



Department of Justice

STATEMENT

OF

BENJAMIN R. CIVILETTI
ATTORNEY GENERAL

BEFORE

THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

CONCERNING

DEPARTMENT OF JUSTICE AUTHORIZATION

ON

MARCH 11, 1980

Mr. Chairman and Members of the Committee:

I am pleased to have the opportunity to appear before this Committee to seek funding authorization for the activities of the Department of Justice for fiscal year 1981.

Last year, while testifying before the Committee, I stated that the authorization process guarantees that there is a partnership between the Congress and the Executive branch of government in the formulation of policy and program direction regarding this nation's criminal and civil justice system. I reiterate that position, and, again, welcome the opportunity to share with you the Department's program and fiscal plans for FY 1981.

Supporting data and material, including the Department's proposed FY 1981 Authorization bill, have already been submitted to you. I believe these contain sufficient information to assist this Committee in its deliberations. I would like to examine with you at this time the more pertinent factors which influenced our FY 1981 request, and highlight those activities for which we intend to increase our efforts.

Our request reflects three themes. First, our request is consistent with the President's policy of minimizing Federal Government spending to assist in the fight against inflation. Second, it represents our continuing efforts to concentrate funding in our law enforcement bureaus on areas of a national priority which cannot effectively be handled at the state and local level. Finally, the Authorization request reflects our policy of establishing realistic priorities. Priority setting, as you know, often requires difficult trade-off decisions among various programs. This request represents such hard decisions in certain instances.

You will note that while our resource request represents a net decrease in positions, we have increased resources for our highest priority programs. These priorities are consistent with the major initiatives the Department has undertaken in recent years. In the law enforcement and criminal prosecution areas, we propose to apply additional resources to fight organized and white-collar crime, to prosecute criminal civil rights violations, to conduct foreign counterintelligence operations, to address fraud against the Government, and to combat high level narcotics trafficking. In addition, we are encouraging state and local governments to assume more responsibility for crimes which are local in nature and for which there is concurrent jurisdiction. The Department will also diligently investigate and prosecute the denaturalization and deportation cases of alleged Nazi war criminals. I would like to point out here that, to assist you in reviewing our commitment to this effort, we have included a clearly distinguishable provision for this effort in our proposed FY 1981 Authorization bill.

In the corrections area, antiquated penitentiaries will continue to be phased out and we are recommending statutory authority to permit the use of funds from the Support for U.S. Prisoners activity to provide limited financial assistance to improve local detention facilities which house federal prisoners on a contractual basis. In the area of litigation, the Department plans to develop further our litigation support and management systems. Finally, a significant initiative of this Committee during last year's authorization process the appointment of a Special Investigator for the Immigration and Naturalization Service--has also been included in the Department's proposed FY 1981 Authorization proposal.

In the coming weeks, Department officials are appearing before your subcommittees at your request to answer questions on specific programs under their direction. Today, I would like to outline briefly our request in support of our program plans for 1981.

Litigation

Our request for the Department's General Legal Activities is modest and represents an increase of 2.6 million dollars and 38 positions over the current level. Requested staff increases are concentrated on expanding the efforts of our Economic Crime Units, increasing our investigation and prosecution of criminal civil rights violations, and improving our coordination and review of Title VI programs.

To improve our management of existing litigation resources, a top management priority of mine and an area which has been of considerable interest to this Committee, we are requesting resources to develop or improve current automated litigation management and support systems. I feel strongly that we can use current resources more efficiently by utilizing these management techniques, and a member of my immediate staff is coordinating the Department's efforts in this area.

Our request also reflects a 4 million dollar decrease due to the discontinuance of the State Antitrust Grant program, which was begun in 1977. By the end of 1980, 25 million dollars will have been provided to State governments to develop antitrust activities. We believe that this initiative has served its purpose in providing seed money and that it is now appropriate for the Federal Government to end its financial assistance.

For the U.S. Attorneys, we are requesting an increase of 33 positions. This

includes a transfer of 11 positions from the Associate Attorney General's Office for the Legal Education Institute, 4 positions for the Attorney General's Advocacy Institute, which is actively conducting a program to improve attorney training, and 18 positions related to automated information systems. The request also includes 4.5 million dollars to bring the total of on-board U.S. Attorney employment closer to the current authorized position level. I have also made it one of my goals to ensure the highest degree of professional competence for our practicing lawyers. For this reason, I intend to merge the Legal Education Institute and the Attorney General's Advocacy Institute within the Executive Office of U.S. Attorneys. The new unit will be called the Office of Legal Education. The Office will offer courses in administrative and non-litigation matters and will emphasize the effects of new regulations and laws. In addition, techniques of vigorous, and ethical advocacy will be taught through intensive practical training sessions.

Law Enforcement

An effective criminal justice system begins with proper law enforcement activities. The Department of Justice will continue to pursue vigorously the detection and investigation of criminal law violators. For FY 1981, the highest national law enforcement priorities will continue to be foreign counterintelligence activities, organized crime, white collar crime, public corruption, and narcotics trafficking.

To demonstrate our commitment to these priorities, we are requesting an increase in positions for the FBI's organized crime and white collar crime programs. We are confident that these increases will do much to facilitate the prosecution and conviction of major offenders in these areas. The proposed increases are offset by decreases in lower priority programs and more

efficient field programs, such as fugitive apprehension and state and local assistance programs, primarily fingerprint identification. None of these reductions include special agents, and the reductions in the fingerprint identification program are the result of successful automation of the fingerprint program and the conversion of a number of full time positions to part time positions.

The Department's authorization request for the Drug Enforcement Administration includes a personnel increase for domestic enforcement. This will further enable Federal agents to concentrate on the disruption of organized drug trafficking of the most dangerous drugs. Staffing levels will be slightly reduced for state and local assistance programs in areas where state and local governments can assume additional responsibility. A funding level increase of \$1,000,000 is requested to begin development of a voice privacy communication system. The lives of DEA agents and the success of DEA enforcement activities are presently being jeopardized by the interception of operational radio communications.

The authorization request for the U.S. Marshals Service includes modest staff increases for the execution of federal fugitive warrants. In addition, an increase for the Witness Security Program will improve and augment assistance and social services for protected witnesses. These new resources will also enable the Marshals Service to increase extraordinary protection to critical government witnesses whose lives may be in jeopardy because of their testimony.

Staff decreases for the Marshals Service will occur in two areas. There will be a 370 position decrease for the court security program. This decrease will

not result in any actual reduction in security services, but represents the decision to have the Department continue to reimburse the General Services Administration for judicial security guard services in lieu of the Marshals Service establishing its own separate program. Second, we are proposing a decrease of 234 positions as a result of proposed legislation to discontinue the service of civil process for private litigants. Section 8 of our proposed FY 1981 Authorization bill addresses this issue. We believe the service of private process can and should be performed by private enterprise. In the past, the Government's failure to recover the costs involved has had the effect of granting a subsidy to a small segment of society which uses this service. You will note that our proposed legislation makes allowances for this service, however, in the case of indigents or when the court orders it in extraordinary circumstances.

Increases are included for the Immigration and Naturalization Service to help reduce waiting time for adjudications benefits, address the additional workload resulting from increased numbers of Indo-Chinese refugees, and to complete the rehabilitation of the Port Isabel, Texas Service Processing Center. While actual on-board Board Patrol staff will remain at or exceed current levels, the budget requests a modest reduction in authorized positions. We believe that increases of any significant border enforcement personnel should be postponed until the Select Commission on Immigration and Refugee Policy issues its report. This report should assist in developing agreement on statutory changes to remove the incentives for illegal immigration, an action that, we believe, may obviate the need for large resource increases for border enforcement personnel.

I also want to assure you that management practices within INS are receiving my personal attention. As I have stated, the Special Investigator provision, developed by Congress and made part of the FY 1980 Authorization Act, is part of the Department's proposed FY 1981 Authorization bill and we are moving forward on a major management review of INS by the President's Management Improvement Council. I am confident that the results of these two initiatives will greatly assist in improving the management and efficiency of the Immigration and Naturalization Service.

Corrections

Recent prisoner declassification efforts and the increased use of halfway houses have contributed to a reduced federal prisoner population. As a result, the authorization request reflects the closing or phase-down of three antiquated penitentiaries--McNeil Island, Leavenworth, and Atlanta. I am well aware that the closing or restructuring of these antiquated facilities has been a long standing objective of this Committee. We believe our proposed actions address the concerns of this Committee.

New resources are requested for the activation and expansion of previously approved institutions. To assure humane care and custody of offenders, modest staff increases are also requested for inmate services such as medical care, vocational training, and drug aftercare programs. Improved medical care was another major initiative of the Committee last year. Medical services at the Springfield, Missouri Medical Center will be improved and additional resources will be made available to expand and upgrade the quality of medical services at a number of other existing facilities.