

REMARKS BY

GOVERNOR GEORGE ALLEN

**TO THE JOINT SESSION OF THE VIRGINIA
GENERAL ASSEMBLY, SPECIAL SESSION II,
ON SEPTEMBER 19, 1994**



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Office of the Governor

George Allen
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Mr. Speaker, Mr. President, Mr. President Pro Tempore, members of the House of Delegates and the Senate of Virginia, distinguished guests, my fellow Virginians --

Well, welcome back. It's good to see you.

This is the third session of the General Assembly this year, and the second time I have addressed you from this spot since taking office as Governor.

But no topic that I have addressed here before, and none that I expect to treat in the future, could possibly be more urgent or more fundamental than the matter we have assembled to consider today and in this special session.

A LENIENT AND DISHONEST SYSTEM

We are here for one reason: *Our criminal sentencing system in Virginia is too lenient, it's dishonest and we need to fix it -- now.*

Before you is my plan. It abolishes parole. It establishes truth-in-sentencing. It sharply increases the time violent and repeat criminals will serve in prison. And it is intelligent and innovative in its approach to non-violent criminals -- keeping their time served the same, but putting them in more productive and economical settings.

If you enact this plan, the judges and juries of this Commonwealth, the victims, the law enforcement officers, the law-abiding public -- and, yes, the criminals -- will know the rules, and the rules will be clear:

In Virginia, if you commit a crime, you will serve the time.

The days of excuses for, and acceptance of, violence are over!

Ladies and gentlemen, I want to give the people of Virginia a criminal justice system they can trust.

My plan targets violent -- and especially repeat violent -- criminals, for much longer incarceration.

You are here in this session to make a choice: compassion for criminals versus compassion for victims and law-abiding citizens.

It's that clear, because my plan asks you to do no more and no less than this: *Protect innocent Virginians by keeping violent convicted criminals behind bars longer.*

In the last nine months, we have accomplished great things together for the people of Virginia. Our achievements have been unprecedented.

We joined in a spirit of bipartisanship --

- to strengthen our laws against juvenile violence,
- to let juries know at sentencing about a criminal's prior record,
- to protect citizens from sex offenders,
- to crack down on drunk drivers,
- and to impose stiff mandatory penalties on violent, three-time felons.

We also took steps together to increase job and educational opportunities for the people of Virginia.

- We moved to rein in burdensome regulations that hinder economic development.
- We provided job-producing businesses with tax relief and incentives for locating or expanding in Virginia.
- We stopped imposing unfunded mandates on localities and took a strong stand against meddling and mandates from Washington.
- We took the first but important steps toward comprehensive welfare reform that will replace dependency with opportunity.

- We targeted more than \$100 million in increased funding to schools with large numbers of at-risk students.
- We halted the spiraling increase of college tuition, making higher education more affordable for more Virginia families.
- We took steps to restore confidence in elected officials by strengthening our ethics laws.
- And we addressed the longstanding problem of pension taxes and provided relief to elderly Virginians by repealing the tax on Social Security.

Despite this remarkable record, we cannot rest. We must now address -- in that same spirit of bipartisanship -- an evil menace unparalleled in our history: *the surging violence and inhumanity inflicted on our fellow citizens by vicious criminals.*

Let me take a moment to put this matter in perspective.

A WAVE OF TERROR AND VIOLENCE

Today, on the streets of our capital city, homicide and violence have become routine -- so routine, in fact, that Richmond appears poised to become the murder capital of America.

The courageous Mayor of this city, Leonidas Young, has pointed out that nearly half of the homicides committed in Richmond this year were the grisly work of criminals out on early parole.

The carnage is not limited to Richmond, nor can the wave of violence be measured solely in terms of murders.

Every 23 minutes, a Virginian is raped, robbed, maimed or killed by a violent criminal

Who is responsible for these violent acts? Well, we know it is the same people who commit a large percentage of all violent crimes. *Three out of every four violent criminals in Virginia is a repeat offender.*

This epidemic of violent crime was brought to your attention about two years ago in the report of then-Governor Wilder's commission on violent crime. It stated, and I quote:

The total level of violent crime -- murder, rape, robbery and aggravated assault -- is in the midst of a surge in Virginia. The overall violent crime rate ... was relatively steady from 1972 to 1987. However, since 1987 the overall violent crime rate has increased by 28 percent. The 1991 overall violent crime rate was ... by far our highest in the past 20 years.¹

Since the Wilder Commission report, similar high rates of violent crime have been recorded every year.

To make matters worse, this dramatic increase in violent crime occurred during a period in which the group of people most likely to commit crime -- 15-to-24 year olds -- was declining in size.

The most ominous fact is this: Beginning in 1996, this demographic trend will reverse: The number of young people in this crime-prone age group will rise, and rise continuously until approximately 2010.²

This means over the next 10 years, an estimated 7,800 additional murder victims, 29,000 new rape victims, and 128,000 robbery victims.³

This means that even if you were to reject my plan to abolish parole, three-fourths of the new prisons I have proposed would have to be built anyway.

Some have complained about the cost of our 10-year prison construction proposal. Well, the truth is: unless you intend to start releasing criminals even earlier than now, about 75 percent -- let me repeat 75 percent -- of what I have proposed still will be needed even if you do nothing in this special session.⁴

But the enormity of the economic costs pales in comparison to the human toll.

Behind each cold crime statistic is a human face -- a life shattered by violence, a family ripped apart, a young person with potential and promise who will never again dream dreams, and whose dreams will never come true.

During the campaign last fall, the people of Virginia heard me speak often of the senseless murder at the Wonder Bread store here in Richmond. The killer was out on parole, and the life he took was that of a young divinity student, Harvey Webb, who was working his way through school as a part-time bakery manager.

Harvey's mother, Mrs. Dottie Webb, and his brother, Deputy Alexander Webb of Chesapeake, are here with us in the gallery.

Mrs. Webb, Deputy Webb -- I thank you for your courage and support. Both of you, and all the other crime victims and their family members, help us remember that this special session is not about politics -- it is about saving innocent lives and protecting Virginians from violence.

Mrs. Webb, Deputy Webb -- would you please stand and let us show our appreciation to you? Thank you.

Members of the General Assembly, over the course of the next few days, we have a truly historic opportunity.

We have the opportunity to save lives and prevent violence by keeping the worst criminals behind bars and out of our communities, homes and businesses.

We have the opportunity to restore the trust of Virginia's law-abiding citizens in their criminal justice system -- trust that has been forfeited by the promise of long sentences and the reality of early release on parole.

The people of Virginia are watching each and every one of us.

They are hopeful, eager, and resolute.

They understand the unique opportunity this Special Session affords, and they rightly expect results.

We dare not disappoint them.

INCARCERATION OF VIOLENT CRIMINALS WORKS

Over the last few days, some vocal critics of our plan have questioned whether longer imprisonment of violent criminals will do any good. So let's consider for a moment why we incarcerate people.

There is a great debate going on in this country over the causes of crime and how to deal with crime. And it reflects an even larger debate over values and guiding principles.

Until about 30 years ago in this country, the notion that criminals should be held accountable for their actions was a bedrock principle of American society.

It was accepted that the people, through their government, not only had the right -- but the duty -- to hold criminals accountable for their actions.

But over the past three decades, that principle has been replaced by a philosophy that denies the importance, and even the existence, of an objective right or wrong.

When crime occurs, the apologists say it's society's fault. It's the government's fault. It's the teachers' or the parents' fault.

The murderer says he was traumatized.

The robber says that life's been unfair to him.

The rapist says it was the woman's fault.

Everybody and everything is to blame -- except the criminal.

This misguided philosophy regards criminals more as victims than victimizers. And it reflects the erosion of personal responsibility that has taken place in America since the 1960s.

Today, we are living in the societal wreckage that philosophy has caused -- a society in which crime, drug abuse, illegitimacy, the disintegration of families, educational failure, welfare dependency, and other social pathologies are rampant.

It is high time to hold violent criminals accountable and responsible for the pain, fear and destruction they inflict upon our citizens.

We must stop basing our policies on the excuses for criminal behavior, and start focusing on the consequences.

Now, do not misunderstand. Programs that can help prisoners turn their lives around programs such as drug abuse treatment, education, job training, and work activities -- are useful. And we intend to continue and improve them.

But incarceration has vital purposes other than rehabilitation -- among them, *justice* and *accountability*:

A system that tells people, victims and victims' families that an attacker is going to prison for 20 years, but then makes him eligible for parole after less than four years, does not serve justice.

A system that traumatizes victims by requiring them to relive their attacks year after year in painful testimony before the Parole Board does not serve justice.

A system that teaches criminals they can "beat the system" and return to the streets quickly to commit more crime does not impose accountability.

And a system that does not impose accountability cannot discourage or deter others from committing crime.

Ladies and gentlemen, the present lenient and dishonest system is not just. It is not working. The people are disgusted by it and demand change now.

This disgraceful system is also failing to prevent crime.

It is a logical, indisputable fact that when a rapist is in prison, he can't violate another innocent person.

When a murderer is in prison, he can't kill a law-abiding citizen.

We know that most violent crime is committed by repeat offenders, and the longer a repeat criminal stays in prison, the fewer crimes he will commit.

This is common sense, but it is also borne out in the studies that are discussed in the detailed report by my Commission on Parole Abolition and Sentencing Reform.

By the most conservative measure, in the next 10 years more than 120,000 crimes -- representing a cost to victims of \$2.7 billion -- will be prevented by keeping violent criminals behind bars for the longer periods I have proposed.⁵

Now, consider for a moment the claims of those who say incarceration of violent criminals doesn't prevent crime. What they are suggesting is that the early release of violent criminals will not result in more crimes being committed.

By that absurd reasoning, we should have no one locked up in prison because criminals are not dangerous.

The truth is, the vast majority of violent crime is committed by career criminals who pose an immediate threat to public safety whenever they are released.

That's why the people of Virginia are demanding that we take action now to keep these dangerous criminals behind bars.

Under the current dishonest and lenient system, the average first-degree murderer in Virginia is sentenced to 35 years, but serves only ten years.

That's right: For willful, premeditated murder -- the most heinous of violent crimes -- the average time served is just 10 years.

For rape -- the vilest form of violence against women -- the average sentence is nine years, but the average rapist actually serves just a little over four years.

It's the same for robbery. The average robber in Virginia is sentenced to 14 years, but only serves about four years.

For those of you who believe that is long enough -- go ahead and vote against my plan.

But if this lenient treatment of the worst violent criminals offends your sense of justice -- as it does mine -- then we need to work together to pass my plan, and *pass it promptly to protect Virginians.*

AN ESSENTIAL INVESTMENT

We also need to move with sensible dispatch to create the prison space necessary to incarcerate these criminals.

As I stated, three-fourths of our prison construction needs over the next 10 years have nothing at all to do with my parole abolition and truth-in-sentencing plan.

Over the next decade, the cost attributable directly to my proposal -- including both the increased operating and construction costs -- will represent less than two percent of the general fund revenues we expect to collect over the same period. That's right -- less than two percent.⁶

In recent years, members of both parties voted to expand prison capacity through the issuance of building authority bonds.

Personally, I prefer voter-approved general obligation bonds. But now we are confronted by serious over-crowding in our prisons, jails and juvenile correctional centers. And we cannot afford to wait a year to get moving.

Frankly, when I became Governor, I inherited a mess in terms of jail over-crowding. There simply are not enough facilities in the pipeline for adult prisoners or juvenile offenders, and the pace of authorized prison construction has also been far too slow.

To these long-time factors have been added several new factors.

My new Parole Board, with its focus on improving public safety, has made decisions that reduced the number of current felons receiving parole. And I sure do appreciate the bipartisan praise their actions have received in the past week.

Of course, there's a law of physics at work here: When you keep more criminals behind bars, you need more space to put them in. So, the declining parole grant rate has added to our prison population pressures.

In addition, we are confronted by the anticipated effects of longer incarceration of juveniles as a result of the serious juvenile offender legislation you enacted earlier this year.

These developments, taken together, have created a need for immediate authorization of capital projects -- so immediate, in fact, it would not be responsible to wait until the next regular session to act on my building authority bond proposal.

Looking beyond the crunch of the next several years, I believe there are alternatives that can reduce our reliance on bonds for prison construction.

There is an emerging market of private companies offering to build prisons and lease them to the state, or even operate them. This dose of free enterprise can reduce the construction costs borne by taxpayers.

In addition, under the chairmanship of Senator Walter Stosch and Secretary of Administration Mike Thomas, my Commission on Conversion of State-Owned Property will inventory and evaluate all real property assets owned or leased by the Commonwealth. The purpose: to identify property that can be sold to generate funds for prison construction. This bipartisan Commission includes members of both the Senate and House of Delegates, as well as private sector and executive branch representatives.

We also can achieve significant cost reductions by increasing the use of alternatives to incarceration for non-violent offenders, and by employing the less costly "work center" concept that I have proposed.

We will explore other "pay as you go" alternatives as well.

If we determine -- after these options are explored that additional bond financing is needed -- I will propose that we take the question to the voters of Virginia through a general obligation bond issue.

The critical point is this: at each stage, we must make the investment in prison capacity necessary to house the increasing numbers of violent inmates we keep behind bars.

Even though my plan targets only violent criminals for longer prison terms, some have criticized it as too long on incarceration and too short on prevention.

Of course, keeping violent career criminals behind bars for longer periods is the quickest and most effective form of prevention.

But I also recognize the importance of turning at-risk young people away from lives of crime.

That's why I was pleased to support and sign into law earlier this year a large package -- more than \$100 million -- of incentive-based financial aid targeted at schools with large numbers of at-risk students.

In this biennium alone, combined spending on state, local and federally assisted prevention and early intervention programs will exceed \$700 million.⁷

That means that over the next three years, "prevention" spending will exceed the entire cost of all prison construction proposed for the next decade.

To make sure we are spending wisely and are focusing our efforts in the right places, my Commissions on Champion Schools and Citizen Empowerment are developing reform recommendations that I will place before you in the regular session that commences in January.

But the truth is, too many people have been relying too much on government. The basic responsibility belongs to parents and neighbors, to churches, synagogues and other private organizations. It belongs to each and every one of us.

And each of us, if we are truly committed to prevention, must roll up our sleeves and volunteer our time to help those in need.

THE TIME FOR ACTION IS NOW

Ladies and gentlemen, these are noble goals, worthy of the people of Virginia. But let us also acknowledge this basic truth: We cannot hope to create neighborhoods of opportunity if we do not first rid them of violence.

I am not here to make demands. I am here to ask for your help.

From the beginning, I have stressed the need, and my desire, for bipartisan cooperation in confronting the wave of violence that has over-taken Virginia.

I announced plans for this special session even before taking office as Governor.

And one of my first official acts was to establish a top-notch, bipartisan commission to prepare a comprehensive plan for parole abolition and sentencing reform.

Our Attorney General, Jim Gilmore, has been a faithful, experienced and effective partner throughout this entire process.

And we have also been aided by Democrats, Independents and Republicans who put aside partisanship and lent their talents to help craft a sentencing reform plan that serves the interest of all law-abiding Virginians.

This commission included members of the General Assembly from both houses and both parties, Commonwealth's Attorneys, law officers, crime victims, judges, business and community leaders, local government officials, and other citizens.

And the plan that I have placed before you at this special session is the product of many hours of public hearings, open meetings, professional research and diligent hard work.

Many of the Commission members are present here today. I want to thank them and pay special tribute to the two very capable and dedicated leaders who chaired the Commission

-- former Attorney General of the United States William Barr, and former United States Attorney for the Eastern District of Virginia, Richard Cullen.

I would also like to thank my Secretary of Public Safety, Jerry Kilgore, for all his hard work and dedication.

Many members of the General Assembly have told me how impressed they are by the thoroughness and detail of the Commission's report.

As you know, there also are two chief patrons -- one a Democrat and the other a Republican -- in each house, and I am deeply grateful to them as well.

This unprecedented display of bipartisanship and support has raised the hopes and lifted the spirits of Virginians, who have made known -- loud and clear -- their support for this legislation.

This support also continues the bipartisan tradition we here in this chamber have established during the first two sessions and the first nine months of this administration.

Let us not let it slip away from us now.

Let us proceed expeditiously to pass these bills and make them law.

And let us send a message of unity of purpose and of statesmanship that rises above personal and partisan interests.

In recent days, there has been some debate, some posturing, and some attempts at one-upsmanship.

I don't mind it -- that goes with the territory.

But let me ask you to keep in focus our overriding objectives -- the abolition of parole, truth-in-sentencing, and sharply increased time for violent and repeat criminals.

From what I have heard in recent days, there are at least four ways that we could get off on the wrong track:

- First, do not send me a bill that fails to abolish parole, but merely continues it under another name -- because the people of Virginia will not accept it, and I will not sign it.
- Second, please do not send me a bill loaded down with pork-barrel spending like the federal crime bill. The sorry spectacle in Washington that masqueraded for a crime debate confirmed Virginians' worst feelings about

Congress, and the people do not want our productive relationship here to deteriorate into "Washington on the James." I know it has come up already. Thank you all for staying focused on the issues of this Special Session.

- Third, resist the irresponsibility of saying "We're tougher than tough; let's abolish parole retroactively." Attorneys General of both parties, in reliance on unambiguous precedent from the U.S. Supreme Court, have made clear that such a course is not constitutional and will only waste taxpayers' dollars on futile litigation.
- And, finally, do not delay. The bills have been in your hands for weeks.

The Secretaries of Public Safety and Finance, my staff, the Attorney General's staff, the Commission members and staff, and the chief patrons have responded to all of your requests for briefings on the legislation, both in formal sessions and individual conversations.

And a clear majority of you have endorsed the legislation by signing on as co-patrons.

It is literally true that no piece of legislation in memory has been the subject of closer scrutiny in the newspapers, over the airwaves, or in the General Assembly.

There simply is no valid excuse for delay.

If this body can responsibly dispose of 2,500 bills in an eight-week regular session, surely it can act on one bill in a two-week session -- then Virginians can have a New Year's Day 1995 present from their Virginia government.

If you act by September 30, as I have requested, you will prevent hundreds -- potentially, thousands -- of violent criminals from being sentenced under the current lenient and dishonest system.

CONCLUSION

Let me remind you that you have had a legislative commission studying parole reform for two years now. My commission has been hard at work all year.

The people of Virginia are ready for action.

Please remember that, with each day of delay, you're not rebuffing me -- you're rebuffing the people of Virginia.

They are the ones who sent us here to abolish parole and keep violent criminals behind bars longer. And, ultimately, they are the ones who will judge our work.

I know that this has been an invigorating and competitive start of this Special Session. I respect and understand the give and take of people with different philosophies. Nevertheless, please know that I am deeply grateful to those of you on both sides of the aisle who have worked with me so diligently and so well on this issue of urgent importance to the people of Virginia.

So let's get to work, and let's get the job done *now* for the people of Virginia.

Thank you.

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1. Governor Wilder's Commission on Violent Crime: Final Report
 2. Ibid.
 3. Virginia Criminal Justice Research Center, DCJS
 4. Department of Planning and Budget, Department of Corrections
 5. Virginia Criminal Justice Research Center: Study on Preventable Crime Under Governor Allen's Plan
 6. Department of Planning and Budget
 7. Office of Health and Human Resources and the Department of Planning and Budget

