Originally Processed With FOIA(s):
2025-0878-F

FOIA Number:
2025-0878-F

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U.S. Department of Justice

Accomplishments in Combatting Crime

(1989-1992)

U.S. Department of Justice Accomplishments in Combatting Crime

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U. S. Department of Justice

Office of Public Affairs

Office of the Director

Washington, D.C. 20530

August 20, 1992

MEMORANDUM

TO: ALL UNITED STATES ATTORNEYS

FROM: PAUL J. McNULTY
DIRECTOR, OFFICE OF POLICY AND COMMUNICATIONS

KRISTEN M. GEAR
DEPUTY DIRECTOR OF PUBLIC AFFAIRS

RE: DEPARTMENT OF JUSTICE ACCOMPLISHMENTS IN COMBATTING CRIME

At the request of the Attorney General and Bill Roberts, the Office of Policy and Comminications has put together this notebook containing information about the Administration's attack on violent crime and drugs and the Department's accomplishments from 1989 to the present. In the coming months, we anticipate that the media will raise with you issues about the Department's performance over the last four years, and we want to assist you in responding to these questions. Our hope is that this will become a guide in your preparation for media appearances and speeches.

This book includes the Administration's four point attack on violent crime and drugs, an accomplishments document, talking points on key issues, testimony from the AG's Senate Oversight Hearing, remarks given by the Attorney General when announcing the Violent Crime Report, 24 recommendations to the states and a citizens checklist. The book has been set up so that it can be updated quickly and easily when new information becomes available.

You should start thinking about proactive ways to "get the word out" on these accomplishments. As you know, the media rarely comes to you with a desire to publicize your good work, but it is always interested in your bad news. Therefore, you must exercise some initiative in order to get out the success stories of your office and the Department.

Below, we have listed some suggested ways to use these documents to effectively "get the word out" on the Department's accomplishments in crime:

1. Start thinking *"Big Picture" and "Accomplishments"* - Whenever you are talking to a reporter about a particular issue, try to mention one or two pertinent accomplishments in

the course of your discussion and tie it to the larger story of Administration priorities and accomplishments.

2. Editorial Boards - Editors are usually more interested in the big picture than a beat reporter working on a specific story. Therefore, if you set up meetings with the editorial boards of your local papers you will have an opportunity to showcase the Department's accomplishments.

3. Weekend Television Shows - Early morning weekend TV is usually the time news commentary shows air. This is another good opportunity to get our message out. These shows usually focus on state and local issues, but again you can offer a distinct perspective by explaining the federal role in fighting crime.

4. Op-ed Pieces - Starting now and on into the fall is prime time for writing and placing op-eds in daily and weekly newspapers. OPC is always ready to assist you in drafting and placing articles.

5. Radio Call-in Shows - Radio is an underutilized medium; most people get their news from the radio at least once a day. If there is a popular radio call-in or talk show locally that would take you on as a guest, the numbers of people that can be reached through a couple of shows is amazing.

6. Speaking Engagements - Anytime you deliver remarks to an audience large or small, try to work in the Department's accomplishments somewhere in the remarks.

7. Community Outreach - When you have an LECC meeting or "Weed & Seed" steering committee gathering, try to mention the Department's successes.

Please take some time and read over the enclosed documents. Feel free to call us if you have questions on any of the above items (202/514-2007). And keep an eye out for updates periodically.

THE ADMINISTRATION'S ATTACK ON VIOLENT CRIME AND DRUG TRAFFICKING: A FOUR PART PLAN

Introduction

A. **We've made great progress in the 80s.** We stemmed the tide of violent crime. Gone are the skyrocketing increases in crime of the 60s and 70s.

B. **But, crime rate remains unacceptably high.**

C. **Our plan:** to press forward in the fight against crime and drugs in four areas:

1. **Resources:** law enforcement must have the tools it needs to do the job.

2. **Reform:** we need a stronger, more effective criminal justice system, especially at the state level.

3. **High Impact through Cooperation:** feds must **lean forward** and work with state and local law enforcement for maximum impact.

4. **Integration of Law Enforcement with Social Programs:** social programs cannot replace law enforcement; rather, law enforcement is the foundation for all social progress.

I. Resources

A. **Progress in Last Three Years.**

1. Federal law enforcement resources up 60 percent.

2. Federal prison capacity also expanded by about 60 percent, with money now appropriated to more than double capacity.

3. 12,800 new investigators, prosecutors and other positions at DOJ.

B. **Law Enforcement in Times of Tight Fiscal Resources**

1. Congress rejects full request for federal law enforcement budget last year. (Doesn't look good for this year, either.)

2. Now is no time to cut back -- time to spend where it is needed most.

3. First Duty of Government: safety of our citizens.

II. Reform

A. Introduction: The primary goal is to identify chronic violent criminals and to remove them from our streets where they repeatedly commit violent crimes.

1. **1960s and 70s:** criminal justice system went soft on crime; we did not incapacitate violent criminals.

2. **In the 1980s:** We got tough on criminals. Rights of victims and of society were given greater weight.

   a. **Judicial Appointments:** Reagan-Bush judges curbed liberal excesses, and created a more balanced criminal law jurisprudence.

   b. **Legal Reform at Federal Level:** Federal legislation has provided bail reform; sentencing reform; asset forfeiture; mandatory minimum sentences.

B. Federal Reform - The Unfinished Agenda: The Administration's tough Crime Bill proposes death penalty for certain heinous crimes, stricter penalties for felons with firearms, a broader good-faith exception to the judge-made exclusionary rule, and habeas corpus reform.

C. Legal Reform at State Level

1. Many states lack proper pretrial detention, sentencing schemes, working juvenile justice systems, prison space.

2. Tragic experience proves: No substitute for prisons.

3. **Violent Crime Report:** DOJ recently released 24 specific recommendations for strengthening state systems, including: truth-in-sentencing guidelines, updated evidentiary rules, juvenile justice reforms, and victim protection provisions. Includes "Citizens Checklist".

III. High Impact through Cooperation

A. "Teamwork" among Federal, state and local law enforcement is at an all-time high.

1. **Task Forces:** joint efforts on violent crime, drugs, and fugitives.

forensic technology, and criminal histories.

3. **Asset Forfeiture:** in FY 1991, we shared almost $290 million in federally forfeited cash and property with state and local law enforcement, and recently we topped the $1 billion mark in state and local sharing.

B. Leaning Forward: Feds are having high impact in cooperation with state and local law enforcement.

1. **Organized Crime:** Tremendous success over the past decade.

2. **War on Drugs:** Commitment and success greater than ever.

   a. Drug use by youth nearly half of what it was in mid-80s.

   b. Long-term: war of attrition fought on the battlefield of values.

3. **Felons who use Firearms: Project Triggerlock.**

   a. Working with local police, federal prosecutors have charged over 7,000 violent offenders since April, 1991 (conviction rate: 96%).

   b. These are long, mandatory minimum sentences -- no probation, no parole.

4. **Gangs: A top federal priority.**

   a. Recent transfer of 300 FBI agents from counter-espionage to anti-gang squads and violent crime task forces.

   b. Neighborhoods are being reclaimed in cities across the nation, including Boston, Chicago, Detroit, and Washington, D.C.

   c. In Philadelphia, federal and local forces joined to wipe out **38** gangs, and convicted **600** key gang members.

5. **Fugitives: Operation Gunsmoke.**

   a. Early this year, this massive manhunt rounded up more than 1300 dangerous fugitives with records of firearm violence.

IV. Integration of Law Enforcement with Social Programs

A. Two Fallacies about Law Enforcement Spending

1. "Root Causes": Money should be spent on social programs, not law enforcement.

2. The Truth: No social programs can work in an atmosphere of violence and crime.

3. "Can't Afford It": Justice costs too much.

4. The Truth: We cannot afford not to invest in law enforcement. It's crime that costs too much.

B. Weed and Seed: An Integrated Approach

1. Hardest-hit neighborhoods are targeted for intense law enforcement through federal-state-local partnership; violent offenders, drug dealers, and gang members are **"weeded"** out for good.

2. **Community policing** is put in place to make sure that the ground, once taken, is held; community joins police in patrolling neighborhoods so that violence does not return.

3. Social programs such as job training, enterprise zones, drug treatment centers and youth programs are **"seeded"** into the targeted neighborhood -- in the same place, at the same time, in a mutually reinforcing way.

4. Currently, 20 designated Weed And Seed cities; House recently approved $500 million for 1993 Weed and Seed programs established within enterprise zones.

Conclusion

A. The challenges we face are formidable.

B. If we invest adequate law enforcement resources, work to achieve needed reforms and integrate our law enforcement with social revitalization efforts cooperatively while seeking high impact, then we will achieve tremendous progress in the struggle against violent crime in America.

# # #

U.S. Department of Justice

Office of the Attorney General

1992 Accomplishments Report

[July '92: FOR INTERNAL USE ONLY. NOT FOR DISTRIBUTION]

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INCREASED RESOURCES

Since 1989, the Justice Department has received substantially more resources, demonstrating the Bush Administration's commitment to vigorous law enforcement.

BUDGET INCREASE. The Department saw its budget increase by 56 percent -- from $6.690 billion in FY 1989 to $10.457 billion in FY 1992. FY 1993 budget request of $11.433 billion would constitute a 71% increase over FY 1989.

ADDITIONAL PERSONNEL. From FY 1989 through FY 1992, the Department added over 12,434 new positions, increasing the number of persons investigating and prosecuting violent crime, drug trafficking, organized crime, S&L fraud, public corruption, civil rights violations, and environmental crimes. These include new Drug Enforcement Administration (DEA) and Federal Bureau of Investigation (FBI) agents, Border Patrol officers, Deputy U.S. Marshals, and Correctional officers.

NEW AUSAs. More than 1,200 new Assistant U.S. Attorney positions were among those authorized between FY 1989 and FY 1992 to address violent crime, financial institution fraud, drug prosecutions and other fraud against the government. This represents an increase of about 40%.

INCREASED PRISON CAPACITY. During this period, the Department initiated a major expansion program, which will more than double the Federal prison capacity.

COMBATING VIOLENT CRIME

The Justice Department has dramatically stepped up its efforts to combat violent crime. While fighting violent crime remains primarily a state and local responsibility, the Department is committed to doing everything it can to help reduce violent crime by incarcerating violent criminals for lengthy sentences.

The problem of violent crime is largely the problem of repeat violent offenders -- a small group that commits a large share of the violent crime in this country. The Department has adopted a multi-faceted approach, in coordination with state and local law enforcement, for dealing with violent crime: (1) additional resources for law enforcement across the board, including more police, more prosecutors, and more prisons; (2) reform of criminal justice systems to stop "revolving door" justice; (3) joint operations to target and incarcerate repeat violent offenders; and (4) programs like Weed and Seed to coordinate tough law enforcement with social programs to rehabilitate the community and allow law abiding citizens to take back their streets.

PURPOSE. Studies and experience show that incarcerating a relatively small number of violent offenders can have a significant impact on the amount of violent crime. The Department is committed to doing everything it can, in cooperation with state and local law enforcement officials, to incarcerate violent offenders for long periods.

PRIORITY AREAS. All U.S. Attorneys have made violent crime a priority. A new Terrorism and Violent Crime Section was established in the Criminal Division in response to the increased attention to this priority. In addition, the FBI added crimes of violence to its list of national priorities, established the Violent Crimes and Major Offenders Program, and expanded its use of Safe Streets Task Forces to investigate these crimes. The Department has implemented several major new initiatives designed to fight violent crime, described below:

WEED AND SEED. Weed and Seed is an innovative, broad-based federal program targeting inner-city crime and poverty. It is based on the premise that we need to coordinate tough law enforcement with smart social programs that help to create opportunity to reclaim communities. It targets low-income, high-crime neighborhoods, first "weeding" them with enhanced law enforcement efforts and then "seeding" them with increased social services, ranging from job training to drug treatment. Building on programs developed independently in Philadelphia, the Weed and Seed strategy is being implemented in funded pilot sites in Kansas City, Missouri; Trenton, New Jersey; and Omaha, Nebraska.

In the Spring of 1992, the Department expanded the pilot phase of the Weed and Seed program to 16 additional demonstration sites. Each of these sites will receive at least $1.1 million over the course of a year, with about $613,000 coming from FY 1992 funds. As part of the response to the civil disturbances in South Central Los Angeles following the Rodney King verdict in April 1992, a special Weed and Seed program has been established there. In addition, a number of cities other than those receiving specific Weed and Seed funding are adopting elements of the Weed and Seed strategy.

Congress is in the process of considering legislation for the Weed and Seed program for FY 1993 and beyond. The President's Budget proposed a substantially expanded Weed and Seed effort in FY 1993 ($500 million.)

PROJECT TRIGGERLOCK. In April 1991, the Department initiated Project Triggerlock, an important part of the third component of our anti-violent crime agenda: joint operations with state and local law enforcement targeted at repeat violent offenders. Task forces were established in all 93 U.S. Attorneys' offices to coordinate the efforts of federal, state and local law enforcement agencies to use federal firearms laws to assure the lengthy incarceration of armed criminals. As of July 31, 1992, more than 8,200 defendants have been charged.

- Project Triggerlock charges now account for more than 10% of federal prosecutions. In the first full year of Triggerlock, federal firearms prosecutions have more than doubled our prosecutions in recent years.

- The average sentence received by an armed career criminal under Project Triggerlock is 18 years, without parole.

GANG INITIATIVE. To further the first component of the anti-crime strategy, which calls for additional resources, on January 9, 1992, the Attorney General announced an anti-gang initiative that will build on a significant expansion of federal resources to combat gangs. Three hundred FBI agents are being reassigned from counterintelligence work to assist state and local law enforcement efforts and to augment the 1,600 FBI agents already assigned to violent crime. At present, 64 task forces of FBI, other federal, and state and local law enforcement officers operate in 42 cities to attack violent crime. Fifty new FBI agents have joined the anti-gang investigative teams in California as announced in the summer of 1992. Additional agents will be assigned to the effort in FY 1993. The new initiative also includes the creation of FBI-ATF anti-gang task forces.

PHILADELPHIA VIOLENT TRAFFICKERS PROJECT. Created in 1988, this initiative has broken the back of gang violence in Philadelphia. This initiative is another example of joint federal and local law enforcement operations to target and incarcerate violent criminal offenders. More than 600 gang members from 30 separate gangs are now serving time in federal prisons, including such infamous groups as the Junior Black Mafia and OK Corral

Gang. Largely as a result of this effort, drug-related homicides were down 38%. Philadelphia was the only one of the 10 largest American cities to experience a reduction in homicides last year, down 11 percent.

OTHER MAJOR GANG OPERATIONS. Joint operations to target gang activities have resulted in indictments and successful prosecutions throughout the country. These anti-gang efforts have occurred, for example, in Chicago (El Rukns and Vice Lords), Washington, D.C. (R Street Gang), as well as in Boston, Detroit and New Haven.

OPERATION FALCON. Initiated in Newark in 1990, this FBI Task Force worked with state and local authorities to arrest more than 280 violent offenders during its first year. During the same period, violent crime in Newark declined by 13 percent -- the first decline in the violent crime rate in five years.

VIOLENT CRIME REPORT. On July 28, 1992, the Department released a blueprint for fighting violent crime at the state and local level in a report entitled "Combating Violent Crime: 24 recommendations to Strengthen Criminal Justice." These recommendations would toughen state criminal justice systems and stop "revolving door" justice.

STATE PRISON CAPACITY. A major deficiency in the criminal justice system is the shortage of prison capacity in many states. In January 1992, in a policy shift intended to help states increase prison capacity, and thereby, to combat "revolving door" justice, the Attorney General announced that the Justice Department would be receptive to state efforts to remove court-imposed caps on prison population that were not constitutionally required. The Attorney General also hosted a Prison Summit to discuss ways to increase state prison capacity. The Department has joined with the States of Texas and Michigan and the City of Philadelphia in their successful attempts to regain managerial control of its correctional facilities from the courts.

FUGITIVE ARRESTS. As part of its strategy to target and incarcerate serious offenders, the Department has aggressively pursued fugitives.

- o <u>USMS</u>. The U.S. Marshals Service has carried out aggressive fugitive apprehension programs.
  - During Operation Southern Star in 1990 and Operation Sunrise in 1991, U.S. Marshals worked closely with state and local law enforcement officials to apprehend 5,238 major fugitives.
  - Since January 1989, 24 of the fugitives who made the U.S. Marshals Service's list of "Most Wanted" fugitives were tracked down and arrested by Deputy U.S. Marshals or other law enforcement authorities. Those captured included bank robbers, kidnappers, murderers and drug traffickers.

- During Operation Gunsmoke, 3,300 of the most dangerous fugitives were arrested and detained in 68 days in the Spring of 1992.

o **FBI.** The FBI made significant gains in fugitive arrests, more than tripling the number arrested from 1989 to 1992.

ANTI-CRIME LEGISLATION. The President submitted a strong crime package to Congress last year, that would have furthered our objectives of reforming the criminal justice system and targeting and incarcerating repeat violent offenders. The major provisions of the 1991 Crime Bill would have: (1) authorized the death penalty for certain federal offenses; (2) curtailed abuses of the writ of habeas corpus; (3) reformed the exclusionary rule by admitting into evidence items seized in good faith where warrants are not required; and (4) strengthened federal firearms laws by adding a mandatory minimum sentence for felons in possession of a firearm.

OTHER HIGHLIGHTS. Other Departmental efforts against violent crime since 1989 include the following:

o An unrelenting federal investigation led to the arrest in November 1990, of Walter Lee Moody, Jr. for the mail bomb murders of U.S. Circuit Court of Appeals Judge Robert S. Vance in Savannah, Georgia, and alderman and NAACP leader Robert E. Robinson. Moody was convicted in June 1991, and subsequently sentenced to seven life terms plus 400 years in prison.

o The Office of Justice Programs (OJP) has undertaken a unique role by identifying and developing solutions to the problems of gang violence and drug trafficking. In addition to funding elements of the Weed and Seed program, OJP has provided additional resources for state and local law enforcement and has sponsored demonstration projects designed to target and incarcerate gang members. OJP made gang control programs one of 10 priorities for Federal grant funding in FY 1991, allocating more than $5.1 million for comprehensive programs to prevent and suppress illegal gang activity. In addition, OJP allocated $11.1 million for community based programs and $473 million to the states in formula grants that may be used for gang and violent crime programs.

  In addition, the Bureau of Justice Statistics (BJS) expanded its "Urban Street Gang Drug Trafficking Enforcement Demonstration Project" to five sites during 1991. In San Diego, this joint operation has been very successful in breaking up drug trafficking gangs and in prosecuting gang members. The project involves the U.S. Attorney's Office for the Southern District of California and numerous state and local law enforcement agencies and has resulted in the arrests of more than 185 hard core gang members.

- The Witness Security Program is a powerful weapon against violent and organized crime, enabling the most serious offenders to be successfully prosecuted. Protected witnesses have testified against members of LCN families, as well as against major drug cartels and other organized crime groups, including motorcycle, Jamaican, and Asian gangs. The program works -- the conviction rate in trials where the testimony of protected witnesses was offered is more than 86 percent. Since 1989, 701 new principal witnesses have entered the program, bringing to 13,176 the total number of witnesses and family members under protection. No witness following the security guidelines of the Program has been killed.

VIOLENT CRIME SUMMIT. In March 1991, 650 leaders in law enforcement from across the nation gathered in Washington, D.C. to exchange views, share innovative strategies, and improve cooperation. This conference helped craft the Justice Department's approach to curbing violence in our communities.

DRUG ENFORCEMENT

Drug enforcement remains a top Departmental priority. It is a vital part of the fight against violent crime. During FY 1991, the Justice Department provided approximately one-half of the federal personnel involved in the drug war. The Department has successfully prosecuted drug kingpins and violent traffickers, achieved record drug seizures, and worked cooperatively on numerous international and multiagency cases and initiatives. During FY 1989 through 1991, U.S. Attorneys filed 33,152 indictments involving 67,933 defendants.

PHILOSOPHY. The drug war will ultimately be won on the demand side, and we have made significant progress there, in large part as a result of the change in values attributable to vigorous enforcement. We have also made progress on the supply side, both domestically and internationally, by successful investigations, prosecutions, and seizures, and by putting into place the tools needed for further success. Drugs and drug trafficking cause a larger amount of the violent crime that plagues this country and the drug war is an essential part of the fight against violent crime.

OCDETF. Through the Organized Crime Drug Enforcement Task Forces (OCDETF), the Justice Department is a major partner in implementing the President's supply reduction strategy. The goal of OCDETF is to identify, investigate, and prosecute members of high-level drug trafficking organizations and to destroy their operations. This coordinated attack on drug traffickers now includes seven Justice Department agencies, three Treasury Department agencies, and the U.S. Coast Guard.

- From October 1, 1988 through May 31, 1992, OCDETF investigations resulted in 6,883 indictments filed against 21,163 defendants.

- Since the program's inception in 1983, over 12,000 indictments have been brought, naming over 40,000 defendants. OCDETF has achieved an 85% conviction rate.

- With budget increases of 69 percent from FY 1990 to FY 1992, OCDETF now has $363 million to direct against the largest and most vicious drug trafficking organizations.

HIDTA. The Anti-Drug Abuse Act of 1988 designated five regions of the United States as "high intensity drug trafficking areas." These areas are New York/New Jersey, Los Angeles, Miami, Houston, and the Southwest Border. The Justice Department, primarily through the OCDETF program, coordinates drug enforcement activities in the four metropolitan areas, while the Treasury Department administers the Southwest Border area.

- During fiscal year 1991, the Justice Department received $44 million to establish multi-agency HIDTA task forces, acquire needed equipment, and improve multi-jurisdictional enforcement initiatives that collect intelligence and target money launderers and violent drug gangs. For fiscal year 1992, the Department received $48 million for these purposes.

MARIJUANA AND METHAMPHETAMINE ENFORCEMENT. Enforcement efforts against these two domestically produced drugs have been extremely successful. Availability of marijuana is down and price is up substantially. Manufacture of methamphetamine is also down substantially.

- Clandestine laboratory activity, as reflected by seizures in the United States declined by 35% during 1990, and an additional 38% during 1991. This has resulted in a reduction in the abuse of amphetamine and methamphetamine by 45%, as reported by the Drug Abuse Warning Network. Some of this success is attributable to the 1988 Chemical Diversion and Trafficking Act, which has reduced the availability of the precursor chemicals necessary to manufacture these drugs.

DRUG ENFORCEMENT HIGHLIGHTS. The following are a few examples of the Department's outstanding efforts since 1989.

Drug Kingpins and Violent Traffickers

- In April 1992, former Panamanian leader Manuel Antonio Noriega was convicted in Miami on eight counts of drug trafficking and racketeering. He was sentenced in July 1992 to 40 years in prison.

- During February and March of 1992, 25 of 30 defendants indicted in Puerto Rico in November 1990 as part of Operation Treasure Chest pled guilty to drug trafficking charges. In May 1992, the lead defendant, Ramon Torres-Gonzalez, received an 18 year prison sentence for operating a continuing criminal enterprise. Torres-Gonzalez also forfeited cash and assets valued at $22 million.

- In January 1991, former Bolivian Army Colonel Luis Arce Gomez, aka "Minister of Cocaine," was convicted in Miami of conspiracy to smuggle narcotics into the United States and received a sentence of 30 years in prison.

- In August 1990, Operation Leyenda led to the conviction of four defendants on various charges related to the kidnapping, torture, and murder of DEA Special Agent Enrique Camarena and the murder of two American tourists in Guadalajara in 1985. The investigation revealed a multi-billion dollar drug trafficking organization in Mexico that was run with the complicity of senior Mexican law enforcement officials.

Major Drug Seizures. Working with other federal agencies, the Justice Department has seized record quantities of illicit drugs. Since 1989, the Department has seized more than 211,060 kilograms of cocaine, 2,311 kilograms of heroin, and 579,434 kilograms of marijuana and hashish. The magnitude of these seizures is remarkable.

- **Cocaine**. In September 1989, federal, state, and local agents seized $12 million in cash and a record 20 tons of pure cocaine in a Los Angeles warehouse. A December 1991 search of a concrete post shipment that arrived in Miami from Venezuela revealed approximately 27,000 pounds of cocaine hidden inside.

- **Heroin**. In May 1991, U.S. Customs Service and DEA agents made the largest seizure of pure heroin in U.S. history -- 1,086 pounds, with a wholesale value estimated at over $1 billion.

- **Marijuana**. Since 1989, Operation Slugger, which targets domestic marijuana cultivation, has resulted in the arrests of 113 persons, the destruction of more than 503,000 pounds of marijuana in 10 states, and the forfeiture of approximately $2 million in cash and assets.

- **Sinsemilla**. In the largest indoor marijuana cultivation case in law enforcement history, 12 defendants were convicted in the District of Arizona of cultivating 26,500 sinsemilla marijuana plants in three indoor growing operations in Arizona and California. The seizure was made in October 1990. One site featured a high-technology cellar specifically designed for the indoor growing of marijuana and was designed with air conditioners, evaporative coolers, ventilation systems, and high intensity lights.

- **Operation White Mare**. Began in 1988 and targeted Asian heroin and cocaine importing organizations operating in the United States, Canada, Hong Kong, Singapore, and Thailand. This operation has resulted in the arrests of 55 persons, and the seizure of almost 900 pounds of pure heroin, and $4.5 million in cash.

International Cooperation

- **Thailand**. Through June 1992, DEA agents and Royal Thai police have arrested 468 persons and dismantled a major Southeast Asian marijuana smuggling organization. Assets valued at more than $107 million have been forfeited to the U.S. Government. In a separate case in May 1991, DEA agents and Royal Thai police seized 444 kilograms of heroin aboard a fishing trawler -- the third largest seizure in Thai history.

- **Colombia**. In November 1991, DEA and Colombian authorities conducted 23 raids within the cities of Bogota, Barranquilla, Pereira, and Cali. These raids produced

approximately 200,000 financial records, including actual recordings of drug transactions, bank accounts, documented purchases of valuable assets, identification of corporate facilitators, and Cali cell and comptroller ledgers. Following a second raid a month later, 35 companies in Colombia have been identified as narco-dollar facilitators, 52 bank accounts in Bogota have been frozen, as well as 85 accounts in Miami.

- **Mexico.** In early 1990, the Government of Mexico, with assistance from DEA and other federal agencies, initiated a major cocaine interdiction program called the Northern Border Response Force to interdict cocaine laden aircraft/vessels using Mexico as a conduit into the United States from South America. In 1991, the operation resulted in the seizure of 17,561 kilograms of cocaine, 23 aircraft and the arrest of 16 violators. In addition, the Government of Mexico provided information to other Latin American countries that resulted in additional seizures and arrests.

- **CATF.** The Department chaired the Chemical Action Task Force (CATF), which is composed of 25 chemical producing, transit, and importing countries and several international organizations. The CATF continues to examine the issue of chemical diversion and has recommended specific actions in response to this problem.

Multi-Agency Cooperation

- **State and Local Task Forces.** DEA has increased its federally funded State and Local Drug Task Force Program significantly. In support of the President's National Strategy, there are, as of July 1992, a total of 70 Task Forces and 24 provisional Task Forces representing approximately 485 Agents and 1,300 state and local officers. Since 1989, these state and local drug task forces have initiated over 16,000 cases and made close to 20,000 arrests.

- **Financial Investigations.** In November 1991, the Multi-Agency Financial Investigations Center (MAFIC) was established to form the nucleus of the U.S. Government's first totally coordinated effort to attack the profits of the narco-traffickers' enterprises. The MAFIC provides a forum for federal agencies to share their expertise and their resources through one coordinating body. The newly created MAFIC concept, combined with DEA's Operation Royal Flush, has resulted in the seizure of over $200 million from the Colombian cartels.

ORGANIZED CRIME

The Department has continued its aggressive attack against organized crime. Numerous La Cosa Nostra (LCN) families now lie in disarray while others have been weakened by federal prosecutions. Reorganization of the Organized Crime Program strengthened the Department's ability to focus on the growing criminal threats from Asian gangs and Italian-based crime syndicates, and to ensure that no other criminal organization ever achieves a level of power comparable to the LCN. As with the drug war, the attack on organized crime is an important part of our overall fight against violent crime.

MAFIA BOSSES. LCN family bosses in New York, New Jersey, New England, Philadelphia, Pittsburgh, Chicago, St. Louis, and Cleveland have been indicted and/or convicted since 1989. Since 1981, 23 LCN bosses, 14 underbosses, 5 consiglieres, and 65 capos from 20 different LCN families have been convicted.

- In April 1992, in New York, John Gotti, boss of the Gambino LCN, and Frank Locascio, the family's underboss, were convicted on RICO charges including murder, loansharking, illegal gambling, and obstruction of justice. Gotti received five concurrent sentences of life imprisonment for RICO and related federal homicide convictions. Codefendant Frank Locascio received three concurrent life sentences.

- In Philadelphia, the Department decimated the LCN family by convicting its boss, Nicodemo Scarfo, and 16 LCN co-defendants on RICO charges, including drug trafficking, extortion, gambling, and murder. In 1989, Scarfo was sentenced to 55 years in prison.

- The entire hierarchy of the New England Patriarca LCN family, including the boss, underboss and numerous capos, were charged in March 1990 with racketeering, including murder, over a 15-year period. Eight members, including underboss Nicholas Bianco, were convicted in August 1991.

- Vittorio Amuso, boss of the Luchese LCN, was convicted in June 1992, in a RICO case concerning the control by organized crime of the window replacement industry in New York. Amuso was convicted on 54 counts including numerous murders and attempted murders.

- In Chicago, Leonard Patrick pled guilty to RICO and RICO conspiracy in April

1992. Members of the Joseph Ferriola Street Crew of the Chicago LCN were convicted in March 1992 of RICO offenses based upon the predicate racketeering acts of murder, gambling, extortion and unlawful debt collection.

LABOR RACKETEERING AND CIVIL RICO. Civil RICO has proven to be particularly successful in controlling labor racketeering, as exemplified below:

- In March 1989, the Department successfully capped a three decade effort to root out organized crime influence from the leadership of the Teamsters Union. As part of a settlement of civil RICO charges brought against the union, court appointed officers have been named to administer the Union and investigate corruption charges. For the first time in history, the members freely elected the president of the International Union.

- Civil racketeering charges were filed in December 1990 against the president of the Hotel and Restaurant Employees International Union in Atlantic City. According to the indictment, the leadership of the Union worked with the Scarfo LCN family to dominate the Union's affairs through a two-decade pattern of murder, extortion, and other crimes. Since April 1991, a court-appointed monitor has overseen the Union.

- A massive civil racketeering lawsuit was filed in February 1990 against top officers of the International Longshoremen's Association and dozens of organized crime figures for an alleged takeover of the New York and New Jersey waterfronts. A settlement agreement was reached in March 1991 that includes consent decrees against most of the locals.

MEDICAL BENEFITS FRAUD. The Department has successfully prosecuted cases in districts all over the country involving corrupt operators of Multiple Employer Welfare Arrangements (MEWAs). These operators offer benefits to small employers at below-market premiums, but fail to maintain reserves for claims, while embezzling premiums received.

- In the Eastern District of North Carolina, a MEWA operator was sentenced in November 1991 to ten years in prison following a guilty plea involving unpaid medical claims of $2 million by 2500 plan participants.

- In the Western District of North Carolina, five MEWA operators were sentenced in May 1992 to prison terms up to 6 1/2 years for crimes resulting in over $2 million in unpaid medical claims.

- In Massachusetts, a former MEWA operator was sentenced in June 1992 to six years in prison and restitution of $1.9 million following guilty pleas in Boston and Atlanta involving unpaid medical claims of approximately $4 million.

ASIAN ORGANIZED CRIME. The growing problem of Asian Organized Crime was highlighted by a 1991 meeting in San Francisco of high-level officials from 11 nations.

- The On Leong Chinese Merchant's Association and its affiliated chapters in Chicago, Houston, and New York, and 29 individuals were charged in August 1990 in Chicago with running a nationwide racketeering enterprise. These charges resulted in 21 convictions.

- In the first major initiative of the FBI's Asian Organized Crime Subprogram, Operation Shadow Wall led to the indictment in August 1990 of seven members and associates of the 14K Triad for engaging in racketeering activities in Massachusetts, New York, and Hong Kong. Five defendants have pleaded guilty.

- In March 1992, seven members of a Vietnamese street gang in New York City known as "Born to Kill" were convicted in Brooklyn on RICO charges and other charges arising out of crimes against Asian-Americans, including murders.

- In April 1992, Chen I. Chung and eight other persons were convicted in Brooklyn on RICO charges involving a Chinese gang called "Green Dragons," which engaged in crimes including murder, kidnapping, armed robbery, extortion, illegal gambling, and bribery.

PRISONS AND JAILS

Faced with a rapidly growing prison population, the Bureau of Prisons (BOP) undertook its largest expansion program in history. With the funding that has been provided, the prison capacity will more than triple from 1989 through 1997. At the same time, the Bureau is enhancing its ability to address prisoner needs with new programs and intermediate punishments.

PRISON CAPACITY. Since 1989, the capacity of the Federal Bureau of Prisons has increased by 18,000 beds. This has been accomplished by the construction of new prisons, the expansion of existing institutions with new housing units, the conversion of surplus facilities to correctional use, and through efficiencies associated with policy changes. Through a cooperative effort with the Department of Defense, the Bureau is taking advantage of the opportunity to convert closing military facilities into prison facilities as part of its capacity expansion program.

- During this Administration, approximately $2.8 billion has been provided for the construction and expansion of Federal prisons in order to meet continuing increases in the Federal inmate population. This will provide an increase in capacity for more than 43,000 additional inmates during the next 5 years.

INMATE PROGRAMS. BOP completed a landmark, multi-year study that clearly demonstrates that its work and training programs can reduce recidivism among released offenders. During this period, BOP also:

- Increased the number of inmates employed by Federal Prison Industries by employing over 31 percent of the inmates eligible to work.

- Raised the mandatory literacy standard to the high school diploma level or its equivalent for all inmates. Achievement of this literacy standard is required for promotion to the highest paying jobs in Federal Prison Industries and other institution assignments.

- Continued to expand the drug abuse programs for confined prisoners, spending about $21.5 million for drug abuse treatment during FY 1992.

INTERMEDIATE PUNISHMENTS.

- BOP continued to develop and implement programs in the area of intermediate punishments, opening an Intensive Confinement Center (an adaptation of the boot

camp) in Pennsylvania and another Center for Female inmates in Texas; initiating nine Urban Work Camps, with inmates working for another federal agency; and converting a pilot program, initiated with the U.S. Probation Service, for the use of Electronic Monitoring into a regular program in which electronic monitoring is now available in 76 of 94 judicial districts.

- Through the Office of Justice Programs, the Department has funded state demonstration boot camp projects and has also examined other types of intermediate punishments.

- The National Institute of Corrections (NIC) and State Justice Institute have a joint Intermediate Sanctions Project which has worked with 25 jurisdictions. The project provides significant training, technical assistance, and information and networking services.

TALLADEGA HOSTAGE CRISIS.

- In August 1991, the Justice Department successfully resolved, without any injuries, the dangerous crisis at the federal prison in Talladega. Cuban detainees, awaiting deportation, had seized 10 hostages.

COURT-ORDERED POPULATION CAPS FOR STATE PRISONS.

- In 1992, Attorney General Barr announced that it is the policy of the Department to support the efforts of states to modify existing consent decrees that impose burdens greater than those required by the Constitution. The Department is currently providing support to Michigan and the City of Philadelphia, and recently supported a motion by Texas to terminate its 20-year-old litigation.

- The Department developed legislation that would enhance the ability of states and localities to avoid prolonged judicial supervision of their prisons and jails.

ASSET FORFEITURE

Asset forfeiture has proven to be one of the most powerful tools available to law enforcement, allowing the government to obtain cash and property used in or derived from the proceeds of criminal activity, primarily drug trafficking, money laundering, and racketeering. Forfeiture is being used increasingly in white collar cases.

- Since 1989, over $2.1 billion in cash and property has been forfeited under the Asset Forfeiture Program.

- During this period, forfeited assets have been used for a variety of purposes, including:

  - Over $770 million in forfeited cash and tangible property **was shared with State and local law enforcement agencies.** Sharing has fostered cooperation with state and local law enforcement, and has provided them with an infusion of needed resources.

  - Over $500 million was provided for the **construction and activation of federal prison facilities.** This money will fund almost 18% of the Administration's bed expansion program.

  - Another $166.5 million was transferred to ONDCP for implementing the **National Drug Control Strategy.**

  - Over $345 million in program management and investigative funds and tangible property has been invested in the anti-crime efforts of the **federal law enforcement agencies** participating in the Program.

- At the end of June 1992, the U.S. Marshals Service had custody of over 32,000 seized properties, valued at over $1.5 billion, being held pending forfeiture. Included is the Seized Asset Deposit Fund, a special holding account for seized cash at the Treasury Department, with a balance of $336.1 million. This inventory of seized properties has nearly doubled during the Bush Administration.

- Through its foreign asset sharing program, the Department encourages international law enforcement cooperation. Since 1989, foreign sharing has exceeded $14 million, resulting from cooperation with the United Kingdom, Canada, Switzerland, Colombia, and other nations on narcotics-related forfeiture investigations.

MONEY LAUNDERING

Since 1989, the Department has stepped up its attack on criminal enterprises through its prosecution of money laundering cases. The Department recognized that money laundering is an integral part of the operation of virtually all organized criminal activities including drug trafficking, as well as a critical aspect of tax evasion and fraud schemes. In March 1991, a Money Laundering Section was created in the Criminal Division to facilitate use of money laundering statutes against these syndicates. Also, the Department has been a driving force in stimulating much needed international cooperation in this area.

POLAR CAP.

- On November 25, 1991, in "Polar Cap V," a total of 57 defendants (including two corporations) were charged in the operation of a coast-to-coast ring that laundered millions of dollars obtained from the sale of Colombian cocaine, with money laundering and/or narcotics trafficking in five judicial districts. To date, 41 persons have been arrested. Seizure warrants were served on bank accounts throughout the country, with $13.5 million frozen to date. The Department has also asked 11 foreign countries to freeze accounts. Searches have uncovered large quantities of cash, gold, Uzi machine guns, and financial records.

- The first four Polar Cap investigations resulted in the indictment of over 120 money launderers and their confederates, the confiscation of over one ton of cocaine and 19,000 pounds of marihuana, and the seizure for forfeiture of over $100 million in cash, jewelry, and real estate.

EXPANDING INTERNATIONAL COOPERATION.

- The Department participates in the Financial Action Task Force (FATF), composed of representatives from twenty-three countries, which examines the statutory and regulatory systems of FATF members in order to improve their effectiveness in combatting money laundering through the international banking system. The FATF also works to enhance multilateral legal assistance among its members.

- The Department participates in the Caribbean Action Task Force, a follow-up to the FATF, which focuses on combatting drug trafficking and money laundering, and provides expanded asset forfeiture mechanisms specifically tailored to meet the needs of the Caribbean and Central American region.

- The Department is working with other countries to draft model regulations on money laundering and asset forfeiture and has negotiated bilateral anti-money laundering agreements, or is in the process of doing so, with several countries, including Venezuela, Peru, and Ecuador.

FIGHTING FRAUD AND PUBLIC CORRUPTION

The Justice Department considers white collar crime -- fraud and public corruption -- a top priority and a major threat to the nation's well-being and economic health. In addition to the huge financial losses they impose on their victims, these crimes can undermine confidence in the nation's public and private institutions. During the past three years, the Department -- through the FBI, U.S. Attorneys, and the Civil, Tax, and Criminal Divisions -- has expanded its resources to deal firmly and swiftly with white collar crime. These new efforts include special offices and task forces to investigate and prosecute patterns of white collar crime as well as emerging areas of economic crime. The Department's top three priorities are financial institution fraud, health care fraud, and defense procurement fraud.

FINANCIAL INSTITUTION FRAUD. In June 1990, the Attorney General appointed a Special Counsel for Financial Institutions to coordinate investigations and prosecutions in this area. In February 1991, the Attorney General created the New England Regional Bank Fraud Task Force with its headquarters in Boston. Since 1989, the Department has dramatically increased resources devoted to FIF, adding 493 attorneys. In addition, Secret Service Agents and IRS Agents (from the Department of Treasury) have been assigned to support FIF efforts. Almost 900 FBI agents are now working major FIF and failure cases and the U.S. Marshal's Service recently added staff to an asset seizure and recovery initiative.

- o **Overall Statistics**. From FY 1989 through the third quarter of FY 1992, the Department charged 3,270 defendants in major financial institution fraud cases. During that period, 2,603 defendants were convicted -- a 96% conviction rate. Of those convicted, 77% were sentenced to prison terms. In addition, approximately $37 million in court ordered restitution has been recovered and an additional $110 million in other forms of recovering obtained.

- o **Dallas Task Force**. Since the Task Force began in 1987, 190 people have been charged and 142 of those charged have been convicted. It has achieved convictions in all the major failure cases commonly associated with the S&L crisis in Texas -- Sunbelt, Vernon, Western, Caprock, Security, Southwest and First Western. Sentences ranging to 30 years in prison and millions in fines have been achieved.

- o **BCCI.** In December 1991, the Bank of Credit and Commerce International agreed to plead guilty to federal and state charges of conspiracy to commit racketeering and fraud. BCCI agreed to forfeit all of its assets in the United States ($550 million), the

largest forfeiture in history, and to cooperate fully in ongoing investigations of individuals. On January 24, 1992 the Court accepted the plea and ordered the $550 million forfeiture. On July 29, 1992, the Court ordered the forfeiture of an additional $104 million, much of which was property in which the Royal Family of Abu Dahbi claims an interest. Also on July 29, 1992, Clark Clifford and Robert Altman were indicted separately by federal and state authorities.

- In California and Arizona, the infamous Lincoln Savings case has produced several indictments and convictions. Recently indicted and awaiting trial was the head of Lincoln, Charles Keating. Three of the initial five people indicted in the Lincoln case pleaded guilty and are cooperating as government witnesses. Charles Keating, III also has been indicted and is awaiting trial. Both Keatings are scheduled for trial on October 20, 1992.

HEALTH CARE FRAUD. Health care fraud is one of the Department's top three white collar crime enforcement priorities. In February, the Department reassigned 50 FBI agents and formed special investigative units in 12 cities to strengthen its health care fraud initiative. These units consist of 96 FBI agents and 110 Assistant U.S. Attorneys who have been assigned to prosecute health care fraud through the use of criminal and civil remedies. On June 30, 1992 as a result of a two-year undercover investigation of prescription drug fraud against the Medicaid program titled **"Operation Goldpill,"** the FBI arrested more than 100 people in over 50 cities in the largest criminal fraud investigation of the health care industry ever carried out.

SECURITIES FRAUD. To combat fraud in the nation's securities and commodities markets, the Department established Securities and Commodities Fraud Task Forces in selected U.S. Attorneys offices in January 1989.

- Task Forces in Chicago, Los Angeles, San Francisco, Kansas City, Denver, New York (Manhattan), Philadelphia, Salt Lake City, and Newark have scored major successes against traders and their firms as well as individuals engaging in illegal trading and market manipulation.

- In addition to the Department's successful prosecution of the massive Boesky-Milken-Drexel-Burnham securities fraud, a major Department undercover investigation into illegal floor trading at the Chicago Board of Trade and the Chicago Mercantile Exchange resulted in 48 indictments returned on August 3, 1989. 36 convictions have been obtained; eleven of those were convicted of racketeering charges.

HUD FRAUD. In 1989, the Attorney General directed all U.S. Attorneys to "give HUD fraud cases a top priority."

- During FY 1989-91, the Department has obtained 386 convictions; over $48.4 million

in fines, recoveries and restitution have been ordered.

- In Oklahoma City, a HUD task force established in October 1988 to investigate HUD fraud secured 40 convictions and more than $6.4 million in fines and court-ordered restitution.

DEFENSE PROCUREMENT FRAUD. The Department, through the Defense Procurement Fraud Unit and U.S. Attorneys' Offices, has aggressively pursued investigations in the procurement fraud area and brought a wide range of procurement fraud prosecutions, many involving some large and prominent defense contractors.

- Prosecutions in this area have led to convictions of over 27 of the top 100 Department of Defense contractors. For the three year period ending September 1991, there were 2,151 indictments, 1,798 convictions, and 407 civil settlements. In this same period, the Department's efforts resulted in the recovery of about $193 million in fines, $171.9 million in restitution, and $372.6 million in civil settlements.

- Operation Illwind has resulted in the conviction of six corporations and 47 individuals with monetary recoveries exceeding $230 million. In one of the major Illwind cases, Unisys Corp. agreed to pay $190 million in fines and civil penalties.

INSURANCE FRAUD. The Department has identified insurance fraud, reinsurance fraud, and related corruption as a special emphasis area. From FY 1990 through FY 1991, the Department charged 227 defendants; 144 were convicted during the period, including two state insurance commissioners.

COMPUTER CRIME. The Department has bolstered its effort to combat computer crime. The FBI has established a specialized computer crime unit. A Computer Crime Unit was established in the Criminal Division to investigate and prosecute computer fraud. Already the Unit has initiated several major investigations involving multiple judicial districts, and many are international scope.

- In January 1990, Robert Tappan Morris was convicted of violating the Computer Fraud and Abuse Act as a result of his launching a computer virus which affected tens of thousands of computers around the world. He was put on probation and fined $10,000.

CIVIL ACTIONS. From FY 1989 through the third quarter of FY 1992, the Civil Division's fraud recoveries (some of which were in conjunction with the relevant U.S. Attorney offices) totalled over $1 billion.

- Since FY 1989, recoveries in qui tam suits have totaled over $265 million, with over

$28 million going to realtors. This figure includes a $59.5 million settlement in July 1992 with General Electric Company to settle charges that GE Aircraft Engines knowingly made false statements to the Israeli Military of Defense in order to use United States funds for unauthorized purposes, causing false claims to the United States Department of Defense under the Foreign Military Sales Program; a $55.5 million settlement, also in July 1992, with Bicoastal Corporation (the former Singer Company) and CAE-Link Corporation, its successor, to resolve claims that Singer had fraudulently inflated its cost proposals to manufacture military flight simulators from 1980-1988; a $17.9 million settlement in July 1990 with Textron Corp.'s Lycoming Division for supplying the Coast Guard with helicopter engines that did not meet specifications; a $14.5 million settlement in May 1990 from VSI Corp., a subsidiary of Fairchild Industries, for supplying untested fasteners to airplane manufacturers.

PUBLIC CORRUPTION. The Justice Department has moved aggressively over the past three years to root out corruption at all levels of government. The Department's Public Integrity Section and the 93 U.S. Attorneys have been vigilant in investigating and prosecuting elected and appointed public officials and their associates who violate the public trust.

- During 1989 to 1991, the Department secured more than 3,000 convictions in public corruption cases. In 1991 the Department secured 1,332 indictments and 1,104 convictions.

- Slightly more than half of those convicted were federal officials; one quarter were state and local officials; and the remainder were others involved in the corruption. Defendants included judges, legislators, chief executives, and law enforcement officials.

OTHER WHITE COLLAR CRIME. The Department successfully prosecuted numerous other white collar cases during this period, including such prominent defendants as Jim Bakker, Pete Rose, and Leona Helmsley.

CIVIL RIGHTS ENFORCEMENT

Since 1989, the Department has sought to expand civil rights protection for all Americans and has moved aggressively to fight hate crimes and combat discrimination in housing, voting, employment, and education. Major legislative achievements were the enactment of the landmark Americans with Disabilities Act (ADA) in July 1990, passage of the Hate Crime Statistics Act of 1990, and passage of the Civil Rights Act of 1991.

AMERICANS WITH DISABILITIES. The Americans with Disabilities Act (ADA), prohibits discrimination on the basis of disability in places of public accommodation and in activities of State and local governments; establishes architectural accessibility requirements; and includes employment provisions. The Department is now actively implementing this comprehensive law and has already issued regulations, established a telephone information line that has responded to 45,000 inquiries, distributed 1.5 million ADA documents, and awarded grants totalling $3.5 million to provide technical assistance.

CRIMINAL CIVIL RIGHTS ENFORCEMENT. FY 1991 was a record year in the total number of cases brought and defendants charged -- 68 cases with 129 defendants -- greatest in any year since the Criminal Section of the Civil Rights Division was organized in 1971.

- o **Hate Crimes**. From FY 1989 through FY 1991, the Department has prosecuted more racial violence cases (107) than had been brought in the previous 12 years (103). Virtually all defendants charged, including KKK members and Skinheads, have been convicted or pled guilty.

- o **Official Misconduct**. In the past three years, the Department brought charges against 123 law enforcement officers in 76 cases that alleged official misconduct and abuse. The success rate in law enforcement cases increased in the past ten years from 53% in 1982 to 80% in 1991.

HOUSING. The Department has filed more than 175 housing discrimination lawsuits since the amendments to the Fair Housing Act took effect in March 1989. The Department also implemented two new initiatives during 1991, directed principally at problems of racial discrimination in housing.

- o In November 1991, the Attorney General announced that the Department would begin its own fair housing testing program. Although the Department has used testing evidence in its cases for many years, this is the first time that it has directed its own testing program. Also in November, the Attorney General convened a group

of representatives of all federal agencies with regulatory authority over the mortgage lending industry to develop a coordinated federal program to address discrimination in mortgage lending.

- On July 1, 1992, The Department filed a Fair Housing Act complaint and accompanying consent decree against the New York City Housing Authority. The pattern or practice race and national origin case alleged that the Housing Authority, the largest provider of public housing in the country, had for many years restricted the numbers of black and Hispanic families who would be allowed to live at certain projects where white families were disproportionately represented. The consent decree, which was joined by plaintiffs in a pending class action lawsuit against the Housing Authority, includes a broad general injunction against any racial steering, quota systems, or other preferences based on race or national origin, and requires major changes in the Housing Authority's tenant selection and assignment plan. The court is expected to approve the decree after a fairness hearing scheduled for September 14.

VOTING. Since the release of 1990 census results, the Department has reviewed and interposed objections under the Voting Rights Act to the implementation of discriminatory redistricting plans in 13 states.

EMPLOYMENT

- Since January 1989, the Department has filed 60 lawsuits alleging violations of federal laws prohibiting employment discrimination -- 44 alleged individual instances of employment discrimination; 16 alleged patterns or practices of employment discrimination against protected groups.

- Since January 1989, the Department has obtained 67 remedial orders with federal district courts resolving employment discrimination lawsuits with back pay totaling more than $20 million.

EDUCATION

- As part of its program to expand equal educational opportunity and eliminate remaining vestiges of segregation in state university systems, the Department handled cases involving Mississippi, Alabama, and Louisiana.

- The Department is also focusing on redressing situations in public schools where educational opportunities provided in some schools with a high percentage of white students are superior to opportunities provided in schools with a high percentage of minority students.

REDRESS. The Office of Redress Administration was established in September 1988 to provide restitution to American citizens and permanent resident aliens of Japanese ancestry who were forcibly evacuated, relocated, and interned by the US Government during World War II. To date, approximately 50,000 payments have been made, totaling approximately $1 billion.

TERRORISM AND NATIONAL SECURITY

The Department has worked aggressively to protect the national security through its expanded role in combatting international terrorism, through its vigorous prosecution of espionage cases, and through its enforcement of export control laws. To enhance its effectiveness in this area, the Department has established a new Terrorism and Violent Crime Section in the Criminal Division.

TERRORISM

- The Department late last year obtained indictments against two Libyan nationals for the bombing of Pan Am Flight 103 over Lockerbie, Scotland, on December 21, 1988. Both Libyans are identified in the indictment as members of the Libyan Jamahirya Security Organization.

- In August 1992, Pablo Escobar was charged with the bombing of a 1989 Avianca flight that killed all 110 passengers and crew members in Colombia.

- On January 8, 1992, a Greek court convicted Palestinian Mohammed Rashid of premeditated murder and damaging an aircraft for his involvement in the 1982 bombing of a U.S.-bound Pan American jetliner that killed a 15-year-old Japanese boy and injured several others. The prosecution relied exclusively on U.S. witnesses and evidence developed during the Department's investigation. Rashid was sentenced to imprisonment for 18 years.

- The Department successfully litigated the appeal of convicted terrorist Fawaz Yunis in connection with the June 1985 hijacking of a Jordanian airliner with two Americans aboard.

- Following an extensive investigation, the Department obtained the indictment of an FMLN member, charging him with the January 1991 murders of two U.S. Army Air crewmen in El Salvador.

- The Department provided the bulk of the evidence and assisted West German prosecutors in the May 1989 conviction of Mohammed Ali Hamadei, who received a life sentence for murder, air piracy, and other crimes stemming from his participation in the June 1985 hijacking of TWA Flight 847 and the killing of U.S. Navy diver Robert Stethem.

- During the Persian Gulf crisis, the FBI led a successful, well-planned,

counterterrorism strategy, based on proven experience, a developed intelligence base, and unprecedented cooperation throughout the law enforcement and intelligence community.

ESPIONAGE. Since 1989, as a result of FBI investigations, 12 cases of espionage have been successfully prosecuted.

EXPORT CONTROL VIOLATIONS. The Department has worked aggressively to stop the illegal export of weapons and weapons technology as well as to enforce other export control laws. Cases have been brought against persons seeking to unlawfully export goods, including weapons and nuclear technology, to the Middle East, Far East, South Africa, Trinidad, Yugoslavia and terrorist organizations such as the Provisional Irish Republican Army.

OTHER DEPARTMENTAL CRIMINAL INITIATIVES

The Department remained active in fighting crime in a variety of other areas, ranging from child exploitation and obscenity to odometer rollbacks, counterfeit products, and health and safety regulatory violations.

o **CHILD EXPLOITATION AND OBSCENITY.** Since the creation of the Criminal Division's Child Exploitation and Obscenity Section in 1987, the Department has obtained 116 convictions involving more than $20 million in fines and forfeitures. The majority of these convictions have been obtained during the last three years.

- Since 1989, Project Postporn -- an attack on the mail-order end of the obscenity industry -- has resulted in 51 convictions in 21 districts. Most of the mail-order obscenity companies that were prosecuted have ceased distributing obscenity.

- A large scale investigation into the Los Angeles-based producers and national distributors of hard-core videos and magazines has documented a supply network from coast to coast which involves most of the country's pornography stores. The investigation has led to 23 convictions.

- Reuben Sturman, the man identified in the Final Report of the Attorney General's Commission on Pornography, as the top distributor of hard core pornography in the world, pleaded guilty in Las Vegas to RICO conspiracy and obscenity violations and received a four-year prison sentence and a $1 million fine, in addition to a very substantial forfeiture of part of his enterprise.

o **OSHA VIOLATIONS.** ABC Utilities and Bruce Shear were convicted in May 1991 of Occupational Safety and Health Administration Act violations resulting from a fatal trench collapse in Texas. The conviction is significant because Shear is one of the first non-employer defendants convicted under the Act.

ENVIRONMENTAL ENFORCEMENT

Enforcement of the nation's environmental laws has been a top Departmental priority. Since FY 1989, the Department's record of prosecutions includes nearly 1,000 civil cases, several hundred criminal indictments, several hundred guilty pleas and convictions, and more than $4 billion in penalties, restitution, cleanup orders, and other requirements.

DEPARTMENTAL ACHIEVEMENTS INCLUDE:

- Three consecutive $1 billion plus years in court-ordered hazardous waste cleanups, civil and criminal penalties, restitution, and recoveries for cleanup costs and damages to natural resources. For FY 1992 (as of July 1, 1992) civil and criminal penalties total over $900 million.

- In FY 1992 the Department obtained the largest Resource Conservation Recovery Act (hazardous waste) criminal fine in history - $18.5 million - when the Rockwell Corporation pled guilty to RCRA and Clean Water Act felonies for its management of the DOE facility at Rocky Flats, Colorado.

- In FY 1991 the Department obtained the largest Clean Water Act settlement in history from Exxon for the Exxon Valedez incident. The civil settlement and the criminal guilty plea had a combined value of $1.025 billion.

- Since 1989, filed 1168 civil prosecution cases, among them 557 civil enforcement cases under Superfund.

- Since FY 1989, issued 466 criminal indictments (50% of all indictments since 1982), and obtained 377 guilty pleas or convictions (53% of all pleas and convictions since 1982). Defendants were sentenced to:

  - $219.3 million in criminal fines (94% of fines imposed since 1982).
  - 180 years in prison time (45% of sentences imposed since 1982).
  - 135 years in actual prison time served (67% of time served since 1982).

- In FY 1991, several "firsts" were achieved:

  - Record criminal fines -- $18.5 million.

- Record number of civil enforcement cases filed, 347, including a record 154 under the Superfund law.

- In Superfund cases, records achieved in cleanups ordered to be performed by defendants: $819 million; and money ordered to be paid back to the Superfund for its cleanups costs: $306 million.

o Since 1991, undertook several initiatives: "Land Ban" initiative, to enforce restrictions on hazardous waste land disposal; "Pretreatment" initiative, to force cities to properly control industrial discharges of toxic wastewaters into their sewage treatment systems; and the "Lead" initiative, to reduce the exposure to lead in the environment.

PROMOTING COMPETITION AND PROTECTING CONSUMERS

To protect American consumers, the Department has moved aggressively against price-fixing and bid-rigging, and has taken steps to block merger transactions that threatened to lessen competition. Justice also has taken an active role in opening competitive markets overseas and eliminating conditions that may hinder U.S. companies from competing effectively in world markets.

PRICE FIXING AND BID RIGGING. From FY 1989 through the first half of FY 1992, the Department filed 313 criminal antitrust cases and collected $106.7 million in criminal fines and related civil damages. This figure does not include the $10 million in damages obtained in settlement of possible civil contempt charges against US West for violation of the AT&T consent decree. These prosecutions targeted a wide range of industries, emphasizing regional and national conspiracies.

- o **School milk bid-rigging**. The Department uncovered school milk bid-rigging conspiracies that illegally raised the price of milk sold to school districts across the country. By the end of FY 1991, the Department had filed 47 criminal cases against 57 defendants, with 47 convictions resulting in over $40 million in fines, penalties, and civil damages. More cases are expected, with 31 active grand juries in 20 states.

- o **College tuition price-fixing**. In 1991, the Department obtained a consent decree prohibiting seven Ivy League colleges and universities from continuing anticompetitive price-fixing activities and discussions that potentially lower the amount of tuition aid money available to individual students and raise the price of tuition.

MERGER ENFORCEMENT. Beginning in 1989, Justice's merger program took on a new high-priority profile, with enforcement reaching its highest level in 18 years. From FY 1989 through FY 1991, the Department filed suit to block 20 anticompetitive mergers or acquisitions. Another 28 proposed transactions were restructured or abandoned by the parties before suit in response to antitrust concerns. Due to the economic downturn, FY 1991 filings were down 40% from 1989 levels, but DOJ challenges have proven very effective. For example, a 1991 challenge to United Airlines' bid for Eastern's gates at Washington National Airport resulted in their purchase by Northwest, which enhanced competition at that airport.

GOVERNMENT PROCUREMENT. The Department has won 74 convictions in FY 90-91, with $32.5 million in fines and 7,235 actual jail days imposed in sentencing. Currently 153 grand juries are active in 41 states. Economists estimate that the Department's criminal

prosecution of government procurement bid-rigging saves the federal government anywhere from $400 million to $1.8 billion per year.

- The investigation of bid-rigging by Japanese contractors at U.S. military bases in Japan resulted in civil settlements of more than $70 million in 1989 and 1990.

HEALTH CARE COST CONTAINMENT. Highly visible antitrust enforcement helped control costs in the professional services sector by ensuring that professionals offer their expertise at competitive prices.

- The Department has detected and prosecuted numerous anticompetitive practices in the health care industry, ranging from price-fixing by competing doctors to potentially anticompetitive joint activities by hospitals and other health care providers.

DEREGULATION. Vigorous antitrust enforcement is generally preferable to regulatory control since it protects both innovation and competition. The Department submitted numerous comments in regulatory proceedings before Federal agencies and Congress in support of competition and the elimination of antitrust exemptions in federal programs. Market alternatives to burdensome regulation were proposed in numerous industries, including transportation, energy, health care, agriculture, and telecommunications.

COMPETITION IN INTERNATIONAL MARKETS. The Department has been intensely involved in the Administration's initiative to open foreign markets (e.g., European Community and Japan) to U.S. business. Long-term technical assistance on competition matters funded by an AID grant is being provided to the newly democraticized countries in Eastern and Central Europe.

- The impact of inadequate Japanese enforcement of its antitrust laws on the ability of American firms to compete in Japan is a critical area of Administration concern. The Department focused on this concern during its three-year participation in the U.S.-Japan Structural Impediments Initiative, which resulted in significant commitments by the Japanese government to strengthen antitrust enforcement, including more effective private remedies, penalties, and more criminal enforcement. The process has already resulted in tangible and beneficial effects, including, for example, increased actions filed by the Japanese Fair Trade Commission.

- In April 1992, the Department announced it would return to its earlier policy of using the antitrust laws, in appropriate cases, to reach overseas anti-competitive conduct that harms the U.S. export trade **even** in the absence of harm to U.S. consumers.

TAX ENFORCEMENT

The Department's Tax Division annually secures billions of dollars for the U.S. Treasury by prosecuting suits that lead to the collection of taxes and by representing the government's interests in refund suits and bankruptcy cases. Cases handled by the Division often establish the "rules of the road" for millions of other taxpayers, and its criminal enforcement efforts ensure that those who willfully violate those rules will be punished.

- o **MOTOR FUEL TAX EVASION.** Since 1989, Tax Division attorneys have obtained over 45 convictions for motor fuel excise tax evasion in cases involving organized crime figures and legitimate dealers, such as Getty Terminals Corp.

- o **ENFORCEMENT AGAINST NON-FILERS.** In an effort to improve voluntary compliance with the tax laws, the Department, during 1991 and 1992, embarked on a general enforcement initiative targeting individuals who fail to file their tax returns. In the first 4 months of 1992, 127 individuals were indicted on non-filing charges.

- o **ELECTRONIC FILING FRAUD.** Over 50 individuals have been convicted during the last two years for abusing the IRS' new program for filing tax returns electronically. Over 100 investigations are currently pending throughout the country.

- o **AMORTIZATION RULES.** In Newark Morning Ledger v. United States, the Third Circuit, in September, 1991, held that the newspaper could not amortize the portion of its newspaper acquisition costs that it attributed to the value of those papers' subscribers. This case is now pending in the Supreme Court. The IRS estimates that the question of whether intangible assets may be amortized involves billions of dollars in taxes.

- o **DEDUCTIBILITY OF TAKEOVER COSTS.** In February, 1992, the Supreme Court, in Indopco, Inc. v. Commissioner, upheld the government's contention that investment banking and legal fees incurred incident to a friendly takeover transaction are capital expenditures rather than currently deductible "ordinary and necessary" business expenditures. The IRS estimated that over $3.5 billion in tax revenues were at stake in this case.

- o **HUNT BANKRUPTCIES.** In the William Herbert Hunt and Nelson Bunker

Hunt bankruptcies, the largest individual bankruptcies in history, Tax Division attorneys in December, 1989, were instrumental in obtaining bankruptcy court confirmation of reorganization plans under which the Federal government immediately received $170 million and should eventually receive an additional $165 million.

CIVIL ACTIONS

The Department has seen continued successes since 1989 in representing the government in major civil litigation. From 1989 to 1991, the Civil Division defeated a total of over $40 billion in claims. Only $460 million was paid out -- approximately one percent of the amount claimed. In affirmative litigation, the Department was equally successful. The Civil Division secured judgments and settlements totalling over $5.2 billion during the period. Cash collections were approximately $895 million.

- Pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), the Department has more than 417 cases under investigation and has 20 pending civil actions to recover civil penalties for violations of criminal statutes. In addition we have successfully represented Office of Thrift Supervision (OTS) in a series of actions against former directors and officers of failed savings and loans. The Department has also defended the Comptroller of the Currency in challenges to his declarations of insolvency of several national banks and approvals for national banks to establish branches notwithstanding restrictions on state-chartered banks.

- The Department of Justice has been involved in several challenges alleging infringement of the Establishment Clause in various government programs, including the provision of the Adolescent Family Life Act that permits religiously affiliated organizations to participate in its programs, and Chapters 1 and 2 of the Education Consolidation and Improvement Act under which local school districts receive federal funds that are used to provide remedial educational services and purchase materials, supplies and equipment for both public and private school children.

- The Department of Justice has successfully defended the Bureau of Alcohol, Tobacco and Firearms against numerous efforts by importers of firearms to overturn the Administration's ban on the importation of certain semiautomatic assault-type weapons.

- Since 1989, the Department of Justice has made great strides toward ending the multi-billion dollar effort of members of the asbestos products industry to shift their tort liability onto the federal taxpayers.

- Daewoo Corp. settled a customs fraud case in July 1989 by paying $214 million to the government, the largest penalty ever paid in this type of

matter. The case involved the concealment of true prices of steel products in order to evade anti-dumping duties.

FINANCIAL LITIGATION

Through its financial litigation efforts, the Department seeks to maximize the amount of money it collects -- through traditional debt collection litigation, affirmative civil litigation, criminal fine imposition and collection, and the collection of bonds and user fees. From FY 1989 through FY 1991, the Department's efforts in this area have yielded record amounts -- nearly $2 billion in cash.

- Successfully pressed for Congressional enactment of and engaged in vigorous implementation of the Federal Debt Collection Procedures Act of 1990. Established a Department-wide Financial Litigation Policy, enhanced training efforts, and increased coordination with other agencies.

- Completed its second year of **total** collections (including property seized and offsets) with an estimated excess of $1 billion.

- Collected over $649 million in **cash** in FY 1989, over $510 million in cash in FY 1990, and over $766 million in cash in FY 1991 ($117 million more than recovered in any of the last nine fiscal years).

- Obtained judgments and settlements of over $1.5 billion during FY 1990. During FY 1991, the Civil Division obtained $4.2 billion in judgments and settlements.

- Collected over $41 million through the Bureau of Prison's Inmate Financial Responsibility Program during the last three fiscal years.

- The Tax Division has dramatically improved its debt collection efforts. In FY 1991, it obtained 940 affirmative judgments, totalling more than $567 million and collected over $135 million in cash. During the first half of FY 1992 collections were nearly $66 million. Overall, cash collections are up six-fold since FY 1989.

EXPANDING INTERNATIONAL COOPERATION

During the last three years, the Department has taken steps to strengthen its relationships abroad and work more closely with foreign law enforcement officials. The Attorney General has undertaken initiatives in Asia, Latin America, and Eastern and Western Europe to assist countries in these areas and increase cooperation. The Department also has continued to negotiate new treaties on law enforcement issues.

TREATIES

- Since January 1989, the Department of Justice has extended coverage of existing Mutual Legal Assistance Treaties (MLATs) or brought new MLATs into force with eight countries. We now have MLATs in force with Anguilla, Bahamas, British Virgin Islands, Canada, Cayman Islands, Italy, Mexico, Montserrat, Netherlands, Turkey, and the Turks and Caicos Islands, up from four in 1988.

- New extradition treaties with Jamaica and Thailand came into force in July 1991, and a protocol to the Canadian extradition treaty became effective in November 1991.

- The U.S. Senate consented to the ratification of four new mutual legal assistance treaties (with Spain, Jamaica, Argentina, and Uruguay), three extradition protocols (with Germany, Spain, and Australia), and one new extradition treaty with the Bahamas). Mutual legal assistance treaties with Panama and Nigeria are still pending before the Senate.

- The Department is currently negotiating a new MLAT with Hungary.

- The Department signed Executive Agreements with Colombia, Hong Kong and the United Kingdom in 1990 and 1991. The Hong Kong agreement led to forfeiture actions in 1990 and 1991 involving over $40 million.

EXTRADITIONS

- The Department secured extradition to the United States of numerous criminals, wanted for a variety of crimes, from Turkey, France, Jamaica, Uruguay, Luxembourg, Tunisia, Canada, Germany, Austria and other countries. In addition, the Department was instrumental in extraditing

various individuals to other countries, including Italy, Czechoslovakia, and Hungary, to stand trial for their offenses.

- The Department secured extradition from Colombia of 25 accused drug traffickers between 1989 and 1990 before the Colombian Government decided it would no longer extradite Colombian nationals to the United States.

OTHER COOPERATION AND TRAINING

- The Justice Department, in conjunction with the State Department, has provided police training and technical assistance to foreign governments through its International Criminal Investigative Training Assistance Program (ICITAP). The Program has provided over 14,000 student-weeks of training to 7,000 students since January 1989.

- After consultations with Colombian officials, the Attorney General authorized ICITAP to provide judicial protection training for Colombian court security personnel following that nation's declaration of war on its drug cartels. Approximately 1,000 judges, police and other personnel have been trained in protection and threat analysis methods since the program began in August 1990. Last year, ICITAP began implementing a four-year justice sector reform project designed to strengthen Colombia's criminal investigative capability.

- Since 1989, DEA conducted financial investigations training in Bogota, Panama City, Aruba, Brussels, Tokyo, Hong Kong, Singapore, and Athens. Also, financial seminars were held in Washington, D.C. for the heads of the narcotics bureaus of Germany's 14 states and for key investigators of the Colombian National Police.

- During the past several years, the FBI has trained more than 500 Mexican law enforcement officials at its Tucson, Arizona facility, as well as dozens of foreign law enforcement officials at the FBI national academy at Quantico.

IMMIGRATION AND BORDER CONTROL

The 1991 reorganization of INS established new lines of operational and management control between the headquarters and field offices. INS is now in a better position to carry out its expanding responsibilities for administering legal immigration and countering illegal activities.

- **ATTORNEY GENERAL INITIATIVES.** In February 1992, the Attorney General directed INS to hire 300 new Border Patrol Agents. Over 240 have been hired to date. In addition 14.1 miles of fencing along the border near San Diego was directed, of which over 11 miles have been completed. Likewise construction began on a new 220 bed detention facility at El Centro. Beds should be on-line by June 1993. The Attorney General also directed the hiring of 200 INS agents, 150 of which will work on the Violent Crime Task Forces, with the remaining 50 to be assigned to employer sanctions work. Finally the Attorney General has directed additional hiring to relieve adjudication backlogs, facilitate airport inspectors and efficiently adjudicating refugee and asylum requests.

- **IMMACT.** Enacted in November 1990, the Immigration Act of 1990 (IMMACT) completed the comprehensive reform of immigration law that began with the Refugee Act of 1980 and continued with the Immigration Reform and Control Act of 1986. IMMACT amendments affect almost every INS program, especially adjudications.

- **ASYLUM.** The new asylum regulation was fully implemented during 1991. The newly established Asylum Officer Corp has been increased to 150 officers to provide fair, informed reviews of asylum claims.

- **SOVIET REFUGEES.** From 1989 through 1991, the United States admitted 139,000 refugees from the Soviet Union. To facilitate the processing of large numbers of Soviet applications to emigrate, INS established an office in Moscow to do in-country processing.

- **ENTRIES.** From 1989 through 1991, INS has legally processed over 250 million aliens and about 150 million citizens each year at U.S. Ports of Entry.

- **APPREHENSIONS AND REMOVALS.** From 1989 through 1991, the Border Patrol and other INS agents apprehended about 3.2 million

deportable aliens nationwide, most along the southern border. In the interior, special agents apprehended 60,989 illegal aliens in 1989, a dramatic increase over the 37,026 in 1988. From 1989 through 1991, INS completed 106,540 investigations involving criminal aliens resulting in the removal of 40,636 criminals from the country.

- **DRUG SEIZURES.** From 1989 through 1991, the service has participated in the seizure of over $5 billion of illicit drugs.

ASSISTING STATE AND LOCAL LAW ENFORCEMENT

The Department assists state and local law enforcement through many of its components. The Office of Justice Programs (OJP) works with other federal agencies, state and local governments, national organizations, researchers, and community-based groups to form partnerships to reduce crime and drug abuse, to improve the effectiveness of the criminal and juvenile justice systems, and to provide assistance and compensation for the innocent victims of crime.

STATE AND LOCAL ASSISTANCE. In FY 1989-1992, OJP awarded $1.36 billion in block grants to the states. An additional $193.1 million was awarded through Juvenile Justice and Delinquency Prevention Act grants.

- **ASSET FORFEITURE EQUITABLE SHARING.** Since 1989, more than $770 million in forfeited cash and tangible property has been shared with state and local law enforcement agencies.

- **JOINT OPERATIONS AND TASK FORCES.** As part of its anti-violent crime strategy, the Department has conducted joint operations with state and local law enforcement to target and incarcerate repeat violent criminals. Since 1989, the Department has sponsored and participated in numerous intergovernmental task forces, including Project Triggerlock, Safe Streets Task Forces, Gunsmoke, and various anti-gang operations.

OJP PRIORITIES. For FY 1990-1992, OJP expended an estimated $319.9 million for its discretionary grant program. Primary programs included:

- Community policing and Community based programs - $25.3 million
- Multijurisdictional task forces - $22.9 million
- Gangs and violence - $25.7 million
- Victims - $37.7 million
- Intermediate sanctions/user accountability - $30.5 million
- Prevention and education - $40.3 million

- Drug testing - $13.6 million

- Information systems, support and statistics - $74.5 million

OJP PROGRAM HIGHLIGHTS.

- The Drug Abuse Resistance Education (DARE) program teaches elementary and high school students ways to resist peer pressure to experiment with drugs. As of June 1992, over 13,000 instructors had been trained by or with the assistance of the five DARE Regional Training Centers supported by BJA. Over 12 million students in the United States have received DARE training. In FY 1990 and 1991, a new training program was implemented for parents.

- The Drug Use Forecasting (DUF) Program, also funded by BJA, tracks drug use trends among arrestees. Through voluntary, anonymous urine tests and interviews with persons arrested in 24 major cities across the country, the program provides measures of recent drug use in this population. Participating cities use DUF results to help plan and allocate law enforcement, prevention and treatment resources. For example, DUF data has shown that a majority of adult arrestees in the DUF sites test positive for one or more drugs and that cocaine is the prevalent drug present at arrest.

- Community policing programs were a priority during FY 1991 and 1992. OJP has worked to expand this new method of policing throughout the country, devoting $2 million in FY 1990 and $1.5 million in FY 1991 to test innovative neighborhood-oriented policing programs in 18 sites. The programs emphasize police-community cooperation and interaction to reduce illegal drug use and other crimes in targeted neighborhoods. Additionally, community policing is central to the implementation of the Weed and Seed program, and is a key component of all 20 Weed and Seed sites funded by DOJ in FY 1991 and 1992. To date, DOJ funding for Weed and Seed is over $14.3 million.

ASSISTING CRIME VICTIMS.

- April 26- May 2, 1992 was National Crime Victims Rights Week, capping eight years of remarkable progress since passage of the Victims of Crime Act (VOCA) of 1984.

- Through the Office for Victims of Crime (OVC), the Department provides Federal leadership, funding, training, and other assistance to help crime

victims stabilize their lives after the trauma of victimization. The Crime Victims Fund, funded by criminal fines, provides grants to states for victim compensation and victim assistance.

- During FY 1989-1992, the OVC, through the Crime Victims Fund awarded $201.3 million for the State Compensation Program and $229.6 million for the program.

- In June 1992, the Department issued Attorney General Guidelines for Victim and Witness Assistance to provide guidance to all its component investigative, prosecutorial and correctional agencies on the implementation of the victims' rights statutes contained in the Crime Control Act of 1990.

Talking Points

Crime and Politics:

- The charge that we play politics with crime is usually made by those who cannot match this Administration's record of action in law enforcement. Violent crime and drugs have been a top priority from the beginning of this Administration.
- This Administration has fought for and won large increases in resources for law enforcement, we've had a big impact on violent criminals as we've worked in cooperation with State and local law enforcement, and we've called for criminal justice reform.
- "Law and order" are not political code words, but they are words of major importance to the majority of law-abiding Americans who rightly demand a safe community.
- "Law and order" are words that describe what parents want for their children so they can get to school safely and what working men and women want so they can get to and from their jobs without being robbed or killed. They describe what senior citizens want as they enter their golden years.
- The words "law and order" capture the desires of frightened citizens in inner cities who are tired of living behind bars on their windows and doors while

violent criminals run free.

Violent Street Gangs:

- Federal law enforcement, working in close cooperation with state and local law enforcement, increasingly is making a big impact in the battle against violent street gangs. The whole deadly presence of certain gangs has been removed in cities such as Chicago, Boston, Detroit and Washington, D.C.

- In Philadelphia, where we have had a partnership with State and local law enforcement, we've hit over 35 gangs, arrested over 600 gang members. And, most importantly, we are beginning to see encouraging signs in some neighborhoods; citizens are starting to reclaim their communities.

- Our success is the result of substantial increases in federal resources aimed at anti-gang enforcement and the use of tough federal organized crime and firearms statutes. The federal system is the toughest law enforcement system in the country. There's no probation and no parole for violent gang members we prosecute.

Gun Control:

- Everyone agrees that we must do our best to keep firearms out of the hands of criminals. The question is what is the most effective way to do this. The overwhelming majority of violent criminals are not stopped by restrictions on the lawful sale of guns by retail gun dealers. During the Los Angeles riots, only law abiding citizens had to wait to get a gun; the waiting period of criminals was the time it took to loot a store.

- The Administration favors a system that allows for background checks at the point-of-sale. But the most effective way to stop violent criminals who use firearms is to remove them from the community through long prison sentences. The Department of Justice launched "Project Triggerlock" for that reason and in just over one year, has arrested and charged under tough federal firearms laws nearly 7,000 violent criminals. That is 7,000 violent criminals who, according to the statistics, would have committed dozens, perhaps hundreds, of violent crimes this year. Now they are off the streets. Many of them are 3-time losers and are receiving 18 year minimum mandatory prison sentences with no parole.

- With regard to the Brady Bill, it is only acceptable as a part of the Administration's comprehensive violent crime bill. The crime bill, which has

languished on Capitol Hill now for over three years, is designed to strengthen the criminal justice system so that we can apprehend, prosecute and punish more dangerous criminals and keep them from getting and using firearms.

- We are committed to improving the quality of federal and state criminal history records. These records are the foundation for any effort to identify felons who purchase handguns. Right now these records are not adequate.

Racial Bias in the Criminal Justice System:

- America's criminal justice system, which is extremely vast and exists on all levels of governments, is basically fair, although not perfect. Allegations of racial bias have been looked into and very credible studies show that there is virtually no difference in the way the criminal justice system treats blacks and whites.
- It is criminals, not the criminal justice system, that discriminate against black Americans. In 1990, 84% of black violent crime victims said that the offender was black. This shows that strong law enforcement is the best protection for all our citizens, both black and white.

Increase in Crime:

- While the rate of violent crime remains unacceptably high, the sharp increases of the 1960s and the 1970s ended in the 1980s. The violent crime rate actually dropped in the first half of the last decade. In the last few years it has risen slightly, but not at the rate of increase in the previous two decades.

- In the 1960s and 70s, we stopped incarcerating violent criminals and the crime rates rose sharply. The crime rate would be much higher today if it wasn't for the tough response to crime adopted by law enforcement in the 1980s.

- Yet, 95% of crime is handled by state and local police, not by the federal government. We have helped state and local police with programs like Project Triggerlock, which prosecutes the worst offenders and sentences them to long terms in federal prison.

- Since 1989, the Federal government has spent about $2.8 billion on prison construction to house an expected 42,000 additional inmates over the next five years. We have already increased the capacity of the federal prison system by almost 18,000 beds in 3-1/2 years, an increase of about 60% in prison capacity.

Department of Justice

Embargoed For Release Until
SUNDAY, AUGUST 30, 1992

AG
202-514-2007
TDD 202-514-1888

STATEMENT BY ATTORNEY GENERAL WILLIAM P. BARR ON THE FBI'S 1991 UNIFORM CRIME REPORT AND COMBATTING VIOLENT CRIME

WASHINGTON, D.C. -- Attorney General William P. Barr today released the following statement regarding the Federal Bureau of Investigation's (FBI) announcement of the 1991 violent crime statistics. The FBI indicated that the rate of reported violent crime increased by 3.6 percent between 1990 and 1991.

Attorney General Barr said, "While the rate of violent crime in 1991 was unacceptably high, the increases in the crime rate over the last ten years are significantly lower than in the previous two decades. FBI reports tell us that the violent crime rate increased by 126 percent between 1960 and 1970 and by 64 percent between 1970 and 1980, but only by 22.7 percent between 1980 and 1990. The experience of the last 30 years makes clear that the imprisonment of chronic violent offenders has a dramatic positive effect on the amount of violent crime. In the 1960's and early 1970's, incarceration rates fell and crime rates skyrocketed. By contrast, when incarceration rates increased substantially in the 1980's, the rate of increase of crime was substantially reduced.

"Much of the recent increase is a result of the juvenilization of violent crime, according to the FBI's

(MORE)

statistics. This trend clearly shows that we must enact wholesale reform of the juvenile justice system so that for the vast majority of juvenile offenders, their first brush with the law is their last, and that the small group of chronic, hardened, youthful offenders are incapacitated for extended periods. The long-term solution to the problem of juvenile crime falls largely outside of the law enforcement system. It requires strengthening those basic institutions - the family, schools, religious institutions, and community groups - that are responsible for instilling values and creating law-abiding citizens.

"There are two facts that hold true in the world of violent crime. First, a disproportionate amount of violent crime is committed by a relatively small group of chronic, violent offenders. This small segment of society commits a staggering number of crimes -- well over one hundred per year.

"Second, prosecutors and police officers must be given the tools necessary to identify and incarcerate this hard core group of repeat offenders. All too often, law enforcement's hard work is undermined by a 'revolving door justice' system that puts career criminals back on the street before they have served their entire sentence.

"The Bush Administration has a four-point agenda for fighting violent crime. The four points are: 1) expanding resources to give law enforcement the tools it needs to fight the

war against violent crime and drugs (federal law enforcement resources have increased by 60 percent over the last three years); 2) reform of the federal and state criminal justice systems; 3) high impact operations that target the most dangerous criminals through cooperative efforts with state and local law enforcement; and 4) integration of law enforcement with efforts to socially and economically revitalize the communities hardest hit by crime (Weed and Seed).

"With regard to the second prong of reform, in the 1980's, federal law enforcement officers began to get the tools they needed to fight violent crime. Pretrial detention of dangerous defendants, adoption of sentencing guidelines, and construction of sufficient prison space helped keep violent offenders off the streets.

"The Department of Justice recently released **"Combating Violent Crime: 24 Recommendations to Strengthen Criminal Justice."** It is a blueprint for fighting crime at the state and local level. Developed in conjunction with state and local law enforcement, prosecutors and victims groups, the report highlights both the success of tough law enforcement and the continuing need for reform of the criminal justice system. Taken together, these 24 recommendations will be effective tools in our effort to further reduce violent crime.

(MORE)

"Citizens must take an active role in the push for criminal justice reform. To assist them, the report includes a "Citizen's Checklist" of questions that should be posed to state and local leaders regarding local governments' criminal justice system. The checklist will allow citizens to rate their state's criminal justice system as well as their elected representatives' efforts to ensure that police officers and prosecutors have the tools they need to fight violent crime.

"Overall, 95 percent of violent crime is handled at the state and local level. It is there where we must focus our attention. Only through the combined support of state and local elected officials and community leaders can we implement the important recommendations put forth in the violent crime report," concluded Barr.

The 24 recommendations contained in the report are divided into six groups: establishing pretrial detention for dangerous defendants; providing effective deterrence and punishment of adult offenders; providing effective deterrence and punishment of juvenile offenders; providing efficient trial, appeal, and collateral attack procedures; providing for effective prevention and detection of crime; and providing adequate protection for victim's rights.

The report includes specific recommendations to:

* Protect the community by providing statutory and, if

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necessary, state constitutional authority for pretrial detention of dangerous defendants;

* Adopt truth in sentencing by restricting parole practices and increasing time actually served by violent offenders;

* Adopt mandatary minimum penalties for gun offenders, armed career criminals, and habitual violent offenders; and

* Provide sufficient prison and detention capacity to support the criminal justice system.

Single copies of the report, **"Combating Violent Crime: 24 Recommendations to Strengthen Criminal Justice,"** (NCJ-137713) may be obtained from the Bureau of Justice Statistics Clearinghouse, Box 6000, Rockville, MD 20850. The toll-free telephone number is 1-800-732-3277.

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War on Drugs:

- We are winning the war on drugs. But this is a war that involves our own citizens -- our friends and family, our neighbors and co-workers. It is a war of attrition fought on the battlefield of values.
- The President's FY 1993 budget requests $12.7 billion, nearly double the amount spent in the first year of the Administration, and the results are beginning to be felt in several important respects.
- The illegal use of drugs has declined significantly in the past few years, and young people have become increasingly intolerant of drug use. Drug use among youth 12-17 years old declined by more than half between 1985 and 1991 (14.9% to 6.8%). In short, we have seen a major shift in attitudes regarding the use of drugs.
- International cooperation has reached unprecedented levels.
- We finally have a law enforcement infrastructure in place that allows us to share intelligence, interdict chemicals needed for drug manufacturing, and seize money being laundered.
- Most encouraging, the trend toward comprehensive community-wide efforts is accelerating. Across the nation, government officials, service organization representatives, educators, businesses, religious leaders, and ordinary citizens are joining together to eliminate drugs and violent crime and to revitalize embattled neighborhoods.

Crime bill Conference Report:

- The Administration will not accept a "crime bill" that is tougher on law enforcement and the law-abiding public than it is on criminals. The conference report has been condemned by the nation's prosecutors -- regardless of party affiliation -- and by crime victim organizations.

- The bill overturns or weakens numerous Supreme Court decisions favorable to law enforcement. The bill would make it nearly impossible to implement the federal death penalty. And it fails to include many of the most important reforms I have proposed in such areas as sexual violence, victims' rights, public corruption, drug enforcement, and terrorism.

See Tab 8

United States Prison Population:

- The experience of the 1960s and 70s clearly teaches us that when we incarcerate fewer violent criminals, There is a rapid increase in the rate of violent crime. 95% of state prison inmates are either convicted violent criminals or repeat offenders, contrary to the popular myth that our prisons are filled with people who do not belong there.
- People are put behind bars because they commit crimes, and unfortunately our crime rate is very high. Looking at the rates of incarceration as a

percentage of arrests, the United States is in line with other Western democracies. For example, the percentage of those arrested on robbery charges who are later imprisoned is virtually the same in the United States (49%), England (48%), and Canada (52%).

- Studies show that most convicted criminals commit numerous other crimes beyond those for which they are caught and convicted. Therefore, the choice is prevent numerous crimes by putting these criminals in prison or let them out on the street to victimize law-abiding citizens. The choice is simple; we must protect society by putting violent and predatory criminals in prison.

Funding For State and Local Law Enforcement:

- Every level of law enforcement needs more resources. However, mere promises will not get the job done. The Administration's first responsibility is to seek adequate resources from Congress for federal law enforcement. But Congress rejected the President's request last year and is heading in that direction this year. So the critical question is where will Congress get the money for state and local law enforcement if it is unable or unwilling to support federal law enforcement.
- Funding for state and local law enforcement primarily in the form of block grants has tripled during this Administration. We are also financially supporting community policing through our "Weed and Seed" grants. All of this funding is just part of a broad range of support and assistance provided to state and local law enforcement every day through joint task forces, shared intelligence, technical assistance and the asset forfeiture program. We recently topped the $1 billion mark in sharing the proceeds of criminals' seized assets with state and local agencies.
- With regard to the "Police Corps" proposal - the idea of paying students' college tuition in exchange for their service as a police officer - there are two problems. First, there is again the question of limited federal resources for this type of program. Second, we must be very careful to not turn our backs on the devoted men and women who are already on the front lines of law enforcement. Many of them would like an opportunity to further their education and they are concerned that this proposal would close the door on that opportunity.

Department of Justice

STATEMENT

OF

WILLIAM P. BARR
ATTORNEY GENERAL

BEFORE

THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

CONCERNING

DEPARTMENT OF JUSTICE AUTHORIZATION

FOR FISCAL YEAR 1993

ON

JUNE 30, 1992

TESTIMONY FOR THE SENATE JUDICIARY COMMITTEE
ATTORNEY GENERAL WILLIAM P. BARR
JUNE 30, 1992

Thank you, Mr. Chairman.

It has been seven months now since I appeared before this distinguished Committee during my confirmation hearings. I appreciate the courtesy and support I have received from you, Mr. Chairman, and Senator Thurmond, and from the other members of this Committee.

As you will recall, Mr. Chairman, during my confirmation hearings -- in response to a question from Senator Thurmond -- I laid out my top priorities for the Department of Justice during my tenure as Attorney General.

I noted that in one sense it is somewhat misleading to talk about priorities at the Department because there is such a wide range of issues that we must continually address. I also explained that my general priority was to foster and build upon the professionalism and integrity of the Department itself.

In addition to these general comments, I listed four main areas of concern. The first was the fight against violent crime, and closely related to that was the continuation of the vigorous prosecution of the war on drugs. Third was aggressive enforcement of civil-rights laws. And the fourth priority was effective prosecution of financial fraud and white-collar crime. I also stated my commitment to strengthening INS and maintaining the integrity of our immigration laws.

Today, I would like to offer a very brief summary of some of

agents already assigned to violent crime. This represents one of the largest re-allocations of resources in FBI history. The Bureau is also working jointly with BATF in setting up a new National Gang Analysis Center. I also shifted 25 DEA agents from Washington headquarters to drug-related homicide task forces in the field. Furthermore, in the wake of the L.A. riots, I recently assigned 50 FBI agents to violent gang squads in California. Finally, I have added 150 new INS criminal investigators to focus on criminal aliens involved in violent street gangs.

With these stepped-up resources and rapidly growing cooperation between federal and state prosecutors (we recently concluded the first national conference for federal and state prosecutors on anti-gang enforcement), we should see a steady stream of results. The dozens of arrests on Sunday of a violent street gang in Detroit are an excellent example of where our new efforts are heading.

In our crackdown on felons who use firearms, we have continued our "Project Triggerlock," which began in April of 1991. This initiative targets repeat offenders who use or carry guns. We confiscate their weapons, and put the chronic offenders behind bars under stiff federal mandatory sentences. Under "Triggerlock," the average sentence received by an Armed Career Criminal is eighteen years. As of May 1, nearly 7,000 defendants have been charged with federal firearms violations. Our conviction rate is running at 96%.

From February through April, the United States Marshals

release a comprehensive Violent Crime Report detailing what needs to be done at all levels of government to combat violent crime.

Because the serious problem of drug abuse in this country is inseparable from violent crime, our attack on violent crime has had a major impact on drug trafficking. Our ongoing offensive against violent street gangs engaged in the drug trade has completely eradicated entire gangs in cities such as Philadelphia, Chicago, Boston, Detroit and Washington, D.C. In prosecuting the war on drugs, we have fought successfully against these violent traffickers. Furthermore, the conviction of General Manuel Noriega demonstrates that no drug kingpin is above the law. Laws passed by Congress in the 1980's have given us a law enforcement infrastructure that continues to yield thousands of arrests and record seizures of drugs, money, assets and processing facilities.

Of course, it is the inner city that is hardest hit by drug trafficking. And that is one reason, Mr. Chairman, why our Weed and Seed initiative is so important. This year has seen a dramatic expansion of Weed and Seed. As you know, the Weed and Seed strategy is designed to revitalize communities by targeting high crime neighborhoods and housing developments with efforts to "weed out" violent criminals, illegal gang activity, drug trafficking and related violence, and then "seed" these formerly crime-saturated neighborhoods with comprehensive social and economic revitalization programs. Over the past four months, the pilot phase of Weed and Seed was expanded to sixteen additional demonstration sites. The response from community groups, the private sector, and state and

racial and ethnic fairness in the mortgage underwriting process and, with the cooperation of the appropriate regulatory agencies, we will conduct more detailed investigations of specific lending institutions.

We have also sought to counter the disturbing rise in anti-Semitic activity, both in housing practices and in society at large. In the Airmont case, we are attempting to overthrow zoning laws allegedly designed to keep Orthodox Jews out of a community in New York. More recently, we convicted eight members of hate groups who desecrated a synagogue in Nashville, Tennessee. We have also convicted numerous "skinheads" for a variety of anti-Semitic crimes.

Mr. Chairman, with regard to my fourth priority of white-collar crime and fraud in financial institutions, we have continued to experience unprecedented success. Having over 1,600 FBI Special Agents and prosecuting attorneys dedicated to financial institution fraud, the Department has prosecuted more than 3,100 defendants in major financial institution fraud cases over the past 2 1/2 years. More than 1,000 of these defendants have been prosecuted in connection with major Savings and Loan cases, and more than three-fourths of those convicted have gone to jail.

In the BCCI matter, there have been a number of positive developments since my confirmation testimony. After our special task force returned a comprehensive indictment in December 1991, the Bank of Credit and Commerce International agreed to plead guilty to federal and state charges of conspiracy to commit

immigration. In order to effectively enforce and implement the nation's immigration laws, I have directed the Immigration and Naturalization Service to hire 300 new Border Patrol Officers. As of June 12, 241 trainees have been hired, and 71 officers are already trained and working on the border. I also ordered the hiring of 200 additional criminal investigators to combat illegal immigration and violent crime by criminal aliens, the creation of a National Criminal Alien Tracking Center, and the hiring of over 700 additional INS workers to improve services to legal immigrants and travelers. In addition, $5 million from the Department's Asset Forfeiture Fund has been used to purchase new lighting, sensors, vehicles and other interdiction equipment. Last week in Los Angeles I announced a series of initiatives designed to facilitate the identification and deportation of criminal aliens.

Mr. Chairman, when I was sworn-in as Attorney General, I stated that it was an honor for me to work with the career employees at the Department who have always demonstrated in my experience the highest level of professionalism and devotion. My experience in the last seven months has clearly reaffirmed that view. I am proud of what the Department has accomplished and enthusiastic about the possibilities for the future. It remains my goal to leave the Department of Justice a more effective and more professional institution.

Once again, I would like to express my appreciation to the committee for its support.

Thank you for your courtesy and your time.

REMARKS OF

WILLIAM P. BARR
ATTORNEY GENERAL OF THE UNITED STATES

COMBATING VIOLENT CRIME: 24 RECOMMENDATIONS TO STRENGTHEN CRIMINAL JUSTICE

U.S. DEPARTMENT OF JUSTICE
GREAT HALL

JUNE 28, 1992

THANK YOU, AND WELCOME EVERYONE TO THE DEPARTMENT OF JUSTICE THIS AFTERNOON.

WE'RE HONORED TO HAVE HERE TODAY SO MANY DISTINGUISHED LEADERS FROM THE LAW ENFORCEMENT COMMUNITY, BOTH HERE ON THE STAGE AND OUT THERE IN THE AUDIENCE, WHO ARE THE LEADERS OF VICTIMS' RIGHTS ORGANIZATIONS, LEADERS OF CITIZENS' GROUPS AND PUBLIC INTEREST GROUPS THAT ARE INVOLVED IN A BROAD RANGE OF ISSUES.

I'D LIKE TO THANK ALL OF YOU FOR TAKING THE TIME TO JOIN US TODAY, FOR BRINGING HERE TODAY THIS PROBLEM OF VIOLENT CRIME.

I DON'T HAVE TO TELL YOU THAT THIS PROBLEM IS AS SERIOUS AS ANY WE HAVE FACED IN SOCIETY. MURDER AND RAPE ARE ON THE INCREASE. GANG VIOLENCE IS SPREADING. JUVENILES ARE COMMITTING MORE AND MORE SERIOUS CRIMES. THE CRIMES SEEM TO BE BECOMING MORE RUTHLESS AND WANTON AND ALL TOO MANY OF OUR CITIZENS -- ESPECIALLY IN OUR INNER CITIES -- ARE LITERALLY PRISONERS IN THEIR HOMES.

TODAY, I AM RELEASING A REPORT ON VIOLENT CRIME THAT CONTAINS 24 SPECIFIC RECOMMENDATIONS ON HOW STATE CRIMINAL JUSTICE SYSTEMS CAN BE REFORMED AND STRENGTHENED SO THAT THEY ARE MORE EFFECTIVE IN COMBATING VIOLENT CRIME. THESE RECOMMENDATIONS WERE DEVELOPED WITH THE ASSISTANCE OF A BROAD, NON-PARTISAN GROUP

OF LAW ENFORCEMENT PROFESSIONALS. THEY ARE OUR BEST EVIDENCE OF HOW TEAMWORK CAN ACTUALLY HELP REDUCE THE LEVEL OF VIOLENT CRIME IN OUR SOCIETY.

I'D LIKE TO EXPLAIN BRIEFLY HOW THIS REPORT FITS IN WITH OUR OVERALL APPROACH TO DEALING WITH VIOLENT CRIME.

HISTORICALLY, THE ROLE OF THE FEDERAL GOVERNMENT HAS BEEN QUITE LIMITED IN DEALING WITH VIOLENT CRIME.

95% OF VIOLENT CRIME FALLS WITHIN THE JURISDICTION OF STATE AND LOCAL GOVERNMENT.

NONETHELESS, IT HAS BEEN OUR VIEW THAT THE FEDERAL GOVERNMENT CAN PLAY A POSITIVE AND SUBSTANTIAL ROLE IN COMBATING VIOLENT CRIME IN A WORKING PARTNERSHIP WITH OUR STATE AND LOCAL COLLEAGUES.

THE STARTING POINT OF OUR STRATEGY IS THE RECOGNITION THAT MOST OF THE CRIMINAL VIOLENCE THAT WE SEE IN OUR SOCIETY IS COMMITTED BY A VERY SMALL GROUP OF CHRONIC VIOLENT OFFENDERS -- HARDENED CRIMINALS WHO COMMIT STAGGERING NUMBERS OF VIOLENT CRIMES WHENEVER THEY'RE OUT ON THE STREETS.

IF WE'RE TO MAKE ANY PROGRESS IN THE NEAR FUTURE IN REDUCING VIOLENT CRIME, WE MUST IDENTIFY AND TARGET, AND INCARCERATE THIS HARD-CORE GROUP OF CHRONIC OFFENDERS.

SPECIFICALLY, WE'VE BEEN PURSUING A FOUR-PRONGED APPROACH FOR DEALING WITH VIOLENT CRIME.

FIRST, MORE RESOURCES FOR LAW ENFORCEMENT. THERE'S A NEED FOR MORE POLICE, MORE PROSECUTORS, MORE DETENTION SPACE TO KEEP DANGEROUS FELONS OFF THE STREETS, AND AT THE FEDERAL LEVEL WE HAVE MADE SUBSTANTIAL INCREASES IN INVESTING IN LAW ENFORCEMENT, AND WE'VE BEEN ENCOURAGING STATES TO DO LIKEWISE.

SECOND, REFORM OF THE CRIMINAL JUSTICE SYSTEM AT BOTH THE FEDERAL AND THE STATE LEVEL. WE NEED BETTER LEGAL TOOLS TO DEAL WITH CHRONIC VIOLENT OFFENDERS, TO CLOSE THE "REVOLVING DOORS" THAT PREMATURELY RETURN VIOLENT OFFENDERS TO THE STREETS SO THEY CAN COMMIT MORE CRIMES.

UNLESS WE TIGHTEN UP THESE SYSTEMS, THEN MORE RESOURCES WILL DO LITTLE GOOD. IT WILL BE LIKE POURING WATER INTO A SIEVE.

THIRD, TO FOCUS OUR RESOURCES ON HIGH IMPACT OPERATIONS TARGETED AT THE MOST HARD-CORE ELEMENT; AND SO WE HAVE BEEN PUTTING THE EMPHASIS ON JOINT PROGRAMS WITH OUR STATE AND LOCAL

COLLEAGUES, SUCH AS THE SUPERVISED PROGRAMS, THAT TARGETS CHRONIC VIOLENT FIREARMS OFFENDERS AND OUR ANTI-GANG MEASURES THAT WILL BE WORKING THROUGH THE TASK FORCES OF OUR STATE AND LOCAL COLLEAGUES.

FOURTH, TO COORDINATE LAW ENFORCEMENT AND SOCIAL PROGRAMS, SO THAT THEY REINFORCE EACH OTHER, AND IN THIS REGARD WE'VE BEEN PURSUING THE "WEED AND SEED" PROGRAM -- TO WORK OUT A FEDERAL, STATE AND LOCAL STRATEGY FOR HELPING COMMUNITIES TO TAKE BACK THEIR STREETS.

IT INVOLVES THE COORDINATION OF FEDERAL AND LOCAL LAW ENFORCEMENT EFFORTS TO RID NEIGHBORHOODS OF GANGS, DRUG TRAFFICKERS, CHRONIC OFFENDERS, TO USE COMMUNITY ORIENTED POLICING AND TO CREATE A WORKING PARTNERSHIP WITH LAW ENFORCEMENT IN THE COMMUNITY, AND TO COORDINATE AN APPLICATION AT THE FEDERAL, STATE, LOCAL AND PRIVATE SOCIAL PROGRAMS TO REHABILITATE THE COMMUNITY, TO CREATE REAL OPPORTUNITY, AND TO ATTACK THOSE CONDITIONS WHICH CONTRIBUTE TO VIOLENT CRIME.

SO THIS VIOLENT CRIME IS PART OF OUR BROADER STRATEGY -- THE PART THAT FOCUSES ON REFORMING THE STATE CRIMINAL JUSTICE SYSTEMS AND THE CENTRAL MESSAGE OF THIS REPORT IS THAT ACROSS THE COUNTRY, THE POLICE AND THE PROSECUTORS ARE DOING A SUPERB JOB, BUT -- ALL TOO OFTEN -- THEY'RE BEING UNDERMINED AND UNDERCUT BY THE CRIMINAL JUSTICE SYSTEM ITSELF.

EITHER THEY HAVE NOT BEEN GIVEN THE TOOLS TO DO AN EFFECTIVE JOB AGAINST CHRONIC VIOLENT OFFENDERS, OR THEIR EFFORTS ARE NULLIFIED BY A REVOLVING DOOR SYSTEM THAT PREMATURELY RELEASES THOSE OFFENDERS.

TODAY, ACROSS THE COUNTRY, THE AVERAGE OFFENDER ONLY SERVES 37 PERCENT OF HIS OR HER SENTENCE. THE AVERAGE SENTENCE, FOR EXAMPLE, FOR RAPISTS IN THIS COUNTRY IS EIGHT YEARS, BUT THE AVERAGE TIME SERVED IS ONLY THREE YEARS -- THREES YEARS FOR A RAPE.

THIRTY PERCENT OF THE MURDERS IN THIS COUNTRY ARE COMMITTED BY PEOPLE ON BAIL, PROBATION OR PAROLE, AND IN SOME OF OUR MAJOR STATES, THE TIME SERVED BY PRISONERS HAS FALLEN DRAMATICALLY -- STATES LIKE FLORIDA, STATES LIKE TEXAS.

THE 1980'S WERE A TIME WHEN WE SUCCESSFULLY REFORMED THE FEDERAL CRIMINAL JUSTICE SYSTEM -- TODAY IT'S PROBABLY THE MOST TOUGH SYSTEM IN THE NATION. IN THE 1990'S, WE MUST FOCUS OUR EFFORTS ON STRENGTHENING THE STATE CRIMINAL JUSTICE SYSTEM.

THIS REPORT IDENTIFIES A NUMBER OF PROBLEMS THAT ALL TOO FREQUENTLY ARE PRESENT IN THE STATE CRIMINAL JUSTICE SYSTEM, AND THESE INCLUDE:

o THE INABILITY TO DETAIN DANGEROUS OFFENDERS WHO ARE AWAITING TRIAL;

o INSUFFICIENT PENALTIES FOR CHRONIC VIOLENT OFFENDERS;

o FAST RETURN TO THE STREETS OF CONVICTED VIOLENT CRIMINALS BECAUSE OF A LACK OF NECESSARY PRISON SPACE;

o INADEQUATE JUVENILE JUSTICE SYSTEMS THAT FAIL TO DIVERT SALVAGEABLE KIDS FROM A LIFE OF CRIME AND FAIL TO PROTECT SOCIETY FROM YOUTHS WHO HAVE ALREADY BECOME HARDENED INCORRIGIBLE VIOLENT OFFENDERS.

THE REPORT OFFERS RECOMMENDATIONS FOR CORRECTING THESE PROBLEMS.

THESE 24 RECOMMENDATIONS COVER SUCH THINGS AS:

-- PROTECTING THE COMMUNITY FROM DANGEROUS DEFENDANTS;

-- EFFECTIVE DETERRENCE AND PUNISHMENT FOR BOTH JUVENILE AND ADULT OFFENDERS;

-- EFFICIENT TRIAL, APPEAL, AND COLLATERAL ATTACK PROCEDURES; AND

-- RESPECTING THE VICTIM IN THE CRIMINAL JUSTICE PROCESS.

NOW, I'D LIKE TO STRESS THAT THIS IS NOT, IN ANY WAY, A PARTISAN REPORT OR A POLITICAL REPORT.

THIS PROCESS HAS BEEN UNDERWAY FOR MORE THAN A YEAR AND DURING THIS TIME, THE DEPARTMENT HAS STUDIED AND COLLECTED INFORMATION ABOUT ALL OF THE STATE CRIMINAL JUSTICE SYSTEMS, AND WE'VE BEEN WORKING CLOSELY WITH OUR COLLEAGUES IN EACH STATE.

WE'VE CONSULTED WIDELY THROUGHOUT THE LAW ENFORCEMENT COMMUNITY, ON A NON-PARTISAN BASIS, ABOUT THE FUNCTIONING OF THE CRIMINAL JUSTICE SYSTEM AND NEEDED REFORMS.

DRAFTS AND IDEAS WERE CIRCULATED THROUGHOUT THE LAW ENFORCEMENT COMMUNITY. THE REPORT DOES NOT DEAL WITH POLITICAL PERSPECTIVES -- IT GIVES A LAW ENFORCEMENT PROFESSIONAL PERSPECTIVE.

THIS REPORT, I BELIEVE, WILL ENJOY BROAD-BASED SUPPORT WITHIN THE LAW ENFORCEMENT COMMUNITY, AND THE LEADERS UP HERE TODAY WITH ME REFLECT THAT SUPPORT.

THEY'RE HERE AS DEDICATED PROFESSIONALS WHO CARE ABOUT DOING A BETTER JOB OF PROTECTING THE COMMUNITY FROM VIOLENT OFFENDERS.

ONE OF THE REASONS WE HAVE NOT DONE A BETTER JOB REFORMING OUR STATE CRIMINAL JUSTICE SYSTEMS IN THIS COUNTRY, IS THAT THERE HAS NOT BEEN A WELL ORGANIZED CONSTITUENCY PRESSING FOR REFORM.

FRANKLY, IN MANY STATES, THE JUDICIARY COMMITTEES OF THE STATE LEGISLATURES ARE UNDER THE INFLUENCE OF, OR IN THE GRIP OF THE ORGANIZED CRIMINAL DEFENSE LAWYERS, AND IN MY VIEW, THE ULTIMATE HOPE FOR STRENGTHENING THE CRIMINAL JUSTICE SYSTEM LIES WITH THE CITIZENS THEMSELVES.

THE CITIZENS OF THIS COUNTRY ARE RIGHTFULLY ANGRY WITH THE CRIMINAL JUSTICE SYSTEM THAT'S NOT WORKING, AND THEY ARE READY TO PUSH FOR CHANGE.

BUT WHILE CITIZENS ARE AWARE THAT SOMETHING'S WRONG WITH THIS SYSTEM, AND IT IS, THEY ARE NOT SURE EXACTLY WHAT IS WRONG OR WHAT CAN BE DONE ABOUT IT.

THIS VIOLENT CRIME REPORT HELPS EXPLAIN TO THE AVERAGE CITIZEN WHAT IS WRONG, AND WHAT CAN BE DONE ABOUT IT.

WE HOPE IT BECOMES A CATALYST FOR GALVANIZING THE BROAD, ULTIMATELY IRRESISTIBLE COALITION PUSHING FOR STRENGTHENING THE CRIMINAL JUSTICE SYSTEM -- A COALITION OF THE LAW ENFORCEMENT COMMUNITY; VICTIMS' ORGANIZATIONS; AND CITIZENS' GROUPS.

AND, IN MY VIEW, ONLY IN ACCOMPLISHING SOME OF THESE FUNDAMENTAL REFORMS, WILL WE BE ABLE TO REDUCE THE LEVEL OF VIOLENT CRIME IN OUR SOCIETY.

WITH THAT, I WOULD LIKE TO INTRODUCE TO YOU A NUMBER OF LAW ENFORCEMENT LEADERS, AND LEADERS OF VICTIMS' ORGANIZATIONS.

I WOULD LIKE TO START WITH THE ATTORNEY GENERAL FOR THE STATE OF NEW JERSEY, ROBERT DEL TUFO. BOB HAS A LONG AND DISTINGUISHED CAREER IN LAW AND LAW ENFORCEMENT. HE HAS SERVED BOTH AS A FEDERAL AND A STATE PROSECUTOR. HE WAS UNITED STATES ATTORNEY, THE TOP FEDERAL LAW ENFORCEMENT OFFICER OF NEW JERSEY, FROM 1977 TO 1980, AND NOW HE IS SERVING AS THE VICE CHAIRMAN OF THE CRIMINAL LAWS COMMITTEE OF THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL.

HE'S ALSO BEEN INSTRUMENTAL IN THE STATE OF NEW JERSEY IN SETTING UP OUR "WEED AND SEED" PROGRAM, ONE OF OUR PILOT STUDIES, AND WE WORK CLOSELY WITH HIM.

The Attorney General's guidelines for an effective criminal justice system

Recommendations

I. Protecting the community from dangerous defendants

1. Provide statutory and, if necessary, State constitutional authority for pretrial detention of dangerous defendants.

II. Effective deterrence and punishment of adult offenders

2. Adopt truth in sentencing by restricting parole practices and increasing time actually served by violent offenders.

3. Adopt mandatory minimum penalties for gun offenders, armed career criminals, and habitual violent offenders.

4. Provide sufficient prison and detention capacity to support the criminal justice system.

5. Provide an effective death penalty for the most heinous crimes.

6. Require able-bodied prisoners to work or to engage in public service to offset the costs of their imprisonment.

7. Adopt drug testing throughout the criminal justice process.

8. Utilize asset forfeiture to fight crime and to supplement law enforcement resources.

III. Effective deterrence and punishment of youthful offenders

9. Establish a range of tough juvenile sanctions that emphasize discipline and responsibility to deter nonviolent first-time offenders from further crimes.

10. Increase the ability of the juvenile justice system to treat the small group of chronic violent juvenile offenders as adults.

11. Provide for use of juvenile offense records in adult sentencing.

IV. Efficient trial, appeal, and collateral attack procedures

12. Enact and enforce realistic speedy trial provisions.

13. Reform evidentiary rules to enhance the truth-seeking function of the criminal trial.

14. Reform State habeas corpus procedures to put an end to repetitive challenges by convicted offenders.

V. Detection and prevention of crime

15. Invest in quality law enforcement personnel and coordinate the use of social welfare resources with law enforcement resources.

16. Maintain computerized criminal history data that are reliable, accurate and timely.

17. Provide statutory authority for prosecutors to grant "use" and "transactional" immunity.

18. Provide statutory authority for electronic surveillance, pen registers, and trap and trace devices.

VI. Respecting the victim in the criminal justice process

19. Provide for hearing and considering the victims' perspective at sentencing and at any early release proceedings.

20. Provide victim-witness coordinators.

21. Provide for victim restitution and for adequate compensation and assistance for victims and witnesses.

22. Adopt evidentiary rules to protect victim-witnesses from courtroom intimidation and harassment.

23. Permit victims to require HIV testing before trial of persons charged with sex offenses.

24. Notify the victim of the status of criminal justice proceedings and of the release status of the offender.

Citizen's checklist: Questions about criminal justice to ask your State and local leaders

How well does your State and local government stack up against the Federal Government and other States in the area of public safety? Do your police and prosecutors have the tools they need to combat violent street gangs, drug dealers and gun-toting criminals? Does your State invest enough in prisons to keep violent repeat offenders in prison instead of in your neighborhood?

Ask those responsible for law enforcement and public safety in your State and local community these questions:

☐ Do our courts have authority to detain dangerous defendants without bail or are these defendants released back into the community before trial?

☐ How much of the sentences they are given in court do violent offenders in our State actually serve in prison on average? Does our State still have parole? Why?

☐ Are there mandatory minimum penalties in our State for the use of a firearm in the commission of a felony for repeat offenders who are caught in illegal possession of a firearm and for repeat violent offenders?

☐ What percentage of the State budget is devoted to prisons? Can profits from the seizure of criminals' property be used for prison construction in our State?

☐ Does State law provide the death penalty for those who kill law enforcement personnel, for those who kill while committing another felony such as rape or robbery, and for those who kill in prison?

☐ Are prisoners convicted of felonies required to perform some labor in our prisons?

☐ Are persons arrested for serious crimes in our State drug-tested? Are probationers and parolees in our State drug-tested? Is drug use while on probation or parole grounds for mandatory revocation of release?

☐ Do our State and local law enforcement agencies use asset forfeiture against drug traffickers and other violent criminals? Are assets seized used to supplement law enforcement funding?

☐ Does our State provide a range of criminal sanctions that emphasize discipline and responsibility for the nonviolent first-time juvenile offender?

☐ Are juveniles over the age of 14 who commit serious crimes, like murder and rape, prosecuted in adult court unless special circumstances are shown by the defense?

☐ Does our State keep detailed records of juvenile offenses and share them with the FBI? Does our State provide that an offender's serious juvenile crimes should be considered at sentencing? Can juvenile offenders be fingerprinted for law enforcement records in our State?

☐ What is the average delay from time of arrest to time of trial for violent felonies in our State? Do we have a speedy trial law with specific limits on delay?

☐ Do our courts exclude evidence from trial even where the police act in a good faith attempt to follow the law? Do our

courts exclude more evidence than is required by the Federal Constitution?

☐ If a defendant testifies in his defense, can our prosecutors let the jury know that the defendant has a prior criminal record?

☐ Are prior rape and child molestation offenses admissible in our courts to show that a defendant has a disposition to commit those crimes?

☐ Is there a time limit on filing a petition for habeas corpus in our State courts to prevent months and even years of delay? Are prisoners limited to one habeas corpus challenge to their convictions in State court?

☐ Are our police and sheriffs provided with protective body armor and adequate weaponry to defend themselves against well-armed criminals? Are our law enforcement personnel adequately compensated?

☐ What percentage of State and local budgets are spent on law enforcement and criminal justice? Is it less than 6.9% (the national average)?

☐ Does our State maintain complete, accurate, and up-to-date computerized criminal history records?

☐ Do our prosecutors have authority to grant "use" and "transactional" immunity?

☐ Can police in our State obtain court orders for wiretaps or use pen registers and trap and trace devices on phone lines to investigate large-scale drug rings and organized crime networks?

☐ Do victims have the right to address the court at sentencing in our State, or may only the defendant do so? Do victims have the right to attend all court proceedings in our State? Is the victim's perspective considered before early release is granted to a convicted felon?

☐ In a death penalty case where the defendant puts on evidence of his background and family life to evoke sympathy, can our prosecutors present evidence about the victim and the victim's family to give the jury a sense of their loss?

☐ Does our State have victim-witness coordinators?

☐ Does our State provide for victim restitution and assistance for victims and witnesses?

☐ If a criminal profits from his crime by writing a book or giving a paid interview, does our law require that some of that money go to the victim?

☐ Does our State provide professional assistance or counselors to assist victims and witnesses in the criminal process? Are adequate witness fees paid to cover food, travel, and lost work time?

☐ Do our evidence laws protect rape victims against courtroom attacks on their reputations and revelation of irrelevant details of their private sex lives? Does our State provide for protection of child witnesses by allowing closed-circuit televised testimony where testifying in the presence of the defendant would cause the child serious emotional trauma?

☐ Can victims of sex offenses in our State require HIV testing of the accused before trial?

☐ Are victims in our State notified of the status of criminal justice proceedings and the release status of the offender?

GEORGE J. TERWILLIGER, III
DEPUTY ATTORNEY GENERAL

REMARKS BEFORE THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL
AUGUST 8, 1992

I did not mind at all the fact that Bill asked me to come out and speak to all of you. It is for me, and I think for all of us who work in the law enforcement and criminal justice field, encouraging, its heartening and its inspiring to know that you are out there on a day in and day out basis across these fifty states, bringing vitality to the Jeffersonian ideals of free markets, free enterprise, individual liberty and as little Government as we can get away with.

At the same time I am sure that you realize as well as we do, that none of these principles can become a reality if we are trying to foster them and make real the Jeffersonian ideals in a society that is permeated by crime. And that is why I was anxious to have an opportunity to talk to you about where we are in the battle against crime and hopefully discuss with you a little bit where we can go.

I want to congratulate you for your contributions to the battle against crime, particularly on the legislative reform front. You are far ahead of the curve in this organization and are to be highly complimented for that. We have in essence a four point program to deal with crime. We meaning this Administration. It started at a ceremony that I was privileged to attend back in the Rose Garden in 1989 when the President came out and said two things: one, that we had to have reform of the Federal criminal laws and he proposed a Crime Bill which is still sitting before Congress. Secondly, he said he was going to support, despite his belief in limiting Government spending, he was going to support significant and substantial increases in investigators, prosecutors and prisons. The three main components of a criminal justice system and, of course, support the other pieces of the infrastructure that go along with that, including judges.

That was the foundation of our four point program. Since that time we have added to other pieces to it which really complete the picture. The first part is resources. The second part is reform of the law. The third part is high impact programs. That is premised upon the understanding that you get from the academic research that is out there - that when you deal with violent crime, you are essentially dealing with a small percentage of the overall population of those who commit crime, or of criminals, who commit a disproportionately large share of the violent crime that occurs in the United States each year. Common sense tells you that what you should do is to target your efforts at that small hard core

group of criminals that commit that disproportionately large share of violent crime. We have tried to do that in meeting our responsibilities on the Federal level with some high impact programs, the third part of our program. And I will talk about some of those programs in a little while.

The fourth part of our program, and one that Bill Barr has had a very personal hand in developing, is the coordination of the delivery of law enforcement services along with the delivery of social programs and economic revitalization programs. We call this Weed and Seed, a pilot program that we now have going and funded in 20 cities in the United States. It is expanding faster than we can keep up with it sometimes because people like the idea so much. And again, it is premised on the same issue I mentioned to you before: you can't have meaningful economic revitalization, creation of jobs and so forth - you can not expect social programs, programs for education and job training and what not to work in an atmosphere permeated by crime.

This was really brought home to us at one point when the Attorney General was out in Chicago and learned that mothers in a public housing project there, were having their young children sleep in their bathtubs at night because there were so many stray bullets flying around that housing project that they basically put their babies in iron cribs. How can you expect a child to learn, to grow into a productive member of society, if they are reared in that kind of an atmosphere? It is not the fault of the mother or the social situation it is crime that is doing that.

And I have seen the same thing going around this country. In Richmond, Virginia I talked to a little boy who talked about being afraid of getting shot as he walked to school. Now what is in that child's head when he goes to school and tries to learn? I talked to a mother in one place who was willing, able and anxious to work and couldn't because of fear that the day care center that was available to her, that was within striking distance, just couldn't protect her four year old from the violence in the surrounding area.

So what Weed and Seed does is say look, the first thing that we have got to do is go in and "weed" out the criminal element, particularly the gangs that cause these kinds of problems. And then we can "seed" an area with social programs and economic revitalization. So that is our four part program.

I want to talk about each one of those parts this morning, but specifically I want to concentrate on the violent crime report which I hope you have all received. It's this blue book that has been around. I will talk about that in some more detail. But I wanted to tell you about what the four part program is so you can see where this fits in. And where this fits in is in the reform element. Reforming state criminal justice systems so that they can

be effective. And as I mentioned, you have been ahead of the curve. You have been out there with model bills on bail reform, curbing the ravages of the exclusionary rule, reforming the insanity defense and reducing frivolous appeals.

We know, as a bedrock principle, Government has no greater an obligation than to provide and promote public safety. What would Jefferson and his colleagues say today, indeed, if they saw the situation that exists in far too many of our cities and in our neighborhoods where the innocent people are the ones behind the bars, that they have had to install at their own expense on their windows, and the streets, the public areas of that community, are in the hands of the criminals?

Violent crime across this country is on the increase and there is no denying that. It's becoming more ruthless. Homicides, wanton violence, rape is on the increase. New, nontraditional groups are diversifying the base of what we call organized crime in this country. Juveniles are committing more and more serious crime. And many of our citizens, especially in our inner cities, are prisoners to this crime problem. Not just in their homes but in being unable to use the facilities of their own communities, particularly in the night hours.

So the first part of our program to deal with this has to be resources. If we are going to meet our obligation to promote and provide public safety, we have got to have the tools to do the job. We do need more police, we need more prosecutors, and perhaps most importantly, we need more prison and detention space.

The President has done these things at the Federal level as part of this program. We have doubled the amount of prison space. We have doubled the number of Federal prosecutors that we have around the country. We have added hundreds of FBI agents, DEA agents, ATF agents and so forth. But if you look at the line on a graph - it shows that the number of local police per the number of crimes committed on a per capita basis - you will see that the line is very flat. We haven't invested in the front line law enforcement resources sufficiently to keep up with the rate of increase in violent crime that we have seen in the country - and this has got to change.

We recognize on the Federal level that 95% of the responsibility to deal with violent crime is handled on the state and local level. The Feds are not the answer to the violent crime problem, but we can be part of that answer. And that's why the bedrock principle that the Attorney General and I and the entire Administration share is one of partnership with our state and local law enforcement colleagues. Not the Feds coming in like the pros from Dover to do the job, but forming partnerships and alliances in promoting cooperation and coordination on the front line of the law enforcement effort. The object of all of this: to identify who

this violent core of felons are and get them off the street and incapacitate these people in prisons. I think that as we speak out in favor of these things, as you have so admirably done, and as we are trying to do, that our message is being heard. I think people out there are hearing us about this. And now, I think, the counter attack is beginning to be mounted.

Those who oppose strong law enforcement for philosophical reasons are sensing that the common sense of our message about more prisons or more crime, for example, is being heard. People recognize that we are right when we say that you have got to take this small percentage and incarcerate them. People recognize that a criminal who commits 160 crimes a year, as one study of armed career criminals has shown they do - 160 crimes, - if they are not in prison they are going to be on the streets committing crimes. It is just common sense and people recognize that.

So then I ask you, who does the President of the American Bar Association purport to speak for when he criticizes this report, this blueprint for change in state criminal justice, as he did just last week. Is the ABA President speaking for the victims of crime who we are trying to help not only after the fact, but to prevent more people from becoming victims of crime? Does he speak for the families of these victims? I just mentioned to Sam as we were sitting here having breakfast, a man that I met last week when we released the Violent Crime Report, who had been a police officer in Los Angeles. His daughter was killed by a gang member as part of an initiation rite to a Los Angeles gang. What does the ABA President say to someone like him and the thousands of others like him when he criticizes this blueprint for change? Is the ABA President speaking for the law abiding citizens that I mentioned a moment ago who are prisoners in their own homes and their own communities because criminals control the streets? Or is he speaking for all those who legitimately fear and thus change their daily habits of life because of their fear of becoming a victim of crime? Or does the ABA President perhaps think he is speaking for the businesses who can not and will not, understandably, invest in a high crime area and thus participate through the private sector in the revitalization of some of our most important urban areas?

The bottom line, as far as I am concerned, Mr. ABA President, is that we tried leniency in the 1960's, and it just didn't work.

We know from that experience that when incarceration rates go down, crime rates go up. The studies have shown that again and again. And we know from the experience in the 1980's that as incarceration rates have climbed, the rate of increase in all crime, particularly violent crime, has decreased. So we need not go back to the tired experiments that we had before. But I have to tell you that as a part of this counterattack that is exactly what is happening.

Yesterday's New York Times headline: "Fueling Prisons Costs - Governors Weigh Alternatives". Let me just read a little bit of this to you. "After years of discussing ever tougher measures to reduce crime rates, the nation's governors are exploring alternatives to prison for nonviolent offenders. . . The governors said the most compelling reason for more of these programs, originally developed as humane alternatives that emphasize rehabilitation over punishment is that they cost much less than building and operating prisons. The Governors are at a turning point said one corrections commissioner. They've got to change all these mindless get tough crime laws and mandatory minimum sentencing statutes that they passed in recent years because these laws and policies are what is creating the explosion in the prison population." Well excuse me, but I thought that everybody that went to prison had either pled guilty or been convicted of a crime. So I don't think tough sentencing statutes are what land people in jail.

And yes, in terms of the two sides of the ledger in a state budget, it may cost less to not build a prison. But what does it cost our citizens? Not just in economic terms, but in terms of quality of life. If we can't provide for public safety, then what business do we have calling ourselves a Government?

Now let me note for the record that not all governors feel this way. I think that this reflected the views of the author of the article as much as anything else, and we are not saying that every offender who is convicted of a crime should go to prison. There are valid alternatives to prison for nonviolent offenders. But it worries me when I start seeing this sort of thing cast in economic terms, and that little nonviolent piece being thrown in, and talk of rehabilitation and so forth coming back, that we are indeed at a crossroads as one commentator said and that we are going to turn in the wrong direction.

That's where the reform element of the program comes in. We've had a decade and more of change at the Federal level in terms of what our criminal laws will allow us to do. We have more resources as I mentioned, and we've changed things like our bail laws. And we've gotten help from people in this room who testified in Congress in support of those changes in bail laws that allow our judges to exercise their common sense. In my home state of Vermont, while I was U.S. Attorney and beyond after I left, there was a constitutional amendment up as a bill in the legislature to change the bail laws to permit pretrial detention in serious cases. This resulted after people had been killed because there were people let out of jail who clearly were a danger to the community and should have been kept in. Now incarcerating someone, taking away their liberty, is one of the most invasive things that society can do. But we all recognize that there are situations where there are people who need to be locked up, even pretrial. The Supreme Court has said that it is constitutional to do so, let's give our

judges the authority to exercise their common sense and protect the community from people who need to be preventively detained.

The same is true in sentencing. Let's have truth in sentencing. No more of this reading in the newspaper that so and so was convicted of murder and got sentenced to 25 years in prison and we only find out later that he was paroled after 3. We've abolished parole on the Federal level. When somebody gets 15 years in jail in the Federal level now, they serve 15 years less a little bit of good time.

And let's have a career criminal statute like we have on the Federal level that prosecutes armed career criminals. Three time loser, possess a firearm, you go to jail for 15 years. No probation, no parole, no suspension of sentence. Good-bye.

We need laws, like those on the Federal level, that allow us to attack the proliferating criminal organizations. Gangs are becoming a problem all over this country and picking off gang members in onesies and twosies for committing a robbery or possessing an illegal firearm or engaging in a drug transaction isn't going to do it. We have to attack these organizations root and branch and we are using the RICO law on the Federal level, the continuing criminal enterprize statute, to do that and we need to replicate those tools on the state level.

That is what the Violent Crime Report is all about. When we talk about reforming state laws what we did -- and this is not just the Feds sitting down to do this as you can see from the report itself -- this was another example of our partnership with state and local people to come up with a 24 point program as a blueprint for change. This is what it takes to have an effective criminal justice system. I hope that you can take it back to your respective states, those of you who are legislators - to your legislatures, and use that book as a guide for the kind of reform that can lead to effective criminal justice in your state. And perhaps equally as importantly, that you can take it back to your people and say "Look, here is something that is quantifiable, it raises issues that can be discussed in context and I need your support." And this is what we need to say to the people out there. Because they know there is a problem and they know that we have got to find a solution to it and I think they are groping around for what that solution is. Well this can be the foundation for that solution and that is why we did this.

The third part of our program is targeting this hard core element of criminals who commit a disproportionately large share of the violent crime. Let me just mention a couple of things we are doing that again I think have a some validity in almost every state as a model for what else can be happening.

Last week the Attorney General delivered to the President a report on our Project Triggerlock which we started in April 1991. Triggerlock is in essence a partnership between federal, state and local government to identify the most dangerous armed offenders who are out in the community who have some contact with law enforcement -- it could be a traffic stop, it could be an armed robbery charge and whatnot -- and bring them in for prosecution under the tough Federal statutes such as the Armed Career Criminal Act that go to addressing the criminal use of firearms. That is what Project Triggerlock is all about. Go after the baddest of the bad and get them to come under these mandatory minimum sentences that we have on the Federal level. In the first twelve months of operation, Project Triggerlock resulted in over 6400 defendants being charged with these tough Federal firearms violations. Well we used the ACC, the Armed Career Criminals Act, we used the Sentencing Guidelines and what not. This is putting the tools to work in a high impact program. This is that core group that commits 160 crimes each year.

Under this program we have doubled the number of Federal firearms prosecutions and almost tripled them since 1988 so much so that 10% of all Federal prosecutions now involve firearms charges. If these prisoners weren't in jail they would be on the street committing crime. That is what a high impact program has to be measured by.

We had Operation Gunsmoke - a ten week nationwide manhunt involving Federal, state and local officials in over 40 cities. Again, going after the Triggerlock type defendant who is a fugitive. 3,313 fugitives were arrested, including 224 who were currently charged with or previously charged with murder. More than 75% of those arrested in that operation were wanted on state charges. Now what does that prove? It proves two things. That we should not just go out there and willy nilly arrest fugitives. If we can't arrest all fugitives, then we ought to target our efforts at those who are presenting the most danger to our citizens. But secondly, to go back to the reform point, points up the need for state bail laws. Why were so many of these people released in the first place to become fugitives? How much did it cost to go back and make up for the lack of a proper law that would allowed for them to be detained or have higher bails set in the first place.

We have a nationwide gang initiative going as part of our high impact programs. As you know, the Attorney General in January reassigned 300 FBI agents from doing spy work to work on violent crime task forces with the Bureau of Alcohol Tobacco and Firearms and state and local police officers. We've created a national gang analysis center jointly with the FBI and ATF, and just recently held the first national conference in San Diego with state and local prosecutors on the way to use joint federal, state and local efforts to deal with the problem of violent crime and gangs.

In Philadelphia, we had sort of a prototype program where the U.S. Attorney and the Police Chief up there, who at the time was Willie Williams, the District Attorney and others, made a concentrated effort to go after the drug gangs that were plaguing Philadelphia's neighborhoods. As a result of that effort, called the Violent Traffickers Project, more than 600 gang members from 30 separate gangs are now serving time in Federal prisons. That is high impact.

In the fourth part of the program, which if you will allow me to talk about in just a little more detail for a second, is this coordination of the law enforcement effort with the delivery of social services programs. It is designed to produce opportunities for real human development and real economic revitalization for some of our hardest hit communities in this country. Each of those elements reinforces the other. You can't do the revitalization effort in an environment permeated by crime. And likewise, going in and doing high impact law enforcement operations is not of lasting impact in truly changing the character of the community that you're working in.

Weed and Seed is in fact a partnership. It is locally driven. We ask the U.S. Attorney to chair a local steering committee made up of Federal, state and local people. We don't want people from Washington telling people out in their communities how to fix them up. What we want to do in Washington is help them get the resources that they need to do that both on the weeding side and the seeding side.

We want to get the drug traffickers out, get the social and economic programs in and coordinate both public and private economic revitalization programs in these neighborhoods. Taken as a whole, Weed and Seed is a attempt to reduce crime and create real economic opportunities and attack those conditions which contribute to violent crime. One of the most important elements of this, and I am sure you are all aware of this burgeoning concept in the law enforcement community, is community policing. Once we "weed" out the gangs and before we reach the point that our neighborhood has been revitalized and literally changed, we need that strong police presence as part of the overall program to bridge those two efforts.

So although the role of the Federal Government in dealing with violent crime has been somewhat and traditionally limited, we can I think play a positive and substantial role in combating violent crime when we work in partnership with our state and local colleagues and when we work in partnership with people like yourselves.

In this role the Department of Justice issued this Violent Crime Report and I want to close by just talking about it for one more minute because I think this perhaps fills a void that was

there before, at least on a national basis, with these 24 recommendations on how state criminal justice systems can be reformed. The report identifies a number of problems that all too frequently are present in state criminal justice systems. The inability, as I've already mentioned, to detain dangerous offenders. Insufficient penalties for chronic violent offenders - that core group. Fast return to the streets of those convicted of violent crime, basically the revolving door of justice. And the inadequate juvenile justice system that too often treat juveniles who commit serious crimes like rape, robbery or murder as victims. We need efficient trial, appeal and collateral attack procedures and respect for the victim in the criminal justice process.

I think that our people out there, our citizens that we serve, recognize that the criminal justice system in many states is in fact dysfunctional. And they are ready to push for change but may not know exactly what is wrong or what they can do about it. That might certainly be expected because they are not professionals or experts in the field; well what they can do about it?

What I hope the Violent Crime Report does is help explain to the average citizen what is broke and how to fix it. We hope that the Report becomes a catalyst for galvanizing the broad and ultimately irresistible coalition that will push for improvements in the state criminal justice systems. A coalition of the law enforcement community, victims organizations, citizens groups and the private sector - which has a vested interest in having an environment that is <u>not</u> permeated by crime.

I think we are yet again at a crossroads in defining what will be the national agenda for the 90's on crime. Do we return to the tired and ineffective policies of the 60's that we know did not work or do we press an agenda for change on the state level? Do we recognize our obligation to secure domestic tranquility or do we accept violence as part of our daily life in our communities across this nation?

You have a President and an Attorney General whose agenda on this issue is clear. We want to continue to fight this battle with you. We want to bring these 24 proposals to the fore.

I want to thank you for what you have done, for your continued abiding interest in this issue and pledge to you that for as long as we are able, we will be there to work with you, to stand shoulder to shoulder and elbow to elbow to bring these recommendations to the form of the reality of law and improve the criminal justice systems of every state in these great United States.

Thank you.

How the Conference Crime Bill Weakens Existing Law

- **The Democrats' conference crime bill is a major step backwards for law enforcement because it overturns at least twenty Supreme Court decisions that are favorable to law enforcement. The bill eliminates much of the "tough on crime" work that has been done by the Court in the last decade.**

- **Increases abuse of habeas corpus** by systematically overturning Supreme Court decisions that are favorable to law enforcement, including decisions concerning retroactivity, counsel, procedural default, and deference to state court determinations.

- **Broadens the exclusionary rule** by weakening the "good faith" exception for searches under warrants -- adopted by the Supreme Court in United States v. Leon, (1984), which authorized suppression of evidence in various circumstances despite officers' reasonable reliance on a magistrate's authorization of the search.

- **Overturns convictions on the basis of harmless error** by automatically requiring reversal of convictions on appeal where the trial court erroneously admitted incriminating statements by the defendant, even if the independent evidence of guilt is overwhelming and it appears beyond a reasonable doubt that the error could not have affected the outcome of the trial. This overturns the Supreme Court's decisions in Milton v. Wainwright, 407 U.S. 371 (1972) (holding that Massiah violation was harmless error), and Arizona v. Fulminante, 111 S.Ct. 1246 (1991) (applying harmless error analysis to involuntary statement claim).

- **Eliminates the penalty for attempted assassination or kidnapping of top executive officials**, except in cases involving attempted assassination of the President that comes dangerously close to succeeding.

- **Repudiates antiterrorism treaties** by undermining international conventions that the United States has signed relating to violence at airports and violence against maritime navigation or platforms. The sections contain drastically weakened "implementing legislation" which does not fulfill the United States' obligations under the conventions.

- **Repeals rules requiring revocation of release for criminals who illegally possess drugs.** Under existing law, offenders on probation, supervised release, or parole who illegally possess drugs must have their release revoked and must be sentenced or returned to prison. Section 1403 of the conference bill repeals these rules in cases where the offender's illegal possession of drugs is discovered through drug testing. It contains language which presupposes that the offender may not be imprisoned despite a positive test showing that he has possessed and used drugs.

Major Administration Crime Bill Proposals

Death Penalty

-- Workable federal death penalty for murders implicating federal interests or responsibilities, including substantially all drug-related murders.

-- Workable federal death penalty for certain non-homicidal offenses: "drug kingpin," treason, espionage.

Habeas Corpus

-- General reforms for both capital and non-capital cases: Rule of deference to reasonable state court adjudications of petitioner's claims, arrived at through constitutionally adequate procedures (deference to "full and fair" state court adjudications). Time limit for federal habeas filing by state prisoners. Time limit for filing of § 2255 motions by federal prisoners.

-- Additional safeguards against delay and abuse ("Powell Committee" procedures) in capital cases for states extending right to appointed counsel to collateral proceedings: Time limits for concluding adjudication of capital habeas petitions. Prohibition of second and successive petitions except where new claim is raised that casts doubt on factual guilt and cause is shown for failure to raise the claim earlier.

-- Equalization of capital habeas funding. Requires provision of funds to state attorneys general or prosecutors for habeas corpus litigation in capital cases in amount equal to federal funding provided to capital defense resource centers.

Exclusionary Rule

-- General objective reasonableness ("good faith") exception to exclusionary rule, for both warrant and non-warrant cases.

-- Prohibition of creation of caselaw exclusionary rules by courts based on (non-constitutional) violations of statutes, rules of procedures, or administrative rules or regulations.

[The President's violent crime bill also included elimination of the exclusionary rule for firearms seizures in the presence of alternative safeguards, but this was D.O.A. in Congress.]

Firearms

-- Mandatory ten year term for use of semiautomatic firearm in federal crime of violence or drug trafficking crime.

-- Extend armed career criminal concept by providing mandatory five year and ten year terms for firearms possession by person with one or two prior convictions for violent felonies or serious drug offenses.

-- Overriding state negation of convictions for armed career criminal purposes where conviction offense was violent felony involving threatened or actual use of firearm or serious drug offense.

-- Broadening definition of serious drug offense for armed career criminal purposes to include state offense where conduct would have carried maximum term of ten years or more if federally prosecuted.

-- New offenses of stealing firearms or trafficking in stolen firearms (nearly unlimited federal jurisdiction over such crimes).

-- Increased penalties for false statements in firearms purchases.

*-- Increasing aggregation period for reporting multiple handgun sales to same purchaser from 5 days to 30, and reporting of such sales to local police as well as ATF.

*-- General ban on clips and magazines that enable firearm to fire more than 15 rounds without reloading.

-- National waiting period for handgun purchases. (Acceptable to us if packaged with other strong law enforcement measures.)

Public Corruption

-- The Senate bill contains a version of our proposal, albeit with lesser penalties than we want for the main offenses (10 years maximum rather than 20).

Juveniles and Gangs

*-- Broadened retention and availability of records of federally prosecuted juvenile offenders. (We have a complementary rules change which will enable the FBI to receive juvenile records from the states for inclusion in the national criminal records system; it is pending final clearance for promulgation at OMB).

*-- Broadened federal jurisdiction and adult prosecution for juvenile offenders. (Only weak and fragmentary version of this in Senate bill.)

*-- Serious drug offenses by juveniles as armed career criminal predicates. (Included only in Senate bill in very weak form.)

Terrorism and International Matters

-- Implementing legislation for international conventions against terrorism at airports, maritime terrorism, and maritime platform terrorism, and for the convention against torture.

-- New antiterrorism offenses, including offense of providing material support to terrorists, and offense of using weapons of mass destruction against U.S. nationals or property anywhere in the world.

-- Sentencing guidelines increase for terrorist crimes, increased penalties for travel document crimes likely to be committed by terrorists, and extension of statute of limitations for terrorist crimes.

-- Better coverage of crimes in extended territorial sea, and crimes against U.S. nationals on foreign ships.

*-- Other antiterrorism provisions in the President's violent crime bill included addition of terrorist offenses as RICO predicates, forfeiture for terrorist and other violent acts, admission to U.S. of aliens cooperating in terrorism or other investigations, strengthening of alien enemy act, increased access to communications and credit records in terrorism investigations, and strengthening of wiretap laws for use in terrorism investigations. These largely fell by the way during Congress's consideration of the crime bills, but some were included in weakened form in the Senate or House bill.

[The President's bill also included effective provisions for removing terrorist aliens from the United States, but the proposal was D.O.A. in Congress.]

Sexual violence, child abuse, and victims' rights

[The reforms in this part are generally limited in direct effect to federal cases, but most of them would have broader import as models for state reforms. A more detailed discussion of these provisions will be circulated separately.]

*-- General rule of admissibility in sexual assault and child molestation cases for evidence that defendant has committed offense or offenses of the same type on other occasions.

-- Increased penalties for recidivist sex offenders, for many sex crimes against victims below the age of 16, and for drug

distribution to pregnant women.

-- HIV testing of defendants in sex offense cases, with disclosure of test results to victim; enhanced penalties for HIV infected sex offenders who risk infection of their victims; government payment of cost of HIV tests for victims.

-- Provisions strengthening restitution and enforcement of restitution orders.

-- Giving victims of violent crimes and sex crimes a right to address the court concerning the sentence to be imposed, parallel to the offender's existing right of allocution.

-- Equalizing at 6 the number of peremptory challenges accorded to each side in felony cases. (The defense now gets ten. This has been included among victims' rights provisions as a measure protecting the victim's right to an impartial jury.)

-- Removing cap on crime victims fund.

Equal Justice Act

-- Strengthened safeguards against racial discrimination in the criminal justice process. Mandates administration of death penalty and other penalties without regard to race. Prohibits racial quotas and statistical tests for imposing the death penalty or other penalties. Extends to crime victims protections against racial bias which may now be available only to the defense, including right of prosecutor to make inquiry on voir dire concerning racial bias favoring the defendant, and change of venue on motion of prosecutor where necessary to guard against racial bias against the victim. These provisions would apply to state cases as well as federal cases.

-- In federal capital cases, there would additionally be special jury instructions and certifications guarding against racial bias. Death penalty authorizations would be added for murders committed in violation of the principal criminal provisions of the federal civil rights laws. The fact that a murder was racially motivated would be a statutory aggravating factor permitting consideration of the death penalty under all federal statutes containing death penalty authorizations.

Drugs

-- Drug testing of federal offenders on post-conviction release.

-- Drug testing in state criminal justice systems as a condition of federal justice assistance funding.

-- Precursor chemicals provisions.

-- Interdiction provisions, including new offenses and other provisions strengthening legal authority to stop aircraft and vessels.

-- Miscellaneous provisions increasing penalties or otherwise strengthening drug laws, e.g., increased penalties for drug trafficking in prisons.

-- There are some additional provisions in the pending bills which did not originate as DOJ proposals, and which we have been more-or-less neutral or indifferent about in the past, but which may merit further consideration in light of the discussion at the planning meeting. These include broadening drug-free zones to include additional areas (public housing, truck stops), and crackhouse eviction.

Other Provisions

[We have proposed various "miscellaneous" provisions which relate to issues that do not have a high degree of visibility, but which may have considerable practical importance from an operational standpoint. Some examples:]

-- Filling gaps in existing laws by adding attempt liability for robbery, kidnapping, smuggling, and property damage offenses; creating offenses of receiving proceeds of extortion, kidnapping, and postal robberies; and extending coverage of mail fraud statute to frauds perpetrated through mail carried by private interstate carriers.

-- Undercover operations against trafficking in stolen or counterfeit items are currently hampered by statutes which limit liability to cases where the item involved in a transaction is actually stolen or counterfeit. One of our provisions would eliminate this problem by providing that it is sufficient if the defendant believed on the basis of a representation by a law enforcement operative that the item was stolen or counterfeit.

Comparison of the President's Crime Bill and the Democrats' Conference Bill:

Bush Crime Bill	Conference Bill
Effective federal death penalty	Fundamentally flawed death penalty provisions
Effective habeas corpus reform	Provisions worse than current law
"Good faith" exception to exclusionary rule for both warrant and non-warrant cases	No "good faith" exception in non-warrant cases; narrower exception than current law in warrant cases
Presumption for adult prosecution of juvenile gang leaders	No provision
Implementing legislation for antiterrorism conventions	Weakened provisions that do not meet treaty obligations
Admission of aliens cooperating in antiterrorism or other investigations to U.S.	Severely weakened and restricted provisions
Admission of evidence in rape and child molestation cases that defendant has committed crimes of same type on other occasions	No provision
Increased penalties for recidivist rapists and child molesters	No provision
Testing of sex offenders for AIDS virus with disclosure of test results to victim	No provision
Government payment of cost of AIDS virus testing for rape victims	No provision
Strengthened restitution for crime victims	No provision
Increased penalties for drug distribution to pregnant women	No provision
Drug-testing of federal offenders on post-conviction release. Drug testing in state criminal justice systems as condition on funding.	Seriously flawed federal offender provisions. No state drug testing funding condition.

Additional provisions in Thurmond-Gramm bill	**Conference bill**
Provisions strengthening drug interdiction (Administration proposal).	Only weak and fragmentary provisions.
Strengthened laws against public corruption (Administration proposal).	No provision
Increased penalties for trafficking in crystalline methamphetamine ("ice")	No provision
Mandatory life imprisonment on third conviction for highly serious violent or drug crime	No provision
Extends public safety officer death benefit program to retired officers killed in responding to emergencies	No provision
Ten-year mandatory prison term for using firearm in federal violent or drug trafficking crime	Only for using semi-automatic firearm
Ten-year mandatory prison term for distributing drugs to children	No provision
Ten-year mandatory prison term for using children in drug trafficking	No provision