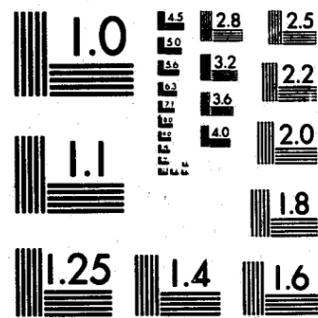


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INTERGOVERNMENTAL COOPERATION IN CRIMINAL PROSECUTIONS
UNDER THE REAGAN ADMINISTRATION

SPEECH

BY

JAMES I.K. KNAPP

DEPUTY ASSISTANT ATTORNEY GENERAL

CRIMINAL DIVISION

BEFORE THE

ANNUAL MEETING OF THE

PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION

SHERATON HOTEL

PITTSBURGH, PENNSYLVANIA

ON

FEBRUARY 6, 1986

It is a pleasure for me to speak to you at this annual meeting of the Pennsylvania District Attorneys Association.

My theme this evening is "cooperation," and specifically the value derived from increased federal, state, and local cooperation in law enforcement, particularly drug law enforcement.

Of course, "cooperation" is a term which has been used as a euphemism for other things. As federal assistance and funding can turn into a strangle hold, and so-called deference paid to state and local concerns can be a mask for abandonment or indifference, so "cooperation" can be used to describe the full spectrum of federal, state, and local relations: from federal preemption in one area to a total shirking of the Federal Government's proper responsibilities in favor of state or local action in another.

I believe that this Administration has a proper perspective concerning the role which federal, state, and local governmental units ought to play in law enforcement. A hallmark of this Administration has been its greater emphasis on inter-agency and inter-governmental cooperative approaches to law enforcement. Some of the organizational structures which demonstrate this emphasis include the Law Enforcement Coordinating Committees, the Executive Working Group of Federal, State and Local Prosecutors, the Office of Intergovernmental Affairs, and the Organized Crime Drug Enforcement Task Forces.

Law Enforcement Coordinating Committees

To enhance close federal, state, and local cooperation at the federal district level, former Attorney General William French Smith ordered, in July 1981, the development of Law Enforcement Coordinating Committees in each of the 94 federal districts. As most of you know from personal involvement with the LECCs, the committees are composed of ranking federal, state, and local law enforcement officials. The LECC program has one major goal: to enhance cooperation and coordination of resources among law enforcement groups at all levels of government.

To effectuate this goal, each district's LECC prepared a comprehensive plan assessing the local law enforcement situation and addressing local priorities in law enforcement. The plans, as well as early meetings of the LECCs, illustrated that federal law enforcement priorities were, and should be, different in different parts of the country: crime problems differ, the resources of local law enforcement differ, and public concerns about crime differ all over the country.

LECC subcommittees have been formed or seminars held focusing on a wide variety of national and local concerns, such as drug law enforcement, credit card fraud, child pornography, motorcycle gangs, Indian affairs, toxic waste, prison facilities, cross-designation of prosecutors, and computer and white collar crime. Equitable sharing of forfeited assets, which I will address again shortly, has also been a major concern of the LECC program.

A recent example of LECC cooperation relates to the drug law enforcement area, where LECCs around the country have been asked by Attorney General Meese to expand their focus beyond simply narcotics enforcement to include examination and implementation of programs on drug abuse prevention and education. Following that lead, Ed Dennis, the United States Attorney for the Eastern District of Pennsylvania, recently hosted an LECC meeting in Philadelphia that included representatives not only from the law enforcement community but also from the Department of Education's Alcohol and Drug Abuse Program, the Philadelphia School System, the Pennsylvania Crime Commission, the State Legislature, and other interested citizens, as well as your state Attorney General, Roy Zimmerman. As a result of this meeting, a cooperative agreement was established between these various entities. It is hoped that this new partnership will result in a decrease in the demand for drugs and alcohol among the youth of this state.

In the Western District of Pennsylvania, the most recent LECC meeting featured a special guest, the President's advisor on drug abuse policy, Dr. Carlton Turner. The problem of drug abuse and prevention as well as current enforcement problems were discussed. As you are all aware, Jerry Johnson, the United States Attorney in the Western District, through several high-profile prosecutions of persons who sold drugs to baseball players, brought to national attention the problem of cocaine use in major league baseball.

With respect to the recently enacted Armed Career Criminal Act - which provides a mandatory minimum fifteen-year sentence for a felon in possession of a weapon who has three prior federal or state convictions for robbery or burglary - LECCs have been encouraged to develop guidelines, especially among police agencies; the Bureau of Alcohol, Tobacco and Firearms; and state and local prosecutors, to ensure that career criminals are prosecuted in the forum providing the severest penalties. (In a related, although non-LECC context, federal guidelines have been disseminated with regard to prosecution of violations of the Controlled Substance Registrant Protection Act, the "pharmacy robbery" statute, and the new federal murder-for-hire statute. These guidelines call for a consideration of available penalties under federal, state, and local law, as well as the state or local prosecutor's views on federal prosecution, in a United States Attorney's decision as to which forum would be best for prosecution of these concurrent-jurisdiction crimes.)

The LECC program has grown and matured significantly since its inception in 1981. Over 800 full meetings have been held as well as numerous subcommittee meetings concerning more than 60 subject areas.

While the LECC program started as a federal initiative, it is now considered a joint responsibility of all law enforcement agencies in each district. As has always been the case, but clearly more importantly at this time, we cannot afford to squander our resources by needlessly duplicating efforts or engaging in meaningless "turf" battles. Through the LECC

program, we have seen examples of the value of cooperation, and we can expect this outstanding cooperative effort to continue.

Executive Working Group

On a national level, the Executive Working Group for Federal/State/Local Prosecutorial Relations encourages members of its composite organizations to engage in open discussions regarding mutual law enforcement interests, such as resources, differing approaches to prosecution, legislative proposals, training efforts, and financial needs and assistance. The eighteen members of the EWG - six apiece - come from the Department of Justice, the National Association of Attorneys General, and the National District Attorneys Association, and they meet three-to-four times a year, with the next meeting planned to occur on May first and second of this year. Attorney General Zimmerman serves on the EWG. Staff support for the EWG is provided by the Criminal Division.

Topics that have been raised in the past include drug task forces, highway bid rigging, handling terrorist activities, extradition, missing and murdered children, the Witness Security Program, return of stolen vehicles from Mexico, and the Comprehensive Crime Control Act of 1984. Communication of these issues is enhanced through the EWG's publication of the Law Enforcement Alert - which is a periodic bulletin on matters of interest to federal, state, and local prosecutors.

One change in federal law which was proposed in the Executive Working Group and which has since been enacted into law

is the modification of Rule 6(e) of the Federal Rules of Criminal Procedure to permit the sharing of federal grand jury information with state and local law enforcement officials. The change in the law, which took effect on August 1, 1985, was intended to eliminate a perceived barrier to the effective enforcement of our two-tiered system of criminal law. Under the amended rule, matters occurring before a federal grand jury which may disclose a violation of state criminal law may be disclosed to an enforcement official of a state or subdivision of a state for the purpose of enforcing such law. However, such disclosure may only be made upon the request of an attorney for the Federal Government and any disclosure requires the permission of the district court.

It is both the intent of the amended rule, and the policy of the Department of Justice, that such grand jury information is to be shared whenever it is appropriate to do so. Still, because of an agreement between the Assistant Attorney General for the Criminal Division and the Advisory Committee on Rules, and to prevent federal grand juries from acting as an arm of the state (as cautioned in the Advisory Committee's notes), it is the policy of the Department that prior authorization be requested by the United States Attorney in all cases, and that these requests be made, in writing, to the Assistant Attorney General in charge of the Division having jurisdiction over the matters that were presented to the grand jury. Of course, all requests related to criminal matters must be cleared through the Criminal Division. To date, eighteen requests for disclosure pursuant to this

provision have been approved by the Assistant Attorney General of the Criminal Division.

Although a showing of "particularized need" is not necessary for disclosure, the request should include some showing of a substantial need. This substantial need can generally be established by detailing the need for the state or local government to prosecute or investigate ongoing or completed state felony offenses. Once disclosure is made, however, further disclosures by the state or local officials must be limited to those persons who are required to have access in the enforcement of the state's criminal laws.

I am sure that you all can see how the effective use of this new provision will serve to further state and local law enforcement objectives and, thereby, to increase the benefit the Federal Government can derive from the investigative powers of its grand jury system. And it was, to a large part, the result of Executive Working Group efforts that this change in Rule 6(e) was effected.

Office of Intergovernmental Affairs

Based upon a recognition of the need to develop stronger relationships between the Justice Department and the various state and local governments, a portion of the Department's Office of Legislative Affairs was assigned in January, 1984, to serve as a liaison between federal officials and officials of state and local governments. This Office of Intergovernmental Affairs also maintains contacts with groups such as the National District

Attorneys Association, the National Association of Attorneys General, the International Association of Chiefs of Police, and the National Governors Association. The Office, when directed by the Attorney General, coordinates the analysis and consideration of policies which may have intergovernmental implications.

Among the major roles played by the Office is identification and resolution, if possible, of issues that concern the state and local groups. With regard to legislation pending in Congress this year, the state and local groups are concerned, among other things, with habeas corpus reform and the exclusionary rule. The Office has worked with the rest of the Department of Justice to develop habeas corpus legislation that will adequately address state and local concerns, as well as those of the Department of Justice. The Office also serves as a point of reference for state and local groups who need information on DOJ initiatives, policies, and objectives.

In situations where the state and local groups find themselves at odds with the Department, the Office of Intergovernmental Affairs attempts to smooth the way for resolution of the issues.

One example: when the Office of Justice Programs was looking at the disbursement of funds to victims of crime, there was substantial concern in several state and local communities that this disbursement was not being accomplished quickly enough. In response, the Office organized several meetings to bring state and local officials into the Department to show them what was being done.

The Drug War: a Status Report

Drug law enforcement is one distinct area where there is clearly a concurrent responsibility on the part of both federal and local law enforcement to do something about a menace which has damaged the lives of many of our people while substantially contributing to the crime rate.

To get some idea of the progress of the Federal Government's efforts in the nation's war on drugs, consider certain statistics detailing the increased emphasis on the federal prosecution of major drug traffickers.

Overall, in cases prosecuted by the United States Attorneys' Offices the number of cases brought has risen roughly 48 percent, from a total of 4,161 in Fiscal Year 1981 to 5,235 Non-Task Force cases in Fiscal Year 1985, plus 916 Task Force cases in Calendar Year 1985. The number of defendants charged has increased roughly 47 percent, from a total of 8,859 in Fiscal Year 1981 to 9,992 in Fiscal Year 1985 in Non-Task Force cases plus 3,054 in Task Force cases. An indication of the seriousness of the charges can be seen in the increase in the number of defendants incarcerated and the length of the average prison sentence they are serving: in Fiscal Year 1981, 3,639 defendants were serving an average 46 month sentence; in Fiscal Year 1985, 7,919 defendants were in prison serving an average 56 month sentence.

The Organized Crime Drug Enforcement Task Force statistics demonstrate what has been done in the relatively short time since announcement of the program by President Reagan in October of 1982. The cumulative data, through January 8th of this year,

shows that the Task Forces have conducted 1,171 investigations and have brought indictments or informations in 2,086 cases against 7,769 individuals. The cases brought have also shown a tendency to utilize federal criminal statutes designed to attack the upper echelons of drug-trafficking organizations, and which carry substantial maximum terms of imprisonment and provisions for forfeiture of drug-related assets.

The Racketeer Influenced and Corrupt Organizations Act (RICO) - maximum term of twenty years' imprisonment - has been used against 489 defendants. The Continuing Criminal Enterprise statute (CCE) - minimum mandatory sentence of ten years' imprisonment without parole, up to life in prison without parole - has been used against 361 defendants. (In 1980, by comparison, this charge was used, in only 11 cases nationally!) There have also been many charges relating to tax evasion or money laundering. To date, 488 tax charges (Title 26, U.S. Code) have been brought, as well as 264 currency reporting violation charges (Title 31, U.S. Code).

As noted above, many of the charges used by Task Force prosecutors include a provision for the seizure and forfeiture of illegally acquired assets. Through January 8th, approximately \$318.5 million has been seized, with \$124 million of this figure in cash, and the other \$194.5 million in property. Of this total, approximately \$107.5 million has been forfeited, of which \$31.7 million was in cash and \$75.8 million was in property.

The statistic of greatest interest to you concerns state and local involvement in Task Force cases. Through December 31,

1985, state and local investigators were involved in 809 investigations (almost 40%) and state and local prosecutors were involved in 203 prosecutions (about 10%).

One good example of how local law enforcement can work effectively with federal agencies occurred in Maryland. A Task Force investigation was authorized into the PCP manufacturing and distribution operations of George Sine. The investigation, which resulted in the indictment of Sine for conducting a continuing criminal enterprise and related drug and tax offenses, began as narcotics officers of the Anne Arundel County Police Department, after unsuccessfully attempting to prosecute Sine and his organization, sought the assistance of the Drug Enforcement Administration and the United States Attorney's Office. As a result of the cooperative agreement which was entered into, the Drug Enforcement Administration was able to arrange for an Anne Arundel County informant to travel with Anne Arundel police officers to Florida to purchase quantities of PCP directly from Sine, who had since moved to Florida. Thereafter, the Anne Arundel officers developed numerous informants who agreed to testify before the federal grand jury.

Shortly after the investigation was initiated, the Internal Revenue Service assigned a criminal investigator and a revenue agent to assist in the matter. The IRS investigators were critical elements in the development of a financial investigation that not only supported tax-evasion counts, but helped prove essential elements of the continuing criminal enterprise count.

Sine and eight of his codefendants have since been sentenced in the case. Sine pleaded guilty to the CCE charge and one tax count and was sentenced to a ten-year term of imprisonment (without parole) on the CCE count and a five-year concurrent term on the tax count. He also agreed to forfeit to the government approximately \$90,000 in assets. Sentences for the codefendants ranged from several ten-year and five-year sentences to three six-month sentences.

This investigation could not have been successfully implemented without a cooperative effort between the Anne Arundel County Police Department and the federal authorities. The Anne Arundel County Police Department was familiar with Sine and his organization as they had investigated this group for a number of years. They also provided a vast amount of background information concerning the "players" in the Sine organization. The Anne Arundel officers had developed, over the years, a vast number of informants whom they were able to convince to testify in furtherance of the development of the federal case.

In addition to the federal funding of the county officers' travel and the participation of the IRS, the utilization of the United States Attorney's Office, the use of the federal grand jury, and the compulsion of witness testimony all provided essential ingredients in the investigation, which has produced the results noted above, as well as a noticeable drop in PCP availability - both quantity and quality - in Anne Arundel County.

Forfeiture and Equitable Sharing

It has been apparent for a long time, however, that incarcerating the leaders of drug-trafficking organizations and other criminal groups is not enough to deter the continuance of the criminal activity by others in the organization. Thus, the Department of Justice has been relying more heavily on the federal laws permitting forfeiture of crime-related property in certain instances. The forfeiture statutes give the Federal Government the ability to remove the monies which fund the continuation of criminal activity after the ringleader is sent to prison.

Under the Comprehensive Crime Control Act of 1984, state and local law enforcement agencies have been authorized to receive forfeited property or to share in the net proceeds of property forfeited pursuant to certain federal statutes. This change in the law was based upon our recognition that joint cooperation between federal, state, and local law enforcement agencies is essential to fight the war against crime. Congress also realized that successful seizures of major drug trafficker assets frequently require close federal-state cooperation. In an effort to compensate state agencies for their participation in what are primarily federal cases, the equitable sharing provisions were enacted.

Under the new provisions, the Attorney General may transfer any property forfeited pursuant to this Act to any state or local law enforcement agency which participated directly in the seizure or forfeiture of the property. The Attorney General's Guidelines

on Seized and Forfeited Property were issued on May 24, 1985, to delineate the specifics involved in the sharing procedure.

There are five major restrictions on equitable sharing:

(1) the federal forfeiture must arise from a statute enforced by the Department of Justice; (2) the forfeiture proceedings must be conducted in accordance with procedures established pursuant to the U.S. Customs laws; (3) the requesting state or local agency must be designated as a law enforcement agency under applicable state law; (4) all transferred or shared property must be used for law enforcement purposes, or where cash is transferred, the money must be used to purchase something of value to law enforcement but which would not serve as an alternative to regular appropriations (like for salary); and (5) the property must be transferred directly to the participating state or local agencies or by pass-through provisions from a general fund.

State and local law enforcement agencies can take advantage of the equitable sharing by joining forces with a Justice Department investigative agency (Federal Bureau of Investigation, DEA, Immigration and Naturalization Service) in a federal investigation involving one of the eleven statutes which qualify for sharing, and share in any property forfeited as a result of their participation in that investigation. United States Attorneys may also seek forfeiture of assets seized by state investigative agencies in federal courts, but our Guidelines call for a minimum ten-percent federal share in those situations. Where joint investigations are not appropriate, we encourage

utilization of adequate state forfeiture laws. The Department has prepared a model state forfeiture law for your consideration.

Since the beginning of the sharing program, over \$9,000,000 has been disbursed to state and local agencies. For example:

- in April, 1985, in the Central District of California, three local agencies split a sixty-percent share of \$3.56 million of forfeited currency;
- in December, 1985, in the Western District of North Carolina, the Mecklenburg County Police Department received a seventy-five-percent share of \$922,000 of forfeited currency;
- also in December, 1985, in New York, three local agencies split a seventy-five-percent share of over \$1 million in forfeited currency. (The forfeiture of \$1 million in non-cash assets related to the above case is presently pending in federal court.)

As you can see, equitable sharing is a tremendous program for law enforcement, both in terms of encouraging federal, state, and local cooperation, and in obtaining additional funds at a time when budget constraints are so severe. It is anticipated that over \$16 million more will be disbursed within the next two months and that these figures will grow rapidly as more state and local governments become aware of the program.

State and local prosecutor representatives at recent EWG meetings have requested that prosecutors' offices be permitted to receive directly the proceeds from forfeited assets. After careful consideration, we concluded that only work done by investigative personnel should be considered in calculating equitable shares. A similar policy exists for work done by federal prosecutors. Since the litigative or other support work of prosecutors is not inherently investigative in nature, we determined that this work should not be considered in determining

sharing percentages. However, while your offices would not be eligible for transfers of forfeited property for your prosecutive efforts, work performed by any investigative personnel on your staff would qualify you for equitable sharing.

NDAAs and NAAG representatives at the last EWG meeting where this policy was announced requested that we review this decision which is being done now. I should point out, though, that any decision which considered prosecutorial effort by federal and local prosecutors would result in many cases in greater allocations to the Federal Government due to the great amount of work done by federal prosecutors, and that delays would be caused in the transfer of assets after seizure due to the need to evaluate the litigation role in the forfeiture.

International Initiatives - Treaties

Our overall drug enforcement efforts have benefited you in other ways, most notably the increased emphasis on international cooperation. Cooperation between foreign governments and the United States can assist state and local law enforcement in many ways, either directly or indirectly. Such international cooperation includes joint efforts aimed at interdiction, investigation, and prosecution, as well as treaties relating to extradition and mutual assistance and agreements to curtail the production of illicit drugs or restrict the import or export of precursor chemicals.

Since 1980, extradition treaties with Colombia, Thailand, Italy, Sweden, Jamaica, Uruguay, and Ireland have been replaced,

modified, or added in order to help us in our efforts to extradite criminals in drug cases.

In what will continue to be a major blow against drug trafficking, our treaty with Colombia is finally producing the extradition of major drug traffickers. Colombia's President Betancur has approved nineteen extraditions to date, and more are expected in the future.

With regard to mutual legal assistance treaties, since 1980 we have expanded our efforts to reach such agreements with other countries to secure evidence - particularly financial records such as bank records - for use in our increasingly complex grand jury investigations targeting major drug traffickers. We have treaties now in force with Switzerland, The Netherlands and Netherlands Antilles, Italy, and Turkey, and have concluded negotiations with Colombia, Morocco, Thailand, and Canada. We have pending negotiations with Panama, Jamaica, Israel, West Germany, and Sweden. Most important, we have negotiated a tentative draft of a mutual assistance treaty with The Bahamas which is now pending consideration by the Bahamian Cabinet. We also have an interim agreement to get drug-related financial information from the Cayman Islands, and we are presently negotiating with the Caymans for a permanent treaty to enable us to have access to this information in a broader range of criminal cases.

You stand to gain from these treaties because you will be able to utilize their provisions to get evidence from abroad for grand jury, pre-trial, or trial purposes in a far more

expeditious manner than through traditional legal processes like letters rogatory.

Domestic/International Initiatives - Eradication

One aspect of the drug war which requires close federal and state cooperation is the commercial cultivation of cannabis. Marijuana produced in this country may now account for as much as twenty percent of the total United States consumption. Growers are particularly attracted to state and federal lands because many of these lands are located in remote, unpopulated areas, and therefore the plots are at a lower risk of detection and the growers are less likely to be identified. Significant areas of national forests and other federal lands have been closed to the public, and federal employees' access has been restricted because of the dangers presented by marijuana growers.

The domestic cultivation problem has had an international impact - foreign governments which had long been the target of United States requests for increased eradication programs have responded by accusing the United States of failing to institute effective domestic eradication programs. Just as effective eradication efforts are occurring in major drug-source countries, we cannot let a perceived laxness on our part be used as a bar to further efforts.

On August 5, 1985, law enforcement officers throughout all 50 states launched the largest marijuana-eradication effort in the nation's history. The effort, code-named "Operation Delta-9," was planned to last for the duration of the marijuana

growing season, and, to date, has involved the manual eradication of marijuana on hundreds of selected sites where marijuana fields were known to be under cultivation. At least 22 of the sites planned to be eradicated were in national forests. In all, some 2,200 federal, state, and local officers representing 300 agencies took part in the operation.

The Cannabis Investigations Section of DEA's Operations Division reports that the domestic eradication effort supported by DEA in all 50 states (including Delta-9) for Calendar Year 1985 produced the sighting of 47,399 plots, the discovery of 951 greenhouse operations, the eradication of 39,231,479 marijuana plants of which about 4 million were already cultivated, and the arrest of 5,151 individuals.

And, as I noted above, foreign drug-source countries have also acted recently to eradicate their illicit crops. Most significantly, Colombia has taken the lead in South America and has eradicated substantial areas of its cannabis- and coca-producing areas. Recently, an aerial survey of the main North Coast cannabis-growing area indicated a decisive decrease in cultivation, up to eighty-five percent, as the result of aerial spraying. Colombia, which until this year was the primary source for marijuana in this country, may no longer continue to be in another year or two if it continues with this program.

No less important are our concurrent efforts to prevent drug abuse and to treat those with drug addiction problems. We are encouraged by the continuing reduction in marijuana use by high school students and the polls which show their attitudes shifting

away from substance abuse. In the past few years, we have also seen the parents' movement blossom into a network of more than 8,000 organizations working diligently for a drug-free America. We are moving toward a society that no longer has a laissez faire attitude about drugs.

As DEA Administrator Jack Lawn recently said, we are not losing the war on drugs -- perhaps we have not yet won, but this is clearly different from admitting defeat. The consequences are too grave for us to give up -- and we will not.

The drug war, like all other aspects of the war on crime, cannot be won in the short term. As General Patton said, "You are not beaten until you admit it." I want to assure you we will not admit it. A sound strategy is now in place for dealing with this problem and we will continue to move forward, with your help, on both the demand and supply side to fight it. One thing, I might add, you can do is give greater emphasis to the prosecution of users as well as dealers if we are to show we mean business.

Conclusion

In conclusion, I would like to turn to another related but distinct subject. What I have spoken about so far this evening can properly be classified as our current efforts to improve "intergovernmental relations" -- that is to say, the relations between the law enforcement components of federal, state, and local government, and how we are working to confront together in an effective manner critical law enforcement problems, the most

notable of which from an intergovernmental perspective is drug trafficking. The related but distinct subject I refer to is the subject of "federalism" -- federalism being defined for my purposes as the pattern of government in this country which provides for the clear division of responsibility of government between the Federal Government and the states.

The proper restoration of federalism is a key priority of Attorney General Meese. I recently had the pleasure of attending a weekend conference on federalism which included the Attorney General, several senior Justice Department officials, and distinguished scholars. It was pointed out at this conference that there is a distinction between the subject of intergovernmental relations, the subject of active local and active federal governmental units working cooperatively to solve specific problems, and the subject of federalism which involves the ultimate issue of not only who does what, but who decides who does what. For too long, whatever states or local communities have done has been at the sufferance or with the acquiescence of the Federal Government. The Federal Government has intruded into traditional areas of state responsibility whether this intrusion be in education, welfare, law enforcement, or judicial procedures and certain constitutional rights once held inapplicable to the states. The Supreme Court has found few barriers to this intrusion. There are few if any substantial powers that states can really call their own. What protection states enjoy exists through the political process (or the budgetary limitations of the Federal Government), not the constitutional or legal process.

We believe that a proper sense of federalism -- a proper recognition by our courts, our legislators, and our executive officials that there are distinct spheres of responsibility -- is ultimately the best protection of both individual liberty and the overall welfare of our citizens. Accordingly, the message I wish to close with is that the Attorney General is giving attention to restoring this sense of federalism through a wide variety of fronts. Last Fall, he established a Working Group on Federalism as part of the Domestic Policy Council of the Cabinet.

We also have within the Department a Litigation Strategy Group headed by Solicitor General Charles Fried and containing representatives from all the litigating divisions. This Group is looking for ways to raise issues of federalism in our litigation and is examining legal positions we take in court with the principle of federalism in mind. We are urging the courts to defer to the principle of federalism where applicable. We also will be looking at our own executive actions. We are studying various possible legislative proposals -- other proposals like our habeas corpus reform bill have been pending for some time.

Success in this overall effort will ultimately occur through a combination of the exercise of self-restraint on the part of federal legislators and executive officials, and a recognition on the part of federal courts that there is a line of demarcation that exists between federal and state and local government other than that which arises from the shifting financial capabilities and politically conceived priorities of the Federal Government. That line is to be found in our United States Constitution.

There is no aspect of local government more important, more critical, more essential, than proper law enforcement. Without proper law enforcement, a free society simply cannot survive. True federalism embraces the principle that law enforcement must be controlled primarily by local communities where people can participate most directly in governmental decisions and citizen support groups and where virtues, habits, and needs are formed, developed, and fulfilled. We in the Reagan Administration recognize this truth. We are pledged to do everything we can to reverse any trend that may have previously existed to federalize law enforcement. If we deviate from this goal occasionally, keep us honest; whether it be through the LECCs, the EWG, or some other channel.

I thank you for inviting me to appear this evening on behalf of Attorney General Meese. It has been a pleasure to share my thoughts with you.

END