



Department of Justice

SUPPLEMENTAL STATEMENT

OF

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ATTORNEY GENERAL

NCJRS

MAR 20 1978

BEFORE

ACQUISITIONS

THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

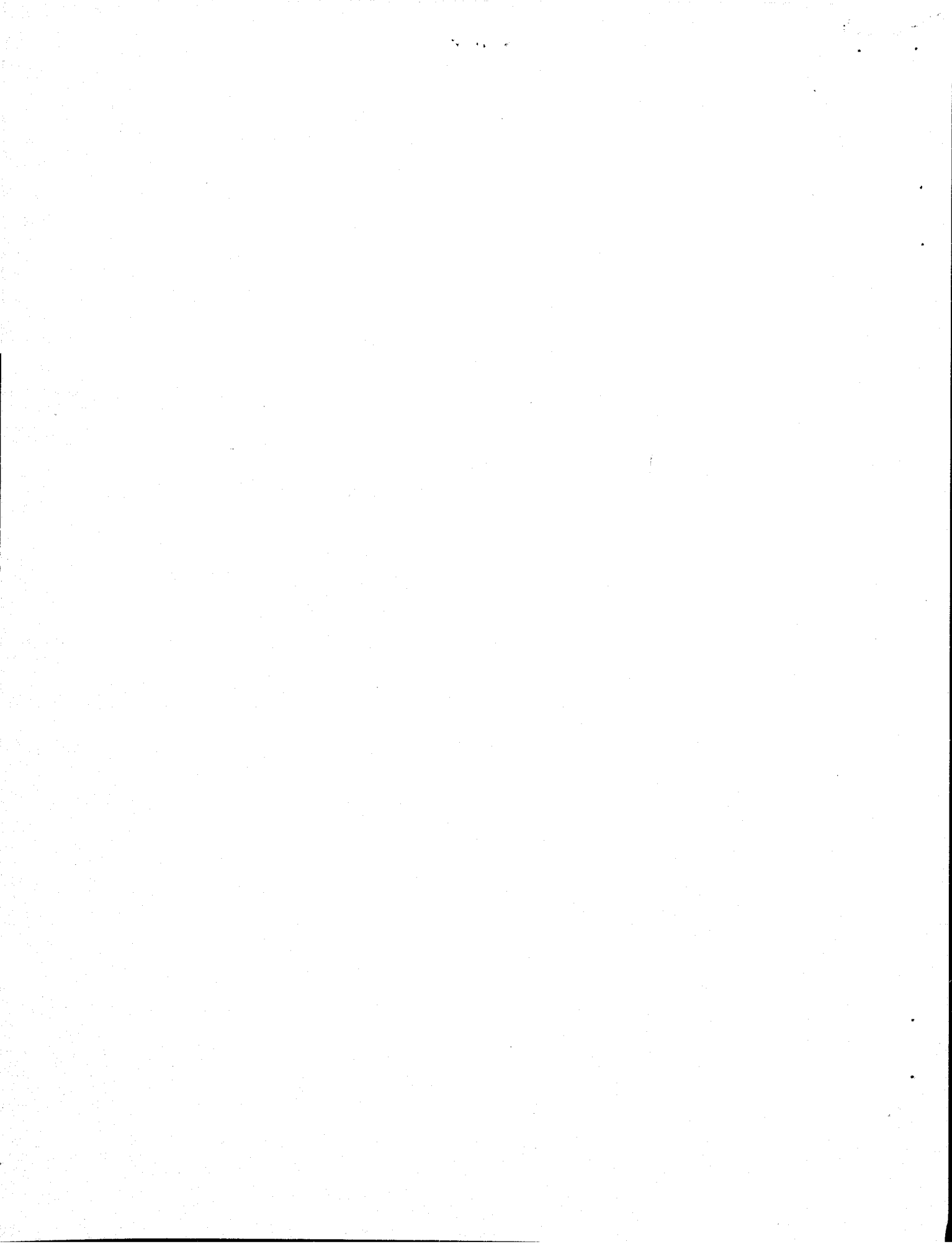
CONCERNING

DEPARTMENT OF JUSTICE AUTHORIZATION

ON

MARCH 22, 1978

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Mr. Chairman and Members of the Committee:

I am pleased to be able to appear before this Committee today to discuss the authorization request of the Department of Justice for fiscal year 1979.

The application of the authorization process to the entire Department of Justice is a new experience -- both to the Department of Justice and to the Congress. We intend to make every effort to insure that it will be a meaningful and useful undertaking. It provides a forum for addressing policy and program directions for the federal criminal and civil justice system. It presents an opportunity for us to work together in defining Department goals and improving Department operations.

The Committee and the Department have worked closely for the last several months to produce an authorization request with sufficient and meaningful information to assist the Committee in its deliberations. The Department's authorization request for FY 1979, which you have before you, is a culmination of that work and emphasizes five major points to assist the Committee in determining program and funding level authority for the Department's activities in 1979. It provides:

- (1) a definition of the Department's major policy thrusts;
- (2) an appraisal of the Department's past program performance;
- (3) an assessment of anticipated benefits of current or proposed programs as they will impact on the general public;

(4) a request for adequate program resource levels required to fulfill legislative intent, including an appraisal of alternatives; and

(5) a credible justification for all current and new programs.

A detailed discussion of the Department's past program performance in all areas of its program justifications and resources requirements will take place when the various managers from the legal divisions and bureaus appear before you, within the next few weeks. I shall, of course, answer any questions you may have in these areas but I feel that a discussion of the Department's major policy thrusts would be most informative at this time.

The Department's programs fall into several broad categories: litigation, law enforcement, corrections, State and local assistance and Department management. In addition, the Department has devoted particular attention to the major issue of judicial reform, an area which I believe is vital to the institution of an equitable justice system.

LITIGATION

The primary mission of the Department is to represent the federal government in handling its interests before the courts -- both criminal and civil. To discharge effectively this important responsibility we have a cadre of trained and dedicated attorneys guided by the fundamental principles of integrity, fairness, openness and restraint in the use of power. Our goal is not just to win federal cases, but to insure that justice is done.

The current litigative resource levels of the Department are not adequate. We have considerable need for more attorneys and paralegal personnel. Some of these additional resources are being sought in our fiscal year 1979 budget request. Improvement in the use of existing resources will also help fill the gap. For example, we plan to institute special training programs to equip Department attorneys with special skills to handle the growing number of complex cases. We have established a Litigation Management Task Force to develop more effective case management through the creation of a case-weighting and litigation priority system to govern the use of our current resources.

We have recently established the Attorney General's Advocacy Institute. This action shows real promise for improving the courtroom skills of government lawyers.

Antitrust Litigation

The antitrust litigation area remains one of the most important of our litigation priorities. Policies which affect this area pose a more and more serious and difficult challenge, particularly since antitrust initiatives are no longer exclusively Federal in nature. The Department believes that the States should be encouraged to assume more responsibility for antitrust matters. Price-fixing cases are a good example where increased State participation would be welcome. If we can improve Federal and State cooperation and coordination in this vital area, I am confident that public benefit through antitrust litigation will be greatly enhanced.

My most immediate policy concerns in antitrust are in the area of energy, regulatory reform, oligopoly, the removal of antitrust immunities, and international antitrust problems. More personnel, special training programs and improved resource management will greatly enhance the Department's antitrust litigative capabilities. Some cases, however, are so massive in scope and in their ultimate implications that new strategies, including legislation, may be required. To this end, the President has created the National Commission for the Review of Antitrust Laws, an effort that I suggested.

Tax Litigation

In the area of civil tax litigation, the Tax Division will continue to promote the identification of those provisions of the Internal Revenue Code which are most in need of definitive resolution by the courts; to maximize revenue collections through successful defense against claims; to recover in an expeditious manner all outstanding tax liabilities due the United States; and to support the enforcement of the Internal Revenue program. Special emphasis will be placed on enhanced pre-trial discovery and the case-preparation activities.

Also, the Tax Division will continue to support the Federal organized and white-collar crime programs. Special emphasis will be placed on increased support to grand jury investigations and the trial phases of criminal tax prosecutions. The Division will assume a leadership role with the Internal Revenue Service in complex, multi-jurisdictional tax schemes, both individual and corporate, and payments by major corporations to foreign nationals.

Civil Rights Litigation

In FY 1979, the Department, will give priority to civil rights enforcement in housing, employment, and equal credit voting rights. In fair housing, we will devote our energies to enforcing court orders, participating as amicus curiae in civil cases, and cooperating with the enforcement efforts of other agencies. We will continue to file lawsuits involving a pattern or practice of discrimination in housing; we have recently filed suits involving discrimination in financing and challenging racial redlining, i.e., illegal restriction of housing credit in certain geographical areas. A comprehensive program to enforce the Equal Credit Opportunity Act (ECOA) will be established with an emphasis on research and investigation.

The Department is seeking remedies for discrimination in hiring and promotion in cases where forms of systematic discrimination, such as restrictive seniority and transfer systems, abuses of managerial discretion, and discriminatory training systems and programs, are present. We plan to file more cases in this area in order to increase compliance and to strengthen the government's position in negotiating consent decrees. Increased referrals from HEW (Title IX) and EEOC will be handled.

In the area of voting rights, particular emphasis will be placed on the rights of racial and language minority groups, specifically the determination of whether proposed changes in voting practices or procedures have the purpose or effect of discriminating against such groups. The voting

rights of American citizens overseas will also be a high priority; the Department is aware of the high Congressional interest in compliance with the Overseas Voting Rights Act, especially with the coming of the November 1978 elections.

LAW ENFORCEMENT

The three law enforcement bureaus of the Department -- the Federal Bureau of Investigation, the Immigration and Naturalization Service and the Drug Enforcement Administration -- comprise about 43% of the fiscal year 1979 budget appropriation request and 63% of the total workforce.

In the criminal law enforcement area we intend to place particular emphasis on challenging organized crime, white collar crime, corruption by public officials and narcotics trafficking. I believe we can make a major impact in these areas by effectively coordinating and utilizing our law enforcement resources.

The Criminal Division together with the FBI and our United States Attorneys will target their prosecutions of organized and white collar crime. Organized Crime Strike Forces will be utilized where it can be demonstrated that the strike forces will be most effective. Since the combined efforts of the investigative resources of the Internal Revenue Service (IRS) and the Department have proven effective weapons against organized crime for violations of the tax statutes, the Tax Division will also give particular priority to this effort.

I have also increased the Department's ability to prosecute white collar criminals. This has been accomplished by expansion of the Fraud Section of the Criminal Division and increased training of Department attorneys and U.S. Attorneys in investiga-

tive and prosecutorial skills. The Tax and Civil Divisions have also been accorded a significant role in the Department's fight against white collar crime.

I have assigned a high priority to the prosecution of major narcotics violators. Specifically, I have directed the Criminal Division and the U.S. Attorneys to assign full time, experienced personnel to work closely with drug investigators in 22 major cities. These units will increasingly use nondrug statutes to combat this traffic. I strongly believe that tax, currency, racketeer influence and corrupt organizations statutes as well as narcotics laws can be utilized to a far greater extent than in the past to immobilize major drug traffickers. In addition, regular indepth intelligence briefings will be conducted to inform both local prosecutors and investigators of major activities by traffickers in their respective jurisdictions.

Since I have set my priorities for the Department's resources to target the vital areas of organized and white collar crime, public corruption and narcotic traffic, there has inevitably been an accompanying de-emphasis in other program areas. These areas tend to be where State and local authorities have made significant strides in improving their capability to handle cases where concurrent jurisdiction exists. Local investigations and prosecutions of small-scale bank frauds and embezzlements, bank robberies in urban areas, and stolen motor vehicle cases have become increasingly prevalent. Much of this progress in local capabilities can be attributed to the substantial assistance provided through the Law Enforcement

Assistance Administration and to FBI training programs for local law enforcers.

To minimize the expenditure of manpower on investigations which do not ultimately prove prosecutable, the United States Attorneys and the Department's law enforcement agencies are establishing priorities for investigations. For instance, federal law enforcement agencies should pursue the elimination of major organized crime networks through draining their resources rather than focusing on the prosecution of one top-level individual who is quickly replaced by another. The Organized Crime Strike Force concept is being revitalized.

The Department has a strong commitment to maintain and protect the integrity of Government programs. Fraud or embezzlement against the Government in programs such as Medicare and Medicaid is intolerable. I have designated the detection, investigation and prosecution of white collar crime as one of our highest priorities, with particular emphasis on preventing Medicare and Medicaid fraud. Fulfillment of this commitment will require that criminal investigators have specialized accounting and computer skills to track intricate frauds and financial schemes. The Department is now training FBI special agents to conduct investigations of these sophisticated and complex crimes. The investigative efforts of the FBI have already been strengthened through additional manpower; however, more specialized personnel, especially skilled accountants, will need to be recruited in the coming fiscal years. Department

attorneys and FBI special agents are also working with investigators in other agencies to improve their ability to target and eliminate white collar crime. These efforts, plus intensified cooperation with State and local agencies, in discovering fraud in programs supported by the Federal Government will be accelerated.

Drug Trafficking

The Drug Enforcement Administration, which is charged with the primary responsibility for enforcing federal narcotic laws; will continue the policy of attacking major producers, importers and distributors of those illegal drugs which have the greatest potential for social and personal harm. It is also one of our high priorities to stop the illegal diversion of legitimately manufactured controlled substances and the illicit manufacture of such substances.

To accomplish these goals, the Department will continue to support several important initiatives begun in FY 1978. First, DEA will increase its emphasis on major trafficking organizations and the development of major conspiracy cases. In addition, I have instructed the FBI and DEA to maximize existing resources and skills in coordinated Task Forces charged with the investigation of organized crime figures who are involved in drug trafficking. These Task Forces should be expanded in FY 1980.

In conjunction with its overall intelligence program, the Department expects DEA to devote more of its resources towards developing national narcotics intelligence that can

truly serve the needs of the law enforcement community. We also expect to see more intensive interagency intelligence sharing among DEA, INS, the U.S. Customs Service, and the Internal Revenue Service. One of the vehicles for this cooperation will be the El Paso Intelligence Center. A high priority is also being assigned to increasing investigative and prosecutive efforts to reach the financial assets which are at the heart of the major drug trafficking organizations.

The Department has the major responsibility for assuring compliance with existing federal narcotic laws and regulations at the wholesale drug distribution level and for identifying clandestine labs which manufacture controlled substances. DEA is attempting to develop the abilities of State Regulatory Boards to deal more effectively with those retail practitioners who dispense controlled substances.

I also expect DEA to develop a valid system to monitor the effectiveness of the total drug law enforcement program. This system will incorporate a composite of indicators to measure the effectiveness of law enforcement on availability of illegal drugs on the open market. Finally, to maximize the use of existing resources, we have consolidated DEA's regional structure from twelve to five offices. Among other things, this internal reorganization will provide a more even distribution of workload, manpower and resources among the regions and improve consistency in policy interpretation and discipline.

Immigration and Naturalization

Another important item on the law enforcement agenda is affecting the undocumented workers problem. On August 4, 1977, the President sent a legislative proposal to Congress which outlined policies to implement reduction of the increasing flow of undocumented workers into this country and to ascertain and classify the millions of aliens who are already here after having entered the country illegally in former years. Additional efforts will also be made in FY 1979 towards developing a more effective border enforcement capability, inspection program, and implementing the anti-smuggling program.

As you are aware, the President's Reorganization Project (PRP) has undertaken a study designed to eliminate the duplication of effort by different Government agencies responsible for border enforcement activities. The President and the Congress have yet to decide on this reorganization proposal, which would affect the functions and resources of the INS.

As part of an INS central office reorganization, an Office of Refugees and Parole has been created. This Office consolidates functions relating to the conditional entry of refugees and the parole of refugees into the United States under the Attorney General's parole authority. We recognize that the refugee program has an important role in this Nation's concern for the persecuted. This new office will assist me in making timely and equitable decisions in refugee matters following consultation with the Congress.

CORRECTIONS

Our Nation's correction system is currently facing some serious problems. Federal, State, and local institutions are overcrowded, and living conditions within many facilities are in need of significant improvements. The Department has established a Federal Corrections Policy Task Force to develop a comprehensive national strategy with an emphasis on greater intergovernmental cooperation in the corrections area. The Task Force has focused initially on the development and implementation of national corrections standards; however, it will also address the form and substance of Federal financial assistance to State and local governments, and possible Federal, State and local collaboration in the care and custody of our Nation's prisoners. The Task Force will submit its final recommendations in the Spring of 1978.

The Department continues to be generally opposed to the establishment of a nationwide system of Federal Metropolitan Correctional Centers for unsentenced Federal prisoners. The Bureau of Prisons has traditionally contracted with the State and local jurisdiction for detention services, rather than establishing a separate Federal jail system. The Department encourages the continuation of this approach and recognizes its responsibility to assist these jurisdictions in the alleviation of their detention problems through a comprehensive State and local corrections assistance program.

The major goals of the Federal Prison System are to eliminate the overcrowding of existing Federal facilities and to close the three antiquated penitentiaries at McNeil Island, Washington; Leavenworth, Kansas; and Atlanta, Georgia. However, in attempting to achieve these goals, we plan to minimize the need for new construction through the optimum use of existing alternatives such as community treatment centers and military facilities. Where possible, we are committed to acquiring or utilizing surplus government facilities, e.g., hospitals and schools, and maximizing the use of contract State and local confinement facilities as a means of providing additional prison capacity as an alternative to the construction of new facilities.

The Department of Justice also favors the continued development of inmate program opportunities in education, religion and recreation. In addition, the Department is in full support of vocational training opportunities for Federal inmates. We must ensure that such training opportunities are not dependent upon Federal Prison Industries profitability. Inmates should be placed in training programs that meet the inmates' needs as well as those of potential employers. Therefore, the Bureau of Prisons will continue to focus their training programs on developing marketable skills that will be of value in either the private or public sectors. Finally, together we must make every effort to ensure that the inmates will have job opportunities in the communities where they will be released, and that they will not unfairly be discriminated against because of their ex-prisoner status.

STATE AND LOCAL ASSISTANCE

As Attorney General, one of my top priorities has been to improve the efficiency and effectiveness of the Law Enforcement Assistance Administration (LEAA). As you know, I used the first months of my tenure to review the LEAA program and to explore the options available to remedy the program's deficiencies. Public input was elicited and received. In November 1977, I forwarded a plan to the President to restructure the LEAA program significantly. The goals of this plan are to improve national research and development efforts in crime control in both criminal and civil justice systems improvement; create integrated reliable justice statistics useful in policy and program formulation and evaluation; and streamline the delivery of financial assistance to state and local governments. We expect to be working with the Congress throughout this year to arrive at final recommendations for restructuring of the program.

DEPARTMENT MANAGEMENT

Improvement of general management within the Department has a high priority. If the Department is to be responsive to the needs which pressure it, then it must be manageable. One giant step forward, which was made with the concurrence and assistance of this Committee, was the creation of the position of Associate Attorney General as the third ranking official of the Department. The Associate Attorney General serves as the senior policy official for those organizations which have responsibility for civil justice activities. The Deputy Attorney General continues to be the second

ranking Department official and serves as the senior policy official for those organizations which are involved in criminal justice activities. This division of responsibility permits effective and meaningful supervision of interrelating Department activities.

Another innovative step which is paying off rich dividends has been the creation of the Office for Improvements in the Administration of Justice. This office has developed much of the judicial system improvement legislation which the Department has proposed. As you know, the Department has proposed or endorsed numerous legislative initiatives on this subject. These include legislation to expand the jurisdiction of Federal Magistrates and to reduce litigation in the U.S. District Courts based upon diversity of citizenship of the parties. We support reform of the judicial retention and retirement process. To improve citizen access to timely, inexpensive and equitable justice, we have created experimental neighborhood justice centers as pilot projects to provide a mechanism for speedy resolution of minor disputes. We have also proposed mandatory arbitration of certain disputes in federal courts and improved procedures for handling class action law suits. I strongly believe that these various legislative proposals offer the promise of substantial progress toward adapting our federal judicial processes to the changing needs of the Nation.

Thank you for the opportunity to discuss the current programs and priorities of the Department. I will be happy to try to answer any questions you may have.

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