

REMARKS OF THE ATTORNEY GENERAL
NATIONAL CONFERENCE OF UNITED STATES MARSHALS
DALLAS, TEXAS
SEPTEMBER 28, 1982

I am especially pleased to have been invited to address this first national conference of U.S. Marshals in four years. Though your national conferences may be few and far between, your service to the Nation has been an every day part of our history. The oldest federal law enforcement agency -- whose birth predates the admission of 39 states to the Union and the creation of the Justice Department -- remains one of the most important. Today, I want to review for the general public the responsibilities that rest upon the shoulders of the Marshals Service -- and I want to discuss in greater detail three of those responsibilities.

From its beginnings 193 years ago last Saturday, the U.S. Marshals Service has grown from thirteen Marshals to an organization of 94 Marshals and a support staff of some 2000 Deputy U.S. Marshals and administrative personnel. Every schoolchild knows of the exploits of legendary U.S. Marshals in the Old West -- where, as one author wrote, the Marshal "led a life that was full of novelty, spiced with danger, and flavored with adventure." Today, as each of you knows, that description frequently remains true. Nevertheless, the general public lacks an adequate understanding of the varied and important tasks performed by the modern Marshals Service. By outlining those duties this morning, I hope the public will gain a greater appreciation for the jobs each of you and your colleagues are called upon to perform every day. A listing of your diverse and substantial responsibilities itself demonstrates the thanks you deserve from the Nation.

From the beginning, U.S. Marshals have been responsible for the security of federal courts. That role has increased, however. It now includes the responsibility for the security of some 1600 federal judges, U.S. Magistrates, and other members of the judiciary; for jurors, witnesses, attorneys, and other participants in the trial process; and for the general security of federal courts in some 400 different locations.

U.S. Marshals annually serve more than 900,000 civil and criminal subpoenas, summonses, and other writs on behalf of federal courts.

The Marshals Service executes arrest warrants -- including the majority of those issued for all federal fugitives. Indeed, during fiscal 1981 the Service executed over 28,000 felony warrants.

The Service is responsible for the custody and transportation of federal prisoners. In fiscal 1981, for example, it received into custody nearly 120,000 federal prisoners and transported over 78,000.

These diverse duties do not, however, exhaust the list. The Service, to cite only a few of many more possible examples, maintains a highly trained Special Operations Group to ensure a rapid federal response to national emergencies requiring law enforcement. During fiscal 1981, the Service was also responsible for the custody and control of some \$2 billion in seized criminal property -- nearly triple the amount one year before.

Besides chronicling the diverse responsibilities that fall upon all of you -- and expressing the Nation's gratitude for the effective discharge of those duties -- I want to discuss three areas of special current interest to the Marshals Service today. Recent developments warrant further consideration of your role in providing security to the courts, in apprehending fugitives, and in the service of civil process. In each of these areas, you continue to do a first-rate job -- but some changes seem appropriate in those duties.

The 1979 murder of United States District Court Judge John Wood -- the only federal judge assassinated in this century -- reflects a growth in the threats and acts of violence against the federal Judiciary. Last fiscal year, there were 115 threats against federal judges -- and we anticipate at least a twenty percent increase this year. As a result, between 1980 and 1982 the number of around-the-clock protective details has tripled. Clearly, the growing nature of the threat suggests that we should do everything possible to ensure the effectiveness of our defense.

The responsibility for federal court security is presently divided among a number of agencies. The United States Marshals Service is responsible for the personal security of Federal Judges -- including the

security of the courtroom. The General Services Administration and, in some cases, the United States Postal Service, however, provide building and perimeter guard services for all Federal buildings, including many in which the Federal Courts are located.

Over the last decade, as budgetary constraints have become more severe and the number of threats against the Federal Judiciary has risen dramatically, concern has repeatedly been expressed about the adequacy of the security services provided to the Judiciary. In response to these concerns, several efforts have been made to document needed improvements and formalize better security procedures. Each effort has foundered upon the rocks of fragmented responsibility, inadequate funding, and failure to consider the varied and individual requirements in each of the 95 Judicial districts.

This issue has become one of major concern both to me and to Chief Justice Burger. In the fall of 1981, under an agreement reached personally with the Chief Justice, I commissioned a Task Force on Court Security to define the need for federal court security as precisely as possible and to develop a plan that would ensure adequate support.

The Task Force examined the potential for violence in the courtroom inherent in a number of factors, including: the nature of the case; the nature and number of the participants; and the stage of the proceeding. It developed a model upon which the need for security could be determined district-by-district, and set out a detailed implementation plan. A key element of that plan was the recognition that no improvement in this area can be achieved without the active participation of all involved at the local level in each district.

The activities and the final report of the Task Force were carefully coordinated with elements of the Judiciary -- including individual U.S. District Court Judges, the Administrative Office of the United States Courts, and the Chief Justice himself. A central conclusion of our effort was that the Judiciary seeks a single entity, a single individual to whom it can look when seeking adequate security -- that individual is the United States Marshal, who will work with the Chief Judge and Clerk of the District Court and the U.S. Attorney. It is imperative, therefore, to ensure that the Marshal has both the authority and the resources at his command to respond to that need.

As a result, we requested -- and last week received -- approval for the delegation of authority from the General Services Administration to expand the area in which the Marshal's writ may run. Each of you will have the authority to provide security not only in the courtroom, but also in the hallways, chambers, administrative offices, and appropriate adjacent areas of the courts. This will allow the Marshal to develop a comprehensive security system in each district. It will also clearly identify the Marshal as the primary individual responsible for court security in each district.

In support of this effort, we asked that funds presently paid to the General Services Administration under the aegis of the courts now be paid to the United States Marshals Service. The Chief Justice and the Administrative Office of the United States Courts, in accord with this proposal, have agreed to provide up to \$12 million for the added security services by the United States Marshals. The funds will be used to contract for private guard service; to acquire necessary special security devices, such as bullet-proof shields and magnetometers; and to make whatever renovations as are necessary.

This proposal is not a panacea. It is, however, a carefully tailored effort to ensure that the Federal Judiciary receives the security it needs. It will establish what the Judiciary wants -- a single point of responsibility for security -- and it will provide Marshals the funds necessary to ensure better security.

The second area I want to discuss today is the role of the Marshal's Service in the apprehension of fugitives. As my Task Force on Violent Crime noted:

"It would constitute a relatively effective use of scarce law enforcement resources to make a substantial effort to apprehend fugitives, who are already identified as offenders and charged with or convicted of particular crimes. In addition, public confidence in law enforcement is eroded by news reports that a serious crime has been committed by an individual who is supposed to be in jail or prison for an earlier offense but who has been able to evade law enforcement authorities."

The Marshals Service has taken up this challenge. In particular, you are to be commended for the operations conducted -- in coordination with state and local authorities -- by your Fugitive Investigation Strike Teams. By focusing additional resources upon problem regions for a short but intense effort, Operation FIST has achieved quick successes at relatively low costs. Most importantly, you have focused your attention upon fugitives who have committed the most serious kinds of violent or drug crime.

The first three FIST operations -- in Miami, Los Angeles, and New York City -- have resulted in the arrest of 352 federal and 340 state or city fugitives. Those fugitives apprehended during FISTs I through III were hardened criminals -- together they had compiled over some 4370 prior arrests, an average of about six prior arrests for each of the fugitives apprehended.

As successful as Operation FIST has been, however, it has also highlighted a serious problem. You can only catch these dangerous criminals. What happens to them after you've caught them is up to a state, local, or federal judge. And we have discovered that, in spite of the seriousness of the crimes committed by so many of the fugitives seized by FIST, judges are returning many of them to the streets on bail. Of the 358 federal fugitives you caught in the first three FIST operations, federal judges have already released 100.

Although each judge who released one of these criminals probably convinced himself that he had sufficient reason for doing so, the gross results are incredible -- particularly because most of the fugitives in question were such hardened criminals. It is little wonder that by 1981 nearly eight in ten Americans reported that they thought the courts in their areas were too lenient -- an increase of one-third since 1972.

I can think of no better example of why this Administration has emphasized the need to restore the balance between forces of law and the forces of lawlessness -- or why we have proposed a major reform of the bail system.

Clearly, your efforts to apprehend fugitives must continue -- and the FIST operations are fine examples of what can be achieved by coordination and intensive efforts -- but something must also be done to ensure that criminals are not only caught but also sent to jail. This Administration intends to do everything

possible in court, in the Congress, and in the arena of public opinion to ensure that criminals are apprehended, convicted, sent to jail, and kept in jail.

The last area I will address today is not as attention-getting as court security or apprehending fugitives, but it is also important because it affects the allocation of your resources. Clearly, the resources of the Department of Justice are especially scarce during this time of budget austerity necessary to the financial recovery of this country. We have fared better than most Cabinet departments by avoiding a decrease in funding overall, but all of you in the field feel the budget pinch. In this time of austerity, we must trim all nonessential services in order to increase our efforts in the most essential areas.

It is for these reasons that the Administration has proposed the elimination of service of civil process by Marshals when alternate private means of service are available. In light of the other essential functions you perform, it is unrealistic to subsidize litigants in civil suits by providing a government service available through private means but at a higher price. In those areas where alternate means of service are unavailable, we have proposed that the Attorney General be allowed to set a fair market charge for the service. And because of the financial constraints upon us all, we have also proposed that the Marshals Service be allowed to retain the added income brought in by any new fees. These proposals, which are pending before the House and Senate, would make a significant contribution to your efforts both by allowing you to reallocate limited resources and by increasing the funds available for your higher priority needs. Our analysis suggests that about eighty percent of the civil process you now serve could be served by alternate means. As a result, the Service could reallocate approximately 180 work years or \$4.2 million to higher priorities. Concerning the approximately twenty percent of civil process Marshals would still serve, the Service would derive about \$1 million additional each year. Although predicting the result of Congressional deliberation is never easy, I can assure you that the Administration is giving its full support to these proposals.

There are, of course, many other areas of importance for which the U.S. Marshals Service is responsible. I will, however, resist the temptation to speak at greater length. I do not want to risk

discovering any of you asleep like the young naval midshipmen I mentioned at the beginning of my remarks.

In conclusion, let me add once again that I am here in Dallas today to commend you on the important job done so well by the United States Marshals Service. We take pride in the quality and experience of our U.S. Marshals. As Director Hall has told me on many occasions, this is the finest group of professionals he has ever seen. Like all of you, this Administration takes law enforcement very seriously and intends to lend the law enforcement professionals in state, local, and federal service every assistance possible. By doing so, by working together earnestly, I know that we can make a difference in the fight against crime in America.