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90TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES }

REPORT
No. 488

LAW ENFORCEMENT AND CRIMINAL JUSTICE ASSISTANCE ACT OF 1967

JULY 17, 1967.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. CELLER, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 5037]

together with

SUPPLEMENTAL AND ADDITIONAL VIEWS

The Committee on the Judiciary, to whom was referred the bill (H.R. 5037) to assist State and local governments in reducing the incidence of crime, to increase the effectiveness, fairness, and coordination of law enforcement and criminal justice systems at all levels of government, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Law Enforcement and Criminal Justice Assistance Act of 1967".

TITLE I—PLANNING GRANTS

SEC. 101. Crime is essentially a local problem that must be dealt with by State and local governments. It is the purpose of this title to encourage States and units of general local government to prepare and adopt comprehensive plans based on their evaluation of State and local problems of law enforcement and criminal justice.

SEC. 102. The Attorney General is authorized to make grants to States, units of general local government, or combinations of such States or units, for preparing, developing, or revising the plans described in section 201.

SEC. 103. A Federal grant authorized under section 102 shall not exceed 90 per centum of the total cost of the preparation, development, or revision of a plan.

TITLE II—GRANTS FOR LAW ENFORCEMENT AND CRIMINAL JUSTICE PURPOSES

SEC. 201. It is the purpose of this title to authorize grants to States and units of general local government for new approaches and improvements in law enforcement and criminal justice. The purposes for which grants may be made may include but shall not be limited to—

(a) public protection, including the development, demonstration, evaluation and implementation of methods, devices, and equipment designed to increase safety in public and private places.

(b) equipment, including the development and acquisition of equipment designed to increase the effectiveness and improve the deployment of law enforcement and criminal justice personnel.

(c) recruitment, education and training of all types of law enforcement and criminal justice personnel.

(d) management and organization, including the organization, administration, and coordination of law enforcement and criminal justice agencies and functions.

(e) operations and facilities for increasing the capability and fairness of law enforcement and criminal justice, including the processing, disposition, and rehabilitation of offenders.

(f) community relations, including public understanding of and cooperation with law enforcement and criminal justice agencies.

(g) public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and community agencies.

SEC. 202. (a)(1) Except as provided in paragraph (2), a grant may be made under section 201 only if the Attorney General determines that the application for such grant contains or is supported by adequate assurances that Federal funds made available under the application will be so used as to supplement, and to the extent practical, increase the amount of funds that the applicant (or applicants jointly in the case of a combination of States or units of general local government) would, in the absence of such Federal funds, make available for law enforcement and criminal justice purposes.

(2) If the expenditures of an applicant for a grant under section 201 for law enforcement and criminal justice purposes include substantial and extraordinary amounts and the Attorney General is of the opinion that the requirements of paragraph (1) of this subsection constitute an unreasonable restriction on the applicant's eligibility for a grant under section 201; the Attorney General may reduce such requirements to the extent he deems appropriate.

(b)(1) No grant may be made under section 201—

(A) before January 1, 1968, or

(B) for construction of any building or any other physical facility.

(2) The amount of any grant made under section 201 may not exceed 60 per centum of the cost of the project specified in the application for such grant. No grant made under section 201 may be expended for the compensation of personnel, except that this limitation shall not apply to—

(A) the compensation of personnel for time engaged in conducting or undergoing training programs, and

(B) specialized personnel performing innovative functions.

SEC. 203. (a) The Attorney General is authorized to make grants to States, units of general local government, or combinations of such States or units for the construction of buildings or other physical facilities which fulfill a significant, innovative function. The amount of any such grant shall not exceed 50 per centum of the cost of such construction.

(b) An applicant shall be eligible for a grant under this section only if such applicant would also be eligible for a grant under section 202.

SEC. 204. (a) The Attorney General is authorized to make grants to an applicant under this title only if such applicant has on file with the Attorney General a current law enforcement and criminal justice plan which conforms with the purpose and requirements of this Act. Each such plan shall—

(1) unless it is not practicable to do so encompass a State, unit of general local government, or combination of such States or units;

(2) incorporate innovations, advanced techniques and improved uses of proven techniques, and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice dealt with in the plan, including descriptions of (A) general needs and

problems; (B) existing systems; (C) available resources; (D) purposes for which Federal funds are sought (with specific reference to their sequence, timing, and costs); (E) systems and administrative machinery for implementing the plan; (F) the direction, scope, and types of improvements to be made in the future; and (G) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement and criminal justice plans and systems.

(b) In implementing this section, the Attorney General shall—

- (1) encourage State and local initiative in developing comprehensive law enforcement and criminal justice plans;
- (2) encourage plans which encompass the entire metropolitan area, if any, of which the applicant is a part;
- (3) encourage plans which are related to and coordinate with other relevant State or local law enforcement and criminal justice plans and systems;
- (4) encourage plans which deal with the problems and provide for the improvement of all law enforcement and criminal justice agencies in the area encompassed by the plans;
- (5) encourage plans which provide for research and development;
- (6) encourage plans which provide for an appropriate balance between fund allocations for the several parts of the law enforcement and criminal justice systems covered by the plans;
- (7) encourage plans which demonstrate the willingness of the applicant to assume the costs of improvements funded under this title after a reasonable period of Federal assistance; and
- (8) encourage plans which explore the costs and benefits of alternative courses of action and promote efficiency and economy in management and operations.

TITLE III—RESEARCH, DEMONSTRATION, AND SPECIAL PROJECT GRANTS

SEC. 301. It is the purpose of this title to encourage research, development and training for the purpose of improving law enforcement and criminal justice and developing new methods for the prevention and reduction of crime and increasing respect for law and order.

SEC. 302. The Attorney General is authorized to make grants to, or enter into contracts with, institutions of higher education and other public agencies or private organizations to conduct research, demonstrations or special projects pertaining to the purposes described in this Act and which will be of regional or national importance or will make a significant contribution to the achieving of those purposes.

SEC. 303. The Attorney General is authorized to make grants to institutions of higher education and other public agencies or private nonprofit organizations to establish national or regional institutes for research, education and training pertinent to the purposes of this Act.

SEC. 304. A Federal grant authorized under section 302 or 303 may be up to 100 per centum of the total cost of each project or institute for which such grant is made. The Attorney General shall require, whenever feasible, as a condition of approval of a grant under this title, that the recipient contribute money, facilities, or services to carry out the purpose for which the grant is sought.

SEC. 305. The Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed and superseded by this title: *Provided, however, That—*

(a) the Attorney General may award new grants, enter into new contracts or obligate funds for the continuation of projects in accordance with the provisions of the Law Enforcement Assistance Act of 1965, based upon applications received under that Act prior to the effective date of this Act;

(b) the Attorney General is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the effective date of this Act, to the extent that such approval provided for continuation; and

(c) any awarding of grants, entering into contracts or obligation of funds under subsection (a) or (b) of this section and all activities necessary or appropriate for the review, inspection, audit, final disposition and dissemination of project accomplishments with respect to projects which are approved in accordance with the provisions of the Law Enforcement Assistance Act of 1965 and which continue in operation beyond the effective date of this Act may be carried on with funds appropriated under this Act.

TITLE IV—ADMINISTRATION

SEC. 401. (a) There shall be in the Department of Justice a Director of Law Enforcement and Criminal Justice Assistance who shall be appointed by the President, by and with the advice and consent of the Senate, whose function shall be to assist the Attorney General in the performance of his duties under this Act.

(b) Section 5315 of title 5 of the United States Code is amended by the addition of the following at the end thereof:

"(78) Director of Law Enforcement and Criminal Justice Assistance."

SEC. 402. The Attorney General is authorized to appoint such technical or other advisory committees to advise him in connection with the administration of this Act as he deems necessary. Members of such committees not otherwise in the employ of the United States, while attending meetings of the committees, shall be entitled to receive compensation at a rate to be fixed by the Attorney General, but not exceeding \$100 per diem, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 403. (a) To insure that all Federal assistance to State and local programs for law enforcement and criminal justice is carried out in a coordinated manner, the Attorney General is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other materials as he deems necessary to carry out his functions under this Act. Each such department or agency is authorized to cooperate with the Attorney General and, to the extent permitted by law, to furnish such materials to the Attorney General. Any Federal department or agency engaged in administering programs related to law enforcement and criminal justice shall, to the maximum extent practicable, consult with and seek advice from the Attorney General to insure fully coordinated efforts.

(b) The Attorney General is authorized to make grants under title I and title II of this Act to a unit of general local government or combination of such units only if—

(1) The applicant certifies that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located; and

(2) such chief executive shall be given not more than sixty days from the date of receipt of the application to submit to the Attorney General in writing his evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement and criminal justice. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located.

SEC. 404. The Attorney General may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of his functions under this Act, and, as necessary or appropriate, delegate any of his powers under this Act other than his power to make and adopt regulations to implement the purposes of this Act, and authorize the redelegation of such powers.

SEC. 405. The Attorney General is authorized—

(a) to conduct research and evaluation studies with respect to matters related to this Act; and

(b) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement and criminal justice in the several States.

SEC. 406. Payments under this Act may be made in installments, and in advance or by way of reimbursement, as may be determined by the Attorney General.

SEC. 407. (a) Whenever the Attorney General, after reasonable notice and opportunity for hearing to a grantee under this Act, finds that, with respect to any payments made under this Act, there is a substantial failure to comply with—

(1) the provisions of this Act;

(2) regulations promulgated by the Attorney General under this Act; or

(3) the law enforcement and criminal justice plan submitted in accordance with provisions of this Act;

the Attorney General shall notify such grantee that further payments shall not be made (or in his discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

(b) In the case of action taken by the Attorney General under subsection (a) terminating or refusing to continue financial assistance to a grantee, such grantee may obtain judicial review of such action in accordance with chapter 7, Judicial Review, of title 5 of the United States Code.

SEC. 408. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or other agency of any State or local law enforcement and criminal justice system.

SEC. 409. Unless otherwise specified in this Act, the Attorney General shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1968, and the four succeeding fiscal years.

SEC. 410. Not more than 15 per centum of the sums appropriated or allocated for any fiscal year to carry out the purpose of this Act shall be used within any one State.

SEC. 411. The Attorney General, after appropriate consultation with representatives of State and local governments, is authorized to prescribe such regulations as may be necessary to implement the purposes of this Act, including regulations which—

(a) provide that a grantee will from time to time, but not less often than annually, submit a report evaluating accomplishments and cost-effectiveness of activities funded under this Act;

(b) provide for fiscal control, sound accounting procedures, and periodic reports to the Attorney General regarding the application of funds paid under this Act; and

(c) establish criteria to achieve an equitable distribution among the States of assistance under this Act.

The Attorney General shall prescribe regulations under this section in accordance with the requirements for notice and hearing which are prescribed in subsections (b) and (c) of section 553 of title 5, United States Code.

SEC. 412. Except as provided in section 204, the Attorney General may disapprove an application for a grant for which funds are available under title I, II, or III of this Act only if he determines that the program or project for which a grant is sought will not fulfill the aims of this Act or that such aims will not be fulfilled in an economical and efficient manner.

SEC. 413. On or before August 31, 1968, and each year thereafter, the Attorney General shall report to the President and to the Congress on activities pursuant to the provisions of this Act during the preceding fiscal year.

Each such report shall include a full description of any data storage and retrieval system or systems employed for the storage of criminal intelligence data by the Department of Justice, or any agency, bureau or division thereof, and by any recipient of funds under this Act who uses such funds, or any part thereof, for the acquisition, development, operation or improvement of any such system or systems. Each such report shall describe fully the scope and uses of such data, the methods of disseminating such data, a list of all having any access to such data, safeguards employed to protect individual privacy, and future plans and uses to be made of the system or systems.

SEC. 414. For the purpose of carrying out this Act, there is hereby authorized to be appropriated the sum of \$50,000,000 for the fiscal year ending June 30, 1968: Provided, however, That, of this amount, the sum of \$22,500,000 shall be for the purposes of title I, the sum of \$9,000,000 for the purposes of title II, the sum of \$13,500,000 for the purposes of title III, and the balance may be used for the purposes of title I, title II, or title III as the Attorney General may determine. For the fiscal year ending June 30, 1969, and the succeeding fiscal years, only such sums may be appropriated as the Congress hereafter may authorize by law.

TITLE V—DEFINITIONS

SEC. 501. As used in this Act—

(a) "Law enforcement and criminal justice" means all activities pertaining to crime prevention or the enforcement and administration of the criminal law, including but not limited to, activities involving, police, prosecution of criminal cases, courts, probation, corrections, and parole.

(b) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, and the Trust Territory of the Pacific Islands.

(c) "Unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

(d) "Combination" as applied to States or units of general local government means any grouping or joining together of such States or units, including a grouping or joining together for purposes only of preparing, developing, and implementing a law enforcement and criminal justice plan.

(e) "Metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

(f) "Public agency" means any State, unit of general local government, combination of such States or units, or any agency or instrumentality of any of the foregoing.

(g) "Construction" means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

(h) "Innovative function" means a function which will serve a new or improved purpose within the particular law enforcement and criminal justice system into which it is introduced.

PURPOSE OF AMENDMENT

The committee's amendment contains 25 changes in the bill as introduced. These revisions did not alter the principal objectives, functions or structure of the bill. In addition to a number of clarifying and perfecting amendments, the following substantive changes are included in the amendment:

(1) The citation to the act was changed to the Law Enforcement and Criminal Justice Assistance Act of 1967 to make it more descriptive of the relationship of the Federal Government to State and local governments in the grant programs authorized for law enforcement improvements.

(2) All eligibility standards based on population for participation in the Federal grant programs were deleted. The committee believes that the Attorney General should have the maximum discretion in promulgating regulations and in administering the authorized programs to determine the population size that would be most appropriate for participation in the light of all considerations relevant to the particular program.

(3) In order to assure the maximum coordination between the administration of the Federal programs and State law enforcement planning, provision was made to assure that the chief executive of the State, or States, involved receive a copy of the application for a title I or a title II grant from a unit of general local government, or from a combination of such units. The chief executive is given a 60-day period, if he so desires, to submit to the Attorney General his written evaluation of the project and its relationship to other pending or planned applications.

(4) The committee deleted all authority to use grant funds authorized by the bill for the purpose of direct compensation to police and other law enforcement personnel other than for training programs or for the performance of innovative functions. Deletion of authority to use Federal funds for local law enforcement personnel compensation underscores the committee's concern that responsibility for law enforcement not be shifted from State and local government level. It is anticipated that local governments, as the cost for research, innovative services, training, and new equipment developments are shared by the Federal Government in the programs authorized in the bill, will be able to devote more of their local resources to the solution

of personnel compensation problems. The committee recognizes that adequate compensation for law enforcement personnel is one of the most vexing problems in the fight against crime.

(5) Additional administrative safeguards in the exercise of the authority delegated to the Attorney General by the bill were included. To this end, provision was made for judicial review of any action by the Attorney General to terminate or suspend payments to an authorized grantee. In addition, in the promulgation of regulations to implement the act, there must be compliance with the requirements for notice and hearing prescribed by the administrative procedure chapter of title 5 of the United States Code.

(6) As introduced, the formula for title II grants in the bill required an annual 5-percent increase in operating funds from local sources in the computation of improvement costs. This qualifying formula was deleted by the committee and the amount of the Federal grant is determined by a straight sharing of the project cost. In making a grant the Attorney General must determine that the application contains, or is supported by, adequate assurances that the Federal funds will be used to supplement, and to the extent practical, increase the amount of local funds the applicant otherwise would make available for law enforcement purposes.

(7) In order to maintain close surveillance over appropriations for the grant programs authorized, the committee provided designated allocations of funds for each title for the fiscal year ending June 30, 1969. For each succeeding fiscal year, only such sums may be appropriated as Congress may by law hereafter authorize.

(8) The bill was changed to require the Attorney General to include, in his annual reports of activities, a full description of any data storage and retrieval system employed for the storage of criminal intelligence data by the Department of Justice, and by any recipient that uses grant funds for the acquisition, development, operation, or improvement of such system.

PURPOSE OF THE BILL

H.R. 5037, as amended, provides Federal financial support to supplement the expenditures of States and units of general local government in their efforts to cope with lawlessness by improvement of law enforcement and the administration of criminal justice. The bill provides a program in the Department of Justice of Federal grant assistance (1) to encourage States and local governments to prepare and adopt comprehensive law enforcement plans, (2) to stimulate allocation of new resources and the development of technological innovations, improved training, and significant new facilities for crime prevention and control, and (3) to encourage research, development, and training to improve law enforcement and to increase respect for law and order.

STATEMENT

H.R. 5037 is the heart of President Johnson's national strategy against crime. Under it, the Federal Government seeks to create and guide new investment consonant with our historical conviction that

law enforcement and criminal justice administration must continue to be primarily local responsibilities. Crime is essentially a local problem that must be dealt with by State and local governments. Lawlessness, however, has been shown by the President's Commission on Law Enforcement and Administration of Justice to be a national phenomenon that reaches into every section of the country. National assistance is needed to support and encourage greater effort by State and local governments to find new answers to the threats presented by criminal activity.

The President's Crime Commission found that many commonly held conceptions about crime are erroneous. Many people, for example, believe that crime is a vice of a relatively few people. In fact criminal behavior pervades a much greater segment of American society than previously has been comprehended generally. In the United States today, the Crime Commission reports, one boy in six is referred to the juvenile court. In 1965, more than 2 million Americans were received in prisons or juvenile training schools, or placed on probation. One Crime Commission study indicates that about 40 percent of all male children now living in the United States will be arrested for a nontraffic offense during their lives. A survey of 1,700 persons found that 91 percent of the sample admitted they had committed acts for which they might have received jail or prison sentences.

The range of behavior involved in criminal activity is much broader than is popularly believed. The Crime Commission concluded that the vast range of behavior encompassed in the term "crime" cannot be defined or explained by any single formula, theory, or generalization.

The effects of crime are pervasive. The Crime Commission, in this regard stated:

The existence of crime, the talk about crime, and reports of crime, and the fear of crime have eroded the basic quality of life of many Americans. A Commission study conducted in high crime areas of two large cities found that—

43 percent of the respondents say they stay off the streets at night because of their fear of crime.

35 percent say they do not speak to strangers any more because of their fear of crime.

21 percent say they use cars and cabs at night because of their fear of crime.

20 percent say they would like to move to another neighborhood because of their fear of crime.

The findings of the Commission's national survey generally support those of the local surveys. One-third of a representative sample of all Americans say it is unsafe to walk alone at night in their neighborhoods.

Over the long period, the trend of crime in the United States has been upward. Crimes of violence, during the 1933-65 period, the Crime Commission found, have increased markedly. Since 1940, the Nation's population has increased by approximately 47 percent. The number of offenses per 100,000 population, however, has tripled for forcible rape, and doubled for aggravated assault. The overall rate for violent crimes now stands at its highest point. The following table, prepared by the Crime Commission, shows that the upward trend for the 1960-65 period has accelerated over the long-term trend, and is up 25 percent for violent crimes and up 35 percent for property crimes.

Offenses known to the police, 1960-65

[Rates per 100,000 population]

Offense	1960	1961	1962	1963	1964	1965
Willful homicide.....	5.0	4.7	4.5	4.5	4.8	5.1
Forcible rape.....	9.2	9.0	9.1	9.0	10.7	11.6
Robbery.....	51.6	50.0	51.1	53.0	58.4	61.4
Aggravated assault.....	82.5	82.2	84.9	88.6	101.8	106.6
Burglary.....	465.5	474.9	489.7	527.4	580.4	605.3
Larceny \$50 and over.....	271.4	277.9	296.6	330.9	368.2	393.3
Motor vehicle theft.....	179.2	179.9	193.4	212.1	242.0	251.0
Total crimes against persons.....	148.3	145.9	149.6	155.1	175.7	184.7
Total property crimes.....	916.1	932.7	979.7	1,070.4	1,190.6	1,249.6

Sources: FBI, Uniform Crime Reports Section, unpublished data.

"The Challenge of Crime in a Free Society," a report by the President's Commission on Law Enforcement and Administration of Justice, p. 24.

In the absence of adequate data, the Crime Commission was unable to reach a decision whether, as individuals, Americans now are more criminally disposed than in the past. The Commission reported:

Although the Commission concluded that there has been an increase in the volume and rate of crime in America, it has been unable to decide whether individual Americans today are more criminal than their counterparts 5, 10, or 25 years ago. To answer this question it would be necessary to make comparisons between persons of the same age, sex, race, place of residence, economic status and other factors at the different times: in other words, to decide whether the 15-year-old slum dweller or the 50-year-old businessman is inherently more criminal now than the 15-year-old slum dweller or the 50-year-old businessman in the past. Because of the many rapid and turbulent changes over these years in society as a whole and in the myriad conditions of life which affect crime, it was not possible for the Commission to make such a comparison. Nor do the data exist to make even simple comparisons of the incidence of crime among persons of the same age, sex, race, and place of residence at these different years.

One result of the Crime Commission's study is the conclusion that the Federal Government has an obligation to provide more support for local programs that deal with law enforcement and the administration of justice. The present level of Federal support provides only a minuscule portion of the resources that States and cities need to bring about meaningful changes. Crime is national in scope, as well as a State and local problem. As President Johnson in his 1966 message to Congress stated:

Crime does not observe neat, jurisdictional lines between city, State, and Federal Governments. * * * To improve in one field we must improve in all. To improve in one part of the country we must improve in all parts.

To accomplish national objectives, the Commission recommended the following program:

The program of Federal support that the Commission recommends would meet eight major needs:

- (1) State and local planning.
- (2) Education and training of criminal justice personnel.
- (3) Surveys and advisory services concerning organization and operation of criminal justice agencies.
- (4) Development of coordinated national information systems.
- (5) Development of a limited number of demonstration programs in agencies of justice.
- (6) Scientific and technological research and development.
- (7) Institutes for research and training personnel.
- (8) Grants-in-aid for operational innovations.

H.R. 5037 provides support for, and gives substance to, the Crime Commission's recommendations. The act makes provision for grants to assist in planning, for implementing innovative concepts, for research, and for new facilities. In his testimony, the Attorney General described the grant programs encompassed in H.R. 5037, as follows:

The grants can cover the spectrum of criminal justice and will emphasize such priority areas as:

- (1) Specialized training, education, and recruitment programs, including intense training in such critical areas as organized crime and police-community relations, and the development of police tactical squads.
- (2) Modernization of equipment, including portable two-way radios for patrol officers, new alarm systems, and improved laboratory instrumentation for applying advanced techniques in identification.
- (3) Programs for the reorganization of personnel structures and the coordination and consolidation of overlapping law enforcement and criminal justice agencies.
- (4) Advanced techniques for rehabilitating offenders, including the establishment of vocational prerelease guidance in jails, work-release programs, and community-based corrections facilities.
- (5) High-speed systems for collecting and transmitting information to police, prosecutors, courts, and corrections agencies.
- (6) Crime prevention programs in schools, colleges, welfare agencies, and other institutions.

In addition to planning and action grants, the act contemplates construction grants for innovative facilities and firm commitment to the research, development, demonstration programs pioneered under Law Enforcement Assistance Act.

The Federal contribution by means of the grant programs authorized in H.R. 5037 to supplement the activities of State and local units of government is expected to increase substantially in magnitude. Fifty million dollars is authorized for fiscal year 1968; the Attorney General in his testimony stated that \$300 million would be needed for fiscal year 1969; and that before 1972 he anticipated that it could well be that the annual Federal contribution could exceed \$1 billion.

The subcommittee devoted 4 days of public hearings to H.R. 5037. In addition to representatives of the Department of Justice, the subcommittee received testimony from Members of Congress and a wide spectrum of opinion from organizations active in community and law enforcement matters. The objectives of H.R. 5037 have been endorsed by—

National Association of Counties.
 National League of Cities.
 National Sheriffs' Association.
 National Council on Crime and Delinquency.
 Americans for Democratic Action.
 National Association of Attorneys General.
 National Council on Crime.
 International Association of Chiefs of Police.
 U.S. Conference of Mayors.
 The American Legion.
 International Conference of Police Associations.

The files of the committee contain resolutions and other manifestations of support from numerous civic organizations, municipal councils, State and local boards of pardons and paroles, municipal and State probation departments, and mayors and other elective and appointive municipal officers. Support for H.R. 5037, according to the files of the committee, comes from organizations and civic groups in every State in the Union.

ANALYSIS

H.R. 5037, as amended, establishes in the Department of Justice a new Office of Law Enforcement and Criminal Justice Assistance to be supervised by a Director, who shall be appointed by the President, with the advice and consent of the Senate. This Office will provide planning and action program grants to States and units of local government, and research grants to institutions of higher education and other public agencies or private organizations.

Section 1 of the bill provides that the act may be cited as the "Law Enforcement and Criminal Justice Assistance Act of 1967."

TITLE I—PLANNING GRANTS

Section 101. Declares that crime is a local problem that must be dealt with by State and local governments. The purpose of title I is to encourage States and units of general local government to prepare and adopt comprehensive plans.

Section 102. Authorizes the Attorney General to make grants to States, units of general local government, or combinations of such States or units for preparing, developing, or revising the current law enforcement and criminal justice plans described in section 204.

Section 103. The Federal grant shall not exceed 90 percent of the total cost of the preparation, development, or revision of a plan.

TITLE II—GRANTS FOR LAW ENFORCEMENT AND CRIMINAL JUSTICE PURPOSES

Section 201. Declares the purpose of title II is to authorize grants to States and local government units for new approaches and improve-

12 LAW ENFORCEMENT AND CRIMINAL JUSTICE ASSISTANCE ACT

ments in law enforcement and criminal justice. Included, but not in limitation, are grants for—

- (a) public protection methods, devices and equipment,
- (b) equipment to increase effectiveness and improve deployment of personnel,
- (c) recruitment and training of personnel,
- (d) management and organization,
- (e) operations and facilities for increasing capability and fairness of law enforcement,
- (f) community relations,
- (g) public education.

Section 202. (a) Grants may be made, unless the Attorney General is of the opinion that the applicant's eligibility is unreasonably restricted, only if the Attorney General determines that the application for a grant contains or is supported by adequate assurances that Federal grant funds will supplement or increase the funds applicant otherwise would make available for purposes of the title.

(b) No grant under section 201 may be made before July 1, 1968, or for construction of any building or other physical facility. The amount of section 201 grants may not exceed 60 percent of the cost of the project. No grant may be expended for compensation of personnel except for training programs or for performance of innovative functions.

Section 203. Attorney General is authorized to make grants, amounting to 50 percent of the cost, to States, units of general local government, or combinations of such jurisdictions, for construction of buildings or other physical facilities, when grantee is eligible for other title II grants.

Section 204. (a) Attorney General may make title II grants only to an applicant that has on file a current law enforcement and criminal justice plan that conforms with the requirements of the act. Each plan shall—

- (1) if practicable, encompass a State, units of general local government, or a combination of such States or units,
- (2) incorporate innovations and an outline of priorities for improvement and coordination of law enforcement and criminal justice, including five listed categories of descriptions.

(b) In implementing examination of current law enforcement and criminal justice plans, the Attorney General is required to undertake eight listed forms of encouragement for action at the State and local level.

TITLE III—RESEARCH, DEMONSTRATION, AND SPECIAL PROJECT GRANTS

Section 301. Declares the purpose of the title to be to encourage research, development, and training for purposes of improving law enforcement and criminal justice, and developing new methods to prevent and reduce crime and to increase respect for law and order.

Section 302. Authorizes the Attorney General to make grants to, or enter into contracts with, institutions of higher education and other public agencies or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes of the act.

Section 303. Authorizes the Attorney General to make grants to establish national or regional institutes for research, education, and

training pertinent to the purposes of the act. In the establishment of such institutes, the committee believes it would be appropriate for the institutes to (1) establish such laboratories and research, education, and training facilities as may be necessary to carry out the programs described in this act, and (2) conduct programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing it and to evaluate the relationship between correctional procedures and the successful rehabilitation of convicted offenders into society. The institute may conduct programs authorized by this act by grant or contract with individuals or with other institutes or institutions of higher education or with public or private agencies or organizations.

Section 304. Grants authorized in section 302 or 303 may be up to 100 percent of the total cost of each project or institute. When feasible, the Attorney General shall require the grantee to contribute money, facilities or services.

Section 305. Proves that the Law Enforcement Assistance Act of 1965 is repealed and superseded. New grants may be awarded on the basis of applications received prior to effective date of this act; funds may be obligated for continuation of approved projects under the Law Enforcement Assistance Act of 1965; and administration of approved projects may be carried on with funds appropriated under this act.

TITLE IV—ADMINISTRATION

Section 401. Provides for the appointment in the Department of Justice, at a level IV position, of a Director of Law Enforcement and Criminal Justice Assistance, by the President, with the advice and consent of the Senate.

Section 402. Authorizes the Attorney General to appoint technical or other advisory committees to advise him in administration of the act. Members may be compensated at a rate not to exceed \$100 per diem, and expenses as authorized by title 5 of the United States Code for intermittent employees.

Section 403. (a) To insure coordination of Federal assistance to State and local governments for law enforcement and criminal justice, the Attorney General may request other Federal departments and agencies for information and materials. Such departments and agencies are authorized to cooperate with the Attorney General, and to the extent permitted by law, furnish such information and materials. Federal departments and agencies administering related programs are directed to consult with and seek advice from the Attorney General to insure coordinated effort.

(b) Title I and title II grants may be made only if (1) applicant certifies it has submitted a copy of application to the chief executive of the State or States involved, and (2) such chief executive, or chief executives, are given not more than 60 days to submit a written evaluation of the project set forth in the application. Such evaluation may include comments on the relationship of the application to other pending or proposed applications or plans in the State, or States, for the development of new approaches to and improvements in law enforcement and criminal justice.

Section 404. Provides that the Attorney General may reimburse other Federal departments and agencies for performance of functions

under the act, and except for the promulgation of regulations under the act, delegate his powers under the act and authorize the redelegation of such powers.

Section 405. Authorizes the Attorney General to conduct research and evaluation studies on matters related to the act, and to collect, evaluate, publish and disseminate statistics and other information on the condition and status of law enforcement and criminal justice in the several States.

Section 406. Authorizes the Attorney General to determine as appropriate that payments under the act may be made in installments, in advance, or by way of reimbursement.

Section 407. (a) After reasonable notice and opportunity for hearing, the Attorney General may terminate or suspend payments under approved grant contracts on a finding there is substantial failure to comply with (1) the act, (2) regulations promulgated under the act, or (3) the law enforcement and criminal justice plan submitted in compliance with the act.

(b) Such termination or suspension shall be subject to judicial review in accordance with the provisions of title 5, United States Code, chapter 7.

Section 408. Declares that nothing in the act shall be construed to authorize any department, agency, office, or employee of the United States to exercise any direction, supervision or control over any police force or other agency of any State or local law enforcement and criminal justice system.

Section 409. Unless otherwise specified, the authority granted in the act shall be carried out by the Attorney General during the fiscal year ending June 30, 1968, and the succeeding 4 years.

Section 410. Directs that not more than 15 percent of funds appropriated for any fiscal year under the act shall be used in any one State.

Section 411. Authorizes the Attorney General to promulgate regulations to implement the purposes of the act, including regulations (a) that require grantees to submit annual reports evaluating accomplishments and cost effectiveness of activities, (b) provide for administrative reports on funds, and (c) establish criteria to achieve an equitable distribution among the States of assistance under the act. Such regulations shall be promulgated in accordance with the notice and hearing requirements of subsections (b) and (c) of section 553 of title 5, United States Code.

Section 412. Except as provided in section 204, the Attorney General may disapprove an application for a grant under titles I, II, or III, if funds otherwise are available, only if the Attorney General determines that the program in the grant application will not fulfill the aims of the act or that such aims will not be fulfilled in an economical and efficient manner. The standards announced in this section for denial of a grant application supplement the standards set forth in section 204.

Section 412. Requires the Attorney General to report, by August 31, 1968, and annually thereafter, to the Congress and to the President activities pursuant to the act during the preceding fiscal year. Such reports shall include a full description of any data storage and retrieval system or systems employed for the storage of criminal intelligence data by the Department of Justice, and by any grantee under

the act that uses any funds authorized by the act for the acquisition, development, operation, or improvement of any such data storage and retrieval system or systems. Such reports shall describe fully the scope and uses of the data, methods of disseminating the data, list of all with access to the data, safeguards for the protection of individual privacy, and plans for use of the system or systems.

Section 414. To carry out the authority in the act \$50 million is authorized to be appropriated for the fiscal year ending June 30, 1968. Of this sum, \$22,500,000 is earmarked for title I purposes, \$9 million for title II purposes, and \$13,500,000 for title III purposes, and the balance is available for use under the act as the Attorney General finds appropriate. For the fiscal year ending June 30, 1967, and each succeeding fiscal year, only such sums may be appropriated as Congress may authorize hereafter by law.

TITLE V—DEFINITIONS

Section 501. The following terms are defined:

(a) "Law enforcement and criminal justice." The phrase "or defense" has been deleted by the committee to assure that grant funds authorized in the act shall not be available for use to compensate or establish a public defender's service.

(b) "State".

(c) "Unit of general local government".

(d) "Combination" of States or units of general local government.

(e) "Metropolitan area".

(f) "Public agency".

(g) "Construction".

(h) "Innovative function".

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the House of Representatives, there is printed below in roman existing law in which no change is proposed by the bill as reported. Matter proposed to be stricken by the bill as reported is enclosed in black brackets. New language proposed by the bill as reported is printed in italic.

PUBLIC LAW 89-197 (79 STAT. 828) LAW ENFORCEMENT ASSISTANCE ACT OF 1965

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Law Enforcement Assistance Act of 1965,"

SEC. 2. For the purpose of improving the quality of State and local law enforcement and correctional personnel, and personnel employed or preparing for employment in programs for the prevention or control of crime, the Attorney General is authorized to make grants to, or to contract with, any public or private nonprofit agency, organization or institution for the establishment (or, where established, the improvement or enlargement) of programs and facilities to provide professional training and related education to such personnel.

[SEC. 3. For the purpose of improving the capabilities, techniques, and practices of State and local agencies engaged in law enforcement,

the administration of the criminal laws, the correction of offenders or the prevention or control of crime, the Attorney General is authorized to make grants to, or contract with, any public or private non-profit agency, organization, or institution for projects designed to promote such purposes, including, but not limited to, projects designed to develop or demonstrate effective methods for increasing the security of person and property, controlling the incidence of lawlessness, and promoting respect for law.

[SEC. 4. The Attorney General may arrange with and reimburse the heads of other Federal departments or agencies for the performance of any of his functions under this Act, and, as necessary or appropriate, delegate any of his powers under this Act with respect to any program or part thereof, and authorize the redelegation of such powers.

[SEC. 5. (a) The Attorney General or his delegate shall require, wherever feasible, as a condition of approval of a grant under this Act, that the recipient contribute money, facilities, or services for carrying out the project for which such grant is sought. The amount of such contribution shall be determined by the Attorney General or his delegate.

[(b) The Attorney General is authorized to prescribe regulations establishing criteria pursuant to which grants may be reduced for such programs, facilities, or projects as have received assistance under section 2 or 3 for a period prescribed in such regulations.

(c) Payments under section 2 or section 3 may be made in installments, and in advance or by way of reimbursement, as may be determined by the Attorney General or his delegate, and shall be made on such conditions as he finds necessary to carry out the purpose of section 2 or section 3, as the case may be.

[(d) Payments under section 2 may include such sums for stipends and allowances (including travel and subsistence expenses) for trainees as are found necessary by the Attorney General or his delegate.

[SEC. 6. (a) The Attorney General is authorized to make studies with respect to matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, including the effectiveness of projects or programs carried out under this Act, and to cooperate with and render technical assistance to State, local or other public or private agencies, organizations, and institutions in such matters.

[(b) The Attorney General is authorized to collect, evaluate, publish, and disseminate information and materials relating to studies conducted under this Act, and other matters relating to law enforcement organization, techniques and practices, or the prevention or control of crime, for the benefit of the general public or of agencies and personnel engaged in programs concerning these subjects, as may be appropriate.

[SEC. 7. Nothing contained in this Act shall be construed to authorize any department, agency, officer or employee of the United States to exercise any direction, supervision or control over the organization, administration or personnel of any State or local police force or other law enforcement agency.

[SEC. 8. (a) (1) The Attorney General is authorized to appoint such technical or other advisory committees to advise him in connection with the administration of this Act as he deems necessary.

[(2) Members of any such committee not otherwise in the employ of the United States, while attending meetings of their committee, shall be entitled to receive compensation at a rate to be fixed by the Attorney General, but not exceeding \$50 per diem, including travel-time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.]

[(b) As used in this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.]

[SEC. 9. The Attorney General shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1966, and the two succeeding fiscal years.]

[SEC. 10. For the purpose of carrying out this Act, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1966; and for the fiscal year ending June 30, 1967, and the fiscal year ending June 30, 1968, such sums as the Congress may hereafter authorize.]

[SEC. 11. On or before April 1, 1966, and each year thereafter, the Attorney General shall report to the President and to the Congress on his activities pursuant to the provisions of this Act.]

That this Act may be cited as the "Law Enforcement and Criminal Justice Assistance Act of 1967".

TITLE I—PLANNING GRANTS

SEC. 101. Crime is essentially a local problem that must be dealt with by State and local governments. It is the purpose of this title to encourage States and units of general local government to prepare and adopt comprehensive plans based on their evaluation of State and local problems of law enforcement and criminal justice.

SEC. 102. The Attorney General is authorized to make grants to States, units of general local government, or combinations of such States or units, for preparing, developing, or revising the plans described in section 204.

SEC. 103. A Federal grant authorized under section 102 shall not exceed 90 per centum of the total cost of the preparation, development, or revision of a plan.

TITLE II—GRANTS FOR LAW ENFORCEMENT AND CRIMINAL JUSTICE PURPOSES

SEC. 201. It is the purpose of this title to authorize grants to States and units of general local government for new approaches and improvements in law enforcement and criminal justice. The purposes for which grants may be made may include but shall not be limited to—

(a) public protection, including the development, demonstration, evaluation and implementation of methods, devices, and equipment designed to increase safety in public and private places.

(b) equipment, including the development and acquisition of equipment designed to increase the effectiveness and improve the deployment of law enforcement and criminal justice personnel.

(c) recruitment, education and training of all types of law enforcement and criminal justice personnel.

(d) management and organization, including the organization, administration, and coordination of law enforcement and criminal justice agencies and functions.

(e) operations and facilities for increasing the capability and fairness of law enforcement and criminal justice, including the processing, disposition, and rehabilitation of offenders.

(f) community relations, including public understanding of and cooperation with law enforcement and criminal justice agencies.

(g) public education relating to crime prevention and encouraging respect for law and order, including education programs in schools and community agencies.

SEC. 202. (a) (1) Except as provided in paragraph (2), a grant may be made under section 201 only if the Attorney General determines that the application for such grant contains or is supported by adequate assurances that Federal funds made available under the application will be so used as to supplement, and to the extent practical, increase the amount of funds that the applicant (or applicants jointly in the case of a combination of States or units of general local government) would, in the absence of such Federal funds, make available for law enforcement and criminal justice purposes.

(2) If the expenditures of an applicant for a grant under section 201 for law enforcement and criminal justice purposes include substantial and extraordinary amounts and the Attorney General is of the opinion that the requirements of paragraph (1) of this subsection constitute an unreasonable restriction on the applicant's eligibility for a grant under section 201, the Attorney General may reduce such requirements to the extent he deems appropriate.

(b) (1) No grant may be made under section 201—

(A) before January 1, 1968, or

(B) for construction of any building or any other physical facility.

(2) The amount of any grant made under section 201 may not exceed 60 per centum of the cost of the project specified in the application for such grant. No grant made under section 201 may be expended for the compensation of personnel, except that this limitation shall not apply to—

(A) the compensation of personnel for time engaged in conducting or undergoing training programs, and

(B) specialized personnel performing innovative functions.

SEC. 203. (a) The Attorney General is authorized to make grants to States, units of general local government, or combinations of such States or units for the construction of buildings or other physical facilities which fulfill a significant, innovative function. The amount of any such grant shall not exceed 50 per centum of the cost of such construction.

(b) An applicant shall be eligible for a grant under this section only if such applicant would also be eligible for a grant under section 202.

SEC. 204. (a) The Attorney General is authorized to make grants to an applicant under this title only if such applicant has on file with the Attorney General a current law enforcement and criminal justice plan which conforms with the purpose and requirements of this Act. Each such plan shall—

(1) unless it is not practicable to do so encompass a State, unit of general local government, or combination of such States or units;

(2) incorporate innovations, advanced techniques and improved

uses of proven techniques, and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice dealt with in the plan, including descriptions of (A) general needs and problems; (B) existing systems; (C) available resources; (D) purposes for which Federal funds are sought (with specific reference to their sequence, timing, and costs); (E) systems and administrative machinery for implementing the plan; (F) the direction, scope, and types of improvements to be made in the future; and (G) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement and criminal justice plans and systems.

(b) In implementing this section, the Attorney General shall—

(1) encourage State and local initiative in developing comprehensive law enforcement and criminal justice plans;

(2) encourage plans which encompass the entire metropolitan area, if any, of which the applicant is a part;

(3) encourage plans which are related to and coordinate with other relevant State or local law enforcement and criminal justice plans and systems;

(4) encourage plans which deal with the problems and provide for the improvement of all law enforcement and criminal justice agencies in the area encompassed by the plans;

(5) encourage plans which provide for research and development;

(6) encourage plans which provide for an appropriate balance between fund allocations for the several parts of the law enforcement and criminal justice systems covered by the plans;

(7) encourage plans which demonstrate the willingness of the applicant to assume the costs of improvements funded under this title after a reasonable period of Federal assistance; and

(8) encourage plans which explore the costs and benefits of alternative courses of action and promote efficiency and economy in management and operations.

TITLE III—RESEARCH, DEMONSTRATION, AND SPECIAL PROJECT GRANTS

SEC. 301. It is the purpose of this title to encourage research, development and training for the purpose of improving law enforcement and criminal justice and developing new methods for the prevention and reduction of crime and increasing respect for law and order.

SEC. 302. The Attorney General is authorized to make grants to, or enter into contracts with, institutions of higher education and other public agencies or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this Act and which will be of regional or national importance or will make a significant contribution to the achieving of those purposes.

SEC. 303. The Attorney General is authorized to make grants to institutions of higher education and other public agencies or private non-profit organizations to establish national or regional institutes for research, education and training pertinent to the purposes of this Act.

SEC. 304. A Federal grant authorized under section 302 or 303 may be up to 100 per centum of the total cost of each project or institute for which such grant is made. The Attorney General shall require, whenever feasible, as a condition of approval of a grant under this title, that the recipient

contribute money, facilities, or services to carry out the purpose for which the grant is sought.

SEC. 305. The Law Enforcement Assistance Act of 1965 (79 Stat. 828) is repealed and superseded by this title: *Provided, however, That—*

(a) the Attorney General may award new grants, enter into new contracts or obligate funds for the continuation of projects in accordance with the provisions of the Law Enforcement Assistance Act of 1965, based upon applications received under that Act prior to the effective date of this Act;

(b) the Attorney General is authorized to obligate funds for the continuation of projects approved under the Law Enforcement Assistance Act of 1965 prior to the effective date of this Act, to the extent that such approval provided for continuation; and

(c) any awarding of grants, entering into contracts or obligation of funds under subsection (a) or (b) of this section and all activities necessary or appropriate for the review, inspection, audit, final disposition and to projects which are approved in accordance with the provisions of the Law Enforcement Assistance Act of 1965 and which continue in operation beyond the effective date of this Act may be carried on with funds appropriated under this Act.

TITLE IV—ADMINISTRATION

SEC. 401. (a) There shall be in the Department of Justice a Director of Law Enforcement and Criminal Justice Assistance who shall be appointed by the President, by and with the advice and consent of the Senate, whose function shall be to assist the Attorney General in the performance of his duties under this Act.

(b) Section 5315 of title 5 of the United States Code is amended by the addition of the following at the end thereof:

“(78) Director of Law Enforcement and Criminal Justice Assistance.”

SEC. 402. The Attorney General is authorized to appoint such technical or other advisory committees to advise him in connection with the administration of this Act as he deems necessary. Members of such committees not otherwise in the employ of the United States, while attending meetings of the committees, shall be entitled to receive compensation at a rate to be fixed by the Attorney General, but not exceeding \$100 per diem, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

SEC. 403. (a) To insure that all Federal assistance to State and local programs for law enforcement and criminal justice is carried out in a coordinated manner, the Attorney General is authorized to request any Federal department or agency to supply such statistics, data, program reports, and other materials as he deems necessary to carry out his functions under this Act. Each such department or agency is authorized to cooperate with the Attorney General and, to the extent permitted by law, to furnish such materials to the Attorney General. Any Federal department or agency engaged in administering programs related to law enforcement and criminal justice shall, to the maximum extent practicable, consult with and seek advice from the Attorney General to insure fully coordinated efforts.

(b) *The Attorney General is authorized to make grants under title I and title II of this Act to a unit of general local government or combination of such units only if—*

(1) *the applicant certifies that it has submitted a copy of its application to the chief executive of the State in which such unit or combination of such units is located; and*

(2) *such chief executive shall be given not more than sixty days from the date of receipt of the application to submit to the Attorney General in writing his evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the application to other applications then pending, and to existing or proposed plans in the State for the development of new approaches to and improvements in law enforcement and criminal justice. If an application is submitted by a combination of units of general local government which is located in more than one State, such application must be submitted to the chief executive of each State in which the combination of such units is located.*

SEC. 404. The Attorney General may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of his functions under this Act, and, as necessary or appropriate, delegate any of his powers under this Act other than his power to make and adopt regulations to implement the purposes of this Act, and authorize the redelegation of such powers.

SEC. 405. The Attorney General is authorized—

(a) *to conduct research and evaluation studies with respect to matters related to this Act; and*

(b) *to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement and criminal justice in the several States.*

SEC. 406. Payments under this Act may be made in installments, and in advance or by way of reimbursement as may be determined by the Attorney General.

SEC. 407. (a) Whenever the Attorney General, after reasonable notice and opportunity for hearing to a grantee under this Act, finds that, with respect to any payments made under this Act, there is a substantial failure to comply with—

(1) *the provisions of this Act;*

(2) *regulations promulgated by the Attorney General under this Act; or*

(3) *the law enforcement and criminal justice plan submitted in accordance with the provisions of this Act;*
the Attorney General shall notify such grantee that further payments shall not be made (or in his discretion that further payments shall not be made for activities in which there is such failure), until there is no longer such failure.

(b) *In the case of action taken by the Attorney General under subsection (a) terminating or refusing to continue financial assistance to a grantee, such grantee may obtain judicial review of such action in accordance with chapter 7, Judicial Review, of title 5 of the United States Code.*

SEC. 408. Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over any police force or other agency of any State or local law enforcement and criminal justice system.

SEC. 409. Unless otherwise specified in this Act, the Attorney General shall carry out the programs provided for in this Act during the fiscal year ending June 30, 1968, and the four succeeding fiscal years.

SEC. 410. Not more than 15 per centum of the sums appropriated or allocated for any fiscal year to carry out the purpose of this Act shall be used within any one State.

SEC. 411. The Attorney General, after appropriate consultation with representatives of State and local governments, is authorized to prescribe such regulations as may be necessary to implement the purposes of this Act, including regulations which—

(a) provide that a grantee will from time to time, but not less often than annually, submit a report evaluating accomplishments and cost-effectiveness of activities funded under this Act;

(b) provide for fiscal control, sound accounting procedures, and periodic reports to the Attorney General regarding the application of funds paid under this Act; and

(c) establish criteria to achieve an equitable distribution among the States of assistance under this Act.

The Attorney General shall prescribe regulations under this section in accordance with the requirements for notice and hearing which are prescribed in subsections (b) and (c) of section 553 of title 5, United States Code.

SEC. 412. Except as provided in section 204, the Attorney General may disapprove an application for a grant for which funds are available under titles I, II, or III of this Act only if he determines that the program or project for which a grant is sought will not fulfill the aims of this Act or that such aims will not be fulfilled in an economical and efficient manner.

SEC. 413. On or before August 31, 1968, and each year thereafter, the Attorney General shall report to the President and to the Congress on activities pursuant to the provisions of this Act during the preceding fiscal year.

Each such report shall include a full description of any data storage and retrieval system or systems employed for the storage of criminal intelligence data by the Department of Justice, or any agency, bureau or division thereof, and by any recipient of funds under this Act who uses such funds, or any part thereof, for the acquisition, development, operation or improvement of any such system or systems. Each such report shall describe fully the scope and uses of such data, the methods of disseminating such data, a list of all having any access to such data, safeguards employed to protect individual privacy, and future plans and uses to be made of the system or systems.

SEC. 414. For the purpose of carrying out this Act, there is hereby authorized to be appropriated the sum of \$50,000,000 for the fiscal year ending June 30, 1968: Provided, however, That, of this amount, the sum of \$22,500,000 shall be for the purposes of title I, the sum of \$9,000,000 for the purposes of title II, the sum of \$13,500,000 for the purposes of title III, and the balance may be used for the purposes of title I, title II, or title III as the Attorney General may determine. For the fiscal year ending June 30, 1969, and the succeeding fiscal years, only such sums may be appropriated as the Congress hereafter may authorize by law.

TITLE V—DEFINITIONS

SEC. 501. As used in this Act—

(a) "Law enforcement and criminal justice" means all activities pertaining to crime prevention or the enforcement and administration of the criminal law, including, but not limited to, activities involving police, prosecution of criminal cases, courts, probation, corrections, and parole.

(b) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, and the Trust Territory of the Pacific Islands.

(c) "Unit of general local government" means any city, country, township, town, borough, parish, village, or other general purpose political subdivision of a State.

(d) "Combination" as applied to States or units of general local government means any grouping or joining together of such states or units, including a grouping or joining together for purposes only of preparing, developing, and implementing a law enforcement and criminal justice plan.

(e) "Metropolitan area" means a standard metropolitan statistical area as established by the Bureau of the Budget, subject, however, to such modifications and extensions as the Attorney General may determine to be appropriate.

(f) "Public agency" means any State, unit of general local government, combination of such States or units, or any agency or instrumentality of any of the foregoing.

(g) "Construction" means the erection, acquisition, expansion, or repair (but not including minor remodeling or minor repairs) of new or existing buildings or other physical facilities, and the acquisition or installation of initial equipment therefor.

(h) "Innovative function" means a function which will serve a new or improved purpose within the particular law enforcement and criminal justice system into which it is introduced.

SUPPLEMENTAL VIEWS OF HON. WILLIAM M. McCULLOCH
AND HON. CHARLES McC. MATHIAS, JR.

Throughout our history Americans have relied on effective, equitable law enforcement to provide personal safety and domestic tranquility. In a very fundamental sense, our progress and prosperity as a free nation has been based on preservation of "the right of the people to be secure in their persons, houses, papers, and effects." This right has stood against government and outlaw alike.

Now, however, this traditional and fundamental security has been threatened by the alarming and continuous increase of crime. In many quarters, respect for our systems of law enforcement and criminal justice has been undermined by doubts about their very adequacy, equity, and enforcement. The problems of local crime, touching every neighborhood, every economic class, every social group, and every generation, have created deep nationwide concern.

The fact that the rising rate of crime was increasing more rapidly than the rate of population growth was the object of national focus during the 1966 congressional campaigns. Those of us who were discussing national issues prior to that election could sense the concern and anxiety of our constituents when the question of crime was discussed. We resolved then to take effective steps to turn back this tide.

It is apparent to us that no partisan approach to this problem could suffice. We have, therefore, felt it was the better policy to put our best efforts into the improvement of the proposals that have been referred to the Judiciary Committee for study, examination, and hearings. We believe that H.R. 5037, as amended and reported by the committee, justifies this course of action and we are proud of the contribution that the minority members of our committee have made to the bill.

Some profess that crime cannot be significantly reduced until we have found cures for the social ills which produce it. Others assert that we must choose at once between a lawless nation and a series of police states. We reject both extreme views in favor of a moderate, progressive, effective approach which combines improvement in the efficiency of law enforcement and criminal justice with advances in the effectiveness of programs to rehabilitate offenders and discourage violation of the criminal laws.

H.R. 5037, as reported, is in line with this approach. The bill seeks to enhance the quality of law enforcement, criminal justice, corrections, and rehabilitation. The thrust of the bill is on constructive innovation—in training, techniques, and technology—both through the development of new methods, and through the wider use of methods which have proved successful in other areas of the Nation.

The grant-in-aid programs established through H.R. 5037 are, we believe, in full accord with the traditional American concepts of law enforcement, which place primary responsibility at the local and State

levels, giving the Federal Government direct authority only in those categories of cases which involve national security, interstate and foreign commerce, or the Federal Government per se. For many years, this truly Federal system of law enforcement has been buttressed by the availability of Federal assistance, on request, to supplement or coordinate local efforts; for example, in providing investigatory services, information, or technical assistance. H.R. 5037 expands this cooperative system by offering Federal funds to augment the local financial resources which have proved so inadequate to meet our enlarged needs for crime control.

H.R. 5037 as reported is the product of many minds and many months of work. It is based on 2 years of study by the members and staff of the President's Crime Commission, on long discussions by officials in several executive departments, and on extensive hearings and deliberations by this committee.

We are pleased to report that the minority members of the committee have, indeed, worked diligently to improve this legislation and have added some 20 major amendments to the basic proposal. Because of the dimensions of this contribution, we believe it would serve a useful purpose to briefly review the major areas of impact these amendments will have on the proposed program:

1. *Grant eligibility.*—The bill was amended (by Mr. McClory) to remove the population requirement and make all units of local government eligible for grants under the program. As introduced, the bill would permit no grants to be made under title I and title II to units of local government or combinations of such units with less than a population of 50,000. It was brought out during the hearing that 80 percent of the county units in the United States have less than 50,000 persons within their boundaries. It would appear unwise to automatically exclude these units—and other similar city, town, and municipal units—from the program.

2. *Qualifying expenditures.*—The bill was amended (by Mr. McClory) to remove the 5-percent-improvement-expenditure requirement. As amended, an applicant merely must maintain its present rate of expenditures for law enforcement and criminal justice purposes to qualify under the program, but under no circumstances may the applicant use the Federal funds to make up for reductions in its own expenditures. As introduced, the bill contained an elaborate and complex formula of qualifying and improvement expenditures whereby an applicant had to increase expenditures for law enforcement and criminal justice by 5 percent each year over the basic expenditures of the year 1967. This provision would have resulted in an intolerable burden on local revenue sources which are already severely strained. It was felt that sufficient local participation would ensue from the requirements of the program that local governments meet the matching fund provisions under the proposed act.

3. *Police salaries.*—The bill was amended (by Mr. Poff) to prohibit the Federal Government to pay State and local police salaries except for personnel engaged in training and performing innovative functions. As introduced, the bill would have permitted the Federal Government to pay up to one-third of State and local police salaries and pay total police salaries for those engaged in training programs or performing innovative functions. Such an involvement of the Federal Government in the local affairs of law enforcement is unwise and unnecessary.

in conjunction with the Department of Justice or State and local governments who receive funds under H.R. 5037. The detailed information provided by these reports will give the Congress and the Judiciary Committee a factual basis for determining whether such systems provide the protections of individual privacy that are essential and must be maintained.

We take pride and find comfort in these amendments, which place meaningful and proper checks to preserve the traditional Federal-State-local relationship in the programs envisaged in H.R. 5037. All doubt which we held regarding this legislation at the outset of our deliberations on it, have been resolved by the many amendments which have been offered and adopted by the Committee to improve it. We believe H.R. 5037 will serve the cause of social order for the Nation, by strengthening law enforcement and criminal justice at the State and local level.

WILLIAM M. McCULLOCH.
CHARLES McC. MATHIAS, Jr.

GENERAL MINORITY VIEWS ON H.R. 5037

H.R. 5037 is deficient in at least one major respect and dangerously faulty in another. It fails to emphasize regional or State institutes or to properly advance the Federal Government's role in the fight against crime through decentralized research, education, and instruction; and title II should be substantially amended in order to avoid starting America down the road to a federally controlled police system.

A leading Washington newspaper last week condemned the Johnson Administration for its "phony war on crime." The war will not be won, nor will its character be changed, by the passage of H.R. 5037.

The main feature of the administration's bill is the inauguration of a Federal grant-in-aid subsidy for the ongoing expenses of local, county, and State law enforcement. The Attorney General plans to rapidly escalate to a spending level of \$1 billion a year this instrument for control. Title II fixes no priorities, contains no formula to guarantee equitable allocation, and vests absolute discretionary authority in the Justice Department. As we have seen with the 458 existing Federal categorical grant-in-aid programs, he who pays the piper must necessarily call the tune. Do Americans want law enforcement in all 50 States to be dictated by a nonelected Federal officeholder in Washington?

The record establishes that the highest and best use of Federal funds in the war on crime lies in research and training projects readily available to local and State law enforcement officials and criminal justice personnel. Any police chief will tell you that what he needs is better trained men. Everyone agrees. Yet only after amendment in Judiciary Committee does H.R. 5037 make passing reference to this high priority. Efforts were made, unsuccessfully, to incorporate the best bipartisan features of the many training and research institute bills introduced earlier this year. These efforts will be repeated in House debate.

The foregoing matters are developed more fully in all of the individual, separate, additional and supplementary views contained in this report. We welcome the anticipated "open rule" on H.R. 5037. Only through extensive and unfettered debate can our ideas be fully explored and implemented as the House works its will on this critical legislation.

RICHARD H. POFF.
WILLIAM T. CAHILL.
CLARK MACGREGOR.
EDWARD HUTCHINSON.
ROBERT MCCLORY.
HENRY P. SMITH III.
WILLIAM V. ROTH.
THOMAS J. MESKILL.
CHARLES W. SANDMAN, Jr.
TOM RAILSBACK.
EDWARD G. BIESTER, Jr.
CHARLES E. WIGGINS.

ADDITIONAL VIEWS OF WILLIAM T. CAHILL

The need for effective efforts to combat the alarming growth of crime in the United States is self-evident. According to Federal Bureau of Investigation statistics, crime in the United States is increasing at a rate four times greater than our population growth. The press, radio, and television are a daily reminder of the urgent need for congressional action.

The enormity of the problem and suggested remedies are presented adequately and forcefully in the reports of the President's Commission on Law Enforcement and Administration of Justice. It is difficult, therefore, to understand how the administration, with these excellent reports available, can suggest that H.R. 5037 as presently written is any solution to the overwhelming problem of crime in the United States.

Even the most favorable interpretation of the present legislation must characterize it as totally inadequate, with the distribution of additional Federal funds to local law enforcement agencies considered to be conclusive proof that the Administration has done its job in solving the problem of crime in America.

However, criminal behavior cannot be controlled, nor can our streets and homes be made safe, by the mere act of distributing Federal funds to local courts and law enforcement agencies. Yet, in effect, this is all that the administration's present bill does. As reported, H.R. 5037 fails to recognize that most of the crime which occurs in the streets originates in our Nation's schools, divorce courts, unemployment offices, welfare rolls, and in the efficient, modern, and scientifically equipped offices of syndicates organized to conduct gambling, narcotics, loan shark, and other illegal activities.

In establishing a Federal assistance program directed solely to the improvement of law enforcement and judicial administration, we cannot eliminate crime generated by failures in our social, moral, and economic systems. However, properly implemented, such a program can provide a direct attack against one of the greatest single identifiable causes of crime in our Nation: organized crime. Again, the administration's bill fails to provide the basis for such an attack.

As in its failure to support electronic surveillance legislation, the administration, in structuring a program of assistance to local and State law enforcement agencies, refuses to recognize the tremendous impact of organized crime in our society.

The extent of crime caused by the systematic importation of narcotics is but one example of the far-reaching effects of organized crime. As warned by the President's advisory commission:

Illicit drugs * * * are expensive * * * [the price] is never low enough to permit the typical addict to obtain it by lawful means. So he turns to crime, most commonly to the theft of property. Stolen property cannot be converted at full value, especially by an addict who needs to dispose of it quickly. It

is said that between \$3 and \$5 in merchandise must be stolen to realize \$1 in cash. The mathematics of this are alarming. Assuming that each of the heroin addicts in New York City, whose names were on file in the Bureau of Narcotics at the end of 1965, spent \$15 a day for his drug, and that in each case the \$15 represented the net cash proceeds after conversion of stolen property worth \$50, the addicts would be responsible each year for theft of property valued at many millions of dollars in New York City alone.

Similarly, the victims of gambling and loan shark operations controlled by organized crime are forced to turn to crime. Even juvenile delinquency can, to some degree, be attributed to organized crime which finds youthful street gangs to be useful apprentices.

What is called for and what H.R. 5037 fails to promote is an efficient allocation of law enforcement responsibilities between Federal, State and local governments. Unlike the jurisdictional powers of law enforcement authorities, criminal operations, particularly those of organized crime do not stop at city, county or State limits. Often the multiplicity of local governments and police systems creates a jurisdictional maze which permits continued and extensive syndicate operations. By failing to require a comprehensive State plan as a prerequisite to Federal grants, the bill provides no incentive for the establishment of centralized facilities such as crime laboratories, specialized investigative squads and communications and data processing units that are vitally necessary to combat all forms of crime.

With specific reference to syndicated crime, the President's advisory commission has urgently recommended, inter alia, the following strategies and tactical devices.

First, the establishment of permanent investigative commissions both at a State and Federal level. States that have organized crime groups in operation should create and finance organized crime investigative commissions with independent permanent status, with an adequate staff of investigators and with subpoena power. Such commissions should hold hearings and furnish periodic reports to the legislature, Governor, and law enforcement officials.

Second, groups should be created within Federal and State departments of Justice to develop strategies and enlist regulatory action against businesses infiltrated by organized crime.

Third, the Department of Justice should give adequate financial assistance to encourage the development of efficient systems for regional intelligence gathering, collection, and dissemination.

Fourth, every attorney general in States where organized crime exists should form in his office a unit of attorneys and investigators to gather information and assist in prosecution regarding this activity. Similarly, the prosecutors office in every major city should have sufficient manpower permanently assigned to organized crime cases. Coordination of investigative work and intelligence work is imperative.

However, despite the commission's urgent recommendations the administration has failed to proposed legislation which would enable States and local units of government to deal with organized crime.

Under the planning mechanism provided by the present bill, pressure by local citizens and officials will force each individual local government to make hurried and separate applications for Federal assistance. In this nationwide competition for funding, there will be little time for the careful thought necessary to formulate "innovative" or "comprehensive" programs. Moreover, in the absence of effective State planning agencies there is little stimulus for increased coordination and cooperation among local law enforcement and judicial authorities; while the bill permits the chief executives of the several States to comment to the U.S. Attorney General on applications by local authorities, there is no assurance that such recommendations will be followed nor that final approval of the application will be in accordance with overall State objectives. The result will be unnecessary duplication of facilities and a continued lack of a regionalization of local police and court systems.

A strong mandate that careful planning be conducted at a State level is not inconsistent with the need for local initiative and effort. It is clear that without the dynamic participation and considered efforts of local prosecutors, police, judges, corrections and social welfare personnel, youth leaders and businessmen, there can be no effective improvement of our Nation's law enforcement and judicial administration systems. However, it is equally clear that if comprehensive programs are to be devised, local initiative must be coordinated, evaluated, and implemented by professional and full-time State planning agencies. Under the standard Great Society formula encompassed by H.R. 5037 this local initiative will be effectively suppressed and dismissed as misguided parochialism; cities, counties and municipalities will find that if they are to receive Federal funds, their plans must conform to the Attorney General's and other Federal authorities' notions of what is needed.

The administration's principal objection to statewide planning is that Governors have limited responsibility for and experience in law enforcement and are primarily concerned with the State police and their involvement in traffic control. However, contrary to this objection, many Governors have significant roles in law enforcement and criminal justice. Moreover, while it is true that many State governments have limited experience in comprehensive planning for innovative and improved law enforcement and criminal justice, it is equally true that both local and the Federal governments lack such expertise. Comprehensive planning of innovative facilities, techniques and administrative organization is a new concept as applied to law enforcement. In making Federal funds available to State and local units for innovative and improved law enforcement, we cannot now foresee what specific improvements or innovations will be devised. We can, however, insure a planning structure which will result in an efficient utilization of funds and a greater probability of improved national law enforcement.

One of the greatest needs which can presently be identified is for regionalization of police and courts systems. Certainly, the States are in an excellent position to promote coordination and cooperation among their political subdivisions. Certainly professional and adequately staffed State planning agencies would be best situated to advise State legislatures as to revision of State laws relating both directly to law enforcement and judicial administration, and to edu-

cation, job opportunities, urban renewal and other of the many facets of our society which affect crime. Moreover, experience under "poverty" aid programs has demonstrated that failure to coordinate local activities with State activities creates a serious financial and administrative problem for the States and indirectly, for the local units within the State.

The present bill should be amended to provide the basis for professional and well-trained State planning agencies which will coordinate the initiative supplied by local law enforcement and judicial authorities. I therefore intend to present at the appropriate time, in the Committee of the Whole, a series of amendments which will have as their objectives the improvement of H.R. 5037. These will provide, inter alia:

(a) Federal assistance for the establishment of State planning agencies which would be broadly representative of all State and local police, court and correctional authorities. Such agencies shall be under the direction of the chief law enforcement officials as determined by State law.

(b) Formulation of a comprehensive State plan and its approval by the Attorney General will be prerequisite to State and local participation in improvement grant programs. In order to continue participation in improvement grant programs, plans must be revised or adjusted every 3 years. However, where a State planning agency deems necessary, it may revise or modify its plan to include innovative projects of high priority.

In short, these amendments and others which I shall propose recognize that Federal financial assistance to the agencies primarily responsible for our Nation's law enforcement must be coupled with careful and continued planning at a State level.

WILLIAM T. CAHILL.

SEPARATE VIEWS OF THE HONORABLE CLARK MacGREGOR

The fact that the domestic tranquility and the social order of our Nation are seriously threatened by crime cannot be questioned.

The fact that our State and local institutions and agencies of criminal justice and law enforcement need assistance—immediate and meaningful assistance—to deal effectively and decisively with the growing problem of crime is certainly documented by the testimony presented to the Congress, the report of the President's Commission on Law Enforcement and Administration of Justice, State, and local crime commission studies, the hundreds of alarming newspaper stories appearing daily throughout the country and in the fears and concern of millions of Americans whose freedom is restricted by the threat of crime.

Based on these facts, the administration has proposed in H.R. 5037, a program of Federal financial aid to assist State and local law enforcement and criminal justice. Although I applaud the goals of H.R. 5037, I seriously question the means it establishes to accomplish its goals. I dread the ultimate and inevitable result of H.R. 5037: Administrative centralization and control of law enforcement and criminal justice in the Attorney General of the United States. Because I doubt the necessity of centralizing administration and control in the U.S. Department of Justice, I endorse and urge serious consideration of the approach contemplated in H.R. 10757 (attached as appendix).

H.R. 5037—Federal controls of State and local law enforcement

The preceding pages of this report set forth in detail the program created by H.R. 5037 and outline the broad authority given the Attorney General to distribute billions of Federal dollars¹ to State and local governments for all aspects of law enforcement and criminal justice. This program has three aspects: (a) Planning grants authorized by title I, (b) large scale Federal subsidies authorized by title II,² and (c) limited continuation of the programs under the Law Enforcement Assistance Act of 1965 authorized by title III.

Title I is designed to encourage State and local governments to prepare and adopt comprehensive plans for dealing with their particular crime problem. For such planning purposes, the Federal grant could pay up to 90 percent of the total costs. Experienced and responsible State and local officials are well aware that significant improvements in law enforcement and criminal justice will only be achieved by thorough planning and preparation. The police, the courts, the correctional system, and the noncriminal agencies must plan for coordinated action against crime if significant headway is to be made.

¹ Hearings before Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, 90th Cong., first sess. on H.R. 5037, et al. (1967) at p. 59.

² *Ibid.* at p. 34. The Attorney General characterizes the grant program as a "comprehensive support" program.

I believe it is necessary and proper that the Federal Government encourage such planning by making funds available for that purpose. The impact of such planning has been well summarized in the report of the President's Commission on Law Enforcement and Administration of Criminal Justice:

* * * concerted and systematic planning is not only a necessary prelude to action. It is a spur to action. The best way to interest the community in the problems of crime is to engage members of it in planning. The best way to mobilize the community against crime is to lay before it a set of practical and coherent plans.³

Title II authorizes the Attorney General to make grants to State and local governments which have formulated and submitted plans. These grants would be available for improving all aspects of law enforcement and criminal justice, including police equipment; the recruitment, education, and training of personnel; the application of modern management techniques to police and criminal justice operations; and the development and use of new approaches in the enforcement, prosecution, judicial, and correctional phases of the criminal process. In short, the Attorney General is authorized to subsidize practically any or all phases of State and local law enforcement and criminal justice.

Title III is intended to carry forward the grant programs now embodied in the Law Enforcement Assistance Act of 1965. H.R. 5037 would repeal the Law Enforcement Assistance Act as such, but this title would continue to authorize 100-percent grants for research, demonstration, or other special projects which the Attorney General determines will have regional or national importance or will make a significant contribution to the improvement of law enforcement and criminal justice. This title would also increase the discretionary powers of the Attorney General by adding the new requirement to the Law Enforcement Assistance Act that the grant "be of regional or national importance or will make a significant contribution." Such terms, of course, give the Attorney General unreviewable authority to determine the nature of the grants that the Department of Justice shall approve.

Inherent in these powers given the Attorney General to distribute Federal money is the *sub silentio* surrender of local administrative discretion and control of local law enforcement to the Attorney General. To be sure, Federal officials and supporters of H.R. 5037 deny this charge and insist that all State and local applications for title II and title III money will be just that—State and local applications. They will not acknowledge that the applicants, sorely in need of funds, will quickly become skilled in the art of grantsmanship and tailor their applications to what they believe the Department of Justice will approve. Apologists for H.R. 5037 will not admit that the Department of Justice will establish its own priorities and implement its position through the title II grant program.⁴ However, if anyone should doubt this inevitable result he need only look at the experience under similar type grant programs in the field of education, housing, employment, transportation, and welfare.

³ "The Challenge of Crime In A Free Society," a report by the President's Commission on Law Enforcement and Administration of Justice (1967) at p. 280.

⁴ One distinguished witness testifying on behalf of H.R. 5037 pointed out that "the pattern of expenditure laid down in the early years will determine the whole evolution of law enforcement." *Hearings* at p. 326.

Nor do I believe that a centrally administered grant program can take into full account local conditions, parochial customs, differing State and local criminal laws, physical and economic variations of differing States and localities, and the differing needs of thousands of potential applicants. Applicants will have to conform to the program if they wish to participate. I believe the program should conform to the needs of the applicants.

This country is too big to pyramid the responsibilities for the administration of all law enforcement and criminal justice in the Attorney General. Although our country continues to grow bigger, men continue about the same size. No Attorney General, however able, wise or energetic, could be expected to effectively administer the 40,000 law enforcement agencies throughout our Nation; yet in a thirst for power, such authority could be seriously abused.

H.R. 10757—An alternative

An alternative to H.R. 5037 is contained in H.R. 10757. This substitute, which would expand rather than repeal the Law Enforcement Assistance Act of 1965, contains the following principal provisions:

1. It establishes a National Institute of Law Enforcement and Criminal Justice to be administered by a director appointed by the President and subject to the supervision and direction of the Attorney General.

2. The Institute would in turn establish, by grant or contract with institutions of higher education or other public agencies or private non-profit agencies and organizations, *regional training institutes* to serve one or more States to provide programs of education, training or other instructional activities for State and local law enforcement and criminal justice personnel. (All such training programs would have to meet the approval of the regional advisory board appointed by the Governors of the States served by the regional training institutes.)

3. The Institute, by contract with institutions of higher education and other public agencies or other nonprofit agencies and organizations, would conduct research with respect to matters relating to law enforcement and criminal justice.

4. The Institute would collect, compile, publish, and disseminate statistics for Federal and State crimes.

5. The Institute would make grants to State and local governments for preparing, developing, or revising law enforcement and criminal justice plans. All such plans would be resubmitted to the Institute and the Governor of the State within a year after the grant.

6. The Institute would review all law enforcement and criminal justice plans submitted for the purpose of developing a comprehensive grant-in-aid program for all States. This grant program would specify the allocation or formula for allocation of all funds.

The Institute would forward its proposed grant program to the Congress within 18 months after the enactment of H.R. 10757.

The substitute proposal recognizes that even if the Congress appropriates all the funds requested,⁶ the money may be spread too thinly

¹ A review of the Appropriations Committee hearings on the Law Enforcement Assistance Act for fiscal years 1967 and 1968 raise serious doubts whether that committee will appropriate the large sums to be requested by the Attorney General.

to have any real impact. Accordingly, the substitute sets forth priorities, i.e., education and training of law enforcement and criminal justice personnel, crime research and planning. Federal financial assistance in these areas will not distort Federal-State-local relationships. These programs also would not lead State and local governments down another road of no return making them dependent on and subject to the control of the Federal Government.

In addition to the assistance offered by H.R. 10757 in these priority areas, grants would continue to be available under Section 3 of the Law Enforcement Assistance Act of 1965. Section 3 reads as follows:

For the purpose of improving the capabilities, techniques, and practices of State and local agencies engaged in law enforcement, the administration of the criminal laws, the correction of offenders or the prevention or control of crime, the Attorney General is authorized to make grants, to or contract with, any public or private nonprofit agency, organization, or institution for projects designed to promote such purposes, including, but not limited to, projects designed to develop or demonstrate effective methods for increasing the security of person and property, controlling the incidence of lawlessness, and promoting respect for law.

Section 3 grants would make available ample Federal financial assistance prior to the development and implementation of a large-scale, comprehensive grant program.

The proposed grant program of H.R. 10757 would follow the planning program. After the Law Enforcement and Criminal Justice Institute had reviewed the plans submitted by State and local governments it would be in a position to propose and recommend a comprehensive grant program to the President and the Congress. The proposed grant program would define the needs of State and local governments, the amounts of Federal money necessary to assist these governments and the role of the Federal Government in the program. We believe that any large scale Federal financial assistance program to State and local law enforcement and criminal justice agencies should be "with no strings attached." However, such a program can only be developed after a detailed review of the needs of law enforcement and criminal justice systems throughout the Nation. H.R. 10757 would supply such information and enable the Congress to properly authorize such assistance.

The President's Commission on Law Enforcement and the Administration of Criminal Justice, after intensive study of this matter, recommended eight major areas of need to reform and improve law enforcement and criminal justice throughout the Nation. The Commission urged a national program which would encompass the following:

- (1) State and local planning.
- (2) Education and training of criminal justice personnel.
- (3) Surveys and advisory services concerning organization and operation of criminal justice agencies.
- (4) Development of coordinated national information systems.
- (5) Development of a limited number of demonstration programs in agencies of justice.
- (6) Scientific and technological research and development.

- (7) Institutes for research and training personnel.
- (8) Grants-in-aid for operational innovations.

The substitute, H.R. 10757, would realistically and wisely implement this recommendation.

CLARK MACGREGOR.

ADDITIONAL VIEWS OF ROBERT McCLORY

LAW ENFORCEMENT AND CRIMINAL JUSTICE ACT OF 1967, H.R. 5037

I support the main provisions of H.R. 5037. However, I do not believe this proposal, renamed the Law Enforcement and Criminal Justice Act of 1967, contains sufficient provisions for (a) programs of research for discovering new methods and techniques for fighting crime, or (b) programs of training for law enforcement personnel.

Research and training should be definite and important parts of Federal legislation directed toward meeting the rising incidence of crime. The bill as approved by the committee barely mentions the subject of training. Indeed, the word "training" was added in title III by a committee amendment. There is also a paucity of language relating to the subject of research on the various aspects of criminal activity. This scanty authority granted in title III of the bill as reported appears to be even more limited than the Law Enforcement Assistance Act of 1967 (which is repealed and superseded by title III of the administration's bill).

The need for greatly expanding the research and training functions of the Federal Government has been recognized by members of both parties in separate legislation. These sponsors also favor the establishment of a National Institute of Law Enforcement and Criminal Justice to administer the programs of research and training.

Representative Cramer of Florida has sponsored H.R. 6052 which provides for the establishment of regional training institutes to be administered by a director to improve the capabilities, techniques, and practices of State and local agencies engaged in law enforcement. The main portions of the Cramer bill also are embodied in a proposed amended title III which I offered in committee and which was defeated by a narrow margin.

The urgent need for training programs is evidenced in various parts of the report of the President's Commission on Law Enforcement and Administration of Justice, and particularly in the task force report on "The Police." On page 138 of the task force report it is revealed for instance, that 85 percent of the police officers appointed in 1965 were placed in the field prior to their recruit training. It would seem that both leadership and coordination for effective regional training programs can and should be initiated immediately by the Federal Government. This is the type of Federal assistance and direction which can most effectively aid local officials in the investigation and detection of criminal activity and in their prompt and effective enforcement of criminal laws to restore a greater measure of law and order.

The other vital need in this new Federal program against crime is that of research as proposed in the measure sponsored by Congressman James Scheuer, of New York (H.R. 5652). This proposal would establish a comprehensive program of research relating to law enforcement organization, techniques, and practices, as well as for the pre-

vention and control of crime, juvenile delinquency, and correctional rehabilitation.

In the amended title III, which was offered in committee, it was proposed that these programs of research and training would be administered through a National Institute of Law Enforcement and Criminal Justice to be established within the Department of Justice.

Such a national institute would correspond in the field of crime to the National Institute of Health (in the field of health) and the National Academy of Science (in the field of science). The Director of the Institute would be named by the President by and with the advice and consent of the Senate for a term of 6 years. It is expected that a national institute headed by such a figure would bring a professional, nonpolitical quality to the Federal fight against crime.

Titles I and II of the bill proposed by the administration and supported by the committee are temporary measures. These titles are intended to provide support to State and local governments during a period of 6 years during which they will perfect their plans and programs for meeting the threat of crime within their respective jurisdictions. On the other hand, title III will be a permanent part of the Federal statutes. This denotes a continuing interest in the Federal Government in developing and coordinating the best possible research and training programs of which the Federal Government is capable.

It has been suggested with good reason that the proposed Federal grant-in-aid programs contained in titles I and II may be deceptive to the communities which they purport to assist. This is particularly true unless sufficient Federal and local funds are authorized and appropriated to fund every valid application which is filed under these titles. In addition, titles I and II are fraught with threats of discrimination as between States and local units of government within the States.

Title III, on the other hand, is an exclusively Federal program to be administered without discrimination for the benefit of all of the States and units of local government. All will be expected to participate. All will benefit.

There should be no delay in the establishment of an effective, nonpolitical, and responsible National Institute of Law Enforcement and Criminal Justice, and the immediate implementation of programs of research and training which may be established and administered under such a Federal institute.

I plan to offer an appropriate amendment intended to carry out these views.

ROBERT McCLORY.

SEPARATE VIEWS OF HON. EDWARD HUTCHINSON (JOINED BY HON. CHARLES E. WIGGINS)

The shocking increase in crime throughout America is the most alarming domestic issue facing us today. Crime runs rampant through the streets and in public and private places. The machinery of law enforcement has been hobbled. Police officers can in many cases no longer do their duty nor can prosecutors bring the accused to trial. The criminal element in society, grown bold by recent judicial decisions, puts the forces of law and order on the defensive. The people rightly demand protection.

To meet that demand, at least in part, the administration proposes H.R. 5037. I recognize the problem. I disagree with the methods by which H.R. 5037 would combat it. I would propose other measures.

FEDERAL INFLUENCE OVER LOCAL LAW ENFORCEMENT

The first sentence of H.R. 5037 as reported by the committee correctly declares crime to be essentially a local problem that must be dealt with by State and local governments. The bill then proceeds to lure State and local law enforcement and criminal justice agencies under the control of the Federal Attorney General. Perhaps control is too harsh a word, since the bill denies any purpose of direction, supervision, or control. But the Attorney General's power to grant money under his own regulations is intended to most strongly influence and persuade.

There will never be sufficient Federal funds available to satisfy all applicants. The Attorney General will have to pick and choose, giving to some and withholding from others. Applicants will perceive that if they are to receive favorable consideration, their plans must fit a standard pattern, providing programs currently promoted by the Justice Department which will be administered in a way agreeable to the Attorney General. This power in the Federal Attorney General to choose among applicants, when the award is Federal funds, will be used to bring about local and State compliance with Federal standards in the fields of law enforcement and criminal justice just as effectively as this now familiar great society formula has worked in others areas of concern heretofore reserved to State and local government. Federal control, though categorically denied, is fully achieved through the power of the Federal purse.

Federal control, or even substantial and exacting Federal influence over State and local police administration will lay the foundation for a centralized Federal police force. I do not believe the people want a Federal police force. I do not say this bill will establish one; but general acceptance of the scheme of this bill will result in making State and local law enforcement agencies so financially dependent upon Federal support that they will be unable to give it up. And in order to keep receiving Federal aid they will more and more, a little at a time, give up their local and State control over police, until finally they are

persuaded that law enforcement is a national problem and no longer a local or State responsibility. They will at that time accept and perhaps even demand a Federal police force to maintain law and order in their communities.

This bill includes within its scope local agencies of criminal justice. Among the agencies of criminal justice are the courts themselves. The influence of the Federal Attorney General under this bill will reach State and local probation and parole, prison administration, and might even reach criminal procedure within State courts.

PLANS INSTEAD OF LAWS

In the standard pattern of the great society, this bill substitutes federally approved "plans" for State and local laws; in this case laws affecting the structure of law enforcement and criminal justice agencies. There is no hint that either State legislatures or city councils will forge such plans out of legislative debate. Plans will be devised administratively, not legislatively. As a legislator I deplore congressional assent to circumventions of the legislative process. This bill provides for another such circumvention. Such devices weaken the only branch of government whose every member is elected by the people and directly answerable to them. Congress, jealous of legislative prerogative, should be expected to protect the legislative process at all levels of government against Executive intrusions. Instead it is found creating the tools whereby State and local legislative bodies may be deprived of the power to determine, in this case, the structural organization of local law enforcement and criminal justice agencies. Through the power of the purse, delegated by Congress to the Attorney General, they will be expected to yield to Federal authority.

POWER IN THIS BILL IS FEDERAL

All power in this bill is vested in the Attorney General. He holds the money. He formulates the criteria by which applicants may seek planning grants, and he will furnish 90 percent of the cost of preparing the plans. It is obvious that the Department of Justice will influence the kind of plans to be developed, since the criteria for a planning grant are to be established by the Attorney General's regulation. Then, as to those plans he approves, the Attorney General may make operational grants equal to 60 percent of the cost of operation. But there is no assurance of an operational grant, even though a plan is approved. In such ways law enforcement and criminal justice agencies become amenable to the Federal power. When an operational grant is made, the Attorney General may after hearing terminate it or suspend it, if he finds any violation of his regulations, or any violation of the plan. Committee amendment would preserve the right of judicial review in such cases, happily.

There is no power reserved by the bill to any State or local legislative body, nor indeed is there any left in the State executive. By committee amendment (the administration's bill did not even accord consultative powers in State Governors) the chief executive of a State must be furnished a copy of all plans filed from within his State, and be given 60 days in which to submit to the Attorney General in writing his evaluation of it. There is no power of veto. The Attorney

General need not heed his protests. The State is thus reduced to the role of a petitioner, even as to matters so intimate to State function as that of enforcing its own criminal laws, and preserving the public peace.

THE POPULATION REQUIREMENT

As introduced, the bill directed that before any applicant would be considered for a planning grant, it must show a population of not less than 50,000 people. The committee struck this requirement out, but it is significant that the bill in its amended form carries no command to the Attorney General that he consider an applicant without regard to its population. Thus, the bill shifts from its original position of support for a minimum population requirement to a position of neutrality on that point. The Attorney General might conclude he can still impose a population minimum through regulation, since the statute is silent as to the matter on its face. So-called legislative history does not impress me. More than 20 years of legislative experience has taught me that administrators don't look beyond the statutory text when they believe they have power implicit in the meaning of the text itself. Any regulation which would prescribe a minimum population of 50,000 for a planning grant would force most of the counties in the United States to surrender up their identity in one of the most ancient of their functions, that of law enforcement and the administration of criminal justice. The great majority of counties do not have so large a population. In just this way, Congress is providing the machinery for the destruction of local governmental units as the people back home have created them. The power of the Federal purse is being used to remake the political map of America.

The hearings on this bill make clear the administration's belief that there are too many law enforcement agencies in the country. The bill's population requirement for planning grants was aimed at reducing the number. While the committee struck that one down, there are other provisions in the bill on which the Attorney General could hang his hat in support of his power to impose a population requirement by regulation. One such provision is the one which directs him, in approving plans, to encourage those which encompass the entire metropolitan area, if any, of which the applicant is a part. Clearly, if an applicant doesn't encompass the whole of such an area, its plan will be rejected and it will be urged to combine, for law enforcement purposes with the whole metropolis and submit a wider plan. Now, it is worth pointing out that the bill, in defining the term "metropolitan area," permits the Attorney General to define such an area as he may deem appropriate. The bill says it means a standard metropolitan statistical area as established by the Bureau of the Census, "subject however, to such modification and extensions as the Attorney General may deem appropriate."

A STRIKE AT THE ROOT OF LEGISLATIVE POWER

The Attorney General is further directed, in approving plans, to favor those which provide what is called an appropriate balance between fund allocations for the several parts of the law enforcement and criminal justice systems covered by the plan. This means that he will not approve a plan which does not in his opinion provide such

a balance of funding. This strikes at the very root of historical legislative power. The issue of fund division between law enforcement agencies and the courts lies within the province of the appropriators of public money, the Legislature. The bill before us, substituting federally approved plans for local laws, says to every State legislature and city council: the price of Federal assistance is that you give up your control over the division of funds between your local courts and among your local law enforcement agencies, and submit to the judgment of the Federal Attorney General in that regard. This is not a strained construction of section 204. It is reinforced by section 411.

Section 411 empowers the Attorney General to prescribe regulations, including regulations for fiscal control. There can be no doubt that the fiscal control referred to is at the State and local level, because that section directs the Attorney General to consult with representatives of State and local governments in formulating them. But State and local representatives are given no power in the matter. The power is vested in the Attorney General. While he must consult, he need not take their advice. I can conceive of nothing more irritating to State and local fiscal authorities and to State legislators than fiscal control over them by a legal officer, the Attorney General, who is not a fiscal officer at all. I am not stirring up imaginations. Such control is not only conceivable, it is spelled out in the language of the bill.

THE COMPENSATION ISSUE

As introduced, the bill authorized the use of up to one-third of any operational grant for the compensation of personnel. In the full committee the dangers of such a use were persuasively argued. It was pointed out that not all police and sheriff's departments would receive grants, and if Federal funds could be used to supplement the wages of the police department in City A, which had a grant, much of the qualified enforcement personnel in county B lying adjacent to the city, but unsuccessful in its bid for Federal funds, might move to the city for higher pay. The cause of law enforcement would not be served thereby. So the full committee amended the bill to prohibit the use of Federal funds for the compensation of personnel. But to this prohibition there is an exception which opens wide a loophole so big as to make the prohibition almost meaningless.

The exception is this: The Federal Government may pay 100 percent of the compensation of specialized personnel performing innovative functions. What is an innovative function? What are specialized personnel?

The bill defines an innovative function as one which will serve a new or improved purpose within the particular law enforcement and criminal justice system into which it is introduced. Specialized personnel are not defined, but it is clear that a man who is trained in a particular technique is specialized. So the bill will authorize the payment of 100 percent of the compensation of an officer who has been given a training course in a particular technique not previously used in the particular police system where he is employed. This means that if City A undertakes to perform any police service not previously rendered by it, the Federal Government may pay the total wage of officers so employed.

It is worth noting that what may be innovative to City A might be long established in City B. If so City B would have to continue per-

forming that function at its own cost, while City A, seeing a successful technique proven by use in City B, can use it and seek 100 percent of the cost of that service from the Federal Government.

Within the scope of "innovative functions" the Federal Government may be found paying the wages of large numbers of police officers. If the Government pays a substantial percentage of the personnel costs in some cities, I predict the Congress will be asked to strike down the distinction between innovative and established functions so that all cities might share equitably in Federal funds.

BROAD ADMINISTRATIVE DISCRETION

When a department of Government writes a legislative bill, it may be expected to accommodate the bill's provisions to its own convenience, and include a wide amount of administrative discretion. This bill is no exception. I cite some examples.

The purposes for which operational grants may be made are set forth in section 201. But grants are not to be limited to those purposes. They may be made for other purposes—purposes which the Congress perhaps has not considered and which may broaden the scope of the law far beyond the intent of any member who votes on the passage of the bill.

A plan must encompass a State, a local unit of government, or a combination of States or local units "unless it is not practical to do so." This interesting qualifying phrase apparently grants the Attorney General discretion to deal with parts of local units. If his purpose is to persuade a realignment of law enforcement areas, breaking up old units, he can then determine that it is not practical for a particular plan to encompass the whole of that unit.

Section 402 provides for any number of advisory committees as the Attorney General chooses to appoint. The committees may be of any size, and he may pay each member up to \$100 per diem plus traveling expenses. Recent congressional practice of assenting to an unspecified number of advisory committees for unlimited purposes should be ended, in my opinion. I question the worth of many advisory committees. Too often they are merely called in to approve after the decisions have been made. They don't advise. They merely consent.

A BILLION DOLLAR PROGRAM

The bill before us authorizes the appropriation of \$50 million for fiscal 1968. Subsequent years' appropriations will require additional authorizations. It is anticipated that by the time the program envisioned by this bill gets underway, it will easily be a billion dollar annual cost to the Federal Treasury. The infusion of so great a Federal aid into systems traditionally oriented by State and local sights and values will most certainly "federalize" the law enforcement and criminal justice systems of this country.

CONCLUSION

I would propose other measures. Crime is still a local problem essentially. Our State legislatures should be hard at work devising new legal machinery for the enforcement of criminal law and the administration of criminal justice. The Congress, too, should be

searching for ways and means by which society's protective walls may be mended.

There is a legitimate role for congressional action in the field of criminal law. Crime which crosses State lines in its conspiracy or commission is wholly appropriate for congressional action. Organized crime, operating in more than one State is properly the subject of congressional attack. The Congress might establish one or more law enforcement academies, just as we have maintained military service academies. I can think of no more effective way to upgrade law enforcement as a profession. There can be improvement in police networks and the exchange of information without weakening or destroying the local nature of law enforcement. A new respect for law and order must be generated in our communities. It cannot be generated from Washington. I am not convinced that either the States or the cities are ready to surrender and say to the Federal Government: "We can't handle it, you come in and do it for us." There was no inquiry in depth by the Judiciary Committee as to what States and localities are doing already to meet the problem. Some State legislatures have already fashioned new programs. Some States are already doing the job without Federal intrusion. The Congress, charged in these days with a duty the courts have forgotten, the preservation of the federal system, should certainly not move into local law enforcement without a serious inquiry as to what the States are doing and what they can do for themselves in this area so historically theirs.

EDWARD HUTCHINSON.

I join in the above views of my colleague, the Hon. Edward Hutchinson.

CHARLES E. WIGGINS.

SUPPLEMENTAL VIEWS ON H.R. 5037

The rapidly increasing problem of crime in the United States demands increased efforts toward a solution at all levels of government. The concept of the Law Enforcement and Criminal Justice Assistance Act of 1967 recognizes this need and seeks to bring the resources of the Federal Government to bear on the problem while recognizing that the essential character of a war against crime is such that it must be primarily waged on the local level.

However, while the bill reported out by the committee seeks to aid units of local government in this effort, to the great detriment of the efforts of the total approach to the problem, it neglects the intermediary level of State government. We believe that there is no meaningful provision for State participation under H.R. 5037. State governments are increasingly aware of their responsibilities to coordinate and augment the anticrime efforts of governments. Rather than enhancing this movement the bill, as now written, would seem at best to ignore, and at worse to hinder, these efforts by directing the flow of aid directly from Washington to local governments and, therefore, direct the attention of local units to Federal standards and applications.

Therefore, we proposed in committee an amendment to the bill which we believe corrects this deficiency. This amendment, which has the support of the National Governors' Conference, would permit States to participate under both title I (planning grants) and title II (grants for law enforcement and criminal justice purposes) when certain conditions are met by the States. These conditions provide that the State be committed to a statewide program of law enforcement and criminal justice and also that the State indicate its willingness to contribute to such a program.

The proposed amendment further provided that where the State does not meet the above conditions that grants under title II shall be made directly by the Attorney General to the local units of government. In other words, there is a provision for a bypass of the States in the event that the States are unable or refuse to meet the conditions specified above.

We feel very strongly that there is a need for such amendatory language and will offer such an amendment on the floor of the House when the bill is brought up for consideration.

TOM RAILSBACK.
EDWARD G. BIESTER, Jr.