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Supreme Court Limits Sentencing Challenges

Ruling May Affect 'Three Strikes, You're Out'

By Joan Biskupic
Washington Post Staff Writer

The Supreme Court yesterday made it harder for defendants whose criminal records make them eligible for stiffer prison sentences to challenge the constitutionality of prior convictions.

The 6 to 3 decision, protested by defense lawyers, is likely to strengthen the hand of prosecutors seeking longer prison terms, including, if enacted, the life-without-parole sentences required by the "three strikes, you're out" proposals pending in Congress.

The court majority said that unless Congress specifically includes a mechanism for challenging prior convictions in any of its so-called enhanced penalty laws, a defendant cannot protest the constitutionality of a prior conviction. The only exception, the majority said, would be if a person had not been represented by a lawyer in an earlier case.

The law at issue in yesterday's case boosted the penalty for possession of a firearm by a felon—after three prior convictions—from a maximum of 10 years in prison to a mandatory 15 years to life without parole.

The case was brought by a Baltimore man, Darren J. Custis, who was convicted in 1991 of possession of a firearm and possession of cocaine. Because of three earlier state convictions, a district court beefed up his prison sentence to 12 years. It also refused to hear Custis's complaints about two of his prior Maryland convictions. Custis complained that those judgments had been obtained in violation of his constitutional right to effective counsel and right to due process of law.

Chief Justice William H. Rehnquist, who wrote for the majority, said it was important for the efficiency and finality of the criminal system that defendants not be able to protest an old conviction during a new sentencing.

By challenging the previous conviction, he said, "the defendant is asking a district court to deprive the state court judgment of its normal force and effect in a proceeding that has an independent purpose other than to overturn the prior judgment." He said the statute's refer-

ence to a prior "conviction" meant merely "the fact of the conviction," not necessarily one that survived constitutional challenge.

The majority said that a prisoner may still challenge the constitutionality of any conviction and sentence through the usual procedures. But a new sentencing is not the forum.

"Congress did not prescribe and the Constitution does not require such delay and protraction of the federal sentencing process," Rehnquist wrote. He was joined by Justices Sandra Day O'Connor, Antonin Scalia, Anthony M. Kennedy, Clarence Thomas, and Ruth Bader Ginsburg.

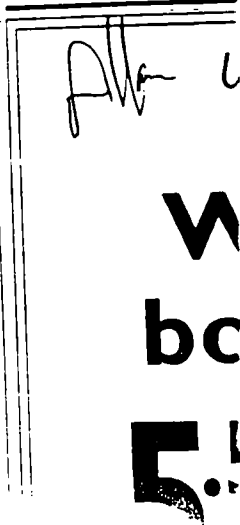
Writing for dissenting justices, David H. Souter said that Congress sought to use only "lawful," constitutionally sound, convictions against a defendant in a new criminal sentencing.

Rejecting the majority's concern about court administration, Souter said, "The burdens of allowing defendants to challenge prior convictions at sentencing are not so severe, and are likely less severe than those associated with the alternative avenues for raising the very same claims." He was joined in *Custis v. United States* by Justices Harry A. Blackmun and John Paul Stevens.

Lawyers for Custis said the ruling will increase the number of lawsuits brought by defendants. James K. Bredar, federal public defender for Maryland, said defendants who might have had a constitutional challenge to a prior conviction resolved at the sentencing hearing will be forced to accept a longer prison term, then file a new, separate lawsuit in the old case. One reason a defendant might have allowed an earlier conviction to go unchallenged could be because it was part of a plea bargain that gained him a light sentence.

In a separate ruling yesterday—in *Posters 'N' Things v. United States*—the justices unanimously said the federal government need not prove that defendants charged with selling drug paraphernalia knew the buyer would use the items with illegal drugs.

After receiving Medal of Honor yesterday, Carmen Gordon c



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LEVEL 1 - 234 STORIES

1. The Seattle Times, May 22, 1994, Sunday, Final Edition, ISSUES; LETTERS; Pg. B7, 238 words, RANKING OF LAWMAKERS -- SURVEY ABOUT STATE LEGISLATORS GIVES TOO MUCH CREDENCE TO ANONYMOUS SOURCES TO GARNER ACCURATE RESULTS
2. Los Angeles Times, May 21, 1994, Saturday, Orange County Edition, Metro; Part B; Page 8; Column 1; Metro Desk, 740 words, TRIAL DATE IS SET IN FIRST COUNTY '3 STRIKES' CASE; COURTS: MAN FACING FELONY ASSAULT CHARGES COULD RECEIVE 25 YEARS TO LIFE IN PRISON UNDER LAW., By LEE ROMNEY, TIMES STAFF WRITER, WESTMINSTER
3. The San Diego Union-Tribune, May 20, 1994, Friday, NEWS; Ed. 1,2,3,4,5,6,7,8,9; Pg. A-1, 1405 words, Fear forces hopefuls to get tough on crime, DANA WILKIE Staff Writer
4. The Independent, May 19, 1994, Thursday, COMMENT PAGE; Page 822\$, 1113 words, America throws away the key; Obsessed US citizens want criminals off the streets at any cost, says Rupert Cornwell, RUPERT CORNWELL
5. The Times-Picayune, May 15, 1994 Sunday, THIRD, NATIONAL; Pg. A24, 1276 words, THREE-STRIKES LAW THROWS JUSTICE A CURVE, CRITICS SAY, By ROBIN CLARKE Knight-Ridder Newspapers, LOS ANGELES
6. The Toronto Star, May 15, 1994, Sunday, FINAL EDITION, INSIGHT; Pg. B4, 848 words, Vaunted 'three strikes' law locks up 'little fish' for life California's answer to the public outcry over crime is creating a whole new outcry, BY ROBIN CLARK SPECIAL TO THE STAR (KNIGHT-RIDDER TRIBUNE NEWS SERVICE), LOS ANGELES ✓
7. The Toronto Star, May 14, 1994, Saturday, FINAL EDITION, INSIGHT; Pg. B4, 848 words, Vaunted 'three strikes' law locks up 'little fish' for life California's answer to the public outcry over crime is creating a whole new outcry, BY ROBIN CLARK SPECIAL TO THE STAR (KNIGHT-RIDDER TRIBUNE NEWS SERVICE), LOS ANGELES
8. The New York Times, May 13, 1994, Friday, Late Edition - Final, Section A; Page 1; Column 4; National Desk, 985 words, New Jersey Senate Approves Bill To Jail 3-Time Criminals for Life, By JERRY GRAY, Special to The New York Times, TRENTON, May 12 ✓
9. The Record, May 13, 1994; FRIDAY; ALL EDITIONS, NEWS; Pg. A03, 840 words, SENATE OKS 'THREE-STRIKES-YOU'RE-IN BILL BUT WHITMAN LIKELY TO PRESS FOR REVISIONS, BILL SANDERSON, Trenton Bureau The Record, TRENTON ✓
10. The Record, May 12, 1994; THURSDAY; ALL EDITIONS, NEWS; Pg. A03, 707 words DEMOCRATS WANT DELAY OF VOTE ON '3-STRIKES BUT GOP LIKELY TO PUSH FOR SENATE ACTION TODAY, BILL SANDERSON, Trenton Bureau The Record, TRENTON
11. Los Angeles Times, May 10, 1994, Tuesday, Home Edition, Part A; Page 1; Column 2; Metro Desk, 953 words, EASING OF SMOKING BANS SUBMITTED FOR BALLOT; ELECTIONS: PHILIP MORRIS PUSHES FOR A STATE STANDARD TO REPLACE LOCAL LAWS. LATE SURGE OF INITIATIVES IS A SURPRISE., By DAN MORAIN, TIMES STAFF WRITER, SACRAMENTO
12. The New York Times, May 10, 1994, Tuesday, Late Edition - Final, Section A; Page 1; Column 1; National Desk, 1515 words, In Wave of Anticrime Fervor, States Rush to Adopt Laws, By LARRY ROHTER, Special to The New York Times, ✓

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TALLAHASSEE, Fla.

13. The Connecticut Law Tribune, May 9, 1994, VERBATIM; Pg. 10, 1065 words, *The Charade Known as the War on Crime*
14. THE HARTFORD COURANT, May 9, 1994 Monday, STATEWIDE, MAIN; Pg. A3, 2484 words, LEGISLATIVE SCORECARD: NEARLY 300 BILLS PASSED IN THREE MONTHS, CHRISTOPHER KEATING; Courant Staff Writer Courant staff writers Stan Simpson, Matthew Daly, Anthony Giorgianni, Daniel P. Jones and Katherine Farrish contributed to this story.
15. Pennsylvania Law Weekly, May 9, 1994, Monday, 1994 ANNUAL MEETING; Pg. 12, 954 words, Lawyer Contact With Jurors, Other Issues Under Scrutiny by House of Delegates Genetic-Testing Disclosure, 'Three Strikes and You're Out' Bill Among Issues Targeted, BY MARY ELLEN FOX, Associate Editor
16. THE HARTFORD COURANT, May 8, 1994 Sunday, STATEWIDE, MAIN; Pg. A1, 1433 words, MANY BILLS PASSED; MAJOR LEGISLATION LEFT UNDONE; FAILURES DEFINE SESSION LARRY WILLIAMS; Capitol Bureau Chief
17. Los Angeles Times, May 7, 1994, Saturday, Home Edition, Metro; Part B; Page 7; Column 1; Metro Desk, 404 words, '3-STRIKES' LAW
18. Los Angeles Times, May 6, 1994, Friday, Home Edition, Part A; Page 1; Column 1; Metro Desk, 2178 words, COLUMN ONE; DOING TIME IN A JAIL FOR OLD-TIMERS; 'OLD MAN'S DORM' INMATES ENJOY CAMARADERIE, BINGO AND FREE NURSING CARE. COST OF THEIR CONVALESCENT HOME BEHIND BARS RAISES CONCERNS ABOUT THE WAVE OF ELDERLY PRISONERS EXPECTED UNDER 'THREE STRIKES.', By MILES CORWIN, TIMES STAFF WRITER, CHINO
19. St. Louis Post-Dispatch, May 6, 1994, FRIDAY, FIVE STAR Edition, EDITORIAL; Pg. 7B, 719 words, THREE STRIKES IS OUT TO LUNCH, Steven Puro
20. THE HARTFORD COURANT, May 4, 1994 Wednesday, STATEWIDE, OPINION; Pg. C15, 646 words, GETTING TOUGH WITH CRIMINALS WITHOUT TYING JUDGES' HANDS, DON NOEL; Courant Political Columnist
21. The San Francisco Chronicle, MAY 2, 1994, MONDAY, FINAL EDITION, EDITORIAL; Pg. A20; EDITORIALS, 309 words, Three-Strike Travesty
22. THE DALLAS MORNING NEWS, May 2, 1994, Monday, HOME FINAL EDITION, VIEWPOINTS; LEONARD LARSEN; Pg. 13A, 693 words, Federal crime bill is designed to affect voters, not criminals, Leonard Larsen, Scripps Howard News Service
23. The Christian Science Monitor, May 2, 1994, Monday, OPINION/ESSAYS; Pg. 18 929 words, 'Three Strikes': a Step Closer To Zero Tolerance of Crime, Bill Jones; Bill Jones represents the 29th district in the California Assembly. He cosponsored the state's 'Three Strikes' legislation, which went into effect March 8.
24. THE HARTFORD COURANT, May 1, 1994 Sunday, STATEWIDE, MAIN; Pg. A1, 1277 words, LEGISLATORS FACE LAST-MINUTE RUSH, CHRISTOPHER KEATING; Courant Staff Writer

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25. Manchester Guardian Weekly, May 1, 1994, The USA This Week; Pg. 6, 1608 words, Crime bill with a racial bite, MARTIN WALKER
26. Chicago Tribune, May 1, 1994 Sunday, CHICAGOLAND FINAL EDITION, NEWS; Pg. 12; ZONE: C, 299 words, VICTIM PREVENTS FELON FROM TAKING 3RD STRIKE UNDER LAW, San Francisco Chronicle, SAN FRANCISCO
27. USA TODAY, April 28, 1994, Thursday, FINAL EDITION, NEWS; Pg. 7A, 353 words, What the law says about who, what is 'Indian'
28. The Washington Times, April 28, 1994, Thursday, Final Edition, Part C; METROPOLITAN TIMES; SPECIAL REPORT; Pg. C5, 1106 words, Tough-on-crime stance adopted by Democrats ; Local pols join bandwagon, Jim Clardy; THE WASHINGTON TIMES
29. THE HARTFORD COURANT, April 27, 1994 Wednesday, STATEWIDE, CONNECTICUT; Pg. A11, 813 words, STATE SENATE APPROVES "THREE STRIKES" BILL FOR REPEAT OFFENDERS, CHRISTOPHER KEATING; Courant Staff Writer Courant Staff Writer Stan Simpson contributed to this story. ✓
30. THE HARTFORD COURANT, April 27, 1994 Wednesday, STATEWIDE Correction Appended, CONNECTICUT; Pg. A11, 812 words, STATE SENATE APPROVES "THREE STRIKES" BILL FOR REPEAT OFFENDERS, CHRISTOPHER KEATING; Courant Staff Writer Courant Staff Writer Stan Simpson contributed to this story.
31. The Buffalo News, April 26, 1994, Tuesday, City Edition, EDITORIAL PAGE; Pg. 2, 760 words, CRIME BILL AIMED AT VOTES FAILS MISERABLY ON SUBSTANCE; HOUSE DOES WHAT IT SHOULDN'T, NOT WHAT IT SHOULD ✓
32. Federal News Service, APRIL 26, 1994, TUESDAY, CAPITOL HILL HEARING, 11258 words, SENATE JUDICIARY COMMITTEE HEARING ON CRIME PREVENTION AND DISADVANTAGED CHILDREN WITNESS: ATTORNEY GENERAL JANET RENO CHAIRMAN: SENATOR JOSEPH BIDEN (D-DE)
33. Los Angeles Times, April 24, 1994, Sunday, Home Edition, Opinion; Part M; Page 1; Column 2; Opinion Desk, 1093 words, A 'CONSTITUTIONAL MOMENT?'; INSISTING THE CRIME PROBLEM IS UNIQUE, PEOPLE ARE EVER MORE WILLING TO ABANDON THE BILL OF RIGHTS., By ROBERT WEISBERG, Robert Weisberg is a law professor at Stanford University., STANFORD
34. The San Diego Union-Tribune, April 23, 1994, Saturday, LOCAL; Ed. B-3;Pg. 7 Ed. B-2;Pg. 2,3,4,5 Ed. B-1;Pg. 6 Ed. B-9;Pg. 1, 737 words, Rapist sentenced to 3 life terms for crimes against 2, LESLIE WOLF Staff Writer
35. Los Angeles Times, April 22, 1994, Friday, Orange County Edition, Part A; Page 1; Column 2; Metro Desk, 1800 words, HOUSE EASILY APPROVES \$28-BILLION CRIME BILL; CONGRESS: MEASURE WOULD ADD MORE POLICE, PRISONS. IT IS SENT FOR RECONCILIATION WITH SENATE'S VERSION., By WILLIAM J. EATON, TIMES STAFF WRITER, WASHINGTON
36. Los Angeles Times, April 22, 1994, Friday, Home Edition, Part A; Page 1; Column 5; National Desk, 1664 words, HOUSE APPROVES CRIME BILL, 285-141; CONGRESS: \$28-BILLION MEASURE WOULD ADD MORE POLICE, BUILD MORE PRISONS, EXPAND DEATH PENALTY. THE VOTE SENDS THE LEGISLATION TO BE RECONCILED WITH SENATE VERSION., By WILLIAM J. EATON, TIMES STAFF WRITER, WASHINGTON ✓

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37. Chicago Tribune, April 22, 1994 Friday, NORTH SPORTS FINAL EDITION, NEWS; Pg. 1; ZONE: N, 1181 words, '3-TIME LOSER' LAW IS SHOWING SHORTCOMINGS, By Hugh Dellios, Tribune Staff Writer., LOS ANGELES
38. THE HARTFORD COURANT, April 21, 1994 Thursday, STATEWIDE, CONNECTICUT; Pg. D1, 538 words, STATE HOUSE APPROVES 'THREE STRIKES' BILL, STAN SIMPSON; Courant Staff Writer
39. The Houston Chronicle, April 20, 1994, Wednesday, 2 STAR Edition, A; Outlook; Pg. 20, 837 words, Liberals want crime bill that only looks tough, WILLIAM R. HAWKINS
40. Los Angeles Times, April 20, 1994, Wednesday, Home Edition, Part A; Page 21; Column 1; National Desk, 623 words, HOUSE VOTES \$13.5 BILLION FOR STATE PRISON SYSTEMS; CRIME: EARLY RELEASE OF VIOLENT CRIMINALS IS TARGETED IN BILL TO HELP BUILD, EXPAND FACILITIES. AMOUNT IS QUADRUPLE THAT OF EARLIER PLANS., By WILLIAM J. EATON, TIMES STAFF WRITER, WASHINGTON
41. The Plain Dealer, April 20, 1994 Wednesday, FINAL / ALL, EDITORIALS & FORUM; Pg. 7B, 786 words, DEMOCRATS WARN OF CRIME GRIDLOCK, By Rep. JACK BROOKS
42. The Houston Chronicle, April 19, 1994, Tuesday, 2 STAR Edition, A; Pg. 2, 574 words, Texas case to help find limit of federal anti-crime powers, Houston Chronicle News Services, WASHINGTON, Texas
43. Los Angeles Times, April 19, 1994, Tuesday, Home Edition, Part A; Page 17; Column 1; National Desk, 925 words, HIGH COURT TO RULE ON LAW BARRING GUNS NEAR SCHOOLS; GOVERNMENT: CONGRESS' POWER TO TRANSFORM LOCAL CRIMES INTO FEDERAL OFFENSES IS AT STAKE. INTERSTATE COMMERCE AUTHORITY IS CITED., By DAVID G. SAVAGE, TIMES STAFF WRITER, WASHINGTON
44. USA TODAY, April 19, 1994, Tuesday, FINAL EDITION, NEWS; Pg. 4A, 829 words In House crime debate, tough talk all around, Leslie Phillips
45. U.S. Newswire, April 19, 1994, NATIONAL DESK, 12960 words, Transcript of Remarks by President Clinton in MTV's "Enough is Enough" Forum on Crime, White House Office of the Press Secretary, 202-456-2100, WASHINGTON, April 19
46. California Journal Weekly, April 18, 1994, Feature, 821 words, Crime
47. The National Law Journal, April 18, 1994, Pg. A1, 3028 words, Crime's Toll on the U.S.: Fear, Despair and Guns, BY RORIE SHERMAN, NATIONAL LAW JOURNAL STAFF REPORTER
48. Rocky Mountain News, April 18, 1994, Monday, NEWS/NATIONAL/INTERNATIONAL; Ed. F; Pg. 27A, 614 words, Crime bill stirs lawmakers to an election year fervor Democrats, Republicans battle to take toughest stance against criminals, News Wire Services, WASHINGTON
49. THE ORLANDO SENTINEL, April 17, 1994 Sunday, 3 STAR, EDITORIAL; Pg. G2, 524 words, TOUGH TALK, BAD LAWMAKING; MANY OF THE ANTI-CRIME PROPOSALS BEFORE CONGRESS MAKE SENSE. HOWEVER, OTHERS ARE SHORTSIGHTED ENCRoACHMENTS ON STATE DUTIES., Teal

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50. THE ORLANDO SENTINEL, April 17, 1994 Sunday, 3 STAR Correction Appended, A SECTION; Pg. A6, 2572 words, TALLYING THE SCORE: WINNERS, LOSERS OF '94 LEGISLATIVE SLUGFEST, Compiled From Staff and Wire Reports ✓
51. Reuters North American Wire, April 17, 1994, Sunday, BC cycle, 660 words, CRIME BILL STIRS ELECTION YEAR FERVOR, By Robert Green, WASHINGTON
52. Reuters World Service, April 17, 1994, Sunday, BC cycle, 653 words, CRIME BILL STIRS ELECTION YEAR FERVOR, By Robert Green, WASHINGTON, April 17
53. THE ORLANDO SENTINEL, April 15, 1994 Friday, 3 STAR, A SECTION; Pg. A18, 108 words, WISCONSIN JOINS STATES WITH '3 STRIKES, OUT' LAWS, RACINE, WIS. ✓
54. The Washington Times, April 15, 1994, Friday, Final Edition, Part A; NATION; AMERICAN SCENE; Pg. A13, 103 words, Wisconsin adopts 'three strikes' law, FROM WIRE DISPATCHES AND STAFF REPORTS, RACINE, WIS.
55. The Associated Press, April 14, 1994, Thursday, PM cycle, Domestic News, 153 words, Wisconsin Adopts 'Three Strikes, You're Out' Law, RACINE, Wis. ✓
56. The MacNeil/Lehrer NewsHour, April 14, 1994, Thursday, Transcript #4907, 9012 words, Newsmaker; Crime Watch; Special Session; Newsmaker
57. The Washington Times, April 14, 1994, Thursday, Final Edition, Part A; NATION; Pg. A4, 674 words, GOP mulls stalling House crime bill, J. Jennings Moss; THE WASHINGTON TIMES
58. Los Angeles Times, April 13, 1994, Wednesday, Ventura West Edition, Metro; Part B; Page 1; Column 5; Metro Desk, 708 words, D.A. WEIGHS '3 STRIKES' FOR SLAYING IN OXNARD; LAWS: MAN ACCUSED OF KILLING HIS WIFE COULD BE THE FIRST COUNTY RESIDENT PROSECUTED UNDER THE NEW STATE STATUTE., By DWAYNE BRAY, TIMES STAFF WRITER
59. The Record, April 13, 1994; WEDNESDAY; ALL EDITIONS, OPINION; Pg. C06, 867 words, THIS ANTI-CRIME BILL AIMS WIDE OF ITS TARGET
60. The Record, April 13, 1994; WEDNESDAY; ALL EDITIONS, OPINION; Pg. C06, 854 words, THIS ANTI-CRIME BILL AIMS WIDE OF ITS TARGET
61. Reuters North American Wire, April 13, 1994, Wednesday, BC cycle, 579 words, HOUSE TAKES UP SWEEPING ANTI-CRIME BILL, By Robert Green, WASHINGTON
62. Reuters North American Wire, April 13, 1994, Wednesday, BC cycle, 560 words, HOUSE REJECTS REPUBLICAN BID TO REVISE CRIME BILL, WASHINGTON
63. Reuters World Service, April 13, 1994, Wednesday, BC cycle, 583 words, HOUSE TAKES UP SWEEPING ANTI-CRIME BILL, By Robert Green, WASHINGTON, April 13
64. Reuters World Service, April 13, 1994, Wednesday, BC cycle, 564 words, HOUSE REJECTS REPUBLICAN BID TO REVISE CRIME BILL, WASHINGTON, April 13
65. GANNETT NEWS SERVICE, April 12, 1994, Tuesday, 656 words, MCCREY, FIELDS WON'T COMMIT TO CRIME VOTE UNTIL END OF DEBATE, DENNIS CAMIRE; Gannett News Service, WASHINGTON

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66. Los Angeles Times, April 12, 1994, Tuesday, Home Edition, Part A; Page 5; Column 1; National Desk, 736 words, PROFILE; REP. SCHUMER PUSHES, PULLS TO MOLD CRIME BILL; BROOKLYN LAWMAKER GAVE A LITTLE TO THE LEFT AND A LITTLE TO THE RIGHT IN FORMING THE MEASURE. TO HIM, THE MAIN POINT IS THAT IT LIKELY WILL PASS., By WILLIAM J. EATON, TIMES STAFF WRITER, WASHINGTON
67. The New York Times, April 12, 1994, Tuesday, Late Edition - Final, Section A; Page 14; Column 1; National Desk, 696 words, President Urges Law Officers To Press for an Anticrime Bill, By STEPHEN LABATON, Special to The New York Times, WASHINGTON, April 11
68. States News Service, April 12, 1994, Tuesday, 950 words, LOCAL OFFICIALS FEAR CUTS TO ANTI-CRIME PROGRAMS, By Holly Yeager, States News Service, WASHINGTON
69. The Connecticut Law Tribune, April 11, 1994, CENTER COURT; Pg. 1, 1807 words, BAILEY'S ANTI-CRIME BARRAGE; DEFENSE ATTORNEYS IN STATE OF SHOCK OVER CHIEF STATE'S ATTORNEY'S WAR ON CRIME, JABET SEIBERG
70. Federal News Service, APRIL 11, 1994, MONDAY, WHITE HOUSE BRIEFING, 4618 words, REMARKS BY PRESIDENT BILL CLINTON AND ATTORNEY GENERAL JANET Reno SUBJECT: CRIME BILL JUSTICE DEPARTMENT WASHINGTON, DC
71. Public Papers of the Presidents, April 11, 1994, 30 Weekly Comp. Pres. Doc. 775, 2324 words, Remarks to Law Enforcement Officers
72. The Christian Science Monitor, April 11, 1994, Monday, OPINION/ESSAYS; Pg. 23, 1094 words, 'Three Strikes' Law Is Political Fool's Gold, Franklin Zimring; Franklin Zimring is professor of law and director of the Earl Warren Legal Institute at the University of California at Berkeley.
73. U.S. Newswire, April 11, 1994, NATIONAL DESK, 2920 words, Transcript of Remarks by the President to Law Enforcement Officers, White House Office of the Press Secretary, 202-456-2100, WASHINGTON, April 11
74. Los Angeles Times, April 10, 1994, Sunday, Home Edition, Magazine; Page 24; Magazine Desk, 4752 words, CRIME AND EMBELLISHMENT; THE RECENT HYSTERIA OVER FEAR AND CRIME IS BASED MORE ON MYTH AND MANIPULATION THAN TRUE DANGER AND DREAD By KATHERINE DUNN, Katherine Dunn is working on her fourth novel; her most recent, Geek Love, was published by Alfred Knopf. She lives in Portland, Ore.
75. The Washington Post, April 10, 1994, Sunday, Final Edition, FIRST SECTION; PAGE A3, 979 words, Gun Control Stance Makes California Legislator Target of Recall, William Hamilton, Washington Post Staff Writer, LOS ANGELES
76. The San Diego Union-Tribune, April 9, 1994, Saturday, NEWS; Ed. 1,2,3,4,5,6,7; Pg. A-3, 390 words, Court panel discovers major flaws in 3 strikes', STEPHEN GREEN McClatchy News Service
77. Reuters North American Wire, April 9, 1994, Saturday, BC cycle, 311 words, CLINTON URGES CONGRESS TO QUICKLY PASS CRIME BILL, WASHINGTON
78. Sacramento Bee, April 9, 1994, METRO FINAL, MAIN NEWS; Pg. A3, 854 words, JUDGES POKE AT 'THREE STRIKES', Stephen Green, Bee Capitol Bureau

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79. St. Petersburg Times, April 9, 1994, Saturday, City Edition, TAMPA BAY AND STATE; THE LEGISLATURE; Pg. 4B, 259 words, 'Three strikes' crime bill approved by the Senate, CURTIS KRUEGER, TALLAHASSEE
80. Reuters World Service, April 9, 1994, Saturday, BC cycle, 314 words, CLINTON URGES CONGRESS TO QUICKLY PASS CRIME BILL, WASHINGTON, April 9
81. The San Diego Union-Tribune, April 7, 1994, Thursday, NEWS; Ed. 11; Pg. A-3, 846 words, Three-strikes law seen as an economic boon Wilson team envisions \$23 billion in benefits, DANA WILKIE Staff Writer
82. The San Francisco Chronicle, APRIL 7, 1994, THURSDAY, FINAL EDITION, NEWS; Pg. A15, 1283 words, Sentencing Costs Test Legislators Lawmakers see expense of tough crime laws, Robert B. Gunnison, Greg Lucas, Chronicle Sacramento, Sacramento
83. The San Francisco Chronicle, APRIL 7, 1994, THURSDAY, FINAL EDITION, NEWS; Pg. A18, 367 words, '3 Strikes' Initiative On Fall Ballot Supporters call it insurance against a try to weaken law, Vlae Kershner, Chronicle Sacramento Bureau, Sacramento
84. The Independent, April 7, 1994, Thursday, INTERNATIONAL NEWS PAGE; Page 14, 851 words, Crime plan may bust crowded US jails; A crackdown on offenders will only add to record inmate figures, writes Patrick Cockburn in Washington, PATRICK COCKBURN in Washington
85. Los Angeles Times, April 7, 1994, Thursday, Home Edition, Part A; Page 3; Column 2; Metro Desk, 578 words, WILSON ADVISER SAYS '3 STRIKES' WILL SAVE MONEY By DAN MORAIN, TIMES STAFF WRITER, SACRAMENTO
86. The Recorder, April 5, 1994, Tuesday, Pg. 1, 781 words, Bill Criminalizes Dispersal of Crime Material to Minors; Critics: Proposal is so broad it violates free-speech rights, BILL AINSWORTH, SACRAMENTO
87. Sacramento Bee, April 5, 1994, METRO FINAL, MAIN NEWS; Pg. A3, 974 words, A CRIME WAVE FLOODS CAPITOL, Dan Walters
88. California Journal Weekly, April 4, 1994, Feature, 720 words, Crime: Now, it's one strike
89. Legal Times, April 4, 1994, Pg. 7, 1368 words, 'Three Strikes' Spokesman Has Change of Heart, BY BILL AINSWORTH; Bill Ainsworth is a reporter at The Recorder in San Francisco. This article was distributed by the American Lawyer News Service.
90. Los Angeles Times, April 4, 1994, Monday, Orange County Edition, Metro; Part B; Page 11; Column 1; Op-Ed Desk, 715 words, ORANGE COUNTY VOICES; 'THREE STRIKES' AND WE'RE ALL OUT OF LUCK; POLITICS: LOCAL IMPACT OF ANTI-CRIME LEGISLATION SEEMS LIKE AN IRISH STEW, BUT IT'S TROUBLESOME ENOUGH TO MAKE YOU WANT AN IRISH WHISKEY., By KEITH BOYUM, Keith Boyum is a professor of political science at Cal State Fullerton.
91. The Christian Science Monitor, April 4, 1994, Monday, THE U. S.; NATIONAL; Pg. 9, 842 words, Golden State Lawmakers Consider Harsh 'One Strike' Anti-Crime Bill, Scott Armstrong, Staff writer of The Christian Science Monitor, LOS ANGELES

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92. The San Diego Union-Tribune, April 3, 1994, Sunday, NEWS; Ed. 1,2; Pg. A-1
1606 words, A pioneering 3-strikes law faces scrutiny and challenges, DANA
WILKIE Staff Writer
93. The Seattle Times, April 3, 1994, Sunday, Final Edition, ISSUES; LETTERS;
Pg. B5, 113 words, 'THREE STRIKES' INITIATIVE -- CRIMINALS WITH TWO STRIKES CAN
MAKE THE CHOICE TO NOT STRIKE OUT
94. The Washington Times, April 3, 1994, Sunday, Final Edition, Part B;
COMMENTARY; Pg. B3, 614 words, Conflicting calls on the pitch for three strikes,
Henry Hyde
95. Los Angeles Times, April 2, 1994, Saturday, Home Edition, Part A; Page 1;
Column 2; Metro Desk, 1436 words, THE TIMES POLL; RESIDENTS BALK WHEN ASKED TO
PAY FOR '3 STRIKES', By DANIEL M. WEINTRAUB, TIMES STAFF WRITER
96. Campaigns & Elections, April, 1994, ANALYSIS, 2186 words, Crime Two Views
on Handling a Hot Campaign Issue, Frederick S. Yang and Glen Bolger and W.D.
McInturff
97. GANNETT NEWS SERVICE, April 1, 1994, Friday, 599 words, ANTI-CRIME
PACKAGES SPUTTER, BILLY HOUSE; Gannett News Service, ALBANY
98. THE DALLAS MORNING NEWS, April 1, 1994, Friday, HOME FINAL EDITION,
VIEWPOINTS; ELLEN GOODMAN; Pg. 25A, 690 words, Three strikes' not solution for
crime, Ellen Goodman, Washington Post Writers Group
99. The San Diego Union-Tribune, March 31, 1994, Thursday, LOCAL; Ed. B-2;Pg.
7,12,13 Ed. B-8;Pg. 1,10 Ed. B-10;Pg. 2,4,9 Ed. B-4;Pg. 3,5,8 Ed. B-14;Pg.
6,11, 530 words, Judge uses an old lesson to uphold 3 strikes' He remembers the
stern immediacy of his dad's discipline, BILL CALLAHAN Staff Writer
100. The Seattle Times, March 31, 1994, Thursday, Final Edition, SNOHOMISH;
Pg. B1, 442 words, 'THREE STRIKES' JUST LIKE OLD LAW, ATTORNEY ARGUES, BY
CHRISTY SCATTARELLA, EVERETT
101. The Houston Chronicle, March 30, 1994, Wednesday, 2 STAR Edition, C;
Opinion; Pg. 11, 988 words, In crime bill, some tough measures are smart, some
dumb, some pork, E.J. DIONNE
102. The Washington Times, March 30, 1994, Wednesday, Final Edition, Part A;
COMMENTARY; EDITORIALS; Pg. A16, 566 words, When kids commit crimes
103. Engineering News-Record, March 28, 1994, NEWS; Vol. 232, No. 13; Pg. 22,
527 words, Three strikes and out: Unocal fined \$ 1 million
104. Los Angeles Times, March 28, 1994, Monday, Home Edition, Part A; Page 1;
Column 3; Foreign Desk, 1079 words, STANDS ON WELFARE AND CRIME CATCH CLINTON IN
CROSS-FIRE, By RONALD BROWNSTEIN, TIMES POLITICAL WRITER, WASHINGTON
105. Star Tribune, March 28, 1994, Metro Edition, News; Pg. 1A, 1788 words,
The politicizing of law and order; Crime bill is popular, but experts aren't
sure it will work, Sharon Schmickle; Donna Halvorsen; Staff Writers, Washington,
D.C.

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106. THE ARIZONA REPUBLIC, March 28, 1994 Monday, Final Chaser, EDITORIAL/OPINION; Pg. B5, 730 words, '3 STRIKES,' SPORTS TALK TURNED POLICY, ELLEN GOODMAN / The Boston Globe
107. Chicago Tribune, March 28, 1994 Monday, NORTH SPORTS FINAL EDITION, PERSPECTIVE; Pg. 13; ZONE: N, 770 words, 'THREE STRIKES' SHOULD APPLY TO BASEBALL, NOT CRIME, Ellen Goodman, (copyright) 1994, The Boston Globe., SAN FRANCISCO
108. The New York Times, March 27, 1994, Sunday, Late Edition - Final, Section 1; Page 18; Column 6; National Desk, 841 words, TALK OF FLORIDA: HOW TO END CRIME, By LARRY ROHTER, Special to The New York Times, TALLAHASSEE, Fla., March 25
109. The Seattle Times, March 27, 1994, Sunday, Final Edition, NEWS; Pg. A1, 2941 words, CITIZENS ARE TAKING INITIATIVE -- PROPOSALS REFLECT LOSS OF FAITH IN LEGISLATORS, BY BARBARA A. SERRANO, OLYMPIA
110. The Associated Press, March 26, 1994, Saturday, AM cycle, Domestic News, 231 words, First Man Sentenced Under Three Strikes Law Says He Has Terminal Illness, SHELTON, Wash.
111. Los Angeles Times, March 26, 1994, Saturday, Orange County Edition, Metro; Part B; Page 1; Column 2; Metro Desk, 635 words, SYMPOSIUM EXAMINES CRIME AND PUNISHMENT; VIOLENCE: SPEAKERS ENCOURAGE CITIZENS TO PRESSURE LAWMAKERS TO TOUGHEN PENALTIES. THE GOVERNOR IS EXPECTED AT MONDAY'S EVENT., By DAVID REYES, TIMES STAFF WRITER, LAGUNA HILLS
112. United Press International, March 26, 1994, Saturday, BC cycle, Regional News, 392 words, Activists, elected officials take aim at 'three strikes', LOS ANGELES, March 26
113. The Vancouver Sun, March 26, 1994, Saturday, FINAL EDITION, EDITORIAL; Pg. A22, 572 words, Three strike laws out in left field, VANSUN
114. The Recorder, March 25, 1994, Friday, Pg. 1, 1615 words, The Education of Marc Klaas; Polly Klaas' father now says that '3 Strikes' will end up hurting anti-crime efforts, BILL AINSWORTH, SACRAMENTO
115. Chicago Tribune, March 25, 1994 Friday, NORTH SPORTS FINAL EDITION, CHICAGOLAND; Pg. 4; ZONE: N, 541 words, TOUGH ANTI-CRIME BILLS ADVANCE WITH EASE IN STATE HOUSE, SENATE, By Eric Krol, Tribune Staff Writer., SPRINGFIELD
116. The Boston Globe, March 24, 1994, Thursday, City Edition, OP-ED; Pg. 19, 764 words, A strikeout in the fight against crime; ELLEN GOODMAN, By Ellen Goodman, Globe Staff, SAN FRANCISCO
117. The San Francisco Chronicle, MARCH 24, 1994, THURSDAY, FINAL EDITION, EDITORIAL; Pg. A23; ELLEN GOODMAN, 543 words, Now at Bat, Three Strikes, ELLEN GOODMAN, Boston Globe, San Francisco
118. Los Angeles Times, March 24, 1994, Thursday, Home Edition, Part A; Page 5; Column 4; National Desk, 776 words, THE TARGET: REPEAT OFFENDERS; WASHINGTON STATE VOTERS PIONEERED THE THREE-STRIKES IDEA, BUT A \$151 ROBBERY CASE MAY TEST IF THEY GOT THE LAW THEY WANTED., By JOHN BALZAR, TIMES STAFF WRITER, SEATTLE

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119. States News Service, March 24, 1994, Thursday, 443 words, WISCONSIN LAW OFFICIALS AND COMMUNITY LEADERS BRIEFED ON CRIME BILL, By Aaron Robinson, States News Service, WASHINGTON
120. Chicago Tribune, March 24, 1994 Thursday, FINAL EDITION, NEWS; Pg. 3; ZONE: M, 122 words, WISCONSIN SENATE PASSES '3-STRIKES' BILL, From Tribune Wires., MADISON, Wis.
121. GANNETT NEWS SERVICE, March 23, 1994, Wednesday, 703 words, HIGHLIGHTS OF SENATE, HOUSE CRIME BILLS, Gannett New Service
122. Los Angeles Times, March 23, 1994, Wednesday, Home Edition, Part A; Page 1; Column 5; Metro Desk, 1277 words, '3 STRIKES' LAW BEING USED TO CHALLENGE DEATH PENALTY, By MAURA DOLAN, TIMES LEGAL AFFAIRS WRITER, SAN FRANCISCO
123. NPR, Morning Edition (NPR 6:00 am ET), March 23, 1994, Transcript # 1308-5, Package, News; Domestic, 914 words, California's 'Three Strikes' Rife With Contradictions, DAVID LAMBERT, National Center for Youth Law; BILL JONES, (R) California Assemblyman; GRACE LYDIA SWATISS, San Francisco Public Defender's Office; ISABEL ALEGRIA
124. USA TODAY, March 23, 1994, Wednesday, FINAL EDITION, NEWS; Pg. 11A, 1490 words, Clinton: People feel more vulnerable to crime, Adam Nagourney; Bill Nichols
125. The Recorder, March 22, 1994, Tuesday, Pg. 1, 861 words, Judicial Council Raises Doubt About 'Three Strikes' Law; Memo suggests some sections could be unconstitutional, BILL AINSWORTH, SACRAMENTO
126. The Seattle Times, March 22, 1994, Tuesday, Final Edition, SNOHOMISH; Pg. B3, 234 words, THORNE TO BE TRIED AS SECOND MAN UNDER '3 STRIKES', BY CHRISTY SCATTARELLA, EVERETT
127. States News Service, March 22, 1994, Tuesday, 718 words, HOUSE HEARING TARGETS JUVENILE CRIME PREVENTION, By Ellen Gamerman, States News Service, WASHINGTON
128. The Associated Press, March 21, 1994, Monday, AM cycle, Domestic News, 850 words, First Criminal Snared By 3-Strikes Law: A Middle-Aged Career Armed Robber By TIM KLASS, Associated Press Writer, SEATTLE
129. The Associated Press, March 21, 1994, Monday, AM cycle, Domestic News, 850 words, First Criminal Snared By 3-Strikes Law: A Middle-Aged Career Armed Robber By TIM KLASS, Associated Press Writer, SEATTLE
130. United Press International, March 21, 1994, Monday, BC cycle, Regional News Ohio, 505 words, Ohio Poll shows crime most important problem, CINCINNATI March 21
131. THE PHOENIX GAZETTE, March 21, 1994 Monday, Final, EDITORIAL/OPINION; Pg. B5, 715 words, 3 STRIKES ; WRONGHEADED CRIME RESPONSE, By Richard DeUriarte / Editorial Writer
132. The San Diego Union-Tribune, March 20, 1994, Sunday, NEWS; Ed. 1,2; Pg. A-1, 1750 words, '3 strikes' low blow, ex-cons say Advise spending funds on

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treatment for drug addicts, not more prisons, LORIE HEARN Staff Writer

133. The Houston Chronicle, March 20, 1994, Sunday, 2 STAR Edition, A; Pg. 1, 1211 words, Georgia edging toward 2-strike crime law; Voters to consider life-without-parole sentences after second violent offense, KIM CORB; Staff, Crime Prison Sentences

134. The Atlanta Journal and Constitution, March 20, 1994, EDITORIAL; Section H; Page 3, 529 words, Three-strikes laws won't stem crime, Tom Teeppen

135. NPR, Weekend Edition - Sunday (NPR 10:00 am ET), March 20, 1994, Transcript # 1063-3, Package, News; Domestic, 1033 words, Native Americans Protest Three-Strikes Crime Laws, Sen. DANIEL INOUE, (D-Chmn., Senate Committee for Indian Affairs; Sen. BEN NIGHORSE CAMPBELL, (D-CA.); Rep. BILL McCULLOM, (R-FL.); JIM ZION, Court Solicitor, Navajo Nation; KATIE DAVIS

136. The Seattle Times, March 20, 1994, Sunday, Final Edition, LOCAL NEWS; Pg. B1, 1184 words, LEGISLATORS WARY AFTER FEELING HEAT FROM PUBLIC -- NEW INITIATIVE EFFORTS ALREADY UNDER WAY, BY JIM SIMON, BARBARA A. SERRANO, DAVID SCHAEFER, OLYMPIA

137. The Economist, March 19, 1994, World politics and current affairs; AMERICAN SURVEY; Pg. 28 (U.K. Edition Pg. 56), 498 words, Three strikes, join the queue, SAN FRANCISCO

138. Los Angeles Times, March 18, 1994, Friday, Home Edition, Metro; Part B; Page 6; Column 1; Metro Desk, 538 words, '3 STRIKES' PASSAGE

139. Newsday, March 18, 1994, Friday, NASSAU AND SUFFOLK EDITION, NEWS; Pg. 17 Other Edition: City Pg. 19, 443 words, Panel OKs Amended '3 Strikes' Bill; Provision allows parole after age 70, By William Douglas. WASHINGTON BUREAU, Washington, CRIME; LAW; SENTENCE; PROPOSED

140. Star Tribune, March 18, 1994, Metro Edition, News; Congressional ROUNDUP; Pg. 25A, 619 words, House panel OKs crime bills including qualified '3 strikes and out' provision, Washington, D.C.

141. States News Service, March 18, 1994, Friday, 772 words, LOCAL OFFICIALS FEAR CUTS TO ANTI-CRIME PROGRAMS, By Holly Yeager, States News Service, WASHINGTON

142. Chicago Tribune, March 18, 1994 Friday, NORTH SPORTS FINAL EDITION, NEWS; Pg. 4; ZONE: N, 560 words, HOUSE PANEL OKS CRIME BILL CONTAINING 3-STRIKE CLAUSE Associated Press., WASHINGTON

143. The Associated Press, March 17, 1994, Thursday, PM cycle, Washington Dateline, 709 words, Judiciary Panel Passes Three Strikes Measure, By CAROLYN SKORNECK, Associated Press Writer, WASHINGTON

144. The San Francisco Chronicle, MARCH 17, 1994, THURSDAY, FINAL EDITION, NEWS; Pg. C6; BAY AREA REPORT, 81 words, SAN FRANCISCO Ex-Con Becomes First '3 Strikes' Case in S.F.

145. Los Angeles Times, March 17, 1994, Thursday, Home Edition, Business; Part D; Page 1; Column 5; Financial Desk, 1029 words, INNOVATION / MICHAEL

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- SCHRAGE: GENETIC PROFILING COULD MAKE DNA VIOLENT CRIME'S WORST ENEMY, By MICHAEL SCHRAGE, Michael Schrage is a writer, consultant and research associate at the Massachusetts Institute of Technology. He writes this column independently for The Times.
146. Reuters North American Wire, March 17, 1994, Thursday, BC cycle, 462 words, "THREE STRIKES" CRIME BILL ADVANCES IN HOUSE, By Robert Green, WASHINGTON
147. Reuters World Service, March 17, 1994, Thursday, BC cycle, 463 words, "THREE STRIKES" CRIME BILL ADVANCES IN HOUSE, By Robert Green, WASHINGTON, March 17
148. Financial World, March 15, 1994, FEATURES; Crime; Pg. 22, 1871 words, Getting Tough on Violent Crime, by Dan Cordtz
149. California Journal Weekly, March 14, 1994, Feature, 2054 words, Initiative or no initiative, "three strikes" is the law in California
150. The New York Times, March 14, 1994, Monday, Late Edition - Final, Section B; Page 6; Column 1; National Desk, 1235 words, House Takes Up Measures to Provide Billions More to Fight Crime and Build Prisons, By KATHARINE SEELYE, Special to The New York Times, WASHINGTON, March 13
151. Sacramento Bee, March 14, 1994, METRO FINAL, MAIN NEWS; Pg. A3, 1294 words, TEXAS GRAPPLING WITH "3 STRIKES", Pamela J. Podger, Bee Capitol Bureau
152. The Washington Post, March 14, 1994, Monday, Final Edition, METRO; PAGE B1, 1293 words, Allen Wins First Round; Va. Legislature Follows Governor's Agenda, Peter Baker, John F. Harris, Washington Post Staff Writers, RICHMOND, March 13, 1994
153. The San Francisco Examiner, March 14, 1994, Monday; Fourth Edition, NEWS; Pg. A-3, 1054 words, Californians could learn from Texas "3 strikes" law; Plea bargains, early release programs and other escape hatches abound in the system, PAMELA J. PODGER, SACRAMENTO
154. The San Francisco Chronicle, MARCH 13, 1994, SUNDAY, SUNDAY EDITION, SUNDAY PUNCH; Pg. 1; EDITORIALS, 632 words, Crime Is No. 1
155. St. Louis Post-Dispatch, March 13, 1994, SUNDAY, THREE STAR Edition, NEWS; Pg. 8A, 1267 words, HOUSE WADES THROUGH CRIME BILLS; PROPOSALS INCLUDE SOCIAL SERVICE MONEY, EXPANSION OF DEATH PENALTY, Tim Poor Post-Dispatch Washington Bureau, WASHINGTON
156. St. Louis Post-Dispatch, March 13, 1994, SUNDAY, EARLY FIVE STAR Edition, NEWS; Pg. 7D, 1227 words, HOUSE COMMITTEES WADING THROUGH CRIME LEGISLATION, Tim Poor Post-Dispatch Washington Bureau, WASHINGTON
157. United Press International, March 13, 1994, Sunday, BC cycle, Regional News California, 577 words, Debate grows in California over 'Three Strikes' law, LOS ANGELES, March 13
158. GANNETT NEWS SERVICE, March 11, 1994, Friday, 385 words, COALITION SAYS MINORITIES WOULD SUFFER UNDER '3 STRIKES', KEITH WHITE; Gannett News Service, WASHINGTON

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159. St. Petersburg Times, March 11, 1994, Friday, City Edition, EDITORIAL; EDITORIALS; Pg. 16A, 548 words, Crime bill strikes out
160. Reuters World Service, March 11, 1994, Friday, BC cycle, 343 words, HOUSE SUBCOMMITTEE APPROVES 'THREE STRIKES' CRIME BILL, By Robert Green, WASHINGTON, March 11
161. The San Diego Union-Tribune, March 10, 1994, Thursday, OPINION; Ed. B-13;Pg. 6,7,11,12,13 Ed. B-9;Pg. 1,10, 719 words, Sheriff's selling confiscated weapons stirs controversy Three strikes and you're out'; is anticipated cost worth it?
162. The San Diego Union-Tribune, March 10, 1994, Thursday, NEWS; Ed. 11; Pg. A-3, 365 words, Klaases ask governor to replace 3 strikes' They prefer measure aimed more at violence, JON MATTHEWS McClatchy News Service
163. The San Diego Union-Tribune, March 10, 1994, Thursday, LOCAL; Ed. 11; Pg. B-1, 958 words, Defendant gets wish for longer sentence Career criminal draws life instead of 20 years, VALERIE ALVORD Staff Writer]
164. Sacramento Bee, March 10, 1994, METRO FINAL, MAIN NEWS; Pg. A3, 587 words KLAAS FATHER OPPOSES NEW '3 STRIKES' LAW, Jon Matthews, Bee Capitol Bureau
165. CNN, Prime News 8:26 pm ET, March 9, 1994, Transcript # 396-5, Package, News; Domestic, 476 words, Critics Say Three Strikes Crime Law Invites Trouble, PENNY DAILEY, Kidnapping Victim; JOHN JACOBS, Former Armed Robber; Chief ANTHONY RIBERA, San Francisco Police; MARK KLAAS, Polly Klaas Foundation, CRAIG HEAPS
166. The San Francisco Chronicle, MARCH 9, 1994, WEDNESDAY, FINAL EDITION, NEWS; Pg. A1, 1016 words, Lawyers Expect Legal Battle On '3 Strikes' Courts may cut critical portions of sentencing law, Reynolds Holding, Chronicle Legal Affairs Writer
167. Los Angeles Times, March 9, 1994, Wednesday, Home Edition, Part A; Page 1; Column 6; Metro Desk, 1219 words, CITING '3 STRIKES,' LAWYERS TO SHUN PLEA BARGAINS, By DAN MORAIN, TIMES STAFF WRITER, SACRAMENTO
168. Los Angeles Times, March 9, 1994, Wednesday, Orange County Edition, Part A; Page 3; Column 2; Metro Desk, 1208 words, '3 STRIKES' LAW RAISES THE PROSPECT OF MANY ADDITIONAL TRIALS; COURTS: DEFENSE ATTORNEYS ARE ADVISING CLIENTS AGAINST PLEA BARGAINS. JUVENILE PROVISIONS DRAW CRITICISM., By DAN MORAIN, TIMES STAFF WRITER, SACRAMENTO
169. The Guardian, March 9, 1994, THE GUARDIAN FOREIGN PAGE; Pg. 15, 480 words 'THREE STRIKES AND OUT' REGIME FOR CRIMINALS IN CALIFORNIA, CHRISTOPHER REED IN LOS ANGELES
170. St. Petersburg Times, March 9, 1994, Wednesday, City Edition, TAMPA BAY AND STATE; THE STATE; Pg. 4B, 509 words, 'Three strikes' bill clears hurdle, CURTIS KRUEGER, TALLAHASSEE
171. United Press International, March 9, 1994, Wednesday, BC cycle, Washington News, 419 words, Reno: no softening of 'three strikes' proposal, BY MICHAEL KIRKLAND, WASHINGTON, March 9

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172. The San Diego Union-Tribune, March 8, 1994, Tuesday, NEWS; Ed. 1,2,3,4,5,6,7,8; Pg. A-3, 618 words, Wilson signs 3 strikes' sentencing bill into law, GALE HOLLAND Copley News Service Union-Tribune staff writer Dana
173. The San Francisco Chronicle, MARCH 8, 1994, TUESDAY, FINAL EDITION, NEWS; Pg. A14, 431 words, Bills Unveiled Today Aim at Violent Crime East Bay cities would benefit from package, Judy Ronningen, Chronicle Correspondent
174. The Hotline, March 8, 1994, GOVERNORS '94, 400 words, CALIFORNIA: WILSON SIGNS "THREE STRIKES" MEASURE
175. Los Angeles Times, March 8, 1994, Tuesday, Orange County Edition, Part A; Page 1; Column 5; Metro Desk, 1588 words, '3 STRIKES' LAW GOES INTO EFFECT; CRIME: GOVERNOR SIGNS LEGISLATION THAT AIMS TO PUT HABITUAL FELONS BEHIND BARS FOR LIFE. HE CALLS IT ONLY A FIRST STEP TOWARD TOUGHER MEASURES AGAINST VIOLENCE., By DANIEL M. WEINTRAUB, TIMES STAFF WRITER
176. Los Angeles Times, March 8, 1994, Tuesday, Home Edition, Part A; Page 1; Column 5; Metro Desk, 1364 words, '3 STRIKES' LAW GOES INTO EFFECT; CRIME: GOVERNOR SIGNS LEGISLATION THAT AIMS TO PUT HABITUAL FELONS BEHIND BARS FOR LIFE. HE CALLS IT ONLY A FIRST STEP TOWARD TOUGHER MEASURES AGAINST CRIME., By DANIEL M. WEINTRAUB, TIMES STAFF WRITER
177. Los Angeles Times, March 8, 1994, Tuesday, Home Edition, Part A; Page 3; Column 4; Metro Desk, 527 words, LUNGREN TO TAP PUBLIC DISCONTENT OVER CRIME IN BID FOR REELECTION, By ERIC BAILEY, TIMES STAFF WRITER, SACRAMENTO
178. USA TODAY, March 8, 1994, Tuesday, FINAL EDITION, NEWS; Pg. 12A, 1011 words, 'Three strikes,' many questions, Debbie Howlett, EVERETT, Wash.
179. THE PHOENIX GAZETTE, March 8, 1994 Tuesday, Final, EDITORIAL/OPINION; Pg. B13, 707 words, TOUGH OR SMART? ; DEBATE ON CRIME MISSES MARK, Washington
180. The Washington Post, March 8, 1994, Tuesday, Final Edition, FIRST SECTION; PAGE A7; AROUND THE NATION, 180 words, '3 Strikes' Becomes Law for California Repeat Offenders, From news services, LOS ANGELES
181. Chicago Tribune, March 8, 1994 Tuesday, NORTH SPORTS FINAL EDITION, NEWS; Pg. 3; ZONE: N, 708 words, CALIFORNIA GETS '3 STRIKES' LAW ON EVE OF CAMPAIGN, By Hugh Dellios, Tribune Staff Writer., LOS ANGELES
182. The Associated Press, March 7, 1994, Monday, AM cycle, Domestic News, 310 words, California Governor Signs 'Three Strikes' Bill, By JAMES ANDERSON, Associated Press Writer, LOS ANGELES
183. The Associated Press, March 7, 1994, Monday, AM cycle, Domestic News, 433 words, California Governor Signs 'Three Strikes' Bill, By JAMES ANDERSON, Associated Press Writer, LOS ANGELES
184. Los Angeles Times, March 7, 1994, Monday, Orange County Edition, Metro; Part B; Page 1; Column 2; Metro Desk, 1929 words, ANTI-CRIME MEASURES TOP LEGISLATORS' AGENDA; GOVERNMENT: THE TYPICALLY CONSERVATIVE BILLS BY O.C. LAWMAKERS ALSO TARGET ILLEGAL IMMIGRANTS, FAVOR BUSINESS, SEEK REGULATORY REFORM., By ERIC BAILEY, TIMES STAFF WRITER, SACRAMENTO

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185. Los Angeles Times, March 7, 1994, Monday, Home Edition, Part A; Page 1; Column 1; Metro Desk, 2079 words, COLUMN ONE; A FATHER'S BITTERSWEET CRUSADE; MIKE REYNOLDS VOWED THAT HIS MURDERED DAUGHTER WOULD NOT DIE IN VAIN. FEW THOUGHT HE COULD WIN, BUT TODAY HE WILL SEE THE 'THREE STRIKES' BILL SIGNED INTO LAW., By DAN MORAIN, TIMES STAFF WRITER, FRESNO
186. NPR, Morning Edition (NPR 6:00 am ET), March 7, 1994, Transcript # 1296-3 Package, News; Domestic, 806 words, Florida Has More Violent Crimes Than Any Other State, ROXANNE GRIMSTEAD, Mother Whose Daughter Was Murdered; Sen. ROBERT WEXLER (D-FL); CAROL TUTWILER, Mother Whose Daughter Was Assaulted by Serial Rapist; CHARLENE KARRAS, Lobbyist, American Civil Liberties Union, DOUG PHILLIPS
187. NPR, All Things Considered (NPR 4:30 pm ET), March 7, 1994, Transcript # 1414-5, Package, News; Domestic, 1000 words, 'Three Strikes and You're Out' in California, Gov. PETE WILSON (R-CA); State Sen. LEROY GREEN (D-CA); MIKE REYNOLDS Author, Crime Voter Initiative, ISABEL ALEGRIA
188. PR Newswire, March 7, 1994, Monday, State and Regional News, 101 words, ACTING SECRETARY OF STATE CHAPTERS 3 STRIKES LEGISLATION, SACRAMENTO, Calif., March 7
189. PR Newswire, March 7, 1994, Monday, State and Regional News, 101 words, ACTING SECRETARY OF STATE CHAPTERS 3 STRIKES LEGISLATION, SACRAMENTO, Calif., March 7
190. Reuters North American Wire, March 7, 1994, Monday, BC cycle, 417 words, CALIFORNIA GETS "THREE STRIKES" ANTI-CRIME BILL, By Michael Miller, LOS ANGELES
191. United Press International, March 7, 1994, Monday, BC cycle, Regional News, California, 474 words, Wilson signs 'three-strikes, you're out' crime bill, LOS ANGELES, March 7
192. United Press International, March 7, 1994, Monday, BC cycle, Domestic News, 387 words, Governor signs California's 'three-strikes, you're out' crime bill, LOS ANGELES, March 8
193. Reuters World Service, March 7, 1994, Monday, BC cycle, 420 words, CALIFORNIA GETS 'THREE STRIKES' ANTI-CRIME BILL, By Michael Miller, LOS ANGELES, March 7
194. The San Francisco Chronicle, MARCH 6, 1994, SUNDAY, SUNDAY EDITION, SUNDAY PUNCH; Pg. 1; ARTHUR HOPPE, 558 words, Three Strikes and You're In, Arthur Hoppe ✓
195. The Houston Chronicle, March 6, 1994, Sunday, 2 STAR Edition, OUTLOOK; Outlook; Pg. 1, 1424 words, Crime, promises -- had enough?, JAMES A. BAKER III, Texas
196. Los Angeles Times, March 6, 1994, Sunday, Home Edition, Opinion; Part M; Page 2; Column 1; Opinion Desk, 1335 words, EVERYONE IS TOUGH ON CRIME -- BUT AVOIDS THE REAL ISSUES, By Susan Estrich, Susan Estrich, a contributing editor to Opinion, is a law professor at USC. She served as campaign manager for Michael S. Dukakis in 1988.

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197. Los Angeles Times, March 6, 1994, Sunday, Home Edition, Opinion; Part M; Page 3; Column 4; Opinion Desk, 1353 words, 'NEW DEMOCRATS' SEEM LIKE 'OLD REPUBLICANS' ON CRIME, By James A. Baker III, James A. Baker III served as secretary of state and Treasury secretary., WASHINGTON
198. Sacramento Bee, March 6, 1994, METRO FINAL, MAIN NEWS; Pg. A1, 2120 words FEAR OF CRIME GRIPS POLITICS, Andy Furillo, Bee Staff Writer
199. Sacramento Bee, March 6, 1994, METRO FINAL, MAIN NEWS; Pg. A20, 1360 words, WILSON STRUGGLES TO TURN GET-TOUGH RHETORIC INTO LAWS, Ken Chavez, Bee Capitol Bureau
200. Sacramento Bee, March 6, 1994, METRO FINAL, MAIN NEWS; Pg. A21, 1187 words, CRIME IN CALIFORNIA: SOME PROBLEMS AND SOME PROPOSED SOLUTIONS
201. Chicago Tribune, March 6, 1994 Sunday, FINAL EDITION, PERSPECTIVE; Pg. 3; ZONE: C, 161 words, ANTI-CRIME HYSTERIA, From an editorial in the St. Petersburg Times.
202. Reuters North American Wire, March 5, 1994, Saturday, BC cycle, 349 words JESSE JACKSON SLAMS "THREE STRIKES, YOU'RE OUT", By Adrian Croft, OAKLAND, Calif ✓
203. Reuters World Service, March 5, 1994, Saturday, BC cycle, 351 words, JESSE JACKSON SLAMS "'THREE STRIKES, YOU'RE OUT'", By Adrian Croft, OAKLAND, Calif, March 5
204. The San Francisco Chronicle, MARCH 4, 1994, FRIDAY, FINAL EDITION, NEWS; Pg. A3, 877 words, State Senate Approves '3 Strikes' by Big Margin, Vlae Kershner, Chronicle Sacramento Bureau, Sacramento
205. Los Angeles Times, March 4, 1994, Friday, Home Edition, Part A; Page 1; Column 4; Metro Desk, 960 words, 'THREE STRIKES' BILL CLEARS STATE LEGISLATURE, By DAN MORAIN, TIMES STAFF WRITER, SACRAMENTO
206. The Plain Dealer, March 4, 1994 Friday, FINAL / ALL, EDITORIALS & FORUM; Pg. 7B, 989 words, THE WITLESS CRIME DEBATE, By E.J. DIONNE JR., WASHINGTON
207. The Seattle Times, March 4, 1994, Friday, Final Edition, LOCAL NEWS; Pg. B1, 532 words, PAGE IS FIRST CRIMINAL TO STRIKE OUT -- NEW LAW PUTS HIM BEHIND BARS FOR LIFE, BY RICHARD SEVEN
208. St. Louis Post-Dispatch, March 4, 1994, FRIDAY, FIVE STAR Edition, NEWS; Pg. 12A, 734 words, RENO SETS CRIME-BILL PRIORITIES; BAN ON ASSAULT WEAPONS AND MORE POLICE ON STREETS TOP HER LIST, Tim Poor Post-Dispatch Washington Bureau, WASHINGTON
209. THE ARIZONA REPUBLIC, March 4, 1994 Friday, Final Chaser, FRONT; Pg. A6, 295 words, CRIME BILLS COULD CREATE FEDERAL 'POLICE COURTS,' JUSTICES WARN CONGRESS, Scripps Howard, WASHINGTON
210. The San Francisco Examiner, March 4, 1994, Friday; Fourth Edition, NEWS; Pg. A-9, 347 words, Justices fear effects of crime legislation; Federal courts could become "police courts", MARY DEIBEL, WASHINGTON

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211. CNN, NEWS 0:33 am ET, March 3, 1994, Transcript # 633-2, Package, News; Domestic, 471 words, Crime Measures That Curb Parole Could Cost Billions, Pres. BILL CLINTON; MARK KLAAS, Polly's Father; Rep. DON YOUNG (R-AK); Rep. JIM CHAPMAN (D-TX); JAMES WOOTEN, Safe Streets Alliance; SKIP LOESCHER
212. The New York Times, March 3, 1994, Thursday, Late Edition - Final, Section A; Page 20; Column 1; Editorial Desk, 458 words, A Less Bad Three-Strike Bill
213. Reuters North American Wire, March 3, 1994, Thursday, BC cycle, 452 words CALIFORNIA SENATE PASSES "THREE STRIKES, YOU'RE OUT" BILL, SACRAMENTO, Calif
214. Sacramento Bee, March 3, 1994, METRO FINAL, EDITORIALS; Pg. B6, 1414 words, OVER A "THREE STRIKES" CLIFF?, John Jacobs Political Editor
215. The Christian Science Monitor, March 3, 1994, Thursday, THE U.S.; Pg. 1, 835 words, Californians Wonder Whether A 'Three Strikes' Anticrime Law Is Worth Price, Daniel B. Wood, Staff writer of The Christian Science Monitor, LOS ANGELES
216. Reuters World Service, March 3, 1994, Thursday, BC cycle, 454 words, CALIFORNIA SENATE PASSES 'THREE STRIKES, YOU'RE OUT' BILL, SACRAMENTO, Calif; March 3
217. The San Francisco Examiner, March 3, 1994, Thursday; Fourth Edition, NEWS; Pg. A-4, 480 words, Wilson defends "3 strikes"; Public is willing to pay, he says, TUPPER HULL, SACRAMENTO
218. The San Diego Union-Tribune, March 2, 1994, Wednesday, NEWS; Ed. 1,2,3,4,5,6,7,8,9; Pg. A-3, 574 words, Wilson has key role on 3 strikes, Brown says Speaker cites governor's credibility in crime field McCLATCHY NEWS SERVICE
219. Los Angeles Times, March 2, 1994, Wednesday, Home Edition, Part A; Page 3; Column 5; Metro Desk, 393 words, LEGISLATORS FEAR PUBLIC ON '3 STRIKES,' BROWN SAYS; CRIME: LAWMAKERS, INCLUDING HIMSELF, ARE BOWING TO INTENSE PRESSURE, SPEAKER SAYS. 'HORROR STORIES WIPE AWAY RATIONALITY,' HE ADDS., By JERRY GILLAM, TIMES STAFF WRITER, SACRAMENTO
220. The New York Times, March 2, 1994, Wednesday, Late Edition - Final, Section A; Page 13; Column 1; National Desk, 731 words, White House Offers Version Of Three-Strikes Crime Bill, By GWEN IFILL, Special to The New York Times, WASHINGTON, March 1
221. Newsday, March 2, 1994, Wednesday, NASSAU AND SUFFOLK EDITION, NEWS; Pg. 17, 434 words, How Clinton Calls Three Strikes, By William Douglas. WASHINGTON BUREAU. Martin Kasindorf contributed to this story, Washington, BILL CLINTON; CRIME; LAW; PROPOSED; PRISON; SENTENCE; CRIMINAL
222. NPR, Morning Edition (NPR 6:00 am ET), March 2, 1994, Transcript # 1293-7 Package, News; Domestic, 691 words, Three-Strikes-and-You're-Out Bill Steps Up to Plate, JOANNE HARRIS, Acting Deputy Attorney General; Rep. MELVIN WATT (D-NC) NINA TOTENBERG

LEVEL 1 - 234 STORIES

223. St. Louis Post-Dispatch, March 2, 1994, WEDNESDAY, FIVE STAR Edition, NEWS; Pg. 6A, 1120 words, CRIME CONFERENCE MAY AID CONGRESS; Tim Poor Post-Dispatch Washington Bureau, WASHINGTON

224. The San Francisco Examiner, March 2, 1994, Wednesday; Fourth Edition, NEWS; Pg. A-5, 440 words, Willie Brown dares lawmakers to oppose "3 strikes" initiative; Says re-election, not crime, on minds; TUPPER HULL, SACRAMENTO

225. The San Diego Union-Tribune, March 1, 1994, Tuesday, NEWS; Ed. A-1;Pg. 1,2,3,4,5,6,7,8 Ed. A-6;Pg. 9, 582 words; Fiscal analysis takes swing at cost of three strikes' bills; DANA WILKIE Staff Writer

226. Federal News Service, MARCH 1, 1994, TUESDAY, WHITE HOUSE BRIEFING, 5857 words; THE WHITE HOUSE WASHINGTON, DC SPECIAL BRIEFING ON ADMINISTRATION INITIATIVE TO COMBAT VIOLENT CRIME BRIEFERS: VICE PRESIDENT AL GORE ATTORNEY GENERAL JANET RENO LOUIS FREEH, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION RON NOBLE, ASSISTANT TREASURY SECRETARY FOR ENFORCEMENT JOE CURRAN, NATIONAL ASSOCIATION OF ATTORNEYS GENERAL BILL O'MALLEY, NATIONAL DISTRICT ATTORNEYS ASSOCIATION

227. The San Francisco Chronicle, MARCH 1, 1994, TUESDAY, FINAL EDITION, NEWS; Pg. A1, 679 words, '3 Strikes' Initiative -- A Vast, Expensive Plan It would be equivalent to imprisoning Anaheim, Vlas Kershner, Chronicle Sacramento Bureau, Sacramento

228. Los Angeles Times, March 1, 1994, Tuesday, Home Edition, Part A; Page 1; Column 2; Metro Desk, 1278 words, COSTS TO SOAR UNDER '3 STRIKES' PLAN; STUDY SAYS; By DAN MORAIN, TIMES STAFF WRITER, SACRAMENTO

229. Federal Document Clearing House Congressional Testimony; March 1, 1994; Tuesday; CAPITOL HILL HEARING TESTIMONY, 1961 words, TESTIMONY MARCH 1, 1994 CHARLES E. SCHUMER REPRESENTATIVE NEW YORK HOUSE JUDICIARY/CRIME AND CRIMINAL JUSTICE REDUCING RECIDIVISM

230. The Progressive, March, 1994, Vol. 58; No. 3; Pg. 8; ISSN: 0033-0736; 817 words; Crime of the century; 'three strikes and you're out' political hysteria; Editorial

231. Saturday Evening Post, March, 1994, Vol. 266; No. 2; Pg. 38; ISSN: 0048-9239, 1696 words; Crying for protection; violent crime; Gross, Jane

232. The American Spectator, March, 1994, FEATURE, 4920 words, Three Strikes and You're Dead; The anti-crime proposal now winning praise from both parties is little more than a gimmick that will increase the incentive to murder; William Tucker; William Tucker is TAS's New York correspondent.

233. United Press International, March 1, 1994, Tuesday, BC cycle, Regional News California, 59 words, Brown criticizes colleagues on 'three strikes'; SACRAMENTO

234. The Washington Post, March 1, 1994, Tuesday, Final Edition, EDITORIAL; PAGE A19, 980 words; Criminal Mischief; E. J. Dionne Jr.

Work on House Crime Bill Gets It In Shape for Passage

Like bartenders struggling over the perfect martini, House Democratic leaders have spent months searching for the right mix of punishment and prevention to construct a politically palatable anti-crime bill.

Now, with public and administration pressure for anti-crime legislation intensifying, they appear to have succeeded.

The House began floor debate on its anti-crime measure (HR 4092) the week of April 11 and was expected to pass the bill late the week of April 18.

Republicans continued to complain that the bill was too soft on criminals and that Democratic leaders were blocking consideration of some get-tough amendments. Yet most critics predicted that the bill would pass, probably with GOP votes.

"People don't like to be recorded as voting against a crime bill," said Rep. Henry J. Hyde, R-Ill., echoing a lament more commonly heard from liberals in past years, when Congress repeatedly approved tough anti-crime proposals they did not like.

The House bill would allocate more than \$15 billion to hire 50,000 new police officers, help build more prisons and boot camps, and create numerous community programs designed to prevent crime.

The bill would authorize the death penalty for dozens of federal crimes, and the House on April 14 turned back attempts to remove or limit those capital punishment provisions.

Lawmakers also approved nearly three dozen amendments authorizing new law enforcement and prevention programs and bringing the overall spending total to about \$17 billion.

Floor debate the week of April 18 will determine the final contours of the bill. Lawmakers expect close fights on amendments regarding death row appeals, the outcome of which could determine the support or opposition of members at the extremes of the political spectrum. But sponsors,

By Holly Idelson



Police officers at April 14 rally for crime bill.

R. MICHAEL JENKINS

BOXSCORE

Bill: HR 4092 — Omnibus anti-crime bill.

Latest action: House floor debate April 13-14.

Next likely action: House floor debate continues the week of April 18.

Background: The bill would authorize more than \$15 billion over six years to prevent crime, hire more police and imprison offenders.

Reference: Weekly Report, pp. 743, 671, 600, 548.

anticipating passage, are already looking ahead to conference.

The House measure is generally more liberal than the \$22.3 billion bill (HR 3355) passed by the Senate last November. It is less punitive and more generous toward prevention programs.

Conservatives have attacked that approach, urging less spending on prevention programs and more on prison

construction. But some liberals also dislike the bill, objecting to the dozens of new death penalty offenses and to rigid sentencing provisions, such as mandatory life imprisonment for three-time violent felons.

Judiciary Committee Chairman Jack Brooks, D-Texas, said the House bill is a more thoughtful and effective answer to crime than the Senate legislation, much of which was constructed from floor amendments during hectic, politically tinged debate.

Hyde was more skeptical. "This bill satisfies the academics and the sociologists, but God help you if you work the midnight shift and have to walk home."

The Political Imperative

Action on the House crime bill came amid a flurry of political activity on the issue. President Clinton and Attorney General Janet Reno have been stumping for crime legislation around the country, and their lobbying intensified the week of April 11.

Clinton began the week with a campaign-style pep rally at the Justice Department, urging speedy congressional action on the bill. On April 14, he hosted mayors and law enforcement officials at a White House rally to press the same point.

Republican lawmakers and conservative anti-crime activists held their own Capitol Hill news conference the same day to highlight their complaints about the bill and to urge stiffening amendments.

Most House members needed little encouragement to get moving. During town meetings and district tours over the spring break, lawmakers got an earful from constituents worried about crime. The issue easily outweighed voter concerns about health care reform and Whitewater, members reported.

Such sentiment explains why Congress is likely to pass an anti-crime bill. But it also raises the stakes regarding the details of the legislation and who gets credit for it.

House leaders had pushed to get the crime bill to the floor before the

Bills: House vs. Senate

The House and Senate crime bills differ sharply on certain key issues but share the overall goals of preventing crime and getting tough with criminals. The \$22.3 billion Senate bill (HR 3355) would ban certain assault weapons, create new mandatory minimum sentences and put more officers on the street. The House put together a more than \$15 billion crime package (HR 4092) that came to the floor the week of April 11. Like the Senate bill, it would put more police on the beat. But it is narrower on mandatory sentences and silent on assault weapons. As passed by the Senate and by the House Judiciary Committee, the bills would do the following:



Issue

Senate

Assault Weapons

Ban the manufacture, sale and possession of certain semiautomatic assault weapons and large-capacity feeding devices. Senators voted 56-43 for the ban Nov. 17.

Death Row Appeals

Not address habeas corpus petitions or the use of racial statistics to challenge death penalty sentences. Habeas corpus petitions are federal appeals by death row inmates who have exhausted their state appeals.

Mandatory Sentences

Create numerous new mandatory minimum sentences, most notably for crimes involving guns. The bill includes a "three strikes and you're out" provision that would mandate life imprisonment for three-time violent felons. It includes a potential waiver from existing mandatory minimums for certain low-level, first-time non-violent drug offenders.

Prison Construction

Provide \$3 billion to build at least 10 regional federal-state prisons for violent offenders. To take advantage of the program, states would have to adopt "truth in sentencing" guidelines, ensuring that violent felons serve at least 85 percent of their sentences. The bill would authorize another \$3 billion in grants, without such strings, to help states or multistate compacts build new low- and medium-security prisons and boot camps for first-time offenders.

Prevention

Authorize at least \$4 billion dollars for crime prevention programs, including drug courts for non-violent drug offenders, grants to combat violence against women and community grants for youth activity and education programs.

Police Hiring

Authorize \$8.9 billion over five years to help states and localities hire about 100,000 new officers for community policing programs.

Trust Fund

Create a \$22.3 billion crime trust fund to pay for the anti-crime programs, using the expected savings from the elimination of 252,000 federal jobs.

House Committee

Not include an assault weapons ban. Judiciary Chairman Jack Brooks, D-Texas, did not want to include the proposal in the crime bill but has agreed to consider it as separate legislation later this year.

Overhaul the rules for habeas corpus petitions, generally allowing death row inmates to make one federal appeal within a year of exhausting their state appeals. The provision would undo the effects of recent Supreme Court decisions that made it difficult for prisoners to appeal their sentences on the basis of new evidence or new rules of law. The bill also includes a provision that would allow defendants to use statistics to challenge their death sentences as racially discriminatory. During floor debate, lawmakers will consider amendments to delete or alter both provisions.

Create no new mandatory minimum sentences, except for a version of the "three strikes" legislation that is narrower than the Senate's. The bill would create a broader "safety valve" from existing mandatory sentences for non-violent drug offenders.

Establish a \$3 billion grant program for state prison construction, without specific sentencing mandates. The bill also would authorize \$600 million over three years to help states provide boot camps and other alternatives for young offenders. Lawmakers will consider amendments to increase funding for prison construction.

Authorize considerably more money for pure prevention programs, some of which track programs in the Senate bill. The House bill would authorize more than \$7 billion for prevention, including sizable new direct grants to needy communities and special funding for up to 15 high-crime areas designated as model prevention zones.

Authorize \$3.5 billion in hiring grants for about 50,000 new officers.

Not include a trust fund provision, although Brooks has said he will support such a funding mechanism in conference.

—Holly Idelson

spring recess. But they were thwarted by Republicans who complained that Democrats were trying to ram the bill through without considering numerous GOP-sponsored amendments.

When the Rules Committee reconvened April 12, it was clear that the recess had done little to bridge the partisan rifts. Committee Democrats offered a second proposed rule for floor debate, which ranking Republican Gerald B.H. Solomon, N.Y., blasted as little better than the first.

Over GOP protests, the rule was approved by a party-line 6-4 vote. Republicans were still complaining the following day, when the House took up the rule and approved it, 244-176. (*Vote 103, p. 916*)

House Speaker Thomas S. Foley, D-Wash., helped shore up support for the rule among members of the Congressional Black Caucus by promising to back their effort to retain a controversial provision in the bill that would allow death row inmates to use sentencing statistics to challenge their sentences as racially discriminatory.

Death Penalty Debate

Floor debate began on the bill's provisions to make dozens of new and existing federal crimes eligible for capital punishment and to lay out legal procedures for deciding when those convicted of such crimes should receive the death penalty.

The proposed death penalty offenses range from murder of a federal law enforcement official to a bank robbery that results in death. Many of the crimes, such as assassination of the president, already carry the death penalty. But a 1972 Supreme Court ruling has precluded executions for these offenses because existing law does not contain required procedural protections.

Other crimes, such as hostage-takings resulting in death, are already federal offenses but would be newly eligible for the death penalty. And some, such as killing by drive-by shooting, are not federal crimes but would become so under the bill.

Although a federal death penalty would not reach the vast majority of the nation's violent criminals, who are prosecuted under state law, it has become a contentious focus of debate.

The House rejected three amendments designed to eliminate the death penalty for all or some crimes in the bill. The first was an amendment by Rep. Mike Kopetski, D-Ore., to replace the death penalties throughout the bill with life imprisonment without parole.

Supporters generally stressed practical rather than moral arguments against capital punishment, asserting that death penalty cases are actually more expensive than locking up offenders for life. "Take this burden off the taxpayers," said Kweisi Mfume, D-Md., chairman of the black caucus.

But Brooks said the death penalty is an appropriate and necessary way for society to express its outrage at certain heinous crimes.

"People don't like to be recorded as voting against a crime bill."



—Rep. Henry J. Hyde, R-Ill.

Lawmakers defeated the amendment 111-314. (*Vote 107, p. 918*)

Rep. Melvin Watt, D-N.C., sought to remove the death penalty for so-called drug kingpins when they were not directly responsible for a murder. He said African-Americans and Hispanics have been the disproportionate target of prosecutions under the existing drug kingpin law, though they are not usually the masterminds of drug operations. And he said the Supreme Court has indicated that the death penalty may be too severe a punishment for crimes other than murder.

But supporters said the provision could withstand a legal challenge, noting that the Supreme Court has not invalidated the death penalty for espionage and treason. The amendment failed, 108-316. (*Vote 106, p. 918*)

The third amendment, defeated by voice vote, would have eliminated the death penalty for murders committed during carjackings, drive-by shootings, and federal drug and gun crimes.

Capital Sentencing Procedures

Death penalty critics lost again when the House took up the legal procedures for imposing capital punishment. As reported by the Judiciary Committee, the bill spelled out rules for a separate sentencing trial for defendants convicted of capital crimes, requiring consideration of both aggravating and mitigating factors.

But Rep. George W. Gekas, R-Pa., said the proposed procedures would

make it too hard to impose the death penalty, and he offered an amendment to adjust them. His proposal, among other things, would eliminate a requirement that juries be told they are never required to impose the death penalty.

Brooks argued against changing the bill's language on this issue, and others warned that Gekas' amendment could open the federal death penalty to constitutional challenge. But most lawmakers supported the amendment, and it was adopted 226-198. (*Vote 109, p. 920*)

With little debate and a single vote, 395-25, lawmakers also adopted a package of 35 separate amendments that helped add about \$1.5 billion to the bill's price tag. (*Vote 104, p. 918*)

The amendments included \$210 million annually for five years for Treasury Department law enforcement programs, \$385 million for rural law enforcement and \$36 million to establish Boys and Girls Clubs in public housing.

On April 14, Republicans used a parliamentary maneuver — normally used to try to kill a bill — to temporarily halt consideration of the crime package. GOP members said they simply wanted to send the bill back to the Rules Committee to win a chance to debate an amendment that had been blocked from floor consideration. The amendment would make it easier to use in court some illegally obtained evidence.

Brooks blasted the GOP effort as an attempt to stall or kill the legislation, and the motion was rejected 170-257. (*Vote 110, p. 920*)

Habeas Corpus, Racial Statistics

Leaders postponed until the week of April 18 anticipated floor battles over death row appeals and racial statistics.

The first dispute is over habeas corpus petitions, appeals filed in federal court after prisoners have exhausted their state appeals. The bill would streamline the process but offer some new legal grounds for appeal. Conservatives claim that these changes will merely delay executions; they want to strike them. Rep. Butler Derrick, D-S.C., plans to offer a substitute habeas corpus amendment that meets some of these complaints but does not satisfy conservative critics entirely.

The second fight will come on the death penalty statistics provision, which minority lawmakers back strongly.

The rule also provides for amendments on more prison construction grants and for altering which crimes will trigger the three-strikes provision. ■

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CBO: Keeping Score on Clinton's Budget



Congressional Budget Office Director Robert D. Reischauer



Richard A. Bloom

Shooting in the Dark

**A pending crime bill
ould provide billions
of dollars to hire cops,
curb gun sales, build
prisons and lock up
some offenders for life.
But no one knows
hether that will do
much to reduce crime.**

BY W. JOHN MOORE

It's crime, stupid. Since Election Day 1993, politicians from Seattle to Miami have cursed the scourge of crime and pledged to stop it.

Virginia's new governor, Republican George F. Allen, has promised to seek an end to parole. In Indiana, Democratic Gov. Evan Bayh brandished three handguns during his recent state of the state address as he vowed to keep firearms away from kids. "Our streets are being stained with the blood of our children and it's going to stop," Republican Gov. Pete Wilson of California exclaimed in his state of the state address.

In a recent NBC News-Wall Street Journal poll, 93 per cent of Americans demanded that Congress and the Clinton Administration pass a tough anti-crime measure this year; health care and welfare reform can wait, respondents told the pollsters. People between the ages of 16 and 29 view crime as an even more important issue than jobs and the economy, according to a December poll by the MTV cable network.

Another recent survey showed that people are twice as worried about being murdered now than they were a year ago. Still another found that only a third of

people feel safe alone at night on public transportation.

Washington understands those numbers—even if only 5 per cent of all crimes fall under federal jurisdiction. After a blizzard of speeches, hearings and partisan sniping, a \$22.3 billion crime bill emerged from the Senate in November. With the bulk of a Tolstoy novel, this 960-page monster includes something for everyone: gun control, about 50 new death penalties for federal crimes (including one for removing a naval buoy); money for 100,000 new police officers and several regional prisons; and a provision requiring lifetime imprisonment without parole for three-time felons.

The Clinton Administration has embraced many parts of the legislation, which awaits action by the House. "We can be tough and smart," the President said in describing the measure during his recent State of the Union speech. He got no argument from Senate Republican leader Robert Dole of Kansas, who heaped praise on the bill in his response to Clinton's speech.

But many experts question whether the politicians in Washington have discov-

ered the right approach to crime. "This bill rests on the ideology that tough is smart," said Freda Adler, a Rutgers University criminal justice expert and president-elect of the American Society of Criminology. "That position has not been borne out by the scientific community."

"Many Senators believe in the three Rs: retribution, revenge and retaliation," said James Alan Fox, a criminal justice expert at Northeastern University in Boston. "And that gets them to the fourth R: reelection."

Certainly, some of the bill's provisions could have a dramatic impact on crime. Although 100,000 extra cops won't make a big dent nationally, even "one more police officer will help" gain control of some urban battlefields, Norfolk (Va.) police chief Melvin C. High said. "Before you can implement a sensible social agenda, there has to be order," said John A. Calhoun, executive director of the Washington-based National Crime Prevention Council.

But others question whether the bill's sentencing provisions will do much to reduce crime. The "three-strikes-you're out" provision, criminal justice experts say, could turn prisons into geriatric wards full of prisoners too old to commit violent crimes. (For details on prison populations and sentencing, see charts, p. 361.)

Critics also note that the legislation calls for spending far more on punishment than on prevention, and that it makes no effort to target certain groups that are likely to be the perpetrators and victims of crime. For example, Fox said, 14 per cent of the victims of violent crime and 19 per cent of the perpetrators are black males between the ages of 15 and 25. That group should be targeted for both help and punishment, he and other experts say.

Early in her tenure, Attorney General Janet Reno urged a preventive approach to crime. But her message was soon drowned out by a chorus of calls from the White House and Capitol Hill for tougher punitive measures.

In fact, the Senate crime bill appears to be largely an act of faith. Virtually none of the crime-control measures it contains have been proven to work, Adler said. And the bill calls for virtually no evaluation of these measures. "This crime bill tells the taxpayer, 'We will solve your problem,'" she said. "But the way it is written, there is no way to come through on that promise."

CHILD'S PLAY

Why has crime emerged as such a blockbuster issue when, according to federal data, crime rates have generally declined in recent years? In December,

the FBI reported that crime dropped 5 per cent during the first six months of 1993, and violent crime dipped 3 per cent.

FBI and Justice Department data consistently show that the average American is safer now than during the early 1980s. "The level of crime over all has decreased since its peak year of 1981," Justice reported in its most recent National Crime Victimization Survey. Murders are down slightly over the past several years. Twenty-three per cent of U.S. households were victimized by crime in 1992, the lowest figure recorded by Justice since it began keeping that statistic in 1975. (For more on crime rates, see charts, p. 360.)

Still, if almost a fourth of households were hit, that could be viewed as an epidemic. "I doubt," FBI director Louis J. Freeh said recently, "that most Americans will draw much comfort from [the statistics] because the levels of violent crime . . . remain so staggering." (For more on victims, see table, this page.)

Although murder rates are down over all, at least 23 cities, from Gary, Ind., to Little Rock, Ark., set records for homicides in 1993. Even within cities, the data vary dramatically by neighborhood. Congress Heights in Washington, for example, has a murder rate five times the city's average.

Even more striking are the crime figures for young people. From 1982-91, the number of juveniles arrested for murder and manslaughter rose by almost 93 per cent. In 1982, 390 youngsters age 13-15 were arrested for murder. A decade later, the number had jumped to 740. Sen. Carol Moseley-Braun, D-Ill., added an amendment to the Senate bill that would require juveniles older than 13 to be tried as adults for some crimes.

Horror stories abound, fueling public outrage. In late January, for instance, a group of teenagers entered the Chez Vous Roller Skating Rink in the Dorchester section of Boston and began shooting into the crowd, wounding seven teenagers. Police arrested a 14-year-old boy.

That event, even more than the highly publicized abduction of Polly Klass from a slumber party in Petaluma, Calif., or the recent shooting spree on a Long Island Railroad train, symbolizes a facet of crime that has captured the public's

attention. Criminologist Fox describes it as "the young and the ruthless."

"The crisis of children having children has been eclipsed by the greater crisis of children killing children," said Marian Wright Edelman, president of the Washington-based Children's Defense Fund.

Homicide, according to the group's annual report issued in January, is now the third-leading cause of death among elementary and middle-school children, after accidents and suicide. An American child is 15 times likelier to die from gunfire than is a youth in Northern Ireland, the report noted. From 1979-91, 50,000 kids were killed by firearms, roughly matching the number of Americans killed in the Vietnam war, the study said.

Violence hurts black youths more than whites. Almost 66 of every 100,000 black males age 14-17 are victims of major violence. For white males in the same age group, the rate is only 8.5 per 100,000. And virtually all blacks are victimized by

WHO ARE THE VICTIMS?

Rate of violent crime per 1,000 persons age 12 or older

Sex	Male	40
	Female	23
Age	12-15	63
	16-19	91
	20-24	75
	25-34	35
	35-49	20
	50-64	10
Race	65 and older	4
	White	30
	Black	44
	Other	28
Family income	Less than \$7,500	59
	\$7,500-9,999	42
	\$10,000-14,999	43
	\$15,000-24,999	31
	\$25,000-29,999	32
	\$30,000-49,999	25
	\$50,000 or more	20

SOURCE: Justice Department Bureau of Justice Statistics

other blacks—a fact that has not escaped Jesse Jackson, who has pointed out that more blacks were murdered last year than were killed in the entire history of lynching. In fact, most crime is intraracial, according to federal data.

LETHAL WEAPONS

Another striking new feature of the crime debate is an increased focus on



Richard A. Bloom

Will 100,000 more police officers on the nation's streets put a dent in crime rates?

guns. The proportion of homicides in which a firearm was used keeps growing—to 68 per cent last year, up from 61 per cent in 1988. The federal Centers for Disease Control and Prevention predicted in a recent study that by 2003, firearms-related deaths will surpass those caused by motor vehicle accidents. Twenty-five years ago, automobile accidents killed twice as many people as guns. (For details on the use of firearms in homicides, see box, p. 362.)

Such figures have bolstered arguments that tougher gun-control measures would reduce the injuries and deaths connected with crime. "I've never heard of drive-by knifing," said Richard M. Aborn, president of Handgun Control Inc.

Public health experts have entered the fray, depicting gun violence as a health issue. (Homicides account for only about

half of gun-related deaths; gun-control advocates argue that stricter controls would also curtail suicides and accidental shootings.)

Treatment of gunshot wounds has almost bankrupted some hospital trauma centers because many of the wounded have no health insurance. Guns cost society \$20.4 billion annually, much of it in lost productivity and hospital bills, according to a new study by Wendy Max, a professor at the University of California (San Francisco) Medical School. "Anything we can do to reduce the use of guns will have a positive effect," Max said in an interview.

Last November, after years of debate, Congress enacted the so-called Brady bill, which establishes a five-day waiting period for handgun purchases. Aborn, a longtime supporter of the bill, main-

tained in a recent interview that Brady has broken the legislation logjam, freeing the way for additional gun-control legislation. The Brady bill itself, Aborn added, will restrict the sales of as many as 50,000 guns annually.

With their once-powerful nemesis, the National Rifle Association, on the defensive, gun-control advocates are pushing for new measures. With the blessing of many police organizations, the Senate added to its crime bill a provision banning the sale and acquisition of semi-automatic assault weapons.

But does gun control lead to crime control? In states with waiting periods and background checks, it is clear that such measures have stopped some of the wrong people from getting guns. Florida, for example, rejected 3 per cent of the 265,440 would-be purchasers who underwent background checks in 1992. On the other hand, Florida has some of the worst crime statistics in the country—including a high rate of violent crimes in which the culprit used a handgun.

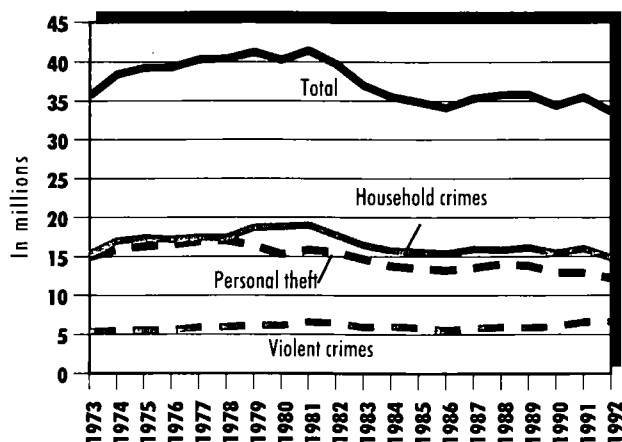
Police aren't required to conduct background checks during the waiting period established by the Brady bill. It's estimated that it would cost them as much as \$300 million annually to do so, and some police experts contend that the expense isn't worth it. In fact, some maintain that crime might increase if police have to leave their cruisers for an office job doing background checks.

Gary Kleck, a professor of criminal justice at Florida State University, maintains that the Brady bill will have almost no impact on crime. Only half the firearms sold in the United States are handguns and only half of those are sold by registered dealers, the only sellers regulated under the law. Moreover, two-thirds of

TRACKING CRIME RATES

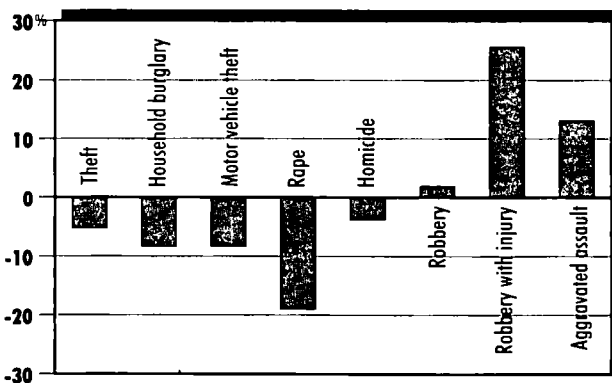
AN OVER-ALL DECLINE . . .

Number of victimizations, 1973-92



. . . BUT SOME RISING VIOLENCE

Percentage change in crime rates, 1991-92

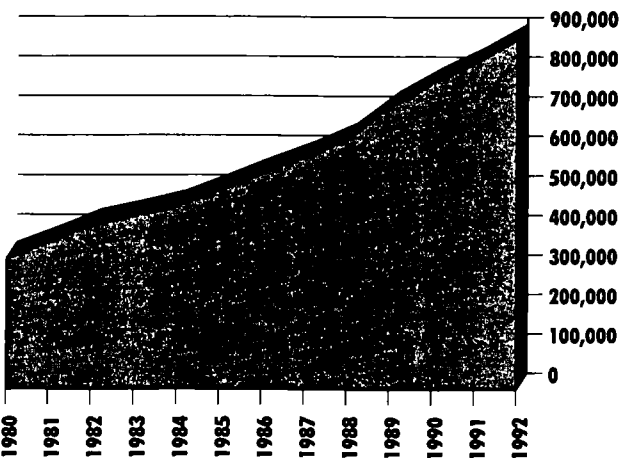


SOURCE: Justice Department National Crime Victimization Survey

LOCKING THEM UP

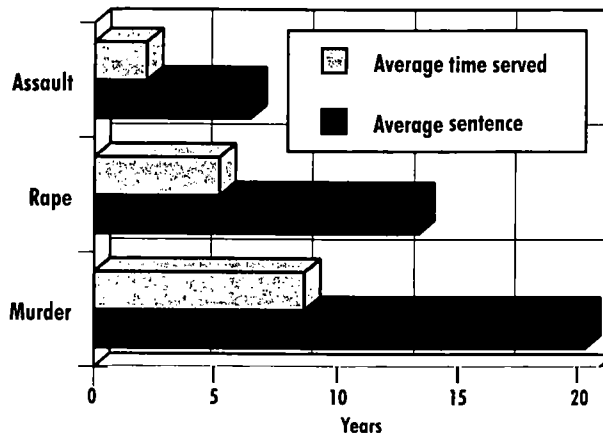
MORE ARE BEHIND BARS . . .

Number of state and federal prisoners, 1980-92



. . . BUT MANY DON'T STAY LONG

Current average sentences and time served



SOURCE: Justice Department Bureau of Justice Statistics

the population lives in states that already have laws imposing either a waiting period or a background check. The Brady bill does not preempt those laws. Kleck estimates that at most, 8 per cent of firearms sales would be subject to controls established by the law.

If some sort of a gun ban were enacted, Kleck added, the biggest loser might be gun-owning law-abiding citizens. According to research that he did in 1992, citizens use guns to protect themselves three times more often than criminals use guns to commit crimes. "Much social order in America may precariously depend on the fact that millions of people are armed and dangerous to each other," Kleck wrote in a 1988 article in the journal *Social Problems*.

But numerous Justice Department studies show that people who resist a crime by using a gun are injured far more often than are other crime victims.

A ban on assault weapons probably wouldn't stop much crime or violence. Guns such as the AK-47, Beretta R-70 or Intratec DC-9 may be the weapon of choice for some drug dealers and mass killers, but they are used in only 2 per cent of homicides. Moreover, the Senate bill addresses only future sales, leaving a million assault weapons that are already on the street.

Many criminologists who advocate gun control admit that tougher restrictions—even including a ban on handgun ownership—would not stop gang violence or prevent drug lords from killing each other. But it might reduce the incidence of injury and death in family disputes or tavern brawls, they say.

The impact of the Brady bill may be slight, said gun-control advocate Franklin

E. Zimring, a professor at the University of California (Berkeley) Law School, who estimates that 50,000 firearms purchases a year might be blocked because of the law. But, he said, "the value of that interruption is not nothing."

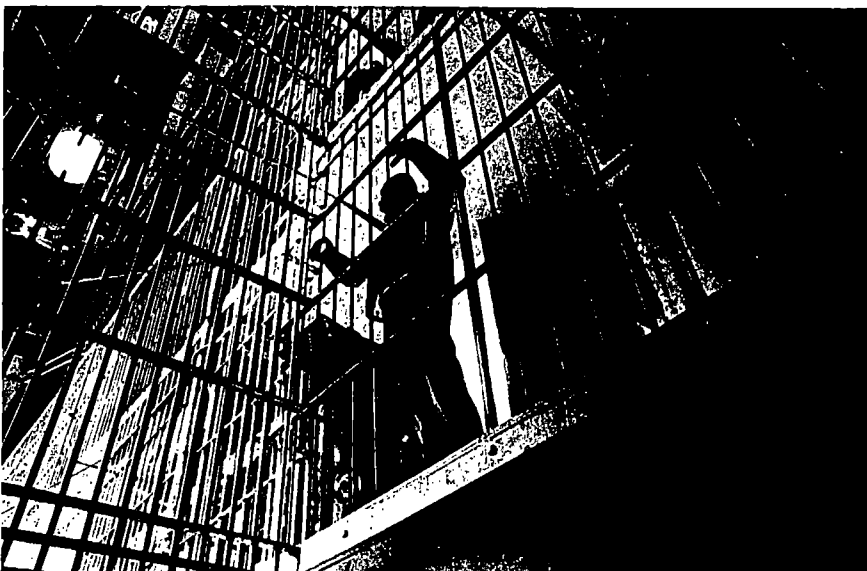
Ironically, even as public support for gun control has increased, more people are buying firearms. Gun manufacturers celebrated a record year in 1993. More than 30 per cent of the people in a CNN-USA Today poll said they intended to purchase a firearm in 1994. And almost half of teenagers polled in December by MTV said they were considering purchase of a firearm this year.

James D. Wright, a Tulane University sociologist and an expert on kids and firearms, argues that many adolescents own guns because they're scared. "It's

not status or reputation," he said. "They carry guns predominantly because they fear their prospect on the street without one. And if your ability to survive depends on being adequately armed, then a firearm is a bargain at any price."

The MTV poll seems to bear out Wright's assertion. Approximately 45 per cent of 16-29-year-olds polled said they had been personally affected by violence, and more than one in four said they owned guns.

Removing guns from the streets would take a monumental effort. Lawrence W. Sherman, a University of Maryland (College Park) criminologist and president of the Crime Control Institute in Washington, would like to see a ban on handguns and a buyback of guns already in circulation. But given the unlikelihood of that



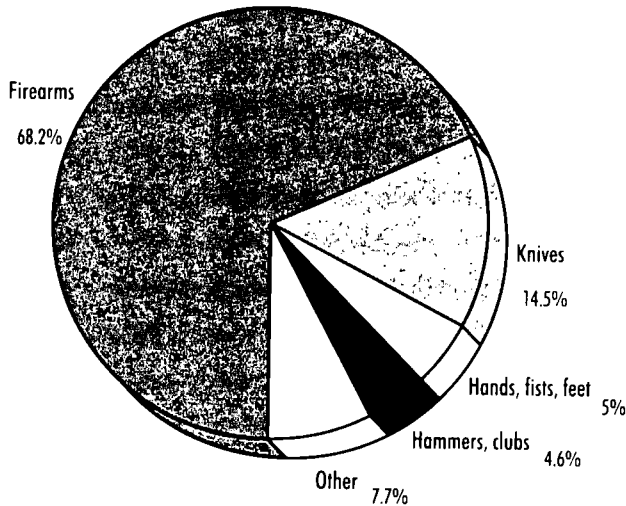
Will mandatory life terms for three-time felons turn prisons into geriatric wards?

Richard A. Blum

TARGETING GUN VIOLENCE

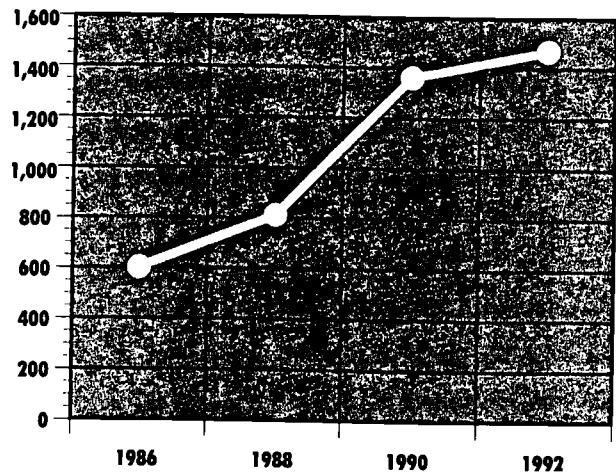
THE WEAPON OF CHOICE . . .

Weapons used in 1992 homicides



. . . AIMED AT YOUNGER VICTIMS

Children under 18 murdered with handguns



SOURCE: FBI Uniform Crime Report

approach, Sherman wants to deploy police in high-crime areas to arrest people carrying guns. Police using proven detection techniques—such as stopping cars that are speeding or have broken taillights—can find 30 guns per 1,000 car stops in crime-infested areas, he said.

COPS OR SOCIAL WORKERS?

At the heart of the Senate-passed crime bill is an \$8.9 billion plan to put 100,000 additional police on the nation's streets.

But hiring cops doesn't always reduce crime or even slow its growth. San Diego has added 150 police officers since 1990 but has seen violent crime increase by 23 per cent over the same period. New York City has added 5,000 cops since the late 1980s, but its violent-crime rate barely dropped at all.

And some of the cities with the highest concentrations of police have the worst crime rates. San Diego, with fewer than two cops per 1,000 residents, had 12.7 homicides per 100,000 residents in 1992. Detroit, with 4.6 cops per 1,000 residents, had 57 homicides per 100,000 residents.

And then there's Washington, D.C., where the police force has grown by 2,000 since the mid-1980s. The city's police department now has one officer for every 150 people—the highest ratio among all major U.S. cities. Yet Washington has some of the worst murder and other violent crime statistics in the country. Philadelphia, with three times Washington's population, had fewer murders than the nation's capital did in 1992.

Washington's police department "remained a big, old sloppy Cadillac instead

of becoming a Honda," said James J. Fyfe, a professor of criminal justice at Temple University in Philadelphia.

It is not the number of police but where and how the 100,000 new cops are deployed, said Frank Hartmann, executive director of the criminal justice program at Harvard University's John F. Kennedy School of Government and a leading advocate of community policing, which emphasizes putting more cops on the beat and getting them involved in neighborhood affairs. The crime bill would make a national commitment to this approach.

Critics complain that community policing turns cops into social workers. New York City has such a program. But the city's new mayor, Rudolph W. Giuliani, recently ordered police officials to scale it back after he received a report disclosing that there was widespread disenchantment with the program among officers and that some officers had filed phony reports about how their time was spent walking the beat.

Still, proponents of community policing say that it has succeeded in many cities.

Norfolk has devoted considerable resources to a comprehensive anti-crime policy that includes community policing. After a spate of brutal murders in 1990, the city established its Police Assisted Community Enforcement (PACE) program, financed by a 3-cent increase in its property tax rate.

PACE began in East Oceanview, a seedy port neighborhood. Police began appearing on street corners. They rode bicycles. Some were given beepers and cellular phones. Residents were invited

to street fairs to meet local police. Other service agencies joined the police effort, addressing problems such as child abuse and homelessness. So did churches. The city's top law firms paid to keep a neighborhood police station open. Community groups were established to monitor everything from abandoned cars to vacant houses.

There were some tough tactics, too. The city imposed an 11 P.M. curfew for youths under 17. Sixty more police officers were hired.

Crime in Norfolk dropped 18 per cent over the past three years. "We're careful to say that not all of this is a result of what we are doing," said George C. Crawley, the assistant city manager for public safety, but PACE is responsible for part of the decline.

William V. Pelfrey, chairman of the department of justice and risk administration at Virginia Commonwealth University in Richmond, applauded Norfolk's effort. But, he cautioned, it takes a decade before there are enough data to evaluate a community policing effort.

In fact, some advocates of community policing warn that crime rates are not necessarily a good indicator of how well the approach is working. A higher crime rate might show that a community has become so galvanized that minor crimes ignored in the past are now reported to the police.

And, Harvard's Hartmann said in an interview, the success of community policing should be measured not only by crime statistics but also by the way it changes residents' lives. A program could be judged successful if people no longer feel afraid to walk outside at night, or if

they stop putting their children to sleep in cast-iron bathtubs to avoid random gunfire, he said.

NO WAY OUT

The police catch crooks. Judges put them in jail. Under lock and key, violent offenders are kept away from society. In theory, that is how the criminal justice system works.

And in fact, the police and the judges seem to be doing their part. The number of people in state and federal prisons has risen 168 per cent in the past decade. Many prisons are bursting at the seams; the Senate crime bill calls for spending \$3 billion on new regional prisons and another \$3.5 billion on new jails, boot camps and other facilities for violent offenders.

"We must get back to basics and punish and incapacitate without shame and without misguided illusions of rehabilitation," Morgan Reynolds, an economics professor at Texas A & M University, told the House Republican Conference in October. "In the past few years, we have been doing that by increasing our prison population. That's why crime is on the decline."

But others scoff at the notion that putting more people behind bars has a major impact on crime. Putting a small-time drug dealer in jail, for example, merely opens up a market niche for another entrepreneur. And the huge growth in prison populations has not been matched by a major reduction in crime.

California has increased its prison population by 300 per cent in the past five years—the biggest jump among the states. "It has had no measurable impact on violence," said Peter Greenwood, a criminal justice expert at RAND, a Santa Monica (Calif.) think tank. Much of the increase in the prison population is accounted for by repeat offenders who committed nonviolent crimes, he added.

Many Americans complain that too many dangerous criminals are being turned loose by the courts, and they might be right. A Justice Department study released on Feb. 6 shows that 43 per cent of all federal court defendants charged with a violent offense are released before trial. Thirty-nine per cent of defendants with five or more prior convictions are released before trial, as are 40 per cent of defendants who missed their previous court appearances.

And although more people are going to prison, the average time served for violent crime has increased only slightly during the past decade. According to a December report by the conservative Heritage Foundation, 62 per cent of inmates released from prison are rear-

rested within three years. Heritage contends that if all criminals were forced to serve 85 per cent of their sentences, there would be 4.4 million fewer violent crimes each year.

The Senate's "three-strikes-you're-out" provision is aimed at addressing such complaints. But many experts say that the provision would have little effect. Illinois has a law setting stiff extra penalties for three-time offenders; it has been used only 88 times in 15 years.

And civil libertarians argue that the measure could put some nonviolent petty criminals behind bars for life. Nkechi Taifa, legislative counsel at the American Civil Liberties Union, noted in a recent analysis of the Senate bill that the mandatory life sentence could be applied to someone who is convicted twice of cocaine possession and then steals a bicycle in a national park.

The U.S. Sentencing Commission, which recently overhauled sentencing guidelines for criminals convicted in federal courts, has already provided tougher penalties for career criminals. Under the commission guidelines, a defendant convicted for the third time of kidnapping would receive almost 30 years in prison.

And, criminologists point out, virtually every study of released prisoners shows

tice experts say that effective remedies will take time. "We did not get here overnight. And we are not going to solve the problem overnight," warned Peter Edelman, a counselor at the Health and Human Services Department who heads an Administration task force on violence.

Fox urges more spending on social programs aimed at 5 and 6-year-olds so that the epidemic of children's violence doesn't worsen when a new generation of youngsters reaches adolescence.

"We know the risk factors for violence and what creates it," said RAND researcher Greenwood. Those factors "are kids being born in poverty, amongst parents who can't take care of them because they are alcohol-impaired or drug-impaired, or they just don't have the time or attention to care for their children. And we are having more kids raised in such circumstances." And many of those children are growing up in neighborhoods where they're surrounded by similar families. "So kids are growing up in a criminogenic environment."

With the Administration's blessing, the Senate crime bill included millions of dollars for social programs—although these sums are dwarfed by the funds available for cops and prisons. And Clinton has acknowledged what he calls the "root causes" of crime. "In our poorest neigh-



Richard A. Blum

Will gun-control laws curb violence or just keep police busy with background checks?

that those leaving prison after age 40 pose virtually no risk of committing a violent crime. Turning prisons into warehouses for the elderly would be expensive and would provide little benefit to society. "Why keep people in jail way beyond their prime years?" for committing crimes, Northeastern University's Fox asked.

While the public clamors for immediate attention to crime, most criminal jus-

borhoods, on our meanest streets, in our poorest rural areas, we have seen a stunning and simultaneous breakdown of community, family and work—the heart and soul of civilized society," he said in his State of the Union address.

But it is hard to transform words of compassion into workable policies. And for now, politicians and the public seem to believe that the best solution for crime is punishment. ■

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TOO MANY PRISONERS

Are We Ready for Truth in Sentencing?

JUSTICE BY THE GRID

If you want to get tough on crime, you have to impose some order on the sentencing process. North Carolina is trying.

Six days into the new year, a thin winter sun glazes the granite façade of North Carolina's Wake County Courthouse in downtown Raleigh. Upstairs in courtroom 3A, Eugene Morgan is coming to terms with a summer crime spree.

Morgan, a stocky 23-year-old, stands charged with breaking into eight churches and one house, stealing checks and cashing them. Set end to end, the counts against him could translate into a 240-year sentence. Under a plea arrangement, however, Morgan has admitted his guilt and the prosecutor is asking Judge Henry V. Barnette to impose a sentence of 20 years in prison.

But even as the judge pushes back his reading glasses, closes Morgan's folder and hands down the sentence, Morgan does not wear the shaken countenance—or flash the hostile glare—of a man condemned to 20 years behind bars.

That's because the sentence is a fiction. Morgan, his lawyer, the prosecutor and the judge all know that he is likely to be paroled in a matter of months. On average, North Carolina prisoners serve 18 percent of their sentences, and nonviolent offenders like Morgan serve much less. Ten years ago, offenders in the state did nearly half their time. Today, you can go to prison for a serious offense in the spring and still make it home for Christmas.

The same deterioration in time served has taken place all around the country. While judges send felons through one end of the revolving-door prison system, parole boards rotate them out the other end. Nationally, state prison inmates are serving roughly one-third of their sentences, but as sentences grow longer, time served is actu-



ally shrinking. In Texas, when courts increased penalties from an average of 6½ years to nearly 10, time served dropped from nearly 2½ years to a little more than 18 months. The actual sentence handed down by the judge is as meaningless for murderers and rapists as it is for the common housebreaker like Eugene Morgan.

Of all the stories that have fueled the current national preoccupation with crime, none are more frightening than the ones about violent thugs walking the streets after a token imprisonment. In Virginia, where first-degree murderers, sentenced to 40 years, are averaging 11 years behind bars, George Allen rode a "no parole" campaign theme last fall to become the state's first Republican governor in more than a decade. In California, the call to end parole has been fueled by anger over the murder of 12-year-old Polly Klaas, allegedly

slain by a paroled kidnapper who had served half of his 16-year sentence. North Carolina has been in the same condition of sentencing outrage. One of the men who murdered Michael Jordan's father in the state last year had been paroled weeks earlier, having served two years and two months of a six-year sentence for an ax assault.

In the past few months, ending parole and imposing life sentences on repeat offenders have become rallying cries just about everywhere. But it is not as simple as that. Most state prison systems don't have room to keep inmates any longer than they do; that is why they are being released—not out of misplaced leniency. In North Carolina, the penal institutions have room for 21,500 inmates; there are 30,000 admissions to prison *every year*.

A state can always build more cells, but the cost of that can be prohibitive. North Carolina has already spent \$550 million since 1985 to build 16,600 new prison beds, and the legislature has had to more than double the prison portion of the corrections budget, from \$195 million in 1985 to \$472 million in 1993, to pay for operating those new beds. But even with new prison space coming on line, there still aren't enough beds to maintain the number of offenders rotating through the criminal justice system today—to say nothing of the future. Merely ending parole would be a recipe for chaos.

But North Carolina has taken a step toward a genuine solution. Last year, the legislature passed a new sentencing law. Some of its provisions are in line with the get-tough rhetoric of the moment: Starting next January, all offenders will serve their entire sentences; parole will be abolished. But the essence of the reform is not the parole provision. It is a simple chart of letters

BY PENELOPE LEMOV

and numbers that everybody in the criminal justice system refers to by a two-word name: the grid.

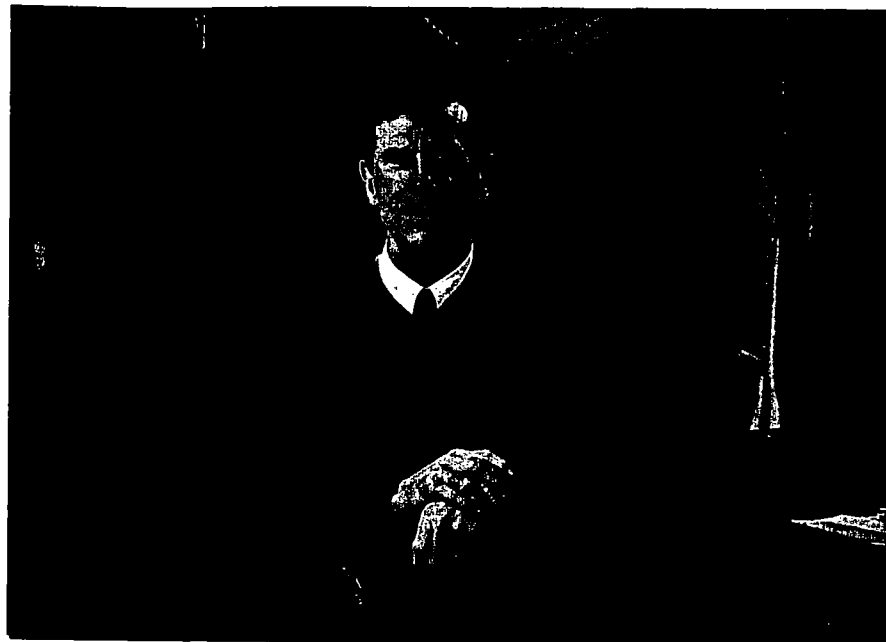
A year from now, criminals like Eugene Morgan will know all about the grid. The crimes they commit will all be assessed a level based not only on the harm they cause victims or society but also on the number of beds in the system and the capacity for other forms of punishment. "There is a relationship between punishment and cost," says Judge Thomas W. Ross, who chairs the state's Sentencing and Policy Advisory Commission. "We are balancing sentencing policy with resources."

A special legislative session met last month to discuss changes in some penalties, but the philosophy behind the grid remains the same.

The grid is available on a single sheet of paper to anybody who wants to see it. The left-hand side of the page is a rank order of crimes, levels A (first-degree murder) and B (second degree murder, rape) through H (breaking and entering, larceny) and I (forgery, drug sales). The numbers at the top of the page correspond to the number of black marks on a felon's record. When the time comes to impose sentence, a judge will run one finger down the left hand column to the level of crime and then move that finger across the grid to match it with the offender's record. Where the finger lands, the judge will find a square that contains a range of minimum and maximum sentences.

The judge will be able to use the lighter or heavier end of the range, depending on mitigating or aggravating circumstances. A judge might tilt toward the lighter sentence, for instance, if an offender has a job and is supporting his family. He might lean toward the heavier end if the offender is rootless and shows no remorse. The punishment has to fall within the square. The offender will then serve at least the minimum end of the sentence found inside the square. And if his behavior in prison is poor, he will serve the maximum.

He will not be paroled. All the sentences on the grid are designed to match the expected capacity of the system for the next five years. If the projections change, the legislature can



**The father of North Carolina's sentencing grid:
Superior Court Judge Thomas W. Ross.**

adjust the numbers in the boxes. But if it does that, the idea is to redraw the whole grid at once—no more doubling the sentence for a particular crime when the system doesn't have a place to put the people who are committing it.

Not all crimes fall into squares that demand prison sentences. First and second-time offenders who commit H and I level crimes, such as breaking and entering, will be given suspended sentences so long as they successfully complete an alternative sanction. This could be a period of intensive probation, complete with electronically monitored house arrest or a stint in boot camp. The sentence could also call for restitution to victims and participation in a drug treatment program.

Forty percent of the offenders who come before North Carolina judges fall into the first two squares of H and I level crimes. They are first- or second-time offenders who commit nonviolent crimes. Under the present system, nearly 20 percent of those low-level offenders are sent to prison. That will end next year, and as it does it will free up prison space to keep violent offenders in prison longer.

North Carolina is not the first state to try a version of structured sentencing. There are "grids" in Minnesota, Oregon and Washington, and to a lesser extent in Pennsylvania, Louisiana and, most recently, Arkansas. But North Carolina

is among the most ambitious in targeting punishment to resources. And its grid, unlike most of the others, is not a set of guidelines: It is a set of dictates that have to be followed.

"We borrowed from other states, but tailored the ideas to North Carolina," says state Representative Anne Barnes. "Every state is different and knows what its people will accept."

The North Carolina grid is not only a way of responding to the popular concern about revolving-door justice. It is a way to deal with the oppressive costs of politically charged mandatory sentences. Correction costs nationally have been growing at a rate of between 10 and 15 percent a year—they now account for 5 percent of total state spending—and the mandatory sentencing laws of the past decade are one of the main reasons.

Almost all states now have mandatory sentencing for a range of crimes from violent acts committed with a gun to drug offenses, drunk driving and property theft. In addition, 25 states have habitual-offender laws that require fixed prison terms for repeat offenders, in some cases regardless of the seriousness of the crime. In Louisiana, for instance, an offender convicted of three unrelated felonies must be sentenced to life without parole. In Alabama, there is a two-year

minimum sentence for drug sales, with five years added if the sale occurs within three miles of a school or housing project. In an urban area such as Birmingham, just about everything is within three miles of a school.

These laws have been enacted emotionally but haphazardly, with little regard to prison resources. So as the prisons fill up with newly convicted mandatory-sentence offenders, other prisoners have to be set free to make room for them. In many cases, those marked for early release have actually committed more violent crimes, but ones that did not happen to involve drug sales or repeat violations and thus did not trigger any mandatory penalty.

The effect of this shoddy lawmaking has been dramatic. In New Hampshire, mandatory drug sentences have helped the prison population grow by 239 percent in a decade, with prison costs rising three times as fast as the rest of state spending. In Delaware, a newly imposed minimum sentence of three years for possession of 5 to 15 grams of cocaine or heroin resulted in imprisonment of 424 offenders the first year, at a cost of \$26.6 million. Nearly 80 percent of the offenders had never been in prison before; most were nonviolent. A subsequent study showed that alternative sentencing for these people would have cost one-tenth as much and achieved results that were no worse.

Officials in many states would like to undo the effects of clumsy mandatory sentencing, but getting rid of these laws is as politically difficult to do as passing them was easy. As North Carolina Attorney General Michael F. Easley points out, all the public really wants to hear about fixing the criminal justice system is that wardens will lock up thugs and throw away the key. "Anything else," Easley says, "and you have a sales job on your hands."

The North Carolina grid is an effort to restore some common sense and order to the process. The corrections system is approached as a whole. All sentences are placed at what seems to be the appropriate level: more prison time for violent crimes, less harsh punishment for nonviolent offenses, no disproportionately swollen penalties for minor drug-related violations. Under the new law, the only mandatory sentences will be for first-degree murder

and major drug trafficking.

State legislators who want to call the new system mandatory sentencing will be able to do so, since there will be no parole. But it will be a system adjusted to the circumstances of the crime and the resources available, not to the public emotions of the moment. "The amount of time depends on the offender's crime history," Judge Ross argues, "and that's different than straight mandatory sentencing. This is a more rationally developed system. It's linked to harm done."

The bottom line is that violent offenders will be locked away for longer periods of time than they are now—even if the sentences themselves are shorter. "They get sentenced to six years, they serve six," Easley sums up. "Before, they got 50 and served five."

The new system also provides an ultimate choice to voters: What do they want to pay for corrections? With a clear link between sentences and corrections costs, the public can decide whether it wants to spend more money to keep certain kinds of criminals in jail

longer—and how much more it would be willing to spend. Easley, who believes the new sentences are too lenient, says this is a way for the public to "intelligently weigh options of whether to build new prisons." If it wishes to spend and build, the grid can be rewritten to accommodate longer sentences all across the board.

In fact, the sentencing commission originally recommended stiffer sentences than the ones ultimately chosen. But the longer sentences would have required another round of prison construction, on top of the \$550 million already spent since 1985. The legislature opted to try the less expensive alternative. "The legislature had to make a tough decision and face up to reality," says Robin Lubitz, the executive director of the Sentencing Commission. "You can't get a Cadillac for the price of a Yugo."

North Carolina law also discourages haphazard legislative tinkering: Any legislator who proposes lengthening a particular sentence must accompany that proposal with a fiscal note detailing

SCENES FROM THE GRID

Below is a sample of some of the "presumptive range" sentences that will be imposed under North Carolina's new grid system. All sentences are in months.

Active prison sentence

Alternative sentence

Judicial discretion to choose either

	First-time Offender	Mid-level Repeat Offender	Habitual Criminal
1st Degree Murder	Death penalty or life imprisonment mandatory		
1st Degree Rape 2nd Degree Murder	108-135	173-216	216-270
1st Degree Kidnapping 2nd Degree Rape	50-63	92-115	116-145
1st Degree Burglary 1st Degree Arson	44-55	81-101	101-126
Selling Drugs Near a School Voluntary Manslaughter	20-25	37-46	47-59
Involuntary Manslaughter Embezzlement by public officials	13-16	20-25	31-39
2nd Degree Burglary 2nd Degree Arson	10-13	16-20	23-29
Breaking and Entering Larceny, Embezzlement	5-6	9-11	16-20
Perjury Forgery	4-6	6-8	9-10

Based on the grid developed by the North Carolina Sentencing Commission

how much the change would cost. "The idea of being able to stand up and be tough on crime without worrying about how to pay for it has got to stop," Judge Ross insists.

The truth-in-sentencing law will not work, however, unless it also manages to put some teeth into the alternative programs at the lower end of the grid. Low-level offenders will have to be diverted from prison in order to assure that there is room for violent criminals.

As things stand now, judges can sentence offenders to intermediate sanctions or community punishments, but they must pair these with a prison sentence, usually of equal length. In North Carolina, as in most states, the offender can opt for the prison sentence instead of the alternative sanction. In recent years, a significant number of those offered alternative sanctions have chosen prison instead. A criminal doesn't have to have the I.Q. of a Hannibal Lechter to figure out that a two-year sentence, with release in a few months, is better than two full years of strict supervision.

It also costs him less. On probation, offenders pay a \$20-a-month supervision fee and, if the judge orders it, have to attend drug treatment programs and pay restitution to victims. Upon early release from prison, few, if any, of these requirements apply. "People I've supervised say they save money by going to prison," says Theodis Beck, of the state's adult probation and parole division. When a two-year sentence means a two-year sentence, however, that calculation is likely to change.

An expanded alternative sanction program will actually be a money-saver for the state as a whole, but it won't exactly come free. The state plans to put about \$20 million a year into beefing up its intensive probation system, plus \$13 million for grants to counties to develop such community-based alternatives as drug treatment facilities, day reporting centers that offer education and job training, and day-fine programs that penalize offenders through a series of fines geared to their incomes. These facilities do not, for the most part, exist in adequate num-

'Punishment will be meted out locally, not by the state,' says the head of the corrections department.

bers in North Carolina now.

Franklin Freeman, the director of the state's Department of Corrections, says it will be up to each county to decide what kinds of facilities to operate, based on what the county believes will be the most effective punishment for its citizens. Pointing to one county where 40 percent of the admissions to jail are public drunks, Freeman suggests the answer there might be a drug-alcohol treatment center. "This is a return to colonial times and our early life as a nation," says Freeman. "We won't have stocks and public humiliation, but punishment will be meted out locally, not by the state."

Although the North Carolina grid is not in effect yet, it already has its critics. Judge Herbert Small, who served on the Sentencing Commission, believes that judges have been robbed of their discretion. "The grid is too rigid," he says. By way of example, he notes that TV evangelist Jim Bakker, convicted of massive fraud in federal court, would never see the inside of a cell under the grid system. That is because Bakker had no prior conviction record. "He'd be treated the same as a 17-year-old working at McDonald's who embezzles \$15," says Small. "That's not justice in my eyes."

Judge Ross insists that judges will still have significant discretion within the grid: They can decide whether many offenders go to jail or serve an alternative sentence, whether to impose a minimum or maximum penalty within a particular category, and whether to give a multiple offender concurrent or consecutive sentences. "You can have the same crime," he says, "but some offenders are drug addicts who need rehabilitation and others are career criminals. The judge is in the best position to make that decision, and

the grid leaves room for that."

Victims' rights groups are concerned that the sentences, tied deliberately to resources, will be diluted when money is tight. "I worry that the legislature will chip away at a system that probably won't be adequately funded to begin with," says Catherine Gallagher Smith, executive director of the North Carolina Victim Assistance Network and a member of the Sentencing Commission. "I foresee someone sitting behind a computer, punching in numbers and saying, 'We need 2,500 beds by September 30, so we need to decrease the sentence for this category of offenses.'"

What would happen to a Eugene Morgan if he walked into Wake County courtroom 3A in January of 1995? He certainly wouldn't plea-bargain for a 20-year sentence. As an H and I level offender committing a second-time offense, he would fall under community sanctions. If the judge found that the crimes were committed to support a drug habit, drug treatment would be part of the sentence. Backing it up would be a suspended prison term—somewhere between four and eight months—in case the alternative sentence was violated.

If Morgan's record were horrendous—a long litany of larcenous acts—the judge would move his finger farther along the grid. As a habitual offender at the H and I levels, Morgan could then receive 10 to 12 months on intermediate sanctions, with a suspended sentence of at least 10 months in jail. There is no question that this will seem to many people a disturbingly light penalty for burglary, which is after all an act of violence against property if not against human beings. At least, however, the state will not be setting armed robbers free so that burglars can serve time.

"It's going to be an interesting experiment," says corrections chief Freeman. "Like all Southern states, our primary emphasis has been 'lock 'em up and throw away the key.' This is an effort to strike a balance between incarceration for those who really need it and punishment short of that for those others we can manage without threat to society." **G**

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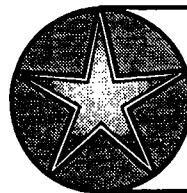
GOVERNMENT NEWS

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Who should fight crime?

S FOR SHERIFF



by
H. Scott Wallace

Congress can no longer contain its contempt for the way states are botching the war against crime. With rare conceit, Congress is dictating how the war on local crime ought to be fought — sometimes by forcing states to change their own laws and spending priorities, and other times by turning state offenses into federal ones, with severe punishments designed to make the states look wimpy by comparison.

No federal legislation has ever done more than the Omnibus Crime Bill, HR 3355, to rebuke the states and to cram changes down their throats. The bill the Senate whooped through by a vote of 95-4 was awaiting conference in early February. Highlights include:

- Federalizing every crime in America committed with a gun, with mandatory decades-long prison sentences;
- Federalizing local crimes committed by a member of a gang;
- Mandatory 10 years in federal prison for encouraging anyone under age 18 to join a gang, even if the defendant is younger than 18;
- Mandatory fines for parents who fail to properly counsel their ju-

venile delinquent kids that criminal activity is not acceptable;

- Federal lawsuits when a man hits a woman;
- Broad death penalties for many crimes committed entirely within a state's boundaries, including drug dealing or any fatal shooting, even in the 13 states that have chosen to have no death penalty of their own;
- Mandatory life in federal prison for a three-time felon, even if the first two offenses were under state law and were severely punished;
- Federal prosecutions for any theft of an occupied car;
- Mandating — not just authorizing — that children as young as 13 be tried as adults for federal violent crimes; and
- Forcing states to change their sentencing laws to look like federal law in order to qualify to send some of their overflow state inmates to new federal "regional prisons" — changes that will vastly increase state prison populations and spending, costing states \$20 for every \$1 of federal help.

Throughout the debate, senators decried limp-wristed, "hand-slap" state punishment systems that are a "mockery" and a "sham." States are either incapable or unwilling to get tough on violent crime, charged gun-federalization author Alfonse D'Amato, R-N.Y., adding that "I would like to see this go further, to be candid with you — to take even

greater authority." Senators blamed everyone from state officials and judges to penny-pinching taxpayers and gun-control zealots.

"The truth of the matter," summed up Senate Judiciary Committee Chairman Joseph Biden, D-Del., is that Congress federalizes "because the states aren't doing their job. . . ."

"Mark my words," he warned, there will soon be proposals to "federalize truancy (and) any assaults that take place within a school."

Changing the course of history

Throughout history, at least 95 percent of all criminal prosecutions have been handled at the state and local level. That's where the vast majority of the resources are located: the cops, the courtrooms, the prosecutors and public defenders, and the prison space. It is an arrangement that flows from the Constitution itself, which leaves general police powers to the states under the 10th Amendment.

The general theory of the federal criminal justice system has been to focus on crimes that individual states cannot be expected to handle alone — interstate criminal enterprises, for example, or cases where local authorities' effectiveness might be chilled by political pressures, such as police brutality or government corruption cases. The federal role also is clear when offenses occur in federal territory, or against federal

H. Scott Wallace is special counsel with the National Legal Aid and Defender Association, which supports legal services to the poor, and he is a former counsel to the U.S. Senate Judiciary Committee.

To be fair, most members of Congress probably already know that these soaringly ambitious federal crime bills are more a matter of political survival than of actually fighting crime.

property or interests, or implicate federal civil rights.

This commonsense allocation sends a useful message to two important constituent groups: law enforcers and law breakers. To law breakers, it suggests punishment is predictable, and thus promotes deterrence. To enforcers, it makes for a clear division of responsibility, to help avoid two problems in coordination: either turf battles between federal and local authorities, or inadvertent gaps in enforcement, where each assumes the other is covering.

The new Senate crime bill is hardly the first affront to this orderly scheme. Federal criminal jurisdiction has been growing by leaps and bounds over the past several decades, usually by an assertion of Congress' constitutional power to regulate interstate and foreign commerce, and the Supreme Court has essentially declined to impose any limitations. From the handful of federal crimes specified in the Constitution, such as treason and counterfeiting, there have grown to be more than 3,000 today.

There are several major areas

where broad federal jurisdiction exists even when a crime is committed within a state's borders and has no apparent interstate component. The most significant such area is drugs; since 1970, virtually every narcotics distribution or possession offense, no matter how small, has been simultaneously a federal and state offense. Other federal statutes with broad applicability to crimes that don't cross state lines include laws prohibiting possession of a gun by a felon or an addict, or during commission of a drug crime, and federal racketeering laws prescribing 20-year federal penalties for a "pattern" of two state crimes.

A GOP legacy

Only in recent years has the chaos inherent in this jurisdictional jumble been realized. The Reagan and Bush administrations, evidently chafing at the political limits of traditional federal jurisdiction, increasingly sought to intervene directly in the types of common crime that local communities were most concerned about, through anti-drug campaigns such as "zero tolerance" and "user

accountability," and gun-crime campaigns such as "Operation Triggerlock." FBI forces were assigned to street crime — 300 agents at one fell swoop in January 1992, taken from the international counterintelligence beat. Congress helped by passing decades-long mandatory prison sentences and dramatically increasing federal anti-drug and crime budgets.

One result has been a massive overloading of the federal justice system. The federal courts are flooded with minor drug cases that could be prosecuted in state court, according to the 1992 report of the congressionally chartered Federal Courts Study Committee. The Committee found that heavy drug caseloads can cause such severe backlogs as to result in dismissals of serious criminal cases and no room at all on dockets for important civil and constitutional cases. Federal prison spending tripled during the 1980s, but the system remains chronically at least 40 percent overcrowded, driven almost entirely by drug offenders.

But an even more damaging result has been the increasing randomization of punishment in America. Despite the massive buildup of federal drug enforcement efforts, federal drug arrests still account for an infinitesimal 2 percent of the 1.1 million drug arrests made by state and local authorities, according to 1990 Justice Department figures. Though sentences may be 10 times as long in the federal system as in the states, the fact that there's a mere 2 percent chance of being hauled into that system — and no clue about how that 2 percent is selected — gives these tough punishments all the predictability of an earthquake. People are not readily deterred, either from crime or from living in Los Angeles, by horrific consequences that always seem to happen to someone else.

As Attorney General Janet Reno has said, what matters is certainty of punishment, not severity. It is a truth as obvious to any parent of small children as it is to every criminal-justice expert. But it is one truth stubbornly resisted by politicians.



Photo courtesy of the U.S. Drug Enforcement Administration

A new federal crime bill would expand drug crimes subject to federal prosecution. Above, federal officials arrest a PCP dealer in Washington, D.C.

Year after year, members of Congress step forward to propose draconian federal sentences for enormous categories of offenders, knowing full well that the federal government will never have the resources or personnel to prosecute more than a handful. They don't even propose to target the most serious handful, but argue that crime will be deterred by making an example out of a random few, thus sending a message to the rest.

Unfortunately, the message is not getting through. A study by the Bureau of Alcohol, Tobacco and Firearms found that only 7 percent of people charged with federal gun offenses knew about the tough mandatory federal sentences, and a Bush Justice Department report approvingly quoted a Tennessee sheriff as confirming that "it's like a bolt of lightning" when a defendant first hears the federal sentence.

A federal crapshoot

If there's a message at all, it's that the law is a crapshoot: arbitrary and often discriminatory. When a Philadelphia man charged with minor drug sales rejected a state plea deal entailing a routine four-year sentence in 1992 and asked for a trial to fight the charges, he was hauled into federal court and given life without parole, and the U.S. attorney held a press conference to proclaim his tough message to other petty dealers. In Manhattan, one day a week is declared "federal day" in which all local drug cases are sent to federal court. It's an official criminal-punishment lottery where arbitrariness is the goal.

One of the most disturbing consequences of giving prosecutors unfettered power to select a handful from a multitude is racial disparity. A 1991 U.S. Sentencing Commission report reviewing the operation of mandatory sentences for federal drug and gun crimes found that prosecutors do not even file mandatory-minimum charges in more than 40 percent of the eligible cases, and that whites are less likely than black or Hispanic defendants to get the

mandatory sentence, and more likely to strike a bargain with prosecutors for a lesser sentence.

Lock your doors

Meanwhile, what's the bottom line? Are we safer?

No. Since the beginning of the federal shift to street crime and low-level drug offenses in the mid-1980s, violent crime has risen more than 40 percent, availability of the most serious drugs also is rising, hardcore drug addiction is up and nonviolent first-offenders in the federal system are locked up longer than most people convicted of murder, rape or repeated violent offenses. As Attorney General Reno told an American Bar Association convention recently, urging better state-federal coordination: "It is so frustrating to me to find people in federal prisons serving 10- and 15-year mandatory minimum sentences as first-time offenders, when three- and four-time offenders in the state systems who have committed terrible violent crimes are getting vastly reduced sentences because we do not have enough state prison cells."

But now Congress is gung-ho for more of the same, *much* more, as crime rides high in the public opinion polls.

The most aggressive indicators of the Senate's attitude are the proposals to federalize all gun and gang offenses. According to Justice Department figures, there are more than 600,000 offenses committed with a gun every year in America, and about 250,000 gang members,



Photo courtesy of the U.S. Drug Enforcement Administration
Federal Drug Enforcement Administration officers will be even more busy should the Omnibus Crime bill pass. Shown here, officers arrest a money launderer in San Diego.

committing God knows how many individual offenses that would qualify under the Senate bill (drug use, muggings, etc.). The total capacity of the federal prison system is about 50,000, and as noted earlier, the entire federal criminal justice system is already stretched to its limit. Token, unpredictable and ineffectual enforcement is guaranteed.

Apparently conceding the limits of federal enforcement, the Senate bill seeks to force state laws to mimic federal ones. The bill would build \$3 billion worth of federal "regional prisons," and would reserve three-quarters of the space for states that change their laws to look like federal law in a variety of controversial ways: preventive pretrial detention; mandatory sentencing guidelines; sentences at least as long as under federal law for certain offenses from violent gun

crimes to unwanted sexual touching through clothing; and the abolition of parole or other changes ensuring that violent offenders serve at least 85 percent of the sentence imposed (the current figure is about 37 percent, according to the Justice Department).

"Poison pill"

What the Senate did not pause to explore was the enormous cost of these changes for the states. It wasn't until after the amendment was overwhelmingly passed that anyone ran the numbers; Sen. Biden calculated that in order to qualify for the \$3 billion of federal help, states would be forced to spend about \$60 billion over the bill's five-year funding span for prisons of their own to accommodate the longer sentences and pretrial detention. State government groups immediately denounced this as yet another gigantic unfunded federal mandate on the states. Objections came from The Council of State Governments, the National Governors' Association and the Association of State Correctional Administrators. The National Conference of State Legislatures, in a letter to President Clinton from conservative Republican Idaho State Sen. Denton Darrington, called it a "poison pill" that could bring down the entire crime bill.

Objections to federalization also have come from an impressive cast of characters. Besides Attorney General Reno, FBI Director Louis Freeh recently warned that public expectations are being raised unrealistically because the FBI lacks the resources to handle new responsibilities. Even Reno's Republican predecessor, William Barr, voiced similar concerns. Bruce Fein, a former Reagan Justice Department official turned conservative commentator, has become a leading critic of the federalization of state criminal law, bemoaning the trampling of centuries-old constitutional divisions of power for short-term political gain. Biden, Senate Majority Leader George Mitchell, D-Maine, and key House crime-fighters have spoken forcefully against fed-

eralization. Chief Justice William Rehnquist and the U.S. Judicial Conference, the policy-making arm of the federal judiciary, have been among the strongest opponents, raising alarms about the breakdown of the federal justice system.

But federal officials' concerns just aren't enough to slow the juggernaut. Congressional Republicans, led by putative 1996 presidential candidate Sen. Phil Gramm, R-Texas, aggressively dismiss Reno as more social worker than law enforcer. Even Rehnquist, perhaps the most conservative chief justice in history, was denounced by Sen. D'Amato as being out of touch in his "ivory tower," with a "total lack of sensitivity [to the] slaughter in the streets."

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What could make a critical difference is input from front-line state and local officials. In influencing the balance of the public debate, the only force stronger than simplistic political piling-on is hard facts from the people actually running the nation's criminal justice system, showing how indiscriminate federalization hurts rather than helps, and pointing the way toward more productive federal-state relations. This process has already begun, with an anti-federalization resolution recently adopted by the National District Attorneys Association, and expressions of concern from the head of the National Sheriffs Association about the "federal government infringing on the states' police power . . . and getting closer to a federal police state."

To be fair, most members of Congress probably already know that

these soaringly ambitious federal crime bills are more a matter of political survival than of actually fighting crime. They probably know that the vast bulk of the nation's crime-fighting apparatus is locally based, that local authorities sincerely want safer streets too, and that the best role for the feds is not to compete but to help — through money, research and partnerships aimed at making the federal and state criminal justice systems work together as one.

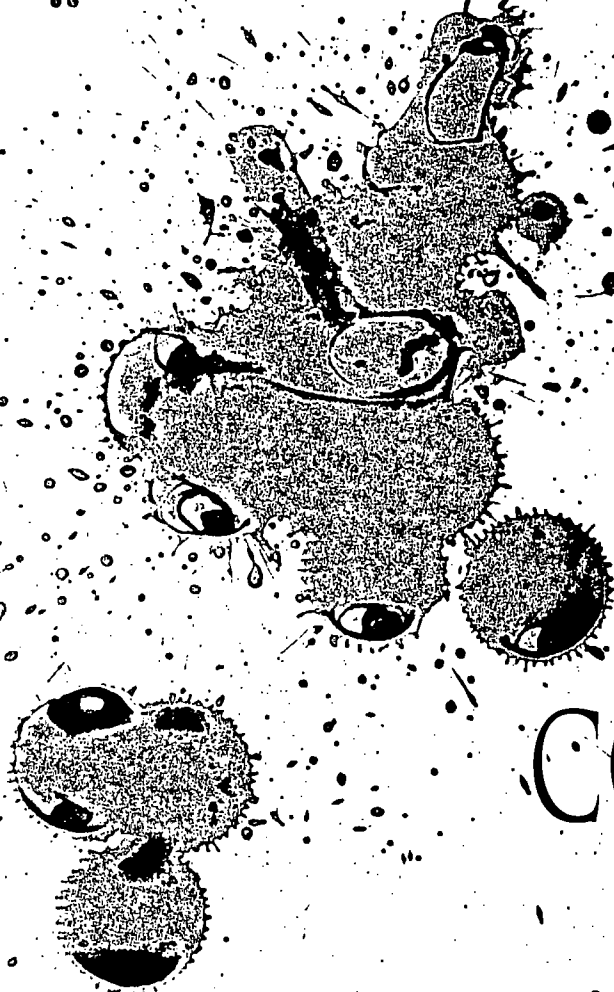
Political pressure

What they need is a greater comfort level that doing the right thing won't cost them their job. It wasn't until the nation's police rallied in support of the Brady bill that NRA-cowed members of Congress found the strength to send the handgun waiting period to the president's desk. With the full force of the NRA now pushing much of the Senate bill — from gun-crime federalization to "three strikes, you're out" — to deflect attention from additional gun-control measures, a similar consensus will be needed to turn today's chaotic federal-state crime-busting competition into teamwork.

This means not just junking the massive federalizations in the Senate crime bill, but also cutting back on lengthy existing federal mandatory minimums that suck small state cases into the federal system and fuel the wide and unpredictable punishment disparities between the federal and state systems. It also means improved public education and consensus-building about the need to make smarter use of scarce and expensive prison space, to give highest priority to the most serious violent and repeat offenders, and to think about counterbalancing reductions in reliance on incarceration for nonviolent and first offenders.

But until the public becomes better informed about crime, simple state bashing will carry the day in Congress, and arbitrariness and mixed signals will continue to frustrate a rational and effective nationwide fight against crime. □

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Combating a Culture of Violence

Crime control and public safety seem to beg for a government answer. But can state lawmakers hope to stem the mayhem?

Donna Hunzeker

In late 1992, during a feel-good lull before the inauguration of a new, young president, Americans were optimistic about many things. More than two-thirds of voters in a national news service poll responded with confidence that more Americans who want work would find it. Almost equal numbers of people felt optimistic that the environment and education would improve.

But the same poll told a dreary tale of the public's view of efforts to control crime. Fewer than a third of Americans believed that crime would decrease. A solution for health-care problems was the only social issue about which they felt almost equally pessimistic.

Indeed, in the year that has passed since that poll, the nightly news about crime and violence has given the public little to be optimistic about. Carjackings, tourist murders and drive-by shootings have become part of the American landscape. And as fear grows, so does crime as a political issue. The menace of gangs and violent crimes committed by youths triggered special legislative sessions in Colorado, Utah and Florida late last year.

By the fall elections, support swelled for local taxes and state bond issues related to fighting crime; voters in Washington passed a "three strikes you're out" persistent offender act; Texas voters approved no-bail provisions for sex

offenders and other violent criminals, as well as \$1 billion for new prisons; and tough-on-crime stances became paramount in New York City's mayoral con-

The angry young man we have always blamed for crime is becoming both angrier and younger.

test, the governor's race in Virginia and other campaigns around the country. On Capitol Hill, lawmakers who had been bickering for months, even years, over crime legislation quickly passed a new national crime bill. (At year's end, House and Senate differences were being reconciled.) Soon after, Congress resurrected and passed the Brady gun-control bill. If there is a nonpartisan issue left, it is probably crime. The old liberal and conservative labels just don't seem to apply anymore.

Criminals Are Younger, Angrier

However, it is not accurate to say that there is a new crime wave in this country. Overall rates of crime—violent and property offenses considered together and reported as rates per 100,000 inhabitants—have actually declined slightly over the past five years. But what the data increasingly suggest is that the angry young man we have always blamed for crime is becoming both angrier and younger.

The violent crime rate has risen 19 percent in the past five years and 41 percent since 1983. Arrests of juveniles under 18 years of age for violent offenses

increased more than 57 percent between 1983 and 1992. Over the same period, juvenile arrests for property crimes rose a comparatively modest 11 percent and for drug violations only about 7 percent. But weapons violations among juveniles jumped 117 percent, and a 128 percent increase was reported in those charged with murder and non-negligent manslaughter. Use of firearms in violent crime continues to rise among all age groups, according to Uniform Crime Reports of the FBI, but most dramatically among young people.

While there has been an upward trend in rates of violent crime among both white and black youths, rates among young, black men continue to exceed any other racial group. Civil rights leaders worry about how to deal with the alarming frequency of black-on-black violent crimes, without that attention further stigmatizing young, black men or making crime seem a "black problem."

Some of the recent statistics are consistent with historical trends, especially those having to do with location and population density. Cities continue to experience twice as much crime as the suburbs, and rural counties half that of the suburbs.

"America has always been violent," says Laura Ross Greiner of the Center for the Study and Prevention of Violence at the University of Colorado in Boulder. "It's the degree to which it now involves kids that is, or should be, disturbing." An analysis of homicide in Colorado recently completed by the center shows that the state reflects what is happening nationwide. The report says Colorado has experienced since 1988 a nearly 300 percent increase in homicide rates for offenders between the ages of 15 and 19, and gang-related murders

Donna Hunzeker is NCSL's criminal justice expert.



contribute to that increase.

This picture of crime—its increasingly violent nature, who commits it and where—is consistent with what experts tell us about why we have crime and violence. It also aids in developing policy responses that can prevent crime and protect the public. Experts generally correlate crime and violence with the following issues, some of which overlap

The approved Washington initiative to lock up, without possibility of parole, offenders convicted of a third serious felony is getting thorough review in other states.

to the point of blurred distinctions:

- **Poverty and associated community disintegration.** That most households in the suburbs contain people who are employed and economically stable has as much to do with their relative safety as does any police or punishment policy. Further, children and adolescents continue to be disproportionately represented among the poor in this country. Neighborhoods and towns outside of inner cities also tend to be made up of people who are relatively well educated and expect the same of their children. In drawing a demographic profile of the prison population, Harold Hodgkinson of the Center for Demographic Policy in Alexandria, Va., includes the fact that 70 percent of adult prisoners are high school dropouts.

- **Family dysfunction and disassociation.** U.S. Attorney General Janet Reno last year lent new credibility to the link between families and crime when she spoke of children and families in crisis while outlining the administration's anti-crime plans. Single-parent homes—especially those headed by a woman who became pregnant as a teen-ager and who lacks skills to support the family financially or to be an effective parent—long have been tied to criminality. Family violence may be an even more potent contributor to escalating violence. A National Institute of Justice study in 1992 reported that people abused or neglected as children are significantly more likely to be arrested as juveniles or as adults, and are more likely to commit violent crimes. Other studies have shown that chronic exposure to violence, in the family or in the neighborhood, often results in an edginess

and rage that can lead to violent behavior. Hodgkinson's profile shows that of offenders admitted to state prisons in 1991, 37 percent had an immediate family member incarcerated at that time. "People learn how to be criminals from their families," he said. "Third-generation criminals are not uncommon."

- **Persistence of drug abuse and proliferation of weapons.** The drug trade tends to flourish where legitimate job skills and opportunities are lacking, and often is a context for violence. "The network and exchange of drugs is a very volatile, dangerous business," Ross Greiner said. She also

blames availability of guns for an increasingly lethal violence. There is no question, she said, that guns are one explanation for rising rates of juvenile homicide. "If you have a gun you are more likely to kill someone than if you are fist fighting," she said.

- **More graphic violence on television and in movies.** Reno has threatened to impose regulations if networks do not take quick steps to reduce violence on the airwaves. Decades worth of research supports her cause. As far back as 1972, a surgeon general's report cited evidence of a link between televised violence and viewers' aggressive behavior. In 1985, the American Psychological Association came to the same conclusion. And in 1992 an APA commission on violence and youth said that while there is no doubt that viewing violence increases the propensity for committing it, such warnings have been largely ignored. Video games, rap music, and toy guns also have been implicated as part of the culture of violence.

Individual risk factors, especially certain mental disorders, also should not be overlooked in identifying causes for crime. And criminologists usually say that a powerful combination of the above factors, rather than any single one of them, best correlates to crime and violence. Prevention and control efforts, therefore, should be diverse as well.

Punishment vs. Prevention

Unquestionably, however, the most typical government response to crime over the years has been vigorous attempts to better enforce laws and punish criminals. Public fear, especially in the aftermath of highly publicized,

heinous cases, spurs proposals for longer, tougher, often mandatory-minimum sentences for certain crimes and categories of offenders. The new federal legislation is mostly enforcement-oriented, promising more police on the streets and prison space for more criminals.

Much attention in the states, meanwhile, is focused on sentencing policy for violent, repeat criminals. The approved Washington initiative to lock up, without possibility of parole, offenders convicted of a third serious felony is getting thorough review in other states.

In California, grief and disgust over the abduction and murder of 12-year-old Polly Klaas and the career-criminal record of the man accused of that crime are propelling efforts for tougher sentencing laws in a state that practically leads the world in prison space. The Legislature again is working on a sentencing bill designed to send the most violent criminals to prison longer and to pay for it by providing community sentences for short-term, nonviolent, mostly drug offenders. "California already vetoed twice the sentencing restructuring legislation that would have kept that guy in prison forever," said Gregory Schmidt, staff director for the California Senate Judiciary Committee. "Governors are characteristically so afraid of anything that could be interpreted as leniency that they'll reject a reasonable approach."

Schmidt says that even if the legislature and governor can get together this year on sentencing legislation, it will probably not forestall an initiative effort, which has in fact, been endorsed by the governor. "Three strikes you're out sounds so clever, it sells," Schmidt said. "But what about some offenders who shouldn't get more than two, or maybe even one, strike? We want to build that in, as well, to a sentencing system we can hope to pay for."

Gun Control Gains Favor

The push for stricter gun laws also has never been stronger. The gun-purchase waiting period in the federal Brady law and a call by the president for a Justice Department study into a national registration and licensing system for handguns are symbolic, at least, of a new attitude toward guns. Twenty states and the District of Columbia now have certain restrictions on firearm possession by juveniles. Each of the three states holding special sessions on youth

Puerto Rico Calls Out Guard to Fight Drugs, Crime

Puerto Rico has taken what is so far the unique step of calling out the National Guard to aid in drug raids in low-income housing projects. The move, though controversial, has been successful, according to Senate Majority Leader Charlie Rodriguez, who says levels of crime and violence in the projects were so shocking as to give credence to the use of the military for civilian purposes.

"By controlling drug trafficking, we can control other criminal acts, including violent crimes," he said.

Over the past year, more than 20 housing projects on the island have had Guard presence for 30 to 45 days after which local police take over drug- and crime-control duties. By closing down drug distribution centers operating out of housing projects, residents are "liberated," according to Rodriguez. "The majority of people living in the housing projects are law-abiding citizens under constant threat of crime and violence because of drug trafficking," he said.

President Clinton sidestepped a request for National Guard troops to combat crime in Washington, D.C., in part because under federal law the district already has help with drug-crime surveillance from the Guard. National Guard involvement in crime control generally has been limited to its presence following natural disasters or civil disturbances like the 1992 Los Angeles riots.

Washington, D.C., councilmember Kevin Chavous said that there is a big difference between the targeted, restore-order use of the Guard in Puerto Rico projects and the more random street patrols proposed in the District. Chavous supports a beefed up police

presence in D.C., including stationary patrols in and near public housing, schools and shopping centers, and is exploring ideas like using retired police officers. "We need citizens to be more involved," he said, "not the military."

The seizure in Puerto Rico of drugs and firearms in housing projects is only part of a crime-control stance that includes dealing with social and economic issues. In addition to the highest per capita murder rate of the states and territories, Puerto Rico has an unemployment rate of more than 16 percent. Investing in Puerto Rico will help the crime problem, says Rodriguez. The government has established new job training programs, and the legislature is looking at tourism as the spearhead in economic development for the island.

To reinforce the temporary Guard presence, Puerto Rico also has increased the number of police officers and improved police salaries and equipment. Community services have been added to housing projects "to show kids there is more to life than selling drugs," Rodriguez said. And legislation has been passed in the last year to increase availability of low-income housing, to provide harsh penalties for drug traffickers, and to address crimes like carjacking that have been especially prevalent on the island.

The violent crime rate in Puerto Rico has started to drop, according to Rodriguez, even though the down side of disruption of drug trade in the housing projects has been incidents of gang warfare over other drug territory. But, Rodriguez said, "People are seeing the government is doing something about crime."

violence late last year passed juvenile gun laws.

With so many guns already on the streets and a black market capable of getting them into the wrong hands, state and local officials may well be skeptical of how much the Brady legislation will do to control crime. But the improved system for criminal history records to be

put in place over the next five years under Brady may be a significant aid to state crime control. The law authorized \$200 million to help states and localities bring criminal history systems up to speed. The five-day waiting period on gun purchases then will be replaced by immediate checks of gun buyers. To comply, states will need to be fully auto-

Getting Tough on the Armed Juvenile

Violent acts committed by teens and even children have captured headlines across the nation, and youthful brutality is not just confined to the big cities anymore.

Places like Salt Lake City and Cheyenne, Wyo., are reporting instances of juvenile gangs and gang violence that were unheard of a few years ago. Salt Lake City police reported late last year that drive-by shootings were occurring as often as five times a week.

Shortly after Salt Lake City officials imposed a five-day waiting period on gun purchases by anyone under the age of 25, Utah legislators meeting in special session outlawed the sale of firearms to minors unless accompanied by adults.

In Florida, a November special session of the Legislature led to a ban on minors' possession of firearms. Legislation declared "the love affair between juveniles and firearms has reached an all-time high here in Florida" and assured "swift, certain and severe punishment" for those who violate firearms laws. Under the new laws, juveniles can be placed in detention and have their driver's licenses revoked.

Felony penalties now apply in Florida to adults who sell or transfer firearms to minors, and to adults responsible for a minor who knowingly or willfully allow the youth to possess a firearm.

Colorado juvenile crime legislation passed during a special session last summer outlaws handgun possession

by anyone under age 18, with certain exceptions, and creates the misdemeanor penalty of one year in jail for the offense. It also provides a minimum five-day jail term for violators and allows juveniles to be held without bail.

The state's Supreme Court has stayed a juvenile court ruling that said holding youths without bail was unconstitutional based on due process and presumption of innocence. A district court also has since upheld the juvenile gun law's bail and five-day detention provisions, now on appeal to the Colorado Supreme Court.

As such laws relating to juvenile crime become more common, they also appear to be less controversial than in years past. And Colorado may have broken new trail in the West last year with its juvenile gun restrictions. A package of crime legislation before the Nebraska Legislature this year also seeks to toughen guns laws for minors. Such a measure if approved in Nebraska would be yet another sign that even in gun country, youth crimes are prompting a new view of the armed juvenile.

In fact, most states will have some type of debate on ways to stem juvenile crime during the 1994 sessions. Legislative leaders across the nation have identified gangs, juveniles using guns, incarceration space for juveniles and adults, and violence prevention as major issues this year according to NCSL's annual survey, *Issues Outlook 1994*.

justice system can do about crime. It's too complicated, too deep a problem," Senator Jim Turner of Texas told fellow legislators recently. For that reason, he said, there is a sense of frustration and failure in the criminal justice system that is not entirely justified. Turner sponsored legislation to create a new Texas Commission on Children, which he will chair. Among its charges is to address juvenile crime and justice. The blue-ribbon group of legislators, citizens and agency heads will explore education, health care, family services and the juvenile justice system in compiling its recommendations, due late this year just before the next legislative session in Texas in January 1995.

Study Groups and Special Sessions

Many other states have formed special study groups or held summits on crime and violence over the past year. Alabama created a Youth Gang Violence Commission; Utah reauthorized a gang task force; the Maine Legislature in 1993 directed numerous agencies to study youth violence and recommend ways to reduce risk; Minnesota held a conference on violent crime in December, and earlier in the year the Legislature provided more money for community crime reduction grants. Oklahoma has a Committee on Violence and Public Health, and Louisiana, a Task Force on Violent Crime. Kansas also is among states assembling a commission to look at crime rates and crime prevention. Arizona was planning an electronic public hearing on juvenile justice in January. North Carolina will have a special session early in 1994 to deal with crime and corrections and Louisiana may do so, as well. California's Governor Pete Wilson called for a crime summit in Los Angeles early in the year. In New York, the Legislature is planning a major national crime summit to draw attention to state anti-violence efforts.

In Pennsylvania, a House Select Committee to Investigate the Issue of Violence was recently formed. The committee chair, Representative Dwight Evans, who also chairs House Appropriations, says the committee will take a "holistic" approach to the problem and involve Aging and Youth, Education, Health and Welfare, Policy and Judiciary committees in crafting responses. Leaders from both sides of the aisle are involved in the select committee's work

mated, and the state repository must include case disposition as well as arrest information.

States today vary greatly in the degree to which felony conviction reporting, the key Brady ingredient, is available, according to Gary Cooper, executive director of the SEARCH Group, a nonprofit research organization in Sacramento, Calif. He says functions like bail setting, career criminal prosecutions and sentencing determinations will be improved by more complete, automated systems for criminal records in the states. And other, secondary uses

like employment screening, occupational licensing and even national security will benefit as well. "Brady funds for criminal history records will have impact way beyond gun control," Cooper said. The funds authorized in Brady still need to be appropriated by Congress.

While policymakers remain firm in their resolve to be tough on violent criminals, there is a growing doubt that criminal justice responses can, alone, control crime. Some would question whether government should feel exclusive ownership of such a complex problem.

"There is precious little the criminal

Federal Crime Control Could Cost States Plenty

A \$22.3 billion crime-fighting package approved by the U.S. Senate offers states and localities more police and prisons—but with strings attached.

The Senate version of the crime bill, which awaits reconciliation with a substantially leaner set of House bills, would create a Violent Crime Reduction Trust Fund by tapping savings expected under the administration's plan to streamline federal government and cut jobs.

The Senate bill's juiciest offerings to states and localities include \$8.9 billion for "cops on the beat," fulfilling the president's promise to increase public safety by putting 100,000 new police officers on the streets and enhance police-community interaction with "community policing." States, however, could be expected to provide a 25 percent match to the policing funds and would submit plans for assuming the full costs after five years of federal assistance.

Another \$3 billion designated for "regional prisons" has prompted concern about state sovereignty and cost-sharing. The Senate bill provides funding for 25,000 prison beds for violent state and federal inmates, but added the caveat that only states meeting certain "truth in sentencing," pretrial detention and victims' rights requirements would have access to the new prison space.

Under the sentencing requirements, states would have to enact guidelines under which most serious, violent inmates serve at least 85 percent of their sentences, and the set sentences for certain broad categories of criminals would have to be at least as long as under federal law.

Malcolm Young of The Sentencing Project, a Washington, D.C.-based group that specializes in sentencing

policy, said it would require a major research effort to provide a full, documented picture of how the states measure up to proposed qualifications for participation in the regional prisons concept. As many as 10 states now have sentencing guidelines systems, and many states have long, mandatory minimum laws, which apply to certain crimes and offenders. But it appears unlikely that any state would today meet the mix of sentencing requirements spelled out in the Senate bill, Young said.

A quick impact estimate predicted that the average state would gain just a fraction of the beds in federal regional prisons than would have to be added to the state prison system in order to accommodate the sentencing requirements. The pretrial detention criteria also would require that states mimic the federal law's standard of dangerousness, a move that could prove costly to counties that detain substantial numbers of defendants awaiting trial.

Other provisions of the Senate crime bill would federalize some state gang and gun crimes, try youths accused of serious violent crimes as adults, and add the "three strikes you're out" concept to federal law.

Violence against women is incorporated in the Senate bill as well, establishing grants and a commission. It also would create the federal crime of traveling interstate to commit a crime of spousal abuse, and a civil rights cause of action for gender-motivated violence.

Federal crime legislation was on the fast track in late 1993—so fast, in fact, that the Senate version was developed without significant committee deliberation or hearings. It now appears the conference process will last at least into the spring of this year. Funding mechanism upon which most of this depends also is not yet in place.

committee.

The committee will study the causes of violence in schools and communities, and evaluate programs that seek to prevent violent behavior. Staff have begun gathering such information, and point to the Farrell School District in one of the state's steel towns as an example of an effective school-community linkage. Farrell has developed a program to identify at-risk students and find services for them and their families. This "total environment schooling" has helped that community avoid gangs and other serious crime problems often characteristic of areas where industrial decline has economic promise down and social problems up.

In Colorado, the special legislative session has been followed by other study efforts and proposed legislation. "The governor did his iron-fist approach," said Senator Sally Hopper about the recent package of enactments that had pretty much an enforcement theme. Hopper chaired an Interim Committee on Youth Violence that crafted three bills. One would form a task force to analyze the entire children's code; another calls for a study to identify and analyze the effectiveness of a variety of crime prevention programs throughout the state; and the third would expand DARE, drug-education programming for youths, to include information and education about gangs and guns.

Hopper said that in their interim deliberations, committee members were dismayed to hear about a 13-year-old boy who was amazed at how much it hurt when he shot himself in the leg while playing with a gun. "Kids see so much violence, but they don't understand the reality of it," she said.

In Texas, Senator Turner also is hopeful that a grass roots spirit can be encouraged to deal with crime and violence. "It's not just government, but the community as well, that has got to be proactive on this," he said. Turner would like to see "community commissions" headed by civic and business leaders as a spin-off of the work of the state's Children's Commission. "It's very popular to talk about getting tough on juvenile crime," Turner said. "But if we fail to deal with some of the underlying causes of crime, we haven't gone far enough. We've got to be prepared to do both if we are to make this state safer."

to approach the issues in a bipartisan manner. Evans also stresses that states should be cautious about dealing with crime and violence from only a criminal

justice point of view. "We might find certain preventive efforts as a cost-effective way to go," said a staff member preparing for the work of the select

TO: JOSE CERDA

FROM: GREG TAYLOR

RE: STATE ANTI-CRIME LEGISLATION: "THREE STRIKES AND
YOU'RE OUT"

DATE: MAY 30, 1994

What follows is a state by state analysis of the recently adopted "Three Strikes and You're Out" anti-crime legislation. I have included in this comparison, those states that have similar and/or related "mandatory time for repeat violent offenders" crime proposals. Finally, it should be noted that all states have enacted some sort of habitual offender law for repeat felons. However, for the purpose of analyzing "Three Strikes Legislation," I have included only those 1993-94 amendments that mandate non-parole eligible jail time.

As of May, 1994 the following states have enacted "Three Strikes" legislation:

Washington, Initiative 593 (1993)
California, A 971 (1994)
Connecticut, H 5385 (1994)
Georgia, S 441 (1994)
Indiana, H 1063 (1994)
Kansas, H 2788 (1994)
Maryland, H (1994, awaits governor)
New Mexico, S 73 and 742, Chapter 24 (1994)
North Carolina, H 39, Part 6 Chapter 22, Extra Session (1994)
Virginia, H 273 (1994)
Wisconsin, 1993 S 781, Act 289 (1994)

Florida
Illinois
New Jersey
Minnesota

The following states have related "Three Strikes" legislation pending as of May 1, 1994: AL, CO, DE, IL, MI, NJ, NY, OH, SC, VT, RI, PA

Of all of the states that have enacted "Three Strikes" type legislation, only Connecticut, Kansas and Maryland have retained some judicial discretion regarding sentencing. All other member states impose mandatory statutory sentencing.

In cases involving violent repeat offenders, ten states have listed

offenses that if committed eliminate or severely reduce plea bargaining in sentencing. In Arizona for example, repeat criminals are not eligible to plea bargain sentencing if the offense is against a child, or committed while the perpetrator is on parole. Moreover, in Arizona, parole will only be granted if the parole board approves an offenders petition with at least four votes or by unanimous vote if fewer consider the petition.

In Connecticut, parole eligibility is eliminated for offenders sentenced to capital felony, felony murder, arson murder, and any offense committed with a firearm on, or within 1500 feet of a school. California, Illinois and Pennsylvania each have pending "truth in sentencing" proposals that mandate that violent offenders serve at least eighty-five percent of their sentence, while non-violent, low-risk offenders receive alternate sentencing. Furthermore, in Tennessee, a judge can inform the jury of how much jail time the defendant will serve if convicted of a "serious, violent felony." Finally, GA, MD, NC, VA, WV and WI each have restricted or amended parole eligibility for repeat felony offenders.

In preparing this memo, I contacted the Department of Corrections, the Governor's office, and the appropriate legislators of each state that had passed "Three Strikes" legislation as of May 1994. Additionally, I contacted the National Conference of State Legislatures. Several states have yet to send me updated information.

Enclosed please find a draft copy of an 11 state chart. I have attempted to outline the nature and results of the amendments, and the targeted criminal acts were possible. I will update the chart as more information becomes available.

cc: Clarissa Cerda

**A COMPARISSON OF STATE "THREE STRIKES AND YOU'RE OUT"
AND/OR SIMILAR ANTI-CRIME INITIATIVES**

**NATURE AND RESULT OF
AMENDMENTS**

TARGETED CRIMINAL ACT

CONNECTICUT: -bill increases the maximum prison term a court may impose under the persistent dangerous felony offender law from 25 to 40 years based on one previous violent felony conviction and from 25 years to life based on two such previous convictions. -Life imprisonment is at least 60 years. -A life sentence can be imposed if it is in public interest.	-offense with a firearm in, or w/in 1500 feet of a public/private school, -manslaughter, arson, kidnapping, first degree assault, many sexual assaults, sexual assaults with a firearm, -first or second degree robbery. -After July 1981 no person convicted of HB 5385 shall be eligible for parole,	
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KANSAS: -doubles length of prison term for certain repeat offenders. -Requires a person convicted of 1st degree premeditated murder to serve a minimum 25 years before eligible for parole or good behavior credits. -Bill makes it easier to impose mandatory 40 years hard time for person (including 14 year olds) committing premeditated murder. -Mandates doubling of existing sentencing guidelines when crime involves the use of minors under 16, gang membership, or crimes of extreme sexual violence.	-felonies committed against the person, including various classifications of murder, sex crimes, battery, and assault -especially aggravating circumstances that warrant imposing severe mandatory sentencing: gang involvement, use of a minor under the age of 16 years old in the commission of a felony, or a crime of extreme sexual violence	
WASHINGTON: -Provides life imprisonment without possibility of parole for "persistent offenders convicted of a third serious felony.	-More than 20 serious felonies, including any Class A felony and any felony with a deadly weapon; many crimes against children	

GEORGIA: - "Sentence Reform Act of 1994" provides mandatory life without parole for <u>second</u> "serious violent felony" conviction. - Fourth conviction on any felony requires maximum sentence to be served before eligible for parole.	- "serious violent felonies" under "two strikes" approach. Offenses include murder, felony murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, aggravated sexual battery	
INDIANA: - "Three strikes law providing mandatory life without parole if in separate charge state proves two prior unrelated felony convictions. - Court has discretion to sentence to life without parole if found subject to provisions	- many serious felonies, including murder, battery, rape, sexual battery with a deadly weapon, child molesting, arson, robbery, burglary, resulting in serious bodily injury or with deadly weapon, dealing drugs.	

MARYLAND (AWAITS GOVERNOR APPROVAL): -Mandatory life sentence without parole for <u>fourth</u> conviction of crime of violence, for which offender has served three separate prison terms. -Third crime of violence after two such convictions and at least one prison term results in mandatory 25 years. -Second crime of violence following prison term results in mandatory 10 year sentence. -Person sentenced under provisions who is 65 years old and served 15 years may petition for and be granted parole.	-More than 29 crimes of violence, including murder, rape, robbery with a deadly weapon, carjacking, armed carjacking, first and second degree sex offenses, arson, burglary, kidnapping, manslaughter, mayhem, maiming, use of handgun in the commission of a felony, attempt to commit murder, rape, robbery, sexual offenses.	
NEW MEXICO: -Mandatory life imprisonment, in addition to required years of imprisonment for third violent felony conviction. -Parole eligibility after 30 years of life term served	-Violent crimes including first and second degree murder, and several crimes resulting in great bodily harm, including shooting from a motor vehicle, kidnapping, criminal sexual penetration and robbery	

NORTH CAROLINA: -Life without parole required upon third violent felony conviction and finding, under separate indictment, that offender is violent habitual felon. -Separate law (SB 2, 1994 Extra Session of 1994) provides for parole review after 25 years served of life without parole sentence	-applies to 40 violent felonies enumerated by statute. -After 10/1/94 when structured sentencing takes effect, provisions will apply to 47 Class A, B, B1, B2, C, D and E felonies	
VIRGINIA: -Three strikes law providing mandatory life without parole for offender convicted of third felony involving first and second degree murder, voluntary manslaughter, mob related felonies, kidnapping or abduction, malicious felonious assault or malicious bodily wounding, robbery, carjacking, any criminal sexual assault. -Those sentenced under this law who reach 65 years of age and have served five years may petition the parole board for conditional release.	-Acts of violence covered by statute include first and second degree murder, mob-related felonies, kidnapping or abduction, robbery and carjacking, sexual assault felonies, conspiracy to commit any of the above	

WISCONSIN: -Persistent repeater who has two previous, separate "serious felony" convictions, receives mandatory life sentence without parole -the provisions of this bill apply to adult criminals or to juveniles who have been tried as adults.	-serious felonies (any felony that is punishable by a maximum prison term of 30 years or more) includes murder, manslaughter, battery, and aggravated battery, mayhem, vehicle theft, robbery and many crimes against children including sexual assault, physical abuse, sexual exploitation, abduction	
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CALIFORNIA:

-serious felony with two priors, applicable jail term is life, 25 year mandatory sentence

-violent felony with two priors, sentence is life without parole

-priors from other jurisdictions count as serious/violent felonies in CA

-court cannot dismiss or strike prior convictions

-for inherently serious felonies with one prior add 5 years

-for current violent felonies with one violent prior felony add 10 years

-for current forcible sex crime or kidnapping of a child less than 14 years of age, with one prior of the same type of crime, the jail term is life imprisonment with mandatory 25 year minimum sentence

-enumerated violent felonies include arson of residence or structure, bomb offenses involving injury or death, all carjacking, any felony with purposeful use of a dangerous or deadly weapon, assault with intent to commit a sex crime, felony assault of a peace officer, fire fighter, or custodial officer, 1st degree robbery

-serious felonies include new violent felonies and witness intimidation. All robberies qualify as serious felonies

	<u>June 30</u> <u>1995</u>	<u>June 30</u> <u>1996</u>	<u>June 30</u> <u>1997</u>	<u>June 30</u> <u>1998</u>	<u>June 30</u> <u>1999</u>
No. of Inmates Under Structured Sentencing Effective 1/1/95	21,963	24,069	25,200	25,502	26,502
Projected Beds Available at 50 Sq. Ft./Inmate	22,108	25,597	26,219	26,219	26,219
No. Beds Over/Under No. Inmates Due to Structured Sentencing	145	1,528	1,019	717	(283)
No. of Projected Additional Inmates Due to this Bill	7	12	27	33	39

* Attachment A shows the impact of this bill for years beyond FY 1998-99.

As shown in the Fiscal Impact Table on page 2, the impact of this bill is the actual cost of providing 39 additional beds by June 30, 1999, when the number of beds needed due to this bill exceeds beds available.

CONSTRUCTION: Based on information provided by the DOC on March 3, 1993, the following per bed/cell construction cost was used for the 39 beds needed by June 30, 1999:

Close Custody \$47,050 X 39 = \$2.1 million

A 5% per year inflation rate has been added to the above capital cost to determine the non-recurring costs estimated in the Fiscal Impact Table on page 2.

Costs of the additional 39 beds required for FY 98/99 are budgeted in FY 96/97 to allow time for construction.

OPERATING: Based on information provided by the DOC on January 31, 1994, the following annual operating cost was used for the 39 additional inmates needed by June 30, 1999:

Close Custody \$26,802 X 39 = \$1.4 million

A 4.6% per year inflationary rate on all non-salary items has been added to these recurring costs and are shown in the Fiscal Impact Table on page 2.

FISCAL IMPACT
Judicial Branch

	<u>Indigent Defense</u>	<u>Other State Funds</u>	<u>Total</u>
FY 93-94	\$ 0	\$ 0	\$ 0
FY 94-95	55,782	96,441	152,223
FY 95-96	32,576	54,136	86,712
FY 96-97	34,856	55,760	90,616
FY 97-98	37,296	57,433	94,729
FY 98-99	39,907	59,156	99,063

The estimates shown above assume a 7% annual increase in indigent defense costs and a 3% annual increase in other costs.

The AOC assumes there would be no impact for FY 93-94 because it would take a few months before the trial-related material could be discussed.

POSITIONS: None

ASSUMPTIONS AND METHODOLOGY: Judicial Branch

* The Administrative Office of the Courts has provided the following information regarding the fiscal impact of this legislation on the Judicial Branch. The Fiscal Research Division has reviewed this information and is in agreement with their findings and conclusions.

ANALYSIS: The AOC predicts that there would be very few instances in which the violent habitual felon provisions would be invoked. Under the current habitual felon law, approximately 240 persons were charged as habitual felons during 1992. The AOC uses these numbers as some indication of the expected frequency of violent habitual felon status being charged. They anticipate that for felony offenses applicable prior to January 1, 1995, the number of cases in which the violent habitual felon law would apply would be about 40% of the 240 habitual felon charges in 1992. Subsequently, the AOC estimates there would be approximately 96 additional charges.

The AOC also notes that defendants prosecuted as violent habitual felons would have nothing to gain by pleading guilty as charged to the underlying offense. A felon conviction would then require that a jury make a determination of their violent habitual felon status, thereby exposing the defendants to the likelihood of a sentence of life without parole. The AOC assumes, however, that district attorneys would have the option to either decline to charge the defendant as a violent habitual felon (for example, in exchange for a guilty plea as charged or to a lesser offense below the class