

U.S. Department of Justice

United States Attorney  
District of New Jersey

Federal Building - Room 502  
970 Broad Street  
Newark, New Jersey 07102

201/645-2700

November 14, 1995

Honorable Bruce N. Reed  
Deputy Assistant to the President  
for Domestic Policy  
Old Executive Office Building  
Room 216  
17th Street & Pennsylvania Avenue, NW  
Washington, D.C. 20500

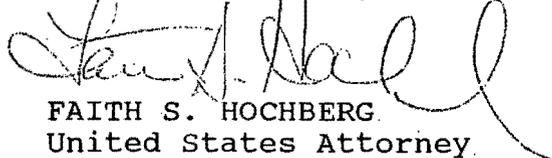
Dear Mr. <sup>Bruce</sup> Reed:

Enclosed is a proposal from the New Jersey regional office of the Anti-Defamation League regarding a possible White House conference on hate crime. This proposal is sponsored by Jeffrey Maas, ADL's regional director for New Jersey and a leading expert on hate crime.

My office has worked closely with Mr. Maas for many years in coordinating anti-crime initiatives and in establishing a state-wide law enforcement coordinating committee working group on hate crime. In addition, Mr. Maas has repeatedly offered his help in responding to hate crimes and other potentially divisive situations. He has an excellent reputation in the community.

Jeffrey Maas brought this proposal to my attention a number of months ago. Its timeliness today, following the tragic bombing in Oklahoma City and the death of Prime Minister Rabin, speaks for itself. This office prosecutes hate crimes whenever possible and attempts to send a message to the community that such conduct is intolerable. The enclosed proposal addresses other dimensions of this growing problem and is worthy of attention.

Very truly yours,

  
FAITH S. HOCHBERG  
United States Attorney

Encl.

James E.  
No Action  
necessary.  
BR

A PROPOSAL FOR A WHITE HOUSE CONFERENCE

HATE CRIME: A NATIONAL PRIORITY

REFER TO: JEFFREY MAAS

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741 NORTHFIELD AVENUE  
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**HATE-CRIME:NATIONAL PRIORITY**  
**PROPOSAL FOR A WHITE HOUSE CONFERENCE**

**BACKGROUND**

For the last decade the nation has been forced to recognize and appreciate the strength that exists in its diversity.

By the 21st Century more than two thirds of the work force will be composed of a new majority:today's minority will become the majority of tomorrow.

Despite the Kerner Commission Report following the riots of the 1960's little progress has been made toward eradicating the underlining prejudices and hatred that unfortunately continue to plague the nation.

It has only been for the last two years that the FBI has been mandated to quantify hate-crimes through the Federal Hate-Crime Statistics Act. While the Supreme Court has yet to rule on the overall constitutionality of hate-crime laws, confusion has arisen in the law enforcement community, and in other areas as well, because of the St. Paul Ordinance decision that it did render.

Local law enforcement authorities, educators, and other agents of socialization are looking for guidance in how to deal with the question of hate-crime and to develop strategies to combat it are multi-tiered.

### AIMS & GOALS

It is the desire of the conveners of the White House Conference on Hate-Crime to bring together experts in the areas of law enforcement, education, human relations, sociology and mental health in order to network and to explore and share successful strategies and to develop programs to deal with the increasing problem of hate-crimes in the nation.

For the first time ever, popular culture is a conveyer of messages of racial and religious intolerance, a message that unfortunately is aimed at the next generation of America's leaders.

Contrary to the popular wisdom, incidents of hate-crime continue to be reported in increasing numbers on our college campuses.

By bringing together experts from the above fields from across the country it will be possible to facilitate the interchange of ideas and information and put the spotlight of public attention of the White House on this problem.

## METHODOLOGY

The conference which is envisioned to run three days will contain a plenary session which could be keynoted by an outstanding scholar in the area of human behavior to set the tone for the proceedings.

Workshops will be developed in the areas of law enforcement, education, mental health and human relations.

The workshops will be charged with developing a plan of action and strategy to deal with the challenge as presented by the keynoter. Reporters will be assigned to each workshop who will then report back to the final concluding plenary session with the action plans developed by the workshop.

Topics covered can include the training of law enforcement officials, the development of prejudice reduction materials for the schools, the encouragement of human relations enterprises around the country and the local levels.

## YOUTH CONFERENCE

Parallel to the White House Conference on Hate-Crime an International Youth Summit will be convened to take place in Washington DC. Approximately 200 youth ambassadors will participate. One-hundred and fifty young people will come from all fifty states representing various ethnic and racial groups, as well as fifty youth ambassadors from

overseas areas such as; Northern Ireland, Israel, the Arab World, Black and White South Africans, Serbs, Bosnians, Latin Americans. These young people will meet in parallel sessions to the main sessions and deal with similar subjects.

As the next generation of American leaders will meet with their international counterparts bonds of friendship and collegiality will be developed and nurtured.

It is hoped that these young people will generate a series of recommendations which will then be delivered at the main plenary session.

Unfortunately all too often perpetrators and victims of hate crime are youth. The patterns of hatreds and prejudices that are transmitted around the dinner table must be broken. The transmission belts of hatred can be erupted by these youth ambassadors who will return to their communities and galvanize around them cadres of young people dedicated to eradicating hate-crime.

This Youth Conference can serve as a watershed experience in the country's battle against hate-crime.

## CONCLUSION

The coordinators believe that through a White House focusing the spotlight of public attention on the problem of hate-crimes the seriousness of the situation can be underscored.

As we approach the 21st Century it is essential that we leave behind the baggage of hatred and prejudice that has surfaced in the waning years of the 20th Century.

Examining the European situation that has developed since the fall of Communism -- reduction to tribal warfare -- it is imperative that a proactive approach be developed and implemented as soon as possible.

Jeffrey Maas

Jeffrey Maas is the New Jersey Regional Director for the Anti-Defamation League. In that capacity he serves as spokesman for the League in the State, and is responsible for translating ADL national and regional priorities into programmatic action. Prior to his New Jersey assignment he served as Associate Director for the Florida region of the ADL.

A graduate of the City College of New York, Mr. Maas has an M.A. in Educational Sociology from New York University. He has also studied in Tel Aviv University.

Before joining the ADL, Mr. Maas was a member of the staff of the Federation of Jewish Philanthropies in New York. Mr. Maas has also served on the staff of the World Jewish Congress-American Section. In this capacity he was a member of the Congress' delegation to the United Nations, and North American Liaison with the African-Asian Affairs Department. He has also served in a number of positions with the Zionist Youth Foundation.

Mr. Maas has traveled extensively throughout the United States, Africa, Europe, and Israel. Mr. Maas was a member of the United States Youth Council's Study Mission to Southern Africa, and he has served as the representative of the World Assembly of Youth (WAY) to the United Nations.

Jeffrey Maas has written articles on Hate-Crimes and prejudice reduction that have appeared in numerous periodicals, including the New York Times. In addition he serves on the New Jersey Government's Advisory Council on Holocaust Education, the NJ Martin Luther King Jr. Commission, and is Vice Chairman of the Advisory Commission on Bigotry and Hate Violence in New Jersey. He and his wife, Sharon are New Jersey residents and the parents of three children.

# # #

From: JEFFREY MAAS

THE NEW YORK TIMES, SUNDAY, JULY 31, 1988

# The Fight Against Prejudice Must Continue on All Fronts

By JEFFREY MAAS

**B**IAS crimes, those having an racial, ethnic or religious component, continue to be the focus of law-enforcement agencies, educational decision makers and other community forces. Race and racial issues continue to be of concern as well.

Acts of anti-Semitic vandalism continue to be reported from all parts of the state. In 1987, the Anti-Defamation League of B'nai B'rith reported 43 incidents of anti-Semitic vandalism in New Jersey in its annual audit of incidents of anti-Semitic vandalism. The National Association for the Advancement of Colored People, through its 35-chapter structure, is intensifying its monitoring operation of antiblack incidents as well.

Rural Sussex County was the scene of a vicious "copy cat" attack on a black woman that contained ugly similarities to the Tawana Brawley case. However, unlike the New York situation, this incident has served to galvanize the community to combat racism.

Hudson County has seen violent eruptions of anti-Asian violence, including two brutal murders of Indian-Americans. Anti-Asian epithets and sporadic violence continue to be a way of life for Hudson County's Asian-Indian community.

Perth Amboy was the scene of a full-blown riot after the shooting of a 25-year-old Mexican by an off-duty police officer. Two nights of unrest followed. A pact developed by the Middlesex County Prosecutor, Alan Rockoff, was credited with helping to restore calm. The United States Department of Justice Community Relations Service also intervened. A bias-incident reporting commission was established in the community to deal with incidents of bias and complaints of police brutality.

The significance of the bias crime on the community in which it occurs cannot be overstated. The feeling of trauma and alone-

ness that hits the victim can bring to mind centuries of persecution and needs to be recognized. In the past, local police officials, because of a lack of sensitivity to the impact of these crimes, often treated them as simply "malicious or criminal mischief" usually viewed as perpetrated by youths and simply dismissed as "kid stuff."

With the advent of legislation similar to the ethnic terrorism laws (1981) in New Jersey, 31 states today have some sort of ethnic-intimidation or harassment statutes. Congress has been discussing for some time mandating the collection of data on hate crimes on a national basis. The gathering of information on hate crimes will lead to a new level of awareness of the problem and will

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The solution does not simply rest with law enforcement.

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increase the ability of law-enforcement officials to evaluate and deal with the problem, as well as send out the all-important deterrent signal.

The New Jersey law-enforcement establishment has continued to pay particular attention to combating bias crimes. Attorney General W. Cary Edwards's statewide directive of standards for local police departments to follow in reporting and dealing with bias crimes gives the state a first-time opportunity to assess the extent of the problem.

Bias-sensitivity training sessions for law-enforcement officers and for officer trainees through the police academies continues to be sponsored. As a result of the statewide standards, one law-enforcement official in each County Prosecutor's office has responsibility for compiling and forwarding bias-crime statistics to the State Police for the annual Uniform Crime Report.

The statewide directive recognizes the need for treating the victims of these crimes compassionately and recognizes the impact

of these incidents on the community.

In South Orange-Maplewood, the scene of some 60 unsolved racial and anti-Semitic incidents over several years, crimes of this nature appear to have abated after the Essex County Prosecutor's successful prosecution of one individual.

When a strong statement such as an arrest and prosecution is made, the signal goes out that these antisocial acts will not be tolerated in our communities.

Obviously the solution does not simply rest with the law-enforcement establishment. The problem has dimensions that must be addressed in terms of prejudice-reduction activities in the schools. The inclusion of study of the Holocaust and genocide in our curriculums, for example, and other efforts that call for a coordinated attack on the disease of prejudice, must be encouraged.

Contrary to the conventional wisdom, college campuses across America are not immune and have been the scene of many acts of bigotry and racism. New Jersey's colleges have not escaped this increase of hatred.

Top representatives of New Jersey colleges earlier this year gathered under the auspices of the Department of Higher Education and the National Conference of Christians and Jews to explore the problem in New Jersey. Racial friction has surfaced on several New Jersey campuses.

Swastikas were daubed on the Rutgers University Hillel building, and antiblack epithets appeared at another location on the campus as well. Tensions rose at Ramapo College between black students and the administration over allegations of racism and insensitivity.

It is apparent that America's college youngsters have not discarded the baggage of prejudice and bigotry but are bringing it with them in the 1990's.

Voluntary separation by race in dining areas and separate fraternities are facts of life and visible reminders that proximity does not translate into equality or acceptance.

New Jersey's college educators are to be applauded for focusing on the problem of bigotry and prejudice and working toward its eradication. ■

Jeffrey Maas is the New Jersey regional director of the Anti-Defamation League of B'nai B'rith.

# Ignorance Breeds Anti-Semitism

By JEFFREY MAAS

**O**N Oct. 17, 1984, Joseph Busalacchi, 18 years old; Keith LaRocca, 19, and Timothy McLane, 18, started a bulldozer on the grounds of the newly dedicated Temple Beth Shalom in Manalapan. Mr. Busalacchi drove it into the wall of the temple, causing extensive damage.

Asked why, he had done it, he said he wanted to "scare Jews." The three also said they "had nothing to do that night."

Swastikas and anti-Semitic hate slogans — "Into the oven with Jews" and "Hitler rules" — were painted across the new million-dollar building.

Community reaction was swift. Law-enforcement authorities made arrests within several days. A Solidarity Day was called and more than 3,000 people of all faiths came out on a Sunday November morning.

Governor Kean and United States Senator Frank R. Lautenberg, as well as local citizens, wiped out the hate messages with chemical cleaners and sent out another kind of signal from Monmouth County.

The Anti-Defamation League of B'nai B'rith annually issues a national audit of incidents of anti-Semitic vandalism. In 1984, New Jersey placed fourth in the country, with 56 reported incidents in the A.D.L. report.

A 1981 study by the New Jersey Attorney General's office on the question of bias-crimes disclosed that the vast majority of perpetrators were juveniles. This is confirmed annually by A.D.L.'s disclosures, as well.

Students at Manalapan High School, which

the perpetrators attended, were urged to take part in Solidarity Day. It was reported in the local press that some students laughed when they were asked to participate.

However, an outraged community rejected the notion of simply ignoring the act by wishing it would go away.

Of the three youths, only Mr. McLane chose to make an apology to the congregation. He had served as the lookout and was sentenced to 60 days in Monmouth County Jail, as well as

## To exorcise racism, schools should include studies of genocide and the holocaust

restitution to the synagogue and community service and five years' probation.

Judge Alvin Y. Milberg of Superior Court in passing sentence said that he had "given more thought to the sentence than any judge in this court has given any sentence."

Mr. LaRocca received a nine-month sentence and Mr. Busalacchi, described as the ringleader, was sentenced to 364 days. Restitution and community service, as well as probation, were also ordered.

Paul Chalet, the first-assistant Monmouth County prosecutor, in requesting a prison sentence, said: "The deterrent effect of incarceration is necessary. These men had interfered with the basic right to be and to live in peace."

Asked if they had expressed any contrition for their acts, Mr. Chalet said: "Yes, they were sorry that they got caught."

What kind of young men are these three and what motivated them to leave scars on a community's very soul?

Two had previous juvenile records. They were described by their defense attorneys as "immature followers" and given to peer pressure. Their anti-Semitism, it was said, was of the "Archie Bunker variety" and they were basically not bigots or hardened criminals.

"Ignorant" is the word that keeps coming up when descriptive phrases are sought.

Unfortunately, the problem of anti-Semitic and racist vandalism in Monmouth county — or in all of New Jersey for that matter — will not go away or be stopped with the sentencing of these three men. Judge Milberg recognized that in declaring that education must be part of their sentences as well.

As part of the community's response, the Anti-Defamation League and the State Attorney General's office have conducted a series of bias-sensitivity training seminars for law-enforcement personnel across the state. The Monmouth County Prosecutor's office was the host for one session. Rabbi Ira Rothstein of Beth Shalom shared his experience with police officials from 20 Monmouth County municipalities.

The so-called "ignorance" of the ramifications of these racist actions underscores the importance of including a study of the Holocaust and genocide in the curriculum of New Jersey schools.

The Manalapan experience is special because arrests were made and the guilty parties were sentenced. More than 80 percent of bias-crimes go unsolved.

Also unique was the total community's rejection of the hate-filled messages left on the synagogues by these three hate-filled, ignorant men and the outpouring of expression that was Solidarity Day.

Jeffrey Maas is New Jersey regional director of the Anti-Defamation League of B'nai B'rith.

NEW JERSEY  
**OPINION**

By JEFFREY MAAS

**D**ESPITE the efforts of educators, the concerted attempts of law-enforcement agencies and special citizen human-interest groups; the problem of "visible bigotry" and the impact of bias crime on what are too often youthful victims, as well as youthful offenders, remains a problem that frustrates attempts at any "quick fix."

The visible nature of the "acting out" stage can take forms from swas-

*Jeffrey Maas is the New Jersey regional director of the Anti-Defamation League of B'nai B'rith.*

tikas scrawled on school corridors and property to overt racial attacks, with all the gradations in between. Too often, the response is to treat the incident as isolated — to treat the behavior, rather than viewing it as symptomatic of a larger, more pervasive problem.

The "acting out" stage is visible to the eye and often presents a hint at the deep-seated nature of prejudice. If intervention is taken, the system will at the very least have attempted to live up to its obligation.

Working with an Anti-Defamation League curriculum for elementary schoolteachers in the area of prejudice reduction, "The Wonderful World of Difference" was introduced to more than 200 elementary school principals in three all-day sessions last winter. Co-sponsor of the sessions was the Office of Equal Educational Opportunities (O.E.E.O.) of the state's Department of Education.

The New Jersey Mental Health Players, a nonprofit improvisational dramatic group affiliated with Marlboro Psychiatric Hospital, developed sketches that conveyed real-life

situations containing a piece of bigoted behavior. The principals were challenged to confront the behavior and to deal with the underlying bigotry it represented.

The project was undertaken by the Education Committee of the New Jersey A.D.L. in an attempt to develop outreach to the educational community through its decision-makers in this most vital area of concern.

We have learned that, unless bigoted acts are punished and community resources are marshaled to confront the incident, hatred can find fertile soil. While none of the reported anti-ethnic incidents to date can be traced to activities of organized hate groups, the absence of a definitive positive response from the duly constituted authorities leaves a vacuum.

Another direction that the educational community has developed in response to incidents of racial and anti-Semitic vandalism is the inclusion of a study of the Holocaust and genocide in the curriculum.

Following an altercation involving racism, or an incident of anti-Semitic vandalism, the guilty students are reported to have indicated an ignorance as to the impact of their actions. A study and understanding of the Holocaust period conveys that the extended impact of bigoted actions of a

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Too often, the response is to treat an incident as an isolated one.

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few individuals has lessons that must be applied and understood by today's young people.

In recognition of this, Governor Kean has reappointed his Advisory Council on Holocaust Education to "assist and advise in the implementation of education programs of Holocaust and genocide in the public schools."

The council will resurvey "the extent and breadth of Holocaust and genocide education being incorporated into the curricula of the schools systems of the state. . . ." It also will help the state's Department of Education and local education agencies to develop and implement Holocaust and genocide education programs.

New Jersey has shown national leadership in this area, and teachers from the state have participated in international conferences on the subject.

Recently, Ramapo College in Mahwah, the United Jewish Community

of Bergen County and the A.D.L. co-sponsored a weeklong training session supported by Kean College and the Governor's Advisory Council.

This was to show teachers in various disciplines how to integrate the study of the Holocaust and genocide into the curriculum. These teachers will in turn be able to serve as resources for future instructors.

A similar session was held at Trenton State College several years ago, and one-day seminars for teachers and students have been held in colleges around the state to familiarize them with the interdisciplinary nature of Holocaust and genocide studies.

The recognition of the need to assess the severity of the bias-crime situation in New Jersey was noted by Attorney General W. Cary Edwards, who has formally ordered that a monitoring system be developed through the State Police Uniform Crime Reports.

By Jan. 1, New Jersey will become

the first state to develop information on a statistical statewide basis on the nature and extent of bias crime.

Efforts are continuing with the police academies to include bias sensitivity training so that recruits can recognize the special nature and significance of bias crime on the victim and community.

Speaking at the annual board meeting of the New Jersey A.D.L., Mr. Edwards said:

"The criminal justice system has become very much sensitized to acts to ethnic and racial bias."

Acts of ethnic or racial terrorism are felonies in New Jersey punishable by up to five years in prison and a fine of \$7,500. Several people have been sentenced under the provisions of the Ethnic Terrorist statutes.

Prejudice-reduction seminars for teachers, bias-crime sensitivity training for law-enforcement officials and Holocaust and genocide studies represent a commitment on the part of our policy and decision-makers to disrupt the patterns of prejudice that exist.

They must not be solo efforts but, rather, part of an ongoing recommitment to uproot prejudice and racism from our society. ■

# Tactics To Combat Hate Crimes

By JEFFREY MAAS

**F**OR society to work smoothly, we must recognize the international flavor of our lives today and accept and appreciate the differences among peoples. Racial, religious, ethnic and various sexual orientations must be understood and accepted as having a legitimate existence.

Hate crimes are episodes ranging from acts of verbal harassment to murder. They are acts committed because of bigotry. We know that hatred cannot be legislated out of existence. We cannot develop standards to outlaw intolerance.

We must recognize that the impact of these incidents is severe and long-lasting. While we currently do not know the extent of the problem, progress is being made in the direction of monitoring hate-crime activity. Academic research indicates that one out of four minority people is victimized by some form of intimidation or violence every year.

Eight states, including New Jersey, have statewide reporting systems, and 43 states have some sort of ethnic-intimidation legislation.

The impact of a hate crime goes beyond the immediate victim to that

## Anti-Semitic incidents are at a five-year peak.

of his or her ethnic group. The crime further reverberates in the community at large and has an impact on the welfare of the general community.

A bias incident is a crime of a very personal nature against an individual because of what he or she is. It is a crime against the very being of an individual and the collective existence of his or her identity structure. Victims often speak of an isolation that occurs when they feel that the community and its institutions — the police, the schools and other authority figures — have turned their backs on them. The impact of this type of crime has been compared to terrorism. In New Jersey, legislation that attempts to combat hate crimes has been known as ethnic terrorism legislation.

Despite what often is very little physical damage to property — swastika daubings can be covered up with a coat of paint — a burned cross can be removed and the damage repaired. The impact of these crimes on the victim and the community is such that, if left unaddressed, the festering sores they represent only create a climate that is conducive to more of the same.

We do know that most incidents are not committed by organized hate groups, but rather by ordinary citizens, neighbors. We also know that prevention, intervention and response cannot be separated into neat categories. All acts of response work

*Jeffrey Maas is the New Jersey regional director of the Anti-Defamation League of B'nai B'rith.*

toward ultimately preventing these types of incidents.

When an act of ethnic terrorism occurs in the community, the sense of community is destroyed. Fear, a sense of vulnerability, isolation and insecurity develop in the victim's community, and a polarization from the community at large occurs.

A formal reporting system can help increase the information pool and the support system for victims. Punishment and penalties must have the element of deterrence if they are to be effective.

The Anti-Defamation League, through its annual audit of incidents of anti-Semitic vandalism, has been able to focus on one type of bias crime in order to develop tactics to combat it. Anti-Semitic incidents in 1988 reached their highest levels in more than five years, according to the annual nationwide audit conducted by the league. The audit revealed an increase of 18.5 percent in anti-Jewish vandalism, including arson, bombings and swastika assaults against Jews, Jewish institutions or property, over 1987 figures.

The audit reflects incidents reported in 40 states, the District of Columbia and Puerto Rico. New Jersey reported 67 incidents of anti-Semitic vandalism in 1988, up 55 percent from 43 episodes in 1987. The results showed:

¶A total of 823 vandalism incidents nationally in 1988 against 694 for the year before, making this the second year in a row that vandalism went up sharply after a four-year downward trend.

¶A total of 458 incidents in the harassment category as compared with 354 incidents reported in 1987. The previous highest total was 593 incidents, reported in 1982.

¶More than twice the number of serious crimes, from 12 in 1987 to 28 in 1988, the highest total in the last five years. The 28 were 7 cases of arson and 7 of attempted arson, 1 bombing and 13 cemetery desecrations.

¶A sharp jump in the number of college campuses on which anti-Jewish incidents were reported, ranging from vandalism to harassment — 38 campuses compared with 14 in 1987.

The audit revealed that the highest number of anti-Semitic incidents occurred in New York State, with 208. California was next, followed by Florida and New Jersey. The figure for each of the four states was an increase over the year before except in California, where a total of the vandalism category was down.

The report noted "increasingly effective police action," as evidenced by the arrest of 124 people in connection with 57 incidents in 19 states, as opposed to 78 in connection with 58 of the incidents in 1987. As in previous years, the vast majority of those arrested were teen-agers. In 1988, 111, or approximately 90 percent, were under 21 years of age.

In introducing the 1988 audit, the league underlined the ongoing need for vigorous counteraction efforts by law enforcement officials and community, educational and religious leaders, including:

¶Increased efforts by law enforcement authorities to apprehend perpetrators.

¶Strict enforcement of anti-bias-

crime statutes — community counteraction and informational programs to alert the public to the dangers of racially or religiously motivated crimes.

¶Expanded educational efforts in the nation's school to combat prejudice, like the league's "World of Difference" program.

¶Strengthened security measures by Jewish institutions.

United States Attorney General Dick Thornburgh pointed out that the league's audit was specifically cited by Congress in establishing the need for a new Federal law that relates to religious violence and that was strongly supported by the Department of Justice. A hate-crime statistics bill requiring the Attorney General to collect and publish such statistics annually was passed by the House of Representative but not the Senate. The bill is expected to be reintroduced in the Senate and become law in the next session.

Of increasing concern are the growing numbers of young neo-Nazi skinheads, who are linking up with the old-line hate groups in the United States and attending their rallies and marches. The effect has been to boost the morale and activity of neo-Nazi, Ku Klux Klan and other white supremacists, especially the Southern California-based outfit known as White Aryan Resistance.

A new national league report shows a rise in the number of racist-

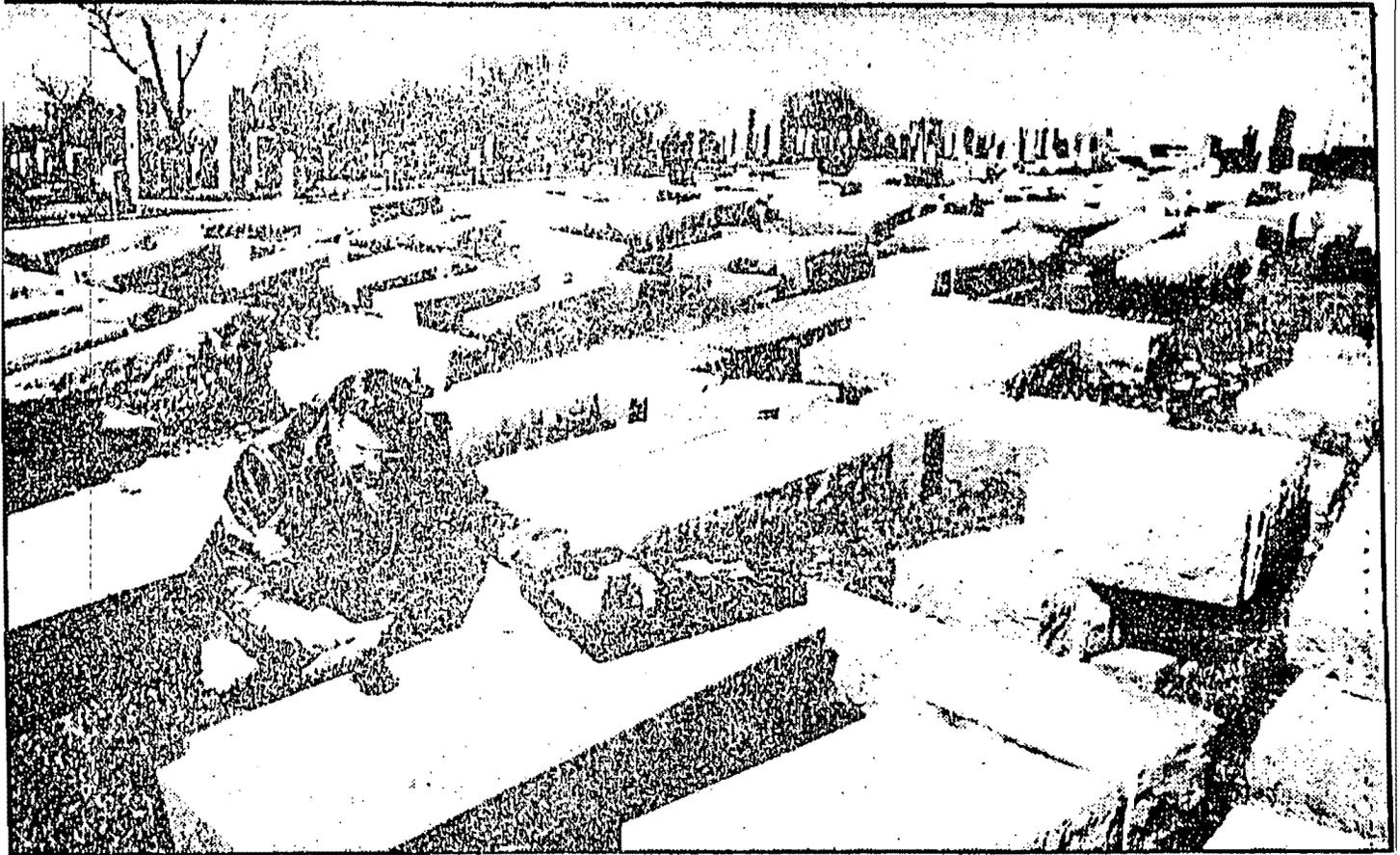
## A formal monitoring system can help fight ethnic terrorism.

skinheads to about 2,000 in 21 states, including New Jersey. Skinheads may now be found in virtually all sections of the United States and in the Canadian cities of Toronto and Montreal. Similar gangs are found in several European countries.

The rise in the number of skinheads has been paralleled by an increase in the violent crime they have committed, including two homicides and numerous shootings, beatings and stabbings, mostly directed against members of minority groups. Skinheads have also been responsible for many acts of synagogue vandalism.

The skinheads are shaved-headed youths who support Nazis, wear satanic insignia and tattoos, and preach violence against blacks, Hispanic, Jewish, Asian and homosexual people. They range in age from 13 to 15 and are mostly males. Skinheads are closely associated with rock groups who produce what they call "white power music."

It is up to those of us who care about strengthening democratic values to combat the vacuum that the exploiters of dissension are willing to manipulate for their own hate-filled purposes. And we know that since nature abhors a vacuum, it is up to those of us who care to send out a powerful positive signal that hate crimes will not be tolerated in our communities. ■



Tombstones toppled by vandals being examined for fingerprints by a police officer.

## Dealing With Bias-Crime Victims

By JEFFREY MAAS

**O**NE muggy October evening, a long-time resident of a suburban New Jersey community about 25 miles from New York City found on her garage door hate messages left by some unwelcome visitors.

The calling cards of hate were two spray-painted swastikas. The swastikas had special meaning for the woman, who had spent several years in the Bergen-Belsen concentration camp.

The heavily accented call to the office of the Anti-Defamation League was tinged with fright. Our recommendations and caring conversation had a calming affect. We were the first people she phoned after finding the swastikas, which had opened the floodgates of memory for her. A widow, she had thought after 25 years in the same home on the same street in the same town that she knew her neighbors.

We recommended that she contact the police and assured her that they cared about such matters. This suggestion was met first with suspicion, then a hint of fear.

Again, we assured her that she would be treated seriously, and we asked her to obtain a copy of the police report of the incident.

After some time, we heard from the woman that the two young police officers who responded to her call had told her that the swastikas probably had been put there by "youths" and there wasn't much that could be done.

She pursued our request for a police report of the incident and was told that none was available.

*Jeffrey Maas is the New Jersey regional director of the Anti-Defamation League of B'nai B'rith.*

We spoke to the chief of detectives and expressed concern that, while property damage might have been minimal, the impact on the victim and the community was significant. She had been treated courteously, it's true, but this desecration of a Jewish woman's home was being dismissed as simply "kid stuff."

This was before the passage of New Jersey's Ethnic Terrorism Law, which makes this type of act a felony punishable by up to three to five years in prison and a maximum fine of \$7,500.

We sensed an opportunity to use this lapse in police procedure and sensitivity to develop a program aimed at law-enforcement officers, who are the first people to respond to the bias-crime scene. The officers who responded to our victim were simply not aware of the impact that the swastika has for the Jewish victim.

To remedy this problem, the New Jersey A.D.L. office, in cooperation with the New Jersey Attorney General's office, Division of Criminal Justice, has been working to create an awareness of the impact of bias crimes — those with an anti-ethnic, racial or religious component — on the victim and the community.

Our joint efforts have taken the form of two major all-day conferences on the subject "Racial, Ethnic and Religious Terrorism: A Leadership Call to Action," and six half-day awareness training seminars.

Several crisis intervention-type sessions also were held for the community at large and usually conducted on behalf of a local police department reaching out to the A.D.L. in its response to a community problem.

Working with local rabbis, the National Association for the Advancement of Colored People, county prosecutors and local law-en-

forcement institutions, we have been able to communicate the seriousness of the impact of the bias crime on the victim.

All told, the sessions reached more than 800 law-enforcement personnel ranging from command-level officials to street officers.

Prosecutors, judges, educators, press representatives and legislators were all involved in a holistic attempt at consciousness-raising on this subject.

A significant byproduct of these sessions was the strengthening of local Jewish-police relations. Sincere appreciation must be given to Alvin J. Beveridge, director of training for the New Jersey Division of Criminal Justice, who served as our chief liaison to the Attorney General's office.

Special recognition must also go to Louis Becker, formerly of the West Orange Police Department's Bias Incident Unit and now a special investigator with the New Jersey Division of Criminal Justice, for his "hands-on, cop-to-cop" approach to the problem.

The Rev. Harding Dunlop, director of the N.A.A.C.P.'s New Jersey Urban Program office, brought home the impact on the black community of such things as cross-burnings and other racist attacks, again demonstrating that while we have legitimate differences with the black community, we still have (among other things) common agenda items.

All 21 counties were covered by the regionalized half-day bias-awareness training seminars.

A.D.L.'s efforts will now be directed at police training academies to incorporate the message of what extremism is and how it surfaces in local communities, so that police officials may better understand the impact of the bias crime and treat the victims with the sensitivity and understanding that is called for.

Crime

March 4, 1993

Bruce Reed  
Domestic Policy

Dear Bruce:

The Washington Times plans a forum on crime to be held at the newspaper's editorial offices at 3600 New York Ave. NE and would be pleased if you participated.

Time: 10 a.m. to Noon, Tuesday, March 30. C-Span has televised past TWT forums live around the country and repeated the broadcasts on tape several times in the following week; we expect, but cannot count on, the same for this event.

Acceptances so far:

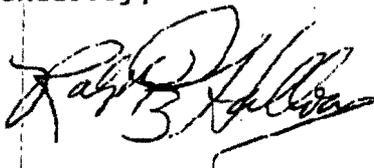
1. William Bennett, former Education Secretary and Drug Policy Chief ("Czar") William Bennett.
2. Adam Walinsky, Police Corps originator; aide to the late Sen. Robert F. Kenney.
3. Reuben Greenberg, the African-American chief of the Charleston, S.C. police force.
4. Gary Hankins, former head the D.C. Fraternal Order of Police.
5. Keith Butler, minister of largest black congregation in Detroit; of the Detroit City Council member.
6. Armstrong Williams, local black broadcaster, has popular show on WOL; was featured on front page of Wall Street Journal recently.
7. Sen. Diane Feinstein, California Democrat, has been invited; no word from her yet.
8. Sen. Phil Gramm, Texas Republican, has been invited; no word yet. [ep]

Format: After brief opening remarks and panel-member introductions by the moderator, the panel responds to questions, circulated among panelists in advance. Questions address each member's perception of crime problem, what federal authorities, the president, the Congress, state and local authorities and the private sector should be doing about it.

Vigorous give-and-take among panelists then develops, with the second half of the program given over to questions from 4 member panel (Times national editor and three national desk investigative reporters).

Looking forward to seeing you around 9:30 a.m. in the Times auditorium off the main lobby, Tuesday, March 30. By the way, parking spaces for participants will be reserved in lot in front of the 3600 building. [ep]

Sincerely,



Ralph Z. Hallow  
Senior National Correspondent  
The Washington Times  
202 636 3197[ep]



# FACSIMILE COVER SHEET

## OFFICE OF ENFORCEMENT

DATE: 6/9/94

Page 1 of 3

To: Druce Reed

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

From: Ron Noble

TELEPHONE:  
FAX : 202-622-1465

-----  
MESSAGE/COMMENT:



DEPARTMENT OF THE TREASURY  
WASHINGTON

ASSISTANT SECRETARY

June 9, 1994

Christopher Edley  
Associate Director  
Economics and Government  
Office of Management and Budget  
Washington, DC 20503

Dear Chris:

This responds to your June 3rd fax encouraging Treasury to formulate a grant program so that we could effectively compete for scarce Violent Crime Reduction Trust Fund outlays in fiscal years 1995 and 1996. I am not clear whether or not you are asking us to "consider" a grant program or if a Treasury grant program is the only way for us to compete for scarce Crime Fund outlays.

Prior to receipt of your note, we had the impression that you merely wanted Treasury to consider the idea of a Treasury law enforcement grant program. On several occasions we provided you with our initial reaction. For example, we invited your staff to a question and answer session with some of our bureau liaisons so that they could experience, first-hand, Treasury law enforcement staff's initial response. Our liaisons were skeptical, but they did have some creative ideas. At that time the underlying assumption was that a Treasury grant program would be in addition to the \$286 million sought through the Crime Trust Fund.

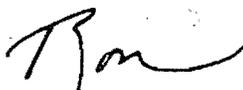
It is hard to imagine OMB mandating Treasury to create yet another grant program when there are not sufficient funds to cover the proposed grant programs already contained in the Crime Bill. The establishment of a Treasury law enforcement grant program could undermine the Clinton Administration's commitment to a spirit of cooperation and coordination between Treasury and Justice law enforcement bureaus. Undoubtedly, two overlapping Federal law enforcement grant programs would produce dangerous and wasteful competition at the State and local level. Almost 10 percent (\$33.5 million and 365 FTE) of Justice's grant program is for administration and management. To assemble a comparable program within Treasury we would need to have dedicated staff within each bureau as well as an infrastructure to administer, manage, and evaluate a \$300-500 million grant program. If OMB is willing to provide these resources as well as to sustain the Administration's support for our Crime Bill proposals, we will develop scenarios to discuss with you and your staff. Moreover, your letter does not state whether Justice and Treasury are both required to substitute grant proposals for funding of crime fighting programs endemic to our missions.

-2-

Assuming your goal is to pursue an alternative to Federal FTE-intensive crime fighting programs, I share your view. Since my last meeting with you, I have held one-on-one budget sessions with each of my Bureau Heads. During these sessions the Bureau Heads and I acknowledged that massive FTE increases are no longer an option and that we must revamp our operations to become more efficient with a constant or decreasing level of staffing, and with greater utilization of other Federal, State and local entities.

Treasury continues to seek funding for Crime Bill proposals approved by Secretary Bentsen as well as those endorsed by The President on January 8, 1994. Also, we are willing to revise FTE-intensive proposals downward and/or re-fashion the proposals so that outlays spend-out at a slower rate. Except for Senator DeConcini's amendment, Treasury law enforcement was an oversight in the Senate Crime Bill because Treasury followed the Administration's directive and did not compete on the Hill for funds. Director Panetta later assured Secretary Bentsen that we could compete for the unallocated \$303 million (which is after Justice's allocation for border security and criminal records upgrade). Also, we were told that we would be able to propose programs worthy of support. Toward that end, we provided you what we consider viable and cost effective proposals. We thank you for your effort and Treasury looks forward to the Administration's continued support for our programs. We have not forgotten that because of your, Justice's, and Congressman Hoyer's support we were included in the House Crime Bill.

Sincerely,



Ronald K. Noble  
Assistant Secretary (Enforcement)

cc: Bruce Reed  
Ron Klain  
Jose Cerda



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

NOTE FOR RON NOBLE

FROM: Christopher Edley, Jr.

A handwritten signature in black ink, appearing to read "Edley", written over a faint, larger signature.

As far as my staff can determine, Treasury has made no progress on the grant program we discussed earlier. I strongly encourage you to move ahead on this effort to create an alternative to the normal Treasury FTE-intensive crime fighting programs.

As a practical matter, I believe this delay in formulating the grant program will handicap Treasury in the competition for scarce Violent Crime Reduction Trust Fund outlays in fiscal years 1995 and 1996. As the crime conference gets moving, our window of opportunity is becoming quite small.

Please let me know how this progresses.

cc: Bruce Reed  
Ron Klain  
Jose Cerda



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

June 3, 1994

MEMORANDUM FOR: BRUCE KATZ  
PETER EDELMAN  
RON KLAIN  
KITTY HIGGINS  
RON NOBLE  
ALICIA MUNNELL  
MICHELLE CAVATAIO

FROM: Christopher Edley, Jr. 

SUBJECT: Possible Reformulation of the "Local Partnership Act"

The attached paper is for discussion at our meeting on June 9th at 2 P.M. in room 248 of the Old Executive Office Building.

The purpose of the meeting is to consider whether the "prevention" agencies would support a reformulation of the Local Partnership Act along the lines proposed in the attached paper. If there is support for the concept, the next step would be to attempt to sell the idea to Representative Conyers and offer to work with him on statutory language.

It appears likely that some form of the Local Partnership Act will appear in the conference report on the crime bill. My objective is to steer the program away from a revenue sharing approach and toward a more performance-based approach.

If there is agreement to pursue this concept, I will ask an agency to volunteer to take the lead in working on language with the conference committee. I will also want a sense of whether a senior official in your agency will make any personal investment of time -- such as joining in a meeting with Conyers.

cc: Sheryll Cashin  
Paul Dimond  
Rahm Emanuel  
Karen Hancox  
Ed Juris  
Jennifer O'Connor  
~~Bruce Reed~~  
Belle Sawhill  
Tracy Thornton

Attachment

## APPLICABILITY OF THE "CLEAN AIR ACT MODEL" TO CONYERS LOCAL PARTNERSHIP ACT

### I. SUMMARY

The Local Partnership Act (LPA) proposed by Rep. Conyers would authorize \$2 billion for a broad range of social service programs designed to prevent crime in areas with high poverty, high crime, and low employment.

Although many agree that crime problems in metropolitan areas are sufficiently large to merit additional resources for programs related to crime prevention, it is not at all clear that the Conyers bill would be the most effective approach.

The LPA is essentially a revenue-sharing approach, with funds allocated by formula to units of general local government. Potential problems with the proposed LPA approach include the following:

- funding is automatic for communities winning under the formula. There is no incentive to undertake a planning process, commit to specific steps to reduce the problem, and demonstrate performance.
- funding is not linked to identified priorities in the communities, or long-term goals.
- funding does not induce cooperation, metro-wide inter-jurisdictional planning, and joint responsibility for solving problems that may go beyond the scope of a single local government.

The LPA is only present in the House crime bill and is therefore subject to conference action. This presents an opportunity to modify the current version to include principles from existing programs -- including the Clean Air Act, Goals 2000, and Empowerment Zones, as well as HUD's homeless program consolidation proposal -- that may offer a more promising approach.

The following describes: (1) a generalized "Clean Air Act model"; (2) how the CAA model could be applied to crime prevention goals in a modified LPA; and (3) possible design issues that may require further work.

## II. GENERAL "CLEAN AIR ACT MODEL"

Key elements of the general CAA model include the following:

1. Performance measures. Develop performance standards for each of several metropolitan area problem dimensions (e.g., similar to the six pollutants in the CAA context).
  - Performance standards are tied to measurable goals that have been agreed upon with communities.
2. Various levels of non-attainment. Require metro areas to meet the agreed-upon standards or become "non-attainment areas".
  - There would be various levels of non-attainment depending on the extent to which metro areas exceed the National standard for a given problem dimension.
  - This recognizes that significant time is needed to achieve the significant change required.
3. Planning process. In order to be eligible for grant funding, areas would be required to develop and implement metro-wide plans to reach "attainment" within a given timeframe.
  - Plans developed jointly by local governments throughout a metro area, nonprofits, foundations, and the business community, would be favored.
  - The plans must include actions that promise to achieve progress sufficient to meet the targets set by the Act.
  - The plan would be evaluated through scoring that credits actions for expected results.
  - Award of formula funds would be contingent on approval and implementation of the plan. Plan approval would be based on the prospects for success in achieving specific performance targets.
4. Sanctions. Areas that failed to submit or implement plans within the set timeframe would be subject to Federal sanctions (e.g., reduction in grants, limits on use of grants).
  - Areas are not penalized for failing to meet the performance goals, at least initially. Areas are penalized for failure to plan or failing to actually implement those plans.

- Areas that failed to meet the performance standards would be reclassified to a higher level of non-attainment, with new requirements incorporated into the plan.

### III. SPECIFIC APPLICATION OF CLEAN AIR ACT MODEL TO CRIME PREVENTION CONTEXT

Based on the above principles, the LPA could be modified to include the following features:

1. Contingent awards. Rather than providing \$2 billion grant as an "entitlement" to selected local governments, the LPA proposal could use the formula to establish the target amounts of funds for which eligible communities could "apply". Then, awards could be based on submission of plans that promise to achieve specific targets. This would be similar to HUD's new homeless consolidation proposal.
2. Long time frame for award of funds. The \$2 billion in grant funds could be disbursed in increments over a long timeframe (e.g., five years) to allow for subsequent increments to be based on submission and review of plans and on performance experience. Alternatively, only a portion of the \$2 billion could be distributed on a contingency basis, with the "base funding" going out automatically by formula.
3. Performance standards. Problem dimensions could include the following: Per capita violent crime; Employment rate for youth; rates of severe substance abuse; and high school dropout rates. Alternatively, the Ounce of Prevention Council could establish performance dimensions through a rule making process, after a public dialogue.

### IV. REMAINING DESIGN ISSUES

Given that the CAA's control of environmental pollutants is very different from control of social problems, there are a number of difficult issues that need to be further developed in order to apply the model to the context of crime prevention:

1. Problem dimensions. What are the equivalents of the six pollutants in the CAA context? Should they all be specific to crime, or should they be general (e.g., employment)?

*Recommendation:* Determine problem dimensions through Ounce of Prevention Council rule making process.

2. Administering agency. Which Federal agency would review applications, intervene in cases of non-performance? Possibilities include HHS, DoJ, or an independent entity (e.g., Federal Enterprise Board or Ounce of Prevention Council).

*Recommendation:* Designate Ounce of Prevention Council as administering agency, with consultation from Labor, HHS, and Education.

3. Initial awards. Should initial awards be based on the formula, in the absence of plans and progress information in the early years? Or should Federal funds not be allocated until sufficient information exists to make awards only to those areas submitting a plan that promises progress?

*Recommendation:* Use formula for allocation of funds in the first year, but only provide an increment of the \$2 billion in the first year. In future years, provide a portion of the funds on contingency basis, depending on submission of plans and on progress.

4. Metro-wide planning, funding. To what extent should awards be at the metropolitan area level rather than the local government level?

*Recommendation:* Provide mechanism in legislation or rule to favor (but not require) plans developed jointly by local governments throughout a metro area.



RON FIELDS  
PROSECUTING ATTORNEY  
TWELFTH JUDICIAL CIRCUIT  
SEBASTIAN COUNTY COURTHOUSE  
FORT SMITH, ARKANSAS 72901  
GENERAL OFFICE 501-783-8976  
501-784-1554 (REST) 501-783-1069 (HOT CHECKS)

6/13/94  
cc: Bruce Seel  
This is important  
2. Just for Pres

May 31, 1994

Nancy Hernreich  
Deputy Assistant to the President  
for Appointments & Scheduling  
The White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Dear Nancy,

Thank you very much for passing on my letter. I appreciate very much the reply. I am still concerned over the perception being promulgated by Republicans that the President's Administration is soft on crime, but relieved that he is aware of the gravity of this and is taking steps to counteract it. I believe crime will continue to be the number one issue in the public's mind for the next election. Please use your influence to caution the people around the President that the "experts" that Federal Law Enforcement sometimes provide for guidance are not well grounded in common sense. I think that this has been the cause of a lot of the misperception we are receiving out here in the "hinter lands."

Thanks again for your efforts. I really appreciate you.

Sincerely,

RON FIELDS  
PROSECUTING ATTORNEY

RF:kg

## A Policy Analysis for Decision Makers

December 30, 1993

# TRUTH IN SENTENCING: WHY STATES SHOULD MAKE VIOLENT CRIMINALS DO THEIR TIME

### INTRODUCTION

More and more state legislators are coming to realize that America's criminal justice system is failing, and that too many Americans literally are dying from a severe case of bad public policy.

**ITEM:** Consider a heinous crime that has shocked the nation. Twelve-year-old Polly Klaas of Petaluma, California, was abducted from her home during a sleepover with two friends on October 1, 1993, and subsequently murdered. During the abduction, both of Polly's friends were gagged and bound by the assailant, while little Polly was forcibly taken into the night. Richard Allen Davis, the alleged assailant, already had been sentenced to sixteen years in prison for kidnapping, but was released on June 27, 1993, after serving only eight years of that sentence.<sup>1</sup>

**ITEM:** James Jordan, the 56-year-old father of basketball star Michael Jordan, was fatally shot in the chest on Interstate 95 in North Carolina on July 23, 1993. Charged in the murder of James Jordan were Larry Martin Demery and Daniel Andre Green. Demery had been charged in three previous cases involving theft, robbery, and forgery. Green had been paroled after serving two years of a six-year sentence for an assault in which he had hit a man in the head with an axe, leaving his victim in a coma.<sup>2</sup>

<sup>1</sup> Representative Jim Chapman (D-TX), Press Release, December 6, 1993.

<sup>2</sup> Michael Tackett and Bob Sakamoto, "Suspects in Jordan Slaying Have Previous Records, The Two Teenagers Charged in the Killing of Michael Jordan's Father Were Arraigned on Monday," *The Chicago Tribune*, August 17, 1993, p. D1.

**ITEM:** Sister MaryAnn Glinka, aged 50 and a member of the Franciscan Sisters of Baltimore Motherhouse in Baltimore, Maryland, was strangled to death at the convent. Baltimore police concluded that Sister MaryAnn was murdered during a robbery at the convent. On March 21, 1993, Melvin L. Jones was arrested and subsequently charged with robbery and the murder of Sister MaryAnn. The alleged assailant had been sentenced in North Carolina in 1979 to eighteen to twenty years in prison for voluntary manslaughter, but had escaped on November 27, 1986. In 1989, Jones was arrested again in Baltimore for three burglaries, but let out on parole in 1990. In 1991, the North Carolina judiciary sentenced Jones to a year in jail on the escape charge, and contacted Maryland officials in December 1991 to arrange for Jones to be paroled in Maryland.<sup>3</sup>

Not surprisingly, Americans are increasingly alarmed at news stories of violent crimes committed by individuals who had received long sentences for other crimes and yet were released after serving only a small fraction of their time. This alarm is legitimate, because a high proportion of such early-release prisoners commit serious crimes after being released. If crime is to be reduced in America, this trend needs to be reversed. Experience shows clearly that the first step in fighting crime is to keep violent criminals off the street. Keeping violent criminals incarcerated for at least 85 percent of their sentences would be the quickest, surest route to safer streets, schools, and homes.<sup>4</sup>

Government statistics on release practices in 36 states and the District of Columbia in 1988 show that although violent offenders received an average sentence of seven years and eleven months imprisonment, they actually served an average of only two years and eleven months in prison—or only 37 percent of their imposed sentences.<sup>5</sup> The statistics also show that, typically, 51 percent of violent criminals were discharged from prison in two years or less, and 76 percent were back on the streets in four years or less.

Consider the median sentence and time served in prison for those released for the first time in 1988:<sup>6</sup>

| COMPARING SENTENCES AND TIME SERVED |                 |                    |
|-------------------------------------|-----------------|--------------------|
| Offense                             | Median Sentence | Median Time Served |
| Murder                              | 15 years        | 5.5 years          |
| Rape                                | 8 years         | 3 years            |
| Robbery                             | 6 years         | 2.25 years         |
| Assault                             | 4 years         | 1.25 years         |

3 Jason Grant, "Parolee Charged in Slaying of Baltimore Nun," *The Washington Times*, March 22, 1993, p. B1.

4 See Bureau of Justice Statistics, U.S. Department of Justice, *National Corrections Reporting Program, 1988*, table 2-7 (1992).

5 See Bureau of Justice Statistics, *National Corrections Reporting Program, 1988*, table 2-4.

6 See Bureau of Justice Statistics, *National Corrections Reporting Program, 1988*, table 2-7.

When these prisoners are released early, a high percentage commit more violent crimes. A three-year follow up of 108,850 state prisoners released in 1983 from institutions in eleven states found that within three years 60 percent of violent offenders were rearrested for a felony or serious misdemeanor, 42 percent were reconvicted, and 37 percent were reincarcerated. Of the violent offenders, 35 percent were rearrested for a new violent crime. Among nonviolent prisoners released, 19 percent were rearrested within three years for a new violent crime.

As a result of these lenient early-release practices and the high percentage of crimes committed by criminals released early, Americans are suffering a fearful epidemic of violent crime. Studies indicate that over 25 percent of all males admitted to prison were being reincarcerated after a new trial for a new offense before the prison term for the first offense had expired. Since 1960, the compounding effect of these crimes by prisoners or early-release prisoners has driven the violent crime rate up by over 500 percent. Now eight out of ten Americans are likely to be victims of violent crime at least once in their lives,<sup>7</sup> at a total cost of \$140 billion.<sup>8</sup>

Not surprisingly, the fear of violent crime is intensifying. Polls indicate a growing loss of public confidence in their personal safety and the safety of their streets and neighborhoods. Some 90 percent of Americans think the crime problem is growing, and 43 percent say there is more crime in their neighborhood than there was a year ago.<sup>9</sup> The reason: despite rising arrest rates and prison overcrowding, 3.2 million convicted felons are out on parole or probation rather than in prison. Studies show that within three years, 62 percent of all prisoners released from prison are rearrested,<sup>10</sup> and 43 percent of felons on probation are rearrested for a felony.<sup>11</sup>

The public understandably wants individuals who have committed serious crimes to be off the streets, serving full prison terms. A recent survey for *Parade* magazine finds that 92 percent of Americans want repeat serious offenders to serve all of their sentence without being paroled.<sup>12</sup> This finding is consistent with an earlier Gallup poll showing that 82 percent of Americans favor making it more difficult for those convicted of violent crimes like murder and rape to be paroled.<sup>13</sup>

The federal government and the states have begun in recent years to address the problem. Toward the end of the Bush Administration, for example, then-Attorney General William Barr issued a report making 24 specific recommendations to the states to help reduce violent crime.<sup>14</sup> The second recommendation was to institute truth-in-sentencing

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7 See Bureau of Justice Statistics, U.S. Department of Justice, *Lifetime Likelihood of Victimization*, technical report, March 1987.

8 See U.S. Department of Justice, "The Case for More Incarceration," 1992, p.16.

9 See CNN/Gallup Poll, cited in *USA Today*, October 28, 1993, p. 1A.

10 See Bureau of Justice Statistics, U.S. Department of Justice, Special Report, *Recidivism of Prisoners Released in 1983*, April 1989.

11 See Bureau of Justice Statistics, U.S. Department of Justice, Special Report, *Recidivism of Felons on Probation*, February 1992.

12 See Mark Clements, "Findings from *Parade's* national survey on law and order," *Parade*, April 18, 1993, pp. 4-7.

13 See George Gallup, Jr., *The Gallup Report*, Report No. 285 (Princeton, N.J.: The Gallup Poll, June 1989) pp. 29, 30.

14 See U.S. Department of Justice, *Combating Violent Crime: 24 Recommendations to Strengthen Criminal Justice*, July

laws that restrict the ability of parole boards and prison officials to release a prisoner before a specified percentage of his sentence has been served. As of 1987, the federal system requires prisoners to serve 85 percent of their sentences before they can be released. In 1993, Arizona has passed a similar restriction on early release.

In November 1993, Governors-elect George Allen of Virginia and Christine Whitman of New Jersey promised full support for enactment of truth-in-sentencing laws in their respective states. The time is right for the introduction of truth-in-sentencing legislation in the states where violent criminals are being released before serving the bulk of their sentences.

At the same time, state legislators should get substantial help from Congress. Representative Jim Chapman, the Texas Democrat, and Representative Don Young, the Alaska Republican, have sponsored "The Truth in Sentencing Act of 1993," which would encourage states to adopt truth in sentencing legislation and would help fund truth-in-sentencing programs. Instead of tax increases to finance the enforcement of truth-in-sentencing initiatives, including prison construction, funding would come from reduction of the size of the federal bureaucracy and cuts in federal spending.

## HIGH RECIDIVISM: THE FAILURE OF PAROLE

Releasing violent criminals from prison before they have completed their sentences is justified by proponents for one of three reasons: first, prisons are overcrowded and it is too costly to build more prisons; second, "good time" credits, which have the effect of reducing sentences, are and should be given to well-behaved prisoners; and third, prisoners sometimes can be rehabilitated, and so should be paroled.

The problem is that the evidence seriously questions the second and third rationales, and shows the first to be very short-sighted.

Recidivism among violent criminals is high. Consider a three-year follow-up of 108,850 state prisoners released in 1983 from institutions in eleven states, conducted by the Bureau of Justice Statistics.<sup>15</sup> The study, the conclusions of which are consistent with those of other such studies, found that within three years some 60 percent of violent offenders were rearrested for a felony or serious misdemeanor; 42 percent of all violent offenders released were reincarcerated. Of all the violent offenders released, 36 percent were rearrested for a violent crime. Among nonviolent prisoners released, 19 percent were rearrested within three years for a violent crime.

The prisoners in the study accounted for over 1.6 million arrest charges for the time before they had entered prison and for the three years afterwards. These included nearly 215,000 arrests for violent crimes before going to prison and 50,000 violent crimes

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1992. For an excellent discussion of these recommendations, see Mary Kate Carey, "How States Can Fight Violent Crime: Two-Dozen Steps to a Safer America." Heritage Foundation *State Backgrounder*, No. 944/S, June 7, 1993.

<sup>15</sup> See Bureau of Justice Statistics, *Recidivism of Prisoners Released in 1983*. See also, Bureau of Justice Statistics, U.S. Department of Justice, Special Report, *Examining Recidivism*, February 1985.

within three years after release. Altogether they were arrested for:

- X 14,467 homicides
- X 7,073 kidnappings
- X 23,174 rapes or sexual assaults
- X 101,226 robberies
- X 107,130 assaults

## THE PROBLEMS OF DETERMINING PAROLE

The U.S. Parole Board uses a sophisticated Salient Factor Score (SFS) to guide it in deciding who will be paroled. Unfortunately for law-abiding Americans, the Parole Board turns out to be over-optimistic. Of those classified by the Parole Board staff as "good risks" for parole, the Parole Board assumes that 18 percent will be rearrested and again sentenced to prison for over one year within five years of release. In addition, the Parole Board expects that 29 percent of "fair risks" who are paroled will be resentenced to over a year in prison within five years of release.<sup>16</sup>

Considering the government's—and the American people's—anxiety about risk, this parole policy is remarkable. Where else would such a high failure rate be tolerated, when it results in the death, rape, or injury of ordinary Americans? The Federal Aviation Administration certainly does not allow airplanes to fly with critical parts that fail 29 percent of the time. And the Food and Drug Administration does not allow drugs on the market that have dangerous side effects 18 percent of the time.

Twenty years ago, James Q. Wilson, then a professor of government at Harvard University, asked a basic question about rehabilitation:

If rehabilitation is the object, and if there is little or no evidence that available correctional systems will produce much rehabilitation, why should any offender be sent to any institution? But to turn them free on the grounds that society does not know how to make them better is to fail to protect society from those crimes they may commit again and to violate society's moral concern for criminality and thus to undermine society's conception of what constitutes proper conduct. [Because the correctional system had not reduced recidivism], we would view the correctional system as having a very different function—namely, to isolate and to punish. It is a measure of our confusion that such a statement will strike many enlightened readers today as cruel, even barbaric. It is not. It is merely a recognition that society at a minimum must be able to protect itself from dangerous offenders and to impose some costs (other than the stigma and inconvenience of an arrest and court appearance) on criminal acts; it is also a frank admission that society really does not know how to do much else.<sup>17</sup>

16 See Peter B. Hoffman and James L. Beck, "Recidivism Among Released Federal Prisoners: Salient Factor Score and Five Year Follow-Up," *Criminal Justice and Behavior* Vol. 12, No. 4 (December 1985), pp. 501-507.

17 See J.Q. Wilson, "If Every Criminal Knew He Would Be Punished If Caught," *The New York Times Magazine*, January 28, 1973, pp. 52-56.

Until there are dramatic improvements in the techniques of rehabilitation and identifying those who can safely be paroled, state legislators would be wise to follow Professor Wilson's admonition: society must protect itself from dangerous offenders and impose real costs on criminal acts. Or, as Douglas Jeffrey, executive vice president of the Claremont Institute says, "We need to put justice back into the criminal justice system by putting convicted criminals behind bars and keeping them there for appropriate periods of time."<sup>18</sup> If state legislators were to adopt that simple mission, today's unacceptable risks to law-abiding Americans would be reduced.

## INCARCERATION SAVES MONEY

While full sentences may mean more spending on prison, lawmakers and taxpayers need to understand that early-release programs cost dollars rather than save them. A 1982 Rand Corporation study of prison inmates found that the average inmate had committed 187 crimes the year before being incarcerated.<sup>19</sup>

When criminals are released early, many commit a similar volume of crimes when back on the streets.

The cost of crime committed by these early-release criminals is both direct and indirect. Taxpayers must finance the criminal justice system. Householders and businesses must buy private protection such as lighting, locks, dogs, fences, and alarm systems. They must buy insurance. The victims lose property and wages, and often incur heavy hospitalization costs.

In addition to the direct costs, there is the hidden cost of crime. Businesses, for instance, pass on to customers some of their costs for security and stolen merchandise. Households also must "pay" for crime by altering their behavior and life style.<sup>20</sup> It has been estimated that crime increases in the early 1980s caused "150,000 more New Yorkers to take taxis instead of public transportation; some 140,000 more New York City households sacrificed trips rather than leave their apartments unprotected. 50,000

| Crimes Committed by Felons<br>Not Incarcerated |                      |
|--|----------------------|
| One Criminal                                   | Crimes Per Year      |
| Burglar  | 76-118 burglaries    |
| Robber   | 41-61 robberies      |
| Thief  | 135-202 thefts       |
| Auto Thief                                     | 76-100 auto thefts   |
| Forger   | 62-98 frauds         |
| Conman   | 127-283 frauds       |
| Drug Dealer                                    | 880-1,299 drug deals |

18 Editor's note in Joseph M. and Anne Nutter Bissette, *Ten Myths About Crime and Justice* (Claremont, CA: The Claremont Institute, March 1992).

19 See generally Peter Greenwood et al., *Selective Incapacitation*, Report R-2815-NIJ, The Rand Corporation, Santa Monica, CA, 1982.

20 Edward Zedlewski, *Costs and Benefits of Sanction: A Synthesis of Recent Research*. Unpublished paper, National Institute of Justice, June 1992.

put bars on their windows and 40,000 bought weapons. Even more difficult to assess are the costs of 'urban blight' such as abandoned buildings, unsafe schools, and inner city unemployment. Quite possibly the costs we can't count exceed the ones we can."<sup>21</sup>

It is easy for policy makers to underestimate the tremendous cost of crime, particularly the cost of injuries and deaths of victims. Mark Cohen, a researcher at the U.S. Sentencing Commission, broke new ground in this area in 1988 by using jury verdicts in personal injury cases to estimate the value of injuries to victims. As the table below indicates, the cost to society of each rape is \$51,058, each robbery \$12,594, each assault \$12,028. These as costs are invisible to all but the victims who are the randomly burdened by society's failure to keep repeat offenders in prison.<sup>22</sup>

Three years ago, David Cavanagh and Mark Kleiman of the BOTEC Analysis Corporation, a Cambridge, Massachusetts consulting firm, performed an even more ambitious and

| Per-Crime Cost of Crime to Victims<br>(1985 Dollars) |               |                    |               |            |
|--|---------------|--------------------|---------------|------------|
| CRIME  | DIRECT LOSSES | PAIN AND SUFFERING | RISK OF DEATH | TOTAL COST |
| <b>Rape</b>  | \$4,617       | \$43,561           | \$2,880       | \$51,058   |
| <b>Robbery</b>                                       | \$1,114       | \$7,459            | \$4,021       | \$12,594   |
| <b>Assault</b>                                       | \$442         | \$4,921            | \$6,685       | \$12,028   |
| <b>Larceny</b>                                       | \$179         |                    | \$2           | \$181      |

complex cost-benefit analysis of incarceration. The analysis includes as many indirect, societal costs and benefits as possible. Cavanagh and Kleiman estimate the most plausible range of the cost of incarceration of one inmate per year at \$34,000 to \$38,000. But the total benefits occurring from incarcerating that one inmate for a year, eliminating the cost of the individual's probable crimes, could run between \$172,000 and \$2,364,000.<sup>23</sup> In a recent paper Cavanagh and Kleiman computed a range of ratios from 3 to 1 to as high as 17 to 1 of benefits over costs.<sup>24</sup> Edward W. Zedlewski, of the National Institute of Justice, estimated a benefit/cost ratio for incarcerating prisoners of 17 to 1.

The 1982 Rand Corporation study finds that the average robber commits between 41 and 61 robberies a year. Mark Cohen estimates that the actual cost to society of each robbery is \$12,569.<sup>25</sup> Assuming the cost to society of keeping a robber in prison is Cavanagh and Kleiman's high estimate of \$37,614 a year, from a strictly financial point

21 William W. Greer, "What Is The Cost of Rising Crime?" *New York Affairs*, January 1984, p. 6-16.

22 See Mark Cohen, "Pain, Suffering, and Jury Awards: A Study of the Cost of Crime to Victims," *Law and Society Review* Vol. 22, No. 537 (1988).

23 See generally David P. Cavanagh and Mark A. R. Kleiman, *A Cost Benefit Analysis of Prison Cell Construction and Alternative Sanctions*, May 1990 (prepared under contract with the National Institute of Justice).

24 *Ibid.*

25 Cohen, *op. cit.*

of view it makes sense to incarcerate a robber if that individual commits three or more robberies each year.

### Investing in Safety

The imprisonment rate is higher in the United States than it is in other Western democracies mainly because Americans commit crime at a higher rate. The homicide rate in the United States is five times as high as in Europe; the rape rate is more than six times as high; and the robbery rate is four times as high.<sup>26</sup>

Given the higher crime rates in the United States, and the benefits to society of incarcerating criminals, state and federal officials have underinvested in public safety. According to one estimate, more than 120,000 additional prison beds were needed across the nation at the close of 1990.<sup>27</sup> Some might argue that some inmates do not belong in prison, and should be replaced with hardened criminals. But 95 percent of Americans in prison are repeat or violent offenders.<sup>28</sup> Despite this enormous need for additional prison space, spending on corrections remains a very small percentage of state and local budgets. In fiscal year 1990, only 2.5 percent of the \$975.9 billion in total expenditures by state and local governments went for corrections (about \$24.7 billion). Investment in new prison construction is only a small fraction of that figure.<sup>29</sup>

The experience of these states shows the folly of trying to save money by reducing prison budgets, and the benefits of increased prison construction.

**MICHIGAN:** In the late 1970s, Michigan's state legislators and voters refused to build new prisons. The state soon was forced to deal with severe overcrowding. Governor William G. Milliken granted emergency releases to 20,000 inmates over four years, some more than two years early. The violent crime rate for Michigan, as reported by the FBI, soared 25 percent from 1978 to 1986 amid mounting public outrage.

Starting in 1986, a crash prison-building program doubled the inmate population in five years. Michigan's crime rate dropped. By 1990, robbery and burglary rates each fell more than 20 percent. In Detroit, burglaries went down 32 percent, robberies 37 percent.

**CALIFORNIA:** Since 1982, Californians have approved \$3.7 billion in bonds to build prisons. From 1980 to January 1991, the inmate population quadrupled from 22,600 to 87,300. By 1990, murder rates fell almost 24 percent from their 1980-1982 peaks, rape fell nearly 28 percent, burglary rates were down 38 percent. This translates as an annual reduction of nearly a thousand murders, 16,000 robberies, and a quarter of a million burglaries.<sup>30</sup>

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26 "International Crime Rates," May 1988, NCI-110776.

27 See Bureau of Justice Statistics, U.S. Department of Justice, *Prisoners in 1990*, table 9 (1991).

28 See Bureau of Justice Statistics, U.S. Department of Justice, *Prisons and Prisoners in the United States* (1992), p. 16.

29 See Bureau of the Census, U.S. Department of Commerce, *Government Finances: 1989-90* (1991), p. 2.

30 See Eugene H. Methvyn, "An Anti-Crime Solution: Lock Up More Criminals," *The Washington Post*, October 27, 1991, p. C1. Methvyn is a Senior Editor of *Reader's Digest* and served on the President's Commission on Organized Crime from 1983 to 1986.

**ILLINOIS:** In 1980, the state released 21,000 prisoners three months before completion of their sentences, in an effort to reduce the cost of detention. But while the state saved \$60 million, those prisoners committed 23 murders, 32 rapes, 262 acts of arson, 681 robberies, 2,472 burglaries, 2,571 assaults, and 8,000 other crimes in the three months following their release.<sup>31</sup>

## WHY TRUTH IN SENTENCING HELPS

Truth in sentencing will increase the length of time convicted violent criminals are incarcerated. Currently violent criminals are serving 37 percent of the sentence that has been imposed. If required to serve at least 85 percent of their sentences, violent criminals would serve 2.3 times longer than they do now.

If the 55 percent of the estimated 800,000 current state and federal prisoners who are violent offenders were subject to serving 85 percent of their sentence, and assuming that those violent offenders would have committed ten violent crimes a year while on the street, then the number of crimes prevented each year by truth in sentencing would be 4,400,000.<sup>32</sup> That would be over two-thirds of the 6,000,000 violent crimes reported in the National Criminal Victims Survey for 1990.<sup>33</sup>

### Targeting Hardened Criminals

Truth-in-sentencing laws would require state prison officials to retain more prisoners, at a higher cost to the state. But research shows that these prisoners are generally society's most dangerous predators.<sup>34</sup> In a landmark study, University of Pennsylvania criminologist Marvin Wolfgang compiled arrest records up to their 30th birthday for every male born and raised in Philadelphia in 1945 and 1958. He found that just 7 percent of each age group committed two-thirds of all violent crime, including three-fourths of the rapes and robberies and virtually all of the murders. Moreover, this 7 percent not only had five or more arrests by age 18 but went on committing felonies. Wolfgang and his colleagues estimate these criminals got away with about a dozen crimes.<sup>35</sup> Their studies suggest that about 75,000 new, young, persistent criminal predators are added to the population every year. They hit their peak rate of offenses at about age 16.<sup>36</sup>

In response to these findings, Alfred Regnery, who was Administrator of the Office of Juvenile Justice and Delinquency Prevention at the Justice Department from 1982 to 1986, funded projects in cities in which police, prosecutors, schools, and welfare and probation workers pooled information to focus on the "serious habitual offender." The program had a significant effect in many cities. Thanks to this Justice Department pro-

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31 See James Austin, "Using Early Release to Relieve Prison Crowding: A Dilemma in Public Policy," *Crime & Delinquency*, Vol. 32, No. 4 (October 1986), pp. 480-481.

32 The median number of crimes reported in Rand Study was 15. See Greenwood et al., *op. cit.*

33 See U.S. Department of Justice, *Criminal Victimization in the United States, 1990*, p. 4.

34 Methvyn, *op. cit.*

35 See P. E. Tracy, M. E. Wolfgang, and R. M. Figlio, *Delinquency Careers in Two Birth Cohorts* (New York: Plenum Press, 1990), pp. 279-280.

36 *Ibid.*

gram, for example, Oxnard, California, was able to place the city's thirty most active serious habitual offenders behind bars, and violent crimes dropped 38 percent in 1987, more than double the drop in any other California city. By 1989, when all thirty of the active serious habitual offenders were behind bars, murders declined 60 percent compared with 1980, robberies 41 percent and burglaries 29 percent.<sup>37</sup>

Thus in conjunction with a criminal justice system that convicts and incarcerates the hardened criminals, a truth-in-sentencing policy will reduce crime by keeping these serious and habitual offenders in prison longer.

### How Truth in Sentencing Deters Criminals

Incarceration incapacitates violent criminals, and directly benefits law-abiding Americans, by protecting families and also by yielding greater financial savings from reduced crime than the cost of incarceration itself. But stepped-up imprisonment also deters crime. Criminologist Isaac Ehrlich of the University of Chicago, estimated that a one percent increase in arrest rates produces a one point decrease in crime rates, and a one percent increase in sentence length produces a one percent decrease in crime rates, for a combined deterrent and incapacitation effect of 1.1 percent.<sup>38</sup> Observed trends seem to support Ehrlich's broad conclusion and hence the claim of deterrence. When the rate of imprisonment per 100 crimes began dropping in the early 1960s, for instance, the rate of crime per 100 population began to climb steeply.

A recent report by the Dallas-based National Center for Policy Analysis, written by Texas A&M economist Morgan Reynolds, makes a strong case for the deterrence value of longer sentences. According to Reynolds:

Crime has increased as the expected costs of committing crimes has fallen. Today, for a burglary, for example, the chance of arrest is 7 percent. If you are unlucky enough to be one of the 7 percent arrested, relax; only 87 percent of arrestees are prosecuted. Of those, only 79 percent are convicted. Then only 25 percent of those convicted actually go to prison. Multiplying out all these probabilities gives your would-be burglar a 1.2 percent chance of going to jail.<sup>39</sup>

So, too many criminals do not go to jail for the crimes they commit. Reynolds points out that "once in prison, a burglar will stay there for about 13 months, but since more than 98 percent of burglaries never result in a prison sentence, the average expected sentence for each act of burglary is only 4.8 days. Similar calculations yield an expected punishment in 1990 of 1.8 years for murder, 60.5 days for rape, and 6.7 days for arson. Thus, for every crime, the expected punishment has declined over the decades. The decline continues between 1988 and 1990. When punishments rise, crime falls."<sup>40</sup> In short, Reynolds's argument is that raising expected punishment deters crime. Expected

37 Methvyn, *op. cit.*

38 See Isaac Ehrlich, "Participation in Illegitimate Activities: A Theoretical and Empirical Investigation," *Journal of Political Economy*, May/June 1973, pp. 521-564.

39 See Morgan O. Reynolds, "Why Does Crime Pay?" National Center for Policy Analysis *Backgrounders* No. 110 (1990), p. 5.

40 *Ibid.*

punishment is a function of the risk of being caught and convicted multiplied by the median time served. Therefore, everything being equal, increasing the length of sentence increases expected punishment, and hence a criminal is more likely to be deterred when the sentence is longer.

Reynolds also finds that since 1960, the expected punishment for committing a serious crime in Texas has dropped by more than two-thirds, while the number of serious crimes per 100,000 population in Texas has increased more than sixfold.<sup>41</sup>

While these data do not separate out the deterrent effect of longer sentences from the incapacitation effect, it is clear that longer sentences can generally be expected to reduce crime rates.

## OBJECTIONS TO TRUTH-IN-SENTENCING LAWS

State truth-in-sentencing laws have great potential to combat violent crime. While academics and legislators in Washington and the states often focus on long-term solutions to the crime problem, such as social or economic conditions or the "root causes" of crime, the special merit of the truth-in-sentencing approach is simply that it keeps violent criminals off the streets while citizens, legislators, and professionals debate the merits of differing approaches in relative safety. In spite of its appeal to common sense, opponents of truth-in-sentencing legislation often make invalid objections. Some argue that truth in sentencing simply costs too much. But such an objection overlooks the opportunity cost of not keeping dangerous offenders in prison. For example, the cost of incarcerating a criminal is approximately \$23,000 per year, but the cost of that criminal on the street is \$452,000 per year. Some financial estimates are much higher. And, of course, for the families and victims of violent crime, such as James Jordan and Polly Klaas, the human cost is beyond calculation. Others argue that the already large numbers of persons in American jails is an international scandal. While there are indeed more criminals in America who serve more time than criminals in other countries, the fact remains that the violent crime rate in America is proportionately higher than in virtually all other countries. And if there is any scandal, it is the perpetuation of a failing criminal justice system that allows convicted rapists, kidnappers, and armed robbers back on the streets, ignoring the concerns of an American public that desperately needs security from predatory, violent criminals.

Beyond the questions of cost and the higher percentage of individuals being incarcerated, another objection to the enactment of truth-in-sentencing laws is that they ignore the "root causes" of crime. These root causes are often discussed in terms of persistent poverty, poor education, and deteriorating families. Liberal academics, of course, are not alone in addressing these maladies; and conservative social criticism, including recent analyses by scholars from The Heritage Foundation, have enriched the growing national debate on America's failing criminal justice system.<sup>42</sup> But an academic focus on "root

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<sup>41</sup> See Morgan O. Reynolds, *Crime in Texas*, National Center for Policy Analysis Report No. 102 (1991), p. 4.

<sup>42</sup> For an excellent summary of the relationship between crime and the deterioration of family life, particularly in urban areas, see Robert Rector, "A Comprehensive Urban Policy: How to Fix Welfare and Revitalize America's Inner Cities,"

causes," whatever its long-term impact on public policy, should not ignore the fact that violent crime itself immediately aggravates these social problems.

Beyond these general reservations, there are several other objections to truth in sentencing laws:

**Objection #1: Truth in sentencing interferes with other policies.**

Truth in sentencing does not. For instance, it does not affect *habeas corpus*, mandatory minimum sentences, the exclusionary rule, the death penalty, or gun control. Moreover, truth in sentencing is no threat to existing programs designed to divert criminals from jail or prison, such as community-based corrections, intensive probation, house arrest, restitution, or boot camps for first-time offenders. A judge or jury sentencing a convicted criminal to any of these alternatives would not be in conflict with truth in sentencing. But if a judge or jury imposes a prison sentence on a criminal with such a law on the books, another government official cannot later amend the sentence and send that person to an alternative program not involving incarceration. If a judge or jury feels comfortable permitting alternatives to prison for a criminal after listening to the evidence, learning the criminal's background, and hearing from the victim, then truth-in-sentencing requirements would be satisfied.

**Objection #2: Truth in sentencing discriminates against minorities.**

Some critics argue that the criminal justice system discriminates against black Americans, and so truth-in-sentencing rules will unfairly hit those inmates. On their face, the raw statistics are indeed disturbing. Blacks comprise only 12 percent of the population, but constitute 48.9 percent of state prisoners and 31.4 percent of federal prisoners. The impact of truth-in-sentencing law would depend on whether blacks or whites are disproportionately convicted of the crimes covered by the laws, and whether parole currently favors blacks or whites. However, these laws would be even-handed. All convicted offenders, regardless of race, would have to serve 85 percent of their sentences before being eligible for parole. A more significant question is whether the higher percentages of blacks in prison are the result of racial bias or of higher rates of crime. A number of studies have been conducted to answer that question and appear to demonstrate that it is higher rates of crime among blacks, and not bias, that accounts for their disproportionate representation in America's prisons.

**Example:** Alfred Blumstein, Professor of Urban and Public Affairs at Carnegie-Mellon University, in a 1982 study, concluded that about 80 percent of the observed racial disparity in prison population was the result of differential involvement in crime. He acknowledged, however, that the decision to arrest could be affected by bias.<sup>43</sup>

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Heritage Foundation *Memo to President-Elect Clinton* No. 12, January 18, 1993; see also Carl F. Horowitz, "An Empowerment Strategy For Eliminating Neighborhood Crime," Heritage Foundation *Backgrounder* No. 814, March 5, 1991.

43 Alfred Blumstein, "On the Racial Disproportionality of United States' Prison Populations," *Journal of Criminal Law and Criminology*, Vol. 73 (1982), p. 1259; U.S. Department of Justice, "The Case for More Incarceration," 1992, p. B4.

**Example:** Patrick A. Langan, a statistician at the Bureau of Justice Statistics, attempted to test whether bias in arrests might be a factor in the rates of imprisonment. He analyzed the racial composition of lawbreakers from victims' reports to derive an estimate of what the prison composition should be, and then compared that with the actual percentage of black prison admissions. As the adjacent table shows, the estimated percentage was only a few points below the actual percentage.<sup>44</sup>

| Estimate of Prison Admissions<br>From Victims' Reports,<br>Compared with the Actual Admissions |                   |                |
|--|-------------------|----------------|
| YEAR   | Estimated Black % | Actual Black % |
| 1973   | 48.1              | 48.9           |
| 1979   | 43.8              | 48.1           |
| 1982   | 44.9              | 48.9           |

Furthermore, a 1990 Rand Corporation study concludes that it is possible to predict with 80 percent accuracy whether an offender will be sentenced to probation or prison.<sup>45</sup> Adding the offender's race to the equation does not improve the accuracy of the prediction. Race also is unrelated to the length of prison term imposed.

## CONCLUSION

The time has come for states to enact truth-in-sentencing laws. There are few viable alternatives that protect citizens from the immediate threat of violent crime. Parole, for example, is a failed experiment. The American people deserve better.

The task before America's state legislators and governors is to pass truth-in-sentencing legislation that would require violent criminals to serve the bulk of their sentences—85 percent is a good benchmark—and to provide the resources it will take to implement such laws. The federal government can encourage this commonsense approach. One such initiative is the Truth in Sentencing Act of 1993, H.R. 3584, introduced by Representatives Jim Chapman and Don Young. This bill would encourage each state to adopt truth-in-sentencing laws and would fund assistance to the states, amounting to \$10.5 billion over five years, to help them implement such laws, including the building and operating of prisons. Trimming the federal bureaucracy, not tax increases, is the financing mechanism for these efforts.

<sup>44</sup> Patrick A. Langan, "Racism on Trial: New Evidence to Explain the Racial Composition of Prisons in the United States," *Journal of Criminal Law and Criminology*, Vol. 76 (1985) p. 666.

<sup>45</sup> *Race and Imprisonment Decisions in California* (1990).

The cost of doing nothing is unacceptably high. Crime is a leading concern for Americans. Political leaders and state legislators who can focus the public's attention on a common sense reform like truth in sentencing will be setting the terms of the national debate.

Prepared for The Heritage Foundation by  
James Wootton  
President, Safe Streets Alliance  
Washington, D.C.

*All Heritage Foundation papers are now available electronically to subscribers of "Town Hall," the conservative meeting place, and "NEXIS," the on-line data retrieval service. For information about Town Hall services, please call 1-(800) 441-4142. On Nexis, The Heritage Foundation's Reports (HFRPTS) can be found in the OMNI, CURRNT, NWLTRS, and GVT group files of the NEXIS library and in the GOVT and OMNI group files of the GOVNS library.*

# SAFE STREETS

Safe Streets is a nonpartisan, grassroots organization created to respond to the epidemic of violent crime in America. The goals of Safe Streets are to keep violent criminals off the street and to prevent at risk youth from becoming involved in crime.

## EDUCATE THE PUBLIC

Safe Streets will educate the public about the weaknesses of the criminal justice system and the need for Truth-in-Sentencing laws which require violent criminals serve at least 85% of their sentences for violent crimes.

## CHANGE THE LAWS

Safe Streets will build a national consensus to support Truth-in-Sentencing legislation and encourage the 50 states to adopt this standard.

## JUSTICE WATCH

Justice Watch will expose individuals in the criminal justice system who are unresponsive to the concerns of the public.

## PARTNERSHIPS FOR YOUTH

Safe Streets will develop partnerships with youth organizations targeted at young people who drop out of high school each year.

## CORE PROBLEM: NO TRUTH IN SENTENCING

The public and crime-victims do not understand why they are not being well served by the criminal justice system. Chief among the deficiencies of the system is that convicted violent criminals are serving a fraction of the time in prison compared to the sentences received at the trial.

| Comparing Sentences and Time Served |                 |                    |
|-------------------------------------|-----------------|--------------------|
| Offense                             | Median Sentence | Median Time Served |
| <b>Murder</b>                       | 15 years        | 5.5 years          |
| <b>Rape</b>                         | 8 years         | 3 years            |
| <b>Robbery</b>                      | 6 years         | 2.25 years         |
| <b>Assault</b>                      | 4 years         | 1.25 years         |

## FACTS ABOUT VIOLENT CRIME

- Violent crime has increased by 500% since 1960.
- 31% of violent crimes are committed by convicted criminals on probation or parole.
- 8 out of 10 Americans are likely to be victims of violent crime at least once in their lives.
- A violent crime is committed every 17 seconds.



## WHY TRUTH-IN-SENTENCING HELPS

Truth-in-Sentencing will increase the length of time convicted violent criminals are incarcerated. Currently violent criminals are serving 37% of the sentence that has been imposed. If required to serve at least 85% of their sentences, violent criminals would serve 2.3 times longer which could result in the prevention of over two-thirds of the violent crimes committed each year.

## HOW CAN YOU HELP?

By becoming a member of Safe Streets you can help educate the public about the need for Truth-in-Sentencing and join our effort to reform the criminal justice system. **To join Safe Streets, complete the enclosed form and mail your contribution to:**

# SAFE STREETS

1146 Nineteenth Street, N.W.  
Suite 700  
Washington, D.C. 20036

If you are interested in becoming a volunteer for SAFE STREETS or forming a chapter in your state, please contact:  
Kate Fiedler, Director of Development  
Phone: (202) 452-6832 Fax: (202) 833-9031

## LEADERSHIP

|                                     |   |
|-------------------------------------|---|
| Gen. Bill Etnyre<br><i>Chairman</i> | Chairman, DELTA Development   |
| James Wootton<br><i>President</i>   | Former U.S. Justice Department<br>Official                                  |
| Emie Allen                          | President, National Center for<br>Missing & Exploited Children              |
| Ray Arnette                         | Former Assistant Secretary,<br>Department of Interior                       |
| Grace Bender                        | Co-Chair, Safe Streets Council  |
| Gloria Borland                      | President, Global Village Network   |
| Robbie Callaway                     | Assistant National Director,<br>Boys and Girls Clubs of America             |
| Ron Crawford                        | President, F/P Research Associates  |
| Susan Davis                         | Chairman, The Susan Davis<br>Companies                                      |
| Tom Donnelly                        | President, The Donnelly Group   |
| Tom Doughty                         | Vice President, Barnes, Morris,<br>Pardoe & Foster                          |
| Alan Dye                            | Partner, Webster, Chamberlain, &<br>Bean                                    |
| Reuben Greenberg                    | Chief of Police, Charleston, SC   |
| James Grego                         | Chairman, Citizens Against<br>Violent Crime                                 |
| Doug Johnston                       | Executive Vice President, Center for<br>Strategic and International Studies |
| Emmanuel Kampouris                  | President, CEO, and Chairman of<br>the Board, American Standard, Inc.       |
| Virginia Knauer                     | Former Special Advisor to<br>Presidents Nixon, Ford and Reagan              |
| Bud Meredith                        | Chairman, Food Executives<br>International Foundation, Inc.                 |
| Ilene Nagel                         | Commissioner, U.S. Sentencing<br>Commission                                 |
| John Phillips                       | Vice Chair, National Executive<br>Service Corps                             |
| Al Regnery                          | President and Publisher, Regnery<br>Publishing                              |
| Ray Shafer                          | Former Governor of Pennsylvania   |
| Bob Smith                           | Director, Federal Government<br>Relations, Olin Corporation                 |
| Patricia Stern                      | Co-Chair, Safe Streets Council  |
| Claire Tweedie                      | Director, Government Relations,<br>American Cyanamid                        |

## PARTNERSHIPS FOR YOUTH PROGRAMS

As SAFE STREETS membership grows, we anticipate forming partnerships with other organizations to help prevent youth from becoming involved in crime.

### GOALS:

- Provide after school activities and supervision.  
    ➤ *Create the After School Partnership.*
- Provide every child a mentor.  
    ➤ *Create the Mentor/Apprentice Partnership.*
- Provide structured residential setting for hardcore dropouts.  
    ➤ *Create A Youth Leadership Partnership.*
- Expel dangerous students and enforce truancy laws.  
    ➤ *Create a School Safety Partnership.*
- Provide neighborhood drug and alcohol recovery programs for all who ask.  
    ➤ *Create Neighborhood Recovery Networks.*
- Promote effective rehabilitation of prisoners.  
    ➤ *Create a Partnership for Competitive Corrections.*

**S A F E**  
**STREETS**

# **SAFE**

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# **STREETS**

DATE: April 20, 1994

CONTACT: Kate Fiedler  
Safe Streets Alliance  
(202) 452-6832

PRESS RELEASE

FOR IMMEDIATE RELEASE

## **RE: SAFE STREETS HAILS VICTORY FOR TRUTH-IN-SENTENCING IN HOUSE OF REPRESENTATIVES**

WASHINGTON, D.C.--Yesterday's vote by the House for the Truth-in-Sentencing Amendment, sponsored by Congressman Chapman of Texas, means that the goal of the Safe Streets Alliance to create a national consensus that Truth-in-Sentencing should be the standard of justice in this country has been achieved at the national level.

Because the Senate Bill already contains a Truth-in-Sentencing requirement for access to regional prisons, the House action virtually guarantees that the crime bill will contain Truth-in-Sentencing requirements for the states.

However, James Wootton, founder and President of the Safe Streets Alliance, warns supporters of Truth-in-Sentencing not to become complacent, "Whatever help we get from federal legislation now pending in Congress, the real battle for Truth-in-Sentencing will take place in the states. The Safe Streets Alliance plans to turn its attention now to making sure that states take advantage of whatever federal incentives for Truth-in-Sentencing are created by adopting state laws which require violent criminals to serve 85% of their sentences instead of the 37% they are now serving."

Wootton also warns against under-funding the federal Truth-in-Sentencing effort. "There is a huge disparity between the \$3 billion available to the states under the Hughes amendment and the \$10.5 billion available under the Chapman Amendment. \$10.5 billion in federal funding would mean that states could add 100,000 prison beds for violent criminals which would result in the prevention of millions of violent crimes in the coming years."

Wootton says, "It would be an outrageous deception of the American people if the crime bill spends less than \$10 billion of a \$22 billion crime bill on getting violent criminals off of the street." According to Wootton, "The best crime bill for which the American people could hope would be one that while putting 100,000 police on the streets provides the means for taking 100,000 violent criminals off."

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# Lessons of Pop Jordan's Death

JAMES WOOTTON

**T**HE MURDER OF THE MAN MICHAEL JORDAN called "Pops" has put a human face on this nation's agony over violent crime. By all accounts, Mr. James Jordan was a warm, loving family man who gently shared the joy of his famous son's accomplishments. His murder is a visible tear in the fabric of society that has been unraveling for the past three decades.

Since 1960, violent crime has increased 500 percent.

A 1987 Justice Department study found that eight out of 10 Americans will be victims of violent crime in their lifetimes. Six million violent crimes were measured by the Justice Department in 1990.

Based on what we know about the criminal histories of the two young men who allegedly killed Mr. Jordan, this crime should never have happened. We have a right to be outraged that they were not in jail or prison, instead of staking out a roadside spot in Robeson County, N.C., like modern-day highwaymen. According to county Sheriff Hubert Stone, "Mr. Jordan would be alive now if the [legal] system worked the way it should."

Both of these 18-year-olds already had extensive criminal histories at the time of the Jordan killing. Daniel Green was on parole after serving just two years of a six-year sentence for attempting to kill Robert Ellison by smashing him in the head with an ax and putting him in a coma for three months. Larry Demery was awaiting trial for bashing Mrs. Wilma Dial, a 61-year-old convenience-store clerk, in the head with a cinder block during a robbery, fracturing her skull and causing a brain hemorrhage.

There are lots of theories about which mix of family background and environmental conditions might influence a person to become a criminal. However, these theories always run headlong into the stubborn fact that most of the kids with similar backgrounds and similar environments do not become criminals themselves. What we do know is that year in and year out our society, for whatever reasons, does produce a new crop of hard-core criminals. The government's paramount obligation is to protect law-abiding citizens like Mr. Jordan from becoming their victims.

Criminologist Marvin Wolfgang compiled arrest records for every male born—and raised in Philadelphia—in 1945 and in 1958. Just 7 percent of each age group committed two thirds of all violent crime, including three fourths of the rapes and robberies, and virtually all of the murders. This 7 percent not only had five or more arrests by the age of 18, but, for every arrest made, got away with about a dozen crimes. In an article based on Wolfgang's studies, it has

been suggested that about 75,000 new, young, persistent criminal predators are added to our population every year.

When I was at the Justice Department in the early '80s, we funded projects in 20 cities where police, prosecutors, schools, and welfare and probation workers pooled information to focus on these "serious habitual offenders." As part of this program, Oxnard, Calif., worked to get the city's 30 active, serious habitual offenders behind bars. As a direct result, in 1987 violent crimes dropped 38 percent, more than double the drop in any other California city. By 1989, when all 30 active, serious habitual offenders were behind bars, murders declined by 60 percent, robberies by 41 percent and burglaries by 29 percent.

From a distance, the two young men accused of killing Mr. Jordan look an awful lot like part of Professor Wolfgang's 7 percent. So why were they on the streets of Robeson County and not in jail or prison?

The case of Daniel Green is particularly troubling. When questioned about Green's early release from prison, Robeson County Prosecutor Richard Townsend replied that most state prisoners serve an average of 20 percent of their sentences before parole, and that Green had served more than most.

That claim is consistent with recent findings that although violent offenders received an average sentence of seven years and 11 months, they actually

served an average of only two years and 11 months—37 percent of their imposed sentences. Overall, 51 percent of the violent offenders were, like Mr. Green, discharged from prison in two years or less.

Audiences are shocked when they are told that violent criminals serve only 5.5 years for murder, 3.0 years for rape, 2.25 years for robbery and 1.28 years for assault. We have to ask the question, is 5.5 years long enough to serve in prison for intentionally taking another human being's life?

**Greatest impact:** The debate about whether we are imprisoning the right people is currently heating up, but of inmates incarcerated in state prisons in 1986, almost 55 percent were serving time for a violent offense. Twenty-nine percent were nonviolent recidivists. In sum, 95 percent of all state inmates were either violent or repeat offenders.

The wanton murder of Mr. Jordan by two proven criminals who belonged in jail or prison should convince us that it is time to make some changes. The one change that would have the greatest impact is the passage by states of truth-in-sentencing laws, which require convicted violent criminals like Mr. Green to serve at least 85 percent of their sentences. The U.S. Congress enacted this kind of requirement for federal crimes in the mid-1980s, and Arizona passed similar legislation this year.

Ironically, the beneficiaries of this change will never be known. They are the young black men who live to adulthood, the women who are not raped, the store clerks who are not robbed, the children who are not molested. They are the nonvictims of crimes that did not happen because the violent criminal who might have attacked them was behind bars. We only wish Mr. James Jordan could have been among them.

WOOTTON is founder and president of the Safe Streets Alliance in Washington, D.C.



**A study showed that 7 percent of those surveyed committed two thirds of all violent crime**

# San Francisco Chronicle

THE LARGEST DAILY CIRCULATION IN NORTHERN CALIFORNIA

\*\*\*\*\*

THURSDAY, MARCH 3, 1994

415-777-1111 50 CENTS

## Marc Klaas Speaks Out for 'Truth in Sentencing'

By Carolyn Lochhead  
Chronicle Washington Bureau

Washington

Marc Klaas, father of 12-year old murder-kidnap victim Polly Klaas, campaigned in Washington yesterday for a \$10.5 billion "truth-in-sentencing" bill that supporters insist would do more than anything else to reduce violent crime.

The bipartisan effort, introduced in the House yesterday, would encourage states to require violent criminals to serve at least 85 percent of their sentences. The average now served is 37 percent, and as little as 10 percent is common, Justice officials said.

Richard Allen Davis, who authorities say confessed to kidnaping Polly Klaas from her home during a slumber party and then murdering her, is a longtime violent felon who had been paroled early from prison just three months before the abduction.

Proponents also pointed to the murder of basketball star Michael Jordan's father at a roadside rest stop by two 18-year-olds with long criminal records, including crushing a 61-year-old convenience store clerk's skull with a cinder block during a robbery.

### 'We Must Put Them Behind Bars'

"These are perverts. . . These are recidivists," Klaas said. "These are people who prey on our children. We must put them behind bars where they cannot keep committing crimes against innocent people."

Reflecting public outrage that spans the Bay Area's political spectrum, Representatives Lynn Woolsey, D-Petaluma, and Bill Baker, R-Danville, both spoke in support.

The five-year measure would grant money to the states, if they put up 25 percent, or \$3.5 billion, to add the prison space needed to hold criminals longer.



BY ASSOCIATED PRESS

Marc Klaas, flanked by other witnesses, testified before a House subcommittee

"Nothing Congress can do will be more effective," said the chief sponsor, Texas Democrat Bill Chapman, who spent nine years as a criminal prosecutor. "This will have an immediate impact on reducing the violent crime rate."

A core group of offenders, about 6 percent of convicted criminals, Chapman said, commit 70 percent of all crimes. "Target that 6 percent, and we can make a dramatic impact," he said.

Murderers now serve on average of 5.5 years, rapists 3 years and robbers 2.25 years, according to James Wooten, president of Safe Streets Alliance, a group lobbying hard for the bill.

Truth-in-sentencing, Chapman said,

would be far more effective at keeping habitual offenders off the streets than the popular "three strikes and you're out" measures, which would mandate life sentences for those convicted of three felonies.

A three-strikes bill is before the California Legislature and passed the U.S. Senate as part of a big crime package.

The White House released its own three-strikes plan, aimed only at violent felons, on Tuesday, and Klaas testified in its favor.

But Chapman said any three-strikes provisions for federal crimes would have minimal effect at the state and local level, where 97 percent of crimes are prosecuted.

The Bureau of Justice Statistics estimates that the White House three-strikes pro-

posal would affect only 200 to 300 criminals accused of federal crimes each year. About 500,000 convicted felons are now in prison, and an additional 3.2 million unincarcerated felons are on parole or probation, according to the Safe Streets Alliance.

Wooten cited a Rand Corp. study finding that one burglar commits 76 to 118 burglaries a year, a robber 41 to 61 robberies and an auto thief 76 to 100 auto thefts.

### Estimated Savings

Extrapolating from those numbers, he said the truth-in-sentencing bill could incarcerate about 600,000 people, preventing an estimated 4.2 to 25.5 million crimes. Savings to society and victims could reach \$318 billion over five years, he said.

Chapman also argued that his bill would do more than the White House proposal to add 100,000 police nationwide. He dismissed that proposal as attacking the wrong end of the "revolving door" that has arrestees spinning in and out of the courts.

Despite bipartisan support, the bill faces an uphill battle. The cost would consume half of the \$22 billion the Senate wants to spend in its crime bill, crowding out other measures.

Woolsey also introduced a separate bill yesterday, "The Polly Klaas Child Rescue Act," which would grant a \$15,000 postage grant to families of a kidnaping victim to mail out 50,000 flyers. The Klaas effort was stalled by the need to raise postage money before mailing flyers to bus stations and other areas to notify the public of the kidnaping.

Woolsey said the money would come out of a 2 percent reduction in the "franking" or free postage Congress uses to send mail to constituents.

Today's debate: **PUNISHING CRIMINALS**

# Try truth in sentencing

**OUR VIEW** Honest sentencing laws can help the public see past the tough talk to real action against crime.

This February, Wilford Roy of Evansville, Ind., got crushed by the criminal justice system's revolving door.

The 74-year-old shopkeeper was killed in a robbery. His alleged assailant: a 30-year-old ex-convict paroled the previous summer after serving only four years of an 18-year armed-robbery sentence.

In a more widely known case, 13-year-old Polly Klaas of California was kidnapped and murdered by a parolee who was sentenced to 16 years but got out in eight. And basketball star Michael Jordan's father was killed by a man who was sentenced to six years and got out in two.

Those releases are not aberrations. Prisoners typically get a day off their sentences for each day of good behavior. Meanwhile, overcrowding pushes more prisoners out early. The result: the average felon serves only 37% of his minimum sentence. Murderers sentenced to 20 years get out in less than nine. Rapists given 13 get out in five.

In short, sentencing today is a fraud.

But solutions are elusive.

Locking everyone up for their maximum term is hopelessly expensive. And it doesn't work. Lawmakers passed hundreds of mandatory sentencing laws, many for minor crimes, in the 1980s. Prison popula-

tions doubled, taxpayers forked over tens of billions, and violent crime increased.

A handful of states now are pushing a more sensible approach: truth-in-sentencing laws. Such laws attempt to keep dangerous criminals behind bars longer while making sure there's room for them.

Arizona's new truth-in-sentencing law requires felons to serve at least 85% of their sentences. Lawmakers made room by cutting sentences for nonviolent crimes. The result: More prison time for rapists and murderers, less for penny-ante drug crooks.

North Carolina is going even farther.

Under its truth-in-sentencing law, prisoners also must serve at least 85% of their sentence. The state made room by providing more alternative sentences for nonviolent offenders. More intriguing, lawmakers who want longer sentences will have to say how much they will cost. And if they get tougher on some crimes without providing added resources, sentences automatically will be reduced on others.

Congress — as part of a grossly expensive and flawed crime bill now nearing passage — takes this good idea and encourages that states do it badly. The bill promises \$3 billion for prison construction to states that enact truth-in-sentencing laws strictly limiting parole. But it does nothing to assure that more violent prisoners aren't pushed out the prison back door as more criminals are pushed in through the front.

States should ignore Congress and do the job right. Demand truth about the punishments criminals get — and about the cost.

THE WHITE HOUSE

WASHINGTON

April 12, 1994

MEMORANDUM FOR BRUCE REED  
JOSE CERDA  
DONSIA STRONG

CC: FLO MCAFEE

FROM: KEITH BOYKIN *KB*

SUBJECT: CRIME BILL

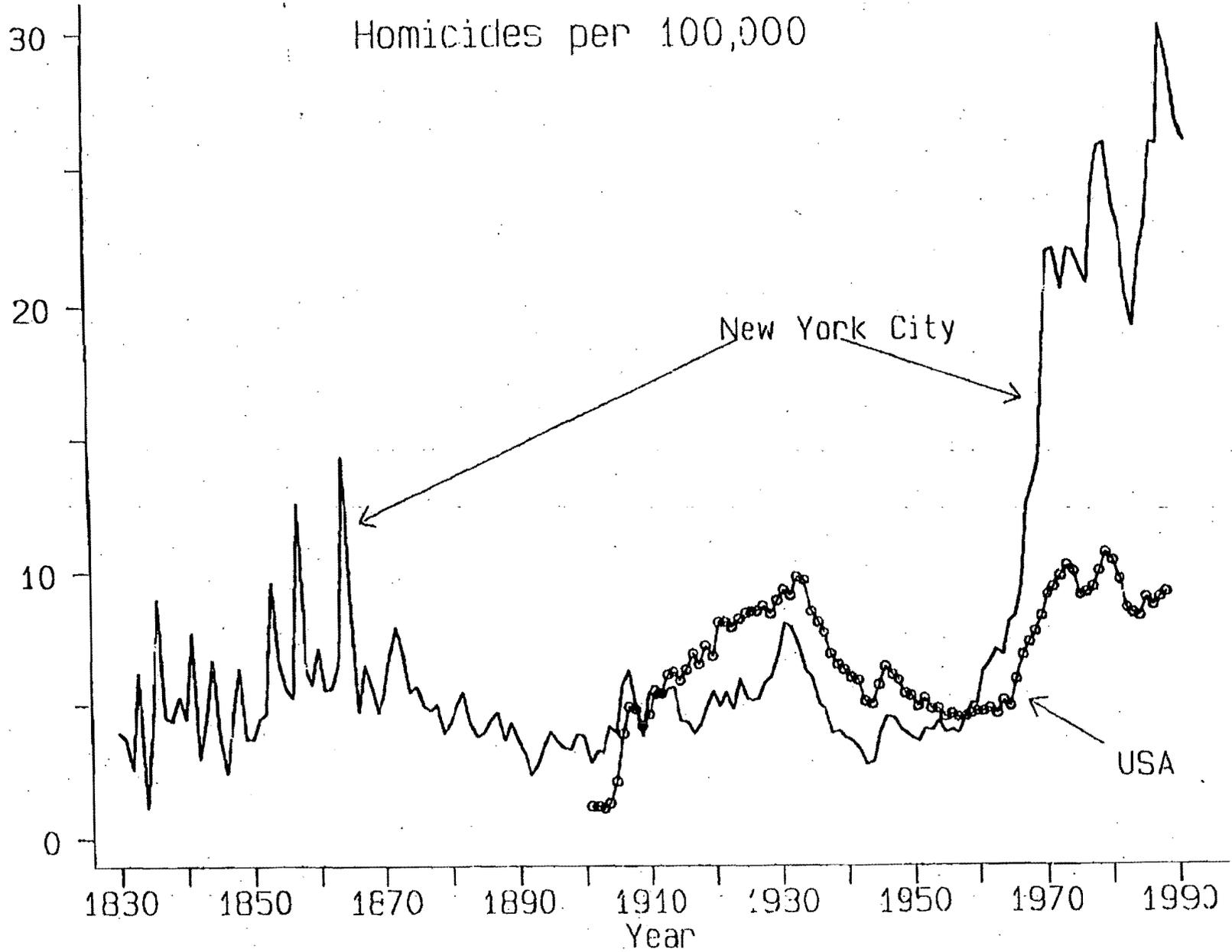
As you know, there has been a great deal of criticism and concern in the Black press regarding the President's crime bill. I would appreciate your assistance in responding to these concerns, outlined below. Perhaps we can arrange a conference call through my office with someone from the Attorney's General office or an appropriate White House official.

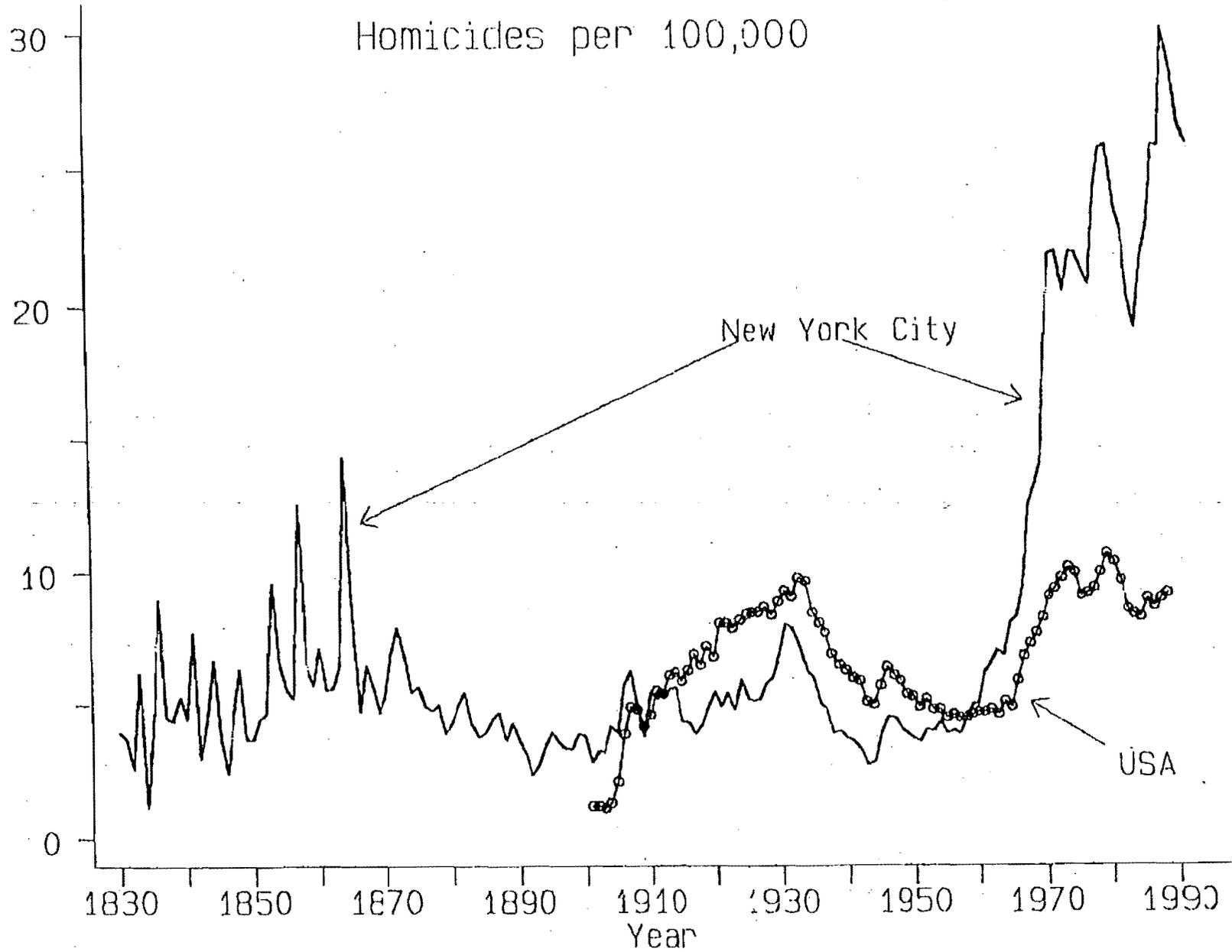
Generally, the concerns address the crime bill's emphasis on punishment rather than prevention. In particular, the public believes that too much money is being spent on new prisons and more policemen, rather than on preventative measures such as economic development.

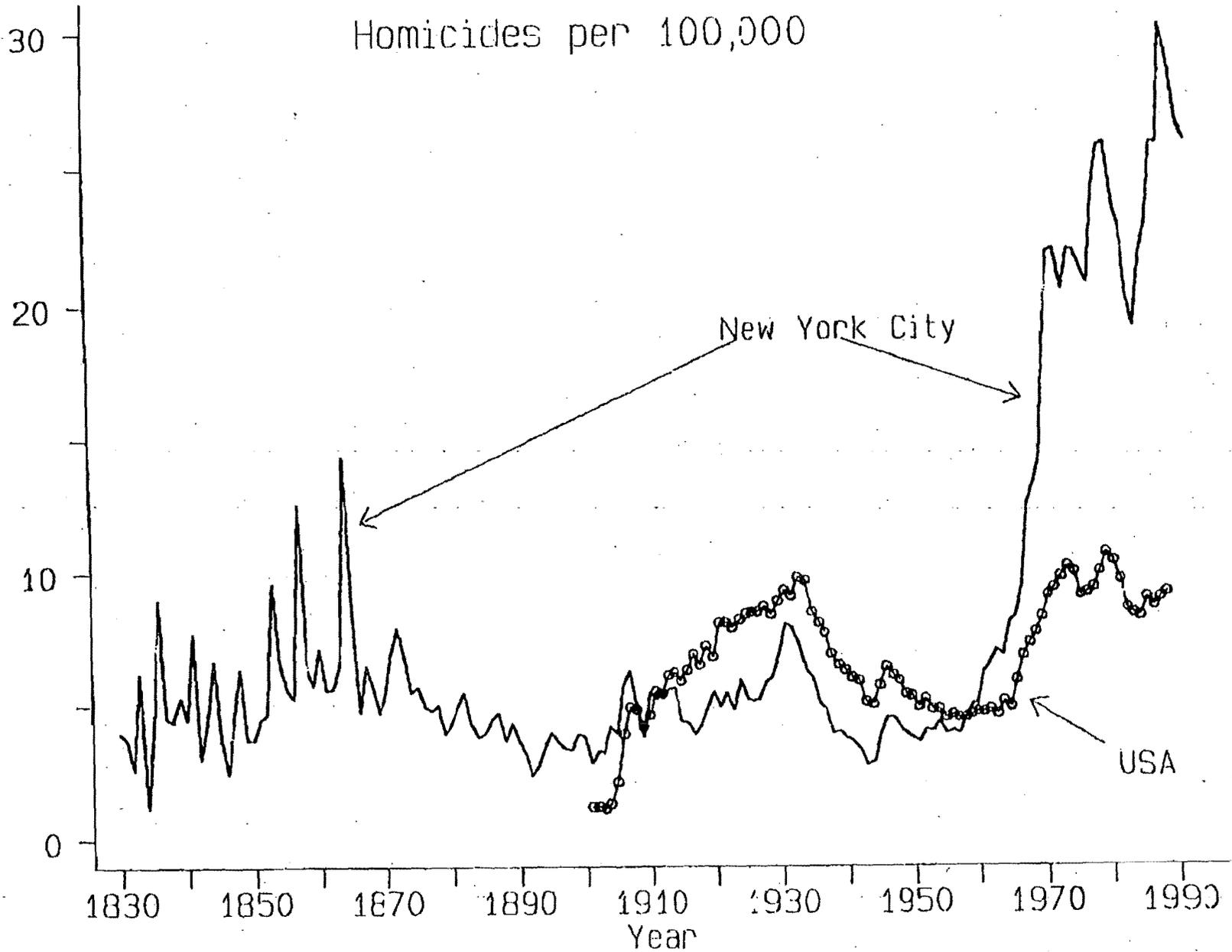
Many editors express concern that the crime bill, particularly the "three strikes" provision, will disproportionately affect African-Americans. Since young, black men are those most likely to be arrested and convicted of felonies, harsher sentencing will greatly impact the black male and further erode the black family and community, some say. Editors view the "three strikes" provision as particularly dangerous for those young drug offenders who are usually the most amenable to rehabilitation. The Black press generally views this provision, as well as provisions to build more prisons and increase the police force, as an ineffective way to prevent or reduce crime.

Overall, the Black press favors a comprehensive social and economic justice agenda, represented by the alternative bills supported by the CBC, CHC and Urban League. These include an emphasis on economic development, education, community programs to revive inner-city neighborhoods, drug treatment, cultural sensitivity training for police and judges, adequate health care, and, in particular, job creation.

Please let me know what you think we can do to address these concerns.







TO: Bruce Reed  
FROM: GEORGE S.

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CRIME BILL & BIDEN CRIME BILL
- D. PROVISIONS OF BIDEN BILL OPPOSED BY  
SOME HOUSE MEMBERS

## **THE BIDEN CRIME BILL: BEYOND CRIME AND PUNISHMENT**

The Biden Crime Bill recognizes that there are two sides to the crime-fighting equation: punishing violent criminals is one side; reaching out to those at risk for criminality is the other. Although much of the Senate floor debate -- and thus much public attention -- focused on penalties and punishment, the Biden Crime Bill contains many unsung initiatives and considerable funding to prevent crime by helping at-risk youth and non-violent offenders.

The Biden bill contains \$9.2 billion in funding for prevention and treatment programs. These provisions include:

### **COMMUNITY POLICING – PREVENTION PROGRAMS** **\$1.2 BILLION**

- o **Community Policing for Crime Prevention:** Of the total \$8.9 billion authorized over five years for community policing programs, \$1.2 billion is available to fund innovative prevention programs, such as:
  - \* **Early intervention teams:** police, social workers, educators and doctors working together to intervene early in the lives of juvenile victims and offenders -- to help divert at-risk youth from criminal activity.
  - \* **Proactive Prevention:** police involvement in prevention programs for youth, such as --
    - \*\* The Police Athletic League;
    - \*\* Big Brothers/Big Sisters programs; and
    - \*\* Girls' and Boys' Clubs.
- o **Police Partnerships for Children:** The bill authorizes \$20 million for partnership programs between law enforcement agencies and child and family service organizations ("such sums" authorized for 4 additional years). Programs must include:
  - \* 24-hour consultation services for children who are victims of violence;
  - \* training for law enforcement officers in principles of human behavior and child psychology; and
  - \* community activities for children, including conflict resolution training, after school activities and neighborhood recreation programs and parent support groups.

- o **Boot Camps:** The bill authorizes \$3 billion for states to build and operate boot camps as an alternative to prisons to help get young, non-violent offenders back on their feet. Offenders assigned to boot camps receive a reduced sentence -- boot camp terms last no more than six months.

Boot camps must provide intensive drilling and supervision, as well as work programs, education, job training, and drug treatment.

Boot camp participants must receive aftercare services, to be coordinated with human service and rehabilitation programs, such as:

- \* educational and job training programs;
- \* drug counseling or treatment;
- \* halfway house programs;
- \* job placement programs; and
- \* self-help and peer group programs.

- o **Drug Courts:** The bill authorizes \$1.2 billion over three years for "Drug Court" programs to help non-violent, young drug offenders get the treatment they need to get their lives back on track.

A typical drug court program puts a first-time or minor drug offender into an intensive probation program with mandatory drug testing and treatment, job training, and work placement services. If an offender fails the drug tests, he or she is subject to graduated alternative punishments, which intensify treatment and supervision, but stop short of traditional incarceration. The alternative punishments include:

- \* community service programs which employ offenders with nonprofit and community organizations;
- \* community-based incarceration like halfway houses, weekend incarceration, and electric monitoring; and
- \* boot camp programs.

If an offender fails the Drug Court program completely and is sentenced to prison, he or she receives treatment there -- along with other drug-addicted prisoners -- in facilities set apart from the general prison population. The treatment programs are to address the offender's social, behavioral, and vocational problems, as well as drug addiction.

Grant preference will be given to states providing assurances that offenders will be provided with aftercare services, such as:

- \* educational and job training programs; and
  - \* self-help and peer group programs.
- o Keeping Families Together: The bill authorizes \$40 million over five years for Family Unity Demonstration Projects to enable non-violent offenders to live in community correctional facilities with their children -- to alleviate harm caused to children by separation due to parental incarceration and to reduce recidivism by encouraging strong and supportive family relationships.

#### **YOUTH VIOLENCE PREVENTION**

**\$1.1 BILLION**

- o Gang and Drug Abuse Prevention: The bill authorizes \$100 million in state grants for drug and gang prevention programs, such as:
- \* education, prevention, and treatment programs for at-risk juveniles;
  - \* academic, athletic, and artistic after-school activities;
  - \* sports mentoring programs where athletes serve as role models and counselors for kids at risk for gang and drug activity;
  - \* alternative activities in public housing projects, such as Girls' and Boys' clubs, scout troops, and little leagues;
  - \* education and treatment programs for juveniles exposed to severe violence;
  - \* pre- and post-trial drug abuse treatment for juvenile offenders;
  - \* treatment for drug-dependent pregnant juveniles and drug dependent juvenile mothers; and
  - \* training for judicial and correctional agencies to identify, counsel, and treat drug-dependent or gang involved juvenile offenders.

- o **Community Youth Services Grants:** The bill authorizes \$400 million over four years for grants to community-based organizations for youth services and activities, including:
  - \* after school extracurricular and academic programs;
  - \* supervised sports programs;
  - \* cultural and health programs;
  - \* arts, crafts and dance programs; and
  - \* tutorial and mentoring programs.
  
- o **"Ounce of Prevention":** The bill authorizes \$75 million for an "Ounce of Prevention Fund" for after school and summer youth programs, and for substance abuse treatment and prevention programs, including outreach programs for at-risk families.
  
- o **Olympic Youth Development Centers:** The bill authorizes \$125 million over two years for grants to the U.S. Olympic Committee to establish Olympic Youth Development Centers to provide supervised sports and recreation programs for low-income youth and kids in high-crime areas.
  
- o **Gang Resistance Projects:** The bill authorizes \$200 million for 50 Gang Resistance Education and Training Projects over 5 years.
  
- o **Youth Development Centers:** The bill authorizes \$50 million over two years for programs to develop more effective education, training, research, prevention, diversion, treatment and rehabilitation programs for violent juveniles.
  
- o **The Child Safety Act:** \$60 million in state grants is available to establish supervised child visitation centers for families with a history of violence or abuse.
  
- o **Victims of Child Abuse:** The bill authorizes \$93 million for programs to halt the cycle of child abuse.

**SAFE SCHOOLS****\$320 MILLION**

- o **Crime Education and Prevention In Schools:** The bill authorizes \$300 million over three years for local schools and communities, to be used for:
  - \* drug and alcohol education and training programs;
  - \* counseling programs for children who are victims of school crimes; and
  - \* programs to provide alternative, constructive programs for youth at risk for gang recruitment.
  
- o **Spreading the Word:** The bill authorizes \$20 million to state educational agencies to make available teacher, parent and student awareness programs, and to disseminate information on successful school violence programs.

**BOOSTING EMPLOYMENT OPPORTUNITIES****\$390 MILLION**

- o **National Community Economic Partnership:** The bill creates a program for the Secretary of Health and Human Services to extend lines of credit of up to \$2 million to community development corporations to stimulate business and employment opportunities for low-income, unemployed and underemployed individuals. \$40 million authorized for first year, "such sums" authorized for 2 additional years.
  
- o **Correctional Job Training and Placement:** The bill directs the Attorney General to establish an Office of Correctional Job Training and Placement to help provide job opportunities for released prison inmates.
  
- o **Police Corps:** The bill establishes college scholarship program to students who commit to 4 years of service as a police officer. \$350 million authorized for first 2 years; such sums authorized for 3 additional years.

**OTHER DRUG TREATMENT AND PREVENTION PROGRAMS**

**\$80 MILLION**

- o **Community Substance Abuse Prevention Grants:** The bill provides \$60 million over three years for coalitions of community organizations (such as schools, health and social service agencies, parents, civic groups, and academics) to:
  - \* plan and implement comprehensive long-term strategies for drug abuse prevention; and
  - \* coordinate drug abuse services and activities, including prevention activities in schools.
  
- o **Drug Treatment in Prisons:** The bill establishes a schedule for drug treatment for all federal drug-addicted prisoners. Treatment is to be provided in residential treatment facilities set apart from the general prison population and aimed at developing prisoners' cognitive, behavioral, social, vocational, and other skills.
  
- o **Drug Testing:** The bill requires drug testing of federal offenders on post-conviction release.
  
- o **Tuberculosis Prevention:** The bill authorizes \$20 million for programs to prevent, care, and treat tuberculosis in federal and non-federal prisons.
  
- o **Drug Treatment:** The bill requires that the National Drug Strategy include a goal of providing drug treatment to all who need it.

**VIOLENCE AGAINST WOMEN**

**\$1.9 BILLION**

- o **Grants to fight violence against women:** The bill authorizes \$870 million over three years for state grants to combat violence against women, with a special earmark for high intensity crime areas. Programs can include:
  - \* expanding or strengthening victim services programs, such as rape crisis centers, battered women's shelters, and rape and family violence programs, including nonprofit organizations assisting victims through the legal process;

- \* training law enforcement officers to more effectively identify and respond to violent crimes against women; and
- \* expanding units of law enforcement officers specifically to target violent crimes against women.
  
- o Victim Counselors: \$1.5 million is provided for federal victim/witness counselors in sex and domestic violence cases.
  
- o Indian Tribes: \$30 million is available over 3 years for grants to Indian tribes for programs to reduce violence against women.
  
- o Rape Education: The bill authorizes \$65 million for rape prevention and education programs, starting in junior high school, such as:
  - \* educational seminars for students and training programs for professionals; and
  - \* public awareness programs in under-served racial, ethnic, and language minority communities.
  
- o Help for the Homeless and Runaways: The bill provides \$10 million for education and prevention grants addressing the problem of homeless and runaway women and girls, such as:
  - \* street-based outreach and education programs; and
  - \* treatment and counseling programs for runaway, homeless, and street youth who are at risk of being subjected to sexual abuse.
  
- o Battered Women's Shelters: The bill provides \$300 million for the operation of shelters for women and their children who are fleeing violent homes.
  
- o National Family Violence Hotline: The bill authorizes \$1.5 million for a national hotline.

- o **Youth Education:** \$400,000 is provided for programs to educate youth about family violence and abuse.
- o **Safe Colleges:** \$20 million is targeted to rape and violence prevention and education on college campuses.

**OTHER DOMESTIC VIOLENCE INITIATIVES**

**\$50 MILLION**

- o **Community Programs on Domestic Violence:** The bill authorizes \$20 million for projects in local communities to coordinate intervention and prevention of domestic violence.
- o **Rural Domestic Violence Prevention:** The bill authorizes \$30 million for projects to prevent domestic violence and treat the victims of domestic violence.
- o **Rehabilitation of First-Time Offenders:** The bill requires, as a mandatory condition of probation and supervised release after imprisonment, that first-time domestic violence offenders attend a rehabilitation program authorized by a state Coalition Against Domestic Violence.

**SIDE BY SIDE -- CONGRESSIONAL BLACK CAUCUS BILL AND BIDEN BILL**

**CONGRESSIONAL BLACK CAUCUS  
CRIME BILL**

**Title I -- Assistance to State and  
Local Governments**

**Subtitle A. Grants to Combat  
Violent Crimes -- \$400 million  
-- 2 years**

**Subtitle B. Community  
Policing. \$450 million -- 3  
years; includes \$90 million for  
crime prevention**

**Subtitle C. Law Enforcement  
Family Support. \$25 million --  
5 years**

**Subtitle D. Police Misconduct.**

**\* Allows civil actions to be  
brought by the Attorney  
General in cases of  
pattern or practice of  
police brutality**

**\* Data on police use of  
excessive force**

**BIDEN CRIME BILL**

**Similar; grants available under:**

**\* §631; Gang grants -- up to \$100  
million -- 1 year; such sums 1  
year**

**\* §1031; Law Enforcement  
Training -- \$150 million -- 1  
year**

**\* §1404; \$5 million -- 5 years  
Rural Drug enforcement  
training**

**\* Title 32; Violence Against  
Women Title; \$900 million -- 3  
years**

**\$9 billion for community policing; \$1.2  
billion of total supports early  
intervention teams and other crime  
prevention activities**

**Same; See §1101**

**Same; See §1111**

**Same; See §1112**

**CONGRESSIONAL BLACK CAUCUS  
CRIME BILL**

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- \* Criminal penalty up to life imprisonment for Police use of excessive force
- \* Civil liability for City, County, States, for Police use of excessive force (liability still exists in cases of officers acting in good faith)

No provision

Subtitle E. Police Corps. \$800 million -- 5 years.

Law Enforcement Scholarship. \$150 million -- 5 years.

**Title II -- Crime Victims**

**Subtitle A. Victims**

- \* Right of allocation
- \* Crime Victim Funds

**Subtitle B. Confidentiality for Abused Persons**

**Subtitle C. Full Faith and Credit for Protection Orders**

**Title III -- Crime Prevention**

Subtitle A. Safe Schools. \$300 million -- 3 years

**BIDEN CRIME BILL**

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No provision

No provision

Extends protections of civil rights statutes to include all persons (now limited to state "inhabitants")

Same; See Title XI. \$350 million over 2 years; "such sums" for 3 additional years

Same; See Title XI. \$150 million over 5 years

Same; See §901

Same; See §902

Similar; See Subtitle B in Violence Against Women Act

Similar; See Subtitle C in Violence Against Women Act

Same, See Title XXVIII; See also §2803 additional \$20 million over 2 years for State Leadership Activities to promote Safe Schools Program

**CONGRESSIONAL BLACK CAUCUS  
CRIME BILL**

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**Subtitle B. Midnight Sports.  
\$3 million**

**Subtitle C. Rape Prevention.  
\$235 million**

**Title IV -- Strategies to Combat  
Recidivism**

**Subtitle A. Family Unity  
Demonstration Project. \$40  
million over 5 years**

**Subtitle B. Drug Rehabilitation  
for Federal prisoners.**

**Subtitle C. Drug Rehabilitation  
for State prisoners. \$300  
million -- 3 years.**

**Subtitle D. Grants for  
alternatives to incarceration.  
\$1.15 billion -- 3 years.**

**Subtitle E. Voting Rights for  
Former Offenders**

**BIDEN CRIME BILL**

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Money available for youth sports programs under §5142 Child Centered Activities -- \$400 million over 4 years; §5143 Olympic Youth Development Centers -- \$125 million over 4 years; and §631; §631 Gang Grants may be used for sports mentoring and coaching programs -- up to \$100 million for 1 year and such sums for 1995.

\$2 billion over 3 years for victim services and counseling; grants to Native Americans; rape education and prevention grants; helps homeless and runaway women.

Same; See Title XLI

Same; See §1304

Same; See §1204 -- Drug Court Program -- \$1.2 billion -- three years

\$3 billion over 5 years for boot camp programs; \$1.2 billion over 3 years for Drug Court alternative to incarceration (includes \$300 million for treatment in state prisons)

No provision

**CONGRESSIONAL BLACK CAUCUS  
CRIME BILL**

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Subtitle F. Sex Offender  
Treatment Program. \$2 million

Subtitle G. Education and  
Training for Judges and Court  
Personnel in State Courts.  
\$600,000

Subtitle H. Education and  
Training for Judges and Court  
Personnel in Federal Courts.  
\$700,000

**Title V -- Commission on Crime,  
Drugs and Violence**

**Title VI -- Confidence in the Criminal  
Justice System**

Subtitle A. Racial Justice Act

Subtitle B. Racial Bias claims  
may be raised in habeas  
petitions in death cases

Subtitle C. Minimum  
Sentencing Reform

**BIDEN CRIME BILL**

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See §5154 Domenici amendment  
requires treatment for persons  
convicted for the first time of domestic  
violence offenses

Same; Title 36 -- Violence Against  
Women Act

Similar; Title 36 -- Violence Against  
Women Act -- \$500,000

Similar; See Title XVII  
includes Commissions to Study Causes  
of Demand for Drugs; Commission on  
Crime and Violence; Presidential  
Summit on Violence

No provision

No similar provision; do provide for  
Racial Bias Study §1021; §2911  
extension of protection of civil rights  
statutes; §1111 extends pattern and  
practice title to include Juvenile  
Justice system

See §2404 Flexibility in application of  
mandatory minimum sentence  
provisions in certain circumstances --  
Hatch amendment

**CONGRESSIONAL BLACK CAUCUS  
CRIME BILL**

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**Subtitle D. Crack Cocaine  
Equitable Sentencing**

**Subtitle E. Uniformity in  
Sentencing.**

**Subtitle F. Coerced Confessions  
and Harmless Error.**

**Title VII -- Fiscal Impact of Criminal  
Penalties**

**Title VIII -- Habeas Corpus**

**Title IX -- Gun Control**

**Subtitle A. Brady Bill**

**Subtitle B. Semiautomatic  
Weapons**

**Subtitle C. Gun Violence  
Liability -- civil cause of action  
against manufacturers, dealers  
-- strict liability)**

**Subtitle D. Ammunition --  
enhanced regulation; 89% tax  
on bullets (current is 11%);  
Trauma Center Trust Fund**

**Subtitle E. Two Handguns-Per-  
Month**

**Subtitle F. Gun Dealer  
Licensing**

**Subtitle G. Saturday Night  
Specials -- ban on non-sport  
handguns**

**BIDEN CRIME BILL**

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**No provision**

**No provision**

**No provision**

**Similar; See §1302**

**No provision**

**Already enacted**

**Similar; See Title XLV**

**No provision**

**Support regulation**

**No provision**

**Same; Federal Firearm Dealer  
licensing reforms; §§311-317**

**No provision**

**CONGRESSIONAL BLACK CAUCUS  
CRIME BILL**

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**Title X -- Civil Forfeiture Reform**

**Title XI -- Miscellaneous**

Juvenile Justice -- existing juvenile crime prevention programs increased by \$80 million per year

No provision

No provision

No provision

No provision

No provision

No provision

**BIDEN CRIME BILL**

---

Attorney General preparing reform proposal

New \$100 million per year drug and gang prevention effort; includes education, substance abuse treatment, and alternative programs such as scout troops, little leagues, girls and boys clubs

\$525 million for community schools programs and Youth Development Centers; supports after-school sports, extracurricular activities, and academic programs

\$75 million "Ounce of Prevention" program for after-school and summer youth programs, and substance abuse and prevention programs including outreach programs for at-risk families

\$50 million Youth Development Centers program including conflict resolution; alternatives to school suspension and juvenile court diversion programs

\$200 million for 50 Gang Resistance Education and Training Projects

\$93 million Victims of Child Abuse programs to stop the cycle of abuse

\$60 million for child visitation centers to prevent children from experiencing violence or abduction during parental visitations

## CRIME PROVISIONS OPPOSED BY LIBERALS

### PROVISIONS IN BIDEN BILL AS INTRODUCED

- \* Death penalties
- \* Enhanced penalties -- Including drug trafficking near truck stops, housing projects, and drug-free zones
- \* Bootcamps (level of spending)
- \* Juvenile bindover programs
- \* Pre-trial drug testing and post-conviction drug-testing
- \* Bail posting requirements
- \* Motor vehicle theft prevention
- \* Right of Victim Allocution at sentencing

### BILL AS AMENDED ON FLOOR

#### A. AMENDMENTS BIDEN VOTED AGAINST:

1. **D'Amato - Federalizes all gun murders; adds Mandatory Minimums (amends Gramm/Hatch)**
  - \* Expands federal jurisdiction of all gun murders (overriding state jurisdiction); makes death penalty available (§2406)
  - \* Mandatory min. of 10 years for 1st conviction of possession of firearm during crime of violence; 20 years for discharge of firearm during crime; 30 years for discharge of machine gun or use of silencer
  - \* Mandatory 20 years for 2nd conviction of possession, 30 years for discharge and life for discharge of machinegun or use of silencer (§2405)

**2. Gramm - Three Time Loser**

**Mandatory life sentence for third conviction of violent felony; violent felony is defined as offense against a person or property punishable by 10 years or more (§2408)**

**3. Dole - Gangs (Title 6)**

**Massive expansion of federal jurisdiction of street gang crimes**

**4. Moseley-Braun - 13-year olds (§651)**

**Requires those 13 years old and older to be prosecuted as an adult if they commit murder, attempted murder, armed robbery, armed assault, and aggravated sexual assault.**

**5. Helms - Regional Prison Caps (§5139)**

**Requires that a Federal court not hold prison overcrowding unconstitutional under the Eighth Amendment except to the extent that an individual inmate can prove that overcrowding is cruel and unusual punishment of that inmate in particular**

**6. D'Amato - Death Penalty for drug activity (§202(b)(1-3))**

**Death penalty for engaging in a continuing criminal drug enterprise**

**7. Dole - Rules of Evidence (§831)**

**Makes admissible in criminal and civil cases evidence of defendant's prior commission of crimes of sexual assault of child molestation**

**B. AMENDMENTS BIDEN ACCEPTED WITH RESERVATION:**

**1. Dole - Regional Prisons (Title XIII)**

Authorizes \$3 billion for regional prisons to house federal and state prisoners; participating states must keep violent offenders in prison for 85% of their sentences.

**2. Lott - Three Time Loser (§5111)**

Mandatory life imprisonment for persons convicted of third violent felony; violent felony is defined as offense against a person punishable by 5 years or more. (Does not preclude imposition of death but does not create separate new death offense)

**3. Hatch/Gramm/D'Amato - Mandatory Minimums**

- \* Replaces mandatory minimum reform in S.1607 with more limited provision (§2404)
- \* Mandatory 10 years for sale of illegal drug to minor or use of minor in drug trafficking crime (1st offense); mandatory life for 2nd offense (§2407)

**4. Lieberman - Carjacking (§203)**

X **Makes carjacking a federal offense without regard to whether a firearm was used in commission of offense; authorizes imposition of death penalty if death results during crime.**

**5. Bingaman - Guns in Schools (§5147)**

Provides for award of additional grant funds to states that revoke drivers' licenses or withhold for five years the issuance of a driver's license from those caught on school grounds with a firearm

**6. Grassley - International Child Porn (§824)**

Provides up to 10 years in prison for engaging or conspiring to engage in sexually explicit conduct with minors outside United States

**7. Hutchison - Pell Grants (§5135)**

**Prohibits awarding of Pell Grants to prisoners**

**8. Heflin - Federal Assistance to State Courts (§5137)**

**Authorizes \$500 million for federal assistance to states for increased resources to meet increased demands on court systems**

**9. Bryan - Deportation of Criminal Aliens (Title 50)**

**Expands definition of aggravated felony; provides deportation procedures for certain criminal aliens who are not permanent residents; procedures for judicial deportation orders; enhances penalties for failing to depart or reentering after order of deportation**

**10. Grassley - ADR for Prisoners (§5103)**

**Requires prisoners filing civil rights cases in federal courts to first exhaust administrative remedies available**

**11. Smith/Simpson - Alien Terrorist Removal (§5110)**

**Establishes procedures for removing alien terrorists**

**12. Hatch for Burns - Hunter's Rights (Title 46)**

**Makes it unlawful "to obstruct, impede or otherwise interfere with lawful hunt"**

**13. Gorton - Sexual Predators - (§841)**

**Directs AG to establish guidelines for state programs to register sexually violent predators upon their release from prison or release to parole or supervised release programs**



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

January 14, 1994

MEMORANDUM BY FACSIMILE

TO: George Stephanopoulos  
Pat Griffin

FROM: Sheila F. Anthony *SFA*  
Assistant Attorney General  
Office of Legislative Affairs

SUBJECT: Crime Bill

Our House crime bill efforts are stymied in working with the authorizing, appropriations and budget committees until we get a final decision from the White House on:

1. Issues with which we are in complete agreement; and
2. Open issues.

We have a lot of work to do, and very little time left.

Can you give me any indication of the status of the decisions on DOJ's "draft recommendations" we shared with you on Monday?

cc: Rahm Emmanuel  
Bruce Reed

*[Faint, illegible text at the bottom of the page, possibly a carbon copy or bleed-through from another document.]*



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

PAGE 1 OF 6

December 22, 1993

MEMORANDUM FOR BRUCE REED

FROM: JOSHUA L. STEINER

SUBJECT: ENFORCEMENT INITIATIVES

Unhappily, I could not get hold of our enforcement staff tonight so the attached draft is somewhat old. New drafts have more detail on the individual initiatives and more precision on the costs. I have also attached an early working paper that gives a little more background. I hope we might talk when you have had a chance to look these over. Thanks.

**DRAFT      DRAFT      DRAFT      DRAFT      DRAFT      DRAFT**

**MEMORANDUM FOR THE PRESIDENT**

**FROM:                      LLOYD BENTSEN**

**SUBJECT:                  Treasury Crime Control Initiatives**

As part of your effort to address the crisis of increasing crime and gun violence in this country, I plan to announce several initiatives involving Treasury enforcement bureaus. This memo outlines these initiatives and the regulatory or legislative actions necessary for their implementation.

The Department of the Treasury has substantial law enforcement responsibilities and bears the primary responsibility for gun control. Treasury's law enforcement bureaus -- Alcohol, Tobacco and Firearms; Customs; and Secret Service -- can make significant contributions to the Administration's commitment to address the nation's crime problem.

1. **Brady Bill Implementation --** Treasury is responsible for drafting the regulations to implement Brady, and for ensuring that state and local law enforcement agencies understand their responsibilities in implementing Brady. Treasury must draft and implement the regulations for the waiting period. ATF will work with local law enforcement authorities, who will be responsible for conducting the background checks, on ways that they can pass the cost of the checks on to the dealer or the consumer in the form of a user fee.
2. **Federal Firearms License (FFL) Reform --** We propose to expand a pilot project currently operating in New York City, in which the City Police Department and ATF cooperated in screening and investigating FFL applicants. The pilot project has reduced the number of licenses granted by 90%. Treasury proposes to expand the New York project to the 10 counties in which 23% of the nation's felony crimes occur. We will also support legislation to strengthen the Bureau of Alcohol, Tobacco and Firearms (ATF) discretion in granting licenses, to require certain reporting by licensed dealers, and raise the licensing fees from \$X to \$X [awaiting guidance from OMB] to cover compliance costs. The pilot project we could undertake without new resources or legislation while the other two initiatives would require new legislation.

**Law Enforcement Initiatives --** Treasury proposes to expand ATF's task force programs involving state and local law enforcement -- such as *ROMULES*, which targets armed career criminals, and *Uptown*, which targets violent crime in public housing. We also plan to enhance our ability to attack the illegal gun market by developing better data bases. For example, gun traces are extremely important both in individual law enforcement investigations and in understanding illegal gun trafficking patterns. At present, ATF is only able to conduct 10 percent of weapons trace requests from federal, state and local law enforcement. Automating this and other data will greatly enhance our ability to target illegal weapons traffickers. Expansion of both programs would require additional resources some of which might come from the Crime Bill and some from the Treasury asset forfeiture fund.

4. **Excise Tax on Handguns --** Handguns currently have a X percent tax imposed on sales from manufacturers to dealers. We would propose raising that to X percent which would result in \$X million dollars of new revenue over five years.
5. **Training and Community Support --** We propose to add programs to the curriculum of the Federal Law Enforcement Training Center which would support your efforts to expand local law enforcement and improve its sophistication in investigating violent crimes. We would also develop an inventory of State laws and programs addressing gun availability and establish measures of success. Finally, Treasury would expand its community volunteer programs (Project Outreach) in which Treasury employees work with schools and community groups *on a volunteer basis* to help address numerous social problems.

The total cost for these initiatives is \$X million.

## I. Law Enforcement

Close cooperation with state and local law enforcement has been at the heart of ATF's enforcement mission, particularly in the gun control area.

**Brady Bill.** Local LEAs will be required to conduct the background checks; Treasury must draft and implement the regulations for the waiting period. The Justice Department is responsible for setting up the Instant Check system and making it operational within 5 years. Treasury should take a leadership role in implementing the Brady Bill. ATF has already begun drafting new regulations, developing new forms for compliance, and notifying and educating affected parties of the changes in the law. In support of state and local LEAs' responsibility for conducting the background checks, ATF should develop a model system for the LEAs to pass the cost of the background check on to the dealer or consumer in the form of a user fee.

**Targeting Highest Crime Areas.** Studies show that 20 percent of the nation's felonies occur in only 10 counties -- we should make these ten counties our first priority. We recommend that you establish task forces with state and local authorities to assess and address the specific gun trafficking patterns in the region, and local causes of the problem. In particular, we should replicate the New York pilot FFL project, a Bureau of Justice Assistance (BJA) funded project enabling ATF and the New York City Police Department to screen and investigate applications for FFLs in New York City. Since the project began, 90 percent of FFL applications have been either withdrawn or denied because of the screening and investigative process, whereas before the project began 90 percent were granted.

**Expand State and Local Law Enforcement Assistance.** We recommend that you expand programs such as Achilles, which targets armed career criminals, and Project Uptown, which addresses the use of firearms in housing developments. We also urge you to expand and promote use of the ATF hotline, a tip line used in coordination with state and local LEAs for illegal weapons traffic and gun violence. In addition, Treasury should examine the myriad of state firearms legislation and develop a handbook of model state gun control legislation and regulations.

**High Integrity, Well Trained Police.** The recent arrests for corruption of 12 DC cops, hired several years ago in a rapid expansion of the DC police department, demonstrates the need to be cautious and responsible in expanding the nation's law enforcement capacity. Key elements in a successful expansion process are thorough background checks and integrity and law enforcement training of the highest quality. Treasury's Federal Law Enforcement Training Center (FLETC) provides very high quality training, not only to Federal law enforcement, but also to state and local officers. We should expand our overall ability to provide training to state and local police. In addition, specialized training should be available for experienced officers. Many specialized curricula exist at FLETC, but we should also enable FLETC to develop new curricula, including: hate/bias crime training, gang resistance education and training, and improved crisis management and better pre-raid planning training. In addition to these training initiatives you may propose, the Senate Crime Bill already authorizes \$1,000,000 for 3 years for FLETC to develop rural drug enforcement training specifically for state and local law enforcement.

Finally, we suggest that you support the gun control amendments in the Senate Crime bill. They include an assault weapon ban, a cop-killer bullet ban, and a prohibition on the transfer of firearms to juveniles.

*Resources/Legislation Required:* No additional resources or legislation will be needed for Brady implementation. No new legislative authority would be needed to target the highest crime areas, for expanding state and local law enforcement assistance, nor for training, but all three would require additional resources. ATF has suggested that they would need approximately 70 new agents plus support staff to expand their Achilles state and local task force program. FLETC would require \$700,000 to start the hate/bias crime and gang resistance training. Costs for expanding state and local training would depend upon the extent to which you wish to expand the program. The bans on assault weapons, cop-killer bullets and transfer of weapons to juveniles are in the Senate passed Crime Bill; you should support those provisions in the House.

## II. Federal Firearms Licensing Reform

There are approximately 287,000 FFLs in the U.S. It is estimated that only 30 percent actually run full time gun shops. It is very easy to become a licensee which enables one to purchase guns wholesale and buy and ship them interstate. Further, a license facilitates high volume purchases of weapons which can end up in the illicit market. Although the NRA will fight very hard against FFL reform, public outrage at the easy availability of handguns may make this an opportune time to enact reforms of the FFL system. You should support in the House the Simon Amendment, which is included in the Senate Crime Bill, on Federal Firearms License (FFL) reform. You should further seek to strengthen Sen. Simon's reform package as it goes through the House. Your improvements to the reform package should amend the law to:

- \* immediately suspend or revoke a FFL following a felony conviction of the Gun Control Act;
- \* establish formalized periodic reporting requirements on ongoing business operations for FFLs (to ensure that the FFLs are indeed legitimate businesses);
- \* statutorily define "prohibited person" (interpretations in state statutes vary) —include within that definition those convicted of domestic violence and those under a restraining order;
- \* increase record-keeping requirements and require dealers to provide timely access to recorded information when needed for an investigation; and
- \* increase sanctions for non-compliance.

*Resources/Legislation Required:* Legislation is required for FFL reform. Ideally, these provisions could be included in a House version of the Simon Amendment to the Senate Crime Bill which includes FFL reform. In order to implement these reforms, some additional agent, compliance and support personnel would be needed.

### III. Crack Down on the Illicit Gun Market

The reform will be one step in dismantling the gun trafficking network into the illicit market. However, there are other fronts where we must fight this battle. Our law enforcement agencies need better intelligence on the illicit trafficking patterns and trends. Firearms trace requests generate extremely valuable information for local, state and federal law enforcement. Trace information is extremely important in cracking down on the source of weapons used by juveniles as well as by adult criminals, and will become more critical if the prohibition on the transfer of weapons to juvenile offenders (currently in the Senate Crime Bill) is enacted.

ATF's National Trace Center (NTC) is currently able to process only about 50,000 firearms trace requests per year, from over 500,000 requests it receives. Most records are not computerized, but stored in boxes in huge warehouses in Maryland. Obviously, this is not efficient. ATF needs to input much of this data into computers, while improving and linking both existing and new data bases.

Additional data bases, such as for multiple weapons sales, (reports of which are required in the Brady Bill), and theft should be computerized. It would be a great advantage for Federal, state and local law enforcement to have these data bases efficiently designed and linked for intelligence purposes.

ATF is hampered by weak statutory authority, few resources and inadequate sanctions against FFLs who fail to comply with regulations. We should seek new legislation to:

- \* require that FFLs respond to trace requests without a site visit;
- \* make it a felony offense for a FFL to fail to maintain required records or to falsify records;
- \* require FFLs to report within 24 hours any lost or stolen firearms; and
- \* authorize funding for a modern, integrated data base.

In addition, we should examine and reassess the sentencing structure for certain firearms offenses, such as illegal sales, diversion, or defacing firearms to prevent identification.

**Resources/Legislation Required:** New legislative authority will be needed to improve Treasury's tracing capacity; it could be included in the pending FFL reform package. Resources will be required to improve the automated systems, and for personnel (particularly in the beginning) to input data. ATF has not yet made a determination on the amount of funding required. The purchase of computer equipment (approximately \$1.1 million) could be funded through the asset forfeiture fund.

THE WHITE HOUSE

WASHINGTON

November 15, 1993

**MEMORANDUM FOR BRUCE REED**

**FROM:** JULIA MOFFETT *JM*  
**SUBJECT:** CRIME AND VIOLENCE TASK FORCE

Thanks for inviting me to this afternoon's meeting!

I just wanted to drop you a note to follow-up. Although you didn't get so specific at this meeting, I do think that my experience with the Economic Conference and our public health care campaign might add something when you sit down for the next phase of planning.

For instance, one of the reasons for the Economic Conference's success was the nature of the participants. Would a violence summit bring too many parties to the table preventing the positive consensus and even positive disagreement that emerged in Little Rock from occurring here? With the Economic Conference, it was appropriate for the President to essentially have a "listen and learn" session to further educate himself and head into his new Administration. How appropriate would it be now? Are there other ways of showing our commitment to this issue without appearing to not have any solutions?

Additionally, the health care team has learned some valuable experiences on the topic of keeping the President "above the fray" versus playing a programmatic role, yet experience has taught us the vital need for programmatic back-up to make the events legitimate. This was correctly identified as a subject which needs much thought once you start to plan events.

As was touched on in this meeting, there are dozens of these issues which need to be carefully thought out. To make a long story short, I would love to stay involved if and when you do move into this next phase. If you are trying to winnow down your group, I would be happy to put some more comprehensive thoughts on paper once you have an initial game plan.

Thanks again!

## **COPS ON THE BEAT IN THE CRIME BILL**

**1. We have the money to pay for 50,000 cops.** The Justice Department has already set aside the \$3.4 billion in its planning baseline to fund the cops program through FY99. The President has committed to fully funding this provision, no matter what.

**2. Our \$3.4 billion program is enough to put 50,000 cops on the street.** Our program will pay up to \$25,000 a year in salary and benefits (not \$12,000, as David Broder said) for three years -- for a total of \$75,000 for each new police officer hired. The program requires a local match of between 25% and 50%. We want cities to be bought into this program: the grants only go to cities that are moving toward community policing, and we expect them to take over paying these cops after their grants run out. Our program will pay at least half the cost of a new cop in a big city for three years. The average annual cost of salary and benefits for a new cop in major cities is \$50,000. In smaller towns and cities, the range is \$25-35,000. The Attorney General has waiver authority to waive the local match.

**3. Cities are more than willing to share the cost of more cops.** Since we passed our \$150 million community policing program in the FY93 supplemental in June, the Justice Department has received applications from more than 1,000 cities and towns -- for a program that has money for just over 2,000 cops. Only 12% asked for a waiver. Mayoral candidates in Atlanta, Detroit, Boston, Seattle, and other 1993 races have made more cops on the street their #1 issue (as it was last year for Los Angeles Mayor Richard Reardon, who promised 3,000 new cops). If our crime bill doesn't pass, those mayors and others are committed to finding a way to pay for more cops all on their own. We can make those local dollars go further, and ensure they go toward community policing.

**4. The President has said that if Congress passes his procurement bill, he will commit up to \$5 billion more to fighting crime.** If Congress passes those savings, he will support Congressional efforts to increase the number of cops in the crime bill (and perhaps increase the federal contribution), and intensify other anti-crime initiatives, like boot camps and drug courts. The NPR report says passage of procurement reform could save over \$5 billion in the first year alone. OMB Director Panetta said Tuesday that we expect CBO to score these savings at \$3-5 billion, and that the Administration wants that money to go to fighting crime. The President also said Tuesday that if Congress doesn't pass these cuts, he will keep coming back with more cuts until we have all we need to make America safe.

## **Necessary Conditions on Possible Crime Bill Agreement**

1. Agreement from Dole and Hatch that they will let the Senate take up the Brady Bill clean of non-Brady amendments, and will join Mitchell and Biden on motions to table non-Brady amendments.
2. Bipartisan agreement to support our October package of procurement reform, NPR savings and rescissions -- and if necessary, support us next year as well. If Congress will not pass the cuts and savings we need to pay for crime-related spending, bipartisan agreement to support funding it through an emergency declaration, without finding offsetting domestic discretionary cuts or revenue increases.
3. Agreement on prisons/boot camps from Dole and Hatch that there will be an express provision and authorization for boot camps, and that any additional prison authorizations must have flexibility to allow grants to states for state prisons as well as grants for regional prisons.
4. Bipartisan understanding that our commitment to fund crime programs will extend only to those specific authorizations we agree to -- such as cops, drug courts, and boot camps/prisons -- not to every authorization in the crime bill.
5. Agreement from Dole and Hatch not to take up habeas reform this year.



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

THE DIRECTOR

OCT 27 1993

Honorable Jack Brooks  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

The Administration appreciates your prompt consideration of anti-crime legislation. As the President has expressed to you and other Members of the Congress, he would like to see the House and Senate pass crime legislation and the Brady Bill before the Congress adjourns. Crime and the fear of crime have become increasingly urgent concerns across America. It is time for us to act without delay.

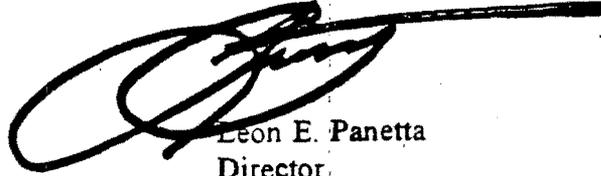
Earlier this year, Congress and the Administration worked together to pass emergency 1993 supplemental appropriations that included \$150 million to help states and localities hire more police. Cities across America responded with great interest to this program. In the last four months, more than 1,000 police departments have applied to the Department of Justice for a program that provides for more than 2,000 new police. The Community Policing and Public Safety Partnerships introduced by you and Representative Schumer would authorize over six years (1994-99) \$3.4 billion more for the Department to expand programs to hire new police officers substantially.

The Office of Management and Budget has already budgeted sufficient funds in its Justice Department planning baseline to fund fully the Community Policing and Public Safety Partnerships. And yesterday, the President endorsed procurement reforms that could save more than \$5 billion in the first year alone. The President has asked Congress to pass these reforms and use some of the savings to fund additional anti-crime efforts. He underscored this commitment by saying:

"I want Congress to pass the crime bill and pass the savings I've asked to help pay for it. I want them to know that if these cuts aren't passed, I'm going to come back with more cuts. And if those aren't passed, I'll come back with still more. I'll keep coming back until we have the money we need to make America safer."

Mr. Chairman, the President strongly believes that there is an epidemic of violence in this country that must be confronted. We commend your committee for responding quickly to this crisis.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leon E. Panetta', with a long horizontal stroke extending to the right.

Leon E. Panetta  
Director

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

FAX COVER SHEET

TO: Bruce Reed

FROM: DOUG STEIGER (395-3386)

DATE: 11/5

REMARKS

Brady Bill

Proposed House Statement,  
Justice has signed off,  
Needs to go final today.

Please call (202) 395-3454 to report any difficulties with  
transmission of this fax.

Draft

JOSE

Signed off  
11/5 4pm

November \_\_, 1993  
(House)

H.R. 1025 - Brady Handgun Violence Prevention Act  
(Schumer(D) New York and 155 others)

The Administration strongly supports H.R. 1025.

H.R. 1025 represents a vital first step in reducing the terrible toll of gun-related violence in our Nation. This legislation requiring a waiting period and background check before the purchase of a handgun is simply common sense. It is long past time that the Congress passed it.

Pay-As-You-Go Scoring

H.R. 1025 would increase receipts; therefore, it is subject to the pay-as-you-go requirements of the Omnibus Budget Reconciliation Act (OBRA) of 1990. OMB's preliminary scoring estimate of this bill are presented below. Final scoring of this legislation may deviate from these estimates.

PAY-AS-YOU-GO ESTIMATES  
(receipts in millions)

| <u>1994</u> | <u>1995</u> | <u>1996</u> | <u>1997</u> | <u>1998</u> | <u>1994-1998</u> |
|-------------|-------------|-------------|-------------|-------------|------------------|
| *           | *           | *           | *           | *           | *                |

\* less than \$500,000

\* \* \* \* \*

October 28, 1993

MEMORANDUM FOR LEON PANETTA

FROM: BRUCE REED

SUBJECT: Conditions on Crime Bill Agreement

Here is a list of conditions to present to Senator Mitchell and Senator Biden in approaching any possible agreement with the Republicans on the crime bill.

Howard Paster, David Gergen, and John Podesta have signed off on this list. (George has already left for two days in California.)

I've spoken to Sheila Anthony at Justice and told her that these funding discussions are ongoing. I've also discussed the conditions in general terms with Biden's chief counsel. David has put in a call to Biden.

David and I would like to join you if you go up to see Mitchell and Biden. Let me know.

Thanks for your help.

### **Necessary Conditions on Possible Crime Bill Agreement**

1. Agreement from Dole and Hatch that they will let the Senate take up the Brady Bill clean of non-Brady amendments, and will join Mitchell and Biden on motions to table non-Brady amendments.

2. Bipartisan agreement to support our procurement reforms this year -- and if necessary, next year as well. If Congress will not pass the cuts and savings we need to pay for crime-related spending, bipartisan agreement to support funding it through an emergency declaration, without finding offsetting domestic discretionary cuts or revenue increases.

3. Agreement on prisons/boot camps from Dole and Hatch that there will be an express provision and authorization for boot camps, and that any additional prison authorizations must have flexibility to allow grants to states for state prisons as well as grants for regional prisons.

4. Bipartisan understanding that our commitment to fund crime programs will extend only to those specific authorizations we agree to -- such as cops, drug courts, and boot camps/prisons -- not to every authorization in the crime bill.

5. Agreement from Dole and Hatch not to take up habeas reform this year.

## Necessary Conditions on Possible Crime Bill Agreement

1. Agreement from Dole and Hatch that they will let the Senate take up the Brady Bill clean of non-Brady amendments, and will join Mitchell and Biden on motions to table ~~such~~ <sup>such non-Brady</sup> amendments. ~~amendments~~

2. Bipartisan agreement to support our procurement reforms this year -- and if necessary, next year as well. In addition, the understanding that if Congress won't pass the cuts and savings we need to pay for crime-related spending, we will seek to fund it through an emergency declaration, ~~with~~ <sup>without</sup> ~~finding~~ <sup>finding</sup> offsetting domestic discretionary ~~at~~ <sup>at</sup> ~~or~~ <sup>or</sup> ~~revenue~~ <sup>revenue</sup> ~~in~~ <sup>in</sup> ~~ways~~ <sup>ways</sup>.

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THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OCT 27 1993

Honorable Jack Brooks  
Committee on the Judiciary  
U.S. House of Representatives  
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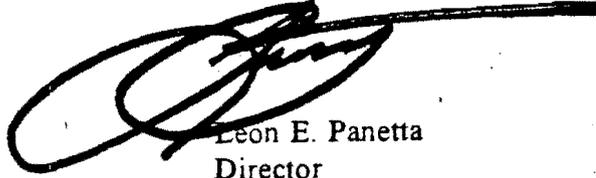
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The Office of Management and Budget has already budgeted sufficient funds in its Justice Department planning baseline to fund fully the Community Policing and Public Safety Partnerships. And yesterday, the President endorsed procurement reforms that could save more than \$5 billion in the first year alone. The President has asked Congress to pass these reforms and use some of the savings to fund additional anti-crime efforts. He underscored this commitment by saying:

"I want Congress to pass the crime bill and pass the savings I've asked to help pay for it. I want them to know that if these cuts aren't passed, I'm going to come back with more cuts. And if those aren't passed, I'll come back with still more. I'll keep coming back until we have the money we need to make America safer."

Mr. Chairman, the President strongly believes that there is an epidemic of violence in this country that must be confronted. We commend your committee for responding quickly to this crisis.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leon E. Panetta', with a long horizontal stroke extending to the right.

Leon E. Panetta  
Director

October 27, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED  
JOSE CERDA III

SUBJECT: POSSIBLE BIDEN-DOLE DEAL ON CRIME

MOST IMPORTANT PROVISIONS IN THE

Biden has held extensive discussions with Dole about a possible bipartisan deal on the crime bill. He believes he can close a deal with the Republicans if he has sufficient assurances from the White House that we will find the money for it.

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UNITE THE COUNTRY ON

In 1992, you were the first Democratic candidate since RFK to speak credibly about crime. As President, you have an opportunity to ~~bury~~ an issue that has divided our party and our country for three decades. Even more important, as you have said many times in recent months, we have an obligation to do everything we can for all the decent, ordinary people out there who are cowering in their homes and seeing their babies get shot dead in the streets.

Elements of the Deal

From 5.9 bil

The deal would raise the five-year cost of the Senate crime bill to between \$9.7 and \$11.3 billion. The key elements of the deal are:

1) Increasing the policing authorization from \$3.4 billion to between \$5 and \$6 billion, which would pay for 50,000 to 60,000 five-year grants at an average match of 55% (the current bill provides 50,000 three-year grants at an average match of 50%); and

2) Raising <sup>maintaining</sup> the boot camp/prison authorization to Republican levels (\$2.5-3 billion), but maintain our program. If the crime bill goes to the floor without a deal, the Republicans will offer amendments -- which will pass, and probably survive conference -- that will not only increase prison spending, but force us to take on an expensive new program of federally run regional prisons that Justice opposes and we cannot afford. Biden believes that if we accept something close to Republican funding levels, he can get them to accept Democratic provisions -- which would earmark at least \$1 billion for boot camps, and let states choose whether to spend the rest on boot camps or regional prisons.

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Together, this total of \$8.5 billion over five years (\$3.5 billion in the baseline and \$5 billion in procurement savings) would come close to covering the key components of the crime bill -- cops, drug courts, and boot camps/prisons -- at the low end of the possible Biden-Dole deal. It would not cover about \$1 billion in authorizations for non-essential programs that Biden added to his bill without our support. *AND ALL OF THE ADDITIONAL SPENDING SOUGHT BY REPUBLICANS.*

**COMPARISON OF CURRENT BILL AND BIDEN-DOLE COMPROMISE**

|  | <u>Current</u><br><u>Authoriz.</u> | <u>Biden-</u><br><u>Dole</u> | <u>Increase</u> |
|--|------------------------------------|------------------------------|-----------------|
| Cops   | 3.4                                | 5.0-6.1                      | +1.6-2.7        |
| Boot camps/prison                            | .3                                 | 2.5-3.0                      | +2.2-2.8        |
| Drug courts                                  | 1.2                                | 1.2                          | no change       |
| Essential programs                           | .1                                 | .1                           | no change       |
| Non-essential programs                       | .9                                 | .9                           | no change       |
| <hr/>  |                                    |                              |                 |
| Total, all programs                          | 5.9                                | 9.7-11.3                     | +3.8-4.5        |
| <b>Total, essential</b><br><b>← programs</b> | <b>5.0</b>                         | <b>8.8-10.4</b>              | <b>--</b>       |
| Baseline plus<br>procurement savings         | 8.5                                |                              |                 |

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Here are the implications of pursuing a deal:

**Advantages**

One way or another, these authorization levels will go up, and the public will hold us to them whether we asked for them or not. Either we look for a deal that allows us the chance to protect our programs and interests and take much of the credit, or we cede control of the process and take our lumps.

Biden believes that if he can strike a deal with the Republicans, he will be able to avert a bidding war in the Senate. His plan would be to reach advance agreement with Dole

and Hatch to support a manager's substitute that would include the crime programs at agreed-upon spending levels and with agreed-upon legislative provisions. Biden, Dole and Hatch would agree to oppose amendments to these programs from either side of the aisle.

A deal in advance -- announced with Biden, Dole, and others at the White House, with a statement that it's time to put politics behind us -- would stop Republicans from pursuing their current strategy, which will be to bloody the Administration on two fronts: first, that we don't have the money to pay for our bill; and second, that we're not willing to cut government to pay for putting criminals behind bars.

Finally, this deal would beef up boot camps and certainty of punishment for what the Attorney General calls "the mean bads", and ward off a Republican prison program that she hates but may not be able to stop.

The Administration would need to demand other conditions in any deal, such as: 1) bipartisan assurances to put a crime bill on your desk by Thanksgiving, and not go home until they finish; and 2) bipartisan agreement to fight for your procurement reforms and your October package. We would also want to make clear that our commitment to fund extends only to specific funding levels for the three programs we care most about -- cops, drug courts, and boot camps/prisons -- not every crime authorization they send our way.

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**Disadvantages**

Any additional commitments to anti-crime initiatives will make accounting decisions about the FY95 budget even harder -- assuming that Congress sends you Senate-size authorization levels for cops, drug courts, and prisons and does not reduce them in conference. As we discussed at the meeting in the Roosevelt Room on Monday, Justice and OMB have reservations about any new commitments. These decisions may become tougher still if Congress rejects your procurement reforms and other budget cuts -- but as you said yesterday, you have reserved the right to come back with more cuts.

There is also an inherent risk, more difficult to calculate, that the Republicans will walk away from the deal or find excuses to abandon it later.

AND FINALLY, BY NOT DIRECTLY ADDRESSING THE DEATH PENALTY ISSUE, <sup>↓ (HABEAS)</sup> BUT WE CAN BE SURE THAT THEY WILL CONTINUE TO LOOM IN THE BACKGROUND A GLUE R'S A CHANCE TO CRITICIZE US ON THIS, STILL, ~~BECAUSE~~ WE CAN RETALIATE

SINCE BLOKS IS NOT TAKING IT UP IN THE HOUSE

BEATING UP THE R'S ON GUNS.

October 27, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED  
JOSE CERDA III

SUBJECT: POSSIBLE BIDEN-DOLE DEAL ON CRIME

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We are raising this matter one more time, because we believe this is not just another accounting decision. You have a chance to seize one of the two most powerful realignment issues (along with health care) that will come your way, at a time when public concern about crime is the highest it has been since Richard Nixon stole the issue from the Democrats in 1968. In Robert Kennedy's day, crime was a lynchpin that helped hold a Democratic majority together across racial and class lines.

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~~To Congress~~  
~~To Congress~~

if Congress passes the bill, or ~~and~~

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There is also an inherent risk, more difficult to calculate, that the Republicans will walk away from the deal or find excuses to abandon it later.

Proposed Agenda  
Friday Strategy Meeting  
10/22/93

- |       |  |         |
|-------|--|---------|
| 1.    | PROCESS ITEMS (Naomi/Jeremy)<br>- review calendar for WG meetings in November<br>- orientation meeting for new members (Ann M)<br>- press training for all members (Ann M/Melissa)               | 10 mins |
| 2.    | QUICK TENNESSEE UPDATE (Jeremy)  | 5 mins  |
| 2.    | MATERIALS (Jeremy)<br>- new list of members (attached)<br>- notice of new members to Hill<br>- current public packet (attached)<br>- discussion of "Two Years"                                   | 5 mins  |
| 3.    | WORKING PAPERS (Wendell)<br>- comments on first four drafts<br>- discussion of timing, presentation, etc.  | 10 mins |
| 4.    | PRESS ISSUES (Avis/Melissa)<br>- general approach to the media<br>- coordination of future interview requests<br>- review of specific pending requests<br>o Post<br>o Knight Ridder<br>o US News | 10 mins |
| 5.    | PUBLIC OUTREACH (Patricia)<br>- review of summary report<br>- specific groups<br>o business: go over materials (Bonnie)<br>o labor<br>o recipients: foundation/focus groups                      | 15 mins |
| 6.    | INTERGOVERNMENTAL (John)<br>- next steps   | 5 mins  |
| 7.    | LEGISLATIVE (Mary)<br>- Mainstream Dems<br>- Women's Caucus<br>- Other   | 5 mins  |
| ===== |  |         |
|       | Review of assignments from 10/15 and 10/18 meetings  | 5 mins  |
|       | -- schedule WG meeting(s): preferably one long meeting (Naomi)   |         |
|       | -- summary of contacts with recipients (Jeremy)  |         |
|       | -- draft new general talking points (Jeremy)   |         |
|       | -- revise specific talking points (Melissa)  |         |
|       | -- set up site visits for Congressional staff, members (Jeremy)  |         |
|       | -- set up briefing for Mainstream Dem Caucus (Mary B)  |         |
|       | -- set briefing for new members/press training for all (Ann M)   |         |
|       | -- contact foundations re: recipient focus groups (Ann R)  |         |
|       | -- talk to AFSCME re: speeding up efforts (Patricia)   |         |

from  
the  
morning  
meeting

The Administration strongly supports S. 1488.

S. 1488 represents an important first step in putting more police on the street and taking guns out of the hands of criminals -- and in ensuring that all criminals are punished for their crimes. It authorizes new and innovative crime control and prevention programs as part of a comprehensive strategy to address the prevalence of crime, drugs and violence in our society. Specifically, the Administration strongly supports the following programs in S. 1488:

Title I of S. 1488, the Public Safety Partnership and Community Policing Act, authorizes \$3.45 billion over the next 6 years for states and localities to increase police presence and expand community policing. Putting more police on the streets working with community residents to reduce and prevent crime is an integral part of the Administration's anti-crime and anti-drug efforts -- and must be included in comprehensive crime legislation.

The Administration strongly supports Titles XII and XII of S. 1488, which would help states expand the use of boot camps for non-violent offenders and promote "Certainty of Punishment" for young offenders. Too often, our lack of prison space or juvenile detention facilities forces us to choose between prison or no punishment at all. This should not be the case. We must use boot camps and other innovative means of punishment to promote swift and certain punishment when an offender first encounters the criminal justice system, not after it's too late.

Title XII would also expand the use of "Drug Courts". Successful Drug Court programs utilize drug testing and the various component of the criminal justice system -- enforcement, prosecution, adjudication, and corrections, including probation, parole, and innovative programs such as boot camps -- to promote drug treatment. Without these programs, these hard-core drug users would be on our streets or taking up valuable space in our prisons that should be reserved for violent offenders. We cannot afford to continue to ignore the hard-core drug problem that fuels the overall demand for drugs and perpetuates drug-related crime and violence. The Administration is committed to focusing on hard-core drug use, and drug courts are an important first step in addressing this problem.

Finally, Titles II, IV and XV authorize more than 60 increased penalties for new offenses, including violent crimes, drug trafficking, and gun crimes, and expands the federal death penalty to include 47 new crimes. Title III limits inmates to filing a single, federal habeas corpus appeal within a six-month time limit and assures that indigent capital defendants are represented by qualified counsel who meet specific, rigorous experience and qualification standards. The Administration is in strong support of these tough, but fair, penalties and death penalty provisions.

CATHY -  
Can you make these small edits and fax to the #'s listed below?

The Administration strongly supports S. 1488.

C:\WORK\WRST\SAP

Doc #1  
ON MY  
SCREEN

S. 1488 represents an important first step in putting more police on the street and taking guns out of the hands of criminals -- and in ensuring that all criminals are punished for their crimes. It authorizes new and innovative crime control and prevention programs that ~~will help lay the groundwork for a more~~ comprehensive strategy to address the prevalence of crime, drugs and violence in our society. Specifically, the Administration strongly supports the following programs in S. 1488: that is part of a

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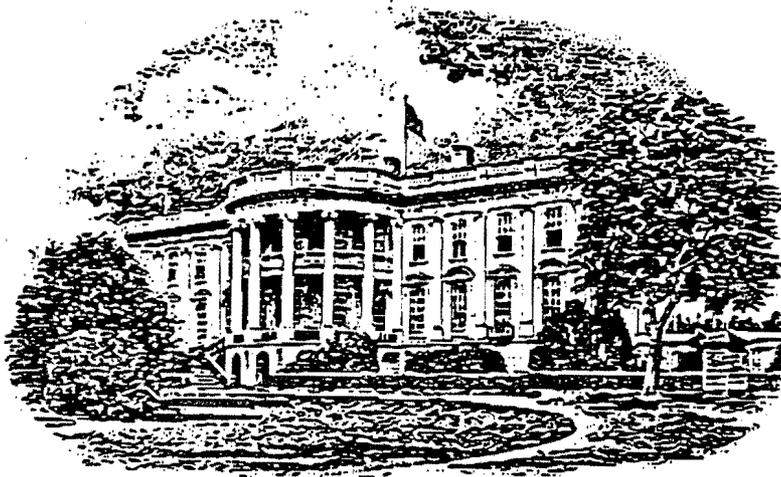
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FAX #3957  
3109

BRUCE CAN YOU EDIT THIS + SEND IT TO DOUG STELBER AT OMB. ALSO, CAN YOU FAX TO GRACE @ 514-8639 AND BAGETTE (ONDCP) 467-9869.



**FAX TRANSMISSION**

**Domestic Policy Council  
The White House**

TO: \_\_\_\_\_

*Doug Steiger*

PHONE: \_\_\_\_\_

FAX: \_\_\_\_\_

*3109*

FROM:

Bruce Reed / *Jose Cerda*

PHONE:

202-456-6515

FAX:

202-456-7028

Pages to Follow: \_\_\_\_\_

*1*





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## TELEFAX COVER LETTER

Date: October 25, 1993

Fax Phone Number: (202) 456-7739

Number of Pages (including this cover sheet): 3

To: Bruce Reed

Company: Domestic Policy Council Main Tel.#: \_\_\_\_\_

Originator: Adam Walinsky

Client Name: Police Corps No: 99000-811

Matter Name: \_\_\_\_\_ No: \_\_\_\_\_

### MESSAGE:

### PRIVILEGE AND CONFIDENTIALITY NOTICE

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# The New York Times

MONDAY, OCTOBER 25, 1993

## Chicago Gangs, Extending Turf, Turn to Politics

### National Truce Meeting Draws Leading Blacks

By DON TERRY

Special to The New York Times

CHICAGO, Oct. 24 — On a gray afternoon not long ago, Lu Palmer stood in the city's downtown business district watching thousands of young blacks march past, circle City Hall and stall traffic for blocks. They were ostensibly protesting Chicago's troubled school system, but a few also carried signs declaring it was time for another black mayor.

The marchers were as disciplined as an army. Or a street gang.

Mr. Palmer, at 71 a veteran of Chicago's black politics, said the scene reminded him of the 1960's and filled him with hope; maybe black Chicago was back on the move, with young lions leading the way.

#### Official View

Mayor Richard M. Daley saw something else as he watched the same legions, the same jam of traffic and commerce down Clark Street as rush hour began.

The demonstration, he said, was infested with gang members trying to cloak their real agenda in political protest and the rhetoric of empowerment. He doubted they were interested in voting rights or improving education.

Whatever their motivations or affiliations, thousands of young black people have trooped into the Loop on at least three occasions since summer, promising to turn protest into votes and numbers into political power. And the people of Chicago — especially their elected officials — have taken notice.

"These guys have extraordinary numbers," Mr. Palmer said. "That's making a lot of politicians, black and white, nervous." Whatever their other flaws, politicians can count, he said.

While not all the marchers were gang members, many were. And both their presence and organizational discipline suggested that the city's black gangs — or "street organizations" as they prefer to be known — are moving into politics, just as white ethnic street gangs did generations before them.

In the last few months, gang members have registered new voters, marched in protests about health care and the school system, conducted voter education classes, backed candidates in school council elections and courted politicians in a failed campaign to win parole for a gang leader who has been in prison for 20 years for murder.

Autry Harrison, the director of a gang intervention program for the Chicago Boys and Girls Club, said: "If you can control that anger that so many kids have, and get young adults focused, then they can be a powerful force for something positive. If we can make the kids politically aware, what's wrong with that? It's much better than them killing each other or innocent people."

While politicizing gangs has been talked about here since at least the 1960's, the idea now appears to be spreading to other cities, including Los Angeles, Cleveland and Kansas City.

In a sign that it may be taking root, political empowerment was a main topic this weekend at the fourth national United In/for Peace Summit, a meeting of gang members that is scheduled to end here on Monday.

But as gangs talk of exchanging bullets for ballots, many people wonder if their cry is sincere or a sinister camouflage for a criminal agenda.

It is probably too early to tell whether Mr. Palmer is right to be hopeful or Mayor Daley's suspicions are justified. But Carl Upchurch, an organizer of a gang peace effort known as the National Urban Peace and Justice Movement, said one thing was clear: "There's no question we're trying to get political power so we can enjoy economic power in this society," he said. "No one is trying to hide that."

Until the fighting in the inner city over drugs and turf and pride is stopped, Mr. Upchurch said, talk of political empowerment will amount to little more than rhetoric. "Peace," he said, "is crucial. Otherwise, nothing else will happen."

Most news reports here of the gang meeting have been negative, and Mayor Daley, Representative Mel Reynolds, aldermen and local organizers have called the peace effort a joke because the gangs have done nothing to stop their 24-hour-a-day drug business.

But the meeting and peace movement have also drawn a number of prominent black politicians and religious leaders, including the Rev. Jesse Jackson; Benjamin F. Chavis Jr., the director of the National Association for the Advancement of Colored People, and Eugene Sawyer, who succeeded Harold Washington as Mayor.

Today the participants gathered at the mosque in Chicago, where Louis Farrakhan, the minister of the Nation of Islam, and Mr. Chavis embraced. Mr. Farrakhan told the audience: "We've had enough of violence. We've had enough of crime."

#### Defending Meeting

Gang members and neighborhood organizers from Ohio, Pennsylvania and California attended the gang meeting, but most were from Chicago, which drew several local officials.

Alderman Allan Streeter, who is running for Mr. Reynolds seat in Congress, spoke at the meeting about political empowerment. In an interview before his speech, he defended his decision to speak at the meeting, saying: "These young people are not aliens from outer

space; they are our sons and daughters. The Daley administration is afraid of these young people who are mobilizing into a political force. It should be."

One organization at the forefront of harnessing the potential power of Chicago's street gangs is 21st Century V.O.T.E., a group that the police say has close ties with the state's largest gang, the Gangster Disciples.

The chairman of the group, Dwayne Harris, a 26-year-old former high school football star, denies any ties with the gang. He said his group had helped to register thousands of voters, including many who were probably gang members. And he said the group was also entering into "negotiations" with Arab and Korean merchants about economic development in Chicago's black neighborhoods.

"Everybody is quick to label us a lost generation," Mr. Harris said. "Well, we're finding ourselves now."

Street gangs have haunted Chicago for generations, and have been used and abused by politicians of many stripes. The Democratic machine used them for years to keep independent candidates at bay. And when the Rev. Dr. Martin Luther King Jr. came to Chicago in 1966 to battle slum lords and segregated public schools, he enlisted gang members in his cause, preaching, nonviolence and voter registration.

#### Recalling King's Effort

According to a new book about Dr. King's Chicago campaign, "Northern Protest" (Harvard University Press) by James R. Ralph Jr., Dr. King recognized that the gangs represented some of the "strongest grass-roots organizations in the ghetto."

But Dr. King's larger hope for the gangs was to put a stop to their civil warfare. His efforts received mostly negative attention, and he left Chicago with few real successes.

Alderwoman Dorothy Tillman called the new movement to politicize gang members a scam and a front for the Gangster Disciples. Her announced opponent in the 1995 City Council elections is Wallace Bradley, a former member of the Gangster Disciples.

"Dope is still on the corner," Ms. Tillman said. "They haven't told people to stop selling. The kids are being used. They're not really being educated about politics or the system. If that was happening, I'd support it. Right now, these young brothers and sisters are told when to go to demonstrations, what to say, what to do. That's not politics. That's brain washing. That's intimidation."

Far from the gang meeting, two teen-age members of the Gangster Disciples stood in a parking lot, smoking cigarettes. They said the gang had a new code of conduct that made school mandatory because, as one boy put it, "they don't want no illiterate people."

He said that several weeks ago the members were asked to attend a protest march in the Loop to help "get the little kids back in school."

"I didn't go down to march," he said. "I didn't want to miss school. I'm going to get my education and get out of here."

## THE WALL STREET JOURNAL

## Wishful Thinking Spurs Efforts To Co-Opt Gangs

By MIRA L. BOLAND

Many of the plans for rebuilding Los Angeles include proposals to put gang members into public and private jobs and job-training programs. Some members of the notorious Crips and Bloods gangs even have their own reconstruction plan with a \$3.7 million price tag.

Peter Ueberroth, chairman of the non-profit corporation Rebuild L.A., and other leaders of post-riot reconstruction efforts hope that gang members are amenable to reform. Their view depends on the assumption that criminal gangs are a product of a lack of economic opportunity — rather than a discrete phenomenon. Whether gang members take up lives of crime for lack of openings at the local convenience store is open to question. But on the evidence of an earlier effort to bring gangs into the mainstream via the public payroll, there is little to suggest that any of the schemes as yet proposed in Los Angeles will buy anything but expensive and temporary peace. Indeed, if the history of a Chicago job-training program repeats itself, the most notable result of reaching out to gang members could be decades of heightened violence and criminality.

In 1967, the Woodlawn Organization, a community group on Chicago's South Side, obtained a grant of nearly \$1 million from the U.S. Office of Economic Opportunity to establish job training centers for members of the Blackstone Rangers and a rival gang. The Rangers' leader, Jeff Fort, was popular with well-meaning people trying to curb gang violence and flight poverty. Sen. Charles Percy praised Mr. Fort as a promising young man with a potential political career, and invited him to President Nixon's 1969 inaugural. The late Sen. Jacob Javits treated the Rangers' "main men" to dinner at a posh Chicago hotel.

Private foundations and individuals followed suit. The Kettering Foundation gave the Rangers \$50,000 for community work, and paid for legal counsel for Jeff Fort. The W. Clement Stone Foundation gave a grant for community action. Westinghouse donated washers and dryers so the gang could open a coin-operated laundry. Humble Oil leased a building to the gang for \$1 a year to house Ranger businesses. Rangers got an interest in a liquor store owned by Sammy Davis Jr. Illinois Bell established a training center with the Rangers' cooperation.

The Woodlawn Organization, working with OEO money, also was popular with activist foundations. It received a 1968 grant from the Ford Foundation under a "technical assistance to neighborhood organizations" program. And Rangers members landed key staff appointments with the Woodlawn Organization's job training program. They gained control at two of four training centers, claimed salaries for classes never taught, forged attendance rolls and paychecks, and forcibly extracted kickbacks from other gang members. By 1973 Mr. Fort and a number of his "generals" had been convicted of stealing grant funds to buy drugs and weapons.

After serving a prison term, Mr. Fort restyled his followers El Rukn, Arabic for "the foundation." El Rukn's principal business was drug trafficking, with the profits laundered through property purchases. By mid-1985 El Rukn had amassed \$2.5 million in real estate through holding companies such as El Pyramid Maintenance and Management, according to the Chicago police.

El Rukn had become the largest, most violent black criminal syndicate in the country, believed responsible for hundreds of murders in turf and drug wars. But politicians still found it opportune to do business with Mr. Fort. In 1983 a figure in the Cook County Democratic organization paid the gang \$10,000 to campaign for Mayor Jane Byrne. (She disavowed any knowledge of the deal.) In 1984 the Rev. Jesse Jackson publicly thanked the gang for helping register voters for his presidential campaign.

Mr. Fort's political career was sidetracked, however, by a 13-year federal sentence for cocaine trafficking in December 1983. Undeterred, from a Texas prison, he directed a scheme for ranking Rukns to collect \$2.5 million from Libya in return for terrorist bombings in the U.S. The gang members purchased a rocket launcher from federal agents, and Mr. Fort was sentenced to an additional 80-year prison term in December 1987.

Only since the mid-1980s has a string of prosecutions for murder, racketeering, extortion and drug trafficking gradually thinned El Rukn's ranks.

Like El Rukn, the Los Angeles gangs have prospered from drug dealing and other criminal pursuits. Both El Rukn and the Los Angeles gangs have enjoyed periodic support from reform-minded activists. Both have attempted periodic truces with rivals. And both have enjoyed a relationship with Louis Farrakhan's race-baiting Nation of Islam, which provided security for negotiations between the L.A. gangs. The Nation of Islam also announced the creation of a legal defense fund for the four Crips charged in the assault on truck driver Reginald Denny.

Mr. Farrakhan's interest in the gangs is less benign — but probably more realistic — than the reformers'. In the mid-1980s, Mr. Farrakhan predicted gangs would play "a very important role" in a coming race war in the U.S.; he described gang members as "born to settle the score." Crips and Bloods seem to agree. In Watts, after a post-riot appearance by a Farrakhan lieutenant at a housing project, a Crip identified as "Diamond" said to the Washington Post: "The enemy is not red or blue," referring to the colors of the rival Crips and Bloods. "The enemy is white."

El Rukn used everything it could — federal anti-poverty grants, truces and violence — to consolidate its grip on turf, members and rackets. For all the public and private money, all the media's wishful thinking, it remained a criminal operation. Is it really likely that the motives of the Crips and the Bloods are any better?

*Mrs. Boland monitors extremist groups for the Anti-Defamation League in Washington.*

## Crime Stats: Washington, D.C.

### So far this year (1993):

- ◆ 352 people have been homicide victims (it was 338 this time last year):
  - Half of those homicides are linked directly to drugs - down from 60% a few years ago;
  - 70% of the homicides occur in and around public housing complexes;
- ◆ The homicide rate has increased 92% in ten years (from 183 in 1983 to 352 in 1993);
- ◆ 1,500 people have been victims of nonfatal shootings;
- ◆ 4,800 robberies have been reported:
  - More than 300 small businesses have been robbed (compared to 523 in all of 1992);
- ◆ From 1983 to 1991 (latest year available), the violent crime rate has increased from 1,985.4 per 100,000 to 2,453.3, a 24% increase;
- ◆ D.C. General expects to handle more than 1,000 gunshot victims this year, mostly males ages 14 to 30.

## General Crime Statistics

Growth in stranger-to-stranger homicides:

1982 - 55% knew their attackers

1992 - 47%

In 1992, firearms accounted for 68% of all murders  
(1982 was 60%)

1992 rural versus total statistics for:

Murderers under 18

Rural rate increased 32.4%

Total rate increased .3%

Violent crime (all ages)

Rural rate increased 7.2%

Total rate increased 2.4%

## VIOLENCE

- Every day, 12 children (under 19) are killed by guns. (BC/AG paper)
- It is estimated that about half of all homicides in the United States are related to alcohol use and 10 percent or more the use of illegal drugs. (Healthy People 2000: National Health Promotion and Disease Prevention Objectives. U.S. Department of Health and Human Services.
- More than three-fourths of all deaths to youth in the United States, Canada, and Sweden are due to accidents, suicide, homicide, or other violence, with the highest proportion in the United States (78 percent). "Our Children's Future: Introduction and Overview" by Jason Juffras and Isabel V. Sawhill. 4/9/90 The Urban Institute.
- The National Center for Health Statistics (NCHS) calculates that the firearm death rate for teenagers between ages 15 and 19 has reached its highest level ever, up 43 percent since 1984 and up 20 percent in 1988 alone. (Minority Health: Breaking Down the Barriers)
- Male youth in the United States are more than 5 times as likely to be murdered than those in the other developed countries studied, while Mexico's male youth are murdered at a rate nearly double that of the United States.
- Violent crime has now risen 26% under the Republicans and 18% under Bush alone. (Uniform Crime Index, FBI)
- Between 1965 and 1988 the arrest rate for violent crimes by 18-year-old males more than doubled, from 638 per 100,000 to 1,348 per 100,000.
- In 1965 the arrest rate for drug-related crimes by 18-year-old males was 179 per 100,000: it rose to 3,358 in 1973, diminished to 1,808 in 1983, and rose to 2,695 in 1988.
- In general, poverty rather than race appears to be the strongest predictor of violent crime by teenagers. Among the poorest adolescents, violent crime rates are nearly identical for blacks and whites, and at upper income levels, violent crime rates drop sharply for both races.
- Homicide is the second leading cause of death among all male adolescents and young adults and the number one cause of death among young black men.
- Homicide accounts for 42 percent of deaths among young men ages 15 to 24.

- For the United States as a whole, the homicide rate stood at 9 per 100,000 in 1988. For young black men, however, homicide was the leading cause of death (59 per 100,000) and more than seven times the rate for white youth (8 per 100,000).
- A black man has a 1-in-21 lifetime chance of being murdered, and black women are more than four times as likely to be homicide victims as white women.
- Homicide is the most frequent cause of death for black men between the ages of 15 and 34. The homicide rate for those between ages 25 and 34 is 7 times that of whites.
- Most young black murder victims are killed with firearms in the course of an argument.

October 6, 1993

FINAL  
CHANGES

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED  
JOSE CERDA III

SUBJECT: ADMINISTRATION STRATEGY ON CRIME AND VIOLENCE

I. ACTION-FORCING EVENT

With violence at epidemic levels across the country, the Administration needs to step up its efforts to pass the crime bill, the Brady Bill, and other gun measures. This memorandum outlines an aggressive political and communications strategy for an Administration-wide assault on crime and violence this fall.

II. PRIORITIES: MORE COPS, FEWER GUNS

The crime bill and the Brady bill are on a fast track in the House and Senate. The Senate could begin floor consideration as early as next week, but more likely the week after. The House Judiciary Committee has already begun subcommittee hearings, and is scheduled to mark up the crime package the week of October 18.

The recent crime spree is fueling Congress's desire to act on crime. But to do so, we need to do two things quickly: 1) Raise the Administration's profile on the crime issue; and 2) Speak with one voice to Congress and the public about our priorities. If we want to dodge the morass of side issues that have bogged down the crime-and-guns debate in recent years, we have to be very clear about our bottom line.

Crime and violence are complicated, provocative issues, and there will never be universal agreement within the Administration or the White House on how best to reduce them. However, we believe that the Administration, Congress, and the American people can unite behind the two most urgent elements of the anti-crime agenda you spelled out in August: more cops and fewer guns.

We can't settle for one or the other -- if we're going to make Americans feel more secure, we need both. Passing the Brady bill will be an important symbolic victory, but it will soon be eclipsed if teenagers still roam the streets with assault rifles and innocent children are still dying in the crossfire. To reduce crime and Americans' fear of crime, we

and residents

need to put more police on the beat in their neighborhoods and consider a series of gun measures beyond Brady that will give police a fighting chance to take their neighborhoods back. Otherwise, crime could be an even bigger issue three years from now than it is today.

### III. WHAT WE NEED TO DO

#### A. Speak With One Voice on Crime

With so much of the Administration's attention directed elsewhere, it is critical that our crime effort be focused and consistent. The White House and Justice Department need to work hand-in-hand to promote the Administration's agenda and seize control of the crime and violence debate. Justice officials share our concern and are eager to work together. We don't know if the White House can handle another war room, but we recommend forming a team of White House and Justice staff that will meet regularly to coordinate the Administration's efforts. This group will bring respective departments from the White House and Justice together to ensure that crime is an Administration-wide priority and that we are speaking with one voice. With your approval, Carol Rasco will send a memorandum to all interested parties to send a designee and begin work right away.

#### B. Raise the Administration's Profile on Crime and Violence

In the past few weeks, you and the First Lady have both signaled to the press and the public that fighting crime and violence is a top priority for the Administration. We want to make sure your schedule includes opportunities for you to keep speaking out on these issues, and where possible, to continue to underscore the link between violence and health care. Anything you and the First Lady can say to specifically mention the crime bill and the Brady bill over the next two weeks will dramatically improve the prospects of passing what we want.

It would not be difficult to fold a few crime-related events into your existing schedule, without using much of your valuable time. Here are a few suggestions:

- \* Radio address on crime on Saturday, October 16, just before the crime bill is scheduled to come up.
- \* Use the upcoming release of the Administration's interim drug strategy to talk about drug violence and drug-related measures in the crime bill.
- \* Be prepared to give the crime bill some kind of public plug when the floor debate begins.
- \* Use your visit to a trauma center in New Jersey this Friday to highlight the costs of crime and health care. You can land Florio for the strong assault weapons ban he passed and

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MOVE SECTION UP

for his tough line on crime in general, and make a specific pitch for the crime bill and the Brady bill. (New Jersey was one of the first states to impose a routine waiting period and background check for handgun purchases.)

*Do a crime with*  
\* ~~A similar event if you campaign~~ for Mary Sue Terry in Virginia, where crime and guns are the #1 issue.

\* Invite Police Chiefs from around the country to one of your weekly CEO luncheons, and make community policing and other innovative crime measures the topic of discussion.

\* Bring mayors to the White House to announce the first communities to win community policing grants from the Justice Department under the \$150 million FY 93 Supplemental. The first round of applications ends later this month; Justice could begin selecting communities anytime after that. These won't be large grants -- \$1 to 4 million -- but they will make big news in medium-sized cities.

\* An impromptu Friday or Saturday night visit to a D.C. emergency room.

\* Attend the opening of the new D.C. drug court. You and the *Attorney General* (AG) have spoken about the need to use the "carrot" and "stick" of the criminal justice system to demand that drug offenders be treated and tested. The D.C. drug court, which will be opened later this month, is the first such venture funded with an HHS grant from your Administration.

\* Give a major crime speech at this year's International Association of Chiefs of Police Convention. The Convention is scheduled for the same week that the crime debate is likely to begin in the House and Senate. Lee Brown and the *Attorney General* (AG) are already planning to speak.

\* A phone call to Governor William Weld to ask his help in winning bipartisan support in Washington for the measures he proposed last week in Massachusetts: a waiting period, an assault ban, and a ban on handgun ownership by anyone under 21.

\* An Oval Office meeting with Sarah and Jim Brady.

In addition to all that you and the First Lady do to promote these issues, we will put together a coordinated effort by the Cabinet -- not only Attorney General Reno and Drug Director Brown, but also Secretary Cisneros and Secretary Riley.

### C. Build Support Among Key Constituencies

We are already working with Public Liaison, Intergovernmental, Political, and their counterparts at Justice to build support among key constituencies. We need to focus on the following groups:

**CITIES AND MAYORS** -- Cities and Mayors have much to gain from the initiatives included in the crime bill, particularly in hiring more police and reducing gun violence. Putting more police on the streets was a central issue in the Los Angeles Mayor's race, and has emerged as a key issue in Detroit, where one of the two candidates in the runoff is saying that our crime bill will mean 1,000 new cops for Detroit, and promising to deploy another 1,000 on top of that. This constituency also represents one of our best opportunities to garner Republican support for the crime bill, from Riordan in L.A. to Althaus in York, PA.

**STATES AND GOVERNORS** -- Although States and Governors do not stand to gain as much as Cities and Mayors, they are still an important source of support. Moreover, the issues of crime, violence and gun control are being highlighted in several gubernatorial races (NJ, VA) and have dominated the news in others (CO, FL, MA).

**STATE ATTORNEYS GENERAL** -- While the State AGs were the original driving force behind the Biden-Reno habeas corpus compromise, they have elected not to endorse Biden's crime bill. Also, Senate staff indicate that we may have only around 20 of the 31 Democratic AGs in support of the crime bill, with key Democratic AGs in key States wavering (Butterworth of FL, Morales of TX, and Bower of GA). High-level White House calls need to be made to these individuals as soon as possible. Biden's staff will send us a list of pivotal AGs and DAs.

Republican AGs will be difficult to sway. For years, California AG Dan Lungren has led the opposition to Democratic crime bills, with habeas being his primary focus. This year he helped block the State AGs from endorsing Biden's crime bill. Lungren -- a former Republican member of the House Judiciary Committee -- can be expected to join forces with former U.S. Attorney General Bill Barr and former Justice Department Official Paul McNulty, who have established a conservative, hard-line criminal justice think tank.

**DISTRICT ATTORNEYS** -- Many Members of Congress will have a hard time supporting the crime bill if the local DA comes out vocally against it. Last year, the ~~Das~~ DAs worked with the State AGs to defeat the crime bill. In fact, the DAs' former national President, conservative Democrat Bob Macy, stood alongside Republicans to criticize the crime bill during last year's election. This year, Macy and others endorsed the Biden-Reno compromise and attended the Rose Garden crime event.

We need to fight to keep the DAs on board, especially if the House tries to weaken habeas. The Attorney General's outreach and assurances to DAs have been helpful and must continue. We must solicit the help of friendly DAs such as Mark Stodola in Little Rock and Norm Early in Denver. Not only is Early a Clinton supporter (he spoke at the prosecutors/Sarah Brady endorsement event last October), but he is currently President of the Black Prosecutors Association.

**POLICE GROUPS** -- We need to make good use of major police organizations, which support the crime bill and measures to curb gun violence. At the same time, we have

to neutralize a potential landmine, the Police Officers Bill of Rights, which would grant certain labor protections to rank-and-file cops. This issue, which is not included in the crime bill as introduced, would split the law enforcement community into labor and management, with police unions on one side and police chiefs (as well as Mayors) on the other. Senator Biden has made a personal commitment to the National Association of Police Organizations (NAPO) and the International Brotherhood of Police (IBPO) -- both Clinton endorsers -- to include the Police Officers Bill of Rights in the crime bill.

There is no easy answer here, but some type of commitment -- or separate effort -- needs to be made to get our police supporters not to insist on the Police Officers Bill of Rights. We have worked during the past few months to establish a direct network of supportive police chiefs around the country -- San Diego, Boston, New York, Tampa, St. Petersburg, Chicago, St. Louis and many more cities -- and we run the risk of losing this support if the Police Officers Bill of Rights becomes an issue.

**COMMUNITY-BASED GROUPS** -- The crime bill and Brady should appeal to local crime prevention groups and other neighborhood coalitions. We are reaching out to them to help build support for the crime bill at the local level and across the political spectrum.

#### D. Maintain Legislative Balance

**BRADY** -- The Brady bill will almost certainly pass the House this fall, either as part of the crime bill or on its own if the crime bill gets bogged down. The real battle will come in the Senate, where Biden is still a few votes short of cloture. His office is sending us a list of swing votes and their concerns. You and the Vice President, who helped Brady pass the Senate once before, will need to work the phones and the bully pulpit.

**ASSAULT WEAPONS** -- This will be a real struggle in both houses, but it's a fight well worth having. The House rejected a ban by 70 votes in 1991, the day after the Luby's massacre in Killeen, Texas. But the politics of the issue have changed since then, and although the NRA says otherwise, the freshmen may be more sympathetic. Cloture will again be difficult in the Senate, which passed a relatively weak ban by one vote last time.

We should ask for a stand-alone vote on assault weapons, that keeps it separate from either the crime bill or the Brady bill. Sarah Brady has asked us not to lump the Brady bill and an assault ban together, because she feels it could doom Brady. We also need to urge Senators Metzenbaum and DeConcini, who introduced different versions of a ban, to develop a consensus proposal.

**CRIME BILL** -- Last year's crime bill conference report passed the House by just two votes (208-206, with one Republican vote) and failed in the Senate under a filibuster threat. This year, we have gone to extremes to improve last year's bill and, hopefully, strike an appropriate liberal-conservative balance. Still, if the wrong amendment passes, there is a

distinct chance that we could lose liberal or conservative votes at any point along the way. We need a careful strategy to keep the balance in both houses and in conference.

In the House, we believe the key targets are moderates (including some Republicans) and new Members. We also need to reach out to the Black Caucus, which will oppose death penalty provisions but may support our focus on more cops and fewer guns. If we do not reach out to the Caucus, we risk their vocal opposition.

In the Senate, separating Brady will make passage of the crime bill easier. The Republicans will press for more prisons, tougher sentencing, and more conservative habeas. The recent crime spree has improved the overall prospects of broad support, but may also increase pressure to pass even more conservative habeas procedures.

#### IV. OTHER CRIME POLICY OPTIONS

The crime bill includes many innovative approaches that don't get as much attention: boot camps, drug courts, certainty of punishment for your offenders, and so on. But to underscore the seriousness of the Administration's commitment to reduce crime and violence, we may want to consider other initiatives in the short and long term.

##### A. Gun Options

We can try to pass a few other gun violence measures that have broad support, either as amendments to the crime bill or as part of a separate guns package. We will ask Justice and Treasury to prepare a comprehensive list of possible measures, ranging from executive action to legislation. Some of these might pass with relatively little controversy; others would be too much for the crime bill to carry.

Here is a sampling of other gun legislation that could be incorporated into a separate gun violence package: banning assault weapons; reforming the Federal firearms licensing system by increasing the basic fee and not allowing dealers to circumvent state and local gun controls (this is what Mayor Dinkins talked to you about; it requires legislation which we can support); closing the loophole that allows convicted felons to regain their right to buy firearms; prohibiting the transfer of firearms to minors; expanding the category of persons prohibited from purchasing guns (i.e., individuals under a restraining order); limiting the multiple purchase of guns; and banning all forms of "armor-piercing" bullets. Other, more controversial measures include Senator Moynihan's bullet tax and Senator Bradley's gun tax.

##### B. Other Crime Options

There are several other options we can pursue immediately pursue. They include:

**COMMISSION ON CRIME AND VIOLENCE** -- The Federal Government has not sponsored a commission to look at the issue of crime and violence since the Kerner Commission more than 25 years ago, and various police chiefs, including Lee Brown, and other criminal justice types have called for one. Although we would not generally recommend government by commission, there is a compelling case for a crime and violence commission to help lay the groundwork for bold new initiatives down the road. Moreover, on many basic questions we simply don't know the right answers. A new commission -- made up of those at the front lines as well as academics -- would elevate the issue and help show the public that we want to do more than simply talk tough on crime. The Biden-Brooks crime bills include a commission on crime and violence. Peter Edelman, Phil Heymann, and Lee Brown are heading up an internal Administration working group on violence that will be holding hearings on youth violence.

**WHITE HOUSE CONFERENCE ON YOUTH CRIME** -- Youth crime -- particularly violent and gun-related youth crime -- has increased dramatically over the past 25 years and must be addressed. The Attorney General and Lee Brown have a tremendous interest in this issue, and would both like to develop strategies. The Attorney General has scheduled field hearings to look into the problem, and Lee Brown has expressed an interest in focusing on the impact of crime and violence on African American males.

Last year's reauthorization of the Juvenile Justice Program authorized a White House Conference on Youth Crime. You could focus on this issue and establish such a conference.

**FY 95 BUDGET/DRUG STRATEGY** -- The FY 95 Budget will include a cross-cut analysis entitled "Safe and Drug-Free Communities." We need to utilize this section of the budget -- along with the upcoming Drug Strategy to be released -- to outline a comprehensive, credible crime and drug strategy.

THE WHITE HOUSE  
WASHINGTON

DATE: 9/23/93

TO: THE VICE PRESIDENT  
MACK McLARTY  
BRUCE REED  
RAHM EMANUEL  
DEE DEE MYERS  
MARK GEARAN  
FROM: JOHN D. PODESTA  
Assistant to the President and  
Staff Secretary

The attached has been forwarded  
to the President.

THE WHITE HOUSE

WASHINGTON

SEP 22 P5:53

September 22, 1993

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: KEITH MASON *KM*

SUBJECT: GOVERNOR CHILES/ LAW ENFORCEMENT GRANT APPLICATION

I. SUMMARY

Governor Chiles is expected today to deliver to Phil Heyman at the United States Department of Justice the State of Florida's grant proposal which outlines a dual strategy to enable Florida local and state law enforcement to provide for "the critically needed" police presence on the streets of Florida. This proposal outlines the Federal support necessary to allow for the expansion and continuation of the Dade County Violent Street Crimes Task Force and the implementation of this highly successful approach in Orlando, Tampa, Jacksonville, and Tallahassee.

II. DISCUSSION

The grant application generally follows the guidelines prescribed by the Federal Police Hiring Supplement Program. Strategy One of the Florida effort would expand and sustain the Violent Street Crimes Task Force in Dade County for a minimum of three years. This part of the Florida effort would also provide funding for 35 law enforcement officers while funding 17 additional officers. The final aspect of Strategy One would fund the Dade Robbery Clearinghouse for one year.

Strategy Two would expand the Violent Street Crimes Task Force to all regions of Florida and provide funding for 22 State officers and overtime dollars for local law enforcement relating to the task force thus totaling the equivalent of 70 officers. This strategy would also provide operational expenses for the statewide effort.

|                          |              |
|--------------------------|--------------|
| <u>Total Initiative:</u> | \$13,284,035 |
| Total Federal Funding:   | \$ 9,963,026 |
| Total State Funding:     | \$ 3,321,009 |

DOJ has been exploring additional funding options for the State of Florida and is planning an expedited review of this application.

Enclosure



LAWTON CHILES  
GOVERNOR

STATE OF FLORIDA

## Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

September 22, 1993

The President  
The White House  
1600 Pennsylvania Ave.  
Washington, D.C. 20500

Dear Mr. President:

As you are aware, the recent murders of international tourists in Florida have brought extensive attention to our State. The highly publicized nature of these random and senseless acts, and previous crimes committed against tourists, pose a critical threat to not only the safety and security of our residents and visitors, but also the economic security of our State. More importantly, these acts have greatly emphasized the significant problem which Florida and other States face in dealing with the escalating nature of violence in our society. The answer to our "tourist crime" problem is embedded in our ability to solve the *overall* violence problem. The most *meaningful* solutions to these problems are extremely long-term and complex and will require efforts from many segments of our society -- not just law enforcement.

However, law enforcement must respond promptly and effectively. In the wake of these most recent tragedies it was incumbent upon us to take *immediate* action to reduce this street crime and the fear which so many residents and tourists feel on our highways. We seek your strong support in our attempt to secure appropriate Federal funding to assist Florida in a two-part strategy which we feel can make an immediate difference in reducing street crimes and restoring our public's (residents and tourists) sense of security.

The first part of this strategy seeks to expand and sustain a successful Dade County effort. In April of this year, I directed the Florida Department of Law Enforcement and the Florida Highway Patrol to work with a number of local law enforcement agencies to prevent violent street crimes committed against residents and tourists. These combined efforts resulted in the implementation of a multi-agency effort -- *the Violent Street Crime Task Force*. This innovative effort combines a concentration of highly visible uniformed officers working with special undercover investigators who constantly rove specified areas. During the period April through July 1993, the City of Miami has reported that crimes committed against tourists have dropped approximately 56% compared to the same period in 1992. Officers have also documented over 500 contacts with tourists -- many of whom were unaware that they had ventured into high crime areas. They have also documented over 230 arrests, the recovery of 100 stolen vehicles, and the interrogation of over 500 individuals encountered in specified high incident areas. This intensified police presence has certainly prevented serious crimes from occurring. The immediate expansion of this program into a larger regional area would coincide with the upcoming prime tourist season in South Florida.

The President  
September 22, 1993  
Page Two

The success of this model and the fact that violent street crime is indeed a *statewide* problem prompt us to propose duplication of similar task forces in all regions of Florida. Therefore, the second part of our strategy is to support similar law enforcement partnerships in the regions surrounding Tampa, Orlando, Tallahassee, and Jacksonville. The Miami effort and those proposed statewide are built upon strong interagency cooperation and commitment and have and will forge collaborative efforts which will serve as an excellent model for other states to employ. The successes which we envision on the enforcement side of the violence problem will certainly demonstrate the value of shared responsibility, information and resources.

Unfortunately, these highly visible and successful efforts will place an economic strain on our state and local agencies involved. We therefore ask the Federal government to supplement our commitments to these partnerships with funding in the amount of \$9.9 million through available funding sources. It is my understanding that moneys may be available through discretionary funding; fiscal year-end funds; or the Police Hiring Supplemental Program.

It is important to note that this proposal seeks a significant level of overtime funding for local and state law enforcement. This is a vital stop-gap need which must be filled to provide for immediate increases in police presence in the most problematic areas of Florida. In addition to the 47 new positions which would be funded through this strategy, overtime funding requested would equate to an additional 87 full-time, trained and productive officers which will be placed on the streets of Florida targeting crime "hot-spots".

We have prepared a formal grant application which describes this initiative and the results which we anticipate. That proposal will be provided to Attorney General Reno today.

On behalf of the citizens of Florida, thank you for the concern you have already expressed in this matter and for your consideration of this critical issue.

With warm regards, I am

Sincerely,



LAWTON CHILES

Crime

Wilkie draft of 9/22/93 7:00 p.m.

The President of the United States  
Pinellas Marine Institute  
St. Petersburg Beach, Florida  
Friday, September 24, 1993

[intro] I'm proud of my atty general. I was atty general of my state.

[reference tourist deaths and say something to the world]

We should be outraged at every act of violence, regardless of the color of the victims' skin, or country of their birth.

Earlier in the summer, our country was shocked and saddened when Michael Jordan's father was shot and killed. But who mourned the others killed in Robeson County, North Carolina, this year? The twenty-two others. No, they weren't celebrities. Nor were they tourists from another country. But they were our neighbors all the same; and to most of us they remain unknown.

*The terrible truth in America today is that <sup>what we used to call</sup> random violence ~~has become~~ <sup>is fast becoming</sup> <sup>is now almost</sup> a commonplace.*

Every society in the world has its sinners and its saints, as well as right and wrong. No society is free of wrong. But the moral test of any society is how its people overcome it.

If there is a silver lining in the clouds it is this: violence doesn't have to be a wedge used to divide Americans for political gain. It can be a cause that brings us together.

As I've set about to change this country for the better, one thing to me is clear. Our society is burdened by too much fear today:

- fear that somebody might take <sup>your</sup> my health care away;
- fear that somebody might take my job away;
- fear that somebody might take my life away.

Where ~~these~~ fears persist ~~our~~ people are not free. → (Where there is fear there ~~is~~ can be no freedom.)  
→ IMMIGRANT STORY

Of all the threats to our nation, of all the threats abroad and all the threats at home, the greatest threat to our future is insecurity. If we are to conquer these fears, then we must re-take control over the great forces that shape the way we work and live.

For years the deficit spiraled out of control; and no one did anything real about it, until we passed our deficit reduction plan this year. We took a difficult, but necessary step to protect our national economic security.

B.S.

Health care costs have spiraled out of control, and no one will have done anything about it until we pass this plan. We're going to give you health care security. We're going to pass a law that says nobody -- no government, no insurance company, no business -- can take your health coverage away.

TAKE RESPONSIBILITY

And we have to regain control over the violence that claims too many lives today.

This is not a problem in Florida alone. This is a national epidemic.

In Texas three years ago, more people were killed by guns than were killed in traffic accidents for the first time in decades.

When I was born, in 1946, homicide was not even on the list of the ten leading causes of death in America. In fact, throughout my lifetime, homicide never made it to the list until 19\_\_ Today...

→ APPLAUSE LINE: We're the only country on earth / violence / semi-automatics

American society has undergone tremendous changes in our lifetimes.

OMIT

Today, we move around much more easily and frequently. We aren't as tied down to one job, one house or one town. The freedom of mobility has been good for people, but it hasn't come without its costs. \* → The foundations of our society are crumbling. Schools. Health care. Government. Community. Most of all, family. o/w births. Too many kids growing up w/o fathers on streets. w/o laws

TOO FUZZY

We have to rebuild a sense of our community, because in large measure we don't know our neighbors the way we used to. Americans in general spend so much much time between work and home, they've lost much of the time they used to share with others. Individuals aren't as attached to family, the church, and the neighborhood, where young people have mentors and grown people serve as role models, where all people reach a shared understanding of their responsibilities to one another.

As crime and violence have risen, many have retreated. They've gone inside. Locked their doors. Turned on the television, and tuned out. Some have pursued very private lives at the price of public order.

Law abiding citizens are imprisoning themselves in isolation, while future criminals wean themselves on bitterness and alienation. Americans of all races and walks of life are being numbed to disregard the humanity that surrounds us. As my friend Senator Moynihan, of New York, has put it: "we are getting used to a lot of behavior that is not good for us."

This is the <sup>one of</sup> root of our crime problem, for when we rely on each other less, we come to need each other more. We should ask more of our neighbors. We should expect more of our children. We should demand more of their parents. We can not look solely to impersonal systems -- the school system, the criminal justice system, the bureaucracy. These institutions don't function without people chipping in.

For years, people on the right have said, "Let others worry about themselves." And for years, people on the left have said, "Let government take care of it all." Both of these sides are wrong. Governments don't raise children -- people do. But people can't raise children in isolation. They need support from active community lives that teach and thrive on mutual responsibility. For people do do right by their children, there has to be a sense that we're all in this together.

You are doing that here at this Institute.

Your Chief of Police, \_\_\_\_\_ has been the nation's leader in community policing.

In communities all across America, neighbors are joining in crime watch programs, driving crack houses from their streets, and letting the television and film and music industry executives know that they ought to be ashamed by the sheer multitude they are exposing our children to today.

State governments should be applauded too. Just last week in Colorado, Gov. Romer signed a law that prohibits juveniles from owning handguns. That's makes Colorado the 19th state to pass that law this year.

For years, while these constructive measures were being taken, people in Washington talked tough about crime but did too little to stop the violence. It's time to back up tough talk with tough action.

That means more police officers on the street.

That means streamline the process for criminal appeals to bring the justice system under control.

And it also means that it's time to pass the Brady Bill.

No one in Washington can ask for discipline in America until they have exercised it themselves.

We've already brought discipline to the budget process. We're bringing discipline to the health care system. Help us bring some discipline to the Congress when it comes time to vote on that crime bill.

If we want to protect our personal security, then we must begin by restoring our sense of community and responsibility, as you are doing here in St. Petersburg. You have shown America that there is plenty of work, and opportunity, for us all.

A generation ago, exactly two months before he was struck and killed by a bullet, Robert Kennedy gave us words of hope that are as true today as they were then.

"Surely this bond of common faith, this bond of common goal, can begin to teach us something," he said. "Surely we can learn, at least, to look at those around us as fellow men [and women] and surely we can begin to work a little harder to bind up the wounds among us and to become in our own hearts brothers [and sisters] and countrymen once again."

If not for your own sake, then for the sake of all our children, please help me do it. Thank you and God bless you all.

## NOTES/scrap

A generation ago, one day after the Rev. Martin Luther King Jr. was shot and killed, Robert Kennedy said this about violence in America: "Some look for scapegoats, others look for conspiracies, but this much is clear: violence breeds violence, repression brings retaliation, and only a cleansing of our whole society can remove this sickness from our soul." Exactly two months later, Robert Kennedy was killed by a bullet too.

-- RFK, 4/5/68 Cleveland, OH

In 1965, Moynihan wrote in *America* magazine published by the Jesuits:

a community that allows a large number of young men to grow up in broken families...never acquiring any stable relationship to male authority, never acquiring any set of rational expectations about the future -- that community asks for and gets chaos: Crime, violence, unrest, unrestrained lashing out at the whole social structure -- that is not only to be expected, it is very near to inevitable.

The America Scholar, Winter 1993.

Edwin Torres, a man who grew up in East Harlem is now a Justice of the Supreme Court of the State of New York. Like all of us here, this judge was angry about the complacency that too often greets violence in America today: "The slaughter of the innocent marches unabated," he warned. In a letter to Moynihan, he said, "A society that loses its sense of outrage is doomed to extinction."

stop violence abroad vs. stop violence in America first

take back

rights/responsibilities

action/consequences

discipline/put our house in order

restore a common standard of acceptable behavior

people take responsibility: mothers, citizens groups, anti-TV violence campaigns

Public policy alone cannot relieve the visceral anguish we feel today.

That's why you have to do your part too.

The Department of Justice has found that over half of violent crimes go unreported to police. Some people just don't care, but many are afraid. Alone, we're vulnerable one by one. But together, the criminals turn and run.

cops on street, Brady bill,... takes money. One of the reasons I raised taxes on upper income Americans is because I would rather see that money going into cops and safety instead of luxury vacations or expensive jewelry. If we don't bring crime under control, who will be around after we're gone to protect those things anyway?

[NAFTA] We're going to pass a trade agreement to secure a new market in this hemisphere for American made products, before other nations across the ocean move in and take these markets from us.

## CRIME BILL ISSUES

On Thursday, Senator Biden and Chairman Brooks plan to introduce revised Senate and House versions of last year's crime bill conference agreement. While the bills will be largely the same, they will not be identical. The Leadership in both houses has agreed to act on these measures this fall.

Legislative text for both of these bills will not be finalized until late today or early tomorrow. At our request, the chairman have scaled back the authorization levels from last year's bill (more than \$8 billion), to a total of \$5-6 billion over the next five years. The Administration has pledged to fight for full funding of the community policing provision, but we have made no guarantees about the rest of the provisions.

Here is a brief overview of some of the issues:

- **BRADY BILL:** The Brady Bill, which mandates a national 5-day waiting period for handgun purchases (until replaced by an instant-check system), will be included in the House's version of the crime bill. The Senate will take up Brady as a stand alone bill during the crime bill's consideration. We have told the House and Senate that Brady is a must-pass provision for the President, and that he wants it any way he get it.
- **COMMUNITY POLICING:** The House and Senate have agreed to make Title I of the crime bill the President's Community Policing Initiative. This proposal -- fashioned by DPC, OMB and Justice -- authorizes \$3.4 billion to put 50,000 more police on the street "in community-oriented policing." Along with Brady, this is the most important part of the crime bill to the President. (Several other programs will help keep the President's 100,000 cops campaign pledge -- national service, Safe Schools, Empowerment Zones, Troops-to-Cops, etc.)
- **ASSAULT WEAPONS:** An assault weapons ban will not be included in the crime bill as introduced, but the President has called for an assault weapons ban and will ask for its consideration alongside the crime bill. The Senate has passed a ban before, but the House has defeated every such effort.
- **HABEAS CORPUS REFORM:** The President and the Attorney General support Senator Biden's legislation to reform the death penalty appeals process, and the Attorney General has committed to help in selling this proposal to Members and outside groups. Because the Administration wants the public debate to revolve around community policing and gun legislation, the President's and the Attorney General's public focus will be primarily on these initiatives.
- **SAFE SCHOOLS:** The House and Senate have included a Safe Schools provision similar to the Administration's proposal, which allows local educational authorities to apply for emergency funds to build metal detectors, hire police and security personnel, implement anti-violence and anti-drug curricula, and other activities. We have told Brooks and Biden that we prefer the Administration proposal to that in the crime bill.

## OTHER ISSUES:

- **MANDATORY MINIMUMS:** No ~~new~~ mandatory minimums will be included in the crime bill as introduced, but neither will any language be accepted to repeal or "fix" already existing mandatories. We believe this issue is best addressed outside of the crime bill context.
- **BOOT CAMPS AND DRUG TREATMENT:** The President's proposed crime package also calls for more boot camps and criminal justice drug treatment and testing. We have not committed to any specific funding levels for these programs.
- **DEATH PENALTY:** Both the House and Senate bills will include 47 new death penalty categories with a uniform set of death penalty procedures for implementation. The controversial non-homicidal death penalties in last year's bill have been deleted, but are likely to be attached at a later point.
- **POLICE CORPS:** Both the House and Senate will include a Police Corps, but at different authorizations levels. The House includes a \$25 million per year Corps while the Senate's Corps will cost \$100 million in the first year and "such sums" thereafter.
- **REGIONAL PRISONS:** Last year's crime bill included a costly proposal to establish 10 region, state-federal prisons for drug offenders. OMB and Justice were very concerned with the cost of this proposal. It has been pared down significantly and changed to a federal grant program to help states establish multi-state prisons. House and Senate Republicans are sure to make prisons their defining issue during the crime bill debate.