

Effective Memo Writing: Reading and Ranking Assignment

Memos are brief professional documents, generally written to decision-makers—whether public, private, or nongovernmental. On the course website, the materials for this session include four brief items on memo-writing, plus five sample policy memos (listed below). Some of the "how to" content of this material may be familiar to you from earlier coursework or work experience. If so, consider this assignment a quick refresher to ensure that we all begin with similar assumptions about what's expected. If you have done little or no professional memo-writing until now, please give this material close attention.

Read the material, and come to the workshop prepared to discuss the following:

1. Using the criteria outlined in the memos on memo-writing (Section A), rank the five sample memos provided in Section B in terms of their overall effectiveness and readability. Try to focus on style and organization of argument rather than substance. Which is the most effective? which the least? Why?
2. Pick one of the less effective memos and outline some concrete improvements. *International students*. How do recommended or typical professional writing standards in your country or region differ from the expectations outlined here? Conversely, what's similar?
3. If your work or civic experience to date has required writing very different from what is recommended here, identify the circumstances: What was expected and why?

The reading material is in two sections:

A. "Memos on memos":

- Winston Churchill on brevity (World War II)
- Bob Behn on organization (headings and layout)
- Guidelines for effective informational memos
- Checklist for writing action memoranda (the most common form)
- Baldridge on writing style (effective, concise English)

B. Sample policy memos, U.S. government:

- B-1 Neustadt to President-elect John F. Kennedy on reorganization powers (1960);
- B-2 Lynn to Secretary Morton on Central Utah water project (1973);
- B-3 President Carter to the Director of NSF on tropical forests (1979);
- B-4 U.S. Courts Administrative Office to officers on AIDS (1987);
- B-5 Kleiman to White House Domestic Policy Council on the Federal Bureau of Investigation (FBI) taking over the Drug Enforcement Agency (1993)

Winston Churchill on "Brevity"

(THIS DOCUMENT IS THE PROPERTY OF HIS BRITANNIC MAJESTY'S GOVERNMENT)

SECRET

COPY NO. 51

W.P. (G) (40) 211.

9th August, 1940

WAR CABINET.

BREVITY.

Memorandum by the Prime Minister.

To do our work, we all have to read a mass of papers. Nearly all of them are far too long. This wastes time, while energy has to be spent in looking for the essential points.

I ask my colleagues and their staffs to see to it that their Reports are shorter.

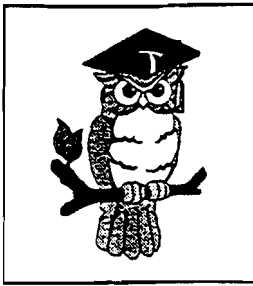
- (1) The aim should be Reports which set out the main points in a series of short, crisp paragraphs.
- (2) If a Report relies on detailed analysis of some complicated factors, or on statistics, these should be set out in an Appendix.
- (3) Often the occasion is best met by submitting not a full-dress Report, but an Aide-memoire consisting of headings only, which can be expanded orally if needed.
- (4) Let us have an end of such phrases as these:
"It is also of importance to bear in mind the following considerations.....", or "Consideration should be given to the possibility of carrying into effect.....". Most of these woolly phrases are mere padding, which can be left out altogether, or replaced by a single word. Let us not shrink from using the short expressive phrase, even if it is conversational.

Reports drawn up on the lines I propose may at first seem rough as compared with the flat surface of officialese jargon. But the saving in time will be great, while the discipline of setting out the real points concisely will prove an aid to clearer thinking.

W.S.C.

10 Downing Street.

9th AUGUST, 1940.



Wise Old Owl Consulting

Specialists in TQM (Total Quality Memos)

Robert D. Behn, Head Owl
Box 90246, Durham, NC 27708-0246
919-684-4477 FAX: 919-681-8288

TO: Colleagues and Friends
FROM: Bob Behn
RE: The Art of the Memo
DATE: Thursday, December 2, 1993

A memo communicates ideas. But it does this not only through its words and sentences. A memo also communicates ideas through its headings and layout. A reader should understand the message of a one-page (or ten-page) memo not only after a thorough reading, but also at a glance.

I. Headings Can Convey A Lot of Information

Headings accomplish three important purposes:

- (1) Headings force you to organize your memo. You can't produce intelligent and useful headings unless you have thought through both your message and **how** you will communicate it.
- (2) Headings convey your organization to the reader. Like the chapter titles in a book, the headings in a memo tell the reader what information to expect when.
- (3) Headings can also convey your message themselves. Well organized and well designed headings can quickly give your reader the basics of your message.

II. The Layout Can Make the Message Easy to Understand

The esthetics of a memo contribute to its message. Indeed, a memo's layout can make people want to read it. So, design a layout to convince potential readers that you have an important message that they can easily understand by quickly reading your memo.

Consequently, don't make your readers go searching through your trees to find your forest. Don't clutter up your memo with *italics*, **boldface**, underlining, double underlining, or CAPITAL LETTERS. Use such devices sparingly to highlight the core of your message, not to obscure it.

III. "Message: I Care!"

If you have an important message -- if you have a message that warrants spending the time to write it out carefully and clearly -- then you also ought to spend enough time to ensure that the page on which that message appears contribute to the communication of the message. A well-written, well-organized, well-laid-out memo tells the reader that you have a message that is so important that it was worth your valuable time to present it clearly.



Guidelines for Effective Informational Memos

Writing clear, informative memos is a critical to your career whether you are a policy maker, engineer, architect, consultant, or activist. Informative memos help lay the ground work for critical decisions that you and others will be making. Informative memos are not decision memos; they do not recommend a course of action. Instead, informative memos are directed to a decision maker and seek to:

- highlight options
- compare alternatives
- provide analysis

As such your ability to convey complex information simply is key. Also important is your forethought about the concerns of the decision maker and deciding how to address each concern.

Of course no writing is unbiased and while you will likely have an opinion about the best course of action, save these strong opinions for later. Instead, challenge yourself to carefully lay out each critical issue, idea or plan and analyze these using a carefully chosen structure (e.g., pros/cons, long term/short term). Think of an informational memo as a document that sets the stage, frames the issues, and provides the detailed analysis that feeds into the larger decision. When you know what your decision maker expects (audience) and you give her what she needs clearly and concisely (meeting expectations), you become part of the decision making team.

Okay, so here's the strategy:

1. Include a Summary Paragraph:

Similar to an action memo, here you need to summarize the contents of the memo. However, your decision maker doesn't want an action plan. She will create that (or have you create it later). Instead:

- State the issue (1 sentence)
- Summarize the analysis briefly (1-3 sentences)
- Outline the options (1-3 sentences)

2. Focus on the content of the memo:

The body of the memo is where the analysis goes. Here you want to explicitly tell the decision maker that she will need to make a decision about the issues that you will present one by one. For each issue you need to:

- Name and explain briefly each issue – most important issue goes first
- Provide the analysis at a level expected by the reader (don't include raw data, if she wants to focus on trends)
- Discuss options
- Use a sub heading to divide issues

3. Craft the Conclusion

Informational memos have conclusions that state what the next steps are, but don't draw conclusions or recommend any specific action. It is not about providing a distinct answer to a question but providing a variety of well-analyzed options.



Massachusetts Institute of Technology

4. Don't under estimate the power of tone in writing

Get in the habit of thinking about who you are writing to and where the memo might end up (the press, a higher up, etc.) Everything you write these days and send electronically (even e-mail) should be carefully crafted, edited and then scanned for problems. Informative memos have a distinctively neutral tone. They don't seek to sell an idea, although your choices about what to present and how will often persuade a decision maker. In general tone should be:

- Diplomatic
- Acknowledge problem areas
- Advance options without arguing with existing policies
- Tactful, not patronizing or insistent

Practicing more than one style of memo writing will help you fine tune and develop your individual style.

CHECKLIST FOR WRITING ACTION MEMORANDA

Structure

- Directly address your reader's needs in the opening lines.
- Cover background in just a few words and then go quickly into a summary of your recommendations.
- Break down your discussion into meaningful sections in a significant order, reflect that order very briefly in your opening paragraph, and then stick to it.
- Use subheads to summarize key points, like headlines, for easy skimming (in boldface or underlined).
- State the main idea of each paragraph within the first two sentences.
- The rest of the paragraph supports or qualifies the main idea with concrete data.
- Distill and group information into bullet points with appropriate headings.
- If using a conclusion, frame your recommendations in a broader context, rather than merely summarizing your main ideas.

Content

- Anticipate your reader's most pressing needs and focus on what you know and she or he doesn't.
- Specify your assumptions and justify them when necessary.
- Keep discussions of problems and their potential solutions close together and indicated as such.
- Find creative, meaningful ways to express key statistics.
- Evaluate your options by balancing out their costs and benefits.
- Briefly discuss alternatives or counterarguments whenever feasible.
- Balance recommendations with discussions of their evaluation and implementation

Courtesy of Xavier de Souza Briggs. Used with permission.

- Consider the political implications of your recommendations whenever relevant.
- Whenever possible provide your reader with fallback positions in case your preferred options are not attainable.
- Make sure issues of equal importance take up equivalent space: the more important, the more space, and vice versa.
- Consider closing with a discussion of "next steps"-- short- and long-term implementation.

Audience

- Give your reader a clear answer to his or her paramount concern: "Why am I reading this?"
- Recognize your intended reader's degree of prior knowledge: try not to over- or under-explain.
- Anticipate your reader's probable questions, concerns, and objections and answer them directly.
- Choose your words carefully: your memo may be forwarded to secondary readers.

Style

- Avoid such wordy introductions as "It is an important consideration to keep in mind that...." Instead, you just get right down to the point.
- Never use two words when one will do.
- Use the active voice whenever possible.
- Use parallelism in all types of lists.
- Choose the plain English word over its more inflated Latinate equivalent.
- Match vocabulary, word choice, and use of jargon to your reader's background and level of expertise.

** The late Commerce Secretary Malcolm Baldrige issued this directive to his staff in December 1984. We reproduce it here by permission and invite your reactions.

1

SECRETARY'S WRITING STYLE **

Clarity and brevity are key factors when preparing correspondence for the Secretary or Deputy Secretary. The Secretary wants short sentences and short words, with emphasis on plain English. Use no more words than effective expression requires.

o Answer questions specifically.

o—The response should be no more than one page, where possible.
When answering a series of questions, prepare a brief cover letter and attach question and answer page (or pages).

o—If the response is negative, be polite, not abrupt.

o—Avoid wordiness. Keep sentences lean and short.

o—Use the active rather than the passive voice.

o—Use no unnecessary adjectives or adverbs. Write with nouns and verbs to strengthen letter.

o—Do not use nouns or adjectives as verbs, such as:
to impact
to interface
it obsoletes

o— Use the precise word or phrase.

datum (singular) - data (plural)—
criterion (singular) - criteria (plural)—
subsequent means after, not before—
different from, not different than—
insure means to guarantee against financial loss.—
ensure means to make sure or certain. (Although insure and ensure —
share the same meaning, this usage is preferred.)
affect means to influence; to act upon; to alter; to assume; to adopt
think is mental; feel is physical or emotional (think thoughts;
feel feelings)

o—Please stop using affected or imprecise words. Some examples:

alternatives (use choices)	output
delighted (use pleased or happy)	overview
dialogue	parameter (use boundary or limit)
effectuated	self-initiate
enhance	specificity
facilitate	target or targeted
glad (use pleased or happy)	thrust
hereinafter	unique
hopefully (use I hope)	viable
image	
input	
ongoing (prefer continuing)	
orient	

- o Please stop using ALL "ize" words. Some examples:

finalize	prioritize
maximize	utilize (prefer use)
minimize	utilization
optimize	

- o Please stop using the following phrases:

as you know, as I am sure you know, as you are aware
 at the present time (use at this time)
 bottom line
 contingent upon
 due to (use because)
 I am deeply concerned
 I appreciate your concern (or interest or views)
 I believe, we believe (unless speculating on future action)
 I regret I cannot be more responsive (or encouraging)
 I share your concern (or interest or views)
 I understand (unless speculating on future action)
 I would hope (use I hope)
 in essence, the essence
 in terms of
 it is my intention
 more importantly (use more important)
 mutually beneficial
 needless to say
 point in time
 positive feedback
 prior to (use before)
 subject matter
 thank you for your letter expressing concern (use Thank you
 for your letter regarding...)
 time frame
 subject matter

- o Avoid

closing the letter too abruptly. (Thank the writer for his or her
 interest or support.)
 one-sentence paragraphs in body of the letter.
 over-quoting Writer's letter.

- o Eliminate gender-specific language whenever possible.

worker (instead of workman)
 chairperson (instead of chairman)
 reporter or newscaster (instead of newsman)
 officer (instead of policeman)
 astronaut (instead of spaceman)
 mail carrier (instead of postman)
 committeeperson (instead of committeeman)

- o Avoid redundancies, such as
 - enclosed herewith
 - end result
 - future plans
 - important essentials
 - new initiatives
 - personally reviewed
 - serious crisis
- o Avoid split infinitives (placing an adverb between to and the verb) unless a split infinitive makes the sentence less awkward.
- o Do not use addressee's first name in the body of the letter.
- o Do not refer to the date of the incoming letter.
- o Stop apologizing, such as:
 - I regret the delay in responding to you.
- o Do not close a letter with the following phrases:
 - Please let me know if I can be of further assistance.
 - I hope this information is helpful.
- o Annual Reports to Congress (transmittal letter)
 - Use: I am pleased to submit
- o Closing the letter
 - Do not use:
 - With best wishes,

The following quote from The Elements of Style by Strunk and White reflects the Secretary's style:

"Vigorous writing is concise. A sentence should contain no unnecessary words, a paragraph no unnecessary sentences, for the same reason that a drawing should have no unnecessary lines and a machine no unnecessary parts. This requires not that the writer make all his sentences short, or that he avoid all detail and treat his subjects only in outline, but that every word tell."

Secretary Baldrige says, "In short, halfway between Ernest Hemingway and Zane Grey with no bureaucratese."

MEMORANDUM FOR SENATOR KENNEDY

December 15, 1960

FROM: RICHARD E. NEUSTADT

SUBJECT: REORGANIZATION POWERS

As you know, the Reorganization Act of 1949, as amended, expired without extension on June 1, 1959. A number of reorganization actions which you may wish to take early in your term could be advantageously handled by Reorganization Plans, in lieu of legislation, if reorganization powers were available to the President.

Senator Jackson has told me of your agreement that he should negotiate with Senators Humphrey and McClellan to jointly sponsor a renewal of the Act for introduction in bill form immediately after Congress convenes. This would be a matter of their initiative and they would arrange for simultaneous introduction in the House.

The vision of a McClellan-Dawson Bill delights me!

While you would not have to make a formal recommendation on this matter when the Bill was introduced -- since you would not be President -- prospects for quick action require, first, that your preferences be known to the sponsors, and second, that the Congressional leaders know you would appreciate fast action.

The second point can be left for later discussion. What concerns me now is the first point: your preferences for the content of a "McClellan-Jackson-Humphrey-Dawson Bill" to be negotiated, in the first instance, by Senator Jackson's office.

In establishing your preferences, there are five things to be decided:

1. Duration. McClellan's view has been that one Congress should not commit the next. Despite this, I think it would be well if you encouraged Jackson to try for "the duration of the President's term"; that is to say, four years. One can bargain down from this.

2. Coverage. The Act, as last amended before its expiration, had no significant exclusions except: (1) that Departments could not be abolished by Reorganization Plan and (2) that all non-civil service posts established through a Plan were subject to Senate confirmation. There is no need to quarrel with the first of these limitations. It would be nice, however, to get rid of the requirement for confirmation in the case of all appointive officials. So long as this requirement remains in the Act, complicated gimmicks are necessary to get subordinate bureau chiefs, special assistants to Secretaries, et al., out from under confirmation.

The confirmation provision could be dropped more easily by the House than by the Senate, but it seems to me worthwhile for Senator Jackson to have a try at it.

3. Forms of Congressional Veto. In the original Roosevelt Reorganization Act, a Congressional veto of Reorganization Plan required a joint resolution of both Houses (but in return for this, number of agencies were excluded from reorganization). In the 1949 Act, as amended, most exclusions were dropped and a one-House veto substituted, with the requirement that disapproval be by "constitutional" majority. In the 1957 Amendment of the Act, the one-House veto came to be a matter of simple majority. This occurred when you were Subcommittee Chairman, and I hope I do not bore you with details.

From your point of view as President, it would be nice to get back to the constitutional majority provision while returning veto by one House. I see no point in trying to go farther than that. But I expect it would be worthwhile for Jackson to seek that much. Again, this leaves some room for bargaining.

4. Authorizing new agencies to use other agencies. The Budget Bureau staff favors a technical amendment which would specifically permit a new agency created by Reorganization Plan to utilize the services of other agencies in carrying out its functions. This amendment is desirable, though not urgent. I would not recommend that Jackson's staff, or anybody else, fight to the death for it. But it might prove useful in the case of a Department of Urban Affairs, if this went the reorganization route. So I think Jackson should seek it in the first instance.

5. Special powers for Executive Office reorganization. The Budget Bureau has long favored special reorganization power regarding the Executive Office of the President. The idea is to give you freedom to shift titles, function, staffs, as suits your convenience, without further reference to Congress.

An attempt to tack this special power onto the Reorganization Act probably would slow the progress of the new bill. But Senator Jackson could take soundings on this if you wished. Alternatively, he could take a flier at a separate bill to be introduced by the same sponsors at the same time. Finally, he could do nothing about it at all. On balance, I suggest doing nothing. The special power would be nice, but you can manage without it.

It is quite likely that Congressional consideration of renewed reorganization powers before Inaugural will involve two kinds of bargaining or, more precisely, of efforts to draw you into bargaining.

- a. With regard to reorganizations that you have in mind, or which you are thought to have in mind for Defense, HHFA, State, etc., etc.
- b. With regard to your position on rules changes in the two Houses, on the timing of Civil Rights legislation, and on the timing of Executive actions in the sphere of Civil Rights.

For example, I hear rumblings from a source associated with Senator Kerr that "responsible" Senators are concerned about a Department of Urban Affairs.

I take it for granted that this expression of concern has something to do with other concerns. If the Reorganization Bill is to be introduced on January 3, it may be necessary, soon, to formulate the limits of your interest in the Bill's progress as it relates to these other matters.

Administration sources have informed me that President Eisenhower might be happy to recommend a renewal of reorganization powers before he leaves office. This seems to me a useful thing for him to do provided it is not done on your solicitation. However, it is to be hoped that any spontaneous initiative by the President would be supportive of a prior action on the part of Democratic Senators and Congressmen. I doubt that it would improve Senator Jackson's negotiating position if those with whom he had to deal were asked, in effect, to carry out Eisenhower's recommendation.

Perhaps Elmer Staats could keep track of this matter, with reference to your interests as well as to Eisenhower's.

Once I know your preferences on the points outlined above, Senator Jackson's staff can begin negotiations with the other Senators and Congressmen.

R.E.N.

This content is in the public domain.

MEMORANDUM

TO: Secretary of the Interior Rogers C.B. Morton
THROUGH: Under Secretary John Whitaker
FROM: Asst. Secretary, Program Development and Budget
Laurence E. Lynn Jr.
RE: Bonneville Unit, Central Utah Project
DATE: October 19, 1973

Recommendation

After analyzing the Bonneville Unit and examining the immediate proposal to award a contract for construction of Carrant Creek Dam, I recommend that you elect to reformulate the Bonneville Unit.

Summary of Analysis

Most of the problems with the continuation of the Bonneville Unit stem from the diversion of Uinta Basin water to the Bonneville Basin: high quality fisheries would be damaged; problems of replacing the deferred Indian water have not been faced, and major energy development possibilities such as oil shale, oil field development and refining, and thermal power would be forgone. On the other hand, incremental supplies of M&I water can be developed in the Bonneville Basin by features of the Bonneville Unit and other alternatives to meet the needs of Salt Lake County until well into the next century.

Furthermore, it is our understanding that we can even meet our short term commitments to provide M&I water, because the existing portions of the Strawberry Aqueduct are yielding about 4,000 a.f. per year, which is being stored in Strawberry Reservoir.

Conclusion

In the future, we should place our emphasis on the orderly development of M&I water for Salt Lake County, developing a firm plan for providing water to the Ute Indians, and ensuring water availability for energy development in the Uinta Basin.

THE WHITE HOUSE

Memorandum From the President
August 2, 1979

For the Director, National Science Foundation

In my Environmental Message of August 2, 1979, I expressed concern about the rapid disappearance of the earth's forest, especially in the tropics and sub-tropics. I believe there is much that the United States can do in cooperation with other nations to contribute to environmentally sound care and management of the earth's forest and to the well-being of people affected by them.

I am therefore requesting that you give high priority in your budget and program planning and research support programs to forests and to the following areas of basic and applied research:

- . research on the ecology of tropical forests;
- . improved monitoring of world forest trends, particularly tropical forests, including use of satellite observations;
- . research on necessary preservation of natural forest ecosystems and their rich complex of plant and animal life;
- . research on multiple uses of highly diverse tropical forests, including management of natural stands, development of ecologically sound forest plantations, and combined agriculture and forestry;
- . studies on increasing yields in family-scale tropical agriculture, to relieve pressures on forest lands that are not suitable for cultivation;
- . identification of research methods to define the ecological disturbance in tropical forests from human activities, and to predict recovery of stressed forest systems.

Please give this assignment your immediate attention.

Jimmy Carter

Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS
Washington, D.C. 20544

Chief of the
Division of
Probation

Deputy Director

August 11, 1987

MEMORANDUM TO ALL CHIEF PROBATION AND CHIEF PRETRIAL SERVICES OFFICERS

SUBJECT: Human Immunodeficiency Virus

This memorandum addresses issues concerning the supervision of persons on probation, parole, or charged with offenses who have been infected with human immunodeficiency virus (HIV) which causes acquired immune deficiency syndrome (AIDS). As a result of the recent policy of the Federal Bureau of Prisons to test inmates for HIV prior to release, there will be an increase in the number of persons under parole supervision who are known to have been infected with HIV. Some of these persons may develop AIDS during supervision.

HIV and AIDS are essentially public health issues. We should, however, develop linkage between our service and public health systems to adequately address any responsibilities we may have to persons under supervision and the community. We recommend you contact state or local health departments to ascertain the availability of programs for the treatment and counseling of persons who test positive for HIV or have developed AIDS. Please familiarize yourselves with state public health laws. There may be other community organizations and networks which offer services specifically to persons with AIDS or AIDS-related conditions. Referrals to drug treatment programs for drug dependent offenders should also be given a high priority.

It is important to make certain officers are educated concerning HIV and AIDS so that they may provide information on AIDS prevention to persons under supervision. Education on preventing exposure to or transmission of the virus is strongly advised for clients who are homosexual or bisexual, or who have been involved with intravenous drug abuse or prostitution. Persons released from confinement who have been identified as positive for HIV or as having AIDS should be evaluated immediately upon release to determine their treatment, education, and counseling needs. Unless prohibited by state or local law, officers should make referrals to public health care systems or other community organizations. Such referrals are particularly important if the client presents a risk of transmission of the virus to others in the community. Local and state public health agencies may be able to provide counseling and, in some jurisdictions, tracing of prior sexual and intravenous drug contacts, in addition to making appropriate third party warnings.

The Probation Division has provided a variety of AIDS information in section "G" of the training binder from the National Conference for Chief and Deputy Chief U.S. Probation and Pretrial Services Officers. A recent publication by the National Institute of Justice entitled "The cause, transmission, and incidence of AIDS" is attached to this memorandum. Additional information from the National Institute of Justice and other sources will be provided as

it becomes available. The U.S. Parole Commission will be requesting public comment on conditions of parole for persons who test positive for HIV, and disclosure of blood test results and foreseeable risk to third parties. Further action is contemplated at the Commission's October meeting. The Office of General Counsel plans to provide more information relating to disclosure and third party risk for persons on probation or bail supervision.

Questions relating to HIV and AIDS may be directed to Probation Programs Specialist _____ at FTS 000-0000.

(Chief of the Division of Probation)

HARVARD UNIVERSITY
JOHN F. KENNEDY SCHOOL OF GOVERNMENT

MARK A.R. KLEIMAN
Associate Professor of Public Policy



79 JOHN F. KENNEDY STREET
CAMBRIDGE, MASSACHUSETTS 02138
TEL (617) 495-5188
FAX (617) 496-9053

TO: Mr. José Cerda
Domestic Policy Staff
FROM: *JK* Mark Kleiman
SUBJ: Reorganizing Drug Law Enforcement
DATE: September 15, 1993

Merging the DEA into the FBI, if it could be implemented successfully, would have some long-term benefits, especially in the reduction of destructive competition and the strengthening of the Department's position vis-a-vis other agencies, especially the Customs Service.

But the almost certain immediate results would be reduced productivity and management control within the entire merged entity. Managing the merger would be an almost bottomless sink into which the new Director's time and energy would flow, limiting his ability to navigate the Bureau through its post-Cold War transition. If the period of disorganization and distraction were as short as three years, that would count as a considerable managerial achievement.

Moreover, even in the long run, some of the results of a merger would be undesirable. Drug enforcement needs to reflect the logic of the drug markets, which dictates that new suppliers will appear to fill the market niches left by enforcement actions against existing suppliers. The strategy of catching as many of the worst bad guys as possible, which is a sensible strategy for non-transactional, "predatory" crimes such as bank robbery and auto theft, and which is at the heart of the FBI's approach to law enforcement generally, is seriously deficient as applied to drug law enforcement. Crafting drug enforcement strategy with careful attention to its likely effects on the drug markets would be completely contrary to the way the Bureau does the rest of its business.

Thus a merger would seriously compromise the prospect of fielding a drug law enforcement effort well-designed to reduce the supply of drugs. DEA's capacity for market analysis, and its commitment to act on the results of that analysis, both need to be strengthened; the new DEA Administrator, if there is one, will face no more important task. But at least the DEA understands that its bottom line is not arrests and convictions, but progress against drug abuse. It can and should be encouraged to put that understanding into practice. For the FBI to do so would be such a departure from the operating style which has served it well in other areas as to be wildly implausible.

There are alternatives to a merger with better prospects for good results. A partial reverse merger, with the FBI keeping Title 21 jurisdiction but investigating drug cases only against individuals or groups previously identified as non-drug violators (e.g., LCN, El Rukns), and most FBI drug resources (with or without bodies) gradually being transferred to DEA, would reduce destructive competition and increase productivity and strategic focus. Even in the status quo within DoJ is maintained, a renegotiation of the treaty with the Customs Service could do more to reduce the overall level of interagency friction in drug investigations than would a merger.

From what I can see, only the FBI and some of the staff of the National Performance Review support the merger. The newspapers report that Congressional sentiment toward it is cool. That is considerably warmer than the sentiment among the handful of academic students of drug enforcement: Peter Reuter, James Q. Wilson, and Mark Moore all think it a thoroughly bad idea. My small and unscientific survey of local law enforcement suggests not much more enthusiasm from that quarter. All the former DEA administrators, including the two who came from the FBI, are against it.

None of this opposition would matter much if the process produced rapid success, but they could make a difficult transition a political catastrophe. Both current DEA agents, embittered by their subjugation to an agency which despises them, and the Customs Service, threatened by facing a much more powerful DoJ competitor agency, would be eager to make the rocky nature of the transition known to the press and the Congress. Reports of disorganization, accompanied by falling arrest statistics (and by falling heroin and marijuana prices, likely to happen in any case for unrelated reasons), could provide the pretext for still more complaints that once again the Administration has neglected the war on drugs, can't manage competently, and so on. There seems to be no reason to accept short-term problems and accompanying political static without the prospect of better long-run results than the merger is likely to deliver.

This content is in the public domain.

MIT OpenCourseWare
<https://ocw.mit.edu>

11.003J / 17.303J Methods of Policy Analysis
Spring 2016

For information about citing these materials or our Terms of Use, visit: <https://ocw.mit.edu/terms>.