THE WHITE HOUSE
OFFICE OF DOMESTIC POLICY

CAROL H. RASCO
Assistant to the President for Domestic Policy

To: Reed
Linda

Draft response for POTUS
and forward to CHR by: _____

Draft response for CHR by: _____

Please reply directly to the writer
(copy to CHR) by: _____

Please advise by: _____

Let's discuss: _____

For your information: ✓

Reply using form code: _____

File: _____

Send copy to (original to CHR): _____

Schedule ? : ☐ Accept ☐ Pending ☐ Regret

Designee to attend: _____

Remarks: _____

The George Washington University
WASHINGTON DC

UNIVERSITY PROFESSOR

cc: Rasco
Emanuel
FYI - Phil

July 12, 1994

Mr. Phil Lader
Office of Chief of Staff
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Lader:

One needs to worry now, even before the Crime Bill has passed, what is the next position the Administration is going to take on this key issue. Crime is high on people's minds. There is no sense suggesting that they are obsessed with the subject or act on the belief that the issue is fear and not violence and hence what they need is reassurance rather than crime control. The fear is realistic. Not only is crime still very high, but it is accumulative! The victims of each year's crime and their families and relatives and friends are added on to those of previous years. No one should underestimate the scope of the problem and the intensity of the feelings.

The current Crime Bill has some good stuff in it, but this is largely water under the bridge and it tends not to evoke much enthusiasm. The main question is: what are you going to do for me next? I suggest that a small group be set to focus on this question. While I do not have the answer to the question, I would like to bring to the table a suggestion for discussion: Enhance the certainty that a criminal be caught, convicted and serve the sentence. The problem now is that even with higher penalties, so few of the criminals are caught and from those caught -- only a few are convicted and from those only few serve time, that there is little deterrence and little public assurance even with three-strikes-you-are-out. We could get much better results, without increasing penalties and even eventually mitigating some (especially for first-time and non-violent ones) if we could ensure that a higher proportion of the criminals will be punished.

If the group would agree that NO CRIMINAL SHOULD WALK is the next issue, we can turn to discuss what it entails to enhance certainty.

Just an idea for your consideration.

Sincerely,

Amitai Etzioni

Enclosure
Clip from the Washington Post
July 12, 1994

cor94-3\lader.7

117TH YEAR No. 219

The Washington Post

TUESDAY, JULY 12, 1994

25¢

Weather

Today: Partly cloudy, hot. High: 90. Low: 72. Wind southwest 6-12 mph.
Wednesday: Partly sunny, hot, humid. High: 94. Low: 71. Wind southwest 6-12 mph.
Yesterday: Temp. range: 60-86. AQI: 50. Details on Page 112.

Sections

A News/Editorials
B Metro/Business
C Business
D Sports/Comics/Classified
E Style/Television
Inside: Health
Today's Contents: Page A2

Washington Area Weather
Metropolitan Washington (See Page A2)

117TH YEAR No. 219

THE GOVERNORS

FLORIDA'S LAWTON CHILES

Social Reformer of '90 Now Toes the Hard Line

Expediency or Not, Crime Is the Issue

By William Booth
Washington Post Staff Writer

MIAMI

At a recent town meeting in this city that has grown increasingly uneasy about violent crime, Florida Gov. Lawton Chiles (D) did what he vowed he would never do. He bragged about executing death row prisoners.

"I have had as many go down as my predecessor," Chiles boasted, responding to an angry question about why he refuses to sign more death warrants.

The public transformation from the aw-shucks "Walkin' Lawton" of years past to a tough-talking crimebuster says more about Florida and the nation than it does about Chiles. For this is an election year in a frightened and fickle state whose fears have become a crystallization of the national obsession with crime.

When he was elected governor four years ago, the former senator was rebounding from terminal burnout after 18 years in Washington, D.C. He vowed to "reinvent government" in Florida and to "invest"—the modern politician's term for spending—vast amounts of money in education, "Healthy Start" programs and elderly care.

But in his state-of-the-state address to the legislature this year, Chiles flatly stated a far different theme: "The most urgent priority facing us this session is crime." His list of 1994 accomplishments begins with 17,033 new prison spaces.

The many Republicans who want to replace Chiles say he is cynically repositioning himself in an election year. But less partisan Chiles-watchers say he is doing something far more revealing: Giving the voters what they want.

"Four years ago, Chiles was in a position to define the political agenda. Now he's a captive of it," said Richard Scherr, a University of Florida political scientist.

In his address introducing this year's agenda before the regular legislative session, Chiles spoke as much about social control as he did about social programs, particularly about getting tough with "deadbeat dads," welfare moms and gun-wielding teenagers.

While Chiles still believes in prevention—and is willing to work for it, particularly his version of health care reform—more often these days

See GOVERNORS, A4, Col. 1

BY RAY LUSTIG—THE WASHINGTON POST

Saying he was burned out in nation's capital, Chiles went home to reinvent government. The crime issue seems to have transformed him.

the Hard Line Against Crime

ASSOCIATED PRESS

Democrats Lawton Chiles, right, and Buddy McKay thank Floridians for electing them governor and lieutenant governor in November 1990.

Chiles in '70 ran for U.S. Senate with 1,000-mile hike across the state.

Chiles often wants to put Florida on the cutting edge of social reform, envisaging a state where children go to magnet schools, needy mothers get free prenatal care and the elderly play canasta in subsidized day-care centers. It is a progressive vision in which "a reinvented government" does more, not less, does it better and pays for it—in Chiles's heart of hearts—by higher taxes.

Chiles says he believes his state—and the country—wants creative, progressive but pragmatic solutions for health care, crime and governmental organization. And in the last few months, the activist governor has been in the spotlight.

First, he sued the U.S. government to recoup money spent on illegal aliens. Then he and his allies sneaked an amendment through the legislature to allow them to sue tobacco companies for the money Florida spends on caring for sick smokers. Bashing tobacco is popular, but the bill was so broadly written it evoked the wrath of Florida's business community.

Then, Chiles again tried—unsuccessfully—to push through an extension of his health care reform during a highly politicized special session of the legislature last month.

But for all his pushing, Chiles repeatedly has been forced to accept that many Florida voters want nothing more complicated than personal security and low taxes.

Though still populated with retirees, Florida increasingly is filled with young families and immigrants, who mostly work in the service industry.

"It's a real middle-class state with a real middle-class philosophy with real limitations on the pocket book," said Lance deHaven-Smith, associate director of the Florida Institute on Government at Florida Atlantic University.

The voters want decent but not expensive public schools, accessible universities, better highways, low taxes and minimum government, deHaven-Smith said. They care far less about bullet trains running between Orlando and Miami and world-class universities. DeHaven-Smith calls it "a discount California."

"The people made the message very strong and very hard, and I think Chiles is adapting," said Dominic Calabro, executive director of Florida Tax Watch, the state's fiscal watchdog. "I think Chiles is responding to what Floridians want and what they're willing to pay for."

In his inaugural address in 1991, Chiles spoke of cleaning up government, strengthening ethics rules, winning back the trust of the voters and entering into "a covenant" with the people to help the state become more of a community. It was the same "covenant" that Bill Clinton spoke of in 1992. Both politicians, however, have since dropped the term.

In 1992, Chiles spoke of the need for $1.3 billion in new taxes, the largest increase ever proposed in the state, mostly to pay for social programs, including his first proposals to dramatically reform Florida's health care system. He called for an additional $600 million for education, the largest single increase. Public safety consumed only six lines of his 18-page speech.

Yet his attempt to increase taxes before he "right-sized" government was a disaster that, two years later, still makes voters seethe. And the tax issue promises to be a club that Republicans will use to beat up on Chiles throughout the campaign.

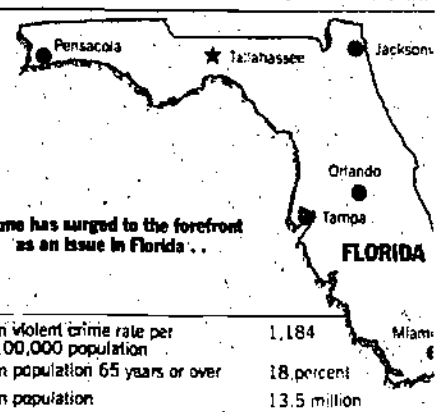
Indeed, in the aftermath of Chiles's attempted tax hike, his approval rating plummeted. Even today, in a state where over half the voters are registered Democrats, Chiles does not get 50 percent of the vote in polls against GOP challengers such as Bush and state Insurance Commissioner Tom Gallagher.

What people seem to want before anything else is for somebody to do something about crime.

In the last year, Floridians have been barraged by splatter-news about violent crime, particularly crimes committed by seemingly remorseless and well-armed teenagers, such as the one who shot and killed a hapless German tourist as he drove with his pregnant wife to his Miami Beach hotel.

There is an edginess about the place, a feeling that even the old safe harbors—interstate rest stops, shopping malls, the home—are no longer secure.

FLORIDA: THE PEOPLE AND THE ISSUES



Crime has surged to the forefront as an issue in Florida . .

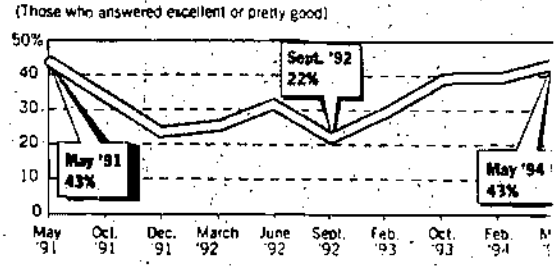
Florida's national rank		
1st	. . . In violent crime rate per 100,000 population	1,184
1st	. . . In population 65 years or over	18 percent
4th	. . . In population	13.5 million
4th	. . . In foreign-born population	13 percent
8th	. . . In residents who speak a language other than English at home	17 percent
28th	. . . In median household income	$27,483

SOURCE: Statistical Abstract of the United States, 1992

. . . and a get-tough stance by Gov. Lawton Chiles (D) recently has helped his standing.

"How would you rate the performance of the governor?"

(Those who answered excellent or pretty good)



SOURCE: Mason-Dixon Political/Media Research Inc.

In a recent survey of likely female voters, for example, Mason Dixon Florida polling found that 49 percent considered the state "very dangerous" and 45 percent said "somewhat dangerous." Only 6 percent of respondents felt relatively safe.

It is not surprising that, when asked about the 1994 legislative session, Chiles told the Miami audience, "it was about juvenile justice, juvenile justice and juvenile justice."

Now, criminal juveniles are no longer treated by the state's Health and Rehabilitative Services agency but by a new juvenile justice agency.

Chiles's early attempts to reinvent government have met with mixed success. The state did pass new ethics rules, but many of the governor's most ambitious plans to streamline government are still in the planning stages.

Calabro of Florida Tax Watch characterizes the overhaul as "a lot of little steps in the right direction."

Yet, a recent poll by a group of F da newspapers, called the Voic Florida Project, found that 72 cent of voters listed governm waste as a critical concern.

Clearly, Chiles's prescription fo form has not satisfied the publi think the Chiles administration discovered that reinventing gov ment makes for bad politics," Phillip Longman, political edit Florida Trend, the state's po business magazine, which rec concluded that the Chiles admin tion has only just begun to "right government bureaucracies. In an tration accompanying Longman' view of Chiles's right-sizing effo turkey is shown entering a Rube berg apparatus, only to emerge a same turkey at the end.

"They thought they needed s simplistic issues the public could derstand and they could run Longman said.

This year, the issue is crime.

LOUIS F. OBERDORFER
1423 KIRBY ROAD
MCLEAN, VIRGINIA 22101

February 4, 1994

Honorable Bruce Reed
Deputy Assistant to the President
for Domestic Policy
The White House
Washington, D.C. 20500

Dear Bruce:

Thank you for the generous note of February 2.

There are a couple of published pieces of mine which might contain some useful thoughts. In particular, you may want to check out, or have checked out, the GAO report that I referred to that voluntary in-prison drug treatment has not been well used by inmates -- hence I suggested an incentive for inmate participation: early release for those for whom treatment succeeds. See GAO, Drug Treatment: Despite New Strategy Few Federal Inmates Receive Treatment (Sept. 1991).

As to "medicalization," if the ideas check out, the President might, in the spirit of Justice Brandeis' suggestion, want to try them on a secure, friendly Governor.

Please give my best to Bonnie. She will be interested to know that Vernell is reviving the Courthouse aerobics program.

Sincerely,

Louis Oberdorfer

Enclosures

6/23/92
Wash Post

Louis F. Oberdorfer

A Safety Valve for U.S. Prisons

The war on drugs in this country has had a devastating side effect that is by now all too familiar to us: the cycle of drug abuse, crime and prison, followed by release, drug abuse and crime.

The federal courts could, if permitted, make a constructive contribution to breaking that cycle.

The present federal sentencing laws require a federal judge to sentence to not less than five years in prison without parole any person over 17 years of age who has been convicted for possession with the intent to distribute as little as five grams of crack cocaine. There are 20 grams in an ounce. Therefore, it is no coincidence that the current federal prison population is approximately 67,000, escalating from 44,667 in 1987 and on the way to an estimated 95,000 in 1995. Drug cases account for more than 50 percent of that population. Further, approximately 50 percent of the total current prison population (including, but not limited to, those individuals convicted of drug-related crimes) have been identified as drug or alcohol abusers. There is considerable evidence that many of these individuals would not again engage in criminal conduct if they could be drug-free.

But the General Accounting Office reported in September 1991 that the federal Bureau of Prisons has devoted minimal resources to drug abuse treatment, and has been ineffective in using what resources it does direct toward that end. This isn't entirely the bureau's fault. The 1984 Sentencing Reform Act and its legislative history recognized, but discounted, rehabilitation as a sentencing objective, and Congress inadequately funded drug-abuse treatment in prisons.

The federal sentencing commission, moreover, conspicuously failed to recognize the possibility of rehabilitation through prison drug-abuse treatment as a factor to be considered by a sentencing judge in deciding whether to depart from a mandatory minimum sentence.

This combination of long sentences without parole—particularly for crimes committed by alcohol and drug abusers, who would thus emerge from prison untreated—and the crime-school environment of most prisons has almost guaranteed the cycle of failure plaguing the public.

To break the cycle, some propose that Congress, legislatures and the federal sentencing commission rethink the long sentences without parole for run-of-the-mill drug-law violators, introduce closely supervised residential drug treatment as a cost-effective alternative to imprisonment for nonviolent drug offenders, and redirect prison construction funds to education and job training. In the present climate of serious justifiable public concern about drugs and violent crime, it will be a long time before any of these changes happen. There may, however, be a more immediately accessible and politically feasible break-point in the cycle.

A 1990 white paper published by the Office of Drug Policy contradicted the assumption of the early 1980s that in-prison rehabilitation of convicted substance abusers "won't work." According to the white paper, there is now impressive evidence that when drug treatment requires individual responsibility, personal sacrifice and accountability, "we get results."

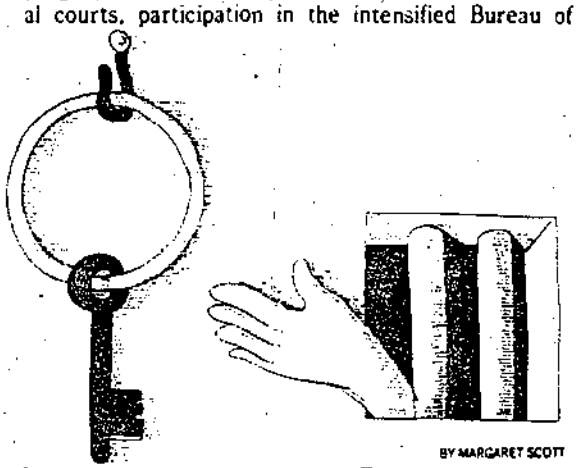
The white paper further concluded that, in addition to incapacitating and punishing criminal offenders, "prisons can also provide a useful setting for drug treatment: drugs are harder to come by inside a prison; drug testing and accountability are usually not new to correctional facilities; and inmates preparing for release are sometimes eager to find a way out of the type of behavior that put them in prison in the first place."

This finding has been corroborated by more recent studies about the prospect of steering incarcerated substance abusers away from their nemesis and thus

Meanwhile, the Crime Control Act of 1990 directed the Bureau of Prisons to make available to the extent feasible "appropriate substance abuse treatment for each prisoner the bureau determines has a treatable condition of substance addiction or abuse."

In response, the bureau reports that it is embarking on a more intensive in-prison drug treatment program, including a 12-month, 1,000-hour intensive treatment program, available to inmates who have moderate to severe drug-abuse problems. During 1991, out of an estimated 35,000 substance abusers in federal prisons, 7,500 were reportedly in the bureau's drug education program, 6,200 in a centralized treatment program, but only 1,300 in its residential program.

But unlike the mandatory after-care drug-treatment programs conducted by probation officers of the federal courts, participation in the intensified Bureau of



BY MARGARET SCOTT

Prisons program is voluntary. There is no strong institutional incentive for prisoners to endure the extra struggle which serious drug treatment entails. As a result, the GAO reports, the number of volunteers who stay the course has been disappointing.

Judges such as myself could, if we were authorized, do much to aid this drug treatment program. For example, federal judges are now required to impose mandatory minimum sentences without parole on many nonviolent drug abusers who feed their habits by selling drugs on the street. A judge should be authorized in such cases to impose what is called a "split sentence" on those who demonstrate remorse for their behavior and susceptibility to substance-abuse treatment. It would be the same long sentence now required by law, but with a portion suspended on the following conditions:

- That before release, the subject successfully complete a prescribed substance-abuse treatment program in prison.
- That upon release, he continue, under the direct supervision of a probation officer, to participate for a substantial period of time in another compulsory drug-treatment program and that he remain drug-free and crime-free. Violation of a condition would result in his serving the balance of his term.

The carrot and stick, so applied, could materially increase the prospects of success for the bureau of prison's intensified drug-treatment program in a way that could better equip participants to remain drug-free, crime-free and gainfully employed when they return to society.

The writer is a judge in the U.S. District Court for the District of Columbia. This article is adapted from remarks prepared for delivery at the D.C. Circuit

NOVEMBER / DECEMBER 1992

THE FOUR YEAR USSC & GAO IMPACT REPORTS

Yale Professor **Joel Waldfogel** observes that the Impact Reports and the commentators in this Issue raise fundamental questions about the definition of disparity, the balance between reducing disparity and other goals, and the relationship of disparity to judicial discretion.
Guest Editor's Observations, Page 123

EXCERPTS FROM THE REPORTS

The **Commission Report** says the guidelines have produced "significant reductions in disparity." It concludes that there is "no compelling justification" for Congress to significantly alter its sentencing reforms. **Page 126**

The **GAO Report**, entitled "Central Questions Remain Unanswered," concludes that data limitations make it impossible to determine if overall disparity was reduced. **Page 134**

Official Responses to GAO Draft Report

Judge **William Wilkins** suggested that a more accurate GAO title would be "Disparity Reduced, But Some Questions Remain." **Page 139**

Judge **Vincent Broderick** suggested the Reports said "little or nothing" about whether the guidelines have reduced *unwarranted* disparity. **Page 140**

COMMENTARY

— **Michael Tonry** suggests the Commission report should have asked whether the guidelines are an improvement over the prior system. **Page 144**

— **David Weisburd** says that "in most cases disparity in the time a defendant can expect to serve in prison has not changed significantly. . . ." **Page 149**

— **William Rhodes** finds that the Commission "makes a case for reduction of disparity under the guidelines," for some offenders. **Page 153**

— Judge **Avern Cohn** (E.D. Mich.) believes "Congress now has enough studies and reports to make decisions on the future course of the federal criminal justice system." **Page 156**

— Judge **Louis Oberdorfer** (D.D.C.) & **Dorann Banks** find that the Reports "fail to test the guideline system in terms of the larger objectives of law enforcement and the constitutional administration of justice." **Page 158**

— U.S. Attorney **Joe Whitley** & AUSA **Amy Levin Weil** suggest future studies focus on "whether *appropriate* sentences are being imposed." **Page 162**

— Deputy CPO **Francesa Bowman**, describing a local D. Massstudy, emphasizes the need to focus on the impact of mandatory sentences. **Page 164**

DEVELOPMENTS

1991 Annual Report. Judge **Samuel Alito** (3rd Cir.) suggests that variations in departure rates among districts may reflect "sound reasons" for prosecuting different mixes of cases. **Page 166**

Excessive Uniformity. **Stephen Schulhofer** finds that guidelines have produced "a serious problem of *unwarranted similarity* in the treatment of substantively distinguishable cases." **Page 169**

A Judge's Dilemma. Chief Judge **Michael Mihm** (C.D. Ill.), keynoting a sentencing institute, describes the tension between imposing unjust sentences and "creative sentencing." **Page 174**

Kevin Cole responds to Colleen Murphy's FSR article on jury factfinding. **Page 177**

Justice **Byron White**, in three dissents from denials of certiorari, defines important questions that remain unsettled among circuits. **Page 179**

Editors Notes **Page 122**

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FSR

FEDERAL SENTENCING REPORTER

Volume 5, Number 3
NOVEMBER / DECEMBER 1992

EDITORS
Marc Miller
Daniel J. Freed

THE FOUR YEAR REPORTS OF THE SENTENCING COMMISSION AND THE GENERAL ACCOUNTING OFFICE: SOME OBSERVATIONS

Louis F. Oberdorfer* and Dorann E. Banks**

The Sentencing Reform Act defined with some precision the principles to be applied by federal sentencing judges; the sentence imposed became the sentence served without parole, and sentencing decisions became reviewable on appeal. The Act also grafted onto the Judicial Branch the Sentencing Commission, a unique rule-making body of judges and laymen authorized to write guidelines interpreting the Act. The guidelines specify, within a narrow range, the presumptive sentence which the several hundred federal judges nationwide must impose upon the tens of thousands who are sentenced every year for violations of federal criminal statutes.

In order to evaluate the new system before it became too entrenched, Congress wisely required a review after four years of operation—first by the Sentencing Commission and then by the General Accounting Office.[1] Congress expected the Commission Report to detail the operation of the system and to discuss "any problems with the system or reforms needed."[2] It looked to the GAO to report on the guidelines' "impact" and to "compare the guidelines system with the operation of the previous sentencing and parole release system."[3] Congress took upon itself an obligation to review the GAO study in order to determine: whether the sentencing guideline system has been effective; whether changes should be made; andwhether parole should be reinstated and the life of the Parole Commission extended.[4] Hopefully, Congress will seriously review the Reports and conduct its own thorough reappraisal of the guidelines system.

The Reports deserve Congress's attention for what they don't say as much as for what they do say. Five years already have elapsed since the Act's November 1, 1987 effective date. However, for good reason, the Commission based its Report only on the sentences imposed between the Supreme Court's January 1989 decision in *Mistretta v. United States*[5] and November 1991. Both Reports emphasize the inadequacy of the data base for conclusions about virtually any aspect of the new system other than the reduction of disparity, and both have reservations about that. They focus almost exclusively on statistical variances that determine disparity. The Commission Report finds satisfaction in the system's effectiveness in reducing unwarranted disparity, despite perceived obstacles created by the resistance of a dwindling minority of judges and circumvention by some lenient prosecutors.[6] But the Reports conspicuously fail to address serious problems of constitutional dimension as well as the unforeseen impact of the recent emergence of crack cocaine and the resulting vigorous federal law enforcement response. Thus, both reports fail to test the guideline system in terms of the larger objectives of law enforcement and the constitutional administration of justice.

I. Is the Emphasis on Disparity Misplaced?

The Reports create the impression that the effectiveness of the guidelines is evidenced by the success in reducing disparity as defined: when "defendants with similar records found guilty of similar criminal conduct" receive dissimilar sentences.[7] As Professor Albert W. Alschuler and, more recently, Professor Stephen Schulhofer, have demonstrated, however, the guideline method of eliminating disparity has the deleterious side effect of imposing similar sentences upon offenders with widely disparate culpability.[8] This problem is particularly acute in drug cases and cases that involve property and money, such as embezzlement, where the sentence is driven by quantity and overlooks many complexities that informed the pre-guideline sentencing process.

A. Consequences of the Effort to Reduce Disparity

Many who embraced the guideline concept anticipated that it would reduce the disparity between the relatively light sentences imposed on white-collar criminals and the punishment routinely meted out to other offenders. The Commission Report discloses that the guidelines have not alleviated, but, rather, have grossly exacerbated this disparity. For example, the mean sentence for all offenses rose during the period studied, July 1984 through June 1990, from 24 months to 46 months. The mean prison term for robbery rose from 60 to 78 months. The mean sentence in heroin and cocaine powder cases increased from 27 months to 67 months. But although more white-collar criminals now spend time in prison and fewer receive probation, average sentence lengths for economic crimes have remained stable or been slightly reduced.[9]

The Anti-Drug Abuse Act of 1986 targeted major drug offenders for particularly long prison sentences and, rather incidentally, enhanced the sentence for cottage-industry crack traffickers.[10] The Commission Report leaves a serious question as to whether the sentences aimed at major offenders have effectively hit their mark. This Report discloses that only 3.3% of guideline offenders sentenced were career offenders. Indeed, the Commission Report acknowledges that guideline "defendants most commonly had little or no criminal history." The Report also notes that 62.6% were classified in criminal history category I, while only 9.3% could be categorized in either of the two highest criminal history categories.[11]

* *Senior Judge, United States District Court for the District of Columbia.*
** *Associate, Mayer, Brown & Platt, Washington D.C.; Law clerk to Judge Oberdorfer, June 1991-June 1992.*

A stated objective of the Act was to assure that sentencing be neutral in terms of race.[12] The GAO Report examined sentences for larceny and robbery, noting that Hispanics were more likely than either blacks or whites to have charges reduced, and for a heroin distribution offense "both whites and Hispanics were more likely than blacks to have counts reduced or dismissed."[13] These apparent racially-based disparities are disturbing and may presage an even greater inequity in connection with the advent of crack cocaine.

In the period since the passage of the Act, crack cocaine has become the drug of choice of the poor and black in urban areas where trafficking is both rampant and violent, a development seriously addressed by neither report. The federal mandatory minimum sentence for possessing 5 grams or more of crack with the intent to distribute starts at five years. The guidelines enhance this minimum. A trafficker in cocaine powder, on the other hand, must have possessed 500 grams in order to serve five years.[14] The District of Columbia's docket is dominated by the prosecution of crack users, couriers, and street dealers, many of whom sell crack to feed their habit. The vast majority are both poor and black. In contrast, prosecutions of trafficking in cocaine powder, a crime with a significantly higher participation of non-minorities, are rare. This pattern is probably duplicated in most urban areas. The result is an apparent "unwarranted disparity" among races in sentences involving essentially the same substance.

The Minnesota Supreme Court struck down a state statute which authorized up to 20 years imprisonment for possession of 3 grams of crack cocaine but a m[illegible]im of 5 years for possession of the same amount o[illegible] cocaine powder. Under the Minnesota guidelines the presumptive sentence in a 3 gram crack case was 48 months imprisonment; for 3 grams of cocaine powder the parallel sentence was 12 months stayed. The Minnesota Supreme Court accepted a trial court finding that 96.8% of those charged with possession of crack cocaine were black; 79.7% of those charged in cases involving cocaine powder were white. The Court concluded that there was no consequential difference between crack and powder cocaine. On this factual basis, the Court struck down the enhanced penalty for crack possession as a denial of equal protection guaranteed by the Minnesota Constitution.[15] Federal courts have taken a different position.[16] This disparity between state and federal treatment and its racial implications are a "problem" worthy of Congress's attention.

B. Reevaluating Federal vs. State Priorities

The focus on disparity within the federal system overlooks the gross disparity between federal sentences and those of the states.[17] In 1990, there were approximately 4,350,000 persons under state and local correctional supervision nationwide, 1,150,000 of whom were incarcerated. In that year, by contrast, 145,000 persons were under federal correctional supervision, 65,000 of whom were incarcerated.[18] The Commission and Congress should consider whether the current preoccupation with disparity in the federal system is, in reality, misplaced.[19] Elimination of disparity within the federal system necessarily leaves undisturbed the more dramatic and profuse disparity between the sentences served by the relatively small federal prison population and those served by the much larger state prison population.

Federal and state drug violations and prosecutions have multiplied exponentially in the 1980s. In response, Congress and state legislatures have pursued parallel courses. Along with increasing sentences, both the states and the federal government have added substantial resources for prosecutions and trials of drug cases. In the process, there is a serious overlap of criminal jurisdiction which threatens to diminish a fundamental objective of the Constitution—"Our Federalism."[20]

The Framers' concept of federalism wisely anticipated the futility of the centralized micro-management of a nation as large and as complex as the United States. Subsequent experience, such as the Prohibition Amendment of the 1920s[21] as well as the failed attempts by other nations to centralize direction of the details of the conduct of a diverse population spread over vast areas demonstrate the ultimate limitations on centralized management on the minutia of federal sentencing.

Congress may well wish to reconsider the present division of labor between federal and state laws and institutions. Particularly with respect to the serious drug problem, Congress might relax the concentration on the inherently futile attempt to eliminate disparity in sentencing nationwide, and focus the federal effort on interstate activities and other major drug crimes beyond the normal reach of state authority. Congress might leave to the states the spectrum of the drug tragedy, particularly street drug crime, which is best addressed in each community.[22]

II. Relevant Conduct

The Commission Report includes a brief review of interview responses about the relevant conduct guideline, but fails to acknowledge the more troubling "problem" of constitutional dimension posed by an enormously broad view of relevant conduct. The Act and its legislative history are at best ambiguous as to whether Congress intended sentences to be enhanced on account of alleged offenses which were not charged, or were charged but resulted in acquittals, which can be proven by a preponderance of evidence including hearsay.[23] No guideline state goes so far. Both the Sixth and Eighth Circuits are internally divided over whether Congress authorized the imposition of sentences on this basis and, if it did, whether the Act or the Due Process, Presentment, Notice or Confrontation Clauses of the Constitution permit such enhancement of sentences.[24]

While Commissioners have described the relevant conduct concept as "the cornerstone" of the guideline system, it may be on a collision course

with the Constitution. That is a "problem" by any definition. There is no showing in the Reports or decided cases, given the heavy sentences now mandated in drug cases at least, that the limitation of sentencing to offenses of conviction would so seriously constrain the war on drugs or impair plea bargaining as to justify the serious departures from constitutional norms that inhere in the relevant conduct concept.[25]

III. Treating the Guidelines as Guidelines

The Act's requirement that judges make findings, reviewable on appeal, together with the valuable data and systematic analysis conducted by the Commission, usefully replace the previously uncoordinated sentencing system. Further, the former power of the Parole Commission to modify sentences inappropriately diluted the responsibility of the sentencing judge. Before the new system became effective, general information about average sentences was circulated by the Parole Commission but individual judges had no way of knowing the reasoning behind other judges' sentencing decisions. The absence of published findings or appellate opinions denied the individual judge information and guidance about sentencing. The 1984 Act, requiring reasoned sentences, and appellate review of sentences without parole, all informed by the valuable work-product of the Sentencing Commission, has regularized and improved federal sentencing and the public perception of the process nationwide. The Act's reorganization of sentencing procedures serves a valuable purpose but the implementation of the guidelines has been too rigid.

The Commission has already taken the salutary step of recommending that Congress repeal the statutory minimums.[26] Congress might wish to explore a further change to preserve the benefits of the system without its deleterious side effects. As Professor Alschuler has suggested, the guidelines could restate principles with examples drawn from the growing body of judicial decisions, somewhat in the form of the Restatements of the Law developed by the American Law Institute.[27] Judges, so guided, would support each sentence by findings and conclusions which applied or distinguished these authorities and each sentence would be subject to appellate review. Again the sentence imposed would be the sentence served. Absent mandatory minimum sentences, the publication of sentencing decisions, particularly those by appellate courts, together with the statistical reports of the Probation Office and the Commission's own guidelines with analysis, would constitute a jurisprudence of fair and effective sentencing.

IV. Proposal: Early Release of Successfully Treated Addict Inmates

In 1984, Congress decided to terminate the Parole Commission. This decision was apparently based on Congress's determination that, in general, rehabilitation does not work.[28] The Reports do not include data or argument that would justify a reconsideration of this general premise. However, in the period since the decision to minimize rehabilitation as a sentencing objective, there have been two apparently unanticipated developments: (1) the advent of crack cocaine and (2) evidence that, with respect to offenders whose criminal conduct derives from drug addiction, rehabilitation in prison can work.

The Commission itself recognizes that substance abuse is "highly correlated to an increased propensity to commit crime."[29] It follows, therefore, that some criminals who are addicts would be crime-free if they could become drug-free. Statistics confirm that 44% of the federal inmates were alcohol or drug abusers upon admission.[30] Moreover, studies since 1984, including a 1990 White Paper by the Office of Drug Control Policy, demonstrate persuasively that in-prison treatment can be effective.[31] Congress, in the Crime Control Act of 1990, directed the Bureau of Prisons to make available, to the extent feasible, "appropriate substance abuse treatment for each prisoner the Bureau determines has a treatable condition of substance addiction or abuse."[32] In response, the Bureau of Prisons has embarked on a voluntary in-prison drug treatment program. However, according to a recent GAO study, there is no strong institutional incentive for prisoners to endure the extra struggle which serious drug treatment entails, and, as a result, participation has been disappointing.[33] Thus, a serious "problem" persists with respect to the considerable number of inmates who would be less likely to violate the law if they could be drug-free.

Congress may find that rehabilitation is feasible for many inmates whose non-violent criminal conduct was driven by substance abuse if the system could provide an effective incentive for participation in in-prison drug treatment. A sentencing judge would impose the same term now required by law. To facilitate focused rehabilitation by in-prison drug treatment Congress may wish to authorize the sentencing judge to impose a variation of the split sentence on those inmates whose criminal conduct is driven by alcohol or drug abuse. This could be accomplished by a modification of 18 U.S.C. §3582(c) which authorizes a sentencing court to reduce a term of imprisonment on the motion of the defendant, or the Director of the Bureau of Prisons, under limited circumstances such as terminal illness. The amendment would authorize the court to reduce the term of imprisonment upon a satisfactory showing, confirmed by the Director, that the defendant has successfully completed a prescribed in-prison treatment program and appears likely to behave appropriately under conditions of supervised release. Any violation of the conditions would promptly result in an order to show cause to the sentencing court why the original sentence should not be reinstated.

V. Conclusion

The ultimate objective of the criminal justice system should be the fair and effective reduction of criminal behavior and the protection of the public from that behavior. The Act listed six principal

factors to be considered by a sentencing court. The last was "the need to avoid unwarranted sentence disparities."[34] The Reports fail to demonstrate that the reduction in disparity promises any significant deterrent effect on crime.

On review, Congress may well conclude that sufficient reduction of disparity without any material loss in deterrence can be achieved by treating the guidelines as though entitled to presumptive weight, with each sentencing order accompanied by findings of facts and conclusions of law and subject to appellate review.

FOOTNOTES

[1] *See, the Federal Sentencing Guidelines: A Report on the Operation of the Guidelines System and Short Term Impacts on Disparity in Sentencing, Use of Incarceration, and Prosecutorial Discretion and Plea Bargains*, United States Sentencing Commission, December 1991 [Commission Report]; *Sentencing Guidelines: Central Questions Remain Unanswered*, General Accounting Office, August 1992 [GAO Report].

[2] Pub. L. No. 98-473 §236, 98 Stat. 1837, 2033 (1984).

[3] *Id.* at §236(a)(1).

[4] *Id.* at §236(b)(1-3).

[5] 488 U.S. 361 (1989).

[6] Commission Report, Executive Summary at 85. *But see* GAO Report at 11.

[7] 28 U.S.C. §991(b)(1)(B) (1981 & West Supp. 1992).

[8] *See* Albert W. Alschuler, *The Failure of Sentencing Guidelines: A Plea for Less Aggregation*, 58 U. Chi. L. Rev. 901, 915-24 (1991), and Stephen J. Schulhofer, *Assessing the Federal Sentencing Process: The Problem Is Uniformity, Not Disparity*, 29 Am. Crim. L. Rev. 833, 870 (1992).

[9] *See* Commission Report, Executive Summary at 63, Figure 16.

[10] Pub. L. No. 99-570, 100 Stat. 3207 (1986).

[11] Commission Report, Vol. 1 at 65.

[12] *See* 28 U.S.C. §994(e)(d); *see generally* U.S.S.G. Ch. 5, Pt. H (Special Offender Characteristics).

[13] GAO Report at 14, 111-33.

[14] *See* 21 U.S.C. §841(a) & (b)(1) (1981 & West Supp. 1992); U.S.S.G. §2D2.1(c) (Drug Quantity Table).

[15] *See State v. Russell*, 477 N.W.2d 886 (1991); *see also* Minn. Stat. §152.023, subd. 2(1) (1989); Minn. Const., art. I, §2.

[16] Federal courts have determined that the punishments for crack and cocaine use under the guidelines are subject only to a rationality review rather than a heightened level of scrutiny and thus do not violate equal protection guarantees. *See Washington v. Davis*, 426 U.S. 229 (1976); *United States v. McKnight*, 953 F.2d 898 (5th Cir. 1992); *United States v. Solomon*, 848 F.2d 156-57 (11th Cir. 1988); *see also United States v. Thomas*, 900 F.2d 37, 39-40 (4th Cir. 1990); *United States v. Cyrus*, 890 F.2d 1245 (D.C. Cir. 1989).

[17] *See*, e.g., footnote 19 *infra*.

[18] November 5, 1992 telephone conference with Sue Klein, Research Analyst, Federal Bureau of Prisons. *See* Statistical Abstract of the United States 1991, "Prisoners Under Jurisdiction of State and Federal Correctional Authorities," No. 194.

[19] For example, in Michigan, the sentence for possession of cocaine has fluctuated dramatically at the hands of the Michigan legislature, and United States Supreme Court, and finally, the Michigan Supreme Court, which declared the state's mandatory life sentence unconstitutional. As a result, there exists a serious disparity between the consequences of the same cocaine transaction, depending on whether Michigan state or federal prosecutors bring the case. *See* Mich. Comp. Laws Ann. §791.234(4) (West Supp. 1992); *see also People v. Bullock*, 440 Mich. 15 (1992).

[20] *See generally Younger v. Harris*, 401 U.S. 37, 44-45 (1971).

[21] The problem lies, not with vigorous enforcement of the drug laws by traditional trial and appeal, but rather in the attempted micro-management of the process of sentencing those individuals who have been properly convicted.

[22] As the Supreme Court observed in the pre-guideline years, "It goes without saying that preventing and dealing with crime is much more the business of the States than it is of the Federal Government." *McMillan v. Pennsylvania*, 477 U.S. 79, 85 (1986) citing *Patterson v. New York*, 432 U.S. 197 (1977) quoting *Irvine v. California*, 347 U.S. 128 (1954) (plurality opinion)).

[23] *See* U.S.S.G. §1B1.3.

[24] For example, former Chief Judge Lay of the Eighth Circuit writes:

> . . . every foreign country and every state of this nation that has considered relevant conduct guidelines has rejected them. Relevant conduct guidelines are a political aberration of our times and repugnant to the basic principles of fair process and procedure traditionally thought to be indigenous to our federal criminal laws. (citations omitted).

United States v. Galloway, 976 F.2d 414; 445 (8th Cir. 1992), (Lay, J. *dissenting*). *See also United States v. Wise*, 976 F.2d 393 (8th Cir. 1992) (Arnold, C.J., *dissenting*).

[25] *See generally* Gerald W. Heaney, *The Reality of Guidelines Sentencing: No End to Disparity*, 28 Am. Crim. L. Rev. 161; Steven M. Salky & Blair G. Brown, *The Preponderance of Evidence Standard at Sentencing*, 29 Am. Crim. L. Rev. 907 (1992).

[26] *See generally Special Report to the Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System*, United States Sentencing Commission (1991).

[27] *See* Alschuler, *supra* note 8 at 942-945.

[28] Current decisions are beginning to reevaluate this position. *Compare United States v. Miller*, No. 92-1143 (2d Cir. Sept. 23, 1992) (". . . Congress expressed no hostility to rehabilitation as an objective of sentencing. . . .") *with United States v. Harrington*, 947 F.2d 956, 970 (D.C. Cir. 1991) (". . . the Commission considered and rejected rehabilitation as a sentencing factor.") (dissenting opinion).

[29] U.S.S.G. §5H1.4

[30] GAO, *Drug Treatment: Despite New Strategy Few Federal Inmates Receive Treatment* 5 (Sept. 1991).

[31] The White Paper noted that prisons "provide a useful setting for drug treatment: drugs are harder to come by inside a prison; drug testing and accountability are usually not new to correctional facilities; and inmates preparing for release are sometimes eager to find a way out of the type of behavior that put them in prison in the first place." *Understanding Drug Treatment, An Office of National Drug Control Policy White Paper* 13, 28 (1990).

[32] 18 U.S.C. §3621(b) (1985 & West Supp. 1992).

[33] *Supra* note 30.

[34] 18 U.S.C. §3553(a)(6).

THE WHITE HOUSE
WASHINGTON

DATE: 4/8/94

TO: Bruce Reed

FROM: **JOHN D. PODESTA**
Assistant to the President and Staff Secretary

Please prepare response and return to Paul Richard

Thank You

Bruce,
Jesse has a copy

Fyi:
Jesse Jackson
(you doing reply)

The President

NATIONAL RAINBOW COALITION

94 MAR 22 A10 : 32

PERSONAL & CONFIDENTIAL

DATE 3-21-94

TO Mack McLarty (attention: Patty McHue)

FAX # 202/456-1121

FROM Rev. Jesse L. Jackson

PHONE # 202/728-1180

OF PAGES (INCLUDING COVER PAGE):

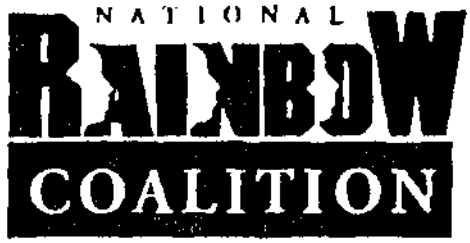
I would appreciate it if you would see that the President gets this as soon as possible.

Thanks.

JLJ

Jacki Pickett, Office of the President

NATIONAL, 1700 K Street, NW, Suite 800, Washington, DC 20006, (202) 728-1180 Phone, (202) 785-2391 Fax



March 21, 1994

President Bill Clinton
The White House
1600 Pennsylvania Avenue, N. W.
Washington, D. C.

Dear President Clinton:

I am writing to express my grave concern about a number of current and proposed criminal laws and policies which have a clear discriminatory impact on African Americans, Latinos, Native Americans, and poor people. The impact of these laws and policies is so discriminatory that crime and criminal justice have become the preeminent civil rights issue of our time. As either victims or defendants, people of color are treated unjustly and inequitably in the American criminal justice system. It is my hope that you will join me in an effort to (1) inform the American public about these discriminatory laws and policies and their impact, and (2) recommend that the appropriate legislative bodies and agencies amend or repeal these laws and policies. In addition, I implore you not to sign any crime legislation that perpetuates racial discrimination.

In 1990, the Sentencing Project issued a report which revealed a startling fact to the American public: one of every four young black men are either in prison, on parole, or on probation. Statistics from the Justice Department support the findings of this report. Although only 12% of the American population is African American, almost half (48%) of the federal prison population is African American. The United States has the highest incarceration rate in the world and incarcerates Black men at a rate five times that of South Africa.

As we look at these startling statistics, we can reach one of two conclusions: (1) African Americans are committing more crimes than Whites, or (2) the laws and/or the criminal justice system are discriminatory. The first conclusion is definitely incorrect.

Reverend Jesse L. Jackson, President and Founder
Dennis Rivera, Chairman, Board of Directors
Francisco L. Borges, Treasurer
The Honorable Salima Siler Marriott, Secretary

PO Box 27585 • Washington, DC 20005 • (202) 728-1180 • fax (202) 728-1492

statistics from the Bureau of Justice Statistics[1] reveal that Whites comprised 69% of all arrests in 1991. This percentage remained fairly constant even when geographical location and age groups were taken into account. For example, whites were arrested for 65.7% of the crimes in cities. 69.5% of persons under age 18 arrested in cities were White, as were 64.9% of persons over age 18. In suburban and rural areas, the percentage of white arrests increased. Whites comprised 78.7% of all suburban arrests, 80.1% of suburban arrests under 18, and 78.4% of suburban arrests over 18. In rural counties, whites comprised 83.9% of all arrests, 86.9% of arrests under age 18, and 83.6% of arrests over age 18.

These statistics clearly show that African Americans are arrested for a relatively small percentage of crimes in this country while comprising almost half of the federal prison population. The only plausible explanation for this injustice is that either the criminal laws and/or the criminal justice system are discriminatory. This conclusion is not particularly surprising and has been repeatedly documented by a number of federal government agencies. What is shocking and unconscionable is that this country's political leadership is doing nothing to end this blatant discrimination.

It is our responsibility to take up the moral charge against discrimination wherever it may exist -- including and especially in the criminal justice system. The criminal justice system shoulders the responsibility for meting out justice, including depriving individuals of their liberty when necessary to protect the public. It is because it involves freedom and justice at the most basic level that we must do everything possible to assure that the criminal justice system is free of racial and ethnic discrimination.

Discrimination in the Drug Laws

One of the most blatant examples of discrimination is the current penalty for possession of crack cocaine in the federal system. As you know, no one has been more outspoken against illegal drugs and their danger than me. I strongly believe in both preventing and punishing illegal drug distribution. However, I believe that the punishment should fit the crime and those guilty of the same crime should be punished equitably. None of these basis tenets apply to the penalties for crack and powder cocaine.

The current federal narcotics law provides that first offenders convicted of possession of 5 grams of crack cocaine (the weight of two pennies) must serve a mandatory 5 years in prison. First offenders convicted of possessing the same amount of powder

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[1]These statistics are from The Sourcebook of Criminal Justice Statistics 1992.

cocaine are eligible for probation. Those who possess powder cocaine serve a mandatory 5 year sentence only when they possess 100 times as much powder cocaine (500 grams). The discriminatory impact of this law becomes painfully clear when, according to a 1992 study by the U. S. Sentencing Commission, African Americans comprise 91.3% of those sentenced for federal crack offenses and Whites comprise only 3%. These statistics become even more significant considering the fact that Whites comprise 64.4% of all crack users.

These statistics lead to some disturbing conclusions:

1) Although most crack users are white, most of the people in federal prisons for crack use are African American.

2) The penalty for crack cocaine possession is 100 times greater than the penalty for powder cocaine, and the vast majority of powder cocaine users are white.

There is absolutely no justification for this stark disparity in punishment for two different forms of the same drug. Crack is relatively inexpensive, readily available in poor communities of color, and used more openly. Powder cocaine is expensive, primarily used in white, affluent communities, and used more privately. Both forms of the drug are dangerous and addictive, and there is no evidence that crack cocaine is any more dangerous or addictive than powder cocaine. In fact, scientific studies show that there is no molecular difference in the two forms of the drug, and that powder cocaine may be more addictive than crack. Defenders of the disparity attempt to blame crack for the violence associated with the drug trade in poor communities of color. However, the violence would exist whether the drug were crack, powder cocaine, heroin, or some other drug. The violence is associated with the nature of the drug trade, not the drug itself. In fact, there are numerous, complex causes for the violence in these communities, and many of the causes have nothing to do with the drug trade.

Mandatory Minimum Sentences

Sentencing laws which require the imposition of mandatory minimum sentences have had a devastating effect on our criminal justice system. These laws have turned our judges into data entry clerks, requiring them to impose a set number of years, regardless of the facts and circumstances of the case, or the character or life of the person standing before them. Mandatory minimum sentencing has been strongly and widely criticized by a diverse group of persons, agencies and organizations, including numerous

federal judges and Supreme Court Justices.[2] Studies conducted by both the U. S. Sentencing Commission and the Federal Judicial Center have recognized the unfairness of mandatory minimum sentencing.

A report released by the Federal Judicial Center in 1992 concluded that although it was the intent of the Sentencing Reform Act to reduce disparity and discrimination in sentencing, mandatory minimum provisions have actually increased these problems. This report revealed that African Americans were 21% more likely and Hispanics 28% more likely to receive at least the mandatory minimum term. The U. S. Sentencing Commission conducted a study in 1991 which found evidence of racial disparity in the imposition of mandatory minimums.

In addition, mandatory minimum sentences has resulted in our federal prisons being filled with "low-level" drug offenders. The Justice Department released a report just last month which revealed that 36% of all drug offenders in the federal prison system and 21% of all federal prisoners had no current or prior violence in their records and no involvement in sophisticated criminal activity. Because of mandatory minimum sentences, most of these nonviolent, first offenders will be required to serve almost six years at a cost of at least $20,000 per year for each prisoner.

The Federal Death Penalty

Several federal government and independent studies have shown that the death penalty is applied in a racially discriminatory manner. A recent study by the General Accounting Office found that those who murder Whites are more likely to receive the death penalty than those who murder blacks. This same study found a pattern of racial disparity in the charging, sentencing, and imposition of the death penalty. Between 1988 and 1993, 73% of the prisoners targeted for the death penalty in federal courts were Black and 13% were Hispanic. As of September 1993, all of the death penalty prosecutions approved by the current administration were Black.

The crime bill proposes to expand the death penalty to 52 offenses, some of which include drug trafficking that does not involve murder. These provisions are being proposed even though the Supreme Court has ruled that it is unconstitutional to impose the death penalty for crimes that do not involve murder. And since one of proposals of the crime bill involves charging 13 year old children as adults for certain crimes, this bill presents the

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[2]In fact, several federal judges have resigned because of the mandatory minimum sentencing in the Federal Sentencing Guidelines. Chief Justice Rehnquist and Justices Souter and Kennedy have denounced mandatory minimums.

frightening possibility of the execution of 13 year old children.

The Proposed Crime Bill

There are a number of provisions in the crime bill which will have a racially discriminatory effect. The "three strikes and you're out" law is one such provision. Because of racial bias in the criminal justice system, African Americans are arrested, prosecuted, and convicted more often than Whites who commit crimes. Therefore, young African American men are more likely to have a prior record and are more likely to be imprisoned for life than Whites. When one considers the fact that the so-called "violent" offenses in this provision include destruction of government property and breaking into a warehouse, the unfairness becomes even more stark. A twenty-five year old man with two convictions for destruction of property and one conviction for breaking into a warehouse will be sentenced to prison for the rest of his life under this law.

The "three strikes and you're out" provision is extremely troubling for a number of reasons. Not only is it excessive and unfair, but it will be extremely costly. The current cost of housing federal prisoners is approximately $20,000 per prisoner each year. When the federal prisons are filled with elderly prisoners with all of the health problems associated with old age, the annual cost will skyrocket. Some estimate that the cost of housing geriatric prisoners will be $40,000 to $60,000 per year. Why should the American taxpayer pay these exorbitant costs to house and care for elderly prisoners who couldn't possibly be dangerous to anyone? These costs are particularly troubling when the annual investment in public education for our children is nowhere near this amount. Who knows what difference we could make in the crime problem if we invested even a small percentage of this wasted money addressing the root causes of crime.

"Three strikes and you're out" is also troubling because experts, criminal justice practitioners, law enforcement professionals, and corrections experts all agree that it will do nothing to deter crime. People who commit crimes, particularly the growing population of young people who commit violent crimes do not consider penalties and the possibility of prison before they act. Their actions are impulsive, and because they have very little to live for, the prospect of prison does not frighten them. In fact, the new condominium style prisons being constructed all over the country offer more than the homes and schools of many of these youth. The prisons offer heat in the winter, air conditioning in the summer, three meals a day, organized recreation, adult supervision, and some education programs -- much more than these young people are offered in their communities. It is no wonder that they are not afraid of the prospect of prison.

The bottom line is that this provision is costly, ineffective,

unjust, and racially discriminatory. We must do all that we can to inform the public about its problems and encourage its defeat. I propose "Four balls and you're on." Ball one -- early childhood education and headstart; Ball two -- adequately funded public education; Ball three -- a college education or a marketable skill; and Ball four -- a job. If we invest in our young people on the front end, we will invest in the future of this country while avoiding the exorbitant cost of imprisonment on the back end.

Another provision of the crime bill which will have a racially discriminatory effect is the "anti-gang" provision. The Senate bill defines a gang as a group of 5 or more people who, either individually or group-wide, commit two defined crimes within ten years. Gangs include groups that have "formal membership with required rules for members; a recognized leader; common clothing, languages, tatoos, and turf where the group is known; and a group name." Any African American fraternity would qualify as a gang if two of its members committed a defined crime within a ten year period.

Both Hispanics and Native Americans are discriminated against by provisions in the proposed crime bill. One provision eliminates the requirement of a hearing prior to deportation for aliens convicted of certain crimes. This provision would certainly impact disproportionately on Hispanics. All of the criminal penalties in the Senate crime bill will disproportionately affect Native Americans because all Native lands are subject to federal criminal jurisdiction.

Conclusion

As someone who has always fought and spoken out against discrimination in any form, I hope that you will join me in an effort to eliminate race discrimination in the criminal justice system. This effort to eliminate discrimination should not be a movement to treat whites who commit crimes as unjustly as we have treated African Americans, but instead should involve addressing the causes of crime in a meaningful way and passing laws which will not destroy and eliminate our young people, but punish and rehabilitate them fairly and humanely. Those who commit violent, heinous crimes should be punished. But first time and nonviolent offenders should be given a chance to rehabilitate themselves and contribute to society. Too many young African American and Hispanic men have been deprived of a childhood, an education, and any chance of a life other than crime and prison. When you add the discriminatory effect of the laws and practices of the criminal justice system, the results are quite predictable -- an entire generation of young men of color are destroyed. We shouldn't discard and contain these young men. We must invest in them and involve them in the rebuilding of America.

I welcome the opportunity to discuss the contents of this letter with you at your earliest convenience. I hope that the President of the United States will lead the fight against race discrimination wherever it may exist, including in the criminal justice system.

Sincerely,

Rev. Jesse L. Jackson

cc: Vice President Al Gore
Attorney General Janet Reno
Senator George Mitchell
Congressman Kwiesi Mfume
Congressman Thomas Foley
Congressman Jose Serrano

The Law Enforcement Steering Committee

1001 22nd St., N.W., Suite 200
Washington, D.C. 20037

June 17, 1994

Dear Mr. President:

Representing Policing in America

When we, the members of the Law Enforcement Steering Committee (LESC), met with you in April to discuss our views on anti-crime legislation, we stressed that the bill should include: funding for more police officers and community policing; funding for more prisons, jails and boot camps; a ban on deadly assault weapons; and programs to protect our youth. As the crime bill conferees meet to develop a conference report, we write to reiterate our support for a comprehensive crime bill.

We also write to restate our strong support for a crime bill that includes substantial resources for drug and crime prevention programs, particularly those that include law enforcement officers. For years, many in Washington have fueled the "prevention vs. punishment" debate, arguing that a crime bill must be either pro-punishment or pro-prevention. As representatives of the nation's leading national law enforcement organizations -- representing more than 500,000 law enforcement officials nationwide -- we reject this reasoning and instead voice our support for an anti-crime strategy that includes both punishment and prevention.

Over the past decade, our members have witnessed an explosion of crime, violence and drug use among the nation's youth. Although the murder rate for adults has generally declined, it has skyrocketed among our youth -- as has the level of gun violence. Today's neighborhood bully is not the biggest kid on the block, but the one most likely to pull the trigger on his gun. This situation demands a strong, and effective strategy for youth crime. The situation demands that we take a firm stance on hardened young criminals -- trying them as adults if necessary -- and renew efforts to prevent youth from turning to a life of crime in the first place.

But just as tough punishments for hardened young criminals are meaningless unless they are carried out, so too are crime and drug prevention campaigns that are not coupled with sufficient resources. Thus, we support the inclusion in the crime bill of substantial funds for prevention programs like -- the Ounce of Prevention Council and Boys and Girls clubs, which provide kids with after-school opportunities to help keep them out of trouble; the YES program, which targets a handful of high-crime areas providing jobs for kids who agree to stay in school, off drugs and out of trouble; Police Partnerships and other mentoring programs; and anti-gang programs, such as GREAT (Gang Resistance Education and Training). These programs will help make a difference.

Steering Committee Members

Federal Law Enforcement Officers Association
Fraternal Order of Police
International Brotherhood of Police Officers
Major Cities Chiefs
National Association of Police Organizations
National Organization of Black Law Enforcement Executives
National Sheriffs' Association
National Troopers Coalition
Police Executive Research Forum
Police Foundation

Mr. President, the LESC thanks you for your continued leadership in pushing for comprehensive anti-crime legislation that addresses our concerns, and we look forward to working with you towards prompt enactment of such a bill.

Sincerely,

Victor Oboyski
President
Federal Law Enforcement Officers' Association

Dewey R. Stokes
President
Fraternal Order of Police

Kenneth T. Lyons
President
International Brotherhood of Police Officers

Matt Rodriguez
Chairman
Major Cities Chiefs

Robert T. Scully
Executive Director
National Association of Police Organizations

Ira Harris
Executive Director
National Organization of Black Law Enforcement Executives

Charles "Bud" Meeks
Executive Director
National Sheriffs' Association

James Rhinebarger
Chairman
National Troopers Coalition

Chuck Wexler
Executive Director
Police Executive Research Forum

Hubert Williams
President
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Assembly
California Legislature

TOM BATES
MEMBER OF THE ASSEMBLY
FOURTEENTH DISTRICT

CHAIR
STANDING COMMITTEE ON
HUMAN SERVICES

COMMITTEES
NATURAL RESOURCES
ENVIRONMENTAL SAFETY &
TOXIC MATERIALS
PUBLIC SAFETY

Bruce
Jose - Fyi

Arthur
John Emerson
Fyi

Podesta

April 27, 1994

John Podesta
The White House
Washington D.C. 20500

Dear John:

Peter Edelman suggested that I let you know about an anti-crime, human development project I'm working on called the East Bay Public Safety Corridor. I understand you have your hands full these days, but thought I'd drop you a note. I hope at some point to have the opportunity to brief the Vice-President and possibly the President on this.

The East Bay Public Safety Corridor is a multi-jurisdictional collaboration, involving two counties, 18 cities, and 11 school districts located along the eastern shore of the San Francisco Bay. It grew out of a task force we convened last fall, after a particularly horrible period of homicides, to address concerns regarding crime, juvenile delinquency, and violence in the East Bay. The participants' initial desire to coordinate day-to-day law enforcement activities quickly led to a much broader decision to launch a comprehensive Corridor-wide program, and to work cooperatively to seek resources to implement it.

Interestingly, with law enforcement in full agreement, the task force defined the project's highest priority not as "getting the criminals off the streets," but as prevention and family-oriented social services, targeted particularly to families with young children. The vision has grown to incorporate plans underway in the counties for integrated family services and has already resulted in a number of bills under consideration by the California Legislature.

I've discussed the East Bay Public Safety Corridor with Secretary Riley, Secretary Shalala, and Attorney General Reno. Phil Lee and Peter Edelman at HHS and Shay Bilchik at the Attorney General's Office have been extremely encouraging. The East Bay Public Safety Corridor just received designation as a

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Comprehensive Community, making it one of 12 communities to compete for six awards (total of $17 million) to be distributed in September, 1994. We think the Corridor can serve as an excellent demonstration site to test theories regarding early intervention, collaborative service delivery, and reinvestment strategies.

I will be in Washington May 4-8 and would love to see you. I'm coming for the Comprehensive Community briefing and meetings of the National Council of State Legislatures, where I chair the Committee on Welfare Reform for the states. I'll call to see if you have any time, possibly for breakfast, lunch or a drink.

Under separate cover I'm sending you complete information about the Project.

Loni and I send our best to you and your family.

Sincerely,

Tom

Tom Bates

The East Bay Public Safety Corridor Project

A Briefing Paper

What is the East Bay Corridor Project?

The East Bay Corridor Project is a unique regional collaboration for the prevention of crime, violence, and drug abuse. It brings together two counties, eighteen cities, and eleven school districts, in a diverse area stretching from the Carquinez Strait in the North to the city of Hayward in the South. Its goal is to improve public safety, enhance the quality of family and community life, and expand opportunities--through a comprehensive strategy linking improvements in law enforcement with strategic investments in the well-being of children, youth and families throughout the region.

Why is this Project Different?

More than just another plan for inter-agency coordination, the Corridor Project reinvents the way government, private business, universities, foundations and the broader community work together to address critical urban problems:

- It is the first truly regional approach to crime and violence. Individual cities have often joined together for specific purposes, but the Corridor represents the first effort to pull together so many different jurisdictions for long-term, coordinated action. By overcoming the problems of isolation, duplication of effort, and lack of common information, the regional strategy promises to be both efficient and cost-effective.

- It is a genuinely preventive approach. Assuring public safety is the most immediate priority. But dealing with the region's problems of crime and violence by reacting to them after the fact is both ineffective--and expensive. The Corridor project will link innovative, coordinated law enforcement strategies with proven programs to address the critical needs of children, youth and families--before they erupt into crime, substance abuse, school failure and family violence. It represents a long-range commitment to deal with the causes, and not just the symptoms, of urban disorder.

- It is a comprehensive approach. The problems of crime, delinquency, and drug abuse don't come in neatly separated packages. Accordingly, an effective response must be more than just an assortment of separate programs--even good ones. The Corridor Project emphasizes a holistic approach stressing the linkages between services--linking new rehabilitative interventions for juvenile offenders, for example, with the development of new opportunities for meaningful employment for young people in the region.

- It moves beyond the provision of services to the opening of opportunities. Recognizing that delinquency and violence are often rooted in the exclusion of young people from opportunities to contribute to their society, the Corridor Project is committed to insuring that every young person in the region is provided with the tools to participate fully in the social and economic life of the community.

- It will redefine the relationships between the community and its academic and professional resources. Like many urban areas, the East Bay Corridor is blessed with an abundance of universities, colleges and broad-based professional expertise. But only rarely are those resources effectively harnessed to address critical community needs. The Project will work to reinvent the role of higher education in the region--by, for example, developing a range of clinical training programs in fields from sociology to law to public health that will produce a new corps of community-oriented professional and paraprofessional workers.

- It emphasizes the importance of research and evaluation. The Corridor Project is action-oriented--but no one is served by pouring money into programs that don't work. Accordingly, the Project builds in an evaluation component from the start--collecting extensive baseline data to enable peridic assessment of progress and working with academic specialists to devise innovative and cost-effective methods of evaluating specific programs. We believe the Project will serve as a national model, from which cities around the country can draw knowledge and inspiration.

What Are Our Most Critical Priorities for the Coming Year?

We believe the urgency and complexity of the Corridor's urban problems requires rapid action on many fronts at once. Among the most urgent priorities are these:

- Establishing accessible, comprehensive multi-service family assistance centers in at least eight neighborhoods;

- Linking expanded community oriented policing programs with mental health, family support, and drug treatment services;

- Creating a shared law enforcement and juvenile justice database and a career criminal tracking system;

- Establishing a task force of educators, technical specialists and business leaders to facilitate the renovation of the region's communications infrastructure, to insure that the "information superhighway" is accessible throughout the Corridor;

- Expanding community-based, multi-systemic intervention programs for youthful offenders;

- Developing a comprehensive, Corridor-wide strategy against domestic violence that links law enforcement initiatives with community-based support services for women at risk;

- Creating a comprehensive regional program to provide home visits for families at high risk of child abuse and neglect;

- Exploring a range of new, long-term employment opportunities for Corridor youth, emphasizing the job-creating potential of emerging regional industries and the conversion of existing defense-related facilities;

- Creating a task force of educators and employers, private and public, to develop plans for coordinated school-to-work transition programs at high schools throughout the region.

How Will the Project Operate?

The East Bay Corridor Project is based on the conviction that how communities work together to attack their common problems is nearly as important as the specific strategies they choose. Accordingly, the Project is designed to maximize both regional collaboration and broad community input. Already, eighteen cities, two counties and eleven school districts have signed a memorandum of understanding supporting these principles. Working committees have been established, with participation from local officials, community residents, nonprofit groups and academic specialists, in the areas of Education, Law Enforcement, Juvenile Justice, Community Outreach, Demographics and Technology, Family Support, Health and Mental Health Care, and Economic Development.

In the Project's next phase, the committees, working with a panel of consultants drawn from around the country, and under the overall guidance of an executive committee, will work to implement a detailed action plan for the next three years, including a coordinated strategy for linking private and public sources of funding.

April 13, 1994

Ms. Nancy Evans
Editor-in-Chief
Family Life
1290 Avenue of the Americas
New York, New York 10104-0289

Dear Nancy:

Marian passed on the copy of Family Life to me containing the article on MAD DADS. I have written to Eddie Staton and John L. Foster commending them for their efforts to fight back against crime, drugs, and violence. Thank you for bringing their work to my attention.

Sincerely, BILL CLINTON

BC/MHM/KM/ps (Corres. #1422914)
(4.evans.n)

cc: Eli Segal, w/copy of article (pgs. 21-25)
Bruce Reed, w/copy of article (pgs. 21-25)

Xeroxed copy of personally signed original to NH through John Podesta

CLEAR THRU JOHN PODESTA

PRESIDENT TO SIGN

April 13, 1994

Mr. Eddie Staton
Mr. John L. Foster
MAD DADS, Inc.
2221 North 24th Street
Omaha, Nebraska 68110

Dear Eddie and John:

Marian Edelman passed along the Family Life article on MAD DADS to me, and I was heartened to hear of your efforts to combat crime, drugs, and violence in your community. I applaud your determination to bring renewed hope to young people in Omaha and around the nation.

No government program will be truly successful without the community participation of people who, like you, serve as positive role models and lead young Americans away from a path of crime and violence. Your quest to fight back makes a difference in our national effort to reduce violence and prevent crime.

Working together, we can build a brighter, more secure future for all our citizens.

Sincerely, BILL CLINTON

BC/MHM/KM/ps (Corres. #1435411)
(4.staton.e)

cc: w/inc article: Eli Segal, Bruce Reed
(ppg. 21-25)

Xeroxed copy of personally signed original to NH through John Podesta

CLEAR THRU JOHN PODESTA

PRESIDENT TO SIGN

familylife

FYI From Marian (Mad Dads article)

February 22, 1994

Marian Wright Edelman
Children's Defense Fund
25 E Street N.W.
Washington D.C. 20001

RECEIVED FEB 24 1994

Dear Marian,

Ever since President Clinton's State of the Union speech, I've wanted to get this article on MAD DADS (which just came out today) into his hands. It's an up and running example of addressing crime and violence by parent involvement.

When Eddie Staton and John L. Foster were in my office this morning, they suggested you were the one to get it into President Clinton's hands. It's such a shining example of improving the community *and* the family that I hope you'll help us pass the word.

And in a wonderful circle, it was at the CDF conference that Norman Atkins heard about MAD DADS and then decided to write about it for *Family Life*.

Sincerely,

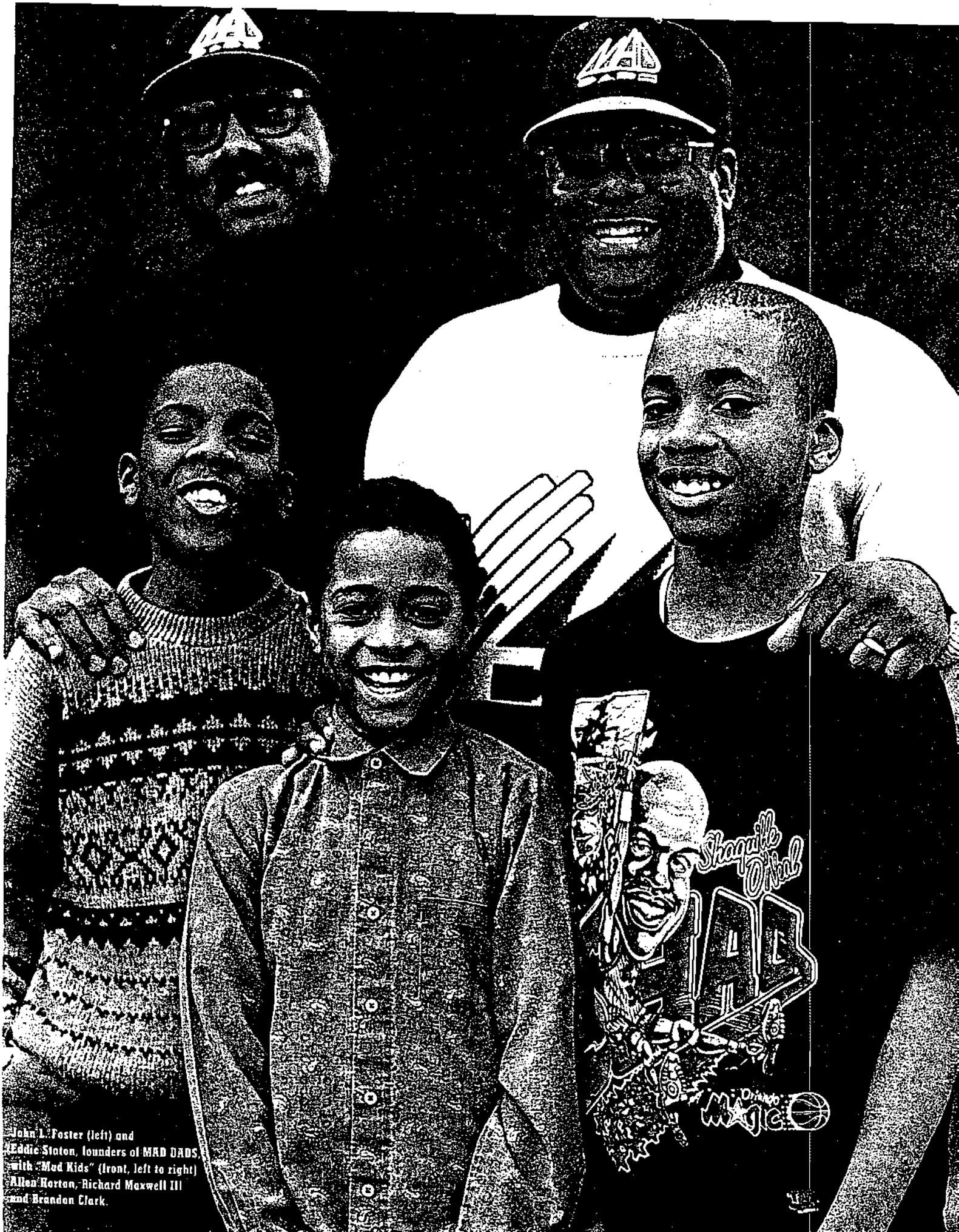
Nancy

Nancy Evans
Editor-in Chief

Dear Nancy:
Thanks for sharing
Family Life with me
on Mad Dads. We
are proud to
be with you.

— should do a letter to this guy commending them
— cc article to Eli Segal
Thanks

1290 Avenue of the Americas, New York, NY 10104-0289 tel 212•484•1616



John L. Foster (left) and Eddie Staton, founders of MAD DADS, with "Mad Kids" (front, left to right) Allen Horton, Richard Maxwell III and Brandon Clark.

family matters

THINGS TO DO, ENJOY, KNOW, DISCUSS AND MEDITATE UPON

Dads Take Back the Streets

ON A WARM, SPRING NIGHT IN 1989 in Omaha, Nebraska, John L. Foster, a 45-year-old African-American man, heard a rap on the bedroom door. In staggered his 20-year-old son, Sean, badly beaten, blood streaming down his face. "What in God's name happened?" Foster cried out.

Earlier that evening, Sean had pulled into a nearby filling station in his Suzuki jeep, which was emblazoned with a decorative red-and-blue striped decal. A posse of five teenage boys went berserk over the colors, misreading the innocuous motor decal as gang symbolism. When they tried to carjack the jeep and Sean wouldn't surrender the ignition key, they set about rearranging his face.

Foster flew into paroxysms of rage. "I wanted to retaliate," he says. Having specialized in small-arms repair during his military service, he collected guns. "I loaded up a .357 magnum and a .44 magnum and took to the streets like a predator." He circled the neighborhood for hours, looking for the boys in alleys, fast-food joints and public housing projects. "I thank God to this day that I didn't find them because there's no doubt in my mind I was going to shoot somebody or they were going to shoot me. And I would either be dead or incarcerated." That night, Foster was seized by an epiphany: "I was literally a *mad dad* and I knew I wanted to organize strong black men who were willing to stand up and fight this thing."

A Clarion Call

HE ISSUED A CLARION CALL TO THE black men of Omaha and founded MAD DADS — "Men Against Destruction – Defending Against Drugs and Social (disorder)." The first strong black man Foster called was Eddie Staton, a portly 41-year-old with whom he shared a strikingly common background. Both were churchgoing Christians, active fathers of six children and upstanding middle-class citizens. Foster is the vice-president of Omaha's American Federation of State, County and Municipal Employee's union; Staton served as the city's human relations director after a decade running a stay-in-school program. And both had the heart-shredding boyhood experience of waking to the fact that their fathers had vanished. "I always said, when I get grown, I will *never* leave my kids," says Staton.

And, in fact, when he and his first wife were divorced in 1975, Staton fought for custody of their three children and raised them as a single father. Says Staton: "I'm a black man and I'm proud of it and there are certain things I'm not going to be caught failing at, and one of them is taking care nf my kids."

For a quarter century, poverty-fighters have quested with grail-like devotion to discover the "magic bullet" that would end the systemic escalation of crisis among the urban poor. Though MAD DADS may seem like modern-day knights-errant, their mission is more modest: to save their community one individual at a time. The men began meeting in their church basement and in Staton's home, trying to save themselves from the paralyzing nihilism that had gripped them. "We're going to strip our brothers of all excuses," said the Rev. Robert Tyler, one of the founding fathers of MAD DADS.

Staton, who emerged as the organization's president and only full-time employee, applies his considerable charisma to motivate the hidden father in the men he meets. "We don't have a youth crisis, we have a *parenting* crisis!" he says, mantra-like, in speeches across the city and country. "I have watched my community shoot and kill its children. I have watched us argue about what white folk have done to us and we have not become outraged at what we are doing to ourselves. I am mad because I, along with a lot of other men, have been sitting on the couch watching television and drinking beer, while our children were out on the street, taking dope, selling dope and being killed."

One August morning in 1989, 75 black men got off the collective couch, clad in MAD DADS T-shirts and hats, and got busy painting over gang graffiti on the walls of buildings in the heart of north Omaha. If this was scarcely a revolutionary act, perhaps it is a measure of just how inactive blac men had been that television cam eras bounded to the scene to cove the story. "Every time you saw black man on the 10 o'cloc news, he was always over the hoo of a police car — that's what ou kids grow up and look at," say Staton. "We began to send out different image." Meanwhile they enlisted neighborhood kid to paint the MAD DADS logo o walls; thus gangs like the Vic Lords and Disciples were de throned by the Scribble Crew as the MAD DADS–sponsore street aesthetes were dubbed.

Cruising the Streets

A FEW WEEKS AFTER THE GRAFFIT cleanup, Staton and Foster felt was time to voyage into the nigh On a Friday afternoon they le work early, caught a serious nap rose around midnight and bega cruising the streets. By 2 a.m. they felt their way to the epicent of youth culture, a bank parkin lot. They could scarcely believ their eyes.

"My God, Eddie, there mus be 500 children in there!" sai Foster.

"Where are their parents?" Sta ton kept muttering. "You thin they have any idea their kids ar out here?"

They waded into the sea o young people, some of whon were drinking and doing drugs but many of whom were just rap ping and hanging with each other "If our knees was knockin'," re calls Staton, "didn't nobod know it but us." Some of the kid instantly recognized them fro television and called out, "Look it's the Mad Dads!" Foster an

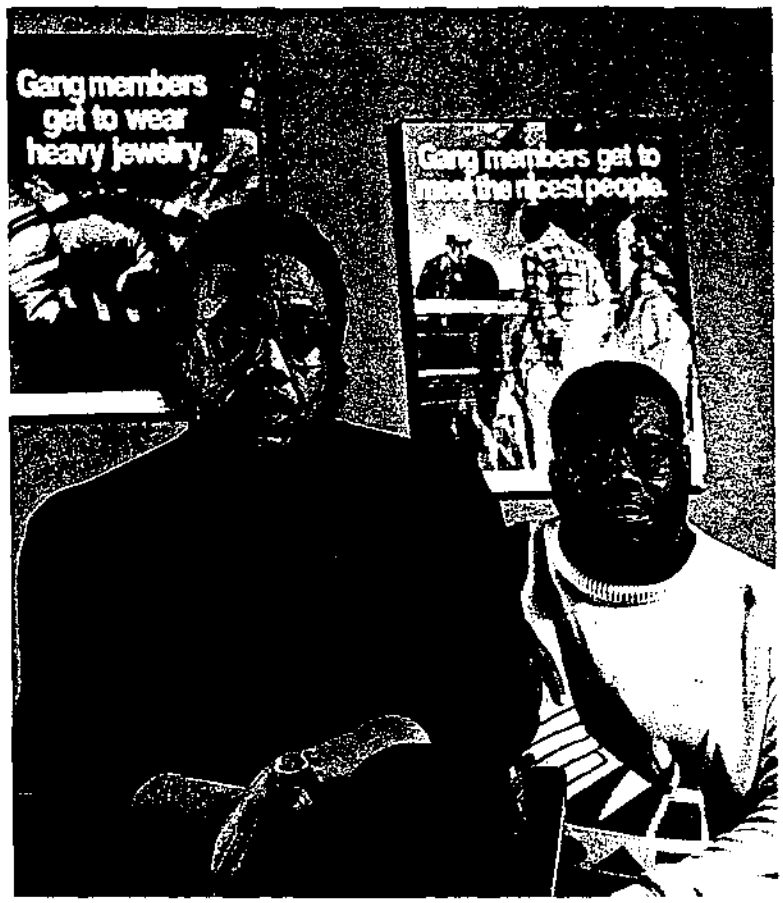
aton opened up the sluice gates communication and the kids ured forth all their pent-up elings of boredom and hopelessess and spilled information out the real deal with gangs, ins and violence on the streets.

By the end of the night, Foster d Staton realized two things. rst, the need to connect parents th the reality of their children's istence was even more pressing an they had thought. It wasn't much "Father knows best," but ther best *know*. Second, they covered a role for MAD DADS the streets, not as vigilantes, it as parents. "If there's a party your house and you leave, the use may not be there when you back," says Staton. "But if 're a chaperon, just a presence, re are certain things kids won't So we decided to take that ncept to the street. We can't p every shooting, but we can be rong, visible, active and consis- t presence."

Stop the Carnage

IN L. FOSTER SEES HIS FIRST JOB crisis management, stopping carnage. If he must peel $150 of his own pocket to pay off a g dealer threatening to pop a he knows, so be it. There are children killed or injured by s in the United States every one of his goals is to see to it t number 41 doesn't occur on watch.

Of course, it doesn't hurt that ter is a physically imposing peron. At six feet five, 275 nds, he's built like the Round und of Rebound, and he looks l sounds like a man who's pting the role model persona Charles Barkley renounced in famous Nike commercial. ding in front of Omaha's elentary school auditoriums in days after the founding of D DADS, he was making lesale public apologies to the 's young children. "We were there when you needed us t, as fathers, as confidantes, or a shoulder to cry on," he said. y, will you forgive me? Give me a second chance, to be a good example, to be a role model?"



"I was literally a mad dad, and I knew I wanted to organize strong black men who were willing to stand up and fight," says John L. Foster (left) with Eddie Staton.

"I consider myself a good father," Foster explains. "I raised five girls and one boy, but I wasn't concerned about that lady who lived next door, or the single mom who is struggling. What was she to me? That's why I said we have caused some of this problem. And we're starting to see the byproduct of that." In other words, *Thou Shalt Watch Over Thy Neighbor's Children as if They Were Your Own.* For so many MAD DADS members, this all-embracing community vision seems to be the essence of their mission.

Ben Oliver, a 28-year-old auto mechanic, father of three and active member of MAD DADS, has witnessed a dramatic shift just in the past two decades: "When I grew up, everybody on my street knew who I was. When I was 10 years old, if I was doing something wrong, my next door neighbor would come up and snatch me off the corner and say to my parents, 'Hey, your kid's been up there acting stupid.' Now if you tell somebody, 'Your kid's on the corner throwing rocks at cars,' the parent wants to fight *you!*" Oliver grew up in southeastern Washington, D.C., but in 1986, when the gunfire kept his family awake nights, they fled for Omaha, which they thought would be a safe haven. Then, earlier this year, says Oliver, "After watching the news so much, I started to realize, 'Hey, this is becoming another southeast Washington, D.C.'" He says he joined MAD DADS to prevent that from happening.

A Point of Light

SINCE ITS FOUNDING, MAD DADS' membership has swelled to nearly 900 men and 250 moms, three quarters of whom are white. Although most of the active core members are still African-American, Staton believes MAD DADS has done more for Omaha's racial harmony than he accomplished in four years as human relations director, when that was a key objective of his job. An advisory board made up of chamber of commerce members helps with fund raising, but MAD DADS is still operating on a shoestring annual budget of $60,000. Everyone celebrates volunteerism, but nobody seems to want to support it, beginning with the grand pooh-bah of boosters, George Bush, who blew into town to celebrate the 126th point of light. While Foster raves about the president's visit to Omaha — "It was the greatest day of my life!" — Staton remains more cynical about the experience. "President Bush put us in real bad shape," he says. "The White House estimated the visit would run us about $25,000 to put everything together. It cost more like $50,000 and we're still trying to pay everything off."

Since so much prevention begins with providing ethical training wheels for the next generation, Staton is cheered that younger children are even more receptive to MAD DADS than teenagers. Calling themselves "Mad Kids," they hang around MAD DADS' information center like team mascots, partaking of the free soft drinks, pitching in with school beautification campaigns, turning in toy guns and soaking up the antiviolence messages while they're still young and impressionable.

Staton and Foster believe that their greatest accomplishment has been to show what it means to be a righteous man and a responsible father. The organization's "information center," a renovated gas station located between a pair of illegal taxi stands in a rough stretch of town, is where the fathers gather every weekend night at 9 p.m., before going out in cars rigged with CB radios, cellular phones and police scanners. As they circle the neighborhoods, they report to each other on hot spots. They gather information on gang activity and they protect young people, oftentimes from each other.

Mad Moms, Too

ON ONE FRIDAY NIGHT, STATON cruises white Omaha with a pair of white women who identify themselves as Mad Moms. One, Bonnie Elseman, says: "I have a 20-year-old son who was identified three years ago as a gang member, and unfortunately everybody knew about it but me, 'til shots started getting fired." The shots, says Elseman, were fired for seven consecutive minutes by the Omaha Caucasian Gangsters and the Maple Street Lynch Mob. Other local white gangs, according to the Omaha police department, include the IGBs (Insane Gangster Bloods) and the better-known Skinheads.

One day her son and his pals were in Little League, whacking baseballs, says Elseman, and the next thing she knew they were in gangs, whacking people and property. It is that scene that Elseman wants to bring to the attention of the larger white community, and tonight Staton is showing her how to videotape kids in action. A month earlier, MAD DADS caused a furor when their videotape of an average Saturday night in north Omaha turned up on the local news. It showed a drug deal featuring a 10-year-old girl. It showed MAD DADS breaking up a fight among crack dealers. And it showed a scene at McDonald's, in which a couple of teens had chased a rival gang member into the bathroom and shot him twice in the throat, once in the head. On the videotape, you can see a woman in a pink bathrobe, the boy's mother, running into the fast-food joint, shrieking, "My baby! My baby!"

Guns at $50 a Pop

AFTER SCARCELY 40 WINKS, STATON is up and at 'em the next morning at the MAD DADS information center to kick off Gun Amnesty Day. Flanked by three pillars of the Nebraska establishment — the chief of the state patrol, the county prosecutor and Omaha Mayor P.J. Morgan — Staton announces that MAD DADS has raised $50,000 from the government and private charities to buy guns at $50 a pop, no questions asked. While they hope to get some guns off the streets, none of those assembled delude themselves into believing that a small amnesty program can solve a crisis where, according to the latest Louis Harris poll, 39 percent of the nation's high school students know someone who's been injured or killed by a gun.

Staton then jumps in his car and tools over the Missouri River to the fire station in Council Bluffs, Iowa, a neighboring town of 55,000. Rick Gilland, president of the MAD DADS chapter there, and 10 other white men, including the town mayor, greet Staton as an honored guest. He's shown them how to organize and fight gang violence in their community, where the Bloods and Crips and Skinheads have penetrated. Standing over a barrel full of guns they've collected through the amnesty program, Gilland, who runs a towing company and is the father of a 12-year-old girl, says, "Eddie, this is the biggest and best thing I've seen happen in Council Bluffs in a long time!"

MAD DADS has been a boon not only to the community, but to the families of the fathers themselves. "John has become a more sensitive man," says Foster's wife, Laverna. "The experience of watching others in pain and crisis has helped him open the lines of communication in our own home. Our children and grandchildren are proud. And he's put a cork in the rage." Deborah Staton says she and Eddie have "become closer to our own children" as a result of MAD DADS. Both wives have lost years of sleep over their husbands' physically dangerous mission, but they've quit complaining aloud. More often, they must dress the wounds of their husbands' brutalized spirits. "I see Eddie come home, walk into our bedroom and begin weeping over the violence," says Deborah Staton. "I embrace him and he keeps saying he's tired of seeing children dying for nothing."

As this sentiment spreads, MAD DADS is on the cutting edge of the nation's booming violence prevention and outreach programs. Marian Wright Edelman, president of the Children's Defense Fund (CDF), holds the group up as a community model and a pillar of the Ant Network that CDF l lished. Meanwhile, M/ chapters have opened Denver, Houston and Mississippi, and others organized in Columbu York City. To all of th preaches a clear-eyed "What are we afraid own children? We have on the back burner bec what paralyzes us from action. And all you nee demic of courage."

Naturally, courage presses when fear is well Though MAD DAD been shot at yet, nor ca crossfire, Foster believes matter of time. "The know who we are, but p come out of Kansas C Angeles have no alle Omaha," he says. "If comes out of some oth sell drugs, they'll say MAD DADS?' We rea some of us are going to d thought about that. We about that. But we're no stop: This is a movemen

— *Norm*

MAD DADS can be con writing to: Eddie Staton, MAD DADS, Inc., 22 24th Street, Omaha, N The Anti-Violence Netw Children's Defense Fu reached at: Children's Fund, 25 E Street, N.W., ton, DC 20001; 202-628

WHAT CHILDREN KNOW ABOUT GUNS

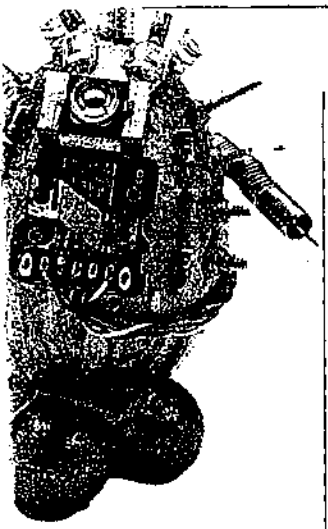
Youths, grades 6–12, who say that they:

39% Personally know someone who has been killed or injured by a gun

Suburban	36%
Inner City	40%
Rural	43%

Have carried a gun to school	
Shot someone at some time	
Been shot at in the past year	
Carried a gun within the past 30 days	
Know where to get a gun if needed	

Poll of 2508 U.S. students conducted by LH Research, April – May 1993



HOLIDAY

Meet RoboEgg

astel is passé for Easter eggs. Try something completely different this year.

ct: Tap peppercorn-size in the top and bottom of each egg, using any sharp object, such as a ballpoint pen. Blow into one hole to expel the innards.

Egg stand: Stick three marbles together in a triangle with craft glue. Affix the egg to the marbles. Let dry thoroughly.

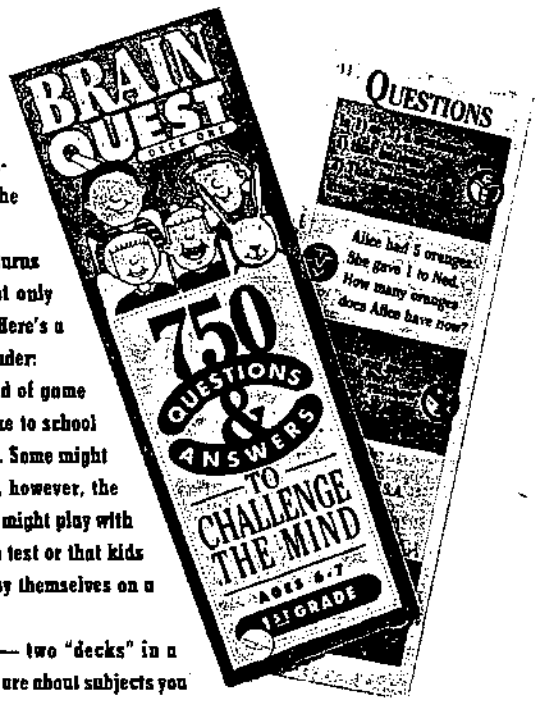
RoboEgg: Paint the egg silver (acrylic model car paint works well); let it stand overnight. Collect coils, screws and parts from toys or appliances. Don't overlook your kitchen drawers. Apply your selection with craft glue; embellish with silver-glitter glue.

To make other eggs: Try flowers, leaves, feathers, sewing supplies, cake decorations, pasta shapes, accessories from fashion dolls and action figures, modeling clay (wrap around egg and pinch into animal shapes) or broken costume jewelry. — *Tina Casey*

AMUSEMENTS

Feed Your Brain

robably seen est — smartly decks of cards ng questions ers, a set for de from pre- o seventh. So fact, that they some squeamish- they're part of the ost-your-kids-IQ- industry. But it turns Brain Quest is not only al, it's also fun. Here's a n one seventh grader: st is not the kind of game er kid would take to school quiz his friends. Some might "uncool." It is, however, the ne that teachers might play with s for fun after a test or that kids to play to occupy themselves on a airplane trip.



ging is handy — two "decks" in a . The questions are about subjects you ool, but this is not a bummer ... most are estions come in six different categories: English, History, Math, Geography, Sci- chnology (some categories differ in sets for different age groups). There is also " that contains different kinds of questions. There are three suggested ways to uest: 10 points, 5 minutes or solitaire. All the directions come with the game. sample questions from the seventh-grade set:

t degrees an obtuse angle can have. (Answer: 179)

os is a basketball star: Danny, Clarence or Isiah? (Answer: Isiah Thomas)

Quest set is $9.95; $10.95 for the preschool and kindergarten sets. From Work- ing. — *Spencer Morris, seventh grade*

WASHINGTON REPORT CARD

Real Welfare Reform — At Last?

As often as we hear the statistics quoted, they never cease to shock: One in four children in the United States is born into poverty today, and nearly 10 million youngsters — more than ever before — now live in families dependent on welfare. These children are the ones with the most at stake should President Clinton make good on his pledge to "end welfare as we know it." Members of the bipartisan National Commission on Children (NCC) addressed similar concerns in their final report, issued in 1991. Continuing our look at the progress made on the NCC's recommendations, this month we consider the hot topic of welfare reform.

ISSUE: *Poor Children and Welfare Reform.* After poor families are given every means of support to reduce their reliance on welfare, "the National Commission on Children recommends that welfare be reoriented as short-term relief in periods of unanticipated unemployment, disability, or other economic hardship to provide a safety net to poor families with children who through no fault of their own would otherwise fall through the cracks." — *Beyond Rhetoric,* the final report of the NCC

STATUS: As President Clinton made clear in his State of the Union address, welfare reform will be a top priority in Washington this year, once progress has been made on health-care reform. After a yearlong effort, a White House task force has readied an ambitious blueprint for reform, and Clinton is expected to ask Congress to act on it. His plan embodies all of the NCC's key recommendations, but goes much further. To begin with, it would allow most poor families to receive Aid to Families with Dependent Children (AFDC) for two years, during which the government would pay for their education, job training, child care and health insurance. But after two years, most adults would have to get a job, or do community service in exchange for any continued welfare aid. Other key changes include: cracking down on "deadbeat dads" who refuse to pay child support for their children, and launching a national "war" against teen pregnancy in hopes of curbing the number of young families who will end up on welfare.

Republicans in Congress say they're ready and waiting: Their bill, with nearly unanimous support from their party, would also require most people to work after two years in exchange for their welfare check.

BOTTOM LINE: Polls show Americans are fed up with the costly welfare mess and want radical reform. That sentiment is giving momentum to the debate in Washington, and may help this President and Congress succeed where others have failed. Yet even zealous welfare reformers have to resolve some tough questions. First, is it fair to punish poor, innocent children if their parents act irresponsibly? What happens to a family if, after two years, a single parent can't get a job or refuses to do so? And will it *really* be possible to find jobs for the estimated 3 million needy mothers, many with poor skills and little education? In the short term, at least, it could be a hugely expensive proposition — and will American taxpayers be willing to foot the bill?

INFORMATION: Contact either of these two groups for more information on welfare reform: The American Public Welfare Association, 810 First Street, N.E., Suite 500, Washington, DC 20002 (202-682-0100); The Center on Budget and Policy Priorities, 777 North Capitol Street, N.E., Suite 705, Washington, DC 20002 (202-408-1080). — *Dorian Friedman*

PETER ARDITO

April 1, 1994

Dr. J.C.W. Rhodes
5215 South Lakeshore Drive
Shreveport, Louisiana 71109-5215

Dear Dr. Rhodes:

On behalf of the President, thank you for sending your proposal. Crime has indeed emerged as the most serious concern for millions of Americans, and the time has come for bold and innovative thinking about ways to reduce crime and the fear of crime.

As you suggested, this Administration is taking steps to keep serious violent repeat offenders off the streets.

Thank you for your interest in this pressing issue.

Sincerely,

Marsha Scott
Deputy Assistant to the President
Director of Correspondence and
Presidential Messages

MS/PLM/ps (Corres. 1422647)

cc: Bruce Reed, OPD

MM

chicago crime commission

79 WEST MONROE
CHICAGO, ILLINOIS 60603
312-372-0101
FAX: 312-372-6286

Jerry
Cc: Bruce Lindsey
cc. Leslie

cc: Rahm
Jose
-BR

WILLIAM C. CROFT
PRESIDENT

December 13, 1993

Nancy-
Just wanted you to see this. McKeefe

The President
The White House
Washington, D.C. 20013

Dear Mr. President:

The members of the Chicago Crime Commission have noted with enthusiasm your high interest in combating the rising tide of violent crime in the nation. Our Crime Commission was founded in 1919 by a group of public spirited businessmen such as Col. Robert McCormick, the then owner of the Chicago Tribune, and Julius Rosenwald, who was chairman of Sears and Roebuck. These men were inspired to take action to stop the rapid increase of violent crime in that era brought on by the passage of the 18th Amendment and symbolized by the organized crime leader, Al Capone.

The Chicago Crime Commission was the first organization of its type in an American city and is the premier model copied by some other cities. It's mission, briefly stated, is to improve the efficiency of our criminal justice system, working with law enforcement agencies and legislative bodies including studies leading to widely publicized position statements on issues affecting the criminal justice system.

We are writing to issue a cordial invitation for you to speak on the crime issue at one of our membership meetings. Such an event would be an opportunity for you to present your thoughts on this subject and would receive the widest press and TV coverage for consumption by the general public. We would be delighted if you could work this into your busy schedule in the next few months - we suggest a luncheon format but we are flexible and will organize the event to accommodate your requirements.

The Chicago Crime Commission endorses your strong statements on reducing crime and hope you can accept this invitation.

Respectfully,

W. C. Croft

W. C. Croft

WCC/vf

DEPARTMENT OF COMMERCE
AND GOVERNMENTAL RELATIONS

TODD LARSON
DIRECTOR

PHONE (501) 377-7385

CITY HALL
NORTH LITTLE ROCK, ARKANSAS
72114

March 24, 1994

Mr. Bruce Reed
Deputy Director for Domestic Policy
The White House
1600 Pennsylvania Ave.
Washington, D.C. 20500-2000

RE: President Clinton's Anti-Crime Legislation

Dear Mr. Reed:

For your information, please find copies of correspondence submitted (via facsimile and mail) by Mayor Hays to our congressional delegation in regard to the expeditious approval of the President's anti-crime proposals. From what I've heard about scheduled action, it seems that a strong show of support by local governments has helped inspire the House of Representatives.

The work you all have done, are doing, and will do in regard to addressing long neglected issues is appreciated and making a difference. We know the day will soon be here that this work can be accomplished in a unfettered manner. Give President Clinton our regards; he continues to have our strong support.

Sincerely,

Todd Larson

TDL/jcb

cc: Ms. Marcia Hale
Director, Office for Intergovernmental Affairs

OFFICE OF THE MAYOR

PATRICK HENRY HAYS
MAYOR

PHONE: (501) 374-2233
FAX PHONE: (501) 374-4044

CITY HALL
P.O. BOX 5757
NORTH LITTLE ROCK, ARKANSAS 72119

March 21, 1994

The Honorable Dale Bumpers
United States Senate
Washington, D.C. 20510

Dear Senator Bumpers:

At the recent conferences of the National League of Cities and the U.S. Conference of Mayors, it was crystal clear that crime, random violence and appropriate intergovernmental action were priority topics of concern, conversation and action. Locally, I have convened a citizens committee to advise the city council on spending priorities for this year. There is little doubt that anti-crime expenditures will be the highest ranked recommendations. Local governments are on the frontlines of this battle. North Little Rock, in addition to cities across the nation have taken aggressive and innovative actions directed at both prevention and apprehension. However, any success we realize in either of those two tactical crime fighting areas place additional demands on tight local budgets.

It is imperative that Congress join local governments in a partnership that stands up to this national threat. Your commitment to local governments and your support of a better life for our citizenry would be best evidenced by quick Congressional passage of the Crime Prevention and Community Justice Act. In my opinion, it would be in the best interest of every congressman returning home to have passed a federal anti-crime bill before the Easter recess.

Sincerely,

Patrick H. Hays

PHH/jcb

OFFICE OF THE MAYOR

PATRICK HENRY HAYS
MAYOR

PHONE: (501) 374-2233
FAX PHONE: (501) 374-4044

CITY HALL
P.O. BOX 5757
NORTH LITTLE ROCK, ARKANSAS 72119

March 21, 1994

The Honorable David Pryor
United States Senate
Washington, D.C. 20510

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Sincerely,

Patrick H. Hays

PHH/jcb

OFFICE OF THE MAYOR

PATRICK HENRY HAYS
MAYOR

PHONE: (501) 374-2233
FAX PHONE: (501) 374-4044

CITY HALL
P.O. BOX 5757
NORTH LITTLE ROCK, ARKANSAS 72119

March 21, 1994

The Honorable Ray Thornton
1705 Longworth House Office Building
Washington, D.C. 20515

Dear Representative Thornton:

At the recent conferences of the National League of Cities and the U.S. Conference of Mayors, it was crystal clear that crime, random violence and appropriate intergovernmental action were priority topics of concern, conversation and action. Locally, I have convened a citizens committee to advise the city council on spending priorities for this year. There is little doubt that anti-crime expenditures will be the highest ranked recommendations. Local governments are on the frontlines of this battle. North Little Rock, in addition to cities across the nation have taken aggressive and innovative actions directed at both prevention and apprehension. However, any success we realize in either of those two tactical crime fighting areas place additional demands on tight local budgets.

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Sincerely,

Patrick H. Hays

PHH/jcb

REPLY TO:
☐ DISTRICT OFFICE
100 PASEO DE SAN ANTONIO
SAN JOSE, CALIFORNIA 95113
(408) 288-7515

☐ CAPITOL OFFICE
STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
TEL: AREA CODE 916
445-4253

Assembly
California Legislature

JOHN VASCONCELLOS
ASSEMBLYMAN, TWENTY-SECOND DISTRICT
CHAIRMAN
COMMITTEE ON WAYS AND MEANS

COMMITTEES:
HIGHER EDUCATION
AGRICULTURE
BANKING AND FINANCE
ASSEMBLY DEMOCRATIC ECONOMIC PROSPERITY TEAM

Bruce Reed
Sec
JVE.

PRESIDENT BILL CLINTON:

I share your concern about our terrible epidemic of crime and violence, and our immediate need to act to improve our public safety.

I appreciate and applaud your State of the Union message focusing attention on our public safety, especially your calling for a 'TOUGH & SMART' approach and program.

I found myself, however, disappointed that your programmatic actions failed to live up to your words - with so many of your dollars disproportionately going to 'tough' and so few of your dollars dedicated to 'smart.'

Hoping to be helpful to you in providing 'tough & smart' leadership, and to our nation's need and desire for improving public safety -
I submit for your consideration my own comprehensive 9-point truly "TOUGH & SMART" public safety program.

I am available to work with you in this crucial effort.

I wish you - and us all - well.

Printed on Recycled Paper

NEWS RELEASE

JOHN VASCONCELLOS
Chairman, Assembly Ways and Means
22nd Assembly District

CONTACT:
Geoffrey Long
(916) 445-7082
State Capitol
Sacramento, CA 95814

February 17, 1994

VASCONCELLOS INTRODUCES SENTENCING COMMISSION LEGISLATION AS PART OF A TOUGH AND SMART CRIME PACKAGE

On the same day the Senate Judiciary Committee reviewed five three-strikes-and-you're-out bills, Assemblymember John Vasconcellos introduced legislation creating a Sentencing Guidelines Commission (AB 2944) to depoliticize sentencing by taking it out of the hands of the Legislature and assigning that responsibility to a professional, nonpartisan commission.

The Commission would be appointed by the Legislature and the governor and would consist of 20 persons - law enforcement, academicians, victims, criminal defense lawyers, prosecutors and drug and alcohol treatment professionals.

The concept is simple: design a smart, simple and tough sentencing system to incapacitate violent offenders for as long as necessary - "one strike" - with sufficient flexibility to work with and ultimately release offenders who demonstrate the ability to responsibly return to society, rather than needlessly warehousing them for life at $21,000 per year.

"I believe a sentencing commission should propose a return to a modified form of indeterminate sentencing law (ISL)," said Vasconcellos. "Under indeterminate sentencing law (DSL), inmates are released when they demonstrate they are ready. Under determinate sentencing, criminals get out when they've done their predetermined time, regardless of whether they are safe or sane.

"ISL allows professionals to determine whether individuals such as Richard Allen Davis should remain in prison longer - or forever. In fact, when California operated under ISL, Davis was repeatedly denied parole, and was released only after DSL was enacted. The time must fit the offender, not just the crime. No matter how hard we try, we cannot capture the full range of human behavior and motivation in the Penal Code, as we have attempted to do with DSL and the 1,000 sentencing bills enacted in the last decade."

Vasconcellos, who opposes the three strike proposals (he voted for AB 167, the Umberg three-strikes bill, which prior to today's amendments, applied only to three violent felonies) introduced the commission bill as part of a seven-bill package that includes funding for crime victims' services, funding for additional CHP officers, parenting education, task forces on recidivism and substance abuse, and restructuring prison credits based on a prescriptive, rehabilitative model.

Printed on Recycled Paper

California Legislature

Assembly Committee on Ways and Means

JOHN VASCONCELLOS
CHAIRMAN

January 1994

Fellow Californians -

In the face of a terrible public safety crisis, which is, sad to say, coupled with yet another fiscal crisis, I find myself compelled to offer my colleagues and, more importantly, the people of our state, a **TOUGH & AND SMART PUBLIC SAFETY PROGRAM** - a comprehensive and realistic plan to deal effectively with California's fiscal crisis, as an alternative to what I (and many others) find to be insufficient proposals to significantly address California's public safety crisis, as well as our fiscal crisis.

I abhor violence and those who perpetrate it, and abhor - almost as much - politicians who pander to people's fears with simplistic ineffective slogans and non-solutions, providing them, at most, with a false sense of security, rather than actual safety,

Three commitments dictate my action and proposal:

1. My commitment to fiscal integrity as well as to public safety.

   Though it has not yet been quantified due its complexity, the Legislative Analyst and Department of Corrections officials estimate the cost of the governor's crime proposals, including the Three Strikes initiative, to be several billions of dollars. The proponents of these alleged public safety solutions lack integrity if they do not identify which programs they would cut or which taxes they would raise when the prison bills come due. Those who would bankrupt our state demonstrate a bankruptcy of leadership.

   The governor's proposed budget spends as much on youth and adult prisons as it does on UC and CSU combined. Prison spending has increased 900 percent since 1980. Many of the crime proposals would drive an enormous increase in taxes, or an utter decimation of our educational funds - neither of which I can, in good conscience, agree to. We must demand that proponents present us plans that have integrity.

2. My commitment to problem-solving rather than to politics.

   It is essential that we acknowledge, and respect, the fears of our people concerning their safety and the safety of their children; and real respect means addressing their fears constructively. Pandering to them, using them for political gain, lacks integrity. It's easy to sound tough: It's tough to become smart. Nothing less will serve to really improve our public safety.

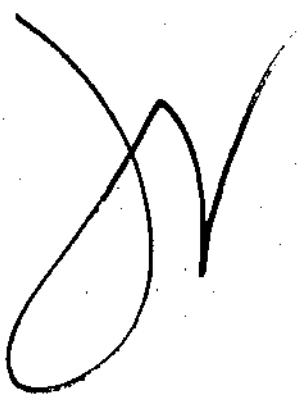
3. My commitment to a **CALIFORNIA TOUGH & SMART PUBLIC SAFETY PROGRAM**

   The people who run our prisons, try as they do, cannot make functional a system attempting to accomodate a jerry-rigged sentencing system doomed to topple of its own weight.

   Many of the current crime proposals are simply too little, too late; they allow for too many strikes, and have little historical evidence for actually addressing these problems at their roots.

Therefore, I propose to my colleagues, to the governor and to the people of our state, a comprehensive and coherent plan, grounded in prevention efforts, and calculated and better calibrated to prevent any more strikes. It constitutes the **CALIFORNIA TOUGH & SMART PUBLIC SAFETY PROGRAM**. The actual bills to accomplish the necessary changes will be introduced by the end of February.

I urge every concerned Californian to carefully evaluate the competing public safety proposals, determine which one truly and effectively addresses their fears and hopes, and make their preference known - to the Legislature and the governor.



The Problem

1. Perception of increasing crime rates, particularly random, violent crime.

2. Fear.

3. Anger.

4. Frustration with the revolving door of the state prison system. Inmates prematurely released from prison who remain a threat to society.

5. A political and piecemeal - rather than professional, comprehensive and effective - sentencing structure.

6. Identifying and incapacitating criminals - for a long as necessary.

7. Preparing for re-entry into society inmates who have paid their debt and demonstrated the capacity to function responsibly.

8. Funding necessary to prevent crime, not merely punish the small percentage of criminals actually caught.

A Proposal: A Smart *and* Tough Public Safety Program

1. Creation of a Sentencing Guidelines Commission. ***AB 2944, Vasconcellos***

Creation of a Sentencing Guidelines Commission (AB 2944) to depoliticize sentencing by taking it out of the hands of the Legislature and assigning that responsibility to a professional, nonpartisan commission.

The Commission would be appointed by the Legislature and the governor and would consist of 20 persons - law enforcement, academicians, victims, criminal defense lawyers, prosecutors and drug and alcohol treatment professionals.

The concept is simple: design a smart, simple and tough sentencing system to incapacitate violent offenders for as long as necessary - "one strike" - with sufficient flexibility to work with and ultimately release offenders who demonstrate the ability to responsibly return to society, rather than needlessly warehousing them for life at $21,000 per year.

Inmates must not be released from prison until it is clear they will not endanger the public. Inmates must not be released until they can demonstrate a readiness to live responsibly in society. The time must not merely fit the crime, it must fit the inmate and the inmate's capacity to contribute to the public safety.

Therefore, a sentencing commission should consider a return to a modified form of indeterminate sentencing law (ISL). Under indeterminate sentencing law (DSL), inmates are released when they demonstrate they are ready. Under determinate sentencing, criminals get out when they've done their predetermined time, regardless of whether they are safe or sane.

ISL requires periodic and professional evaluation of inmate progress and problems. Allows for *one strike* and you're out, and guards against million dollar life sentences for the person who steals a car at 14, gets in a bar fight at 19 and bounces a check at 22.

ISL allows professionals to determine whether individuals such as Richard Allen Davis should remain in prison longer - or forever. In fact, when California operated under ISL, Davis was repeatedly denied parole, and was released only after DSL was enacted. No matter how hard we try, we cannot capture the full range of human behavior and motivation in the Penal Code, as we have attempted to do with DSL and the 1,000 sentencing bills enacted in the last decade.

The Commission would present finished product to the Legislature for approval or rejection in two years.

2. A formal assessment and prescription system for each inmate. ***AB 2944, Vasconcellos***

Every person entering the prison system shall be immediately assessed with respect to emotional, educational, and vocational development, then given a prescriptive program addressing their deficiencies in these areas. Requires periodic and professional evaluation of inmate problems and progress.

3. A rehabilitation credits system. ***AB 2945, Vasconcellos***

Recognizing that no new laws can constitutionally extend the terms of the 115,000 Californians now in state prison, and that the vast majority of them will one day return to society, eliminate work-training credits for all violent offenders in favor of a system that provides credits only for activities pursuant to the prescriptive program. (This would apply pending adoption of the Sentencing Commission's system, with encouragement to the Commission to adopt a similar credit format.)

4. A citizen's Task Force to Prevent Recidivism. ***AB 2946, Vasconcellos***

California cannot afford our current recidivism rates. Per AB 1027, vetoed by Gov. Wilson in 1993, this is an effort to identify and implement steps toward reducing the recidivism rates of prison inmates. The administration has conceded there has been no organized effort in this area.

5. Universal parenting education. ***AB 2947, Vasconcellos***

As many as 75 percent of all prison inmates were abused as children. Our only hope of breaking the cycle of violence is to prepare every Californian to become a parent who can provide nurturing environments conducive to healthy human development.

This program would:

- Require parenting education in grades 9 or 10 as a condition of graduation from public high school.
- Require the Department of Education to develop a model curriculum on parenting education for students in grades 9 and 10.
- Require the California Youth Authority to provide parenting education to all wards.
- Require county probation departments to provide parenting education to all wards incarcerated in county juvenile probation facilities.

- Ensure that all public and private hospitals offer parenting education.

- Require that all persons seeking a license or license renewal as a therapist through the Board of Behavioral Science Examiners provide a specified number of hours per year of pro bono parenting education.

6. A citizens Task Force to Prevent Drug/Alcohol Abuse. ***AB 2948, Vasconcellos***

   As many as 75 percent of our prison inmates are addicted to alcohol and/or other drugs. Only if we effectively address the root causes of these addictions, can we have any real hope of a safer future. We propose an independent commission to ascertain how to best prevent recidivism (per AB 1072, 1993, vetoed by Gov. Wilson).

7. A stable funding source for 350 new CHP officers to help local police and sheriffs. ***AB 2949, Vasconcellos***

   Enlist 350 new CHP officers to increase community public safety, by increasing the $1 surcharge on auto registrations to $2.

8. Full and stable funding for crime victims' programs. ***AB 2386, Vasconcellos (signed by the governor 1/27/94) and the 1994-95 Budget Bill, AB 2480, Vasconcellos)***

   Includes Indemnification of Crime Victims, Victim Witness Program, Rape Crisis Centers, Child Sexual Abuse and Exploitation.

9. A formal review and update of the findings and recommendations regarding the root causes of violence.

   Considerable resources were invested in developing two reports: "Ounces of Prevention" (1983, the California Commission on Crime Control and Violence Prevention) and "Toward a State of Esteem." (1990, the California Task Force to Promote Self-Esteem and Personal and Social Responsibility.) The recommendations of those reports must be systematically reviewed and updated.

Advantages of a Commission and Modified Indeterminate Sentencing

1. Comprehensive. Most current legislative proposals are piecemeal attempts to encompass the full range of human behavior in the penal code. They are therefore doomed to failure, like the more than 1,000 revisions enacted to our current penal code since 1977, which still allowed Richard Allen Davis to kidnap and murder Polly Klaas.

2. Ends the current practice of releasing dangerous criminals directly from special and maximum security confinement to the streets and requires professionals to assess individuals such as Richard Allen Davis and decide whether they should remain in prison longer - or forever. In fact, under indeterminate sentencing, Davis was repeatedly denied parole, and was released only after the Determinate Sentencing Law was enacted.

3. De-politicizes sentencing by taking it out of the hands of the Legislature and placing it in the hands of a third party (Sentencing Commission and the Board of Prison Terms).

4. The Commission would be appointed by the Legislature and the governor and would consist of 20 persons - law enforcement, criminal justice experts, victims rights groups, criminal defense lawyers, prosecutors and drug and alcohol treatment professionals.

5. The Commission's proposal would come back before the Legislature and governor prior to becoming law, but would be shielded from political tinkering by an up or down, all or nothing vote.

6. Provides greater incentives to the inmate to reform. For example, each inmate would serve time under an individual treatment plan (ITP), which could require an illiterate offender to learn to read, or an inmate with a long history of substance abuse could be required to successfully complete a program before being released.

7. Provides greater opportunities for the victim and the victim's family to be part of the process.

8. Makes the parole system more meaningful, since a parole violation can result in the parolee returning to prison for the balance of his term, not just for one year.

9. Provides for particularly unusual offenses to receive special consideration within the parameters of the parole guidelines. For example, battered women who kill their spouses could receive individualized consideration, as could inmates dying of AIDS. Those types of individuals now languish unnecessarily in our state's prisons.

Has the investment in prisons made us safer?

According to most criminal justice researchers, increasing sentences does not reduce crime. Joan Petersillia, director of RAND's Criminal Justice Program and professor of social ecology at UC Irvine, studied the research and concluded, in a 199 report titled "California's Prison Policy: Causes, Costs, and Consequences":

"The data suggest that the massive investment in crime control - and the doubling and redoubling of the prison population in recent years - may have had little effect on California's crime rate, particularly violent crime. Spending even more is unlikely to reduce crime significantly: While there may be moral justifications for locking up offenders, imprisonment appears to have little impact on the amount of crime experienced on local communities."

Professor Franklin Zimring, UC Berkeley, "The data indicate that the money spent in California on prison construction was money wasted. The almost quadrupling of prison capacity seemed to make little difference when it came to curbing the rate of violent crime."

Petersillia's/RAND's explain why prisons don't have more impact on crime:

1) Because the justice system only deals with a small proportion of crime, its ability to affect crime levels through incapacitation is limited. Of the approximately 34 million serious felonies committed in the United States in 1990, 31 million never entered the criminal justice system because they were either unreported or unsolved. *This means 90 percent of serious crime remains outside the purview of police, courts, and prison officials.*

2) Studies have shown that much individual crime (particularly violent crime) is an impulsive response to an immediate stressful situation and is often committed under the influence of drugs and/or alcohol. If crime is highly impulsive, then rational choice models, which attempt to convince the offender that crime doesn't pay by increasing penalties, have limited utility for crime control.

3) Much predatory crime is committed by juveniles too young to be eligible for prison or by very young adult offenders unlikely to be sent to prison for most first-felony convictions. Persons under the age of 18 constitute about one-fifth of the total population, but account for one-quarter of all persons arrested and nearly 30 percent of all those arrested for one of the seven serious "index" crimes.

4) Our ability to accurately identify the most criminally active offenders at sentencing is hampered by legal, ethical, and practical constraints. More accurate identification of high- and low-rate offenders would allow us to selectively incapacitate, increasing the crime-prevention effects of prison.

Unfortunately, RAND research has shown that our ability to predict high-rate offending is poor. The most important problem is the presence of "false positive" predictions -- predictions that persons will engage in criminal behavior when in fact they do not.

5) For prison sentences to deter offenders and potential offenders, it must be stigmatizing and punishing, and there is evidence that it is becoming less so.

6) Prison must not increase the post-release criminal activity of those who have been incarcerated sufficiently to offset the crimes prevented by their stay in prison.

7) Most important, for imprisonment to reduce community crime levels, those in prison must not be immediately and completely replaced by new recruits.

8) Career criminal prison terms are usually imposed late in an offender's criminal career, when criminal activity, on average, is tapering off.

RAND's Alternatives to Current Policy

1) Acknowledge the limits of a "get tough" policy on reducing crime. Failure to do so means that the debate becomes misdirected. We spend inordinate amounts of time and energy debating how best to punish, even though the evidence suggests that punishment may be of limited relevance for crime control.

   Those who focus only on the criminal justice system offer the public a false hope, the hope that if the criminal justice system just did its job more competently -- and criminals were punished more often and more harshly -- the public would be safe from most crime. If 34 million crimes are being committed in this country, and 31 million are never detected, the only way to truly reduce crime is to find some way to stop some of the crime from being committed in the first place.

2) Better targeted incapacitation policies.

3) Divert some resources to nonpenal strategies for crime prevention. Imprisonment is neither the best nor the most efficient way to reduce crime. Drug clinics do more to rehabilitate drug addicts than prison, job training does more to reduce recidivism than jails, and early childhood prevention programs do more than any other factor to reduce a propensity to crime.

   When the public debate focuses so heavily on punishment, it creates a false dichotomy between tough law enforcement and "soft on crime" social programs. The choice is not one or the other -- it must be both.

COMPARISON OF INDETERMINATE SENTENCING LAW AND DETERMINATE SENTENCING LAW

In order to command respect, laws must be easy to understand, easy to administer, concise and achieve desired results.

DSL	ISL
* Convoluted and complicated.	* Concise and easy to understand.
* Becomes more complex and arcane each year as it is modified and expanded by case law and statutory law.	* Case law and statutory modification fit easily into its structure.
* As a rigid "One-Size-Fits-All" device it has failed to achieve the major goal of retaining dangerous felons in prison.	* With its annual review system, it has the flexibility necessary to keep dangerous inmates incarcerated.
* It's rigid structure wastes taxpayer money by incarcerating those who could be released.	* Its annual review system affords the flexibility to release people who can adjust to community life.

Because the Determinate Sentencing Law is so complex and inflexible, and because it fails to address the concerns of the public, it subjects the entire criminal justice system to ridicule and criticism. If society is to function, its laws and institutions must generate respect.

The Determinate Sentencing Law, because of its shortcomings, has taken on the dual role of a political football. Each legislative session and each election year new laws lengthen sentences and add enhancements. These efforts deal with symptoms, not substance.

Indeterminate sentencing would represent real reform, because it would simplify the process, enable the Adult Authority to deal with each sentenced person on an individualized basis and would, to a large extent, avoid laws being passed for purely emotional or political reasons.

Converting to the Indeterminate Sentencing Law is not a leap into the unknown, it is a return to a system that worked well.

At sentencing, Indeterminate Sentencing is uncomplicated. The judge sentences defendant to prison "for the term prescribed by law." There are no complicated calculations of terms, ranges, enhancements, etc.

THE WHITE HOUSE MAR 18 REC'D
OFFICE OF DOMESTIC POLICY

CAROL H. RASCO
Assistant to the President for Domestic Policy

To: Bruce & Jose

Draft response for POTUS
and forward to CHR by:

Draft response for CHR by:

Please reply directly to the writer
(copy to CHR) by:

Please advise by:

Let's discuss:

For your information: ✓

Reply using form code:

File:

Send copy to (original to CHR):

Schedule ? : ☐ Accept ☐ Pending ☐ Regret

Designee to attend:

Remarks:

Carol Rasco -
FYI. He gave this to Portus at network pres. mtg.
Correspondence is doing reply.
Andrew Friedman

MTV NETWORKS

A VIACOM COMPANY

Tom Freston
Chairman and
Chief Executive Officer

President William J. Clinton
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

MAR 18 REC'D

Dear Mr. President:

It is certainly my pleasure to be in Washington today for the announcement of your public service campaign against violence. MTV Networks supports your efforts to "give children back their childhood" wholeheartedly and I am confident that your spots will be well received by MTV's, VH-1's and Nickelodeon's audiences.

We agree that children and young adults have the most to lose in an increasingly violent society. Accordingly, we have made the "anti-violence" issue the Pro-Social priority for MTV Networks this year. We have consulted a wide array of experts in this area and are creating ambitious, creative and hard hitting campaigns for all of our networks; MTV, Nickelodeon, and VH-1. Each of these will receive the same level of support and commitment we gave to our political awareness campaign, "Choose or Lose," back in 1992.

Let me briefly run down the activities under this mandate on each of our networks.

•MTV. MTV has initiated a campaign called "Enough is Enough." Its purpose is to make it "cool" for young people to turn to non-violent conflict resolution as well as to focus attention on the tragic consequences of violence in their lives. The campaign will include special programming like forums with political leaders, MTV News coverage, public service announcements, local market activities, and events with artists and political and community leaders. As the campaign unfolds, we will also enlist the support of our partners in the advertising and cable industries.

We are hoping that you yourself will be able to appear in a forum with MTV viewers that will run on the network and will totally focus on the issue of violence in our society. We are pursuing this request with Mark Gearan from your Communications Office.

•Nickelodeon. Nickelodeon is developing a series of public service announcements in its own style that are specifically devoted to address violence in our society and what

1515 Broadway New York, New York 10036-5797 (212) 258-8310

kids can do about it. Additionally, we have made special editions of our "Nickelodeon News" program focusing on the violence issue. We already aired one called Are You What You Watch? about the effects of television violence on kids. Again, we hope to utilize the resources of our cable affiliates by servicing these spots to run on their local channels.

•VH-1. VH-1 is about to announce their own campaign on violence that will focus on domestic violence. This campaign will also involve the creation of PSAs and various news reports and specials.

On another note, your administration's interest in issues of importance to young people has been consistent and has not gone unnoticed. We appreciate George Stephanopoulos' participation in MTV's recent fundraiser for "Rock the Vote" and would like to continue this mutually supportive relationship in the future. The fundraiser raised some $200,000 for "Rock the Vote." It was a tremendous success and will cover a major portion of their expenses.

I have enclosed a tape, which will highlight elements of our anti-violence campaigns to date. It is my hope that your public service campaign in conjunction with our own very ambitious campaigns will give young people "something to say yes to" and a voice for change.

Best Regards,

Tom Freston

March 9, 1994

The Honorable John Vasconcellos
Chairman
Committee on Ways and Means
Assembly of the State of California
Sacramento, California 94249-0001

Dear John:

Thank you for sending me your ideas for addressing our nation's crime problem with a "tough and smart" approach.

As my Administration works with Congress to develop an effective approach to preventing crime and reducing violence, I will certainly keep your views in mind. In the meantime, I have forwarded your letter and materials to my Domestic Policy staff for further review.

I hope I can count on your support and continued involvement in the months to come.

Sincerely,

BILL

BC/MHM/KM/ps (Corres. #1359276)
(3.vasconcellos.j)

cc: Bruce Reed, Domestic Policy w/incoming

Xeroxed copy of personally signed original to NH through John Podesta

CLEAR THRU JOHN PODESTA

PRESIDENT TO SIGN

REPLY TO:
☐ DISTRICT OFFICE
100 PASEO DE SAN ANTONIO
SAN JOSE, CALIFORNIA 95113
(408) 288-7515

☐ CAPITOL OFFICE
STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0001
TEL: AREA CODE 916
445-4253

Assembly
California Legislature

JOHN VASCONCELLOS
ASSEMBLYMAN, TWENTY-SECOND DISTRICT
CHAIRMAN
COMMITTEE ON WAYS AND MEANS

COMMITTEES
HIGHER EDUCATION
AGRICULTURE
BANKING AND FINANCE
ASSEMBLY DEMOCRATIC
ECONOMIC PROSPERITY TEAM

John P —
Reply for
Pres to sign
cc Cancelled

PRESIDENT BILL CLINTON:

I share your concern about our terrible epidemic of crime and violence, and our immediate need to act to improve our public safety.

I appreciate and applaud your State of the Union message focusing attention on our public safety, especially your calling for a 'TOUGH & SMART' approach and program.

I found myself, however, disappointed that your programmatic actions failed to live up to your words - with so many of your dollars disproportionately going to 'tough' and so few of your dollars dedicated to 'smart.'

Hoping to be helpful to you in providing 'tough & smart' leadership, and to our nation's need and desire for improving public safety -
i submit for your consideration my own comprehensive 9-point truly 'TOUGH & SMART' public safety program.

I am available to work with you in this crucial effort.

I wish you - and us all - well.

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NEWS RELEASE

JOHN VASCONCELLOS
Chairman, Assembly Ways and Means
22nd Assembly District

CONTACT:
Geoffrey Long
(916) 445-7082
State Capitol
Sacramento, CA 95814

February 17, 1994

VASCONCELLOS INTRODUCES SENTENCING COMMISSION LEGISLATION AS PART OF A TOUGH AND SMART CRIME PACKAGE

On the same day the Senate Judiciary Committee reviewed five three-strikes-and-you're-out bills, Assemblymember John Vasconcellos introduced legislation creating a Sentencing Guidelines Commission (AB 2944) to depoliticize sentencing by taking it out of the hands of the Legislature and assigning that responsibility to a professional, nonpartisan commission.

The Commission would be appointed by the Legislature and the governor and would consist of 20 persons - law enforcement, academicians, victims, criminal defense lawyers, prosecutors and drug and alcohol treatment professionals.

The concept is simple: design a smart, simple and tough sentencing system to incapacitate violent offenders for as long as necessary - "one strike" - with sufficient flexibility to work with and ultimately release offenders who demonstrate the ability to responsibly return to society, rather than needlessly warehousing them for life at $21,000 per year.

"I believe a sentencing commission should propose a return to a modified form of indeterminate sentencing law (ISL)," said Vasconcellos. "Under indeterminate sentencing law (DSL), inmates are released when they demonstrate they are ready. Under determinate sentencing, criminals get out when they've done their predetermined time, regardless of whether they are safe or sane.

"ISL allows professionals to determine whether individuals such as Richard Allen Davis should remain in prison longer - or forever. In fact, when California operated under ISL, Davis was repeatedly denied parole, and was released only after DSL was enacted. The time must fit the offender, not just the crime. No matter how hard we try, we cannot capture the full range of human behavior and motivation in the Penal Code, as we have attempted to do with DSL and the 1,000 sentencing bills enacted in the last decade."

Vasconcellos, who opposes the three strike proposals (he voted for AB 167, the Umberg three-strikes bill, which prior to today's amendments, applied only to three violent felonies) introduced the commission bill as part of a seven-bill package that includes funding for crime victims' services, funding for additional CHP officers, parenting education, task forces on recidivism and substance abuse, and restructuring prison credits based on a prescriptive, rehabilitative model.

Printed on Recycled Paper

California Legislature

Assembly Committee on Ways and Means

JOHN VASCONCELLOS
CHAIRMAN

January 1994

Fellow Californians -

In the face of a terrible public safety crisis, which is, sad to say, coupled with yet another fiscal crisis, I find myself compelled to offer my colleagues and, more importantly, the people of our state, a **TOUGH & AND SMART PUBLIC SAFETY PROGRAM** - a comprehensive and realistic plan to deal effectively with California's fiscal crisis, as an alternative to what I (and many others) find to be insufficient proposals to significantly address California's public safety crisis, as well as our fiscal crisis.

I abhor violence and those who perpetrate it, and abhor - almost as much - politicians who pander to people's fears with simplistic ineffective slogans and non-solutions, providing them, at most, with a false sense of security, rather than actual safety,

Three commitments dictate my action and proposal:

1. My commitment to fiscal integrity as well as to public safety.

   Though it has not yet been quantified due its complexity, the Legislative Analyst and Department of Corrections officials estimate the cost of the governor's crime proposals, including the Three Strikes initiative, to be several billions of dollars. The proponents of these alleged public safety solutions lack integrity if they do not identify which programs they would cut or which taxes they would raise when the prison bills come due. Those who would bankrupt our state demonstrate a bankruptcy of leadership.

   The governor's proposed budget spends as much on youth and adult prisons as it does on UC and CSU combined. Prison spending has increased 900 percent since 1980. Many of the crime proposals would drive an enormous increase in taxes, or an utter decimation of our educational funds - neither of which I can, in good conscience, agree to. We must demand that proponents present us plans that have integrity.

2. My commitment to problem-solving rather than to politics.

   It is essential that we acknowledge, and respect, the fears of our people concerning their safety and the safety of their children; and real respect means addressing their fears constructively. Pandering to them, using them for political gain, lacks integrity. It's easy to sound tough. It's tough to become smart. Nothing less will serve to really improve our public safety.

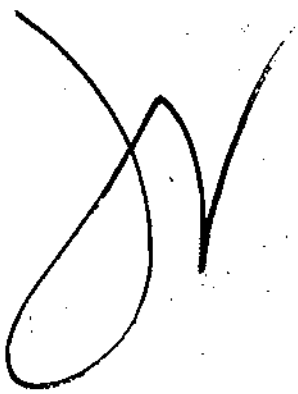
3. My commitment to a **CALIFORNIA TOUGH & SMART PUBLIC SAFETY PROGRAM**

   The people who run our prisons, try as they do, cannot make functional a system attempting to accomodate a jerry-rigged sentencing system doomed to topple of its own weight.

   Many of the current crime proposals are simply too little, too late; they allow for too many strikes, and have little historical evidence for actually addressing these problems at their roots.

Therefore, I propose to my colleagues, to the governor and to the people of our state, a comprehensive and coherent plan, grounded in prevention efforts, and calculated and better calibrated to prevent any more strikes. It constitutes the **CALIFORNIA TOUGH & SMART PUBLIC SAFETY PROGRAM**. The actual bills to accomplish the necessary changes will be introduced by the end of February.

I urge every concerned Californian to carefully evaluate the competing public safety proposals, determine which one truly and effectively addresses their fears and hopes, and make their preference known - to the Legislature and the governor.



The Problem

1. Perception of increasing crime rates, particularly random, violent crime.

2. Fear.

3. Anger.

4. Frustration with the revolving door of the state prison system. Inmates prematurely released from prison who remain a threat to society.

5. A political and piecemeal - rather than professional, comprehensive and effective - sentencing structure.

6. Identifying and incapacitating criminals - for a long as necessary.

7. Preparing for re-entry into society inmates who have paid their debt and demonstrated the capacity to function responsibly.

8. Funding necessary to prevent crime, not merely punish the small percentage of criminals actually caught.

A Proposal: A Smart *and* Tough Public Safety Program

1. Creation of a Sentencing Guidelines Commission. ***AB 2944, Vasconcellos***

Creation of a Sentencing Guidelines Commission (AB 2944) to depoliticize sentencing by taking it out of the hands of the Legislature and assigning that responsibility to a professional, nonpartisan commission.

The Commission would be appointed by the Legislature and the governor and would consist of 20 persons - law enforcement, academicians, victims, criminal defense lawyers, prosecutors and drug and alcohol treatment professionals.

The concept is simple: design a smart, simple and tough sentencing system to incapacitate violent offenders for as long as necessary - "one strike" - with sufficient flexibility to work with and ultimately release offenders who demonstrate the ability to responsibly return to society, rather than needlessly warehousing them for life at $21,000 per year.

Inmates must not be released from prison until it is clear they will not endanger the public. Inmates must not be released until they can demonstrate a readiness to live responsibly in society. The time must not merely fit the crime, it must fit the inmate and the inmate's capacity to contribute to the public safety.

Therefore, a sentencing commission should consider a return to a modified form of indeterminate sentencing law (ISL). Under indeterminate sentencing law (DSL), inmates are released when they demonstrate they are ready. Under determinate sentencing, criminals get out when they've done their predetermined time, regardless of whether they are safe or sane.

ISL requires periodic and professional evaluation of inmate progress and problems. Allows for *one strike* and you're out, and guards against million dollar life sentences for the person who steals a car at 14, gets in a bar fight at 19 and bounces a check at 22.

ISL allows professionals to determine whether individuals such as Richard Allen Davis should remain in prison longer - or forever. In fact, when California operated under ISL, Davis was repeatedly denied parole, and was released only after DSL was enacted. No matter how hard we try, we cannot capture the full range of human behavior and motivation in the Penal Code, as we have attempted to do with DSL and the 1,000 sentencing bills enacted in the last decade.

The Commission would present finished product to the Legislature for approval or rejection in two years.

2. A formal assessment and prescription system for each inmate. ***AB 2944, Vasconcellos***

Every person entering the prison system shall be immediately assessed with respect to emotional, educational, and vocational development, then given a prescriptive program addressing their deficiencies in these areas. Requires periodic and professional evaluation of inmate problems and progress.

3. A rehabilitation credits system. ***AB 2945, Vasconcellos***

Recognizing that no new laws can constitutionally extend the terms of the 115,000 Californians now in state prison, and that the vast majority of them will one day return to society, eliminate work-training credits for all violent offenders in favor of a system that provides credits only for activities pursuant to the prescriptive program. (This would apply pending adoption of the Sentencing Commission's system, with encouragement to the Commission to adopt a similar credit format.)

4. A citizen's Task Force to Prevent Recidivism. ***AB 2946, Vasconcellos***

California cannot afford our current recidivism rates. Per AB 1027, vetoed by Gov. Wilson in 1993, this is an effort to identify and implement steps toward reducing the recidivism rates of prison inmates. The administration has conceded there has been no organized effort in this area.

5. Universal parenting education. ***AB 2947, Vasconcellos***

As many as 75 percent of all prison inmates were abused as children. Our only hope of breaking the cycle of violence is to prepare every Californian to become a parent who can provide nurturing environments conducive to healthy human development.

This program would:

- Require parenting education in grades 9 or 10 as a condition of graduation from public high school.
- Require the Department of Education to develop a model curriculum on parenting education for students in grades 9 and 10.
- Require the California Youth Authority to provide parenting education to all wards.
- Require county probation departments to provide parenting education to all wards incarcerated in county juvenile probation facilities.

- Ensure that all public and private hospitals offer parenting education.

- Require that all persons seeking a license or license renewal as a therapist through the Board of Behavioral Science Examiners provide a specified number of hours per year of pro bono parenting education.

6. A citizens Task Force to Prevent Drug/Alcohol Abuse. ***AB 2948, Vasconcellos***

   As many as 75 percent of our prison inmates are addicted to alcohol and/or other drugs. Only if we effectively address the root causes of these addictions, can we have any real hope of a safer future. We propose an independent commission to ascertain how to best prevent recidivism (per AB 1072, 1993, vetoed by Gov. Wilson).

7. A stable funding source for 350 new CHP officers to help local police and sheriffs. ***AB 2949, Vasconcellos***

   Enlist 350 new CHP officers to increase community public safety, by increasing the $1 surcharge on auto registrations to $2.

8. Full and stable funding for crime victims' programs. ***AB 2386, Vasconcellos (signed by the governor 1/27/94) and the 1994-95 Budget Bill, AB 2480, Vasconcellos)***

   Includes Indemnification of Crime Victims, Victim Witness Program, Rape Crisis Centers, Child Sexual Abuse and Exploitation.

9. A formal review and update of the findings and recommendations regarding the root causes of violence.

   Considerable resources were invested in developing two reports: "Ounces of Prevention" (1983, the California Commission on Crime Control and Violence Prevention) and "Toward a State of Esteem." (1990, the California Task Force to Promote Self-Esteem and Personal and Social Responsibility.) The recommendations of those reports must be systematically reviewed and updated.

Advantages of a Commission and Modified Indeterminate Sentencing

1. Comprehensive. Most current legislative proposals are piecemeal attempts to encompass the full range of human behavior in the penal code. They are therefore doomed to failure, like the more than 1,000 revisions enacted to our current penal code since 1977, which still allowed Richard Allen Davis to kidnap and murder Polly Klaas.

2. Ends the current practice of releasing dangerous criminals directly from special and maximum security confinement to the streets and requires professionals to assess individuals such as Richard Allen Davis and decide whether they should remain in prison longer - or forever. In fact, under indeterminate sentencing, Davis was repeatedly denied parole, and was released only after the Determinate Sentencing Law was enacted.

3. De-politicizes sentencing by taking it out of the hands of the Legislature and placing it in the hands of a third party (Sentencing Commission and the Board of Prison Terms).

4. The Commission would be appointed by the Legislature and the governor and would consist of 20 persons - law enforcement, criminal justice experts, victims rights groups, criminal defense lawyers, prosecutors and drug and alcohol treatment professionals.

5. The Commission's proposal would come back before the Legislature and governor prior to becoming law, but would be shielded from political tinkering by an up or down, all or nothing vote.

6. Provides greater incentives to the inmate to reform. For example, each inmate would serve time under an individual treatment plan (ITP), which could require an illiterate offender to learn to read, or an inmate with a long history of substance abuse could be required to successfully complete a program before being released.

7. Provides greater opportunities for the victim and the victim's family to be part of the process.

8. Makes the parole system more meaningful, since a parole violation can result in the parolee returning to prison for the balance of his term, not just for one year.

9. Provides for particularly unusual offenses to receive special consideration within the parameters of the parole guidelines. For example, battered women who kill their spouses could receive individualized consideration, as could inmates dying of AIDS. Those types of individuals now languish unnecessarily in our state's prisons.

Has the investment in prisons made us safer?

According to most criminal justice researchers, increasing sentences does not reduce crime. Joan Petersillia, director of RAND's Criminal Justice Program and professor of social ecology at UC Irvine, studied the research and concluded, in a 199 report titled "California's Prison Policy: Causes, Costs, and Consequences":

"The data suggest that the massive investment in crime control - and the doubling and redoubling of the prison population in recent years - may have had little effect on California's crime rate, particularly violent crime. Spending even more is unlikely to reduce crime significantly: While there may be moral justifications for locking up offenders, imprisonment appears to have little impact on the amount of crime experienced on local communities."

Professor Franklin Zimring, UC Berkeley, "The data indicate that the money spent in California on prison construction was money wasted. The almost quadrupling of prison capacity seemed to make little difference when it came to curbing the rate of violent crime."

Petersillia's/RAND's explain why prisons don't have more impact on crime:

1) Because the justice system only deals with a small proportion of crime, its ability to affect crime levels through incapacitation is limited. Of the approximately 34 million serious felonies committed in the United States in 1990, 31 million never entered the criminal justice system because they were either unreported or unsolved. *This means 90 percent of serious crime remains outside the purview of police, courts, and prison officials.*

2) Studies have shown that much individual crime (particularly violent crime) is an impulsive response to an immediate stressful situation and is often committed under the influence of drugs and/or alcohol. If crime is highly impulsive, then rational choice models, which attempt to convince the offender that crime doesn't pay by increasing penalties, have limited utility for crime control.

3) Much predatory crime is committed by juveniles too young to be eligible for prison or by very young adult offenders unlikely to be sent to prison for most first-felony convictions. Persons under the age of 18 constitute about one-fifth of the total population, but account for one-quarter of all persons arrested and nearly 30 percent of all those arrested for one of the seven serious "index" crimes.

4) Our ability to accurately identify the most criminally active offenders at sentencing is hampered by legal, ethical, and practical constraints. More accurate identification of high- and low-rate offenders would allow us to selectively incapacitate, increasing the crime-prevention effects of prison.

Unfortunately, RAND research has shown that our ability to predict high-rate offending is poor. The most important problem is the presence of "false positive" predictions -- predictions that persons will engage in criminal behavior when in fact they do not.

5) For prison sentences to deter offenders and potential offenders, it must be stigmatizing and punishing, and there is evidence that it is becoming less so.

6) Prison must not increase the post-release criminal activity of those who have been incarcerated sufficiently to offset the crimes prevented by their stay in prison.

7) Most important, for imprisonment to reduce community crime levels, those in prison must not be immediately and completely replaced by new recruits.

8) Career criminal prison terms are usually imposed late in an offender's criminal career, when criminal activity, on average, is tapering off.

RAND's Alternatives to Current Policy

1) Acknowledge the limits of a "get tough" policy on reducing crime. Failure to do so means that the debate becomes misdirected. We spend inordinate amounts of time and energy debating how best to punish, even though the evidence suggests that punishment may be of limited relevance for crime control.

   Those who focus only on the criminal justice system offer the public a false hope, the hope that if the criminal justice system just did its job more competently -- and criminals were punished more often and more harshly -- the public would be safe from most crime. If 34 million crimes are being committed in this country, and 31 million are never detected, the only way to truly reduce crime is to find some way to stop some of the crime from being committed in the first place.

2) Better targeted incapacitation policies.

3) Divert some resources to nonpenal strategies for crime prevention. Imprisonment is neither the best nor the most efficient way to reduce crime. Drug clinics do more to rehabilitate drug addicts than prison, job training does more to reduce recidivism than jails, and early childhood prevention programs do more than any other factor to reduce a propensity to crime.

   When the public debate focuses so heavily on punishment, it creates a false dichotomy between tough law enforcement and "soft on crime" social programs. The choice is not one or the other -- it must be both.

COMPARISON OF INDETERMINATE SENTENCING LAW AND DETERMINATE SENTENCING LAW

In order to command respect, laws must be easy to understand, easy to administer, concise and achieve desired results.

DSL	ISL
* Convoluted and complicated.	* Concise and easy to understand.
* Becomes more complex and arcane each year as it is modified and expanded by case law and statutory law.	* Case law and statutory modification fit easily into its structure.
* As a rigid "One-Size-Fits-All" device it has failed to achieve the major goal of retaining dangerous felons in prison.	* With its annual review system, it has the flexibility necessary to keep dangerous inmates incarcerated.
* It's rigid structure wastes taxpayer money by incarcerating those who could be released.	* Its annual review system affords the flexibility to release people who can adjust to community life.

Because the Determinate Sentencing Law is so complex and inflexible, and because it fails to address the concerns of the public, it subjects the entire criminal justice system to ridicule and criticism. If society is to function, its laws and institutions must generate respect.

The Determinate Sentencing Law, because of its shortcomings, has taken on the dual role of a political football. Each legislative session and each election year new laws lengthen sentences and add enhancements. These efforts deal with symptoms, not substance.

Indeterminate sentencing would represent real reform, because it would simplify the process, enable the Adult Authority to deal with each sentenced person on an individualized basis and would, to a large extent, avoid laws being passed for purely emotional or political reasons.

Converting to the Indeterminate Sentencing Law is not a leap into the unknown, it is a return to a system that worked well.

At sentencing, Indeterminate Sentencing is uncomplicated. The judge sentences defendant to prison "for the term prescribed by law." There are no complicated calculations of terms, ranges, enhancements, etc.

March 18, 1994

Dr. Warren Gray
Chairman
B'nai B'rith International
1640 Rhode Island Avenue, N.W.
Washington, D.C. 20036-3278

Dear Warren:

Thank you for sending me your booklet "Play It Safe." As a father and as President, I appreciate your interest and your efforts in safeguarding our children. I stand with you in the effort to protect them from crime and abuse, and I am grateful for your involvement in this vital endeavor.

Sincerely,

BILL CLINTON

BC/MHM/ps (Corres. #1342539)
(3.gray.w)

cc: Domestic Policy and incmg (including booklet)

B'NAI B'RITH

CELEBRATING 150 YEARS OF SERVICE

CHAIRMAN
COMMISSION ON
COMMUNITY
VOLUNTEER SERVICES

DR. WARREN GRAY
116 MILLBURN AVE.
MILLBURN, NJ 07041

TELEPHONE
OFFICE 201-376-6266
HOME 201-467-8555
201-467-8556

PLM

January 12, 1994

President Bill Clinton
The White House
Washington, DC

Dear President Clinton:

We know that you are aware of the many community activities in which B'nai B'rith is involved. As we have learned of your concern for crime prevention, especially with children, we wanted to share with you our booklet, "Play It Safe," designed to teach children and parents about abuse and abduction prevention.

This project manual came out a year ago and is now in its third printing.

Through detailed role-playing exercises and guided discussions, "Play It Safe" helps parents instruct their children on being cautious of strangers and helps youngsters develop their own sense of safety awareness.

"Play It Safe" is so valuable that it ought to be in the possession of every person who is in a position to help and protect children.

Thank you for your efforts in the campaign to safeguard our children.

Cordially,

Dr. Warren Gray
Chairman

enc.

INTERNATIONAL HEADQUARTERS
1640 RHODE ISLAND AVENUE, NW, WASHINGTON, DC 20036-3278
202-857-6582 FAX 202-857-1099

B'NAI B'RITH

CELEBRATING 150 YEARS OF SERVICE

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MEMORANDUM

TO: B'nai B'rith Board of Governors

FROM: Dr. Warren Gray, CVS Chairman

DATE: April 29, 1993

SUBJ: **"PLAY IT SAFE"**

As all of us together deal with the day-to-day challenges which face B'nai B'rith, every once in a while we need to "stop and smell the roses" and remind ourselves of the impact we continue to have in this world.

That is why I want to share with you one small success story as we prepare for our Board of Governors meeting in May.

Several months ago we succeeded in finding a few dollars which enabled us to print the enclosed booklet "Play it Safe," originally produced by the Sheriff's office in Union County, New Jersey. The purpose of the book is to help prevent child abuse and abduction. Initial distribution of the book by B'nai B'rith was to our own CVS network and B'nai B'rith staff, as well as to some 2,300 teacher federations in the United States with the request that they spread the word.

The results thus far have been phenomenal. Requests, not only for an initial free copy, but for purchase in the hundreds have been pouring in -- churches, synagogues, schools, police, B'nai B'rith, federations, guidance counselors, teachers, doctors -- from all over. And the comments, such as: "I was very impressed with the way the booklet handled a very distressing topic..... I would like to commend B'nai B'rith for this community service..... thank you for your commitment and help in trying to eradicate a problem that has become a national tragedy..... thank you for your fine work....." and more.....

We originally printed 5,000 -- we have distributed 4,300 and are preparing for a second printing with proceeds from sales covering the cost of the second printing. Meanwhile, we wanted to share this information with you so that you are reminded that B'nai B'rith, indeed, continues to make a difference.

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B'nai B'rith plans to go national with Union sheriff's child safety booklet

By ROBERT E. KISSLECK

B'nai B'rith International is printing and distributing nationally thousands of copies of a Union County Sheriff's Office booklet to help children learn how to avoid being abducted and abused.

Sheriff Ralph Froehlich said Seymour S. Cohen, community volunteer service director with B'nai B'rith International in Washington, has told him the organization is in the process of preparing the booklet for printing and will soon distribute 1,000 copies to the presidents of teacher federations throughout the country.

Other than some additional acknowledgements and information about B'nai B'rith, the basic 23-page "Play It Safe" booklet remains untouched in format and content, according to Cohen.

Froehlich said he had provided a copy of the booklet earlier this year to Sid Isler, community volunteer director for the Linden Lodge of B'nai B'rith, who sent the publication to Cohen.

The Jewish fraternal and service organization, which was founded in 1843 in New York and is devoted to a variety of charitable activities, contacted Froehlich in March to ask his permission to reprint and distribute the booklet "as a public service."

Although Froehlich immediately gave his approval, staff turnovers and efforts by the organization to find money delayed the project until recently, according to Cohen.

Froehlich said there are hundreds of thousands of children reported missing every year throughout the United States, adding that the combined effort of law enforcement, parents, schools and community organizations "remains crucial to making any kind of impact on the problem."

"It is through the commitment of concerned organizations such as B'nai B'rith that we in law enforcement can help educate the community and its children, and possibly save a child from the horror and trauma of being abducted," he said.

More than 100,000 booklets have been distributed locally during the last six years, he said, and "there is now the real possibility of us reaching millions of youngsters and their parents throughout the country because of the concern and generosity of B'nai B'rith."

In a letter to the sheriff, Cohen said the organization was making the first reprint of the booklet available to presidents of local teacher federations and "asking them to spread the word."

Cohen said, "That means we will have access to every teacher in America. We will then distribute an additional thousand within the far-reaching B'nai B'rith network."

The booklet was first made available in 1984. The publication was researched and written by faculty members at Kean College in Union Township and was designed and typeset by students at the college.

Through role-playing exercises and guided discussions, the booklet helps parents instruct their children on being cautious of strangers and how to help youngsters develop their "own sense of safety awareness," said the sheriff.

Topics covered in the booklet include "Who Is a Stranger," "What You Should Know About Child Molesters" and what to do "If You Feel Like Something Is Wrong."

The initial printing of the book was made possible with money provided by the Schering Plough Corp. in Union Township and was distributed to parents and their children "through the generosity of the Berrytu Biscuit Brands Inc., Elizabeth Typesetting Co., Elizabethtown Gas Co., Exxon Co. U.S.A., Junior League of Elizabeth-Plainfield, Public Service Electric and Gas Co., the Rotary Club of Elizabeth, United Jersey Bank and the Wakefern Food Corp., according to Froehlich.

POLICE

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25 River Street Room 3330 Billerica, Mass. Tel. (508) 667-3331
Mailing Address: Post Office Box 515, Billerica, MA 01821-0514

Offer free child safety guide

"Play It Safe," a child safety guide, is being offered free to teachers by the B'nai B'rith Commission on Community Volunteer Services. The booklet was produced through the efforts of Sheriff Ralph Froelich of Union County, New Jersey.

Through role-playing exercises and guided discussion, the booklet helps teachers and parents instruct children on being cautious of strangers and how to help youngsters develop their own sense of safety awareness. Topics covered include "Who Is A Stranger?" "Why You Should Know About Child Molesters" and what to do "If you Feel Like Something Is Wrong."

Single copies are available without charge by writing: B'nai B'rith CVS, 1640 Rhode Island Ave. NW, Washington, D.C. or call 202/857-6582. B'nai B'rith is the world's oldest and largest Jewish service organization.

Clinton Presidential Records
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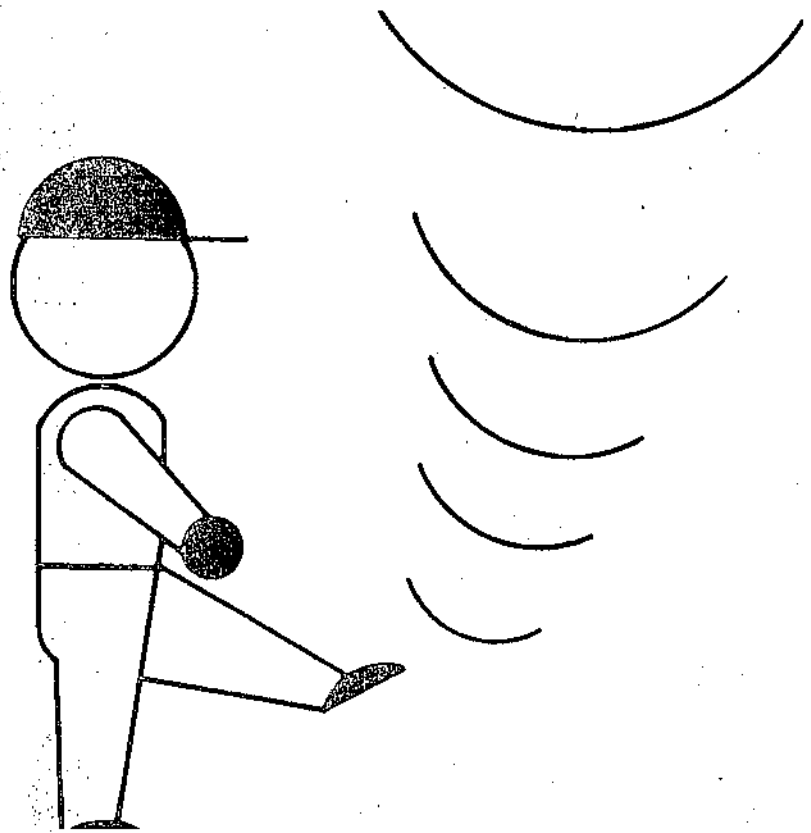
Play It Safe



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Dear Parent:

This remarkable booklet, originally produced through the efforts of Sheriff Ralph Froelich of Union County, New Jersey, is made available to you as a public service by the Commission on Community Volunteer Services of B'nai B'rith, the world's oldest and largest Jewish service organization.

When we first discovered this booklet, we went to Sheriff Froelich and asked his permission to reproduce and distribute it--permission which he quickly gave.

It was our feeling that the booklet is so down to earth, so straightforward in the lessons it tries to teach, that it ought to be in the possession of every parent, every educator--in short, every person who is in a position to help and to protect children.

Sadly, there is a malaise and a sickness in our society, which only you and we can counter through information, education and action. Our children are our most precious gift. We need to do all in our power to nourish and to protect that God-given treasure.

It is in that spirit that "Play it Safe" is made available to you.

Dr. Warren Gray
Chairman

Sid Isler
Project Chairman

INTERNATIONAL HEADQUARTERS
1640 RHODE ISLAND AVENUE, NW, WASHINGTON, DC 20036-3278
202-857-6582 FAX 202-857-1099

THE WHITE HOUSE

WASHINGTON

March 3, 1994

Mr. Robert Billburg
3452 Stellar Drive
San Diego, California 92123

Dear Mr. Billburg:

Thank you for your letter of February 21 enclosing your proposal on the criminal justice system.

One of this Administration's top priorities is to help our cities succeed in their efforts to address the problems of crime and violence.

I appreciate your taking the time to write and share your ideas with us. We welcome your views.

Sincerely,

Bruce Reed
Deputy Assistant to the President
for Domestic Policy

FEB 21, 94

DEAR MR. REED,

I HAVE WORKED FOR THE SAN DIEGO COUNTY PROBATION DEPARTMENT FOR 10 YEARS. IT IS CLEAR TO ME THAT CRIMINAL JUSTICE IS GOING THE WRONG DIRECTION.

THIS PROPOSAL OUTLINES WHAT I SEE AT THE PROBLEMS AND WHAT I BELIEVE ARE THE BEST SOLUTIONS.

THIS WILL NOW BE GIVEN TO LOCAL AND STATE OFFICIALS.

SINCERELY,
ROBERT BILLBURG

ROBERT BILLBURG
3452 STELLAR DR.
SAN DIEGO, CA 92123
(619) 279-7628

PUBLIC SERVICES & SAFETY

A PROPOSAL TO CHANGE PART OF THE CRIMINAL JUSTICE SYSTEM AND RELATED SOCIAL INSTITUTIONS WITHIN SAN DIEGO COUNTY

by Robert Billburg
February 20, 1994

President Eisenhower's Farewell Address

(Just update to 1994 and the Criminal Justice System)

from Eisenhower the President

"On January 17, 1961, at 8:30 PM, Eisenhower went on national radio and television to deliver his farewell address. His theme was the Cold War. He spoke of war and peace, of police states and freedom. '"We face a hostile ideology,"' he declared, '"global in scope, atheistic in character, ruthless in purpose, and insidious in method."' The danger it posed was of '"indefinite duration."' There would be many crises, and correspondingly many calls to find a '"miraculous solution"' by spending ever-increasing sums on research and development of new weapons. Eisenhower warned that every such proposal '"must be weighed in light of ...the need to maintain balance...between cost and hoped-for advantage.

The irony of the Cold War was that to maintain the peace and retain its freedom, the United States had to build a huge military establishment, but the cost of building it threatened to create a garrison state in which there would be no freedom. '"Our military organization today bears little relation to that known by any of my predecessors...'" Eisenhower said. In addition, until after World War II, the United States had no '"armaments industry.'" In early days, '"American makers of plowshares could...make swords as well.'" But because of the Cold War and technological revolution, '"we have been compelled to create a permanent armaments industry of vast proportions.'"

Then, in ringing phrases, Eisenhower spoke the sentences that would be the most quoted and remembered of his Farewell Address, indeed of his entire Presidency. The sentences summed up his deepest feelings, gave voice to his greatest fears. They were the words of a soldier-prophet, a general who had given his life to the defense of freedom and achievement of peace. '"This conjunction of an immense military establishment and a large arms industry is new in the American experience,'" he said. '"The total influence - economic, political, even spiritual - is felt in every city, every state house, every office of the federal government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist."' The MIC should never be allowed to '"endanger our liberties or democratic processes. We should take nothing for granted."'"

Introduction:

We have taken a lot for granted with this War on Crime, as we create a more dangerous and desperate condition. A mature society does not turn its people into the enemy. We should apologize to Mr. Eisenhower for not listening and I don't think he would be surprised by the rise in urban violence.

Before it becomes too late, I hope we will change direction and dedicate ourselves to a 'Commitment to Excellence.' As it stands now we need a criminal justice system with more vision, wisdom and common sense.

I have spent the last 10 years working within the institutions of the San Diego County Probation Department. I have come to see clearly that many of the government's efforts to try and solve our problems, have actually been the cause of their escalation.

We should never blame the people as the cause of what we currently have. We went the wrong way when we shifted the focus from the individual to the group. It is people who break the law and should be held accountable, but to talk about groups of people as if they are illegal completely misses the point. We have turned gangs into the modern day bad-guys. We control the information. Look at our history; Segregation, Prohibition, the Japanese Internment, the Communist Witch Hunts, the Cold War and Vietnam.

Today, we have so many people saying they are tough on crime that they are creating the impression that strong words somehow make our streets safer. But words don't do that. We must look at ourselves as Americans and understand the freedom and responsibility of the individual. We need to stop the hysteria that is a driving force behind this escalation of urban violence and instead give the people a system that works. Prisons should be the last place we want to send our people, and turning criminal justice into a growth industry is leading us to a police state. The criminal justice system should be adaptable to any situation and its only concern should be what is appropriate.

No doubt there is a lot of work ahead of us to change the direction we are going, but what choice do we have? More of the same will not eventually work. We have the ability to create a criminal justice system that is the best in the world, so why don't we have it?

Overview:

As in anything that needs to be changed, we must first go back to the basics. We must reevaluate everything that we do, but our first concern is to bring the criminal justice system back under control.

The proposal that I submit contains three parts. They will all begin together, with the last two parts fully running in a few years. I will also offer some recommendations in other areas that are part of the overall plan. The effort of this is to address completely the social issues that increasingly give rise to concern.

There are two sources of funding; the money saved by adjusting the criminal justice system, and the money earned by raising the Hotel Occupancy Tax one dollar per year for the next five years. Unfortunately, this tax will be placed on the people who visit San Diego, but I am confident we will be able to end this tax in a few years, with the money having been well spent.

The reason we have the problems we do is that so many people seem to be on a different page. Our society is filled with conflicting messages, yet we have the same exact problems that are found in New York, Chicago, L.A., Boston, Detroit and just about every other city in this country.

We have lost contact with the people and even turned some of them into the enemy. We will never create a perfect society, but we can certainly have a government that is responsive to reality and not persuaded by hysteria.

In a few years, everyone who wants to be a part of San Diego will have a vested interest in our future. If we want to fulfill the Mayor's promise of making San Diego the safest city in America, this is the way to go. I am confident of this direction and welcome any challenge by those who disagree.

What you are about to read comes from the experiences of meeting thousands of people. There have been countless events and conversations that have shaped this plan.

This is dedicated to all of the kids I had the pleasure of knowing, and who died too young.....

THE PROPOSAL

I am confident that parts of this proposal will be considered controversial, but if taken as a whole it will provide the framework for the changes we need.

PART I: Back to the Basics (6 Months)

First, we end the war on the people. We shift the focus from the group back to the individual. We eliminate most of the 'Special Units' in criminal justice. This would include all of the gang units, DARE, TAGNET, the SHO unit and any other unit that is part of this war. We must stop using law enforcement as an instrument of changing social conditions. The personnel affected will be transferred back to regular departmental duties.

We must change our philosophy about criminal justice. Our only concern should be what is appropriate for each criminal case. Prisons must be the last place we want to send people, and then only after other alternatives have failed. We would dramatically lower our existing prison population if we stopped legislating our way out of social issues. We need to reevaluate our current laws and the conditions of probation/parole, and eliminate those that are counterproductive. We also need to reexamine what we hoped to gain by making some drugs illegal; we should have learned from Prohibition.

We must recognize that it is only a small percentage of people that represent the 'criminal personality' and whose fate may be life in prison. And since prison is designed to warehouse instead of to rehabilitate, we must be aware of the effects of custody on the process of institutionalization. It serves no purpose to turn people into the very people we say we don't want them to be. All cases that are non-violent must be first screened for community service.

We must ensure that the people get the most realistic and efficient criminal justice system possible. We must be capable of delivering an appropriate response to any given situation. We must not be victimized by the hysteria that seems so much a part of our daily lives, and the media should take its responsibility to reduce the glorification of violence.

PART II: The New Direction (First year)

- THE FUNDING FOR THIS WILL COME FROM THE MILLIONS SAVED BY RESTRUCTURING THE CRIMINAL JUSTICE SYSTEM AND, IF NEEDED, A RAISE IN THE HOTEL OCCUPANCY TAX.

We must dedicate ourselves to a 'Commitment to Excellence', and agree to warehouse only those who are serving life. All others will be given every opportunity to become productive citizens.

Within our institutions we must challenge those in custody to reach their potential. We need to develop a coherent philosophy that utilizes the resources for the betterment of those in custody, instead of having a chaotic warehousing for the people from our communities. We will solve many of our social problems when we all get on the same page.

- OVER THE NEXT FEW YEARS WE NEED TO CREATE APPROXIMATELY 10,000 WPA-STYLE JOBS AS WE REBUILD SAN DIEGO. THESE WILL START AT MINIMUM WAGE AND LAST THREE YEARS.

The Juvenile Ranch Facility, located in Campo, is the key to the success of this proposal, and the starting point to reestablish the connection between the criminal justice system and the community.

At any given time at JRF, you will find close to 50 kids that have the leadership abilities and motivation to make this change. All they need is the room to breathe and an opportunity to succeed.

The Probation Department will expand its running of work crews to include many of the WPA-Style jobs, 20% of which the criminal justice system will fill.

The four dorms at camp will now become focused on their responsibility as follows: 1. Work Crew 2. Academic 3. Sports 4. In-Camp (highly structured). For the next six months the school hours will be reduced to two, math and English. During this time camp will be rebuilt with the labor of the juveniles to become a truly great institution.

Work Crew:

The six months camp is being rebuilt is the time we will be training them to take on the responsibilities of 'leadman' on the urban work crews. As the WPA-Style jobs are filled, many will go directly to cleaning up our communities. The 'leadman' is there to assist the Probation staff in running the crews. We will also go to the Youth Authority and prison to find other San Diego County residents to be on the work crews.

It is my belief that with these kids coming from all over the county, we will actually be able to move a positive direction and see the results of our effort. We will use the boundaries of our elementary schools as the first area to be addressed. For each area there will be at least one Work Crew assigned. The crew members will come from that area and fill more of these positions. We will also be able to accommodate those we wish to have on workfare.

For every elementary school area there will be a fund of one million dollars. An assessment of each area will be made and that money will be used to buy supplies and make cost-effective repairs. Should an elementary school area not need all of its funding, the remaining money will be redistributed to those areas that do. After that, the owners will buy the material and the Work Crews will provide the labor. Unless recently painted, all elementary schools will be repainted.

We will need a First Community in order to work out the logistics of the proposal. In looking for a community in which to begin, I suggest Serra Mesa. It is centrally located and contains the Headquarters for the Probation Department, and it mirrors the demographics of the city.

We must follow up this effort by ensuring that everyone has access to the education they need, whether it is college, trade-schools or on-the-job-training to achieve their goals. We will challenge the people to be able to compete against the Japanese, Germans and everyone else.

If this effort is successful we could become a real world-class city, but we need to resolve the issues that are tearing us apart. We must begin looking out for our best interests and dedicate ourselves to a 'Commitment to Excellence.'

Reforming Punishment:

For what we believe is a free and civilized society, we surely have a barbaric way of handling punishment. I believe some very important concepts about criminal justice need to be understood before we will ever understand what we should do.

Jails are places where people are detained pending the outcome of their case. Many times people are innocent of the charges, and that is why the criminal justice system must guarantee the basic human and constitutional rights to those of us detained. We even should separate the non-violent from the violent.

Prisons are places for those who have been sentenced by the court. But again, our concern is that they come out better than when they went in.

To impose Mandatory Sentencing guidelines upon a judge betrays the greatness of our judicial system; No longer does the judge have the final decision. I can't help but feel this would be like requiring a world-class chef to only use recipes from Betty Crocker.

We should keep all of our juveniles in-county. The hundreds of juveniles we send out of the county and state are also jobs that are going. We need to revise residential facility guidelines in order to be able to operate a Glen Mills (Concordville, PA) or Arizona Boys' Ranch type facility. Currently our guidelines are too restrictive. There is even a facility that operates in another state and only takes juveniles from California. We should also build our own Youth Authority facility.

The length of the sentence should be appropriate for the crime. The juvenile record of an adult defendant should be allowed in court if there is a pattern of increasing violence. The system needs to be able to identify those with the true 'criminal personality.' Many times these juveniles make themselves known by the characteristics of their behavior. We must understand the dynamics of becoming institutionalized and make the court process as fast as possible, especially for juveniles. I have talked with many juveniles who are willing to admit their guilt and start their punishment, but are delayed by the bureaucracy of the process.

Mental Health funding needs to be adequate in order to unburden the criminal justice system of those who belong in a Mental Health facility. Their needs take a disproportionate amount of time and stretch institutional resources.

To illustrate further the insanity of our current philosophy, the Department of Corrections releases 80,000-90,000 people each year from prison right to the streets, with little more than $200 dollars. Good luck. If they are not ready to return to society, then they will return to prison. This is why we must make the criminal justice system work.

• Prison Cities: An Intermediate Step

These are either regional throughout the country, or for California, one in the North and one in the South. They will be cities in every sense, except it will be contained within a 20 square mile fenced perimeter. These cities will be used for people returning after a long period of incarceration, and for those selected for early release. They will be transferred to the city for one year prior to release.

The general employment in these cities will be:

- Recycling Center
- Making bricks and supplies for the work crews
- Building portable housing similar to the ones built during the 1906 San Francisco earthquake
- Hazardous waste disposal, which would then allow them to transfer to a WPA-Style hazardous waste disposal job upon release.

Drug Laws:

We could bring just about all of our drug laws in-line with our laws on alcohol. Prohibition will not work. We should hold people accountable for their behavior and not accept drug use as an excuse for breaking the law. We should end the incarceration of the thousands and thousands of people who are not a threat to society.

PART III: Operational (2 years)

This is when everything should be operational and we have work crews in every elementary school area. We will also have brush fire fighting crews and search & rescue crews.

Certainly we have years to go before we resolve some our social issues, but with this proposal we will begin addressing the underlying causes of social unrest. We must develop a strong tie between the city and the community.

- COUNCIL OF 100

This is a volunteer group of 100 people who match the demographics of the county. They must be registered voters and will be randomly selected for the positions that they are qualified to fill. They will serve as an advisory panel to local government, similar to a House of Lords or Council of Elders, but our version.

Recommendations:

The Building Association-

They will be an important part to this plan. We will need their help as we rebuild San Diego. This is one form of employment that cannot be exported and it's absolutely necessary that we get people working.

The Courts-

I have heard it said that 70% of the time the courts work well in handling cases, but the other 30% of the time are unable to handle the case in an appropriate manner. There is more to this section, but it is still being developed.

The Recreation Centers-

Some centers need to be remodeled, painted and extended in their hours. We should develop Magnet Rec. Centers that have photography, art, music etc. as a main focus of activity. We also need to develop a full sports program. We should consider bringing in a minor league baseball team and semi-professional football and basketball.

The Schools-

They must be partners in this effort as people spend at least 13 years of their life in our schools. We will have the best schools in the country and push for all of the students to find suitable employment for their ability and goals.

- 6th Grade Health Education-
  We will develop a course to cover all the issues in health and prepare them for Jr. High.
- Jr. High-
  We will develop a sports program that includes playing against each schools.
- High School-
  Health Clinics: we need to expand what is at Hoover High to other schools.
  Recording Studio: several Magnet schools should have a full music and video studio.
- Sister-City in Africa-
  We need to develop a student exchange program for the students who are interested.

Tagging-

We should put this under our social microscope. The recent "Video Sting" that resulted in 37 arrests will probably do more to drive tagging further underground than it will to solve the problem. All tagging cases should be screened for community service. The only time it should be considered a felony and time sought is when it interferes with public safety. We could solve a lot of the problems if we created Free-Walls on which they could paint. We need to split the difference and develop some guidelines as to what is acceptable for them to paint.

Conclusion:

What does one say at this point? I hope I have given you a clear idea of what needs to be done, and how more of the same will not work. Though what you are reading may be news to you, the idea that the criminal justice system is out of touch with the people is not news to those in the profession.

The turning point for me to begin looking at the criminal justice system came when I went through a formal interrogation to explain a $15 dollar parking ticket when I parked a county van at the downtown courthouse. I was told I could either be suspended or fired, but in the end I just paid the ticket. It made me realize that the power of the system can easily lead to abuses.

I wish I could give you a taste of the anger I have at seeing lives destroyed and how much further we need to go to truly say we serve the public. The people deserve better.

Dale Akiki, Jim Wade, Donald Scott, Donald Carlson and Chance & Powell are some of the cases that have made the news, but these are not aberrations. How many other cases have not made the news? The other day I met someone who served 2 years in state prison for possession of $30 dollars worth of crystal. And what about the 18 year-old in Michigan who is serving a life sentence for the possession of 2 grams of cocaine. Is this what we really want? If things continue the way they are going it will only get worse. We can never build our way out of this mess.

Thank you for taking the time to consider this proposal and please think of the future.

February 16, 1994

The Honorable Nelson W. Wolff
Mayor of San Antonio
San Antonio, Texas 78283-3966

Dear Nelson:

Thank you for sending me Agenda for 1994: A Call To Action. I appreciate hearing of your initiatives to rebuild families, neighborhoods, communities, and schools in San Antonio, and I have taken the liberty of forwarding your proposal to my Domestic Policy staff.

One of my Administration's top priorities is to help our cities succeed in their efforts to address the problems of crime and violence. Your words of support mean a great deal to me.

Sincerely,

BILL CLINTON

BC/MHM/AH/ps (Corres. #1302192)
(2.wolff.nw)

cc: w/inc to Jose Cerda, Domestic Policy
cc: w/inc to IGA

CITY OF SAN ANTONIO

NELSON W. WOLFF
MAYOR

January 6, 1994

1/25
Mon M

Hon. Bill Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President:

Thank you for awarding San Antonio 40 additional police officers to combat the climate of violence in our city. I think you will find that my enclosed **Agenda for 1994, "A Call To Action"**, is strongly reflective of your initiatives at the federal level, especially those curbing crime and calling for renewed responsibility witin the family. Likewise, I ask citizens to pressure the communications and entertainment industries to draft standards that no longer glorify violence or denigrate women.

Along with my best wishes for a most successful new year, you also have my full personal support. You are doing an outstanding job as President.

Sincerely,

Nelson W Wolff

NELSON W. WOLFF
Mayor

AGENDA FOR 1994:
A CALL TO ACTION

This is the third year that I have had the opportunity to lay out an agenda for our city to consider. Traditionally this has taken the form of a list of specific projects and policy decisions which will come before Council in the new year. This year I want to change that tradition somewhat. As I begin my last full year in office, I want to talk with you about the **community values** which you and I share as citizens of San Antonio. I want to share with you my thoughts on how we, as citizens, can exercise those values, and how, through **citizen action**, we can actualize our fundamental beliefs for the benefit of the city we love. I call on all of our citizens to evoke the spirit of our city through individual action rooted in the traditional values of family and community. This is **"a call to action."**

There are four major issues where we must assert our values for the common good. These are (1) to combat the climate of spiraling violence in our society, (2) to develop strategic partnerships in order to gain the full benefits of the North American Free Trade Agreement, (3) to maintain a long run perspective on the question of "how we grow our city," and (4) to re-examine the obsolete institutional structure of local government which we have inherited. All of these involve questions of values.

I. COMBATTING THE CLIMATE OF VIOLENCE

First of all, we share **values of family, self-discipline, education, and the care and nurturing of our youth** in a safe and wholesome environment. Therefore I call on the citizens of San Antonio to assert these values to combat the pervasive and debilitating climate of violence in our society.

By "climate of violence" I mean the social context in which eroding values have given rise to horribly distorted, violent, and often drug-related messages from our communications and entertainment media; to violent and undisciplined youth roaming our streets; to citizens acquiring their own private arsenals, turning neighborhoods into war zones; and to a resulting climate of fear throughout our community. Throughout America, this is the #1 issue on the minds of our citizens.

This "climate of violence" has led to the perception that crime is out of control, when in fact San Antonio has had a

significant decrease in overall crime. But it is specifically violent crime - and particularly random and senseless violence among a small proportion of our youth - that must be stopped.

Essential work toward this goal is already underway and must be continued through the Crime Prevention Task Force headed by Councilman Lyle Larson. But now it is time to expand on this work.

Communications and Entertainment

First, I call on your help to convince the media and our entertainment industries to examine their conscience and consider the consequences of their own actions. It is beyond question that the messages of violence which they continually purvey play a major role in desensitizing our youth to violence as a casual and routine fact of life.

- Clearly the reporting of violent crime is often sensational and it has an unfortunate side effect of glorifying the perpetrators. I understand that the news media must report what is genuinely newsworthy, and that they must survive in a competitive marketplace. Yet they cannot escape the responsibility for the social consequences of their own editorial decisions. Is it really necessary to start seemingly every newscast with the most violent crime committed that day - if not in San Antonio, then anywhere else in the world? Is it necessary to dwell breathlessly on all of the gory details, with blue and red lights flashing in the background, to catalog every bullet hole, and to make celebrities of the punks who committed the outrage? We should challenge the leaders of our local news media to come together to develop a local industry code setting standards of responsible conduct.

- Likewise as citizens we should challenge all the various sectors of our entertainment industries to re-examine their behavior and its moral consequences. We should demand that local movie theaters actually deny admission to juveniles into "R" and "PG-17" rated movies. We should demand that local stores stop selling our youth tapes, disks and video games that make violence and the denigration of women into amusement. We should demand that the television industry enforce a code to stop the showing of gratuitous violence during daylight and prime time hours when young children are likely to see them.

  These industries will not change their behavior, however, unless we as citizens demand it by our refusal to buy the products they sell and advertise. They may have a legal right to display and sell this garbage, but we as citizens have an equal right to employ our own freedom of speech and to boycott

their establishments if they continue their anti-social behavior. Citizen pressure has persuaded Toys "R" Us to pull the video "Night Trap" from their shelves. I suggest that the time has come for us to exercise our rights as a community more fully.

- In addition, our city government has a direct role to play in strengthening the ordinances governing so-called men's clubs, tanning parlors, and various purveyors of pornography. I am calling on Councilman Roger Perez to lead this effort, and on the Council as a whole to support reinforcement of the police department's vice squad.

Strengthening Our Sense of Community

Second, we must activate our shared values of a community centered around caring for our youth. We must do more, both as individuals and through our community institutions, to protect and nurture our young, to strengthen our families, and to change government policies that dissolve our social fabric and foster childbearing out of wedlock. In this context, we must address the linkages between crime and violence and other elements in our society.

- Roughly half of all women who have children out of wedlock end up on welfare. Too often, it is "girls" rather than "women" who are bearing these children. They cannot take care of themselves, let alone their children. Therefore we should encourage President Clinton to move forward on welfare reform, to eliminate the perverse incentive which gives financial benefits to children who have more children. The impacts of the existing system are inexcusable and intolerable for their corrosive effect on our nation's social fabric.

- I believe that in a time when most families have both parents working, every school should offer an after-school program, remaining open for at least an hour beyond the end of the normal working day. Last year, we expanded the number of schools offering such programs from 20 to 60. This was a significant initiative, but it still includes only a small fraction of the roughly 300 elementary and middle schools in and around San Antonio. I call on the citizens to work through their local PTAs to find the additional resources to support this. I am also asking Councilman Juan Solis to take the lead on this issue on the Council.

- I also challenge every school and every school district, and our social service agencies, to develop and implement systematic programs to teach skills and behaviors of non-violent conflict resolution. Councilman Howard Peak will take this lead.

- We must continue to concentrate efforts on expanding child care. My wife Tracy will soon be announcing a public-private initiative to significantly enhance these programs.

- We must work to expand the COalition, the Education Partnership, and Project Quest. These three innovative programs are all examples of citizen-initiated public-private partnerships. They have been successful in recreation, education, and job training. We ask you to be part of these efforts.

- I suggest we hold a major conference on families and violence, a factual public forum in which parents would be encouraged to learn what help is available and where to get it. This would also lead to a bonding together of parents to help each other.

- Last month, we reorganized the board of the San Antonio Development Agency. We call on them to promptly prepare a plan to increase single family housing in the inner city.

- And as the city with the highest percentage of its population without medical insurance of any metropolitan area in America, we have a special stake in efforts to create a universal and comprehensive system of medical care. I call on the citizens to support these efforts in Washington.

- We must also challenge the leaders of our churches to become engaged in efforts that reach beyond their individual congregations, to rebuild our sense of community. I call on the Community of Churches to lead an ecumenical effort to reach out to the youth of our city, to instill in them a sense of community, involving mutual rights and obligations. Councilman Bob Ross will lead this effort.

Domestic Arms Control

Third, if we value **a safe environment**, then we must come to grips with our spiraling domestic arms race. The constitutional right to bear arms has nothing to do with selling weapons to children, criminals and the mentally unstable.

- At the national level, we must support efforts to enact a strong and comprehensive crime bill. This should include a ban on military-style assault weapons, which have no legitimate use outside the armed forces. It should ban all gun sales to juveniles, and hold an adult who sells a gun to a minor accountable as an accomplice to any crime which is later committed with that weapon. It should require every licensed gun dealer to have an established place of business.

- I have asked our city staff to analyze the use of city facilities by periodic roving gun shows, and we will receive that report soon. Then we must re-examine and tighten our rules governing these events. If these restrictions are violated, the event should be banned. Councilwoman Lynda Billa-Burke will lead this effort.

- We must also expect parents to supervise their own children for the possession of weapons. Every juvenile has a parent or guardian. They simply must assume this responsibility.

Focusing the Criminal Justice System

Fourth, we must orchestrate our complex system of criminal justice to **focus more effectively on the violent offenders** who need to be removed from society for a very long time. In this, we must distinguish between the violent and truly incorrigible criminals, and those, particularly youth, who are amenable to other approaches. The first group must be convinced that they will be caught, they will be convicted, and they will actually serve hard time. The second group must be rehabilitated through boot camps and alternative sentencing options which allow them to repay their debt to society in a more constructive manner.

- We already have a strong community policing initiative underway now, but the police need our help. I call upon the citizens to become involved in crime prevention programs through their neighborhood and homeowner associations.

- To ensure that criminals are caught, we must put 160 additional police officers on the streets by this summer. By year end, we should bring our police manpower up to an historic high of 1800 sworn officers. Councilman Bill Thornton will continue to lead on this issue.

- To ensure that criminals are convicted and sentenced appropriately, we must focus the efforts of our court system more effectively on crimes of violence. From time to time in the past, I have expressed my frustration with judges who appear to be lenient in setting bail bonds and sentencing convicted offenders. Today I am asking Judge Andy Mireles to convene a conference of our local criminal court judges to discuss their concerns, to identify institutional failures in the criminal justice system, and to develop strategies to correct these weaknesses. This will also include creating a better understanding of how the system works and reducing the obstacles which discourage citizens from participating in making it work. It will develop recommendations for local governments and the Legislature as appropriate. Councilwoman Helen Ayala will coordinate this effort.

- To ensure that we have a place to put those who must be put away, the citizens have shown their willingness to pay for new jails and prisons. Now we must make every effort to support the state and county in building the facilities we need to keep violent criminals incarcerated. Councilman Henry Avila will assume the responsibility for coordinating this support.

- Finally, to ensure that we treat appropriately those who can be rehabilitated, we must expand alternative sentencing options for juveniles and non-violent offenders. These include boot camps, work-release and restitution programs which may be both more effective and less costly than conventional incarceration. Councilwoman Ruth Jones McClendon will take the lead in this area.

- At the same time, we must also expand our drug rehabilitation programs. We must recognize that citizens who have become caught up in the world of drug use are themselves the victims of crime. The drug dealer is a criminal who belongs in prison. The user is a victim who must be rehabilitated.

Acting together, we can dispel the climate of violence and restore tranquillity to our community.

II. IN THE WAKE OF N.A.F.T.A.

The second major challenge is the constant imperative of economic development. In this, we must actualize the **values** we share of **a strong work ethic** and of **risk-taking** in a **free enterprise system.**

Certainly the approval of the North American Free Trade Agreement was the most important event affecting San Antonio's economy in many years. We now have an historic opportunity to develop a new dimension, new strength and depth in our economy. In fact, San Antonio is positioned to become a major world center in the dynamically evolving system of international trade.

The benefits of NAFTA will not come to us automatically, however. We must find ways to encourage and support local entrepreneurs in taking risks to seize this opportunity.

- An immediate priority is to secure the location in San Antonio of the North American Development Bank which will be associated with the NAFTA Secretariat. This will become a key institution which can establish the basis for San Antonio's full emergence as the dominant center for InterAmerican trade.

- Second, as we proceed with plans to expand the convention center, we should recall and build on the theme of HemisFair '68: "the confluence of civilizations in the Americas." Our

plan should be a concrete manifestation of that theme. A new International Conference Center should offer meeting space and offices for the "Casa" trading houses of Mexico, for our International Relations Department, and the World Trade Association, as well as the projected development bank. We should also provide for a noteworthy work of art to commemorate the signing of the NAFTA agreement in San Antonio, and special recognition to President Salinas for his vision in leading the 370 million people of North America into the world's largest trading alliance.

- Third, we should forge a partnership with the Greater San Antonio Chamber of Commerce, the Economic Development Foundation, the World Trade Association, the International Foundation and the Hispanic Chamber of Commerce to create a new organization with a professional staff to pursue singlemindedly the opportunities which NAFTA will create. This organization should concentrate on leveraging strategic partnerships among industries in the three countries which are signatories to NAFTA and between their private industry, nonprofit and governmental sectors. As additional countries in Latin America join NAFTA, this organization should expand its activities and open up San Antonio to the world.

- Fourth, I will call for a new Conference on the Future of the South Texas Region to explore how South Texas can best work together on a regional basis to take advantage of NAFTA. This conference will be similar to the very successful event which Mayor Henry Cisneros organized in 1986. We will bring together leaders in industry, education, communications, community and nonprofit organizations, and state and local governments to develop a consensus agenda for regional development, including an agenda for the 1995 state Legislature. I will work through the Association of South Texas Communities to hold the conference this summer.

III. DETERMINING HOW WE WILL GROW OUR CITY

The third major topic which goes beyond individual issues of passing significance is the physical development of our city. In fact, 1994 will be a critical year for making fundamental decisions with long term impacts. We must base these decisions on a **fundamental value of preserving our environment**, including our historic and cultural resources. It is essential that we always keep a clear focus on the long run question of "How We Grow Our City," on whether we are doing it with grace and forethought.

At our last Council meeting in 1993 we adopted a new Master Plan which expresses the vision for our community. We had hundreds of citizens participate in the development of that document. Now I must call on your help to make that vision a reality.

Clearly it is the lack of planning in the past that has resulted in many of our most vexing problems today. These range from flooding both in the inner city and on the north side, to increasing traffic congestion and unnecessary travel demands, to a growing general obligation debt burden, to visual blight throughout the community. In the last 10 years, we have spent at least $500 million trying to correct the errors and oversights of past development practices. Future costs will be in the unmanageable billions unless we make new development financially self-supporting.

- Therefore I will ask the Council to create a citizens group to advise on the development of a long range drainage plan and to make recommendations on the issue of stormwater retention.

- Council should schedule a work session this month to select the projects which we will submit to the voters in a bond referendum in May. In this connection, it is significant that it has been 24 years since we last had a significant bond issue for parks. I urge the Council members to consult with the neighborhood organizations in their districts to determine priorities and to enlist grassroots support for this package.

- We must also complete the process of developing a long range transportation plan by December 1994. In this we must confront the issue of funding maintenance of the system alongside questions of expanding capacity, and we must address the balance between roadway improvements and mass transit.

- The quantity and quality of our water supply remain the most important long range questions about our infrastructure, and both are at the top of our agenda. The "2050" Citizens Committee on Water Resources and the City Council Committee of the Whole on Aquifer Protection are both scheduled to complete their reports by May 1st. Council should ensure thorough community involvement in the review of these recommendations and aim to adopt implementation plans by the end of the year.

- Just a few of the other major items which will come up under this heading are site selection and the beginning of the permitting process for the Regional Environmental Enterprise Zone, the adoption of a tree preservation ordinance and an on-premise sign control ordinance, the adoption of at least three more urban corridor ordinances, and the completion of a new airport master plan, the air space utilization study, and approval of FAA funding for the expansion of Stinson Field.

San Antonio was recognized in 1993 as having the best environmental quality of any metropolitan area in America. We must defend, reinforce, and even improve on this priceless long run asset. And we must make all of our citizens into stakeholders in this process.

IV. INSTITUTIONAL ISSUES

Finally, there is an area which we tend to neglect in the face of all the other, seemingly more urgent, day-to-day issues. This is the re-examination of our own institutional structure.

We say that we value local government which is **efficient and responsive.** Yet, as we pass the milestone of a million population, can we honestly say that we have implemented these values as fully as they should be?

- Last summer, the Charter Review Committee, after two and a half years of volunteer citizen effort, presented an outstanding report of their recommendations for comprehensive charter revision. Council should set a day-long workshop sometime this fall to debate these issues and determine what proposed amendments it will actually submit to the voters. I ask the Council to schedule a charter amendment referendum in May of 1995, so that I can be free to campaign for proposals which may be controversial without the distraction of campaigning for re-election.

Revision of the existing charter, however, takes the existing basic structure of local government as given. In contrast, I believe the time has come to question this automatic assumption. Therefore I welcome the initiative of County Judge Cyndi Taylor Krier in raising the issues of city-county consolidation and possibly even some new form of local government for the metropolitan area in the future.

- I intend to respond to Judge Krier's invitation to appoint a joint citizens committee to study the governmental structures of the city and county and to develop a plan for a rational system of local government. This committee should examine what can be done within the structure of existing law, and it should also sketch the outline of a completely new structure of local government, one designed to meet the needs of the 21st century instead of the 19th. It should give equal emphasis to criteria of (1) efficiency, (2) effectiveness, (3) equity, and (4) accountability. It should be supported by an adequate budget, derived from private sector contributions, for staff and consultants. It should present an interim report in time for legislation and a necessary state constitutional amendment to be introduced in the 1995 Legislature.

Clearly, the challenges which I lay before the Council today are daunting ones. They range from healing the sickness of violence which afflicts our society -- as deep-rooted a social problem as any I can imagine -- to taking bold and strategic

initiatives in economic development, to rethinking our basic structure of local government.

Yet we should not be overwhelmed or intimidated by these challenges. We should get to work on them right now. Please join me by responding to this call to action.

ADDENDUM
1994

- Encourage media and entertainment industry to stop glorifying perpetrators and desensitizing violence
- Deny admission of juveniles to "R" and "PG-17" movies.
- Stop selling violent amusement products to youth
- Stop showing excessive violence during prime time viewing hours
- Boycott products advertised on programs with excessive violence
- Strengthen families through welfare reform.
- Increase after-school programs to all 300 elementary & middle schools
- Strengthen the community through broad ecumenical effort
- Encourage parents to supervise children for the possession of weapons.
- Develop a Charter Revision package for voter consideration
- Develop City-County plan for consolidation
- Complete the baseball park by April 15, 1994
- Complete City Hall Restoration by May, 1994
- Complete Council Chamber and Meeting Hall by April 1994
- Open El Mercado Farmers Market by February 1994
- Pass $100 M bond issue in parks, streets & drainage in May
- Council response to recommendations of the 2050 Water Committee
- Council response to protection of the Edwards Aquifer
- Implement policy decisions regarding the Master Plan
- Complete architectural plan for UTSA
- Develop Airport Master Plan
- Approval of funding from FAA for Stinson Field
- Get 160 police on streets by summer
- Activate Community Development Bank for small & minority business
- Plan completed for expansion of Convention Center
- Hold Future of a Region Conference
- Adopt site for new landfill
- Continue construction of new library for opening Spring '95; Plan for Grand Opening
- New Organization for NAFTA
- Develop demolition policy

- SADA housing plan
- Complete Milam Park
- Develop policy for CPS underground lines
- Open "Casa San Antonio" in Mexico City
- Create a plan to redevelop Prospect Hill neighborhood
- Seek funding from HUD to create Empowerment Zones.
- Monitor design and curriculum development of UTSA Downtown Campus
- Create a Diez y Seis Commission to work with all groups coordinating a week of festivities. Monies set aside in budget.
- Work with Arts & Culture to reevaluate funding policy. Review symphony needs, etc.
- Lead & recreate Small Business Conference; work with Chamber's Small Business Committee-establish 10 yr. goals for the City.
- Continue efforts with Library/Literacy Centers as we create the first in the nation "Library & Literacy Center". Las Palmas-date for ribbon cutting-April 1994
- Monitor and work with CDBG to insure distribution of monies and federal compliance.
- Support Military Bases and prepare for 1995 base closure process
- Hold Family & Violence Conference
- Develop aggressive Medical Outreach Program and prepare for new Health Care Bill
- Tree Preservation Ordinance
- Sign Control Ordinance
- At least 3 new urban corridor ordinances
- Childrens Museum Opening
- Empire renovation
- Expand Coalition, Project Quest, Educational Partnership
- Tracy-Child Care
- Conflict resolution

February 17, 1994

The Honorable Richard M. Daley
Mayor of Chicago
City Hall
121 North LaSalle Street
Chicago, Illinois 60602

Dear Mayor Daley:

Thank you for your letter regarding taxes on guns and ammunition. I'm sorry I was unable to respond sooner.

As you know, my health security plan is designed to bring the entire spectrum of America's health care costs under control, including the high price of treating victims of violent crimes. This plan, coupled with tough laws to keep guns off the streets and out of the hands of criminals, will go a long way toward lowering the price of health care for all our citizens. As I work to meet this important challenge, I'll certainly keep your thoughts in mind.

I appreciate hearing your concerns, and I appreciate your involvement in our efforts.

Sincerely,

BILL CLINTON

BC/DNP/MM/ps (Corres. #1283399)
(2.daley.rm)

cc: Carol Rasco, w/inc

940218

February 9, 1994

The Honorable Richard M. Daley
Mayor of Chicago
City Hall
121 North Lasalle Street
Chicago, Illinois 60602

Dear Mayor Daley:

Thank you for your letter regarding taxes on guns and ammunition. ~~I apologize for not~~ I'm sorry I was unable to respond~~ing~~ sooner.

As you know, my health security plan is designed to bring the entire spectrum of America's health care costs under control, including the high price of treating victims of violent crimes. This plan, coupled with tough laws to keep guns off the streets and out of the hands of criminals, will go a long way toward lowering the price of health care for all our citizens. As I work to meet this important challenge, I'll certainly keep your thoughts in mind.

I appreciate hearing your concerns, and I appreciate your involvement in our efforts.

Sincerely,

MM

BC/DNP/MM/ps (Corres. #1283399)
(2.daley.rm)

cc: Carol Rasco, w/inc

FEB 11 1994

DRAFT LETTER

INITIALS: BC / dnp /

DOCUMENT TITLE: /slr/p/daley.r.dnp

DRAFT DATE / LETTER DATE: Jan 27 1994 /

CORRESPONDENCE #: 1283399

CLEAR WITH:

WHCC:

CC: Carol Rasco w/incoming

CORRESPONDENCE ADDRESSED TO:
The Honorable Richard M. Daley
Mayor
City of Chicago
City Hall
Room 507
121 North Lasalle Street
Chicago, Illinois 60602

APPROVAL/ENCLOSURES/SPECIAL INSTR:

Dear Mayor Daley:

Thank you for your letter regarding taxes on guns and ammunition. I apologize for not responding sooner.

As you know, my health security plan is designed to bring the entire spectrum of America's health care costs under control, including the high price of treating victims of violent crimes. This plan, coupled with tough laws to keep guns off the streets and out of the hands of criminals, will go a long way toward lowering the price of health care for all our citizens. As I work to meet this important challenge, I'll certainly keep your thoughts in mind.

I appreciate hearing your concerns, and I ~~look forward to your~~ appreciate involvement in our efforts.

Sincerely,

MM

BC

FEB 3 1994

DRAFT OF BC LETTER

INITIALS: BC / twt / dnp

DOCUMENT TITLE: /slr/p/daley.r.tt

DRAFT DATE / LETTER DATE: Dec 22 1993 /

CORRESPONDENCE #: 1229992

CLEAR WITH:

WHCC:

CC: Carol Rasco w/ incoming

CORRESPONDENCE ADDRESSED TO:
The Honorable Richard M. Daley
Mayor
~~City~~ of Chicago
City Hall
Room 507
121 North Lasalle Street
Chicago, Illinois 60602

APPROVAL/ENCLOSURES/SPECIAL INSTR:

Dear Mayor Daley:

Thank you for your letter ~~concerning~~ regarding taxes on guns and ammunition. ~~for to assist the costs of victims of gun violence.~~ I apologize for not responding sooner.

~~I agree that the health costs of gun shot victims is enormous.~~ As you know, my health ~~care plan~~ security Act is designed to bring ~~the costs of~~ the entire spectrum of ~~our~~ America's health care ~~needs~~ costs under control, including the burden of treating victims of violent crimes. ~~I also believe we need~~ This plan coupled with tough laws to keep guns off the streets and out of the hands of criminals, will go a long way toward lowering the price of health care for all our citizens. As I work to meet this important challenge, I appreciate your concerns, ~~about the increasing violence in this nation,~~ and I look forward to your involvement in our efforts. ~~look forward to working with you to build a safer America for all our citizens.~~

~~I'll carefully keep your thoughts in mind. Thanks for your ideas. I'm sure I'll give them careful consideration.~~

~~Again for writing~~

~~cc: w/incoming to Carol Rasco~~

Please redo to the computer.
Deborah — Thanks. It looks good.
ideas?
—M

Here's a shot... It should probably be redone. —D.

Tom —

Did you leave this on my desk or was I supposed to do it? I couldn't get to it before I left so could you do a brief letter

② appreciate support

③ look forward to working w/ you

① agree that the costs of gun shot victims is enormous... etc.

thx

TRACKING SHEET

	Date	Initial
	NOV 15 1993	
RECEIVED BY PLM		
DRAFT WRITTEN		
EDITED IN PLM		
FORMATTED BY TYPING		
REVIEWED ON WHITE		
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APP. FOR SIGNATURE		

IG- Taxes/Guns

044025

OFFICE OF THE MAYOR

CITY OF CHICAGO

RICHARD M. DALEY
MAYOR

November 8, 1993

The Honorable William J. Clinton
The President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

I am writing to urge your open support for proposals to increase the tax on guns and ammunition and earmark the revenue to assist victims of weapon violence. I have long supported such a proposal as a means of beginning to address two of the most serious problems in our society--weapon violence and the overwhelming cost incurred by hospital trauma systems for the treatment of victims of weapon violence.

Trauma units across the country are being forced to close because of the staggering costs of treating uninsured gun shot victims. A total of 60 of the 370 designated level one trauma centers in the country closed in the five years before 1991. In Chicago alone, four of the ten trauma centers serving the City in 1986 had closed by 1990. In 1991, the six remaining centers lost a total of $12 million.

Health care reform addresses only part of this problem. I strongly believe that the manufacturers of inherently deadly products, such as guns and ammunition, must share the costs incurred by trauma systems resulting from the use of their products. As Congress begins consideration of health care reform and anti-crime legislation, I believe that your strong support for a weapon tax proposal could ensure that such a proposal receives full congressional consideration.

As always, if I can be of assistance in moving your agenda forward, please contact me.

Sincerely,

Richard M. Daley

Mayor