



Department of Justice

STATEMENT

OF

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ATTORNEY GENERAL

BEFORE

THE

COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES

CONCERNING
DEPARTMENT OF JUSTICE AUTHORIZATION

ON

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Mr. Chairman and Members of the Committee:

I am pleased to be here today to discuss the 1987 budget request for the Department of Justice. This request reflects the law enforcement initiatives that the President has maintained for this Department for the past five years. These initiatives focus on supporting the core functions of the Federal Government and ensuring that these responsibilities are aggressively and effectively implemented. The budget provides for increases in these areas where the need for additional resources is urgent. It provides for significant, selective reductions in order to accomplish the mandate of reducing the Federal deficit.

The President's budget clearly recognizes that Federal law enforcement functions must be maintained and strengthened. The Department's Fiscal Year 1987 law enforcement priorities will include confronting and attacking international and interstate drug trafficking and organized crime, exposing and stopping those who threaten the nation's internal security, prosecuting the purveyors of hate who violate our civil rights laws, developing the Federal Prison System to meet the expanding demands that are being placed on it, and representing the Federal Government in an ever increasing range of litigation.

Our budget request for \$4.3 billion and 64,415 permanent positions is designed to emphasize our core law enforcement responsibilities. Our positions, when compared to 1986, will grow by more than 1,100 and our budget authority will increase proportionately. As we maintain and strengthen these core law enforcement functions, we will undertake to reduce expenditures in other areas in order to accomplish another top priority of the President--to reduce the deficit.

First, we will seek management improvements in our own programs. Second, we will explore whether certain activities can be provided more effectively by the States or by private entities than by the Government. Third, we have identified certain services, such as training of State and local law enforcement personnel, where costs can be more equitably shared. Finally, we must confront the circumstance that some of the grant programs have outlived their mandates. We must distinguish between programs that should be conducted at the national level and those that should be funded at the State or local level. We do not believe that a history of Federal assistance dictates further assistance. Indeed, we believe that Federal assistance has tended to perpetuate the least viable law enforcement programs.

Program Increases

Last year, the Administration and Congress enacted a new drug initiative. Significant increases were provided to the Drug

Enforcement Administration (DEA), the United States Attorneys, and other agencies engaged in the drug war. The 1987 budget request for DEA continues to reflect the President's deep concern that illegal drugs are the nation's number one threat to safety and stability. In 1986, the Congress approved \$380 million for DEA. For fiscal year 1987 we recommend that this amount be raised to \$411.3 million. Program increases proposed at DEA include 138 positions and \$10.1 million to expand domestic investigations and improve intelligence and laboratory services; 9 positions and \$8.9 million to upgrade automatic data processing and telecommunications; and 9 positions and \$9.1 million to purchase and maintain voice privacy radio equipment. These and similar expenditures are critical to the integrity, safety, and effectiveness of the investigations conducted by the Department's law enforcement agents.

While primary responsibility for enforcing the drug laws resides in DEA, this effort requires the resources of many other organizations. In October 1982, the Administration undertook significant steps to make more effective and efficient the Government's enforcement program. The Organized Crime Drug Enforcement Task Forces that we launched at that time have been remarkably effective in fostering interagency cooperation. The 1987 budget furthers this cooperative effort with requests to provide additional drug enforcement resources to the Federal

Bureau of Investigation, the Marshals Service, the U.S. Attorneys, and the Criminal and Tax Divisions.

Our ability to deal more effectively with all forms of crime, including drugs, will be enhanced by the new resources requested for the FBI. To counter the threat of foreign intelligence activities and meet the needs of other field investigative programs, we are requesting enhanced resources. For the Foreign Counterintelligence Program we have increased our resources significantly for four successive years. We are proud of the recent successes that the FBI has had in unearthing espionage cases. Our request for an increase in this area, however, is premised on our continuing concern relating to the activities of foreign agents and their ability to obtain valuable information relevant to the national security.

To assist the FBI, our request includes a challenging proposal to apply the techniques of artificial intelligence to investigations in such areas as narcotics, terrorism, and organized crime, particularly labor racketeering. The 1987 cost to undertake the program is \$12 million.

The FBI request includes roughly \$25 million for voice privacy to better protect and enhance the effectiveness of our law enforcement agents. As I stated earlier with regard to the Drug Enforcement Administration, this is an important program that impacts upon the FBI, DEA and Marshals Service. Additional voice privacy resources, totalling \$8.5 million are included for DEA and the Marshals Service. The FBI has been given the lead in

developing a more secure radio communications system for the Department's investigative agencies.

A less dramatic, but nonetheless critical need of the FBI is for 469 positions and \$10 million to strengthen support services. The recent increase in agent positions and the use of Title III wiretaps and the use of other specialized investigative techniques has left the FBI with inadequate clerical, typing and tape transcription resources. Without these resources, cases cannot be effectively prepared for trial, and investigations will be stalled.

The 1987 budget will bring the combination of FBI and DEA agent strength to new heights. This, together with the increased strength in the United States Attorneys' Offices, will place the Department in a better position than before to investigate serious crime and bring more cases to trial.

Our success in developing more major cases with more defendants has caused some difficult problems at our prisons. The nation's commitment to fighting crime is reflected in the prison population. Since 1981 the Federal prisoner population has increased 49 percent and despite our prison construction efforts, the prisons remain overcrowded.

In 1987, we plan to activate additional housing units in Alabama, Oklahoma, and Florida. With the construction requests in this budget, we expect to be able to respond better to future

needs. We are optimistic, not just about the funding request, but because we have sites selected for three new Federal Correctional Institutions, with accompanying camps, at Bradford, Pennsylvania; Marianna, Florida; and Sheridan, Oregon. For the first time in many years, we have been able to identify specific sites for new facilities at the point the budget is submitted. In addition, it should be noted that the requested \$145.5 million "Buildings and Facilities" request for 1987 will allow us to add 250 bedspaces to existing facilities in Arizona and Illinois as well as to conduct major renovations at several existing institutions.

The 1987 budget also continues funding for contracts with local jails to house Federal prisoners and maintains the Cooperative Agreement Program which provides limited funding to renovate, construct, and equip jails that guarantee space for Federal prisoners.

Aside from the FBI proposal to apply artificial intelligence techniques to complex criminal investigations, there are a number of important new and expanded uses for automated data processing planned within the Department. For the Federal Prison System and the Drug Enforcement Administration, we are requesting \$16.9 million to replace and upgrade ADP and telecommunications equipment. We are also asking for an additional \$10 million to apply advanced office automation capabilities to the Department's litigating components. This will allow the Department the means to coordinate its procurement strategy, ensure that the various

divisions are compatible, and obtain the most efficient and effective systems for the overall Department. Additionally, \$4 million is requested to implement a new Departmental Financial and Administrative Management Information System (FAMIS). Implementation of FAMIS is necessary to ensure the Department's compliance with accounting and financial standards imposed by law.

Although we are reexamining the Immigration and Naturalization Service's overall ADP and telecommunications plan, we have decided that we must move forward with the Systematic Alien Verification and Entitlement (SAVE) System. We are asking for \$1 million to expand this effort. The SAVE System allows States to exchange information with the INS to verify whether applicants for entitlements may in fact be ineligible because of their alien status. The SAVE System may also help to cure the underlying problem of illegal immigration, as it will undercut some of the motivation for illegal entry into the United States.

The Department's role in defending the United States and its Treasury in civil litigation has substantial financial impact and is unfortunately an area where our responsibilities have been increasing dramatically. For 1987, we are requesting 114 new positions and approximately \$5.8 million to help meet these growing responsibilities. The largest segment is for the Civil Division to defend tort claims involving asbestos and radiation.

exposure as well as contract claims. An increase is requested for the Tax Division so that it may undertake its increased burden involving appellate litigation and organized crime drug enforcement matters. The Land and Natural Resources Division, in addition to conducting litigation to enforce the environmental laws, defends the Government in environmental actions. This litigation also has increased. The U.S. Attorneys need more resources for both tort and contract work.

Limited increases or changes are found in other programs of the Department. We propose to expand the U.S. Trustee pilot program in bankruptcy cases to two additional districts where a need has been demonstrated. The Administration also intends to submit legislation to the Congress to transfer to the Department of Justice some of the functions of the Interstate Commerce Commission. The Antitrust Division budget reflects these anticipated additional responsibilities. Finally, no budget request for the President's Commission on Organized Crime is being submitted because the Commission, consistent with its mandate, is completing its tasks during 1986.

Reductions and Savings

The reductions reflected in the budget, although perhaps less popular than the increases, are just as important to implement.

The Department is proposing to charge State and local trainees for costs incurred for travel, meals, and lodging. The costs of instruction and other training expenses will continue to

be borne by the FBI, DEA, and the National Institute of Corrections. Judging from the experience that we have had over the years at the Federal Law Enforcement Training Center at Glynco, Georgia, we think that State and local agencies will be willing to pay a greater share of the costs associated with training. This policy will bring the Justice Department into conformity with other cabinet departments which charge user fees in similar circumstances.

The changes planned for the Office of Justice Programs, are more controversial. It was probably no surprise that the 1987 budget contains no new funding for Juvenile Justice programs, the Regional Information Sharing System, or the Mariel-Cuban grants. This Administration has consistently opposed new funding for these programs. In addition, the Administration has advised Congress of its proposal to rescind 1986 funds that had very recently been appropriated for these programs. This included rescission of the State and local assistance program as well as the obligation limitation established on the Crime Victim Fund. On the latter program, you may remember, the Comprehensive Crime Control Act of 1984 established a ceiling of \$100 million to be spent annually for state, local, and federal crime victims programs. The \$64.9 million limitation for 1986 will allow us to expend all of the funds collected in 1985 for distribution to the States. The \$35 million for 1987 is a significant Federal contribution toward these programs.

The National Institute for Justice and the Bureau of Justice Statistics will continue to provide a nationwide research and development capability. Both of these organizations perform services that can be conducted only on the national level. The 1987 request for the Bureau of Justice Statistics, includes an increase of \$3 million to implement the first phase of the redesign of the Uniform Crime Report. The Administration's budget request also provides level funding for the Public Safety Officers' Benefits Program and Emergency Assistance, and the Missing Children's program.

Before closing, I would like to say a word about the Gramm-Rudman-Hollings sequester process for 1986. The recent decision of the District Court is in one sense gratifying as it confirms in large measure the position asserted by the Department of Justice. We anticipate resolution of the issue in the coming months by the Supreme Court. This litigation, however, must not divert us from our resolve to confront the deficit. Because the District Court's decision has been stayed, and the legislation established an alternative procedure for accomplishing the necessary reductions, our financial plans continue to anticipate a 4.3 percent reduction in 1986 budget authority. We have been studying the programmatic impact of projected budget cuts, and are making plans to ensure our ability to carry out the core Federal law enforcement program.

The Department's budget represents a balancing of the many interests that compete for Federal resources. It candidly favors

those areas that are essential elements in the enforcement of Federal law. In an era that requires more than fiscal restraint, we must allocate resources only where the core functions are involved and where expenditures can be effectively utilized. To do otherwise, is to ignore our substantial responsibilities to the public which needs the protections of both a strong Federal law enforcement program and a fiscally sound budget.

I would like to thank the Committee for this opportunity to present the views of the Department of Justice.