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"Perseverance is more prevailing than violence; and many things which cannot be overcome when they are together yield themselves up when taken little by little." -- Plutarch

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DRAFT 10/29/68

TENTATIVE OUTLINE OF INTERIM REPORT

I. LETTER OF TRANSMITTAL TO THE PRESIDENT: Brief description of the way in which the Commission has proceeded and a summary of activities to date.

II. INTRO

We have have to

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INTRODUCTION: The problem of violence is of urgent concern to the American people (We have found that this concern is warranted by the facts. Brief description of the current dimensions of violence with emphasis on the major role that youth plays in violent crime and civil disorders of all types. Because continued domestic violence can destroy our way of life, violence must be met by coordinated action, increased expenditures, and continuing study. Although there is much yet to be learned about violence, we know enough now to act. A firm national commitment to reduce the level of domestic violence and to provide the necessary funds for that purpose is essential, and that commitment must be manifested by swift, direct action. The effort must be directed toward two equally important objectives: (a) Tripling the national investment of resources in law enforcement and the administration Allien Crier of the Comment of the C

of justice over the next five years, and

(b) To expand greatly the national effort to

provide the young people of America with oppor
tunities for self-development and service.

These two goals must be pursued with equal vigor,

for a democratic society must accommodate social

reform even as it maintains order.

Recommendation #1: We recommend the creation of Order and Social Susfice — a continuing Council on Civil Peace —

- -- To include appropriate federal officials
 (the Vice-President, the Attorney General,
 the Secretary of Health, Education and Welfare,
 and the Speaker of the House), state officials
 (one governor and two mayors chosen on a
 rotating basis) and private citizens (appointed
 by the President for two year terms);
- -- To conduct continuing surveillance both of our law enforcement systems and our mechanisms and programs for social change in light of the findings and recommendations of the Warren, Crime, Kerner, Violence Commissions;
- -- To exercise a general supervisory authority over grants made under the Civil Peace Trust

Supering he properties of the Contraction of the Co

Fund (See Recommendation # 2, below) by
the Law Enforcement Assistance Administration,
and by the Youth Administration of the
Department of Health, Education, and
Welfare (See Recommendation # 5, below); and
-- To receive, publicize, and act upon reports
from (a) the Criminal Justice Information
Center (See Recommendation # 4a, below),
(b) the Federal Firearms Information Repository (See Recommendation # 7, below), and
(c) the Media Study Institute (See Recommendation # 8, below).

Recommendation # 2: We recommend, as a major part of the effort to triple expenditures on law enforcement in five years and to provide opportunities for youth, the establishment of a Civil Peace Trust Fund to assure the states and cities sufficient long term funding to undertake major programs in these areas. Two percent per year out of the 1968 surcharge on federal income taxes would be permanently extended as a trust fund to be allocated to states and cities under a percentage formula on a matching grant basis, using the allocation principles contained in the existing federal

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highway program. This would generate in 1969 approximately \$2.16 billion of federal funds to be locally matched - an amount that would increase year by year. Grants under the trust fund would be equally divided between law enforcement assistance and youth opportunity programs. Qaulifying standards for state and local programs would be established by the Law Enforcement Assistance Administration and the Youth Administration (See Recommendation # 6 , below), respectively.

III.

STRENGTHENING THE CRIMINAL JUSTICE SYSTEM: As the President's Commission on Law Enforcement and Administration of Justice found, our system of N^{3} criminal justice is simply inadequate to deal with the problem of crime which exists in our society today. This inadequacy arises from an under-commitment of resources to the criminal justice system. We spend less than one half of one percent of our national income and less than two percent of our tax revenues on law enforcement activities. Comparison of law enforcement expenditures of other modern nations. For these expenditures we get a system that results in arrests in less than one fourth of the serious

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offenses known to the polices, that obtains convictions in only 10 percent of these cases, and leads to imprisonment in only 1 percent. Moreover, more than one third of the offenders released from our prisons will be back in prison usually for more serious crimes within five years after their release.

The evidence is abundant that our criminal justice system is overburdened and dangerously weak at every point. We have too few police, and they are too frequently under-paid and ill-trained; often their conduct exacerbates community relations and sparks disorders. Our courts are understaffed and mired in an enormous backlog of cases; persons awaiting trial remain at large on bail for protracted periods during which many commit further crimes. Our correctional system is more likely to produce criminals than to rehabilitate them. Although the overhaul and improvement of our criminal justice system will require sustained expenditure of large magnitude over many years, action can be taken at once in two areas of equally high priority:

Recommendation # 3: In addition to the money to be available from the Civil Peace Trust Fund, we recommend that the direct appropriations to the

- 6 -

Administration under Part C (Grants for Law Enforcement Purposes) of the Omnibus Crime Control and Safe Streets Act of 1968 be increased from the totally inadequate \$ _____ appropriated for fiscal 1969 to a more realistic \$ _____ for 1970. Moreover we recommend that the Safe Streets Act be amended as follows: [to be determined, but to include shift in priorities toward increased police ability to deal effectively with violent private crime and to improve police-community relations.]

Enforcement Assistance Administration be empowered to make grants to the end that, as the Crime Commission recommended, (a) Felony and misdemeanor courts and their ancillary agencies -- prosecutors, defenders, and probation services -- be unified; (b) The judicial manpower of these courts be increased and their physical facilities improved so that these courts will be able to cope with the volume of cases coming before them in a dignified and deliberate way; and (c) Prosecutors, probation officers, and defense counsel should be provided in courts where these officers are not found

or where their numbers are insufficient.

Recommendation # 4: We recommend that the Law

Recommendation # 4a: We recommend the establishment of a Criminal Justice Information Center to gather and disseminate statistical and other information on the performance, the problems, and the needs of the nation's law enforcement systems, judicial systems, and correctional systems. In addition, the Center shall develop a uniform criminal classification system, develop procedures for periodic assessment of unreported crime, and compile data relating to victimization, victimeoffender relations, characteristics of offenders, etc.

i.

FOCUS ON THE YOUNG: The key to violent crime and group violence in this nation lies with our young people. The age group between 11 and 24 represents less than one fourth of the population but is responsible for more than half the arrests for violent crimes and more than three quarters of the arrests for major property crimes. Nearly 65 percent of all suspects arrested for Index offenses are under 21 years of age. Most of the persons involved in the recent urban riots were teenagers or young adults -- 45 to 73 percent of the arrestees in 10 cities studied by the Kerner Commission were between 15 and 24 years of age, while only 13 to 23 percent of potential rioters fell within that age category. The anti-war and campus demonstrations and protests which have so often escalated into violence are, apart from a few older leaders, almost entirely a phenomenon of the young.

Violent crime and urban disorders arise mainly from the frustrations of disadvantaged youth, while violent anti-war and campus demonstrations result mainly from the alienation of advantaged youth. The challenge to our society

is to close the gap between promise and reality in the social, economic, and political areas of modern life. If we are to reduce the level of violence among our young we must (a) improve the juvenile justice system, (b) increase educational and job opportunities, and (c) permit the young more effective participation in the decision-making processes of society.

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Recommendation # 5: We recommend that a new
Youth Administration be created in the Department
of Health, Education and Welfare --

- -- To consolidate existing and future programs dealing with juvenile delinquency and youth opportunity.
- -- To establish guidelines and make grants from the Civil Peace Trust Fund (a) to improve the juvenile justice system, (b)to provide increased educational opportunities for disadvantaged youth, and (c) to provide increased employment opportunities for disadvantaged youth.
- -- To experiment with and develop programs to provide advantaged youth with opportunities for public service. (See Recommendation # 6 , below.)

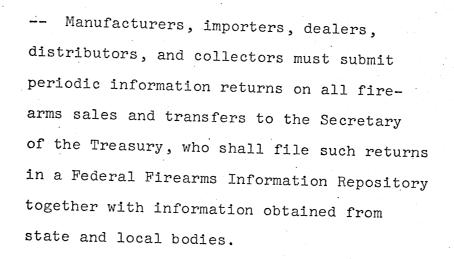
Recommendation # 6: In order to restore among the young a respect for and participation in the institutions of our society we recommend that:

- -- The voting age be lowered to 18 years.
- -- The age limits for holding public office be reduced.
- -- The Selective Service System be reformed along the lines suggested by Burke Marshall's Commission on the Draft.

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- -- The provision in the Omnibus Higher
 Education Bill of 1968 which withholds scholarships from students involved in demonstrations
 be repealed.
- -- The federal government, through the Youth Administration and other agencies, provide the financial support and encouragement needed to permit young men and women to devote a period of their lives after high school or during college to some form of public service.
- V. THE DOMESTIC ARMS RACE: Introductory comments indicating rising sales of firearms and likely consequences in terms of accidents, violent crime, and ghetto warfare.

 Recommendation # 7: We recommend the adoption of an Omnibus Firearms Control Act having the following principal features:



- -- Manufacturers, dealers, collectors and distributors shall maintain prescribed security measures to minimize theft or loss of firearms and ammunition.
- -- All states shall enact firearms legislation meeting the following minimum standards (or else a federal system shall be established within the state): (i) prohibition of firearms possession by certain categories of persons; (ii) requirement of a firearms owner's identification card for the possession of long guns; (iii) a permit, renewable annually, for possession of a handgun by those few persons who can demonstrate need; (iv) requirement of a firearms proficiency test for all I.D. card or permit

holders; (v) prohibition of sales or transfers of firearms and ammunition to persons without an identification card or handgun permit; (vi) requirement of a seven day waiting period between purchase and delivery of a firearm.

-- Any military organization other than
the militia and similar military organization established by state law shall be
prohibited from manufacturing, purchasing,
and possessing firearms without a federal brewse.
to yours of besses to any org which would weather
-- [other less significant provisions transpullity.
of Task Force proposal]

THE MEDIA AND VIOLENCE: Review growing impact of mass media on society, particularly emphasis on violence.

Briefly discuss research findings to date.

Recommendation # 8: We recommend the creation of a Media Study Institute to analyze media content and its effects on audiences. Such an institute would have the following major characteristics:

-- Minimal governmental participation, although federal funds should be provided;

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-- Communications industry participation in the institute should be minimal, although access to all media for the publication and dissemination of the Institute's findings should be available.

VII. CONCLUSION: We endorse wholeheartedly the basic conclusions and recommendations of the Kerner Report, which we believe to be contained in the following passage from the Introduction to that Report:

This is our basic conclusion: Our Nation is moving toward two societies, one black, one white - separate and unequal.

* * *

To pursue our present course will involve the continuing polarization of the American community and, ultimately, the destruction of basic democratic values.

The alternative is not blind repression or capitulation to lawlessness. It is the realization of common opportunities for all within a single society.

This alternative will require a commitment to national action - compassionate, massive, and sustained, backed by the resources of the most powerful and the richest nation on this earth. From every American it will require new attitudes, new understanding, and, above all, new will.

The vital needs of the Nation must be met; hard choices must be made, and, if necessary, new taxes enacted.

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Violence cannot build a better society. Disruption and disorder nourish repression, not justice. They strike at the freedom of every citizen. The community cannot - it will not - tolerate coercion and mob rule.

Violence and destruction must be ended - in the streets of the ghetto and in the lives of people.

Segregation and poverty have created in the racial ghetto a destructive environment totally unknown to most white Americans.

What white Americans have never fully understood - but what the Negro can never forget - is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.

It is time now to turn with all the purpose at our command to the major unfinished business of this Nation. It is time to adopt strategies for action that will produce quick and visible progress. It is time to make good the promises of American democracy to all citizens - urban and rural, white and black, Spanish-surname, American Indian, and every minority group.

Our recommendations embrace three basic principles:

To mount programs on a scale equal to the dimension of the problems;

To aim these programs for high impact in the immediate future in order to close the gap between promise and performance;

To undertake new initiatives and experiments that can change the system of failure and frustration that now dominates the ghetto and weakens our society.

Recommendation # 9: We recommend the President publicly endorse the foregoing basic conclusions of the Kerner Commission Report, for the problem

of violence in this country can never be successfully dealt with unless a broad national consensus develops in favor of these conclusions.

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TENTATIVE OUTLINE OF INTERIM REPORT (10-28-68)

1. Letter to the President

2. Introduction: a preliminary assessment of the problem of violence in our society as we then perceive it at this time, setting forth the dimensions of the problem and the necessary caveats.

Recommendation #1es Course de Civil Peace (bush Land)

a. Public attitudes

b. Fear

c. Respect for law

d. @rder and justice

e. Social change and profound problems

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Strengthening the Criminal Justice System:

a. Review in more detail problem of violent crime

b. Acknowledge need for comprehensive action to strengthen criminal justice system

c. Obstacles to dealing with violent crime d. Need for immediate and urgent action in:

- (1) Expansion and improvement of law enforcement; i.e., more police, better police, relieve police of non-crime activities
- (2) Improvement of courts and court procedures; i.e., speedy justice, docket scheduling, more judges, bail problems, etc.
- 4. Focusing on the Young: describe the extent of violence among the young, the growing role of the young in our society, the need to begin where efforts may have most effect.
 - . The Disadvantaged Young: Describe the problem as it relates to deprived youth, acknowledge social conditions which contribute to violence among the disadvantaged young.
 - (1) Juvenile Delinquency

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(a) dimensions of the problem (b) present programs to cope Recommend consolidation Recommend reform and restructuring of juvenile court system (p. 9-14 of Mulvihill paper) Recommend experimental youth programs (p. 14-17) (f) Recommend job opportunities (p. 18-19)(g) Recommend better education (p. 20-26)41) (2) Group Violence hon civil disorders (a) (b) black militancy Kerner Commission Report (c) Recommendations (?) (d)

b. The Advantaged Young: Describe the growing problem of anti-war, anti-draft, and campus protest.

Sympathy with problems og black America Antagonism to "establishment" (b) Civil Disobedience (c) Recommend lower voting age Recommend lowering age limits (d) (e) on office holding (f) reform draft laws (lottery & CO) Repeal withholding of scholarship (g) provisions in omnibus higher education bill. year off for service (h) The Domestie Arms Race:

5. Control of Guns: Describe role of guns in violence and dangers of civilian arms race.

(a) review gun laws

(b) review arguments against

The Media - School of Violence?

6. Media and Violence: Review growing impact of media, particularly television and emphasis on violence.

(a) inconclusive research findings

(b) conventional wisdom approach

(c) recommend monitoring institute

recommend expansion of Public broadcasting Corporation

7. The Wealth, the Wisdom, and the Will: We know enough about the problem to know that somethings can and should be done. We have the resources to act. We must have the will to act. trust fund to law enforcement and social action b. leadership commitment count of cuil Place c. ??????? LEAA Youth administration) Pm

"Perseverance is more prevailing than violence; and many things which cannot be overcome when they are together yield themselves up when taken little by little." --Plutarch

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TENTATIVE OUTLINE OF INTERIM REPORT (Octobe

(October 29, 1968)

I. LETTER OF TRANSMITTAL TO THE PRESIDENT: Brief description of the way in which the Commission has proceeded and a summary of activities to date.

II. INTRODUCTION

We have found the problem of violence

our society to be a most serious one. Brief

description of the current dimensions of violence

The problem is of urgent concern to the

American people. It is of such importance and

of such broad scope that it will require expenditures; coordinated action, increased funding, and continuing study. Although there is much yet to be learned about violence, we know enough now to act in some areas. A firm national commitment to reduce the levels of violence and to provide the necessary funds for that purpose is essential, now, and it must be accompanied by swift, and direct action.

The effort must be directed toward two equally important objectives: (a) Tripling

the national investment of resources in

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law enforcement and the administration of justice over the next five years, and (b) To expand greatly the national efforts to provide the young people of America with opportunities for self-development and service. Λ

INSERT (A)

Recommendation #1: We recommend the creation of a continuing Council on Civil Peace

--To include appropriate federal officials (the Vice-President, the Attorney General, the Secretary of Health, Education and Welfare, and the Speaker of the House), state officials (one governor and two mayors chosen on a rot= ating basis) and private citizens (appointed by the President for two year terms);

--To conduct continuing surveillance both

of our law enforcement systems and our mechanisms and programs for social change in light of the findings of and recommendations of the Warren, Crime, Kerner, Violence Commissions;

--To exercise a general supervisory authority over grants made under the Civil Peace Trust Fund (See Recommendation # 2, below) by the Law Enforcement Assistance Administration, and by the Youth Administration of the Department

of Health, Education, and Welfare (See Recommendation # ___, below); and
--To receive, publicize, and act upon reports from

(a) The Criminal Justice Information Center

(See Recommendation # ___), (b) the Federal Firearms

Information Repository (See Recommendation # ___,

below), and (c) the Media Study Institute

(See Recommendation # ___, below).

Recommendation # 2. We recommend, as a

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III. STRENGTHENING THE CRIMINAL JUSTICE SYSTEM:

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The evidence is abundant that our criminal justice system is overburdned and xxxixxx dangerously weak at every point. We have too few police, and they are too frequently under paid and ill-trained; Our courts are understaffed and mired in an emormous backlog of cases; Our correctional system is more likely to produce criminals than to rehabilitate them. Although the overhaul and improvement of our criminal justice system will require hundreds of millions of dellars out to be to be to be the system will require hundreds of millions of dellars out to be to be to be the system will require hundreds of millions of dellars out to be to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will require hundreds of millions of dellars out to be the system will be the system will

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Recommendation # 3. In addition to the funds to
be provided by the Civil Peace Trust Fund, we recommend
that the direct appropriations to the newly created

Law Enforcement Assistance Administration under Part

C (Grants for Law Enforcement Purposes) of the Omnibus

Crime Control and Safe Streets act of 1968 be increased
from \$ appropriated for fiscal 1969 to \$

for 1970. Moreover we recommend that the Safe Streets

Act be amended as follows: Ftd be added. specificy

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Recommendation # 4. We recommend that the Law Enforcement Assistance Administration be empowered to make grants to state and-level-governments -to-the-end criminal justice systems to the end that all criminal trials be completed within three months of arrest, except in extraordinary cases, and first appeal be completed within six months.

[Implementing proposals to be determined]

to the end that, (a) Felony and misdemeanor courts and their ancillary agencies—prosecutors, defenders, and probabtion services—should be unified; (b) As an immediate step to meet the needs of the lower courts, The judicial manpower of these courts should be increased and their physical facilities should be improved so that these courts

before them in a dignified and deliberate way; and (c)
Prosecutors, probation officers, and defense counsel
should be provided in courts where these officers are not found or where their numbers are insufficient.

Recommendation # 4a. We recommend the establishment of a Criminal Justice Information Center to gather and disseminate statistical and other information on the performance, the problems, and the needs of the nation's law enforcement systems, judicial systems, and correctional systems. In addition, the Center shall develop a uniform criminal classification system, develop procedures for periodic assessment of unreported crime, and compile data relating to victimization, victim-offender relations, characteristics of offenders, etc.

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IV. FOCUS ON THE YOUNG: The key to violent crime and group violence in this nation may well lies with our young people. Nearly 65 per cent of all suspects arrested for Index offenses are under 21 years of age and half of all violent crimes are committed by persons under 🗱 XXXXXXXXXX the age of 24, the age group between 11 and 24 represents less than one fourth of the population but is responsible for more than half the arrests for violent crimes and more than three quarters of the arrests for major property crimes. \bigwedge Most of the persons involved in the recent urban riots were teenagers or young adults--45 to 73 per cent of the arrestees in 10 cities studied by the Kerner Commission were between 15 and 24 years of age, while 13 to 23 per cent of potential rioters fell anti-war and campus within that age category. The demonstrations and protests which have so often escalated into violence are, almost entirely a phenomenon of the yougg. den order Jen order Jeaders Violent crime and urban disorders arise mainly from the frustrations of disadvantaged youth, while violent anti-war and campus demonstrations result mainly from the alienation of advantaged youth. The challenge to our society is to close the gap between promise and reality in the social, economic, and political areas of modern life. If we are to reduce the level of violence among our young we must (a) improve the juvenile justice system, (b) increase educational and job opportunities, and (c) permit the young more effective participation in decision-making procession of society.

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V. THE DOMESTIC ARMS RACE: Introductory comments indicating rising sales of firearms and likely consequences (e.g., homicide, sucjide, and accident rates).

Recommendation # 7. We recommend the adoption of an Omnibus Firearms Control Act having the following principal features:

- -- Manufacturers, importers, dealers, distributers, and collectors must submit periodic information returns on all firearms sales and transfers, to the Secretary of the Treasury; who shall file such returns in a Federal Firearms information repository together with information obtained from state and local bodies;
- -- Manufacturers, dealers, collectors and distributers shall maintain prescribed security measures to minimize theft or loss of firearms and ammunition.
- -- All states shall ark eneact firearms legislation meeting the following minimum standards (or else a federal system shall be established within the state): (i) probhibition of firearms possession by certain categories of persons;
- (ii) requirement of a firearms owner's identification for the possession of long guns; (iii) a permit card er-an-annual-handgun-permit-and-a-permit-if-a-, renewable annually, for possession of a handgun by handgun (few) those persons who can demonstrate need; (iv) Requirement of a firearms profeciency test for all gun owners.
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-- Any military organization other than the militia and similar military organization established by state law shall be prohibited from manufacturing, purchasing, and possessing firearms.

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VI. THE MEDIA AND VIOLENCE: Review growing impact of mass media on society, particularly emphasis on violence. Briefly discuss research findings to daye.

Recommendation # 8. We recommend the creation of a Media Study Institute to analyze media content and its effects on audiences. Such an institute would have the following characteristics:

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VII. CONCLUSION: Endorse wholeheartedly the voice conclusions and recommendations of the Kerner Report, Urge the President to do the same. Restate and reinterpret the "white racism" concept of the Kerner commission to make the point that it is the "system" created and maintained by white America which has produced the ghetto, maintained it, and condoned it-not individual Americans as such.

Recommendation No. 9.

The recommend the Prince pendone the foregoing basic conclusions of the Kerner Commission Report, for the working to the Kerner the problem of violence in this country can much be accompany affectioned deals with when a broad consense attorney develops among all sec