ex officio. The representative had no contact with the mayor; there had been no consultation whatsoever.

I think that situation, as left by the record here, needs elaboration. I would be pleased, Mr. Attorney General, if you would have your assistant, Mr. Velde, write the story for the record in reply to the testimony of the mayor.

Attorney General MITCHELL. Mr. McCulloch, let me make an observation, and then I would suggest that Mr. Velde give this committee a short briefing on Birmingham, Ala.

With respect to the question that has arisen about Lancaster, Birmingham, and the rest of them, I would point out that as these plans are submitted for review to the Department in April, if we find that there has not been the consultation between the State group and the local regional groups, this will certainly be a matter of inquiry to determine what it has not been and what can be done to straighten this out.

We are really talking from here on with respect to the submission of the plans as how the functioning of the program at the State and local level can best be monitored.

With your permission, Mr. Chairman, I am sure Mr. Velde could enlighten us a little bit on Birmingham, Ala.

Mr. VELDE. It is true, Mr. Chairman, that Alabama is one of the slower States in making its subgrant awards to the cities.

As of March 4, however—and this is information that I obtained personally from the Alabama State planning director in a phone call from him—Birmingham has been funded in the amount of \$26,000 for fiscal 1969 action funds, which is the total amount of Birmingham's request to the State.

Birmingham has about 8 percent of the State's population, and this grant represented 7 percent of the State's total block-grant allocation.

Mr. McCULLOCH. What is the incidence of crime in the city of Birmingham in regard to the whole State of Alabama?

Mr. VELDE. Let me refer to the uniform crime reports for 1968 which are the latest complete figures available, Mr. McCulloch.

Mr. EDWARDS of California. Will the gentleman yield at that point?

Mr. McCULLOCH. Yes.

Mr. EDWARDS of California. Does Alabama have a statewide police organization as contrasted with a highway patrol?

Mr. VELDE. I would have to supply that for the record. I don't have that information.

(The information requested follows:)

Alabama does have a State-wide police organization, which is composed of five divisions. One of the five divisions is the highway patrol division. The other divisions in the Department of Public Safety are:

1. Investigation and Identification Division
2. Drivers License Division
3. Administrative Division
4. Training Division

Mr. EDWARDS of California. California just has a highway patrol. It really doesn't have any statewide organization insofar as statewide crime is concerned.

So where you have that kind of situation—and perhaps Alabama is the same—are you not setting up a whole new bureaucracy in each State to do this planning and to handle the money and grants?

Attorney General MITCHELL. If I might answer that, Mr. Edwards, we don't feel that we are. We feel that we are setting up, or that there is being set up in the States, something that has long been lacking. That is an organization that will look at the State's total law enforcement and criminal justice system.

Lord knows, I think we can all admit that the law enforcement and criminal justice systems of this country are way behind the current posture of our life and society.

Contrary to setting up a duplicate police force or a duplicate law enforcement agency, or a duplicate court system, what we are doing is hopefully creating the expertise that can coordinate and bring together the various factors that are involved in our law enforcement and criminal justice system to have them interrelated and to make them function together, not only with respect to purpose but also on an area basis.

Mr. EDWARDS of California. Thank you.

Mr. McCULLOCH. I should like to ask Mr. Velde for the total answer to my Birmingham question.

Mr. VELDE. Yes, sir. On page 66, in the uniform crime reports for the year 1968, the State figure for the State of Alabama indicates that there were 51,385 so-called part 1 offenses committed in the State.

I might add that these figures for Birmingham are the standard metropolitan statistical area which includes a rather substantial suburban population as well as the central core city.

For Birmingham, the figure was 2,197 total crime index offenses.

Excuse me; 1,024 total crime index offenses. This appears on page 77 in that report.

Whatever percentage 1,000 is of 51,000—that is about 5 percent.

That doesn't sound right.

Mr. McCULLOCH. Mr. Chairman, if it would save time, I would be satisfied if the Department of Justice would supply accurate figures for the record. I am not trying to blame anyone for anything. I would just like to have the record carry the facts so that we can come to a correct conclusion.

Finally, I should like to ask this question, although I do it with some reluctance: It is possible that the difficulty in Birmingham may result from the fact that there is not total rapport between the mayor and the chief of police?

Mr. VELDE. That could well be the case, Congressman.

May I correct my statement? I was looking at the rate. The estimated total for Birmingham is 17,067.

Attorney General MITCHELL. Mr. McCulloch, I believe that the Birmingham situation was one of those cited in the National League of Cities report, and I presume that this will be part of the information that we will supply in response to that.

The CHAIRMAN. Mr. Attorney General, what attempt has LEAA made to enforce title VI of the 1964 Civil Rights Act in connection with the LEAA program?

A witness, the city manager of Savannah, testified on March 6 that no one had contacted his office concerning the general prohibition against racial discrimination in the LEAA program.

What is the situation in that regard?

Attorney General MITCHELL. The LEAA, like all other functions in the Department of Justice, is under a directive which is printed as part 42 of title 28 of the Code of Federal Regulations to enforce title VI of the Civil Rights Act of 1964.

The customary documents that are used contain the requirements with respect to it. We have had the problem in Mississippi, as you know, and there is litigation down there which I would care not to discuss because of its pendency, the LEAA is instituting a review procedure to make sure that there is compliance, and in connection with that review procedure and auditing we will determine that they have complied or else we will take the requisite actions against the guarantees of our program.

The CHAIRMAN. Has there been any genuine activity in that regard thus far?

For example, do you follow complaints as to whether a Negro has been appointed on the planning board?

Are there complaints that Negro sections of cities are discriminated against in the allocation of funds?

Attorney General MITCHELL. With respect to the grant programs, yes, because we have requested, for instance, that more consideration be given to this community relations problem between the police and the law enforcement agencies and the core cities, the cores in the cities where minority groups are.

With respect to the procedures following through on the enforcement of title VI, perhaps Mr. Velde can give you the specifics of it.

I know that they are under the directions of the Department, that we do follow through. As I say, we are implementing, now that our grant program is coming on, with an enforcement section.

The CHAIRMAN. Mr. Velde.

Mr. VELDE. That is the case, Mr. Chairman.

I might point out that section 518(a) of the LEAA authorizing legislation, Public Law 90-351, the Omnibus Crime Control Act of 1968, provides that:

Nothing contained in this Act or any other Act shall be construed to authorize any department, agency, officer or employee of the United States authority to exercise direction, supervision and control over any police force.

And then paragraph (b) of that same section provides that:

Notwithstanding any other provision of law, nothing contained in this Title shall be construed to authorize the administration—

And that is LEAA—

(1), to require or condition the availability or amount of any grant upon the adoption by an applicant or a grantee under this Title of the percentage ratio, quota system or other programs which achieve racial balance or to eliminate racial imbalance in any law enforcement agency, or to deny or discontinue a grant because of refusal of an applicant or grantee under this Title to adopt such a ratio system or other program.

So we also have that provision.

The CHAIRMAN. I am talking about discrimination, not racial imbalance.

Mr. VELDE. I understand.

The CHAIRMAN. Do you enforce Federal prohibition against racial discrimination in the LEAA program?

Mr. VELDE. We comply with title VI to the best of our ability.

The CHAIRMAN. Can you give us some examples of where you have made corrections?

Mr. VELDE. I can provide those for the record; yes, sir. There are several instances.

The CHAIRMAN. Supply them for the record.

Mr. McCULLOCH. And that would include the total amount of complaints?

Mr. VELDE. Right. We do have a suit pending in a southern State on which it would not be appropriate to comment at this point.

(The information to be supplied follows:)

Treating compliance actions first, LEAA was successful through its informal off-the-record efforts in having the racial composition of the advisory boards of three State planning agencies changed by the addition of a Negro to each of the advisory boards.

LEAA has received only one discrimination complaint. This complaint was filed by the Lawyer's Committee for Civil Rights Under Law and challenged the racial composition of the Mississippi State planning agency. Investigation of the complaint was undertaken by LEAA but was suspended when the Lawyer's Committee filed a class action on the same issue against the Mississippi State planning agency in the United States District Court for the Northern District of Mississippi. The District Court held against the Lawyer's Committee and the case is now on appeal before the Fifth Circuit. Further action will be taken by LEAA, if necessary, when the court proceedings are concluded.

The CHAIRMAN. Mr. Rodino.

Mr. RODINO. Mr. Attorney General, I am looking at section 4 on page 17 of your statement where you talk about the block-grant concept.

I am impressed with your statement because you appear to feel very strongly about this and consider LEAA an essential means of reducing crime.

Last week we had present a witness with whom we were all impressed, Mr. Frank Rizzo, the police commissioner of Philadelphia, who has a reputation as a good crimefighter.

If I may refer you to some of his testimony, which was, incidentally, in support of bypassing the States and dealing directly with the cities, where he says the crime rate is highest, he had this to say:

Block grants have imposed two new and costly layers of bureaucracy between Federal crime funds and their local application causing confusion, delay and duplication. Crime and criminal justice basically are local problems. About 25 percent of all crime is concentrated in the Nation's 10 largest cities where only 10 percent of our total populations reside.

Thus, only one in every 10 Americans lives in these 10 cities and one in every four crimes is committed there.

Also, local officials are more conscious of the crime problem and more aware of ways to reduce it. These officials, by their grass roots involvement, can better formulate and implement crime fighting policies.

On the other hand, State officials, while aware of the urban crime problem, often fail to react urgently to the fears and concerns of city dwellers.

I would like your comment on this statement. It seems to be directed to the presentation you have made, Mr. Attorney General. It comes from an expert who has been dealing with crime problems over a period of years on a day-to-day basis.

Attorney General MITCHELL. Mr. Rodino, I think my whole statement of this morning addresses itself in answer to the police chief's testimony there.

I believe from the part of the testimony you read he is looking at it entirely from the point of view of the police department.

I believe that the thrust of my testimony is in relationship not only to the law enforcement aspects of it but to the entire criminal justice system.

The necessity of having an appropriate court system to act expeditiously to get these people off the streets, and to have an appropriate correctional system to rehabilitate them so the recidivism does not continue at the rate it does, and to have proper narcotics programs—as you are probably aware, well over 45 percent of everybody who goes into prison, after release is again convicted and returned to prison.

We could get at the recidivism through the correctional institutions. You are also probably aware of the number of crimes committed by narcotic addicts in the city of New York. It has been estimated that over 50 percent of the crimes are committed by narcotic addicts.

If we could get at those two problems which don't relate really to what Chief Rizzo was saying, we could go further down the road in taking care of this problem.

So it is the total picture that must be looked at. My testimony also points out that the court systems, which have to be implemented, are customarily under the control of the counties or the States, and the correctional systems are likewise.

So just taking the bulk of our resources and turning them over to the police departments in the larger cities, or any other cities, will not solve the problems. That is just one small facet of it.

Mr. RODINO. Mr. Attorney General, without going to the defense of Mr. Rizzo, whose reputation speaks for itself, he was also mindful of the need to improve the total criminal justice system. He was conscious of the fact that a complete answer didn't lie in just the police departments alone. He did speak of the total picture.

What impressed me was his statement that crime is a local problem. It happens there. These people deal with it on a day-to-day basis. Their perspective is not parochial, it is not limited. I think we can't disregard this strong kind of statement that such an individual makes, which is totally opposite to what you say.

Mr. Attorney General, you state that for the first time in our history there are expert agencies concerned with planning and program development for criminal justice within an entire State.

Is this a fact, or is it something which is a hope? What will happen tomorrow? I know that the program is a new one, but can you honestly state that these agencies are now programing in a way that we

can expect they can deal effectively with these problems on a statewide basis? Is it now or is it something that is going to happen 3 or 4 years from now?

Attorney General MITCHELL. It is a matter of degree and a matter of the local expertise. What the statement addresses itself to is that the LEAA program, in connection with the submission of the plans to the LEAA by the State, has these requirements and they will be reviewed.

Of course, unless a plan addresses itself to this total concept, then it isn't going to be approved and the funds will not be forthcoming.

So you have the local expertise which is monitored by the State and State expertise, monitored by the Federal expertise, driving toward that direction and conclusion. It will, in my opinion, develop in a cumulative way as funds and expertise are put together to provide in every State the type of system that has never existed on a statewide basis before.

Mr. RODINO. Mr. Attorney General, I am a resident of the city of Newark, N.J. Unhappily, in the crime index rate of cities of a population in excess of 200,000, in the year prior to this one, Newark ranked first. Possibly it may be second this year, second to Baltimore. I note in your statement that Newark has received 14.7 percent of action funds of \$126,000 granted to New Jersey. This is based on a State allocation formula embracing both population and crime rate, and 14.7 percent is Newark's share.

How does this 14.7 percent relate to the crime rate of Newark compared with the entire State of New Jersey?

Mr. VELDE. Newark has approximately 5.6 percent of the State's population, and the total crime index offenses were 34,660, which is almost exactly 20 percent of the State's total crime.

The 5.6 percent, of course, is the central city itself.

Attorney General MITCHELL. It was the weighted average combination.

Mr. VELDE. That is right.

Mr. RODINO. May I ask you this, Mr. Attorney General: In your opinion, does this kind of a formula, population and crime rate, present the kind of formula that is the best means of allocating? As Mr. Velde pointed out, Newark's crime rate, in relation to the rest of the State, is about 20 percent, although it is getting only 14.7 percent of the funds.

Attorney General MITCHELL. Mr. Rodino, to be quite honest with you, we don't have the information to even make a good judgment on that.

Let me give you a few of the reasons why. I think they both have to be considered because the rate of crime relates to the population in one way or another.

With respect to the reporting of crime the figures that are used, whether they come out of the FBI reports or wherever they come from, are normally compiled on a local level in the precincts and cities.

If you will notice, crime has shot up in recent years. But if you go back and could actually count the crimes you will know that there hasn't been that percentage increase. It is just that the reporting is better.

You will also, I am sure, be aware of the fact that in rural areas the crime reporting is negligible in some places. We really don't have a good, solid comparison.

But to the extent that the figures are valid, as indicated in the case of Newark, they should be used to the extent possible to make the funds available in a reasonable relationship.

Mr. RODINO. Thank you very much, Mr. Attorney General. I am hopeful that when we get through these hearings we can arrive at some solution. Whether it be some modification of the block-grant concept or whatever. I think there are those of us here who have this concern of the crime problem and recognize that there have been many questions that have been raised as to whether or not this program is presently working adequately.

You can appreciate the position we are in. We hope that with your cooperation we can do the job that is necessary.

Attorney General MITCHELL. I would only make the plea, Mr. Rodino, when considering the testimony of the chief of police of Philadelphia and some of the other mayors, that you keep in perspective the concept that it is not just the local law enforcement; it is the other aspects of your courts and your correctional institutions which, in the long run, are going to have more effect on the reduction of crime of all types than just arresting somebody in the streets.

Mr. RODINO. Thank you very much.

Mr. ROGERS. Mr. Chairman?

The CHAIRMAN. Mr. Rogers.

Mr. ROGERS. Mr. Attorney General, on page 7 of your statement, you make this statement:

The result is that today the law enforcement assistance administration, the Federal Government's major program to reduce lawlessness, is achieving unprecedented goals in the nation-wide war against crime.

My question is: What is the goal that you seek to accomplish under the Law Enforcement Assistance Administration?

Attorney General MITCHELL. The goal of this administration is to carry out the congressional intent contained in title I that established the Law Enforcement Assistance Administration and provided its powers and functions.

That goal, Mr. Rogers, is as I have been discussing, that it is to bring about in our States and the localities a completely integrated and coordinated system of law enforcement and the administration of justice in all of the aspects that we have been talking about here, from the police through the courts and prosecutions, parole systems, probation systems, correctional institutions, and all of the other aspects that make up the criminal justice system.

Mr. ROGERS. As you know, there was quite a bit of controversy made in the Congress as to what form law enforcement assistance should take. It finally provided that allocations would be made to the States according to population and to implement plans that were submitted by the States.

You cannot distribute money unless you approve that State plan. Isn't that about the way it works?

Attorney General MITCHELL. That is correct, sir.

Mr. ROGERS. Do you think that the law requires you to approve most any plan a State might submit?

Attorney General MITCHELL. I am not sure I heard your question.

Mr. ROGERS. The question simply is this: There has been criticism here and other places that those who are administering the Law Enforcement Assistance Act have their hands tied to a certain extent, that if a Governor submits a plan he is going to give a share of this Federal money to every county in his State, regardless of the crime rate.

If he submits a plan of that type, are you obligated under this law to accept it?

Attorney General MITCHELL. No, sir; certainly not. That would not constitute a comprehensive plan under the provisions of the statute and it would not be acceptable to the LEAA.

Mr. ROGERS. Have you denied any State plan that in substance provided that every county in the State should receive some money?

Attorney General MITCHELL. Mr. Rogers, I mentioned before the procedure is for the States to submit their preliminary plans, which, of course, are reviewed and negotiated with the LEAA.

Many of those plans have been changed after the consultation with the LEAA.

Mr. ROGERS. Would it not be better if the States were required to distribute money to the places where the greatest number of crimes are being committed rather than the system as we now have it?

Attorney General MITCHELL. It is not only, as I say, a question of where the crimes are committed, but it is also the places and areas as to how you stop crime.

As we have pointed out, the largest amount of money has gone to the law enforcement established in the earlier plans. But when we talk about where the crime is committed, we should also talk about who commits the crime.

Our court systems and our correctional systems, which are two of the important facets of a total criminal justice system, are not always in the locality where the crime is committed; certainly not our penal institutions.

So it is important that we have a balance in these three areas so that the money goes to the place which will do most to eliminate the criminal.

Mr. ROGERS. By that you mean that if a State penitentiary is located in an isolated part of the State and you gave a certain sum to that particular State to spend on the penitentiary, that that would be a proper allocation under the present law?

Attorney General MITCHELL. It would not only be a proper allocation under the present law, but the allocation would redound measurably, if it was used properly, to the advantage of the municipality that had the high crime rate. By the proper rehabilitation of prisoners and the reduction of recidivism, there will be less people back in that metropolitan area to carry out further criminal activities.

Mr. ROGERS. Couldn't you consider those same matters on an application for a direct grant by a city as well as under the present law?

Attorney General MITCHELL. The cities, in most cases, do not run the correctional institutions where they are incarcerated on a long-term basis.

Mr. ROGERS. But some do.

Attorney General MITCHELL. Except the correctional institutions, as I say, are normally run by the States. If they were run by the local governmental entity, we would be all for having it get to the penal institution.

Mr. ROGERS. What I am trying to establish is when the allocation may be made to a city, as we have had testimony here, using the State of New York as an example, with New York City having 58.6 percent of the crime, it is only receiving about 40 percent of the money in the State.

Out my way, there is the city and county of Denver where most of the crime is committed in the State, yet it doesn't get its proportional share.

Could you, under the law, require a State to allocate funds where the most crime was committed? Or would it be better to have a block grant to the city and let them determine how they should enforce the criminal law in a particular area?

Attorney General MITCHELL. Well, Mr. Rogers, let me state with respect to the city of New York. I think my testimony shows that as of this particular time their percentage of money that they received is much higher than you made reference to.

Mr. ROGERS. All I have is what the mayor himself testified to. I think he said they received about 40 percent.

Attorney General MITCHELL. He was talking about respect to the figures, I believe, at the end of calendar year 1969. I think my testimony points out that there have been special considerations for the city of New York since that time.

To the best of my ability in answering your questions, I believe that the problem of law enforcement and the administration of criminal justice should be considered on a statewide basis where it is applicable, such as corrections, and on an areawide basis with respect to the other facets of law enforcement.

I do not believe that changing this program to a total categorical grant program to the cities would carry out the intention of Congress in passing this act.

It might temporarily assist in some of the police activities, but in the long run it would not have the total effect that the program will have under the State block-grant concept.

Mr. ROGERS. What I was leading up to is this: You are familiar with the testimony of Mr. Rogovin when he appeared before a House appropriations subcommittee in April 1969 and made this statement:

Under the statute, the order of priorities is a matter of State judgment and not to be done by the Federal Government. In other words, we are not to sit in judgment over the subgrants as they are referred to. In one State the correctional facilities may be so bad that construction of new facilities will be a decision of that State.

Apparently that is the method by which you are willing to make the grants to the States and allow them to distribute funds as they see fit?

The record doesn't say that they establish the priorities; the governors do.

Attorney General MITCHELL. Well, it is their organization within the State. It is the planning organization that establishes the priorities.

As I said in my testimony, we believe that the State planning com-

mission or group has the expertise. Not all of the expertise can or ever will exist in Washington. As I said previously, the circumstances vary from State to State as to whether their correctional institutions need the assistance or whether their courts need the assistance, or whether their law enforcement agencies do.

But I get back to the point that in the LEAA they still have the right, under the statute, to require a comprehensive plan. This is where the LEAA does have some jurisdiction over what the moneys are expended for.

In other words, if it were all going down one direction and not an evenly balanced, comprehensive plan, it would not be approved.

Mr. ROGERS. What you are now stating is that if the State plan doesn't meet the priorities that you require them to meet, then you have the privilege of disapproving the plan. That is what you are saying.

Mr. Velde, at the same time as Mr. Rogovin, testified that Congress was very firm in establishing this block-grant concept. He said:

It was clear it did not want the Federal Government to dictate what programs should be set up by the States involving the local governments.

That was the testimony of Mr. Velde. Certainly, the only limit then that you have, as I analyze it, is if you don't want to approve the grant, you don't do it.

If you do approve it, then the State decides what the priorities will be.

Attorney General MITCHELL. Neither the testimony of Mr. Rogovin or Mr. Velde that you referred to is inconsistent with what we are saying here. We are saying that the statute requires the LEAA to approve a comprehensive plan that relates to the requirements of that State.

It doesn't get down to whether, if so many dollars are going into a police force, that it has to be in a particular city or it has to be for a particular purpose.

Mr. ROGERS. The plans that I have seen that were submitted to your Department from my State outlined exactly who was going to get the money.

Attorney General MITCHELL. Some of them do and some of them do not.

Mr. VELDE. There is no requirement that a so-called shopping list be submitted. Using Colorado as an example, which I am familiar with, because Colorado was the first State to receive approval recently for its 1970 comprehensive plan, the State submitted broad program descriptions. It did not submit so-called shopping lists, that it was going to spend \$300,000 in Denver, say, for the police-community relations project.

The plan said, "We will probably fund a range of 8 to 10 projects in this area across the State and we have tentatively allocated so much money for this purpose."

Mr. ROGERS. But if they didn't ultimately distribute the funds for that purpose, what would happen? Would you still have allocated money to the States?

Mr. VELDE. There are many circumstances. First of all, a State may do the planning and yet the local governments, in effect, have

an item veto because, by and large, unless there is a State contribution, the local governments must put up the local share of the match.

If a city council is not willing to put up that share, then the project is not funded.

So in the final analysis, the local government does decide whether or not it is going to participate in this project.

Mr. ROGERS. It will decide that if they can match the Federal share then they will get a certain amount.

Mr. VELDE. That is correct.

Mr. ROGERS. But if the Governor doesn't provide very much the city won't have much to match.

Mr. VELDE. Yes.

Mr. ROGERS. But if the crime is there, and if cities are supposed to control it, then the State allocation should be more equitable and focused.

But apparently, from the testimony we have had from the big cities, most of the revenue shares are based upon population formulas.

Thank you.

The CHAIRMAN. Mr. Kastenmeier.

Mr. KASTENMEIER. The House yesterday voted \$423 million for a subsidy for shipbuilding and shipbuilding items. Lockheed wants \$600 million or \$700 million back from us for the C5A. I don't know what we are spending on SST or space projects.

I suggest this only to talk about the amount we are spending here in terms of priorities.

I think you point out on page 2 of your statement that we only spent \$63 million on this project in fiscal 1969, and \$268 million in 1970. But I am wondering about 1971, particularly since some of the testimony before us, from the cities, was for a need for substantially more money.

If we are going to correct the problems in the States, if we are going to help them at all, this will be expensive.

I suggest, too, that besides your request for \$480 million, the committee has several other dollar amounts in other bills, for example, \$750 million in a bill by the chairman, I believe, and various other figures in other proposals.

My question is a request to amplify whether or not \$480 million is a fixed sum in your mind or whether a greater sum could not, in fact, be used, and; two, what plans you have for subsequent fiscal years.

Do you have any notion of where this will lead in terms of fiscal 1972 and 1973? Do you have any projected levels of spending?

I think there is a national sense of urgency about crime and the fact that people see the Federal Government spending money in some areas that are far less urgent than fighting crime. I know you are well aware of this.

It is for this reason that I ask you to amplify what amount we might properly spend this year and in future years.

Attorney General MITCHELL. I would start by saying that in my testimony I thought within the near future we could appropriately handle \$1 billion a year.

I also said that I thought that it would be nonproductive for this program, in which I am vitally interested, if we received money which

was not properly allocated or which was not drawn down by the States for a number of reasons that may result in that conclusion.

I pointed out that the expertise on the State, Federal, and local levels to properly put together and implement programs was not as great as it will be, that it is building through the training programs that we have.

I also pointed out—and if I did not I can now—that in our 1970 plans that are being submitted by the States, we have asked them to project their needs 5 years ahead, and with the projection of their needs, which will be reviewed and considered, we will have a better understanding as to what the forthcoming authorizations and appropriations should be.

I believe that with the growth of the expertise in this area, and with the continued dedication by people on the State and local levels, now that they recognize that they have this tremendous problem, they will devote more of their resources to the matching-funds requirement which they have not seen fit to do in a general way in this picture to date.

So we are coming on in a cumulative basis, where we could step up to \$1 billion next year and perhaps \$1.2 billion or \$1.5 billion in the ensuing years, all handled productively and without mishap.

In so doing, I am sure the Congress would be much more amenable to voting those sums if we did carry our program on in a professional way and used the money to greatest possible advantage.

Mr. KASTENMEIER. One of the problem areas is where you are, in fact, counseling patience awaiting for expertise to be able to handle the money you might allocate. One of the questions for us is whether or not there might be some other direct way of handling this, either on a temporary or long-term basis. A way to insure that Federal money reaches the places it is needed the most this year and, if possible, this coming fiscal year.

While I think the long-term goals are reasonable and I hope Congress will help you achieve them, the question is whether the people in the short term will be satisfied with a limited investment to fight crime.

Attorney General MITCHELL. I am not certain what they will be satisfied with. Our approach to them is we are pushing this as fast as we can. We have in LEAA been unable to get in some areas the type of expertise that we need, and we could attract them better than the State.

In the total analysis, there is really no substitute for sound planning and execution. If you don't have the expertise to do that, then I am afraid that the money will be wasted and that the program will get into disrepute and the future impetus of it and cumulative effect of it may be lost in the Congress.

Mr. KASTENMEIER. Thank you.

The CHAIRMAN. Mr. Attorney General, on February 19 I wrote a letter to you requesting information concerning LEAA's participation in the reported arrest of approximately 890 students at Mississippi Valley State College.

On March 6 I received a reply from Mr. Charles H. Rosovon, Administrator of the LEAA.

These letters will be placed in the record at this point.

(The documents referred to follow:)

FEBRUARY 19, 1970.

Hon. JOHN N. MITCHELL,
Attorney General of the United States,
Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: The enclosed news article published in the *Washington Post* today, February 19, describes the activities of personnel in the Law Enforcement Assistance Administration of the Department of Justice in connection with arrests of 894 students on the campus at Mississippi Valley State College at Itta Bena, Mississippi.

I would appreciate it if you would furnish me information concerning the nature of LEAA participation in these arrests and the statutory authority for such participation.

Sincerely yours,

EMANUEL CELLER, *Chairman.*

[The Washington Post, Feb. 19, 1970]

U.S. HAD ROLE IN ARREST OF 894 MISS. STUDENTS

(By Philip D. Carter)

Nine days ago near the Delta cotton town of Itta Bena, a tough, hand-picked posse of Mississippi lawmen arrested 894 black student demonstrators and herded them into buses bound for the state penitentiary at Parchman.

It was the largest mass arrest of college students in the nation's history.

It was the first ever planned with the advice and assistance of the U.S. Justice Department in Washington.

And all the arresting officers were black.

More than precedent was shattered. The mass arrest—coordinated by the state of Mississippi's federally funded Law Enforcement Assistance Division—at least temporarily broke the back of a successful student boycott at Mississippi Valley State College.

For the Justice Department's fledgling Law Enforcement Assistance Administration (LEAA), the arrests marked the quiet beginning of one of the Nixon administration's potentially most volatile policies—federal "technical assistance" in local suppression of "campus disorders."

"We're real proud of it, the way they (Mississippi police) handled it," declared George Murphy, director of LEAA's Atlanta regional office. "There wasn't any bloodshed."

For students, it was a different story.

Charged with blocking a public road on campus and disobeying police who ordered them to disperse, all 894 demonstrators—one-third of the student body of 2,500—were suspended from school.

After 24 hours imprisonment, they were released from Parchman on bond and permitted to return to their campus collect their personal belongings and go home to ponder the future.

Valley State's beleaguered Negro president, J. H. White, whose policies were the target of the student boycott, has announced that the state-supported school will follow a policy of "selective admissions" when students begin to register today for the second term.

Students anticipate that none of the college's elected Student Government Association leaders, all of whom helped direct the boycott, will be readmitted. And White has summarily fired two faculty members who advised the demonstrators.

STRANGE ALLIANCE

For the time being at least, the events in Itta Bena stand as a victory for one of the strangest alliances ever assembled in the name of law and order: President White, Mississippi's segregationist Gov. John Bell Williams, his all-white state Highway Safety Patrol, 58 black policemen from various cities in the state and the Department of Justice.

Until now, the Justice Department's role has gone largely unnoticed.

Federal involvement in the campus arrests grew from the Omnibus Crime Control and Safe Streets Act of 1968, which created LEAA as a Justice Department agency for federal economic and technical assistance to local and state law enforcement agencies.

Under terms of the act, the state of Mississippi (like other states' created a state Commission on Law Enforcement Assistance and its operating agency, known as the Division of Law Enforcement Assistance.

Although Mississippi's population is at least 40 per cent black, the commission's members are all white, most of them high-ranking representatives of state and local law enforcement agencies.

RECEIVED FEDERAL GRANT

For Fiscal Year 1969, the Mississippi commission applied for and received a federal "action grant" of \$289,405. The Justice Department did not challenge the racial composition of the Mississippi group.

The group's plans provided for "staff assistance" by the new state law enforcement assistance division to state and local police agencies in "developing plans and procedures for coping with civil disorders (riot control and natural disasters) and organized crime."

That program won federal approval. Thus when campus protest began to swell at Valley State College early this month, federally sponsored machinery had already been established for containing what the state's white political establishment perceived as a potential black insurrection.

But as campus revolts go, Valley State's was mild. At stake was a list of 30 demands sponsored and prepared by the college's Student Government Association and presented to president White.

The students demanded academic scholarships. President White agreed to immediate approval of ten. The only scholarships previously awarded were for athletes and members of Valley State's crack marching band.

BOYCOTT URGED

The students also demanded student government control of the college's student activity fund, a coin-operated laundry for students and clarification of "fictitious laboratory fees." White denied those demands, but approved such others as relaxation of the campus dress code. He also granted the students the right to name new college buildings.

The student government called for a student boycott. Within a few days, it was more than 95 per cent effective with the backing of the state's all-white Board of Trustees of Institutions of Higher Learning—asked for outside police assistance.

Two of his black campus security officers, he said, had been injured by students, and students had been threatened by boycott leaders. He filed no formal charges, however.

In the state capital of Jackson, officers of White's all-white board met with the state commissioner of public safety and Kenneth Fairly, executive director of the state law enforcement assistance division.

Then Fairly called LEAA officials in Washington and Atlanta. Washington's Paul Estaver and Atlanta's George Murphy agreed that the best solution was to handle the Valley State protest with black policemen.

Fairly scoured the state and found 58, Ray Pope, a white former police chief from Waycross, Ga., who is now an LEAA regional official in Atlanta, flew to Mississippi to offer technical assistance. Satisfied that the operation was proceeding smoothly, he returned to Atlanta.

On Feb. 8, Lt. Willie Carson, a Negro from the Greenville, Miss., police department led 57 other black policemen onto the campus. There, they joined black campus security officers and several specially deputized, gun-carrying janitors and cafeteria workers.

The arrests began the following day.

GOVERNOR PLEASED

While the arrests proceeded, white highway troopers and Leflore County sheriff's deputies blocked newsmen's entry to the campus. But on campus, all went smoothly.

As Fairly later reported, there was no violence and there were no injuries or pictures of "a white cop with his nightstick mashing the head of a black student." Gov. Williams, said Fairly was pleased.

"What we liked was the evidence of black professionalism, black command leadership," Fairly said yesterday.

Justice Department cooperation was "excellent," he said. "We were in constant contact." Department officials have "looked at this situation and think it has some application for use elsewhere," he added.

"All of us in this business are looking for new ways to handle old problems."

DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
OFFICE OF THE ADMINISTRATION,
Washington, D.C., March 6, 1970.

HON. EMANUEL CELLER,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter to Attorney General Mitchell of February 19, 1970, in which you express concern over the federal role in the student arrests at Mississippi Valley State College. Unfortunately, some of the allegations and implications in the news accounts are contrary to the facts. The facts are these:

a. No advice—direct or indirect—was provided by the Law Enforcement Assistance Administration on the arrest of the 894 students. No member of the LEAA staff was aware that these students were to be arrested, or even that there was to be a demonstration.

b. No federal funds were used to pay the ad-hoc Negro police force which served at the college. These men were loaned by their departments to Mississippi Valley State College and were sworn in as an extension of the school's security force. The expenses of these officers were paid by the Board of Trustees of the State Institutions of Higher Learning and Mississippi Valley State College.

c. The Mississippi Division of Law Enforcement Assistance, a state agency, is primarily responsible for criminal justice planning and the administration of federal funds in Mississippi. On this occasion, Governor John Bell Williams requested Mr. Kenneth Fairly, the Director of the Mississippi Division of Law Enforcement Assistance to undertake a special role in resolving the college's problem, if possible without violence or bloodshed.

d. The role of Law Enforcement Assistance Administration personnel was advisory only, and it was given only after a direct request from Mr. Fairly, Mr. George Murphy, the Director of LEAA's Atlanta office and Mr. Paul Estaver, the Acting Director of LEAA's Washington-based Civil Disorders Division, conferred with Mr. Fairly by telephone from their homes on Saturday evening, February 7, 1970. When Mr. Fairly announced Mississippi's intent to draw together an all-black police force as an alternative to use of the white Mississippi Highway Patrol to deal with the campus situation, both Messrs. Murphy and Estaver agreed that such an approach appeared desirable.

At the request of Mr. Fairly, Messrs. Murphy and Estaver also made telephone calls in an attempt to find a Negro command police officer to administer the ad-hoc police force and, hopefully, to negotiate in the campus situation, since it was thought at first that no Negro officers of command rank were available in Mississippi. However, it was not necessary to employ any out-of-state personnel.

Finally, at Mr. Fairly's request, Mr. Ray Pope of LEAA's Atlanta office flew to Mississippi to advise in the general policy of the crowd control situation. Mr. Pope's advice was that unnecessary confrontations were to be avoided. He was not present when two students were arrested on Monday, February 9, and had returned to his home in Georgia well before the remaining students were arrested on Tuesday, February 10. Let me reiterate that although Mr. Pope had been aware of the imminence of the arrest of the two students, he had no advance knowledge of the other arrests referred to in the *Post* article.

The Law Enforcement Assistance Administration is not an operational agency at the federal or local level, and it has no intention of becoming so. The author of the article was so advised, but for reasons best known to himself, chose not to mention this fact. I am enclosing a copy of an article on this same subject from the *Atlanta Constitution* of February 27, 1970.

Let me reiterate that Mr. Pope's advice was general only. The decision to arrest two students had been made before he arrived in Mississippi, and the

warrants already secured. The Administrator and Associate Administrators of LEAA were not aware of this activity until after the fact, but have supported Messrs. Murphy and Estaver's decision. The black police officers in Mississippi have demonstrated to the people of Mississippi their professionalism. In addition, possible bloodshed was avoided. LEAA has been advised that on Tuesday, February 10, over 800 students were arrested by these black police officers with no violence. At no time has LEAA expressed an opinion as to the substantive merits of the students' complaints.

The advice given by LEAA was given pursuant to Section 515(c) of the Omnibus Crime Control and Safe Streets Act.

If I may be of any further assistance to you, please advise me.

Sincerely yours,

CHARLES H. ROGOVIN, *Administrator.*

[From the Atlanta Constitution, Feb. 27, 1970]

POPE KEY FIGURE IN MISSISSIPPI ARRESTS—EX-WAYCROSS CHIEF HELPS HALT UNREST

(By Sam Hopkins)

A former Waycross police chief—who now works in Atlanta for the new federal Law Enforcement Assistance Agency—was requested as an adviser to Mississippi officials last week one of biggest mass arrests prior to demonstrating college students in the nation.

Almost 900 students at the all-Negro Mississippi Valley State College at Itta Bena were kept overnight at the state penitentiary after they refused to discontinue walking peacefully on the campus in protest of the college's refusal to meet certain demands.

George Murphy of Atlanta, regional director of the LEAA, said Wednesday that Ray Pope, a former Waycross chief of police who "has a national reputation for his ability and judgment" in handling potential by explosive situations, was dispatched to Mississippi because "of the possibility of some altercations between the students and police."

Murphy emphasized that the LEAA, which is under the U.S. Justice department, is not authorized to go into a community to take over the direction of the local or state police but only to offer technical assistance on how to handle crowds or set up temporary jail facilities or other such needs.

He said Mississippi officials apparently had already devised a plan to make arrests if necessary when they put together a task force of 85 Negro police officers from 26 towns.

"Despite the large number of students arrested," Murphy said, "not a policeman or a student got hurt, and despite what one might think of the validity of the arrests, when the police can carry out an assignment of that scope without an incident there is a professionalism apparent."

Several things have happened since the mass arrests on the campus.

Many students are boycotting classes. Tyrone Gettis, president of the student body, told The Atlanta Constitution Wednesday that probably no more than 200 of the some 2,500 students at the school have gone back to classes.

A suit has been filed in federal court on behalf of the arrested students alleging that their constitutional rights have been violated because they were denied the right of peaceful assembly.

And the college has ordered that students re-register. Gettis said Wednesday that in order to re-register students are required to sign a statement that they will not demonstrate or boycott classes and that they will conform to all the rules of the school.

Gettis said some of the student demands that the college president won't accept include a full-time physician on the campus; pro-rated tuition (students now must pay the full tuition even though they are taking only one course, he said); the separation of the cost of room and board (a student living in a dormitory must also pay for three meals a day even though he doesn't eat in the school's dining hall); permission for female students to operate and keep cars on the campus; recruitment of better qualified instructors and professors; retirement of some teachers because of age; 10 academic scholarships which the president promised last year, and written rules for the conduct of security guards.

Gettis also said the students are asking that they be represented on the committee that selects the names of campus buildings "because all of the major buildings now are named for white segregationists."

Gettis said it was his understanding that the task force of Negro policemen that arrested the students was paid with federal funds from the Law Enforcement Assistance Agency.

However, Ken Fairly of Jackson, Miss., the director of the state's law enforcement assistance program, said no federal funds were used to pay the officers.

Fairly said he personally asked Murphy in Atlanta to send Pope to Mississippi as an advisor "because we never knew what might happen and I considered Ray Pope as one of the best men to have around in a situation like we had."

Fairly said all Negro officers were used on the campus to make the arrests "because we found there is dialogue between black officers and black students."

Bond for the nearly 900 students was initially set at \$200 each but later was reduced by a judge to \$25 each or students were allowed to leave on their own recognizance if they didn't have the money.

"This was the most non-violent demonstration in the country," Fairly said of the Negro campus incident.

The CHAIRMAN. Mr. Rogovin's reply indicates that the LEAA did not provide any advice or Federal funds in connection with the arrests of these students.

The letter also states that personnel of the LEAA Atlanta office and the Civil Disorders Division in Washington consulted with Mississippi State officials at their request concerning the use of ad hoc police force on the campus of the Mississippi Valley State College.

Mr. Rogovin's letter goes on to say that this participation was authorized as "technical assistance" under section 515 of the Safe Streets Act.

My question is this, Mr. Attorney General: Will you tell the committee what the Department understands by the term "technical assistance" as that term is used in the statute?

Will you make clear to us whether or not "technical assistance" would include participation of LEAA personnel as advisers to State and local authorities in planning and executing arrests and apprehension of persons suspected of crimes?

Attorney General MITCHELL. The technical assistance is very well described by what happened in this Mississippi College case, where then it was pure advice in relationship to a hypothetical question that was presented.

Technical assistance, as we visualize it here, is that type of advice of a professional nature. It would not get into the specifics of whether you should arrest the A or B or C or any other individual, or any other set of circumstances.

The situation in Mississippi, as I recall the circumstances, are that there were no discussions in relationship to arrest whatsoever.

It was a question of how to contain the problems that had arisen at the college and what, under the circumstances, would be the best unit or force to contain them. I understand that the advice that was given of this technical nature out of the Atlanta office was quite helpful in the circumstances in that no violence was created and no serious problems resulted, although they might have if different tactics had been used.

The CHAIRMAN. I think the answer is satisfactory, but I am sure you would agree with me that we don't want anything approaching a Federal police force.

Attorney General MITCHELL. No, Mr. Chairman.

As I said, technical assistance referred to in this subdivision has nothing to do with operations whatsoever, nothing whatsoever to do with it.

The CHAIRMAN. I just wanted to get that clear.

Attorney General MITCHELL. I am glad you have.

As the chairman noted in his letter, the newspaper reports were not accurate as to the activities of the personnel from the Law Enforcement Assistance Administration.

The CHAIRMAN. I was very careful in my writing of the letter, I assure you.

Attorney General MITCHELL. I am well aware of it, Mr. Chairman; I read it last night and the response before I came up here.

Mr. McCULLOCH. Mr. Chairman, I should like to add, to make the assurance doubly clear, that technical assistance is not interpreted by the Department to mean giving physical assistance in any sense of the word as we understand physical assistance.

Attorney General MITCHELL. You are absolutely right, Mr. McCulloch. Neither do we have that intention. I am sure that if anybody administering this program had any such intention they would not have the resources anyway.

Your description is correct.

Mr. McCULLOCH. Mr. Attorney General, I am pleased that you have indicated the desire to have at least \$480 million for the upcoming fiscal year for implementing this legislation. I am interested in implementing it, too.

Though a Scotsman, I have learned that my frugal people are willing to spend great sums where necessary in the public interest.

I hardly need tell you, Mr. Attorney General, that the people in the heartland of America feel the same way about the increasing crime in America as you do.

Any reasonable commitment that can be used to diminish the incidence of crime would, in their opinion, be money well spent.

I have introduced legislation, joined by some of my colleagues, which would authorize an appropriation of \$650 million. I should like to ask this question, if you can properly answer it: Could you tell the subcommittee what amount the Justice Department asked the Bureau of the Budget to approve for the next fiscal year when the Department testified?

Attorney General MITCHELL. If I remember correctly—and if I don't I guess Mr. Velde would—the total request was for \$650 million. I would hasten to add that at that particular time when that figure was originally submitted we anticipated that our 1970 money would be available for earlier use, but was not available until December 1969, and we also, of course, had the experience in past years that our requests have not always been met in total by the Appropriations Committees.

So our original approach to them was that we would have a longer period, in relation to the other budgetary years, and perhaps in our justification of them we might come out a little better than we did in relationship to our past submissions.

That is a very frank and honest answer, but that is the basis upon which that figure was submitted. It was the time span and the other considerations.

Mr. McCULLOCH. Do I understand correctly that you have already appeared before the Subcommittee on Appropriations authorized to act in this field and have asked for \$480 million?

Attorney General MITCHELL. Yes, sir. The testimony on behalf of the Department in this area was given earlier this week.

Mr. McCULLOCH. Has it indicated how much it was going to recommend?

Attorney General MITCHELL. No, sir; it has not. The testimony for the Department, I believe, finished today. We have different divisions and bureaus, of course, testifying at different times.

Mr. McCULLOCH. If this committee should come to the conclusion that in the best interest of the United States \$650 million—or \$750 million, which the Chairman's bill proposes—should be authorized, would you oppose such a decision?

Attorney General MITCHELL. With respect to an authorization in that amount?

Mr. McCULLOCH. Yes.

Attorney General MITCHELL. No, sir; I would not under any circumstances, because, as you know, our proposed legislation has suggested an open authorization.

But to be specific on your question, I would have no objections whatsoever to such an authorization figure, because if then it turned out that our estimates of what we can properly assimilate under this program within the fiscal 1971 year were not correct, I would be the first one to come up and ask for a supplemental appropriation to proceed further with the programs involved.

Mr. McCULLOCH. It was my opinion that you would answer just that way. I, of course, am only partially pleased with the answer. I hope that before the committee has finished with this matter perhaps a few more of us will believe that more money can be efficiently used, and there will be more money to fight crime.

Attorney General MITCHELL. I hope Mr. McCulloch is correct in his prediction.

Mr. MACGREGOR. May I say that many of us on the subcommittee join you in that expression of hope, Mr. Attorney General?

During the course of these hearings two issues seem to have been highlighted. The first has to do with the share of the total moneys which have been received by the larger municipalities across the face of America, and the second has to do with whether we should be concentrating exclusively on police power in the big cities or whether we should be, indeed, mounting a broad attack across the entire field of criminal justice.

I am pleased that you, Mr. Attorney General, in your appearance today, have emphasized once again the fact that in 1968 the Congress decided not to concentrate exclusively on police power in the big cities but, indeed, to develop a program which would mount a broad attack across a comprehensive front dealing with not only law enforcement but with criminal justice and our entire corrections system as well as with the need through our educational institutions to professionalize, to a greater degree than heretofore possible, the entire field of law enforcement and criminal justice.

I am pleased also that on page 10 of your prepared statement you

have given us solid, factual, nationwide information with respect to the share of the Federal moneys received by the larger cities.

I am particularly pleased that your comprehensive analysis and presentation seems to indicate that across America, State planning agencies have allocated funds more in accordance with the incidence of crime than with the pure distribution or location of population.

Is it a fair statement, Mr. Attorney General, to conclude that State planning agencies, in general, have distributed funds more on a crime-incidence basis than solely on a population basis?

Attorney General MITCHELL. Mr. MacGregor, I believe by and large that was correct, certainly on a national basis. There were some limited exceptions to it. But I would hasten to add on top of that observation the fact that certainly the use of discretionary funds available to LEAA put additional frosting on that cake, and certainly is an important matter in the balance.

Mr. MACGREGOR. My own State of Minnesota—and Minnesota's largest city, Minneapolis, has been discussed previously in these hearings—in fiscal year 1969 received just under \$439,000 in action grants to finance specific projects under LEAA.

In my State of Minnesota slightly more than the 75 percent minimum was passed through, according to the State plan, to units of the local government. In Minnesota 82 percent of the action money passed through was given to our three largest counties and to the three largest cities which are the county seats of those counties. The counties of Hennepin, Ramsey, and St. Louis are the counties respectively in which are located the cities of Minneapolis, St. Paul, and Duluth.

These counties reported about 79 percent of the State crime, and yet those counties and cities within those counties received a greater degree of the money, 82 percent, than the pure incidence of crime would indicate.

Our largest city, Minneapolis, was given a total of \$78,594 last year in action grants. This total sum was 24 percent of all of the money given to Minnesota's communities, both counties and municipalities.

Minneapolis recorded some 28 percent of the State's crime but contains only about 13 percent of our State's people. Grants for specific police programs totalled \$53,000, or 16 percent of the local grants.

An additional \$46,500 was given to Hennepin County, a county of approximately 950,000 people, and this grant included money for court services which also benefited the city of Minneapolis, the city of some 475,000 people.

The total \$125,094 granted the city of Minneapolis and Hennepin County was 38 percent of the money available to units of local government in Minnesota. Hennepin County, which includes the city of Minneapolis, had 42 percent of the crime in the State.

The county also has about 24 percent of the State's population. Thus we see in Minnesota a reflection of the summary contained on page 10 of your statement with respect to the generosity of State planning agencies to the larger cities and the counties in which the larger cities are located.

I find in my own State a reflection of the fact that the monies for action grants have been closely in accordance with a formula based on where the crime occurs rather than on where the people live.

Is the Minnesota case somewhat typical of other States of comparable size? We are about 3.5 million people, containing cities of roughly 475,000, 315,000 and 110,000 as our three major population centers.

Attorney General MITCHELL. Perhaps Minnesota is closer to the mark in the allocation of funds in relationship to crime on the statistical basis you have used. Of course, we are still getting off the ground with the small 1969 appropriations, and the amount of funds for distribution are not the amounts that might be applied on a statewide basis in this particular area as equally as the larger amounts which will come in the 1970 and the 1971 plans.

But here again I would point out that if you take the figures that you have used and add on top of them the other benefits they get out of the statewide program, such as, I presume, your correctional institutions, being run by the State, and add the frosting on the cake that I keep referring to, you will find that the people in the metropolitan areas were very well taken care of, exceptionally well.

Mr. MACGREGOR. My State was also included in those States given some additional funding for the program of retrieval of information for law enforcement people.

I think it is significant to note that according to the Minneapolis papers, at least, the mayor of Minneapolis and the police chief have been unaware of the fact that they could apply directly to LEAA for discretionary money. Although the mayor is a former policeman himself, the mayor and the police chief say they were unaware of the fact that they could make these direct applications.

I don't suppose you keep these facts secret, do you?

Attorney General MITCHELL. Quite the contrary. It is disseminated in all the publications and programs that I participate in, through the International Association of Chiefs of Police, all over the country.

It is put out in every way we can. As we used to say in the Navy, there is always somebody who does not get the word.

Mr. MACGREGOR. They used to say that in the Army too, incidentally.

Have you had any other situation where, within the last 10 days the chief of police and the mayor of a city of almost a half a million people have expressed that they were not aware of the fact that they could apply for discretionary funds?

Attorney General MITCHELL. We have had them in the past. I don't recall any in the last 10 days.

Mr. VELDE. No. As a matter of fact, Mr. Congressman, Minneapolis received a direct discretionary grant last year of \$100,000.

So at least the previous administration was well aware of the program. This year Minneapolis will qualify under our big city discretionary grant program.

Mr. MACGREGOR. For up to \$150,000, I understand?

Attorney General MITCHELL. Between \$150,000 and \$250,000, yes, sir.

Mr. MACGREGOR. Do they have until April 1 to apply?

Attorney General MITCHELL. May 1, I believe.

Mr. MACGREGOR. We will see that the message gets back to the mayor. I will be there this evening and I will be sure to talk to them.

Attorney General MITCHELL. That announcement was sent to the city government in January, so apparently then it was mislaid or misfiled.

Mr. MACGREGOR. I thank you, Mr. Attorney General, and Mr. Velde.

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. Thank you, Mr. Chairman, I want to commend the Attorney General on his statement this morning and to express my particular delight with the statement on page 19 in behalf of the block grant principle. In that statement the Attorney General gives the kind of recognition and respect to State and local prerogatives and functions that is so consistent with the will of the Congress insofar as this legislation is concerned.

I would like to observe that this law, the Omnibus Crime Control and Safe Streets Act, is indeed a legislative product, the result of the Congress making law. As the Attorney General knows, the final product was quite different from that which was delivered by the prior administration to the Congress.

I was interested particularly, as the Attorney General may know, in one amendment which was added to this legislation, and which established the National Institute of Law Enforcement and Criminal Justice.

The witness has touched upon that branch of the Department of Justice briefly in his statement. I would like to emphasize the extreme significance of that Institute, the tremendous potential which it has to provide advanced techniques, methods and innovative developments. Through the Institute, the Federal Government itself can provide major leadership in encouraging research in the entire subject of law enforcement.

Mr. Attorney General, I would be interested in any of your further observations with regard to the National Institute.

Attorney General MITCHELL. I quite agree with your observation, Congressman. I pointed out here as we went along, though not so directly in my testimony, that to a great extent this is an uncharted field that we are all getting into. Hopefully the Institute will provide us with the beacon and the way.

I did mention previously that one of the functions that the Institute can be most helpful in is to see, by evaluation and research projects that lead to evaluation, that this money that is being spent for various programs in our total concept by the States and municipalities, particularly the times of programs, are worth the moneys that they cost and produce the results that we expect that they should produce.

In the field, for instance, of probation and parole, this is an area where very few people have right statistics, or the right approaches to this. They differ widely in their opinions.

It is through appropriate studies, and I emphasize appropriate because we just can't run off into all areas of software, expenditure of money—that the Institute, if it's properly funded and properly directed can go a long way in this total overall program.

We have here, and if you would like we will provide them for the record, the allocation of \$7.5 million of the 1970 year and a breakdown of the proposed allocation of the moneys for the 1971 fiscal year that we have requested in our appropriations.

Mr. McCLORY. I would be most interested in the allocation and distribution of funds from the fiscal year 1970 appropriation. What is the amount that is being requested for fiscal year 1971?

(The information to be supplied follows:)

Additional material relating to a request for information on the budget of the
National Institute of Law Enforcement and Criminal Justice.

	<u>FY 1969</u>		<u>FY 1970</u>		<u>FY 1971</u>
A.	<u>POLICE EQUIPMENT, TECHNIQUES, AND SYSTEMS</u>				
	Total	\$1,234,478	Funded	382,789	Increase \$3,000,000
			Pending	<u>\$2,368,825</u>	
			Total	\$2,751,614	Total \$5,700,000
	<u>FY 1969</u>		<u>FY 1970</u>		<u>FY 1971</u>
I.	New Equipment:	\$152,148	Funded	44,208	300,000 Air mobility
II-009	\$102,148	Study of Police Vehicle	Pending	<u>\$314,000</u>	Systems (continuation)
II-045	50,000	Conferences on Computer	Total	\$358,208	400,000 Land Mobility
		Applications and Response			Systems
		Time	<u>Funded:</u>		300,000 Non-Lethal Weapons
			70-006	44,208	Systems
			Aerial Mobility		100,000 Lethal Weapons
			<u>Pending:</u>		Systems
			Weapons System	\$150,000	150,000 Police Physical
			Remote Narcotics	100,000	Plant Planning (continuation)
			Detection		200,000 Remote Narcotics
			Police Physical	50,000	sensors (continuation)
			Plant Planning		
			Augmentation of	14,000	
			70-006 Aerial		
			Mobility		

FY 1969

2. Improved Communications and Communications Equipment:

Total \$394,780

NI-003 144,505 Illinois Police Communications Study
 NI-008 89,878 Integrated Communications and Information System
 NI-015 5,000 Transceiver Specifications
 NI-043 125,000 Fast Response Warning System
 NI-021 25,000 Vehicle Locator
 NI-016 5,397 Electronic Crime Control Countermeasures

FY 1970

Funded \$139,885
 Pending \$1,000,000

Total \$1,139,885

Funded:
 70-005 \$21,857 Transceiver Specifications
 70-001 29,010 "911" Implementation Conferences
 70-003 25,000 Vehicle Locator
 70-009 64,018 Burglar Alarm System

Pending:
~~750,000~~
 50,000 Transceiver Development
 Radio Propagation Study
 75,000 Tactical Computer System Software
 75,000 Video Applications
 50,000 Data Transmission

FY 1971

600,000 Transceiver prototype evaluation (continuation)
 300,000 Video applications to police operations
 550,000 Vehicle sensing devices
 190,000 Radio Spectrum analysis
 400,000 Alarm Systems
 200,000 Teleprinters and data transmission (continuation)

FY 1969

3. Improved Police Practices:

Total \$120,497

NI-035 33,815 Police Beat Optimization
 NI-037 54,867 Regional Law Enforcement Assistance
 NI-046 31,815 Crime Control Teams

FY 1970

Pending: (\$350,000)
 50,000 Crime Control Teams, Phase II
 50,000 Police Resource Management
 200,000 Analysis of Criminal Activity
 50,000 Manual for Police Legal Advisors

FY 1971

200,000 Police patrol procedures
 150,000 Command and control tactical systems
 100,000 Prevention of corruption
 200,000 Information Systems

<u>FY 1969</u>		
4. <u>Criminalistics and Identification Procedures and Equipment:</u>		
Total:	\$250,298	
NI-017	32,518	Spark-Source Mass Spectrometry
NI-020	90,000	Neutron Activation Analysis
NI-032	25,000	Physical Evidence Utilization
NI-042	2,780	Analysis of Dried Blood
NI-044	100,000	Systems Analysis of Criminalistics Operations

<u>FY 1970</u>	
Funded	\$168,715
Pending	297,401
Total	\$466,116
Funded:	
70-004	168,715 Voiceprint Identification
Pending:	
100,000	Fingerprint Identification Automation
50,000	Dried Blood Identification
147,401	Augmentation of Voiceprint 70-004

<u>FY 1971</u>
175,000 Crime Laboratories
150,000 Voice Identification (continuation)
175,000 License Plate Readers
75,000 Fingerprint Identification Automation (continuation)

<u>FY 1969</u>		
5. <u>Measures of Effectiveness:</u>		
Total	\$101,083	
NI-039	\$101,083	Evaluation of OLEA Grants

<u>FY 1970</u>	
Funded	29,981
Pending	130,000
Total	\$159,981
100,000	Overall Model of Criminal Justice System
29,981	70-024 Evaluation of D.C. Police Department
30,000	Development of Measures of Effectiveness

<u>FY 1971</u>
150,000 Development of Effectiveness Measures for Police, Courts, and Corrections Agencies

	<u>FY 1969</u>	<u>FY 1970</u>	<u>FY 1971</u>
6. <u>Responses to Collective Violence:</u>			
Total	\$215,672	Pending \$277,424	
NI-002	\$150,000 Research on Causes and Prevention of Violence	27,424	Disorders in Educational Institutions
NI-040	\$59,130 Alternative Responses to School Crises	100,000	Riot Control Command Training Systems
NI-200	\$6,542 Organizational Responses to Civil Disorder	50,000	Comparison of police, Army, and National Guard Roles
		100,000	Monitoring of Civil Disorder R&D
			175,000 Enforcement strategies against collective violence by youth gangs
			215,000 Command and control systems, with training simulators
			50,000 Collective violence by radical groups
			75,000 Collective violence in educational institutions (continuation)
			80,000 Collective violence in labor-management disputes
			40,000 Training materials for police departments

FY 1969
B. PERSONNEL SELECTION, TRAINING, AND SUPERVISION

Total	\$160,205
NI-010	\$ 44,936 Patrolmen Qualification and Performance Project
NI-028	\$ 64,955 Family Crisis Intervention Training
NI-030	\$ 35,714 Patrolmen in Urban Environments
NI-033	\$ 14,600 Law Enforcement Education Study

FY 1970

Pending:	\$500,000
\$65,000	Police Recruit Selection
\$50,000	Police Personnel Development
\$50,000	Police Fatigue Study
\$75,000	Command Training in Operations Evaluation
\$30,000	Task Analysis
\$30,000	Nationwide Pension System
\$50,000	Analysis of Police Career Paths
\$50,000	Methods of Evaluation of Police Performance
\$50,000	Analysis of Police Role
\$50,000	Police Recruitment Needs

FY 1971

Requested increase=	\$800,000
Total	\$1,300,000
\$300,000	in-service training and refresher courses
\$100,000	Career development and re-assignment
\$200,000	Training of police supervisors
\$300,000	Selection Criteria for recruits
\$100,000	Effect of Academic education on Performance
\$100,000	Training for police role in community
\$100,000	Criminal Law Curriculum Development
\$100,000	Study of para-legal aides
(Correctional personnel development projects listed under section E, below)	

	<u>FY 1969</u>	<u>FY 1970</u>	<u>FY 1971</u>
C. <u>CRIME PREVENTION</u>			
Total	\$412,890	Funded \$24,950 Pending <u>941,025</u>	Requested increase: \$2,200,000
		Total 965,975	Total \$3,200,000
1. <u>Technical Measures</u>			
Total	\$37,746	Funded (24,950)	200,000 Physical Prevention of criminal entry
NI-024	\$37,746 Physical Environment and Urban Street Behavior	70-010 \$1,500 Defensible Space 70-011 490 Defensible Space 70-015 22,960 Defensible Space	250,000 Improved security in public places 75,000 crime prevention in design of new towns
2. <u>Studies of Delinquent Careers</u>			
Total	\$110,949	Pending: \$255,629	250,000 Study of careers of violent offenders
NI-022	\$25,000 XYY Chromosome Study (Since Withdrawn)	115,700 Delinquent careers of welfare children	70,000 study of careers of street robbers
NI-027	\$50,714 Crime Classification Methodology	64,929 Brain damage and criminal behavior	90,000 effects of brain damage (continuation)
NI-034	\$13,280 Investigation of Criminal Justice Research Priorities	75,000 Physiological defects in a prison population	
NI-041	\$21,955 Study of Economy- Related Crime		

619

FY 1969

FY 1970

FY 1971

7. White Collar Crime

(No Activity)

Pending:
135,000

(\$185,000)
New York Consumer
Affairs Decentrali-
zation

50,000

Effects of Consumer
Fraud

200,000 Tactical Measures
for Prevention of Consumer
Fraud

75,000 Measurement of
Effects of Consumer Fraud
(continuation)

FY 1969
D. COURTS AND PROSECUTION

Total \$319,820

1. Court Delay

Total \$189,741

NI-001 \$120,000 Washington District Court
 Management Survey
 NI-019 \$19,600 Bail Reform Study
 NI-026 \$50,141 State Criminal Justice
 System Analysis]

2. Sentencing

NI-036 \$61,825 Bronx Sentencing Project

FY 1970

Funded: \$532,782
 Pending \$839,280

Total \$1,372,062

Funded: \$218,002
 Pending \$360,000

Total \$578,002

Funded:
 70-012 \$104,900 Completion
 of Bail Study
 70-019 \$113,102 Diversion of
 Cases

Pending:
 250,000 Analysis of Court
 System Organization
 40,000 S Standardized Court
 Study Guide
 70,000 Remodeling Court
 Facilities

Pending: \$120,000

30,000 Sentencing Alternat-
 ives
 90,000 Continuation of Bronx
 Sentencing Project

FY 1971

Requested Increase:
 \$1,600,000

Total \$3,000,000

175,000 Comparative
 Analysis of Calendaring
 Procedures
 250,000 Systems Analysis
 and computer simulation in
 three jurisdictions
 185,000 Systems Analysis
 of Court System
 (Continuation)
 150,000 Diversion of cases
 (Continuation)
 150,000 Juvenile INTake
 Procedures (Continuation)
 75,000 Pretrial Aspects of
 Court Delay
 150,000 Remodeling Court
 Facilities (Continuation)
 225,000 Model State
 Judicial Administration
 Center
 200,000 Presentence
 Information Systems
 200,000 Minimum Standards
 For Juvenile Justice
 125,000 Due process in
 Corrections

<u>FY 1969</u>	<u>FY 1970</u>	<u>FY 1971</u>
3. Prosecution (No Activity)	Funded \$314,780 Pending <u>\$140,000</u> Total \$454,780 <u>Funded</u> 70-013 \$24,780 effects of the exclusionary rule 70-020 \$290,000 Model Prosecutor Law student clinical training program <u>Pending</u> \$40,000 Law school materials for organized crime 100,000 Standards for exercise of discretion	235,000 standards for exercise of discretion (continuation) 80,000 effects of exclusionary rule (continuation) 100,000 Use of video- tapes in trial process
4. <u>Role of the State Attorney-General In Criminal Justice</u>	Pending: 759,280	(No Activity)
NI-005 \$68,254 Role of the State Attorney- General	Role of the State Attorney- General	
5. <u>Criminal Law Revision Clearinghouse</u> (no Activity)	Pending: 30,000 (60,000) 30,000 Manual on Correctional Law Revision Glossary of criminal law revision	\$400,000 development of criminal law and procedure revision clearinghouse
6. <u>Development of Local Criminal Justice Research Organizations</u> (No Activity)	(No Activity)	300,000 Development of local court research organizations

	<u>FY 1969</u>	<u>FY 1970</u>	<u>FY 1971</u>
<u>E. CORRECTIONS</u>			
Total	\$331,053	Pending \$607,860	Requested increase: \$1,100,000 Total \$1,700,000
<u>1. Correctional Policies:</u>			
Total	\$331,053	<u>Pending:</u> \$476,140	100,000 Parole decision-making (continuation)
NI-023	\$49,663 Behavioral/Systems Approach to Delinquency Prevention	156,140	300,000 Evaluation of community corrections
NI-025	\$60,676 Correctional Industries	25,000	200,000 Probation alternatives
NI-031	\$101,914 Model Community Correctional Laboratory	35,000	100,000 Differential treatment alternatives
NI-047	\$118,800 Alternatives to Punishment	25,000	200,000 Analysis of recidivism
		35,000	100,000 Educational and vocational programs
		200,000	
<u>2. Technical Systems and Facilities</u>			
(No Activity)		<u>Pending:</u> \$100,000	
		50,000	200,000 Local detention facilities Planning
		50,000	200,000 Correctional security systems
<u>3. Correctional Personnel:</u>			
(No Activity)		<u>Pending:</u> 31,720	100,000 Recruitment Standards
		Ex-Offender as Parole Officer	100,000 In-service training programs
			100,000 Supervisory training programs

FY 1969

F. NATIONAL SERVICE FUNCTIONS

Total \$441,850

1. Pilot Grants:

Total \$295,250

Fifty ACORN Grants Totaling \$285,961
 Forty-Three Manuscript
 Preparation Grants Totalin \$ 9,289

2. Graduate Research Fellowships:

Total \$146,600

Twenty Fellowships Totaling \$ 76,600
 Twenty Educational Allowances
 To Fellows' Universities \$ 70,000

3. Curriculum Development:

(No Activity)

4. Visiting Fellows:

(No Activity)

FY 1970

Funded \$151,766

Pending \$1,135,503
 \$1,287,269

Pending \$200,000
 (Twenty-Five Grants)

\$252,000
 (Thirty-Five Fellowships
 And Educational Allowances)
 1,022 70-030 Augmentation
 of 1969 Fellowships

Funded: \$7,575
 70-017
 Criminal Justice
 5,375 Curriculum Development
 1,000 Paper on curriculum
 Development
 1,200 Paper on curriculum
 Development

Funded: \$80,000
 70-008 Visiting Fellows (Five) Ten Visiting Fellows
 \$180,000

Pending:
 20,000 Additional Fellow

FY 1971

Requested increase:
 \$2,800,000

Total \$4,100,000

\$400,000
 (Fifty Grants)

\$400,000
 (Fifty Fellowships)

<u>FY 1969</u>	<u>FY 1970</u>	<u>FY-1971</u>
5. <u>Pilot Cities and Technology Transfer:</u> (No Activity)	<u>Pending</u> \$312,481 San Jose Pilot City 150,000 Midwest Pilot City 150,000 Southern Pilot City	Renew Two Cities 300,000 3 additional Cities 500,000 Technology transfer research 100,000 Pilot Action grants 600,000
6. <u>National Criminal Justice Reference Service:</u> (No Activity)	<u>Funded:</u> 70-018 \$31,042 Design of Reference Service	\$500,000 Operating Service (Acquisition of Materials Editing of Reports for Dissemination)
7. User Standards Service (No Activity)	<u>Pending:</u> \$50,000 Design of User Standards Service	\$1,000,000 Operating Service
8. National Symposium (Operated by OLEA)	<u>Funded:</u> 70-002 \$33,149	\$70,000
<u>TOTAL FY 1969</u>	<u>TOTAL FY 1970</u>	<u>REQUESTED BUDGET</u>
\$2,900,296 -	\$7,500,000	\$19,000,000

Attorney General MITCHELL. There is a total of \$32 million.

Mr. VELDE. For fiscal 1971 appropriations approximately \$20 million for the Institute.

Attorney General MITCHELL. Excuse me, that was for the Institute. My figure related to the discretionary funds.

I had the two confused. It is 19 plus.

Mr. McCLORY. The request last year was for about \$14 million. I believe, and the Appropriations Committee recommended \$7.5 million.

Attorney General MITCHELL. I believe the request was higher than that, but we did come up with the \$7.5 million.

Mr. McCLORY. And the request this year is for approximately \$20 million?

Attorney General MITCHELL. Yes, just under \$20 million.

Mr. McCLORY. My attention has been drawn to the report to the first annual report of the Law Enforcement Assistance Administration, in which the work of the Institute is outlined.

One of the other aspects of the Institute with which I am especially interested is the provision enabling the administrators to provide something in the area of training. Not that the Federal Government should train police officers itself or develop a national police force, but rather to assist in the development of programs to train local and State law enforcement individuals and others engaged in the law enforcement field.

I assume that is an added subject which will be undertaken under the authority granted the National Institute.

Attorney General MITCHELL. Mr. McClory, we have to provide training, or otherwise we will never get the expertise in the States and cities that we need to carry out these programs within the State and local governments.

Mr. McCLORY. Is there any additional authority which you feel that the Department requires with regard to the National Institute?

Attorney General MITCHELL. There is no additional requirement with respect to the National Institute. However, under our proposed amendments there is a broadening of the power of the LEAA to conduct regional and national training programs for State and local personnel. Of course, there will be no duplication of the police training programs which are well handled now by the Federal Bureau of Investigation.

Mr. McCLORY. Thank you very much.

The CHAIRMAN. Mr. Poff?

Mr. POFF. Thank you, Mr. Chairman.

Mr. Attorney General, I suppose then it was inevitable that many applicants in a program such as this would be disappointed applicants.

I cite statistics that I cited before in the record. We have in this country 18,000 cities and 3,000 counties. To that you can add another 9,000 separate townships or divisions, making a total of some 30,000 units, any of which, theoretically, might be an applicant for funds.

In anticipation of the possibility that some might be disappointed in the application they filed with their State planning agency or with LEAA, we made provision, when the act was written, for a hearing and appeal procedure.

That procedure is found in sections 303(7), 509, 510 and 511 of the act.

As a predicate for the question I would like to ask, I would ask unanimous consent that those sections of the act be printed in the record in full.

The CHAIRMAN. That shall be done.
(The sections referred to follow:)

Public Law 90-351, 82 Stat. 207

SEC. 509. Whenever the Administration, after reasonable notice and opportunity for hearing to an applicant or a grantee under this title, finds that, with respect to any payments made or to be made under this title, there is a substantial failure to comply with—

(a) the provisions of this title;

(b) regulations promulgated by the Administration under this title; or

(c) a plan or application submitted in accordance with the provisions of this title;

the Administration shall notify such applicant or grantee that further payments shall not be made (or in its discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

SEC. 510. (a) In carrying out the functions vested by this title in the Administration, the determination, findings, and conclusions of the Administration shall be final and conclusive upon all applicants, except as hereafter provided.

(b) If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, the Administration shall notify the applicant or grantee of its action and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing on action taken by the Administration on an application or a grant the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations at such times and places as the Administration deems necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made by the Administration with respect thereto shall be final and conclusive, except as otherwise provided herein.

(c) If such applicant is still dissatisfied with the findings and determinations of the Administration, following the notice and hearing provided for in subsection (b) of this section, a request may be made for rehearing, under such regulations and procedures as the Administration may establish, and such applicant shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved. The findings and determinations of the Administration, following such rehearing, shall be final and conclusive upon all parties concerned, except as hereafter provided.

SEC. 511. (a) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this title, or any applicant or grantee is dissatisfied with the Administration's final action under section 509 or section 510, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall thereupon file in the court the record of the proceedings on which the action of the Administration was based, as provided in section 2112 of title 28, United States Code.

(b) The determinations and the findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of fact and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determinations shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court

of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

* * * * *
 SEC. 303. The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. Each such plan shall—

* * * * *
 (7) provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

* * * * *
 SEC. 305. Where a State fails to make application for a grant to establish a State planning agency pursuant to part B of this title within six months after the date of enactment of this Act, or where a State fails to file a comprehensive plan pursuant to part B within six months after approval of a planning grant to establish a State planning agency, the Administration may make grants under part B and part C of this title to units of general local government or combinations of such units: *Provided, however,* That any such unit or combination of such units must certify that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located. The chief executive shall be given not more than sixty days from date of receipt of the application to submit to the Administration in writing an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located. No grant under this section to a local unit of general government shall be for an amount in excess of 60 per centum of the cost of the project or program with respect to which it was made.

* * * * *
 Mr. POFF. For a similar purpose, I would request the department to supply for the record for printing immediately following those sections whatever regulations the department has written pursuant to sections 509, 510, and 511.

The CHAIRMAN. That will be printed.

(Subsequently, LEAA supplied the following statement:)

Mr. Poff asked the Department to supply the regulations that have been written pursuant to sections 509, 510 and 511 of the Safe Streets Act. However, these regulations are in the process of being drafted and it is not possible to supply them for the record at this time.

Mr. POFF. And having sketched the framework, may I ask the witness or one of his assistants to outline the procedures for hearing and appeal available to a disappointed applicant?

Attorney General MITCHELL. If I can answer that, Mr. Poff, I am afraid that we here are not very familiar with them because nobody has ever made application to use any such procedures.

I am sure it would be very constructive if they had. It seems that they are much more interested in going to their associations or other institutions to act as their advocates on their behalf.

But I would feel this would be a very constructive step. Then it would certainly give us the ability to inquire in depth into their problems.

Mr. POFF. I thank the witness. His answer makes precisely the point I would like the record to reflect.

I would say parenthetically in addition, however, that the procedures to which I made reference are fully comprehensive running the gamut from administrative hearings, appeals and rehearings, finally to a court review.

In the future if there is a disappointed applicant, this procedure is available to remedy whatever complaints it might have.

Would you care to comment on that, Mr. Velde?

Mr. VELDE. Yes, Congressman Poff. Section 303, paragraph 7, to which you referred, requires the States to set up appeal procedures, and section 305 of the act is a very detailed procedure where a State has failed to initiate its block grant activity.

So there are these additional safeguards in the act. As far as we know, no local government or county government has yet utilized any of these provisions.

We had one potential applicant for research funds in the National Institute express an interest in an appeal procedure, but he did not carry through with that.

The CHAIRMAN. Will the gentleman yield?

Mr. Poff. Yes.

The CHAIRMAN. Section 509 of the act provides: "Whenever the administration after reasonable notice and opportunity for a hearing to an applicant or grantee under this title, finds that with respect to any payments made or to be made under this title, there is a substantial failure to comply with" and so forth, certain provisions; the words used there are "an applicant or grantee."

That would limit the complainant to a State.

A city could not because the city is not a grantee and the city is not an applicant. Am I correct?

Attorney General MITCHELL. No, the city can be a grantee of LEAA directly. We have discretionary funds.

The CHAIRMAN. Only with regard to the discretionary provisions.

Attorney General MITCHELL. Yes. If there were a so-called section 305 procedure, and a city had exhausted its remedies under section 305, then it could apply directly to LEAA for the equivalent.

The CHAIRMAN. But it would have to go through the State?

Attorney General MITCHELL. Yes.

The CHAIRMAN. There would be no direct application for review to you in the nature of a complaint by a city under this provision?

Attorney General MITCHELL. This really depends on how sections 509 and 510 would be interpreted. So far we have not had occasion to rule in a situation like that.

The CHAIRMAN. Do you now interpret this section in such a way that a city would be free to come directly to the Department of Justice or LEAA for a review?

Attorney General MITCHELL. Rather than responding now, Mr. Chairman, I would prefer to submit a memorandum for the record.

We would want our counsel to look at this.

The CHAIRMAN. Do you think you might give us some wording that might nail that down?

Attorney General MITCHELL. Yes, sir; if there is a problem.

The CHAIRMAN. There is a problem in your estimation?

Attorney General MITCHELL. Yes, sir.

The CHAIRMAN. We would appreciate your letting us have your advice. There might be a situation where a city could come in and make a protest to the Department of Justice.

Attorney General MITCHELL. Yes.

(The memorandum to be furnished follows:)

This memorandum is submitted in response to the Chairman's questions to the Attorney General (pages 355-357) as to LEAA's interpretation of sections 509 and 510 of the Act. The Chairman asked whether LEAA interprets those sections as providing for a direct appeal to LEAA by a city which has had its grant application for action funds turned down by a State planning agency. The Chairman also asked for advice and counsel as to whether the Act should be amended to provide for such an appeal if it is not allowed under section 509 and 510 of the Act.

LEAA has interpreted the sections as providing for a direct appeal to LEAA only where the grant application is submitted directly to LEAA. Thus, subgrant applications by cities to State planning agencies would not be within the scope of the sections.

Section 510(b) provides:

If the application has been rejected or an applicant has been denied a grant or has had a grant, or any portion of a grant, discontinued, or has been given a grant in a lesser amount than such applicant believes appropriate under the provisions of this title, *the Administration* shall notify the applicant of *its action* and set forth the reason for the action taken. Whenever an applicant or grantee requests a hearing *on action taken by the Administration* on an application or a grant, the Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations . . . as the Administration deems necessary . . . (emphasis supplied).

On its face, this provision clearly anticipates that a direct appeal to LEAA can be entertained only where action has been taken by LEAA on an application made to or a grant made by LEAA. Under sections 301, 302 and 303 of the Act, block action grants are made by LEAA to the State planning agencies on applications filed by the States. Cities and other units of local government then receive subgrants from the State planning agencies. This is a requirement of section 304 of the Act, which provides:

State planning agencies shall receive applications for financial assistance from units of general local government and combinations of such units.

When a State planning agency determines that such an application is in accordance with the purposes stated in section 301 and is in conformance with any existing statewide comprehensive law enforcement plan, the State planning agency is authorized to disburse funds to the applicant.

The only time LEAA would make a grant of action funds directly to a city would be under section 305 of the Act, where a State fails to establish a State planning agency or fails to file a comprehensive plan with the Administration, or under section 306, which authorizes "discretionary" grants directly to cities and other local governmental units.

Accordingly, with the exception of the section 305 procedure and discretionary grants, there can be no direct appeal from a city to LEAA where action funds are involved. The proper procedure for the city to follow if it is dissatisfied with action on its application is to appeal to the State planning agency, as provided for in section 303(7) of the Act. This section requires that each state planning agency "provide for appropriate review of procedures of actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units."

The conclusion reached here is supported by the legislative history of the Act. When the House bill, H.R. 1037, and the Senate bill, S. 917, were reported out of committee, they did not include the block grant provisions that are now found in sections 301 to 306 of the Act. Instead, these bills provided that the States, cities and other units of local government could apply for and receive direct grants from LEAA. The House bill provided for a direct appeal by grant applicants (States, cities or units of local government) to the Attorney General. The Senate bill as reported out included appeal provisions identical to those in sections 509 and 510 of the Act providing for direct appeal to LEAA by

grant applicants (States, cities, and other units of local government). The House and Senate bills were then amended on the floor to provide that LEAA make action funds available in block grants to State planning agencies and to provide that cities and other units of local government apply to the State planning agencies for subgrants. At the same time, the bills were amended to provide for an appeal to the State planning agencies by the cities and other units of local government. This appeal provision is now found in section 303(7) of the Act, as noted above.

It is apparent from this legislative history that Congress did not intend to provide a direct appeal to LEAA from denials of subgrant applications by State planning agencies. By including section 303(7) in the Act Congress clearly intended that a city or other unit of local government appeal a denial of action fund applications to the State planning agency and not directly to LEAA.

It should be pointed out that the situation is different with regard to application from cities for discretionary funds. Institute funds and ethnical assistance funds. The cities can apply directly to LEAA for these funds and LEAA would take direct action on these applications. If LEAA rejected an application by a city for these funds, granted funds in a lesser amount than requested, or discontinued payment, the city would have a direct appeal to LEAA under sections 509 and 510 of the Act.

LEAA does not feel that the Act should be amended to provide a direct appeal by a city to LEAA where subgrants for action funds are involved. The block grant provisions set out in the Act place primary responsibility on the State planning agencies for dealing with the cities in their States. Every State has set up a review procedure under section 303(7) of the Act and it would subvert the block grant concept if cities could bypass this State appeal procedure to deal directly with LEAA.

The CHAIRMAN. Mr. Poff?

Mr. POFF. Did this chairman's request address itself to discretionary grants?

The CHAIRMAN. No; to the regular grants.

Mr. POFF. And you asked the Department for language which would amend the body of the act to do that?

The CHAIRMAN. Yes; I asked for advice and counsel on that.

Mr. POFF. I thank the chairman.

A previous witness has testified that in his judgment, since all action grants are channeled in some fashion through the States, there is really no such thing as a discretionary grant. Would you care to comment on that?

Mr. VELDE. Perhaps, Mr. Poff, the witness was referring to our discretionary grant guidelines for fiscal 1970 which require that a copy of the application for a discretionary grant goes to the State planning agency, and that there be a finding by the State planning agency that the application is either consistent or inconsistent with the comprehensive State plan.

This is for coordination and information purposes only. LEAA makes the decision, not the State planning agency, as to whether or not a particular discretionary grant should be funded.

Mr. POFF. So it is true that a discretionary grant really does have an element of discretion and that discretion is granted to the LEAA?

Mr. VELDE. Absolutely. Our big city grant program is a prime example. We are identifying the largest cities on a population basis, and they are automatically eligible for applying for a grant of a certain size based on population.

That has nothing to do whatsoever with the comprehensive State plan or with a determination one way or another by a State planning agency.

Mr. POFF. As the witness has indicated very clearly, the discretionary program has been used to put the frosting on the cake, to treat

with special problems in the urban areas. The legislation which the Department has recommended would, among other things, lower the matching requirements in this area.

Would you care to explain the reasons for that recommendation?

Attorney General MITCHELL. Not across the board, but in some of the areas.

Mr. VELDE. There are two specific areas, Congressman Poff, where matching requirements would be liberalized by the administration's amendments.

First, in the discretionary fund contained in section 306 authority, the administration is requesting that relief be granted from the matching requirements that apply across the board to action grants for 20 percent of the total discretionary funds available.

Second, in our so-called part E amendments, in the corrections program and construction provisions, we are requesting an increase in the Federal share of up to 75 percent for corrections projects.

This is as opposed to the present provisions which would be 50-50 in the case of construction, or 60-40—the Federal share being first—for training and equipment grants in the corrections area.

Mr. POFF. Then it might also be noted at this point, as the Attorney General testified earlier, that typically the corrections systems fall under the jurisdiction of the State governments.

Attorney General MITCHELL. There are, of course, some correctional institutions under counties, but we hope that, as our directive from the President is carried out, with the examination into this great problem of our correctional institutions, we will be able to convince the States and the localities within them that a modern prison system, correctional system, can be better done on a larger scale with regionalization rather than to keep the local county bastille which has existed for the last 200-odd years.

Mr. POFF. I was impressed by the witness' comment concerning the danger which seemed to me patently inherent in the direct grant approach—namely, that of spawning a swollen and inefficient bureaucracy at the Federal level.

We had testimony earlier to the effect that the State planning agencies in some States are now obliged to offer technical assistance to local governments in the preparation of applications that are submitted to the regional planning units.

Rhetorically, I asked whether if we used a direct approach, such technical assistance would not have to be furnished by Federal personnel directed to each individual unit.

Keeping in mind that we have almost 40,000 municipalities, wouldn't this be an almost insuperable obstacle for a centralized law enforcement agency to surmount?

Attorney General MITCHELL. I don't know whether it could be insuperable because there are a lot of other Federal programs with categorical grants that operate under that basis. But from some of the bureaucracies that develop, and in many cases are required to develop, to assist the locality that does not have the expertise in carrying out their programs, then it is evident that one would have to be established in connection with this program if you had the categorical grants.

With this small, or relatively small, program that has been funded to date, there are over 28,000 programs. Some of them, of course, may

be within the same local government, but there would be 28,000 of them as of this year that the Federal Government would have to approve.

This is about as nonproductive as you can get. With respect to the State planning commission personnel giving advice to the localities, I think that is appropriate because they are the ones that have to not only approve but, to a degree, evaluate the programs.

I am glad to hear that the expertise is at the State level and not the other way around.

Mr. VELDE. Congressman, of course you are well aware that section 303 of the act places a statutory requirement on the State planning agencies to provide in their plans that they are going to have the capability to provide technical assistance to local government.

There is, however, a technical assistance effort at the Federal level as well as under our existing legislation.

We find in some very specialized areas, such as architectural design of prisons, there is just no competence existing anywhere in the country, except in a very narrow area.

So in those kinds of cases there is direct technical assistance from the Federal Government either to the States or then to the local government, as the case may be. But, by and large, we are encouraging the development at the State level of this capability.

Attorney General MITCHELL. If I can clarify the record on that, the technical assistance that will be provided will be by a joint effort of the Bureau of Prisons and LEAA, which is ongoing.

Mr. POFF. One of the witnesses before the committee, as I recall, characterized the State plans that were submitted for fiscal 1969 as "pedestrian."

I suppose you have now seen some of the comprehensive plans for 1970. Perhaps some of the 1969 plans were, in fact, "pedestrian." If so, is there a practical reason why they might have been? How do the 1970 plans compare in that respect to the 1969 plans?

Attorney General MITCHELL. Mr. Poff, as you are probably well aware, the 1970 plans are not all in and, of course, are not approved. I understand from discussions with the administrators of the LEAA that the expertise is developing and they are improving. Maybe Mr. Velde would like to talk about the "pedestrian" charge.

Are you sure he was not recommending that we have more foot policemen?

Mr. POFF. No; I don't believe it was said in that context.

Mr. VELDE. I am sure, Congressman Poff, that some of the plan submissions for the first fiscal year—fiscal 1969—could be very accurately described in that fashion. After all, the States had impossible deadlines to meet that were set up in the statute. In just about every case the States had roughly 6 months after receipt of the first Federal planning funds to staff up their agencies and submit to the LEAA those plans, which really is an impossible task.

Having said all that, we did have some very good plans submitted from such States as California, which ran to some 6,000 pages, that one plan alone, with several volumes of appendixes and detailed studies by consultants. I would hardly think that that plan could be described as pedestrian.

By and large the State plans, although there has been this problem of very short deadlines, were adequate under the circumstances. I don't think, though, that any State would be satisfied with its 1969 submission.

The 1970 plans that we have received so far indicate that a great deal of sophistication, a great deal of knowledge, has been gained in the last year.

Attorney General MITCHELL. In fact, Mr. Poff, the plans of a State will become a cumulative document. They will build on each other and improve as they go along. Action taken in the programs carried out in prior years, of course, will result in improvement in subsequent years. So the grounds for improvement continues each year.

Mr. Poff. One of the departures that the President recommended which is in the administration's bill and which I regard as particularly vital is an amendment to the act which would require accent upon Federal funding of efforts to improve State and local correctional systems. Can you tell us what prompted the Department to include this change in the program?

Attorney General MITCHELL. In general, the fact that exists in this country, that our penal and correctional institutions are about as archaic as any other public institution that we have. Both the Bureau of Prisons and the LEAA have been examining this question, along with other people in the Department of Justice. This resulted in the President's message and directive to the Department of Justice, and its constituent entities, which pointed out the necessity for improvement and pointed out some of the areas in which the improvement should be made.

In examining the question in a preliminary way we found that prisons were probably the last institutions that local funds were appropriated for. It was the last institution to receive consideration. We felt that if we were to be successful in the area of upgrading the standards of the institutions in order to reduce recidivism that we were going to have to provide a bigger incentive. The incentive is expressed in the proposed amendments.

Mr. Poff. The amendment would encourage every State in submitting a comprehensive plan to include as an essential part of the plan specific reform in the area of corrections.

I thank the distinguished witness.

The CHAIRMAN. Mr. Attorney General, there are just one or two more questions.

You say on page 19 of your statement, in the second paragraph:

A direct grant program to the cities would make Washington a dictator over every anti-crime project in the country.

You would not thereby mean that you want to eliminate the 15 percent discretionary funds which today can be made directly from Washington to the cities, would you?

Attorney General MITCHELL. No, sir, I would not. As has been said and discussed here this morning, an important purpose of that amount of funds under the discretionary grant program is to take care of the hard problems in the hard criminal areas. I think it is appropriate that that amount of money, with the discretion that exists, be carried out and carried on.

The CHAIRMAN. The "dictator" idea would be if you changed the whole concept of the block grants and made them to the cities directly. Is that what you mean by that statement?

Attorney General MITCHELL. The statement referred to the totality if you changed to the categorical grant program. With the limited amount of discretionary grants and the purpose for which they are applied in a normal situation, I don't feel that we will have a dictatorship in the LEAA in Washington.

The CHAIRMAN. Mr. Zelenko.

Mr. ZELENKO. Mr. Attorney General, reference has been made to the recently published LEAA Guide for Discretionary Grants. Apparently that guide requires the cities and other applicants to channel their requests through the State planning agencies.

It requires a certification that the State planning agency is willing to accept such a plan.

This subcommittee has received abundant testimony from mayors and others which indicates there often is friction between states and cities.

Does the requirement to require the State planning agencies *certify* a willingness to accept a discretionary grant really, in effect, place all the discretionary spending in the hands of the city—of the State?

If it does not, what is its function?

Attorney General MITCHELL. Mr. Velde talked about that a minute ago. The circumstances are these. The rationale for the submission to the State planning agency is so the State planning agency will know the additional funds that are coming into the State and particularly with respect to this locality that is making application and getting the discretionary grant. The purpose of the LEAA requiring the certification, or requesting the certification, is that then the LEAA will know that the locality has submitted the application to the State planning agency. If the State planning agency recommends it, the agency would so certify and the application comes to the LEAA with that knowledge.

The CHAIRMAN. Could the State planning agency veto?

Attorney General MITCHELL. No. The absolute discretion remains and continues in LEAA. There is no veto. It is a procedural matter, in order to get the input to the LEAA with respect to the State's comments or dissent, and, on the other hand, so that the State will be knowledgeable of the program on the local basis to put it into its overall picture.

Mr. ZELENKO. Then disapproved by a State would not determine what LEAA would do, would it?

Attorney General MITCHELL. No, sir.

Mr. ZELENKO. But another way of informing the State, Mr. Attorney General, would be merely to notify them; that is, LEAA could merely advise the State: "we are giving Detroit *x* amount of money."

Attorney General MITCHELL. There is no question about it, but there would not be the incentive to have the States comment on that basis.

Mr. ZELENKO. Thus, this requirement gives State the opportunity to comment on the validity of the discretionary applications, doesn't it?

Attorney General MITCHELL. Yes. They should. Under the concept of the statute they are the policymaking body with respect to the program within the State.

Mr. ZELENKO. If the State comment was adverse, or was critical of a particular city's application then LEAA would consider along with the applicant's plans the comments of the State planning agency and make its determination.

Attorney General MITCHELL. Right.

Mr. ZELENKO. Mr. Attorney General, the administration proposal, H.R. 15497, authorizes LEAA to waive the requirements of existing law that 40 percent of the planning money and 75 percent of the action money granted to a State be made available to local government.

The statutory language that the bill proposes for this authorizes a waiver whenever the LEAA finds that this "pass-through" would not contribute to efficient development or would be inappropriate or would not result in appropriately balanced allocation of funds.

In your opinion, can or should a more definite standard be drafted to indicate precisely when this waiver would operate?

Attorney General MITCHELL. I don't know that I can answer that from perhaps the technical point of view of the circumstances which surround our submission. As you know, that is the so-called "Small States" amendment.

Mr. ZELENKO. Which States, Mr. Attorney General?

We do not know to which States that language would apply?

Attorney General MITCHELL. Perhaps it would be well if we would supply it for the record. They are mainly in New England, Alaska, and a few of the western states which we will supply for the record. The basis of it is that there are not a sufficient number of local governments carrying out some of these functions in law enforcement and the field of criminal justice. They are being carried out at a State level. So the flow-through under the block grant concept is not justified. If the information has not been provided to you, I think it should be. Then, of course, we can make our recommendations with respect to your question on the language that has been used to see whether it will carry out our purposes within your concept. Then it does, I believe, within ours.

(The information to be supplied follows:)

Subsection (4) Amendment to section 303(2).—This amendment is a "small state" amendment, a companion to the amendment proposed by subsection (1). It would permit LEAA to waive, in appropriate cases, the requirement in section 303(2) of the Act that 75% of the block action funds granted to a state for a fiscal year be made available to local units of government within the state to permit those units to participate in the implementation of criminal justice reform programs.

The Congressional debates indicate that this provision was included in the Act to reflect a finding by the Congress that approximately 75% of total nationwide law enforcement expenditures by state and local governments is spent by local governments. This finding was based upon information supplied by the Department of Justice and the Census Bureau showing total nationwide expenditures, not state-by-state breakdowns. If Congress had studied law enforcement expenditures on a state-by-state basis, it would have found that the 75% "pass-through" formula does not reflect the state-local division of law enforcement expenditures in most states, and, in fact, is wholly inappropriate in a few states which bear very high portions of the total statewide expenditures for all or some components of law enforcement.

The table attached as an appendix to this memorandum shows clearly the inappropriateness of a rigid 75% pass through formula applicable to all of the

states. The data in the table was taken from the Census Bureau's 1967 Census of State Governments, published by the U.S. Department of Commerce in January, 1970, the latest complete data of this type available. The table shows state-by-state expenditures for police protection and corrections, and the percentages of such expenditures borne by the state and by local governments within the state.¹ State and local shares are shown as a percentage of total police and corrections expenditures, as a percentage of expenditures for the police component alone, and as a percentage of the expenditures for the corrections component alone.

As the table shows, there are only 5 states in which 75% or more of the total police and corrections expenditures is borne by local governments, and another 13 in which local governments bear at least two thirds of such expenditures. Thus, the 75-25 formula in the Act reflects the actual state-local expenditure ratio in only 18 states. Significantly, however, these states include 7 large and populous urban states (California, Illinois, Michigan, New York, Ohio, Pennsylvania and Texas) in which the outlay for law enforcement expenditures is very large in proportion to the rest of the states in the nation and is concentrated in large cities. The total law enforcement expenditure of these states is large enough in relation to the total for the rest of the states to skew the national average, producing a 75-25 local-state ratio which does not reflect the actual breakdown of expenditures between state and local governments in most of the other states in the country.

For example, there are 5 states in which the state bears more than half of the total statewide expenditures for police and corrections, including two states which bear more than two-thirds of such costs (Vermont—72%, Alaska—69%). Fourteen other states bear at least 40% of the police and corrections expenditures throughout the state; 15 others bear at least a third. In all, 45 states bear more than 25% of the total statewide costs of police and corrections, 32 bear at least a third of such costs, and 19 bear at least 40%. Thus, in a very large number of states the 75% mandatory local availability provision does not reflect the actual ratio of law enforcement expenditures between the state and its local units, and in a few states the discrepancy is significant enough that the 75% pass-through requirement adversely affects comprehensive state planning and implementation. These states are required to make action funds available to local governments in amounts that bear little relation to the actual role of local governments in the statewide law enforcement structure.

This discrepancy is even more apparent when expenditures for corrections are considered separately. As the table shows, every state except California and New York bears the overwhelming share of the cost of the state's correctional system. Yet, literal compliance with the 75% local availability formula in section 303(2) would require a state such as Alaska, Connecticut, Maine, Rhode Island or Vermont, in a year in which it wished to apply the bulk of its grant funds toward the construction of correctional facilities and the improvement of correctional programs and techniques, to make 75% of such funds available to local units which have practically no responsibility for that component of law enforcement and bear less than 10% of its statewide cost. Such an allocation of funds certainly would not contribute to the development of a comprehensive statewide correctional improvement program.

It should be pointed out that, in some of the instances described above, strict adherence to the 75% pass-through formula in paragraph (2) of section 303 would create a conflict with the provisions of paragraph (3) of section 303 of the Act. That paragraph requires each state plan to "provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units." Clearly, an allocation of 75% of a state's action funds to local units which bear as little as 25-35% of the total statewide outlay for law enforcement is not an appropriately balanced allocation.

To provide a solution to this conflict, the proposed amendment would authorize LEAA to waive strict adherence to the 75% local availability requirement, in appropriate cases, and to permit the state planning agency to devise and apply an allocation formula more nearly reflecting the actual ratio of expenditures and

¹ No data is available for court expenditures, the third major component of law enforcement. However, since that component is supported largely at the state level in virtually every state, the absence of that data does not affect the usefulness of the table in showing the inappropriateness of the 75% "pass-through" formula.

responsibility between the state and its local units for the components of law enforcement to which the funds are to be applied. Pursuant to LEAA regulations, such waivers would be granted in a limited number of cases, in states in which the state-local expenditure ratio deviates so significantly from the 75-25 formula now in the Act that adherence to that formula would not achieve an appropriate allocation of funds within the state. The burden would be on the state planning agency to show that the standard 75-25 formula is inappropriate and to establish the appropriateness of a different allocation formula.

APPENDIX.—STATE EXPENDITURES FOR POLICE PROTECTION AND CORRECTIONS¹

	Total State-wide expenditures (in thousands of dollars)		Percentage of total expenditures for police and corrections made by		State-contributed percentage of total State-wide expenditures	
	Police protection	Corrections	State	Local governments	Police protection	Corrections
Alabama.....	30,174	8,274	30.5	69.5	17.5	76.5
Alaska.....	4,661	3,114	69.0	31.0	48.0	100.0
Arizona.....	29,841	9,845	36.5	63.5	24.0	75.5
Arkansas.....	13,326	3,824	37.0	63.0	25.0	76.0
California.....	442,342	219,816	27.0	73.0	15.0	43.0
Colorado.....	26,772	12,452	40.0	60.0	23.0	82.0
Connecticut.....	48,092	13,542	35.0	65.0	16.0	100.0
Delaware.....	6,222	3,645	60.0	40.0	38.0	98.0
Florida.....	95,007	21,091	24.0	76.0	13.0	78.0
Georgia.....	46,246	19,810	33.0	67.0	14.0	75.0
Hawaii.....	14,821	4,726	21.0	79.0	27.0	88.0
Idaho.....	7,767	2,771	42.0	58.0	23.0	95.0
Illinois.....	186,324	48,482	24.0	76.0	19.0	80.0
Indiana.....	49,846	18,115	35.0	65.0	37.0	77.0
Iowa.....	29,795	11,329	49.0	51.0	35.0	88.0
Kansas.....	22,399	8,756	39.0	61.0	20.0	88.0
Kentucky.....	27,715	11,580	42.0	58.0	28.0	75.0
Louisiana.....	50,724	14,220	31.0	69.0	19.0	73.0
Maine.....	9,375	5,397	55.0	45.0	35.0	89.0
Maryland.....	66,764	32,639	35.0	65.0	13.0	80.0
Massachusetts.....	96,091	36,965	26.0	74.0	8.0	72.0
Michigan.....	135,876	45,194	30.0	70.0	14.0	69.0
Minnesota.....	37,766	18,693	31.0	69.0	15.0	65.0
Mississippi.....	19,194	5,191	41.0	59.0	33.0	74.0
Missouri.....	66,646	15,924	23.0	77.0	14.0	50.0
Montana.....	6,861	3,625	45.0	55.0	25.0	83.0
Nebraska.....	14,012	5,447	40.0	60.0	22.0	85.0
Nevada.....	13,806	5,311	34.0	66.0	15.0	82.0
New Hampshire.....	7,429	1,997	38.0	62.0	25.0	83.0
New Jersey.....	144,117	48,229	26.0	74.0	13.0	63.0
New Mexico.....	11,882	5,672	46.0	54.0	30.0	79.0
New York.....	490,381	151,212	17.0	83.0	7.0	46.0
North Carolina.....	45,112	27,976	50.0	50.0	24.0	91.0
North Dakota.....	5,106	1,837	38.0	62.0	20.0	89.0
Ohio.....	125,379	44,753	26.0	74.0	10.0	70.0
Oklahoma.....	24,182	6,950	35.0	65.0	20.0	86.0
Oregon.....	28,806	12,621	34.0	66.0	18.0	72.0
Pennsylvania.....	156,510	62,952	31.0	69.0	18.0	65.0
Rhode Island.....	14,187	4,259	33.0	67.0	12.0	100.0
South Carolina.....	22,213	9,021	43.0	57.0	31.0	73.0
South Dakota.....	6,130	2,357	44.0	56.0	31.0	79.0
Tennessee.....	36,099	13,451	35.0	65.0	18.0	79.0
Texas.....	115,331	34,356	28.0	72.0	15.0	67.0
Utah.....	10,031	4,903	41.0	59.0	18.0	87.0
Vermont.....	3,825	2,797	72.0	28.0	52.0	99.0
Virginia.....	50,294	14,108	39.0	61.0	26.0	86.0
Washington.....	41,111	25,745	44.0	56.0	18.0	86.0
West Virginia.....	11,929	4,832	41.0	59.0	28.0	72.0
Wisconsin.....	64,862	24,653	29.0	71.0	9.0	81.0
Wyoming.....	4,547	1,868	47.0	53.0	26.0	96.0

¹ Data taken from tables 9 and 18 of the 1967 Census of Governments, compiled by the U.S. Bureau of the Census (issued January 1970).

"Police protection" includes preservation of law and order and traffic safety, highway police patrols, crime prevention activities, police communications, detention and custody of persons awaiting trial, traffic safety, vehicular inspection, and the like.

"Corrections" includes confinement and correction of adults and minors convicted of offenses against the law, and pardon, probation, and parole activities. Detention pending trial, as in municipal jails, is classed under police protection.

MR. ZELENKO. One alternative way would be to identify the States to which the waiver would apply by name.

Attorney General MITCHELL. It would be one, but I am not sure at the moment it would be the best one.

Mr. ZELENSKO. The subcommittee has several bills now pending before it which would give special recognition to the law enforcement needs of the Indian reservations.

For example, one such bill, H.R. 9262, introduced by Mr. Udall of Arizona, would have the effect of allowing the Secretary of the Interior to make allocations directly to the Indian tribes that have law enforcement jurisdiction.

What is the view of the department on bills of that nature?

Attorney General MITCHELL. Mr. Velde tells me that the Department is on record as opposed to it, which I was not aware of. Maybe he can explain the reason for it because I would like to know, too.

Mr. VELDE. Well, of course, in general there are great problems with our Indian tribes, with Indian reservations. Law enforcement is just one of them. Indian tribes are defined in our authorizing legislation as units of local government. There have been various proposals to modify this present statutory arrangement, including defining the Indian tribes as States and then having them treated as States directly. Of course, as I recall, there are about 1,200 separate Indian tribes with independent jurisdiction, mainly living in 14 Western States, although there are others throughout the country.

The problem that the Department has with this particular legislation is that you would get another Federal agency, the Department of Interior, involved in the comprehensive criminal justice planning efforts, which we feel are the responsibility of the States.

The CHAIRMAN. Would you care to tell us how we can treat that situation? Would you have their needs met through the States?

What is your advice and counsel on that?

Mr. VELDE. There are alternatives already being pursued to assist in this situation. For example, we have what is called our Four Corners Indian Justice Planning Activity, which is a consortium of four Western States. They are developing a comprehensive plan for the Indian reservations essentially in the southwest. This is being funded by a discretionary grant from LEAA.

Mr. ZELENSKO. You have allocated for this present year only \$350,000 under discretionary funds for all the Indian tribes?

Mr. VELDE. For that one project.

Mr. ZELENSKO. What other money have you granted to the Indians?

Mr. VELDE. I have not seen the figures, though they may have come in. There are the allocations of the States under fiscal 1969 block grants.

Mr. ZELENSKO. That depends on what the individual States decide to do?

Mr. VELDE. Yes.

Mr. ZELENSKO. But you don't require the States to give any special consideration to Indians, do you?

Mr. VELDE. Other than to treat them as units of local government and to plan for their crime problems. I don't want to minimize or underestimate the dimensions of this problem. For example, we were trying to find for this Four Corners project Indians who were lawyers to serve on the planning staff. We found there were just none available—that there were no Indians who had received legal training. I don't want to minimize the problems for a minute.

The CHAIRMAN. Will you give us your thoughts on that and let us have your advice and counsel on how we should react to that situation?

Mr. VELDE. Surely. Also several of the Western States do have Indians serving on their State Planning Agencies; so there is some involvement in this regard, too.

(The comments to be supplied follow:)

There are 82 Indian reservations which perform law enforcement functions, as determined by the Secretary of the Interior. Consequently, under Section 601(d) of the Act, they are local governments. As such, they are eligible to receive subgrants from the States in which they are located and direct grants of discretionary funds from LEAA. These reservations are located in 14 States and had a combined population of 300,400 in 1968 when the Bureau of Indian Affairs conducted its last census. The location and population of these reservations is shown on the following table:

LOCATION AND POPULATION OF INDIAN RESERVATIONS PERFORMING LAW ENFORCEMENT FUNCTIONS

Location	Number of reservations	Indian population
Arizona.....	15	105,900
Colorado.....	2	1,600
Idaho.....	4	5,100
Minnesota.....	1	10,400
Mississippi.....	1	3,200
Montana.....	7	23,100
New Mexico.....	21	74,500
Nevada.....	11	4,400
North Dakota.....	3	13,600
Oregon.....	1	2,800
South Dakota.....	6	30,000
Utah.....	1	5,700
Washington.....	8	16,000
Wyoming.....	1	4,100

Mr. Chairman, a first step which can be taken would be to make some action funds available without a requirement for matching funds. This would require Congressional action and a request for such action is already pending. If approved, action funds available for making discretionary grants could be provided to eligible Indian tribes for approved projects with reduced or no matching fund requirements. Authority to make such grants would enable LEAA to overcome a serious impediment to improving law enforcement as it affects the Indian population.

Another step, and action on this is pending, is for LEAA to use its authority to provide technical assistance as the basis for directly providing such training as may be required to Indian tribal judges, Indian police forces, and the like. A proposal to run a pilot of such a program is, I am advised, under consideration at this time, within LEAA. In this connection, approval of the legislative proposal for articulated training authority would be beneficial.

The Committee should also know that LEAA has specific staff designated to address, full-time, the problems of law enforcement in relation to Indians. This seems to be the best way to have available a man who is sensitive to the subtleties involved in working with a people who are very proud of their heritage and who have not always gotten fair and even-handed treatment from government, at all levels.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., March 10, 1970.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary, U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on S. 1229, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 established, within the Department of Justice, the Law Enforcement Assistance Administration, charged with the responsibility of making Federal financial and technical assistance available to the States and to local governments to enable them to plan and implement comprehensive programs for the improvement of law enforcement at all levels of government. Under the framework of the Act, the Administration makes annual planning grants to the fifty States and to the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa and the Virgin Islands (which are included within the definition of "State" in the Act) to enable them to establish and maintain "State planning agencies" for the purpose of preparing, adopting and annually revising comprehensive law enforcement plans based on their evaluation of State and local law enforcement problems and needs. When State comprehensive plans have been reviewed and approved by the Administration for consistency with the requirements and purposes set forth in the Act, the Administration then makes annual "action grants" to the States to enable them to implement the programs and projects specified in their plans. Local governments participate in the program through their State planning agencies which are authorized to make subgrants and contracts to "units of general local government" and are expressly required to make 40 percent of planning funds and 75 percent of action funds available to such local units to enable them to participate in both the planning and implementation stages of the grant program. The Act defines "unit of general local government" to include "an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior." Thus, under the present Act Indian tribes certified by the Secretary of the Interior are eligible to participate in the Administration's grant program on an equal footing with other local governments and agencies.

S. 1229 would amend the Act to include the Secretary of the Interior as a "State" within the definition of that term in section 601(c) of the Act, for purposes of allocations and grants of funds to Indian tribes. The result would be that the Administration would be required to make annual block grants of planning and action funds to the Department of the Interior which would then make subgrants to the individual Indian tribes throughout the country.

The Department of Justice is of the view that the problems and needs of the Indian tribes in the field of law enforcement improvement can best be satisfied within the general framework of the Act pursuant to which the needs of the tribes are provided for as part of a comprehensive plan for the improvement of law enforcement at all levels within the States and regions in which the tribes are located. The Law Enforcement Assistance Administration is aware of the special problems of the Indian tribes and sympathetic to their needs. The Administration has added a member to its staff to advise it on law enforcement problems of the Indian tribes and to assist in analyzing the comprehensive plans of the States to assure that adequate provision is made for the needs of Indian tribes. We also plan to include a special section in the annual report, required by section 519 of the Act, on funds and programs for the Indian tribes. In addition, a share of the action funds available for fiscal year 1970 and programmed for fiscal year 1971 for allocation in the discretion of the Administration has been earmarked for direct grants to Indian tribes to supplement the funds available to them through the State planning agencies.

We recognize that many of the Indian tribes may have difficulties greater than most other governmental units in raising their required share for financing LEAA projects. However, the Attorney General has transmitted to the Congress a series of proposed amendments to title I of the Act, including an amendment which we believe will alleviate the non-Federal share problem without departing from the present structure of the Act which treats the Indian tribes as local units of the states in which they are located. This amendment would permit the Administrator to waive the requirements for local matching funds, within prescribed limitation, where LEAA project grants are made in his discretion. Further, as you know, our existing guidelines for the application of the Law Enforcement Assistance provisions of the Crime Control and Safe Streets Act permit the acceptance of services and materials in lieu of money where matching funds are required. This offers another means by which the Indian tribes may be accommodated as necessary.

S. 1229 contemplates a program of direct Federal assistance to Indian tribes which would be inconsistent with the "block grant" approach written into the Act by decisive votes in both Houses of the Congress during floor consideration

of title I of the omnibus crime legislation in 1967 and 1968. Debate on the block grant amendments indicated a strong feeling in both Houses of the law enforcement assistance program funded under the Act should stress planning and implementation at the State and local level rather than at the Federal level. Consistent with this approach, the needs of the Indian tribes in the country should be assessed and provided for as part of a comprehensive effort touching all areas and aspects of law enforcement within the States.

For the above reasons, the Department of Justice is unable to recommend enactment of this legislation.

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,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

Mr. ZELENKO. I want to clarify the record with regard to the method of allocating the so-called discretionary funds. The guide issued in February of this year lists as eligible recipients specific cities throughout the Nation.

Would large urban counties which have substantial law enforcement responsibilities, such as Nassau County and Suffolk County in New York, thereby be ineligible to receive those types of grants?

Mr. VELDE. Under that particular program—the discretionary grant program—they would not be eligible applicants as that program is structured this fiscal year. But this is a program only for fiscal 1970 for the expenditure of \$32 million of discretionary funds. In fact, we have received several letters from counties expressing their interest in the program, and I think their point is very well taken, as a matter of fact. For the coming fiscal year, assuming Congress appropriates funds of the magnitude that we are requesting, probably we will have a program for large counties, too.

Mr. ZELENKO. The last question is this: Mr. Attorney General, the National League of Cities report, and numerous witnesses' testimony as well maintain and document that population formulas have been used by many States to distribute funds. These have operated, it is claimed, to give something to everyone in derogation of the policy of the Safe Streets Act.

To what degree, if any, has LEAA attempted to prevent this type of dissipation of Federal funds in the fight against crime?

Attorney General MITCHELL. This is monitored and controlled in the approval of the plan. The criticism in some cases, I believe, may be justified, on the basis of their report and some of the information we have dug up since it came out. But I think that their criticism should apply and does apply to a very limited number of situations. It arose partially, as I said before, because of the limited amount of funds that were available in the 1969 appropriations, which was the period that they monitored.

I believe that the Department will be better able to monitor this through the 1970 plans. I believe that the amounts of money that will be available when added to the expertise that is developing in these areas, this will be completely a thing of the past.

Mr. ZELENKO. As recently as yesterday a witness before this subcommittee—an official member of a regional council in Pennsylvania—testified that there has been no communication to the regional council on which he serves about the State plan to be submitted to LEAA on April 15. He stated that so far as he knows he will not be consulted in his representative capacity prior to the submission of that plan.

That is a disturbing situation. One question, of course, is what can and should LEAA do about insuring that the States do account for local interests in the plan and local representation on these boards?

How do you go about encouraging them?

Attorney General MITCHELL. They do have local representation. As you know, the statute requires that. The approach is to try to induce them to get better representation, as we discussed before. With respect to the metropolitan area minority groups, I think the ultimate safeguard we have is the inquiry when the plan is submitted as to how it was formulated, who was consulted, and what the procedures were, to make sure that the input did come not only from the State level but from the regional planning commissions which should have an input along with people on the State level.

Mr. ZELENKO. However, you don't interpret the statute as authorizing LEAA to impose conditions on any State plan, to require that a percentage of funds be allocated to urban centers where crime is the most severe?

Attorney General MITCHELL. I would have to answer "No." I think under the concept of the comprehensive plan that we have talked about before, I do believe that there is enough persuasion and control of approval of the comprehensive plan that can bring about that result if it is the desired result.

The CHAIRMAN. Thank you.

Mr. VELDE. In that regard, Mr. Counsel, I might add that our planning guidelines for fiscal 1970 specifically require the States to address themselves to, and have separate identifiable plan components for, what we describe as high-crime areas, whatever that may be within the State's jurisdiction. In many cases, of course, this means core cities, but not necessarily limited to them.

If I may also comment on Pennsylvania, which I believe is the testimony that was received, and specifically Lancaster, in checking into this situation after the testimony we found that Lancaster submitted one planning application which was approved and two action applications, one of which was approved and the other was withdrawn by the city. Our LEAA regional staff has visited Lancaster and discussed with the Lancaster Police Department projects that they could apply for and how to utilize the funds. We are advised that on the Pennsylvania South Central Regional Planning Commission, Lancaster has seven out of 26 members on the board from that city.

So, we do appreciate these comments. Obviously, in a new program starting out, as the Attorney General has indicated, you can't get the word to everybody all at once. Whenever we do come across an instance like this, we are following up directly ourselves on it.

Mr. ZELENKO. The city manager of Savannah testified very similarly to the safety director of Lancaster, and there has been other testimony in the record on about the failure of the States to account for city needs. If these hearings make public certain specific deficiencies in the States' operations so that LEAA will be in a position to follow up, they will have contributed to better program administration.

Mr. VELDE. Surely.

Mr. POLK. I am not sure I understand the first part of your last answer. In section 203(b)(3) of the act it says, "The State planning

agency shall" establish priorities. If a State planning agency establishes a priority in favor of some rural or suburban area as opposed to an urban area, do I take your answer to mean that even so, in spite of that section, LEAA may reject that plan?

Mr. VELDE. Yes. There is an additional requirement in the legislation. I refer to section 303, which authorizes LEAA to make grants to a State planning agency if such agency has on file with the administration an approved comprehensive plan not more than 1 year in age which conforms to the purposes and requirements of this title. A State plan submitted to us that did not address itself to the crime problems of that State would not be comprehensive as we understand the meaning of the term at the present time. So, it may not be initially rejected out of hand, but I can assure you there would be extensive negotiations to see that the plan addresses itself to the crime problems of that State. If it planned only for rural areas, obviously it would not be comprehensive.

Mr. POLK. Doesn't the word "comprehensive" mean that all elements of the crime problem must be taken into account, that is, police, courts, and corrections? It doesn't mean, does it, that the cities are supposed to get their fair share?

Mr. VELDE. The term "comprehensive" is a dynamic one. I think you have suggested several of the dimensions of it as we understand it. It should address itself to all the major components of the criminal justice system within that State, including prosecution and defense, probation and parole, as well as police, courts, and corrections. But also it must address itself to the so-called high-crime areas, whatever that may mean within the State.

Mr. POLK. Does it even go so far as to mean that you must have a plan focusing on those high-crime areas?

Mr. VELDE. I can't tell you that we have one rigid formula that we apply to all State plans because that is not the case.

Mr. POLK. I would like to address a question in a different area. There has been testimony before this subcommittee that the expenditures for corrections are borne primarily by the State rather than by local governments.

When the Congress enacted the present law in 1968, it adopted a provision which required that 75 percent of the action funds be passed through to local governments. This 3-to-1 ratio between local expenditures and State expenditures was thought fairly to represent the national picture.

However, it would seem that if a separate program were established for corrections, which is the lion's share of the State expenditures in the crime area, then to continue to allow the States to retain 25 percent of the action funds as well as whatever it received from the corrections program would be to allow the State a disproportionate share of the funds.

That is, if we assume that the present program provides 100 units in part C and we add to that 25 units in part E for the separate corrections program and then allow the State to retain 25 units in part C for corrections and other State expenses which it need not pass through to any local government, then it would be getting 50 units out of the 125, that is, 40 percent of the total, whereas as present it is only allowed to retain 25 percent.

Mr. VELDE. Of course, that question assumes that the State would be receiving the benefit under our proposed part E.

As we understand the priorities now, and as our discretionary grant guidelines indicate for fiscal 1970, emphasis would be at least initially placed on regional facilities at the county or multicounty level and community-based programs in the local government. These may be staffed by county or State employees as the case may be. Probably somewhat down the line would be a replacement of the main State prison facilities for two reasons: No. 1, it is an extremely expensive matter to replace these institutions; second, the need is so great for these other kinds of programs that they would be receiving attention.

I am not sure if I followed your mathematics entirely, but there is a possibility that the State might receive more than the rather inflexible so-called bypass provisions provided for in existing legislation.

Mr. POLK. A previous witness in his testimony before the subcommittee suggested that a given percentage of the total amount of active funds be allocated for the purpose of corrections.

Would you comment on the merits of that proposal vis-a-vis your proposal for a separate part E?

Attorney General MITCHELL. I think that the witness that so testified is quite in accord with our position. We think corrections is a very important part of the revision and upgrading of the criminal justice system. I think the mistake that exists with respect to that testimony is that it is freezing in the requirement that a percentage goes to corrections. I think circumstances may exist under which it is not appropriate to have such a requirement, and I believe that the discretion should be left with the States, with the additional incentives that we have provided in our proposed amendments. In other words, I don't think the statute should be amended to freeze it into a requirement.

Mr. POLK. I think that the fear of the witness was this, that after a separate part E is adopted, it will become a line item in the budget and the Congress may not appropriate as much money for that particular item as it should. Consequently, in the long run less money will be set aside for corrections than is at present. Would you comment on that?

Attorney General MITCHELL. I don't believe they should be made mutually exclusive. The line item appropriation is one that we will hopefully get. I don't think we ought to shut off the program on that basis. I feel that as the programs develop in Congress through our presentation, the Bureau of Prisons and the Law Enforcement Assistance Administration will support correctional programs and we will get the appropriations for them. I believe that most knowledgeable people are becoming fully aware that recidivism is one of the large problems that we have in the field of crime.

Mr. POLK. I would like, Mr. Attorney General, your comments on the so-called Hartke-Bingham proposal since you directed much of your statement to your opposition to direct, categorical grants.

Attorney General MITCHELL. Obviously, we are opposed to changing the formulas that exist in the present law, which the Hartke amendment does. In addition to that, it contains some material that apparently the authors were not aware of. Mr. Velde has made an analysis of this. If you would care to have his observations on it, I am sure he would be pleased to give them to you.

Mr. POLK. Yes; we would.

Mr. VELDE. The Hartke-Bingham amendment would not totally scrap the block grant concept now contained in the act. It would revise the present formula so that instead of the present 85-15 formula—85 block grants to 15 discretionary grants—the block grant share would be cut back to 50 percent. In addition, the matching requirements which now apply both to block grants funds and discretionary grant funds would be eliminated for discretionary funds. So that means that 50 percent of the total would not require States or local governments to match.

There are also two so-called incentive features of the Hartke provision. First, if LEAA found that a State's comprehensive plan addressed itself to the needs of local governments, then an additional 20 percent could go to the State in the form of block grants. Second, if the State provided one-half of the local matching requirements for block grant funds, then an additional 20 percent, for a total of 90, could go to the State in block grant funds.

But the Hartke amendment does not change the existing by-pass provisions of title I which require that 75 percent of the funds go to local governments in the case of action grants, 40 percent in the case of planning grants. The fact that the Hartke amendment does not make this change would be a great disincentive to the States to try to obtain additional block grant funds which the matching requirements would then apply to. It would, in effect, penalize the States and the local governments for trying to receive more block grant funds because then they would have to match them, whereas if the original discretionary funds remained at 50 percent they would not have to match. This would lead to a situation where a State agency, a State planning agency, or other State agencies, would be encouraged to become competitors with the units of local government for that 50 percent discretionary funds which requires no match.

On the basis of our experience, we would feel that these State agencies would be very vigorous and effective competitors. They are staffed, they have the expertise, they have gone through these comprehensive planning exercises, so they would be very capable competitors. The net effect of the Hartke amendment may well be that additional funds would not go to the cities. We would have to consider these applications on their merits and on the ability to provide a sound, well thought out proposal for funding. We just can't give money to a city because it is a city. First of all, as has been the case so far in many instances, cities haven't applied for the money. We would have to administer this program to insure that the funds were spent for the purposes which Congress intended. Already we have received applications from local governments, or the States have, rather, which indicate that some of the cities don't have a very responsible attitude toward the program. One application for example, was received to fund a water tower; another to repave the main street in the city. The justification for the latter application was, "Well, the act is supposed to provide for safe streets." This is a rather tenuous justification. Just because this discretionary money is available to local governments does not necessarily mean that they would be the recipients of it.

Another effect, of course, would be that while there has been criticism leveled at the fact that a certain administrative structure has

been established to administer the block grants, a very substantial proportion—50 percent—of the money would be channeled through this structure; so that structure would remain intact and probably grow since there would be additional amounts. But an entirely separate, new administrative structure—both at the Federal level and probably at the local level—would probably have to be created to administer these vastly increased discretionary funds. So, instead of solving the problem of these layers of bureaucracy, in all probability they would be compounded.

Mr. POLK. Also, wouldn't it be more difficult for the State to formulate a comprehensive statewide plan to fight crime effectively under the Hartke-Bingham proposal?

Mr. VELDE. Yes, sir; because the cities would be encouraged to go outside this planning activity and apply directly to the Federal Government.

Mr. POLK. At the time the State would be formulating its plan, it wouldn't know what LEAA was going to do.

Mr. VELDE. That is correct.

The CHAIRMAN. I note section 512 of the act, Mr. Attorney General, which causes the Safe Streets Act to expire in 1973. That is 5 years after June 30, 1968, the date of enactment. The administration bill says nothing with reference thereto. I would like to get your opinion as to what we should do in that regard. Should we let the program expire in 1973? Or should we strike the section making this program permanent?

Attorney General MITCHELL. I should think we would take a further look at that as time goes on. We have until 1973 to do it. It would be my current opinion that we would want to extend the life of it for some time to come. But I see no necessity of making that judgment now.

The CHAIRMAN. Section 101 sets up the Law Enforcement Assistance Administration, and it establishes a sort of troika. It states: "The Administration shall be composed of an administrator of law enforcement assistance and two associate administrators."

Is there a need for a triumvirate of that sort? Wouldn't one administrator be sufficient?

Attorney General MITCHELL. I believe it is properly structured the way it is, Mr. Chairman. I believe that the powers that are being developed in the LEAA and the tremendous amount of funding cannot or should not be vested in one individual.

As you know, the troika, as you call it, is a bipartisan troika, with no more than two of the members coming from any one political party. I think that is appropriate. I think that the judgments that are made by this troika can be better made than by an individual. I say this because we have appointed people who have different areas of expertise.

For instance, Mr. Coster, on my far right, was a police chief. Mr. Velde, of course, is a lawyer with legislative and administrative experience. Mr. Rogovin, the administrator, has been a prosecutor and, of course, head of the Massachusetts Crime Commission. We think that the expertise that is brought to this Administration by the three individuals, along with the safeguards of having three, is appropriate, and we would recommend that the legislation continue as it is.

The CHAIRMAN. I think that concludes the testimony this morning, Mr. Attorney General. We are very grateful to you. You have been informative and very cooperative in your testimony. If your testimony betokens the future liaison between this committee and the Department of Justice, it is a happy omen indeed. I am sure you will get cooperation from us and I am sure we will get it from you.

Attorney General MITCHELL. You are most kind, Mr. Chairman. We certainly appreciate your attention and courtesy.

The CHAIRMAN. Tomorrow morning when we reconvene, our witnesses will be the mayor of Florissant, Mo.; the law director of Cleveland; the chairman of the Law Enforcement Committee of the Warm Springs Indian Reservation, and a representative of the National Association of Counties.

We will now recess, and reconvene at 10 a.m. tomorrow morning.

(Whereupon, at 1:15 p.m., the subcommittee recessed to reconvene at 10 a.m., Friday, March 13, 1970.)

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

FRIDAY, MARCH 13, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Byron G. Rogers presiding. Present: Representatives Rogers, Rodino, McCulloch and McClory. Staff members present: Benjamin L. Zelenko, general counsel; and Franklin G. Polk, associate counsel.

Mr. ROGERS. The subcommittee will come to order.

Our first witness this morning is the Honorable James J. Eagan, mayor of the city of Florissant, Mo. The mayor is accompanied by Mr. Milton C. Vogel, chief of police.

Our colleague on this committee who has shown great interest in this legislation is also here. I recognize our colleague, the Honorable William Hungate from the State of Missouri.

STATEMENT OF HON. WILLIAM L. HUNGATE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. HUNGATE. Thank you very much, Mr. Chairman. It is a pleasure to present to you the Honorable James J. Eagan, mayor of the city of Florissant, Mo., and Mr. Milton C. Vogel, chief of police of that city. I think you will find the contribution these gentlemen will make will be very helpful to the committee.

Mr. ROGERS. We appreciate your taking time out of your busy schedule to introduce these gentlemen. I note, Mr. Mayor, you have a written statement. At this point, we will insert your statement in the record or, if you prefer, you may read it or summarize it.

STATEMENT OF HON. JAMES J. EAGAN, MAYOR, CITY OF FLORISSANT, MO.; ACCOMPANIED BY MILTON C. VOGEL, CHIEF OF POLICE

Mr. EAGAN. With your permission, Mr. Chairman, I would like to read the statement and insert some additional remarks during the course of the statement.

Mr. ROGERS. You may proceed in your own manner.

Mr. EAGAN. Mr. Chairman and members of the committee, I am James J. Eagan, mayor of Florissant, Mo. I appear here today representing over 65,000 concerned citizens of my city to urge improvements

in the Safe Streets Act to make it more relevant to the crime-fighting needs of cities of all sizes. In presenting this statement, I am speaking as president of the Missouri Municipal League on behalf of its 380 cities and the National League of Cities and U.S. Conference of Mayors.

Florissant is the largest suburban community within the St. Louis metropolitan area, and though our crime problems may be less intense than those of the center of St. Louis, we are directly affected by the growing crime problems of our urban area. We are one of many communities caught in what is today known as the crime "spillover," and because of this and the growing strains on our local revenue base, Florissant, like many larger cities, urgently needs assistance to improve crime-fighting capabilities.

The population in the city of Florissant has gone steadily up. In 1960 our official population figure was 38,000. Today, just 9 years later, our population is in excess of 65,000.

We greatly appreciated the commitment to aid local governments which Congress, spearheaded by this committee, made in enacting the Omnibus Crime Control and Safe Streets Act of 1968. Today, however, the manner in which many of the States are administering the program gives us at the local level cause for concern that the goal set by Congress to provide meaningful assistance in fighting crime is not being met.

Mr. ROGERS. How much assistance did your city apply for under Law Enforcement Assistance?

Mr. EAGAN. When this was brought up, Mr. Congressman, we applied and at that time they informed us that there would be no grants to individual cities; that the grants would be made on a regional basis only. At that time, we had requests for remodeling of a police building, additional walkie-talkies, and automobiles. We were informed that all of the grants would go directly to the regions, none to the cities.

Mr. ROGERS. Has your city gotten any money at all?

Mr. EAGAN. Not a penny.

Mr. ROGERS. Proceed.

Mr. EAGAN. The concerns we in Florissant have about the safe streets program are essentially the same as those articulated in the National League of Cities and U.S. Conference of Mayors report about the Safe Streets Act and already presented by several of the previous witnesses: Unnecessary delays; failure to recognize individual local needs. At this point I would like to point out that region 5 embraces Florissant, St. Louis, Jefferson, and Franklin Counties. Not one mayor is on the regional board. At the same time, I point out to this committee that not one mayor in the State of Missouri is on the State board.

The other thing we point out is the giant bureaucracy, and again we call this committee's attention to the fact that the local regional director is paid \$20,000. When I read reports in the press last month that St. Louis had yet to receive a dime under the program, and when I know that Florissant also has not received any money, then I begin to wonder.

Where did the money go?

Or, if it has not yet been allocated, what is holding it up?

Program delays caused by the filtering of funds through many layers of bureaucracy affect cities of all sizes equally.

In Missouri, the State has established six substate regional boards to control distribution of nearly all of the local government share of action funds.

I would like to call the committee's attention to the fact that there were six subdistricts. They are now going to nine and they are talking about going to 18 regional planning areas.

These State administrative units are supported from the 40-percent local share of planning funds, thus limiting the availability of planning assistance at the local level.

Again, I call your attention to the fact that there are no mayors on any of these boards, and specifically in St. Louis County we have 96 mayors alone and not one of these men is represented on the regional board.

Mr. ROGERS. Is there a representative from St. Louis County on the regional board that covers this area?

Mr. EAGAN. Yes, sir, there is a representative from the prosecuting attorney's office, a representative from the liaison office between the county police and the municipal police departments but no mayors.

These regional planning efforts do not adequately recognize the individual criminal justice problems of their various local units. They only identify and support solutions for problems common to all. It is thus impossible to develop programs at the local level to use Federal assistance according to local priorities. Control of priority setting is lost to regional and State planning units lacking the great experience which local governments have in dealing with law enforcement problems and thus less capable of recognizing for support those programs most likely to be effective in improving local law enforcement.

The State can exercise a valuable oversight role to assure that various local programs do not work at cross purposes in solving crime problems. However, the role can be filled without the complete control by States of Federal aid distribution which today is stifling application of Federal assistance to the most urgent crime problems in many cities.

To avoid these difficulties and assure concentration of crime control funds on most pressing local crime problems, I urge that the Safe Streets Act be amended to require distribution of a share of the planning funds to support individual local planning efforts and to allow for allocation of a much larger share of action funds directly to cities to deal with particular problems which are currently overlooked in the State-controlled aid structure.

Again, I emphasize the fact that we did attempt to ask for funds and they informed us that there would be no funds forthcoming to the locals, that they would go to the region.

I thus support H.R. 15597 which would substantially improve program flexibility to meet the many diverse problems facing local criminal justice systems. H.R. 15597 does not go far enough, however, in assuring that cities will receive aid for planning. It should be amended to require that States distribute the local share of planning funds to local governments and support sub-State planning districts from the State share of planning funds.

In this connection, I must note my strong opposition to those provisions of H.R. 15947, which would allow the Law Enforcement Assistance Administration to waive, upon request of the States, the

provisions in the act requiring distribution of 40 percent of the planning funds and 75 percent of the action funds to local governments. Waiver of these provisions would result in State-controlled programs having even less regard for local interests than the minimal regard which they exhibit today.

Once the Safe Streets Act has been amended to assure better relation to areas of greatest need, I believe that the level of safe streets appropriations should be substantially increased. With the program changes I have suggested, I believe State and local governments could effectively use all of the \$750 million provided in H.R. 14341, and perhaps much more, during fiscal 1971.

A change in the present 60/40 matching ratio will also be needed for effective local participation in this program at its projected funding levels. Scraping together the necessary local share of program costs is very difficult, particularly with the uncertainties incident to this program because of the various checkoffs required at many different levels.

Local governments across the Nation, and Florissant, Mo., is no exception, are caught in a severe fiscal crisis between State-imposed restrictions preventing broadening of the local revenue base and increasing demands for service by local citizens.

Even if a city is completely committed to action to control crime, the city may not be a free agent to collect and dedicate the necessary resources to achieve this purpose. Local revenue-raising capability and, to some extent, local spending choices are severely constricted by State law:

States tell cities what taxes they may raise, and in some cases how high they may raise them.

States designate who may and who may not be taxed.

States set limits on how much debt may be incurred and what interest rates may be paid, and

States sometimes mandate services which must be performed and what people must be paid to perform them.

At this point, I would like to call the committee's attention to a situation in Missouri where a number of cities attempted to bring about legislation for revenue-sharing with the State with an additional increase in income tax. We were not able to pass this particular piece of legislation, but our governor gave us what he calls creative localism, and this is the sales tax. Again, the individual cities because they could put this into operation had to have a vote of the people in order to pass the sales tax. As a result, some cities in dire need of money were unable to pass this sales tax.

The city of St. Louis was able to pass the sales tax. The thing that I would call your attention to is the fact that we have just been informed that although our State government created this right to impose a sales tax, we have now been informed that the State government does not have the funds for the people to administer the sales tax.

From limited local revenue bases, demands for the full variety of municipal services must be filled, and demands for increased commitments of local resources have never been greater. Local government is the government closest to the people, and it is local government toward which people turn first when they need help. With only so much

money to go around, difficult choices must be made: better courts or better schools, more policemen or more social workers, safer streets or cleaner waters.

Between fiscal 1967 and fiscal 1970, total expenditures for Florissant have increased from \$2,790,00 to \$3,800,000, while police expenditures have jumped from \$575,00 to \$805,000. To support these expanded efforts, we must rely primarily upon the fixed base of the local property tax.

Full participation in this program should not be premised upon ability to pay the present heavy matching ratio. All communities in need of aid should be able to participate. Thus, I urge this committee to reduce the present matching ratio as it is approving higher program authorization levels.

Summarizing briefly, major revisions in the Safe Streets Act are needed to assure that it will be an effective instrument for fighting crime on the streets. First, and most important, distribution formulas must be revised to assure that more of the planning and action funds are used to deal with particular local crime problems.

Second, a substantially higher level of assistance is needed, and, third, the share of local program costs paid by the Federal Government must be increased.

Mr. Chairman and members of the committee, I thank you for the opportunity of appearing and I thank you for your attention.

Mr. ROGERS. Thank you, Mr. Mayor.

There are a few questions we would like to direct to you. We have a report from William L. Culver, director of the Missouri Law Assistance Council, which shows that in 1969 the St. Louis metro received \$180,831. You say no part of that came to Florissant?

Mr. EAGAN. With your permission, Mr. Chairman, I have a copy of the allocations and just briefly: regional police information system, greater St. Louis Training Academy, St. Louis Regional Laboratory facilities, helicopter police patrol—just to mention a few—all of these are regional, none of which go to any city in region 5.

Mr. ROGERS. The same report shows that for the year 1970, it is proposed that your region 5 (St. Louis metro) will receive \$1,446,875. Do you have an application in to obtain any of that money?

Mr. EAGAN. At the moment, Mr. Chairman, based on my previous statement, we were informed when we went to the region and to the State that the money would be allocated directly to the region. Certainly the city of Florissant is prepared to submit an application for improvement of our old city hall, to change it into a functional police building; for more walkie-talkies which would make our police officers 25 to 30 percent more effective; and for additional police cars—again, to put more police cars in the area so that the people know that we do have the coverage. Our position is that the policeman on the street is the biggest deterrent to crime that we could have.

Mr. ROGERS. You haven't received any money to provide for placing policemen on the street under this program?

Mr. VOGL. Out of this \$1,446,875 that has been allocated in the St. Louis area, the region felt that with that amount of money they could only go to overall region problems. So they have allocated it for that.

To digress a moment, I spoke to the head of the Kansas City area, the head of our region 5. Generally, they all agree that our premise

here is correct, that there should be more money going to the local police departments for a practical approach, but they feel the money is not there to give each of them some share in this, so they have gone to the overall method. They have done a fine job in what they have done, but it appears they do not have enough money to do any more.

Mr. ROGERS. Florissant has its own boundaries and its own police department and its own particular jurisdiction. The police out of St. Louis or other adjoining areas do not come into your city to help enforce the law, that is, to keep the peace, so to speak. The result is that so far as any regional funds allocated to this region are concerned, you do not realize any direct benefit? Is that what you are trying to tell us?

Mr. VOGEL. Not on a practical basis. As the Mayor pointed out, moneys to remodel our present facilities, money to buy radios for each man, something where each local department would feel as if it were participating directly.

Mr. ROGERS. The Mayor mentioned something about a helicopter. I assume that that is for use on a regional basis and operated out of the police department in St. Louis; is that correct?

Mr. VOGEL. It would probably be out of St. Louis and the county. This, again, is a problem of working it out.

Mr. ROGERS. If you want to use it you have to call somebody out there?

Mr. VOGEL. They have not gone into the details of how that is going to be worked out yet.

Mr. EAGAN. With regard to the regional approach, Mr. Chairman, this \$125,000 that has been granted for the training academy, again, to tell you gentlemen we have not derived some benefits out of this is not true. We do send some of our men down there for training, and we are very appreciative of this fact.

Mr. ROGERS. How many have you sent to this training center?

Mr. VOGEL. This is just a new innovation and it has only been in operation about 3 or 4 months. We have had about six men go through it. All of our men will go through it. It is a 16-week course. We will benefit from all of the programs that they have brought up on a regional basis overall.

Mr. McCULLOCH. Mr. Mayor, I have been listening to your testimony with interest. Having been a State legislator, I am not unmindful of the fact that States seldom, if ever, have all of the money they want or need and political subdivisions, be they large or small, suffer accordingly.

I noted your comment on the failure of the proposal for a sales tax, and it is regrettable that that tax was not adopted. I think I speak with some experience, for back in the terrible days of the thirties when I was a young State legislator, school teachers were not being paid for from a month to a year. In those dark and troublesome days—difficult days—we passed a statewide sales tax. We had to. Now it is yielding an unbelievable sum.

While we have drained the States and local subdivisions dry of funds, there must be a new attempt to get done these things which so desperately need to be done.

I was very glad to hear your comment about the need for revenue-sharing. If I may paraphrase Victor Hugo—or was it the late Sen-

ator Dirksen?—this is an idea whose time has come. I am certainly going to support it.

I noticed you mentioned your regional director who received \$20,000 for his services. Is that a full-time job?

Mr. EAGAN. Yes, sir.

Mr. McCULLOCH. Is there any moonlighting done by that person?

Mr. EAGAN. He is not suppose to. To our knowledge, he does not.

Mr. McCULLOCH. By whom was he selected?

Mr. EAGAN. By the regional committee.

Mr. McCULLOCH. How many members are there on the regional committee? Could you provide a list for the record indicating what political subdivisions are represented?

Mr. EAGAN. We have that information. We could read it into the record at this time or possibly with your permission—

Mr. McCULLOCH. You may submit it for the record since we have a number of other witnesses to be heard today.

(The information requested follows:)

CITY OF FLORISSANT

Robert Curran, Executive Director

St. Louis:

Col. Curtis Brostron

C. W. Gates, Police Board

Harold Antoine, HUD

Mrs. Preston Eaststep, citizen Madiline House

Lt. Glen Paully, St. Louis P.D.

Arthur Kennedy, Director of Model City

Thomas McGuire, Judge

County-St. Louis:

Tom Gearty, Law enforcement

Col. Parker, Board

Gene McNary, Pa.

George Gray, Roos Asst.

Chief Eston Randolph, Chief of Police, Ferg, Mo.

Jefferson County: Sheriff Buck Berger

St. Charles County: Mrs. Bernice Holdert, citizen Welcome Wagon

Franklin County: Larry Davis, Pa.

Mr. EAGAN. May I respond to the Congressman's statement and say we would be happy to see Federal revenue sharing. The local mayors' concern is that the States have a responsibility to the cities as well as to the Federal Government. This is one of the reasons that we went to our particular State government for a revenue-sharing program. The majority opinion was that the income tax statewide with a number of dollars to be shared with the cities was the best way to meet the problem. If they used the sales tax again—if this was the only means that they would approve of—then, it should have been statewide.

I point out specifically in our case with 96 municipalities in St. Louis County that unless all of the cities in the County have a tax, they are played off one against the other. We have a specific example of this with the cigarette tax. Previously some individual cities had cigarette taxes and their particular businessmen gave the locally elected officials a bad time. So, we were able to pass a county-wide cigarette tax where we all share on the basis of population, and we stopped the problem.

If the State is going to have a sales tax and, again, I say we think

this is one method, and we do not agree it is the best method. But if they are going to do this, it should be done on a statewide basis.

Mr. McCULLOCH. I think most of the citizens of Ohio have come to that conclusion because they have experienced statewide sales taxes and find it acceptable. But when the counties began to levy sales taxes, it was not so well accepted.

Let me ask, is St. Louis located in the county that has 96 subdivisions?

Mr. EAGAN. The city of St. Louis is not in a county. It is a county in itself. We are right next to St. Louis and the 96 municipalities are in St. Louis County, but the city of St. Louis is not one of those cities within St. Louis County.

Mr. McCULLOCH. You are one of the 96?

Mr. EAGAN. We are the largest in St. Louis County, with 65,000.

Mr. McCULLOCH. Does every one of those political subdivisions have law enforcement officers of some kind?

Mr. EAGAN. Yes, sir.

Mr. McCULLOCH. And each of them has a fire department?

Mr. EAGAN. Not necessarily on the fire department.

Mr. McCULLOCH. Most of them have fire departments?

Mr. EAGAN. Again, I would say no. In St. Louis County, the city fire departments are in the minority. Most of the areas are covered by what are known as fire districts and they encompass maybe three or four incorporated areas.

Mr. McCULLOCH. That is good planning.

I come from Ohio. Cleveland is our largest city. As I recall, there were 65 police agencies in Cuyahoga County. I think the Governor of Illinois testified there were 121 police agencies in Cook County. You know, these local political subdivisions, in order to get the full sympathy of Members of Congress, may find that their citizens are going to be required before too long to make an agonizing reappraisal of the cost of having that many political subdivisions in a comparatively few square miles.

How were the members of this regional planning board selected in your locality?

Mr. EAGAN. The seven members of the St. Louis group were appointed by the mayor of the city of St. Louis although he does not serve on there. The five members of St. Louis County were selected by a county supervisor, and then the three counties—one member each was selected by the county court in those three counties. St. Louis County has a supervisor which is similar to a County Court system, and he is the chief executive officer in the unincorporated area of St. Louis County. He has no jurisdiction over the incorporated areas.

Mr. McCULLOCH. But he named all of the members of the regional planning commission from his territory?

Mr. EAGAN. Yes, sir.

Mr. McCULLOCH. Did he invite suggestions for nominees and the like?

Mr. EAGAN. To the best of my knowledge, he did not. I can speak again with some authority on this because I happen to be president of the 15 largest cities in St. Louis County and we were not consulted insofar as the naming of this committee was concerned.

Mr. McCULLOCH. If the Supreme Court of the United States should decide that even a regional planning commission must be truly representative, maybe that would be remedied.

Mr. EAGAN. We would certainly hope so. Of the five, three of these are from the county government itself, one is a prosecuting attorney, and one is a police chief from a municipality, so the county is well represented but, again, there is only approximately 500,000 people in St. Louis County in the unincorporated area. The balance, over a million, is represented by these 95 incorporated areas in St. Louis County.

Mr. McCULLOCH. Has your region presented plans for the use of money and made application therefor?

Mr. VOGEL. Our own particular city, as we stated earlier, made application for \$100,000 for remodeling the building and, of course, they said the money was not available. Region 5 operates in an overall capacity and this group that the mayor is talking about allocated this \$1,446,000 for regional projects which would benefit the 95-plus localities plus St. Louis, plus the three counties. But none of the local governments have made applications. I should say they have made applications but none of them has received any money directly.

Mr. McCULLOCH. Do you have a standard operating procedure by which those applicants who are dissatisfied with the decision may be heard before the decision is made final?

Mr. VOGEL. I am not on the committee. However, I do not think there was much chance to come back and criticize or complain. I think you could complain but it was pretty well stabilized that this was going to be the program and you are out of luck otherwise.

Mr. McCULLOCH. That is regrettable in my opinion.

By the way, has your city committed any funds to the improvement of law enforcement in advance of what was promised by the Federal Government?

Mr. VOGEL. Not in anticipation of getting any funds. When we were denied the money to remodel the building, then our own governing body was kind enough to give me \$100,000 for the remodeling which will take place this summer. I still would anticipate putting in an application and hopefully getting some of it in return, but so far I think we are going to have to use our own money.

Mr. McCULLOCH. St. Louis has a large population, has much taxable property, and has had much income. Do you know whether or not St. Louis has spent any of its own money to implement plans submitted under the program?

Mr. VOGEL. I am not saying definitely. I think they have but I cannot say definitely they have.

Mr. McCULLOCH. Would you have an estimate of the amount?

Mr. VOGEL. No, sir.

Mr. EAGAN. Mr. Congressman, I would like to address myself to that particular point, and the city of St. Louis does not need defending by me. They have heavy taxes but they have a lot of people on welfare. We tried to do this with our urban coalition, with the mayors of the largest cities in Missouri, and the mayor of St. Louis was one of them, and we came up with a formula based not just on population but certainly on need. Certainly the people who live in Kansas City and St. Louis have a greater need for hospital and welfare services and, at the same time, a lot of the businesses are leaving the St. Louis

and Kansas City area and going elsewhere. So their amount of taxable property and anticipated revenue is going down rather than going up. We try to approach the problem not just on population. Some cities may have a lot of population and not have the need. So, we came up with the formula on this revenue sharing based on population and need.

Mr. McCULLOCH. I think you are to be complimented for that logical approach. An allocation of Federal funds based solely on population will not put the money where the problem is.

Do you have any suggestions for amendments to this legislation that would make it more acceptable to political subdivisions like yours?

Mr. EAGAN. Yes, Mr. Congressman; our position is that direct grants to the cities and, again, with all due respect to the State and the Federal Government, if any mayor takes this money and buys Cadillacs for his police department, he is not going to get reelected. We have to stand and be counted the same as you do and the same as the State officers. I think the mayors in the State of Missouri are intelligent, competent men, and we can do away with a lot of the paperwork and a lot of supervision, though certainly remain accountable to you gentlemen for the money that you send to us. But to spend weeks and months filling out forms and dotting "i's" and crossing "t's" does not fight crime. Send us the money and then with men like our chief and the other chiefs throughout the State, we will have the tools to do the job and not have to hire three and four clerks to type out seven copies of this and five copies of that and hire a director at \$20,000 a year to say how he is going to work with a committee to pass out this money.

We think that the best thing that you can do for us would be to give the money directly to the cities. Hold us accountable to you and, at the same time, what you are doing is holding us accountable to our voters because if we take the money and use it promiscuously and not in the best interests of our people, you won't have to take action against us because we won't be in office.

Mr. McCULLOCH. What is the average salary of your policeman, say, with 5 years' experience?

Mr. VOGEL. Around \$695 a month with all of their benefits. This is a 5-year patrolman. We are in the process, I think, of getting a raise, and hopefully we will raise it.

Can I digress just a moment? On this Federal funding, and I may not be making a lot of friends, but I do not feel that direct Federal funding is bad. A lot of people in law enforcement say this brings about a Federal-State police situation, but being a progressive type of chief who would like to see uniformity in law enforcement throughout the United States, I have prevailed upon Congressman Hungate to propose academies throughout the States, and where the pay scales will become as one. I think this is one of the answers. It is off this subject.

Mr. McCULLOCH. I completely agree with you, sir.

Do you have minimum educational requirements for your policemen?

Mr. VOGEL. Yes sir; they have to have a high school education, they have to pass tests, pretty much the psychological tests everybody has

now. We also encourage college. We send a good portion of the department to junior college; we pay their way. Some of them are taking advantage of the Federal program and are being subsidized.

St. Louis County is very progressive in law enforcement, and I am very proud to be a part of it.

Mr. McCULLOCH. Thank you, Mr. Chairman.

Mr. POLK. Since you made some suggestions to improve upon the present law, I would like to suggest an amendment for your comments.

Section 203(c) of the act now says that "the State planning agency shall make such arrangements as such agency deems necessary to provide that at least 40 per centum of all Federal funds granted to such agency * * * will be available to units of general local government or combinations of such units."

Do you object to that last phrase, to the combinations of units of local government? Do you believe that if we were to strike that reference to "combinations" in that subsection, the act would be materially improved?

Mr. EAGAN. Anything that would bring the money directly to the cities, with the minimum amount of paperwork that would eat up the appropriation, we would favor.

Mr. POLK. The State of Pennsylvania has taken this approach. The State share of planning funds is used to support the regional planning units so that the 40 percent of the total is free to pass through to the actual units of local government.

Do I take it that you prefer the Pennsylvania experience rather than the experience you have in your State?

Mr. EAGAN. I would not be in a position to make a commitment to a particular plan at this time other than to tell you the philosophy we favor, and that is more direct grants to the cities with the least amount of paperwork. Again, if this particular plan, be it the Pennsylvania plan or the Missouri plan, would do this, we certainly would be in favor of it.

Mr. POLK. Does Florissant have a city income tax?

Mr. EAGAN. No, sir; we do not.

Mr. POLK. Does St. Louis?

Mr. EAGAN. The city of St. Louis has an earnings tax which anyone working in the city of St. Louis, regardless of his residence, must pay to the city of St. Louis. Kansas City, Mo., has a similar tax. Again, this is an act by the general assembly of the State that authorizes the cities to do this, and they set the maximum that the city can charge. In my prepared statement this is one of the things that we pointed out. The city of Florissant is not even authorized to pass an earnings tax. The only two cities in the State of Missouri right now are St. Louis and Kansas City. In the last session of the general assembly, the city of Springfield attempted to get this approval from the State and the State refused to give it to them.

Mr. POLK. In view of the fact that State law prevents you from raising revenues through the income tax and in view of the fact that in the future you may be receiving some LEAA grants, do you feel that the States should pay some of the matching funds that will be required under the act in future grants?

Mr. EAGAN. Whatever formula or means would get the money to us and give us the most amount of money, we would favor.

Again, this is one of the things we would object to under the block grants going through the State, the State's expenditures for police protection as compared to the city's is sometimes \$1 to \$3, and for them to have the discretionary power and authority to determine how this money is spent and distributed, we do not think, is fair.

Mr. POLK. Thank you very much, Mr. Chairman.

Mr. ROGERS. Thank you, Mr. Mayor, Mr. Vogel, and Mr. Hungate.

Mr. HUNGATE. I would like to thank the committee for the courtesy of these witnesses. I suppose that is all you can expect from an Irish mayor and members of this subcommittee named McClory, McCulloch, and Rogers.

Mr. ROGERS. Thank you, gentlemen.

Our next witness is Mr. Clarence Rogers, assistant law director and chief police prosecutor, city of Cleveland, accompanied by Mr. Bruce Newman, director of the Administration of Justice Committee.

Accompanying these gentlemen is our colleague from Ohio, Mr. Charles A. Vanik, and Mr. Vanik would like to present these distinguished witnesses to us.

STATEMENT OF HON. CHARLES A. VANIK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. VANIK. Mr. Chairman and members of the committee, I am certainly happy to be here to present our Cleveland area witnesses.

I would like to say at the outset in reviewing the testimony that occurred yesterday, it was said that the city of Cleveland had only made a request for \$58,000 and that \$100,000 of discretionary funds was allocated. I want to point out, and I think my witnesses will bear this out, that in fiscal 1970 the city of Cleveland made a request of the Federal Government of \$741,574, and that the area outside of the city, Cuyahoga County, made a request of \$417,128. I just wanted to straighten that out and hope that during the course of the testimony of my Cleveland area witnesses that this will be further elaborated upon.

I want to present, Mr. Chairman, our chief police prosecutor of the city of Cleveland, Mr. Clarence Rogers who has distinguished himself in outstanding work in the difficult job in the community that has had some special problems. I think he has done some exemplary work in administering justice.

Mr. ROGERS of Colorado. Thank you, and you may proceed in your own manner, Mr. Rogers.

Mr. McCULLOCH. If I may interrupt a moment, I am very pleased my colleague from Ohio came to introduce the representatives from Cleveland. As he always does, he has presented his case most persuasively.

Mr. VANIK. Thank you, sir. Lima is liable to annex our greater Cleveland area; it is growing so rapidly and moving so rapidly, we are always afraid of annexation.

Mr. ROGERS of Colorado. You may proceed, Mr. Rogers.

**STATEMENT OF CLARENCE ROGERS, ASSISTANT LAW DIRECTOR
AND CHIEF POLICE PROSECUTOR, CITY OF CLEVELAND, OHIO;
ACCOMPANIED BY BRUCE NEWMAN, DIRECTOR OF THE ADMIN-
ISTRATION OF JUSTICE COMMITTEE**

Mr. CLARENCE ROGERS. Mr. Chairman, on behalf of the mayor of Cleveland and the Criminal Justice Coordinating Council of Greater Cleveland, I appreciate the opportunity to testify before this Subcommittee on the Omnibus Crime Control and Safe Streets Act of 1968.

Along with other large- and medium-sized cities, Cleveland supported the original safe streets legislation because it addressed an urgent and obvious need. Urban crime has far outstripped the limited financial resources of the cities.

No area, of course, is free from crime. But with the 57 largest cities accounting for more than half the crime in the country, the streets most in need of being made safe are city streets, not suburban lanes or country roads.

The original legislation would have met the need simply and directly by providing Federal grants directly to the cities with the high crime rates.

Congress, however, chose to combine expanded Federal aid to local law enforcement with the block grant method of strengthening the role of the States.

The mayors with big city crime problems asked for the money and the governors put in office by large suburban and rural constituencies got it.

Enactment of the block grant approach dimmed, but did not extinguish, the hope that title I of the Omnibus Crime Control Act could be the vehicle for changing and improving the criminal justice systems on the front lines of the struggle against crime.

Another factor that looked good on the surface was the mandatory "pass through" provision written into the law. It seemed to guarantee a sensible suballocation of the State's block grant directly to local communities. But it didn't.

Consider our situation, that we submit is very similar to what you will find in talking to other cities of like size.

Neither the city of Cleveland nor the county of Cuyahoga deal directly with the State of Ohio. Our State has chosen, as have most of the others, to administer the Omnibus Crime Control program through regional groupings. Cuyahoga is one of seven counties comprising the Northeast Ohio Areawide Coordinating Agency (NOACA), one of the 15 district planning councils set up by the State Planning Agency, called the Ohio Law Enforcement Planning Agency.

Mr. ROGERS. Do you know how many people are involved in this planning area that you have outlined?

Mr. CLARENCE ROGERS. On the seven county agencies, there are 27 members, and I think six are from the Cuyahoga County.

Mr. ROGERS. Is that the entire State?

Mr. CLARENCE ROGERS. No, that is our regional planning covering the seven counties.

Mr. McCULLOCH. What are the seven counties in northeastern Ohio which are in your region?

Mr. CLARENCE ROGERS. Cuyahoga, Portage, Lake, Geauga, Lorain, Medina, and Summit.

Mr. McCULLOCH. That includes Cleveland with about 900,000 people, Lorain with 70,000, and Akron with 300,000.

Mr. CLARENCE ROGERS. The largest two cities in that area would be Akron and Cleveland.

Mr. McCULLOCH. What is the total population of those three counties?

Mr. CLARENCE ROGERS. I do not have those figures.

Mr. VANIK. I think they are in the neighborhood of 3.5 million.

Mr. McCULLOCH. I would like to ask right here if you are reasonably satisfied with the make-up of this regional unit?

Mr. CLARENCE ROGERS. In the seven-county region, obviously Cleveland is the biggest city since it is the biggest city in the State. When you look at pure figures, six of 27 certainly would not be representative of the biggest city in the State when we are talking about a 27-man board which covers seven counties in the population. So, I would say based upon the per capita representation that we are not represented properly.

Mr. McCULLOCH. Do you feel, therefore, you are not receiving justice because there are a good many cornstalkers outside of Cuyahoga County?

Mr. CLARENCE ROGERS. I would certainly have to agree under the present set-up we cannot receive justice.

Mr. McCULLOCH. They are not quite responsive to your needs; is that right?

Mr. CLARENCE ROGERS. That is right.

Mr. POLK. On this point, I would like to ask one question. The National League of Cities in its February report stated that Cleveland is attempting to establish a direct relationship with the State in a cooperative planning venture with Cuyahoga County. How has that venture fared?

Mr. CLARENCE ROGERS. Mr. Newman is a representative of the Criminal Justice Coordinating Council which is probably the body that you mentioned. We have attempted to take representatives from all of the criminal justice systems, put them together, and these men have come together for the first time in history—I would say—and by making a unified attack to fight crime and to deal with the problems in law enforcement and the criminal justice system, we have made substantial steps forward. So, I would say because of this Criminal Justice Coordinating Council, many things have been done that would not have been done otherwise. The Criminal Justice Coordinating Council has entered into an agreement with the 7-County Council to directly represent Cuyahoga County, and it has so far worked out to be a good relationship.

Mr. McCULLOCH. I would like to ask how long that organization has been functioning?

Mr. CLARENCE ROGERS. This organization came into being in July of 1969 and has been functioning since then.

Mr. McCULLOCH. Do you see some small results coming from this organization in that short period of time?

Mr. CLARENCE ROGERS. In that short period of time, Mr. McCulloch, I must admit this council has far exceeded its expectations. We had

quite a few people who were very pessimistic about the workings of large numbers of people involved since you do have political considerations. However, the politics were taken out of this council and, as a result of that, this council was able to move forward and results have been achieved.

Mr. McCULLOCH. I am particularly glad to hear your last comment.

Mr. ROGERS. You may go right ahead now with your statement.

Mr. CLARENCE ROGERS. I feel it would be useful to share with you the procedure that Cleveland must follow in order to comply with the State for omnibus crime funds once local programs have been prepared.

The steps will reveal pitfalls that can be avoided by this committee and with that as our intent, the following is standard operational procedure:

The local applications must first be submitted to the staff of the NOACA agency. That staff must then submit these applications to a 27-member Law Enforcement Advisory Committee for approval. Once approved by that committee, the applications then must be approved by a six-member Regional Planning Council of NOACA. One more hurdle remains; that is, these applications must be approved by the 47-member board of NOACA.

At this point, our proposal has completed a 6-month, 200-mile trip, from Cleveland to the State Capitol where tentative approval has been given. From the State Capitol, it is a relatively short trip to Washington.

Mr. ZELENKO. You have cited there many people involved in the planning portion of the State system and you excluded, I gather, several other regional planning boards throughout the State. How many regional boards are there in Ohio?

Mr. CLARENCE ROGERS. Fifteen districts.

Mr. ZELENKO. Fifteen separate groupings within each of which you have to follow a similar procedure to that followed by Cleveland?

Mr. CLARENCE ROGERS. That is correct.

Mr. ZELENKO. Do you have any idea how many individual board members are serving in a planning capacity in the State of Ohio?

Mr. CLARENCE ROGERS. I cannot give you exact numbers, but I do know there are several members who serve in several capacities.

Mr. ZELENKO. Do you have any idea how large the staff is on these various planning groups?

Mr. CLARENCE ROGERS. In our district, as I recall, now we have a staff of four or five persons, which is certainly insufficient to handle the needs of that area.

Mr. ZELENKO. Do you know how many people are employed in the planning aspects of the Safe Streets Act in Ohio?

Mr. CLARENCE ROGERS. I do not know.

Despite the complications of meeting compliance with the State, Cleveland feels it has received at least at this time its fair share of the district's allocation of crime-fighting dollars.

We have done this by working closely with the County and using the services of our Criminal Justice Coordinating Council.

Our concern is not so much with the slowness of the process but the realization that the city is constantly in danger of being gerrymandered in the future. Under the present system, Cleveland is over-

whelmingly outvoted by its urban representative counterparts on the 27-member policymaking NOACA Board.

Mr. ROGERS. The information given the committee for 1969, as I understand it, is that Cleveland ranks ninth among the cities in the United States as far as crime is concerned. In 1969, from the State of Ohio, Cleveland received \$58,000, Columbus received \$112,000, and Cincinnati received \$115,000.

Now, on the basis of that allocation, how do you justify this statement you have just made?

Mr. CLARENCE ROGERS. The statement would relate to the money allocated for our district based on the district that Cleveland is in. We have received our fair share of that allocation. I am not saying on a statewide basis the allocation has been fair.

Mr. ROGERS. Your statement is confined to the district and, therefore, statewide your statement would not apply?

Mr. POLK. For fiscal year 1969, did Cleveland ask for anything more than the \$58,000 action grant and \$100,000 discretionary grant?

Mr. CLARENCE ROGERS. In 1969 we received \$100,000 discretionary grant. I don't know that anything further was asked for in 1969. However, in 1970, as was pointed out by Congressman Vanik, Cleveland has asked for \$741,574.

Mr. POLK. But since the State plan does not have to be submitted until April 15, I assume there has been no final decision yet on that application. So, it is presently true that no application from Cleveland has as yet been rejected?

Mr. CLARENCE ROGERS. That is correct.

Mr. McCULLOCH. Does Cleveland feel that the State planning agency has been just and fair in its decision on applications that have been made in the past fiscal year?

Mr. CLARENCE ROGERS. Let me respond by saying this: Programs to which we have given priority—once they have gone to Columbus after having gone through the procedures I have described—may have taken on a different set of values through the eyes and hands of those through whom they went. However, we feel if these steps were eliminated, then certainly the priorities as set by the city would probably be honored as compared to the priorities as set by the persons who make the ultimate decision in the States.

Mr. McCULLOCH. If amendments were not made to correct those conditions, is there any standard operating procedure for appealing from the decision on your applications?

Mr. CLARENCE ROGERS. None that I am aware of. As I understand the act, there are no appellate provisions available to a dissatisfied city.

Mr. McCULLOCH. Are there some provisions for reconsideration?

Mr. CLARENCE ROGERS. The State has been relatively reasonable in terms of our requests. If the situation would change, then my response would be yes, there should be some procedure for reconsideration. However, I think those should be eliminated by dealing directly with the city and the Federal Government and you would avoid the appellate procedure as well as the time and money involved in the appealing of the decision.

Mr. McCULLOCH. I understand that, but with 535 votes in the two branches of the Congress, it is not always easy to get what one desires. But, again, I am very pleased to hear you say, if I understood

your statement correctly, that you, speaking for Cleveland, are reasonably well satisfied with what has happened to date and with what is tentatively going to happen to your present applications.

Mr. CLARENCE ROGERS. Yes.

Mr. ROGERS. Mr. Rodino.

Mr. RODINO. Mr. Rogers, first of all, are you in a position to know what the 1970 planning for the State of Ohio is, what funds are going to be, and what the distribution is going to be like?

Mr. CLARENCE ROGERS. I can only respond by telling you what we requested and what the tentative approval has been and based upon that I would say—and I am speaking now of the \$741,545 request—that the chances are very good that we will be given that which we have asked.

Mr. RODINO. In view of the fact that Cleveland is the largest city in the State with a high crime rate, do you feel that it is being adequately funded or will be adequately funded under this kind of a program?

Mr. CLARENCE ROGERS. Of course, we all want more money.

Mr. RODINO. Considering the fact that it is the largest city in the State and is bedeviled by a high crime rate, do you feel the allocation and method of distribution to a city such as Cleveland is adequate to fight the rising crime rate?

Mr. CLARENCE ROGERS. No, sir.

Mr. McCLORY. Would the gentleman yield?

Mr. RODINO. Yes, I will yield.

Mr. McCLORY. I do not think any of us are suggesting, are we, that this Law Enforcement Assistance program is the sole means by which we are fighting crime in the cities or any other areas of the country. It is a Federal program intended to develop innovative and imaginative techniques in fighting crime and to induce coordination and cooperation among local units in the hope of at least making a system. But the main attack against crime is still financed non-federally.

Mr. RODINO. I think the gentleman from Illinois and the gentleman from New Jersey are quite well aware of this. There are many other things that have to be taken into account to fight the mounting crime rate. We are all aware of this, but I am concerned how these funds are going to be distributed since there is an appropriation of funds higher this year than ever before. Will they be put to use for the purposes we want them to be put? Will they go to the channels where they will do the most good where the crime rate is highest, or are we going to be bedeviled by planning programs that cause delay and sometimes a diversion? I may be anticipating Mr. Rogers' statement, but often consideration is given to not where the crime rate is highest but where some of the voters are.

I am interested in fighting this mounting crime rate. I am interested in doing that which is necessary to be done. Is this the way to do the job? Is this the best way to do the job?

You come from an area which has attracted the attention of people all over the country because it has a high crime rate. I reside in Newark, N.J., which, unhappily, also has one of the highest crime rates. I think it is the city with the highest crime rate of cities with populations over 250,000. I have heard it pro and con, arguments as to whether or not the amount of funds is adequate. People who administer the funds in our cities say, "We need more and more than that which goes to other areas." I am trying to find the answer.

MR. CLARENCE ROGERS. I would say certainly your latter alternatives certainly would be true. Under the present setup, because of the requirements and steps that must be followed and as was described by the gentleman who testified before me, the formality of dotting i's and crossing t's certainly hinders the cities from getting the moneys that are necessary to properly fight crime.

MR. RODINO. Thank you, Mr. Rogers.

MR. McCULLOCH. Mr. Chairman, there are, of course, tremendous amounts of money provided by the political subdivisions in fighting crime. Do you know how much money is spent by Cleveland, Ohio, or was spent in the calendar year of 1969 in fighting crime? Are there at least estimates?

MR. CLARENCE ROGERS. Certainly those figures are available.

MR. McCULLOCH. Would you provide them for us.

MR. CLARENCE ROGERS. I certainly will.

MR. McCULLOCH. Would you also provide the total amount of money that was spent by the county of Cuyahoga in fighting crime.

MR. CLARENCE ROGERS. Yes, I will.

(The information requested is found at pages 697-98.)

MR. McCULLOCH. What is the incidence of crime for drug violations in Cleveland, Ohio, and in Cuyahoga County?

MR. CLARENCE ROGERS. It is growing. I will send all of these figures you requested.

MR. McCULLOCH. It is my opinion that the Federal Government is primarily responsible in meeting this terrible problem. I think the Federal Government should provide substantial sums to fight drug abuse.

MR. CLARENCE ROGERS. We would certainly agree.

MR. McCLORY. I would like to comment on the gentleman's statement and on his testimony. It expresses a point of view which is quite worthy of the subcommittee's consideration. It is consistent with expressions by other representatives of local government.

However, it is not consistent with the block grant principle which has been adopted by the Congress with bipartisan support. It is true, as the gentleman has mentioned in his statement, that the LEAA has made a good start. Your suggestions are constructive. They have been considered and will, of course, be considered again.

I would like to underscore my belief that Federal programs, where they circumvent the State or local authority, which is already charged with responsibility, just do not seem to work. If we enlarged the percentage of discretionary grants we would weaken the program.

It would certainly increase the bureaucracy in Washington needed to handle these additional grants.

In addition to that, it seems to me we would foster competition, not cooperation. Cities would compete with other cities and perhaps even with their own State.

I might say that I am not conversant with the situation in Cleveland. But the testimony has indicated that the States have recognized the large urban centers. And, of course, the law already requires that 75 percent of the funds which the State receives must go to local governments.

I must disagree with you on philosophical grounds. I would not like to see us set aside what is really a new philosophical approach to what is an extremely difficult problem.

Mr. McCULLOCH. Mr. Chairman, I appreciate the testimony. You are emphasizing a fact that is not recognized by some of us in this country, that several States had little or no responsibility in law enforcement until the last 2 years. Previously, responsibility rested in the counties and in the political subdivisions thereof. I believe the State of Ohio had no authority to go into those counties until requested to do so. Is that not right, Mr. Rogers?

Mr. CLARENCE ROGERS. That is true.

Mr. McCULLOCH. That is part of the translation for some of your expressed opinions here, is it not?

Mr. CLARENCE ROGERS. Exactly.

Mr. McCLORY. Would the gentleman yield to me?

Mr. McCULLOCH. I yield.

Mr. McCLORY. Of course, in the area of law enforcement, we are not talking just about policemen on the streets, but we are talking about courts and corrections as well. We are talking about elements of a criminal justice system which are not, at present, generally the responsibility of the city.

Mr. ROGERS. We will let the witness proceed with his statement. Go right ahead.

Mr. CLARENCE ROGERS. Nothing would prevent that board, if it so desired, from deciding to use omnibus crime funds to provide every farmer with a shotgun rather than passing the money on to the high crime rate area.

In addition to the existence of a loophole at the State level in the pass-through provision, there is, we feel, another inequity at the national level. That is, under the present method of allocation by States, too often money is not being spent where the crime is but rather where the voters are.

Presently, population is the sole criteria for allocating Omnibus Crime Control Act funds to States. No consideration is given to the per capita amount of crime in a State.

A quick review of the per capita crime index in the FBI Uniform Code Crime Report reveals the problem. Some States report six times more per capita crime than do other States. Even when taking into consideration the difference in crime-reporting methods, it is obvious the Federal Government is not properly matching crime-fighting dollars with the places where the crimes are committed.

But the raw figures of population and crime incidence, despite the brutality and lawlessness they signify, do not tell the whole story.

When the fact of crime reaches a certain high level, the fear of crime becomes a problem in itself. This fear has a solid impact upon the quality of life, and it is felt increasingly with each new crime at a geometric rather than an arithmetic rate. So far, this escalation of both crime and the fear it has precipitated has occurred mostly in major cities where, in many neighborhoods, people lock themselves in when the sun goes down.

In the final analysis, if cities are to respond effectively to the crime challenge, then the Federal Government must respond in far greater measure than it has to date.

Cleveland for fiscal 1970 has allocated more than \$35 million to its police department. That represents almost 25 percent of the city's general fund. And as the single largest growing segment of the city budget, crime-fighting places serious strain on the city's efforts to get

at the causes of crime by improving employment, housing and other facets of the drive to improve the level of living.

During the same period, the Federal Government will have contributed \$741,000, or less than 3 percent of what the city is spending.

It is evident that all segments of the criminal justice system at all levels of government need more money and that Congress must greatly increase appropriations for the act.

And, based upon our experience as I have just related, we urge the committee to heed what the Eisenhower Violence Commission said and what former Attorney General Ramsey Clark said before you in testimony last month. You will recall he stated it would be folly to think the problem is a matter of money alone and stated we must improve the "How" as well as to increase the "How much."

I recognize that the act has only been in operation for a short time and from our experience those who administer in Washington are skillful professionals who can relate to our situation.

But in the spirit of making constructive suggestions toward the goal of assuring that Federal assistance reaches its intended destination, I have the following observations.

1. That funding be increased to at least \$1 billion in the next fiscal year.

2. That the basic structure of the Act remain with consideration given to the following procedural amendments:

(a) That the Federal Government take crime incidence as well as population into consideration when making allocations to the States;

(b) That regional planning groups be required to pass through funds to units of general government in strict regard to crime and population.

(c) And that of these funds at least 50 percent be allocated in the form of unrestricted block grants directly to the local units.

In closing, I would like to acknowledge the fine cooperation we have had from the U.S. Department of Justice's Law Enforcement Assistance Administration. Their guidance has been an important positive factor in improving the criminal justice system in Cleveland.

Thank you, Mr. Chairman.

Mr. ROGERS. Thank you, Mr. Rogers.

We will place in the record the total crime index of offenses reported to the police, 1968, a ranking of the States, prepared by the Library of Congress.

(The information referred to follows:)

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., January 29, 1970.

*The total of crime index¹ offenses reported to the police, 1968—a ranking of the States**

<i>A Ranking of the States*</i>		<i>Rate of crime index offenses (per 100,000 inhabitants)</i>
State:		
California	-----	3,763.8
New York	-----	3,544.6
Maryland	-----	3,293.6
Nevada	-----	3,020.8

The total of crime index¹ offenses reported to the police, 1968—a ranking of the States*—Continued

A Ranking of the States*—Continued

	<i>Rate of crime index offenses (per 100,000 inhabitants)</i>
Florida	2,901.6
Arizona	2,788.5
Hawaii	2,750.8
Michigan	2,697.8
Rhode Island	2,639.3
New Jersey	2,437.6
Colorado	2,401.3
Massachusetts	2,384.6
Washington	2,373.1
New Mexico	2,342.3
Missouri	2,265.2
Oregon	2,231.1
Alaska	2,188.8
Connecticut	2,076.7
Texas	2,064.3
Illinois	2,024.6
Delaware	1,943.4
Minnesota	1,869.1
Utah	1,816.2
Indiana	1,804.6
Louisiana	1,785.7
Ohio	1,719.5
Virginia	1,626.0
Oklahoma	1,608.7
Tennessee	1,598.0
Georgia	1,560.6
Kansas	1,480.2
Kentucky	1,474.4
Alabama	1,441.0
Montana	1,408.3
South Carolina	1,393.6
Nebraska	1,347.9
Wyoming	1,346.0
North Carolina	1,345.7
Pennsylvania	1,296.7
Wisconsin	1,245.5
Arkansas	1,238.3
Idaho	1,147.8
Iowa	1,138.4
South Dakota	979.1
Maine	891.4
New Hampshire	807.4
Vermont	787.0
West Virginia	786.5
Mississippi	711.5
North Dakota	634.1

¹"Crime index" offenses are those serious offenses considered by the Federal Bureau of Investigation to afford the best indication, when taken as a whole, of the degree of significant lawlessness in the community. Index crimes include: murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny \$50 and over and auto theft.

*The Federal Bureau of Investigation warns against the use of crime statistics for ranking and comparisons because of the many variable factors involved—such as the reporting and investigative efficiency of the local law enforcement agency, the density and size of the community population and the metropolitan area of which it is a part, and the policies of prosecuting officials and the courts. The following data should therefore be used with caution.

Source: U.S. Federal Bureau of Investigation, Uniform crime reports for the United States, 1968 issue.

CHARLOTTE JONES,
Education and Public Welfare Division.

Mr. ROGERS. With that, we express our appreciation to you and Mr. Newman, together with our distinguished colleague, Mr. Vanik.

Mr. VANIK. At this point, Mr. Chairman, I would ask unanimous consent that Mr. H. Chapman Rose, president of the Cleveland Bar Association, be permitted to insert a statement just following the testimony of Mr. Rogers.

Mr. ROGERS. We will be pleased to receive it and it will be placed in the record.

(The statement of the trustees of the Cleveland Bar Association follows:)

STATEMENT ON BEHALF OF THE TRUSTEES OF THE CLEVELAND BAR ASSOCIATION

The Trustees of the Cleveland Bar Association appreciate this opportunity to make their views known to the Committee. Cleveland lawyers have long taken an active role in working with courts and law enforcement agencies of Cuyahoga County to improve the administration of justice. We believe it is an obligation of our profession to inculcate respect for law, by working to surmount the problems with which a changing society confronts the administration of justice, so that the law will remain worthy of that respect. The obligation of lawyers to serve the community; to be in the forefront of social change; to act as true officers of the courts; and to maintain a just and orderly society can only be met by putting our own house in order first. Assuring not only that the laws are just, but also that they are enforced in a fair and speedy manner, is a task to which we have pledged our efforts by deeds as well as words. Members of the bar have contributed a great deal of their time and energy to this end, but the problem is a vast one and more help is needed.

The availability of funds from the Law Enforcement Assistance Administration will permit the Cleveland Bar Association very substantially to expand its efforts in this regard. We wish to endorse the Omnibus Crime Act and its administration by the Law Enforcement Assistance Administration and the Ohio Law Enforcement Planning Agency for making this expansion possible to the benefit of the entire community, as well as the bench and bar.

The administration of criminal justice in an urban society is nowhere put to a more severe test than in the criminal courts of greater Cleveland. There are 15 such courts, and their docket has grown tremendously. In the past year alone, the incidence of serious crimes in Cleveland has increased by 60 percent. This crime rate shows no sign of diminishing. A study which is currently being conducted in planning for the construction of a new police, jail, and courthouse facility for the City and County projects a rapid increase in the crime rate until at least 1980.

The criminal justice system of greater Cleveland will clearly be subjected to enormous strain in the next 10 years. Yet even at present that system does not have the resources with which to cope with its task. The Common Pleas Court of Cuyahoga County has disposed of 2,595 criminal cases in 1968, and the Municipal Court of the City of Cleveland, limited to misdemeanor jurisdiction, has disposed of 220,399 criminal cases, of which approximately 145,000 were minor traffic violations. A recent survey of northeastern Ohio counties, based on a random sample, determined that in the Common Pleas Court, although the median span between indictment and arraignment was only one week, the median delay between arraignment and adjudication (on guilty plea or otherwise) was 30 weeks, with some cases taking up to a year and a half. Then, after guilt determination, the average delay before sentencing was 31 weeks.

The judges are well aware of the problem they face, and are making every effort to come to grips with it. Through a variety of techniques we hope to attain improved organization of clerical functions; more effective scheduling of cases; more rapid transmittal of the records of prisoners presented for release or the setting of bail; and the more efficient assembly of statistics so as to identify the delays and information bottlenecks that are most susceptible of solution through concerted effort.

In order to undertake these and other programs, bench and bar must work together. We must have not only the will to solve the problem, but also special-

ized technical advice and help in introducing automated data processing and other advanced management techniques which may be applicable.

The human costs of delay are enormous. The jail is shockingly overcrowded with prisoners awaiting trial. Prisoners released on bail before trial have often committed serious crimes, such as a recent robbery in which a policeman was murdered. And those held in jail for a long period before acquittal are subjected not only to unjustified imprisonment but to serious loss of their reputation and livelihood, as well as physical abuse and indoctrination in the ways of crime. Justice delayed is truly justice denied. Equally important as the human and economic loss to individuals resulting from delay is the loss of public respect for law stemming from the patent injustice of delay and the fact that delayed trials are less effective instruments for determining the truth; very often memories fade and evidence disappears in the interim.

These problems do not exist in Cleveland alone, but they must nonetheless be solved here soon. The bar and the bench of Cleveland are gravely concerned with this worsening problem. Together they have introduced a system of compulsory arbitration in civil cases involving less than \$5,000, thus freeing judicial time for the ever-growing criminal dockets. Together, they have visited Philadelphia, Chicago and other centers of concern and action on this problem.

Moreover, with \$57,000 contributed to the City, the County and the Greater Cleveland Growth Association the planning of new correction facilities for county prisoners has been undertaken, together with the planning of a new court house. This planning is being done through a committee of the Criminal Justice Coordinating Council headed by the President of the Cleveland Bar Association. Law Enforcement Assistance Administration funds have also been requested for this major project. The walls of the County jail are literally crumbling; mortar can be scraped out and bricks removed with the fingers. Prisoners are confined in inhuman conditions, and escapes are too frequent. Yet the voters of Cuyahoga County have repeatedly refused to provide necessary funds for new construction and those funds are now being made available, to a degree, from regular city and county budgets. Our research has convinced us that this is one area where federal funds are badly needed not only in Cleveland, but also in other large cities.

The resources of private groups, and demands on local governmental budgets, are such that the essential work of planning for the future and of making necessary structural changes in the system itself can go forward only haltingly without substantial support from an agency interested in just these areas, such as the Law Enforcement Assistance Administration.

In cooperation with the judiciary, the Bar Association has helped formulate a proposal for court management improvement which it submitted under the State block-grant program. The Bar Association has also prepared a proposal which it submitted under the Discretionary Funds Program of the Law Enforcement Assistance Administration in Washington, and made inquiries of the National Institute in Washington to determine whether their help could be solicited in evaluating the results of the program so as to make its experience available to other communities. Thus the Bar Association has utilized all three routes which were opened up under the Omnibus Crime Act. Since the purpose of these hearings is in part to evaluate the effectiveness of the structure which has been set up for distribution of Omnibus Crime Act funds, it may be appropriate to outline in some detail the history of our fund raising efforts.

The state planning agency (Ohio Law Enforcement Planning Agency or OLEPA) set up to administer Omnibus Crime Act funds in Ohio has in part distributed its authority to the local level. The Northeast Ohio Area-Wide Coordinating Agency (NOACA) is responsible for allocating funds within a seven-county area which includes greater Cleveland. This agency has in turn contracted to have the Criminal Justice Coordinating Council (CJCC) do this planning for the use of the Law Enforcement Assistance Administration funds within Cuyahoga County and Cleveland. This Council, which plays a role similar to that of the Vera Institute in New York, and is the only other similar organization in the country, has fulfilled a very important role for greater Cleveland.

In the year 1969, several grants were allocated to Cuyahoga County under the Omnibus Crime Act. Of these, the largest single grant of \$100,000 is as yet undistributed, simply because the application has not been completed. For 1970, \$1.1 million has been allocated to greater Cleveland under block grants alone. Most of this should be distributed by mid-summer of 1970. A detailed description of 1969 programs and 1970 applications is appended to this statement.

The reason for this dramatic increase in the level of activity in greater Cleveland planned for 1970 is that new help has become available in the process of formulating applications with fully developed programs to the Law Enforcement Assistance Administration. Local government or private groups ordinarily have neither the time, resources or expertise to formulate programs which will meet the criteria of a funding agency such as the Law Enforcement Assistance Administration. Especially is this true when the funding process is a new one and procedures must evolve for the first time. Such local groups need the help of a local agency which can inform them of the availability of such funds; outline their limitations and the procedures which must be followed in obtaining them; coordinate and centrally plan the activities of local group; and assist them in drawing up their applications. With such help community needs can be matched with needed federal funds.

In Cleveland the CJCC, working through NOACA, has played such a role and it has been invaluable.

Initial planning must take place for some problems at the most local level; for other problems, at the state level; and for still other problems, at the national level. Yet when local agencies seek funds they must deal with local groups. One cannot expect the thousands of municipal jurisdictions, and the tens of thousands of agency units within such jurisdictions, each to deal directly with Washington. There must be a well designed and swift-moving funneling process. In this process, there must be contact points at the most local level. The Bar Association was fortunate in having available the services of staff to travel to Washington and to Columbus repeatedly in order to negotiate with the relevant authorities. Many governmental agencies and groups do not have such services readily available, however. For them, the services of the CJCC have proved indispensable. Through work in Cleveland with the CJCC, with the Ohio Law Enforcement Planning Agency representative in Cleveland, and with the Northeast Ohio Area-Wide Coordinating Agency, many local needs have been identified and matched with available federal money; applications were completed, submitted, negotiated and show some prospect of being funded.

It is too early to tell whether the exact structural framework set up here for the administration and distribution of Omnibus Crime Act funds is adequate. Improvement could doubtless be made. Two things are clear, however. First, the existence of an organization at the local level such as the CJCC is essential for effective planning at the local level. Second, it is equally essential that coordination take place at the state level so that problems requiring wide geographical cooperation, such as an integrated system for exchanging information on criminal records, can be coordinated by the state. Coordination at the national level is also required, as at the state level, to prevent duplication of effort and repeated "rediscovery of the wheel."

The Bar Association has received considerable help throughout its quest for funds to meet pressing needs from the Criminal Justice Coordinating Council (CJCC), and also the Northeast Ohio Area-Wide Coordinating Agency (NOACA), the state planning agency in Columbus (OLEPA), the state planning agency representative in Cleveland, the regional Law Enforcement Assistance Administration office in Chicago, and the Law Enforcement Assistance Administration staff in Washington.

In general, the operation functioned smoothly, given the uncertainties of operating a new system, and fulfilled its goal. At the local level, planning was directed with consciousness of local problems; at the state level, it was coordinated with the efforts of other communities in the state; and at the national level, with other efforts in other states. The present structure, although doubtless susceptible of improvement, seems well designed for its task.

1969 LAW ENFORCEMENT PROGRAMS FUNDED FOR 7-COUNTY REGION

Program	Ohio law enforcement planning agency—Federal share	Local share	Total cost
City of Cleveland:			
1. Police rollout training.....	\$34,800	\$26,750	\$61,550
Cuyahoga County (excluding city of Cleveland):			
1. Cleveland State University—juvenile court in-service training.....	31,055	18,080	49,135
2. Sheriff's communications project.....	28,200	18,800	47,000
3. Sheriff's video tape unit.....	1,404	936	2,340
4. Academy of medicine—drug abuse seminar.....	12,966	4,384	17,350
5. Sheriff's closed circuit TV monitoring.....	4,950	3,300	8,250
6. John Carroll University police sensitivity training.....	3,220	2,146	5,366
7. Criminal justice seminar.....	10,000	6,666	16,666
Total for Cuyahoga County (excluding city of Cleveland).....	91,795	54,312	146,107
Remaining 6 counties in NOACA region:			
1. Portage County sheriff closed circuit TV.....	5,517	3,678	9,195
2. Lake County sheriff closed circuit TV.....	3,467	2,311	5,778
3. Akron Police Department video tape unit.....	3,600	2,400	6,000
Total, 6 counties.....	12,584	8,389	20,973
Total for NOACA region.....	139,179	89,451	228,630

CITY OF CLEVELAND—1970 LAW ENFORCEMENT PROGRAMS

1. Rehabilitation program for drug and alcoholic offenders.....	\$82,320	\$54,880	\$137,200
2. Expansion of the work release program in the Cleveland House of Correction.....	148,850	71,000	219,850
3. Educational film on the Cleveland House of Correction.....	21,020	14,013	35,033
4. Criminal identification retrieval system.....	40,790	35,000	75,790
5. The demonstration district program.....	177,285	139,000	316,285
6. Police junior cadet pilot program.....	11,780	7,800	19,580
7. Correspondence course for Cleveland Police Department.....	17,000	27,000	44,000
8. Radio security for public housing.....	55,200	36,800	92,000
9. Community housing security involvement.....	80,640	45,000	125,640
10. Police personnel record system in Cleveland.....	33,840	22,560	56,400
11. Neighborhood law enforcement assistance program.....	34,809	23,206	58,016
12. Police crime laboratory.....	38,040	25,360	63,400
Total.....	741,574	501,619	1,243,114

CUYAHOGA COUNTY—1970 LAW ENFORCEMENT PROGRAMS

1. Bar association proposal for docket delay reduction.....	\$60,000	\$40,000	\$100,000
2. Bar association riot control program.....	21,000	14,000	35,000
3. Computerization of common pleas court docket.....	26,800	24,600	51,400
4. Study of the new criminal justice facilities to be built in Cuyahoga County.....	64,500	64,500	129,000
5. Cuyahoga County juvenile court rehabilitation center.....	30,828	20,552	51,380
6. Probationers work placement program.....	20,760	13,840	34,600
7. Cuyahoga County communications system.....	73,500	49,000	122,500
8. Antiauto theft education program in schools.....	9,600	6,400	16,000
9. City of Shaker Heights radio communications improvement program.....	22,800	15,200	38,000
10. Police drivers training.....	49,830	33,220	83,050
11. Prosecutor training.....	4,760	4,000	8,760
12. Police legal advisor.....	32,750	29,500	62,250
Total.....	417,128	314,812	731,940
13. Sheriffs in-service training (7-county).....	41,700	46,400	88,100
14. Use of criminology specialists (7-county).....	16,900	50,000	66,900
Grand totals.....	475,728	411,212	886,940

SUMMARY OF 1969 AND 1970 OMNIBUS CRIME CONTROL ACTION FUNDS FOR CLEVELAND AND CUYAHOGA COUNTY PROGRAM

Program	Ohio law enforcement planning agency— Federal share	Local share	Total cost
1969:			
City of Cleveland ¹	\$34,080	\$26,750	\$61,550
Cuyahoga County: Excluding city of Cleveland.....	91,795	54,312	146,107
Remaining 6 counties.....	12,584	8,389	20,973
Total, Northeast Ohio Areawide Coordinating Agency for 1969.....	139,179	89,451	228,630
1970:			
City of Cleveland.....	741,574	501,619	1,243,114
Cuyahoga County (excluding Cleveland and 7 county programs).....	417,128	314,812	731,940
Remaining 6 counties (per NOACA, including 7 county programs).....	(²)	(²)	2,042,973
Total, NOACA region.....			4,018,027

¹ This does not include Law Enforcement Assistance Administration discretionary funding to Cleveland of \$100,000 approved but pending receipt of completed application.

² Figures not available at time of preparation.

Mr. VANIK. Mr. Newman would like to make a brief request.

Mr. NEWMAN. Mr. Chairman and members of the committee, I am a staff director of this Criminal Justice Coordinating Council that was mentioned, a council which I might say is only the second such council to my knowledge in the country made up of all of the representatives of the criminal justice system in Cuyahoga County. We would like permission also to submit for the record a statement on behalf of the entire criminal justice system in Cuyahoga County.

Mr. McCULLOCH. I think your statement was an excellent one. I was very pleased to hear it.

Mr. ROGERS. Our next witness is Owen Panner, Esq., tribal attorney; accompanied by Mr. Grant Waheneka, chairman of the tribal council at Warm Springs Indian Reservation.

Our witnesses are also accompanied by a distinguished colleague from the State of Oregon, Mr. Al Ullman.

**STATEMENT OF HON. AL ULLMAN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF OREGON**

Mr. ULLMAN. Mr. Chairman, I want to express my appreciation not only for your handling this important hearing but for allowing us to testify. I am going to be very brief. I have spokesmen with me who are extremely articulate and know the problem who came all the way across the country to appear specifically before this committee.

I have a bill, H.R. 16179, which would expand the Crime Control Act to provide direct grants to Indian reservations to help them in performing law enforcement functions. I strongly urge the subcommittee to consider the logic of extending these funds to tribal governments on the same basis as other local governments in order to achieve the long-range goals of this act. I am going to leave the full discussion of this proposal and its effects to the gentlemen from Oregon who are acutely aware of the current problems of law enforcement on

Indian reservations who are sitting here at the table with me. We have first Mr. Owen Panner who is the tribal attorney. He is in my judgment the most competent tribal attorney in this land, and he comes here extremely well qualified to talk about Indian problems. With him are a number of members of the tribal council of the Confederated Tribes of the Warm Springs Indian Reservation.

I wish I had time to tell you what these people are doing in the way of developing their resources on the reservation. It is an outstanding achievement. They are doing an excellent job. They do need very, very much, however, the benefits of this particular act. So, I gladly relinquish my time to Mr. Panner.

STATEMENT OF OWEN PANNER, ESQ., TRIBAL ATTORNEY; ACCOMPANIED BY GRANT WAHENEKA, CHAIRMAN, TRIBAL COUNCIL AT WARM SPRINGS INDIAN RESERVATION

Mr. PANNER. I would like to introduce Mr. Grant Waheneka, chairman of the Tribal Council at Warm Springs, on my left; Ed Scott, the vice chairman of the tribal council on my right; Charles Jackson, who is in the back of the room here, a former member of the tribal council and chairman for many, many years; one of our distinguished elder statesmen, Ray Johnson, one of our chiefs at Warm Springs; Delbert Frank, a member of the tribal council; back right behind me here, Rudy Clements, chairman of the legislative committee.

We are deeply appreciative that this committee would give us an opportunity to be heard, and we honestly feel that our proposal has merit.

We commend this committee for having the foresight to commence legislation such as this initially and to go ahead with considering amendments to it to attempt to improve its effectiveness.

At Warm Springs, which is an Indian reservation in Oregon, the Warm Spring Tribe operates its own law and order program with tribal funds and with very little assistance from the Federal Government, in the form of an occasional police officer or consultant furnished by the Department of Interior. The tribe actually carries out law enforcement from its own funds.

The Warm Springs Reservation is located in five different counties in central Oregon and covers an area of almost 600,000 acres. Within this area, there are approximately 1,450 miles of roads and of this total over 1,000 miles of road are public highways of one type or another so that the public highway is crossing over the reservation.

The reservation has developed its fishing facilities. The public is invited under certain conditions and within certain areas to fish on the reservation and to camp on the reservation.

The tribe has been successful in developing an outstanding vacation resort. They operate their own sawmill, plywood plant and wood products industry.

Generally, in the Bureau of Indian Affairs and certainly among Indians in the United States, Warm Springs is recognized as one of the outstanding tribes in attempting to do for itself and to accomplish things on its own.

So, we come to speak to you not from the standpoint of feeling that we are unable to take care of our own problems but simply with the

idea that we need basically the same assistance that other political subdivisions of the country now receive.

The reservation has a population of approximately 1,700 members on the reservation plus 200 or 300 other Indians who are not members of the Warm Springs Tribe; so there is a 2,000-member Indian population on the reservation.

Our law and order problems result only in part from the Indian themselves, as I have indicated. We have to apply a combination of Federal law on the Indian reservation, State law in some circumstances and tribal law.

Mr. ROGERS. Let me interrupt you there. You do have a tribal law, under which you have courts to make determinations and only those who are members of the tribe are subjected to those courts?

Mr. PANNER. That is correct.

In addition to the tribal members, other members of other tribes under supervision are subjected to the tribal code.

Mr. ROGERS. Other tribes recognized by the Federal Government that may drift in and steal a sheep or poach on the fishing lands would be subject to tribal action?

Mr. PANNER. These would be Indians who are members of tribes who are under the Federal supervision at this time.

Mr. ROGERS. Federal supervision?

Mr. PANNER. Yes.

The State law applies in most instances to non-Indians on the reservation. Federal law applies under the assimilative crimes act as you gentlemen know and what was known as the Ten Major Crimes Act. So, our police officers have to have really a pretty broad training program before they are capable of dealing with these various jurisdictional questions and problems.

The State, while we have excellent cooperation from them, has elected not to enforce any laws on the reservation. The enforcement of laws even as to non-Indians is left entirely to the tribe. We do not object violently to this. We have attempted to get the State to at least police the public highways going through the reservation as far as non-Indians are concerned, but their attitude is this would complicate the picture even further, so it has fallen to the tribe to take care of this vast area.

Mr. ROGERS. Have you any idea what other tribes may be eligible under this proposal by Mr. Ullman, H.R. 16179 which provides for grants to Indian tribes which perform law enforcement functions? Do you know how many other Indian reservations may be eligible should this proposal be adopted?

Mr. PANNER. I would like to furnish you, Mr. Chairman, with that list. At this point, I would estimate some 30 to 40 additional tribes, but I would like to furnish you with that list from the Secretary of the Interior. I will obtain that for you.

Mr. ROGERS. We will be pleased to receive it.

(The information requested follows:)

There is a total of 83 Indian tribes that would be affected by this proposed amendment.

Mr. ROGERS. Have any applications to the State been made by either the tribe or the county for funds under the law enforcement program?

Mr. PANNER. We have not been recognized as an appropriate appli-

cant for these funds. What has happened is that any funds that we receive—and last year it was less than \$300—comes to us through the generosity of the five counties in which we are involved.

Mr. ROGERS. The five counties where the reservation is located are eligible to make requests of the State under this law and, as I understand, no application has been made to the Governor to come in under this or has there been an application?

Mr. PANNER. Not for the tribe itself because we were told we were not an appropriate applicant; that the counties would have to apply and we would be entitled to whatever they saw fit to appropriate to the tribe. Of course, the problem with this is there are never sufficient funds to take care of the counties' needs, and it is quite difficult for them—

Mr. ROGERS. It has been pointed out to me that under section 601 (d) of title I of the Safe Streets Act, a "unit of general local government" is defined to include any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, or an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior. Has the Secretary of Interior determined that this tribe performs these law enforcement functions?

Mr. PANNER. Yes we do have such functions, and it is our understanding that this amendment would include Indian tribes but at this time, at least, they are not.

Mr. ROGERS. The point is we believe that Indian tribes that perform law enforcement functions, according to determinations by the Secretary of the Interior, are eligible to make application. That is why I asked whether the Secretary of the Interior, so far as you know, has determined that you carry out law enforcement functions.

Mr. ZELENKO. Have you received a written opinion from your State planning agency that the Indian tribe on whose behalf you are appearing today does not qualify for grants under this law?

Mr. PANNER. The application was rejected and we were told we should present our programs to the counties for incorporation.

Mr. ZELENKO. Who gave you that advice?

Mr. PANNER. This would be the original committee. I am sorry, I don't know the name of the individual who did it, but I will certainly furnish it to you and find out.

Am I to understand that it is your feeling that Indian tribes should be permitted to be treated separately under the law?

Mr. ROGERS. That is my interpretation. Section 601(d) includes an "Indian tribe which performs law enforcement functions as determined by the Secretary of Interior" in the definition of unit local government. That is why I asked you whether the Secretary of Interior had determined that the Warm Springs Tribe performs law enforcement functions.

Mr. PANNER. The answer to that is unqualified "Yes." We have a charter under the Howard-Wheeler Act and we are authorized to operate under that corporation, and we are chartered to perform functions under an appropriate law and order code which has been approved by the Secretary. There is no question that we like many other tribes do perform such law and order functions.

Mr. ROGERS. Law and order functions as they may relate to Federal law, State laws, or tribal laws?

Mr. PANNER. Tribal laws only.

Mr. ROGERS. Has the tribal government ever considered applying for so-called discretionary funds under the act?

Mr. PANNER. That would be under the 601(d) that you are referring to there?

Mr. ROGERS. That is, discretionary grants which are made directly by LEAA. For fiscal year 1970, approximately \$350,000 has been allocated for Indian law enforcement. I am advised that 15 to 25 grants ranging from \$10,000 to \$30,000 are contemplated. That is what the Justice Department has advised. The description of this program distributed by LEAA will be printed in the record at this point. (The material referred to is as follows:)

L. INDIAN LAW ENFORCEMENT PROGRAMS

PROGRAM 1—CRIMINAL JUSTICE TRAINING GRANTS FOR RESERVATIONS QUALIFYING UNDER SECTION 601(d) OF PUBLIC LAW 90-351

Purpose

The objective of this program is to develop and implement immediate and long-range training programs in all areas of the criminal justice system on Indian reservations.

Discretionary Fund Allocation

Approximately \$350,000.

Number and Range of Grants

From 15 to 25 grants ranging from \$10,000 to \$30,000 are contemplated.

Project Scope and Specifications

1. *Character of Projects.*—Training programs developed and implemented should be reservation-wide in scope. Applications must reflect that training is, or will be geared to existing, as well as projected Indian needs. Programs may provide for police, court or correctional training or combined training efforts. Multiple course or workshop presentations may be included. Substantial flexibility will be permitted to respond to grantee need. Training programs that involve or give attention to Indian citizen participation in crime prevention and public safety efforts should be encouraged.

2. *Eligible Units.*—Any Indian reservation qualifying under the Act may apply and qualify for these special training grants. Application for and approval of one grant does not preclude that reservation from presenting grant applications for consideration under other appropriate discretionary or State plan programs. If two or more reservations desire to pool resources, the application may be submitted jointly and grant amounts adjusted accordingly; however, responsibility for project administration must be fixed.

3. *Training Resources.*—Projects may provide for participation in off-reservation training courses or workshops available generally to criminal justice personnel or may contemplate training efforts designed exclusively for the grantee reservation or reservation group. In either case, an effort to build an internal training or training coordination capability should be made and applications should provide for and budget staff time for this purpose.

Special Requirements

a. *State Plan Coordination.*—Grant applications must be consistent with comprehensive State plans in those States with eligible Indian reservations and include the standard SPA clearance and certifications for discretionary submissions (Section B of Guide, page —). Grants will be made through State planning agencies.

I am wondering if you have considered making an application for these funds?

Mr. PANNER. We have not but we will consider that, sir.

I would say also in light of your statement about your feeling, we will once again approach both the Secretary of the Interior and our regional committee—

Mr. ROGERS. Not only approach him, but go down to the LEAA and put in an application for discretionary funds.

Mr. PANNER. We will certainly do that. We will certainly do even more homework now to determine whether an amendment is necessary and present that back to you, Mr. Chairman.

Mr. ROGERS. You may go ahead and finish your statement.

Mr. PANNER. Generally the areas that the tribe needs assistance in relate to training as well as enforcement, and this is one of the big needs for funds to train officers to operate within the scope of these jurisdictions, because each of our officers must not only be a tribal officer but he must also be deputized under the State law as a deputy sheriff and frequently as a special officer under the Bureau of Indian Affairs by the Secretary of the Interior.

Our budget compares on a per capita basis with other counties in the area or other political subdivisions in the area rather unfavorably. We do have rather large areas of land involved and many, many tourists going through, so it is difficult to measure our needs on a per capita or population basis.

We also need some assistance in the area of facilities and we have elaborated in detail in our written statement which has previously been presented to you and which we would ask be made a part of the record.

Mr. ROGERS. We certainly appreciate the benefit of your testimony, and I am hopeful that we can resolve the problems as they relate to the Warm Springs Indian Reservation.

Mr. PANNER. We appreciate it very much and we are glad to know that it is the intent to give the tribes a separate chance.

(Subsequently the following communication was submitted:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, D.C., March 18, 1970.

HON. BYRON G. ROGERS,
House Judiciary Subcommittee No. 5,
Rayburn House Office Building.

DEAR BYRON: I would like to respond to some of the questions which were raised when Mr. Owen Panner, representative of the Warm Springs Confederated Tribes of Oregon, appeared before your Subcommittee on March 13 to testify in support of amendments to the Omnibus Crime Control Act regarding the administration of law enforcement grants to Indian Reservations.

The amendment proposed by my bill, H.R. 16179, would provide for direct grants through the Secretary of the Interior to meet the unique requirements for upgrading law enforcement on Indian Reservations.

It is true, as stated in the hearings by the Subcommittee Counsel, that Section 601(d) of the Act qualifies Indian Reservations for funds administered by the States. However, as outlined in Mr. Panner's testimony, the Warm Springs Confederated Tribes of Oregon received only \$300 in 1968. This is because the Reservation is not considered by the State or Oregon as a separate political subdivision, but instead is dependent upon five separate county governments for treatment under the Act. I understand that this situation prevails generally throughout the United States.

It is also my understanding that the discretionary authority for direct grants under the Act to local governments, including Indian Reservations, is applicable only when an approved state administered plan is not in effect.

For these reasons, I believe that it is appropriate to establish a more direct system of grants to Indian Reservations through the Secretary of the Interior who has the legal responsibility for classifying and approving the various law enforcement functions of the Indian tribes in trust status.

I hope that the Subcommittee will give consideration to this request.
With best personal regards.

Sincerely,

AL ULLMAN, M.C.

Mr. PANNER. Would the committee hear Mr. Jackson?

Mr. ROGERS. What is your full name?

**STATEMENT OF CHARLES JACKSON, MEMBER OF TRIBAL COUNCIL,
WARM SPRINGS INDIAN RESERVATION**

Mr. JACKSON. My name is Charles Jackson. I had been a member of the tribal council for 3 years but now they kicked me out for not being qualified.

Mr. Chairman, I would like to point out that we had the law and order as far back as I can remember. That goes back 60 years. I am not saying that to take advantage of you fellows because I know you are not that old.

However, I saw with my own eyes, when our people were under the supervision of the Bureau of Indian Affairs, they were funded by the Bureau of Indian Affairs and financed by them at \$25 or \$30 a month, Indian people who couldn't read or write, and we also had judges who could not read or write, but they were people who knew what was right and what was wrong.

Since the Howard-Wheeler Act which our people voted for and accepted as such, we have set up a law and order program on the reservation. That law and order, the police force, enforcement is now being financed by our tribal funds.

My point is this, gentlemen: There are lots of little children, gentlemen. So, those children, I believe, need their money for the future. We use that for law enforcement and other programs. I would really appreciate it if we were supplemented by your law, or whatever it is that you are talking about, and it would really help those children.

I thank you.

Mr. ROGERS. Thank you, Mr. Jackson. We understand the problems in that regard.

Our next witness is Mr. Gary Thompson, county commissioner of Trumbull County, Warren, Ohio, who appears on behalf of the National Association of Counties. As I understand it, he is accompanied by Miss Margaret S. Seeley, legislative assistant, and Mr. Anothony A. Latell, Jr., planning officer for District 5 Ohio Law Enforcement Planning Agency; and Mr. G. Stanley Krieiler, chief deputy sheriff of Mahoning County.

Gentlemen, and Miss Seeley, we welcome you and we would be pleased to have you proceed in your own way.

STATEMENT OF GARY THOMPSON, THE NATIONAL ASSOCIATION OF COUNTIES; ACCOMPANIED BY MISS MARGARET S. SEELEY, LEGISLATIVE ASSISTANT; ANTHONY A. LATELL, JR., PLANNING OFFICER, DISTRICT 5 OHIO LAW ENFORCEMENT PLANNING AGENCY; AND G. STANLEY KRIEILER, CHIEF DEPUTY SHERIFF OF MAHONING COUNTY, OHIO

Mr. THOMPSON. Good morning, Chairman Rogers, Congressman McCulloch, and distinguished Congressmen, and counsel.

I am Gary J. Thompson, chairman of the Board of Commissioners of Trumbull County, Ohio. Because I serve as chairman of the Ohio Law Enforcement Planning Committee, District 5 (including Mahoning, Trumbull, and Ashtabula counties), I have been asked to testify before you in behalf of the National Association of Counties, an organization representing the interests of more than 3,000 county governments.

May I introduce my colleagues. This is Mr. Anthony A. Latell, Jr., planning officer for District 5 Ohio Law Enforcement Agency. Chief deputy sheriff of Mahoning County and an excellent law enforcement technician, Mr. G. Stanley Krieler. And this is Miss Margaret S. Seeley, legislative assistant for the National Association of Counties.

We thank you for the opportunity to testify on amendments to the Omnibus Crime Control and Safe Streets Act of 1968, and we would welcome questions from the committee at the end of our prepared statement.

CRIME RATE

Crime does not stop at the city line. In 1969, crime rates rose in the suburbs at the same rate as in the cities. However, the percentage of juvenile offenses was slightly higher in the suburbs. Juvenile crime accounted for 49 percent of all major crimes in 1968.

As commerce and industry relocate outside central cities, property crimes, especially burglary, are more frequent in surrounding areas than in the cities. Thus, the prevention of crime and law enforcement has increasingly become the problem and responsibility of the counties, particularly suburban counties. This concern about the spillover of city crime, and increased crime initiated in suburban areas has been voiced by county officials in the Washington metropolitan area—in Arlington, Montgomery, and Prince Georges counties where some of you may reside. I have listened to the citizens of my county, Trumbull County, express the same concern. For instance, Trumbull and Mahoning counties comprise a standard metropolitan statistical area (SMSA). The crime index there is 1,408.2, as compared with the national average which is 1,719.5 per 100,000 population.

COUNTY RESPONSIBILITY

Let me cite some facts regarding county responsibilities for crime prevention and law enforcement. County personnel roles include the sheriff, the judge, in many cases the prosecutor, the coroner or medical examiner, the jail keeper, the parole and probation office and the

attorney for public defense. There are more than 40 county police departments, and in 23 of these counties the population numbers of 100,000 people.

COUNTY EXPENDITURES

How does this translate into dollars. In 1967, \$748 million was spent by the 3,049 counties in the United States on police and correction. This represents approximately 8 percent of county expenditures. In the 55 largest counties (those with population of more than 500,000), \$535 million was spent by counties on criminal justice in the following ways:

	<i>Amount</i>	<i>Percent</i>
Police protection.....	\$194,000,000	4.4
Judicial functions.....	187,000,000	3.7
Corrections	174,000,000	3.9
Total	535,000,000	12.0

Let me put this into perspective. The 43 largest cities, with populations of 300,000 or more, and the 55 largest counties, with populations of more than 500,000 spent the same percentage of their municipal budget for criminal justice. Cities spent \$1.25 billion dollars in this manner:

	<i>Amount</i>	<i>Percent</i>
Police protection.....	\$1,000,000,000	10.5
Judicial functions.....	118,000,000	1.2
Corrections	128,000,000	1.3
Total	1,250,000,000	13.0

You can draw no other conclusion here but that densely populated counties, like cities, do administer money and programs for purposes of law enforcement and should be recognized for this performance. In urban areas and many rural areas, the responsibility of law enforcement should fall naturally and appropriately onto the county.

COUNTY ROLE: CONSOLIDATION OF MUNICIPALITIES

Let's examine the potential role of the county in the law enforcement field.

The county offers the opportunity for municipalities to consolidate and receive mutual benefits from each other. NACO's executive director, Bernard F. Hillenbrand, stated:

There certainly is a great deal of resistance and nervousness on the part of the citizens to any idea of consolidating police departments. There are, however, a great number of things short of consolidation that can be done to help correct the problems of fragmented police effort in urban and rural areas.

For example, in communities with 20 or 30 separate police departments, the wider use of authority would permit the establishment of a central communications system, central training facility, common recordkeeping, central personnel, uniform central crime laboratory, and even such specialized services as metropolitan detective squads and similar multijurisdictional programs.

In Georgia, records show that a county of 9,700 inhabitants received a law enforcement grant of \$150,000. In reality, six counties joined efforts to build a regional jail.

Trumbull County, Ohio, with a population of 208,000 people would have a hard time receiving grant funds from the Law Enforcement Assistance Administration, although our major city, Youngstown, in

Mahoning County (population 167,000), might qualify. However, by joining forces with Mahoning and Ashtabula Counties in the Ohio Law Enforcement District 5, we do qualify. The district 5 plans include approximately a quarter of a million dollars to develop and prepare for the construction of a juvenile rehabilitation and detention center, the most pressing need of our district, which is the unanimous position of our Law Enforcement Advisory Committee.

BLOCK GRANTS

In the area of law enforcement assistance, a block grant approach must recognize that the bulk of crime control and prevention is the responsibility of local government, and that planning and programs must be tailored to meet problems which vary from community to community.

Therefore, any legislation which provides for an increased role for the States should not, at the same time, subjugate local governments' abilities and capacities. At the same time the National Association of Counties agrees that it is desirable to increase State involvement in crime control and prevention in support of this basic local responsibility.

Thus, NACO supports State activities in such areas as leadership in the development of a comprehensive statewide plan, technical assistance to local governments, statewide training programs, coordination of appropriate local activities, and service as a focal point to prevent duplication of efforts by local governments.

We urge that regulations implementing the Safe Streets Act, amendments to title I make clear these respective State-local jurisdictions.

LOCAL COORDINATION

NACO recognizes that one of the major deficiencies confronting local efforts at crime control is a lack of cooperation and coordination among local governments. One of the purposes of this law was to correct this deficiency. Yet there are no specific provisions in the law giving priority in the awarding of grants to applications submitted by combinations of local governments.

Therefore, we urge the Department of Justice and the States to implement the purposes of the law by providing that grant applications submitted by combinations of local governments and covering no less than one county receive priority consideration.

NACO RECOMMENDATIONS

The amount and percent of money spent by States from 1969 Law Enforcement Assistance Administration funds for corrections, courts, parole, and prosecution is very small. Therefore, NACO supports proposals to provide grants for construction, acquisition, or improvement of State and local correctional facilities and improvement of correctional programs and practices. At least \$100 million should be allocated for this.

Matching Federal funds is difficult for some cities and counties and, for that reason, we believe that the States should be encouraged to provide at least half of the non-Federal share of matching funds. We

are reviewing the difficulties faced by counties in coming up with sufficient matching funds for greatly increased Federal appropriations. We would suggest more in-kind opportunities for local contributions.

There needs to be a coordinated interagency effort by the Federal Government for joint funding of juvenile delinquency programs between the Office of Juvenile Delinquency of the Department of Health, Education, and Welfare, and the Law Enforcement Assistance Administration of the Department of Justice. The present application procedures for juvenile delinquency programs at HEW are very complicated and the amount of funds available very small. Only \$50,000 was given to each State in fiscal year 1969 (\$5 million total) and only \$10 million was set aside in fiscal year 1970. We would propose that HEW juvenile delinquency funds be greatly increased or be eliminated and transferred to the Law Enforcement Assistance Administration. We feel that the HEW program is a low priority as evidenced by inadequate funding and by the director's vacancy for 2 years.

As a personal comment, Trumbull County, which is one of 88 counties in the State of Ohio, has had experience with HEW. We are the only county in the State which conducted a Federal study regarding juvenile delinquency. A complete, concise report is available on this study. I will mention that Trumbull County's study was adequately funded by HEW. However, I recognize that HEW funds for other counties are inadequate. Therefore, we must concur with the National Association of Counties' position on this matter.

Mr. McCULLOCH. Is that report completed?

Mr. THOMPSON. Yes, it is. We have distributed copies to all of the police departments in our county and it was made available to the general public of Trumbull County.

Mr. McCULLOCH. I think it would serve a useful purpose and we would appreciate your sending us that report for our files.

Mr. THOMPSON. I will be glad to send you that report. May I continue our recommendations. The Law Enforcement Assistance Administration must require more information from the States on how and where funds are being spent.

States should be required to give the greatest emphasis and the most funds to counties and other local governments which have high crime rates in relationship to their population. No State plans should be approved unless funds are so distributed. Discretionary funds currently funneled into cities should also be applicable to large counties sharing similar population and crime problems.

Flexibility must be shown in the requirement that only one-third of funds may be spent on personnel. Such a provision encourages equipment purchases and deemphasizes training and upgrading of police forces.

NACO recommends that each Governor, when establishing a State planning agency under this legislation consult and confer with his State association of county officials in regard to the appointment of county officials to the agency. We also feel that the time schedule for local input and review of State plans is unrealistic.

SURVEY

In an effort to collect data and gage the feeling of our county officials about the effectiveness and funding of the Omnibus Crime Control and Safe Streets Act program, NACO prepared the questionnaire which is attached to our testimony. It was distributed to 8,000 county elected and appointed officials 10 days ago. Due to the short review time, we have not received an adequate response from our members, but we would like to submit the final results as a part of this committee's record, if that is permissible with the Chairman.

Mr. ROGERS. How long will it take before you get the final results?

Mr. THOMPSON. Approximately 3 weeks.

Mr. ROGERS. Submit it as soon as you can. The record may be open at the time we receive it.

OHIO LAW ENFORCEMENT DISTRICT 5

Mr. THOMPSON. Gentlemen of the committee, I have with me two gentlemen who are very much involved in the planning and administration of an LEAA grant, the subject to which we are addressing ourselves. I have asked them to accompany me so that they may accurately reflect the experiences of counties, multicounty relationships, and a law enforcement planning district by answering any questions you may have. We have several documents for your information. It has been a real pleasure to testify before you for NACO and for Trumbull County.

Thank you for your time and attention.

Mr. ROGERS. Thank you, Mr. Thompson.

I want to direct your attention to your own statement on page 6 where you state NACO's recommendations. You support a proposal to provide grants for construction, acquisition, and improvement of State and local correctional facilities. One bill that has been introduced, which we are considering—H.R. 15947—provides for improvement of correctional programs and correctional institutions on the State level but there is no reference, as I understand it, to anything of a local nature.

Mr. THOMPSON. That is true. This is the point which we are trying to correct.

Mr. ROGERS. The point I am trying to make is that I do not think the proposal obligates the State to support the local county jail or institution. If you do make grants to the States for corrections purposes, how are you going to make certain that funds are allocated to improve county level institutions?

Mr. THOMPSON. I think perhaps our position should have been more self-explanatory. We would hope in writing the guidelines for the distribution of funds that States pass through moneys to local governments for correctional facilities.

Mr. ZELENKO. Mr. Thompson, the existing statute now provides that the States must pass through a percentage of their planning money, and a percentage of their action money to local government. The Chairman's remark to you concerned the corrections program envisioned in the administration proposal, which you tend to support in a general way in your statement. What is the view of the National Association of Counties if there is no pass-through requirement, that

funds be funnelled down to cities, or counties, or localities which have jurisdiction over jails and correctional facilities? Would your testimony be that you want to have a statutory pass-through, or would you want to study the matter further?

Mr. THOMPSON. I think we would support an amendment to make sure the local governments got their adequate share of money, in other words, statutory pass through.

Mr. ROGERS. Again, on page 7 of your statement you state that the States should be required to give the greatest emphasis and the most funds to counties and other local governments which have high crime rates in relation to the population. Then you declare that no State plans should be approved unless funds are so distributed.

Is that the position of the National Association of Counties?

Mr. THOMPSON. Yes, I would say so.

Mr. ROGERS. As an example, we have a list of the big cities where the crime rates are highest in proportion to population. Would you suggest that the distribution be made on the basis of crime incidence?

Miss SEELEY. Gentlemen, I think we are trying to indicate to you that counties, in their population and crime incidence rates, often share the same statistics as cities.

Mr. ROGERS. That has not been exactly the testimony we have had.

Miss SEELEY. In those 55 urban counties with populations over 500,000, NACO would encourage that they receive the same kind of treatment in the discretionary funds allotments as cities.

Mr. ROGERS. You say the same kind of treatment?

Miss SEELEY. In other words, direct grants.

Mr. ROGERS. I think the evidence before the committee will show definitely that there is a higher crime rate in the urban areas than in the rural areas. In recognizing that, do you take the position that the distribution of funds should be in the area where there is a high crime rate according to population?

Miss SEELEY. Yes, we do.

Mr. ZULENKO. May I ask Mr. Thompson how he intended that that allocation formula be implemented. Do you envision that the LEAA must require State plans to make that allocation before granting funds to a State under the act? You say that no State plans should be approved unless funds are so distributed. What do you mean by that?

Mr. THOMPSON. The point I am trying to make is that, without a question, the urban areas are in need of more funds and the local governments are in need of more funds.

Population centers naturally attract more criminals. The position of county officials in this Nation is that the money should be spent where the crimes are being committed. We want to be as receptive to rural counties as we are to urban counties, but by looking at the Nation as a whole, would encourage that most of the funds go to urban areas where the crime is located.

Mr. McCLORY. As I interpret your testimony, it is directed more toward the administration of the existing law than it is toward a recommendation of a change in the law.

Mr. THOMPSON. That is correct.

Mr. McCLORY. At the same time, I am very much impressed with your statement concerning the juvenile problem. That raises a serious question with this committee. There are two different departments of

the Federal Government involved in the overall problem of crime. We find that the greatest increase in crime is occurring among the young people. It thus becomes necessary for us to give thoughtful attention to the unification of our diverse remedies at the Federal level.

I am very impressed by your statement. I do not think your suggestion is currently being given the kind of attention it should be given.

There is some effort to make juveniles in the District of Columbia responsible for their crimes when they commit crimes like adults. There is a lot to be said in support of that effort. But I don't think this subcommittee has yet given the necessary consideration to the juvenile crime problem.

Mr. THOMPSON. As chairman of the Ohio LEAA District 5 Planning Committee, I have taken this position. It is certainly a position which Mr. Krieler has also taken as chairman of the advisory committee. The politicians and public servants agree with the experts (the police chiefs and the sheriffs) in the case of treating juveniles who commit major crimes as adults. This is not always possible at the local level.

The District 5 position states that juvenile delinquency is the beginning of crime, and I think records will substantiate that criminal persons, whether they be murderers in death row or in a Federal or State penitentiary or petty offenders that their history of crime began as a juvenile. If we can catch it in time, there is a chance of correcting it. I have traveled 200 miles not only to view the Ohio correctional facilities and talk to the staff, but to have discussions with the actual children who are in these facilities. When you look into the eyes of a boy who is the size of Jimmy Brown, the football player, and you ask him what you can do for him and he says with tears in his eyes, "Go back to Trumbull County, and ask my parents to come to see me," this is certainly something that cannot be overlooked.

In going back to Trumbull County and approaching the parents of this boy, I asked them why they had not seen their son in 17 months. The father replied, "I cannot afford it because I do not have the money to travel 200 miles." I think the distance to the correctional facility has been recognized to be inaccessible in our district (the people of our three counties). We want our children to be closer to home, to their clergy and their parents and their home environment and people who care about them rather than shipping them 200 miles to southern Ohio.

Let me say that this is our top priority, and we are unanimous in this position, and we hope and pray this Nation recognizes these problems as well.

Mr. POLK. In reference to your last answer, Mr. Thompson, I would like to make clear why you propose on page 7 of your statement that the juvenile delinquency program be transferred from HEW to LEAA.

Mr. THOMPSON. There are two juvenile delinquency programs currently operating. The concept of government today is to try to eliminate duplication. I know as chairman of the steering committee in our area, this is one of the basic positions we sell on the local level—let's not duplicate efforts or funds.

Mr. POLK. That means we should have one program or the other. Why do you think the choice should be LEAA?

Mr. THOMPSON. Because that is where most of the money has been appropriated today.

Mr. POLK. Your recommendation makes no reference to the totally different administrative structure of the juvenile delinquency program. You do not make any comments on the merits or demerits of that. You are simply saying there should be more money and no more duplication. Is that correct?

Mr. McCLORY. If the gentleman will yield, I'd like to say that the witness points out that the juvenile delinquency problem has not received the sort of attention it should have at the Federal level. The Office of the Director has been vacant for 2 years. I think the point he makes is extremely good. I think it is something to which this committee should give earnest consideration. The duplication does not make sense at all.

It seems to me we have to get at the crime problem at the time that the crime problem arises, when people are young. Narcotics addiction is being experienced among high school and even junior high school kids. If we divorce ourselves from consideration of the juvenile delinquency problem and permit it to be handled by some agency other than LEAA, it seems to me that we have complicated our problem indefinitely. That is all I wanted to say.

Mr. THOMPSON. On page 121 of the exhibit we submitted, you will notice that juvenile delinquency is the major concern of our sheriffs, police, and judges.

I am proud to substantiate why our district should be the model district of this Nation. In essence, we received 100 percent of what we went after. We had involvement of the experts and the dedicated public servants in this program on both committees and also the involvement and the concern of the supervisory committee which reviewed our application and the complete cooperation from the State of Ohio where the chief block-grant recipients distributed these funds. It was a combination of concern from all levels of government, all parties and all people concerned who are dealing with the problem that is certainly something that has to be recognized in this Nation today.

Mr. ZELENKO. In reviewing your proposed budget, I gather it is also your application to the State planning agency.

Mr. THOMPSON. Yes, it is.

Mr. ZELENKO. The item you emphasize the most is the juvenile delinquency program for the coming year.

Mr. THOMPSON. This is the top priority.

Mr. ZELENKO. I have read very hurriedly the statement that follows the budget with respect to the juvenile rehabilitation and detention center. I see its major emphasis is on rehabilitation rather than incarceration. That is the spirit of the proposal.

Mr. THOMPSON. Yes; it certainly is.

Mr. ZELENKO. Your testimony is that a rehabilitation program for juveniles is best funded and supervised by the Law Enforcement Assistance Administration rather than officials of HEW?

Mr. THOMPSON. The position of the National Association of Counties is that juvenile delinquency programs should be funded and supervised by one Federal agency. Because the LEAA has more funds than

HEW's Office of Juvenile Delinquency, we think the program should be run by that (LEAA) office.

Mr. ZELENKO. Your statement says that there should be some requirement that the State match or contribute to the matching requirement that the localities are required to now provide under the statute. Can you suggest to the subcommittee any way as to how that should be done?

Mr. THOMPSON. We feel that the State should, under statutory requirement, contribute at least one-half of the local share.

Mr. ZELENKO. In your experience thus far under the program, has there been any contribution by the State to defray the matching requirement?

Mr. LATELL. No; not at this point, but in our juvenile rehabilitation and detention center, the Ohio Youth Administration will participate and will match. It just has not taken place yet.

Mr. THOMPSON. We are working out the problems now, and I hope this committee would not feel that anything I have said as far as to indicate that the State has not been fair in the distribution of these funds.

I think this bill is certainly just like a child at this time. You have to crawl first. I think we are beginning to walk now with the funds that have been realized. This is why we are here today supporting this legislation so that in the future we may run.

Mr. POLK. I would like to return to Mr. Zelenko's question and pursue that matter further. Do you feel if the law required that the States provide at least half of the non-Federal share of the matching funds that the States would be less inclined to pass through more than 75 percent of the action funds to the units of local government?

Mr. THOMPSON. I don't think they have much of a choice under the present Federal law.

Mr. POLK. Don't you feel that if we were to require the States to furnish some matching funds for all projects, this would encourage the States to keep the 25 percent since it would cost the States money just to pass it through.

Mr. THOMPSON. I think without question, and on some occasions the State of Ohio has extended more than 75 percent Federal funds. We have had more planning money, but I think without a question, to answer your pointed question, and if I understand it correctly, do I feel the States, if we required them to pay half of the local share would keep their maximum amount under the Federal statute?

I think without a question they would have to. In essence, we would be guaranteed that less local moneys would be required and that more effectiveness and efficiency and end results could be attained with the State participating in more of the local share; yes, sir.

Mr. POLK. But, on the other hand, you feel it would be better for more LEAA money to be passed through to local units of government?

Mr. THOMPSON. No question about that.

Mr. POLK. Now, if the States were required to provide half the matching funds, do you feel the States would be more reluctant to stay in the program?

Mr. THOMPSON. I cannot speak for the States, but I can speak for local people, because I know the frustrations we have on some programs where we need funds desperately.

MR. POLK. Is there not also a practical, economic reason for requiring the unit of local government that is going to conduct the program to provide matching funds? In such a case, the elected officials in that area will have to justify the program to the town council or to the legislature or to the budget department, or whatever; whereas, if some outside agency is paying the total bill, that justification does not have to be made.

MR. THOMPSON. I think you are probably correct, but when it comes to crime and you have your son or your mother hurt or you have your home robbed, or if you have riots in your streets, I don't think you have to justify positions which we are here in support of today for more money for local governments in order to do a better job on the local level, supported by State block grants. No matter what you do in public service, especially in an administrative capacity, you will have people disagreeing with you. However, I think this is a rare occasion considering with the concurrence and unanimous position and complete cooperation of District 5 of Ohio where in essence, we are not worried about political identities. We don't want politicians getting the credit. We don't want the Democrats or the Republicans getting any credit. We want to do a job for our people.

We support our local efforts and want to assure that they will continue to be funded at the local level—in my case, the county. The problem of crime is getting out of hand locally and nationally, as well.

MR. POLK. What is your recommendation in the field of corrections? Do you simply want \$100 million spent or are you advocating some structural change in the law? I am referring to your first recommendation on page 6. You say at least \$100 million should be allocated mainly for corrections.

MR. THOMPSON. I think the chief deputy of Mahoning County, which is my neighboring county, can comment on this situation.

MR. ROGERS. Is he from Youngstown?

MR. THOMPSON. Yes, sir.

MISS SEELEY. We have proposed that \$100 million be spent in the corrections field. The question is how would you spend it? What specific recommendations would we make? Would you like to correct me on that?

MR. POLK. Permit me to clarify my question.

The Attorney General testified yesterday that he anticipated that 25 percent of the LEAA funds would be used for corrections in the next year. It would seem that even if his recommendation of \$480 million were appropriated, there would be \$100 million or more for corrections; so, if no change at all were made in the law, it would seem that \$100 million would be spent in that field.

I was wondering if you were only suggesting that more money should be spent on corrections or rather that some type of structural amendment should be made to the act?

MR. KRIEGLER. What we have discussed here and our primary objective and expenditures in the field of law enforcement, particularly in our region, has been juveniles. We all know they have committed 49 percent of the major crimes and about two-thirds of the auto thefts in this country. Our emphasis is on rehabilitation in an effort to apprehend the problem at its inception and thereby have an opportunity

in some way of correcting it. That is going to cost us quite a sum of money. We feel that this is one of the best investments we as a region can make in our youth. We figure that in this type of center we will be able to get at the basic problem of crime in the community; that we will be able to have at least some minor control of individuals coming into this field and possibly reduce the crime rate in the future.

This could also apply to the Nation and to the State.

We are also interested, particularly in the State of Ohio, in the narcotics problem which has become one of the major problems of our city in recent years. We have practically doubled the arrests in our community. Several years ago, there were only 18 narcotics arrests in my police department. This year we have many, many more than that. We have been conducting a narcotics campaign in our own community. We have been educating our citizens so that they may talk about some of these problems, showing films, approaching high schools, etc. But we feel this is not really all that we need. We think we probably need an institution where we can take addicts, where we can help them, where we can get them off the street, and we have in some instances even used some of these pushers in our programs to try to correct and impress the young people.

We could use a great deal of money in that field and in the method that we are now employing and hope to employ in our region. I think we can do a more effective job by making this a regional project. In other words, cutting across county lines and being able to more or less bottle up the situation in three counties rather than trying to correct it in one minor area. For these purposes, at least \$100 million is needed. The Attorney General suggested \$120 million, which I would be in favor of supporting.

Mr. POLK. Do you believe the present structure of the act suits your purpose?

Mr. KREILER. We have been very happy with block grants and with what the State has done for us.

Mr. ROGERS. Thank you. We appreciate your testimony, Mr. Thompson, and those who accompanied you.

Without objection, we will place in the record at this point a letter dated March 4, 1970 to Chairman Celler from Mr. Richard N. Harris, director, Law Enforcement Administration, Commonwealth of Virginia.

(The letter follows:)

COMMONWEALTH OF VIRGINIA,
LAW ENFORCEMENT ADMINISTRATION,
Richmond, March 4, 1970.

HON. EMANUEL CELLER,
Chairman, Committee of the Judiciary,
House of Representatives,
Washington, D.C.

DEAR MR. CELLER: I would very much appreciate your filing this letter with the testimony given before the Subcommittee of the House Judiciary Committee considering the proposed amendments to the Omnibus Crime Control and Safe Streets Act of 1968.

In the document filed with your committee by the National League of Cities and the United States Conference of Mayors entitled "Street Crime and the Safe Streets Act, What Is the Impact?", dated February, 1970, on page 10 there appears the following:

"Where they exist, states place primary reliance on regional planning units for direction on what the needs and priorities of local government should be.

This saves the state planning agency the trouble of dealing with many local units having differing needs and complicated law enforcement problems. However, it makes it very difficult for individual local problems to gain expression at the state level. The City of Norfolk, Virginia noted the problem it faced in this regard:

"Localities cannot report to the state planning agencies, instead they must refer all priorities to a regional planning commission for approval and new priorities formed, which will then be forwarded to the state planning commission."

Additionally, in connection with the discussion of comprehensive state plans, there appears on page 15 the following:

"Another city noting problems with the state priority determination was Norfolk, Virginia:

"The states number one priority deals with law enforcement training, which we feel is not a critical priority in the larger metropolitan areas."

The two major priority programs in Virginia's first year Law Enforcement Action Plan were Law Enforcement Officer Training, to which we allocated \$189,664, or 34.1% of the total federal action grant, and Improvement of Police Communications, to which we allocated \$163,723, or 29.4% of the total grant. One of the major reasons that Improvement of Police Communications was a priority program in the state plan was the clear indication in the local plan of the planning district commission of which the City of Norfolk is the largest single participant that the establishment of a criminal justice information and communications system was the priority need for the City of Norfolk and its neighboring cities of Chesapeake, Portsmouth, and Virginia Beach.

Pursuant to this expressed need, the City of Norfolk applied for and received from this agency an action grant of \$59,958 for the establishment of a criminal justice information and communications system, to be established and operated as a regional system in cooperation with the Cities of Chesapeake, Portsmouth, and Virginia Beach, known as the Tidewater Electronic Network Police Information. This grant to the City of Norfolk was 36.6% of the total State-budgeted item for Improvement of Police Communications.

Norfolk is to be highly complimented for its leadership in Virginia in the field of criminal justice information systems. We regret that Norfolk's historic attitude that "it has been neglected by the State", as evidenced by its critical comments filed with the National League of Cities and incorporated in the NLC Document referred to above, should now be carried into the new criminal justice improvement program administered by our agency under the Omnibus Crime Control and Safe Streets Act. I can assure you that the City of Norfolk will continue to receive major attention in the disbursement of Virginia's action funds, and I hope that at least in this one State program Norfolk will be supportive, rather than critical of the efforts of the State.

Yours very truly,

RICHARD N. HARRIS, *Director.*

Mr. ROGERS. The next meeting of the subcommittee will be at 10 a.m., Tuesday, March 17, at which time our witnesses will be the Honorable Claude Pepper, Mr. Louis Oberdorfer, member of the law and government task force of the urban coalition accompanied by Mrs. Sarah Carey, executive associate for law and government; Mr. Harry Fleischman, race relations coordinator, the American Jewish committee; and Mr. Edward T. Anderson, friends committee on national legislation.

The subcommittee now stands adjourned until next Tuesday morning.

(The subcommittee recessed at 12:35 p.m., to reconvene at 10 a.m., Tuesday, March 17, 1970.)

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

TUESDAY, MARCH 17, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE No. 5
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Emanuel Celler, chairman of the committee, presiding.

Present: Representatives Celler, Rodino, Donohue, Kastenmeier, McCulloch, MacGregor, Hutchinson, and McClory.

Staff members present: Benjamin L. Zelenko, general counsel; and Franklin G. Polk, associate counsel.

The CHAIRMAN. The subcommittee will come to order.

Our first witness this morning is the distinguished former Senator and now a Representative from the State of Florida, whom we always are anxious to hear, Congressman Claude Pepper.

STATEMENT OF HON. CLAUDE PEPPER, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. PEPPER. Thank you very much, Mr. Chairman.

Mr. Chairman and members of the committee:

It is a great pleasure and honor for me to appear before this distinguished subcommittee this morning.

Mr. Chairman, I have introduced H.R. 15949 to bring before this distinguished subcommittee my strong personal belief that we must make massive infusions of Federal funds available to State and local criminal justice authorities, if we are to do anything effective against the massive problem of crime that we have in our country today.

My bill is the same as the bill introduced by the distinguished Chairman, the gentleman from New York, except that my bill would provide \$1 billion instead of \$750 million for the LEAA.

I appear to express the sentiment of colleagues of mine of both parties on the Select Committee on Crime who share the sense of your urgency that has led me to propose a \$1 billion appropriation for the Law Enforcement Assistance Administration for fiscal 1971.

This funding is embodied in the bill before you. The \$1 billion is the minimum amount we can afford to spend on what we all agree is the Nation's gravest domestic concern.

Such a dramatic infusion of Federal funds would make it abundantly clear to the American people that there is as much cash as there is rhetoric in the national commitment to prevent and control crime.

While I commend—as I am sure the able committee does—the effort of the administration, I feel that a proposed budget of \$480 million by the administration, with a proposed expenditure of \$368 million for fiscal 1971 simply will not make an appreciable impact upon the massive problem of crime which ravages our country today.

As you are aware, the Select Committee on Crime, which the House created some 10 months ago, has conducted field hearings across the country. The seven members began without preconceived notions of doctrinaire solutions.

We went to listen and learn, and the message we bring back to Washington is that the American people demand a solution to the problem of crime and are willing to pay for it.

In every city we visited, whether it was Boston, Mass.; Omaha, Nebr.; San Francisco; Columbia, S.C.; or Miami, Fla., the people have asked for our help, many of them pleading for assistance from the Federal Government to do more about the problems of crime.

We were told of the need for more and better-trained policemen, expanded court facilities, improved correctional facilities. The Congress must be prepared to help pay for these expensive but absolutely necessary programs.

While we all recognize that law enforcement is primarily the obligation of the State and local authorities, just as today as we help them to perform other important functions of government in service to their people, I think the time has come when we must not only carry on the commitment we previously made in the Omnibus Crime Control and Safe Streets Act, but we must expand that assistance to make our effectiveness more satisfactory.

I propose that of the \$1 billion I have recommended, \$650 million be disbursed by LEAA through its established procedures, and \$350 million be designated as added discretionary funds, to be spent by LEAA in the manner in which it presently makes direct grants.

Everywhere we went, Mr. Chairman, in the cities, the cities were insisting upon greater assistance from the Federal Government than they are getting today under the block grant program of the Federal Government.

In this way, we would ensure that the States continue to receive block grants proportional to their population, while at the same time making available a substantial sum to be spent in the Nation's high-crime areas, the large cities.

However, it would be a grave error, I believe, to channel all LEAA funds into high-crime areas. That is why, with \$650 million at its disposal, under my bill, H.R. 15949, LEAA could continue to help less crime-ridden areas develop programs to keep their crime rate low.

It would be both unwise and dangerous for us to neglect fighting crime in areas where the problem has not become epidemic and to concentrate solely on areas where it has.

With \$650 million available under the present grant system, LEAA could maintain a needed flow of funds to all areas of the country.

But at the same time, the \$350 million that I propose be given to LEAA for discretionary expenditure would be the added weapon that is needed to fight crime in high-crime areas. These funds would, in large measures, be available to our large cities which must cope with a highly disproportionate incidence of crime.

Our cities need help, they are crying for help, and the Congress must respond. Hardly anything has been more touching to our committee, Mr. Chairman, than literally the appeal, the plaintive appeal, almost, of the juvenile judges of the cities we have visited, asking us for help.

A few days ago we held hearings here in the District of Columbia and in the environs, in Fairfax County, Va., and Prince Georges County, Md.

The juvenile judge of Fairfax County, Va., where the per capita income is in excess of \$12,000 a year, said that in the last 12 months he had had 3,500 cases of boys and girls coming into his juvenile court, many of them on account of some association with narcotics and dangerous drugs.

So this problem of crime is not only in the ghettos or in the low-income areas, but it is also in the high-income areas of our country.

If our cities are to survive as the economic, social, and cultural centers of the Nation, we must give them every tool we can to help them fight crime.

So, Mr. Chairman, I maintain that the \$480 million requested by the administration for LEAA is simply inadequate to meet the challenge.

It is insufficient even to begin to fulfill the administration's commendable pledge to give the war on crime the highest priority, and it is insufficient to meet the demonstrated needs of the country.

In his testimony before this body last week, the Attorney General maintained that LEAA could not effectively spend more than \$480 million in fiscal 1971.

Yet, it is not secret that LEAA officials themselves felt they were capable of utilizing effectively and fairly \$650 million under the present funding system. This is what they requested of the Bureau of the Budget and this is what we in the Congress should give them.

In addition, I feel we must also provide them with \$350 million more for discretionary grants, which are not processed through State planning bodies.

I would remind you that the Attorney General himself predicted that the Federal Government's commitment would probably reach \$1 billion annually in the near future.

The morning paper reported an 11-percent increase in crime as reported by the FBI. Crime is here now. Maybe it will be in the future. We hope it will be less.

I maintain that the time to make that commitment is now, not at some later date when the problem has grown worse. A \$1 billion commitment now, today, will save other billions in the years to come.

We cannot tell how many lives it will save, as well.

It is an investment we cannot afford not to make.

Understandably, LEAA funds to date have concentrated on the needs of law enforcement. But we all recognize that the solution to the Nation's crime problem lies not only in the hiring of more policemen, important as that is; or the building of more jails, important as they are; or added courtrooms or improved correctional facilities, as essential as they are.

The solutions lie in a comprehensive program that recognizes that law enforcement, the courts, the jails and reformatories, better juvenile systems, more assistance to young people in breaking off addictions that they have unhappily acquired, narcotics and dangerous drugs, all these things are interwoven, all integral and inseparable parts of a complex criminal justice system.

To accomplish these objectives, I believe that certain statutory changes, as well as funding increases are required for LEAA's future operations.

The term "law enforcement" should be broadened to include the courts, corrections, probation, parole, rehabilitation, and related social services in addition to the present definition of police efforts.

We must also put great additional emphasis in the area of youth crime.

I further recommend removing the prohibition against funding programs that ask for more than one-third of the grant for personnel costs.

We would all agree that ideally a police department should attract the highest caliber of personnel, preferably persons with college training and backgrounds in criminology.

Very soon a city in my own State hopes to make application to LEAA for funds to materially upgrade its force by providing for lateral entry from other departments and seeking college-trained personnel.

The job of a policeman today, Mr. Chairman, is a challenging job. It requires training, education, and skill, as well as character and courage for the job to be done adequately.

The LEAA application may be turned down because funds in excess of one-third of the program cost for personnel may be required.

But I am almost certain that even if the one-third limitation is removed, LEAA will nevertheless turn down this exciting opportunity on the grounds that it does not have enough funds.

Can we not provide LEAA with enough money to finance a breakthrough in police recruitment and personnel management?

I propose that we give LEAA the funds to make a real beginning in changing our outdated police personnel practices.

I propose that we give it the money to make these and other breakthroughs in the common objective of controlling and preventing crime.

We should not allow those who tell us today that they cannot use additional money to blame us tomorrow for not providing them with the funds to do the job.

I also take issue with those who say that the courts and correction and probation services are generally State functions. In innumerable instances, this is simply not the case.

In my own District, for example, the county government administers an 11-story jail filled to overcapacity—where, incidentally, we keep county and Federal prisoners—a county home for delinquents, a dilapidated youth home for detaining juveniles, a barracks-like stockade and a metropolitan court with an ever-increasing case backlog problem.

Most of the 27 municipalities in the metropolitan Miami area also provide city courts and maintain police departments of varying size.

Nearly all of these local units of government are strapped to maintain, let alone upgrade, their courts and police forces.

Our police chief told me in the city of Miami that on account of constitutional ceilings on taxes in the county, the police department was going to have to cut back personnel instead of increasing.

The chief of police of Miami said that in order to set up a small anti-organized crime unit in his Miami Police Department, he had to take funds that should have going to putting more patrolmen on the streets to protect the people on the streets.

So all over the country we found the same problem of local authorities simply beyond their ability to spend a great deal more in meeting the crime problem in their respective areas.

There are simply not enough funds available on the local level for undertaking expensive new programs. It is not a question of need, it is a question of money.

Therefore, I suggest that the committee consider a flexible matching fund ratio based on the ability of a State or city to contribute.

The States and the local communities used to build roads, but now we help them build roads by making a very large contribution to their ability to build roads.

They used to build their own hospitals and now under the Hill-Burton Act we will allow 45 percent of the cost of building hospitals from the Federal Government, a hospital to be used in a local community. But we aid them federally because they don't have the funds, generally, to build the needed hospitals.

Mr. McCLORY. Would the chairman permit a question at this point?

The CHAIRMAN. Yes, Mr. McClory.

Mr. McCLORY. Mr. Pepper, are you complaining about the manner in which the distribution has been made, even though there have not been adequate funds to take care of a great many problems?

Do you think the LEAA has been fair in their distribution consistent with the statute we enacted? Or do you think that they should have distributed more locally and less on a regional, State or rural basis, and that the legislation should be amended to implement changes in distribution.

Mr. PEPPER. As we heard witnesses, the top officials of the municipalities of the country and cities, big cities and small cities, the complaint was universal, that they were not getting enough of the funds that the Federal Government was making available.

I know that an argument can be made on the other side, that the block grant system is a desirable one. I guess perhaps it depends on the point of view and the interest of the one who is doing the speaking.

But even if you are going to use the block grant system, I am convinced there must be a very much larger discretionary fund in the LEAA authorities so that they can use the money to help the cities where the load is the greatest, the need the most pressing, and to provide assistance in areas where more assistance is desirable.

More help is needed in the youth field, I have been convinced, as we have conducted more and more of our hearings and studied more and

more the subject. Just last night I had a thrilling conversation with a doctor from the University of Alabama Medical School who was talking about the medical problems of the adolescents. He used the term to describe youth between 13 and 19 years of age. He said they are too old for the pediatrician and they are generally considered a little too young for the ordinary doctor. So they are sort of the forgotten group in the medical profession. I said:

What you are saying is so interesting to me because we are concerned in the Congress about youth crime. We want to talk to you doctors about the psychology of these youth who do perpetrate crime. But that area, which is so promising, is an area where we are doing relatively little under the LEAA program. It wasn't particularly set up for that.

The Agency for the Prevention of Juvenile Delinquency got \$5 million last year. I believe this year they are to get \$12 million, according to the recommendations of the budget.

This whole 50 percent of the boys and girls who come into the juvenile courts go into the prisons of the country, the juvenile judges have been telling us.

So either we should change the system and put more money where the need is greatest, or we should, as I have proposed in my bill, provide a larger discretionary fund in the LEAA for them to provide assistance where the need is the greatest.

Present authority provides 75 percent Federal and 25 percent local contribution for organized crime and civil disorder control; a 50-50 split on construction of new buildings and facilities and 60 percent Federal and 40 percent local funds for the remainder of the fundable programs.

We may well consider it best to judge an application for improving the courts, the police or correctional facilities, not on the basis of local matching contribution but on the basis of need.

If it is clearly demonstrated that a program is sound though the funds may be lacking under a matching fund formula, then LEAA should be flexible enough to make up the difference through a larger Federal share.

In the distribution of our school funds, we take into account the ability of the local authorities to contribute.

We should not, for example, turn down an application for funds to fight organized crime, which is a national problem, simply because a State is able to pledge only 15 or 20 percent matching funds though 25 percent may be required.

I also suggest that an appeal procedure be established that would permit cities to bypass State planning agencies and request regional LEAA consideration of a program if the State fails to act favorably on an application within 90 days.

I agree with the statements of others before this committee—notably the Attorney General—in claiming that there is not enough expertise on the Federal, State, and local level to plan for the efficient expenditure of LEAA funds.

If cities in my own district are examples, of the Nation as a whole—and I believe they are—then there is not enough knowledge among local officials of how to submit fund applications or even what funds are available. As a service to small and medium-size cities, LEAA

should consider providing field personnel through its regional offices to advise municipalities on the drafting of applications. All of this requires a lot of money—a good deal more than the administration has seen fit to request at this time.

In his statement to the committee, the Attorney General said:

I think the day is gone when cities were independent political fiefdoms, running their affairs without any consideration for the areas and even the States they dominate.

This could perhaps equally be said of the relationship of the States to the Federal Government. For it is for Congress to search out the means to assure that a citizen will be just as safe in life and property in Portland, Oreg., as in Portland, Maine.

I will briefly add this, Mr. Chairman: To those who say that we cannot afford to provide more money to fight crime, let me say two things.

First, as I have heard the statistics summarized by the FBI, crime costs our country about \$50 billion a year. We expend from all sources to fight crime, I am advised, about \$5 billion a year.

We are trying to attack a \$50 billion problem with a \$5 billion effort.

The other statement: We had hearings recently in Washington. One man, a businessman, had for 25 years been building up a TV and appliance business here in the District of Columbia. That man had made that his life and his objective for a quarter of a century. He had built up a business which was grossing \$1 million a year. And then a series of robberies began to affect and to attack his business. He was robbed 28 times.

His business was best from 4 or 5 o'clock in the afternoon to 9 o'clock in the evening. But because of his incessant robberies and the fear of people who generally came in, family groups, to look at TV, appliances and the like, became afraid to come. So his business fell off.

The result is that that man finally gave up his business and lost \$90,000 in doing so. He finally sold out, liquidated.

They raised his premium on burglary insurance to the point where it became economically prohibitive for him to pay it, so he dropped his insurance. Therefore, he had no compensation for the losses that he sustained from burglaries and robberies. Finally, when he liquidated everything, he had at a loss of \$90,000, and the loss of a business that was grossing \$1 million a year. He was still stuck with a 3-year lease on his building at \$750 a month.

He tried to find another building in which to start his business somewhere else. He still hasn't found one after some months of looking, and he was making a temporary association with his son out in Bethesda to try to stay in business at all.

Another man had a comparable experience. He lost \$75,000 and he testified that he has become so dissatisfied with trying to do business in our area that he was moving to Canada, because he heard that law enforcement was better and crime was less in Canada than it was here.

They were two responsible businessmen in the District of Columbia. Whether we appropriated any money or not, their \$90,000 and \$75,000 was already spent in the area of crime—victims to criminality.

So people in this country are paying whether we appropriate any money or not, and they will pay more, I respectfully submit, Mr. Chairman and members of this honorable committee, the less money we appropriate.

I commend the distinguished chairman for his bill proposing the \$750 million. I would go a quarter of a million dollars more, to \$1 billion.

The CHAIRMAN. We will take into consideration your recommendations. I am quite sure we can come up with something that will be satisfactory to you.

Mr. PEPPER. This committee has taken a distinguished lead in the whole field. I commend you and want to support you in every way I can.

The CHAIRMAN. Thank you.

Our next witness is Mr. Louis Oberdorfer, a member of the Law and Government Task Force of the Urban Coalition.

Appearing with him is Mrs. Sarah Carey, executive associate for law and government of the Urban Coalition.

STATEMENT OF LOUIS F. OBERDORFER, ESQ., MEMBER OF THE LAW AND GOVERNMENT TASK FORCE OF THE URBAN COALITION, ON BEHALF OF THE URBAN COALITION ACTION COUNCIL; ACCOMPANIED BY MRS. SARAH CAREY, EXECUTIVE ASSOCIATE FOR LAW AND GOVERNMENT OF THE URBAN COALITION

The CHAIRMAN. I notice you have a very comprehensive statement. We will accept your full statement for the record with the attachments.

If it is possible to summarize your statement, the committee would greatly appreciate it. But use your own discretion.

Mr. OBERDORFER. Thank you, Mr. Chairman. I will submit the statement for the record.

(The statement referred to follows:)

STATEMENT OF LOUIS F. OBERDORFER, ESQ., ON BEHALF OF THE URBAN COALITION ACTION COUNCIL

The Urban Coalition Action Council has a direct interest in the reduction of crime and the effective operation of the nation's criminal justice systems. Business and community growth in the cities is being thwarted by the rising cost of crime; inner-city neighborhoods complain of inadequate protection from crime; a disproportionate number of disadvantaged people pass through the criminal justice system, partly because poverty breeds crime and partly because the system affords unequal treatment to the poor and to minorities. And yet of all urban institutions, the police, the courts and the corrections institutions are among the most resistant to change.

Title I of the Safe Streets Act of 1968, the grant program administered by the Law Enforcement Assistance Administration (LEAA), is the only major federal program capable of halting rising crime rates and reforming the agencies of the criminal justice system. For this reason, the Coalition has followed it with great expectations. In June, 1969, the Urban Coalition published a report, "Law and Disorder: State Planning Under the Safe Streets Act of 1968," pointing out evolving patterns in the state planning process which threatened to impair the effectiveness of the federal grant program. Based on an examination of 12 states: California, Florida, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, and Texas—the report suggested that: (a) participation in the planning process was limited to a narrow group of officials criminal justice professionals and local government representatives, the same people who administer the system in need of reform. No effort was being made to provide linkages to the many private and public agencies concerned with the development of human resources essential to the prevention of crime or the rehabilitation of criminals.

Nor were the insights of those who had been "clients" of the system being sought.¹ (b) Many states had—at the suggestion of LEAA guidelines—created a regional substructure under the state agency which was not functionally relevant to the problems of the criminal justice system and which was either inoperative or ineffective in serving its intended purpose as a conduit for local participation. (c) Partly because of the regional structure and partly because of the structure of the state agencies, the planning process was reinforcing rather than overcoming the traditional fragmentation of the criminal justice system so that none of the agencies involved was taking into consideration its relationship to the other agencies. (d) With a few exceptions, planning efforts were suffering from a lack of know-how, both in terms of structuring a state operation and in terms of substantive programming goals. The report found that the Justice Department was doing little to overcome this deficiency.

Recently, the Coalition has updated these findings. Experienced reporters at the state and local levels were assigned to collect data on and to assess the operations of the 12 state planning agencies. Interviews were held with the relevant state officials and with others familiar with the program. In addition, Coalition staff members visited a number of the states and conferred with other national organizations familiar with the program.

Despite one year of full operation under the Act, many state programs have not gotten off the ground. There is evidence that in many cases the planning process is a paper exercise, unrelated to the actual distribution of action funds. Planning funds are not reaching local governments but are going to regional entities which in most cases have no operational responsibilities. Many program grants are being dissipated—geographically and programmatically—in part because of the structural difficulties outlined in "Law and Disorder", in part because of a lack of leadership on the part of both federal and state agencies and in part because of a lack of public commitment. The broad dissipation of action funds has meant that the money is not being focused on major impact programs or going where the crime is, that is, to urban population centers. The National League of Cities recently demonstrated that cities such as Toledo, Scranton, and Houston had received none or only small amounts of their state funds. Our survey added to that picture. For example, in Ohio, of \$1.2 million, Cleveland received \$38,000 and Dayton, \$31,000. In Michigan, Grand Rapids received \$188.

The action money has gone overwhelmingly for police expenditures with negligible attention to areas such as corrections and juvenile treatment, narcotics control or court reform. The heavy emphasis on police, if continued, could cause a serious dislocation in the entire system of criminal justice. Further, there is little evidence that more sophisticated police equipment produces measurable results in preventing crime. On the other hand, it has been shown that meaningful treatment in corrections institutions brings down recidivism rates; controlling narcotics addiction does away with those crimes of violence caused by the compulsion for drugs. Applying simple cost effectiveness standards, it would seem that investments in these latter areas should receive priority over the former. Yet they have to date been largely neglected.

In the 12 states surveyed, only \$1,109,776 has been committed to corrections, while \$11,563,738—more than 10 times as much—has gone for police projects. \$1,140,708 has been spent on court reform. Looking at the specific states, we see that in Ohio, 92% of state expenditures made to date have been in the police category; in Indiana, 81%; in Illinois, 79%; and in Pennsylvania, 80%.

We agree with the findings of the Violence Commission and the mayors that substantial increases are needed in the federal expenditures for crime control; but until measures are taken—by amending the Act or altering Justice Department regulations—to insure that the action funds will be used effectively, we recommend holding LEAA funding at its present level or restricting funds to the \$480 million level, as the Attorney General has recommended.

FEDERAL AND STATE LEADERSHIP

The Justice Department has played a minimal supervisory role in handing out \$63 million of grant money which if carried over to \$1 billion funding could

¹ The administrators of the program have acknowledged the Congressional intent to include representatives of citizen and community interest in the state planning agencies, but have done little to implement this intent. [Speech by Charles Rogovin; Stark County Bar Association; Canton, Ohio; May 2, 1969.]

have a negative impact. Although the LEAA "Annual Report" points to an impressive regional structure and provides numerical tabulations of technical assistance, telephone responses and meetings, the Administration has provided little leadership in the establishment of priorities, the proper structure of regional and local planning mechanisms or the development of sound action programs. Yet state agencies, in many instances, are looking for meaningful goals, measurements and guidance. This year's Coalition survey showed that at least one state agency chairman had had no contact with his regional LEAA representative; another state agency executive director, when asked the extent of his contact with LEAA, said he would like to "get on their mailing list," and several agencies complained of the fact that they had no knowledge concerning what was going on in other states or cities. The problem was particularly acute in the mid-West where the directorship of the LEAA regional office in Chicago has remained vacant.

Furthermore, LEAA effectively cut itself off from a meaningful review of FY 1969 plans by failing to require states to show where the action money would be spent geographically or for what specific purpose; instead, plans described general categories such as "crime prevention" without sufficient information to gauge the nature or impact of the program. A consultant hired by LEAA to assess the state plans concluded that the vagueness and lack of comprehensiveness in action grant proposals precluded meaningful evaluation. Although changes made by LEAA in the guidelines for FY 1970 require state plans to provide more specifics in regard to the geographical and categorical distribution of action money, this improvement has been more than offset by the Administration's agreement to make 50% of FY 1970 funds available to the states on the basis on the 1969 plans.

Last year, LEAA funded as adequately "comprehensive" even the most deficient plans; in fact, the heavy emphasis on police programs at the expense of other areas of the criminal justice system raises serious questions as to the Department's interpretation of the term. Nor has LEAA given much attention to the Section 303(4) provision that the plans must be innovative.

In the past, LEAA explained its limited leadership role by asserting that crime is a "state and local problem" and Congress did not intend it to direct the states in their program efforts. We disagree with this interpretation. The language of Title I, Sections 515(b) and (c) requires LEAA to play a leadership role. Last week, the Attorney General told this Committee that LEAA was "designed to provide leadership, . . . and technical assistance to help the states and cities." Congress should affirm the Attorney General in this interpretation and, in addition, should:

—Amend the Act to provide additional directives to the LEAA to play a guidance and technical assistance role.

—Provide greatly increased appropriations to the National Institute of Law Enforcement and Criminal Justice to expand its efforts in researching the causes of crime and the most effective ways of treating them. Further, the Institute should be given broad responsibility and increased staff for evaluation of state and local programs and for direct technical assistance to units of local government. The Institute should also play a role in the substantive evaluation of state plans to assess the potential of proposed projects for reducing crime.

Much of the blame for the low level of performance under the Act rests at the state and local levels. Neither public interest nor government commitment is at a high level. The states have not succeeded in providing the leadership which the LEAA has been so willing to transfer to them. For example, one state set forth 14 objectives for local planning agencies, only 3 of which could be interpreted as encompassing purchases of equipment. Yet over 55% of the state's committed FY 1969 action money has gone for equipment. Other states have allowed funds to go for routine expenditures which had been neglected before the federal dollars became available, such as lighting, police uniforms or basic office equipment.

Some governors have failed to support the implementation of the program. In one state, the governor, as part of an overall cost reduction effort, has a staff of five professional (with an executive director earning \$15,000) to administer a program that will involve over \$7 million this year. During FY 1969, two professionals ran the office. In another state, the agency administrator claimed that he could not take steps to broaden his regional planning units to end the police domination of the program because without the law enforcement lobby at the state level, he would be unable to obtain the matching funds necessary to trigger the federal grants. Although some state legislatures such as Illinois and North

Carolina have exceeded the matching funds required for LEAA grants, a number of state agencies are experiencing difficulty in getting legislative support.

A few states have had difficulty finding interested applicants for the action funds. Several states have not generated a sufficient volume of project proposals because they have failed to get information about the program out to the cities and localities. Others have transmitted conflicting information which has made it difficult, if not impossible, for the local governments to respond.

THE PLANNING PROCESS

A. Structure.—The 12 states surveyed by the Urban Coalition each have an advisory planning board at the state level—ranging in size from 41 to 8, and a staff ranging from 58 to 5—to work with the board in the development of plans and programs.

With the exception of Massachusetts and New Jersey—which scrapped an ineffective regional network to work directly with the cities and counties—all of the states have created regional substructures under the state agency with responsibility for (a) developing regional plans and (b) developing and reviewing action grant applications from localities situated within the region. In some states, major cities—such as New York and Philadelphia—constitute regional entities in themselves.

In the majority of states, however, local governments can participate in the Title I program only through a regional structure (see Exhibit A showing sample structures) which in many instances represents an arbitrary geographic carving up of the state. In some states, such as North Carolina and Texas, the regions are being used effectively to overcome deficiencies in local resources and to provide for cooperative efforts on overlapping problems. But, by and large, the regional approach has tended to preclude cities from receiving planning funds, to reduce their chances of getting adequate action money, and in some instances, has undermined the power of the mayor. We seriously question whether the regional structures imposed by some of the states is authorized under Title I. The language of the Act authorizes state plans to "encourage units of local government to combine or provide for cooperative arrangements;" it does not suggest compulsory joinder. It is our position that the regional units are authorized only if they serve a functional purpose, if they are voluntary and if the fundamental planning needs of the cities are accommodated.

Many regional structures have failed to give adequate representation to major cities within their borders. Detroit and Wayne County, for example, with 40% of Michigan's population and one-half the serious crime, are grouped together with 6 other counties into 1 region while less-populous cities such as Lansing are in regions with only 2 or 3 counties.

The City of Cleveland has only 6% representation on Ohio's Region IV, but 25% of the population; the mayor has recently filed suit against the regional council challenging the regional composition. Similarly, Gary, Indiana has only two representatives on Indiana's Region I. Under-representation of major cities on regional boards is particularly serious in those states where such cities are not given fair representation on the state board. It is their only opportunity for participation, in policy formulation under the program.

Title I allows a diversity of planning levels to meet a range of operational needs. State planning should deal with those problems dependent on the state for resolution such as reform of the criminal law and the laws pertaining to the operation of local criminal justice agencies, upgrading the many state law enforcement agencies and coordination of state-wide problems. The state should also provide guidance and innovative ideas for localities with major crime problems. Regional structures should be used—if at all—to maximize the limited resources of small jurisdictions through sharing and joint investments and to overcome jurisdictional limitations which prevent localities from effectively dealing with crime and criminals. Cities, as the Violence Commission has pointed out, should engage in city- or metropolitan-wide comprehensive planning for reform of locally-based agencies of criminal justice. Of the three, planning at the city level is the most important for the control of crime.

This is not the way Title I is working. No planning funds are reaching those cities which do not constitute regions to assist them in the development of local plans or to enhance their participation at the regional level. In some cities, police chiefs, prosecutors, and other criminal justice officials serve on regional boards lobbying directly for state funds without city-wide clearance. The lack of

a required mayor's sign-off has placed the police in a position of political independence from the chief elected official.²

At the regional level, the picture is not much more promising. Few regions are operational, developing plans and receiving funds for programs which should appropriately be conducted on a regional basis. Most are either like California's Los Angeles sub-region—generating complex regional plans which have little impact on the state plan and no relationship to action funds—or like Indiana's and Illinois' regions which do little more than sign application from the region to the state agency.

The states, on the other hand, have tended to go to two extremes: some have developed too detailed and complete plans which in effect preclude localities from developing comprehensive local plans by requiring them to fit within one of the State's preferred categories; others have avoided planning responsibilities entirely by filing plans which are so general in nature—sometimes written by consultants hired for that purpose—that almost any subsequently submitted proposal can be tailored to fall within the plan. To illustrate the former, Illinois submitted a list of 24 program areas in its 1969 plan. As of March, 1970 funds had not been granted in 12 of those areas because no requests had been made for the designated programs. States suffering from the latter problem tend, as did Indiana, to fund numerous, scattered, small-impact programs—one grant in that state was as small as \$60.

We recommend that:

—Regional networks be scrapped unless they are operational, performing functions which require a regional body and unless they contribute voluntary combinations of units of local government;

—All major cities be given the opportunity to relate directly to the state agency;

—The chief elected official from units of local government be given final sign-off authority on proposals originating within their jurisdictions;

—A substantial percentage of the planning money allocated to each state be required to go directly to major cities to assist in the development of comprehensive local plans.

—Technical assistance be provided by both the LEAA and the state planning agencies to assist localities in the development of reform projects, with particular emphasis on those areas of the criminal justice system such as courts, corrections and narcotics control, not now receiving adequate attention.

By and large, state planning agencies, the final repositories of the decision-making power in the planning process, continue to be dominated by professionals and experts in the criminal justice field with some representation of state and local government officials. There is an across-the-board shortage of representatives from public and private social service agencies or from citizen and community interests. Coordination with Model Cities and poverty programs is inadequate. Of the 302 members on the boards of the 12 states surveyed, only 14 represent "community and citizen interests," 20 represent public and private social service agencies.

New Jersey's 14-man board and North Carolina's 26-member board have no representatives outside of criminal justice professionals; Florida's 29-member board has only 3 persons outside of these categories and Michigan's 28 member board has only two. The states which have attempted to broaden planning and programming participation through additions to their regional boards have, for the most part, failed to provide grass-roots community involvement; nor have they altered the decision-making process which places responsibility for deciding where state funds should go. (Exhibit B is a breakdown of the composition of the 12 state planning agencies surveyed.) Despite Justice Department assertions that participation in the planning process would be broadened during FY 1969, criminal justice officials continue to dominate the planning process.

At least one state, Massachusetts, has no minority members on its state board, while another, Mississippi, is being challenged under Title VI of the Civil Rights Act of 1964 because of the composition of its board. Further, the Justice Department has failed to develop clear policy guidelines in regard to Title VI practices under the LEAA program. The Civil Rights Commission reports that the Administration has no mechanism for measuring performance in this area and no staff

²A number of states, such as Texas, have overcome this problem through planning agency regulations. Some mayors have set up special divisions within their offices for clearing all applications.

person with responsibility for determining whether the program is in conformance with the civil rights laws.

LEAA officials have claimed that there is substantial minority participation on the planning agencies. Our figures show that there is some minority participation but almost all are either local government officials or criminal justice officials.

Officials of the Community Relations Service of the Department of Justice have reported that LEAA has not tried to alert community groups to the program nor to work with them; the state agencies have provided no machinery to prompt minority interest. Even where mechanisms already existed to provide for such participation, they are apparently being ignored.

The failure of the state agencies to adequately provide for participation of business, labor leaders and people with links to community groups and community problems as well as to relevant social service agencies is partly the fault of heavy reliance on regional and state structures. Such participation can best be built in at the local level. At least one state reported that a number of community-based programs had been killed off at the regional level where law enforcement officials dominated the boards. In any event, its absence, resulting in the closed nature of the planning process, has had a negative impact on the planning process. It explains in large part the striking lack of innovative programming in the states and the tendency to "buy more of the same old stuff."

The isolation of the criminal justice system from other influences and resources in the society has and continues to be a major cause of its backwardness. Until linkages are made with private agencies, civic organizations, volunteer groups and grass-roots organizations, it will be difficult to develop effective crime prevention programs or improved community relations. A couple of states have either provided genuine community representation at the state level or structured it into the staff; some states have begun to recognize the necessity for such involvement but most have not yet begun to think of the resources available if the process is extended beyond criminal justice professionals.

To broaden and strengthen participation in the planning process, we recommend:

—Creation at the Federal level of a national advisory committee of private citizens to advise LEAA on overall program goals, to assess LEAA long-range planning and short-run programming and to report to the Congress on an annual basis with recommendations for strengthening the performance of the government in achieving reform of the criminal justice system. The Committee should include community and minority interests familiar with the problems of the criminal justice system as well as representation from urban reform programs; no more than 1/3 of the members should be criminal justice professionals.

—If LEAA guidelines requiring representation of "citizen and community" interests on planning bodies continue to be breached, Congress should make specific provisions in Title I to broaden participation in regional and local as well as state planning agencies to insure greater representation for social service, civic and community organizations. The Community Relations Service should be called upon to assist in structuring and evaluating community participation.

DISTRIBUTION OF ACTION FUNDS

The data collected by the Urban Coalition from the 12 state planning agencies shows that in most states action funds were widely scattered geographically and focused primarily on alleviating already defined resource deficiencies within the criminal justice agencies. For the most part, there was little effort to develop major impact programs, the preference being to "show we're in operation by reaching a broad number of grantees." Michigan, for example, gave a local grant of \$600 for training; Pennsylvania \$509 for equipment; Indiana gave \$60 for the purchase of a narcotics detection kit; and Ohio made a \$94.80 training grant. A minority of states did not fall into this category. Examples of major impact programs are: Michigan's juvenile court and probation staff training program; Massachusetts' comprehensive reforms of the criminal and juvenile codes and the same state's Youth Resources program. Illinois' police management studies program aimed at consolidation of small ineffective departments and the efforts of California and other states to develop meaningful data on the characteristics of crime, criminals and the agencies which deal with them are also major impact programs of promise.

Many states failed to pose fundamental operational questions in defining priorities for the various agencies submitting grant requests. For example, nationally, the number of programs to reform the criminal law were few and

small-scale. The tendency was to ask the operating agencies for their list of priority expenditures without looking to see whether performance would be better improved by altering the whole method of operation so as to obviate the necessity for the expenditures. One priority list submitted by a state corrections department listed 19 items ranging from increased salaries, to a dishwasher for the prison dining room, to plumbing renovation, with no reference to training, treatment or other aids for inmates. (Exhibit C sets forth a breakdown of the FY 1969 action funds committed by the 12 states as of March, 1970, and provides complete grant listing for sample states. It should be noted that some states had significant amounts of local action money unallocated as of these dates.)

Police programs clearly dominated the first year of grants. This, in part, reflects the fact that Title I as presently written, particularly Section 301 (b) (1)-(7), suggesting appropriate action grants—focuses almost exclusively on the police. In addition, police tended to be better prepared in pulling together proposals, to have substantial political backing and to be viewed as the prime actors for reducing crime and bringing about criminal justice reform.

The largest single funding category was equipment, with 58% of the police expenditures. Generally, police equipment expenditures varied in sophistication reflecting existing funding levels for local departments within the states: lower-funded departments such as Indiana, Florida and Ohio received basic equipment such as cameras, radios, cars; better-funded departments such as Michigan and California received sophisticated communications systems, management systems and training. A large number of grants were so small in size and so insignificant in purpose as to insure little improvement in present operations. This was particularly true of some of Indiana's, North Carolina's and Pennsylvania's police grants. Some States with few big population concentrations made unjustified expenditures for riot equipment, probably because of the 75% federal match. However, other States such as New York and Illinois made deliberate efforts to use riot funds for programs to reduce community tensions rather than for equipment.

By and large, police expenditures went to support present practices and methods of operation. There was little innovation, functional reform or alterations in the relationship of police departments to the neighborhoods they serve, even though these categories of expenditures tend to cost less than equipment. Although great emphasis was placed on increased efficiency in the apprehension of offenders and processing them through the system, relatively little attention was given to prevention or the building of community structures that will help reduce the incidence of crime. Eight per cent of the police funds went to police-community relations programs. These tended to focus on programs to educate the community about the police or to assign the police functions which could better be performed by City Hall; there were few new "grievance resolution mechanisms", "community patrols" or "neighborhood participation" programs as suggested by Section 301 of Title I.

Expenditures in the 12 States on court reform constituted 7.5%³ with emphasis on studies of present court procedures and with some money going to building up prosecution and defense resources. A consultant to LEAA, hired for the purpose of assessing the state proposals for court reform, Professor Harry I. Subin of the New York University School of Law, pointed out that much of the money was going for studies—in many cases, for problems or programs that had already been extensively studied, suggesting that the states needed information more than money. Professor Subin deplored the lack of action programs and of new approaches to court reform. The Coalition survey reinforces Prof. Subin's findings.

Despite verified statistics on the failure of present corrections institutions to provide the treatment and training necessary to enable their inmates to return to play a constructive role in society and despite rising recidivism rates, corrections programs have received less than 9% of the total action money in the 12 state surveyed. In two major states, California and Texas, only 1% on the local action funds went to corrections. Of the total corrections expenditures, 50% went to improved treatment. It is essential that expenditures in this area be increased and that linkages be established between existing corrections institutions and public, private and community groups possessing education, job training, counselling and other supportive resources.

³ This is higher than the national average; at least 35% of all 54 plans had no court programs.

Two other fields with a proved relationship to rising crime rates—juvenile programs and narcotics control—received less than 5% and 2% respectively of the 12 state funding. This is particularly low in view of the fact that the Coalition survey focused on urban states where juvenile delinquency and drug addiction are major problems. Effective programs in either of these areas could unquestionably have a major impact in the reduction of crime. In some states, planning agencies seem to be confused over the division of responsibility between the Department of Health, Education, and Welfare and the Justice Department in the juvenile area. We recommend higher funding for the HEW program in the future.

Across-the-board, a major hurdle to innovative program development has been the Title I restriction on state or federal grants to private entities and the one-third limit on contributions to salaries. In some areas such as crime prevention, rehabilitation and community involvement, private organizations have far greater capabilities than do public agencies. A number of private agencies, such as the Vera Institute of Justice in New York City have a demonstrated capacity for developing new operational models for the police or the courts. The major cost to these groups in developing programs is salaries.

To redress the imbalances in programming, to insure a high level of innovation and to provide for the balanced development of the nation's criminal justice systems, it is recommended that Title I be amended:

—To either impose a ceiling on police expenditures or to specify minimal expenditures for court reform, corrections, juvenile programs and drug abuse. Appropriate examples of expenditures in these areas should be included in the legislation in the same manner as Sec. 301 spells out police programs.

—To authorize grants from the states and the federal government to private organizations and to remove the one-third restriction on salaries for persons developing experimental and research programs.⁴

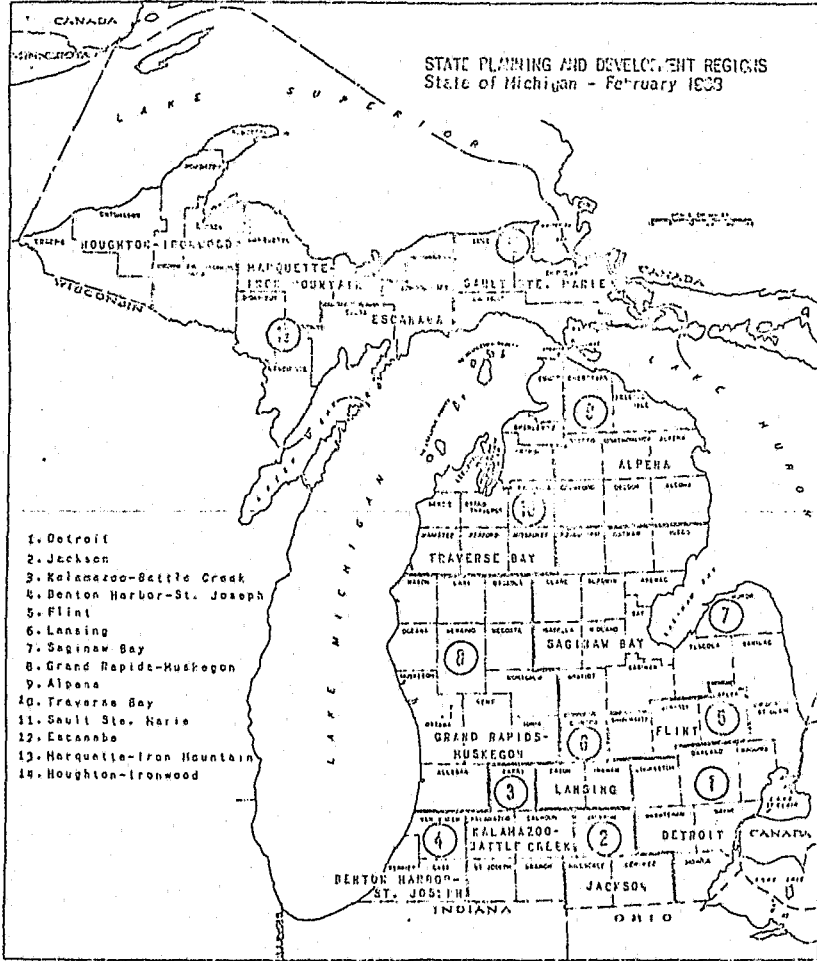
—To require that 10% of the appropriations for the National Institute for Law Enforcement and Criminal Justice be earmarked for much-needed experimentation at the neighborhood level for criminal justice reform programs.

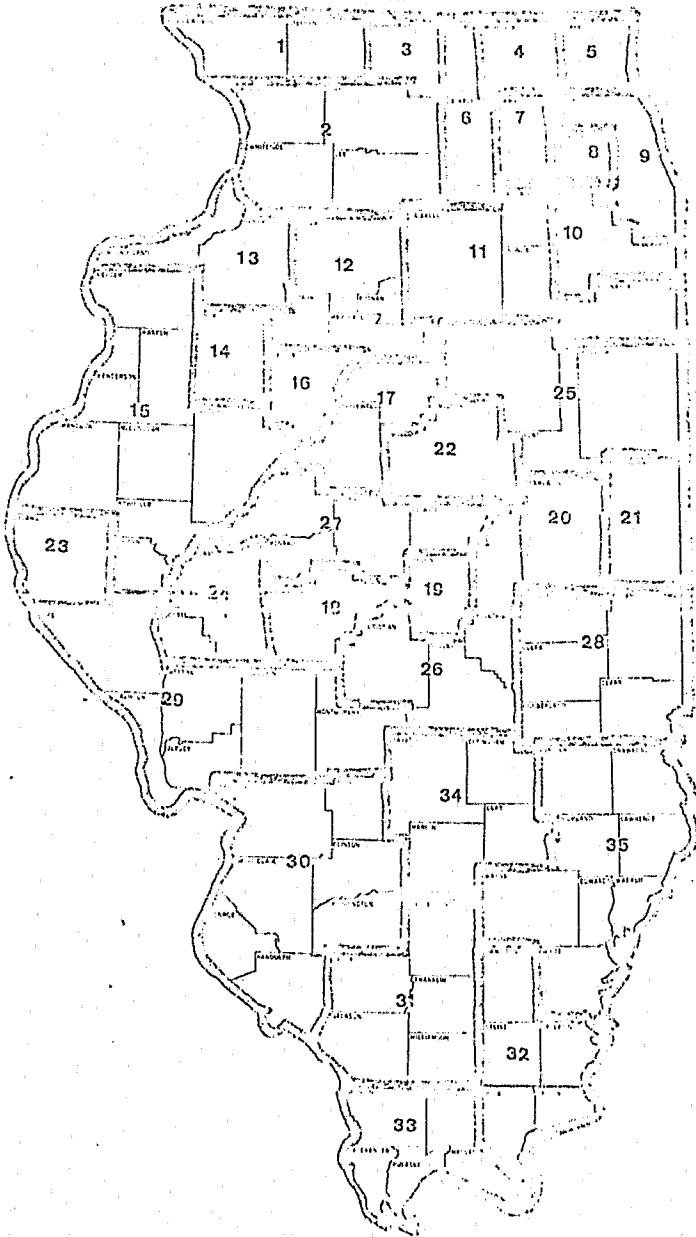
In regard to the geographic distribution of the action funds, the Urban Coalition Action Council agrees with the mayors and others that the cities with high crime rates have not received adequate attention in the first year of grants. If the federal government is to invest in a funding program to reduce crime and increase public safety, the money must reach the cities. The steps we have recommended to change the regional structures, to assure the major cities both planning funds and direct contact with the state boards and to broaden the planning process will do much to achieve that result. In addition, we urge the Congress to play a watchful role to assure that the 75% action monies which must go to local units of government as well as the 15% federal discretionary funds reach the areas of highest crime and are not dissipated on regional operations or local areas with minimal crime problems. In addition, we recommend that a substantial percentage of the proposed increased funding for the National Institute for Law Enforcement and Criminal Justice be set aside for urban impact programs.

In closing, I would like to comment that the task of reducing crime and reforming the institutions of our criminal justice systems is an extremely difficult one, but one that is essential to our survival as a nation. We believe that the evaluations and recommendations we have discussed with you represent a constructive attempt to get the program on the right track before it becomes frozen in patterns that preclude the effective expenditure of federal funds.

Thank you.

⁴ 1960 expenditures show that training, development of new techniques are generally less costly than equipment—particularly in those instances where construction of new facilities is not required.





Illinois
Law
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Commission

REGIONAL
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PENNSYLVANIA DEPARTMENT OF JUSTICE
PENNSYLVANIA CRIME COMMISSION
REGIONAL PLANNING AREAS

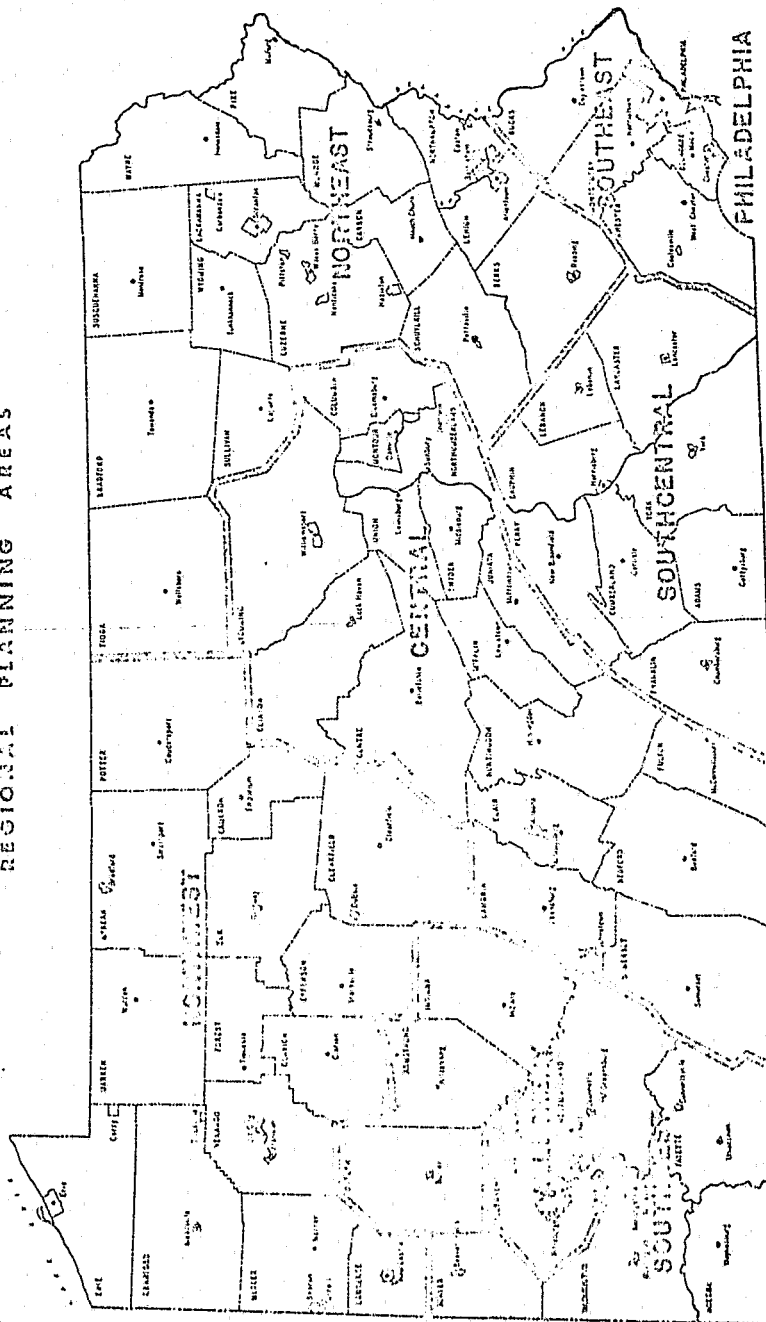


EXHIBIT B

CALIFORNIA—COUNCIL ON CRIMINAL JUSTICE—28 MEMBERS*

1. Criminal Justice—9:
 - A. 4 State.
 - B. 4 Local.
 - C. 1 Private.
 1. 3 Police.
 2. 3 Courts.
 3. 2 Corrections.
 4. 1 Private.
2. Governmental Units—15:
 - A. 8 State.
 - B. 7 Local.
3. Public and Private Social Service Agencies and Social Scientists—2.
4. General Citizen and Community Interest—2.

FLORIDA INTER-AGENCY LAW ENFORCEMENT PLANNING COUNCIL—29 MEMBERS**

1. Criminal Justice—18:
 - A. 8 State.
 - B. 8 Local.
 - C. 2 Private.
 1. 9 Police.
 2. Courts.
 3. 5 Corrections.
 4. 2 Private.
2. Governmental Units—8:
 - A. 6 State.
 - B. 2 Local.
3. Public and Private Social Service Agencies and Social Scientists—2.
4. General Citizen and Community Interest—1.

ILLINOIS LAW ENFORCEMENT COMMISSION—31 MEMBERS***

1. Criminal Justice—24:
 - A. State—5.
 - B. Local—14.
 - C. Private—5.
 1. Police—7.
 2. Courts—7 (Includes prosecutors, defenders, etc.)
 3. Corrections—5.
 4. Private—5.
2. General Units of Government—4:
 - A. State—0.
 - B. Local—4.
3. Public and Private Social Service Agencies and Social Scientists—2.
4. General Citizen and Community Interest—1.

INDIANA—CRIMINAL JUSTICE PLANNING COMMISSION—13 MEMBERS****

1. Criminal Justice—8:
 - A. 3 State.
 - B. 5 Local.
 1. 2 Police.
 2. 5 Courts.
 3. 1 Corrections.
2. Governmental Units—4:
 - A. State.
 - B. 3 Local.
3. Public and Private Social Service Agencies and Social Scientists—0.
4. General Citizen and Community Interest—1.

*Minority membership—2 (black).

**Minority membership—2 (1 black, 1 Cuban).

***Minority membership—3.

****Minority membership—2.

MASSACHUSETTS COMMITTEE ON LAW ENFORCEMENT AND ADMINISTRATION OF
CRIMINAL JUSTICE—30 MEMBERS*

1. Criminal Justice—24:
 - A. 6 State.
 - B. 17 Local.
 - C. 1 Private.
 1. 7 Police.
 2. 12 Courts (9 District Attorneys).
 3. 4 Corrections.
 4. 1 Private.
2. Governmental Units—4:
 - A. 1 State
 - B. 3 Local
3. Public and Private Social Service Agencies and Social Scientists—1.
4. General Citizen and Community Interest—1.

MICHIGAN COMMISSION ON LAW ENFORCEMENT AND CRIMINAL
JUSTICE—28 MEMBERS**

1. Criminal Justice—18:
 - A. 6 State.
 - B. 10 Local.
 - C. 2 Private.
 1. 7 Police.
 2. 8 Courts.
 3. 1 Corrections.
 4. 2 Private.
2. Governmental Units—8:
 - A. 3 State.
 - B. 5 Local.
3. Public and Private Social Service Agencies and Social Scientists—2.
4. General Citizen and Community Interest—0.

NEW JERSEY STATE LAW ENFORCEMENT PLANNING AGENCY—ADVISORY
COUNCIL—14 MEMBERS***

1. Criminal Justice—8:
 - A. 3 State.
 - B. 4 Local.
 - C. 1 Private.
 1. 3 Police.
 2. 4 Courts.
 3. 0 Corrections.
 4. 1 Private.
2. Governmental Units—6:
 - A. 5 State.
 - B. 1 Local.
3. Public and Private Social Service Agencies and Social Scientists—0.
4. General Citizen and Community Interest—0.

NEW YORK STATE CRIME CONTROL COUNCIL—20 MEMBERS****

1. Criminal Justice—12:
 - A. 6 State.
 - B. 5 Local.
 - C. 1 Private.
 1. 3 Police.
 2. 5 Courts (including 2 DA's, 1 public defender).
 3. 1 Corrections.
 4. 1 Drugs.
 5. 1 Juvenile.
2. Governmental Units—4:
 - A. 1 State.
 - B. 3 Local.
3. Public and Private Social Service Agencies and Social Scientists—2.
4. General Citizen and Community Interest—2.

*Minority membership—0.

**Minority membership—3.

***Minority membership—2.

****Minority membership—3.

NORTH CAROLINA DIVISION OF LAW AND ORDER OF THE STATE DEPARTMENT—
26 MEMBERS*

1. Criminal Justice—18:
 - A. 10 State.
 - B. 5 Local.
 - C. 3 Private.
 1. 7 Police.
 2. 4 Courts.
 3. 4 Corrections.
 4. 3 Private.
2. Governmental Units—8.
 - A. 2 State.
 - B. 3 Local.
3. Public and Private Social Service Agencies and Social Scientists—0.
4. General Citizen and Community Interest—0.

OHIO LAW ENFORCEMENT SUPERVISORY COMMITTEE—22 MEMBERS**

1. Criminal Justice—11:
 - A. 3 State.
 - B. 6 Local.
 - C. 2 Private.
 1. 4 Police.
 2. 5 Courts.
 3. 0 Corrections.
 4. 2 Private.
2. Governmental Units—5:
 - A. 0 State.
 - B. 5 Local.
3. Public and Private Social Service Agencies and Social Scientists—5.
4. General Citizen and Community Interest—1.

PENNSYLVANIA CRIME COMMISSION ADVISORY COUNCIL—41 MEMBERS***

1. Criminal Justice—26:
 - A. State—10.
 - B. Local—8.
 - C. Private—8.
 1. Police—8.
 2. Courts—6.
 3. Corrections—4.
 4. Private—8.
2. Governmental Units—7:
 - A. State—2.
 - B. Local—5.
3. Public and Private Social Service Agencies and Social Scientists—3.
4. General Citizen and Community Interest—5.

TEXAS CRIMINAL JUSTICE COUNCIL—20 MEMBERS (1 VACANT)****

1. Criminal Justice—12:
 - A. State—6.
 - B. Local—5.
 - C. Private—1.
 1. Police—5.
 2. Courts—4.
 3. Corrections—2.
 4. Private—1.
2. Governmental Units—6:
 - A. State—2.
 - B. Local—4.
3. Public and Private Social Service Agencies and Social Scientists—2.
4. General Citizen and Community Interest—0.

*Minority membership—2.

**Minority membership—2 (black).

***Minority membership—3.

****Minority membership—5.

CALIFORNIA
EXHIBIT C

	Amount	Percent
Local (regional and local) grant money, \$960,038:		
Police—riot control, \$244,757 (part of police dollars) (23 percent of total money spent; 43 percent of police money).....	\$573, 887	59
Courts.....	13, 500	1 1/2
Corrections.....	11, 946	1 1/2
Juvenile.....	119, 863	12
Drug abuse.....	69, 372	7
Organized crime.....		
Criminal justice system.....	170, 470	19
State and local grant money, \$1,630,832:		
Police (riot included).....	764, 119	47
Courts.....	43, 500	3
Corrections.....	11, 946	1
Juvenile.....	269, 863	17
Drug abuse.....	105, 934	6
Organized crime.....	200, 000	12
Criminal justice system.....	235, 470	14

FLORIDA

Local grant money, \$478,331:		
Police.....	345, 855	72
Courts.....	0	0
Corrections.....	113, 555	24
Juvenile.....	8, 921	2
Drugs.....	10, 000	2
State and local grant money, \$563,723:		
Police.....	361, 225	64
Courts.....	16, 800	3
Corrections.....	113, 555	20
Juvenile.....	28, 583	5
Drugs.....	43, 560	8

ILLINOIS

Local grant money (regional and local), \$747,935:		
Police.....	619, 694	83
Courts.....	37, 560	5
Corrections.....	44, 141	6
Juvenile.....	46, 440	6
State and local grant money, \$5,242,806:		
Police (including \$236,040 1968 riot control dollars).....	4, 197, 735	79
Courts.....	385, 056	7
Corrections.....	300, 629	6
Juvenile.....	169, 982	3
Action now program.....	289, 404	5

ILLINOIS: BREAKDOWN OF GRANTS BY CATEGORY

Category	Purpose	Amount	Grant recipient
LOCAL GRANTEEES			
Police.....	Facility.....	\$125, 269	Collinsville.
Do.....	Training.....	113, 989	East St. Louis.
Do.....	Facility.....	71, 712	Springfield and Central Illinois Area-wide Committee of Local Criminal Justice.
Do.....	New personnel: police in local schools.	41, 675	Peoria.
Do.....	New personnel: community relations, recruitment.	32, 285	East St. Louis Police Department.
Do.....	New personnel: community relations...	25, 392	Will County Law Enforcement Commission.
Do.....	New personnel: minority recruitment...	21, 000	Rockford-Winnebago County comprehensive law enforcement program.
Do.....	Facilities.....	20, 580	Monroe County.
Do.....	Management.....	17, 310	DuPage County Law Enforcement Commission.
Do.....	do.....	14, 900	Kane County Law Enforcement Commission.
Do.....	Training.....	14, 000	Greater Egypt Regional Planning and Development Commission.
Do.....	New personnel: community relations...	12, 304	Decatur Police Department.

Category	Purpose	Amount	Grant recipient
Do.....	Training.....	12,000	Rock River Development.
Do.....	Management: county and municipal police departments.	12,000	Lawrence County Law Enforcement Commission.
Do.....	Training: riot control.....	9,375	Alton Police Department.
Do.....	New personnel: community relations.....	8,500	Cairo Police Department.
Do.....	New personnel: community.....	8,400	Vermilion County Law Enforcement Commission.
Do.....	New personnel: hire unemployable for staff personnel.	7,200	Morgan County Crime Prevention Commission.
Do.....	New personnel: community relations.....	6,000	Great Egypt Regional Planning and Development Commission.
Do.....	Training.....	852	Woodford County.

STATE GRANTEES

Police.....	Equipment: communications.....	1,881,578	Department of law enforcement.
Do.....	do.....	540,000	Law enforcement agencies data service.
Do.....	Crime statistics.....	300,000	Illinois Bureau of Identification.
Do.....	Facility.....	300,000	Illinois Bureau of Criminal Identification.
Do.....	Training: higher education.....	125,000	Board of higher education.
Do.....	Equipment: communications.....	118,422	Department of public safety.
Do.....	Training: staff personnel.....	12,000	Illinois Local Governmental Law Enforcement Officers Training Board.
Do.....	New personnel: social workers.....	11,100	University of Illinois.
Total, police category.		<u>3,961,694</u>	

LOCAL GRANTEES

Juvenile.....	New treatment.....	33,540	St. Clair County.
Do.....	do.....	9,000	Bureau County.
Do.....	do.....	3,900	Bureau County Law Enforcement Committee.

STATE GRANTEES

Juvenile.....	Training.....	75,000	Illinois Commission on Human Relations.
Do.....	New personnel.....	48,542	Youth Guidance, Inc.
Total, juvenile category.		<u>169,982</u>	

LOCAL GRANTEES

Corrections.....	Facility.....	44,141	Cook County Jail.
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STATE GRANTEES

Corrections.....	Training.....	108,088	Illinois Youth Commission.
Do.....	Facilities.....	81,000	Department of Corrections.
Do.....	Statistics.....	55,000	Do.
Total, corrections category.		<u>300,629</u>	

LOCAL GRANTEES

Courts.....	New procedures.....	19,000	Greater Egypt Regional Planning and Development Commission.
Do.....	New Procedures: Court counselor program.	18,660	Peoria County.

STATE GRANTEES

Courts.....	Training: Defenders.....	300,346	Illinois Public Defender Association.
Do.....	New Procedures: model legislation for sentencing.	36,050	Council for the Diagnosis and Evaluation of Criminal Defendants.
Do.....	Training.....	11,000	Administrative office of Illinois courts.
Total, courts category.....		<u>385,056</u>	

Note: In addition to the above sum, 1968 riot control funds in the amount of \$236,041 were granted on a local and State basis, for equipment and sensitivity training. Funds in the amount of \$289,404.58 have been expended in the action now program according to the following breakdown:

Management studies.....	\$72,780.00
Community relations studies.....	15,165.00
Criminal justice training.....	201,459.58
Total.....	<u>289,404.58</u>

Action now grants are for \$10,000 or less and have been distributed to local and State grantees.

INDIANA GRANT MONEY
[Percentage figures rounded off]

	Amount	Percent
Total local grant money, \$460,446.04:		
Police.....	\$436,356.04	94
Corrections.....		
Courts.....	18,000.00	4
Public education.....	2,220.00	.5
Total State and local grant money, \$572,702.04 (State: \$112,256):		
Police.....	463,595.04	81
Corrections.....	44,778.00	8
Courts.....	45,000.00	8
Public education.....	8,250.00	1.5

MASSACHUSETTS

State and local action grants, \$612,565:		
Local action grants, \$451,730:		
Police.....	288,355	64
Courts.....	88,375	19
Corrections.....		
Juvenile.....	75,000	17
State and local action grants, total, \$612,565:		
Police.....	361,110	59
Courts.....	107,275	18
Corrections.....	54,330	8
Juvenile.....	75,000	12
Organized crime.....	14,850	3

MICHIGAN

Local grant money, \$657,424:		
Police.....	491,994.20	75
Courts.....	73,000.00	11
Corrections.....	91,830.00	14
Public education.....	600.00	.1
State and local, \$919,324:		
Police.....	520,894.20	57
Courts.....	274,000.00	29
Corrections.....	123,830.00	13
Public education.....	600.00	.06

NEW JERSEY

Local action grant money, \$607,788:		
Police.....	381,174	62
Courts.....	0	0
Corrections.....	93,039	15
Juvenile.....	72,577	12
Drug control.....	60,998	10
Public education.....	7,170	1
State and local action grants, \$854,669:		
Police (of this, \$95,067 went to organized crime programs (15 percent)).....	628,055	73

NEW YORK STATE

Local action money, \$1,923,621.97:		
Police.....	1,474,938.97	76
Courts.....	108,800.00	6
Corrections.....	79,133.00	4
Juvenile.....	144,000.00	7
Drugs.....	100,000.00	5
Public education (less than 1 percent).....	16,750.00	.9
State and local action grants, \$2,229,665.97:		
Police.....	1,527,438.97	68
Courts (no State money (4.8 percent)).....	108,800.00	5
Corrections.....	195,704.00	9
Juvenile.....	182,000.00	8
Drugs (no State money).....	100,000.00	5
Public education (no State money).....	16,750.00	.8
Other (research and community relations).....	69,750.00	3

NORTH CAROLINA

	Amount	Percent
Local grants, \$423,107.12:		
Police.....	\$375,361.45	89
Courts.....	9,873.62	2
Corrections.....	26,172.05	6
Grievance mechanism.....	11,700.00	3
State and local grants, \$582,196.32:		
Police.....	401,358.45	69
Courts.....	39,378.82	7
Corrections.....	106,083.05	18
Juvenile (State project).....	18,675.00	3
Public education (State project).....	5,000.00	8
Grievance mechanism (local money only).....	11,700.00	2

OHIO GRANT MONEY

Local grant money, \$804,004.70:		
Police.....	\$720,106.70	90
Courts.....	65,898.00	8
Corrections.....	18,000.00	2
State and local grant money, \$1,117,532.70: ¹		
Police.....	1,021,264.70	92
Courts.....	65,898.00	6
Corrections.....	18,000.00	2

¹ All State grant money went to police.

OHIO: LOCAL GRANT MONEY

Category	Purpose	Amount	Grant recipient
Police.....	Training.....	\$37,175	Central Ohio Law Enforcement Council.
Do.....	Equipment.....	1,788	Central Ohio.
Do.....	do.....	1,788	Do.
Do.....	do.....	1,800	Do.
Do.....	do.....	1,800	Do.
Do.....	Training.....	36,000	Do.
Do.....	do.....	17,100	Do.
Do.....	Equipment.....	30,000	Do.
Do.....	Training.....	13,702	Do.
Do.....	Equipment.....	179	Do.
Do.....	Equipment—riot control.....	29,729	Do.
Total.....		171,061	
Police.....	Training.....	88,623.89	District 13.
Do.....	Equipment.....	13,068.40	Do.
Do.....	Training.....	16,500.00	Do.
Do.....	Equipment.....	1,400.00	Do.
Do.....	Equipment—riot control community relations.....	27,315.00	Do.
Total.....		146,907.00	
Police.....	Training.....	3,220	NE CoG.
Do.....	Equipment.....	3,600	NE CoG.
Do.....	do.....	5,517	NE CoG.
Do.....	do.....	3,446.80	NE CoG.
Do.....	do.....	1,404.00	NE CoG.
Do.....	Communications.....	29,470	NE CoG.
Do.....	Training, community relations.....	5,112	NE CoG.
Do.....	Equipment—riot control.....	45,078	NE CoG.
Do.....	Riot control—communications equipment.....	16,386	NE CoG.
Total.....		113,253.80	
Police.....	Training.....	4,853.00	Miami Valley Coun ty.
Do.....	do.....	5,076.00	Do.
Do.....	Equipment.....	1,685.00	Do.
Do.....	do.....	1,500.00	Do.
Do.....	do.....	2,217.00	Do.
Do.....	do.....	942.00	Do.
Do.....	do.....	2,547.75	Do.
Do.....	do.....	423.00	Do.
Do.....	Training.....	31,108.00	Do.
Do.....	Riot control—equipment.....	14,634.00	Do.
Total.....		64,995.75	
Police.....	Training.....	15,054.00	Summit County.
Do.....	do.....	34,889.00	Do.
Total.....		49,943.00	

Category	Purpose	Amount	Grant recipient
Police	Training	\$10,457.00	Mahoning-Trumbull CoG.
Do	Equipment	1,800.00	Do.
Do	do	10,422.96	Do.
Do	do	18,00.00	Do.
Do	Equipment—riot control	9,009.00	Do.
Total		33,486.96	
Police	Training	22,900.00	Southern Ohio CoG.
Do	Equipment	1,800.00	Do.
Do	do	3,720.00	Do.
Do	do	892.00	Do.
Total		29,312.00	
Police	Training—community relations	26,976.00	Mascarawa Valley.

OHIO: POLICE LOCAL GRANT MONEY

Category	Purpose	Amount	Grant recipient
Courts	Training	\$31,055	Cuyahoga City.
Do	do	12,966	Do.
Do	do	21,877	Summit City.
Total, courts		65,898	
Corrections	Facilities	81,000	Cincinnati.

OHIO: STATE MONEY

Category	Purpose	Amount	Grant recipient
Police	Wanted-persons information center (facility)	\$66,000.00	State highway patrol.
Do	Equipment—riot control	56,658.00	Do.
Do	Educational program	72,000.00	Do.
Do	Crime laboratory	106,500.00	Bureau of information.
Total		301,158.00	
Police	Equipment	3,407.00	Toledo Metro CoG.
Do	Equipment—riot control	21,417.00	Do.
Total		24,824.00	
Police	Equipment	9,802.00	Stark County CoG.
Do	do	6,408.00	Do.
Total		16,210.00	
Police	Training	107.28	Mid-Central CoG.
Do	do	94.80	Do.
Do	Equipment	1,800.00	Do.
Do	do	2,476.00	Do.
Do	do	1,581.00	Do.
Do	do	7,875.00	Do.
Total		13,934.08	
Police	Equipment	2,211.00	Southeast Ohio CoG.
Do	do	11,110.00	Do.
Do	do	351.00	Do.
Total		13,672.00	
Police	Training	3,289.05	Mad River Valley.
Do	do	2,541.00	Do.
Do	Equipment	1,851.60	Do.
Total		7,681.65	
Police	Equipment	3,201.00	Wood County
Do	do	1,372.80	Northwest Ohio CoG.
Do	do	700.00	Do.
Total		2,072.80	
Police	Equipment	1,373.37	Henry County.
Do	do	1,200.00	North Star CoG.

PENNSYLVANIA

	Amount	Percent
Local action grant money, \$805,659:		
Police.....	\$627,994	78
Courts.....	0	0
Corrections.....	39,556	5
Juvenile.....	41,486	5
Other.....	96,623	12
State and local action grant money, \$859,629:		
Police.....	681,964	80
Courts.....	0	0
Corrections.....	39,556	4
Juvenile.....	41,486	5
Other.....	96,623	11

TEXAS GRANT MONEY

Local action grants, \$788,895.85:		
Police.....	581,291.85	74
Courts.....	35,000.00	4
Corrections.....	0	0
Juvenile.....	29,404.00	40
Other.....	143,200.00	18
State and local grants, \$1,010,122:		
Police (\$235,344 for riot control).....	634,978	63
Courts.....	41,500	4
Corrections.....	8,326	8/10
Juvenile.....	64,404	6
Other.....	260,914	26

M. OBERDORFER. Just as a housekeeping matter, I would like to offer an addendum to it by adding to page four of the statement a description of how this material included in the statement was gathered.

The CHAIRMAN. That will be accepted.
(The addendum referred to follows:)

The statements and recommendations contained in the Action Council testimony are based on an Urban Coalition report which will be published in the near future.

The report is being prepared by the staff and consultants under the auspices of the Coalition's Law and Government Task Force whose membership includes: E. Clinton Bamberger, Gary Bellow, Hon. Julian Bond, Hon. George Brown, Daniel J. Freed, Hon. Patricia R. Harris, Thomas Harris, Geoffrey Hazard, Hon. A. Leon Higginbotham, Howard James, Hon. Nicholas DeB. Katzenbach (Chairman), Robert Kutak, Ralph Nader, David S. Nelson, Revius O. Ortique, Louis F. Oberdorfer, A. Kenneth Pye, Honorable Léopoldo Sánchez, Charles Schultze, Bernard G. Segal, Edward V. Sparer, Edward C. Sylvester, Jr., James Q. Wilson.

The Task Force has not yet had the opportunity to review all of the findings of the report, but the Coalition was anxious to share the information with the Committee before the hearings were terminated and the record closed.

Staff members working on the report included Sarah C. Carey, Executive Associate for Law and Government; Lawrence F. Parachini, Jr., Program Associate for Law and Government; Leda Rothman, Staff Associate for Program Development; Leonard W. Stern, Associate Director for Program and Technical Assistance and Elizabeth Donaho, Esq., a consultant.

In addition, the following reporters assisted in the compilation of materials at the local level: Peter Binzen (Pennsylvania), Rod Cockshutte (North Carolina), John Camper (Illinois), Stuart Davis (Texas), Gordon Englehard (Indiana), Gerald Fraser (New York), Michael Harris (California), Roger Lane (Michigan), Robert Shabazian (New Jersey), Frederick Sherman (Florida), Jerry Taylor (Massachusetts), Richard Zimmerman (Ohio).

Among the individuals contacted in gathering information on the states (the number contacted per state varied) were: chairmen of state advisory boards, executive directors and other staff members of the agency, members of task forces and/or boards, representatives of organizations with expertise in the field—such as the National Committee on Crime and Delinquency, the Lawyers' Committee for Civil Rights Under Law, and others; representatives of community and minority groups and mayors' offices.

Mr. OBERDORFER. Mr. Chairman, I am accompanied today by Mrs. Sarah Carey, who is the executive associated for law and government of the Urban Coalition, who is a lawyer herself.

The CHAIRMAN. Would you explain what the Urban Coalition consists of?

Mr. OBERDORFER. I am here today, Mr. Chairman, for the Urban Coalition Action Council, as is Mrs. Carey.

The council is an arm or a correlative entity to the Urban Coalition, the chairman of which is, as the chairman knows, John Gardner, the former Secretary of Health, Education, and Welfare.

I am here as a spokesman for the council. This material which we have submitted was prepared under Mrs. Carey's supervision as a report of the Urban Coalition itself.

I think it is important for me to point out, Mr. Chairman, that much of the data included in that statement, which I will briefly summarize, was gathered by a very unique process. The staff, headed by Mrs. Carey, has made an in-depth study in 12 States of the performance of the LEAA in Ohio. This was gathered by a reporter for the Cleveland newspaper reporters.

For example, you will find an exhibit relating to the activities of LEAA in Ohio. This was gathered by a reporter for the Cleveland Plain Dealer by the name of Richard Zimmerman.

A similar process was used in the other States. This data is fresh and, of course, is perhaps prepared on different premises than some of the other detailed information that has been presented to the committee by others. We offer it, not as the last word, not as gospel truth, but as an impression of activity, the distribution of funds and the allocation of energy in the hope that the committee can benefit from this material in reaching its own conclusions about the operation of the program, and how it might be improved.

Mr. Chairman, as I say, I will rest on this statement and just briefly highlight some of the things, in the form of facts and figures, that stick out from this study.

I might interpolate that some of this material is perhaps critical of the way the program has been run to date, but we want to assure you, also assure the Department of Justice, that we have submitted this material in all good will as constructive criticism, and submitted in that spirit we hope it will be received in that spirit.

If there are differences of opinion about the detail or about the suggestions, we certainly welcome them and anticipate them.

I think the first standpoint in this statement is one that has been noticed by many witnesses. The Violence Commission observed that the most serious problems of crime are obviously in the major cities, and not so much the smaller cities.

This data, and other data that have been presented to the committee, indicate that perhaps less of the funds are going to the cities than the committee and the Congress would wish.

Our data indicate, for example, that in the State of Ohio, where there were grants totaling \$1.2 million, \$38,000 went to Cleveland, \$31,000 went to Dayton; and in the State of Michigan, \$188 went to Grand Rapids, Mich.

The cities of Toledo, Ohio, Scranton, Pa., and Houston, Tex., according to this information, received little or no funds.

The CHAIRMAN. Do you know how much those cities had asked for?

Mr. OBERDORFER. No, sir; I don't know the details of that. I am not trying to fix responsibility between the Department of Justice, the State, or the cities. Obviously, in a new program you can find where things are not working. We can see that in some respects there are things that the Department of Justice might have done differently.

There are some things that the States, the regions, and the cities might have done differently.

The end result is what we point to.

The CHAIRMAN. Did you make comparisons, for example, between the amount of funds allocated to the cities of Toledo and Cleveland, and the amount of funds allocated to other places in Ohio?

Mr. OBERDORFER. As a matter of fact, Mr. Chairman, exhibit C, attached to the prepared statement, has a detailed summary of the disbursement of the Ohio grant money. We used Ohio as an example.

The CHAIRMAN. What was the amount allocated to Ohio?

Mr. OBERDORFER. According to this, the Ohio money was \$1.2 million. I don't have the distribution by city, but I have it by region

and district. If I can invite the chairman's attention to exhibit C, the first page in the exhibit refers to California, but if the chairman will turn back in alphabetical order, he will find a list of the Ohio local grant moneys.

The CHAIRMAN. What is meant by "local grant money" in the exhibit?

Mr. OBERDORFER. That is the Federal money which has actually been committed to a region or city.

The CHAIRMAN. And you have another heading entitled "State and Local Grant Money." To what does that refer?

Mr. OBERDORFER. The State grant money is the money actually spent in the State process rather than in the city or region.

If the chairman would turn the page behind that table, there is a further breakdown of the Ohio local grant money figures.

The CHAIRMAN. You also use the term "Central Ohio." What is meant by Central Ohio?

Mr. OBERDORFER. If the chairman will recall, there is, I will use the word, "insinuated," between the State and city, a regional structure.

Perhaps Mrs. Carey will correct me, but I believe these references are to regions which are, if I may digress, we think one of the sources of the problems. That is, some of these regions standing between the State and the city.

The CHAIRMAN. For example, take Cleveland and its surrounding area. Would that be what you call a "central" area?

Mr. OBERDORFER. That is correct. There is a region of which Cleveland is a part. That is a region organized under this program, of which Cleveland is a part.

The CHAIRMAN. The figures you submit seem to indicate that local grant money was approximately \$800,000, and State local grant money amounted to approximately \$1.1 million. That is a little less than \$2 million total.

Do you think the allocations were fairly distributed in Ohio?

Mr. OBERDORFER. Mr. Chairman, just an overview of this thing suggests several bases for criticism of the distributions in Ohio. First of all, as I pointed out, it is a sort of *res ipsa loquitur*, that if Cleveland got only \$38,000, that is not the best way to administer the program, with Ohio getting \$1.2 million.

I can't account for how that result occurred. The department may have already taken corrective steps.

The CHAIRMAN. According to the records we have here, Cleveland received \$58,000. That doesn't jibe with your figures.

Mr. OBERDORFER. No, sir, there is a discrepancy there which I cannot account for.

The CHAIRMAN. Cincinnati received \$115,000; Akron, \$19,000; and Toledo, \$28,000.

Mr. OBERDORFER. Mrs. Carey has a point that she would like to make on that, Mr. Chairman.

Mrs. CAREY. I would like to make two points in response to questions you asked. One, our figures refer to the money that has actually been handed out to date, the action money that the States distributed either to State entities, like the State Highway Patrol, or to local governments.

The Justice Department, on the other hand, has figures reflecting what the State plans indicate is going to go eventually to the cities in the State. We found that not all of the 1969 fiscal funds had been distributed.

The plan filed with the Department may indicate that certain amounts were going to certain places, but our figures, our research in the cities and States, indicate those monies have not yet been handed out.

So there will be a difference in the figures.

The second thing in response to your question about did the cities apply and get denied. I think that begs the question a little bit because we found that a number of States simply hadn't gotten out the information on how the program worked and how you go about applying.

In the city of Gary, Ind., the Mayor had received a number of conflicting statements from the State government, and unknown to him, his police chief had gone and gotten a \$70,000 grant. But he had not received a directive from the Indiana State Agency saying exactly how it would run.

The CHAIRMAN. Of course, you will agree that this is a new program and we cannot be hypercritical as to the distributions.

This committee has brought out a great many facts which have indicated that it is necessary to make changes. I am hopeful that the Department of Justice itself will make changes.

Mr. OBERDORFER. As I said, Mr. Chairman, we hope this is considered as constructive criticism. Obviously, a program this new and this ambitious is bound to start slowly and not be perfect at the outset.

The CHAIRMAN. What this committee is anxious to get, if possible, are guidelines to assure that the Department of Justice will make reasonable and effective efforts in this crusade against crime.

Can you prepare any language that might be adaptable and worthwhile? We would welcome any suggestions you have to offer in that regard.

Mr. McCLORY. Would the chairman yield for a question along that line?

The CHAIRMAN. Certainly.

Mr. McCLORY. I note you make the recommendation that the National Institute on Law Enforcement and Criminal Justice should be granted expanded authority to inform the recipients of LEAA funds of the various opportunities that are provided under that statute.

That would be without scrapping the existing system. Nevertheless, that would provide an opportunity for improving the liaison, the communications, between the areas that we are trying to assist and the Federal Government in this responsibility.

Is that one way?

Mr. OBERDORFER. That is one way, Mr. McClory, and we do make that recommendation.

Mr. McCLORY. Along another line in another part of your statement you make the rather bold statement on page 15 that the regional networks should be scrapped.

You have already commented upon the subject of the regions with respect to other areas. You suggest that some of the regions are unrealistic.

The thing that impresses me is this: Are we going to transfer the regional areas which have been developed for law enforcement—and they can be developed for public services, for planning, zoning, highway construction, and other things—are we going to undertake to transfer that authority to the Federal Government or to a Federal bureau when, at the present time, we have vested that authority in, and it is being exercised by, the State governments?

Mr. OBERDORFER. We have the impression, Mr. McClory, that some of these regions used in this program are sort of artificial and tailor-made; they may be an unnecessary addition, another layer in the bureaucracy that could be fairly reexamined.

As we say in this bold recommendation, regional networks should be scrapped unless they are functional, unless on examination by the committee and on reexamination by the Department of Justice personnel, on critical examination, people are satisfied that the region is functional.

Mr. McCLORY. Isn't that something that we should try to resolve at the State level, though, and not superimpose the authority in the Federal Government so that we get dictation from Washington?

Mr. OBERDORFER. I certainly agree with that. It has been our observation that this balance can be accomplished not by Congress designating particular regions, but by establishing a guideline which, for instance, says that when regions are created they should only be created if they meet certain standards, if they perform certain functions, and identify those standards and functions in the legislation.

Mr. McCLORY. Isn't that an administrative function of the LEAA, though?

Mr. OBERDORFER. The LEAA might well find it very helpful to have the suggestion or the direction from this committee as to the standards to be used. Just adding the word "functional" before the word "region" might be important.

The CHAIRMAN. I think we would like to get some language, but I would like to give this admonition: We cannot get too exact language because then we put the Department of Justice in a sort of straitjacket. There must be something with real flexibility.

I notice on page 15 of your statement certain recommendations. Some of those recommendations might be condensed into something of the nature of guides or standards.

Mr. OBERDORFER. Guidelines, yes.

The CHAIRMAN. I think it might be well to put a good many of those suggestions into the committee report so that they might provide guidance for the Department of Justice.

For example, you make one recommendation as follows:

A substantial percentage of the planning money allocated to each State be required to go directly to the major cities to assist in the development of comprehensive public plans.

Would you elaborate a bit on that?

Mr. OBERDORFER. Yes, Mr. Chairman. This data suggest that whereas the cities, municipal corporations, have a major national interest in this program, the initial responsibility having been vested in States and delegated by States in some cases to regions, the planning is done by personnel employed at the State level or the regional level.

The cities do not participate as a city in the plan.

Mrs. Carey mentioned the case of Gary, Ind., where the city, as such, was not involved in the planning process. The local chief of police, as I understand it, was represented on the regional committee and he made some suggestions which were adopted for the region, but they were not the plan of the city as represented by the head of the city's government.

The CHAIRMAN. Didn't a similar situation develop as a result of testimony given to us by the mayor of New York, the distinguished gentleman Mr. Lindsay, wherein I think he said, there was a 32-man planning board in the State of New York which had only two representatives from the city of New York. One was District Attorney Hogan and the other was Police Commissioner Leary. Of 32 members, only two came from the city of New York.

That seemed inadequate representation for the city of New York, when you consider that the city of New York is the city where there is more crime than any other part of the State.

Mr. OBERDORFER. We are not suggesting, Mr. Chairman, that the States be cut out of this, or in cases where the regions are functional that they be cut out, but that some of these funds be made available so that the cities can have the staff to take some initiative on the plans that apply to them.

The CHAIRMAN. You say, and I think very properly, the following on page 15:

By and large, State planning agencies, the final repositories of the decision-making power in the planning process, continue to be dominated by professionals and experts in the criminal justice field with some representation of state and local government officials.

There is an across-the-board shortage of representation from public and private social service agencies or from citizen and community interests. Coordination with Model Cities and poverty programs is inadequate.

Of the 302 members on the boards of the 12 states surveyed, only 14 represent community and citizen interests, 20 represent public and private social service agencies.

New Jersey's 14 man board and North Carolina's 26 member board have no representatives outside of criminal justice professionals and local government officials; Florida's 29 member board has only 3 persons outside of these categories and Michigan's 28 member board has only two.

The states which have attempted to broaden planning and programming participation through additions to their regional boards have, for the most part, failed to provide grass-roots community involvement; nor have they altered the decision-making process which places responsibility for deciding where state funds should go.

That is an excellent comment. Would you care to elaborate just briefly?

Mr. OBERDORFER. Yes, Mr. Chairman.

First of all, to make those remarks specific, there is attached to our statement an exhibit B which, again, is the 12-State factual study on data dug out generally by the newspaper reporters who have actually presented us with the list of the names of the people who are on particular boards.

That statement addresses itself to a policy question. I am sure there is great feeling in the country that this kind of work is the business of the police and the business of the prosecutors. There is another school of thought that, like anything else, experts don't have the

whole story, that in making decisions with respect to crime in the cities, the decisionmaking process should include the ideas and feel the influence of people other than police and law enforcement personnel who have views about crime and its causes.

The CHAIRMAN. There is an admirable illustration where we would welcome some language that might be embraced in the legislation. That point is well taken. But, again, remember that we don't want to make the statute too rigid or too inflexible.

Mr. OBERDORFER. I pricked up my ears, Mr. Chairman, when you also suggested the possibility that some of these ideas might be incorporated in a committee report which would save the statute from overcomplication.

The CHAIRMAN. At another point on page 15 of your statement you make the following declaration:

At least one State, Massachusetts, has no minority member on its State Board, while another, Mississippi, is being challenged under Title VI of the Civil Rights Act of 1964 because of the composition of its Board.

Further, the Justice Department has failed to develop clear policy guidelines in regard to Title VI practices under the LEAA program.

Would you care to elaborate a little on that, on the number of minority representatives?

Mr. OBERDORFER. Again, as far as Massachusetts is concerned, I cite our exhibit B, the table which lays out the membership of the Massachusetts Committee on Law Enforcement Administration and Criminal Justice.

It, again, is a matter of policy as well as, really, a matter of law.

We think it important that minority representation in this decision-making process be established everywhere.

The CHAIRMAN. In other words, in Massachusetts, the State planning board has 30 members and no minority representation?

Mr. OBERDORFER. That is our information, Mr. Chairman.

The CHAIRMAN. In the Mississippi situation, you speak of a court challenge. Is the Department of Justice making the challenge?

Mr. OBERDORFER. I believe that is a private lawsuit. I believe that lawsuit has been brought by private plaintiffs.

The CHAIRMAN. Has the Department of Justice intervened in that case?

Mr. OBERDORFER. I have no information on that, Mr. Chairman.

The CHAIRMAN. Does Mrs. Carey know?

Mrs. CAREY. No; I don't know the Department's position on that suit. I know they have not taken a clear-cut position on whether or not the advisory boards fall under title VI. But the suit is being brought by the Lawyers Committee for Civil Rights Under Law.

The CHAIRMAN. Do you think the Department of Justice should intervene in that case?

Mrs. CAREY. I think they certainly should.

Mr. OBERDORFER. Mr. Chairman, I would imagine the case will bring the problem to the attention of responsible people in the Department of Justice. Like so many controversies, when that happens the issue is resolved administratively and it doesn't have to go any further.

The CHAIRMAN. Mr. Rodino.

Mr. RODINO. Mr. Oberdorfer, I am sorry I wasn't here to hear your original presentation.

I am impressed with the material that is contained in your testimony on behalf of the Urban Coalition Action Council.

I understand that Action Council is an arm of the Urban Coalition.

You make some reference to the manner in which some of this data was collected. Would you please, Mr. Oberdorfer, enlighten me as to what the composition of this Action Council is?

Who does it consist of?

What is its background and the qualifications of its membership?

Mr. OBERDORFER. I am not prepared to develop that at this time. I would be happy to supply it.

Mr. RODRIGUEZ. I would appreciate that.

Mr. OBERDORFER. Yes, indeed.

(The information to be furnished follows:)

The Urban Coalition Action Council brings together various leaders in American life who normally do not collaborate on national issues but who share an overriding concern about the problems of our country, and particularly the cities. Some of the segments of our nation represented on the Policy Council of the Action Council are business, labor, state and local government, religious and minority groups.

The addendum to page 4 of the prepared statement contains an explanation of the manner in which the findings and conclusions of the testimony were prepared and compiled.

A list of the membership of the Policy Council of the Urban Coalition Action Council follows:

I. W. Abel	Hon. Erik Jonsson
Joseph H. Allen	Edgar F. Kaiser
Arnold Aronson	Stephen F. Keating
Jordan C. Band	Joseph D. Keenan
Robinson F. Barker	Donald M. Kendall
Mrs. Bruce Benson	Hon. John V. Lindsay
Hon. Joseph J. Bernal	Hon. Richard G. Lugar
Hon. Julian Bond	Donald S. MacNaughton
Dr. Paul Briggs	Jack D. Maltester
James E. Check	George Meany
Dr. Kenneth Clark	Martin Meyerson
Frederick J. Close	J. Irwin Miller
Hon. Frank Curran	Alfred S. Mills
Hon. Richard J. Daley	C. McKim Norton
His Eminence John Dearden	James F. Oates, Jr., Esq.
W. D. Eberle	A. Philip Randolph
Hon. Daniel J. Evans	Walter P. Reuther
Edwin D. Etherington	Henry R. Roberts
Dr. Arthur S. Flemming	James M. Roche
Herman E. Gallegos	David Rockefeller
Hector Garcia, M.D.	H. I. Romnes
Ernest Green	James W. Rouse
The Most Rev. George Guilfoyle	Rabbi Solomon J. Sharfman
Robert V. Hansberger	Dr. Mark R. Shedd
Mrs. Fred R. Harris	Lelan Sillin, Jr.
Mrs. Patricia R. Harris	John G. Simon
Hon. Richard G. Hatcher	Asa T. Spaulding
Dr. Edler G. Hawkins	Hon. Carl B. Stokes
Miss Dorothy I. Height	Martin Stone
Ben W. Heineman	David Sullivan
Dr. Vivian W. Henderson	Hon. James H. J. Tate
Mrs. Aileen C. Hernandez	Mrs. Theodore O. Wedel
Andrew Heiskell	John Wheeler
Roy Innis	Roy Wilkins
Dr. Howard W. Johnson	Rev. Andrew J. Young, Jr.
John H. Johnson	Whitney M. Young, Jr.
Samuel C. Johnson	Mrs. Amalia V. Betanzos

The CHAIRMAN. Mr. McClory.

Mr. McCLORY. With regard to Massachusetts having no minority members, do you mean minority-group members or minority-party members?

Mr. OBERDORFER. This is a minority group, Mr. McClory. I don't think there is any political complexion in this at all. There is certainly no political complexion to our approach to it.

The CHAIRMAN. You also make a suggestion that there be created at the Federal level a national advisory committee of private citizens to advise LEAA.

Would you elaborate on that?

Mr. OBERDORFER. Again, because it is so difficult to administer a program which reaches into the 50 States and which then branches out into the regions and localities, and because it is so difficult to assure that the program isn't choked by bureaucracy—and with all due respect to the Department of Justice where I served for several years, it is, in a sense, part of the bureaucracy—we think it is important that at the top level, as well as in the lower levels, there be an outside influence, a basis for communication with citizens who have ideas and have concern.

The CHAIRMAN. You were with the Department of Justice yourself, were you not?

Mr. OBERDORFER. That is correct.

The CHAIRMAN. And you speak, therefore, from a bit of experience on the subject.

Do you feel that such an advisory board might checkmate the decisions of the three administrators of LEAA?

Mr. OBERDORFER. I wouldn't say "checkmate," Mr. Chairman. Rather, stimulate and give perspective and excite interest and bring in ideas that might not normally come to the people who, on a day-to-day basis, have the responsibility for administering this very complicated program.

The CHAIRMAN. Who would appoint the advisory committee?

Mr. OBERDORFER. I would suppose it would be appointed by the President, Mr. Chairman.

The CHAIRMAN. Would you care to submit some language on that score?

Mr. OBERDORFER. We would be happy, directly and in conference with counsel, to present our ideas.

The CHAIRMAN. We have two young, vigorous counsel, Mr. Zelenko and Mr. Polk. I am sure they will welcome your recommendations and cooperation.

Mr. OBERDORFER. Thank you.

The CHAIRMAN. Mr. MacGregor.

Mr. MacGREGOR. Thank you, Mr. Chairman.

Mr. Oberdorfer, on page 2 of your prepared presentation, I notice a reference in two places to the basic act that we are here considering as the "Safe Streets Act of 1968."

In reality, of course, as you know, that is not the title of the act. The title is the Omnibus Crime Control and Safe Streets Act of 1968.

The CHAIRMAN. Will the gentleman yield?

Mr. MacGREGOR. Since the Johnson Administration's original recommendation was to enact a "Safe Streets Act" and Congress rejected

the original recommendations in favor of an alternative proposal which stressed the aspects of omnibus crime control, I am wondering if there is any particular reason why you and others associated with urban areas continue to misrepresent the title of the act.

Mr. OBERDORFER. If there has been misrepresentation, I certainly apologize for it, Mr. MacGregor. I am aware that there is a larger purpose than the title, as we quoted it, would indicate.

Mr. MACGREGOR. Obviously, Mr. Oberdorfer, I am not nit-picking with you. I think there is a broader implication in mind. Throughout these hearings we have seen a great number of people concentrate exclusively on the question of police power on the streets.

That is very important. It is critically important in reducing the rate of crime, particularly in the core city areas across the face of America.

But it is, after all, only part of the problem to which the Congress addressed itself in 1967 and 1968 and with which it is concerned now.

We are interested in the whole picture of crime control—including the whole corrections system, prisons, recidivism, rehabilitation, parole, and including the operation of our courts and our criminal justice structure.

These basically are problems which, in our Federal system, are broader than the artificial limitations of any urban center.

Mr. OBERDORFER. I couldn't agree with you more, Mr. MacGregor.

If I could summarize one thrust of our statement, it is to suggest that the funds that are now to be appropriated should be appropriated subject to guidelines which reflect the philosophy that you have just stated.

Mr. MACGREGOR. I am delighted with your answer.

I am concerned that through the process of these hearings some of our witnesses may be giving to the general public, through the press and other media, an erroneous concept of the scope of the basic legislation which we are here seeking to improve and to extend.

Mr. OBERDORFER. Yes.

Mr. MACGREGOR. In light of your response to my questions, I am pleased that we have put the proper emphasis on the broad scope of this legislation rather than on one aspect of it, as important as that aspect is.

Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Rodino.

Mr. RODINO. Mr. Oberdorfer, I refer to the hearings of a subcommittee of the House Committee on Appropriations.

The administrator, Mr. Rogovin, testified before that committee on April 23, 1969, and had this to say:

Under the statute, the ordering of priorities is a matter of State judgment and not to be done by the Federal Government.

Will you comment on that?

Mr. OBERDORFER. Yes. I assume that we are here considering this as a matter of policy and not bound as to what the statute may mean as of this given moment.

It is our view that while the ultimate responsibility under our Federal system in matters of this kind does reside in the States, when Federal funds are disbursed in this manner the Congress is justified,

and the country is well-served, if Congress does establish priorities by guidelines which the States are required to follow when they use Federal money. The guidelines do not necessarily establish priority in detail, but only with respect to policy.

The analogy of the highway program comes to my mind. For a long time, the highway money appeared to be handled in a process by which it was just shoveled out by the Federal Government without any guidelines directing its use by the States. In recent years, the Congress has stepped in and imposed guidelines.

The Nation is in a much better position with respect to this program because it isn't all down in cement. It is still flexible. It is still in a growing stage. We can hopefully strike a proper balance between Federal policy directive and Federal priorities, and State responsibilities and State judgments.

The CHAIRMAN. I don't find your criticism in anywise as not being constructive.

At the bottom of page 21, you state, "By and large, police expenditures went to support present practices and methods of operation."

Would you care to elaborate briefly on that?

Mr. OBERDORFER. Wherever possible, I am trying to be specific, Mr. Chairman. I refer again to the specific material we have in exhibit C about the expenditure of Ohio funds.

Without knowing in detail what all these things are, the word "equipment" seems to dominate the first page—communications equipment—without, in that particular case, any appropriation that I can see for planning or research and with very little reference to police-community relations problems.

We would hope that in the long run, again recognizing that this program is just beginning and that people have to get it started and then take a look around and see what they can do most constructively, we would hope that there would be encouragement to the States to develop new ideas and new methods; to recognize, for example, the problem that exists in many localities with a multiplicity of police jurisdictions, and suggestions of how those can be centralized or better coordinated.

The CHAIRMAN. Title I of the Omnibus Crime Control Act recommends the need for improvement of police-community relations, grievance resolution mechanisms, community patrol activities, encouragement of neighborhood participation in crime prevention, and public safety efforts.

What did your investigation show with reference to such programs? Is there a paucity or relatively few of the so-called grievance resolution mechanisms, community patrol activities and neighborhood participation in crime control?

Mr. OBERDORFER. The information that I have at this point again referring to Ohio, and we also have some material on another State—mostly Ohio though also on Illinois—bearing in mind that this isn't as precise as it needs to be suggest that there is room for improvement in some places.

Illinois seems to have done a better job—just looking at the captions—than Ohio in responding to the suggestions in paragraph 7 of section 301 that the chairman just referred to.

Mrs. CAREY. I would like to add to Mr. Oberdorfer's statement on that, if I could.

From the 12 States we looked at we found that the general procedure was to let the police departments themselves shape their list of needs, which generally reflected outstanding material needs in the department for uniforms, walkie-talkies, and so forth.

The section 7 items that you have just referred to were not covered at all. I think we found four or five examples. New York had a very fine youth patrol which was developed under the Criminal Justice Coordinating Council for Harlem.

North Carolina set up an ombudsman with regard to criminal justice agencies.

There were two or three other exceptions along that line.

But by and large, the expenditures simply reflected the outstanding list of needs of the police departments in the localities.

The CHAIRMAN. Mr. Rodino.

Mr. RODINO. Mr. Oberdorfer, under section 303 of the Safe Streets Act State plans must meet certain requirements, among which is to:

Adequately take into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs or projects for improvements in law enforcement, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units.

Would you say that this statutory requirement means that LEAA can or should require that certain conditions be imposed and be met before there is an allocation of funds?

Mr. OBERDORFER. Yes.

Mr. RODINO. Would you elaborate on that, Mr. Oberdorfer?

Mr. OBERDORFER. For example, we have made some specific suggestions. In trying to allocate these resources between what Congressman MacGregor was suggesting, pure law enforcement, and the use of funds for court systems, for corrections, for juvenile problems, for drug problems, we recommend that there be either a percentage, or some other kind of ceiling put on the portion which can be allocated to pure police matters, or some minimum portion which should be allocated for these other activities.

A guideline of that general sense, yes, sir.

Mr. RODINO. In other words, for specific purposes those conditions would be spelled out.

Mr. OBERDORFER. Yes, sir.

Mr. RODINO. Thank you.

Mr. MACGREGOR. Mr. Chairman?

The CHAIRMAN. Mr. MacGregor.

Mr. MACGREGOR. In the first place, Mrs. Carey, I thought you wanted to expand an answer given a moment ago.

Did we give you the full opportunity to say everything you wanted to say?

Mrs. CAREY. I can't remember right now what the question was.

Earlier, in regard to the questions on the regions, I wanted to say that one of the things we found was that the States are in a great state of confusion about what a regional structure ought to look like.

I am sorry Mr. McClory left, but Illinois has a very fine State agency with a good staff and doing very sound planning and some innovative programing, exercising real leadership.

They have been reading the act to require that regions be set up. They have regions on paper that aren't operative, and they are all concerned that they have to run out and get staff for those regions and get them geared up.

The act does not say that at all. It says that units and combinations of units of local governments can receive grants, engage in planning together, and so on.

But I think if the Justice Department had exerted more leadership in regard to helping the States to determine—not forcing it down their throats, but helping them to determine—a logical role for regions, if there is any at all, it would have been helpful.

New Jersey has gotten rid of its regional structure entirely. Some States have allowed major cities to relate directly to the State agency, such as Los Angeles, San Francisco, and so on.

Mr. MACGREGOR. Thank you, Mr. Oberdorfer, the chairman called your attention to portions of your testimony on pages 21 and 22 which relate to subsection 7 of section 301 of the Omnibus bill. He suggested to you that your findings indicated there was a paucity of subsection 7 programs throughout the country. I think it is important to note that there are six sections which precede subsection 7 which suggest areas for proper attention in the use of Federal funds.

I note in the law the very significant, final sentence of subsection 7:

Provided, That in no case shall a grant be made under this subcategory without the approval of the local government or local law enforcement agency.

Would you regard that language to be an unwise limitation on the latitude that ought to be exercised in implementing subsection 7 programs?

Mr. OBERDORFER. Let me say it this way, Mr. MacGregor:

My personal view is that this could be eliminated without destroying local initiative and at the same time free the program from the possibility of being vetoed in a particular locality because of provincial attitudes about some of these modern solutions to these problems.

Mr. MACGREGOR. I am sure I remember why that language was included. It was included partly because of the controversy in the city of New York and perhaps in other areas about a review board. It may be that we have moved beyond that point and that that was a transitory hurdle which has been eliminated, or, if not, at least reduced in size.

Perhaps we could consider modifying the veto power given to the mayor and the police chief in connection with subsection 7 programs to encourage a greater use of subsection 7 than we see today.

Mr. OBERDORFER. I would certainly hope so.

Mr. MACGREGOR. Thank you very much.

The CHAIRMAN. Mr. Zelenko.

Mr. ZELENKO. On page 7 of your statement, Mr. Oberdorfer, you say that LEAA has effectively cut itself off from a meaningful review of 1969 fiscal year plans by failing to require the States to show where action money would be spent geographically and for what specific purpose.

Earlier in response to a question by Mr. Rodino, I thought you said that the LEAA, under the current terms of the statute, can, under sec-

tion 303, impose conditions on grants that it makes to the States, to require that the needs of units of local government be met.

I would like you to elaborate on your statement that LEAA has thus far failed to require the States to show specifically how funds will be spent.

Mrs. CAREY. I can answer the question in regard to the geographical and substantive breakdowns, the first part of your question, but I am not sure I understood the second part.

It would probably be useful for you to read some of the plans and get a feel of them. They do not now, last year, for fiscal year 1969, require a State to indicate how much money is going to the specific units within the State. Broad program categories are indicated, such as crime prevention of A, B, or C characteristics, but not specific programs for the city of Boston, the city of New York, whatever.

So it has been very hard for them to keep track, without the able assistance of the National League of Cities, on where the money is going.

Second, we looked at reports that consultants had prepared, consultants hired by LEAA to evaluate the plans by program areas—a consultant was hired to look at the corrections plan, the courts plan and so on—and they concluded, across the board, that the programmatic descriptions substantively were so vague it was almost impossible to evaluate the thrust of the program, whether, in fact, it was going to do the things it alleged.

Mr. ZELENKO. As a practical matter, the State doesn't really know in advance what kinds of applications are going to be made by units of local government, does it?

Mrs. CAREY. Supposedly, if there is participation, according to the grand design, from cities and from the regions, this material gets fed up along the line to the State in time to prepare the plan.

In actual fact, it has not happened yet.

Mr. ZELENKO. In actual fact, what has happened? Has the experience been that the States have received their grants and thereafter have distributed funds to applicants that come forward to apply? Is that the way it works?

Mrs. CAREY. That is right. I think we pointed out in Mr. Oberdorfer's statement two different patterns that States are falling into. One is a pattern of defining very specifically what they want their cities to do; for example, the plan provides for police legal advisors; this requires a city to either take that or nothing, and discourages comprehensive planning by the city.

The other is to word it so vaguely that the plan could, in fact, apply to any State. It is sort of a model plan. Then any application coming in fits it, and it is sort of first come, first served.

Mr. ZELENKO. Mr. Oberdorfer, in the course of these hearings questions have been asked of mayors and of Attorney General Mitchell as to the adequacy of existing review procedures to permit disgruntled or dissatisfied mayors, and other local government officials, to obtain a review of the treatment they have received at the hands of the State. Has the Urban Coalition Council looked into that at all?

Mr. OBERDORFER. I don't have the kind of specific information on that subject that we have on other subjects. I do have the impression, more from the other testimony than from our own study, that this is an area which deserves attention.

I think the Attorney General indicated that he would expect that there be a reasonable appeal process.

It certainly is something that is indicated, either by revision of the statute or by a suggestion in the committee report, or by action by the Department taken before this committee finally resolves these matters.

Mrs. CAREY. I think in a way that question is premature. A number of States that we interviewed are having trouble getting rid of their 1969 funds and still haven't distributed them.

Local units of government are thinking of suing the regional boards to change the structure before appealing on the action money. We found several people talking in localities about challenging participation of the region. But it is still too early, I think, to even know if there is a chance of appealing an action grant.

Mr. ZELENKO. Thank you, Mr. Chairman.

Mr. POLK. Mr. Chairman?

The CHAIRMAN. Mr. Polk.

Mr. POLK. Mr. Oberdorfer, I would like to go back to your discussion on planning.

I notice that section 203(b) (3) of the act indicates that the States establish the priorities. Paragraph 3 of section 303 of the act indicates that the units of local government make requests for funds.

Your testimony indicates that these two provisions have not always worked out well. The act does not indicate whether the priority should be established before or after the requests are made.

I was wondering if you would suggest to the subcommittee, in the language you are going to supply, some means of making clear how you believe the system should operate.

Mr. OBERDORFER. I would be happy to do so.

Mr. POLK. Thank you, Mr. Oberdorfer.

The CHAIRMAN. On page 9 you express the following:

Some governors have failed to support the implementation of the program. In one State, the governor, as part of an overall cost reduction effort, has a staff of five professionals, with an executive director earning \$15,000, to administer the program that will involve over \$7 million this year.

During fiscal year 1969, two professionals ran the office. In another State, the agency administrator claimed that he could not take steps to broaden his regional planning units to end the police domination of the program because without the law enforcement lobby at the State level he would be unable to obtain the matching funds necessary to trigger the Federal grants.

Although some State legislatures, such as Illinois and North Carolina, have exceeded the matching funds required for LEAA grants, a number of State agencies are experiencing difficulty in getting legislative support.

Mr. OBERDORFER. I think this illustrates the kind of problem that the whole program confronts. I think this points out that you can't fix the whole responsibility for any current failure or shortcoming on the Department of Justice.

To run a Federal program in which responsibility and authority is divided as it is in this program is going to necessarily involve some complications, difficulties, and weaknesses.

While I observe that, I still don't think the Federal concept should be changed. For instance, within the Department of Justice, within this larger citizens committee, I would hope we could develop more leadership and some mechanism by which incidents like this could be

brought to the public attention in the areas where they occur, and the whole program strengthened by that.

The CHAIRMAN. You also state on page 21, of your statement; "a large number of grants were so small in size and so insignificant in purpose as to insure little improvement in present operations."

We had a number of witnesses who indicated that minuscule amounts were distributed on a geographic basis with an idea to giving everybody something.

You don't agree with the efficacy of that, do you?

Mr. OBERDORFER. Certainly again, what you do in a first year, in a crash program just getting started, that is one thing. I can understand how that would happen at the outset. I would hope that that isn't the practice over the long run, but that in the long run the program will be better organized and better directed.

You will notice on page 20 the observation that one priority list submitted by a State corrections department listed 19 items ranging from increased salaries to a dishwasher for the prison dining room to plumbing renovation, with no reference to training, treatment, or other aids for inmates.

It is that kind of incident that we hope in the long run will be avoided.

Mr. POLK. Mr. Chairman, I have one final question.

I would like to refer to section 203(c) of the act. It says that "the State planning agency shall make such arrangements as such agency deems necessary to provide at least 40 per centum of all Federal funds granted to such agency under this part for any fiscal year will be available to units of general local government or combinations of such units."

Do I understand correctly that you would like to have the words "combinations of such units" stricken from that subsection so that the local planning money would go to units of local government?

Mr. OBERDORFER. I don't propose that the planning money go only to municipalities.

Mr. POLK. I mean the local share. That is 40 percent of the total.

Mr. OBERDORFER. Even there I can understand in some situations the need for this regional concept. What we are concerned about is that it has been taken as an unavoidable necessity even where the region is not a functional entity.

Mrs. CAREY. In regard to the 40-percent local money, we wouldn't mind if "voluntary" was inserted before "combinations of units of local government."

Second, we feel that some planning money ought to go to the cities anyway for local plans, for development of city-wide comprehensive plans. The lack of those weakens the city's participation with the State.

Mr. POLK. What would you do in situations where regionalization would serve a useful purpose? Suppose, for instance, we had seven counties in a region and one county just would not agree.

Mrs. CAREY. New York has allowed jurisdictions with a certain population to break out of the region and plan by themselves.

If there is not voluntary cooperation, the level of joint planning will not be very high to begin with. But we think it is essential that cities and localities be allowed to get money to do planning. They

won't necessarily get all the money to carry out the plans from the State government.

The CHAIRMAN. We want to thank you, Mrs. Carey and Mr. Oberdorfer. I will say the report you have submitted is solid, effective, and replete with excellent comment and recommendations.

I want to compliment the Urban Coalition Action Council and you, Mr. Oberdorfer and Mrs. Carey, in particular, for a most comprehensive review of the LEAA. Thank you very much.

Mr. OBERDORFER. We both thank you, Mr. Chairman.

Mr. MACGREGOR. What the chairman means is that there will be no benign neglect.

The CHAIRMAN. Our next witness is Mr. Harry Fleischman, race relations coordinator, the American Jewish Committee, accompanied by Mr. Ronald L. Goldfarb.

STATEMENT OF HARRY FLEISCHMAN, RACE RELATIONS COORDINATOR AND DIRECTOR, SHAPING SAFER CITIES PROJECT, THE AMERICAN JEWISH COMMITTEE, ACCOMPANIED BY RONALD L. GOLDFARB, ATTORNEY, WASHINGTON, D.C.

Mr. FLEISCHMAN. We have been treated to a good presentation by Mr. Oberdorfer and Mrs. Carey. They have covered many of the points I wanted to. I will not try to duplicate what they have said.

(The complete statement of Mr. Fleischman follows:)

STATEMENT OF HARRY FLEISCHMAN, DIRECTOR, SHAPING SAFER CITIES PROJECT, THE AMERICAN JEWISH COMMITTEE

The American Jewish Committee is an organization devoted to improving human relations. Today the problems of crime and fear of crime in the streets have become so all-pervasive that they are among the most negative elements in intergroup relations and have led to a highly dangerous polarization of our society.

We believe in the necessity for law and order—with justice. As our honorary president, former Supreme Court Justice Arthur J. Goldberg, observed: "In totalitarian societies, laws are imposed by a few upon the majority, who are ruled by fear. In a modern democracy like ours, most of us consider laws part of the social contract which we observe vountarily, indeed almost instinctively. Consciously or not, the great majority of Americans understand that criminal behavior tears at the very fabric of society. It is understandable, therefore, that when violations of the law increase—particularly when they are accompanied by violence—the clamor for stricter statutes and more severe punishment swells proportionately. And when the lawbreakers—most often for reasons inherent in society itself—are outside the mainstream of the general community, the cry for repression grows even louder." Our problem is to win security without repression.

If we needed documentation of the alarming increase in the rate of violent crime in our cities, of the need for dramatic efforts to change the conditions of life in the ghetto slums and improve the criminal justice system, the final report of the National Commission on the Causes and Prevention of Violence (the Eisenhower Report) has provided all the evidence we need.

Arrest rates, it is true, are much higher for blacks than whites, but as our recently published paperback, *CRIME AND RACE*, written by Professors Marvin Wolfgang and Bernard Cohen, documented, all available evidence indicates that this is due to the conditions of life in ghetto slums rather than to racial difference. Moreover, it cannot be stressed too often that the overwhelming majority of all Americans, black and white, are law-abiding.

We agree with Dr. Milton Eisenhower's statements that "Disenchantment with governmental institutions and disrespect for law are most prevalent among those who feel that they have gained the least from the social order and from the ac-

tions of government," and that "Public and private action must guarantee safety, security and justice for every citizen in our metropolitan areas without sacrificing the quality of life and the other values of a free society."

Society faces major problems to which it must address itself, such as poverty, racial prejudice and war. These, in fact, are some of the underlying causes of crime. But we reject the approach which says that we must wait for success in curing all of society's basic sicknesses before we reverse our continued drift toward lawlessness. We must address ourselves to the possibilities of shaping safer communities by attempting to deal with some of the problems of crime which result from these underlying causes, without losing sight of the broader long-range goals.

We are in danger of increased violence if just demands for social change are not met and the alienation of various groups in our society is not overcome. Violence breeds violence and then leads to repression, threatening our democracy. The "walls of isolation" that surround police, black communities and students, and the resulting climate of fear and tension, are important factors that prevent the development of peaceful ways to effect social change and the establishment of law and order—with justice.

Increased street crime, rioting, looting, undisciplined police actions and campus protests have already resulted in simplistic emotional appeals for repressive measures and have been used by some as a political football to promote racism and repression. This kind of crackdown—both legal and extra-legal—often leads to more, rather than less, crime. These slogans are based on inaccurate assumptions and their punitive approach ignores the social changes needed to get at the root causes of crime. They do not offer solutions. Others respond either by baiting the police or proposing traditional police-community relations programs which have frequently become mere public relations gimmicks and which fail to get at the heart of crime and security problems. Some extremists promote violence to destroy our society and thus unwittingly play into the hands of those urging repression. To combat this syndrome of frustration and despair, the American Jewish Committee is now working with a host of citizen organizations to create a new National Alliance on Shaping Safer Cities, which will address itself to winning security without repression through the reduction of violence, crime, fear of crime and the causes of crime in our society. To this end we emphasize the following:

1. Reordering priorities in law enforcement, affording more protection, less paper work; revamping laws regarding drunkenness and drug abuse as they relate to crime. This includes treating alcoholism and drug abuse or addiction as medical and emotional problems of the individual, not crimes in themselves. It also includes vigorous legal assault on suppliers and managers of illegal drug outlets, as well as pushers.

2. The development of a fairer and more effective criminal justice system.

3. Reducing conflicts between currently antagonistic groups in order to get them to work together to shape safer cities.

We recognize that the Federal Government, in adopting the Omnibus Crime Control and Safe Streets Act of 1968, had to be concerned primarily with developing long-range planning to reduce crime. But in the process of working to reduce crime, the Government should also heed the cries of those who feel, and are, most threatened by crime. It should encourage them through public—as well as private—funding to participate in creating programs to protect themselves from becoming victims of violent crimes—homicide, assault, rape or robbery. We have prepared program recommendations that could be started now on local levels in a responsible manner, without employing oppressive vigilante tactics. This self-help approach is a basic thrust of our new National Alliance on Shaping Safer Cities.

We were hopeful that the Omnibus Crime Control Act would give the major cities of the nation powerful new tools to help them solve their crime problems. To date, however, we fear that the Act has provided only blunt tools which have largely been unable to accomplish the desired ends.

While the Law Enforcement Assistance Administration is recognized by both the nation's governors and mayors as among the best of the Federal agencies administering grants-in-aid programs, its effectiveness has been limited by restrictions imposed in the statute itself. The Act provides that all the planning grants and 85% of the action grants for improvement of criminal justice systems must be funneled through states, while LEAA may allocate the other 15% of the action grants directly to state or local governments.

What has been the result? With few exceptions, the states, which receive most of the money in block grants, have spread the money around to rural and sub-urban areas, which have low crime rates, instead of concentrating most of the funds in the core of large cities, which have the overwhelming bulk of crime and suffer from declining tax resources. Although 85% of the indexed crimes in 1968 occurred within the nation's cities, the funds provided through the Act to those cities was far less. Mayor Lindsay of New York City has reported that New York City, which had more than 75% of the crimes in the state, received only 43%, or about \$900,000, of the Federal funds given to the state, to carry on experimental crime control patterns. City after city has reported the same pattern. It is urgent that sufficient funds be provided to meet the specialized and critical crime problems of our nation's major urban areas, and therefore we suggest that funds be allocated not just on the basis of population, but on the basis of concentration where the major criminal problems exist.

We share Attorney General John Mitchell's view that: "The nation's criminal justice system has been starved for resources for decades. Public officials at every level, and the public itself, must be prepared to expend large sums if they are serious about controlling crime." Whether the amount to be appropriated this year will be in the realm of the \$480 million requested by President Nixon, or the \$750,000,000 urged by Chairman Emanuel Celler, it is obvious that the program will increase in the years to come as the nation's concern over rising crime rates increases. We favor such expansion, but we want to make sure that the funds will be used to achieve a coordinated and effective approach in fighting crime. Reports indicate that the state planning process required by LEAA has *not* been effective thus far in creating real, substantive state plans. We fear that funds allocated without reference to appropriate and comprehensive planning will do much to preserve and reinforce mediocrity and bad practices rather than promote innovative and experimental programs.

Thus, we have a situation where approximately 80% of the early action grants went to police departments as compared to six percent for courts and 14% for correction. This, at a time when, according to Lawrence Carpenter, who spearheads the LEAA's corrections effort, "The corrections area is going to hell faster than any other part of the criminal justice system." The agency, says the *Wall Street Journal*, is asking states and cities to make special efforts to improve correction centers for juveniles and to broaden experiments with "half-way houses" and work-release programs for prisoners. At present, the emphasis of states seems to have been too much on hardware, new weapons and construction, and too little on training and research.

Therefore, we recommend that the proportion of funds going directly to the cities be increased, and that the requirement that cities must match Federal grants with their own funds be eliminated or softened. An approach that strikes us as hopeful would provide that only 50% of action grants would have to go through states, and would encourage states to give cities more by adding more funds when states themselves agree to pay some of the non-Federal share of action grants on behalf of the cities.

We are concerned not only with getting more Federal LEAA funds to the cities, but also with how it gets to them. Comprehensive state planning agencies set up by LEAA should sensitize those state agencies which provide many planning services to the needs of the urban areas. They should increase state standard setting and technical services to help upgrade urban services. They should better coordinate state services with local services through comprehensive state-local planning. And they should establish a pattern of state subsidy and grant funds to the cities for the time when Federal funds may be diminished. In the meantime, state funds should be provided to help cities meet their matching fund requirements for Federal funds.

At present, while the provisions of the Act itself, LEAA guidelines, and public statements made by Justice Department officials all recognize the need for community involvement in the planning functions, there has been little such involvement, particularly in urban areas where crime is the highest. Instead, state and local planning agencies appear to be dominated by police professionals.

There can be no lasting solution of the problem of crime without increased community support for fair and effective law enforcement. Yet, a report last year by the Urban Coalition and Urban America, Inc. noted that "Florida's guidelines specify that its seven regional planning councils consist half of sheriffs and half of police chiefs. Since that state has neither black sheriffs nor black police chiefs, its regional councils have no black representation."

In addition, there has been very little involvement of private citizens from industry, labor or non-profit organizations concerned with the underlying causes of crime, nor of agencies dealing with such crime-related fields as health, poverty or employment. These groups should also be eligible to receive grants in areas of their competence.

We urge that the Law Enforcement Assistance Administration be given greater authority in requiring increased city participation in state planning. One way might be to require that state plans include separate sections for urban area services showing coordination and linkage with state services. The National Council on Crime and Delinquency informs us that in New York City the state parole service operates parole from city prisons; the state judicial conference provides rules for city criminal courts; and a state probation commission sets standards and rules for city probation services. Hawaii provides many state services that are provided by cities in other states.

Moreover, we need to learn how effective the planning councils and the planning process have been. The Law Enforcement Assistance Administration should be given the responsibility to monitor and report back to Congress on the effectiveness of state planning and the use of the LEAA funds. At present, the states consider that they have carte blanche once they receive the funds.

In conclusion, let us emphasize that if the issues of crime in our cities, preservation of law and order and protection of civil rights and liberties are left to fester, they will lead to even more polarization of the races and an increasing generation gap. If crime resulting from increased drug use is not attacked in a new way, we will have allowed not just a drug culture to develop, but rather a culture of criminality. The changes we have suggested, we feel, will help involve the total community in winning security without repression.

Mr. FLEISCHMAN. I think certain of the points we make are of some importance. One of the things that has bothered us a great deal has been the fact that in the recent period we have seen so great a breakdown in communications between people and the creation of a situation where we have had a tendency toward polarization in the country.

We have been concerned with combating the syndrome of frustration created by those who have simplistic approaches to the problems of crime and think that repression is the answer, and the others who, invoke violence and thus, by the way, unwittingly play into the hands of those who are urging repression.

To combat this, the American Jewish Committee is currently working with a host of citizen organizations to try to create a new national alliance on shaping safer cities, which will address itself to winning security without repression through the reduction of violence, crime, the fear of crime, and the causes of crime in our society, a rather big task which we do not expect to do by ourselves.

To this end, we emphasize the following:

1. Reordering priorities in law enforcement, affording more protection, less paperwork; revamping laws regarding drunkenness and drug abuse as they relate to crime. This includes treating alcoholism and drug abuse or addiction as medical and emotional problems of the individual, not crimes in themselves. It also includes vigorous legal assault on suppliers and managers of illegal drug outlets, as well as pushers.

2. The development of a fairer and more effective criminal justice system.

3. Reducing conflicts between currently antagonistic groups in order to get them to work together to shape safer cities.

We recognize that the Federal Government, in adopting the Omnibus Crime Control and Safe Streets Act of 1968, had to be concerned primarily with developing long-range planning to reduce crime.

But in the process of working to reduce crime, the Government should also heed the cries of those who feel, and are, most threatened by crime.

It should encourage them through public—as well as private—funding to participate in creating programs to protect themselves from becoming victims of violent crimes—homicide, assault, rape, or robbery.

We have prepared program recommendations that could be started now on local levels in a responsible manner, without employing oppressive vigilante tactics.

I have here a document “Shaping Safer Cities” which I will present to you as an example of the ways in which we feel this could be done.

I will be glad to secure sufficient copies of these for every member of the committee.

This self-help approach is a basic thrust of our new national alliance on shaping safer cities.

We were hopeful that the Omnibus Crime Control Act would give the major cities of the Nation powerful new tools to help them solve their crime problems.

To date, however, we fear that the act has provided only blunt tools which have largely been unable to accomplish the desired ends.

The CHAIRMAN. Did you want this booklet to be placed into the record?

Mr. FLEISCHMAN. Yes.

The CHAIRMAN. It will be accepted.

(The document to be furnished follows:)

STRATEGY FOR SHAPING SAFER CITIES

By Harry Fleischman, Race Relations Coordinator and Margery L. Gross, Associate Race Relations Coordinator, The American Jewish Committee, 165 East 56th Street, New York, N.Y. 10022

THE PROBLEM

If we needed impressive documentation of the alarming increase in the rate of violent crime in our cities, of the need for dramatic efforts to change the conditions of life in the ghetto slums and improve the criminal justice system, the final report of the National Commission on the Causes and Prevention of Violence (Eisenhower Report) has provided all the evidence we need.

While the population of the United States increased 11.4% from 1960 to 1968 (U.S. Census Report), the national rate of criminal homicide per 100,000 population increased 36%, the rate of forcible rape 65%, of aggravated assault 67% and of robbery 119% (FBI uniform crime reports). During this same period, there was a 322% increase in arrests for narcotics and marijuana violations. Even though these figures must be used with caution, there is no question but that crime, drug abuse and fear of “crime on the streets” are among the most negative elements in intergroup relations and have led to a polarization of society. At the same time that we become aware of these statistics, we must not lose sight of the fact that the major crimes of violence—homicide, rape, assault, and robbery—represent only 13% of the FBI’s Index of reported serious crimes. We must also realize that from one-half to two-thirds of all criminals released from prison are sooner or later rearrested—becoming repeater criminals, or recidivists.

The Eisenhower Commission reminds us that: “The availability of guns contributes substantially to violence in American society * * * Two out of every three homicides are committed with guns. Since 1963 the number of homicides involving firearms has increased 48% in the United States while the number of homicides committed with other weapons has risen only 10% * * * In the decade since 1958, nearly 30 million guns have been added to the civilian stockpile * * * Annual handgun sales have quadrupled.”

Moreover, its report adds, violent crime is primarily committed by male youths, at the lower end of the occupational scale, in large cities. While arrest rates are much higher for Negroes than whites, this is attributed by the Commission to the condition of life in the ghetto slum rather than to racial difference. Nor should we forget that the overwhelming majority of Americans, black and white, are law-abiding.

We agree with Dr. Milton Eisenhower's statements the "Disenchantment with governmental institutions and disrespect for law are most prevalent among those who feel that they have gained the least from the social order and from the actions of government," and that "Public and private action must guarantee safety, security and justice for every citizen in our metropolitan areas without sacrificing the quality of life and the other values of a free society."

We need a new alliance which can solve the problem of shaping safer cities by—

- the reduction of crimes of violence;
- the reordering of the priorities in selective law enforcement and the revamping of the laws regarding drunkenness and drug addiction as they relate to crime;
- the development of a fairer and more effective criminal justice system;
- reducing conflicts between currently antagonistic groups.

Society faces major problems to which it must address itself, such as poverty, racial prejudice and war. These, in fact, are some of the underlying causes of crime. But we cannot wait for success in curing all of society's basic sicknesses before we reverse our continued drift toward lawlessness. We must address ourselves to the possibilities of shaping safer communities by attempting to deal with some of the problems of crime which result from these underlying causes, without losing sight of the broader long-range goals.

We are in danger of increased violence if just demands for social change are not met and the alienation of various groups in our society is not overcome. Violence breeds violence and then leads to repression, threatening our democracy. The "walls of isolation" that surround police, black communities and students and the resulting climate of fear and tension, are important factors that prevent the development of peaceful ways to effect social change and the establishment of law and order—with justice.

Increased street crime rioting, looting, undisciplined police actions and campus protests have already resulted in simplistic emotional appeals for repressive measures (such as some that have already been passed by state legislatures and proposed in the U.S. Congress) and have been used by some on the right as a political football to promote racism and repression. The kind of crackdown—both legal and extra-legal—proposed by those on the right often leads to more, rather than less, crime. Their slogans are based on inaccurate assumptions and their punitive approach ignores the social changes needed to get at the root causes of crime. They do not offer solutions. Many liberals and leftists respond either by baiting the police or proposing traditional police-community relations programs which have frequently become mere public-relations gimmicks and which fail to get at the heart of the crime and security problems.

"The police are the cornerstone of the criminal justice system and the most visible part of it." (Crime and Race) Yet, historically, in this country, the police have been seen by many as a reactionary force, considering deviance as dangerous and then extending the concept of deviance to include those engaged in political opposition to the existing social order or current national policy—even extending this to include harassment of long-haired youngsters when they congregate innocently on a street corner. They have also been identified on the side of the upper classes, defending the institutions of property against the masses.

Negroes, particularly, have seen the police as maintaining the status quo—and applying different standards of law enforcement to them than to whites. Their attitudes of fear remain partly as a result of conditioning by actions of the police, primarily in the South. Even in northern cities, however, police are frequently seen as "armies of occupation" in black neighborhoods. Others, such as some church groups and students, have only recently become "anti-police" as a result of the confrontations that have taken place around the issues of war, civil rights, and drug use on the campus and what they view as police willingness to make what seems to them to be an indiscriminate number of arrests on conspiracy charges.

But need such views of the police always prevail? In the thirties, unions were "anti-police" as police were used to break strikes. This attitude changed as unions gained economic and political power and as collective bargaining was

accepted by management, which no longer sought police aid to defeat strikes. Is it possible that, as blacks too gain economic and political power, their adversary relationship with the police may change?

At the same time, both blacks and whites demand more effective police protection against the crimes that beset them. Although blacks are major victims of crime in the streets, Jews and other whites are victimized, either as merchants and landlords in disadvantaged areas, or as residents in the central city. Increasingly in many cities, victimized residents include the student community, as university construction encroaches on the ghetto.

Fear and suspicion of the police, however, make it exceedingly difficult for the police to do their job. Police have legitimate complaints based on fear of physical attack and confrontation, hampering their attempts to fight crime, as well as verbal attacks on the "law and order" theme. They resent their low status in our society, and the demand that they perform too many roles with insufficient support. They cannot be expected to perform all duties assigned to them—from law enforcement to community service—without substantial support from the community. They perceive themselves as crime fighters when, in fact, they are more social workers and administrators than crime fighters, although they are poorly trained and poorly paid for the social work they are required to do. A study in one city has shown that they spend 50% of their time in administration. Forty-five percent of their arrests are drunks. Less than 3% of their time is devoted to making arrests for violent crimes against persons.

The problem is complicated by the fact that the *lack* of progress in solving our social problems, and the resulting militancy that has developed, has resulted in a loose coalition of backlash groups and the fragmentation of many liberal groups, rather than the consolidation of the latter, to meet the "law and order" crisis that threatens the democratic system itself—the only system compatible with human dignity and social justice.

The right wing, which has supported the John Birch Society and George Wallace in their appeals to "law and order" and "support your local police" has also managed to gain support for its message, if not for its underlying goals of repression, from many members of more moderate groups, such as local businessmen's, service and veterans' groups to form a loose, informal grouping. In addition, the community has not yet been willing to accept gun control, even though a major contributing factor to the growing number of homicides is the easy availability of guns.

SUMMARY OF PROGRAM

1. *Formation of a new national alliance* to effect the program to Help Shape Safer Cities, described in detail in this paper. The national alliance would work on developing broad policies and programs that are appropriate for dealing with local problems.

The national alliance would also work to establish a National Commission on Crime and Addiction, in cooperation with the American Social Health Association and the National Council on Crime and Delinquency. This commission would be composed of professionals from the fields of public health and law enforcement and laymen who are members of the new alliance. They would be charged with research leading to action programs. Action programs might involve pressure for improving drug abuse laws and/or expanded treatment facilities.

2. *Work toward the establishment of a criminal justice system*, which will require reforms in police, court and corrections procedures, as spelled out in this paper. This may require revision or repeal of some existing laws—especially those that seek to legislate morality. Until that is accomplished, it may require that greater discretionary power be given to judges in these cases. It will also require a new emphasis on *reforming the corrections system* in order to emphasize rehabilitation and training, rather than merely custody and punishment.

3. *Need for new legislation and selective, more effective law enforcement*. The alliance would work to ensure the passage of effective gun control laws and to revamp the laws related to drunkenness and drug abuse. The need to increase the very low arrest rate for violent crimes to persons and property would also be stressed, and the alliances would work toward the establishment of new priorities for selective law enforcement, giving top priority to crimes of violence.

4. *Improve police community relations and increase citizen support for law enforcement*.

a. In order for police training to be geared to actual needs, and to improve the efficiency of their administration, more time must be devoted to human

relations training and business techniques. Funding might be secured for training programs through the Law Enforcement Assistance Administration of the U.S. Department of Justice. A cadre of trainers from within the police organization should be developed, in cooperation with the universities, who will then be able to train their peers.

b. Increase the use of para-professionals to improve communication between the police and the community and relieve the police of some of their duties that do not really require professional training. Reinforce the efforts of community groups to provide for their own security, after receiving appropriate training.

c. Broaden recruitment practices of police to aid recruitment of minority groups and urge that college-trained applicants be permitted to enter police departments at grades appropriate to their professional training, instead of having to start as patrolmen. Police are the only group in our civil service who have to enter at the bottom rung. Upgrade the educational requirements of executive officers in the police departments, in order to professionalize the police and improve their status.

d. Assign police to neighborhoods on a permanent basis and increase the number of foot patrolmen in high crime areas.

NEEDED—A NEW STRATEGY AND PROGRAM

1. Formation of a new alliance

If we are to improve the quality of life in American cities, the community must assume its share of the responsibility, along with the government and the police. The National Commission on the Causes and Prevention of Violence states that "Government programs for the control of crime will be most effective if informed private citizens playing a variety of roles, participate in the prevention, detection and prosecution of crime, the fair administration of justice, and the restoration of offenders to the community. New citizen-based mechanisms are needed at the local and national levels to spearhead greater participation by individuals and groups . . . [since] private organizations do not pose threats to existing agencies and carry no residue of past misunderstandings, they can intercede with a city's power structure without being bound by chains of command. They can test programs through a pilot project carried out on a small scale."

A new alliance of individuals and organizations must be created to reduce the conflicts between currently antagonistic groups, win law and order with justice and, thereby, Shape Safer Cities. Liberal groups should join with groups not previously associated with them to create a new climate of public opinion regarding crime in the streets as long as they are groups which seek cooperation, rather than confrontation. Both national and local alliances should include: religious bodies; labor unions; women's organizations; businessmen's groups; medical and legal associations; civil liberties and civil rights groups; social work, welfare and community organizations; and organizations of public officials.

Suggested programs

(a) We propose holding a meeting in Washington or New York early in 1970, to include some of these representative individuals and groups to provide a kick-off for the establishment of a national alliance and implementation of the programs enunciated herein. It would also provide some new insights from experts with new ideas and groups not usually involved in liberal coalitions. This consultation would also determine what new materials or techniques are needed, or already available, for use in local projects.

(b) Local conferences would follow the national consultation. Those members of the alliance with expertise in specialized areas would work on developing programs within their area of interest, using a task force approach.

(c) The National Consultation could also lay the groundwork for the establishment of a non-governmental National Commission on Crime and Addiction, working with the National Social Health Association and the National Council on Crime and Delinquency, which could move toward the establishment of new national policies. It is hoped that the National Commission would be composed of laymen and public health officials, rather than just criminologists, so that action programs on drug abuse might be transferred from the criminal justice system to the medical authorities, and new ways could be found to deal with crime as it results from drug abuse.

2. Development of a fairer and more effective criminal justice system

The alliance will work for court and prison rehabilitation reform and necessary changes in state and national policies. The need for reform of our criminal justice system—indeed, the need for the establishment of such a system—was recently borne out by the Law Enforcement Report of the Commission on Violence. Nearly every part of the system is underfinanced and understaffed. The recent concern about the increase of crime among those free on bail is less a problem of recidivism than the result of the breakdown of the criminal court system. Under this system, trial delays average 10 months or more in Washington, D.C. and run as high as two years.

Some of the ways to expedite justice in the courts are:

(a) The use of summonses, instead of arrests, for minor offenses. It is one way to ensure more equal treatment under law. This has been done in New York City recently and is thought to be one of the best ways to lessen police-community tensions.

(b) Establish pre-arraignment processing facilities in order to reduce the amount of time spent on processing prisoners, provide more equal law enforcement, and increase the possible number of hours that policeman may spend on patrol. With more police on the streets, through this process, crime might be reduced. This requires the cooperation of police departments, district attorneys and criminal courts. It also requires improvements in the court system, such as a master calendar control system and addition of more judges, to process the additional criminal court cases.

(c) Campaign for free, top-level services for those accused of crime not only at arraignment but throughout the court process. Call for swift arraignment, provision for fairer bail procedures to avoid penalizing the poor, elimination of court backlogs through appointment of more judges, extending the court day and redistricting areas to achieve better distribution of work loads.

(d) Help arrange for community aides in the court rooms to assist neighborhood people in contacting relatives and lawyers and to act as interpreters or mediators in police-community encounters.

(e) Encourage discretionary power of judges to permit drug abusers who are users, but not guilty of other crimes, to be turned over to medical, rather than criminal, authorities. Judges should also have discretionary power, in cases of disorderly conduct, drunkenness and similar "minor" offenses, to turn offenders over to social agencies, rather than commit them to jail.

(f) Urge the expansion and upgrading of probation services, as well as the improvement of grand jury procedures and selection processes.

Excellent programs utilizing volunteers and citizen participation in court rehabilitative programs and the development of probation services have been established by Project Misdemeanant in Royal Oak, Michigan and by the Volunteer Training Project of the Juvenile Court in Boulder, Colorado and could be replicated in other cities. The Vera Institute can also be helpful.

Our correction system must be upgraded, too, to emphasize rehabilitation and training rather than merely custody and punishment. Petty offenders and first-time violators should be prevented from becoming hardened criminals. The private sector, through an alliance or individual groups, could work with prison authorities to provide educational and vocational opportunities for inmates and prepare them for life outside of prison.

Suggested steps to reforming the correction system are:

(g) Urge greater use of the indeterminate sentence and sociopsychological evaluations of risk factors in release of convicted prisoners.

(h) Recommend and support programs which are geared to rehabilitation of prisoners, such as meaningful, paid work for full-time prisoners, improved living quarters, better selected, trained and paid prison personnel, and upgraded physical, psychological and social services for prisoners.

(i) Study and recommend the development of alternative treatment and correction programs and facilities to assist orderly adjustment of convicts to civilian life, such as:

1. night-time or weekend prisons for some offenders with full-time steady employment;
2. ½ day or weekend correction facilities combined with work or study programs;
3. full-security programs;
4. urge business firms and foundations to help released offenders return to society through:

(a) halfway houses

(b) job opportunities, educational programs and narcotic day-care treatment centers.

We recognize the fact that, as the Eisenhower Commission stated, we must "double our national investment in the criminal justice process, that central offices of criminal justice be created at the metropolitan level, and that complementary private citizen groups be formed" in order to solve these problems.

We endorse the Eisenhower proposal for "the creation and continued support—including public and private funding—of private citizens' organizations to work as counterparts of the proposed offices of criminal justice in every major city in the nation." The alliance proposed in this strategy could do this, as well as acting to fight extremism both against the police and within the police organizations.

3. Need for new legislation and selective, more effective law enforcement.

(a) Revamping of laws related to drunkenness and drug addiction

Society can no longer support either the addict who must steal or kill in order to support his habit, or the unethical and immoral pusher who gets rich on the sickness of our society. It is estimated that half of the crimes committed in some of our larger cities are related to drug addiction. An addict with a \$25 a day habit must steal at least \$35,000 a year to support his habit. A proposed strategy might be to transfer the major responsibility for dealing with alcoholism and the drug abuse problem from the criminal justice system to the medical profession, primarily the public health authorities. (At present, the arrest of pushers, without adequate treatment for their victims, helps to push up the crime rate. We now have teenagers taking heroin, in some cities, because marijuana became either too scarce or too expensive to buy after the Mexican crackdown.)

Suggested changes:

1. Consideration should be given to amending the laws regulating the sale, possession and use of drugs and narcotics, so that addicts might obtain drugs legally under strict and rigorous medical control and supervision. We propose to establish a non-governmental National Commission on Crime and Addiction to provide action research in this area and recommend and implement new action proposals. It should be composed of laymen and people from the public health field, in addition to criminologists.

2. Until drugs are legalized, consideration should be given to changing the legislation to that, regarding marijuana use, the "penalties are made to fit the crime," thereby increasing respect for law as just, especially among students, who are the biggest users of marijuana.

3. There must be differential treatment for the person who is a user, pusher, or criminal who steals or murders to support his habit. The crime rate might be substantially altered, for example, if alcoholics and drug users were treated as sick, instead of being punished as criminals. A counterpart treatment program is essential with the arrest of the pusher. For example, the 2,000 beds on Rikers Island in New York City, currently used as a prison by the Department of Correction for alcoholics, could be transferred to the Department of Hospitals or the Department of Public Health so that these people could be treated.

(b) Give top priority to crimes of violence

Police should be instructed to give top priority to prevention and control of crimes of violence. To aid in this process, the community should consider revision or repeal of laws which currently occupy a great deal of police attention, such as laws relating to "crimes without victims": vagrancy, loitering, gambling, prostitution and homosexuality. Should conduct be considered unlawful only when it abridges the freedoms and rights of others?

(c) Promote gun control

Push for strong federal gun controls, requiring the state licensing of handguns and registration of long guns, to prevent our country from becoming an armed camp. Studies conducted by the Violence Commission confirm that "the proportion of gun use in violence rises and falls with gun ownership."

4. Improve police-community relations and citizen support for law enforcement

The traditional approach of working only through police department hierarchies to institute community-relations training is a method that has largely failed in the past, either because knowledge gained and attitudes changed at the top of the hierarchy have rarely filtered down to the lower echelons of the police force or because even when the patrolman has been involved in community-relations training, he comes up against the majority of the force who want to retain the status quo.

Therefore, we suggest that the alliance work not only with the police hierarchy, as in the past, but with the Police Benevolent Associations, police unions and other police ethnic and peer organizations to institute more effective police training and community participation. Our goal is to have a greater impact on changing policies and providing the kind of training that meets human needs. It could aid the police in preserving order with justice and at the same time support their legitimate demands for better pay, increased status and improved technology.

There is an increasing thrust by the police line organizations to engage in collective bargaining and to seek association with the AFL-CIO or the Teamsters. Whether or not one approves of police unionism, it is becoming a fact of life. The question before us is how can we use this growing movement to help shape a safer city. For one thing, trade unionism could serve as a safety valve for police, as it does in Western Europe. Police unions there provide opportunities for ventilating grievances and taking part in democratic processes. The union can provide a two-way communication link between the police and society. Perhaps most important of all, as unionism brings the police closer to the trade union movement generally, experience in Western Europe shows that it may also offset right-wing tendencies, which seems so natural to the protectors of law, order and property.

In order to effect this strategy, it will be necessary to sensitize police, unions, blacks, student groups, church groups, government groups, health experts and businessmen to this analysis of the problem. It will also be necessary to develop and implement new action programs directed at shaping a safer city. This will require changing some public policies, as well as adopting new legislation.

Suggested programs:

(a) There have been many *training programs for police*, utilizing lecture, discussion of case studies and human relations training techniques to identify and define the sources of tension between the police and the community, and gain new understanding of how their words and actions are interpreted by the public.

We would urge the involvement of the universities and other community leaders, however, in planning new training programs in the social sciences to ensure that police are prepared to understand the problems and meet the needs of the community. The alliance would stimulate federal and state subsidies to promote university police training and appointment of highly qualified, educated administrators. The main emphasis will be to develop a cadre of trainers from among the police hierarchy and police organizations who would then train their peers, develop criteria and judge the effectiveness of their own program, in light of the new perceptions described here.

In training community people, these police would then be better prepared to deal with the alliance and train the civilian patrols that we propose. We would also want to use student and minority group leaders from the community to work among their own peers to increase citizen support for fair and effective law enforcement.

A pilot program could be developed with a university community that would address itself to the hostilities between the student body, university guards, police and surrounding lower and middle class or ghetto neighborhood community at the same time that it seeks ways to improve the protection of this total community.

The Law Enforcement Report of the Commission on Violence states that "A recognized profession of criminal justice system administrators does not exist today." We must develop new training programs for correction officers, as well as police officers.

Confrontation laboratories, consisting of week-long, issue-oriented, problem-solving discussions have been used successfully in several communities to train police and community residents toward improved law enforcement.

(b) *Confrontation labs, sensitivity sessions, weekend conferences or continuous series of discussions* between key representatives of police and neighborhood should be arranged by local alliances. Their purpose would be:

1. to create community support for improved working conditions and benefits for police;
2. to secure police cooperation in furnishing a variety of social services to the community.
3. to develop understanding of community problems and opportunities to work together for the good of the community.

(c) *Promote neighborhood organizations for a safer city.*

1. (Block Watch-Building Watch Committees.) Interested local residents and businessmen could provide protective services in the local areas, and some might take on brief watch assignments in their local areas. The objective is to prevent crime by their presence and to alert police when they are needed. Such programs are most effective if widely publicized. Care must be taken to make these auxiliaries to the police and not vigilante organizations. Guidelines can be provided by the International Association of Chiefs of Police and the National Council on Crime and Delinquency.

*2. Support organization by police and local community groups of *sharp-focus, strategic campaigns* such as Lights-On, Car-Lock and Never Admit Strangers to Your Apartment drives.

(d) *Pilot programs* should be tried to assign police to a neighborhood on a permanent basis so that they could develop a presence and sensitivity to the area, and be seen as citizens, first, and policemen, second. Instead of being transient, anonymous minions of the law, these police could then be viewed as the "community's protectors". We propose a two-way program whereby the local police would be trained by indigenous people concerning the specific area in which they would work, and the police would train local community people on the nature of security programs. We are aware of the dangers of increased "payoffs" to police by criminal elements, if they are assigned permanently to a neighborhood, but we think that this risk must be faced and overcome.

(e) *Police storefronts*, possibly with civilian groups monitoring their activities, could help demonstrate new attitudes and sensitivity and promote greater coordination between police and social agencies, hospitals and other governmental agencies which provide social services, if communications were first opened up sufficiently between the police and community to replace suspicion with trust. These storefronts would strive to change the image of the police as the "enemy", and maintain continuous informal contact between police and/or representatives of municipal government and neighborhood youth leaders, including militants and past or potential troublemakers. They would also act as a complaint bureau which, if effective, would have credibility in the community.

(f) *Civilian youth and adult patrols* from the neighborhood could be organized to:

1. Report abandoned cars, faulty traffic lights, fires and other community hazards.
2. Accompany experienced officers on patrol and advise police on crime problems in the area that they might not be aware of.
3. Serve as communicators between police and community residents, interpreting needs, wants and feelings of each group to the other.
4. Serve as an escort service to elderly people who are afraid to go out alone in high-crime areas.
5. Patrol high-crime precincts on weekends, in teams of two, in cars equipped with ham radios and transmit information of suspicious activities to a listening post, which then relays it to a police station.

As in the case of the Block Watch Committees, these civilian patrols would have to be supplied with guidelines and appropriate identification as police auxiliaries to prevent any tendency toward vigilante action.

(g) *Set up rumor control centers* to cut down the fear engendered by false rumors.

1. Provide a phone number that citizens can call to inquire into the truth of dangerous rumors.
2. Staff the rumor center with police, social workers, media and community people.

(h) Urge equality of police protection throughout the city, *increasing substantially the number of foot patrolmen* on the streets of high crime areas.

(i) *Encourage use of para-professional community people* to provide the additional services required by slum areas. Encourage the employment of civilians

as police aides to act as school crossing guards, meter maids, clerical and administrative aides, trained by police. Support neighborhood groups in their demands for improved police protection in high crime areas.

(j) *Broaden recruitment practices of police.*

1. In order to get more minority candidates for the police, organize a community police selection board which would share with the police organization and responsibility of reviewing each candidate's background and discussing his potential for effective police service in the community.

2. Support recruitment of minority group officers with the creation of high school courses and vocational guidance to attract candidates from minority groups.

3. Reform qualifications for police, where desirable, to remove unnecessary barriers to recruitment of minorities.

4. Institute a system to provide for police entry into the police hierarchy on different levels, commensurate with their educational and experiential background outside the police departments, as is true of all branches of our civil service.

CONCLUSION

As the urban physical environment deteriorates and crime increases in our cities, the total quality of life is affected and the freedoms that we cherish in our democracy are threatened.

If we do not find a way to involve new groups of people in addressing themselves to solving "crime in our streets" and creating law and order with justice, our country may well not be worth saving a generation hence.

It may be that a breakdown in morality and ethical standards has led to a disrespect for the law, among the police as well as the general public. Increasingly, police corruption is believed to be widespread. Many laws are not respected—especially by students and blacks—because they seem to them not only unjust, but also applied and enforced unfairly.

Working on community problems solely with the hierarchy of the police department has not worked well in the past because a change in attitudes at the top does not necessarily filter down to the ranks. In addition, all human relations training to date has been based, ineffectively, on the techniques of eliminating prejudice and stereotypes without sufficient emphasis on the practical values and self-interest that would be served by changing actions, as well as attitudes. Training has also failed to deal with the problems raised by the new ways the police see themselves—as a new political and collective bargaining entity.

Good police-community relations (along with the establishment of true justice and the alleviation of poverty) and pressure for a reformed judicial system are the responsibility of the total community, and are necessary for a safer city.

AJC RESOURCES

The national staff and consultants from the American Jewish Committee would be available to help plan and execute these programs and to help the local groups determine their priorities.

AJC field staff would act as catalysts in moving local groups to form local alliances and initiate innovative programs to shape safer cities. We also intend to set up an AJC national committee of lawyers, doctors, businessmen and other influential citizens concerned with the administration of justice problems, as well as counterpart committees in key cities, to cooperate with this program. We would urge other groups in the alliance, where appropriate, to take similar action.

The following AJC publications are available for use in the programs:

1. *The Introduction and Summary of Recommendations of the Final Report of the National Commission on the Causes and Prevention of Violence*, 1969.

2. *Case Study of a Riot: The Philadelphia Story*, by Lenora E. Berson. An analysis of the Philadelphia race riot of 1964, 1968.

3. *Crime and Race: Conceptions and Misconceptions*, by Marvin E. Wolfgang and Bernard Cohen. An analysis of facts and fallacies underlying crime statistics, indicating how race prejudice affects public thinking about criminality, 1970.

4. *The Police*, by Sam Blum (reprinted from *Redbook*) 1967. "Is it the policeman's jobs to keep the peace—at any price?"

5. *The Police on the Urban Frontier: A Guide to Community Understanding*, by George Edwards, 1968. A discussion of law enforcement, police problems and practical procedures to promote cooperation between the police and the community.

6. *Police, Politics and Race: The New York City Referendum on Civilian Review*, by David Abbott, Louis H. Gold and Edward T. Rogowsky, 1969. A review of the forces and issues involved in the Civilian Review Board controversy of 1966.

Mr. FLEISCHMAN. While the Law Enforcement Assistance Administration is recognized by both the Nation's Governors and mayors as among the best of the Federal agencies administering grants-in-aid programs, its effectiveness has been limited by restrictions imposed in the statute itself.

The act provides that all the planning grants and 85 percent of the action grants for improvement of criminal justice systems must be funneled through States, while LEAA may allocate the other 15 percent of the action grants directly to State or local governments.

What has been the result?

With few exceptions, the States, which receive most of the money in block grants, have spread the money around to rural and suburban areas, which have low crime rates, instead of concentrating most of the funds in the core of large cities, which have the overwhelming bulk of crime and suffer from declining tax resources.

Although 85 percent of the indexed crimes in 1968 occurred within the Nation's cities, the funds provided through the act to those cities was far less.

Mayor Lindsay of New York City has reported that New York City, which had more than 75 percent of the crimes in the State, received only 43 percent, or about \$900,000, of the Federal funds given to the State, to carry on experimental crime control patterns. City after city has reported the same pattern.

It is urgent that sufficient funds be provided to meet the specialized and critical crime problems of our Nation's major urban areas, and therefore we suggest that funds be allocated not just on the basis of population, but on the basis of concentration where the major criminal problems exist.

We share Attorney General John Mitchell's view that: "The Nation's criminal justice system has been starved for resources for decades."

We favor expansion of those funds that are needed. We must agree with Mr. Oberdorfer that the State planning process required by LEAA has frequently not been effective thus far in creating real substantive State plans.

We fear also that funds allocated without reference to appropriate and comprehensive planning, whether by a city or a State, will do much to preserve and reinforce mediocrity and bad practices, rather than promote innovative and experimental programs.

We have been disturbed by the fact that so little of the money spent thus far has gone for the courts and corrections, with the overwhelming majority going for the police departments.

We are heartened by the recent statement before your committee of Attorney General Mitchell that in this fiscal year the law enforcement appropriation will be decreased and the appropriations for the courts and corrections will be increased more in line with the national averages.

We are concerned about this because we feel that the emphasis has been too much on hardware, new weapons and construction, and too little on training and research.

Therefore, we recommend that the proportion of funds going directly to the cities be increased, and that the requirement that cities must match Federal grants with their own funds be eliminated or softened.

An approach that strikes us as hopeful would provide that only 50 percent of action grants would have to go through States, and would encourage States to give cities more by adding more funds when States themselves agree to pay some of the non-Federal share of action grants on behalf of the cities.

We are concerned not only with getting more Federal LEAA funds to the cities, but also with how it gets to them. Comprehensive State planning agencies set up by LEAA should sensitize those State agencies which provide many planning services to the needs of the urban areas.

They should increase State standard setting and technical services to help upgrade urban services.

They should better coordinate State services with local services through comprehensive State-local planning.

And they should establish a pattern of State subsidy and grant funds to the cities for the time when Federal funds may be diminished.

I remember when there was one occasion when Federal funds went for juvenile delinquency programs, but there was no point where the States had to provide matching funds.

When the Federal grant ended, so did all action by the States. There was no State followup.

We feel that it is necessary to try to build that in at the present time.

At present, while the provisions of the act itself, LEAA guidelines, and public statements made by Justice Department officials all recognize the need for community involvement in the planning functions, there has been little such involvement, particularly in urban areas where crime is the highest. Instead, according to a September 1969 survey by the International City Management Association, State and local planning agencies appear to be dominated by police and criminal justice professionals.

There can be no lasting solution of the problem of crime without increased community support for fair and effective law enforcement.

Yet, a report last year by the Urban Coalition and Urban America, Inc., noted that "Florida's guidelines specify that its seven regional planning councils consist half of sheriffs and half of police chiefs. Since that State has neither black sheriffs nor black police chiefs, its regional councils have no black representation."

I was pleased to note that in the testimony by Mr. Oberdorfer there are two minority persons included now, one black and one Cuban, out of the 29 members on the State planning council. That is progress, but not too much.

In addition, there has been very little involvement of private citizens from industry, labor or nonprofit organizations concerned with the underlying causes of crime, nor of agencies dealing with such crime-related fields as health, poverty or employment.

These groups should also be eligible to receive grants in areas of their competence.

We urge that the Law Enforcement Assistance Administration be given greater authority in requiring increased city participation in State planning.

One way might be to require that State plans include separate sections for urban area services showing coordination and linkage with State services.

The National Council on Crime and Delinquency informs us that in New York City the State parole service operates parole from city prisons; the State judicial conference provides rules for city criminal courts; and a State probation commission sets standards and rules for city probation services.

Hawaii provides many State services that are provided by cities in other States.

Moreover, we need to learn how effective the planning councils and the planning process have been. The Law Enforcement Assistance Administration should be given the responsibility to monitor and report back to Congress on the effectiveness of State planning and the use of the LEAA funds.

At present, the States consider that they have carte blanche once they receive the funds.

In conclusion, let us emphasize that if the issues of crime in our cities, preservation of law and order and protection of civil rights and liberties are left to fester, they will lead to even more polarization of the races and an increasing generation gap.

If crime resulting from increased drug use is not attacked in a new way, we will have allowed not just a drug culture to develop, but rather, a culture of criminality.

The changes we have suggested, we feel, will help involve the total community in winning security without repression.

I might add, Mr. Chairman, that in carrying on our work in this field we have been putting out certain material.

This pamphlet, "Crime and Race", which I will also give to you, is one prepared by Dr. Marvin Wolfgang and Dr. Bernard Cohen.

Dr. Wolfgang was the research director of the National Commission on the Causes and Prevention of Violence, the Eisenhower commission.

The CHAIRMAN. That will be accepted for the committee files.

Mr. FLEISCHMAN. We have also been working with other organizations to distribute the summary and recommendations, and the introduction, of the Eisenhower commission to the tune of some 250,000 copies thus far.

We are doing this because we feel that citizen support is extremely important if we are to be able to carry on the job of wiping out crime in our cities.

Mr. MACGREGOR. I would like to say that over the years I have had the very highest regard for the American Jewish Committee, and this subcommittee is honored, sir, by your presence and your associate's presence here today. Thank you.

The CHAIRMAN. I want to thank you, Mr. Fleischman and Mr. Goldfarb for a very fine contribution. Of course, The American Jewish Committee has always been dear to my heart. I happen to be a member of that organization. Its pronouncements have always been worthy.

Thank you very much.

Mr. FLEISCHMAN. Thank you.

The CHAIRMAN. Our next and final witness today is a member of the Friends Committee on National Legislation, Mr. Edward T. Anderson.

STATEMENT OF EDWARD T. ANDERSON, HUMAN RIGHTS SECRETARY, FRIENDS COMMITTEE ON NATIONAL LEGISLATION, ACCOMPANIED BY EDWARD F. SNYDER, EXECUTIVE SECRETARY

The CHAIRMAN. Mr. Anderson, as the House is in session, I will ask you to be brief and capsule your statement, if you would, please.

Mr. ANDERSON. Thank you, Mr. Chairman.

Because of a pressing appointment I have at 12:30, I have to be out of here as soon as possible.

I would like to introduce the executive secretary of the Friends Committee on National Legislation, Mr. Ed Snyder.

My name is Edward Anderson, human rights secretary of the Friends Committee on National Legislation.

The FCNL does not pretend to speak for the entire Religious Society of Friends but for those Friends appointed by Friends Yearly Meetings and Friends organizations throughout the United States.

I speak today in regard to H.R. 14341, and related measures, to amend the Omnibus Crime Control and Safe Streets Act of 1968.

Recognizing the dimensions of the problem that this act attempts to deal with, we would do well to redefine the underlying philosophy of law enforcement and see how this act and the funds that implement it may or may not point us in a new direction.

To quote Dr. Martin Luther King, Jr. (Martin Luther King, Jr.: "Letter From a Birmingham Jail"—April 16, 1963) in his now classic essay on law and justice, he stated so very well:

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice, and that when they fail to do this they become the dangerously structured dams that block the flow of social progress.

This brings us to the LEAA which could be an enabling factor in assisting local police, courts, prisons, and rehabilitation facilities to cope with their rising responsibilities beyond determining, containing, and repressing, and move toward real defense of principles and advocacy of solutions to problems as they confront them on a routine daily basis.

For example, it is clear that a good local police department would have "clear and convincing" evidence to produce at a hearing on overcrowded housing as it affects the people they are in daily contact with.

In many cases, police officers could have a lot of information to bring a hearing on health needs of a community based on the growing number of problems they are encountering.

We could go right down the line to pollution and ecology and point to many areas of life where local law enforcement officers could make real contributions.

I would like to quote Dr. A. C. German, visiting professor of criminal justice at the University of Illinois, on a statement he made concerning the direction of police.

Most of the work of patrolmen should be done quietly with the social services point of view always in mind, under circumstances which would make mere size and drawing account for little.

Our personnel and police administrators have made little attempt to secure as members of the police force men and women with the social attitude and training in social service work.

In fact, they have all too often opposed the appointment of police officers with such an attitude and background.

In 1931, August Vuler, revered mentor of American policy, said the policeman is no longer merely the suppressor of crime, but the social worker of the community as well.

Or, the LEAA could also be an instrument of oppression, enabling a national police state to be erected.

There we go to Mr. W. H. Ferry, long associated with the Center for Study of Democratic Institutions.

White town easily tolerates practices in black town it would not stand for in their own neighborhoods. The good Germans, when they were willing to pay any attention, easily tolerated the tactics of their police in dealing with the Communists and Jews.

They did not, most of them, anyway, think they were living in a police state. They thought they were sanctioning only those laws and practices needed to preserve order and keep the nation secure against its enemies.

Since these laws and practices took effect only in distant ghettos and against strange, despicable people, how could good Germans consider them anything but the most reasonable preservations of law and order?

In the Senate Judiciary Committee report on the 1967 Safe Streets Act, several members eloquently spoke to this danger.

Senator Fong stated:

Our citizens have always insisted and continue to insist that police power must be dispersed among the State and local governments of the Nation, as a guarantee that no single government can begin to accumulate enough power to submerge the democratic foundations of the Republic.

The distinguished chairman of that committee, Mr. Eastland, quoted the late Justice Jackson on this point.

On the other side of the aisle the late Senator Dirksen, and Senators Hruska, Scott, and Thurmond recalled a strong statement by the Director of the FBI:

America has no place for, nor does it need, a national police force.

These four men concluded:

In short, we don't want the Attorney General, the so-called "Mr. Big" of Federal law enforcement to become the director of State and local law enforcement as well.

We, as friends, heartily support these reservations and feel that they are just as valid now as before and that the present operation of the LEAA should be scrutinized not only for finding the most efficient mechanism for distributing grants to the areas most needing enlightened improvement of law enforcement, but also to see whether some of these inherent dangers pointed out 3 years ago have manifested themselves.

Most of the discussion so far has been between urban mayor and liberal types who wish a switch to categorical grants, and the state-house and police interests who are happy with the block grant approach.

This, it seems to me, is a fairly important but really secondary concern when the total picture of law enforcement in America is analyzed.

What has happened is that Congress said the purpose of the Safe Streets Act was to combat crime while the LEAA provision was used to experiment with the block grant approach, thereby placing responsibility for improving law enforcement on States while crime is actually a highly urbanized problem.

Furthermore, LEAA is even further removing police from the concept that police are servants of the people via their local elected officials. For that reason, the direct categorical grant system could be better.

We fear that the national standards which the block grant approach was designed to avoid and the bureaucracy which the advocates of that mechanism said would be bypassed have occurred.

The great emphasis on riot control and the creation of not just one, but two extra layers of bureaucracy—State and regional—between the LEAA in Washington and the local agency testify to this.

We share the concern over the unrepresentative nature of the planning boards and advocate direct guidelines to correct this situation and to involve local law enforcement people, corrections people and, most important, the citizens who will be on the receiving end of all this—especially minorities and residents of poor neighborhoods, where crime is highest.

We also feel that much money has been wasted by spreading it too thin—rather than concentrating on specific crimes, such as drug traffic and racketeering.

The LEAA annual report outlines seven areas grants were made in; none directly confronts one of the key difficulties which all criminologists and community people alike agree upon: the closed society of outsiders which are the police departments patrolling and dispensing law in most of our large cities.

Community relations programs, so heralded after the 1967 rebellions as the panacea, have turned out to be public relations campaigns.

A study by the International Association of Chiefs of Police on Washington's police listed the functions of community relations:

- Develop a positive police image;
- Insure adequate financial and legal support for the police department;
- Reduce the possibility of riots;
- Develop good relations with the press; and
- Convince the public that the police are impartial in their work.

Assuming that community relations concept is valid at all, it certainly cannot work if it continues as a unilateral, one-way operation. It must mean that the community and police must interact, share responsibility and power in such a way that the people involved respond to problems and not to each other.

Many studies have illustrated the implicit and overt bigotry and authoritarian, un-American attitudes so prevalent among policemen.

Most police unions, which so paranoidly lead the attack on anyone or any agency that suggests real police education or contact with the community, must be challenged effectively by a group such as the LEAA, if by anyone.

You should be aware of the fact that across the country, in large and small departments, black police unions are growing in size and

stature because of the need of professional police to speak out within the departments from a social humanitarian perspective.

But what does the LEAA annual report list as the breakdown for the fund distribution?

	<i>Percent</i>
Riots	22.5
Upgrading law enforcement.....	18.5
Detection and apprehension.....	11.2
Prevention of crime.....	10.5
Correction and rehabilitation.....	8.4
Control of juvenile delinquency.....	7.0
Community relations.....	4.1
Organized crime.....	3.9
Research and development.....	3.5
Construction	2.9
Crime statistics and information.....	2.0

Now, this order of priorities in terms of the way the money has been allocated seems to be in clear conflict with the basic intent of the act.

If the intent of the act was to reduce crime, including, hopefully, organized crime, how are we to interpret a 4 to 1 ratio in spending between riot control and organized crime control?

If this priority in funding continues, should we expect more of the LEAA intervention in campus disputes such as at Valley State in Mississippi earlier this year, rather than a reduction in the spreading net of drug traffic as it engulfs city after city and town after town?

Should we just assume that the training of police officers will only make them more efficient in executing a raid on Panthers in Chicago that took the life of Fred Hampton, or the 4-hour battle in Los Angeles following a raid on Panthers there?

As of this date we have not seen either the intense concern or violence in the apprehension of the real enemies who prey on the minds of our young people via hard drugs.

The Kerner and Eisenhower Commissions both agree that more arms and overt antiriot activity provoke the events they supposedly pretend to prevent or control. And the police already have more than enough capability here.

Control of organized crime, community relations and corrections—all in a transformed and innovative and real form—should be number one, two, three, if Congress is really serious about preventing, reducing, and controlling our swelling crime rate.

Assuming the LEAA will continue in the same general structure and with much more money to spend, we suggest the following improvements:

1. Congress should provide a stimulus for much-needed innovation in law enforcement practices by earmarking perhaps 10 percent of the total action money for clearly innovative approaches.

Some of these might be:

Experiment with the "uni-beat" arrangements, whereby the officer lives in the same area which he patrols.

If this cannot be arranged, at least the police training and education should include orientation of the outsiders to life in ghetto settings of a more substantive nature than lectures or day-long tours. How about a temporary residence? Sensitivity sessions with youth, blacks, clergy, welfare mothers?

Much more attention must be given across the Nation to pretrial justice, bail procedures, counsel for indigents, and so forth.

2. In formulation of the priorities for grant awards, more money should be put into penal and rehabilitative structures, due to the high recidivism rate and the fact that many first offenders become hardened criminals through their experience in our jungle-like prisons.

3. The concept of unified community services should be pushed to overcome the isolation of police and the fact that people go to the station only upon trouble.

If one building could contain public assistance, employment, ombudsman, education, and other services, then they might be encouraged to work together and citizens would see the police for what they should be—another civil servant.

4. Because of the direct relation between perhaps as much as half of urban property crime with drug addiction, drug abuse education and treatment facilities are a clear answer for people seeking to prevent crime, not simply punish people judged criminals. This also relates to the need to place Mafia control at the top of the funding priority list.

5. More money and men into the law enforcement end of the criminal justice system as presently constituted can only mean more repression of blacks, poor, and radical youth. These three groups are for "law and order" for they are the victims most often. But for this actually to happen, they must have some say about how this municipal service is to be formulated and carried out. Thus, not community-police advisory boards but actual say in police control is essential.

The LEAA, instead of encouraging the formation of a dangerous national system of communication and interlocking civilian-disturbance control and "subversives" computer ban, should rather be acting to force entrenched white-dominated police departments to give up some of their monopolistic power of life and death over poor, and black, and radical youth, so that that power can be responsible and tempered, not repressive and brutal.

This struggle is already on between aggrieved local groups and the police. The LEAA must mediate and lead in this, not encourage the excesses of those in power now. More black policemen will mean nothing if the dominant policies and ethos is antiblack, antipoor, and antiyouth.

Not only would continuation of misguided LEAA policy in this area be unfortunate in terms of local power struggles and lives, but self-defeating in the long run for the "system."

For documentation of LEAA-supported suppression of college students in Mississippi and California, demonstrators at the Watergate, cooperation in the civilian disturbance center at the Pentagon can only say to those questioning the system that the system will go to all means to maintain its control with force and cannot be changed but by force.

Will we then round up or kill our sons and daughters and neighbors?

Will the American dream turn out to be the American nightmare because our institutions could not adjust and keep their eyes on the true ideals of our Republic?

Which way the LEAA goes will play a large factor in this still undecided balance.

Thank you, Mr. Chairman.

The CHAIRMAN. Are there any questions?

Mr. McCLORY. I am disturbed by this statement. I think it is a rather unfortunate statement. It seems to fail to recognize efforts that our elected lawmakers are making. It appears to me to be a blanket condemnation of the institutions and their representatives in our society.

It does, of course, echo many expressions that you hear from some of the militant activists on the campus. But I think it is unfortunate that it was not tempered by what I feel is the expression and view of the vast majority of those who are involved.

I can't help but feel that it downgrades and deprecates the genuine public efforts being made at all levels.

I can hardly believe that this is an expression on behalf of an organization, but rather it seems to me to be an individual expression.

Mr. ANDERSON. I would like to take issue with what you said.

I think you missed some of the very, very exact points that I tried to raise in the statement.

One, that police are civil servants, accountable to elected officials. You heard the previous witnesses this morning mention the fact that local police departments, because of the domination of them on State planning agencies, are many times bypassing those local elected officials with programs that they wish to initiate.

I think that is very consistent with our framework in democracy, that the local elected officials should be responsible and in control of their local police departments.

A very fine Sunday editorial came out last year in the Washington Post that showed many urban city mayors afraid of their own local police departments. I think that is very clear. You must be aware of that.

Mr. McCLORY. You are not opposed to suppressing riots and violent disturbances on the college campuses or any place else, are you?

Mr. ANDERSON. I don't think I inferred that any place in the statement.

What I tried to point out was that 22 percent of the funds were spent on riot control as opposed to 3.9 percent on organized crime.

I am asking you, where are your priorities and what kinds of riots do you really want to control, contain, and wipe out once and for all?

I am saying that with this kind of expenditure you are not really putting your emphasis where we thought the original emphasis was in the first legislation, on organized crime.

Mr. McCLORY. You will notice in the amendments which I offered as legislation there is greater emphasis being placed on the subject of corrections. You certainly would support that, would you not?

Mr. ANDERSON. I support that. However, I don't want to let the point get away that the introduction of hard drugs into the District of Columbia and many other large urban areas is not being significantly reduced with the funds coming from this act.

I am talking about the apprehension of the large suppliers of those hard drugs.

Mr. McCLORY. You criticize the treatment of protesters in the march on the Watergate, which is something that occurred relatively recently.

Don't you think it is appropriate for law enforcement officials to prevent an attack on a building and prevent violence that would otherwise occur?

If you are not going to restrain this type of activity, then what you are going to do is countenance violence, window-breaking, stone-throwing, and such conduct.

Mr. ANDERSON. I think I would have to look at the Watergate in the same light that I would the boycott, the legitimate—well, that is a value judgment—the boycott of Valley State in Mississippi.

I am not aware that there was any attempt to attack the Watergate, as there was no attempt at Valley State in Mississippi to destroy the university.

However, strong police actions were used in both of those instances with questionable results, even coming from Police Chief Wilson here in Washington. The tactics were very questionable.

Mr. McCLORY. Thank you.

The CHAIRMAN. Thank you very much, Mr. Anderson. We appreciate your testimony this morning.

At this point in the record, without objection, I will insert the statement of the Honorable Russell W. Peterson, Governor of the State of Delaware.

(The statement to be furnished follows:)

STATE OF DELAWARE,
EXECUTIVE DEPARTMENT,
Dover, March 11, 1970.

HON. EMANUEL CELLER,
House of Representatives,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN CELLER: As a member of the National Governors' Conference Committee on Law Enforcement, Justice and Public Safety, I am most interested in the House Judiciary Committee hearings on the Omnibus Crime Control and Safe Streets Act.

Unfortunately, illness prevented me from attending a hearing held February 26, 1970, in conjunction with the National Governors' Conference. Therefore, I would greatly appreciate the Committee accepting the enclosed statement and making it a part of the official record.

Sincerely,

RUSSELL W. PETERSON, Governor

STATEMENT OF HON. RUSSELL W. PETERSON, GOVERNOR OF THE STATE OF DELAWARE

In our State I have designated the Delaware Agency to Reduce Crime as the State Planning Agency under the terms of the Safe Streets Act. It is our belief, based on our experience to date, that we have one of the most effective planning and implementation programs of any state. This is partially because the smallness of our State permits statewide planning on an effective scale, and also because we have made available for implementation of the Comprehensive Plan prepared by the Agency to Reduce Crime in 1969, State action funds ten times as large as that provided to us by the Federal government under the Safe Streets Act in that year. In the current year we expect to receive a larger share of Federal funds (\$528,000 to be exact) but we also anticipate that the Delaware General Assembly will again appropriate one million dollars for aid to local law enforcement agencies to be distributed in accordance with the 1970 Comprehensive Plan that the Agency to Reduce Crime now has under preparation.

The State of Delaware has always objected to the provision in the Safe Streets Act that 75% of all federal action funds must be made available to local governments. The reason for our objection is that in Delaware the major portion of law enforcement cost is borne by the State. I submit herewith (see attached) a three year study of the costs of the operations of the police, courts,

prosecution and defense systems within the State. It will be observed that over a three year period the cost to local governments has amounted to 33.75% of the total whereas the State's contribution has represented 66.25% of the total.

I urge the adoption of the proposed amendment to the Safe Streets Act submitted by the Law Enforcement Assistance Administration to the effect that LEAA be permitted to waive the 75% provision in those cases where, in the discretion of LEAA, a larger share should be made available to the State law enforcement agencies.

We heartily endorse the block-grant concept which appears in the Safe Streets Bill. Statewide criminal justice and law enforcement planning is the best type of planning for our State. We feel that the State has better planning capability than do the local jurisdictions. Moreover, we would favor an amendment to the Safe Streets Bill which would eliminate (or give LEAA the discretion to eliminate) the requirement that 40% of all federal planning monies must be made available to units of local government. Since the amount of planning money made available to the State is barely sufficient to conduct its statewide planning operations, we do not feel it is wise to reduce that amount by 40% and to divide the 40% among numerous small jurisdictions. In states which are much larger either geographically or in population, the regional planning concept may be desirable but not in the State of Delaware or other similar small states.

We would like to stress that statewide planning does not mean that the urban areas will suffer in the distribution of action funds. Attached hereto are lists showing how the 1969 Federal action funds (\$100,000) and the one million dollar State Assistance funds were distributed to units of local government in the State of Delaware. An examination of those lists will show that the City of Wilmington, which is the only major city in the State of Delaware, but which has only a population of 85,000 out of a total of 526,000, received \$544,808.14, out of the total of \$1,085,271.36 that was distributed from State and Federal action funds.

Further, it will be observed that Dover, the capital of the State received \$63,050.00 and Newark, another relatively large community, received \$75,710.70. New Castle County which has the largest population of the State received \$148,529.84.

It is evident, therefore, that statewide planning in Delaware does not result in depriving cities and urban communities of their rightful share of action funds to implement the Comprehensive Plan required under the Safe Streets Act.

In summary therefore, we would urge your support of the proposed amendment to the Safe Streets Act to permit LEAA to waive the 75% requirement (and also an amendment to permit LEAA to waive the 40% planning money requirement) and retention of the block-grant concept in the Safe Streets Act to permit the continuation of effective statewide planning.

DISTRIBUTION OF STATE AND FEDERAL ACTION FUNDS

Subgrantee and project	State		Federal	Amount
	L	D		
Bethany Beach:				
Upgrade salaries and equipment.....	X			\$3,600.00
Upgrade equipment.....		X		4,060.00
Total.....				7,660.00
Blades: Upgrade equipment.....	X			1,800.00
Bowers: Create full-time officer.....		X		2,250.00
Bridgeville: Upgrade benefits and equipment.....	X			5,400.00
Camden-Wyoming: Upgrade equipment.....	X			3,600.00
Clayton: Upgrade salaries and equipment.....	X			1,230.00
Delaware City:				
Additional manpower.....	X			5,400.00
Upgrade equipment.....			X	3,319.20
Total.....				8,719.20
Delmar: Upgrade salaries and equipment.....	X			3,942.00
Dover:				
4 additional patrolmen and equipment.....	X			30,700.00
2 additional detectives and equipment.....	X			20,350.00
Initiate funding pension plan.....	X			10,000.00
Point-to-point radio.....			X	2,000.00
Total.....				63,050.00
Elsmere:				
Photographic darkroom equipment.....	X			2,402.00
Vehicle and radio equipment.....	X			5,009.00
Upgrade police salaries.....	X			6,291.00
Total.....				13,702.00
Fenwick Island: Upgrade salaries and equipment.....	X			1,487.50
Frankford-Dagsboro: Upgrade salaries and equipment.....	X			1,675.00
Frederica: Create full-time officer.....	X			1,800.00
Georgetown: Upgrade salaries and equipment.....	X			7,200.00
Harrington: Upgrade salaries and equipment.....	X			5,025.00
Laurel: Upgrade salaries and equipment.....	X			8,800.00
Lewes: Upgrade salaries and equipment.....	X			6,588.85
Little Creek: Upgrade equipment.....	X			1,800.00
Magnolia: Upgrade salaries and equipment.....	X			3,350.00
Middletown: Upgrade salaries and equipment.....	X			8,500.00
Milford:				
Upgrade salaries and training.....	X			11,010.00
Upgrade equipment and facilities.....	X			19,590.00
Point-to-point radio.....			X	2,000.00
Total.....				32,600.00
Millsboro: Upgrade salaries and equipment.....	X			3,350.00
Milton:				
Upgrade salaries and equipment.....	X			4,855.00
Upgrade equipment.....	X			545.00
Total.....				5,400.00
Newark:				
Police headquarters building improvements.....	X			55,800.00
Upgrade salaries.....		X		8,750.00
Riot control equipment.....			X	1,495.46
Communications equipment.....			X	6,066.00
Manpower allocation study.....			X	1,986.60
Expand intelligence operations.....			X	1,612.64
Total.....				75,710.70
New Castle (City):				
Upgrade salaries.....	X			3,000.00
Upgrade equipment.....	X			4,200.00
Total.....				7,200.00

DISTRIBUTION OF STATE AND FEDERAL ACTION FUNDS—Continued

Subgrantee and project	State		Federal	Amount
	L	D		
New Castle County:				
Police vehicle supplement.....	X			\$39,066.15
Additional manpower.....	X			20,000.00
Mobile communications center.....	X			26,493.30
Emergency communications center.....	X			37,311.05
Manpower allocation study.....			X	2,641.20
Community relations officer.....			X	8,305.11
Intelligence unit equipment.....			X	8,909.22
Brookside project.....	X			5,843.81
Total.....				148,529.84
Newport: Upgrade salaries, equipment and facilities.....				
	X			7,125.00
Rehoboth Beach:				
Upgrade police salaries.....	X			6,930.00
Upgrade benefits and equipment.....	X			14,670.00
Upgrade equipment.....			X	778.23
Total.....				22,378.23
Seaford:				
Upgrade salaries, equipment and facilities.....	X			16,484.50
Upgrade equipment and facilities.....	X			3,315.50
Point-to-point radio.....			X	2,000.00
Total.....				21,800.00
Selbyville:				
Upgrade salaries and equipment.....	X			1,800.00
Upgrade benefits and equipment.....		X		6,700.00
Total.....				8,500.00
Smyrna:				
Upgrade salaries and equipment.....	X			8,208.20
Modernize police offices.....	X			2,988.50
Upgrade equipment.....	X			1,400.00
Point-to-point radio.....			X	2,000.00
Total.....				14,596.70
Townsend: Create full-time officer.....				
		X		4,000.00
Wilmington:				
Communications equipment.....	X			17,000.00
Mobile communications equipment.....	X			22,000.00
Community relations program.....	X			30,000.00
Videotape equipment.....	X			12,000.00
Research and planning unit.....	X			32,000.00
Training and education.....	X			15,000.00
Civilian investigators.....	X			28,464.00
Automotive equipment.....	X			37,000.00
Monetary college incentive.....	X			15,000.00
Community services officer.....	X			19,500.00
Detox center.....	X	X		150,000.00
Additional manpower.....	X			22,500.00
Human relations training.....	X			104,850.00
Audio and visual equipment.....	X			7,680.00
Upgrade office and records equipment.....			X	8,640.00
Emergency equipment.....			X	12,619.14
Riot control equipment.....			X	8,515.00
Point-to-point radio.....			X	2,000.00
Total.....				544,808.14
State agencies:				
Adjutant general: Riot control equipment.....			X	1,703.25
Department of justice: Riot control equipment.....			X	1,440.90
State police:				
Manpower study.....			X	3,729.00
Homicide investigation training.....			X	1,171.20
Videotape equipment.....			X	13,770.85
Riot control equipment.....			X	2,838.00
Total.....				21,509.05
Seaford-Rehoboth: McManis model manual.....	X			7,000.00
Grand total.....				1,085,271.36

3-YEAR BASE STUDY OF POLICE, COURTS, PROSECUTION AND DEFENSE, AND CORRECTIONS COSTS, LOCAL
UNITS OF GOVERNMENT AND STATE OF DELAWARE

Local units and function	1967-68	1968-69	1969-70
Bethany Beach, police	\$11,690	\$15,441	\$22,159
Blades, police	12,000	14,264	15,206
Bowers, police	3,860	4,140	4,640
Bridgeville, police	24,625	19,013	23,817
Camden-Wyoming, police	12,500	15,307	18,148
Delaware City, police	9,862	9,434	13,950
Delmar, police	8,300	10,170	13,215
Dover, police	340,000	326,300	377,130
Elsmere, police	50,133	60,000	67,133
Fenwick Island, police	5,700	6,100	7,405
Frankford-Dagsboro, police	9,912	10,406	11,230
Frederica, police	00	00	5,400
Georgetown, police	25,874	31,854	34,889
Harrington, police	22,589	28,818	26,459
Kent County, courts	89,852	120,526	111,802
Laurel, police	28,127	31,927	36,498
Lewes, police	33,500	40,417	51,263
Little Creek, police	4,000	4,248	5,780
Magnolia, police	10,159	14,539	16,509
Middletown, police	39,365	43,569	48,196
Milford, police	143,553	137,448	153,050
Millsboro, police	17,072	14,307	16,250
Milton, police	27,232	20,235	27,332
Newark, police	295,976	363,745	443,351
New Castle (city), police	57,000	53,302	67,856
New Castle (county) police	321,585	552,016	841,106
New Castle County, courts	480,140	570,646	221,198
Newport, police	18,200	22,461	27,100
Rehoboth Beach, police	117,485	118,377	147,093
Seaford, police	79,469	84,389	94,519
Selbyville, police	6,940	7,518	13,990
Smyrna, police	64,980	67,810	82,835
Sussex County, courts	136,385	162,952	16,470
Townsend, police	00	00	5,400
Wilmington, police	2,048,885	2,299,885	2,740,985
Wilmington, courts	109,020	122,250	162,985
Wilmington, prosecution and defense	85,755	105,250	126,440
Total local units	4,751,725	5,509,709	6,096,759
Grand total 33.75 percent			16,358,193
State police	2,448,911	3,316,978	3,959,892
State local police aid	0	10,000	1,000,000
State courts	2,213,206	2,374,466	3,623,212
State prosecution and defense	482,994	523,248	804,041
State corrections	3,183,844	3,615,539	4,509,887
State matching funds	4,210	18,143	30,000
Total State	8,333,165	9,858,374	13,927,032
Grand total (66.25 percent)			32,118,571

The CHAIRMAN. The committee will now recess until Thursday morning at 10, when we will hear the testimony of several of our colleagues.

(Whereupon, at 12:25 p.m. the subcommittee recessed, to reconvene at 10 a.m., Thursday, March 19, 1970.)

LAW ENFORCEMENT ASSISTANT AMENDMENTS

THURSDAY, MARCH 19, 1970

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE NO. 5 OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met at 10:07 a.m., pursuant to recess, in room 2141, Rayburn House Office Building, Hon. Emanuel Celler (chairman of the committee) presiding.

Present: Representatives Celler, Edwards (of Calif.), Conyers, McCulloch, McClory, and Railsback.

Staff members present: Benjamin L. Zelenko, general counsel, and Franklin G. Polk, associate counsel.

The CHAIRMAN. The committee will come to order. Our first witness this morning is the distinguished Representative from the State of Ohio, a member of this committee. We always welcome Michael Feighan.

STATEMENT OF HON. MICHAEL A. FEIGHAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OHIO

Mr. FEIGHAN. Thank you, Mr. Chairman, and other distinguished members of the subcommittee. It is a privilege to have this opportunity to testify on the Omnibus Crime Control and Safe Streets Act of 1968.

It is my firm belief that the grant program administered under title I of the Safe Streets Act is the only major Federal program capable of stopping the rising crime rates which threaten the safety of the citizens of our country.

My conviction as to the validity of the approach to Federal participation in local law enforcement embodied in this act prompted me to cosponsor the bill in 1968 and to introduce a bill in this Congress.

I am deeply concerned with the current operations of the act. Funds are being dissipated at state and regional levels and are not reaching local governmental units in high crime, urban areas. This situation is particularly acute with respect to the city of Cleveland, the greater portion of which I represent.

In fiscal year 1969, the State of Ohio received grants totaling \$1.2 million under title I. Figures compiled by the Department of Justice indicate that Cleveland received only \$58,000 although it is the largest city in the State. The magnitude of the problem of crime in Cleveland certainly necessitates a Federal contribution far in excess of this amount.

To assure that the crime ridden urban areas such as Cleveland receive their fair share of available Federal funds, it is imperative that the Safe Streets Act be amended to require a greater percentage of funds to go directly to the cities where the need is greatest.

This could be accomplished through enactment of legislation which would limit to 50 percent or less the present provision which allows the States to receive 85 percent of funds as block grants.

Such an amendment would allow the Law Enforcement Assistance Administration to allocate 50 percent of the funds directly to high crime local areas.

In addition to assuring that funds be made available to urban areas, more money must be provided under title I. On December 1, 1969, I introduced H.R. 15026, which would authorize \$750 million in fiscal year 1971.

This is the minimum acceptable level of Federal participation.

For fiscal year 1970 Congress appropriated only \$268 million. The Department of Justice has requested only \$480 million for fiscal year 1971. The Federal commitment must be far more extensive than that requested by the administration if the increase in serious crime is to be halted.

Cities have allocated substantial portions of their total budget to crime preventive activities. In fact Cleveland has allocated more than \$35 million for the police department and related work. This figure represents approximately 25 percent of the city's general fund. Cleveland needs much greater Federal assistance.

There is one additional aspect of the operation of the Omnibus Crime Control and Safe Streets Act which deserves brief mention. The grants awarded under the act have been used almost exclusively for police expenditures and the purchase of equipment.

I believe additional emphasis should be placed on the correctional institutions, juvenile treatment, narcotics control, and court reform.

Most serious crimes are committed by recidivists. Meaningful treatment of those incarcerated in penal institutions would lessen the number of persons who afterward continue to engage in criminal activities.

Violent crimes are frequently committed by narcotic addicts due to their uncontrollable compulsion for drugs. Such persons must be treated. Amendments to the act raising the statutory ceiling on compensation of personnel from one-third to two-thirds would help to stimulate innovative programs in these areas where personnel costs exceed equipment expenses.

Moreover, the act could be amended to reflect the importance of personnel requirements within the statutory priorities contained in section 301(b).

Again, Mr. Chairman, I want to thank you for this opportunity to testify.

Mr. McCLORY. Mr. Chairman.

The CHAIRMAN. Yes; Mr. McClory.

Mr. McCLORY. I just want to make this comment. You have made a very fine and very helpful statement. I would like to say that according to earlier testimony, Cleveland has received all the grant money requested, including the \$58,000 grant to which you made reference plus a \$100,000 discretionary grant. I presume that some difficulty has

been encountered, especially by the cities, in getting used to the new program and learning how to take advantage of it.

Mr. FEIGHAN. My point is that there should be more Federal funds made available. Secondly the funds should be allocated where the need is greatest, where the crime is greatest, and that is in the cities.

So whether Cleveland received \$58,000 or \$158,000 is not the real point at issue. The point at issue is that there should be more money appropriated and it should be allocated where it will be better utilized for the prevention of crime.

Mr. McCULLOCH. Mr. Chairman, I have a question. I am very glad that you are before the subcommittee this morning, Mr. Feighan. Our association goes back to the time when you were minority leader of the Ohio House of Representatives. Since Cleveland is in my home State, I am aware of the great and difficult problem with which you are confronted.

We had some testimony here early in our hearings stating that there were 65 separate and distinct police agencies in Cuyahoga County and that there were 121 in Cook County, Illinois.

I would like to repeat the comment I made then. I think the time has come when the jurisdictions within the metropolitan areas, in all the States of the Union, should coordinate and cooperate for a more efficient and less costly fight against crime.

Mr. FEIGHAN. I agree with my distinguished colleague, of whom I have happy memories of the past and the present, that if we could have a consolidation of law enforcement officers and large agencies within a large area like the Greater Cleveland community of Cuyahoga County which as you said has 65 separate police agencies, it should be, as you have stated, more efficient, less expensive, and more effective.

Mr. McCULLOCH. I also agree, Mr. Feighan, with your statement that the money should go where the crime is. As I recall, crime in Cleveland is still on an alarming upswing.

Mr. FEIGHAN. It is exceedingly high.

Mr. McCULLOCH. I realize that the increase in Cleveland exceeds the national increase. The main thrust of your statement this morning, if I understand it correctly, is that we must provide the money that will help fight this battle against crime which is growing worse by the day.

Mr. FEIGHAN. Yes, indeed, Mr. McCulloch. That is well stated, sir.

Mr. McCULLOCH. Do you favor providing the money that this subcommittee determines to be necessary in the fight against crime for the ensuing fiscal year, whether it be \$480 million or \$650 million or \$750 million or \$1 billion?

Mr. FEIGHAN. Yes, indeed. I will lay my case on the wisdom of the members of the subcommittee, which I think will prevail in the full committee. Whether or not I would like more money, I certainly will support the appropriation recommended by the subcommittee.

Mr. McCULLOCH. Thank you very much.

The CHAIRMAN. Thank you very much, Mr. Feighan.

We appreciate your coming.

Mr. FEIGHAN. Thank you.

The CHAIRMAN. The Chair wishes to announce that the House goes into session at 11 o'clock. We have 10 Members of Congress, and Mr. Quinn Tamm of the International Association of Chiefs of Police, scheduled to be heard this morning.

The hearing will be closed this morning. We have been assiduously attending these hearings and listening to testimony for almost 6 weeks, and we have to close these hearings this morning.

Our next witness this morning will be a member of this committee, Representative Conyers from the State of Michigan.

STATEMENT OF HON. JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. CONYERS. Thank you, Mr. Chairman.

I have some observations that I would like to contribute to these all-important hearings. I shall be very brief. I will not even read a prepared statement, but I would like to touch upon several points that seem to me we have a responsibility to consider, as this bill passed in 1968 comes back through our committee.

First of all, I would like to point out with regard to the subject of discretionary funds, that this may be an area in which we might be able to increase the percentage that is presently allowed in order that cities and other organizations might be able to treat specifically those kinds of criminal problems that most seriously affect us.

So, I would like to recommend to this distinguished subcommittee that we increase the discretionary funding from 15 percent to probably in the area of 50 percent. I think we would find that not only would the large cities benefit by this, but, in my judgment, we would be able to address ourselves more specifically to the kinds of law enforcement problems all of us, I believe, are hoping this legislation will reach. Let me point out that the city of Detroit, which reports 40 percent of the crime in Michigan, receives 23 percent of the funds under the present block grant concept.

There is another problem that has come to my attention, and it deals with the subject of how the commissions in the various States go about their business of determining which projects will in fact be approved and funded and ultimately put into action, and which ones will not.

I only have the benefit of reviewing the Michigan plan, but I would hope, Mr. Chairman, that we might be open for amendments that would in effect bring in more citizen participation of professional people not connected with law enforcement, that is, sociologists, educators, parents, and other kinds of citizens who are as deeply concerned with this problem as are the law enforcement officials, and that we would make every effort to make sure that there is a reasonable racial balance in the composition of these State commissions.

I am sorry to say that in reviewing, for example, the Michigan commission, there is only one person of color that I recognize on this entire list of 28.

So, in addition to that, I would suggest the public hearings be held to help determine which of the projects that come from the State commissions will be considered most beneficial by the local community and have its support. People should have the opportunity to make

public statements one way or the other. These hearings need not be controlling, but, in my judgment, they certainly should be considered advisory.

It would seem to me that this would, first of all, serve an educative purpose, and secondly, it would strengthen the support behind the very important work of the Law Enforcement Assistance Administration program.

Mr. McCULLOCH. Mr. Chairman, if our colleague has no objection, I would like to ask a question or two at this point.

Mr. CONYERS. I would be happy to have them.

Mr. McCULLOCH. How many members does the Detroit area regional planning unit have?

Mr. CONYERS. As a matter of fact, Mr. Chairman, we were in the process of trying to determine that this morning. In the year-end report from Michigan, there was no listing except to merely mention that there were 11 regional councils, and there was no listing of the names. So, we called back to Lansing, Mich., and we were being given the names by telephone at this present moment, and I would like to suggest that this may be a better practice than is going on in some States, and hopefully better practices are going on in others, but we don't know.

Mr. McCULLOCH. I would like to say that I am very pleased you called to get that information from Michigan, and I think, Mr. Chairman, we should make a request that the names of each member of the regional planning unit, their places of residence, as well as the method of their selection be furnished us.

Mr. CONYERS. I quite agree with my dear colleague from Ohio.

The CHAIRMAN. Will the gentleman yield?

Mr. CONYERS. Yes, Mr. Chairman.

The CHAIRMAN. We have a tabulation of the complexion of the Michigan commission. Of 28 members, I notice only three are black. Eighteen of the 28 are from the criminal justice sector on the State, local, or private level: Seven are policemen, eight are involved in the courts, one in the field of corrections, and two from private agencies.

Mr. CONYERS. Three out of 28; we probably don't compare much differently from Mississippi, if I may be able to make that observation.

The CHAIRMAN. We have been questioning witnesses closely who appeared before us about the make up of these State commissions. We have asked a number of witnesses as to guidelines that we might put into legislation or into the committee report to help remedy the very situation to which you referred.

Mr. McCULLOCH. Mr. Chairman, this will be my last question.

I am particularly interested in having the information that I have asked our colleague for with respect to the Detroit region, and, of course, I am very pleased, Mr. Chairman, that you endeavored to obtain information concerning the State planning agency. I spent several days in Detroit after those ill-fated days of 1967, and I am very interested to know who the members are, what their occupations may be, and exactly where they live. I hope you will furnish that information.

Mr. CONYERS. I say to my friend from Ohio that presumably I will have this information before the end of the week. I will be happy to provide him with a copy, but hopefully insert it in the record, too.

(Subsequently the following information was submitted:)

MICHIGAN COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE, REGION
ONE COUNCIL MEMBERS

William Bannon, Superintendent, Detroit House of Correction
 Hon. Victor J. Baum, Wayne County Circuit Judge
 James Brickley, U.S. District Attorney
 Darrell Bruestle, Birmingham Chief of Police
 Hon. Francis A. Castellucci, Macomb County Probate and Juvenile Judge
 K. Ross Childs, Asst. to Washtenaw County Administrator
 Hon. Walter P. Cynar, Macomb County Circuit Judge
 Sam L. Elkins, Norrisville Chief of Police
 Carl W. Falk, Port Huron Chief of Police
 Hon. Joseph A. Gillis, Detroit Recorder's Court Judge
 Charles Groesbeck, Senior Police Inspector
 Clifton D. Grubb, Inspector, Detroit Police Department
 Vanzetti Hamilton
 James Henehan, Chief Probation Officer, Recorders Court Detroit
 Walter Krasny, Ann Arbor Chief of Police
 Hon. Paul Mahinske, Livingston County Circuit Judge
 Hon. Gerald A. McNally, District Court Judge—Trenton
 Monroe Chief of Police
 John Nichols, Superintendent, Detroit Police Department
 Loren M. Pittman, Wayne County Under Sheriff
 Thomas Plunkett, Oakland County Prosecuting Attorney
 Herman Potts, Royal Oak Chief of Police
 Hon. Phillip Pratt, Oakland County Circuit Judge
 James Rostash, Monroe County Prosecuting Attorney
 Edmund A. Schmidt, Macomb County Board of Supervisors
 Richard Simmons, Jr., Detroit
 Richard Strichartz, General Counsel, Wayne State University
 Willard M. Weiss, Frazuer Chief of Police
 John F. Weismer, St. Clair County Board of Auditors
 Victor Woods, Oakland County Planning Commission
 William Lucas, Wayne County Sheriff
 Region One consists of these Michigan counties: Livingston, Oakland, Macomb,
 St. Clair, Washtenaw, Wayne, Monroe.

The CHAIRMAN. We will be glad to receive it. You as a member of the committee are making a valuable contribution.

Mr. CONYERS. Thank you, Mr. Chairman.

The CHAIRMAN. We are meeting at 11, and those that we are not able to hear will have to submit their statements for the record.

Mr. McCLORY. Mr. Chairman, could I ask this one short question.

With respect to improving the racial representation in the membership of such planning units, are you recommending that we should change the law or are you recommending that there should be improvements in the administrative operation? I understand that the law already provides that the grants can't be denied on the grounds of racial balance.

Mr. CONYERS. I think we should seriously consider changing the law back to what I understand it was before, that we should make certain that, in this commission of all commissions, that there is a racially balanced kind of membership, whether it be State, Federal, or local.

Mr. McCLORY. Are you recommending that they be in the same ratio as the population?

Mr. CONYERS. No, I wouldn't go that far, but I hope that the gentleman would join me in trying to perfect this point that he has so excellently raised.

My last point, Mr. Chairman, deals with the nature of the accountability of the organization that was established under title I of this

act. How far-reaching is the LEAA program supposed to be with regard to actual disorders and disruptions, both civil and campus?

Obviously, these committee hearings could not be complete if we did not give some considerable time to the incident that has taken place in Itta Bena, Miss. I think we should spend just a few moments pointing out what has happened when a mass arrest has occurred involving 894 students who were in a peaceful boycott of their classes at Mississippi Valley State College.

I think it is significant and disturbing that this was the largest mass arrest of college students in the history of the United States, and that LEAA and the Federal Government were reportedly directly involved. According to the Washington Post article on Thursday, February 19, of this year, the arrest was planned with the "advice and assistance" of the Justice Department, specifically the LEAA. This was corroborated by Mr. Kenneth Fairly, the Executive Director of the Mississippi Law Enforcement Assistance Division.

Furthermore, gentlemen, he was quoted as saying that the Justice Department's cooperation was excellent and "we were in constant contact." In addition, he added, "Department officials had looked at this situation, and think that it has application for us elsewhere."

Well, I would like to suggest to my colleagues on the committee that this incident, and I am not going to go into the details, which I am prepared to do, requires an immediate investigation by this committee, in which we bring in the Mississippi members of LEAA and some of our Washington people, and determine how they are construing that part of the statute which presumably was supposed to operate to preclude this very kind of activity. Section 518(a) states:

Nothing contained in this title or in any other act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision or control over any police force or any other law enforcement agency of any State or any political subdivision thereof.

The CHAIRMAN. Mr. Conyers, under that date of February 19, 1970, I addressed a communication to the Attorney General calling attention to what happened in Mississippi Valley State College, at Itta Bena, Miss., and requested a report as to what happened, and concerning the intervention of the LEAA.

I received a reply that LEAA did not intervene except to give advice. The report states that the Law Enforcement Assistance Administration is not an operational agency at the Federal or local level. It has no intention of becoming so, according to the LEAA response.

Nevertheless, I think it is so important that we have to continue our surveillance.

Mr. CONYERS. I would be deeply grateful to the chairman, if he would see fit in his discretion, to call forward the people who were on the local level, because obviously what they have previously stated is in quite a great deal of conflict with your report from the Justice Department, sir.

Mr. McCULLOCH. Mr. Chairman, I do want to ask one more question in view of what has developed.

I would like to ask our colleague if he has had an opportunity to study and consider the statement of the Attorney General before this subcommittee when he was last before us.

Mr. CONYERS. Yes, sir, I have.

Mr. McCULLOCH. Did it give the answer that you would like to obtain?

Mr. CONYERS. No. I would say the Attorney General's statement did leave me with some objections. I would hope that he would see in his wisdom the necessity to increase the funding. I hope that to the extent that I have already testified, he would be amenable to increasing the discretionary funding.

Mr. McCULLOCH. If I might interrupt you there, I was referring to what the Attorney General had to say with respect to the Mississippi incident. Have you had an opportunity to see that?

Mr. CONYERS. In his statement before the committee, sir, he did not refer to it.

Mr. McCULLOCH. Excuse me. It was in the letter the chairman received.

Mr. CONYERS. That is correct.

Mr. EDWARDS (of California). I was not here that day, but I believe Congressman Kastenmeier questioned the Attorney General on that issue. I feel exactly the same way as our distinguished colleague from Michigan feels, and I think we have to pursue this incident and get to the bottom of it.

The Governor of Mississippi stated that he was delighted with the cooperation he got from the Federal Government in these arrests and that this sort of thing was a breakthrough, and so I think that our record is not going to be at all complete until we find out exactly what went on down there. We might have to have some information from the scene.

Mr. CONYERS. I thank the gentleman from California.

Mr. Chairman, in concluding, may I point out, and I think the gentleman from Ohio was suggesting this, because I did not hear the colloquy that followed after the Attorney General made his statement. I only read it.

The CHAIRMAN. May I just repeat the colloquy I had with the Attorney General when he appeared before us.

I said to him:

Will you make clear to us whether or not "technical assistance" (which language appears in the statute) would include participation by LEAA personnel as advisors to state and local authorities in planning and executing arrests and apprehensions of persons suspected of crimes.

The Attorney General said:

Technical assistance is very well described by what happened in this Mississippi College case, where then it was pure advice in relationship to a hypothetical question that was presented. Technical assistance as we visualized it here, that type of advice was of a professional nature. It would not get into the specifics of whether you should arrest A or B or C or any other individual or any other set of circumstances. The situation in Mississippi as I recall the circumstances, are that there were no discussions in relationship to arrests whatsoever. It was a question of how to contain the problem, and who under the circumstances would be the best unit of force to control it. I understand that the advice has been given of this technical nature out of the Atlanta office, and was quite helpful in the circumstances, that no violence was created, no serious problems resulted, although they might have if different tactics had been used.

That was his reply.

Mr. CONYERS. Mr. Chairman, the report we have of the fact situation is apparently at great variance. I don't propose to take issue with any part of the Attorney General's discussion on this matter, except to say that if LEAA is going to consider under part of its powers of containing civil disorders the mass arrests of students on campuses in this country, then this is going to put a very serious cloud over the purposes, as meritorious and as important as the others may be, and it seems to me that there is some valid question raised about what kinds of assistance they really provided in what was a peaceful situation. There are quite a number of conflicting reports about LEAA's involvement.

The CHAIRMAN. I say we share your fears, and we shall watch it.

Mr. CONYERS. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Conyers. You have been very helpful.

Our next witness is our distinguished colleague from New York, Congressman Jonathan B. Bingham.

STATEMENT OF HON. JONATHAN B. BINGHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. BINGHAM. Thank you, Mr. Chairman.

The CHAIRMAN. Do you wish to submit your prepared statement for the record?

Mr. BINGHAM. Perhaps I could summarize the statement and cover the high points. I do appreciate this opportunity to appear before the subcommittee, and I think the hearings are most valuable.

As you know, Mr. Chairman, I am sponsor of H.R. 15597, and H.R. 15702, which carries the names of a number of distinguished sponsors and cosponsors who have joined with me.

I am honored that this bill has been supported by a number of prestigious organizations including the Urban Coalition, the National League of Cities, U.S. Conference of Mayors and also by Mayor Lindsay and other executives of major cities.

The principal changes included in this legislation are: First, to lower from 85 to 50 percent the total funds that are automatically channeled to the states as block grants.

That means that 50 percent, rather than the current 15 percent of the so-called action grant funds would be available at the discretion of the LEAA.

Second, these expanded discretionary grants would no longer be contingent upon matching funds from local governments.

Third, by channeling block-grants funds to better meet the needs of urban and other high crime areas, States may increase the amount of their respective block grants by as much as 40 percent, to a total of 90 percent.

I want to emphasize that the block grant can go to a total of 90 percent, which is higher than the present figure, assuming the States take advantage of these incentives to furnish larger shares to the urban areas.

Fourth, this legislation specifically authorizes expenditure of funds for crime prevention, such as better street lighting and other improvements.

I don't want to go into the so-called horror stories presented by the League of Cities in its report. I think the committee is very well aware of that. I don't think the fault always lies with the State and local officials.

I think to a degree the fault lies with the basic funding mechanism which was incorporated into this legislation in 1967 over the objections of many of us.

New York State has done as good a job as any State in the Nation has done, but still some irrationalities have occurred, and Mayor Lindsay has discussed the fact that New York City, with 75 percent of the State's crime problems, has received only 43 percent of the actual action grants.

Now our proposal, and it was, of course, introduced by Senator Hartke in the Senate, who testified here the other day, is a moderate one; it does not eliminate the block grant mechanism.

In fact, as I mentioned, it would enable the States to receive more in the way of block grants than they would receive under the current law, in return for greater investment of block grant and State funds in urban crime control projects.

I would like to refer to a recent study by six economists from the State University of New York at Albany which shows that the six largest cities in New York State receive from the State on a per capita basis less than one-half of the amount that goes to suburban and rural areas.

This covers all program areas, including public safety, and I would like to submit this article for the record, Mr. Chairman, if that is agreeable to the committee. I think it illustrates the problem that the city faces.

It is not limited to the problem of public safety and it illustrates the funding problem that the cities face with their very difficult situations.

The CHAIRMAN. That will be accepted for the record.
(The document referred to follows:)

BIG MAYORS FIND CITIES VICTIMIZED IN STATE FUNDING—THEY RELEASE STUDY SAYING 'DISCRIMINATORY' PATTERN OF AID FAVORS SUBURBS—2.6-TO-1 RATIO TALLED—ROCKEFELLER PRESS AIDE SAYS REPORT BY 3 PROFESSORS BELABORS IRRELEVANCE

(By Martin Tolchin)

The Mayors of the state's six largest cities said yesterday that their cities were being victimized by a clearly discriminatory pattern of state aid that substantially favored the more affluent suburbs.

They made public a study by three economics professors at the State University of Albany that found that the Big Six cities received considerably less than half as much state aid, per capita, as did their suburbs.

The payments to suburbs, per capita, exceeded those to the cities by 2.6 to 1, the report found, with health payments 16.2 to 1, education payments 2.1 to 1, highways payments 8.1 to 1—all in favor of the suburbs.

"Rather than receive a smaller share of the aid, the cities actually need a higher ratio of aid because they contain a much greater proportion of the needy and disadvantaged citizens of our state," the Big Six mayors said in a statement.

GOVERNOR'S AIDE IS CRITICAL

The suburbs were defined as the counties, towns and villages immediately adjacent to the cities, with the exception of large cities within those counties (Yonkers, White Plains, Mount Vernon, New Rochelle, Schenectady and Troy).

A press spokesman for Governor Rockefeller, asked to comment on the study, said that it belabored "an irrelevant issue." He said that the Governor had not yet seen the report.

The study was released here by Mayor Lindsay's press office. The Mayor was attending a Miami convention. At the same time, the report was released upstate by the Mayors of Albany, Syracuse, Rochester, Buffalo and Yonkers. An aide to Mr. Lindsay said that the study provided further evidence that the Big Six cities—containing nearly half the state's population—should make common cause.

SEVEN CATEGORIES LISTED

"Suddenly people are seeing New York not as upstate versus downstate," the aide said, "but as a lot of cities divided by acreage."

A united effort would enable these cities to use their political muscle to help gain more funds, according to Lindsay strategists who fashioned the alliance. The alliance also was a tactic to enable Mr. Lindsay to broaden his political base in an effort to become a fulcrum of power in the coming gubernatorial and Senate races, his aides say.

The \$14,000 study compared state aid received by the Big Six cities and their suburbs in seven different categories: education, health, highways, public safety, general government, social welfare and "other" funds.

"There's no category in which cities receive more per capita aid than the suburbs," Dr. Robert B. Pettengill, who led the team, said in an interview. "The argument that cities have greater tax-paying ability and don't need so much state aid is more than offset by the extra needs of the city," he said.

FACTS ON CITIES NOTED

The report noted that although half the people in the state lived in its six biggest cities, "much more than half of the state's needy citizens dwell there."

"In cities, incomes are lower, rents are higher, educational achievement is less, but schools are more crowded, more expensive to build, staff and maintain," the study said. "Expenses for fire and police protection are unusually high, streets are more heavily traveled, and health needs are also proportionately greater."

State aid to education, measured on a per capita basis, gave the suburbs of the Big Six cities more than twice as much state aid as to the cities: \$118 for the suburbs, \$52 for the cities.

In 1966-1967, the state paid 56 percent of the school costs of the suburbs, but only 50 percent of the school costs of the cities.

"This education aid discrimination is clearly seen for each of the Big Six cities," the report found. It cited that Albany received \$35 per capita in school aid, while its suburbs received \$128, Buffalo \$57, its suburbs \$105; Rochester \$50, its suburbs \$119; Syracuse \$55, its suburbs \$158; Yonkers \$48, its suburbs \$91; New York City \$52, its suburbs \$122.

In over-all state aid, Rochester was found to be at the greatest comparative disadvantage, receiving only 22 percent of its total budget from the state, while its suburbs received more than twice that ratio, 47 percent of their total expenditures.

The report said that the suburbs of Syracuse received nearly twice as much state aid per capita as the city; the suburbs of Albany, nearly 10 times as much state aid per capita as the city for highways; the suburbs of Yonkers, nearly five times as much aid per capita as the city for health purposes.

SUBURBS' PROBLEMS RECOGNIZED

The suburbs adjacent to the five upstate cities received 16 times as much in health funds per capita, and eight times as much in highway funds, the study declared.

"The report proves that the Big Six cities did not even receive their fair share of aid under existing programs," the Mayors said in their statements.

"We are not suggesting less for our suburbs," they continued. "We fully recognize their problem. Rather, we ask for equity in all local governments."

Mr. BINGHAM. Thank you.

The restrictive ceiling in the current law on the proportion of funds that may be used to compensate personnel also discriminates against the cities.

In the streets, as Mayor Lindsay testified, manpower is a crucial element in combating crime, and manpower does not mean only more police, but personnel to staff innovative delinquency, narcotics control, and court programs.

Such programs are far more demanding on the personnel they require than hardware, and they are particularly needed in the cities.

The amendments that we suggest certainly don't constitute an exhaustive list of the improvements that should be made in the current law.

I believe that the measures such as those suggested by Congressman Mikva and others to remedy the police bias in funding deserve careful consideration, and certainly the particular language of my bill is not perfect.

I am sure the committee in its wisdom could improve upon it, but I do think that these are modest changes in the law which should be made, and I hope they will be considered favorably by the committee.

The CHAIRMAN. Do you have questions of Mr. Bingham, gentlemen?

Mr. Railsback?

Mr. RAILSBACK. Mr. Chairman, I want to compliment the gentleman for presenting what I think is a very balanced and fair statement. I don't agree with all of his recommendations, yet I appreciate his fairness in pointing out some of the positive aspects of the block-grant program. I must say that I personally feel that his amendment does not destroy the block grant approach. I think it can be argued that in some cases, it might work an improvement.

I think that it is important that we have the benefit of his thinking, just as we had Mayor Lindsay's, because there is not any question in my mind that this relatively new program can be improved. It is my hope that, as a result of these hearings, we can effect some improvements.

Mr. EDWARDS of California. Mr. Chairman, I also want to commend the gentleman from New York on his statement, but I want to ask this question.

I recall that you inserted in the Congressional Record, Mr. Bingham, some of the material regarding the Mississippi incident we were discussing with the Congressman from Detroit a few minutes ago, and I wondered if you had any observations to make regarding that?

Mr. BINGHAM. I was very much concerned about the incident.

I made an inquiry of the Attorney General. I also urged the chairman to make inquiries, and he very kindly replied to me with the information obtained.

I think I would agree with Mr. Conyers, and with other gentlemen on the committee, that the answer is not wholly satisfactory.

It does not clear up the inconsistencies. I think the kind of situation presented there is one of great danger and I do hope that the committee will see fit to look into it further.

Mr. EDWARDS of California. Do you see any implications of a national police force in that particular incident?

Mr. BINGHAM. Certainly as originally described in the press accounts, there were all kinds of implications of that character and, moreover, a police force engaged in nefarious activities.

Mr. EDWARDS of California. Thank you.

Mr. McCLORY. Mr. Chairman, may I make a comment, too?

Although we are not questioning you at length because of the lack of time, your proposal has been the subject of extensive examination by a great number of witnesses. We are familiar with your recommendations. We appreciate them greatly.

The CHAIRMAN. Your statement is very elucidating. It is what we expect from a New York Congressman.

(The document referred to follows:)

STATEMENT OF HON. JONATHAN B. BINGHAM, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEW YORK

Mr. Chairman. I want first to express my appreciation to this Subcommittee for the opportunity to appear on behalf of certain proposed changes in the Omnibus Crime Control and Safe Streets Act of 1968.

As this Subcommittee is aware, I am the sponsor of H.R. 15597 (15702). I am gratified at the support that has been voiced for this legislation not only by a great many of our colleagues in the House, but also by a number of prestigious organizations, including the Urban Coalition and the National League of Cities-U.S. Conference of Mayors, and by executive officials of several major cities who have appeared before this Committee in the course of these hearings.

This legislation would make five basic changes in the current Safe Streets Law:

First, and most importantly, it would lower from 85 to 50 percent the total funds automatically channelled to the States as block grants. That means that 50 percent rather than the current 15 percent of the so-called action grant funds would be available for distribution at the discretion of the Law Enforcement Assistance Administration.

Second, these expanded discretionary federal grants would, if this legislation is adopted, no longer be contingent upon matching funds from local governments. In addition, the present restriction that no more than one-third of a project grant can be used for personnel costs would no longer apply to discretionary grants.

Third, by channeling block grant funds to better meet the needs of urban and other high-crime areas, States may increase the amount of their respective block grants by as much as 40 percent.

Fourth, this legislation specifically authorizes expenditure of funds for crime prevention, such as better street lighting and other improvements that reduce the opportunities for crime.

And finally, Mr. Chairman, this legislation, like your own, would significantly increase the amounts authorized for these programs. I am proposing a 3-year authorization totalling \$3-billion—\$800-million in FY 1971, \$1-billion in FY 1972, and \$1.2 billion in FY 1973.

This legislation has been properly billed as an effort to increase assistance to our major cities for their war on crime. It is, after all, in our urban neighborhoods where the grip of crime is strongest—where crime rates are highest and increasing most rapidly. It is precisely to these high-crime jurisdictions to which the bulk of our scarce Federal crime fighting resources should logically be directed.

The experience of the first year's operation of these programs suggests that they are simply not living up to their title, The Safe Streets Act Programs; they should either be revised, or renamed "The Safe Countryside Act."

The facts are that the streets and neighborhoods of our cities have not received their fair share of funds under these programs, whether on a population or an incidence-of-crime basis. As Mayor Lindsay testified before this committee, the City of New York, with 75% of the State's reported crimes, 70% of its arrests, and only a fraction less than 50% of its population, received only 43% of the action grants under these programs in 1969.

The experiences of other major cities have been similar. I know that a number of witnesses have recited many instances in which non-urban local jurisdictions, with small law enforcement budgets, sparse populations and low crime rates have received proportionately large grants, while nearby urban jurisdictions received grants hardly sufficient even to pay for the gasoline consumed by police squad cars in a single day. I will not repeat these "horror stories," except to express the strong hope that the Committee will seriously and realistically evaluate their implications.

The fault for these inequities, Mr. Chairman, does not appear to lie with the state and local officials who administer these funds. In my own state of New York, for example, the terms of Title I of the Safe Streets Act were carried out as efficiently and conscientiously as anywhere in the nation, and still certain funding irrationalities occurred. The fault lies instead with the basic funding mechanism with which the Congress, in its wisdom and over the objections of many of us, saddled this legislation in 1967. This funding mechanism, heavily oriented toward block grants, was intended to lessen the bureaucracy and red tape needed to administer funds. Yet all the evidence we have to date indicates that putting the allocation of funds in the hands of the States has spawned far more new bureaucracy than would have been necessary had we stayed with direct grants from the Federal government to local jurisdictions.

Now I recognize that some of the inefficiencies in the block grant system may be a product of our inexperience with this approach, and that it would be wasteful and disruptive to cancel it after only one year of operation. I feel, however, that it is most unfortunate that the Congress chose such a crucial area as crime control assistance to experiment with an untried funding technique.

In a recent questionnaire I sent out to my own constituents, 80% of these responding so far indicate having called the police to report a crime against someone in their immediate family during the past year. With a crime situation like that, our urban residents cannot wait for the States to learn how to distribute Federal funds for maximum impact on crime. We must put more emphasis on funding formulas and methods with which we have had ample experience and which we know can be effective. In my view, that means more direct grants from the Federal government to local action projects.

I understand, too, that the State block grants have had some positive effects. In particular, there is evidence that law enforcement officials in various jurisdictions are talking to each other, and are beginning to co-ordinate their efforts and facilities, in some cases for the first time. In addition, police, court, correctional, and rehabilitation officials, both within and across jurisdictional boundaries, are being stimulated to consult and communicate. This integration and co-ordination is a most desirable development, which the block grant approach is particularly suited to promote.

With these considerations in mind, the remedy Senator Hartke and I have proposed is a moderate one. It would by no means eliminate block grants. In fact it would enable the States to receive more in the way of block grants than they would receive under current law, in return for greater investment of block grant and the state's own funds in urban crime control projects. In addition to the 50 percent of the action grants which will automatically go to the States as block grants under our plan, each State could obtain from discretionary funds a 20 percent block grant bonus for satisfying Federal officials that its State plan deals adequately with the needs of high-crime areas. Another 20 percent block grant bonus could be obtained for committing enough state funds to pay for 50 percent of the local programs receiving block grant funds within the state.

This second incentive is particularly noteworthy. Cities in many parts of the country have reached the practical, and in some instances the statutory, limit of their ability to raise new revenues. We have proposed in this legislation that the local matching requirements be eliminated with regard to discretionary grants directly from the Law Enforcement Assistance Administration to local jurisdictions. What is also needed, however, to allow urban crime control projects to proceed is a greater flow of the State's own funds to help underwrite these projects.

A recent study by six economists from the State University of Albany showed that the six largest cities in New York State receive from the State on a per capita basis less than one-half the amount that goes to suburban and rural areas. This is the case in all program areas, including public safety. The incentive provided by H.R. 15597 for state contributions to projects receiving block grant funds, along with the elimination of local matching requirements on discretionary grants, should go a long way toward relieving the urban financial pinch that is preventing many cities from making full and prompt use of available Federal crime control funds.

Finally, the rather restrictive ceiling in the current law on the proportion of funds that may be used to compensate personnel discriminates against the cities. In the streets, as Mayor Lindsay testified, manpower is a particularly crucial element in combatting crime. Manpower in this context does not mean only more police. It also means personnel to staff innovative delinquency, narcotics, proba-

tion, parole, and court programs. Such programs are far more demanding in the personnel they require than in hardware, and they are particularly needed in the cities.

The amendments contained in the Hartke-Bingham bill certainly do not constitute an exhaustive list of the improvements that should be made in current law. I think, for example, that measures, such as those suggested in legislation by Congressman Mikva and others, to remedy the "police bias" in funding, deserves careful consideration. More police, better equipped and better trained, are important, of course. But equally so are narcotics control, court reform, and correctional and rehabilitation improvement programs. Yet in 1969, police-oriented programs received 62.7% of Federal funds (including riot control). Only 5.5% went for court reform, 7% for juvenile delinquency, 8.4% for correctional and rehabilitation improvements. Those priorities should be reordered, by statute if necessary, so long as we don't force the administering agencies to spread available funds too thin.

Mr. Chairman, the programs under the Omnibus Crime Control and Safe Streets Act are the cutting edge of the Federal effort against crime. Careful refinement of these programs could make the difference between whether we bring the crime problem under control in the relatively short-range future, or have to report to our constituents that they must continue to fortify and live as if under seige for the foreseeable future. Effective crime-control programs under this also can forestall a groundswell of demands for changes in the law enforcement process that would seriously threaten basic civil liberties—an eventuality we certainly want to avoid. I therefore urge this committee to consider favorably the modest changes I have suggested as a minimum revision of the statutes governing the Federal crime control assistance effort.

• The CHAIRMAN. Thank you, Mr. Bingham.

Mr. BINGHAM. Thank you.

The CHAIRMAN. We now have Representative Koch, also a Representative from my State.

STATEMENT OF HON. EDWARD I. KOCH, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. KOCH. What I would like to do is file the statement I prepared and make a few brief comments because of the pressures of time on this committee.

(The document referred to follows:)

STATEMENT OF HON. EDWARD L. KOCH, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

I appreciate the opportunity to testify before this Committee as you consider various bills concerned with the problem of crime including my bill, HR 10572, the Police Compensation Act of 1969. I realize that central to your deliberations are proposed amendments to the Omnibus Crime Control and Safe Streets Act of 1968 and I should like to comment on some of those amendments in the concluding part of my statement.

My primary reason for appearing before you this morning is to discuss HR 10572 which seeks to improve law enforcement in our urban areas through a ten year Federal grant program to increase salaries, improve benefits and provide more positions for local police forces.

The Police Compensation Act which I introduced last year is a simple and direct piece of legislation. It is only three pages long—but it gets to the heart of a problem that afflicts nearly every American community today:

How can we strengthen our police forces?

How can we attract and keep the best young men in law enforcement careers?

How can we—the citizens and their representatives—back up the police in a substantial way?

Through this legislation, the Federal Government, with its vast resources, will provide the funds. But local officials—mayors, city councilmen, police

chiefs—will decide how to use it. This approach is essential if we are to keep responsibility for law enforcement where it belongs—on the local level. But it gives the police the backing they must have over the difficult period which faces our cities in the next few years.

Mr. Chairman, let me say a few words about the role of the police officer in our communities today.

"Support Our Police" is a slogan all of us have heard. Unfortunately, it is often a slogan and nothing more.

Empty rhetoric will not protect those who walk through city streets in fear. It will not comfort anxious parents whose children must go each day to schools infiltrated by heroin pushers and junkies. It will not assist our over-burdened and underpaid police officers.

Gone are the days when a policeman could be muscle and nothing more. Today's law enforcement officer must be able to use complex technical equipment. He must understand subtle questions of constitutional law—such as the fine distinction between lawful dissent and unlawful disturbance. He must be sensitive to the frustrations of minority groups, to the confusing attitudes of many young people and to the cares of the poor—and yet at all times he must enforce the law evenhandedly. He must make decisions instantly, while recognizing that his decisions may cost lives and even spark riots.

Who are the men who are charged with these awesome responsibilities? They are men, Mr. Chairman, according to the 1967 Crime Commission, who have been receiving an average starting salary of \$5,300 a year in our major cities and \$4,600 a year in smaller communities.

It is clear to me that many outstanding men who are seriously attracted by police work find they just cannot support a family on the salary we are paying them. There is no doubt that we can—if we make the effort—attract additional qualified men to that profession. For example, a recent project in New York, which a number of us helped to encourage, showed that many college graduates will consider becoming policemen to serve their community and accomplish rewarding and important work. But to attract—and keep—high caliber policemen we must pay them adequately and give them and their families the benefits they deserve. Most officials in our cities understand this, but they just do not have the revenues needed.

What Congress should do is provide an effective but temporary shot in the arm for our police forces until the adoption of a general program of revenue-sharing makes possible full funding by the cities themselves.

My goal has been to devise a program which will achieve a prompt increase in police salaries through Federal aid during this current period of local fiscal crisis, but looks in the long run to a reassertion of local financial responsibility for the increased salaries. While in effect my bill defines "long run" in terms of 10 years, this of course is subject to expansion or contraction by later Congresses as the progress of revenue-sharing dictates. My program concentrates chiefly on our major urban areas, where the crime problem is the greatest and the police recruitment handicaps most severe.

The basic outline of my bill is simple. The sum of \$100 million is authorized to be appropriated for the first year of the Act. Of this amount \$10 million is reserved specifically for grants to cities having populations of less than 100,000 which the Attorney General, acting through his Law Enforcement Assistance Administration, determines have an urgent need for grant assistance. The remainder of the appropriation, \$90 million, will be apportioned on a per capita basis among all cities which have a population of over 100,000. Whether the grant be of this per capita variety, or a discretionary grant by the Attorney General, the bill provides that the grant is to be phased out over a 10-year period, the city gradually accepting full financial responsibility for the increased salaries.

Each city may use its grant to increase the compensation of its policemen in any way it sees fit. Presumably it will expend the bulk of the grant on its salary schedule, increasing both the starting pay and the succeeding increases with seniority. But it might choose also to increase retirement or injury benefits, institute a bonus system for educational achievements by men on the force, or supplement its payments to the wives and children of deceased policemen. It could also expend up to 25 percent of any grant to create new positions on the force. But a city may exceed this 25 percent limit if it can convince the Attorney General that it has an urgent need for additional police manpower.

For example, in New York City, Police Commissioner Leary has requested an additional 2,000 men to combat drug use. It is estimated that we have 25,000

teenage heroin addicts in our City and the number of deaths and those addicted is of epidemic proportions. Commissioner Leary has said that more manpower "is the only effective way to prevent this crisis from accelerating." 2,000 new men on the force will cost approximately \$26 million. The City seeks \$10 million of this amount from the Federal Government. Based on 1960 census figures, my bill if enacted would make available \$13.5 million to New York City in the first year of the program and provided the 25% limitation was waived on the legitimate ground of "urgent need," the grant would meet the city's request for federal law enforcement funds to assist in combatting the teenage drug epidemic.

I urge this Committee to consider HR 10572 as a supplement to the Safe Streets Act of 1968 which permits only one-third of total funds to be expended for personnel costs. If HR 10572 is not approved, the one-third limit on personnel in the Safe Streets Act should be eliminated. I wholeheartedly agree with Mayor John V. Lindsay who has already testified before your committee and said on behalf of New York City that "we hope to use a substantial part of our federal crime control funds this year for narcotics control. But we will only be able to do that if the one-third limit on personnel is amended."

Finally, I would like to make a few comments as a co-sponsor of Congressman Bingham's bill, HR 15702, which is before this Committee for consideration as an amendment of the Safe Streets Act of 1968. The purpose of the amendment is to put the money where the crime is—in the cities and to provide a substantial increase in federal funds available to fight crime. As you have already been told, New York City has approximately 75% of the New York State Crime problem but is receiving only 43% of the federal funds given to the State.

Under HR 10572, direct grants to cities would be increased from 15% to 50% of total funds made available under the Safe Streets Act by the Law Enforcement Assistance Administration; \$800 million would be authorized for the program in fiscal year 1971 (the Nixon Administration has budgeted only \$480 million for fiscal year 1971), \$1 billion in fiscal year 1972, and \$1.2 billion in fiscal year 1973.

I hope this Committee will see fit to adopt the amendments contained in HR 10572.

Thank you for giving me this opportunity to set forth my views and proposals for your Committee's serious consideration.

Mr. KOCHE. I would hope that my bill, H.R. 10572, would be considered as a supplement to the Safe Streets Act of 1968. I want to join in the statement made by my good friend and colleague, Congressman Bingham. I am cosponsor of the bills which he discussed in the testimony he has just given you.

The only thing that I would like to bring to your attention because I know it is a tremendous problem in New York—and in other parts of the country as well—and that is the growing use of narcotics, particularly among teenagers. I would like to give you the experience of New York as I have seen it.

We are going through a heroin epidemic in New York City. Police Commissioner Howard Leary has requested an additional 2,000 men to combat drug abuse. The cost of those 2,000 men will be approximately \$26 million, and the city is in a position to provide \$16 million of that sum.

If the police compensation bill which you have before you, and which I hope will be considered as a supplement to the Safe Streets Act of 1968, were to be acted on favorably, it would provide New York with \$13½ million in the first year of the program. New York City would then be able to afford the additional 2,000 men needed to control drug use.

I urge you to favorably consider this bill because of the extraordinary problem. What affects New York in this particular case happens to affect every other major urban area in our country. They are in dire need of additional police personnel.

Thank you, Mr. Chairman.

The CHAIRMAN. Any questions?

Thank you, Mr. Koch, for coming here.

Mr. KOCH. Thank you.

The CHAIRMAN. Our next witness is the distinguished gentleman from New Mexico, Congressman Foreman.

STATEMENT OF HON. ED FOREMAN, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF NEW MEXICO

Mr. FOREMAN. Thank you, Mr. Chairman. I will be very brief in the statement I have this morning.

It is proposed as an amendment to the Omnibus Crime Control and Safe Streets Act of 1968, in order to make assistance available to the Navajo Indian Reservation, and other Indian reservations which are located in more than one State.

This amendment would provide direct Federal assistance to Indian tribes under anticrime legislation. When the omnibus crime control bill was debated during the 90th Congress, coverage for Indian tribes was omitted under one proposition considered; however, Indian tribes were eligible to receive assistance under the new law on the same basis as other municipalities, but this wasn't, evidently, agreed to and didn't come out in the final report from the conference.

When the block grant approach was ultimately adopted, then it cut out Indian reservations as such.

A State agency was then established to administer the program within a State. What we are proposing—and I would like to file my statement and just summarize it—what we are proposing is, that because of the size and the problem confronted by the Indian reservations, that we have the opportunity to allow them to qualify for this the same as a State would.

I just point out that the Navajo Indian Reservation as an example clearly shows the difficulties that are confronting the tribes. The Navajo Police Department ranks as the third largest department in the State of New Mexico. It is the third largest police department in the State of Utah, and it is the fifth largest in Arizona. Navajo law enforcement problems cover an area of 5,000 square miles in four States, and this presents a very unique situation.

As it now stands, without this amendment, if the Navajo tribe wishes to participate in law enforcement programs, they must approach three and possibly four separate State organizations, and I think the Chairman and members of the committee agree that this is an awkward and an impractical approach.

I urge your consideration of this proposed amendment.

The CHAIRMAN. Thank you very much, Mr. Foreman.

Mr. RAILSBACK. Mr. Chairman, may I ask a question?

The CHAIRMAN. Yes.

Mr. RAILSBACK. I want to commend the gentleman for his statement. I think it is very important for this subcommittee to consider it. Congressman Fraser has also testified as to the need to do something in this area.

Since I am not familiar with the process of how a police department is set up on an Indian reservation, can you tell us how this is accomplished?

Mr. FOREMAN. It is very similar to what it is, for instance, in my State of New Mexico. It is one of the divisions of the Government under the tribal chairman that is set up with a police chief and director, who has under him the various divisions that cover specific areas throughout the reservation, and it is very similar to our State organization, and that is why it would fit so well into the category we are talking about here.

Mr. RAILSBACK. From where do the Indians get their revenues to provide police and fire services?

Mr. FOREMAN. It comes as a portion of their budgets and their other operating revenues, the income to the reservations from minerals, and production of resources, and their work.

Mr. RAILSBACK. Is there a tax on Indians?

Mr. FOREMAN. No; most of it comes from what accrues to them from the assets that they have available on the reservation and the work of the people.

Mr. RAILSBACK. Thank you.

The CHAIRMAN. Thank you, Mr. Foreman.

Our next witness is Representative Mayne.

STATEMENT OF HON. WILEY MAYNE, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Mr. MAYNE. Mr. Chairman, thank you and your fellow members of this distinguished subcommittee for providing me, a new member of the House Judiciary Committee, with the opportunity to testify with regard to the proposals to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968.

I sincerely appreciate your affording me this occasion to be heard on these important legislative proposals in the continuing effort to prevent and control crime, a matter of increasing concern and of vital import to all Americans. Realizing that you have already heard from many experts in this field, I shall be brief, and give you my impressions regarding this legislation based on my experiences as a former special agent of the Federal Bureau of Investigation, more than 2 decades in the practice of law principally in trial work, and service as a member of the board of governors and president of the Iowa State Bar Association, and as member of the House of Delegates of the American Bar Association prior to my coming to Congress.

In my opinion the Law Enforcement Assistance Administration through its programs under title I of the Omnibus Crime Control and Safe Streets Act has distinguished itself with success beyond expectations, despite limitations of funding and the difficulties of beginning any new program or approach. The LEAA has shown that the basic block grant concept of title I is workable and is an efficient method of getting Federal funds into the hands of the respective States and, through them, local governmental units, for law enforcement categories in which they have real need of assistance. The block grant approach can do much to reverse the regrettable trend toward centralization of authority and responsibility in Washington, D.C., not only in the field of law enforcement but in other fields as well.

The plague of crime is and probably always shall remain basically a local problem, one dealt with most effectively and least expensively on

the precinct level. I would strongly oppose any attempt to institute a national police force with exclusive power over all crime prevention, and I would just as strongly oppose attempts to do away with the block grant approach and have the cities look directly to Washington, D.C., for the principal financing and supervision of their law enforcement activities. The States, cities, and local governments do desperately need encouragement, financial assistance, and technical help in training their personnel and modernizing their equipment and methods of law enforcement, if they are to make any headway in making our streets, schools, businesses, and homes safe once more.

The State block grant approach should be strengthened, not modified or abandoned. While I can readily sympathize with the problems of the large cities and their suburbs in the fight against crime and disorder, having resided in this city for more than 3 years, I believe the evidence shows that cities of over 50,000 have in fact received the lion's share of the funds allocated under title I, and that it may indeed be the communities of less than 50,000 that have more justification to complain. Negation of the block grant approach would destroy much of the interlevel, intergovernment, and interagency cooperation and in crime control which has blossomed under the LEAA programs and which has contributed much to the inroads being made against crime. The needs of our smaller towns and rural communities to modernize their law enforcement facilities, techniques, and personnel are often every bit as great, and sometimes exceed in their relative proportion the needs of our greater urban centers—they must not be ignored. The LEAA provisions must continue to contain safeguards insuring adequate attention to needs of law enforcement agencies at all levels, not just those located in the larger cities—and the allocation of at least 85 percent of the funds appropriated for LEAA through block grants to State planning agencies provides the best available method of getting funds to those who are in the most need. The State block grant concept is the best vehicle to reduce crime now and in the future.

Title I of the Omnibus Crime Control and Safe Streets Act has enabled a Federal-State partnership to make great strides in this direction, without sacrificing vital principles of our Federal system—and H.R. 15947 would make needed improvements to the act to make title I law enforcement assistance programs even more effective.

H.R. 15947 has my wholehearted support. I am particularly pleased with section 2(8) of the bill, whereby a new part E for grants for correctional institutions and facilities would be added to title I, enabling LEAA grants to State planning agencies for up to 75 percent of the costs of programs specified in approved State plans for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices, with 15 percent of the part E funds appropriated allocable in the Law Enforcement Assistance Administrator's discretion among the States or to units of general local government or other appropriate grantees or contractors for the same purposes. I am also pleased that the definition of "correctional institution" would be amended by section 2(13) of the bill in order to make eligible for assistance any place wherein juvenile offenders or individuals charged with or convicted of criminal offenses are confined or subjected to rehabilitation. The experience of the act has already shown that a broad approach

must be taken if we are to decrease crime. We cannot neglect study and reform of penal or correctional institutions, where far too many youths today receive training for the commission of further crimes.

The only possible reservation I would have regarding H.R. 15947 would be to section 2(12) (page 12 of the bill) which would amend title I to authorize appropriation of such sums as may be necessary to carry out the purposes of the title, with funds appropriated for any fiscal year to remain available for obligation until expended. Undoubtedly title I program will and must grow, but it should not become a gigantic Federal bureaucracy and spending program. The staffing of the Law Enforcement Assistance Administration and the funding of its operations and its grants must be carefully limited by Congress. I have great respect for the integrity of the present Administrator and his deputies and their devotion to the principles of federalism—but I do not believe it wise to give an open-ended authorization to this or any program.

On the other hand, as the Attorney General has testified, the administration believes that if it were called upon to distribute \$750 million during this next fiscal year in law enforcement assistance programs, as is advocated in Chairman Celler's H.R. 14341 or the sum of \$1 billion for anticrime as some others have advocated, much of the funds would be wasted and much would remain unspent. Attorney General Mitchell advocated and the President has requested \$480 million for LEAA for this coming fiscal year, an amount which would permit the program to grow wisely but without waste and the development of excessive Federal bureaucracy.

I respectfully urge that the subcommittee report H.R. 15947 to the full Judiciary Committee with an amendment to section 2(12) limiting the authorization for fiscal year 1971 to \$480 million.

The CHAIRMAN. I want to thank you for your statement.

Mr. MAYNE. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness is a distinguished representative from New York State, my own State, Mr. James Scheuer.

We have quite a number of witnesses, Mr. Scheuer, and the hearings must close this morning because we have been at this bill for 6 weeks now.

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

Mr. SCHEUER. Am I the last witness?

The CHAIRMAN. No; there are several other members.

Mr. SCHEUER. I see. Well, I will be very brief.

I have a prepared statement that I will submit.

(The document referred to follows:)

STATEMENT OF HON. JAMES H. SCHEUER, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

If there is one issue which cuts across and transcends party affiliations, racial and social tensions, political and partisan positions, it is the issue of crime. Today, in this country, there is a universally-shared concern for the adoption of positive measures to increase the effectiveness of the system of criminal justice.

The deliberations of this committee will help determine in a very vital sense the success or failure of crime control efforts in our society.

You have heard a cross-section of competent witnesses—from state governors to city mayors to police chiefs to academics. There have been many opinions. Diametrically opposed viewpoints have been expressed. Widely divergent remedies have been suggested. New policies have been advocated and amendments to existing legislation called for.

The only difference between the variety of viewpoints you have heard, has been on the question of approach. There is no disagreement as regards the objective.

Why are there such sharp, at times bitter, differences on the most appropriate methods of crime control?

Is it that we do not really know enough about the phenomenon we are trying to fight?

Could it be that our knowledge of crime and the men responsible for it, is inadequate?

Do we really have a program which could hope to effectively attack every aspect of crime: from deterrence to prevention to apprehension, to trial to rehabilitation, indeed, to the reform of the entire system of criminal justice?

Are our priorities well conceived?

Is enough research being carried out to understand crime and devise improved systems and techniques to control its proliferation?

The fact remains that we do not really know enough about crime, the men who commit it or the agencies which punish or rehabilitate them. What we need is more research, more knowledge, more understanding, more skills, more vision. We have to know the enemy better before we can hope to defeat him.

In a recently published memorandum to the President, Mr. Moynihan wrote: "We really ought to be getting on with research on crime. We just don't know enough. It is a year now since the administration came to office committed to doing something about crime in the streets. But frankly in that year, I don't see that we have advanced either our understanding of the problem or that of the public at large . . . We are never going to learn about crime in a laboratory sense. But we most certainly could profit from limited, carefully-done studies".

The Attorney-General, Mr. John Mitchell, testifying before this committee last week also admitted that not enough expert knowledge of crime was available in the country. He said and I quote him:

"City and state planning agencies are still in their infancy. They could not develop enough criminal justice experts to draw up plans and to implement new projects for a billion dollar program. And I am not sure that we in the Federal government could develop enough experts in the LEAA to carefully evaluate state plans. In many ways we are as inexperienced as the states and cities."

There already exists in the National Institute of Law Enforcement and Criminal Justice in the Justice Department, the nucleus for developing the expertise that Mr. Mitchell spoke of and for enlarging the horizons of our knowledge about crime in its totality. The formation of the Institute two years ago was a step in the right direction, and affirmation of the fact that new skills, greater sophistication and intensive psychological, sociological, and technological research was needed to meet the challenge of crime.

To day in our cities police chiefs, for example, want to know how to develop more effective methods for deploying their manpower and hardware resources. There is a growing realization by police professionals that the answer to increasing crime no longer lies in simply recruiting more policemen. Gone are the times when mere patrolling of the streets by a couple of men in uniform by itself was a sufficient deterrent to the criminal.

Today, the agencies of law and order are pitched in an unequal battle against powerful crime syndicates and international networks whose resources, expertise and skills are often greater than those on the other side of the fence.

Take the problem of narcotics. Today, in New York City, for instance, one can buy anything from heroin to LSD on practically any street. One can buy it in the passengers' lounge of the Kennedy Airport or in front of the Waldorf Astoria or City Hall, or in almost any Junior or Senior high school in the city—and many elementary schools to boot.

Up to 100,000 heroin addicts walk the streets of New York today. At least half of the total crime committed in the city is linked with addiction. During the last four years heroin has been the principal cause of death in the age-group 15 to 35.

We have reached a point where no economic or social class is immune to drug addiction. Addicts passing through our hospitals and prisons come from every occupational, educational, religious and socio-economic group.

The question is how much do we know about the vast underworld international networks which control this racket. The legal price for opium, to cite an example, is fixed by the Turkish Government at \$7.50 a pound. But the Turkish opium poppy farmer who sells his product on the black market gets at least twice that amount. The product then passes through many hands as it moves along its circuitous journey, jumping in price with each transaction.

Ten kilos of raw opium, which the Turkish peasant sold on the black market for about \$350 soars in price until its value as heroin to the crime syndicate in the United States equals more than \$400,000.

How can we win this battle, because win we must! The stakes are too high; the time is too short and is running against us. It is ironic that our ability to handle the situation seems to decrease in inverse proportion to that of the enemy. Why are we losing the fight against crime?

First, because not enough money is being spent; and, secondly, because we do not really know enough about crime. It is essential for the forces of law and order to possess skills and knowledge which would make committing crime less easy and increase the likelihood of detection and apprehension followed by a prompt trial and the conviction of the guilty.

We must have a greater lead over the criminal. This cannot be possible through empty rhetoric, but by acquiring more insight into crime through research and development.

We would need improved hardware, for instance. As heroin does not grow on the streets of New York City, to borrow Mayor Lindsay's phrase, neither does hardware. It will take effort and money if we are to equip ourselves in all departments to have a reasonable chance of winning the war against crime.

Scientists tell us that we are within reach of unique devices which will maximize the likelihood of crime detection. This is the kind of breakthrough which is the need of the hour.

The present methods of identifying the criminal after he has left the scene of the occurrence remain, by and large, primitive. But devices are already in existence, which promise—though a great deal of work still remains to be done to facilitate the speedy identification of the criminal through the help of voice prints, hair prints, dried blood prints and computerized single fingerprint identification systems. Saliva and urine tests can be carried out to determine with much greater accuracy if there are narcotics present within the system. One company in California is stated to have patented a kit for policemen on duty which will enable them to detect heroin in the offender's system without going through the time-consuming formality of a visit to a hospital.

Police communications need to be improved. Better contact between headquarters and those in the field should be established. New gadgets can help the police increase its vigilance and its ability to apprehend the criminal without much loss of time.

Devices can be perfected, and some of them already exist, whereby the presence of explosives could be detected in a given space, especially if it is closed from all sides like the belly of an aircraft.

Surely, these new skills, these innovations are required. But inventions do not happen. They only come at the conclusion of intensive study, investigation and research.

I maintain that in the National Institute for Law Enforcement and Criminal Justice, the Justice Department already possesses the potential of a research agency with national scope. It can initiate research in all vital areas relating to crime and the criminal justice system. It can develop the machinery for the coordination of research and provide an all-embracing and much-needed leadership in this field.

During its brief existence and notwithstanding inadequate funding, it has done excellent and in many cases pioneering work; it is an agency which deserves to be strengthened, enlarged, and fortified with adequate funding.

Indeed, what the Institute needs, first and foremost, is more funds. In fiscal 1969, the administration asked for \$10 million but received only \$2.9 million. In fiscal 1970, \$17.9 million was requested. The House voted \$7.5 million; the Senate, \$14 million and the Conference Committee decided on \$7.5 million, in what was offered as a compromise.

For fiscal 1971, the Administration has asked for \$19 million. This figure does not begin to reflect the full range of the research activities which the Institute is capable of undertaking, nor is it consonant with the crime needs of the country which, to my mind, the Institute is best qualified to fulfill.

The figure has been kept so low because of past frustrations in the matter of appropriations. Yet, even if the sum asked for was allocated, it would still be insufficient for the Institute to launch the needed crash program of comprehensive research and development.

I, therefore, advocate that the Institute should receive at least \$50 million for fiscal 1971 to enable it to realize its promise and in order to give it the wherewithal to meet the challenge of the incisive, professional research which the deteriorating crime situation in the country demands.

Some of the projects the Institute has on the anvil of study deserve a brief mention:

Prevention and deterrence studies

- Better street lighting.
- Lessening value of stolen credit cards and checks.
- Improved use of police manpower.
- Ways to involve the community in crime control programs.
- Improved detection devices—e.g. for narcotics and weapons.

Apprehension

- Coordination of air and ground mobility systems.
- Better citizen reporting systems.
- Portable personal transceiver police radios.
- Effective non-lethal weapons.

Court Procedures

- Speedier court procedures.
- Applicability of preventive detention.
- More and better information on defendants.

Corrections

Improved educational facilities.
Exploration of other institutions (e.g. military, educational) to handle first offenders.

Possible methadone treatment for heroin addicts.

The Institute is the most suitable agency to serve as the national clearing house of crime information and for innovative research on criminalistics. As a centrally located unit, it can develop comprehensive plans for countrywide use and distribution.

During his testimony before this committee last week, the Attorney-General Mr. Mitchell, said that the administration did not want to allocate for the purposes of this Act more than \$500 million for fiscal 1971 because not enough expertise was available. He was afraid that the money might just go to waste. I think that the expertise he had in mind can be developed at the Institute, provided the funds were forthcoming.

If the Institute is given the \$50 million which I have called for, it will serve to encourage private research corporations to focus their intellectual and technological attention on the problem of crime. The Defense Department has used the country's leading research corporations such as the Rand corporation for highly sophisticated work. There is no reason why they cannot be induced to lend their resources and talent to research on crime.

The people of this country demand that something positive should be done about crime. The Government can no longer drag its feet. If the Institute were given the grant which I have proposed it will help assure the people that the Government was serious about crime. We do not need statements of good intentions: we urgently need resources. Let the Congress and the administration prove its bona fides by doing the necessary.

The grant program administered under the Omnibus Crime Control and Safe Streets Act of 1968, together with matching state funds would increase the nation's total criminal justice expenditure by no more than 10 percent. As it is, the entire system—federal, state and local—plus the police establishment, courts of law and correctional and rehabilitative institutions, is grossly underfinanced.

The total expenditure accounts for less than 2 percent of all government revenues which now stand at \$302 billion. It is a fraction of 1 percent of the total GNP which stands at almost \$800 billion.

I fully support Chairman Celler's recommendation that for fiscal 1971, a sum of \$750 million be allocated for purposes of this Act.

Mr. SCHEUER. There are many things I would like to say, but I will concentrate on only one great problem facing us, and that is the need to know.

Mr. Moynihan recently was in the papers with a memo to the President in which he wrote "we really ought to be getting on with research on crime. We just don't know enough."

And he went on to elaborate that allegation.

The Attorney General, testifying before this committee last week said "not only do city and State agencies not have enough expertise to draw up plans and implement projects but even in Washington there are not enough experts in LEAA to carefully evaluate State plans."

In many ways we are as inexperienced as the cities and the States, all of which means we have to involve more people in the attempt to create a criminal justice system that is more effective and that applies our exceptional technological and scientific knowledge.

We have such an animal that can be used. For, with the great cooperation of Congressman McClory of Illinois, a distinguished member of your committee, the Congress did pass an amendment to the Safe Streets Act creating a National Institute for Law Enforcement and Criminal Justice, which now is conducting the essential research for developing a more up-to-date and more effective criminal justice system.

For example, the Institute is conducting research on devices for the remote control of heroin. If they had been operating with better funding; for a longer period of time they might surely have avoided that airplane crash in Switzerland a week or two ago, and also the tragedy that took place on an Eastern Airlines plane where the copilot was killed.

We simply have not begun to apply existing knowledge to improve our criminal justice system, to make sure that in our crowded and anxiety-ridden cities, people who are mentally disturbed do not have access to dynamite, do not have access to firearms.

We have had the tragic assassinations of some of our most luminous and revered public figures, and the destruction daily of hundreds of lives through heroin.

The CHAIRMAN. You were in the House when we had our difficulty with the Firearms Control Act, weren't you?

Mr. SCHEUER. Yes, I was, Mr. Chairman.

The CHAIRMAN. And you know the arduous toil we had to do to get even a modicum—

Mr. SCHEUER. Mr. Chairman, I am aware of your distinguished leadership in this area, but we have to keep it up. In crowded places where dignitaries and distinguished public figures are going to be, surely in our airplanes, there are ways of detecting explosives and firearms by surveillance techniques. I consider it inconceivable that a Nation that put three men on the moon could not devise a detector to tell us when a person is coming into a place with explosives or firearms.

There are unique dry blood prints, and antibody prints, and so forth for identification. But we still need massive application of our science and technology.

May I say one word about funding? We do have the expertise at the Institute to undertake these jobs if only the Institute were given the resources. But, they have been seriously underfunded.

For fiscal 1969, the Administration requested \$10 million; it got \$2.9 million. For fiscal 1970, the Administration requested \$17.9 million; the House Appropriations Committee allowed \$7½ million; the Senate allowed \$14 million. The conferees compromised at \$7½ million. I say that with a note of regret and sarcasm in my voice.

The Administration has asked for \$19 million. I hope this committee will fund this bill at your request, Mr. Chairman, and I hope at least \$50 million will be given to this Institute, because if what the Attorney General and Mr. Moynihan say is right, then we need the involvement of our best brains for the improvement of our criminal justice system.

We need to involve our technical schools, our universities, our law enforcement officials across the country, our private sector capability, the very firms that have produced the space vehicles, that have produced this extraordinary sophisticated 1970 industrial plant, as well as our fantastically sophisticated military capability.

Only if we have massive involvement of our best technological minds will we be able to match the 20th century military capability, a 20th century space capability, a 20th century SST capability with, finally, the desperately needed 20th century law enforcement system.

Mr. McCLORY. Mr. Chairman, I want to commend the gentleman for his leadership on behalf of better law enforcement, and particularly for his support of the National Institute of Law Enforcement and Criminal Justice. May I call to the attention of the members a very fine volume the gentleman composed on the entire subject of law enforcement, which I commend to my colleagues for their edification.

Mr. SCHEUER. Thank you, Congressman. You have given great help, and the title of the book is, "To Walk, the Streets Safely," published by Doubleday, and it will be in paperback this spring.

The CHAIRMAN. Thank you, Mr. Schener.

Mr. SCHEUER. Thank you, Mr. Chairman.

The CHAIRMAN. Our next witness is our colleague from the State of California, Representative Lionel Van Deerlin.

STATEMENT OF HON. LIONEL VAN DEERLIN, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. VAN DEERLIN. Thank you, Mr. Chairman.

The CHAIRMAN. We will place your statement in the record.

(The document referred to follows:)

STATEMENT OF HON. LIONEL VAN DEERLIN, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. Chairman, members of the Subcommittee:

I am glad to have this opportunity to discuss with you the funding of the Law Enforcement Assistance Administration. I believe the \$480 million budgeted by the Justice Department for this program is inadequate, and accordingly I have co-signed H.R. 14689, a bill by Congressman Waldie to increase the LEAA authorization to \$750 million for fiscal 1971.

I also share the concern of many of our colleagues over the present method of allocating LEAA funds. The requirement that 85 percent of this money goes to the states in the form of block grants seems unrealistic, in view of the special

needs of our larger cities. By all accounts, metropolitan areas are not getting a very generous share—New York City, for example, with about three-quarters of the New York state crime problem, receives less than half the LEAA money allocated to that state.

My own home town of San Diego provides an excellent illustration of the sort of initiative that cities are best able—in fact have to take, to get at the roots of the crime problem.

For the past three years, San Diego has been developing a computer-based police information system which I believe could provide a basis for the instantaneous exchange of crime control information by law enforcement agencies across the nation.

So far this city has spent more than \$1.5 million of its own funds for this program of curbing crimes with computers. The system works because it recognizes and encourages the use of automation in both the reporting and swift retrieval of otherwise elusive data. Already, San Diego is demonstrating that even a fragmentary clue can unlock a wealth of crime control information from a properly programmed computer.

In one recent and typical incident, data from the central computer warned an arresting officer that he had stopped a suspect considered so dangerous that he should be held at gunpoint until additional police arrived. The warning was flashed scarcely a minute after reports conveying only partial license numbers were made by two passersby. On this occasion, as on others, an officer's life may well have been saved.

San Diego now is attempting to enter a new and even more sophisticated phase, known as Command and Control, in its computerized information service. Plans call for about 300 police and other public safety vehicles to be specially equipped so they can be constantly tracked by computers. When a major crime, fire or disaster is reported, dispatchers would know at once which units to send to the scene.

The basic goals of Command and Control are to reduce response time, thus cutting crime and fire losses, and—equally important—to permit the earliest possible release of innocent people.

But all this is going to cost a great deal of money—\$1.6 million for computer configuration and installation, \$1.2 million for communications equipment and \$900 million for vehicle modifications—some \$3.7 million in all.

San Diego has asked the LEAA for help. Although the city so far has not received a penny in outside subsidies, it is questionable whether it can continue to carry on this highly promising project unaided.

In so far as I can learn, San Diego is about two years ahead of any other city in the country, in utilizing computer technology for crime control. The potential significance of this project extends far beyond the immediate borders of the city, of course, since the technologies involved eventually could be applied on a much wider basis. I can envision a *national* network for the instantaneous exchange of crime control information by law enforcement agencies at every level of Government.

Unfortunately, as the Omnibus Crime Control and Safe Streets Act is presently constituted, only limited funding is available for innovative projects of this sort. I believe LEAA has earmarked only \$10 million for this year for special crime control grants to the more than 100 cities that have applied for this type of assistance.

We are never going to get the war on crime off the ground until more attention is paid to the problems of urban areas and the promise of at least partial resolution of these problems implicit in bold ventures such as San Diego has undertaken.

Mr. VAN DEERLIN. Mr. Chairman, I surely appreciate your lingering like this after the bells have rung.

The easy way that most opposition to crime seems to be venting itself these days is just deciding that our courts have made it impossible for law enforcement to do its job—that the way to get at crime is to make it tougher on the criminal after he gets to court.

In the city of San Diego, a rather enlightened local leadership—spending its own money thus far, somewhat in excess of one and a half million dollars—has developed, with the help of some modern elec-

tronic techniques, a very sophisticated system for synthesizing information and feeding it immediately to police in the field.

We had a case not long ago where a car was stopped at an intersection on suspicion of a very minor offense. The information which had been provided earlier by two passersby, did not in either case constitute a full reading of the license plate. In California we have three letters followed by three numerals.

One passerby submitted a portion of the license number, and the second another portion. In neither case was it a complete reading. I believe the color of the car also was known.

Within three minutes, that information had been fed into the computer, had disclosed that the possibility was very strong that the completed license number was one belonging to a very dangerous person. The officer on the scene was advised by radio to hold the motorist at gunpoint until other police help arrived.

The identification was later borne out. Help did arrive. The suspect was taken into custody, possibly an officer's life was saved—and no one's rights had been trampled.

It was a case illustrating very modern techniques. The point is that we have this system set up now in San Diego, and it is hoped that we can extend it to the suburbs.

At present the suburbs can feed in by telephone, but this takes time. We want terminal points in the suburbs, so that an entire metropolitan system can be covered by this protection.

The whole thing is going to cost another \$1.6 million for computer consideration on installation, \$1.2 million for communications equipment, \$900,000 for vehicle modifications. Some \$3.7 million is the total.

The ultimate capability is here for tying in the entire Nation in a system like this. It seems to me we should avail ourselves of the scientific possibilities that are available to us, on which the previous witness touched so eloquently, and spend our money in this direction, and give our police the best possible help in the field.

I have been characteristically loose in my testimony, because I am not a scientist, and I am not a lawyer.

The CHAIRMAN. You have been very lucid, I assure you.

Mr. VAN DEERLIN. But as a former news reporter in San Diego and a man who has represented that community for nearly 8 years now, I have seen this system established in my hometown, and I am immensely proud of it.

I would like to see it funded, and I would like to see the legislation which I am supporting—H.R. 14689, sponsored by my fellow Californian and a member of this committee, Congressman Waldie, and in essence by yourself, Mr. Chairman—I would like to see this funded with a little more help specified and earmarked for the big cities where so much of the crime problem lies.

I think in your State, three quarters of the crime problem is in the city of New York, and I believe the city of New York is entitled to less than half the money available through the Law Enforcement Assistance Administration.

I think we have to take a new look at our priorities, and what we are buying for our money. I am delighted that the committee will be

addressing itself to the markup of a new and evermore realistic bill in dealing with this national and critical problem.

The CHAIRMAN. Thank you, Mr. Van Deerlin.

You have been very enlightening.

The Chair will place in the record the statements of two members who are not present, one from Congressman Talcott of California.

(The document referred to follows:)

STATEMENT OF HON. BURT L. TALCOTT, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF CALIFORNIA

Mr. Chairman: I greatly appreciate your time and the time of the Committee Members to hear my special plea.

My amendment proposes to include correspondence schools in the education and training functions of the Safe Streets Act, Public Law 90-351.

Without rehearsing the need, the urgent need, for anti-crime legislation; Without reiterating the many interrelated aspects of a total anti-crime program; I would like to emphasize and buttress your interest in education and training which, in my judgment, are essential and should be expanded and improved.

Previously *correspondence schools* have not been able to participate or contribute. Yet there are numerous correspondence schools, many of which provide courses in all aspects of law enforcement and crime prevention. Some are fully accredited and could make valuable contributions to the objectives of this legislation.

I want to emphasize a special, maybe peculiar, way in which correspondence schools could be helpful and effective.

There are not enough formal "institutions of higher education" which are qualified to fill the need for law enforcement training. Correspondence schools, if properly accredited, could help to fill this void.

Furthermore, many young men who are or would be interested in law enforcement careers, and who could be especially valuable because of their interest and ability to relate to or empathize with the criminal or the criminal environment, are not able to attend formal "institutions of higher education" either for lack of funds or lack of time or both.

Men just returned from the military service, for instance, may find it necessary to find jobs to support themselves or their families and cannot attend fulltime schools, colleges or universities.

Some may have employment, which they cannot abandon, which is too far removed from educational institutions to permit them to arrange mutually compatible work and educational schedules.

Correspondence course have produced outstanding professional and business leaders. Correspondence schools have produced competent graduates. Correspondence schools could add an immeasurable quantum to our war on crime and the number of quality of competent law enforcement and criminal rehabilitation officials.

I urge the inclusion of properly accredited correspondence schools to those institutions eligible to participate in the programs of academic educational assistance to improve and strengthen law enforcement under the Safe Streets Act of 1968, as amended.

Thank you for the consideration of this proposal.

The CHAIRMAN. We will also place in the record at this point the statement of Congressman Mikva of Illinois.

(The statement referred to follows:)

STATEMENT OF HON. ABNER J. MIKVA, A U.S. REPRESENTATIVE IN CONGRESS FROM
THE STATE OF ILLINOIS

Mr. Chairman, I appreciate the opportunity to appear here today to discuss how better to allocate federal resources in the fight against crime.

You all heard Governor Ogilvie—a fine man—describe the fine program which Illinois had set up to use LEAA funds: over \$8 million of state funds coupled with almost \$3 million of federal funds yielding an impressive total of \$11 million. High caliber personnel were chosen to staff the Illinois Law Enforcement

Commission (ILEC), our statewide planning agency. This is no Georgia operation: the state pays its own operating expenses instead of taking them out of federal money. All in all, this appears to be a first class effort.

But the proof of the pudding is in the eating. Is the money going where the crime is?

Out of the almost \$11 million of state and federal money, Chicago received a little over \$200,000. Chicago has 35% of Illinois' population. Chicago has 54% of Illinois' crime and 74% of its violent crime. But Chicago received less than 2% of all anticrime money allocated by the Illinois Law Enforcement Commission.

I am not exaggerating. ILEC money went for a minority recruitment program in Rockford and Winnebago Counties, a community storefront project in East St. Louis, and a police schools program in Peoria; but not a penny for these programs in Chicago. ILEC granted \$300,000 for the state Bureau of Criminal Identification and \$750,865 for a statewide public defender program; but not a penny for Chicago which already has a public defender program. ILEC spent \$1.8 million for modern radio communications for Illinois police; but not a penny for Chicago which already has such a modern system.

A police station in Collinsville and a law enforcement newsletter for the chiefs of police to chit-chat with each other were funded, but Chicago—with policemen being shot in the street, with people scared witless to walk the streets at night, with parks and playgrounds underused because of the fear of crime—Chicago received \$200,000.

Now we can either keep up the boondoggle and play the baiting game—line up with the mayors against the governors or vice versa—or we can do something about crime in the big cities. The present formula doesn't work. Block grants may block the electoral defeat of a few state legislators, but it won't block crime where it's at.

What I have just told you about Chicago is duplicated in most other cities. You have heard from witness after witness how the federal money dispensed through the states is not reaching the really needy, high-crime, urban areas. I have been privileged to receive some of that testimony. The question before the House is do we go with the present formula and watch the cities die before our very eyes or do we change the formula.

What you have heard proposed as an answer to the diversion of anticrime funds from high-crime urban areas is more direct grants to the cities. In rejoinder, some of the governors and LEAA argue that if this approach is followed, most of the federal money will go for police activities, since the cities usually control only the police, and too little will go to other needy elements of the criminal justice system—the courts, the prosecutors, the jails and prisons, the probation and parole services. I respectfully say they are both wrong. I submit that H.R. 15907 which Congressmen Jacobs, Waldie and I introduced is a middle ground between these two positions. It is a middle ground because it allows more money to go into high crime, urban areas, but at the same time it *requires* co-ordination of police, court, and correctional activities and *insures* that each of these parts of the system gets some financial attention. Here are the three ways in which my bill differs from other proposals.

First, H.R. 15907 broadens the definition of the term "law enforcement" to include all activities relating to the administration of justice—from police preventive action to social service rehabilitative efforts, and including all the more traditional police, prosecutorial, judicial and correctional activities. This change is largely symbolic, since LEAA is already providing assistance to a wide range of criminal justice activities. But it is an important change in the sense that it demonstrates Congress' awareness that reducing crime involves far more than simply more and better police. If anything, the most significant contributions of federal money can probably be in areas of speedier trials through better staffed and equipped criminal courts and lower rates of recidivism through more effective corrections systems. Even a policeman on every block will not make us secure unless we pay attention to the whole fabric of the administration of justice.

Second, H.R. 15907 would require that the statewide law enforcement plan—a prerequisite to receipt of federal assistance—include provisions for adequate co-ordination of police, criminal court, and corrections activities. The amendment would, for the first time, make adequate co-ordination of all elements of the criminal justice system a requirements for federal assistance. Such co-ordination could take form, where appropriate, of a Criminal Justice Co-ordinating Council at any level of government or among levels of government. This

was the kind of device suggested by the National Commission on the Causes and Prevention of Violence in its recent report.

My own home of Chicago and Cook County, Illinois, is a good example of why the kind of co-ordination of criminal justice activities I am advocating is an absolute necessity. In Chicago, the police are city employees, but the Sheriff and State's Attorney are county officials working at the county level—as are their separate police forces. The courts in Chicago are Cook-County-operated but supervised by the state. Each police station has its own lockup, but there are also the County Jail and House of Correction and the State penitentiary. The probation system is county- and state-operated, and the parole system is wholly state-operated. All of these various agencies from different levels of state and local government must work together smoothly in order for the criminal law to be administered properly. They will never do so, as the Violence Commission pointed out, unless there is some central co-ordinating authority responsible for seeing that they do so. This is the kind of co-ordination my bill would require.

Third, H.R. 15907 will insure that a minimum amount of LEAA funds goes to support all elements of the criminal justice system, and that no one element unduly predominates. I have used rough divisions as follows: no more than one-half of LEAA funds for police and police-related activities, and no more than two-thirds of the remainder for either courts and related agencies or corrections. This assures at least one-sixth of total LEAA grants to each of the principal elements of the criminal justice system and no more than one-half to police.

These fractions are not exact. They could certainly be adjusted by the Committee. From what I have seen of LEAA grants in Illinois, they represent approximately the distribution of effort now in effect there. I suspect, however, that Illinois is more fortunate in this broad coverage than many states. Unfortunately the coverage takes care of everyplace except where the action is really at.

Like bills now pending before you introduced by Mr. Bingham, modeled on Senator Bayh's bill in the other body, my bill allows a larger percentage of LEAA funds—50%—to go directly to the cities and to state and county agencies, and provides incentives for states to use their own money and grants to aid high-crimes areas. The difference, as I have tried to show above, is that with the safeguards in my bill, this larger percentage going to the cities will be better co-ordinated with county and state criminal justice activities, and will be distributed more broadly among police, courts and corrections agencies.

Obviously, such a division presupposes that we are talking about real money. Based on last year's spending, it would be a joke—or rather a bigger joke than the present allocation of peanuts. If the program is to be for dough, rather than show, I think such an allocation formula is in order. Otherwise, to quote a former colleague in the State Legislature, we are fighting crime with cornstalks.

I believe I should emphasize here, Mr. Chairman, that while most of the 50% of funds which my proposals and others would allow LEAA to allocate directly probably would go to cities and city agencies, much of it could also go to county and state agencies. The point is that LEAA could distribute this money to agencies of state government *directly* without going through the statewide planning agency. Thus, if the parole system in State A is entirely state-run, it might well benefit far more from a direct grant from LEAA than it ever would by waiting for the statewide planning agency to pay attention to it. You heard the testimony from Savannah officials which made it painfully clear that the statewide planning agencies don't always operate with objectivity or even constitutionality. I wonder how many other statewide planning agencies likewise reflect their biases—racial or rural. We have to decide whether this is to be a boondoggle or a real program. We ought to stop kidding the people. If at its best, it's going to operate like Illinois, then we ought to make it a division of the Rural Electrification Administration or a part of the farm subsidy program. But don't kid the big-city people about what LEAA means. Instead of succor to the cities, the cities are being played for suckers—at least under the block grant formula.

Frankly, it is almost too much to expect statewide planning agencies in some states to distribute their grants on anything *but* a geographical basis. With the pressures of the governor and state legislature acting strongly on such agencies, their personnel would have to be almost superhuman to resist these pressures. More federal money going directly to cities *and* to state and county agencies which really need the additional resources is the answer. It is an answer we had better give soon if we want to put the men and money where the crime is.

The CHAIRMAN. Our last witness this morning will be Mr. Quinn Tamm, executive director, International Association of the Chiefs of Police.

STATEMENT OF QUINN TAMM, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

The CHAIRMAN. I am going to ask you, as I have asked the Representatives, to be brief. We are in session now. Your full statement will be placed in the record.

(The statement referred to follows:)

STATEMENT OF QUINN TAMM, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

Mr. Chairman and members of the Subcommittee, my name is Quinn Tamm, and I am the Executive Director of the International Association of Chiefs of Police (IACP).

On behalf of the 7,500 state and municipal police executives who comprise the majority of our membership, I welcome this opportunity to testify regarding H.R. 14341 and related matters.

The IACP previously voiced strong support for both the Law Enforcement Assistance Act of 1965 and the Omnibus Crime Control and Safe Streets Act of 1968. I feel that these statutes mark an awakening to long neglected problems of the police profession. Plans, programs and projects, long overdue in light of our rising crime rate and other problems of public protection and service, have been started with the introduction of Federal funding.

"Project Sky Knight" is an interesting example of what can be accomplished with adequate interest and resources. Initiated as a research study on the feasibility of using helicopters for crime prevention, detection and control, this project advanced through the experimental stages into model program development and has stimulated acquisition-funding for various police agencies. Yet, without Federal assistance, the adaptation of a versatile and effective law enforcement tool, the helicopter, would have progressed in a random and piecemeal fashion. Allow me to digress for a moment.

The impact of this development has prompted the IACP to explore the feasibility of establishing a Public Safety Aviation Institute—within our structure—to develop programs of training and operational techniques for the most advantageous usage of aircraft in police work.

This and other projects, completed and underway, give support to the notion that the Federal Government, in cooperation with state and local authorities, can have a great impact on the safety and well-being of our citizens without preempting the entire field.

Based on these experiences, I urge the passage of H.R. 14341, believing that, at this juncture, increased Federal appropriations are necessary to maintain and increase our struggle for effective crime prevention and control. The membership of the IACP, as a whole, has indicated by resolution that they support both the concept of the Omnibus Crime Control and Safe Streets Act and top priority for funding, including the National Institute of Law Enforcement and Criminal Justice. This same resolution, dated October 1, 1969, reaffirms our commitment of cooperation in furthering and speeding up program implementation.

I have noted with great interest the issues raised by the distinguished public servants who have appeared before this Subcommittee in recent weeks. While I believe it may yet be premature to gauge the over-all effectiveness and efficiency of the 1968 Act, I advocate some adjustments.

Recent testimony has highlighted divergent opinions on the concepts of "block grants," statewide planning and administration. The major cities in the United States are the current focus of our crime problem; and they desperately need all possible assistance. However, population and crime trends are both emitting a subtle warning to police officials—the warning is that a mobile society has mobile problems, including crime.

I submit that massive pressure against crime and related problems—exerted only in our large cities—will not, in my judgment, solve this Nation's problems of crime and other social disorders. I believe it will tend to dislocate it from

the central city into the suburban environs. I also believe that a balanced program is essential; a program which takes into account all problems, both current and anticipated, and which allows for sufficient administrative discretion to assist the entire criminal justice system and its private sector support groups. This balance must be struck in several areas:

First—every citizen must benefit from the program, no matter who he is, what he is or where he lives.

Second—the three segments of our criminal justice system—police, courts, corrections—must all receive attention. We the police are only too cognizant that our efforts will be for nil if the court and correction functions are not operating in tandem with us.

Third—coordination of Federal programs is imperative at all levels of government. Currently, the police are affected by four sources of Federal funding—the Departments of Justice; Transportation; Health, Education, and Welfare; and Housing and Urban Development. There are many coincident police programs among these four Departments. We believe there should be greater efforts toward coordination of these programs and their impact on the participating police agencies. The IACP, both informally and by resolution, has called upon these Departments for active exploration of project and program coordination.

Therefore, I submit that it would be appropriate for Congressional clarification of intent in the scope of these several programs and in the role of the administering agencies. The problems that confront us are too pressing, in my opinion, to allow needless duplication of efforts and, perhaps more importantly, the program voids that result from the lack of over-all planning and direction.

I should like to conclude with one final observation; namely, the prohibition of discretionary funding for private sector projects and programs. For the IACP to conduct a new program, for example, we must rely on the limited resources of the National Institute of Law Enforcement and Criminal Justice or, in the alternative, pursue the costly process of obtaining a sub-contract through a police agency. This statutory provision puzzles me.

The IACP has been in the forefront of police advancement and professionalization for which we have won praise from all levels of government. An example is the state-level Police Standards and Training Councils which are in existence in over thirty states. This concept was developed by our Association.

We ask, however, not for more praise, but rather for the opportunity to compete, on a *merit* basis, for Federal assistance in the advancement of the police profession and its direct benefits to the protection and safety of all of our citizens.

Again, I am honored and grateful to have had the opportunity to appear before this Subcommittee. If there are any questions, I shall be most happy to answer them.

Mr. TAMM. Thank you, Mr. Chairman. I would like to make one or two points because of the fact that I feel the bill you are considering is so important to the administration of justice in this country. I will skip over my statement very quickly, and just say that based upon the experience which law enforcement has had, and I do represent and speak for 7,500 police administrators in this country, we feel that the Federal Government, in cooperation with the State and local authorities, can have a great impact on the safety and well-being of our citizens without preempting the entire field.

So, I urge the passage of H.R. 14341, believing at this juncture increased Federal appropriations are necessary to maintain and increase our struggle for effective crime prevention and control.

We have supported throughout the concept of the Omnibus Crime Control and Safe Streets Act, and we have urged top priority for funding, including the National Institute of Law Enforcement and Criminal Justice, concerning which Congressman Scheuer spoke.

I have noted with great interest the issues raised by the distinguished public servants who have appeared before this subcommittee in recent weeks. While I believe it may be premature to gage the overall effectiveness and efficiency of the 1968 act, I advocate some adjustments.

The recent testimony has highlighted the principle of the concept of block grants, statewide planning and administration. The major cities in the United States are the current focus of our crime problem, and they desperately need all possible assistance that can be given to them.

However, population and crime trends are both emitting a subtle warning to police officials. The warning is that a mobile society has mobile problems, including crime.

I submit that massive pressure against crime and related problems exerted only in our large cities will not, in my judgment, solve this Nation's problems of crime and other social disorders. I think it will tend to dislocate it from the central city into the suburban environment.

I also believe a balanced program is essential, a program which takes into account all problems, both current and anticipated, and which allows for sufficient administrative discretion to assist the entire criminal justice system and its private sector support groups.

A balance must be struck in several areas. First, every citizen must benefit from the program, no matter who he is, what he is, or where he lives.

Second, the three segments of our criminal justice system—police, courts, and corrections—must all receive attention. I feel strongly, and it is unusual for a law enforcement official to so speak, but I don't think great emphasis should always be placed on the police segment of criminal justice. The correctional system needs improvement.

The police are aware that their efforts will be nil if the courts and correctional systems are not operating in tandem with us. We feel that the coordination of Federal programs is imperative at all levels of Government, and by that I mean the four sources of Federal funding having to do with law enforcement—the Departments of Justice, Transportation, HEW, and HUD—should have greater coordination from the Government.

Problems that confront us are too pressing, in my opinion, to allow needless duplication of effort, and perhaps more importantly the program voids that result from the lack of overall planning and direction.

I would like to conclude with one final observation.

The prohibition of discretionary funding for private sector projects and program for the International Association of Chiefs of Police to conduct a new program, and we have conducted programs in 160 of the major cities in this country now with regard to management reorganization.

I was interested when the Congressmen testified previously with regard to Cleveland, where we have trained the police officers now in command positions, and in Detroit, where we will enter into a contract with the city to reorganize their police department.

We must rely on the resources of the Association, or subcontract through a police agency in order to conduct these surveys. This particular statutory provision puzzles me. I would feel that while we have won praise from all levels of Government, we ask not for more praise, but rather for the opportunity to compete on a merit basis with Federal assistance in the advancement of the police profession and its direct protection of all citizens.

I would like to thank you for your courtesy in asking the IACP to speak before you. That is, briefly, a summation as to how we feel about this pending legislation.

The CHAIRMAN. I want to thank you for your brevity. It is a very, very telling statement.

Are there any questions?

Mr. McCLORY. Mr. Chairman, I would just like to say this. In my opinion, the witness has contributed as much if not more, than any single individual to the development of a meaningful and constructive federal program of improved law enforcement in all its aspects. I appreciate the witness' forthright statements on various aspects of the Federal program, which is so vital to our society.

Although we haven't always followed his advice, we have received very sound advice in every instance.

Mr. TAMM. Thank you very much, Congressman. I appreciate that.

Mr. RAILSBACK. Mr. Chairman, I compliment the gentleman for his statement. I note with interest the point that if we concentrated solely on the major cities, crime might move into the suburbs.

Do you think that this relatively new program has caused the different local law enforcement agencies to cooperate, talk, and work together more than before?

Mr. TAMM. I think it is beginning to show effects, sir. I think it is beginning to have an effect, and, as I say, with the brief experience we have had with the program—you still can't judge too much—but there is a noticeable effect. There is a noticeable willingness on the part of segments of the law enforcement, or the administration of justice now to sit down and talk, because they are having an opportunity to, shall I say, divide some of the money which is coming from the Federal Government and I think this is going to have one of the big effects, the possibility of cooperation, collaboration, and coordination within metropolitan areas, which I think is necessary.

Mr. RAILSBACK. I thank the witness.

The CHAIRMAN. Thank you very much.

This will conclude the subcommittee's hearings on the law enforcement assistance program. The record will remain open for 10 additional days for additional statements and information.

We will put in the record at this point a statement of the Honorable John M. Murphy, a Representative in Congress from the State of New York.

(The statement referred to follows:)

STATEMENT OF HON. JOHN M. MURPHY, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman and distinguished members of the Committee:

Crime is the cancer of our cities—the malignant enemy in America's midst. In dollars the cost of crime runs to tens of billions annually. The human costs are simply not measurable. Still, a Band-aid instead of a tourniquet is reluctantly offered to choke off a crime rate that has more than doubled in this country since 1940.

Let me cite some of the chilling statistics in New York City alone—let alone the plague of urban violence and crime strangling other American cities.

More than 1,000 persons were murdered and almost 60,000 persons were robbed in New York City during 1969. Crimes against people increased 7.3%

and crimes against property, which include burglaries and thefts, dropped 2.8% during 1969, compared with 1968.

A total of 1,043 persons were listed as victims of murder or non-negligent manslaughter during 1969 compared with 986 for the previous years, and 59,152 persons were robbed or mugged during 1969, compared with 54,405 in 1968.

A 15.2% increase in forcible rape, with 2,120 victims, was recorded for 1969, compared with 1,840 such crimes the previous year.

Aggravated assaults totaled 29,717 during 1969, a 4.2% increase over the previous year when 28,515 such cases were reported.

Motor vehicle thefts increased by 8,348 during 1969, with 85,798 cars stolen. This was a 10.8% rise over 1968, when 77,448 such thefts were reported.

In all, major crimes in New York City totaled 478,357 for the year.

The largest number of murder and non-negligent manslaughter victims for any one police precinct in the City was recorded by the West 135th Station in Harlem, where 62 persons were slain during 1969. The only precinct that reported no murders or non-negligent manslaughters for 1969 was the Tottenville Station in my Staten Island district.

We can no longer afford to look upon law enforcement as a Bonnie and Clyde game of cops and robbers. We must direct ourselves to the root causes of social unrest in the City—we must remove the filth and degradation of our ghettos, which breed narcotic addicts, arsonists, muggers, rapists and the organized gang lords. We must work toward the rehabilitation of first offenders with methods and institutions that are not trade schools of crime in the outdated big house tradition.

Existing crime must be handled with a police professionalism that calls for standards and salaries in keeping with the complexities of today's urban living. The entire concept of law and order rests with the policeman in a crisis and needs the support of all citizens in all walks of life. The policeman must once again be proud to be known as "the friendly cop on the beat."

But we will never achieve any of these goals if we continue to short change the very spawning grounds of crime—the ghetto-breeding cities—of financial aid needed to help prevent crime. The criminal prevention and criminal justice systems in the cities are starved for funds. The help promised under the 1968 Omnibus Crime Control and Safe Streets Act has yet to materialize. I will not repeat the battle of the purse strings previously spelled out before this committee, but we are all aware that a more equitable formula must be worked out for aiding cities.

Crime is about 35 times as costly for the small business as for the large establishments. Small firms, neighborhood stores or little manufacturers with incomes of under \$100,000 a year experienced losses of .721% last year. The largest firms, with incomes of more than \$5 million, had crime losses of only .02%.

And while crime in the streets is the cry most often heard in areas outside the ghettos, it is the everyday citizen of these ghettos—the black and Puerto Rican—who suffers most from rampaging violence. Despite the valiant efforts of our precincts to provide protection, no ghetto man, woman or child is safe from the muggers, rapists, purse snatchers and addicts who infest our communities. Be it in the ghetto or suburbia, no house, apartment, hallway, schoolyard, playground or park is free from danger.

It is inconceivable but true that our citizens must live in constant fear, behind the double-locked doors of their homes or apartments. If we are to recapture the streets—especially at night—from the hoodlum, we need more policemen on the beat.

Our goal is prevention, not apprehension. And the best deterrent to the criminal is the uniformed cop on the beat.

Another reason for the up-swing in crime has been the failure of the criminal court system and the corrections system to discharge their jobs effectively. Large numbers of criminals are constantly being returned to the streets to commit the same crime again.

Failure to fill existing vacancies on the Criminal Court bench has resulted in a backlog of cases and contributed to revolving door crime. There are too many vacancies now and too great a backlog. The benches must be filled with competent men who are not reluctant to treat the hardened criminal to the full extent of the law.

In dealing with second and third time offenders, I strongly recommend that those repeatedly accused of the same offense be made to plead on that charge, and that they not be permitted to plead guilty to a less charge with a lighter sentence.

It is ironic that at the same time that our short-term detention and prison facilities in or near New York City are crowded to the breaking point, the up-state long-term prisons are under-utilized. Fully one-third of the long-term prisons are not presently being used.

We need a program that will prosecute the hardened criminal to the full extent of the law. By insisting on long-term sentences whenever proper, we can remove repeaters from society, partially relieve present detention congestion, and limit the influence of the hardened criminal on the first offender.

And in a further move to isolate the individual who has just committed his first crime from elements that generate more crime, I would recommend a community probation aide program. The aides, locally selected and highly trained would work with first offenders in a person-to-person effort to prevent second offenses.

As you know, Mr. Chairman, I have joined a number of my distinguished colleagues in sponsoring amendments to the Safe Streets Act that are designed to lower opportunities for crime. The programs I have outlined here today would go a long way in reducing the national state of alarm over lawlessness.

However, the basic fact remains that crime is costly and crime prevention therefore is an expensive proposition. We cannot take a skinflint approach toward solving the problems of crime which are primarily urban problems where local revenue bases are strained to the breaking point. We have learned since 1968 that not only must we increase funds under the Safe Streets Act, but we must also change the apportionment formula so that local governments are adequately funded.

My bill, H.R. 16176, is a step in that direction, dealing as it does with the special problems and particular financial needs of the major urban areas. I wish to thank the chairman and the committee for the time and consideration allotted this vitally needed legislation.

The CHAIRMAN. The committee will now adjourn.

(Whereupon, at 11:20 a.m., the committee was adjourned subject to the call of the Chair.)

(Subsequently the following statements and information were submitted for the record:)

STATEMENT OF HON. SPARK M. MATSUNAGA, A U.S. REPRESENTATIVE IN CONGRESS
FROM THE STATE OF HAWAII

Mr. Chairman and members of the Subcommittee, I thank you for this opportunity of presenting my views with respect to my bill, H.R. 15886, which would amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 in order to provide increased funding and stronger assurances that those funds will be channeled to the high-crime areas where the need is greatest. My bill is identical to H.R. 15597, which was introduced by our distinguished colleague from New York, Congressman Jonathan B. Bingham.

Briefly, H.R. 15886 consists of three sections. Section I would add a new category to the list of projects eligible for funding under the Act, as follows:

"Crime prevention, including improved lighting of high crime areas and development of laws and ordinances and building design techniques to lower opportunities for crime."

This provision would dispel any confusion that might arise about the eligibility of certain preventive measures. Improved street lighting, for instance, might be thought to fall under the heading of general municipal improvement, and thus not be judged eligible for funding under this particular legislation. In fact, it is one of the few anti-crime measures which has proved indisputably successful. As an example, a recent study by the National League of Cities, reported in the F.B.I. *Law Enforcement Bulletin*, showed a 70% drop in criminal assaults and a 60% drop in robberies in a midwestern town after installment of an extensive lighting system. Similar results were recorded by a Southern City in a 12-block area in which street lighting was improved.

Section 2 of H.R. 15886 reduces the percentage of anticrime action funds

automatically available to the States in the form of block grants from 85% to 50%. Additional 20% increments will be added to a given State's allotment, first, if it is determined by the Law Enforcement Assistance Administration that the State's plan adequately provides for the cities and other high crime areas; and, second, if the State is willing to pay at least half of the non-Federal share of the cost of local programs and projects. The bill would not, as has been claimed, abolish the block grant mechanism.

Section 3 of H.R. 15886 authorizes appropriations totalling \$3 billion for the next three fiscal years. Rather than being too high, as the Administration claims, this figure seems to me to be reasonable, both in terms of the cost of crime and public concern about it. The President's Commission on Law Enforcement and Administration of Justice, reporting in early 1967, estimated the cost of crime to this nation at about \$21 billion a year. There is no doubt that, like both the crime rates and the cost of everything else, it has gone up considerably since then. Furthermore, in the past three years, we have spent well in excess of \$200 billion on defense, a good part of it for the most unpopular war in this nation's history. Certainly, by any ordering of the nation's priorities, we ought to spend \$3 billion in the next three years to combat crime, the overriding problem on the domestic front.

I would like, at this point, to comment in greater detail on the need for the amendment to the funding provisions contained in Section 2. Mr. Chairman and members of the Subcommittee, as we are all well aware, the title I Law Enforcement Assistance program authorized by the Omnibus Crime Control and Safe Streets Act of 1968 has become the occasion for a political battle regarding the block grant method of fund allotment and administration. A carefully researched and impartial analysis of the LEAA program, by Professor B. Douglas Harman of American University, begins with the observation:

"Examination of this program is important not only because of the seriousness of the crime problems in the United States but also because of the efforts of the Nixon Administration to reshape grant-in-aid assistance through block grants . . . it has become an important political test of the block grant approach to federal grant-in-aid assistance."

As a Congressional news magazine recently pointed out about the LEAA, "increasingly, the agency has become the focus of an intense competition for high stakes." The Attorney General was quoted as arguing against amendment to the funding provision on the grounds that "The block-grant concept must be given a chance to work."

It is most unfortunate that Federal participation in national crime control has become complicated by this effort to reshape inter-governmental relationships regarding grant-in-aid programs. In fact, it is difficult to think of a more inauspicious time or topic for this effort. The facts of the situation are, first, that crime is primarily an urban problem. For example, while in the entire State of Hawaii the rate of serious crimes per 100,000 inhabitants in 1968 was 2,751, the rate in the city of Honolulu was 4,175 in the same year and going up. The projected 1969 figure for Honolulu is 4,326 serious crimes per 100,000 inhabitants. The national picture is worse: 85% of the index crimes occurred in the nation's metropolitan areas in 1968. The second fact of major importance here is that governors and mayors—particularly Republican governors and Democratic mayors—are not known for seeing eye to eye on fiscal matters. As Dr. Harman noted, commenting on the initial planning phase of the LEAA program:

"There are serious political obstacles to development of a state system placing heavy planning emphasis upon the high-crime, urban areas. Because of the historic big city-state government conflicts and the various political factors which give strong representation in state government to medium and small cities and suburbs, it is unlikely that many State political systems will allow the needs of the large cities to dominate State law enforcement planning."

After a careful study of 31 state plans and early operations—Hawaii, unfortunately, was not among those surveyed—the National League of Cities and U.S. Conference of Mayors singled out only six for praise. Among these only two, New York and Illinois, were predominantly urban. The general conclusion of the study submitted this February was as follows:

" . . . most states in the allocation of action dollars have neither demonstrated any real commitment to improve the criminal justice system, nor have they concentrated funds on programs in most critical need area. Instead of need and seriousness of crime problems, emphasis in dollar allocation appears to have been placed on broad geographic distribution of funds. Some states have established

formulas for distribution of planning and action funds among local units or through regional units established for fund distribution purposes. Others have simply allocated funds in many small grants to local units. Few, if any, states have attempted to make difficult decisions which would enable them to allocate sufficient amounts of dollars to have any impact on the most urgent problems."

This pessimistic assessment of the program as it is currently being administered has been borne out by a number of other studies as well as by testimony before this Subcommittee of mayors, police chiefs and Congressmen from the predominantly urban areas where crime is highest.

The purpose of the title I program of the Omnibus Crime Control and Safe Streets Act as we passed it, first in August 1967 and in its present form in June of 1968, was to provide Federal assistance for nationwide crime control. If the evidence points, and it seems to me that it does, to the conclusion that the means by which the Federal funds for this purpose are being distributed interferes with the achievement of this purpose, then the legislation should be amended accordingly.

Mr. Chairman and members of the Subcommittee, for the reasons I have stated, I urge that favorable consideration be given to this legislation.

Thank you very much.

STATEMENT OF HON. LAURENCE J. BURTON, A U.S. REPRESENTATIVE FROM THE STATE OF UTAH

Mr. Chairman, I appreciate the opportunity to appear before this Subcommittee on H.R. 14341, as well as on H.R. 10590 and H.R. 10582, two bills dealing with law enforcement on Indian reservations, and also to express my concern over the overall very serious problem of crime in this nation. We all have heard the gruesome statistics which indicate the seriousness of our problem. The FBI reports that in America a murder is committed every 48 minutes, a forcible rape occurs every 21 minutes, a robbery every 3 and one-half minutes, an aggravated assault every 2 minutes and a burglary every 23 seconds. On the average, a serious crime is committed every 10 seconds.

Even these frightening statistics do not fully reflect the enormous toll taken by crime in our nation. The National Crime Commission's report surveyed 10,000 representative American households concerning their experiences with crime. The commission concluded that there is far more crime than ever is reported. It stated that "Burglaries occur about three times more often than they are reported to police. Aggravated assaults and larcenies over \$50 occur twice as often as they are reported," and that "In some areas, only one-tenth of the total number of certain kinds of crimes are reported to the police."

It is conservatively estimated that crime costs us more than fifty billion dollars a year in this nation. To put this enormous sum into perspective, it may be pointed out fifty billion dollars is more than five times the \$9.6 billion dollars which the federal government spent on aid to all education last year. When we realize that last year's cost of crime could support federal aid to education for more than five years, we begin to realize the economic cost of crime to our society.

But even more serious than these economic costs are the human costs resulting from criminal action. Certainly no monetary appraisal can be placed on the suffering by victims of violent crime and their loved ones. The National Crime Commission report pointed out that nearly half of the typical Americans whom they surveyed say they stay off the streets at night because of their fear of crime. More than one-third of these individuals say they do not speak to strangers any more because of their fear of crime. Twenty percent, one person in five, would like to move to another neighborhood because of their fear of crime.

These facts trouble me. I am troubled when I note that crime is especially rising among our young people, that in the United States today, one boy in six is referred to the juvenile court. I am troubled to find that even five years ago more than two million Americans, twice as many as the total population of my home state of Utah, were received in prisons or juvenile training schools, or placed on probation. I am troubled to see that my own state of Utah is not immune from the crime wave which has swept the Nation, that it must deal with a crime rate which has ranked among the top twenty states in the U.S.

As the members of the Committee are aware, the Administration and many of us in Congress have joined in sponsoring legislation to deal with this worsening

problem. This legislation would strengthen the ability of local and state crime-fighting agencies to deal with criminal action. I urge the committee to take rapid affirmative action on this legislation and will certainly work for such timely activity once the legislation reaches the floor of the House. The urgent need for such action is readily apparent, for the people of this country are weary of being afraid to walk the streets for fear of getting mugged and of being afraid to go to work for fear their building will be bombed.

Mr. Chairman, the Chiefs of Police in Salt Lake City and Ogden, the two largest cities in Utah, have sent me telegrams for inclusion in the record of these hearings. I have attached them herewith.

SALT LAKE CITY, UTAH, *March 17, 1970.*

Representative LAWRENCE J. BURTON,
Longworth House Office Building,
Washington, D.C.:

Re your meeting on LEAA funds: police face problem requiring new concepts and approaches. Past methods and experience may not provide acceptable solution. Experimentation must be encouraged for success. Federal Government must accept greater funding role. Local police limited because their community cannot provide needed match funds. We cannot meet 40 percent of one million. How do we use ten million availability?

C. C. WHITEHEAD,
Chief of Police.

OGDEN, UTAH, *March 19, 1970.*

Congressman LAWRENCE J. BURTON,
Longworth House Office Building,
Washington, D.C.:

Appreciate your efforts to have a committee realize federal assistance under present system if not too advantageous to such agencies as our municipal police depts creation of agencies, committees, directors & etc., consume too much of money appropriated.

All efforts should be made to cut red tape and for money to go directly to our agencies to fight crime on the streets and without so many restrictions. As long as agencies account for funds spent show accomplishments in deterring crime in our communities.

L. A. JACOBSEN,
Chief of Police.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 19, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The City Council of Raleigh, North Carolina has forwarded a resolution to me regarding H.R. 14397.

They have expressed reservations about provisions of this bill which would curtail direct municipal participation in grants from the Law Enforcement Assistance Administration. I share their concern, and would ask your Committee in its hearings to consider the ramifications of such a limitation. I suspect numerous other municipalities have also expressed to you the dangers they see in this particular measure.

I am in agreement with the resolution from the Raleigh City Council. Please use my comments and the enclosed resolution as you see fit for the Committee's records.

With kindest regards, I am,
Sincerely,

NICK GALIFIANAKIS.

RESOLUTION No. 1970-682

A resolution to the North Carolina delegation to the Congress of the United States concerning the Omnibus Crime Control and Safe Streets Act.

Whereas a bill has been introduced in the Congress of the United States which would give to the several states complete control of the distribution of funds allocated under the Omnibus Crime Control and Safe Streets Act; and

Whereas it appears that the aforementioned bill would have the effect of eliminating those features of the present acts which assure cities of participation in the program: Now, therefore, be it

Resolved by the City Council of the City of Raleigh:

Section 1. That the members of the North Carolina Delegation to the Congress of the United States are urged to oppose any bill which would have the effect of removing the safeguards of the present statutes as regards participation by cities in the distribution of funds.

Section 2. That the City Clerk and Treasurer is hereby directed to have a copy of this resolution delivered to the North Carolina Delegation to the Congress of the United States.

Adopted: March 2, 1970.

NATIONAL COUNCIL ON CRIME AND DELINQUENCY,
Washington, D.C., March 25, 1970.

HON. EMANUEL CELLER,
*Chairman, House Judiciary Committee,
House of Representatives, Washington, D.C.*

DEAR REPRESENTATIVE CELLER: It is our understanding that the Judiciary Subcommittee No. 5 has completed its hearings on amendments to the Omnibus Crime Control and Safe Streets Act of 1968. Enclosed is NCCD's statement concerning those amendments discussed by the Subcommittee.

Your consideration in accepting this statement for the Subcommittee Report would be appreciated.

Sincerely yours,

MILTON G. RECTOR, *Director.*

NCCD STATEMENT RE PROPOSED AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

The National Council on Crime and Delinquency is greatly concerned with many of the proposed amendments to the Omnibus Crime Control and Safe Streets Act of 1968.

The experience of NCCD Staff and State Citizen Action Councils in the area of program development for the improvement of the criminal justice system led to our early involvement in state as well as federal planning in this area.

At the national level, we participated in the survey Task Force Report on Corrections for the President's Commission on Law Enforcement and the Administration of Justice. More recently, we provided assistance during early and follow-up planning to those developing and administering the Omnibus Crime Control and Safe Streets Act. NCCD State Councils have been involved with the various state agencies in local planning.

NCCD views the following as areas for consideration in any amendments to the original Act:

1. Funds allocated without reference to approved and comprehensive planning will tend to preserve and reinforce mediocrity and bad practices.
2. The goals of funding cities through a comprehensive state planning agency have been and should be:
 - (a) To sensitize the state agencies, who provide many urban services, to the needs of urban areas.
 - (b) To increase state standard setting and technical services in order to help upgrade urban services.
 - (c) To better coordinate state services with local services through comprehensive state-local planning.
 - (d) To establish a pattern of state subsidy and grant funds to the cities for the time federal funds can help cities meet their matching requirements for federal funds.
3. LEAA should be given greater authority in requiring wider city participation in state planning. State plans should perhaps be required to include separate sections for urban area services showing coordination and linkage with state services. As an example, in New York City, the state parole service operates parole from city prison; the state judicial conference provides rules for city criminal courts; a state probation commission sets standards and rules for city

probation services. In contrast, Hawaii and some other states provide all services through their state government and have no locally administered programs.

4. LEAA should be given responsibility to monitor and report back to Congress on the effectiveness of state planning and use of funds. At present the states themselves want to determine allocation of the funds received without restriction.

We question a change in the allocation requirements of the original bill after only one year's test. Amendment proposals should be directed toward better coordination in comprehensive planning by state-local agencies to set priorities for action. LEAA should be given enough flexibility and authority to assure Congress that each state plan is directing funds to all areas of need, including the complex urban problems.

NCCD is cognizant of the problems faced in developing and administering such a large program, but we firmly believe that such a program will provide a better balance to the criminal justice system in the future.

FAIRFAX COUNTY FEDERATION OF CITIZENS' ASSOCIATIONS,
FAIRFAX, VA., March 25, 1970.

HON. EMANUEL CELLER,
Chairman, House Judiciary Committee,
House of Representatives, Washington, D.C.

DEAR MR. CELLER: The Federation notes that the Administration is recommending an amendment to the Crime Control and Safe Streets Act which would release State Law Enforcement Planning Agencies from the requirement that "at least 75 per centum of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units for the development and implementation of programs and projects for the improvement of law enforcement."

The Administration has proposed an amendment to section 303 of the Act (H.R. 15947) which would waive this requirement by providing that "in whole or in part, upon a finding that adherence to the requirement would not result in an appropriately balanced allocation of funds between the State and the units of general local government in the State or would not contribute to the efficient accomplishment of the purpose of this part."

The affect of this amendment would be to give a state planning agency discretion to use Safe Streets funds in any way it saw fit and would take away from local jurisdictions the leverage supplied by existing law. In the last allocation of safe streets monies Fairfax County and Northern Virginia suffered from an inequitable allocation. The Federation has asked Governor Holton to re-examine the methods and procedures by which these allocations were made. As you know Fairfax County and Northern Virginia are among the high crime rate areas in Virginia, as well as being main centers of population. The allocations did not reflect these factors.

We feel that the proposed amendment would deprive our area of any criteria through which the State Agency would have to make more rational allocations. Enclosed is a copy of a Resolution adopted by the Federation on this matter. We urge you to oppose the Administration amendment and work towards a tighter requirement that fund allocations be made on the basis of population and need.

Sincerely,

(Mrs.) JEAN PACKARD,
President.

RESOLUTION ON AMENDMENT TO THE CRIME CONTROL AND SAFE STREETS ACT

Resolved, That the Fairfax County Federation of Citizens Associations opposes amendments to Section 303 of the Crime Control and Safe Streets Act of 1968 which would authorize the Department of Justice to waive the existing requirement in this section that 75% of the funds given to the states for action grants be allocated to local jurisdictions; and be it further

Resolved, That Section 303 should be amended to require the allocation of these funds by the appropriate state agencies on the basis of population, incidence of crime and other criteria which demonstrate the need of particular localities for financial assistance.

COUNTY OF SANTA BARBARA,
Santa Barbara, Calif., March 26, 1970.

HON. EMANUEL CELLER,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN CELLER: I have been informed by Jack Palo, Executive Director of the Blackstone, Rhode Island, Commission on Crime, that you are looking for witnesses to testify before your judiciary Committee upon the subject of federal funding under the Omnibus Crime Control Act.

Enclosed is a copy of a letter I have just sent to the California Commission on Criminal Justice, which group is reviewing and approving applications for federal grants under the Omnibus Act. The contents of the letter are, I believe, self-explanatory, and they reveal my complete dissatisfaction with the manner in which federal funds are presently being allocated in California.

Should you so desire, I would be pleased to testify before your committee regarding my dealings with the California Commission on Criminal Justice. It is my feeling that California's program for allocation of Omnibus Crime Control Act funds has settled into a morass of bureaucratic inefficiency.

Yours very truly,

DAVID D. MINIER,
District Attorney.

DISTRICT ATTORNEY,
COUNTY OF SANTA BARBARA,
Santa Barbara, Calif., March 26, 1970.

Re CCCJ No. 0051

THOMAS C. LYNCH,
Chairman, California Council on Criminal Justice,
Sacramento, Calif.

DEAR MR. LYNCH: As you may recall, I attended the C.C.C.J. meeting held yesterday, March 25, 1970, in Sacramento. I was present because I had received a letter from Patrick C. Gregory, Consultant to the Council, stating that "the final approval or disapproval [of CCCJ No. 0051] rests with the Council which will meet March 25, 1970."

Although the Police Services Task Force recommended, on March 13, 1970, the funding of CCCJ No. 0051, the Council's Operations Committee tabled the recommendation prior to yesterday's Council meeting, for the ostensible purpose of allowing time to contract for a \$30,000 statewide survey of crime lab needs.

Had I been allowed to speak at the Council meeting, I would have made the following observations:

1. The first application for federal funding of a crime lab, to be located at Santa Barbara, was made directly to the Director of the Office of Law Enforcement Assistance, in Washington, D.C., on May 4, 1967. The reply from that office referred us to the possibility of obtaining funds under the Omnibus Crime Control Bill, which was, at that time, pending.

2. As soon as the Omnibus Crime Control Bill was passed, we made, on July 11, 1968, a formal written application for funds, which was filed with Edwin Meese, III, Legal Affairs Secretary to the Governor of California.

3. Since that time, our crime lab proposal has been approved and adopted by CCCJ Sub-Region VIII, and it has now become an official Sub-Region proposal of first priority.

4. We have patiently waited for some action on behalf of the CCCJ, either positive or negative, upon our proposal, but none has been forthcoming.

5. Were it not for prior experience, we might be more impressed with your Operation Committee's decision to table our proposal until a state-wide crime lab survey can be contracted for and completed. We were, however, first told about a year ago that we must wait for a study to be made. The study was made over a period of many months, and a report was submitted: the report was deemed "unacceptable," however, and was never made public. Because of this, we are not encouraged by the Council's plan to defer action upon our plan until yet another expensive survey can be completed.

6. At the Police Services Task Force meeting of March 13, 1970, which resulted in a recommendation to fund CCCJ No. 0051, the same "defer and survey" argument was made and rejected. Among the observations made by Task Force members were the following:

(a) The amount of federal funds being spent on surveying and re-surveying state-wide crime lab needs could have almost funded the establishment of a crime lab in Santa Barbara, where an immediate need has already been demonstrated.

(b) No matter what other recommendations result from the making of another survey, one almost certain recommendation is that a regional crime lab be established in Santa Barbara.

(c) The legislative purpose of the Omnibus Crime Control Bill was to satisfy law enforcement needs throughout the nation, not just to make studies and take surveys.

7. Matching funds for CCCJ No. 0051 are now, and have been for a full year, available. A letter to this effect was sent to the CCCJ by Santa Barbara County's Administrative Officer a year ago.

In summary, it is abundantly clear to anyone familiar with the history of CCCJ No. 0051 that, after having made our first application at the federal level almost three years ago, and after dealing with the C.C.C.J. for almost two years, we have gotten precisely nowhere.

Accordingly, I plan to request the Sub-Region VIII [South] Advisory Board, at their next meeting, to withdraw CCCJ No. 0051, and to make a new application at the federal level in Washington.

Yours very truly,

DAVID D. MINIER,
Vice Chairman,
Sub-Region VIII South.

DIRECTOR (RTD) U.S. BUREAU OF PRISONS,
Bethesda, Md., March 27, 1970.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: In line with your invitation to submit suggestions for the consideration of your committee in its revision of the Omnibus Crime Control and Safe Streets Act, I hope you may think well of the following recommendations which particularly touch the proposed amendments relating to aid to penal and correctional facilities and programs.

I suggest that instead of allocating the funds to be made available to correctional institutions and programs on the basis of a percentage of the block grants to the states a specific number of dollars be authorized to be allocated in accordance with certain guidelines.

In suggesting the criteria for making grants I have in mind the fact that the needs of the states, counties and cities vary tremendously. This variation is the result of a number of factors: (a) the incidence of crime does not always bear a direct relation to population patterns, (b) certain states unfortunately have long neglected to provided funds for establishing and operating prisons, jails and detention homes, (c) attitudes toward the use and implementation of probation systems vary widely, and (d) sentencing policies among different areas of the country have little in common, resulting in a disproportionate number of commitments to prison as well as wide inconsistencies in the amount of time served for similar offenses.

If, therefore, we are to consider that the correctional methods used by a particular state affect the safety and well-being of all parts of the country, as seems to be well established, then we must not make all grants on a population basis. I suggest that of the money to be made available for improvement of correctional facilities and programs, not more than half should be distributed primarily on a population basis. The remainder should be granted by the Administrators of the Act on the basis of guidelines taking into account:

(1) The relationship of a state's plan for funding construction and modernization of its confinement facilities (state, county and city) to the total amount included in the state plan for programs for upgrading its police services, courts, probation, parole, juvenile delinquency prevention and treatment programs and facilities for persons convicted of violating narcotic drug and alcoholic control laws. The purpose of this guideline would be to make certain that each state develops a balanced program for crime control—state, county and city,—that is related to the incidence of crime and the law enforcement methods envisaged by the state plan.

(2) An assessment of the relative condition of the state, county and city jails, prisons and detention facilities made by the Law Enforcement Assistance Administration and approved by an advisory committee of five persons to be appointed by the Attorney General.

(3) The relative ability of the recipient agency in a particular area, city or county, to support a program of construction or modernization of its penal and correctional facilities.

(4) The standards of design to be followed in the construction, equipment and provision of diagnostic and rehabilitative facilities for differing types of offenders.

(5) The extent to which the applicant state or its political subdivisions comply with the minimum standards of criminal justice promulgated by the American Bar Association.

(6) Such other factors as will contribute to the prevention and control of crime by promoting the rehabilitation of those charged with or convicted of crime or as are necessary to assure the retention in custody or under supervision of those who are found to be dangerous offenders or unable to lead a law-abiding life.

I suggest that considering the tremendous requirement for Federal assistance the minimum amount to be authorized for such a program the first year should be \$200,000,000, to be increased by successive increments of at least \$100,000,000 for each of the next five years. The amount to be set aside for allocations to the states on a block grant basis, following guidelines similar to those I have outlined, should be \$85,000,000 out of each \$100,000,000, with the remaining \$15,000,000 to be distributed by the Administrators on the basis of discretionary grants. The matching formula for all such grants should be 75-25.

Because of the nature of the corrections problem, the bulk of such funds would go to the localities. There are only a few hundred major state institutions, while on the other hand there are thousands of county and local facilities. Also, in my opinion, the use of major state institutions should be minimized to the extent possible and the emphasis placed on the development of local correctional facilities for both adults and juveniles. This is the current trend, as indicated in many of the comprehensive state law enforcement plans that I have examined. I have also noted that of the limited construction being funded or planned under the block grants, almost all of it is for local facilities of this kind.

I attach a supplemental statement describing in more detail the imperative need for upgrading our state and Federal correctional programs.

I will be happy to talk with you or your committee further concerning the above suggestions or work with the staff of the committee in drafting the exact language to be included in the bill.

With kind personal regards,

Sincerely yours,

JAMES V. BENNETT.

CRIME CONTROL REQUIRES ACTION TO IMPROVE CORRECTIONS—STATEMENT BY
JAMES V. BENNETT, FORMER DIRECTOR, U.S. BUREAU OF PRISONS

Because too many crimes are committed by persons who have already been through some part of the correctional process much of the blame for the rising crime rates is being focused on our penal institutions, probation and parole. This is logical and perhaps proper when it is realized that from fifty to seventy per cent of those who leave our prisons go out to commit another and perhaps more serious crime than those which brought them to prison in the first place. There are also those who fail to live a law-abiding life while on probation or parole but the percentage of those violators is much less depending on the amount of supervision and assistance they receive.

The slightest knowledge of our correctional system indicates that prisons, probation and parole have been neglected far too long. The consequences of this neglect weigh heavily upon an already burdened and frustrated society. Only through an aggressive presentation of needs and massive infusion of funds can any headway be made in reducing the social and economic cost of crime committed by repeaters.

It is clear too that the accumulated requirement for all types of correctional facilities and programs is so large that Federal assistance is mandatory if any improvement is to be made. In the case of hospital facilities, for example, little

progress was made until Federal aid was made available through approval and funding of the Hill-Burton Act. There are also support programs in the field of education, vocational training and conservation. There are, indeed, no lack of precedents for a Federal program of aid to our state correctional systems. A similar approach is essential in the corrections area. Just how great is the need no one can judge accurately. But we do know that the longer assistance is postponed the greater will be the cost.

In addition to approximately 3500 county and city facilities, there are now 308 state penal and correctional institutions for adults in the United States, and 220 state institutions for juveniles. All but a handful are archaic, grim and devoid of all but token facilities for training and rehabilitating their inmates. Sixty-one of the larger prisons were opened before 1900. Twenty-five of these are more than 100 years old.

Grim and bad as these institutions are, conditions therein are not as deplorable as in our city and county jails. Almost without exception they are lacking in any meaningful rehabilitation facilities. Many are unsafe and rife with homosexuality, depravity and outright brutality.

In most of the states our action program should begin with the local jails, lock-ups and juvenile detention homes. But there are some states, for example, Arkansas, where the paramount need is at the state level. Recently, the U. S. District Court in Little Rock, Arkansas, decreed that the "trustee" system used by that state must be abandoned and substantial improvements made in housing, medical and disciplinary facilities. No longer can prisoners (trustees) be used as guards or men placed in disciplinary quarters devoid of toilet facilities, proper lighting and reasonable amount of clothing and bedding.

In other states nearly comparable conditions exist which must be corrected or the Federal courts will no doubt find that conditions violate the cruel and unusual punishment proscription of the Constitution.

In short, the problem is on our doorstep and action is required. In several areas state budgets are now so precariously balanced, and income resources so limited, that Federal revenues must be shared or collapse of the penal system will occur.

An equally critical area is the field of juvenile detention homes and state training schools. The number of juveniles coming in conflict with the law, especially those relating to drug abuse, is sky-rocketing. The overcrowding in detention homes, or the lack of such homes, has resulted throughout the United States in the widespread use of jails for juveniles. Some are incidental offenders, some are family rejects, some are disturbed and aggressive social misfits. At least 100,000 of these spend some time in jail each year, to their great harm.

In addition to a massive program of improving physical facilities for young and old alike, money must be made available to local agencies and private groups to help solve the critical manpower shortage in corrections. Training programs must be developed and funded. A start can be made through the authorization of discretionary grants to universities, prison reform organizations and concerned local groups. The public and their legislators also must be made to understand that there can be no solution to the problem of recidivism as long as harsh laws, inconsistent and mandatory sentencing practices, huge isolated prisons, token programs, and discriminatory practices are tolerated. The problem of idleness in prison must be overcome, so also must the prejudice and discrimination against the ex-convict be mitigated and a program of after-care and job placement be funded if any inroad is to be made in the amount of recidivism now being experienced.

Finally the Federal government itself must recognize that several of its older institutions, as for example the one on McNeil Island or those at Leavenworth and Atlanta, are obsolete. A new and modern psychiatric hospital for treatment of the mentally handicapped and for research in behavioral disorders must be constructed and activated.

As the Chief Justice of the United States, the Honorable Warren Burger, has stated:

"Without effective correctional systems, an increasing proportion of our population will become chronic criminals with no other way of life."

APRIL 9, 1970.

HON. JOHN N. MITCHELL,

Attorney General of the United States, Department of Justice, Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: A news story published in the *Washington Post* today, April 9, reports that Mr. Charles H. Rogovin, Administrator of the Law Enforcement Assistance Administration, and Mr. Henry S. Ruth, Jr., Director, National Institute of Law Enforcement and Criminal Justice, are resigning their posts.

On the basis of testimony, including your own, a subcommittee of this Committee is now in the process of formulating legislative recommendations concerning Law Enforcement Assistance (Title I, Public Law 90-351). The announced resignations raise several questions concerning the desirability of using a triumvirate to administer the Law Enforcement Assistance program. The *Washington Post* story indicates that Mr. Rogovin states that he is resigning because "the troika directorship of the agency has hampered the multi-million dollar program badly." You will recall that in the course of your testimony before the subcommittee on March 12 of this year you endorsed the tripartite structure of the Administration, I feel that it would be helpful to have your present views with respect to the following questions:

First, how does the tripartite administration (one Administrator and two Associate Administrators) actually function? Is unanimity of the Administrator and his associates required on policy matters and/or operational actions? Will you supply whatever regulations have been issued bearing on these questions?

Second, do you still believe that tripartite administration is a viable method of managing Law Enforcement Assistance?

Third, do you now recommend any legislative revision of the management structure of the Administration?

In the interest of marshalling Federal and local resources in combatting crime in the streets, we must be prompt to institute the necessary procedural improvements.

I trust I may hear from you at your earliest convenience.

With best regards,

Sincerely yours,

EMANUEL CELLER, *Chairman.*

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., April 23, 1970.

HON. EMANUEL CELLER,
*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: I am pleased to respond to the questions you posed with respect to the operations of the Law Enforcement Assistance Administration.

At the outset, in response to your second and third questions, I am still of the opinion expressed before Subcommittee No. 5 that the Law Enforcement Assistance Administration is properly structured and that no revision of its management structure is necessary. Not only do I continue to believe that tripartite administration is a viable method of managing law enforcement assistance, but I believe it is desirable to have the collective judgment, experience and expertise of the Administrator and Associate Administrators brought to bear in the resolution of the important decisions which must be made in conducting the program created by Title I of the Omnibus Crime Control and Safe Streets Act of 1968.

With respect to the first question you pose, we have interpreted the Act to require unanimity of decision among the Administrator and the Associate Administrators with respect to all policy and operational determinations which require their attention. As is indicated by the attached copies of LEAA delegation directives, many administrative and substantive functions have been delegated to other LEAA officials. Still other delegations are in preparation. Only the major decisions are being reserved for the personal attention of the Administration and these, in my judgment, are of sufficient magnitude and impact to require unanimity of decision.

I trust this response sufficiently answers your questions. Please feel free to call upon me for any further information I can offer on this subject.

Sincerely,

JOHN MITCHELL,
Attorney General.

LEAA MANAGEMENT DIRECTIVE No. 6

To: All personnel.

RE delegation of administrative authority to OLEP regional directors.

A. Authority:

Effective immediately, the Regional Directors of the Office of Law Enforcement Programs are hereby delegated the authority:

1. *Travel*.—To authorize and approve in advance the incurring of travel expenses consistent with LEAA, Department of Justice, and Bureau of the Budget Government Travel Regulations for their official travel and that of their personnel within their respective regions and for travel to regularly scheduled meetings in Washington, D.C. within the dollar limitations which will be periodically established in the regional office budgets. (Such travel expenses of both the Regional Directors and their personnel, other than above, must be authorized *in advance* by the OLEP Headquarters.) All travel expenses, both within and outside their Regions will be charged against regional office travel budget; unless otherwise directed by the Chief, Administrative Management Division.

2. *Leave*.—To approve requests for annual and sick leave (requests for advanced leave, leave without pay, and administrative leave must be approved in advance by the Administrative Management Division through the Director, OLEP);

3. *Supplies*.—To procure supplies, within the dollar limitations established in regional office budgets, by use of GSA credit cards, provided that procurement of items valued at more than \$25 per unit must be approved in advance by OLEP Headquarters (Non-stock items may be procured within the dollar limitations by blanket purchase orders issued by the Administrative Management Division to stationery and other stores selected by the Regional Director. Letterhead, paper stock and envelopes will be furnished by the Administrative Management Division upon the request of the Regional Directors);

4. *Equipment*.—To procure equipment, within the dollar limitations established in regional office budgets, by ordering GSA stock items valued at not more than \$75 per unit directly from GSA (Procurement of GSA stock items valued at more than \$75 and non-stock items must be approved in advance by OLEP Headquarters);

5. *Imprest Fund*.—If he shall find it necessary to do so, and after having requested and received funds for this purpose, not in excess of \$100 in any one payment, to establish an Imprest Fund and authorize payments from it to regional personnel for miscellaneous expenses, such as taxicab fares, bus fares, small supply items, etc. (The Regional Director shall prescribe procedures consistent within any directives issued by the Administrative Management Division for accounting of all funds which may be disbursed from any such Imprest Fund);

6. *Printing and Duplication*.—To procure printing and duplication services by use of local GSA contractors, within the dollar limitations prescribed in the budget;

7. *Books, Newspapers and Periodicals*.—To procure books, newspapers and periodicals within the dollar limitations prescribed in the regional budget consistent with LEAA announced library procedures and standards;

8. *Obligating Authority*.—To obligate funds for the purposes described above;

9. *Transfer of funds*.—To transfer funds between object classifications, providing that the total amount of any such transfer shall not exceed 10 percent of the original amount of the object classification within the regional budget; and any such transfer in excess of 10 percent must be requested in writing and approved in advance by OLEP Headquarters;

10. *Training*.—To provide training to his personnel; either in Federal Government or non-government facilities, only upon receipt of advance approval from OLEP Headquarters.

B. The above delegation of authority imposes the following responsibilities on the Regional Directors:

1. To operate within prescribed budget allowances;

2. To prescribe and maintain adequate procedures consistent with directives to account for all funds, equipment, files, records and other materials which are charged to the Regional Office, bearing in mind that Regional Office administrative operations will be audited periodically by the Administrative Management Division;

3. Personally to insure that all leave approvals, travel approvals, and purchases are in accordance with Government regulations, bearing in mind that all of the above-described authorities are delegated to the Regional Director only and may *not* be re-delegated by them to subordinate staff.

C. In the event of any vacancy in the office of Regional Director, or the incapacity of any Regional Director, the foregoing powers may be exercised by the Director or Deputy Director of OLEP, or by any Acting Regional Director designated by the Director or Deputy Director of OLEP.

CHARLES H. ROGOVIN,
Administrator.

JANUARY, 9, 1970.

RICHARD W. VELDE,
Associate Administrator.

JANUARY, 9, 1970.

CLARENCE M. COSTER,
Associate Administrator.

JANUARY 8, 1970.

IMPLEMENTATION OF HIRING POLICY

1. Department of Justice

All LEAA policies must be construed together with the policies of the Department of Justice and of the Civil Service Commission.

2. Centralization of Personnel Authority

A. All contacts with the Personnel Division of Justice and with the Civil Service Commission will be made through the LEAA Personnel Office.

B. All contacts with the LEAA Personnel Office will be restricted to one person and an alternate for each major office (OLEP, Institute, NCJISS, OAA) in addition to the Director or Deputy Director and will be expressly designated by the Director of that office. (This restriction does not apply to situations in which an employee may have a right to contact the Personnel Office on matters concerning that employee.)

C. Personnel actions involving hiring or promotion should follow the chronological format described in enclosed forms LEAA-ADMIN-9 and LEAA-ADMIN-10.

D. A binding commitment regarding hiring, promotion, or other personnel action, may be effected only by the Personnel Director.

3. Interviews

No personnel action involving hiring or promotion to the positions listed in Appendix I will be approved unless the Offices of the Administrator and the Associate Administrators, respectively, have been afforded an opportunity for personal interview.

4. Hiring of Consultants

To hire consultants, it is necessary to complete the following:

A. Personnel Qualification Statement (Standard Form 171). This must be a complete statement of qualifications with emphasis on those that relate to the duties to be performed for LEAA.

B. Fingerprint Chart (Standard Form 87). Fingerprints may be taken at local police stations, or at the FBI field offices. If the work deals with classified material, also submit three (3) copies of Security Investigation Data for Sensitive Position (Standard Form 86). In view of the expense involved in the latter, this should only be requested when there is a definite requirement.

C. A brief (½-1 page) description of the duties to be performed. This should be carefully drawn and related to individual qualifications.

D. The rate of reimbursement is to be commensurate with the consultant's present salary, and in any event not to exceed \$107 per day.

5. Hiring of Advisors

Advisors (compensation up to a maximum of \$75 per day) may be appointed only as members of an advisory committee. The procedure for the appointment of advisors consists of the submission of a full list of the proposed advisory committee membership to the Administration.

A. Ad hoc Advisory Committee: This is a committee which meets on a highly limited, specialized area, and whose total life is one year or less. Approval of membership on this type of committee will be made by the Administration.

B. Advisory Committee: This is the regular long-term type of advisory committee which advises on general areas of interest (e.g., organized crime, law

enforcement education), or which has a total life in excess of 1 year. Approval of membership on this type of committee will be made by the Attorney General. Accordingly, requests for members or formation of such a committee should be accompanied by a memorandum from the Administration to the Attorney General.

6. "Name Requests"

"Name requests" to the Justice Personnel Office shall be made only by the Administrator. The Administrator will deny such requests, unless highly extraordinary circumstances exist. An office seeking an exception to this rule must first comply (through the Personnel Office) with the following requirements:

- a. Post a notice of vacancy.
- b. Attempt to recruit for the position within LEAA.
- c. Request an "open-ended" register from the Civil Service Commission, and seek candidates from that register.
- d. Engage in active recruiting, including advertisements in professional journals, inquiries to professional associations, etc.
- e. Provide written confirmation (a statement of recruiting) that the above steps have been taken. The statement shall include:

(1) The names of all people interviewed for the vacancy, and the backgrounds of such people.

(2) A detailed description of all recruitment efforts attempted. Included in this should be a description of the methods by which the persons listed in (1) above were contacted.

7. *Employment Subject to Character Investigation*

Permission to employ on this basis will rarely be granted by the Administrator. However, employees up to GS-7 who must serve a probationary period will be hired on this basis without a specific request. Those hired on this basis may not handle classified documents until their investigations are complete. In no way may an individual applicant be advised that his acceptability is contingent solely upon the completion of a Character Investigation.

8. *Delegations*

From time to time, delegations of authority will be separately issued.

APPENDIX I

List of Designated Positions (paragraph 3):

- A. All positions grade 12 and above.
- B. All non-clerical positions in—
 1. Office of the Administration
 2. Personnel Office
- C. All Attorney positions.
- D. Summer Interns.

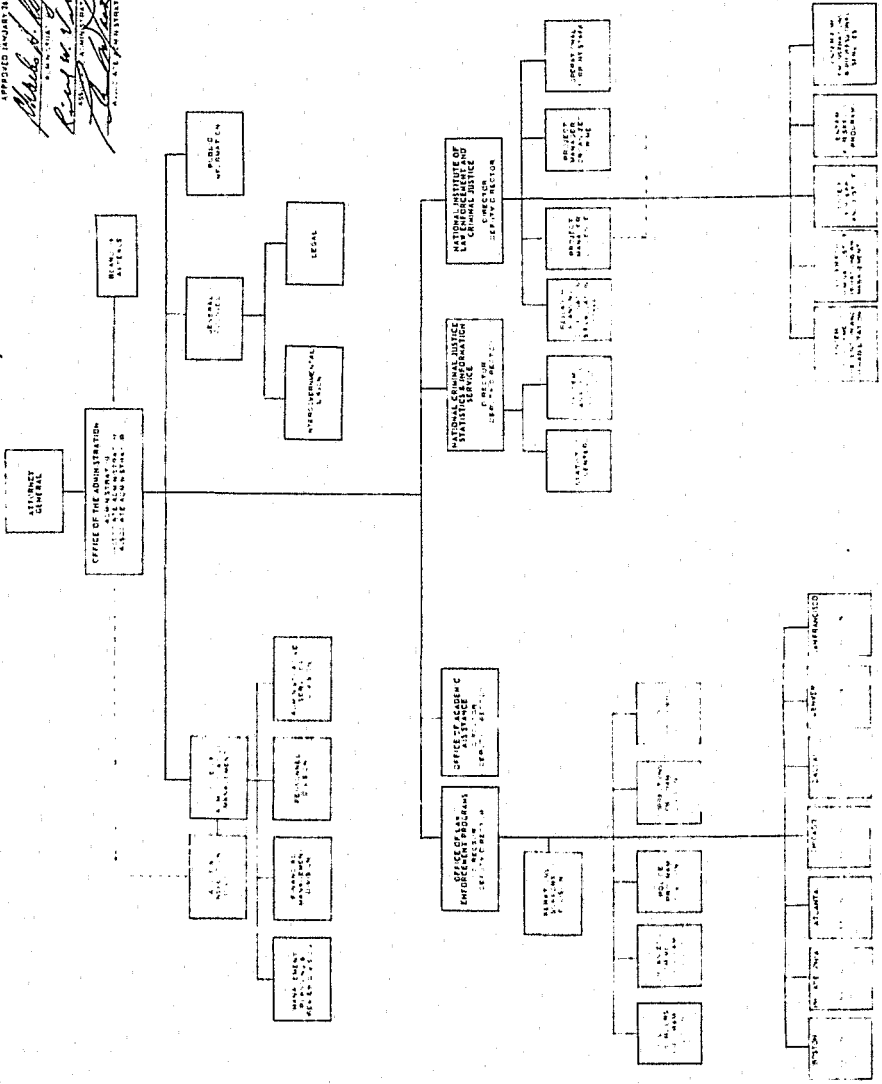
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

OFFICE OF THE ATTORNEY GENERAL
 DEPARTMENT OF JUSTICE
 1000 PENNSYLVANIA AVENUE, N.W.
 WASHINGTON, D.C. 20530

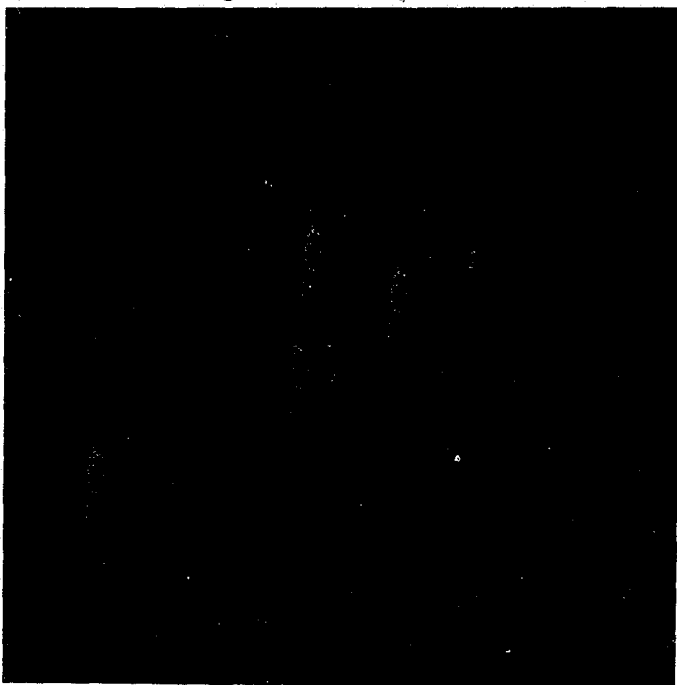
Michael E. DeLoach
 Director

Robert W. Veltrop
 Deputy Director

John A. Mohr
 Assistant Director



state and local government special studies no. 55



criminal JUSTICE

*expenditure and
employment for selected
large governmental units*

1967-68



U.S. DEPARTMENT OF COMMERCE Maurice H. Stans, Secretary
Rocco C. Siciliano, Under Secretary
Harold C. Passer, Assistant Secretary for Economic Affairs
BUREAU OF THE CENSUS George Hay Brown, Director

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INTRODUCTION

This report consists of finance and employment data on the criminal justice activities of Federal, State, and selected large local governments. Local governments cited include the 55 largest counties and the 43 largest cities. Finance figures pertain to fiscal year 1967-68; employment data shown are for October 1968.

EXPENDITURE AND EMPLOYMENT BY LEVEL OF GOVERNMENT

The Federal Government

The Federal Government spent \$557.3 million for activities related to the functioning of criminal justice in fiscal year 1967-68. That amount was less than 0.4 percent of the total 1968 Federal general expenditure of \$152.0 billion. About \$394 million was spent for law enforcement activities; \$93 million for judicial activities; \$69 million for correction; and \$205 thousand for other criminal justice activities, mainly various crime commissions.

Total Federal employment on a full-time equivalent basis in October 1968 was 2,901,000. Of that number, 46,798 employees worked in criminal justice activities: 34,696 in law enforcement; 6,623 in the judiciary; 5,424 in correction; and 55 on the various commissions.

State governments

State government general expenditure totaled \$60.4 billion in fiscal year 1967-68. About \$1.6 billion, or 2.7 percent of that sum, went for all criminal justice activities, comprising 0.9 percent for police protection, 0.3 percent for judicial activities, and 1.4 percent for correctional activities. The relative weights of expenditure for the three component parts of criminal justice varied considerably from State to State, but consistently showed the largest expenditure for correction, and least for judicial activities.

In per capita terms, the States spent \$8.13 per person for criminal justice activities, comprising \$2.72 for police protection, \$1.03 for judicial activities, and \$4.38 for correction. See table A for a summary distribution of State government expenditure for criminal justice activities by population size group.

At the State level, judicial expenditure is primarily for major trial courts. In the aggregate, States spent \$96 million for major trial courts as compared with \$21 million for courts of last resort, \$17 million for intermediate appellate courts, \$34 million for various other courts, and approximately \$34 million for a

**Table A. Summary of Criminal Justice Expenditure of State Governments,
by Population Size Group: Fiscal Year 1967-68**

(Dollar amounts in thousands)

State population size group	Number of States	Total		Police protection		Judicial activities		Correctional activities	
		Amount	Per capita	Amount	Per capita	Amount	Per capita	Amount	Per capita
Total.....	50	\$1,618,211	8.13	\$540,689	2.72	\$205,412	1.03	\$872,110	4.38
10,000,000 or more....	6	667,768	8.19	218,451	2.68	71,151	0.87	378,166	4.64
3,000,000 to 9,999,999	17	631,072	7.81	210,045	2.60	75,682	0.94	345,345	4.27
1,000,000 to 2,999,999	14	225,550	7.89	84,832	2.97	36,865	1.29	103,853	3.63
Less than 1,000,000...	13	93,821	11.65	27,361	3.40	21,714	2.70	44,746	5.56

INTRODUCTION

variety of judicial support activities. States also spent \$64 million for legal activities, prosecution, and defense, which is exhibited in this report, but not included in total court expenditure.

The greatest proportion of correction expenditure at the State level was for the operation of correctional institutions. In the aggregate, States spent \$872 million for correction, of which \$621 million, or 70 percent, went for the operation of institutions, \$70 million for probation, parole, and pardon, and \$26 million for administration. Intergovernmental payments for such activities as the transportation and boarding of prisoners by other governments amounted to \$36 million.

State governments employed a full-time equivalent number of workers totaling slightly over 2 million persons (2,084,860) in October 1968. Of that number 145,876 or 7.0 percent were engaged in criminal justice activities; 50,609 or 2.4 percent worked in police protection; 13,129 or 0.6 percent were engaged in judicial activities; and 82,138 or 3.9 percent worked in correctional activities.

State payrolls for criminal justice activities totaled \$95 million in October 1968. Based on October 1968 data, it appears that over 70 percent of the total annual expenditure of \$1.6 billion for all criminal justice activities went for salaries. State government police protection payrolls for October 1968 totaled slightly over \$33 million. Judicial employees received nearly \$13 million and correction employees earned more than \$49 million.

Selected county governments

The total general expenditure in fiscal year 1967-68 of the 55 counties with more than 500,000 population was about \$5.1 billion, of which \$614

million or 11.9 percent went for criminal justice activities. Of that total expenditure, \$228 million or 4.4 percent was spent for police protection, \$197 million or 3.8 percent for judicial functions, and \$190 million or 3.7 percent for correction. This close percentage weighting among all three areas of criminal justice is fairly consistent at the county level; only a few percentage points separate the expenditures from county to county.

Per capita expenditure of the 55 major county governments for criminal justice activities was \$10.48, of which \$3.89 went for police protection, \$3.36 for judicial activities, and \$3.23 for correction. See table B for a summary distribution of the criminal justice expenditure of the 55 counties with populations over 500,000, by size group.

At the county level, as at the State level, the primary judicial expenditure was for major trial courts, but some other courts of more restricted or specialized jurisdiction also spent sizable amounts. The 55 largest counties spent \$74 million for the operation of major trial courts, and about \$88 million for all other courts.

Probation and parole, which account for only 7.9 percent of the State correction expenditure, comprise 34.6 percent of correction expenditure at the county level. In the 55 large counties, \$97 million was spent for the operation of correctional institutions, and \$66 million was spent for probation and parole. Together these items occupied the major part of the county correction expenditure total of \$190 million.

Selected city governments

In the 43 largest cities, police protection accounts for 10.1 percent of general expenditure

Table B. Summary of Criminal Justice Expenditure of the 55 Largest County Governments, by Population Size Group: Fiscal Year 1967-68
(Dollar amounts in thousands)

County population size group	Number of counties	Total		Police protection		Judicial activities		Correctional activities	
		Amount	Per capita	Amount	Per capita	Amount	Per capita	Amount	Per capita
Total.....	55	\$614,490	10.48	18,186	3.89	\$196,728	3.36	\$189,576	3.23
1,000,000 or more.....	17	391,563	12.00	155,397	4.76	122,785	3.76	113,381	3.47
700,000 to 999,999....	13	87,324	7.85	24,018	2.16	30,009	2.70	33,297	2.99
600,000 to 699,999....	12	65,827	8.66	19,528	2.57	24,705	3.25	21,594	2.84
500,000 to 599,999....	13	69,776	9.62	29,243	4.03	19,229	2.65	21,304	2.94

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as compared with 1.1 percent for judicial activities and 1.3 percent for correction, both of which operate primarily at county and State levels. Amounts expended by major city governments in fiscal 1967-68 are shown in table C, by size groupings.

Of the 43 major local governments classed as cities for Census Bureau reporting on governments, Baltimore City, St. Louis City, Norfolk, and Washington, D.C. are entirely outside any county areas. The following governments, either specifically by law or substantially in fact, operate as composite city counties: Boston, Denver, Honolulu, New Orleans, New York City, Philadelphia, and San Francisco. Amounts expended by these "special status" cities for judicial activities in fiscal 1967-68 are shown in table D on page 4. These data are included, with judicial expenditure data for the other 32 cities, in table 20. A total of \$121 million was expended for judicial activities by the 43 cities--\$106 million by the 11 "special status" cities and \$15 million by the other 32 cities reported.

Most of the current operating expenditure of cities for correction is for institutions (an aggregate of \$92 million for the 43 cities) with relatively little being spent for probation and parole (\$23 million).

SOURCES AND LIMITATIONS OF THE DATA

In August 1968, the Bureau of the Census issued the Report on National Needs for Criminal Justice Statistics. That report described the statistics needed in the area of criminal justice and proposed some initial work which could be started to provide such statistics. One of the proposals was to examine current data sources for relevant unpublished information which might be made available. Another was to determine the requisites for collecting detailed finance and

employment statistics on the criminal justice system. Work undertaken in these areas yielded the present report and its predecessor for fiscal year 1966-67.

The data presented here were gathered in connection with the 1967-68 Annual Survey of Governmental Finance and the October 1968 Annual Survey of Public Employment. Annual Bureau of the Census publications based on these surveys provide national data on expenditures and employment, by function, including summary figures on police protection, correction, and general control. Judicial functions are included with other related functions in the general control category in the reports but are not shown separately. Expenditure figures for most of the larger governments are taken directly from their records or reports by Census Bureau field representatives. Employment data were obtained mainly from mail canvass schedules completed by individual State agencies and local governments. All data are classified according to Census Bureau categories and summed for each function. The goal of the project which resulted in this publication was to present as much of the heretofore unpublished detailed information on the civil and criminal justice system as could be identified from the questionnaires and worksheets already completed for the annual surveys.

These sources were supplemented by reference to a variety of published government documents such as budgets, financial statements, and organization manuals. In some cases, such sources were the basis for breakdowns of totals into more detailed employment and expenditure figures.

The figures presented in this report may in some cases differ from previously published totals, due to refinements of the earlier-published data. Still further refinements in the Census classifications will result from a continuing effort

Table C. Summary of Criminal Justice Expenditure of the 43 Largest City Governments, by Population Size Group: Fiscal Year 1967-68

(Dollar amounts in thousands)

City population size group	Number of cities	Total	Police protection	Judicial activities	Correctional activities
Total.....	43	\$1,400,838	\$1,134,048	\$121,007	\$145,783
1,000,000 or more.....	5	810,652	644,791	72,245	93,616
500,000 to 999,999.....	17	400,153	318,258	38,494	43,401
300,000 to 499,999.....	21	190,033	170,999	10,268	8,766

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to produce more detailed statistics on government services. The available sources did not consistently provide full itemizations of expenditures or employment for functional subcategories presented in this report. As a result, itemized breakdowns may be incomplete for particular governmental units.

Readers should be cautious in comparing governments, remembering that these data are not the product of a survey design specifically developed to elicit criminal justice information and that there are various limitations on the comparability of governmental finance and employment data. For example, some State governments directly administer certain activities which elsewhere are undertaken by local governments, with or without fiscal aid. Also, the relative financial scale of counties and of cities in the several population size groups is strongly affected by variations in the scope of responsibilities of the individual governments for various services and activities.

In most instances, the State data presented in this report pertain to the respective States' fiscal years (which end June 30 in all except three instances: New York, March 31; Texas, August 31;

and Alabama, September 30). However, there are some State government agencies which operate on a different fiscal-year basis. In such instances, figures shown are for the agency's fiscal year that ended within the State's regular fiscal year. For cities and counties, the 1967-68 fiscal years reported are those which close in the 12-months ended June 30, 1968. Most municipalities and counties ended their fiscal years either on December 31, 1967, or June 30, 1968. Employment data shown are for October 1968.

The Budget of the United States Government for the Fiscal Year 1970 (which presents actual data for 1968) is the source of most of the Federal Government financial information in this report. Federal employment data were obtained from the U.S. Civil Service Commission. All Federal data were recast as necessary to conform with Census Bureau classification of governmental statistics.

The tables in the report are organized by population size groupings of States, counties, and cities. Summary expenditure data for each of the three major functional areas of criminal justice are shown in relation to the total general expenditure of the level or type of government and in relation to population. Finally, employment data by function are provided, as available.

Table D. Expenditure of "Special Status" Cities for Judicial Activities:
Fiscal Year 1967-68
(Thousands of dollars)

Special-status city	Expenditure for judicial activities	Capital outlay	Expenditure for judicial activities other than capital outlay					
			Total	Major trial courts	Other courts of restricted jurisdiction	Law library	Sheriff	Miscellaneous
Total.....	105,847	2,511	103,336	40,496	43,290	214	5,868	13,468
Baltimore, Md.....	3,445	72	3,373	2,190	782	20	380	1
Boston, Mass.....	6,390	38	6,352	3,442	2,752	2	-	156
Denver, Colo.....	3,456	13	3,443	988	1,507	-	606	342
Honolulu, Hawaii...	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)
New Orleans, La.....	3,423	92	3,331	679	1,063	-	649	940
New York, N.Y.....	54,232	2,117	52,115	21,080	26,320	-	1,231	3,484
Norfolk, Va.....	649	4	645	186	447	-	-	12
Philadelphia, Pa...	14,875	106	14,769	6,212	5,964	-	1,426	1,167
St. Louis, Mo.....	2,910	17	2,893	1,209	985	-	555	144
San Francisco,								
Calif.....	5,610	52	5,558	1,324	2,065	192	1,021	956
Washington, D.C.²..	10,857	-	10,857	3,186	1,405	-	-	6,266

- Represents zero or rounds to zero. X Not applicable.

²The report of general sessions has been classified as the major trial court for the District of Columbia because of the unique jurisdiction of the U.S. District Court for the District of Columbia.

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DEFINITION OF TERMS

Following is a glossary of concepts, categories, terms, and symbols which are used in this publication and comments concerning their limitations.

Government finance

Expenditure comprises all amounts of money paid out by a government (net of any correcting transactions) other than for retirement of debt, investment in securities, extension of loans, or agency transactions. Expenditure includes only external cash payments of a government and excludes any intragovernmental transfers and noncash transactions, such as the provision of meals or housing of employees. It includes any payments financed from borrowing or fund balances as well as from intergovernmental revenue and other current revenue. In several instances, two or more governments share the expense of maintaining a court or other criminal justice agency. In these cases, the allocable direct expenditure amount is reported for each government in the appropriate category.

Total expenditure (for a particular function) includes all amounts, direct and intergovernmental, spent primarily for a particular function.

Intergovernmental expenditure comprises payments from one government to another, including grants-in-aid, shared revenues, payments in lieu of taxes, and amounts for services performed by one government for another on a reimbursable or cost-sharing basis, for example, payments by one government to another for boarding prisoners. Because the amounts involved elsewhere were very small, intergovernmental expenditure is shown separately only in the correction tables. They are merged in the miscellaneous column in all other tables, and are always included in the "total expenditure" column.

Direct expenditure comprises all expenditures other than that classed as intergovernmental.

Total general expenditure includes all expenditure of a government other than utility system expenditure, liquor store expenditure, and insurance trust expenditure.

Capital outlay consists of direct expenditure for construction, for purchase of equipment, and for purchase of land and existing structures.

Government employment

Total number of employees (for a particular function) includes all full-time and part-time employees primarily employed in the function in October 1968.

Total monthly payroll is the amount paid to all employees in October 1968.

Number of full-time employees only (for a particular function) includes all full-time employees primarily employed in the function in October 1968.

Number of full-time equivalent employees is the total number of employees, discounted by applying average full-time earning rates. The total full-time equivalent employment of a county government excludes all employees of utility systems, and dependent school systems. Full-time equivalent employment totals for individual city governments are shown for common municipal functions, described below, and exclude employment in functions which are highly variable in their incidence among municipalities. Although correction is not usually considered a major function of city government, employees in this category have been included in the common function total so that derivative statistics could be calculated.

The concept of common municipal functions, as used in this report, includes the following activities: highways, police protection, fire protection, sewerage, sanitation other than sewerage, parks and recreation, libraries, financial administration, general control, corrections, and water supply systems. Public welfare, hospitals, health, housing and urban renewal, airports, water transport and terminals, electric power, gas supply, transit systems, and "other and unallocable" are considered variable municipal functions and are excluded.

Population data used for the size groupings were based for States, on provisional estimates of State populations for July 1, 1968, from Bureau of the Census Current Population Reports, series P-25, No. 403 (September 19, 1968); for counties, on July 1, 1967 estimates from No. 411 (December 5, 1968); and for cities on 1960 Decennial Census of Population data.

Per capita figures were calculated for counties and States using the population estimates indicated above. Such rates were not calculated for cities because the various cities have differed considerably in their rates of population change since 1960, and more recent population figures are not available.

Governmental functions

Police protection is the function of enforcing the law, preserving order, maintaining traffic safety, and apprehending those who violate the laws, disregarding whether these activities are performed by a police department, the office of the sheriff, or by other agencies. It includes regular police service, traffic control, and traffic safety activities, including related traffic engineering activities (but not highway planning and engineering), vehicular inspection, and the maintenance of buildings used exclusively for police purposes. Park police, marine law enforcement officials, game wardens, and similar officials and activities are not included unless they are an integral part of the regular police.

At the county government level, both county police agencies and the office of the sheriff, where such an office exists, are included in the law enforcement category, unless research has indicated that the sheriff has no substantial responsibility for law enforcement. The lack of needed information has prevented the proration of expenditure or employees of the sheriff's office where that office is multifunctional.

Those few sheriffs who operate at the municipal level are all found in cities designated as having "special status." Since it appears that the duties of the sheriff in each of these cities are judicial in nature, the data are included in table D.

Short-term custody and detention are traditionally assumed to be part of the police protection function. Therefore, for this publication, expenditure and employment for detention and custody of persons awaiting trial are classified as "police protection" at the municipal level and in the one county (Los Angeles) in which they could be separately identified. Otherwise, data for jails and closely related activities and institutions at the county level were assumed to be correction data.

Police communications expenditure includes data on the operation of police radio systems, telegraph, street call boxes, and similar systems. Expenditure for conventional telephone service is included with data on general police activities. Police training encompasses the operation of various programs for the instruction of police cadets and the development of additional skills in career officers. This includes the operation of police academies, periodic seminar or short-term institute programs, and participation of police officers of a government in the training or career development programs of another government, i.e., in the FBI academy.

Traffic control includes police agency expenditure which can be identified as being for the control and management of traffic, as distinct from other police activities.

Liquor regulation expenditure is shown as an exhibit because of its close relationship to law enforcement. Amounts shown were recorded as expense for licensing activities and enforcement of liquor laws and regulations. Employment shown is for employees of alcoholic beverage control boards, licensing activities and enforcement of liquor laws and regulations and does not include persons employed in wholesale and retail outlets of governmental liquor monopolies.

Judicial activities comprise all courts and activities associated with courts (for example, law libraries, medical and social service activities, and juries). Since the names of the courts with similar functions and legal jurisdictions vary from State to State and even within States, data have been categorized by type of court rather than by court name.

Court of Last Resort is the court of final appeal within a State's judicial structure. It is called the "Supreme Judicial Court" in Maine and Massachusetts, the "Supreme Court of Appeals" in Virginia and West Virginia; and the "Court of Appeals" in Kentucky, Maryland, and New York. In Texas and Oklahoma two courts of last resort are authorized--the "Court of Criminal Appeals" for criminal cases and a "Supreme Court" for civil cases. In every other State the court of last resort is titled the "Supreme Court."

Appellate Courts include courts of last resort and intermediate appellate courts.

Intermediate Appellate Courts are those which hear cases appealed from trial court decisions prior to review by the court of last resort. In 12 of the 20 States with an operating court of this type, the name is "Court of Appeals." The title is the "Appellate Division of the Superior Court" in New Jersey; "Appellate Division of the Supreme Court" in New York; "Superior Court" in Pennsylvania; "Court of Special Appeals" in Maryland; "Court of Civil Appeals" in Texas; and the "Appellate Court" in Indiana and Illinois. On July 1, 1967 a newly authorized "Court of Appeals" began operation in North Carolina. During the fiscal year covered in this report a "Court of Appeals" was authorized in Oregon; however, the legislation did not take effect until the close of the fiscal year. Oklahoma has authorized a "Court of Appeals," but it did not operate in fiscal 1967-68. In Tennessee the "Court of Appeals" hears only civil cases; a

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separate "Court of Criminal Appeals" reviews criminal cases prior to final review by the "Supreme Court."

Major trial courts are trial courts of general jurisdiction, the names of which vary considerably. The following tabulation lists the title used in each State. Several States are listed more than once because local situations led to the development of separate courts to hear cases involving different types of pleadings. Thus, Arkansas, for example, has a "Circuit Court" system to hear cases at law and a separate "Chancery Court" system to hear pleadings in equity.

Circuit Court

Alabama	Mississippi
Arkansas	Missouri
Florida	Oregon
Hawaii	South Carolina
Illinois	South Dakota
Indiana	Tennessee
Kentucky	Virginia
Maryland	West Virginia
Michigan	Wisconsin

District Court

Colorado	Nevada
Idaho	New Mexico
Iowa	North Dakota
Kansas	Oklahoma
Louisiana	Texas
Minnesota	Utah
Montana	Wyoming
Nebraska	

Superior Court

Alaska	Massachusetts
California	New Hampshire
Connecticut	New Jersey
Georgia	North Carolina
Indiana	Rhode Island
Maine	Washington

Chancery Court

Arkansas
Mississippi
Tennessee

County Court

New Jersey
Vermont
Wisconsin

Common Pleas Court

Ohio
Pennsylvania

Supreme Court

New York

Probate Courts are also called Orphans Courts, Surrogate's Courts, or Courts of Ordinary. The subject jurisdiction varies from place to place, but generally includes estate settlement; probate and contest of wills, adoption; commitment of the insane; administration of the affairs of orphans, mental defectives, and incompetents; guardianship of minors, apprenticeship; receivership; change of name proceedings; and administration of trusts.

Juvenile and Family Courts deal primarily with juvenile cases and are sometimes called juvenile courts or juvenile and domestic relations courts. The jurisdiction of these courts can include crimes of persons under legal age; offenses against children; probation of minor delinquents; adoption, custody, or disposition of minor and mentally incompetent children; child neglect or abandonment; child and wife support; truancy; and paternity.

Other Courts of Restricted Jurisdiction may include probate, juvenile, family or other courts if it is not possible to separate these items. This category also includes county courts, municipal courts, the minor judiciary (justices of the peace, trial magistrates, and the like), traffic courts, or other special jurisdiction courts. In several counties, these specialized activities are handled by a division of the major trial court.

The Other Courts category varies in composition for each of the several tables. In each instance that category includes courts which are relatively rare for that level of government.

Law Libraries include expenditures for separately maintained law libraries, identifiable law-book expenditures for the various individual courts, or that portion of the total expenditure of the general State library made for the law library collection.

Correction is that function of government involving the confinement and correction of adults and minors convicted of offenses against the law, as well as the pardon, parole, and probation activities. If it could be separately identified, probation expenditure is shown with correction

data, even if the courts control the probation programs. Expenditure and employment data for county jails and other closely related items are included, except in Los Angeles county, where it was possible to separate detention data from other data elements. City jail expenditure is considered to be for detention and is included under police protection. Other correctional activities are often handled by a surrounding county rather than by the city, resulting in a low city expenditure.

Correctional institutions include prisons, reformatories, houses of correction, and other institutions for the confinement and correction of convicted adults and juveniles. When an institution maintains a prison industry program, data on the cost of production or the value of prison labor used by other agencies of the same government, if identifiable, are excluded. Data are included on the manufacture, sale, and distribution of goods produced for sale or use outside the institution.

Institutions for youthful offenders are those under the control of a youth authority, or a similarly designated administrative body, as well as independently administered institutions where examination of supplementary documents have indicated that the institution primarily houses persons under 21. The expenditure data included under this category are only for the operation of the institution and do not include the cost of administration. Where such cost is identifiable, it has been shifted into the General Administration category.

Due to the great variability of the age limits for defining juveniles (for example, "16 and up," "16 to 21," "15 to 30," "17 to 25"), an allocation to this category was sometimes relatively arbitrary and sometimes not possible because data items could not be separated into their elements.

Institutions for Women include identifiable expenditure and data for an institution for female offenders. Where segregable, administrative expense is included in the General Administration category.

Other institutions are primarily institutions for adult male offenders, which may, from time to time, house females and youths. This category also includes female and youth institutions for which expenditures or employment could not be segregated. For example, Colorado, Delaware, Louisiana, New York, Ohio, Rhode Island, and Texas data include separate institutions for

women, juveniles, and for adult males for which expenditures were not separable. Wyoming has no correctional institution for women, but boards female offenders in the Nebraska Reformatory for Women.

General Administration consists of expenditure data for administration of the correctional system. This new category includes expenditure data for the overall administration of a correction department or other general administrative body (for example, a youth authority administering many institutions for youthful offenders) as well as the administration of each individual institution. Correctional administration employment data could not be segregated and are included in the miscellaneous category.

Prosecution, defense, and related activities are exhibited for States and include those activities of the attorneys general and their staffs involving advice to the Governor on the legality of proposed actions, representation of the State in all lawsuits, and prosecution of violators of criminal law. If the State pays the salary of the county attorney, the district attorney, the commonwealth attorney, and their counterparts, the data are included under this heading. Expenditures for both civil and criminal activities are included.

If a State has made legal provision for the defense of indigents, either by establishing a separate bureau or by requiring the courts to pay attorney fees, the data are included under this heading after having been deducted from the judicial data.

The probation, parole, and pardon category includes data on boards of parole, boards of pardons, probation agencies, and their variously named equivalents. Although probation agencies frequently function under the administration of the major trial court, the data are presented here, after having been deducted from the judicial data, because of the correctional nature of the probation function. The overlapping character of the probation and parole functions prevent the separate presentation of these data.

The Miscellaneous category includes expenditure or employment data not elsewhere classified, or data which may cut across more than one category or be unallocable to separate categories. For the judicial function, the category may include data on judicial councils, jury and witness fees, court administrators (in those cases where they could be identified), and other miscellaneous data not elsewhere classified.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

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Table 1. Expenditure of Federal, State, and Selected Local Governments for Police Protection, Judicial, and Correctional Activities: Fiscal Year 1967-68
(Thousands of dollars)

Level of government	Total	Police protection	Judicial activities	Correctional activities
Total ¹	4,190,625	2,297,413	616,625	1,276,587
Federal.....	557,086	394,490	93,478	69,118
State.....	1,618,211	840,689	205,412	872,110
Selected counties.....	614,490	228,186	196,728	189,576
Selected cities.....	1,400,838	1,124,048	121,007	145,783

¹Totals are for the governments listed and should not be construed as U.S. totals.

Table 2. Employment and Payrolls of Federal, State, and Selected Local Governments for Police Protection, Judicial, and Correctional Activities: October 1968
(Dollar amounts in thousands)

Level of government	* Total		Police protection		Judicial activities		Correctional activities	
	Full-time equivalent employment	October payroll	Full-time equivalent employment	October payroll	Full-time equivalent employment	October payroll	Full-time equivalent employment	October payroll
Total ¹	192,819	\$137,948	85,305	\$60,635	19,752	\$18,353	87,562	\$59,960
Federal.....	46,743	43,999	34,696	33,026	6,623	6,265	5,424	4,508
State.....	145,876	94,143	50,609	32,609	13,129	12,083	82,138	49,452
Exhibit:								
Selected counties.....	45,492	30,744	25,030	17,786	(NA)	(NA)	20,462	12,958
Selected cities.....	134,736	110,722	124,049	133,620	(NA)	(NA)	10,687	7,102

NA Not available.

¹Totals are for the governments listed and should not be construed as U.S. totals.

Table 3. Employment and Payrolls, October 1968, and Expenditure, Fiscal Year 1967-68, of Federal Government for Law Enforcement, Judicial, and Correctional Activities
(Dollar amounts in thousands)

Item	General expenditure	Number of employees			October payroll
		Total	Full-time only	Full-time equivalent	
Total Federal Government.....	\$151,990,000	2,984,557	2,835,684	2,901,199	\$2,137,189
Total criminal justice activities.....	557,291	47,351	46,613	46,798	43,873
Total judicial.....	93,478	6,730	6,598	6,623	6,265
Supreme Court.....	2,445	211	183	190	188
Judiciary except Supreme Court.....	90,833	6,519	6,405	6,433	6,077
Total correction.....	69,118	5,477	5,406	5,424	4,508
Bureau of Prisons.....	69,118	5,477	5,406	5,424	4,508
Total law enforcement.....	394,490	35,067	34,572	34,696	23,026
Federal Bureau of Investigation.....	192,850	18,245	18,242	18,243	15,477
Secret Service.....	18,459	1,265	1,265	1,265	1,356
Immigration and Naturalization Service.....	82,084	6,864	6,004	6,619	6,425
Bureau of Customs.....	92,590	9,619	9,396	9,452	8,714
Bureau of Narcotics and Dangerous Drugs.....	8,507	1,074	1,065	1,067	1,054
Other criminal justice activities.....					
Crime Commission.....	205	77	47	55	74
Exhibit: Expenditures for prosecution, defense, and related activities not included in total ²	87,048	5,889	5,742	5,778	5,740

¹Excludes \$2,292,000 for the Tax Court of the United States.

²Includes all expenditures for the Department of Justice except the FBI, Bureau of Prisons, the Immigration and Naturalization Service, and the Bureau of Narcotics and Dangerous Drugs which are shown separately.

Table 4. Expenditure of State Governments for Police Protection, Judicial, and Correctional Activities: Fiscal Year 1967-68
(Dollar amounts in thousands)

State and population size group ¹	Total general expenditure	Total		Police protection		Judicial activities		Correctional activities	
		Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
All States.....	\$60,395,357	\$1,618,211	2.7	\$240,689	0.9	\$205,412	0.3	\$872,110	1.4
States with populations of 10,000,000 or more.....	25,199,067	667,768	2.6	218,451	0.9	71,151	0.3	378,166	1.5
California.....	7,546,632	222,801	3.0	179,911	1.1	11,270	0.1	131,620	1.7
Illinois.....	2,588,990	74,356	2.9	20,332	0.8	16,471	0.6	37,553	1.5
New York.....	7,010,176	162,460	2.3	44,523	0.6	23,046	0.3	94,891	1.4
Ohio.....	2,227,495	68,253	2.9	14,917	0.6	5,154	0.2	49,182	2.1
Pennsylvania.....	2,202,272	78,622	2.5	33,681	1.1	8,103	0.3	36,838	1.2
Texas.....	2,523,502	61,276	2.4	25,037	1.0	17,107	0.3	29,082	1.2
States with populations of 3,000,000 to 9,999,999.....	23,198,995	631,072	2.7	210,045	0.9	75,682	0.3	345,345	1.5
Alabama.....	1,020,576	24,894	2.4	5,796	0.6	2,282	0.2	16,816	1.6
Florida.....	1,431,307	38,317	2.7	13,096	0.9	6,170	0.4	19,051	1.3
Georgia.....	1,256,036	28,903	2.3	7,837	0.6	2,527	0.2	18,509	1.5
Indiana.....	1,378,330	33,465	2.4	11,559	0.8	2,303	0.2	19,603	1.4
Kentucky.....	1,047,999	23,945	2.3	9,557	0.9	5,294	0.5	9,094	0.9
Louisiana.....	1,388,877	24,912	1.8	10,583	0.8	5,819	0.3	10,510	0.8
Maryland.....	1,151,413	66,390	5.8	27,650	2.4	6,823	0.6	31,807	2.8
Massachusetts.....	1,614,636	46,121	2.9	8,793	0.5	5,820	0.3	31,808	2.0
Michigan.....	2,772,481	62,025	2.2	23,309	0.8	4,897	0.2	33,819	1.2
Minnesota.....	1,302,077	23,476	1.8	7,029	0.5	2,370	0.2	14,077	1.1
Missouri.....	1,059,402	27,285	2.6	10,012	0.9	5,471	0.5	11,802	1.1
New Jersey.....	1,401,046	32,364	3.8	19,389	1.4	7,560	0.5	25,815	1.8
North Carolina.....	1,382,078	47,427	3.4	13,581	1.0	4,454	0.3	29,292	2.1
Tennessee.....	948,919	21,456	2.3	6,457	0.7	2,491	0.3	12,548	1.3
Virginia.....	1,193,633	41,240	3.5	19,408	1.6	7,066	0.6	14,766	1.2
Washington.....	1,286,754	32,670	2.5	9,346	0.7	1,531	0.1	21,793	1.7
Wisconsin.....	1,563,431	35,642	2.3	6,443	0.4	5,064	0.3	24,135	1.5
States with populations of 1,000,000 to 2,999,999.....	8,788,494	225,550	2.6	84,832	1.0	36,865	0.4	103,853	1.2
Arizona.....	557,468	15,107	2.7	7,953	1.4	949	0.2	6,205	1.1
Arkansas.....	531,596	8,369	1.6	3,822	0.7	1,502	0.3	3,045	0.6
Colorado.....	663,425	20,685	3.1	7,140	1.1	1,654	0.2	11,891	1.8
Connecticut.....	850,766	42,640	5.0	9,529	1.1	17,326	2.0	15,785	1.8
Iowa.....	903,883	25,243	2.8	10,912	1.2	2,223	0.2	12,108	1.3
Kansas.....	585,988	15,129	2.6	4,771	0.8	1,849	0.3	8,509	1.5
Mississippi.....	634,468	12,772	2.0	7,257	1.1	1,092	0.2	4,423	0.7
Nebraska.....	325,314	9,161	2.8	3,598	1.1	1,318	0.4	4,285	1.3
New Mexico.....	436,204	10,043	2.3	4,285	1.0	1,110	0.3	4,648	1.1
Oklahoma.....	921,562	14,305	1.6	5,354	0.6	1,820	0.2	6,331	0.8
Oregon.....	703,997	18,663	2.7	5,790	0.8	2,553	0.3	10,610	1.5
South Carolina.....	670,237	16,381	2.4	7,894	1.2	970	0.1	7,517	1.1
Utah.....	387,453	7,910	2.0	2,334	0.6	1,626	0.4	3,950	1.0
West Virginia.....	605,976	9,142	1.5	4,033	0.7	1,163	0.2	3,946	0.7
States with populations of less than 1,000,000.....	3,208,801	93,821	2.9	27,361	0.9	21,714	0.7	44,746	1.4
Alaska.....	276,724	9,571	3.5	2,836	1.0	2,943	1.1	3,792	1.4
Delaware.....	248,990	10,874	4.4	2,660	1.1	2,231	0.9	5,983	2.4
Hawaii.....	432,485	8,551	2.0	62	-	4,456	1.0	4,033	0.9
Idaho.....	210,564	5,397	2.6	1,941	0.9	927	0.4	2,529	1.2
Maine.....	265,562	10,205	3.8	3,568	1.3	1,741	0.7	4,896	1.8
Montana.....	233,082	6,427	2.8	2,178	0.9	627	0.3	3,622	1.6
Nevada.....	186,661	7,482	4.0	2,404	1.3	693	0.4	4,385	2.3
New Hampshire.....	174,639	4,920	2.8	2,094	1.2	676	0.4	2,150	1.2
North Dakota.....	224,163	3,255	1.3	1,038	0.4	584	0.2	1,632	0.6
Rhode Island.....	340,785	11,964	3.5	2,556	0.8	4,176	1.2	5,232	1.5
South Dakota.....	211,912	4,469	2.1	1,870	0.9	543	0.3	2,056	1.0
Vermont.....	207,543	7,376	3.6	2,821	1.4	1,659	0.8	2,846	1.4
Wyoming.....	165,691	3,330	2.0	1,263	0.8	478	0.3	1,589	1.0

- Represents zero or rounds to zero.

¹Revised data.

²See table 5 for estimated 1968 population of each State.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

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Table 5. Per Capita Expenditure of State Governments for Police Protection, Judicial, and Correctional Activities: Fiscal Year 1967-68

State and population size group	Estimated 1968 population ¹	Total	Police protection	Judicial activities	Correctional activities
All States.....	199,052,000	\$8.13	\$2.72	\$1.03	\$4.38
States with population of 10,000,000 or more.....	81,583,000	8.19	2.68	0.87	4.64
California.....	19,221,000	11.59	4.16	0.59	6.85
Illinois.....	10,974,000	6.78	1.85	1.50	3.42
New York.....	18,113,000	8.97	2.46	1.27	5.24
Ohio.....	10,591,000	6.44	1.41	0.49	4.55
Pennsylvania.....	11,712,000	6.71	2.88	0.69	3.14
Texas.....	10,972,000	5.58	2.29	0.65	2.65
States with populations of 3,000,000 to 9,999,999.....	80,824,000	7.81	2.60	0.94	4.27
Alabama.....	3,566,000	6.98	1.63	0.64	4.72
Florida.....	6,160,000	6.22	2.13	1.00	3.09
Georgia.....	4,288,000	6.20	1.71	0.36	4.03
Indiana.....	5,067,000	6.40	3.28	0.45	2.87
Kentucky.....	3,289,000	7.42	2.96	1.64	2.82
Louisiana.....	3,732,000	6.68	2.84	1.02	2.82
Maryland.....	3,757,000	17.64	7.36	1.82	8.47
Massachusetts.....	5,437,000	8.48	1.62	1.02	5.85
Michigan.....	8,740,000	7.10	2.67	0.36	3.87
Minnesota.....	3,646,000	6.44	1.93	0.65	3.86
Missouri.....	4,627,000	5.90	2.16	1.18	2.55
New Jersey.....	7,078,000	7.48	2.77	1.07	3.65
North Carolina.....	5,135,000	9.24	2.64	0.87	5.72
Tennessee.....	3,976,000	5.41	1.62	0.63	3.16
Virginia.....	4,597,000	8.97	4.22	1.34	3.21
Washington.....	3,276,000	9.87	2.85	0.37	6.65
Wisconsin.....	4,213,000	8.46	1.53	1.20	5.73
States with populations of 1,000,000 to 2,999,999.....	28,591,000	7.89	2.97	1.29	3.63
Arizona.....	1,679,000	9.05	4.76	0.57	3.72
Arkansas.....	2,012,000	4.16	1.90	0.75	1.51
Colorado.....	2,048,000	10.10	3.49	0.81	5.81
Connecticut.....	2,959,000	14.41	5.22	5.86	5.33
Iowa.....	2,748,000	9.19	3.97	0.81	4.41
Kansas.....	2,303,000	6.27	2.07	0.80	3.69
Mississippi.....	2,342,000	5.45	3.10	0.47	1.89
Nebraska.....	1,437,000	6.38	2.48	0.92	2.98
New Mexico.....	1,015,000	9.89	4.22	1.09	4.58
Oklahoma.....	2,518,000	5.68	2.21	0.72	2.75
Oregon.....	2,008,000	9.29	2.88	1.13	5.28
South Carolina.....	2,692,000	6.09	2.93	0.36	2.79
Utah.....	1,034,000	7.65	2.26	1.57	3.82
West Virginia.....	1,805,000	5.06	2.23	0.64	2.19
States with populations of less than 1,000,000.....	8,053,000	11.65	3.40	2.70	5.56
Alaska.....	277,000	34.55	10.24	10.62	13.69
Delaware.....	534,000	20.36	4.98	4.18	11.20
Hawaii.....	778,000	10.99	4.08	5.73	5.18
Idaho.....	705,000	7.66	2.75	1.31	3.59
Maine.....	979,000	10.42	3.64	3.78	5.00
Montana.....	693,000	9.27	3.14	0.90	5.23
Nevada.....	453,000	16.52	5.31	1.33	9.68
New Hampshire.....	702,000	7.01	2.98	0.96	3.06
North Dakota.....	625,000	5.21	1.66	0.93	2.61
Rhode Island.....	913,000	13.10	2.80	4.57	5.73
South Dakota.....	697,000	6.80	2.85	0.83	3.13
Vermont.....	422,000	17.48	6.85	3.88	6.74
Wyoming.....	315,000	10.57	4.01	1.52	5.04

¹See Bureau of the Census, Current Population Report, Series P-25, No. 403.

Table 6. Expenditure of State Governments for Police Protection: Fiscal Year 1967-68
(Thousands of dollars)

State and population size group ¹	Total police protection	Capital outlay	Other				Exhibit: Expenditure for liquor regulation, not included in total
			Total	Communication	Training	Miscellaneous	
All States.....	540,689	37,295	503,394	9,461	4,618	489,315	36,835
States with populations of 10,000,000 or more.....	218,451	14,042	204,409	2,882	2,531	198,996	17,620
California.....	79,911	3,765	76,146	1,802	1,310	73,054	5,076
Illinois.....	220,232	2,231	218,001	1,080	859	16,166	447
New York.....	44,323	3,611	40,712	-	298	40,614	4,981
Ohio.....	14,917	774	14,143	-	20	14,123	1,018
Pennsylvania.....	33,681	1,281	32,400	-	-	32,400	3,697
Texas.....	25,087	2,400	22,687	-	48	22,639	2,401
States with populations of 3,000,000 to 9,999,999.....	210,045	13,212	196,833	6,280	1,492	190,061	12,912
Alabama.....	5,796	387	5,409	-	-	5,409	1,068
Florida.....	13,096	776	12,320	-	-	12,320	1,866
Georgia.....	7,837	892	7,945	104	-	6,776	165
Indiana.....	11,679	997	10,682	-	14	10,568	499
Kentucky.....	9,257	210	9,347	-	-	9,347	308
Louisiana.....	10,583	875	9,708	-	-	9,708	344
Maryland.....	27,650	1,427	26,223	995	264	25,404	514
Massachusetts.....	8,793	364	8,429	-	22	8,437	603
Michigan.....	23,309	1,06	21,703	1,289	440	19,975	1,146
Minnesota.....	7,029	31	6,998	89	47	6,844	320
Missouri.....	10,012	413	9,599	-	12	9,587	810
New Jersey.....	19,589	854	18,735	-	215	18,520	1,362
North Carolina.....	13,181	1,318	12,263	552	80	11,631	719
Tennessee.....	6,657	647	5,810	-	189	5,627	403
Virginia.....	19,402	619	18,889	969	182	17,918	1,129
Washington.....	9,346	1,196	8,150	1,661	53	6,436	675
Wisconsin.....	6,443	700	5,743	-	-	5,743	601
States with populations of 1,000,000 to 2,999,999.....	84,832	8,407	76,425	910	773	74,902	4,410
Arizona.....	7,953	1,219	6,734	169	-	6,525	652
Arkansas.....	3,822	598	3,224	-	100	3,124	190
Colorado.....	7,140	947	6,193	1	12	6,180	282
Connecticut.....	9,229	825	8,404	-	93	8,311	483
Iowa.....	10,312	1,002	9,310	483	32	9,395	189
Kansas.....	4,771	376	4,395	-	-	4,395	456
Mississippi.....	7,277	843	6,434	76	296	6,042	380
Nebraska.....	3,118	308	2,810	-	-	2,810	188
New Mexico.....	4,286	303	3,983	-	-	3,982	-
Oklahoma.....	7,756	401	7,355	-	-	6,053	250
Oregon.....	7,794	317	7,477	-	45	6,428	625
South Carolina.....	7,894	724	7,170	-	-	7,170	523
Utah.....	2,334	191	2,143	221	35	1,927	-
West Virginia.....	4,033	473	3,560	-	-	3,580	192
States with populations of less than 1,000,000.....	27,361	1,634	25,727	369	22	25,356	1,893
Alaska.....	2,836	-	2,770	-	-	2,780	77
Delaware.....	2,100	104	2,056	101	-	2,455	72
Hawaii.....	62	-	62	-	-	62	-
Idaho.....	1,041	147	1,199	-	-	1,795	1,230
Maine.....	3,148	330	2,818	-	-	3,238	199
Montana.....	2,178	288	1,890	-	-	1,890	89
Nevada.....	2,404	248	2,156	-	-	2,156	-
New Hampshire.....	2,094	131	1,958	101	6	1,811	-
North Dakota.....	1,038	40	998	99	2	999	-
Rhode Island.....	2,456	115	2,341	-	4	2,397	166
South Dakota.....	1,870	-	1,870	-	4	1,864	-
Vermont.....	2,891	131	2,760	48	6	2,708	60
Wyoming.....	1,213	-	1,213	-	-	1,263	-

¹ Represents zero or rounds to zero.

² Revised data.

³ See table 5 for estimated 1968 population of each State.
Note: Because of rounding, detail may not add to totals.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

Table 7. Expenditure of State Governments for Judicial Activities: Fiscal Year 1967-68
(Thousands of dollars)

State and population size group ¹	Total Judicial expenditure	Capital outlay	Other							Exhibit: Expenditure for prosecution, defense, and related activities not included in total
			Total	Courts of last resort	Intermediate appellate courts	Major trial courts	Other courts	Law libraries	Miscellaneous	
All States.....	205,412	2,839	202,603	21,956	17,467	96,313	34,083	2,094	31,687	63,937
States with populations of 10,000,000 or more.....	71,151	255	70,896	4,876	10,986	34,197	7,268	410	13,159	29,463
California.....	11,270	16	11,254	1,225	3,025	6,127	-	181	701	10,549
Illinois.....	16,471	64	16,407	935	2,222	10,605	52	-	2,593	3,008
New York.....	23,446	121	23,325	917	3,877	8,254	5,562	229	4,126	10,133
Ohio.....	5,154	42	5,112	328	-	-	-	-	4,784	2,188
Pennsylvania.....	8,103	-	8,103	784	481	5,124	1,714	-	-	1,331
Texas.....	17,117	12	17,095	637	1,366	4,087	-	-	955	2,384
States with populations of 3,000,000 to 9,999,999.....	75,682	506	75,176	8,141	6,069	33,899	9,989	757	16,321	22,417
Alabama.....	2,282	2 ¹	2,280	350	131	993	226	28	552	1,046
Florida.....	5,170	59	5,111	479	1,225	4,357	-	-	50	3,067
Georgia.....	2,957	14	2,943	411	94	1,563	-	35	-	696
Indiana.....	2,313	52	2,261	335	359	1,448	-	-	128	1,087
Kentucky.....	1,236	26	1,210	439	(X)	2,145	1,560	47	1,014	711
Louisiana.....	3,819	-	3,819	805	1,077	1,595	197	75	60	929
Maryland.....	6,833	4	6,829	135	287	2,131	2,362	58	1,857	687
Massachusetts.....	5,523	12	5,511	576	(X)	1,450	2,903	7	572	1,387
Michigan.....	4,897	-	4,897	981	1,988	2,113	11	-	64	2,145
Minnesota.....	2,370	-	2,370	48	(X)	1,479	-	1,8	265	676
Missouri.....	3,471	3	3,468	426	93	1,877	1,877	17	52	68
New Jersey.....	7,503	154	7,349	233	303	1,682	-	50	5,138	1,928
North Carolina.....	4,454	130	4,324	487	243	3,483	875	22	214	1,557
Tennessee.....	2,491	20	2,471	327	362	1,388	-	74	170	1,737
Virginia.....	7,066	-	7,066	427	(?)	1,127	39	37	4,936	1,270
Washington.....	1,931	2	1,929	637	(X)	815	-	121	154	760
Wisconsin.....	3,064	28	3,036	428	(X)	4,443	-	78	87	1,145
States with populations of 1,000,000 to 2,999,999.....	36,865	1,866	34,999	4,837	412	18,452	9,661	657	980	7,188
Arizona.....	949	39	910	244	253	411	-	2	-	348
Arkansas.....	1,502	3	1,499	265	(X)	1,134	-	11	29	231
Colorado.....	1,654	2	1,652	381	(X)	1,148	-	20	103	283
Connecticut.....	17,326	1,766	15,560	387	(X)	5,874	8,819	188	236	586
Iowa.....	2,223	4	2,219	447	(X)	1,076	-	66	39	521
Kansas.....	1,849	10	1,839	435	(X)	1,384	-	9	36	244
Mississippi.....	1,092	4	1,088	239	(X)	745	-	44	-	476
Nebraska.....	1,318	-	1,318	338	(X)	961	2	47	-	240
New Mexico.....	1,114	11	1,099	308	159	374	-	122	136	932
Oklahoma.....	1,820	4	1,816	656	(X)	1,096	114	-	-	1,013
Oregon.....	2,203	-	2,203	439	(X)	1,715	-	66	43	1,069
South Carolina.....	978	15	955	280	(X)	638	-	6	11	591
Utah.....	1,620	7	1,619	191	(X)	846	730	-	92	343
West Virginia.....	1,163	1	1,162	232	(X)	570	-	76	224	311
States with populations of less than 1,000,000.....	21,714	182	21,532	3,102	(X)	9,771	7,162	270	1,227	4,869
Alaska.....	2,943	27	2,916	500	(X)	1,318	1,098	-	-	1,131
Delaware.....	2,231	40	2,191	130	(X)	501	1,545	15	-	336
Hawaii.....	4,696	-	4,696	700	(X)	2,374	1,625	107	50	674
Idaho.....	927	1	926	228	(X)	656	-	40	2	182
Maine.....	1,741	12	1,729	(?)	(X)	592	1,118	9	100	421
Montana.....	627	14	613	145	(X)	455	-	16	3	342
Nevada.....	693	15	678	284	(X)	394	-	-	-	282
New Hampshire.....	676	32	644	169	(X)	296	163	-	16	237
North Dakota.....	584	-	584	177	(X)	386	-	321	-	294
Rhode Island.....	4,176	41	4,135	343	(X)	1,522	1,170	58	1,042	455
South Dakota.....	943	-	943	150	(X)	393	-	-	-	140
Vermont.....	1,639	-	1,639	140	(X)	655	843	-	-	276
Wyoming.....	478	-	478	136	(X)	319	-	10	13	99

¹ Represents zero or rounds to zero. ² Revised data. ³ Not applicable. ⁴ Expenditure shown for the major trial courts includes an unsegregable amount for the Supreme Judicial Court. ⁵ Includes an unsegregable amount for the Supreme Court reporter. Note: Because of rounding, detail may not add to totals.

Table 8. Expenditure of State Governments for Correctional Activities: Fiscal Year 1967-68
(Thousands of dollars)

State and population size group ¹	Total correctional expenditure	Direct expenditure								Inter-governmental expenditure	
		Total	Capital outlay	Other							Miscellaneous
				Total	Institutions		Administration	Probation, parole, and pardons			
					For youths	For women			other		
All States.....	872,110	836,123	115,214	720,909	204,683	15,579	400,799	25,600	69,501	4,747	35,987
States with populations of 10,000,000 or more.....	378,166	346,844	42,754	304,090	83,069	4,932	170,998	13,197	28,458	3,436	31,322
California.....	131,620	124,096	13,250	110,846	27,044	3,060	59,724	5,630	14,398	1,190	7,524
Illinois.....	37,553	37,553	4,873	32,680	11,525	918	16,223	2,806	1,169	39	-
New York.....	94,891	87,756	7,365	65,391	15,034	-	240,595	2,126	7,402	234	22,135
Ohio.....	48,182	47,940	7,948	39,992	11,090	-	223,348	2,635	2,209	690	242
Pennsylvania.....	36,838	35,417	4,103	31,314	11,970	954	14,804	-	2,309	1,277	1,421
Texas.....	29,082	29,082	5,215	23,867	6,406	-	216,304	-	1,151	6	-
States with populations of 3,000,000 to 9,999,999.....	345,345	341,246	52,690	288,556	81,656	8,064	156,998	10,691	30,037	1,110	4,099
Alabama.....	16,816	15,892	9,934	5,958	994	-	4,077	-	838	49	924
Florida.....	19,051	19,051	2,302	16,749	4,351	-	9,699	161	2,536	-	-
Georgia.....	18,509	18,509	6,488	12,021	3,490	-	6,653	-	1,678	-	-
Indiana.....	19,603	19,603	5,605	13,998	3,589	439	8,724	255	986	5	-
Kentucky.....	9,094	9,094	1,645	7,449	1,934	192	4,044	494	754	31	-
Louisiana.....	10,510	10,510	135	10,375	3,089	-	74,664	-	2,589	33	-
Maryland.....	31,607	31,558	2,370	29,188	10,473	894	13,569	2,433	1,809	10	249
Massachusetts.....	31,838	31,838	4,329	27,479	6,630	1,326	16,824	2,419	1,829	15	-
Michigan.....	33,819	33,251	2,979	30,272	8,331	-	19,149	993	2,161	38	568
Minnesota.....	14,077	13,727	1,093	12,634	2,279	275	7,099	1,732	249	-	350
Missouri.....	11,802	11,802	1,127	10,675	2,301	214	6,530	607	1,023	-	-
New Jersey.....	25,815	25,815	6,130	19,685	7,582	1,507	8,907	-	1,689	-	-
North Carolina.....	29,992	29,992	1,992	27,440	6,724	801	15,783	1,429	2,703	-	-
Tennessee.....	12,548	11,958	1,683	10,275	3,144	309	5,484	288	1,050	-	590
Virginia.....	14,766	13,363	938	12,425	3,621	1,024	5,732	146	1,375	52	1,403
Washington.....	21,793	21,778	1,864	19,914	7,916	-	9,637	134	1,838	389	15
Wisconsin.....	24,135	24,135	2,116	22,019	8,008	1,003	10,423	-	4,692	13	-
States with populations of 1,000,000 to 2,999,999.....	103,853	103,340	12,080	91,260	27,054	2,170	53,915	1,536	6,543	42	513
Arizona.....	6,205	6,205	992	5,213	2,620	-	2,507	-	86	-	-
Arkansas.....	3,045	3,045	236	2,809	804	-	1,109	822	74	-	-
Colorado.....	11,891	11,483	2,053	9,430	2,436	-	6,014	-	980	-	408
Connecticut.....	15,785	15,785	970	14,815	2,248	1,094	10,200	49	1,224	-	-
Iowa.....	12,108	12,108	2,784	9,324	2,384	370	6,096	-	473	1	-
Kansas.....	8,509	8,509	556	7,953	3,507	336	3,762	-	348	-	-
Mississippi.....	4,423	4,423	1,033	3,390	900	-	2,316	-	174	-	-
Nebraska.....	4,285	4,285	119	4,166	1,072	136	2,737	-	215	6	-
New Mexico.....	4,648	4,648	109	4,539	1,842	-	2,120	-	977	-	-
Oklahoma.....	6,931	6,931	993	6,338	1,333	-	4,356	643	134	-	-
Oregon.....	10,610	10,599	439	10,360	3,915	-	5,461	-	984	-	11
South Carolina.....	7,517	7,517	1,759	5,758	1,537	122	3,344	-	755	-	-
Utah.....	3,950	3,856	497	3,359	1,210	-	1,799	24	326	-	94
West Virginia.....	3,946	3,946	140	3,806	1,246	112	2,100	-	313	35	-
States with populations of less than 1,000,000.....	44,746	44,693	7,690	37,003	12,904	413	18,888	176	4,463	159	53
Alaska.....	3,792	3,792	22	3,770	860	-	2,383	-	527	-	-
Delaware.....	5,983	5,983	3,006	2,977	1,149	-	2,182	-	16	-	-
Hawaii.....	4,033	4,033	133	3,900	923	-	2,155	63	799	-	-
Idaho.....	2,829	2,829	1,100	1,429	712	-	552	-	165	-	-
Maine.....	4,896	4,896	428	4,468	1,873	366	1,802	-	427	-	-
Montana.....	3,622	3,622	745	2,877	1,125	-	1,638	-	114	-	-
Nevada.....	4,385	4,332	782	3,550	1,372	-	1,919	-	259	-	53
New Hampshire.....	2,150	2,150	316	1,834	779	-	614	-	421	-	-
North Dakota.....	1,633	1,633	32	1,601	524	-	940	-	107	-	-
Rhode Island.....	5,232	5,232	450	4,782	1,400	-	2,304	113	938	27	-
South Dakota.....	2,056	2,056	333	1,723	535	-	1,022	-	166	-	-
Vermont.....	2,846	2,846	212	2,634	1,022	47	1,022	-	429	114	-
Wyoming.....	1,589	1,589	131	1,458	600	-	725	-	115	18	-

¹ Represents zero or rounds to zero.² Revised data.³ See table 5 for estimated 1968 population of each State.

Notes: Because of rounding, detail may not add to totals.

⁴ Includes amounts for separate institutions for women.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

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Table 9. Full-Time Equivalent Employment of State Governments for Police Protection, Judicial, and Correctional Activities: October 1968

State and population size group ¹	Total full-time equivalent State employees	Total		Police protection		Judicial activities		Correctional activities	
		Number of employees	Percent of total	Number of employees	Percent of total	Number of employees	Percent of total	Number of employees	Percent of total
All States.....	2,084,860	145,876	7.0	50,609	2.4	13,129	0.6	82,138	3.9
States with populations of 10,000,000 or more.....	736,389	58,000	7.9	19,720	2.7	4,171	0.6	34,109	4.6
California.....	181,304	17,102	9.4	6,811	3.8	270	0.1	10,021	5.5
Illinois.....	95,976	7,434	7.7	1,958	2.0	1,301	1.4	2,175	2.4
New York.....	173,435	15,124	8.7	4,301	2.5	1,164	0.7	9,659	5.6
Ohio.....	76,200	6,121	8.0	1,684	2.2	404	0.5	4,033	5.3
Pennsylvania.....	112,719	7,687	6.8	3,948	3.5	636	0.6	3,103	2.8
Texas.....	96,755	4,532	4.7	1,018	1.1	396	0.4	3,118	3.2
States with populations of 3,000,000 to 9,999,999.....	842,685	57,846	6.9	19,924	2.4	4,335	0.5	33,587	4.0
Alabama.....	35,261	1,597	4.5	670	1.9	117	0.3	810	2.3
Florida.....	62,439	4,911	7.9	1,709	2.7	348	0.6	2,854	4.6
Georgia.....	44,837	3,091	6.9	1,059	2.4	266	0.6	1,766	3.9
Indiana.....	30,849	2,922	5.9	1,243	2.4	139	0.3	1,610	3.2
Kentucky.....	36,531	2,052	5.6	1,013	2.8	121	0.3	918	2.5
Louisiana.....	52,978	2,575	4.9	911	1.7	370	0.7	1,294	2.4
Maryland.....	40,944	4,610	11.3	1,381	3.4	253	0.6	2,976	7.3
Massachusetts.....	52,644	3,654	6.9	876	1.7	154	0.3	2,624	5.0
Michigan.....	83,546	5,207	6.2	2,080	2.5	225	0.3	2,902	3.5
Minnesota.....	39,799	2,061	5.2	614	1.5	108	0.3	1,339	3.4
Missouri.....	48,743	3,317	6.8	1,314	2.7	572	1.2	1,431	2.9
New Jersey.....	48,744	4,938	10.1	2,044	4.2	503	1.0	2,391	4.9
North Carolina.....	55,503	4,065	7.3	1,167	2.1	107	0.2	2,791	5.0
Tennessee.....	41,916	2,749	6.6	641	1.5	423	1.0	1,585	4.0
Virginia.....	37,407	3,770	6.6	1,531	2.7	136	0.2	2,103	3.7
Washington.....	47,664	3,141	6.6	986	2.1	138	0.3	2,017	4.2
Wisconsin.....	42,780	3,116	7.3	685	1.6	355	0.8	2,076	4.9
States with populations of 1,000,000 to 2,999,999.....	367,238	21,670	5.9	8,273	2.3	2,875	0.8	10,522	2.9
Arizona.....	19,218	1,197	6.2	608	3.2	96	0.5	493	2.6
Arkansas.....	23,064	891	3.9	458	2.0	130	0.6	303	1.3
Colorado.....	29,100	1,843	6.3	635	2.2	144	0.5	1,064	3.7
Connecticut.....	37,032	3,941	10.6	915	2.5	1,361	3.7	1,665	4.5
Iowa.....	31,015	2,081	6.7	981	3.2	85	0.3	1,015	3.2
Kansas.....	29,503	1,468	5.0	386	1.3	150	0.5	932	3.2
Mississippi.....	25,444	1,162	4.6	727	2.9	89	0.3	346	1.4
Nebraska.....	18,249	997	5.5	384	2.1	95	0.5	518	2.8
New Mexico.....	18,100	1,012	5.6	346	1.9	149	0.8	517	2.9
Oklahoma.....	34,326	1,681	4.9	690	2.0	148	0.4	843	2.5
Oregon.....	29,881	1,886	6.3	656	2.2	128	0.4	1,102	3.7
South Carolina.....	27,874	1,576	5.7	722	2.6	73	0.3	781	2.8
Utah.....	15,498	864	5.6	280	1.8	169	1.1	415	2.7
West Virginia.....	29,024	1,071	3.7	485	1.7	58	0.2	528	1.8
States with populations of less than 1,000,000.....	138,546	8,360	6.0	2,692	1.9	1,748	1.3	3,920	2.8
Alaska.....	7,603	701	9.2	233	3.1	212	2.8	256	3.4
Delaware.....	10,705	1,012	9.5	301	2.8	296	2.8	415	3.9
Hawaii.....	23,785	679	2.8	(NA)	(NA)	378	1.6	301	1.3
Idaho.....	8,970	607	6.8	332	3.7	71	0.8	226	2.5
Maine.....	11,899	1,018	7.3	341	2.5	148	1.1	329	3.8
Montana.....	11,524	668	5.7	239	2.1	65	0.6	364	3.2
Nevada.....	6,299	460	7.3	107	1.7	51	0.8	302	4.8
New Hampshire.....	8,535	459	5.4	163	1.9	54	0.6	242	2.8
North Dakota.....	9,330	298	3.2	93	1.0	30	0.3	173	1.9
Rhode Island.....	12,775	959	7.5	281	2.2	252	2.0	426	3.3
South Dakota.....	10,303	484	4.7	227	2.2	31	0.3	226	2.2
Vermont.....	8,009	678	8.5	265	3.3	126	1.6	287	3.6
Wyoming.....	6,809	337	4.9	130	1.9	34	0.5	173	2.5

NA Not available.

²Revised data.¹See table 5 for estimated 1968 population of each State

Table 10. Employment and Payrolls of State Governments for Police Protection: October 1968
(Dollar amounts in thousands)

State and population size group ¹	State police and law-enforcement				Exhibit: Employment and payrolls for liquor regulation, not included in total			
	Number of employees			Total October payroll	Number of employees			Total October payroll
	Total	Full-time only	Full-time equivalent		Total	Full-time only	Full-time equivalent	
All States.....	51,416	50,393	50,609	\$32,609	4,985	4,664	4,694	\$2,750
States with populations of 10,000,000 or more.....	20,214	19,642	19,720	14,013	2,492	2,476	2,479	1,459
California.....	7,221	6,757	6,811	5,443	433	419	421	326
Illinois.....	1,959	1,958	1,958	1,319	49	49	49	28
New York.....	4,375	4,283	4,301	3,055	698	698	698	401
Ohio.....	1,933	1,878	1,884	1,113	422	422	422	193
Pennsylvania.....	3,948	3,948	3,948	2,469	475	475	475	271
Texas.....	1,018	1,018	1,018	614	415	413	414	240
States with populations of 3,000,000 to 9,999,999.....	20,084	19,833	19,924	12,101	1,450	1,357	1,383	843
Alabama.....	670	670	670	353	153	153	153	89
Florida.....	1,717	1,697	1,709	748	199	193	195	104
Georgia.....	1,059	1,059	1,059	592	-	-	-	-
Indiana.....	1,246	1,242	1,243	741	391	105	129	69
Kentucky.....	1,043	1,012	1,013	1,013	319	39	39	21
Louisiana.....	916	909	911	477	42	42	42	21
Maryland.....	1,381	1,381	1,381	928	-	-	-	-
Massachusetts.....	876	876	876	542	61	61	61	43
Michigan.....	2,106	2,066	2,030	1,632	141	141	141	106
Minnesota.....	618	612	614	354	35	35	35	25
Missouri.....	1,330	1,310	1,314	743	87	87	87	44
New Jersey.....	2,071	2,021	2,044	1,369	151	150	150	105
North Carolina.....	1,167	1,167	1,167	709	88	88	88	48
Tennessee.....	644	640	641	402	45	45	45	26
Virginia.....	1,569	1,515	1,531	864	126	126	126	81
Washington.....	983	985	985	647	92	92	92	60
Wisconsin.....	708	671	685	454	-	-	-	-
States with population of 1,000,000 to 2,999,999.....	8,367	8,240	8,273	4,851	662	653	654	356
Arizona.....	614	605	608	414	74	74	74	44
Arkansas.....	459	458	458	210	24	24	24	10
Colorado.....	635	635	635	384	30	30	30	19
Connecticut.....	920	912	915	618	54	54	54	38
Iowa.....	1,046	959	981	516	167	167	167	64
Kansas.....	388	385	385	261	13	13	13	28
Mississippi.....	727	727	727	359	47	47	47	40
Nebraska.....	384	384	384	269	27	27	27	13
New Mexico.....	346	346	346	201	45	42	43	16
Oklahoma.....	692	689	690	351	30	25	25	13
Oregon.....	664	654	656	451	65	65	65	42
South Carolina.....	728	721	722	418	46	46	46	29
Utah.....	281	280	280	175	(NA)	(NA)	(NA)	(NA)
West Virginia.....	485	485	485	224	(NA)	(NA)	(NA)	(NA)
States with populations of less than 1,000,000.....	2,751	2,778	2,692	1,444	181	178	178	92
Alaska.....	243	232	233	192	-	-	-	-
Delaware.....	301	301	301	191	22	22	22	10
Hawaii.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
Idaho.....	317	309	312	175	14	14	14	9
Maine.....	343	341	341	209	51	51	51	21
Montana.....	253	237	239	127	(NA)	(NA)	(NA)	(NA)
Nevada.....	107	107	107	74	-	-	-	-
New Hampshire.....	163	163	163	103	32	32	32	16
North Dakota.....	97	92	93	51	5	5	5	3
Rhode Island.....	281	281	281	174	19	19	19	11
South Dakota.....	248	232	237	119	-	-	-	-
Vermont.....	268	263	265	161	23	23	23	15
Wyoming.....	130	130	130	82	12	12	12	7

¹ Represents zero or rounds to zero. (NA) Not available. See table 5 for estimated 1968 population of each State.

² Revised data.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

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**Table 11. Employment and Payrolls of State Governments for Judicial Activities:
October 1968**
(Dollar amounts in thousands)

State and population size group ¹	All judicial activities				Courts of last resort			
	Number of employees			Total October payroll	Number of employees			Total October payroll
	Total	Full-time only	Full-time equivalent		Total	Full-time only	Full-time equivalent	
All States.....	13,515	12,860	13,129	\$12,088	1,602	1,573	1,579	\$1,502
States with populations of 10,000,000 or more.....	4,189	4,107	4,171	4,365	384	351	351	305
California.....	272	270	270	351	74	73	73	93
Illinois.....	1,302	1,301	1,301	1,292	103	103	103	69
New York.....	1,177	1,160	1,164	1,469	80	80	80	61
Ohio.....	406	406	406	378	35	35	35	26
Pennsylvania.....	436	436	436	400	(NA)	(NA)	(NA)	(NA)
Texas.....	398	396	396	475	62	60	60	56
States with populations of 3,000,000 to 9,999,999.....	4,391	4,254	4,335	4,026	565	560	561	588
Alabama ²	116	117	117	133	32	31	31	28
Florida.....	348	348	348	393	39	39	39	40
Georgia.....	267	266	266	196	23	23	23	31
Indiana ²	140	139	139	109	(NA)	(NA)	(NA)	(NA)
Kentucky ²	121	121	121	166	46	46	46	62
Louisiana.....	372	369	370	266	33	33	33	31
Maryland.....	213	213	213	203	19	19	19	24
Massachusetts.....	155	154	154	162	40	40	40	39
Michigan ²	225	225	225	328	47	47	47	47
Minnesota.....	114	107	108	141	37	37	37	36
Missouri ²	174	172	172	176	46	46	46	38
New Jersey ²	416	428	403	523	43	23	23	33
North Carolina ²	107	107	107	139	36	36	36	32
Tennessee ²	423	423	423	353	16	16	16	17
Virginia.....	138	135	136	117	64	63	63	52
Washington.....	143	139	138	104	47	46	45	44
Wisconsin ²	177	176	175	188	19	19	19	19
States with populations of 1,000,000 to 2,999,999.....	3,156	2,721	2,875	2,439	413	396	400	367
Arizona.....	96	96	96	84	24	24	24	20
Arkansas.....	130	130	130	80	27	27	27	21
Colorado.....	147	141	144	100	33	32	32	31
Connecticut.....	1,627	1,211	1,341	1,092	32	24	27	22
Iowa ²	85	85	85	131	9	9	9	17
Kansas.....	174	169	170	140	32	28	29	27
Mississippi ²	89	89	89	71	28	28	28	23
Nebraska.....	97	96	96	54	27	25	25	19
New Mexico ²	150	149	149	129	20	20	20	18
Oklahoma ²	148	148	148	139	6	46	46	47
Oregon ²	131	128	128	168	38	37	37	36
South Carolina ²	73	73	73	87	27	27	27	34
Utah.....	104	103	104	111	19	19	19	12
West Virginia ²	54	53	53	42	21	20	20	22
States with populations of less than 1,000,000.....	1,799	1,719	1,748	1,258	270	266	267	241
Alaska.....	215	208	212	157	33	29	29	29
Delaware.....	106	106	106	175	9	8	8	9
Hawaii.....	379	378	378	255	45	45	45	40
Idaho.....	72	71	71	72	21	20	20	17
Maine ²	151	145	148	78	13	13	13	13
Montana.....	101	101	101	66	16	16	16	13
Nevada.....	51	51	51	65	37	37	37	47
New Hampshire.....	54	54	54	46	9	9	9	9
North Dakota.....	30	30	30	35	15	15	15	13
Rhode Island.....	252	252	252	177	27	27	27	19
South Dakota.....	32	30	31	38	11	9	9	10
Vermont.....	127	128	128	89	17	17	17	12
Wyoming.....	36	36	36	25	12	12	12	10

See footnotes at end of table.

**Table 11. Employment and Payrolls of State Governments for Judicial Activities:
October 1968--Continued**
(Dollar amounts in thousands)

State and population size group ¹	Intermediate appellate courts				Major trial courts			
	Number of employees			Total October payroll	Number of employees			Total October payroll
	Total	Full-time only	Full-time equivalent		Total	Full-time only	Full-time equivalent	
All States.....	857	852	853	\$1,007	4,684	4,468	4,589	\$4,710
States with populations of 10,000,000 or more.....	434	432	432	562	540	540	540	869
California.....	169	168	168	224	-	-	-	-
Illinois.....	22	21	21	17	-	-	-	-
New York.....	123	123	123	149	540	540	540	869
Ohio.....	34	34	34	79	-	-	-	-
Pennsylvania.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
Texas.....	86	86	86	93	-	-	-	-
States with populations of 3,000,000 to 9,999,999.....	385	382	383	413	2,210	2,119	2,194	2,234
Alabama.....	9	9	9	10	77	77	77	96
Florida.....	91	91	91	89	-	-	-	-
Georgia.....	37	36	36	40	207	207	207	125
Indiana.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
Kentucky.....	(X)	(X)	(X)	(X)	73	73	73	102
Louisiana.....	59	57	58	48	185	184	184	121
Maryland.....	26	26	26	33	70	70	70	88
Massachusetts.....	(X)	(X)	(X)	(X)	66	66	66	99
Michigan.....	62	62	62	73	116	116	116	193
Minnesota.....	(X)	(X)	(X)	(X)	77	70	71	105
Missouri.....	46	46	46	39	200	200	200	160
New Jersey.....	24	24	24	40	296	211	285	347
North Carolina.....	6	6	6	14	48	48	48	72
Tennessee.....	25	25	25	28	382	382	382	308
Virginia.....	(X)	(X)	(X)	(X)	-	-	-	-
Washington.....	(X)	(X)	(X)	(X)	80	80	80	91
Wisconsin.....	(X)	(X)	(X)	(X)	335	335	335	368
States with populations of 1,000,000 to 2,999,999.....	38	38	38	32	1,333	1,209	1,255	1,100
Arizona.....	24	24	24	20	48	48	48	35
Arkansas.....	(X)	(X)	(X)	(X)	103	103	103	59
Colorado.....	(X)	(X)	(X)	(X)	107	104	106	63
Connecticut.....	(X)	(X)	(X)	(X)	472	351	395	317
Iowa.....	(X)	(X)	(X)	(X)	76	76	76	114
Kansas.....	(X)	(X)	(X)	(X)	120	120	120	112
Mississippi.....	(X)	(X)	(X)	(X)	61	61	61	48
Nebraska.....	(X)	(X)	(X)	(X)	70	70	70	35
New Mexico.....	14	14	14	12	21	21	21	31
Oklahoma.....	(X)	(X)	(X)	(X)	92	92	92	83
Oregon.....	(X)	(X)	(X)	(X)	55	55	55	83
South Carolina.....	(X)	(X)	(X)	(X)	16	16	16	21
Utah.....	(X)	(X)	(X)	(X)	60	60	60	51
West Virginia.....	(X)	(X)	(X)	(X)	32	32	32	37
States with populations of less than 1,000,000.....	(X)	(X)	(X)	(X)	601	600	600	507
Alaska.....	(X)	(X)	(X)	(X)	67	67	67	50
Delaware.....	(X)	(X)	(X)	(X)	40	40	40	40
Hawaii.....	(X)	(X)	(X)	(X)	183	182	182	129
Idaho.....	(X)	(X)	(X)	(X)	48	48	48	52
Maine.....	(X)	(X)	(X)	(X)	23	23	23	22
Montana.....	(X)	(X)	(X)	(X)	27	27	27	22
Nevada.....	(X)	(X)	(X)	(X)	14	14	14	18
New Hampshire.....	(X)	(X)	(X)	(X)	17	17	17	22
North Dakota.....	(X)	(X)	(X)	(X)	15	15	15	22
Rhode Island.....	(X)	(X)	(X)	(X)	81	81	81	57
South Dakota.....	(X)	(X)	(X)	(X)	21	21	21	28
Vermont.....	(X)	(X)	(X)	(X)	43	43	43	32
Wyoming.....	(X)	(X)	(X)	(X)	22	22	22	15

See footnotes at end of table.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

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**Table 11. Employment and Payrolls of State Governments for Judicial Activities:
October 1968--Continued**
(Dollar amounts in thousands)

State and population size group ¹	Other State courts				Law libraries			
	Number of employees			Total October payroll	Number of employees			Total October payroll
	Total	Full-time only	Full-time equivalent		Total	Full-time only	Full-time equivalent	
All States.....	2,788	2,487	2,593	\$1,792	43	36	37	\$23
States with populations of 10,000,000 or more.....	170	154	158	167	1	-	-	-
California.....	-	-	-	-	-	-	-	-
Illinois.....	9	9	9	2	-	-	-	-
New York.....	161	145	149	164	1	-	-	-
Ohio.....	-	-	-	-	-	-	-	-
Pennsylvania.....	(NA)	(NA)	(NA)	(NA)	-	-	-	-
Texas.....	-	-	-	-	-	-	-	-
States with populations of 3,000,000 to 9,999,999.....	547	547	547	299	15	12	12	8
Alabama ²	-	-	-	-	-	-	-	-
Florida.....	-	-	-	-	-	-	-	-
Georgia.....	-	-	-	-	-	-	-	-
Indiana ²	(NA)	(NA)	(NA)	(NA)	-	-	-	-
Kentucky ²	-	-	-	-	-	-	-	-
Louisiana.....	95	95	95	45	4	4	4	2
Maryland.....	108	108	108	70	-	-	-	-
Massachusetts.....	47	47	47	24	-	-	-	-
Michigan ²	-	-	-	-	-	-	-	-
Minnesota.....	-	-	-	-	-	-	-	-
Missouri ²	280	280	280	139	-	-	-	-
New Jersey ²	-	-	-	-	-	-	-	-
North Carolina ²	17	17	17	21	-	-	-	-
Tennessee ²	-	-	-	-	-	-	-	-
Virginia.....	-	-	-	-	-	-	-	-
Washington.....	-	-	-	-	11	8	8	5
Wisconsin ²	-	-	-	-	-	-	-	-
States with populations of 1,000,000 to 2,999,999.....	1,224	945	1,046	838	15	13	13	8
Arizona.....	-	-	-	-	-	-	-	-
Arkansas.....	-	-	-	-	-	-	-	-
Colorado.....	-	-	-	-	-	-	-	-
Connecticut.....	1,091	812	913	732	-	-	-	-
Iowa ²	-	-	-	-	-	-	-	-
Kansas.....	-	-	-	-	-	-	-	-
Mississippi ²	-	-	-	-	-	-	-	-
Nebraska.....	-	-	-	-	-	-	-	-
New Mexico ²	-	-	-	-	5	4	4	2
Oklahoma ²	10	10	10	9	-	-	-	-
Oregon ²	33	33	33	49	4	3	3	2
South Carolina ²	-	-	-	-	-	-	-	-
Utah.....	90	90	90	48	-	-	-	-
West Virginia ²	-	-	-	-	6	6	6	3
States with populations of less than 1,000,000.....	847	841	842	489	12	11	12	7
Alaska.....	102	102	102	76	-	-	-	-
Delaware.....	250	244	245	125	3	3	3	1
Hawaii.....	151	151	151	86	-	-	-	-
Idaho.....	-	-	-	-	3	3	3	3
Maine ²	109	109	109	41	-	-	-	-
Montana.....	-	-	-	-	2	1	2	1
Nevada.....	-	-	-	-	-	-	-	-
New Hampshire.....	28	28	28	13	-	-	-	-
North Dakota.....	-	-	-	-	-	-	-	-
Rhode Island.....	140	140	140	98	4	4	4	3
South Dakota.....	-	-	-	-	-	-	-	-
Vermont.....	67	67	67	50	-	-	-	-
Wyoming.....	-	-	-	-	-	-	-	-

See footnotes at end of table.

**Table 11. Employment and Payrolls of State Governments for Judicial Activities:
October 1968--Continued
(Dollar amounts in thousands)**

State and population size group ¹	Miscellaneous				Exhibit: Employment and payrolls for prosecution, defense, and related activities not included in total			
	Number of employees			Total October payroll	Number of employees			Total October payroll
	Total	Full-time only	Full-time equivalent		Total	Full-time only	Full-time equivalent	
All States.....	3,539	3,444	3,478	\$3,054	5,792	5,398	5,571	\$4,377
States with populations of 10,000,000 or more.....	2,690	2,690	2,690	2,463	3,070	2,834	2,955	2,235
California.....	29	29	29	34	1,254	1,254	1,254	920
Illinois.....	1,168	1,168	1,168	1,204	422	244	343	202
New York.....	272	272	272	226	873	863	866	730
Ohio ²	335	335	335	273	280	253	270	183
Pennsylvania.....	63	63	63	400	30	30	30	24
Texas.....	250	250	250	326	201	190	192	176
States with populations of 3,000,000 to 9,999,999.....	647	634	637	484	1,560	1,442	1,480	1,183
Alabama ²	-	-	-	-	31	31	31	29
Florida.....	218	218	218	164	113	104	107	80
Georgia.....	-	-	-	-	54	54	54	44
Indiana ²	149	139	139	109	199	198	199	136
Kentucky ²	-	-	-	-	34	34	34	27
Louisiana.....	-	-	-	-	73	61	69	38
Maryland.....	30	30	30	38	44	44	44	44
Massachusetts.....	2	1	2	1	212	209	210	165
Michigan ²	-	-	-	-	141	135	137	162
Minnesota.....	-	-	-	-	60	52	56	39
Missouri ²	-	-	-	-	102	65	68	44
New Jersey ²	173	173	173	103	178	177	176	129
North Carolina ²	-	-	-	-	43	43	43	35
Tennessee ²	-	-	-	-	22	22	22	19
Virginia.....	74	72	73	65	-	-	-	71
Washington.....	2	-	-	-	96	77	83	71
Wisconsin ²	3	-	-	1	144	137	141	120
States with populations of 1,000,000 to 2,999,999.....	133	120	124	94	283	264	272	279
Arizona.....	-	-	-	-	31	31	31	21
Arkansas.....	-	-	-	-	25	25	25	14
Colorado.....	7	6	6	6	26	26	26	21
Connecticut.....	32	24	27	22	70	70	70	64
Iowa ²	-	-	-	-	44	37	39	35
Kansas.....	1	1	1	1	57	55	56	33
Maine.....	-	-	-	-	40	40	40	27
Nebraska.....	-	-	-	-	14	14	14	13
New Mexico ²	90	90	90	64	20	20	20	14
Oklahoma ²	-	-	-	-	20	19	19	13
Oregon ²	-	-	-	-	170	92	99	84
South Carolina ²	-	-	-	-	137	134	133	176
Utah.....	-	-	-	-	49	47	48	30
West Virginia ²	-	-	-	-	50	50	50	34
States with populations of less than 1,000,000.....	69	-	27	13	379	364	364	380
Alaska.....	7	-	4	2	50	50	70	80
Delaware.....	-	-	-	-	50	40	40	28
Hawaii.....	-	-	-	-	55	53	53	107
Idaho.....	-	-	-	-	19	19	19	13
Maine ²	6	-	3	1	30	29	29	24
Montana.....	16	-	20	10	-	-	-	-
Nevada.....	-	-	-	-	21	21	21	21
New Hampshire.....	-	-	-	-	22	22	22	17
North Dakota.....	-	-	-	-	19	19	19	14
Rhode Island.....	-	-	-	-	49	43	44	43
South Dakota.....	-	-	-	-	17	16	16	10
Vermont.....	-	-	-	-	16	16	16	10
Wyoming.....	-	-	-	-	11	8	8	6

- Represents zero or rounds to zero. NA Not available. Where "NA" appears for detailed items, nonaggregable figures are included in the "miscellaneous" category. X Not applicable.
¹ See table 6 for estimates 1968 population of each State.
² Data shown are incomplete for judicial support personnel.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

Table 12. Employment and Payrolls of State Governments for Correctional Activities: October 1968
(Dollar amounts in thousands)

State and population size group ¹	All correctional activities				Institutions for youthful offenders			
	Number of employees			Total October payroll	Number of employees			Total October payroll
	Total	Full-time only	Full-time equivalent		Total	Full-time only	Full-time equivalent	
All States.....	83,653	81,117	82,138	\$49,452	24,595	23,689	24,076	\$13,884
States with populations of 10,000,000 or more.....	34,742	33,734	34,109	22,461	11,345	10,932	11,112	6,958
California.....	10,324	9,915	10,021	17,840	2,772	2,666	2,705	2,051
Illinois.....	4,240	4,111	4,175	2,433	1,946	1,866	1,904	1,071
New York.....	9,805	9,572	9,659	12,671	3,919	3,769	3,833	2,523
Ohio.....	4,036	3,935	4,033	2,219	1,704	1,645	1,675	874
Pennsylvania.....	3,147	3,059	3,103	1,767	-	-	-	-
Texas.....	3,140	3,092	3,118	1,531	1,004	986	995	439
States with populations of 3,000,000 to 9,999,999.....	34,148	33,168	33,587	19,214	8,358	8,118	8,219	4,543
Alabama.....	820	805	810	398	193	182	186	61
Florida.....	2,929	2,815	2,854	1,396	580	573	577	264
Georgia.....	1,771	1,759	1,766	790	511	500	507	213
Indiana.....	1,621	1,603	1,610	962	821	812	817	435
Kentucky.....	925	913	918	408	175	174	174	87
Louisiana.....	1,315	1,286	1,294	642	460	441	447	205
Maryland.....	3,055	2,928	2,976	1,961	1,339	1,280	1,300	756
Massachusetts.....	2,636	2,613	2,624	1,686	744	738	742	413
Michigan.....	2,916	2,891	2,902	2,133	843	818	829	584
Minnesota.....	1,379	1,316	1,339	890	(NA)	(NA)	(NA)	(NA)
Missouri.....	1,481	1,409	1,421	680	364	353	357	160
New Jersey.....	2,417	2,367	2,391	1,533	1,009	981	995	617
North Carolina.....	2,906	2,676	2,791	1,474	-	-	-	-
Tennessee.....	1,689	1,679	1,685	691	(NA)	(NA)	(NA)	(NA)
Virginia.....	2,158	2,038	2,103	990	(NA)	(NA)	(NA)	(NA)
Washington.....	2,054	1,994	2,017	1,231	1,319	1,267	1,288	768
Wisconsin.....	2,076	2,076	2,076	1,409	(NA)	(NA)	(NA)	(NA)
States with populations of 1,000,000 to 2,999,999.....	10,725	10,376	10,522	5,550	3,280	3,126	3,188	1,531
Arizona.....	501	487	493	214	171	167	169	67
Arkansas.....	304	300	303	117	156	151	153	50
Colorado.....	1,082	1,056	1,064	671	292	279	284	153
Connecticut.....	1,693	1,647	1,665	1,103	291	284	287	177
Iowa.....	1,021	1,004	1,015	581	294	288	293	163
Kansas.....	960	911	932	481	397	368	378	196
Mississippi.....	350	344	346	128	148	146	148	50
Nebraska.....	529	506	518	226	(NA)	(NA)	(NA)	(NA)
New Mexico.....	521	514	517	246	227	221	223	107
Oklahoma.....	847	841	843	329	242	236	238	87
Oregon.....	1,140	1,083	1,102	683	478	439	452	268
South Carolina.....	807	759	781	344	193	175	184	63
Utah.....	421	407	415	234	148	133	138	74
West Virginia.....	537	517	528	193	213	209	211	76
States with populations of less than 1,000,000.....	4,038	3,839	3,920	2,227	1,612	1,513	1,557	852
Alaska.....	272	247	256	202	109	99	103	81
Delaware.....	432	405	415	212	181	163	169	87
Hawaii.....	308	297	301	204	89	86	87	59
Idaho.....	228	224	224	119	94	92	92	47
Maine.....	346	313	329	313	236	207	222	128
Montana.....	369	359	364	165	159	150	155	60
Nevada.....	305	302	302	180	115	113	113	70
New Hampshire.....	249	234	242	127	107	105	106	55
North Dakota.....	188	171	175	84	81	78	79	38
Rhode Island.....	428	425	426	271	118	118	118	72
South Dakota.....	237	221	226	101	82	80	81	31
Vermont.....	300	272	287	171	153	146	146	74
Wyoming.....	176	169	173	78	88	83	86	37

See footnotes at end of table.

Table 12. Employment and Payrolls of State Governments for Correctional Activities:
October 1968--Continued
(Dollar amounts in thousands)

State and population size group ¹	Institutions for women				Other institutions			
	Number of employees			Total October payroll	Number of employees			Total October payroll
	Total	Full-time only	Full-time equivalent		Total	Full-time only	Full-time equivalent	
All States.....	1,887	1,806	1,837	\$1,131	40,889	39,892	40,306	\$24,623
States with populations of 10,000,000 or more.....	1,077	1,035	1,049	684	18,352	18,003	18,135	11,843
California.....	265	245	250	188	5,428	5,316	5,337	4,137
Illinois.....	126	123	125	73	1,830	1,788	1,809	1,068
New York.....	548	534	538	356	4,284	4,237	4,251	2,946
Ohio.....	138	133	136	66	1,969	1,934	1,949	1,093
Pennsylvania.....	-	-	-	-	2,850	2,766	2,810	1,589
Texas.....	-	-	-	-	1,991	1,962	1,979	1,010
States with populations of 3,000,000 to 9,999,999.....	488	472	478	287	14,909	14,429	14,635	8,569
Alabama.....	-	-	-	-	503	503	503	213
Florida.....	-	-	-	-	1,978	1,876	1,910	950
Georgia.....	-	-	-	-	999	998	998	443
Indiana.....	69	62	64	28	582	580	580	402
Kentucky.....	-	-	-	-	750	740	744	341
Louisiana.....	-	-	-	-	512	506	508	252
Maryland.....	102	97	99	58	1,897	1,821	1,840	790
Massachusetts.....	117	115	116	82	1,504	1,490	1,496	999
Michigan.....	-	-	-	-	2,073	2,073	2,073	1,549
Minnesota.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
Missouri.....	-	-	-	-	914	864	881	408
New Jersey.....	200	198	199	118	681	662	671	581
North Carolina.....	-	-	-	-	2,510	2,280	2,395	1,241
Tennessee.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
Virginia.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
Washington.....	-	-	-	-	636	636	636	400
Wisconsin.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
States with populations of 1,000,000 to 2,999,999.....	280	259	269	139	5,708	5,602	5,653	3,132
Arizona.....	-	-	-	-	306	301	304	138
Arkansas.....	-	-	-	-	133	132	133	59
Colorado.....	-	-	-	-	660	656	658	434
Connecticut.....	158	148	153	93	1,097	1,071	1,080	740
Iowa.....	45	44	44	20	627	618	623	367
Kansas.....	55	50	53	20	432	417	425	222
Mississippi.....	-	-	-	-	171	171	171	64
Nebraska.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
New Mexico.....	-	-	-	-	208	208	208	112
Oklahoma.....	-	-	-	-	548	548	548	212
Oregon.....	-	-	-	-	545	532	537	341
South Carolina.....	-	-	-	-	477	457	467	219
Utah.....	-	-	-	-	202	200	201	112
West Virginia.....	22	17	19	5	302	291	298	112
States with populations of less than 1,000,000.....	42	40	41	22	1,920	1,858	1,883	1,079
Alaska.....	-	-	-	-	119	108	112	89
Delaware.....	-	-	-	-	249	240	244	124
Hawaii.....	-	-	-	-	186	179	182	123
Idaho.....	-	-	-	-	106	106	106	57
Maine.....	42	40	41	22	197	196	196	115
Montana.....	-	-	-	-	195	195	195	98
Nevada.....	-	-	-	-	190	189	189	110
New Hampshire.....	-	-	-	-	89	82	86	44
North Dakota.....	-	-	-	-	91	79	81	39
Rhode Island.....	-	-	-	-	200	200	200	131
South Dakota.....	-	-	-	-	127	124	126	59
Vermont.....	-	-	-	-	96	87	92	55
Wyoming.....	-	-	-	-	75	73	74	35

See footnotes at end of table.

Table 12. Employment and Payrolls of State Governments for Correctional Activities:
October 1968 --Continued
(Dollar amounts in thousands)

State and population size group ¹	Probation, parole and pardons				Correctional administration			
	Number of employees			Total October payroll	Number of employees			Total October payroll
	Total	Full-time only	Full-time equivalent		Total	Full-time only	Full-time equivalent	
All States.....	6,039	5,811	5,868	\$3,922	1,308	1,223	1,244	\$916
States with populations of 10,000,000 or more.....	3,010	2,863	2,899	2,228	583	539	549	464
California.....	1,338	1,215	1,247	1,043	480	438	447	389
Illinois.....	134	131	133	78	36	35	36	21
New York.....	893	880	882	723	-	-	-	-
Ohio.....	201	200	200	125	67	66	66	55
Pennsylvania.....	297	293	293	178	-	-	-	-
Texas.....	145	144	144	81	-	-	-	-
States with populations of 3,000,000 to 9,999,999.....	1,949	1,932	1,936	1,087	561	529	537	355
Alabama.....	124	120	121	64	-	-	-	-
Florida.....	371	366	367	181	-	-	-	-
Georgia.....	261	261	261	133	-	-	-	-
Indiana.....	-	-	-	-	-	-	-	-
Kentucky.....	-	-	-	-	-	-	-	-
Louisiana.....	189	189	189	92	154	150	150	93
Maryland.....	220	220	220	141	327	310	317	218
Massachusetts.....	155	155	155	104	-	-	-	-
Michigan.....	-	-	-	-	-	-	-	-
Minnesota.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
Missouri.....	167	167	167	96	36	25	26	16
New Jersey.....	7	7	7	6	-	-	-	-
North Carolina.....	356	356	356	207	40	40	40	26
Tennessee.....	(NA)	(NA)	(NA)	(NA)	4	4	4	2
Virginia.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
Washington.....	99	91	93	63	-	-	-	-
Wisconsin.....	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)	(NA)
States with populations of 1,000,000 to 2,999,999.....	785	746	755	443	105	101	102	55
Arizona.....	18	13	14	5	-	-	-	-
Arkansas.....	17	17	17	8	-	-	-	-
Colorado.....	116	111	111	78	14	10	11	7
Connecticut.....	147	144	145	92	-	-	-	-
Dewey.....	55	54	55	31	-	-	-	-
Kansas.....	42	42	42	26	34	34	34	18
Mississippi.....	31	27	27	14	-	-	-	-
Nebraska.....	8	8	8	3	(NA)	(NA)	(NA)	(NA)
New Mexico.....	56	55	56	27	-	-	-	-
Oklahoma.....	-	-	-	-	57	57	57	30
Oregon.....	117	112	113	74	-	-	-	-
South Carolina.....	137	127	130	62	-	-	-	-
Utah.....	41	36	37	23	-	-	-	-
West Virginia.....	-	-	-	-	-	-	-	-
States with populations of less than 1,000,000.....	295	270	278	164	59	54	56	42
Alaska.....	-	-	-	-	44	40	41	32
Delaware.....	2	2	2	1	-	-	-	-
Hawaii.....	18	18	18	12	6	6	6	4
Idaho.....	14	14	14	8	-	-	-	-
Maine.....	-	-	-	-	-	-	-	-
Montana.....	15	14	14	7	-	-	-	-
Nevada.....	-	-	-	-	-	-	-	-
New Hampshire.....	53	47	50	28	-	-	-	-
North Dakota.....	-	-	-	-	-	-	-	-
Rhode Island.....	107	104	105	65	3	3	3	3
South Dakota.....	28	17	19	11	-	-	-	-
Vermont.....	45	41	43	26	6	5	6	3
Wyoming.....	13	13	13	6	-	-	-	-

See footnotes at end of table.

Table 12. Employment and Payrolls of State Governments
for Correctional Activities: October 1968--Continued

(Dollar amounts in thousands)

State and population size group ¹	Miscellaneous			Total October payroll
	Number of employees			
	Total	Full-time only	Full-time equivalent	
All States.....	8,935	8,696	8,807	4,976
States with populations of 10,000,000 or more.....	375	362	365	284
California.....	41	35	35	32
Illinois.....	168	168	168	122
New York.....	159	152	155	123
Chic.....	7	7	7	6
Pennsylvania.....	-	-	-	-
Texas.....	-	-	-	-
States with populations of 3,000,000 to 9,999,999.....	7,883	7,688	7,782	4,373
Alabama.....	-	-	-	-
Florida.....	-	-	-	-
Georgia.....	-	-	-	-
Indiana.....	149	149	149	97
Kentucky.....	-	-	-	-
Louisiana.....	-	-	-	-
Maryland.....	-	-	-	-
Massachusetts.....	116	115	115	87
Michigan.....	-	-	-	-
Minnesota.....	1,379	1,316	1,339	890
Missouri.....	-	-	-	-
New Jersey.....	320	319	319	211
North Carolina.....	-	-	-	-
Tennessee.....	1,685	1,675	1,681	689
Virginia.....	2,158	2,038	2,103	990
Washington.....	-	-	-	-
Wisconsin.....	2,076	2,076	2,076	1,409
States with populations of 1,000,000 to 2,999,999.....	567	542	555	252
Arizona.....	6	6	6	4
Arkansas.....	-	-	-	-
Colorado.....	-	-	-	-
Connecticut.....	-	-	-	-
Iowa.....	-	-	-	-
Kansas.....	-	-	-	-
Mississippi.....	-	-	-	-
Nebraska.....	521	498	510	223
New Mexico.....	-	-	-	-
Oklahoma.....	-	-	-	-
Oregon.....	-	-	-	-
South Carolina.....	-	-	-	-
Utah.....	40	38	39	25
West Virginia.....	-	-	-	-
States with populations of less than 1,000,000.....	110	104	105	68
Alaska.....	-	-	-	-
Delaware.....	-	-	-	-
Hawaii.....	9	8	8	6
Idaho.....	14	12	12	7
Maine.....	71	70	70	48
Montana.....	-	-	-	-
Nevada.....	-	-	-	-
New Hampshire.....	-	-	-	-
North Dakota.....	16	14	15	7
Rhode Island.....	-	-	-	-
South Dakota.....	-	-	-	-
Vermont.....	-	-	-	-
Wyoming.....	-	-	-	-

- Represents zero or rounds to zero. NA Not available. ¹Revised data.
where "NA" appears - detailed item, nonregregable figures are included in the
"Miscellaneous" category.

²See table 5 for estimated 1968 population of each State.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

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Table 13. Expenditure of the 55 Largest County Governments for Police Protection, Judicial, and Correctional Activities: Fiscal Year 1967-68

(Dollar amounts in thousands)

County and population size group ¹	Total general expenditure	Total		Police protection ²		Judicial activities		Correctional activities	
		Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Total, 55 counties.....	\$5,167,150	\$614,490	11.9	\$228,186	4.4	\$196,728	3.8	\$189,576	3.7
Counties with populations of 1,000,000 or more.....	3,090,206	391,563	12.7	155,397	5.0	122,785	4.0	113,381	3.7
Alameda, Calif.....	159,036	16,013	10.1	2,710	1.7	4,070	2.6	9,233	5.8
Allegheny, Pa.....	83,626	14,184	17.0	2,821	3.4	5,873	7.0	5,490	6.6
Cook, Ill.....	227,390	30,108	13.2	4,020	1.8	21,740	9.6	4,348	1.9
Cuyahoga, Ohio.....	97,813	10,046	10.3	1,694	1.7	4,266	4.4	4,086	4.2
Dade, Fla.....	119,216	18,176	15.2	9,185	7.7	7,835	6.5	1,156	1.0
Dallas, Tex.....	21,566	6,702	30.5	2,857	13.0	2,640	12.1	1,189	5.4
Erie, N.Y.....	159,179	9,592	6.0	1,994	1.3	2,527	1.6	5,071	3.2
Harris, Tex.....	48,804	9,070	18.5	2,130	4.4	3,169	6.5	3,751	7.7
King, Wash.....	54,677	7,115	13.0	3,016	5.5	2,240	4.1	1,859	3.4
Los Angeles, Calif.....	1,145,143	116,042	10.1	56,932	5.0	28,714	2.5	30,396	2.7
Middlesex, Mass.....	14,173	7,738	54.6	130	0.9	4,653	32.8	2,955	20.8
Milwaukee, Wis.....	161,176	9,370	5.7	2,018	1.3	3,836	2.4	3,408	2.1
Nassau, N.Y.....	220,078	48,016	21.8	36,823	15.8	6,821	3.1	6,372	2.9
Orange, Calif.....	134,743	15,234	11.3	4,200	3.1	4,727	3.5	6,307	4.7
San Diego, Calif.....	142,116	18,760	13.2	4,445	3.1	5,710	4.0	8,405	5.9
Suffolk, N.Y.....	118,405	29,574	25.0	19,959	16.9	3,367	2.8	6,248	5.3
Wayne, Mich.....	181,973	29,953	14.3	2,263	1.2	10,579	5.8	13,111	7.2
Counties with populations of 700,000 to 999,999.....	830,834	87,324	10.5	24,018	2.9	30,009	3.6	33,297	4.0
Bergen, N.J.....	47,037	6,328	13.5	1,849	3.9	2,254	5.0	2,123	4.5
Bexar, Tex.....	8,714	2,765	31.7	723	8.3	1,059	12.2	983	11.3
Essex, Mass.....	107,690	10,800	10.0	1,342	1.2	3,603	3.3	5,851	5.4
Franklin, Ohio.....	36,309	3,538	9.7	836	2.3	1,722	4.7	984	2.7
Hamilton, Ohio.....	54,528	5,839	10.7	1,521	2.8	2,817	5.2	1,501	2.8
Hennepin, Minn.....	89,787	8,631	9.6	1,727	1.9	2,502	2.8	4,387	4.9
Maricopa, Ariz.....	52,483	7,769	14.8	3,399	5.9	3,266	6.2	1,093	2.1
Marion, Ind.....	31,995	4,833	15.1	201	0.7	2,116	6.6	2,496	7.8
Oakland, Mich.....	41,703	4,178	10.0	1,273	3.1	2,118	5.1	879	1.9
St. Louis, Mo.....	39,543	6,880	17.4	3,212	8.1	1,711	4.3	1,957	4.9
Santa Clara, Calif.....	156,560	16,117	9.0	3,769	2.4	3,479	2.2	6,869	4.4
Sebelly, Tenn.....	67,113	4,620	6.8	2,251	3.3	1,642	2.4	727	1.1
Westchester, N.Y.....	96,734	7,011	7.3	2,199	2.3	1,619	1.7	3,223	3.3
Counties with populations of 500,000 to 699,999.....	1,919,900	65,827	12.7	19,728	3.8	24,705	4.8	21,394	4.2
Essex, Mass.....	7,827	3,093	39.5	57	1.0	1,829	31.4	1,167	20.0
Fulton, Ga.....	42,206	5,714	13.5	1,285	3.0	2,942	7.0	1,487	3.5
Hudson, N.J.....	48,228	5,839	12.1	1,917	4.0	2,191	4.5	1,731	3.6
Jackson, Mo.....	19,727	3,474	25.3	739	5.4	1,328	9.9	1,777	10.0
Jefferson, Ala.....	26,694	3,642	13.7	1,009	3.8	2,243	8.5	330	1.5
Jefferson, Ky.....	27,532	4,227	15.3	2,935	9.4	1,765	2.7	875	3.2
Monroe, N.Y.....	114,285	9,636	8.4	2,046	1.8	4,054	3.5	3,534	3.1
Montgomery, Pa.....	13,394	2,124	15.9	336	2.5	980	7.3	808	6.0
Sacramento, Calif.....	101,745	11,135	10.9	4,360	4.3	2,066	2.0	4,709	4.6
San Bernardino, Calif.....	104,769	11,383	10.9	4,158	4.0	2,959	2.8	4,266	4.1
Tarrant, Tex.....	17,288	2,286	13.2	935	6.1	998	6.2	393	2.6
Worcester, Mass.....	6,121	3,311	54.2	91	1.5	2,308	38.7	897	14.0
Counties with populations of 500,000 to 699,999.....	726,514	69,776	9.6	29,243	4.0	19,229	2.6	21,304	2.9
Baltimore, Md.....	177,435	11,955	6.7	10,132	5.7	1,205	0.7	618	0.3
Contra Costa, Calif.....	86,921	10,110	11.6	2,699	3.1	2,004	2.3	5,407	6.2
Delaware, Pa.....	17,066	3,323	19.5	2,999	1.8	1,062	6.2	1,902	11.5
Lake, Ind.....	39,729	2,478	6.9	1,072	3.0	1,245	3.5	161	0.5
Macomb, Mich.....	24,335	2,596	10.7	863	3.5	1,229	5.1	506	2.1
Middlesex, N.J.....	30,681	2,750	9.0	181	0.6	1,324	4.3	1,238	4.0
Montgomery, Ohio.....	25,102	1,749	14.9	935	3.7	1,555	6.2	1,255	5.0
Multnomah, Ore.....	37,743	5,814	15.4	2,990	7.9	1,121	3.0	1,703	4.5
Norfolk, Mass.....	4,812	2,461	51.1	62	1.3	1,640	34.1	759	15.8
Prince Georges, Md.....	177,123	7,991	4.5	6,273	3.5	1,091	0.6	587	0.3
San Mateo, Calif.....	56,947	9,593	16.8	1,835	3.2	2,695	4.4	3,223	5.2
Summit, Ohio.....	23,119	3,718	16.1	1,458	7.2	1,303	5.6	750	3.2
Union, N.J.....	29,453	3,318	11.3	277	0.8	1,941	6.6	1,140	3.9

¹See table 14 for estimated 1967 population of each county. ²Police protection includes sheriff, county police, and related functions.

Notes: Figures relate only to identifiable county government amounts and do not include expenditures of other local governments within the county areas (see introductory text).

Table 14. Per Capita Expenditure of the 55 Largest County Governments for Police Protection, Judicial, and Correctional Activities: Fiscal Year 1967-68

County and population size group	Estimated 1967 population ¹	Total	Police protection	Judicial activities	Correctional activities
Total, 55 counties.....	58,624,400	\$10.48	\$3.89	\$3.36	\$3.23
Counties with populations of 1,000,000 or more.....	32,643,100	12.00	4.76	3.76	3.47
Alameda, Calif.....	1,044,800	15.33	2.59	3.90	8.84
Allegheny, Pa.....	1,606,800	8.83	1.76	3.66	3.42
Cook, Ill.....	5,428,100	2.55	0.74	4.01	0.80
Cuyahoga, Ohio.....	1,733,700	5.79	0.98	2.66	2.36
Dade, Fla.....	1,114,000	16.32	8.25	7.03	1.04
Dallas, Tex.....	1,197,300	5.60	2.39	2.22	0.99
Erie, N.Y.....	1,095,200	8.76	1.82	2.31	4.63
Harris, Tex.....	1,574,200	5.75	1.35	2.01	2.38
King, Wash.....	1,043,700	6.82	2.89	2.15	1.78
Los Angeles, Calif.....	6,897,200	16.92	8.30	4.39	4.43
Middlesex, Mass.....	1,333,900	5.80	0.10	3.49	2.22
Milwaukee, Wis.....	1,037,600	8.92	1.94	3.70	3.28
Nassau, N.Y.....	1,437,000	33.41	24.23	4.75	4.43
Orange, Calif.....	1,231,200	12.37	3.41	3.84	5.12
San Diego, Calif.....	1,198,100	15.66	3.88	4.77	7.02
Suffolk, N.Y.....	1,003,700	29.46	19.89	3.35	6.22
Wayne, Mich.....	2,706,600	9.59	0.84	3.91	4.84
Counties with populations of 700,000 to 999,999.....	11,130,400	7.85	2.16	2.70	2.99
Bergen, N.J.....	882,500	7.17	2.10	2.67	2.41
Bexar, Tex.....	799,400	3.46	0.90	1.32	1.23
Essex, N.J.....	981,500	11.00	1.37	3.67	5.96
Franklin, Ohio.....	780,700	4.53	1.07	2.21	1.26
Hamilton, Ohio.....	918,600	6.36	1.66	3.07	1.63
Hennepin, Minn.....	897,800	9.71	1.95	2.82	4.94
Maricopa, Ariz.....	858,900	9.05	3.60	3.80	1.64
Marion, Ind.....	755,800	6.39	0.29	2.80	3.30
Oakland, Mich.....	828,400	5.04	1.54	2.56	0.95
St. Louis, Mo.....	884,400	7.78	3.63	1.93	2.21
Santa Clara, Calif.....	959,200	14.72	3.93	3.63	7.16
Shelby, Tenn.....	708,400	6.52	3.18	2.32	1.03
Westchester, N.Y.....	885,000	7.96	2.48	1.83	3.64
Counties with populations of 600,000 to 699,999.....	7,598,400	8.66	2.57	3.25	2.84
Essex, Mass.....	623,600	4.90	0.09	2.93	1.87
Fulton, Ga.....	620,600	9.21	2.07	4.74	2.40
Hudson, N.J.....	620,000	9.42	3.09	3.53	2.79
Jackson, Mo.....	646,200	5.38	1.14	2.10	2.13
Jefferson, Ala.....	643,900	5.66	1.57	3.48	0.61
Jefferson, Ky.....	672,000	6.29	3.86	1.12	1.30
Monroe, N.Y.....	673,600	14.31	3.04	6.02	5.25
Montgomery, Pa.....	602,000	3.53	0.56	1.63	1.34
Sacramento, Calif.....	603,400	18.45	7.23	3.42	7.80
San Bernardino, Calif.....	697,200	17.32	6.33	4.50	6.49
Tarrant, Tex.....	617,100	3.70	1.52	1.55	0.64
Worcester, Mass.....	618,800	5.36	0.15	3.83	1.38
Counties with populations of 500,000 to 599,999.....	7,252,500	9.62	4.03	2.65	2.94
Baltimore, Md.....	574,500	20.81	17.64	2.10	1.08
Contra Costa, Calif.....	528,900	19.12	5.10	3.79	10.22
Delaware, Pa.....	592,500	5.61	0.50	1.79	3.31
Lake, Ind.....	525,600	4.71	2.04	2.37	0.31
Macomb, Mich.....	578,700	4.49	1.49	2.12	0.87
Middlesex, N.J.....	531,000	5.18	0.34	2.51	2.33
Montgomery, Ohio.....	506,400	6.39	1.59	2.66	2.14
Multnomah, Ore.....	536,300	10.84	5.58	2.09	3.18
Norfolk, Mass.....	588,400	4.18	0.11	2.79	1.29
Prince Georges, Md.....	586,800	13.55	10.69	1.86	1.00
San Mateo, Calif.....	527,600	18.11	3.48	4.73	9.90
Summit, Ohio.....	547,500	6.79	3.04	2.38	1.37
Union, N.J.....	548,300	6.05	0.43	3.54	2.08

¹See Bureau of the Census, Current Population Report, Series P-25, No. 411.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

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Table 15. Expenditure of the 55 Largest County Governments for Law Enforcement and Other Related Functions: Fiscal Year 1967-68
(Thousands of dollars)

County and population size group ¹	Total expenditure	Capital outlay	Other						
			Total	Law enforcement ²	Coroners and medical examiners	Traffic control	Police training	Police communication	Miscellaneous
Total, 55 counties.....	228,186	7,531	220,655	186,307	10,147	3,990	682	1,959	17,970
Counties with populations of 1,000,000 or more.....	155,397	4,108	151,289	125,818	6,281	1,724	232	878	16,356
Alameda, Calif.....	2,710	42	2,668	2,180	373	-	65	50	-
Allegheny, Pa.....	2,821	122	2,699	1,900	518	281	-	-	-
Cook, Ill.....	4,020	34	3,986	3,084	631	71	14	155	31
Cuyahoga, Ohio.....	1,694	25	1,669	1,230	401	-	28	10	-
Dade, Fla.....	9,185	530	8,655	6,614	219	1,243	-	577	-
Dallas, Tex.....	2,897	84	2,773	2,631	75	10	-	-	57
Erle, N.Y.....	1,994	58	1,936	1,827	77	32	-	-	-
Harris, Tex.....	2,130	77	2,053	1,765	288	-	-	-	-
King, Wash.....	3,016	82	2,934	2,641	275	-	-	18	-
Los Angeles, Calif.....	56,932	1,369	55,563	38,817	1,059	-	-	-	215,687
Middlesex, Mass.....	130	-	130	13	117	-	-	-	-
Milwaukee, Wis.....	2,018	16	2,002	1,778	197	-	-	-	27
Nassau, N.Y.....	34,823	883	33,940	33,483	457	-	-	-	-
Orange, Calif.....	4,200	92	4,108	3,664	371	-	-	-	73
San Diego, Calif.....	4,645	54	4,591	3,931	382	85	125	68	-
Suffolk, N.Y.....	19,959	627	19,332	18,667	368	-	-	-	297
Wayne, Mich.....	2,263	13	2,250	1,593	473	-	-	-	184
Counties with populations of 700,000 to 999,999.....	24,018	1,027	22,991	20,052	1,385	938	26	374	206
Bergen, N.J.....	1,849	-	1,849	1,479	62	272	36	-	-
Bexar, Tex.....	723	31	692	590	102	-	-	-	-
Essex, N.J.....	1,346	113	1,233	1,021	149	55	-	-	8
Franklin, Ohio.....	832	92	740	694	46	-	-	-	-
Hamilton, Ohio.....	1,921	145	1,776	947	214	-	-	-	194
Hennepin, Minn.....	1,727	72	1,655	1,221	137	169	-	-	128
Maricopa, Ariz.....	3,095	192	2,903	2,755	148	-	-	-	-
Marion, Ind.....	221	-	221	157	64	-	-	-	-
Oakland, Mich.....	1,273	12	1,261	864	95	265	-	51	26
St. Louis, Mo.....	3,212	146	3,066	2,859	-	171	-	-	-
Santa Clara, Calif.....	3,769	47	3,722	3,333	217	-	-	-	172
Shelby, Tenn.....	2,251	75	2,176	2,060	116	-	-	-	-
Westchester, N.Y.....	2,199	102	2,097	2,016	75	6	-	-	-
Counties with populations of 600,000 to 699,999.....	19,528	1,121	18,407	15,668	1,352	454	10	233	690
Essex, Mass.....	57	-	57	12	45	-	-	-	-
Fulton, Ga.....	1,285	66	1,219	531	117	-	-	1	570
Hudson, N.J.....	1,917	63	1,854	1,280	120	454	-	-	-
Jackson, Mo.....	739	-	739	667	72	-	-	-	-
Jefferson, Ala.....	1,009	46	963	927	36	-	-	-	-
Jefferson, Ky.....	2,595	165	2,430	2,374	49	-	-	7	-
Monroe, N.Y.....	2,046	69	1,977	1,691	270	-	10	138	68
Montgomery, Pa.....	336	12	324	165	20	-	-	87	52
Sacramento, Calif.....	4,360	500	3,860	3,618	242	-	-	-	-
San Bernardino, Calif.....	4,158	149	4,009	3,839	200	-	-	-	-
Tarrant, Tex.....	935	51	884	781	103	-	-	-	-
Worcester, Mass.....	91	-	91	13	78	-	-	-	-
Counties with populations of 500,000 to 599,999.....	29,243	1,275	27,968	24,769	1,129	874	404	474	318
Baltimore, Md.....	10,132	462	9,670	8,025	19	861	404	129	232
Contra Costa, Calif.....	2,899	95	2,804	2,172	128	-	-	304	-
Delaware, Pa.....	299	5	294	254	40	-	-	-	-
Lake, Ind.....	1,072	-	1,072	975	97	-	-	-	-
Macomb, Mich.....	863	22	841	737	36	-	-	41	27
Middlesex, N.J.....	181	-	181	127	41	13	-	-	-
Montgomery, Ohio.....	935	16	919	780	139	-	-	-	-
Multnomah, Ore.....	2,990	84	2,906	2,734	113	-	-	-	59
Norfolk, Mass.....	62	-	62	12	50	-	-	-	-
Prince Georges, Md.....	6,273	324	5,949	5,924	25	-	-	-	-
San Mateo, Calif.....	1,835	29	1,806	1,363	243	-	-	-	-
Summit, Ohio.....	1,665	238	1,427	1,292	135	-	-	-	-
Union, N.J.....	237	-	237	174	63	-	-	-	-

- Represents zero or rounds to zero.

¹See table 14 for estimated 1967 population of each county. ²Includes data for law enforcement operations regardless of whether handled by a sheriff, county police department, or both. ³Represents short-term facilities for persons awaiting court action or serving time for minor offenses.

Note: Because of rounding detail may not add to totals.

Table 16. Expenditure of the 55 Largest County Governments for Judicial Activities:
Fiscal Year 1967-68
(Thousands of dollars)

County and population size group ¹	Total expenditure	Capital outlay	Other						Exhibit: District Attorney and Public Defender	
			Total	Major trial courts	Probate courts	Juvenile courts	Other courts of restricted jurisdiction	Law libraries		Miscellaneous
Total, 55 counties.....	196,728	2,490	194,238	74,252	8,507	13,587	65,501	2,365	30,026	47,499
Counties with populations of 1,000,000 or more.....	122,785	1,184	121,601	48,723	4,268	7,610	45,830	1,943	13,227	30,541
Alameda, Calif.....	4,070	50	4,020	992	-	-	1,883	-	1,145	1,619
Allegheny, Pa.....	5,873	115	5,758	3,843	455	105	744	55	556	662
Cook, Ill.....	21,740	239	21,501	15,397	426	2,503	-	302	2,873	3,638
Cuyahoga, Ohio.....	4,266	48	4,218	1,605	1,210	705	345	25	328	1,018
Dade, Fla.....	7,835	78	7,757	1,666	589	5,303	127	72	1,025	752
Dallas, Tex.....	2,668	11	2,649	642	97	866	60	943	752	769
Eric, N.Y.....	2,527	45	2,482	872	273	480	364	48	443	948
Harris, Tex.....	3,149	78	3,091	907	74	22	77	43	1,307	673
King, Wash.....	2,240	20	2,220	1,279	-	-	843	98	-	11,149
Los Angeles, Calif.....	28,714	98	28,616	10,511	-	-	16,953	938	214	877
Middlesex, Mass.....	4,653	-	4,653	706	-	-	3,023	97	12	452
Milwaukee, Wis.....	2,434	14	2,420	2,163	-	-	1,943	92	12	2,173
Nassau, N.Y.....	6,821	68	6,753	1,700	442	772	3,474	88	277	2,225
Orange, Calif.....	4,427	54	4,373	1,032	-	-	2,428	-	1,213	1,201
San Diego, Calif.....	5,710	89	5,621	1,287	-	-	4,281	-	53	753
Suffolk, N.Y.....	3,277	41	3,206	444	253	282	1,998	9	720	1,484
Wayne, Mich.....	10,779	116	10,663	3,672	1,036	2,113	1,432	1	2,204	6,313
Counties with populations of 700,000 to 999,999.....	30,009	420	29,589	11,505	1,972	2,604	6,840	207	6,461	5,811
Bergen, N.J.....	2,356	-	2,356	1,110	176	215	539	11	305	437
Bexar, Tex.....	1,039	70	989	356	-	-	247	28	358	1,039
Essex, N.Y.....	3,603	-	3,603	2,170	218	157	637	17	404	311
Franklin, Ohio.....	1,722	-	1,722	518	300	-	278	10	419	311
Hamilton, Ohio.....	2,817	29	2,788	904	357	384	487	47	1,007	361
Hennepin, Minn.....	2,502	19	2,483	1,001	259	-	952	56	215	173
Maricopa, Ariz.....	3,265	184	3,081	2,422	-	-	659	-	-	300
Marion, Ind.....	2,116	-	2,116	601	-	-	-	15	1,900	650
Oakland, Mich.....	2,118	11	2,107	519	240	675	254	3	297	1,583
St. Louis, Mo.....	1,711	28	1,683	754	-	-	673	-	312	611
Santa Clara, Calif.....	3,479	24	3,455	1,038	-	-	1,917	-	500	312
Shelby, Tenn.....	1,642	-	1,642	467	106	84	673	-	203	5,811
Westchester, N.Y.....	1,619	55	1,564	45	296	409	203	20	591	2,695
Counties with populations of 600,000 to 699,999.....	24,770	669	24,036	7,182	1,228	2,655	7,143	134	5,674	754
Brazos, Texas.....	1,829	-	1,829	248	30	-	764	33	370	582
Fulton, Ga.....	2,942	66	2,876	985	217	446	848	10	370	467
Hudson, N.J.....	2,191	-	2,191	1,163	130	315	390	4	189	441
Jackson, Mo.....	1,318	3	1,315	567	-	170	344	7	247	41
Jefferson, Ala.....	2,243	460	1,777	665	257	428	326	7	41	234
Jefferson, Ky.....	755	-	755	195	-	-	548	12	-	946
Monroe, N.Y.....	4,056	43	4,013	740	181	1,196	436	16	1,444	921
Montgomery, Pa.....	980	31	949	84	95	-	40	-	244	1,267
Sacramento, Calif.....	2,016	16	2,000	589	-	-	822	-	609	985
San Bernardino, Calif.....	2,959	44	2,915	488	-	-	1,428	-	842	400
Tarrant, Tex.....	918	-	918	107	33	-	348	8	462	753
Worcester, Mass.....	2,368	-	2,368	381	325	40	825	44	-	5,064
Counties with populations of 500,000 to 599,999.....	19,229	217	19,012	6,842	1,039	718	5,668	81	4,664	280
Baltimore, Md.....	1,205	5	1,200	643	22	-	535	-	121	1,010
Contra Costa, Calif.....	2,004	22	1,982	440	91	-	1,421	-	17	288
Delaware, Pa.....	1,062	-	1,062	362	91	-	-	-	775	326
Lake, Ind.....	1,245	-	1,245	470	-	-	-	-	458	388
Macomb, Mich.....	1,229	-	1,229	285	131	324	31	-	696	371
Middlesex, N.J.....	1,334	-	1,334	363	61	289	197	9	287	287
Montgomery, Ohio.....	1,559	110	1,449	345	229	110	325	-	201	809
Multnomah, Oreg.....	1,121	-	1,121	424	42	-	651	11	354	502
Norfolk, Mass.....	1,640	19	1,621	345	21	39	809	-	728	755
Prince Georges, Md.....	1,091	29	1,062	584	188	107	18	-	474	253
San Mateo, Calif.....	2,439	27	2,412	489	123	138	309	11	112	529
Summit, Ohio.....	1,303	29	1,274	424	42	-	809	-	728	755
Union, N.J.....	1,941	-	1,941	1,248	123	138	309	11	112	529

¹ Represents zero or rounded to zero.

² See table 14 for estimated population of each county.

Note: Because of rounding, detail may not add to totals.

Table 17. Expenditure of the 55 Largest County Governments for Correctional Activities:
Fiscal Year 1967-68
 (Thousands of dollars)

County and population size group ¹	Total expenditure	Direct expenditure						Intergovernmental expenditure
		Total	Capital outlay	Other				
				Total	Institutions		Probation and parole	
					For youths	Other		
Total, 55 counties.....	189,576	177,030	14,212	162,818	41,401	55,826	65,591	12,546
Counties with populations of 1,000,000 or more.....	113,381	103,923	7,754	96,169	24,613	30,407	41,149	9,458
Alameda, Calif.....	9,233	9,119	104	9,015	2,534	2,135	4,346	114
Allegheny, Pa.....	5,490	3,405	34	3,371	1,327	1,883	161	2,085
Cook, Ill.....	4,348	3,767	13	3,754	-	2,233	1,521	581
Cuyahoga, Ohio.....	4,058	3,623	45	3,578	2,484	272	822	463
Dele, Fla.....	1,158	1,158	5	1,153	-	1,057	94	-
Dallas, Tex.....	1,185	1,185	09	1,116	-	482	-	634
Erie, N.Y.....	5,071	4,516	34	4,482	565	2,855	1,062	555
Harris, Tex.....	3,751	3,751	1,714	2,037	401	711	925	-
King, Wash.....	1,859	1,859	9	1,850	-	271	1,579	-
Los Angeles, Calif.....	30,336	29,729	596	29,170	4,482	28,973	15,215	670
Middlesex, Mass.....	2,955	2,955	-	2,955	554	1,676	725	-
Missaukee, Wis.....	3,408	3,408	93	3,315	-	1,720	1,595	-
Nacrau, N.Y.....	6,372	5,430	484	4,946	423	1,962	2,561	942
Orange, Calif.....	6,307	6,223	86	6,137	1,931	1,416	2,790	84
San Diego, Calif.....	8,405	8,281	838	7,443	3,133	278	4,032	124
Suffolk, N.Y.....	6,248	6,363	3,339	3,424	728	222	1,076	189
Wayne, Mich.....	13,111	9,450	31	9,425	5,371	6,343	1,711	3,653
Counties with populations of 700,000 to 999,999.....	33,297	32,646	4,906	27,680	5,436	11,392	10,852	651
Bergen, N.J.....	2,123	1,866	593	1,273	-	745	528	297
Bexar, Tex.....	983	983	-	983	144	544	290	-
Brazos, Tex.....	5,811	5,811	1	5,810	945	3,239	1,666	-
Franklin, Ohio.....	984	984	188	796	180	188	428	-
Hamilton, Ohio.....	1,501	1,501	5	1,496	753	227	-	-
Hennepin, Minn.....	4,387	4,286	1,694	2,592	4	175	2,433	101
Maricopa, Ariz.....	1,409	1,409	13	1,396	-	872	524	-
Marion, Ind.....	2,496	2,224	4	2,220	442	1,788	-	262
Oakland, Mich.....	787	787	60	727	372	352	116	-
St. Louis, Mo.....	1,377	1,377	1,632	325	-	213	112	-
Santa Clara, Calif.....	6,819	6,819	48	6,821	1,726	1,557	3,538	-
Shelby, Tenn.....	727	696	85	611	-	611	31	-
Westchester, N.Y.....	3,223	3,223	658	2,565	111	1,464	990	-
Counties with populations of 400,000 to 699,999.....	21,594	20,001	633	19,368	4,272	6,372	6,724	1,593
Essex, Mass.....	1,167	1,167	-	1,167	305	622	240	-
Fulton, Ga.....	1,487	1,487	15	1,472	-	671	801	-
Hudson, N.J.....	1,731	1,731	17	1,714	353	832	529	-
Jackson, Mo.....	1,377	1,372	-	1,372	817	213	322	25
Jefferson, Ala.....	383	390	23	367	-	367	-	-
Jefferson, Ky.....	857	704	-	704	55	-	649	171
Monroe, N.Y.....	1,34	2,41	7	2,34	231	1,898	405	993
Montgomery, Pa.....	808	457	14	443	90	239	114	391
Sacramento, Calif.....	4,709	4,658	507	4,149	1,281	1,364	1,504	53
San Bernardino, Calif.....	4,266	4,266	50	4,216	1,018	1,619	1,979	-
Tarrant, Tex.....	393	393	-	393	122	-	271	-
Worcester, Mass.....	857	857	-	857	-	547	310	-
Counties with populations of 500,000 to 999,999.....	21,304	20,460	809	19,651	7,089	5,655	6,866	844
Baltimore, Md.....	618	618	13	605	-	392	213	-
Contra Costa, Calif.....	5,407	5,349	484	4,865	2,391	774	1,710	58
Delaware, Pa.....	1,292	1,174	9	1,165	323	444	303	786
Lake, Ind.....	1-1	161	-	1-1	118	43	-	-
Macomb, Mich.....	504	504	65	439	-	327	112	-
Middlesex, N.J.....	1,235	1,235	-	1,235	-	859	376	-
Montgomery, Ohio.....	1,295	1,295	-	1,295	432	222	601	-
Multnomah, Ore.....	1,703	1,703	13	1,690	1,402	264	-	-
Norfolk, Mass.....	759	759	-	759	259	42	497	310
Prince George's, Md.....	587	587	4	583	-	350	233	-
San Mateo, Calif.....	5,223	5,223	270	4,953	1,868	1,024	3,063	-
Summit, Ohio.....	750	750	1	749	345	13	391	-
Union, N.J.....	1,140	1,140	-	1,140	174	436	530	-

- Represents zero or round to zero.
¹See table 14 for estimated population of each county.
 Items which are included in the Law Enforcement table.
 Note: Because of rounding detail may not add to totals.

²Excludes \$15,687 thousand for short-term detention and holding facilities.

Table 18. Employment and Payrolls of the 55 Largest County Governments for Police Protection and Correction: October 1968
(Dollar amounts in thousands)

County and population size group ¹	Total full-time equivalent county employment ²	Police protection					Correction				
		Number of employees			Percent of total full-time equivalent employment	Total October payroll	Number of employees			Percent of total full-time equivalent employment	Total October payroll
		Total	Full-time only	Full-time equivalent			Total	Full-time only	Full-time equivalent		
Total, 55 counties.....	288,615	26,496	24,510	25,030	8.7	\$17,786	21,106	20,139	20,462	7.1	\$12,958
Counties with populations of 1,000,000 or more.....	183,530	17,163	15,927	16,285	8.9	11,991	13,297	12,808	12,984	7.1	8,530
Alameda, Calif.....	7,174	315	270	275	3.8	254	951	885	898	12.5	705
Allagheeny, Pa.....	8,694	350	330	350	4.0	178	441	416	428	4.9	177
Cook, Ill.....	21,842	1,976	1,340	1,346	6.2	692	948	948	948	4.3	430
Cuyahoga, Ohio.....	8,602	319	319	319	3.7	141	145	132	138	1.6	62
Dade, Fla.....	11,282	1,134	1,134	1,134	10.1	888	309	301	307	27	115
Dallas, Texas.....	1,816	434	425	428	23.6	226	162	158	158	8.7	76
Erie, N.Y.....	7,961	321	305	311	3.9	188	473	463	466	5.9	279
Harris, Tex.....	2,746	339	339	339	12.3	209	319	319	319	11.6	170
King, Wash.....	4,056	279	276	277	6.8	198	321	278	286	7.3	177
Los Angeles, Calif.....	58,906	4,261	4,052	4,117	7.0	3,445	5,159	4,941	5,031	8.5	3,636
Middlesex, Mass.....	1,331	16	16	16	1.2	10	344	312	318	23.9	200
Milwaukee, Wis.....	8,541	242	242	242	2.8	177	332	332	332	3.9	213
Nassau, N.Y.....	13,471	3,615	3,226	3,365	25.0	2,607	643	643	643	4.8	417
Orange, Calif.....	6,388	581	493	517	7.8	423	807	797	772	11.7	579
San Diego, Calif.....	7,216	653	626	631	8.7	601	869	846	852	11.8	654
Suffolk, N.Y.....	5,979	2,488	2,074	2,178	36.4	1,519	280	276	277	4.6	151
Wayne, Mich.....	7,325	440	440	440	6.0	235	801	801	801	10.9	429
Counties with populations of 700,000 to 999,999.....	43,302	2,972	2,883	2,903	6.7	1,873	3,511	3,304	3,353	7.7	1,936
Bergen, N.J.....	3,262	170	170	170	5.2	120	201	201	201	6.2	125
Bexar, Tex.....	975	164	155	156	16.0	70	132	116	124	12.7	46
Essex, N.J.....	3,297	45	45	45	0.8	36	454	441	445	8.4	303
Franklin, Ohio.....	2,477	117	117	117	4.7	67	111	111	111	4.5	53
Hamilton, Ohio.....	3,342	186	186	186	5.1	105	158	158	158	4.4	73
Hennepin, Minn.....	3,798	167	156	159	4.2	114	352	305	320	8.4	228
Maricopa, Ariz.....	3,469	359	358	359	10.3	212	179	179	179	5.2	89
Marion, Ind.....	2,059	46	46	46	2.2	23	443	443	443	21.5	155
Oakland, Mich.....	2,095	123	122	122	5.8	91	179	160	170	8.1	111
St. Louis, Mo.....	3,042	469	464	465	15.3	262	104	99	102	3.4	51
Santa Clara, Calif.....	5,913	583	550	556	9.4	449	783	476	485	8.2	371
Shelby, Tenn.....	2,441	328	297	305	12.5	160	279	279	279	11.4	118
Westchester, N.Y.....	4,860	217	217	217	4.5	164	336	336	336	6.9	213
Counties with populations of 600,000 to 699,999.....	30,381	2,534	2,302	2,349	7.7	1,555	2,430	2,240	2,309	7.6	1,302
Essex, Mass.....	425	1	1	1	0.2	1	192	136	160	37.6	94
Fulton, Ga.....	2,070	80	80	80	3.9	46	270	270	270	13.0	142
Hudson, N.J.....	4,190	136	136	136	3.2	66	242	242	242	5.7	108
Jackson, Mo.....	1,676	204	204	204	12.2	93	134	134	134	8.0	46
Jefferson, Ala.....	2,224	175	175	175	7.9	107	145	145	145	6.5	68
Jefferson, Ky.....	2,839	418	320	344	12.1	206	166	165	165	5.8	65
Monroe, N.Y.....	3,630	229	223	225	6.2	162	221	208	213	5.9	111
Montgomery, Pa.....	966	37	28	29	3.0	16	81	71	75	7.8	35
Sacramento, Calif.....	5,429	448	436	441	8.1	344	444	380	399	6.2	299
San Bernardino, Calif.....	5,429	654	547	562	10.4	455	388	343	360	6.6	236
Tarrant, Tex.....	930	151	151	151	15.9	98	47	47	47	4.9	18
Worcester, Mass.....	553	1	1	1	0.2	1	100	99	99	17.9	60
Counties with populations of 500,000 to 599,999.....	31,402	3,827	3,398	3,493	11.1	2,367	1,868	1,787	1,816	5.8	1,190
Baltimore, Md.....	4,555	1,213	992	1,032	22.7	729	49	39	43	0.9	20
Contra Costa, Calif.....	4,331	273	252	266	6.1	218	399	342	363	8.4	381
Delaware, Pa.....	1,524	22	22	22	1.4	12	84	84	84	5.5	40
Lake, Ind.....	1,973	130	115	119	6.0	56	74	74	74	3.8	44
Macomb, Mich.....	1,206	139	138	138	11.4	94	15	15	15	1.2	10
Middlesex, N.J.....	1,914	23	23	23	1.2	11	185	185	185	9.7	97
Montgomery, Ohio.....	1,878	115	115	115	6.1	73	166	166	166	8.8	92
Multnomah, Ore.....	2,223	294	290	290	13.0	206	79	69	71	3.2	41
Norfolk, Mass.....	54	1	1	1	0.2	1	88	84	86	17.0	51
Prince George's, Md.....	4,085	837	695	739	18.1	479	78	78	78	1.9	48
San Mateo, Calif.....	3,553	471	471	471	13.3	300	415	415	415	11.7	293
Summit, Ohio.....	2,135	246	222	224	10.5	153	87	87	87	4.1	51
Union, N.J.....	1,518	62	52	53	3.5	35	149	149	149	9.8	102

¹See table 14 for estimated population of each county.

²Total full-time equivalent county employment excludes all employees of dependent school systems, and utility systems.

³Employment data are for October 1967.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

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Table 19. Expenditure of the 43 Largest City Governments for Police Protection, Judicial, and Correctional Activities: Fiscal Year 1967-68
(Dollar amounts in thousands)

City and 1960 population size group	Total general expenditure ¹	Total		Police protection		Judicial activities		Correctional activities	
		Amount	Percent of total	Amount	Percent of total	Amount	Percent of total	Amount	Percent of total
Total, 43 cities.....	\$11,242,557	\$1,400,838	12.5	\$1,134,048	10.1	\$121,007	1.1	\$145,783	1.3
Cities with populations of 1,000,000 or more.....	6,603,223	810,652	12.3	644,791	9.8	72,245	1.1	93,616	1.4
Chicago, Ill.....	533,487	122,504	23.0	118,035	22.1	337	-	4,132	0.8
Detroit, Mich.....	284,997	53,109	18.6	47,904	16.8	2,801	1.0	2,404	0.8
Los Angeles, Calif.....	369,012	78,757	21.3	78,718	21.3	(X)	(X)	39	-
New York, N.Y.....	4,996,729	459,478	9.2	336,200	6.7	54,232	1.1	69,046	1.4
Philadelphia, Pa.....	418,998	96,804	23.1	63,934	15.3	14,875	3.6	17,995	4.3
Cities with populations of 500,000 to 999,999.....	3,061,597	400,153	13.1	318,258	10.4	38,494	1.3	43,401	1.4
Baltimore, Md.....	2416,291	44,712	10.7	37,558	9.0	3,445	0.8	3,609	0.9
Boston, Mass.....	2385,086	35,309	9.2	25,264	6.6	6,390	1.7	3,655	0.9
Buffalo, N.Y.....	2149,131	12,956	8.7	12,229	8.2	727	0.5	-	-
Cincinnati, Ohio.....	2162,814	12,389	7.6	11,149	6.8	629	0.4	611	0.4
Cleveland, Ohio.....	130,887	27,812	21.2	24,541	18.7	1,753	1.3	1,518	1.2
Dallas, Tex.....	85,167	14,538	17.1	13,977	16.4	561	0.7	-	-
Honolulu, Hawaii.....	104,437	12,521	12.0	11,993	11.5	(X)	(X)	528	0.5
Houston, Tex.....	136,003	16,452	12.1	15,572	11.4	732	0.5	148	0.1
Milwaukee, Wis.....	152,363	21,759	14.3	21,575	14.2	77	0.1	107	0.1
New Orleans, La.....	2106,825	20,051	18.8	15,138	14.2	3,423	3.2	1,490	1.4
Pittsburgh, Pa.....	76,427	14,373	18.8	14,074	18.4	299	0.4	-	-
St. Louis, Mo.....	118,971	29,524	24.8	24,014	20.2	2,910	2.4	2,600	2.2
Sar Antonio, Tex.....	55,017	6,706	12.2	6,339	11.5	367	0.7	-	-
San Diego, Calif.....	76,724	11,571	15.1	11,571	15.1	(X)	(X)	-	-
San Francisco Calif.....	309,537	34,712	11.2	23,377	7.6	5,610	1.8	5,725	1.8
Seattle, Wash.....	80,651	13,449	16.7	12,174	15.1	714	0.9	561	0.7
Washington, D.C.....	2,515,266	71,319	13.8	37,613	7.3	10,897	2.1	22,849	4.4
Cities with populations of 300,000 to 499,999.....	1,577,737	190,033	12.0	170,999	10.8	10,268	0.7	8,766	0.6
Atlanta, Ga.....	95,044	10,360	10.9	9,085	9.6	674	0.7	601	0.6
Birmingham, Ala.....	35,919	5,395	15.0	4,890	13.6	145	0.4	360	1.0
Columbus, Ohio.....	75,654	10,938	14.5	9,232	12.2	1,213	1.6	493	0.7
Denver, Colo.....	121,839	14,964	12.3	8,609	7.1	3,456	2.8	2,899	2.4
Fort Worth, Tex.....	45,840	5,540	12.1	5,423	11.8	117	0.3	-	-
Indianapolis, Ind.....	58,960	8,550	14.5	8,550	14.5	-	-	-	-
Kansas City, Mo.....	77,422	12,777	16.5	11,614	15.0	408	0.5	758	1.0
Long Beach, Calif.....	66,126	10,619	16.1	10,619	16.1	(X)	(X)	-	-
Louisville, Ky.....	81,832	7,390	9.0	7,080	8.7	192	0.2	118	0.1
Memphis, Tenn.....	2144,155	10,275	7.1	9,331	6.5	306	0.2	638	0.4
Minneapolis, Minn.....	69,638	7,783	11.2	6,949	10.0	-	-	834	1.2
Newark, N.J.....	246,752	20,044	13.7	19,629	13.4	415	0.3	-	-
Norfolk, Va.....	86,217	5,270	6.1	4,138	4.8	649	0.8	483	0.6
Oakland, Calif.....	71,547	10,201	14.3	10,201	14.3	(X)	(X)	-	-
Oklahoma City, Okla.....	34,522	4,672	13.5	4,454	12.9	218	0.6	-	-
Omaha, Nebr.....	30,321	4,621	15.2	4,334	14.3	227	0.7	60	0.2
Phoenix, Ariz.....	65,037	9,714	14.9	9,224	14.2	490	0.8	-	-
Portland, Oreg.....	82,238	9,580	16.4	9,066	15.5	429	0.7	85	0.1
Rochester, N.Y.....	2109,603	7,299	6.7	6,797	6.1	449	0.4	113	0.1
St. Paul, Minn.....	51,003	5,890	11.5	4,631	9.1	339	0.7	920	1.8
Toledo, Ohio.....	51,768	8,151	15.7	7,203	13.9	544	1.1	404	0.8

- Represents zero or rounds to zero.

¹Revised data.

X Not applicable.

²Excludes expenditure of city-operated utility systems. ³Includes expenditure of city-operated school systems. ⁴Includes data on unemployment compensation benefits.

Note: Figures comprise only identifiable amounts for the city governments and do not include amounts for overlying or underlying local governments. (See introductory text.)

Table 20. Expenditure of the 43 Largest City Governments for Police Protection and Judicial Activities: Fiscal Year 1967-68
(Thousands of dollars)

City and 1960 population size group	Police protection							Judicial activities		
	Total expenditure	Capital outlay	Other				Total expenditure	Capital outlay	Other judicial activities	
			Total	Communication	Training	Traffic central				Miscellaneous
Total 43 cities.....	1,134,048	48,144	1,085,904	9,609	4,661	68,421	1,003,213	121,007	2,646	118,361
Cities with populations of 1,000,000 or more.....	644,791	25,571	619,220	3,434	2,448	36,305	577,033	72,245	2,238	70,007
Chicago, Ill.....	118,035	3,712	114,323	1,578	884	9,495	102,366	337	-	337
Detroit, Mich.....	47,904	1,026	46,878	1,487	514	6,509	38,368	2,801	15	2,786
Los Angeles, Calif.....	78,718	2,460	76,258	369	1,050	6,434	68,405	(X)	(X)	(X)
New York, N.Y.....	336,200	16,047	320,153	-	-	12,091	308,062	54,232	2,117	52,115
Philadelphia, Pa.....	63,934	2,326	61,608	-	-	1,776	59,832	14,875	106	14,769
Cities with populations of 500,000 to 999,999.....	318,258	13,969	304,289	5,150	1,377	19,541	278,221	38,494	309	38,185
Baltimore, Md.....	37,658	1,433	36,225	1,518	1,069	6,286	27,352	3,445	72	3,373
Boston, Mass.....	25,264	1,155	24,109	-	-	1,046	23,063	6,350	38	6,352
Buffalo, N.Y.....	12,229	291	11,938	-	-	-	11,938	727	12	715
Cincinnati, Ohio.....	11,149	305	10,844	52	3	604	10,135	629	-	629
Cleveland, Ohio.....	24,541	664	23,877	887	-	859	22,181	1,753	9	1,744
Dallas, Tex.....	13,977	331	13,646	-	-	684	12,962	561	-	561
Honolulu, Hawaii.....	11,993	326	11,667	-	-	1,482	10,185	(X)	(X)	(X)
Houston, Tex.....	15,572	1,565	14,007	-	-	868	13,139	732	-	732
Milwaukee, Wis.....	21,575	1,001	20,574	1,201	-	232	18,550	77	-	77
New Orleans, La.....	15,138	2,818	12,320	-	-	292	12,028	3,423	92	3,331
Pittsburgh, Pa.....	14,074	268	13,806	-	15	1,106	12,685	299	4	295
St. Louis, Mo.....	24,014	508	23,506	174	-	1,082	22,250	2,910	17	2,893
San Antonio, Tex.....	6,339	170	6,169	284	110	1,179	4,596	367	-	367
San Diego, Calif.....	11,571	1,146	10,425	482	105	1,615	8,223	3,610	(X)	(X)
San Francisco, Calif.....	23,377	1,089	22,288	552	75	334	21,327	5,610	32	5,558
Seattle, Wash.....	12,174	743	11,431	-	-	1,200	10,231	714	13	701
Washington, D.C.....	37,613	156	37,457	-	-	81	37,376	10,857	-	10,857
Cities with populations of 300,000 to 499,999.....	170,999	8,604	162,395	1,025	836	12,575	147,959	10,268	99	10,169
Atlanta, Ga.....	9,085	467	8,618	-	-	942	7,676	674	2	672
Birmingham, Ala.....	4,890	459	4,431	-	-	475	3,956	145	20	125
Columbus, Ohio.....	9,232	611	8,621	129	-	966	7,526	1,213	10	1,203
Denver, Colo.....	8,609	646	7,963	-	-	-	7,963	3,456	13	3,443
Fort Worth, Tex.....	5,423	95	5,328	95	-	292	4,941	117	-	117
Indianapolis, Ind.....	8,550	336	8,214	-	-	588	7,626	-	-	-
Kansas City, Mo.....	11,614	487	11,127	-	-	712	10,355	405	-	405
Long Beach, Calif.....	10,619	1,038	9,581	254	166	211	8,950	(X)	(X)	(X)
Louisville, Ky.....	7,080	629	6,451	-	-	922	5,529	192	-	192
Memphis, Tenn.....	9,331	549	8,782	-	-	555	8,227	306	11	295
Minneapolis, Minn.....	6,949	27	6,922	-	-	-	6,922	-	-	-
Newark, N.J.....	19,629	746	18,883	-	-	1,836	17,047	415	2	413
Norfolk, Va.....	4,138	273	3,865	-	-	-	3,865	649	4	645
Oakland, Calif.....	10,201	286	9,915	356	559	1,678	7,322	(X)	(X)	(X)
Oklahoma City, Okla.....	4,454	373	4,081	-	-	448	3,633	218	3	215
Omaha, Neb.....	4,234	132	4,102	-	-	-	4,102	227	1	226
Phoenix, Ariz.....	9,224	360	8,864	-	-	840	8,024	429	3	487
Portland, Oreg.....	9,066	213	8,853	-	-	1,068	7,785	429	9	420
Rochester, N.Y.....	6,737	282	6,455	59	105	636	5,655	449	8	441
St. Paul, Minn.....	4,631	199	4,432	23	6	346	4,057	339	3	336
Toledo, Ohio.....	7,203	376	6,827	109	-	-	6,638	544	10	534

- Represents zero or rounds to zero.

* Revised data.

X Not applicable.

Note: Because of rounding, detail may not add to totals.

CRIMINAL JUSTICE EXPENDITURE AND EMPLOYMENT

33

Table 21. Expenditure of the 43 Largest City Governments for Correctional Activities:
Fiscal Year 1967-68
(Thousands of dollars)

City and 1960 population size group	Total correctional expenditure	Capital outlay	Other			
			Total	Institutions	Probation and parole	Miscellaneous
Total, 43 cities.....	145,783	18,586	127,197	91,644	22,684	12,869
Cities with populations of 1,000,000 or more.....	93,616	13,703	79,913	51,934	15,624	12,355
Chicago, Ill.....	4,132	71	4,061	4,061	-	-
Detroit, Mich.....	2,404	72	2,332	2,283	-	49
Los Angeles, Calif.....	39	-	39	-	-	39
New York, N.Y.....	69,046	13,444	55,602	38,513	14,020	3,069
Philadelphia, Pa.....	17,995	116	17,879	7,077	1,604	9,198
Cities with populations of 500,000 to 999,999.....	43,401	3,920	39,481	33,328	5,771	382
Baltimore, Md.....	3,609	438	3,171	2,476	658	37
Boston, Mass.....	3,655	21	3,634	2,064	1,460	110
Buffalo, N.Y.....	-	-	-	-	-	-
Cincinnati, Ohio.....	611	-	611	537	74	-
Cleveland, Ohio.....	1,518	50	1,468	1,191	277	-
Dallas, Tex.....	-	-	-	-	-	-
Honolulu, Hawaii.....	528	4	524	524	-	-
Houston, Tex.....	148	-	148	148	-	-
Milwaukee, Wis.....	107	-	107	-	-	107
New Orleans, La.....	1,490	164	1,326	1,128	198	-
Pittsburgh, Pa.....	-	-	-	-	-	-
St. Louis, Mo.....	2,600	242	2,358	1,311	1,000	47
San Antonio, Tex.....	-	-	-	-	-	-
San Diego, Calif.....	-	-	-	-	-	-
San Francisco, Calif.....	5,729	347	5,378	3,491	1,887	-
Seattle, Wash.....	-	-	-	561	-	-
Washington, D.C.....	22,349	2,654	20,195	19,897	217	81
Cities with populations of 300,000 to 499,999.....	8,766	963	7,803	6,382	1,289	132
Atlanta, Ga.....	601	45	556	556	-	-
Birmingham, Ala.....	360	4	356	356	-	-
Columbus, Ohio.....	493	9	484	446	38	-
Denver, Colo.....	2,899	665	2,234	1,717	445	72
Fort Worth, Tex.....	-	-	-	-	-	-
Indianapolis, Ind.....	-	-	-	-	-	-
Kansas City, Mo.....	798	137	621	621	-	-
Long Beach, Calif.....	-	-	-	-	-	-
Louisville, Ky.....	118	-	118	118	-	-
Memphis, Tenn.....	638	2	636	106	530	-
Minneapolis, Minn.....	834	29	805	805	-	-
Newark, N.J.....	-	-	-	-	-	-
Norfolk, Va.....	483	33	450	450	-	-
Oakland, Calif.....	-	-	-	-	-	-
Oklahoma City, Okla.....	-	-	-	-	-	-
Omaha, Neb.....	60	-	60	-	-	60
Phoenix, Ariz.....	-	-	-	-	-	-
Portland, Oreg.....	85	2	83	-	-	83
Rochester, N.Y.....	113	-	113	-	-	113
St. Paul, Minn.....	920	28	892	892	-	-
Toledo, Ohio.....	404	9	395	215	10	-

- Represents zero or rounds to zero.

Note: Because of rounding, detail may not add to totals.

Table 22. Employment and Payrolls of the 43 Largest City Governments for Police Protection and Correction: October 1968

(Dollar amounts in thousands)

City and 1960 population size group	Total full-time equivalent municipal employment for common functions ¹	Police protection				Corrections					
		Number of employees			Percent of total full-time equivalent employment	Total October payroll	Number of employees			Percent of total full-time equivalent employment	Total October payroll
		Total	Full-time only	Full-time equivalent			Total	Full-time only	Full-time equivalent		
Total, 43 cities.....	417,047	128,347	122,551	124,049	29.7	\$103,620	10,694	10,661	10,687	2.6	\$7,102
Cities with populations of 1,000,000 or more.....	207,004	72,527	70,286	70,995	34.3	66,784	6,355	6,327	6,352	3.1	4,427
Chicago, Ill.....	34,894	16,228	14,796	15,315	43.9	10,058	498	498	498	1.4	309
Detroit, Mich.....	17,182	5,138	5,138	5,138	29.9	4,401	197	197	197	1.1	155
Los Angeles, Calif.....	24,381	8,024	8,024	8,024	32.9	6,198	-	-	-	-	-
New York, N.Y.....	105,316	24,075	24,075	24,075	32.4	39,705	4,868	4,868	4,868	4.6	3,408
Philadelphia, Pa.....	25,231	9,062	8,253	8,443	33.5	6,423	792	774	789	3.1	576
Cities with populations of 500,000 to 999,999.....	130,461	36,698	34,398	34,941	26.8	24,513	3,368	3,356	3,365	2.6	2,135
Baltimore, Md.....	13,492	4,248	4,248	4,248	31.5	2,617	228	228	228	1.7	122
Boston, Mass.....	9,574	2,913	2,763	2,799	29.2	1,967	293	293	293	3.1	143
Buffalo, N.Y.....	5,857	1,831	1,831	1,831	31.3	1,260	-	-	-	-	-
Cincinnati, Ohio.....	5,109	1,211	1,071	1,094	23.4	728	62	62	62	1.2	37
Cleveland, Ohio.....	9,435	2,995	2,995	2,649	28.1	1,964	131	131	131	1.4	88
Dallas, Tex.....	7,491	2,056	1,777	1,858	24.8	1,230	-	-	-	-	-
Honolulu, Hawaii.....	5,424	1,144	1,144	1,144	21.1	783	57	57	57	1.1	36
Houston, Tex.....	7,784	2,077	1,527	1,587	25.5	1,292	57	57	57	0.7	20
Milwaukee, Wis.....	6,847	2,511	2,229	2,280	33.3	1,736	-	-	-	-	-
New Orleans, La.....	7,476	1,549	1,464	1,494	20.0	775	441	441	441	5.9	132
Pittsburgh, Pa.....	6,264	1,736	1,525	1,601	25.6	920	7	7	7	0.1	3
St. Louis, Mo.....	7,984	2,916	2,787	2,812	35.2	1,796	362	362	362	4.5	184
San Antonio, Tex.....	4,211	1,153	938	1,000	23.7	597	-	-	-	-	-
San Diego, Calif.....	4,050	1,056	1,035	1,040	25.7	845	-	-	-	-	-
San Francisco, Calif.....	9,226	2,186	2,186	2,186	23.7	1,884	486	486	486	5.3	407
Seattle, Wash.....	5,342	1,208	1,142	1,143	21.4	940	77	65	74	1.4	56
Washington, D.C.....	14,895	3,908	3,736	3,775	25.3	3,182	1,167	1,167	1,167	7.8	907
Cities with populations of 200,000 to 499,999.....	79,582	19,122	17,867	18,113	22.8	12,323	971	968	970	1.2	539
Atlanta, Ga.....	5,957	1,120	1,008	1,020	17.3	589	56	56	56	0.9	27
Birmingham, Ala.....	2,653	573	573	573	21.6	353	38	38	38	1.4	20
Columbus, Ohio.....	4,329	946	945	945	22.0	624	52	52	52	1.2	28
Denver, Colo.....	6,156	1,141	1,141	1,141	18.5	772	225	225	225	3.7	126
Fort Worth, Tex.....	2,962	800	708	721	24.3	450	26	26	26	0.9	16
Indianapolis, Ind.....	3,972	1,412	1,131	1,166	32.6	777	-	-	-	-	-
Kansas City, Mo.....	4,470	1,268	1,196	1,208	27.0	822	93	92	92	2.1	54
Long Beach, Calif.....	2,906	789	789	789	27.2	539	51	51	51	1.8	42
Louisville, Ky.....	3,389	797	797	797	23.5	383	-	-	-	-	-
Memphis, Tenn.....	6,324	1,263	1,033	1,070	16.9	731	141	141	141	2.2	66
Minneapolis, Minn.....	4,778	833	833	833	17.4	612	67	67	67	1.4	47
Newark, N.J.....	4,604	1,622	1,488	1,544	33.5	1,324	-	-	-	-	-
Norfolk, Va.....	2,865	1,674	1,586	1,606	21.2	338	136	134	136	4.7	44
Oakland, Calif.....	2,962	806	774	781	26.4	717	58	58	58	2.0	49
Oklahoma City, Okla.....	2,713	969	502	515	19.0	307	-	-	-	-	-
Omaha, Nebr.....	1,931	562	542	546	28.3	339	-	-	-	-	-
Phoenix, Ariz.....	4,047	967	967	967	23.9	630	-	-	-	-	-
Portland, Oreg.....	4,029	911	911	911	22.6	593	-	-	-	-	-
Rochester, N.Y.....	3,465	829	705	731	21.1	499	-	-	-	-	-
St. Paul, Minn.....	2,512	521	519	520	20.7	364	-	-	-	-	-
Toledo, Ohio.....	2,993	719	719	719	24.0	480	28	28	28	0.9	20

- Represents zero or rounds to zero.

¹ Revised data.² Excludes employees of city-operated utility systems other than water, city-operated school systems, public welfare, hospitals, health, housing and urban renewal, airports, water transport and terminals, and "other and unallocable." ³ Data presented are for October 1967.

Note: Because of rounding, detail may not add to totals.

APPENDIX

LIST OF AUTHORS AND COSPONSORS OF BILLS

- H.R. 14341 (Mr. Celler)
H.R. 2379 (Mr. Reuss)
H.R. 4854 (Mr. Talcott)
H.R. 5558 (Mr. Price of Ill.)
H.R. 6486 (Mr. Corman)
H.R. 8604 (Mr. Dulski)
H.R. 9262 (Mr. Udall)
H.R. 9708 (Mr. Biester)
H.R. 10572 (Mr. Koch)
H.R. 10582 (Mr. Burton of Utah)
H.R. 10590 (Mr. Foreman (for himself) Mr. Rhodes, and Mr. Burton of Utah)
H.R. 14296 (Mr. McCulloch)
H.R. 14397 (Mr. Poff)
H.R. 14689 (Mr. Waldie (for himself), Mr. Brown of Calif., Mr. Cohelan, Mr. Corman, Mr. Edwards of Calif., Mr. Hanna, Mr. Johnson of Calif., Mr. Leggett, Mr. Moss, Mr. Rees, Mr. Roybal, Mr. Sisk, Mr. Tunney, Mr. Van Deerlin, and Mr. Charles H. Wilson)
H.R. 15026 (Mr. Feighan)
H.R. 15532 (Mr. Rodino)
H.R. 15539 (Mr. Adams)
H.R. 15597 (Mr. Bingham)
H.R. 15676 (Mr. Gibbons)
H.R. 15702 (Mr. Bingham (for himself), Mr. Boland, Mrs. Chrisholm, Mr. Farbstein, Mr. Fraser, Mr. Halpern, Mr. Hathaway, Mr. Helstoski, Mr. Koch, Mr. Moorhead, Mr. Ottinger, Mr. Powell, Mr. Price of Ill., Mr. Roe, Mr. Rosenthal, Mr. Scheuer, Mr. Udall)
H.R. 15705 (Mr. Cowger)
H.R. 15706 (Mr. Cowger)
H.R. 15720 (Mr. Minish)
H.R. 15788 (Mr. Quie)
H.R. 15886 (Mr. Matsunaga)
H.R. 15891 (Mr. O'Neill of Mass.)
H.R. 15907 (Mr. Mikva (for himself, Mr. Jacobs, and Mr. Waldie))
H.R. 15947 (Mr. McCulloch (for himself, Mr. Gerald R. Ford, Mr. MacGregor, Mr. McClory, Mr. Poff, and Mr. Hutchinson))
H.R. 15949 (Mr. Pepper)
H.R. 16145 (Mr. Podell)
H.R. 16176 (Mr. Murphy—New York)
H.R. 16179 (Mr. Ullman)
H.R. 16188 (Mr. William D. Ford)
H.R. 16321 (Mr. Gilbert)
H.R. 16322 (Mr. Green—Pa.)
H.R. 16376 (Mr. Cowger (for himself, Mr. Button, Mr. Cunningham, Mr. Duncan, Mr. Johnson of Pennsylvania, Mr. Whalen, Mr. Pettis, Mr. Buchanan, Mr. Carter, Mr. Weicker, and Mr. Hogan))
H.R. 16401 (Mr. Lowenstein)
H.R. 16470 (Mr. Farbstein)
H.R. 16558 (Mr. Cowger (for himself, Mr. Hosmer, Mr. Bingham, Mr. Scheuer, Mr. Yatron, Mr. Friedel, Mr. Powell, Mr. Fraser, Mr. Stokes, Mr. Podell, Mr. Tiernan, and Mr. Mikva))
H.R. 16581 (Mr. MacGregor)
H.R. 16582 (Mr. Brademas)
H.R. 16627 (Mr. Hungate)
H.R. 16769 (Mr. Addabbo)
H.R. 16795 (Mr. Mikva (for himself, Mr. Anderson of California, Mr. Bolling, Mr. Brademas, Mr. Burton of California, Mr. Daddario, Mr. Gibbons, Mr. Gilbert, Mr. Hamilton, Mr. Helstoski, Mr. Lowenstein, Mr. Moorhead, Mr. Ottinger, Mr. Podell, Mr. Rosenthal, and Mr. Symington))
H.R. 16899 (Mr. Watts)
H.R. 17049 (Fulton, Tennessee)
H.R. 17115 (Mr. Charles H. Wilson)

91ST CONGRESS
1ST SESSION

H. R. 14341

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 14, 1969

Mr. CELLER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal year, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, section 520 of the Omnibus Crime Control and Safe
4 Streets Act of 1968 is amended by striking the words "and
5 for succeeding fiscal years such sums as the Congress might
6 authorize" and inserting in lieu thereof the following: "and
7 \$750,000,000 for the fiscal year ending June 30, 1971, and
8 such sums as are necessary to carry out the provisions of this
9 title for succeeding fiscal years".

91ST CONGRESS
1ST SESSION

H. R. 2379

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1969

Mr. REUSS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in cities by making available funds to be used to increase police salaries and to add more police officers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Police Assistance Act of
4 1969."

5 SEC. 2. The Attorney General shall make block grants
6 to cities for the improvement of police salaries and for the
7 addition of more men actively engaged in professional police
8 work to the force.

9 SEC. 3. No less than 90 per centum of the amount appro-
10 priated for each fiscal year is to be used for grants to cities

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1 with a population in excess of one hundred thousand as de-
2 termined by the most recent United States census. The grants
3 are to be apportioned among the cities on a per capita basis.
4 Not more than 10 per centum may be granted to cities with
5 a population of less than one hundred thousand, upon a find-
6 ing by the Attorney General that the city has an unusual
7 need for the Federal grant.

8 SEC. 4. For the purpose of carrying out this Act, there
9 is authorized to be appropriated the sum of \$100,000,000 for
10 the fiscal year ending June 30, 1970, and such amount as
11 Congress may find necessary for each succeeding year.

91ST CONGRESS
1ST SESSION

H. R. 4854

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1969

Mr. TALCOTT introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend subsection (c) of section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 to aid law enforcement officers taking courses through correspondence schools.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (c) of section 406 of the Omnibus Crime
4 Control and Safe Streets Act of 1968 (82 Stat. 205) is
5 amended by inserting immediately after "higher education"
6 the following: "or correspondence schools".

91ST CONGRESS
1ST SESSION

H. R. 5558

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1969

Mr. PRICE of Illinois introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in cities by making available funds to be used to increase police salaries and to add more police officers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Police Assistance Act of
4 1969."

5 SEC. 2. The Attorney General shall make block grants
6 to cities for the improvement of police salaries and for the
7 addition of more men actively engaged in professional police
8 work to the force.

9 SEC. 3. No less than 60 per centum of the amount
10 appropriated for each fiscal year is to be used for grants to

1 cities with a population in excess of one hundred thousand as
2 determined by the most recent United States census. The
3 grants are to be apportioned among the cities on a per capita
4 basis. Not more than 40 per centum may be granted to cities
5 with a population of less than one hundred thousand, upon
6 a finding by the Attorney General that the city has an
7 unusual need for the Federal grant.

8 SEC. 4. For the purpose of carrying out this Act, there
9 is authorized to be appropriated the sum of \$100,000,000 for
10 the fiscal year ending June 30, 1970, and such amount as
11 Congress may find necessary for each succeeding year.

91ST CONGRESS
1ST SESSION

H. R. 6486

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1969

Mr. CORMAN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in cities by making available funds to be used to increase police salaries and to add more police officers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Police Assistance Act of
4 1969."

5 SEC. 2. The Attorney General shall make block grants
6 to cities for the improvement of police salaries and for the
7 addition of more men actively engaged in professional police
8 work to the force.

9 SEC. 3. No less than 90 per centum of the amount appro-
10 priated for each fiscal year is to be used for grants to cities

1 with a population in excess of one hundred thousand as de-
2 termined by the most recent United States census. The grants
3 are to be apportioned among the cities on a per capita basis.
4 Not more than 10 per centum may be granted to cities with
5 a population of less than one hundred thousand, upon a find-
6 ing by the Attorney General that the city has an unusual
7 need for the Federal grant.

8 SEC. 4. For the purpose of carrying out this Act, there
9 is authorized to be appropriated the sum of \$100,000,000 for
10 the fiscal year ending June 30, 1970, and such amount as
11 Congress may find necessary for each succeeding year.

91ST CONGRESS
1ST SESSION

H. R. 8604

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1969

Mr. DULSKI introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in cities by making available funds to be used to increase police salaries and to add more police officers.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 That this Act may be cited as the "Police Assistance Act of
 4 1969."

5 SEC. 2. The Attorney General shall make block grants
 6 to cities for the improvement of police salaries and for the
 7 addition of more men actively engaged in professional police
 8 work to the force.

9 SEC. 3. No less than 90 per centum of the amount appro-
 10 priated for each fiscal year is to be used for grants to cities

1 with a population in excess of one hundred thousand as de-
2 termined by the most recent United States census. The
3 grants are to be apportioned among the cities on a per capita
4 basis. Not more than 10 per centum may be granted to
5 cities with a population of less than one hundred thousand,
6 upon a finding by the Attorney General that the city has
7 an unusual need for the Federal grant.

8 SEC. 4. For the purpose of carrying out this Act, there
9 is authorized to be appropriated the sum of \$100,000,000
10 for the fiscal year ending June 30, 1970, and such amount
11 as Congress may find necessary for each succeeding year.

91ST CONGRESS
1ST SESSION

H. R. 9262

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1969

Mr. UDALL introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 601 (c) of the Omnibus Crime Control and Safe
4 Streets Act of 1968 is amended by inserting at the end
5 thereof the following sentence: "For the purpose of making
6 allocations and grants of funds to Indian tribes which per-
7 form law enforcement functions, 'State' also means the Sec-
8 retary of the Interior."

91ST CONGRESS
1ST SESSION

H. R. 9708

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1969

Mr. BIESTER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for development and implementation of youth correctional programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That the Omnibus Crime Control and Safe Streets Act of
4 1968 (82 Stat. 197) is amended by adding after subsection
5 301(b) (7) thereof the following new subsection:

6 “(8) The development and implementation of cor-
7 rectional programs for youthful offenders, emphasizing
8 vocational training, community service involvement,
9 halfway houses, rehabilitation centers, family-type group
10 homes, and similar programs focusing on rehabilitation.”

91ST CONGRESS
1ST SESSION

H. R. 10572

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1969

Mr. KOCH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in cities through a temporary Federal grant program for the purposes of increasing the compensation of policemen and creating additional positions on local police forces.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Police Compensation Act
4 of 1969."

5 SEC. 2. The Attorney General, through the Law En-
6 forcement Assistance Administration, shall make grants to
7 cities for the purposes of increasing the compensation of po-
8 lice personnel and the creation of additional police positions.

9 SEC. 3. For the purposes of this Act there is authorized

1 to be appropriated the sum of \$100,000,000 for the fiscal
2 year ending June 30, 1970, and such amounts as Congress
3 may find necessary for each of the nine succeeding fiscal
4 years.

5 SEC. 4. For the fiscal year ending June 30, 1970, the
6 sum of \$90,000,000 shall be apportioned on a per capita
7 basis among those cities which have a population in excess
8 of one hundred thousand persons.

9 SEC. 5. For the fiscal year ending June 30, 1970, and
10 for each of the nine succeeding fiscal years, an amount not
11 exceeding 10 per centum of the annual appropriation author-
12 ized under section 3 may be granted to cities which have
13 populations of less than one hundred thousand persons, and
14 which have an urgent need for such grants as determined
15 by the Attorney General.

16 SEC. 6. (a) Each city wishing to receive a grant under
17 section 4 or section 5 must submit an application to the
18 Attorney General by a date he shall designate.

19 (b) Each application shall indicate the percentage of
20 the grant applied for which will be used solely to increase
21 the compensation of police personnel, and the percentage
22 which will be used in the creation of additional police
23 positions.

24 (c) A city shall not be permitted to use more than
25 25 per centum of any grant for the purpose of creating

1 additional police positions unless the Attorney General finds
2 that the city has an urgent need for additional police man-
3 power; and in no event shall more than 50 per centum of
4 any grant be used for the purpose of creating additional
5 police positions.

6 SEC. 7. Each city which receives an initial grant under
7 section 4 shall be entitled to a renewal of such grant for
8 each succeeding fiscal year: *Provided, however,* That each
9 such renewal grant shall be reduced by an additional 10
10 per centum of the initial grant in each succeeding fiscal year.

11 SEC. 8. (a) Each city which receives an initial grant
12 under section 5 shall be entitled to renewal of such grant for
13 any succeeding fiscal year: *Provided,* That there shall be
14 an urgent need for a renewal of such grant as determined
15 by the Attorney General: *And further provided,* That each
16 such renewal grant shall be reduced by an additional 10
17 per centum of the initial grant in each succeeding fiscal year
18 such renewal grant is made.

19 (b) A city which does not apply for a grant under
20 section 5 during the fiscal year ending June 30, 1970, may
21 submit an application to the Attorney General in any suc-
22 ceeding fiscal year.

91ST CONGRESS
1ST SESSION

H. R. 10582

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1969

Mr. BURTON of Utah introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 601 (c) of the Omnibus Crime Control and Safe
4 Streets Act of 1968 is amended by inserting at the end
5 thereof the following sentence: "For the purpose of making
6 allocations and grants of funds to Indian tribes which per-
7 form law enforcement functions, 'State' also means the Sec-
8 retary of the Interior."

91ST CONGRESS
1ST SESSION

H. R. 10590

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1969

Mr. FOREMAN (for himself, Mr. RHODES, and Mr. BURTON of Utah) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to the Navajo Indian Reservation and other Indian reservations which are located in more than one State.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 601 (c) of the Omnibus Crime Control and Safe
4 Streets Act of 1968 (Public Law 90-351) is amended by
5 striking out everything following "Puerto Rico," and insert-
6 ing in lieu thereof the following: "any territory or posses-
7 sion of the United States, and any Indian reservation which
8 is located in more than one State of the United States."

91ST CONGRESS
1ST SESSION

H. R. 14296

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 1969

Mr. McCULLOCH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the provisions relating to discretionary grants to the States and to provide authorization of appropriations for fiscal year 1971.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, (a) section 306 of the Omnibus Crime Control and
4 Safe Streets Act of 1968 is amended to read as follows:
5 “Eighty-five per centum of the funds appropriated to make
6 grants under this part for a fiscal year shall be allocated by
7 the Administration among the States according to their re-
8 spective populations for grants to the State planning agencies
9 of such States. The remaining fifteen per centum of such

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1 funds, plus such additional amounts as may be made avail-
2 able by virtue of the application of the provisions of section
3 509 to the grant to any State shall, in the discretion of the
4 Administration, be allocated among the States for grants for
5 the purposes of this title to units of general local government,
6 public agencies, State law enforcement officers or agencies,
7 institutions of higher education, or combinations of the fore-
8 going, according to such criteria and on such terms and
9 conditions as the Administration shall determine, consistent
10 with this title."

11 (b) Section 301 (c) of such Act is amended by striking
12 the word "this" and inserting in lieu thereof the word
13 "section".

14 (c) Section 301 (d) of such Act is amended by striking
15 the word "part" and inserting in lieu thereof the word
16 "section".

17 SEC. 2. Section 520 of the Omnibus Crime Control and
18 Safe Streets Act of 1968 is amended by inserting after "June
19 30, 1970," the following: "and \$650,000,000 for the fiscal
20 year ending June 30, 1971,".

91st CONGRESS
1st Session

H. R. 14397

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 1969

Mr. Poff introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to modify the provisions relating to discretionary grants to the States, to limit the Law Enforcement Assistance Administration to one block grant per State per year from 85 per centum funds, and to provide authorization of appropriations for fiscal year 1971.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 "That—

4 SECTION 1. (a) The first sentence of section 301 (b) is
5 amended by striking the words "grants" to States having
6 comprehensive State plans" and substituting the words "one
7 grant per fiscal year to each State having a comprehensive
8 State plan."

I.

1 (b) The proviso in subsection 301 (b) (7) is amended
2 to read as follows: "*Provided*, That in no case shall any
3 part of a grant made under this section be used for the
4 purpose of this subcategory without the approval of the
5 local government or local law enforcement agency".

6 (c) Section 301 (c) is amended to read as follows:

7 "The portion of any Federal grant used for the purpose
8 of paragraph (5) or (6) of subsection (b) of this section
9 may be up to 75 per centum of the cost of the program or
10 project specified in the application for such grant. The
11 portion of any grant used for the purposes of paragraph
12 (4) of subsection (b) of this section may be up to 50
13 per centum of the cost of the program or project specified
14 in the application for such grant. The portion of any grant
15 to be used for any other purpose set forth in this section
16 may be up to 60 per centum of the cost of the program or
17 project specified in the application for such grant: *Provided*,
18 That no funds granted under this section shall be used for
19 land acquisition."

20 (d) Section 301, subsection (d) is amended by strik-
21 ing out the word "part" in the first sentence and inserting
22 in lieu thereof, "section".

23 (e) The first sentence of section 303 is amended by
24 striking the word "grants" and substituting the words "a
25 grant each fiscal year".

1 (f) Section 306 is amended to read as follows:

2 "Eighty-five per centum of the funds appropriated to
3 make grants under this part for a fiscal year shall be allo-
4 cated by the Administration among the States according to
5 their respective populations for grants to the State planning
6 agencies of such States. The remaining 15 per centum
7 of such funds, plus such additional amounts as may be made
8 available by virtue of the application of the provisions
9 of section 509 to the grant to any State shall, in the discre-
10 tion of the Administration, be allocated among the States
11 for grants to State planning agencies or used by the Ad-
12 ministration for grants for the purposes of this title to units
13 of general local government, public agencies, Federal or
14 State law enforcement officers or agencies, institutions of
15 higher education, or combinations of the foregoing, accord-
16 ing to such criteria and on such terms and conditions as
17 the Administration shall determine, consistent with this title.
18 Grants made under the preceding sentence shall not be sub-
19 ject to the limitations set forth in subsections (c) and (d)
20 of section 301."

21 SEC. 2 (a) Section 520 is amended by inserting im-
22 mediately after "June 30, 1970," the following: "\$650,-
23 000,000 for the fiscal year ending June 30, 1971".

91st CONGRESS
1st Session

H. R. 14689

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 1969

Mr. WALDIE (for himself, Mr. BROWN of California, Mr. COHELAN, Mr. CORMAN, Mr. EDWARDS of California, Mr. HANNA, Mr. JOHNSON of California, Mr. LEGGETT, Mr. MOSS, Mr. REES, Mr. ROYBAL, Mr. SISK, Mr. TUNNEY, Mr. VAN DEERLIN, and Mr. CHARLES H. WILSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal years, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, section 520 of the Omnibus Crime Control and Safe
4 Streets Act of 1968 is amended by striking the words "and
5 for succeeding fiscal years such sums as the Congress might
6 authorize" and inserting in lieu thereof the following: "and
7 \$750,000,000 for the fiscal year ending June 30, 1971, and
8 such sums as are necessary to carry out the provisions of this
9 title for succeeding fiscal years."

91ST CONGRESS
1ST SESSION

H. R. 15026

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 1, 1969

Mr. FEIGLIAN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal years, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 520 of the Omnibus Crime Control and Safe
4 Streets Act of 1968 is amended by striking the words "and
5 for succeeding fiscal years such sums as the Congress might
6 authorize" and inserting in lieu thereof the following: "and
7 \$750,000,000 for the fiscal year ending June 30, 1971, and
8 such sums as are necessary to carry out the provisions of this
9 title for succeeding fiscal years".

91st CONGRESS
2D SESSION

H. R. 15532

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1970

Mr. RODINO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal years, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, section 520 of the Omnibus Crime Control and Safe
4 Streets Act of 1968 is amended by striking the words "and
5 for succeeding fiscal years such sums as the Congress might
6 authorize" and inserting in lieu thereof the following: "and
7 \$750,000,000 for the fiscal year ending June 30, 1971, and
8 such sums as are necessary to carry out the provisions of this
9 title for succeeding fiscal years".

91ST CONGRESS
2D SESSION

H. R. 15539

IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1970

Mr. ADAMS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for law enforcement assistance programs for fiscal year 1971 and succeeding fiscal years.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 520 of part E of title I of the Omnibus Crime
4 Control and Safe Streets Act of 1968 (42 U.S.C. 3768) is
5 amended (1) by striking out "the sums of", and (2) by
6 striking out "and for succeeding fiscal years" and all that
7 follows in that section and inserting in lieu thereof "\$1,000,-
8 000,000 for the fiscal year ending June 30, 1971, and such
9 sums as may be necessary for the succeeding fiscal years."

91ST CONGRESS
2^D SESSION

H. R. 15597

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1970

Mr. BINGHAM introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances and
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

1 “The portion of any Federal grant used for the purpose
2 of paragraph (6) or (7) of subsection (b) of this section
3 may be up to 75 per centum of the cost of the program or
4 project specified in the application for such grant. The por-
5 tion of any grant used for the purpose of paragraph (4) of
6 subsection (b) of this section may be up to 50 per centum
7 of the cost of the program or project specified in the appli-
8 cation for such grant. The portion of any grant to be used for
9 any other purpose set forth in this section may be up to 60
10 per centum of the cost of the program or project specified
11 in the application for such grant: *Provided*, That no funds
12 granted under this section shall be used for land acquisition.”

13 SEC. 2. Section 306 is amended to read as follows:

14 “Fifty per centum of the funds appropriated to make
15 grants under this part for a fiscal year shall be allocated by
16 the Administration among the States according to their
17 respective populations for grants to the State planning agen-
18 cies of such States. The remaining 50 per centum of such
19 funds, plus such additional amounts as may be made avail-
20 able by virtue of the application of the provisions of section
21 509 to the grant to any State, shall, in the discretion of the
22 Administration, be allocated among the States for grants to
23 State planning agencies or used by the Administration for
24 grants for the purposes of this title to State agencies, units
25 of general local government, public agencies, or combina-

1 tions of the foregoing, according to the criteria and on such
2 terms and conditions as the Administration shall determine
3 consistent with this title. Grants made under the preceding
4 sentence shall not be subject to the limitations set forth in
5 subsections (c) and (d) of section 301: *Provided*, That a
6 State's allocation shall be increased by 20 per centum from
7 funds allocated at the discretion of the Administration where
8 the Administration finds that the comprehensive State plan
9 required under section 303 adequately deals with the special
10 problems and particular needs of the major urban areas of
11 the State and other areas of high crime incidence within the
12 State: *Provided further*, That a State's allocation shall be
13 increased by an additional 20 per centum from funds allo-
14 cated at the discretion of the Administration where the State
15 contributes at least 50 per centum of the non-Federal share
16 of costs for programs of units of general local government
17 funded in accordance with the comprehensive State plan
18 required under section 303.

19 SEC. 3. (a) Section 520 is amended by inserting imme-
20 diately after "June 30, 1970," the following: "\$800,000,000
21 for the fiscal year ending June 30, 1971, \$1,000,000,000
22 for the fiscal year ending June 30, 1972, and \$1,200,000,000
23 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2^D SESSION

H. R. 15676

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 1970

Mr. GIBBONS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances and
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

1 “The portion of any Federal grant used for the purpose
2 of paragraph (6) or (7) of subsection (b) of this section
3 may be up to 75 per centum of the cost of the program or
4 project specified in the application for such grant. The por-
5 tion of any grant used for the purpose of paragraph (4) of
6 subsection (b) of this section may be up to 50 per centum
7 of the cost of the program or project specified in the appli-
8 cation for such grant. The portion of any grant to be used for
9 any other purpose set forth in this section may be up to 60
10 per centum of the cost of the program or project specified
11 in the application for such grant: *Provided*, That no funds
12 granted under this section shall be used for land acquisition.

13 SEC. 2. Section 306 is amended to read as follows:

14 “Fifty per centum of the funds appropriated to make
15 grants under this part for a fiscal year shall be allocated by
16 the Administration among the States according to their
17 respective populations for grants to the State planning agen-
18 cies of such States. The remaining 50 per centum of such
19 funds, plus such additional amounts as may be made avail-
20 able by virtue of the application of the provisions of section
21 509 to the grant to any State, shall, in the discretion of the
22 Administration, be allocated among the States for grants to
23 State planning agencies or used by the Administration for
24 grants for the purposes of this title to State agencies, units
25 of general local government, public agencies, or combina-

1 tions of the foregoing, according to the criteria and on such
2 terms and conditions as the Administration shall determine
3 consistent with this title. Grants made under the preceding
4 sentence shall not be subject to the limitations set forth in
5 subsections (c) and (d) of section 301: *Provided*, That a
6 State's allocation shall be increased by 20 per centum from
7 funds allocated at the discretion of the Administration where
8 the Administration finds that the comprehensive State plan
9 required under section 303 adequately deals with the special
10 problems and particular needs of the major urban areas of
11 the State and other areas of high crime incidence within the
12 State: *Provided further*, That a State's allocation shall be
13 increased by an additional 20 per centum from funds allo-
14 cated at the discretion of the Administration where the State
15 contributes at least 50 per centum of the non-Federal share
16 of costs for programs of units of general local government
17 funded in accordance with the comprehensive State plan
18 required under section 303.

19 SEC. 3. (a) Section 520 is amended by inserting imme-
20 diately after "June 30, 1970," the following: "\$800,000,000
21 for the fiscal year ending June 30, 1971, \$1,000,000,000
22 for the fiscal year ending June 30, 1972, and \$1,200,000,000
23 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2D SESSION

H. R. 15702

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1970

Mr. BINGHAM (for himself, Mr. BOLAND, Mrs. CHISHOLM, Mr. FARSTEIN, Mr. FRASER, Mr. HALPERN, Mr. HATHAWAY, Mr. HELSTOSKI, Mr. KOCH, Mr. MORHEAD, Mr. OTTINGER, Mr. POWELL, Mr. PRICE of Illinois, Mr. ROE, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. UDALL) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances and
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

1 “The portion of any Federal grant used for the purpose
2 of paragraph (6) or (7) of subsection (b) of this section
3 may be up to 75 per centum of the cost of the program or
4 project specified in the application for such grant. The por-
5 tion of any grant used for the purpose of paragraph (4) of
6 subsection (b) of this section may be up to 50 per centum of
7 the cost of the program or project specified in the applica-
8 tion for such grant. The portion of any grant to be used for
9 any other purpose set forth in this section may be up to 60
10 per centum of the cost of the program or project specified
11 in the application for such grant: *Provided*, That no funds
12 granted under this section shall be used for land acquisition.”

13 SEC. 2. Section 306 is amended to read as follows:

14 “Fifty per centum of the funds appropriated to make
15 grants under this part for a fiscal year shall be allocated by
16 the Administration among the States according to their
17 respective populations for grants to the State planning agen-
18 cies of such States. The remaining 50 per centum of such
19 funds, plus such additional amounts as may be made available
20 by virtue of the application of the provisions of section
21 509 to the grant to any State, shall, in the discretion of the
22 Administration, be allocated among the States for grants to
23 State planning agencies or used by the Administration for
24 grants for the purposes of this title to State agencies, units

1 of general local government, public agencies, or combina-
2 tions of the foregoing, according to the criteria and on such
3 terms and conditions as the Administration shall determine
4 consistent with this title. Grants made under the preceding
5 sentence shall not be subject to the limitations set forth in
6 subsections (c) and (d) of section 301: *Provided*, That a
7 State's allocation shall be increased by 20 per centum from
8 funds allocated at the discretion of the Administration where
9 the Administration finds that the comprehensive State plan
10 required under section 303 adequately deals with the special
11 problems and particular needs of the major urban areas of
12 the State and other areas of high crime incidence within the
13 State: *Provided further*, That a State's allocation shall be
14 increased by an additional 20 per centum from funds allo-
15 cated at the discretion of the Administration where the State
16 contributes at least 50 per centum of the non-Federal share
17 of costs for programs of units of general local government
18 funded in accordance with the comprehensive State plan
19 required under section 303.

20 SEC. 3. (a) Section 520 is amended by inserting imme-
21 diately after "June 30, 1970," the following: "\$800,000,000
22 for the fiscal year ending June 30, 1971, \$1,000,000,000
23 for the fiscal year ending June 30, 1972, and \$1,200,000,-
24 000 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2^D SESSION

H. R. 15705

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1970

Mr. COWGER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

2 SECTION 1. (a) Section 301 (b) is amended—

3 (1) by redesignating paragraphs (5), (6), and
4 (7) as paragraphs (6), (7), and (8), and

5 (2) by inserting a new paragraph (5) to read:

6 “(5) Crime prevention, including improved lighting of
7 high crime areas and development of laws and ordinances and
8 building design techniques to lower opportunities for crime.”

9 (b) Section 301 (c) is amended to read as follows:

1 “The portion of any Federal grant used for the purpose
2 of paragraph (6) or (7) of subsection (b) of this section
3 may be up to 75 per centum of the cost of the program or
4 project specified in the application for such grant. The por-
5 tion of any grant used for the purpose of paragraph (4) of
6 subsection (b) of this section may be up to 50 per centum
7 of the cost of the program or project specified in the appli-
8 cation for such grant. The portion of any grant to be used for
9 any other purpose set forth in this section may be up to 60
10 per centum of the cost of the program or project specified
11 in the application for such grant: *Provided*, That no funds
12 granted under this section shall be used for land acquisition.”

13 SEC. 2. Section 306 is amended to read as follows:

14 “Fifty per centum of the funds appropriated to make
15 grants under this part for a fiscal year shall be allocated by
16 the Administration among the States according to their
17 respective populations for grants to the State planning agen-
18 cies of such States. The remaining 50 per centum of such
19 funds, plus such additional amounts as may be made avail-
20 able by virtue of the application of the provisions of section
21 509 to the grant to any State, shall, in the discretion of the
22 Administration, be allocated among the States for grants to
23 State planning agencies or used by the Administration for
24 grants for the purposes of this title to State agencies, units
25 of general local government, public agencies, or combina-

1 tions of the foregoing, according to the criteria and on such
2 terms and conditions as the Administration shall determine
3 consistent with this title. Grants made under the preceding
4 sentence shall not be subject to the limitations set forth in
5 subsections (c) and (d) of section 301: *Provided*, That a
6 State's allocation shall be increased by 20 per centum from
7 funds allocated at the discretion of the Administration where
8 the Administration finds that the comprehensive State plan
9 required under section 303 adequately deals with the special
10 problems and particular needs of the major urban areas of
11 the State and other areas of high crime incidence within the
12 State: *Provided further*, That a State's allocation shall be
13 increased by an additional 20 per centum from funds allo-
14 cated at the discretion of the Administration where the State
15 contributes at least 50 per centum of the non-Federal share
16 of costs for programs of units of general local government
17 funded in accordance with the comprehensive State plan
18 required under section 303.

19 SEC. 3. (a) Section 520 is amended by inserting imme-
20 diately after "June 30, 1970," the following: "\$800,000,000
21 for the fiscal year ending June 30, 1971, \$1,000,000,000
22 for the fiscal year ending June 30, 1972, and \$1,200,000,000
23 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2D SESSION

H. R. 15706

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1970

Mr. COWGER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in urban areas by making available funds to improve the effectiveness of police services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Police Assistance Act of
4 1970".

5 SEC. 2. The Congress finds that (A) rising crime rates
6 are having an increasingly harmful social and economic im-
7 pact on life in our major urban areas, (B) primary respon-
8 sibility for police protection rests with local governments,
9 and (C) direct Federal assistance in the form of unrestricted
10 grants to those cities and counties having primary responsi-

1 bility to provide police services in major urban areas is
2 necessary for effective action to control crime.

3 SEC. 3. (a) For the purpose of carrying out this Act,
4 there is established in the Department of Justice the Office
5 of Police Force Improvement (hereafter in this Act referred
6 to as the "Office"). The Director of the Office shall be ap-
7 pointed, and his compensation shall be fixed, by the Attorney
8 General. The Director of the Office may obtain from within
9 the Department of Justice or elsewhere such professional,
10 technical, and clerical personnel as may be necessary.

11 (b) The Attorney General, in consultation with the
12 Law Enforcement Assistance Administration, shall direct the
13 operations of the Office.

14 SEC. 4. (a) The Attorney General shall make grants
15 under this Act for the improvement of police services to—

16 (1) any city with a population in excess of fifty
17 thousand people, and

18 (2) any county within a standard metropolitan sta-
19 tistics area, as defined by the Department of Commerce,
20 which exercises primary responsibility to provide police
21 services to a population in excess of fifty thousand
22 people.

23 (b) From funds appropriated under this Act, the At-
24 torney General shall make grants to the cities and counties
25 referred to in subsection (a) in direct proportion to their

1 respective populations for which they provide primary police
2 services.

3 (c) Funds received by cities and counties under this
4 Act shall be used to improve police services.

5 (d) No city or county shall be eligible to receive funds
6 under this Act unless it continues to contribute from its own
7 sources such sums to police services as the Attorney General
8 may require.

9 SEC. 5. (a) The Attorney General is authorized to pre-
10 scribe such regulations as may be necessary to carry out
11 the provisions of this Act.

12 (b) Each recipient of assistance under this Act shall
13 keep and make available to the Attorney General and the
14 Comptroller General such records as the Attorney General
15 may require, including detailed records of the amount and
16 disposition of grants received under this Act.

17 SEC. 6. To finance the program under this Act, the At-
18 torney General is authorized to incur obligations in the form
19 of grant agreements, or otherwise, in amounts aggregating
20 not to exceed \$2,500,000,000 over the next five years ending
21 June 30, 1975. These amounts shall remain available until
22 obligated. There are authorized for liquidation of obligations
23 incurred under this subsection appropriations of \$500,000,000
24 for the fiscal year ending June 30, 1971, \$500,000,000 for
25 the fiscal year ending June 30, 1972, \$500,000,000 for

4

1 the fiscal year ending June 30, 1973, \$500,000,000 for the
2 fiscal year ending June 30, 1974, and \$500,000,000 for
3 the fiscal year ending June 30, 1975. Sums so appropriated
4 under this Act shall remain available until expended.

91st CONGRESS
2D SESSION

H. R. 15720

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1970

Mr. MINISH introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended:

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:
7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances
9 and building design techniques to lower opportunities for
10 crime.”

11 (b) Section 301 (c) is amended to read as follows: “The

1 portion of any Federal grant used for the purpose of para-
2 graph (6) or (7) of subsection (b) of this section may be
3 up to 75 per centum of the cost of the program or project
4 specified in the application for such grant. The portion of any
5 grant used for the purpose of paragraph (4) of subsection
6 (b) of this section may be up to 50 per centum of the cost
7 of the program or project specified in the application for such
8 grant. The portion of any grant to be used for any other pur-
9 pose set forth in this section may be up to 50 per centum of
10 the cost of the program or project specified in the application
11 for such grant: *Provided*, That no funds granted under this
12 section shall be used for land acquisition.

13 SEC. 2. Section 306 is amended to read as follows: "Fifty
14 per centum of the funds appropriated to make grants under
15 this part for a fiscal year shall be allocated by the Admin-
16 istration among the States according to their respective pop-
17 ulations for grants to the State planning agencies of such
18 States. The remaining 50 per centum of such funds, plus
19 such additional amounts as may be made available by virtue
20 of the application of the provisions of section 509 to the
21 grant to any State, shall, in the discretion of the Adminis-
22 tration, be allocated among the States for grants to State
23 planning agencies or used by the Administration for grants
24 for the purposes of this title to State agencies, units of
25 general local government, public agencies, or combinations

1 of the foregoing, according to the criteria and on such terms
2 and conditions as the Administration shall determine con-
3 sistent with this title. Grants made under the preceding
4 sentence shall not be subject to the limitation set forth in
5 subsections (c) and (d) of section 301: *Provided*, That
6 a State's allocation shall be increased by 20 per centum from
7 funds allocated at the discretion of the Administration where
8 the Administration finds that the comprehensive State plan
9 required under section 303 adequately deals with the special
10 problems and particular needs of the major urban areas of
11 the State and other areas of high crime incidence within the
12 State: *Provided further*, That a State's allocation shall be
13 increased by an additional 20 per centum from funds allo-
14 cated at the discretion of the Administration where the
15 State contributes at least 50 per centum of the non-Federal
16 share of costs for programs of units of general local govern-
17 ment funded in accordance with the comprehensive State
18 plan required under section 303.

19 SEC. 3. (a) Section 520 is amended by inserting imme-
20 diately after "Jun. 30, 1970," the following: "\$800,000,000
21 for the fiscal year ending June 30, 1971, \$1,000,000,000
22 for the fiscal year ending June 30, 1972, and \$1,200,000,000
23 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2^D SESSION

H. R. 15788

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1970

Mr. QUIE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to include the provisions of the Juvenile Delinquency Prevention and Control Act of 1968, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) The first paragraph of the section en-
4 titled "DECLARATIONS AND PURPOSE" of title I of the Omni-
5 bus Crime Control and Safe Streets Act of 1968 is amended
6 to read as follows:

7 "Congress finds that the high incidence of crime and
8 juvenile delinquency in the United States threatens the
9 peace, security, and general welfare of the Nation and its
10 citizens. To prevent crime and juvenile delinquency and to

1 insure the greater safety of the people, law enforcement
2 efforts and services available for preventing and combating
3 juvenile delinquency must be better coordinated, intensified,
4 and made more effective at all levels of government.”

5 (b) The second paragraph of such section is amended
6 by inserting after “crime” the following: “and juvenile
7 delinquency”.

8 (c) The third paragraph of such section is amended
9 by inserting after “improving law enforcement” the follow-
10 ing: “and preventing juvenile delinquency”. Such paragraph
11 is further amended by inserting after “problems of law en-
12 forcement” the following: “and juvenile delinquency”, by
13 inserting after “and strengthen law enforcement” the follow-
14 ing: “and juvenile justice and juvenile aid systems”, by
15 inserting after “of law enforcement and” the following:
16 “juvenile delinquency and”, and by striking out the period
17 at the end thereof and inserting in lieu thereof the following:
18 “; (4) assist communities in providing diagnosis, treatment,
19 rehabilitative, and preventive services to youths who are
20 delinquent or in danger of becoming delinquent; (5) en-
21 courage the development of community-based rehabilitation
22 and prevention programs to provide assistance and training
23 of personnel employed or preparing for employment in oc-
24 cupations involving the provision of such services; (6) pro-
25 vide support for comprehensive planning, development of

1 improved techniques, and information services in the field
2 of juvenile delinquency; and (7) provide technical assistance
3 in such field."

4 SEC. 2. Section 201 of such Act is amended by inserting
5 after "law enforcement" the following: "and juvenile delin-
6 quency".

7 SEC. 3. Section 202 of such Act is amended by strik-
8 ing out "section 303" and inserting in lieu thereof "section
9 305".

10 SEC. 4. Section 203 (b) of such Act is amended by in-
11 serting after "law enforcement" each time it appears the
12 following: "and prevention of juvenile delinquency".

13 SEC. 5. Section 204 of such Act is amended by strik-
14 ing out "section 305" and inserting in lieu thereof "section
15 307".

16 SEC. 6. Section 301 (a) of such Act is amended by
17 inserting after "law enforcement" the following: "and pre-
18 vention of juvenile delinquency".

19 SEC. 7. Section 301 (b) of such Act is amended by
20 redesignating paragraph (7) as paragraph (11) and in-
21 serting after paragraph (6) the following new paragraphs:

22 "(7) The development, improvement, and full use of
23 State and community rehabilitation services for the diagnosis,
24 treatment, and rehabilitation of delinquent youths and youths

1 in danger of becoming delinquent, including youths who are
2 on parole or probation.

3 “(8) The encouragement of development in communi-
4 ties of new designs and new methods of care and treatment,
5 including the operation of full-time or part-time community-
6 based residential facilities for such youths requiring residential
7 care, diagnosis, treatment, and rehabilitation.

8 “(9) The promotion of the use of community-based
9 facilities for the prevention of delinquency of youth, including
10 diagnosis, treatment, and rehabilitation of youths in danger of
11 becoming delinquent where applicants have taken or will take
12 steps to provide a program of services for the prevention of
13 delinquency; to make special efforts to assure that the services
14 provided will be available for youths with serious behavioral
15 problems; to coordinate its operation with the operations of
16 public agencies and private nonprofit organizations furnish-
17 ing welfare, education, health, mental health, recreation, job
18 training, job placement, correction, and other basic services
19 for youths; to make reasonable efforts to secure or provide
20 any services which are necessary for diagnosing, treating, and
21 rehabilitating youths which are not being provided in the
22 community, or if being provided are not adequate to meet
23 community needs; and to make maximum use of Federal,
24 State, or local resources available for provision of such
25 services.

1 “(10) Assistance to the States and communities to
2 establish special preventive services, including educational
3 delinquency prevention programs in schools, for youths in
4 danger of becoming delinquent, including youths who are on
5 parole or probation where applicants have taken or will take
6 steps to provide a program of services for the prevention of
7 delinquency; to make special efforts to assure that the serv-
8 ices provided will be available for youths with serious be-
9 havioral problems; to coordinate its operation with the opera-
10 tions of public agencies and private nonprofit organizations
11 furnishing welfare, education, health, mental health, recre-
12 ation, job training, job placement, correction, and other basic
13 services for youths; to make reasonable efforts to secure or
14 provide any of such services which are necessary for diag-
15 nosing, treating, and rehabilitating youths which are not
16 being provided in the community, or if being provided are
17 not adequate to meet its needs; and to make maximum use of
18 Federal, State, or local resources available for provision of
19 such services.”

20 SEC. 8. Section 301 (c) of such Act is amended by strik-
21 ing out “or (6)” and inserting in lieu thereof the following:
22 “(6), (9), or (10)”.

23 SEC. 9. Section 301 (d) of such Act is amended by strik-
24 ing out the period at the end thereof and inserting in lieu
25 thereof “or to paragraph (7), (8), (9), or (10).”

1 SEC. 10. The Omnibus Crime Control and Safe Streets
2 Act of 1968 is amended by redesignating sections 302, 303,
3 304, 305, 306, and 307, as sections 304, 305, 306, 307, 308,
4 and 309, respectively, and by inserting after section 301 the
5 following new sections:

6 "SEC. 302. Any Federal grant made under paragraph
7 (7), (8), (9), or (10) of this part may be used for—

8 "(1) meeting the cost of securing or providing serv-
9 ices designed to carry out the purposes of such para-
10 graph, but only to the extent and for the period reason-
11 ably necessary for the State and local governments to
12 provide such services; and

13 "(2) in the case of paragraph (7) or (8), meeting
14 not to exceed 50 per centum of the cost of construction
15 of community-based, unusual, and special purpose or in-
16 novative types of facilities which, in the judgment of the
17 Administration, are necessary for carrying out the pur-
18 poses of such paragraph, including community-based,
19 unusual, and special purpose or innovative (A) combi-
20 nation detention and diagnostic facilities, (B) halfway
21 houses for youths who because of special behavioral prob-
22 lems have a high risk of becoming delinquent or who
23 have been determined to be delinquent and are not yet
24 ready for full return to society; (C) small, special-pur-
25 pose, residential, community-based facilities for diag-

1 nosis, treatment, and rehabilitation of youths; (D) train-
2 ing schools for the rehabilitation and education of youths
3 who are in custody of any public agency charged with
4 the care of delinquent youths; but, in developing plans
5 for such facilities, due consideration shall be given to
6 excellence of architecture and design: *Provided, how-*
7 *ever,* That not to exceed 25 per centum of the funds ap-
8 propriated for any fiscal year under part C may be used
9 to meet such costs of construction.

10 It shall be a condition of any grant under part C which is
11 wholly or partially for construction that all laborers and
12 mechanics employed by contractors or subcontractors on such
13 construction shall be paid wages at rates not less than those
14 prevailing on similar construction in the locality as determined
15 by the Secretary of Labor in accordance with the Davis-
16 Bacon Act, as amended (40 U.S.C. 276a—276a-5). The
17 Secretary of Labor shall have with respect to these labor
18 standards the authority and functions set forth in Reorganiza-
19 tion Plan Numbered 14 of 1950 (15 P.R. 36, 64 Stat. 1267),
20 and section 2 of the Act of June 13, 1934, as amended (40
21 U.S.C. 276c).

22 “SEC. 303. In determining whether or not to approve
23 applications for grants, for the purposes of paragraphs (7),
24 (8), (9), and (10) of section 301 (b), the Administration

1 shall consider, among other relevant factors in the State or
2 community of the applicant—

3 “(1) the relative costs and effectiveness of the pro-
4 ject or program in effectuating the purposes of such
5 part;

6 “(2) the incidence of and rate of increase in youth
7 offenses and juvenile delinquency;

8 “(3) school dropout rates;

9 “(4) the adequacy of existing facilities and services
10 for carrying out the purposes of such part;

11 “(5) the extent of comprehensive planning in the
12 community for carrying out the purposes of such part;

13 “(6) youth unemployment rates;

14 “(7) the extent to which proposed programs or
15 projects incorporate new or innovative techniques within
16 the State or community to carry out the purposes of
17 such part; and

18 “(8) the extent to which the proposed programs or
19 projects incorporate programs for the parents of youths
20 who are delinquent or in danger of becoming delinquent,
21 as well as programs for other adults who offer guidance
22 or supervision to such youths.”

23 SEC. 11. Section 305 (as redesignated) of such Act is
24 amended by inserting after “law enforcement” each time it
25 appears the following: “and prevention of juvenile delin-

1 quency". Such section is further amended by redesignating
2 paragraphs (6), (7), (8), (9), (10), (11), and (12) as
3 (7), (8), (9), (10), (11), (12), and (13), respectively,
4 and inserting after paragraph (5) the following new para-
5 graph:

6 " (6) provide for (A) effective coordination of
7 plans and programs developed and conducted by the
8 State in fields related to juvenile delinquency, including
9 programs under the Elementary and Secondary Educa-
10 tion Act of 1965, the Social Security Act, the Manpower
11 Development and Training Act of 1962, and programs
12 for the prevention and detection of crime, with plans,
13 projects, and programs developed and conducted by the
14 State under this title, and (B) appropriate application
15 of resources under such other plans and programs to
16 support and reinforce plans, projects, and programs un-
17 der this title;"

18 SEC. 12. Section 309 (b) (as redesignated) of such
19 Act is amended by striking out "section 303" and inserting
20 in lieu thereof "section 305".

21 SEC. 13. Section 401 of such Act is amended by insert-
22 ing after "law enforcement" the following: " , prevention
23 of juvenile delinquency," and after "reduction of" the fol-
24 lowing: "juvenile delinquency and other".

25 SEC. 14. Section 402 (a) of such Act is amended by

1 striking out the period at the end thereof and inserting in
2 lieu thereof the following: "and the prevention and treat-
3 ment of juvenile delinquency."

4 SEC. 15. (a) Section 402 (b) of such Act is amended
5 by redesignating paragraphs (2), (3), (4), (5), and (6)
6 as paragraphs (3), (4), (5), (6), and (8), respectively,
7 and by inserting after paragraph (1) the following new
8 paragraph:

9 " (2) to make grants or contracts (with any Fed-
10 eral, State, or local public or nonprofit private agency
11 or organization) for projects for the training of person-
12 nel employed in or preparing for employment in fields
13 related to the diagnosis, treatment, or rehabilitation of
14 youths who are delinquent or in danger of becoming
15 delinquent, or for the counseling or instruction of parents
16 in the improving of parental instruction and supervision
17 of youths who are delinquent or in danger of becoming
18 delinquent. Such projects shall include special programs
19 which provide youths and adults with training for
20 career opportunities, including new types of careers,
21 in such fields. Such projects may include, among other
22 things, development of courses of study and of inter-
23 related curricula in schools, colleges, and universities,
24 establishment of short-term institutes for training at such
25 schools, colleges, and universities, inservice training,

11

1 and traineeships with such stipends, including allow-
2 ances for travel and subsistence expenses, as the Insti-
3 tute may determine to be necessary.”

4 (b) Section 402 (b) of such Act is further amended by
5 inserting after paragraph (6) (as redesignated) the follow-
6 ing new paragraph:

7 “(7) to develop improved techniques and practices
8 which hold promise of making a substantial contribution
9 toward prevention of delinquency and treatment of
10 youths who are delinquent or in danger of becoming
11 delinquent or toward improvement in the rehabilitative
12 services for delinquent youths, including techniques and
13 practices for the training of personnel. The Institute may
14 also make grants for such purposes to any State, local,
15 or other public agency or nonprofit private agency or
16 organization. The Institute is further authorized to enter
17 into contracts for any such purposes with public or
18 private agencies and organizations and with individuals.
19 Not more than \$2,000,000 shall be allocated for the
20 purposes of this paragraph.”

21 (c) Section 402 (b) of such Act is further amended by
22 inserting after “law enforcement” in paragraph (8) (as
23 redesignated) the following: “and the prevention of juvenile
24 delinquency”.

25 SEC. 16. Section 515 of such Act is amended by insert-

1 ing after "law enforcement" each time it appears the follow-
2 ing: "and the prevention of juvenile delinquency".

3 SEC. 17. Section 601 of such Act is amended by insert-
4 ing at the end thereof the following new subsections:

5 "(1) 'Public agency' means a duly elected political body
6 or a subdivision thereof and shall not be construed to include
7 the Office of Economic Opportunity. Such term includes an
8 Indian tribe. In the case of a grant under part B of title I or
9 section 307, if the Secretary is satisfied that an Indian tribe
10 does not have sufficient funds available to meet the non-Fed-
11 eral share of the cost thereof payable under this Act to the
12 extent necessary, notwithstanding the maximum otherwise
13 imposed by this Act on the portion of such cost which may be
14 so payable.

15 "(m) 'Nonprofit agency or organization' means any ac-
16 credited institution of higher education, and any other agency,
17 organization, or institution which is owned and operated by
18 one or more nonprofit corporations or organizations no part of
19 the net earnings of which inures, or may lawfully inure, to
20 the benefit of any private shareholder or individual, but only
21 if such agency, organization, or institution was in existence at
22 least two years before the date of an application under this
23 Act. Such term shall not be construed to include the Office
24 of Economic Opportunity. Participation by the Office of Eco-

1 nomic Opportunity is expressly prohibited in administering
2 this Act.”

3 SEC. 18. In addition to any other sum authorized to be
4 appropriated for the Omnibus Crime Control and Safe Streets
5 Act, there is authorized to be appropriated \$75,000,000 to
6 carry out the provisions of this Act relating to juvenile
7 delinquency.

8 SEC. 19. The Juvenile Delinquency Prevention and Con-
9 trol Act of 1968 is repealed.

91ST CONGRESS
2^D SESSION

H. R. 15886

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1970

Mr. MATSUNAGA introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances and
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

1 “The portion of any Federal grant used for the purpose
2 of paragraph (6) or (7) of subsection (b) of this section
3 may be up to 75 per centum of the cost of the program or
4 project specified in the application for such grant. The por-
5 tion of any grant used for the purpose of paragraph (4) of
6 subsection (b) of this section may be up to 50 per centum
7 of the cost of the program or project specified in the appli-
8 cation for such grant. The portion of any grant to be used for
9 any other purpose set forth in this section may be up to 60
10 per centum of the cost of the program or project specified
11 in the application for such grant: *Provided*, That no funds
12 granted under this section shall be used for land acquisition.”

13 SEC. 2. Section 306 is amended to read as follows:

14 “Fifty per centum of the funds appropriated to make
15 grants under this part for a fiscal year shall be allocated by
16 the Administration among the States according to their
17 respective populations for grants to the State planning agen-
18 cies of such States. The remaining 50 per centum of such
19 funds, plus such additional amounts as may be made avail-
20 able by virtue of the application of the provisions of section
21 509 to the grant to any State, shall, in the discretion of the
22 Administration, be allocated among the States for grants to
23 State planning agencies or used by the Administration for
24 grants for the purposes of this title to State agencies, units
25 of general local government, public agencies, or combina-

1 tions of the foregoing, according to the criteria and on such
2 terms and conditions as the Administration shall determine
3 consistent with this title. Grants made under the preceding
4 sentence shall not be subject to the limitations set forth in
5 subsections (c) and (d) of section 301: *Provided*, That a
6 State's allocation shall be increased by 20 per centum from
7 funds allocated at the discretion of the Administration where
8 the Administration finds that the comprehensive State plan
9 required under section 303 adequately deals with the special
10 problems and particular needs of the major urban areas of
11 the State and other areas of high crime incidence within the
12 State: *Provided further*, That a State's allocation shall be
13 increased by an additional 20 per centum from funds allo-
14 cated at the discretion of the Administration where the State
15 contributes at least 50 per centum of the non-Federal share
16 of costs for programs of units of general local government
17 funded in accordance with the comprehensive State plan
18 required under section 303.

19 SEC. 3. (a) Section 520 is amended by inserting imme-
20 diately after "June 30, 1970," the following: "\$800,000,000
21 for the fiscal year ending June 30, 1971, \$1,000,000,000
22 for the fiscal year ending June 30, 1972, and \$1,200,000,000
23 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2^D SESSION

H. R. 15891

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1970

Mr. O'NEILL of Massachusetts introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances and
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

1 “The portion of any Federal grant used for the purpose
2 of paragraph (6) or (7) of subsection (b) of this section
3 may be up to 75 per centum of the cost of the program or
4 project specified in the application for such grant. The por-
5 tion of any grant used for the purpose of paragraph (4) of
6 subsection (b) of this section may be up to 50 per centum
7 of the cost of the program or project specified in the appli-
8 cation for such grant. The portion of any grant to be used for
9 any other purpose set forth in this section may be up to 60
10 per centum of the cost of the program or project specified
11 in the application for such grant: *Provided*, That no funds
12 granted under this section shall be used for land acquisition.”

13 SEC. 2. Section 306 is amended to read as follows:

14 “Fifty per centum of the funds appropriated to make
15 grants under this part for a fiscal year shall be allocated by
16 the Administration among the States according to their
17 respective populations for grants to the State planning agen-
18 cies of such States. The remaining 50 per centum of such
19 funds, plus such additional amounts as may be made avail-
20 able by virtue of the application of the provisions of section
21 509 to the grant to any State, shall, in the discretion of the
22 Administration, be allocated among the States for grants to
23 State planning agencies or used by the Administration for
24 grants for the purposes of this title to State agencies, units
25 of general local government, public agencies, or combina-

1 tions of the foregoing, according to the criteria and on such
2 terms and conditions as the Administration shall determine
3 consistent with this title. Grants made under the preceding
4 sentence shall not be subject to the limitations set forth in
5 subsections (c) and (d) of section 301: *Provided*, That a
6 State's allocation shall be increased by 20 per centum from
7 funds allocated at the discretion of the Administration where
8 the Administration finds that the comprehensive State plan
9 required under section 303 adequately deals with the special
10 problems and particular needs of the major urban areas of
11 the State and other areas of high crime incidence within the
12 State: *Provided further*, That a State's allocation shall be
13 increased by an additional 20 per centum from funds allo-
14 cated at the discretion of the Administration where the State
15 contributes at least 50 per centum of the non-Federal share
16 of costs for programs of units of general local government
17 funded in accordance with the comprehensive State plan
18 required under section 303.

19 SEC. 3. (a) Section 520 is amended by inserting imme-
20 diately after "June 30, 1970," the following: "\$800,000,000
21 for the fiscal year ending June 30, 1971, \$1,000,000,000
22 for the fiscal year ending June 30, 1972, and \$1,200,000,000
23 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2^D SESSION

H. R. 15907

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 1970

Mr. MIKVA (for himself, Mr. JACOBS, and Mr. WALDIE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Omnibus Crime Control and Safe Streets Act of
4 1968 is amended as follows:

5 (1) Section 601 (a) is amended to read as follows:

6 “(a) ‘Law enforcement’ means all activities pertaining to
7 the administration of criminal justice including police efforts
8 to prevent crime and to apprehend violators of the criminal
9 law, activities of the criminal courts and related agencies,
10 activities of corrections, probation, and parole authorities,

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1 and activities of other rehabilitative and social service agen-
2 cies which relate to the administration of criminal justice.”.

3 (2) Paragraphs (1) through (3) of section 301(b)
4 are amended to read as follows:

5 “(1) Public protection, including the development, dem-
6 onstration, evaluation, implementation and purchase of
7 methods, devices, facilities, and equipment designed to im-
8 prove and strengthen police departments, criminal courts
9 and criminal justice agencies and procedures, and correc-
10 tions, and to reduce crime and criminal recidivism in public
11 and private places.

12 “(2) The recruiting and training of police personnel,
13 criminal justice personnel (including judges, prosecutors,
14 public defenders, bailiffs, marshals, and court administra-
15 tive and management officials), and corrections personnel
16 (including probation and parole supervisors, and vocational
17 rehabilitation, medical, psychiatric, counseling, and educa-
18 tional personnel for prisons and correctional institutions).

19 “(3) Public education relating to crime prevention
20 and rehabilitation of criminal offenders and encouraging
21 respect for law and the criminal justice system, including
22 education programs in schools and communities and pro-
23 grams to improve public understanding of the purpose and
24 operation of the criminal justice system and cooperation

1 with police agencies, criminal courts and related activities,
2 and corrections agencies.”.

3 (3) Section 301 is amended by adding at the end
4 thereof the following:

5 “(c) Not more than one-half of any grant made under
6 this part may be expended for the assistance of police de-
7 partments or police activities or for the compensation of
8 police personnel including the training of persons as police
9 personnel. The remaining one-half of any grant shall be
10 distributed between (1) criminal courts and related agencies,
11 and (2) the corrections system, and not more than two-
12 thirds of this remaining one-half shall be expended in sup-
13 port of either of these activities.”.

14 (4) Section 303 is amended by redesignating para-
15 graphs (5) through (12) as paragraphs (6) through (13),
16 respectively, and by inserting after paragraph (4) the fol-
17 lowing:

18 “(5) assure the proper coordination of all law en-
19 forcement activities with adequate attention given to the
20 roles of the police, the criminal courts, and the correc-
21 tions system, including, if appropriate, the establish-
22 ment of a Criminal Justice Coordinating Council for
23 the State, for any unit of general local government,
24 or for any combination thereof;”.

1 (5) Section 306 is amended to read as follows:

2 "SEC. 306. Fifty per centum of the funds appropriated
3 to make grants under this part for a fiscal year shall be
4 allocated by the Administration among the States according
5 to their respective populations for grants to the State plan-
6 ning agencies of such States. The remaining 50 per centum
7 of such funds, plus such additional amounts as may be made
8 available by virtue of the application of the provisions of
9 section 509 to the grant of any State, shall, in the discre-
10 tion of the Administration, be allocated to State agencies,
11 units of general local government, public agencies, or com-
12 binations of the foregoing, according to the criteria and on
13 such terms and conditions as the Administration shall de-
14 termine consistent with this title. Grants made under the
15 preceding sentence shall not be subject to the limitations set
16 forth in subsections (c) and (d) of section 301. Allocations
17 under the second sentence of this section shall be increased
18 by 20 per centum where the Administration finds that the
19 comprehensive State plan required under section 303 ade-
20 quately deals with the special problems and particular needs
21 of the major urban areas of the State and other areas of high
22 crime incidence and provides for comprehensive coordination
23 of police, criminal court, and corrections activities. Alloca-
24 tions under the second sentence of this section shall be in-
25 creased by an additional 20 per centum where the State

1 contributes at least 50 per centum of the non-Federal share
2 of costs for programs of units of general local government
3 funded in accordance with the comprehensive State plan
4 required under section 303.”.

5 (6) Section 520 is amended by striking the words
6 “and for succeeding fiscal years such sums as the Congress
7 might authorize” and inserting in lieu thereof the following:
8 “and \$750,000,000 for the fiscal year ending June 30,
9 1971, \$1,250,000,000 for the fiscal year ending June 30,
10 1972, and \$1,500,000,000 for the fiscal year ending June 30,
11 1973”.

91ST CONGRESS
2D SESSION

H. R. 15947

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 1970

Mr. McCULLOCH (for himself, Mr. GERALD R. FORD, Mr. MACGREGOR, Mr. McCLORY, Mr. POFF, and Mr. HITCHINSON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That this Act may be cited as the "Omnibus Crime Control
4 and Safe Streets Act Amendments of 1970".

5 SEC. 2. The Omnibus Crime Control and Safe Streets
6 Act of 1968 (82 Stat. 197) is amended as follows:

7 (1) Subsection (c) of section 203 is amended by in-
8 serting the following before the period at the end of the
9 first sentence: " : *Provided*, That the Administration may
10 waive this requirement, in whole or in part, upon a find-

1 ing that the requirement is inappropriate in view of the
2 respective law enforcement responsibilities of the State and
3 its units of general local government or that adherence to
4 the requirement would not contribute to the efficient develop-
5 ment of the State plan required under this part”.

6 (2) Subsection (c) of section 301 is amended to read
7 as follows:

8 “The portion of any Federal grant made under this sec-
9 tion used for the purposes of paragraph (5) or (6) of sub-
10 section (b) of this section may be up to 75 per centum of
11 the cost of the program or project specified in the application
12 for such grant. The portion of any Federal grant made under
13 this section used for the purposes of paragraph (4) of sub-
14 section (b) of this section may be up to 50 per centum of the
15 cost of the program or project specified in the application for
16 such grant. The portion of any Federal grant made under
17 this section to be used for any other purpose set forth in this
18 section may be up to 60 per centum of the cost of the pro-
19 gram or project specified in the application for such grant:
20 *Provided*, That no funds granted under this section shall be
21 used for land acquisition.”

22 (3) Subsection (d) of section 301 is amended by chang-
23 ing the word “part” in the first sentence to “section”; by
24 inserting before the word “personnel” in the first sentence
25 the words “police and other regular law enforcement”; and

1 by adding the following immediately before the period at the
2 end of the final sentence: “, nor to the compensation of per-
3 sonnel engaged in research, development, demonstration or
4 other short-term programs”.

5 (4) Paragraph (2) of section 303 is amended by
6 adding the following before the semicolon: “: *Provided*,
7 That the Administration may waive this requirement, in
8 whole or in part, upon a finding that adherence to the re-
9 quirement would not result in an appropriately balanced
10 allocation of funds between the State and the units of general
11 local government in the State or would not contribute to
12 the efficient accomplishment of the purposes of this part”.

13 (5) Section 306 is amended to read as follows:

14 “SEC. 306. (a) Eighty-five per centum of the funds
15 appropriated to make grants under this part for a fiscal
16 year shall be allocated by the Administration among the
17 States according to their respective populations for grants to
18 the State planning agencies of such States. The remaining
19 15 per centum of such funds, plus any additional amounts
20 made available by virtue of the application of the provisions
21 of section 509 to the grant to any State, may, in the dis-
22 cretion of the Administration, be allocated among the States
23 for grants to State planning agencies or used by the Admin-
24 istration for grants or contracts for the purposes of this title

1 to units of general local government, public or private agen-
2 cies, State, or local law enforcement officers or agencies,
3 institutions of higher education, or combinations of the fore-
4 going, according to the criteria and on the terms and condi-
5 tions the Administration determines consistent with this
6 title: *Provided*, That no funds under this section shall be
7 used for land acquisition: *Provided further*, That 80 per
8 centum of the funds to be utilized as the Administration
9 determines shall be allocated for projects receiving at least
10 25 per centum non-Federal funding.

11 " (b) If the Administration determines, on the basis of
12 information available to it during any fiscal year, that a por-
13 tion of the funds allocated to a State for that fiscal year for
14 grants to the State planning agency of the State will not be
15 required by the State, or that the State will be unable to
16 qualify to receive any portion of the funds under the require-
17 ments of this part, that portion shall be available for reallo-
18 cation to other States for grants to their State planning
19 agencies or for grants under the second sentence of subsec-
20 tion (a) of this section."

21 (6) Section 406 is amended as follows:

22 (a) by striking the phrase "in areas directly related
23 to law enforcement or preparing for employment in law
24 enforcement" in the first sentence of subsection (b) and
25 inserting in lieu thereof the phrase "in areas related to

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1 law enforcement or suitable for persons employed in law
2 enforcement”;

3 (b) by striking the words “tuition and fees” in the
4 first sentence of subsection (c) and inserting in lieu
5 thereof “tuition, books and fees”; and

6 (c) by adding at the end of the section the follow-
7 ing new subsections:

8 “(d) For the purposes of section 1781 of title 38,
9 United States Code, no grant or loan made under this sec-
10 tion shall be considered a duplication of benefits, and for the
11 purposes of any program assisted under title I, IV, X, XIV,
12 XVI, or XIX of the Social Security Act, no grant or loan
13 made under this section shall be considered income or re-
14 sources.

15 “(e) Full-time teachers or persons preparing for careers
16 as full-time teachers of courses related to law enforcement
17 or suitable for persons employed in law enforcement, in
18 institutions of higher education which are eligible to receive
19 funds under this section, shall be eligible to receive assistance
20 under subsections (b) and (c) of this section as determined
21 under regulations of the Administration.

22 “(f) The Administration is authorized to make grants
23 to or enter into contracts with institutions of higher educa-
24 tion, or combinations of such institutions, to assist them in

1 planning, developing, strengthening, improving, or carrying
2 out programs or projects for the development or demonstra-
3 tion of improved methods of law enforcement education,
4 including—

5 “(1) planning for the development or expansion
6 of undergraduate or graduate programs in law enforce-
7 ment;

8 “(2) education and training of faculty members;

9 “(3) strengthening the law enforcement aspects of
10 courses leading to an undergraduate, graduate, or profes-
11 sional degree; and

12 “(4) research into, and development of, methods of
13 educating students or faculty, including the preparation
14 of teaching materials and the planning of curriculums.

15 The amount of a grant or contract may be up to 75 per
16 centum of the total cost of programs and projects for which a
17 grant or contract is made.”

18 (7) At the end of part D, the following new section
19 407 is added:

20 “SEC. 407. The Administration is authorized to develop
21 and support regional and national training programs, work-
22 shops and seminars to instruct State and local law enforce-
23 ment personnel in improved methods of crime prevention
24 and reduction and enforcement of the criminal law. Such
25 training activities shall be designed to supplement and im-

1 prove, rather than supplant, the training activities of the
2 States and units of general local government, and shall not
3 duplicate the activities of the Federal Bureau of Investigation
4 under section 404 of this title.”

5 (8) Parts E and F are redesignated parts F and G,
6 respectively, and the sections thereof renumbered 601
7 through 622, and 701, respectively, and the following new
8 part E is inserted immediately after section 407:

9 “PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS
10 AND FACILITIES

11 “SEC. 501. It is the purpose of this part to encourage
12 States and units of general local government to develop
13 and implement programs and projects for the construction,
14 acquisition, and renovation of correctional institutions and
15 facilities, and for the improvement of correctional programs
16 and practices.

17 “SEC. 502. A State desiring to receive a grant under
18 this part for any fiscal year shall, consistent with the basic
19 criteria which the Administration establishes under section
20 504, incorporate its application for that grant in the com-
21 prehensive State plan submitted to the Administration for
22 that fiscal year in accordance with section 302 of this title.

23 “SEC. 503. The Administration is authorized to make
24 a grant under this part to a State planning agency if the
25 agency has on file with the Administration a comprehensive

1 State plan which conforms with the requirements of section
2 303 of this title, and, in addition--

3 “(1) sets forth a comprehensive statewide program
4 for the construction, acquisition, or renovation of cor-
5 rectional institutions and facilities in the State and the
6 improvement of correctional programs and practices
7 throughout the State;

8 “(2) provides satisfactory assurances that the con-
9 trol of the funds and title to property derived therefrom
10 shall be in a public agency for the uses and purposes
11 provided in this part and that a public agency will
12 administer those funds and that property;

13 “(3) provides satisfactory assurances that any part
14 of the cost of any program or project which under the
15 basic criteria established by the Administration cannot
16 be paid from Federal funds, will be paid from non-
17 Federal sources;

18 “(4) provides for advanced techniques in the design
19 of institutions and facilities;

20 “(5) provides satisfactory assurances that the per-
21 sonnel standards and programs of the institutions and
22 facilities will reflect advanced practices;

23 “(6) sets forth policies and procedures designed to
24 assure that the Federal funds made available will not sup-
25 plant State or local funds, but will supplement and, to

1 the extent practicable, increase the amounts of funds that
2 would, in the absence of Federal funds, be made avail-
3 able for the purposes of this part;

4 “(7) sets forth procedures under which the State
5 planning agency shall not finally disapprove an applica-
6 tion for funds from an appropriate agency of any unit of
7 general local government within the State without first
8 affording the agency reasonable notice and opportunity
9 for a hearing; and

10 “(8) provides, where feasible and desirable, for the
11 sharing of correctional institutions and facilities on a
12 regional basis.

13 “SEC. 504. The Administration shall, after consultation
14 with the Federal Bureau of Prisons, by regulation prescribe
15 basic criteria to be applied by the State planning agencies
16 under sections 502 and 503. In addition to other matters the
17 basic criteria shall provide—

18 “(1) the general manner in which a State planning
19 agency shall determine priority of projects based upon
20 (a) the relative need of the areas within the State for
21 correctional facilities, (b) the relative ability of the re-
22 cipient agency in an area to support a program of con-
23 struction and operation of the facilities, and (c) the ex-
24 tent to which the project contributes to an equitable dis-
25 tribution of assistance under this part;

1 “(2) general standards of design, construction, and
2 equipment for correctional institutions and facilities for
3 different types of offenders; and

4 “(3) the proportions of the costs of various pro-
5 grams and projects, and component elements thereof,
6 which may be paid from Federal funds.

7 “SEC. 505. Eighty-five per centum of the funds appro-
8 priated to make grants under this part for a fiscal year shall
9 be allocated by the Administration among the States for
10 grants to the State planning agencies of the States, pursuant
11 to section 503. Such funds may be used to pay up to 75 per
12 centum of the cost of programs or projects specified in the
13 applications for such grants. The remaining 15 per centum
14 of the funds appropriated for this part may, in the discretion
15 of the Administration, be allocated among the States for
16 grants to the State planning agencies or used by the Adminis-
17 tration for grants or contracts for the purpose of this part
18 to units of general local government or other appropriate
19 grantees or contractors, according to the criteria and on the
20 terms and conditions the Administration determines. No
21 funds awarded under this part shall be used for land acqui-
22 sition.”

23 (9) Section 608 (as redesignated by this Act) is
24 amended by inserting the following before the period at the
25 end of the section: “, and to receive and utilize, for the .

1 purposes of this title, funds or other property donated or
2 transferred by other Federal agencies, States, units of gen-
3 eral local government, public or private agencies or organi-
4 zations, institutions of higher education, or individuals”.

5 (10) Section 617 (as redesignated by this Act) is
6 amended to read as follows:

7 “SEC. 617. (a) The Administration may procure the
8 services of experts and consultants in accordance with section
9 3109 of title 5, United States Code, at rates of compensation
10 for individuals not to exceed the daily equivalent of the rate
11 for GS-18.

12 “(b) The Administration is authorized to appoint, with-
13 out regard to the civil service laws, technical or other ad-
14 visory committees to advise the Administration with respect
15 to the administration of this title as it deems necessary. Mem-
16 bers of those committees not otherwise in the employ of the
17 United States, while engaged in advising the Administration
18 or attending meetings of the committees, shall be compen-
19 sated at rates to be fixed by the Administration but not to
20 exceed the daily equivalent of the rate for GS-18, and while
21 away from home or regular place of business they may be
22 allowed travel expenses, including per diem in lieu of subsist-
23 ence, as authorized by section 5703 of title 5, United States
24 Code, for persons in the Government service employed
25 intermittently.”

12

1 (11) Section 619 (as redesignated by this Act) is
2 amended by deleting the word "August" and inserting in lieu
3 thereof the word "December".

4 (12) Section 620 (as redesignated by this Act) is
5 amended to read as follows:

6 "SEC. 620. There are authorized to be appropriated
7 such sums as may be necessary to carry out the purposes of
8 this title. Funds appropriated for any fiscal year shall remain
9 available for obligation until expended."

10 (13) Section 701 (as redesignated by this Act) is
11 amended by adding the following new subsection:

12 "(1) The term 'correctional institution' means any place
13 for the confinement or rehabilitation of juvenile offenders or
14 individuals charged with or convicted of criminal offenses."

15 SEC. 3. Subsection (c) of section 5108 of title 5, United
16 States Code, is amended by adding at the end thereof the
17 following new paragraph:

18 "(10) The Law Enforcement Assistance Administration
19 may place a total of twenty five positions in GS-16, 17,
20 and 18."

91ST CONGRESS
2^D SESSION

H. R. 15949

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 1970

Mr. PEPPER introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize appropriations for fiscal year 1971 and succeeding fiscal years, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled.*
3 That section 520 of the Omnibus Crime Control and Safe
4 Streets Act of 1968 is amended by striking the words "and
5 for succeeding fiscal years such sums as the Congress might
6 authorize" and inserting in lieu thereof the following: "and
7 \$1,000,000,000 for the fiscal year ending June 30, 1971, and
8 such sums as are necessary to carry out the provisions of this
9 title for succeeding fiscal years".

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91ST CONGRESS
2D SESSION

H. R. 16145

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1970

Mr. PODELL introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances and
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

1 "The portion of any Federal grant used for the purpose
2 of paragraph (6) or (7) of subsection (b) of this section
3 may be up to 75 per centum of the cost of the program or
4 project specified in the application for such grant. The por-
5 tion of any grant used for the purpose of paragraph (4) of
6 subsection (b) of this section may be up to 50 per centum
7 of the cost of the program or project specified in the appli-
8 cation for such grant. The portion of any grant to be used for
9 any other purpose set forth in this section may be up to 60
10 per centum of the cost of the program or project specified
11 in the application for such grant: *Provided*, That no funds
12 granted under this section shall be used for land acquisition."

13 SEC. 2. Section 306 is amended to read as follows:

14 "Fifty per centum of the funds appropriated to make
15 grants under this part for a fiscal year shall be allocated by
16 the Administration among the States according to their
17 respective populations for grants to the State planning agen-
18 cies of such States. The remaining 50 per centum of such
19 funds, plus such additional amounts as may be made avail-
20 able by virtue of the application of the provisions of section
21 509 to the grant to any State, shall, in the discretion of the
22 Administration, be allocated among the States for grants to
23 State planning agencies or used by the Administration for
24 grants for the purposes of this title to State agencies, units
25 of general local government, public agencies, or combina-

1 tions of the foregoing, according to the criteria and on such
2 terms and conditions as the Administration shall determine
3 consistent with this title. Grants made under the preceding
4 sentence shall not be subject to the limitations set forth in
5 subsections (c) and (d) of section 301: *Provided*, That a
6 State's allocation shall be increased by 20 per centum from
7 funds allocated at the discretion of the Administration where
8 the Administration finds that the comprehensive State plan
9 required under section 303 adequately deals with the special
10 problems and particular needs of the major urban areas of
11 the State and other areas of high crime incidence within the
12 State: *Provided further*, That a State's allocation shall be
13 increased by an additional 20 per centum from funds allo-
14 cated at the discretion of the Administration where the State
15 contributes at least 50 per centum of the non-Federal share
16 of costs for programs of units of general local government
17 funded in accordance with the comprehensive State plan
18 required under section 303.

19 SEC. 3. (a) Section 520 is amended by inserting imme-
20 diately after "June 30, 1970," the following: "\$800,000,000
21 for the fiscal year ending June 30, 1971, \$1,000,000,000
22 for the fiscal year ending June 30, 1972, and \$1,200,000,000
23 for the fiscal year ending June 30, 1973."

91st CONGRESS
2d Session

H. R. 16176

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1970

Mr. MURPHY of New York introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended:

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances
9 and building design techniques to lower opportunities for
10 crime.”

11 (b) Section 301 (c) is amended to read as follows:

1 "The portion of any Federal grant used for the purpose of
2 paragraph (6) or (7) of subsection (b) of this section may
3 be up to 75 per centum of the cost of the program or project
4 specified in the application for such grant. The portion of any
5 grant used for the purpose of paragraph (4) of subsection
6 (b) of this section may be up to 50 per centum of the cost
7 of the program or project specified in the application for such
8 grant. The portion of any grant to be used for any other pur-
9 pose set forth in this section may be up to 60 per centum of
10 the cost of the program or project specified in the application
11 for such grant: *Provided*, That no funds granted under this
12 section shall be used for land acquisition."

13 Sec. 2. Section 306 is amended to read as follows:
14 "Fifty per centum of the funds appropriated to make grants
15 under this part for a fiscal year shall be allocated by the
16 Administration among the States according to their respec-
17 tive populations for grants to the State planning agencies of
18 such States. The remaining 50 per centum of such funds, plus
19 such additional amounts as may be made available by virtue
20 of the application of the provisions of section 509 to the
21 grant to any State, shall, in the discretion of the Admin-
22 istration, be allocated among the States for grants to State
23 planning agencies or used by the Administration for grants
24 for the purposes of this title to State agencies, units of gen-
25 eral local government, public agencies, or combinations of

1 the foregoing, according to the criteria and on such terms
2 and conditions as the Administration shall determine con-
3 sistent with this title. Grants made under the preceding
4 sentence shall not be subject to the limitations set forth in
5 subsections (c) and (d) of section 301: *Provided*, That a
6 State's allocation shall be increased by 20 per centum from
7 funds allocated at the discretion of the Administration where
8 the Administration finds that the comprehensive State plan
9 required under section 303 adequately deals with the special
10 problems and particular needs of the major urban areas of
11 the State and other areas of high crime incidence within the
12 State: *Provided further*, That a State's allocation shall be
13 increased by an additional 20 per centum from funds allo-
14 cated at the discretion of the Administration where the State
15 contributes at least 50 per centum of the non-Federal share
16 of costs for programs of units of general local government
17 funded in accordance with the comprehensive State plan
18 required under section 303.

19 SEC. 3. (a) Section 520 is amended by inserting imme-
20 diately after "June 30, 1970," the following: "\$800,000,000
21 for the fiscal year ending June 30, 1971, \$1,000,000,000
22 for the fiscal year ending June 30, 1972, and \$1,200,000,-
23 000 for the fiscal year ending June 30, 1973."

91st CONGRESS
2D SESSION

H. R. 16179

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 1970

Mr. ULLMAN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 in order to make assistance available to Indian tribes on the same basis as to other local governments.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 601 (c) of the Omnibus Crime Control and
4 Safe Streets Act of 1968 (Public Law 90-351) is amended
5 by inserting at the end thereof the following sentence:
6 "For the purpose of making allocations and grants of funds
7 to Indian tribes which perform law enforcement functions,
8 'State' also means the Secretary of Interior."

91ST CONGRESS
2^D SESSION

H. R. 16188

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 1970

Mr. WILLIAM D. FORD introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances and
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

2

1 “The portion of any Federal grant used for the purpose
2 of paragraph (6) or (7) of subsection (b) of this section
3 may be up to 75 per centum of the cost of the program or
4 project specified in the application for such grant. The por-
5 tion of any grant used for the purpose of paragraph (4) of
6 subsection (b) of this section may be up to 50 per centum of
7 the cost of the program or project specified in the applica-
8 tion for such grant. The portion of any grant to be used for
9 any other purpose set forth in this section may be up to 60
10 per centum of the cost of the program or project specified
11 in the application for such grant: *Provided*, That no funds
12 granted under this section shall be used for land acquisition.”

13 SEC. 2. Section 306 is amended to read as follows:

14 “Fifty per centum of the funds appropriated to make
15 grants under this part for a fiscal year shall be allocated by
16 the Administration among the States according to their
17 respective populations for grants to the State planning agen-
18 cies of such States. The remaining 50 per centum of such
19 funds, plus such additional amounts as may be made available
20 by virtue of the application of the provisions of section
21 509 to the grant to any State, shall, in the discretion of the
22 Administration, be allocated among the States for grants to
23 State planning agencies or used by the Administration for
24 grants for the purposes of this title to State agencies, units

1 of general local government, public agencies, or combina-
2 tions of the foregoing, according to the criteria and on such
3 terms and conditions as the Administration shall determine
4 consistent with this title. Grants made under the preceding
5 sentence shall not be subject to the limitations set forth in
6 subsections (c) and (d) of section 301: *Provided*, That a
7 State's allocation shall be increased by 20 per centum from
8 funds allocated at the discretion of the Administration where
9 the Administration finds that the comprehensive State plan
10 required under section 303 adequately deals with the special
11 problems and particular needs of the major urban areas of
12 the State and other areas of high crime incidence within the
13 State: *Provided further*, That a State's allocation shall be
14 increased by an additional 20 per centum from funds allo-
15 cated at the discretion of the Administration where the State
16 contributes at least 50 per centum of the non-Federal share
17 of costs for programs of units of general local government
18 funded in accordance with the comprehensive State plan
19 required under section 303.

20 SEC. 3. (a) Section 520 is amended by inserting imme-
21 diately after "June 30, 1970," the following: "\$800,000,000
22 for the fiscal year ending June 30, 1971, \$1,000,000,000
23 for the fiscal year ending June 30, 1972, and \$1,200,000,-
24 000 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2^D SESSION

H. R. 16321

IN THE HOUSE OF REPRESENTATIVES .

MARCH 5, 1970

Mr. GILBERT introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances and
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

1 “The portion of any Federal grant used for the purpose
2 of paragraph (6) or (7) of subsection (b) of this section
3 may be up to 75 per centum of the cost of the program or
4 project specified in the application for such grant. The por-
5 tion of any grant used for the purpose of paragraph (4) of
6 subsection (b) of this section may be up to 50 per centum of
7 the cost of the program or project specified in the applica-
8 tion for such grant. The portion of any grant to be used for
9 any other purpose set forth in this section may be up to 60
10 per centum of the cost of the program or project specified
11 in the application for such grant: *Provided*, That no funds
12 granted under this section shall be used for land acquisition.”

13 SEC. 2. Section 306 is amended to read as follows:

14 “Fifty per centum of the funds appropriated to make
15 grants under this part for a fiscal year shall be allocated by
16 the Administration among the States according to their
17 respective populations for grants to the State planning agen-
18 cies of such States. The remaining 50 per centum of such
19 funds, plus such additional amounts as may be made available
20 by virtue of the application of the provisions of section
21 509 to the grant to any State, shall, in the discretion of the
22 Administration, be allocated among the States for grants to
23 State planning agencies or used by the Administration for
24 grants for the purposes of this title to State agencies, units

1 of general local government, public agencies, or combina-
2 tions of the foregoing, according to the criteria and on such
3 terms and conditions as the Administration shall determine
4 consistent with this title. Grants made under the preceding
5 sentence shall not be subject to the limitations set forth in
6 subsections (c) and (d) of section 301: *Provided*, That a
7 State's allocation shall be increased by 20 per centum from
8 funds allocated at the discretion of the Administration where
9 the Administration finds that the comprehensive State plan
10 required under section 303 adequately deals with the special
11 problems and particular needs of the major urban areas of
12 the State and other areas of high crime incidence within the
13 State: *Provided further*, That a State's allocation shall be
14 increased by an additional 20 per centum from funds allo-
15 cated at the discretion of the Administration where the State
16 contributes at least 50 per centum of the non-Federal share
17 of costs for programs of units of general local government
18 funded in accordance with the comprehensive State plan
19 required under section 303.

20 SEC. 3. (a) Section 520 is amended by inserting imme-
21 diately after "June 30, 1970," the following: "\$800,000,000
22 for the fiscal year ending June 30, 1971, \$1,000,000,000
23 for the fiscal year ending June 30, 1972, and \$1,200,000,-
24 000 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2^D SESSION

H. R. 16322

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1970

Mr. GREEN of Pennsylvania introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and
5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances and
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

11 “No grant under this section shall be for an amount in

1 excess of 90 per centum of the cost of the project and pro-
2 gram with respect to which it is made: *Provided*, That no
3 funds granted under this section shall be used for land
4 acquisition."

5 SEC. 2. Section 305 is amended by deleting the last
6 sentence and inserting the following: "No grant under this
7 section to a local unit of general government shall be for an
8 amount in excess of 90 per centum of the cost of the project
9 or program with respect to which it was made."

10 SEC. 3. Section 306 is amended to read as follows:

11 "Fifty per centum of the funds appropriated to make
12 grants under this part for a fiscal year shall be allocated by
13 the Administration among the States according to their
14 respective populations for grants to the State planning agen-
15 cies of such States. The remaining 50 per centum of such
16 funds, plus such additional amounts as may be made avail-
17 able by virtue of the application of the provisions of section
18 509 to the grant to any State, shall, in the discretion of the
19 Administration, be allocated among the States for grants to
20 State planning agencies, or used by the Administration for
21 grants for the purposes of this title to State agencies, units
22 of general local government, public agencies, or combina-
23 tions of the foregoing, according to the criteria and on such
24 terms and conditions as the Administration shall determine
25 consistent with this title. Grants made under the preceding

1 sentence shall not be subject to the limitations set forth in
2 subsections (c) and (d) of section 301: *Provided*, That a
3 State's allocation shall be increased by 20 per centum from
4 funds allocated at the discretion of the Administration where
5 the Administration finds that the comprehensive State plan
6 required under section 303 adequately deals with the special
7 problems and particular needs of the major urban areas of
8 the State and other areas of high crime incidence within the
9 State: *Provided further*, That a State's allocation shall be
10 increased by an additional 20 per centum from funds allo-
11 cated at the discretion of the Administration where the State
12 contributes at least 50 per centum of the non-Federal share
13 of costs for programs of units of general local government
14 funded in accordance with the comprehensive State plan
15 required under section 303.

16 SEC. 4. (a) Section 520 is amended by inserting imme-
17 diately after "June 30, 1970," the following: "\$800,000,-
18 000 for the fiscal year ending June 30, 1971, \$1,000,000,-
19 000 for the fiscal year ending June 30, 1972, and
20 \$1,200,000,000 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2D SESSION

H. R. 16376

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1970

Mr. COWGER (for himself, Mr. BUTTON, Mr. CUNNINGHAM, Mr. DUNCAN, Mr. JOHNSON of Pennsylvania, Mr. WHALEN, Mr. PETTIS, Mr. BUCHANAN, Mr. CARTER, Mr. WEICKER, and Mr. HOGAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in urban areas by making available funds to improve the effectiveness of police services.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*
 3 That this Act may be cited as the "Police Assistance Act
 4 of 1970".

5 SEC. 2. The Congress finds that (A) rising crime rates
 6 are having an increasingly harmful social and economic im-
 7 pact on life in our major urban areas, (B) primary respon-
 8 sibility for police protection rests with local governments,
 9 and (C) direct Federal assistance in the form of unrestricted

1 grants to those cities and counties having primary responsi-
2 bility to provide police services in major urban areas is
3 necessary for effective action to control crime.

4 SEC. 3. (a) For the purpose of carrying out this Act,
5 there is established in the Department of Justice the Office
6 of Police Force Improvement (hereafter in this Act referred
7 to as the "Office"). The Director of the Office shall be ap-
8 pointed, and his compensation shall be fixed by the Attorney
9 General. The Director of the Office may obtain from within
10 the Department of Justice or elsewhere such professional,
11 technical, and clerical personnel as may be necessary.

12 (b) The Attorney General, in consultation with the
13 Law Enforcement Assistance Administration, shall direct
14 the operations of the Office.

15 SEC. 4. (a) The Attorney General shall make grants
16 under this Act for the improvement of police services to—

17 (1) any city with a population in excess of fifty
18 thousand people, and

19 (2) any county with a standard metropolitan sta-
20 tistics area, as defined by the Department of Commerce,
21 which exercises primary responsibility to provide police
22 services to a population in excess of fifty thousand
23 people.

24 (b) From funds appropriated under this Act, the At-
25 torney General shall make grants to the cities and counties

1 referred to in subsection (a) in direct proportion to their
2 respective populations for which they provide primary police
3 services.

4 (c) Funds received by cities and counties under this
5 Act shall be used to improve police services.

6 (d) No city or county shall be eligible to receive funds
7 under this Act unless it continues to contribute from its own
8 sources such sums to police services as the Attorney General
9 may require.

10 SEC. 5. (a) The Attorney General is authorized to
11 prescribe such regulations as may be necessary to carry out
12 the provisions of this Act.

13 (b) Each recipient of assistance under this Act shall
14 keep and make available to the Attorney General and the
15 Comptroller General such records as the Attorney General
16 may require, including detailed records of the amount and
17 disposition of grants received under this Act.

18 SEC. 6. To finance the program under this Act, the At-
19 torney General is authorized to incur obligations in the form
20 of grant agreements, or otherwise, in amounts aggregating
21 not to exceed \$2,500,000,000 over the next five years ending
22 June 30, 1975. These amounts shall remain available until
23 obligated. There are authorized for liquidation of obligations
24 incurred under this subsection appropriations of \$500,000,000
25 for the fiscal year ending June 30, 1971, \$500,000,000 for

1 the fiscal year ending June 30, 1972, \$500,000,000 for
2 the fiscal year ending June 30, 1973, \$500,000,000 for the
3 fiscal year ending June 30, 1974, and \$500,000,000 for
4 the fiscal year ending June 30, 1975. Sums so appropriated
5 under this Act shall remain available until expended.

91ST CONGRESS
2^D SESSION

H. R. 16401

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1970

Mr. LOWENSTEIN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968, to improve the judicial administration of State criminal courts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That title I of the Omnibus Crime Control and Safe Streets
4 Act of 1968 is amended as follows:

5 (1) Section 601 (a) is amended to read as follows:

6 “(a) ‘Law enforcement’ means all activities pertaining
7 to the administration of criminal justice including police ef-
8 forts to prevent crime and to apprehend violators of the
9 criminal law, activities of the criminal courts and related
10 agencies, activities of corrections, probations, and activities

2

1 of other rehabilitative and social service agencies which re-
2 late to the administration of criminal justice.”

3 (2) Redesignate part E and part F as part F and part
4 G, respectively, and insert after part E the following:

5 “PART E—STATE CRIMINAL JUSTICE ASSISTANCE CENTER

6 “SEC. 450. It is the purpose of this part to provide for
7 and encourage improvement in the organization, procedure,
8 and administration of State and local courts, to relieve court
9 congestion and to thereby promote and insure the right
10 to speedy trial.

11 “SEC. 451. (a) There is established within the Depart-
12 ment of Justice, a State Criminal Justice Assistance Center,
13 (hereinafter referred to in this part as ‘Center’). The Center
14 shall be under the general authority of a Director who shall
15 be an Associate Administrator of Law Enforcement
16 Assistance.

17 “(b) The Center is authorized—

18 “(1) to conduct or cause to be conducted research
19 into the administration of State and local courts and
20 develop recommendations for action for the improve-
21 ment of court administration and management which
22 can be taken by the Federal Government, State, and local
23 governments, and other organizations and individuals.
24 The Center may contract with public or private agencies

1 for the purpose of having such agencies assist it in the
2 exercise of the authority under this paragraph;

3 “(2) to conduct programs of instructional assistance
4 for judges and personnel of local and State courts;

5 “(3) to carry out a program of collection, evalua-
6 tion, publication, and dissemination of information, ma-
7 terials, and other data relating to studies, programs, and
8 projects conducted or carried out under this part;

9 “(4) to cooperate with and render technical assist-
10 ance to Federal, State, local, or other public or private
11 agencies for the purposes outlined in this part;

12 “(5) to make grants to, or enter into contracts with
13 State and local governments, courts, or public and
14 private nonprofit agencies and individuals for—

15 “(A) additional manpower for State and local
16 courts, including positions for judges, prosecutors
17 and public defenders, bailiffs, marshals, and court ad-
18 ministrative, management and supportive personnel.
19 No application submitted by any local or State court
20 or government or public or private nonprofit agency
21 or individual for a grant under this part shall be
22 approved by the Director unless such application
23 has been first submitted to the chief or presiding
24 judge of the court or courts affected by such grant or

1 contract. All matters dealing with the selection of
2 persons to fill any position created by or assisted
3 through grants made under this part shall be left to
4 the States and local governments;

5 “(B) technical assistance to State and local
6 courts for improvement of judicial administration,
7 such as the use of computers for calendaring, man-
8 agement analysts, and consultants, training and edu-
9 cation of court administrators, case monitoring and
10 scheduling;

11 “(C) studies and programs to create specialized
12 procedures for the processing or treatment of in-
13 dividuals accused of particular types of criminal or
14 criminally related offenses, including narcotics ad-
15 diction, alcoholism, prostitution, and traffic offenses;
16 and

17 “(D) the implementation of programs directed
18 at improvement of the organization, procedures, and
19 administration of State and local court systems, and
20 programs recommended as a result of studies con-
21 ducted under this title.

22 “SEC. 452. (a) The Attorney General after consultation
23 with appropriate Federal, State, and local authorities, shall
24 establish guidelines and minimum standards relating to—

25 “(1) the operation, structure, procedure, personnel

1 training, programs, and administration of State and local
2 courts;

3 “(2) the appropriate time limits and exclusions for
4 the speedy trial or other disposition of criminal offenses.

5 “(b) The Center is authorized to make grants to State
6 or local governments to pay all or any portion of the annual
7 costs of implementing the standards established under this
8 section, including capital expenditures for improvement and
9 innovations in facilities, subject to condition that such govern-
10 ments will maintain such standards. In the event of any
11 breach of such conditions, the United States shall be entitled
12 to recover such portion of the amounts paid pursuant to this
13 section as may be provided in the grant. Such right of recov-
14 ery shall be in addition to any other remedies that may be
15 provided in the contract or available according to law.

16 “SEC. 453. A grant authorized under this part may be
17 up to 100 per centum of the total cost of each study or pro-
18 gram for which such grant is made. The Center shall require,
19 whenever feasible, as a condition of approval of a grant under
20 this part, that the recipient contribute money, facilities, or
21 services to carry out the purpose for which the grant is
22 sought.

23 “SEC. 454. No grant or contract made under this part
24 shall be commenced in any city or State unless a plan setting
25 forth such proposed project has been submitted to the State

6

1 planning agency as described in part B of this title, if there
2 is such agency, and such plan has not been disapproved by
3 the State planning agency within thirty days of such submis-
4 sion, or if so disapproved, has been reconsidered by the Di-
5 rector and found by him to be fully consistent with the pro-
6 visions and in furtherance of the purposes of this title.

7 "SEC. 455. The Center shall coordinate all grants per-
8 taining to the purposes described in this part under this Act;
9 the Juvenile Delinquency Prevention and Control Act of
10 1968, as amended; the Community Mental Health Centers
11 Act, as amended, the Public Health Service Act, as amended.

12 "SEC. 456. At least 25 per centum of all Federal funds
13 appropriated under this title shall be available for grants
14 under this part."

15 (3) Section 520 is amended by striking the words "and
16 for succeeding fiscal years such sums as the Congress might
17 authorize" and inserting in lieu thereof the following: "and
18 \$750,000,000 for the fiscal year ending June 30, 1971,
19 \$1,250,000,000 for the fiscal year ending June 30, 1972,
20 and \$1,500,000,000 for the fiscal year ending June 30,
21 1973."

22 (4) The first sentence of section 101 (b) is amended by
23 striking out "two" and inserting in lieu thereof "three".

91ST CONGRESS
2^D SESSION

H. R. 16470

IN THE HOUSE OF REPRESENTATIVES

MARCH 16, 1970

Mr. FARBERSTEIN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide that municipalities having a population of one hundred thousand or more shall be considered to be "States" for the purposes of participating in certain grant programs authorized under such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That part F of the Omnibus Crime Control and Safe Streets
4 Act of 1968 is amended—

5 (1) by inserting "AND MISCELLANEOUS PROVI-
6 SIONS" immediately after "DEFINITIONS";

7 (2) by inserting "(1)" immediately after "means"
8 in subsection (c) of section 601 thereof, and by insert-

1 ing immediately before the period at the end of such
2 subsection the following: “; and (2) any municipality
3 which is within a ‘State’ as defined in clause (1) of this
4 section and which has a population of not less than
5 one hundred thousand, provided it has a rate of violent
6 crime at least 50 per centum above the national aver-
7 age”; and

8 (3) by adding at the end thereof the following new
9 section:

10 “Sec. 602. The Administrator shall prescribe such reg-
11 ulations as may be necessary to provide for the administra-
12 tion of the grant programs authorized under this title with
13 respect to any State as defined in section 601 (c) (2) of
14 this title. The funds which would be available to each
15 State as defined in section 601 (c) (1) for the purposes
16 of this title without regard to this section shall be propor-
17 tionately adjusted in such manner as the Administrator
18 deems appropriate to take into account any grants made
19 under this title to any municipality which is within each
20 such State (as defined in section 601 (c) (1)) and which is
21 treated as a ‘State’ pursuant to section 601 (c) (2).”

91ST CONGRESS
2D SESSION

H. R. 16558

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1970

Mr. COWGER (for himself, Mr. HOSMER, Mr. BINGHAM, Mr. SCHEUER, Mr. YAT-
RON, Mr. FRIEDEL, Mr. POWELL, Mr. FRASER, Mr. STOKES, Mr. PODELL, Mr.
TIERNAN, and Mr. MIKVA) introduced the following bill; which was
referred to the Committee on the Judiciary

A BILL

To improve law enforcement in urban areas by making available
funds to improve the effectiveness of police services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Police Assistance Act
4 of 1970".

5 SEC. 2. The Congress finds that (A) rising crime rates
6 are having an increasingly harmful social and economic im-
7 pact on life in our major urban areas, (B) primary respon-
8 sibility for police protection rests with local governments,
9 and (C) direct Federal assistance in the form of unrestricted
10 grants to those cities and counties having primary responsi-

1 bility to provide police services in major urban areas is
2 necessary for effective action to control crime.

3 SEC. 3. (a) For the purpose of carrying out this Act,
4 there is established in the Department of Justice the Office
5 of Police Force Improvement (hereafter in this Act referred
6 to as the "Office"). The Director of the Office shall be ap-
7 pointed, and his compensation shall be fixed by the Attorney
8 General. The Director of the Office may obtain from within
9 the Department of Justice or elsewhere such professional,
10 technical, and clerical personnel as may be necessary.

11 (b) The Attorney General, in consultation with the
12 Law Enforcement Assistance Administration, shall direct
13 the operations of the Office.

14 SEC. 4. (a) The Attorney General shall make grants
15 under this Act for the improvement of police services to—

16 (1) any city with a population in excess of fifty
17 thousand people, and

18 (2) any county with a standard metropolitan sta-
19 tistics area, as defined by the Department of Commerce,
20 which exercises primary responsibility to provide police
21 services to a population in excess of fifty thousand
22 people.

23 (b) From funds appropriated under this Act, the At-
24 torney General shall make grants to the cities and counties
25 referred to in subsection (a) in direct proportion to their

1 respective populations for which they provide primary police
2 services.

3 (c) Funds received by cities and counties under this
4 Act shall be used to improve police services.

5 (d) No city or county shall be eligible to receive funds
6 under this Act unless it continues to contribute from its own
7 sources such sums to police services as the Attorney General
8 may require.

9 SEC. 5. (a) The Attorney General is authorized to
10 prescribe such regulations as may be necessary to carry out
11 the provisions of this Act.

12 (b) Each recipient of assistance under this Act shall
13 keep and make available to the Attorney General and the
14 Comptroller General such records as the Attorney General
15 may require, including detailed records of the amount and
16 disposition of grants received under this Act.

17 SEC. 6. To finance the program under this Act, the At-
18 torney General is authorized to incur obligations in the form
19 of grant agreements, or otherwise, in amounts aggregating
20 not to exceed \$2,500,000,000 over the next five years ending
21 June 30, 1975. These amounts shall remain available until
22 obligated. There are authorized for liquidation of obligations
23 incurred under this subsection appropriations of \$500,000,000
24 for the fiscal year ending June 30, 1971, \$500,000,000 for

1 the fiscal year ending June 30, 1972, \$500,000,000 for
2 the fiscal year ending June 30, 1973, \$500,000,000 for the
3 fiscal year ending June 30, 1974, and \$500,000,000 for
4 the fiscal year ending June 30, 1975. Sums so appropriated
5 under this Act shall remain available until expended.

91st CONGRESS
2^d SESSION

H. R. 16581

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1970

Mr. MACGREGOR introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, to authorize appropriations for law enforcement assistance programs for fiscal years 1971, 1972, and 1973, and to extend indefinitely the duration of such assistance programs.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) section 512 of title I of the Omnibus Crime Control
4 and Safe Streets Act of 1968 (42 U.S.C. 3760) is amended
5 by striking "during the fiscal year ending June 30, 1968,
6 and the five succeeding fiscal years".
7 (b) Section 520 of such title (42 U.S.C. 3768) is
8 amended by inserting after the words "June 30, 1970," the

1 following: "\$600,000,000 for the fiscal year ending June
2 30, 1971, \$1,000,000,000 for the fiscal year ending June
3 30, 1972, and \$1,500,000,000 for the fiscal year ending
4 June 30, 1973,".

91ST CONGRESS
2^D SESSION

H. R. 16582

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 1970

Mr. BRADEMAs introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. (a) Section 301 (b) is amended—

4 (1) by redesignating paragraphs (5), (6), and

5 (7) as paragraphs (6), (7), and (8), and

6 (2) by inserting a new paragraph (5) to read:

7 “(5) Crime prevention, including improved lighting of
8 high crime areas and development of laws and ordinances and
9 building design techniques to lower opportunities for crime.”

10 (b) Section 301 (c) is amended to read as follows:

11 “The portion of any Federal grant used for the purpose

1 of paragraph (6) or (7) of subsection (b) of this section
2 may be up to 75 per centum of the cost of the program or
3 project specified in the application for such grant. The por-
4 tion of any grant used for the purpose of paragraph (4) of
5 subsection (b) of this section may be up to 50 per centum
6 of the cost of the program or project specified in the appli-
7 cation for such grant. The portion of any grant to be used for
8 any other purpose set forth in this section may be up to 60
9 per centum of the cost of the program or project specified
10 in the application for such grant: *Provided*, That no funds
11 granted under this section shall be used for land acquisition."

12 SEC. 2. Section 306 is amended to read as follows:

13 "Fifty per centum of the funds appropriated to make
14 grants under this part for a fiscal year shall be allocated by
15 the Administration among the States according to their
16 respective populations for grants to the State planning agen-
17 cies of such States. The remaining 50 per centum of such
18 funds, plus such additional amounts as may be made avail-
19 able by virtue of the application of the provisions of section
20 509 to the grant to any State, shall, in the discretion of the
21 Administration, be allocated among the States for grants to
22 State planning agencies or used by the Administration for
23 grants for the purposes of this title to State agencies, units
24 of general local government, public agencies, or combina-
25 tions of the foregoing, according to the criteria and on such

1 terms and conditions as the Administration shall determine
2 consistent with this title. Grants made under the preceding
3 sentence shall not be subject to the limitations set forth in
4 subsections (c) and (d) of section 301: *Provided*, That a
5 State's allocation shall be increased by 20 per centum from
6 funds allocated at the discretion of the Administration where
7 the Administration finds that the comprehensive State plan
8 required under section 303 adequately deals with the special
9 problems and particular needs of the major urban areas of
10 the State and other areas of high crime incidence within the
11 State: *Provided further*, That a State's allocation shall be
12 increased by an additional 20 per centum from funds allo-
13 cated at the discretion of the Administration where the State
14 contributes at least 50 per centum of the non-Federal share
15 of costs for programs of units of general local government
16 funded in accordance with the comprehensive State plan
17 required under section 303."

18 SEC. 3. (a) Section 520 is amended by inserting imme-
19 diately after "June 30, 1970," the following: "\$800,000,000
20 for the fiscal year ending June 30, 1971, \$1,000,000,000
21 for the fiscal year ending June 30, 1972, and \$1,200,000,000
22 for the fiscal year ending June 30, 1973."

91ST CONGRESS
2^D SESSION

H. R. 16627

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1970

Mr. HUNGATE introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in urban areas by making available funds to improve the effectiveness of police services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Police Assistance Act of
4 1970".

5 SEC. 2. The Congress finds that (A) rising crime rates
6 are having an increasingly harmful social and economic im-
7 pact on life in our major urban areas, (B) primary respon-
8 sibility for police protection rests with local governments,
9 and (C) direct Federal assistance in the form of unrestricted
10 grants to those cities and counties having primary responsi-

1 bility to provide police services in major urban areas is
2 necessary for effective action to control crime.

3 SEC. 3. (a) For the purpose of carrying out this Act,
4 there is established in the Department of Justice the Office
5 of Police Force Improvement (hereafter in this Act referred
6 to as the "Office"). The Director of the Office shall be ap-
7 pointed, and his compensation shall be fixed, by the Attorney
8 General. The Director of the Office may obtain from within
9 the Department of Justice or elsewhere such professional,
10 technical, and clerical personnel as may be necessary.

11 (b) The Attorney General, in consultation with the
12 Law Enforcement Assistance Administration, shall direct the
13 operations of the Office.

14 SEC. 4. (a) The Attorney General shall make grants
15 under this Act for the improvement of police services to—

16 (1) any city with a population in excess of fifty
17 thousand people, and

18 (2) any county within a standard metropolitan sta-
19 tistics area, as defined by the Department of Commerce,
20 which exercises primary responsibility to provide police
21 services to a population in excess of fifty thousand
22 people.

23 (b) From funds appropriated under this Act, the At-
24 torney General shall make grants to the cities and counties
25 referred to in subsection (a) in direct proportion to their

1 respective populations for which they provide primary police
2 services.

3 (c) Funds received by cities and counties under this
4 Act shall be used to improve police services.

5 (d) No city or county shall be eligible to receive funds
6 under this Act unless it continues to contribute from its own
7 sources such sums to police services as the Attorney General
8 may require.

9 SEC. 5. (a) The Attorney General is authorized to pre-
10 scribe such regulations as may be necessary to carry out
11 the provisions of this Act.

12 (b) Each recipient of assistance under this Act shall
13 keep and make available to the Attorney General and the
14 Comptroller General such records as the Attorney General
15 may require, including detailed records of the amount and
16 disposition of grants received under this Act.

17 SEC. 6. To finance the program under this Act, the At-
18 torney General is authorized to incur obligations in the form
19 of grant agreements, or otherwise, in amounts aggregating
20 not to exceed \$2,500,000,000 over the next five years ending
21 June 30, 1975. These amounts shall remain available until
22 obligated. There are authorized for liquidation of obligations
23 incurred under this subsection appropriations of \$500,000,000
24 for the fiscal year ending June 30, 1971, \$500,000,000 for
25 the fiscal year ending June 30, 1972, \$500,000,000 for

1 the fiscal year ending June 30, 1973, \$500,000,000 for the
2 fiscal year ending June 30, 1974, and \$500,000,000 for
3 the fiscal year ending June 30, 1975. Sums so appropriated
4 under this Act shall remain available until expended.

91st CONGRESS
2d SESSION

H. R. 16769

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 1970

Mr. ADDABBO introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in urban areas by making available funds to improve the effectiveness of police services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Police Assistance Act of
4 1970".

5 SEC. 2. The Congress finds that (A) rising crime rates
6 are having an increasingly harmful social and economic im-
7 pact on life in our major urban areas, (B) primary respon-
8 sibility for police protection rests with local governments,
9 and (C) direct Federal assistance in the form of unrestricted
10 grants to those cities and counties having primary responsi-

1 bility to provide police services in major urban areas is
2 necessary for effective action to control crime.

3 SEC. 3. (a) For the purpose of carrying out this Act,
4 there is established in the Department of Justice the Office
5 of Police Force Improvement (hereafter in this Act referred
6 to as the "Office"). The Director of the Office shall be ap-
7 pointed, and his compensation shall be fixed, by the Attorney
8 General. The Director of the Office may obtain from within
9 the Department of Justice or elsewhere such professional,
10 technical, and clerical personnel as may be necessary.

11 (b) The Attorney General, in consultation with the
12 Law Enforcement Assistance Administration, shall direct the
13 operations of the Office.

14 SEC. 4. (a) The Attorney General shall make grants
15 under this Act for the improvement of police services to—

16 (1) any city with a population in excess of fifty
17 thousand people, and

18 (2) any county within a standard metropolitan sta-
19 tistics area, as defined by the Department of Commerce,
20 which exercises primary responsibility to provide police
21 services to a population in excess of fifty thousand
22 people.

23 (b) From funds appropriated under this Act, the At-
24 torney General shall make grants to the cities and counties
25 referred to in subsection (a), in direct proportion to their

1 respective populations for which they provide primary police
2 services.

3 (c) Funds received by cities and counties under this
4 Act shall be used to improve police services.

5 (d) No city or county shall be eligible to receive funds
6 under this Act unless it continues to contribute from its own
7 sources such sums to police services as the Attorney General
8 may require.

9 SEC. 5. (a) The Attorney General is authorized to pre-
10 scribe such regulations as may be necessary to carry out
11 the provisions of this Act.

12 (b) Each recipient of assistance under this Act shall
13 keep and make available to the Attorney General and the
14 Comptroller General such records as the Attorney General
15 may require, including detailed records of the amount and
16 disposition of grants received under this Act.

17 SEC. 6. To finance the program under this Act, the At-
18 torney General is authorized to incur obligations in the form
19 of grant agreements, or otherwise, in amounts aggregating
20 not to exceed \$2,500,000,000 over the next five years ending
21 June 30, 1975. These amounts shall remain available until
22 obligated. There are authorized for liquidation of obligations
23 incurred under this subsection appropriations of \$500,000,000
24 for the fiscal year ending June 30, 1971, \$500,000,000 for
25 the fiscal year ending June 30, 1972, \$500,000,000 for

1 the fiscal year ending June 30, 1973, \$500,000,000 for the
2 fiscal year ending June 30, 1974, and \$500,000,000 for
3 the fiscal year ending June 30, 1975. Sums so appropriated
4 under this Act shall remain available until expended.

91st CONGRESS
2d SESSION

H. R. 16795

IN THE HOUSE OF REPRESENTATIVES

APRIL 7, 1970

Mr. MIKVA (for himself, Mr. ANDERSON of California, Mr. BOLLING, Mr. BRADEMAS, Mr. BURTON of California, Mr. DADDARIO, Mr. GIBBONS, Mr. GILBERT, Mr. HAMILTON, Mr. HELSTOSKI, Mr. LOWENSTEIN, Mr. MOORHEAD, Mr. OTTINGER, Mr. PODELL, Mr. ROSENTHAL, and Mr. SYMINGTON) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Omnibus Crime Control and Safe Streets Act of
4 1968 is amended as follows:
- 5 (1) Section 601 (a) is amended to read as follows:
- 6 “(a) ‘Law enforcement’ means all activities pertaining to
7 the administration of criminal justice including police efforts
8 to prevent crime and to apprehend violators of the criminal
9 law, activities of the criminal courts and related agencies,
10 activities of corrections, probation, and parole authorities,

1 and activities of other rehabilitative and social service agen-
2 cies which relate to the administration of criminal justice.”.

3 (2) Paragraphs (1) through (3) of section 301(b)
4 are amended to read as follows:

5 “(1) Public protection, including the development, dem-
6 onstration, evaluation, implementation and purchase of
7 methods, devices, facilities, and equipment designed to im-
8 prove and strengthen police departments, criminal courts
9 and criminal justice agencies and procedures, and correc-
10 tions, and to reduce crime and criminal recidivism in public
11 and private places.

12 “(2) The recruiting and training of police personnel,
13 criminal justice personnel (including judges, prosecutors,
14 public defenders, bailiffs, marshals, and court administra-
15 tive and management officials), and corrections personnel
16 (including probation and parole supervisors, and vocational
17 rehabilitation, medical, psychiatric, counseling, and educa-
18 tional personnel for prisons and correctional institutions).

19 “(3) Public education relating to crime prevention
20 and rehabilitation of criminal offenders and encouraging
21 respect for law and the criminal justice system, including
22 education programs in schools and communities and pro-
23 grams to improve public understanding of the purpose and
24 operation of the criminal justice system and cooperation

1 with police agencies, criminal courts and related activities,
2 and corrections agencies.”.

3 (3) Section 301 is amended by adding at the end
4 thereof the following:

5 “(e) Not more than one-half of any grant made under
6 this part may be expended for the assistance of police de-
7 partments or police activities or for the compensation of
8 police personnel including the training of persons as police
9 personnel. The remaining one-half of any grant shall be
10 distributed between (1) criminal courts and related agencies,
11 and (2) the corrections system, and not more than two-
12 thirds of this remaining one-half shall be expended in sup-
13 port of either of these activities.”.

14 (4) Section 303 is amended by redesignating para-
15 graphs (5) through (12) as paragraphs (6) through (13),
16 respectively, and by inserting after paragraph (4) the fol-
17 lowing:

18 “(5) assure the proper coordination of all law en-
19 forcement activities with adequate attention given to the
20 roles of the police, the criminal courts, and the correc-
21 tions system, including, if appropriate, the establish-
22 ment of a Criminal Justice Coordinating Council for
23 the State, for any unit of general local government,
24 or for any combination thereof;”.

1 (5) Section 306 is amended to read as follows:

2 "Sec. 306. Fifty per centum of the funds appropriated
3 to make grants under this part for a fiscal year shall be
4 allocated by the Administration among the States according
5 to their respective populations for grants to the State plan-
6 ning agencies of such States. The remaining 50 per centum
7 of such funds, plus such additional amounts as may be made
8 available by virtue of the application of the provisions of
9 section 509 to the grant of any State, shall, in the discre-
10 tion of the Administration, be allocated to State agencies,
11 units of general local government, public agencies, or com-
12 binations of the foregoing, according to the criteria and on
13 such terms and conditions as the Administration shall de-
14 termine consistent with this title. Grants made under the
15 preceding sentence shall not be subject to the limitations set
16 forth in subsections (c) and (d) of section 301. Allocations
17 under the second sentence of this section shall be increased
18 by 20 per centum where the Administration finds that the
19 comprehensive State plan required under section 303 ade-
20 quately deals with the special problems and particular needs
21 of the major urban areas of the State and other areas of high
22 crime incidence and provides for comprehensive coordination
23 of police, criminal court, and corrections activities. Alloca-
24 tions under the second sentence of this section shall be in-
25 creased by an additional 20 per centum where the State

5

1 contributes at least 50 per centum of the non-Federal share
2 of costs for programs of units of general local government
3 funded in accordance with the comprehensive State plan
4 required under section 303.”.

5 (6) Section 520 is amended by striking the words
6 “and for succeeding fiscal years such sums as the Congress
7 might authorize” and inserting in lieu thereof the following:
8 “and \$750,000,000 for the fiscal year ending June 30,
9 1971, \$1,250,000,000 for the fiscal year ending June 30,
10 1972, and \$1,500,000,000 for the fiscal year ending June 30,
11 1973”.

91ST CONGRESS
2^D SESSION

H. R. 16899

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 1970

Mr. WATTS introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in urban areas by making available funds to improve the effectiveness of police services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Police Assistance Act of
4 1970".

5 SEC. 2. The Congress finds that (A) rising crime rates
6 are having an increasingly harmful social and economic im-
7 pact on life in our major urban areas, (B) primary responsi-
8 bility for police protection rests with local governments, and
9 (C) direct Federal assistance in the form of unrestricted
10 grants to those cities and counties having primary responsi-

1 bility to provide police services in cities and urban areas is
2 necessary for effective action to control crime.

3 SEC. 3. (a) For the purpose of carrying out this Act,
4 there is established in the Department of Justice the Office
5 of Police Force Improvement (hereafter in this Act referred
6 to as the "Office"). The Director of the Office shall be ap-
7 pointed, and his compensation shall be fixed, by the Attor-
8 ney General. The Director of the Office may obtain from
9 within the Department of Justice or elsewhere such profes-
10 sional, technical, and clerical personnel as may be necessary.

11 (b) The Attorney General, in consultation with the
12 Law Enforcement Assistance Administration, shall direct the
13 operations of the Office.

14 SEC. 4. (a) The Attorney General shall make grants
15 under this Act for the improvement of police services to any
16 city or county which exercises primary responsibility to pro-
17 vide police services.

18 (b) From funds appropriated under this Act, the Attor-
19 ney General shall make grants to the cities and counties
20 referred to in subsection (a) in direct proportion to the re-
21 spective populations for which they provide primary police
22 service.

23 (c) Funds received by cities and counties under this
24 Act shall be used to improve police services.

25 (d) No city or county shall be eligible to receive funds

1 under this Act unless it continues to contribute from its own
2 sources such sums to police services as the Attorney Gen-
3 eral may require.

4 SEC. 5. (a) The Attorney General is authorized to pre-
5 scribe such regulations as may be necessary to carry out the
6 provisions of this Act.

7 (b) Each recipient of assistance under this Act shall
8 keep and make available to the Attorney General and the
9 Comptroller General such records as the Attorney General
10 may require, including detailed records of the amount and
11 disposition of grants received under this Act.

12 SEC. 6. To finance the program under this Act, the
13 Attorney General is authorized to incur obligations in the
14 form of grant agreements, or otherwise, in amounts aggre-
15 gating not to exceed \$2,500,000,000 over the next five years
16 ending June 30, 1975. These amounts shall remain available
17 until obligated. There are authorized for liquidation of obli-
18 gations incurred under this subsection appropriations of
19 \$500,000,000 for the fiscal year ending June 30, 1971,
20 \$500,000,000 for the fiscal year ending June 30, 1972,
21 \$500,000,000 for the fiscal year ending June 30, 1973,
22 \$500,000,000 for the fiscal year ending June 30, 1974,
23 and \$500,000,000 for the fiscal year ending June 30, 1975.
24 Sums so appropriated under this Act shall remain available
25 until expended.

91ST CONGRESS
2^D SESSION

H. R. 17049

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 1970

Mr. FULTON of Tennessee introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To improve law enforcement in urban areas by making available funds to improve the effectiveness of police services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Police Assistance Act of
4 1970".

5 SEC. 2. The Congress finds that (A) rising crime rates
6 are having an increasingly harmful social and economic im-
7 pact on life in our major urban areas, (B) primary respon-
8 sibility for police protection rests with local governments,
9 and (C) direct Federal assistance in the form of unrestricted
10 grants to those cities and counties having primary responsi-

1 bility to provide police services in major urban areas is
2 necessary for effective action to control crime.

3 SEC. 3. (a) For the purpose of carrying out this Act,
4 there is established in the Department of Justice the Office
5 of Police Force Improvement (hereafter in this Act referred
6 to as the "Office"). The Director of the Office shall be ap-
7 pointed, and his compensation shall be fixed, by the Attorney
8 General. The Director of the Office may obtain from within
9 the Department of Justice or elsewhere such professional,
10 technical, and clerical personnel as may be necessary.

11 (b) The Attorney General, in consultation with the
12 Law Enforcement Assistance Administration, shall direct the
13 operations of the Office.

14 SEC. 4. (a) The Attorney General shall make grants
15 under this Act for the improvement of police services to—

16 (1) any city with a population in excess of fifty
17 thousand people, and

18 (2) any county within a standard metropolitan sta-
19 tistics area, as defined by the Department of Commerce,
20 which exercises primary responsibility to provide police
21 services to a population in excess of fifty thousand
22 people.

23 (b) From funds appropriated under this Act, the At-
24 torney General shall make grants to the cities and counties
25 referred to in subsection (a) in direct proportion to their

1 respective populations for which they provide primary police
2 services.

3 (c) Funds received by cities and counties under this
4 Act shall be used to improve police services.

5 (d) No city or county shall be eligible to receive funds
6 under this Act unless it continues to contribute from its own
7 sources such sums to police services as the Attorney General
8 may require.

9 SEC. 5. (a) The Attorney General is authorized to pre-
10 scribe such regulations as may be necessary to carry out
11 the provisions of this Act.

12 (b) Each recipient of assistance under this Act shall
13 keep and make available to the Attorney General and the
14 Comptroller General such records as the Attorney General
15 may require, including detailed records of the amount and
16 disposition of grants received under this Act.

17 SEC. 6. To finance the program under this Act, the At-
18 torney General is authorized to incur obligations in the form
19 of grant agreements, or otherwise, in amounts aggregating
20 not to exceed \$2,500,000,000 over the next five years ending
21 June 30, 1975. These amounts shall remain available until
22 obligated. There are authorized for liquidation of obligations
23 incurred under this subsection appropriations of \$500,000,000
24 for the fiscal year ending June 30, 1971, \$500,000,000 for
25 the fiscal year ending June 30, 1972, \$500,000,000 for

1 the fiscal year ending June 30, 1973, \$500,000,000 for the
2 fiscal year ending June 30, 1974, and \$500,000,000 for
3 the fiscal year ending June 30, 1975. Sums so appropriated
4 under this Act shall remain available until expended.

91ST CONGRESS
2^D SESSION

H. R. 17115

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 1970

Mr. CHARLES H. WILSON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Omnibus Crime Control and Safe Streets Act of
4 1968 is amended as follows:
- 5 (1) Section 601 (a) is amended to read as follows:
- 6 “(a) ‘Law enforcement’ means all activities pertaining to
7 the administration of criminal justice including police efforts
8 to prevent crime and to apprehend violators of the criminal
9 law, activities of the criminal courts and related agencies,
10 activities of corrections, probation, and parole authorities,

1 and activities of other rehabilitative and social service agen-
2 cies which relate to the administration of criminal justice.”.

3 (2) Paragraphs (1) through (3) of section 301 (b)
4 are amended to read as follows:

5 “(1) Public protection, including the development, dem-
6 onstration, evaluation, implementation and purchase of
7 methods, devices, facilities, and equipment designed to im-
8 prove and strengthen police departments, criminal courts
9 and criminal justice agencies and procedures, and correc-
10 tions, and to reduce crime and criminal recidivism in public
11 and private places.

12 “(2) The recruiting and training of police personnel,
13 criminal justice personnel (including judges, prosecutors,
14 public defenders, bailiffs, marshals, and court administra-
15 tive and management officials), and corrections personnel
16 (including probation and parole supervisors, and vocational
17 rehabilitation, medical, psychiatric, counseling, and educa-
18 tional personnel for prisons and correctional institutions).

19 “(3) Public education relating to crime prevention
20 and rehabilitation of criminal offenders and encouraging
21 respect for law and the criminal justice system, including
22 education programs in schools and communities and pro-
23 grams to improve public understanding of the purpose and
24 operation of the criminal justice system and cooperation

1 with police agencies, criminal courts and related activities,
2 and corrections agencies.”.

3 (3) Section 301 is amended by adding at the end
4 thereof the following:

5 “(e) Not more than one-half of any grant made under
6 this part may be expended for the assistance of police de-
7 partments or police activities or for the compensation of
8 police personnel including the training of persons as police
9 personnel. The remaining one-half of any grant shall be
10 distributed between (1) criminal courts and related agencies,
11 and (2) the corrections system, and not more than two-
12 thirds of this remaining one-half shall be expended in sup-
13 port of either of these activities.”.

14 (4) Section 303 is amended by redesignating para-
15 graphs (5) through (12) as paragraphs (6) through (13),
16 respectively, and by inserting after paragraph (4) the fol-
17 lowing:

18 “(5) assure the proper coordination of all law en-
19 forcement activities with adequate attention given to the
20 roles of the police, the criminal courts, and the correc-
21 tions system, including, if appropriate, the establish-
22 ment of a Criminal Justice Coordinating Council for
23 the State, for any unit of general local government,
24 or for any combination thereof;”.

4

1 (5) Section 306 is amended to read as follows:

2 "SEC. 306. Fifty per centum of the funds appropriated
3 to make grants under this part for a fiscal year shall be
4 allocated by the Administration among the States according
5 to their respective populations for grants to the State plan-
6 ning agencies of such States. The remaining 50 per centum
7 of such funds, plus such additional amounts as may be made
8 available by virtue of the application of the provisions of
9 section 509 to the grant of any State, shall, in the discre-
10 tion of the Administration, be allocated to State agencies,
11 units of general local government, public agencies, or com-
12 binations of the foregoing, according to the criteria and on
13 such terms and conditions as the Administration shall de-
14 termine consistent with this title. Grants made under the
15 preceding sentence shall not be subject to the limitations set
16 forth in subsections (c) and (d) of section 301. Allocations
17 under the second sentence of this section shall be increased
18 by 20 per centum where the Administration finds that the
19 comprehensive State plan required under section 303 ade-
20 quately deals with the special problems and particular needs
21 of the major urban areas of the State and other areas of high
22 crime incidence and provides for comprehensive coordination
23 of police, criminal court, and corrections activities. Alloca-
24 tions under the second sentence of this section shall be in-
25 creased by an additional 20 per centum where the State

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1 contributes at least 50 per centum of the non-Federal share
2 of costs for programs of units of general local government
3 funded in accordance with the comprehensive State plan
4 required under section 303.”.

5 (6) Section 520 is amended by striking the words
6 “and for succeeding fiscal years such sums as the Congress
7 might authorize” and inserting in lieu thereof the following:
8 “and \$750,000,000 for the fiscal year ending June 30,
9 1971, \$1,250,000,000 for the fiscal year ending June 30,
10 1972, and \$1,500,000,000 for the fiscal year ending June 30,
11 1973”.

○