Originally Processed With FOIA(s): S

FOIA Number: S

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the George Bush Presidential Library Staff.

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Speechwriting, White House Office of
Series: Speech File Backup Files
Subseries: Chron File, 1989-1993

OA/ID Number: 13668
Folder ID Number: 13668-001

Folder Title:
Peace Officers Memorial Day 5/15/89 [OA 6265] [1]

Stack:	Row:	Section:	Shelf:	Position:
G	26	19	1	2

BS-

#161 officers killed in the line of duty in '88

Susie Sawyer
892-4100 ex. Command Post

Concerns of Police Survivors (COPS) will be receiving $143,000 from Justice

Eddie Bryne
Badge 14072

Photocopy-Preservation

599-0445
888-2264
Susie Swayze
161 total police dead
including 9 federal

Prison Population, Construction, and Funding Summary
National Institute of Corrections

April 25, 1989

Unless otherwise noted, findings are from a telephone survey done by National Institute of Corrections and Bureau of Prisons staff of all state Departments of Corrections as well as the District of Columbia. This survey was conducted on April 24, 1989. The following states did not respond to the survey: Alabama, Kentucky, Missouri, and Nebraska.

It should be noted that not all states responded to all questions and there may be inconsistencies between states because of varying methods used in collecting data, etc. For example, the years for which projected population figures are available differ between states. In addition, states employ different definitions of critical capacity-related data, and variances were also evident in the categorization of the stages of construction. If a more complete explanation is desired for any item in the survey, NIC can reference the interview schedule for that state.

Population figures for 1983 and 1988 as well as system capacity data for 1988 are from the Bureau of Justice Statistics.

Figures for "Beds Under Construction" are from a survey conducted in 1988 by the Contact Center, Inc. for Corrections Compendium.

Prison Survey Category Definition

Prison Population - 1983 = Total of all state prison inmates, per BJS, as of 12-31-83.

Prison Population - 1988 = Total of all state prison inmates, per BJS, as of 12-31-88.

Projected/Year = Best projection of population growth, by state authorities for indicated year.

Pop. Trend = General statement of state authorities on population trend for their jurisdiction.

Capac. 1988 = Capacity of system as reported by BJS.

Local Custody = Number of inmates held in local jails awaiting transfer to state facilities.

Court Cap = Indication of whether system is operating under a court-ordered population ceiling.

Other Place. = Inmates contracted for service of sentence in other jurisdictions.

Rel. Mech. = Indication if state is using alternate or early release procedures as a population relief measure.

Beds Under Const. = Number of beds reported by "Corrections Compendium" as of 12/88 as under construction.

Beds Planned = Number of beds indicated as presently being planned by agency.

Additional Beds Requested = Number of beds indicated as requested by agency in addition to those in planning stage.

Number Likely to be Funded = Estimation of number of requested beds likely to be approved by the funding authority.

Source of Funds = Most common source of funding for prison construction.

Population Initiatives = Indication whether legislative or other initiatives in the state are likely to drive further population increases.

Jail Population and Construction Summary
National Institute of Corrections

April 24, 1989

The attached information is based on a telephonic survey of the 60 largest jails in the United States, made by phone by NIC Jail Center staff on April 24-25, 1989.

These institutions represent approximately 75 percent of the total detention population in the country.

All figures supplied are as of April 24, 1989, and reflect the local authorities' account of actual population and capacity, as well as known construction and other expansion figures.

Based on an estimated cost of $50,000 per bed for new jail construction, the cost of the expansion projects currently under way is approximately $2.5 Billion.

POPULATION AND CAPACITY DATA FOR THE 60 LARGEST JAIL SYSTEMS IN THE UNITED STATES
NATIONAL INSTITUTE OF CORRECTIONS, 4/25/89

1988

STATE	JURISDICTION	*ADP	RATED CAP	BEDS UNDER CONSTRUCTION	BEDS PLANNED	TOTAL NEW BEDS
AZ	MARICOPA COUNTY	3,935	2,634	-0-	1,300	1,300
AZ	PIMA COUNTY	817	768	-0-	-0-	-0-
CA	CONTRA COSTA COUNTY	1,296	689	560	120	680
CA	ALAMEDA COUNTY	2,871	2,318	1,968	350	2,418
CA	FRESNO COUNTY	1,670	1,029	424	250	674
CA	KERN COUNTY	2,260	2,032	-0-	-0-	-0-
CA	LOS ANGELES COUNTY	21,867	12,762	2,100	2,000	4,100
CA	ORANGE COUNTY	4,049	3,203	-0-	208	208
CA	RIVERSIDE COUNTY	1,629	1,103	432	325	757
CA	SAN BERNADINO COUNTY	2,261	1,377	960	-0-	960
CA	SAN DIEGO COUNTY	4,490	2,285	296	854	1,150
CA	SAN FRANCISCO COUNTY	1,697	1,468	3,000	-0-	3,000
CA	SAN MATEO COUNTY	1,104	876	-0-	-0-	-0-
CA	SANTA CLARA COUNTY	3,314	3,000	2,037	-0-	2,037
CA	VENTURA COUNTY	1,537	1,000	-0-	600	600
CO	DENVER COUNTY	1,200	1,020	-0-	-0-	-0-
SUB-TOTAL PAGE 1		55,997	37,564	11,777	6,007	17,884

*ADP equals Average Daily Population

POPULATION AND CAPACITY DATA FOR THE 60 LARGEST JAIL SYSTEMS IN THE UNITED STATES
NATIONAL INSTITUTE OF CORRECTIONS, 4/25/89

1988

STATE	JURISDICTION	ADP	RATED CAP	BEDS UNDER CONSTRUCTION	BEDS PLANNED	TOTAL NEW BEDS
FL	BROWARD COUNTY	3,220	3,051	-0-	444	444
FL	PINELLAS COUNTY	1,789	1,898	-0-	-0-	-0-
FL	DADE COUNTY	4,983	3,758	-0-	-0-	-0-
FL	HILLSBOROUGH COUNTY	1,938	1,404	1,330	-0-	1,330
FL	ESCAMBIA COUNTY	1,000	1,280	-0-	-0-	-0-
FL	DUVAL COUNTY	1,648	1,394	1,261	400	1,661
FL	ORANGE COUNTY	2,765	1,559	96	768	864
GA	DEKALB COUNTY	1,348	1,158	-0-	272	272
GA	FULTON COUNTY	2,350	1,881	2,320	-0-	2,320
GA	CITY OF ATLANTA	919	876	-0-	-0-	-0-
IL	COOK COUNTY	6,400	5,917	-0-	1,800	1,800
IN	MARION COUNTY	1,028	1,100	-0-	-0-	-0-
KY	JEFFERSON COUNTY	788	823	250	-0-	250
LA	ORLEANS PARISH	3,950	2,832	480	-0-	480
MD	BALTIMORE COUNTY	2,775	2,622	166	500	666
SUB-TOTAL PAGE 2		36,901	31,553	5,903	4,184	10,087

POPULATION AND CAPACITY DATA FOR THE 60 LARGEST JAIL SYSTEMS IN THE UNITED STATES
NATIONAL INSTITUTE OF CORRECTIONS, 4/25/89

1988

STATE	JURISDICTION	ADP	RATED CAP	BEDS UNDER CONSTRUCTION	BEDS PLANNED	TOTAL NEW BEDS
MA	SUFFOLK COUNTY	450	266	-0-	800	800
MI	WAYNE COUNTY	1,676	1,676	-0-	850	850
MO	CITY OF ST. LOUIS	622	678	-0-	-0-	-0-
MO	JACKSON COUNTY	589	520	-0-	-0-	-0-
NV	CLARK COUNTY	1,142	1,056	285	-0-	285
NJ	ESSEX COUNTY	1,500	1,200	-0-	-0-	-0-
NM	BERNALILLO COUNTY	757	666	-0-	-0-	-0-
NY	NASSAU COUNTY	1,649	1,197	200	830	1,030
NY	NEW YORK CITY	16,757	19,025	2,153	2,848	5,001
NY	SUFFOLK COUNTY	1,116	865	340	-0-	340
NY	WESTCHESTER COUNTY	1,306	1,516	740	-0-	740
OH	CUYAHOGA COUNTY	1,150	886	-0-	480	480
OH	FRANKLIN COUNTY	1,333	1,286	-0-	273	273
OH	HAMILTON COUNTY	1,400	1,466	-0-	1,200	1,200
OR	MULTNOMAH COUNTY	1,070	1,013	-0-	-0-	-0-
PA	ALLEGHENY COUNTY	975	1,013	-0-	-0-	-0-
PA	CITY OF PHILADELPHIA	4,309	3,750	-0-	-0-	-0-
SUB-TOTAL PAGE 3		37,801	38,079	3,718	7,281	10,999

POPULATION AND CAPACITY DATA FOR THE 60 LARGEST JAIL SYSTEMS IN THE UNITED STATES
NATIONAL INSTITUTE OF CORRECTIONS, 4/25/89

1988

STATE	JURISDICTION	ADP	RATED CAP	BEDS UNDER CONSTRUCTION	BEDS PLANNED	TOTAL NEW BEDS
TN	DAVIDSON COUNTY	1,725	1,800	-0-	600	600
TX	BEXAR COUNTY	2,049	1,811	-0-	-0-	-0-
TX	DALLAS COUNTY	5,789	3,750	2,000	2,200	4,200
TX	EL PASO COUNTY	1,159	1,024	-0-	-0-	-0-
TX	HARRIS COUNTY	7,265	4,315	450	4,200	4,650
TX	TARRANT COUNTY	2,501	2,217	1,440	-0-	1,440
VA	FAIRFAX COUNTY	938	589	-0-	100	100
VA	RICHMOND COUNTY	940	629	-0-	100	
WA	KING COUNTY	1,874	1,498	160	1,000	1,160
SUB-TOTAL PAGE 4		24,240	17,633	4,050	8,200	12,150
SUB-TOTAL PAGE 3		37,351	38,079	3,718	7,281	10,999
SUB-TOTAL PAGE 2		36,901	31,553	5,903	4,184	10,087
SUB-TOTAL PAGE 1		55,997	37,564	11,777	6,007	17,884
GRAND TOTAL		154,939	124,829	25,448	25,672	51,120

Bureau of Justice Statistics response to "Statistical Information Requests from the White House, 17 March 1989"

Submitted March 21, 1989, updated March 24, 1989
For further information, contact Joseph M. Bessette, Acting Director, Bureau of Justice Statistics

1. What is the percentage of crime nationally resulting from drug use? What percentage is drug-related, not involving use?

There are no precise numbers available to calculate the percentage of crime nationally resulting from drug use. There are, however, (1) national estimates on arrests and convictions for drug violations, (2) data on drug related murders, (3) survey data on the drug use behavior of prison and jail inmates, (4) sample data on the presence or absence of drugs in the urine of persons apprehended by police, and (5) national estimates, provided by crime victims, of their perceptions of drug use by offenders.

(1) Arrest data, collected and reported by the FBI annually, indicate that the number of arrests for drug violations (sales or manufacturing and possession) increased from 580,900 in 1980 to 937,400 in 1987, an increase of 61%. The number of these arrests for sales or manufacturing, however, has grown more rapidly than arrests for possession--arrests for sales/manufacturing have increased by 91% since 1980. In 1980, 18% of those arrested for sales/manufacturing were charged with trafficking in heroin or cocaine; in 1987, 55% of those arrested for sales/manufacturing were charged with trafficking in heroin or cocaine.

An estimated 76,000 persons were convicted of felony drug trafficking in State courts in 1986. This was 13% of all felony convictions in State courts that year. An additional 10,564 persons were convicted of drug trafficking in Federal court that year (24% of all Federal convictions).

(2) Narcotics-related murders have also increased since 1980. In 1980, 1.7% of murders were classified by the FBI as narcotics-felony murders. In 1987, 4.9% of all murders were classified as narcotics-felony murders.

(3) Surveys of national samples of State prisoners reveal substantial numbers with prior use of illegal drugs. In 1986, 35% of State prisoners reported they were under the influence of drugs at the time of the crime for which they were imprisoned. Of those who were sentenced to prison for robbery, burglary, larceny, or a drug offense, half were daily drug users in the month preceding their current imprisonment offense and 40% were under the influence of an illegal drug at the time they committed their crime. On average, inmates report their first drug use occurred at age 15 and their first use of a major drug (heroin, cocaine, PCP, LSD) occurred at age 17. Among those who were daily users of a major drug prior to their current imprisonment offense, nearly 30% had at least 6 prior convictions compared to about 12% of those who had never used a major drug.

(4) Between April and June, 1988, more than 3,500 male and female arrestees in 11 cities were tested for drug use. Positive results for the presence of drugs ranged from 90% of male arrestees in New York City to 54% of male arrestees in Indianapolis. Of those tested in San Diego, 56% evidenced the presence of at least two drugs. More than half of male arrestees tested in Los Angeles, Dallas, Houston, New Orleans, Chicago, Washington, D.C., and New York City tested positive for the presence of cocaine. The percentage of female arrestees testing positive for drugs exceeded the percentage among male arrestees in San Diego, Portland, Phoenix, Chicago, and Washington, D.C., and equalled the male percentage in Los Angeles and Dallas. In May 1984, less than 20% of arrestees in Washington, D.C. tested positive for cocaine--four years later more than 60% had positive cocaine tests.

(5) Based upon victim reports from the National Crime Survey (NCS), sponsored by the Bureau of Justice Statistics, household members who were victims of violent crimes, surveyed between July, 1986 and June, 1987, reported that they thought in about 12% of the incidents offenders were under the influence of drugs. Rape (18%) and robbery (15%) victims were the most likely to report perceived drug use by the offenders.

2. What is the percentage of Federal/State breakdown of crimes involving guns?

Data on gun use in crimes come from two sources: the National Crime Survey (NCS) of the Bureau of Justice Statistics and the Uniform Crime Reports (UCR) of the Federal Bureau of Investigation. (NCS data include crimes reported by victims to survey interviewers, whether or not such crimes were reported to police, but exclude homicides and commercial crimes such as robberies of banks or stores. UCR data include all crimes reported to law enforcement authorities.)

NCS victims reported that 13% of violent crimes during 1987 involved an offender with a gun. By type of crime, 8% of rape victims, 18% of all robbery victims, and 12% of all assault victims (aggravated and simple assault) reported that the offender had a gun.

NCS data reveal that between 1973 and 1982 about 10% of victims confronted by an offender with a gun sustained gunshot injuries. Altogether, approximately 1% of violent crime victims in the U.S. were shot by their assailants during 1979-86.

According to UCR data, 59% of the 20,100 homicide victims in 1987 were killed by firearms. In 1987, 21% of all aggravated assaults reported to police, and 33% of all robberies reported to police were committed by offenders with guns.

No data are currently available to provide the percentage of Federal crimes that involve guns. However, the number would be relatively small since only 5% of Federal offenders convicted in 1986 were charged with a violent crime. We could provide an estimate of this figure, but this would require computer runs by an outside contractor (Abt Associates, who manage the Integrated Federal Database for BJS).

3. How many States have mandatory penalties for use of guns in commission of a crime? Give examples.

Mandatory minimum sentence, as the term is used here, means the minimum sentence that must be given by a judge or jury on conviction, without an option for probation, suspended sentence, or immediate parole eligibility. Mandatory minimum sentencing legislation is a very recent phenomenon. With the exception of Washington State, which started in 1909, and three States which first enacted mandatory sentencing in the early 1970's, mandatory sentencing came into being during 1975 and later. As of 1986, 30 States provided mandatory terms of imprisonment for use of a firearm in the commission of a crime.

Examples:

New Hampshire's mandatory minimum sentencing legislation provides that a person who commits or attempts to commit any felony when armed with any firearm shall be guilty of a class B felony and a class A felony for any subsequent offense. A person convicted of the felonious use of a firearm shall, in addition to the punishment for the underlying felony, be given a minimum mandatory sentence of 1 year for a first offense and 3 years for any subsequent offense. Neither the whole nor any part of such additional sentence shall be suspended nor served concurrently with any other sentence.

California's penal code provides that any person armed with a firearm in the commission of a drug trafficking offense shall, upon conviction of that offense, be punished by a term of imprisonment of four years in addition and consecutive to the punishment prescribed for that offense.

4. What States have the best record on gun-use related crime? How does the record correlate with any gun control or mandatory sentencing laws in such States?

See attached.

5. Provide a list of States that restrict maximum load in clips/magazines. Give specific examples.

This information has been requested from the Bureau of Alcohol Tobacco and Firearms (BATF). We expect it by close of business March 24.

6. Provide a list of States that have gun registration laws. Give specific examples on types of weapons, waiting periods, etc.

As of July 1986, 20 States (or at least one major urban area in the State) required an application and some waiting period prior to purchase of a firearm. See attached tables from the NRA and from BATF.

7. Are there any statistics or examples of cases where semi-automatic weapons have been converted to full automatic and then used in the commission of crimes?

This information has been requested from the Bureau of Alcohol Tobacco and Firearms (BATF). We expect it by close of business March 24.

8. What empirical data exist on effective deterrents to crime?

Evidence on crime deterrence was reviewed by a panel of the National Academy of Sciences and summarized in the panel report, Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates (Blumstein, et al., Eds., 1978). The report focused on what are called the "deterrent" and "incapacitative" effects of criminal sanctions. Deterrence was defined as the inhibiting effect of sanctions on the criminal activity of people other than the sanctioned offender. Incapacitation was defined as the effect of isolating an identified offender from the larger society, thereby preventing him or her from committing crimes in that society.

Regarding deterrence, the studies that were reviewed dealt with the question of whether increasing the risk or severity of sanctions reduces levels of crime. The sanction risks usually studied are apprehension, conviction, imprisonment, or execution. Sanction severity is usually measured by prison sentence length or time served. The panel concluded that, taken as a whole, the evidence supported deterrence--which predicts that when sanction levels are high (e.g., high arrest rates, high rates of conviction, high rates of imprisonment), crime rates are low. However, the panel did not conclude that high sanction levels necessarily cause low crime rates, only that there was a negative relationship between sanction levels and crime rates.

Regarding incapacitation, the panel stated: "As long as there is a reasonable presumption that offenders commit crimes if they had remained free, there is unquestionably a direct incapacitative effect" (p. 9). Studies reviewed by the panel varied greatly in terms of the size of the incapacitation effect.

Data collected by the Bureau of Justice Statistics are relevant to assessing the size of the incapacitation effect. Findings from a three-year followup study of persons released from prisons in 11 large and medium-sized States in 1983 (final numbers to be released April 2) indicate high rates of recidivism, especially by young offenders with long prior records. Overall, 63% of released offenders were rearrested within 3 years, 47% were reconvicted, and 41% were reincarcerated. Among offenders age 24 or less at release with 11 or more prior arrests, 94% were subsequently charged with new crimes. Of the 108,000 prisoners released in the 11 States, 68,000 were rearrested and charged with a total of 326,000 new felonies and serious misdemeanors within 3 years of release. Including arrests that occurred prior to their release from prison in 1983, these 108,000 offenders accounted for 1.3 million arrests for felonies and serious misdemeanors during their criminal

careers. These high rates of offending indicate that incapacitation has significant crime control effects. (The offenders released in 1983 had served a median of 1 year and 2 months in prison.)

Two recent studies on domestic violence illustrate the impact of deterrence. The first is known as the Minneapolis experiment, in which police responses to domestic assaults were studied. It was found that police arrests of suspects were more effective in reducing recurrences of violence than less forceful responses. (See Sherman and Berk, "The specific deterrent effects of arrest for domestic assault," American Sociological Review, no. 49, 1984).

The second study used data from the National Crime Survey sponsored by the Bureau of Justice Statistics. The study found that female victims of domestic violence who called the police were less likely to be repeat victims than female victims who did not call the police (Preventing Domestic Violence Against Women, NCJ-102037, 1986).

Bureau of Justice Statistics response to "Statistical Information Requests from the White House, 17 March 1989

Submitted March 24, 1989

4. What States have the best record on gun-use related crime? How does the record correlate with any gun control or mandatory sentencing laws in such States?

The FBI annually collects data on weapon use for the offenses of murder and nonnegligent manslaughter, robbery and aggravated assault. In 1987, 59% of murders and nonnegligent manslaughters, 33% of robberies, and 21% of aggravated assaults involved the use of a firearm. On a per capita basis, in 1987 there were 4.88 firearm murders and nonnegligent manslaughters, 70.18 robberies with a firearm, and 75.18 aggravated assaults with a gun per 100,000 population. Altogether, violent firearm crimes occurred in 1987 at a rate of 150.24 per 100,000 population. By contrast, in 1980 the murder and nonnegligent manslaughter rate by firearms was 6.37, the gun-related robbery rate was 101.19, and the firearm-involved rate for aggravated assaults was 71.33 per 100,000 population. The total gun-crime rate in 1980 was 178.89, about 19% higher than the 1987 rate of 150.24.

Individual jurisdictions in 1987 varied considerably from the national gun-crime rate, ranging from a high of 474.76 violent firearms crimes per 100,000 in Washington, D.C., to a low of 4.82 in North Dakota (see attached tables 1 and 2). Thirty-two jurisdictions of the 49 for which data are available had total gun-crime rates below the national rate.

Among the States there is wide variation in the types of laws, regulations, and restrictions which apply to the purchase or transfer of firearms or selected types of firearms. Classifying these restrictions necessarily obscures the individual details with respect to purchaser restraints, dealer restraints, and the various types of weapons to which specific requirements apply. Based upon information obtained from the Bureau of Alcohol, Tobacco, and Firearms (BATF), States were catalogued with respect to the absence or presence of a mandatory waiting period prior to the purchase of a firearm. In addition, BJS had previously commissioned a study of mandatory sentencing laws across the States in 1986 which was carried out by the Pennsylvania Commission on Crime and Delinquency. These two sources of data revealed that 20 States had provisions for a waiting period prior to firearm purchase and 30 States had provisions for mandatory terms of imprisonment for use of a firearm in the commission of a crime. (Ten States had both measures.)

The table below shows a cross-classification of these two types of gun measures with the 1987 total gun-crime rates. As can be seen, States with gun-crime rates below the national rate were considerably more likely (28.1%) to have neither gun-control measure than were States with higher gun-crime rates (5.9%). (Put differently, 9 of the 10 States with neither measure fell below the national rate.) Moreover, States with lower rates were less likely to have a waiting period only or mandatory sentence only than States with higher rates. However, low-rate States were somewhat more likely (21.9%) than high-rate States (17.6%) to have both measures.

Number and percent of States with waiting periods or mandatory sentences for gun crimes, 1987

Type of gun control measure	States below the national gun-crime rate		States above the national gun-crime rate	
	Number	Percent	Number	Percent
Total	32 States	100.0%	17 States	100.0%
Waiting period only	5	15.6	5	29.4
Mandatory sentencing only	11	34.4	8	47.1
Both measures	7	21.9	3	17.6
Neither measure	9	28.1	1	5.9

Note: Two States, Kentucky and Montana, did not report complete data for 1987 and are excluded. In 1987, the National gun-crime rate was 150.24 per 100,000 population. Gun crimes are those murders and nonnegligent manslaughters, robberies, and aggravated assaults in which a firearm was used.

The effect of gun-control measures is probably more rigorously assessed by use of a research design which examines gun-crime rates before and after a gun-control measure has been introduced in a particular locale. The National Institute of Justice has funded, since 1978, studies of various gun measures and their effects in 6 cities (Detroit, Tampa, Miami, Jacksonville, Pittsburgh, and Philadelphia). Generally, the results of these studies have been inconclusive. Researchers examined violent crime rates before and after the laws were passed and have found inconsistent patterns. Results of studies in Michigan and Pennsylvania are typical. After passage of a mandatory minimum two-year sentence for committing a felony with a gun in Michigan, the gun-homicide rate fell but gun robberies and gun assaults did not decline. Two studies of Pennsylvania's five-year mandatory sentence law appear to be contradictory--one study found reductions in robberies and assaults and the other found a reduction in homicide but not in robberies and assaults. The study of the Michigan law concluded that the Gun Law was not found to have had a "discernible effect on the level or pattern of violent crime in Detroit." Similarly, researchers who studied the Florida Felony Firearms Law concluded that "there is little evidence that the introduction of the Florida gun law was followed by a systematic decline in violent gun crimes in the cities that we examined." The violent crime with the most consistent pattern across the six cities was gun homicide, which showed small, and in some cases statistically insignificant, decreases after mandatory sentencing was introduced. It should be noted in evaluating such studies that the passing of tough mandatory sentencing laws does not necessarily lead to their intended implementation.

Together, the pre-post study designs and the cross-sectional analysis presented above seem to indicate that there is little direct empirical evidence of a correlation between low gun-crime rates and gun-control measures from the currently available research and statistics. However, a recently published study indicates a somewhat different finding. In November 1988 the New England Journal of Medicine (Vol. 319, No.19) published a study comparing handgun regulations and gun crimes in Seattle, Washington, and

Vancouver, British Columbia. The study received substantial press attention at the time. The authors concluded that their study "suggests that the modest restriction of citizens' access to firearms (especially handguns) is associated with lower rates of homicide." There are several problems with this conclusion: (1) a comparison of only two cities cannot be the basis for broad public policy generalizations; (2) the authors themselves recognize that other factors unrelated to the gun-control laws might account for the crime differences; and (3) there are many American cities, such as Washington, D.C., that have strict gun-control laws but high levels of gun crimes.

The chief problem in assessing the relationship of gun-control measures to gun crime is determining the cause and effect. On the one hand, measures such as mandatory sentences or waiting periods may reduce gun crime from levels that would have existed without such laws. On the other hand, it is States and cities which have high gun-crime rates that are more likely to adopt such gun-control measures. Thus, high gun-crime rates may coexist with stiff restrictions or penalties, even if such measures have a positive effect in reducing gun violence.

Table 1. Gun control measures in States with gun-crime rates lower than the national rate, 1987

State	Gun-control measure: Mandatory sentencing	Gun-control measure: Waiting period	Total gun-crime rate
North Dakota	1		4.82
New Hampshire	1		14.83
Maine			15.17
South Dakota		1	21.47
Iowa	1		28.92
West Virginia	1		29.47
Vermont			29.93
Hawaii	1	1	39.52
Idaho	1		41.04
Utah			41.61
Wyoming			46.41
Nebraska			53.24
Rhode Island	1	1	54.67
Minnesota		1	55.93
Delaware	1		56.01
Wisconsin		1	60.48
Pennsylvania	1	1	64.32
Virginia	1		74.07
Washington		1	81.66
Connecticut	1	1	82.59
Indiana	1	1	82.78
New Jersey	1	1	91.22
Arkansas			99.62
Ohio			99.65
Kansas	1		105.43
Oklahoma			107.94
Alaska			111.95
Colorado	1		115.59
Mississippi	1		119.97
Oregon		1	121.53
North Carolina	1	1	131.47
Massachusetts	1		138.40
National rate			150.24

Note: Total gun crime rate is the number of homicides, robberies, and assaults in which a gun was used per 100,000 persons in jurisdictions which reported this data in the Uniform Crime Reports. Raw data were supplied by the FBI. Data on mandatory sentencing are from a special survey done for the Bureau of Justice Statistics by the Pennsylvania Commission on Crime and Delinquency in 1986. Data on waiting periods are from State Laws and Published Ordinances-Firearms, BATF, 18th edition, pp. iv-vi. Kentucky and Montana are not included because of insufficient data.

Table 2. Gun control measures in States with gun-crime rates higher than the national rate, 1987

State	Gun-control measure: Mandatory sentencing	Gun-control measure: Waiting period	Total gun-crime rate
National rate			150.24
Alabama		1	153.09
New Mexico	1		158.68
Nevada	1		161.33
South Carolina	1		168.28
Texas			182.68
Missouri	1	1	190.34
California		1	199.64
Arizona	1		200.70
Maryland	1	1	210.76
Georgia	1		212.28
Illinois		1	220.79
New York		1	224.67
Tennessee		1	235.45
Michigan	1		239.21
Louisiana	1		265.29
Florida	1		301.59
Washington, DC	1	1	474.76

Note: Total gun crime rate is the number of homicides, robberies, and assaults in which a gun was used per 100,000 persons in jurisdictions which reported this data in the Uniform Crime Reports. Raw data were supplied by the FBI. Data on mandatory sentencing are from a special survey done for the Bureau of Justice Statistics by the Pennsylvania Commission on Crime and Delinquency in 1986. Data on waiting periods are from State Laws and Published Ordinances-Firearms, BATF, 18th edition, pp. iv-vi. Kentucky and Montana are not included because of insufficient data.

Danny Stokes
502-451-2700
614-221-0180
301-888-2264
Susie Sawyer - Pres. Ladies Aux.
seminars for families

last year - 7,000 people

FOP
Ladies Aux.

For Discussion

May 2, 1989

~~THE WHITE HOUSE~~

~~WASHINGTON~~

COMBATTING VIOLENT CRIME

~~May 2, 1989~~

I. Assault Weapons

A. Ban a ~~specified~~ list of assault ~~weapons~~ -- Metzenbaum and DeConcini

- o Work with the Congress to develop a list.
- o Provide the Secretary of the Treasury with authority to recommend but not extend ~~additional~~ weapons ~~to that list~~.

Grace Mastalli
DOJ
633-4787
or Bill Cooke

~~A~~. Wait until the Treasury review on suspended imports is concluded and make those weapons that fail to pass the sporting purposes test and are genuinely assault weapons permanently banned for purposes of imports.

- o Amend current law to prohibit the domestic manufacture, sale or transfer of weapons suspended for imports.

what does this mean?

~~B~~. Seek legislation prohibiting the importation, manufacturing, transfer or sale of gun magazines of over 20 rounds.

find out more

horror story? Ca?

II. Limiting Access to Weapons by Felons

The Anti-Drug Abuse Act of 1988 requires the Attorney General to develop a system for the immediate and accurate identification of felons and others disqualified by law attempting to purchase firearms.

A. Direct the Attorney General to expand the National Criminal Records Identification System Implementation study to include a review and evaluation of state and local procedures which have effectively limited criminal access to firearms, and based on that review develop recommendations for model state legislation to complement and enhance efforts to reduce felons access to firearms. Local procedures should be included in the review to the extent that they can be identified.

This legislation might impose a waiting period, or use other devices to facilitate accuracy in determining whether an individual seeking to purchase a weapon from

a licensed gun dealer fits one or more of the prescribed disqualifying characteristics included on Treasury's form 4473:

1. Convicted of a crime punishable by imprisonment for a term exceeding one year;

2. Currently under indictment

3. A fugitive from Justice;

4. Addicted to a controlled substance or have been committed to a mental institution;

5. An illegal alien;

6. Adjudicated a mental defective or have been committed to a mental institution;

7. Dishonorably discharged from the armed forces;

8. Renounced one's U.S. citizenship.

# of weapons used in crime that are illegally bought

B. Require states to transfer felony conviction records to the proper Federal authorities in a manner to be determined by the Attorney General.

C. Modify existing federal law to further control access to weapons by felons and other ineligible individuals.

- Add "convicted of a drug offense" to the Form 4473 question concerning whether the applicant is an "unlawful user of, or addicted to" marijuana, or a depressant, stimulant, or narcotic drug.

- Double the current penalty for a knowing or materially false statement on Form 4473 to a maximum sentence of ten years imprisonment and a maximum fine of $10,000.

- Enact provisions to close loopholes and clarify offenses related to the sale or transfer of firearms:

  -- to facilitate the prosecution of unlicensed gun dealers engaged in illegal weapons transfers to aliens or transients;

  -- to expand federal jurisdiction to permit

prosecution of transactions in stolen firearms and weapons lacking serial numbers in cases where the firearms have previously moved in interstate or foreign commerce, (present law requires the firearms be moving in interstate commerce at the time of the offense);

-- to provide a uniform standard to determine whether or not a person is under federal firearms disabilities based upon state convictions;

-- to require that persons convicted under state law of a serious drug offense or violent felony apply to federal authorities in order to have their firearms rights restored;

-- to amend provisions regarding the disposal of forfeited firearms;

-- to clarify the definition of burglary in the Armed Career Criminal Act to eliminate loopholes caused by differing state laws.

III. Crime Control and Criminal Justice System Reforms

A. Strengthening Current Laws

1. Enact constitutionally sound procedures for imposing federal death penalty provisions that now appear in many federal statutes for homicide, espionage, and treason; standards include an aggravating factor for capital murder sentencing which would permit the death penalty to be imposed if the defendant used an automatic or semi-automatic firearm in committing the offense, or had previously been convicted of a violent felony involving a firearm.

2. Enact habeas corpus reform to establish a general one-year time limit on federal applications by state prisoners, require deference in federal proceedings to the results of fair and reasonable state court determinations. This will correct the existing system of review, under which over 10,000 cases are annually filed.

3. Establish a general "good faith" exception to the exclusionary rule, under which evidence would be admitted if the officers carrying out a search or

seizure acted with an objectively reasonable belief that their conduct was in conformity with the Fourth Amendment; and clarify that courts may not exclude evidence on the basis of non-constitutional violations in the absence of statutory authority for doing so.

4. Enhanced penalties for federal firearms violations

- o Double the mandatory penalty under 18 U.S.C. 924 (c) for the use of a semi-automatic firearm during the commission of a violent crime or drug felony from five to ten years.

- o Allow for pre-trial preventive detention of defendants in cases involving certain serious firearms and explosive offenses.

- o Authorize criminal penalties and mandatory minimum sentences for theft of a firearm.

- o Enhance penalties for smuggling firearms into the United States while engaged in, or in the furtherance of, drug trafficking.

- o Amend the Armed Career Criminal statute to count as predicate offenses acts of juvenile deliquency which if committed by an adult would constitute a serious drug offense. (N.B. Many youthful repeat offenders presently escape coverage of the enhanced career criminal penalties because most of their prior offenses were charged as juvenile delinquency.)

5. Urge all states to adopt model state legislation providing mandatory minimum sentences for criminal offenses involving firearms.

(Option - Condition eligibility for certain federal grants on state compliance with enactment of mandatory minimum sentences.)

6. Amend the Anti-Drug Abuse Act of 1988 to provide that upon completion of the first year of the eight district pilot test regarding drug testing as mandatory condition of federal supervised release or parole, that Attorney General be directed to submit legislation to implement such mandatory testing on a national basis; in addition, urge states to adopt similar mandatory drug testing programs as a condtion of parole.

B. Enhancing Enforcement

1. Increase funds for the Alcohol, Tobacco and Firearms Bureau to provide for the hiring, training and equipping of 250 ATF special agents, inspectors and support personnel to investigate assault weapon and other firearms violations by armed career criminal and repeat offenders.

get money figures

% increases?

2. Increase funds for the U.S. Marshals to provide for about 100 additional positions for the Marshals Fugitive Investigations and Court Orders Program. This would direct greater Federal efforts to seizing fugitives and career criminals.

3. Increase funds for the FBI to provide for about 200 additional positions for the Bureau's Violent Crime and Major Offenders Program. In part, this would assist States and localities improve their efforts in fighting violent crime through greater Federal/State cooperation.

4. The new BATF special agents and other federal law enforcement agents will be dedicated to federal, state and local cooperative Task Forces, including five which will be headquartered in major cities with serious crime problems, to target and investigate violent and career criminals who are subject to prosecution as repeat offenders under Federal firearms laws and related statutes.

get more

add AG/Sec Treas. coord. language

The Task Forces will be based on a proven concept -- the mobilization of Federal, state and local law enforcement in cooperative efforts to get violent and dangerous criminals off the streets.

5. The Attorney General and Secretary of the Treasury will be directed to develop a coordinated strategy for the deployment of these additional federal resources for working with state and local authorities.

6. Urge states and local law enforcement authorities to increase their enforcement resources devoted to identification and apprehension of violent criminal offenders.

C. Enhancing Prosecution

1. Increase funds for the U.S. Attorneys to support

1,600 additional positions to litigate drug cases, money laundering and ~~procurement fraud cases~~, and weapons offenses in various U.S. Attorney offices.

2. Increase funds for the Criminal Division to support 168 additional positions to be applied to organized crime, fraud, narcotics and dangerous drug cases.

3. Additional funds for the support of Federal prisoners to provide U.S. Marshals with more space associated with pre-sentenced prisoners resulting from additional arrests and prosecutions (approximately 300,000 more jail days).

4. Direct the Attorney General to issue and fully implement guidelines for federal prosecutors regarding plea bargaining under the Sentencing Reform Act to assure that the exercise of prosecutorial discretion in charge selection and bargaining effectively reflects the seriousness of the defendant's conduct and the Department's commitment to statutory sentencing goals and procedures. Also to urge state and local prosecutors to examine and consider reforming their plea bargaining practices.

5. Enhance support to the Judiciary by $40 million for FY 1990 to cover costs associated with processing increased numbers of criminal defendants and for additional federal criminal prosecutions.

D. Expanding Prison Capacity

1. Seek legislation to authorize the construction of over 26,000 new federal prison beds for $1.5 billion.

2. Direct the Attorney General to work with the Secretary of Defense, the Secretary of Education, and the Administrator of the General Services Administration to identify properties and facilities suitable for conversion to use as federal prisons.

3. Direct the Attorney General to recommend means by which the deportation of convicted criminal aliens might be expedited.

4. Commend and encourage state prison construction.

D. Expanding Prison Capacity

1. Seek legislation authorizing an additional $1 billion for prison construction, bringing the total 1990 budget to $1.5 billion. This will increase prison capacity by about 85 percent, adding over 26,000 new federal prison beds. Present rated federal prison capacity is 30,951 beds, the present federal prison population is 48,000, or 54 percent overcrowded.

2. Direct the Secretary of Defense, the Secretary of Education, and the Administrator of the General Services Administration to work with the Attorney General to identify expeditiously properties and facilities suitable for conversion to use as federal prisons or jails.

3. Direct the Attorney General to recommend means for expediting the deportation of convicted criminal aliens.

4. Commend and encourage state prison construction efforts.

   - States have already funded over 79,000 new bedspaces to be constructed by 1994.

   - The states are also considering constructing 70,000 additional bedspaces.

E. Resource Enhancement Summary

Penalties:	
State Grant Bonus	$ 6.0 million
Enforcement:	
BATF	$12.5 million
U.S. Marshals	$ 8.0 million
FBI	$13.0 million
Prosecution:	
U.S. Attorneys	$50.0 million
Criminal Division	$ 5.0 million
Unsentenced Prisoner Support	$13.0 million
Courts	$40.0 million
Prisons:	
Federal Prison Construction	$ 1.0 billion

(This will bring the total 1990 prison construction budget to $1.5 billion, which includes $115 million available from the Special Forfeiture Fund available to the Office of National Drug Control Policy, and $401 million in the original Bush Budget.)

FACT SHEET ON SPENDING ASSOCIATED WITH THE COMBATTING VIOLENT CRIME INITIATIVE

- The President proposes to add $1 billion to the 1990 Budget for prison construction, bringing the total 1990 Budget for prison construction to $1.5 billion. This will increase Federal prison capacity by about 85 percent, creating over 26,000 additional bedspaces for convicted criminals. The Federal prison system, rated at a capacity of 30,951, presently houses a prisoner population of 48,000 -- a 54 percent overcrowding rate.

  Implementation of the President's proposal will assure elimination of revolving door justice at the Federal level. Never again can a lack of Federal prisons space be allowed to discourage investigators from apprehending criminals or prevent prosecutors from seeking, or judges from ordering tough sentences.

SENT BY:OMB-TCJ ; 5- 3-89 ; 4:14PM ; 2023957238-

BACK-UP TABLE TO CRIME INITIATIVE

DEPARTMENT OF JUSTICE
1990 CRIME INITIATIVE

Program	1989 Enacted BA	1989 Enacted Outlays	Original 1990 Bush 1/ BA	Original 1990 Bush 1/ Outlays	Crime Initiative BA	Crime Initiative Outlays	Comments Regarding Initiative
Prison Construction	388	203	401 2/	317	+1,000	+70	Over 18,000 new prison beds for a total of over 26,000 in the 1990 budget.
Housing Unsentenced Prisoners	110	89	147	143	+13	+8	300,000 added jail days for unsentenced prisoners.
US Attorneys	460	450	500	466	+50	+44	1,600 additional positions to litigate drug cases, money laundering and procurement fraud, and weapons offenses.
Gen'l Legal Activities (Criminal Division)	245	227	297	292	+5	+5	168 additional positions to investigate and litigate organized crime, fraud, narcotic and dangerous drug cases, and to increase internal security.
FBI	1,439	1,463	1,558	1,484	+13	+10	200 additional positions for the Violent Crime and Major Offenders Program.
Marshals	205	206	230	230	+8	+7	100 additional positions to increase Federal efforts to sieze fugitives and career criminals.
Judiciary	1,506	1,478	1,541	1,513	+40	+39	Processing additional criminal prosecutions.
Alchohol, Tobacco, and Firearms	241	239	236	248	+13	+12	250 additional special agents and associated personnel.
TOTAL 3/	4,594	4,355	4,910	4,693	+1,142	+195	

1/ Does not include $50 million budget amendment to address financial institution fraud soon to be transmitted to the Hill.
2/ Also available is $115 million from the Special Forfeiture Fund of the Office of National Drug Control Policy.
3/ 1990 estimates include funding from the Organized Crime and Drug Enforcement Account which, in 1989, was funded from within the programs shown.

456773;# 3

DRAFT 5/11

THE WHITE HOUSE

Office of the Press Secretary

FOR IMMEDIATE RELEASE May 15, 1989

"When it comes to criminal justice, our first priority must be to keep the criminals away from the good and decent people who want to raise their families in peace and safety."

Vice President George Bush
August 9, 1988
Erie, Pennsylvania

"I believe strongly that swift and sure punishment is a deterrent. Criminals need to know that they will pay a price...."

Vice President George Bush
October 6, 1988
Fort Worth Texas

FACT SHEET

COMBATTING VIOLENT CRIME

The President outlined today a comprehensive program to combat violent crime. The program is designed to strengthen the nation's criminal justice system and the federal, state and local law enforcement partnership.

The program is grounded in the President's belief that greater certainty of apprehension, prosecution, and punishment will help deter crimes of violence. It includes proposals to strengthen current Federal, State and local laws, to step up enforcement, and to hold perpetrators of crimes fully accountable for their actions.

Although the overall rate of crime increased only 1.4% in 1987, the incidence of violent crimes, including firearms offenses, has grown more rapidly.

The wanton and random "wilding" in Central Park, the shooting of the children in the schoolyard in Stockton, California, and the violent, drug related turf battles being fought in our nation's Capital, underscore the need for law enforcement officials to have additional resources and legal

are held fully accountable for their actions it is essential to eliminate certain gaps in existing law and to strengthen some existing statutes.

A. Enhanced penalties for firearms violations

The President proposed seven changes in Federal firearms laws which would:

1. Double the mandatory penalty from five to ten years under 18 U.S.C. 924(c) for the use of a semi-automatic firearm during the commission of a violent crime or drug felony.

tools to more vigorously and effectively enforce the Federal, State and local statutes and put an end to revolving door justice caused by crowded prisons, overburdened prosecutors, and legal loopholes.

The President is proposing a common sense approach to crime with initiatives to limit access to weapons by criminals, to reform the criminal justice system, to enhance enforcement and prosecution, and to expand prison capacity to assure both the certainty and severity of punishment.

Four principles underlie the goals of our criminal justice system and the means for accomplishing them.

- o A primary purpose of government is to protect citizens and their property. Americans deserve to live in a society in which they are safe and feel secure.
- o Those who commit violent criminal offenses should, and must, be held accountable for their actions.
- o Our criminal justice system must have as its objective the swift and certain apprehension, prosecution, and incarceration of those who break the law.
- o Success in accomplishing our criminal justice system goals requires a sustained, cooperative effort by Federal, State and local law enforcement authorities.

The President today proposed a comprehensive four part program to strengthen current laws, enhance enforcement and apprehension of criminals, facilitate prosecutions, and expand federal prison capacity.

I. STRENGTHENING CURRENT LAWS

To assure that those who commit violent criminal offenses are held fully accountable for their actions it is essential to eliminate certain gaps in existing law and to strengthen some existing statutes.

A. Enhanced penalties for firearms violations

The President proposed seven changes in Federal firearms laws which would:

1. Double the mandatory penalty from five to ten years under 18 U.S.C. 924(c) for the use of a semi-automatic firearm during the commission of a violent crime or drug felony.

2. Amend the Armed Career Criminal statute to count as predicate offenses acts of juvenile delinquency which if committed by an adult would constitute a serious drug offense. Many youthful repeat offenders presently escape coverage of the enhanced career criminal penalties because most of their prior offenses were charged as juvenile delinquency.

3. Allow for pre-trial preventive detention of defendants in cases involving certain serious firearms and explosive offenses.

4. Authorize criminal penalties and mandatory minimum sentences for theft of a firearm.

5. Enhance penalties for smuggling firearms into the United States while engaged in, or in the furtherance of, drug trafficking.

6. Require mandatory revocation of supervised release for those possessing a firearm anytime before the term of their supervised release expires.

7. Double the current penalty for a knowing or materially false statement on ATF Form 4473 to a maximum sentence of ten years imprisonment and a maximum fine of $10,000.

The President also urged all states to adopt model legislation providing mandatory minimum sentences for criminal offenses involving firearms to parallel Federal mandatory minimum provisions. He directed the Attorney General to provide the States with related technical assistance through the Law Enforcement Coordinating Committees (LECCs). At present, thirty states have some provision for mandatory terms of imprisonment for use of firearms in the commission of a crime.

The President proposed providing a 5 percent bonus to the formula law enforcement grants received by those states which adopt this model legislation.

B. Restricting Plea Bargaining

If our criminal justice system is to achieve its objective of assuring that those who commit violent offenses are held fully accountable for their actions, plea bargaining practices nationwide must be reformed. Too often, serious felons walk away from court after pleading guilty to minor offenses and misdemeanors because overburdened prosecutors have accepted plea agreements rather than going to trial. The lesser charges result in lesser sentences or probation and repeat offenders continue to beat the system. To speed an end to such plea bargaining:

1. The President directed the Attorney General to issue and fully implement guidelines for federal prosecutors regarding plea bargaining under the Sentencing Reform Act to assure that Federal charges always reflect both the seriousness of the defendant's conduct and the Department's commitment to statutory sentencing goals and procedures.

2. The President urged state and local governments to reform their plea bargaining and sentencing practices along similar lines and to devote increased resources to prosecutions.

C. Enacting Death Penalty Procedures

The criminal justice system must accord paramount importance to the protection of innocent life. The murderous "assault weapon" armed gang member, the terrorist, the traitor and the assassin, who threaten American lives and the nation's security must know that they will face the death penalty for their crimes.

The President proposed to restore an enforceable death penalty for the most aggravated Federal crimes. His proposal includes adequate standards and constitutionally sound procedures for imposing the federal death penalty provisions that now appear in federal statutes for homicide, espionage, and treason. It would also authorize the death penalty for a number of new offenses, such as murder for hire. In direct response to the increase in firearms-related violence, the proposal would authorize capital punishment in murder cases where the killer uses a fully- or semi-automatic firearm in committing the offense, or has previously been convicted of a violent felony involving a firearm.

D. Restricting Imported Weapons

When the Treasury Department study of imported weapons is completed the Administration will make permanent the temporary suspension on imported asssault weapons that fail to meet the criteria specified in the Gun Control Act of 1968 (18 USC 925).

E. Preventing Circumvention of Import Laws

The President will propose an amendment to ensure that actions taken under the provisions of the Gun Control Act of 1968 shall not be circumvented by domestic assembly of such weapons or any combination of domestic and foreign assembly of such weapons.

F. Restricting Gun Magazines

The President will propose legislation prohibiting the importation, manufacture, transfer, or sale of gun magazines of over 15 rounds for use by private citizens.

G. Limiting Access to Weapons by Criminals

In addition to greater penalties for misusing firearms it is also important to limit access to weapons by criminals. This can be facilitated in three ways:

1. Strengthening and Expanding Prohibitions on Access to Weapons by Criminals

   a. The President proposed to bar the sale of firearms to, or possession of firearms by, persons convicted of any violent offense, expanding the existing prohibition to cover individuals convicted of violent misdeamor offenses, such as some of those on Partick Purdy's criminal record.

   b. The President also proposed to bar the sale of firearms to, or possession of firearms by, persons convicted of any serious drug offense.

2. Improving Mechanisms for Identifying Criminals Who Attempt to Purchase Firearms

   The Anti-Drug Abuse Act of 1988 requires the Attorney General to develop a system for the immediate and accurate identification of felons and others who attempt to purchase firearms but

are barred by federal law [18 U.S.C. 922(g)(1)] from buying or possessing firearms. The initial stage of the study must be completed by November 18, 1989.

a. The President directed the Attorney General to expand the National Criminal Records Identification System Implementation study to include a review and evaluation of State and local procedures which have effectively limited criminal access to firearms, and based on that review and in consultation with Bureau of Alcohol, Tobacco, and Firearms, to develop recommendations for model state legislation and procedures to complement and enhance efforts to reduce felons access to firearms.

   Model legislation or procedures might include a reasonably structured waiting period, or use other devices to facilitate accuracy in determining whether an individual seeking to purchase a weapon from a licensed gun dealer is ineligible by reason of federal law. At present, more than twenty States have waiting periods or other requirements.

b. The President urged States to transfer criminal history conviction, sentencing, and other case disposition records to the proper Federal authorities. He also directed the Attorney General to recommend additional improvements in the criminal records data system. The quality of criminal history data is a critical factor in crime control and prevention. At present, the only criminal history records consistently reported by States and localities are arrest records. Timely and accurate reporting of conviction, sentencing and other case disposition records is essential to the effective operation of the nation's criminal justice system. To improve the national data base, States should make such criminal record reporting mandatory and take steps to insure that centralized State criminal history repositories are adequately funded and managed. In addition, States should maintain records and report on all serious crimes committed by juveniles who frequently continue their criminal careers into adulthood, but often escape early

identification as repeat offenders and recidivists because their juvenile records are not reported.

3. Eliminating Loopholes and Clarifying Existing Offenses

The President also proposed to eliminate loopholes and clarify existing offenses related to the sale or transfer of firearms, in order to:

a. facilitate the prosecution of unlicensed gun dealers engaged in illegal weapons transfers to aliens or transients;

b. expand federal jurisdiction to permit prosecution of transactions in stolen firearms and weapons lacking serial numbers in cases where the firearms have previously moved in interstate or foreign commerce, (present law requires the firearms be moving in interstate commerce at the time of the offense);

c. provide a uniform standard to determine whether a person is under federal firearms disabilities based upon state convictions;

d. require that persons convicted under state law of a serious drug offense or violent felony apply to federal authorities in order to have their firearms rights restored;

e. amend provisions regarding the disposal of forfeited firearms; and

f. clarify the definition of burglary in the Armed Career Criminal Act to eliminate loopholes caused by differing state laws.

H. Drug Testing as a Condition of Release

The President also proposed to authorize and fund nationwide 1990 implementation of drug testing as a mandatory condition of federal probation, parole or supervised release. It is estimated that 81,500 people will be on some form of Federal supervised release in 1990. The Justice Department and the Federal Judiciary will coordinate implementation of this program.

The President urged states to adopt similar mandatory drug testing programs as a condition of parole.

II. AUGMENTING ENFORCEMENT

A primary purpose of government is to protect citizens and their property. This requires the sustained cooperative commitment of Federal, State and local law enforcement officials. Apprehending violent offenders requires increased enforcement personnel, improved cooperation among law enforcement authorities, and not permitting the exclusion of evidence on legal technicalities.

A. Additional ATF Special Agents

The President proposed to increase funds for the Bureau of Alcohol, Tobacco and Firearms to provide for the hiring, training and equipping of 375 ATF special agents, inspectors and support personnel to investigate assault weapon and other firearms violations by armed career criminal and repeat offenders.

B. Additional U.S. Marshals

The President proposed to increase funds for the U.S. Marshals to provide for about 150 additional positions for the Marshals Fugitive Investigations and Court Orders Program. This would direct greater Federal efforts to capturing fugitives and career criminals.

C. Additional FBI Agents

The President proposed to increase funds for the FBI to provide for about 300 additional positions for the Bureau's Violent Crime and Major Offenders Program and Organized Crime Program and to assist States and localities improve their efforts in fighting violent crime through greater Federal/State cooperation.

D. Coordinated Task Forces

The President directed the Attorney General and Secretary of the Treasury to develop a coordinated strategy for the deployment of the additional U.S. Marshals, ATF and FBI agents. Their deployment will emphasize working closely with state and local authorities in task forces to target and investigate career criminals who are subject to prosecution as repeat offenders under Federal firearms laws and related statutes.

E. State and Local Resources

The President urged State and local authorities to increase their law enforcement resources devoted to identifying and apprehending violent criminal offenders.

F. Exclusionary Rule Reform

The President proposed to establish a general "good faith" exception to the exclusionary rule which would permit evidence to be admitted if the officers carrying out a search or seizure acted with an objectively reasonable belief that their conduct was in conformity with the Fourth Amendment. The reform legislation would clarify that courts may not exclude evidence on the basis of non-constitutional violations in the absence of statutory authority for doing so.

III. ENHANCING PROSECUTION

In order to assure that criminals are held accountable for their offenses, certainty of prosecution must accompany severity of punishment. Federal, State and local authorities must expand and coordinate their prosecutorial efforts.

A. Additional Assistant U.S. Attorneys

½ to USA
½ support

The President proposed to increase funds for the U.S. Attorneys to support ~~1,600~~ additional positions to handle the increased number of federal defendants and to prosecute more drug cases, weapons offenses, and other priority matters.

B. Additional Criminal Division Attorneys

The President proposed to increase funds for the Justice Department Criminal Division to support 168 additional positions to be applied to drug cases, weapons offenses, and other priority matters, including activities to foster State and local cooperation and coordinated law enforcement strategies.

C. Additional Housing for Unsentenced Prisoners

The President proposed additional funds for U.S. Marshals to provide transportation and 300,000 added jail days for unsentenced prisoners and pre-trial detainees.

D. Additional Judicial Branch Resources

The President proposed increasing support to the Judiciary by $40 million for FY 1990 to cover costs associated with processing increased numbers of criminal defendants and for additional federal criminal prosecutions.

E. Habeas Corpus Reform

The President proposed immediate enactment of habeas corpus reform to establish a general one-year time limit on federal applications by state prisoners; and to require deference in federal proceedings to the results of fair and reasonable state court determinations. This will correct the existing system of review, under which over 10,000 cases are annually filed consuming the equivalent of approximately 40 federal judge-years.

IV. EXPANDING PRISON CAPACITY

Prison overcrowding remains a national problem. The most acute problem is at the Federal level. At both the Federal and State level prison overcrowding is a factor in sentencing. At the State and local levels it is often responsible for the early release of convicted criminals.

A. Expanding Federal Prison Construction

The President proposed an additional $1 billion for Federal prison construction, bringing the total 1990 budget to over $1.5 billion. This will increase prison capacity by about 85 percent, adding over 26,000 new federal prison beds. Present rated federal prison capacity is 30,951 beds, the present federal prison population is approximately 48,000.

B. Converting Unused Federal Properties

The President directed the Secretary of Defense, the Secretary of Education, and the Administrator of the General Services Administration to work with the Attorney General to identify expeditiously properties and facilities suitable for conversion for use as federal prisons or jails.

C. Deporting Criminal Aliens

The President proposed to provide the Attorney General with additional resources for the Immigration and

Naturalization Service (INS) and the Executive Office for Immigration Review in order to expedite the deportation of convicted criminal aliens.

Crimes committed by aliens are rising disproportionately in relation to the general population and entailing more violent and drug-related crime.

The Federal Bureau of Prisons has identified 9,254 aliens in its facilities, 20.6 percent of its total inmate population.

D. Encouraging State Prison Construction

The President commended and encouraged State prison construction efforts. States currently have construction of 63,452 new bedspaces underway. An additional 78,094 bedspaces are planned and funding has been secured for their construction. Moreover, States have requested construction of 72,190 additional bedspaces.

Funding Summary

Enforcement:	
BATF	$19.0 million
U.S. Marshals	$12.0 million
FBI	$20.0 million
Prosecution:	
U.S. Attorneys	$50.0 million
Criminal Division	$ 5.0 million
Unsentenced Prisoner Support	$13.0 million
Courts	$40.0 million
Drug Testing:	
Mandatory Testing	$11.0 million
Criminal Alien Deportation:	
INS	$13.0 million
EOIR(Executive Office for Immigration Review)	$ 1.0 million
State Grant Bonus:	
Office of Justice Programs (Bonus)	$ 6.0 million
SUBTOTAL (non-prison)	$190.0 million
Prisons:	
Federal Prison Construction	$1.0 billion

This will bring the total 1990 prison construction budget to over $1.5 billion, which includes $115 million available from the Special Forfeiture Fund available to the Office of National Drug Control Policy, and $401 million in the original Bush Budget.

TOTAL $1.702 billion*

*This total can be accommodated within the overall domestic discretionary spending cap set in the Bipartisan Budget Agreement.

NEW YORK POST

METRO EDITION

TUESDAY, MAY 16, 1989 / Rain, 55-60 today; cloudy, chance of rain, 50-55 tonight / Details, Page 2

40¢ in New York City 50¢ elsewhere

'TAKE BACK THE STREETS'

Bush unveils $1.2B program to fight the war on crime



Plan includes money for jails, limits on semiautomatics: Page 4



PAUL HERNANDEZ
Boyfriend under arrest.

From suburbs to slammer

By DON BRODERICK

Laurie Cuzzolino's fall from a suburban "girl next door" to a murder charge and jail cell began gradually — and then accelerated in a harrowing, crack-induced spiral, her friends said yesterday.

Classmates at New Jersey's Scotch Plains-Fanwood HS agreed that the

N.J. coed's crack habit leads to cabbie slay rap

18-year-old senior, accused with her boyfriend in the slaying of a New York cabbie, was intelligent — maybe too intelligent.

She earned good grades

Continued on Page 5



LAURIE CUZZOLINO: *"Laurie does what Laurie wants."*

NEW YORK POST, TUESDAY, MAY 16, 1989

BUSH'S KUDOS FOR EDDIE BYRNE



EDWARD BYRNE
Bush flashes his badge.

By DEBORAH ORIN *Bureau Chief*

WASHINGTON — President Bush yesterday held up the badge of slain New York rookie cop Edward Byrne as he unveiled a $1.2 billion anti-crime package with tougher penalties for criminals who use attack weapons.

"We're going to take back the streets — by taking criminals off the streets," Bush said, speaking behind a bullet-proof shield at a Capitol Hill ceremony for the 161 cops killed nationwide last year.

But he delayed making his temporary ban on imports of semiautomatic attack weapons permanent — and didn't extend the ban to U.S.-made attack weapons.

Instead, he called for laws to limit the number of bullets a semiautomatic can fire by outlawing "unjustifiably large magazines" or gun clips that fire more than 15 rounds without reloading.

Skeptics of the Bush approach — including some administration officials — believe it will be a lot easier for criminals to get illegal gun clips than to get illegal guns.

Bush held up Byrne's badge and read the number — 14272 — as he noted the slain cop was wearing it the day he was gunned down by "a gang of cocaine cowards" in Queens.

He addressed the slain cop's father, Matthew, who gave him the badge during last fall's election campaign, saying:

"Your son's badge, as I have told you, is kept in my desk at the Oval Office."

Bush, in effect, dedicated his crime package to Byrne, slain while guarding a drug case witness, saying it is "for Eddie Byrne, for every [slain] officer we honor here today, and for America."

He also evoked the memories of both the brutal assault on a Central Park jogger and the Howard Beach attack by a white gang that killed a black man in calling for new anti-crime action.

"Whether it's the brutalization of a young runner in a park or terrorizing a young man onto a crowded highway, these are acts that cannot be excused or explained away," Bush said.

The Bush plan also includes: $1 billion in new money for prisons, calls for criminals who carry semiautomatics to get at least 10 extra years in jail and urges the death penalty for such crimes as

Continued on Page 21

Bush dedicates crime war to officer slain in Queens

Continued from Page 4

murder-for-hire.

Sen. Edward Kennedy (D-Mass.), a leading gun-control advocate, praised parts of the package, but said Bush "pulled his punch" on semiautomatics and should have extended the ban to U.S.-made weapons.

The ban on imports covers only 25 percent of attack weapons — 75 percent of which are made in the United States.

But National Rifle Assn. spokesman Wayne LaPierre blasted Bush for urging limits on gun clips.

"Does the Bush administration seriously think that criminals who smuggle tons of cocaine and marijuana into our country won't also smuggle in as many firearms and high-capacity magazines as they want?" he asked.

Administration insiders say White House chief of staff John Sununu urged Bush to focus on gun magazines instead of the actual weapons to reduce opposition from gun-lovers.

Handgun Control, the gun-control lobby, said Bush showed leadership by recognizing that "the weapons themselves are a problem" — not just criminals who use them.

Sen. Alfonse D'Amato (R-N.Y.) said he favors tougher limits on semiautomatics, but banning U.S.-made weapons requires legislation and Congress may not have the votes.

Bush had been expected to make his temporary ban on imports permanent yesterday — but held off, saying a study of whether the guns are suitable for hunting is continuing.



Agence France-Presse

PRESIDENTIAL HANDSHAKE: *President Bush greets wheelchair-bound Officer Paul Kelly at ceremony for the 161 cops killed last year in the line of duty.*

How prez would combat thugs

By DEBORAH ORIN
Bureau Chief

WASHINGTON — Here are key elements of the $1.2 billion anti-crime package that President Bush proposed yesterday:

■ The mandatory federal penalty for using a semiautomatic weapon during a violent crime or drug felony would be doubled — from five to 10 years — with parole and probation barred.

■ Pre-trial detention would be permitted for people accused of serious federal firearms and explosive offenses.

■ The attorney general would direct prosecutors to end plea-bargaining for violent federal firearms offenses if the resulting sentence would be less than the mandatory minimum for the crime committed.

■ The death penalty for murder-for-hire would be added to federal statutes.

■ The Bureau of Alcohol, Tobacco and Firearms would continue its study on imports of semiautomatic attack weapons.

When it is done, the current temporary ban will become permanent on "the imported weapons, if any," that are found to have no justifiable sporting use.

■ Another $1 billion would be available for federal prisons, making a total of $1.5 billion for 1990.

■ The attorney general would review court orders to relieve jail overcrowding, gauging their impact on public security.

■ Import, manufacture, transfer and sale of gun clips that hold over 15 rounds would be banned. (This will require Congres to pass legislation.)

■ Sale of firearms to those convicted of violent misdemeanors would be barred — as they now are for those convicted of violent felonies. (This would close the loophole that let a disturbed California man buy the assault weapon he used to kill five children.)

■ Sale of firearms to anyone convicted of serious drug offenses would be prohibited.

■ Model legislatio would be promoted amon the states — and it migh include mandator waiting periods for gu purchase.

■ All federal prisoner allowed out of jail o probation, parole or super vised release would b tested for drugs.

■ A total of 375 new AT agents, 150 new U.S. mar shals and 300 FBI agent would be commissioned t fight violent crime and o ganized crime, and 1,60 new U.S. attorneys woul focus on drug and weapon charges.

Prez earned 156G on investments / Page 2

'Take back the streets'

Bush declares his $1.2B war on crime

By FRANK JACKMAN
News Washington Bureau

WASHINGTON — President Bush yesterday unveiled a $1.2 billion anti-crime plan to "take back the streets" by building more federal jails, hiring more lawmen and prosecutors and increasing prison sentences.

Outlining his proposals to a rain-drenched crowd at a police memorial service outside the Capitol, Bush said: "We're going to take back the streets by taking the criminals off the streets."

Bush postponed a decision — pending completion of a study — on whether to make permanent the temporary ban he imposed March 14 on foreign-made semi-automatic assault weapons such as the Chinese AK-47 and the Israeli Uzi.

He did not ask for new legislation to outlaw U.S.-made models of semi-automatic weapons, even though many are identical to foreign guns.

Instead, he proposed legislation to ban the manufacture, transfer or sale of gun magazines that hold more than 15 bullets. A senior White House official said some assault-type semiautomatics have "large detachable magazines" that hold as many as 50 or 100 rounds. The Uzi and AK-47 hold about 30.

Speaking to relatives of some of the 161 police officers killed in the line of duty last year, Bush described his program as on attack against lawbreakers on "four fronts — new laws to punish them, new agents to arrest them, new prosecutors to convict them, and new prisons to hold them."

The badge he keeps

Bush singled out Matthew Byrne, father of slain New York City Police Officer Edward Byrne, saying, "Matt, your son's badge, as I have told you, is kept in my desk at the Oval Office. And during the debate on gun-related violence ... neither it, nor what it represents, has ever been far from my mind."

Bush identified the badge as the one young Byrne was wearing when he was gunned down in Jamaica, Queens, by a "gang of cocaine cowards."

Bush said "people must be held accountable for their actions" and sought to dramatize the point with references to both the gang-rape of a jogger in Central Park and the 1986 racial attack on three black men in Howard Beach, Queens.

"Whether it's the brutalization of a young runner in a park or terrorizing a young man onto a crowded highway, these are acts that cannot be excused or explained away," Bush said.

Stronger penalties

Bush called on Congress to expand the federal death penalty to cover any murder committed with an automatic or semi-automatic weapon and to double to 10 years the minimum sentence for those convicted of using such a weapon while committing a violent or drug-related crime.

Most of the money — $1 billion — in Bush's plan would go to increase federal prison capacity by 26,000 beds, a nearly 80% increase.

He also wants to hire 300 more FBI agents, 150 more federal marshals, 375 new officers for the Bureau of Alcohol, Tobacco and Firearms and 1,600 new prosecutors and staff in U.S. attorneys' offices around the nation.

The First Lady has the last word



BARBARA BUSH has the floor at commencement day for Bennett College, Greensboro, N.C., and Robert Chiles, chairman of the college board of trustees, seems to be delighted to lend an ear. Mrs. Bush went on to give principal commencement speech Sunday. AP

Gotti men get big break in trial

By RUBEN ROSARIO

The federal judge presiding over the racketeering and drug-trafficking retrial of reputed Gambino mobsters Gene Gotti and John Carneglia shocked prosecutors yesterday when he tossed out the most serious charge in the case.

The decision by Brooklyn Federal Judge John Bartels to dismiss a charge of operating a continuing criminal enterprise for lack of evidence came on the eve of closing arguments in what has been described as the longest pending criminal case in the nation's federal courts.

The charge, also known as the "848 count," has been used successfully in the past to prosecute the leaders of drug rings. Conviction carries a prison term of 10 years to life, with no hope of parole.

Defense sees victory

Gotti and Carneglia still face a Racketeer Influenced and Corrupt Organizations (RICO) charge, punishable by up to 20 years in prison, and two drug-distribution counts, each carrying up to 15 years.

Brooklyn U.S. Attorney Andrew Maloney declined to comment on the ruling or its effect on the government's case. "Mr. Gotti and Mr. Carneglia still face 50 years," he said.

Defense lawyers hailed the decision as a major victory. The defendants declined to speak to reporters.

"Our position all along has been that there was no evidence presented to substantiate that charge," said Gotti's attorney, Ronald Fischetti.

Gotti, 42, and Carneglia, 44, were among 10 people indicted in 1983 on drug-running charges.

Post-trial motion

The first of three trials got under way in spring 1987. A mistrial was declared nine months later amid charges of jury tampering. A mistrial was declared in the second trial last July after a different set of jurors found themselves deadlocked.

Bartels, the third judge to hear the case, issued his ruling during a post-trial motion hearing in the four-week-old case.

Fischetti and Carneglia lawyer Gerald Shargel had moved to dismiss the count by arguing that the government had introduced no proof that the two defendants were equal and active partners with reputed Gambino capo Angelo Ruggiero in running a major heroin-trafficking ring in the early 1960s.

Ruggiero and six other codefendants have been severed from the case and await trial.

The lawyers also contended that the government had failed to prove their clients employed or controlled five or more alleged ring members, as required under the charge.

"While Gotti and Carneglia may have been partners with Ruggiero, they did not take an active role in organizing, supervising or managing the organization," Bartels said. "The defendants' motion is hereby granted."

N.Y. DAILY NEWS

Los Angeles Times

lation: 1,118,649 Daily/1,433,739 Sunday | Tuesday, May 16, 1989 | CC/104 Pages Copyright 1989/The Times Mirror Company Daily 50¢

Unveils $1-Billion Anti-Crime Package

Bush Vows Harsher Penalties for Gun Violence

By DAVID LAUTER, *Times Staff Writer*

WASHINGTON—President Bush on Monday announced a long-anticipated package of measures to combat violent crime, sidestepping the controversial issue of gun control but pledging to increase penalties for gun-related violence and to spend $1 billion on more prosecutors and prisons.

"We're prepared to match rhetoric with resources," Bush said, but he did not say where the resources are to come from without worsening the federal deficit. Nor does the Administration have a detailed plan yet for how to use the extra money if it can be obtained, officials conceded.

On guns, Bush rejected the advice of drug policy chief William J. Bennett and others who had proposed broad new restrictions on semiautomatic assault guns, which have become the guns of choice for many drug gang members and street criminals. Rather than limit the guns, Bush proposed to control the clips that hold their ammunition—banning the sale or manufacture of magazines that hold more than 15 rounds.

Law Governing Imports

Bush pledged to enforce the current law that bans the importation of guns deemed unsuitable for sport, a subject under study by the Bureau of Alcohol, Tobacco and Firearms. But he rejected the idea of applying the same test to domestically produced weapons.

Limiting domestically produced weapons would have required the Administration to confront the powerful National Rifle Assn. in a battle over new legislation. Foreign-made weapons can be handled under existing law.

Bush's package also contains a series of criminal justice measures long sought by conservatives, including a widening of the federal death penalty, which has not been used in a generation, and new restrictions on the so-called exclusionary rule, which bars prosecutors from using illegally seized evidence in criminal cases. Nearly all of the ideas in that portion of the package have been proposed—and defeated—in Congress several times.

Bush's plan drew mixed reactions. Gun control advocates expressed disappointment that he had not gone further, and several members of Congress questioned how Bush planned to fit his new proposal into the budget.

White House aides have been anticipating Bush's crime package, which has been under internal debate since March, as the biggest domestic policy initiative of the spring. The unveiling of the proposals was repeatedly delayed as Bush advisers thrashed out the details and sought an appropriate symbolic backdrop. In the end, they chose a Capitol Hill memorial for slain law enforcement officers to serve as Bush's forum.

Standing in a slow drizzle on the steps of the Capitol and surrounded by uniformed police, Bush called for a "common-sense approach to crime" and pledged that the federal government would "lead the way" to "take back the streets by taking criminals off the streets."

As Bush spoke, teams of federal marshals fanned out across the capital in the first of a series of eviction raids designed to target Washington apartments used as crack houses. The federal marshals, who perform the function of county sheriff in Washington, had spent several weeks developing the new operation, comparing routine housing violation lists with police intelligence about crack houses so they could target their eviction efforts to disrupt drug trafficking.

Outside Washington, however, the federal role in crime fighting is far more limited, a problem Bush inadvertently highlighted when he cited two particularly notorious crimes in his speech. "Whether it's the brutalization of a young runner in a park or terrorizing a young man onto a crowded highway," Bush said, criminal acts "cannot be excused or explained away."

The two crimes Bush was describing, the recent gang-rape of a young woman jogger in New York's Central Park and the death of a black man who was chased into the path of a car by white thugs in New York's Howard Beach neighborhood, were prosecuted in state, not federal, courts. Neither crime would have been affected by Bush's proposals.

10-Year Mandatory Sentence

Bush's plan would increase penalties for many federal offenses involving guns, including a new 10-year mandatory minimum sentence for violent crimes committed using a semiautomatic weapon. Those penalties would not apply, however, in state courts, where most violent crimes are handled.

Those Bush initiatives that would have the most visible impact—building new prisons and hiring more federal prosecutors and enforcement agents—may be severely constrained by another of Bush's priorities, cutting the deficit.

A senior White House official, speaking to reporters Monday on condition that he not be named, said the $1.2-billion cost of the new personnel and prison construction could be accommodated by the budget agreement reached earlier this year. That agreement allowed domestic spending to increase $3.6 billion over current levels.

That $3.6 billion, however, already has been committed to several other programs, including other Administration initiatives such as education and drug fighting, congressional budget officials said. If Bush is to get his extra money for crime without worsening the deficit, "something else will have to be cut," a senior House budget staff member said.

Criminal-justice experts agree, however, that new prisons will be a necessity if the Administration is serious about crime fighting. "Without increased prison space, if you sentence a lot more people, you would simply have to release a lot of others," said Philip B. Heymann, a Harvard Law School professor who headed the Justice Department's criminal division in the Jimmy Carter Administration.

"The question," Heymann said, "is whether they have something intelligent in mind to do with the increased resources."

The Administration does not have anything specific in mind yet. Bush plans to ask the Justice and Treasury departments to draw up a plan for using the new resources to target career criminals, particularly those who repeatedly violate federal firearms laws, aides said. But White House officials were so intent on keeping details of the package from leaking out early that many law enforcement agencies, including the FBI and the Marshals Service, were not consulted before it was drawn up, officials said.

Staff writers Ronald J. Ostrow and Douglas Jehl contributed to this story.

PRESIDENTIAL REMARKS: PEACE OFFICERS MEMORIAL DAY
U.S. CAPITOL -- WEST FRONT
MONDAY, MAY 15, 1989
12:00 NOON

LAST FALL, A RETIRED NEW YORK POLICE LIEUTENANT GAVE ME BADGE NUMBER 14072 -- THE BADGE HIS SON WORE THE DAY HE WAS GUNNED DOWN BY A GANG OF COCAINE COWARDS. MATTHEW BYRNE ASKED ME TO KEEP EDDIE'S BADGE AS A "REMINDER OF ALL THE BRAVE POLICE OFFICERS...WHO PUT THEIR LIVES ON THE LINE FOR US EVERY DAY."

MATT, YOUR SON'S BADGE IS KEPT IN MY DESK IN THE OVAL OFFICE. DURING THE DEBATE ON GUN-RELATED VIOLENCE THAT HAS RAGED IN THIS COUNTRY THE PAST SEVERAL MONTHS, NEITHER IT, NOR WHAT IT REPRESENTS, HAS EVER BEEN FAR FROM MY MIND. I'VE HEARD THE MANY VOICES, THE COURAGEOUS AND THE CORRUPT, THE WOUNDED AND THE WIDOWED.

WE GATHER TODAY TO RESPOND TO THOSE VOICES, AND TO HONOR THE FALLEN BY LAUNCHING A NEW NATIONAL STRATEGY -- A PARTNERSHIP WITH AMERICA'S CITIES AND STATES -- TO TAKE BACK THE STREETS.

IT CALLS FOR A RETURN TO COMMON SENSE. AND IT BEGINS WITH A CLEAR-EYED VISION OF THE KIND OF PROBLEMS WE FACE, THE KIND OF PEOPLE WE ARE, THE KIND OF VALUES WE HOLD -- AND THE KIND OF NATION WE INTEND TO BEQUEATH TO OUR CHILDREN.

THE PROBLEM IS VIOLENT CRIME -- AND, IN PARTICULAR, THE BLOOD THAT'S BEEN SHED BY INCREASINGLY SOPHISTICATED GUNS IN THE HANDS OF A NEW CLASS OF CRIMINALS. USUALLY, BUT NOT ALWAYS, THE DEATHS ARE TIED TO A CYCLE OF DOLLARS AND DRUGS AND DEPENDENCY.

THE PRINCIPLES ARE SIMPLE. MY GENERATION WELL REMEMBERS WHAT SOME BELIEVE WAS F.D.R.'S FINEST SPEECH: THE "FOUR FREEDOMS" ADDRESS TO A JOINT SESSION OF CONGRESS.

THE LAST, OFTEN FORGOTTEN, BUT ARGUABLY MOST FUNDAMENTAL OF THOSE FREEDOMS WAS SIMPLY THIS: FREEDOM FROM FEAR. OUR SWORN DUTY TO "INSURE DOMESTIC TRANQUILITY" IS AS OLD AS THE REPUBLIC ITSELF, PLACED IN THE CONSTITUTION'S PREAMBLE EVEN BEFORE THE COMMON DEFENSE AND THE GENERAL WELFARE. WHEN WE ASK WHAT KIND OF SOCIETY THE AMERICAN PEOPLE DESERVE, OUR GOAL MUST BE A NATION IN WHICH LAW ABIDING CITIZENS ARE SAFE AND FEEL SAFE.

TO ACHIEVE THIS GOAL, PEOPLE MUST BE HELD ACCOUNTABLE FOR THEIR ACTIONS. THAT'S COMMON SENSE. MOST AMERICANS ARE LAW ABIDING, AND MOST BELIEVE THAT THERE IS SUCH A THING AS RIGHT AND WRONG -- GOOD AND EVIL. WHETHER IT'S THE BRUTALIZATION OF A YOUNG RUNNER IN A PARK OR TERRORIZING A YOUNG MAN ONTO A CROWDED HIGHWAY, THESE ARE ACTS THAT CANNOT BE EXCUSED, OR EXPLAINED AWAY.

A COMMON SENSE APPROACH TO CRIME MEANS THAT IF WE ARE GOING TO AFFECT PEOPLE'S BEHAVIOR, WE MUST HAVE A CRIMINAL JUSTICE SYSTEM IN WHICH THERE IS AN EXPECTATION THAT:

-- IF YOU COMMIT A CRIME, YOU WILL BE CAUGHT.

-- AND IF CAUGHT, YOU WILL BE PROSECUTED.

-- AND IF CONVICTED, YOU WILL DO TIME.

FOR FAR TOO LONG, A PRIVILEGED CLASS OF VIOLENT AND REPEAT OFFENDERS HAVE CALCULATED THAT CRIME REALLY DOES PAY -- THAT OUR CRIMINAL JUSTICE SYSTEM IS A CRAPSHOOT WHERE THE RISKS ARE WORTH THE REWARDS. WELL, IT'S TIME WE CHANGE THE ODDS -- AND UP THE STAKES ENORMOUSLY.

WE WILL LEAD THE WAY. WE WILL DO OUR PART -- AND THEN SOME. BUT NO FEDERAL EFFORT CAN SUCCEED WITHOUT THE FULL PARTNERSHIP OF THE CITIES AND STATES YOU REPRESENT.

UNFORTUNATELY, NOWHERE IS YOUR FRONT LINE ROLE MORE EVIDENT THAN IN THE HONOR ROLL THAT WILL BE READ TODAY: OF THE 161 OFFICERS KILLED IN THE LINE OF DUTY LAST YEAR, 152 WERE STATE OR LOCAL COPS. YOU ARE THE FIRST LINE OF DEFENSE -- AND YOUR RESPECTIVE GOVERNMENTS HAVE AN OBLIGATION TO ADOPT TOUGH LEGISLATION AND PROVIDE THE RESOURCES -- IN POLICE, PROSECUTORS AND PRISONS -- TO FULLY BACK YOU UP.

AT THE TRIAL OF EDDIE BYRNE'S EXECUTIONERS, THERE WAS TESTIMONY THAT THE HIT WAS ORDERED FROM PRISON TO SEND A "MESSAGE" TO THE PEOPLE BEHIND THE BADGE. ONE WITNESS SAID THEY HOPED TO SEE THE ATTACK ON THE TV NEWS AT RIKER'S ISLAND.

TODAY WE HAVE A MESSAGE OF OUR OWN: WE'RE GOING TO TAKE BACK THE STREETS. BY TAKING CRIMINALS OFF THE STREETS.

IT'S AN ATTACK ON ALL FOUR FRONTS -- NEW LAWS TO PUNISH THEM, NEW AGENTS TO ARREST THEM, NEW PROSECUTORS TO CONVICT THEM, AND NEW PRISONS TO HOLD THEM.

I AM ANNOUNCING TODAY A COMPREHENSIVE NEW OFFENSIVE FOR COMBATTING VIOLENT CRIME. FOR EDDIE BYRNE, FOR EVERY OFFICER WE HONOR HERE TODAY, AND FOR AMERICA.

THE FIRST FRONT OF THIS CAMPAIGN -- NEW LAWS -- STARTS WITH THE SEMI-AUTOMATIC AND SO-CALLED "ASSAULT" WEAPONS THAT CRIMINALS HAVE TAKEN AS THEIR GUN OF CHOICE.

AGAIN, COMMON SENSE HAS TO PLAY AN IMPORTANT PART IN THIS DISCUSSION. THE FACT OF THE MATTER IS, NEARLY HALF THE HOUSEHOLDS IN THIS COUNTRY HAVE GUNS. THE GUNS ARE ALREADY OUT THERE.

AND THE OVERWHELMING MAJORITY ARE LEGITIMATELY OWNED FOR LEGITIMATE PURPOSES.

BUT IN CONTRAST TO LEGITIMATE GUN OWNERSHIP IS THE CHILLING FACT THAT SOMETHING LIKE 80 PERCENT OF ALL FIREARMS USED BY FELONS ARE STOLEN OR OTHERWISE UNLAWFULLY OBTAINED. THROUGHOUT OUR NATION'S HISTORY, THE HARD LESSON WE'VE LEARNED IS THAT CRIMINALS WILL GET GUNS.

SO LET ME BE VERY CLEAR ABOUT OUR RESPONSE: THE RIGHT TO OWN GUNS IS NOT A LICENSE TO HARM OTHERS.

FIRST, I AM CALLING ON CONGRESS TODAY TO DO FOR DANGEROUS FIREARMS WHAT IT HAS WISELY DONE FOR DANGEROUS DRUGS -- TO DOUBLE THE MANDATORY MINIMUM PENALTIES FOR THE USE OF SEMI-AUTOMATIC WEAPONS IN CRIMES INVOLVING VIOLENCE OR DRUGS.

THE MATH IS SIMPLE. ANYONE WHO USES A SEMI-AUTOMATIC FOR CRIME -- OR SO MUCH AS HAS ONE ON THEM DURING A CRIME -- WILL DO AN AUTOMATIC 10 EXTRA YEARS IN FEDERAL PRISON. NO PROBATION. NO PAROLE. NO MATTER WHICH JUDGE THEY GET.

SECONDLY, WE JUST CAN'T PLEA BARGAIN AWAY THE LIVES OF OUR COPS AND KIDS.

I AM DIRECTING THE ATTORNEY GENERAL TO ADVISE AMERICA'S PROSECUTORS TO END PLEA BARGAINING FOR VIOLENT FEDERAL FIREARMS OFFENSES. THOSE WHO USE GUNS WILL DO TIME -- HARD TIME.

THIRD -- WHEN A CRIMINAL CARRIES A GUN -- AND SOMEONE DIES -- THEY MUST PAY WITH THEIR OWN LIVES.

WE ARE CALLING ON CONGRESS TODAY TO ENACT THE STEPS NECESSARY TO IMPLEMENT THE DEATH PENALTY -- AND TO NEWLY DESIGNATE THE USE OF A FIREARM AS AN "AGGRAVATING FACTOR" FOR DETERMINING WHETHER THE DEATH SENTENCE SHOULD BE IMPOSED.

AND I CALL ON AMERICA'S GOVERNORS TO MATCH THIS FEDERAL INITIATIVE AND PROPOSE THESE SAME THREE STANDARDS AT HOME -- MANDATORY TIME, NO DEALS WITHOUT COOPERATION, THE DEATH PENALTY WHERE APPROPRIATE. YOUR STATES OWE IT TO THOSE HERE TODAY.

FOURTH -- TWO MONTHS AGO, AT MY DIRECTION, THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS SUSPENDED THE IMPORTATION OF CERTAIN, SO-CALLED "ASSAULT" WEAPONS.

ATF IS CONTINUING ITS EXAMINATION TO DETERMINE WHICH -- IF ANY -- OF THESE WEAPONS ARE ACCEPTABLE UNDER THE STANDARDS IN EXISTING LAW. AT THE CONCLUSION OF THIS THREE MONTH STUDY -- AND AFTER CAREFUL CONSIDERATION -- WE WILL PERMANENTLY BAN THOSE IMPORTS THAT DON'T MEASURE UP TO THESE STANDARDS.

RECENTLY, THE U.S. NEWS COVER STORY ON GUNS SUMMED UP A RELATED CHALLENGE -- "THE DIFFICULTY IN DRAFTING LAWS THAT WILL SEPARATE ASSAULT WEAPONS USED IN CRIME FROM SEMI-AUTOMATICS FREQUENTLY USED" FOR LEGITIMATE HUNTING AND SPORT.

THERE IS SUBSTANTIAL CONTROVERSY AND DEBATE ON THIS POINT. BUT ONE THING THAT WE DO KNOW ABOUT THESE "ASSAULT" WEAPONS IS THAT THEY INVARIABLY ARE EQUIPPED WITH UNJUSTIFIABLY LARGE MAGAZINES.

THE NOTORIOUS AKS-47, FOR EXAMPLE, COMES WITH A MAGAZINE THAT PUMPS OFF 30 EXPLOSIVE BURSTS WITHOUT RELOADING.

AND THAT IS WHY -- FIFTH -- WE STAND ON THE STEPS OF CONGRESS AND ASK ITS SUPPORT FOR LEGISLATION PROHIBITING THE IMPORTATION, MANUFACTURE, SALE, OR TRANSFER OF GUN MAGAZINES OF MORE THAN 15 ROUNDS.

THE CURRENT DEBATE WAS FIRST SPARKED WHEN AN UNSTABLE GUNMAN IN STOCKTON, CALIFORNIA PURCHASED AN AKS-47 OVER THE COUNTER -- AND USED IT TO LAY WASTE TO AN ELEMENTARY SCHOOL PLAYGROUND.

PATRICK EDWARD PURDY HAD NO BUSINESS BUYING THAT GUN. HE WAS ARRESTED ON HIS FIRST WEAPONS CHARGE BEFORE HIS 15TH BIRTHDAY. BY HIS FOURTH FIREARMS ARREST, PURDY HAD FINALLY TURNED 18, AND WITH IT CHALKED UP THE FIRST OF TWO ADULT CONVICTIONS.

ALTHOUGH FOR VIOLENT AND WEAPONS OFFENSES, BOTH CONVICTIONS WERE MISDEMEANORS. PURDY CRAWLED THROUGH THE LOOPHOLE THAT BARS ONLY FELONS FROM BUYING GUNS -- AND GOT THAT DEADLY AKS-47. THAT'S OUTRAGEOUS.

AND THEREFORE, WE ALSO PROPOSE THAT CONGRESS CLOSE THE PURDY LOOPHOLE, AND OTHERS LIKE IT THAT ALLOW DEADLY WEAPONS TO FALL INTO DEADLY HANDS. AGAIN, THAT'S JUST COMMON SENSE.

BUT WE NEED TO DO MORE THAN JUST ENACT NEW LAWS. IN A RECENT MOVIE ABOUT THE L.A. GANG WARS, A WOMAN SHOUTS ENCOURAGEMENT TO A COP ON PATROL, TELLING HIM: "YOU GET THEM OFF THE STREET." HE ANSWERS: "LADY, WE'RE TRYING." AND THE WOMAN OFFERS A FOUR WORD SOLUTION: "YOU NEED MORE HELP."

BELIEVE ME, WE KNOW IT. OUR POLICE NEED MORE HELP.

AND I'M HERE TODAY TO TELL YOU THAT WE'RE PREPARED TO MATCH RHETORIC WITH RESOURCES -- AND CALL ON OUR CITIES AND STATES TO DO THE SAME.

THE SECOND FRONT OF OUR NEW OFFENSIVE CALLS FOR INCREASED MANPOWER AND A NEW STRATEGY ON GUNS -- A STRATEGY BASED ON MODELS OF PROVEN EFFECTIVENESS.

I HAVE DIRECTED THE ATTORNEY GENERAL AND THE TREASURY SECRETARY, WORKING TOGETHER WITH STATE AND LOCAL ENFORCEMENT, TO LAUNCH A COMPREHENSIVE, COORDINATED OFFENSIVE AGAINST OUR NATION'S MOST VIOLENT CRIMINALS.

I AM REQUESTING FUNDING FOR HIRING 825 NEW FEDERAL AGENTS AND STAFF -- 375 AT ATF, 300 AT THE FBI, AND 150 DEPUTY U.S. MARSHALS.

MANY OF THESE HIRINGS WILL PERMIT EXPERIENCED INVESTIGATORS FROM ALL THREE AGENCIES TO PROMPTLY COMBAT VIOLENT CRIME IN THE FIELD.

OF COURSE, ARRESTING THESE THUGS DOESN'T HELP IF WE DON'T HAVE THE MUSCLE TO PROSECUTE EACH CRIMINAL TO THE FULLEST EXTENT OF THE LAW. THAT'S WHY THE THIRD FRONT OF THIS CAMPAIGN CALLS FOR CONGRESS TO BACK UP THESE NEW TROOPS WITH 1,600 NEW PROSECUTORS AND STAFF -- THE LARGEST INCREASE IN OUR NATION'S HISTORY.

NOW, THERE PROBABLY ISN'T A COP HERE WHO HASN'T SEEN A CASE WHERE A DANGEROUS FELON -- PROPERLY ARRESTED, FULLY PROSECUTED, AND SENTENCED TO THE MAXIMUM -- WALKED OUT OF JAIL EARLY, SOMETIMES YEARS EARLY, BECAUSE STATE PRISONS ARE BURSTING AT THE SEAMS. THAT'S NOT RIGHT.

PART OF OUR COMMON SENSE APPROACH IS A SIMPLE RECOGNITION THAT IT DOESN'T DO ANY GOOD TO PROVIDE NEW FEDERAL AGENTS, NEW ASSISTANT U.S. ATTORNEYS, AND NEW LAWS WITH LONG-TERM PENALTIES -- IF WE DON'T HAVE THE PRISON CELLS TO KEEP CRIMINALS WHERE THEY BELONG. A CHAIN IS ONLY AS STRONG AS ITS WEAKEST LINK.

AND SO, AS THE FOURTH FRONT IN THIS COMPREHENSIVE EFFORT, I AM CALLING ON CONGRESS TO AUTHORIZE AN ADDITIONAL $1 BILLION --OVER AND ABOVE THE $500 MILLION ALREADY SLATED FOR 1990 -- FOR FEDERAL PRISON CONSTRUCTION. THESE 24,000 NEW BEDS WILL NEARLY DOUBLE FEDERAL PRISON CAPACITY.

NOT SINCE LINCOLN HAS A PRESIDENT STOOD IN FRONT OF THE CAPITOL AND BEEN JUST A FEW MILES FROM THE FRONT LINE OF A WAR.

NEVER WAS THE TOLL MORE VISIBLE THAN IN THE FACES OF THE BRAVE MEN AND WOMEN -- THE FAMILIES -- GATHERED HERE TODAY. AND WHEN I FIRST STOOD HERE AS PRESIDENT -- ONLY MOMENTS AFTER TAKING THE OATH -- I MADE A PROMISE: "THIS SCOURGE WILL STOP." AND THAT'S A PROMISE WE INTEND TO KEEP.

LADIES AND GENTLEMEN, I OFFER MY CONDOLENCES FOR YOUR FALLEN LOVED ONES AND FELLOW OFFICERS. I SALUTE YOUR COMMITMENT AND YOUR COURAGE.

AND AS A CITIZEN GRATEFUL FOR THE PROTECTION YOU HAVE PROVIDED FOR MY FAMILY AND MY COUNTRYMEN, I THANK YOU AND WISH YOU GODSPEED. AND GOD BLESS AMERICA.

# # #

Teleprompter

(McNally/Simon) 7pm
May 14, 1989, ~~2:00~~ p.m.
Draft Five
(B:CRIME)

PRESIDENTIAL REMARKS: PEACE OFFICERS MEMORIAL DAY
U.S. CAPITOL -- WEST FRONT
MONDAY, MAY 15, 1989
12:00 NOON

Last fall, a retired New York police lieutenant gave me badge number 14072 -- the badge his son wore the day he was gunned down by a gang of cocaine cowards. Matthew Byrne asked me to keep Eddie's badge as a "reminder of all the brave police officers...who put their lives on the line for us every day."

Matt, your son's badge is kept in my desk in the Oval Office. During the debate on gun-related violence that has raged in this country the past several months, neither it, nor what it represents, has ever been far from my mind. I've heard the many voices, the courageous and the ~~corrupt~~ compassionate, the wounded and the widowed.

We gather today to respond to those voices, and to honor the fallen by launching a new national strategy -- a <u>partnership</u> with America's cities and states -- to take back the streets.

It calls for a return to common sense. And it begins with a clear-eyed vision of the kind of problems we face, the kind of people we are, the kind of values we hold -- and the kind of nation we intend to bequeath to our children.

The problem is <u>violent crime</u> -- and, in particular, the blood that's been shed by increasingly sophisticated guns in the

For far too long, a privileged class of violent and repeat offenders have calculated that crime really does pay -- that our criminal justice system is a crapshoot where the risks are worth the rewards. Well, it's time we change the odds -- and up the stakes enormously.

We will lead the way. We will do our part -- and then some. But no federal effort can succeed without the full partnership of the cities and states you represent. Unfortunately, nowhere is your front line role more evident than in the honor roll that will be read today: Of the 161 officers killed in the line of duty last year, 152 were state or local cops. You are the first line of defense -- and your respective governments have an obligation to adopt tough legislation and provide the resources -- in police, prosecutors and prisons -- to fully back you up.

At the trial of Eddie Byrne's executioners, there was testimony that the hit was ordered from prison to send a "message" to the people behind the badge. One witness said they hoped to see the attack on the TV news at Riker's Island.

Today we have a message of our own: We're going to take back the streets. By taking criminals off the streets.

It's an attack on all four fronts -- **new laws to punish them, new agents to arrest them, new prosecutors to convict them, and new prisons to hold them.**

I am announcing today a comprehensive new offensive for combatting violent crime. For Eddie Byrne, for every officer we honor here today, and for America.

hands of a new class of criminals. Usually, but not always, the deaths are tied to a cycle of dollars and drugs and dependency.

The principles are simple. My generation well remembers what some believe was F.D.R.'s finest speech: The "Four Freedoms" address to a joint session of Congress. The last, often forgotten, but arguably most fundamental of those freedoms was simply this: freedom from fear. Our sworn duty to "insure domestic Tranquility" is as old as the republic itself, placed in the Constitution's preamble even before the common defense and the general welfare. When we ask what kind of society the American people deserve, our goal must be a nation in which law abiding citizens are safe and feel safe.

To achieve this goal, people must be held accountable for their actions. That's common sense. Most Americans are law abiding, and most believe that there is such a thing as right and wrong -- good and evil. Whether it's the brutalization of a young runner in a park or terrorizing a young man onto a crowded highway, these are acts that cannot be excused, or explained away.

A common sense approach to crime means that if we are going to affect people's behavior, we must have a criminal justice system in which there is an expectation that:

-- If you commit a crime, you will be caught.

-- And if caught, you will be prosecuted.

-- And if convicted, you will do time.

The first front of this campaign -- new laws -- starts with the semi-automatic and so-called "assault" weapons that criminals have taken as their gun of choice.

Again, common sense has to play an important part in this discussion. The fact of the matter is, nearly half the households in this country have guns. The guns are already out there. And the overwhelming majority are legitimately owned for legitimate purposes.

But in contrast to legitimate gun ownership is the chilling fact that something like 80 percent of all firearms used by felons are stolen or otherwise unlawfully obtained. Throughout our nation's history, the hard lesson we've learned is that criminals will get guns.

So let me be very clear about our response: The right to own guns is not a license to harm others.

First, I am calling on Congress today to do for dangerous firearms what it has wisely done for dangerous drugs -- to double the mandatory minimum penalties for the use of semi-automatic weapons in crimes involving violence or drugs.

The math is simple. Anyone who uses a semi-automatic for crime -- or so much as has one on them during a crime -- will do an automatic 10 extra years in federal prison. No probation. No parole. No matter which judge they get.

Secondly, we just can't plea bargain away the lives of our cops and kids. I am directing the Attorney General to advise

America's prosecutors to end plea bargaining for violent federal firearms offenses. Those who use guns will do time -- hard time.

Third -- when a criminal carries a gun -- and someone dies -- they must pay with their own lives.

We are calling on Congress today to enact the steps necessary to implement the death penalty -- and to newly designate the use of a firearm as an "aggravating factor" for determining whether the death sentence should be imposed.

And I call on America's Governors to match this federal initiative and propose these same three standards at home -- mandatory time, no deals without cooperation, the death penalty where appropriate. Your states owe it to those here today.

Fourth -- two months ago, at my direction, the Bureau of Alcohol, Tobacco and Firearms suspended the importation of certain, so-called "assault" weapons. ATF is continuing its examination to determine which -- ~~if any~~ -- of these weapons are not acceptable under the standards in existing law. At the conclusion of this ~~three month~~ study -- and after careful consideration -- **we will permanently ban ~~those~~ any imports that don't measure up to these standards**.

Recently, the U.S. News cover story on guns summed up a related challenge -- "the difficulty in drafting laws that will separate assault weapons used in crime from semi-automatics frequently used" for legitimate hunting and sport.

There is substantial controversy and debate on this point. But one thing that we do know about these "assault" weapons is

that they invariably are equipped with unjustifiably large magazines. The notorious AKS-47, for example, comes with a magazine that pumps off 30 explosive bursts without reloading.

And that is why -- fifth -- we stand on the steps of Congress and ask its support for legislation **prohibiting the importation, manufacture, sale, or transfer of gun magazines of more than 15 rounds**.

The current debate was first sparked when an unstable gunman in Stockton, California purchased an AKS-47 over the counter -- and used it to lay waste to an elementary school playground.

Patrick Edward Purdy had no business buying that gun. He was arrested on his first weapons charge before his 15th birthday. By his fourth firearms arrest, Purdy had finally turned 18, and with it chalked up the first of two adult convictions. Although for violent and weapons offenses, both convictions were misdemeanors. Purdy crawled through the loophole that bars only felons from buying guns -- and got that deadly AKS-47. That's outrageous.

And therefore, we also propose that **Congress close the Purdy loophole, and others like it that allow deadly weapons to fall into deadly hands**. Again, that's just common sense.

But we need to do more than just enact new laws. In a recent movie about the L.A. gang wars, a woman shouts encouragement to a cop on patrol, telling him: "You get them off the street." He answers: "Lady, we're trying." And the woman offers a four word solution: "You need more help."

Believe me, we know it. **Our police need more help.** And I'm here today to tell you that we're prepared to match rhetoric with resources -- and call on our cities and states to do the same.

The second front of our new offensive calls for increased manpower and a new strategy on guns -- a strategy based on models of proven effectiveness. I have directed the Attorney General and the Treasury Secretary, working together with state and local enforcement, to launch a comprehensive, coordinated offensive against our nation's most violent criminals.

I am requesting funding for hiring 825 new federal agents and staff -- 375 at ATF, 300 at the FBI, and 150 Deputy U.S. Marshals. Many of these hirings will permit experienced investigators from all three agencies to promptly combat violent crime in the field.

Of course, arresting these thugs doesn't help if we don't have the muscle to prosecute each criminal to the fullest extent of the law. That's why the third front of this campaign calls for Congress to back up these new troops with **1,600 new prosecutors and staff -- the largest increase in our nation's history.**

Now, there probably isn't a cop here who hasn't seen a case where a dangerous felon -- properly arrested, fully prosecuted, and sentenced to the maximum -- walked out of jail early, sometimes years early, because state prisons are bursting at the seams. That's not right.

Part of our common sense approach is a simple recognition that it doesn't do any good to provide new federal agents, new Assistant U.S. Attorneys, and new laws with long-term penalties -- if we don't have the prison cells to keep criminals where they belong. A chain is only as strong as its weakest link.

And so, as the fourth front in this comprehensive effort, **I am calling on Congress to authorize an additional $1 billion -- over and above the $500 million already slated for 1990 -- for federal prison construction**. These **24,000 new beds** will ~~**nearly double**~~ boost federal prison capacity by nearly 80%.

Not since Lincoln has a President stood in front of the Capitol and been just a few miles from the front line of a war. Never was the toll more visible than in the faces of the brave men and women -- the families -- gathered here today. And when I first stood here as President -- only moments after taking the oath -- I made a promise: **"This scourge will stop."** And that's a promise we intend to keep.

Ladies and gentlemen, I offer my condolences for your fallen loved ones and fellow officers. I salute your commitment and your courage. And as a citizen grateful for the protection you have provided for my family and my countrymen, I thank you and wish you Godspeed. And God bless America.

# # #

(McNally/Simon)
May 11, 1989
11:00 a.m.
Draft Three
(B:CRIME)

PRESIDENTIAL REMARKS: PEACE OFFICERS MEMORIAL DAY
U.S. CAPITOL -- WEST FRONT
MONDAY, MAY 15, 1989
12:00 NOON

Not since Lincoln has a President stood in front of the Capitol and been just a few miles from the front line of a war.

Certain sections, of certain cities -- including this one -- have been turned into combat zones by pockets of violent and well-armed drug lords.

Never was the toll more visible than in the faces of the brave men and women -- the families -- gathered here on democracy's front steps today.

Last fall, a retired New York police lieutenant gave me badge number 14072 -- the badge his son wore the day he was gunned down by one such gang of cocaine cowards. Matthew Byrne asked me to keep Eddie's badge as a "reminder of all the brave police officers...who put their lives on the line for us every day."

Tim McBride
New York Daily News 10/21/88
Tim McBride

Matt, your son's badge is kept in my desk in the Oval Office. During the debate on drug-related violence that has raged in this country the past several months, neither it nor what it represents has ever been far from my mind. I've heard many voices, the courageous and the corrupt, the wounded and the widowed.

Some say we should give up. Others all but suggest we barricade the streets. But somewhere between despair and destruction, there is a balanced course. Room for a measured response. A place for common sense.

And no effective search for the solutions can begin without a thoughtful look at the problem we face, and at the kind of people we are, the kind of values we hold, and the kind of nation we intend to bequeath to our children.

First, the problem. We're here today to talk about violent crime -- and, in particular, the bloodshed that has been spurred by increasingly sophisticated guns in the hands of a new class of cold-blooded criminals. Usually, but not always, the deaths are tied to a cycle of drugs and dollars and dependency.

Second, the principles. My generation well remembers what some believe was F.D.R.'s finest speech: The "Four Freedoms" address to a joint session of Congress. The last, often forgotten, and arguably most fundamental of President Roosevelt's freedoms was simply this: freedom from fear. Our sworn duty to "insure domestic Tranquility" is as old as the republic itself, placed in the Constitution's preamble even before the common defense and the general welfare. When we ask what kind of society the American people deserve -- and what kind of society we hope to pass on to our children -- it's clear that our goal must be a nation in which law abiding citizens are safe and feel safe.

Fundamental to this duty is the notion that people must be held accountable for their actions. That's common sense. Most Americans are law abiding, and most believe that there is such a thing as right and wrong -- that we each carry within ourselves the capacity for evil -- and the freedom to choose instead to do good.

We can all be glad that the failed policies of liberal leniency -- often blaming society or even the victim -- seem to be fading from the debate. Society causes crime like wet sidewalks cause rain.

But a return to a common sense approach to crime means that if we are going to affect people's behavior, we must have a criminal justice system in which there is an expectation that:

-- If a crime is committed, you <u>will</u> be <u>caught</u>.

-- And if caught, you <u>will</u> be <u>prosecuted</u>.

-- And if convicted, you <u>will</u> <u>do time</u>.

For far too long, a privileged class of violent and repeat offenders have calculated that crime really <u>does</u> pay -- that our criminal justice system is a crapshoot where the risks are worth the rewards. Well, it's time we change the odds -- and up the stakes enormously. And I'll talk about that in a moment.

One other principle. The federal government has a special enforcement role, particularly one of <u>leadership</u>. But our job is also to work in <u>partnership</u> with state and local law enforcement, complementing efforts, providing technical assistance and sometimes cash where needed, and where possible.

Nonetheless -- for constitutional and traditional reasons -- the primary responsibility for law enforcement always has and will continue to rest with state and local authorities. Unfortunately, nowhere is this sometimes dangerous duty more evident than in the honor roll that will be read after my remarks are concluded: Of the 161 officers killed in the line of duty last year, 152 were state or local cops. You are the front line troops -- and your respective governments have an obligation to adopt tough legislation and provide the resources -- in police, prosecutors and prisons -- to fully back you up.

At the trial of Eddie Byrne's executioners, there was testimony that the hit was ordered by a short-term convict -- serving just 3½ years for a serious weapons charge -- to send a "message" to the people behind the badge. One witness said they wanted to see the attack on the TV news at Rikers Island.

Well, keep the cameras rolling. I hope they have C-SPAN at Rikers. Because today we have a little message of our own.

If you use guns, get used to prison TV.

We're going to take back the streets. And we're going to do it by taking you off them.

I am announcing today a comprehensive new offensive for combatting violent crime. It's an attack on all four fronts -- new laws to punish you, new cops to arrest you, new prosecutors to convict you, and new jails to hold you.

The first front of this campaign -- new laws -- starts with the semi-automatic and so-called "assault" weapons that criminals lately have taken as their gun of choice.

Again, common sense has to play an important part in this discussion. The fact of the matter is, nearly half the households in this country have guns. The guns are already out there. And the overwhelming majority are legitimately owned for legitimate purposes.

But in contrast to legitimate gun ownership is the chilling fact that something like 80 percent of all firearms used ~~in crime~~ by felons are stolen or otherwise unlawfully ~~possessed~~ obtained, according to one study. Throughout our nation's history, the hard lesson we've learned is that criminals will get guns.

So let me be very clear about our response:

The right to bear arms is not a license to harm others.

First, I am calling on Congress today to do for dangerous firearms what it has wisely done for dangerous drugs -- to double the mandatory minimum penalties for the use of a fully or semi-automatic weapon in crimes involving violence or drugs.

The math is real simple. You use these weapons for crime -- you so much as have one on you during a crime -- and you will do an extra 10 years in federal prison. No probation. No parole.

And it doesn't matter anymore whether you get a tough judge. The 10 years is automatic. Go straight to jail. The games are over.

Secondly, we just can't plea bargain away the lives of our cops and kids. From this day forward, **all deals are off**. I am **directing the Attorney General to notify all federal prosecutors that this nation has seen its last plea-bargain for violent firearms offenses**.

You use a gun, and you will do time.

Third -- if you use an "assault" weapon -- and someone dies -- the only place you should expect mercy is from a Court beyond our jurisdiction. On Earth

We are calling on Congress today to enact the steps necessary to implement the death penalty that became law last year -- and to newly designate the use of fully and semi-automatic weapons as "aggravating factors" for determining whether a sentence of death should be imposed.

Fourth -- two months ago, at my direction, the Department of the Treasury suspended the importation of certain, so-called "assault" weapons -- under the existing law requiring that they be generally recognized as suitable or adaptable for sporting purposes.

Treasury is continuing its examination to determine which -- if any -- of these weapons are acceptable under these standards. They continue to invite comments and testimony from all interested groups and individuals. At the conclusion of this three month study -- and after careful consideration -- **we will permanently ban all imports that don't measure up to this standard**.

We also call on American businesses to follow the lead of Colt Industries -- which has voluntarily halted the production of assault weapons like the imports covered by the current ban.

Now, perhaps the biggest challenge in combatting this problem was recently summed up in the U.S. News cover story on guns: "The key problem is the difficulty in drafting laws that will separate assault weapons used in crime from semi-automatics frequently used for target practice and sometimes for hunting."

There is substantial controversy and debate on this point, and there is simply much that we do not yet know. But one thing that we do know about the common characteristics of these "assault" weapons is that they invariably are equipped with unjustifiably large magazines. One of the best examples is the so-called "street-sweeper" -- a powerful shotgun with a built in magazine that pumps off 12 explosive bursts without reloading.

And that is why -- fifth -- we stand in front of Congress and ask its support for legislation **prohibiting the importation, manufacture, sale, or transfer of gun magazines of more than 10 rounds**.

The current debate was first sparked when an unstable gunman in Stockton, California purchased an AK-47 over the counter -- and used it to lay waste to an elementary school playground.

Patrick Edward Purdy was born in November 1964, and was arrested on his first weapons charge before his 15th birthday. By the time of his fourth firearms arrest Purdy had finally turned 18, and with it chalked up his first adult conviction .

It is outrageous that -- under the loopholes in current federal law -- Purdy's purchase of that deadly AK-47 was entirely legal despite his police record. That's not right.

And therefore -- sixth -- our comprehensive legislative package, which the Attorney General will transmit this week, also **calls on Congress to close the Purdy loophole and others like it that allow deadly weapons to fall into deadly hands**. Again, that's just common sense.

Finally, no criminal should get out on the streets until and unless they are drug free. I ask that Congress enact my proposal to make drug-testing a mandatory condition before any criminal is released -- whether on bail or parole.

But we need to do more than just enact new laws. In a recent movie about the L.A. gang wars, a woman shouts encouragement to a cop on patrol, telling him: "You get them off the street." He answers: "Lady, we're trying." And the woman offers a four word solution: "You need more help."

Believe me, we know it. You need more help. And I'm here today to tell you that we're prepared to match rhetoric with resources -- and call on the states to do the same.

The second front of our new offensive calls for more troops and a new strategy on guns. I have directed the Attorney General and the Treasury Secretary, working together and with their colleagues in state and local enforcement, to launch our nation's first Dangerous Weapons Task Forces -- headquartered in ~~seven~~

major cities facing acute violent crime -- to target and arrest America's most dangerous offenders.

I am requesting funding for hiring 750 new federal agents -- 300 at the Bureau of Alcohol, Tobacco and Firearms, 300 at the FBI, and 150 Deputy U.S. Marshals, along with 75 new support staff. Many of these hirings will permit experienced firearms experts from all three agencies to promptly assume Task Force posts to combat violent crime.

Modeled on the highly successful Drug Task Forces set up by President Reagan in 1983, the Dangerous Weapons Task Forces will be based on a concept of proven effectiveness -- the mobilization of federal, state and local law enforcement shock troops to get violent and dangerous criminals off our streets.

Of course, arresting these thugs doesn't help if we don't have the muscle to prosecute each criminal to the fullest extent of the law. That's why the third front of this campaign calls for Congress to back up these new troops with 1,600 new federal prosecutors -- the largest increase in our nation's history.

Now, there probably isn't a cop here who hasn't seen a case where a dangerous felon -- properly arrested, fully prosecuted, and sentenced to the maximum -- walked out of jail early, sometimes years early, because state prisons are bursting at the seams. That's not right.

Part of our common sense approach is a simple recognition that it doesn't do any good to provide new Task Forces, new Assistant U.S. Attorneys, and new laws with long-term penalties

-- if we don't have the prison cells to keep criminals where they belong.

And so, as the fourth front in this comprehensive effort, I am calling on Congress to authorize an additional $1 billion -- over and above the $500 million already slated for 1990 -- for federal prison construction. By adding 26,000 new beds to the present rated capacity of ~~29,112~~ 30,000 beds, the federal prison capacity will be virtually doubled.

The last time I stood ~~on these steps~~ here -- only moments after becoming President -- I made a promise: "This scourge will stop."

If the thugs are listening up at Riker's, or in the L.A. barrio, or right here in Anacostia, I have a final message for you. You started this war. But we are going to finish it. And you.

Ladies and gentlemen, I offer my condolences for your fallen comrades. I salute your commitment and your courage. And as a citizen grateful for the protection you have provided for my family and my countrymen, I thank you and wish you Godspeed. And God bless America.

# # #

(McNally/Simon)
May 10, 1989
12:00 p.m.
Draft Two
(B:CRIME)

PRESIDENTIAL REMARKS: PEACE OFFICERS MEMORIAL DAY
U.S. CAPITOL -- WEST ~~STEPS~~ FRONT
MONDAY, MAY 15, 1989
12:00 NOON

Not since Lincoln has a President stood ~~on the steps~~ in front of the Capitol and been just a few miles from the front line of a war.

Certain sections, of certain cities -- including this one -- have been turned into combat zones by pockets of violent and well-armed drug lords no more capable of reform than rats.

Never was the toll more clear -- the stakes more obvious -- than in the faces of the brave men and women -- the families -- gathered here on democracy's front porch today.

Last fall a retired New York police lieutenant gave me badge number 14072 -- the badge his son wore the day he was gunned down by one such gang of cocaine cowards. Matthew Byrne asked me to keep Eddie's badge as a "reminder of all the brave police officers...who put their lives on the line for us every day."

Tim McBride

NY Daily News 10-21-88

Tim McBride

Matt, your son's badge is kept in my desk at the Oval Office. During the debate on drug-related violence that has raged in this country the past several months, neither it nor what it represents has ever been far from my mind. I've listened to the many voices, the wasted and the wounded and the widowed.

Some say we should give up. Others all but suggest we barricade the streets. But somewhere between self-pity and self-

destruction, there is a balanced course. Room for a measured response. A place for common sense.

And no effective search for the solution to the problems we face can begin without a thoughtful look at what it is we face, and at the kind of people we are, the kind of values we hold, and the kind of nation we intend to bequeath to our children.

First, the problem. We're here today to talk about violent crime -- and in particular -- the bloodshed that has been spurred by increasingly sophisticated guns in the hands of apparently amoral and incorrigible criminals. Usually, but not always, the deaths are tied to a cycle of drugs and dollars and dependency.

More importantly, it is minority families, and also poor families, that are more likely to be victims of violent crime. In a society pledged to make opportunities equally available to all, this is grossly untenable. Whether in Watts or Westchester, safe streets are equally essential for harboring decent lives and decent opportunities for the children of the 90's.

Let's not forget that the war on drugs is and remains a long-term effort -- a clear-eyed campaign based on common sense -- in which literacy, economic opportunity, drug education, treatment and other demand-side factors are as fundamental as law enforcement. The so-called "casual" users have to learn that when they're shooting up, they're shooting you.

We won't end the drug trade overnight. We're in that battle for the duration. But here and now, we ought to be damned well willing to try to put an prompt end to the outbreak of gunfire

that has put police lives in jepordy and cloaked parts of our largest cities in a climate of fear.

My generation well remembers what some believe was F.D.R.'s finest speech: The "Four Freedoms" address to a joint session of Congress. The last, often forgotten, and arguably most fundamental of President Roosevelt's freedoms was simply this: freedom from fear. Our sworn duty to "insure domestic Tranquility" is as old as the republic itself, placed in the Constitution's preamble even before the common defense and the general welfare. When we ask what kind of society the American people deserve -- and what kind of society we hope to pass on to our children -- it's clear that our goal must be a nation in which law abiding citizens are safe and feel safe.

Fundamental to this duty is the notion that people must be held accountable for their actions. Most Americans are law abiding, and most believe that there is such a thing as right and wrong -- that we each carry within ourselves the capacity for evil -- and the freedom to choose instead to do good.

We can all be glad that the failed policies of liberal leniency -- often blaming society or the victim -- seem to be fading from the debate. Society causes crime like wet sidewalks cause rain.

But a return to a common sense approach to crime means that if we are going to affect people's behavior, we must have a criminal justice system in which there is an expectation that:

-- If a crime is committed, you will be caught.

-- And if caught, you will be prosecuted.

-- And if convicted, you will do time.

For far too long, a privileged class of violent and repeat offenders have calculated that crime really does pay -- that our criminal justice system is a crapshoot where the risks are worth the rewards. Well, it's time we change the odds -- and up the stakes enormously. And I'll talk about that in a moment.

The federal government has a special enforcement role, and in some areas, the primary role. But our job is principally a role of leadership and partnership with state and local counterparts, of providing technical assistance and sometimes cash where needed, and where possible.

Nonetheless -- for constitutional and traditional reasons -- the primary responsibility for law enforcement always has and will continue to rest with state and local authorities. Unfortunately, nowhere is this sometimes grim duty more unambiguous than in the honor roll that will be read after my remarks are concluded: Of the 161 officers killed in the line of duty last year, 152 were state or local cops. You are the front line troops -- and your respective governments have an obligation to adopt tough legislation and provide the resources -- in police, prosecutors and prisons -- to fully back you up.

Suzie Sawyer 888-2264

On the matter of weapons, again, common sense has to play an important part in this discussion. The fact of the matter is, nearly every other household in this country has a gun. One newsweekly estimates that the nation's private arsenal is large

US News + World report 5-8-89 p. 22

enough to provide nearly every man, woman and child in the nation with a weapon. The guns are already out there. And the overwhelming majority of them are legitimately owned for legitimate purposes.

Balanced against this legitimate gun ownership is the chilling fact that something like 80 percent of all firearms used in crime are stolen or otherwise unlawfully possessed. A ban on guns might make good headline material. But would it work? Well, remember there's a ban on drugs, too. Throughout our nation's history, the hard lesson we've learned is that criminals will get guns.

Newsday 3-17-89

At the trial of Eddie Byrne's executioners, there was testimony that the hit was ordered from prison to send a "message" to the people behind the badge. One witness said the convicts wanted to see the attack on the TV news at Rikers Island.

Well, keep those cameras rolling. I hope they have C-SPAN at Rikers. Because today we have a little message of our own.

We're going to take back the streets. And we're going to do it by taking you off them.

I am announcing today a comprehensive new package for combatting violent crime. It covers all four corners -- new laws to punish you, new cops to catch you, new prosecutors to slam you, and new jails to hold you.

The first corner of this package -- new laws -- starts with the semi-automatic and so-called "assault" weapons that criminals

lately have taken as their gun of choice. Let me be very clear about our response:

The right to bear arms is not a license to harm others. First, I am calling on Congress today to do for dangerous firearms what it has wisely done for dangerous drugs -- to double the mandatory minimum penalties for the use of a fully or semi-automatic weapon in crimes involving violence or drugs.

The math is real simple. You use these weapons for crime -- you so much as have one on you during a crime -- and you will do an extra 10 years in federal prison. No probation. No parole.

And it doesn't matter anymore whether you get a tough judge. The 10 years is automatic. Straight to jail. Do not pass "Go." Do not collect $200. The games are over.

Secondly, it also doesn't matter anymore if you get a fancy lawyer or find an overworked prosecutor. From this day forward, all deals are off. I am directing the Attorney General to notify all federal prosecutors that this nation has seen its last plea-bargain for violent firearms offenses.

You use a gun, and you will do time.

Third -- if you use an "assault" weapon -- and someone dies -- the only place you should expect mercy is from a Court beyond our jurisdiction. on Earth.

We are calling on Congress today to enact the constitutionally-approved procedures necessary to implement the death penalty sanctions that became law last year -- and to include new line items specifically designating the use of fully

and semi-automatic weapons as "aggravating factors" for determining whether a sentence of death should be imposed.

Fourth -- two months ago, at my direction, the Department of the Treasury suspended the importation of certain, so-called "assault" weapons -- under the existing law requiring that they be "generally recognized as particularly suitable for, or readily adaptable to, sporting purposes."

Treasury is continuing its examination to determine which -- if any -- of these weapons are acceptable under these standards. They continue to invite comments and testimony from all interested groups and individuals. At the conclusion of this three month study -- and after careful consideration -- we will permanently ban all imports that don't measure up to this standard.

We also call on American businesses to follow the lead of Colt Industries -- which has voluntarily halted the production of assault weapons like the imports covered by the current ban.

Now, perhaps the biggest challenge in combatting this problem was recently summed up in the U.S. News cover story on guns: "The key problem is the difficulty in drafting laws that will separate assault weapons used in crime from semi-automatics frequently used for target practice and sometimes for hunting."

US News & World Report 5-8-89 p. 24

There is substantial controversy and debate on this point, and there is simply much that we do not yet know. But one thing that we do know about the common characteristics of these "assault" weapons is that they invariably are equipped with unpardonably large magazines. One of the best examples is the

so-called "street-sweeper" -- a powerful shotgun with a built in magazine that pumps off 12 explosive bursts without reloading.

And that is why -- sixth -- we stand ~~on the steps~~ in front of Congress and ask its support for legislation prohibiting the importation, manufacture, sale, or transfer of gun magazines of more than 10 rounds.

UPI 1/19/89

The current debate was first sparked when an unstable gunman in Stockton, California purchased an AK-47 over the counter -- and used it to lay waste to an elementary school playground.

NYT 1/20/89

Patrick Edward Purdy was born in November 1964, and was arrested on his first weapons charge in 1979, before his 15th birthday. Three months after he turned 18 -- but still six years before he took the lives of five innocent children -- Purdy chalked up his first adult firearms conviction.

U.S. Attorney's office rap sheet (see file)

Now, to begin with, Purdy is the classic case of revolving door justice -- a record of eight arrests in five years, for weapons, drugs and other violent offenses. And we renew our urgings for California, and all the states, to follow our new federal model adopt and enforce tough, mandatory penalties for firearms offenses. We just can't plea bargain away the lives of innocent school kids.

But just as outrageous -- under the loopholes in current federal law -- Purdy's purchase of that deadly AK-47 was entirely legal despite his police record. That's not right.

L.A. County Sherriff Sherman Block recommended to Senator Pete Wilson that we close another loophole. Last year's drug law

made sure that especially violent offenses by juvenile thugs get counted under the tough Armed Career Criminal sentences. Given what we've learned about the vicious new drug gangs in L.A. and D.C., "serious drug offenses" must be counted, too.

And therefore -- sixth -- our comprehensive legislative package, which the Attorney General will transmit this week, also calls on Congress to close the Purdy loophole and others like it that allow deadly weapons to fall into deadly hands. Again, that's just common sense.

Seventh -- no criminal should be released to the streets until and unless they are drug free. I ask that Congress enact my proposal to make drug-testing a mandantory condition before any criminal gets out -- whether on bail or parole.

In the movie "Colors," a woman shouts encouragement to a cop patrolling the gang wars in L.A., telling him: "You get them off the street." He answers: "Lady, we're trying." And the woman offers a four word solution: "You need more help."

Believe me, we know it. You need more help. And I'm here today to tell you that we're prepared to match rhetoric with resources -- and call on the states to do the same.

The second corner of our program is our commitment to new federal resources. Working together, the Attorney General and the Treasury Secretary will launch our nation's first Dangerous Weapons Task Forces -- headquartered in seven major cities facing acute violent crime -- to target and arrest America's most dangerous offenders.

I am requesting funding for hiring 750 new federal agents -- 300 at the Bureau of Alcohol, Tobacco and Firearms, 300 at the FBI, and 150 Deputy U.S. Marshals -- which, along with 75 new support staff, will permit experienced firearms experts from all three agencies to promptly assume Task Force posts to combat violent crime.

Modeled on the highly successful Drug Task Forces set up by President Reagan in 1983, the Dangerous Weapons Task Forces will be based on a concept of proven effectiveness -- the mobilization of federal, state and local law enforcement shock troops to get violent and dangerous criminals off our streets.

Of course, arresting these thugs doesn't help if we don't have the muscle to prosecute each criminal to the fullest extent of the law. That's why the third corner of my plan calls for Congress to back up these new troops with 1,600 new federal prosecutors -- the largest increase in our nation's history.

Now, there probably isn't a cop here who hasn't seen a case where a dangerous felon -- properly arrested, fully prosecuted, and sentenced to the maximum -- walked out of jail early, sometimes years early, because state prisons are bursting at the seams. That's not right.

Part of our common sense approach is a simple recognition that it doesn't do any good to provide new Task Forces, new Assistant U.S. Attorneys, and new laws with long-term penalties -- if we don't have the prison cells to hold crooks in the end.

And so, as the fourth corner of this comprehensive proposal, I am calling on Congress to authorize an additional $1 billion -- over and above the $500 million already slated for 1990 -- for federal prison construction. By adding 26,000 new beds to the present rated capacity of ~~30,951~~ 29,112 beds, the federal prison capacity will be virtually doubled.

Bureau of Justice Statistics 4/89

The last time I stood ~~on these steps~~ here -- only moments after becoming President -- I made a promise: "This scourge will stop."

If they're still listening up at Riker's, I have a final message. It was you who started the drug war. We are going to finish it. We are going to finish you. We are the United States. And you will lose this battle.

Ladies and gentlemen, I salute you as your commander in chief. And as a citizen grateful for the protection you have provided for my family and my countrymen, I thank you and wish you Godspeed. And God bless the America you serve so bravely.

# # #

U.S. Department of Justice

Attorney

Bob Simon

t of California

ding

916/551-2700

California 95814

TELECOPY TRANSMITTAL REQUEST

DATE: May 9, 1989

TO: Ms. Grace Mastalli

FROM: Richard H. Jenkins
First Asst. U.S. Attorney

U.S. Attorney's Office, Eastern District of California
650 Capitol Mall, Room 3305
Sacramento, California 95814

PHONE: FTS 460-2700 or Commercial (916) 551-2700
Telecopier Phone: FTS 460-2736

TOTAL NUMBER OF PAGES (INCLUDING THIS PAGE) _____

WE ARE TRANSMITTING FROM A PANAFAX MACHINE.

SPECIFIC INSTRUCTIONS: _____

FROM:
CRT = 809
CLETS MNE = MSA

****
* CLETS DATABASE RESPONSE *
****

DATE 05/09/89
TIME 16.28.32

PAGE 01 OF 02

** MESSAGE TEXT **

4MSA15525.IH
RE:QHY.CAUSM02S0.06571198.US ATTY. DATE:05-09-89 TIME:16:27:00
RESTRICTED-DO NOT USE FOR EMPLOYMENT, LICENSING OR CERTIFICATION PURPOS
S
ATTN:US ATTY REQUEST KUELPER
III CALIFORNIA ONLY RECORD
CII/A06571198
DOB/11-10-61 SEX/M RAC/W HGT/507 WGT/130 EYE/BLU HAI/BRN POB/CA
NAM/01 WEST,EDDIE
02 PURDY,PATRICK EDWARD
03 PURDY,PAT
04 WEST,EDDIE PURDY
FPC HENRY
22 L 1 T MO 11
M 1 T MO 13
MNU/FBI-320243W10
DOB-11-10-62 10-10-64 11-10-64
CDL-U1083561
SOC-544500554 534528786
****
03-31-79 CASOPLACERVILLE
NONE
01:12020 PC-POSSESS/MFG/SELL DANGEROUS WEAPON
08-03-79 DISPO:DISMISSED/FOJ/INSUFFICIENT EVIDENCE
****
07-27-79 CASOPLACERVILLE
J45030
01:518 PC-EXTORTION
02:12020(A) PC-POSSESS/MFG/SELL DANGEROUS WEAPON
08-14-79 CAJVEL DORADO
0
01:518 PC-EXTORTION
DISPO:MADE WARD OF COURT
02:12020 PC-POSSESS/MFG/SELL DANGEROUS WEAPON
DISPO:MADE WARD OF COURT
****
08-27-80 CAPDLOS ANGELES
1784533-W 5818488
01:647(B) PC-DISORDERLY CONDUCT:PROSTITUTION
09-15-80 CAMCLOS ANGELES METRO
31165273
01:647(B) PC-DISORDERLY CONDUCT:PROSTITUTION
DISPO:BENCH WARRANT ISSUED
****
08-22-82 CASOLOS ANGELES
6767248-820819609
01:11358 H&S-PLANT/CULTIVATE ETC MARIJUANA/HASH
02:11359 H&S-POSSESS MARIJUANA/HASHISH FOR SALE
08-22-82 DISPO:PROS REJ-LACK OF CORPUS
****
02-18-83 CASOLOS ANGELES
900307-830169209
01:12020(A) PC-POSSES[illegible]ELL DANGEROUS WEAPON

FROM:
CRT = 809
CLETS MNE = MSA

****
* CLETS DATABASE RESPONSE *
****
PAGE 02 OF 02

DAT 05/09/89
6:28:32

** MESSAGE TEXT **

02-22-83 CAMCBEVERLY HILLS
M73235
01 12020 PC-POSSESS/MFG/SELL DANGEROUS WEAPON
*DISPO:CONVICTED-PROB/JAIL
CONV STATUS:MISDEMEANOR
****
05-19-83 CASOLOS ANGELES
7117995-830482909
01 496.1 PC-RECEIVE/ETC KNOWN STOLEN PROPERTY
05-25-83 DISPO:REL/DET ONLY/ASCERT EVIDENCE INSUFF
****
10-28-84 CASOWOODLAND
124645
01:ATTEMPTED
211 PC-ROBBERY
02:182 PC-CRIMINAL CONSPIRACY
12-04-84 CAMCBRODERICK
1-09057
01:ATTEMPTED
211 PC-ROBBERY
DISPO:DISMISSED
02:32 PC-ACCESSORY
*DISPO:CONVICTED-PROB/JAIL
CONV STATUS:MISDEMEANOR PER 17PC
* * * END OF RECORD

(6) Weapons conviction

(1) theft charge

(3) violence conviction

shouldn't have been pled to misd

THE WHITE HOUSE

WASHINGTON

May 9, 1989

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: DAVID DEMAREST

SUBJECT: Outline for Peace Officers Memorial Day Speech

On Monday, May 15, you will give the main address at the 8th Annual Peace Officers Memorial Day, which honors all law enforcement officers killed in the line of duty in 1988. The event will take place on the West Front of the U.S. Capitol. The audience of several thousand will consist of relatives of the fallen officers and police officers from around the country.

In this speech, you will announce your violent crime initiative. Below is a proposal on what points should be made in the speech.

-- Demonstrate personal concern and support for police officers and their families.

-- Emphasize that there are localized pockets of extremely violent crime which must be stopped, but that there is not a "crime crisis" in every neighborhood in America. Overall, the crime rate is down, and federal laws have been getting tougher.

-- While law enforcement is primarily a local responsibility, federal leadership is necessary, and with some functions, crucial.

-- Society does not cause crime; society must be protected from crime. Violent criminals must be identified, prosecuted, and separated from society.

-- Our guiding philosophy will be one of "common sense." We are proposing an integrated package that improves the criminal justice system at every step: more law enforcement agents, more prosecutors, streamlining courtroom procedures, longer sentences, and more prison space.

-- We must balance the legitimate ownership of guns for legitimate purposes with limiting their availability to criminals. We will double the mandatory jail time for the use of a semi-automatic weapon used during a crime. We will not plea-bargain violent firearm offenses. And we will give the death penalty if someone dies from the use of an illegal semi-automatic weapon.

-- Importation of semi-automatic weapons will be limited to only those weapons that have a legitimate sporting purpose. Domestic manufacturers would be banned from producing copies of any weapon excluded from import. And large gun magazines will be restricted.

-- The legislation we propose would have prevented Stockton killer Patrick Purdy from legally purchasing a semi-automatic AKS-47.

-- Federal-State-local Dangerous Weapons Task Forces will be set up to catch gun-toting criminals. 750 new federal agents will be hired, and 1600 new federal prosecutors will prosecute firearms violations to the fullest extent of the law.

-- Federal prison capacity will be almost doubled by a commitment of $1 billion for new construction. Violent criminals should not escape long sentences for lack of prison space.

-- Violent criminals must be sent a message. They must no longer be allowed to think that "crime pays." We intend to commit the resources to catch them, convict them, and lock them up.

-- This violent crime initiative is a <u>comprehensive</u> attack on the problem. America's criminal justice system is only as strong as its weakest link. This initiative strengthens every link in the chain, from apprehension through sentencing.

DRAFT

(McNally/Simon)
May 9, 1989
4:00 p.m.
Draft One
(B:CRIME)

PRESIDENTIAL REMARKS: PEACE OFFICERS MEMORIAL DAY
U.S. CAPITOL -- WEST STEPS
MONDAY, MAY 15, 1989
12:00 NOON

Not since Lincoln has a President stood on the steps of the U.S. Capitol and been just a few miles from the front line of a war.

Certain sections, of certain cities -- including this one -- have been turned into combat zones by pockets of violent and well-armed vermin no more capable of reform than rats.

Never was the toll more clear -- the stakes more obvious -- than in the faces of the brave men and women -- the families -- gathered here on democracy's front porch today.

Last October a retired New York police lieutenant gave me badge number 14072 -- the badge his son wore the day he was gunned down by a convicted cabal of cocaine cowards. Matthew Byrne asked me to keep Eddie's badge as a "reminder of all the brave police officers...who put their lives on the line for us every day."

Matt, your son's badge is kept in my desk at the Oval Office every day. During the debate on violent crime that has raged in this country the past several months, neither it, nor what it represents has ever been far from my mind. I've listened to the

DRAFT

many voices, the mighty and the meek, the wounded and the widowed and the worried.

~~Some say we should give up. Others say we should go~~ ballistic. But somewhere between self-pity and self-destruction [[alt.: "somewhere between surrender and supernova"]], there is a balanced course. Room for a measured response. A place for common sense.

And no effective search for the solution to the problems we face can begin without a thoughtful look at the problems themselves, and at the kind of people we are, the kind of values we hold, and the kind of nation we intend to bequeath to our children.

First, the problem. We're here today to talk about violent crime -- and in particular -- the violence that has been spurred by increasingly sophisticated weapons in the hands of apparently amoral and incorrigible criminals.

Let's get a few things straight. First of all, among some misguided observers the relevance of race in this discussion has been exaggerated beyond abuse. The fact is, most violent crime is committed by whites against whites, by blacks against blacks -- or, for that matter, by Asian or Hispanic Americans against Asian or Hispanic Americans.

More importantly, it is minority families, and also poor families, that are more likely to be victims of violent crime. In a society pledged to make opportunities equally available to all, this is grossly untenable. Whether in Watts or Westchester,

safe streets are equally essential for harboring decent lives and decent opportunities for the children of the 90's.

Now, as for the demagogues who say nothing has been done about crime: You know better, and I know better. The fact is that -- at times against terrific odds -- throughout the 80's our federal law enforcement efforts have been on the right track. Every election year -- in '84, '86 and '88 -- Congress has heard the voice of the people and voted increasingly serious penalties for serious drug offenses. Today the full array of federal penalties is staggeringly tough and as yet unmatched by any state -- the complete elimination of parole, mandatory minimum terms of 10 and 20 years, actual life in prison, the death penalty for killers of cops and kids.

Against the backdrop of sensational gang violence in D.C. and L.A., we are too easy to forget that crime is down in America. After skyrocketing by over a million crimes from 1977 to 1981, it fell by over seven million in 1986. In 1981, 30 percent of all households were touched by crime. By 1987, this declined to almost 24 percent. Two and a half times as many drug offenders were charged, convicted, and imprisoned in 1987, as compared to 1980. We've increased our conviction rate from 75 percent to 84 percent -- and the sentences are 44 percent longer than they were.

The bottom line: The murder rate is down 19 percent, and the robbery rate is down by 30 percent. All in all, two million fewer households were hit by crime in 1987 than in 1980.

DRAFT

Now, problems remain. Loopholes have gone unattended. And the depraved abuse of certain firearms is a new problem that ~~demands a swift and severe response. But the war on drugs is and~~ remains a long-term effort -- a clear-eyed campaign based on common sense -- in which literacy, economic opportunity, drug education, treatment and other demand-side factors are accepted as being as fundamental as law enforcement.

We can't end the drug trade overnight. We're in that battle for the duration. But here and now, we ought to be damned well willing to try to put an prompt end to the explosive violence -- often but not always related to drugs -- that has recently erupted in parts of our largest cities.

That this is our immediate obligation there can be no doubt. Plain and simple, it is violent crime that creates the climate of fear in our cities. Even leaving aside the toll of crime itself, the wages of fear add up to an incalculable cost to the people we're sworn to protect -- in lost opportunities, lost moments of recreation, even something as basic and as priceless as lost hours of sleep.

My generation will forever remember what some believe was F.D.R.'s finest speech: The "Four Freedoms" address to a joint session of Congress. The last, often forgotten, and arguably most fundamental of President Roosevelt's freedoms was simply this: freedom from fear. A quarter century later this basic tenant was echoed by my fellow Texan Lyndon Johnson, who declared: "Public order is the first business of government."

DRAFT

Now, some will observe that L.B.J. was in fact paraphrasing Alexander Hamilton, our first Secretary of the Treasury, who was ~~himself borrowing from the great Roman lawyer, Cicero.~~ But the point is this: Our duty to "insure domestic Tranquility" is as old as the republic itself, placed in the Constitution's preamble even before provisions concerning common defense and the general welfare, and underscores an obligation of government that dates back to the very foundations of democracy. When we ask what kind of society the American people deserve to have -- and what kind of society we hope to pass on to our children -- it's clear that our goal must be a nation in which law abiding citizens need not fear. Our duty -- our first duty -- is to protect people's safety. And paramount importance must be accorded to the protection of innocent life.

Fundamental to this duty is the notion that people must be held accountable for the consequences of their actions. This is fundamental because most Americans are law abiding, and because most Americans believe that there is such a thing as right and wrong -- that we each carry within ourselves the capacity for evil -- and the freedom to choose instead to do good.

We can all be glad that the failed policies of liberal leniency -- often blaming society or the victim -- seem to be fading from the debate. Society causes crime like wet sidewalks cause rain.

DRAFT

But a return to a common sense approach to crime means that if we are going to affect people's behavior, we must have a criminal justice system in which there is an expectation that:

-- If a crime is committed you will be caught.

-- And if caught you will be prosecuted.

-- And if convicted you will do time.

For far too long, a privileged class of violent and repeat offenders have calculated that crime really does pay -- that our criminal justice system is a crapshoot where the risks are worth the rewards. Well, it's time we change the odds -- and up the stakes enormously. And I'll talk about that in a moment.

But before we go into the nuts and bolts, let me emphasize another principle that must guide all enforcement efforts. For constitutional and traditional reasons, the primary responsibility for law enforcement always has and will continue to rest with state and local authorities. Unfortunately, nowhere is this sometimes grim duty more unambiguous than in the honor roll that will be read after my remarks are concluded: Of 161 officers killed in the line of duty last year, all but 9 were state or local cops. You are the front line troops -- and your respective governments have an obligation to enact tough legislation and provide the resources -- in police, prosecutors and prisons -- to fully back you up.

Susie Sawyer 888-2264

Of course, the federal government has a special and important role as well. It is principally a role of leadership, of partnership with state and local counterparts, of providing

technical assistance and cash where needed, and where possible. But in some areas -- such as drug interdiction and on the issues of violent crime we're addressing today -- the primary responsibility must begin with us.

Again, common sense has to play an important part in this discussion. The fact of the matter is, nearly every other household in this country has a gun. One newsweekly estimates that the nation's private arsenal is large enough to provide nearly every man, woman and child in the nation with a weapon. The guns are already out there. And the overwhelming majority of them are legitimately owned for legitimate purposes.

USN WR ? 5/8/89

Balanced against this legitimate gun ownership is the chilling fact that something like 80 percent of all firearms used in crime are stolen or otherwise unlawfully possessed. Throughout our nation's history, the hard lesson we've learned is that criminals will get guns.

Now, there's been a good deal of discussion about what we're going to do about semi-automatic and so-called "assault" weapons that end up in the hands of criminals.

Let me be very clear about our response:

The right to bear arms is not a license to harm others.

First, I am calling on Congress today to do for dangerous firearms what it has already done for dangerous drugs -- to double the mandatory minimum penalties for the use of a fully or semi-automatic weapon in a crime involving violence or drugs.

That means if you are convicted of using such a weapon in such a crime -- no matter what your other penalties -- you will also do an additional 10 years in federal prison -- with no probation and no parole.

Second, it does little good to have tough sentences on the books if those books are closed when it comes time to seek indictments. This Administration won't bargain with gun-toting terrorists overseas -- and we won't bargain with well-armed criminals at home. Therefore, I am today instructing the Attorney General to direct that federal prosecutors are not to plea-bargain away violent firearms offenses.

Criminals who carry guns -- and who use them -- must know that they will do time.

Third -- if you use one of these weapons -- and someone dies as a result -- you are going to face the ultimate sanction.

We are calling on Congress today to enact the constitutionally-required procedures necessary to implement the death penalty legislation signed into law last year -- and to include new line items specifically designating the use of fully and semi-automatic weapons as "aggravating factors" for determining whether a sentence of death should be imposed.

Fourth -- two months ago, at my direction, the Department of the Treasury suspended the importation of certain, so-called "assault" weapons -- under the existing law requiring that they be "generally recognized as particularly suitable for, or readily adaptable to, sporting purposes."

DRAFT

Treasury is continuing its examination to determine which -- if any -- of these weapons are consistent with these standards. They have invited comments and testimony from all interested groups and individuals. At the conclusion of this three month study -- and after careful consideration -- we will permanently ban all imports that don't measure up to this standard.

Fifth -- I am requesting that Congress enact a simple amendment of the existing 1968 law that would prohibit any domestic manufacturer from evading the permanent import ban by manufacturing any such banned weapon here in the United States. We also call on American businesses to follow the lead of Colt Industries -- which has voluntarily halted the production of assault weapons similar to the imports covered by the current ban.

Now, perhaps the biggest challenge in combatting this problem was recently summed up in the cover story on guns in U.S. News and World Report: "The key problem is the difficulty in drafting laws that will separate assault weapons used in crime from semi-automatics frequently used for target practice and sometimes for hunting."

There is substantial controversy and debate on this point, and there is simply much that we do not yet know. But one thing that we do know about the common characteristics of these "assault" weapons is that they invariably are equipped with unpardonably large magazines. One of the best examples is the

so-called "street-sweeper" -- a powerful shotgun that can pump off 12 explosive bursts without reloading.

And that is why -- sixth -- we stand on the steps of Congress and ask its support for legislation prohibiting the importation, manufacture, sale, or transfer of gun magazines of more than 10 rounds.

No doubt everyone listening today is well aware that the current debate was first triggered when an unstable gunman in Stockton, California purchased an AK-47 over the counter -- and used it to lay waste to an elementary school playground.

NYT 1-20-89

Patrick Edward Purdy was born in November 1964, and was arrested on his first weapons charge in 1979, before his 15th birthday. Three months after he turned 18 -- but still six years before he took the lives of five innocent children -- Purdy chalked up his first adult conviction -- another firearms violation.

Now, to begin with, Purdy is the classic case of revolving door justice -- a record of eight arrests in five years, for weapons, drugs and other violent offenses -- and not a single day served in jail. And we renew our urgings for California, and all the states, to adopt and enforce tough, mandatory penalties for firearms offenses. We can't plea bargain away the lives of innocent school kids.

But even more outrageous than his record, is the fact that, under the loopholes in current federal law, Purdy's purchase of that imported AK-47 was entirely legal.

DRAFT

And therefore -- seventh -- our comprehensive legislative package, which the Attorney General will transmit to Congress later this week, also calls on Congress to close this and other loopholes that allow deadly weapons to fall into deadly hands. That's again, just common sense.

In the movie "Colors," a woman shouts encouragement to a cop patrolling the gang wars in L.A., telling him: "You get them off the street." He answers: "Lady, we're trying." And the woman offers a four word solution: "You need more help."

Believe me, we know it. You need more help. And I'm here today to tell you that we're prepared to match rhetoric with resources -- and call on the states to do the same.

The eighth point of our program is our commitment to new federal resources. Working together, the Attorney General and the Treasury Secretary will launch our nation's first Dangerous Weapons Task Forces -- headquartered in seven major cities facing acute violent crime -- to target and arrest America's most dangerous offenders.

I am requesting funding for hiring 750 new federal agents -- 300 at the Bureau of Alcohol, Tobacco and Firearms, 300 at the FBI, and 150 Deputy U.S. Marshals -- which, along with 75 new support staff, will permit experienced firearms experts from all three agencies to promptly assume Task Force posts to combat violent crime.

Modeled on the highly successful Drug Task Forces set up by President Reagan in 1983, the Dangerous Weapons Task Forces will

be based on a proven concept -- the mobilization of federal, state and local law enforcement experts to get violent and dangerous criminals off our streets.

[[Inserts: Ninth: Prisons expansion.

Tenth: Finality of judgement (i.e., habeas reform, drug-testing, etc.)

Closing: No weak links.

Send a message.]]

THE WHITE HOUSE
WASHINGTON

5/11/89

source: Exec. office of US attys.

633-1020

asst. US attorneys

1976	1571
77	1704
78	1704
79	1704
80	1979
81	1978
82	1963
83	2075
84	2307
85	2511
86	2561
87	2627
88	2627
89	3029

93 US attorneys

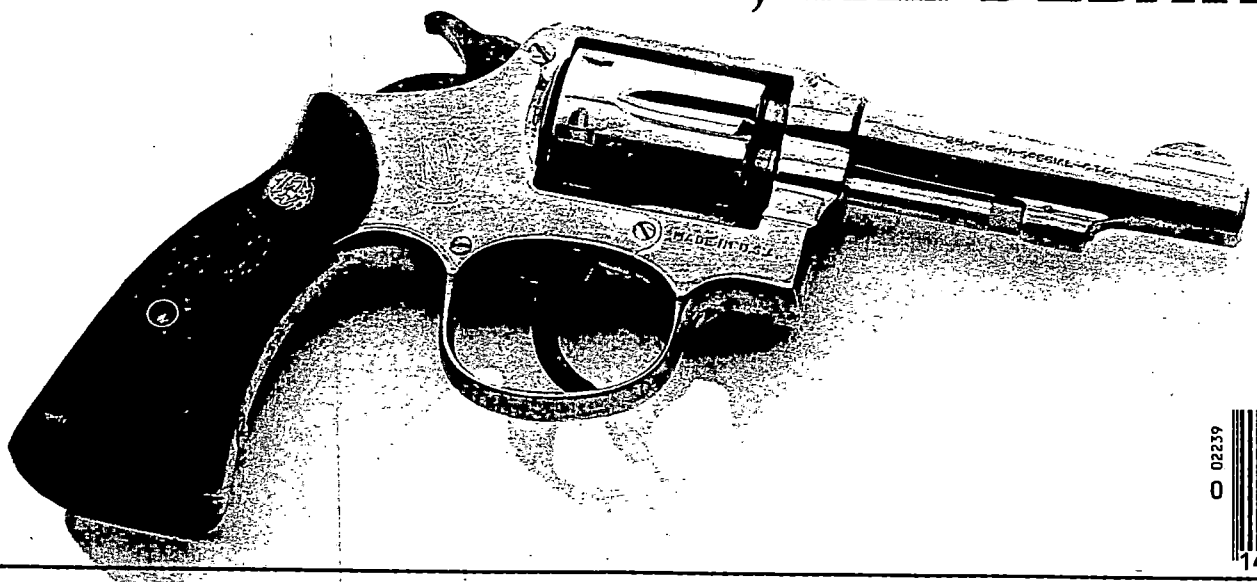
SPECIAL REPORT: TALKING HOT SPOTS

U.S. News & WORLD REPORT

MAY 8,1989 $1.95

GUNS

AMERICANS AND FIREARMS: THE ATTRACTION, THE DEBATE



0 02239 19

140066

Names: *James and Sarah Brady*
Ages: *48, 47*
Occupations: *Vice chairman, National Organization on Disability; Chairwoman, Handgun Control, Inc.*

A handgun changed the Bradys' lives forever. As White House press secretary, James Brady was with Ronald Reagan in 1981 when John Hinckley shot the President, striking Brady in the forehead. A brain injury left him disabled. In 1985, amid an NRA drive to weaken the 1968 Gun Control Act, Sarah Brady, daughter of an FBI agent, supported gun control. Ever since, she has advocated seven-day waiting periods for all handgun purchases—a measure now known as the Brady Bill. NRA opposition has blocked the proposal, but the Bradys still hope the reform will come.



LINDA L. CREIGHTON—USN&WR

ASSAULT-RIFLE DEBATE

The hottest gun issue now is how to control semiautomatic assault rifles without limiting hunters' favorite weapons.



Automatic assault rifle. *This AK-47 fires 30 rounds with a trigger squeeze. Only the military, police and licensed citizens can use it. Semiautomatic AK-47s look the same.*



Semiautomatic hunting rifle. *This rifle fires one shot per trigger pull, the same mechanical function used in semiautomatic assault rifles. Gun advocates argue a ban on semiautomatics would affect their rifles.*

USN&WR—Basic data: National Rifle Association, 1989

wrote historians Lee Kennett and James LaVerne Anderson in *The Gun in America,* was "not that government will tyrannize, but that it will fail to protect." The absence, not the excess, of government control became the most compelling practical reason to own guns.

The nation has never completely lost its frontier *Zeitgeist*. "Every Walter Mitty has had his moment when he is Gary Cooper, stalking the streets in 'High Noon' with his gun at the ready," wrote the late historian Richard Hofstadter in a 1970 antigun essay. Beyond the romance, the Wild West's most lasting legacy is the suspicion that when it comes to protection, one can count on no one else. James Jones said it well in his novel, *The Pistol:* "The world was rocketing to hell in a bucket, but if he could only hold on to his pistol, remain in possession of the promise of salvation its beautiful blued-steel bullet-charged weight offered him, he would be saved."

Some police experts believe the greatest growth in gun ownership in recent years has been among people who want guns for self-protection. That fact underscores that they are increasingly an urban phenomenon, even though the greatest attraction for sporting purposes continues in the South and the West, where rural roots remain strongest. Indeed, according to data cited as credible by both sides, fewer than half the handguns in circulation are primarily used for recreation. And women are increasingly buying guns for protection. Between 1983 and 1986, there was a 53 percent increase in female gun owners, according to a Gallup poll for Smith & Wesson.

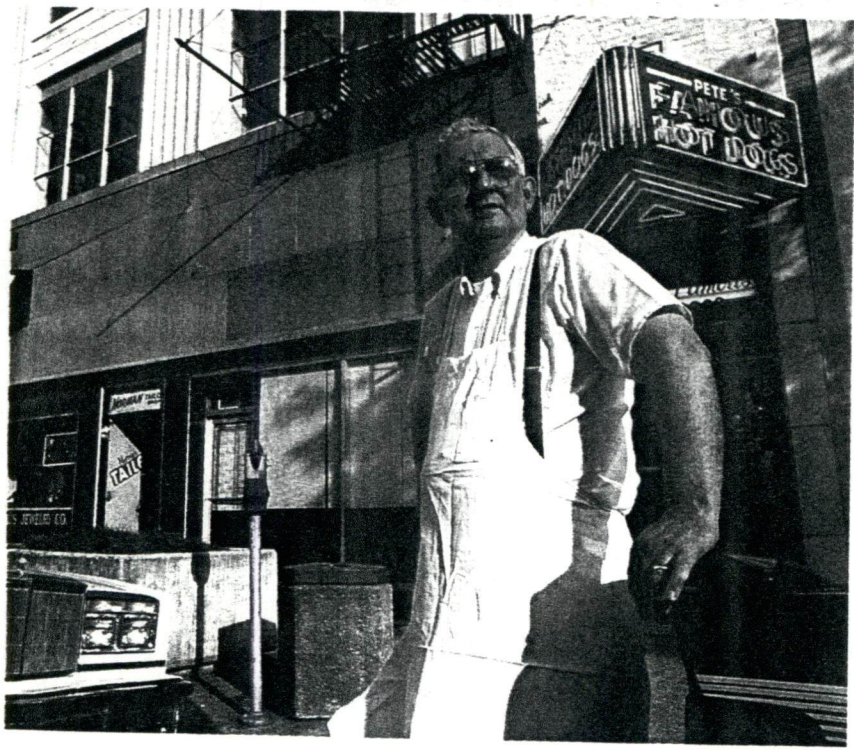
Not until the turn of this century, as the frontier receded, did reformers take organized steps to control guns. The earliest legislation regulating concealed wea emerged in, of all places South. The white majority spite its own devotion to was scared enough by r ownership of guns among slaves to impose stiff lic fees, a regulation analogo poll taxes. The South wa alone in its fears. "As filled with unassimil masses of immigrants Southern and Eastern rope," wrote Kennett and derson, "the swarthy, hir and wild-eyed anarchist came the new shibboleth."

A political upheaval

That scare has political r nance today, especially as country is inundated with ports of runaway drug traf ing. The result, says poli analyst Kevin Phillips, "coalescing into a hi powered new 'crime'-iss complex rapidly gaining portance." According to P lips, the public's fear of drugs could turn control into a potent crime issue among vot minimizing the electoral benefits conservat have always reaped from opposing any controls. Liberal gun opponents are still vul able, says Phillips, because their usual opp tion to the death penalty is also wrapped i the public's outrage about rising crime. But foresees that the drug menace could reshu political alignments as some moderates conservatives turn to supporting gun cont This could have an impact on key gubernato races in the next two years in places Virginia and New York, where some can dates have already adjusted their positions address these concerns.

The result may well be a patchwork quilt laws with only marginal effect in keeping we ons out of criminal hands. The key problem the difficulty in drafting laws that will separ assault weapons used in crime from semiau matics frequently used for target practice a sometimes for hunting. Pro-gun forces ins that gun critics base their objections on t menacing appearance of firearms. "They really talking about banning something becau it's ugly," says Neal Knox, a former NR executive. Even defining the much malign Saturday night special has been elusive for t Maryland panel that is supposed to impleme a ban on such weapons that voters passed la year. Despite the optimism surrounding wa ing-period legislation, no one can warrant th background checks will slow the acquisition guns by criminals, who tend to get their wea ons illegally anyway.

Still, the recent debate has made a diffe ence, and a clearer middle course in handli the gun issue is emerging. Its basic tene



CHRISTOPHER BELL FOR USN&WR

Name: *Gus Koutroulakis*
Age: *59*
Occupation: *Restaurant owner*

Above the lunchtime din at Pete's Famous Hot Dogs, a popular Birmingham, Ala., eatery, Koutroulakis talks about being robbed nine years ago. "It was 10 minutes after 10 on December 22." Koutroulakis was not carrying his .32-caliber pistol that night. While he was outside, a robber entered his restaurant, held a gun to a woman's head and shot a man in the neck. Koutroulakis does not worry that having a gun could do more harm than good. For him, the safer route is to be armed. "That gun is the equalizer," he says. "You got a lot of nuts out here, man. You don't know what's going to happen." He supports the NRA wholeheartedly, although, like the vast majority of gun owners, he is not a member. "No one ever asked me to join," he explains. He wants to have the maximum firepower to halt the next robber, which means he wants to buy an M-1 rifle. "I know you can stop somebody with that."

ca suggests that there is no single solution to the nation's "gun problem." A Harris Survey released last month showed that nearly every other household in the country has a gun. Purdy's was apparently a popular choice. The federal Bureau of Alcohol, Tobacco and Firearms estimates Americans own 2 million to 3 million semiautomatic assault weapons. In the last 18 months alone, BATF has received applications to import nearly a million assault weapons. Accurate statistics about the absolute number of guns are as hard to come by as agreement about what to do with them; but recent estimates show that 70 million Americans own approximately 140 million rifles and 60 million handguns. In other words, the nation's private arsenal is big enough to supply one gun to nearly every man, woman and child in the country.

Americans own guns for manifold reasons. Hunters like Tom Hudson, an electrical engineer in Phoenix, Ariz., view their guns as a way to escape the "stoplight-and-concrete jungle." Target shooters emphasize the calmness, the discipline, the self-control involved in shooting. Devotees of much reviled assault rifles are drawn to the technology and the brute impact of these weapons. Collectors see beauty and craftsmanship. Their fascination represents nothing more menacing, they profess, than an antique-car buff's or a computer jock's mild obsessions. The millions of Americans who keep guns for self-protection are buying talismans they hope will ward off a seeming epidemic of evil spirits. "I don't want to be a hero, but I want to be a victim even less," says Derek Singh, a Brooklyn businessman who believes he saved his life six years ago when he scared off attackers with the .38-caliber handgun he carries. Some gun owners see their weapons as foils against government tyranny. "I never gave consideration to owning an AK-47, but I now because of what those nuts in Washing are doing," says George Grahovac of Spr field, Ohio. Grahovac cannot help remem ing his adolescence in Yugoslavia, when says, Nazis massacred his relatives after co cating all private weapons. For men in part lar, guns evoke a near mystical return to t youths, swathed in memories of standing alc side their fathers in dawn-lighted blinds. they recall traipses down dirt roads in long- haunts with a bunch of pals, carting a Daisy rifle or that first .22 on an idyllic *Boy's* summer afternoon.

"Hitting America in the teeth"

The abundance of guns is nothing new 1624 survey at Jamestown, Va., counte firearm for each colonist. Many a critic of ownership has pondered why the Uni States, almost alone among industrial natic has persisted in maintaining a gun cultu The late sociologist Herman Kahn provide partial answer in 1973 while criticizing a p to ban schoolchildren from shooting on r ranges. "You were hitting America in teeth," he said. "You think it's making minor change, just taking the gun away. right at the center of the culture."

That culture arose from a mingling of practical and the philosophical reasons w Americans have been drawn to guns. T practical reasons are simple: Pioneers neec to eat and to protect themselves from the wi The philosophical reason relates to the pol cal tyranny that immigrants, particularly th from Europe, had suffered when governme limited access to weapons. Those fears bre long-lived political creed, bordering today theology among some followers, in favor popular access to arms as a counter to tyran

The U.S. Constitution's Second Amer ment reads, "A well regulated Militia, bei necessary to the security of a free State, t right of the people to keep and bear Arn shall not be infringed." The NRA says th means government has no power to cont weapons, while gun opponents argue it rela only to the right of states to maintain militi A complete reading of court interpretatio raises questions about both approaches. Ev the Supreme Court has not touched the qu tion in 50 years, and neither gun-control a vocates nor their opponents can take mu comfort from the 1939 ruling. In that de sion, the Court upheld a control on sawed- shotguns because they were not ordinary mi tary equipment explicitly protected by th Second Amendment. That kind of reasonin in the current debate, might make skeet gu more controllable than AK-47s.

Whatever the Constitution's framers real meant, America's peculiar frontier experien fueled its attachment to guns. There, in lo cabins and isolated farmhouses, the separa practical and philosophical reasons for Amer ca's gun devotion merged. "The ultimate fear

P.01
MAY-11-89 THU 15:46

FIREARMS FACTS: GENERAL

NUMBER OF GUNS IN U.S.	: Approx. 200 million firearms 60-65 million handguns
GUN OWNERS IN U.S.	: 60-65 million, 35 million own handguns
FIREARMS USED FOR PROTECTION	: 11% of firearms owners 13% of handgun owners
CRIMINAL MISUSE OF FIREARMS YEARLY	: Less than 0.2% of firearms Less than 0.4% of handguns

Over 99.8% of U.S. firearms and 99.6% of U.S. handguns will not be involved in criminal activity in any given year. Survey research suggests that about 650,000 Americans every year use handguns for protection from burglars, robbers, rapists, assailants, would-be murderers, etc.

WHY AMERICANS OWN FIREARMS

Based on 1978 Decision Making Information surveys, with handgun data confirmed by 1978 Caddell survey; abuse data from U.S. Public Health Service and F.B.I. data.

Primary Reasons Own/Use Firearms: % of Owners, Projected Number of Americans

(Approx. 65 million owners of 200,000,000 guns)

HUNTING:	51%;	33,000,000 Americans
PROTECTION:	32%;	21,000,000 "
Used Gun For Protection:	11%;	7,200,000 "
TARGET SHOOTING:	13%;	8,500,000 "
COLLECTING:	4%;	2,600,000 "

WHY AMERICANS OWN FIREARMS (cont.)

Primary Reasons Own/Use Handguns: % of Owners, Projected Number of Americans

(30-35 million owners of 65,000,000 handguns)

HUNTING:	10%;	3,500,000 Americans
PROTECTION:	58%;	21,000,000 "
Used Gun For Protection:	13%;	4,600,000 "
TARGET SHOOTING:	18%;	6,300,000 "
COLLECTING:	14%;	5,000,000 "

HUNTING AND CONSERVATION FACTS: The Sportsmen's Contribution

Through hunting licenses, excise taxes and duck stamps, America's *18 million hunters annually contribute more than $500 million* for wildlife and habitat conservation, hunter education programs and funding of state fish and wildlife agencies.

To date, American hunters have contributed over *$6 billion* directly to wildlife conservation projects. Nearly 4 million acres of wildlife habitat have been acquired since 1937 through the Pittman-Robertson excise taxes on guns and ammo alone. Without the hunter and his guns, today's wildlife management successes would not have been possible.

CIVILIAN MARKSMANSHIP PROGRAM (DCM)

- Trains American youth in marksmanship, with membership of more than 197,000; supports 1,980 civilian rifle clubs; trains over 96,000 juniors annually;
- Holds 130 regulation state, local, and national matches yearly.

"[E]arly socialization into the gun culture predisposes individuals to enlist in the armed forces later in life, which suggests that the gun culture is positively functional for the success of the volunteer army." *(James D. Wright, et al., Under The Gun, 1983)*

12 LEADING CAUSES OF DEATH IN U.S.

Based on National Center for Health Statistics (1987, latest official estimates)

	Total
ALL CAUSES	2,127,000
Heart Diseases	762,820
Cancer (malignant neoplasms)	477,190
Strokes (cerebrovascular diseases)	149,220
ACCIDENTS (and adverse effects)	94,840
Motor Vehicle*	45,901
Falls*	12,001
Poisoning (solid, liquid, gas)*	5,170
Fire and Flames*	4,938
Suffocation (mechanical, ingestion)*	4,453
Drowning*	4,407
Other Transportation*	3,348
Surgical/medical misadventures*	2,674
Natural/environmental factors*	1,904
Firearms*	1,649
(includes estimated 500 handgun and 280 hunting accidents)	
Chronic pulmonary diseases	78,270
Pneumonia and influenza	70,120
Diseases of the arteries	46,330
Diabetes	37,900
Suicide**	30,980
Cirrhosis and other liver disease	26,050
Nephritis and other kidney disease	24,980
Homicide and legal intervention**	20,580

*(1985, latest official figures)

**59% involve firearms.

About 13% of the "homicide and legal intervention" category involves the killing of criminals by police (3%) or civilians (10%) *(Rushforth, et al., 1977)*.

Handguns are involved in ½% of deaths among children under 14, including both accidental and criminal homicides, ranking handguns the 17th leading "cause."

3% of gun-related deaths involve accidents or murders by persons without prior histories of violence; 70% of "victims" were suicides or criminals.

COMPARISON OF ROBBERY AND HOMICIDE RATES BETWEEN SELECTED U.S. CITIES WITH RESTRICTIVE AND NONRESTRICTIVE FIREARMS LAWS/ENFORCEMENT

Based on 1987 F.B.I. Uniform Crime Reports

No gun law, in any city, state, or nation, has ever reduced violent crime, or slowed its rate of growth, compared to similar jurisdictions without such laws. Indeed, most such laws are defended with citations of the number of persons denied lawful access to handguns, while crime trends are ignored. With a virtual handgun ban, enforced with federal aid, violent crime rose in Washington, D.C., over twice as fast (48% vs. 22%, 1976-1982) as the rest of the nation, until adopting NRA-backed mandatory penalty, since which robbery has halved, although the homicide rate at 26.9 per 100,000 in 1988 has continued to rise reaching 60 in 1988. Chicago's (1982-1987) violent crime rate rose 150% while rising just 10% nationally.

New York City now boasts one-fifth of the nation's gun-related robberies and more homicides than the total of 23 states. The two crimes most feared by Americans are murder in the course of another crime (50%) and robbery (43%) (1978 DMI poll); robbery and robber-murder rates are consistently higher in cities with restrictive firearms laws and/or hostile enforcement of such laws.

CITIES: RESTRICTIVE GUN LAWS/ENFORCEMENT

Rates per 100,000

	Homicide	Robbery
Detroit	62.8	1382.7
Newark	25.4	1328.5
New York City	23.0	1063.0
Chicago	20.5	989.9
Baltimore	29.5	976.1
Los Angeles	24.3	783.8
Washington, D.C.	38.2	717.4
CITIES: LENIENT GUN LAWS/ENFORCEMENT		
Tulsa	9.5	290.3
Tucson	6.1	243.2
Austin	8.3	209.8
Wichita	8.3	203.3
El Paso	5.1	196.8
Omaha	7.5	152.0
Corpus Christi	7.5	147.2

U.S. COMPARED WITH FOREIGN COUNTRIES

- All criminologists studying the firearms issue reject simple comparisons of violent crime among foreign countries. (James D. Wright, et al., *Under the Gun*, 1983). "Gun control does not deserve credit for the low crime rates in Britain, Japan, or other nations ... Foreign style gun control is doomed to failure in America; not only does it depend on search and seizure too intrusive for American standards, it postulates an authoritarian philosophy of government fundamentally at odds with the individual, egalitarian ... American ethos." (David Kopel, "Foreign Gun Control in American Eyes," 1987)

- Gun laws and firearms availability have no relationship with murder or suicide rates: England, with strict gun laws, has a lower murder rate, but Northern Ireland, with a more restrictive gun ban, has a murder rate higher than U.S.; Switzerland and Israel, with more households armed, have murder rates comparable to England and Japan—or lower.

- England has twice as many homicides with firearms as before adopting its repressive laws; yet counters rising crime by increasing strictures on rifles and now on most shotguns. During the past dozen years, handgun-related robbery rose over 200% in Britain while dropping in the U.S.

- Murder rates of Japanese-Americans—who have access to firearms—is even lower than the murder rate in Japan, where a virtual gun ban is in effect; Japan's suicide rate is twice as high as U.S. rate.

- Foreign countries are two to six times more effective in solving crimes and punishing criminals than American. Revolving-door justice is the problem.

CAREER CRIMINALS, JUSTICE SYSTEM FAILURES AND ARMED VICTIM SUCCESSES.

(Based on Department of Justice (DOJ) victimization surveys, felon surveys, PROMIS studies, research by the Rand Corp., James D. Wright et al., and Gary Kleck.)

- 75-80% of U.S. violent crimes are committed by career criminals, many on some form of conditional or early release (30-35% of career criminals are rearrested with previous criminal charges still pending). Most career criminals' crime is drug-related.

- Career convicted felons out of prison commit an average of 187 crimes per year, costing society $430,000, versus $25,000 per year cost of imprisonment.

- Only half of violent crimes are reported to the police, and less than half of those (45%) are cleared by arrest of criminals. Unsuccessful investigations and lenient prosecutions and judgements free most criminals from legislated sentences.

- A prisoner survey by Wright et al., finds that criminals are more afraid of being shot by victims than by police; of career "handgun predators" 53% did not commit a specific crime for fear victim was armed, 57% were scared off or shot by armed victims; 88% think criminals will always be able to get handguns, absent handguns, 75% would use sawed-off shotguns. Unarmed felons listed tougher penalties for using a gun as an important reason for not arming.

- Kleck estimated that a burglar runs twice the chance of being shot by a victim as by the police. He also found that using a gun for protection from violent crime—rape, robbery, assault—reduces the likelihood crime will be completed and reduces the likelihood intended victims will be injured.

RESTRICTIVE GUNS LAWS: ATTITUDE OF THE AMERICAN ELECTORATE

Based on data from 1978 Decision Making Information polls:

88%— Believe in individual right to keep and bear arms
47%— Households acknowledge gun ownership
93%— Favor strict mandatory penalties for criminal use of firearms
83%— Oppose handgun ban
88%— Agree that registration will not keep guns from criminals
0.3%— Blame gun availability/weak gun laws for increases in violent crime

In the Voting Booth: 69% of Massachusetts (1976) voters rejected the handgun ban proposal, and 63% of California (1982) voters rejected a handgun registration-and-freeze proposal. In the past decade, voters in 9 states supported adding or strengthening the constitutional right to keep and bear arms by majorities ranging from 58% to 83%.

NATIONAL RIFLE ASSOCIATION FACTS

Founded 1871 ... 1988 Membership—2.82 million ... more than 13,700 affiliated clubs and associations ... Official Publications: *American Rifleman, American Hunter* ... trains over one million people annually in firearms safety ... 17.5 million people trained in hunter safety programs ... over one million police have been trained by NRA-trained police and security firearms instructors ... sanctions more than 11,000 National/International competitions annually.

NRA Institute for Legislative Action
1600 Rhode Island Avenue, N.W.
Washington, D.C. 20036

NIL3N0015 Rev. 1/88 35M

NRA FIREARMS FACT CARD 1989

SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

This guarantee is clearly a fundamental individual right—not a so-called "collective right"—because the Framers understood the concept of a "right" to apply only to individuals and used the word "states" when collective meanings were intended.

- The phrase "the right of the people" occurs in the 1st and 4th Amendment in the same way as in the Second Amendment. To claim "the people" in the Second Amendment means only "the state" would, by the same reasoning, eliminate the individual liberties of "the people" peaceably to assemble and to be free from unreasonable searches and seizures.
- Historically, English Common Law recognized this right as making possible both common and personal defense.
- The amendments in the Bill of Rights were framed to protect individual rights against governmental infringements.
- No Supreme Court decision has ever held this right to be collective. All four relevant Supreme Court decisions have recognized that the Second Amendment guarantees an individual right to keep and bear arms.



Susan Lilly 828-6331