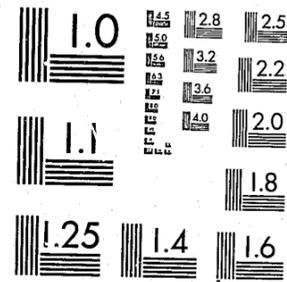


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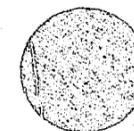
National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

3/10/83

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Department of Justice



STATEMENT

OF

WILLIAM FRENCH SMITH
ATTORNEY GENERAL

BEFORE

THE

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

CONCERNING

DOJ AUTHORIZATION

ON

FEBRUARY 23, 1982

FR 9/48

U.S. Department of Justice
Federal Institute of Justice

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NCJRS

MAR 1 1982

ACQUISITIONS

Mr. Chairman and Members of the Committee:

I am pleased to be with you today to discuss the 1983 budget request for the Department of Justice. My total 1983 request is for \$2.67 billion and 54,104 positions. This level of resources would allow me to maintain the Department's Federal law enforcement operations at the current level of effort. In view of the necessary, yet significant Federal budget reductions proposed for domestic programs, the Justice request reflects the President's strong commitment to an effective law enforcement program.

Our request includes uncontrollable cost increases of \$196.1 million, program increases of \$67.8 million, the proposed transfers from other Departments of \$22.2 million, and program reductions of \$94.2 million. The major part of our program increase is for \$58.7 million to fund the transfer of responsibility to the Attorney General for Cuban/Haitian entrants under the Refugee Education Assistance Act of 1980. Nearly all of our program reductions are related to the elimination of four programs which we had requested the Congress to eliminate last year. These consist of State and local grant programs and the United States Trustees activity.

Our request represents a continuation of this Administration's commitments and priorities which I enunciated before this committee a year ago. At that time I spoke of the need for all Federal agencies to share in overall spending and personnel reductions. I emphasized our commitment to priority

crime control areas and the need to reduce Federal subsidies to State and local agencies.

We have contributed our share to necessary overall reductions in Federal spending and in the size of the Federal workforce. While accomplishing this, we have been able to fully maintain essential operations and have increased Federal law enforcement efforts in high priority areas. We are also returning control of State and local criminal justice programs to those officials who are closest to the needs of local crime problems.

As I have indicated on several occasions before this and other committees, violent crime is one of the most urgent problems facing the nation. I am convinced that narcotics trafficking is a major contributing cause of violent crime. Economic conditions continue to require us to consider solutions which do not rely on merely spreading Federal funds to solve the crime problem. In the long run we are likely to be more effective by seeking improvements in how we combat crime than simply by increasing Federal expenditures of money and manpower. With this in mind, we have begun to restructure the Drug Enforcement Administration and, for the first time in the history of the FBI, its agents have also been given a major drug enforcement role. The Director of the FBI has been designated to assist me in overseeing these joint enforcement efforts. Through Department initiatives, the Navy and Air Force are now furnishing information to civilian law enforcement agencies on sightings of suspected drug traffickers heading for the United States and, within the constraints imposed by law, they are providing intelligence on possible narcotics operations.

To minimize duplication of effort and waste of resources among Federal, State and local law enforcement agencies, I have directed each of our United States Attorneys to establish a Law Enforcement Coordinating Committee that will closely cooperate with State and local enforcement officials and will draft detailed plans for a more effective use of Federal resources against the worst local crime problems.

Last year I announced the appointment of my Task Force on Violent Crime. Over the past several months, you have become well aware of their recommendations. Some of those recommendations, such as reforms in bail laws and other parts of the criminal code, will require Congressional action, and legislative proposals are under discussion. Another recommendation addressed the serious shortage of prison space at the State and local level. In response to this problem, we have developed a program to facilitate the turnover of surplus Federal property to States for use as prisons and jails and, again this year, I am seeking authority to assist in improvements to local jail facilities through a Cooperative Agreement Program.

In other areas, the Task Force recommendations and our internal management reviews have assisted us in directing the resources of the Department and other Federal, State and local law enforcement agencies toward a more effective fight against crime. Although the problems this society faces with respect to crime and its effects are enormous, the resources already available to the Federal government are significant, and the focus of our effort should be to achieve a level of efficiency and effectiveness that has often been lacking.

LAW ENFORCEMENT

The additional resources made available to the Federal Bureau of Investigation in 1982 will allow us to maintain a strong commitment to our enforcement priorities in 1983 at the current level of operations. Although our 1983 requested level shows a decrease in authorized positions, these positions have never been fully funded or filled. In fact, my request for the FBI is higher than the current on-board strength and will allow for an increase in actual employment.

As I stressed to you, Mr. Chairman, in a letter earlier this month, we also intend to continue our efforts to provide applicant fingerprint processing services on a reimbursable basis. We do not intend to charge State and local law enforcement agencies for these services, but need your support in our efforts to place the cost of non-law enforcement requests upon the direct beneficiaries of such services, such as private institutions and state licensing boards.

With concurrent jurisdiction over the investigation of Federal drug offenses assigned to the FBI, I am fully confident that an infusion of FBI resources and expertise, to supplement those of DEA, will aid our national drug enforcement effort. For the Drug Enforcement Administration itself, we are requesting a relatively minor program decrease from current services to be allocated proportionally among DEA's programs. These decreases will be achieved through improved operational efficiency and reductions in redundant administrative activities. There will, however, be no reduction in authorized positions for DEA.

I am also creating a high-level Justice Department committee to oversee the development of drug enforcement policy and to assure that all the Department's resources, including its prosecutorial and correctional efforts, are effectively engaged in the effort against drug trafficking.

DEA has made significant progress in controlling the availability of Southwest Asian heroin. Much of the Southwest Asian heroin destined for the United States in 1980 and 1981 never reached this country. While supplies of opium in Southwest Asia continue to be abundant, enforcement pressure will be maintained on Southwest Asian heroin availability by the appropriate domestic and foreign field offices. Furthermore, asset seizures of major narcotics traffickers have increased substantially. In the past two years alone, DEA seized approximately \$255 million of drug-related assets. Seizures this year are expected to exceed the total dollar amount of the DEA budget. Continued efforts in the "asset seizures" area will, no doubt, have a considerable effect on major drug trafficking.

For the United States Marshals Service, the budget request reflects the joint efforts of the Department and the Courts to develop sound, coordinated responses to our mutual problems. Since my initial meetings with the Chief Justice last spring, we have joined in efforts to resolve the management and resource problems affecting both the service of private process and the provision of court security. This year's budget is based on our continued desire to establish fees to directly fund actual costs for the service of private process. Statutory authority to fund our activities in this manner would result in increased participation by private businesses in providing process service and eventually reduce the burden on taxpayers

to subsidize this activity. This is one example of the Administration's efforts to encourage private alternatives to Federal government action through the imposition of user fees. Since valuable Federal law enforcement dollars are now required to subsidize this activity, I have emphasized my interest in your support, Mr. Chairman, in my recent correspondence to you on user fees. With the cooperation and assistance of the Administrative Office of the U.S. Courts we have completed an initial plan which addresses the assignment of Deputy U.S. Marshals in courtrooms for security purposes on the basis of anticipated risk levels. This plan provides standard risk indicators which will be used in each judicial district to determine the requirement for a Deputy in the courtroom. The determination will be made jointly by the U.S. Marshal, the U.S. Attorney and the local Federal judiciary. The Chief Justice and I will have further discussions on this matter next month.

The area of immigration is one that has received a lot of attention over the past year. I served as chairman of the Task Force on Immigration and Refugee Policy that reviewed the earlier Select Commission's report. Based on our recommendations, the President requested an amendment to our 1982 budget to provide the Immigration and Naturalization Service with increased resources for its enforcement programs. A large part of this request has been provided in the current Continuing Resolution; I continue to urge the Congress to include the remaining part of this package--specifically the funding for a permanent detention facility--in your next action on our 1982 funding levels.

We have also submitted an immigration legislative program. This program included establishing employer sanctions with strict penalties for employers

who knowingly hire aliens; establishing a temporary worker program to allow aliens to work in certain types of employment in geographic areas where there is a lack of available citizen labor; permitting undocumented aliens residing in the United States to receive permanent status after ten years; providing visa waivers for tourists and business travelers who wish to visit the United States for short periods of time; and providing the President with a wide range of authority in the event of an immigration emergency. These and other legislative initiatives have been transmitted to the Senate as part of the Omnibus Immigration Control Act.

The INS has not had a permanent Commissioner in several years. There is no question this has detracted from its stability, as well as its ability to formulate and implement cohesive immigration initiatives on behalf of the Attorney General. Mr. Alan C. Nelson has now taken the oath of office as the first INS Commissioner in 2 1/2 years. We are hopeful that we can now get on with the business of implementing a strong, responsive program at INS.

In addition to continuing the current operations of INS, my 1983 request includes a new program activity which is being transferred from the Department of Health and Human Services. This new activity provides for the processing, care, maintenance, security, transportation and initial reception and placement in the United States of Cuban and Haitian entrants. By recent Executive Order, this activity was transferred from the Cuban/Haitian Task Force within the Department of Health and Human Services to the Department of Justice.

LITIGATION

Our litigating organizations are the vital link in carrying out this Administration's law enforcement responsibilities and in defending Federal programs in court. I am quite sensitive to the primacy and central role of the Department of Justice in Federal litigation. As I have previously testified, I am firmly committed to the principle that the Attorney General is responsible for the coordination and management of the Federal government's litigation.

My request for both the General Legal Activities appropriation and for the United States Attorneys would continue the anticipated 1982 levels, with a modest funding increase for payments to private counsel. I am confident that these levels will permit us to keep pace with our increasing litigative and prosecutorial activities. While funding for the legal divisions and the U.S. Attorneys will support at least the same level of effort as in this year, we will see some shifts in emphasis.

The U.S. Attorneys and the Criminal Division will have a lead role in our program against violent crime, particularly through the development of Federal-State-local Law Enforcement Coordinating Committees to handle concurrent jurisdiction matters; this should result in a more effective use of our Federal prosecutorial resources. In this regard, I am pleased to note that the vast majority of U.S. Attorneys appointed by this Administration have had prior law enforcement experience.

A major priority in the criminal litigation programs of the Criminal and Tax Divisions will be the prosecution of major narcotics traffickers, with

emphasis on financial investigations and the forfeiture of assets and profits. Organized crime and economic crime prosecutions, of course, continue to be high priorities. Fraud cases are being given increased emphasis in both the Criminal and the Civil Divisions, and we are actively improving our communication and coordination with the Inspectors General of the various departments and agencies.

In prior years, all too little emphasis has been directed in Congressional testimony to the importance of our civil litigation program. Our current defense of Federal programs represents nearly \$100 billion of exposure. I cannot overstate the pivotal role this activity can, and indeed does have in protecting the financial status of the Federal government. I consider the funding of our civil litigation activities one of the most cost-effective Federal budget decisions.

A major initiative of this Administration, and a priority of mine in the Department of Justice, is the improved management of collections--collecting debts owed to the United States as a result of defaulted loans or court judgments. While this activity pertains to all of our litigating organizations, I have assigned the Assistant Attorney General for the Civil Division a lead role for all Department of Justice collections.

Another cost-effective measure which we intend to maintain with our current resources is further application of automation and word-processing systems to litigation management and support. The U.S. Attorneys will continue installation of their automated case-management system in several offices. The legal divisions, if our full 1983 request is approved, will

be able to procure equipment for which they had to defer purchase in 1982 because of the outcome of final Congressional action on the Continuing Resolution. I have also established within current resources, a separate Litigation Systems Staff in the Justice Management Division to provide direct support to our litigative activities.

For the Antitrust Division, we are requesting a five-percent position decrease. While this request reflects the Administration's objective to reduce Federal employment, it also is an expression of our confidence that we can continue an effective antitrust enforcement program at the requested level. In support of the President's economic program, the Antitrust Division will undertake the vital task of reforming antitrust policy to improve the productivity of the economy and protect the interests of consumers. We will seek to enhance consumer welfare by challenging private parties and government regulations that impair economic efficiency.

The Fees and Expenses of Witnesses appropriation, which is used by all six legal divisions and the U.S. Attorneys, requires a relatively large program increase of nearly \$6 million. The increasing use of expert witnesses in complex litigation, rising costs associated with protecting witnesses in sensitive cases, and higher travel, lodging and subsistence costs in general, compel us to include this essential activity as one of our program increases for 1983.

We are again calling for termination of the U.S. Trustees program. The Department requested that this program be phased out in 1982, but Congressional actions to date have restored it at a level of \$5 million. In my

meeting with the Chief Justice last spring I discussed with him the effects of terminating the program. We have agreed that responsibility for the pending caseload would be returned to the Judiciary under the overall supervision of the Administrative Office of the United States Courts, at a considerable savings in operating costs. The Department is committed to working closely with the bankruptcy courts and the Administrative Office of the United States Courts to ensure that there will be a smooth, efficient transfer of functions.

CORRECTIONS

The Federal prison population has increased by 17% over the past year. The increase is attributed to several factors, including requirements to house Cuban and Haitian detainees, the decline in the release rate and increased parole revocations. We anticipate that the Federal prisoner population will continue to grow in the future because of our aggressive investigative and prosecutorial policies. To accommodate the increase, the plan to close the Atlanta penitentiary has been deferred indefinitely, and we are seeking Congressional concurrence to allow the facility to remain operational.

To maintain the appropriate level of medical care in our prisons, an increase in positions is requested to allow us to begin the hiring of civil service physicians and dentists. This is required because of the phasing-out of the Public Health Service Hospital System.

For the Buildings and Facilities program in the Bureau of Prisons, the level requested will fund minor repair projects and payments under the lease/purchase agreement for the Oxford, Wisconsin facility. Decreases reflect the

non-recurring costs associated with rehabilitation and renovation projects and planning and site acquisition.

For the National Institute of Corrections program, the request will allow for the delivery of training and technical assistance services to State and local correctional agencies at effectively the same level as 1982.

STATE AND LOCAL ASSISTANCE

The Office of Justice Assistance, Research, and Statistics includes the Law Enforcement Assistance and the Research and Statistics appropriations. In keeping with the Department's commitment to provide necessary support to State and local criminal justice systems in the areas of research, evaluation, and statistical collection and analysis, the Department is requesting current levels of funding for the Research and Statistics appropriation. This appropriation includes the National Institute of Justice and the Bureau of Justice Statistics. In these areas, we believe that Federal funding can be utilized effectively on a selected basis to promote long-term improvements in the operation of the criminal justice system.

With respect to the Law Enforcement Assistance appropriation, I am once again proposing that funding for Juvenile Justice programs be eliminated. This proposal does not reflect a determination that these programs are unwarranted. Rather, it reflects a belief that the major statutory requirements underlying these programs have been substantially satisfied and that further efforts with respect to individual projects are best controlled and funded at the State and local level. Under this approach, individual projects can

be framed to respond to local variations in the nature of juvenile criminality and its relationships to adult criminality. This approach also recognizes that crime prevention and control are fundamental responsibilities of State and local governments.

OTHER DEPARTMENTAL REQUIREMENTS

The Department's request for General Administration includes the elimination of the State and Local Drug Grant program and a minor increase in funding for the Federal Justice Research program. The drug grant program provides funds to establish operational information exchange facilities which primarily involve and serve State and local law enforcement organizations. As I have said, activities of this nature are properly the responsibility of State and local governments and are best controlled and funded at that level. The increased funding for research is needed to continue efforts in the priority areas of immigration policy, drug enforcement, and violent crime.

The Department of Justice budget request also reflects the proposed transfer of \$20.2 million and 333 positions from the Department of Energy, and \$1,299,000 and 32 positions from the Department of Education. These transfers are part of the President's proposal to abolish these Departments. While I am not in a position to discuss these proposals in detail, these transfers would include our assuming responsibility for energy litigation under the Emergency Petroleum Allocation Act, and for civil rights enforcement and litigation activities from the Office of Civil Rights in the Department of Education.

In conclusion, I am requesting the authorization and appropriation of a 1983 Department of Justice budget which supports the Federal law enforcement levels that the Congress has thus far made available for 1982. I urge you to join with us again in this commitment to law enforcement. I also ask that you support us in the elimination of those programs for which the limited Federal dollar is no longer available.

Thank you, Mr. Chairman, I will be pleased to answer any questions you or the members of the Committee may have.

END