



# Department of Justice

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REMARKS OF

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ATTORNEY GENERAL OF THE UNITED STATES

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Luncheon speakers fall into three categories: boring, very boring, and narcoleptic. Not really, a few are humorous, providing small laughs between conference or work schedules. My talk is like the answer to some census categories: "none of the above."

My purpose is to fill the few minutes between dessert and the question and answer session so that anyone who needs to be excused for the restroom can do so without missing anything. Since the speech is short, I expect you to suffer its seriousness politely.

I will describe the present priorities of the Department of Justice in three areas of special emphasis: civil rights and liberties, environmental protection, and criminal law enforcement.

As to civil rights, one of my first initiatives was to develop special civil rights units in the United States Attorneys' offices. These units will establish a pool of experienced investigators and prosecutors who will be better able to litigate civil rights matters. They will provide individuals with a neutral place to come to make complaints. By the end of the spring, civil rights units will be in place and operating in some 35 offices.

A second change I made was in the policy of investigating and prosecuting civil rights cases. In the past, the Department often deferred its own investigations while state

and local authorities conducted their proceedings. In some instances, this practice resulted in unnecessary delays and in the loss of important evidence due to the passing of time. I directed the Civil Rights Division to revise its policies and practices to allow the Department to begin a civil rights investigation (and prosecutions) of serious allegations as soon as they were made.

A third initiative that is being implemented now is in the Department's enforcement of the fair housing laws. We are examining and reviewing zoning, planning and financing arrangements of localities to determine where decisions have been made repeatedly for an illegal discriminatory purpose or effect. Under this approach, we may be able to use our limited resources on the aggravated cases in a way which will bring greater remedial benefit.

A corollary measure to the three I have already described is our current review of the authority vested in United States Attorneys. Certain civil rights statutes required the approval or certification of the Attorney General or head of the Civil Rights Division before a case can be brought. In those instances in which such a requirement does not exist, we are reviewing the delegation of more authority to U.S. Attorneys to take actions on their own. By removing some of the unnecessary levels of review, we can increase the number of cases we bring and expedite our proceedings as well.

The subject of police use of deadly force is an extremely important and difficult one. Surprisingly, it hasn't produced a great deal of empirical or legal research. Consequently, I directed the Law Enforcement Assistance Administration to solicit bids and plans for a study. Last fall, awards were granted to the University of California, the International Association of Chiefs of Police, the National Urban League and the National Council of La Raza to study police use of deadly force. It is my hope that these studies can provide a basis for the promulgation of national guidelines or standards. To further this goal, I formed within the Department of Justice itself a high-level task force to review the current body of material and laws on this subject. This task force will dovetail the work of the LEAA fund recipients so that we can act as quickly as possible on any recommendations that will be made.

One last initiative that I have taken as Attorney General has been to create the position of Civil Liberties Coordinator in the Office of the Associate Attorney General. This coordinator's principal job is to make sure that the Department itself adheres to sound civil liberties principles. To do this, the coordinator's responsibilities include receiving for review and action civil liberties policy questions, monitoring civil liberties issues and problems, and serving as liaison to civil liberties groups and advocates outside of the Department.

I turn now to the field of environmental protection. The Department's Land and Natural Resources Division handles all the government's environmental and natural resource litigation. This involves a wide array of matters involving the Clean Air Act, the Clean Water Act, suits involving outer continental shelf oil lease sales, wildlife matters, cases involving hazardous and toxic wastes, violations of our fishery laws in the 200-mile coastal conservation zone, surface mining matters, parkland acquisition, federal water rights, and on and on.

The Lands Division, which is the smallest of the Department's litigating divisions, has been hard-pressed to carry out its mission in this burgeoning area. Frankly, when the Environmental Protection Agency, the Council on Environmental Quality, and the National Oceanographic and Atmospheric Administration were created eight to ten years ago, the Department did not respond adequately to the emerging challenge.

I have determined to correct this situation. Thus, since I have become Attorney General in August of 1979,

-- I have declared environmental protection to be one of our high priorities for new initiatives;

-- a new section was created in October of 1979 to deal with toxic and hazardous waste;

-- the new Hazardous Waste Section has already filed massive litigation against Hooker Chemical and has also

filed several lesser suits;

-- a second new section was created last October to strengthen our handling of wildlife matters. Its first priority is the massive illegal import of endangered species and/or diseased wildlife into the United States.

In addition to these steps, I have recently made a number of decisions which will further strengthen our efforts in this area.

-- Within a month to six weeks we will organize a radiation hazards unit in the new toxic and hazardous waste section to deal with the Uranium Mill Tailings problem.

-- I have approved an internal transfer of resources within the Department for a new Environmental Enforcement Section which will specialize in enforcing the Clean Air Act and the Clean Water Act. Our efforts to defend EPA from the numerous suits brought against it by industry, environmentalists and others have interfered with our efforts to assist EPA in its affirmative enforcement role. The creation of a new enforcement section will correct this by dedicating a much-needed resource to the enforcement mission.

Incidentally, if you have the idea that I am creating a new vast bureaucracy here, you are wrong. The entire budget of the Lands Division is less than \$15 million. Yet, I believe that this is the most cost-effective environmental protection program in the entire government. Without a

strong litigation effort, hundreds of millions spent by others can go to waste. For example, the government spends billions on sewage treatment plants. If the municipalities don't operate them and maintain them properly, all that money will be wasted. Only a strong and vigorous enforcement capability can ensure that that won't happen. Thus, I believe my efforts in this field are not only necessary but are also cost effective.

I have held three jobs in the Department of Justice during the past three years: Assistant Attorney General in charge of the Criminal Division, Deputy Attorney General, and now Attorney General. Both of my prior positions were primarily concerned with enforcement of the criminal law. Accordingly, the initiatives I have instituted as Attorney General in this area are really extensions of those which Attorney General Bell and I commenced after we came to the Department in 1977.

We live in a federal system in which the funds and the manpower devoted by state and local government to enforcement of our criminal law dwarfs the resources expended by the national government. Nevertheless, there was a time when the Department of Justice, in its criminal law enforcement activities, diffused its constitutional power over interstate commerce, over banking, and so on, to an extent far beyond its practical interest or capacity. The result was that federal authority was frequently used to prosecute crimes which were essentially petty local crimes.

In addition, there was a tendency to measure federal enforcement efforts in terms of the quantity of prosecutions instituted irrespective of the importance of the criminal act or its effect on the community or the country as a whole.

Today we are striving to transform federal law enforcement from a haphazard, if well-intentioned, process into a managed, purposeful mission guided by an analysis of the essential needs of a federal system and assessments of the most efficient means of serving those needs. The first step has been to adopt criteria for determining which among many available cases the federal government should pursue. They were not difficult to define.

We will prosecute those crimes that harm most severely the greatest number of people. We will prosecute those crimes where the states have the least capacity to enforce the criminal law, either because of the truly multi-state nature of the crime, the size of the criminal enterprise, or the specialized kinds of training needed to deal with highly sophisticated types of offenses. Finally, we will prosecute those crimes which substantially undermine the fundamental values and institutions of our society.

On the basis of these criteria, during my administration of the Department we will especially emphasize white collar crime, which includes public corruption, major frauds, and

price-fixing in violation of antitrust laws; racketeering and organized crime activities; and major national and international drug conspiracies.

The means of attacking white collar crime will be through coordination, selective prosecution and targeted investigation. I will use my position as chief federal law enforcement officer to foster coordination between law enforcement agencies within and without the Department of Justice, including Treasury, Transportation, and Defense Departments, and each of the offices of Inspector General.

Prosecutions will be selected by ranking white collar offenses by importance and complexity and referring nonpriority prosecutions to state and local governments.

Finally, we are developing the capacity to target investigations by ascertaining, through careful analysis, what kinds of institutions are most susceptible to white collar exploitation, and we are training specialized personnel to detect these more highly sophisticated types of crime.

It has been a pleasure to be able to discuss with you those aspects of the work of the Department of Justice which I intend to emphasize. I will be happy to endeavor to answer any questions the panel may have.