

LAW ENFORCEMENT REORGANIZATION AT THE FEDERAL LEVEL

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AUTHOR:

Kaiser, Frederick A.

Government Division

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## ISSUE DEFINITION

Law enforcement has been a Federal concern since the inception of the national government; and although it remains primarily a State and local responsibility, Federal efforts have expanded dramatically during the past decade. Despite some recent statutory and executive reorganizations, Federal law enforcement is still characterized by fragmented authority and overlapping jurisdiction, dispersed among 113 units with a combined annual budget of \$5 billion. As a result, there exists a concern for improved economy, efficiency, and accountability in law enforcement efforts in general, as well as in particular units.

## BACKGROUND AND POLICY ANALYSIS

The most prominent impetus for a review of the operations of the Federal law enforcement establishment, and its possible reorganization, came from President Carter, who identified the area as one of four in critical need of a comprehensive examination. President Carter cited the need for making the function "more responsive to both individual rights and Federal law enforcement priorities" and "to re-examine the Federal role in law enforcement in light of the responsibilities and capabilities of State and local agencies." The project was assigned to the President's Reorganization Project (PRP), which provided the first comprehensive survey of Federal efforts and agencies in this area. The PRP team released its report in January of 1979, summarizing three basic findings:

- an almost total lack of coordination of Federal law enforcement activities today;
- an extensive distribution of resources devoted to Federal law enforcement, police and investigative activities. Almost 10% of the civilian employees of the Executive Branch are involved...over one-third of the 113 agencies surveyed did not exist at the beginning of 1970; and
- Federal law enforcement policy-making now is fragmented or non-existent.

### Historical Development

The Federal presence in law enforcement is an outgrowth of the colonial experience, certain Constitutional mandates, historical necessity, and practical considerations. For instance, in the 1790s certain protection and inspection activities, designed to facilitate the performance of traditional government services, included postal inspection and mail protection by the Post Office Department, anti-smuggling efforts in the Revenue Cutter Service (a predecessor of the U.S. Coast Guard), protection of customs revenues in the Treasury Department, and enforcement of internal revenue laws by the militia (e.g., Whiskey Rebellion of 1794).

Subsequent Federal efforts were directed against counterfeiting (Secret Service, 1865), narcotics trafficking and abuse (Narcotic Section of the Bureau of Internal Revenue, 1915), and illegal aliens (Bureau of Immigration/Treasury Department, 1891). In addition, the (Federal) Bureau of Investigation (FBI) was organized in 1908 as a permanent executive and investigative force in the Department of Justice, which had been established in 1870. (The Attorney General had been a member of the President's Cabinet since 1789 but headed no department until 1870.)

Moreover, according to the 1937 seminal analysis of Federal crime control, authored by Arthur Millspaugh of the Brookings Institution, the "American administrative organization (for law enforcement)...has grown 'like Topsy,' that is, without plan or design." That interpretation still pertains today. The novel services, activities, and functions which accrued over time to the national government have been generally the results of specific responses to particular needs and demands in different eras. Furthermore, the units themselves vary in terms of their establishing authority, including specific statutory provisions, reorganization plan requirements, Executive Orders, and administrative directives from parent departments or agencies.

### Present Characteristics

According to the survey conducted by the President's Reorganization Project task force on law enforcement, Federal law enforcement efforts presently include 113 units, including two Legislative Branch entities and Supreme Court guards, with an estimated 220,000 personnel and a combined annual budget of \$5 billion for FY78. The 110 Executive units are dispersed among 30 departments and agencies, with the Justice and Treasury Departments as the largest.

The preliminary findings of the President's Reorganization Project task force on law enforcement identified at least 10 categories or types of law enforcement activities. The following listing reports the number (and percentage) of the 110 Executive units involved in particular law enforcement activities:

<u>Type of Activity</u>	<u>Number of Agencies (Percentage)</u>
1. Police or preventive patrol	26 (24%)
2. Property or facilities	
security/protection guards	46 (42%)
3. Employment and personnel security	
investigations	31 (29%)
4. Other employee (internal) investigations	58 (53%)
5. Personal protection or security	30 (27%)
6. Criminal investigation/enforcement	57 (52%)
7. Revenue or tax investigation/enforcement	7 (6%)
8. Regulatory investigation/enforcement	60 (55%)

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| 9. Other civil investigation/enforcement | 37 (34%) |
| 10. Other law enforcement                | 27 (25%) |

A selective listing of the extensive Federal law enforcement responsibilities (and appropriate agencies) currently encompasses, among other areas:

(1) protection of public officials and visiting foreign dignitaries (Secret Service, including Uniformed Division, U.S. Marshals Service, General Services Administration, FBI, Treasury Security Force, State Department Office of Security);

(2) violations of civil rights (Criminal and Civil Rights Divisions of the Department of Justice);

(3) organized crime (Organized Crime Strike Forces/Criminal Division of the Department of Justice, and incorporating elements of the Internal Revenue Service, Securities and Exchange Commission, Immigration and Naturalization Service (INS), and Labor Management Services Administration of the Labor Department);

(4) civil disorder control (FBI, U.S. Army, U.S. Marshals Service, and, on Indian reservations, the Bureau of Indian Affairs);

(5) anti-terrorism (interagency Working Group to Combat Terrorism which is responsible to the Special Coordination Committee of the National Security Council and includes 29 separate entities: FBI, Immigration and Naturalization Service, and other Justice Department units; Federal Aviation Administration and U.S. Coast Guard in Transportation; U.S. Secret Service, U.S. Customs Service, and National Central Bureau/INTERPOL in the Treasury Department; U.S. Army units and National Security Agency in the Department of Defense; Office to Combat Terrorism in the State Department; Federal Protective Service and Federal Preparedness Service in GSA; and CIA; among others);

(6) security of Government property and buildings (Federal Protective Service, U.S. Postal Service, U.S. Marshals Service, Treasury Security Force, Executive Protective Service, and various guard units associated with the Veterans Administration, Smithsonian Institution, Tennessee Valley Authority, and the Armed Forces);

(7) combatting air piracy (FAA, U.S. Marshals Service, and Department of State);

(8) marine and wildlife laws violations (U.S. Fish and Wildlife Service, U.S. Coast Guard, U.S. Park Police and Park Rangers, Armed Services units, and Bureau of Land Management unit);

(9) Federal crimes on Indian reservations (FBI, Bureau of Indian Affairs);

(10) internal security within agencies (FBI, and internal investigative and security services within Federal agencies);

(11) crimes in violation of U.S. laws, the most frequently exercised authority (FBI);

(12) criminal antitrust (Antitrust Division/Justice, Securities and Exchange Commission, Federal Trade Commission);

(13) Federal personnel security clearance (FBI, Bureau of Personnel Investigations/Office of Personnel Management (replaced CSC), Defense Investigative Service and certain intelligence agencies);

(14) Federal financial assistance to State and local law enforcement units (Law Enforcement Assistance Administration);

(15) training of law enforcement personnel (FBI and Federal Law Enforcement Training Center/Treasury);

(16) enforcement of laws affecting illegal aliens, including illegal immigration, public assistance, and labor (Immigration and Naturalization Service, Social Security Administration, Department of Labor, Internal Revenue Service); and

(17) Federal border patrol, management, and law enforcement (U.S. Customs Service/Treasury, Immigration and Naturalization Service and Drug Enforcement Administration/Justice, Public Health Service/HEW, Animal and Plant Health Inspection Service/Agriculture, Fish and Wildlife Service/Interior, U.S. Coast Guard/Transportation).

Consequently, the Federal law enforcement establishment is characterized by fragmented authority and overlapping jurisdiction held by numerous agencies, dispersed throughout the executive branch and exercising varying degrees of independence, administrative discretion, and accountability.

#### Recent Developments and Recommendations

Some recent reorganizations affecting the law enforcement community have been internal transformations, largely concentrated in the Department of Justice. As one example, the administrative and regional offices of the Law Enforcement Assistance Administration (LEAA) have undergone periodic change in authority and structure. An Office of Professional Responsibility in the Justice Department was created on Dec. 8, 1975, by then-Attorney General Levi, to serve as an advisory and review body to ensure that Department employees perform their duties in accord with appropriate professional standards. A counterpart Office of Professional Responsibility was established within the FBI, along with an Office of Inspections and an Office of Planning and Evaluation, by FBI Director Clarence Kelley on Sept. 10, 1976. The new offices form the Division of Planning and Inspection and consolidate the internal investigation activities of the FBI, which had formerly been dispersed among three independent entities -- the Inspection Division, Finance and Planning Division, and Office of Planning and Evaluation.

A Public Integrity Section in the Criminal Division of Justice was established on Mar. 15, 1976, with supervisory jurisdiction over statutes dealing with misconduct of Federal, State, and local officials involving an abuse of office. In March 1976, the Investigations Review Unit, a three-member ad hoc monitoring group in the Department, was established by Attorney General Levi to review and make recommendations regarding guidelines covering FBI domestic security investigations, reporting on civil disorders,

and White House personnel and security investigations. Another Justice Department reorganization established the Office for Improvements in the Administration of Justice, authorized by Attorney General Griffin Bell on Feb. 3, 1977, terminating the predecessor Office of Policy and Planning and placing the new office under the direction of an Assistant Attorney General. Among its duties are the initiation and design of proposals relating to appropriate improvements in effectiveness and fairness in crime control and criminal justice administration and to substantive civil and criminal laws.

In early 1978, Attorney General Bell announced a reorganization of DEA that reduced the number of regional offices, but not personnel. Previously, an internal Justice Department study had recommended the merger of DEA with FBI as one option to improve drug enforcement efficiency and effectiveness, but that option was not adopted. A prominent reorganization, effected by Attorney General Bell in March 1979, was the establishment of a special counsel to continue the Justice Department investigation of the National Bank of Georgia loans to the peanut warehouse business owned by the family of President Carter.

Another internal Justice Department change involved transferring the responsibility for investigating alleged Nazi war criminals from the Immigration and Naturalization Service (INS) to a newly-created Special Investigations Office in the Criminal Division. The transfer occurred in early 1979, following a 1977 attempt to improve INS's response capability in this area, at the insistence of Members of Congress.

The threat of terrorism has evoked a reorganization of the Executive Office structure in this regard. The still-classified Presidential Review Memorandum (PRM) 30, dated June 2, 1977, assigned the anti-terrorist functions to the interagency Working Group to Combat Terrorism, headed by the Director of the State Department's Office to Combat Terrorism. The Working Group, representing 29 Federal units, replaced the Cabinet Committee to Combat Terrorism, that was established in 1972 by President Nixon, but which reportedly met only once in the interim. The Working Group is directly responsible to the National Security Council Special Coordination Committee, chaired by Zbigniew Brzezinski, the President's Assistant for National Security Affairs. With regard to anti-terrorism efforts, the Federal Emergency Management Agency (FEMA), established by Reorganization Plan No. 3 of 1978, may have certain responsibilities and duties because of its emergency preparedness and disaster assistance functions.

A transfer of duties occurred in February 1977, when operation of the National Central Bureau/INTERPOL, which coordinates all INTERPOL requests in the United States, was assigned to the Justice Department by the Attorney General under authority in 22 USC 263(a). The operation had been charged to the Treasury Department from 1958 until the 1977 transfer and a Treasury official will alternate for two-year periods with a Deputy Attorney General as the U.S. representative to INTERPOL.

In line with the President's Environmental Message of Aug. 2, 1979, he directed the establishment of two executive committees to improve wildlife law enforcement efforts and coordination. A wildlife law enforcement committee, chaired by the Secretary of the Interior and including representatives of Justice, Treasury, Commerce, and Agriculture, is to coordinate appropriate Federal trade enforcement efforts. A plant law enforcement task force, chaired by the Secretary of Agriculture, is to investigate the illegal trade in plants and bring appropriate prosecutions.

The President's Reorganization Project (PRP) had advanced reorganization options affecting border law enforcement, including the creation of a new Border Management Agency that would consolidate the border patrol units of the Immigration and Naturalization Service and Customs Service. However, that reorganization has been indefinitely postponed, partly because of "intense special interest opposition," according to press accounts. Also, Congress prohibited any funds authorized by the Department of Justice Authorization Act (P.L. 95-624) from being used to transfer INS border patrol or control activities to any other agency.

During the past year, the CIA has strengthened its office of inspector general and the Secretary of Defense has created an Inspector General for Defense Intelligence.

Several administrative developments have affected internal investigative capabilities of Federal agencies regarding fraud and abuse. Office of Management and Budget Director McIntyre, in October 1978, ordered the heads of 90 agencies lacking an inspector general to designate an official to oversee efforts to combat waste, fraud, and corruption. He also proposed a "whistleblower" hotline to channel complaints and allegations of wrongdoing. Such hotlines are being connected to the Office of Special Counsel in the Merit System Protection Board. Moreover, President Carter has approved a series of recommendations to deal with Government corruption and fraud, including:

- a higher priority for investigation of Federal white-collar crime by Justice;
- increased attention to Government corruption and fraud by the FBI and Criminal Division of Justice;
- improved and increased staff to augment the internal investigative capabilities of agencies; and
- protection for "whistleblowers" who expose criminal conduct or mismanagement through guarantees in the Inspector General Act (P.L. 95-452) and the Civil Service Reform Act of 1978 (P.L. 95-454). (See IB79204, GSA Fraud and Corruption Investigations.)

As a result of this intensified effort, two new high-level councils have been created — the Executive Group to Combat Fraud in Government, under the Deputy Attorney General, and the Management Improvement Council, under Office of Personnel Management chairman Campbell.

In the 95th Congress, the House and Senate considered and passed several bills affecting law enforcement organization. P.L. 95-452 established Offices of Inspector General in 12 Federal departments and agencies, with powers similar to those applied to the Office of Inspector General for Health, Education and Welfare by P.L. 94-505 in 1976. P.L. 95-452 gave statutory authorization to offices that had only recently been created by administrative directive, as in the Department of Agriculture and in the General Services Administration. President Carter cited these new offices as "perhaps the most important new tools in the fight against fraud." The Department of Energy, created by P.L. 95-91, also included an independent office of inspector general with responsibility for fraud and program abuse detection and prevention. In addition, P.L. 95-175 extended the jurisdiction of the Capitol Police.

In other action, the Congress approved S. 555, the Ethics in Government Act of 1978, which became P.L. 95-521 with President Carter's signature. Originally an outgrowth of the "Watergate" investigations of 1973-74, the Act

provides for financial disclosure by high ranking Government officials, an Office of Government Ethics, and appointment of a special prosecutor under certain circumstances. An Office of Government Crimes, however, was not included in the final version, although earlier versions recommended its establishment. This legislation automatically activated the FBI investigation of Presidential Assistant Hamilton Jordan for allegedly using cocaine.

Congressional interest in law enforcement reorganization in the 96th Congress has extended to hearings on "whistle blowing," re-structuring Federal efforts to combat terrorism domestically and internationally, charters for intelligence community agencies, including the FBI, and cooperation among various entities engaged in suppressing narcotics trafficking. A proposal to create a legislative charter for the FBI was submitted by President Carter and has been referred to the Judiciary Committees, where hearings began in August and September 1979.

In the Justice Department Authorization Act for FY80 (P.L. 96-132), Congress established an Office of Special Investigator for the Immigration and Naturalization Service. That Office, with functions and duties similar to those of the inspectors general created by the Inspector General Act of 1978 (P.L. 95-452) but headed by an appointee of the Attorney General, would exist for three years or until the date of the establishment of an office of Inspector General for the entire Department of Justice. The Attorney General is required to study the question of such an establishment and report his findings and recommendations to the House and Senate Judiciary Committees no later than Feb. 15, 1980.

P.L. 96-157, signed into law on Dec. 27, 1979, restructured LEAA and established a National Institute of Justice, a Bureau of Justice Statistics, and a coordinative Office of Justice Assistance, Research, and Statistics. The original bills, introduced by Senator Kennedy and Representative Rodino, the chairmen of the Senate and House Judiciary Committees, at the request of the Carter Administration, were amended in both Chambers and resulted in two conference reports.

The General Accounting Office (GAO), an investigative and auditing arm of the Congress, has reorganized its structure regarding fraud, abuse, and waste in Government programs and operations. GAO has established a Special Task Force for the Prevention of Fraud to evaluate the adequacy of control systems in Federal agencies and to assess the adequacy of followup and corrective actions in this area. In another action, GAO created a hotline to receive complaints and allegations about fraud or other illegal activities from Federal employees, following suggestions from members of the Senate Legislative Appropriations Subcommittee.

### Reorganization Themes

Given the current emphasis on executive branch reorganization, Federal law enforcement reorganization concerns have focused primarily on improving the efficiency and productivity of Federal law enforcement through the consolidation of appropriate agencies and units and transferral of authority. To some degree, the reduction of Federal, and possible expansion of State and local, responsibility for law enforcement is a related theme.

The underlying assumption behind transferral and consolidation recommendations is that inefficient operations, duplication of effort, and

waste of scarce resources are the results of overlapping, conflicting, and duplicative responsibilities, authority, and jurisdiction. According to this line of reasoning, several agencies performing the same activities must develop their own personnel selection procedures, facilities, services, training programs, contacts, etc. in order to function as law enforcers in a particular area. Inefficiency and waste would be further generated by an absence of effective coordination among the agencies and shared facilities because of the lack of centralized authority in many instances. The problem associated with the lack of formal, centralized authority is exacerbated by the rivalry, competition, and possible conflict inherent in law enforcement efforts for which several agencies are responsible, according to the critics of such overlapping responsibility. A related anti-overlap argument is that consolidation of authority in certain law enforcement areas is essential to effective enforcement through the most expeditious use of scarce resources.

A frequently used example of inefficiency and conflict in Federal law enforcement is the policing of U.S. borders, a task in which seven agencies representing six cabinet departments participate, including Customs, DEA, Immigration and Naturalization Service (INS), and Coast Guard. Duplication of effort, conflict in authority, failure to coordinate activities and resources, and different assignments and priorities among the agencies have been cited as impediments to effective law enforcement in the area.

A second, distinct reform theme that affects law enforcement agencies is the proposals to assure democratic control and accountability of law enforcement agencies that have been generated by investigations of the intelligence community in the 94th Congress and of the events collectively referred to as "Watergate" in the preceding 93d Congress. Both series of inquiries were conducted principally by specially authorized select committees in Congress -- the Senate Select Committee on Presidential Campaign Activities (1973-74), the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities (1975-76), and the House Select Committee on Intelligence (1975-76). Other standing committees, as well as a Presidential Commission (on CIA Activities Within the United States), pursued their own related inquiries.

The common discoveries of the investigations included abuses of authority, unethical conduct, political manipulation, and illegal activities associated with certain law enforcement agencies. The Federal Bureau of Investigation (FBI) and the Internal Revenue Service (IRS) were the most prominent agencies with law enforcement functions to sustain such criticism. Other investigative units, such as the Office of Security in the CIA, and other law enforcement agencies, such as the Secret Service which developed "watch lists" for National Security Agency surveillance, were not immune from similar judgments of misconduct. Consequently, certain reorganization and reform proposals relating to the U.S. intelligence community might affect law enforcement agencies and activities in their emphasis on improved accountability to elected representatives, clarified responsibility for activities and operations, and limitations on activities.

A major example of the reform theme is Executive Order 12036, United States Intelligence Activities, issued by President Carter on Jan. 24, 1978. The Order, drafted in consultation with members and staff of the Senate Select Committee on Intelligence, details direction, duties, and areas of responsibility for intelligence units, including the FBI and DEA. Moreover, it provides for restrictions of intelligence-related activities, including assistance by intelligence community agencies to law enforcement authorities.

### Reorganization Subjects

Several major subjects of inquiry are associated with the themes of reorganization of Federal law enforcement, including consolidation criteria, specific agencies, law enforcement as an auxiliary function, implications for democratic government, and congressional role.

Consolidation Criteria. What criteria should be adopted for consolidating law enforcement agencies? The number and identity of agencies affected by a reorganization will vary depending upon the specific criteria. Both jurisdictional responsibilities (e.g., border patrolling and inspection) and types of activities (e.g., police and criminal investigation, guard and security, and personnel background and security investigation) have been suggested as possible guidelines. However, each has possible limitations and weaknesses which might be considered.

Broad consolidations based on type of activity might remain incomplete since existing units within each category might require continued independence. Certain intelligence agencies, for instance, have insisted on the need to maintain their own immediate security and investigative forces because of the sensitive and confidential nature of their missions. In other areas, the integrity of Departmental programs might be affected without their own internal investigative and security capacity, through offices of inspector general, personnel investigations, and basic property protection. Denying that capability (through authority transfer or agency consolidation) to a Department or agency might reduce the integrity and effectiveness of, and further disperse responsibility for, its programs.

Other considerations surround the possibility of reorganizations based on even more narrow jurisdictional criteria, such as the policing of U.S. borders. Consolidating the eight Federal agencies operating in this area might well improve the immediate task of border patrol and inspection. However, the agencies in question would lose only part of their total jurisdiction to a new border patrol agency and would, subsequently, have to enlist the assistance of an additional service, rather than their own personnel assigned to the vicinity, in performing their continuing missions in other jurisdictions.

Specific Agencies. What agencies should be considered eligible for reorganization efforts? In addition to different criteria, other factors determine which specific agencies might be included in particular consolidations or transferrals of authority. Those factors include how extensively an agency is involved in law enforcement, and possibly the constitutional status of certain agencies.

For instance, several independent regulatory commissions, especially the Federal Trade Commission and the Securities and Exchange Commission, perform certain law enforcement functions in addition to their regulatory duties. Whether such investigative and enforcement powers should be reassigned to another agency raises significant questions about independent status of these regulatory commissions.

Furthermore, the Congress provides its own police and guard services, presently subdivided among the Capitol Police, Government Printing Office Security Services, and Library of Congress Special Police. Consolidation of such units under the direction of an executive entity, such as the Federal

Protective Service, as recommended in the final report of the Commission on the Operation of the Senate (1976), would preclude direct congressional control of those activities.

Law Enforcement as an Auxiliary Function. To what degree is law enforcement an auxiliary, rather than a primary, function of an agency? In many cases, law enforcement is an auxiliary and incidental function and the personnel assigned law enforcement duties also perform other non-law enforcement activities. In such cases, removing the law enforcement function (through transferral or consolidation in a new agency) might not reduce the staff or budget associated with the existing agency or, at least, not as appreciably as perhaps anticipated. For instance, Coast Guard and Customs Service law enforcement activities are auxiliary to and intertwined with their other, multiple functions, including national security and public safety and customs duty collection, respectively. Removing law enforcement will not terminate the need for similar staff and facilities to perform the other functions. Moreover, if such auxiliary law enforcement were assigned to a new agency, it would have to duplicate much of the existing facilities, equipment, and staff still assigned overlapping duties and functions in the other agencies.

Implications for Democratic Government. What are some of the significant implications of reorganization for democratic controls over and accountability of law enforcement operations, programs, and agencies? Presently, since law enforcement is dispersed among numerous agencies, ultimate responsibility for activities and operations is similarly dispersed throughout the executive branch, as is accountability.

Currently, congressional authorization jurisdiction for prominent law enforcement agencies and units resides with the following committees:

Armed Services (military and Defense Department units);

Judiciary (Department of Justice, including FBI, LEAA, DEA, INS, National Central Bureau/INTERPOL);

Select Intelligence (CIA and sequential, concurrent jurisdiction over other intelligence agency units);

House Merchant Marine and Fisheries and Senate Commerce (U.S. Coast Guard);

House Post Office and Civil Service and Senate Governmental Affairs (U.S. Postal Service units, and Bureau of Personnel Investigations/Office of Personnel Management);

House Public Works and Transportation and Senate Governmental Affairs (Federal Protective Service/General Services Administration); and

House Ways and Means and Senate Finance (Treasury Department, including AFT, IRS, U.S. Customs Services, Secret Service)

Executive reorganization of law enforcement, especially transferrals of authority and consolidations, has implications for congressional authorization and oversight of the programs, operations, and activities of

relevant units. Possible realignment of committee jurisdiction is a related development.

An important consideration is the implication of consolidation, if not centralization, of certain law enforcement areas, especially fundamental, crucial investigative powers. Such a consolidation would produce an agency with unprecedented resources and authority whose director would enjoy a unique administrative position in the Federal Government. In turn, undoubtedly, there would be a reduction of competition from other organizational units with rival expertise in making policy recommendations or operational proposals. Furthermore, there is the concern in a democratic society of amassing substantial police authority and resources in a single administrative office.

Congressional Role. What is the role of Congress in Federal law enforcement reorganization? Congress' role depends upon the type and extent of reorganization proposals as well as the formal mechanisms utilized. Legislative review and oversight of any reorganizations or recommendations, even if exclusively determined by the Executive (i.e., Executive Order, Presidential memorandum, or administrative directive), are a province of Congress. Subsequent authorization and appropriation of resulting agency and program budgets provide another mechanism for congressional "ratification" or modification of such Executive reorganizations.

Broad-based and extensive reorganizations, involving the cross-agency transfer of functions, duties, and resources, would require direct congressional participation, through either statutory enactment or concurrence in executive reorganization plans.

The prevailing reorganization plan authority, the Reorganization Act of 1977 (P.L. 95-17; 91 Stat. 29-34), establishes certain purposes to be met by any proposed plan, including promotion of economy and reduction of expenditures, increased efficiency, coordination and consolidation of agencies and functions, reduction of number of agencies, and elimination of overlapping and duplication of effort. Among the procedures required of such plans is the provision that "the President estimate any reduction or increase in expenditures...and describe any improvements in management, delivery of Federal services, execution of the laws, and increase in efficiency in Government operations..." expected to result from the proposed reorganization. Although Congress is prohibited from amending such a plan, either Chamber may pass a resolution of disapproval preventing the plan from taking effect. (See Issue Brief no. IB75014, Executive Reorganization, for a more thorough review.)

The Reorganization Act of 1977 is designed to expedite certain Executive Branch reorganizations. Such plans require Presidential initiative and Congress is limited in its deliberations and precluded from amending the plan.

Reorganization by statute, however, permits initiative, modification, and lengthier and more extensive deliberation on the part of the Congress. In addition, potential jurisdiction for law enforcement reorganization proposals would not be limited to House Government Operations and Senate Governmental Affairs, as required for Presidential reorganization plans in the 1977 Reorganization Act.

Intergovernmental Impacts. What are the impacts on intergovernmental relations and on State and local governments as a result of Federal law

enforcement reorganizations? Federal law enforcement reorganization, especially those affecting existing relations with State and local government units (e.g., LEAA programs) and those emphasizing a reduced Federal and increased State and local responsibility, might have a manifold impact. Some areas of consideration are the capability and interest of subnational government units to accept new or expanded law enforcement responsibilities; the type of Federal assistance -- e.g., financial, technical, training, informational, administrative -- which might be requested to compensate for increased subnational responsibilities; the impact on existing structures and procedures, such as State criminal justice planning agency requirements, LEAA regional office responsibilities, the block-grant approach and procedures in the area of law enforcement, computerized information exchange programs; and implications of reduced Federal and possible expanded State and local government responsibility for the broad goal of reduction of overall criminal conduct and particular types of crime.

Intelligence Community Reorganization. To what degree, if any, will Federal law enforcement reorganizations interrelate with reorganizations of the U.S. intelligence community? Since numerous law enforcement agencies perform intelligence functions, certain reorganizations of either the intelligence or the law enforcement establishments might affect the other. FBI, IRS, DEA, Secret Service, and Customs Service, among other law enforcement agencies, function in both areas and certain intelligence agencies maintain their own internal investigative and police/guard units. Consequently, some reorganization proposals might require evaluation in light of the intelligence community transformations authorized by President Carter (Executive Order 12036, issued on Jan. 24, 1978) and proposed in Congress.

Law Enforcement Reorganization Costs. What are the probable costs associated with a particular law enforcement reorganization? Reassignment of personnel; transfer of equipment, facilities, and resources; development of new or improved personnel selection and training methods, equipment, and facilities; and administrative costs attendant to specific reorganizations might be considered. In certain instances, broader or long-term objectives (e.g., of improved Departmental program efficiency and effectiveness and improved law enforcement services) might generate immediate increases in expenditures, as with expanded offices of inspector general or with a consolidated police/guard unit with standardized and improved facilities, equipment, and personnel training programs.

Certain intangible costs, as with employee morale, may accrue from particular reorganizations. That interpretation was delivered by the House Committee on Interstate and Foreign Commerce with respect to a possible merger of the FBI and the DEA, being considered by the Attorney General. The Committee suggested that "employee morale and program continuity and stability may be adversely affected by frequent agency mergers and reorganizations... (and emphasized) its desire to avoid disruptive starts and stops that can potentially undermine current progress in drug abuse law enforcement..."

## LEGISLATION

During the 95th Congress, several public laws were enacted that affected law enforcement organization. P.L. 95-179 changed the name of the Executive Protective Service to the Uniformed Division of the Secret Service, clarifying its relationship to the parent organization. P.L. 95-91, which established the Department of Energy, included provision for an Office of

Inspector General and P.L. 95-452 created Offices of Inspector and Auditor General in 12 Federal departments and agencies -- the Departments of Agriculture, Commerce, Housing and Urban Development, Interior, Labor, and Transportation, and within the Community Services Administration, Environmental Protection Agency, General Services Administration, National Aeronautics and Space Administration, Small Business Administration, and Veterans' Administration.

Other legislative enactments included P.L. 95-521, the Ethics in Government Act of 1978, which provided for an Office of Government Ethics and appointment of a special prosecutor under certain circumstances. With the enactment of P.L. 95-624, Congress, for the first time, provided for authorization of Department of Justice appropriations. The authorization prohibited any such funds for the purpose of transferring any border control activities of IES to any other agency.

In the first session of the 96th Congress, two enactments have affected Federal law enforcement organization. The Department of Justice Authorization Act, P.L. 96-132, created an Office of Special Investigation in INS; P.L. 96-157 restated and amended Title I of the Omnibus Crime Control and Safe Streets Act of 1968 by restructuring LEAA and establishing within the Justice Department a Bureau of Justice Statistics, the National Institute of Justice, and the Office of Justice Assistance, Research, and Statistics.

Legislative proposals in the 96th Congress include:

P.L. 96-132 (S. 1157)

The Justice Department Authorization Act for FY80 contained provision for creation of an Office of Inspector General/INS, as approved by the House on Oct. 16, 1979, based upon recommendation from the House Judiciary Committee (H.Rept. 96-99, Part I). The Senate version did not include such a provision; and the Conference Committee report (H.Rept. 96-628 and S.Rept. 96-418) resolved the difference through a modified recommendation--establishment of an Office of Special Investigator with the functions and duties of the Inspectors General created by P.L. 95-452, but with a limited life span of three years and with a head appointed by the Attorney General. The conference report, approved by both Chambers Nov. 27, 1979, also required the Attorney General to study the feasibility of establishing an Office of Inspector General for the entire Department of Justice, a report of which was to be made to the House and Senate Judiciary Committees not later than Feb. 15, 1980. Signed into law (P.L. 96-132) Nov. 30, 1979.

P.L. 96-157 (H.R. 2061 and S. 241)

Introduced by the Chairmen of the House and Senate Judiciary Committees, Representative Rodino and Senator Kennedy, respectively, at the request of the Carter Administration, the statute restructures LEAA and establishes within the Justice Department a Bureau of Justice Statistics, the National Institute of Justice, and the Office of Justice Assistance, Research, and Statistics. S. 241 reported favorably as amended by Senate Judiciary Committee May 14, 1979 (S.Rept. 96-142); passed Senate May 21, 1979. On May 15, 1979, the House Judiciary committee reported, with amendment, H.R. 2061; on Oct. 12, 1979, the House passed S. 241 in an amended form to incorporate the language of H.R. 2061. Conference report filed Nov. 16, 1979 (H.Rept. 96-655). That conference report was recommitted and a second report (H.Rept. 96-695) was filed. The Senate agreed to the second conference report Dec. 11, 1979; the House agreed Dec. 13, 1979. Signed into law (P.L. 96-157) Dec. 27, 1979.

## H.R. 24 (Brooks)

The proposed "General Accounting Office Act of 1979" includes a provision which amends the statutes creating the offices of inspector general in HEW (P.L. 94-505) and the Department of Energy (P.L. 95-91), specifying that the audit activities of the offices should conform to GAO standards, as do the 12 counterpart offices established by the Inspector General Act of 1978 (P.L. 95-452). Hearings held by Subcommittee on Legislation and National Security of House Government Operations Committee, which favorably reported out the bill Sept. 11, 1979 (H.Rept. 96-425). Passed House, amended, Oct. 29, 1979.

## H.R. 246 (de la Garza)

Directs the Attorney General to establish Special Drug Forces in the Department of Justice composed of law enforcement personnel and special United States attorneys. Introduced Jan. 15, 1979; referred to Committee on the Judiciary.

## H.R. 261 (Dellums)

Reorganizes the intelligence agencies of the United States, including the FBI and IRS components. Introduced Jan. 15, 1979; referred to more than one committee.

## H.R. 406 (Guyer)

To combat terrorism, establishes agencies in the Executive Office of the President, and the Departments of State and of Justice. Introduced Jan. 15, 1979; referred to more than one committee.

## H.R. 1447 (Rangel)

Among other things, directs the United States representative to the International Criminal Police Organization (INTERPOL) to propose the establishment of a special opium control staff within the organization, and establishes an Executive Committee on International Opium Control to review all national and international control measures. Introduced Jan. 24, 1979; referred to Committee on Foreign Affairs.

## H.R. 1452 (Rangel)

Similar to H.R. 246.

## H.R. 2211 (Moakley et al.)

Establishes an Interagency Committee on Arson Control to coordinate federal anti-arson programs, to amend various provisions of the law relating to programs for arson investigation, and other purposes. Introduced Feb. 15, 1979; referred to more than one committee.

## H.R. 2308 (Mitchell, P., et al.)

Provides for the establishment of the Federal Protective Service for the protection of property under the jurisdiction of the General Services Administration, to provide for the pay and training of the members of such service, and for other purposes. Introduced Feb. 21, 1979; referred to Committee on Public Works and Transportation, where the Subcommittee on Public Buildings and Grounds began hearings on Oct. 11, 1979.

## H.R. 2518 (Holtzman)

Provides for the appointment of a Special Prosecutor when Members of Congress are accused of serious federal offenses. Introduced Feb. 28, 1979; referred to Committee on the Judiciary.

## H.R. 2538 (Biaggi)

Intended to facilitate increased enforcement by the Coast Guard of laws relating to the importation of controlled substances. Hearings held by House Merchant Marine Subcommittee on the Coast Guard; reported out of Committee July 10, 1979 (H.Rept. 96-232). Pending in Senate Commerce Committee, after passage by House, under suspension of rules, July 23, 1979.

## H.R. 2763 (Seiberling et al.)

Similar to H.R. 2211.

## H.R. 3284 (Boner)

Expands and clarifies the authority of the Federal Protective Service/General Services Administration. Introduced Mar. 28, 1979; referred to Committee on Public Works and Transportation, where the Subcommittee on Public Buildings and Grounds began hearings on Oct. 11, 1979.

## H.R. 5030 (Rodino et al.)

FBI Charter Act of 1979. Introduced July 31, 1979; referred to Committee on the Judiciary. Subcommittee on Civil and Constitutional Rights began hearings on Sept. 6, 1979.

## S. 252 (Glenn et al.)

Establishes an Interagency Committee on Arson Control to coordinate federal anti-arson programs, to amend various provisions of the law relating to programs for arson investigation, prevention, and detection, and for other purposes. Introduced Jan. 29, 1979; referred to more than one committee. Hearings by Governmental Affairs Subcommittee on Intergovernmental Relations concluded May 4, 1979.

## S. 333 (Ribicoff et al.)

Omnibus Antiterrorism Act of 1979. Effects certain reorganization of the federal government to strengthen federal programs and policies for combating international and domestic terrorism, including establishment of a Council to Combat Terrorism in the Executive Office of the President, Offices for Combatting Terrorism in the Departments of Transportation, of State, and of Justice. Introduced Feb. 5, 1979; referred to Committee on Governmental Affairs, and when and if reported, to more than one other committee.

## S. 565 (Mathias)

Establishes an Office of Repeat Offenders Prosecution Projects within the Law Enforcement Assistance Administration, among other purposes. Introduced Mar. 7, 1979; referred to Committee on the Judiciary.

## S. 1612 (Kennedy et al.)

A bill to charter the Federal Bureau of Investigation was introduced on July 31, 1979, and referred to the Committee on the Judiciary, which began hearings Aug. 2, 1979.

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#### CHRONOLOGY OF EVENTS

- 02/27/80 -- The Senate Committee on Appropriations concluded hearings on the problems of fraud, waste, and abuse in Federal programs.
- 02/04/80 -- The American Bar Association, through its ruling House of Delegates, endorsed enactment of an FBI

legislative charter with greater restrictions than proposed by the Carter Administration, especially in the areas of probing peaceful public demonstrations, engaging in unusual covert intelligence gathering techniques, and engaging in otherwise illegal undercover activities.

- 12/27/79 --- With the signing of P.L. 96-157, a lengthy and sometimes controversial restructuring of LEAA occurred, along with the establishment of several new Justice Department entities to assist State and local governments in improving their criminal justice systems, collection and analysis of pertinent information, manpower training and educational assistance, and research and demonstration efforts.
- 11/30/79 --- President Carter signed the Justice Department Authorization Act for FY80 into law (P.L. 96-132). Based upon initiatives of the House Judiciary Committee, the act provides for creation of an Office of Special Investigator/INS. The law also requires the Attorney General to study the question of establishing a Department-wide Office of Inspector General and report his findings and recommendations to the House and Senate Judiciary Committees not later than Feb. 15, 1980.
- 10/25/79 --- A GAO report—Gains Made in Controlling Illegal Drugs, Yet Drug Trade Flourishes—made recommendations regarding law enforcement reorganization: establish a border management entity to resolve border control problems; develop clear and consistent policies, from the Attorney General, as to the roles of Federal, State, and local governments; and possibly create a central mechanism in the Executive Office, or elsewhere, to establish drug policy and be accountable for its effective implementation.
- 09/15/79 --- President Carter's reorganization chief, Harrison Wellford, was quoted in the press as saying that "very intense special interest opposition" was partly the reason for abandoning a project to reorganize U.S. border management and law enforcement.
- From January through August 1979, more than 6,000 allegations of fraudulent activities within Federal agencies were reported to the GAO's fraud hotline. After a preliminary evaluation, about 30% of the allegations were investigated. Of these, more than 60% appear to involve intentional wrongdoing.
- 08/02/79 --- President Carter directed the Secretary of the Interior to establish and chair a wildlife law enforcement committee, which would also include representatives from the Departments of the Treasury, Justice, Agriculture, and Commerce, to review agency enforcement experiences, priorities and problems and help coordinate Federal trade enforcement policies.

The President also directed the establishment of a plant law enforcement task force, chaired by the Secretary of Agriculture, to investigate the illegal trade in plants and bring appropriate prosecutions.

- 07/31/79 — President Carter submitted a draft of proposed legislation to create a charter for the Federal Bureau of Investigation. On the same date, Senator Kennedy and Representative Rodino, chairmen of the Judiciary Committees, for themselves and a bipartisan grouping of Members, introduced bills, S. 1612 and H.R. 5030, respectively, to charter the FBI. Hearings in the Senate Judiciary Committee began in early August 1979 and the House Judiciary Committee in September.
- 06/02/79 -- It was reported in the press that the Federal Government will increase its law enforcement efforts regarding waste disposal.
- 05/03/79 -- Two high-level Executive councils were established to expose Government fraud and waste. The Executive Group to Combat Fraud and Waste in Government, headed by Deputy Attorney General Civiletti, is intended to help implement the Inspector General Act of 1978 and coordinate those efforts. The Management Improvement Council, under the direction of Office of Personnel Management chairman Campbell, combines agency management experts and private sector representatives and is an outgrowth of recent Civil Service reform efforts.
- 05/06/79 — Walter Rockler was appointed special counsel in charge of the new 37-member Office of Special Investigations that the Justice Department Office created to coordinate the Federal effort to locate, denaturalize, and deport Nazi war criminals in the United States.
- 05/01/79 — The U.S. Fire Administration/Commerce and LEAA/Justice announced the signing of an agreement supporting a coordinated Federal effort to attack arson on a national scale, including providing technical assistance in fire investigation and fire training and assistance in criminal investigation and prosecution.
- 04/10/79 -- Kurt Mullenberg was confirmed by the Senate as Inspector General of GSA, the first confirmation of one of the 12 offices of inspector general created by the Inspector General Act of 1978 (P.L. 95-452).
- 03/31/79 -- The Federal Emergency Management Agency became operational with President Carter's signing of E.O. 12127; FEHA had been established by Reorganization Plan No. 3 of 1978, which became effective 09/15/78.
- 03/28/79 -- The Justice Department announced the creation of an Office of Special Investigations, thus transferring responsibility for coordinating U.S. efforts to

investigate Nazi war criminals from INS to the Criminal Division of Justice.

- 03/23/79 -- Shortly after his appointment as special counsel to investigate bank loans to the Carter family peanut warehouse, Paul Curran received added prosecutorial powers from Attorney General Bell, approximating those of the "Watergate" special prosecutors before him.
- 03/21/79 -- Introducing hearings on the failure of Federal agencies to follow up on audit findings, Representative Jack Brooks noted, "There must be strong leadership within the executive branch to control fraud, waste, and abuse...OMB has begun doing so....But more must be done."
- 03/20/79 -- Attorney General Griffin Bell appointed Paul J. Curran, a former U.S. Attorney for the Southern District of New York, as special counsel to head the Justice Department investigation of the National Bank of Georgia loans to the peanut warehouse business owned by the family of President Carter.
- 02/06/79 -- The Senate Subcommittee on Federal Spending Practices resumed oversight hearings on the GSA fraud and corruption investigations, conducted by a special strike force, and heard testimony that a 1970 GSA audit report, which criticized the non-competitive nature of certain GSA contracts, was suppressed.
- 01/18/79 -- The GAO fraud hotline became operational.
- 01/16/79 -- OMB Director James McIntyre ordered the heads of each agency in which there is no inspector general to designate an official to oversee agency efforts to eliminate waste, fraud, and error. He also proposed establishing a "whistleblower" hotline to channel complaints and allegations of wrongdoing.
- 01/08/79 -- The President's Reorganization Project Task Force on Law Enforcement released its findings, based upon a 1977-78 survey: a total of 113 Federal law enforcement units with a combined annual budget of \$5 billion. The "meteoric growth in the number of Federal agencies," one-third of which did not exist in 1970, had contributed to the "lack of coordination and absence of policy directives" which "caused wasted efforts and reduced effectiveness...."
- 12/04/78 -- In testimony before the Senate Appropriations Subcommittee on the Legislative Branch, Comptroller General Elmer Staats commented on the development of the GAO Special Task Force for the Prevention of Fraud, and a GAO "hotline" to receive complaints of alleged corruption.
- 11/17/78 -- Irwin Borowski, an associate director of Securities and Exchange Commission enforcement division, succeeded

Vincent Alto as GSA's special counsel directing the investigation of GSA corruption, fraud, bribery and mismanagement.

- 10/26/78 — President Carter signed the Ethics in Government Act of 1978, S. 555, following agreement to a conference committee report by the House, 10/12/78, and the Senate, 10/07/78. The new statute, P.L. 95-521, provides for financial disclosure by high ranking Federal Government officials, the appointment of a special prosecutor in certain instances, a Senate Legal Counsel, and an Office of Government Ethics, among other items. An Office of Government Crimes in the Justice Department, which had been proposed in an earlier version of the bill, was not included in the final enactment.
- 10/14/78 — The Annual Report of the House Permanent Select Committee on Intelligence (H.Rept. 95-1795) determined that, as a result of the investigations of the predecessor select committees on intelligence in the House and Senate, "the Secretary of Defense has created an Inspector General for Defense Intelligence...[and] the Central Intelligence Agency has strengthened its Inspector General's office."
- 10/12/78 — Offices of Inspector General were established in 12 Federal departments and agencies with the signing of P.L. 95-452. The original bill, H.R. 8588, had been approved by the House on Apr. 18, 1978, and amended by the Senate on Sept. 27, 1978, applying the offices to 12 agencies and requiring that the Department of Defense meet special reporting requirements and submit a comprehensive task force report on its investigatory and audit functions. Upon signing the act, President Carter announced that his "intention is to add at least 100 inspectors and auditors to the general services agency next year as rapidly as possible to conclude that investigation effectively."
- 09/20/78 — Attorney General Griffin Bell named William S. Lynch, head of the Justice Department's narcotics and dangerous drugs section, to direct a new Justice Department strike force to coordinate investigations of GSA. The strike force consists of five attorneys and several investigators assigned by the FBI, GSA Office of Inspector General, Internal Revenue Service, Securities and Exchange Commission, and the U.S. Postal Service.
- 09/18/78 — The Senate Governmental Affairs Subcommittee on Federal Spending Practices reconvened hearings on the General Services Administration scandal and on other allegations of fraud and program abuse.
- It was reported that the Justice Department has

improved coordination among Federal units investigating corruption and fraud in the GSA by establishing a strike force to serve as an umbrella over the GSA investigations being conducted by 16 U.S. Attorneys offices throughout the country. The strike force consists of Criminal Division/Justice prosecutors and investigators assigned from the FBI, IRS, Securities and Exchange Commission, and GSA office of inspector general.

-- A General Accounting Office Report on fraud in Government programs found that "Federal agencies have not been doing enough to identify fraud in their programs, and the Department of Justice has been slow in assisting Federal agencies' anti-fraud efforts."

- 09/11/78 -- At a news briefing, Senator Lawton Chiles, Chairman of the Senate Governmental Affairs Subcommittee on Federal Spending Practices, announced that he had been assured by the Justice Department that "efforts are being magnified to get proper coordination" in the investigation of alleged fraudulent activities by GSA employees and independent contractors. The principal investigative units are the Inspector General/GSA, the FBI, and U.S. Attorney Offices/Justice, which had been accused of working without proper coordination.
- 09/07/78 -- President Carter requested Charles Kirbo, a private attorney and unofficial adviser of the President, to monitor the investigations of alleged GSA fraud, "indicating the importance the President places on the matter," according to the deputy White House press secretary.
- 07/20/78 -- A spokesman for the President's Reorganization Project staff reported that President Carter would delay, for one year, a reorganization plan designed to reorganize the Federal agencies guarding U.S. borders, principally the border patrol units of INS and Customs.
- 07/18/78 -- Senator Percy, in a statement on the Senate floor, reviewed the findings of two recent GAO reports that found that "there is no concerted Federal law enforcement effort to curb the growing incidence of arson in America." GAO recommended that the Attorney General "take the lead in developing information needed to assess the seriousness of the arson problem and...develop an appropriate Federal law enforcement strategy."
- 06/22/78 -- The Senate Governmental Affairs Subcommittee on Federal Spending Practices held hearings on June 22 and 23, on the General Services Administration contract fraud investigation.
- 06/19/78 -- President Carter submitted Reorganization Plan No. 3

of 1978, establishing a Federal Emergency Management Agency by consolidating five agencies from DoD, HUD, GSA, and Commerce. The new agency would be responsible for the "coordination of preparedness and planning to reduce the consequences of major terrorist incidents... (but) would not alter the present responsibility of the Executive Branch for reacting to incidents themselves."

- 05/24/78 — Members of the House Post Office and Civil Service Committee received copies of a yet unreleased White House report, popularly referred to as the "Lyle Report," reviewing allegations of abuses of the Federal merit system by civil service officials in the Nixon Administration. The alleged misconduct had also resulted in an investigation at the Civil Service Commission by a private law firm, authorized by CSC Chairman Alan Campbell. The findings of that investigation are expected at the end of June 1978.
- 05/23/78 — In its report on S. 2236, the Senate Governmental Affairs Committee concluded that the "United States will not be able to combat the growing challenge of terrorism unless the executive policymaking apparatus is more effectively and forcefully utilized...[and that] the executive branch must, more precisely, deal with overlapping domestic jurisdictions and the role of the military in antiterrorist operations."
- 05/22/78 — A press account reported executive consideration of a reorganization giving the FBI Director policy responsibilities for all Federal law enforcement agencies, similar to that of the Director of Central Intelligence in that sphere. Other accounts gave conflicting interpretations of the potential establishment of a Border Management Agency, alternately reporting that the proposal was still under active consideration versus its veto by certain affected agencies and congressional committees.
- 05/12/78 — The House Judiciary Committee adopted an amendment to the Department of Justice authorization for FY79 that would prohibit the use of any funds so authorized for the purpose of transferring any border control activities of INS to any other agency or department during FY79.
- 05/09/78 — General Services Administrator Jay Solomon announced the appointment of Vincent Alto to act as an inspector general within the GSA, until such an office is created by statute. The inspector general is to investigate all allegations of wrongdoing within the Administration and is in charge of GSA's internal auditors and investigators.
- 05/09/78 — FBI Director William Webster announced that

the Carter Administration is holding high-level strategy sessions to evaluate U.S. anti-terrorist capability but was reportedly reluctant for the FBI to establish a "super SWAT capability..."

- 04/14/78 -- The Bureau of Indian Affairs, Dept. of the Interior, issued a rule that provides procedures for the prompt reporting to the FBI of allegations that police officers on Indian reservations have violated the civil rights of any person. Allegations against any BIA employees must also be reported to the tribal council and to the Office of Audit and Investigation of the Interior Department. (43 FR 16793-16794, Apr. 21, 1978.)
- 03/29/78 -- FBI Director William Webster, in his first formal news conference since becoming Director, announced that the FBI is preparing antiterrorist plans to prevent kidnappings of U.S. political leaders.
- 03/03/78 -- A press account noted the formation of "Project Blue Light," the code name for a special military unit, combining the four Armed Forces, at Fort Bragg, N.C., to provide a fulltime capability for dealing with terrorism against U.S. citizens and property abroad. The unit reportedly is headed by Col. Charlie Alvin Beckwith and the core members are Army Special Forces personnel.
- 02/22/78 -- In testimony before the Senate Governmental Affairs Committee, Assistant Secretary of Defense for International Security Affairs David McGiffert reported that DOD had established a high-level "Counterterrorism Steering Committee" to provide focus and coordination within the Defense establishment.
- 02/09/78 -- Attorney General Bell announced a reorganization of DEA, designed to improve its efficiency through a reduction of regional offices (from 12 to 5), but not of personnel. The reorganization rules out, at least in the near future, a merger of DEA with FBI, as had been proposed on July 2, 1977, as one option.
- 02/03/78 -- The Senate Subcommittee on Criminal Laws and Procedures, following two years of hearings, reported that controlling explosives after their manufacture is "sadly ineffective...[and] inspections are inadequate", due in part to "too many regulations and too much fragmentation of authority..."
- 01/24/78 -- President Carter issued Executive Order 12036, United States Intelligence Activities, which supersedes E.O. 11905, issued by President Ford on Feb. 18, 1976. E.O. 12036 specifies guidelines for intelligence (and counterintelligence) activities of the FBI and DEA and provides for

certain restrictions on intelligence activities, including electronic and mail surveillance, undisclosed participation in domestic organizations, and collection of nonpublicly available information. Additional restrictions apply to the assignment of personnel to other agencies, and to assistance to law enforcement authorities (43 FR 3675-3695).

- 01/19/78 — President Carter's State of the Union Address underscored Executive reorganization efforts and studies and indicated that specific proposals to reorganize LEAA and to improve law enforcement against organized crime, white collar crime, drug abuse, and public corruption would be forthcoming.
- 12/03/77 — The White House was reportedly considering a major reorganization of LEAA, based upon recommendations released in a report on June 23, 1977, by a Justice Department task force, headed by Walter Fiederowicz, that have been approved by Attorney General Bell. The proposals, including replacing LEAA with a new agency, possibly named the National Institute of Justice, are to be integrated with appropriate OMB-law enforcement reorganization proposals when they are available.
- 12/02/77 — The General Accounting Office reported that Federal law enforcement efforts along the United States-Mexico border, although improved, suffered from overlap and duplication among the agencies involved. The report recommended a comprehensive strategy, including improved coordination among the appropriate agencies, stronger international efforts, and the development of a plan that would consider organizational alternatives to the present multi-agency system.
- 11/15/77 — President Carter signed H.R. 8992 (P.L. 95-179), which changed the name of the Executive Protective Service to the U.S. Secret Service Uniformed Division. The Executive Protective Service was so named in 1970, to coincide with an expansion of jurisdiction and duties over the predecessor White House Police Force, which had existed since 1922. Hearings were held by the House Subcommittee on Public Buildings. The Committee on Public Works issued the report (H.Rept. 95-737) and both House and Senate approved the legislation by voice vote.
- 11/14/77 — P.L. 95-175, an Act extending the supervision of the U.S. Capitol Police to certain facilities leased by the Office of Technology Assessment, was signed into law after clearing both Chambers of Congress by voice vote. A statutory authorization was considered necessary because the Capitol Police jurisdiction has been generally recognized as being restricted to confines of the Capitol buildings and grounds, and the leased-OTA offices are beyond that jurisdiction.

- 11/09/77 -- In testimony before the House Subcommittee on Civil and Constitutional Rights, the General Accounting Office presented the findings of its second examination of FBI domestic intelligence operations, concluding that there was a significant reduction in such activities, that the Attorney General's guidelines have directed and narrowed the scope of intelligence operations, and that, on a critical note, the Justice Department had not restaffed the Investigations Review Unit that monitors and reviews FBI domestic intelligence and counter-intelligence operations.
- 10/05/77 -- Secretary of Agriculture Bergland announced establishment of Office of Inspector General, combining audit and investigation functions in the Department.
- 10/02/77 -- As a result of the still-classified Presidential Review Memorandum (PRM) 30, the Carter Administration reorganized the anti-terrorist apparatus in the Executive Office. The Cabinet Committee to Combat Terrorism, created in 1972, was abolished and the functions assigned to the interagency Working Group to Combat Terrorism, which represents 29 Federal units. The Working Group is responsible to the National Security Council Special Coordination Committee, chaired by the President's Assistant for National Security, Zbigniew Brzezinski.
- 07/02/77 -- A report prepared under the direction of Assistant FBI Director Richard Ash, reviewing alternative proposals to reorganize Federal drug law enforcement (one of which was a possible merger of DEA into the FBI) submitted to Attorney General Bell, who had commissioned the study shortly after assuming office. The Ash report has not yet been made available for public comment.
- 06/29/77 -- Presidential memorandum calling for a comprehensive review of Federal law enforcement was issued by President Carter and review was assigned to Reorganization Project Staff at the Office of Management and Budget (42 FR 33911).
- 06/23/77 -- A Justice Department task force released a report recommending major restructuring of the Law Enforcement Assistance Administration.
- 05/12/77 -- The House Committee on Interstate and Foreign Commerce, in its report on the Controlled Substance Act extension (H.Rept. 95-298), argued against any prospective merger of DEA and FBI, citing "adversely affected...employee morale and program continuity...(and) adverse impact...upon our Nation's drug abuse law enforcement and regulatory strategies and efforts..."
- 02/03/77 -- Establishment of Office for Improvements in the

Administration of Justice, Department of Justice,  
via Department of Justice Order no. 684-77  
(42 FR 8140).

- 02/01/77 H- Operation of the National Central Bureau/INTERPOL, which coordinates all INTERPOL requests in the United States, was transferred from the Treasury Department to the Justice Department. However, the U.S. representative to INTERPOL and head of the operation will alternate for two-year periods between the Justice and Treasury Departments.
- 09/10/76 -- FBI Director Clarence Kelley established the Division of Planning and Inspection, encompassing the Offices of Inspections, Planning and Evaluation, and Professional Responsibility, and consolidating the internal investigation function of the FBI.
- 07/21/76 -- The Task Force on Organized Crime of the National Advisory Committee on Criminal Justice Standards and Goals recommended, in its report, the establishment of a State-Federal Liaison Office to improve coordination and cooperation in combating organized crime.
- 04/05/76 -- Establishment of the Investigations Review Unit, an ad hoc monitoring group in the Justice Department to review FBI compliance with guidelines governing domestic security investigations, reporting on civil disorders, and White House personnel investigations. (Guidelines reported on Mar. 10, 1976.)
- 03/15/76 -- Establishment of Public Integrity Section, Criminal Division of the Justice Department, via Criminal Division memorandum no. 826.
- 02/24/76 H- The General Accounting Office, in response to a request from the House Judiciary Committee, presented the first GAO review of the FBI domestic intelligence operations, concluding that they were too broad in scope and in people investigated, that questionable techniques had been used, and that congressional and Justice Department oversight was not adequate. The GAO recommended new legislative guidelines and improved internal controls for FBI domestic intelligence operations.
- 02/16/76 -- Executive Order 11905, providing for certain reorganization and oversight affecting U.S. foreign intelligence activities, issued by President Ford (41 FR 7703).
- 02/16/76 -- American Bar Association's House of Delegates approved, as official policy, 20 specific recommendations designed to prevent improper influence on Federal law enforcement agencies, including certain reorganizations and reforms affecting the FBI and other elements in the Justice

Department and the IRS.

12/08/75 ← Attorney General Edward Levi, via Departmental Order no. 635-75, established the Office of Professional Responsibility in the Justice Department (40 FR 58643).

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