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people with absolute confidence that our common cause will greatly succeed.

"FOUR FREEDOMS" SPEECH

WASHINGTON, D. C., JANUARY 6, 1941

"In the future days, which we seek to make secure, we look forward to a world founded upon four essential freedoms."

When the new Seventy-seventh Congress convened on January 6, the President addressed a joint session of the House of Representatives and the Senate on the state of the Nation. In clear unequivocal words he defied the Axis nations, denounced a policy of appeasement, and called for all-out aid to the democracies, in a program based upon the "essential four freedoms." It was a stirring speech, and many thousands of miles away, British and French and Greek and Chinese people repeated with joy and hope the words that were spoken here.

"In the future days, which we seek to make secure," said the President, "we look forward to a world founded upon four essential freedoms." These freedoms he described as (1) Freedom of speech and expression everywhere in the world. (2) Freedom of every person to worship God in his own way everywhere in the world. (3) Freedom from want which, in world terms, means economic understandings which would secure to every nation a peacetime life for its inhabitants. (4) Freedom from fear which, translated into world terms, means world-wide reduction of armaments, to such a point and in such thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor.

That there was risk and danger involved in his stand, the President admitted. But, he added prophetically, "When the dictators are ready to make war upon us, they will not wait for an act of war on our part."

I ADDRESS YOU, the Members of the Seventy-seventh Congress, at a moment unprecedented in the history of the Union. I use the

word "unprecedented," because at no previous time has American security been as seriously threatened from without as it is today.

Since the permanent formation of our government under the Constitution, in 1789, most of the periods of crisis in our history have related to our domestic affairs. Fortunately, only one of these—the four year War between the States—ever threatened our national unity. Today, thank God, one hundred and thirty million Americans, in forty-eight States, have forgotten points of the compass in our national unity.

It is true that prior to 1914 the United States often had been disturbed by events in other Continents. We had even engaged in two wars with European nations and in a number of undeclared wars in the West Indies, in the Mediterranean and in the Pacific for the maintenance of American rights and for the principles of peaceful commerce. In no case, however, had a serious threat been raised against our national safety or our independence.

What I seek to convey is the historic truth that the United States as a Nation has at all times maintained opposition to any attempt to lock us in behind an ancient Chinese wall while the procession of civilization went past. Today, thinking of our children and their children, we oppose enforced isolation for ourselves or for any part of the Americas.

That determination of ours was proved, for example, during the quarter century of wars following the French Revolution.

While the Napoleonic struggles did threaten interests of the United States because of the French foothold in the West Indies and in Louisiana, and while we engaged in the War of 1812 to vindicate our right to peaceful trade, it is, nevertheless, clear that neither France nor Great Britain nor any other nation was aiming at domination of the whole world.

In like fashion from 1815 to 1914—99 years—no single war in Europe or in Asia constituted a real threat against our future or against the future of any other American nation.

Except in the Maximilian interlude in Mexico, no foreign power sought to establish itself in this Hemisphere; and the strength of the British fleet in the Atlantic has been a friendly strength. It is still a friendly strength.

Even when the World War broke out in 1914, it seemed to contain only small threat of danger to our own American future.

But, as time went on, the American people began to visualize what the downfall of democratic nations might mean to our own democracy.

We need not over-emphasize imperfections in the Peace of Versailles. We need not harp on failure of the democracies to deal with problems of world reconstruction. We should remember that the Peace of 1919 was far less unjust than the kind of "pacification" which began even before Munich, and which is being carried on under the new order of tyranny that seeks to spread over every continent today. The American people have unalterably set their faces against that tyranny.

Every realist knows that the democratic way of life is at this moment being directly assailed in every part of the world—assailed either by arms, or by secret spreading of poisonous propaganda by those who seek to destroy unity and promote discord in nations still at peace.

During sixteen months this assault has blotted out the whole pattern of democratic life in an appalling number of independent nations, great and small. The assailants are still on the march, threatening other nations, great and small.

Therefore, as your President, performing my constitutional duty to "give to the Congress information of the state of the Union," I find it necessary to report that the future and the safety of our country and of our democracy are overwhelmingly involved in events far beyond our borders.

Armed defense of democratic existence is now being gallantly waged in four continents. If that defense fails, all the population and all the resources of Europe, Asia, Africa and Australasia will be dominated by the conquerors. The total of those populations and their resources greatly exceeds the sum total of the population and resources of the whole of the Western Hemisphere—many times over.

In times like these it is immature—and incidentally untrue—for anybody to brag that an unprepared America, single-handed, and with one hand tied behind its back, can hold off the whole world.

No realistic American can expect from a dictator's peace international generosity, or return of true independence, or world disarmament, or freedom of expression, or freedom of religion—or even good business.

Such a peace would bring no security for us or for our neighbors. "Those, who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety."

As a Nation we may take pride in the fact that we are soft-hearted; but we cannot afford to be soft-headed.

We must always be wary of those who with sounding brass and a tinkling cymbal preach the "ism" of appeasement.

We must especially beware of that small group of selfish men who would clip the wings of the American eagle in order to feather their own nests.

I have recently pointed out how quickly the tempo of modern warfare could bring into our very midst the physical attack which we must expect if the dictator nations win this war.

There is much loose talk of our immunity from immediate and direct invasion from across the seas. Obviously, as long as the British Navy retains its power, no such danger exists. Even if there were no British Navy, it is not probable that any enemy would be stupid enough to attack us by landing troops in the United States from across thousands of miles of ocean, until it had acquired strategic bases from which to operate.

But we learn much from the lessons of the past years in Europe—particularly the lesson of Norway, whose essential seaports were captured by treachery and surprise built up over a series of years.

The first phase of the invasion of this Hemisphere would not be the landing of regular troops. The necessary strategic points would be occupied by secret agents and their dupes—and great numbers of them are already here, and in Latin America.

As long as the aggressor nations maintain the offensive, they—not we—will choose the time and the place and the method of their attack.

That is why the future of all American Republics is today in serious danger.

That is why this Annual Message to the Congress is unique in our history.

That is why every member of the Executive Branch of the Government and every member of the Congress faces great responsibility—and great accountability.

The need of the moment is that our actions and our policy should be devoted primarily—almost exclusively—to meeting this

foreign peril. For all our domestic problems are now a part of the great emergency.

Just as our national policy in internal affairs has been based upon a decent respect for the rights and dignity of all our fellowmen within our gates, so our national policy in foreign affairs has been based on a decent respect for the rights and dignity of all nations, large and small. And the justice of morality must and will win in the end.

Our national policy is this:

First, by an impressive expression of the public will and without regard to partisanship, we are committed to all-inclusive national defense.

Second, by an impressive expression of the public will and without regard to partisanship, we are committed to full support of all those resolute peoples, everywhere, who are resisting aggression and are thereby keeping war away from our Hemisphere. By this support, we express our determination that the democratic cause shall prevail; and we strengthen the defense and security of our own nation.

Third, by an impressive expression of the public will and without regard to partisanship we are committed to the proposition that principles of morality and considerations for our own security will never permit us to acquiesce in a peace dictated by aggressors and sponsored by appeasers. We know that enduring peace cannot be bought at the cost of other people's freedom.

In the recent national election there was no substantial difference between the two great parties in respect to that national policy. No issue was fought out on this line before the American electorate. Today, it is abundantly evident that American citizens everywhere are demanding and supporting speedy and complete action in recognition of obvious danger.

Therefore, the immediate need is a swift and driving increase in our armament production.

Leaders of industry and labor have responded to our summons. Goals of speed have been set. In some cases these goals are being reached ahead of time; in some cases we are on schedule; in other cases there are slight but not serious delays; and in some cases—and I am sorry to say very important cases—we are all concerned by the slowness of the accomplishment of our plans.

The Army and Navy, however, have made substantial progress during the past year. Actual experience is improving and speeding up our methods of production with every passing day. And today's best is not good enough for tomorrow.

I am not satisfied with the progress thus far made. The men in charge of the program represent the best in training, ability and patriotism. They are not satisfied with the progress thus far made. None of us will be satisfied until the job is done.

No matter whether the original goal was set too high or too low, our objective is quicker and better results.

To give two illustrations:

We are behind schedule in turning out finished airplanes; we are working day and night to solve the innumerable problems and to catch up.

We are ahead of schedule in building warships; but we are working to get even further ahead of schedule.

To change a whole nation from a basis of peace time production of implements of peace to a basis of war time production of implements of war is no small task. And the greatest difficulty comes at the beginning of the program, when new tools and plant facilities and new assembly lines and ship ways must first be constructed before the actual material begins to flow steadily and speedily from them.

The Congress, of course, must rightly keep itself informed at all times of the progress of the program. However, there is certain information, as the Congress itself will readily recognize, which, in the interests of our own security and those of the nations we are supporting, must needs be kept in confidence.

New circumstances are constantly begetting new needs for our safety. I shall ask this Congress for greatly increased new appropriations and authorizations to carry on what we have begun.

I also ask this Congress for authority and for funds sufficient to manufacture additional munitions and war supplies of many kinds, to be turned over to those nations which are now in actual war with aggressor nations.

Our most useful and immediate role is to act as an arsenal for them as well as for ourselves. They do not need man power They do need billions of dollars worth of the weapons of defense. The time is near when they will not be able to pay for them

in ready cash. We cannot, and will not, tell them they must surrender, merely because of present inability to pay for the weapons which we know they must have.

I do not recommend that we make them a loan of dollars with which to pay for these weapons—a loan to be repaid in dollars.

I recommend that we make it possible for those nations to continue to obtain war materials in the United States, fitting their orders into our own program. Nearly all of their matériel would, if the time ever came, be useful for our own defense.

Taking counsel of expert military and naval authorities, considering what is best for our own security, we are free to decide how much should be kept here and how much should be sent abroad to our friends who by their determined and heroic resistance are giving us time in which to make ready our own defense.

For what we send abroad, we shall be repaid, within a reasonable time following the close of hostilities, in similar materials, or, at our option, in other goods of many kinds which they can produce and which we need.

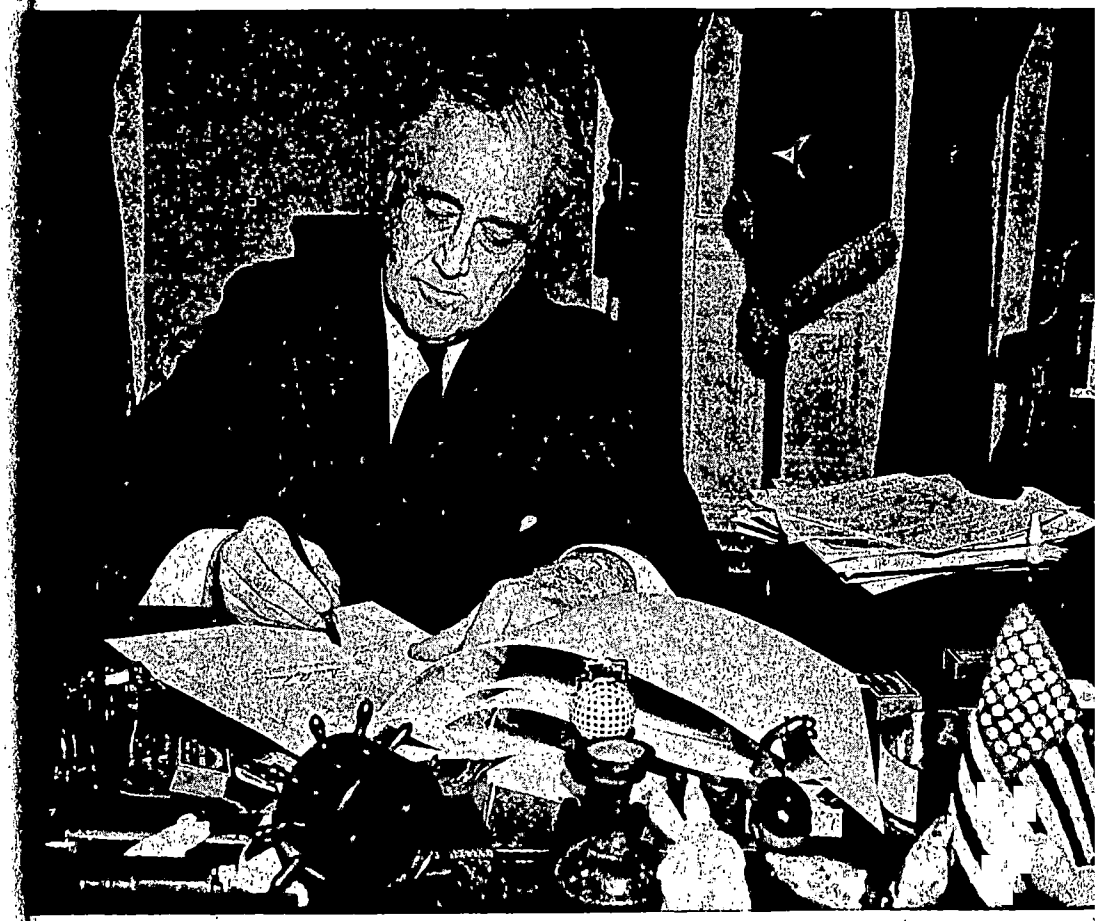
Let us say to the democracies: "We Americans are vitally concerned in your defense of freedom. We are putting forth our energies, our resources and our organizing powers to give you the strength to regain and maintain a free world. We shall send you, in ever-increasing numbers, ships, planes, tanks, guns. This is our purpose and our pledge."

In fulfillment of this purpose we will not be intimidated by the threats of dictators that they will regard as a breach of international law and as an act of war our aid to the democracies which dare to resist their aggression. Such aid is not an act of war, even if a dictator should unilaterally proclaim it so to be.

When the dictators are ready to make war upon us, they will not wait for an act of war on our part. They did not wait for Norway or Belgium or the Netherlands to commit an act of war.

Their only interest is in a new one-way international law, which lacks mutuality in its observance, and, therefore, becomes an instrument of oppression.

The happiness of future generations of Americans may well depend upon how effective and how immediate we can make our aid felt. No one can tell the exact character of the emergency



(INTERNATIONAL)

SIGNING THE LEND-LEASE BILL

MARCH 11 · 1941

The Bill permitted us to send military and economic assistance to the democracies which were fighting for their lives against Hitler and Japan. It was a body blow to Isolationism.

situations that we may be called upon to meet. The Nation's hands must not be tied when the Nation's life is in danger.

We must all prepare to make the sacrifices that the emergency —as serious as war itself—demands. Whatever stands in the way of speed and efficiency in defense preparations must give way to the national need.

A free nation has the right to expect full cooperation from all groups. A free nation has the right to look to the leaders of business, of labor, and of agriculture to take the lead in stimulating effort, not among other groups but within their own groups.

The best way of dealing with the few slackers or trouble makers in our midst is, first, to shame them by patriotic example, and, if that fails, to use the sovereignty of government to save government.

As men do not live by bread alone, they do not fight by armaments alone. Those who man our defenses, and those behind them who build our defenses, must have the stamina and courage which come from an unshakeable belief in the manner of life which they are defending. The mighty action which we are calling for, cannot be based on a disregard of all things worth fighting for.

The Nation takes great satisfaction and much strength from the things which have been done to make its people conscious of their individual stake in the preservation of democratic life in America. Those things have toughened the fibre of our people, have renewed their faith and strengthened their devotion to the institutions we make ready to protect.

Certainly this is no time to stop thinking about the social and economic problems which are the root cause of the social revolution which is today a supreme factor in the world.

There is nothing mysterious about the foundations of a healthy and strong democracy. The basic things expected by our people of their political and economic systems are simple. They are:

Equality of opportunity for youth and for others.

Jobs for those who can work.

Security for those who need it.

The ending of special privilege for the few.

The preservation of civil liberties for all.

The enjoyment of the fruits of scientific progress in a wider and constantly rising standard of living.

These are the simple and basic things that must never be lost sight of in the turmoil and unbelievable complexity of our modern world. The inner and abiding strength of our economic and political systems is dependent upon the degree to which they fulfill these expectations.

Many subjects connected with our social economy call for immediate improvement.

As examples:

We should bring more citizens under the coverage of old age pensions and unemployment insurance.

We should widen the opportunities for adequate medical care.

We should plan a better system by which persons deserving or needing gainful employment may obtain it.

I have called for personal sacrifice. I am assured of the willingness of almost all Americans to respond to that call.

A part of the sacrifice means the payment of more money in taxes. In my budget message I recommend that a greater portion of this great defense program be paid for from taxation than we are paying today. No person should try, or be allowed, to get rich out of this program; and the principle of tax payments in accordance with ability to pay should be constantly before our eyes to guide our legislation.

If the Congress maintains these principles, the voters, putting patriotism ahead of pocketbooks, will give you their applause.

In the future days, which we seek to make secure, we look forward to a world founded upon four essential human freedoms.

The first is freedom of speech and expression—everywhere in the world.

The second is freedom of every person to worship God in his own way—everywhere in the world.

The third is freedom from want—which, translated into world terms, means economic understandings which will secure to every nation a healthy peace time life for its inhabitants—everywhere in the world.

The fourth is freedom from fear—which, translated into world terms, means a world-wide reduction, armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor—anywhere in the world.

That is no vision of a distant millennium. It is a definite basis

for a kind of world attainable in our own time and generation. That kind of world is the very antithesis of the so-called new order of tyranny which the dictators seek to create with the crash of a bomb.

To that new order we oppose the greater conception—the moral order. A good society is able to face schemes of world domination and foreign revolutions alike without fear.

Since the beginning of our American history we have been engaged in change—in a perpetual peaceful revolution—a revolution which goes on steadily, quietly adjusting itself to changing conditions—without the concentration camp or the quick-lime in the ditch. The world order which we seek is the cooperation of free countries, working together in a friendly, civilized society.

This Nation has placed its destiny in the hands and heads and hearts of its millions of free men and women; and its faith in freedom under the guidance of God. Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain those rights or keep them. Our strength is in our unity of purpose.

To that high concept there can be no end save victory.

THIRD INAUGURAL ADDRESS

WASHINGTON, D. C., JANUARY 20, 1941

"Democracy is not dying."

There was zest and vigor in the President's demeanor as he took the oath of office for his tradition-breaking third term; there was zest and vigor in the address he delivered, in which he restated his faith in the principles of democracy, and pledged himself to defend it. "Democracy is not dying," he said. "We know it because we have seen it revive and grow."

The Third Inaugural Address won immediate acclaim the world over. The Brazil Nacion, *commenting editorially said that "Future generations will remember today's speech as marking a decision by the people of the United States that will prove decisive for the destiny of humanity*

THE "SPORTING PURPOSES" TEST FOR IMPORTS

THE GUN CONTROL ACT OF 1968 (18 USC 925(d)(3)) PROHIBITS THE IMPORTATION OF ANY FIREARM WHICH IS NOT "GENERALLY RECOGNIZED AS PARTICULARLY SUITABLE FOR OR READILY ADAPTABLE TO SPORTING PURPOSES".

TO IMPLEMENT THIS PROVISION, BATF DEVELOPED THE "FACTORING CRITERIA" REFLECTED IN THE ATTACHED ATF FORM 4590. A COPY OF 18 U.S.C. 925 (d) IS ALSO ATTACHED.

PLEASE NOTE THAT THE FACTORING CRITERIA APPLY ONLY TO HANDGUNS. UNDER THE CRITERIA, A HANDGUN MUST ACHIEVE A CERTAIN NUMBER OF POINTS TO "PASS". (75 POINTS FOR A PISTOL AND 45 FOR A REVOLVER.)

THESE FACTORING CRITERIA MAY BE RELEVANT TO THE ASSAULT WEAPONS ISSUES, IN THAT SOME PERSONS ARE SUGGESTING THE USE FACTORING CRITERIA TO DETERMINE WHETHER PARTICULAR FIREARMS SHOULD BE TREATED AS ASSAULT WEAPONS.

laws and published ordinances, the Secretary may authorize the transportation, shipment, receipt, or importation into the United States to the place of residence of any member of the United States Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty day period immediately preceding the transportation, shipment, receipt, or importation), of any firearm or ammunition which is (A) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes, or determined by the Department of Defense to be a type of firearm normally classified as a war souvenir, and (B) intended for the personal use of such member.

(5) For the purpose of paragraphs (3) and (4) of this subsection, the term "United States" means each of the several States and the District of Columbia.

(b) A licensed importer, licensed manufacturer, licensed dealer, or licensed collector who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provision of this chapter, continue operation pursuant to his existing license (if prior to the expiration of the term of the existing license timely application is made for a new license) during the term of such indictment and until any conviction pursuant to the indictment becomes final.

(c) A person who is prohibited from possessing, shipping, transporting, or receiving firearms or ammunition may make application to the Secretary for relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms, and the Secretary may grant such relief if it is established to his satisfaction that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest. Any person whose application for relief from disabilities is denied by the Secretary may file a petition with the United States district court for the district in which he resides for a judicial review of such denial. The court may in its discretion admit additional evidence where failure to do so would result in a miscarriage of justice. A licensed importer, licensed manufacturer, licensed dealer, or licensed collector conducting operations under this chapter, who makes application for relief from the disabilities incurred under this chapter by reason of such a conviction, shall not be barred by such conviction from further operations under his license pending final action on an application for relief filed pursuant to this section. Whenever the Secretary grants relief to any person pursuant to this section he shall promptly publish in the Federal Register notice of such action, together with the reasons therefor.

(d) The Secretary shall authorize a firearm or ammunition to be imported or brought into the United States or any possession thereof if the firearm or ammunition—

(1) is being imported or brought in for scientific or research purposes, or is for use in connection with competition or training pursuant to chapter 401 of title 10;

(2) is an unserviceable firearm, other than a machinegun as defined in section 5845(b) of the Internal Revenue Code of 1954 (not readily restorable to firing condition), imported or brought in as a curio or museum piece;

(3) is of a type that does not fall within the definition of a firearm as defined in section 5845(a) of the Internal Revenue Code of 1954 and is generally recognized as particularly suitable for or readily adaptable to sporting purposes, excluding surplus military firearms, except in any case where the Secretary has not authorized the importation of the firearm pursuant to this paragraph, it shall be unlawful to import any frame, receiver, or barrel of such firearm which would be prohibited if assembled; or

(4) was previously taken out of the United States or a possession by the person who is bringing in the firearm or ammunition.

The Secretary shall permit the conditional importation or bringing in of a firearm or ammunition for examination and testing in connection with the making of a determination as to whether the importation or bringing in of such firearm or ammunition will be allowed under this subsection.

(e) Notwithstanding any other provision of this title, the Secretary shall authorize the importation of, by any licensed importer, the following:

(1) All rifles and shotguns listed as curios or relics by the Secretary pursuant to section 921(a)(13), and

(2) All handguns, listed as curios or relics by the Secretary pursuant to section 921(a)(13), provided that such handguns are generally recognized as particularly suitable for or readily adaptable to sporting purposes.

(Added Pub.L. 90–351, Title IV, § 902, June 19, 1968, 82 Stat. 233, and amended Pub.L. 90–618, Title I, § 102, Oct 22, 1968, 82 Stat. 1224; Pub.L. 98–573, Title II, § 233 Oct. 30, 1984, 98 Stat. 2991; Pub.L. 99–308, § 105, May 19, 1986, 100 Stat. 459.)

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

FACTORING CRITERIA FOR WEAPONS

NOTE: The Bureau of Alcohol, Tobacco and Firearms reserves the right to preclude importation of any revolver or pistol which achieves an apparent qualifying score but does not adhere to the provisions of section 925(d)(3) of Amended Chapter 44, Title 18, U.S.C

PISTOL

MODEL:

PREREQUISITES

1. The pistol must have a positive manually operated safety device.
2. The combined length and height must not be less than 10" with the height (right angle measurement to barrel without magazine or extension) being at least 4 " and the length being at least 6"

INDIVIDUAL CHARACTERISTICS	POINT VALUE	POINT SUB-TOTAL
OVERALL LENGTH		
FOR EACH ¼" OVER 6"	1	
FRAME CONSTRUCTION		
INVESTMENT CAST OR FORGED STEEL	15	
INVESTMENT CAST OR FORGED HTS ALLOY	20	
WEAPON WEIGHT W/MAGAZINE *(Unloaded)*		
PER OUNCE	1	
CALIBER		
.22 SHORT AND .25 AUTO	0	
.22 LR AND 7.65mm TO .380 AUTO	3	
9mm PARABELLUM AND OVER	10	
SAFETY FEATURES		
LOCKED BREECH MECHANISM	5	
LOADED CHAMBER INDICATOR	5	
GRIP SAFETY	3	
MAGAZINE SAFETY	5	
FIRING PIN BLOCK OR LOCK	10	
MISCELLANEOUS EQUIPMENT		
EXTERNAL HAMMER	2	
DOUBLE ACTION	10	
DRIFT ADJUSTABLE TARGET SIGHT	5	
CLICK ADJUSTABLE TARGET SIGHT	10	
TARGET GRIPS	5	
TARGET TRIGGER	2	
SCORE ACHIEVED *(Qualifying score is 75 points)*		

REVOLVER

MODEL:

PREREQUISITES

1. Must pass safety test.
2. Must have overall frame (with conventional grips) length (not diagonal) of 4½" minimum.
3. Must have a barrel length of at least 3".

INDIVIDUAL CHARACTERISTICS	POINT VALUE	POINT SUB-TOTAL
BARREL LENGTH *(Muzzle to Cylinder Face)*		
LESS THAN 4"	0	
FOR EACH ¼" OVER 4"	½	
FRAME CONSTRUCTION		
INVESTMENT CAST OR FORGED STEEL	15	
INVESTMENT CAST OR FORGED HTS ALLOY	20	
WEAPON WEIGHT *(Unloaded)*		
PER OUNCE	1	
CALIBER		
.22 SHORT TO .25 ACP	0	
.22 LR AND .30 TO .38 S&W	3	
.38 SPECIAL	4	
.357 MAG AND OVER	5	
MISCELLANEOUS EQUIPMENT		
ADJUSTABLE TARGET SIGHTS *(Drift or Click)*	5	
TARGET GRIPS	5	
TARGET HAMMER AND TARGET TRIGGER	5	

SAFETY TEST

A Double Action Revolver must have a safety feature which automatically (or in a Single Action Revolver by manual operation) causes the hammer to retract to a point where the firing pin does not rest upon the primer of the cartridge. The safty device must withstand the impact of a weight equal to the weight of the revolver dropping from a distance of 36" in a line parallel to the barrel upon the rear of the hammer spur, a total of 5 times.

SCORE ACHIEVED *(Qualifying score is 45 points)*

ATF FORM 4590 (7570.5) (10-77) EDITION OF 5/74 MAY BE USED

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4TH STORY of Level 1 printed in FULL format.

Proprietary to the United Press International 1989

January 19, 1989, Thursday, BC cycle

SECTION: Domestic News

LENGTH: 729 words

HEADLINE: Schoolyard killer moved from job to job

BYLINE: By TERESA SIMONS

DATELINE: STOCKTON, Calif.

KEYWORD: Shooting-Guns

BODY:

Despite frequent brushes with the law, the deranged gunman who opened fire in an elementary school playground, killing five youngsters, bought six firearms without difficulty during the past five years, police said Thursday.

Patrick Purdy, 24, committed suicide outside the Cleveland Elementary School Tuesday after spraying the playground with rifle fire, killing four little girls and a boy and wounding more than 30 other people, including a teacher.

Police investigating the drifter's background found that despite several arrests, he had purchased during the past five years at least six weapons in California and Oregon while moving around the country seeking work.

He held at least a dozen different jobs in that period.

Purdy's criminal record dates to 1980, when Los Angeles police repeatedly arrested him for soliciting prostitution, said Lucian Neely, Stockton's deputy police chief.

Two years later, Purdy was arrested again in Los Angeles, this time on charges of selling hashish and marijuana. The following year, he was arrested there on charges of receiving stolen property.

In 1984, Purdy purchased a .25-caliber, 2-inch barrel semiautomatic pistol at Big 5 Sporting Goods in Glendale, Calif. He was working as a security guard at the time, but was dismissed after he allegedly failed to act in a case involving someone being beaten, police said. Details were not disclosed because a civil suit is pending, they said.

He was arrested in Yolo County in a strong-arm robbery attempt outside a supermarket Oct. 28, 1984. Purdy, who was using the name Eddie Purdy West at the time, pleaded guilty to a misdemeanor, accessory to a felony, and served 30 days in the county jail.

Purdy later turned up in Florida and was employed until April 1985 at Green Keys Nursery in Key West. He left that job and from April to June 1985 worked as a laborer at Keywest Construction Co.

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Purdy returned to California and surfaced in September 1985, going to work at Gibralter Transmissions in North Highlands, near Sacramento. He left Gibralter in April 1986 and enrolled at Delta College in Stockton, taking vocational welding classes.

Sometime after April 1986 Purdy went to work for Goulart Engineering in Ripon, 25 miles south of Stockton. The company was owned by his stepfather, Albert Goulart Sr.

On July 3, 1986, he bought a Davis Industries brand .22-caliber derringer at McDonald's Store in Modesto, police said.

On Oct. 8, 1986, he purchased an Inglis 9mm pistol from Pacific International Merchandise in Sacramento.

In September 1987 Purdy bought a Ingram 9mm semiautomatic Mac-10 at the Stockton Gun Exchange.

After that, Purdy dropped out of sight until Jan. 6, 1988, and worked until Feb. 2 for the Numeri Tech Machine Shop in Stockton, police said.

He found work March 4 as a grinder and welder in Stockton at F.R. Inc., but lost the job May 14.

On June 2, Purdy enrolled in a vocational course at the Woodruff Center in the Stockton Unified School District, but dropped out after two weeks.

On Aug. 3, while visiting relatives in Oregon, he bought an AK-47 semiautomatic rifle from Sandy Trading Post in Sandy.

Purdy would later choose this military-style weapon for the schoolyard rampage.

Last July and August, Purdy obtained a couple of jobs through the Boilermakers Union in Portland, Ore.

Purdy moved on to Texas, where he unsuccessfully sought employment. He driftedto Tennessee, where in October he worked for the Dupont Co. in Memphis for one month.

He moved on and from November to December worked at Thae Cogeneration Co. in Windsor, Conn.

On Dec. 26, he returned to Stockton and two days later purchased a Taurus 9mm semiautomatic pistol from Hunter Loan. He waited, as state law requires, 15 days after purchase, then picked up the weapon Jan. 13.

Purdy carried the pistol during his attack at the elementary school, police said.

Earlier this month he applied for work at Tuff Boy in Manteca, where commercial trailers are made, and at A.P. Services in Stockton, but both firms rejected him.

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5TH STORY of Level 1 printed in FULL format.

Proprietary to the United Press International 1989

January 19, 1989, Thursday, BC cycle

SECTION: Domestic News

LENGTH: 804 words

BYLINE: By TERESA SIMONS

DATELINE: STOCKTON, Calif.

KEYWORD: Shooting

BODY:

The young drifter who turned an assault rifle on a schoolyard full of children had been termed ''dangerous and extremely suicidal'' after trying to kill himself two years ago in a jail cell, authorities said Thursday.

Also Thursday, police said Patrick Purdy, who killed five Southeast Asian children at his former elementary school, harbored ''hate for everybody,'' but a former co-worker said he particularly despised Asians and accused them of stealing jobs from Americans.

According to El Dorado County records, a very drunken Purdy fought two deputies and kicked out a rear window of a squad car in April 1987 while being arrested for firing a gun in a Lake Tahoe forest, Assistant District Attorney Jerry Lasarow said from his South Lake Tahoe office.

In custody, Purdy was quoted by the deputies as saying ''it was his duty to help the supressed and resist his supressors,'' Lasarow said.

Additionally, Purdy ''made statements to the effect that he'd been pushed around enough and that it was his right to kill,'' district attorney's investigator David Kreps said from his office in Placerville.

Purdy was taken to South Lake County Jail, where a short time later he tried to hang himself in the drunk tank with strips of his shirt, Kreps said. A note attached to Purdy's booking record by jailers said he was ''dangerous and extremely suicidal,'' he added.

Despite recommendations by deputies that Purdy be turned over to county mental health workers for examination, Purdy was given a 45-day sentence and three-years' informal probation that carries no court order to seek counseling, Kreps said.

In Stockton, police winding down their investigation of the schoolyard massacre concluded Purdy, 24, a loner apparently seeking ''final revenge'' for a troubled life, had no specific targets when he attacked the Cleveland Elementary School, firing as many as 110 rounds from his AK-47 assault rifle.

Five children were killed and more than 30 others, including a teacher, were wounded. Seventy percent of the school's 1,000 students are from Southeast Asia, and the five children who died were either Vietnamese or Cambodian.

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Police Capt. Dennis Perry, the chief investigator, said he was aware of reports Purdy particularly hated Asians but said, ''Through his lifetime, Mr. Purdy developed a hate for everybody. ...

''He was a loner. He had no friends, no girlfriends, and problems with alcohol, marijuana and a distinct dislike for everybody -- not any particular race but everybody,'' Perry said.

Determining what finally drove Purdy Tuesday to attack his former school and then kill himself with a shot to the head from a 9mm pistol is impossible, Perry said.

''We'll never know everything because he didn't leave us a message or a note and without that we'll never know,'' Perry said. ''In a way, he beat us because we'll never know why.''

Experts, however, said some killers who attack innocent children feel they are exacting the greatest possible revenge against a society they believe has wronged them.

''By killing children you are hitting society where it hurts the most,'' said San Jose State University criminology professor Michael Rustigan, who specializes in violent crime in America. ''It is the ultimate mean act, the ultimate act of terrorism against society.''

An autopsy on Purdy's body, performed Wednesday, showed no intraveneous drug use or unusual physical evidence. Toxicology results are expected to be released next week. Cause of death was a single gunshot wound to the head.

Perry said investigators who have been tracing Purdy's murderous rampage at Cleveland Elementary School were being reassigned to other cases.

Police said they found no evidence the killer was racially motivated, although a former fellow worker at a Stockton welding ship said Purdy had expressed resentment at Asian immigrants taking away American jobs.

Steve Sloan, an employee of a Stockton welding shop where Purdy worked last May, told The Sacramento Bee that Purdy seethed with hatred for Asian immigrants over the loss of American jobs, complaining of struggling to find work while immigrants received government aid and job training.

''He hated them,'' Sloan said. ''He seemed to be kind of frustrated, and seething with rage about it inside.''

Enrollment at Cleveland Elementary School is predominantly made up of refugees from Vietnam and Cambodia. About 30,000 Southeast Asian refugees have settled in California's San Joaquin Valley.

More pupils returned to the school Thursday. The day after the shooting, about three-fourths of its pupils stayed home. Crisis counseling of its pupils and teachers would continue as long as it was needed, school officials said.

Purdy, a drifter with a troubled past and a history of scrapes with the law, attended the school from 1969-73.

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17TH STORY of Level 1 printed in FULL format.

The Associated Press

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January 19, 1989, Thursday, AM cycle

SECTION: Domestic News

LENGTH: 454 words

BYLINE: By The Associated Press

KEYWORD: Purdy Sketch

BODY:

Here is a profile of the gunman who took the lives of five children at a Stockton, Calif., school Tuesday. It is based on information from police and relatives, and on background reported by the Sacramento Bee newspaper.

NAME: Patrick Edward Purdy, also called self Eddie Purdy West.

AGE: 24.

DESCRIPTION: 5-foot-11, 150 pounds, blue eyes, blond hair.

FAMILY: Parents married in Stockton, Calif., and divorced after short time. Mother remarried and took Purdy to Lake Tahoe, Nev., area and on to Sacramento area, where she still lives.

Father, a Lodi, Calif., taxi company employee, was struck and killed by car in September 1981.

CHILDHOOD: Described by aunt as child alcoholic and loner.

EDUCATION: Records indicate a Patrick Edward Purdy attended Cleveland Elementary School, scene of Tuesday's shooting, through third grade, from 1969 to 1973. Dropped out of high school. Early in 1988, began attending vocational classes in welding at San Joaquin Delta Community College in Stockton.

EMPLOYMENT: Began drifting 10 years ago, crisscrossing country in search of work. Worked for now-defunct Green Keys Nursery in Key West, Fla., from October 1984 to April 1985, using name Eddie West. Left nursery to work briefly for construction company, then apparently departed for West Coast.

Was hired in January 1988 and worked for about a month at Numeri Tech, a Stockton machine shop. In June 1988, traveled to Oregon, where worked in Portland as welder, then continued on to Colorado, Texas and Connecticut.

Workers at Blount Bros. Construction Co. in Memphis, Tenn., said Purdy worked with them for short time in October 1988 as boilermaker mechanic.

ARRESTS: 1980, Los Angeles, charges involving prostitution; 1982, Los Angeles, marijuana charge; 1983, Beverly Hills, weapons charge; 1983, Los

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Angeles, charge of receiving stolen property; (date unreported), Woodland, Calif., robbery charge. Apparently served time in jail for last two offenses.

OTHER PROBLEMS: In 1986, his mother called Stockton police to complain that he and his half-brother vandalized her car after she refused demands for drug money.

Twice tried to kill himself while in police custody in El Dorado County in April 1987, after he and half-brother fired at trees near Lake Tahoe with a semi-automatic pistol. Made a rope out of torn shirt and tried to hang himself, then tried to cut his wrists, police said. When arrested, was carrying a book about the white supremicist group Aryan Nations.

Told an El Dorado County sheriff's deputy it was his "duty to help the suppressed and to overthrow the suppressor." In subsequent mental health report, was described as dangerous and suffering from "mild mental retardation."

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10TH STORY of Level 1 printed in KWIC format.

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January 20, 1989, Friday, Late City Final Edition

SECTION: Section A; Page 8, Column 4; National Desk

LENGTH: 1057 words

HEADLINE: Killer Depicted as Loner Full of Hate

BYLINE: By ROBERT REINHOLD, Special to the New York Times

DATELINE: STOCKTON, Calif., Jan. 19

BODY:

... investigators and family members.

But nothing in the picture so far gives a good clue to what led the man, Patrick Edward Purdy, into the murderous rampage at the Cleveland Elementary School. He killed five Indochinese children and wounded 30 other people with an ...

... mid-November to mid-December of 1988, at the Thames Cogeneration Company in Windsor, Conn., before returning to Stockton He was born in Fort Lewis, Wash., on Nov. 10, 1964, according to the birth certificate the police found in his automobile. Mr. Purdy spent a youth full of turmoil. His father, Patrick Benjamin Purdy, was divorced from his mother, Kathleen.

The elder Mr. Purdy served on active duty in the Army for more than three ...

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THE NEW YORK TIMES

JANUARY 20, 1989, FRIDAY, LATE CITY FINAL EDITION

SECTION: SECTION A; PAGE 8, COLUMN 4; NATIONAL DESK

LENGTH: 1025 WORDS

HEADLINE: KILLER Depicted as Loner Until He Hated

BYLINE: BY ROBERT REINHOLD, Special to the New York Times

DATELINE: STOCKTON, Calif., Jan. 19

BODY:

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TITLE II - FIREARMS AND RELATED AMENDMENTS

SEC. 201. PROHIBITION AGAINST TRANSFERRING FIREARMS TO NONRESIDENTS. Section 922(a)(5) of title 18, United States Code, is amended by striking out "resides" and all that follows through "(or other than that in which its place of business is located if the transferor is a corporation or other business entity);" and inserting in lieu thereof "does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the transferor resides;".

SEC. 202. COMMERCE NEXUS FOR TRAFFICKING IN STOLEN FIREARMS.

(1) Section 922(j) of title 18, United States Code, is amended by striking out "or which constitutes," and inserting in lieu thereof "which constitutes, or which has been shipped or transported in,";

(2) Section 922(k) of title 18, United States Code, is amended by inserting "or to possess or receive any firearm which has had the importer's or manufacturer's serial number removed, obliterated, or altered and has, at any time, been shipped or transported in interstate or foreign commerce" after "altered".

SEC. 203. TECHNICAL AMENDMENTS.

(1) Section 923(d)(1)(B) of title 18, United States Code, is amended by striking out "(h)" and inserting in lieu thereof "(n)";

(2) Section 925(a)(1) of title 18, United States Code, is amended by inserting "possession," before "or importation";

(3) Section 925(c) of title 18, United States Code, is amended by striking out "conviction" and inserting in lieu thereof "disability";

(4) Section 924(a) of title 18, United States Code, is amended by striking out ", and shall become eligible for parole as the Parole Commission shall determine" both places those words appear. This amendment shall be effective with respect to any offense committed after November 1, 1987.

SEC. 204. DISPOSITION OF FORFEITED FIREARMS. Subsection 5872(b) of title 26, United States Code, is amended to read as follows:

"(b) Disposal. -- In the case of the forfeiture of any firearm, where there is no remission or mitigation of forfeiture thereof --

"(1) The Secretary shall retain the firearm for official use of the Department of the Treasury or, if not so retained, offer to transfer the weapon without charge to any other executive department or independent establishment of the Government for official use by it and, if the offer is accepted, so transfer the firearm;

"(2) If the firearm is not disposed of pursuant to paragraph (1), is a firearm other than a machinegun or a firearm forfeited for a violation of this chapter, is a firearm that in the opinion of the Secretary is not so defective that its disposition pursuant to this paragraph would create an unreasonable risk of a malfunction likely to result in death or bodily injury, and is a firearm which (in the judgment of the Secretary, taking

into consideration evidence of present value and evidence that like firearms are not available except as collector's items, or that the value of like firearms available in ordinary commercial channels is substantially less) derives a substantial part of its monetary value from the fact that it is novel, rare, or because of its association with some historical figure, period, or event the Secretary shall sell such firearm, after public notice, at public sale to a dealer licensed under the provisions of chapter 44 of title 18, United States Code;

"(3) If the firearm has not been disposed of pursuant to paragraphs (1) or (2), the Secretary shall transfer the firearm to the Administrator of General Services, General Services Administration, who shall destroy or provide for the destruction of such firearm; and

"(4) No decision or action of the Secretary pursuant to this subsection shall be subject to judicial review.".

SEC. 205. CLARIFICATION OF "BURGLARY" UNDER THE ARMED CAREER CRIMINAL STATUTE. Section 924(e)(2) of title 18, United States Code, is amended by adding a new subparagraph, as follows:

"(D) the term "burglary" means any crime punishable by a term of imprisonment exceeding one year and consisting of entering or remaining surreptitiously within a building that is the property of another with intent to engage in conduct constituting a Federal or State offense.".

SEC. 206. SERIOUS DRUG OFFENSES BY JUVENILES AS ARMED CAREER CRIMINAL ACT PREDICATES. Section 924(e)(2)(A) of title 18, United States Code, is amended --

(1) by striking out "or" at the end of clause (i);

(2) by striking out "and" at the end of clause (ii) and inserting in lieu thereof "or"; and

(3) by adding a new clause (iii), as follows:

"(iii) any act of juvenile delinquency that if committed by an adult would be a serious drug offense described in this paragraph; and".

SEC. 207. CLARIFICATION OF DEFINITION OF CONVICTION. --

Section 921(a)(20) of title 18, United States Code is amended by striking out the last sentence and inserting in lieu thereof the following:

"Any conviction which has been expunged or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter if the expunction, setting aside, pardon or restoration expressly authorizes the person to ship, transport, receive, or possess firearms. Notwithstanding such pardon, setting aside, expunction, or restoration, the person shall be considered convicted for purposes of this chapter if the conviction was for a violent felony or serious drug offense as defined in section 924(e) of this chapter."

SEC. 208. PERMITTING CONSIDERATION OF PRETRIAL DETENTION FOR CERTAIN FIREARMS AND EXPLOSIVES OFFENSES. Section 3142(f)(1) of title 18, United States Code, is amended by --

(1) striking out "or" before subparagraph (D);

(2) redesignating subparagraph (D) as subparagraph (E);

and

(3) inserting a new subparagraph (D) as follows:

"(D) an offense under 18 U.S.C. 844(a) that is a violation of 18 U.S.C. 842(d), (h), or (i), or an offense under 18 U.S.C. 924(a) that is a violation of 18 U.S.C. 922(d), (g), (h), (i), (j), (n), or (o); or".

SEC. 209. ENHANCED PENALTY FOR USE OF SEMIAUTOMATIC FIREARM DURING CRIME OF VIOLENCE. (a) Section 924(c) of title 18, United States Code is amended by inserting "semiautomatic firearm or" before "machinegun" each time it appears.

(b) Section 921(a) of title 18, United States Code, is amended by adding at the end thereof the following:

"(25) The term semiautomatic firearm means any firearm which utilizes a portion of the force of a firing cartridge to extract the fired cartridge case and chamber the next round, but requires a separate pull of the trigger to fire each cartridge.".

SEC. 210. SMUGGLING FIREARMS IN AID OF DRUG TRAFFICKING. Section 924 of title 18, United States Code, is amended by adding at the end thereof the following:

"(h) Whoever, with the intent to engage in, or to promote, conduct which --

"(1) is punishable under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.);

"(2) violates any law of a State relating to any controlled substance (as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802); or

"(3) constitutes a crime of violence (as defined in section (c)(3));

smuggles or knowingly brings into the United States a firearm, or attempts to do so, shall be imprisoned for not more than ten years, fined under this title, or both."

SEC. 211. THEFT OF FIREARMS. Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(i) Whoever steals any firearm which is moving as, or is a part of, or which has moved in, interstate or foreign commerce shall be imprisoned for not less than two or more than ten years, fined under this title, or both."

SEC. 212. BAR ON SALE OF FIREARMS TO OR POSSESSION OF FIREARMS BY PERSONS CONVICTED OF ANY VIOLENT OFFENSE. (1) Section 922(d)(1) of title 18, United States Code, is amended by inserting ", or has been convicted of any crime of violence" after "crime punishable by imprisonment for a term exceeding one year";

(2) Section 922(g)(1) of title 18, United States Code, is amended by inserting "or of any crime of violence" after "crime punishable by imprisonment for a term exceeding one year";

(3) Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(q) For purposes of this section the term 'crime of violence' means an offense that --

"(1) has an element the use, attempted use, or threatened use of physical force against the person or property of another, or

"(2) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense."

SEC. 213. POSSESSION OF A FIREARMS DURING THE COMMISSION OF A DRUG TRAFFICKING OR VIOLENT CRIME. Section 924(c) of title 18, United States Code, is amended by striking out "uses or carries a firearm" and inserting in lieu thereof "uses, carries, or otherwise possesses a firearm".

Section 201.

This amendment was included in S. 2180 as passed by the Senate in the 100th Congress, and was noncontroversial with all interested groups. Its purpose is to correct a drafting quirk in the existing law (18 U.S.C. 922(a)(5)) under which it is unlawful for a person not a licensed dealer, importer, manufacturer, or collector to transfer a firearm to any person "who resides in any State other than that in which the transferor resides." Read literally, this language may make it impossible to prosecute a nonlicensee who delivers a firearm to an alien or other person, such as a transient, who does not "reside" in any State. The amendment, consistent with the statutory purpose, would modify the provision so as to prohibit the disposition of a firearm to any person who does not reside in the State in which the transferor resides.

Section 202.

These amendments were included in S. 2180 as passed by the Senate in the 100th Congress and were noncontroversial with all interested groups. They would expand federal jurisdiction, consistent with other firearms provisions, to permit prosecution of transactions in stolen firearms and firearms lacking serial numbers in cases in which the firearms have previously moved in interstate or foreign commerce, not only cases in which the firearms are so moving at the time of the offense.

Section 203.

These four amendments of a technical nature were included in S. 2180 as passed by the Senate in the 100th Congress.

The first would correct a misdesignation in section 923(d)(1)(B). From the time this provision was initially enacted until 1986, it in essence disqualified from receiving federal firearms licenses persons under certain disabilities including, by reference to former subsections 922(g) and (h), persons under indictment for felonies. The 1986 amendments restructured those provisions of the Act relating to persons under firearms disabilities. The disabilities imposed on persons under indictment were removed from 922(g) and (h) and placed in a new section 922(n). As a result of an apparent oversight, the Congress failed to amend section 923(d)(1)(B) to make reference to 922(n).

The second technical amendment involves 18 U.S.C. 925(a)(1), the provision which states that the provisions of the Act do not apply to any transportation, shipment, receipt, or importation of a firearm for use of a federal, State or local governmental agency. The amendment makes it clear that the Act also does not apply to the possession of a firearm by an employee of such an agency in connection with his or her official duties. Occasionally government employees are under federal firearms disabilities due to a prior conviction or for other reasons. The amendment clarifies that such persons are not precluded from possessing firearms as required in the course of their employment.

The third change amends 18 U.S.C. 925(c) by striking out the word "conviction" and inserting the word "disability". This is necessary to carry out the intent of Congress in a portion of the Firearms Owners' Protection Act. Prior to the passage of that Act, only convicted felons could apply to the Secretary of the

Treasury for relief from firearms disabilities. The 1986 Act expanded the relief provisions to bring within their scope all categories of disabled persons, not just convicted felons. Yet Congress inadvertently retained in the relief provision a reference only to a disabled person's "conviction".

The final technical amendment eliminates two outmoded references to parole in 18 U.S.C. 924(a). Parole was abolished by the Comprehensive Crime Control Act of 1984, effective November 1, 1987. Thus, the amendment to subsection 924(a) will be effective for offenses committed after that date.

Section 204.

This proposal is designed to insure that certain forfeited firearms, if useful or valuable, are not needlessly destroyed. Rather, under the proposal, the forfeited firearm would be offered, first, to a federal agency without cost; and, finally, if the firearm were novel, rare, or historically significant, as determined by the Secretary of the Treasury, offered for sale to a licensed firearms dealer. Only if neither of these alternatives caused the firearm to be accepted or sold would it be destroyed.

Section 205.

This amendment would restore to the Armed Career Criminal statute the definition of burglary that was included in the original law which, as enacted, applied only to the offenses of robbery and burglary. The proposed definition, taken without substantive change from Public Law 98-473 and from its reenactment in Public Law 99-308, was deliberately broad and was not

limited to common law burglary. Nearly all States and the Federal Government have long ago departed in their criminal codes from the original common law offense of burglary in view of the necessity to punish unlawful entires besides only those into a dwelling, at night, with criminal intent.

In 1986, as Public Law 99-510, the Armed Career Criminal law was expanded to reach all "violent felonies" in addition to the enumeration of burglary and other crimes, but the definition of "burglary" was not carried forward.

The absence of a definition has proved unfortunate in that it has caused some courts to place a narrow construction on the term so as to exclude offenses, not denominated as burglary under State law, consisting of the unlawful entry into business premises with intent to steal. Those courts, applying the rule of lenity, have reasoned that since the proper interpretation of "burglary" is not clear, the defendant must be afforded the benefit of the doubt, and also that Congress must be deemed to have intended the common law meaning of a common law term such as burglary unless a different meaning is set forth. See, e.g., United States v. Headspeth, 852 F.2d 753, 756-9 (4th Cir. 1988). But see, rejecting Headspeth, United States v. Hill, 863 F.2d 1575 (11th Cir. 1989). See also, United States v. Taylor, 864 F.2d 625 (8th Cir. 1989).

The offense of unlawful entry of structures other than a dwelling, or storehouse breaking as some State laws describe it, is clearly one that poses a serious risk of danger to persons even if the premises entered (like a home when entered) is

unoccupied at the time. It is, accordingly, a fit predicate for section 924(e). Indeed there was, in our view, no intent in 1986 to narrow the scope of "burglary" under 924(e) to exclude these crimes but rather an intent to otherwise enlarge the scope of the Armed Career Criminal statute. Restoration of the original definition of "burglary" would confirm Congress' intent and appropriately end the needless confusion and litigation over the issue. The Solicitor General's Office has expressly requested the amendment proposed here.

Section 206.

The Anti-Drug Abuse Act of 1988 (§6451) added, as a new predicate offense category to the Armed Career Criminal statute, acts of juvenile delinquency that, if committed by an adult, would constitute a crime of violence. In view of the increasing involvement of youthful offenders with serious drug offenses, and the known association of drug crimes with violence, it appears sensible also to enlarge the scope of the Armed Career Criminal Act to include acts of juvenile delinquency that, if committed by an adult, would meet the Act's definition of a "serious drug offense", in essence those drug felonies that carry a maximum prison term of ten years of more. The Department of Justice informally suggested this change during Congress' consideration of the omnibus drug bills last year, and the change has also been recommended by Los Angeles County Sheriff Sherman Block in a letter to Senator Wilson.

Section 207.

Under current law, any conviction for a crime punishable by imprisonment for a term exceeding one year which has been expunged, set aside, or pardoned or with respect to which the convicted person has had civil rights restored is not considered disabling for purposes of the Act unless such expunction, setting aside, pardon, or restoration expressly provides otherwise. It appears that the rationale behind this provision is to require Federal adherence to an individualized State determination removing a convicted person's firearms disabilities. In addition, it is predicated on the assumption that State laws regarding pardons, expunctions, set-asides and restorations of civil rights uniformly restore firearms rights unless they are expressly withheld. Further, it assumes that the pardon, expunction, set-aside or restoration of rights is done on an individualized basis rather than occurring automatically on the expiration of a prescribed period of time. It also assumes that the State official handling these procedures restores firearms rights in these proceedings unless it is expressly stated otherwise.

These assumptions are inaccurate. The procedures for pardons, expunctions, set-asides and restorations among the various States are far from uniform. Such proceedings do not erase the legal existence of prior convictions nor remove all State disabilities imposed on felons. Neither do they uniformly involve a considered judgment whether the individual deserves the

pardon, expunction, set aside or restoration of civil rights. Thus, current law ignores the nuances of the various State laws.

The proposed amendment would provide a uniform standard to determine whether a person is under federal firearms disabilities while comporting with congressional intent to provide State authorities the opportunity to determine whether firearms disabilities should continue to be imposed on convicted persons. Indeed, this approach has a statutory precedent which was contained in 18 U.S.C. App. 1203 prior to its repeal. Further, the amendment would not affect the current requirement of resorting to state law to determine whether the person was convicted.

The amendment would further provide that, notwithstanding any expunction, set aside, pardon, or restoration, the person would be considered convicted if the conviction was for a serious drug offense or violent felony. This would ensure that dangerous offenders would have to apply to federal authorities in order to have their firearms rights restored. In such instances, a thorough background investigation would be conducted and relief from federal firearms disabilities would not be granted unless it was determined that the applicant would not be likely to act in a manner dangerous to public safety or that the granting of relief would not be contrary to the public interest. This scheme would better protect the public from convicted felons whose receipt and possession of firearms pose a special danger.

Section 208.

Section 208 of the bill amends subsection 3142(f)(1) of title 18 to create eligibility for pretrial detention in certain cases involving firearms and explosives. Currently, subsection 3142(f)(1) allows the government to seek a pretrial detention hearing in cases involving crimes of violence, offenses punishable by death or life imprisonment, serious drug felonies, and any other felony case in which the defendant is a person who has already been convicted of two or more crimes in the preceding three categories. The constitutionality of preventive detention was recently upheld by the Supreme Court in United States v. Salerno, 481 U.S. 739 (1987).

Section 208 would allow the government to seek a pretrial detention hearing in cases in which the defendant is charged with a violation of 18 U.S.C. 842(d) (distribution of explosives by felons and other prohibited persons); 842(h) (knowingly trafficking in stolen explosives), 842(i) (shipping or receiving of explosives by felons and other prohibited persons); 922(d) (sale of firearms to felons and other prohibited persons); 922(g) (possession or receipt of firearms by felons and other prohibited persons); 922(i) (transporting or shipping stolen firearms); 922(j) (trafficking in stolen firearms); 922(n) (shipment or receipt of firearms by persons under felony indictments); or 922(o) (unauthorized possession of a machine gun). All of these crimes are of a type likely to be committed by dangerous individuals such as terrorists or career criminals even though the offenses do not themselves meet the definition of a crime of

violence. Consequently, the government should be allowed to seek pretrial detention in these cases. It should be emphasized, however, that the revision of subsection 3142(f)(1) does not require pretrial detention for anyone charged with a violation of one of the listed offenses. It merely means that the government is given an opportunity to show that no conditions of release will reasonably assure the appearance of the person for trial and the safety of the community or of a specific person.

Section 209.

Section 209 would increase the mandatory penalty under 18 U.S.C. 924(c) for using a semiautomatic firearm during the commission of a crime of violence or a serious drug felony from five to thirty years. Currently, the thirty-year penalty is applicable to instances in which a machinegun or a silencer is used. Because of the increased threat to public safety that semiautomatic weapons pose when used for criminal purposes, as exemplified in several recent incidents, it is appropriate to treat the criminal misuse of such firearms more severely than other types of weapons and to raise the penalty associated with such conduct.

Section 210.

Section 210 would create a new offense carrying severe penalties for smuggling firearms into the United States for the purpose of promoting drug trafficking or crimes of violence. At present, 18 U.S.C. 922(l) makes it a five-year offense to import certain firearms into the United States; and 18 U.S.C. 924(f) makes it a ten-year felony to travel interstate or from a foreign country to purchase a firearm with intent to engage in conduct

constituting a federal or State drug offense or a crime of violence. The instant proposal is patterned after section 924(f) and would create an offense, similarly punishable by up to ten years' imprisonment, for smuggling or bringing into the United States (or attempting to do so) any firearm with intent to violate or promote conduct in violation of federal or State drug laws or to commit a crime of violence. Clearly, there is no reason to treat interstate travel to acquire a firearm for illegal drug trafficking purposes any less seriously than importing or smuggling a firearm into the United States for the same purpose. The proposed offense would thus rectify an anomaly in current firearms statutes.

Section 211.

This section would create a new offense, punishable by a mandatory minimum two-year prison term for stealing a firearm. Currently, 18 U.S.C. 922(i) and (j) punish by up to five years in prison the transportation, and receipt, or disposition firearms known to have been stolen; and 18 U.S.C. 659 similarly punishes the theft of any goods, including firearms, from an interstate or foreign shipment. There is, however, at present no offense specifically directed at the theft of firearms.

The proposed offense would cure that gap by creating a crime of stealing a firearm that is moving as, is part of, or which has moved in, interstate or foreign commerce. It is intended that the term "steals" be interpreted, as elsewhere in the federal criminal code, to include any type of criminal taking accompanied by an intent to deprive the owner of the rights and benefits of

ownership. E.g., United States v. Turley, 352 U.S. 407 (1957). A firearm which had at any time moved in interstate or foreign commerce would be subject to the prohibition in this section. See Barrett v. United States, 423 U.S. 212 (1976).

Section 212.

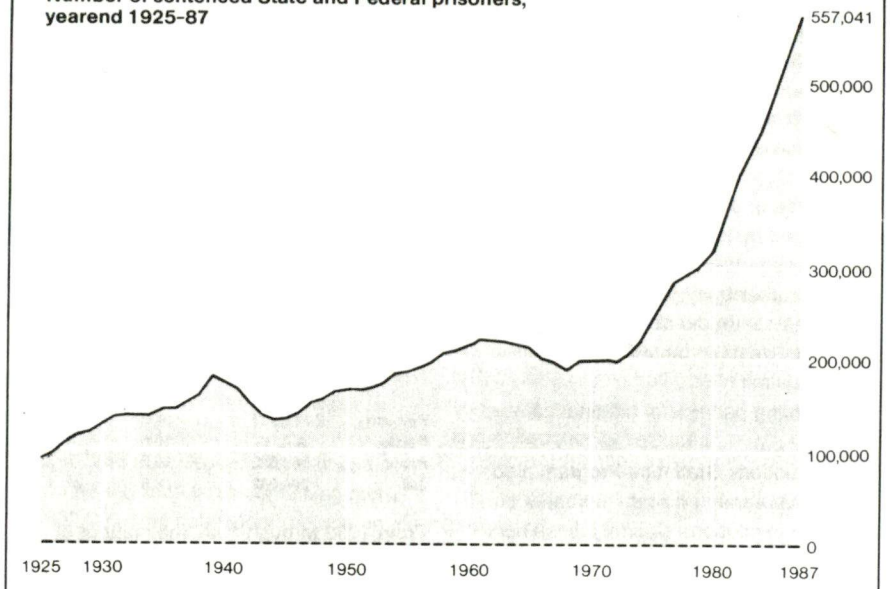
Section 212 would punish the sale of firearms to or possession of firearms by persons who have been convicted of any violent crime. Currently, 18 U.S.C. 922(d) and (g) proscribe the sale to or possession of firearms by persons who have been convicted in any court of a felony (i.e. a crime punishable by imprisonment for more than one year). Section 212 would extend this bar to persons who have been convicted in any court of a violent offense, irrespective of the maximum penalty, thereby including persons who have been convicted of a violent misdemeanor. The amendment adds a definition of "crime of violence" for purposes of 18 U.S.C. 922 that is identical to the definition of "crime of violence" used elsewhere in the firearms chapter (see 18 U.S.C. 924(c)(3)), except that there is no requirement that the offense be a felony.

Section 213.

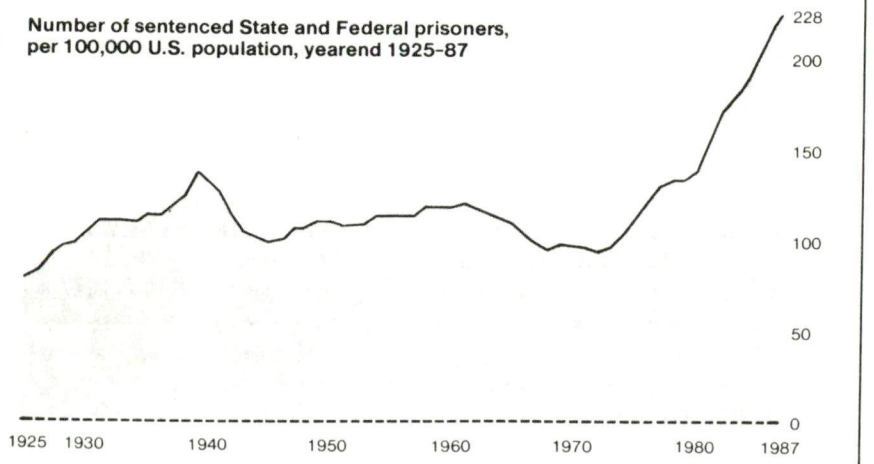
This section is designed to broaden the prohibition in 18 U.S.C. 924(c) to reach persons who have a firearm available during and in relation to the commission of a felony drug offense or violent crime, even if the firearm is not carried or used. Currently, section 924(c) punishes by a mandatory five-year prison sentence the carrying or use of a firearm during and in relation to the commission of a drug or violent felony. The court in United States v. Feliz-Cordero, 859 F.2d 250 (2d Cir.

1988), held that this statute does not cover a situation in which a loaded firearm was found in the dresser drawer of an apartment which the defendant utilized in connection with his drug dealings. The court noted that "carries" has been interpreted to encompass a case in which the defendant has a firearm "within reach," while "uses" has been construed to extend to a situation in which the defendant planned to use the firearm if a suitable contingency arose or to make his escape; but the court concluded that neither verb was broad enough to proscribe the constructive possession by a defendant of a firearm which is kept available generally in aid of or in relation to the commission of a drug trafficking or violent crime. The proposed amendment, adding the phrase "or otherwise possesses" to the statute, is designed to reverse the result in Feliz-Cordero, and to cover any circumstance in which, e.g., a drug trafficker has available a firearm during and in relation to his illegal drug activities. As under the existing provision, the government will still be forced to establish a relationship or connection between the drug or violent offense and the defendant's possession of the firearm, (e.g. would not include a gun kept exclusively in a club locker and used only for sporting purposes at the club), but the relationship or connection may be more attenuated than under current law and may apply to a firearm that is possessed by the defendant for potential employment in his illegal activities, even though it is not physically on his person or within reach and even though it is not proved to have been used or planned to be used during the offense. The possession of firearms by persons who commit serious drug and violent crimes creates a sufficient danger of increased violence and harm to as to justify this extension.

Number of sentenced State and Federal prisoners, yearend 1925-87



Number of sentenced State and Federal prisoners, per 100,000 U.S. population, yearend 1925-87



Note: Prior to 1977, prisoner reports were based on the custody populations. Beginning in 1977, focus is on the jurisdictional population.

On June 30, 1988, 5.1% of all prison inmates were women, the highest percent since recordkeeping began in 1926. In the first half of 1988 the female prison inmate population grew by 6.7% vs. 3.9% for males. Since 1980 the number of female inmates grew from 13,420 to 30,834, a 130% increase. The number of male inmates grew from 316,401 to 573,990, an 81% increase.

In the past decade the percent of offenders who left prison as a result of a parole board's discretionary decision declined from almost 72% of persons released in 1977 to 41% of those released in 1987. This is the result of an increased use of determinate sentencing in which each prisoner serves the full sentence the court hands down minus credits earned for good behavior or meritorious conduct.

Sources: Probation and parole 1987. Historical statistics on prisoners in State and Federal institutions, yearend 1925-86. BJS press release, September 11, 1988.

Prison and jail crowding

Crowding is a serious problem for many localities and States:

- The Nation's prisons are operating at between 7% and 24% above capacity.
- Most State prison systems and the Federal system are filled beyond reported capacity.
- To relieve crowding many States have provisions for sentence reductions, rollbacks, early releases, and other mechanisms to reduce prison populations.
- 16 States said that 12,220 prisoners were backed up in local jails because their prisons have no room for them.

Total inmate living space in State prisons throughout the country grew by 29% between 1979 and 1984. In the same period the number of prisoners grew 45%, resulting in an 11% decline in the average amount of living space per inmate. Over the same period the number of employees in State prisons grew as rapidly as the number of inmates.

There is little evidence that prison population density levels were directly associated with elevated inmate death rates, inmate-on-inmate assaults, or other disturbances. Such events occurred more frequently in maximum security facilities, irrespective of their population densities.

Nearly three-fourths of the Nation's jail population in 1986 was housed in the jails of 361 jurisdictions, each with an average daily population of at least 100 inmates.

In 1986 about 26% of these jails held inmates for State, Federal, or other local

Table 1.73

Statutory restrictions on the purchase, carrying, and ownership of handguns

By State, as of July 1987

State	Purchase				Carrying				Ownership	
	Application and waiting period	License or permit to purchase	Registration	Record of sales sent to State or local government	Carrying openly prohibited	Carrying concealed prohibited	License to carry openly	License to carry concealed	Owner licensing or identification cards	Constitutional provision
Alabama	✓			✓			✓[a]	✓		✓
Alaska						✓				✓
Arizona						✓				✓
Arkansas					✓[b]	✓[b]				✓
California	✓			✓		✓		✓		
Colorado						✓		✓		✓
Connecticut	✓			✓			✓	✓		✓
Delaware						✓		✓		✓
Florida	✓[c]						✓[d]	✓		✓
Georgia							✓	✓		✓
Hawaii	✓	✓	✓	✓			✓	✓		✓
Idaho						✓		✓		✓
Illinois	✓	✓	✓[e,f]	✓[c]	✓[g]	✓			✓[h]	✓
Indiana	✓			✓			✓	✓		✓
Iowa		✓		✓			✓	✓		
Kansas	✓[c]	✓[c]	✓[c]			✓				✓
Kentucky						✓				✓
Louisiana						✓		✓		✓
Maine						✓		✓		✓
Maryland	✓			✓			✓	✓		
Massachusetts		✓		✓			✓	✓	✓	✓
Michigan		✓	✓[i]	✓			✓[a]	✓		✓
Minnesota	✓	✓		✓			✓	✓		
Mississippi			✓			✓				✓
Missouri		✓		✓		✓				✓
Montana						✓		✓		✓
Nebraska						✓				
Nevada						✓[j]		✓		✓
New Hampshire						✓		✓		✓
New Jersey	✓	✓		✓			✓	✓	✓	
New Mexico						✓				✓
New York		✓	✓	✓			✓	✓	✓	
North Carolina		✓		✓		✓				✓
North Dakota				✓	✓[g]			✓		✓
Ohio	✓[c]	✓[k]		✓[k]		✓				✓
Oklahoma				✓		✓				✓
Oregon	✓			✓		✓		✓		✓
Pennsylvania	✓			✓			✓[a]	✓		✓
Rhode Island	✓			✓			✓	✓		✓
South Carolina				✓			✓	✓		✓
South Dakota	✓			✓				✓		✓
Tennessee	✓			✓	✓[b]	✓[b]				✓
Texas					✓	✓				✓
Utah					✓[g]	✓		✓		✓
Vermont					✓[l]	✓[l]				✓
Virginia	✓[c]	✓[c]				✓		✓		✓
Washington	✓			✓			✓[a,g]	✓		✓
West Virginia				✓			✓	✓		✓
Wisconsin	✓					✓				
Wyoming						✓		✓		✓
District of Columbia		✓[f]	✓[f]		✓[f]	✓[f]			✓[f]	

Note: These data were compiled by the National Rifle Association's Institute for Legislative Action. In addition to State laws, the purchase, sale, and in certain circumstances, the possession and interstate transportation of firearms are regulated by the Federal Gun Control Act of 1968 and Title VII of the Omnibus Crime Control and Safe Streets Act. Also, cities and localities may have their own firearms ordinances in addition to Federal and State laws. The Source notes that State firearms laws are subject to frequent change. State and local statutes and ordinances, as well as local law enforcement authorities, should be consulted for full text and meaning of statutory provisions.

The Source defines "constitutional provision" by citing Article I, Section 15 of the Connecticut State constitution as an example of the basic feature contained in the constitutions of many States. It reads: "Every citizen has a right to bear arms in defense of himself and the State."

Table 1.73

Statutory restrictions on the purchase, carrying, and ownership of handguns

By State, as of July 1987--Continued

[a]License to carry in a vehicle either openly or concealed.
[b]Arkansas prohibits carrying "with a purpose to employ it as a weapon against a person." Tennessee prohibits carrying "with the intent to go armed."
[c]Certain cities or counties.
[d]Effective Oct. 1, 1987 repealed.
[e]Chicago only.
[f]Applies only to pre-registered firearms. No new handguns can be brought into the city.
[g]Loaded.
[h]Handguns prohibited in Evanston, Oak Park, and Morton Grove.
[i]Handguns must be presented to the city chief of police or county sheriff to obtain a certificate of inspection.
[j]Permission to carry concealed may be granted by county sheriff on written application.
[k]Some municipalities control the possession, sale, transfer, or carrying of handguns, e.g., Cleveland and Columbus require a police permit for purchase; Toledo requires a handgun owner's identification; Cincinnati requires application for purchase.
[l]Prohibits carrying a firearm "with the intent or purpose of injuring another."

Source: Table provided to SOURCEBOOK staff by the National Rifle Association, Institute for Legislative Action.

"READY REFERENCE" TABLE - CERTAIN ELEMENTS OF STATE LAWS (1988) [Please see footnotes at end and review section citations.]

STATE (or other) NAME	STATE- PURCHASER WAITING PERIOD	STATE- PURCHASER REQUIREMENTS	STATE- LICENSE/PERMIT TO PURCHASE; TYPE	STATE- LICENSE: DEALER MANUFACTURER, ETC.	STATE- LICENSEE RECORD-KEEPING REQUIREMENTS	STATE- LOCAL GOV'T LIMITS (PREEMPTION)
ALABAMA	13A-11-77; 48 hrs. Pistol	13A-11-77 13A-11-79	13A-11-77 Pistol purchase appl.	13A-11-78	13A-11-77 13A-11-79	11-45-1.1
ALASKA	—	(11.61.200)	—	—	—	—
AMERICAN SAMOA	46.4221, 4229 Any firearm; time n/a	46.4228, 4229	46.4221, 4229 Any	46.4223	46.4224, 4228	—
ARIZONA	—	(13-3101.5.)	—	—	—	13-3108
ARKANSAS	—	(41-3103)	—	—	41-3163 - 3164	—
CALIFORNIA	12071, 072: 15 days, Concealable	12076(a) 12079	12072: Concealable =purchase appl; 12095 - 98: Movie/TV props = permit; 12230: Machineguns= permit; 12036: Destructive devices = permit	12070 12250 12305	12073 12076 12250 12350	(12071(a)) 53071
COLORADO	—	(18-12-108)	—	—	12-26-102	—
CONNECTICUT	29-33 Handguns- None with permits; 2 weeks without	29-33	—	29-28	29-31 53-202(6), (7)	—
DELAWARE	—	(11-1448) 24-904	—	24-901	24-904	—
DISTRICT OF COLUMBIA	22-3208: 48hrs., Pistols	6-2313 22-3208	6-2311(a): Any firearm	6-2341(b) 22-3209,-3210	6-2318 6-2344	NOT APPLICABLE
FLORIDA	—	(790.17, .18, .23)	—	—	—	790.33
GEORGIA	—	(16-11-131)	—	43-16-2	—	—
GUAM	—	60106; 60114	60106[I.D. card] All	60104 60115	—	—
HAWAII	134-3(h):10-15 days, Any firearm	134-3(a); 134-7	134-3(a): Any/all	134-31	—	—
IDAHO	—	18-3302, -3308	—	—	—	31-872; 50-343
ILLINOIS	24-3(g): 72 hrs., Concealable; 24 hrs., longguns	83-2 - 83-4	83-2 [I.D. card] All	—	24-4; 83-3(b)	(83-13.1)
INDIANA	35-47-2-8(c), -11: 7 work days, Handguns	35-47-2-9(a)	35-47-2-8: Application to transfer handgun	35-47-2-15	35-47-2-9(b)	35-47-2-13
IOWA	—	(724.3) 724.15	724.15 Pistol; revolver	—	—	—
KANSAS	—	(21-4204)	—	—	—	—
KENTUCKY	—	(527.040)	—	—	—	65.870
LOUISIANA	—	(14:95.1) 40:1753	[14:95.1.C.: Felons] 40:1787 NFA weapons	40:1787 47:382, 383	40:1754, 1789	—
MAINE	—	15:15-393 Felons	15.15-393 Any	—	15:17-455	—
MARYLAND	442(b): 7 days, Pistols/revolvers	(406,445) 379, 442(e)	442 Transfer appl.	443	378, 442(c),(i)	36H: Note ff 406; 442(a), 445(a)
MASSACHUSETTS	—	140:128B,129B,131A	140:129B-D;I.D. Card Pistol/revolver	140:122, 122B	140:123	—
MICHIGAN	—	28.92(1)	28.92 Pistol	—	28.92(2)	—
MINNESOTA	624.7132(4): Pistol, 7 days	(624.713) 624.7131, .7132	624.7131 Pistol	—	609.67(4)(b) 624.7132	471.633
MISSISSIPPI	—	(45-9-15) 45-9-1 thru 5; 45-9-17	45-9-3: Registration of 45-9-1 weapons 10 days after purchase	—	45-9-9 97-37-11	—

"READY REFERENCE" TABLE - CERTAIN ELEMENTS OF STATE LAWS (1988) [Please see footnotes at end and review section citations.]

STATE (or other) NAME	STATE- PURCHASER WAITING PERIOD	STATE- PURCHASER REQUIREMENTS	STATE- LICENSE/PERMIT TO PURCHASE; TYPE	STATE- LICENSE: DEALER MANUFACTURER, ETC.	STATE- LICENSEE RECORD-KEEPING REQUIREMENTS	STATE- LOCAL GOV'T LIMITS (PREEMPTION)
MISSOURI	571.090.3: Concealable; not to exceed 7 working days	571.080, .090	571.080: Concealable	—	—	—
MONTANA	—	45-8-308	—	—	45-8-309	45-8-351
NEBRASKA	—	(28-1204, 1206)	—	—	—	—
NEVADA	—	(202.360)	—	—	—	—
NEW HAMPSHIRE	—	159:9	159:8-a Pistol/revolver	159:8	159:9	—
NEW JERSEY	2C:58-3.f: Handgun; Residents: 30 days; Others, 45 days	(2C:39-10.c.) 2C:58-2.d 2C:58-3	2C:58-3 [I.D. card] Handgun	2C:58-1,-2	2C:39-3.g.(2), (3) 2C:58-1.e.,-2.b.	2C:1-5.d.
NEW MEXICO	—	(30-7-16)	—	—	—	—
NEW YORK	400.00.4-a Pistol or revolver-up to 6 mo.	(400.00.1) 400.00.3	400 00.1,.6: Pistol/revolver	400.00.2	400.00.12	400 00.6
NORTH CAROLINA	14-404, -409.3; Pistols, Up to 30 days	(14-415.1) 14-402,-404 14-409.1,-409.3	14-402,-403,-404 -409.1,-409.2,-409.3 Pistol	14-402,-409.1 105-80,-102.4	14-406,-409.5	(105-80(c))
NORTH DAKOTA	—	(62.1-02-01 - 03) 62.1-05-01	—	—	62.1-03-03 62.1-05-01	62.1-01-03
COMMONWEALTH OF N. MARIANAS	—	556, 558	555-558 Firearm, device, ammunition	560, 568, 580	563, 564, 565, 566, 567, 569	(578)
OHIO	—	2923.18	2923.18: Dangerous Ordnance	—	2923.20	—
OKLAHOMA	—	(1273, 1289.10,.12)	—	—	—	1289.24
OREGON	166.430(3) Concealable: 120 hrs.	(166.270) 166.420(2)	—	166.430	166.420	—
PENNSYLVANIA	6111(a) Any firearm: 48 hrs.	6111(b)	6111(a) Any; Purchase application	6112, 6113	6111, 6113	6120
COMMONWEALTH/ PUERTO RICO	—	425, 438	416: Any firearm	432	432,436,438	—
RHODE ISLAND	11-47-35(a) Pistols/ revolvers - 72 hrs	11-47-35	11-4-35 Pistol/revolver	11-47-38	11-47-40	11-47-41 11-47-58
SOUTH CAROLINA	—	23-31-140	—	23-31-130,-150	23-31-140 23-31-360	HB 2826, signed 06-18-86
SOUTH DAKOTA	23-7-9: W/permit to carry, none, With no permit, 48 hrs.	23-7-10	23-7-10: Pistol - Purchase appl. or permit to carry	—	23-7-10	7-18A-36 8-5-13 9-19-20
TENNESSEE	39-6-1704(c),(d) Handguns. To 15 days	39-6-1704(c)	39-6-1704(c): Certification; sidearms	39-6-1704(g)	39-6-1704(c)	—
TEXAS	—	(46.05,.07)	—	—	—	Title 28: Art. 1015p.
UTAH	—	(76-10-503,-509)	—	—	—	76-10-501(1)(b)
VERMONT	—	—	—	—	4006	—
VIRGINIA	—	(18.2-308.2,.3)	—	15.1-523, 525	15.1-524 18.2-294,295,304	15 1-29.15
VIRGIN ISLANDS	466 Any, 48 hrs.	466	452, 466: Any	461, 463	465	—
WASHINGTON	9.41.090(1) Pistols: Resident: 5 days; Others: to 60 days	9.41.090	9.41.090. Pistol purchase application.	9.41.100	9.41.110(4)	(9.41 300(2)) 9.41.110(7) 9.41.290
WEST VIRGINIA	—	61-7-9	61-7-8: Machineguns; high powered rifles; ammunition for same.	—	61-7-9	(8-12-5) 8-12-5a

"READY REFERENCE" TABLE - CERTAIN ELEMENTS OF STATE LAWS (1988) [Please see footnotes at end and review section citations.]

STATE (or other) NAME	STATE- PURCHASER WAITING PERIOD	STATE- PURCHASER REQUIREMENTS	STATE- LICENSE/PERMIT TO PURCHASE; TYPE	STATE- LICENSE: DEALER MANUFACTURER, ETC.	STATE- LICENSEE RECORD-KEEPING REQUIREMENTS	STATE- LOCAL GOV'T LIMITS [PREEMPTION]
WISCONSIN	175.35 Handguns: 48 hrs.	(941.29)	—	—	941.25	—
WYOMING	—	6-8-202,-202	—	—	6-8-201,-202,-203	—

FOOTNOTES

[Any section citation seen above should be reviewed for ACTUAL impact.]
[A " — " means that the requirement has not been determined to exist.]

COL.

1 **"STATE"** includes the 50 States; the District of Columbia (DC); American Samoa (AS); Guam (GU); Northern Marianas (CM), a Commonwealth; Puerto Rico (PR), a Commonwealth; Virgin Islands (VI); and, any of the possessions of the United States. These possessions are not included in this Appendix.

2 **"STATE- PURCHASER WAITING PERIOD"** generally refers to the period between purchaser application for type/types of firearms and allowable receipt or delivery. Exceptions exist among the States. However, where there is a requirement to file application to obtain a license or permit to purchase a firearm, a waiting period is often "built in" the processing of the application which may not appear in this Appendix.

3 **"STATE- PURCHASER REQUIREMENTS"** generally means a positive action the customer must make or take; those section cites in parenthesis [( )] indicate **LISTS,** only, of prohibitions/prohibited persons.

4 **"STATE- LICENSE/PERMIT TO PURCHASE; TYPE"** shows section(s) of State law where required. **"TYPE"** means the type of firearm(s) or a generic term (e.g., concealable).

5 **"STATE- LICENSE: DEALER, MANUFACTURER, ETC."** generally means the person must have **BOTH** a Federal and State license.

6 **"STATE- LICENSEE RECORDKEEPING REQUIREMENTS"** is fairly clear. However, this category may refer to relatively narrow types of firearms or situations.

7 **"STATE- LOCAL GOV'T LIMITS [PREEMPTION]"** means that the State overrides its counties, cities, and/or other local jurisdictions, in whole or in part. Entries in parenthesis [( )] indicate that permission of some type is specifically **GRANTED** to local jurisdictions to enact local ordinances.

DRAFTING INFORMATION

The Compiler of "State Laws and Published Ordinances-Firearms" is ATF Specialist Gary Caplan of the Firearms and Explosives Operations Branch, Compliance Operations, who is responsible for the digests and notes contained herein. OFFICIAL INTERPRETATION of any State or local law must, however, be left to officials of the relevant jurisdiction(s). Materials, advice and information for future editions may be addressed to:

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3RD STORY of Level 1 printed in FULL format.

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May 16, 1988, Monday, Final Edition

SECTION: METRO; PAGE D1

LENGTH: 821 words

HEADLINE: Ceremony Honors Officers Who Made 'Supreme Sacrifice'

BYLINE: Lynne Duke, Washington Post Staff Writer

BODY:

The hands that placed red carnations on a wreath on the Ellipse yesterday were unsteady. The faces of those bearing the flowers struggled, most without success, to hold back tears. Some kissed the flowers as they parted with them. Some held tight to the hands of the little children with reddened noses and teary eyes, the children whose parents are gone.

One emotion was expressed in hundreds of ways, but shared by all, as the 155 law enforcement officers who died while on duty nationwide last year were remembered by their families, their colleagues, White House Press Secretary James S. Brady and Attorney General Edwin Meese III on the seventh annual National Peace Officers' Memorial Day.

The ceremony, which was part of National Police Week, was not only for the deceased and their families.

It also was for officers who continue in their duties, knowing that they and their families could be next, said Vivian Eney of Silver Spring.

Eney's husband, Sgt. Christopher S. Eney, was the first U.S. Capitol Police officer to be killed on duty when he was shot accidentally by a fellow officer on Aug. 24, 1984.

She is a member of COPS (Concerns of Police Survivors), which sponsored yesterday's ceremony along with the women's auxiliary of the national Fraternal Order of Police.

"For me it's also honoring today's law enforcement heroes," Eney said.

"As far as I'm concerned, death doesn't make them a hero. What makes them a hero is the fact that they're walking out of the academy, they're putting on a gun, they're wearing the badge. And in this day and age that takes a lot of courage.

"We are their nightmare come true. We are the worst thing that could happen to them in their job, and yet they're willing to come here and to participate in this service and to grieve with us knowing full well that their wife or their parent could be the next one."

In 1990, the annual ceremony will move to the permanent home of the National Law Enforcement Officers Memorial, which is to be in Judiciary Square.

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The memorial will cost $ 5 million, which is being raised through private donations, said Craig Floyd, president of the memorial fund.

Yesterday's ceremony was attended by about 7,000 officers and family members representing agencies in 32 states, the District and Puerto Rico, as well as federal law enforcement agencies, according to organizers.

Among the dead who were honored were six officers from the District, Maryland and Virginia.

Brady, who received near-fatal injuries when he was shot in the 1981 assassination attempt on President Reagan, urged the families in a brief, halting speech from his seat to take pride in the officers' lives and "solace in the fact that we will never forget their supreme sacrifice."

After each name was called and each carnation was placed on the wreath, each family received "The Supreme Sacrifice Medal of Honor" from Meese, who shook family members' hands and offered words of encouragement.

Emma Taylor of Chicago, whose husband, Robert L. Taylor, 44, a superintendent of the Pontiac Correctional Center in Illinois, was stabbed to death in the prison on Sept. 3, 1987, said she was not sure whether attending the ceremony was a good idea.

As she spoke, she stood in a long line to greet Brady.

"I really had mixed emotions about coming because I didn't know what to expect. I didn't know if I would be able to get anything out of it, what it would really do for me personally. And I've gotten that and so much more out of just finding people that understand what I'm going through, and I've made so many wonderful friends and the ceremony means so very much to me."

The ceremony once again opened the floodgates to her grief, but that is inevitable, she said.

"It comes up again anyway. It's not anything that goes away. That's one of the first things I learned when this happened . . . that it's never going to go away." 6 From Area Among Honored

Six law enforcement officers from the District, Maryland and Virginia were killed in the line of duty in 1987.

District:

Police Officer Robert Remington, 39, was shot with his gun by a burglar as the two struggled over the weapon in Hugo Boss, a men's store in Georgetown, on May 19.

Police Officer James L. Gordon, 41, was shot in his Largo home Dec. 14 by a Prince George's County police corporal who was investigating a break-in and mistook Gordon for a burglar.

Maryland:

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(c) 1988 The Washington Post, May 16, 1988

State troopers John E. Sawa, 40, and Larry E. Small, 21, were killed March 10 when a tractor-trailer whose driver was intoxicated crashed into their police cruiser on I-95 near Havre de Grace.

Virginia:

State Trooper Alexander M. Cochran III, 27, was fatally shot Jan. 15 when he responded to a domestic dispute in his Lorton neighborhood.

State Trooper Harry L. Henderson, 43, was killed March 17 when a truck smashed into him and his cruiser while he was writing a traffic ticket on I-66 in Warren County.

GRAPHIC: PHOTO, AS "TAPS" IS PLAYED DURING ELLIPSE CEREMONY, RELATIVES OF POLICE OFFICERS SLAIN IN LINE OF DUTY ARE OVERCOME WITH EMOTION. WAYNE PARTLOW FOR TWP

TYPE: DC NEWS, NATIONAL NEWS

SUBJECT: DISTRICT OF COLUMBIA; POLICEMEN; DEATH AND DEATH CEREMONIES

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FRATERNAL ORDER OF POLICE
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CHARLES R. ORMS
NATIONAL SECRETARY

May 8, 1989

VIA TELECOPY

Mr. Robert Simon
Office of Research
The White House
Washington, D.C.

Re: Police Officer's Memorial - May 15, 1989 - Speech of Dewey R. Stokes, National President, Fraternal Order of Police

Dear Mr. Simon:

I am enclosing herewith, a draft copy of the speech which Dewey R. Stokes, National President of the Fraternal Order of Police, will be giving on May 15, 1989, shortly before the President's speech. We submit same for whatever assistance it may offer the President and should you have any information you think is appropriate, please let me know.

Very truly yours,

James E. Phillips
General Counsel

JEP:ksm

Enclosure

MEMORIAL SPEECH

_____(address notables) , spouses and family of those we today honor, brothers and sisters of the Fraternal Order of Police, and Brothers and Sisters within the law enforcement community, it is my honor to welcome you on this solemn occasion when we honor those brave men and women who have died for the cause we serve. I Salute you, yet today I speak to another audience. I speak today to the American people - that faceless, colorless constituency that we serve. There is little need for this police officer to tell other police officers or, more importantly, the families of slain officers how we feel. Indeed, though many do not understand it, police officers, deputies, federal officers, troopers, - the entire law enforcement community is a family that shares its losses.

No, today I speak to the millions of Americans whose lives and property we protect. Today is a message and that message is not simply sadness and mourning. The message is simple: The war we fight is your war and we cannot win it without you.

Tolstoy once said:

> I sit on a man's back, choking him and making him carry me, and yet assure myself and others that I am very sorry for him and wish to lighten his load by all possible means EXCEPT by getting off his back.

We know that the public grieves at the loss of a law enforcement officer. We appreciate that sympathy - but it is not enough. We need your help - not simply your sympathy.

More than 2500 years ago, Heraclitus said that the people should fight for the law as if it was the wall around their city. Those words are as true today as they were when the Greeks were under siege. For indeed we are all under siege.

These men and women are the casualties of a war fought on American soil. Don't believe for a moment that America has never had to fight a war on its own soil. Cops are being killed and innocent civilians are being caught in the crossfires between rival gangs and drug dealers. Criminals are better armed today than were the marines in the second world war and, in many cases, than our law enforcement officers are today.

The Fraternal Order of Police represents almost 200,000 law enforcement officers in the United States. We have been calling for the death penalty for those who kill law enforcement officersand, with the assistance of Congress and the President, I am pleased to report that we have made substantial progress. Today those who would kill law enforcement officers during illegal drug transactions face the death penalty. Yet, there is still a long way to go - we await the day when those who would kill a law enforcement officer for any reason will be subject to the death penalty.

Is the law enforcement community in favor of gun control? No, we urge a rule of reason. We applaud president Bush and those members of Congress who have shown the courage to stand up and be counted on the issue of semiautomatic assault weapons. A variety of bills are pending in the Congress dealing with this issue, including one drafted by the law enforcement community. Surely one of those bills merits passage. Let your congressmen know - you're mad as hell and you want something done - this carnage has got to stop.

What else can the American people do? Let's face the problem of drugs as it is - not as we would like it to be. Substance abuse is not simply a urban ghetto Problem of which the poor and under-privileged are victims. The plague of drugs has infiltrated the very fabric of our society - in our schools, our factories, our board rooms and our homes. Children can't understand the danger of crack when their parents are smoking marijuana. We will never eliminate the blood of cocaine into our country until all americans understand that "just a little for personal consumption" is every bit as unacceptable as kilos. We applaud the efforts of Director of Drug Policy Bennett to come to grips with this plague. Just as we need the help of the American people - so does Secretary Bennett.

There are many others areas in which the American people can help its law enforcement - from the neighborhood CRIMEWATCH to serving on jury duty. In each case, the necessary ingredient is INVOLVEMENT. We cannot do it alone.

And while I am speaking candidly, we must do whatever is necessary to attract the best possible people into law enforcement. You cannot demand the most while giving the least. Our job becomes more difficult as each day goes by - the Problems we face become more dangerous and more complex. To meet this challenge, we must continue to bring into our ranks best qualified young men and women who are dedicated to the Protection of life and property. A day of remembrance if the unthinkable happens is not enough. The men and women of your law enforcement community ask you to remember that we have families and personal lives. Help us Pass H.R. 222 and establish a Bill of Rights for law enforcement officers. Even criminals have a Bill or Rights.

These are but a few of the things we would say to you America. Each widow, each family member of a slain officer might say more or might say less. But all would say that some good must come from all of this - their loved one cannot have died in vain.

We are here not only to remember those whom we have lost in the past but also to think of the future. On this day each year we pause to contemplate what is becoming of us - who have we lost and what can we do about it? We gather in our Nation's capitol in a spirit of fraternalism to beseech those who govern and those who are governed to acknowledge that we cannot do it alone. Our battle is your battle - and our loss is, in the final analysis, Your loss.

Finally, I speak to the families of those whom we honor today. Our words are inadequate to meet your loss. I leave you with words written by Abraham Lincoln, in 1864, to the mother of soldiers slain in a great war:

> I pray that our Heavenly Father may assuage the anguish of your bereavement and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom.

God Bless You and God Bless America.

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Miami Beach leads country in total crime

DETROIT (UPI) - Miami Beach, Fla., for the first time led the nation's largest cities in per capita overall serious crime, according to a newspaper's copyright computer analysis of FBI statistics released Sunday.

The Detroit Free Press said Miami Beach recorded 17,617 crimes per 100,000 residents in 1988, a 25 percent jump from 1987. Last year, the city ranked 12th overall.

Atlanta was second in overall serious crimes with 17,611.6 crimes per 100,000 population. Portland, Ore., was third with a rate of 17,565.6, followed by the 1987 leader, Fort Worth, Texas, with 17,240.4 and Dallas with 16,876.4.

Dramatic increases in burglary (31.4 percent) and larceny (24.1 percent) were responsible for Miami Beach's No. 1 ranking. The city had the fourth-highest per capita rate of burglaries reported (4,324.8) and the second-highest per capita rate of larcenies (9,863.6).

"It's all related to crack cocaine," said Miami Beach Police Sgt. Jame Mazer.

He estimates that 70 percent of the city's larcenies and burglaries are the work of cocaine addicts financing their habits by preying on city residents. Mazer said a concerned City Council recently approved adding 50 officers to the 300-member police department.

The analysis also confirmed Washington, D.C., as the nation's murder capital. The city reported 369 homicides last year for a per capita rate of 59.5. Detroit, which had led the country for the four previous year, slipped to second with a rate of 57.8.

Flint, Mich., led the country in rapes with a per capita rate of 186.7. Newark, N.J., had the highest per capita rates in robbery (1,386.0) and vehicle theft (4,561.2). Mobile, Ala., led the nation in burglaries with a rate of 4,672.2.

Atlanta recorded 2,022.7 serious assaults per 100,000 population to top the nation in that category. Salt Lake City led the country in per capita larceny with a rate of 10,000.9. Pomona, Calif., had the highest arson rate (627.6).

The Free Press based its computer analysis on FBI crime figures for 191 of the nation's largest cities - those with populations above or slightly below 100,000.

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DETROIT (UPI) - Using FBI crime and population data, the Detroit Free Press ranked crime rates for 191 of the nation's largest cities - those with more or slightly less than 100,000 residents. The top 10 in each category are:

Overall Serious Crime City

Crimes per 100,000 pop.

1. Miami Beach, Fla.	17,617.4
2. Atlanta	17,611.6
3. Portland, Ore.	17,565.6
4. Fort Worth, Texas	17,240.4
5. Dallas	16,876.4
6. Fort Lauderdale, Fla.	16,842.0
7. New Haven, Conn.	15,430.5
8. Flint, Mich.	14,648.8
9. Seattle	14,449.1
10. Hartford, Conn.	14,426.9

--- Homicides City

Murders per 100,000 pop.

1. Washington, D.C.	59.5
2. Detroit	57.8
3. Atlanta	48.7
4. Richmond, Va.	45.0
5. New Orleans	42.3
6. Gary, Ind.	38.5
7. Newark, N.J.	36.0
8. Dallas	35.9
9. St. Louis	32.9
10. Birmingham, Ala.	30.6

--- Rapes City

Rapes per 100,000 pop.

1. Flint, Mich.	186.7
2. Tacoma, Wash.	168.8
3. Newark, N.J.	163.5
4. Atlanta	162.0
5. Grand Rapids, Mich.	161.2
6. Cleveland	155.0
7. Dayton, Ohio	143.1
8. Oakland, Calif.	135.4
9. Detroit	133.1
10. Memphis, Tenn.	129.0

--- Robbery City

Robbery per 100,000 pop.

1. Newark, N.J.	1,386.0
2. Atlanta	1,342.0
3. Detroit	1,194.2
4. New York	1,178.5
5. Fort Lauderdale, Fla.	1,092.5
6. New Haven, Conn.	1,052.5
7. Jersey City, N.J.	1,038.9
8. Paterson, N.J.	968.4
9. Baltimore	968.2
10. Chicago	967.7

--- Serious Assault City

Assaults per 100,000 pop.

1. Atlanta	2,022.7
2. Flint, Mich.	1,716.8
3. St. Louis	1,577.8
4. Orlando, Fla.	1,465.2
5. Newark, N.J.	1,463.7
6. Youngstown, Ohio	1,433.7
7. Baton Rouge, La.	1,273.6
8. Columbia, S.C.	1,226.3
9. Charlotte, N.C.	1,220.2
10. Springfield, Mass.	1,213.2

--- Burglary City

Burglaries per 100,000 pop.

1. Mobile, Ala.	4,672.2
2. Fort Lauderdale, Fla.	4,494.0
3. Fort Worth, Texas	4,413.6
4. Miami Beach, Fla.	4,324.8
5. Dallas	4,179.8
6. Flint, Mich.	4,106.0
7. Portland, Ore.	3,930.2
8. Waco, Texas	3,887.1
9. New Haven, Conn.	3,753.3
10. Tacoma, Wash.	3,705.6

--- Larceny City

Larcenies per 100,000 pop.

1. Salt Lake City	10,000.9
2. Miami Beach, Fla.	9,863.6
3. Portland, Ore.	9,183.5
4. Tucson, Ariz.	9,102.3
5. Fort Worth, Texas	8,887.4
6. Fort Lauderdale, Fla.	8,685.6
7. Seattle	8,547.2
8. Atlanta	8,383.4
9. Dallas	8,092.4
10. Columbia, S.C.	8,080.1

--- Vehicle Theft City

Thefts per 100,000 pop.

1. Newark, N.J.	4,561.2
2. Boston	2,879.0
3. Elizabeth, N.J.	2,855.4
4. Detroit	2,771.9
5. New Haven, Conn.	2,495.8
6. Bridgeport, Conn.	2,462.9
7. Pittsburgh	2,420.0
8. Providence, R.I.	2,401.8
9. Dallas	2,393.1
10. San Diego	2,247.4

--- Arson City

Arsons per 100,000 pop.

1. Pomona, Calif.	627.6
2. Gary, Ind.	432.0
3. Portsmouth, Va.	225.3
4. Flint, Mich.	224.7
5. Ontario, Calif.	217.7
6. Riverside, Calif.	217.7
7. Providence, R.I.	208.5
8. Buffalo, N.Y.	171.4
9. Hartford, Conn.	169.9
10. Cleveland	169.6

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Prison Inmates Outpace Space

WASHINGTON (AP) - An increase in drug-related arrests and stricter sentencing requirements have brought about a 7.4 percent hike in the number of inmates in federal and state prisons, but prison capacity hasn't kept up, according to the Justice Department.

At the end of 1988, a record 627,402 men and women were incarcerated nationwide, but the most optimistic estimate of prison capacity said there was room for 566,898. While the prison population was increasing by 7.4 percent, the prison capacity was increasing by just 5.5 percent.

"The 1988 increase translates into a nationwide need for more than 800 new prison bed spaces per week," said the report written by Lawrence A. Greenfeld, corrections unit chief for the department's Bureau of Justice Statistics.

The FBI, meanwhile, announced that serious crimes nationwide rose 3 percent between 1987 and 1988. The total number of violent crimes reported to law enforcement agencies increased 5 percent, paced by a 7 percent jump in aggravated assaults in the last year, according to preliminary results of the 1988 Uniform Crime Report.

The 1988 crime index increased 4 percent in the Northeast and South but registered no change in the Midwest. The index - the total number of crimes reported to state and local authorities - increased 3 percent in the West.

The report released Sunday said the 42,967 additional prisoners in 1988 were about 3,500 more than the number added during 1987. There had been a 7.2 percent hike in 1987 over the previous year.

The report attributed the increases both to the heightened likelihood that a serious offender will receive a prison sentence and a 113 percent increase in the number of adults arrested for drug trafficking or manufacturing.

And the Bureau of Prisons expects the increases to continue.

"Obviously, the increased efforts of law enforcement to combat drug problems (will hike the population), as well as the new sentencing guidelines under which inmates will be serving longer sentences," said Greg Bogdan.

The federal prison population, which stood at 49,928 at the end of 1988, a 3.4 percent increase over the 48,300 at the end of 1987, is expected to reach some 83,500 by 1995, Bogdan said.

The report said that nationwide, state prisons were operating at 7 percent to 23 percent over capacity, while federal prisons were estimated to be between 33 percent and 72 percent over capacity. Bogdan said the federal prisons were operating at an average of 55 percent over capacity.

During 1988, total state and federal prison capacities increased by 28,000 to 31,000 beds, depending on how the various jurisdictions rated capacities, the report found.

The report, which calculated prison population based both on all prisoners and on those sentenced to more than one year, called "sentenced prisoners," found that since 1980, the District of Columbia and the federal prison system have more than doubled the number of sentenced prisoners.

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Prison populations rise in 1988

WASHINGTON (UPI) - State and federal prison populations rose by 7.4 percent last year and have nearly doubled in the past eight years, putting new pressures on the nation's penal system, the Justice Department's research arm reported Sunday.

The 1988 increase of 42,967 inmates - bringing the total number of inmates to 627,402 -- slightly exceeded the previous year's rise and "approximately equals a demand for more than 800 new prison beds per week," said Joseph Bessette, acting director of the department's Bureau of Justice Statistics.

The biggest increases occurred in California, where an rise of nearly 9,200 prisoners, or 13.7 percent, accounted for 21 percent of the national hike. Other sharp rises occurred in Rhode Island (33.5 percent), Colorado (24.7 percent), New Hampshire (17.5 percent) and Michigan (16.1 percent), the bureau said.

The bureau noted that as of Dec. 31, 1988, 17 states reported a total of 14,314 prisoners were being held in local jails because of crowded state facilities.

But, the annual survey noted that it is difficult to precisely gauge the degree of crowding because of the absence of uniform measures for defining prison capacity. The bureau estimated that, overall, state prisons were operating above their reported capacities.

The 1988 inmate increase brought total growth in the nationwide prison population since 1980 to 297,581, or about 90 percent in the eight-year period.

Of the 1988 overall inmate increase, the 50 states and the District of Columbia accounted for 41,339 added prisoners, the federal system 1,628.

Prisoners with sentences of more than one year continued to comprise a rising share of the overall population, accounting for 96 percent of the population at the end of 1988 - a 7.8 percent increase over the prior year.

The number of sentenced federal prisoners rose sharply, by 3,215, while the number of federal inmates held without a sentence or receiving prison terms of a year or less declined by 1,587 during 1988.

Since 1980, the bureau reported, the number of sentenced inmates in 18 states, the District of Columbia and the federal system have more than doubled. The number of sentenced prisoners incarcerated in six states - Alaska, Arizona, California, New Hampshire, New Jersey and Nevada - have more than tripled, it said.

The bureau, a component of the Office of Justice Programs, also noted that increases in the number of women inmates during 1988 continued for the eighth straight year to outstrip the increase in the number of male inmates.

It said women inmates numbered 32,691 at year's end, a 12.5 percent increase over the previous year, although women still comprise only about 5.2 percent of the overall population. The survey said that in comparison with women, about 20 times as many male inmates per 100,000 incarcerated receive prison terms of more than a year.

Despite the nationwide increases, the survey found that six states reported a decrease of a total of 961 inmates during 1988. Four of those states - North Carolina, South Dakota, Washington and West Virginia - also reported declines in 1987. The other two states showing 1988 decreases were Tennessee and Maine.

SUMMARY OF USMS OPERATIONAL ACTIVITIES ($8 million enhancement)

$8 million of the additional funds for the U.S. Marshals Service will support approximately 100 positions (80 professional, 20 support) for USMS' Fugitive Investigation and Court Orders Program. This will enable the Marshals to significantly expand temporary fugitive investigation and apprehension operational activities targetting major career criminals and violent offenders in a number of districts across the country to get the worst offenders off the streets.

Basically, these funds will allow the USMS to go in and working jointly with federal, state and local law enforcement set-up a 10-week round-up program in judicial districts to apprehend the worst federal and local fugitive felons. The Marshals cross-deputize the state and local officers and for ten-weeks work in partnership, sharing the same command posts, cars, and so on to go out and locate and arrest fugitive felons. Recent highly publicized operations of this nature have involved the use of "stings" resulting in mass arrests. During such ten-week partnership programs in the past the USMS has made 3,300 or more arrests in a a single district.

However, it should be noted that both the success rate and the need for federal involvement in such operations is largely a result of the failure of state and local governments to dedicate adequate resources to related aspects of their criminal justice systems. The problem is cyclical: No one is dedicated to locating fugitive felons in many state and local jurisdictions and due to jail overcrowding local judges often release offenders on bail or their own recognizance and they run; while much needed reform of state and local bail provisions fail to be enacted by many jurisdictions for fear of aggravating the jail overcrowding problem. Therefore, as part of this package, states and localities must be urged to restore balance to their system by not only dedicating permanent resources to fugitive apprehension, but also to addressing the overcrowding and bail reform problems.

February 10, 1989

STATEMENT OF

JOHN M. SNYDER

PUBLIC AFFAIRS DIRECTOR
CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
WASHINGTON, D. C.

Mr. Chairman and Members of the Subcommittee:

Please accept my thanks for this opportunity to testify before this body on the matter of semi-automatic assault rifles.

With all of the public attention being given this subject subsequent to the horrendous January 17 slaying of five school children and the wounding of 27 others with the use of a semi-automatic rifle in Stockton, California by Patrick Edward Purdy, who also took his own life, I am most grateful to the Subcommittee for the chance publicly to offer my thoughtful reflections on this tragedy and on the subsequent reactions to it.

It would be well to recall at this juncture the August 1, 1966 incident in which Charles Joseph Whitman climbed the clocktower which dominated the University of Texas campus at Austin and began a 96-minute terror spree in which he killed 16 people and wounded 20 more.

It would be well to recall that particular incident because in it Whitman did most of his mayhem with a bolt action Remington Model 700 in 6mm but finally was pinned down by police and armed citizen, including one firing an autmomatic rifle, a tripod-mounted M-14, thus limiting the mayhem Whitman was able to cause and making it possible for Austin police officer Ramiro Martinez to position himself for the final, savage encounter in which Martinez slew Whitman.

By recalling the 1966 Austin incident, we easily can see the beneficial use to which automatic rifles in the hands of law-abiding private citizens can be put.

Unfortunately, though, we live in an era of apparent unreasoning reaction to irrational acts.

How else can one explain the senseless attack on the right of law-abiding American citizens to acquire and possess certain firearms, in this case semi-automatic rifles, when the Stockton incident calling forth this senseless attack indicates a breakdown in the criminal justice system's willingness or ability to protect citizens from criminals?

It almost appears that the spear carriers in this senseless attack effectively have been sucked into the cynical program developed by professional promoters of restrictive firearms legislation, one group of which, the Educational Fund to End Handgun Violence, stated in a recent pamphlet that the semi-automatic "weapons' menacing looks, coupled with the public's confusion over fully automatic machine guns versus semiautomatic assault weapons - anything that looks like a machine gun is assumed to be a machine gun - can only increase that chance of public support for restrictions on these weapons."

This latest attack on the right to keep and bear arms, carried out in legislative halls and in certain media, has even taken on a macabre and ghoulish quality, as manifest on a recent national weekly magazine cover depicting a surrealist skull superimposed on a distorted map of the "lower 48" United States hovering over crossed assault rifles. "Armed America," the cover proclaims, "More guns, more shootings, more massacres."

In the face of such a flagrant attack on the right to keep and bear arms, what are we to do?

We are, I hope, to keep cool and to approach this whole matter in so rational a manner as to bring about an actual improvement in the criminal justice system without chopping up the rights of the innocent gun owners throughout the United States who had nothing to do with the horrible slaying of the Stockton school children or with other horrible attacks on other innocent people.

Let us hope that this body does what it can as part of a general legislative initiative in a reform of the plea bargaining system at the Federal and State levels to strike at the heart of the real cause for the Stockton tragedy.

Not only does this initiative strike at the heart of the Stockton shooting and similar incidents, it also meshes with recently enacted legislation to curb criminal violence.

We call for a reform of the plea bargaining system which would require a person charged with a violent felony

to bargain with the criminal justice system over sentencing but not over the charge.

Under this proposal, the violent criminal suspect would have to plead guilty to the felony charge unless it were dropped by prosecutors or he went to trial. Any bargaining in which the suspect and the legal system engaged would have to be over the length of the sentence, even probation, but someone who wanted simply to evade a felony record would not be able to do so.

Underlining this proposal is the fact that Patrick Edward Purdy, who shot the Stockton elementary school children, would have been prohibited from buying any kind of firearm under existing Federal and California law if he had not been allowed to plead down from a robbery charge in Woodland, California in 1984.

Purdy reportedly had a long criminal record and even had attempted suicide while in police custody but had no record of felony convictions. That is why he legally was able to elude the intent of Federal firearms laws when buying a semi-automatic rifle in Oregon and why he was able to purchase handguns in California despite that State's present 15-day waiting period and criminal record check.

At least two spokesmen for national police organizations support this proposal to reform the plea bargaining system rather than proposals to attack private semi-automatic rifle possession.

Deputy Sheriff Dennis Ray Martin of Saginaw County, Michigan, National President of the 103,000-member American Federation of Police, says "there's no sense having laws forbidding felons from acquiring firearms when we allow such dangerous felons to plead to misdemeanors and violations. We support this proposal to reform the plea bargaining system.

"Even if the felon gets probation, there are safeguards under firearms provisions of the Drug Act passed last year. Now if a probationer goes to buy a gun, he forfeits the probation and must serve his original sentence in jail."

The Executive Director of the National Association of Chiefs of Police, Gerald S. Arenberg, also supports this new plea reform proposal as a solution to the Stockton problem in preference to bans and new restrictions on semi-automatic firearms.

"When violent criminals who have been arrested by police are allowed to go free, or escape the consequences of their crimes, the legal system is failing in its duty to society," he says.

"The fault in the Purdy case - and in almost all of these sensational 'headline' cases - is that the culprits should have been in jail - and would have been in jail. The way to safeguard against such tragedies is not to ban the firearms of law-abiding people - but to see that people like Purdy don't get a chance to commit such horrible acts.

"Police long have supported the idea of reforming the plea-bargaining system."

There already are Federal and State laws prohibiting violent felons from acquiring firearms. Now, too, there is a new law regarding penalties for probationers who acquire or attempt to acquire firearms.

As of late last year, there exists a legislative requirement, a requirement which we supported, that the U.S. Department of Justice develop a system not only to provide a master file of such criminals but also to make it accessible to firearms dealers at the time of attempted firearms purchase.

The plea bargaining reform proposal, if enacted into law, will provide the missing piece of the legislative puzzle to insure that violent criminals like Purdy do not escape the net of justice.

This being the case, why not take this opportunity to demonstrate genuine statesmanship and enact it into law rather than infringe unnecessarily on the right of individual, law-abiding American citizens to keep and bear arms by banning semi-automatic firearms or restricting further law-abiding citizens' access to them?

Following here, for the convenience of Members of the Subcommittee, is the wording of model legislation implementing this proposal:

"The Congress recognizes the necessity of plea agreements in criminal proceedings, but also recognizes that plea agreements reducing felony charges to misdemeanors may have unanticipated effects that are detrimental to public safety. One such effect is that misdemeanor convictions do not restrict an individual's right to purchase various types of firearms. There have been persons who have been charged with several felonies that were reduced to misdemeanors by plea agreements, and the person's criminal history then contains no felony convictions. Such persons are then able to purchase certain firearms of types that would be prohibited to them had they been convicted of the original felony charges. It is the intent of the Congress to restrict the authority of prosecutors to reduce certain

felony charges, while still permitting the recommendation of sentencing at the misdemeanor level.

"A prosecutor shall not reduce a felony charge to a misdemeanor when the facts of the case clearly indicate that the defendant committed the felony. In such case, the prosecutor may agree to recommend a sentence less than the standard sentence range for the felony by recommending a sentence at a misdemeanor range if the defendant enters a plea of guilty to the felony charge.

"A prosecutor who enters into a plea agreement that violates the preceding paragraph (section) is personally liable for damages resulting from any crime involving a firearm committed by a person who would not have been able to obtain the firearm had not a felony charge been reduced to less than a felony by a plea agreement entered into by that prosecutor."

As the 1966 Austin incident mentioned earlier in this statement indicates, automatic firearms, including automatic firearms, in the hands of law-abiding private citizens can be necessary in restoring the peace and assisting the law enforcement community in the maintenance of public order. In that incident, law-enforcement officers and civilians, including one man firing a tripod-mounted M-14, acted together in firing so as to rip off chunks of concrete from the protective wall around the observation deck where Whitman was located. This forced Whitman to keep low and fire through drainage slits, and made it possible for Officer Ramirez, with Whitman so occupied, to approach the Whitman position.

It should also be noted, in connection with the 1966 Austin incident, that two police officers, George McCoy and Jerry Day, along with armed private citizen Allen Crum, had worked their way up the tower to a position near Whitman's position. When Crum began firing so as to ricochet a volley of bullets off a corner of the tower so as to draw Whitman's attention to himself, the ploy worked and Whitman began firing in Crum's direction. This gave Martinez the opportunity to round the corner for his confrontation with the mass murderer.

Other incidents also serve to indicate the necessary cooperation between law enforcement officers and armed citizens which can develop in fighting crime. In Buffalo, New York, during the blizzard of 1977, public authorities called on truckers to arm themselves and to assist the police in their struggle against thieves, robbers, muggers and other violent criminals.

In that same year, during the Johnstown, Pennsylvania flood, the Mayor told the city's citizens that they had to

be able to defend themselves against criminals since public safety officials were so heavily engaged in dealing with the situation created by the flood that they could not deal with much of the crime which might arise.

Without reference to such notable specific cases as these, one could note generally that semi-automatic firearms are kept by citizens for home protection and by farmers and ranchers for use against farm pests and wild animals.

In this age of international terrorism, when warnings come regularly to the public regarding the possible outbreak of terrorist attacks against American citizens within the United States, it would show a callous disregard not only for the rights of American citizens but also for our safety if Congress were to enact legislation making it difficult or impossible for law-abiding American citizens to obtain the semi-automatic firearms with which our lives and the lives and safety of our loved ones could be protected.

Terrorists will not be stopped by anti-gun laws from acquiring or using firearms against the innocent. Why pass laws to prevent the innocent from getting the firearms they may need to protect themselves from terrorists?

It's possible, too, that well-organized and well-armed bands of terrorists could seek to undermine the very stability of the United States government, as they already have done to so many other governments around the world. In such a situation, a well-armed law-abiding citizenry, such as we now enjoy in the United States, could act to assist the government in thwarting such a move or series of moves. Why ban or restrict the arms with which the citizens could so assist the government?

While we certainly hope that no American Hitler or Stalin ever arises in the United States, we also should make sure that one of the factors which can prevent that from happening, that is a well-armed citizenry, never is eliminated or dissipated by unwise anti-gun legislation.

Right now, we're witnessing the international spectacle of the mighty Soviet Army turning tail and removing itself, retreating, if you will, from Afghanistan. This would not be happening if it were not for the fact that the Afghans are an armed citizenry, including with semi-automatic firearms and that they're not afraid to fight for their freedom.

How do you account for the fact that the mighty Soviet military machine, which has kept the disarmed citizenries of Eastern Europe and of many other parts of the world subjugated for so long has had its hat handed to it by the

rag-tag Afghans if you do not take into serious account the armed nature of the Afghan population?

While we may not like to admit it, the same point could be made with regard to the Viet Namese who fought so successfully for so long with small arms, including semi-automatic firearms, against our own modern-equipped and armed military forces in Southeast Asia.

If the Polish people were well-armed today, do you think its freedom-loving spokesmen would have to go toadying to the Communist government for even a modicum of the rights and freedoms we take for granted in this country with our armed citizenry?

Do you think the Ethiopian genocide through deliberate massive starvation on the part of the government there ever would even have gotten off the ground had the Ethiopian citizenry been armed?

While some may scoff at these and similar citations, the fact of the matter is they are real and we should not overlook the obvious lesson to be gained from a consideration of them. An armed citizenry is an obstacle to tyranny and subjugation and a disarmed citizenry has been and may be an invitation to such tyranny and subjugation.

Given these considerations, Mr. Chairman and Members of this Subcommittee, why let public charlatans get away once again with a further perpetration of the snake oil of gun control on the American public?

There is ample general evidence to indicate that gun control is not the crime control panacea its promoters would have Congress and the public believe that it is.

For 75 years now, we've had the Sullivan Law in New York State on the books. For over 20 years, we've had the Federal Gun Control Act of 1968 on the books. For over 10 years, we've had the straight-jacketing District of Columbia anti-gun law on the books. Even in Canada, there's been a tough anti-gun law on the books for 10 years. At the time of each of these laws' enactment, the promoters of each one of them assured the public that each one of them would be effective in fighting crimes committed with firearms. Yet, the rates of crime committed with firearms are higher now than they've ever been before this. Why? Obviously, gun control is not the answer.

For over 50 years now, fully-automatic rifles, machine guns, so thoroughly have been regulated that it has been impossible for private citizens to obtain one without a Federal permit. To the best of my knowledge, not one of these legally-acquired and possessed firearms ever has been

used in the perpetration of a criminal act. Yet we know that machine guns have been used by criminals in the perpetration of criminal acts. What does this tell you about gun control laws but that law-abiding citizens abide by them but criminals do not?

The same can be said about sawed-off shotguns. Rigorously restricted for 50 years, they still are a favored weapon of criminals, especially bank robbers.

There you have it. Gun control has not worked, does not work and will not work in fighting crime.

Gun control impinges on the right and freedom of law-abiding American citizens.

We believe that the plea bargaining reform proposal presented in this testimony, in conjunction with the legislation already on the books and herein described, will work in fighting crimes committed with firearms.

We'd like the Subcommittee to consider it and act on it. Unlike the bogus crime-fighting proposals really directed against a large segment of the law-abiding citizenry, this is a genuine crime-fighting proposal. It's time for Congress to get off the backs of the tens of millions of law-abiding American firearms owners and to get on the case of violent criminals.

Thank you.

TESTIMONY OF JAMES JAY BAKER
DIRECTOR
FEDERAL AFFAIRS

NATIONAL RIFLE ASSOCIATION
INSTITUTE FOR LEGISLATIVE ACTION

ON
SEMI-AUTOMATIC FIREARMS

BEFORE THE
SUBCOMMITTEE ON THE CONSTITUTION

COMMITTEE ON THE JUDICIARY
UNITED STATE SENATE

FEBRUARY 10, 1989

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

TESTIMONY ON SO-CALLED "ASSAULT WEAPONS" - ABSTRACT

*The private purchase of new "assault rifles" has been banned since May 19, 1986. Technically, the correct definition of an assault rifle is a selective-fire military rifle. As such, they are fully-automatic firearms for the purposes of federal law.

*The AKM-47 (actually a Model 56S, a copy of the AKM-47) used by Patrick Purdy in his heinous crime in Stockton, California on January 17th is a semi-automatic rifle functionally identical to millions of semi-automatic rifles owned by hunters and sportsmen in the United States for nearly a century. It was not converted to fully-automatic fire, nor is it "readily convertible." That semi-automatic rifle is no more "powerful" or more "rapid-fire" than any other semi-automatic hunting and target rifle owned by millions of Americans.

*Among the more popular semi-automatic firearms currently owned by Americans are: the Ruger .44 Magnum Carbine, the Remington Model Four in .30-'06, the Heckler & Koch 770 in .308, the Browning BAR .30-'06, the Remington Model 1100 shotgun, the Ruger Mini-14 .223, the Colt AR-15 .223, and the Springfield Armory M1A .308. The Remington Model 1100 alone has sold more than 3 million copies in the U.S., the M1 Carbine some 5 million since World War II.

*The NRA will oppose any attempts to ban or restrict semi-automatic target and hunting firearms some choose erroneously to call "assault weapons." In previous debates, the NRA worked with members of Congress and the Administration to craft meaningful definitions and meaningful legislation to address concerns that were shared by sportsmen and "gun control" advocates. This attack on semi-automatic firearms, however, is an attack on an entire class of firearms that have been owned by millions of law-abiding Americans throughout this century. What was once an attack on handguns, this year is an attack on rifles and shotguns.

*Legislation like H.R. 669 and Senator Metzenbaum's proposal attempt to redefine the term "assault weapon." It is not possible to define "assault" firearms based on their ability to "accept" large capacity magazines, as these proposals do. Any firearm capable of "accepting" a box-type magazine is capable of "accepting" magazines of indeterminate capacity. Thus, for these proposed definitions to mean anything, they must mean the prohibition of virtually all semi-automatic rifles and pistols, and all tubular magazine shotguns as well.

*The real lesson to be drawn from the Purdy crime is that Purdy was a criminal who ought to have been in jail rather than left free to roam the streets. Purdy had been arrested for the crimes of drug possession, solicitation of sex, illegal possession of dangerous weapons, receipt of stolen property, attempted robbery, criminal conspiracy, firing a pistol in a national forest, and resisting arrest. His plea bargains on some of those charges resulted in misdemeanor convictions only, not the felonies with which he was charged. Purdy's last contact with the criminal justice system resulted in a probation report that described him as a danger to himself and others.

*Purdy's lack of a felony record meant he could and did comply with and pass the 15-day waiting period and police background check required under California law to purchase five pistols. It was the criminal justice system that failed those schoolchildren in the tragic incident in Stockton, California.

*The NRA today proposes a series of crime-fighting initiatives. The NRA will support these initiatives with the same vigor with which we oppose restrictive firearms laws.

*First, we propose the assignment of at least one Assistant U.S. Attorney in each district to prosecute felon-in-possession cases under 18 U.S.C. 922(g).

*Second, we propose a five-year freeze on plea bargain agreements when individuals are charged with violent or drug trafficking crimes.

*Third, we call for increased enforcement of the provisions of Public Law 99-308, the Firearms Owners' Protection Act. That law made it a federal felony, to be punished with mandatory penalties, to use a firearm while committing a drug-trafficking offense. If the Justice Department finds that firearms were acquired from out-of-state in an investigation of gun-running rings, the federal government should step in.

*Fourth, we support the conversion to prisons of military bases scheduled to be closed, as well as reasonable funding mechanisms earmarked solely for the construction of Level III prison facilities.

*Fifth, we support the establishment of a special, expedited death penalty for those who kill police officers in the course of committing a felony.

*Sixth, we look forward to working with members of the Congress and the Administration to ensure that Section 6213 of Public Law 100-690 is carried out: That the Attorney General report to Congress this fall with a program allowing for the accurate and instantaneous screening of firearms purchasers at the point of purchase.

Mr. Chairman and Members of the Subcommittee,

On behalf of the National Rifle Association of America, I thank you for this opportunity to appear before you representing law-abiding gun owners. I ask that my entire testimony, as well as its attachments, be included in the record of these proceedings.

We received Senator Metzenbaum's S.386 yesterday, and will not give a detailed analysis of it at this time. Instead, I will confine my remarks to a general critique of H.R. 669 and S.386, as well as the issues of semi-automatic firearms, "gun control," and violent crime.

Let me say at the outset that the private purchase of new "assault rifles" has already been banned and has been since May 19, 1986. Assault rifles <u>are</u> included under the requirements of the National Firearms Act of 1934. Technically, the correct and only definition of an assault rifle is a selective-fire military rifle. As such, they are fully-automatic firearms, or machine guns and submachineguns, for the purposes of federal law. The rifle used by Patrick Purdy in his heinous crime is not an "assault" rifle, as has been so widely reported in the media. The AKM-47 (actually a Model 56S, a copy of the AKM-47) used by Purdy is a semi-automatic rifle functionally identical to millions of semi-automatic rifles owned by law-abiding Americans across the country, no more and no less. Semi-automatic firearms have been legally possessed in this country for almost one hundred years.

Millions of hunters and sportsmen own and use semi-automatic rifles and shotguns, and have for decades. Among the more popular current models for sporting use: the

Ruger .44 Magnum Carbine, the Remington Model Four in .30-'06, Heckler & Koch 770 in .308, the Browning BAR .30-'06, the Remington Model 1100 shotgun, the Ruger Mini-14 .223, the Colt AR-15 .223, and the Springfield Armory M1A .308. The Remington Model 1100 alone has sold more than 3 million copies in the United States, the M1 Carbine some 5 million since World War II.

Military model semi-automatic rifles and carbines have been sold to the general public for decades. Millions of M1 Garands, M1 Carbines, M1As (the civilian semi-automatic model of the Army's M-14 rifle), and AR-15s have been sold to private citizens over the last 40 years. These are all military model semi-automatics and are used in countless high-power target matches every year including the national matches at Camp Perry, Ohio. They are purchased by hunters, target shooters, and collectors.

In short, Mr. Chairman, the National Rifle Association will not assist or cooperate with anyone in banning or restricting semi-automatic target and hunting firearms some choose to erroneously call "assault weapons." You will remember previous debates in which the NRA worked with members of Congress and the Administration to craft meaningful definitions and meaningful legislation to address concerns that were shared by sportsmen and other groups concerned with public safety issues.

On the armor-piercing ammunition issue, as you know, the NRA first opposed legislation that would have banned hunting and target ammunition because of overly broad definitions. We worked with members of Congress and the Administration to develop language that precisely defined the issue at hand, met police concerns, and protected the nation's law-abiding firearms owners.

On the so-called "plastic gun" issue, as you also know, the NRA opposed legislation that would have banned fully-detectable firearms because of yet another faulty

definitional standard. We again worked with members of Congress and the Administration to develop language that precisely defined the issue, and again helped to produce workable legislative language that passed both bodies of Congress nearly unanimously.

The attack on semi-automatic firearms is no less than an attack on an entire class of firearms that have been owned by millions of law-abiding Americans throughout this century. In a sense, the NRA's historic position on gun control, at times characterized as paranoia by our opponents, has been vindicated. Advocates of gun control have finally admitted that they are not interested in protecting the rights of law-abiding gun owners -- they are merely interested in eliminating any type of firearm whenever presented with an emotionally charged opportunity to do so. What was once an attack on handguns is this year an attack on rifles and shotguns.

Critique of Proposals on Semi-Automatic Firearms

Sportsmen have been told for years that the reason gun control advocates targeted handguns was because they were not suitable for militia use, hunting, or self-protection and were therefore not included under the constitutional safeguard of the Second Amendment. We are now being told by anti-gun advocates and certain politicians that precisely <u>because</u> many semi-automatic firearms useful for hunting and target shooting are patterned after their military counterparts, they should be banned or heavily restricted in the interest of public safety.

Today we are talking about the outright banning of an entire class of firearms that

have been legally owned in this country for a century. In fact, legislative proposals in both bodies of Congress call for imposing federal felony prosecutions on law-abiding citizens that do not surrender or register their lawfully purchased firearms. It is just this type of ill-considered legislation that the Second Amendment is designed to protect against. And it is worth remembering that American citizens' constitutionally protected right to "keep and bear arms" puts the burden of proof on those whose first instinct is always to abridge that right.

One can imagine how defenders of the First Amendment would react if every time someone made a slanderous statement legislators were urged to restrict freedom of speech. The safeguards built into the Bill of Rights are not to be compromised or legislated away lightly -- especially not simply as a reaction to the actions of a homicidal maniac who slipped through the cracks of a crack-ridden criminal justice system, and especially when those impacted are only law-abiding citizens. There is no rational reason to legislate against the inalienable rights of law-abiding individuals simply because some individuals abuse those same rights. Instead we should arrest, prosecute, sentence, and imprison the latter in an ongoing effort to protect the former.

Recognizing that many do not share our belief in those principles, I turn now to the specifics of proposals we have seen. Most bills introduced to date on the issue of semi-automatic firearms fail to distinguish between types of firearms in the manner of early drafts on the armor-piercing ammo and "plastic gun" issues. Unlike those issues, there is no middle ground between banning or restricting some semi-automatics on the one hand, and all semi-automatics on the other. The reason for that is simple: There is no functional difference between semi-automatic firearms of the type traditionally used in hunting or other recreational activities, and those which are patterned after military

firearms of the modern age. That is why both an AKM-47 and a "traditional" Remington or Browning semi-automatic can be certified as having a sporting purpose on the one hand, and not "readily convertible," on the other.

Some proposals, H.R. 669 and S.386, attempt to redefine the term "assault weapon." In doing so, those bills encompass millions of semi-automatic firearms commonly used for hunting, target shooting, and self-protection. It is not possible to define "assault" firearms based on their ability to "accept" large capacity magazines. Any firearm employing a box-type magazine is capable of "accepting" magazines of an indeterminate capacity. Even shotguns with integral tubular magazines are capable of accepting magazines of larger capacities. Thus, for these proposed definitions to mean anything, they must mean the prohibition of virtually all rifles and pistols, and all tubular magazine shotguns as well.

S. 386 implicitly recognizes this definitional problem by failing to provide a definition at all. Section 3 of S. 386 defines "assault weapons" as those firearms designated in the bill, "versions" of those firearms, and firearms that are "substantially identical" to those firearms. The term "substantially identical" is nowhere defined in the legislation. As we have heard from the Treasury Department today, there is no functional difference between semi-automatic firearms, whether on the list provided in Section 3 or not. To my mind, the term "substantially identical" is equivalent to without functional difference. Thus, the logic of Section 3 is circular: An "assault weapon" is a firearm so designated, based on its similarity to "assault weapons" so designated. It would have been much clearer, Mr. Chairman, for S.386 to define an "assault weapon" as any semi-automatic firearm, period. That is certainly the effect of the so-called definition.

After failing to provide a definition, S. 386 hands off the entire issue of definition -- in many ways the essence of legislation -- to the Treasury Department. Although it is difficult to conceive of a semi-automatic firearm not already covered in Section 3, that Section also provides that "all other semi-automatic firearms" can be designated as "assault weapons" at the discretion of the Treasury Secretary. These unnamed and undefined firearms would then be banned, and failure to register them would be a federal felony carrying a 10-year $10,000 fine.

S. 386 would also place currently owned semi-automatic firearms under the highly restrictive requirements of the 1934 National Firearms Act. If virtually all semi-automatic firearms are included -- as they appear to be -- untold millions of the nation's 65 million firearms owners will annually be subjected to a system that processed less than 100,000 individuals over a 52-year span. Conservative estimates indicate more than 20 million firearms currently possessed would be included under many of the proposed definitions. These Title II restrictions are a wish list for gun control advocates. They include a lengthy federal background check, registration, restrictions on transportation, fingerprinting, and a sign-off by local law enforcement. Yet these restrictions have not affected those drug traffickers using illegally acquired machine guns or illegally acquired and illegally converted semi-automatics to further their crimes. These criminals circumvent the system completely, and, by definition, always will. Needless to say, millions of hunters, competitive shooters, protective owners, and collectors should not be subjected to a system that has had absolutely no impact on machine gun use in violent drug trafficking crime. Millions of law-abiding gun owners and sportsmen will not sit idly by in contemplation of the several month procedure contained in the 1934 National Firearms Act. Further, there is no good reason relative to curtailing firearms abuse to

subject law-abiding sportsmen who have owned semi-automatic firearms for decades to a system requiring them to submit federal registration forms to the Treasury Department and the F.B.I., and then ask for a sign-off from local law enforcement prior to buying the type of firearm their fathers taught them to hunt with.

The registration provisions of S. 386 point up the misguided nature of all "gun control" proposals. Section 6 requires the owner of a lawfully purchased firearm to locate a copy of the Federal Register listing prohibited semi-automatics. If his or her firearm is on that list, the owner must register it with the federal government within a month or face a 10-year prison sentence and a $10,000 fine. On the other hand, if a drug trafficker actually uses a firearm on the list in a violent crime, he faces only a 5-year penalty. Given the current failure to prosecute even felons in possession of firearms, it is unconscionable to threaten law-abiding citizens with a federal felony due to their possession of a lawfully purchased semi-automatic firearm that may later be found to be "substantially identical" to semi-automatic firearms on a list held by the Treasury Department.

At best, S.386 contemplates a form of super-waiting period, federal registration, and government background investigation in order to legitimize the ownership of a previously purchased, and previously lawful, semi-automatic firearm. In light of the rejection of that system in the 100th Congress, when the defeated proposal encompassed a seven-day, not a several-month, wait prior to the purchase of only pistols or revolvers it seems counterproductive to revisit that issue. I refer you to my testimony before this Subcommittee on June 16, 1987. The most troubling aspect of new proposals on this issue is that sportsmen were told last session that they should accept waiting period proposals because they would never extend to their rifles or shotguns. Mr. Chairman, this goes

beyond the old adage: "give them an inch and they'll take a mile." The Congress refused last year to give that inch, yet some now expect them to give up that mile.

The National Rifle Association and untold millions of hunters, target shooters, and protective gun owners are prepared to fight every step of the way on this issue until this Congress begins to address serious problems -- recognized by all in this room regardless of their position on so-called "assault rifles" -- inherent in an abysmally inadequate criminal justice system.

Lessons of the Purdy Crime Lost

As Senator Metzenbaum indicated in his letter to me, Mr. Chairman, the impetus for this hearing was the tragic crime committed by Patrick Edward Purdy on January 17th in Stockton, California. Notwithstanding the dangers of legislating on the basis of cover stories and headlines, the facts surrounding the true causes of that tragic crime have largely been ignored.

The semi-automatic rifle used by Purdy was not converted to fully-automatic fire, nor is it readily convertible, as has been reported by many. That rifle and semi-automatic firearms generally are used lawfully for hunting in some 48 states, and can be seen in the hands of target shooters at nearly every rifle range in the country. The very reason this rifle can be imported into this country -- its "sporting purpose" -- refutes the claim of those who call it a "weapon of war." And finally, perhaps to the surprise of some, there is absolutely nothing new about the mechanical function of that particular semi-automatic rifle. It employs a re-loading principle, the semi-automatic action, that

has been employed in both military and sporting rifles for most of this century. It is no more "powerful" or more "rapid-fire" -- other misconceptions widely reported -- than any other semi-automatic hunting or target rifle owned by millions of Americans.

In short, the only thing new about this rifle is the misapplication of the label "assault" by people who are trying to ban it. We are hearing that these rifles are the "weapon of choice" for criminals loose on the streets. Just last year, Mr. Chairman, this Congress was asked to consider a national waiting period and background check for pistols and revolvers because they were called the "weapons of choice" for those same criminals. Just this week, Lt. James Moran, the commander of the Ballistics Unit for the New York City Police Department set the record straight in the NEW YORK TIMES: "A rifle is not what usually is used by the criminals. They'll have handguns or sawed-off shotguns. You have more firepower with a 9-millimeter handgun than you do with an AK-47. . . . The rifle is big. . . . These drug dealers are more inclined to use the 9-millimeter pistol than go to a cumbersome AK-47 rifle." Thus, it is clear to the NRA that most who propose restrictive gun control are not focusing on criminals and their guns, they only care about banning and or restricting firearms, period.

The real lesson to be drawn from the Purdy crime is that Patrick Edward Purdy was a criminal who ought to have been in jail rather than left free to roam the streets. Purdy had a seven-year history of involvement with the California criminal justice system. He had been arrested for the crimes of drug possession, solicitation of sex, illegal possession of dangerous weapons, receipt of stolen property, attempted robbery, criminal conspiracy, firing a pistol in a national forest, and resisting arrest. His plea bargains on some of these charges resulted in misdemeanor convictions only, not the felonies with which he was charged and should have been prosecuted. His last contact with the

criminal justice system resulted in probation, even though his own probation report described him as a danger to himself and others. Because of this failure of the criminal justice system, Purdy's lack of a felony record meant he could and did comply with and pass the 15-day waiting period and police background check required under California law to purchase five pistols. It was the criminal justice system that failed those five schoolchildren, and resulted in the tragic incident in Stockton, California.

In fact, the California probation system was the subject of an extensive study published in 1985 by the Rand Corporation and the National Institute of Justice. The National Institute of Justice concluded that felony probation "does present a serious threat to public safety." The Rand Corporation studied data on more than 16,000 felons, and recidivism data on a subsample of 1,672 who received probation in Los Angeles and Alameda Counties. The study found that:

* 65% of the total sample were rearrested;
* 53% had official charges filed against them;
* 75% of those charges involved burglary, theft, robbery, or other violent crimes;
* 51% were reconvicted;
* 18% were convicted of homicide, rape, assault, robbery, or weapons offenses;
* 34% were sent back to jail or prison.

Clearly, decisions regarding probation are being driven by concerns over prison overcrowding and <u>not</u> by determinations that certain individuals do not pose a risk to society.

As we meet here today, the combined failure of gun control and the criminal justice system is all around us. As you know, the District of Columbia has the most restrictive gun control laws in the nation. Handguns are banned, and even a bill similar

to H.R. 669, Congressman Berman's semi-automatic ban bill, is in force. Yet violent crime is rampant in the city at levels far exceeding those experienced before the imposition of the D.C. gun ban. One reason for that may be found in the treatment of the two individuals who shot those youths at Wilson High School recently. They were charged with four counts and one count of assault with intent to kill, respectively. The first paid $2,250 to get out of jail on a surety bond. The second paid only $450. But we can take solace in the fact that they were ordered to obey a curfew. It's no wonder a teacher at another D.C. school was reported as saying: "What would they have had to have done to be denied bail . . . wipe out the whole school?"

Instead of improving the criminal justice system, gun control advocates are exploring new ways to disarm or restrict the law-abiding. As we meet here, the City Council is considering legislation to make handgun manufacturers strictly liable for the criminal misuse of their products -- despite the fact that handgun manufacturers are already virtually prohibited from selling their products in the District, and have been since 1976; and despite the fact that such a legal theory has been discredited in every state of the nation. The intention of the D.C. City Council and the gun control advocates generally in pushing this legislation is clear: export the District's failed gun ban by making firearms manufacturers uninsurable.

Yet across the United States, the private ownership of firearms by the law-abiding is a valid and valuable response to failures of the criminal justice system. Criminologists report that private firearms ownership is both a general and specific deterrent to violent crime and violent criminals. One independent study estimates that one million Americans use rifles, shotguns, and pistols each year for self-protection.

NRA's Crime-Fighting Proposal

Today we are hearing the same tired proposals that sportsmen and gun owners have been hearing since the early 1900s. In the face of violent crime currently linked to massive drug smuggling and its financial profits, elected representatives in Congress and state legislatures call for making felons out of law-abiding citizens who insist on their right to own firearms. At the same time, the criminal justice system is apparently unable or unwilling to prosecute and jail the real felons. The NRA asks you to explore and consider every possible means of restricting criminals and improving the criminal justice system before legislating any restrictions that will only impact the law-abiding citizen, and may well aid the criminal.

Law-abiding Americans believe that criminals who violate existing laws should suffer the penalties. But the fact is, violators are not suffering those penalties. Criminal justice failures were widely reported earlier this week. USA TODAY called it "Getting Off Easy." That's an accurate phrase when the average drug trafficker received a sentence of only six years -- and then actually served less than two years. THE WALL STREET JOURNAL reported that less than half the people convicted of felonies nationwide went to prison. And that doesn't begin to address the real issue, since an indeterminable number of people charged with penalties plea bargain down to obtain only a misdemeanor conviction.

Therefore, we propose today a series of crime-fighting initiatives. We pledge to you today that we will support these intiatives with the same vigor with which we oppose restrictive firearms laws. These proposals can be supported by sportsmen, law enforcement, and any gun control advocates who really care about fighting crime.

First, we propose the assignment of at least one Assistant U.S. Attorney in each district to prosecute felon-in-possession cases under 18 U.S.C. 922(g). Increased funding for U.S. Attorneys was a feature of the omnibus Anti-Drug Abuse Act, and we support that funding.

Second, we propose a five-year freeze on plea bargain agreements when individuals are charged with violent or drug trafficking crimes. The Purdy crime alone demonstrates the result of a plea bargain policy that has become all too common in the face of overcrowded court dockets and prison systems.

Third, we call for increased enforcement of the provisions of the Firearms Owners' Protection Act, Public Law 99-308. As you know, the law made it a federal felony, to be punished with mandatory penalties, to use a firearm while committing a drug-trafficking offense. Last year, Congress increased those penalties in the omnibus "Anti-Drug Abuse Act." Any reluctance by the government to prosecute federal gun-law violators who have been arrested and charged with local offenses, but who are also violating federal laws against possession by felons, particularly of Title II weapons such as sawed-off shotguns or unregistered machine guns, must be addressed. If the Justice Department finds that firearms were acquired from out of state in an investigation of gun-running rings, the federal government should step in. This would assist local government in a number of ways. First, it would make real the largely rhetorical federal assistance in the "State Firearms Control Assistance Act" which is the first title of the 1968 Gun Control Act. Second, it would mean tougher jail sentences than may occur with merely local prosecution. And third, it would help with the problem of expensive and overcrowded state prisons by diverting the most serious of drug-trafficking offenders to the federal system.

Fourth, we support two measures aimed at increasing the nation's prison space. Initially, the federal government should look to those military bases which are scheduled for closure. With minimal expense, these bases could be converted to prisons for use by the federal government or by the states in which they are located. As a second step, the NRA is prepared to support reasonable funding mechanisms earmarked solely for the construction of Level III prison facilities to house the most violent criminal offenders.

Fifth, we support the establishment of a special, expedited death penalty for those who kill police officers in the course of committing a felony or who police officers' their family members in retribution for the performance of their duties.

Sixth, we look forward to working with members of Congress and the Administration to ensure that the mandate of the McCollum substitute to the so-called "Brady Amendment" is carried out: That the Attorney General report to Congress this fall with a program that will allow for the accurate and instantaneous screening of firearms purchasers at the point of purchase.

We are confident that broad support for these proposals can be garnered from most of the groups represented in this room today. We are also confident that reasonable individuals will agree that these proposals hold far greater promise for reducing the nation's appalling level of violent crime than does any ill-conceived and misdirected gun control proposal. Thank you.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

~~Tom Hill — ATF~~

~~566-7135~~

Bureau of Justice Stats.

James D. Wright 504-865-5820 (O)
504-866-0617 (H)
~~U. of Mass~~ Tulane

for Nat'l. Inst. of Justice

interviewed 1800 male felons in jail for 2 or more years

83% obtained their guns through informal means — either stolen or otherwise not purchased at licensed dealers.

Tom Hill BATF #032462
S66-7135

Firearms and various magazine capacities they come with:

Colt AR-15	.223 caliber	comes with either 5 round or 30 round magazine
	9mm	comes with 20 or 32 round magazine
Uzi carbine		comes with 20, 25 or 32 round magazine
AK-47S		comes with three--30 round magazines
Steyr Aug	semiauto	comes with 30 round magazine with optional 42 round magazine

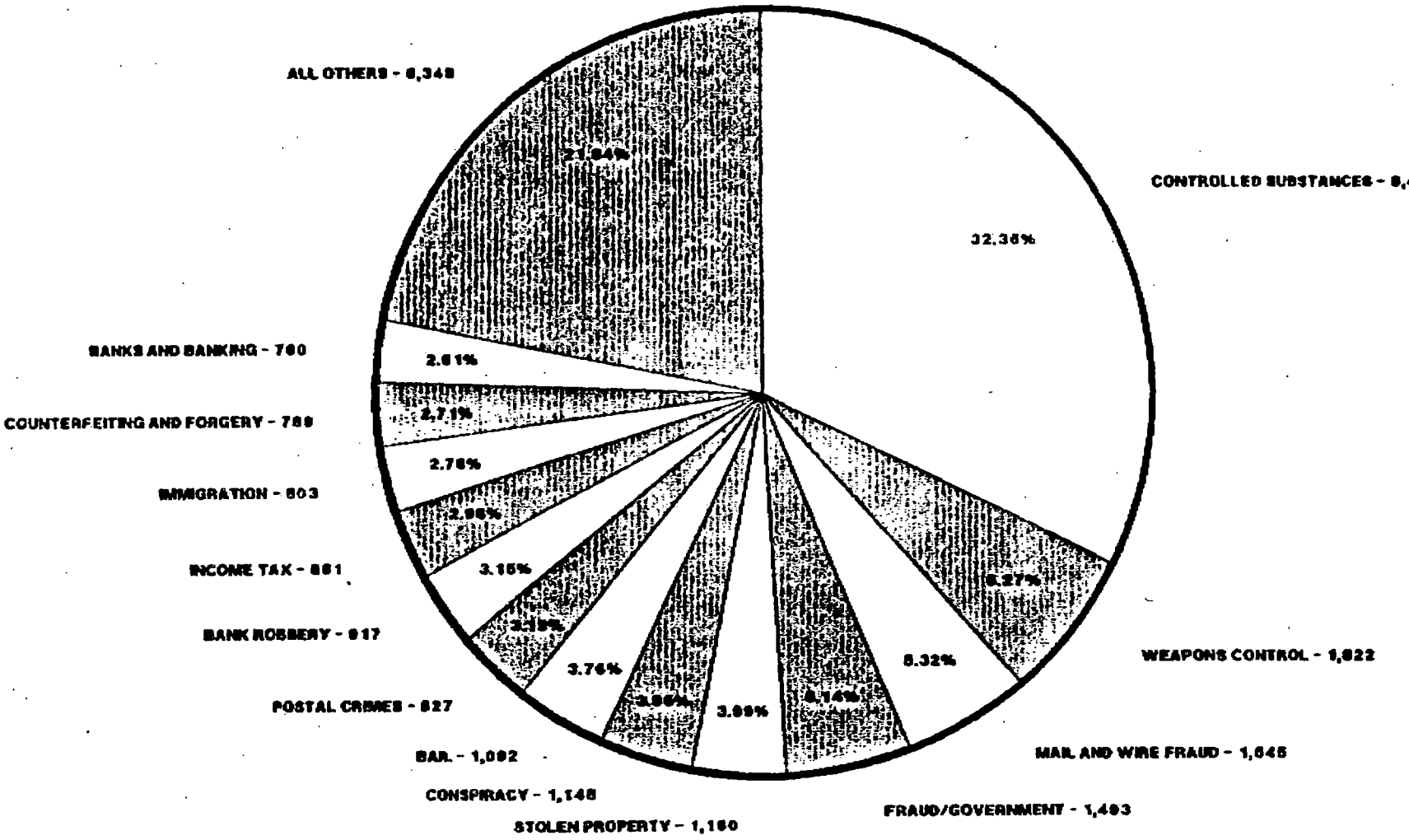
Various companies offer for sale the following magazine capacities:

for AR-15	one company offers 30 round plastic magazine three companies offer 90 round magazine
Uzi	one company offers 25 or 32 round magazine
HK-91	one company offers 40 round option

Chart 6 | Criminal Cases Pending by Offense in United States Attorneys' Offices

As of September 30, 1988

Total 29,068 Cases



NOTE: These Figures Do Not Include Appeals

TABLE 3
CRIMINAL CASES AND DEFENDANTS IN UNITED STATES DISTRICT COURT BY OFFENSE
FISCAL YEAR 1988

OFFENSE	CASES FILED 1/	CASES TERM. 2/	DEFTS FILED 1/	DEFTS TERM. 2/	DISPOSITIONS OF DEFENDANTS IN TERMINATED CASES: GUILTY	NOT GUILTY 3/	DISMISSED	RULE 20	OTHER 4/
ACCESSORY AFTER THE FACT	13	15	18	19	15	2	2	0	0
AIDERS AND ABETTERS	46	48	104	148	126	4	17	2	0
ANIMAL HEALTH									
QUARANTINE	0	2	0	3	0	0	3	0	0
TRANSPORTATION/SALE OF ANIMALS	1	0	2	0	0	0	0	0	0
ANTI-GAMBLING	62	40	200	174	131	7	36	0	0
ANTI-RACKETEERING	265	266	652	607	532	14	48	12	1
ANTITRUST	36	39	86	86	59	6	21	0	0
ARREST & COMMITMENT	0	1	0	1	1	0	0	0	0
ATOMIC ENERGY CONTROL	10	8	12	10	9	0	0	0	1
BAIL	366	362	377	366	206	0	148	12	0
BANK ROBBERY	1,194	1,138	1,367	1,320	1,139	19	65	96	1
BANKRUPTCY	82	58	86	76	59	0	12	3	2
BANKS AND BANKING	1,217	1,180	1,340	1,301	1,147	15	74	32	33
BETRAYAL OF OFFICE	109	169	208	175	161	2	7	5	10
BRIBERY	166	134	226	183	151	7	22	1	2
CARRIERS AND TRANSPORTATION									
AIR CARRIERS AND AVIATION	71	53	80	58	43	4	8	2	2
MISC TRANSPORTATION VIOLATIONS	1	0	1	0	0	0	0	0	0
MOTOR COMMERCIAL VEHICLES	3	8	4	24	17	2	3	2	0
MOTOR VEHICLE DATA/COST SAVINGS	2	0	9	0	0	0	0	0	0
NAVIGATION AND NAVIGABLE WATERS	3	2	3	2	1	0	1	0	0
ODOMETER REQUIREMENTS	66	65	83	78	62	1	14	2	0
RAILROADS AND PIPELINE CARRIERS	0	2	0	2	1	0	0	0	1
SHIPPING (INCL CRIMES ON / OVER THE HIGH SEAS)	138	143	208	218	186	4	13	10	2
STOWAWAYS ON VESSELS OR AIR	1	1	1	1	1	0	0	0	0
TRANSPORTATION OF SPECIFIC ITEMS									
EXPLOSIVES	2	2	2	3	2	0	0	0	1
CITIZENSHIP AND NATIONALITY	267	265	297	278	262	1	12	0	0
CIVIL RIGHTS	45	48	77	98	65	23	6	1	1
COMMUNICATIONS	37	18	39	25	21	0	4	0	0
CONFLICT OF INTEREST	8	5	7	8	5	0	1	0	0
CONSERVATION AND CONTROL OF FED LANDS & RESOURCES	179	170	246	238	177	7	48	2	4
CONSERVATION OF NATURAL RESOURCES									
BIRDS	528	515	602	656	595	7	48	5	1
ENDANGERED SPECIES	22	14	33	19	14	1	4	0	0
FISHING VIOLATIONS	86	69	174	114	80	7	17	7	3
GAME	1	3	5	7	7	0	0	0	0
POLLUTION	40	23	51	40	32	0	8	0	0
PROTECTION OF MARINE MAMMALS	8	6	12	12	10	0	2	0	0
PROTECTION OF WILD HORSES & BURROS	0	1	0	1	0	0	1	0	0
CONSPIRACY	812	867	1,879	1,718	1,351	48	255	34	30
CONSUMER PROTECTION									
AGRICULTURE									
AGRICULTURAL ADJUSTMENT ACT	7	6	8	8	6	2	0	0	0
COMMODITY EXCHANGE ACT	0	0	0	7	4	0	0	3	0
COTTON STATISTICS AND ESTIMATES	0	1	0	1	0	0	0	1	0
PACKERS AND STOCKYARDS ACT	0	2	0	3	2	0	1	0	0
FEDERAL TRADE COMM. & COMMERCIAL REGULATIONS									
FEDERAL HAZARDOUS LABELING	1	1	1	1	1	0	0	0	0
MISCELLANEOUS FOOD									
MEAT INSPECTION ACT	21	16	42	31	22	0	8	0	0
POULTRY INSPECTION	0	1	0	1	1	0	0	0	0
OTHER PROTECTION									
CONSUMER CREDIT PROTECTION ACT	5	10	5	12	8	0	2	1	0
MAIL AND WIRE FRAUD	1,646	1,680	2,412	2,274	1,653	59	216	101	45
SECURITIES FRAUDS									
INVESTMENT ADVISERS ACT OF 1940	0	1	0	1	1	0	0	0	0
SECURITIES EXCHANGE ACT OF 1934	7	2	11	2	2	0	0	0	0
SECURITIES FRAUDS	2	1	2	2	2	0	0	0	0
CONTEMPT	49	53	53	56	50	1	7	0	0
CONTROLLED SUBSTANCES	8,496	6,798	15,976	13,406	11,258	330	1,998	182	40
COPYRIGHT	23	23	30	29	27	0	0	0	2
COUNTERFEITING-MISUSE/MONEY STAMPS	1,036	1,000	1,409	1,341	1,157	14	90	44	36
CRIMES AFFECTING THE MAILS	1,282	1,157	1,539	1,388	1,220	19	67	25	57
CRIMES AFFECTING THE MILITARY/MERCHANT MARINE	8	5	9	7	5	0	0	0	2
CRIMES BY AND AGAINST INDIANS	151	154	177	180	140	13	15	0	8
CRIMINAL PROCEDURE	5	1	12	3	2	0	0	1	0
CUSTOMS									
CUSTOMS LAWS	179	130	292	198	160	4	28	3	3
EXPORT CONTROL	0	1	0	2	2	0	0	0	0
FINANCIAL INSTITUTIONS	0	2	0	3	3	0	0	0	0
ELECTIONS AND POLITICAL ACTIVITIES	2	3	6	6	7	0	0	0	1
EMBEZZLEMENT	248	269	279	269	251	1	28	6	3
ENVIRONMENTAL PESTICIDE CONTROL	3	1	5	3	3	0	0	0	0
ESCAPE	439	432	480	451	339	2	68	21	1
EVIDENCE/WITNESSES	5	3	7	6	6	0	0	0	0
EXTORTION	78	66	88	99	76	7	9	2	5
FEDERAL CUSTODY	49	42	48	50	43	2	4	1	0
FEDERAL ENERGY ADMINISTRATION	2	1	2	3	1	0	2	0	0
FOOD, DRUG, AND COSMETIC ACT	0	4	1	6	4	0	2	0	0
FOREIGN AGENT REGISTRATION ACT	1	1	2	2	2	0	0	0	0
FOREIGN POLICY IMPAIRMENT	1	5	1	6	4	0	2	0	0
FOREIGN RELATIONS	6	7	9	10	6	0	2	0	0

1/ EXCLUDES 725 CASES OR 772 DEFENDANTS INITIATED BY TRANSFER UNDER RULE 20.
2/ INCLUDES 757 CASES OR 967 DEFENDANTS TERMINATED BY TRANSFER UNDER RULE 20
AND 20 CASES OR 48 DEFENDANTS DISMISSED BECAUSE OF SUPERSEDING INDICTMENTS OR INFORMATIONS.
3/ INCLUDES 17 VERDICTS OF NOT GUILTY BY REASON OF INSANITY INVOLVING 28 DEFENDANTS.
4/ INCLUDES DEFENDANTS INVOLVED IN PROCEEDINGS SUSPENDED INDEFINITELY BY COURT.

NOTE : BEGINNING IN F.Y. 1988 THIS TABLE DOES NOT INCLUDE APPEALS.

TABLE 3, CONTINUED
CRIMINAL CASES AND DEFENDANTS IN UNITED STATES DISTRICT COURT BY OFFENSE
FISCAL YEAR 1988

OFFENSE	FILED 1/	TERM 2/	DEFTS FILED 1/	DEFTS TERM 2/	DISPOSITIONS OF DEFENDANTS IN TERMINATED CASES: GUILTY	NOT GUILTY 3/	DISMISSED	RULE 20	OTHER 4/
FORFEITURES	3	2	19	4	2	0	2	0	0
FORGERY & MISUSE OF OFFICAL INSIGNIA & DOCUMENTS	14	9	14	10	8	0	2	0	0
FRAUD AGAINST THE GOVERNMENT	1,912	1,696	2,559	2,556	2,053	66	293	82	68
HISTORIC SITES, BUILDINGS, ETC.	4	5	4	7	7	0	0	0	0
INJURY TO OR INTERFERENCE WITH GOVT. PROPERTY	39	44	49	50	39	1	8	0	1
INTERSTATE COMMERCE COMMISSION	1	2	2	6	6	0	2	0	0
IMMIGRATION	1,513	1,426	1,974	1,824	1,657	14	130	13	10
IMPERSONATION	27	24	32	28	20	0	3	2	1
INCOME TAX	1,025	1,061	1,213	1,317	1,169	28	88	31	1
INTEGRITY OF FEDERAL PROGRAMS									
COMMODITY CREDIT CORPORATION CHARTER ACT	17	28	22	30	29	0	0	1	0
FARM CREDIT ACT	0	1	0	1	1	0	0	0	0
FEDERAL CROP INSURANCE ACT	1	1	3	3	1	0	2	0	0
FOOD STAMP PROGRAM	220	194	316	278	234	1	28	3	12
HOUSING	1	1	1	1	1	0	0	0	0
KICKBACKS PUBLIC WORKS EMPLOYEES	1	1	1	2	0	2	0	0	0
SMALL BUSINESS ACT	2	1	3	3	3	0	0	0	0
SOCIAL SECURITY ACT	166	173	201	188	139	0	25	9	13
IRS MISCELLANEOUS VIOLATIONS	17	18	18	20	20	0	0	0	0
INTERFERENCE WITH GOVERNMENT OFFICERS	246	229	263	255	186	16	33	1	7
JUDICIAL PROCEDURE	7	3	8	3	3	0	0	0	0
JURISDICTIONAL STATUTES	1,230	970	1,279	1,031	796	34	176	15	10
JUVENILE DELINQUENCY	69	60	81	69	63	0	2	0	4
KIDNAPPING	53	36	79	62	41	2	7	1	1
LABOR LAWS	152	168	179	166	156	7	13	6	3
LIQUOR STATUTES									
INDIAN LIQUOR LAWS	1	1	3	3	3	0	0	0	0
INTERNAL REVENUE SERVICE LIQUOR VIOLATIONS	12	9	16	10	10	0	0	0	0
MILITARY EXPORT CONTROL	24	11	58	32	22	2	7	1	0
MISPRISON OF FELONY	27	26	28	32	28	0	1	1	2
MONEY AND FINANCE	141	126	212	167	148	8	27	4	2
MOTOR VEHICLE THEFT	194	210	352	372	250	16	80	24	2
MUNITIONS CONTROL	0	4	0	5	1	0	4	0	0
OBSCENE OR HARASSING TELEPHONE CALLS	4	3	4	3	3	0	0	0	0
OBSCENITY	37	35	64	50	50	0	0	0	0
OBSTRUCTION OF JUSTICE	77	82	116	134	81	17	24	9	3
OCCUPATIONAL TAX ON GAMBLERS	2	2	2	2	1	0	0	0	1
OTHER CRIMES OF VIOLENCE	316	322	384	363	277	24	53	5	4
OTHER STOLEN PROPERTY	469	516	665	671	538	13	72	42	6
PAROLE	1	0	1	0	0	0	0	0	0
PASSPORTS AND VISAS	622	584	649	626	504	4	105	11	4
PATRIOTIC SOCIETIES	8	10	15	17	12	3	2	0	0
PERJURY	110	124	131	141	101	18	22	2	1
PRISONS & PRISONERS	1	4	1	4	3	0	0	1	0
PROBATION	277	285	277	286	260	0	23	3	0
PROSTITUTION	10	7	12	8	8	0	0	0	0
PROTECTION OF WORKERS									
MINE AND MINING	4	3	9	9	4	0	0	0	5
RAILROAD RETIREMENT ACT	6	4	6	4	4	0	0	0	0
RAILROAD UNEMPLOYMENT INSURANCE ACT	4	2	4	2	2	0	0	0	0
UNEMPLOYMENT COMPENSATION FEDERAL EMPLOYEES	13	15	13	15	11	0	1	0	3
PUBLIC BUILDINGS & PROPERTY	4	2	4	2	2	0	0	0	0
PUBLIC CONTRACTS	40	30	56	45	24	3	15	0	3
PUBLIC HEALTH AND WELFARE VIOLATIONS	24	23	29	25	20	1	3	0	1
PUBLIC HEALTH SERVICE	3	4	3	4	3	0	0	1	0
PUBLIC LANDS	5	2	7	3	2	0	1	0	0
REMOVAL-STATE COURT CASES	3	1	3	1	0	0	1	0	0
SCHOOL LUNCH PROGRAMS	1	1	2	2	2	0	0	0	0
SEARCHES AND SEIZURES	1	1	1	1	1	0	0	0	0
SENTENCE, JUDGMENT & EXECUTION	8	6	8	6	6	0	0	0	0
SELECTIVE SERVICE	0	5	0	6	1	0	0	0	0
SEXUAL ABUSE	101	59	109	64	50	1	10	0	0
SEXUAL EXPLOITATION OF CHILDREN	161	243	170	250	225	5	11	4	5
STUDENT ASSISTANCE	1	1	2	2	1	0	1	0	0
THEFT OF GOVERNMENT PROPERTY	1,019	956	1,172	1,100	928	18	91	37	26
THREATS & EXTORTION OF PROTECTED PERSONS	6	3	6	3	2	1	0	0	0
TOXIC SUBSTANCES CONTROL	1	0	1	0	0	0	0	0	0
TRAFFICKING IN CONTRABAND CIGARETTES	1	0	7	3	0	0	3	0	0
TREASON, SEDITION AND SUBVERSIVE ACTIVITIES	1	1	2	18	4	13	1	0	0
VETERANS CLAIMS	43	63	43	63	37	0	13	2	11
WAGERING EXCISE TAX	1	1	1	1	1	0	0	0	0
WEAPONS CONTROL	2,000	1,755	2,385	2,087	1,711	54	238	58	29
WRONGFUL ACTS	1	0	1	0	0	0	0	0	0
ALL OTHER	79	49	96	58	45	1	6	2	2
TOTALS	32,419	29,509	46,040	42,594	35,374	999	4,691	987	543

1/ EXCLUDES 725 CASES OR 772 DEFENDANTS INITIATED BY TRANSFER UNDER RULE 20.
2/ INCLUDES 757 CASES OR 987 DEFENDANTS TERMINATED BY TRANSFER UNDER RULE 20
AND 26 CASES OR 48 DEFENDANTS DISMISSED BECAUSE OF SUPERSEDING INDICTMENTS OR INFORMATIONS.
3/ INCLUDES 17 VERDICTS OF NOT GUILTY BY REASON OF INSANITY INVOLVING 20 DEFENDANTS.
4/ INCLUDES DEFENDANTS INVOLVED IN PROCEEDINGS SUSPENDED INDEFINITELY BY COURT.

NOTE : BEGINNING IN F.Y. 1988 THIS TABLE DOES NOT INCLUDE APPEALS.

PRISON POPULATION, CONSTRUCTION, AND FUNDING SUMMARY
NATIONAL INSTITUTE OF CORRECTIONS, 4/25/89

STATE	PRISON POPULATION 1983	1988	PROJECTED/ YEAR	POP. TREND	CAPAC. 1988	LOCAL CUSTODY	COURT CAP	OTHER PLACE.	REL. MECH.	BEDS UNDER CONSTRUCT.	BEDS PLANNED	ADDITIONAL BEDS REQUESTED	NUMBER LIKELY TO BE FUNDED	SOURCE OF FUNDS	POPULATION INITIATIVES
ALABAMA	9856	12610		UP	11162	0									
ALASKA	1631	2588	3034 (1993)	UP	2793	N/A	NO	0	YES	70	0	250	0	-	NO
ARIZONA	6889	12158	17589 (1993)	UP	12240	136	NO	0	YES	1700	1488	1450	1450	?	NO
ARKANSAS	4248	5519	8143 (1992)	UP	5330	4248	NO	0	NO	2080	0	1000	UNK	TAX	YES
CALIFORNIA	39375	76171	136640 (1994)	UP	46229	UNK.	NO	0	NO	13882	37190	2200	UNK	BOND	YES
COLORADO	3244	5997	8000 1992)	UP	4985	350	YES	123	NO	500	816	500	500	TAX	YES
CONN.	5474	8005	25434 (1993)	UP	7153	N/A	YES	0	YES	-	4600	1350	1350	?	YES
DELAWARE	3188	3166	4450 (1992)	UP	2090	N/A	YES	0	YES	0	600	-	-		YES
D.C.	4344	8705	12500 (1994)	UP	7417	N/A	YES	742	YES	-	500	1000	1000	BOND	YES
FLORIDA	28344	24732	40000 (1990)	UP	35618	0	YES	0	YES	4736	0	8843	8843	TAX	YES
GEORGIA	15358	18787	N/A	UP	17296	4085	YES	0	YES	5210	0	500	500	TAX/ BOND	NO
HAWAII	1700	2367	N/A	UP	1691	N/A	YES	45	NO	898	0	800	?	BOND/ TAX	YES
IDAHO	1187	1548	2000 (1990)	UP	1163	170	YES	227	NO	96	0	0	-	-	YES
ILLINOIS	15595	21081	25235 (1994)	UP	20100	UNK	NO	0	NO	728	720	720	?	?	YES
INDIANA	9295	11406	13000 (1994)	UP	10412	0	YES	0	YES	-	2216	2400	1200	TAX	YES
IOWA	2814	3034	4200 (1994)	UP	2858	0	YES	0	NO	386	0	386	250	TAX	YES
KANSAS	3705	5936	N/A	UP	4293	UNK	YES	49	NO	1504	0	1024	UNK	BOND	YES

PRISON POPULATION, CONSTRUCTION, AND FUNDING SUMMARY
NATIONAL INSTITUTE OF CORRECTIONS, 4/25/89

STATE	PRISON POPULATION 1983	1988	PROJECTED/ YEAR	POP. TREND	CAPAC. 1988	LOCAL CUSTODY	COURT CAP	OTHER PLACE.	REL. MECH.	BEDS UNDER CONSTRUCT.	BEDS PLANNED	ADDITIONAL BEDS REQUESTED	NUMBER LIKELY TO BE FUNDED	SOURCE OF FUNDS	POPULATION INITIATIVES
KENTUCKY	4773	7119		UP	6469										
LOUISIANA	12812	16149	16000 (1990)	STABLE	12330	4000	YES	4000	YES	584	-	N/A	N/A	-	-
MAINE	1092	1297	2500 (1995)	UP	934	0	NO	0	NO	144	200	200	200	BOND	YES
MARYLAND	12617	14276	N/A	UP	11352	69	YES	118	NO	-	244	0	-	-	YES
MASS.	4482	6733	8873 (1995)	UP	3891	N/A	NO	525	NO	-	2036	390	240	BOND	YES
MICHIGAN	14510	27713	N/A	UP	21454	UNK	YES	UNK	YES	2000	1864	0	-	-	YES
MINNESOTA	2113	2799	3309 (1992)	UP	2964	0	NO	0	NO	0	0	500	500	BOND	YES
MISS.	5588	7438	8965 (1990)	UP	6318	1370	YES	0	NO	1120	1500	0	-	-	YES
MISSOURI	8103	12354		UP	12800										
MONTANA	903	1272	560 (1995)	UP	784	0	NO	0	-	96	175	0	-	-	YES
NEBRASKA	1828	2205		UP	1651										
NEVADA	3188	4881	8367 (1995)	UP	4637	0	YES	0	NO	-	0	1594	1594	BOND	YES
N.H.	479	1019	1700 (1995)	UP	774	0	NO	0	-	290	0	0	-	-	NO
N.J.	9192	16936	19674 (1990)	UP	12172	2382	NO	0	NO	1147	1987	?	N/A	BOND	YES
N.M.	1977	2825	N/A	UP	2671	71	NO	0	NO	300	100	200	200	TAX	NO
N.Y.	30510	44560	N/A	UP	40095	1100	NO	0	NO	2874	0	4000	?	BOND	YES
N.C.	16371	17069	17000 (1990)	STABLE	14767	0	YES	17	YES	-	1400	200	200	TAX	YES

PRISON POPULATION, CONSTRUCTION, AND FUNDING SUMMARY
NATIONAL INSTITUTE OF CORRECTIONS, 4/25/89

STATE	PRISON POPULATION 1983	PRISON POPULATION 1988	PROJECTED/ YEAR	POP. TREND	CAPAC. 1988	LOCAL CUSTODY	COURT CAP	OTHER PLACE.	REL. MECH:	BEDS UNDER CONSTRUCT.	BEDS PLANNEI	ADDITIONAL BEDS REQUESTED	NUMBER LIKELY TO BE FUNDED	SOURCE OF FUNDS	POPULATION INITIATIVES
N.D.	410	466	563 (1995)	UP	516	0	NO	0	NO	-	0	0	-	-	NO
OHIO	18007	26113	33359 (1992)	UP	18482	UNK	NO	0	NO	1410	850	0	-	-	YES
OKLAHOMA	7872	10488	13000 (1991)	UP	7378	0	YES	0	YES	380	285	875	875	TAX	YES
OREGON	3952	5991	72048 (1994)	UP	4077	0	NO	0	YES	1700	1600	24500	500	UNK	YES
PENN.	11767	17879	21046 (1991)	UP	12972	UNK	NO	0	NO	2500	1000	0	-	-	YES
R.I.	1157	1906	2500 (1990)	UP	1546	N/A	YES	0	YES	-	312	192	192	?	YES
S.C.	9576	13745	15750 (1990)	UP	11793	400	YES	0	NO	1590	1584	1616	808	BOND	YES
S.D.	826	1020	N/A	UP	1170	0	NO	0	NO	0	64	0	-	-	YES
TENN.	8201	7491	10000 (1994)	UP	7754	2613	YES	UNK	YES	1244	2165	2052	2052	TAX	YES
TEXAS	35258	40437	N/A	UP	39244	8000	YES	0	YES	13404	11900	11000	11000	BOND	YES
UTAH	1274	2004	3400 (1994)	UP	2464	0	NO	0	YES	624	623	0	-	-	YES
VERMONT	497	811	1190 (1995)	UP	587	0	NO	0	NO	50	90	0	-	-	YES
VIRGINIA	10093	14184	16776 (1992)	UP	11460	2700	NO	0	NO	-	0	1528	1528	TAX	YES
WASH.	5658	5816	8636 (1994)	UP	5914	UNK	YES	63	NO	0	0	400	400	BOND	YES
W.V.	1611	1458	2097 (1994)	UP	1547	224	YES	0	YES	0	0	700	700	?	YES
WISCONSIN	4845	6287	8040 (1993)	UP	4683	UNK	YES	0	YES	155	775	340	340	BOND	NO
WYOMING	721	962	N/A	UP	950	0	NO	0	NO	50	60	200	200	?	NO
TOTAL	404,929	577,474			481,430	31,918		5,909		63,452	78,094	72,190	36,622	-	-

THE WHITE HOUSE

WASHINGTON

April 18, 1989

MEMORANDUM FOR ROGER B. PORTER

FROM: EMILY M. MEAD EM

SUBJECT: Crime charts.

The FBI figures for 1988 may be available within the next 24 hours.

- Murder and non-negligent manslaughter in the United States 1980-87. (1988 data may be available within 24 hours.)

- Law Enforcement Officers killed, by division, or assaulted, by type of weapon. 1975-1986 - latest figures.

Table 1. Murder and nonnegligent manslaughter in the United States, 1980-87

Year	Number			Rate*		
	All	Total gun (est.)	Handgun (est.)	All	Total gun (est.)	Handgun (est.)
1980	23,040	14,387	10,552	10.2	6.4	4.7
1981	22,520	14,064	10,324	9.8	6.1	4.5
1982	21,010	12,638	9,137	9.1	5.5	3.9
1983	19,310	11,267	8,472	8.3	4.8	3.6
1984	18,690	11,018	8,183	7.9	4.7	3.5
1985	18,980	11,138	8,165	7.9	4.7	3.4
1986	20,610	12,181	9,054	8.6	5.1	3.8
1987	20,100	11,880	8,787	8.3	4.9	3.6

*Number of crimes per 100,000 population.
Source: Data on all murders and nonnegligent manslaughters are from Crime in the United States, 1987, FBI, table 1, p. 41. Data on total gun and handgun murders and nonnegligent manslaughters are estimates based on known use of type of weapon as published in Crime in the United States, p. 10; data on 1983-87 are from the 1987 volume, data on 1982 are from the 1986 volume, data on 1981 are from the 1985 volume, and data on 1980 are from the 1984 volume.

Prepared by the Bureau of Justice Statistics, April 18, 1989.

Table 2. Trends in murder and nonnegligent manslaughter in the United States, 1980-87

	Percent change, 1980-87
Total	
Number	-12.8%
Rate*	-18.6%
From all guns	
Number	-17.4%
Rate*	-23.4%
From handguns	
Number	-16.7%
Rate*	-23.4%

*Number of crimes per 100,000 population.
Source: Uniform Crime Reports data from accompanying table 1.

Prepared by the Bureau of Justice Statistics, April 18, 1989

No. 283. Law Enforcement Officers Killed, by Division, or Assaulted, by Type of Weapon Used: 1975 to 1986

[Covers officers killed feloniously and accidentally in line of duty; includes Federal officers. For composition of regions, see fig. I, inside front cover. See also *Historical Statistics, Colonial Times to 1970*, series H 987-998]

ITEM	1975	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986
Total killed	[1] 185	[2] 125	145	[3] 164	[4] 165	[5] 157	[6] 164	[7] 152	147	148	131
Northeast	28	14	17	21	31	17	17	20	21	19	15
Midwest	40	26	24	28	23	29	41	26	22	23	19
South	71	65	69	77	72	80	75	64	69	64	62
West	36	18	31	32	32	27	27	34	32	29	29
Puerto Rico	8	1	4	4	6	3	3	6	3	10	6
ASSAULTS											
Population (1,000)[8]	151,927	168,868	180,948	182,027	182,288	177,836	176,563	198,341	195,794	198,935	196,030
Number of—											
Agencies represented	7,435	8,742	9,150	9,638	9,235	9,019	8,829	9,908	10,002	9,906	9,755
Police officers	290,638	322,205	347,681	340,764	345,554	332,856	319,101	377,520	372,268	389,808	380,249
Total assaulted	44,867	49,156	56,130	59,031	57,847	57,116	55,775	62,324	60,153	61,724	64,259
Firearm	3,282	2,809	3,065	3,237	3,295	3,330	2,642	3,067	2,654	2,793	2,852
Knife or cutting instrument	1,287	1,481	1,761	1,720	1,653	1,733	1,452	1,829	1,662	1,715	1,614
Other dangerous weapon	4,516	4,626	5,485	5,543	5,415	4,800	4,879	5,527	5,148	5,263	5,721
Hands, fists, feet, etc	35,782	40,240	45,819	48,531	47,484	47,253	46,802	51,901	50,689	51,953	54,072

[1] Includes one officer each in Virgin Islands and Guam. [2] Includes one officer in Virgin Islands. [3] Includes 2 officers in Guam. [4] Includes one officer in American Samoa. [5] Includes one officer in Mariana Islands. [6] Includes one officer each in Guam and Mariana Islands. [7] Includes one officer in Guam and 2 in foreign locations. [8] Represents the number of persons covered by agencies shown.

Source: U.S. Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted*, annual.

No. 284. Aliens Expelled and Immigration Violations: 1970 to 1986

[**For fiscal years ending in year shown.** See text, section 9. See also *Historical Statistics, Colonial Times to 1970*, series C 144, C 149, and C 158-160]

ITEM	Unit	1970	1975	1979	1980	1981	1982	1983	1984	1985	1986
Aliens expelled	1,000	320	679	992	736	837	824	944	931	1,087	1,612
Deported	1,000	17	23	26	17	17	14	17	18	21	23
Entry without inspection or by false statements	Percent	47.6	70.5	87.0	84.0	82.6	81.4	79.6	80.8	80.8	79.7
Required to depart	1,000	303	656	966	719	820	810	927	913	1,046	1,589
Prosecutions disposed of	Number	6,034	14,172	17,398	14,863	16,005	14,138	16,493	17,980	17,688	23,405
Immigration violations	Number	5,510	13,947	16,970	14,498	15,602	13,712	15,848	16,989	16,976	22,496
Nationality violations	Number	524	225	428	365	403	426	645	991	712	909
Convictions	Number	5,497	12,811	15,463	12,935	12,771	10,320	11,233	10,546	9,833	15,259
Immigration violations	Number	4,991	12,676	15,163	12,678	12,509	10,058	10,947	10,237	9,635	14,995
Nationality violations	Number	506	135	300	257	262	262	286	309	198	264

No. 285. Immigration Border Patrol and Investigation Activities: 1970 to 1986

[**In thousands, except as indicated: For fiscal years ending in year shown, except as indicated.** See text, section 9]

ITEM	1970	1975	1979	1980	1981	1982	1983	1984	1985	1986
BORDER PATROL										
Border patrol agents:										
Authorized (number)	1,724	1,803	2,339	2,484	2,289	2,429	2,413	2,409	3,228	3,273
On duty (number)	1,708	1,708	1,909	2,329	2,218	2,196	2,291	2,281	3,023	2,948
Border patrol obligations ($1,000)	28,447	55,254	71,021	82,534	95,610	98,774	110,174	114,088	141,902	150,418
Persons apprehended[1]	233.9	602.2	896.9	766.6	833.2	929.0	1,115.4	1,135.0	1,272.4	1,705.3
Deportable aliens located	231.1	596.8	888.7	759.4	825.3	819.9	1,105.7	1,138.6	1,262.4	1,692.5
Mexican	219.3	579.4	866.8	734.2	797.9	795.4	1,076.3	1,102.6	1,218.7	1,635.7
Canadian	7.8	7.3	5.7	5.3	5.8	5.7	5.9	5.8	5.9	6.2
Other	4.1	10.1	16.2	19.9	21.6	18.8	23.5	30.2	37.8	50.6
Smugglers of aliens located	3.3	6.9	15.3	13.1	12.6	11.8	13.4	13.5	14.7	19.3
Smuggled aliens apprehended	18.7	80.4	172.7	112.6	90.1	80.4	86.7	91.7	95.7	114.7
Aliens located:										
Previously expelled	67.4	184.6	259.1	211.0	256.9	244.1	328.1	331.4	372.0	452.1
Previous criminal record	3.8	10.3	12.4	11.3	12.5	9.3	9.2	8.7	9.8	14.2
Conveyances examined	1,792	3,470	4,030	3,849	4,639	5,371	5,489	5,144	4,901	6,122
Automobiles	1,311	2,663	2,791	2,590	3,074	3,613	3,861	3,710	3,468	4,519
Persons questioned[2]	6,805	11,265	11,900	10,844	12,492	14,238	14,474	14,279	13,490	17,546
In automobiles	3,416	6,888	6,841	6,328	7,187	8,477	8,722	8,928	8,093	10,904
Pedestrians	1,661	2,056	2,314	1,706	1,862	1,965	2,119	2,089	2,063	2,767
Number of seizures	320	917	421	1,920	2,441	4,033	5,807	6,456	7,827	10,464
Value of seizures ($1,000)	4,547	28,654	9,967	116,115	17,348	15,178	43,536	50,303	138,795	194,710
Narcotics ($1,000)	3,865	26,302	8,448	110,272	10,236	5,242	28,729	43,475	119,056	161,750
INVESTIGATION										
Deportable aliens located	114.1	169.8	187.7	150.9	128.1	142.8	140.8	102.9	83.9	72.8
Mexican	58.1	100.9	132.1	83.3	76.2	92.1	96.0	66.2	48.3	35.8
Canadian	3.5	9	1.7	1.5	1.5	1.6	1.5	1.1	1.1	1.2
Other	52.5	68.0	53.9	66.1	50.4	49.1	43.3	35.6	34.5	35.8

[1] Covers deportable aliens located and U.S. citizens engaged in smuggling or other immigration violations.
[2] Includes types not shown separately.

Source of tables 284 and 285: U.S. Immigration and Naturalization Service, *Statistical Yearbook*, annual; and unpublished data.

NO. 286. DRUG REMOVALS, LABORATORY SEIZURES, AND PERSONS INDICTED, BY DEA: 1983 TO 1986

[Represents domestic drug removals. 1 kg = 454 lbs; du = dosage unit. Minus sign (–) indicates decrease]

ITEM	Unit	1983	1984	1985	1986	PERCENT CHANGE 1983–84	1984–85	1985–86
Domestic drug removals:								
Heroin	kg	302	346	447	364	14.6	29.2	–18.6
Cocaine	kg	7,399	11,742	18,129	27,089	58.7	54.4	49.4
Cannabis (Marihuana)	kg	1,029,825	1,399,926	744,642	825,445	35.9	–46.8	10.9
Dangerous drugs	du	19,785,043	13,777,025	25,968,327	46,222,026	–30.4	88.5	78.0
Clandestine laboratory seizures	Number	235	290	338	509	23.4	16.6	50.6
Narcotic Title III intercepts	Number	76	83	136	85	9.2	63.9	–37.5
Asset removals:								
Total seizures	$1,000	(NA)	150,975	246,344	396,919	(NA)	63.2	61.1
DEA seizures	$1,000	95,650	92,545	171,888	308,693	–3.2	85.7	79.6
Seizures through interagency cooperation	$1,000	(NA)	58,431	74,456	88,226	(NA)	27.4	18.5
DEA forfeitures	$1,000	(NA)	30,248	59,198	59,506	(NA)	95.7	.5
Fines [1]	$1,000	(NA)	16,447	7,404	(NA)	(NA)	–55.0	(NA)
Judicial bond forfeitures	$1,000	(NA)	3,489	2,161	(NA)	(NA)	–38.1	(NA)
Abandonments	$1,000	(NA)	386	617	(NA)	(NA)	59.8	(NA)
Arrests	Number	12,997	13,126	15,727	18,694	1.0	19.8	18.9
Convictions	Number	9,973	10,809	10,519	12,154	8.4	–2.7	15.5
Number of persons indicted	Number	(NA)	6,442	9,279	11,454	(NA)	44.0	23.4

NA Not available. [1] Refers to all criminal and civil fees levied.

Source: Drug Enforcement Administration (DEA), *Annual Statistical Report.*

NO. 287. AUTHORIZED INTERCEPTS OF COMMUNICATION—SUMMARY: 1970 TO 1986

[Data for jurisdictions with statutes authorizing or approving interception of wire or oral communication]

ITEM	1970	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986
Jurisdictions: [1]													
With wiretap statutes	19	24	24	24	24	26	28	29	29	31	31	32	32
Reporting interceptions	12	18	21	19	20	20	22	22	22	20	24	22	24
Intercept applications authorized	596	701	686	626	570	553	564	589	578	648	801	784	754
Intercept installations	582	676	635	601	560	533	524	562	518	602	773	722	676
Federal	179	106	136	77	81	87	79	106	129	205	277	235	247
State	403	570	499	524	479	446	445	456	389	397	496	487	429
Intercepted communications, avg. [2]	656	654	662	658	738	866	1,058	848	1,082	1,107	1,209	1,320	1,326
Incriminating	296	305	272	268	205	252	315	190	209	229	298	275	253
Persons arrested [3]	1,874	2,234	2,180	2,191	1,825	1,717	1,871	1,735	1,725	1,716	2,393	2,469	2,410
Convictions [3]	151	336	358	372	337	368	259	248	453	521	649	660	761
Major offense specified:													
Gambling	325	408	378	265	241	204	199	156	150	157	186	206	189
Drugs	127	178	190	237	195	250	282	318	333	360	483	434	348
Homicide and assault	21	16	10	22	25	29	13	33	31	31	30	25	34
Other	123	99	108	102	109	70	70	82	64	100	102	119	183

[1] Jurisdictions include Federal Government, States, and beginning 1975, District of Columbia. [2] Average per authorized installation. [3] Based on information received from intercepts installed in year shown.

Source: Administrative Office of the U.S. Courts, *Report on Applications for Orders Authorizing or Approving the Interception of Wire or Oral Communications,* (Wiretap Report), annual.

NO. 288. CRIMINAL JUSTICE SYSTEM—PUBLIC EXPENDITURES AND EMPLOYMENT, BY LEVEL OF GOVERNMENT: 1980 TO 1985

[Expenditures are for fiscal years. Employment as of **October.** Expenditures are direct expenditures only and on cash flow basis. See also Appendix III and *Historical Statistics, Colonial Times to 1970,* series H 1012-1027 for similar data]

LEVEL OF GOVERNMENT AND ACTIVITY	EXPENDITURES (mil. dol.)			FULL-TIME EQUIVALENT EMPLOYMENT					
				Total [1] (1,000)			Rate [2]		
	1980	1983	1985	1980	1983	1985	1980	1983	1985
All governments	**22,084**	**39,680**	**45,607**	[3] 910	[3] 1,223	[3] 1,369	[3] 40.2	[3] 54.0	[3] 57.3
Police	15,163	20,648	22,014	647	669	693	28.6	29.5	29.0
Judicial and legal	(NA)	8,621	10,070	(NA)	244	282	(NA)	10.3	11.8
Corrections	6,901	10,411	13,034	263	311	387	11.6	13.7	16.2
Federal government	**2,126**	**4,844**	**5,684**	[3] 68	[3] 104	[3] 108	[3] 2.9	[3] 4.6	[3] 4.5
Police	1,739	2,745	2,768	56	64	61	2.5	2.8	2.6
Judicial and legal	(NA)	1,523	1,999	(NA)	30	32	(NA)	1.3	1.3
Corrections	387	576	707	10	10	14	.4	.4	.6
State governments	**8,285**	**11,709**	**14,564**	**236**	**352**	**431**	**10.4**	**15.5**	**18.1**
Percent of total	28.5	29.5	32.2	25.9	28.8	31.5	(X)	(X)	(X)
Police	2,027	2,630	3,228	75	77	99	3.3	3.4	4.1
Judicial and legal	(NA)	2,756	3,172	(NA)	81	90	(NA)	3.6	3.8
Corrections	4,258	6,323	8,081	161	194	239	7.1	8.6	10.0
Local governments [4]	**13,653**	**23,127**	**25,260**	**606**	**767**	**829**	**26.8**	**33.9**	**34.7**
Percent of total	61.9	58.3	55.4	66.8	62.7	60.6	(X)	(X)	(X)
Police	11,397	15,273	16,018	516	528	533	22.8	23.3	22.3
Judicial and legal	(NA)	4,342	4,899	(NA)	133	161	(NA)	5.9	6.7
Corrections	2,256	3,512	4,247	92	106	134	4.1	4.7	5.6

NA Not available. X Not applicable [1] Total payroll divided by full-time payroll multiplied by full-time employees. [2] For 1980 rate per 10,000 estimated resident population as of April 1 1980, for 1983 and 1985, as of July 1. [3] Data for Federal government represent total employment (full- and part-time). [4] Data are estimates subject to sampling variation; see Appendix III and source.

Source: U.S. Bureau of Justice Statistics, *Justice Expenditures and Employment Extracts,* annual.

THE WHITE HOUSE

WASHINGTON

April 19, 1989

MEMORANDUM FOR ROGER B. PORTER

FROM: EMILY M. MEAD EMM

SUBJECT: 1987 - 1988 Statistics

Per your request, I have been provided the following statistical information by the Federal Bureau of Investigation.

In 1987, there were a total of 73 law enforcement officers killed. By jurisdiction:

City/local	= 43
County	= 17
State	= 9
Federal	= 1
U.S. Territories	= 1
Additional	= 2
TOTAL	= 73

Additionally in 1987, there were 75 law enforcement officers killed due to accidents while on duty.

The 1988 statistics are due to be officially released this Sunday. Preliminary figures show that 79 law enforcement officers were killed in 1988.

City/local	= 47
County	= 19
State	= 7
Federal	= 4
U.S. Territories	= 2
TOTAL	= 79

The total number of officers killed in accidents while on duty was not available.

COPY
from ORM

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GB:DM:TD:SMG:ltd PM3
cc: Pres.Msgs.Rm.18/D.MacKinnon/T.Donovan/CF
EVENT: Apr 8 89
DUE: Apr 8 89
Buczek

New York, New York 10007

April 5, 1989

Dear Mrs. Buczek:

As the New York Police Department's Pulaski Association honors your husband's memory, Barbara and I want you to know how deeply saddened we were to learn of his tragic death last October. Tonight, we join Michael's friends and fellow officers in expressing our heartfelt sympathy and in saluting a young man who was both brave and selfless.

When I think of America's heroes, I think of men like Michael Buczek. Here was a man who was awarded 31 citations for Excellent Police Duty, 10 Meritorious Service distinctions, and one commendation for service on New York City's front-line in the war against crime. Michael was a distinguished veteran of that war, and our entire Nation mourns the loss of one of her sons.

Your husband's love for others did not end with his family and friends. As a police officer, he was willing to risk his own safety for that of his fellow New Yorkers. He personified the selfless love and generous community spirit to which we are all called but so often fail to respond. Michael Buzcek never failed to respond.

Our hope is that you can take some measure of consolation in the bright legacy of love, courage, and duty your husband leaves through his service as a member of the New York City Police Department. He has made a lasting contribution to the police force and the entire city.

Finally, this tribute to Michael would not be complete without saluting as well all those who continue to serve in the NYPD today. These men and women carry on the same spirit of bravery and respect for the law that Michael so faithfully upheld. May God bless and keep you all.

Sincerely,

GEORGE BUSH

Mrs. Michael Buczek
New York, New York

SENT EXPRESS MAIL TO:
Miss Debbie Caruso
Patrolmen's Benevolent Association
of the City of New York, Inc.
250 Broadway

890405

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release May 15, 1989

REMARKS BY THE PRESIDENT
AT NATIONAL PEACE OFFICERS
MEMORIAL DAY SERVICE

West Front, U.S. Capitol
Washington, D.C.

12:29 P.M. EDT

THE PRESIDENT: Thank you, Suzie. If it doesn't start clearing up, we're issuing snorkels to everybody out there. (Laughter.) Thank you, Suzie Sawyer, and, of course, to Dewey Stokes and Craig Floyd, my respects as well. You have great leadership, and I salute them. I want to say how pleased I am that the Secretary of the Treasury is with me -- Nick Brady; our Attorney General -- the able Dick Thornburgh; and our drug czar, Secretary Bill Bennett.

The fact that we four are here is intentional. It sends the signal of our commitment and of our interest. And I know members of Congress are here as well. I spotted my own Senator, Senator Phil Gramm of Texas and Senator Pete Wilson. But I'm going to be in trouble because I can't see over there who else is there, but I know many are sitting right over here, and we salute them. I see Senator Ford and others. And we're just delighted that they are here today. (Applause.)

Last fall, a retired New York police lieutenant gave me badge number 14072. And I have it with me here today -- the badge his son wore the day he was gunned down by a gang of cocaine cowards. Matt 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 single day."

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 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 compassionate, the wounded and the widowed. And I salute the survivors that are here today.

We gather today to respond to those voices and to honor the fallen by launching a 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 that 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 FDR's finest speech: The "Four Freedoms" -- an address to a joint session of the Congress. And the last, often forgotten, but arguably the most fundamental of those freedoms was simply this: Freedom from fear. Our sworn duty to "Insure domestic tranquility" is as old as the Republic, placed in the Constitution's Preamble even before the common defense and the general welfare. And

so 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. And 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. And whether it's the brutalization of a young runner in a park or terrorizing a young man on to a crowded highway, these are acts that cannot be excused, or explained away. A common sense approach to crime means that if we're 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. (Applause.)

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 we will lead the way. We'll do our part -- and then some. But no federal effort can succeed without the full partnership of the cities and states that you so nobly represent. Unfortunately, nowhere is your front line role more evident than in the honor roll that will be read today: of 161 officers killed in the line of duty last year, 152 were state or local cops. And 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. And one witness said that they hoped to see the attack on the television news at Riker's Island.

Well, today we have a message of our own: We're going to take back the streets -- by taking criminals off the streets. And it's an attack -- (applause) -- it is 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. (Applause.)

I am announcing today -- and there is no more fitting place than right here -- a comprehensive new offensive for combating 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 semiautomatic and so-called "assault" weapons that criminals have taken as their gun of choice.

And 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, and 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. And so let me be very clear about our response: The right to own a gun is not a license to harm others.

And so 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 semiautomatic weapons in crimes involving violence or drugs.

And the math is simple. Anyone who uses a semiautomatic 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. (Applause.)

And secondly, we must can't plea bargain away the lives of your loved ones, the lives of our cops and kids. And I'm 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. (Applause.)

And third -- when a criminal carries a gun -- and someone dies -- they must pay with their own lives. (Applause.)

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, and the death penalty where appropriate. Your states owe it to those here today, and to the American people. (Applause.)

And 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 standards in existing law. And at the conclusion of this study -- and after careful consideration -- we will permanently ban 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 semiautomatics frequently used" for legitimate hunting and sport.

And here is substantial controversy and debate on this point. You're all well aware of that. But one thing that we do know about these "assault" weapons is that they are invariably equipped with unjustifiably large magazines. The notorious AKS-47, for example, comes with a magazine that pumps off 30 explosive bullets without reloading.

And that is why -- fifth -- we stand on the steps here in front of the Capitol and ask its support for legislation prohibiting the importation, manufacture, sale, or transfer of these insidious 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. And 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 is outrageous.

And therefore, we also propose that Congress close this Purdy loophole, and others like it that allow deadly weapons to fall into deadly hands. Again, that's just plain common sense. We must not allow deadly weapons to fall into deadly hands. But we need to do more than just enact new laws. And 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." And he answers: "Lady, we're trying." And the woman offers a four word solution: "You need more help."

And 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, if you will, 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.

And 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. And 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.

And now, there probably isn't a police officer 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 prisons are bursting at the seams. That is 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 the Congress to authorize an additional $1 billion -- over and above the $500 million already slated for 1990 -- for federal prison construction. (Applause.) These 24,000 new beds will boost federal prison capacity by nearly 80 percent.

Not since Lincoln has a President stood in front of the Capitol and been just a few miles from the front lines 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 -- over there -- only moments after taking the oath of office -- I made a promise: "This scourge will stop." And that's a promise that we intend to keep. Ladies and gentlemen, I offer my condolences for your fallen loved ones and for your fellow officers. And I salute your commitment, and I salute your courage, and as a citizen -- grateful for the protection you have provided for me and my family and my fellow countrymen. I thank you, and I wish you Godspeed.

Thank you all, and God bless the United States of America. Thank you very much. (Applause.)

END 12:45 P.M. EDT

Chris

Davis
Date: June 12, 1989
Title: Georgia
Draft: One

PRESIDENTIAL ADDRESS: FED. LAW-ENFORCEMENT TRAINING CENTER
GLYNCO, Ga./JUNE 14, 10:40 p.m.

Thank you, ((Acknowledgements)). It's a delight to be so near the Golden Isles of Georgia.

((You may be surprised to know that my grandkids begged me to let them come to this speech. You see, they heard I would be addressing the "smurfs" . . .))

Kidding aside, when you graduate from the Federal Law-Enforcement Training Center, you will leave with the knowledge that you have already confronted the hardest questions any peace officer must face. You will have already been tested under fire.

You will know, from the Firearm Training Center, whether or not you would shoot when you must shoot, and if you would hold your fire when the apparent bank robber turns out to be a child with a toy gun. You will know from "Hogan's Alley" just how fast your reaction time really is. In short, you will have been tried and tested, all of your reflexes -- physical, mental and moral.

When you return to duty -- whether your duty is at a Federal Courthouse in Atlanta, the mountain hollows of West Virginia or the city streets of New York, you will take with you a confidence and a self-assurance that can only be earned, never bestowed.

You might guard a NASA rocket, a witness under the threat of a murder contract, or a visiting Prime Minister. You might be a member of the U.S. Coast Guard, Customs, the Secret Service, or practically any federal agency. Or you might be a local or state law enforcer. But wherever you are from, whatever you do, you wear a badge over your heart -- a badge of service . . . and a badge of honor.

This Center is dedicated to a special partnership between every man and woman with a badge. One partner, the federal government, is best equipped to fight specialized crimes -- from interdicting drugs on the high seas, to catching a high-rolling tycoon of thievery. But the bulk of law enforcement is provided by the states and localities -- those closest to the streets and homes of America. That is why this Center is so well suited to this special partnership, because it directs the vast resources of the federal government to train law enforcers and officials at every level.

No single agency could pool together the high-tech, state-of-the art facilities, or the variety of talented instructors

that this Center has. But it is more than your ample resources and your excellent faculty that make Glynco the most unique law-enforcement training facility in the world. You are unique because you are one -- one academy, one purpose -- to catch today's criminals with tomorrow's methods, to lift the shadow of fear from the streets of America.

Where else can an investigator from (a state agency) learn how to track down insurance or telecommunications fraud, money laundering, or computer crimes? Glynco's Computer and Economic Crime Division will allow agencies to keep up with a boom industry -- the quiet larcenies of white-collar crime.

Where else can state law enforcers work with federal agents from Customs, the Border Patrol and DEA to learn how to crack a drug ring?

Where else can United States Ambassadors learn to recognize and avoid terrorists? Or a state investigator learn to work with federal regulators to track down those who would poison our lakes and rivers?

Nowhere else. Nowhere else do law enforcers from so many agencies train together. You may be a Texas Ranger, a Customs officer or an undercover DEA agent. But you here you learn that

there are many agencies that fight crime; but there are only two sides -- crime and the law . . . the united forces of justice.

The Peace Officers Memorial here at Glynco is a somber reminder of this shared cause . . . and shared sacrifice. Thirty-five are the names of state and local law enforcers slain in the line of duty. Thirty-nine are the names of slain federal officers. All were graduates of this Center.

Among the names is one I know well -- Ariel Rios, a Special Agent of the Bureau of Alcohol, Tobacco and Firearms. Ariel graduated from the Center in March, 1979. And he was shot to death while working undercover in South Florida in (year).

Julie Cross, Special Agent, U.S. Secret Service -- her name marks a poignant distinction. When she was killed in Los Angeles in June, 1980, while working a criminal counterfeit investigation, Julie became the first female Secret Service Agent to die in the line of duty.

Sadly, these are not the only names of slain officers. Of 161 officers killed in the line of duty last year, 152 were state or local officers. More than 1,500 law enforcement officers have been killed in the past ten years. That is one death almost every two days. **One death ~~for~~ every two days.**

Well, I am here today to deliver a message. I said it in New York, after the murder of officer Matt Byrne. I came here, to Georgia, to lay a wreath and to repeat this message -- **let the whole world know, hunting season is over.**

This afternoon, I will transmit to the Congress a package that I unveiled on May 15, a set of measures intended to back you where it counts -- on the streets and in the courtroom.

First, I call on Congress to do for dangerous firearms what it has wisely done for dangerous drugs. I propose to double the mandatory penalties for the use of semi-automatic weapons in crimes involving violence or drugs. The math is simple -- those who use a semi-automatic weapon for crime -- or so much as have one during the commission of a crime -- will do an automatic 10 years in federal prison. There will be no excuses. No probation. And no parole. **Let's put the handcuffs on criminals, not on the criminal justice system.** ((PAUSE))

Secondly, we can't plea bargain away the lives of your loved ones, the lives of fellow cops and kids. I have directed the Attorney-General to advise America's prosecutors to end plea bargaining for violent federal firearms offenses. Our message to the common criminal is this: **Pack a gun and we'll pack you away.** ((PAUSE))

Third, when a criminal carries a gun -- and someone dies -- justice demands something in return -- the ultimate penalty, **a life for a life.** ((PAUSE))

I call on governors to match this federal initiative and propose these same three standards at home -- mandatory time, no deals without cooperation and the death penalty.

Fourth -- I have asked the Bureau of Alcohol, Tobacco and Firearms to determine how we can best ban the importation of assault weapons. You know what I'm taking about -- the kinds of weapons that are useless to hunters, the kinds of weapons that can only **blast, level and destroy.** ((PAUSE))

Fifth -- Toward this same end, I propose the prohibition of the importation, manufacture, sale or transfer of gun magazines of more than 15 rounds.

Finally, I am requesting funding for the hiring of 825 new federal agents and staff -- 375 at Alcohol, Tobacco and Firearms, 300 at the FBI and 150 new Deputy U.S. Marshals. These new law enforcers should be matched by 1,600 new prosecutors and staff. We are asking for an additional $1 billion -- over and above $500 million already slated for 1990 -- for federal prison construction. This will mean 24,000 new beds to boost federal prison capacity by nearly 80 percent.

In short, I am proposing more law enforcers to **catch criminals;** more staff to **prosecute them;** and more prisons **to put them away.** ((PAUSE))

Glynco plays a major role in this war on crime. To say it exists to "foster interagency cooperation" is a gross understatement. It creates a bond between you and your roommates, your classmates, your fellow officers of the law. This is a bond that can only be known by those who put themselves on the line every day in the service of a great cause.

In a country where criminals threaten to erode the very liberties we hold so dear, you are domestic freedom fighters in the war on crime. For this reason, you have a friend in the Oval Office, and the gratitude and support of the American people.

Thank you, God bless you, and God bless America.

# # #

Document No. _____

WHITE HOUSE STAFFING MEMORANDUM

DATE: 5/15/89 **ACTION/CONCURRENCE/COMMENT DUE BY:** ---------

SUBJECT: PRRESIDENTIAL REMARKS: PEACE OFFICERS MEMORIAL DAY

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☑	MCCLURE	☐	☑
SUNUNU	☐	☑	NEWMAN	☐	☑
SCOWCROFT	☐	☑	PORTER	☐	☑
DARMAN	☐	☑	STUDDERT	☐	☑
BATES	☐	☑	UNTERMEYER	☐	☑
BREEDEN	☐	☑	Bostin	☐	☑
CARD	☐	☑	Byers	☐	☑
CICCONI	☐	☑	Winston	→	☑
DEMAREST	☐	☑	Pinkerton	☐	☑
FITZWATER	☐	☑	_____	☐	☐
GRAY	☐	☑	_____	☐	☐
HAGIN	☐	☑	_____	☐	☐

REMARKS:

The attached is for your information

RESPONSE:

James W. Cicconi
Assistant to the President
and Deputy to the Chief of Staff
Ext. 2702

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 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 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. 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 STUDY -- AND AFTER CAREFUL CONSIDERATION -- WE WILL PERMANENTLY BAN 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.

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 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 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.

# # #

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Diagram	Movements and security diagram for POTUS visit, re: U.S. Capitol West Front, National Peace Officers Memorial Service, Washington, D.C. (2 pp.)	05/15/89	(b)(7)(e), (b)(7)(f)	

Collection:

Record Group: Bush Presidential Records
Office: Speechwriting, White House Office of
Series: Speech File, Backup
Subseries:
WHORM Cat.:
File Location: Peace Officers Memorial Day 5/15/89 [2]

Date Closed: 9/24/2004	**OA/ID Number:** 06265
FOIA/SYS Case #:	
Re-review Case #: 2004-2265-S	
P-2/P-5 Review Case #:	
MR Case #:	**Appeal Case #:**
MR Disposition:	**Appeal Disposition:**
Disposition Date:	**Disposition Date:**

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advise between the President and his advisors, or between such advisors [a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
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Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Memo	Attorney General Dick Thornburgh to Federal Prosecutors, re: Plea Bargaining Under the Sentencing Reform Act. (6 pp.)	03/13/89	P/S	

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

March 13, 1989

MEMORANDUM

TO: Federal Prosecutors

FROM: Dick Thornburgh
Attorney General

SUBJECT: Plea Bargaining Under The Sentencing Reform Act

In January, the Supreme Court decided Mistretta v. United States and upheld the sentencing guidelines promulgated by the Sentencing Commission pursuant to the Sentencing Reform Act of 1984. The Act was strongly supported by the Department of Justice, and the Department has defended the guidelines since they took effect on November 1, 1987. Under these guidelines, it is now possible for federal prosecutors to respond to three problems that plagued sentencing prior to their adoption: 1) sentencing disparity; 2) misleading sentences which were shorter than they appeared as a result of parole and unduly generous "good time" allowances; and 3) inadequate sentences in critical areas, such as crimes of violence, white collar crime, drug trafficking and environmental offenses. It is vitally important that federal prosecutors understand these guidelines and make them work. Prosecutors who do not understand the guidelines or who seek to circumvent them will undermine their deterrent and punitive force and will recreate the very problems that the guidelines are expected to solve.

This memorandum cannot convey all that federal prosecutors need or should want to know about how to use the guidelines, and it is not intended to invalidate more specific policies which are consistent with this statement of principles and may have been adopted by some litigating divisions to govern particular offenses. This memorandum does, however, set forth basic departmental policies to which all of you will be expected to adhere. The Department consistently articulated these policies during the drafting of the guidelines and the period in which their constitutionality was tested. Compliance with these policies is essential if federal criminal law is to be an effective deterrent and those who violate the law are to be justly punished.

Plea Bargaining

Charge Bargaining

Charge bargaining takes place in two settings, before and after indictment. Consistent with the Principles of Federal Prosecution in Chapter 27 of Title 9 of the United States Attorneys' Manual, a federal prosecutor should initially charge the most serious, readily provable offense or offenses consistent with the defendant's conduct. Charges should not be filed simply to exert leverage to induce a plea, nor should charges be abandoned in an effort to arrive at a bargain that fails to reflect the seriousness of the defendant's conduct

Whether bargaining takes place before or after indictment, the Department policy is the same: any departure from the guidelines should be openly identified rather than hidden between the lines of a plea agreement. It is inevitable that in some cases it will be difficult for anyone other than the prosecutor and the defendant to know whether, prior to indictment, the prosecutor bargained in conformity with the Department's policy. The Department will monitor, together with the Sentencing Commission, plea bargaining, and the Department will expect plea bargains to support, not undermine, the guidelines.

Once prosecutors have indicted, they should find themselves bargaining about charges which they have determined are readily provable and reflect the seriousness of the defendant's conduct. Should a prosecutor determine in good faith after indictment that, as a result of a change in the evidence or for another reason (e.g., a need has arisen to protect the identity of a particular witness until he testifies against a more significant defendant), a charge is not readily provable or that an indictment exaggerates the seriousness of an offense or offenses, a plea bargain may reflect the prosecutor's reassessment. There should be a record, however, in a case in which charges originally brought are dropped.

Sentence Bargaining

There are only two types of sentence bargains. Both are permissible, but one is more complicated than the other. First, prosecutors may bargain for a sentence that is within the specified guideline range. This means that when a guideline range is 18-24 months, you have discretion to agree to recommend a sentence of 18 or 20 months rather than to argue for a sentence at the top of the range. Similarly, you may agree to recommend a downward adjustment of two levels for acceptance of responsibility if you conclude in good faith that the defendant is entitled to the adjustment.

Second, you may seek to depart from the guidelines. This type of sentence bargain always involves a departure and is more complicated than a bargain involving a sentence within a guideline range. Departures are discussed more generally below.

Department policy requires honesty in sentencing; federal prosecutors are expected to identify for U.S. District Courts departures when they agree to support them. For example, it would be improper for a prosecutor to agree that a departure is in order, but to conceal the agreement in a charge bargain that is presented to a court as a fait accompli so that there is neither a record of nor judicial review of the departure.

In sum, plea bargaining, both charge bargaining and sentence bargaining, is legitimate. But, such bargaining must honestly reflect the totality and seriousness of the defendant's conduct and any departure to which the prosecutor is agreeing, and must be accomplished through appropriate guideline provisions.

Readily Provable Charges

The basic policy is that charges are not to be bargained away or dropped, unless the prosecutor has a good faith doubt as to the government's ability readily to prove a charge for legal or evidentiary reasons. It would serve no purpose here to seek to further define "readily provable." The policy is to bring cases that the government should win if there were a trial. There are, however, two exceptions.

First, if the applicable guideline range from which a sentence may be imposed would be unaffected, readily provable charges may be dismissed or dropped as part of a plea bargain. It is important for you to know whether dropping a charge may affect a sentence. For example, the multiple offense rules in Part D of Chapter 3 of the guidelines and recent changes to the relevant conduct standard set forth in 1B1.3(a)(2) will mean that certain dropped charges will be counted for purposes of determining the sentence, subject to the statutory maximum for the offense or offenses of conviction. It is vital that federal prosecutors understand when conduct that is not charged in an indictment or conduct that is alleged in counts that are to be dismissed pursuant to a bargain may be counted for sentencing purposes and when it may not be. For example, in the case of a defendant who could be charged with five bank robberies, a decision to charge only one or to dismiss four counts pursuant to a bargain precludes any consideration of the four uncharged or dismissed robberies in determining a guideline range, unless the plea agreement included a stipulation as to the other robberies. In contrast, in the case of a defendant who could be charged with five counts of

fraud, the total amount of money involved in a fraudulent scheme will be considered in determining a guideline range even if the defendant pleads guilty to a single count and there is no stipulation as to the other counts.

Second, federal prosecutors may drop readily provable charges with the specific approval of the United States Attorney or designated supervisory level official for reasons set forth in the file of the case. This exception recognizes that the aims of the Sentencing Reform Act must be sought without ignoring other, critical aspects of the federal criminal justice system. For example, approval to drop charges in a particular case might be given because the United States Attorney's office is particularly over-burdened, the case would be time-consuming to try, and proceeding to trial would significantly reduce the total number of cases disposed of by the office.

To make guidelines work, it is likely that the Department and the Sentencing Commission will monitor cases in which charges are dropped. It is important, therefore, that federal prosecutors keep records justifying their decisions not to go forward with readily provable offenses.

Departures Generally

In Chapter 5, Part K of the guidelines, the Commission has listed departures that may be considered by a court in imposing a sentence. Some depart upwards and others downwards. Moreover, 5K2.0 recognizes that a sentencing court may consider a departure that has not been adequately considered by the Commission. A departure requires approval by the court. It violates the spirit of the guidelines and Department policy for prosecutors to enter into a plea bargain which is based upon the prosecutor's and the defendant's agreement that a departure is warranted, but that does not reveal to the court the departure and afford an opportunity for the court to reject it.

The Commission has recognized those bases for departure that are commonly justified. Accordingly, before the government may seek a departure based on a factor other than one set forth in Chapter 5, Part K, approval of United States Attorneys or designated supervisory officials is required, after consultation with the concerned litigating Division. This approval is required whether or not a case is resolved through a negotiated plea.

Substantial Assistance

The most important departure is for substantial assistance by a defendant in the investigation or prosecution of another person. Section 5K1.1 provides that, upon motion by the government, a court may depart from the guidelines and may impose a non-guideline sentence. This

departure provides federal prosecutors with an enormous range of options in the course of plea negotiations. Although this departure, like all others, requires court approval, prosecutors who bargain in good faith and who state reasons for recommending a departure should find that judges are receptive to their recommendations.

Stipulations of Fact

The Department's policy is only to stipulate to facts that accurately represent the defendant's conduct. If a prosecutor wishes to support a departure from the guidelines, he or she should candidly do so and not stipulate to facts that are untrue. Stipulations to untrue facts are unethical. If a prosecutor has insufficient facts to contest a defendant's effort to seek a downward departure or to claim an adjustment, the prosecutor can say so. If the presentence report states facts that are inconsistent with a stipulation in which a prosecutor has joined, it is desirable for the prosecutor to object to the report or to add a statement explaining the prosecutor's understanding of the facts or the reason for the stipulation.

Recounting the true nature of the defendant's involvement in a case will not always lead to a higher sentence. Where a defendant agrees to cooperate with the government by providing information concerning unlawful activities of others and the government agrees that self-incriminating information so provided will not be used against the defendant, section 1B1.8 provides that the information shall not be used in determining the applicable guideline range, except to the extent provided in the agreement. The existence of an agreement not to use information should be clearly reflected in the case file, the applicability of section 1B1.8 should be documented, and the incriminating information must be disclosed to the court or the probation officer, even though it may not be used in determining a guideline sentence.

Written Plea Agreements

In most felony cases, plea agreements should be in writing. If they are not in writing, they always should be formally stated on the record. Written agreements will facilitate efforts by the Department and the Sentencing Commission to monitor compliance by federal prosecutors with Department policies and the guidelines. Such agreements also avoid misunderstandings as to the terms that the parties have accepted in particular cases.

Understanding the Options

A commitment to guideline sentencing in the context of plea bargaining may have the temporary effect of increasing the proportion of cases that go to trial, until defense counsel and defendants understand that the Department is committed to the statutory sentencing goals and procedures. Prosecutors should understand, and defense counsel will soon learn, that there is sufficient flexibility in the guidelines to permit effective plea bargaining which does not undermine the statutory scheme.

For example, when a prosecutor recommends a two level downward adjustment for acceptance of responsibility (e.g., from level 20 to level 18), judicial acceptance of this adjustment will reduce a sentence by approximately 25%. If a comparison is made between the top of one level (e.g., level 20) and the bottom of the relevant level following the reduction (e.g., level 18). it would show a difference of approximately 35%. At low levels, the reduction is greater. In short, a two level reduction does not mean two months. Moreover, the adjustment for acceptance of responsibility is substantial, and should be attractive to defendants against whom the government has strong cases. The prosecutor may also cooperate with the defendant by recommending a sentence at the low end of a guideline range, which will further reduce the sentence.

It is important for prosecutors to recognize while bargaining that they must be careful to make all appropriate Chapter Three adjustments -- e.g., victim related adjustments and adjustments for role in the offense.

Conclusion

With all available options in mind, and with full knowledge of the availability of a substantial assistance departure, federal prosecutors have the tools necessary to handle their caseloads and to arrive at appropriate dispositions in the process. Honest application of the guidelines will make sentences under the Sentencing Reform Act fair, honest, and appropriate.

Withdrawal/Redaction Sheet
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Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Memo	Bill McCollum to POTUS, re: Guns and Violent Crime: An Analysis of Options. (5 pp.)	04/20/89	P-5	

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MEMO

TO: PRESIDENT GEORGE BUSH

FROM: BILL McCOLLUM

SUBJECT: GUNS AND VIOLENT CRIME - AN ANALYSIS OF OPTIONS

DATE: APRIL 20, 1989

The Problem

The public and police outcry following the Stockton, California shootings of school children by a man using an AK47 semi-automatic rifle has brought to the forefront of national issues the crisis of violent crimes with guns in our city streets. The question is how do we swiftly and significantly reduce the number of these violent crimes with guns and put a lid on this crisis.

Although the immediate focus has been on semi-automatic "assault" rifles, the real problem is much broader than that. As the attached column by Richard Cohen accurately states, rifles of all kinds account for a very small fraction of the murders committed in the United States; handguns account for a much, much larger share. Whatever you and the Congress do about so-called "assault rifles", police organizations and the media won't be satisfied because the rifles are only symbolic at the moment of the deeper problem which must be addressed.

Solutions:

The following questions illustrate the four different ways this problem can be tackled:

Can we keep guns out of the hands of felons and others likely to commit violent crimes with guns?

Can we change our criminal laws and procedures to more effectively deter the commission of violent crimes with guns?

Can we take off the streets and lock-up the people committing violent crimes with guns?

Can we remove guns from the streets in large enough quantities to have a significant impact on the number of violent crimes committed with guns?

KEEPING GUNS FROM FELONS

The Justice Department is hard at work to comply with the McCollum Amendment to last year's drug bill which requires it to develop and begin implementation within the year of a system of immediate and accurate identification of felons who attempt to buy guns at gun stores. Technology exists to input fingerprints of all convicted felons in a national master computer file and to have this computer file accessible through special terminals in each gun store so that every gun dealer in America could electronically take the fingerprints of everyone attempting to purchase a gun and within a matter of moments have it checked to see if it matches a convicted felon's fingerprints in the master file. The only issues to be resolved by the Justice Department before implementation are costs and the procedures of implementation.

When this system is in place, it will do just about as much as we can do to stop felons from being able to get guns. The problem is that studies show that only about 20 percent of all criminals who use guns get them by purchasing them at gun stores. So while the impact could be significant, it will be limited.

The Justice Department is studying similar procedures to screen out other purchasers who are not eligible for such things as mental disease, etc.

DETERRENTS

To deter anybody from committing a crime there has to be stiff punishment on the books for the crime and there has to be swiftness and certainty in getting convictions and having sentences carried out. Federal law presently has a minimum mandatory sentence of 5 years in prison on the first conviction of committing a felony with a firearm and a 20 year minimum mandatory sentence for the second conviction. However, we do not have a constitutionally valid death penalty on the books at the federal level for murders committed with guns (we did pass in last year's drug bill a death penalty for murders committed by drug traffickers, whether with guns or otherwise). I recommend your support of a new federal death penalty for all murders committed with guns.

The real key to beefing-up deterrents is to put more swiftness and certainty in carrying out the current laws. Besides additional resources for law enforcement, prosecutors, judges and jails, this involves a long overdue modification of the exclusionary rule which Republicans have supported for years to help prosecutors make cases and reform of current habeas corpus laws and procedures to cut down on the opportunities convicted

felons have of delaying the carrying-out of their sentences by repeated ancillary appeals in federal district courts on due process grounds. Restricting plea bargaining when firearms are involved also could add to the deterrent.

TAKE VIOLENT CRIMINALS WHO USE GUNS OFF THE STREETS

A dramatic and immediate way for you to address the gun issue would be to use current law to take a lot of people who have committed crimes with guns off the streets right now. It is a federal crime with a long minimum mandatory sentence for any one to commit a felony, state or federal, using a firearm of any type. Most of the felonies committed with guns are being prosecuted in state courts because the underlying crimes are state crimes. For many reasons including overcrowded state prisons, these felons are being turned back onto the streets very rapidly serving little or no time after their convictions for the underlying felonies. Clearly they are the ones most likely to commit future crimes with guns. If you set the priorities with the Attorney General through strike forces or otherwise federal prosecutors could bring gun charges against thousands of criminals in the state systems across the country in a matter of a few days. If priorities and resources were devoted to these prosecutions, convictions could be obtained rather easily in most cases and everyone of these criminals would be serving a minimum mandatory five-year sentence, or greater, in a federal prison. That would be getting tough!

The obvious draw-back to this approach rests in the tremendous new need for federal prison space that would immediately result. While the Bureau of Federal Prisons would raise an initial objection, I see no reason why temporary prison facilities could not be set-up across the country on federal properties, including some military outposts, to house the additional load while more permanent federal prisons are being constructed and states are being encouraged to build new prisons with federal incentives.

In my judgment this would be the single most effective thing you could do to impact the gun situation now. However, there must be follow through after this is initiated to make sure that critics have no basis to claim this is a one-time shot that is not going to resolve anything in the long run. We must build more prisons, federal and state and make some fundamental changes in the criminal justice system in regard to guns. Only with the fundamental changes can we be assured of taking the violent criminals off the streets and keeping them off.

TAKING GUNS OFF THE STREETS

In my judgment this approach has the most practical and political problems of all of them and would be the least effective in impacting the problem. It is this approach that we're talking about when we discussed banning the importation or manufacture or sale of "assault weapons." In a broad perspective this is very

ineffective because we are not going to take a sizable proportion of all guns off the streets and criminals are going to use whatever guns we leave out there for them to obtain.

As noted at the beginning of this memorandum, "assault rifles" are only a very minor portion of the gun problem, and even if every semi-automatic rifle currently in existence were removed from society we would hardly make any kind of a dent in killings committed by criminals with guns. Politically, whatever we do on the assault rifle issue we are only going to whet the appetites of those whose primary focus on the violent crime problem is the removal of guns from the streets.

In the rifle area there is the additional problem of defining an "assault" rifle and making it distinquishable from any other semi-automatic rifle so that we can ban it and not ban all hunting weapons commonly in use. The Bureau of Alcohol, Tobacco and Firearms (BATF) has clearly stated that there is no functional distinction between the various semi-automatic rifles commonly in use in the United States; no matter what they look like they all have the same fire power and the same killing power. BATF uses very arbitrary means to distinquish some by saying that they can see no "sporting purpose" in the cosmetic features of some of these weapons. Some are mean and ugly looking because they are made out of all metal and have folding stocks and pistol grips and so forth, but outside of their having some kind of appeal made glamorous by their use in cops and robbers television programs there is no more danger to society in these rifles than there is any other semi-automatic rifle whose cosmetic appearances resemble our image of a hunting or sporting rifle because of woodstock, or whatever.

Current approaches to defining an "assault rifle" may be expedient in dampening the media created fire over these particular weapons, but if this is all that is done then most assuredly the fires will be rekindled in short order and will burn stronger than ever. Given time BATF studies may show us specific models of rifles that are more commonly used by criminals which could provide the basis for rational judgment to ban or restrict some, but I suspect that these same studies will come back forcefully showing that it is the handgun and not the rifle that's the real problem and where do we go from there?

It is my recommendation to you that a systemic approach be taken on the gun matter. I believe that if you endorse a tough new package of legislative proposals to get at the criminals who use guns, endorse and encourage the current Justice Department efforts to develop a system of identification to keep felons from being able to buy guns and at the same time order a dramatic sweep of our cities by federal law enforcement agents and

prosecutors to arrest and take off the streets those who have committed felonies of a state or federal nature with a gun and proceed to lock them up in federal prisons or temporary camps, you will have done the best thing you could do politically and practically.