

ARLEN SPECTER

March 18, 1982

Yesterday, I bumped into Dan McKenna, who told me that the Administration was going to support the career criminal bill today. I went to confirm it with Syliva and she said it was true, too.

I get to the room and two people are there. By 9:30, when the hearing is scheduled to begin but hasn't, there are about 10 people plus witnesses. Seven of the spectators have just come over from the Quayle hearings. "It's packed over there, with a long waiting line, they say to me. They have no idea what's coming off here.

The hearing, it turns out, has key congressmen here too. Four reporters, one TV camera.

Arlen kicks it off by noting that House has passed a bill to aid local and state governments in fighting HR4481.

Specter introduces Hughes - as a former prosecutor and he reads his statement - matching funds--150 million - Hughes plumps for his bill. (The possibility of a compromise appears here.)

Hughes Bill passed 289-73 on Feb. in House.

Bob McClory, ranking member of Judiciary Committee, testifies next. Praises AS for work in anti crime area. The bill reauthorizes a federal role in law enforcement. He praises LEAA. Makes point that some programs under LEAA were very successful.

Specter agrees completely on the bill - notes bipartisanship, and degree of support. Asks them about cost factor - since we confront that argument "at every turn."

There is a current authorization of 750m, so that 150m-170m is a big cut. Arlen asks him to talk about programs--so as to help getting bill through Senate.

Hughes talks about Philly programs and other programs that have been successful. He talked about its uses, too, i.e., too much hardware purchasing. He and Arlen joke about Philly people flooding his district in the summer.

Arlen asks him why he voted vs. LEAA. Not enough oversight, no control overspending, couldn't get any focus on "production" efforts.

Arlen says he'd like to turn to career criminal bill. To what extent did you use LEAA money to target in career criminals?

Idea of finding and tracking the career criminal is important, says Hughes.

A. asks about habitual criminal statistics in NJ. Arlen says they had "absolutely no success" in Philly with sentencing these. And that he was "frustrated" and that it "has led to" career criminal statistics in Senate. A says he has talked to House members to "lay ground work." Talks about trying to leave local people in charge most of time but add some federal initiative. Heads the language to McClory and Hughes.

*Thinks is
Specter*
Hughes says 1688 is very serious initiative - has lot of aspects that I like - your language tightens it up - "I have some other concerns." He talks about them. "I commend you for 1688. It has a lot of aspects that I find very attractive."

The subcommittee is going to move ahead with 4481 - "I have concerns as to cost, but I share your concern."

Lowell Jensen takes the chair - A talks about extensive interchange "welcomes him "as one former prosecutor to another."

Jensen talks about good experience with Arlen's staff.

I'm very happy to say this morning--that Justice Department supports 1688.

Arlen nods his head slightly - no outward display otherwise.

There are two reporters present and 2 TV cameras as Jensen testifies. There are 19 people in the room. 25 max. if you include witnesses. There are 5 that look like they came from other Senators.

Arlen says he's happy to hear that 50 coordinating councils are at work, looking at concurrent jurisdiction problems.

He asks Jensen if he has sufficient funds to do his job. He says it is OK.

Asks Jensen re South Florida situation which Hughes brought up in connection with his doubts re 1688. "declination policies" are the issue. DK what these are.

Ends up expressing his appreciation to Jensen "It's been a matter of working out the specifics" and he talks of "admin. support" as a "critical aspect" of getting it through the Senate. Says he's in contact with House guys and will "push it forward."

"We see it as an imp. response to the Task Force. We see it as an important bill." says Jensen in conclusion. It's all quite matter of fact and anti-climatic.

They take a recess . Group WTV interviews Jensen and the Philly DA. A reporter goes to talk to Arlen. Arlen talks with Jensen and then with the DA's of Louisville and Philly.

These guys make up a small policy subsystem in terms of past associates and mutual experiences etc. Arlen runs into the AG's and DA's all the time - prosecutor, basically. He has hearty, friendly talk with them. Arlen says that this was longest recess. That they were reminiscing about their prosecutorial days and that once you start those stories you can't stop.

He introduces Rendall, the DA of Philly by saying that he hired him once at no pay!

Arlen says they will testify on 1688 and other matters. But they are really testifying in support of Huges "LEAA" type bill.

Philly DA talks about use of LEAA funds to support local career criminal units. Thus it seems to me that in the larger philosophical sense, 1688, which moves action up to federal level, runs counter to the thrust of the new LEAA bill which gives federal money to local units to do what they will with it. As Rendell says, whole idea of LEAA was to give locals money to try innovative programs.

For Rendell "LEAA worked to perfection." - he supports Hughes bill strongly. Only problem is too little money, he says. Attacks Stockman; and Regan administration.

1688 is a good proposal, he says, but federal government is declining to prosecute more and more cases. That's what is meant by declination policy. He doesn't think federal government will take cases under 1688--they'll decline to prosecute.

He wants bill to build more prisons - Dole bill.

Says they "are sick and tired" of hearing that we have no money. People in Philly don't care about El Salvador; they worry about getting mugged--cut military, etc., etc. Law enforcement people "not going to be quiet much longer" 170m a drop in the bucket, etc.

0-5200 .

"The scored card in Philadelphia in the last few years reads people killed by the Russians zero, people killed by criminals 5200."

Arlen says "balancing" of resources is tough, but more money should be spent on law enforcement. He talks about various appropriations subcommittees "giant balancing act."

Arlen asks about sentencing practices of judges. Answer some concern for lack of prison space, judges are partisan products and inherent compromises.

Arlen asks him to tell story about an elevator ride they had in Philly which showed that Arlen didn't know (after 2 years) what party Rendell belonged to.

It's a slow moving, pleasant, reminiscing kind of hearing.

He says federal judges hand out tougher sentences.

He asks whether criminals do not jump judges and that they would think twice if they knew they had one judge, a federal judge, for the whole time-- Arlen thinks word would go out to "thoughtful criminals" under 1688. Rendell supports 1688 as a deterrent. Which is what Arlen believes--they go back and forth on that.

1688 = Glorious Resolution

Then Arlen goes back to political selection of judges and effect on sentencing. Judges are kinds of people who go along.

Arlen says that political judges are susceptible to going along with their friends, also says that judges can't face criminals they have to sentence for long terms. Arlen worries this question - says he has no answer--that he's not convinced it's a matter of character and temperament.

He asks Rendell about 1688 language re consultation etc.

TV cameras leave at this point (11:45). Rendell leaves - tells Arlen that he, Arlen, is DA's favorite Senator!

Armstrong comes on - He wants federal money for career criminal programs in local jurisdictions - Doesn't cite 1688 in his formal testimony.

He asks Armstrong (Louisville DA) about best program in LEAA and about rels. with federal prosecutors.

What did he think of "consultation" provisions of 1688 and whether it would deter criminals. He says he doesn't have problem of state and local leniency,

but that "my brethren" do. He thinks it gives small town prosecutor another

weapon in his arsenal. He can go around a solitary local judge and go to a tougher federal judge.

Huber Williams from Newark Police Commissioner comes on. It's now 12:05, TV is gone, 2 reporters are left, 10 people are left, Arlen is left, 5 staffers are left.

Williams talks about Hughes Bill - wants more experimentation and innovation than it allows. He's a research man, mostly, I think. Arlen asks him about size of budget. He dodges--says he'll leave it to Congress.

Arlen asks him about his Institute and his position and crime in Newark.

Arlen asks him about sentencing. He says that prison population is growing and thus he thinks judges are sentencing adequately. He thinks sentencing is inadequate but not because judges tend toward leniency. He and Arlen go around a little; Arlen doesn't get the answer he wants. Williams thinks prison space is more important than judge's leniency. Otherwise, why does prison population keep growing. Arlen talks about his experience in Philly and that it's different from that of Newark in terms of what judges are doing. Williams says judges operate invisibly and anonymously.

Arlen stopped Williams early in his testimony and moved him to his subject.

When Arlen gets to 1688, Williams hits it.

"Federal thrust is an absolute hypocrisy in dealing with crime problem" - "1688 is a clear example of that hypocrisy." If federal government is to do anything, clearly it should do something about drugs. 1688 criminals are junkies. Don't reduce efforts on drugs and move into another area that has been a local matter.

He projects cost factor in 1688 re prison building.

1688 "prosecutors (support 1688) because they are grabbing any straw that's available. He thinks 1688 will have some effect but that it's "ludicrous"

in that it's a poor use of resources given other problems. He thinks it will cost a lot.

He poses Hughes vs. 1688. facade, surface glitter, not a measurable impact. 1688 is "this bill here."

When I see something like this coming down the track, I have to come here and tell you it's a facade.

Arlen says 1688 is not designed as an expense item and he explains it to him. Tells him "It's not represented to be an end all."

Says it has not dubet - "Anything you want to do here that has a cost factor you can't get done."

Talks about the 70m for office of Juvenile Justice he got voted in, Stockman deferred it - secret for 29 days. Had to approve a recession and overruled him. So you'll know, that's what happens around here.

"1688 has a price tag of zero."

Williams tones down his testimony and says it may be a way to help prosecutors.

Arlen says it will have impact "I'm not magnifying it or making grandiose predictions."

Showd how Chiles got a 4% cut removed from law enforcement.

Arlen - commends him for his candor. Exchange of views - "Hearings process is great part of legislative process."

Williams admits his statements were "poignant." From his view....

Afterwards, Williams says to Committee staffer "I hope you'll tell the Senator I didn't mean to be offensive but I see things differently from him and I just can't come here and say these things."

Arlen reacted seriously to this disagreement. He tried to show the guy that 1688 was a small part of the puzzle. But the guy was expressing another kind of frustration than the frustration that produced 1688.

Had it not come at the end, Arlen might have given him more time, maybe not. But it was a jolt at the end of a very sunny, mutual harmony kind of meeting. Maybe the guy got frustrated at the love feast. He talked, rudely ~~for~~^{to} those around him, throughout the hearing. For Arlen, after all he has done to get 1688 launched all the grief he has gone through to get this much, it must be an unkind cut to have some guy come out of the storm and tell him it's all a "facade" and an "hypocrisy." To Mr. Williams, Arlen was the Senate. And he took his one chance to speak to "the Senate" on what he sees as "the problem." Arlen's "problem" is very different. Trying to get a small bill through the labyrinth.