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# Foreword

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# Symposium: Government Fraud, Waste, and Abuse

## Foreword

In recent years the problem of government fraud, waste, and abuse has grown to epidemic proportions. Opportunities for defrauding the government are numerous,<sup>1</sup> and the fraud often goes undetected.<sup>2</sup> One government report concluded, "The sad truth is that crime against the Government often does pay."<sup>3</sup>

The statistics are alarming: estimates of losses range from \$2.5 to \$25 billion per year in government benefit programs.<sup>4</sup> Recent reductions in federal spending and the resulting reductions in federal law enforcement personnel will further prevent the federal government from reducing fraud in its programs.<sup>5</sup> All taxpayers foot the bill for government fraud, waste, and abuse, and for the impotence on all levels of government in fighting it.

*The Notre Dame Law Review* offers this symposium on government fraud, waste, and abuse to aid legislators, attorneys, government officials, and judges in formulating solutions to this growing problem. This issue includes articles on legislative solutions to the problem by Senator William V. Roth, Jr. and Richard P. Kusserow, Inspector General of the Department of Health and Human Services. An article by Professor Erwin Chemerinsky advocates a taxpayer's remedy to government fraud. Finally, Richard A. Nossen, an expert in

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1 GENERAL ACCOUNTING OFFICE, FEDERAL AGENCIES CAN AND SHOULD DO MORE TO COMBAT FRAUD IN GOVERNMENT PROGRAMS (1978). A follow-up study in 1980 concluded that the problem was "widespread." GENERAL ACCOUNTING OFFICE, FRAUD IN GOVERNMENT PROGRAMS: —HOW EXTENSIVE IS IT?—HOW CAN IT BE CONTROLLED (1980).

2 GENERAL ACCOUNTING OFFICE, FRAUD IN GOVERNMENT PROGRAMS: —HOW EXTENSIVE IS IT?—HOW CAN IT BE CONTROLLED (1980). The report revealed that the Department of Justice declined to prosecute 61% of the 12,900 referrals to it. *Id.* at ii. Only one-third of those prosecuted and convicted received prison time. *Id.* at iii.

3 *Id.* at cover summary.

4 N.Y. Times, May 17, 1982, at 11, col. 2. See also *Fraud, Abuse, Waste, and Mismanagement of Programs by the Department of Health, Education, and Welfare: Hearings Before the Permanent Subcomm. on Investigation of the Senate Comm. on Governmental Affairs*, 95th Cong., 2d Sess. 3 (1978) (estimating losses of \$7.4 billion in taxpayer funds through fraud, abuse, and waste in benefit programs).

5 See *Hearings on the Departments of Commerce, Justice, and State, The Judiciary and Related Agencies Appropriations for 1983, Before a Subcomm. of the House Comm. on Appropriations*, 97th Cong., 2d Sess. 26 (1982) (statement of Senator Joseph Biden) (20,000 positions cut from nine most prominent law enforcement agencies from 1981 levels).

prosecuting financial crimes, explains the "net-worth" concept and its use in prosecuting persons accused of defrauding the government. The issue also offers a student-authored note discussing the legal tools available to government officials in the fight against government fraud, waste, and abuse.

Because the tax dollars spent on law enforcement each year cannot keep pace with rampant government fraud, federal, state, and local governments must make more efficient and creative use of available funds. *The Notre Dame Law Review* hopes that this symposium will suggest methods by which legislators, government officials, and attorneys can develop the efficiency and creativity necessary to decrease the amount of tax dollars lost each year through fraud, waste and abuse.