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29

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5

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8

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3

Wellington E. Webb
MAYOR



City and County of Denver
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AREA CODE 303 640-2771
640-2770 (V/TDD)

March 31, 1994

The Honorable Kweisi Mfune, Chairman
Congressional Black Caucus
2419 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

We write in support of H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994, the Crime Bill that is currently before the House.

We are very concerned about violent crime, and feel that there is an urgent need for a multifaceted strategy to combat it. We are pleased with President Clinton's advocacy of federal funding to put 100,000 more police on our streets, a federal ban on assault weapons, and federal funding for constructive intervention for young offenders. This has alerted the entire nation to the need for bold new partnerships involving all levels of government and citizens to rebuild communities and families.

We wish to support your efforts to blend the need for certain and severe punishment for today's most serious offenders with the need for compassion and community-building to provide potential offenders with alternatives, opportunity, and hope.

Accordingly, there are several provisions in this bill which we believe to be critical to achieving some measure of parity between punishment and prevention by addressing the root causes of crime alongside of the need to sound tough.

First of all, we strongly support the \$6.8 billion in crime prevention measures contained in Title X of H.R. 4092. For the first time in the history of omnibus crime bills, there is an opportunity to include a comprehensive legislative package directed at preventing crime in our communities from which our cities will greatly benefit.

Secondly, we strongly support the inclusion of the Racial Justice Act in H.R. 4092. The Racial Justice Act is a crucial civil rights measure which would help eliminate racial considerations from improperly influencing the decision to impose the death penalty.

The Honorable Kweisi Mfume, Chairman
March 31, 1993
Page Two

Study after study has documented racial bias resulting from abuse of prosecutorial discretion in charging, plea bargaining and sentencing. In Georgia, for instance, a study showed that African Americans who kill white people received the death penalty 16.7 percent of the time while whites who kill whites are sentenced to die only 4.2 percent of the time. Seven of nine people executed in the Middle Judicial District of Georgia were black, and 71 percent of those executed in Alabama were black.

We believe that both supporters and opponents of the death penalty will agree that these racial disparities deny African Americans "equal protection" under the Fourteenth Amendment. The Racial Justice Act specifies a procedure for defendants to offer evidence in court, including statistical evidence, in support of their claim of racial bias in death penalty decision-making. Given that the Crime Bill includes 66 new death penalty crimes, it is critical that the Racial Justice Act be included at this time.

We understand that efforts will be made during the debate of the House of Representatives in April to delete, or seriously modify, both the Prevention Package (Title X) and the Racial Justice Act (Title IX). We urge you to oppose these efforts so that H.R. 4092 can be passed quickly, thereby enabling the Senate and House conference to promptly complete Congressional consideration of significant crime legislation.

Sincerely,

(the undersigned in formation)

Wellington E. Webb, Mayor
Denver, Colorado
Chair, U.S. Conference of Mayors Task Force on Violence

Sharpe James, Mayor
Newark, New Jersey

Dennis Archer, Mayor
Detroit, Michigan

cc: Members of the Congressional Black Caucus

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APR 11 '94 12:19 PM



James W. Anderson, Mayor
City of Detroit
Executive Office

P.2

1150 CITY-CONVENT BUILDING
DETROIT, MICHIGAN 48206
PHONE 313-224-4400
FAX 313-224-4108

April 8, 1994

The Honorable John Conyers
United States House of Representative
2426 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Conyers:

I am writing in support of H.R. 4092, the Violent Crime Control and Law Enforcement Act of 1994, the Crime Bill that is currently before the House.

I am very concerned about violent crime, and feel that there is an urgent need to combat it with a multifaceted strategy. I am pleased with President Clinton's advocacy of federal funding to put 100,000 more police on our streets, a federal ban on assault weapons, and federal funding for constructive intervention for young offenders. This has alerted the entire nation to the need for bold new partnerships involving all levels of government and citizens to rebuild communities and families.

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APR 11 '94 10:57

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TO: HJR

PAGE: 002
FROM GOV'T OPERATIONS
APR 11 '94 12:18



The Honorable John Conyers

April 8, 1994

Page Two

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With warmest personal regards,

Dan Rostenkowski

cc: Members of the Congressional Black Caucus

March 28, 1994

FROM:

RE: RJA Target Lists

In 1991, the McCollum amendment (the "Equal Justice Act") prevailed in the House by a vote of 223 to 191.

73 Democrats voted for McCollum in 1991. This included 32 current Democrats who voted against us in 1990 as well. A list of the 32 is attached, and it looks like there are only a few candidates (5-10) for conversion. (Many of the 32 regularly reject the desires of the leadership, regardless of the issue.) If we assume that we start with those 32 Democratic votes against us, and that we get only four Republicans (Fish, Leach¹, Gilman and Shays), we start out with 204 votes for McCollum (R-172 and D-32).

131 Democrats who voted with us in 1991 remain in Congress. There are 18 new Members of the Black Caucus. That (plus 4 R's) brings us to 153 votes against McCollum. We need to find 51 more votes just to bring us even with where McCollum starts.

There are two places to look, a universe totalling 71:

(1) There are 49 freshman Democrats who are not members of the Black Caucus. 18 of them replaced people who voted for McCollum. This is an important target list, since we could pick up votes here. 22 of them replaced people who voted against McCollum -- we cannot afford to lose many of these. 9 of the 49 hold newly created seats, so there is no predecessor's vote on RJA.

(2) The 73 Democrats for McCollum in 1991 included 22 current Members who had voted for the RJA in 1990 when Sensenbrenner offered a motion to strike. If these 22 had stuck with us, we would have won RJA in 1991. Since even if we get all the freshman Democrats, we still do not beat McCollum, we need to get some of the 22 back in order to win this year. A list of the 22 is attached.

¹ In 1991, Leach voted for McCollum, even though he had signed a Dear Colleague opposing it; I assume that his vote was a mistake. This year, Leach has declined to sign the Dear Colleague.

New Democratic Members (67)

Alabama

Hilliard, Earl (CBC)
Pomeroy, Earl

Arizona

Coppersmith, Sam*
English, Karan
Pastor, Ed

Arkansas

Lambert, Blanche

California

Becerra, Xavier
Eshoo, Anna*
Filner, Robert
Hamburg, Dan*
Harman, Jane
Roybal-Allard, Lucy
Schenk, Lynn
Tucker, Walter (CBC)
Woolsey, Lynn
Farr, Sam

Florida

Brown, Corrine (CBC)
Deutsch, Peter
Hastings, Alcee (CBC)
Meek, Carrie (CBC)
Thurman, Karen*

Georgia

Bishop, Sanford (CBC)
Deal, Nathan*
Johnson, Don*
McKinney, Cynthia (CBC)

Illinois

Gutierrez, Luis
Reynolds, Mel (CBC)
Rush, Bobby (CBC)

Kentucky

Baessler, Scotty*
Barlow, Tom*

Louisiana

Fields, Cleo (CBC)

Maryland

Wynn, Albert (CBC)

Massachusetts

Meehan, Martin

Michigan

Barcia, James
Stupak, Bart*

Minnesota

Minge, David*

Mississippi

Thompson, Benny (CBC)

Missouri

Danner, Pat*

New Jersey

Klein, Herbert
Menendez, Robert

New York

Hinchey, Maurice
Maloney, Carolyn
Nadler, Jerrold
Velazquez, Nydia

North Carolina

Clayton, Eva (CBC)
Watt, Melvin (CBC)

Ohio

Brown, Sherrod
Fingerhut, Eric
Mann, David*
Strickland, Ted*

Oregon

Furse, Elizabeth

Pennsylvania

Blackwell, Lucien (CBC)
Holden, Tim
Klink, Ron*
McHale, Paul*
Margolies, Marjorie*

South Carolina

Clyburn, James (CBC)

Texas

Green, Gene
Johnson, Eddie Bernice (CBC)
Tejeda, Frank

Utah

Shepherd, Karen

Virginia

Byrne, Leslie
Scott, Robert (CBC)

Washington

Cantwell, Maria*
Inslee, Jay*
Kriedler, Mike

Wisconsin

Barrett, Thomas
Barca, Peter W.

* = replaced Member who voted for McCollum

DEMOCRATS WHO HAVE NEVER VOTED FOR RACIAL JUSTICE ACT. (32)

Alabama

Bevill, Tom
Browder, Glen
Cramer, Bud

California

Condit, Gary
Dooley, Calvin
Lehman, Richard

Florida

Bacchus, Jim
Hutto, Earl

Georgia

Darden, George
Rowland, Roy

Indiana

Roemer, Tim

Louisiana

Hayes, James
Tausin, Billy

Mississippi

Montgomery, Sonny
Parker, Mike
Taylor, Gene
Whitten, Jamie

Missouri

Skelton, Ike

Nevada

Bilbray, James

New Hampshire

Swett, Dick

New Mexico

Richardson, Bill

North Carolina

Neal, Stephen
Valentine, Tim

Oklahoma

Brewster, Bill
McCurdy, Dave

Texas

Edwards, Chet
Hall, Ralph
Laughlin, Greg
Sarpalius, Bill
Stenholm, Charles
Wilson, Charles

Utah

Orton, Willaim

**DEMOCRATS VOTING NO ON EQUAL JUSTICE ACT
(MCCOLLUM AMENDMENT) 102nd CONGRESS**

Arizona

Pastor, Ed

Arkansas

Thornton, Ray

Colorado

Schroeder, Pat
Skaggs, David

California

Beilenson, Tony
Berman, Howard
Ronald Dellums
Dixon, Julian
Edwards, Don
Fazio, Vic
Lantos, Tom
Martinez, Marty
Matsui, Bob
Miller, George
Mineta, Norm
Palosi, Nancy
Torres, Esteban
Waters, Maxine
Waxman, Henry
Stark, Pete

Connecticut

DeLauro, Rosa
Gajdanson, Sam
Kennelly, Barbara

Florida

Gibbons, Sam
Johnston, Harry
Peterson, Pete

Georgia

Lewis, John

Hawaii

Abercombie, Neil
Mink, Patsy

Indiana

Hamilton, Lee
Jacobs, Andrew
Long, Jill
Myers, John
Sharp, Phillip
Visclosky, Peter

Illinois

Costello, Jerry
Durbin, Richard
Evans, Lane
Poshard Glenn
Yates, Sid

Iowa

Smith, Neal

Kansas

Glickman, Dan
Slattery, Jim

Kentucky

Mazzoli, Romano

Louisiana

Jefferson, William

Maine

Andrews, Thomas

Maryland

Cardin, Benjamin
Hoyer, Steny
Mfume, Kweisi

Massachusetts

Frank, Barney
Kennedy, Joseph
Markey, Ed
Moakley, Joe
Neal, Richard
Olver, John
Studds, Gerry

Michigan

Bonior, David
Carr, Bob
Collins, Barbara-Rose
Conyers, John
Dingell, John
Ford, William
Kildee, Dale
Levin, Sander

Minnesota

Oberstar, James
Penny, Timothy
Peterson, Collin
Sabo, Martin Olav
Vento, Bruce

Missouri

Clay, William
Gephardt, Richard
Wheat, Alan

Montana

Williams, Pat

New Jersey

Andrews, Robert
Hughes, William
Pallone, Frank
Payne, Donald
Torricelli, Robert

New York

Ackerman, Gary
Engel, Elliot
Flake, Floyd
Hochbrueckner, George
LaFalce, John

Lowe, Nita
McNulty, Michael
Manton, Thomas
Owens, Major
Rangel, Charles
Schumer, Charles
Serrano, Jose
Slaughter, Louise
Towns, Edolphus

South Carolina

Clyburn, James
Spratt, John

Virginia

Boucher, Rick
Moran, Jim
Pickett, Owen
Sisisky, Norman

Wisconsin

Kleczka, Gerald
Obey, David

North Carolina

Rose, Charles

Oklahoma

Brewster, Bill
Synar, Mike

Pennsylvania

Coyne, William
Foglietta, Thomas
Murtha, John

Tennessee

Cooper, Jim
Gordon, Bart

Washington

Dicks, Norman
McDermott, Jim
Swift, Al
Unsoeld, Jolene

Ohio

Hall, Tony
Kaptur, Marcy
Sawyer, Thomas
Stokes, Louis
Traficant, James

Oregon

Defazio, Peter
Kopetski, Mike
Wyden, Ron

Rhode Island

Reed, Jack

Texas

Bonilla, Henry
Brooks, Jack
Bryant, John
Chapman, Jim

Coleman, Ronald
Frost, Martin
DeLa Garza E.
Gonzalez, Henry
Ortiz, Solomon
Washington, C.

West Virginia

Mollahan, Alan
Rahall, Nick
Wise, Robert

**DEMOCRATS VOTING FOR RACIAL JUSTICE ACT 101st CONGRESS
AND AGAINST RJA 102nd CONGRESS (22)**

California
Brown, George

Illinois
Sangmeister, George
Lipinski, William
Rostenkowski, Dan

Kentucky
Natcher, Bill

Missouri
Volkmer, Harold

Nebraska
Hoagland, Peter

Ohio
Applegate, Doug

North Carolina
Lancaster, Martin
Price, David
Hefner, Bill

Pennsylvania
Borski, Robert
Kanjorski, Paul
Murphy, Austin

South Dakota
Johnson, Tim

Tennessee
Lloyd, Marilyn
Clement, Bob
Tanner, John

Texas
Andrews, Mike
Geren, Pete
Pickle, J.J.

Virginia
Payne, Lewis

03/24/94 15:40 WASHINGTON BUREAU INHCP 4 202 455 6218 NO. 110 002

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3D DISTRICT, VIRGINIA

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ECONOMIC AND COMMERCIAL LAW

SCIENCE, SPACE, AND TECHNOLOGY

SUBCOMMITTEE:

ENERGY, VICE CHAIRMAN



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House of Representatives

Washington, DC 20515-4603

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(804) 644-4845

March 22, 1994

Dear Fellow Caucus Members:

Throughout my participation in this year's crime bill discussions, I have continuously posed the question "Are we attempting to reduce crime or are we playing politics?" This question is asked in the context of the present criminal justice situation:

* In most countries, the incarceration rate is approximately 100 per 100,000 population; Russia is number 3 in the world at 268; South Africa is number two at 311; and the U. S. is number one at 450. In the African American community, however, the average rate is 1,300, while in most of our inner cities the rate is 3,000 or more in jails and prisons today per 100,000 population...a rate 10 times more severe than the rate of incarceration in South Africa.

* Twenty-five percent of young African American men find themselves under the control of the criminal justice system, whether through parole, probation, or incarceration.

* There are rampant racial disparities in the application of criminal penalties. The U.S. Sentencing Commission found evidence of racial disparity in mandatory minimum sentencing. In addition, the Federal Judicial Center reported that African-American offenders were 21% more likely than whites to receive at least the mandatory minimum term.

* The racial disparity between those sentenced for crack cocaine versus those sentenced for powder cocaine possession is well known. Despite the chemical equality of the two drug forms, the sentence for 5 grams of crack is 5 years mandatory minimum in prison, while probation is available for possessing 499 grams of powder cocaine. This 100 to 1 sentencing disparity is accompanied by the fact that 92% of those tried for federal crack violations are Black, while over 80% of those tried for powder cocaine violations are white.

* A report recently released by Congressman Don Edwards's Subcommittee on Civil and Constitutional Rights revealed that 89%

of death penalty prosecutions since 1988 under the federal drug kingpin death penalty provisions were against minority defendants (20 African-American, 4 Hispanic, and 4 White), despite the fact that 75% of those individuals convicted under the general drug kingpin statute were white. In the Clinton Administration, all 11 of those being tried in federal death penalty cases are African-American.

I oppose the death penalty on moral grounds, because innocent defendants are executed, and because it has always been applied in a discriminatory manner. However, whatever your position is on the death penalty generally, there is no justification for expanding it to 66 separate crimes listed in the crime bill, including the unconstitutional non-homicidal death provisions, especially in light of the discriminatory impact on the African American community.

Justice Harry A. Blackmun, a long time death penalty supporter, on February 22, 1994 made the following statement against the death penalty: "Twenty years have passed since this Court declared that the death penalty must be imposed fairly, and with reasonable consistency or not at all, and, despite the effort of the states and courts to devise legal formulas and procedural rules to meet this daunting challenge, the death penalty remains fraught with arbitrariness, discrimination, caprice and mistake."

It is also in the context of the highest incarceration rate in the world and the rampant discriminatory manner that mandatory minimum sentences are imposed that we consider the "three-time loser - life without parole" provision. At hearings on various crime bills, we heard that the three-time loser bill would provide no deterrence; would afford no protection to society (three-time losers already get 30 years without the bill); is expensive; and in light of the discriminatory application of death penalties and mandatory minimums, we can expect it to be applied in a racially disparate manner. It is therefore an insult to the Congressional Black Caucus to even consider it.

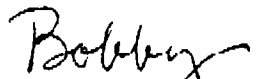
This bill also casts away over a hundred years of juvenile justice wisdom for the quick politically expedient fix of trying 13 year olds as adults in the federal system. There is no system in the federal government to provide for the incarceration, social services, or appropriate trials of juveniles. These issues are much better handled by more experienced local and state systems.

We have, however, made in-roads in achieving some balance between prevention and punishment in this year's crime bill. There are some very good programs in this bill which deserve our support. The Ounce of Prevention Council, Diversionary Drug Courts, and Jobs program are admirable components of this crime bill. There is a total of \$7 billion allocated to preventing crime in addition to the \$9 billion for community police. Even the prison construction provision has good qualities: to qualify for the

money, a state must have in place programs for community diversion, prison education and job training. I am also a supporter of the Habeas Corpus Reform and Racial Justice Act which are presently in the bill.

But in final analysis, I can not support H.R. 4092. If this bill passes with our votes, we can not avoid the interpretation that we have endorsed the major elements of it which are simpleminded, ineffective, costly and racially insensitive. As Reverend Jesse Jackson said this morning, "This bill is cyanide with Kool-Aid - but no amount of Kool-Aid can change the fundamental reality of this bill- it is cyanide."

Very truly yours,


Robert C. Scott, M.C.