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### Statement of Edward H. Levi, Attorney General before the Subcommittee on Appropriations for the Department of Justice, House of Representatives.

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STATEMENT OF EDWARD H. LEVI,  
ATTORNEY GENERAL, BEFORE THE SUBCOMMITTEE  
ON APPROPRIATIONS FOR THE DEPARTMENT  
OF JUSTICE, HOUSE OF REPRESENTATIVES.

Mr. Chairman and Members of the Subcommittee:

It is a pleasure for me to appear before you to present the budget request of the Department of Justice for fiscal year 1976. As you well know, this budget was prepared before I became Attorney General and reflects previous policy determinations. At this time, however, I believe that the budget represents a realistic approach formulated after careful analysis of program requirements and in recognition of the President's policies of fiscal restraint.

DEPARTMENT OF JUSTICE FISCAL YEAR 1976 BUDGET

The budget which we are requesting for fiscal year 1976 total \$2,115,897,000. This is an increase of \$9,935,000 over the \$2,105,962,000 which it is estimated can be used in fiscal year 1975. The funds requested will provide for 51,791 permanent positions, an increase of 1,195 over the total of 50,596 provided in fiscal year 1975. There are uncontrollable increases of \$63,695,000, offset by uncontrollable decreases of \$47,037,000, for a net uncontrollable increase of \$16,658,000. There are, in addition total program increases of \$94,614,000, offset by program decreases of \$101,337,000, for a net program decrease of \$6,723,000.

I would like to discuss with you the effect this budget request would have on major programs where a program increase or decrease over the amounts for the present year is suggested.

The appropriation requested for General Administration is \$20,953,000 which is a decrease of \$1,426,000 from the amount expected to be available in the 1975 appropriation of \$22,379,000.

There are uncontrollable increases of \$803,000 and net transfers of \$219,000 with offsetting decreases of \$2,765,000. Of the offsetting decreases, \$1,922,000 is for space and services and \$830,000 is for organizational costs of the Watergate Special Prosecution Force. The budget provides for a net increase of 8 positions from 852 in 1975 to 860 in 1976. Sixteen positions and \$317,000 are program-related, and a net 8 positions are being transferred to other appropriations.

Program increases are proposed for three areas: The first is seven positions in the Office of the Deputy Attorney General to assist in carrying out his executive staff responsibilities. The second is two positions to coordinate and review specific legislation in the Office of Legislative Affairs. Third, seven positions are proposed to handle the increased workload and provide timely, effective, and consistent adjudication of appeals by the Board of Immigration Appeals.

General Legal Activities

The appropriation requested for the General Legal Activities is 2,350 positions and \$60,633,000, a net decrease of \$356,000 and 42 positions from the 1975 appropriation available of \$60,989,000. Transfers in the estimates represent a decrease of 65 positions and \$2,589,000. Offsetting these decreases are uncontrollable increases of \$2,325,000 and requested program increases of 23 positions and \$467,000. There are also additional decreases of \$559,000.

Office of the Solicitor General: An increase of 5 positions and \$259,000 is requested. The Solicitor General is responsible for the conduct and supervision of all aspects of Government litigation in the Supreme Court and for approval of all Government appellate actions. The increase would support professional and clerical positions to cope with a workload increase which has been 14 percent in FY 1974 and is projected to rise by an additional 14 percent in 1975 and 1976.

Tax Division: An increase in two positions and \$315,000 is requested. The Tax Division represents the United States and its officers in litigation, both civil and criminal, arising under the internal revenue laws, except proceedings in the United States Tax Court. Two positions and \$12,000 are transfers from the General Administration appropriation. Uncontrollable increases amount to \$389,000 with \$88,000 in decreases related to non-recurring costs.

Criminal Division: A net increase of 74 positions and \$2,139,000 is requested. All of these additional resources are the result of transfers; 62 positions are from those previously authorized for the Controlled Substances Division and 17 are positions from the General Administration appropriation, totalling 79. The Division is transferring 5 positions to the Office of the Deputy Attorney General to establish a Civil Disturbance Unit.

The 74 positions will be assigned to Criminal Division's Narcotic and Dangerous Drug Section and the new Special Litigation Section. The creation of this latter Section reflects the Division's increased involvement in civil litigation arising out of criminal law. Such civil litigation includes judicial and administrative forfeitures, Federal prisoner litigation, collateral attack on Federal criminal convictions, and processing requests and handling litigation under the Freedom of Information Act. In addition to the transferred positions, the new Section is staffed by Division attorneys, previously assigned to the General Crimes and Internal Security Section, who handled primarily civil litigation.

Controlled Substances Division: The resources previously listed under this Division will be redistributed among the Criminal Division (62 positions and \$1,575,000); the U.S. Attorneys (64 positions and \$2,042,000); the Drug Enforcement Administration (24 positions and \$526,000); and the Office of the Deputy Attorney General (5 positions and \$110,000), where they were actually used last year pending a policy decision on whether or not to create a new division.

The responsibility for drug enforcement litigation co-ordination and procedural guidelines will be assumed by these organizations.

Civil Division: An increase of 29 positions and \$771,000 is requested. The 18 new positions will be allocated to the Appellate Section (7), the General Litigation Section (8), and the General Claims Section (3), in support of the Division's program to ensure the integrity of administrative action by Federal agencies. The remaining 11 positions are transfers from the General Administration appropriation.

The Civil Division maintains continuing relationships with over 70 Executive and Administrative agencies, and either conducts litigation for, or functions in an advisory capacity to, almost all of them. With the steady growth over the last five years of both Federal agency activity and the willingness of courts to hear and decide cases "upon the merits" rather than upon simpler jurisdictional or procedural bases, the caseload of the Division has grown steadily in both size and complexity. The proposed increase is designed to meet the needs generated by the expansion; for example, over the last five years, the General Litigation Section has had a 212% increase in caseload, with only a 42% corresponding increase in manpower, while the Appellate Section has faced an increase of 110% in cases pending and 58% in new cases with only an 18% increase in manpower. The proposed increases should bring a measure of necessary relief to those sections which are currently overextended.

Land and Natural Resources Division: An increase of five positions and \$223,000 is requested. The Land and Natural Resources Division is responsible for defending the interests and actions of the Federal Government for all audits and matters relating to real property, including land, water and other related natural resources, the outer continental shelf, and marine resources and protection of the environment. The Division also is responsible for representing the interests of the United States in civil litigation pertaining to Indians and Indian affairs, including the defense of Indian claims against the United States. The 1976 workload of the Division is expected to increase by 15% in the environmental area and 17% in the pollution control area. The increased Federal involvement in Indian matters, especially the protection of water rights, will also result in increased litigation for the Division.

Office of Legal Counsel: A decrease of \$46,000 is proposed for the Office of Legal Counsel. The decrease is the net result of a requested uncontrollable increase of \$43,000 and a proposed transfer in the estimates from this office to the General Administration appropriation involving 4 positions and \$89,000.

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the \$14,200,000 which was available in fiscal year 1975. This increase includes \$800,000 for fact witnesses, \$1,030,000 for protection of witnesses, \$250,000 under the limitation for expert witnesses and a transfer in estimates of \$200,000 from the U.S. Attorneys for compensation of Land Commissioners.

The increase requested for fact witnesses is attributable to the projected increase in court activity. The increase for expert witnesses is a function of several factors, including greater court activity, more sophisticated testimony, and the higher rates for expert testimony required by the marketplace. The fees of court appointed Land Commissioners would be paid from this account, rather than the U.S. Attorneys and Marshals' appropriation.

#### Community Relations Service

The appropriation requested for the Community Relations Service is \$3,947,000 which is \$100,900 over the proposed available 1975 appropriation of \$3,847,000. The requested increase consists of \$125,000 for uncontrollable items and a decrease of \$25,000 because of non-recurring costs for personnel equipment in fiscal year 1975 and an adjustment for non-recurring Federal Telecommunications System costs.

#### Federal Bureau of Investigation

The appropriation requested for the FBI is \$465,767,000, an increase of \$21,521,000 over the available 1975 appropriation of \$444,246,000. It provides for 20,266 positions, which is a decrease of 59 positions from 1975. Of the increase, \$12,953,000 is program related and \$14,903,000 is for uncontrollable items. There are

Civil Rights Division: An increase of two positions and \$344,000 is requested. The Division is responsible for enforcement of Federal civil rights laws, coordination of civil rights matters within the Department, and assistance to Federal, state and local agencies in responding to civil rights laws. The Division expects an increase of about 500 in the number of cases and matters received in 1976.

Antitrust Division: An increase of 36 positions and \$1,437,000 is requested. The Division enforces Federal antitrust laws, mainly the Sherman and Clayton Acts, consumer protection statutes and related matters. Thirty-three positions and \$554,000 would permit the Division to pursue anti-competitive business behavior by litigating against undue concentration of industries and illegal price-fixing and by advocating competitive considerations in Federal regulatory proceedings. Three positions are gained through transfer. The remainder of the increase is due to uncontrollable items and adjustments to base.

#### United States Attorneys and Marshals

United States Attorneys: An increase of 311 positions and \$11,468,000 is requested for the United States Attorneys. The United States Attorneys represent the Federal Government in litigation of Federal criminal and civil suits in the 94 judicial districts. This increase represents greater recognition of the crucial role of the United States Attorneys in the litigating activities of the Department.

Substantial increases in workload are projected for the United States Attorneys in 1976. For example, it is estimated that there will be a 15% increase in attorney manhours in the district court, appellate courts, grandjury proceedings, and before U.S. Magistrates in FY 1976 over FY 1975. In addition, the 1974 Speedy Trial Act will have a substantial impact on our operations and the requested increase will permit better handling of this increased and more complex caseload. Sixty-four of the positions and \$2,042,000 are by transfer from the General Legal Activities for performance of litigative work in the area of controlled substances.

United States Marshals Service: A total increase of 30 positions and \$2,321,000 would go largely to the Witness Security Program. Three positions and \$93,000 are proposed to be transferred to General Administration for the internal audit function. During the past year, the U.S. Marshals have protected and maintained 505 principal witnesses who have knowledge of matters pertaining to the operations or activities of organized crime. To help contain the rising costs and increasing numbers of witnesses protected, regional service areas are planned to improve delivery of the special services required by witnesses, particularly documentation, relocation and jobs.

#### Fees and Expenses of Witnesses

The appropriation requested for Fees and Expenses of Witnesses is \$16,480,000, which is an increase of \$2,280,000 over

\$6,335,000 in non-recurring decreases.

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The FY 1976 appropriation request includes \$4,854,000 to allow the FBI to continue its important investigative and related activities at the same level maintained in FY 1975; \$4,740,000 in equipment costs, due largely to the increased costs of replacement of laboratory and field investigative equipment required for complex investigative assignments; a slight increase in funds to provide for additional communications lines for the expanding National Criminal Information Center network, and a modest increase in the budget to sustain the important effort to automate the fingerprint operations of the Bureau.

The FBI will continue to provide training to law enforcement officials throughout the country. This includes the expanding and long-established field police training program, participation in specialized training programs, and the work of the FBI Academy at Quantico, Virginia. The request includes additional funds for the increased costs of operating the FBI Academy.

This request also reflects a program increase of 250 positions and \$4.4 million to permit the Bureau to discharge its responsibilities to investigate activities of the increasing number of representatives of foreign intelligence services working in the United States.

#### Immigration and Naturalization Service

The appropriation requested for the Immigration and Naturalization Service is \$209,744,000, which is an increase of \$29,724,000 over the 1975 adjusted appropriation of \$180,020,000. The request provides an increase of 750 positions to 8,832.

Of the increase, \$8,663,000 is uncontrollable, and \$22,933,000 is program increase. There are offsetting decreases of \$1,872,000.

The workload facing the Immigration and Naturalization Service continues to increase. Of major concern is the rapid increase in the illegal alien population of the United States, a problem which takes on added importance given our economic difficulties and high unemployment. This budget is aimed at combatting this problem, especially in the activities involved with illegal alien apprehension and deportation.

An increase is requested for detention and deportation activities. In fiscal year 1974, some 738,000 aliens were expelled, a 26% increase over fiscal year 1973. This workload will continue to rise as the border patrol and investigative operations of the Service apprehend more illegal aliens.

An increase is also requested for border patrol activities. In fiscal year 1974, some 641,000 illegal aliens, 28% more than the preceding year, were apprehended by the border patrol.

The strategy of the patrol is to concentrate its efforts on the borders to apprehend illegal aliens at the point of entry; this strategy is both more effective and more efficient than searching interior regions of the country. Most of the requested increase will be focused on activities at the Mexican border.

#### Federal Prison System

The budget request for the Federal Prison System totals \$254,045,000 for fiscal year 1976. This is an increase of \$34,122,000 over the 1975 adjusted appropriation of \$219,923,000. This level will provide a net increase of 67 positions to 8,135. There are

uncontrollable. increases of \$17,176,000 with offsetting decreases 52  
of \$25,000,000 and transfers of \$447,000 to other accounts.

The increase includes \$18,627,000 for "Salaries and expenses, Bureau of Prisons," \$9,820,000 for "Buildings and Facilities," and \$5,675,000 for "Support of United States Prisoners." The increase for "Salaries and expenses, Bureau of Prisons," includes \$17,176,000 for uncontrollable items and \$4,812,000 for program increases, with offsetting decreases and transfers of \$3,359,000. The "Buildings and facilities" increase is \$30,760,000 for program increases with offsetting decreases for non-recurring items of \$20,940,000.

Salaries and Expenses: The largest single program increase, \$1.2 million, will help offset increases in inmate clothing costs and farm operation expenses.

To permit an increasing number of releasees to participate in community treatment programs, we are requesting an increase of 30 positions and \$874,000 for the establishment of six community treatment centers.

An increase of 7 positions and \$307,000 is requested for initial activation of the Memphis Youth Center. This center will provide for an inmate population of 350 and is designed for a more tractable youthful offender.

The other major items of program increase are \$925,000 to establish an equipment replacement program, 8 positions and \$542,000 to permit establishment of an additional staff training center, 20 positions and \$411,000 for increased program evaluation and improved information systems, 35 positions and \$184,000 to revise and expand vocational training programs, and 2 positions

and \$364,000 for increased medical and mental health services.

Buildings and Facilities: Part of the appropriation in this area, \$1.5 million would be devoted to site acquisition and planning and design for an adult maximum security facility in south central United States. This facility is planned for 500 beds, which would partially offset a projected 725 bed deficit projected for the south central region by the mid-1980's.

The major part of the requested appropriation, \$21.7 million, is requested to undertake construction of a new facility for approximately 500 adult offenders in the northeastern United States. The facility will partially offset a projected 1,000-bed deficit projected for the northeastern region by the mid-1980's.

The final increase for this appropriation, \$7.6 million, is requested for improvements in existing plants in fiscal year 1976.

Support of U.S. Prisoners: Some U.S. prisoners are confined and cared for in non-Federal facilities. We are requesting an increase of \$5.7 million in this appropriation to provide for projected increases in jail-days and average daily inmate costs. This largely uncontrollable activity has undergone rapid and unpredictable cost increases in the past several years.

#### Law Enforcement Assistance Administration

The fiscal year 1976 budget request for the Law Enforcement Assistance Administration is \$769,784,000, which is a decrease of \$106,318,000 from the 1975 appropriation of \$876,102,000. This amount provides for a total of 770 positions, which is an increase of 20 positions. This increase is the result of a transfer of 20 positions from the Bureau of Prisons to accomplish the Law

Enforcement Assistance Administration's function of technical assistance to state and local correctional institutions.

The LEAA program has realized substantial growth during its relatively brief existence, progressing from a base of \$63 million in 1969 to the current high of \$876 million.. The fiscal year 1976 budget authority decrease, in addition to reflecting the Administration's program of fiscal constraint, recognizes that the dynamic activity of LEAA's formative years has not permitted a thorough policy assessment of major directions and which programs are most effective. Several reviews of LEAA programs have been conducted by the General Accounting Office which indicate that an assessment is required. We hope that this year of decreased budget authority will afford a pause during which increased emphasis can be placed on policy assessment.

The net decrease of \$106.3 million from FY 75 is largely a \$61.9 million decrease in the amount requested for matching grants. Smaller decreases are in aid to correctional institutions, educational assistance and special training programs, as determined administratively. Other changes include a \$5.0 million increase in planning grants to State, regional, and local planning agencies.

Projections for actual expenditures in the LEAA program reflect an increase of more than \$25 million during the FY 1976 even though the specific budget authority is decreased. This is possible because of the lag between prior year appropriations and actual outlays.

I would like to point out to the Subcommittee that there is no line item funding in this budget request for the Juvenile Justice

and Delinquency Prevention Act of 1974. When the President signed the bill, he said that he would not seek additional funding until the general need for restricting Federal spending has abated. Because of that, LEAA is seeking authority to reprogram some reversionary funds to be used during a start-up period for 1975 and 1976 to cover initiatives in the juvenile justice area. In the meantime, the juvenile delinquency effort already funded by LEAA will continue at the level required by Public Law 93-415.

#### Drug Enforcement Administration

The 1976 appropriation requested for the Drug Enforcement Administration is \$150,785,000. This is an increase of \$15,062,000 over the available 1975 appropriation of \$135,723,000. The request provides for 4,263 positions for fiscal year 1976, an increase of 77 from the 1975 level of which 24 are being transferred from General Legal Activities. Of the total increase, \$9,444,000 is for uncontrollable costs, \$6,686,000 is for increases in programs and \$526,000 is related to transfers from other accounts. There are offsetting decreases of \$1,593,000.

The Drug Enforcement Administration was created on July 1, 1973, by Reorganization Plan No. 2 of 1973. The reorganization consolidated the drug investigative activities of the U.S. Customs Service of the Treasury Department and several organizational elements previously in the Department of Justice's budget. The latter were the Bureau of Narcotics and Dangerous Drugs, Office of Drug Abuse Law Enforcement, Office of National Narcotics Intelligence, and the drug research activities of the Law Enforcement Assistance Administration.

The number of arrests, coupled with the price and purity trends for heroin, indicate that the DEA agent work force had limited traditional heroin supply channels. It is necessary, however, to prevent the reestablishment of old supply channels and meet the problem of an increase in trafficking in brown heroin through Mexico. The funds and positions requested in the DEA increase would be used primarily to (1) provide intelligence staff to operate the El Paso Intelligence Center; (2) improve the domestic enforcement program through increases in automatic data processing support, funds for purchase of evidence and payments for information, communications capabilities, and career ladder promotion commitment; (3) provide for increases in enforcement and drug intelligence personnel in Mexico; and (4) provide increases in laboratory staff to furnish improved support for agent investigations and prosecutive efforts.

Changes in the General Provisions

This budget proposes a change in the General Provisions of the appropriations act which involves deleting Section 203 and adding three new Sections 207, 208 and 209. Section 203 pertains to the percentage at which the District of Columbia must reimburse the Treasury of the United States for expenditures for the Offices of the U.S. Attorney and U.S. Marshal. This section is proposed to be deleted at the request of the District of Columbia Government. Section 207 is proposed to be added to provide for the establishment of compensation for land commissioners at a rate not to exceed Grade 18 on the General Schedule. Section 208 is proposed to be added to limit appropriations during the transition period,