

**PRESIDENT CLINTON UNVEILS LARGEST EVER NATIONAL GUN ENFORCEMENT INITIATIVE, HAILS NEW PROSECUTIONS DATA**

January 18, 2000

Guns-  
Enforcement

At an event today in Boston, where federal and local partnerships have helped dramatically reduce gun crime, President Clinton will unveil the largest national firearms enforcement initiative in history. He will also announce new figures from the Department of Justice showing increased federal prosecutions of dangerous gun criminals. The Administration's initiative provides a record \$280 million increase in the FY 2001 budget to: 1) add 500 new Bureau of Alcohol, Tobacco and Firearms (ATF) agents and inspectors to target violent gun criminals and illegal gun traffickers; 2) fund over 1,000 new federal, state, and local gun prosecutors to take dangerous gun offenders off the streets; 3) create the first nationally-integrated ballistics testing system and expand crime gun tracing to help catch more gun criminals; 4) fund local media campaigns to discourage gun violence and send a tough message on penalties for breaking gun laws; and 5) expand development of "smart gun" technologies. The President today will also unveil new data from the Justice Department indicating that federal firearms prosecutions rose 25 percent from 1998 to 1999. Finally, he will call again on Congress to enact common sense gun measures that will keep guns out of the wrong hands and make our communities safer.

300-  
1327  
261  
only on  
some  
1026 guns

**SWEEPING INITIATIVE TO CRACK DOWN ON GUN CRIMINALS.** President Clinton today will unveil budget plans for an unprecedented initiative on gun enforcement. The plan includes funding for:

1900  
300  
2303

1800-2100      200-400

20% - just for guns

- **500 New ATF Agents and Inspectors.** The President's initiative includes the largest-ever increase to the ATF for firearms enforcement, including 500 new ATF agents and inspectors. The agents will crack down on violent gun criminals and illegal gun traffickers at gun shows, gun stores and on the street. The firearms inspectors, whose numbers are doubled by this funding, will target unscrupulous gun dealers that supply guns to criminals and juveniles.

How many?

2x as long

- **Over 1,000 Federal, State, and Local Gun Prosecutors.** The President's initiative will fund more than 1,000 new federal, state and local prosecutors to incarcerate gun criminals:

- 1,000 state and local gun prosecutors. The initiative provides \$150 million to hire 1,000 more state and local gun prosecutors. The new prosecutors will work closely with the community, law enforcement, and federal prosecutors on gun-related crimes.

Match?  
15%  
34% grant

- Over 100 additional federal gun prosecutors and new enforcement teams. The initiative will fund nearly 100 more federal gun prosecutors in the offices of U.S. Attorneys. The initiative also funds 20 gun enforcement teams in high gun crime areas, enabling 20 cities to replicate Boston's comprehensive anti-crime strategy, "Operation Ceasefire." These teams will coordinate enforcement efforts and maximize tough federal sentencing laws against armed career criminals and illegal gun traffickers.

10-15%

1 city  
or 1 analyst

- **Comprehensive Crime Gun Tracing.** Boston's "Operation Ceasefire" and the Boston Gun Project have brought federal, state and local law enforcement together to trace crime guns

Ed Walsh  
496 3817  
3822

targeted  
attorney

SUMMARY DESCRIPTION OF THE NEW UNIVERSAL BALLISTICS SYSTEM

For several years, the FBI and the ATF have been running separate ballistics imaging systems, which are used to analyze bullet shell casings, and to match casings to the individual firearm from which they are shot. The FBI's system, called "Drugfire," and the ATF's system, called "IBIS," each had qualities that made them the preferred system by one local jurisdiction or another. Unfortunately, the two systems were not interoperable, that is, the two systems could not "match" images in one system with images in the other.

At the end of November, the FBI and the ATF reached an agreement for the development of a new universal ballistics system. The new universal system is tentatively being called "Gun-Forensic Image Recognition Network" (gun-fire.net) and it will take the best features of both prior systems and products and merge them into a single, unified product. The gun-fire.net image database would use the ATF/IBIS file format, which is more flexible and expandable than the one that had been used by the FBI. Old IBIS machines will require a software upgrade, and Drugfire machines will be replaced with new IBIS machines.

The conversion to the new universal system is expected to begin in April 2000, and sites will be prioritized based on monthly volume, hits, and gun crime statistics. It is expected that, within a year, the new system will be installed in 10 to 40 sites, depending upon the availability of funds and contractor ability. (In the interest of preserving resources, a number of low volume sites that currently use Drugfire will not be replaced.) The FBI believes that with appropriate funding and vendor productivity, the entire conversion process can be completed in fifteen months. ATF will lease the hardware, and oversee site management and the gun-fire.net database. The FBI will operate the nationwide communications process through the Criminal Justice Information System (CJIS). Once the conversion is complete, ATF will take over the strategic planning component and the FBI will retain responsibility over the network and ancillary databases.

One significant benefit to the new system is that it has the potential of providing law enforcement a "serial number" for every gun used in the commission of a crime. (So that the original owner of the gun used to fire a crime bullet can be identified, *even if the gun itself is not recovered*.) Gun manufacturers and importers can do ballistics imaging on their production lines, thereby creating a database containing ballistics images of every gun they manufacture. Two large manufacturers have already approached ATF to discuss doing this and Glock has signed an MOU to begin imaging ballistics cartridges at its plants. ATF has already provided Glock with an IBIS machine to begin this work.



# NATIONAL REPUBLICAN SENATORIAL COMMITTEE

SENATOR MITCH MCCONNELL  
Chairman

February 29, 2000

|||||

Guns -  
Enforcement

I want to thank you for renewing your membership in the National Republican Senatorial Committee in this all-important 2000 election year - and for your generous donation of \$20.

By renewing your membership, you've proven your commitment to saving the Senate Republican Majority from defeat - by a coordinated Democrat attack that is already underway!

Just think what it will be like IF Ted Kennedy and Hillary Rodham Clinton manage to get control of the U.S. Senate - making decisions that affect YOUR LIFE on taxes, education, health care and crime control. Not to mention that all the work our Republican Senators have done to protect Social Security and rebuild our armed forces will be wiped out within a year's time.

How real is this scenario? We have *ten* mortally endangered GOP incumbents to defend - the Democrats have just *one*. They have already passed us up in fundraising because of massive chunks of money pouring in from Big Labor, trial lawyers and Hollywood. They are already on the air savaging our best candidates, yet right now, we can barely afford to respond to their lies.

This is why I am so thrilled you are part of my team to stop the Democrats from keeping our country mired in the Clinton agenda of bigger government, higher taxes and shameless lying. Our work has just begun!

Sincerely,

Senator Mitch McConnell, Chairman

P.S. Great news! Because of unified Republican opposition, Bill Clinton was able to get his way only 37% of the time last year - an all-time low for any President! The bad news is he is bent on revenge, raising millions of dollars a night for vicious attack ads, and pushing all sorts of new spending programs, including \$280 million for gun control! With an extra gift of \$20 from you, we can keep our Republican men and women in the Senate and fight for YOU! Thank you!

425 SECOND STREET, N.E. • WASHINGTON, D.C. 20002-4967  
[www.nrscc.org](http://www.nrscc.org)

PLEASE DETACH THE REPLY MEMORANDUM BELOW AND RETURN IT WITH YOUR GENEROUS CONTRIBUTION.

53  
28  
19

81.9% = 500  
= 600

**Firearms Enforcement and Safety  
(increases over enacted)**

Alternative - Changes Sought

	<u>DPC revised request</u>	<u>OMB offer</u>	<u>Net Change</u>
300 new ATF agents	\$41.5	\$29.4	+\$12.1
200 new ATF inspectors	\$11.7	\$16.9	-\$5.2
		[Agent/Inspector Subtotal]	+\$6.9]
Analysts/technicians to support 300 agents/200 inspectors	\$3.36	0	+\$3.36
Expanded gun tracing	\$10.0	\$7.1	+\$2.9
Expanded ballistics	\$17.2		
ATF (\$15.8)	\$15.8	\$14.7	+\$1.1
FBI (\$1.4)	\$1.4	\$1.4	n/c

58.67  
22.7  
35.9 BA  
32.4 OL

7.1  
1.7  
8.8 BA

.19  
6  
53

**ATF total increase proposed = + \$14.3**

1,000 Gun Prosecutors

*200 Federal (100 coordinators and 100 regular prosecutors )	\$17.0	\$7.0	+\$10.0
800 State/local	\$120.0	\$150.0	-\$30.0
Community Prosecutors	\$50.0	\$20.0	+\$30.0

**DOJ total increase proposed = + \$10.0**

**TOTAL FIREARMS INCREASE PROPOSED = + \$20.9**

Comments:

\* Federal prosecutors: This proposal would increase the number of federal gun prosecutors to 200: of this number, 100 would act as coordinators to coordinate gun cases for state, local and federal prosecution (with minimal federal "downstream costs"), and 100 would actually prosecute gun cases. The additional \$10 million needed should not come from DOJ base or \$45 million addition the US Attorney account received in passback/appeal.

Local prosecutors: This proposal would fund 800 state and local gun prosecutors, instead of 1,000 - freeing up \$30 million for community prosecutors. This funding would be used to decrease the earmark for COPS hiring in

**Fighting More Gun Crime with Ballistics Testing**  
December 17, 1999

~~212 722 5078~~  
212 722 5078

**New Administration Initiative on Ballistics Testing:** The Administration's FY 2001 budget request will provide over \$23 million to fund a groundbreaking National Integrated Ballistics Information Network (NIBIN) that will eventually link every law enforcement agency in the nation to valuable information on gun criminals. Ballistics testing is a successful crime-fighting tool that enables police to use the unique "fingerprints" of bullets or shell casings left at the scene of a crime to identify violent criminals and illegal gun traffickers – even in the absence of a firearm. Ballistics testing programs at the the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco & Firearms (ATF) have already advanced over 16,000 criminal investigations of gun crimes in over 40 states. This initiative will link these two successful systems for the first time, and triple the number of law enforcement jurisdictions with access to nearly one million ballistics images within a two-year period.

**How ballistics technology works:** Ballistics testing makes it more difficult for criminals to cover up crimes committed with firearms than ever before. Similar to a fingerprint identification systems, ballistics systems maintain databases of the unique markings that are left on every bullet and casing when fired from a gun. Using this technology, an examiner can match bullets to firearms used in crimes across the nation in seconds. Ballistics databases give police the tools they need to use bullets or casings left at the scene of a crime to identify criminals or the illegal gun traffickers who supply the firearms criminals – even in the absence of a firearm. They also help link criminals found in possession of firearms to crimes they may have committed with the same gun in other jurisdictions on the network. In some cases, criminals identified through ballistics testing have been successful linked to murders and other violent crimes in several states.

**New universal system: Gun-fire.net.** This initiative creates a groundbreaking partnership between ATF and the FBI to increase access to nearly one million ballistic images to 250 law enforcement agencies across the nation within a two-year period. ATF will have overall responsibility for crime gun and firearms manufacturers operations, hardware and software development, training and installation. ATF will maintain the ballistic image repositories and imaging systems, and work with manufacturers on ballistic image databases. FBI will maintain overall responsibility for the a high-speed, integrated network that will serve as the communication vehicle for law enforcement

**Historic MOU to create a national ballistics information network.** On December 2, 1999, ATF and FBI signed a historic memorandum of understanding to provide a unified Federal effort that will give Federal, state, and local law enforcement agencies with the first ever national ballistics network. The MOU will merge the FBI Drugfire systems with ATF's IBIS-based system in the National Integrated Ballistics Information Network (NIBIN), which will eventually provide access to every law enforcement agency in the nation. These two systems combined have helped advance over 16,000 gun crime investigations in over 40 states.

*has the potential to*  
This new system will revolutionize the way we fight gun crimes.  
~~The fingerprint from~~ *using a shell casing found at a crime scene,*  
police can solve ~~an entire~~ *the whole* crime.

**A new partnership with Glock.** Through a partnership with Glock, the company will test fire every new gun manufactured... Test firing guns before shipment will help law enforcement quickly link guns to a crime scene

# Ballistic evidence no longer a shot in the dark

## FBI and ATF are building databases of 'gun prints' that can trace bullets back to the guns that fired them

By Gary Fields  
USA TODAY

**T**he seven 9mm shell casings are magnified 10 times on the computer screen. Even at that size, they look identical, but they are not.

Using a specially designed microscope, a ballistics examiner compares the bullets. The backs of two of them have marks shaped like the state of Maine. That confirms what the computer has already found: the same gun fired both.

This scene at the Bureau of Alcohol, Tobacco and Firearms National Laboratory here is repeated dozens of times a day at more than 250 labs and law enforcement agencies in more than 40 states. Those labs and agencies are using new technology that in recent years has transformed ballistics-matching from a matter of luck into a science.

The technology has changed the way gun crimes are investigated and helped solved some perplexing cases, from street shootings in the USA to war atrocities in the Balkans.

Firearms examiners have always known that there are subtle differences in the marks every gun makes on the bullets it fires. Just as fingerprints have differences that can identify individuals, so, too, do the 220 million firearms in circulation across the country. When guns are fired, they pass along "gun prints" to bullets and cartridge casings.

But matching a single bullet found at a crime scene to the gun that fired it was backbreaking work, and success was often a matter of luck — until recently. A ballistics examiner trying to manually compare a 9mm bullet with records of thousands of other 9mm bullets "wouldn't live long enough to finish the search," says Benjamin Wilson, head of the firearms unit at the ATF National Lab.

Computers, and the databases being compiled by the ATF and the FBI, have speeded that process greatly. Both agencies use computer systems that scan electronic images of thousands of bullets and the shell casings that were attached to them. Within minutes, the images can then be matched with images of bullets and casings recovered in crimes. "This system allows you to go through a tremendous amount of evidence in a short time," Wilson says.

Computerizing ballistics evidence also means that a single bullet can be used to catch a suspect. Until recently, ballistics tests were usually done only after police had a suspect and his weapon in hand. As they assembled evidence for a trial, police would test-fire the gun and compare the bullets it fired with those found at a crime scene or extracted from a victim's body. When there was a match, they could use it as evidence of guilt.

Now, a bullet recovered from a crime scene in one state can be compared — by computer — with bullets recovered from thousands of other crime scenes nearby and in other states. If there's a match, the bullets can be tied to a gun that was found or to a suspect caught or sighted at other crime scenes. The ballistics work is genuinely part of the investigation, not just the prosecution.

Not so long ago, an investigator would "get a gun test-fired to confirm his suspicions," says Paul Bolton, coordinator of the crime gun interdiction program for the International Association of Chiefs of Police. "The detective drove the forensics. Now it's the other way around. The detective can get a call now: 'Did you know this gun was used in a drive-by on the other side of town?'"

### The system's potential

The systems have their limitations. There are 220 million firearms in the country, and, between them, the FBI and the ATF so far have only about 500,000 images on computer. The agencies hope that one day every gun used in a crime in America will be traceable to its owner using the distinctive "gun prints" it leaves on the ammunition it fires.

Examiners and police using the new technology have linked at least 5,700 guns to two or more crimes when no other evidence existed. Although that is only a fraction of the hundreds of thousands of gun crimes committed each year, officials see a day when the nation's 30,000 law enforcement agencies will be connected by a national database of guns and ammunition.

The two ballistics computer systems in use — the FBI's Drugfire system and the ATF's Integrated Ballistics Imaging System — are not compatible. Only a few police departments — among them the Washington, D.C., department and several in the San Francisco Bay area — have access to both systems.

Today, the databases operate only on a regional level. For example, crime labs and police agencies in Delaware, Maryland, New Jersey, New York, Pennsylvania and the District of Columbia are linked with the ATF's Rockville lab.

But there is great potential for expanding the databases.

Manufacturers already keep the serial numbers of the guns they make, and they are working with the ATF and FBI to produce computer files of "gun prints" of all the new guns made in the USA. "We're just as interested as anybody else in keeping firearms out of the hands of the criminal element," says James Chambers, executive director of the Sporting Arms and Ammunition Manufacturers' Institute.

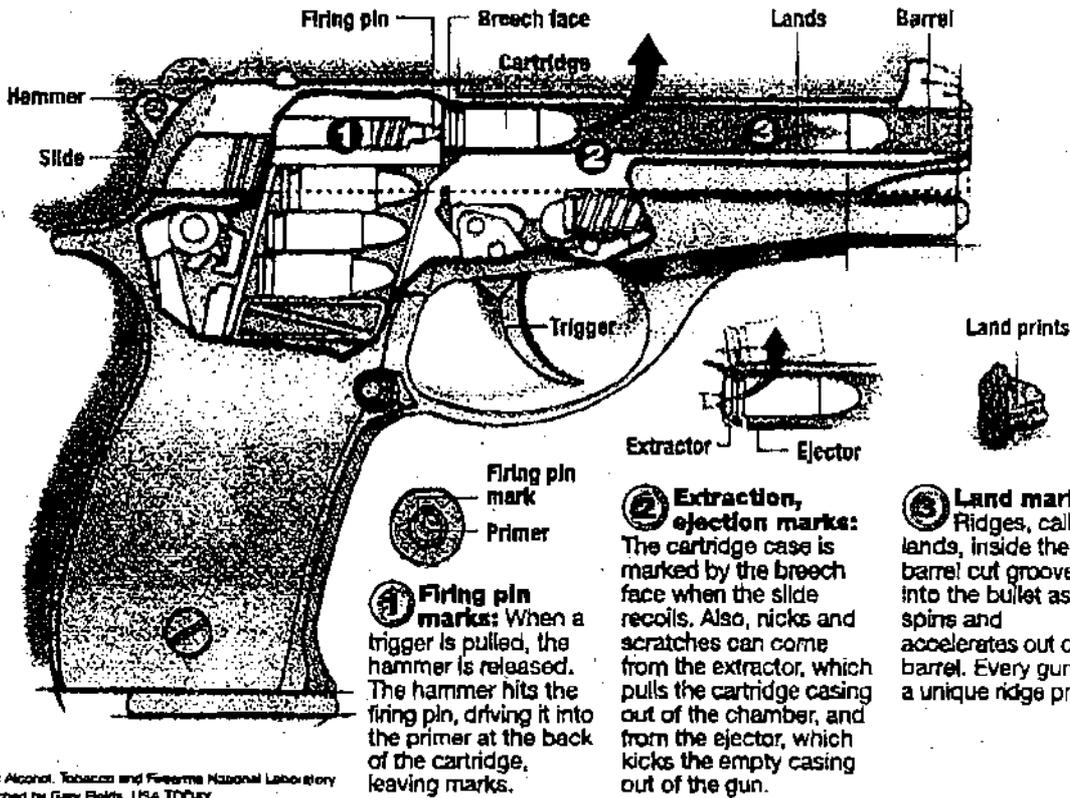
The work is in the test phase, but the hope is that eventually every new gun made in America will have prints on file, along with a serial number. "We want to be able to compare every piece of evidence with every known gun crime we have nationwide," says Frank Sauer, program coordinator for the ballistics exam sys-

# Following a trail of nicks and scratches

No two guns are alike, even if they are the same model and made by the same company. When a gun is fired, subtle characteristics are transferred to bullets and cartridge casings in the form of indentations, marks and scratches. Experts use such markings to match ballistics evidence to a particular weapon.

2 of 3

USAToday  
10/27/99



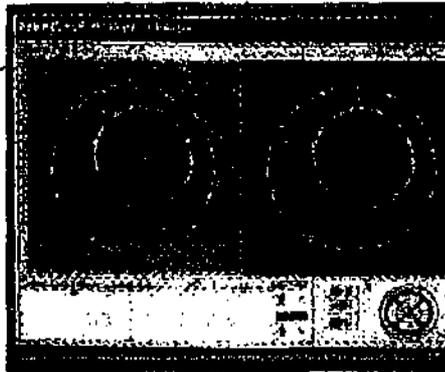
Source: Alcohol, Tobacco and Firearms National Laboratory  
Researched by Gary Fields, USA TODAY

## Making a match, solving a crime

By Gary Fields, USA

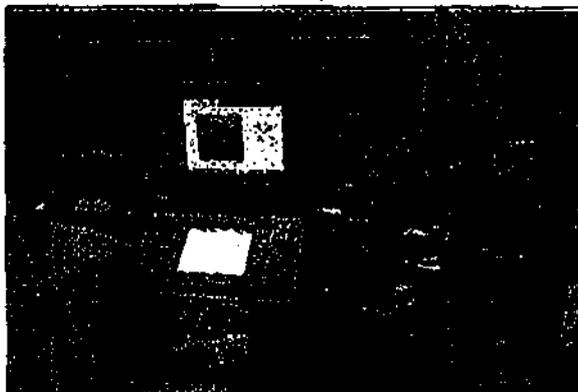


1. Bullets, fragments, empty cartridge casings and test-fire samples from recovered guns are photographed with digital cameras, which convert them into computer images.



Photos by Jocelyn Augustino for USA TODAY

2. A computer compares the characteristics of a bullet or cartridge casing with thousands of other stored images. The best possible matches are pulled up in minutes.



3. A trained ballistics examiner must compare the evidence under a microscope and decide whether the two images are a match.

## Crimes solved

Already, many police departments can cite cases that would not have been solved were it not for the new ballistics technology. The technology "lets police agencies go back into open homicides and other cases and try again," says A.N. Moser, executive director of the National Sheriffs' Association.

Oakland investigators had little to go on in June 1997 when they tried to piece together the murder of Tommie Cain. Witnesses found the 22-year-old man inside his car. "The first people who got there said all he said was 'They were trying to rob me' and then he died," police Sgt. Derwin Longmire says. Investigators "weren't even certain where he'd been murdered. There were no leads, no witnesses to the shooting, nothing."

The next month, an Oakland patrol officer pulled over Jovan Reynolds, then 22, and Henry Bruce, then 26, for a traffic stop. Both had felony records; one was on parole and the other on probation. The officer found a .38-caliber revolver in the car, which

meant immediate jail time for both men because neither was allowed to possess a weapon.

Because no other known crimes had been committed at the time the gun was found, officers took their time getting ballistics exams done of the gun. Several months later, when the gun was test-fired, police found that its bullet matched a bullet already in the imaging system. That slug had come from Cain's body. Armed with the information, Longmire questioned Reynolds and Bruce. It turned out Cain had run into the men while they were in the midst of a day-long robbery spree, Longmire says.

The case would probably still be open if not for the new technology, Longmire says. Reynolds and Bruce are now awaiting trial on murder charges. A third suspect has been identified but not charged.

One of the most startling examples of cases cracked by ballistics testing involved the International War Crimes Tribunal. ATF examiners confirmed in 1997 that 18 AK-47 assault rifles were used to massacre 261 Croats in 1991 at a farm just outside Vukovar in the former Yugoslavia. One person has already been linked to those assault rifles and convicted of war crimes. Other cases are in the works.

The FBI began using Drugfire, developed by Mnemonic Systems Inc., in 1992 in response to the high murder rate in Washington. The ATF system, created by Forensic Technology, came the next year.

In both systems, bullets and car-

# Following a bullet's path — right back to the gun

USA Today  
10/27/99

tridge cases are photographed with a digital camera. Once the images are computerized, the systems measure microscopic imperfections and compare them with other bullets and shell casings in the system and find the most likely matches.

## Needle in a haystack

"What our system does is pull the needle out of the haystack," says Robert Walsh, CEO of Forensic Technology's parent company. "It allows you to do something very fast. It's doing something you couldn't do before."

Firearms and ammunition can be so linked conclusively because of the marks guns leave on bullets and cartridge casings when they are fired. Inside a gun barrel, ridges direct and spin a bullet after it is fired. Those ridges cut grooves into the side of a bullet as it passes through the barrel. A gun's firing pin and breech also leave recognizable marks.

The result is a set of unique scratches, marks and other striations on the bullets and casings. Even two guns of the same model built by the same manufacturer will have different marks.

What the new technology does is find the images that are most similar to one another. Ultimately, human firearms examiners must confirm what the computer brings them, then testify at trial. They must convince jurors that the bullets match. The experts can be challenged under cross-examination, and defendants can bring in their own ballistics experts with different conclusions.

Martin Fackler, an expert on the impact bullets have on the human

body, says that, in the end, ballistics comes down to what the examiner thinks he or she sees.

"The question is, did this come from this gun at the exclusion of all other guns in the known universe?" Fackler says. "On one occasion, you can take 100 examiners and every one of them will say 'this is a match.' But sometimes you get two people who don't agree."

And that, says Bill Moffett, president of the National Association of Criminal Defense Lawyers, is his biggest objection to the technology. Jurors might rely too heavily on technical results, he says, when in fact the results "are open to interpretation."

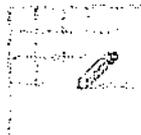
"There is no machine that you can put in facts and it comes out with an answer," he says. "All of them at some point rely on interpretation of a human being."

The ATF and FBI have been working for the past year to link their systems by computer. The two scan the images differently. As a result, departments and labs with one system have been unable to search the databases of the other system.

In the absence of a computer link, departments and labs with the ATF system have been sending the actual bullets and cartridge cases to labs with the FBI system, and vice versa.

A second plan is to provide remote scanning systems to the 30,000 law enforcement agencies in the country so investigators can input images into the systems and do comparisons nationwide.

"Gun technology is in its infancy," says Sauer, one of the people in charge of making the ATF and FBI systems work together. "The challenge on the technology is to take it beyond where it is today."



Michael Deich  
12/16/99 07:19:38 PM

Record Type: Record

To: Anna Richter/OPD/EOP@EOP

cc:

Subject: table for bruce

Bruce:

The budget already has \$235 million for a firearms enforcement initiative. The attached table lays out an additional \$80 million for a total \$315m program that would include:

- 500 new agents/inspectors at ATF (212 agents/288 inspectors)
- 1,000 state/local prosecutors
- 94 new US attys plus (from w/in the DOJ base) additional coordinators TBD
- expanded ballistics (but stretch the atf program from 2yrs to 3yrs to save \$)
- expanded gun tracing (fully fund request sized to actual program)
- double brady background
- smart guns at \$10m
- police gun buyback at \$10m w/in crime prevention/cops
- \$10m local media campaign
- a doubling to \$20m for community prosecutors
- etc. etc.

To me, it looks v. impressive. What do you think?

----- Forwarded by Michael Deich/OMB/EOP on 12/16/99 06:09 PM -----

Douglas Pitkin 12/16/99 07:07:14 PM

Record Type: Record

To: Michael Deich/OMB/EOP@EOP

cc: Sherron Duncan/OMB/EOP@EOP

Subject: DPC table

The table



DPC 3 FOR DEICH

**Crime Budget Priorities  
Increases over Enacted  
(\$ in millions)**

	<u>DPC Request</u>	<u>Current/ Offer</u>	<u>Adds to current offer</u>	<u>Possible BA OL</u>	<u>Comments</u>
<b><u>Firearms Enforcement and Gun Safety</u></b>					
<b>Firearms Enforcement:</b>					
500 New ATF Agents	\$69.1	\$14.5	14.9	13.4	Funds 212 agents
250 New ATF Inspectors	14.6	8.4	8.5	7.6	Funds 288 inspectors
Gun Tracing (Treasury)	12.0	0.0	7.1	6.3	-Infrastructure investment to web-based tracing
1,000 Gun Prosecutors					
100 Federal *	57.5	7.0	0.0	0.0	Funds 94 positions
1,000 State/Local	150.0	150.0	0	0	Earmarked within COPs
Community Prosecutors	0.0	0.0	20.0	4.4	Replaces \$200M in COPs that is currently used for COPs hiring (\$50M) & S/L prosecutors (\$150M)
Expanded Ballistics	35.8				DPC requests \$35.8 but does not specify the split betw. Treas and DoJ. Total current offer is \$6.4M, balance of \$29.4M.
FBI		1.4	0.0	0.0	Covers FBI incremental share.
ATF		0.0	14.7	14.7	MOU between FBI and ATF specifies that ATF will convert existing 147 drugfire machines to a universal system (as soon as possible). They've specified 73 machines in the first year and 74 machines in the second year. Estimated \$300K per machine. Less money means slower deployment.
Brady Background Checks (States) by doubling NCHIP (\$35M in 2000)	35.0	25.0	10.0	2.2	
National Instant Notification	5.0	5.0	0.0	0.0	
<b>Kids and Guns:</b>					
Promoting Gun Safety (Treasury)	2.0	0.0	0.0	0.0	
Local Media Campaign (Justice)	10.0	10.0	0.0	0.0	Earmark in Byrne
Gun Safety/Smart Guns (Justice)	10.0	4.0	6.0	1.3	
<b>Police Gun Buyback</b>					
Ending Re-sale of Used Police Weapons	10.0	10.0	0.0	0.0	Earmark in COPS
<b>Firearms Enforcement and Gun Safety Subtotal</b>	<b>411.0</b>	<b>235.3</b>	<b>81.1</b>	<b>49.9</b>	
<b><u>Community Supervision of Released Offenders</u></b>					
Reentry Courts and Reentry Partnerships	125.0	60.0			\$25M for Drug Testing
<b><u>Local Law Enforcement/21st Century Policing</u></b>					
COPS Hiring	200.0	50.0			Funded from prosecutors, amount would increase in outyears
<b><u>Zero Tolerance Drug Supervision</u></b>					
Drug Testing	150.0	100.0			Includes \$25M for ONDCP
Drug Courts	35.0	10.0			
Residential Substance Abuse Treatment	12.0	2.0			
<b>TOTAL</b>	<b>\$933.0</b>	<b>\$457.3</b>			

\* DOJ reports that 500 Federal prosecutors would result in between 2,500 - 7,350 convictions per year and require \$1.3 - \$3.3 billion in new prison construction and an annual cost of between \$520 million - \$1.515 billion to fund prison operation, detention and the U.S. Marshals.

community prosecutors. Under this proposal, a total of \$50 million would be available for community prosecutors - \$20 million from OMB last offer and \$30 million from this proposed alternative.

Brady/NCHIP: We could cut \$10 million from the \$20 million increase for NCHIP, but should only propose this decrease if necessary.

**Outlays for proposed increases:** (estim. at 90% of BA)

**Treasury**

ATF agents/inspectors	\$ 6.2
Analysts/technicians	\$ 3
Tracing	\$ 2.6
Ballistics	\$ .99
	Total = \$12.9

**DOJ**

Federal gun prosecutors/coordinators \$[TK]

Guns -  
Enforcement



Mickey Ibarra  
01/27/2000 10:49:12 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Eric P. Liu/OPD/EOP@EOP

cc:

Subject: FW: Great editorial on the Gun Enforcement Initiative -- SF Examiner.

Great article.

----- Forwarded by Mickey Ibarra/WHO/EOP on 01/27/2000 10:49 AM -----



"deVallance, Brian" <Brian.deVallance@usdoj.gov>

01/27/2000 10:05:52 AM

Record Type: Record

To: Mickey Ibarra/WHO/EOP, "Matthew L. Bennett (E-mail)"  
<"/S=Matthew#u#L.#u#Bennett#064#who.eop.gov/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested), "Maria Soto (E-mail)"  
<"/S=Maria#u#E.#u#Soto#064#who.eop.gov/O=INETGW/P=GOV+DOJ/A=TELEMAIL/C=US/"@intmail.usdoj.gov> (Receipt Notification Requested) (IPM Return Requested)

cc:

Subject: FW: Great editorial on the Gun Enforcement Initiative -- SF Examiner.

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Did you guys see this great editorial on the President's gun enforcement initiative from the San Francisco Examiner?

Brian.

Subject: FW: Great editorial on the Gun Enforcement Initiative -- SF Examiner.

Thursday

Jan 20, 2000

A ricochet hits the NRA

Clinton outfoxes the gun lobby by proposing \$280 million for ATF investigations and enforcement of

existing laws

Folklore is so prominent in rhetoric of the National Rifle Association that we wonder why its gun bearers in Congress disregarded a familiar Americanism, to wit:

Be careful what you wish for ? you may get it.

In a strategy of unblushing hypocrisy, NRA lobbyists argued for years that vigorous enforcement of loophole-ridden existing laws should come before enactment of new gun-control legislation. And then, of course, the NRA did everything in its power to hinder, enfeeble and bedevil the government's attempts to do something about illegal sales, illegal assault rifles and illegal possession of guns by ex-felons in a nation with 35,000 firearms deaths every year and an arsenal of more than 250 million pistols, handguns, shotguns, rifles and Saturday night specials.

Wishing for "enforcement" was hugely helpful to all those members of Congress who pocket checks from the NRA and piously preach against criminal behavior. It gives them a way to explain how they could possibly vote against common-sense measures that would, for example, require trigger locks to prevent children from blowing away their playmates.

At the same time, the NRA's political allies tried to dismantle the federal government's chief enforcement agency, the Bureau of Alcohol, Tobacco and Firearms. And they opposed all attempts in Congress to create a nationwide gun registration database.

"In the 1980s, ATF suffered a major setback when the NRA started a campaign to eviscerate the agency," says Robert Walker, president of Handgun Control Inc.

In 1995, an NRA fund-raising letter called ATF agents "jack-booted thugs." A full-page NRA newspaper ad accused the agency of a "tyrannical record of misconduct and abuse of power."

NRA officials repeatedly accused the Clinton administration of failure to enforce existing gun-control laws, ignoring statistics that show a substantial increase in state and federal gun crime prosecutions.

On Tuesday, President Clinton called the NRA's bluff. You want enforcement? Here it is. He announced plans to ask Congress for \$280 million extra to hire 300 new ATF agents (a 23 percent increase in the ranks of these investigators) and 200 new ATF inspectors (a doubling of these specialists in firearms enforcement) and to subsidize the paychecks of 1,100 state, federal and county prosecutors to work on illegal gun trafficking and related crimes.

Another \$30 million would create a national database of shell casings from handguns, a program sure to run into NRA objections. But the politically powerful lobbying organization had little choice but to feign support for the rest of Clinton's proposals and, in an attempt to turn lemons into lemonade, to call it an NRA triumph.

Wayne LaPierre, the NRA vice president, said, "I don't want to declare victory on this without letting it be known that we will hold them to it and monitor their performance and report to the American people."

It's not every day the NRA is played like a puppet. Robert Spitzer of the State University of New York at Cortland said, "It could be a brilliant move by the Clinton people."

We fervently hope so. Let's get rid of the death guns by whatever it takes.

As a footnote, we suggest that students of political science take notes on how to turn the tables. In this week's lesson in the Law of Unintended Consequences, we see how an oft-repeated wish for gun-crime "enforcement," no matter how insincere, turns into \$280 million for investigations, inspections, database tools and prosecutions. The proposed program would add new muscles and heavy clout to the Bureau of Alcohol, Tobacco and Firearms.

That's what often happens if you're not careful about what you wish for.

Cons-  
Enforcement

**REMARKS OF TREASURY SECRETARY LAWRENCE H. SUMMERS TO THE  
FIREARMS TRAFFICKING CONFERENCE.  
MAY 23, 2000.**

Thank you for that kind introduction Lis.

It is an honor to welcome ATF agents, Assistant U.S. Attorneys, police officers, and district attorneys from 33 cities across the country. We know that it is only by working together at all levels of government that we can eradicate gun violence in America. That is why we have brought you here to learn from each other what works and to enable you to take that knowledge home to make your communities safer.

Let me start by commending your aggressive response to this challenge. As investigators and prosecutors, you are on the front line of our fight against gun violence. You personally witness the tragic and senseless destruction brought about by armed predators. And you have taken action. Together, you have developed powerful tactics to uncover and incarcerate firearms offenders, to shut down firearms traffickers, and to prevent criminals from getting firearms.

Your work has produced impressive results. Let me highlight a few recent examples:

- In June of last year, you brought down a violent gang in a Louisiana housing project. You sent the gang leader to jail for life and imprisoned ten of his followers. Six months later, murders in the housing project had fallen by 78 percent, and shootings by 67 percent.
- In November of last year, you convicted an unlicensed firearms dealer in Tennessee of selling hundreds of guns to felons, including one gun that was used to kill a Nashville police officer.
- Last month, you convicted a firearms dealer in Colorado for writing up false background checks and selling guns to juveniles and felons.

Today, I would like to talk about how we can build on your achievements so that we can continue to reduce violent crime in the U.S. Let me divide my remarks into two parts:

- First, our success in reducing armed crime by implementing existing laws.
- And second, why we need new resources and new legal authority to intensify the battle against armed crime.

**I. Making the Most of Our Existing Authority.**

Some have suggested that we are not making the most of our existing capacity to clamp down on gun crime. They are wrong. Although the crime numbers remain far too high, America is now a much less dangerous place than it was less than a decade ago. The facts speak for themselves:

gun crime is down 35 percent since 1992; gun violence by juveniles is down 57 percent; and, overall, we have the lowest homicide rate in 31 years.

You must take a large part of the credit for these achievements because you have taken every reasonable step to implement the laws that are at your disposal. In doing so, you have contributed to an immeasurable improvement in the daily lives of all Americans.

Let me highlight four critical elements of our approach:

*First, we have targeted both armed offenders and those who supply them.*

Prosecutors and investigators across the country have developed powerful tactics to ensure that armed offenders and traffickers pay a heavy price by targeting prosecutions where they will have the greatest impact. Let me identify some examples of this success:

- Operation Ceasefire in Boston has reduced gun crime dramatically by aggressively targeting repeat offenders and violent gangs with every enforcement tool available. Operation Ceasefire resulted in a 73 percent drop in homicides in Boston—from 96 in 1995 to 31 in 1999. Ceasefire's success shows that it is not simply the volume of prosecutions that matters, but also the strategic focus of enforcement. As President Clinton said when he visited Boston earlier this year, Ceasefire has given real life and real freedom back to the community.
- Project Exile in Richmond, Virginia guarantees stiff penalties for all firearms offenders. When it started, Richmond's Exile Program guaranteed federal prosecution -- with its strict mandatory minimum sentences -- of all federal firearms violations. The program has had very impressive results: firearms homicides in Richmond declined by more than 30 percent in 1998 over 1997.
- Dozens of cities across the country, from Atlanta to Chicago to San Francisco, have adopted programs like Boston's and Richmond's. Sharp declines in gun violence have followed. From an 82 percent drop in firearms homicides over two years in High Point, North Carolina to a 48 percent drop over three years in Minnesota, intensive focus on firearms crime has paid off.

We have developed powerful tools to combat traffickers. In 1996, President Clinton launched the Youth Crime Gun Interdiction Initiative in 17 cities. These cities commit to tracing all crime guns. Together, we use this trace information to develop strategic enforcement approaches and build cases against armed offenders and traffickers. Since 1996, we have more than doubled the initiative to 38 cities. From 1996 to 1998, as a result of the initiative and related programs, ATF conducted over 640 gun trafficking investigations involving youth, accounting for almost 27,000 trafficked firearms.

*Second, we have made the most of new technology to combat crime.*

Crime gun tracing and ballistics technology have greatly increased our ability to attack gun violence.

In the past seven years, we have nearly quadrupled the number of crime guns we trace annually: from 55,000 to over 200,000, largely in response to requests from state and local law enforcement. In November 1999, we introduced a new tool to fight illegal dealing in guns – “Online LEAD” - that makes trace information available electronically to federal, state, and local law enforcement task forces across the country. Investigators can now mine the trace information both to solve individual crimes and to identify trafficking patterns for investigation.

We have also used trace information to intensify our focus on firearms dealers responsible for crime guns. In February, ATF released a study concluding that a very small number of firearms dealers are responsible for most crime guns: just 1.2% of dealers accounted for 57% of crime gun traces to current dealers. ATF has targeted inspection resources on these dealers, and it will impose sanctions where violations of law are found.

Ballistics technology has further strengthened our fight against gun violence. Ballistics imaging, which records the unique markings—like a fingerprint—that a firearm leaves on bullets and casings, can establish a link to the criminal even when the gun is not recovered. Already, FBI and ATF ballistics testing programs have advanced over 16,000 criminal investigations of gun crimes in over 40 states. We continue to build this program with the joint ATF-FBI National Integrated Ballistics Information Network (NIBIN) and by working with gun manufacturers to enter the unique ballistics image of new firearms into the system before they are sold.

ATF, in partnership with state and local authorities, recently established the New York Regional Crime Gun Center, the first of its kind in the country. This center records firearms trace data, conducts ballistics tests, and analyzes firearms crime and trace data to identify gun traffickers and violent criminals. In 1999 alone, the center produced 230 referrals for ATF investigation, involving over 850 illegally trafficked firearms, and 37 referrals to agencies other than ATF. ATF is building on the success of this model by establishing additional regional gun centers in cities that have committed to trace all recovered crime guns.

*Third, we have taken steps to prevent unlawful access to firearms.*

Targeting firearms offenders after the fact is not enough. We must also prevent criminals from getting firearms in the first place. The Brady Act shows the power of this approach. It also shows that new laws can make a big difference. Since 1994, the Brady Act has prevented over half a million felons, domestic violence offenders and fugitives from buying guns. There are more Americans alive today because the Brady Act is in effect.

*And fourth, we have strengthened cooperation with state and local law enforcement.*

ATF and the Attorney General have consistently emphasized strong cooperation with state and local law enforcement. By collaborating, we have strengthened firearms enforcement and maximized the leverage of federal resources. For every federal prosecution of a firearms offender, there are approximately ten state prosecutions. This Administration has increased

Federal funding for state and local law enforcement by nearly 300 percent, including funding for 100,000 new community police officers.

## **II. Intensifying the Battle Against Gun Crime with More Resources and Better Laws.**

In spite of your dramatic successes, gun-based crime is still far too high. The gun homicide rate has fallen by seven percent a year for the last seven years. Yet over 32,000 Americans still lose their lives to guns every year, including 12 children every day. Children under 15 in the U.S. are killed by guns at a rate 16 times higher than in the 25 other wealthiest industrialized countries combined.

It is clear that we must do more to reduce the level of armed crime in the U.S. How can we achieve this?

Some frame the debate as a choice between enacting new laws or intensifying enforcement of existing laws. Our response is clear: implementing and strengthening the law are complementary and not mutually exclusive options. Suppose there are four factories polluting a river, but we only have the legal authority to clamp down on three. Clearly, we should use our existing authority to target the three while seeking new authority to respond to the fourth.

The same logic must surely apply in our battle against firearms violence. There is no question that we should continue to increase enforcement of existing laws. But no matter how aggressively we enforce current laws, we cannot effectively combat certain gun crimes and criminals without significantly strengthening our legal framework.

Let me briefly discuss each in turn:

*We need new resources to improve our ability to enforce current laws:*

Your achievements in reducing gun crime over the last few years are unprecedented. But we must have additional resources if we are to clamp down even more effectively on gun violence in the years ahead. New resources are critical if you are to take measures that are indispensable to reducing gun violence including raising the level of prosecutions, expanding firearms and ballistics tracing, and ensuring that the gun industry complies with the law. Recognizing this need, the President's budget calls for \$280 million to fight gun crime. This budget will fund:

- 500 new ATF agents and inspectors, the largest-ever increase to ATF for firearms enforcement.
- Over 1,000 federal, state, and local prosecutors to incarcerate gun criminals.
- Funding for 20 gun enforcement teams in high gun crime areas, enabling these areas to replicate Boston's comprehensive anti-crime strategy, Operation Ceasefire.
- Expansion of the Youth Crime Gun Interdiction Initiative from 38 to 50 cities.

- Funding to expand comprehensive crime gun tracing to 250 cities and to triple our investment in ballistics testing, which will triple the number of law enforcement jurisdictions with access to nearly one million ballistics images.

We look forward to working with Congress to fully fund these requests and to give our agents and prosecutors the resources they need to increase the fight against gun violence.

*We must take steps to strengthen our legal authority.*

Over the years, Congress has developed and modernized our country's statute books to enable our enforcement agencies to keep pace with the changing nature of crime. Such vigilance has borne fruit. But we cannot relax our guard now.

Legislation before Congress and supported by the Administration would close important loopholes and give law enforcement the tools it needs to crack down on gun crime and keep firearms out of the hands of criminals. Let me highlight three key provisions:

*First, closing the gun show loophole.* While licensed dealers must run criminal background checks on purchasers and keep the records necessary to trace crime guns, unlicensed sellers at gun shows have no such responsibilities. Every year, an estimated 5 million people attend more than 4,000 gun shows. Unlicensed sellers account for up to 50% of all sellers at gun shows, making gun shows a prime location for criminals and juveniles to obtain firearms. Until this loophole is closed, criminals will go to gun shows in search of guns. Indeed, the more effectively we enforce the laws governing licensed dealers, the more likely criminals are to turn to gun shows.

*Second, introducing appropriate penalties.* Loopholes in the criminal laws let large-scale traffickers get away with light penalties. The maximum penalty for engaging in the business of dealing in firearms without a license is five years' imprisonment, even for gun kingpins who traffic hundreds of guns. That penalty should be increased to ten years, and the United States Sentencing Commission should amend the Federal sentencing guidelines to provide an enhancement for trafficking violations that involve more than 50 firearms.

*Third, keeping guns out of the hands of delinquent juveniles.* Under current law, adults who commit violent felonies such as murder, rape, and robbery cannot buy or possess firearms. But juveniles who are adjudicated delinquent for the very same acts can buy and possess firearms as soon as they turn 21. Violent criminals should not have guns, whether they committed their violent crime as a child or an adult. The law should be amended so juvenile offenders do not escape the prohibition on firearms possession.

Other important provisions would ban high-capacity ammunition clips, mandate child safety locks with every handgun sold, and hold adults accountable if they allow children easy access to deadly guns.

These legislative proposals are responsible measures that will reduce gun violence and make America a safer place. Closing these and other loopholes will enhance, not compete with, our enforcement of firearms laws. I am hopeful that Congress will enact this legislation.

### **III. Conclusion**

In conclusion, let me again commend you on the strides you have made in combating firearms violence and welcome your continued commitment to this national priority. No society should suffer firearms violence on the scale that we do. Your work has started to turn the tide, and I am proud to join you in continued efforts.

It is an honor for me now to turn the stage to the Attorney General, who has provided extraordinary personal commitment and leadership in the Nation's fight against violent crime.

*guns - Enforcement*

Insert in an appropriate place:

**SEC. XX. SENSE OF THE SENATE REGARDING THE SECOND AMENDMENT, THE ENFORCEMENT OF FEDERAL FIREARMS LAWS, AND THE JUVENILE CRIME CONFERENCE.**

(a) Findings: The Senate makes the following findings:

- (1) The Second Amendment to the United States Constitution protects the right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation.
- (2) The Clinton Administration has failed to protect law-abiding citizens by inadequately enforcing Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800, despite the fact that the overall budget of the Department of Justice increased 54 percent during this period.
- (3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997.
- (4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997.
- (5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997.
- (6) It is a Federal crime for any person "who has been adjudicated as a mental defective or who has been committed to a mental institution" to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this federal law, mental health adjudications are not placed on the national instant criminal background system.
- (7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm. It is also a Federal crime for convicted felons to possess or purchase a firearm. More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they committed another crime by making a false statement under oath that they were not disqualified from purchasing a firearm. Nonetheless, of the more than 500,000 violations, only approximately 200

of the felons have been referred to the Department of Justice for prosecution.

(3) The juvenile crime conference committee is considering a comprehensive approach to juvenile crime including:

- (a) tougher penalties on criminals using guns and illegal gun purchases;
- (b) money for states to get tough on truly violent teen criminals;
- (c) a provision allowing Hollywood to reach agreements to clean up smut and violence on television, in video games, and in music;
- (d) changing federal education mandates to ensure that all students who bring guns to school can be disciplined; and
- (e) a ban on juveniles who commit felonies from ever legally possessing a gun and from possessing assault weapons.

(b) Sense of the Senate: It is the sense of the Senate that:

(1) Any juvenile crime conference report should reflect a comprehensive approach to juvenile crime and enhance the prosecution of firearms offenses, including:

- (a) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;
- (b) upgrading the national instant criminal background system by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and
- (c) and providing incentive grants to States to encourage States to impose mandatory minimum sentences for firearm offenses.

(2) The right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation, should not be infringed.

*Guns-  
Enforcement*

**STATEMENT OF ADMINISTRATION POLICY**

H.R. 4051 – Project Exile: The Safe Streets and Neighborhoods Act of 2000  
(McCollum (R) FL and 28 others)

The Administration strongly supports the goals of H.R. 4051 – to bolster resources to enhance the nation’s gun enforcement efforts and to recognize the primary role of state and local law enforcement in the fight against violent crime. The Administration believes, however, that several of the bill’s provisions are inconsistent with its laudable goals and that this bill is too limited in scope. The Administration therefore supports House passage of H.R. 4051, but we favor the approach of H.R. 4066, a bill that would authorize funding for the President’s national firearms enforcement initiative, and also fill a number of critical gaps in the current gun laws. For example, in contrast to H.R. 4051, H.R. 4066 would:

Authorize \$53 million to fund the President’s FY01 budget request for 500 additional ATF agents and inspectors.

Authorize \$150 million in grants to fund the President’s FY01 budget request for 1,000 new state and local prosecutors to combat gun crime.

Authorize \$15 million to fund the President’s FY01 budget request for 100 new federal gun prosecutors and new strategic gun enforcement teams.

Provide that the Secretary of the Treasury is to expand the number of cities participating in the Youth Crime Gun Interdiction Initiative (YCGII) from 38 to 50 cities.

Authorize \$10 million to fund the President’s FY01 budget request for grants to support local anti-gun violence media campaigns.

Authorize \$10 million to fund the President’s FY01 budget request for grants to develop smart gun technologies.

Authorize \$30 million – tripling the current funding – for ballistics testing programs to launch a national ballistics network.

We believe this comprehensive approach to provide resources for local, state and federal law enforcement and to update our current laws is the better means of reducing firearms violence in this country.

Gun Enforcement

**It's a moral crime for Bill Clinton, Al Gore, Janet Reno and a host of Federal officers and prosecutors to fail to enforce the law. It's evil. And when innocent blood flows, it's on their hands.**

*Wayne LaPierre  
Executive Vice President  
National Rifle Association  
in American Rifleman,*

**[More laws] gives jackbooted Government thugs more power to take away our constitutional rights, break in our doors, seize our guns, destroy our property and even injure and kill us.**

*Wayne LaPierre  
Executive Vice President  
National Rifle Association  
in a 1995 fundraising letter*



In recent months, the National Rifle Association has attempted to divert national attention from the shameful weakness of our nation's gun laws by repeating, at every opportunity, the mantra: "We don't need more gun laws when the federal government refuses to enforce existing gun laws." Since the Columbine shooting and the ensuing national outcry, the gun lobby has spent millions of dollars telling the nation that enforcing existing gun laws is a workable substitute for new, common-sense regulation of firearms.

The truth is that gun laws are being enforced more strongly than ever. Overall, federal prosecutions are up 16 percent since President Clinton took office, 22 percent on the local and state level, where most prosecutions take place. Furthermore, sentences for violent gun criminals are two years longer under this Administration. On June 10, 1999, *USAToday* reported that "Gun laws are enforced more vigorously today than five years ago by nearly any measure. Prosecutions are more frequent than ever before; sentences are longer; and the number of inmates in federal prison is at a record level. The number of inmates in federal prison on firearm or arson charges (the two are lumped together) increased 51% from 1993 to 1998... A U.S. Sentencing Commission analysis done for USA TODAY shows that lying on the background check form is prosecuted in federal court far more often than acknowledged."

?

Why then does the NRA persist in falsely accusing the President of failing to enforce existing law? Because it knows that lawmakers are facing the most intense pressure yet from the American people to strengthen our gun laws. Lost in this debate is the fact that, throughout its history, the NRA has worked tirelessly to either block or weaken the enactment of laws that would have strengthened the federal capacity to fight gun crimes. The NRA's painstaking work to eviscerate the very laws they now say must be enforced, reveals their current public relations campaign to be the height of hypocrisy. This report details the many ways in which the gun lobby itself has hampered the nation's ability to enforce gun laws.

## INTRODUCTION

The gun lobby's influence on our firearm laws is undeniable – the laws are a swiss cheese of loopholes that defy logic and exist solely for the convenience of gun owners and the profit of gun manufacturers. At the cost of millions of dollars and an untold number of lives, the National Rifle Association has placed obstacles and detours at each and every turn on the path to common sense gun legislation and has successfully limited both the reach and implementation of gun control laws.

In 1968, following the assassinations of Martin Luther King, Jr., and Robert Kennedy, and a marked increase in handgun violence throughout the country, Congress passed the Gun Control Act of 1968. The Gun Control Act specifically banned the interstate shipment of firearms and ammunition to private individuals; prohibited the sale of guns to groups such as minors, drug addicts, mental incompetents, and convicted felons; strengthened licensing and recordkeeping requirements for gun dealers and collectors; increased penalties for those who used guns in the commission of crimes covered by federal law; and banned the importation of foreign surplus firearms, except those suitable for sporting purposes. While the Gun Control Act had a modest impact, it did not take long for the gun lobby to regroup and attempt to weaken the act's provisions.

The NRA, for example, can take credit for enacting legislation specifically exempting domestically manufactured guns from any consumer safety standards. When Congress created the Consumer Product Safety Commission (CPSC) in 1972, it exempted firearms. All other consumer products, except tobacco, are regulated for safety. But, thanks to the gun lobby, guns are not. When asked why the bill to incorporate guns under the CPSC had failed in Congress, Senator Howard Metzenbaum (D-OH) a staunch supporter of common sense gun laws, said, "The NRA's position is consistent. They're opposed to any legislation that has the word 'gun' anywhere in it." When asked what would happen if the NRA dropped its opposition to the bill, Metzenbaum replied, "We would pass the bill overnight."

This loophole has led to tragic and predictable consequences. Gun manufacturers make guns that require so little trigger pressure that two-year-olds can fire them. They make weapons which lack even the most basic safety features like a load indicator or a magazine disconnect safety. They have focussed all of their efforts on making guns smaller -- and therefore easier to conceal -- and more lethal. Without regulation, gun manufacturers lack any incentive to design safer firearms. Instead, thanks to the NRA, gun manufacturers have enjoyed tremendous profits while producing products with a callous disregard for safety.

By examining the NRA's role in just three aspects of federal gun control – the McClure-Volkmer Act, the Brady Law, and funding of the Bureau of Alcohol, Tobacco and Firearms – it is clear that the gun lobby's recent calls for better enforcement of the current laws are merely a smokescreen to fend off overwhelming public sentiment for stronger gun laws. The picture that emerges is one of NRA leadership and complicity in ensuring that this nation's gun laws are as weak and as difficult as possible to enforce.

## THE MCCLURE-VOLKMER ACT: THE NRA WEAKENS ENFORCEMENT

After the passage of the Gun Control Act of 1968, the NRA's assault against any and all regulation of guns continued into the 1980's, but the tactics changed. Whereas the NRA typically opposed any proposed common sense gun legislation, in the 1980's they switched from the defensive to the offensive with the McClure-Volkmer Act, a bill sponsored by two NRA Legion of Honor recipients, Sen. James McClure (R-ID) and Rep. Harold Volkmer (D-MO). With the McClure-Volkmer Act, also known as the Firearms Owners Protection Act of 1986, the NRA decided to *pursue* gun legislation for the first time – in order to weaken the modest gun regulations enacted with the Gun Control Act of 1968.

Law enforcement groups around the country were outraged – they saw what the NRA was attempting to do and at what cost. The NRA proposals were going to put law enforcement officers at risk. The NRA was undeterred, however, and as *The New York Times* observed, “it was a measure of the power of the gun lobby that no member of Congress, in the day-long debate, spoke in favor of keeping all the existing controls. Rather, the question was the extent to which they should be eased.” The NRA spent around \$1.6 million dollars in its lobbying campaign – but the passage of the bill cost the NRA more than dollars – McClure-Volkmer cost the NRA support from law enforcement groups. Around the country, police officers had to swallow a bitter pill: the NRA was unwilling to accept any gun control legislation, even if it would save officers' lives. Hubert Williams, President of the Police Foundation, best described the problems with the McClure-Volkmer Act in his testimony before the Judiciary Committee:

Law enforcement's examination of the McClure-Volkmer bill comes down to this: It would gut the 1968 Gun Control Act, and thus it would make the job of protecting American citizens all the more difficult. Congress passed the 1968 Gun Control Act in response to terrible tragedies: the assassinations by firearms of Martin Luther King, Jr. and Robert F. Kennedy.

To support McClure-Volkmer is to demean their record of accomplishment and their noble legacy. Those who support McClure-Volkmer cannot say that they also support American law enforcement, for the obvious fact is that the bill increases the threat to the lives of police officers.

As the law enforcement officers of this country predicted, what McClure-Volkmer accomplished was to make it much more difficult for local and federal law enforcement agencies to enforce the nation's gun laws. The result has been a gun law riddled with loopholes and an enforcement agency saddled with restrictions.

In practice, the McClure-Volkmer Act has:

- Allowed unlicensed individuals to sell their personal firearms as a “hobby,” allowing for the sale of massive numbers of firearms to criminals and juveniles without background checks, since only those licensed dealers “engaged in the business” of selling firearms are required to check the status of their purchasers. The critically important definition of “engaged in the business” gave many people the basis to contend that their firearm activities do not rise to the level that requires them to obtain a license and be regulated by the federal government.

- Increased the size, scope and visibility of gun shows by permitting federally licensed dealers (FFLs) to conduct business at gun shows located in their home state. Although FFLs must conduct background checks on gun-show purchasers, their presence at these arms bazaars has unquestionably enlarged the impact of these events, where private sellers sell hundreds of weapons without background checks to prohibited purchasers.
- Allowed criminals to keep or regain their rights to own guns. The original Gun Control Act made it unlawful for persons convicted of a crime punishable by a prison term exceeding one year to possess a firearm. The McClure-Volkmer Act amended the GCA to provide that the law of the jurisdiction where the crime occurred would determine what constitutes such a conviction. (In many states, illegal possession of firearms, for example, or domestic abuse, is only a misdemeanor.) Additionally, the McClure-Volkmer Act provided that a pardon, set aside or restoration of civil rights removes the "conviction" for purposes of gun ownership. You may not be able to vote after you get out of jail, but you can get your gun back.
- Severely restricted the ability of the ATF to conduct inspections of the business premises of federally licensed firearms dealers.
- Raised the burden of proof for violations of federal gun laws.

No wonder police officers, in full uniform, stood at parade rest at the entrance to the floor of the House of Representatives as a sign of silent opposition to McClure-Volkmer during a crucial vote. It is no exaggeration to say that, fifteen years later, law enforcement is still standing in opposition to the gun lobby's successful attempt to cripple its ability to enforce the law.

#### **"Engaged in the Business": A Fatal Definition**

The Gun Control Act of 1968 first required federal firearm licenses for those "engaged in the business." The definition of that phrase was substantially narrowed by the McClure-Volkmer Act. Prior to the 1986 Act, illegal gun dealing was a matter for a court or jury to determine on the basis of the facts presented by prosecutors. After McClure-Volkmer became law, the Government was required to meet a much tougher, multi-part standard of proof to illustrate that someone was "engaged in the business" without a license. To successfully prosecute an individual for illegal gun dealing, the ATF must now show that the unlicensed person engaged in "a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms:..." The definition of "engaged in the business" also expressly excludes any "person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms," *regardless of its size*. By essentially demanding responsible behavior only from those gun sellers who have received a federal firearms license, this loophole allows the enormous secondary market for guns - at gun shows, over the Internet, and through individual private sales - to flourish unimpeded by any restrictions on buyers or sellers.

As a result, tens, if not hundreds, of thousands of firearms sales are made every year by individuals who may each sell an unlimited number of guns without obtaining a federal firearms license. Even at substantial investigative cost, such persons often cannot be successfully prosecuted for illegal gun dealing given the weakness of current law. As a result, the customers of such "shadow sellers" are not subject to a background check (as they would be if purchasing a gun from a licensed dealer) and shadow sellers are not required to keep any records of their sales

whatsoever. Accordingly, guns sold by such sellers later recovered at a crime scene cannot be effectively traced and (unless they yield fingerprints) are thus useless to law enforcement authorities trying to find and arrest murderers and other violent criminals.

### **Facilitating the Markets of Choice for Criminals: The Rise of Gun Shows After McClure-Volkmer**

The McClure-Volkmer Act allowed licensed gun dealers to participate in gun shows in their home states and effectively popularized a significant source of criminal guns. Prior to the Act, the policy of the ATF prohibited sales by licensees at anywhere *other* than their regular place of business. While dealers were allowed to exhibit at gun shows, the actual sales had to be consummated at their place of business. The McClure-Volkmer Act changed that – dealers could both exhibit and sell weapons at gun shows and, as a result, gun shows began to flourish across the country. At the same time, Congress relaxed the law that distinguished gun dealers from “occasional” sellers, thereby permitting thousands of additional sellers to enter the field. After McClure-Volkmer, the combination of dealers freed from their storefronts and the new class of “private” sellers resulted in a dramatic increase in the number and size of gun shows nationwide. Gun shows no longer included only small-time collectors. After McClure-Volkmer, larger licensed dealers began to participate and were able to provide gun shows the merchandise necessary to attract customers. Indeed, the atmosphere of gun shows, usually held for one weekend only, leads to an atmosphere of impulse buying, which benefits both licensees and non-licensees alike.

A January 1999 report by the Departments of Justice and Treasury summarized the threat of gun shows:

Gun shows provide a large market where criminals can shop for firearms anonymously. Unlicensed sellers have no way of knowing whether they are selling to a violent felon or someone who intends to illegally traffic guns on the streets to juveniles or gangs. Further, unscrupulous gun dealers can use these free-flowing markets to hide their off-the-book sales. While most gun show sellers are honest and law-abiding, it only takes a few to transfer large numbers of firearms into dangerous hands.

In most states and under federal law, gun shows also provide legal outlets for individuals to sell guns from their “private collections” without a waiting period or background check on the purchaser. Many unscrupulous gun dealers exploit this loophole to operate full-fledged businesses without following federal gun laws.

Moreover, gun shows provide even licensees with the opportunity to sell off their “personal collections.” The McClure-Volkmer Act allowed licensees to sell guns from their personal collections. Federally licensed gun dealers must conduct Brady background checks on all prospective purchasers of firearms in their business inventory and record the serial number of all guns purchased (together with the name and address of the gun’s purchaser) in a bound volume maintained by the seller. Such requirements do not apply to guns sold by a licensed dealer which allegedly come from his or her “personal collection” of firearms, if the weapon sold has been in the dealer’s personal collection for more than one year or did not originally come from the dealer’s

business inventory. *The law places no limit on the number of such "personal guns" that a licensed dealer may sell "off the books."*

As a result, nobody knows, or is able to determine, how many thousands of "off the books" sales are made by unscrupulous federally licensed firearms dealers under cover of the "personal collection" loophole. What we do know is that every such gun, despite being sold by a licensed dealer, can be sold without a background check to a felon, fugitive, domestic abuser or other prohibited purchaser and can't be traced if used in a crime. The same holds true for gun show sales in general, since so many sales that occur at gun shows are essentially unregulated, guns obtained at these shows that are later used in crime are difficult, if not impossible, to trace. According to the ATF, 25-50 percent of the vendors at most gun shows are unlicensed dealers. Felons buying or selling firearms were involved in more than 46 percent of the ATF investigations involving gun shows. In more than a third of the investigations, the firearms were known to have been involved in subsequent crimes, including assault, robbery, burglary and homicide. Not surprisingly, a February 1999 ATF report found approximately 10 percent of the guns used in crimes by juveniles and young people were sold at gun shows and flea markets.

### **Easy Access to Firearms (Even for Felons)**

The NRA-backed McClure-Volkmer provisions eased restrictions against felons gaining access to firearms. The Gun Control Act of 1968 made it illegal for anyone convicted of a felony to ship, transport, possess or receive firearms in interstate commerce. Under that law, a felon could regain firearm privileges by being pardoned or having his civil rights restored, but only if the pardoning authority expressly authorized the possession of a firearm. With McClure-Volkmer, Congress amended the law to provide that unless a pardon or restoration of rights expressly provides that the person may *not* ship, transport, possess, or receive firearms, it has the effect of restoring such privileges. Accordingly, the burden is now on the authority that grants the pardon or restores the felon's civil rights to state *specifically* that the felon *may not* possess firearms.

While the NRA is preaching enforcement, it is clear that it effectively has weakened the nation's gun laws to the point that *even felons* have easier access to firearms.

### **ATF Can Do Its Job (But Only Once A Year)**

Prior to the adoption of the McClure-Volkmer Act, the ATF was permitted to inspect the inventory and records of a licensed importer, manufacturer or dealer for compliance with applicable laws at all reasonable times. The Act, however, limited the ATF to a single unannounced inspection of an individual dealer in any 12-month period [see Section 923(g)(1)(B)(ii)(I) of title 18]. No other retailer of regulated products is so protected. The express purpose of this provision was to prevent what the NRA termed "ATF harassment" of gun dealers. Indeed, according to the NRA, the ATF's only purpose was to harass honest citizens. As one-time NRA Board Member U.S. Congressman John Dingell (D-MI) declared, and NRA Executive Vice President Wayne LaPierre quoted in his book, *Guns, Crime and Freedom*, "If I were to select a jack-booted group of fascists who were perhaps as large a danger to American society as I could pick today, I would pick BATF. They are a shame and a disgrace to our country."

Although inspections of licensed firearms dealers are among the most effective means to uncover violations of firearms laws, the stringent limitation on inspections ensures that criminal conduct by some FFLs will go unchecked and unpunished. In effect, a dealer who has been inspected by the ATF in early January knows that he now has eleven months before he can anticipate another visit by agents. In sharp contrast, ATF agents are permitted unlimited surprise inspections of explosives manufacturers, distributors and retailers.

In addition to inadequate inspections, the McClure-Volkmer Act also essentially guarantees that the ATF would be unable to maintain adequate records for any useful amount of time. The Act codified the law requiring that upon permanently closing a regulated business, a federal firearms licensee is required to forward all sales records required to be kept by law on the business premises (including the names and addresses of gun purchasers), to the Secretary of the Treasury. Since 1978, however, Congress has added a rider to the Treasury-Postal appropriations bill forbidding the Secretary from using any appropriated funds to consolidate or centralize within the Department any records maintained by federal firearms licensees. As a result, the Treasury Department is now restricted to keeping records of defunct firearms dealers on microfiche searchable only by the serial number of a gun. In that form, this large body of historical data is thus useless to law enforcement authorities with cause to research the firearms purchase histories of convicted felons, batterers and other prohibited purchasers who may pose a danger to the community. The data is also unavailable for rapid search for law enforcement authorities faced with a hostage or barricade-type emergency who need to know whether the perpetrator has amassed an arsenal by legal means. Moreover, many guns used in crime are not identifiable by serial number, because criminals file or burn identifying markings off their guns. In the end, the ATF's inability to maintain records for any length of time or in any usable manner renders ineffective the recordkeeping provision and frustrates its attempts to do what the NRA claims it wants – enforcement of the laws.

### **Prosecution With One Arm Tied Behind the Agency's Back**

The McClure-Volkmer Act ensured that the ATF would be unable to prosecute dealers who violate federal gun regulations by raising the standard for prosecution to the impossibly high "willfulness standard." The law provides that the Secretary of the Treasury may revoke a federal firearms license for "willful violation" of applicable laws and regulations by the licensee after the licensee is given notice, and an opportunity for an administrative hearing. The high "willfulness standard" was enacted at the request of the NRA, which accused the ATF of harassing gun owners. As the NRA's Wayne LaPierre has claimed, "they (ATF agents) behave like street thugs. Charged with enforcing federal gun control laws, federal agents persecute and entrap citizens who have done nothing wrong and would never contemplate doing anything wrong."

To prevent this perceived harassment, the McClure-Volkmer Act restricted the ATF's ability to pursue those in violation of the laws. Except for failures to comply with the Brady Law, the ATF has no authority to simply fine an FFL or to temporarily suspend his or her license for infractions that do not warrant permanent revocation of a license. By forcing the ATF to take a "revoke or pass" approach to FFL policing, current law assures that dealers who deserve discipline short of revocation will go unpunished and remain undeterred from continuing to violate important provisions of the law. Even if a violation warrants revocation of an FFL's license, because of the "willful violation" standard, in order to revoke a license, the ATF must prove that the violator knew

the law and then decided to violate it. *A licensee's claim of ignorance or misunderstanding of the law operates as a full defense.* The "willful violation" standard all but ensures that only a few violators will ever be punished. Criminal cases use the "beyond a reasonable doubt" standard – the "willful violation" standard is much higher – and in criminal cases ignorance of the law is no excuse. Effectively, unless the licensee admits to knowingly and intentionally having violated the law, the ATF will usually fail to meet the "willful violation" standard and the licensee will go unpunished.

According to the Department of the Treasury, in FY1999 only 1,700 compliance inspections were conducted of the nearly 104,000 federal firearms licensees (most of which are dealers or pawnbrokers.) Just 13 dealers' licenses were revoked by ATF; but 56% of those inspected had violations which warranted follow-up inspections at the earliest opportunity. Presumably many of those dealers would have been issued fines or had their licenses suspended if the law permitted such actions. Again, the McClure-Volkmer Act has ensured that the enforcement of the laws is continually frustrated.

## THE BRADY BILL: NRA LOST THE WAR BUT WON SOME BATTLES

With the passage of the Brady Bill in 1993, Congress enacted the most important piece of gun control legislation since 1968. This historical event was the result of nearly a decade of struggle against the no-holds-barred opposition of the NRA. The NRA argued that the requirement of a pre-purchase background check and short waiting period for handgun purchases contained the seeds of "Government" confiscation of all firearms. As the NRA testified, it did not believe background checks to be "in the public's interest." However, true to its usual lobbying form, when passage of the Brady Bill seemed unstoppable, the NRA shifted its lobbying and grassroots resources into weakening the law to the maximum degree possible.

In 1988, the NRA warned its members that the Brady Bill would result in "total, strict gun control on all America" and that it would cause the government to "spend millions and billions of your tax dollars investigating you and other honest citizens." Later in 1991, an article in *USAToday* said, "Since helping to defeat the waiting period in 1988, the NRA has done little to tout an 'instant-check alternative' it quickly embraced this year."

Even more telling was this description of the NRA's actions in the state of Georgia, taken from a 1997 editorial in the *Atlanta Constitution*: "...to escape the waiting period in Georgia, the NRA reversed its long-standing position and pushed a bill creating the state's instant background check. But it also tried to plant a self-destruct device in the law. The NRA and its supporters wanted to make sure that if the federal Brady Law was ever declared unconstitutional, Georgia's background check would be repealed automatically."

During the battle to pass the Brady Bill, the NRA's staunchest Senate allies let it be known that the "price" of their acquiescence to a vote on the measure would be compromises that have since severely frustrated the true intent of the law. While the NRA opposed background checks – and continues to do so today, they relented to the Brady Bill *as long as it required the destruction of all records associated with the Brady background check*, even at the potential expense of the system's integrity and utility to law enforcement authorities.

### The NRA Never Met a Background Check It Didn't Hate

In the wake of the Columbine massacre on April 20, 1999, in which several weapons obtained through gun show sales were used to kill 12 students and a teacher, senior spokespersons for the NRA repeatedly claimed that the Association had long-supported conducting gun show background checks. *Such claims were completely and knowingly false.* In fact, the NRA fought for more than a decade against the minimal requirement that licensed gun dealers perform background checks until the Brady Bill finally became law in 1993 *over the NRA's objections.* At the time of Brady, the NRA argued for an "instant check" system, knowing that criminal history records were insufficiently computerized to ensure effective checks. As political scientist Robert Spitzer noted, "[b]y proposing an alternative of little or no feasibility, the NRA and its allies were offering a plan that seemed to offer a meaningful reform yet posed no actual change in gun purchasing procedures for many years to come." As a compromise, the bill was passed with a termination date for the waiting period requirement and the provision for the research and development of an "instant check" system. Now, \$200,000,000 later, the FBI has developed the technology for an "instant

check” system and millions of records have been computerized, and the NRA has the gall to say the Brady background check is in fact the “NRA instant check.”

Despite the NRA’s persistent attempts to thwart the law, the Brady background check has proven effective. The Department of Treasury notes that the Brady Bill, “for the first time empowered FFLS and law enforcement to combat the practice of ‘lying and buying.’” Moreover, since the Brady Law went into effect, background checks nationwide have stopped approximately 500,000 felons and other prohibited persons from buying handguns. The Justice Department has estimated that, in the first five years of the Brady Law, 3/4 of those rejected from buying a handgun were felons (or under felony indictment), domestic abusers or under restraining order. Felons alone made up 63% of those rejected.

Even with the success of the Brady background check system, however, the NRA has *never* supported this precautionary measure since it refuses to support extending background checks to all purchasers. Again, it must be stressed that current law only requires background checks for purchases made through FFLs, even though every year, more than 4,000 gun shows are held nationwide at which tens of thousands of firearms are legally offered for sale by private, unlicensed individuals on a “no-questions-asked,” “cash-and-carry,” “no-background-check” basis. The Internet has also opened a vast new market for the sale and exchange of firearms. Although out-of-state transfers are supposed to be handled through licensed gun dealers, who are required to handle the background check process, in practice there is no current way to police private transactions on the Internet. Despite such popular secondary gun markets, the NRA has refused to support an extension of the background check requirement to these venues.

In fact, as recently as the spring of 1999, the NRA unsuccessfully opposed Senator Frank Lautenberg’s (D-NJ) amendment to the Juvenile Justice Bill in the Senate to require such checks at gun shows and it helped kill comparable legislation the following month in the House of Representatives. It did so by authoring and backing a proposal by former NRA Board member Rep. John Dingell to drastically cut the time that law enforcement authorities would have been permitted to complete gun show background checks (from 3 business days to just 24 hours).

Again, the NRA proposed an alternative of little or no feasibility – the NRA-Dingell proposal would not work. According to the FBI, had the Dingell Amendment been the law for the six months preceding the House debate, over 17,000 individuals who were refused the ability to buy a gun from a gun dealer would have been able to obtain one over-the-counter. That’s why the NRA-authored Dingell Amendment was opposed by most major national law enforcement organizations and the National Association of Stocking Gun Dealers. Although the NRA now says it supports background checks – and claims to have even authored the current background check system – they have been steadfast in their opposition to any background check that would effectively prevent prohibited purchasers from gaining access to firearms. Instead, when push comes to shove, the NRA will only support provisions that do not inconvenience gun buyers – and also fail to promote the laws.

## **The Paranoia of "Lists" – NRA Recordkeeping Provisions Continually Frustrate Law Enforcement**

The gun lobby has spent much time and money to convince Congress and the American public that enforcement of current gun laws, meaning the stringent prosecution and incarceration of gun criminals, is the key to addressing the problem of gun violence. What they will not tell you is that it is their paranoia about maintaining any sort of gun records that presents law enforcement with the single largest impediment to successful prosecution.

Currently the Brady Law requires a federally licensed gun dealer to contact the national instant background check system before completing a sales transaction and a record of the background check inquiry is kept. The record consists solely of an identifier number assigned to the inquiry and the date of the sale. ***By law, all other information about the purchaser and the gun purchased must be destroyed.***

As a result, premature destruction of instant background check records precludes the effective audit of the check system for accuracy and the absence of fraud. It also deprives law enforcement authorities of a valuable snapshot of firearms sales and/or purchasing activities by dealers under suspicion of illegal dealing and by purchasers under investigation for weapons or other criminal offenses.

Along with the destruction of all records related to Brady background checks, the NRA demanded as the price of Senate passage of the Brady Bill a provision requiring local authorities to destroy their copies of multiple gun sale forms less than three weeks after their receipt. Federally licensed firearms dealers are required to file a report with the Secretary of the Treasury reporting the sale of two or more handguns to any single individual within any five consecutive business days. A copy of the report also must be filed with state or local law enforcement authorities. Although the ATF may retain so-called "multiple sale" forms, federal law requires state and local authorities to destroy all such forms (and any record of them having been filed) within 20 days of receiving them. The multiple sale reporting requirement does not cover purchases made at different FFLs. A purchaser can buy as many guns as he likes, without worrying about a multiple sale report, so long as the guns are purchased from different licensees.

Without the legal ability to maintain and periodically review multiple sale reports for purchasing patterns, efforts by State and local law enforcement authorities to identify and prosecute gun traffickers are seriously compromised. Given its severely limited resources, the ATF cannot reasonably be expected to conduct customized research on demand in its database of multiple sales reports for states and localities. Furthermore, the law's failure to address purchases made at various FFLs prevents the ATF from monitoring what are effectively multiple sale purchases and leaves unchecked a primary source of illegal gun trafficking.

The inability to retain multiple sales information for any period of time also severely restricts the usefulness of the information. This is unfortunate given the important role multiple sales play in the illegal secondary gun market. Research by the Center to Prevent Handgun Violence further demonstrates that multiple handgun purchases disproportionately involve the purchase of categories of handguns that have been linked to crime (e.g., Saturday Night Specials

and handguns with the shortest intervals of time between the purchase and recovery by law enforcement). The finding was particularly apparent for bulk purchases that involved the highest number of guns. Specifically, the Center found that Saturday Night Specials accounted for 17.5% of all pistols purchased in bulk and over 25% of pistols purchased in transactions involving five or more handguns. Furthermore, of the handguns recovered from youth and juveniles as part of the 1998 Youth Crime Gun Interdiction Initiatives, handguns with the shortest "time to crime" accounted for 32% of pistols purchased in transactions of 5 or more handguns. There is a close correlation between multiple sales and the illegal market – unfortunately, law enforcement is not given the tools necessary to pursue these issues and as a result, the market continues unabated.

## THE ATF: UNDERMANNED AND OVERREGULATED

The ATF is the lead enforcement agency for federal gun laws and statutes. While the NRA cries for the enforcement of the laws, no one should forget that the NRA has made sport of vilifying the agency chiefly entrusted with the task of enforcing the laws and has blocked all legislation designed to empower it. The NRA has repeatedly claimed the ATF harasses gun owners and dealers. In the 1981 NRA-produced film, *It Can Happen Here*, the NRA depicted ATF agents as Gestapo-like fascists. During Congressional hearings the following year, one-time NRA Board member Rep. John Dingell called ATF agents "knaves and rogues" and said, "I would love to put them in jail. I would dearly love it." Of the agency, he said, "I think they are evil."

Concurrent with their ongoing smear campaign against the ATF, the NRA has waged a sustained and successful Congressional campaign to fiscally cripple ATF's firearms enforcement activities by minimizing the Agency's budget in an era of high inflation. This campaign has taken a heavy toll in the Agency's enforcement personnel. Between 1980 and 1987, for example, the number of ATF agents was slashed from 1,502 to 1,180 (-21.5%) and the number of inspectors dropped from 655 to 626 even as the number of licensed firearms dealers exploded.

Emboldened by its success in the '80s, the NRA escalated its lobbying and its rhetoric in the '90s, calling ATF agents "jackbooted thugs" in a now infamous fundraising letter signed by Wayne LaPierre. Challenged on the slur in the media and Congress, LaPierre initially defended the slur on all federal law enforcement officers before "clarifying" his intent. Former President George Bush wasn't convinced and resigned his NRA life membership in protest. Nonetheless, the NRA has refused to temper its character assassination of ATF and the many men and women who place themselves in harm's way every day to enforce the nation's NRA-sabotaged firearms laws. As recently as February 3 of this year, Rep. Helen Chenoweth (R-ID), a recipient of the NRA's Legion of Honor award, described President Clinton's plan to enhance ATF resources as a "charade" that would "unleash 500 more abusive ATF agents on the American public."

Law enforcement agencies – the groups the NRA pleads with to enforce the laws – understand the NRA's agenda to weaken and deride the ATF. As William J. Bratton, former New York City Police Commissioner observed, "the NRA has strenuously opposed increased financing for the bureau and has successfully lobbied against giving it the authority to quickly investigate the origins of gun sales." As a result of the NRA's tactics, for more than 25 years, Congress has provided ATF with far fewer funds than necessary to hire, train, equip and support a sufficient number of inspectors and agents to effectively enforce the nation's firearms laws. For example, in 1973, ATF and the Drug Enforcement Agency (DEA) had comparable numbers of agents and enjoyed nearly equal funding (about \$250 million). By 1998, however, the number of DEA agents had almost tripled (from 1,470 to 4,261), while ATF's remained static (1,631 ATF agents were on payroll in 1998, only 9 more than were employed in 1973). The DEA's budget grew to nearly 1.4 billion in 1998. ATF's funding, by contrast, increased to just \$450 million in the same year (adjusted for inflation). Additionally, ATF agents assigned to gun violations are required by law to spend at least 25% of their time investigating the misuse of explosive devices and illegal tobacco sales. Virtually no other federal law enforcement agency's resources are stretched so thin.

Insufficient funding means, necessarily, inadequate inspection and oversight of the more than 104,000 federal firearms licensees who are currently firearms dealers. Inadequate inspection, in turn, means undetected illegal gun trafficking, "straw purchases" of firearms by sham buyers for criminals and other individuals, and the kind of potentially sloppy dealer recordkeeping that can cripple crime gun tracing efforts. The ATF estimates that, in order to inspect each currently licensed gun dealer just once during his or her three-year license term, the agency would need to hire, train and deploy approximately 500 more inspectors (excluding support personnel and equipment) than it can now afford. Thanks to the NRA – the ATF has been inadequately funded and staffed, as well as unjustly maligned – and now they are asking the agency to more aggressively enforce the laws.

## CONCLUSION

This brief survey of three aspects of the gun debate – the McClure-Volkmer Act, the Brady Law and funding of the Bureau of Alcohol, Tobacco and Firearms – illustrates that, when the NRA complains about the “lack of enforcement,” it is guilty of hypocrisy on a grand scale. Unfortunately, there are many, many more examples of NRA action on the state and local level that further demonstrate the hollowness of its rhetoric. Most gun laws are state, not federal, ones and the NRA has just as much of a stranglehold on many state legislatures as it does on Congress. Its ongoing campaign to weaken state laws on carrying concealed handguns – over the objections of law enforcement – is yet another example of the NRA’s extremist agenda.

If the NRA wants Congress to step up enforcement, it should work to reverse the decades-long damage that has been done to our gun laws at its behest. The NRA knows the ATF is understaffed; indeed, their lobbying efforts have resulted in Congress continually underfunding the agency. The NRA knows the laws are weak – they have spent millions of dollars making sure of that. And now, the NRA claims that the fault lies with the President, the Vice President, and the Attorney General, federal officers, and prosecutors. Enough with the rhetoric. If we want the gun laws enforced, let’s remove the obstacles to enforcement. Let’s strengthen the laws that work and let’s empower the agency that enforces those laws.

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Office of the Deputy Attorney General  
Washington, D.C. 20530

*Guns -  
Enhancement*

December 21, 1999

MEMORANDUM FOR Bruce Reed  
Assistant to the President  
And Director of Domestic Policy

Charles Burson  
Assistant to the President  
And Chief of Staff to the  
Vice President

From: Eric H. Holder, Jr.  
*EH* Deputy Attorney General

Subject: Possible Anti-Crime Budget Enhancements

Thank you for the opportunity to propose funding for several new initiatives in Fiscal Year 2001. Based on conversations between our staffs, I understand that there will be new money for these initiatives. This memorandum identifies those resources that are already included in the budget process, as well as new funding needs.

We propose budget enhancements, above and beyond our passback appeal and any negotiations which ensue from that appeal, as follows. Please note that increases in federal prosecutors will have an immediate impact on other parts of the criminal justice system, particularly the U.S. Marshals Service (USMS) (Deputy U.S. Marshals and Federal Prisoner Detention) and the Courts. Impacts on the Bureau of Prisons will not be felt immediately, but will be significant in the longer term. The needs in these areas are considerable.

In the event that there is not new money over and above any other request we have made, we withdraw these requests and expressly do not want these in place of our 2001 passback requests.

I. Firearms

\$14.5 million for the federal prosecution component of Gun Law Enforcement Team (GLET) Enhancement to support local strategies developed by each U.S. Attorney and ATF Special Agent-In-Charge.

This enhancement would add 93 GLET federal prosecutors and appropriate support and equipment, and 40 positions for GLET strategic enforcement teams in 20 judicial districts. (These teams would consist of an additional federal prosecutor to serve as strategic coordinator and a crime data analyst to assist in federal-state strategic coordination and enforcement, as demonstrated in Boston's "Operation Ceasefire.") The addition of new federal prosecutors will require some number of new Deputy U.S. Marshal positions and funds for Federal Prisoner Detention to support the detention workload created. This will cost approximately \$35 million in FY 2000. In addition, we estimate that transportation of prisoners and staffing for the U.S. Marshals will cost \$8.8 million in FY 2000 for all initiatives in this memorandum. \$7 million was provided in our passback for this initiative, and additional \$7.5 million is required.

\$ 75 million for community prosecution grants to fund the hiring of GLET state or local prosecutors and appropriate support and equipment in areas most affected by gun-related violence (\$170 million for community prosecution was provided through the budget process. Some portion of these funds could be used for gun violence reduction programs within community prosecution).

\$50 million for the COPS program to target police officers for hot spots where gun crimes are a severe problem and to pay for appropriate support, training on gun interdiction, and equipment (\$650 million for COPS hiring was provided through the budget process, of which \$457 million is available for the universal hiring program. Some portion of these funds could be used for a COPS-firearms hiring program).

\$5 million for grants to entities of state and local government which can serve as a match to private funds in each community, for public education and outreach regarding firearms safety and firearms laws. (This is a new initiative);

\$10 million to support and expand the Gun-fire.net universal

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I presume that there will be a sufficient appropriation to ATF such that the total number of prosecutors and the total number of law enforcement officers dedicated to GLET are sufficient and properly balanced.

ballistics system by funding \$10 million for grants to states and locals to integrate their systems. (This is a new initiative. We received \$1.4 million for Gun-fire.net connectivity to the FBI's Criminal Justice Information System wide area network through the budget process.)

\$5 million to fund grants to entities of state and local government to establish and maintain crime prevention programs which focus primarily on reducing firearms violence (This is a new initiative);

\$5 million to fund grants to entities of state and local government to establish and maintain Gun Courts (This is a new initiative);

\$ 70 million to fund NICS Improvements, including \$ 50 mil to reimburse entities of state government which serve as points of contact for the NICS; and \$5 million to fund other improvements to the NICS such as funds to enable immediate notification of state or local authorities of denials (\$3 million), and improvements in the accessibility to the NICS of records demonstrating that individuals are or are not prohibited from firearms possession, including \$12 million in additional funds for the National Criminal History Improvement Program. (This is a new initiative. However, we received \$70 million in the budget process for criminal records upgrades and automation).

\$1 million to fund grants to improve the collection of data regarding the sources of firearms to criminals and juveniles, including an evaluation of the secondary market in firearms. (This could include an addendum to the ADAM survey.) (This is a new initiative).

\$10 million to assist in the development of advanced gun safety technology, such as individualized firearms. (we received \$10 million for NIJ research but not of this magnitude.)

\$0.5 million to fund the development of model state firearms statutes to improve and strengthen state firearms laws (This is a new initiative).

## II Computer and High-Technology Crime

\$50 million for 521 positions, including 236 agents FBI agents and 285 information technology experts and other staff to establish new squads to investigate Internet fraud, computer hacking, cyberstalking and other forms of computer crime, and to develop special enforcement teams composed of Federal, state and local prosecutors, investigators and support. *This is a new initiative.*

\$25 million for prosecutors and agents to combat intellectual property and software piracy efforts. *This is a new initiative.*

\$11.4 million to fund 100 FBI Computer Analysis Response Team positions and appropriate support and equipment, and the Automated Computer Examination System. *This was provided through the budget process.*

\$35 million to fund grants to state and local agencies to develop specialized high-technology crime units, provide advanced computer training, and purchase high-technology crime equipment; *This is a new initiative and would have to be added to the \$350 million DeWine-Leahy package already approved by OMB.*

\$6 million for two regional cybercrime forensic laboratories, to assist state and local investigators in addressing computer crime and other crime problems where computer evidence must be analyzed. *This was requested and provided in the budget appeal process.*

\$10 million for 67 federal prosecutors (AUSA's and Criminal Division attorneys) concentrating on computer crime cases, including cyberterrorism. *This was provided through the budget process.*

\$7 million for the FBI for cryptanalysis technical equipment. *This was provided in the budget process.*

## III Methamphetamine

\$2 million for a DOJ Drug Initiative Oversight Committee, including necessary support staff and contractor funding. This Committee will oversee the Department's implementation of the

Drug Control Strategic Plan. The committee will be co-chaired by the Criminal Division and DEA, and will report to the Attorney General. As part of its mandate, the committee will oversee the Department's methamphetamine initiatives. This is a new initiative.

\$3 million Prosecutor Coordinator Offices (PCO), similar to the Organized Crime Drug Enforcement (OCDE) Program, one office consisting of an AUSA, who should not have a caseload and no other assignments, a staff assistant and a paralegal, with appropriate support, for each district designated by the Attorney General as a High Risk Methamphetamine Area (HRMA's). PCO funding to include all necessary expenses of the PCO, specifically including secure video communications capability to permit regular linking of PCOs. Each Prosecutor Coordinator shall be responsible for forming and coordinating an enforcement task force in partnership with his state and local counterparts and for coordinating with prevention, education and treatment components. This is a new initiative.

\$5 million for 68 positions (34 attorneys) and appropriate support to prosecute cases in high-methamphetamine risk areas. All AUSAs funded under this provision will be assigned to a district task force headed by the AUSA Coordinator. This was requested in the budget process, but no funds were provided; therefore, it is a new initiative.<sup>2</sup>

\$17.8 million for DEA to fund 169 positions (104 agents) and appropriate support in high-methamphetamine risk areas. All agents funded under this provision will be assigned to a district task force headed by the AUSA Coordinator. This was requested in the budget process, but no funds were provided; therefore, it is a new initiative.

\$21.8 million, 10 positions to fund DEA cleanup efforts for methamphetamine lab sites. This was requested in the budget process, but no funds provided. It is a new initiative.

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<sup>2</sup> As with requests for other Federal prosecutors, there are downstream costs for Deputy U.S. Marshals, detention and courts which far exceed the actual prosecutor costs. These should be factored in.

\$20 million for grants to state and local prosecutors and law enforcement agencies to participate in Methamphetamine Task Forces. This is a new initiative.

\$7 million to fund the expansion of ADAM monitoring to all major locations in HRMA's. A total of \$12 million is needed: \$5 million was provided in the budget process; therefore, \$7 million of the total request is a new initiative.

\$0.5 million for the production and maintenance of a "best practices" guide; the maintenance of an Internet website specifically aimed at providing information on methamphetamine prevention, treatment, and enforcement issues to rural communities; and training for first responders on methamphetamine laboratory issues. This is a new initiative.

\$1 million for the Attorney General to create an Interagency Working Group (IWG) on methamphetamine which the Attorney General shall chair and the members of which shall include the senior official of each of the following: ONDCP, EPA, Treasury, Education, HHS, and any other officials whom she deems appropriate. This shall include a sub-group, chaired by the Attorney General, devoted to enforcement issues, the members of which shall be prosecutors or law enforcement officers. This is a new initiative.

Up to \$10 million for Drug Courts in HMRA's. A total of \$50 million is available for Drug Courts, \$10 million is new money that was provided in the budget process. It was not earmarked for HMRA's, however.

\$5 million for methamphetamine abuse prevention, education and treatment discretionary grants to units of local government. This is a new initiative.

#### IV. Drug Testing and Treatment

\$1.0 million and 25 positions for the Bureau of Prisons to pay for drug evaluation and treatment in prison, in addition to BOP's current drug treatment program. This was requested in the budget process but not provided; therefore, it is a new initiative.

\$160 million in new money for prison drug treatment and post-incarceration drug testing and treatment through the Residential Substance Abuse Treatment (RSAT) program and the Drug Testing and Treatment grant program. (Currently, we have a total of \$65 million for RSAT, of which \$2 million is new money from OMB, and \$75 million for Drug Testing and Treatment from OMB. To bring RSAT to \$100 million, we would need another \$35 million. We need another \$125 million for the testing and treatment program to bring this up to \$200 million) The Drug Testing and Treatment grant program could be used for post-incarceration monitoring and drug-treatment and prison and jail drug evaluation and treatment. Language describing the programs could emphasize that treatment would be specifically available for methamphetamine.

V Southwest Border

\$0.75 million support positions for the Southwest Border Coordinator. The Southwest Border Coordinator will be appointed by the Attorney General and will be an official who holds other positions as well. Currently, a US Attorney from a border state is the Southwest Border coordinator. But he has no formal staff. Funds will provide staff, office space and equipment as necessary. This is a new initiative.

\$1 million for 12 positions (7 attorneys) for a federal prosecutor and support staff in each of the Southwest Border districts. The federal prosecutor shall not have an assigned caseload and shall have a dual report to the United States Attorney for his District and to the OSBC. This was requested in the budget process but not provided; therefore, it is a new initiative.

\$8.9 million for DEA for 85 positions (50 agents) for the Southern Frontier, which includes the Southwest Border, Florida, and the Caribbean. This was requested in the budget process but not provided; therefore, it is a new initiative.

\$1 million to fund an Interagency Working Group (IWG), chaired by the Attorney General or designee. Membership shall include the Secretary of the Treasury and the Director of the Office of National Drug Control Policy as well as any other

officials deemed necessary by the Attorney General. The IWG shall include a subcommittee chaired by the Attorney General or designee, the membership of which shall include only prosecutors and law enforcement officers. This is a new initiative.

VI Counterterrorism

\$12.6 million for 120 FBI field and headquarters intelligence analysts, 64 FBI language specialists and \$2 million to fund contract linguists. This is on top of the \$8.0 million already provided by OMB for intelligence analysts (\$3 million and 55 positions) and contract linguists (\$5 million).

\$2.9 million for the FBI hazardous devices school. This was provided in the budget process.

\$2.6 million for FBI Rapid Deployment Teams to restore equipment and supplies funding eliminated in the FY2000 appropriation and to provide new funding for mobilization exercises. This was requested in the budget process but not provided; therefore, it is a new initiative.

Guns -  
Enforcement

THE WHITE HOUSE

Office of the Press Secretary  
(Boston, Massachusetts)

For Immediate Release

January 18, 2000

REMARKS BY THE PRESIDENT  
AT ANNOUNCEMENT OF NATIONAL GUN ENFORCEMENT INITIATIVE

Orchard Gardens Community Center  
Boston, Massachusetts

2:20 P.M. EST

THE PRESIDENT: Well, Mayor, I was just thinking that you should hope that Detective Holmes stays in police work and out of politics. (Laughter.) Didn't she give a good speech? Let's give her another hand. That's great. (Applause.) I thought it was great.

Mr. Mayor; Senator Kennedy; Representative Joe Moakley; Barney Frank; Mike Capuano; to Commissioner Evans and all the members of the Boston Police Department that are here; to representatives of law enforcement who have come to Boston today to be with us -- Jerry Flynn of the International Brotherhood of Police Officers; Tom Ney of the National Association of Police Organizations -- I thank you all for welcoming us.

I want to say that in addition to the Attorney General, we are joined today by Treasury Under Secretary Jim Johnson; the Director of Alcohol, Tobacco and Firearms Division, Brad Buckles; and of course, as the Attorney General mentioned, our United States Attorney, Don Stern.

I also want to thank Lynn Jackson for welcoming us to Orchard Gardens Community Center. She was nervous when she got up here to speak. (Laughter.) I said, go on, you're supposed to start. She said, I'm not supposed to start until they sit down. (Laughter.) So I said, you go up there and speak, I'll make them sit down. (Laughter.) So then when you stood up for Lisa Holmes, she said, make them sit down, make them sit down. (Laughter.) I said, not on your life. (Laughter.)

Let me say to all of you, I am profoundly grateful to the people of Boston and the state of Massachusetts for being so good to me and to my family and to our administration. I've been running over in my mind all the wonderful moments I've had here just since 1991, when I first started exploring whether I should run for President -- the first time I visited CityYear here in Boston, and the day I spent -- Commissioner Evans and the Mayor took a half a day with the Attorney General and me to explain what you've done to lower juvenile crime and lower

dramatically the fatalities among children in this community -- all the other incredible times I have spent in this city and in this state, including the times that Hillary and Chelsea and I have been vacationers here, and contributed, I might add, to the tax base of Massachusetts.

(Laughter.)

But this is a special day for me, because it is an enormous source of pride for me to stand up, after hearing a community leader, a police officer, the Mayor, your Representatives in the United States Congress, and our Attorney General talk about what you have done to give real life and real freedom back to this community.

When I ran for President, the biggest issue on most people's minds was the economy. Here I am in Boston, just south of New Hampshire -- eight years ago, I would have been up there today -- but they were all concerned about the banks closing and people having their mortgages foreclosed and all these other problems. But I knew that the challenges facing America were not simply economic, and that we had to have a policy to try to move people from welfare to work. We had to have a policy to try to open up educational opportunities to all of our young people, and we had to have a policy to lower the crime rate.

In Washington, the primary debate then was whether we needed more prevention or tougher punishment, and whether the federal government ought to just give speeches about it because it was primarily a local problem, or give money and walk away. Well, I felt that on both counts, we should do both.

The first elected job I ever had was attorney general of my state. Before that, when I was a young lawyer, and even when I was a law student, I used to teach criminal law, criminal procedure and constitutional law to law enforcement officials. I have always been interested in this, and I have always been convinced that we had to have the proper balance of punishment and prevention, and that the police could never do it alone -- not without the community, not without the people in the street, and the neighborhoods, not without the parents and the kids, people who want the blessings of a normal, safe life in every neighborhood in this country.

And so we've been working to try to give you the tools to do both -- to prevent more crime, to save more kids, to effectively punish those who violate the law. In 1993, we passed the Brady Bill. The Congress passed it -- it had previously passed, but it had been vetoed by the previous President. I signed it, and said I wanted to sign it and I believed in it. And I heard all that talk about how terrible it was going to be, and what an awful burden it is. And now, we have almost half a million felons, fugitives and stalkers who have not been able to get handguns because of the Brady Bill, and not a single hunter in America has been inconvenienced. It was the right thing to do. There are more citizens alive, there are more police officers alive today because the Brady law is in effect. (Applause.)

In 1994, the crime bill provided funds for 100,000 police officers over a six-year period. Thanks to the leadership of the Attorney General and those working with her, we distributed those funds and got those folks hired, under budget and ahead of schedule. We passed the assault weapons ban; cracked down on illegal gun dealing to young people; kept an eye out, also, for the most innovative local crime-fighting strategies like Operation Cease-Fire here in Boston.

Now, the things you have done, and the things we've tried to help you do, have transformed life in America. As the Attorney General said, the crime rate's dropped now for seven years in a row; the overall crime rate's at its lowest level in 25 years; the murder rate is the lowest level nationwide in 31 years; gun crime down 35 percent; juveniles committing homicides with guns down 57 percent; gun prosecutions up at all levels of government -- local, state and federal. Federal firearms prosecutions are higher today than they were in 1992, but they're up 25 percent just since 1998 to 1999. Those convicted of federal gun crimes are serving longer sentences.

We are trying to send a message, an unambiguous message, to people who violate the law: if you commit crimes with guns, or violate gun laws, you will pay a heavy price. No city has sent that message more clearly than Boston.

But your message is more than that. You have made us know that this is not just a numbers game. You have shown that to reduce crime most, and, therefore, to increase freedom most, among your families, your children and your neighborhoods, prosecutions must be targeted where they'll have the greatest impact -- in Boston's case, on violent repeat offenders and on gun traffickers who supply them.

You have also shown that there needs to be a team effort -- partnerships with citizens and leaders in every community, focused on saving kids and preventing crime before it occurs. And so, after all these years of effort and the leadership of your great Mayor and others, you have made Boston one of the safest cities in America.

It is essential to making America what we want it to be in the 21st century. You know, yesterday we celebrated the annual holiday honoring Dr. Martin Luther King's birthday, and I was honored to sign the bill that made it not only a national holiday, but a national day of service. We call it a day on, not a day off. (Applause.) Yesterday, in keeping with my tradition, I went to the Boys and Girls Clubs of Washington, D.C., with a group of citizens called Greater D.C. Cares, and some young AmeriCorps volunteers, and we worked on rehabing a facility. But in preparation for that day, I thought about all the other King holidays we've had since I've been President, and an astonishing opportunity I had back in 1993 to speak in the Mason Temple Church of God and Christ in Memphis, Tennessee -- that's where Dr. King spoke the night before he was killed.

We had all the leaders of that great church in America there, at a time when America was a much more unsafe place. And I just started thinking off the top of my head, with the crowd, I said, you know, if Dr. King could come back to Earth today, what would he say? He'd say we've done a pretty good job of integrating our society, and we have more African Americans and other minorities moving into the middle class, taking jobs in public service, being fairly compensated for what they do. But he would be sick by the crime and violence that is ravaging all the poor neighborhoods of this country. And he would say, I want you to know I did not live and die so that children could destroy children; so that children could destroy themselves with drugs and become millionaires, destroying the lives of other children. And a lot of you are nodding your heads about that.

This is a different country today because of you. Yes, those things still happen, but now America knows we can make it better. All you have to do is tell somebody the story of Boston, and all cynicism disappears, all skepticism disappears. Everybody knows we can make it better. We don't have to give up on our kids. We don't have to give up on our neighborhoods. We don't have to tolerate a level of fear and violence and crime and insecurity that no civilized society will tolerate.

Now, that is the good news, and we can all celebrate that good news. But if I were to ask you this question -- and I won't make you do it -- but if I were to ask you this question, if I were to say to you, now, everybody that now thinks that Boston and Massachusetts and America are safe enough, please raise your hand, nobody would raise their hand, right? Even though we're at a 31-year low in the murder rate; even though the juvenile murder rate with guns has gone way down; even though the crime rate's at a 25-year low, nobody believes that America is as safe as it ought to be. No one who knows anything believes that all of our kids are as safe in their childhood as they ought to be.

And so I say to you, what are we going to do with this moment of promise? We don't have any excuses anymore. You know, maybe seven years ago people could throw up their hands and say, oh, we can't make it better. Just support the police, lock them up longer, and hope someday it will get better. Nobody really knew.

Now we know. We don't have any excuses anymore. We know how to drive the crime rate down, down, down. And we know how to keep kids out of trouble in the first place. We know how to save children. I think it's time we had the real goal we ought to have as a nation. We ought to say, okay, we got the crime rate down; here's our real goal: we want America to be the safest big country in the entire world. (Applause.)

We can do that -- not with a silver bullet, but by continuing to build on what has worked. And in my new budget, and in the State of the Union address, I'm going to ask the Congress and the country to continue to move forward in the direction that has worked. Today, I want to announce to you five specific initiatives that I believe will help us a lot.

First, in my new budget I will call for hiring 500 new ATF agents and inspectors, the largest increase in ATF firearms enforcement ever. These new agents and inspectors will help us to crack down on violent gun criminals, illegal gun traffickers, and bad-apple dealers -- a small percentage of the dealers -- who supply a very large percentage of the guns that go to criminals and to kids.

Second, we will add, as the Attorney General said, 1,000 new federal, state and local prosecutors to help take dangerous gun criminals out of our communities and put them where they belong, behind bars.

Third, to strengthen the hand of the prosecutors, we will invest more in the ATF's national gun tracing center, and supply local law enforcement agencies with the tools they need

to utilize that center, from computers to training. We want to make it possible, and we can make it possible, to trace the origin of every single gun used in every single crime in the United States.

Fourth, we will create a groundbreaking national ballistics network that eventually will enable us to trace almost any bullet left at a crime scene anywhere in America to the gun of the criminal who fired it.

Fifth, the budget provides local communities with grants to run the same kind of anti-gun violence media campaigns that have been such an important part of the successful strategy used to reduce gun crime here in Boston, or in Richmond, or in other cities which have tried it.

Altogether, these efforts represent the largest national gun enforcement initiative in the history of the United States. They will help communities across America to push violent crime rates down, by cracking down harder on gun criminals, and again by interrupting the flow to prevent more crimes.

But I ask Congress to support them, and also ask Congress to start this new century by abandoning another stale debate. For, in addition to the old debate about whether we should focus on punishment or prevention, and whether the federal government should make speeches or give money, there's a debate that, unfortunately, hasn't died out in Washington, and that's about whether it's better to strengthen the enforcement of the existing gun laws, or to have strengthened gun laws.

The truth is, just like the other questions, the real answer is, we should do both. That's what we've done with the Brady Bill. That's what we have done with the assault weapons ban. And we should do more. The drop in the crime rate has been due both to changing laws and to better enforcement and better prevention.

Last year, we passed some sensible measures in the United States Senate, thanks to the help of Senator Kennedy and with the Vice President casting a tie-breaking vote. As he says, whenever he has to vote, we win. (Laughter.) So by one vote, we were able to defeat the high-pressure tactics of the NRA to pass an important advance in doing background checks, at gun shows, at urban flea markets, having child safety locks for all new handguns, a ban on importing large capacity ammunition clips.

But we couldn't pass it in the House of Representatives even after the travesty of Columbine High School. I believe passing common-sense gun safety legislation should be the very first action of this Congress. (Applause.)

I will say again, to all the people who listen to these arguments, there has been no discernible increase in the burden on any law-abiding sports person in this entire country with the Brady Bill and the assault weapons ban, but we've saved a lot of lives of kids, police officers, and citizens. And closing the gun show loophole -- which is something I know something about, because they're very popular in my part of the country -- or the urban flea market loophole, or banning the import of these large-capacity ammunition clips, which people can't manufacture and sell here at home anyway, or requiring these child safety locks for kids, is an important advance, and it ought to be done.

It will have the same impact that the Brady Bill and the assault weapons ban did. It won't cause anybody who is law-abiding any hassle, but it will save lives. It's important that we do this, too. (Applause.)

I also want to say I think it's important that the gun industry take more responsibility in changing the way it designs markets and distributes firearms. (Applause.) And let me say to all of you who care about this -- there was some spontaneous applause there -- you should know this. There are responsible citizens in the gun industry who actually want to work with us to find new ways to make sure the guns they sell don't wind up in the wrong hands and that kids aren't killed accidentally with them.

Part of the answer may be in new technologies that could reduce accidents. I want all of you to listen to this. And law enforcement officers probably won't be surprised by this, but this is important that you know this. The accidental gun death rate of children under 15 in the United States is nine times higher than that in the other 25 biggest industrial countries combined. Combined.

We don't have to put up with that either. Technologies now exist that could lead to guns that can only be fired by the adults who own them. My budget helps the gun industry accelerate the development of this technology. So we need to support that as well.

In his last campaign in 1968, Robert Kennedy said, the fight against crime -- and I quote -- "is a fight to preserve that quality of community which is at the root of our greatness." We saw something about the root of America's greatness today here in Orchard Gardens -- a community leader proud of her center; a police officer who grew up just a stone's throw from here; elected leaders who know the people who live in this area whom they represent; a mayor proud of the progress that people working together can do; all these people in uniform justifiably proud of what they have achieved. That's what this is all about, all of us working together and helping each other.

I say again, for all the progress we have made, we should never rest, not any of us, as long as there's one more child whose life needs to be saved; as long as there's one more kid that can be turned away from drugs and guns and violence, and kept out of prison in the first place; as long as there's one more street to make safe. We shouldn't quit until your country, your state, and your community are the safest places in the world.

Thank you and God bless you. (Applause.)

END

2:45 P.M. EST

Guns - Enforcement

# PRESIDENT CLINTON UNVEILS LARGEST EVER NATIONAL GUN ENFORCEMENT INITIATIVE, HAILS NEW PROSECUTIONS DATA

January 18, 2000

At an event today in Boston, where federal and local partnerships have helped dramatically reduce gun crime, President Clinton will unveil the largest national firearms enforcement initiative in history. He will also announce new figures from the Department of Justice showing increased federal prosecutions of dangerous gun criminals. The Administration's initiative provides a record \$280 million investment in the FY 2001 budget to: 1) add 500 new Bureau of Alcohol, Tobacco and Firearms (ATF) agents and inspectors to target violent gun criminals and illegal gun traffickers; 2) fund over 1,000 new federal, state, and local gun prosecutors to take dangerous gun offenders off the streets; 3) create the first nationally-integrated ballistics testing system and expand crime gun tracing to help catch more gun criminals; 4) fund local media campaigns to discourage gun violence and send a tough message on penalties for breaking gun laws; and 5) expand development of "smart gun" technologies. The President today will also unveil new data from the Justice Department indicating that federal firearms prosecutions rose 25 percent from 1998 to 1999. Finally, he will call again on Congress to enact common sense gun measures that will keep guns out of the wrong hands and make our communities safer.

**SWEEPING INITIATIVE TO CRACK DOWN ON GUN CRIMINALS.** President Clinton today will unveil budget plans for an unprecedented initiative on gun enforcement. The plan includes funding for:

- **500 New ATF Agents and Inspectors.** The President's initiative includes the largest-ever increase to the ATF for firearms enforcement, including 500 new ATF agents and inspectors. The agents will crack down on violent gun criminals and illegal gun traffickers at gun shows, gun stores and on the street. The firearms inspectors, whose numbers are doubled by this funding, will target unscrupulous gun dealers that supply guns to criminals and juveniles.
- **Over 1,000 Federal, State, and Local Gun Prosecutors.** The President's initiative will fund more than 1,000 new federal, state and local prosecutors to incarcerate gun criminals:

- 1,000 state and local gun prosecutors. The initiative provides \$150 million to hire 1,000 more state and local gun prosecutors. The new prosecutors will work closely with the community, law enforcement, and federal prosecutors on gun-related crimes.

Over 100 additional federal gun prosecutors and new enforcement teams. The initiative will fund nearly 100 more federal gun prosecutors in the offices of U.S. Attorneys. The initiative also funds 20 gun enforcement teams in high gun crime areas, enabling 20 cities to replicate Boston's comprehensive anti-crime strategy, "Operation Ceasefire." These teams will coordinate

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enforcement efforts and maximize tough federal sentencing laws against armed career criminals and illegal gun traffickers.

- **Comprehensive Crime Gun Tracing.** Boston's "Operation Ceasefire" and the Boston Gun Project have brought federal, state and local law enforcement together to trace crime guns and identify and arrest illegal gun traffickers. The Administration's Youth Crime Gun Interdiction Initiative was launched to replicate the Boston model, and today the President will announce that his budget expands the YCGII from 38 cities to 50 cities. Today's initiative will also help more cities crack down on illegal traffickers by providing funds for tracing equipment and training to 250 state and local law enforcement agencies.
- **New Initiative on Ballistics Testing.** The Administration's FY 2001 budget request will triple current ballistics testing funding by investing \$30 million to create the first ever National Integrated Ballistics Information Network (NIBIN). This system will help law enforcement use the unique "fingerprints" of bullets or shell casings left at the scene of a crime to identify criminals and illegal gun traffickers – even in the absence of a firearm. Ballistics testing programs at the Federal Bureau of Investigation (FBI) and ATF have already advanced over 16,000 criminal investigations of gun crimes in over 40 states. This initiative will link these two systems for the first time, and within two years will triple the number of law enforcement jurisdictions with access to nearly one million ballistics images.
- **Local Anti-Gun Violence Media Campaigns.** The President's initiative will provide \$10 million in Justice Department matching grants to support local media campaigns on gun violence and gun safety. Campaigns would be linked to local gun violence strategies to publicize gun penalties and to maximize deterrence, as well as to highlight proper storage of guns and child access prevention. Targeted campaigns have been used successfully in Richmond's "Project Exile" to emphasize lengthy federal sentences, and in Boston to make clear the consequences of breaking gun laws.
- **Innovative "Smart" Gun Technologies.** The President will also propose \$10 million – more than double last year's request – for the expansion, testing and replication of "smart" gun technologies. These state-of-the-art safety innovations could limit a gun's use to its owner or other authorized users – and could therefore prevent accidental shooting deaths of children, deter gun theft, and stop criminals from seizing and using the guns of police officers against them.

**NEW DATA SHOW THAT FEDERAL FIREARMS PROSECUTIONS ARE UP.** Today, the President will also highlight new data from the Justice Department showing the results of bolstered efforts by federal prosecutors to put serious gun criminals behind bars. From 1998 to 1999, the number of federal firearms cases prosecuted by U.S. Attorneys increased 25 percent, from 4,391 cases in 1998 to 5,500 cases in 1999. Tough prosecutions, strategic efforts to deter and prevent gun crime, and the passage of strong new gun laws such as the Brady Act, have together led to a more than 35 percent drop in gun-related crime since 1992 and a 57 percent

decrease in juvenile gun homicide offenders since 1993.

**COMMON-SENSE GUN MEASURES ARE STILL NEEDED AND LONG OVERDUE.**

In addition to pursuing an aggressive enforcement budget, the President will continue to call for much-needed reforms to our nation's gun laws to keep guns out of the wrong hands. Among the common-sense measures he will call on Congress to enact: requiring background checks at gun shows, mandating child safety locks for handguns, banning the importation of large capacity ammunition clips, and banning violent juveniles from owning guns for life.

**FY 2001 Gun Initiatives  
Q&A  
January 18, 2000**

**General**

**Q: Aren't you making this announcement as a response to the NRA's accusation that you aren't enforcing the laws?**

**A:** Not at all. We have been enforcing the laws, and today's firearms prosecution data confirm that we've significantly increased federal firearms prosecutions. [The number of firearms prosecutions is now higher than in 1992 by nearly 16 percent.] Moreover, my sweeping firearms enforcement initiative in the FY 2001 budget demonstrates that we are absolutely committed to doing even more on enforcement, to give federal, state, and local law enforcement more and better tools to enforce our gun laws and crack down on violent gun criminals and illegal gun traffickers. I hope that we can count on the NRA to support our aggressive initiative. But importantly, I have always believed that it's a false choice to choose between enforcing current laws and supporting legislation to strengthen them as well. I will continue to push for my budget proposals and new legislation – and I hope that those who have used enforcement as an excuse not to pass common sense gun laws will revisit their position in view of today's initiatives.

**Federal Firearms Prosecutions**

**Q: How do you explain the steep increase in federal firearms prosecutions? Are they higher than when you came to office?**

**A:** We believe that the new statistics show that U.S. Attorneys have redoubled their efforts to focus on targeting gun crime and violence in this country – and show that we are serious about enforcing the laws against dangerous gun criminals and illegal gun traffickers. The number of federal firearms cases is also higher than in 1992 by nearly 16 percent progress in this area. There are a number of factors that have helped to lead to this increase. I believe a key factor has been strengthened coordination between our U.S. Attorneys and state and local prosecutors to target gun criminals in the community and refer them for appropriate prosecution; this collaboration has resulted in more federal prosecutions in some areas, as well as increased prosecution by state and local prosecutors.

But I think it's important to remember that the phenomenal success we've experienced in reducing gun crime shouldn't be measured by firearms prosecution numbers alone. Tough prosecutions, law enforcement efforts to deter gun crime, and preventing guns from getting into the wrong hands in the first place – through Brady background checks and other common sense gun measures – have all contributed to the remarkable 35 percent decline in gun-related crime nationwide since 1993.

**Q: Why are you saying that firearms prosecutions are up when the number of defendants is nearly identical to the number of defendants prosecuted in 1992?**

A: First of all, the number of federal firearms cases prosecuted by U.S. Attorneys has, in fact, increased from 4,754 in 1992 to 5,500 in 1999 – a 15.7 percent increase. In the last year alone (1998 to 1999), we increased the number of federal firearms prosecutions by over 25 percent, and the number of defendants prosecuted also increased by 20 percent. While it is true that the number of defendants prosecuted in 1999 is about the same as 1992, it is also true that the federal prosecutors have substantially increased prosecutions of more serious gun criminals. In 1999, the number of federal gun defendants sentenced to 5 years or more was 41 percent higher than in 1992, and the average sentence length increased by more than two years. This shows that our federal prosecutors are targeting more dangerous gun offenders for prosecution, and that dangerous gun criminals prosecuted by federal prosecutors today are taken off the street for a longer time.

**Q: Do you know how many of these cases are prosecutions for individuals denied a sale due to a Brady background check?**

A: We do not yet have the breakdown yet on the types of cases, but the Justice Department should be able to provide it in the near term.

### **DOJ Budget Proposals**

**Q: Why does the Administration provide funding for more new local gun prosecutors than new federal prosecutors?**

A: The overwhelming majority of firearms cases – as with other violent crime cases-- are handled by local and state prosecutors. In many cities, local and federal prosecutors are forming successful partnerships to reduce gun violence by targeting the most serious gun criminals for federal prosecution in appropriate cases. For example, in some instances, federal penalties for armed career criminals and illegal gun traffickers are more severe, and should be handled for federal prosecution. My budget maintains the appropriate federal-local balance and significantly enhances resources for prosecutors across the board to bolster prosecutions overall.

**Q: How would your local gun prosecutor program work?**

A: The Justice Department program would provide state and local prosecutors' offices with three-year grants to fund the hiring of attorneys to work closely with the community and local law enforcement authorities to focus on prosecuting gun-related crimes. The program would operate similarly to our successful COPS program, requiring a local match for communities applying for them and requiring localities to retain the gun

prosecutors beyond the three-year grant period.

**Q: What will the 100 new Federal gun prosecutors be doing? What are “enforcement teams”?**

A: This initiative calls for an increase of over 100 federal gun prosecutors to work in the offices of U.S. Attorneys across the nation on gun-related cases. In addition, 20 new enforcement teams, consisting of federal prosecutors and crime analysts, will be deployed into high gun crime communities. Enforcement teams will form partnerships between federal and local prosecutors, ATF and other national, state and local law enforcement and community leaders to analyze and identify key sources of community gun crime problems; coordinate enforcement efforts; expand access to crime-fighting tools, like crime gun tracing, to help crack down on illegal gun traffickers; and target the most serious gun offenders for federal prosecution. Such partnerships have had dramatic success reducing gun violence in communities across the nation modeled after programs such as Boston’s “Operation Ceasefire.” In addition, programs such as Richmond’s “Project Exile” have had an impact on gun violence through utilizing enhanced federal penalties for armed career criminals to deter and incarcerate gun criminals.

**Q: What more can you tell us about your smart gun technology proposal in the budget?**

A: My budget includes \$10 million in new funds for the Justice Department’s National Institute of Justice (NIJ) to fund the expansion, testing, and replication of “smart gun” technologies. Smart gun technologies limit a gun’s use to the proper owner – preventing accidental gun death, theft, and other unintended gun use. Several handgun manufacturers have already started to experiment with smart gun technologies.

NIJ has already formed a partnership with Colt’s Manufacturing, which has resulted in the development of a smart gun prototype. My budget will help to build additional partnerships with gun manufacturers to help speed the availability of smart gun technology to the average consumer.

Once smart gun technology is fully developed and tested, it can help prevent law enforcement officers from having their weapons used against them, and accidental gun death and injuries from children who obtain access to a gun.

### **ATF Budget Proposals**

**Q: Why did the Administration previously cut ATF funding?**

A: While there was a brief time when we believed it was appropriate to direct resources toward other law enforcement priorities, since then, we have been providing steady

increases to ATF. Today's announcement represents the largest budget increase in ATF's history, helping to make it stronger than ever before.

**Q: How many ATF agents and inspectors are there currently? How large of an increase does this represent?**

A: The President's initiative provides funding for 300 new ATF firearms agents, and represents a 23% increase over the 1,287 agents currently working on firearms enforcement at ATF. The President's initiative would double the current number of ATF firearms inspectors by providing funding for 200 new inspectors.

**Q: What specifically will the new 500 ATF agents and inspectors do?**

A: The new agents and inspectors will complement many of the initiatives we are announcing today. For example, new agents will be deployed to cities participating in the Youth Crime Gun Interdiction Initiative, using tracing data to pursue illegal gun traffickers; ATF agents also will join the gun enforcement teams we are proposing to create out of the U.S. Attorneys' offices in 20 high gun crime areas. In addition, ATF agents will work with communities to carry out intensive firearms prosecutions strategies that focus on the most violent offenders and illegal gun possessors, like Richmond's Project Exile. And finally, new agents will add strength to ongoing efforts to target illegal gun trafficking at gun shows, gun stores, and on the street.

New inspectors will allow ATF to conduct more inspections of gun dealers who are the source of crime guns to criminals and juveniles; make more criminal referrals for further law enforcement investigations against unscrupulous gun dealers; and enhance their current ability to issue more frequent warnings and revoke more licenses, where appropriate.

**Q: What is the Administration proposing on ballistics testing and how will it be funded?**

A: My request will triple current funding to \$30 million for ballistics testing, to fund a groundbreaking National Integrated Ballistics Information Network (NIBIN) that will eventually give every law enforcement agency in the nation access to valuable information on gun criminals. Ballistics testing is a successful crime-fighting tool that enables police to use the unique "fingerprints" of bullets or shell casings left at the scene of a crime to identify violent criminals and illegal gun traffickers – even in the absence of a firearm. This initiative creates a groundbreaking partnership between ATF and the FBI to increase access to nearly one million ballistic images to 230 law enforcement agencies across the nation within a two-year period. These two systems combined have helped advance over 16,000 gun crime investigations in over 40 states.

**Q: What is ballistics testing and how does it work?**

A: Ballistics testing makes it more difficult for criminals to cover up crimes committed with firearms than ever before. Similar to a fingerprint identification system, ballistics systems maintain databases of the unique markings that are left on every bullet and casing when fired from a gun. Using this technology, an examiner can match bullets to firearms used in crimes across the nation in seconds. Ballistics databases give police the tools they need to use bullets or casings left at the scene of a crime to identify criminals or the illegal gun traffickers who supply the firearms criminals -- even in the absence of a firearm. They also help link criminals found in possession of firearms to crimes they may have committed with the same gun in other jurisdictions on the network. In some cases, criminals identified through ballistics testing have been successfully linked to murders and other violent crimes in several states.

### **Gun Lawsuit Talks**

**Q: What is the status of your discussions with the gun industry and the cities that have filed lawsuits? What more can you tell us about the meetings you've had? And what do you plan to discuss at the gun industry's Shot Show this week?**

A: As we've made clear before, the White House intends to engage the gun industry in negotiations. We've had some preliminary discussions, and want to engage as many members of the gun industry as we can to achieve meaningful reforms to the way the gun industry does business. Some of the reforms we are seeking include tightening distribution controls to prevent firearms from reaching the illegal market, improving the design and safety of firearms to prevent accidents and unintended uses, and halting the practice of marketing to criminals and juveniles. In sum, we want real reforms that will improve public safety and save lives.

## **Fighting More Gun Crime with Ballistics Testing**

**December 17, 1999**

**New Administration Initiative on Ballistics Testing:** The Administration's FY 2001 budget request will provide over \$30 million to fund a groundbreaking National Integrated Ballistics Information Network (NIBIN) that will eventually give every law enforcement agency in the nation access to valuable information on gun criminals. Ballistics testing is a successful crime-fighting tool that enables police to use the unique "fingerprints" of bullets or shell casings left at the scene of a crime to identify violent criminals and illegal gun traffickers – even in the absence of a firearm. Ballistics testing programs at the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco & Firearms (ATF) have already advanced over 16,000 criminal investigations of gun crimes in over 40 states. This initiative will link these two successful systems for the first time, and triple the number of law enforcement jurisdictions with access to nearly one million ballistics images within a two-year period.

**How ballistics technology works:** Ballistics testing makes it more difficult for criminals to cover up crimes committed with firearms than ever before. Similar to a fingerprint identification system, ballistics systems maintain databases of the unique markings that are left on every bullet and casing when fired from a gun. Using this technology, an examiner can match bullets to firearms used in crimes across the nation in seconds. Ballistics databases give police the tools they need to use bullets or casings left at the scene of a crime to identify criminals or the illegal gun traffickers who supply the firearms criminals – even in the absence of a firearm. They also help link criminals found in possession of firearms to crimes they may have committed with the same gun in other jurisdictions on the network. In some cases, criminals identified through ballistics testing have been successfully linked to murders and other violent crimes in several states.

**New universal system: National Integrated Information Network (NIBIN).** This initiative creates a groundbreaking partnership between ATF and the FBI to increase access to nearly one million ballistic images to 230 law enforcement agencies across the nation within a two-year period. These two systems combined have helped advance over 16,000 gun crime investigations in over 40 states. ATF will have overall responsibility for crime gun and firearms manufacturers operations, hardware and software development, training and installation. ATF will also maintain the ballistic image repositories and imaging systems, and work with manufacturers on ballistic image databases. FBI will maintain overall responsibility for a high-speed, integrated network that will serve as the communication vehicle for law enforcement.

**A groundbreaking industry partnership on ballistics technology.** Working in partnership with ATF, Glock, a major gun manufacturer, will begin a pilot project to allow the ballistic imaging of every 9mm handgun test fired in the manufacturing process. This will create a record linking the "fingerprint" of the shell casing to a bar code for that firearm. The code will enable the ATF National Tracing Center to quickly trace the cartridge to a firearm, and then help law enforcement to identify the first purchaser. This is the same technique used in a crime gun trace where the firearm has been recovered. Earlier this month, the manufacturer installed the remote input station

for ballistics imaging. ATF expects the company to begin this pilot partnership next month.

**Ballistics success stories:**

**New Orleans.** The New Orleans Police Department used ballistics technology to help solve a long-term investigation of a string of violent and brutal murders in the city. Cartridge casings and bullets collected as evidence from crime scenes and from the victims provided data for the IBIS system – which began to produce “hits” between evidence collected from multiple crime scenes. This data was used by the homicide unit to plot the crime scenes, and connected several different firearms used by a violent street gang with a number of drug-related murder and assaults. Ultimately, aided by ballistics technology, 13 members of the “Seventh Ward Soldiers” street gang were indicted, of which 6 were convicted, six pled guilty and one was acquitted.

**San Francisco .** In June 1997, a victim was shot and killed in a telephone booth. Officers from the Oakland Police Department (OPD) were unable to identify suspects or to develop any leads. Projectiles from the shooting incident were entered into the IBIS unit located at the OPD crime laboratory. The next month, two suspects were arrested in possession of a firearm; since both suspects were felons in violation of their parole, they were incarcerated. In September 1998, the firearm that was taken from the two suspects was test-fired and entered into IBIS, and it was determined that the gun had been used in the June 1997 homicide. The incarcerated suspects confessed to the murder, and identified a third suspect involved in the crime, who was later arrested.

## **Ballistics Testing Initiative**

### **Q&A**

**December 21, 1999**

**Q: What is the Administration proposing on ballistics testing and how will it be funded?**

**A:** The Administration's FY 2001 budget request will provide over \$30 million (an increase of over \$20 million) to fund a groundbreaking National Integrated Ballistics Information Network (NIBIN) that will eventually give every law enforcement agency in the nation access to valuable information on gun criminals. Ballistics testing is a successful crime-fighting tool that enables police to use the unique "fingerprints" of bullets or shell casings left at the scene of a crime to identify violent criminals and illegal gun traffickers -- even in the absence of a firearm. This initiative creates a groundbreaking partnership between ATF and the FBI to increase access to nearly one million ballistic images to 230 law enforcement agencies across the nation within a two-year period. These two systems combined have helped advance over 16,000 gun crime investigations in over 40 states.

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**Q: What is the nature of the partnership with Glock?**

**A:** Working in partnership with ATF, Glock, a major gun manufacturer, will begin a pilot project to allow the ballistic imaging of every 9mm handgun test fired in the manufacturing process. This will create a record linking the "fingerprint" of the shell casing to a bar code for that firearm. The code will enable the ATF National Tracing Center to quickly trace the cartridge to a firearm, and then help law enforcement to identify the first purchaser. This is the same technique used in a crime gun trace where the firearm has been recovered. Earlier this month, the manufacturer installed the remote input station for ballistics imaging. ATF

expects the company to begin this pilot partnership next month.

**Q: Paul Januzzo, general counsel to Glock, says that ballistics will soon make it unnecessary for manufacturers to produce serial numbers on firearms that cannot be obliterated easily. Is this true?**

A: Ballistics testing will greatly advance our efforts to crack down on illegal gun traffickers and gun criminals -- but it is by no means a panacea to the problem. As we have become more effective at interdicting guns in the illegal market, gun traffickers are resorting to obliterating serial numbers so that weapons cannot be traced back to them. Because serial numbers are still the only way that owners can report their guns as stolen, we don't expect ballistics to replace the need for serial numbers. Therefore, we are looking forward to continuing to work with the industry and law enforcement to ensure that there is a serial number or another identifier with every weapon so that it can be traced effectively. Ballistics testing represents a long-term adjunct to the use of serial numbers on firearms.

**Q: How is this initiative connected to the threat of federal litigation against the gun industry?**

A: This initiative is part of our longstanding efforts to engage the industry in solutions to illegal gun trafficking and gun crime. We certainly hope that Glock's cooperation with our ballistics testing program is an indication that the gun industry is interested in working with us toward a meaningful settlement that will truly improve public safety.

## **PRESIDENT CLINTON PROPOSES STATE LICENSES FOR HANDGUN PURCHASES**

**January 27, 2000 -- EMBARGOED**

In the State of the Union address tonight, President Clinton will propose a system of state-based licenses for handgun purchases. Under the proposal, every purchaser of a handgun must first have a valid state-issued photo license, showing that the buyer has passed a Brady background check and a gun safety training requirement. The President's proposal is part of a comprehensive strategy to keep guns out of the wrong hands and reduce gun violence and accidental shootings. The President also will highlight recent proposals to launch the largest gun enforcement initiative ever and fund the development of "smart gun" technology that can limit a gun's use to its authorized owner. Finally, he will call again on Congress to pass common-sense gun measures.

**A STATE-BASED LICENSING SYSTEM FOR HANDGUN PURCHASES.** President Clinton tonight will propose a state-based licensing system that would apply to all handgun purchases. Individuals seeking to buy a handgun would be required to obtain a photo license from their state of residence, and to present the license when they purchase a handgun. States would issue a license only if the applicant has: (1) passed a Brady background check; and (2) shown proof of having completed a certified safety course or exam. Under the President's proposal, state participation would be optional, not mandated. For states that choose not to participate, federally-approved gun dealers or a federal entity would be authorized to issue licenses, in an arrangement comparable to the current Brady check system.

**KEEPING CRIMINALS, FUGITIVES, AND OTHER PROHIBITED PERSONS FROM BUYING HANDGUNS.** Under the President's proposal, each state licensing authority would regularly cross-check criminal history and other available records to identify license holders who, since obtaining a license, have become prohibited from possessing firearms. Prohibited persons (felons, for instance) would then lose their licenses and their firearms.

**PREVENTING ACCIDENTAL SHOOTINGS AND UNAUTHORIZED GUN USE.** A recent survey has shown that a third of all handgun owners leave their guns loaded and unlocked. Moreover, the accidental gun death rate of children under 15 in the United States is nine times higher than in 25 other industrialized nations combined. Under the President's plan, applicants for a handgun license would be required to complete a certified firearms safety course or exam. States or certified private entities would administer these safety courses.

**HIGHLIGHTING OTHER INITIATIVES ON FIREARMS ENFORCEMENT AND SMART GUN TECHNOLOGY.** The President tonight will also describe his proposal for the largest gun enforcement initiative in history. This \$280 million initiative includes: 1) 500 new ATF agents and inspectors; 2) over 1,000 new federal, state and local gun prosecutors; 3) comprehensive crime gun tracing; 4) funding increases for ballistics testing; and 5) local media campaigns. President Clinton will also call on Congress to support research in "smart gun" technologies that can limit a gun's use to its authorized owner. The President's budget provides \$10 million to fund such research. Finally, the President will emphasize again that it is long past time for Congress to pass common-sense gun measures to close the gun show loophole, ban the

importation of high-capacity ammunition clips and require child safety locks.

**Handgun Licensing  
Questions and Answers  
January 27, 2000**

**Q: Wasn't the Brady Law struck down by the Supreme Court under a scheme similar to this? Isn't your proposal unconstitutional?**

A: No. The original Brady law was ruled unconstitutional because it mandated state and local law enforcement to conduct background checks on handgun purchasers until the National Instant Check System (NICS) took effect. Under our licensing proposal, state participation would be optional, not mandatory. For states that choose not to adopt a licensing system, federally-approved gun dealers or a federal entity (like the FBI) would be authorized to issue licenses. This is comparable to the way the revised Brady NICS system now operates.

**Q: Are you planning to send legislation to Congress for this proposal?**

A: What the President outlined tonight are the broad principles of a plan. These principles are that: 1) licensing should be state-based and a state option; 2) to get a license, a handgun purchaser must first pass a Brady background check and a gun safety requirement. We hope to work with the Congress and others to move this plan forward and to develop its details.

**Q: How much will this proposal cost? And is it funded in the budget?**

A: The ultimate program costs will depend on many variables: for instance, a dozen states already have some form of licensing in place, and that could significantly reduce the funding needed for what is otherwise a new program. The budget does not contain funds specifically for this proposal.

**Q: Under your proposal, would showing a gun license substitute for a Brady background check at a gun store?**

A: Absolutely not. This proposal would supplement and not replace Brady background checks, which would still be required for sales at federally-licensed gun dealers. In addition, under the President's proposal, each state licensing authority would regularly cross-check criminal history and other available records to identify license holders who, since obtaining a license, have become prohibited from possessing firearms. Prohibited persons (felons, for instance) would then lose their licenses and their firearms.

**Q: How do you know criminals won't just produce fake licenses?**

A: As with other forms of identification, states have an interest in producing licenses that are difficult to counterfeit. And while no identification is absolutely foolproof, requiring

handgun purchasers to produce a handgun license before they are able to buy a gun will greatly improve upon our current system, which allows criminals to buy firearms from private sellers with no ID, no background check, and no questions asked.

**Q: How would you know if private sellers would actually require buyers to show a license? How would you enforce this?**

A: One way this licensing plan could work would be to include penalties for sellers or buyers who fail to abide by the license requirement. That is one of the issues we hope to work with Congress and others in determining. But in general, we believe that like the Brady law, our proposal will be another useful tool to keep guns out of the wrong hands.

**Q: Is this registration? What is the difference between licensing and registration?**

A: No, this is not registration. Registration generally requires firearms owners to register all firearms in their possession with a central government authority. Our licensing proposal would encourage states to create licensing systems that cover prospective sales, not possession, to ensure that all handgun purchasers are legally eligible to possess firearms and know how to safely handle and store them.

**Q: Why didn't you embrace handgun registration instead of licensing?**

A: The President has stated previously that he believes gun registration is a good idea. But he also believes that the best next step to strengthen our gun laws is a state-based licensing system to help ensure that handgun purchasers may legally possess firearms and can safely handle and store them. This will help law enforcement efforts to keep guns out of the wrong hands, and it can help prevent many accidental shootings.

**Q: Aren't you doing this just to support the Vice President's proposal?**

A: The President and Vice President have worked together for seven years to reduce gun violence in this country. It is no surprise that they both agree that licensing will help strengthen our nation's gun laws. And they both agree that Congress must enact long-overdue gun measures to close the gun show loophole and require child safety locks.

**Q: How many states now have licensing systems?**

A: We are aware of at least 12 states that already have some form of a gun licensing system: CT, HI, IL, IA, MA, MI, MN, MO, NE, NJ, NY and NC.

Top of page:

Col 1: News feature on Korean War veterans, moving at a later date with art.

Col 2: A flat-handed swat on the bottom would still be legal, but parents would be prohibited from whacking children with a cane, belt or any other instrument under a Great Britain government proposal. (BRITAIN, moved.)

Cols 3-5: Wild art of weather.

Col 6: The extraordinary U.S. financial boom has significantly boosted the prosperity of the American middle class, but a new survey by the Federal Reserve shows that many of those on society's bottom rungs are losing wealth instead of gaining. (WEALTH, moved.)

Above the fold:

Col 2: Former German Chancellor Helmut Kohl resigns as honorary chairman of the Christian Democratic Union after the conservatives he led for a quarter of a century condemn him for a financing scandal that has tainted the legendary statesman's legacy and plunged the party into crisis. (GERMANY-TIMES, moved.)

Below the fold:

Cols 3-4: The Pentagon prepares to conduct a \$100 million outer space flight test expected to have a major influence on whether President Clinton orders deployment of a controversial system to shield the nation from an enemy missile attack. (MISSILE-TEST-TIMES, upcoming, late.)

Col 5: Three retired Carpenters Union members have filed a lawsuit in federal court alleging that the trustees and a prominent financial adviser to their union's nearly \$2 billion Southern California pension fund have "engaged in improper self-dealing" by investing pension money in businesses in which they have "direct and substantial" financial interests. (PENSION, upcoming 11 p.m.)

Bottom of the page:

Cols 1-3: Feature on California Assembly's rookie legislators.

Cols 5-6: Political news feature moving at a later date.

*Gun  
Enforcement*

Clinton Proposes New Measures to Crack Down on Guns  
By Ricardo Alonso-Zaldivar and Robert L. Jackson  
Los Angeles Times

BOSTON Responding to critics who say that his administration has done too little to enforce gun-control laws already in place, President Clinton proposed \$280 million in new measures Tuesday to crack down on illegal firearms and to improve handgun safety.

On a visit to Boston's Roxbury section, an area notorious for drug-related violence that has seen a marked drop in its crime rate, Clinton called for 500 new agents and inspectors to police gun dealers across the nation, 1,100 more prosecutors at the federal and state level and development of new technology for so-called "smart guns" that can be fired only by their owners, not by children or thieves.

Speaking in a gymnasium packed with law enforcement officers, lawmakers and community leaders, Clinton soft-pedaled his embrace of a legislative position long espoused by congressional Republicans and the National Rifle Association that the nation needs better enforcement of existing gun laws rather than restrictive new ones.

"It's a stale debate," Clinton said, declaring that "the real answer is we should do both." He added that "the drop in the national crime rate has been due both to changing laws and to better enforcement and prevention."

Clinton's conservative foes seemed to welcome his new approach.

"I am pleased that President Clinton appears to be partially signing onto the Republican solution to reducing gun violence," said Sen. Orrin G. Hatch, R-Utah, chairman of the Judiciary Committee.

"The NRA for decades has called for vigorous prosecution of criminals who violate gun laws," NRA spokesman Jim Manown said. "We hope this proposal is serious and sincere."

At a hearing last May, House Republicans charged that one sign of the administration's failure to enforce gun laws was its poor record of prosecuting people who had tried to buy weapons but were rejected when crime data checks showed that they were ineligible as convicted felons.

GOP lawmakers said that there have been only a handful of prosecutions of more than 250,000 felons and others in this category and of more than 6,000 juveniles who were expelled from school for carrying firearms.

But Deputy Attorney General Eric H. Holder told the hearing that since 1993 the number of violent crimes involving a firearm has declined by 27 percent.

Furthering the debate, the Justice Department released statistics on Tuesday showing an increase in federal gun prosecutions in 1999 over 1998. Last fiscal year, federal prosecutors brought 5,500 firearms cases against 7,057 defendants compared with 4,391 cases against 5,876 defendants in 1998 a 25 percent increase in firearms cases, the department said.

Meanwhile, the Washington-based Coalition to Stop Gun Violence joined its conservative opponents in calling Clinton's proposals "a huge step in the right direction."

Desmond Riley, representing the coalition, said that the Treasury Department's Bureau of Alcohol, Tobacco and Firearms "could do a better job of enforcement" and that the additional funding the president is requesting "will help a great deal."

Riley added, however, that "with 100,000 gun dealers in the nation there's really no way ATF can adequately regulate them" without additional laws.

In his speech, Clinton also called on Congress to approve his package of new gun-control bills that cleared the Senate by one vote last year but died in the House. That package included background checks for people buying weapons at gun shows, child safety locks for handguns, a ban on the importation of large capacity ammunition clips and a lifetime ban on gun ownership for violent youths.

A breakdown of the administration's \$280 million proposal:

Hiring 500 new ATF agents and inspectors, which would be the largest increase in staffing ever.

Hiring 1,100 additional federal, state and local prosecutors to work on gun-related crimes. Federal funds would pay for the local hires. The cost of this part of the package is estimated

## Liposuction deaths show doctors operating in unregulated vacuum

Get wheeled into a hospital under medical duress and your chance of dying from surgery is about one in 100,000. Walk into a doctor's office for a cosmetic liposuction procedure, and the risk is about 20 times greater.

The disparity in fatal risk is startling enough. Even more troubling, however, is the fact that this high death rate among otherwise healthy people has gone unnoticed for so long.

It took a journal article published this month and reported in Tuesday's USA TODAY to uncover the fact that as many as one out of every 5,000 liposuction patients dies from the procedure in which fat is vacuumed out of the body.

Both the high fatality rate and the lack of easily accessible data stem from the same glaring gap in the safety net, one that affects more than just those seeking to shed a few inches.

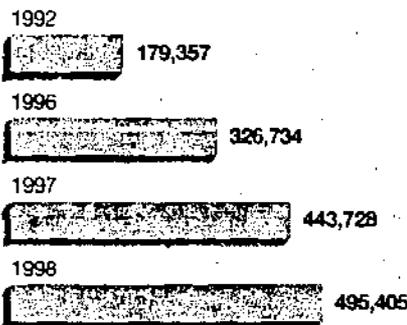
As surgery of all kinds moves away from hospitals and surgical centers and into doctors' offices — thanks to the rise in cosmetic procedures, advances in medical technology and pressure to cut costs — regulations designed to protect the patient haven't kept pace.

Most doctors are basically free to do what they want in their offices. So while hospital surgery is governed by rules dealing with staffing, equipment, reporting and emergency procedures, most doctors performing the same operations in their offices face no such rules. And they aren't required to meet the same competency tests they would if they plied their trade in a hospital.

The result is that more than a few people wanting relatively simple surgeries end up paying with their lives. Just how many is unclear, since doctors, by and large, aren't required to report them. A Fort Lauderdale *Sun-*

### Vanity trends

The number of cosmetic surgical procedures has skyrocketed in recent years. Total number of breast-implant, eyelid, face-lift and liposuction procedures performed:



Source: American Society of Plastic Surgeons

By Genevieve Lynn, USA TODAY

*Sentinel* report published in 1998 found several deaths from cosmetic surgery done in unregulated doctors' offices over the past decade, and that the Florida Board of Medicine largely had been in the dark about the deaths.

The newspaper series prompted reforms in Florida. But so far, only two other states — New Jersey and California — have set surgical standards for doctors' offices, and just a handful more are even pondering such reforms. And no wonder. Doctors fiercely oppose the move, saying that applying hospital standards to doctors' offices would only boost their cost of doing business.

These physicians need to take a cold hard look at their priorities. Patient safety must always come first.

William V. Roth Jr., R-Del., chairman of the Senate Finance Committee.

The GOP approach would have provided an additional personal exemption, \$2,750, for a taxpayer who purchased insurance for long-term care needs. More than 7 million Americans now need long-term care services, whether at home or in nursing homes, and this figure will grow to 19 million people by the year 2030, according to a report by Rep. Bill Archer, R-Texas, chairman of the House Ways and Means Committee.

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## Gun Talks Stall as Industry Shuns Clinton

By Myron Levin

Los Angeles Times

LAS VEGAS Talks aimed at settling the wave of anti-gun lawsuits by major cities have hit a snag because handgun manufacturers are refusing to admit Clinton administration officials to the negotiations.

The White House announcement last month that it would throw its weight behind the cities and join them at the bargaining table had been widely seen as boosting chances for a settlement. Cities and counties involved in the litigation had welcomed the increase in their leverage, and industry officials said White House participation might improve prospects for an agreement.

But a meeting scheduled here for Friday, which was to be the first negotiating session attended by administration officials, was called off early this week when industry negotiators, in a shift in strategy, told the cities they would not show up if the White House took part. The cities then balked at resuming talks on Friday by themselves.

"Those are the terms," an official for one city involved in the talks said of White House involvement. "They (the industry) may be pursuing a divide-and-conquer strategy," but "we believe we are stronger if unified."

"We've got a few manufacturers who are standing in the way of making progress," said Los Angeles City Attorney James Hahn, who filed one of the suits.

"It's unfortunate that a few hard-line voices in the industry are delaying this effort and playing politics," said Bruce Reed, President Clinton's domestic policy adviser.

The announcement of a White House alliance with the cities had been coupled with the threat by the Department of Housing and Urban Development to help public housing authorities plagued by gun violence to file another big lawsuit if settlement talks weren't productive.

It later emerged that few of the nation's 3,400 public housing authorities had agreed to join in. Other housing authorities since have questioned the need for the suit and voiced frustration at not being consulted in advance.

Many in the firearms industry have criticized the White House move as election-year politics, and the industry has responded in kind. Pinning their hopes on a Republican victory in November's presidential and congressional elections, industry officials do not want the Clinton administration to be able to take credit should a peace accord be reached.

The industry's strong embrace of the GOP had been clearly evident this week at the annual SHOT (Shooting, Hunting, Outdoor Trade) show, a giant trade fair in Las Vegas that has attracted 30,000 people, including makers and retailers of all manner of guns and ammo, accessories and apparel.

At a "state of the industry" briefing Monday night, Robert Delfay, executive director of the National Shooting Sports Foundation, which sponsors the show and has led gun manufacturers in settlement talks, blasted away at White House officials, vowing not to "allow the most anti-gun administration in history to bully our industry."

He called on all members of the firearms industry to support a new political action committee that he said will become heavily involved in the upcoming elections.

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## Gore Begins to Display Confidence

By James Gerstenzang

Los Angeles Times

OTTUMWA, Iowa A sense of cautious confidence is creeping into Al Gore's presidential campaign.

Just take a look at the candidate himself after a long day

that began in Atlanta and was ending 740 miles, one presidential debate and two long church services later in Des Moines, Iowa, was still pumped.

"Run Al, Run," the crowd in the United Baptist Church roared over and over, amid a high-energy, rafter-raising program commemorating the birth of the Rev. Martin Luther King Jr.

"I will, I will, I will," the vice president cried out. Then, carried away by the moment or a sudden charge of confidence he is no longer able to hide, he shouts out above the cheers: "I'll win. I'll win. I'll win!"

That was Monday. The church crowd was getting a rare look at the Impulsive Gore, the Gore who asked the choir for one more song, stood up, faced the singers and shifted his weight from foot to foot, swaying awkwardly with the music.

On Tuesday, the Earnest Gore was back. No dancing. No premature declarations of victory.

But among the crowds turning out to see him, there is a heightened energy. And his aides, reluctant to appear overconfident or even publicly confident, are thinking privately that a Gore wave is nearing a crest.

A Los Angeles Times poll this week found the vice president with a whopping 23-point lead in Iowa over Bill Bradley, his rival for the Democratic nomination. Recent surveys of New Hampshire, site of the nation's first primary on Feb. 1, show the two Democrats are running nearly even.

"I think it's a real-tight horse race," Gore said in an interview Tuesday.

And moving to undercut any suggestion on caucus night that something less than 50 percent could still represent a victory for Bradley, Gore said: "I am hoping for a win here in Iowa. And I think that regardless of what anybody says, a win is a win is a win. And that's what I'm shooting for."

Behind the scenes, Gore "feels good. He's loose. He's kidding around," said Andrew Cuomo, the secretary of Housing and Urban Development, who spent Tuesday traveling with the vice president.

Throughout the autumn and early winter, Gore has been making his case to the potential voters across the state. Now, Cuomo said, "He feels his case has worked."

"You continue to make your case, but since they are with you, it takes on a different style."

Indeed, say those close to Gore, in private the vice president has been considerably more upbeat, for considerably longer, than he has let on.

As Gore's 11-vehicle motorcade traversed the dun-toned pastures of southeastern Iowa, from Des Moines to Indianola, from Knoxville to Ottumwa, Bradley spent a subdued day, driving through a foggy morning from Des Moines to Iowa City.

There, speaking to a West High School auditorium packed with more than 700 students and plastered with hand-painted "Bill 4 Pres" signs, Bradley said he would take bold steps as president to lift up those left behind.

"We are the greatest country in the world and we're at the time of our greatest prosperity," Bradley said. "We should not settle."

But the focus offstage turned to the prospects for his candidacy. Speaking with reporters, Bradley said he would stay in the race for the presidency even if he didn't do well in Iowa or New Hampshire.

"This is a race where you try to get delegates, and March 7 is the big day when you have a national primary," Bradley said. California, New York, Ohio and 12 other states vote then.

"This is a difficult state where you're up against entrenched power, but I made a commitment to the Iowa caucus, and I'm keeping my commitment," Bradley said. "We don't have the apparatus. The apparatus is with the vice president. But we do have a lot of enthusiasm among people, and the question is, can we reach out to enough to get them to the caucuses. That remains to be seen."

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## One photo and one graphic (TPN) available at [www.latwp.com](http://www.latwp.com)

Seniors a Political Force Like Never Before

By Maria L. La Ganga

Los Angeles Times

MASON CITY, Iowa There they are, perhaps the most powerful voters in Campaign 2000, twirling along the linoleum dance

It also would pay for 20 new gun enforcement teams in the areas around the country.  
Funding to expand ATF's capacity to trace guns used in "fingerprint" bullets recovered from crime scenes.  
Providing an additional \$10 million for research into "smart gun" technologies, which can prevent a weapon from being accidentally fired.  
Funding for anti-violence media campaigns by city and state governments.

### Clinton Tries to Persuade Syrian President to Resume Talks Norman Kempster Los Angeles Times

WASHINGTON President Clinton talked by telephone with Syrian President Hafez Assad for almost an hour Tuesday in a determined effort to persuade Syria to resume interrupted Middle East peace talks.

Clinton's call to the wily Syrian autocrat came as Secretary of State Madeleine K. Albright predicted that Israel and Syria eventually will overcome half a century of animosity and sign a formal peace treaty, despite the indefinite postponement of high-level negotiations that had been scheduled to resume Wednesday.

Albright and nongovernmental Middle East experts said Assad's objective in delaying the talks was almost certainly to gain procedural advantage, not to torpedo the peace process, which seems closer to success than at any time since the creation of the Israeli state in 1948.

"The logic of peace has become compelling" for both Syria and Israel, Albright said. "Their leaders will have to take hard, fateful, even painful decisions, but they have increasingly come to understand that there is no better alternative."

Albright said the latest snag came over the same procedural issue that twice stalled the two countries' talks earlier this month in Shepherdstown, W. Va. the order in which the key issues will be discussed and resolved.

Syria wants to talk first about the return of the Golan Heights, a strategic plateau it lost to Israel in the 1967 Middle East War. Israel wants to discuss the other issues—security guarantees, water rights and the nature of future diplomatic relations between the governments—before considering withdrawal from the Golan Heights.

Twice in the earlier round of talks, U.S. officials believed they had brokered a compromise in the dispute, only to see the issue reemerge.

"Understandably, both want to be sure their needs will be addressed first," Albright said. "Our challenge is to work with both sides and find ways to narrow their differences to the point where all needs get resolved simultaneously."

Other Middle East experts generally agreed.

"It was a predictable bump in the road," said Geoffrey Kemp, a Reagan administration Mideast specialist. "It was always anticipated that the early issues, particularly procedural issues, would be very sensitive because ... of the inherent suspicions on both sides."

In Israel, Prime Minister Ehud Barak's government tried to show that it could turn to the Palestinians whenever dealings with the Syrians go sour, effectively playing one negotiating partner against the other.

As soon as the Israeli-Syrian talks were called off, Barak held a surprise, four-hour meeting that stretched into the early hours of Tuesday with Palestinian Authority President Yasser Arafat. Israeli and Palestinian officials said the two leaders agreed to "accelerate" their efforts to reach a preliminary draft of a final, comprehensive peace settlement by mid-February.

Arafat is scheduled to confer with Clinton Thursday at the White House. Initially, U.S. officials had expected that meeting would include Barak, who would have broken away from meetings with Syrian Foreign Minister Farouk Shareh to attend. With the Syrian talks off, Barak scrubbed his trip to Washington.

Arafat adviser Nabil abu Rudaineh said the Palestinian leader will use the meeting to ask the Americans to prod Israel into more serious negotiations with the Palestinian Authority.

Since sweeping into office last summer on a pledge to end decades of Arab-Israeli conflict, Barak has tried to manage two tracks of negotiations—with the Syrians and with the Palestinians—at a fast pace that many saw as unrealistic. His insistence that he

could achieve his goals and make peace on a rigid schedule was the hallmark of his tenacious governing style.

Now, with the Syrian talks on hold and the Palestinian effort sluggish at best, Barak is suddenly confronted with the complexities of what he is trying to achieve, Israeli analysts said Tuesday.

### Clinton Proposes Tax Credit for Elderly Care By Robert A. Rosenblatt and Alissa Rubin Los Angeles Times

WASHINGTON Courting the baby boom generation, President Clinton will propose in his next budget a hefty new tax credit, \$3,000 a year, to help offset the expense of caring for a frail, elderly family member.

The tax credit, which would cost the federal treasury \$26 billion in lost revenue over 10 years, would provide financial help for 1.2 million people over the age of 65 and their caregivers.

The size of the proposed benefit is much larger than the \$1,000 credit suggested by the president last year but ignored by Congress. The new credit, aimed to win the support of millions of baby boomers whose parents are becoming aged and infirm, will be a key feature in a major Clinton tax cut proposal to be offered in the fiscal year 2001 budget next month.

But the prospects for legislative action are much improved because this is an election year. Members of both parties are keenly interested in the issue. Republicans endorsed the idea of tax help for caregivers in their "Contract with America" campaign manifesto when they won control of the House in the 1994 elections.

Clinton's proposal and congressional enactment "could be a big first step to help people who sacrifice a lot and provide the bulk of the care," said John Rother, legislative director for the AARP, formerly the American Association of Retired Persons. "This supports people in doing the right thing and taking care of their families," he said.

The administration decided to beef up the amount it will seek for a tax break after Vice President Al Gore conducted 10 forums on long-term care over the last year. Participants repeatedly criticized the administration's plan for a \$1,000 credit as inadequate. "We heard from a lot of people that \$1,000 just didn't go very far," said a senior administration official. "So this year, when we sat down to do the budget, the president said: 'I want to increase it this year, I want to increase it significantly.'"

The test for eligibility would be a stringent one. The tax credit would be available only when a person needs help from someone else to carry out at least three of the five basic activities of daily living: bathing, dressing, using the toilet, getting in and out of bed or a chair and eating. The credit also would be available for caregivers when a person has a disabling mental impairment such as Alzheimer's disease.

Typically, a disabled individual would receive help each day either from a family member or someone hired to provide assistance on an occasional or full-time basis.

The purpose of the tax credit would be to help offset the financial burdens on the individual or the family. Often, spouses or children take time off from work or quit their jobs entirely to become caregivers. A 1999 study published in the journal *Health Affairs* found that it would cost \$196 billion a year in wages if 25 million unpaid caregivers—family members and friends—were paid for their labor at the rate of \$8 an hour.

Under the administration plan, the credit would be available beginning at \$1,000 in the year 2001, and would increase by \$500 annually, reaching a maximum of \$3,000 for the year 2005 and later. It would be available for single taxpayers with incomes up to \$75,000 a year and couples with incomes up to \$110,000 annually.

The credit could go to the disabled person himself if he or she earns money and pays taxes or to the family member who is the primary caregiver. The credit is directly subtracted from the tax bill. If an individual owed \$3,000 in taxes and qualified for the credit, his or her tax bill would be reduced to zero. If taxes owed were \$500, however, only a \$500 credit could be claimed.

Republicans indicated Tuesday that they are interested in the issue but noted that the GOP tax bill Clinton vetoed last year included a deduction for the cost of buying long-term care insurance. "We're happy he's beginning to look at these issues and we look forward to working with him," said a spokeswoman for Sen.

Gun  
Enforcement

William Raspberry

## The NRA Wants Enforcement?

The trouble, the National Rifle Association has been telling us, is not the absence of new gun-control legislation but the failure of the federal government to prosecute under existing legislation.

Indeed, that was burden of NRA vice president Wayne LaPierre's intemperate blood-on-Clinton's-hands remarks of last week.

The accusation usually is accompanied by references to Richmond's "Project Exile," a program under which firearms offenders—including drug users and felons, carriers of illegal guns and gun carriers who have been convicted of domestic violence—are prosecuted in federal (rather than state) courts, where sentences and bail bond requirements tend to be tougher.

The NRA and other advocates of a citizen's right to bear arms say Project Exile has significantly reduced Richmond's homicide rate. I don't know whether that is true. What interests me for now is what happened in Congress this week. Democrats have offered legislation to boost federal enforcement of the gun laws by hiring new federal agents and prosecutors and creating a national database of "ballistic fingerprints."

In effect, the proposal calls the NRA bet—and raises it substantially. The NRA wants enforcement? The proposal would add 1,000 local prosecutors and 100 federal prosecutors to handle gun enforcement. Gun advocates want to make it tougher on criminals who use guns? The national

registry of firearms "fingerprints"—unique barrel markings—would make it easier to link specific crimes to particular weapons. In addition, the packet of bills called ENFORCE would fund "smart gun" technology that prevents weapons from being fired by anyone except their owners.

It'll be interesting to see what LaPierre and Charlton Heston have to say now.

As for Richmond's Project Exile, it's hard to know how much, if any, of the reduction in the city's homicide count it is responsible for. For instance, one period that saw a 27 percent drop in homicides in Richmond also saw a 24 percent reduction in aggravated assaults, a 19 percent decline in violent crime generally and a 17 percent drop in rapes. As with the recent national decline in criminal violence, local officials tend to credit whatever it is they are doing, be it community policing in Indianapolis or get-tough enforcement in New York City.

The Richmond experience also raises the question of why federal courts should be the venue of first resort in gun cases. The pragmatic answer is that a gun violation that might result in probation or a few months in jail in a state court will bring five years in a federal court. But federal judges aren't crazy about the idea of their courts being swamped by relatively petty criminal offenses normally tried by state courts.

No matter. The legislation offered this week by Sen. Charles Schumer (D-N.Y.) and Rep. John Conyers (D-

Mich.)—they were joined by Rep. Carolyn McCarthy, the New York Democrat whose husband was killed by a gunman on a Long Island commuter train—takes the NRA's contentions about Project Exile at face value. Instead of arguing the weaknesses and uncertainties of the approach, they say, in effect, bring it on.

Will the NRA's response be merely partisan? After all, much of the new legislative packet was contained in President Clinton's last State of the Union address. Or will it urge its congressional supporters to back the legislation as perhaps the best way of staving off even harsher legislation?

A spokesman for House Judiciary Committee Chairman Henry Hyde (R-Ill.) described the Democratic measure as mere "posturing." But NRA spokesman William Powers, while withholding judgment on the package, said his organization could be supportive if the additional federal agents are earmarked for "zero tolerance" measures to keep guns out of the hands of violent felons.

One sticky point could be the part of the package that calls for 500 new agents and inspectors for the Bureau of Alcohol, Tobacco and Firearms, an agency much hated by many gun advocates. Still, the proposal is an interesting, potentially productive way of joining the issue of what to do about guns and violence in America. And it's a darn sight better than the incivility, vilification and personal demonization that have marked the debate in the last couple of weeks.

JUDY MANN

## War on Drugs Can't Help but Run Amok

**A**nother black man has fallen victim to the war on drugs. He was Patrick Dorismond, 26, father of two and an off-duty security guard who was trying to hail a cab outside a midtown Manhattan bar last week.

Dorismond and a co-worker, Kevin Kaiser, were approached by an undercover police officer who wanted to buy marijuana. Kaiser has told the media that Dorismond brushed him off. Angry words were exchanged, a scuffle ensued, and the undercover detective, Anderson Moran, spoke the code words calling for backup.

Detective Anthony Vasquez appeared with his gun drawn. Kaiser yelled, "Get the gun!" During the scuffle, the gun went off, mortally wounding Dorismond. In the police version of events, Dorismond threw the first punch. Kaiser says Vasquez threw the first punch at Dorismond. A senior police investigator has told the *New York Times* that several witnesses have corroborated Kaiser's version.

Before the body had grown cold, the police commissioner, Howard Safir, had released Dorismond's juvenile and adult record and branded him an aggressor. Dorismond's record, unfortunately for Safir and his principal defender, Mayor Rudolph W. Giuliani, hardly bespeaks a violent criminal. According to a *New York Post* report, which cited records and sources, Dorismond was arrested at 15, the charge was dropped and sealed; he pleaded guilty to disorderly conduct twice as an adult, and there was an arrest, allegedly for a small amount of marijuana, which was expunged from his record. Giuliani, however, was busy painting the dead man as someone with an "extensive record," that included robbery, and said he had a "propensity for violence."

The attempted drug buy that led to Dorismond's death was part of Giuliani's latest scheme to reduce the rising homicide rate in the city by going after low-level drug dealers. The plan, named Operation Condor, went into effect Jan. 17, and according to police, it has resulted in a stunning 21,445 arrests, most for misdemeanors. It is costing \$24 million in police overtime, as Safir fields 500 additional undercover officers every night.

The attempt to portray Dorismond as the bad guy has exploded in Giuliani's face, as has his ringing defense of the officers involved, a pattern that also held in the fatal shooting of Amadou Diallo, shot 19 times by four plainclothes officers while he reached for his wallet, and of Malcolm Ferguson, killed March 1 during a similar buy-and-bust confrontation.

So far, Operation Condor has resulted in two deaths without putting a dent in the homicide rate, which is 22.6 percent higher than at this time last year. It has loosed Gestapo-style tactics on New Yorkers, in which cops set people up for criminal behavior. Dorismond, who wanted to become a police officer, was clearly offended by someone thinking he looked like a drug dealer. Who

wouldn't be? He had no way of knowing that Moran was an undercover cop, and Moran had no way of knowing whether Dorismond was armed. He could have been killed as well.

"When you have police engaging in these type of tactics, it's almost inevitable these incidents would occur," said Deborah Small, a lawyer who directs public policy at the Lindesmith Center, an institute focusing on drug policies, which is funded by financier George Soros.

Suspects caught up in Operation Condor are all taken to police precincts, fingerprinted, booked and placed in holding cells, according to Small, all of which costs money. The vast majority of cases are being dismissed, Small said.

"People are angry not just because another unarmed man is killed, but the circumstances seem to be that when a civilian is approached, anything other than obedience or acquiescence seems to be a license for the cops to do what they want," Small said. "Given the diversity and backgrounds of people in New York City that is not a presumption they should operate from at all. . . . There seems to be this presumption by police that they expect to be obeyed irrespective of whether they've identified themselves, and anything other than obedience is perceived as aggressive by them."

So civil liberties have been another casualty of the war on drugs. Although some people would view Operation Condor's methods as entrapment, the courts have upheld such police practices, Small said. "How else are you going to find out if people have drugs, if not by stopping them, searching their cars, their body cavities," she said. "This is what we've resorted to. We have this war mentality, and civil liberties are suspended in a war effort."

The Lindesmith Center is advocating the only sensible approach to drug use, which is to stop treating it as a criminal matter. "You are trying to legislate what is basically private behavior and that doesn't work in a free society," Small said. "Most other Western societies have started realizing that substance abuse is a public health problem and should be approached that way."

The model Lindesmith is promoting is one of harm reduction. Instead of locking people up for 10 years, give them help to overcome addiction, job training, counseling, education and whatever support they need to lead productive lives. Get rid of paraphernalia laws, so that those who cannot overcome addiction can purchase needles from their pharmacist and reduce their risks of getting HIV/AIDS from contaminated needles.

The war on drugs has failed. What we're getting out of it is a record 2 million people in prison, the erosion of basic civil rights, and the killings of men by undercover cops. We're pouring tens of billions down the toilet because we can't bring ourselves to understand that substance abuse is a health problem and to treat it that way. We are paying a terrible price for being so pigheaded.

# Once again, Clinton's solution is more officers

By Kevin Johnson  
USA TODAY

WASHINGTON — President Clinton has addressed every big problem confronting law enforcement during his two terms in roughly the same way: He has put more people in uniform. Since 1994, the administration has:

► Financed the hiring of 100,000 more local police officers nationwide.

► Provided funding for more than 400 new FBI agents to fight terrorism after the 1995 bombing in Oklahoma City.

► Added hundreds of officers to the ranks of the Border Patrol to cut the flow of illegal immigrants from Mexico.

Clinton applied the same strategy Tuesday to the national struggle for control of firearms when he proposed the largest firearms enforcement initiative in U.S. history: a \$280 million proposal to hire 500 Bureau of Alcohol, Tobacco and Firearms (ATF) officers and 1,100 federal and state prosecutors.

Here are some questions and answers on the proposal:

**Q: Does this kind of strategy work?**

A: Crime is down, there have been no terrorist incidents on

U.S. soil in the past five years, and vast portions of the Southwest border are no longer unguarded. Yet questions have been raised about the start-up time and long-term future of some of these programs.

Last year, the Justice Department's inspector general found that some local police departments had difficulty keeping officers hired under the 1994 federal plan. Last month's arrest of a suspected Algerian terrorist in Washington state also raised concern about the inadequate distribution of officers along the Canadian border.

ATF officials said Tuesday it is too early to tell how 500 new officers would be deployed, but the plan has won over a key ATF critic on Capitol Hill.

"It's about time," said Arlen Specter, R-Pa., a member of the Senate Judiciary Committee. "The first line of defense against guns is investigation and prosecution. The president is finally putting the money where it's needed."

**Q: How radical is this plan?**

A: Treasury officials, who oversee the ATF, say it essentially provides \$53 million for a hiring initiative that the ATF has been urging for months.

Before leaving office last

month, former ATF director John Magaw said his long-term hope was to increase the number of special agents from 1,800 to 2,400. Under Clinton's plan, the number of agents would increase by 300, while 200 inspectors (officers who monitor compliance among gun dealers) would be added to an existing force of 740. "This allows us to focus more intensely on violent crime and the people who would be trafficking in guns," Treasury Undersecretary James Johanson said.

**Q: If approved by Congress as part of the federal budget process, how long would it take to implement the plan?**

A: Oct. 1 is the earliest the money could be available. What's not known is how long it would take to recruit, train and hire the additional agents, inspectors and prosecutors.

**Q: What opposition does the initiative face?**

A: So far, one of the administration's harshest critics on gun policy, the National Rifle Association, is not ready to throw Clinton its full-fledged endorsement. "I'm tempted to declare victory," said Wayne LaPierre, the NRA's executive vice president. "But I'm not persuaded

their heart is really in (enforcement)."

Senate Majority Leader Trent Lott, R-Miss., hinted Tuesday that congressional approval might be possible. "Some additional funds for enforcement of gun laws is something Congress would look favorably at," he said, as long as the proposal's details pass scrutiny.

**Q: What are the political implications of this plan?**

A: Some gun-rights advocates say the election-year lim-

ing of Clinton's proposal is designed to disarm Republicans who have criticized the administration's enforcement of gun laws.

"Everything about this president is about getting a political advantage. Should this be any different?" said John Snyder, spokesman for the Citizens Committee for the Right to Keep and Bear Arms.

Contributing: Gary Fields, Wendy Koch and Laurence McQuil-

*Guns - Enforcement*

# Tipper Gore is a witness for Al's human side

When campaigning, she steers clear of policy details, preferring instead to tell voters about the good man she married

By Susan Page  
USA TODAY

KEOKUK, Iowa — Even when her husband's presidential aspirations seemed to be spiraling downward, Tipper Gore kept campaigning with sunny good cheer, shaking hands and extolling his virtues to anyone who would listen. But she stopped reading newspapers: Endless stories about problems in his campaign and his shortcomings as a candidate left her distracted and upset.

After a campaign shakeup last fall that she helped shape, however, the news has gotten better. One sign of just how confident Vice President Gore's campaign has become: Tipper Gore has started reading the papers again.

"I feel like I can begin to get back in the water," she says, laughing, in an interview in a back room at the Hawkeye Restaurant here. But, "I know the sharks are still there."

She has just finished embracing well-wishers and signing autographs for more than 100 people who came to the restaurant on a freezing morning to hear her pitch for her husband. She is, he says, his best defender, especially when it comes to the human qualities that he can have trouble conveying.

"She's my closest adviser and my most effective campaigner, myself included," the vice president says in a separate interview. "She's got terrific judgment and perfect pitch."

Tipper Gore, 51, comes across as natural and warm, as genuine and relaxed as her husband sometimes seems programmed. They met at his high school graduation dance and never looked back.

"We've been married 29 years," she tells the crowd. "He's a fantastic human being. He's got integrity, he's got honesty, he's smart, he's got determination, he's got the fighting spirit, he's dedicated to public service, and that's what he feels his calling is."

Last fall, he made it to every one of their son's high school football games. "That tells you a lot about what kind of person he is," she says as people nod their heads.

During the rigors of the 1992 campaign, Hillary Rodham Clinton served as a sort of defense lawyer for her husband. In this campaign, Tipper Gore is acting more like a character witness for hers. She declares her husband's commitment to education, health care, Medicare and the environment, but she doesn't discuss his proposals in detail and usually doesn't take questions.

When a reporter for *The Oshkosh Herald* presses her for details about Gore's plan for universal preschool, she stumbles over a question of whether he would make it mandatory. (He wouldn't.) When the reporter asks for details of how Gore would help rural hospitals, she demurs. "I'm not the candidate," she says. "I'm here to be supportive. I'm not some-

body who knows all the details to the nth degree. That's not my thing."

What she does is tell voters that her husband is a good man who is devoted to his family and would show the same commitment to theirs. If her speech tends to ramble, it is delivered with an earnestness that leaves most in the audience smiling.

"When you see her, it's like you know them," says Janet Mann, 54, a telemarketer and part-time caterer who arrived early with two friends.

"She's down-to-earth," agrees Pat Forest, 70, the retired co-owner of a tavern who has brought a disposable camera to snap pictures.

Indeed, two hours later, Tipper Gore has shed her black pumps and rented pink-and-gray, size-7½ bowling shoes at the Roosevelt Lanes in Burlington, ready to join the afternoon senior bowling league. She does pretty well, including hitting a spare, before heading to the bowling alley's restaurant to speak.

An unspoken message is that the Gores' marriage lacks the complications of the Clintons' union. "We're seeing the wife of a family man," says Joyce Kooker, 55, an insurance agent in Winterset who made phone calls to turn out voters for Tipper Gore's appearance at the Winterset Historical Museum.

"People are looking for more values than we have now. I don't want to criticize Clinton, but there has been some talk about that."

Tipper Gore has been more than a smiling wife during this campaign. To the resentment of some who have worked on the Gore payroll, she and daughter Karena were the voices the vice president is said to have lis-

tened to most when he decided to overhaul his campaign, changing key staffers and moving the headquarters from Washington to Nashville.

"When the campaign seemed to not be taking hold the way we wanted it to, particularly when we knew what a great president he'd be and what a great campaigner he is, we just sat down and talked about it," she says. "When we analyzed what's working here, what isn't working here, it basically came back to simple truths: Let's get back to A-B-C, go with our instincts, go with what we know has worked in the past, trust your own judgment."

They decided to return to the strategies that helped Al Gore win his first election to the House of Representatives from Tennessee in 1976, including holding a lot of open town hall meetings.

And, contrary to reports about a controversial consultant's role, she takes credit for a more visible change: Gore's wardrobe. Navy suits, out; casual, earth-tone clothes, in.

"Yeah, actually, that was my idea," she says. "I have always gone and picked out clothes for him or dragged him to the store and tried to get him to do something a little different." After all, "I personally get a little tired of the blue pin-striped suit."

Guns -  
Enforcement

# Prosecution of federal gun offenses dropped in Clinton administration

By Jerry Seper  
THE WASHINGTON TIMES

The nearly 1.5 million people likely to face an armed assailant this year will most probably be looking into the eyes of a young white male, over 18, carrying a .38-caliber pistol he bought through a drug dealer or a fence.

This young assailant is among a growing number of criminals who have increasingly armed themselves over the past several years despite an overall drop in the nation's crime rate. More criminals are now looking to get concealable, large-caliber semiautomatic pistols.

The confrontation most likely will occur in an urban area, and according to the Justice Department's Bureau of Justice Statistics, the assailant is probably on probation, parole or pretrial release. About a third of them have a felony conviction.

But the chances he will face federal weapons charges — if caught — are less likely now than 10 years ago. The number of referrals by the federal government to prosecutors in gun cases declined by 44 percent under the Clinton administration.

Why? The administration, while vigorously pursuing a public anti-gun posture, has backed off from an aggressive crackdown on illegal guns started under President Bush. Seeking to avoid a duplication of state and local programs, the federal government has focused on the flow of guns into the community and not their use.

That shift in policy was mandated by a 1994 Office of Management and Budget memo, causing the Justice Department to switch its focus from street-level criminals to gun traffickers. The shift is

## NRA says the laws should be enforced

described in the U.S. Attorneys Annual Statistical Report, saying prosecutions under "Project Triggerlock," a major anti-gun program established under Mr. Bush, dropped from 7,048 in 1992 to 3,807 in 1998.

Wayne LaPierre, executive vice president of the National Rifle Association, said Mr. Clinton "would rather make NRA rhetoric the issue rather than his own policies." He said Mr. Clinton owes the parents of children killed by guns an explanation of why federal gun laws are being so poorly enforced.

"I think he should look them in the eye and explain why he won't enforce the laws against crack dealers with guns and take them off the street," he said.

Republicans have complained that the administration ignored existing laws while pressing for symbolic measures such as a ban on possession of guns near schools and banning the transfer of weapons to juveniles. According to the Executive Office of United States Attorneys, there were only eight prosecutions under the school-gun law in 1998 and six under the gun-transfer law.

Project Triggerlock targeted the most dangerous criminals in each community under federal laws calling for minimum five-year prison sentences for using guns to commit crimes and 15-year sentences for felons with three or more convictions for violent crimes.

A new program in Richmond known as "Operation Exile" is modeled after Triggerlock. Touted by Mr. Clinton and Republicans, it in-

volves a cooperative effort between federal and Virginia officials to prosecute small-time criminals who use guns — an offense that earns a mandatory five-year sentence in federal prison. Richmond officials have credited the program with a 40 percent drop in the city's homicide rate.

Under Project Exile, begun in March 1997, 390 defendants caught with illegal guns have been prosecuted in federal court, where bail and mandatory penalties are tougher than in state courts. The program has been promoted by the NRA, which has lobbied the federal government to provide \$50 million in seed money to allow other cities to run Exile-type programs.

The NRA, with 3 million members, has accused the Clinton administration of trying to undermine Project Exile by offering lip service while failing to lobby for its extension. The NRA has provided seed money for a Richmond-style advertising campaign for a similar effort in Philadelphia and hopes to see it implemented in 25 cities using federal money and prosecutors.

NRA President Charlton Heston has argued that a better pursuit of criminals, not new gun laws, is the best way to prevent gun-law violations.

Meanwhile, Mr. Clinton wants to raise the legal age for handgun possession from 18 to 21, hold negligent parents liable, halt imports of all high-capacity ammunition clips, limit handgun purchases to one a month, mandate child-safety locks on all guns sold, impose background checks on buyers for gun-show sales, and require a three-day waiting period for all handgun purchases.

# Cloning of pigs a huge step in human transplants

Research expected to lead to organs that won't be rejected

By August Gribbin  
THE WASHINGTON TIMES

A

Pigs have been cloned for the first time, dramatically changing the world of medicine.

The scientists who engineered the births of the five piglets, now 10 days old, said yesterday their success means it soon will be possible to produce genetically engineered pigs whose kidneys, hearts, livers and other organs could be transplanted into humans without fear of rejection.

What's more, genetically engineered cloned pigs will provide a source of stem cells for developing "cell-based therapies — neurons for treatment of Parkinson's and Alzheimer's diseases, for instance, and pancreatic cells that produce insulin for treatment of diabetes,

skin cells for burn victims, and the rest," said David Ayares.

Mr. Ayares is the head of research and development at the U.S. division of PPL Therapeutics in Blacksburg, Va. It was his team that created the porcine clones. PPL Therapeutics is the Edinburgh, Scotland-based research firm that in a joint venture with Edinburgh's Roslin Institute produced Dolly, the first cloned sheep, three years ago.

The cloning is important because pig organs are similar to human organs. Heart valves of pigs already are used to replace damaged valves in humans. And scientists around the world have for several years been studying pigs as potential sources for other transplant organs.

If, in fact, pig organs can be used in humans without fear of rejection the worldwide shortage of transplant organs will end. Countless lives will be saved.

Ron James, managing director of PPL Therapeutics said: "An end to the chronic organ shortage is now in sight. All the known technical hurdles have now been overcome."

And Mr. Ayares said in a phone interview that he is now "certain" that is so. He added that "with the techniques we have developed, we can modify pigs in a very precise way, removing certain genes such that hearts and kidneys from these animals can be transplanted into

humans without fear of rejection."

The PPL scientist said: "We can do genetic modification of pig cells. We have done it. We know we can do it. We've 'knocked out' the genes in the cells that cause human rejection."

The next step is to genetically engineer cells that form embryos for transplantation into surrogate mothers and thus produce genetically altered pigs. Mr. Ayares predicts clinical trials in humans will come in about four years.

In a statement to the Associated Press, Dr. Fritz Bach of the Harvard Medical School, a specialist in genetic and immunological transplants, said: "I think this is a big step forward they've made. I applaud it."

Dr. Bach added, however, that there may be ethical issues to overcome regarding animal-to-human transplants. He said there is a risk of introducing to humans germs that are common to the animals but not to humans.

Princeton University microbiologist Lee Silver, a renowned cloning specialist, said "the transition of diseases is a technical problem, and it can probably be overcome." If so, "there is no ethical problem involved."

Nonetheless, Mr. Silver said he suspects some will rebel at the idea of growing genetically engineered pigs for their organs. He said, though, that there is no ethical problem there either. "If people grow and eat pigs, they should be willing to use them as a source of organs to save human lives," he

argues.

Likewise, the use of engineered pig cells for stem-cell research is likely to take fire from the debate over use of donated human fetuses for such experimentation.

Researchers can use the pigs to "harvest organs or harvest cell types. This changes the whole dialogue. The use of pig cells provides a parallel strategy — an alternative — for researching cell mediated therapies," Mr. Ayares said.

He concedes there may be special reasons to harvest human cells. And Tim Leshan of the American Society for Cell Biology concurs. He said it would be "nice" if the feuding over the use of fetal cells were over, but he suspects it is "too early" to predict that.

An intense battle has erupted over harvesting stem cells from fetuses because many believe human life begins at conception. They say a fetus is, in fact, equivalent to an adult. Killing a cell mass even at the earliest fetal stage — and even in a quest to find remedies for currently incurable diseases — is murder.

Scientists tend to regard cell masses in the earliest stages of fetal development as worthy of special respect, but not as human beings. Beyond that, they argue that the donated fetuses they wish to use are leftovers from fertility clinics and are destined for destruction anyway.

The pig fetuses the PPL Therapeutics researchers used came from various donor pigs.

The cells were harvested using so-called "nuclear transfer." Put simply, that means the part of a microscopically small cell housing chromosomes and genes — the nucleus — is taken from an egg cell

and delicately transplanted into another egg cell from which the nucleus was removed.

The two cells then are immersed in special nurturing fluids where they fuse, eventually start dividing without normal fertilization, and grow into a cloned fetus.

The cloned pig fetuses were implanted into a sow named Destiny. She was expected to bear four clones, but she did the scientists

one better. The offspring have been named Millie (because she was the first born in the "new millennium"), Christa (after Dr. Christian Barnard, the first to perform a heart transplant), Alexis and Carrel (after Nobel Prize winner Dr. Alexis Carrel), and Dotcom (because dot-com companies seem to be stock market high fliers).

• This article is based in part on wire service reports.

Cops - Enforcement  
(cc: Leann's Deanne)

## EDMUND MCGARRELL

"Pizza" is a 24-year-old who runs with the "D ware" gang. He was recently arrested on firearms charges after shooting a young man and having a compatriot videotape the incident.

Pizza was arrested nine times as a juvenile on 16 charges including nine felonies. At age 17, he was waived to criminal court on a number of charges including three attempt murder charges. Since that time he has 19 additional arrests including seven violent offenses and five handgun convictions. At the time of his most recent arrest a search of his residence uncovered a large amount of cocaine and \$18,000 cash.

Last August, Cory Yates and Donald Webber were driving around barhopping. In a scene that could have been out of the movie "Pulp Fiction," Mr. Webber was allegedly playing with his 9-millimeter handgun pointing it at his friend when he mistakenly fired. Mr. Yates is dead and Mr. Webber faces charges of reckless homicide.

These scenes are, of course, too often tragically repeated across the country. Several of President Clinton's recent proposals for enforcing gun laws hold promise for reducing the number of such incidents. Specifically, the president has recommended hiring more federal Bureau of Alcohol, Tobacco and Firearms (ATF) agents to investigate firearms crimes and illegal gun trafficking and inure local, state, and federal prosecutors to prosecute gun offenders.

The hope of the proposal is twofold and can be considered in the context of the above cases. In the first instance one can only ask why Pizza, with five prior handgun convictions and numerous other charges, was walking the streets free to continue to shoot or to be

# Hitting the target on crime

shot? Effective enforcement of current laws could have prevented the most recent crime. In the second case, the intent is to persuade individuals not to be carrying firearms during a drinking spree and to convince potential offenders there are consequences for illegal possession and use.

The dilemma in crafting effective laws toward gun crime is that while there are more than 230 million guns and an estimated 59 million

gun owners in the United States, estimates are that as much as 99.9 percent of gun-carrying does not result in violent crime. How do we get at the rare uses of guns that produce such deadly consequences?

The answer seems to be through focusing on illegal possession and use of firearms. Justice Department studies in Boston, Indianapolis, and Minneapolis suggest why this is the case. In Boston and Indianapolis, two-thirds to three-quarters of victims and suspects had prior criminal records. In all three cities, victims and suspects with prior records averaged 7 to 12 prior arrests. Given that federal law prohibits convicted felons from possessing firearms, effective enforcement of these laws becomes a tool for incapacitating those offenders who continue to shoot and deterring gun carrying by other felons.

The promise of these steps is sug-

gested in the experience of cities like Boston, New York and Richmond that have experienced significant declines in violent crime. Project Exile in Richmond has involved a commitment to prosecute all firearms offenses in federal court. With its harsh sentences, limits on bail, and incarceration in distant federal facilities, Richmond has seemingly deterred illegal gun-carrying and witnessed a 50-percent reduction in homicides. In Boston, teams of local, state and federal law enforcement officials have responded to homicides and shootings with aggressive tactics focused at gang members thought to be involved in firearms violence. The results have included a virtual end to youth homicides and overall reductions in annual levels of homicides from peaks around 150 to approximately 30.

Similarly, in New York the police department began to focus on illegal guns in the early 1990s. From 1993 to 1998, arrests increased more than 50 percent and the Street Crimes Unit made 9,500 arrests with 2,500 arrests for illegal possession of firearms. Gun homicides have dropped a dramatic 75 percent since that time. Indianapolis police who rode with New York's Street Crimes unit tell of youths standing on corners and pulling up their shirts to show that indeed they were not carrying firearms.

Like other communities, Indianapolis has bor-

rowed from these cited enforcement at hot spots and increased cooperation in and in monitoring of and parolees. The been impressive as 40 percent declines in targeted neighborhood more than a 20 per in homicides follow record-setting year

Along with the an the new proposals general presenter increased federal p ing 1999. This is Miss Reno's call to develop anti-fire plans. These all see the right direction.

The increased a tion, and incarce offenders initiated ditions and promi president's call agents and prosec goal of these action are tools to change streets. Although tinue to shoot must ed, the real goal is t potential offenders carry guns. The evi and New York su can change as prior realize they face ments if they do ille guns. With sui decreased levels potential offenders the streets have cl they need not be a tion or for braggin

Edmund F. McG of the Crime Cont at the Indianapolis Institute and cha ment of Criminal J University.



PRESERVATION PHOTOCOPY

# Clinton force to fight gun crimes

## Wants more agents, prosecutors; NRA applauds idea, claims credit

By Kevin Galvin  
ASSOCIATED PRESS

BOSTON — President Clinton yesterday called for the hiring of 500 new federal agents to police gun laws and 1,000 more prosecutors to focus on gun-related crimes in a move the National Rifle Association said is "right out of the NRA playbook."

In a city that drove its homicide rate down by emphasizing community policing and aggressive enforcement of firearms laws, Mr. Clinton called for \$280 million worth of new steps to combat gun violence.

Speaking to a group of lawmakers and police officers at the Orchard Gardens Community Center in Boston's Roxbury section, an area notorious for drug-related violence, Mr. Clinton issued a warning: "If you commit crimes with guns or violate gun laws, you will pay a heavy price."

He also said he will seek to expand an existing gun-tracing program from 38 to 51 cities and ask for \$30 million to create a ballistics information network to track data of guns used in crimes.

The executive vice president of the National Rifle Association lauded the effort — and said it is one the organization has been pushing for some time.

"We have been begging this administration for three years to do something about the lack of enforcement of gun laws," Wayne LaPierre said. "All the existing laws are only as good as the prosecutors who enforce them."

Mr. LaPierre questioned whether Mr. Clinton's "heart is in this" and also warned that unless Congress earmarks the money for the program, problems will ensue.

But he said it is clear why the Clinton administration moved now.

"The heat got too hot. In an election year, they knew they had to do

something about the lack of prosecution," Mr. LaPierre said.

The new measures Clinton seeks — 500 new Bureau of Alcohol, Tobacco and Firearms agents and inspectors and creation of a program to track guns through ballistics testing — represents a shift in administration strategy.

After a spate of high-profile shooting attacks by troubled killers at high schools and community centers, Mr. Clinton pushed for tougher gun-control measures in Congress. Republicans on Capitol Hill, however, raked the administration for its poor prosecution record for criminals who break gun laws.

The new plans for the budget for fiscal 2001, which begins Oct. 1, represent an effort to invest more in enforcement of existing laws on the illegal use and possession of firearms, a priority for Republicans and groups such as the NRA.

"This administration is finally coming into line with the NRA view that the laws we have on the books must be enforced," said spokesman Jim Manown. "The Clinton administration has done a poor job of prosecuting criminals who violate the nation's tough gun laws."

"It looks like they've taken a page out of the NRA handbook," Mr. Manown said.

The president urged Congress to move beyond the debate between enforcement and preventive measures and to quickly pass "common sense" gun legislation instituting background checks at gun shows, mandating child safety locks and banning the import of large ammunition clips.

"I have always been convinced that we have to have the proper balance of punishment and prevention," Mr. Clinton said.

Boston's homicide rate dropped

to a 38-year low in 1999, thanks in part to a program that allied law enforcement, the clergy, community leaders and gang members against crime, as well as greater enforcement of gun laws.

The Boston Pilot Project is credited with the homicide toll dropping from 153 slayings in 1990 to 31 in 1999. A strong economy and declining use of crack cocaine also

contributed to improved neighborhood security.

City Mayor Thomas Menino, Reps. Joe Moakley, Barney Frank and Michael Capuano, and Sen. Edward M. Kennedy, all Massachusetts Democrats, and several religious and community leaders attended the address in an area where crime was down more than 65 percent last year. Attorney General Janet Reno also attended.

*Guns - Enforcement*

# White House says South Carolina is wrong to fly flag

By Bill Sammon  
THE WASHINGTON TIMES

The White House announced yesterday that President Clinton, who as governor of Arkansas designated a star in the state flag to commemorate the Confederacy, believes it is wrong for South Carolina to fly the Confederate battle flag atop its Statehouse.

"He's not saying the Confederate flag per se doesn't have some historical meaning to it," White House Press Secretary Joe Lockhart told reporters during a presidential visit to Boston. "But in this case it's wrong, and it shouldn't be flown."

Mr. Lockhart said the president pointed out that South Carolina began flying the flag in 1962 to demonstrate "defiance" of racial desegregation.

But as governor of Arkansas, Mr. Clinton in 1987 signed a law that says the top blue star in the state flag symbolizes the Confederacy. Then-Gov. Clinton also issued proclamations designating a birthday memorial for Jefferson Davis, the president of the Confederacy.

In addition, during his 12 years as governor, Mr. Clinton made no effort to overturn a state law that sets aside the Saturday before Easter as Confederate Flag Day.

Yesterday, the White House said there is a world of difference between Mr. Clinton's acknowledgments of the Confederacy's historical significance and South Carolina's "in-your-face" decision to fly the Confederate battle flag over the Statehouse.

"The South Carolina flag decision was specifically adopted in the context of the civil rights movement," said White House Deputy Press Secretary Jake

Siewert. "To fly the Confederate flag is an effort to really repudiate much of what the civil rights movement was trying to do in the early '60s. This was a bill that was signed in '62."

Mr. Siewert said the South Carolina decision was "nothing like what the president himself" did when he was governor of Arkansas. Mr. Clinton's actions then were acknowledgements of the Confederacy's important place in Southern history, Mr. Siewert suggested.

"In a more general sense, there are many people in the South who want to recognize in some sense the history" of the Confederacy, Mr. Siewert said. He added that the president does not consider South Carolina's flying of the battle flag "a celebration of the history" of the South.

The Confederate battle flag has become a major issue in the presidential campaign since it surfaced in a Republican debate in South Carolina 12 days ago. Democratic candidates Al Gore and Bill Bradley agree that the flag is racist and should be removed from the South Carolina Statehouse.

During a Democratic debate Monday, Vice President Gore accused Republican presidential candidates of refusing to denounce the flag because they are "so scared of the extreme right wing." Mr. Bradley, a former New Jersey senator, yesterday reiterated his desire to see the flag hauled down.

Republican candidates said it should be up to individual states to determine whether to fly the flag. But some conservatives fear that stance will come back to haunt Republicans in the general election, when Democrats might try to portray them as racially insensitive.

# Guns: The Law As Selling Tool

By FOX BUTTERFIELD

**W**E must help protect our children, in our schools and streets, by finally and strictly enforcing our nation's gun laws," Gov. George W. Bush of Texas declared in his acceptance speech at the Republican National Convention in Philadelphia. In other words, Mr. Bush was saying, we don't need more laws to do the job.

This is one side of the long-running debate on how to control the terrible toll guns exact on the country. It is the side supported by the Republican leadership in Congress and the National Rifle Association, who see new gun laws as a threat to American freedom.

But is this true? In 1998 alone, 30,708 people were killed by guns in America, including murders, suicides and accidents, at an additional cost to society estimated as high as \$100 billion. Are current laws adequate to fight this scourge?

The case of Bill Dollar suggests they aren't. For years, Mr. Dollar and his sister Connie Jean, operating from their gun stores in Birmingham, Ala., used friends, stran-

## Today's laws help criminals get guns from licensed dealers.

gers, homeless people and drug addicts to fill out federal handgun applications, then watched as these people turned the weapons over to illegal dealers or gang members from Brooklyn. It was a classic example of straw purchasing, using someone to buy a gun for a person prohibited from doing so.

Altogether, according to the federal Bureau of Alcohol, Tobacco and Firearms, guns from the Dollars' stores were used in at least 50 homicides and 901 violent crimes in 12 states, from Massachusetts to Texas. But despite years of investigation by the bureau and witnesses willing to testify that they lied on the paperwork with the Dollars' knowledge, a federal judge dismissed all the charges against them. Congress has never passed a law fully and clearly barring the practice, so lying on a federal form was not enough to convict corrupt gun dealers, the judge said.

A.T.F. agents and prosecutors say that, in fact, the nation's gun laws are a hodgepodge, filled with loopholes and provisions devised by pro-gun lawmakers to make the laws hard to enforce. Until the last few years, all this was obscured by the fact that the illegal gun market was not well understood. It was generally believed that criminals and juveniles stole their guns, or borrowed them from friends, and that given the nation's 200 million firearms, there was little anyone could do to stanch the supply.

But under prodding by the Clinton administration, the bureau greatly expanded its efforts to trace the origin of guns used in crimes, and it came up with a surprising discovery. More than half of the guns criminals use are purchased from federally licensed dealers using gun traffickers, like those who went to the Dollars, said David Kennedy, a senior researcher at the John F. Kennedy School of Government at Harvard University.

This is largely because criminals and juveniles are brand-conscious, Mr. Kennedy said. They want the same high-powered handguns they

see in the movies.

Further data gained from tracing crime guns has now shown that only a handful of suspect dealers, 1.2 percent of the nation's 83,000 licensed dealers, supply almost 60 percent of the guns used in crimes. Mr. Kennedy said this information led to Boston's successful campaign against guns. Supply was greatly reduced by targeting suspect dealers, traffickers and straw purchasers, and only one juvenile has been killed in Boston by a handgun in the last two years.

But the framework of gun laws, including the powers granted the firearms bureau, has not kept pace with this information. In addition to being hampered by Congress's failure to ban straw purchases, the bureau is allowed to inspect a dealer's records only once a year. It cannot send in undercover agents posing as felons to buy guns from a gun store; it cannot maintain a computerized record of gun sales.

The bureau also lacks authority to regulate sales by individuals at gun shows or elsewhere, perhaps 40 percent of all sales. This undermines the effect of the Brady law, which requires background checks on handgun buyers, but only from licensed dealers, says a study published this month in the *Journal of the American Medical Association*.

Then there are the restrictions created by the Firearm Owners Protection Act of 1986, a law championed by the N.R.A. For the firearms bureau to prosecute individuals who sell large numbers of guns without a license, it must prove that they are engaged in the business "for livelihood and profit," a vague term that has led to cases being thrown out of court. The law also reduced to a misdemeanor the penalty for dealers who failed to keep records of their sales, or forged them.

"For all practical purposes, after 1986, it became somewhere between difficult and impossible to prosecute dealers for selling guns without keeping a record, because U.S. attorneys don't want to waste their time prosecuting misdemeanors," said William Vizzard, a retired A.T.F. agent who is now a professor of criminal justice at California State University at Sacramento.

Wayne LaPierre, the N.R.A.'s executive vice president, insists this is all beside the point. "The government has every statute it needs to stop the bad guys, and when they don't, I think they are just playing politics," he said.

Rather than focusing on gun dealers, who Mr. LaPierre believes are legitimate business people, he says the Clinton administration should go after street criminals caught using guns, then prosecute them in federal court, where they can be given harsher sentences.

**B**UT who will make the arrests? The N.R.A. has long opposed expansion of the firearms bureau, calling its agents "jackbooted fascists," so that in 1998 it had just 1,631 agents, only nine more than in 1973. And the Republican-controlled Congress has not acted on a Clinton administration request last winter to hire 500 more A.T.F. agents and 1,000 state and federal prosecutors specifically to attack gun crime.

Finally, even successful prosecutions of gun law violations are relatively ineffective. That is because penalties for gun crimes are light, especially compared with the harsh mandatory sentences for drug crimes, often 10 to 25 years in prison. In 1998, a task force of federal firearms agents and New York City police officers tracked two traffickers who had purchased 90 handguns in Georgia and were selling them without a license in New York. One was sentenced to 18 months incarceration. The other received six months home detention.

*Guns  
enforcement*

The New York Times

Sunday, August 13, 2000

# Adding Hours on the Ground to Hours in the Sky

By JOE SHARKEY

**R**ANDY PETERSEN, who expects to fly about 250,000 miles this year, was on the phone from the Atlanta airport on Thursday, making a weary concession during this summer of the worst airline delays and cancellations ever.

"My employees always kidded me that I was the Teflon flier," said the formerly indefatigable Mr. Petersen, publisher of *InsideFlyer* magazine, a monthly for frequent fliers. "In all the air travel I do, I've really had very few problems. But I have to say, *man*, the airlines finally got me this summer. I am no longer the Teflon flier. I've been spending way too many nights in airports."

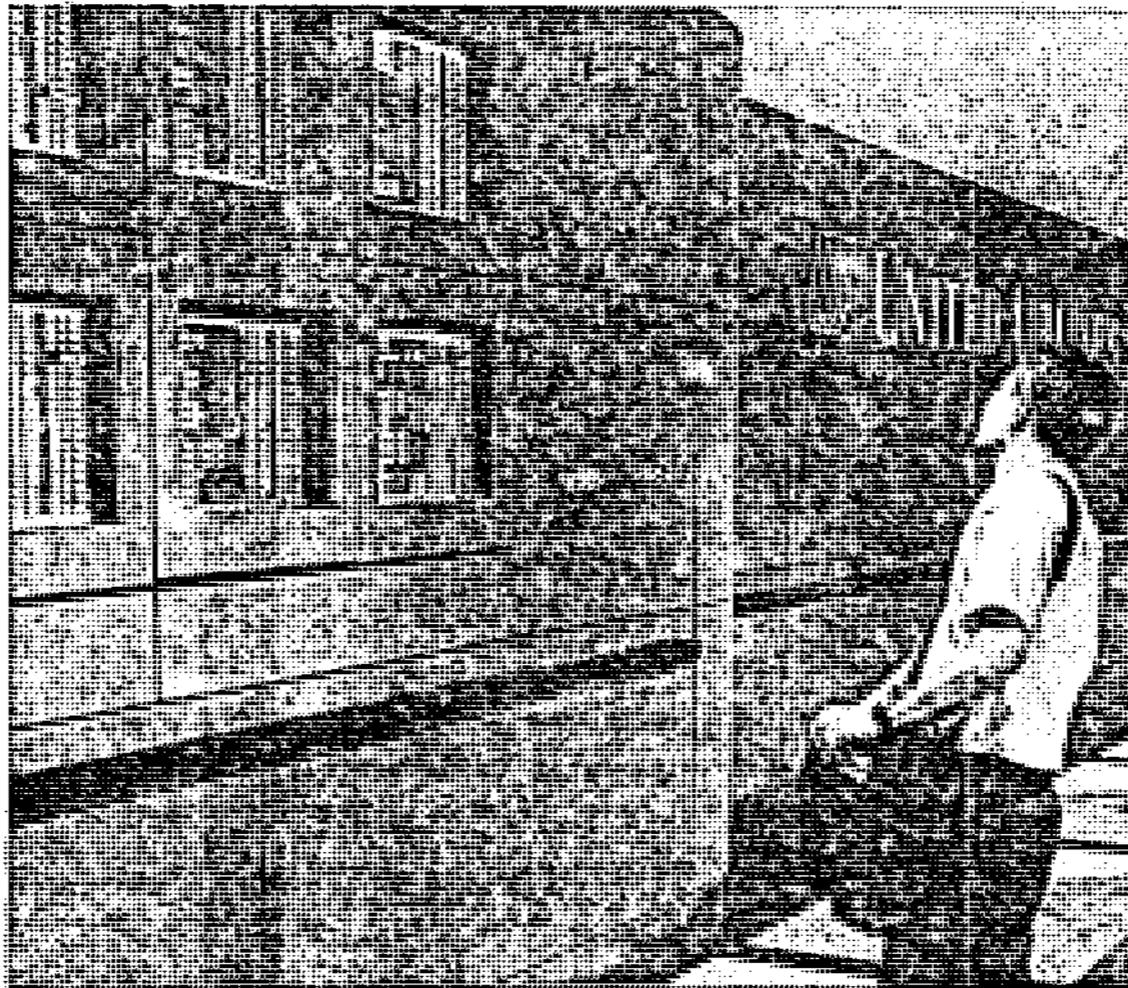
Mr. Petersen now joins the business travelers who have been grouching for years about flights that fail to take off on time (or at all), lost bags, arrogant customer service, overcrowded planes and a tote board full of other indignities and inconveniences. Among Mr. Petersen's peripatetic peers, air travel, once considered pleasant and even glamorous, is now routinely derided as something akin to riding a Greyhound with wings, except the bus has more comfortable seats and usually gets there on time.

Now, at the peak of the summer travel season, tens of millions of American leisure travelers, many of whom fly only once or twice a year, are beginning to see what the sky warriors have been griping about. Again and again this summer, their vacation plans have been encountering the gridlock staggering the air traffic system. Airports, which once put an optimistic bounce in a traveler's step, are of late regarded as places that ought to have signs over the doors: Abandon All Hope Ye Who Enter Here.

Recent numbers underscore the grim situation. With 48,448 delayed flights, June was the worst month ever for airline on-time performance. The Federal Aviation Administration announced last week that there were 44,401 delays in July — about the same number as in July of 1999.

To see how things have worsened, compare that to July of 1998, when there were only 25,672 delays. Also, the current delay figures do not reflect many thousands of flights that have been canceled by airlines. For example, United Airlines, locked in a labor dispute with pilots who are refusing some overtime shifts, lopped 4,800 flights from its summer schedule and canceled more than 1,000 flights last week alone. United has also cut 4,000 flights from its September and October schedules.

Simple math partly explains the air travel crisis. The number of airline passengers has doubled since 1980. About 640 million people will board 7.4 million domestic flights this year, the F.A.A. says. Obviously, scheduling more flights subjects more planes to bad weather, which the agency says causes 70 percent of all delays. But there are other contributing factors. Some



Airports are turning into vast waiting rooms for passengers caught in airline delays and cancellations.

critics say the airlines strain the system by scheduling most flights during the same hours in the mornings and afternoons. And some conservative critics claim the F.A.A., despite huge spending for new air traffic control technology, is an inept bureaucracy that should be replaced with a privately owned air control organization. Others say that the airline industry is simply rapacious, monopolistic and determined to reduce service and boost the bottom line on the backs of customers. "Can anyone still recall the glamour of air travel?" asked René Foss, who began working as a flight attendant in 1985 because her mother had been one in the 1950's.

"When I was a little girl, my mother used to tell me

about her days as a stewardess," she said. "They wore white gloves. They served lobster thermidor. They had to practice what was called the art of polite conversation with one another, so they could better communicate with sophisticated passengers."

"You could only imagine my surprise when I started flying," she added, laughing. "Now, instead of wearing white gloves, we're wearing rubber gloves. Instead of learning to practice the art of polite conversation, we're learning to practice the art of self-defense against air rage."

It's a sign of the times that Ms. Foss in her noofflying hours wrote and performs in "Aronnd the World in a Bad Mood," a musical comedy about belea-

guered flight attendants and clueless passengers. The cabaretlike show, which taps into America's air travel angst, sold out early this month at the Fringe Festival in Minneapolis and is scheduled for four performances next month in New York City.

Misery being the mother of humor, other travel experts also find occasional amusement in the steady decline in the quality of the airline experience.

"I've seen one carrier that's actually cutting down on the size of the pretzel bags they give out," said C. Thomas Nulty, the president of Navigant International Inc., a travel management company in Englewood, Colo. "A small bag of pretzels is now half a small bag. I'm not sure where you can even buy a bag of pretzels that small," said Mr. Nulty, who estimated that he flies about 120,000 miles a year.

Mr. Nulty said airline consolidation often results in

## Air travel has slipped a notch below the bus, which has more comfortable seats.

more convenient routes. But he and other veteran travelers worry about the potential for further deterioration in passenger service as big airlines continue to swallow smaller ones. For example, the largest carrier, United, has announced a deal, currently being reviewed by the Justice Department, to buy USAirways. And American Airlines is in talks to buy Northwest Airlines.

Mr. Petersen, for one, is not hopeful that things will improve any time soon. The airlines, many of which are enjoying record revenues as planes take off nearly full in this soaring economy, have no real incentive to do more than pay lip service to customer complaints, he said.

**C**USTOMER complacency is partly to blame, Mr. Petersen said. Last year, after a summer of airline delays and worsening service, Congress was weighing legislation that would have mandated fines for airline delays, lost baggage and other problems. Instead, under lobbying pressure from the industry, Congress allowed the airlines to adopt a voluntary set of customer complaint guidelines.

"Business and leisure travelers alike didn't communicate to our elected officials that we wanted real action," Mr. Petersen said. "Instead of having to adhere to a law with teeth in it, airlines now mollify aggrieved passengers by saying, 'Well, how about we give you a thousand bonus miles and a voucher for Target. You be O.K. with that?'"

Uns - ~~Pres~~  
Enforcement

# Prosecutor Report Cards

Why do federal cases take so long in Chicago?  
Is Justice cracking down on guns?  
Can Texas handle the boom in  
immigrant imprisonment?

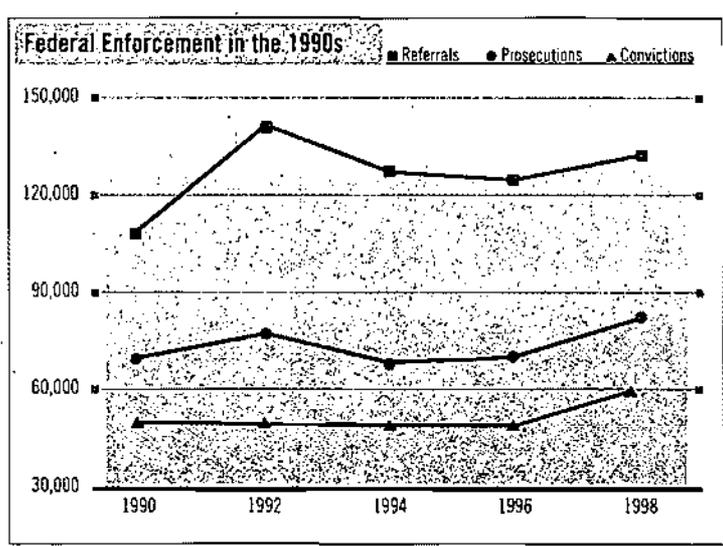
BEHIND THE JUSTICE DEPARTMENT'S BLUE BADGE, U.S. ATTORNEY'S OFFICES HAVE UNTIL recently enjoyed a great amount of obscurity. Just how well the approximately 4,700 lawyers in the 94 federal districts employed their resources was largely unknown. Although newspapers scrutinized high-profile cases brought by local federal prosecutors, bigger questions of how effective and efficient their efforts were—and how they measured up their counterparts in other districts—often remained unexplored.

Thanks to Syracuse University's Transactional Records Access Clearinghouse (TRAC), however, a newly coherent picture of federal prosecutors is emerging. Set up in 1989, TRAC is a database run by David Burnham, a former *New York Times* reporter, and Susan Long, a statistics professor at Syracuse University. The main source of TRAC's information is the case management system maintained by the Executive Office for U.S. Attorneys, which tracks the activities of every federal prosecutor's office across the country. Each month the outposts submit detailed computer records on their caseload to the executive office, which combines the figures into a national database, runs various validity checks, and issues a final statistical compilation at the end of the fiscal year. As a result of a settlement of an Electronic Freedom of Information Act suit brought by TRAC against the Justice Department in early 1998, the executive office provides TRAC with its annual analysis.

These data enable TRAC to follow most federal criminal matters, start to finish: from referral by a regulator such as the Environmental Protection Agency to the prosecutor's decision on whether or not to seek an indictment, and beyond. TRAC then breaks down the criminal matters three different ways: It looks at what happens to referrals that fall into a particular Justice Department program category, such as environmental or government regulatory cases; it tracks referrals by agency of origin; and it groups cases according to the lead charge. Within each of these groupings, TRAC calculates factors like conviction rate, prosecution time, and prison sentence.

The program category groupings were the basis for the following charts on white-collar crime, immigration, and drugs enforcement. According to Syracuse's Long, the criteria for the Justice Department weapons category changed in the mid-1990s, so the category numbers are not consistent through the decade. Thus, our guns chart shows the disposition of cases that originate with the Bureau of Alcohol, Tobacco and Firearms, which refers roughly 80 percent of weapons cases.

The composite chart shows a moderate decline in prosecutions and convictions around 1994, followed by an



the Gallup Organization last measured it. Though a plurality now feel that she did mishandle the Waco investigation, according to a Harris poll conducted in September, the same survey showed Americans opposing calls for her resignation by a greater than 3:1 margin.

Miraculously, she is unscathed emotionally as well. "She never whines," says Donna Shalala, the secretary of Health and Human Services and one of her confidantes. "She gets up and goes to work. Likes her job. Likes the people she works with."

Though Reno was President Bill Clinton's third choice for the post, after Zoë Baird and Kimba Wood, Reno is now commencing an unprecedented eighth year in office, having become the longest-serving attorney general in modern history. (Only William Wirt, who served for a 12-year stretch ending in 1829, lasted longer. But at that time there was no Justice Department, and the attorney general was a part-time adviser who maintained his private law practice.)

Whether it is because she is the first woman to hold the office, or because of her 6-foot-1-inch stature, or because of her charismatic lack of charisma, she has transcended the office to become a figure in larger American culture. Among the nonlawyer population, observes John Schmidt, who served as her associate attorney general from 1994 to 1997, "there are only two attorneys general that people have heard of. One is Robert Kennedy, and the other is Janet Reno."

"I think often the Washington establishment failed to understand Janet's greatest strength," says Walter Dellinger, "which is that she doesn't give a damn what they think." Dellinger served under Reno as head of the office of legal counsel and, later, as acting solicitor general. "She simply does not operate by the same system of incentives that rule Washington, which is a combination of desire for future preferment and fear of adverse criticism. From the time she came to Washington, she knew that when she was through, she wanted to get in a big van and drive all over the country by herself and go fishing. . . . She only had one goal: that when she was through, and fishing by herself, she would be comfortable that she had made what she believed would be the right decision every time.

"Now, she may not have gotten them all right," Dellinger hastens to add, "but I have never been more comfortable with any other public official I've known that she is trying to get them right every time."

There have been three waves of media perspective on Reno. The first was the unrealistically euphoric one that swept the nation when she famously stood up and took the blame for the catastrophic April 19, 1993, assault on the Branch Davidian compound near Waco. In that defining moment, she became the un-Clinton. Un-spinning, unwaffling, unleaking, unslick, unglamorous, un-Washington, un-New York, un-Hollywood, and—to her staff, if not to her president—unstintingly loyal. Stories were retold of how she was the daughter of a hard-drinking, alligator-wrestling mother who built their home near the Everglades with her own two hands. She was the Harvard Law School-trained, squeaky-clean, tough Miami prosecutor who so believed in accountability and openness in government that she listed her home telephone number so that Dade County constituents could call her up to chew her out.

About a year into her term, a more sober second round of stories began to appear. Reno seemed to be a poor manager, they observed. Her agenda was scattered, diffuse, and unprioritized. The department was adrift. Decisions took forever to get made. And why, the media wondered, was she spending so much time traveling about the country, visiting kindergartens and the like, and talking about the impor-



Long-standing "institutional tensions" help explain Reno's disputes with the FBI, says her former deputy Jamie Gorelick. It comes down to FBI agents' desire for greater control.

tance of healthy child development during ages 0 to 3? Still, during this phase her reputation for integrity remained intact. Indeed, as she periodically irritated her boss—by, for instance, ordering four independent counsel during his first term—that reputation was repeatedly polished anew. So sterling was her reputation, in fact, that it was the Republicans who gave her a second term. After Clinton won the November

1996 election, he began dragging his heels on announcing her reappointment. But by then he was already embroiled in a new scandal—the campaign finance mess—and the attorney general was once again considering whether yet another independent counsel was needed. Content with Reno's trigger-happy record on independent counsel up to that point, Republican leaders publicly threatened to raise a hue and cry if Clinton dared replace her, likening such a move to President Richard Nixon's firing of Watergate special prosecutor Archibald Cox.

**B**

ut then the campaign finance independent counsel never materialized. And that triggered the third wave of media coverage. Upon further review, Washington's official scorers wrote, Reno had never really been so independent of Clinton after all. She had been more of a team player, really. These stories stressed how she had failed to protest or resign when President Clinton's criminal justice agenda had veered to the right in 1995 and 1996, in a transparent attempt to deprive the Republicans of "the law and order issue." Maybe she was shielding President Clinton and Vice

President Al Gore now that the stakes were highest. Maybe there had even been a crooked deal struck—a speculation seriously entertained in *The American Spectator* in October 1997—whereby Clinton would appoint her to a second term if she would agree not to appoint an independent counsel on the campaign finance matters.

There is much to each of the first two Reno portraits, almost nothing to the third, and something still that remains unsaid. With respect to the criminal justice aspects of her job—the aspects that are closest to her heart, and that she knows best—Reno has conceived of her job in a unique way. Though the attorney general *continued on page 101*

uptick. In an interview for the profile that begins on page 58, Janet Reno said the dip reflects a change in the department's focus, from smaller gun and drug cases to more complex ones. Beginning in March 1994, Reno redirected federal resources toward assisting the states in attacking violent youth gangs. "And I said, 'I'm not interested in numbers. I'm interested in the impact it has on the community,'" she recalls. "It's going to be worth far more to take out a drug organization that has 15 key leaders," she says, than to arrest a higher number of low-level crack users.

Similarly, the number of ATF referrals dropped significantly in the mid-1990s, as did the resulting guns prosecutions and convictions. That's because the federal government consciously began leaving many of the smaller, one-man, one-gun weapons cases to state authorities in order to focus on longer-term, more resource-intensive cases like illegal trafficking, says John D'Angelo, an ATF spokesman. Statistics cited by the Justice Department back up D'Angelo's claim: They show that between 1992 and 1996, the last year for which statistics are available, the national total of convictions for state and federal weapons offenses increased 22 percent. Justice Department figures also show that federal prosecutions for the most serious gun offenses, those leading to sentences of five years or more, were up 34 percent from 1992 to 1998.

The number of immigration and drug cases increased through the 1990s, in large part due to border initiatives in Florida and the Southwest that enlisted thousands of new U.S. Border Patrol and INS agents. The bulge in white-collar crime referrals in the early 1990s can be explained by an intensive effort by the Federal Deposit Insurance Corporation and the Federal Bureau of Investigation to root out financial fraud, according to John Russell, a Justice Department spokesman. One doesn't see an increase in prosecutions, however, because many of the matters were handed over for state prosecution or declined for other reasons, says one Justice Department official.

A caveat as readers view the charts: Referrals, prosecutions, and convictions don't always occur in the same year. Comparing referrals to prosecutions, or prosecutions to convictions, will give a rough approximation of prosecution or conviction rates, but not an exact one.

