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

OA/ID Number: 13767
Folder ID Number: 13767-006

Folder Title:
Fraternal Order of Police 8/14/91 [OA 8327][1]

Stack:	Row:	Section:	Shelf:	Position:
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(Smith/Simon)
August 8, 1991
Draft Two
POLICE

PRESIDENTIAL REMARKS: FRATERNAL ORDER OF POLICE
PITTSBURGH, PENNSYLVANIA
WEDNESDAY, AUGUST 14, 1991
9:45 A.M.

Members of the Fraternal Order of Police, ladies and gentlemen. Two years ago, I was scheduled to address you -- but was unable to because of the death of an American hostage. / Today, I am delighted to be here in a time when hostages are being released from the Middle East. //

First, I want to thank you -- all 3,000 of you -- not merely for standing up to greet us today -- but for standing up for America every day. //

((Standing here surrounded by so many veteran officers of the law -- this is possibly the single safest moment of my life. // But that doesn't mean you all get to put in for overtime.))
//

I'm here today because our entire Administration stands shoulder to shoulder with you in the fight for law and order. We know that it makes no sense to send law troops into battle wearing handcuffs. // You and I realize that crime -- and fighting crime -- is usually a question of right and wrong, good and evil. I am here today to discuss how we can cleanse America by freeing it from the fear of crime and drugs. //

At the outset, let me suggest one way to move toward this objective. / Ensure that Clarence Thomas becomes the next Justice on the United States Supreme Court. //

Like us, Clarence Thomas knows that a nation that cannot understand the difference between right and wrong will never protect itself. He has lived the values we hold dear -- duty, decency, and personal responsibility -- and promoted them through his career in public service. // His personal story cannot help but move people, inspire them. It impresses anyone who is fair and open-minded. //

Judge Thomas' opinions in the field of criminal law demonstrate a deep understanding of the community's interest in deterring crime. He has resisted efforts to impose unreasonable requirements on police and prosecutors -- or to overturn criminal convictions on technicalities not required by the Constitution. At the same time, he has guarded against infringements of the fundamental rights of criminal defendants. //

I nominated Judge Thomas because he has the brains and background -- the character -- to bring to the Supreme Court a fidelity to the Constitution and the rule of law. // He has tremendous support from the real America. He is opposed only by those out of touch with America. I ask you to achieve a safer, better nation by urging the Senate to confirm Clarence Thomas as our next Supreme Court Justice. //

There is much talk these days about America's law enforcement officials. Some speak of police brutality; others,

talking points from Mark Paolotta

see file

of incompetence. True, some officers mock or abuse their authority. But let us never forget: The vast majority of America's law enforcement officers are decent and dedicated -- and too often unappreciated until someone needs their services.

//

You see -- too often -- man's inhumanity to man. And when you deal with crime's victims and its perpetrators, you know that our citizens want and deserve communities in which they feel safe because they are safe.

We must reject those who soft-pedal the need to be hard on crime. That is why by the end of this year, we will have 50 per cent more Federal prosecutors than in 1988. / And we are on our way to doubling the capacity of Federal prisons. That will help us house more than 2,500 dangerous criminals convicted since 1989 under tough Federal laws that require a mandatory 5-year sentence for drug trafficking or for using a gun in a violent crime. //

We want to free our country from the fear of crime and drugs. One way is to target hardened criminals -- career criminals -- under the Federal Armed Career Criminal Act. / We would like every State to have tough laws to deal with violent criminals. But we're not waiting for those who don't. Project Triggerlock, started just in April, already has produced 850 indictments against persons for firearms offenses. / We have increased by 220 percent our funding for the Edward Byrne Memorial Fund for State and Local Law Enforcement. / We have seized hundreds of millions of dollars of criminals' assets --

see DoJ book Record of Accompl. p. 4

Thornburgh Speech at Crime Summit 10-9 3-4-91

DoJ 7-17-91 press release

Crime Summit speech 3-6-91

(DoJ) DoJ book p. 12

using them to fund law enforcement and build new prisons. Talk about poetic justice. //

But we have plenty yet to do. // In that spirit, I call upon the Congress to get with it -- and pass our Comprehensive Package to combat violent crime. Nearly 2 and 1/2 years ago I announced our Violent Crime Act legislation -- asking Congress to back up our lawmen with laws that are fair, fast, and final. /

We proposed stiff new penalties for criminals using semiautomatic weapons, an improved exclusionary rule designed to protect the truth and punish the guilty, and habeas corpus reforms that would stop frivolous appeals and ensure that punishment was not only just but also swift and certain. / Most of all, our bill would have finally given us a Federal law to uphold a simple rule of justice: Those who kill must be prepared to pay with their own life. //

As we speak, the Senate has passed a crime bill that includes most of the features in our original legislation. But the House is trying to strip the bill in committee -- and that's plain criminal. The House's action mocks those who believe in order. It insults the memory of police both living and dead. //

America's police deserve better -- and so does every law-abiding citizen. Therefore, I urge Congress to pass our bill. If hoods use a semi-automatic weapon in a crime, make them serve at least 10 years. No parole. No probation. No plea bargaining. No kidding. //

5-15-89
speech

3-6-91
speech

Tom
McNulty
DoJ
5/4-2001

We need laws that reflect the belief that no penalty is too tough for those who kill a law enforcement officer. The same goes for drug kingpins who threaten a Federal witness, juror, or judge. We want Congress to take the steps necessary to expand the death penalty. Not some time. Not some place. Now. //

Finally, we want a good faith exception to the exclusionary rule. There's no reason good policemen should be penalized and criminals should go free because a judge or lawyer bungled a search warrant. For some reason, the Senate didn't see this our way -- but we will keep fighting to stop thugs from using technicalities to delay justice.

The time has come to show less compassion for the architects of crime and more compassion for its victims. // Let us protect those who suffer from crime -- especially the millions of poor and disadvantaged who obey the law. //

Let us vow to catch those who commit crimes, to prosecute them, and punish them -- swiftly, surely, fairly. Let us pass our crime bill -- and help win the war on crime. // What a marvelous bequest for the heroes we call police officers. What a magnificent way to build a future as great as all America. //

For 75 years, the Fraternal Order of Police has supported the men and women charged with the tough and vital task of keeping the peace. I pledge my support, and offer this commitment: Our Administration will help you take hoods off the streets -- so that Americans can take back their streets.

Tom
McNulty
DoJ
5/4-2001

See
letter
from
James
Phillips
FOP

Thank you for what you've done, and for this occasion. And
God bless what we love -- the United States of America.

#

(Smith/Simon)
August 13, 1991
Draft Five
POLICE.TS

PRESIDENTIAL REMARKS: FRATERNAL ORDER OF POLICE
PITTSBURGH, PENNSYLVANIA
WEDNESDAY, AUGUST 14, 1991
9:45 A.M.

Dewey Stokes, thank you for that introduction. Attorney General Thornburgh, Members of the Fraternal Order of Police, ladies and gentlemen. I want to thank you -- all 3,000 of you -- for the warmth of your greeting. //

((Now I know how Barry Bonds and Bobby Bonilla [Bo-NEE-a] feel over at Three Rivers Stadium. // I don't think so many great defenders have gathered in Pittsburgh since the last reunion of the Steelers' Super Bowl teams.)) //

Two years ago, I was scheduled to address you -- but I could not -- because of the tragic death of an American hostage, Colonel William Higgins, who was hanged by brutal terrorists. / Today, I am delighted to be here at a time when hostages are being released from the Middle East. //

This is a difficult time for the families of those still held hostage. For years they have endured the cruel water torture of occasional vague promises followed by crushing disappointment. They have seen their loved ones used as political puppets, but they haven't been able to identify the puppeteers.

We cannot tell what lies ahead -- but this Administration will never rest until every hostage is freed to rejoin his loved ones -- and return to the America that loves them. //

I am here today because here, as in the Middle East, our entire Administration opposes chaos and lawlessness, and stands shoulder to shoulder with those who strive for law and order. //

As you well know, there are no magic, one-step solutions to the complex problems of crime and drugs. In some cases, education, employment, and career counseling sometimes can help turn prisoners into productive citizens. Drug rehabilitation can direct ex-drug users toward useful lives. /

But sometimes, these means don't work -- and we must remember that the first obligation of a penal system is to punish those who break our laws. //

Today, I want to discuss ways in which we can help free America from the fear of crime and drugs. //

I am proud of our Administration's domestic agenda -- and especially proud of our war on crime. Our outgoing Attorney General, Dick Thornburgh, has played a tremendous role in this fight. // Dick has taken his job as America's chief law enforcement officer seriously. Relentlessly, tenaciously, he has pursued those who prey on our society. //

Dick, on behalf of all Americans I want to thank you in your home town of Pittsburgh for your superb service to our country as Attorney General. //

We come here armed with some good news. Last year the percentage of American households affected by crime fell to an estimated 24 per cent -- the lowest rate since the Federal government introduced this indicator in 1975. / But as good as that news may sound, it is hard to celebrate the fact that nearly one in every four households feels the touch of crime each year.

So today, let's talk about building an America even more deeply committed to the values that make law and order possible.

One good step would be to ensure that Clarence Thomas becomes the next Justice on the United States Supreme Court. //

Clarence Thomas knows, as Teddy Roosevelt said, that America will not be a good place for any of us to live in until it is a good place for all of us to live in. He has lived the values we hold dear -- duty, decency, and personal responsibility -- and he has promoted them through his career in public service. // His personal story cannot help but move people, inspire them. //

I nominated Judge Thomas because he has the brains and background -- the character -- to promote fidelity to the Constitution and to uphold our commitment to equal opportunity. // I ask you to help support those values by urging the Senate to confirm Clarence Thomas as our next Supreme Court Justice. //

We can't underestimate the importance of these values since, as you know, police cannot maintain the peace without the help, the support and the respect of the people they serve.

When you deal with crime's victims and its perpetrators, you know that our citizens want and deserve to feel safe -- to live

in communities in which they are safe. But no one should underestimate the difficulty of bringing order to streets decimated by lawlessness and chaos.

Our administration is committed to rewarding good police work with convictions and punishment. // By the end of this year, we will have 50 per cent more Federal prosecutors than in 1988. / We are on our way to doubling the capacity of Federal prisons. That will help us house more than 2,500 dangerous criminals convicted since 1989 under tough Federal laws that require a mandatory 5-year sentence for using a gun in a violent crime or a drug trafficking offense. //

We have acted to curb potential furlough abuses. Under Dick Thornburgh, we tightened the furlough review process for inmates -- further restricting the already limited furlough opportunities for Federal offenders. // In April 1989 the furlough rate was 1.2 per 100 inmates -- this April it was less than half that.

We've cut furlough escapes from 12 in 1989 to four last year. And there'll be no let-up. Furlough is a **privilege -- not a right.** /

Our administration has acted to punish hardened criminals - - career criminals -- under the Federal Armed Career Criminal Act. / You shouldn't have to endure the frustration of watching a seasoned criminal walk free because we didn't have the facilities or the prosecutors or the will to take the law -- and our law enforcement officers -- seriously.

We would like every State to have tough laws to deal with violent criminals. But we're not waiting for those who don't.

Project Triggerlock, started just in April, already has produced 850 indictments against persons for firearms offenses. /

Together, we have seized criminals' assets -- using them to fund law enforcement and build new prisons. More than \$700 million of the assets seized have been returned to state and local law enforcement agencies for use in fighting crime. Talk about poetic justice. //

But this is just a beginning. // We have a very good chance this year of passing the Administration's Comprehensive Package to combat violent crime. Nearly 2-1/2 years ago I announced our Violent Crime Act legislation -- asking Congress to back up our law enforcement officials with laws that are fair, fast, and final. /

That package starts with a common-sense proposition: Don't send police into battle wearing handcuffs.

So: We proposed stiff penalties for criminals using semiautomatic weapons, an improved exclusionary rule, and habeas corpus reforms. These proposals tell criminals: You will serve the time. They also tell police and law-abiding citizens: We will reclaim our neighborhoods and streets.

Our package also says: Let's give our law officers the respect they deserve, in part by imposing the death penalty on those who kill a law enforcement officer.

Our proposals impose tough punishment on drug kingpins who threaten a Federal witness, juror, or judge. //

We want a good faith exception to the exclusionary rule. There's no reason good police officers should be penalized and criminals freed because a judge or lawyer bungled a search warrant.

We want habeas corpus reform that will prevent criminals and lawyers from using technicalities to gum up our justice system.

In short, the time has come to show less compassion for the architects of crime and more compassion for its victims. And no group suffers more from violent crime than the poor -- a group most heavily victimized by lawlessness. //

Working with Congress, we reauthorized the 1984 Victims of Crime Act -- and boosted its annual Victims Compensation and Assistance Fund to \$150 million. These dollars came not from taxpayers but from criminals' fines and penalties. After all, crime shouldn't pay. Criminals should. //

We stepped up efforts to implement the Victim-Witness Protection Act and the new Victims' Rights and Restitution Act. // And let me note how our Violent Crime Control Act of 1991 gives further aid to innocent victims of crime. It includes new protections for witnesses and abused kids. It provides rules that make it easier to prosecute those who commit sexual violence against children. It imposes mandatory HIV testing of accused sex offenders, and it guarantees a victim's right to address the court at sentencing. //

I'm happy to report that a bipartisan coalition in the Senate has passed a crime bill that includes most of the features in our original legislation. We now look for the House Judiciary Committee to act in an equally responsible manner, so that the full House may follow suit. //

To build upon this nation's commitment to order, we must enact a comprehensive crime bill that lets police uphold our laws. But at the same time, we should be careful not to make police responsible for creating peace everywhere.

After all, the fight against crime is everyone's business. Families, neighborhoods, schools, churches, drug shelters, businesses, the media -- everyone must join the fight.

You can't do your jobs if citizens don't call you, don't trust you, don't work with you. And you can't turn bad people into saints.

For 75 years, the Fraternal Order of Police has supported the men and women who have the tough duty of keeping the peace. I pledge my support, and offer this commitment: Our Administration will help you take criminals off the streets -- so that Americans can take back their streets.

Thank you for what you've done. Thanks for your support. May God bless you and the United States of America.

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FRATERNAL ORDER OF POLICE
PITTSBURGH, PENNSYLVANIA
WEDNESDAY, AUGUST 14, 1991
9:45 A.M.

DEWEY STOKES, THANK YOU FOR THAT INTRODUCTION.
ATTORNEY GENERAL THORNBURGH, MEMBERS OF THE FRATERNAL
ORDER OF POLICE, LADIES AND GENTLEMEN. I WANT TO THANK
YOU -- ALL 3,000 OF YOU -- FOR THE WARMTH OF YOUR
GREETING. //

((NOW I KNOW HOW BARRY BONDS AND BOBBY BONILLA
[BO-NEE-A] FEEL OVER AT THREE RIVERS STADIUM. // I
DON'T THINK SO MANY GREAT DEFENDERS HAVE GATHERED IN
PITTSBURGH SINCE THE LAST REUNION OF THE STEELERS'
SUPER BOWL TEAMS.)) //

TWO YEARS AGO, I WAS SCHEDULED TO ADDRESS YOU --
BUT I COULD NOT -- BECAUSE OF THE TRAGIC DEATH OF AN
AMERICAN HOSTAGE, COLONEL ^{Rich} ~~WILLIAM~~ HIGGINS. / TODAY, I
AM DELIGHTED TO BE HERE AT A TIME WHEN HOSTAGES ARE
BEING RELEASED FROM THE MIDDLE EAST. //

Photocopy-GB Handwriting

Photocopy-GB Handwriting

[THIS IS A DIFFICULT TIME FOR THE FAMILIES OF THOSE STILL HELD HOSTAGE. FOR YEARS THEY HAVE ENDURED THE CRUEL WATER TORTURE OF OCCASIONAL VAGUE PROMISES FOLLOWED BY CRUSHING DISAPPOINTMENT. THEY HAVE SEEN THEIR LOVED ONES USED AS POLITICAL PUPPETS, BUT THEY HAVEN'T BEEN ABLE TO IDENTIFY THE PUPPETEERS.

WE CANNOT TELL WHAT LIES AHEAD -- BUT THIS ADMINISTRATION WILL NEVER REST UNTIL EVERY HOSTAGE IS FREED TO REJOIN HIS LOVED ONES -- AND RETURN TO THE AMERICA THAT LOVES THEM. //] *And, once again, I'd like to express my strong support for Sec. General de Cuellar for his continuing efforts to free all hostages.*

I AM HERE TODAY BECAUSE HERE, AS IN THE MIDDLE EAST, OUR ENTIRE ADMINISTRATION OPPOSES CHAOS AND LAWLESSNESS, AND STANDS SHOULDER TO SHOULDER WITH THOSE WHO STRIVE FOR LAW AND ORDER. //

Photocopy-GB Handwriting

AS YOU WELL KNOW, THERE ARE NO MAGIC, ONE-STEP SOLUTIONS TO THE COMPLEX PROBLEMS OF CRIME AND DRUGS. IN SOME CASES, EDUCATION, EMPLOYMENT, AND CAREER COUNSELING SOMETIMES CAN HELP TURN PRISONERS INTO PRODUCTIVE CITIZENS. DRUG REHABILITATION CAN DIRECT EX-DRUG USERS TOWARD USEFUL LIVES. /

BUT SOMETIMES, THESE MEANS DON'T WORK -- AND WE MUST REMEMBER THAT THE FIRST OBLIGATION OF A PENAL SYSTEM IS TO PUNISH THOSE WHO BREAK OUR LAWS. //

TODAY, I WANT TO DISCUSS WAYS IN WHICH WE CAN HELP FREE AMERICA FROM THE FEAR OF CRIME AND DRUGS. //

I AM PROUD OF OUR ADMINISTRATION'S DOMESTIC AGENDA -- AND ESPECIALLY PROUD OF OUR WAR ON CRIME. OUR

OUTGOING ATTORNEY GENERAL, DICK THORNBURGH, HAS PLAYED A TREMENDOUS ROLE IN THIS FIGHT. // DICK HAS TAKEN HIS JOB AS AMERICA'S CHIEF LAW ENFORCEMENT OFFICER SERIOUSLY. RELENTLESSLY, TENACIOUSLY, HE HAS PURSUED THOSE WHO PREY ON OUR SOCIETY. //

we have strong initiatives on child care, clean air, home ownership, energy, transportation and in other areas as well but I am especially proud of our war on crime.

DICK, ON BEHALF OF ALL AMERICANS I WANT TO THANK
YOU IN YOUR HOME TOWN OF PITTSBURGH FOR YOUR SUPERB
SERVICE TO OUR COUNTRY AS ATTORNEY GENERAL. //

*Leaving politics aside this nation owes you
a real vote of gratitude.*

WE COME HERE ARMED WITH SOME GOOD NEWS. LAST YEAR
THE PERCENTAGE OF AMERICAN HOUSEHOLDS AFFECTED BY CRIME
FELL TO AN ESTIMATED 24 PER CENT -- THE LOWEST RATE
SINCE THE FEDERAL GOVERNMENT INTRODUCED THIS INDICATOR
IN 1975. / BUT AS GOOD AS THAT NEWS MAY SOUND, IT IS
HARD TO CELEBRATE THE FACT THAT NEARLY ONE IN EVERY
FOUR HOUSEHOLDS FEELS THE TOUCH OF CRIME EACH YEAR.


SO TODAY, LET'S TALK ABOUT BUILDING AN AMERICA EVEN
MORE DEEPLY COMMITTED TO THE VALUES THAT MAKE LAW AND
ORDER POSSIBLE.

ONE GOOD STEP WOULD BE TO ENSURE THAT CLARENCE
THOMAS BECOMES THE NEXT JUSTICE ON THE UNITED STATES
SUPREME COURT. //


WE HAVE ACTED TO CURB POTENTIAL FURLOUGH ABUSES.
UNDER DICK THORNBURGH, WE TIGHTENED THE FURLOUGH REVIEW
PROCESS FOR INMATES -- FURTHER RESTRICTING THE ALREADY
LIMITED FURLOUGH OPPORTUNITIES FOR FEDERAL OFFENDERS.
// IN APRIL 1989 THE FURLOUGH RATE WAS 1.2 PER 100
INMATES -- THIS APRIL IT WAS LESS THAN HALF THAT.

AND OF COURSE, NO FURLOUGHS ARE GRANTED FOR ANYONE
SERVING A SENTENCE OF LIFE WITHOUT PAROLE. THERE'LL BE
NO LET-UP. FURLOUGH IS A PRIVILEGE -- NOT A RIGHT. /

OUR ADMINISTRATION HAS ACTED TO PUNISH HARDENED
CRIMINALS -- CAREER CRIMINALS -- UNDER THE FEDERAL
ARMED CAREER CRIMINAL ACT. / YOU SHOULDN'T HAVE TO
ENDURE THE FRUSTRATION OF WATCHING A SEASONED CRIMINAL
WALK FREE BECAUSE WE DIDN'T HAVE THE FACILITIES OR THE
PROSECUTORS OR THE WILL TO TAKE THE LAW -- AND OUR LAW
ENFORCEMENT OFFICERS -- SERIOUSLY.

WE WOULD LIKE EVERY STATE TO HAVE TOUGH LAWS TO
DEAL WITH VIOLENT CRIMINALS. BUT WE'RE NOT WAITING ~~FOR~~ 

WE STEPPED UP EFFORTS TO IMPLEMENT THE VICTIM-
WITNESS PROTECTION ACT AND THE NEW VICTIMS' RIGHTS AND
RESTITUTION ACT. // AND LET ME NOTE HOW OUR VIOLENT
CRIME CONTROL ACT OF 1991 GIVES FURTHER AID TO INNOCENT
VICTIMS OF CRIME. IT INCLUDES NEW PROTECTIONS FOR
WITNESSES AND ABUSED KIDS. IT PROVIDES RULES THAT MAKE
IT EASIER TO PROSECUTE THOSE WHO COMMIT SEXUAL VIOLENCE
AGAINST ^{WOMEN AND} CHILDREN. IT IMPOSES MANDATORY HIV TESTING OF
ACCUSED SEX OFFENDERS, AND IT GUARANTEES A VICTIM'S
RIGHT TO ADDRESS THE COURT AT SENTENCING. //



I'M HAPPY TO REPORT THAT A BIPARTISAN COALITION IN
THE SENATE HAS PASSED A CRIME BILL THAT INCLUDES MOST
OF THE FEATURES IN OUR ORIGINAL LEGISLATION. WE NOW
LOOK FOR THE HOUSE JUDICIARY COMMITTEE TO ACT IN AN
EQUALLY RESPONSIBLE MANNER, SO THAT THE FULL HOUSE MAY
FOLLOW SUIT. //

Photocopy-GB Handwriting



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

June 26, 1991

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

At yesterday's luncheon for your top law enforcement officials, you inquired of Mike Quinlan, our Director of the Bureau of Prisons, about furloughs.

Set forth below, for your information, are the social furlough rates for inmates over the last five years:

	<u>Number of Furloughs</u>	<u>Number of Inmates</u>	<u>Rate/100 Inmates</u>
April '87	699	42,364	1.7
April '88	674	44,536	1.6
April '89	552	48,502	1.2
April '90	491	57,723	.85
April '91	324	63,571	.51

The steady decrease reflects the Bureau's conscientious management of the furlough program and the overall increasing inmate population.

All of this, of course, is in response to the concerns you expressed to me at the outset of your Administration about potential furlough abuses.

Sincerely,

Dick Thornburgh
Attorney General

UNITED STATES GOVERNMENT

memorandum

DATE: June 28, 1991

REPLY TO
ATTN OF:J. Michael Quinlan, Director
Federal Bureau of Prisons

SUBJECT:

Federal Inmate Furlough Regulations

TO: Honorable Dick Thornburgh
Attorney General

At your direction, in late 1988, the Bureau of Prisons (BOP) re-examined its already conservative furlough policy. As you are aware, the BOP furlough policy has provided discretion to wardens of our institutions to grant furloughs to inmates who are within two years of release and who are also "model prisoners," ordinarily having no serious violations in their criminal history. Furlough requests have been very carefully scrutinized and approved on a highly selective basis. Furloughs are a privilege, not a right.

Nevertheless, having completed the reassessment that you requested in 1988, the Bureau of Prisons implemented a more stringent approach to reviewing inmate furloughs. Revised policy guidelines, conveyed to Federal wardens in early 1989, tightened the furlough review process for inmates in the following categories: those with a history of using a weapon in the commission of a crime; those convicted of crimes against a person; those that are serious drug offenders; and those with a history of drug distribution offenses.

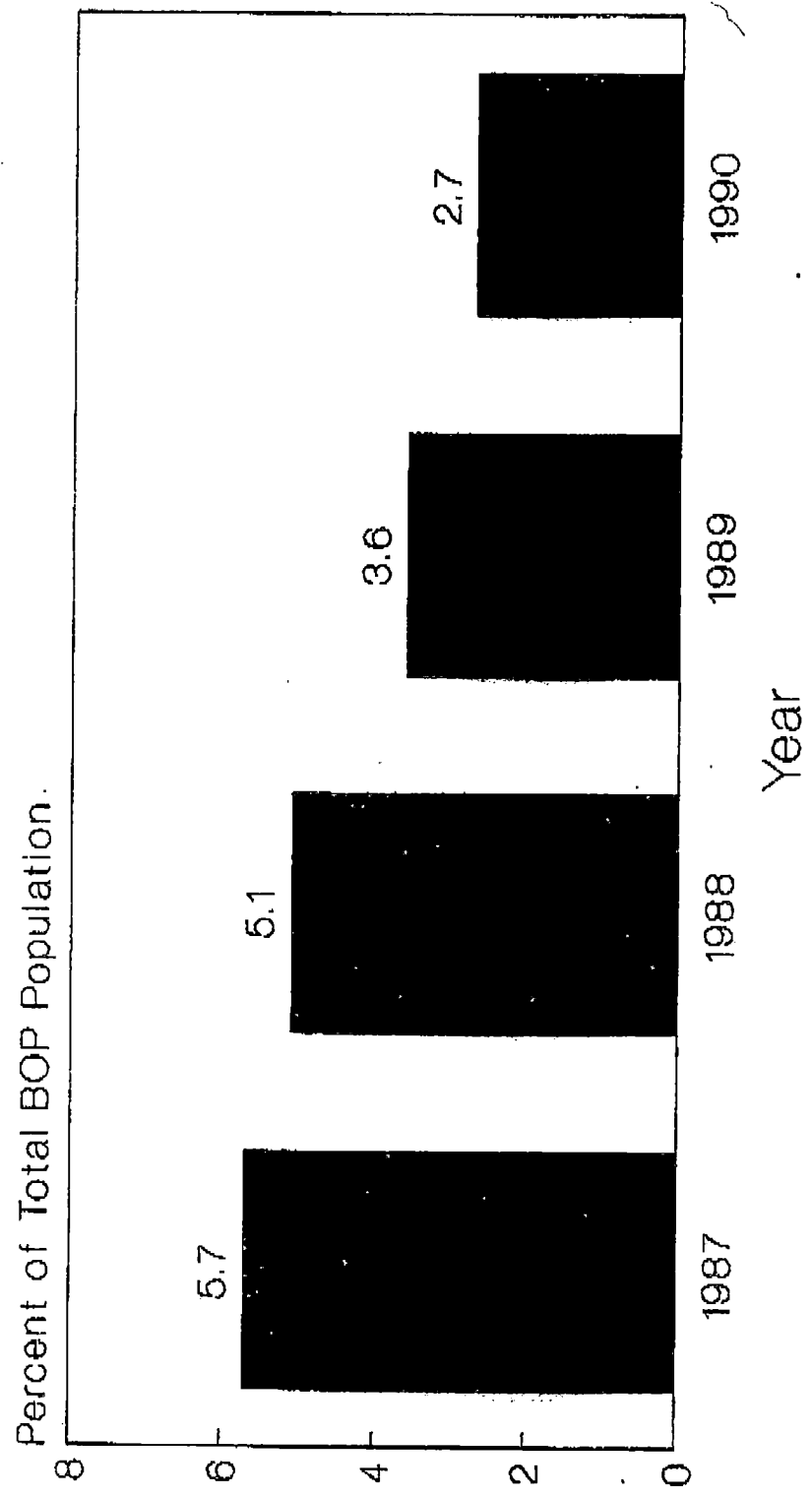
These refinements in the Bureau of Prisons' furlough policy further restrict the already limited furlough opportunities for Federal offenders. In fact, during the period between 1987 and 1990, there has been a 53% decline in the percentage of Federal prison inmates granted furloughs (graph attached). Likewise, the number of offenders in furlough status who have escaped has declined steadily as well, most recently with a threefold drop from 12 escapes in 1989 to 4 in 1990. These reductions come during a period when the number of Federal inmates has increased dramatically and steadily.

Specifically, since George Bush has taken office as President, there have been twenty furlough escapes. Seventeen of those individuals have been recaptured, and the remaining three are believed to be out of the country. Case histories reveal that these three offenders have relatively short sentences and were not convicted of crimes of violence.

In conclusion, these judicious revisions to the BOP furlough policy have proven useful in helping non-dangerous inmates prepare for reintegration into the community, without undue risk to public safety.

Attachment

Federal Bureau of Prisons Social Furlough Percentages, 1987-1990





The Associated Press, May 7, 1990

McCullough quoted the Rough Rider as saying, "I don't know what they think. I just know what they ought to think."

When Congress objected to his sending 16 U.S. battleships on a tour around the world, Roosevelt sent the fleet off anyway.

"Theodore determined that there was enough money in the Treasury to send them halfway. So he said, 'I'll send them halfway and Congress can decide whether to appropriate the money to bring them back again,'" said McCullough, author of "Mornings on Horseback," an account of Roosevelt's early years.

Roosevelt was a prime participant in "rampant, wild pillow fights almost every night" with his six children, the writer said.

He went on a real-life safari after leaving office in 1909, but his reluctance once to fire upon a small bear led a New York toymaker to conceive a novelty item: the "teddy" bear.

He set aside millions of acres for national forests and parks and "did more for conservation than any president before and very few since," McCullough said.

He renovated a "somewhat creepy" White House and scuttled plans to fill the mansion with offices and make the president live elsewhere.

"He couldn't spell worth anything," but read a book each night and could quote from them years later, the author said.

He created a stir in the South by inviting Booker T. Washington of Tuskegee Institute as the first black dinner guest at the White House.

That so delighted pianist Scott Joplin that he promptly wrote "The Strenuous Life Rag" in Roosevelt's honor. McCullough interrupted his narrative and had a pianist play the piece for the East Room audience.

"His words, many of them, written or spoken so long ago, still have enormous validity today," said McCullough.

Among Roosevelt's sayings: "This country will not be a permanently good place for any of us to live unless we make it a reasonably good place for all of us to live."



2ND STORY of Level 1 printed in FULL format.

The Associated Press

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May 7, 1990, Monday, PM cycle

SECTION: Washington Dateline

LENGTH: 555 words

HEADLINE: Teddy Roosevelt: Bold President, Lousy Speller

BYLINE: By CHRISTOPHER CONNELL, Associated Press Writer

DATELINE: WASHINGTON

KEYWORD: Bush-Theodore Roosevelt

BODY:

Theodore Roosevelt boldly shaped the powers of the presidency but wasn't too busy for nightly pillow fights with his kids, according to a White House lecturer's fond remembrance.

President Bush and 200 guests listened raptly to the lecture on the "bold, noisy, irrepressibly energetic" 26th president on Sunday by prize-winning biographer David McCullough.

Bush called Roosevelt "a favorite of mine, a man who helped shape the modern presidency, the inexhaustible T.R."

The audience included congressional leaders who met afterward with Bush to discuss future budget negotiations.

Bush smiled broadly at House Speaker Tom Foley, D-Wash., when McCullough read from one letter in which Roosevelt complained he felt "like a stewed owl" after dealing with members of Congress all day.

Roosevelt's solution to such frustrations was vigorous physical activity, including workouts with Japanese wrestlers that left him bruised from head to toe.

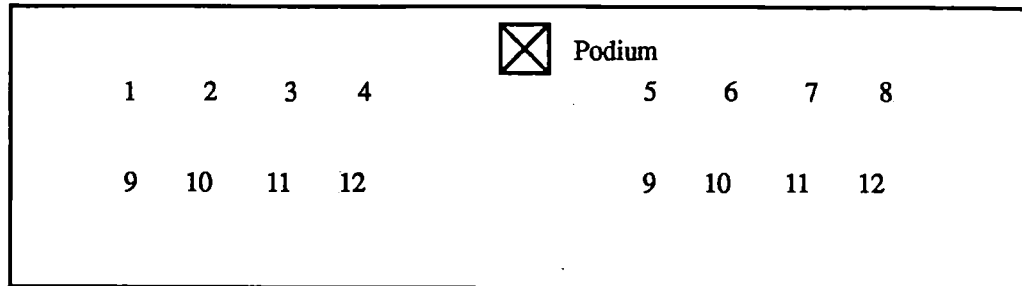
He once marched two British visitors right through a duck pond on the White House grounds that fortunately turned out to be only three feet deep.

Roosevelt, only 42 when he became president in 1901 upon the assassination of William McKinley, was the first tennis-playing president, as well as the first to ride in an automobile, fly in a plane, sail on a submarine and venture abroad.

He dispensed with the formality of being addressed as "Your Excellency" and paid no heed to public opinion.

PITTSBURGH, PENNSYLVANIA
 David Lawrence Convention Center
 Fraternal Order of Police Convention
 Dais Diagram
 Wednesday, August 14, 1991

Audience



1. Bernard Teodorski, Conductor
2. Ralph Orms, Secretary
3. THE PRESIDENT
4. Dewey Stokes, President → *intro pres.*
5. The Honorable Richard Thornburgh
6. Gilbert Gallegos, Vice President
7. Michele Letz, Auxiliary President
8. Karen Lippe, Auxiliary Secretary
9. George Austin, Guard
10. Richard Boyd, Past President
11. USSS
12. William Nolan, Treasurer
13. John Dineen, Past President
14. Robert Stark, Past President
15. Leo Marchetti, Past President
16. James E. Phillips, National Counsel

(Smith/Simon)
August 8, 1991
Draft One
POLICE

PRESIDENTIAL REMARKS: FRATERNAL ORDER OF POLICE
PITTSBURGH, PENNSYLVANIA
WEDNESDAY, AUGUST 14, 1991
9:45 A.M.

Members of the Fraternal Order of Police, ladies and gentlemen. Two years ago, I was scheduled to address you -- but was unable to because of the death of an American hostage. / Today, I am delighted to be here in a time when hostages are being released from the Middle East. //

First, I want to thank you -- all 10,^{3,000}000 of you -- not merely for standing up to greet us today -- but for standing up for America every day. //

((Standing here surrounded by so many veteran officers of the law -- this is possibly the single safest moment of my life. // But that doesn't mean you all get to put in for overtime.))
//

What it does mean is that I stand shoulder to shoulder with you. We know that it makes no sense to send law troops into battle wearing handcuffs. // You and I realize that crime -- and fighting crime -- is usually a question of right and wrong, good and evil. I am here today to discuss how we can cleanse America by freeing ^{it} ~~her~~ from domestic violence. ~~DI~~ ^{to cops, this means family spats.}

At the outset, let me suggest one way we can achieve this objective. / We can ensure that Clarence Thomas becomes the next Justice on the United States Supreme Court. //

Like us, Clarence Thomas knows that a Nation that cannot understand the difference between right and wrong will never protect itself. He is determined to win our battle against crime and drugs -- by seeing good protected and right defended. //

Judge Thomas has not only lived the values we hold dear -- duty, decency, and personal responsibility -- he has promoted them through his career in public service. // His personal story cannot help but move people, inspire them. It impresses anyone who is fair and open-minded. //

I nominated Judge Thomas because he has the brains and background -- that compendium we know as character -- to bring to the Supreme Court a fidelity to the Constitution and the rule of law. // He has tremendous support from the real America. He is opposed only by those out of touch with America. I ask you to achieve a safer, better America by helping me confirm Clarence Thomas as our next Supreme Court Justice. //

Now, I know it is fashionable ~~these~~ days to attack police officials. Some speak of police brutality; others, of incompetence. ~~It is true: There are those who~~ mock or abuse their authority ~~as there are in any profession~~. But let us never forget: The vast majority of America's law enforcement officers are both decent and dedicated. //

In a job where one sees -- too often -- man's inhumanity to man, America's police prove man's fidelity to honor. // You ~~despise wanton cruelty. You reject the law of the jungle. You understand that~~ when we ask what kind of a society the American

we can't say what CT will do on the bench. See if we have any stuff on his judicial records or writings re: these issues

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people deserve, our answer is a Nation in which law-abiding citizens are safe and feel safe. //

That is why we must reject those who soft-pedal the need to be hard on crime. Clarence Thomas knows that. So do I. / So over the last two years, our Justice Department budget increased by 39 per cent. / We have 50 per cent more Federal prosecutors than in 1988. / And we are on our way to doubling the capacity of Federal prisons -- largely to house the over 2,500 dangerous criminals convicted since 1989 under tough Federal laws that require a mandatory 5-year sentence for drug trafficking or using a gun in a violent crime. //

We want to free our country from the fear of crime and drugs. One way is to target hardened criminals -- career criminals -- under the Federal Armed Career Criminal Act. / We would like every State to have tough laws to deal with violent criminals. But we're not waiting for those who don't -- so our Project Triggerlock, started just in April, has already indicted 850 persons for firearms offenses. / We have increased funding for the Edward Byrne Memorial Fund for State and Local Law Enforcement by 220 per cent. / We have seized hundreds of millions of dollars of criminals' assets -- using them to fund law enforcement and build new prisons. Talk about poetic justice. //

On any front -- on every front -- we have sought to build America up by opposing those who would tear America down. Yet, while much remains accomplished -- much more remains to do. //

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In that spirit, today I call upon the Congress to get with it -- and pass our Comprehensive Package to combat violent crime. Nearly 2 and 1/2 years ago I announced Violent Crime Act legislation -- asking Congress to back up our lawmen with laws that are fair, fast, and final. / As we speak, the Senate has passed a crime bill that includes most of the features in our original legislation. But the House is trying to ~~kill~~ the bill in committee -- and that's plain criminal. ^{It's} ~~Their~~ inaction makes ^{mocks those who believe in} a ~~mockery~~ of law and order, ^{It} and insults the memory of police both living and dead. //

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America's police deserve better -- and so does every law-abiding citizen. Therefore, I urge Congress to pass our bill. If hoods use a semi-automatic weapon in a crime, ^{make them serve} they ~~should get~~ a ~~fully automatic sentence of~~ at least 10 years. No parole. No probation. No plea bargaining. No kidding. //

Next, we need laws which ^{that} reflect the belief ^{no penalty is too tough for those} that ~~for anyone~~ who kills ~~a~~ law enforcement officer, ~~no legal penalty is too~~ tough. ^{The same} And that goes for drug kingpins who threaten a Federal witness, juror, or judge. We want Congress to enact the steps needed to expand the death penalty. Not some time. Not some place. But across America -- now. //

Finally, we want a good faith exception to the exclusionary rule. There's no reason that good policemen should be penalized and obvious criminals go free because a judge or lawyer bungled a search warrant. For some reason, the Senate didn't see this our way -- but ^{we will} ~~we're going~~ to keep fighting to stop thugs from

Using technicalities to delay justice
~~getting off on a technicality.~~ The time has come to show less compassion for the architects of crime and more compassion for ^{its} the victims of crime. ~~We need to stand up for the salt of the earth by sending to the slammer the scum of the earth. //~~

~~Some say there are reasons for crime. I respond: There is never an excuse for crime.~~ Let us protect those who suffer from crime -- especially the millions of poor and disadvantaged who obey the law. //

view to see catch those who ~~commit~~ commit crime, to prosecute them, and punish them
 Let us ensure that ~~if~~ ^{view to see catch those who ~~commit~~ commit crime, to prosecute them,} criminals commit crimes, they will be caught. ~~If caught, they will be prosecuted. If convicted, they will be punished.~~ *swifly, surely, fairly* // Let us pass our crime bill -- and help win the war on crime. // What a marvelous bequest for the heroes we call police officers. What a magnificent way to build a future as great as America ~~herself~~. //

For years, the Fraternal Order of Police has been right-minded and resolute -- creating a Nation both unafraid and free. I pledge my support to what you believe in -- and my commitment to take hoods off the streets -- and thereby take back the streets.

Thank you for what you've done, and for this occasion. And God bless what we deeply love -- the United States of America.

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(Smith/Simon)
August 8, 1991
Draft Two
POLICE

PRESIDENTIAL REMARKS: FRATERNAL ORDER OF POLICE
PITTSBURGH, PENNSYLVANIA
WEDNESDAY, AUGUST 14, 1991
— A.M.

Members of the Fraternal Order of Police, ladies and gentlemen. Two years ago, I was scheduled to address you -- but was unable to because of the death of an American hostage. / Today, I am delighted to be here in a time when hostages are being released from the Middle East. //

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((Standing here surrounded by so many veteran officers of the law -- this is possibly the single safest moment of my life. // But that doesn't mean you all get to put in for overtime.))
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What it does mean is that I stand shoulder to shoulder with you. We know that it makes no sense to send law troops into battle wearing handcuffs. // You and I realize that crime -- and fighting crime -- is usually a question of right and wrong, good and evil. I am here today to discuss how we can cleanse America by freeing it from the fear of crime and drugs. //

At the outset, let me suggest one way we can achieve this objective. / We can ensure that Clarence Thomas becomes the next Justice on the United States Supreme Court. //

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Judge Thomas' opinions in the field of criminal law demonstrate a deep understanding of the community's interest in deterring crime. He has resisted efforts to impose unreasonable requirements on police and prosecutors or to overturn criminal convictions on technicalities not required by the Constitution. At the same time, he has guarded against infringements of the fundamental rights of criminal defendants. //

I nominated Judge Thomas because he has the brains and background -- that compendium we know as character -- to bring to the Supreme Court a fidelity to the Constitution and the rule of law. // He has tremendous support from the real America. He is opposed only by those out of touch with America. I ask you to achieve a safer, better America by helping me confirm Clarence Thomas as our next Supreme Court Justice. //

There is much talk these days about America's law enforcement officials. Some speak of police brutality; others,

of incompetence. True, some mock or abuse their authority. But let us never forget: The vast majority of America's law enforcement officers are both decent and dedicated. //

In a job where one sees -- too often -- man's inhumanity to man, America's police prove man's fidelity to service. // When we ask what kind of a society the American people deserve, you provide the answer: A nation in which law-abiding citizens are safe and feel safe. //

We must reject those who soft-pedal the need to be hard on crime. That is why by the end of this year, we will have 50 per cent more Federal prosecutors than in 1988. / And we are on our way to doubling the capacity of Federal prisons -- largely to house the over 2,500 dangerous criminals convicted since 1989 under tough Federal laws that require a mandatory 5-year sentence for drug trafficking or using a gun in a violent crime. //

We want to free our country from the fear of crime and drugs. One way is to target hardened criminals -- career criminals -- under the Federal Armed Career Criminal Act. / We would like every State to have tough laws to deal with violent criminals. But we're not waiting for those who don't -- so our Project Triggerlock, started just in April, has already indicted 850 persons for firearms offenses. / We have increased funding for the Edward Byrne Memorial Fund for State and Local Law Enforcement by 220 per cent. / We have seized hundreds of millions of dollars of criminals' assets -- using them to fund

law enforcement and build new prisons. Talk about poetic justice. //

Yet, while much remains accomplished -- much more remains to do. // In that spirit, today I call upon the Congress to get with it -- and pass our Comprehensive Package to combat violent crime. Nearly 2 and 1/2 years ago I announced Violent Crime Act legislation -- asking Congress to back up our lawmen with laws that are fair, fast, and final. / We proposed stiff new penalties for criminals using semiautomatic weapons, an improved exclusionary rule designed to protect the truth and punish the guilty, and an habeas corpus reform that would stop frivolous appeals and ensure that punishment was not only just but also swift and certain. / Most of all, our bill would have finally given us a Federal law to uphold a simple rule of justice: Those who kill must be prepared to pay with their own life. //

As we speak, the Senate has passed a crime bill that includes most of the features in our original legislation. But the House is trying to strip the bill in committee -- and that's plain criminal. Its inaction mocks those who believe in order. It insults the memory of police both living and dead. //

America's police deserve better -- and so does every law-abiding citizen. Therefore, I urge Congress to pass our bill. If hoods use a semi-automatic weapon in a crime, make them serve at least 10 years. No parole. No probation. No plea bargaining. No kidding. //

Next, we need laws that reflect the belief that no penalty is too tough for those who kill a law enforcement officer. The same goes for drug kingpins who threaten a Federal witness, juror, or judge. We want Congress to enact the steps needed to expand the death penalty. Not some time. Not some place. But now. //

Finally, we want a good faith exception to the exclusionary rule. There's no reason that good policemen should be penalized and obvious criminals go free because a judge or lawyer bungled a search warrant. For some reason, the Senate didn't see this our way -- but we will keep fighting to stop thugs from using technicalities to delay justice. The time has come to show less compassion for the architects of crime and more compassion for its victims. // Let us protect those who suffer from crime -- especially the millions of poor and disadvantaged who obey the law. //

Let us vow to catch those who commit crimes, to prosecute them, and punish them -- swiftly, surely, fairly. Let us pass our crime bill -- and help win the war on crime. // What a marvelous bequest for the heroes we call police officers. What a magnificent way to build a future as great as all America. //

For __ years, the Fraternal Order of Police has been right-minded and resolute. I pledge my support, and offer this commitment: Our Administration will help you take hoods off the streets -- so that America can take back the streets.

Thank you for what you've done, and for this occasion. And
God bless what we deeply love -- the United States of America.

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Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
WEDNESDAY, AUGUST 7, 1991

EJS
202-307-0784

RECORD LOW PERCENTAGE OF U.S. HOUSEHOLDS VICTIMIZED BY CRIME

WASHINGTON, D.C. -- The percentage of the nation's households affected by crime last year fell to an estimated 24 percent—the lowest such rate since the federal government introduced this indicator in 1975, according to a Bureau of Justice Statistics study released today. In 1989, 25 percent of all households had been victimized or had at least one member who had been a crime victim. The Bureau, which is a U.S. Department of Justice agency in the Office of Justice Programs, said the percentage of the nation's 95.5 million households victimized by crime has fallen by one-fourth since 1975, when 32 percent of all households were affected by crime.

"The percentage of U.S. households experiencing crime has never shown an annual increase during the indicator's 15-year history," said Bureau Director Steven D. Dillingham. "However, trends have varied for different types of households. For example, the percentage of black households victimized by crime declined 15 percent, compared to a 28 percent decline for white households.

-2-

"In 1975, 33 percent of black households and 32 percent of white households had been victimized by at least one crime of violence or theft. In 1990, 28 percent of black households and 23 percent of white households had been victimized by crime during the year."

The estimates are from the Bureau's National Crime Victimization Survey, which is conducted in a nationally representative sample of almost 50,000 households among residents who are 12 years old or older. A household refers both to the dwelling unit and the people who inhabit it, and the offenses include both completed and attempted rape, robbery, assault, personal and household theft, burglary and motor vehicle theft. The Survey counts such crimes whether or not they are reported to law enforcement agencies.

Last year 5 percent of the nation's households, or about 4.5 million households, had at least one member 12 years old or older who was the victim of a violent crime--about the same percentage as in 1989. Similarly, about 5 percent of all households experienced a burglary or an attempted burglary during the year. Almost 6.9 million households, or about one in every 14, was affected by a rape, robbery, or an assault by a stranger or by a burglary during 1990.

-MORE-

-3-

One in 56 urban households had a member who was a robbery victim during the year, compared to one in 137 suburban households and one in 225 rural households. Households in the Northeast were the least vulnerable to crime--20 percent-- compared to 23 percent in the Midwest, 24 percent in the South and 28 percent in the West.

Because the National Crime Victimization Survey counts only crimes for which the victim can be interviewed, homicides are not counted. However, their exclusion does not substantially alter the overall estimates of households affected by crime. At most, they would have increased the percentage of households affected by crime by less than 5 hundredths of 1 percent.

Single copies of the Bureau of Justice Statistics bulletin, "Crime and the Nation's Households 1990" (NCJ-130302), as well as other Bureau of Justice Statistics publications and statistical information, may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850. The telephone number is 1-301-251-5500. The toll-free number from areas other than Maryland and metropolitan Washington, D.C., 1-800-732-3277.

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XIX: PRISONS

Faced with a rapidly growing prison population, the Bureau of Prisons undertook the largest prison construction in history. At the same time, the Bureau moved to address prisoner needs with new programs and sentencing alternatives.

Prison program results are as follows:

- * The addition of approximately 30,000 beds, nearly doubling the federal prison capacity.
- * The opening of new correctional facilities in McKean County, Pennsylvania; Fairton, New Jersey; and Jessup, Georgia. In addition, facilities have been updated in Fort Worth, Texas; Big Spring, Texas; and Lompoc, California.
- * New initiatives to ensure that the needs of female offenders are being met. These include the establishment of a female offender program coordinator.
- * Establishment of an Office of Victim Assistance to notify victims and witnesses of release dates for prisoners.

Four areas in which the Bureau developed new or expanded programs to assist prisons include:

- * **Drug Testing.** Under a new policy announced in May 1990 by Attorney General Thornburgh and Prisons Director Michael Quinlan, all inmates with a drug abuse history are required to participate in drug abuse education. Treatment programs have been expanded for those nearing the end of their sentences. Spending for drug abuse programs has nearly quadrupled.
- * **Literacy.** The mandatory literacy standard was raised from the eighth grade level to a high school diploma or equivalent level. Achievement of the higher standard is a requirement for assignment to the highest paying jobs in UNICOR.
- * **Education and Career Counseling.** Pilot inmate programs have been implemented at ten institutions to assist prisoners nearing release dates to avoid a life of crime.
- * **Employment.** The number of inmates employed in UNICOR has reached an all-time high with some 25 percent of the prisoners performing jobs for which they receive pay.

The Bureau has also expanded its community corrections program to include additional, less-expensive incarceration options. This includes electronic monitoring, home confinement, and Federal Correctional Centers.

7/22/91

Law and Order

- o Judge Thomas is a tough, anti-crime judge. He takes a common-sense approach to questions of criminal law and procedure, and has recognized the practical problems that law enforcement officers face in combatting crime on the streets.
- o Commenting in 1985 on what should be done to solve the problems faced by America's inner cities, Judge Thomas remarked: "The first priority is to control the crime. The sections where the poorest people live aren't really livable. If people can't go to school, or rear their families, or go to church without being mugged, how much progress can you expect in a community? Would you do business in a community that looks like an armed camp, where the only people who inhabit the streets after dark are the criminals?" Black America Under the Reagan Administration: A Symposium of Black Conservatives, The Heritage Foundation Policy Review (Fall 1985) at 37.
- o In another context Judge Thomas asserted: "We should be at least as incensed about the totalitarianism of drug traffickers and criminals in poor neighborhoods as we are about totalitarianism in Eastern bloc countries." Why Black Americans Should Look to Conservative Politics, Heritage Foundation Reports (June 18, 1987).
- o Judge Thomas' opinions in the field of criminal law demonstrate a deep understanding of the community's interest in deterring crime. He has resisted efforts to impose unreasonably burdensome requirements on the police and prosecutors or to overturn criminal convictions on technicalities not required by the Constitution, while guarding against infringements of the fundamental rights of criminal defendants.
- o Judge Thomas has affirmed judgments of conviction in all but one of the seven criminal appeals for which he wrote opinions while on the Court of Appeals. Of the eighteen additional criminal appeals considered by Judge Thomas, he joined the majority in upholding sixteen criminal convictions and/or sentences.
- o Judge Thomas has rejected the argument that a conviction for aiding and abetting narcotics distribution should be reversed because the defendant's involvement was limited to giving a drug dealer a ride to the site of the illegal transaction. (United States v. Poston, 902 F.2d 90 (D.C. Cir. 1990)).
- o Judge Thomas has rejected arguments that a trial judge erred in admitting police testimony as to the contents of a telephone call, answered by police during a search of a defendant's apartment, which tended to show that the defendant was dealing in narcotics. (United States v. Long, 905 F.2d 1572 (D.C. Cir.), cert. denied, 111 S. Ct. 365 (1990)). Similarly, he has upheld

the admission at trial of evidence of a defendant's prior drug-dealing activity. (United States v. Rogers, 918 F.2d 207 (D.C. Cir. 1990)).

o In a case involving narcotics dealers who conducted their illegal trade out of several rooms in a hotel, Judge Thomas rejected the argument that police had seized evidence against them in violation of the Fourth Amendment. In response to the contention that the warrantless search of one of the rooms was unlawful, Judge Thomas held that it was justified by exigent circumstances, and noted that, although "the police carefully investigated the suspicious hotel guests for more than a week and sought warrants for all the rooms that they could link to [defendant]," the defendant "tried to frustrate the warrant process by hopping from room to room." Following recent Supreme Court precedent, he further ruled that evidence seen by the police during an unlawful search was nonetheless admissible at trial on the grounds that it was subsequently acquired on the basis of an independent and lawfully procured search warrant. (United States v. Halliman, 923 F.2d 873 (D.C. Cir. 1991)).

o Judge Thomas ruled against a defendant who argued that, at his trial, the judge had improperly instructed the jury as to his entrapment defense. In so holding, Judge Thomas observed that "the government [had] introduced overwhelming evidence of [defendant's] eagerness to sell crack, enough, we are certain, for the government to have carried the burden of proof it needed to defeat [defendant's] entrapment defense." (United States v. Whoie, 925 F.2d 1481 (D.C. Cir. 1991)).

o Judge Thomas recently ~~voted~~, along with five members of the court of appeals, not to rehear a case involving a Fourth Amendment challenge to the Justice Department's drug testing program, which requires drug testing of all job applicants. The panel opinion (Randolph, J. joined by Silberman, J.) held that urine tests of applicants for positions as attorneys at the Department do not constitute "unreasonable searches" within the meaning of the Fourth Amendment. Willner v. Thornburgh, 928 F.2d 1185 (D.C. Cir. 1991).

o Judge Thomas is not, however, excessively deferential to the prosecution at the expense of fairness toward criminal defendants. In United States v. Miller, 904 F.2d 65 (D.C. Cir. 1990), Judge Thomas joined an opinion by Judge Silberman overturning defendants' conviction for wire fraud on the ground that the trial court had excluded admissible exculpatory evidence.

o Judge Thomas recently received praise from two of the nation's top law enforcement officers, Attorney General Dick Thornburgh and Robert Martinez, the nation's drug policy director. He also received the unanimous endorsement of the National District

Attorneys Association. The Attorney General described Judge Thomas to be "the no-nonsense, straight ahead kind of judge that we want to have on the Supreme Court of the United States, a guy who calls them as he sees them. And that's about all we can ask for, both as prosecutors and citizens." Tucson Citizen, July 16, 1991, at C1.

DRAFT

Law enforcers approve of Thomas

By TOM SHIELDS
Citizen Staff Writer

Two of President Bush's top law enforcement officers, in Tucson yesterday, had nothing but high praise for their boss's nominee for the U.S. Supreme Court.

U.S. Attorney General Richard L. Thornburgh and former Florida Gov. Robert Martinez, the nation's drug policy director for the past four months, also found many of those attending a conference of the National District Attorneys Association felt the same way.

The association's board of directors, meeting at The Westin La Paloma resort, announced yesterday it had voted unanimously Sunday to support Judge Clarence Thomas for the court post.

Thornburgh said he found Thomas "to be the no-nonsense, straighthead kind of judge that we want to have on the Supreme Court of the United States, a guy who calls them as he sees them.

"And that's about all we can ask for, both as prosecutors and as citizens."

He predicted Thomas "will be a great Supreme Court justice."

Martinez said he welcomed debate on Thomas' philosophy and background.

"But I hope the debate is just that and not a partisan attack reflecting only the narrow interests of this or that pressure group," he said.

Bush picked Thomas because he is an "enterprising and thoughtful jurist who has the character, temperament and qualifications to serve on our nation's highest court," he said.

Martinez, asked after his talk for his reaction to the nominee's use of marijuana years ago, said he understood Thomas "did his experimentation while a university student,

and we don't recommend that for anyone."

"It would bother me had he been a professor (when he tried marijuana) ... had he gone beyond the age of student to one-of community leadership and responsibility."

Martinez said during his talk that he was much more troubled by drug use today on the campuses of colleges and universities.

Lax drug enforcement is the problem on campuses, he said.

"Sometimes, these institutions seem to operate as if the laws that have been enacted in this country don't apply to them, that they

are somehow immune from responsibility," Martinez said.

He said he didn't fault the students as much as he faulted some university leaders "who seem indifferent to the havoc caused by drug use."

"It is time for the message to go out loud and clear: No place is a safe haven for drug use, particularly our institutions of higher learning," Martinez said.

Thornburgh said he regards the right to be free of fear in our homes, on our streets and in our communities as the "first civil right of

every American."

Three decades of research proves that getting tough on crime works, he said.

"Rising crime rates are associated with falling rates of incarceration, and falling crime rates are associated with rising incarceration rates.

"The key is turning the key in the lock, and turning it with dispatch, on the violent offender," Thornburgh said.

And anyone who thinks this is being too tough on criminals is forgetting that all of the six million Americans who were victims of violent crime last year, he said.

"I think we know what their answer would be," he went on. "Crack down on all those who pose threats to life and limb and property, crack down hard, and crack down in force," Thornburgh said.

Martinez, in his new job for four months, said some signs show the war on drugs is going well.

Drug use has dropped more than a third from 1980 to 1989, he said. Drug use for high school seniors dropped, too, showing we had turned the corner with the next generation of drug users.

"But there is still far too much drug use and too much violence caused by drugs," he said. "What we have left is a very large number of seriously addicted drug users who continue to consume more and more quantities of drugs."

The drug "war" must be fought on all fronts: prevention, treatment and law-enforcement, he said.

And it's costly.

Since 1988, federal drug funds have grown from \$6.4 billion to \$11.7 billion, providing Congress approves the money. The administration wants for fiscal 1992, he said. And that, he said, is an increase of 82 percent — "far greater than (the increase in) any other area of the budget."

U.S. district attorneys endorse Judge Thomas

By Joe Burchell
The Arizona Daily Star

The National District Attorneys Association yesterday announced its support of Judge Clarence Thomas to the U.S. Supreme Court. Association President Richard Keyoub said the group's board of directors voted unanimously Sunday to support Thomas, who has been nominated by President Bush. The association has been meeting here since Friday.

U.S. Attorney General Richard L. Thornburgh, in Tucson to address the association, praised the endorsement and predicted Thomas "will be a great Supreme Court justice."

As people get to know Thomas, he said, they will learn he is "the kind of no-nonsense, straight ahead, call-'em-as-you-see-'em judge that we need on the Supreme Court. ... That's about all we can ask for as prosecutors."

Drug czar Robert Martinez, who also addressed the group, said the Bush administration welcomes public debate on Thomas' past and his achievements.

"I just hope the debate is on the issues and not a partisan attack," Martinez said.

During his speech, Thornburgh said critics who call recent Supreme Court decisions "repressive" are wrong.

He said decisions such as those limiting death-sentence appeals and allowing victims to testify at presentence hearings are "not an assault on the Bill of Rights. They are a recognition of the fact we've gone too far to protect the criminal rights of criminals."

"While much social concern has focused on the supposed plight of the criminal, not nearly enough attention has been paid to the real plight of the victims of their unlawful acts," Thornburgh said.

He said delaying executions for 10 or 15 years through "the ceaseless

filing of appeals" is unfair to victims and their families, and diminishes the deterrent effect of the death penalty to the point where it is "ineffectual in stopping any attack upon the next victim."

Letting juries know about the victims and the impact of a crime on the victim's family is fair, Thornburgh said, because, "How can the jury ever know the true nature and extent of a capital crime if they must consider only the defendant — and not the victim — as a unique human being with family and friends who loved them?"

"How can we allow a jury to view the victim simply as a corpse or a chalk diagram?" he said.

Thornburgh credited the prosecutors for much of Bush's success in getting the proposals approved recently by the Senate.

He called on the group to continue pressuring Congress for reforms in the "judge-made exclusionary rule" so that all evidence that is obtained by police in good faith can be introduced into evidence at criminal trials.

Martinez told the conference there is good news in the evidence that drug use is continuing to drop. But he said as the drug-using population is reduced to "a large number of

seriously addicted drug users" it will take even greater resources to get them to change their habits.

He encouraged the vigorous prosecution of drug cases. By doing so, he said, "prosecutors can create in-

centives for treatment programs to make sure they do a better job to encourage addicts to seek treatment."

With the decline in drug use, Martinez questioned whether Congress is committed to fully funding the war on drugs. Cutting funding would be a mistake, he said.

The annual summer conference of the district attorneys association continues here through Thursday.

Policy Review Fall '85

BLACK AMERICA UNDER THE REAGAN ADMINISTRATION

A Symposium of Black Conservatives

In his reelection landslide last November, Ronald Reagan won substantial support from almost every group in the country. He was the choice of women and men, young and old, Southerners and Yankees, Protestants and Catholics. He carried a third of the Jewish vote and a remarkable 40 percent or more of the Hispanic. But he was overwhelmingly rejected by black Americans, even though the candidacy of Jesse Jackson had shown how disillusioned blacks were with the conventional leadership of the Democratic party.

"Every major public opinion poll has indicated that black Americans are solidly conservative—on economic as well as social issues," says William Keyes, chairman of BLACKPAC, a conservative political action committee. "But blacks have voted overwhelmingly for liberal candidates in recent elections. If the conservative movement is to succeed and America is to prosper, then we must demonstrate how our programs benefit all Americans—black and white."

In the following symposium, Policy Review asks six leading black conservatives to assess both the state of black America during the Reagan Administration, and the likely effects of such conservative policy proposals as enterprise zones and the abolition of the minimum wage. The participants are Reverend Edward V. Hill, pastor, Mount Zion Missionary Baptist Church in Los Angeles; Glenn C. Loury, professor of political economy at Harvard's Kennedy School of Government; J.A. Parker, president of the Lincoln Institute for Research and Education Inc.; Joseph Perkins, editorial writer for the Wall Street Journal; Clarence Thomas, chairman of the U.S. Equal Employment Opportunity Commission; and Robert Woodson, president of the National Association of Neighborhood Enterprises.



I also don't think enterprise zones would make much difference in inner cities. If you want to attract business to these areas, it is much more important to stop the black-on-black crime. You can't be successful in business unless you have insurance, and now there is so much theft and window-smashing and holdups that you can't get insurance in many of these areas.

Glenn Loury: Yes. I don't know if they would make much of a difference. But both my intuitions and instincts as an economist, and the evidence available so far from states that have implemented enterprise zones schemes, suggest that they might. It is certainly worth a try.

Clarence Thomas: Enterprise zones are a good start, but there is a lot more that has to be done. The first priority is to control the crime. The sections where the poorest people live aren't really livable. If people can't go to school, or rear their families, or go to church without being mugged, how much progress can you expect in a community? Would you do business in a community that looks like an armed camp, where the only people who inhabit the streets after dark are the criminals?

There were lots of black businesses before enterprise zones, even in segregation. My grandfather was a businessman. But blacks cannot stay in business if they are robbed

every two minutes, or if they are mugged, or if customers are mugged going in and out of the establishment, or if people are hanging out selling drugs in front of it. If you want to encourage business in these areas, then stopping crime has got to be at the top of the list.

E.V. Hill: Yes. Tax incentives based on the involvement in the immediate community would help unemployment, and would also be inspirational. Four months ago, there were three bad looking houses across the street. Our church owns the one in the center. We remodeled and painted it, and now the houses on the left and right have also been remodeled and painted. The enterprise zone would have a similar ripple effect. If you get something good and positive started in the community, other positive things follow.

Robert Woodson: Yes. But we also have to institute policies that increase the availability of risk capital. Simply removing regulatory barriers and offering tax incentives will not attract business. Businesses don't make relocation decisions based only on taxes. Some will even move to higher tax areas if the municipal services are better. Reducing crime is essential if areas are to benefit from enterprise zones. So I would offer incentives for grass-roots organizations in enterprise zones to play a greater role in reducing crime.

Do you favor abolition of the minimum wage?

Glenn Loury: The minimum wage is such an important symbolic issue to working people that abolition would be too radical. But I do favor changes that would permit hard-to-employ and low-skilled workers to take employment at less than the adult minimum wage. The current bill for summer employment of teens at less than the minimum seems to me to be quite sensible and worth doing.

J.A. Parker: I strongly favor its abolition. I am not certain it would make a dramatic change in the teenage unemployment rate. The concept [of a minimum wage] is morally wrong. Individuals should negotiate their own individual salaries with their own employers. If the individual employee has the opportunity, instead of hiding behind a wall of other employees or job descriptions, he will bring more pride to his job and will see himself as on an equal footing with his employer—to the extent the employer and employee need each other.

Clarence Thomas: Walter Williams and Thomas Sowell convinced me some time ago that there is a direct correlation between increases in the minimum wage and expulsion of black teenagers—the least desirable people in the job market in terms of education and experience. I never would have had my first job if I had to make the minimum wage, but the benefits of the job were more than just the salary: getting up, going to work, working hard, doing a good job, not destroying my boss's equipment, just being

responsible. Even the black mayors recognize that the minimum wage is too high for black teenagers, that they are priced out of the market.

Joseph Perkins: The minimum wage should be abolished because it effectively prices underskilled workers, particularly teenagers, out of the labor market. I think the minimum wage is especially injurious to black youth, who have a difficult time as it is (what with many suffering from inadequate schooling, a lack of marketable skills, etc.) gaining entry into the workforce.

I'm fully behind the administration's proposed "youth employment opportunity wage" at \$2.50 an hour. Half of employers surveyed by the U.S. Chamber of Commerce said they would hire teenagers at that wage (as opposed to the current minimum wage of \$3.35 an hour), and Labor Secretary Bill Brock estimates that some 400,000 jobs would open up for teenagers with the lower wage. Even the National Conference of Black Mayors has gotten behind the youth opportunity wage, reasoning, in the words of Washington Mayor Marion Barry, that "a job paying \$2.50 an hour bears no job at all."

Robert Woodson: We need to experiment here, but I don't think that reducing the minimum wage will change the face of the employment picture. Wage rates are not the only inhibitor to work. Attitudes about work and lack of work experience are probably more important. A tax credit for

UNITED STATES v. SHABAZZ
[1991 U.S. App. LEXIS 10579 (May 28, 1991)]

ISSUES: Criminal Law (Sentencing)

FACTS: Defendants were convicted of drug offenses involving dilaudid pills, the active ingredient of which is hydromorphone, a controlled substance. They alleged that the district court erred in sentencing them according to the gross weight of the pills rather than the net weight of the hydromorphone therein.

HOLDING: The court (Thomas, J., joined by Sentelle and Henderson, JJ.) affirmed. Judge Thomas noted that the Sentencing Guidelines required the sentences to be calculated according to "the entire weight of any mixture or substance containing [a controlled substance]." *Id.* at [*4] (quoting Guidelines). Relying on analogous decisions from other courts, he rejected the claim that the pills were not a "mixture or substance." He then rejected the defendants' claim based upon an "application note" to the Guidelines that provided for sentencing according to the weight of the controlled substance where the weight of the "mixture or substance" containing it is unknown. This supplemental guidance, Judge Thomas noted, should not be taken to "undermine the preference that sentences be determined according to the weight of the mixture or substance, if possible." *Id.* at [*13].

Finally, he rejected the claim that the method of sentencing authorized by the Guidelines necessarily conflicted with a federal statute requiring sentencing based upon the gross weight of mixtures containing certain other drugs, but not hydromorphone. In this regard, he relied on circuit precedent "reject[ing] an argument that the negative implication of one provision unambiguously restricted a grant of authority that could otherwise be read into another provision." *Id.* at [*18]. He then noted that the government had acted reasonably in treating hydromorphone the same as the drugs for which the statute required sentencing based upon the gross weight.

N.B.: Two days after Shabazz, the Supreme Court issued a similar decision in Chapman v. United States, 111 S.Ct. 1919 (1991). Under a statute imposing a mandatory minimum sentence for distribution of more than one gram of "a mixture or substance containing a detectable amount" of specified drugs, the Court upheld the use of the weight of the mixture, rather than the net weight of the drug, in determining whether the mandatory sentence applied. *Id.* at 1925 (quoting 21 U.S.C. § 841(b)(1)).

UNITED STATES v. HARRISON
931 F.2d 65 (D.C. Cir. 1991)

ISSUES: Criminal Procedure

FACTS: At a joint trial, defendants Harrison, Black and Butler were each convicted of one count of possession with intent to distribute cocaine and one count of using or carrying a firearm during a drug trafficking offense. The men were frisked and subsequently arrested after police stopped the van they were driving, which bore a temporary license tag identified by the police as stolen. Harrison was carrying an unregistered handgun and \$595 in cash, Black had 4.5 grams of cocaine in his pocket and was carrying an unregistered handgun, and Butler was wearing a bulletproof vest under his clothing. Other incriminating evidence found in the van included: 42 grams of diluted cocaine base, a temporary license tag with a different number than the one displayed on the outside of the van, a weapons magazine that contained pictures of the guns carried by defendants, and two fully loaded ammunition clips. At trial, Harrison sought to call Black to the stand. Black invoked his Fifth Amendment privilege against self-incrimination. Harrison and Butler each moved unsuccessfully to sever their trials from Black's in order to obtain his testimony. On appeal, defendant Harrison challenged the trial court's refusal to sever his trial from that of his co-defendants, defendant Black claimed that his Fifth Amendment privilege against self incrimination had been violated, and Butler challenged the sufficiency of the evidence underlying his firearms conviction.

HOLDING: The court (Thomas, J.) unanimously affirmed the judgments of conviction. Judge Thomas reasoned that Harrison had not identified the allegedly exculpatory testimony that Black would have given at a separate trial with sufficient specificity to show that failure to sever deprived Harrison of a fair trial. Judge Thomas rejected Black's Fifth Amendment claim because -- given the strong case against him -- any error that may have occurred was not sufficiently prejudicial to permit reversal under the "plain error" rule applicable to claims not properly preserved below. Finally, Judge Thomas held that there was sufficient evidence to permit a rational jury to find Butler guilty of the firearms offense on a "constructive possession" theory; the jury reasonably could have inferred that Butler knew he had "some appreciable ability to guide the destiny" of and "some power over" the weapons found on the persons of the other two defendants.

UNITED STATES v. WHOIE
925 F.2d 1481 (D.C. Cir. 1991)

ISSUES: Criminal law

FACTS: A jury convicted defendant of distributing crack cocaine and of using a telephone to facilitate drug deals. At trial, defendant had asserted that the government had entrapped him. On appeal, he argued that the district judge had committed plain error by incorrectly instructing the jury on the elements of the entrapment defense. Specifically, defendant argued (1) that the judge should not have allowed the jury to decide whether defendant had produced sufficient evidence of government inducement and (2) that the judge should have amended the model jury instructions to make explicit the government's burden to prove beyond a reasonable doubt that defendant had been "ready and willing" to commit the crimes. 925 F.2d at 1485.

HOLDING: In an opinion written by Judge Thomas, a unanimous panel of the D.C. Circuit affirmed. Judge Thomas concluded that reasonable people might have differed over the evidence of government inducement, and that the district judge had correctly left the question for the jury. *Id.* at 1484-85. With regard to defendant's second argument, Judge Thomas concluded that the district judge had not erred in failing to amend the model jury instruction. He wrote:

In deciding whether jury instructions are erroneous, we always consider the whole instruction -- not just the supposedly erroneous snippet. In deciding whether jury instructions are plainly erroneous, we consider as well the lawyers' arguments and the evidence. We have done so here and see no miscarriage of justice.

Id. at 1485 (citations omitted). Nonetheless, Judge Thomas suggested a less ambiguous model instruction for the district courts to use "[i]n order to preempt the possibility of jury confusion." *Id.* at 1486.

UNITED STATES V. HALLIMAN
923 F.2d 873 (D.C. Cir. 1991)

ISSUES: Criminal procedure

FACTS: Over a period of several days police conducted an investigation of a group of guests suspected of dealing drugs at a Washington hotel. The police obtained warrants to search a few rooms where the guests were staying. As they were leaving the station, the police learned that one suspect had moved to a new room -- room 900. Rather than delay their search, the police decided not to seek an additional warrant. They decided instead to execute their warrants for the other rooms and attempt to interview the suspect in room 900.

Apparently, there was a mix-up at the scene: while some officers were knocking at the door of room 900, others unexpectedly began to execute the warrants for the other rooms. When the officers at the door of room 900 heard a toilet flushing, they forcibly entered the room and, with defendant's consent, executed a search. The police discovered cocaine. The police subsequently obtained an emergency warrant to search room 900, and discovered drug paraphernalia. In addition, the police executed a pat-down search of another defendant who entered the hotel lobby while the police were present. The officers discovered seventeen bags of crack cocaine on this defendant's person.

At trial, defendants moved to suppress evidence the police had obtained as a result of these searches. The district court denied their motions. A jury convicted defendants of possessing cocaine with intent to distribute, and defendants appealed.

HOLDING: In an opinion written by Judge Thomas, a unanimous panel affirmed. It ruled that the warrantless search of room 900 had been justified by the "exigent circumstances" doctrine and that evidence seized after the police had obtained the emergency search warrant was admissible under the "independent source" rule. The court also concluded that the police had had probable cause to search the defendant in the hotel lobby. Finally, The court held that the district court had not erred in refusing to sever the defendants' trials.

UNITED STATES v. ROGERS
918 F.2d 207 (D.C. Cir. 1990)

ISSUES: Criminal law / Evidence

FACTS: Police officers saw a group of men gathered on a street known to be frequented by drug traffickers. Upon seeing the officers, one of the men, defendant, grabbed a gym bag and ran. When the police pursued him, defendant threw the gym bag into a sewer. The officers arrested defendant and found a beeper on his person. In addition, the police retrieved the bag and found inside it large quantities of crack cocaine.

At trial, the district judge allowed the prosecution to question defendant about his prior arrest, as a juvenile, for distributing crack on the same street, and also about his prior ownership of a beeper. A jury convicted defendant, and defendant appealed.

HOLDING: In an opinion written by Judge Thomas, a unanimous panel affirmed. Judge Thomas rejected, inter alia, defendant's argument that Rule 404 of the Federal Rules of Evidence prohibited the introduction of evidence concerning his prior arrest. Judge Thomas explained that Rule 404 allows the introduction of "past acts" evidence to negate an inference of mistake; here, the evidence of defendant's prior arrest tended to demonstrate that he had not picked up the gym bag by accident. Judge Thomas also concluded that the evidence was not inadmissible under Rule 609, which provides that "[e]vidence of juvenile adjudications is generally not admissible under this rule," 918 F.2d at 210, or under Rule 403, which provides that relevant evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice. Judge Thomas held that the evidence concerning the beeper was also admissible. Finally, he rejected defendant's argument that the district court should have granted his motion for acquittal or a new trial: "Ample, and convincing, evidence supported the jury's verdict" Id. at 214.

UNITED STATES v. LONG
905 F.2d 1572 (D.C. Cir.),
cert. denied, 111 S. Ct. 365 (1990)

ISSUES: Criminal procedure (time periods for appeal) / criminal law.

FACTS: Two defendants were convicted of possession of cocaine with intent to distribute and of using a firearm in a drug trafficking crime. They were arrested at an apartment in which were found cocaine and other drug paraphernalia. The police also found an unloaded handgun between two sofa cushions.

One of the defendants filed her appeal eleven days after judgment was entered against her, which is one day later than the rule permits without a showing of excusable neglect.

HOLDING: On the one defendant's untimely appeal, Judge Thomas wrote for the unanimous three-judge panel in dismissing her appeal. The court rejected the defendant's argument that the court's docketing of the notice of appeal, a "ministerial act," amounted to an implicit extension of time. "[T]he unambiguous language of the rule forecloses this shortcut," Thomas wrote. He emphasized the specified time limits "serve vital interests of efficiency and finality in the administration of justice." Nevertheless, the court remanded so that the district court could consider any evidence the defendant had of excusable neglect.

As to the other defendant, the court (with Judge Sentelle concurring separately) reversed the firearm conviction but affirmed the drug conviction. While noting that the appellate court owes "tremendous deference to a jury verdict" in the face of a challenge to the sufficiency of the evidence, Thomas found that the government had presented no evidence that the defendant had "use[d] or carrie[d] a firearm" under 18 U.S.C. § 924(c)(1). Reasoning from the "active, conventional connotation" of the word "use," the court held that a defendant at a minimum cannot be convicted of using a firearm that he did not either actually or constructively possess.

CONCURRENCE: Judge Sentelle concurred. He believed that the court went farther than necessary in establishing that possession is required for "use," because in some other case the government might have evidence establishing use without showing possession.

HIGHLIGHTS: Judge Thomas noted under the government's interpretation "the word 'use' has no discernable boundaries. That prospect is particularly troubling where, as here, we are construing a criminal statute." And regarding the one defendant's challenge to a joint trial, while Judge Thomas noted the "strong and legitimate interest in efficient and expeditious proceedings," he added that "this interest must never be allowed to eclipse a defendant's right to a fair trial."

UNITED STATES v. POSTON
902 F.2d 90 (D.C. Cir. 1990)

ISSUES: Criminal procedure

FACTS: The defendant drove a friend, who he knew was carrying PCP and intended to distribute it, to the location of a drug sale. After dropping the friend off, the defendant drove around the block, but did not leave the scene. He was arrested while waiting in his pickup truck near the scene of the sale.

The defendant was charged with aiding and abetting the possession of PCP with intent to distribute, and with aiding and abetting the distribution. A jury convicted him of the former but acquitted on the latter charge. The defendant contended that (1) the evidence was insufficient; (2) the district court abused its discretion in denying a continuance the day before trial so the defendant's newly retained counsel could more adequately prepare; (3) he was denied effective assistance of counsel because his lawyer took the case only one day before trial; and (4) he was denied due process because the prosecution refused to request a downward departure from the sentencing guidelines.

HOLDING: Judge Thomas, writing for the unanimous three-judge panel, rejected each of the defendant's contentions. First noting that the appellate court's role in assessing the sufficiency of the evidence is "sharply circumscribed," Thomas refused to "constrict the scope of the aiding and abetting statute" by reading it to require either that the defendant have aided and abetted in obtaining, rather than simply retaining, possession, or that he acquired possession himself. In finding no abuse of discretion in the district court's denial of the continuance, Thomas noted the public's strong interest in the efficient administration of justice. Thomas emphasized that the motion for continuance came at the "eleventh hour" and that the defendant provided no justification for his own delay in selecting new counsel. On ineffective assistance of counsel, the court found that under Strickland v. Washington, 466 U.S. 668 (1984), the defendant had neither pointed to any error his counsel made nor shown any prejudice. The defendant's sentencing challenge was based on evidence that the police promised to report the defendant's cooperation to prosecutors. The court found that the police did so, and that this promise could in no way be construed to obligate the prosecution to seek a downward departure.

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August 7, 1991

Writer's Direct Dial Number

(614) 464-5610

Ms. Leigh Ann Metzger
Special Assistant to the President
Public Liaison
The White House
Washington, D.C. 20500

AUG
8 1991

Re: Presidential Appearance - Wednesday, August 14, 1991

Dear Leigh Ann:

I am enclosing a variety of materials that were relevant to the President's appearance at our last Biennial Conference. Included is correspondence to White House staff personnel with respect to that appearance, as well as some of the material published incident to the appearance itself.

As you may recall, at the last moment, the President was unable to attend due to a crisis with respect to the hanging of a hostage in the Middle East. (I believe it was subsequently determined that the hostage had been previously killed and the video tape that was distributed world wide was issued for propaganda purposes.) Notwithstanding, the President cancelled at the last moment. I mention this simply so that the President is able to make reference to his inability to attend at the last Conference. The Conference will be attended by approximately 3,500-5,000 police officers and family. At least half of the attendees will have attended the Biennial Conference in Oklahoma City in 1989 and, therefore, will recall the President's inability to attend at that time.

I am also enclosing a copy of the 49th Biennial National FOP Conference book, which includes the various greetings and other information respecting the events taking place during that time. Obviously, some of the issues raised in the Conference booklet from 1989 may no longer be relevant but, on the other hand, it may be instructive for whomever is going to prepare the President's speech.

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To reiterate some of the matters mentioned on the telephone the other night, the event taking place next week is the Biennial Conference of the National Fraternal Order of Police. The National FOP is the parent organization of the state and local lodges, the aggregate membership of which is approximately 230,000 members, each of whom must be an active or retired full time law enforcement officer. Thus, the FOP includes approximately 1/2 of all law enforcement officers in the United States. It is important to understand that the vast majority of FOP members are municipal, county or state as opposed to federal law enforcement personnel.

The National FOP Conference is a biennial event to which delegates come from the respective state and local lodges (the number is determined in accordance with membership of those lodges.) Each state has a National Trustee who is that State's representative to and on the National Board of Trustees, which meets not less than once a year. The biennial conference is the most significant event for the National FOP because it is at this time that national officers are elected, FOP constitutional amendments are enacted and general resolutions are passed by the delegates. The general resolutions set the policy for the FOP for the next two (2) years and deal with a variety of topics. The FOP's legislative policy is generally set by the National Legislative Committee with reference to the general resolutions passed at the preceding biennial conference.

The National FOP was formed in Pittsburgh in 1915. Thus, this biennial conference celebrates the 75th (technically the 76th) anniversary of the organization's birth and does so in the city where the FOP was born. The members place a great deal of weight on the history of the organization and it is for that reason that this biennial conference is being held in Pittsburgh.

I would suggest that references to the 75th anniversary of the organization and this biennial conference being the 50th biennial conference would be well-received. (Don't ask how we have a 50th biennial conference after 75 years). Likewise, I would suggest that were the President to make reference to three original founders of the FOP, Martin L. Toole, William Larkins and Delbert H. Nagle; the reaction would be substantial. These three (3) Pittsburgh police officers are credited with giving birth to the FOP and are revered - especially in Pittsburgh. The reference to these men might be in conjunction with the Preamble to the National FOP Constitution which states:

We, the law enforcement officers of the United States and of the several states and political subdivisions thereof, as Representatives and Delegates of State and Subordinate Lodges, do hereby associate the Lodges we represent and the members thereof together for the following purposes:

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To support and defend the Constitution of the United States; to inculcate loyalty and allegiance to the United States of America; to promote and foster the enforcement of law and order; to improve the individual proficiency of our members in the performance of their duties; to encourage social, charitable and educational activities among law enforcement officers; to advocate and strive for uniform application of the civil service merit system for appointment and promotion; to create a tradition of esprit de corps insuring fidelity to duty under all conditions and circumstances; to cultivate a spirit of fraternalism and mutual helpfulness among our members and the people we serve; to increase the efficiency of the law enforcement profession and thus more firmly to establish the confidence of the public in the service dedicated to the protection of life and property.

I dwell on the historical because of the emotional importance that the members place on the genesis of the FOP. In addition, there are obviously current issues that are very important to the FOP generally and individual members specifically and the following relates to some of those issues.

As we discussed on the telephone, I would suggest that the President avoid references to his nominee to the Supreme Court at this time. There are no general resolutions regarding Judge Thomas pending at this time. Were the President to make reference to Judge Thomas, a delegate might submit a resolution in support of or opposing the appointment of Judge Thomas and the conference would be compelled to confront the issue without what I sense will be the necessary groundwork having been laid. [I note that in respect to prior nominees, the decision to support the candidate has been made without a general resolution.]

While I am sure you are already aware of this, I nevertheless mention that Attorney General Thornburgh and Governor Martinez will be making remarks during the Opening Ceremonies on Monday morning.

Given the timing of the President's appearance, the most current legislative issue for most FOP members will be the Police Officers Bill of Rights. The FOP consists of members from all over the United States. While the large, Eastern police departments

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operate under what you and I would recognize as modern civil service systems (and many utilize collective bargaining,) a substantial number of FOP members work in more rural areas (predominantly in the South and West) where law enforcement officers work at the will of the "Chief" or the sheriff. Thus, fundamental due process rights afforded to most public employees are not afforded to police and a national Police Officers Bill of Rights is especially important. I am confident that the membership will be extremely anxious to learn of the President's position with respect to this very important issue.

As you might suspect, our membership feels very strongly about the death penalty generally and, specifically, the imposition of the death penalty in respect to those convicted of killing a law enforcement officer.

Likewise, the gun issue is an important issue to our membership. The FOP is not pro-gun control and, in fact, there are many members of the FOP who are also members of the NRA. On the other hand, the FOP has taken a strong position with respect to the manufacture and sale of assault weapons and the waiting period. I am sure you are aware of these positions and, obviously, there is perhaps some divergence between the FOP's position and that of the President. To the extent that it is possible to focus on the points of agreement, the President will obviously receive a warmer reception. I suspect that the President will not choose to discuss the waiting period issue given that the issue is still being hotly debated in Congress.

Our members feel strongly about the federal Public Safety Officers Benefit (giving a death benefit to fallen officers' families) which was passed a number of years ago and the actual benefit for which was recently raised to reflect cost of living and entitlement to which was recently expanded to include a more extended list of family members.

Another very significant matter for our members is the Law Enforcement Officers' Memorial presently under construction at Judiciary Square in Washington. The President participated in the ground-breaking. The FOP is the single largest contributor to this memorial and the membership feels very strongly about this.

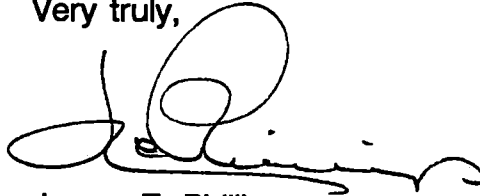
The FOP has been extremely active for and with Easter Seals and local and state lodges annually spend countless hours working to raise money for that organization.

Finally, the conference will be very much involved in the election of the National President in which Dewey is seeking re-election. To the extent that the President is able to comment on Dewey's effective leadership, it would obviously be appreciated. We do not presume to say much on this issue as we are most appreciative that the President is coming at all.

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This is probably more than you wanted but I thought that more is probably better than less. If we can be of further assistance, please do not hesitate to call me.

Very truly,

A handwritten signature in black ink, appearing to read "James E. Phillips". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

James E. Phillips
General Counsel

8-7-91

MEMORANDUM FOR CURT SMITH

FROM: BOB SIMON
SUBJECT: FOP CONVENTION



On August 14, the President will be speaking to about 10,000 policemen at the biannual convention of the Fraternal Order of Police in Pittsburgh, Pa. The President was supposed to address this convention 2 years ago, but cancelled at the last minute due to the Col. Higgins hostage video episode and had Secretary Ed Derwinski deliver his speech.

In my view, the President should accomplish 4 things with this speech:

- o Plug Clarence Thomas
- o Demonstrate his solidarity with America's police
- o Cite some of the Administration's successes in fighting crime.
- o Push Congress for package of our long-overdue crime bill

On Clarence Thomas, for the latest spin, look at what Dan wrote for this week's "National Night Out Against Crime" speech. I have gobs of other material on Thomas and can get whatever you want.

Next -- police have gotten a bad image in the press this year, particularly from the LA beating of Rodney King and the incompetence of Milwaukee police in not catching mass murderer Jeffrey Daumer sooner. The President has always strongly backed police, more than any other president. He should make clear that while there may be some "bad apples" that should be weeded out for the good of all, the vast majority of police are professionals who put their lives on the line for society every day. We owe them our support, because without strong law enforcement, all of society is just one step away from the law of the jungle.

As for Administration accomplishments, note the following:

- o The Justice Department's budget over the last 2 years is up 39%, allowing them to add thousands of new agents.
- o By the end of this year, 1,250 new federal prosecutors will be hired, in addition to the 440 hired in 1989. That's 50% more federal prosecutors than in 1988.
- o We are on our way to adding 30,000 new prison beds, doubling the capacity of federal prisons.
- o In the past 2 years, more than 2,500 dangerous criminals have been convicted under tough federal laws that require a mandatory 5-year sentence for using a gun in a violent crime or drug trafficking. No parole. No probation. And under new orders from Attorney General Thornburgh, no plea bargaining. And our crime bill will double that sentence to 10 years.
- o The most hardened criminals fall under the federal Armed Career Criminal Act, under which 300 have been put away for a minimum of 15 years if they even possess a gun if they've previously had three violent or drug convictions. Again, no probation, no parole, and no plea bargaining.
- o Every state in the nation should have tough laws to deal with violent criminals. But for those that don't, we're not waiting. Project Triggerlock, started just in April, has already indicted 850 persons for firearms offenses. Our goal: to arrest, convict, and incarcerate as many dangerous armed offenders as possible, and to keep them from claiming new victims. So far under Project Triggerlock, the conviction rate has been 96%.
- o In the fight against crime, we're using the criminals' assets against them. In the last six years, the Justice Department has seized more than \$1.5 billion of criminals' ill-gotten gains. Since then, half-a-billion dollars of that has been shared with state and local law enforcement, and nearly another half-a-billion has gone to prison construction. The cash that once bought Caribbean condos now finances concrete cages for these cold-hearted criminals.
- o Since coming into office, we have increased the amount of funding through the Edward Byrne Memorial Fund for State and Local Law Enforcement by 220%. (Eddie Byrne was the NY cop who was killed while protecting a witness. GB has his badge in the Oval Office.)

The Senate has passed a crime bill that has most of the features we had in our crime bill. But the bill is still in committee in the House. Aug. 14 marks the 161st day after the President's 100 day challenge to pass the crime bill. (Of course, we've been asking for this crime bill since 1989.) Several provisions of the crime bill should be touted:

- o Under our bill, if criminals use a semi-automatic weapon in a crime, they would get a fully automatic sentence of at least 10 years. No parole. No probation. No plea bargaining. No kidding.
- o We proposed a dramatic expansion of the death penalty for the most heinous crimes. In this, the Senate has gone along. Anyone who says the death penalty hasn't worked, to them I say it's never really been tried. With the endless appeals process, sometimes it seems like death row inmates may die of old age before they're ever executed. Our habeas corpus reforms will ensure that prisoners are treated fairly, but once justice has been done, death sentences will be implemented swiftly and surely.
- o There another issue that's important to police, and that's a good faith exception to the exclusionary rule. There's no reason that good police work should be penalized and obvious criminals go free because a judge or lawyer bungled a search warrant. For some reason, the Senate didn't see it our way, but we're going to keep fighting to stop criminals from getting off on a technicality.

Some thoughts on gun control. "Some very well-meaning people have been pushing gun control as a method of stopping crime. I sympathize with them and favor background checks for people buying guns. But let's remember something. There are already 200 million guns in this country. That's more guns than there are cars in America. If we never sold another gun, all of those 200 million guns would still be out there. The vast majority of those guns are not used in crimes. We already know that 5 out of every six felons don't buy the guns they use in stores. They steal them or buy them illegally.

"It may be a cliché, but it's still true. Guns don't cause crime, it's people who decide to use guns in crime that are the problem. We as a society must make sure our laws deter the use of guns by making clear to criminals that if you use a gun, you're going to jail with certainty for a long time."



Department of Justice

"AN ANTI-CRIME COALITION
FOR AMERICA'S COMMUNITIES"

KEYNOTE ADDRESS

BY

DICK THORNBURGH
ATTORNEY GENERAL OF THE UNITED STATES

TO THE OPENING ASSEMBLY

OF

THE ATTORNEY GENERAL'S SUMMIT
ON LAW ENFORCEMENT RESPONSES TO VIOLENT CRIME:
PUBLIC SAFETY IN THE NINETIES

WASHINGTON, D.C.
MONDAY, MARCH 4, 1991
9:15 A.M.

Last week, our hearts lifted as joint military operations won a great victory over violence and aggression in the Persian Gulf. That victory -- a textbook example of military might brought implacably to bear upon a ruthless enemy -- is remarkable in two respects. First, it was achieved by a unified coalition of the forces of twenty-seven nations, and second, it brought renewed respect, worldwide -- as the President has said -- "for the rule of law over the rule of the jungle."

I believe there are strong lessons here for us today -- even goals -- as we embark upon this joint effort to respond to violent crime in America. I fully trust that we can, by engaging in this dialogue, fashion a similar coalition of forces -- at all levels of our government -- to combat lawless violence here at home. And I greatly hope that together -- by building this coalition against crime -- we can preserve the rule of law to our threatened neighborhoods and the communal life in this country.

Let it then be understood, we are here in the name of the law and for the furtherance of justice. We are not here to search for the roots of crime, or to discuss sociological theory. The American people demand action to stop criminal violence whatever its causes. The debate over the root causes of crime will go on for decades, but the carnage in our own mean streets must be halted now. Those streets where violent crime last year claimed some 6 million American citizens as victims, where the

odds of becoming a victim of violent crime are now greater than becoming involved in an automobile accident.

Indeed, unless violent crime is checked -- and checked soon -- we may well jeopardize what I have always called the first civil right of every American -- the right to be free from fear in our homes, on our streets, and in our communities.

President Bush has said that he always remembers this freedom from fear as the last, but often forgotten, of President Franklin D. Roosevelt's original Four Freedoms. And the President rightly reminds us all: "When we ask what kind of society the American people deserve -- what kind of society we hope to pass on to our children -- it's clear that our goal must be a nation in which law-abiding citizens are safe and feel safe."

True enough that all of us here this week would hope for a future that solves all the problems of inadequate housing, substandard health care, marginal education, and a lack of opportunity for meaningful employment -- those familiar causal grounds for potential criminal enterprise. Last week, the President proposed a comprehensive program to enhance opportunity for all Americans, and raise just such chances of crime-free life becoming the order of the day. But unless and until that day comes, we who are involved in the criminal justice system will be

looked to for leadership in protecting our citizens from the ravages of violent crime. Police, prosecutors, judges, correctional officials, involved citizens -- all who are represented here today -- must bend to the task of making our system work better so that our citizens are safer, and know they are safer. Only then will their quality of life match their legitimate expectations in a country so blessed with freedom, so rich in opportunity, and therefore, so dedicated to democracy.

I mentioned that this week's Summit is to be a dialogue. There will be very few speeches. Most of what we can accomplish will come from exchange, from what we learn from each other. And that means police interacting with prosecutors, sheriffs with judges, citizens with correctional officials -- federal, state and local -- so that the whole outcome of our discussions -- our coalition against crime -- will truly exceed the sum of your valued and individual contributions.

I.

In that spirit, since we are here to learn from each other, let me offer some observations. One is a caution, another is a call to cooperative action, and a third, a call for innovation in policing while sticking to the rule of law.

First let me caution you about money. There are some, who, even in these days of tight budgets, see additional federal financing as the only answer to more effective law enforcement.

Now, don't get me wrong. This Administration believes in federal, state, and local law enforcement. Indeed, over the past two years, while our federal crime-fighting budget has gone up 39 per cent, our formula grant program, now called the Edward Byrne Memorial State and Local Law Enforcement Program -- in honor of the New York City policeman slain in the line of drug-fighting duty -- has seen appropriations increase by over 200 per cent. This is President Bush's major initiative, and it has allowed each state's law enforcement cadres the flexibility and discretion needed to confront the local virulence of drug-related violent crime in all fifty states.

This fiscal round, expenditures for your innovative anti-crime and anti-drug programs will rise to nearly a half billion dollars. And additional funding will be forthcoming from our asset forfeiture program which recycles the assets and profits of the drug kingpins back into more effective law enforcement. Many of the police forces here today have participated in the equitable sharing of nearly half a billion dollars seized in joint drug investigations over the past five years. And there will be more to come, thanks to our mutual efforts to preserve this program in Congress last year.

And I know that many cities and states have already responded by reordering their priorities to provide more support for effective law enforcement. It is heartening, for example, that Mayor Dinkins and Police Commissioner Lee Brown are seeking to add 5000 policemen to New York City, even in the face of a fiscal crunch.

Let me move then to my second point, "working together." Increased cooperation among all agencies of law enforcement -- federal, state, and local -- has consistently proven to be the best answer to stopping violent crime.

It has succeeded with our Organized Crime Drug Enforcement Task Forces -- OCDEFT (for want of better acronym). These task forces bring together eleven federal agencies with their state and local counterparts to gather the street intelligence, make the arrests, and then bring the prosecutions that finger the major drug enterprises dominating the streets of thirteen major metropolitan areas.

Working together has succeeded as well in our DEA-funded state and local anti-drug task-forces -- now 52 in number. These joint efforts often produce cases against violent drug traffickers which can be developed at the local level and then tried in the federal courts, where far stiffer penalties are available. And finally, working together succeeds on a day-by-

day basis in a variety of ad hoc cooperative arrangements such as the Philadelphia Violent Traffickers Project, about which you will hear tomorrow, where innovative law enforcement leaders find their own path to more effective and efficient use of existing resources.

That is the call to cooperative crime-fighting I am issuing today. We will look to you for insights, ideas, suggestions, backing, and good faith, so that communal police work -- determined to take back our streets from violent criminals -- will have the full support of the whole justice community.

But we also want you to know that we have designed this Summit to demonstrate some of the innovations in policing which appear to be working around the nation. You will hear about a community policing program in Charleston, South Carolina; another community involvement effort in Kansas City, Missouri; a street-gang program in Los Angeles; anti-organized-crime efforts in New York and New Jersey; new and helpful laboratory technologies at the FBI; and alternative sentencing programs in Wisconsin. These deserve, indeed command, your close attention.

We also have an innovation of our own to offer -- largely based on some of your past efforts -- an initiative by this Department to set up violent crime task forces within several

urban communities, where the local infrastructure has been blighted, and human capital bled dry by drugs and crime.

Phase one: a coordinated attack on drug-dealers, gangs, and criminal predators -- to free the target area of crime -- by combined federal, state, and local law enforcement, led by the U.S. Attorney's Office in the target area. These task forces will employ modern, anti-crime techniques such as clean sweeps, street cameras, and top-gun arrests, all of which you can learn about at this Summit.

Phase two: a coordinated redevelopment program in conjunction with an augmented state and local police presence -- to keep the target area free of crime. The idea is to strip the streets of violent criminal elements so that legitimate enterprise can rehabilitate such barren ground. First, we pull the weeds, then we plant the seeds. And we are allotting \$12 million to the model task forces in these blighted urban areas -- along with accompanying federal grants -- in hopes of a real harvest of human dignity. If we succeed, we will weed and seed elsewhere -- anywhere that criminal violence can be plucked out and human decency take root and grow.

II.

On another, perhaps more controversial subject, I realize that any discussion about the armed career criminal is inevitably going to turn to the question of what do we do about his firearms? A panel discussion is scheduled for tomorrow afternoon on "Targeting the Armed Violent Offender." But I have no doubt this subject will come up during other discussions as well.

Various proposals to deal with this problem have been on the agenda of the Congress and various state legislatures and city and county councils. We won't resolve these political differences here this week, to be sure, but let me offer a couple of common sense observations.

I first think back to my days as a governor when we adopted a statute that imposed a minimum mandatory five-year sentence -- no probation, no parole -- whenever a firearm was used to commit a crime. We put out menacing billboards across the state: "You commit a crime with a gun in Pennsylvania and you've shot five years of your life!" That message was very potent, and so was our courts' strict imposition of sentences. We saw the number of firearm offenses go down. People didn't want to shoot five year of their lives, and they knew they would be held accountable.

That is the key to me. Accountability under the rule of law -- I'm sure you believe along with me -- is our only real assurance of public safety. And that is what the President has sought to guarantee by his support of federal firearms statutes to hold violent criminals accountable for use, and even for possession, of a firearm. For example, a first federal offense today for using a firearm in the course of a violent crime or drug-trafficking offense carries a minimum mandatory sentence of five years -- no parole or probation, and, I might add, no plea bargaining under orders I issued in 1989. A second conviction carries a minimum twenty-year sentence.

Over the past two years, more than 2,500 such offenders have been charged under this statute, and the vast majority -- some of America's most dangerous felons -- have been convicted. Another thousand such cases are pending. Some of the more habitual offenders, whose sordid careers fall within sanctions under the Armed Career Criminal Act, presently receive a minimum sentence of fifteen years for merely possessing a firearm after three violent crime or drug trafficking offenses, again no probation, no parole, and no plea bargaining. Through Project Achilles, over three hundred of these violent and armed criminals have already been put very far away.

Under soon to be proposed legislation, accountability would be further enhanced. Possession of a gun after only one such

conviction would bring a five-year mandatory sentence. This is right in line with increased penalties that we are proposing across the board with regard to the use -- or now the possession -- of semi-automatics or other dangerous weaponry, in connection with any crime. And these sanctions extend to smuggling firearms, even to lying to a license bureau when acquiring a firearm.

Some critics have complained that we're becoming too tough, that we're locking up too many of these violent offenders. Not me and, I think, not you.

We sincerely hope these tough federal laws can serve as model statutes for state firearms codes. And we are encouraging that by formula grants, so that the armed and violent criminal will face severe sanctions at all levels of law enforcement.

But I am well aware that this is precisely where the debate begins -- over whether, and at what level, further limits should be set upon the availability of firearms to the general public. How far should such limits go -- if they threaten to curtail legitimate ownership of firearms? And should the states -- or even, as some propose, the federal government -- impose them?

As I have said, we will not resolve those questions here this week. But let me explain something that must be taken into

realistic consideration in this debate. Whatever efforts are taken to deal more effectively with the illegal use of firearms by felons will be severely inhibited by a serious shortcoming in our present system. Today the records needed to make the necessary match-up between a potential firearms purchaser and his possible criminal past do not adequately exist. To put it bluntly -- no matter what point of purchase or 48-hour delay or seven-day waiting period you might establish, you couldn't come up with the needed facts, on a consistent basis.

And that, I will say right here, is something I want corrected. Today only one out of six felons actually purchases his weapon at a sporting goods store instead of on the black market. But turning up even his prior record would be hit-or-miss because we are behind times in keeping modern, up-to-date conviction files at our electronic fingertips. This simply should not be, and we want to cooperate with you in doing something about it. Immediately.

First, we are going to spend over \$12 million this year, seeing that the FBI criminal file backlogs are cleared up, so as to include the very latest input from your own state criminal records. And we want to make doubly sure that your records are accurate too, so -- again through federal grants -- we are allotting \$27 million to state law enforcement agencies to improve their own criminal records. These represent giant steps

forward in ensuring that we are in a position to track down those who pose the very greatest threat to our communities.

III.

That is the present story on dangerous weapons in the hands of violent criminals. But let me once again turn to the example of Desert Storm, and the great might that was brought to bear upon a threatening and violent enemy. Under brilliantly coordinated "command and control," the Gulf coalition forces made the best use of firepower guided by great ingenuity and relentless certainty. We had the weapons to do the job -- "smart" weapons that worked with deadly effect against an enemy finally reduced to desperate encounter, ineffectual response and abject retreat.

Here at home, in the fight against violent crime, we should employ, to be sure, the same "command and control," the same ingenuity and certainty. Only here we battle not with the weapon of the military, but with the far stronger weapon of our laws.

We need to make certain that our laws are just as "smart" -- just as efficient and effective against criminals -- as those weapons that turned back the ruthless and violent intrusion by Saddam Hussein's forces.

In that regard, we have work still to do. We need new laws to provide this coalition against crime with the tools to drive crime from our streets with command and certainty.

* We need a workable death penalty for terrorist murderers, serial killers, and other heinous crimes.

* We need reform of habeas corpus proceedings that have fostered seven-to-eight year stays of the ultimate sanction, and all but nullified the death penalty in 36 states.

* We need reform of the exclusionary rule that keeps necessary and probative evidence from juries, often allowing the criminal to go free.

* We need new laws to protect women and children against violence and exploitation.

In a word, we need the legal weapons for the next decade to get the job done. And we are going to go to the Congress again so that they can deliver these weapons and others to all of us.

Let us not be misunderstood in this justified effort at legal reform. This year marks our observance of the 200th anniversary of the Bill of Rights, that bulwark of due process and the rule of law in our society. No one suggests that our law

enforcement efforts should in any way invade or invalidate the Constitutional rights of those charged with crime. But we do suggest that we advocate and utilize every Constitutional weapon to protect the rights of the law-abiding citizen as well.

IV.

In conclusion, let me return to my central message. We are here to fashion a domestic coalition against crime based on the rule of law, so that we will have the full forces needed to confront violent crime in our communities. We have a rare opportunity over the next two days to exchange views on "what works" in the criminal justice process -- the old and the new, the tried and the true, the innovative and the time-tested. Let us not fail to take full advantage of this unique chance to fine-tune our efforts.

I speak as one who has seen how law enforcement operates over the last twenty-two years as a working prosecutor at the local level, as the governor of a major state, and now as Attorney General of the United States. I feel strongly about the need for close cooperation in protecting our citizens. In my visits to many of you around this great nation, I have sensed the special commitment and dedication which you bring to your work -- and the deep gratitude our citizens feel for your professionalism in securing their safety and well-being.

Let us strive to see that each of us leaves this Summit Conference satisfied that we have given and partaken of the very best that this nation has to offer in law enforcement and the administration of justice. For that, our citizens will be eternally grateful, and we ourselves, eternally fulfilled.

Let me expand on this by an example. Last Friday in The Philadelphia Inquirer appeared the following:

When federal agents arrested Ruben Floyd Wednesday night at his North Philadelphia home for allegedly supplying an arsenal of weapons to drug dealers, neighbors showed exactly how they felt about it.

They applauded.

And so do we. For this is what it's all about.

I wish you Godspeed in our endeavors, now and hereafter.