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Assistant Attorney General

Washington, D.C. 20530

August 20, 1982

MEMORANDUM

TO: All Assistant Attorneys General  
and Selected Heads of Offices, Boards and Bureaus

FROM: Jonathan C. Rose *JCR*  
Assistant Attorney General  
Office of Legal Policy

SUBJECT: Policy Initiatives for 1982-1983

As all of you know, we are approaching the mid-term of this Administration. It is, therefore, a natural time to assess the progress of the Reagan-Smith Justice Department and plan our major policy agenda for the remainder of the term. To that end, the Attorney General has asked that all of us examine and refine the major policy initiatives of our respective components and the Department as a whole. The Attorney General and the Deputy Attorney General have also asked that I solicit the personal comments and assistance of the heads of the major components of the Department in this important effort.

Thus, the purpose of this memorandum is to ask you to prepare a set of recommendations to the Attorney General on policy initiatives that can be appropriately initiated or, if already undertaken, expanded or refined in the next twelve months. The memorandum should include both initiatives that you believe that the Attorney General should undertake (along with a recommended plan by which such initiatives could be implemented) as well as the major initiatives that you plan to undertake during the next six to twelve months with respect to your component.

A review of our primary policy goals is not only important for our own purposes, it is also of current interest to the White House. Last week, the Attorney General received a memorandum from Ed Meese to all Chairmen of the Cabinet Councils asking each Chairman to review the status and direction of matters before their respective Cabinet Councils and to set forth a list of initiatives to be undertaken by each of the Cabinet Councils in the future. The purpose of the Meese memorandum is to develop policy and budgetary guidance for the coming year. We

also expect that our internal review will generate initiatives appropriate for interagency consideration by the Cabinet Council for Legal Policy during the near future.

Finally, several suggestions have already been made regarding possible new initiatives as well as suggestions on how existing initiatives could be expanded upon. I would appreciate it if you would include any views that you might have on these general areas as well as your comments on particular means by which such initiatives could be implemented.

1. Crime

Policy priorities in the area of criminal law enforcement should focus on (1) organized crime, (2) illegal drug trafficking and (3) absence of adequate prison capacity. Each of these areas must be aggressively pursued, in public statements by the Attorney General, within the councils of the Administration and, of course, through our own enforcement and administrative efforts. We need to develop strategies whereby the Attorney General and the Department of Justice can more effectively and visibly take the lead in addressing these problems.

2. Civil Rights

It is important that we continue to find opportunities to take the offensive in publicly articulating our civil rights philosophy and defending our enforcement record. Public appearances to discuss civil rights matters by the Attorney General, such as his speech in April before the National Urban League, and by other high departmental officials are important to counteract the mischaracterizations of the department's civil rights policies that have become so common.

It might also be very useful for the Department to take the lead in establishing an interagency mechanism--perhaps through the Cabinet Council of Legal Policy--to develop and pursue a consistent civil rights policy throughout the executive branch.

3. Immigration

With the passage of our immigration bill now in sight, it becomes even more imperative that we address the monumental management problems that have afflicted INS for many years. The immigration bill will impose the additional burden of processing millions of aliens into legalized status. We must begin administrative preparations now so that we will be able to implement the proposed legislation when it becomes law.

4. Court Reform

The Attorney General has articulated a philosophy of judicial restraint, which our litigators have begun to urge on

the courts in appropriate cases. We have also supported a program of legislative reform in Congress to limit the types of cases heard by federal courts and to address the problems of docket overload in the federal courts. Thus, for instance, the Attorney General has supported habeas corpus reform, elimination of diversity jurisdiction, elimination of appeal by right to the Supreme Court, as well as a new judgeship bill. Our continued leadership in defining the role of the federal judiciary both through litigation and legislation should continue to be an important priority for the Attorney General.

#### 5. Regulatory Reform

Efforts elsewhere in the Administration to achieve substantive reform of economic and social regulation and, particularly, of underlying regulatory statutes, has not been entirely successful. As the Department with the most formidable legal expertise in many regulatory areas, we may be in a position to provide leadership within the Administration on issues which are not presently being adequately addressed. We need to determine which particular legislative or administrative regulatory reform issues are most in need of our attention. Such issues can, of course, be addressed on an interagency basis through the Cabinet Council on Legal Policy, or perhaps through other Cabinet Councils.

#### 6. International Economic Issues

Suggestions have been received from a number of sources--from within the Administration, in Congress and from private parties--that the Department should take the lead in studying the scope and effect of economic regulation on international economic activities. For example, efforts have been made for several years now to establish a commission to study the international effects of antitrust laws. It has also been suggested more generally that the cumulative effect of all American economic regulation on the international competitive position of U.S. industry is worthy of intensive study. As part of such a study, it would be necessary to consider the jurisdictional questions presented by the extraterritorial reach of U.S. law. If such an Administration initiative in this general area of the international application of U.S. laws is worthwhile, the leadership of the Attorney General would be important.

#### 7. Modernizing the Justice Department

Modernizing the Department's support services and the reporting systems, and, in general, making the Department and its litigation field offices first class law firms for the Government should be a high priority for this Attorney General.

The foregoing list is intended to be illustrative and, obviously, in no respect exhaustive. I would very much appreciate having your reply by the close of business on Friday, September 3.

cc: The Attorney General  
The Deputy Attorney General  
The Associate Attorney General