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THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
AN ADMINISTRATIVE HISTORY

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ACQUISITIONS

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CERTIFICATION STATEMENT

I hereby certify that this paper constitutes my own product, that where the language of another is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions, or writing of another.

Signed: William F. Powers
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Date: June 4, 1982

INTRODUCTION

This paper examines the administrative history of the Law Enforcement Assistance Administration (LEAA). LEAA, a federal agency, was created by the Omnibus Crime Control and Safe Streets Act of 1968. The statute authorized a grant-in-aid program designed to upgrade the administration of criminal justice, and to reduce crime.

These goals were to be achieved through a "partnership" with state and local governments. To facilitate this intergovernmental process, the program featured "block grant" funding. In short, states would identify their crime and justice problems, and LEAA would supply the resources necessary to resolve these issues. The money, as noted, would be delivered via the "block grant," which conveyed with it wide discretion for resource allocation decisions.

LEAA was created in the waning days of the Johnson administration. The agency evolved from a small predecessor organization, and from the central findings and recommendations of a presidential crime commission. Thus, LEAA, like most government agencies, was the culmination of much effort by those with vested interests in creating a major federal intervention in the administration of criminal justice. The latter activity, from the Republic's founding, had been reserved almost exclusively to state and local governments.

For that reason, this history begins with a review of events preceding LEAA's creation in June, 1968. Discussion highlights the events and the personalities that melded in such a way as to generate initiatives that resulted in the nation's first commitment to a major "crime fighting" program. That format, major program junctures coupled with significant leadership figures, generates balanced, organizational phases that will facilitate description of LEAA's evolving administrative experiences.

Accordingly, the paper's format and sequence is summarized at this point:

- o Antecedents: 1965 - 1968.

Discussion is focused by the 1965 President's Commission on Law Enforcement and Administration of Criminal Justice, and the Law Enforcement Assistance Act of 1965.

- o Beginnings: 1968 - 1971.

The Omnibus Crime Control and Safe Streets Act of 1968 launches LEAA's "block grant" program. Early leadership issues exacerbate the usual startup difficulties.

- o Decentralization: 1971 - 1974.

A rapidly expanding organization, coupled with decentralization of authority and functions, provides the discussion context during these years.

- o Withdrawal: 1974 - 1977.

Centralization of functions and authority are reviewed in this time period. The first signs of organizational "topping out" are noted.

- o Decline: 1977 - 1980.

Abolition of LEAA's ten regions sets the stage for legislative dismantling of the agency via the Justice System Improvement Act of 1979.

- o Abolition: 1980 - 1982.

A chronology of the events which culminated in LEAA's demise.

- o Aftermath:

An assessment of the LEAA legacy.

- o A Federal Role:

Some answers to the question: what should be the federal role, if any, in the administration of criminal justice at the state and local levels of government?

The outline specifies the points of departure, and time spans, that discipline the paper's analyses and discussions. As noted earlier, major events and significant leadership roles will be examined in each context. For example, the agency's reauthorization under the Omnibus Crime Control Act of 1970 (signed by President Nixon on January 2, 1971), was shortly followed by the president's appointment of Jerris Leonard as LEAA's administrator. Accordingly, the Leonard tenure, a dynamic one by any measure, will be reviewed in that time span.

This approach guides discussion throughout this administrative history. The writer believes that such a methodology will illuminate the significant, relevant considerations in the antecedents, founding, development and demise of the agency charged with the administration of the nation's "War on Crime." Put differently, one anticipates that this format will enhance identification of the political, organizational and personal characteristics that have made observable impacts on the LEAA agency, its personnel, and its public policy mission.

Following discussion of the agency's administrative history, the writer turns to analysis of the considerations which appear to have caused LEAA's accelerated abolition. These will be personal views, not those of the experts. The latter have been having a field day with a variety of post-mortem observations, some authored by individuals with but brief contact with the agency and its unhappy history. In other words, subsequent to reporting the organization's documented history, the writer will focus on what went wrong, why, and what can be learned from the experience.

The last consideration, an important one, orients the administrative history's closing pages. That segment, entitled "A Federal Role," focuses the question: what is the federal role in the administration of criminal justice? The issue here is not that of the federal judiciary or the mission of the F.B.I., but, rather, the relationship of the national government to the state and local criminal justice system and its line justice agencies. That is the policy issue, the one left unsettled in the wake of LEAA's experiment with an intergovernmental "partnership" in justice administration.

Writer's perspective

When in the mid-1960's the federal government became actively involved in state and local criminal justice agencies, the writer was a captain in the Massachusetts State Police. Subsequently, as superintendent of that agency in the late sixties, he was a member of the Governor's Committee on Law Enforcement and the Administration of Justice. This was the policy board which oversaw the planning and resource allocation activities of the Commonwealth's criminal justice State Planning Agency (SPA).

Service then followed in the U.S. Department of Justice, beginning in September, 1971, and continuing until the present. Much of this work was related to the LEAA program in the following assignments:

- o 1971 - 1974, - New England Regional Administrator for LEAA.
- o 1974 - 1977, - Criminal justice policy advisor to Governor Philip W. Noel of Rhode Island. The Justice Department made this assignment under the Intergovernmental Personnel Act.

The writer since 1977 has served as director of the Public Safety Officers' Benefits Program (PSOB). PSOB was a constituent organization of LEAA until the latter's April, 1982 abolition. The program, unrelated to LEAA's grant-in-aid activities, pays a \$50,000 benefit to eligible survivors of state and local public safety officers who die from injuries received in the line of duty. There are some 250 eligible deaths each year, with average annual expenditures of \$12.5 million.

Naturally, one's experiences with the LEAA organization and program give rise to a particular point of view. Such subjectivity must necessarily color accounts of some of the personalities and events which appear in these pages. On the other hand, a fair amount of work has gone into an effort to base descriptions on documents relevant to the issue under discussion. One hopes that the result is an accurate and balanced account of the Law Enforcement Assistance Administration and its administrative history.

With these introductory comments concluded, discussion turns to LEAA's antecedents and beginnings. Not surprisingly, that undertaking begins in a political context, that of the 1964 presidential campaign.

ANTECEDENTS¹

1965 - 1968

America's crime problems first emerged as a national political issue during the 1964 presidential campaign. Senator Barry M. Goldwater, the Republican nominee, raised the crime issue as part of a strategy to discredit President Lyndon B. Johnson's "Great Society" programs. While the Arizona Republican's bid fell short of the White House, his crime speeches struck a responsive chord in the American electorate. That reaction was not lost on the Johnson administration. The crime issue, therefore, was destined to join the widening array of domestic initiatives that spanned the "Creative Federalism" years.²

President Johnson's leadership on the issue was initiated in his State of the Union message on January 4, 1965. In that presentation, Johnson discussed the rising crime rates, and the national government's obligation to ensure social order. The president noted that he would shortly propose an agenda for improving the nation's crime fighting capacity while, at the same time, safeguarding individual liberties in the presence of the upgraded criminal justice system.

¹Interviews with Paul E. Estaver, National Institute of Justice, Law Enforcement Assistance Administration, Washington, D.C., February and March, 1982. Mr. Estaver helped staff the Office of Law Enforcement Assistance in 1965-1966, served as a deputy director of the Law Enforcement Assistance Administration after its 1968 authorization, currently is doing research in the National Institute of Justice. The interviews are reflected throughout this section.

²Advisory Commission On Intergovernmental Relations, Safe Streets Reconsidered: The Block Grant Experience 1968-1975, Washington, D.C., 1977. ACIR uses the term "Creative Federalism" in this and other of its reports. Others, for example David B. Walker in "Toward a Functioning Federalism" have used it as well.

The Johnson commitment took shape and form in a March 8, 1965 special message on crime. In that document, he elaborated on the escalating crime issues, noting that a balance had to be maintained between individual rights and privileges, and the social order requisite to the nation's democratic institutions. The centerpiece of the special message was constructed of two principal elements: 1. A proposal to establish a presidential crime commission to examine the causes of crime, and to analyze the nation's criminal justice system; 2. A commitment to begin grant-in-aid designed to strengthen the agencies of justice administration; law enforcement, prosecution, the judiciary and the correctional system.³

In point of fact, almost all of the nation's criminal justice activities were carried out at the state and local levels of government. For example, most police departments were organized and deployed at the local level, with a more modern development of state police forces dating from the early nineteenth hundreds. Correctional institutions, too, were largely administered at the state and county governmental levels. Counties, buttressed by local jails, handled offenders with short term sentences, while the states managed the prison systems designed to hold felons convicted and sentenced to lengthy incarceration.

President Johnson's evolving crime policy therefore portended the entry of the federal government into the state and local criminal justice system.

³Barry Mahoney, "The Politics of the Safe Streets Act, 1965-1973: A Case Study In Evolving Federalism And The National Legislative Process" (Ph.D. dissertation, Columbia University, 1976), p. 75. Mahoney's paper is focused principally on the legislative considerations that generated the statutes related to LEAA and predecessor organizations.

Formerly, federal agencies, principally the Federal Bureau of Prisons and the Federal Bureau of Investigation, participated in cooperative arrangements with state and local counterparts as the need arose. With the Johnson initiative, the national government was about to embark on an enterprise that, of necessity, would bring both federal resources and influences directly to bear in the administration of criminal justice throughout the nation's inter-governmental system.

The early development of that emerging policy merits expanded analysis in this context. Accordingly, discussion at this point turns to the organization, work and contributions of the presidential crime commission first proposed in the March 8 special message on crime.

President's Commission on Law Enforcement and Administration of Justice

The President's Commission on Law Enforcement and Administration of Justice (the Crime Commission) was established on July 23, 1965 by presidential executive order. Attorney General Nicholas deB. Katzenbach was named chairman. James Vorenberg was selected as the commission's executive director.⁴

Katzenbach and Vorenberg had first met in the early 1950's when both served in the Air Force's Office of General Counsel. Vorenberg, following a stint at the Harvard Law School, had reentered government, joining the Justice Department during the Kennedy administration. Katzenbach, close to Robert F.

⁴U.S. President's Commission on Law Enforcement and Administration of Justice. The Challenge of Crime in a Free Society. Washington, D.C.: U.S. Government Printing Office, 1967. Introduction.

Kennedy, recommended Vorenberg for the director's post in the department's Office of Criminal Justice. From that vantage point, the former Harvard Law School professor, during 1964 and 1965, had coordinated the planning that led to President Johnson's announcement of the Crime Commission.

The Commission had nineteen members. In addition to Attorney General Katzenbach, there were: two federal judges; a state attorney general; a state court judge; a district attorney; six prominent attorneys; the mayor of New York; a university president; a law school professor; a police chief; a newspaper publisher; a civil rights leader; and the national president of the League of Women Voters. Fifteen were lawyers. Two were blacks, and two were women. They averaged over fifty years of age.⁵

Vorenberg by late 1965 had staffed the Commission which had organized into four task forces: police, courts, corrections, and crime problems analysis. During 1966, additional task forces were structured to handle juvenile delinquency, drug abuse, drunkenness, organized crime, and to evaluate science and technology applications to crime control problems. At its peak, the Commission's staff numbered forty. In addition, additional staff and resources within the Justice Department were brought into play in specific circumstances.⁶

⁵Mahoney. "The Politics of the Safe Streets Act," p. 98.

⁶Estaver interviews, February-March, 1982.

The Crime Commission worked nineteen months, issuing its final reports in February, 1967. In their general report, "The Challenge of Crime in a Free Society," Commission members concluded that crime control could be accomplished principally by improving the nation's criminal justice system. Among some 200 recommendations, the Commission urged the Federal government to increase its financial support to justice agencies at the state and local level of government. In particular, eight priority needs were specified: 1. state and local planning; 2. education and training of criminal justice personnel; 3. technical assistance in the organization and operation of justice agencies; 4. development of information systems; 5. demonstration programs; 6. research and development; 7. establishment of a research and development institute; 8. funding for operational innovations.

The Crime Commission's reports were comprehensive--and controversial. Many of the discussions and recommendations were focused on the social issues thought to be responsible for crime and criminal behavior. For example, several reports went to great lengths to demonstrate the links between poverty and anti-social behavior. Moreover, especially in the corrections area, the emphasis tended to be on the rehabilitation of the criminal rather than on the rights of the victim.

Needless to say, "The Challenge of Crime in a Free Society" received mixed reviews. Nevertheless, it was the most comprehensive document on crime and the criminal justice system ever produced in America. More importantly, its timing was propitious. Crime, especially the fear of crime,

had continued to increase. In that atmosphere, the Crime Commission had recommended action, an agenda that would commit the resources of the national government.⁷

In point of fact, a modest grant-in-aid program had already gotten underway. This effort, administered by the Justice Department, found federal funds going to state and local justice agencies even while the Crime Commission was contemplating a much larger infusion of federal dollars. Review of that funding program focuses this paper's next several pages.

Law Enforcement Assistance Act

President Johnson's special message on crime had specified two principal thrusts: the Crime Commission and fiscal assistance for state and local justice agencies. With the Commission launched in July of 1965, legislative planning for the fiscal commitment accelerated.

Stepped up executive-legislative activities culminated in the president's September 22, 1965 signing of the Law Enforcement Assistance Act. The legislation established the Office of Law Enforcement Assistance (OLEA) in the Justice Department. Courtney Evans, a twenty-four year veteran of the Federal Bureau of Investigation, was named the new agency's acting director.

⁷ President Herbert Hoover in 1929 had appointed a predecessor organization: The National Commission on Law Observance and Enforcement, the "Wickersham Commission." Chaired by former Attorney General George Wickersham, the Commission filed fourteen criminal justice improvement reports in 1930 and 1931.

⁸ Law Enforcement Assistance Act of 1965, P.L. 89-197, 79 STAT. 828.

In the F.B.I, Evans had served as liaison between the Bureau and Attorney General Robert F. Kennedy. A close relationship had developed between the two, one that apparently had troubled F.B.I. director J. Edgar Hoover. Some observers have speculated that the resultant tensions had quickened Evans' 1964 retirement from the federal law enforcement agency.

In any event, the veteran law enforcement official was to remain at OLEA throughout its almost three-year existence. The number two man, directing operational activities, was Daniel Skoler. Formerly with the National Council of Juvenile Court Judges, Skoler filled the post of deputy director. Rounding out the management team was Patrick V. Murphy, a seasoned veteran of the New York City Police Department who had also served as police chief in Syracuse, New York.⁹

The OLEA program was funded at \$7.25 million during its first year. Evans, Skoler and Murphy focused on establishing the agency's credibility, principally with the law enforcement community. A number of small grants were dispersed among police departments for training programs, civil disorders equipment and the like. In addition, a close relationship was developed with the International Association of Chiefs of Police (IACP), then headed by Quinn Tamm, another F.B.I. alumnus. Tamm, like Evans, had fallen out with director Hoover prior to leaving the Bureau. Hoover's political influence was then at its peak, especially in key legislative committees.

⁹Estaver interviews, February-March, 1982.

Whether OLEA's growth was stunted by these interpersonal conflicts is speculative at best. The agency's funding, however, remained level at about \$7.5 million annually during its three-year life. In addition, the OLEA professional staff topped out at fifteen or so. Thus, major initiatives failed to materialize, crowded out by the daily operational activities that characterize the management pressures inherent in a new grant-in-aid program.

But the staff's skills found another outlet. This initiative resulted from the close professional relationships that had developed between OLEA personnel and the people hard at work under James Vorenberg at the President's Crime Commission. The two groups had much in common. Their formidable tasks, though specified in separate mandates, were, in many ways, directly related to one another. How these two activities melded in the development of the proposals for a major crime program merits review at this juncture.

Mutual purpose

The Crime Commission staff had begun its work in July, 1965. Some sixty days later, the organizing cadre of the Office of Law Enforcement Assistance began its activities under the authorities of the Law Enforcement Assistance Act. Shortly, the two organizations were quartered in the H.O.L.C. building at First and D Streets in Washington. The location was hard by the Capitol, a convenient vantage point from which to address the nation's pressing crime problems.

A mutually beneficial relationship quickly developed. The Office of Law Enforcement Assistance was funded at \$7.5 million, but its administrative

appropriation froze the staff at fifteen professionals. Alternatively, the Crime Commission had a well developed staff of about forty, but lacked funding for research and planning initiatives considered important to discharge of its policy mandates. In practice, the obvious occurred. Commission personnel helped OLEA with key grant-in-aid activities, while the latter agency funded a variety of projects which produced relevant documents for the Crime Commission.

Beyond the mutual aid, there was an ongoing interchange of ideas. These interactions continued throughout 1965 and 1966, right up to the February, 1967 release of the Crime Commission's landmark report, "The Challenge of Crime in a Free Society." As noted earlier, that report's constituent documents spelled out a comprehensive agenda for a "War on Crime," a battle to be waged and won by much improved criminal justice agencies at the state and local levels of government. The first salvo of that undertaking was fired simultaneously with the report's release.

Presidential message

President Johnson in a February 6, 1967 message to Congress proposed the Safe Streets and Crime Control Act of 1967. Entitled "Crime in America," the message was focused by the Crime Commission's work and proposed to implement its principal recommendations. Johnson recommended that a Federal, categorical program be established with funding rising to \$300 million by the second year. The fiscal support would be earmarked for local governments, primarily for law enforcement. The categorical funding method had been the fulcrum for

many of the "Great Society" programs, but it portended political conflict with its application to law enforcement activities.

The political situation was exacerbated by the presence of the Johnson administration's leading spokesman, Attorney General Ramsey Clark. His reputation as an advocate of liberal causes galvanized conservative opposition.¹⁰ For example, a subsequent Republican minority report railed at the nation's chief law enforcement officer: "In short, we don't want the Attorney General, the so-called 'Mr. Big' of Federal law enforcement, to become the director of State and local law enforcement as well. It is true that the Attorney General is the chief law enforcement officer of the Federal government. But he is not chief law enforcement officer of States and cities. We believe that America does not want him to serve in that capacity."¹¹

Throughout the 1967 congressional session, the crime program generated partisan debate. The issue was not whether there would be a "War on Crime." The escalating urban crises had settled that question. The issue, rather, was that of the authority and funding mechanisms. In a word, how the crime fighting program was to be delivered became the overriding concern.

The "Great Society" programs had been categorical. Many were project specific, targetted in the urban centers, even in neighborhoods. The results were beginning to come in. While discussion of those outcomes would

¹⁰ Ibid.

¹¹ Cited in Mahoney, "The Politics of The Safe Streets Act," p. 116.

necessarily range much beyond the substantive parameters of this paper, one finds it useful to summarize the then evolving perceptions with a question: why were the nation's center cities burning in the presence of a massive federal effort to eliminate poverty in America? Efforts to respond to that inquiry generate insight into the reasoning which underpinned Congressional resistance to the Johnson administration's proposal to administer the crime program in the image of predecessor "Great Society" initiatives.

By the time Congress reconvened in January, 1968, opposition had hardened against direct (categorical) funding for the contemplated crime program. By spring, Senate amendments completed the bill's evolution from a "Great Society" type proposal to one which placed much authority for program management and delivery at the state level of government. In short, the "War on Crime" was to be launched as a "Block Grant" program.

Final legislative passage came on June 6, 1968. Shortly, on June 19, President Johnson signed the Omnibus Crime Control and Safe Streets Act of 1968. Developed and nurtured by "Great Society" adherents, the historical federal initiative subsequently would be dubbed the "Flagship of New Federalism."¹² While that characterization may have overreached, "Safe Streets" was in fact the first major legislation to incorporate the block grant concept from its inception.

¹²This description of the LEAA organization was used frequently by Jerris Leonard during his 1971-1973 tenure as the agency's administrator.

Accordingly, discussion turns to the policy and operational issues that confronted those selected to develop and lead the much heralded national crime initiatives.

BEGINNINGS¹

1968 - 1971

President Lyndon B. Johnson on June 19, 1968, signed the Omnibus Crime Control and Safe Streets Act (the Safe Streets Act).² Johnson's signature marked the culmination of the crime planning and development activities he had first announced in his January 4, 1965 State of the Union message. As noted earlier, "Safe Streets" was the first federal program designed as a block grant from inception. Moreover, it was a substantial departure from the galaxy of domestic initiatives which had opened a new era in the Federal Republic's ongoing experiment with federalism.

Title I of the Safe Streets Act created the Law Enforcement Assistance Administration (LEAA). The Act's preface specified the substantive and procedural themes of the statute:

Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

¹Interviews with Irving Slott, Law Enforcement Assistance Administration, Washington, D.C., March 1982. Mr. Slott in 1970-1973 was deputy director and later acting director of the National Institute of Law Enforcement and Criminal Justice, LEAA's research arm. He is currently a program manager in LEAA. The interviews are reflected at several points in this section's discussions.

²The Omnibus Crime Control and Safe Streets Act of 1968, P.L. 90-351, 82 STAT. 197, et seq. The statute is frequently referred to in this paper as the "Safe Streets Act."

It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement; and (3) encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals.³

Thus, Congress had articulated the general policy parameters of the crime program. Remaining was the complex challenge of translating legislative intent into operational reality. There were some advantages. The staff of LEAA's predecessor organization, OLEA, had transferred into the new agency. In addition, Congress had appropriated \$63 million for the first year's operations. Moreover, the OLEA cadre had gained useful, relevant experience during that agency's three-year existence. Strengthening that experiential foundation were the professional relationship that had developed with criminal justice practitioners, planners and academicians around the nation. In summary, LEAA's organizational life began with confidence, and with a full measure of enthusiasm.

In the excitement surrounding the new enterprise, it appears that not much thought or concern was focused on the enormity and complexity of LEAA's policy mission: the reduction of crime in America. That mandate would prove to be a source of unending controversy--and criticism. In retrospect, one perceives the impossibility of LEAA's situation as the agency organized and staffed during the summer of 1968:

³Title I, Law Enforcement Assistance, Declarations and Purpose, 82 STAT. 197.

- o The political context can best be described thus: do something, anything, about crime and criminals. And do it quickly.
- o Little was known about the causes of crime and criminal behavior. What indicators there were, however, pointed to a complex inter-relationship among historical, racial, social and economic considerations that, with hindsight, boggle the mind.
- o The criminal justice "system" about to be upgraded was composed of agencies focused on social control. Put differently, the institutions of criminal justice could improve their capacities for criminal detection, apprehension, prosecution and incarceration, but were immobilized in the presence of crime's root causes.

One places the word "system" in quotation marks to alert the reader to the reality that the administration of justice was, in practice, the opposite of the efficient, integrated activity that the word implies. Rather, there existed an assemblage of balkanized institutions which related superficially to one another as a client "progressed" from suspect, to defendant, to prisoner. For example, police knowledge of prison operations was limited to the rare occasions when law enforcement officers delivered a prisoner to a county jail's reception area. Conversely, a prison guard's (or administrator's) understanding of a typical police department was about the same as that of a neighbor employed by the local dairy.

The foregoing views, in this context, are not meant to demean, nor to overstate. The point, rather, is that LEAA and its personnel were charged with the resolution of national issues that no one comprehended. Crime had become a national political issue. Predictably, a political response had been made. Whether that response was relevant was unimportant. What was important was action, especially the appearance of action. If anything was essential in these circumstances, it was that of capable, steady leadership for the fledgling LEAA organization. That prerequisite was blocked at the threshold. Why that happened, and the effect on the agency's startup activities merits analysis at this juncture.

The "Troika"

What LEAA needed was a clearly identified leadership position, a management post with the authority and accountability for total operations. Rather, it got the opposite; power and responsibility accorded equally to a three-person management team. While the configuration may have proven its utility in other applications (the U.S.S.R. is credited with its development and identification, e.g., "Troika"), the arrangement portended instability where purposeful direction was essential.

The Safe Streets Act specified that the management team be composed of an administrator and two associate administrators. President Johnson quickly named Patrick V. Murphy to the administrator's post. Murphy, a veteran police practitioner, had been, as noted earlier, the number-three man in the OLEA administration. Joining him in the Troika as associate administrators were Wesley Pomeroy and Ralph Sui. Murphy, although a lifetime police official,

was perceived as a liberal within the conservative law enforcement community. His nomination, accordingly, was received with enough suspicion by Senate Republicans to delay his confirmation, as well as those of Pomeroy and Sui. When the Senate adjourned without taking action on the nominations, the three received recess appointments.

Meantime, Richard M. Nixon won the presidency, defeating President Johnson's vice president, Hubert H. Humphrey. Nixon's win settled the ambiguities for the incumbents of the LEAA Troika. Murphy, Pomeroy and Sui knew that the new president's January 20, 1969 oath taking would be shortly followed by the naming of their successors. Everyone else read those political signs as well. Such realities did not lend themselves to the running start that LEAA's formidable administrative tasks required during the agency's formative, early weeks.

Leadership change

The Troika's central weakness, decision making by consensus, was not a problem during the Murphy, Pomeroy and Sui tenures. The three recognized the political reality of their situation. They knew their appointments were temporary, and that, once sworn, President Nixon would name his people to the LEAA leadership posts. As a consequence, management conflict did not become an issue during the agency's first few months.

As anticipated, President Nixon withdrew from the Senate the Murphy, Pomeroy and Sui nominations. He replaced their names with those of his own nominees: Charles H. Rogovin as administrator and Richard W. Velde and

Clarence M. Coster as associate administrators. Rogovin was then thirty-eight, a lawyer and a Democrat. Velde and Coster were Republicans. The three men were different in more ways than in the choice of their political parties, and, with their appointments, the Troika's inherent weaknesses would emerge into full view.

Rogovin was an experienced criminal justice practitioner. For example, he had served in the Philadelphia area as both an assistant district attorney and public defender. Subsequently recruited by James Vorenberg for President Johnson's Crime Commission, he was an assistant director during 1966 and 1967 with overall responsibility for the task force on organized crime. That led to an appointment as an assistant attorney general in Massachusetts under Elliott R. Richardson. Rogovin's work there, as with the Crime Commission, was in organized crime.⁴

Richard W. "Pete" Velde was the son of a former Republican congressman from Illinois. He was close to Senator Roman Hruska of Nebraska, and had been minority counsel for the Senate Judiciary subcommittee on Criminal Laws and Procedures. In that post, Velde had played a key role in developing the Senate bill which incorporated the block grant into the LEAA legislation. Having been instrumental in the shaping of LEAA's administrative arrangements, he would now face the more difficult task of helping to manage the crime fighting agency.⁵

⁴Mahoney, "The Politics of the Safe Streets Act," p. 189.

⁵Slott interviews, March, 1982.

Clarence M. Coster was a career policeman. He had joined the San Francisco Police Department in 1950, later serving as an agent in the California Bureau of Narcotic Enforcement. Appointed Bloomington, Minnesota's chief of police in 1967, he was in that post when tapped by President Nixon for the LEAA associate administrator's position.⁶

Rogovin and Velde were confirmed by the Senate and took their offices in March, 1969. Coster did not join them officially until the following December. Nevertheless, the Troika power sharing arrangement created problems from the outset. A Justice Department legal opinion had not helped. That document specified that the LEAA administrator had to get agreement from his two associates prior to issuing policy or operational directives. The effect was to block action whenever one of the three dissented.

Rogovin and Velde, from different backgrounds and different political parties, disagreed on key issues from the beginning. One example was Rogovin's push to name Henry Ruth director of the National Institute of Law Enforcement and Criminal Justice, LEAA's research arm. Ruth had been deputy director of the Crime Commission, and had worked closely with Rogovin while in that post. Velde would not concur on Ruth, deadlocking the critical appointment. When Attorney General John N. Mitchell weighed in with support for Ruth, Rogovin prevailed.⁷ While that intervention settled one policy standoff, it did not reach the deficiencies inherent in the Troika's power sharing arrangements.

⁶After joining LEAA in September 1971, the writer became familiar with Coster's law enforcement background during several conversations.

⁷Mahoney, "The Politics of the Safe Streets Act," p. 192.

The situation worsened with Coster's October arrival. Out of the "old school," he was suspicious of the sudden burst of enthusiasm for criminal justice research then rapidly developing among academics. Although a college graduate, the new associate administrator was much more comfortable with others who, like himself, had "worked the streets." In practice, his criminal justice views were substantially in harmony with Velde's conservative orientation.⁸ Shortly, the two were denying to Rogovin the unanimity he needed to perform in the dynamic, leadership style that had marked his prior accomplishments.

With its senior management deadlocked, LEAA stuttered in place. Where under the block grant states needed cogent, timely direction, they received evasive answers and unexplained delays. Put differently, the federal agency was failing to lead. Its own house was in disarray; therefore, how could it provide the guidance uniformly to implement the leading edge of the "Flagship of New Federalism?" In contemplating an answer to that question, one gains an understanding of why Rogovin resigned some twelve months after being named to the LEAA administrator's post.

His departure came in April, 1970, but not without a parting salvo: "I resigned because I am convinced beyond doubt that the Law Enforcement Assistance Program cannot be administered in its present form. An agency cannot be managed by three chiefs....When I attempted to exercise leadership and my colleague disagreed, the agency was stalemated. I sat helpless while this program--which I regard as the most important effort ever made to improve

⁸An example of Coster's views occurred when the writer was appointed chairman of the Federal Regional Council of New England for 1973-1974. Coster called from his Washington office to offer congratulations, noting that he was pleased that a "cop" had been placed in the key intergovernmental post.

criminal justice--deteriorated because of a totally bizarre administrative concoction."⁹

LEAA's first sworn administrator thus left the agency amid personal misunderstandings and administrative confusion. The top post he vacated would remain that way for a year. Meantime, a push was on to "get the money out." While uniform policies and sound administrative procedures remained desirable, such recommended practices were driven out by the pressures associated with the daily operational activities of a new, experimental, grant-in-aid program.

In spite of those problems, however, the form and substance of the crime program was largely shaped during the first two years. Those developments merit review at this point because they reflected the policy ambivalences in the Safe Streets Act itself.

State Planning Agencies

Congress had enacted the block grant program amid much talk of states' rights, the enduring strength of Federalism's central tenets, and the proposition that local people were in the best position to develop solutions to their own problems. The latter axiom was especially relevant in the context of police power and criminal justice activities.

LEAA's block grant funding mechanism had been focused by those considerations. In practice, however, reality fell short of the ideal. For example, each state was required to organize a State Planning Agency (SPA) to analyze

⁹Cited in Mahoney, "The Politics of the Safe Streets Act," p. 194. Mahoney was quoting from a letter that Rogovin had sent to Senator Joseph Tydings.

its crime problems and respond with a comprehensive criminal justice approach. More importantly, each state's criminal justice plan, to be funded, had to be approved by the federal agency. In other words, to get the "action" money to fund their proposed crime reduction initiatives, the states had to submit a comprehensive plan for LEAA's review and approval.

In addition, each SPA was responsible to its own policy board. Members were appointed by the governor, and were representative of state and local criminal justice agencies and interests. Moreover, most states organized regional planning units (RPU's) in order to respond to LEAA's guidelines requiring planning and funding participation by local units of government.

LEAA, meanwhile, had organized its functions around regional and program "desks." Personnel staffing the regional operations were responsible for day-to-day contact with the states. They were supported by technical experts who handled functional activities in police, courts, corrections, information systems, organized crime and related areas. This was the general administrative configuration during the agency's early months of operation.¹⁰

Notwithstanding its leadership problems, and the complexity of the organizational challenges dictated by the Safe Streets Act, LEAA's funding to the states increased rapidly during the first two years. Where the agency's Fiscal Year 1969 appropriation was \$63 million, its funding leaped to \$268 million by the next year. Given the startup problems already discussed,

¹⁰Law Enforcement Assistance Administration, Annual Report for Fiscal Year 1969, (Washington, D.C.), p. 19.

and the complexity of the program's delivery system, it was inevitable that problems would soon emerge. In authoring the introduction to the 1970 Annual Report, Associate Administrators Richard W. Velde and Clarence M. Coster sought to deflect early criticisms:

The year 1970 demonstrated that the federal-state-local government partnership represented by the block grant approach offers the most effective means of improving the criminal justice system in the United States.

This approach recognizes the importance of local commitment, priorities and decision making as how best to control crime, tempered with adherence to statutory requirements of comprehensiveness, plan balance and full local involvement in the formulation and benefits of the program.

Some problems have arisen--some states and local units of government resent any direction from Washington--such as our emphasis on corrections improvement in fiscal 1970. Some state officials even feel they should not be obliged to prepare and seek LEAA approval for comprehensive plans.

Fortunately most agree with us that comprehensive planning and LEAA approval of those plans are essential to a comprehensive, integrated effort to improve the entire criminal justice system. Most states agree with us that if we are to provide leadership we must continue to establish priorities. We intend to do this in cooperation with the states and with local governments. This is a working partnership, but there are no "silent partners."¹¹

The document went on to demonstrate that LEAA's grant-in-aid activities were accelerating rapidly. Specific mention was made of the changing emphasis between the first and second years of operation. Where, for example, in FY 1969 the police had received 75 percent of the crime fighting funds, the allocation had dropped to 51 percent by the next year. Nevertheless, strong law enforcement personalities were exerting substantial influences on the SPA's, especially in the funding decisions made by the criminal justice policy boards.

¹¹ Law Enforcement Assistance Administration, Annual Report for Fiscal Year 1970 (Washington, D.C.), p. III.

This, too, was a growing point of contention as local criminal justice agencies maneuvered to get their share of the federal crime fighting funds.¹²

By the end of 1970, fifty-five SPA's were dispensing the federal funds. Each state had organized the required planning agency and submitted its comprehensive crime plan. They were joined in that effort by SPA's in Washington, D.C., American Samoa, Guam, Puerto Rico, and the Virgin Islands. LEAA, meantime, had grown from its original staff of twenty-five (fifteen professionals and ten support personnel) to a complement of some three hundred. Seven regional offices had been established in late 1969, but most of the review and approval authorities had been kept in the Washington headquarters.¹³

In summary, amid a substantial number of leadership, policy and operational problems, the nation's crime fighting program had been launched. Figure 1 displays the fund allocations that marked LEAA's first two fiscal years of operation.

¹²The writer in 1969-1971 was a member of the Massachusetts Governor's Committee on Law Enforcement and Criminal Justice, the policy committee for that state's criminal justice planning agency (SPA). In deliberations on how LEAA funding was to be allocated, there were strong influences at work to ensure that the state's justice agencies, especially the police, got a "fair share" of the federal dollars.

¹³LEAA, 1970 Annual Report, p. 22.

Figure 1¹⁴

	<u>FY 1969</u>	<u>FY 1970</u>
Total funding*	\$63 million	\$268 million
Block grants to states	\$25.05 million	\$184.5 million
Discretionary grants	\$ 4.35 million	\$32 million
Planning grants	\$19 million	\$20.9 million
Academic assistance	\$ 6.5 million	\$18 million
Research	\$ 2.9 million	\$7.5 million
LEAA administration and advisory committees	\$ 2.1 million	\$4.4 million
Technical assistance		\$1.2 million
Statistics		\$1 million

*Figures are rounded and do not add to 100% of totals.

As Figure 1 demonstrates, LEAA was "getting the money out." But there was a nagging sense that the funds were not moving in purposeful, goal-directed fashion. Rather, there had been a sort of administrative scramble to get the crime program up and running. Because the best (or easiest) measure of this effort was the flow of federal dollars to the states, the emphasis was focused there, on fund flow. In other words, process, in the form of administrative activities and grant-in-aid, was ascendant at the expense of uniform progress toward substantive policy goals.

¹⁴LEAA, Newsletter, Volume 1, No. 1, October, 1970, p. 2.

While the foregoing circumstances are not unusual in the early months of a complex, intergovernmental program, one perceives that LEAA was somewhat adrift at this juncture of its administrative history. The agency's top post had been vacant since Rogovin's departure, and, as 1970 ended, the priority need was for the directive leadership any organization must have to discharge its public accountability.

Given the limitations imposed on them by the circumstances, Associate Administrators Velde and Coster had worked out informal management arrangements to keep LEAA's essential administrative activities operating. But more was required if the federal crime fighting agency was going to live up to the considerable expectations that had accompanied its Congressional authorization. Those expectations were becoming a problem for LEAA as critics raised questions about the agency's effectiveness in responding to its crime reduction and justice system improvement mandates.

Clearly, an infusion of dynamic leadership was needed to clarify the agency's mission and to organize its personnel and resources in order to achieve those policy ends. That prescription would be filled during the early seventies. Accordingly, the following pages describe LEAA's policy and organizational development between 1971 and 1974.

DECENTRALIZATION¹

1971 - 1974

The Law Enforcement Assistance Administration (LEAA) began 1971 under a new authorizing statute. Entitled the "Crime Control Act of 1970,"² the new law was signed by President Richard M. Nixon on January 2, 1971. The legislation authorized a total of some \$3.55 billion for the agency over three years: FY 1971, \$650 million; FY 1972, \$1.15 billion; FY 1973, \$1.75 billion. With FY 1971's \$650 million authorization, Congress actually appropriated \$529 million for that year's operations.³

The 1970 Act made a number of changes in the LEAA program. While some were merely procedural, several substantive amendments were noteworthy:

- o Required State Planning Agencies (SPA's) to ensure that major cities and counties received planning funds to develop comprehensive plans, and to coordinate criminal justice functions at

¹This section draws on interviews with James T. Devine, Washington, D.C., April, 1982. A lawyer and veteran Justice Department official, Mr. Devine came to LEAA with Administrator Jerri Leonard. After serving on Leonard's management Task Force, he became an LEAA assistant administrator in charge of the agency's ten regions, later serving as inspector general. Retired from the federal service, he practices law in Washington, D.C.

²Omnibus Crime Control Act of 1970, P.L. 91-644, 84 STAT. 1880.

³The specific FY 1971 appropriation, as noted, was \$529 million. That amount was voted by the House and Senate following recommendations from their respective appropriations committees. In contrast, FY 1971's authorization was \$650 million, the amount "authorized to be appropriated" by the House and Senate in enacting the Crime Control Act of 1970.

the local level. This change sought actively to bring into the LEAA/SPA processes cities with populations of 250,000 or more, and counties with populations over 500,000.

- o Required that SPA (and regional planning unit) policy boards be "representative." This brought elected officials into substantive funding decisions (the justice practitioners formerly had firm control).
- o Inserted "Part E" into the LEAA statute encouraging programs for construction, acquisition and renovation of correctional institutions and facilities, and for the improvement of state and local correctional programs and practices. The amendment authorized up to \$120 million for Part E, specifying further that in subsequent fiscal years corrections/prison programming would have to equal at least 20 percent of the amount allocated for the agency's total action (as contrasted with planning) program.
- o Changed the "management by consensus,"--the Troika power sharing arrangement,--that had blocked directive leadership during the first three years. The amendment retained the three-member leadership configuration, but designated the administrator as executive head of the agency with full administrative powers. Further, the award of grants and contracts required the

concurrence of only one of the two associate administrators. For the first time, moreover, the administrator had full control of the staffing and organizational decisions requisite to the dynamic leadership the agency had lacked.

The change in management authorities had come none too soon. Former Administrator Charles H. Rogovin had been gone for almost a year. The top post had remained vacant. As noted earlier, Associate Administrators Velde and Coster had collaborated well enough to establish the program's infrastructure, and to get funds moving to the states. But the assertive, public leadership the crime program needed had not been forthcoming. Rogovin's departure had substituted a power vacuum for the power stalemate that had marked his tenure in the administrator's post.

That condition was now about to change. The legislative amendment had substantially increased the administrator's authority and accountability. With that much needed reform in place, President Nixon shortly nominated a Justice Department official for LEAA's executive position. That nomination began three years of dynamic evolution for LEAA, its personnel, and its crime reduction and criminal justice programs.

Jerris Leonard

Within days of signing the Crime Control Act of 1970, President Nixon nominated Jerris Leonard to be administrator of the Law Enforcement Assistance Administration. Leonard, a native of Chicago, possessed strong credentials

for the administrator's post. Having earned his undergraduate degree at Milwaukee's Marquette University, he had taken the law degree at the same school, gaining admission in 1955 to the Wisconsin Bar.⁴

Entering politics in the Badger State, Leonard served in the State Assembly from 1956 to 1960. Next, he was elected to Wisconsin's State Senate, serving from 1960 through 1968, the last two-year term as majority leader. Meantime, beginning in 1955, he had practiced law in Milwaukee. When nominated by President Nixon for the LEAA post, Leonard was forty-one, married and the father of six children.

While in the Wisconsin Senate, Leonard had been instrumental in establishing that state's criminal justice planning agency, the Governor's Commission on Law Enforcement and Crime. He was one of the original members of the Commission's policy board, and, as a consequence, was familiar with the LEAA program. Moreover, following his Wisconsin service, he had been, since February 1, 1969, an Assistant Attorney General in charge of the Justice Department's Civil Rights Division. He held that position when he became President Nixon's nominee for LEAA.

Leonard's nomination was considered by the Senate Judiciary Committee. The hearings went smoothly. Wisconsin's Democratic senators William Proxmire and Gaylord Nelson gave him strong endorsements. The general tone of the hearings was set by the Committee's ranking Republican, Roman L. Hruska of

⁴LEAA, Newsletter, Volume 1, No. 9, June, 1971, p. 1.

Nebraska: "You come to your new assignment with admirable qualifications. Your tenure as Assistant Attorney General in charge of Civil Rights demonstrated your skill as an administrator and a legal scholar. Your experience in the field of Civil Rights holds well for fair and even-handed administration of the vital program you are undertaking."⁵

With Hruska's ringing endorsement echoed by other members, Leonard was quickly confirmed by the Senate, and was sworn on May 12, 1971, as LEAA's administrator. President Nixon himself presided over an impressive White House swearing-in ceremony conducted by Supreme Court Justice Harry Blackmun. Attorney General John N. Mitchell and other dignitaries attended, and the attorney general later in the day introduced LEAA employees to their new administrator at a Justice Department meeting.

In fact, Administrator Leonard did not need the introduction. He had plunged into LEAA's management and program issues within hours of his nomination, prior to the Senate hearings. Using the new authorities specified by the 1970 legislation (even though technically he wouldn't hold them until sworn), he generated a sense of leadership that enervated the yet young crime fighting agency.

Task Force

Nominee Leonard on March 29, had named a Task Force to study LEAA's structure, staffing and programs. Anchored by a cadre of his associates

⁵Ibid., p. 3.

from state and federal service, the group vigorously pursued its "let the chips fall where they may" mandate. Their goal was to streamline LEAA to ensure its capacity to manage two policies simultaneously: To provide for long-range programs focused on the substantive and procedural upgrading of the criminal justice system; to make an immediate impact on the surging street crimes then causing increased concern throughout the nation. Leonard backed the group at every turn, and they delivered. At his May 12, swearing-in, he announced that the Task Force had submitted its recommendations and that he would quickly act on them.⁶

The Task Force had worked only six weeks. But they authored a major reorganizational proposal. The plan's fulcrum was twofold: decentralize operations; devolve authority. The themes were consistent with Leonard's management philosophy, and, more important, compatible with the Nixon administration's political ideology. In short, the proposals were nicely in context, a crucial consideration in a major enterprise which portended substantial change for everyone involved in the block grant program.⁷

Six days after his May 12 swearing-in, Administrator Leonard released the principal Task Force findings and recommendations. Although some staffing changes still required Civil Service Commission approval, he

⁶ Leonard moved vigorously on priority initiatives. It is especially clear, in retrospect, that he had the unqualified support of Attorney General Mitchell in taking such sweeping actions.

⁷ LEAA, Task Force Report, May 14, 1971, p. 40. The Task Force had begun its work on March 29, 1971.

ordered immediate implementation of the plan's salient proposals. These included:

- o The creation of three (where there had been five) principal line offices: Criminal Justice Assistance (the main line to the field); Operations Support; the National Institute of Law Enforcement and Criminal Justice (the research arm).
- o The creation of three additional regional offices, bringing the nation-wide network to ten. New offices in New York, Kansas City, Kansas, and Seattle conformed with the Nixon administration's plan for uniform federal regions.
- o The consolidation of the Washington headquarters' operation into five staff offices, with the upgrading of the audit and civil rights functions.

While there were many additional features, the foregoing changes underpinned the major shift of authority and accountability from Washington to the ten regional offices. Where until late 1969 the LEAA program had been handled entirely from the nation's capital city, the action had now shifted to the regional level. Figure 2 displays the staffing patterns established by the Task Force's work:

Figure 2

<u>Office</u>	<u>Staffing</u>
Office of the Administration (Staff Offices)	62
Office of Criminal Justice Assistance (D.C. Field Coordinating Office)	42
Ten Regional Offices	231
National Institute of Law Enforcement and Criminal Justice (Research)	60
Office of Operations Support	81
Total	476

As noted earlier, the motor of the reorganization was decentralization and delegation of authority. For example, each regional office received the authority to review and approve the comprehensive justice plans submitted by its assigned states (the SPA's). Following plan approval, the regional administrator was authorized to award the block grant to fund the crime and justice improvement projects in the state plan. The entire process took place at the regional level, signalling a fundamental shift in authority and responsibility within the LEAA organization.⁸

⁸The writer in September, 1971, became regional administrator in Boston (for the New England states). A "state representative," with full authority/accountability, handled each state backed up by functional specialists in police, courts, corrections, etc.

The agency's structural transformation represented the effort to achieve the first of the two goals Jerris Leonard had postulated for LEAA: the upgrading, over time, of the administration of criminal justice by improving justice agencies. The second was more direct, and more challenging: make an impact on the surging crime rate. In other words, reduce crime. Although no one really knew why crime was increasing, or what caused criminal behavior, LEAA set out to do something about it anyway. How that effort was mounted focuses this paper's next several pages.

Impact Cities

Leonard moved quickly to make an impact on crime. And because crime was a national political issue (it had generated LEAA itself), the agency's plan to attack it was raised to the White House level. There, Vice President Spiro T. Agnew and Attorney General John N. Mitchell, in a January, 1972 press conference, announced LEAA's "High Impact Anti-Crime Program." The major public undertaking was designed to reduce street crime and burglary in eight cities: Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, Portland, Oregon, and St. Louis.

Within LEAA, the enterprise was dubbed "Impact Cities." The idea had evolved from the Task Force's observation that LEAA's resources had been scattered too widely to make an impact in any one area of crime and/or criminal activity. Leonard and key staff had picked up that thesis, using it as the central rationale for marshalling the agency's resources in a focused assault on the "fear" crimes that were feeding the public's anxieties.

The initiative itself was based on a sound, reasoned process:

- o Each Impact City would have a Crime Analysis Team (CAT). The CAT would gather data on the targetted crimes, focusing especially on robbery, assaults and burglary. The data would be analyzed and converted into strategic, informational reports.
- o Based on the CAT's analysis and strategic planning, a variety of law enforcement responses would be directed against the targetted crimes and criminals, when and where the offenses were occurring (this process introduced the term "crime specific planning").

The total enterprise was to be funded at \$160 million, \$20 million in federal money for each of the eight Impact Cities. And, for the first time, LEAA publicly announced crime reduction goals:

- o Targetted crimes in each city were to be reduced by five percent in two years, and by twenty percent in five years.

The crime reduction goals were highly publicized. State and local officials participated in the public activities which accompanied the announcements of each Impact City's selection. In short, and in retrospect, it was largely a public relations initiative to demonstrate that LEAA was discharging its leadership mandates. No one really had any idea of how (or whether) the

crime reduction goals could be achieved. In fact, the goals themselves were for the most part manufactured out of thin air.⁹ The initiative itself, however, demonstrated several important process and procedural facts that, until that time, had been the objects of studied neglect by this nation's agencies of criminal justice:

- o Federal, state and local justice agencies, personnel and resources could be productively integrated in strategic responses to crime and criminal behavior.
- o Data gathering, analyses, planning, resource allocation, implementation, evaluation--all these systematic processes were relevant, even essential, to the uniform upgrading of the country's justice agencies, and to the systematic improvement in the timely and equitable administration of criminal justice.
- o There was something called a "criminal justice system." The police, prosecutors, judiciary and corrections components could relate efficiently to one another without losing their revered

⁹"Impact Cities" was conceptualized within the National Institute of Law Enforcement and Criminal Justice, LEAA's research arm. Those who participated in the effort subsequently acknowledged that the 5 percent and 20 percent crime reduction goals were largely intuitive and not related to any statistical probability.

(and overstated) independent statuses. In short, historically balkanized justice agencies were an expensive luxury, one borne by a tax-paying public only now becoming aware of the improvements that were available but for the effort.

The Impact Cities initiative, moreover, would eventually demonstrate, along with a variety of other indicators, what insiders had long known: that the police, courts, prisons, et al. were agencies of social control. That, in practice, they were ill-equipped to do anything about the causes of crime and criminal behavior. In other words, an improved justice system might well identify and process more criminals, but it could not reach the root causes of criminal activity.

Nevertheless, the justice system itself was in need of much attention. As noted earlier, criminal justice agencies had long functioned independently of one another. Moreover, even within a single component, for example the police, policy and operational standards varied widely. LEAA's leadership, to its credit, moved vigorously to address this national issue, even while Impact Cities occupied the energy and attention of much of the agency's key staff.

Standards and Goals

Administrator Leonard on October 20, 1971, announced the creation of the National Advisory Commission on Criminal Justice Standards and Goals. Governor Russell W. Peterson of Delaware had been named chairman, and Sheriff Peter J. Pitchess of Los Angeles County was appointed vice chairman. They were joined

on the Commission by twenty others from both the public and private sectors. In a press conference introducing Commission members, Leonard identified the mission: "What we are inaugurating here today is a new phase in the war against crime . . . this new Commission will provide the working blueprint we need to modernize our criminal justice system and reduce crime."¹⁰

The standards and goals initiative was to become the most comprehensive effort to improve state and local criminal justice agencies and practices in the nation's history. Quickly dubbed the "Peterson Commission," after its chairman, the undertaking was organized into twelve task forces, each chaired by a prominent criminal justice practitioner, academic or private sector leader. For example, Chief of Police Edward M. Davis of Los Angeles chaired the Police Task Force (Davis subsequently ran for governor of California), while Washington, D.C. police chief Jerry Wilson headed up the Civil Disorders Task Force (Wilson had handled the 1960's Vietnam demonstrations and civil disorders in the nation's capital city). The remaining ten task forces were focused on critical areas of criminal justice activity: Courts, Corrections, Juvenile Delinquency, Organized Crime, Research and Development, Information Systems and Statistics, Criminal Justice System, Narcotics, Community Involvement, and Education, Training and Manpower Development.¹¹

LEAA's Deputy General Counsel (subsequently General Counsel) Thomas J. Madden was named executive director of the Peterson Commission. Madden

¹⁰LEAA, Newsletter, Volume 2, No. 1, November, 1971, p. 1.

¹¹Ibid., p. 3.

quickly organized a seasoned staff, supplemented by contract resources, to support the Commission's comprehensive undertaking. The standards and goals initiative was disciplined by the following goals:

- o Develop policy and operational standards against which state and local criminal justice agencies will be able to evaluate their activities.
- o Promulgate recommended management and operational practices as goals toward which improvement efforts can be directed.
- o Provide federal funding to initiate, at state and local levels, standards and goals development and implementation based on the Commission's recommendations.
- o Convene a national conference (upon completion of the Commission's work) to launch the crucial implementation phase of the standards and goals initiative.

The latter event was held in Washington, D.C.'s Hilton Hotel January 23-26, 1973, fifteen months after the Peterson Commission had begun its work. Some 1,500 delegates attended, representing all levels and functional components of the nation's criminal justice system. Conference attendees reviewed the hundreds of standards and goals presented by the Commission's twelve task forces, recommending policy and operational techniques to facilitate systematic implementation across the country. The conference's final day found

state caucuses discussing strategies for the long term follow-up work that would be necessary at the local level once time's passage had dimmed the federal focus of the historic criminal justice undertaking.

Attorney General Richard G. Kleindienst, in summing up the conference, emphasized that the standards and goals were recommended practices, not federal mandates: "In many cases they (the Commission's recommendations) will be changed to meet your own requirements. In many other cases they will be only partially applied because the climate will only allow partial application."¹² Commission Chairman Russell W. Peterson closed the conference with a return to the crime reduction theme focused publicly throughout 1972 by LEAA Administrator Leonard. Peterson volunteered that the Commission's most significant accomplishment was "the strong commitment by the nation's criminal justice system leaders to reducing high-fear crime by 50 percent during the next ten years."¹³

Governor Peterson's crime reduction rhetoric continued an expectation that, by then, was in its fifth year. The expectation had hardened into the central criterion of the agency's efficiency and effectiveness as a "crime fighter," a characterization already creating Congressional sniping.¹⁴

¹²LEAA, Newsletter, Volume 3, No. 1, February-March, 1973, p. 8.

¹³Ibid., p. 1 (emphasis added). The writer attended the Standards and Goals Conference as LEAA's Boston regional administrator.

¹⁴A good deal of criticism had been focused on LEAA during oversight hearings conducted by the Legal and Monetary Affairs Subcommittee of the House Committee on Government Operations. Chaired by Rep. John Monagan (D-Conn.), the "Monagan Committee" held nine days of hearings in July and October of 1971.

The January, 1973 National Conference on Standards and Goals represented Jerris Leonard's "swan song"¹⁵ as LEAA's administrator. Leonard's departure was sudden, and unexpected. While he handled it with professional aplomb, observers sensed that he had been surprised by a sudden change of signals from within the White House power structure. Messrs. Haldeman and Ehrlichman were then "picking up" pro forma resignations in the heady aftermath of President Nixon's 1972 reelection victory. One speculates, in retrospect, that Leonard, a top flight politician in his own right, had offended White House power brokers with his independent habits of mind and his creative, public leadership style.

Be that as it may, the Leonard tenure at the LEAA helm marked a productive, effective time in the agency's administrative history. Three central achievements best summarize what transpired during 1971, 1972 and early 1973 while he managed, as he himself frequently characterized it, "the Flagship of New Federalism":

- o LEAA's mainstream operational activities had been decentralized, and essential policy authorities delegated to the agency's ten field regions. The program's fundamental federal-state relationships had been strengthened; program coordination was upgraded.

¹⁵ This was Leonard's own characterization of his role in the National Conference on Criminal Justice Standards and Goals. The LEAA administrator used the term in several staff meetings in December, 1972, and January, 1973.

- o "Impact Cities" had demonstrated the necessity, and the validity, of "crime specific" analysis, planning, implementation and evaluation processes in the ongoing effort to check crime and improve criminal justice coordination and practices.

- o The standards and goals initiative ushered in a new era wherein line justice agencies could be evaluated, indeed evaluate themselves, against criteria developed by professional peers. This continuing program may eventually represent the most enduring contribution from the nation's criminal justice grant-in-aid experiment.

Conclusion

The Leonard administration marked a time of dynamic evolution in the LEAA program. If it was anything, it was a period when the agency's senior managers actively participated in policy development, and in formulating (and implementing) major, historical initiatives like Impact Cities and Standards and Goals.

Jerris Leonard was aggressive, and decisive. Yet, his management style was participatory and highly interactive. For example, top management, including regional administrators, met monthly at different locations throughout the country. Thus in one month the management group would meet in Boston, while four weeks later they would gather in Chicago. Leonard often scheduled these sessions to coincide with meetings being held by LEAA's principal interest groups, for example the National Governors' Association.

These leadership techniques reflected lessons learned from his own political/policy experiences, as well as his belief in the structural decentralizations and authority delegations requisite to competent administration of LEAA's block grant program.

While Administrator Leonard had placed his own people in key management posts following the May, 1971 Task Force findings, Richard W. Velde and Clarence M. Coster stayed on as associate administrators throughout his tenure. As noted earlier, however, the 1970 legislative amendments had resolved the Troika's power deadlock, investing the administrator's post with requisite leadership authorities. Leonard had used those newly acquired powers with enthusiasm, and even his critics conceded that, on balance, LEAA, its personnel and its programs were the principal beneficiaries.

Also maturing during the years 1971-1974 were the fifty-five criminal justice State Planning Agencies (SPA's). The SPA's had organized a professional association, the National Conference of State Criminal Justice Planning Administrators (NCSCJPA), and were actively participating in both policy and political discussions relevant to the LEAA program and its administration.

The program's annual budget and appropriations hearings had continued to go well. The criticisms focused by the oversight hearings discussed earlier raised nagging questions about LEAA's funding of questionable "police hardware," but the committee's principal accusations had been effectively parried as

"political sour grapes" by Administrator Leonard and the agency's allies.¹⁶

As a consequence, LEAA's annual appropriation and staffing level displayed steady growth. Figure 3 demonstrates those trends:

Figure 3

<u>Fiscal Year</u>	<u>LEAA</u>	
	<u>Appropriations</u>	<u>Staffing</u>
1969	\$ 63 million	25
1970	\$268 million	121
1971	\$529 million	291
1972	\$699 million	382
1973	\$856 million	529
1974	\$870 million	599

Figure 3's data illuminate the steady, substantial growth in the LEAA agency and program through 1974. Barely evident in the 1973-1974 information is the perception, sharpened by time's passage, that the crime program was "topping out." That phenomenon took on definitive shape and substance during the subsequent three years, 1974-1977. This paper's next section, accordingly, reviews the relevant events that focused the beginning of LEAA's decline as an administrative organization.

¹⁶For example, John Ehrlichman, President Nixon's Assistant for Domestic Affairs, in a 1972 press conference, had noted, ". . . The fact that we are in a political year probably accounts in large measure for the sort of straw man devices that have been employed in the report of the subcommittee (Monagan Committee) on LEAA." Cited in LEAA, Newsletter, Volume 2, No. 6, June, 1972, p. 10.

WITHDRAWAL¹

1974 - 1977

The Law Enforcement Assistance Administration (LEAA) began 1974 with a new statute and a new administrator. Brief review of those events will help establish the framework for this section's treatment of LEAA's evolving administrative history.

New authorization

President Richard M. Nixon on August 6, 1973, had signed the "Crime Control Act of 1973" authorizing the LEAA program for three additional years.² While the act contained a number of new provisions, its principal features were:

- o The administrator's authorities were broadened (a continuing trend away from the original "Troika" arrangement).
- o The two associate administrator positions were reclassified as deputy administrators.
- o Increased emphasis was placed on juvenile justice and delinquency prevention programs.

¹The generalized background information which supports this section's principal themes is based largely on the writer's personal LEAA experiences. During this period, he held the regional administrator's post in Boston, later being assigned under the Intergovernmental Personnel Act as criminal justice policy advisor to Rhode Island's governor.

²The Crime Control Act of 1973, P.L. 93-415, 87 STAT. 197.

- o The National Institute of Law Enforcement and Criminal Justice was charged with conducting a national survey of criminal justice manpower needs.

As noted, the legislation extended the LEAA program for three years, and authorized up to \$1 billion in funding for the first year. President Nixon had signed the bill in an impressive White House ceremony, noting that LEAA had played a key role in the reduction in crime that had occurred in 1972 (such a drop would not happen again during the agency's administrative life). Attending the signing were Attorney General Elliot L. Richardson, FBI Director Clarence M. Kelley, LEAA Deputy Administrator Richard W. Velde (formerly associate administrator), and Donald E. Santarelli, the man who had succeeded Jerris Leonard in the LEAA administrator's post. Review of that appointment, and some of Santarelli's policy actions, merits review at this juncture.

New administration

Donald E. Santarelli had become LEAA's administrator in April, 1973. The appointment followed service in the Justice Department where, since 1969, he had served as Associate Attorney General for the Administration of Criminal Justice. In that post, Santarelli had been one of the architects of the Nixon administration's program for controlling crime and improving the administration of criminal justice.

During 1968, the new LEAA administrator had been Special Counsel to the Senate Judiciary Subcommittee on Constitutional Rights. In that post, he had

conducted a review of the operations of the Federal Bail Reform Act. Earlier he had been Associate Counsel to the House Committee on the Judiciary, and, in 1966 and 1967, he served as Assistant Corporation Counsel for the District of Columbia. Born in 1937 in Hershey, Pennsylvania, Santarelli had taken degrees from Mount St. Mary's College in Emmitsburg, Maryland, the University of Virginia School of Law, and the University of Virginia Graduate School of Arts and Sciences.³

Within weeks, Administrator Santarelli announced the formation of a ten-member Management Committee to develop a broad series of steps to improve the LEAA program. George M. Murphy was appointed committee chairman. Murphy, an LEAA veteran, was then regional administrator for the agency's Atlanta office. He was joined on the work group by nine other senior managers, including Deputy Administrator Richard W. Velde.

The Management Committee had worked throughout the summer of 1973, reporting its findings and recommendations that autumn. The Committee's principal theme was that LEAA needed a more precise focus on its goals and objectives, and, as a consequence, the agency had to become a results oriented organization. This recommendation subsequently evolved into an agency-wide application of a management by objectives administrative system.

As with the Leonard Task Force, the Santarelli Management Committee recommended structural changes in LEAA's organizational arrangements. These were quickly adopted and resulted in the following new offices:

³LEAA, Newsletter, Volume 3, No. 2, April 1973, pp. 1 and 3.

- o Regional Operations. This was a name change for the field coordinating office, formerly the Office of Criminal Justice Assistance.
- o National Scope Programs. This office was beefed up to manage national programs funded by discretionary money, some of which Santarelli shortly withdrew from the ten regions.
- o Executive Secretariat. To upgrade management coordination and efficiency.
- o Comptroller. To coordinate all of the agency's financial management functions.
- o Planning and Management. To develop planning and management systems, especially the management by objectives initiative which Santarelli pushed vigorously.
- o Inspector General. To ensure the integrity of the agency's internal operations and its program relationships with state and local governments.

The latter change, in particular, was (or should have been) a portent of things to come. Named as inspector general was James T. Devine, a career Justice Department official, and one of Jerris Leonard's trusted confidantes when he was at the LEAA helm. Devine, as noted earlier, was the agency's assistant administrator for field operations during the Leonard

tenure, staying on into the Santarelli administration. Now, with the implementation of the latter's Management Committee's recommendations, Devine was moved into the Inspector General's slot.

The move did not create much of a stir at the time. Devine was exceptionally qualified for the new post. He was well liked, and had the full confidence of the ten regional administrators he had supervised for three years. Yet, he was transferred from a powerful line position with total program authority, to a newly created staff position whose authorities and responsibilities were ambiguous at best.

Time's passage has crystallized the probable relationship of the Devine transfer to subsequent actions affecting LEAA's ten regional administrators. Those activities are reviewed at this juncture, because they mark a milestone in the administrative evolution of the agency.

Regional rotation

Administrator Santarelli, from the beginning, had sharply departed from Jerris Leonard's personal leadership style, especially Leonard's close, working relationship with the ten regional administrators.⁴ For example, while the monthly staff meetings had continued, Santarelli did not attend them. Rather, he was always represented by Charles R. Work, one of the two deputy administrators. Work soon became, for the regional administrators, the visible

⁴This perception is that of the writer, although supported by others who served during this period as regional administrators. As a consequence, the views expressed in recalling events in the 1973-1974 time frame are admittedly biased.

"inside" spokesman for Santarelli's administration. Alternatively, Santarelli was eager to demonstrate his skills as an "outside" spokesman, addressing groups throughout the country on his plans for upgrading the nation's criminal justice system.

Meantime, in subtle ways, the prestige of LEAA's regional administrators (RA's) was declining. There were no specifics, but, rather, a generalized sense that the authorities delegated during Leonard's tenure were being slowly but surely circumscribed. One reports this feeling in retrospect, from the RA point of view. But time's passage has crystallized two facts: Administrator Santarelli was dealing with the RA's through subordinates; the subordinates were faithfully executing his policies and decisions.

These administrative arrangements had continued throughout 1973. Discussion among the RA's made clear that the group sensed their decreasing involvement in policy deliberations, coupled with their declining influence in the LEAA organization. This was, to be sure, a relative perception. But events were about to demonstrate that, if anything, the group's unease reflected an understated estimate of where the trend might lead.

As noted earlier, the Santarelli administration had moved the individual who managed the ten regions into another post. He had been brought in by Jerris Leonard, and had overseen the 1971 decentralization of the LEAA organization. As a portent, that move substantially was obscured when the New York regional administrator was named to the vacated headquarters position. In effect, the anxieties of the remaining nine regional administrators were

lessened somewhat in the presence of the fact that "one of their own" had been promoted to the national policy post. That perception of relief shortly proved to be unfounded.

The February, 1974 regional administrators' meeting was held in Denver. By then, Santarelli's established practice of not attending these sessions had been accepted. His Denver absence did not raise eyebrows. Nor did his deputy's opening remarks suggest the introduction of a hidden agenda. Charles R. Work, that morning, moved through several routine items, occasionally assisted by the former New York regional administrator newly elevated to the Washington regional management post.

At about 11 a.m., almost as an afterthought, Work broached the next topic of discussion. Consistent with his understated style, he characterized it as "regional rotation." His cogent elaboration brought a year's worth of unease and anxiety into focus: the regional administrators' concerns about the Santarelli-Work substance and style had been well founded. Each was to be transferred to another region of the country.

Work volunteered the explanation that the transfers were based on twin professional underpinnings. For the affected individual, there would be "personal growth" and "career development." For LEAA, there would be the policy and process improvements observed in "integrated organizations." The attempt to rationalize an irrational, arbitrary decision did nothing for the distrust which, from that moment, eroded the critical relationships between the LEAA leadership and its ten policy representatives throughout the nation.

While the writer, to this day, is not privy as to precisely what forces drove the "regional rotation," time's passage strengthens one's confidence in the following opinion:

1. First, though he was absent, the transfers were Santarelli's doing. The act was consistent with his apparent distaste for the decentralized power symbolized by LEAA's regional administrators.

2. The Santarelli Administration was particularly displeased with perhaps two or three regional administrators. Instead of taking selective action, they decided on a broadside cloaked in public administration rhetoric.

3. Once settled on their strategy, they were encouraged by the prospect that some of the regional administrators would resign. That outcome would make the anticipated conflict worthwhile, opening up the coveted regional positions for the new designees.

Following the Denver meeting, events moved swiftly. Each regional administrator was summoned to Washington to learn of his new assignment, and to be given dates certain within which professional and personal affairs were to be "arranged." The process was traumatic. Families were to be moved, for example, from San Francisco to Philadelphia, from Philadelphia to Atlanta, and From Boston to Kansas City.⁵

⁵At the Denver meeting, Mr. Work took the writer aside and told him he would not be involved in the "regional rotation." This because the writer was also serving as chairman of the New England Federal Regional Council (LEAA did not want to upset the Office of Management and Budget.) When on June 30, 1974 the writer left the chairman's post, he was immediately assigned to the Kansas City, Kansas regional office.

The ongoing disruption, moreover, created substantial dysfunction in the regional offices. The point was clear: if the regional administrator could be transferred summarily across the country, the same fate could be in store for others in the regional staffs. It was, to say the least, an unsettling time. The "integrated organization" goal was the first victim of the internal disorientation generated by Denver's "regional rotation" fallout.

The aftermath

A lengthy account of the internal stresses created by the transfers would unnecessarily burden this paper's purpose. Rather, one specifies the effects on the individual regional administrators:

- o Two made the transfer. One moved his family from San Francisco to Philadelphia, the other from Philadelphia to Atlanta.
- o One (the writer) got an Intergovernmental Personnel Assignment as criminal justice policy advisor to Rhode Island's governor.
- o Six left LEAA for federal, state and local governments, and the private sector.

In the presence of the foregoing, it is clear that the twin individual goals presented as justification for the Denver actions, those of the "integrated organization" and "career development," were the first casualties of the survival options chosen by the intended beneficiaries.

Subsequently, in the wake of public remarks judged intemperate by the Nixon White House, Administrator Santarelli resigned his LEAA post in the late summer of 1974. Meantime, the vacated regional administrator positions

had been filled, most from within the agency. But "regional rotation" had exacted its toll on the organization. The Advisory Commission on Intergovernmental Relations, in a later assessment of the LEAA experience, concluded that "much bitterness was generated by the rotation of regional office administrators. Also, there were allegations that LEAA had relied too heavily upon, and perhaps misused, outside consultants in developing and carrying out Santarelli's initiatives. Thus, according to several LEAA officials, the morale of LEAA personnel was very low when Santarelli left the agency."⁶

Moreover, LEAA's funding had leveled off in 1974 at about \$875 million. The "War on Crime" had topped out. That this portent occurred in the immediate aftermath of "regional rotation" was entirely coincidental. Yet, in retrospect, one perceives the melding of the two events as the juncture which began the decline of LEAA as an effective administrative organization.

Richard W. Velde

President Nixon had moved quickly to replace Santarelli, nominating Richard W. Velde for LEAA's top post. In the meantime, Nixon resigned from the presidency in the wake of the Watergate drama. The Velde nomination, therefore, was before the Senate for a considerable time, having been re-submitted by Nixon's successor, President Gerald R. Ford. Finally Velde, on September 5, 1974, was confirmed as LEAA's administrator.

The appointment capped Richard W. Velde's long and involved relationship with the nation's crime fighting program. He had been one of the principal architects, as a Senate staffer, of the Omnibus Crime Control and Safe Streets

⁶Advisory Commission on Intergovernmental Relations, Safe Streets Reconsidered: The Block Grant Experience 1968-1975, Washington, D.C., 1977, p. 43.

Act of 1968. Following the program's enactment, he had served from 1969 to 1973 as one of two associate administrators, and from 1973 to his 1974 appointment he held the position of LEAA's deputy administrator for policy development. The latter office was created by the Crime Control Act of 1973, which also ended the original "Troika" and its power sharing management arrangements.

Prior to LEAA, Velde had served as minority counsel of the U.S. Senate Subcommittee on Criminal Laws and of the Senate Subcommittee on Juvenile Delinquency from 1965 to 1969. An Illinois native, he had taken bachelor's and master's degrees from Bradley University in Peoria, and in 1960 earned his law degree from George Washington University School of Law.⁷

Velde's supporters and critics alike agreed that no one understood better than he the origin, development, politics and problems of the LEAA program. For years, he had represented the agency before Congressional committees, always prepared to respond to the most esoteric of inquiries. In short, he was clearly the most knowledgeable of LEAA's administrators to that point in time. But, by 1975, even knowledgeable, enlightened leadership was not going to be enough to stem the rising chorus of criticism that was weakening the agency as an effective administrative organization.

The principal reasons for the increasing public attacks were systemic. It was in the nature of the "block grant" to create a large, complicated administrative system. There was a federal staff, headquartered in Washington,

⁷LEAA, Newsletter, Volume 4, No. 3, August-September 1974, p. 1.

but with ten regional offices. There were fifty-five state and territorial staffs, each with a "supervisory board" and advisory committees. Finally, there were "area-wide" and local staffs, hundreds of them, and each one having some kind of policy board. The agency's critics charged that it was "strangling in red tape," and that process was driving out substance.

Velde and others sought to refute the charges at every opportunity, but the tide was running against the agency. News media stories (most without foundation) kept harping on dramatic examples of how LEAA funds, the "taxpayers'" money, had bought the police all manner of military equipment. These charges took root, creating the public perception that the taxpayers' money was being squandered on high powered hardware that had nothing at all to do with the improvement of criminal justice, the reduction of crime, or the apprehension of criminals.

Meantime, a more serious problem had developed in the program's delivery system, in the relationships among federal, state and local staffs. In the beginning, there had been a "partnership." No one knew much about crime, yet the federal money had literally poured into state and local justice agencies. Because there was so much process activity, little thought was given to policy interpretations, monitoring of projects and evaluation.

By the mid-1970's, however, that had changed. Both LEAA staff and their state counterparts had developed considerable expertise about the nation's justice system, but more especially about the large body of policies, regulations, guidelines and directives that permeated the grant-in-aid program.

With that newly acquired knowledge, the "partnership," unfortunately, had evolved to an adversary relationship. Put differently, increasing amounts of time and energy were being devoted to scholarly debates focused by obscure process impediments, while the real problems in the nation's maximum security cell blocks continued to go unattended.

In short, as the LEAA program matured, the enormously complicated processes attendant to the "hybrid" block grant increasingly replaced any real hope of doing something concrete about America's crime problems. The word "hybrid" is introduced because, by the mid-1970's, Congress had particularized the original statute to include a variety of criminal justice concerns and activities advocated by special interest groups. Accordingly, state latitude in the LEAA program had steadily decreased as Congress consistently prescribed more federal influence and oversight to "safeguard" the expenditure of federal revenues (exactd from local taxpayers).

The LEAA-State adversary relationship would continue to evolve, and, eventually, would become costly. Because it was a "governor's program," federal disapproval of state crime plans and related actions often ended up on the chief executive's desk. Not so incidentally, Jimmy Carter was Georgia's governor during that period. And, as discussed in this paper's next section, it would be his presidential administration that would accelerate LEAA's demise as an effective administrative organization.⁸

⁸The writer observed the federal-state adversary relationship while assigned to assist Governor Philip W. Noel of Rhode Island. On one occasion, the governor became so exasperated with the LEAA program's red tape that he vowed he would have the program removed from the state "because it's far more trouble than it is worth."

New statutes

In addition to the development of federal-state adversarial staff postures in the LEAA program, Administrator Velde was confronted with continuing congressional actions to categorize further the program itself. For example, Congress in August, 1974, had enacted the Juvenile Justice and Delinquency Prevention Act of 1974,⁹ charging LEAA with the administration of the statute's provisions. The Act departed from precedents which separated "juvenile justice" from "juvenile delinquency prevention," melding both prevention and adjudication mandates into prescribed grant-in-aid activities. These included requirements:

- o That State Planning Agencies (SPA's) include on their policy boards representatives of agencies working on juvenile delinquency prevention.
- o That LEAA create a National Advisory Committee for Juvenile Justice and Delinquency Prevention.
- o That LEAA establish and staff the newly created Office of Juvenile Justice and Delinquency Prevention (OJJDP), with a national research institute.
- o That the states maintain juvenile delinquency program funding at 1972 levels to qualify for increased funding under the new law.

⁹ Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415, 88 STAT. 1109.

The new statute authorized \$350 million over three years. Moreover, the program triggered a whole new set of administrative relationships among LEAA, state and local governments, and operational juvenile justice agencies. Clearly, the 1974 Juvenile Justice Act moved the LEAA program, and its administrative requirements, further away from the state-local autonomy contemplated by those who had supported the 1968 Omnibus Crime Control and Safe Streets Act legislation, especially the block grant delivery system.

The 1968 Act had been amended, as noted earlier, in 1970 and 1973. The latter amendment had authorized the LEAA program for an additional three years, with both administrative authorities and funding through 1976. Accordingly, Congress, during that summer, deliberated relevant aspects of the crime program, finally enacting a new, three-year extension on October 15, 1976. The new statute authorized a funding level of \$880 million for Fiscal Year 1977, and \$800 million each for 1978 and 1979.¹⁰

The 1976 statute, in addition, mandated further particularization of the LEAA organization and its programs. For example, the new law:

- o Established an Office of Community Anticrime Programs to address specific urban crime problems.
- o Required that 19.15 percent of LEAA's appropriations be spent on juvenile delinquency--in addition to expenditures under the 1974 Juvenile Justice Act.

¹⁰The Crime Control Act of 1976, P.L. 94-503, 90 STAT. 2407.

- o Required that State Planning Agencies (SPA's) award \$50,000 of their planning money to newly authorized judicial planning committees (the judiciary, belatedly, had gotten into the LEAA lobbying activity).
- o Authorized local governments over 250,000 population to submit their own crime plans to the SPA's for funding (the result of complaints that the states were ignoring the needs of local governments).
- o Mandated that by December 31, 1978, each SPA be established by law (further federal encroachment on state discretion).

In addition, the law included a detailed civil rights enforcement process, and required that LEAA issue implementing regulations within 120 days. Like the juvenile justice statute, the Crime Control Act of 1976 made even more difficult the management of the LEAA administrative organization as a goal-directed, effective agency. On the one hand, its program focus was being steadily eroded by interest group pressures, while, on the other, Congress was mandating increased oversight and evaluation responsibilities that, by early, 1977, had created a tangled skein of intergovernmental, process requirements. ¹¹

¹¹ President Gerald R. Ford on September 29, 1976, had signed the Public Safety Officers' Benefits Act, P.L. 94-430, 90 STAT. 1346. The Act authorized a \$50,000 death benefit when a state or local public safety officer (police, firefighters, prison guards) died from injuries received in the line of duty. Because it amended LEAA's omnibus "Safe Streets" Act, the agency was charged with its administration. Some 250 death claims are paid each year. To date, almost \$60 million has been awarded to eligible beneficiaries.

Velde leaves

When in January, 1977, Jimmy Carter was sworn as president, observers anticipated LEAA leadership changes. Their political instincts were shortly validated when, on February 25, 1977, Richard W. Velde resigned the administrator's post. With his departure, Velde closed thirteen years of active participation in the federal government's effort to reduce crime by upgrading criminal justice agencies and practices. As noted earlier, he had been a principal architect of the 1968 omnibus crime legislation, moving from that taxing assignment to an even more difficult one as an original member of the foredoomed leadership arrangement, the "Troika."

During his LEAA tenure, Velde had served under four presidents and eight attorneys general. He had been particularly effective in pushing reform of the nation's prisons, and in helping to conceptualize, develop and implement LEAA's criminal justice standards and goals initiative. In retrospect, his February, 1977 departure marks the beginning of LEAA's accelerated decline as an administrative organization.

Velde's leaving, to be sure, did not cause that precipitate slide. On the other hand, LEAA would not have a permanent administrator for the remainder of that year. Meantime, the Carter administration had quickly focused its sights on the weakening agency. One senses now that the new president and his key advisors, based on their Georgia experiences with LEAA, had fixed ideas concerning the agency and its programs.

Before year's end, the Carter administration was to take a series of actions that would leave the LEAA administrative organization but a shadow of its former self.

This paper's next section, therefore, begins with review of several events which mark 1977 as the year when the nation unofficially concluded its much heralded "War on Crime."

DECLINE¹

1977 - 1980

When Jimmy Carter, in January, 1977, was sworn as president, he selected a fellow Georgian, Griffin B. Bell, as his attorney general. Bell, following extended service in the Georgia state government, had been appointed by President John F. Kennedy to the Federal Appeals Court in 1961. He had remained on the bench until his 1976 retirement. A confidant of the new president, he was knowledgeable, from a state perspective, about the LEAA program.²

It seems certain now, with hindsight's advantages, that Carter, Bell, and their close aides knew what they were going to do with LEAA before they took office. Although novices in many of the national government's policy areas, they moved with amazing speed on the administration's criminal justice agenda. Most of the actions focused on an already weakened LEAA. Moreover, rather than an effort to revitalize the agency, their pronouncements portended the beginning of LEAA's eventual demise.

The opening salvo was a June 20, 1977 Department of Justice press release. It was spare, and on point: "Deputy Attorney General Peter F. Flaherty today

¹Interviews with Eugene H. Dzikiewicz, Law Enforcement Assistance Administration, Washington, D.C., April, 1982. Mr. Dzikiewicz, until September, 1977, was chief of operations in LEAA's Boston Regional Office. Transferred to Washington when the regions were abolished, he has been in several headquarters positions, recently serving as executive assistant to LEAA's acting administrator.

²LEAA, Newsletter, Volume 6, No. 7, February, 1977, p. 1.

announced that all 10 regional offices of the Law Enforcement Assistance Administration will be eliminated in September, 1977."³ The announcement sought to soften the implications for regional personnel with assurances of headquarters jobs and similar palliatives: "This is not part of the overall LEAA reorganization study now underway There will be no layoffs, all personnel . . . will be offered jobs in LEAA's Washington offices, or will be assigned to fill vacancies in the Justice Department or other federal agencies."⁴

While the rhetoric clouded the issue for the uninitiated, insiders recognized the blow's severity. In a single stroke, the agency's field organization had been emasculated. No amount of public administration rhetoric (the press release exhibited much of it) could obscure the meaning of the regional abolition: the agency had been sufficiently weakened to have become politically impotent; the Carter administration intended to complete the rollback of the ill-fated criminal justice experiment with "New Federalism" and its salient feature, the block grant "partnership."

The Flaherty press release alluded to an ongoing "overall LEAA reorganization study." Attorney General Bell had actually launched that effort in April. Interestingly, that high level group had not yet reported its findings when regional abolition was announced. In fact, the other shoe was dropped just three days later, on June 23.

³Department of Justice, News Release, June 20, 1977 (emphasis added).

⁴Ibid.

On that date, the Department of Justice Study Group (a cadre of senior officials and Carter operatives) submitted their comprehensive document to Attorney General Bell. The paper's wordy title betrayed the ambiguities that confronted some of the study group's members: "Restructuring the Justice Department's Program of Assistance to State and Local Governments for Crime Control and Criminal Justice Improvement."⁵ The attorney general volunteered that the report contained a detailed discussion of the strengths and weaknesses of LEAA, and that it specified a series of recommendations for undertaking a major restructuring of the crime program.

The emerging agenda, however, was not in the main body of the report, but in a "separate statement" authored by Mr. Paul Nejelski.⁶ Included there was the recommendation to abolish LEAA's ten regions, the "surprise" action effectuated three days earlier! The Nejelski "separate statement" seems, in retrospect, to have been the fulcrum for the shape and content of the agency's final five years. For that reason, its principal observations and recommendations, quoted here in part, are especially illuminating in this context:

The Office of Law Enforcement Assistance (1965-1968) and the Law Enforcement Assistance Administration (1968-1977) have been useful experiments which have served their purpose. For example, the State Planning Agencies in many instances got the leaders of criminal justice agencies together for the first time to deal with common problems. But, after nine years the time has come to test these groups and leave the decision of whether and in what form they will continue to the states and localities they are supposed to serve.

LEAA's enabling legislation should simply be allowed to expire in October of 1979, rather than expend Department, Administration and Congressional resources in attempting to abolish or radically restructure the agency.

⁵Department of Justice, Report of the Attorney General's Study Group, Washington, D.C., June 23, 1977.

⁶Ibid., pp. 32-33.

The block grant program should be discontinued for these reasons:

- (1) After nine years of experience with this experimental program, the burden has shifted to LEAA to justify its continuation. As the Study Group's review of the numerous studies of LEAA has indicated, it is difficult to meet this burden of proof. This aspect of the Department's role in federal assistance should be eliminated to reduce inefficient bureaucracy.
- (2) The current system has few friends. However, as the majority report indicates, it is almost impossible to modify significantly the present distribution scheme which is the product of powerful special interests and nine years of constant legislative effort.
- (3) Permanent federal subsidies to state criminal justice agencies, especially courts, violate the spirit of federalism and separation of powers.

In the next 27 months, there should be a careful phase out of LEAA, and funds redirected to foster existing positive programs. Substantial economies can be realized immediately by abolishing or at least substantially reducing such programs as regional offices and the Law Enforcement Education Program.

The proper role for the Department of Justice in criminal justice is to limit its effort to existing federal law enforcement agencies in the Department such as the Federal Bureau of Investigation, the Criminal Division, and the Bureau of Prisons. The management of large grants in aid and research programs detracts from the traditional primary functions of the Department. The Department of Justice should maintain its leadership role not through the subsidy of others but through the excellence and integrity of its own numerous criminal justice responsibilities.⁷

Regions close

The Nejelski paper seems to have provided the form and content for LEAA's administrative/legislative agenda in the months following. For example, Attorney General Bell, on July 19, 1977, made the regional closings official by issuing Department of Justice Order No. 737-77: "Abolishing Regional Offices of the Law Enforcement Assistance Administration." The order was

⁷Ibid (emphasis added).

couched in appropriate legalese, but Bell's message was unambiguous: "By virtue of the authority vested in me by 5 U.S.C. 301 and section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 94-503, it is hereby ordered as follows: 1. Effective at close of business on September 30, 1977, all regional offices of the Law Enforcement Assistance Administration shall be closed and abolished Every effort will be made to minimize the impact of this change on the affected employees and every . . . employee affected will be offered continued employment as authorized by law."⁸ Because it represented the first phase in the structural dismemberment of the LEAA administrative organization, the order is included as Appendix A in this paper's appendices section.

James M. H. Gregg was given the formidable task of closing the ten regions, managing the transfer of over three hundred employees, and, all the while, ensuring the integrity of the agency's program management and administrative operations. Gregg had been named LEAA's acting administrator soon after Richard W. Velde's February departure. Formerly a director of the agency's office of planning and management, he was a career civil servant with extended service in the Office of Management and Budget (OMB). The OMB experience, especially, would stand him in good stead in directing the multiple program and personnel actions requisite to the regional office closings.

Those closings were traumatic on two levels: 1. the personal hardships imposed on those directly involved; 2. the organizational dysfunction generated

⁸Department of Justice, Attorney General's Order, No. 737-77, July 19, 1977.

by the structural changes. While it is not necessary to this paper's purpose to provide a lengthy analysis of either issue, brief comment is merited.

First, on the personnel level, there was much anxiety and substantial disorientation. The June announcement (on the closings) had come without warning, allowing but ninety days to dismantle a regional structure deeply involved in a complex, intergovernmental program. To be sure, the agency's efficiency suffered.⁹ This lesson was relearned: when an employee's social and economic well-being is threatened, that person's energies are committed to resolving his personal problems; organizational duties become almost irrelevant. Put differently, requisite administrative duties/processes are driven out by the emotional necessity of salvaging one's personal situation.

There was much of that in LEAA's regions in the days preceding the September closings. In fairness, the agency leadership exerted every reasonable effort to lessen the blow. Much counselling took place. Substantial latitude was allowed employees in reacting to their personal situations. In the end, a fair number made the move to the nation's capital city to continue their LEAA careers. Many must have sensed that it was a portent of things to come. But the circumstances required an immediate response. The future would have to take care of itself.

⁹Chester I Barnard, The Functions of the Executive, 30th anniversary ed. (Cambridge: Harvard University Press, 1968), p. 19. Barnard urges management practices which generate a productive meld between an employee's personal objectives and his employer's organizational goals.

On the agency level, regional abolition, in retrospect (a fair number recognized it then), was the first, substantive step in the dismantling of LEAA's administrative organization. The regions, first established in 1969, had become the heart of the agency's delivery system following Jerris Leonard's major decentralization in 1971. For the states, the regions were LEAA. That's where their comprehensive crime plans were reviewed; that's where their spending proposals and block grants were approved.

All that changed after September 30, 1971. In fact it had changed when the regional closings were announced, especially with the promulgation of the attorney general's July order. The State Planning Agencies (SPA) understood well the policy impact of what had happened. Their program and administrative interactions would now necessarily be with "headquarters," in far away Washington, D.C. The Carter administration, through it all, insisted that the increased distances would improve program delivery. It was, after all, part of the new president's "targetting" initiative. But the crime program's state veterans recognized the enterprise for what it was: a crippling blow to an already weakened administrative organization.

Those weaknesses were now becoming evident even to casual observers. The reason: LEAA's annual budget had topped out and had begun a precipitate decline. Figure 4 displays that trend:

Figure 4

<u>Fiscal Year</u>	<u>Budget</u>
1976	\$809.6 million
1977	753 million
1978	647.2 million

The budget numbers document the historical juncture wherein the dismantling of LEAA's administrative organization melded with the initial reductions in the agency's annual appropriations. Both trends were to continue apace.

Meantime, Acting Administrator Gregg completed a twenty-month tenure in the organization's top post. It had not been a happy experience. "Cutback management" never is. But the career official had done a superior job with a thankless task. He had presided with professional competence and personal sensitivity over the first, traumatic stages of LEAA's "recession from empire." The remainder of the unhappy journey would be left to others.

Leadership change

While Gregg functioned in his capacity as acting administrator, President Carter had nominated Norval Morris for the administrator's post. Morris, dean of the University of Chicago Law School, had earned a reputation as a competent criminal justice researcher and writer. The nomination, however, languished in the Senate. When it became clear that confirmation would not be forthcoming, Morris' name was withdrawn.

Meantime, the president had submitted for confirmation the names of Henry S. Dogin and Homer F. Broome, Jr. to fill LEAA's two deputy administrator's positions. The Senate quickly confirmed the nominations. Dogin's confirmation was to the post of deputy administrator for policy development, the agency's second ranking position, while Broome's was to the third leadership slot, that of deputy administrator for administration. The distinction automatically made Dogin LEAA's new acting administrator.

Both men were veteran criminal justice practitioners. A lawyer, Dogin had served as an assistant district attorney in New York, and as counsel to that city's Waterfront Commission. In the early 1970's he had been deputy regional administrator of LEAA's New York regional office. Following subsequent service as a deputy assistant attorney general in the Justice Department, he had headed the Drug Enforcement Administration as its acting director.

Homer Broome in 1954 had joined the Los Angeles Police Department. He rose steadily through the ranks, gaining the commander's rank in 1975 and supervising the department's Commission Service Group which provided support for the Board of Police Commissioners and its city-wide policy responsibilities.¹⁰

Thus, in autumn, 1978, LEAA gained experienced leadership with the presence of Dogin and Broome. Dogin was to continue in his capacity as acting administrator for the remainder of 1978, and during the early weeks of 1979. Meantime, no new nomination had been forthcoming for the administrator's position. It

¹⁰LEAA, Newsletter, Volume 7, No. 8-9, October/November, 1978, pp. 1 and 10.

had then been vacant for two years, since Richard W. Velde's February, 1977 resignation.

President Carter, on February 13, 1979, sought to end the two-year hiatus with the nomination of Acting Administrator Dogin for the permanent post. The Senate moved quickly, confirming the nomination on March 21. Thus, LEAA had its first administrator in over two years (without the "acting" designation), and the sixth since the agency's 1968 founding. But it would prove to be too little, and far too late.

The agency's mounting difficulties were no longer simply the subject matter for leadership meetings. Administrator Dogin himself characterized LEAA's plight as "a struggle for survival" following action by a House/Senate Conference Committee setting the Fiscal Year 1980 budget at \$486 million. That figure represented the smallest LEAA budget since 1970, and Dogin reacted to it with the candor the deteriorating situation required.

Addressing the annual conference of State Criminal Justice Planning Administrators (the directors of the LEAA program in the 55 states and territories) LEAA's administrator dealt with the implications of the latest budget cut: "There are several signals that I see in this decision," Dogin said, "First, the Congress is acknowledging that the American people are demanding that government spend less. Secondly, their response is to trim back many domestic revenue sharing agencies like LEAA. Thirdly--and this disturbs me greatly--our legislators appear unconvinced that LEAA has been meeting its mission

effectively and efficiently and have expressed their uncertainty by providing LEAA with less funds."¹¹

Dogin's perceptions were particularly accurate with respect to Congressional estimates of LEAA. Critics were ascendant. And they meant to do more than simply cut the agency's budget. The vehicle for their work was to be the agency's December, 1979 reauthorization legislation. What emerged was not a pretty sight, at least not for LEAA staffers and those around the country who functioned with the crime program's rapidly dwindling fiscal support. This section's remaining pages review what was to be LEAA's final legislative authorization.

Justice System Improvement Act

The Carter administration as early as 1978 had proposed a major restructuring of LEAA and its constituent organizations. The proposals had been subjected to the usual executive-legislative reviews and negotiations. By late 1979, however, it became clear that the agency's reauthorization legislation would be the fulcrum for generating the crime program's final stages.

That process commenced with President Jimmy Carter's December 27, 1979 signing of the Justice System Improvement Act of 1979 (JSIA).¹² The Act created an Office of Justice Assistance Research and Statistics (OJARS), the National Institute of Justice (NIJ), the Bureau of Justice Statistics (BJS), and, finally, it "created" the Law Enforcement Assistance Administration.

¹¹ LEAA, Newsletter, Volume 8, No. 8, September 1, 1979, p. 1.

¹² The Justice System Improvement Act of 1979, P.L. 96-157, 93 STAT. 1167.

The word "created" is placed in italics to emphasize what, in reality, was done to the LEAA administrative organization. Prior to the JSIA legislation, LEAA itself was a single, autonomous organization with constituent offices and bureaus. For example, prior to JSIA, both the National Institute of Justice (research) and the Bureau of Justice Statistics were subordinate operations within the LEAA organizations.

In short, the new statute had "created" the following structural changes:

- o A new office, OJARS, to coordinate operations and supply support services.
- o The National Institute of Justice was removed from LEAA and given independent status.
- o The Bureau of Justice Statistics was also removed from LEAA and accorded organizational independence.
- o LEAA, stripped of its research and statistical operations, was left with its rapidly declining grant-in-aid program.

In retrospect (again, insiders well understood at the time), it is clear what was done, and why. LEAA was headed for oblivion. Its criminal justice, grant-in-aid budget was facing new, severe cuts. But the agency's research and statistical operations (and a few, smaller programs) were judged essential, and likely to survive. Those considerations made the abolition agenda clear:

- o Remove from LEAA the constituent organizations that would receive continuing funding.
- o Isolate what remained of LEAA as but one of four JSIA agencies reporting to the attorney general. In that posture, without politically supported constituent organizations, the agency would be immobilized in the presence of new funding cuts looming ahead.

Meantime, with passage of the JSIA legislation, Attorney General Benjamin R. Civiletti named former LEAA Administrator Henry S. Dogin director of the newly created OJARS and NIJ organizations. Homer F. Broome, Jr., LEAA's deputy administrator, was named director of BJS and of the "new" LEAA.

While the latest leadership configuration was not a return to the "Troika" of LEAA's first months, it did require extraordinary cooperation among Dogin, Broome, and their Justice Department supervisors. Both men worked hard at making the best of a difficult situation, and they succeeded. In spite of the obstacles intentionally created by the JSIA legislation, the four autonomous agencies (and their staffs) handled ongoing operations with professional competence.

Events, however, continued to intrude. For the already emasculated LEAA organization, the signs were ominous. For example, the Carter administration in April, 1980, sent to Congress its Fiscal Year 1981 budget proposals for the JSIA agencies. That document specified a \$394 million reduction in LEAA budget

authority, an action that eliminated the agency except for the Juvenile Justice and Public Safety Officers' Benefits programs. At the same time, both House and Senate Budget Committees had already recommended the elimination of Fiscal Year 1981 funding for LEAA.¹³

Thus, by summer of 1980, the agency founded to direct the nation's "War on Crime" had, instead, become a victim of that seemingly unwinnable, social conflict. All that remained were the procedural activities necessary to a quiet removal of the victim from the field. Those administrative rituals, as it turned out, would not be long in coming.

¹³U.S. Department of Justice, Justice Assistance News, Volume 1, No. 3, April, 1980, p. 1.

ABOLITION

1980 - 1982

This section reviews the final months of the Law Enforcement Assistance Administration's (LEAA) history. Accordingly, in beginning, a point of clarification is necessary.

In previous discussion, the Justice System Improvement Act of 1979 (JSIA) was analyzed. This central point was made: JSIA separated LEAA from its principal constituent organizations such as the National Institute of Justice (the research arm) and the Bureau of Justice Statistics. Each became an independent agency (reporting to the attorney general), and a new one was added, the Office of Justice Assistance Research and Statistics (OJARS). OJARS, in effect, became the "general headquarters" agency, providing technical and support services while developing something of a "lead" role in dealing with Justice Department management.

The remainder of this section, therefore, is focused specifically on the LEAA organization, with this exception. OJARS necessarily interacts with LEAA and its personnel in this time frame because of its coordinating and support roles, especially those related to staffing and personnel actions. With that limitation specified, the LEAA focus enables a more precise examination of how the agency's administrative history evolved through its final stages.

While the 1979 JSIA legislation had gutted the LEAA organizational structure, it had missed a major component, the Juvenile Justice and

Delinquency Prevention program. First authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, that activity had become a major consideration in LEAA's program management and funding policies. The juvenile justice program came up for legislative reauthorization in 1980 and was reenacted for four years.¹ Importantly, however, it was given independent status, separating it administratively from LEAA's management authorities.

Thus, as 1981 began, LEAA's organizational structure and program activities had been fatally curtailed. The Carter administration and Congress had joined in "zeroing" the agency's program centerpiece, the formula block grant that supported state planning agencies (criminal justice) and the thousands of crime and justice improvement projects they had funded throughout the country. LEAA still had several small funding activities, for example the \$12.5 million awarded annually under the Public Safety Officers' Benefits Program. But its grant-in-aid responsibilities were stopped cold with the 1981 no funding decision imposed jointly by Congress and the Carter administration.

LEAA's administrative role, therefore, was effectively reduced to that of a "caretaker" agency. Yet, while all new funding had been cut, millions of dollars remained in the intergovernmental "pipeline." Moreover, many more millions were already supporting ongoing criminal justice improvement projects in state and local justice agencies. In short, LEAA's funding lifeline had been severed, but the activities it had created in prior years would require careful attention to ensure a proper accounting for expenditures, and,

¹Juvenile Justice and Delinquency Prevention Act of 1980, P. L. 96-509, 94 STAT. 2750.

ultimately, for the unexpended sums to be returned to the U.S. Treasury. Put differently, the LEAA program by early 1981 was effectively dead, but LEAA personnel had the responsibility for ensuring the integrity of operations as grant-in-aid and related activities were systematically terminated.

Meantime, changes were taking place at the top. Henry S. Dogin had resigned as director of the Office of Justice Assistance Research and Statistics (OJARS). His replacement was Robert F. Diegelman, formerly director of LEAA's Office of Planning and Management. Diegelman, in the OJARS' director's post, was destined to play a key leadership role during LEAA's final months.

A second change found LEAA Administrator Homer F. Broome, Jr. resigning in February, 1981. Broome, the former Los Angeles police official, had been appointed administrator in May, 1980. As he departed for his native California, George H. Bohlinger, III was appointed as the agency's acting administrator. Bohlinger, too, was to be intimately involved in the management activities requisite to the ultimate finish of LEAA as an administrative agency.

Yet, even in the presence of the impending organizational abolition, LEAA staffers held out hope. The 1980 presidential election had swept the Reagan administration into office. This was a conservative administration, it was pointed out; surely it would launch an "attack on crime." The essence of this feeling was captured in a status report from the agency's congressional liaison office. The statement noted in part that "many. . . seem to feel that time is a major ally; that given sufficient time, something wonderful will happen and that, phoenix-like, LEAA will rise from its ashes to soar like an eagle among

the Washington turkey flock. Sorting through the bits of fact and fiction floating around town during this transition period, one finds little to support that optimistic view. It is possible, even likely, that the Reagan Administration will support some form of Federal assistance to criminal justice. However, there are no discernible signs of interest in revitalizing LEAA"²

The status report was prophetic. President Ronald W. Reagan, on September 28, 1981, addressed the International Association of Chiefs of Police during their annual conference in New Orleans. The president delivered a nine-page speech, but the essence of it for LEAA and its personnel (many had been waiting for this policy statement on crime) was that no funding was forthcoming, and that ". . . the solution to the crime problem will not be found in the social worker's files, the psychiatrist's notes, or the bureaucrat's budget; it is a problem of the human heart and it is there we must look for answers"³

The president's address to the chiefs sounded the death knell, if one were needed, for the hopes still being harbored by some in LEAA. It couldn't have been any clearer. There would be no grant-in-aid crime program in the Reagan administration. What the Carter administration had begun with the 1977 abolition of LEAA's regions and the "zeroing" of its Fiscal 1981 budget, the new administration would finish within the context of its historical rollback of federal domestic spending.

²Office of Congressional Liaison, Memorandum, December 24, 1980.

³President Ronald W. Reagan, Address to the International Association of Chiefs of Police, New Orleans, September 28, 1981.

Reduction In Force

Meantime, the Justice Department had ruled that all JSIA agencies (not just LEAA) would be the "competitive area" if a reduction in force (RIF) became necessary. Because LEAA's funding had been completely abolished rather than phased down, the dreaded "RIF" came sooner than expected. For a fair number of LEAA staffers, the RIF announcement came as something of a relief. After months of rumors, the facts were there for all to see.

Because of the nature of RIF regulations, every JSIA employee got one. Thus, on December 3, 1981, the writer received a memorandum from Robert F. Diegelman, acting director of OJARS. Its subject: "Notification of Reduction in Force." The language labored to soften the message: "Because of severe budget limitations and the resulting need for a major restructuring of the JSIA Agencies, it will be necessary to conduct a reduction in force sometime between January and March 1982. Since all JSIA Agencies are in the same competitive area, the possibility of some bumping and retreating exists. Therefore, we thought it best to notify all employees of this RIF decision even though we expect it to affect LEAA and OJARS the most. Although we do not yet know what all of the individual actions will be, we do know that some employees will be reassigned, demoted, and separated."⁴ Because the RIF memorandum was a key document in the accelerating pace of LEAA's shutdown procedures, its full context is included as Appendix B.

As LEAA's employees began intensive study of RIF regulations, especially terms like "displacement," "bumping" and "retreating," a second, unexpected

⁴Robert F. Diegelman, Memorandum: Reduction In Force, December 3, 1981.

document pinpointed LEAA's official abolition date (while rumors had been rife, no date certain had ever been specified). This, too, was a memorandum, directed by Deputy Attorney General Edward C. Schmults to OJARS Acting Director Diegelman. The irony of the December 23 dateline, two days before Christmas, would not be lost on those affected by the memorandum's terse prose: ". . . we are in the process of informing the Office of Management and Budget (OMB) and the Congress of our plans to terminate the Law Enforcement Assistance Administration (LEAA) as a separate entity. This is to be accomplished by conducting a reduction-in-force between January 1, 1982 and March 31, 1982; by transferring all continuing LEAA programs with associated personnel to the Office of Justice Assistance, Research and Statistics (OJARS) by March 31, 1982; and by officially terminating LEAA on April 15, 1982"⁵ The December 23, memorandum's full text is included for review as Appendix C.

While rumors had (accurately) alerted LEAA staffers to the existence of Deputy Attorney General Schmults' abolition directive, the internal order was not immediately circulated throughout the agency. Rather, public confirmation of the closing was specified in a December 30, Department of Justice press release: "Deputy Attorney General Edward C. Schmultz announced today the Law Enforcement Assistance Administration, a unit of the Department of Justice since 1969, will be terminated on April 15, 1982." After noting that Schmultz was acting Attorney General during "Attorney General William French Smith's holiday absence from Washington," the statement handled the administration's abolition rationale in two sentences: "While LEAA has not lacked for supporters, the Reagan administration feels that new approaches to bolstering the criminal

⁵Deputy Attorney General Edward C. Schmultz, Action Memorandum: Termination of LEAA, December 23, 1981.

justice system have to be tried. This in no way reflects on the people of LEAA, who have been both dedicated and innovative in helping the states, counties and cities with their problems."⁶ Appendix D displays the full text of the December 30, Department of Justice press release.

RIF outcome

Specific analyses of the background planning and administrative actions requisite to implementation of the RIF and LEAA's April 15, closing are beyond the scope and substance of this paper. It needs to be recorded, however, that the experience was traumatic--for the agency, and its people. As noted earlier, in a paraphrase of Chester Barnard's dictum on efficiency, progress toward an organization's goals is driven out when the agency's "social system"--its employees, are disoriented by threats to their economic well being.

Be that as it may, RIF actions went forward subsequent to the December 30, 1981 announcement. By March 26, 1982, some seventy employees had left. While the RIF focused on LEAA, many of the agency's senior people were able to "bump" and "retreat" into other JSIA organizations, for example the National Institute of Justice. Of the seventy who did leave, most were directly affected by the RIF; about fifteen "temporaries" were let go; a few people left of their own volition, having found other positions.

As might be expected, all did not go smoothly. LEAA union officers testified before the House Subcommittee on Manpower Practices, charging unfair RIF procedures. Subsequently, a demonstration at the Department of Justice

⁶Department of Justice, Press Release, December 30, 1981.

building sought to generate public support for RIF targetted employees. By then, however, the LEAA abolition saga was effectively over. Having begun with the September, 1977 regional office closings (some, including the writer, date the organizational slide to the 1974 regional administrator "rotation"), the shutdown long since had become a fait accompli. Only a few procedural details remained to be tidied up.

This section's final pages are focused by those activities.

Transfer of functions

Deputy Attorney General Schmultz' December 23, closure memorandum had specified the ". . . transferring (of) all continuing LEAA programs with associated personnel to the Office of Justice Assistance, Research and Statistics (OJARS) by March 31, 1982; and by officially terminating LEAA on April 15, 1982 . . ."⁷ Acting OJARS Director Robert F. Diegelman and Acting LEAA Administrator George H. Bohlinger, III adhered faithfully to that schedule. As a consequence, the following transfers of continuing functions were implemented on March 31:

- o Program Services Division; transferred from LEAA to the Comptroller's Office, OJARS.
- o Public Safety Officers' Benefits Program; transferred from LEAA to the Comptroller's Office, OJARS.

⁷Deputy Attorney General Edward C. Schmultz, Action Memorandum: Termination of LEAA, December 23, 1981.

- o A number of drug, law enforcement, and corrections programs; transferred from LEAA to the Office of Planning and Management, OJARS.

Some fifteen employees transferred within the Program Services Division. They were all that remained from the several hundred who once staffed LEAA's ten regional offices and related headquarters functions at the zenith of the agency's administration evolution.

Appendix E displays the OJARS organizational arrangements following the March 31, transfer of functions. As noted, what was formerly the LEAA administrative organization is represented on the organizational chart by the Program Services and Public Safety Officers' Benefits Divisions in the Office of the Comptroller, and the Program Management Division in the Office of Planning and Management. These entities are highlighted in Appendix E to facilitate visual review.

With the March 31, transfer of functions accomplished, LEAA's official abolition was the last remaining task. After all that had gone before, the end was a mere formality. It was carried out with little official fanfare, and even less media attention. Only inveterate readers of the Federal Register would have reviewed the full context of the April 19, 1982 notice at page 16695. It began: "Action: Closeout of the Operations of the Law Enforcement Assistance Administration and Transfer of Remaining Functions."⁸ Next, the notice promulgated LEAA's demise with disarming simplicity: "Effective Date:

⁸Federal Register, Volume 47, No. 75, Monday, April 19, 1982, p. 16695.

April 15, 1982. Summary: This is to announce that the remaining programs and staff of the Law Enforcement Assistance Administration (LEAA) have been transferred to the Office of Justice Assistance, Research, and Statistics (OJARS) effective April 15, 1982" Appendix F provides the remainder of the bureaucratic prose deemed necessary to the interment of a once robust administrative organization.

LEAA was dead. But it didn't die in a day.⁹ Rather, its demise was the inevitable outcome of the political mandate that first gave it life: reduce crime in America.

Because the nation itself has not yet dealt with the underlying reasons for crime and criminal behavior, the crime reduction goal, from the outset, was beyond the reach of LEAA's capacities. When crime continued to rise, as it did throughout the agency's fourteen-year existence, the national experiment with federal assistance for state and local criminal justice activities was judged a failure.

LEAA, however, was not a failure. That is too simplistic a verdict on a complicated, intergovernmental program. The agency's legacy is much more balanced than that. More accurately, it became a victim of the bureaucratic and political environments within which it was required to discharge its congressionally imposed mandates.

⁹Deborah A. Stawicki, LEAA Did Not Die In a Day, Term Paper, George Mason University, December 2, 1980. Ms. Stawicki, an LEAA employee, provides some interesting insights into the political reasons behind the Carter administration's abolition of LEAA's regional offices in September, 1977.

That record, at least one's view of it, is essential in the context of LEAA's administrative history. For that reason, discussion turns to some observations of what went right--and what went wrong, with LEAA during the fourteen years the federal organization pumped some \$7.5 billion dollars into the agencies of the nation's state and local criminal justice system.

AFTERMATH

The Law Enforcement Assistance Administration (LEAA) did much that was right during its fourteen-year administrative history. Any fair analysis of the agency's record must necessarily come to that conclusion. It's also true that there were mistakes and failures. This paper already has focused some of these. And there will be additional discussion on some of the negative outcomes. But, to ensure the balance it deserves, one is motivated first to review LEAA's positive impact on state and local justice agencies, personnel and procedures.

A comprehensive review of accomplishments would range far beyond this paper's scope and content. For that reason, one summarizes, in general terms, the positive influence exerted by LEAA funded programs in some representative areas of the criminal justice system:

- o A central repository of studies, papers, etc. focused on criminal justice issues. Called the National Criminal Justice Reference Service, such a central clearinghouse was unheard of prior to 1968.
- o The emergence of the Criminal Justice System. LEAA got the police, courts, corrections, et al. talking to one another. Much remains to be done, but highly balkanized fiefdoms are a rarity today thanks to the agency's programs.

- o Dramatically upgraded communications systems. LEAA sponsored most of the technology that went into state and local criminal justice agencies during the 1970's.
- o A phenomenal rise in the formal educational level of justice practitioners, especially police and corrections personnel. Almost all of this upgrading was brought about by the Law Enforcement Educational Program (LEEP). LEEP put thousands of local police officers through college.
- o Hundreds of new facilities. Police academies, prisons, court-rooms, station houses; many, many of these were built with LEAA funding.
- o A leap forward in the recruiting of minorities and women for justice agencies, especially the police. It's true that other social forces were at work, but LEAA's funding and regulations were the fulcrum for the historical breakthrough in this critical area.
- o The development of a systematic approach to planning, both on the policy and operational levels. No one had ever heard of a "criminal justice planner" until LEAA monies fostered that skill throughout the intergovernmental system.

The list is endless. But the point is made. LEAA was not the total failure some of its glib critics have made it out to be. On the record, it did much good. The April 21, New York Times sought to communicate such a balanced perspective:

The Law Enforcement Assistance Administration, which expired this month, had run through 14 years, five Presidents and \$7.7 billion. While it earned a reputation as a bureaucratic white elephant, it was also sadly misunderstood.

Until the publication of President Johnson's crime commission report in 1967, and LEAA's establishment a year later, few people had recognized how much criminal justice is a "hydraulic" system in which solving a problem at one level (tougher sentences) may only displace it to another (crowded prisons). LEAA projects discovered that the number of police officers on patrol may have little to do with the amount of crime, demonstrated the value of prosecutors focusing on "career criminals," found ways to reduce court delays and developed a range of community programs for convicts.

None of the applied research necessarily reduced crime. Even the soundest new approach may only deal with a small part of the problem, and then only when carried out on a scale that can challenge traditional political and economic barriers. But using crime rates to validate such activity is unfair. Crime rises and falls with broad economic, demographic and cultural trends. Criminal justice agencies may never defeat it; their task is to hold the line, without sacrificing their own commitments to fairness and decency.

During the LEAA years, that task was especially difficult. Funds for criminal justice declined even as fear of crime rose, putting ever more pressure on the police, prosecutors, courts and prisons. In such a bind, the criminal justice agencies were well served by the fresh ideas and management tools developed by LEAA.¹

The quoted Times story closes with the balanced conclusion that ". . . the criminal justice agencies were well served by the fresh ideas

¹New York Times, 21 April 1982, p. 22.

and management tools developed by LEAA."² That seems a fair assessment of the LEAA record, one that would compare favorably with many grant-in-aid, intergovernmental programs.

Yet, as specified throughout this paper, there were disappointments and failures. While some of what happened was beyond LEAA's control, the agency itself generated a fair number of policy and operational problems. How the melding of "outside" and "inside" issues led to the organization's decline focuses discussion in this section's remaining pages.

Expectations

LEAA's assigned mission was impossible of achievement. The agency was created to reduce crime. That policy goal was mandated by the political rhetoric surrounding the "War on Crime." While it was but one of the 1960's social "wars," it imposed a political burden that foredoomed the criminal justice grant-in-aid program.

Agency personnel were not blameless. When the nation's crime rate dipped in 1972, everyone from President Nixon on down gave LEAA major credit for the reduction. Moreover, the crime rate itself quickly became the criterion for gauging the success or failure of the LEAA program.

This public perception was intensified that same year when Administrator Jerris Leonard launched the "Impact Cities" program. That initiative targeted specific crime reduction goals in eight urban centers: Reduce armed

²Ibid (emphasis added).

robbery and related fear crimes by 5 percent in two years, and by 20 percent in five years. Each city received \$20 million to reach those goals. Overall, it was a \$160 million enterprise.

Because "Impact Cities" was examined at some length earlier, the mixed outcome need not be repeated here. Importantly, however, the program was widely heralded and its implication was clear: carefully targetted funds will reduce crime.

As the nation's crime rate soared throughout the seventies, the earlier crime reduction rhetoric was used against LEAA. The media message was simplicity itself, and it was telling: LEAA has "thrown" hundreds of millions at crime; crime continues to rise; the agency and its programs are a failure.

That message stuck. LEAA and its friends were never able successfully to counter the crime reduction "failure." In the end, it was a principal cause of the agency's demise.

Money

"Get the money out." That was the policy in the early going. There was, however, one problem. The federal and state administrative organizations were not structured and staffed to handle the fund flow with any clear sense of direction. Put differently, the "product" (money) preceded planning and policy.

The result (looking back) was predictable. Time passed. Audit and evaluation capabilities were developed--and used. All manner of program and funding irregularities surfaced. Some stories, especially those about police "hardware," would haunt LEAA to its end.

An example of how the media stereotyped the agency to the bitter end occurred the same day it was abolished. The Laredo Texas Times, on April 15, observed LEAA's passing with the observation that, "The demise of the Law Enforcement Assistance Administration is but another Alice in Wonderland adventure for those people who still think Washington has all the answers to all our problems at home. There was a time when all kinds of federal funding would put a dent on poverty and in the process curb the criminal elements. We can now appreciate the results."³

Laredo was one of the communities that LEAA "threw money at." In the end, as elsewhere, there was little mourning for the erstwhile benefactor.

Leadership

Leadership was a problem from the beginning. As discussed earlier, it began when Patrick V. Murphy in 1968 failed to win Senate confirmation for the administrator's post. When Richard M. Nixon took office, he submitted the name of Charles H. Rogovin, a Democrat, for the leadership position. The Senate confirmed Rogovin. Within months, however, Rogovin had resigned, declaring the "Troika" an unworkable executive arrangement.

³Laredo Texas Times, 15 April 1982, p. 3.

The administrator's post remained vacant for a year, until Jerris Leonard's tenure beginning in 1971. His two years at the LEAA helm were dynamic, marked by a major decentralization of both policy authority and operational activities. In spite of that, he left in the middle of his work. Observers insist that the Nixon palace guard forced his untimely departure.

Next, Donald E. Santarelli withdrew much of the authority Leonard had delegated, "rotating" his regional administrators for good measure. These executive actions were reviewed earlier, and there is no need for further analysis in this context. Needless to say, however, the rapid succession of administrators, each with a "new" leadership agenda (usually a "study" followed by a "streamlining" of the agency), engendered a series of dislocations in the LEAA organization. The pattern persisted from Santarelli's 1974 departure through the 1982 abolition.

In summary, stability and consistent policy were not strong points. How could they be? LEAA had seven administrators, three acting administrators, and several extended periods with no one in either position.

Moreover, especially in the early years, each administrator sought to refocus program priorities, even while rearranging the administrative structure. The clearest example of this difficulty was Jerris Leonard's public declaration that LEAA's mission was to reduce crime. The "Impact Cities" initiative was the centerpiece of that ill-fated policy. Within months,

Santarelli scrapped "crime reduction" for "systems improvement." And so it went for most of the agency's administrative life.

Needless to say, turnover at the top must be ranked high in any listing of what went wrong with LEAA. Coupled with the constant changing in program emphasis, it was a prescription for organizational dislocation, and, eventually, disaster. In retrospect, one marvels at how well the LEAA professional staff performed through the years in something less than a stable organizational environment.

Legislation

Congress was ambivalent about LEAA and its block grant program. On the one hand, it launched the agency amid much talk of federalism and state prerogatives. Alternatively, with each amendment and new authorization, it particularized the program. Put differently, what started out as a state directed, federally supported effort, became a "hybrid," cluttered with program and financial "guidelines" and slowly strangling in a tangled skein of congressionally mandated red tape.

The following summary displays the steady flow of legislation that caused LEAA to evolve from a welcomed "partner" to a barely tolerated "overseer":

- o Omnibus Crime Control and Safe Streets Act of 1968.

P.L. 90-351

82 STAT. 197

- o Omnibus Crime Control Act of 1970.
P.L. 96-644 84 STAT. 1880

- o Crime Control Act of 1973.
P.L. 93-83 87 STAT. 197

- o Juvenile Justice and Delinquency Prevention Act of 1974.
P.L. 93-415 88 STAT. 1109

- o Crime Control Act of 1976.
P.L. 94-503 90 STAT. 2407

- o Justice System Improvement Act of 1979.
P.L. 96-157 93 STAT. 1167

The initial Act created LEAA. The last one fatally disabled its program focus and organizational structure. In between, at every opportunity, the national legislature moved the federal government's first block grant program back toward the controls inherent in the categorized grant format. And, motivated by that steady trend, LEAA and the states exhausted their creative energies on scholarly, "process" disagreements. The issue of which side was correctly interpreting an esoteric regulation drove out concerns for getting real help into prison cell blocks. Shadow had triumphed over substance.

Adversaries

In the context of a retrospective commentary, the last point, process driving out substance, can hardly be overstated. There was this paradox: as the knowledge and skills of those involved in the LEAA program expanded, the time and energy committed to substantive concerns contracted. Perhaps "paradox" is the wrong word. Rather, there seems a natural tendency for organizations and their personnel to evolve from goal focused activities to a fascination with creating ever more "policies," "guidelines," and "procedures."

In retrospect, LEAA's block grant delivery system, with its power sharing arrangements, was destined to generate several bureaucracies. Because this phenomenon was discussed earlier at some length, there seems no need here for an extensive review. Importantly, however, this issue is a major consideration in any analysis of what went wrong with the federal agency and its grant-in-aid program.

As pinpointed earlier, every level of government involved in the program quickly developed staffs, policy boards, and all manner of advisory and technical committees. As the program grew, they expanded. As Congress mandated new substantive areas (Juvenile Justice) and controls (audit, evaluation, etc.), they "staffed up" to address the new responsibilities. A major casualty of the parallel expansions was accountability. Before long it became next to impossible to identify who was responsible for what--especially when things went wrong.

A mood of defensiveness set in, permeating the entire delivery system. It was an interesting dynamic to observe. For example, states would complain about LEAA's heavy handed approach in policy and program interactions. Yet the states, in their turn, were accused by regional and local governments of employing similar arbitrary practices.⁴

In that atmosphere, the search for the esoteric impediment crowded out genuine efforts to achieve productive integrations in the LEAA program delivery system. Put differently, an intergovernmental, grant-in-aid program that was launched in the spirit of a "partnership" evolved, as it grew, to a federation composed of hundreds of organizations pursuing private, isolated agendas.

The cost of the self-imposed fractionalization was high. When the LEAA program was judged a failure, its program (political) constituencies were in disarray. As one consequence, creditable opposition to the agency's critics never materialized. And, in a final irony, most of the state and local program agencies are currently following their erstwhile federal partner into the Valhala of discredited administrative organizations.

Image

The April 16 Miami Herald said it all: "The federal Law Enforcement Assistance Administration officially closed Thursday. The 13-year-old

⁴The writer observed this while on assignment in Rhode Island 1974-1977. The same complaints made about LEAA by state people were made by regional and local people about how the state was handling the crime program. Usually, the complaints focused around the same issues, e.g., too much "red tape," program and fiscal directives and the like.

anti-crime program was killed by a budget-cutting administration. The cause of death, however, may well have been a certain unshakeable reputation it picked up a decade ago." The Herald then employed the type of language that made LEAA a marked agency: "Early on, the Nixon-created (sic) LEAA mostly bought hardware, enough to make a few small-town police chiefs look like banana republic generals with their new federally purchased armored cars, exotic weapons, and riot equipment."⁵

The Herald's postmortem illustrates a problem that haunted LEAA from the very beginning. The agency's early grants went largely to the police. The latter dominated the state (SPA) policy boards, and, to some extent, intimidated the relatively young and inexperienced planning staffs. This resulted in the widespread practice of attempting to win the favor of powerful police leaders by making certain that their agencies received a bountiful share of LEAA grant monies.

Because policy and fiscal controls were weak in the program's early months, some police grant recipients opted for "hardware" purchases only remotely related to the improvement of criminal justice. Such acquisitions ranged from a variety of "riot" equipment (civil disorders were at their peak) to power boats used to "patrol" inland waterways. A number of states quickly established "air wings," using federal funds to buy both helicopters and fixed wing aircraft. Importantly, however, the equipment was always justified as an "innovation," sure to upgrade the law enforcement services provided by the recipient police agency.

⁵Miami Herald, 16 April 1982, p. 8.

Inevitably, some of these exotic purchases came to public attention. And when they did, news media rose to the challenge with colorful descriptions exemplified by the Miami Herald's characterization of how ". . . LEAA mostly bought hardware, enough to make a few small-town police chiefs look like banana republic generals with the new federally purchased armored cars, exotic weapons, and riot equipment."⁶

These stories took hold. LEAA was never able to turn things around. No matter how much good the agency was to do, and it did much, those first media accounts of police chiefs getting ready for Armageddon proved to be a fatal burden. That many of the reports were not factually accurate did not slow the negative momentum.

In the end, the "image" problem weighed in heavily against LEAA. Most people had not had personal experience with the agency or its programs. Their attitudes, therefore, had been shaped by communication--what they read, saw or heard about the crime program. And because the public communication about LEAA had been consistently negative, there existed a generalized sense that the agency had squandered the taxpayers' money. When that "feeling" began to reach Congress, LEAA's days were numbered.

Epilogue

LEAA on April 15, 1982 closed its doors. There was not much public notice of the event; few regrets were observed to have been made. But surely, after fourteen years and \$7.5 billion dollars, something must have

⁶Ibid.

been learned from the nation's experiment with a grant-in-aid program in the field of criminal justice administration. Put differently, and specified with a question: Is there a federal role in the administration of criminal justice? If there is, what is it? How can it be carried out given the nature of the intergovernmental system, and the national values rooted in federalism's separation of powers?

The final pages of this administrative history attempt to respond to those important and timely inquiries.

A FEDERAL ROLE

David B. Walker's "Toward a Functioning Federalism"¹ raises this question throughout: What should be the federal government's role as one of several actors in the nation's intergovernmental system? The question is not easily answered. For example, President Reagan, in the context of his version of "New Federalism," has proposed some major exchanges between the national and state governments in the management (and funding) of a number of income support programs. While those considerations range far beyond this paper's scope and substance, they demonstrate that the "sorting out" of domestic programs, as to administration and funding sources, is currently a priority on the country's pressing domestic agenda.

The LEAA program was the federal government's first major intervention in an area clearly reserved by law and custom to state and local jurisdictions. The verdict, at least the political judgment, is now in. The grant-in-aid crime program has been judged a failure. Its \$7.5 billion, and its thousands of federal, state and local employees failed to stem yet soaring crime rates, or, indeed, to deter the small army of criminals who have embraced criminality as a lifestyle.

This paper has sought to illuminate why it was that LEAA got bogged down in a blizzard of red tape. While much of it was imposed, much was self-generated as well. Be that as it may, one returns to the questions

¹David B. Walker, Toward a Functioning Federalism (Cambridge: Winthrop Publishers, Inc., 1981). Walker, Deputy Director of the Advisory Commission on Intergovernmental Relations, has written extensively on the necessity for "sorting out" federal, state and local roles in the provision of governmental services.

which motivate this section: Is there a federal role in state and local criminal justice? If there is, what is it?

To deal with those questions, the writer has taken the liberty of likening the federal government's role to that of a general headquarters operation in a state police organization. In that context, it becomes easier to conceptualize what it is that can be accomplished more efficiently and effectively away from the drumbeat of pressures that accompany daily operations. While several activities come to mind, two in particular stand out in reference to the LEAA experience: 1. the development of crime data and relevant statistical indices; 2. systematic research and development initiatives.

Here are crucial criminal justice needs at which the federal government can excel. It is the kind of activity that should be centralized. A national overview is requisite to uniform, systematic assessment of the country's crime and criminal justice problems, coupled with the applied research programs designed to identify operational solutions to these issues. Fortunately, it is precisely these capabilities that have survived LEAA's recent abolition. A brief review of the relevant administrative structures will be useful at this juncture.

Bureau of Justice Statistics (BJS)

BJS was removed from LEAA by the Justice System Improvement Act of 1979. It has, therefore, survived LEAA's abolition. The bureau is fully funded in President Reagan's proposed Fiscal Year 1983 budget.

BJJ can play a crucial role, a valid federal role, in upgrading state and local criminal justice agencies and processes. Its responsibility is to identify crime rates and trends, and to make certain that these data get to operational agencies in order to maximize resource allocation decisions. Moreover, BJJ has the resources and capabilities to generate census figures on state and local judicial systems, and, especially, on the nation's prison and jail populations.

While the foregoing is but a brief summary of complex, nationwide responsibilities, one hopes the point has been made: the development and dissemination of crime and criminal justice statistics and indices are activities best managed by the federal government. Clearly, it is a role for which the national administration is best suited, one that has the potential for making productive contributions to the improvement of state and local criminal justice agencies and practices

National Institute of Justice (NIJ)

The NIJ (the Institute) was originally developed as LEAA's research arm. For example, as discussed earlier, NIJ conceptualized and coordinated the 1972 "Impact Cities" program that targetted violent street crimes in eight major cities. Subsequently, the Institute managed hundreds of criminal justice research projects throughout the nation. Many of these initiatives were carried out under contracts with universities, non-profit organizations and others. Alternatively, Institute staff directly conducted research in a variety of criminal justice areas.

NIJ was also separated from LEAA by the Justice System Improvement Act of 1979. Since that time it has functioned independently, under the general supervision of the Justice Department hierarchy. The Reagan administration has recommended full funding in its Fiscal Year 1983 budget proposal.

This is as it should be. The management of a research and development program, focused on crime and the administration of justice, is a proper role for the national government. In fact, it is a must. The national overview, supported with federal resources, is absolutely essential if the country is to be genuinely committed to systematic upgrading of the administration of criminal justice.

A critical dimension of NIJ's efforts has been the establishment of the National Criminal Justice Reference Services (NCJRS). This is a central repository of information developed principally through LEAA sponsored research during the past ten years. It is a technically sophisticated system, capable of responding rapidly to inquiries from throughout the nation.

The Reference Service may well be LEAA's most important contribution to state and local criminal justice practitioners. To appreciate its value, one must have personally experienced the isolation which effectively balkanized criminal justice agencies until a few years ago. There was no such thing as a criminal justice "literature." It simply did not exist. More than that, there was no real interest in learning what others might be doing.

It was much more comfortable simply redoing what had worked reasonably well in the past. Predictably, that settled pattern fell far short of the demands imposed on criminal justice agencies by the social dynamics of the 1960's and later years.

In summary, the LEAA experience has established that the federal government is uniquely positioned to play several major roles in the administration of criminal justice at the state and local levels. These are summarized thus:

- o The management of data development activities designed to provide crime and criminal behavior indices and trends. Coupled with that capability is the need to "track" individuals and populations through the components of the justice system, and to conduct census studies, especially those related to prison and jail populations.

- o The management of research and development programs in the criminal justice field. This clearly is a preeminent federal role. It simply can't be done on the state or local level. The national government is uniquely situated to discharge this priority responsibility to its state and local counterparts. They must have ongoing research-based knowledge to cope with the dynamics of crime and criminal behavior during the century's last two decades, and beyond.

Finally, from the foregoing activities, there must flow what Alice Rivlin has called "systematic experimentation."² This, too, is uniquely appropriate to the federal government's role in criminal justice. It is the concept of putting research outcomes to the test in the real world, systematically and under tightly disciplined conditions. Federal capabilities and resources should be committed to this essential work. It is an investment the nation must make to ensure the continuance of the Federal Republic's central value: individual freedom in the context of social order.

²Alice M. Rivlin, Systematic Thinking for Social Action (Washington, D.C.: The Brookings Institution, 1971). The book represents a codification of Ms. Rivlin's H. Rowan Gaither Lectures in 1970 at the University of California, Berkeley.

CONCLUSION

One struggles to find the right words, the memorable phrase, to conclude this perspective on the Law Enforcement Assistance Administration's administrative history. As is usually the case, it has been better said, and much earlier, by someone far more perceptive concerning the intractable difficulties inherent in undertaking a "new order of things." That phrase, authored by Nicolo Machiavelli, seems appropriate to this paper's final lines. The wily Florentine has been dead over four hundred years. But he was surely anticipating organizational missions like that of the Law Enforcement Assistance Administration when he penned his enduring maxim:

"There is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things."

Nicolo Machiavelli

1469 - 1527

Office of the Attorney General
Washington, D. C. 20530

ABOLISHING REGIONAL OFFICES OF THE LAW ENFORCEMENT
ASSISTANCE ADMINISTRATION

Order No. 737-77

By virtue of the authority vested in me by 5 U.S.C. 301 and section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Public Law 94-503, it is hereby ordered as follows:

1. Effective at close of business on September 30, 1977, all regional offices of the Law Enforcement Assistance Administration shall be closed and abolished.

2. The Deputy Attorney General shall be responsible for assuring that every effort will be made to minimize the impact of this change on the affected employees and that every employee affected will be offered continued employment as authorized by law.

Date: July 19, 1977

Griffin B. Bell

Griffin B. Bell
Attorney General

Office of Justice Assistance, Research,
and Statistics

Office of the Director

Washington, D.C. 20531

December 3, 1981

TO: William F. Powers, LEAA

FROM: Robert F. Diegelman
Acting Director, OJARS

SUBJECT: Notification of Reduction In Force

Because of severe budget limitations and the resulting need for a major restructuring of the JSIA Agencies, it will be necessary to conduct a reduction in force sometime between January and March 1982. Since all JSIA Agencies are in the same competitive area, the possibility of some bumping and retreating exists. Therefore, we thought it would be best to notify all employees of this RIF decision even though we expect it to affect LEAA and OJARS the most. Although we do not yet know what all of the individual actions will be, we do know that some employees will be reassigned, demoted, and separated.

At this time we do not know whether you will be able to remain in your present position, or if some other action will affect your employment. Decisions regarding all affected employees will be finalized in the near future. You will receive a specific notice not later than 5 days (15 days for bargaining unit members) before the effective date of any personnel action to be taken in your case. That notice will also provide you with all of the information relevant to your case, including instructions for the filing of an appeal if you are inclined to do so. If you disagree with the action taken, you should not file any appeal to the Merit Systems Protection Board nor should you file a grievance with the Union under the Negotiated Procedure, until the day after the effective date of the personnel action.

We want to assure you that all decisions affecting your employment will be made in accordance with your rights under reduction in force regulations.

This notice expires May 14, 1982. If we have not given you a more specific notice stating the action to be taken, or if we have not extended the expiration date on or before May 14, this notice will expire and you may disregard it.

I regret the necessity for this action. As you know, we have taken every measure possible to avoid a RIF but circumstances now leave us no other choice.



Subject:

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Termination of the Law Enforcement Assistance Administration as a separate entity.

December 13, 1902

Robert E. Diegelman
Acting Director
Office of Justice Assistance,
Research and Statistics

Edward C. Bernick
Deputy Attorney General

As you know, we are in the process of informing the Office of Management and Budget (OMB) and the Congress of our plans to terminate the Law Enforcement Assistance Administration (LEAA) as a separate entity. This is to be accomplished by conducting a reduction-in-force between January 1, 1982 and March 31, 1982; by transferring all continuing LEAA programs with associated personnel to the Office of Justice Assistance, Research and Statistics (OJARS) by March 31, 1982; and by officially terminating LEAA on April 15, 1982, transferring any residual administrative functions and associated staff which may remain beyond March 31, 1982, to OJARS effective on that date.

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Department of Justice

FOR IMMEDIATE RELEASE
WEDNESDAY, DECEMBER 30, 1981

DAG
(202) 633-2028

Deputy Attorney General Edward C. Schmults announced today the Law Enforcement Assistance Administration, a unit of the Department of Justice since 1969, will be terminated on April 15, 1982.

Schmults, who is acting Attorney General during Attorney General William French Smith's holiday absence from Washington, said all continuing LEAA programs will be transferred at that time to LEAA's parent agency, the Office of Justice Assistance, Research and Statistics.

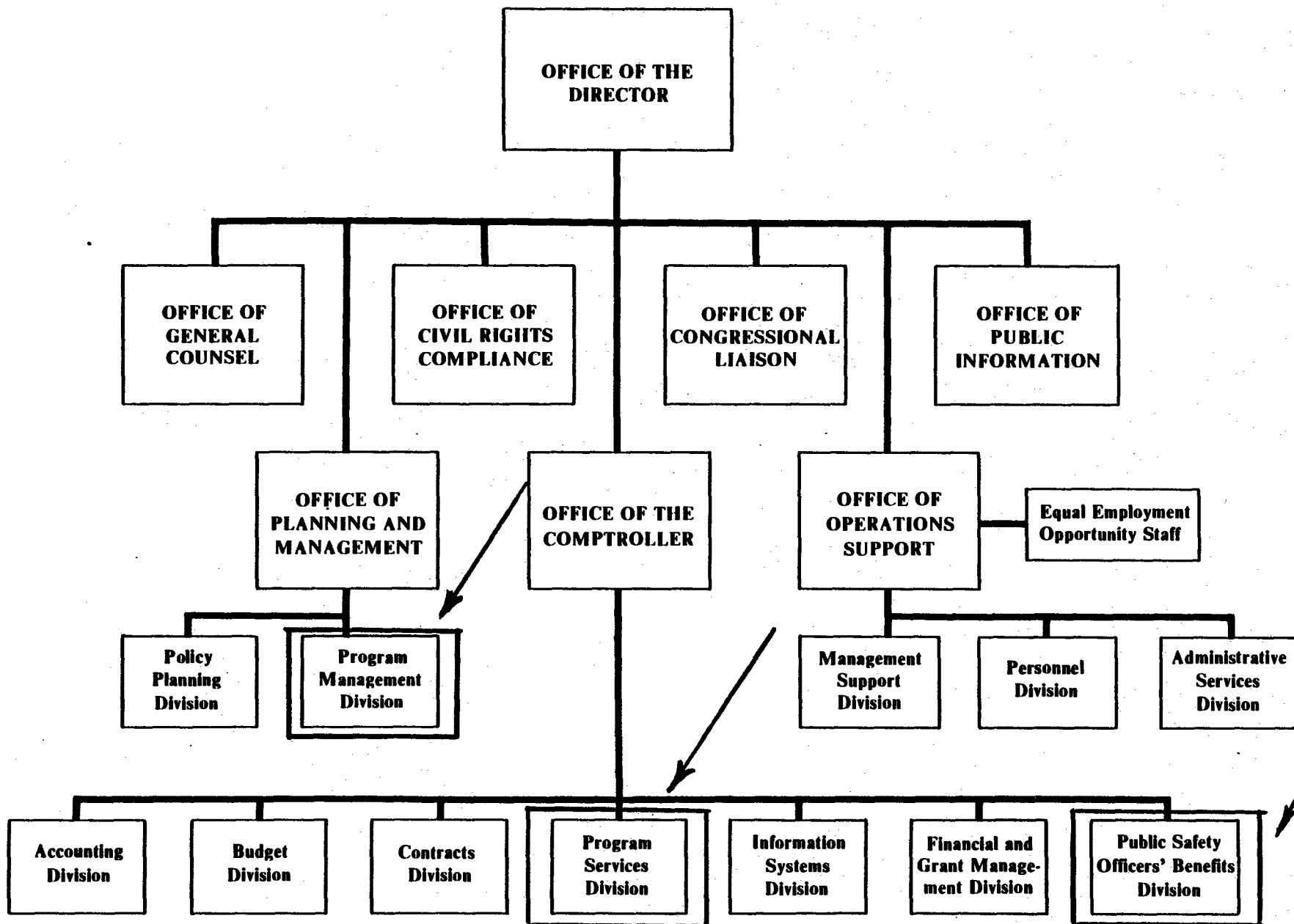
"LEAA has been gradually closing down for some time now," Schmults said. "Neither this administration nor the one preceding it has sought additional funds for it. Many of the grants it has made for improvements in police work, corrections and the courts are moving into termination status.

"While LEAA has not lacked for supporters, the Reagan administration feels that new approaches to bolstering the criminal justice system have to be tried. This in no way reflects on the people of LEAA, who have been both dedicated and innovative in helping the states, counties and cities with their problems."

The total LEAA appropriation from 1969 through 1980 was \$7.7 billion. At its peak, in 1978, the agency employed 667 persons. The work force totaled 315 as of December 12, 1981.

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OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS



DEPARTMENT OF JUSTICE**Office of Justice Assistance,
Research, and Statistics****Law Enforcement Assistance
Administration; Closeout of
Operations and Transfer of Remaining
Functions**

AGENCY: Office of Justice Assistance,
Research, and Statistics, Justice.

ACTION: Closeout of the Operations of
the Law Enforcement Assistance
Administration and Transfer of
Remaining Functions.

EFFECTIVE DATE: April 15, 1982.

SUMMARY: This is to announce that the remaining programs and staff of the Law Enforcement Assistance Administration (LEAA) have been transferred to the Office of Justice Assistance, Research, and Statistics (OJARS) effective April 15, 1982. The acting Administrator of LEAA has taken this action pursuant to the Economy Act (31 U.S.C. 686 *et seq.*) and Sections 806 and 811 of the Justice System Improvement Act of 1979 (Pub. L. 96-157, 42 U.S.C. 3786 and 3789). The Law Enforcement Assistance Administration was established by the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3701, *et seq.*, as amended (Pub. L. 90-351, as amended by Pub. L. 93-83, Pub. L. 93-415, Pub. L. 94-430, Pub. L. 94-503, Pub. L. 95-115, and Pub. L. 96-157).

The last authorization for LEAA was enacted December 27, 1979 (Pub. L. 96-157). The last significant appropriation for LEAA program activities was for Fiscal Year 1980. Congress did not appropriate any significant program money for LEAA grants or contracts in Fiscal Years 1981 or 1982. There is no

appropriation proposed or anticipated for the program in Fiscal Year 1983. However, the agency has continued to employ personnel, expend previously appropriated funds, monitor and close out previously funded programs and projects, and exercise its few continuing functions even in the absence of appropriations for new programs. The LEAA organizational structure was maintained to insure that there was a responsible and orderly closeout of the program which properly accounted for the expenditure of appropriated Federal funds.

This orderly closeout has largely been completed. It is no longer administratively efficient or necessary to continue to staff an agency which no longer receives significant funding from Congress and which has few continuing functions to perform. Consequently, the following actions have been taken:

1. The continuing programs of the Law Enforcement Assistance Administration and the staff assigned to administer them have been transferred to the Office of Justice Assistance, Research, and Statistics (OJARS). The programs will be administered through OJARS. These continuing programs are the Public Safety Officers' Benefits Program (PSOB), the Treatment Alternatives to Street Crime Program (TASC), the Sting Program, and the Prison Industries Certification Program.

2. A small closeout unit has been established in OJARS to complete the administrative closeout of any active grant projects that have not yet been completed.

3. The redelegation of authority from OJARS to LEAA to administer the Regional Information Sharing Systems Program has been canceled and OJARS will assume this function.

This action will not result in an impoundment of any funds or in the termination of any function required by statute to be carried out under the agency's authorizing legislation.

Dated: April 14, 1982.

Robert F. Diegelman,
Acting Administrator, Law Enforcement
Assistance Administration; Acting Director,
Office of Justice Assistance, Research, and
Statistics.

(PR Doc. 82-10514 Filed 4-19-82; 8:48 am)
BILLING CODE 4410-10-M

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