

**Governor John Engler
Opening a New Front in Michigan's WAR ON CRIME
Wednesday, April 29, 1992**

Briefing Note

Regarding the name Gravel: put the emphasis on the second syllable -- "gra-vell."

-- GCW --

[Greetings]

Since the beginning of my administration, we have sought to improve the lives of Michigan citizens.

Fundamental to our quality of life is freedom from crime and the fear of crime.

Michigan, if it is to prosper, must be a state of safe neighborhoods and communities.

Unfortunately, too many of our neighborhoods and communities are not safe.

As you know, our state is plagued by intolerably high crime rates.

With the exception of auto thefts, every indexed crime in the FBI's Uniform Crime Reports has been on the rise in Michigan.

Here is how the "crimes clock" presently reads in our state:¹

- Every 9 hours, someone is murdered.
- Every 72 minutes, a woman is raped.

During the time we are here:

- 6 women will be battered;
- 3 people will be assaulted; and
- someone will be robbed.

These grim numbers reflect an intolerable situation.

Because of the epidemic of violence in our state, too many of us have become prisoners in our own homes, afraid to go out.

¹The crime clock figures are calculated by averaging data from the annual FBI publication, *Crime in the U.S.: Uniform Crime Reports for 1990*, p. 64; and the Department of State Police memorandum, "1991 Uniform Crime Report," p. 3.

Our rights -- to walk in our neighborhoods, enjoy our parks, and shop in our business districts -- have been severely diminished by criminals.

The situation is especially perilous for our children.

It should profoundly disturb every one of us gathered here -- indeed, it should disturb our whole society -- that children in our inner cities go to bed at night to the sound of gunfire.

Too often they themselves are caught in the cross-fire.

The fact is, every 80 hours, a Michigan child is murdered.²

²Children are defined as those under 18. According to Julie Allen at Michigan State Police, in 1991 there were 102 children murdered in Michigan. In 1990, 115 children were murdered.

And the violence is getting worse.

In recent weeks especially, we've been reading about a spate of shootings involving innocent children.

They were senselessly gunned down, many in or around their own homes.

Some of them were "playing" with the weapons that killed them.

That is why I applaud Prosecutor John O'Hair's decision to hold parents and other adults responsible for the firearms they leave lying about.

Whatever the circumstances, I am deeply saddened by the loss of these children, and my condolences go out to the families of the victims.

But the families of the victims are looking for more than condolences.

They are looking for justice.

They are looking for action.

And, filled with righteous indignation, they are looking to Lansing for leadership.

And they have a right to expect it.

Judge Francis Murphy put it well: *"No more essential duty of government exists,"* he said, *"than to protect the lives of its people.*

*Fail in this, and we fail in everything."*³

Defeat -- or a bloody stalemate -- in Michigan's war on crime is not the legacy we want to leave to our children.

Our society simply must find more effective ways to combat the drug abuse, violence, and criminal activity that threaten it.

³Francis T. Murphy, President, Federation of New York State Judges, quoted in *Harpers*, July 1984.

We cannot afford to stand by and watch as vicious attacks spread through our streets, and into our schools, and even inside our homes.

We cannot afford to stand by and watch drug predators prey on children and pregnant women.

When they succeed, we fail -- for they are robbing our society of its very future.

Leadership and action are needed now.

As Governor of Michigan, I am presenting today a legislative package that will intensify our war on crime.

These bills and proposals are key weapons in a broader strategy to take our communities back.

That broader strategy attacks crime on a number of fronts -- rebuilding the family, education, corrections, drug prevention and treatment.

To win this war, we need to move vigorously in all of these areas: I am committed to a comprehensive strategy because I know there is no single answer.

Today, however, my focus is on legislation that makes criminals more accountable for their crimes -- something all of you have been advocating for a long time.

The citizens of our state are counting on our Legislature to pass some 30 bills and constitutional amendments that will make our criminal justice system work better.

Because illegal drugs are the scourge of our communities, the great majority of the legislation in this package takes aim at drug traffickers and abusers.

The economic costs alone of drug pollution are horrendous.

According to Lee Iacocca, American-made cars cost 600 dollars more because of substance abuse.

Of course, the human costs are infinitely higher -- indeed incalculable.

To fight the drug scourge that is polluting our society, I propose the following legislation.

First, if a street peddler is convicted of three violations of selling illegal drugs within one year, then he should go to prison for two years.

Let him ponder the riddle that "Three in One Gets You Two."

Second, it's time Michigan joined 19 other states that make even the attempt to buy or sell drugs carry the same penalty as a done deal.

Henceforward, "If You Attempt a Drug Crime, You Do the Same Time."

Third, I have a message for the state's pot aficionados who set up displays in front of the Capitol earlier this month:

Michigan's lax marijuana laws are headed for the ash-heap of history.

And I'll tell you why.

Marijuana is the number one illicit drug problem in our state.

The THC content of today's marijuana is, on average, three times more potent than it was a couple of decades ago.⁴

Furthermore, pot is implicated in 13 percent of fatalities involving truck drivers -- more often than alcohol.⁵

So it is not a victimless crime, and to treat it as such is irresponsible.

⁴Secretary of Health and Human Services, 1991 Third Triannual Report to Congress, Washington, DC.

⁵National Transportation Safety Board, *Fatigue, Alcohol, Drugs and Other Medical Factors Fatal to Drivers in Heavy Truck Crashes*, Washington, DC, 1990.

I think it's wrong that, in Michigan, a drug dealer who sells bales of marijuana faces the same sentence as one who sells ounces.

There is a difference between a truckload and a joint, and we want the law to reflect that difference.

From now on, punishment will be graduated with the severity of the crime.

At a very minimum, I want to see a mandatory 500 dollar fine for any marijuana user -- whether he inhales or not!

Fourth, we have long known that drug traffickers hire kids to do their dirty work.

Young kids are being paid as lookouts or being used to steer buyers to dealers.

So we must close the "hey-I-didn't-know-he-was-a-minor" loophole in the current law.

Let the word go out:

In Michigan, "Using Minors Is a Major Offense."

And speaking of minors, too many kids are abusing another substance -- alcohol.

Alcohol is the major drug of abuse by Michigan youth.

More teens die in alcohol-related accidents than from anything else.

So we need a law that hits teens where it counts most -- their driver's license.

I support an innovative bill that tolerates 0 percent blood alcohol content.

Under the provisions of this law, if minors are caught using, possessing, or buying alcohol, they lose their coveted driver's license for 90 days.

They can get that punishment trimmed to 45 days if they complete an alcohol and drug education program at their expense.

Through education, we are hoping to get to these young people early, before their drinking becomes a habit.

Next, we have to tackle the problem of illicit drug manufacturers who can alter the chemical composition of dangerous substances and develop new, more deadly drugs faster than the law can respond.

We need a law that will help Michigan stay ahead of the curve, so that as so-called designer drugs -- or analogues -- are developed, they can be outlawed immediately.

Other bills in this package aim to create drug-free workplaces and make licensed professionals accountable to the public.

If doctors or lawyers, architects or engineers, or a variety of other licensed professionals are convicted of drug dealing or abuse, then they will lose their driver's license and risk losing their professional license.

Many of you know that I've been interested in reducing the number of lawsuits in our state.

But in one area I want to see an expanded right to sue.

It's time to enable our neighborhoods and communities to bring lawsuits against the drug dealers who are polluting our lives.

In Michigan, the rule is: Polluter's pay.

I think everybody in this room agrees that there is no worse polluter in a community than a drug dealer.

We have worked closely with federal and state experts, and seek to develop a model statute that enables neighborhoods and communities to sue drug dealers in civil action for the direct and indirect damages they inflict on communities.

I want Michigan to be the first state in the nation to fight back with this law.

Now, I especially want to send a message -- loud and clear -- to big-time drug traffickers and gang leaders.

In Michigan, we not just saying "no to drugs."
We are saying "no quarter" to drug kingpins.

Put the "teflon don's" out there on notice:

They are not going to find a safe haven in this state.

Michigan needs some of the same tools the federal government uses when it goes after a John Gotti and a Manuel Noriega.

Our police and prosecutors will find it easier to bust career drug lords when the Legislature passes:

- a wire-tap statute that brings more of Michigan's biggest dealers to justice;
- a law that cracks down on money laundering and illegal investment; and
- legislation that makes it possible to nab drug kingpins because of their position as ringleaders of racketeering enterprises.

It's crucial to go after these gang leaders because drug trafficking and abuse, and the organized crime associated with them, are the source of a disproportionate share of the violence in Michigan.

In some cities, gang leaders have turned our streets into virtual war-zones.

In Detroit, for example, approximately 60 percent of all murders are drug-related.⁶

And the problem is hardly confined to Detroit.

Jackson, which had just 1 murder each in 1988 and 1989, had 3 killings in 1990, and 14 in 1991.

According to the police chief there, Bob Johnson, more than three-fourths of those murders were drug related.

So it's time we sent a special message to drug pushers who kill.

If you sow the wind, be prepared to reap the whirlwind.

⁶U.S. Department of Health and Human Services, "Epidemiologic Trends in Drug Abuse," 107 (December 1990).

Drug traffickers who kill in the course of their illegal trade will receive the stiffest penalty Michigan provides -- first-degree murder with life imprisonment.

You are not going to be paroled.

You are not going to be pardoned.

And you are not going to get a second chance.

In this state, once you are behind bars, you stay behind bars for the rest of your life.

It's not just drug kingpins and petty pushers and their ilk who are the problem.

There are too many people out there who think violence is the way to solve problems in a civilized society.

Well, I have a message for you, too.

In Michigan, if you resort to violent crime, for whatever reason, you are going to pay.

I especially will not tolerate guns in or around our schools.

Juveniles already account for nearly 10 percent of all arrests in Michigan, many of them for possession of weapons.⁷

In my MICHIGAN 2000 address before the Legislature last September, I said it was essential that our students have a safe environment in which to learn.

⁷Department of State Police memorandum. Re: 1991 Uniform Crime Report, p. 2. Juveniles, defined as age 16 or younger, accounted for 9.3 percent of all those arrested.

That is why I am supporting a pioneering bill which would target people carrying guns illegally within 1,000 feet of any Michigan school.

We must establish not just drug-free but gun-free and violence-free school zones so that teachers can teach in a safe environment, providing our kids with the tools they need to be knowledgeable citizens and productive workers in the twenty-first century.

Too many children are being brutalized not just in school but in their own homes.

On average, every month, two kids are battered to death by an adult.

Half of the victims are babies who will never see the candle on their first birthday cake.

Nine out of ten kids battered to death in our state are under age 5 -- at risk in their own homes.⁸

Because of the shocking situation these numbers reveal, I recently appointed the Governor's Task Force on Children's Justice.

Their charge is to improve the handling of child abuse and especially child sexual abuse cases that, tragically, are all too common these days.

With their recommendations, Michigan will qualify to receive federal funds under the provisions of the Children's Justice Act.

⁸Data show that 22 Michigan children were battered to death in 1990. Thirteen of these kids were under 1 year old. Six of the kids were between 1 and 4. Data provided by Bonnie Bucqueroux, Associate Director of Michigan State University's National Center for Community Policing.

In addition to violence against small children, too many women in Michigan are being brutalized.

It is estimated that, every year, 100,000 women are beaten in their homes by a boyfriend, husband, or ex-husband.

A third of these women are so badly beaten they seek medical attention.⁹

To respond to this tragic situation, I support legislation that mandates every law enforcement agency in the state to develop a written policy dealing with domestic violence.

In short, this bill reaffirms that domestic violence is a crime and that abusers should be arrested.

⁹Data provided by B. Bucqueroux of MSU's National Center for Community Policing.

In addition, my administration recently helped secure a 75,000 dollar federal grant to develop a curriculum and training program for law enforcement officials who must confront domestic violence.

There is a related statistic that should trouble every one in this room.

In 1990, Michigan ranked third in the nation in the number of forcible rapes reported -- 7,209.

Only in California and Texas did more women report being raped.

That number went up yet again last year, when 7,248 cases were reported.

More ominous than that is the rate of rape in Michigan.

In 1990, according to the FBI's Uniform Crime Reports, our state had the second highest rate of rape in the nation.

Only Delaware's rate was worse.

As a member of the Senate, I sponsored and we passed bills establishing a state-wide DNA identification profiling system.¹⁰

Once fully implemented, all prisoners serving time because of sexual conduct offenses will be profiled as a condition of parole or release from prison.

This is a good start, but we can do more.

¹⁰Later Public Acts 191, 250, and 251.

I urge the House to promptly pass the bill that makes stalking a crime so that I can sign it into law.

With the stalking bill, like much of this legislation, we want not only to reduce crime but the fear of crime that grips so many people in our state.

Another kind of criminal conduct concerns me -- hate crimes -- because lately they've also been on the rise.

Let me make one thing clear:

There is no place in this state for violence against people just because their skin color or their ethnic background or their religion is "different."

I'm proud that Michigan has long demonstrated a commitment to civil rights.

Our state was the first in the Union to mandate the establishment of a civil rights provision in its Constitution.

Moreover, Michigan was one of the first states to pass an ethnic intimidation statute -- in 1988 -- and I supported it as a senator.

Now, as Governor, I insist that it be enforced.

Because of the recent increase of hate crimes in our state, we cannot rest on past laurels.

We need to do more.

So I am challenging every one in this room, and public officials and citizens around the state, to speak out in their communities with a unified voice:

In Michigan, hate crimes will not be tolerated.

All of us have a duty to condemn these vicious, irrational acts that poison the human relationships in our communities.

And we've got to back our words with **deeds**.

Last week, I met with the leadership of the Prosecuting Attorney's Association of Michigan.

I asked them to review our state's ethnic intimidation statute and make sure it is the **best possible law** we can have on the books.

I also asked them to schedule a special session at their annual conference in August to make prosecutors more fully aware of the law and how to enforce the law more fully.

In addition, I've directed the state police to develop a system of monitoring the number and nature of hate crimes in our state so we can assess the full extent of the problem.

It is crucial that our prosecutors, judges, and police confront any hate crimes they encounter in their jurisdiction with vigor.

Let's prosecute hate-mongers to the full extent of the law.

They will pay for fomenting discord, whether based on race, gender, ethnicity, or religion.

So far I've concentrated on drug abuse and violent crime.

But we must not overlook other criminal activity, so-called white collar crimes, which rob citizens of their savings, investments, property, and dignity.

Such crimes may not be physically violent, but they do untold damage to their victims nevertheless.

As I said in my Health Care Address last month, the fraud in our health care system is particularly odious.

Improper billings to Medicaid and insurance carriers is costing Michigan residents almost 2.5 billion dollars annually.

That means about 10 percent of our health-care bills are fraudulent.

We have statutes that empower our licensing boards to discipline practitioners for economic fraud.

But in the last 5 years, not a single offender has been punished.

That's going to change.

To root out the abuse in the system, I am seeking legislation that will create the Health Care Fraud Strike Team.

One way to encourage those with knowledge of fraud to come forward is to allow the strike team to offer a reward of up to 10 percent of the restitution convicted offenders will have to pay.

No matter what the crime -- violent or white-collar -- it's time our criminal justice system paid more attention to crime's victims.

Too often, it seems that criminals get off scot-free, or do not pay their due to society.

I'll give you an instance.

In the recent trial of six youths who wantonly shot and killed Benjamin Gravell, justice was outraged.

These kids murdered him in cold blood for no better reason than that they wanted his car to go to a party!

In hearings presided over by Judge Dalton Roberson, two of the six kids pleaded guilty to first-degree murder.

But because these two eighteen-year olds were sentenced as youths, they will get a mere slap on the wrist:

Sure, they'll spend a couple of years at Maxey, but then, when they turn 21, they'll have the opportunity to be back out on the streets.

That is a travesty of justice.

I think juveniles who commit serious and dangerous crimes should be charged and tried as adults.

It's time we made all criminals fully accountable for their anti-social behavior.

Frankly, the law-abiding citizens of our state deserve better.

Because of examples like the sentencing of the youths in the Benjamin Gravell murder, I can understand why crime victims' rights groups are so upset.

They are justifiably concerned that the Victims' Rights Law is not enforced with as much vigor as it could be.

I share their concern.

We need to do all we can to make sure that our existing laws keep the criminal element in our society off the streets.

In addition to making our existing laws work better, I support legislation that would further streamline the administration of justice -- and save taxpayers' money:

- by abolishing wasteful “guilty plea” appeals (which will save over \$2 million a year);
- by making drug users, if convicted, pay for all lab tests (which will save another million dollars annually); and
- by compelling suspects to appear in an identification line up.

In addition, we need a number of measures to close legal loopholes in our present laws:

- First, legal technicalities should not give criminals the opportunity to escape justice; we must allow good faith exceptions in police searches.
- Second, the insanity defense needs to be tightened so that criminals pleading insanity will have to demonstrate by clear and convincing evidence that they were unable to appreciate the wrongfulness of their act.
- Third, correctional officials should be allowed to monitor prisoner phone calls to stop inmates who are audacious enough to direct criminal activity outside of prison walls; presently, their phone conversations go unmonitored.

Finally,
~~it's~~ it's high time Michigan joined 48 other states and passed a law making it tougher for ex-convicts to walk out of prison and buy a gun. It's outrageous to release violent criminals from prison and let them go and buy a gun with the state's blessings. Convicted felons should be banned from possessing a firearm for at least five years after serving time.

- Finally, Michigan courts should adopt the standard set by the Supreme Court that will reduce litigation based on 8th Amendment claims of "cruel and unusual punishment."

To conclude, let me return to something I said at the beginning of this address.

Crime victims and their families are looking for more than condolences.

They are looking for justice, action, and leadership.

That is why it is imperative that the Legislature put aside political differences and calendar conflicts and pass these bills and proposals before the summer recess.

This coming 4th of July, we will be celebrating Independence Day.

Wouldn't it be nice if Michigan citizens are freer of crime and the fear of crime by then?

As I indicated earlier, our war on crime must be fought on many fronts.

This legislative package will not, by itself, win that war.

But these bills and proposals are necessary weapons in a broader strategy -- weapons that are ready to be deployed.

We cannot delay.

So I call on the citizens of our great state -- on families and churches, on neighborhoods and civic groups -- to join the battle with local, state, and federal agencies to root out crime.

Have no doubt about our determination to win this war.

We are going to make Michigan safer for its law-abiding citizens.

We are going to take our neighborhoods back from the criminal element within them.

We are going to give our police and prosecutors the tools they need to fight this war to the finish.

And we are going to make sure that the victims of crime aren't further victimized by an inefficient ~~and~~

OR ↗
wasteful criminal justice system.

This is a war that Michigan is going to win.

Thank you for your support.