

Mr. Clark, I notice on the first page of your statement you make the observation that Federal organization and technique must provide a model for State and local law enforcement. I presume you mean this rather broadly, rather than just in the areas of narcotic control, enforcement techniques I think are similar in other areas?

Mr. CLARK. That is correct. All through criminal justice, I think a major function of the Federal Government is leadership.

Mr. ERLNBORN. What bothers me a little about this is my experience as a person involved in law enforcement in the State's attorney's office. I observed in my own home county, that there is a separation of the law enforcement function that serves as a check and balance. Let me give you a brief illustration. We have in our county both a State's attorney, who is the prosecutor, and a sheriff, who does the investigation and the arrest function. Both of these are elective offices. At one time or another during the course of our history we have had a sheriff who when advised of the fact that an organization had slot machines, or was running a bingo game, strangely enough didn't make a raid or arrest for a week or 10 days, and when he did, there was no evidence left. This would happen two or three times. Then the State's attorney would become a little irritated that the sheriff didn't seem to be performing his function, and he would make his own raid without warning and would find the slot machines or bingo game. My point is I think there is a value to separating the prosecution from the investigation and arrest function, so you do have a check and balance. And I think that might also be valid here. I would hope that making one agency, the Department of Justice, the central investigating, arresting, and prosecution agency of the Federal Government would not be used as a model for local law enforcement; I wouldn't want to have it in my county.

Mr. CLARK. Let me make an observation about that. I am a checks and balances man myself. You can check and balance yourself out of effectiveness. And in our times we have to be effective. There are 40,000 local law enforcement jurisdictions in the United States. I do not know a single person in law enforcement who thinks that is justifiable. There are counties such as St. Louis County that have over a hundred law enforcement jurisdictions within the county and you cannot be effective and efficient under those circumstances. We have to balance our checks and balances as well. There are about 23,000 full-time civilian law enforcement agents, investigative types, in the Federal establishment. There are today about 6,600 in the Department of Justice, in the FBI. This reorganization will add fewer than 900 more.

The great bulk of Federal investigative manpower will remain outside the Department of Justice. I am not sure that we have got a perfect system now—I doubt that we do. In fact, I am pretty confident we don't. But I think we need to perfect it where we can. The one type of investigation that needs to be closest to your prosecutor is where general crime control is heavily involved. And this is as critical in the narcotics and dangerous drug field as any place else. These two agencies don't enforce programs of their agencies. They are not like the 1,000 postal inspectors who see to it that that massive postal business corporation has integrity in its system, and that there is no pilfering and robbery. They are involved in a general crime control investigative activity. I think they should be in the Department of Justice.