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Introduction

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Introduction

by

MARY KAY KANE*

Good morning! My task this morning could not be a more pleasant one, for it is to welcome everyone on behalf of Hastings College of the Law to this *Hastings Law Journal* Symposium on the Federalization of Crime. We are honored by the presence of so many distinguished academics, jurists, and policymakers. Your interest in and excitement about today's topic ensures that the exchange of ideas should be enlightening, and we are grateful for your participation.

The entire movement toward federalization has been gathering momentum for some time, with the public's increasing fear of violent crime and Congress's desire to appear responsive. States and localities now handle more than ninety-five percent of the nation's law enforcement. However, in an effort to appease public concern, the federal government has assumed responsibility for prosecuting many crimes traditionally handled by the state court systems. This trend culminated in passage by Congress of the most comprehensive crime legislation in more than a decade—the 1994 Crime Bill.

Being a civil proceduralist, I know that many in this room are much more familiar with the details of that legislation than am I. But to recognize that the \$30 billion Crime Bill was designed to add some 100,000 new law enforcement officers, ban the manufacture and sale of military assault weapons, impose the death penalty on some 60 offenses, and help states build more prisons is enough to comprehend the breadth and scope of the task on which the federal government has embarked. It is not surprising that proponents of the legislation hail it as an effective way to approach the crime problem. The federal government, they argue, can provide superior resources as well as the infrastructure necessary to prosecute the most complex or violent crimes. Conversely, however, reports from the federal judiciary predict that the increased federal criminal caseload will produce significant additional delays in processing civil cases, essentially preventing

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civil litigants in most instances from ever getting to trial. The issues involving the federalization of crime are thus fully joined.

An exciting aspect of this Symposium is that it provides the opportunity to go beyond the rhetoric that has flavored the debate in the news media. The discussion today will examine several important issues, such as whether federalization can be a principled enterprise, the general pros and cons of federalization itself, and what crimes remain that should be federalized or that should be defederalized. The exploration of each of these topics seems to cover the entire gamut of issues to be considered, with the possible exception of the question of how to federalize the O.J. Simpson case. But the *Law Journal* was safe in leaving discussion of that to the news commentators.

And so, with no more delay, I would like to introduce to you Professor Evan Lee, who will be moderating the first panel.