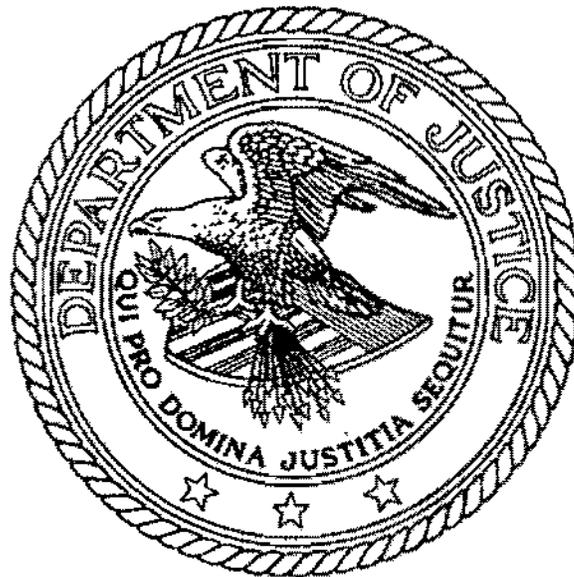


**A History of the U.S. Department of Justice  
During the Clinton Administration  
1993 - 2001**



Prepared for the Clinton Administration History Project  
Washington, DC  
2001

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2001



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

January 17, 2001

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

Enclosed please find the Department of Justice's submission for the Administration's History Project. We are submitting more than one thousand pages of material that document the Department's challenges and accomplishments since 1993.

The hard work of the Department's Office of Policy Development (OPD) is evident in this product. The staff of OPD was able to incorporate contributions from more than twenty of the Department's offices, boards, divisions and law enforcement components.

Thank you for the opportunity to work on this interesting and challenging project.

Respectfully,

  
Janet Reno

Enclosure

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## I. Introduction

This history documents the record of the Department of Justice and the work that we have done over the past eight years to enforce the law, make our communities safer, and strengthen our civil and criminal justice systems.

In 1993, the Department of Justice faced tremendous challenges. Violent crime had grown steadily with no relief in sight. Illegal immigrants were crossing our borders undeterred. At the Justice Department, our law enforcement components and our United States Attorneys were short on resources and personnel. Training was inadequate, and equipment was outdated. The Department lacked a strategic plan to address the growing problem of high tech crime. Criminal enterprises were becoming increasingly global, and yet our own ability to fight crime abroad was limited. Crime problems on Indian tribal lands had been badly neglected. Lax enforcement of our environmental laws threatened our nation's natural treasures. And communities across America had little faith that the federal government could effectively address their concerns about crime, the environment, or civil rights.

In 1993, the Clinton Administration and Attorney General Janet Reno set out to reverse these trends. When the President Clinton took office, and when the Attorney General came to Washington, they made clear that this administration's law enforcement policies would not be business as usual. As the State's Attorney for Dade County, Florida, the Attorney General was not content to have the federal government continue to stand by as communities struggled with crime and other problems, and she used her experience on the streets of Miami to guide the development of policies and practices on the federal level. In her welcome address to

Department of Justice employees in 1993 laying out her vision and goals as Attorney General,

Ms. Reno stated:

We must use our limited resources to build real partnerships with state and local governments, a partnership which is built on mutual regard and respect. . . . as we ask together "What is the right thing to do?". . . Let us leave here today resolved to ask that of ourselves and others as we seek justice, remembering that sometimes doing the right thing is very politically unpopular. . . But with strength and courage let us face that question unafraid, and together seek justice for all.

This history explains how the Department of Justice worked to strengthen federal laws and tackle long-ignored crime problems. It tells how the Department worked at every level and through every program to change the way we did business – to work on the front lines, side by side with local law enforcement and communities to address local crime problems. Our goals were ambitious. We wanted to be partners with communities – not spectators or overseers. We wanted to put in place a set of solutions where we knew there was no one answer to a problem. We wanted to be tough on crime and, at the same time, tackle the long neglected conditions that contribute to crime. We wanted to use smart strategies, based on research, data, and evaluation. And we wanted our federal, state, and local law enforcement agencies to be fully staffed and professionally trained. We wanted our law enforcement team to have access to advanced technological tools and equipment. This history recounts the substantial progress the Department made toward meeting these ambitious goals.

This chronicle also describes the key role that the Department of Justice played at a time when the economy was undergoing a major transformation. We set the rules for fair competition and worked to apply our consumer protection and other laws during a new era of international commerce. We worked to reinvigorate the enforcement of our nation's civil rights and

environmental laws, and we worked to enforce the law with respect to all those with tax obligations – individuals and corporations alike. This history tells the story of how we worked to rebuild the American people's belief that their government can make a positive difference in their lives and in their communities.

This history is divided into four parts: it covers (1) the Department's record on criminal justice matters, (2) our work enforcing federal laws and protecting American consumers and taxpayers, (3) the steps that we took to improve our system of justice, and (4) how we managed a growing Department of Justice in a changing world.

## **II. The Clinton Administration's Comprehensive Crime Control Strategy**

For decades, violence plagued our cities and towns. Many people came to believe that crime was an intractable problem that could not be solved. With the support of President Clinton and Vice President Gore, the bipartisan efforts of Congress, the dedicated work of federal, state, local, and tribal law enforcement, and with the strong support of our communities, we have turned this situation around.

Crime has dropped every year for the past eight years, and it is now at its lowest level since 1973. From 1993 through the first half of 2000, the violent crime rate declined by more than 27 percent. In 1999, the recorded rate of six murders per 100,000 inhabitants was the lowest figure since 1966. Also in 1999, the Crime Index, which measures the number of offenses per 100,000 population, showed a continuing trend downward – down eight percent from 1998, 19 percent from 1995, and 27 percent from 1990.

These results are impressive. But crime statistics can go up and down based on many factors. The Clinton Administration built a foundation for crime control policies and strategies that will endure. Over these eight years, the Administration transformed the way our nation fights crime and promotes public safety. The strategies that the Department of Justice put in place will combat crime and build stronger communities for years to come. The Department's comprehensive crime control strategy had six objectives:

- Vigorously enforcing federal criminal laws;
- Supporting community-based law enforcement;
- Breaking the cycle of crime and violence through targeted efforts directed at gun violence, illegal drug trafficking and drug abuse, juvenile offenders, and the reentry of criminal offenders back into the community;
- Recognizing the scourge of domestic violence, both as an epidemic and as a crime, and implementing an array of laws and law enforcement resources to combat it;
- Working through our United States Attorneys and with our tribal partners to strengthen law enforcement and tribal court structures in Indian Country and to fulfill our responsibilities to respond to and prosecute serious crimes there; and
- Confronting the challenges law enforcement faces fighting cybercrime, international crime and terrorism.

We started in 1994, by working with Congress to achieve passage of the President's crime bill – the Violent Crime Control and Law Enforcement Act (the Crime Control Act of 1994) – the most comprehensive crime legislation in our nation's history. This legislation has

formed the basis for the Department's crime control strategy. It created our nation's first federal community policing program and included the Brady gun control provisions and a ban on assault weapons; it also included the federal government's first Violence Against Women Act. It created significant penalty enhancements for violent crimes and drug offenses – including a federal “three-strikes-and-you're-out” law for violent felons, funding for state prison construction with incentives for states to adopt truth-in-sentencing for violent offenders, and important prevention programs to loosen the grip of crime on our communities. The law also created the Violent Crime Reduction Trust Fund, which guaranteed billions of dollars of federal funding every year for six years to support federal, state, and local crime control initiatives.

Since President Clinton signed the Crime Control Act of 1994 in September of that year, we have worked to enforce the many provisions of this law, build strong partnerships with communities, and help strengthen state and local law enforcement agencies. We believe that the strategy now in place is building a safer and better America.

**A. Effectively Enforcing Federal Criminal Laws**

The Department of Justice investigates and prosecutes criminal violations of the laws of the United States. During the past eight years, the Department aggressively and effectively pursued the prosecution of violent street gangs, organized crime, drug trafficking, domestic and international terrorism, and white collar crime.

The Department brought many significant cases between 1993 and 2001. These include the Oklahoma City bombing trials, the Unabomber case, the World Trade Center bombing trial, the Gigante organized crime case, the prosecution of 32 members of a violent narcotics distribution network supervised and managed by members and associates of the Luchese Crime

Family, the prosecution of the Mexican organized crime figures responsible for the exportation and distribution within the United States of vast quantities of narcotics, and the prosecution of Ronald Ocasio, leader of the Bryant Boys, a violent drug trafficking gang that sold massive amounts of crack cocaine and heroin in New York. These cases, and countless others, reflect the work that the United States Attorneys' offices and other Department of Justice attorneys have accomplished over the past eight years.<sup>1</sup>

Overall, the Department's eight-year record on federal criminal prosecutions has been remarkably productive. The number of criminal cases filed in the United States District Courts increased from 35,263 in 1992 to 50,779 in 1999, an increase of 44 percent. The conviction rate increased as well, from 84.7 percent in 1992 to 89.7 percent in 1999. In the face of highly prepared prosecutions and very tough penalties, an increasing number of defendants have pled guilty prior to trial. During fiscal year 1999, a total of 54,438, or 94 percent, of all convicted defendants pled guilty prior to or during trial – continuing a year-to-year increase since 1992 in the percentage of convicted defendants who pled guilty. Notably, the percentage of guilty defendants sentenced to prison increased from 70.8 percent in 1992 to 78.6 percent in 1999.

During the Clinton Administration, the Department of Justice has also implemented new federal laws that provide for the reinstatement of the death penalty in certain cases. The availability of capital punishment in federal criminal cases expanded significantly with

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<sup>1</sup> Other significant enforcement actions include the prosecution of a computer hacker who made \$3.7 million worth of unauthorized transfers to his own accounts by gaining access to an internal Citibank computer system; the discovery and undoing of a massive securities fraud conspiracy in which 16 defendants pled guilty to bilking investors of millions of dollars and causing the collapse of a major Internet service provider; obtaining a \$340 million fine against the Daiwa Bank in New York for defrauding the Federal Reserve Board among other criminal acts; and obtaining a \$10.65 million criminal fine against a pharmaceutical company for defrauding the government, to identify just a few.

enactment of the Crime Control Act of 1994. That legislation included the Federal Death Penalty Act, which made more than 40 federal offenses punishable by death. That law established the method and procedure for carrying out the federal death penalty. The Anti-Drug Abuse Act of 1988 included additional provisions allowing for capital punishment for certain drug-related offenses. To comply with these laws, the Bureau of Prisons designated the United States Penitentiary in Terre Haute, Indiana as the site for implementation of the federal death penalty and for modification of an existing housing unit for federal death penalty case inmates. The agency modified the existing housing unit, and the execution facility was readied in August 1995. There are 19 inmates currently housed in the Special Confinement Unit.

In 2000, President Clinton granted two temporary reprieves to Juan Raul Garza, who had been scheduled for execution. The first reprieve was to give the Department of Justice time to develop guidelines for clemency procedures, and the second reprieve was to permit sufficient time for the Department of Justice to review recent research examining racial and geographic bias in the application of the federal death sentence. Garza is now scheduled to be executed on June 19, 2001.

Timothy McVeigh, one of two men convicted in the Oklahoma City bombing case, is also confined in the Special Confinement Unit. In 2000, McVeigh asked the United States District Judge who presided over McVeigh's trial to withdraw the appeal of his conviction in the Oklahoma City bombing case and to set a date for execution. The court granted McVeigh's request. The execution date is currently scheduled for May 16, 2001.

**B. Supporting Community-Based Law Enforcement**

Beginning early in the Administration, the Department of Justice recognized that it was essential to join forces with our state and local counterparts and with local communities to fight crime. Since 1993, the annual appropriation for the Department's grant programs has grown from \$800 million to over \$4 billion. This growth has enabled us to build partnerships with state, local and tribal law enforcement and with communities to work together to address crime problems.

The cornerstone of our community crime control strategy has been community policing, and the President's commitment to put an additional 100,000 police officers on the beat in communities across the country. To implement the President's community policing strategy, the Attorney General created a new office of Community Oriented Policing Services – the COPS Office. Since 1994, in addition to funds provided to communities under other grant programs, the Department has provided more than \$5.4 billion in funding for community police officers, training, technical assistance, and other support for community policing services. As of December 2000, COPS had funded the addition of 109,000 community policing officers in more than 12,000 police departments and sheriffs' offices. Of the 109,000 funded positions, 68,000 officers are new hires. Another 41,000 are officers redeployed – often from desk jobs and other administrative assignments – to community policing. As of December 2000, nearly 70,000 COPS-funded officers were already on the street and in local schools, working with communities to fight crime.

But the Clinton Administration's strategy involved more than an increase in personnel. It was designed to change the way police patrol neighborhoods, interact with the community and

prevent crime. Developed over the past two decades by forward-looking police chiefs, community policing has enabled police officers to get to know their communities, stay ahead of crime problems, and enlist residents in their efforts to keep their neighborhoods safe. Today, 87 percent of America is served by departments that employ community policing.

The Clinton Administration built on this community policing foundation with a community prosecution initiative to bring prosecutors into neighborhoods. In fiscal year 2000, the Administration began a community prosecution program. In fiscal year 2001, this important effort will have \$100 million, which will fund the continuation of the existing community prosecution programs and up to 600 community prosecutors. Like community policing, community prosecution programs bring law enforcement, other local government leaders, and the people and businesses of a community together to reduce crime and to target its causes.

At the federal level, the Department of Justice has also developed a community-based strategy for federal law enforcement to use in fighting violent crime. Today, United States Attorneys, Drug Enforcement Administration (DEA) agents, and Federal Bureau of Investigation (FBI) agents are working more closely with state and local law enforcement than ever before. They are also working with the community – setting priorities for federal action based in large part on local problems and needs.

To strengthen our community efforts, the Department expanded the successful Weed and Seed initiative from about 34 sites in 1993 to 250 sites today. The program supports community-based organizations that combat violent crime, drug use, and gang activity and bring the community together to fight crime and improve the quality of life in neighborhoods. The Department's Weed and Seed sites are making a difference in some of our nation's toughest

neighborhoods by developing strong partnerships among community residents and local, state, and federal law enforcement officers, as well as those agencies that can help a neighborhood rebuild and become economically vital.

In addition, the Department launched a major new community-based effort in 1994: the National Anti-Violent Crime Initiative (AVCI). The Attorney General developed this strategy as violent drug trafficking gangs and criminal elements involved in other illegal conduct swept into the Plains and Mid-west states from urban areas, overwhelming state and local law enforcement strategies. This effort began with the Attorney General directing every United States Attorney to work with other federal law enforcement agencies, and with state, local and tribal law enforcement in each district, to develop a coordinated, comprehensive strategy to address the violent crime problems in their jurisdictions. Working together, federal, state, and local, law enforcement agencies have targeted resources effectively and taken maximum advantage of each jurisdiction's intelligence, resources, criminal laws, and penalties. With the AVCI, the federal government addressed immediate local crime problems and strengthened relationships among federal, state, local, and tribal law enforcement that will produce crime-fighting dividends for years to come.

**C. Breaking the Cycle of Crime and Violence**

Within the first few years of the Clinton Administration, the Department of Justice had put in place a strategy to reduce crime, and this strategy was producing results. But, as daily news reports attest even today, there exist underlying problems in our society that continue to result in an unacceptable level of recurring violence and lawlessness in America. When we look around, we see that too many of our communities experience violence on a daily basis. We

looked for reasons that could explain such terrible violence. The reasons are many and complex. And we recognize that no one strategy targeted to a specific problem, such as guns or children exposed to violence, no single law nor law enforcement technique, such as crime mapping or community policing, could alone have prevented the violence that erupted in Littleton, Colorado, Oklahoma City, or the World Trade Center, or could alone stop all of the violence on the streets of so many communities.

But, the Clinton Administration undertook a major new multi-faceted effort to break the cycle of violence that flares occasionally in some communities and regularly in others. This effort has focused on reducing the unlawful possession of firearms, controlling the illegal use and trafficking of drugs, addressing the problems faced by youth, and managing the reentry of offenders returning from prison into our communities. The goal behind this effort has been to break the cycle of crime and violence for tomorrow, as well as today.

#### **1. Keeping Guns Away from Criminals and Children**

Gun violence is a national tragedy. In 1998 – the most recent year for which statistics are available – 30,708 people died from gun-related injuries in this country, and over one-third of a million violent crimes were committed with firearms. Every day, on average, 84 people – including ten children – are shot and killed in the United States. In the last two years alone, more American civilians died from gunfire than all of the American soldiers killed during the nine years of the Vietnam War. And for each fatal firearms injury, there were nearly three non-fatal injuries.

The carnage caused by guns in the United States is unique among developed nations. Children under age 15 are murdered with guns in our country at a rate 16 times higher than in the

25 other wealthiest industrialized countries combined. Firearms injuries are the eighth leading cause of death in the United States and a leading cause of injury-related death. The economic impact of this violence is staggering. The medical costs of gun injuries have been estimated to exceed \$2 billion each year, and work loss costs have been estimated at \$20 billion or more per year.

The Clinton Administration made reducing gun violence a national priority, and, over the past eight years, it took unprecedented steps to eliminate the scourge of gun violence from this country. In 1993, while announcing legislation that would become part of the Crime Control Act of 1994, the President stated:

The first duty of any government is to try to keep its citizens safe, but clearly too many Americans are not safe today. We no longer have the freedom from fear for all our citizens that is essential to security and to prosperity. The past four years have seen 90,000 murders in this country. Last month in this city, our nation's capital, in one week 24 murders were committed. When our children must pass through metal detectors to go to school, or worry that they'll be the victim of random drive-by shootings when they're playing in the swimming pool in the summertime, when parents are imprisoned in their own apartments behind locked doors, when we can't walk the streets of our cities without fear, we have lost an essential element of our civilization.

First, the Clinton Administration worked to enact new laws to keep guns out of the wrong hands, crack down on illegal trafficking in guns, prevent gun accidents and suicides, and impose tougher penalties on those who violate federal firearms laws. When the Administration began, our federal firearms laws were not adequate to protect the American people from gun violence. In fact, while federal law prohibited felons and certain other dangerous individuals from possessing firearms, there was no system for gun dealers to determine whether a buyer was actually prohibited from possessing a gun. Rather, dealers relied on an "honor system," wherein

buyers attested that they were not prohibited from possessing a gun. This honor system was not effective. President Clinton recognized, coming into office, that we had to pass new federal laws to enforce the prohibitions on firearms possession that were already in place.

The Administration worked with the Congress to pass the Brady Act in 1994. In passing this law, Congress rectified the problems inherent in the honor system by requiring background checks on gun purchasers – first under a system whereby gun dealers checked criminal backgrounds through local law enforcement and then, permanently, through the National Instant Criminal Background Check System (NICS). Since the passage of this law, a simple background check has kept guns out of the hands of more than 611,000 felons and other prohibited persons, preventing untold crimes and violence, and with minimal inconvenience to law-abiding gun purchasers and dealers.

Over 70 percent of Brady Act background checks conducted through NICS by the FBI are completed within seconds, and approximately 95 percent are completed within two hours. The NICS Operation Center is open 17 hours per day, every day of the year except Christmas. Each NICS background check involves a search of three databases, including the National Crime Information Center database. That database contains approximately 36 million criminal records, including over 500,000 records on wanted persons, over 200,000 records on subjects of domestic violence protection orders or restraining orders, and over one million records on other persons prohibited from possessing firearms.

Since November 30, 1998, when NICS went into operation, the FBI has shared the responsibility for doing background checks with states that have agreed to serve as points of contact for the system. In two years, NICS has processed over 17 million background checks. In

addition, through the cooperation of federal, state and local law enforcement officials, NICS has proven to be a useful tool to apprehend fugitives who have tried to acquire firearms. Also, NICS information about persons denied firearms is used by law enforcement authorities to investigate and prosecute violent felons and other dangerous individuals for lying about their criminal records on their applications to buy firearms.

The success of these measures has led to a broader recognition among law enforcement, the American public, gun manufacturers and gun owners that sensible measures to regulate firearms can, and will, make a difference in reducing gun violence and saving lives. The 1994 Crime Control Act banned the sale of some weapons, including semi-automatic weapons that have no legitimate civilian use. And, in the 106th Congress, President Clinton proposed the Youth Gun Crime Enforcement Act. Although not passed by Congress, this legislation would have filled critical gaps and built on our successes in reducing gun violence, without interfering with those sportsmen, hunters and other law-abiding Americans who wish to buy and use firearms for legitimate activities.

Second, in addition to working to strengthen our firearms laws, the Department of Justice used all available tools to vigorously investigate and prosecute those who illegally possess or misuse guns to commit crimes. Federal, state, local and tribal law enforcement officials worked together closely and significantly increased the overall number of firearms prosecutions in this country. By enhancing our collaboration with state, local and tribal law enforcement to leverage federal resources and ensure that gun criminals are vigorously prosecuted, we increased the number of combined federal and state weapons convictions 22 percent. And we targeted the most serious, violent and chronic gun offenders, increasing the number of firearms offenders

sentenced to more than five years in federal prison by more than 40 percent between 1992 and 1999, and increasing the average sentence length for federal firearms offenders by nearly two years. Our strategy of increased collaboration among federal, state and local law enforcement resulted in: (1) a more efficient distribution of prosecutorial responsibilities and (2) a steady increase in firearms prosecutions on a cumulative basis.

Third, working in close collaboration with state and local law enforcement and the Treasury Department's Bureau of Alcohol, Tobacco and Firearms (ATF), the Administration, through the 93 United States Attorneys across the country, developed locally-based gun plans that combine tough enforcement with effective prevention. At the direction of the Attorney General, each United States Attorney led an effort in his or her federal judicial district to develop a gun violence reduction strategy tailored to its community. Each of the districts worked to identify the specific gun violence problems in its community and to develop a customized strategy to address the particular problems in its area.

For example, in response to Richmond, Virginia's rising homicide rate, the United States Attorney for the Eastern District of Virginia, together with state and local law enforcement, developed Project Exile. Project Exile combines the vigorous enforcement of the federal firearms laws and a public education campaign to deter violent felons from possessing guns on the streets of Richmond. This effort contributed to a 30 percent reduction in homicides between 1997 and 1998.

Another approach used by a number of districts involves "targeted deterrence" -- a data-driven, problem-solving, collaborative approach to target chronic violent offenders and at-risk individuals. It produced a 73 percent decline in murders in Boston, Massachusetts between 1995

and 1999 and similar results in other communities. Each United States Attorney's district is committed to continuing its focus on gun crime and violence and will continue to adjust its strategy in light of the impact of its enforcement and prevention efforts and the changing nature of firearms-related violence in its communities.

Fourth, the Clinton Administration amassed new resources to ensure a strong federal response to gun crimes and violence. The Department of Justice sought and obtained funding from Congress to invest in information systems, technology and personnel to make firearms-related law enforcement significantly more productive. And in his fiscal year 2001 budget proposal, President Clinton asked Congress to fund the largest national gun enforcement initiative in our country's history. Congress approved over \$250 million to fund gun enforcement initiatives -- including money to hire 300 new ATF agents, 200 new ATF inspectors, 100 additional federal prosecutors and support staff, funding to help communities hire local prosecutors to prosecute gun-related crime, funding for new gun tracing and ballistics crime-solving technology to trace a gun to a shooter and money to develop "smart" gun technologies.

Finally, the Clinton Administration worked to prevent gun accidents and suicides, through support for national and local public education campaigns to inform parents and gun owners about safe gun handling and storage. The Clinton Administration also engaged in efforts to work with responsible gun owners, members of the firearms industry, parents, schools, the public health community and community leaders to make firearms safety a top priority. We also worked to enhance our communities' understanding of the causes of suicide, as well as to reduce the incidence of domestic violence-related gun crime.

The Clinton Administration also worked with responsible members of the gun industry and actively encouraged firearms manufacturers voluntarily to improve their distribution controls, incorporate existing safety devices on their firearms and devote significant resources to developing new safety devices and technologies to prevent accidental shootings.

Gun violence is a complex criminal justice and public health problem and can only be successfully curtailed if we use every means available. It cannot be solved through any one approach, by any one branch of government or by any one segment of society. Using an approach that emphasizes both smart prevention and tough enforcement, the Clinton Administration worked to stem the tide of gun violence that afflicts this country. The steps taken in the past eight years have made a difference. Between 1992 and 1998, the number of violent crimes with firearms fell by 35 percent, and the number of gun-related homicides declined 36 percent. The number of robberies committed with firearms and the number of aggravated assaults committed with firearms dropped 37 percent and 34 percent respectively. This progress must continue.

## **2. Controlling Trafficking and Use of Illegal Drugs**

Modern day international drug trafficking organizations are the wealthiest, most powerful and most ruthless organized crime organizations law enforcement has ever faced. These organizations use their unlimited wealth to purchase the most sophisticated electronic equipment available on the market to facilitate their drug trafficking operations. These criminals, through use of high-tech telecommunications, control the operations of their criminal syndicates in the United States from their foreign sanctuaries, often beyond the reach of American justice.

The Clinton Administration developed a comprehensive program to control trafficking and use of illegal drugs. This program, prepared in coordination with the Administration's National Drug Control Strategy, aimed to reduce the availability of illegal drugs in the United States. It included aggressive enforcement efforts designed to disrupt and dismantle multi-jurisdictional drug trafficking organizations, and it included drug prevention and treatment programs to break the cycle of crime and drug use that afflicts many communities.

**Controlling Drug Trafficking.** First, the Department strengthened the Drug Enforcement Administration's capacity to target the major international trafficking organizations at every juncture in their operations -- from the cultivation and production of drugs in foreign countries to their passage through transit zones and eventual distribution on the streets of America's communities. Between 1993 and 2001, the DEA increased the number of Special Agents, Intelligence Analysts, and Diversion Investigators by 47 percent -- from a workforce of 3,942 to one of 5,811.

Second, the Department of Justice implemented a comprehensive Drug Control Strategic Plan, announced in March of 1998, to attack drug trafficking. It pulled together all the expertise, experience and capabilities from the law enforcement components into an already existing group, the Organized Crime Drug Enforcement Task Force (OCDETF). These task forces have worked since 1984 to target the highest level traffickers and organizations. They also work with state and local agencies, and with the U.S. Department of Defense.

Third, we deployed special operations to target drug distribution rings in the United States. DEA, in conjunction with federal, state and local law enforcement agencies, developed an initiative to combat drug trafficking groups operating along the Southwest Border, established

a special multi-agency enforcement center to target the communication systems of drug trafficking organizations, created a computer forensics program to improve the seizure and handling of evidence, and provided laboratory support and counter-narcotics training for law enforcement agencies nationwide.

Fourth, we worked cooperatively with foreign governments to develop productive counter-drug relations. DEA routinely conducts bilateral investigations, shares drug-related intelligence with foreign law enforcement officials, works to build strong drug law enforcement programs abroad and provides training in counter-narcotics for foreign drug enforcement officials. In recent years, DEA put together plans for a worldwide Internet-based communication system to monitor trafficker use of technology, prevent the use of the Internet for the illicit drug trade and share intelligence on an immediate basis among drug enforcement agencies worldwide. To strengthen the Department's drug enforcement capabilities abroad, the Department opened 12 new overseas offices, bringing the total number to 77 DEA offices in 57 countries. We also negotiated extradition treaties with foreign countries so that we could prosecute international drug traffickers here in the United States.

These heightened enforcement efforts have paid off. In 1996, the Department of Justice, together with Colombian authorities, succeeded in disrupting the Cali Cartel and bringing its six most powerful leaders to justice. This cartel had been responsible for providing 80 percent of the world's cocaine supply with annual profits estimated at \$8 billion. Another successful drug enforcement effort was Operation Backtrack – a strategy that targeted rogue-operated chemical companies and prevented 9,183 pounds of pure methamphetamine from being produced.

**Controlling Drug Use.** At the same time that we strengthened enforcement efforts, the Clinton Administration focused intensively on the strong link between crime and drugs. Drug use fuels much of the crime committed in communities across the nation. Many of America's criminals commit their crimes either while under the influence of drugs or to get money to buy drugs. A 1998 report by the National Center on Addiction and Substance Abuse, drawing upon data from the Department's Bureau of Justice Statistics, found that 80 percent of people serving time in state or federal prisons were either high when they committed their crimes, stole to buy drugs, violated drug or alcohol laws or had a long history of substance abuse. This data suggests that, while it is essential to enforce drug laws, it is not enough simply to punish drug-using offenders and then send them back out on the streets – drug- and crime-dependent. Instead, the Clinton Administration developed a plan to use the coercive power of the criminal justice system to help break the drug habits of these offenders and thereby break the cycle of drugs and crime. This plan is in the early stages of implementation. It includes drug testing, treatment, and the use of sanctions for offenders from the time of their arrest and continuing through incarceration and eventual release back into the community.

First, the Department developed a community drug court program modeled on one begun in Dade County in Florida in 1989, under the leadership of then State's Attorney Janet Reno. In 1994, there were only twelve drug courts operating nationwide. These specialized courts place non-violent offenders in judicially supervised programs combining substance abuse treatments, sanctions and incentives. The Crime Control Act of 1994 authorized the Attorney General to make grants to state, local and tribal governments to establish drug courts. Over the past ten years, drug courts have grown from a concept to a full fledged, successful initiative with more

than 500 drug courts operating across the nation. Since our drug courts program was authorized, the Department's Office of Justice Programs (OJP) has made approximately 650 grants for drug court initiatives totaling more than \$130 million. All 50 states have drug courts in operation or in the planning stages. Twenty-two states have enacted legislation that authorizes or funds drug courts, and 12 additional states are considering such legislation. OJP has found that 80 percent of drug court participants in its grantee programs did not commit other crimes while participating in the program. Rigorous evaluation is showing these drug courts to be so successful in reducing recidivism and drug use that the Department has supported the creation of similar community-based problem-solving courts for cases involving domestic violence, and mental illness, and to manage offenders returning to communities following incarceration.

Second, the Clinton Administration significantly increased drug testing and treatment for federal prisoners and provided funding to state and local governments to strengthen testing and treatment programs in their correctional facilities. From 1993 through 2000, the number of federal inmates who received drug treatment more than quadrupled – from 5,450 in 1993 to over 12,000 by the end of the year 2000. The Department awarded \$309 million to states for substance abuse treatment for offenders under the Residential Substance Abuse Treatment program from fiscal year 1996 through fiscal year 2001 (expected). The Department also secured from Congress the ability for states to use up to ten percent of their funding under the Violent Offender Incarceration and Truth in Sentencing Act to provide substance abuse treatment for offenders.

The potential exists, through a continued emphasis on breaking the cycle of crime and drugs and the full implementation of the Clinton Administration's drug control strategy, to

reduce permanently the crime rate in America and make immeasurable improvements in the safety of our communities.

### 3. Responding to Juvenile Crime and Victimization

In 1993, the nation was grappling with escalating rates of juvenile crime and violence. The juvenile violent crime arrest rate increased by more than 60 percent between 1988 and 1994. The problem was serious – not only for the juvenile justice system, but also for our society as a whole. The Department of Justice developed a strategy to combat and prevent juvenile crime and violence, improve the juvenile justice system and address juvenile victimization.

First, we developed and disseminated a Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. The goal of this effort was to help states and communities combat juvenile delinquency and victimization. The strategy was based on three decades of research on the causes of juvenile delinquency and the most effective ways to counter the problem. The strategy emphasized six key objectives:

1. Identifying and taking action with respect to the small group of serious violent juvenile offenders who account for the great majority of serious violent juvenile crime;
2. Establishing a system of graduated sanctions designed to hold every juvenile offender accountable while providing appropriate rehabilitation services;
3. Intervening immediately and effectively at the first sign of high-risk behavior;
4. Promoting prevention as the most cost-effective approach to reducing delinquency;

5. Supporting schools and other institutions in their efforts to develop youth who will lead productive lives; and
6. Strengthening families as teachers and role models.

Consistent with these goals, the Department of Justice worked with states and localities to support a continuum of programs – from prevention and early intervention programs to graduated sanctions for offenders – that can prevent delinquency and reduce the reoccurrence of such behavior. We supported state and local efforts to build juvenile justice systems that could deliver the right sanctions and services to the right youth at the right time and in a cost-effective manner. For example, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has funded more than 50 projects annually to assist judges, law enforcement officials, facility administrations, state agency staff and community-based agencies and organizations as they seek solutions to the serious issues that surround juvenile crime. OJJDP has grant programs that target the proliferation of youth gangs and underage drinking. Since fiscal year 1994, the Department has also awarded over \$165 million Title V Community Prevention grants to 885 communities across the nation to implement comprehensive delinquency prevention programs and provided extensive training to community leaders and others who work with at-risk youth.

Second, the Clinton Administration focused on the specific problem of violence in our schools. The 1997-1998 school year served as a dramatic wake-up call to the lethal potential that guns have in the hands of disturbed youth – even in what we consider to be our safest institutions. Shocking incidents took place in schools across the country – from Oregon to Virginia, Arkansas, Pennsylvania, Mississippi, and Kentucky to Littleton, Colorado massacre.

Scenes from these horrific events were nationally televised, bringing home to all Americans the need to address school violence.

In 1998, President Clinton, First Lady Hillary Clinton, and Vice President Gore hosted the White House Conference on School Safety: Causes and Prevention of Youth Violence. The Conference brought together a diverse group of students, parents, teachers, law enforcement, and other experts from all over the country to discuss school safety and the larger issue of youth violence. The discussion generated important new work for the Department of Justice and for other federal agencies. The Department of Justice worked with the Department of Education to publish and distribute *Early Warning, Timely Response: A Guide to Safe Schools* and *Safeguarding Our Children: An Action Guide: Implementing Early Warning, Timely Response* to help parents, teachers, and principals recognize and respond to youths who have displayed the warning signs of violent behavior.

The Department of Justice also teamed up with the Departments of Education and Health and Human Services to launch a Safe Schools/Healthy Students Initiative. The Safe Schools program helped communities make their schools safer and drug free. Through this initiative, the Department awarded approximately \$250 million in grants to help prevent future school violence. Initial grants, which help at-risk youth, focused on conflict resolution, truancy prevention, after-school activities, and the purchase of security equipment and were awarded during the 1999-2000 school year.

Third, the Department launched a new Children Exposed to Violence Initiative and established a Child Protection Division in the Office of Justice Programs to combat violence

against children and to address the many problems that children who experience or witness violence can suffer.

These efforts, combined with aggressive drug and gun strategies, have made a difference in the lives of our youth. In 1999, the rate of juvenile arrests for violent offenses – including murder, forcible rape, robbery and aggravated assault – dropped for the fifth consecutive year and was down 36 percent from 1994. We have also seen significant declines in specific types of juvenile violent crime, including a 68 percent drop in arrests for murder between 1993 and 1999 – reaching the lower arrest rate in that category since 1966.

At the same time, significant challenges lie ahead. While the arrest rates for juveniles have dropped, the juvenile justice system still faces an extraordinary caseload of offenders. In 1997, the juvenile justice system held 105,790 offenders in residential facilities throughout the country – an increase over the approximately 94,500 offenders in residential confinement in 1995.<sup>2</sup> The nation's juvenile courts handled 1.76 million delinquency cases in 1997 – an increase of 48 percent over the 1988 caseload. In 1997, juvenile courts sentenced 179,800 youth to out-of-home placement and another 645,600 to probation. These statistics underscore the need for increased support for prevention and the continued evaluation and development of sanctions suited to juvenile crime and youthful offenders.

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<sup>2</sup> A disproportionate number of juvenile offenders are minorities. In 1997, minorities accounted for approximately 20 percent of our nation's juvenile population, but approximately 63 percent of the youth in custody. Studies show that a minority youth more often receives pre-hearing incarceration and a harsher ultimate sentence than a white offender charged with the same offense. The Department of Justice is examining this issue.

#### 4. Managing the Reentry of Offenders Back into the Community

According to Department of Justice estimates, more than 585,000 offenders were released from state and federal prisons to our cities and towns in the year 2000. The vast majority of these offenders received very little supervision when they returned to the community. Based on Department of Justice data, we can expect that approximately 62 percent of the state prisoners who were released last year will be rearrested within three years, and about 41 percent will return to prison or jail. In short, when we send unsupervised offenders back to the community, we are perpetuating the very crime problem that we are trying to address in our communities when we send offenders to prisons in the first place.

The Department of Justice has worked in recent years with communities to develop more effective strategies to supervise offenders and hold them accountable when they return to the street. To reduce the risk of crime, our communities must address the needs of offenders for job training, employment, substance abuse treatment and the chance to lead a productive life. The Department developed programs for communities to keep offenders crime and drug-free and to help them become productive citizens who can attend to their family and community responsibilities, including paying child support and restitution. The Department's ultimate goal has been to ensure that communities' public safety needs are addressed. To that end, the programs developed by the Department targeted those offenders who are at high risk of re-offending, including violent offenders and those serving maximum prison terms and released with no supervision.

The Department of Justice, through OJP, selected 27 communities to develop reentry strategies and test how best to manage the reentry of offenders. In 17 sites, we set out to test two

specific approaches – Reentry Partnerships and Reentry Courts. Both approaches required a broad-based coalition of law enforcement, corrections, business, municipal services, faith-based groups, victims organizations and other appropriate government and community organizations to support the successful reintegration of offenders. These coalitions have each been charged with developing reentry plans for their communities, that ensure a continuity of offender supervision and services, beginning during incarceration and following release.

Communities have been eager to tackle the reentry challenge, recognizing it as a critical, longstanding public safety issue. The Clinton Administration successfully secured \$30 million in funding in fiscal year 2001 to implement the new reentry program, provide key assistance to communities to advance the work of local reentry partnerships and reentry courts, test new approaches for reintegrating offenders into the workforce and mainstream economy and ensure that offenders receive substance abuse treatment and stay drug free.

As long as hundreds of thousands of inmates annually return to our communities from federal and state prisons, the nation will face a public safety challenge to ensure that these offenders do not return to prey on the same community and the same victims that they left years earlier.

**D. Preventing Violence Against Women and Aiding Victims of Crime**

Over the past eight years, the Clinton Administration has greatly expanded efforts to address violence against women and to protect crime victims in the criminal justice system.

**Violence Against Women.** Congress passed the Violence Against Women Act (VAWA) as part of the Crime Control Act of 1994. This law launched the first major federal effort to address violence against women. It expanded federal jurisdiction to prosecute perpetrators of

interstate crimes of domestic violence and provided funding for police, prosecutors, and victim services providers to forge partnerships at the state, local, and tribal levels to address the problem of violence against women. The Department of Justice made enforcement of VAWA a major priority.

The Department's efforts were guided by two principles: promoting the safety of victims and holding perpetrators accountable for their acts of violence. VAWA not only strengthened criminal laws and provided funding to enhance their enforcement, it also recognized that a successful criminal justice response to violence against women requires collaboration among police, prosecutors and victim services providers to build a coordinated community response to end violence against women.

Over the past seven years, the Department has prosecuted more than 180 cases under the VAWA and VAWA-related criminal provisions that prohibit crossing state or tribal borders to commit domestic violence or interstate stalking or to violate a domestic violence protection order and possessing a firearm while subject to a domestic violence protection order, or if convicted of a misdemeanor crime of domestic violence. To develop a strong enforcement program, the Department assigned a point of contact for VAWA cases in every United States Attorney's Office. This attorney works with the FBI, the ATF and local police and prosecutors to raise awareness of VAWA, to exchange intelligence about domestic violence and sexual assault cases, to coordinate resources on those cases, and to ensure referral of appropriate cases for federal prosecution.

The Department also awarded over \$1 billion to police, prosecutors, victim services providers and courts at the state, tribal and local levels through VAWA grant programs. VAWA

grant programs have changed the way communities respond to domestic violence, sexual assault and stalking. Police officers, prosecutors, victim advocates and others are working together effectively to combat violence against women in their communities: according to the Department of Justice, violence against women by intimate partners decreased by 21 percent from 1993 through 1998, and intimate partners committed fewer murders in 1996, 1997 and 1998 than any year since 1976.

To address the international problem of violence against women, the Clinton Administration worked to tackle the growing criminal practice involving the international trafficking in human cargo. Women and girls constitute the majority of victims of international trafficking rings. They and other victims are recruited and smuggled into the United States and other countries under abhorrent conditions that amount to modern-day slavery and severe victimization. The Administration led efforts to enact the Victims of Trafficking and Violence Protection Act of 2000, which, if aggressively enforced, will address this serious problem.

**Crime Victims.** In the past decade, the federal government also took unprecedented steps to assist crime victims and to improve the way our criminal justice system treats crime victims. First, new federal and state laws define and better protect the rights of victims – establishing a right of access to information about the criminal proceeding and the status of the offender, the right to participate in judicial proceedings and the right to assistance and compensation.

Second, over the past eight years, the Department of Justice, through the Office for Victims of Crime, provided direct financial assistance to as many as two million crime victims each year. Today, every United States Attorney's office has a victim/witness coordinator.

During the Clinton Administration, funding for victim services grew nearly three-fold, and historically underserved populations, such as the elderly, victims with disabilities, immigrants and Native Americans, received crucial assistance. The Justice Department distributed over \$2 billion in crime victim funding to states and victims' compensation and assistance funds nationwide over the past eight years. The Department of Justice provided much needed services to victims, families of victims and survivors of the Oklahoma City bombing, Pan Am Flight 103 and the bombings of the U.S. embassies in Kenya and Tanzania.

The Clinton Administration supported the inclusion of a victims' rights amendment to the Constitution in order, among other reasons, to eliminate the existing patchwork of victims' rights and establish a national baseline of rights. President Clinton declared in 1996: "Today, the [criminal justice] system bends over backwards to protect those who may be innocent, and that is as it should be. But it too often ignores the millions and millions of people who are completely innocent because they are victims, and that is wrong. . . ." The Justice Department worked with Members of Congress to craft a workable provision to amend the Constitution – one that would provide added protections for victims and ensure, too, that the constitutionally protected rights of the accused are properly safeguarded.

**Sex Offender Management.** The Department of Justice has carried out important reforms to promote effective tracking and supervision of released sex offenders. This has included implementation of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the federal Megan's Law, and the Pam Lychner Sexual Offender Tracking and Identification Act of 1996. These laws, all enacted during the Clinton Administration, set standards for effective state registration programs. In particular, they direct

state and local law enforcement to keep track of released sex offenders, require notice to the community concerning the presence of released sex offenders as necessary for public safety and provide for a National Sex Offender Registry, which makes information concerning registered sex offenders available to law enforcement on a nationwide basis. Through guidance and technical assistance to the states, related grant funding and the establishment of the National Sex Offender Registry, the Department has helped to revolutionize the post-release tracking of and release of information about sex offenders by law enforcement.

**E. Improving Tribal Justice**

For many years, Indian tribes had been excluded from and short-changed when it came to federal support for criminal justice services. Yet, many Indian tribes nationwide face a crisis of public safety, gang violence, illegal drug and alcohol use and high levels of victimization. The need for federal financial and other assistance is great.

While crime rates have fallen throughout the nation, federal and tribal law enforcement agencies report that violent crime in Indian communities continues to rise and victimization rates for American Indians and Alaska Natives are more than double the rate for other Americans. Alcohol and substance abuse devastates many American Indian and Alaska Native communities. The number of Indian juveniles in federal custody has increased 50 percent since 1994. The problems of violence against American Indian women and children are particularly severe.

The Clinton Administration has been committed to strengthening tribal justice and improving the working relationship between the federal government and tribal justice systems. The United States has long recognized Indian tribes as domestic sovereign nations that exercise authority over their members and their territories. At the same time, the United States has

primary criminal jurisdiction in most areas of Indian country, and we have worked in recent years toward the goal of improving safety and cooperation between federal and tribal law enforcement and providing greater support for tribal governments.

The Clinton Administration took several steps to advance these goals. First, in 1994, President Clinton and members of the President's Cabinet held historic meetings with tribal government leaders at the White House to discuss ways to improve government-to-government relations between executive agencies and Indian tribes. The Attorney General also convened and attended a number of "listening conferences" and other opportunities to hear directly from tribal leaders and Indian and Native communities about their law enforcement, tribal courts and other needs to combat crime, violence and delinquency on their lands.

Second, building on the Administration meetings, the Department of Justice created the Office of Tribal Justice (OTJ) to provide a channel for communication, coordinate Department policy on Indian affairs, and ensure that the goal of working with Indian tribes on the basis of government-to-government relations was achieved. Over the past six years, OTJ has worked with the 558 federally recognized Indian tribes, Alaska Natives and with the Native Hawaiian community. OTJ has worked to ensure that Indian tribes participate in Department law enforcement funding programs and that the interests of Indian tribes are considered in Departmental policy and litigation decisions.

Third, the Department of Justice, working closely with the Department of Interior, undertook a number of initiatives to assist tribal governments in building comprehensive and effective law enforcement systems and in improving public safety on Indian lands. The Indian Country Law Enforcement Improvement Initiative and, as part of that, the Comprehensive Indian

Resources for Community and Law Enforcement Project (CIRCLE), were developed for this purpose. These efforts were designed to address the serious violent crime problem in Indian communities and to build a strong tribal criminal justice infrastructure. Today, three tribes are participating in the CIRCLE Project, which promotes the intertribal exchanges of ideas and experiences. Through this effort, the Department of Justice is provide technical assistance and other resources to the Northern Cheyenne, the Oglala Sioux, and the Pueblo of Zuni tribes to strengthen their indigenous justice institutions, systems and practices.

Fourth, the Department provided an unprecedented level of funding and technical assistance to tribes. In 1993, OJP provided awards and tribal assistance, that totaled approximately \$2.6 million – providing funding for a tribal court initiative, juvenile offenders, crime victims in Indian country (including victims of domestic violence), corrections and detention facilities and crime prevention programs . This figure rose to \$70 million in fiscal year 2000, and the Department as a whole provided tribal law enforcement with over \$91 million in fiscal year 2000. The Clinton Administration secured \$106 million in funding in fiscal year 2001 for public safety initiatives on tribal lands, including funding for a new program focusing on the problem of alcohol and crime.

Finally, the Department has helped to address specific crime problems in Indian country. In its 1999 Report, *American Indians and Crime*, the Bureau of Justice Statistics indicated that Native American and Alaska Native women were suffering from domestic violence and sexual assault at extremely high levels. In response, the Department developed and implemented an ambitious action plan aimed at reducing the levels of violence.

Today, with new partnerships, strategies and resources in place, there is finally a chance to improve public safety and restore hope in Indian country. There is, however, as the statistics show, still much work to do. The federal commitment to working with Indian tribes must continue to grow until these serious problems are abated.

**F. Combating High-Tech Crime, International Crime and Terrorism**

Over the past decade, the American people have faced a new set of threats to their safety and security over the Internet from criminals who have established global enterprises and from terrorists who threaten to strike both at home and abroad. The Department of Justice has developed enforcement programs to prevent and respond to each of these potential threats.

**1. Fighting High-Tech Crime**

The world has changed. We have come to rely heavily on computers, the Internet and on other information technologies for business and communication in every sector of our government, our economy and our lives. Criminals, too, use these information systems. The result is a new set of challenges for law enforcement.

First, we have worked to guard against the threat that computer hackers, cyberterrorists and other criminals pose to our national security and to our new system of commerce. The power and potential to use computers as a means to intrude illegally into, disrupt, and exploit America's major information and communications networks are great. The Justice Department has put important safeguards into place and provided key tools to investigators and prosecutors to combat cybercrime.

In 1996, the Administration established the Computer Crime & Intellectual Property Section (CCIPS) in the Criminal Division of the Department of Justice. CCIPS, which is the

cornerstone of the federal government's computer crime prosecutorial efforts, has primary responsibility for intrusion and intellectual property cases, and provides support, training and advice on cybercrime matters. In 1998, CCIPS created the "Computer-Telecommunications Coordinator" program, which designates an attorney in each United States Attorney's office as the computer crime expert. The Department also has developed the National Cybercrime Training Partnership to work in partnership with local, state, federal and international law enforcement agencies in response to high-tech crime. Despite the extraordinary obstacles to locating cybercriminals, the Department successfully prosecuted major cybercrime cases, including the perpetrator of the "Melissa" virus.

In 1998, the Administration established the National Infrastructure Protection Center (NIPC), an interagency center housed at the FBI. The NIPC's job is to detect, deter, analyze and respond to cyber threats, intrusions and exploited vulnerabilities of our nation's critical electronic infrastructures. This mission requires coordination with other agencies at every level of government.

The Department has worked with other law enforcement agencies as well as with the private sector to detect and respond to threats to our information infrastructure, commerce and national security by cybercriminals. The FBI set up an Awareness of National Security Issues and Response Program to provide unclassified national security threat and warning information to corporate security directors and executives, as well as to law enforcement and other government agencies. The Department has also formed the Cybercitizen Partnership with the Information Technology Association of America and the InfraGard program. Both initiatives encourage cooperation and communication between law enforcement and the private sector.

Second, many criminals have used the Internet as a new venue to perpetrate their crimes. In March 2000, the Attorney General released *The Electronic Frontier: The Challenges of Unlawful Conduct on the Internet*, a comprehensive report analyzing the types of crimes that are appearing, the challenges facing our society in its fight against them and how the government and industry are working together to combat these crimes.

In particular, the Internet and other new technologies have opened up vast new opportunities for criminals to steal commercial information and intellectual property. In 1996, President Clinton signed the Economic Espionage Act, which expanded traditional federal jurisdiction to include commercial theft and theft of trade secrets, whether or not the theft was for a foreign nation or a private competitor. In 1999, the Attorney General instituted the Intellectual Property Initiative, an initiative to protect against and prosecute infringement of intellectual property rights to address burgeoning copyright piracy and trademark counterfeiting in the United States and around the world.

The Department established a major new effort in 1999 to target the problem of Internet fraud. Internet fraud includes phony investment schemes, securities manipulations, credit card fraud, identity theft and abuse of on-line auctions carried on over the Internet. As part of the new effort, the Department opened an Internet Fraud Complaint Center in May 2000. Within five months of operation, the new Center had received and analyzed 17,000 complaints and referred appropriate complaints to federal, state and local law enforcement agencies for investigation and prosecution.

The Department also did extensive work and training to combat Internet crimes by pedophiles, pornographers and perpetrators of violence against women. These criminals have

increasingly taken to the Internet to distribute technology, lure victims or travel themselves across state lines to sexually molest children. The Department created Internet Crimes Against Children Task Forces in 20 jurisdictions to target these crimes. We also completed a comprehensive report on cyberstalking, an emerging crime where perpetrators use the Internet, e-mail or other electronic communications devices to stalk their victims.

Third, the Internet has become a useful tool for international criminal enterprises and others in the commission of crimes. These criminals use computers and information systems to store financial records, smuggling routes and other material information. The Clinton Administration updated the federal government's authority to carry out traditional court-ordered law enforcement surveillance in this new environment by winning passage of the Communications Assistance for Law Enforcement Act of 1994.

The Department's work on high-tech crime is a global effort. High-tech crimes, by their very nature, respect no national boundaries and may be perpetrated from virtually any spot on Earth. Over the course of the past several years, the Department of Justice worked to build strong liaison relationships with foreign police and security agencies to identify and apprehend cybercriminals. In 1997, the Attorney General signed an agreement with the G-8 countries to "detect, prevent and punish" high tech crime. In 1998, President Clinton and his G-8 counterparts adopted a set of principles for attacking computer crime. The Department of Justice, through CCIPS, currently is chairing the G-8 subgroup on high-tech crimes. The Department also has negotiated mutual legal assistance treaties that cover computer crime; the number of such treaties increased from 13 in 1995 to 36 in 1999.

## 2. Fighting International Crime

Economic globalization, ease of international travel, instant worldwide communications, electronic commerce and the fall of authoritarian regimes have advanced our principles of freedom, democracy and economic opportunity around the world. At the same time, however, criminals have exploited these gains to expand illicit commerce in drugs, engage in terrorism, illegal traffic in human cargo, commit financial fraud on a massive scale, and cover their tracks and find safe havens from justice.

The Department has attacked international crime and terrorism in a number of ways. First, we made aggressive use of the extraterritorial reach of our anti-terrorism laws to investigate attacks on United States citizens and to bring terrorists to justice in the United States. The Department has been participating in the prosecution of two Libyan nationals in Scotland for the 1988 bombing of Pan Am Flight 103. In addition, the United States brought charges against numerous defendants in the 1998 bombings of the United States Embassies in Nairobi, Kenya and Dar es Salaam, Tanzania.

Second, we forged and effectively used strong links with the intelligence community to ensure that all the resources of our government can be brought to bear in pursuing international terrorists.

Third, we increased our presence overseas to combat terrorism, illegal immigration smuggling rings and other crimes. We increased the number of FBI, DEA, and Immigration and Naturalization Service (INS) agents abroad. The FBI now operates 44 Legal Attache Offices around the globe. Last year, these offices handled 20,000 investigative leads from our FBI

offices at home. DEA has expanded into the newly independent states of the former Soviet Union and to new areas of Latin America and Asia.

Fourth, the Department worked to train foreign law enforcement agents and strengthen systems of justice abroad. During fiscal year 2000, the FBI trained 6,981 international students here and abroad. In some countries, crime and the corruption it breeds are so severe that the very stability of the government is jeopardized. The Department provided extensive training to prosecutors, judges, and others in emerging democracies around the world to help them in establishing the rule of law in their home countries.

Fifth, we expanded our network of law enforcement treaties – treaties critical to bringing fugitives to justice and securing evidence from abroad. The United States has signed over 60 treaties on law enforcement matters such as extradition, mutual legal assistance and transfer of prisoners. These new treaties have generated a doubling, in this decade, of the extradition and foreign evidence cases handled by our Office of International Affairs.

Sixth, we actively engaged in developing strategies to address the problem of fundraising in the United States by terrorist groups. In 1997, the Department took the lead in designating 30 foreign terrorists organizations for fundraising restrictions pursuant to the Antiterrorism and Effective Death Penalty Act of 1996. We have designated or re-designated numerous organizations since then.

Finally, the advocacy of the Attorney General produced results that were once viewed as impossible to attain: the first extraditions of Mexicans from Mexico and new treaties in Latin America – with Bolivia, Paraguay and Argentina – that remove centuries-old bars to extradition

of nationals. Most remarkable, the Department, for the first time in history, has successfully extradited a dozen or more Colombians charged as high-level traffickers.

### 3. Fighting Domestic Terrorism

The Department of Justice took steps to prevent and prepare for the threat of terrorism in the United States and to prosecute those who commit these heinous acts. Under this Administration, the Department established a Center for Domestic Preparedness in Alabama, which has trained hundreds of state and local emergency personnel, and provided training through the other members of the National Domestic Preparedness Consortium. The Department also provided over \$136 million in funding to metropolitan areas for emergency equipment needed to respond to terrorist incidents and established a National Domestic Preparedness Office to coordinate the multitude of federal domestic preparedness activities.

When terrorists did commit acts of violence in the United States, we responded forcefully. After a thorough investigation and effective prosecution, Timothy McVeigh was convicted and sentenced to death, and Terry Nichols was convicted and sentenced to life in prison in connection with the bombing of the Alfred P. Murrah Federal Building in Oklahoma City that killed 168 Americans – the worst act of domestic terrorism in our nation's history. This prosecution has helped to heal a community and helped the nation recover after a dreadful act of violence. Ramzi Ahmed Yousef, convicted in the World Trade Center bombing that killed six and injured hundreds, was sentenced to 240 years in prison. The UNABOMBER, Theodore J. Kaczynski, pleaded guilty and was sentenced to life in prison without the possibility of parole.

The Department of Justice also successfully thwarted other likely acts of domestic terrorism. The United States prosecuted Sheik Rahman for conspiracy to bomb various New

York landmarks and has cases pending involving efforts to bring explosives into the United States through Washington State on the eve of the year 2000, a time of heightened concern for domestic terrorism.

**III. Enforcing Federal Laws, Protecting American Consumers and Taxpayers, and Representing the Federal Government in Judicial Proceedings**

The Department of Justice defends Americans' most basic rights and interests. Over the past eight years, the Department has vigorously enforced our nation's laws that protect civil rights, the environment, competitive fair market practices and the integrity of America's borders. The Department has worked to ensure the fairness and efficacy of our tax system and to protect the interests of the federal government in litigation. And the Department has developed new initiatives to fight health care fraud and protect older Americans. Finally, the Department's Offices of Legal Counsel and the Solicitor General have provided important legal advice to the Executive Branch and represented the United States and its interests in cases before the Supreme Court.

**A. Enforcement of Civil Rights Laws**

The struggle for civil rights has been at the center of our nation's history. The Department's Civil Rights Division enforces our federal laws that protect individuals from discrimination based on race, sex, disability, religion, national origin, familial status and citizenship status. The Division also works to secure equal access to employment, education, housing, public accommodations, voting and lending for all. These rights, as we know, have little meaning unless we, and our government, defend them.

During the past eight years, the Department of Justice has advanced our nation's work to build a fair and just society.

**Police Misconduct.** The Attorney General led a major new effort to coordinate Department-wide civil enforcement efforts in the area of police-community relations. While crime in many areas of the country has gone down, in some communities – particularly minority communities – so too has confidence in the police. The Department of Justice worked to rebuild the bond of trust between law enforcement and the communities they serve by addressing police misconduct in several ways.

First, working with the FBI, the Civil Rights Division investigated hundreds of allegations of misconduct by police and other law enforcement officers for violations of criminal civil rights laws. Since 1993, the Division has prosecuted more than 350 law enforcement officers for use of excessive force and other misconduct and obtained convictions of over 200 officers.

Second, the Civil Rights Division investigated cases in which we received significant allegations of a pattern or practice of misconduct by police agencies. From 1995 through 2000, the Division conducted approximately 20 investigations and brought five lawsuits. In consent decrees, the municipal police departments in Pittsburgh and Steubenville, Ohio agreed to remedy systemic misconduct such as their use of excessive force and their practice of making false arrests. The State of New Jersey, in a consent decree, agreed to remedy the New Jersey State Police's practice of discriminatory traffic enforcement – sometimes referred to as racial profiling. The Department of Justice reached a similar agreement with the Montgomery County, Maryland

Police Department regarding racial profiling and a consent decree with the City of Los Angeles to cure systemic misconduct by its police force is pending in federal district court.

Third, the Department of Justice developed cooperative strategies for improving police integrity and police-community relationships. In a series of meetings that began in December 1998, some 200 individuals from law enforcement, civil rights groups, community organizations, and academia have worked together to reach consensus on "best practices" in the areas of police accountability systems, use of force, recruitment and selection, data collection, racial profiling and community partnering.

Finally, the Department worked to bring about positive change in law enforcement through vigorous enforcement of our employment discrimination laws. For example, in a suit against the Louisiana State Police, the Civil Rights Division obtained a consent decree requiring the State to develop a new test for individuals applying for jobs as police officers that does not discriminate against African American applicants. In a suit against the Arkansas Department of Corrections, the Division obtained a consent decree that provided women equal opportunity to compete for all correctional officer assignments at men's prisons, except those in which strip searches are a continuing part of the job.

**Hate Crimes.** In June of 1999, three synagogues in Sacramento were set on fire – B'nai Israel, Congregation Beth Shalom and Knesset Israel Torah Center. That same summer, Winfield Mowder and Gary Matson, a gay couple, were brutally murdered in their home in Redding, California. A self-avowed white supremacist admitted to committing these unthinkable hate crimes. Half-way across the country, a young man linked to the white supremacist organization World Church of the Creator went on a shooting rampage in the Chicago area. Two

of his victims died from their injuries: Ricky Byrdson, an African-American man walking with his daughters near his home, and Won-Joon Yoon, a South Korean student at Indiana University, shot just outside of his church. That August, another self-avowed white supremacist shot and killed Joseph Ileto, a Filipino-American postal worker in Los Angeles. This attack took place after the shooter opened fire at the North Valley Jewish Community Center, where he shot several young children. In September, a gunman shot up the Wedgewood Baptist Church in Fort Worth, Texas, killing seven innocent people – mostly teenagers. The man reportedly made anti-religious comments just before he opened fire.

These killings, and the barbaric murders of James Byrd, Jr. and Matthew Shepard in 1998, were just some of the thousands of attacks against hate crime victims every year. In 1998, the last year for which we have statistics, 10,730 law enforcement agencies reported 7,755 hate crime incidents. These hate crimes are more than a crime against an individual victim. They are a crime against our society, violating our most basic commitment to live together as many different people in one national community.

The Civil Rights Division made prosecution of hate crimes cases a top priority. From 1993 through 2000, the Division prosecuted and obtained convictions against approximately 400 defendants on federal hate crime charges for interfering with federally protected rights of African-American, Hispanic, Native-American and Jewish victims. Nearly 100 of those defendants were affiliated with the Ku Klux Klan or other organized hate groups.

However, federal jurisdiction for prosecuting hate crimes is restricted. The current federal hate crimes statute covers certain hate crimes committed on the basis of race, religion or national origin. But it provides no coverage for violent hate crimes committed because of a

victim's sexual orientation, gender or disability, and provides only limited federal jurisdiction in cases of bias-motivated violence. The Administration proposed legislation, which has not been enacted, to remedy these problems and enhance government's ability to prosecute hate crimes.

The Department also worked with communities to strengthen local data collection and enforcement of hate crime laws. The Civil Rights Division, together with the United States Attorneys, played a leading role in the Department's Hate Crimes Initiative, which established community-based hate crime working groups and training initiatives in each United States Attorney's office.

The Department of Justice also took forceful action to combat the wave of arson attacks at houses of worship. In 1996, following a rash of fires at churches in the South, the President, the Attorney General and the Department of the Treasury created the National Church Arson Task Force. This interagency Task Force opened nearly 1,000 investigations into arsons, bombings and attempted bombings at our nation's houses of worship and prosecuted more than 300 defendants. Since 1996, the number of such arsons, bombings or attempted bombings has declined by 53 percent, and the Task Force's arrest rate of 36.2 percent was more than twice the national average for arson cases.

**Disability Rights.** Among the Attorney General's highest priorities was the vigorous enforcement of the Americans with Disabilities Act (ADA). The Department worked to implement the law through enforcement actions and engaged in an extensive effort to work with communities and businesses to eliminate barriers faced by people with disabilities.

The Justice Department increased the number of attorneys who enforce the ADA and entered into hundreds of agreements ensuring greater access to thousands of businesses and

governments. Through litigation, the Civil Rights Division sought to eliminate barriers that limit opportunities for people with disabilities in education, health care and child care and to ensure that new construction conforms to the ADA's requirements.

There are many examples of the Division's successful efforts. In 1998, Wendy's restaurant agreed to modify queue lines in nearly 1,700 restaurants, and Bass Hotels, the owner of Holiday Inn, agreed to modify their hotel facilities to make them more accessible to people with disabilities. Connecticut's private hospitals agreed to provide sign-language interpreters to patients who are deaf. The Department also has fought nationwide to uphold the constitutionality of ADA suits against states, an issue now pending before the Supreme Court.<sup>3</sup>

The Department also has stepped up funding for ADA-related programs across the country and engaged in extensive educational outreach, providing an unprecedented program of technical assistance to educate businesses, government agencies and people with disabilities about their rights and responsibilities under the ADA. The Department operates a toll-free ADA Information Line that receives an average of 110,000 calls a year and has produced numerous technical assistance publications providing guidance on a wide variety of ADA issues, most of which are available on the ADA website.

Today, more than ten years after the ADA became the law, people with disabilities have much greater access to the mainstream of American life. Still, however, too many people face barriers. It will take continued vigilance and dedication to remove them.

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<sup>3</sup> See Garrett v. University of Alabama at Birmingham Bd. of Trustees, 193 F.3d 1214 (11th Cir. 1999), cert. granted in part, 120 S. Ct. 1669 (2000).

**Fair Lending.** The Department of Justice has worked hard to eliminate discriminatory barriers to credit. Owning a home is so important to American families. For most Americans, buying a home is the most significant financial investment they will ever make. Both the Fair Housing Act, passed in 1968, and the Equal Credit Opportunity Act, passed six years later in 1974, prohibit discrimination in home mortgage lending.

Since these laws were passed, more Americans have been able to borrow money to purchase or improve a home. However, significant racial disparities in home ownership still exist. According to figures from the Department of Housing and Urban Development, in 1999, only 46.7 percent of African-American families and 45.5 percent of Hispanic families were homeowners, compared with 73.2 percent for whites.

The Department of Justice has worked hard in the last eight years to eliminate discriminatory lending practices by bringing enforcement actions under the Fair Housing Act and the Equal Credit Opportunity Act. In particular, the Civil Rights Division directed its efforts at three types of issues. The Division (1) challenged marketing practices to ensure that the availability of loans was not being determined by the racial or ethnic make-up of neighborhoods, (2) underwriting policies and practices to ensure that lenders apply the same standards for assessing creditworthiness to all applicants and provide all applicants with the same level of assistance in completing the application process, and (3) pricing practices to ensure that minorities and other protected groups do not pay more for credit than other similarly situated borrowers.

Since 1993, the Department has filed and resolved 20 lawsuits against banks and mortgage companies, resulting in cumulative payment of approximately \$50 million in damage

awards to victims and civil penalties to the United States. While significant disparities in home ownership continue, from 1993 to 1998, home mortgage loans to African-American and Hispanic borrowers increased dramatically by 72 percent and 87 percent respectively. Loans increased 52 percent for Native Americans, 46 percent for Asians and 31 percent for whites.

**Voting Rights.** The right to vote is among the most fundamental in our democracy. The Civil Rights Division worked to ensure that minority voters participate in the electoral process and enjoy a fair opportunity to elect the candidates of their choice. To this end, the Division participated in numerous redistricting challenges to protect the voting rights of minorities, reviewed thousands of voting changes submitted by state and local governments, and worked to ensure that minority language citizens are able to participate in the voting process on an equal basis with English speaking voters. The Division also prepared to handle the more than ten-fold increase in redistricting activity that will follow the 2000 Census.

**Fighting Worker Exploitation.** Slavery has been illegal in this country since 1865. However, according to congressional findings, approximately 50,000 people are trafficked into the United States each year and are forced to work as prostitutes, in sweatshops, as domestic servants and as migrant laborers. To address this problem, the Attorney General created the Worker Exploitation Task Force, which, together with the Department of Labor, brought numerous prosecutions involving over 200 victims and worked closely with Congress to develop and pass the Victims of Trafficking and Violence Protection Act of 2000. This new trafficking law provides new tools to the federal government to prosecute traffickers, new programs to protect victims of trafficking and new avenues to obtain legal immigration status for victims.

**Clinic Access.** In response to a series of violent acts associated with abortion clinics, President Clinton signed into law the Freedom Of Access to Clinic Entrances (FACE) Act of 1994. The FACE Act prohibits the use of force or the threat of force, or physical obstruction for the purpose of injuring, intimidating or interfering with a person seeking to obtain or provide reproductive health services. Damage or destruction of property at clinics is also prohibited. The Department of Justice enforces the civil and criminal provisions of FACE. Since the 1994 enactment of FACE, the Department has obtained the convictions of a total of 56 individuals in 37 criminal cases for violations of FACE and related statutes. In addition, the Department has brought 17 civil actions against more than 100 defendants under FACE.

**Institutional Confinement.** The Department of Justice vigorously prosecuted state and local governments for having egregious or flagrantly unlawful conditions for persons confined in public institutions such as facilities for individuals who are mentally ill or developmentally disabled, nursing homes, juvenile correctional facilities and adult prisons. As a result, tens of thousands of institutionalized persons now receive adequate care and services. For example, the Division successfully negotiated settlements involving sexual misconduct by officials at six women's prisons in Arizona and Michigan.

**Affirmative Action.** Despite great progress, discrimination and exclusion on the basis of race and gender are still facts of life in America. The Clinton Administration advocated the use of affirmative action to remedy discrimination and to create a more inclusive society that truly provides equal opportunity. As the Supreme Court held in Adarand Constructors, Inc. v. Peña, 515 U.S. 200 (1995), however, affirmative action programs must be narrowly tailored to achieve a compelling government interest. The Department of Justice successfully defended the use of

affirmative action in federal contracting and educational programs in the wake of the Adarand decision. It also assisted in the restructuring of federal programs to ensure that they complied with constitutional standards.

**Educational Opportunity.** The Department of Justice advanced equal educational opportunity through successful litigation that opened the doors of the Virginia Military Institute to women. See also Section II.H, below. The Division also participated as amicus to defend the constitutionality of considering race and ethnicity as one component of a higher education admissions program in Michigan, California, Texas, and Washington, and of considering race and ethnicity in student assignments in elementary and secondary schools in New York, Maryland and Virginia. In addition, the Division developed a uniform regulation for Title IX enforcement in 21 federal agencies and improved educational access for limited-English proficient students.

**Fair Housing.** The Civil Rights Division enforced the Fair Housing Act in a wide variety of situations. Through its fair housing testing program, the Department developed dozens of cases in cities across the country, most of which have alleged discrimination based on race or national origin in rental housing and have produced significant settlements. Numerous cases were filed against municipalities, alleging race, national origin or disability discrimination in public housing. The Division also brought suits against landlords and resident managers for sexual and racial harassment of their tenants and suits to ensure that new multifamily housing is accessible to persons with disabilities.

**Public Accommodations.** The Department of Justice brought two major cases alleging race discrimination in places of public accommodation. One alleged discrimination by the

Denny's Restaurant chain and another alleged discrimination by the Adams Mark Hotel chain. Both were settled with consent decrees providing for chain-wide review of practices, training, monitoring, reporting and testing for compliance.

**Immigrant Rights.** In 1994, the Office of Special Counsel for Immigration Related Unfair Employment Practices (OSC) joined the Civil Rights Division. OSC's mission is to protect immigrant workers from job discrimination. The Division obtained over \$3 million in back pay and civil penalties in discrimination cases and planned enforcement of provisions related to H-1B visas in the high technology and other industries.

**B. Protecting Our Environment**

Beginning with the Administration of President Theodore Roosevelt, our federal government has committed to leaving this land an even better land for our descendants than it is for us. The Department of Justice has worked over the past eight years to do its part to fulfill this vision. The Environment and Natural Resources Division (ENRD) works with the Environmental Protection Agency, the Department of the Interior, and with other federal agencies to ensure that the American people have clean air and water, live in healthy communities, and benefit from and enjoy our nation's natural resources. The Division also works to protect wildlife, implement our government's trust responsibility to Indian tribes, acquire land on behalf of federal agencies, and defend challenges to federal agency decision making related to environmental laws and policies. The Division has had many major accomplishments in the last eight years.

**Pollution Protection.** ENRD revitalized the enforcement of criminal laws protecting the environment. It spearheaded several nationwide task forces to crack down on a broad range of

environmental threats. For example, the Division has led a multi-agency initiative to eradicate the illegal importation of chlorofluorocarbons, which has resulted in over 80 convictions and more than \$58 million in fines and restitution, as well as increased protection of Earth's fragile ozone layer. ENRD also worked to combat illegal pollution from ocean going vessels, prosecuting over 40 ocean pollution cases in the last seven years. The Royal Caribbean Cruise Line pled guilty to illegal ocean polluting and paid a record \$18 million fine for its environmental crimes.

ENRD also strengthened civil enforcement of anti-pollution laws. Overall, between 1993 and 2000, the Division brought more than 469 civil Clean Air Act cases and 317 civil Clean Water Act cases, imposing more than \$425 million in penalties. Among its successes in this litigation, the Division negotiated the largest Clean Air Act settlement in history with manufacturers who allegedly disabled emission control systems of heavy-duty diesel engines, obtaining specific commitments to reduce such emissions in the future and collecting \$83.4 million in civil penalties. It brought several actions under the Safe Drinking Water Act to ensure that Americans can drink from public water supplies without fear, and obtained a \$12 million civil penalty under the Clear Water Act from a slaughterhouse for the illegal discharge of wastes into a Virginia river.

**Natural Resource Protection.** Over the last eight years, ENRD successfully defended a number of agency programs designed to protect federal lands and the resources on those lands, including regulations governing grazing on public rangelands, the Clinton Administration's Northwest Forest Plan and the reintroduction of gray wolves into their former home in the Greater Yellowstone Ecosystem.