

**DRAFT**

Crime Bill -  
Republicans

**MAJOR THEME:** Although this is a national emergency, we should give state and local officials the tools they need to get violent criminals off the street.

**I. Violence is the number one health crisis in America.**

**Murder** [all figures based on FBI Mid-Year 1993 Report]:

o Since Congress adjourned the day after Thanksgiving, there have been an estimated 4,035 murders. 65 (est.) murders occur each day.

o More important, there have been 1,410 (est.) murders since Thanksgiving committed by people out on some form of early release from prison.

**Violent Crimes:**

o There have been 294,060 violent crimes committed since Congress adjourned.

o 112,967 violent crimes have been committed by people on some form of early release.

o We are currently releasing prisoners early at the rate of 979 per day.

o Over 60% of criminals given probation had a disciplinary proceeding for violating the conditions of parole or were arrested for another felony within 3 years.

(Source: Crimestrike)

**II. The causes of crime run deep. But one of the most pressing is that the link between crime and punishment has been stretched to the breaking point. In too many cases it has snapped. For example:**

**A. Predatory criminals.**

o Studies show that 7% of men commit more than two-thirds of violent crime.

o Almost 30,000 of the 147,000 (20%) people convicted of violent crimes (murder, rape, robbery, aggravated assault) in 1990 received sentences that included no prison or jail time at all.

o For every 100 crimes committed, only 3 criminals go to prison.

o Even when a criminal is caught and convicted, there is a 50% chance

the felon will not spend a day in prison.

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o That means an estimated 60,000 violent offenders will not go to prison this year, including 1100 convicted murderers and 6900 convicted rapists.

(Source: Crimestrike/BJS)

B. The human toll is the great tragedy of our time: Kids are planning their own funerals.

o According to the National Institute of Justice, five out of six 12 year olds will be the victim of a violent crime in their lifetime. (Crimestrike)

o MIT reports that a boy born in 1974 stands a greater chance of being a victim of a homicide than a soldier in World War II stood of dying in combat. (Crimestrike)

III. Clinton Administration Record: Talks tough. Actions don't measure up.

A. The Freedom Foundation recently released an analysis of the Clinton Administration's first year in office. Here are some excerpts from their findings:

I. Internal Administration Policies/Budget:

o FBI: there are approximately 250 fewer agents in FY 1994 than FY 1993.

o In 1993, there was no graduating class from the FBI training academy.

o The Clinton budget request proposed a reduction in prison construction by 40% over the next four years.

o Nearly 50,000 of the 100,000 police Clinton keeps promising consist of college students (National Service plan) and security guards.

o Funding for the Drug Czar's office was slashed by 84%. Staffing was cut from 146 people to just 25.

o Even worse, Clinton's Surgeon General Joycelen Elders repeatedly calls for studies of drug legalization.

o The Clinton Administration has announced a drastic cutback on drug interdiction, particularly efforts to catch cocaine smuggled in from South America.

o Elimination of "Project Triggerlock". In 1991 and 1992, DOJ brought federal gun charges against more than 15,000 violent criminals. With a conviction rate of nearly 100%, DOJ was sending these offenders to prison for an average of 8 years.

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o **Elimination of "Weed and Seed."** This was another Bush DOJ program that was designed, in a coordinated way, to "weed out" violent criminals while "seeding" the area with federal, state and local assistance aimed at promoting economic development.

o **Mandatory Minimums:** Attorney General Reno sent a directive to all US Attorneys that in effect officially instructed all federal prosecutors that they may ignore charging defendants with mandatory penalties if, in their subjective view, the penalties would be unreasonable. The directive reverses the guidelines established by Attorney General Thornburgh which required defendants to be charged with the most serious and readily provable offenses.

o **Child Pornography:** Deputy Solicitor General Paul Bender was the Chief Counsel of Presidential Commission in the 1970s that recommended abolishment of all federal and state child pornography and adult obscenity laws). The Justice Department continues to argue in court for a more relaxed interpretation of child pornography laws.

o **Selection of Anti-Law Enforcement Judges:** even though the Clinton Administration has been extremely slow in nominating candidates for the Federal Bench, the ones that have been nominated show an anti-law enforcement bias. For instance, Florida State Supreme Court Justice Rosemary Barkett, who has been nominated to serve on the 11th Circuit Court of Appeals, has a long record of liberal views on crime, including empathy for convicted murderers and a willingness to unreasonably tie the hands of police officers.

## 2. Legislative Priorities:

o **Opposition to Mandatory Minimums:** Last September DOJ expressed its opposition to about a dozen new crimes involving mandatory minimums. Most of these crimes involved the criminal use or possession of firearms, even though they were adopted by both the House and Senate in the last Congress. One, for example, would have established a mandatory ten-year sentence for a criminal who used a semi-automatic weapon in a serious crime.

o **Opposition to Drug Kingpin Death Penalty.** Again, DOJ, citing constitutional concerns, asked Congress to drop the death penalty for drug kingpins. This also has been passed by the House and Senate on two occasions.

o **Support for More Delays by Death-Row Inmates.** The Clinton Administration expressed strong support for the Biden "habeas corpus" legislation. It would overturn several important Supreme Court decisions that have significantly limited continuous legal challenges by murderers on death row.

(Source: First Freedom Foundation)

## **B. Governor Clinton's Arkansas Record. From 1980 to 1991:**

o The violent (murder/rape/robbery/aggravated assault/burglary) crime rate in the US increased by 27%. In Arkansas it increased almost three times as fast (77%). This was the fourth highest rate of increase in the country.

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o The prison population in Arkansas increased by only 87% during that time, compared to 130% nationwide. Arkansas ranked 33rd in increase in prison population.

o By contrast, New Hampshire's prison population increased by over 600% (1980 to 1992) while its violent crime rate fell by nearly 50%.

(Source: Crimestrike)

**IV. Reform agenda.** Even though the causes of crime run deep, we have to start by restoring order. The following is a menu of options that, in addition to the McCollum task force's recommendations, should be considered:

**A. Emphasize federal/state partnership.**

o **Assist States in expanding prison capacity.** Decisions have to be left to local and state officials. Funding should be provided in a deficit neutral way (e.g., pay for building new prisons by cutting 252,000 federal bureaucrats.)

o **Military bases and other facilities** should be pressed into duty on an emergency, temporary basis to remove immediately the most violent offenders.

o **Provide legal reforms** that will ensure that prisons and jails are safe and habitable but will not allow persons in custody to live better than law-abiding persons living at the poverty level. In addition the reforms should require able-bodied prisoners to work (without private sector job displacement) and to demonstrate high school diploma equivalency prior to release.

o **Pass an effective, believable federal death penalty** such as the one proposed by Representative George Gekas.

**B. State Role:** 95% of crimes fall within jurisdiction of state and local governments. Grassroots organizations in your district should pressure local governments and State legislatures to pass some of the following initiatives:

**1. Launch an aggressive prison building program** and encourage the enactment by the states of legal authority to privatize prison, jails and other detention facilities.

o Avoid micromanaging the construction of the prisons like the Senate crime bill does.

o In 1986 a crash prison building program in Michigan doubled the inmate population in five years. By 1990, robbery and burglary rates each fell by more than 20%. In Detroit, burglaries dropped by 32%, robberies by 37%.

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o In response to the criticism that it is too expensive to build more prison cells, it should be remembered that although the cost of incarcerating a criminal is approximately \$23,000/year, the cost of that criminal on the street is estimated to be \$452,000/year. Of course for the families of crime victims, such as Polly Klaas, the human cost is beyond calculation.

**2. In emergency, high crime areas, local officials should be given the authority to waive federal statutes and unfunded mandates, with appropriate, fast track review, to build more prison cells faster and to free up additional resources for crime fighting initiatives.**

**3. Mandatory life prison sentence without release for the second conviction for violent felony and the third conviction for non-violent felonies.**

o In addition, since most versions of the federal "three-strikes and you're out" legislation apply only to federal crimes and crimes committed on Indian reservations, ballot drives and other petition initiatives should be launched to put similar legislation on state ballots for the upcoming November election. This would be an ideal activity for local citizen groups.

**4. Problem: 65% of all state felony defendants charged in 1990 were released from jail while awaiting trial. Almost 18% of those released were rearrested while on pre-trial release. Defendants with at least one prior felony conviction had a rearrest rate of 28%. Two-thirds of the defendants who committed crimes while on pre-trial release were released again.**

**o Solution: Strengthen legal authority for the pretrial detention of dangerous defendants.**

**5. Problem: One person in five convicted of a violent crime in 1990 received sentences that included no prison or jail time at all. 28% of those convicted of aggravated assault and 14% of those convicted of rape were sentenced to straight probation.**

**o Solution: More mandatory minimum sentences with graduated punishment schemes that impose a stiffer mandatory prison term for repeat offenders or those who have violated parole.**

**6. Problem: On average, violent offenders released from prison in 1990 had received a sentence of 7.8 years, but served only 3.1 years before they were released. Nearly half of the violent offenders were discharged from prison in 2 years or less and almost three-quarters were back on the streets in 4 years or less.**

**o Solution: "Truth-in-sentencing." Prison release policies should require every inmate to serve no less than 85 percent of the prison sentence imposed by court.**

**7. Problem: Between 1981 and 1990, murders committed by adults rose 5.2%. Murders committed by juveniles increased 60% during that time. In 1990, people**

under 21 were responsible for more than a third of all murders in this country. Homicide

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is now the third leading cause of death for elementary and secondary school children.

**o Solution:** Overhaul our juvenile justice system so that it that provides early intervention strategies for "at risk" youth; emphasizes discipline for non-violent first time offenders (e.g., boot camps); allows juvenile offenders to be treated as adults for committing serious offenses; and provides for the admissibility of juvenile criminal history in adult court proceedings.

Specifically, if a criminal commits a crime against a child under the age of 12, an automatic 20 years should be added to the sentence.

**9. Problem:** violence in schools. According to an Education Department survey, 4% of students had skipped a day of school with the past 30 days because they were afraid for their safety. 4% may not seem like much, but consider that in class of 25 kids, that means at least one of them was afraid enough not to come to school. 6.8% of students had been threatened or injured with a weapon on school property during the previous year.

**o Solution:** Strengthen the penalties for committing crimes in and around schools and adopt the other reforms recommended in the McCollum crime package. For instance, if you go to school with a gun you will automatically spend 6 months in a boot camp and an additional 3 months in your neighborhood.

(Source: Crimestrike/Heritage)

Crime Bill -  
Republicans

**Congress of the United States**  
**Washington, DC 20515**

November 9, 1993

Honorable Thomas S. Foley  
Speaker  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Speaker:

We seek assurances that the House will have an opportunity to debate fully a comprehensive crime bill. We suspect that the majority party is satisfied with passing four unfunded grant programs and calling this an answer to the crime epidemic. This is totally unacceptable to Republicans and to the American people.

The Senate has the right idea. There the legislators are able to debate a serious crime bill and offer amendments ranging from death penalties to cops on the streets. Compare this to the House where there will be no amendments and no serious bill to debate.

We Republicans are committed to providing solutions to the crime problem and wish to have such an opportunity on the House floor. To do otherwise, deprives us and the American people a say in shaping our anti-crime policy.

We would like to tell our constituents that we debated such issues as illegal immigration, victim's rights, sex crimes, terrorism, the need for more prisons, or the "three strikes and you're out" proposal for violent felonies that just passed by referenda in your home state. Instead we have a fig leaf of four non-controversial bills that will do little, by themselves, to curb violence and crime in our country.

We must object in the strongest terms to the non-debate on crime in the House. Unless you agree to schedule a full crime bill before adjournment, we will seek to defeat the rule on any small crime bill in order to offer a rule which would make in order an omnibus crime bill under an open rule.

Sincerely,

Newt Gingrich

Bob Michel

*Ryan Ted*

*Crime Bill -  
Republicans 194*



**OFFICE OF THE STATE'S ATTORNEY**  
DUPAGE COUNTY, ILLINOIS

March 8, 1994

**JAMES E. RYAN**  
STATE'S ATTORNEY

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**The Honorable Robert Michel**  
United States Congress  
Room 2112  
RHOB  
Independence and South Capitol Streets, S.W.  
Washington, DC 20515

Dear Congressman Michel:

For the past five years, my office (along with the other state's attorney's offices in the Cook and collar county area) has received federal funding, which we have used to pay salaries of assistant state's attorney's who prosecute narcotics dealers. These funds have allowed us to devote these attorneys exclusively to the anti-drug effort. My office has achieved a conviction rate in excess of 94% on these cases, primarily due to the specialization of these attorneys and I believe we have made significant inroads into local drug distribution efforts in northern Illinois.

President Clinton's fiscal year 1995 budget eliminates all funding for these federal grants, which were included in the Anti-Drug Abuse Act's *Edward Byrne Memorial Formula Grant Program*.

Realizing that President Clinton's emphasis has shifted from supply reduction to demand reduction, with an increased priority in the area of treatment and prevention, I was expecting a reduction in the federal funds available. However, I was not expecting federal funding to be eliminated - the loss of federal funds will add approximately \$250,000 to the County budget in fiscal year 1995 and every year thereafter.

While prevention and treatment are worthwhile objectives to pursue, pressure must be maintained on the supply reduction until significant results are realized from the prevention and treatment programs. Unless President Clinton is prepared to surrender to the suppliers in the short-term, adequate funding for drug enforcement and prosecution must be available. It is short-sighted to eliminate federal funding in this fashion, rather than a gradual reduction, where federal funds would be gradually phased out over a period of years.

I am respectfully requesting your support of an amendment which would provide for adequate federal funding of these programs while they are being phased out.

Sincerely,

*James E. Ryan*  
**JAMES E. RYAN**  
State's Attorney

Crime Bill -  
Republicans

# Congress of the United States

House of Representatives

Washington, DC 20515

February 9, 1994

The Honorable William J. Clinton  
President of the United States  
The White House  
Washington, D.C.

Dear Mr. President:

Recent polls and the strong anti-crime messages sent in the November 2, 1993 elections in Virginia, New Jersey, and New York City demonstrate that the American people are tired of being hostages to violent crime and are looking for action to put a stop to the crime epidemic now. They are fed up with the discredited theories that "it is all society's fault" or that we have to wait to solve the "root causes" of crime before we can take action.

Despite your frequent expressions of concern regarding crime, your Administration has assembled a disappointing record in its first year. In particular, it has become increasingly clear that your Attorney General's approach to fighting violent crime is at odds with the approach you articulated during the 1992 election. From the Justice Department's questionable reinterpretation of a child pornography statute in the Knox case to the Attorney General's opposition to the death penalty for drug kingpins to the Attorney General's consistent opposition to mandatory minimum sentences to the emasculation of proven programs such as Project Triggerlock and the Weed and Seed program -- the message of this Administration to law enforcement is that we will tie your hands whenever possible. As reported in a recent *Wall Street Journal* article, the policies currently under consideration at the Justice Department "read like a wish list from the defense bar," and have left career prosecutors asking themselves whether they are "employed by the Justice Department or the Department of Social Work."

We hope that the strong statements made in your State of the Union address and in support of your fiscal year 1995 budget submission indicate that you and your Administration are ready to get serious about fighting violent crime. Toward that end, we offer the following five bold new steps and propose that you restore the proven Reagan and Bush Administration anti-crime policies discarded over the past year.

I. Five New Policies That Criminals Would Hate

- ◆ First, **help states and localities build more prisons.** Studies have shown that approximately 7 percent of criminals commit more than 70 percent of all violent crimes. Putting more police officers on the street is a good first step toward helping get this small cadre of repeat offenders off the street. But without building more prison space, funding for more police will just make the revolving prison door spin faster. Hopefully, your fiscal year 1994 budget proposal to cut more than \$500 million in prison construction funding does not indicate your final position on the importance of new prison construction.

The state/federal partnership passed in the Senate and currently under consideration in the House to build new regional prisons conditioned on truth-in-sentencing reform is a must. We should also explore launching a crash prison-building program utilizing existing military bases. To help pay for these plans we should waive costly federal regulations and mandates that drive up prison construction, conversion, and operation costs. Our goal is to ensure that when our regional prison system is up and running that no violent criminal need be released due to lack of space.

- ◆ Second, **keep these violent offenders in prison longer.** Today, violent criminals arrested under state law spend only about one-third of their sentences in prison. In addition to being overloaded, many state and local correctional systems are also broken. Before the federal government pumps billions of dollars into these state systems, certain reforms should be made to keep the most violent criminals in jail longer. Needed reforms include truth-in-sentencing, pre-trial detention, and mandatory minimum sentences. The combination of more police officers, more prison space and longer sentences sends a clear message to criminals that they are more likely to get arrested and will get a much longer sentence if caught. In a word, these measures spell deterrence that criminals will understand.
- ◆ Third, **enhance federal sentences for violent crime.** The centerpiece for this effort should be a federal "three strikes and you're out" law along with stiffer gun and drug sentences for the most egregious offenders.
- ◆ Fourth, **enact a workable federal death penalty.** A credible and frequently enforced death penalty is the ultimate deterrent to crime, and violent criminals that wantonly kill or otherwise indirectly deal death on our streets should pay a commensurate price. Death penalty reform should focus on creating procedures that will lead to federal executions, not simply on enacting laundry lists of new death penalties that will never be enforced because the procedures are defective.

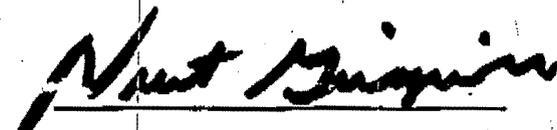
- ◆ Fifth, *enact a "good faith" exception to the exclusionary rule* concerning the admissibility of evidence. Criminals should not be able to get off on legal technicalities when police officers gather evidence in good faith.

## II. Restore Policies That Work

- ◆ First, you should *recommit your Administration to the tough drug control policies of the Reagan and Bush Administrations*, including fully staffing the Office of National Drug Control and Policy (ONDCP), supporting the death penalty for drug kingpins, and supporting mandatory minimum sentences for serious drug crimes. Cutting ONDCP staff by more than 80 percent and statements from your Attorney General that "[m]andatory minimums shouldn't be used as leverage," represent a serious reversal of the tough anti-drug law enforcement policies you inherited.
- ◆ Second, you should *instruct the Attorney General to restore the so-called "Thornburgh directive"* that instructed U.S. Attorneys to seek maximum penalties in criminal cases and in plea bargains. This is an extremely important reversal that could result in lower sentences across a broad range of crimes in every corner of the country. The reversal of the Thornburgh directive signals a fundamental prosecutorial attitude shift that sends the wrong message to criminals.
- ◆ Third, *restore support for Project Triggerlock and the Weed and Seed program*. Project Triggerlock has resulted in the arrest of more than 15,000 violent gun offenders and led to an average 18 year sentence without parole for armed career criminals. The Weed and Seed program has also demonstrated dramatic successes in the areas where it has been implemented and has enjoyed bipartisan support in Congress since its inception.

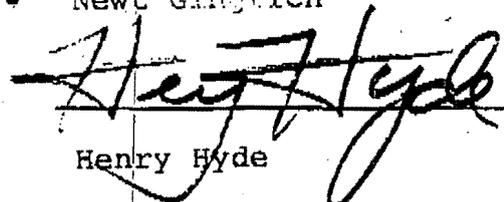
Mr. President, we believe that any serious effort to curb violent crime must include, at a minimum, the steps described above. We are ready, willing, and able to work with you immediately to implement these important reforms.

Sincerely,



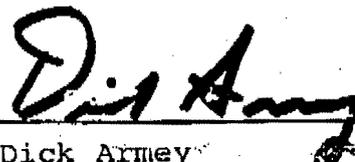
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Newt Gingrich



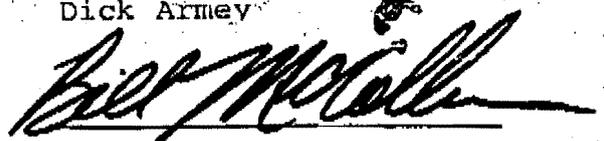
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Henry Hyde



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Dick Armev



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Bill McCollum

*Bill Baker*

Bill Baker

*Rod Grams*

Rod Grams

*Steve Buyer*

Steve Buyer

*Lamar Smith*

Lamar Smith

*Barbara Z. Vucanovich*

Barbara Vucanovich

*Wayne Allard*

Wayne Allard

*Jim Saxton*

Jim Saxton

*Phil Crane*

Phil Crane

*George Bekas*

George Bekas

*Tom Ewing*

Tom Ewing

*Charles Canady*

Charles Canady

*Jon Kyl*

Jon Kyl

*Marge Roukema*

Marge Roukema

*John McHugh*

John McHugh

*Jim Ramstad*

Jim Ramstad

*Martin Z. Hoke*

Martin Hoke

*Bob Dornan*

Bob Dornan

*John Linder*

John Linder

Jim Bunning

Jim Bunning

Tom DeLay

Tom DeLay

Sam Johnson

Sam Johnson

David Levy

David Levy

Jim Sensenbrenner

Jim Sensenbrenner

Carlos Moorhead

Carlos Moorhead

CRIME-  
GOP

REPUBLICAN/DEMOCRAT CRIME BILL COMPARISON

Provisions included in H.R. 2872 (McCollum)  
that are not included in H.R. 3131 (Brooks)

1. Provisions dealing with prison overcrowding: Federal-State partnership for Regional prisons, addition of correctional facilities to the list of tax-exempt projects for which private activity bonds may be used, non-application of Davis-Bacon to construction or repair of prison facilities, restrictions on Federal court jurisdiction in imposing remedies on State and Federal prison systems.  
(H.R. 3131 does not provide for any prison construction and addresses prison overpopulation only slightly by (1) requiring that any submission of legislation by the executive or judicial branch that might affect Federal prison population be accompanied by an impact statement and (2) authorizing grants to States to develop alternative methods of punishment for young offenders to traditional forms of incarceration and probation.)
2. Instant Check System for handgun purchases. (H.R. 3131 includes the Brady Bill).
3. Death penalty for drug kingpins.
4. Life imprisonment or death penalty for third Federal violent felony conviction.
5. Good faith exception to the exclusionary rule.
6. Admissibility of evidence:
  - (a) Admissibility of evidence of similar crimes in sexual offense and child molestation cases.
  - (b) Extension and strengthening of rape victim shield law.
  - (c) Inadmissibility of evidence to show provocation or invitation by victim in sex offense cases.
7. Mandatory minimum sentences - H.R. 3131 does not establish any mandatory minimum sentences.
8. Protection of women:
  - (a) Spouse abuse and stalking:
    - (1) Interstate travel to commit spouse abuse or to violate protective order; interstate stalking.
    - (2) Full faith and credit for protective orders.
  - (b) Victims of sexual violence:
    - (1) Civil remedy for victims of sexual assault.
    - (2) Extension and strengthening of restitution.
    - (3) Pre-trial detention in sex offense cases.
  - (c) Punishment of sex offenders:
    - (1) Increased penalties for recidivist sex offenders.

- (2) Sentencing guidelines increase for sex offenses.
  - (3) HIV testing and penalty enhancement in sexual offense cases.
9. Equal protection for victims:
- (a) Right of victim to fair treatment in legal proceedings.
  - (b) Right of victim to impartial jury.
  - (c) Enforcement of restitution orders through suspension of federal benefits.
  - (d) Prohibition of retaliatory killings of witnesses, victims, and informants.
10. Terrorism (H.R. 3131 contains some terrorism provisions regarding enhanced penalties for terrorist crimes and providing material support to terrorists, etc., but not the following):
- (a) Enhanced controls on entry into the U.S.
    - (1) Exclusion based on membership in terrorist organization.
    - (2) Admissions fraud.
    - (c) Inspection and exclusion by immigration officers.
    - (d) Limits on judicial review.
  - (b) Deportation of alien terrorists.
  - (c) National Task Force on Counterterrorism.
11. Criminal aliens and alien smuggling provisions included in Title V of H.R. 2872 are not addressed by the Brooks bill.
12. Crimes against children:
- (a) Penalties for international trafficking in child pornography.
  - (b) State legislation regarding child pornography - requires uniform age of majority of 18.
  - (c) Increased penalties for assaults against children.
13. Enhanced penalty for violation of Gun Free School Zones Act.
14. Increased penalty for drug distribution to pregnant women.
15. Increased penalties for using a minor in the commission of a Federal offense.
16. Serious juvenile drug offenses as Armed Career Criminal Act predicates.
17. Records of crimes committed by juveniles.
18. General safeguards against racial prejudice or bias in the tribunal. (The Brooks bill provides for grants to States to establish plans for analyzing the role of race in their criminal justice systems.)
19. Protection of jurors and witnesses in capital cases.
20. Strengthening the Armed Career Criminals Act.
21. Violent felonies and drug offenses.
- (a) Increase in general penalty for violation of federal firearms laws.
  - (b) Increase in enhanced penalties for possession of firearm in connection with crime of violence or drug trafficking crime.
  - (c) Temporary prohibition against possession of a firearm by, or transfer of a firearm to, persons convicted of a

drug crime.

- (d) Revocation of supervised release for possession of a firearm in violation of release condition.
  - (e) Possession of explosives during the commission of a felony.
22. Criminal offense for failing to obey an order to land a private aircraft.
  23. Removal of TV broadcast license contingent on broadcast of public service announcements regarding drug abuse.
  24. Public corruption.