

*Hearings emphasize his experience
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October 26, 1981

Hearings on his 3 crime bills. Dirksen 2228 - holds about 100 spectators - 2 tables holding about 12 press people each.

I had to leave to do an interview with Abdnor; and when I returned, the Assistant Attorney General had already testified. The Detroit guy was nearing end of testimony. I heard the NY City guy give his testimony. AS interrupts quite a lot and cites his own experience a lot. He uses his experience as a baseline. A check of his testimony would demonstrate lots of talk about Philadelphia--particularly with the big city prosecutors.

After them, the academics came. They tended to talk at length and AS seemed to be a little impatient. Paul had told the witnesses early that AS would interject questions and that they had better make their key points in first 4 or 5 minutes. By the time the academics got to talk, 3 press people remained and maybe 15 people in the audience. It was then after 12:00.

One example of impatience--guy goes into methodology of Temple study of addicts. "We accept their credentials--what happened next?" Or "I don't want to cut you off but, we're running late and I wonder if there is any additional information you want to use to conclude your testimony."

There's also a district attorney - prosecutor attitude.

Greenwood - re. predictors of high rate of crime, he tests an 8-point variable analysis of his against AS's 2 priors as a predictor of more crime and he says 2 priors predicts as well in California as his variables, and that in California people with 2 prior arrests turn out to have a crime history of 2 crimes per year over their criminal life. But it doesn't predict as well in Michigan.

When witness suggests prior arrests are best predictor, AS says there's

too much of a due process (presumption of innocence) problem in here and Congress won't act on that.

At end he says he thinks there's a consensus that they are OK in trying to identify career criminal as a category. They assent. Then he asks if they can improve on 2 arrests as a criteria. Is it reasonably calculated to capture career criminal? Answer yes--significant proportion. Then he says he's intrigued by figures on the amount of crime.

"We're trying to fast track this." and he thanks everybody.

Went down to lunch with Arlen, Paul, Bruce Cohen and Kevin Hill. They talk about where to go next.

I walk Arlen back to his office. "We're trying to light a fire under the administration. They haven't thought it through. They aren't moving. I don't think it's correct to say they are doing it deliberately. I just don't think they have focussed on it. We have to make them think about it. So we're holding hearings to lay out the arguments. And I'm learning as we go along. I know an awful lot about this subject, but I learned some things today. I learned from the experts that we're on the right track. And I learned some things about New York City that are appalling. We'll have more facts to lay before the administration when the time comes. We'll be better able to address some of Meese's concerns. Maybe we'll go to the President. Meese is shuffling so many papers back and forth. This bill is not high on his list of priorities. And I understand that. The hearings even help me to focus in on the subject. There's a big \$100 fund raiser in Philly tonight. Absent this hearing. I'd be doing business out of my Philadelphia office today. So the hearing brings the bill back into focus for me, too."

He had asked, at lunch for "the briefing books on some hearings on mergers. I asked him if he had prepared for the career criminal bill and he said no, he didn't need to prepare for this one. But "I asked for the briefing

books on the mergers, because there are some concepts there I have to catch up on." During lunch, there had been some discussion about him attending the hearing on mergers called by Metzenbaum and whether he should cancel his 3:00 date to "talk to the Republicans." Pauls said "If you are going to be the anti-trust group for the Republicans, you should stay for the whole hearing or not bother to go at all." He decides to cancel his 3:00 engagement.

AS on Paul Michel. "He was my assistant in the district attorney's office for 7 years and then became Civiletti's right hand man. Paul knows more about criminal procedure than any man in the United States."

Most interesting thing AS said at lunch came as they talked about the support the bill had gotten from the Corrections Association (whatever its name is.)

Paul: "It won't get us one vote."

Bruce: But they won't be against us.

AS: That's why we put the rehabilitation bill in there.

Paul: Not one person has raised the point about that bill that the federal government can't tell the states what to do. Not one person.

AS: The liberals don't care what the priorities of the federal government are so long as it pursues goodness.

Bruce: Even the conservatives like the rehabilitation bill because they think it will keep criminals from coming out of jail and raping people.

AS (to me): The only part of this package that has any chance of passing is the first part." (i.e., career criminal).

If that's how he sees it, then the second part is in there basically to give them a jurisdictional hook and the third part is in there to

neutralize liberals. As one professor said afterwards "We have to keep stressing that we want to put criminals in jail, so that we can get on with the solutions of other social problems. You have to keep saying that to get the liberals off your back. Otherwise they say 'you just want to look people up and you think that will cure all society's ills.'" The rehabilitation bill is their ^{very} ~~armchair~~ to left. So the argument goes both ways--to some he's a hardass anti-crime man. To others, he's clearing the decks to get on with social betterment.

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One funny (to me) exchange of the lunch. They are trying to think about next hearings and the blond fellow says "Maybe we could jazz up the hearings with Norman Mailer, and decide that would be a mess (he ~~has~~ befriended some criminal ~~who~~ wrote a book). Then someone (Bruce I think), says "The 7-11 guy is different. He robbed a store every day, but has now gone straight and advises 7-11 stores how to prevent robbery. It would make the point that people rob stores just like you go to work."

AS: That sounds like a good idea.

Then Bruce says, "There's one kicker. Under your bill, he would have been locked up for life." Arlen didn't think it was funny; but I did. It would have been very embarrassing to get the media attention you want and find that you had a counter example. They just went on to the next problem.

He has two more hearing dates for his subcommittee and the discussion revolved around what to do with the two dates. The candidates were media violence, OJARS(?) and career criminal. AS: "We've got a little momentum this morning. We've got to keep it up." Paul agreed. "If we don't keep it up, no one else will." They decide that will be one hearing; and, problem arises as to who shall be witnesses. AS: "We've got to have some people who will talk about the costs. If that's what's bothering Meese's office, we'll

have to address it. Maybe some people who can talk about the prisons or about the use of alternative facilities." Paul says "We may have to admit it will cost money because it's right." AS "I want a memo on the whole problem of costs. I think that's where we've got to go from here." Paul: "But we still should have Morgenthau and _____ in to talk about the need. We've got to keep the heat on concerning the need for the bill." AS: "I agree." Paul "The 19th would give us enough time to get it together." So they ^{argue} ~~argue~~ on the next career criminal hearing for the 19th. They go on to discuss the other hearing on OJARS ^{OJJ} for which they got 70 million - in budget and which administration ^{want} ~~want~~ to spend. They discuss strategy for getting somebody named Smoltz for the Nov. 5 hearing.

These guys, "the boys" are his judiciary staff.