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*Last Updated: 09/29/2025*



# **The Reagan Record on Crime and Justice**

**White House Office of Public Affairs**



## The Reagan Record

on

### CRIME AND JUSTICE

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The Reagan Record on

CRIME AND JUSTICE

SUMMARY STATEMENT

President Reagan believes the first duty of a civilized society is to protect itself from those who prey on the innocent. He has appointed tougher judges who accept their duty to interpret the law as it is written, not as they wish it were written. Sentences are growing longer, and victims' rights are being protected. While crime remains a major problem, there is clear evidence that the rate of crime is declining.

HIGHLIGHTS

The crime rate is falling. Federal data show the rate of crime reported to the police per 100,000 population fell 7 percent between 1980 and 1987. The murder rate fell by 18.6 percent. And the rate of robberies declined by 15 percent. Two million fewer households were hit by crime in 1987 than in 1980.

Well qualified judges are on the bench. By mid-June, President Reagan had appointed 48 percent of the judges with lifetime appointments to the Federal courts. President Reagan nominated these individuals because he believed they would see their duty as interpreting the law, not rewriting it. The President has appointed a higher percentage of judges meeting the American Bar Association's standard of "exceptionally well qualified" than any President since the 1960s.

Sentences grow longer. The average Federal prison sentence -- 52 months -- was 24 percent longer in 1986 than in 1980.

Victims' rights are being protected. This Administration believes the rights of crime victims are at least as important as the rights of criminals. The first national Office for Victims of Crime was created and a Federal Crime Victims Fund was established to support victim assistance programs. Some \$275 million for victims' assistance was collected through criminal fines and penalties by June 1988.

Antitrust laws are vigorously enforced. Criminal bid-riggers and price-fixers are the first priority. The number of cases filed nearly tripled between 1977 and 1987, and 54 percent of convicted criminal antitrust offenders have been sentenced to jail, compared to 38 percent in the previous Administration.

Inspectors general saved \$110 billion. To maintain the integrity and efficiency of Government, Federal inspectors general have saved or put to better use \$110.5 billion since 1981 and brought 22,965 prosecutions against those alleged to have defrauded the Federal Government.



## THE RECORD

Crime

- o Crime in the U.S. is reported by the Justice Department in two different but complementary ways. These reports, and the different data they yield, are discussed below.
- 1. The FBI measures crime by counting reports of crime made to 16,000 city, county and state police agencies. The crimes counted are murder, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson. This series, known as the Uniform Crime Reports, dates from 1927.
  - Between 1980 and 1987, the rate of crimes reported per 100,000 population fell by nearly 7 percent. However, when measured by the total number of crimes reported, crime increased slightly from 13.4 million in 1980 to 13.5 million in 1987, a 0.7 percent increase while the population grew by 8 percent.
  - During this same period, the rate of murders per 100,000 population declined by nearly 19 percent as the number of murders per 100,000 population fell from 10.2 in 1980 to 8.3 in 1987. The rate of robberies fell by 15 percent. And the rate of burglaries declined by 21 percent.
  - By this same measure, some crimes increased between 1980 and 1987. The rate of violent crime was up by 2 percent. The rate of forcible rapes increased 1.6 percent and the rate of aggravated assaults increased 18 percent.
  - Although violent crime was up slightly between 1980 and 1987, violent crime fell significantly last year. The rate of violent crime per 100,000 population fell 1.3 percent. There were 1.3 percent fewer rapes, 5.5 percent fewer robberies and 3.5 percent fewer murders. The number of burglaries fell by 1.1 percent.
  - Despite this good news, the overall rate of crime per 100,000 population increased by 1.4 percent in 1987. And the total number of crimes reported went up 2.2 percent to 13,508,700.

## Crime Rate per 100,000 Population

1980	5,950
1981	5,858
1982	5,604
1983	5,175
1984	5,031
1985	5,207
1986	5,480
1987	5,550

2. The second crime survey put out by the Department of Justice is the National Crime Survey reported by the Bureau of Justice Statistics. It measures crime by surveying 49,000 households. This series was created in 1973 to learn more about crimes not reported to police, as well as those that are reported. It counts only crimes against persons age 12 or older and against their households. One limitation: Domestic violence may be underestimated. The latest data were reported in May.

- The Bureau of Justice Statistics reported that its survey of the nation's households revealed that nearly two million fewer households were hit by crime in 1987 than in 1980. That is especially significant because in that period almost 11 million new households were created.
- One in four U.S. households was the victim of a violent crime or theft in 1987, the same proportion as in the previous two years. It is the lowest level reported since surveying began in 1975.
- In 1987, 24.4 percent of the households were victimized by crime, compared with 30 percent in 1980.
- Last year, 4.6 percent of the households had a member who was the victim of a violent crime, compared to 5.5 percent in 1980. In addition, 5.2 percent of households were burglarized, compared to 7 percent in 1980. Seventeen percent of the households experienced a completed or attempted theft in 1987.
- Households in the West were the most vulnerable to crime (29 percent). Households in the Northeast were the least vulnerable (19 percent). Crime hit 25 percent of the homes in the Midwest and 24 percent in the South.

#### Percent of Households Touched by Crime

	1980	1981	1982	1983	1984	1985	1986	1987
Any Crime	30.0	30.0	29.3	27.4	26.0	25.0	24.7	24.4
Violent Crime	5.5	5.9	5.6	5.1	5.0	4.8	4.7	4.6

#### Number of Households Touched by Crime in millions

	1980	1981	1982	1983	1984	1985	1986	1987
	24.2	25.0	25.0	23.6	22.8	22.2	22.2	22.3

Note: The number of households increased from 80.6 million in 1980 to 91.4 million in 1987.

### Funding Federal Law Enforcement

- o This Administration has more than doubled outlays to fight crime and promote justice, from \$4.8 billion in FY 1981 to a requested \$9.9 billion in FY 1989. These funds are used to enforce all Federal laws, investigate and prosecute violators, support the Federal court system, build and maintain prisons, and help the victims of crime.
- o Outlays for the Department of Justice alone, included in the figures noted above, also increased dramatically from \$2.7 billion in FY 1981 to a proposed \$5.8 billion in FY 1989.
- o To put Federal outlays to administer justice in perspective, consider this:
  - Total Federal outlays for the entire Government increased 56 percent between FY 1981 and FY 1988.
  - Outlays for national defense increased 81 percent.
  - Outlays for all Federal justice programs increased by 85 percent.

Outlays for the Administration of Justice  
by fiscal year, in billions of current dollars

1981	1982	1983	1984	1985	1986	1987	1988	1989
4.8	4.7	5.1	5.7	6.3	6.6	7.6	8.9	9.9

Note: Outlays for 1989 are requested.

### Coordinating Law Enforcement

Improving interagency, intergovernmental and international law enforcement cooperation is a major Administration commitment and the key to achieving all other crime-fighting goals.

- o In 1981, the Attorney General established a "Law Enforcement Coordinating Committee" (LECC) made up of local, state and Federal officials and chaired by the U.S. attorney in each Federal judicial district. Today, LECCs in all 94 districts provide technical assistance and training, plan joint operations, share intelligence, resolve interagency disputes and apply cooperative law enforcement techniques.
- o Since 1984, law enforcement cooperation has been significantly enhanced by the Administration's decision to share seized and forfeited criminal assets with state and local law enforcement agencies. In FY 1987, over \$60 million was shared with those agencies.



### The Drug Connection\*

- o There is a clear association between drug abuse and crime. In July, the Justice Department reported that 43 percent of the inmates in state prisons during 1986 were using illegal drugs daily in the month before their crime.
- o Between June and November 1987, a new Drug Use Forecasting system was used to run voluntary drug tests on 2,000 persons arrested in 12 communities around the nation. Between 53 percent and 79 percent of the men arrested for serious offenses tested positive for illicit drugs.
- o The Drug Use Forecasting system is tracking drug use trends among urban defendants. It will help indicate the effectiveness of drug law enforcement as well as education and treatment programs designed to reduce drug abuse and the crime associated with it.
- o In June 1988, Justice reported that the number of people convicted of Federal drug law violations more than doubled between 1980 and 1986, from 5,244 to 12,285, an increase of 134 percent. And the percentage sentenced to jail or prison increased from 71 percent to 77 percent. The average sentence length grew 33 percent from less than four years to more than five years.
- o Since 1981, Federal outlays to enforce anti-drug laws have tripled. The President has requested a 12 percent increase for FY 1989.

#### Total Drug Law Enforcement Funding outlays in millions of dollars

FY 1981	806
FY 1988	2,493
FY 1989	2,798 (proposed)

- o Since 1981, the Federal anti-drug law enforcement budget -- including programs in more than 20 departments and agencies -- has grown nearly four times faster than the overall Federal budget.

\*Note: For a more thorough study of the Administration's response to drug abuse, please see The Reagan Record research paper, "The National Crusade for A Drug-Free America" in this series.

### Organized Crime

- o On October 14, 1982, President Reagan announced an unprecedented Federal effort to sever the connection between drug trafficking and organized crime in the United States.
- o The President established the Organized Crime Commission to hold public hearings and analyze criminal organizations and their influence across the United States.
- o He also created 12 Organized Crime Drug Enforcement Task Forces of 200 prosecutors reporting to U.S. Attorneys; 1,000 investigators in Federal enforcement agencies; and thousands more paralegal, research and clerical personnel -- all focused on dismantling drug trafficking organizations.
- o The Task Forces moved swiftly, "adopting" 200 existing cases and selecting additional worthwhile investigations to pursue, eventually adopting 467 cases nationwide.
- o Organized crime has been hit hard by the national offensive waged against it by this Administration. Through an extraordinary series of prosecutions, mob leaders in Boston, Buffalo, Chicago, Kansas City, Cleveland, Los Angeles, New Orleans, New York and Philadelphia have all seen La Cosa Nostra bosses, and others, convicted, sentenced and stripped of their assets.
- o Mobsters have been overheard on electronic surveillance complaining about the Racketeer Influenced and Corrupt Organizations statute (RICO) which carries a maximum sentence of 20 years upon conviction and provides for forfeiture of assets obtained by crime. They also complain about their increasing inability to spend or conceal the proceeds of their criminal activities.
- o Those involved in organized crime know they have to go to extraordinary lengths to avoid electronic surveillance. They know they can no longer safely plan a crime while in their cars, their favorite clubs, or even on the sidewalk.

### Integrity and Efficiency

- o In March 1981, President Reagan established the President's Council on Integrity and Efficiency to investigate evidence of fraud and waste and to insure integrity and efficiency in Government programs.
  - Between 1981 and 1987, the nation's inspectors general found ways to save or put to better use \$110.5 billion.
  - During that same period there were 22,965 successful civil and criminal prosecutions.

- This Administration has also prosecuted Federal officials whose fraudulent acts could have cost the taxpayers billions.
- o Over the past two years, a nationwide joint investigation conducted by 78 full-time FBI agents and 15 special agents of the Naval Investigative Service has uncovered possible widespread fraudulent activity in the Defense Department's contracting process. The investigation itself demonstrates that the system put in place by the Reagan Administration to expose fraud wherever it exists is effective and that wrongdoing will not be tolerated.
- o Under this Administration, the Department of Justice has a long history of prosecuting defense procurement fraud.
  - In August 1982, the Attorney General and the Secretary of Defense created the Defense Procurement Fraud Unit as an arm of the Criminal Division of the Justice Department. Its mission is to provide expertise in procurement fraud prosecutions and to prosecute cases.
  - The unit has recovered \$39 million and won 57 convictions that led to prison sentences totaling 40 years.

#### Public Corruption

- o The Reagan Administration believes it is essential for the American people to have complete confidence in the integrity of government at every level. Federal investigations into corruption have increased, partly because of increased attention to the issue by the FBI and the Department of Justice, and in response to the creation of the President's Council on Integrity and Efficiency which has been uncovering fraud cases since 1981. Public officials at every level have been subject to prosecution. Here are some examples:
  - In Mississippi, 60 public officials, along with vendors, were convicted of fraud and bribery. And 35 people were successfully prosecuted for corruption inside the Mississippi State Penitentiary. One scheme involved a plan to alter inmate postal money orders.
  - In West Virginia, a town mayor was convicted for trying to divert public money earmarked for flood damage repairs into the campaign of a candidate for governor.
  - In New York, a former mayor of Syracuse and eight business associates pleaded guilty to conspiracy, tax violations and extortion.



The War Against Public Corruption  
Federal Prosecutions of Corrupt Public Officials:  
Federal, State and Local  
1981-1986

<u>Year</u>	<u>Indictments</u>	<u>Convictions</u>
1981	878	730
1982	729	671
1983	1,073	972
1984	936	934
1985	1,182	997
1986	1,193	1,026
1987	1,340	1,075

- o The Public Integrity Section of the Department of Justice has primary responsibility for investigation and prosecution of public officials in Federal, state and local governments.
- o During this Administration, there have been more investigations of Federal employees who abused their office. For example, in 1977, 129 Federal officials were indicted and 94 convicted. By 1986, 596 were indicted and 523 convicted.

White Collar Crime

- o White collar crime is nonviolent crime for financial gain in which those with professional status or specialized technical skills profit by deception. The crimes include counterfeiting, embezzlement, forgery, fraud and violation of Federal regulations.
- o Approximately 30 percent of all criminal suspects investigated by Federal prosecutors in FY 1987 were allegedly involved in white collar crimes.
- o Of 24,507 Federal white collar suspects investigated in FY 1985, more than 140 were charged with offenses that involved more than \$1 million each. Sixty-four suspects were charged with crimes involving more than \$10 million each. By comparison, FY 1985 bank robbery losses in the U.S. were \$19 million and total robbery losses reported to police were \$313 million.
- o Convictions of Federal white collar criminals increased and their sentences grew longer during the Reagan Administration.

- From 1980 to 1985, the latest data available, the number of white collar convictions rose 18 percent to 10,733, according to the Bureau of Justice Statistics.
- Forty percent of the Federal white collar defendants convicted in 1985 received sentences requiring incarceration. The average prison sentence for a white collar criminal was 20 percent longer in 1985 than in 1980, increasing to 29 months from 24 months.

### Judicial Appointments

- o Tough, no-nonsense judges are a crucial link in America's war on crime. Ronald Reagan has done more than any President in recent memory to enlist the judicial branch in that struggle.
- o As of August 1, 1988, President Reagan had appointed 49 percent of the judges with lifetime appointments to the Federal courts -- 371 out of a total of 761 judges. Judges appointed by Republican Presidents are in the majority in every Federal judicial circuit except one, the ninth circuit, which covers the Western states.
- o In selecting appointees, the President seeks candidates with intellect, temperament and professional fitness who are committed to apply the written law as they find it, not as they think it ought to be.
  - The President is committed to equality of opportunity, and candidates are judged on the basis of their qualifications, not their gender and not their race.
  - Among the President's appointees are 32 women, including the first woman to sit on the Supreme Court, Sandra Day O'Connor, and 23 members of minority groups.
- o By any objective standard, the quality of President Reagan's judicial nominees compares favorably with those of any previous administration and includes some of the finest judges ever to sit on the Federal bench.
  - President Reagan has appointed a higher percentage of jurists rated "exceptionally well qualified" by the American Bar Association than any President since Lyndon Johnson, and nominated more "exceptionally well qualified" candidates for the Circuit Courts than Presidents Carter, Ford, Nixon or Johnson.
  - No Reagan appointee has been rated "not qualified" by the American Bar Association. (Five of the past seven Presidents made appointments that were ranked "not qualified.")



## Sentencing

- o From the 19th century through the 1960s, sentencing relied heavily on rehabilitation. While that goal remains worthwhile in some cases, this Administration has a different view.
- o The Reagan Administration believes Plato's philosophy is appropriate: "The law, like a good archer, should aim at the right measure of punishment, and, in all cases, at the deserved punishment." To keep society safe, the sentences of Federal prisoners have increased during this Administration, and parole in Federal cases has been eliminated for those who have committed crimes since November 1, 1987.
- o In June 1987, the Department of Justice reported that the average length of prison sentences increased by 18 percent between 1980 and 1986, from 44 months to 52 months.
- o Sentences for drug law violations have also increased. Congress passed the Anti-Drug Act of 1986 that created mandated prison sentences ranging from five years to life imprisonment for various classes of drug offenses. Since 1979, the average sentence for persons convicted of drug law violations increased by 38 percent, from 53 months to 73 months.
  - Federal courts reported a 115 percent increase in the number of drug cases heard between 1985 and 1986.
  - And the number of inmates incarcerated for drug offenses has more than doubled. As far back as 1970, 16 percent of the inmates were jailed for drug law violations. In 1987, 37 percent were imprisoned for drug violations. The Bureau of Prisons expects this number to increase to 50 percent over the next few years.
- o The Comprehensive Crime Control Act of 1984, and amendments to that act, eliminated parole for those who committed a crime after November 1, 1987. Before the Act was passed, prisoners were released after serving an average of 46 percent of their sentences. The Act also reduced the amount of "good time" credit an inmate can earn. The Supreme Court is expected to decide the constitutionality of that law in 1989.
- o Also in November 1987, new Federal Sentencing Guidelines went into effect. They reduce the disparity in sentencing between the various Federal courts and increase the length of time career criminals serve.

- The disparity between sentences in the Federal system was staggering. A study by the Federal Judicial Center found that Federal judges in the same circuit would give the same hypothetical bank robber sentences of from five to 18 years depending upon the defendant's residence, sex, race, ethnic origin and marital status. For extortionists, the sentences varied from three to 20 years, and for thieves, from zero to 7.5 years.
- Under the guidelines, a bank robber who was a first offender without a weapon who got no money from the bank would be sentenced to a term of two years and three months. Career criminals would receive far longer sentences.

### Prison Construction

- o The Reagan Administration is getting criminals off the streets and into prison where they can no longer threaten the innocent. But that has led to a substantial increase in the prison population, well beyond prison capacity.
- o The Federal prison population has nearly doubled from 24,000 in January 1981 to a record high of 44,000 in 1987, an overall increase of nearly 85 percent. But the prisons these inmates are in were built to handle only 28,000 people.
- o Since 1982, the Federal Bureau of Prisons has conducted the largest prison expansion program in its history. Space for over 4,500 inmates was added, and space for another 8,600 is under construction. But more prisons are needed to protect public safety.
- o The following table reports Federal expenditures for prisons, including construction, salaries and expenses.

#### Federal Outlays for Prisons in millions of current dollars

1981	372
1982	375
1983	430
1984	505
1985	548
1986	628
1987	724
1988	851
1989	1,121 (proposed)

## Victims' Rights

- o President Reagan knows firsthand what it is to be a victim of crime. In declaring Victims of Crime Week last year, the President said:
 

"Crime -- of any kind -- can have a devastating impact on innocent victims and their families. Besides the immediate physical and financial injuries, criminal deeds exact an emotional toll from their victims that can deprive them of their health, their sense of security and control, and even their basic trust in others, the core of our social contract."

--- President Reagan  
April 24, 1987
- o In April 1982, President Reagan created the President's Task Force on Victims of Crime. The report produced by the task force was the first national study of its kind and created a national momentum for improving treatment of crime victims.
- o Later that year, President Reagan signed into law the Victim Witness Protection Act of 1982 to ensure the Federal Government will do all it can to assist and protect victims and witnesses in the Federal criminal justice system. Now every Federal judicial district has a Victim/Witness Coordinator, located in the U.S. attorney's office, who provides services such as court notification, referral for counseling, compensation or other assistance services.
- o In 1984, the President signed into law the Victims of Crime Act which established a Federal Crime Victims Fund to be supported by Federal criminal fines and penalties. By June 1988, that fund had collected \$275 million to support victim assistance and compensation programs.
  - These funds support rape crisis centers and programs that help elderly crime victims as well as children who have been physically and sexually abused.
  - Funds are also used to support direct compensation to crime victims to help with medical bills, funeral expenses and lost wages.
- o This Administration was the first to establish a national Office for Victims of Crime. Last year, that office provided the first direct assistance to victims of Federal crimes who have had no access to services to help them recover from the trauma inflicted upon them. Among those benefiting from this direct assistance were native Americans victimized in Indian country.



- o The Federal emphasis on helping crime victims has substantially increased the public's awareness of the plight of victims. In 1982, only four states had enacted laws to ensure fair treatment for victims. By the end of 1987, with the encouragement of the Reagan Administration, 44 states had a victims' bill of rights.
- The number of states allowing a victim impact statement for sentencing has risen from nine in 1982 to 47 by the end of 1987.
- The number of states requiring victim notification of a defendant's release on bail, plea bargaining and other legal matters jumped from two to 28 in the past five years. Thirty-five states require that a victim be notified of the disposition of the case against an assailant, and 39 states require the victim to be notified when a felon is released.
- By 1987, 26 states required mandatory restitution to victims, compared to five states before the Administration focused attention on the problems and rights of victims. And in all 50 states, a judge can order restitution.
- Forty-five states also assure that victims will be protected from intimidation and harassment, while only four did in 1982.

#### Capital Punishment

- o Capital punishment has been part of our criminal justice system since our earliest days as a nation. Federal law now authorizes capital punishment for certain homicides, treason and espionage.
- o However, except for aircraft piracy which results in a death, those death penalty sentences may be unenforceable because of a 1972 Supreme Court ruling, Furman v. Georgia. In that case, the Court held that judges and juries had unlimited discretion which allowed them to impose the death penalty so arbitrarily that it constituted cruel and unusual punishment in violation of the Eighth Amendment to the Constitution.
- o This Administration has made a concerted effort to codify new procedures that would allow greater use of the death penalty in accord with the Furman ruling, including separate sentencing proceedings to consider aggravating and mitigating circumstances in capital punishment cases. And the President has pressed for increasing the number of Federal crimes punishable by the death penalty.

- o The effort began in 1983 when the Administration submitted the Comprehensive Crime Control Act of 1983. Capital punishment was to be part of the Drug-Free America Act of 1986. And Title III of the Criminal Justice Reform Act would reestablish constitutional procedures for the death penalty and extend the penalty to other crimes. The Congress refused to approve these provisions.
- o In 1988, the Senate voted to impose the death penalty for drug dealers where they are responsible for a murder.
- o To date, despite strong bipartisan support in the House and Senate, a well-placed minority has prevented the passage of new laws that meet the standards imposed by the Constitution and the Court.

#### Antitrust Enforcement

- o The Reagan Administration is vigorously enforcing U.S. antitrust laws.
- o Our highest priority is criminal enforcement of antitrust laws -- prosecuting bid-riggers and price-fixers. These white collar criminals cost U.S. consumers many millions, if not billions of dollars each year. This Administration has filed an average of 79 criminal antitrust cases each year -- more than double the average of the previous Administration.

#### Criminal Cases Filed U.S. Justice Department, Antitrust Division

Fiscal Year	Cases Filed
1977	37
1978	31
1979	27
1980	55
1981	71
1982	94
1983	98
1984	100
1985	47
1986	53
1987	92
1988	67

Note: Data for 1988 are from October 1, 1987 to mid-July 1988.

- o The Administration won convictions in 436 criminal antitrust cases, or more than 60 per year -- well above the previous Administration's rate of 33 criminal convictions per year.



- o Antitrust enforcement should help consumers. The Reagan Administration focuses its civil antitrust enforcement efforts on conduct which truly harm consumers.
- o Recently, the courts have recognized that some antitrust enforcement in the past did more harm to competition and consumers than good. If corporate conduct has no effect on consumers or benefits them -- by lowering prices, improving service or introducing new products -- then the courts have found that it does not violate Federal antitrust laws.
- o This development in the courts is a plus for consumers and for the entire U.S. economy. In an era of increasing global competition, for example, it is counterproductive for the Federal Government to attack indiscriminately companies that are keeping costs and prices down.
- o This change means that the Justice Department now files civil suits that are based on sound economic analyses and are more likely to help consumers. Notwithstanding this important shift in emphasis, the Reagan Administration continues to file a significant number of civil antitrust suits.

Civil Cases Filed  
U.S. Justice Department, Antitrust Division

1977-1980	75	(19 per year)
1981-1987	99	(14 per year)

Note: The table does not include so-called "companion suits" -- civil suits filed along with a criminal case, echoing the criminal charge. Those suits did nothing more than clog the courts, so the Reagan Administration stopped filing them. The previous Administration filed 45 such unnecessary companion suits.

- o More convicted antitrust felons are going to jail and staying there for longer periods. Fifty-four percent of convicted criminal antitrust offenders have been sentenced to jail -- up from 38 percent under the previous Administration. And the length of the average jail sentence has gone up more than 50 percent.
- o Fines are at record levels. As a result of Administration criminal prosecutions, 332 individuals paid more than \$9.8 million in antitrust fines from 1981 to July 1988. Under this Administration, the average fine paid per individual is more than 27 percent higher than under the previous Administration.

- o From 1981 to July 1988, 626 corporations paid a total of more than \$146.5 million in fines. The average fine per corporation has more than doubled since the previous Administration.
- o The Antitrust Division has led the fight for stiffer penalties for antitrust offenders. This effort paid off when the Sentencing Commission issued guidelines requiring mandatory minimum jail sentences for individuals and substantially increased mandatory fines for individuals and corporations.

#### Exclusionary Rule Reform

- o Some 75 years ago, the Supreme Court held that one way to deter police misconduct would be to exclude evidence seized in violation of the Fourth Amendment to the Constitution, which enumerates the right of the people to be secure against unreasonable searches and seizures.
- o The effect of this ruling is that evidence seized unlawfully cannot be used against a defendant, no matter how slight the police misconduct, or how serious the defendant's crimes. Simply put, if the constable blunders, a possible criminal goes free.
- o In 1984, the Supreme Court held that where the police reasonably relied on a warrant, the evidence obtained would be admissible. However, most searches are not conducted with search warrants but as part of an arrest. The Administration seeks legislation that would allow the use of evidence obtained without a warrant if the arresting officers reasonably believed their conduct was lawful.
- o While there is strong bipartisan support for reform of the exclusionary rule that would comply with the Constitution and protect the rights of the accused, that support has not been sufficient to enact a law. Some criminals continue to go free.

#### Obscenity and Child Pornography

- o President Reagan is deeply concerned about the effects of obscenity and child pornography.
- o In the last several years, distributors have expanded into new areas with new technologies, including computerized networks, to reach new audiences. Revenues are estimated to be between \$7 billion and \$10 billion, and most of that goes to organized crime.
- o The Administration is determined to stop this assault on human dignity. As President Reagan has said:



"Neither our Constitution, our courts, our people, nor our respect for common decency and human suffering will allow this trafficking in obscene material -- which exploits women, children, and men alike -- to continue."

--- President Reagan  
November 10, 1987

- o To stop this trafficking, the Administration has taken four specific actions:
- 1. The Reagan Administration dried up the retail market in child pornography. In 1984, President Reagan signed legislation isolating child pornography as a separate criminal offense. The effect of that legislation was to establish in statute law that a conviction for child pornography no longer required proof that the material was obscene and that a child was involved. As a result, the number of people indicted for child pornography has increased from six in 1983 to 244 in 1987, and the number convicted rose from 14 to 94 in the same period.
- 2. In 1986, the Attorney General's Commission on Pornography issued its 2,000-page report on its year-long study. The Commission's recommendations and suggestions now help formulate Federal policy on pornography.
- 3. The Administration launched a seven-point assault, with the creation of the National Obscenity Enforcement Unit (NOEU) within the Criminal Division of the Justice Department as its centerpiece, to crack down on producers, distributors and retailers of obscene materials, and on individuals who traffic in child pornography.
- 4. Training and Federal/state task forces on child exploitation and obscenity have been spearheaded by NOEU as part of the new initiative which made obscenity and child sexual exploitation one of the top priorities of the Justice Department. The Department has held seven national conferences and 21 statewide or regional training seminars in one year's time, preparing over 5,000 key local, state and Federal law enforcement officials and prosecutors.
- 5. President Reagan has asked Congress to pass the Child Protection and Obscenity Enforcement Act of 1988. Over 40 senators and half the members of the House have signed on as sponsors. This legislation would update the law to take into account new technologies used by pornographers and remove weaknesses in existing law that favor criminals. The proposed law would plug numerous existing loopholes and deficiencies, including outlawing computer child pornography, the buying and selling of children, cable obscenity and dial-a-porn.

- o The table below records the historic increase in Federal prosecutions for obscenity and the continuing battle against child pornography.

#### Pornography Cases

	<u>Obscenity</u>		<u>Child Pornography</u>	
	Indicted	Convicted	Indicted	Convicted
1981	2	15		
1982	7	4		
1983	0	2	6	14
1984	6	13	61	46
1985	19	18	126	130
1986	10	11	147	134
1987	80	13	244	94

Note: Child pornography became a distinct criminal offense in 1984.

#### Terrorism

- o Terrorism is politically motivated violence aimed at innocent persons for political purposes. It is often staged as political theater to intimidate or coerce governments or individuals to give into demands or change their policy.
- o Terrorism is one of the most serious foreign policy issues affecting America. Attacks on airline and ship travelers, amplified by media coverage, have brought the threat of terrorism home to average citizens.
- o But terrorism is not only an American problem. Worldwide, the level of international terrorism continued to rise with 283 incidents that killed 633 people in 1987, including seven Americans. In 1987, however, the number of incidents directed at Americans declined by 28 percent. And 30 percent fewer Americans were killed than in 1986.

#### Worldwide Terrorism Directed at Americans

	Incidents	Americans Killed	Americans Injured
1981	154	7	31
1982	209	8	11
1983	197	271	116
1984	134	13	31
1985	172	39	157
1986	204	10	100
1987	147	7	47

- o Although there were only seven terrorist incidents in the United States last year, the potential for future problems exists.

Terrorist Incidents in the United States  
1980-1987

<u>Year</u>	<u>Total Incidents</u>	<u>Killed</u>	<u>Injured</u>
1980	29	1	19
1981	42	1	4
1982	51	7	26
1983	31	6	4
1984	13	0	0
1985	7	2	10
1986	24	1	19
1987	7	0	0

- o As Vice President Bush said in the report of his Task Force on Combatting Terrorism, "the U.S. policy and program to combat terrorism is tough and resolute." As the 1986 report states, "The U.S. Government will make no concessions to terrorists." That is the best way to protect the greatest number of people. We will, however, talk to anyone authoritative about the welfare of American hostages, and use every available resource to gain the release of Americans held hostage.
- o The U.S. position on terrorism is unequivocal: firm opposition to terrorism in all its forms and wherever it takes place.
- o This policy has been recently reaffirmed by a Vice Presidential review of our counter-terrorism policies and programs and is strongly supported by the American people.
- o Our strategy for dealing with terrorists is sound:
  - Giving in to terrorists' demands will breed future demands. An increasing number of countries realize that refusing terrorists' demands is important to deter future blackmail.
  - The U.S. will take practical measures to bring terrorists to justice wherever possible, and we will exert pressure against countries which support terrorists.
  - The U.S. uses a variety of economic and political tools, but when necessary for our defense, the U.S. is prepared to strike at the heart of terrorism, as it did with an air strike on Libya in April 1986.



- The identification, apprehension, prosecution and punishment of terrorists is central to our strategy of deterrence and containment of terrorism.
- Terrorists are criminals, not "freedom fighters." We stress this view in encouraging international cooperation against terrorism.

The Reagan Administration has taken a range of actions to enhance our ability to oppose terrorism.

- o The President's Initiative: Over the past five years, President Reagan established for the first time an effective interagency organization to manage overseas terrorist incidents, in addition to significantly expanding the nation's terrorist response capabilities.
- o Vice President's Task Force on Combatting Terrorism: In July 1985, President Reagan asked Vice President Bush to chair a Cabinet-level Task Force on Combatting Terrorism. Its members were 14 senior Government officials with major responsibilities for antiterrorism programs.

The Task Force made a number of recommendations to the President in December 1985. Many of these recommendations involved administrative changes, and virtually all of these have been carried out. The Task Force also urged Congress to support legislation making it a crime under U.S. law to kill an American hostage abroad. That became law when President Reagan signed the bill in October 1986.

- o A variety of changes in how the Administration deals with terrorism have been made as a result of the Vice President's report:
  - Structural changes have been made to clarify lines of authority and devote more senior officials to counter terrorism.
  - Airport and aircraft security have been tightened in the U.S. and abroad. The results: Only three terrorist hijackings in 1986 and 1987 in contrast to higher numbers of hijackings in previous years.
  - Intelligence-sharing on terrorism within the Government and with friendly countries has been improved.
  - Extradition treaties have been amended and strengthened.
  - Our ability to prosecute those who attack U.S. citizens abroad has been improved.

- o The Administration's counter-terrorism policy is producing results. As Vice President Bush said in his report on terrorism: "As long as vicious attacks continue, terrorism will remain a top priority of this Administration."
- o More Security: The Reagan Administration has sharply increased funding to protect U.S. Government facilities and American citizens, both at home and abroad. The physical security program alone, which would modify existing structures and require some new buildings, will cost \$1.7 billion through 1993.
- o Closer Bilateral Cooperation: The U.S. has made a successful effort to improve bilateral working relationships with interested allied countries. There are frequent exchanges of views and sharing of information and ideas with key countries in the Western Hemisphere, Europe and elsewhere.
  - We have assisted a number of countries in investigating terrorist attacks. The 1986 legislation making international terrorism against U.S. citizens a Federal crime has not only given the U.S. an important legal tool, it has provided other countries with useful resources in investigating incidents on their soil involving Americans.
  - An increasing number of countries have joined us in using the rule of law against terrorists. They are arresting, prosecuting and imprisoning terrorists instead of allowing them to slip away quietly.
  - Vigorous and successful diplomatic efforts have been taken to encourage other countries to prevent terrorists entering their countries and using their airports.
- o Enhanced International Cooperation -- The U.S. has worked hard and successfully to increase the effectiveness of multinational organizations. The International Civil Aviation Organization and International Maritime Organization have adopted higher standards for aviation and shipping security. The Trevi group of European Interior and Justice Ministries is developing a better network for combatting terrorism. The seven industrialized democracies have issued six joint declarations of unity (Bonn, 1978; Venice, 1980; Ottawa, 1982; London, 1984; Tokyo, 1986; and Toronto, 1988) outlining areas of common concern and cooperation.
- o The Reagan Administration has also improved intelligence-sharing on terrorism with friendly nations. We have amended bilateral extradition treaties to allow swift and certain extradition to the U.S. of terrorists who attack our citizens abroad.

- o We are not going to eliminate terrorism, but we are making the world a more dangerous place for terrorists and a safer place for those who settle political disputes with ballots.

Index of Crimes Reported to Police, 1987  
per 100,000 population

	All Crimes	Violent Crimes	Forcible Rape	Robbery
United States	5,550	610	37	213
Alabama	4,541	559	28	112
Alaska	5,378	455	65	73
Arizona	7,189	613	41	138
Arkansas	4,245	412	33	79
California	6,506	918	44	301
Colorado	6,451	468	41	119
Connecticut	4,996	419	25	178
Delaware	4,939	431	69	123
D.C.	8,452	1,610	39	717
Florida	8,503	1,024	50	357
Georgia	5,792	577	43	209
Hawaii	5,818	263	36	98
Idaho	4,156	214	18	24
Illinois	5,417	796	38	314
Indiana	4,120	329	29	89
Iowa	4,140	231	12	36
Kansas	4,904	361	33	82
Kentucky	3,270	337	21	90
Louisiana	5,873	693	36	179
Maine	3,523	152	16	26
Maryland	5,478	768	40	290
Massachusetts	4,734	565	32	177
Michigan	6,457	780	67	277
Minnesota	4,616	285	34	103
Mississippi	3,439	270	29	57
Missouri	4,708	545	29	164
Montana	4,599	151	20	24
Nebraska	4,132	251	22	47
Nevada	6,371	696	62	273
New Hampshire	3,372	150	27	27
New Jersey	5,262	541	33	232
New Mexico	6,457	629	43	108
New York	5,952	1,008	31	503
North Carolina	4,650	484	29	94
North Dakota	2,833	57	9	8
Ohio	4,575	421	40	153
Oklahoma	6,026	418	36	110
Oregon	6,969	540	46	196
Pennsylvania	3,163	369	26	144
Rhode Island	5,286	360	24	108
South Carolina	5,162	665	44	101
South Dakota	2,678	120	21	12
Tennessee	4,666	534	44	194
Texas	7,722	631	48	227
Utah	5,619	230	22	53
Vermont	4,271	137	22	17
Virginia	3,960	295	26	106
Washington	7,017	440	52	141
West Virginia	2,191	137	23	31
Wisconsin	4,169	250	20	66
Wyoming	4,031	283	31	20



Percentage Increase in Crimes Reported to Police, 1986-1987  
per 100,000 population

	All Crimes	Violent Crimes	Forcible Rape	Robbery
United States	1.4	-1.3	-1.3	-5.5
Alabama	3.8	0.2	-2.1	0.5
Alaska	-13.9	-20.2	-10.6	-16.9
Arizona	-1.8	-6.9	-4.2	-18.2
Arkansas	8.2	4.4	12.8	-0.8
California	-3.8	-0.3	-2.4	-12.1
Colorado	-8.3	-10.7	-3.5	-18.0
Connecticut	3.5	-1.6	4.6	-7.3
Delaware	2.2	0.9	20.4	-1.4
D.C.	1.3	7.0	-24.8	-4.9
Florida	3.3	-1.2	-4.7	-2.8
Georgia	6.2	-1.9	-1.8	-2.2
Hawaii	2.6	7.4	17.1	-7.8
Idaho	-1.2	-3.7	-12.5	13.6
Illinois	-2.5	-1.6	-6.8	-3.4
Indiana	6.9	6.8	12.4	-1.6
Iowa	-0.3	-1.7	-4.8	-13.8
Kansas	1.7	-2.2	-0.9	3.1
Kentucky	5.7	1.0	-9.1	9.3
Louisiana	-3.4	-8.6	-10.5	-20.0
Maine	2.1	3.5	6.1	-8.2
Maryland	-2.2	-7.8	-9.2	-4.5
Massachusetts	0.2	1.4	7.4	-8.0
Michigan	-0.5	-3.0	-0.3	-8.2
Minnesota	5.8	0.3	6.6	0.5
Mississippi	2.8	-1.6	13.2	-11.8
Missouri	1.1	-5.9	-1.0	-3.6
Montana	2.7	-3.9	14.5	24.1
Nebraska	7.2	-4.3	-12.2	-7.8
Nevada	1.3	-3.2	-4.8	-5.0
New Hampshire	1.2	7.2	23.7	12.3
New Jersey	0.4	-5.5	0.6	-13.4
New Mexico	-1.2	-13.4	-8.1	-16.4
New York	3.2	2.3	2.0	-2.1
North Carolina	7.3	1.7	10.2	7.1
North Dakota	8.7	10.7	-19.0	10.1
Ohio	5.0	0.1	3.4	7.7
Oklahoma	0.2	-4.3	-1.6	2.8
Oregon	-1.6	-1.9	-10.4	-4.8
Pennsylvania	2.0	3.0	4.4	-5.1
Rhode Island	7.8	7.2	14.0	-9.3
South Carolina	0.5	-1.4	5.8	1.6
South Dakota	-1.4	-4.0	16.4	-24.1
Tennessee	2.9	-1.1	-6.6	-6.7
Texas	4.2	-4.2	-6.8	-5.5
Utah	2.6	-13.8	-14.2	-9.9
Vermont	7.4	-8.5	2.8	-24.3
Virginia	2.6	-3.6	-1.9	0.1
Washington	2.0	0.6	-2.2	4.7
West Virginia	-5.4	-16.5	19.6	-23.9
Wisconsin	1.8	-3.1	-1.5	-8.8
Wyoming	-7.5	-3.4	43.4	-11.1



Note: The category "All Crimes" in the tables on pages 33 and 34 includes the violent crimes of murder, manslaughter, forcible rape, robbery, and aggravated assault as well as these other crimes: burglary, larceny-theft, motor vehicle theft and arson. All data are from the Uniform Crime Reports for 1987 published by the FBI July 10, 1988 in Crime in the United States.

## Summary of State Victim Legislation, 1987

	Bill of Rights	Impact Statement	Compensation	Intimidation Protection
Alabama	X		X	X
Alaska	X	X	X	X
Arizona		X	X	X
Arkansas	X	X	X	X
California	X	X	X	X
Colorado	X	X	X	X
Connecticut	X	X	X	
Delaware	X	X	X	X
D.C.			X	
Florida	X	X	X	X
Georgia	X	X		X
Hawaii			X	X
Idaho	X	X	X	X
Illinois	X	X	X	X
Indiana	X	X	X	X
Iowa	X	X	X	X
Kansas		X	X	X
Kentucky	X	X	X	X
Louisiana	X	X	X	
Maine	X	X		X
Maryland	X	X	X	X
Massachusetts	X	X	X	X
Michigan	X	X	X	X
Minnesota	X	X	X	X
Mississippi	X	X		X
Missouri	X	X	X	X
Montana	X	X	X	X
Nebraska	X	X	X	X
Nevada	X	X	X	X
New Hampshire				
New Jersey	X	X	X	X
New Mexico	X	X	X	X
New York	X	X	X	X
North Carolina	X	X	X	X
North Dakota	X	X	X	X
Ohio	X	X	X	X
Oklahoma	X	X	X	X
Oregon	X	X	X	X
Pennsylvania	X	X	X	X
Rhode Island	X	X	X	X
South Carolina	X	X	X	X
South Dakota		X		X
Tennessee	X	X	X	
Texas	X	X	X	X
Utah	X	X	X	X
Vermont	X	X		X
Virginia	X	X	X	X
Washington	X	X	X	X
West Virginia	X	X	X	X
Wisconsin	X	X	X	X
Wyoming		X	X	

Source: National Organization for Victim Assistance

## SELECTED PRESIDENTIAL STATEMENTS

Judicial Appointments

"Part of faithfully interpreting the law is seeing to it that those convicted of crimes are dealt with fairly but firmly. In this respect, I am particularly proud of my judicial appointments. Federal court records indicate that between 1981, when I first took office, and 1984, the average sentence handed down by a Federal court per conviction increased dramatically -- by over 100 percent for rape, over 100 percent for burglary, and over 60 percent for murder."

--- Legislative and  
Administrative Message  
January 25, 1988

Civil Rights

"My Administration remains committed to enforcing our civil rights laws. We must not be diverted from our pursuit of justice because of Government policies that treat individuals differently based on their race or ethnic background, even when those policies are well-intentioned. . . . The American ideal is to allow equal opportunity for all, not to enforce equality of results or outcomes."

--- President Reagan  
State of the Union Address  
January 27, 1987

Organized Crime

". . . [O]ne of my greatest hopes for this Administration was a crackdown on organized crime of historic proportions -- a full declaration of war that would lead to not just occasional tactical victories against the mob but a systematic strategic approach that would break apart the nationwide syndicates and, once and for all, take this terrible blot from American history.

"In many ways now, we are approaching that goal -- we have set in place both the strategy and the machinery to accomplish this."

--- Presenting the Presidential  
Medal of Freedom to  
Judge Irving R. Kaufman  
October 7, 1987



## SELECTED STATEMENTS BY THE VICE PRESIDENT

"For too many years, we've been held hostage by well-meaning but misguided politicians and judges who get their legal views from the ACLU (American Civil Liberties Union). The rights accorded criminals must never overshadow the wrongs done to victims."

"We must also recognize that some people who are sent to prison deserve to stay there. The view that all convicts can be rehabilitated is not just naive, it's dead wrong. When first-degree murderers sentenced to life without parole get unsupervised weekend furloughs and commuted sentences, that view goes from naive to dangerous, from well-meaning to irresponsible."

"If a judge says 'life without parole,' it should mean just that."

"I am one who believes we can do more to put and keep the killers of cops and kids behind the iron bars of prison -- not law-abiding people behind the protective bars of home."

"We need the death penalty for those who commit drug-related murders. We need the death penalty for the drug kingpins who are poisoning our kids. These people are dealing in death, and that's what they should get. If this is war -- then let's treat it as such. Let's get these killers off the street."

"And for anyone who kills a cop, no penalty is too tough."

--- Vice President Bush  
Address to the National  
Sheriffs' Association  
June 22, 1988