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A Governors' Forum Lecture

The Real War
on Crime:
States on the
Front Lines

*By The Honorable George Allen
Governor of the Commonwealth
of Virginia*



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The Allen Administration

Now we are moving to deliver the honest change the people of Virginia have demanded. We have set out aggressively to make Virginia a national example of how government can best fulfill its foremost responsibility—protecting our citizens from violence.

We understand that the reasons for crime run deep in our society. The critics of tough law enforcement regularly remind us of the need to attack these “root causes” of crime. But what the liberals always seem to ignore is that you cannot begin to treat the whole patient until you stop him from bleeding. And Virginia and America today are bleeding.

There is only one way to stop it, and that is to take the people who are committing the violence—that small percentage of criminals who commit the vast majority of crime—and get them out of the free society that they have declared war on. Because one thing is certain: The one place a violent career criminal won't harm more innocent people is in prison.

After years of citizen frustration and official neglect, Virginia has moved decisively in the last five months to confront the violent crime menace.

Our efforts began in regular session of our General Assembly back in the winter, when we succeeded in getting the Virginia legislature to enact tough law enforcement measures that had been routinely rejected until this year.

The anti-crime package submitted by my partner, Attorney General Jim Gilmore, and me included:

- ◆ The “three strikes and you're out” law that puts violent three-time losers away for life without parole.
- ◆ Bifurcated trials, so that juries are informed of the prior records of the criminals they are sentencing.
- ◆ Increased state funding to put more law enforcement officers on the street, especially in our hard-pressed urban areas.
- ◆ A crackdown on serious violent crime committed by juveniles, including trying hardened juvenile offenders as adults.
- ◆ And measures to combat stalking and other crimes by sex offenders, who are among the most incorrigible of violent criminals.
- ◆ Passage of this kind of tough legislation was unprecedented in Virginia, where the mindset in recent years has been decidedly more liberal when it comes to law enforcement.

But these measures were only a first step forward. Now we are moving to fundamentally reform our sentencing system and to fulfill our pledge to the people of Virginia to abolish the lenient, liberal parole system that has been turning violent offenders back into society after serving only a fraction of their terms.

- ◆ Let me share with you some statistics about our current criminal justice system in Virginia, because I think they will surprise you:
- ◆ Currently, the average sentence given for murder is 36 years. But, in reality, that murderer is only spending on average about ten years behind bars.
- ◆ In fact, the average murderer in Virginia serves about half the minimum federal sentence for the same heinous crime.

The Real War on Crime: States on the Front Lines

By The Honorable George Allen
Governor of the Commonwealth of Virginia

The seat of our federal government, Washington, D.C., has possibly the worst crime rate on earth—certainly it is the worst in the nation. But on the other side of the Potomac, in Virginia, we rank 35th in terms of violent crime. While that's not too bad—comparatively speaking—Virginians nevertheless have experienced a dramatic increase in violent crime over the past five years. So that ranking really doesn't mean much, especially when people are more afraid than ever of being killed or robbed, beaten or raped inside or outside of their homes.

Last Year's Campaign

Much has been written about last year's gubernatorial campaign in Virginia and how it focused the attention of the nation on crime.

As I campaigned across our state last year, I talked about my philosophy of creative, Jeffersonian conservatism and what I proposed to do to create jobs, reform welfare, reinvigorate education, and end wasteful government spending.

The people of Virginia were interested in these things. But one concern topped all others: the rise in violent crime and the paralyzing sense of fear it spreads.

The surge in violent crime is more than a "thief in the night" stealing someone's belongings. It is stealing something much more precious—our freedom. It is denying our citizens their unalienable rights to life, liberty, and the pursuit of happiness—their right to work, to live, and to raise a family without being terrorized and victimized by violent criminals and lawlessness.

What happened last fall in Virginia was quite simple: the people said they would no longer tolerate a system in which violent criminals are apprehended, convicted, and sentenced to long prison terms only to be routinely released after serving just a fraction of their sentence and allowed back into our neighborhoods and communities to again terrorize law-abiding citizens.

We put forward a comprehensive plan to put violent criminals—especially violent repeat offenders—behind bars and keep them there. And the people resoundingly endorsed it.

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It's like that for every major violent crime committed in Virginia:

- ◆ The average rapist in Virginia—the average—serves only four years in prison.
- ◆ For armed robbery, a typical 14-year sentence gets you only about four years of actual time.
- ◆ Generally, when a jury or a judge hands down a sentence to a violent criminal, the average criminal is only going to serve a third of that sentence, and many well serve as little as a sixth.

The reason, of course, is a combination of parole and virtually automatic good time credits. Together, they make a mockery of the sentences that judges and juries impose.

Virginia's Plan To Fight Crime

That's why, 13 weeks from now, I will call the members of the Virginia General Assembly back to Richmond to act on my comprehensive proposal to abolish parole and restructure sentences.

To develop the legislation that will be considered at the special session, earlier this year I created the Commission on Parole Abolition and Sentencing Reform. This bipartisan commission is made up of prosecutors, legislators, judges, business people, crime victims, and concerned citizens. And it is being chaired by two outstanding criminal justice professionals—former U.S. Attorney General William Barr and former U.S. Attorney Richard Cullen.

The bipartisan nature of the Commission has been a tremendous asset. Implementing truth-in-sentencing and reducing violent crime are not partisan issues. And legislators on both sides of the aisle are finally recognizing that the voters have had enough of speeches and sloganeering on crime—they want action and they want results.

We have gone about this fundamental reform in a measured and responsible way: The Commission has been meeting several times a month since February, and it has undertaken the most comprehensive evaluation of recidivism, sentencing, incapacitation, age factors, punishment, and victimization in Virginia's history.

In April, the Commission publicly presented "Proposal X"—the blueprint for our plan to abolish parole and restructure sentencing.

Since then, the Commission has worked with prosecutors, judges, victims advocacy organizations, and law-abiding citizens to refine and improve the proposal. In mid-August, the Commission will release its final report. Then we will spend the month before the special session communicating its recommendations to the people of Virginia and their elected legislators.

Our plan is straightforward and will have these key elements:

First, violent criminals will serve the time they are given, and sentencing guidelines will help ensure they serve significantly longer time than they are serving under the present system.

Second, we are targeting the repeat offenders—the violent career criminals—and we are going to put them away for a longer time than any state in the country. The daily newspaper stories about paroled criminals with long rap sheets committing more crimes are going to end in Virginia.

Third, we are not going to repeat the mistakes that have hampered truth-in-sentencing in other states. We are going to build the prisons necessary to keep this violent repeat criminal element away from our people.

But, fourth, we are going to get smart as well as get tough. For the non-violent offenders, we are going to use more economical forms of incarceration and alternatives such as home electronic monitoring, boot camps, and work farms. This will free up prison space and hold down costs so that we can afford to incapacitate the violent and repeat offenders longer.

But it will have other benefits, such as providing an environment conducive to rehabilitation for drug users and other offenders who can be diverted from lives of hopelessness and repeat criminal activity.

Our plan makes common sense, which may be why it is so radically different from what the Clinton Administration is emphasizing in its war on crime.

In Virginia, we have gotten along pretty well through the years by promoting the Jeffersonian vision of individual liberty and personal responsibility. We are renewing our commitment to that vision today by taking strong action to restore the liberty of law-abiding citizens and by holding strictly accountable those who abuse their freedoms and commit acts of crime and violence against their fellow citizens.

The Federal Government's Role

Now, when looking at the federal government's role in fighting violent crime, I think most governors, state legislators, and local law enforcement officials would agree that it is essential for that role to be limited and clearly defined.

Unfortunately, the tendency of the federal government these days is to come in like a bull in a china closet, announcing its arrival in a most dramatic way, but then leaving it to others to clean up the mess.

The reality is that 98 percent of all violent crime is handled at the state level. And success in the war on crime depends more on bringing common sense to state and local law enforcement than on any large-scale federal involvement.

Indeed, we could take a giant step toward safer communities in America if the federal government would just take the fiscal handcuffs off state and local governments and let us do our jobs—arresting, prosecuting, convicting, and punishing violent criminals.

From my perspective as Governor, the most promising component of the anti-crime legislation being considered in Congress is the money for building state prisons.

As I have stated, Virginia will build the prisons necessary to keep violent and repeat criminals out of action. Like Texas, we will more than likely issue bonds to finance the construction of some of these prisons. Assistance with prison funding represents a tangible way that the federal government can help state and local law enforcement efforts succeed.

At the same time, a measure of sanity needs to be restored to the federal courtrooms around the country. Population caps and court-ordered releases of violent criminals are not the way to address the problem of prison crowding where it exists.

Nor should the federal government be constantly making it harder to carry out the death penalty—a form of punishment that has been upheld under the Constitution. Repeated reviews on petitions for *habeas corpus* are draining the deterrent value from the imposition of death sentences. And creating a whole additional line of attack on death

sentences, based on the irrelevant characteristic of the defendant's race, is not the way to make our citizens safer.

The federal government needs to be finding ways to make it easier for states to execute vicious murderers—not harder.

Finally, I want to emphasize that Virginia is addressing the contributing factors to crime, such as unemployment, the lack of a supportive family structure, drug addiction, and the lack of education and career skills. We are committed to welfare reform, improving academic standards, creating jobs and initiatives to empower citizens. And perhaps in some future forum we can talk about those initiatives.

But the last thing we need from Congress is more expensive social spending designed to fight crime. If social welfare spending were the answer to crime, the street corners of America would be far and away the safest in the world. This approach has failed us for the past 30 years, and will continue to fail. We in the states need flexibility, we need to cover the costs of prison construction, and we need the freedom to combat violent crime with the common sense methods our citizens demand.