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Uneven Justice

**Environmental Prosecutions in the
Clinton Administration**

and

U.S. Attorney Environmental Report Card

December 1998

About PEER

Public Employees for Environmental Responsibility (PEER) is an association of resource managers, scientists, biologists, law enforcement officials and other government professionals committed to upholding the public trust through responsible management of the nation's environment and natural resources.

PEER advocates sustainable management of public resources, promotes enforcement of environmental protection laws, and seeks to be a catalyst for supporting professional integrity and promoting environmental ethics in government agencies.

PEER provides public employees committed to ecologically responsible management with a credible voice for expressing their concerns.

PEER's objectives are to:

1. **Organize** a strong base of support among employees with local, state and federal resource management agencies;
2. **Monitor** land management and environmental protection agencies;
3. **Inform** policymakers and the public about substantive issues of concern to PEER members; and
4. **Defend** and strengthen the legal rights of public employees who speak out about issues of environmental management.

PEER recognizes the invaluable role that government employees play as defenders of the environment and stewards of our natural resources. PEER supports resource professionals who advocate environmental protection in a responsible, professional manner.

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About This Report

Uneven Justice is the first comprehensive statistical compilation of federal criminal environmental prosecution over time. Since more than 98 percent of federal prosecutions emanate from the U.S. Attorneys, the PEER rankings provide definitive information about what happens, and does not happen, to criminal investigations by such agencies as EPA, the Forest Service, the Fish & Wildlife Service and the Army Corps of Engineers.

PEER evaluated each of the more than ninety U.S. Attorney offices on three measures: *effort* (the percentage of environmental referrals on which it filed prosecutions), *conviction rate* and *convictions per capita*. Each U.S. Attorney's office was then ranked and the combination of rankings was used to establish an *overall grade* for an environmental report card. Using these measures, the environmental record of prosecutors can be compared against each other and against themselves over time.

Establishing a consistent definition of environmental crime was the key to enabling comparison over time of the environmental prosecutorial activity not just of an individual U.S. Attorney but for the Department of Justice (DOJ) as a whole. The definitions or program categories used by DOJ keep changing over time, thus frustrating any meaningful comparisons using DOJ data alone.

To assist in this project, PEER convened a committee of Assistant United States Attorneys (AUSAs) to review how the data was analyzed. The data that served as building blocks for PEER's analysis were obtained from the Executive Office of the United States Attorney (EOUSA) under the Freedom of Information Act by the Transactional Records Access Clearinghouse (TRAC), a data-gathering, data-research and data providing organization. TRAC, associated with Syracuse University, has offices in Syracuse and Washington, D.C. (315) 443-3563 or (202) 544-8722. E-mail trac@sy.edu (see page 44 for more information about TRAC).

Too often, the cloak of prosecutorial discretion masks the real track record of enforcement agencies. By tracking every environmental offense, cross-referenced by lead charge and referring agency, PEER aims to give the public and activist groups useful measures of the enforcement performance of federal investigative and prosecutorial agencies.

This report is primarily intended to assist federal investigators and prosecutors who are concerned about a de-emphasis on environmental enforcement and a diminution of agency resources devoted to the detection, documentation and prosecution of environmental violations. **Uneven Justice** will give a statistical dimension to their individual experiences.

PEER is proud to serve conscientious public servants who dedicate their careers to the faithful execution of laws protecting this nation's natural resources.

Jeffrey Ruch
PEER Executive Director

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I. Executive Summary

According to an analysis of federal records, prosecution of environmental crimes has sharply fallen during the Clinton Administration. Comparing statistics from a three year period in the Bush Administration (1989-91) with a similar period in the Clinton Administration (1994-96; the last years for which data is available), this review shows dramatic declines in criminal referrals, prosecutions and convictions:

- 60 percent fewer convictions;
- 52 percent fewer prosecutions; and
- 36 percent increase in "declinations" or refusals to prosecute environmental crime cases.

This analysis also reveals significant drops in conviction rates, convictions per capita and the percentage of cases accepted for prosecution from referring agencies, such as the EPA or the Fish & Wildlife Service.

These facts belie U.S. Department of Justice (DOJ) claims that environmental prosecutions have risen during the Clinton Administration. DOJ has based claims of increased environmental activity upon an expanded definition of environmental crime. Thus, the DOJ figures represent an internal paper exercise rather than a reliable measure of prosecutorial attention.

An "apples-to-apples" comparison demonstrates declines across the board in virtually every measure of prosecutorial effort.

Environment is a "Paper Priority"

PEER undertook this analysis after receiving reports from Assistant United States Attorneys (AUSAs) that environmental enforcement was being de-emphasized in their districts. As one AUSA told PEER, "Under the Clinton Administration, environmental crimes have only been a paper priority; there has been no real commitment of resources, expertise or organizational muscle. Very few districts have even a single attorney dedicated exclusively to environmental crimes."

At the same time, there has been a decrease in the number of referrals for prosecution by federal environmental agencies, such as the U.S. Fish & Wildlife Service. As with most prosecuting agencies, DOJ does not control the number of cases it receives. PEER has undertaken separate studies on each of the major federal environmental agencies in order to better understand the nature and causes for the decrease in referrals. Nonetheless, despite the decline in referrals, there has also been a drop in the percentage of referrals which are subsequently prosecuted.

Uneven Justice by U.S. Attorneys

DOJ has not consistently tracked environmental prosecutions over time and has repeatedly been criticized by outside commentators, including the General Accounting Office, for failing to keep reliable data and for not developing systems to measure their own effectiveness.

The extent, intensity and success of criminal prosecution of environmental crimes varies widely from district to district among the more than ninety U.S. Attorney offices across the country. In some cases, neighboring U.S. Attorney offices have vastly different prosecution records on the same type of environmental violations.

This report assesses the environmental record of each U.S. Attorney's office according to the percentage of cases on which it files prosecutions, the percentage of prosecutions resulting in conviction and the rate of convictions obtained on a per capita basis. Each of these measures is designed to reflect a different facet of prosecutorial activity and together they present an illustrative profile of environmental enforcement.

II. Decline In Environmental Prosecutions

In recent years, the Clinton Administration has made claims that, during their tenure, environmental prosecutions have risen. For example, the 1995 Annual report of the Attorney General claims:

“During 1995, the U.S. Attorneys filed 145 environmental crime cases against 232 defendants, representing a 33 percent increase in the number of cases filed and a 41 percent increase in the number of defendants...”

For 1996, DOJ claimed a new record for “prosecution of environmental crimes. The U.S. Attorneys brought criminal charges against 407 defendants during the year, representing a 39 percent increase over the number charged during 1995.” (www.usdoj.gov/ag/ar96)

Even these fragmentary boasts of progress are not internally consistent. For example, a rise of 232 defendants to 407 defendants from 1995 to 1996 is greater than a 39 percent increase. Moreover, DOJ offers no explanation as to why these numbers would rise so precipitously.

Adding further confusion is the fact that DOJ expanded the definition of environmental crime in 1995. Prior to 1995 the Justice Department did not have the “environmental crime,” “wildlife protection,” and “marine resources” program categories, and, thus did not separately track or report these additional cases in earlier “environmental prosecution” statistics.

Using a consistent definition of environmental crime, valid comparisons from year to year can be made. Chapter V describes the definition used and details the number of and type of cases flowing from each component of that definition. In order to be able to make year to year comparisons, the definition developed by PEER had to transcend DOJ program categories which change, sometimes dramatically, over time.

Specific events, such as a high profile crime, can also affect the prosecutorial record of the department as a whole. Consequently, to avoid a charge that an aberration could color the numbers produced in any one year, PEER based its calculations on a three year period.

In selecting the three year periods, PEER left out the “transitional” years of 1992, during which a presidential election occurred and 1993, when virtually every U.S. Attorney was replaced following the inauguration of President Clinton. Thus, for the Bush Administration, the three year period selected was from 1989 to 1991. For the Clinton Administration, the three year period was from 1994 to 1996, the latest year for which complete data was available.

One point of complete agreement, however, is DOJ’s assertion that—

“Aggressive enforcement of environmental laws is the indispensable cornerstone of environmental protection.”

Bush/Clinton Comparison of Effort, Conviction Rate, and Convictions per Capita

Comparison of 1989-1991 and 1994-1996 EOUSA data

Year	Refer- rals	Dispo- sals	Prose- cutions	Declin- ations	Convic- tions	Prosecu- tions not convicted	Prison Sent- ences	Effort*	Convic- tion Rate**	Convic- tions per 500K†
1989	2227	2208	1704	536	1441	231		76.1%	86.2%	2.7
1990	2412	1809	1350	538	1105	166		71.5%	86.9%	2.1
1991	2174	1865	1157	670	955	240		63.3%	79.9%	1.8
89-91	6813	5882	4211	1744	3501	637		70.7%	84.6%	6.6
1994	1482	1397	568	756	483	158	104	42.9%	75.3%	.9
1995	1629	1460	781	843	467	150	76	48.1%	75.7%	.9
1996	1561	1387	690	772	459	156	83	47.2%	74.6%	.9
94-96	4672	4244	2039	2371	1409	464	263	46.2%	75.2%	2.7

* Percentage of disposals acted upon that year which resulted in prosecutions filed. For statistical purposes, disposals are equal to the sum of prosecutions and declinations.

** Percentage of prosecutions whose cases were terminated that year which resulted in convictions. For statistical purposes, prosecutions are equal to the sum of convictions and prosecutions not convicted.

† Based on a population of 265, 283, 783.

Definition of Environmental Crime

Prior to 1995 the Justice Department did not have the "environmental crime," "wildlife protection," and "marine resources" program categories. Therefore, it was necessary to devise a working definition of environmental crimes that would be consistent through the 1989-1996 time period. After examining available data and consulting with a "peer review" panel of Assistant United States Attorneys experienced in environmental prosecution, PEER established a definition of environmental crimes that included all cases that satisfied one or more of the following criteria:

- ▶ All cases that fall under the Justice Department program Illegal Discharge of Hazardous and Carcinogenic Waste (068) or, for cases after 1995, any cases that were classified with any of the new Justice Department program categories: Wildlife Protection, Marine Resources, and Environmental Crime.
- ▶ All cases where the lead charge was derived from major environmental statutes, such as the Toxic Substances Control Act, Clean Water Act, the Clean Air Act, and the Comprehensive Environmental Response, Conservation and Liability Act (Superfund).
- ▶ All cases referred for prosecution by the Environmental Protection Agency or the U.S. Fish & Wildlife Service.

U.S. Department of Justice

Bush/Clinton Comparison of Effort, Conviction Rate, and Convictions per Capita

	Referrals	Prosecutions	Declinations	Effort	Convictions	Not Convicted	Conviction Rate	Convictions Per Capita
Alabama, Middle								
1989-91	13	13	2	86.7%	10	3	76.9%	5.0
1994-96	16	15	4	78.9%	12	2	85.7%	6.0
Alabama, Northern								
1989-91	25	14	19	42.4%	12	4	75.0%	2.4
1994-96	14	7	6	53.8%	6	2	75.0%	1.2
Alabama, Southern								
1989-91	35	17	11	60.7%	9	2	81.8%	5.9
1994-96	21	9	9	50.0%	9	0	100%	5.9
Alaska								
1989-91	122	96	13	88.1%	60	33	64.5%	49.4
1994-96	148	87	48	64.4%	59	20	74.7%	48.6
Arizona								
1989-91	46	31	20	60.8%	26	5	83.9%	2.9
1994-96	55	15	45	25.0%	10	3	76.9%	1.1
Arkansas, Eastern								
1989-91	47	6	35	14.6%	4	2	66.7%	1.4
1994-96	29	7	9	43.8%	6	3	66.7%	2.1
Arkansas, Western								
1989-91	9	6	0	100%	2	4	33.3%	0.9
1994-96	19	10	11	47.6%	7	1	87.5%	3.3
California, Central								
1989-91	31	21	3	87.5%	20	0	100%	0.6
1994-96	100	36	25	59.0%	30	5	85.7%	0.9
California, Eastern								
1989-91	202	172	25	87.3%	88	57	60.7%	7.3
1994-96	245	166	58	74.1%	85	75	53.1%	7.0
California, Northern								
1989-91	53	25	23	52.1%	11	6	64.7%	0.8
1994-96	45	14	56	20.0%	11	4	73.3%	0.8

Bush/Clinton Comparison of Effort, Conviction Rate, and Convictions per Capita

California, Southern									
1989-91	87	70	27	72.2%	52	19	73.2%	9.3	
1994-96	43	27	18	60.0%	19	8	70.4%	3.4	
Colorado									
1989-91	96	26	30	46.4%	26	4	86.7%	3.4	
1994-96	95	21	42	33.3%	11	1	91.7%	1.4	
Connecticut									
1989-91	37	23	5	82.1%	21	1	95.5%	3.2	
1994-96	35	5	10	33.3%	7	2	77.8%	1.1	
Delaware									
1989-91	12	8	2	80.0%	8	0	100%	5.5	
1994-96	13	4	10	28.6%	10	0	100%	6.9	
Florida, Middle									
1989-91	71	35	35	50.0%	25	7	78.1%	1.6	
1994-96	132	40	64	38.5%	31	10	75.6%	2.0	
Florida, Northern									
1989-91	45	11	31	26.2%	10	0	100%	3.5	
1994-96	12	26	9	74.3%	5	22	18.5%	1.7	
Florida, Southern									
1989-91	71	28	27	50.9%	19	1	95.0%	1.8	
1994-96	183	92	75	55.1%	69	14	83.1%	6.5	
Georgia, Middle									
1989-91	9	11	14	44.0%	6	4	60.0%	1.8	
1994-96	32	9	6	60.0%	8	5	61.5%	2.3	
Georgia, Northern									
1989-91	30	10	11	47.6%	9	3	75.0%	1.0	
1994-96	41	13	34	27.7%	12	1	92.3%	1.4	
Georgia, Southern									
1989-91	29	27	13	67.5%	19	1	95.0%	7.5	
1994-96	78	73	24	75.3%	39	18	68.4%	15.4	
Guam									
1989-91	3	2	0	100.0%	2	0	100%		
1994-96	19	3	18	14.3%	0	2	0.0%		

U.S. Department of Justice

Bush/Clinton Comparison of Effort, Conviction Rate, and Convictions per Capita

Hawaii									
1989-91	34	19	8	70.4%	13	4	76.5%	5.5	
1994-96	52	17	33	34.0%	13	4	76.5%	5.5	
Idaho									
1989-91	50	23	67	25.6%	24	17	58.5%	10.1	
1994-96	119	93	23	80.2%	64	30	68.1%	26.9	
Illinois, Central									
1989-91	20	9	1	90.0%	9	2	81.8%	2.0	
1994-96	21	8	5	61.5%	7	0	100%	1.6	
Illinois, Northern									
1989-91	29	5	22	18.5%	3	1	75.0%	0.2	
1994-96	64	14	38	26.9%	6	2	75.0%	0.4	
Illinois, Southern									
1989-91	9	1	9	10.0%	1	0	100%	0.4	
1994-96	16	5	8	38.5%	5	0	100%	2.0	
Indiana, Northern									
1989-91	17	7	14	33.3%	4	1	80.0%	0.8	
1994-96	16	5	8	38.5%	6	1	85.7%	1.3	
Indiana, Southern									
1989-91	16	4	12	25.0%	1	2	33.3%	0.1	
1994-96	54	23	18	56.1%	14	5	73.7%	2.0	
Iowa, Northern									
1989-91	14	3	10	23.1%	3	0	100%	1.2	
1994-96	37	12	16	42.9%	1	3	25.0%	0.4	
Iowa, Southern									
1989-91	6	1	3	25.0%	0	1	0.0%	0.0	
1994-96	13	1	7	12.5%	1	0	100%	0.3	
Kansas									
1989-91	33	12	12	50.0%	7	4	63.6%	1.4	
1994-96	35	13	21	38.2%	12	1	92.3%	2.3	
Kentucky, Eastern									
1989-91	37	23	14	62.2%	11	5	68.8%	2.8	
1994-96	41	20	19	51.3%	9	4	69.2%	2.3	

Bush/Clinton Comparison of Effort, Conviction Rate, and Convictions per Capita

Kentucky, Western									
1989-91	74	28	24	53.8%	18	4	81.8%	4.6	
1994-96	95	26	49	34.7%	25	7	78.1%	6.4	
Louisiana, Eastern									
1989-91	665	686	43	94.1%	614	77	88.9%	184.6	
1994-96	47	32	28	53.3%	20	11	64.5%	6.0	
Louisiana, Middle									
1989-91	89	56	6	90.3%	50	6	89.3%	37.6	
1994-96	29	5	20	20.0%	4	0	100%	3.0	
Louisiana, Western									
1989-91	2275	1560	67	95.9%	1462	99	93.7%	361.4	
1994-96	38	18	25	41.9%	16	1	94.1%	4.0	
Maine									
1989-91	8	6	5	54.5%	5	0	100%	2.0	
1994-96	7	3	7	30.0%	3	0	100%	1.2	
Maryland									
1989-91	39	15	16	48.4%	15	0	100%	1.5	
1994-96	189	53	90	37.1%	22	9	71.0%	2.2	
Massachusetts									
1989-91	41	17	23	42.5%	16	2	88.9%	1.3	
1994-96	33	17	8	68.0%	8	1	88.9%	0.7	
Michigan, Eastern									
1989-91	15	5	10	33.3%	3	1	75.0%	0.2	
1994-96	32	7	15	31.8%	4	1	80.0%	0.3	
Michigan, Western									
1989-91	31	21	15	58.3%	7	10	41.2%	1.1	
1994-96	19	7	17	29.2%	8	0	100%	1.3	
Minnesota									
1989-91	26	19	8	70.4%	13	7	65.0%	1.4	
1994-96	55	26	18	59.1%	16	3	84.2%	1.7	
Mississippi, Northern									
1989-91	12	11	2	84.6%	11	0	100%	5.4	
1994-96	23	0	17	0.0%	2	0	100%	1.0	

U.S. Department of Justice

Bush/Clinton Comparison of Effort, Conviction Rate, and Convictions per Capita

Mississippi, Southern									
1989-91	22	9	11	45.0%	4	2	66.7%	1.2	
1994-96	107	93	48	66.0%	83	7	92.2%	24.5	
Missouri, Eastern									
1989-91	45	10	23	30.3%	6	3	66.7%	1.1	
1994-96	109	58	42	58.0%	22	9	71.0%	4.0	
Missouri, Western									
1989-91	26	17	9	65.4%	12	4	75.0%	2.3	
1994-96	29	22	19	53.7%	12	7	63.2%	2.3	
Montana									
1989-91	90	65	11	85.5%	50	19	72.5%	28.4	
1994-96	71	42	46	47.7%	37	13	74.0%	21.0	
Nebraska									
1989-91	28	14	20	41.2%	9	3	75.0%	2.7	
1994-96	13	0	8	0.0%	2	0	100%	0.6	
Nevada									
1989-91	64	46	30	60.5%	30	10	75.0%	9.4	
1994-96	32	10	22	31.3%	11	5	68.8%	3.4	
New Hampshire									
1989-91	19	9	20	31.0%	7	2	77.8%	3.0	
1994-96	29	2	19	9.5%	3	0	100%	1.3	
New Jersey									
1989-91	22	7	25	21.9%	6	0	100%	0.4	
1994-96	26	9	10	47.4%	8	1	88.9%	0.5	
New Mexico									
1989-91	38	15	42	26.3%	12	6	66.7%	3.5	
1994-96	37	10	25	28.6%	6	0	100%	1.8	
New York, Eastern									
1989-91	21	14	6	70.0%	11	0	100%	0.8	
1994-96	25	12	4	75.0%	5	5	50.0%	0.3	
New York, Northern									
1989-91	35	10	24	29.4%	9	1	90.0%	1.3	
1994-96	34	17	17	50.0%	11	0	100%	1.6	

Bush/Clinton Comparison of Effort, Conviction Rate, and Convictions per Capita

New York, Southern									
1989-91	21	5	13	27.8%	4	2	66.7%	0.4	
1994-96	35	4	24	14.3%	3	1	75.0%	0.3	
New York, Western									
1989-91	80	13	57	18.6%	8	3	72.7%	1.4	
1994-96	46	4	39	9.3%	6	6	50.0%	1.1	
North Carolina, Eastern									
1989-91	37	25	13	65.8%	20	4	83.3%	3.5	
1994-96	18	1	12	7.7%	2	0	100%	0.4	
North Carolina, Middle									
1989-91	29	12	17	41.4%	7	4	63.6%	1.6	
1994-96	69	26	57	31.3%	19	8	70.4%	4.2	
North Carolina, Western									
1989-91	12	11	4	73.3%	27	6	81.8%	6.0	
1994-96	23	10	8	55.6%	12	5	70.6%	2.7	
North Dakota									
1989-91	30	7	18	28.0%	7	0	100%	5.4	
1994-96	25	9	13	40.9%	10	0	100%	7.8	
Ohio, Northern									
1989-91	62	18	44	29.0%	12	1	92.3%	1.0	
1994-96	57	16	40	28.6%	12	3	80.0%	1.0	
Ohio, Southern									
1989-91	16	6	14	30.0%	5	0	100%	0.5	
1994-96	45	21	23	47.7%	5	4	55.6%	0.5	
Oklahoma, Eastern									
1989-91	10	3	4	42.9%	1	0	100%	0.7	
1994-96	17	0	8	0.0%	0	0		0.0	
Oklahoma, Northern									
1989-91	7	3	2	60.0%	3	1	75.0%	1.7	
1994-96	17	1	8	11.1%	1	1	50.0%	0.6	
Oklahoma, Western									
1989-91	21	5	14	26.3%	7	1	87.5%	2.0	
1994-96	27	16	15	51.6%	15	1	93.8%	4.3	

U.S. Department of Justice

Bush/Clinton Comparison of Effort, Conviction Rate, and Convictions per Capita

Oregon									
1989-91	49	28	24	53.8%	15	7	68.2%	2.3	
1994-96	46	28	19	59.6%	12	7	63.2%	1.9	
Pennsylvania, Eastern									
1989-91	40	12	13	48.0%	4	1	80.0%	0.4	
1994-96	53	23	25	47.9%	19	4	82.6%	1.8	
Pennsylvania, Middle									
1989-91	21	13	6	68.4%	11	0	100%	1.9	
1994-96	10	4	5	44.4%	2	1	66.7%	0.3	
Pennsylvania, Western									
1989-91	8	0	5	0.0%	2	0	100%	0.3	
1994-96	24	5	14	26.3%	3	1	75.0%	0.4	
Puerto Rico									
1989-91	12	5	7	41.7%	4	1	80.0%		
1994-96	57	36	10	78.3%	21	11	65.6%		
Rhode Island									
1989-91	9	2	5	28.6%	8	2	80.0%	4.0	
1994-96	18	5	13	27.8%	6	0	100%	3.0	
South Carolina									
1989-91	150	68	75	47.6%	38	13	74.5%	5.1	
1994-96	76	46	51	47.4%	36	7	83.7%	4.9	
South Dakota									
1989-91	51	30	20	60.0%	23	6	79.3%	15.7	
1994-96	48	22	18	55.0%	14	4	77.8%	9.6	
Tennessee, Eastern									
1989-91	70	36	31	53.7%	26	13	66.7%	6.0	
1994-96	65	15	46	24.6%	6	10	37.5%	1.4	
Tennessee, Middle									
1989-91	4	4	2	66.7%	0	13	0.0%	0.0	
1994-96	16	5	8	38.5%	5	0	100%	1.5	
Tennessee, Western									
1989-91	22	9	13	40.9%	5	0	100%	1.7	
1994-96	26	10	11	47.6%	2	0	100%	0.7	



Bush/Clinton Comparison of Effort, Conviction Rate, and Convictions per Capita

Texas, Eastern									
1989-91	122	61	39	61.0%	56	6	90.3%	10.8	
1994-96	48	24	38	38.7%	18	3	85.7%	3.5	
Texas, Northern									
1989-91	75	24	50	32.4%	15	7	68.2%	1.4	
1994-96	30	10	23	30.3%	9	1	90.0%	0.8	
Texas, Southern									
1989-91	190	155	24	86.6%	99	38	72.3%	7.8	
1994-96	63	29	30	49.2%	19	6	76.0%	1.5	
Texas, Western									
1989-91	71	10	53	15.9%	8	3	72.7%	0.8	
1994-96	60	17	40	29.8%	22	3	88.0%	2.3	
Utah									
1989-91	68	34	22	60.7%	20	12	62.5%	5.0	
1994-96	39	17	22	43.6%	10	5	66.7%	2.5	
Vermont									
1989-91	25	12	8	60.0%	5	4	55.6%	4.2	
1994-96	14	2	9	18.2%	1	0	100%	0.8	
Virgin Islands									
1989-91	36	24	2	92.3%	11	2	84.6%		
1994-96	23	12	4	75.0%	20	3	87.0%		
Virginia, Eastern									
1989-91	58	13	21	38.2%	33	2	94.3%	1.2	
1994-96	56	28	21	57.1%	10	3	76.9%	2.1	
Virginia, Western									
1989-91	32	17	2	89.5%	22	4	84.6%	8.5	
1994-96	49	31	14	68.9%	8	4	66.7%	2.6	
Washington, D.C.									
1989-91	13	0	10	0.0%	0	0		0.0	
1994-96	33	3	26	10.3%	3	0	100%	2.8	
Washington, Eastern									
1989-91	16	12	16	42.9%	3	13	18.8%	1.2	
1994-96	56	33	19	63.5%	28	11	71.8%	11.2	

Bush/Clinton Comparison of Effort, Conviction Rate, and Convictions per Capita

Washington, Western									
1989-91	73	35	49	41.7%	34	8	81.0%	4.0	
1994-96	96	43	38	53.1%	24	9	72.7%	2.8	
West Virginia, Northern									
1989-91	68	33	15	68.8%	11	5	68.8%	6.4	
1994-96	26	15	10	60.0%	12	3	80.0%	7.0	
West Virginia, Southern									
1989-91	24	8	8	50.0%	8	6	57.1%	4.1	
1994-96	20	6	18	25.0%	17	7	70.8%	8.8	
Wisconsin, Eastern									
1989-91	26	17	4	81.0%	27	3	90.0%	4.4	
1994-96	58	18	36	33.3%	12	2	85.7%	1.9	
Wisconsin, Western									
1989-91	66	16	25	39.0%	3	6	33.3%	0.7	
1994-96	116	23	103	18.3%	6	0	100%	1.5	
Wyoming									
1989-91	66	26	37	41.3%	24	4	85.7%	24.9	
1994-96	132	57	119	32.4%	61	2	96.8%	63.4	

III. U.S. Attorney Environmental Report Cards

U.S. Attorneys operate with a fair degree of autonomy within DOJ. Some commentators have likened the U.S. Attorneys to satraps within a larger empire or feudal lords before the emergence of nation states. In practice, "Main Justice" in Washington has little control over the day-to-day operations of the individual U.S. Attorney offices.

Indeed, DOJ makes little attempt to even monitor the activities of its field prosecutors. A report by the General Accounting Office, entitled "U.S. Attorneys: More Accountability for Implementing Priority Programs Is Desirable" (GGD-95-150, June 1995), notes that:

"Justice has no requirements for U.S. Attorneys to measure their own effectiveness, and none of the U.S. Attorneys we visited had developed set processes for doing so...

Due to the unreliability of some data and the lack of other data, EOUSA [the Executive Office of the U.S. Attorney] could not fully use its information systems to determine how U.S. Attorneys were addressing national and local prosecutorial priorities."

Little has changed since 1995. Hence, in order to assess the posture of federal environmental prosecution it is necessary to profile each U.S. Attorney's record. In essence, the whole is the sum of the parts.

Notwithstanding the relative autonomy of U.S. Attorneys, the overall downward trend in environmental enforcement suggests forces at work which are larger than any one office or region. One Assistant U.S. Attorney (AUSA) who is an experienced environmental prosecutor posits the existence of "institutional undercurrents" that operate in the fashion of popular fads, with one type of case being "hot" one year and next year not. Another AUSA argues that the de-emphasis on environmental prosecution is self-perpetuating — as the prestige of environmental cases decline, fewer referrals are prosecuted, less experienced AUSAs are assigned, leading to even fewer prosecutions and lower conviction rates; all of which, in turn, serves to lower the prestige of the environmental assignments even further.

Whatever the causes, one effect is that U.S. Attorneys are not evaluated or graded on the basis of their environmental prosecutorial track records — until now. The purpose of this grading system is, for the first time, to make U.S. Attorneys aware of environmental performance measures.

PEER evaluated each of the more than ninety U.S. Attorney offices on three measures: *effort* (the percentage of environmental referrals on which it filed prosecutions), *conviction rate* and *convictions per capita*. Each U.S. Attorney's office was then ranked and the combination of rankings was used to establish an *overall grade* for an environmental report card. Using these measures, the environmental record of prosecutors can be compared against each other and against themselves over time.

94-96 District Ranking by Effort

District	Effort	District	Effort
1. Idaho	80.2%	48. Louisiana, Western	41.9%
2. Northern Mariana Islands	80.0%	49. North Dakota	40.9%
3. Alabama, Middle	78.9%	50. Texas, Eastern	38.7%
4. Puerto Rico	78.3%	51. Florida, Middle	38.5%
5. Georgia, Southern	75.3%	52. Illinois, Southern	38.5%
6. Virgin Islands	75.0%	53. Tennessee, Middle	38.5%
7. New York, Eastern	75.0%	54. Indiana, Northern	38.5%
8. Florida, Northern	74.3%	55. Kansas	38.2%
9. California, Eastern	74.1%	56. Maryland	37.1%
10. Virginia, Western	68.9%	57. Kentucky, Western	34.7%
11. Massachusetts	68.0%	58. Hawaii	34.0%
12. Mississippi, Southern	66.0%	59. West Virginia, Northern	33.3%
13. Alaska	64.4%	60. Colorado	33.3%
14. Washington, Eastern	63.5%	61. Connecticut	33.3%
15. Illinois, Central	61.5%	62. Wyoming	32.4%
16. California, Southern	60.0%	63. Michigan, Eastern	31.8%
17. Georgia, Middle	60.0%	64. North Carolina, Middle	31.3%
18. Wisconsin, Eastern	60.0%	65. Nevada	31.3%
19. Oregon	59.6%	66. Texas, Northern	30.3%
20. Minnesota	59.1%	67. Maine	30.0%
21. California, Central	59.0%	68. Texas, Western	29.8%
22. Missouri, Eastern	58.0%	69. Michigan, Western	29.2%
23. Virginia, Eastern	57.1%	70. Delaware	28.6%
24. Indiana, Southern	56.1%	71. New Mexico	28.6%
25. North Carolina, Western	55.6%	72. Ohio, Northern	28.6%
26. Florida, Southern	55.1%	73. Rhode Island	27.8%
27. South Dakota	55.0%	74. Georgia, Northern	27.7%
28. Alabama, Northern	53.8%	75. Illinois, Northern	26.9%
29. Missouri, Western	53.7%	76. Pennsylvania, Western	26.3%
30. Louisiana, Eastern	53.3%	77. Wisconsin, Western	25.0%
31. Washington, Western	53.1%	78. Arizona	25.0%
32. Oklahoma, Western	51.6%	79. Tennessee, Eastern	24.6%
33. Kentucky, Eastern	51.3%	80. Louisiana, Middle	20.0%
34. Alabama, Southern	50.0%	81. California, Northern	20.0%
35. New York, Northern	50.0%	82. West Virginia, Southern	18.3%
36. Texas, Southern	49.2%	83. Vermont	18.2%
37. Pennsylvania, Eastern	47.9%	84. Guam	14.3%
38. Montana	47.7%	85. New York, Southern	14.3%
39. Ohio, Southern	47.7%	86. Iowa, Southern	12.5%
40. Arkansas, Western	47.6%	87. Oklahoma, Northern	11.1%
41. Tennessee, Western	47.6%	88. Washington, D.C.	10.3%
42. South Carolina	47.4%	89. New Hampshire	9.5%
43. New Jersey	47.4%	90. New York, Western	9.3%
44. Pennsylvania, Middle	44.4%	91. North Carolina, Eastern	7.7%
45. Arkansas, Eastern	43.8%	92. Mississippi, Northern	0.0%
46. Utah	43.6%	93. Nebraska	0.0%
47. Iowa, Northern	42.9%	94. Oklahoma, Eastern	0.0%

Effort is defined as percentage of disposals in which prosecutions were filed. For yearly accuracy, disposals are equal to the sum of prosecutions filed and prosecutions declined.

94-96 District Ranking by Conviction Rate

District	Conviction Rate	District	Conviction Rate
1. Alabama, Southern	100%	48. Kentucky, Western	78.1%
1. Delaware	100%	49. Connecticut	77.8%
1. Illinois, Central	100%	49. South Dakota	77.8%
1. Illinois, Southern	100%	51. Virginia, Western	76.9%
1. Iowa, Southern	100%	52. Arizona	76.9%
1. Louisiana, Middle	100%	53. Hawaii	76.5%
1. Maine	100%	54. Texas, Southern	76.0%
1. Michigan, Western	100%	55. Florida, Middle	75.6%
1. Mississippi, Northern	100%	56. Alabama, Northern	75.0%
1. Nebraska	100%	56. Illinois, Northern	75.0%
1. New Hampshire	100%	56. New York, Southern	75.0%
1. New Mexico	100%	56. Pennsylvania, Western	75.0%
1. New York, Northern	100%	60. Alaska	74.7%
1. North Carolina, Eastern	100%	61. Montana	74.0%
1. North Dakota	100%	62. Indiana, Southern	73.7%
1. Northern Mariana Islands	100%	63. California, Northern	73.3%
1. Rhode Island	100%	64. Washington, Western	72.7%
1. Tennessee, Middle	100%	65. Washington, Eastern	71.8%
1. Tennessee, Western	100%	66. Maryland	71.0%
1. Vermont	100%	66. Missouri, Eastern	71.0%
1. Washington, D.C.	100%	68. West Virginia, Southern	70.8%
1. Wisconsin, Western	100%	69. North Carolina, Western	70.6%
23. Wyoming	96.8%	70. California, Southern	70.4%
24. Louisiana, Western	94.1%	70. North Carolina, Middle	70.4%
25. Oklahoma, Western	93.8%	72. Kentucky, Eastern	69.2%
26. Georgia, Northern	92.3%	73. Nevada	68.8%
26. Kansas	92.3%	74. Georgia, Southern	68.4%
28. Mississippi, Southern	92.2%	75. Idaho	68.1%
29. Colorado	91.7%	76. Arkansas, Eastern	66.7%
30. Texas, Northern	90.0%	76. Pennsylvania, Middle	66.7%
31. Massachusetts	88.9%	76. Utah	66.7%
32. New Jersey	88.9%	76. Virgin Islands	66.7%
33. Texas, Western	88.0%	80. Puerto Rico	65.6%
34. Arkansas, Western	87.5%	81. Louisiana, Eastern	64.5%
35. Virginia, Eastern	87.0%	82. Oregon	63.2%
36. Alabama, Middle	85.7%	83. Missouri, Western	63.2%
36. California, Central	85.7%	84. Georgia, Middle	61.5%
36. Indiana, Northern	85.7%	85. Ohio, Southern	55.6%
36. Texas, Eastern	85.7%	86. California, Eastern	53.1%
36. Wisconsin, Eastern	85.7%	87. New York, Eastern	50.0%
41. Minnesota	84.2%	87. New York, Western	50.0%
42. South Carolina	83.7%	87. Oklahoma, Northern	50.0%
43. Florida, Southern	83.1%	90. Tennessee, Eastern	37.5%
44. Pennsylvania, Eastern	82.6%	91. Iowa, Northern	25.0%
45. Michigan, Eastern	80.0%	92. Florida, Northern	18.5%
45. Ohio, Northern	80.0%	93. Guam	0.0%
45. West Virginia, Northern	80.0%	94. Oklahoma, Eastern*	

Conviction Rate is the percentage of prosecutions that resulted in convictions. For yearly accuracy, prosecutions are equal to the sum of convictions, acquittals, and other outcomes.

* Eastern Oklahoma did not file any prosecutions.

94-96 District Ranking by Convictions per Capita

District	Convictions	District	Convictions
1. Wyoming	63.4	44. Illinois, Southern	2.0
2. Alaska	48.6	47. Wisconsin, Eastern	1.9
3. Idaho	26.9	47. Oregon	1.9
4. Mississippi, Southern	24.5	49. Pennsylvania, Eastern	1.8
5. Montana	21.0	49. New Mexico	1.8
6. Georgia, Southern	15.4	51. Florida, Northern	1.7
7. Washington, Eastern	11.2	51. Minnesota	1.7
8. South Dakota	9.6	53. New York, Northern	1.6
9. West Virginia, Southern	8.8	53. Illinois, Central	1.6
10. North Dakota	7.8	55. Texas, Southern	1.5
11. West Virginia, Northern	7.0	55. Wisconsin, Western	1.5
11. California, Eastern	7.0	55. Tennessee, Middle	1.5
13. Delaware	6.9	58. Colorado	1.4
14. Florida, Southern	6.5	58. Tennessee, Eastern	1.4
15. Kentucky, Western	6.4	58. Georgia, Northern	1.4
16. Alabama, Middle	6.0	61. New Hampshire	1.3
16. Louisiana, Eastern	6.0	61. Indiana, Northern	1.3
18. Alabama, Southern	5.9	61. Michigan, Western	1.3
19. Hawaii	5.5	64. Maine	1.2
20. South Carolina	4.9	64. Alabama, Northern	1.2
21. Oklahoma, Western	4.3	66. Arizona	1.1
22. North Carolina, Middle	4.2	66. Connecticut	1.1
23. Missouri, Eastern	4.0	66. New York, Western	1.1
23. Louisiana, Western	4.0	69. Ohio, Northern	1.0
25. Texas, Eastern	3.5	69. Mississippi, Northern	1.0
26. Nevada	3.4	71. California, Central	0.9
26. California, Southern	3.4	72. Vermont	0.8
28. Arkansas, Western	3.3	72. Texas, Northern	0.8
29. Rhode Island	3.0	72. California, Northern	0.8
29. Louisiana, Middle	3.0	75. Tennessee, Western	0.7
31. Washington, Western	2.8	75. Massachusetts	0.7
31. Washington, D.C.	2.8	77. Nebraska	0.6
33. North Carolina, Western	2.7	77. Oklahoma, Northern	0.6
34. Virginia, Western	2.6	79. New Jersey	0.5
35. Utah	2.5	79. Ohio, Southern	0.5
36. Georgia, Middle	2.3	81. Iowa, Northern	0.4
36. Kansas	2.3	81. Pennsylvania, Western	0.4
36. Kentucky, Eastern	2.3	81. Illinois, Northern	0.4
36. Texas, Western	2.3	81. North Carolina, Eastern	0.4
36. Missouri, Western	2.3	85. Pennsylvania, Middle	0.3
41. Maryland	2.2	85. New York, Eastern	0.3
42. Virginia, Eastern	2.1	85. New York, Southern	0.3
42. Arkansas, Eastern	2.1	85. Iowa, Southern	0.3
44. Florida, Middle	2.0	85. Michigan, Eastern	0.3
44. Indiana, Southern	2.0	90. Oklahoma, Eastern	0

Convictions per capita is equal to the number of convictions per 500 thousand people. Due to their extremely small populations, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands were not included in this ranking.

94-96 District Rank Average

District (Rank Average)	Effort	Conviction Rate	Convictions Per Capita
1. Mississippi, Southern (15)	12 (66.0%)	28 (92.2%)	4 (24.5)
2. Alabama, Southern (17)	35 (50.0%)	1 (100%)	15 (5.9)
2. Illinois, Central (17)	15 (61.5%)	1 (100%)	35 (1.6)
4. Alabama, Middle (18)	3 (78.9%)	36 (85.7%)	15 (6.0)
5. North Dakota (20)	49 (40.9%)	1 (100%)	10 (7.8)
6. New York, Northern (23)	34 (50.0%)	1 (100%)	35 (1.6)
7. Alaska (25)	13 (64.4%)	60 (74.7%)	2 (48.6)
8. Oklahoma, Western (26)	32 (51.6%)	25 (93.8%)	21 (4.3)
8. Idaho (26)	1 (80.2%)	75 (68.1%)	3 (26.9)
10. Florida, Southern (27)	26 (55.1%)	43 (83.1%)	11 (6.5)
11. South Dakota (28)	27 (55.0%)	49 (77.8%)	8 (9.6)
11. Delaware (28)	72 (28.6%)	1 (100%)	11 (6.9)
11. Georgia, Southern (28)	5 (75.3%)	74 (68.4%)	6 (15.4)
14. Wyoming (29)	62 (32.4%)	23 (96.8%)	1 (63.4)
14. Washington, Eastern (29)	14 (63.5%)	65 (71.8%)	7 (11.2)
14. Virginia, Western (29)	10 (68.9%)	51 (76.9%)	25 (2.6)
14. Wisconsin, Eastern (29)	17 (60.0%)	36 (85.7%)	35 (1.9)
18. Illinois, Southern (30)	53 (38.5%)	1 (100%)	35 (2.0)
19. Louisiana, Western (31)	48 (41.9%)	24 (94.1%)	21 (4.0)
19. Virginia, Eastern (31)	23 (57.1%)	35 (87.0%)	35 (2.1)
21. Minnesota (32)	20 (59.1%)	41 (84.2%)	35 (1.7)
21. Tennessee, Western (32)	40 (47.6%)	1 (100%)	55 (0.7)
21. Massachusetts (32)	11 (68.0%)	31 (88.9%)	55 (0.7)
24. Rhode Island (33)	73 (27.8%)	1 (100%)	25 (3.0)
24. Arkansas, Western (33)	41 (47.6%)	34 (87.5%)	25 (3.3)
26. South Carolina (34)	42 (47.4%)	42 (83.7%)	19 (4.9)
27. Montana (35)	39 (47.7%)	61 (74.0%)	5 (21.0)
27. California, Eastern (35)	9 (74.1%)	86 (53.1%)	11 (7.0)
29. Louisiana, Middle (36)	81 (20.0%)	1 (100%)	25 (3.0)
29. New Mexico (36)	71 (28.6%)	1 (100%)	35 (1.8)
29. Tennessee, Middle (36)	52 (38.5%)	1 (100%)	55 (1.5)
29. Missouri, Eastern (36)	22 (58.0%)	66 (71.0%)	21 (4.0)
33. Texas, Eastern (37)	50 (38.7%)	36 (85.7%)	25 (3.5)
33. California, Central (37)	21 (59.0%)	36 (85.7%)	55 (0.9)
35. California, Southern (38)	18 (60.0%)	70 (70.4%)	25 (3.4)
35. Washington, D.C. (38)	88 (10.3%)	1 (100%)	25 (2.8)
37. Kansas (39)	55 (38.2%)	26 (92.3%)	35 (2.3)
37. Pennsylvania, Eastern (39)	37 (47.9%)	44 (82.6%)	35 (1.8)
37. West Virginia, Northern (39)	61 (33.3%)	45 (80.0%)	11 (7.0)
40. North Carolina, Western (40)	25 (55.6%)	69 (70.6%)	25 (2.7)
40. Kentucky, Western (40)	57 (34.7%)	48 (78.1%)	15 (6.4)
40. Washington, Western (40)	31 (53.1%)	64 (72.7%)	25 (2.8)
40. Indiana, Southern (40)	24 (56.1%)	62 (73.7%)	35 (2.0)
44. Maine (41)	67 (30.0%)	1 (100%)	55 (1.2)
45. Michigan, Western (42)	69 (29.2%)	1 (100%)	55 (1.3)
45. Louisiana, Eastern (42)	30 (53.3%)	81 (64.5%)	15 (6.0)
47. New Jersey (43)	43 (47.4%)	31 (88.9%)	55 (0.5)
47. Hawaii (43)	58 (34.0%)	53 (76.5%)	19 (5.5)
49. Wisconsin, Western (45)	78 (25.0%)	1 (100%)	55 (1.5)
49. Georgia, Middle (45)	16 (60.0%)	84 (61.5%)	35 (2.3)
49. Florida, Northern (45)	8 (74.3%)	92 (18.5%)	35 (1.7)

U.S. Department of Justice

District (Rank Average)	Effort	Conviction Rate	Convictions Per Capita
49. Texas, Western (45)	68 (29.8%)	33 (88.0%)	35 (2.3)
49. Oregon (45)	19 (59.6%)	82 (63.2%)	35 (1.9)
54. Alabama, Northern (46)	28 (53.8%)	56 (75.0%)	55 (1.2)
54. Vermont (46)	83 (18.2%)	1 (100%)	55 (0.8)
56. Kentucky, Eastern (47)	33 (51.3%)	72 (69.2%)	35 (2.3)
56. Indiana, Northern (47)	51 (38.5%)	36 (85.7%)	55 (1.3)
58. Florida, Middle (48)	54 (38.5%)	55 (75.6%)	35 (2.0)
58. Colorado (48)	60 (33.3%)	29 (91.7%)	55 (1.4)
58. Texas, Southern (48)	36 (49.2%)	54 (76.0%)	55 (1.5)
58. New Hampshire (48)	89 (9.5%)	1 (100%)	55 (1.3)
62. Missouri, Western (49)	29 (53.7%)	82 (63.2%)	35 (2.3)
63. Nebraska (50)	93 (0.0%)	1 (100%)	55 (0.6)
63. Mississippi, Northern (50)	94 (0.0%)	1 (100%)	55 (1.0)
63. Texas, Northern (50)	66 (30.3%)	30 (90.0%)	55 (0.8)
66. North Carolina, Middle (52)	64 (31.3%)	70 (70.4%)	21 (4.2)
66. Georgia, Northern (52)	74 (27.7%)	26 (92.3%)	55 (1.4)
66. Arkansas, Eastern (52)	45 (43.8%)	76 (66.7%)	35 (2.1)
66. Utah (52)	46 (43.6%)	76 (66.7%)	35 (2.5)
66. Maryland (52)	56 (37.1%)	66 (71.0%)	35 (2.2)
71. West Virginia, Southern (53)	82 (18.3%)	68 (70.8%)	9 (8.8)
72. Nevada (54)	65 (31.3%)	73 (68.8%)	25 (3.4)
72. Connecticut (54)	59 (33.3%)	49 (77.8%)	55 (1.1)
74. Iowa, Southern (56)	86 (12.5%)	1 (100%)	80 (0.3)
75. Ohio, Northern (57)	70 (28.6%)	45 (80.0%)	55 (1.0)
75. North Carolina, Eastern (57)	91 (7.7%)	1 (100%)	80 (0.4)
77. New York, Eastern (58)	6 (75.0%)	87 (50.0%)	80 (0.3)
78. Arizona (61)	77 (25.0%)	51 (76.9%)	55 (1.1)
79. Michigan, Eastern (63)	63 (31.8%)	45 (80.0%)	80 (0.3)
80. California, Northern (66)	80 (20.0%)	63 (73.3%)	55 (0.8)
81. Pennsylvania, Middle (67)	44 (44.4%)	76 (66.7%)	80 (0.3)
82. Ohio, Southern (68)	38 (47.7%)	85 (55.6%)	80 (0.5)
83. Illinois, Northern (70)	75 (26.9%)	56 (75.0%)	80 (0.4)
84. Pennsylvania, Western (71)	76 (26.3%)	56 (75.0%)	80 (0.4)
85. Iowa, Northern (73)	47 (42.9%)	91 (25.0%)	80 (0.4)
85. New York, Southern (73)	84 (14.3%)	56 (75.0%)	80 (0.3)
87. Tennessee, Eastern (75)	79 (24.6%)	90 (37.5%)	55 (1.4)
88. Oklahoma, Northern (76)	87 (11.1%)	87 (50.0%)	55 (0.6)
89. New York, Western (77)	90 (9.3%)	87 (50.0%)	55 (1.1)
90. Oklahoma, Eastern (89)	92 (0.0%)	94	80 (0)

Due to their lack of a convictions per capita rate, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands were not included in the average ranking list.

IV. State and Regional Profiles

One explanation offered by DOJ for the tremendous variations in environmental prosecutorial activity from district to district is that each U.S. Attorney's caseload reflects local factors, such as the area's geography and population. In order to assess whether the U.S. Attorneys really do reflect local conditions, PEER prepared a series of state and regional comparisons of the relative performance of each district.

The following side-by-side groupings of environmental criminal enforcement records suggest that the level and results of prosecutorial activity are not so much a function of local or regional conditions but more a matter of the priorities and practices of each prosecutor's office. In other words, the differences in the districts' environmental track records appear to have little rhyme or reason from a geographic or demographic point of view.

For example, one measure that PEER used was convictions per capita in order to standardize the ratings among U.S. Attorneys from populous and not so populous districts. There was no discernible relationship between the size of the district and the level of environmental prosecutions.

Another measure utilized by PEER involves the percentage of criminal referrals which ultimately result in prosecution. Again, the large differences from district to district are difficult to explain. Why are referrals twice as likely to be prosecuted in one office than in a neighboring district or another district within the same state? In many instances, the referrals are emanating out of the same regional or district office of the EPA, the Fish & Wildlife Service or the Army Corps. In some instances, the very same staff investigators are preparing referrals that meet completely different fates depending upon the U.S. Attorney's office in which they are filed.

The wide fluctuations among districts must also be viewed within the context of the overall downward trend in criminal enforcement activity. Together, these characteristics reflect not only a broad de-emphasis on environmental crimes but also a lack of interest in using performance measures to evaluate the effectiveness of an office.

PEER's main objective in drawing attention to these comparisons is to make U.S. Attorneys, as well as Main Justice, conscious that their environmental prosecutorial record will be monitored, publicized and discussed.

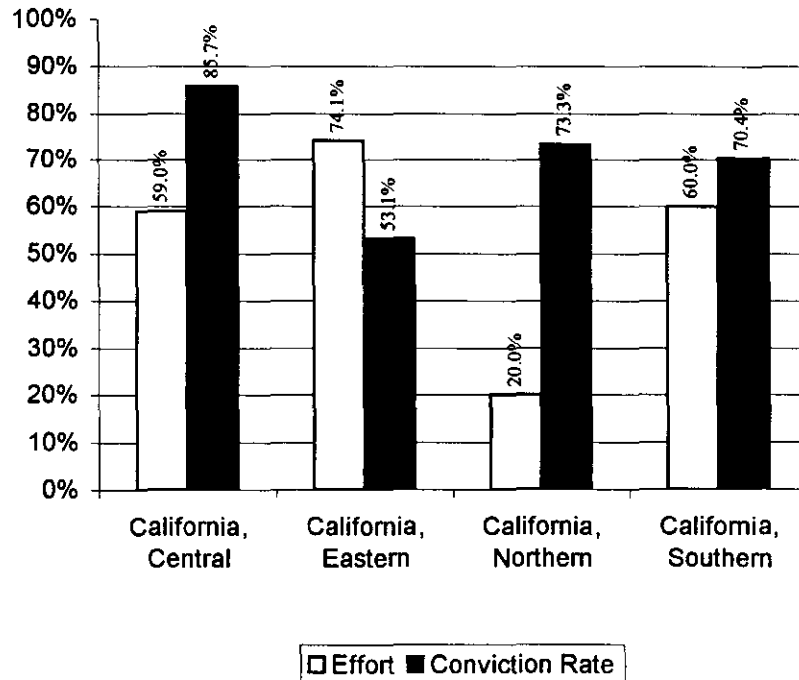
California

	Central	Eastern	Northern	Southern
Effort	59.0%	74.1%	20.0%	60.0%
Referrals	100	245	45	43
Prosecutions	36	166	14	27
Declinations	25	58	56	18
Effort Rank	21	9	80	18

Conviction Rate	85.7%	53.1%	73.3%	70.4%
Convictions	30	85	11	19
Not Convicted	5	75	4	8
Prison Sentences	10	5	2	2
Conviction Rate Rank	36	86	63	70

Convictions Per Capita	0.9	7.0	0.8	3.4
Convictions Per Capita Rank	55	11	55	25

Rank Average	37	35	66	38
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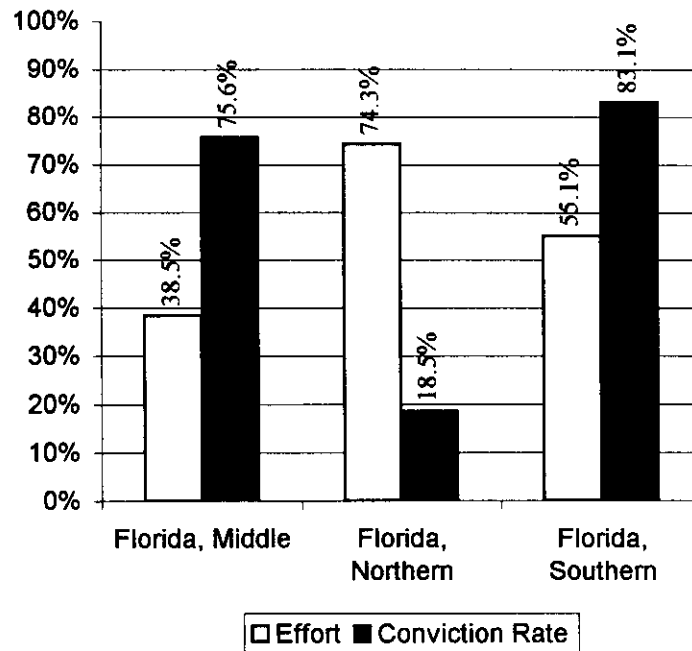
Florida

	Middle	Northern	Southern
Effort	38.5%	74.3%	55.1%
Referrals	132	12	183
Prosecutions	40	26	92
Declinations	64	9	75
Effort Rank	54	8	26

	Middle	Northern	Southern
Conviction Rate	75.6%	18.5%	83.1%
Convictions	31	5	69
Not Convicted	10	22	14
Prison Sentences	12	0	21
Conviction Rate Rank	55	92	43

Convictions Per Capita	2.0	1.7	6.5
Convictions Per Capita Rank	35	35	11

Rank Avg	48	45	27
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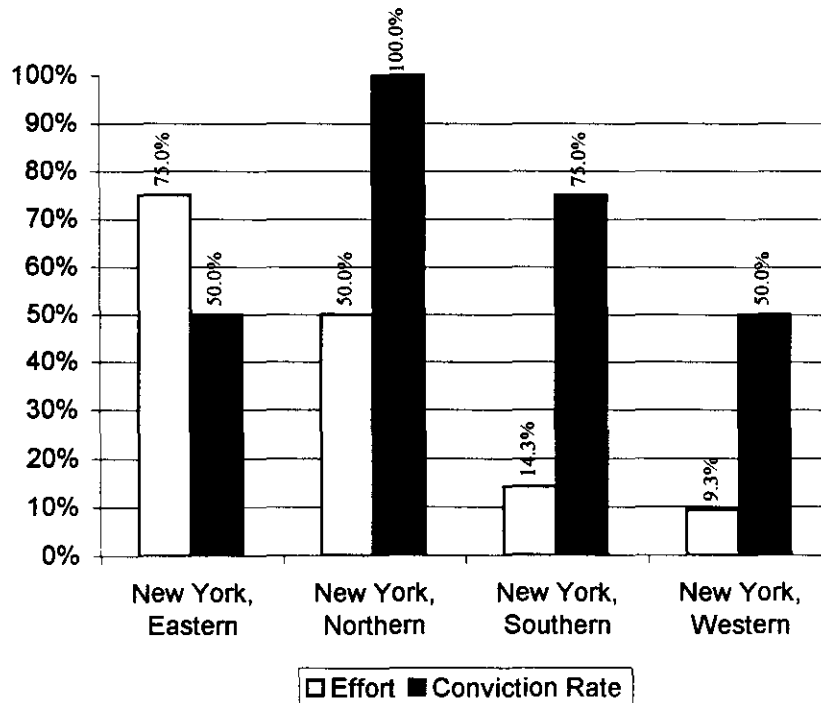
New York

	Eastern	Northern	Southern	Western
Effort	75.0%	50.0%	14.3%	9.3%
Referrals	25	34	35	46
Prosecutions	12	17	4	4
Declinations	4	17	24	39
Effort Rank	6	34	84	90

	Eastern	Northern	Southern	Western
Conviction Rate	50.0%	100%	75.0%	50.0%
Convictions	5	11	3	6
Not Convicted	5	0	1	6
Prison Sentences	1	1	0	2
Conviction Rate Rank	87	1	56	87

	Eastern	Northern	Southern	Western
Convictions Per Capita	0.3	1.6	0.3	1.1
Convictions Per Capita Rank	80	35	80	55

	Eastern	Northern	Southern	Western
Rank Avg	58	23	73	77



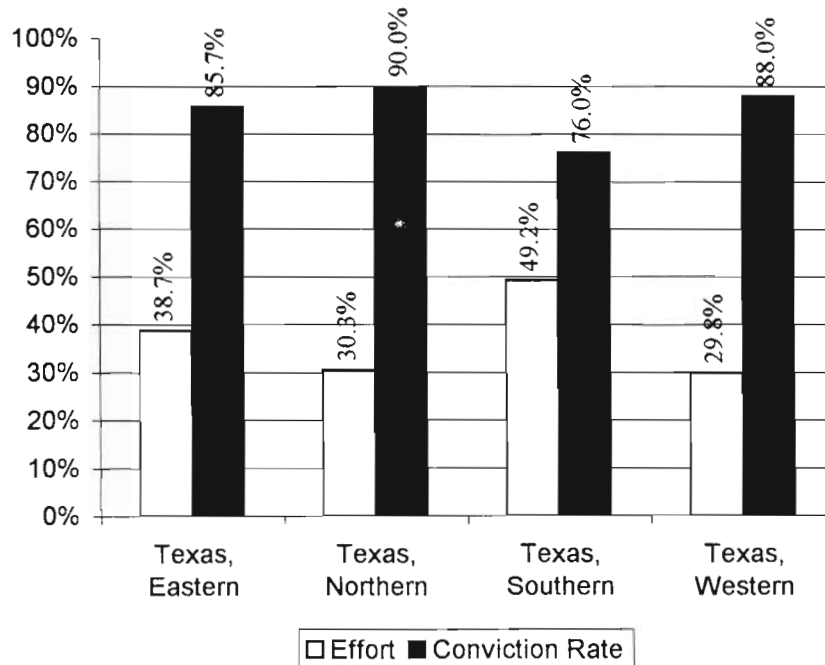
Texas

	Eastern	Northern	Southern	Western
Effort	38.7%	30.3%	49.2%	29.8%
Referrals	48	30	63	60
Prosecutions	24	10	29	17
Declinations	38	23	30	40
Effort Rank	50	66	36	68

	Eastern	Northern	Southern	Western
Conviction Rate	85.7%	90.0%	76.0%	88.0%
Convictions	18	9	19	22
Not Convicted	3	1	6	3
Prison Sentences	2	3	4	4
Conviction Rate Rank	36	30	54	33

Convictions Per Capita	3.5	0.8	1.5	2.3
Convictions Per Capita Rank	25	55	55	35

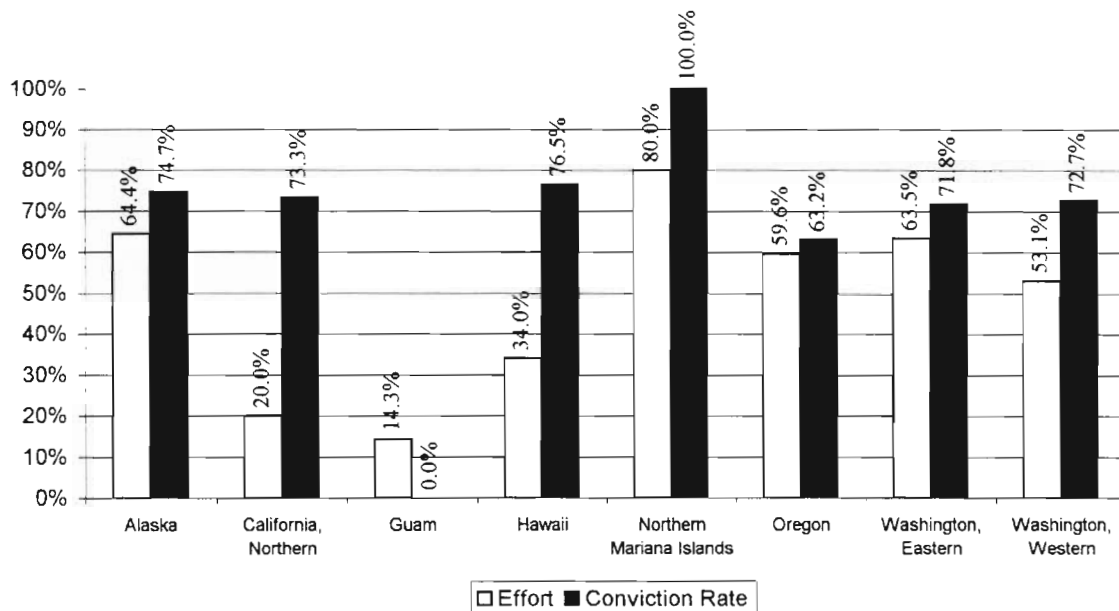
Rank Avg	37	50	48	45
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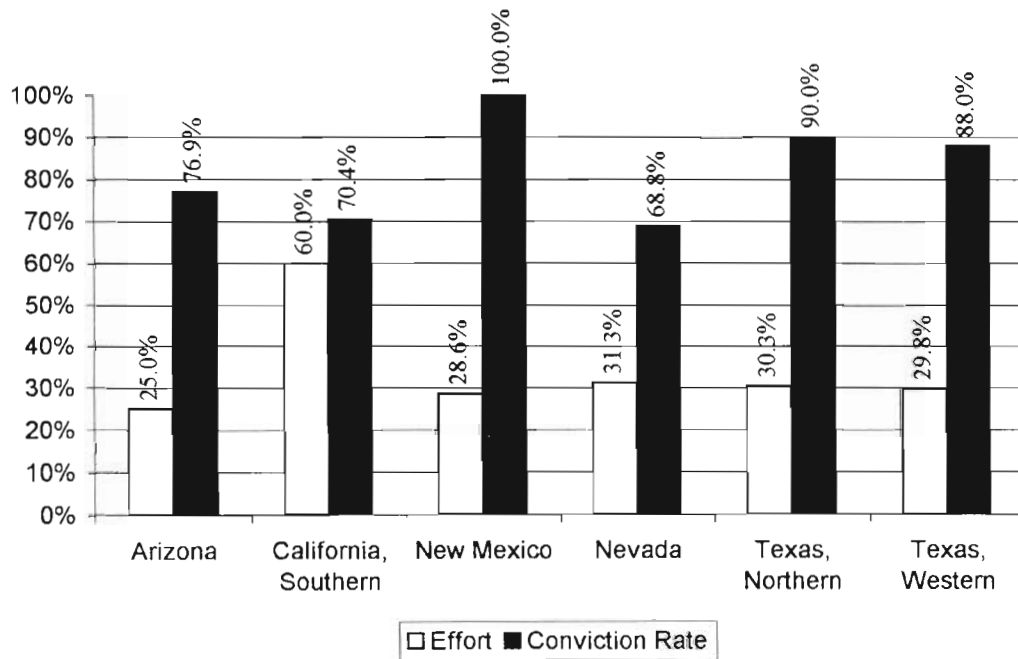
Pacific Northwest

	Alaska	California, Northern	Guam	Hawaii	Northern Mariana Islands	Oregon	Washington, Eastern	Washington, Western
Effort	64.4%	20.0%	14.3%	34.0%	80.0%	59.6%	63.5%	53.1%
Referrals	148	45	19	52	5	46	56	96
Prosecutions	87	14	3	17	4	28	33	43
Declinations	48	56	18	33	1	19	19	38
Effort Rank	13	80	85	58	2	19	14	31
Conviction Rate	74.7%	73.3%	0.0%	76.5%	100%	63.2%	71.8%	72.7%
Convictions	59	11	0	13	4	12	28	24
Not Convicted	20	4	2	4	0	7	11	9
Prison Sentences	14	2	0	4	0	1	2	3
Conviction Rate Rank	60	63	93	53	1	82	65	64
Convictions Per Capita	48.6	0.8		5.5		1.9	11.2	2.8
Convictions Per Capita Rank	2	55	94	19	91	35	7	25
Rank Avg	25	66	91	43	31	45	29	40



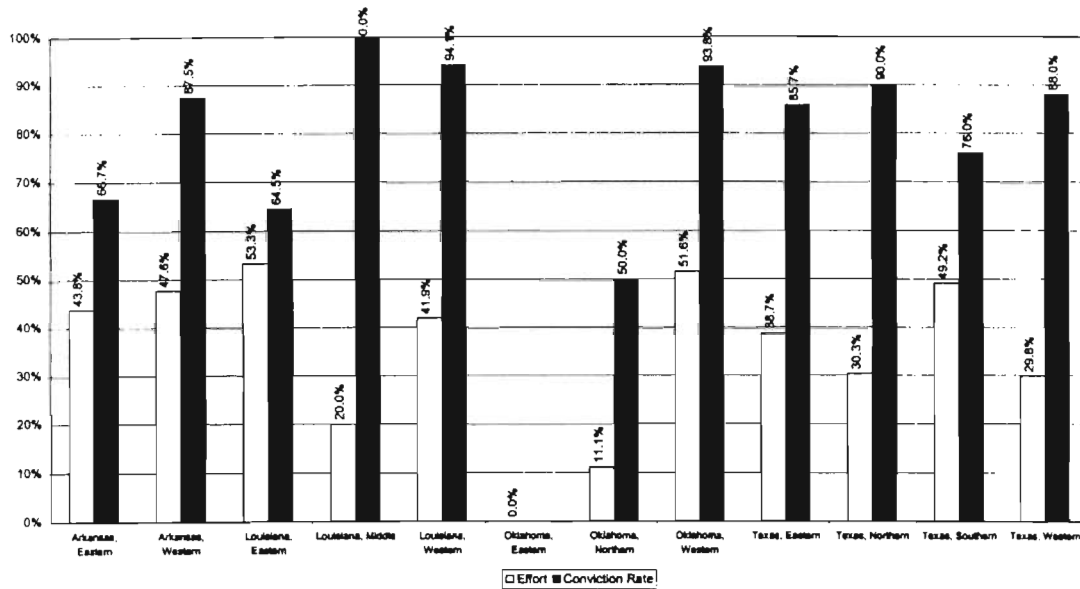
Southwest

	Arizona	California, Southern	New Mexico	Nevada	Texas, Northern	Texas, Western
Effort	25.0%	60.0%	28.6%	31.3%	30.3%	29.8%
Referrals	55	43	37	32	30	60
Prosecutions	15	27	10	10	10	17
Declinations	45	18	25	22	23	40
Effort Rank	77	18	71	65	66	68
Conviction Rate	76.9%	70.4%	100%	68.8%	90.0%	88.0%
Convictions	10	19	6	11	9	22
Not Convicted	3	8	0	5	1	3
Prison Sentences	2	2	1	3	3	4
Conviction Rate Rank	51	70	1	73	30	33
Convictions Per Capita	1.1	3.4	1.8	3.4	0.8	2.3
Convictions Per Capita Rank	55	25	35	25	55	35
Rank Avg	61	38	36	54	50	45

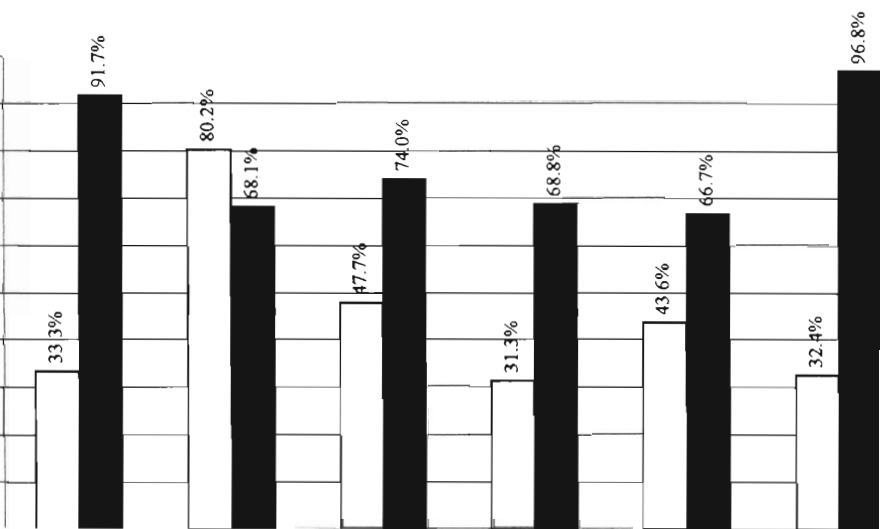


Texarkana

	Arkansas, Eastern	Arkansas, Western	Louisiana, Eastern	Louisiana, Middle	Louisiana, Western	Oklahoma, Eastern	Oklahoma, Northern	Oklahoma, Western	Texas, Eastern	Texas, Northern	Texas, Southern	Texas, Western
Effort	43.8%	47.6%	53.3%	20.0%	41.9%	0.0%	11.1%	51.6%	38.7%	30.3%	49.2%	29.8%
Referrals	29	19	47	29	38	17	17	27	48	30	63	60
Prosecutions	7	10	32	5	18	0	1	16	24	10	29	17
Declinations	9	11	28	20	25	8	8	15	38	23	30	40
Effort Rank	45	41	30	81	48	92	87	32	50	66	36	68
Conviction Rate	66.7%	87.5%	64.5%	100%	94.1%		50.0%	93.8%	85.7%	90.0%	76.0%	88.0%
Convictions	6	7	20	4	16	0	1	15	18	9	19	22
Not Convicted	3	1	11	0	1	0	1	1	3	1	6	3
Prison Sentences	3	0	6	3	0	0	0	5	2	3	4	4
Conviction Rate Rank	76	34	81	1	24	94	87	25	36	30	54	33
Convictions Per Capita	2.1	3.3	6.0	3.0	4.0	0.0	0.6	4.3	3.5	0.8	1.5	2.3
Convictions Per Capita Rank	35	25	15	25	21	80	55	21	25	55	55	35
Rank Avg	52	33	42	36	31	89	76	26	37	50	48	45



	33.3%	80.2%	47.7%	31.3%	43.6%	32.4%
s	95	119	71	32	39	1
ions	21	93	42	10	17	5
ions	42	23	46	22	22	1
ank	60	1	39	65	46	6
tion Rate	91.7%	68.1%	74.0%	68.8%	66.7%	96.8%
ons	11	64	37	11	10	6
ivicted	1	30	13	5	5	
entences	2	10	5	3	1	
on Rate Rank	29	75	61	73	76	2
tions Per Capita	1.4	26.9	21.0	3.4	2.5	6.0
ons Per Capita Rank	55	3	5	25	35	
Avg	48	26	35	54	52	2



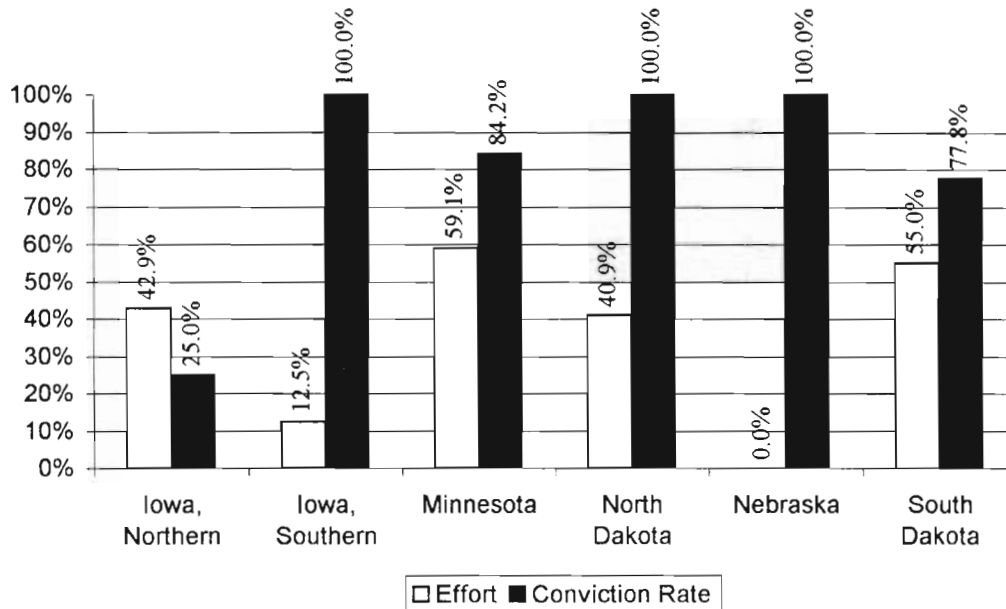
Northern Plains

	Iowa, Northern	Iowa, Southern	Minnesota	North Dakota	Nebraska	South Dakota
Effort	42.9%	12.5%	59.1%	40.9%	0.0%	55.0%
Referrals	37	13	55	25	13	48
Prosecutions	12	1	26	9	0	22
Declinations	16	7	18	13	8	18
Effort Rank	47	86	20	49	93	27

Conviction Rate	25.0%	100%	84.2%	100%	100%	77.8%
Convictions	1	1	16	10	2	14
Not Convicted	3	0	3	0	0	4
Prison Sentences	1	0	1	1	0	5
Conviction Rate Rank	91	1	41	1	1	49

Convictions Per Capita	0.4	0.3	1.7	7.8	0.6	9.6
Convictions Per Capita Rank	80	80	35	10	55	8

Rank Avg	73	56	32	20	50	28
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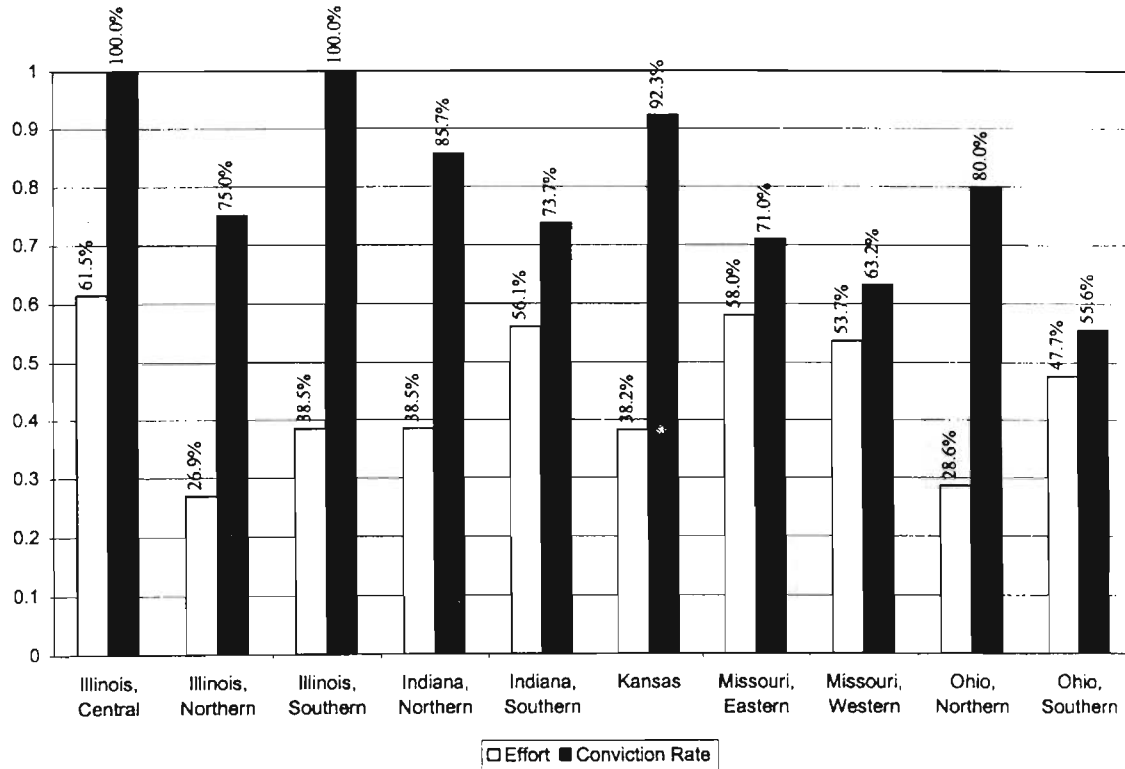
Midwest

	Illinois, Central	Illinois, Northern	Illinois, Southern	Indiana, Northern	Indiana, Southern	Kansas	Missouri, Eastern	Missouri, Western	Ohio, Northern	Ohio, Southern
Effort	61.5%	26.9%	38.5%	38.5%	56.1%	38.2%	58.0%	53.7%	28.6%	47.7%
Referrals	21	64	16	16	54	35	109	29	57	45
Prosecutions	8	14	5	5	23	13	58	22	16	21
Declinations	5	38	8	8	18	21	42	19	40	23
Effort Rank	15	75	53	51	24	55	22	29	70	38

Conviction Rate	100%	75.0%	100%	85.7%	73.7%	92.3%	71.0%	63.2%	80.0%	55.6%
Convictions	7	6	5	6	14	12	22	12	12	5
Not Convicted	0	2	0	1	5	1	9	7	3	4
Prison Sentences	0	4	0	0	1	3	3	2	1	1
Conviction Rate Rank	1	56	1	36	62	26	66	82	45	85

Convictions Per Capita	1.6	0.4	2.0	1.3	2.0	2.3	4.0	2.3	1.0	0.5
Convictions Per Capita Rank	35	80	35	55	35	35	21	35	55	80

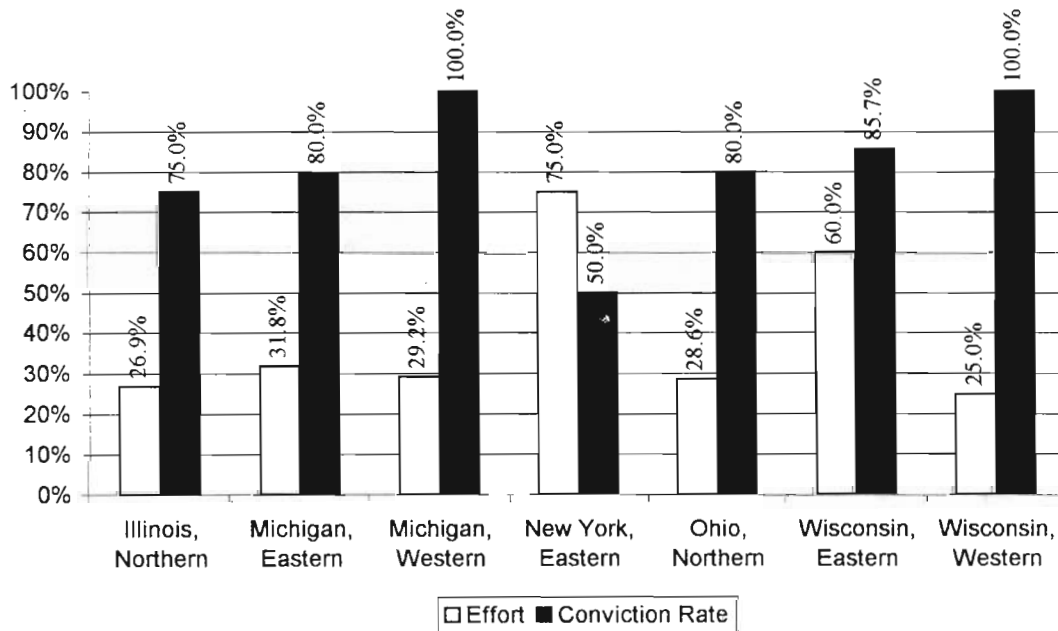
Rank Avg	17	70	30	47	40	39	36	49	57	68
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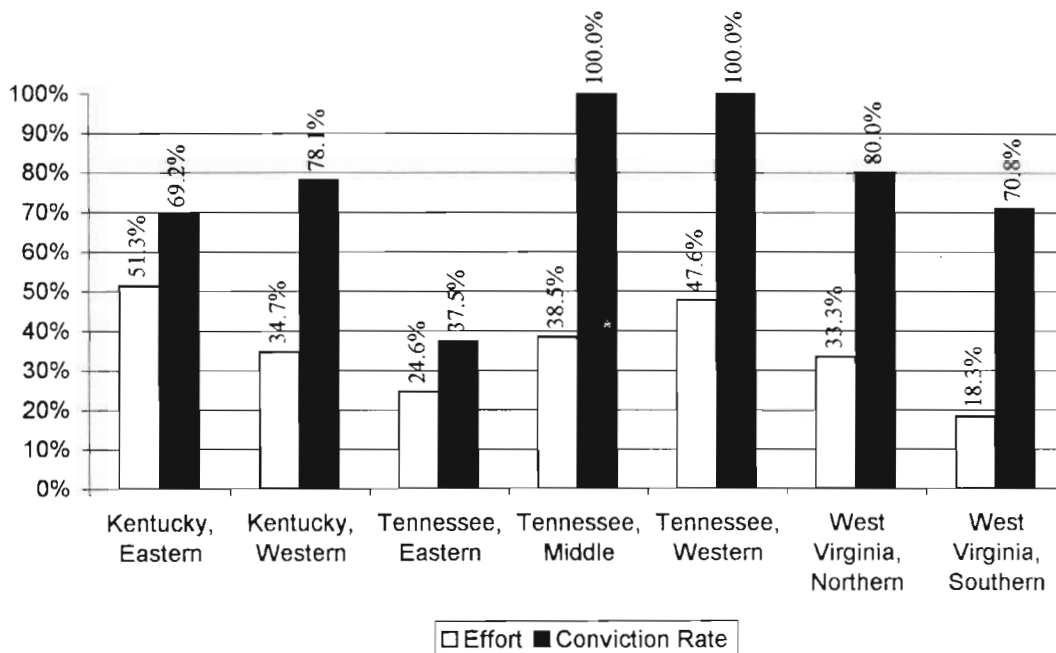
Great Lakes

	Illinois, Northern	Michigan Eastern	Michigan Western	New York, Eastern	Ohio, Northern	Wiscon- sin, Eastern	Wiscon- sin, Western
Effort	26.9%	31.8%	29.2%	75.0%	28.6%	60.0%	25.0%
Referrals	64	32	19	25	57	26	20
Prosecutions	14	7	7	12	16	15	6
Declinations	38	15	17	4	40	10	18
Effort Rank	75	63	69	6	70	17	78
Conviction Rate	75.0%	80.0%	100%	50.0%	80.0%	85.7%	100%
Convictions	6	4	8	5	12	12	6
Not Convicted	2	1	0	5	3	2	0
Prison Sentences	4	1	2	1	1	5	2
Conviction Rate Rank	56	45	1	87	45	36	1
Convictions Per Capita	0.4	0.3	1.3	0.3	1.0	1.9	1.5
Convictions Per Capita Rank	80	80	55	80	55	35	55
Rank Avg	70	63	42	58	57	29	45



Appalachian Region

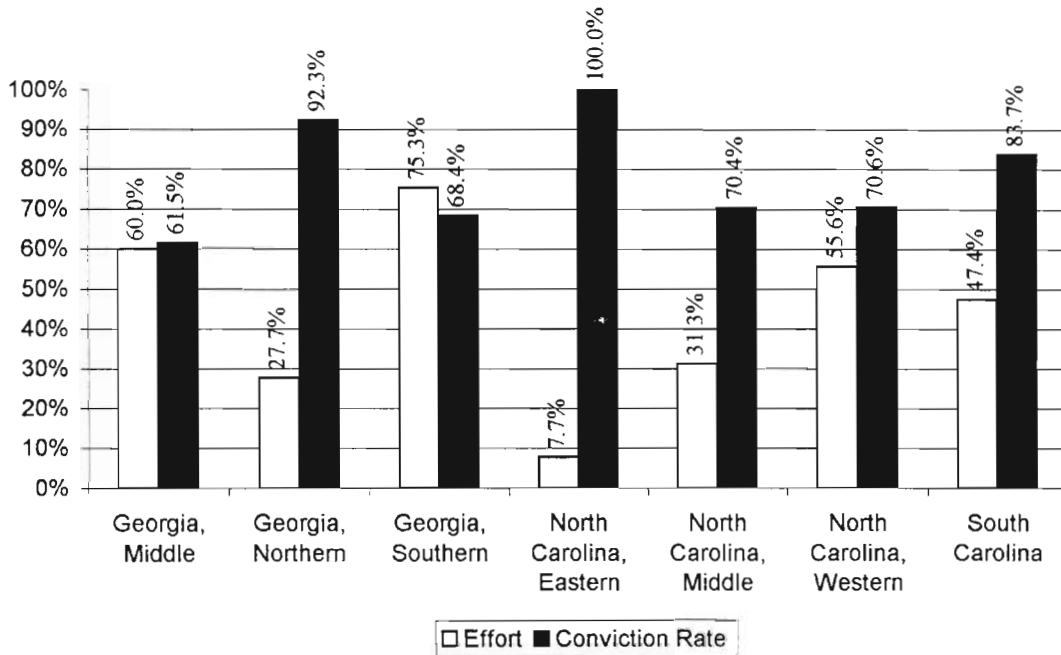
	Kentucky Eastern	Kentucky Western	Tennessee, Eastern	Tennessee, Middle	Tennessee, Western	West Virginia, Northern	West Virginia, Southern
Effort	51.3%	34.7%	24.6%	38.5%	47.6%	33.3%	18.3%
Referrals	41	95	65	16	26	58	116
Prosecutions	20	26	15	5	10	18	23
Declinations	19	49	46	8	11	36	103
Effort Rank	33	57	79	52	40	61	82
Conviction Rate	69.2%	78.1%	37.5%	100%	100%	80.0%	70.8%
Convictions	9	25	6	5	2	12	17
Not Convicted	4	7	10	0	0	3	7
Prison Sentences	3	3	0	2	1	5	8
Conviction Rate Rank	72	48	90	1	1	45	68
Convictions Per Capita	2.3	6.4	1.4	1.5	0.7	7.0	8.8
Convictions Per Capita Rank	35	15	55	55	55	11	9
Rank Avg	47	40	75	36	32	39	53



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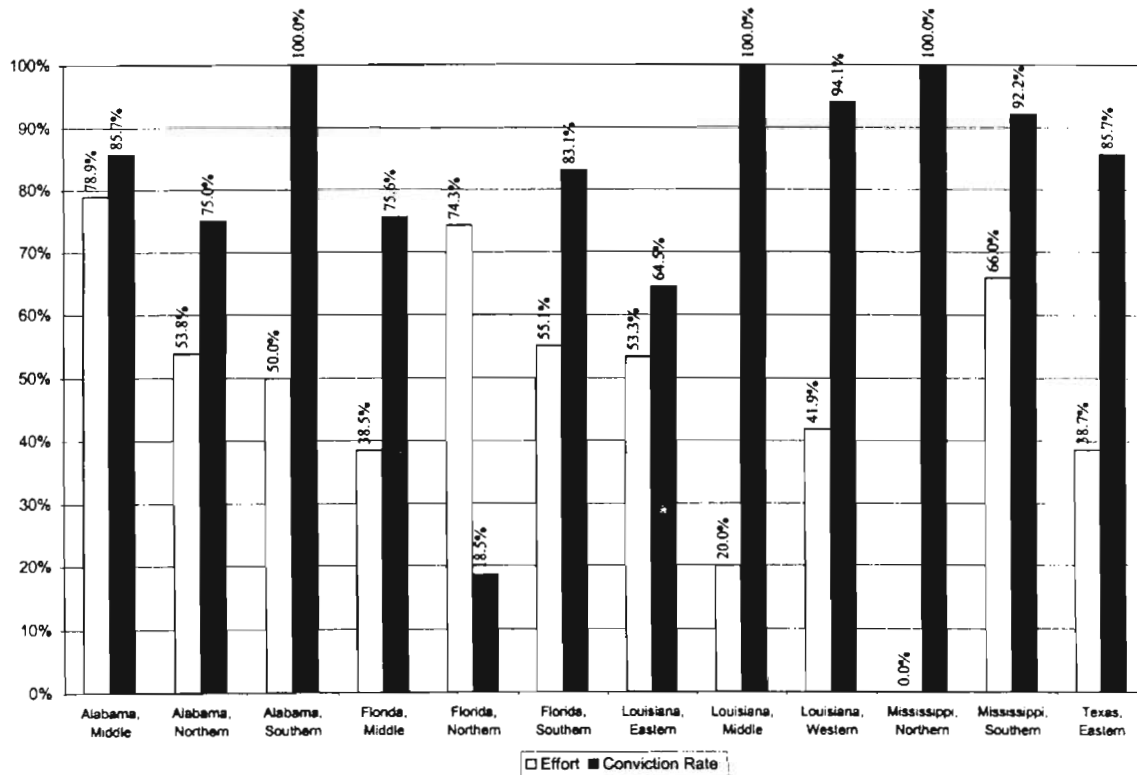
South

	Georgia, Middle	Georgia, Northern	Georgia, Southern	North Carolina, Eastern	North Carolina, Middle	North Carolina, Western	South Carolina
Effort	60.0%	27.7%	75.3%	7.7%	31.3%	55.6%	47.4%
Referrals	32	41	78	18	69	23	76
Prosecutions	9	13	73	1	26	10	46
Declinations	6	34	24	12	57	8	51
Effort Rank	16	74	5	91	64	25	42
Conviction Rate	61.5%	92.3%	68.4%	100%	70.4%	70.6%	83.7%
Convictions	8	12	39	2	19	12	36
Not Convicted	5	1	18	0	8	5	7
Prison Sentences	4	3	9	1	1	6	2
Conviction Rate Rank	84	26	74	1	70	69	42
Convictions Per Capita	2.3	1.4	15.4	0.4	4.2	2.7	4.9
Convictions Per Capita Rank	35	55	6	80	21	25	19
Rank Avg	45	52	28	57	52	40	34



Gulf Coast

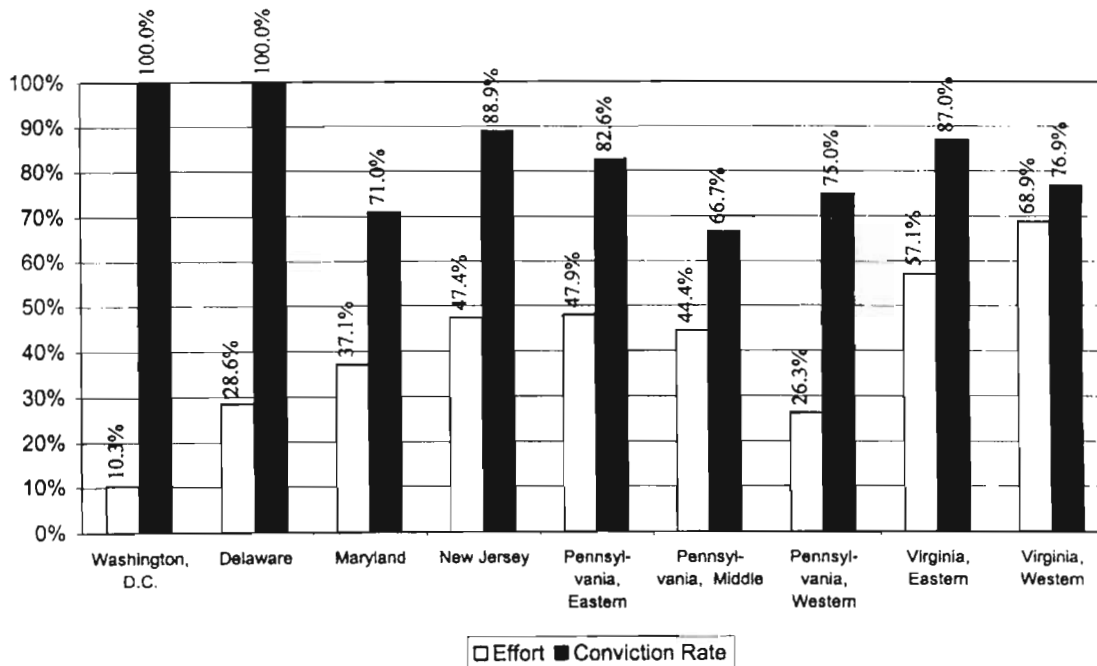
	Alabama, Middle	Alabama, Northern	Alabama, Southern	Florida, Middle	Florida, Northern	Florida, Southern	Louisiana, Eastern	Louisiana, Middle	Louisiana, Western	Mississippi, Northern	Mississippi, Southern	Texas, Eastern
Effort	78.9%	53.8%	50.0%	38.5%	74.3%	55.1%	53.3%	20.0%	41.9%	0.0%	66.0%	38.7%
Referrals	16	14	21	132	12	183	47	29	38	23	107	48
Prosecutions	15	7	9	40	26	92	32	5	18	0	93	24
Declinations	4	6	9	64	9	75	28	20	25	17	48	38
Effort Rank	3	28	35	54	8	26	30	81	48	94	12	50
Conviction Rate	85.7%	75.0%	100%	75.6%	18.5%	83.1%	64.5%	100%	94.1%	100%	92.2%	85.7%
Convictions	12	6	9	31	5	69	20	4	16	2	83	18
Not Convicted	2	2	0	10	22	14	11	0	1	0	7	3
Prison Sentences	2	1	1	12	0	21	6	3	0	1	3	2
Conviction Rate Rank	36	56	1	55	92	43	81	1	24	1	28	36
Convictions Per Capita	6.0	1.2	5.9	2.0	1.7	6.5	6.0	3.0	4.0	1.0	24.5	3.5
Convictions Per Capita Rank	15	55	15	35	35	11	15	25	21	55	4	25
Rank Avg	18	46	17	48	45	27	42	36	31	50	15	37



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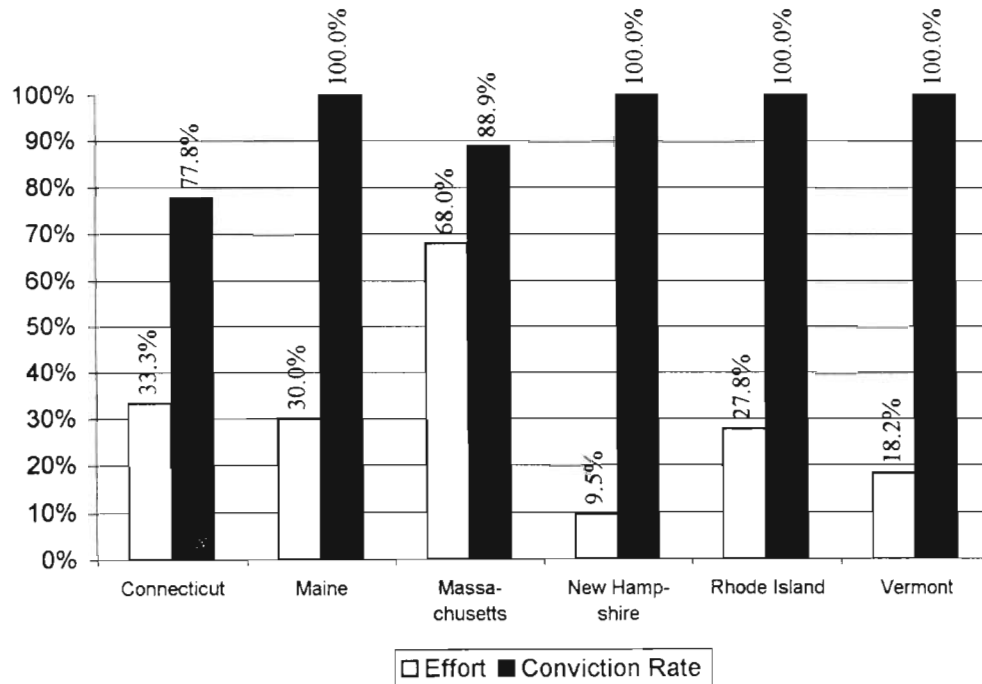
Mid-Atlantic

	Washing- ton, D.C.	Delaware	Mary- land	New Jersey	Pennsyl- vania, Eastern	Pennsyl- vania, Middle	Pennsyl- vania, Western	Virginia Eastern	Virginia Western
Effort	10.3%	28.6%	37.1%	47.4%	47.9%	44.4%	26.3%	57.1%	68.9%
Referrals	33	13	189	26	53	10	24	56	49
Prosecutions	3	4	53	9	23	4	5	28	31
Declinations	26	10	90	10	25	5	14	21	14
Effort Rank	88	72	56	43	37	44	76	23	10
Conviction Rate	100%	100%	71.0%	88.9%	82.6%	66.7%	75.0%	87.0%	76.9%
Convictions	3	10	22	8	19	2	3	20	10
Not Convicted	0	0	9	1	4	1	1	3	3
Prison Sentences	1	6	5	0	5	0	0	2	1
Conviction Rate Rank	1	1	66	31	44	76	56	35	51
Convictions Per Capita	2.8	6.9	2.2	0.5	1.8	0.3	0.4	2.1	2.6
Convictions Per Capita Rank	25	11	35	55	35	80	80	35	25
Rank Avg	38	28	52	43	39	67	71	31	29



New England

	Connec- ticut	Maine	Massa- chusetts	New Hamp- shire	Rhode Island	Vermont
Effort	33.3%	30.0%	68.0%	9.5%	27.8%	18.2%
Referrals	35	7	33	29	18	14
Prosecutions	5	3	17	2	5	2
Declinations	10	7	8	19	13	9
Effort Rank	59	67	11	89	73	83
Conviction Rate	77.8%	100%	88.9%	100%	100%	100%
Convictions	7	3	8	3	6	1
Not Convicted	2	0	1	0	0	0
Prison Sentences	1	1	0	1	1	1
Conviction Rate Rank	49	1	31	1	1	1
Convictions Per Capita	1.1	1.2	0.7	1.3	3.0	0.8
Convictions Per Capita Rank	55	55	55	55	25	55
Rank Avg	54	41	32	48	33	46



V. Working Definition of Environmental Crimes

Prior to 1995 the Justice Department did not have the “environmental crime,” “wildlife protection,” and “marine resources” program categories. Therefore, it was necessary to devise a working definition of environmental crimes that would be consistent through the 1989-1996 time period. After examining available data and consulting with a “peer review” panel of Assistant United States Attorneys experienced in environmental prosecution, PEER established a definition of environmental crimes that included all cases that satisfied one or more of the following criteria:

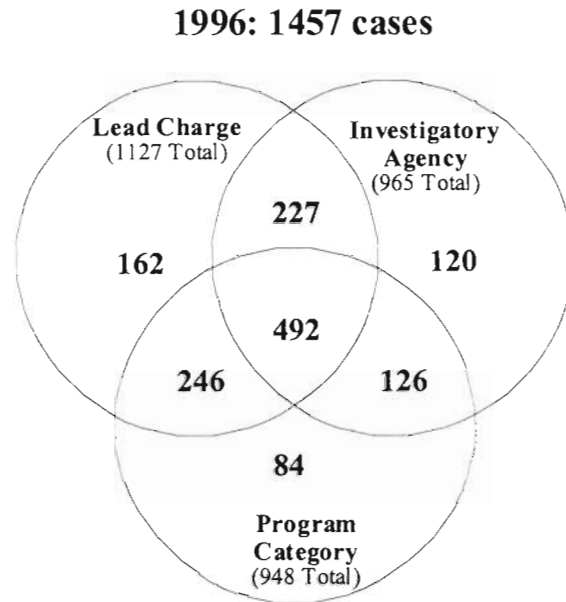
- All cases that fall under the Justice Department program Illegal Discharge of Hazardous and Carcinogenic Waste (068) or, for cases after 1995, any cases that were classified with any of the new Justice Department program categories: Wildlife Protection, Marine Resources, and Environmental Crime.
- All cases referred for prosecution by the Environmental Protection Agency or the U.S. Fish & Wildlife Service.
- All cases where the lead charge was derived from major environmental statutes, such as the Toxic Substances Control Act, Clean Water Act, the Clean Air Act, and the Comprehensive Environmental Response, Conservation and Liability Act (Superfund). These lead charges include:

07 :0136	16 :1372	33 :1311	42 :1319
15 :2605	16 :1531	33 :1317	42 :6901
15 :2606	16 :1538	33 :1319	42 :6925
15 :2614	16 :3173	33 :1321	42 :6927
15 :2615	16 :3371	33 :1322	42 :6928
16 :0003	16 :3372	33 :1344	42 :7401
16 :0460	16 :3374	33 :1411	42 :7412
16 :0551	18 :0041	33 :1415	42 :7413
16 :0668	33 :0403	33 :1907	42 :9602
16 :0703	33 :0407	33 :1908	42 :9603
16 :1322	33 :1251	42 :0300	43 :1733

We analyzed the 1996 disposals to prove the validity of this definition of environmental crimes. We have high confidence that the Justice department categories and the lead charges all constituted environmental crimes. However, there was the potential that cases referred by the Fish and Wildlife Service or EPA which did not fit one of the other two criteria as well might have not been environmental crimes (for instance, a drug possession charge referred by the FWS because it took place within a national wildlife refuge). Once we singled out FWS and EPA referrals that did not fit the other two criteria, we took a look at their lead charges in an attempt to “break our logic”

To begin with, we found that there is a great amount of overlap in cases. The majority of the cases examined that fit one of the criteria also fit one of the other criteria as well. Of the 1457 cases in 1996, only 366 (25%) fit in just one of the categories, 599(41%) matched two out of the three criteria, and 492 (34%) fit all three criteria.

The following diagram shows this overlap:



Further examination of the lead charges for cases referred by FWS and EPA that did not fit the other two criteria revealed that some of the cases may not have been environmental crimes, but as the descriptions below establish, many of them were environmental crimes, such as timber theft, that fell outside of traditional program categories. Most of the other offenses were non-environmental but involved offenses, such as assault or perjury, which occurred in connection with environmental cases.

OTHER LEAD CHARGES:

FWS

- 08 :1326 (1) - Reentry of deported alien; criminal penalties for reentry of certain deported aliens
- 16 :0718 (1) - Terms defined in the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.),
- 16 :0742 (4) - omitted (Conservation: FWS)
- 16 :1340 (1) - Joint report to Congress; consultation and coordination of implementation, enforcement, and departmental activities; studies (Wild Horses and Burros: Protection Management and...)
- 16 :1540 (3) - Endangered Species penalties and enforcement
- 16 :1857 (3) - National Fisheries Management program prohibited acts
- 16 :3373 (1) - Control of illegally taken fish and wildlife penalties and sanctions
- 18 :0003 (1) - General crime provisions accessory after the fact
- 18 :0007 (6) - Special maritime and territorial jurisdiction of the United States defined
- 18 :0013 (2) - Laws of States adopted for areas within Federal jurisdiction
- 18 :0111 (3) - Assaulting, resisting, or impeding certain officers or employees
- 18 :0371 (3) - Conspiracy to commit offense or to defraud United States
- 18 :0542 (1) - Entry of goods by means of false statements
- 18 :0545 (5) - Smuggling goods into the United States
- 18 :0641 (1) - Public money, property or records
- 18 :0922 (1) - Firearms: unlawful acts
- 18 :1165 (2) - Hunting trapping or fishing on Indian land
- 18 :1621 (1) - Perjury generally

18 :1623 (1) - False declarations before Grand Jury or court
18 :1855 (1) - Public Lands: Timber set afire
18 :2231 (3) - Searches and seizures assault or resistance
18 :2232 (3) - Destruction or removal of property to prevent seizure
21 :0841 (3) - Drug abuse prevention and control - control and enforcement: prohibited acts
36 :2611 (1) - Catholic War Veterans Annual report
42 :0408 (1) - Social Security: Federal old-age, survivors and disability penalties

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18 :0201 (1) - Bribery of public officials and witnesses
18 :0208 (1) - Bribery, Graft and Conflicts of interest: Acts affecting a personal financial interest
18 :0287 (3) - Claims and services in matters affecting government: False Fictitious or fraudulent claims
18 :0506 (2) - Counterfeiting and forgery: seals of departments or agencies
18 :0641 (8) - Embezzlement or theft: Public money, property or records
18 :1001 (22) - Fraud and False statements: Statements or entries generally
18 :1153 (1) - Offenses committed within Indian country
18 :1341 (11) - Mail fraud: frauds and swindles
18 :1344 (6) - Bank fraud
18 :1382 (1) - Entering military Naval or Coast Guard property
18 :1623 (1) - False declarations before grand jury or court
18 :1858 (1) - Public lands: survey marks removed or destroyed
18 :1905 (1) - Public officers and employees: disclosure of confidential information generally
18 :3565 (1) - Revocation of probation
21 :0331 (1) - Federal Food, Drug and Cosmetic Act: prohibited acts
42 :2273 (1) - Development and control of atomic energy: violation of sections
42 :4321 (1) - National Environmental Policy - Congressional declaration of purpose

VI. About TRAC

The Transactional Records access Clearinghouse (TRAC) is a data gathering, data research and data distribution organization associated with Syracuse University.

- **TRAC's Purpose**

The purpose of TRAC is to provide the American people — and institutions of oversight such as Congress, news organizations, public interest groups, businesses, scholars and lawyers — with comprehensive information about the activities of federal enforcement and regulatory agencies, and the communities in which they take place. What are the actual day-to-day activities of agencies? What do these actions indicate about agency priorities and practices? How does the activity of an agency in one community compare with neighboring regions and the nation as a whole? How have these activities changed over time? How does the record of one administration compare with the next? When the head of an agency or a district administrator changed, were there observable differences in actual enforcement priorities? When a new law was enacted or amended, what impact did it have on agency activities?

- **TRAC's History**

TRAC was established in 1989 as a research center at Syracuse University. It has offices there, and in Washington, D.C. It has been supported by Syracuse University, foundations such as the Rockefeller Family Fund, the New York Times Company Foundation, and the John S. and James L. Knight Foundation, research grants and contracts, and fees for services provided to academics, reporters, attorneys and others requiring specialized research and data preparation.

- **TRAC's Data**

TRAC's information about the federal government's enforcement and regulatory effort is based on masses of detailed data that it obtains from federal agencies through the systematic and informed use of the Freedom of Information Act. With the use of a variety of sophisticated statistical techniques, the raw information obtained from the agencies is checked and verified. Where possible, data from one agency are compared with data from another for general consistency. Through the addition of relevant population figures and staffing counts, the enforcement data is placed in an understandable context — such as the per capita number of prosecutions. County-level data on significant local community features are also incorporated to provide background about specific federal enforcement areas — such as banking for white collar crime and federal tax returns of relevance to tax fraud and IRS enforcement activities.

- **TRAC's Services**

TRAC offers various information services:

- **TRAC Web Sites.**

Since 1996, TRAC has mounted and updated a series of specialized sites on the World Wide Web with highly detailed but easy-to-access information about selected federal enforcement agencies. The sites — featuring colorful maps and graphs and thousands of pages of tables and other supporting material — are available to the public at large. There are separate TRAC Web Sites describing the enforcement activities and staffing patterns of the FBI, the IRS, the Drug Enforcement Administration and the Bureau of Alcohol, Tobacco and Firearms.

- **TRACFED** is a special site for news organizations. It allows reporters and editors to order up the tables they need on an expedited basis and to underatke their own data analyses on a

vast range of subjects. How frequently has the federal government brought criminal charges under any one of the nation's 3,000 criminal statutes? What happened? How have smaller agencies such as the Environmental Protection Agency, the Food and Drug Administration and the bank regulatory bodies enforced the law? What about the special government programs aimed at curbing organized crime or government corruption or the prosecution of spies and terrorists? TRACFED was developed, in part, with support from the John S. and James L. Knight Foundation.

- **TRAC Research.** Congressional committees, government agencies, public interest groups, news organizations, scholars and others frequently hire TRAC to create specialized data packages or to conduct focused data studies. Human Rights Watch, for example, needed data on how the government was enforcing the law against brutal enforcement officials. Morality in Media wanted information about the federal prosecution of pornographers. This PEER report is yet another example. One of the independent counsels sought information on how long the Justice Department took to prosecute cases under a selected group of statutes. News organizations like the New York Times, the Washington Post, U.S. News & World Report, the Wall Street Journal, the Rolling Stone, the Philadelphia Inquirer, the Boston Globe and the St. Louis Dispatch all had data needs that TRAC could satisfy.

The co-directors of TRAC are Susan Long, a statistician and professor in Syracuse University's School of Management who as a FOIA pioneer has specialized in federal enforcement issues for more than 25 years, and David Burnham, an investigative writer and former New York Times reporter who has covered local, state and federal enforcement issues since 1966.

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