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[Assault Weapons Ban/Brady Bill]

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Community Boards — Infestation, Not Education

By Edward F. Stancik
and Sandra Feldman

The Board of Education's search for a successor to Schools Chancellor Ramon Cortines makes it imperative that New Yorkers recognize that the key to true education reform and prevention of corruption is a major overhaul of the community school board system.

With chancellors coming and going, corrupt school boards are emboldened, confident that they can out-

last the most ardent reformer.

Legislation to overhaul the community board system, which both of us drafted, was introduced in the State Legislature last year. It made no headway. This fall, it will be reintroduced. The proposals result from years of observing the impact of corruption on education.

In 1989, a commission headed by James F. Gill, a lawyer, produced the first comprehensive portrait of a corrupt school district. (Mr. Gill has just negotiated labor contracts for Gov. George Pataki.)

The commission dug into District 27, where politics held the key to

obtaining jobs, and waste was endemic — as when a needless but costly "satellite office" was built solely to employ one board member's campaign manager and another member's wife.

Too many of the 32 districts operate as political-patronage mills. Investigators have found principals who have paid for their jobs with dollars or political support for board members who hired them.

In District 12, in the Bronx, Virginia Noville was caught on videotape paying cash to a board member, Ed Cain (a confidential informant), for a job as principal, laughing as she counted out the bills, which she called "my résumé." She has been convicted of bribery.

Joan Salvatore, a longtime worker for the District 12 machine, was hired as an early-childhood coordinator as a reward for political activity. She then stole thousands of dollars in school-supply funds to pay for a trip to a political conference in Puerto Rico. She was convicted of theft. When many teachers pay for supplies out of their own pockets, is it any wonder that she left them feeling disgusted?

To shift the focus from politics to education, school boards must be more representative of their communities. Under current conditions, that is difficult. Elections are often controlled by small groups that seek to control jobs and contracts.

In the elections, held every three years, parent and community turnout is discouraged by the confusing proportional-representation system and the scheduling of elections in the spring rather than in November. But patronage hires line up to back their benefactors; in 1989, just 298 voters put Mr. Cain on the District 12 board, giving him control of a \$78 million budget.

Districts 12 and 27 are by no means isolated examples of corruption. In 1993, the special commissioner of investigation found abuses citywide. One investigator was able to vote 15 times in Manhattan's District 2. In District 11, in the Bronx, a candidate's son was allowed to count paper ballots in his father's election. In other districts, ballots cast in one numbered box somehow turned up in other boxes. In District 10, in the Bronx, some ballots were not even cast by the voters. School system employees duped college students into registering as absentee voters, and then filled out their ballots for political-machine candidates

without the students' knowledge.

To control these abuses, the state should eliminate proportional-representation voting and move the elections to November, which would increase the turnout. Security measures and prohibitions on electioneering would be the same as in regular elections. The votes would be cast on voting machines, thus eliminating the paper ballots.

Will Albany help clean them up?

Candidates would be held to strict financial-disclosure requirements, and people removed from a community board for misconduct or convicted of a crime related to their duties would be barred from serving on boards.

Board members would be eliminated from the hiring process. The hiring authority would lie, as it does in most school systems, with the superintendent — with the advice of parents and educators. Positions would then more likely go to the best candidates, not political hacks. Any board members interfering with hiring would be suspended or removed from office.

The boards need tighter financial controls. A recent investigation by the special commissioner found that millions of dollars budgeted for school supplies were disappearing through slush funds set up by vendors and Board of Education accomplices in districts around the city. The schools cannot afford such losses, especially in tough financial times. Under the reform legislation, each district would have a financial control officer. Searching audits would be conducted to insure that funds are spent appropriately.

Despite their differences, Mayor Rudolph Giuliani and Chancellor Cortines both support these reforms. Will Albany?

Edward F. Stancik is special commissioner of investigation for the New York public schools. Sandra Feldman is president of the United Federation of Teachers.

Of Politics, Principle and Gun Control

The White House unconvincingly insists that President Clinton's appearance in paid television advertisements that debuted this week has nothing to do with politics. The get-tough-on-crime spots, financed by the Clinton-Gore re-election treasury, are clearly calculated to establish Mr. Clinton's credentials on an issue usually owned by the Republicans. The advertisements are to run in 20 cities whose television markets cover a series of swing states for the 1996 election. Further proof of the political nature of the commercials is Mr. Clinton's unfortunate invocation of support for the increased death penalty provisions in the recent crime bill.

But the main message of the ads is that Mr. Clinton is going to fight to preserve the ban on assault weapons, and for all the White House hedging about its political tactics, the President is right

on the substance of this issue. Nor is Mr. Clinton the first to play campaign politics with this subject. Senator Bob Dole is surely up to the same game when he promises to repeal the assault weapons ban as a favor to the National Rifle Association and like-minded voters.

The guns outlawed by the assault weapons ban are instruments of human destruction, serving no legitimate domestic or sporting purpose. They are made to kill as many people as quickly as possible, and they do their job with chilling efficiency, as the cops and victims in the ads confirm. The ban marked an important step in the painfully slow battle for firearms sanity.

This is one issue on which Mr. Clinton has stuck to principle and lent the full weight of his office. If he gets some political mileage out of the effort, it is well deserved.

Two Fixable Bills on H.M.O.'s

The New York State Legislature plans to vote this week on two bills that Gov. George Pataki has proposed to change the state's rules governing health maintenance organizations, the rapidly growing health plans that provide medical benefits through networks of physicians. The two bills are flawed but fundamentally worthy. With a few fixes, each deserves to be passed.

The first bill would require health maintenance organizations to offer a comprehensive package of benefits to customers — many of whom are chronically ill — who sign up as individuals rather than as members of group insurance plans. The idea is to give these vulnerable customers the choice of leaving Empire Blue Cross and Blue Shield, which is currently the only plan that offers individuals drug and other expensive benefits.

The bill would sensibly require H.M.O.'s to offer these individuals, at additional cost, the option of seeing doctors who are not members of the H.M.O.'s network. The major flaw with the bill is that it sets an excessively expensive benefit package that will drive up premiums and discourage many New Yorkers from buying coverage. The Legislature needs to specify a more affordable package.

The second proposal, the "Right to Know" bill, would ward off worse legislation that physicians are backing to cripple H.M.O.'s, which they consider a threat to their independence and income. The physician-backed bills would impose onerous disclo-

sure requirements and strip health maintenance organizations of their ability to control hiring and firing.

The Governor's bill would be less onerous, requiring H.M.O.'s to disclose, for example, the process they use to decide what tests and medical procedures they will cover, customer satisfaction surveys and financial arrangements they make with physicians. For example, customers would learn which H.M.O.'s reward doctors who prescribe few tests.

Some of these disclosures are sound — indeed, they are already required by state regulation. But the Governor ought to make the same demands of the fee-for-service insurance plans preferred by doctors. These plans, too, ought to disclose the results of customer satisfaction surveys and reveal whether their payment arrangement could threaten patients — such as by rewarding doctors who perform unnecessary procedures, like Caesarean deliveries.

The major flaw with the bill is that it would erect legal barriers to removing inferior doctors from an H.M.O.'s network. If the Legislature makes such termination expensive, H.M.O.'s will only remove those doctors who are truly incompetent, not those who are merely mediocre.

The Legislature needs to drop these heavy-handed termination rules that place the job security of doctors above the needs of their patients.

Message of today's march is self-help, not racism

OUR VIEW Nation of Islam leader Louis Farrakhan may have initiated the idea, but the march has grown beyond him.

Leonard Muhammad, Nation of Islam chief of staff and son-in-law of Louis Farrakhan, says the thousands of African-American men gathering in Washington, D.C., today are rallying to support Farrakhan.

That may surprise participants like Baltimore Mayor Kurt Schmoke, who can't accept "hate-filled, anti-white, anti-Semitic language" such as Farrakhan's. Schmoke says the event is bigger than Farrakhan.

That difference has polarized discussion of the Million Man March for months.

Civil rights organizations ranging from the NAACP to the Anti-Defamation League of B'nai B'rith say the march is fatally poisoned by Farrakhan's long history of racism. And Farrakhan and his supporters keep supplying ammunition. Even late last week, Farrakhan was quoted as calling Jewish, Arab and Asian owners of businesses in black

neighborhoods "bloodsuckers."

His particular brand of racism — firm and often repeated — is as familiar as it is appalling. But the anecdotal evidence suggests that, like Schmoke, most participants have separated the organizer from the march. "It's no longer his. It's ours," says Clarence White, a Texas postal worker in a typical view.

Jesse Jackson will be there, as will poet Maya Angelou, civil rights heroine Rosa Parks, who defied orders to sit in the back of the bus, and members of Congress. They're neither Farrakhan backers nor racists.

They're demonstrating because of the importance of the march's message, which is endorsed even by Farrakhan's critics. It is a call for self-help — at once a plea for black men to take charge of their own lives and families and a statement that, contrary to stereotypes, millions do.

They're drawing attention to some staggering problems among black men: Only one in three black children lives with both parents; the rate of homicide among black males is 72 per 100,000; and 30% of black men in their 20s are in prison or in jail, on probation or on parole.

This moment in history is about fathers desperate to reverse such statistics, who want their sons, and daughters, to enjoy lives that are safer and more fulfilling.

And that is important enough to justify the trip to Washington.

Farrakhan could still turn this into a day of racial hatred and divisiveness. But that need not be if he sticks to the stated theme of the Million Man March.

This day is not Farrakhan's, as much as he might want to claim it. It belongs to the African-American men standing alongside their sons with pride and dignity.

Wages up, but they still lag

Black men's earnings have increased in the past decade, but in 1993 they still earned 72 cents for every \$1 earned by white men. Cities with highest median incomes for black families:

Washington	\$39,896
Newark	32,401
Los Angeles	30,141
Baltimore	28,924
Atlanta	27,498
New York	27,053
Philadelphia	26,980
Chicago	24,756
Dallas	23,881
Detroit	23,764

Source: Census Bureau

A blow to race relations

OPPOSING VIEW Society cannot support those who spout racism, regardless of their color.

By Gary A. Franks

I will not be attending nor will I support the Million Man March in our nation's capital today sponsored by the Nation of Islam and its leader, Louis Farrakhan.

All people in this great country of ours can protest, pray and express themselves. If, however, the Ku Klux Klan were going to march to manifest the concerns of white males, it would represent a sad day for the nation. African-Americans would be very concerned, if not outraged.

The Ku Klux Klan would hate blacks, Jews and Catholics; the Nation of Islam would hate whites, Jews and Catholics.

Both organizations should be despised for these warped beliefs. They both hide behind a veiled shield of doing what's good for their races while increasing the racial divide via their hatred for others.

To give Minister Farrakhan and his organization more prominence will be one of the worst things to happen to race relations.

It does not surprise me that the Congressional Black Caucus is supporting this march. For many of those members of Congress, race baiting has been a practice.

I commend the leadership of the NAACP, the National Urban League and the Black Baptist Ministers for simply saying that they will not attend or support the Nation of Islam's movement or its march.

This difference of opinion is not unique for African-Americans. Differences of opinion can be healthy. But anyone who would profess or mask racism and hatred should not have a legitimate place in the dialogue on how we as a nation cure our ills. It would be hard to be part of the solution if you are causing part of the problem through your racist and hateful ways.

African-Americans had choices in black leadership in the 1950s and '60s: H. Rap Brown and Stokely Carmichael, Nation of Islam and Malcolm X, the Black Panthers of Bobby Seale and Huey Newton. And others such as Roy Wilkins, Whitney Young, Congressman Adam Clayton Powell, A. Phillip Randolph and last, but not least, Dr. Martin Luther King Jr.

Back then, a vast majority of blacks said no to the Nation of Islam and its separatist ways. African-Americans said yes to messengers of integration and assimilation.

No, the dream of Dr. King has not been realized yet. We are not living in a color-blind society. But it does not mean we should not continue to strive for this goal.

Rep. Gary A. Franks, R-Conn., is one of two black GOP House members.

Shhh! Don't dare speak 'g-word'

Businessman tries to start conversation on guns and gets shot down

It's 4 a.m. on a Saturday and I can't sleep.

I'm the CEO and largest stockholder of Stonyfield Farm Yogurt, a healthy, vibrant company. My story is the American dream — the result of innovation, hard work and problem solving. I should be happily asleep like my three children, but I fear I'm failing them. I fear that America has lost the ability to talk about our problems.

We're so polarized about every issue that the moment we speak we are categorized, heard by by some, ignored by many and vilified by others.

Take handgun violence.

Although I've lost five friends to firearms, fighting gun violence not one of the causes my company actively supports.

Instead, we work to educate consumers about family farmers, healthy food and a healthy planet. I recently realized, however, that I can't continue to leave the issue of handgun violence to others.

I'm not a "rabid gun control lefty," but I can't ignore the fact that every day 15 American children die from handgun violence. That is a typical grammar school class every two days.

I can no longer read about the latest tragedy at breakfast and then get on with my day. I need to join in the discussion. I may not have solutions, but, as I've learned in my business, solutions get found when you're looking for them.

I started by getting input from my employees, many of whom are members of the National Rifle Association. They recommended educating the public about safety, the need for stiffer penalties and law enforcement.

We discussed supporting specific actions, such as the monthly limit on gun purchases passed in Virginia last year and the "smart gun" that fires only when it recognizes the owner's fingerprints, preventing little kids from accidents. We had a great exchange.

Inspired, I decided to print 1 million yogurt lids as educational "billboards" urging discussion on this issue.

Consumers who call the number printed on the lids find out that Stop Handgun Violence is an organization of business people who favor public education, discussion and the search for reasonable solutions without taking guns away from responsible citizens.

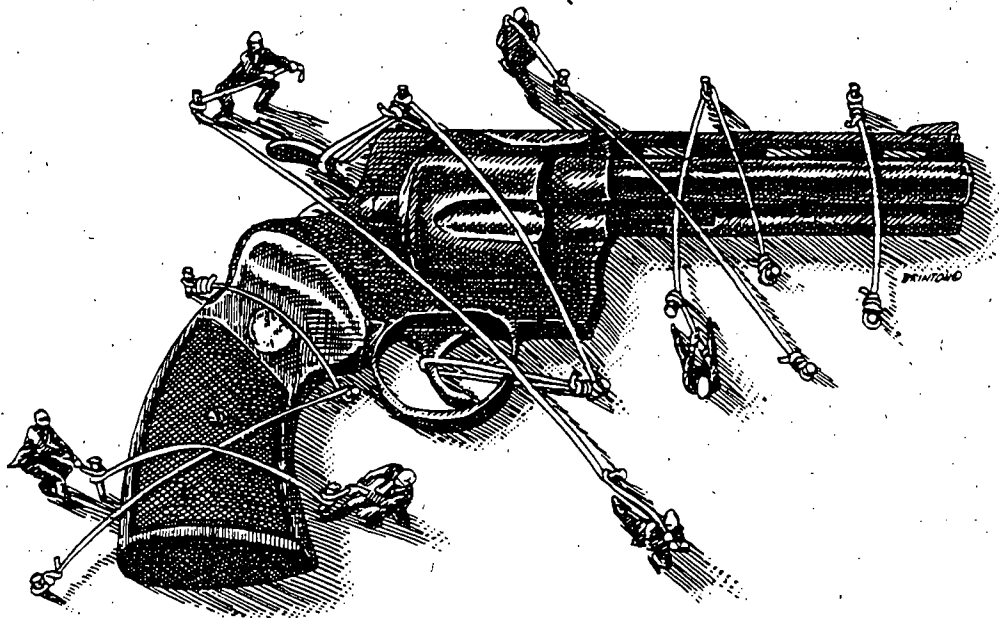
The organization's board members include Sarah Brady, wife of former Reagan presidential aide James Brady.

Our educational campaign generated many statements of support, but we've also gotten some alarming responses that belie an epidemic far scarier than handgun violence.

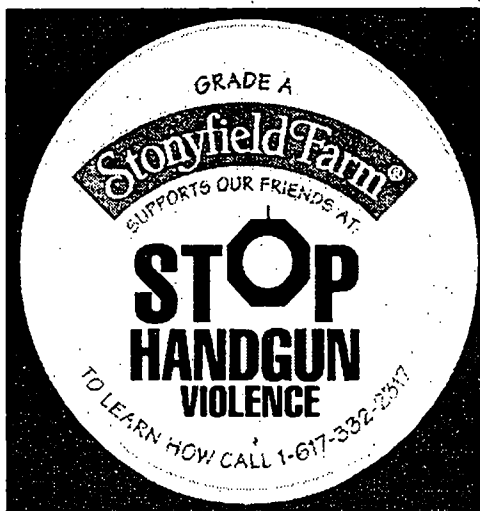
I call it America's "Fear of Trying" — of trying



COMMENTARY
By Gary Hirshberg



By Tim Brinton



YOGURT LIDS: These lids are used to notify consumers how to get more information.

to listen, learn and work toward a solution.

Some customers were outraged at our message and complained to their supermarkets. Pressured by their customers, many of these stores threatened to ban our product from their shelves. Others made us rush them new lids.

One store buyer said he didn't want his store used as a platform for political points of view, even though his shelves are stocked with products advocating AIDS walks, Save the Children and other causes — including the health and environmental issues that have been on Stonyfield Farm Yogurt products for the last 13 years.

Our intent was to heighten awareness, not to place supermarkets in a tough spot with their customers.

However, some people don't want the discussion, and they are committed to preventing the rest of us from having it.

So I'm troubled.

The message I'm getting is to be quiet, yogurt, take care of my family and leave the politics to others. It's OK to talk about family farmers, but bring up the "g-word" and you'll be shot down.

I've been given the opportunity to make my dreams come true because generations of Americans before me pooled their hopes and dreams about a safe, prosperous and healthy America. Our inability to talk is a betrayal of their efforts.

I believe that I have a responsibility to the power of my business not to sneak around and pad politician's wallets, but to reach out to other citizens, folks like me who read the papers and can't sleep at night.

In fact, this week business leaders of Stop Handgun Violence are scheduled to gather in Boston to unveil a 252-foot billboard near Fenway Park with pictures signifying the 15 children killed each day by handguns nationally.

Let's push for more discussion, not less — everywhere. Let's seek common ground wherever we can find it.

We cannot fear trying. Talking is what America great.

How bad can a discussion be if it saves 15 kids from dying today?

Gary Hirshberg is president and CEO of Stonyfield Farm Yogurt Inc. in Londonderry, N.H., and co-chair of the Social Venture Network.

[Handwritten signatures and initials at the bottom of the page]

EXECUTIVE OFFICE OF THE PRESIDENT

29-Feb-1996 09:48am

TO: Russell W. Horwitz

FROM: Jonathan Orszag
National Economic Council

SUBJECT: FEDS SAY BRADY LAW STOPPED 60,000 HANDGUN SALES; NRA ...

Date: 02/29/96 Time: 08:49

BFeds Say Brady Law Stopped 60,000 Handgun Sales; NRA Disputes

WASHINGTON (AP) The Brady Law requiring a five-day waiting period to purchase handguns has prevented firearm sales to more than 60,000 criminals in two years, the Clinton administration says.

Advocates for gun owners disputed the claim.

With attacks on gun control a frequent topic on the Republican presidential hustings, Attorney General Janet Reno and Treasury Secretary Robert Rubin warned against repealing the law.

"Each month the Brady Act is preventing nearly 2,500 criminals from buying guns while permitting law-abiding citizens to do so," Rubin said Wednesday.

The law named for James Brady, President Reagan's press secretary who was seriously wounded in an assassination attempt on the president, gives law enforcement five business days to check whether a purchaser is prohibited from buying handguns.

It was signed by President Clinton in 1993 over the objections of the National Rifle Association and others who oppose gun control.

The Justice and Treasury departments said firearms were used in 6 percent fewer assaults in 1994 than in 1993 and partially attributed the decrease to the Brady Law.

"The Brady checks have helped law enforcement arrest murderers, drug dealers, fugitives, wife-beaters and other criminals," Reno said.

Tom Wyld, chief spokesman for the National Rifle Association, called the administration's claims "intentionally deceptive" and said building more prisons and tougher sentencing laws lowered violent crime rates.

"The kinds of reforms the NRA has been backing since 1993 ... are starting to work," Wyld said. "That's what's making a difference in violent crime."

Wyld disputed Treasury's numbers, noting that it's a crime for a felon to even try to obtain a gun but a January report from the General Accounting Office said only seven people had been convicted of Brady Law violations.

The GAO, which is the investigative arm of Congress, sampled 15 jurisdictions to evaluate reports of the Brady Law's effectiveness by the Treasury Department's Bureau of Alcohol, Tobacco and Firearms. GAO found nearly 49 percent of denials of prospective purchasers were because of criminal histories.

But it warned that its findings were not statistically valid for a national sample, and said only four of the jurisdictions had sufficiently detailed records to document why purchases were denied.

In those four jurisdictions, GAO found that 0.2 percent of the 371 applicants had been denied because they had been convicted or indicted for murder, rape, aggravated assault or robbery.

GOP presidential candidate Pat Buchanan has called the Brady Law unconstitutional, and a Buchanan rival, former Tennessee Gov. Lamar Alexander, says it is an unnecessary federal mandate.

Sen. Bob Dole, R-Kan. also running for the White House says he favors "instant" background checks for gun buyers, which the NRA promotes.

APNP-02-29-96 0852EST

THE WASHINGTON POST

FRIDAY, MARCH 22, 1996

The Washington Post

AN INDEPENDENT NEWSPAPER

Defense Spending, Defense Goals

THE NATIONAL defense might be adequately served by the quarter of a trillion dollars President Clinton proposes to spend on it next year. But that sum, sizable as it sounds, is not sufficient to fund the armed forces and the global strategy the president says the country needs. As a result, as with so much else in the national budget, essential spending is pushed into the future and hard decisions are fudged or postponed. Both Congress and the administration bear responsibility for this mismatch of goals and means, and both need to acknowledge and address it.

Those who expected a larger peace dividend with the end of the Cold War, and those who think we have already cashed too generous a dividend check, both can find statistics to bolster their cases. Defense spending has declined steadily and is now about 35 percent lower, adjusted for inflation, than it was in 1985, during the Reagan buildup. And yet—the United States is now spending more on defense than all of its NATO allies, Japan, Israel and South Korea combined. The U.S. defense budget is more than triple Russia's. And it is higher, in real terms, than it was in 1980.

What matters more than these numbers is whether the country is buying the capability it needs. U.S. policy calls for a force big enough to fight two major regional wars, such as the gulf war and the Korean War, "nearly simultaneously." But to maintain such a large force in a high state of readiness, the Pentagon has had to skimp, in its budget plans, on new weapon systems. The result, eventually, would be a military that spends more and more money maintaining older and older weapons while gradually losing its technological edge.

Three possible ways lead out of this quandary. One is to keep the current strategy while spending a lot more money, which is neither likely nor desirable. Another is to find more efficient ways to fund the strategy by reducing duplication among services, closing more bases and cutting back the National Guard. These and other reforms should be pursued by all means, but they are unlikely to yield enough savings to close the gap between goals and means.

The third possibility is to consider a new strategy, as high-level groups inside and outside the government are now doing. Many of these reviews have something of an unreal quality to them. They tend to call for armed forces that are smaller, smarter, faster, higher-tech and, in think-tank land, always cheaper as well. And just as the experts finish telling us that future wars will be won with satellites, robots and laser beams, we find ourselves happy to have old-fashioned aircraft carriers showing the flag off Taiwan and actual human GI's slogging through traditional mud in Bosnia.

Still, as Sen. John McCain said in one such review this week, a reevaluation is necessary. Sen. McCain, a conservative Republican from Arizona, called on Congress and the administration to reconsider the two-war strategy, to consider funding modernization by reducing the readiness of some rear-guard units and to re-examine our force structure, including the number of troops still overseas.

Abandoning the current strategy would not be risk-free. But sticking to a strategy that the country chooses not to fund may, in the long run, be riskier.

Containing Iraq and Iran

CREDIT SWEDISH diplomat Rolf Ekeus, who runs the United Nations' arms search in Iraq, with world-class diligence in pursuit of Saddam Hussein's lethal ways. Ambassador Ekeus has presided over a largely effective multi-year disarmament effort, one resisted every step of the way by the Iraqi dictator. "Largely" effective? The United Nations' latest accounts, flowing from the defection of President Hussein's son-in-law, indicate Iraq may have hidden up to 16 medium-range ballistic missiles capable of strewn biological or chemical agents across the region. So much for any suggestion that Iraq can safely be liberated from the stern sanctions the United Nations voted when President Hussein swallowed Kuwait six years ago.

Mr. Ekeus offers a dollar assessment of the value Iraq puts on covert military preparations: the likely \$75 billion in oil revenues it has forgone. There is a human cost, too. Under the sanctions, countless Iraqi children and civilians suffer. Relief lies in an option that the United Nations has always offered Saddam Hussein and that he has always rejected—to sell \$2 billion in oil for humanitarian supplies that would be distributed under U.N. supervision. President Hussein chooses not to avail his people of this loophole.

For the United States, the international isolation of Iraq is one part of a gulf containment policy whose other part is directed at containing Iran. But there is a difference. To Washington, Iran's is a revolutionary, repressive, hostile regime that supports terrorism and aspires to a nuclear bomb. But to many American friends and allies, Iran is a trading partner, a geopolitical counterweight to Iraq and a country perhaps capable of being moderated by engagement with the West—as, by engagement, Washington hopes to moderate terrorist-supporting Syria.

Yesterday a House committee extended the American containment of Iran, voting unanimously to punish foreign companies dealing with Tehran. The result challenges not just Iran but also American allies. They take the view that they did not vote for Congress, and Congress is not empowered to legislate for their companies. Moscow meanwhile broadens its own relations with Iran.

Containment has its continuing logic in Iraq. The net benefits of trying to contain Iran unilaterally may be wearing thin, but a vicious regime that may have a quiver full of Scuds capable of spreading anthrax has not earned its way back into the company of nations.

Who Wants Assault Weapons Back?

SOME HOUSE Republicans who owe one to the NRA have arranged for a vote today to repeal the 1994 ban on certain assault-style weapons. It's about time for a good roll-call vote on this—one that will show law-enforcement authorities who their enemies are. Police are, after all, among the strongest supporters of the ban; they have some pretty awful front-line reasons to back it. In addition, there are citizens across the land who have managed to get along fairly well without these weapons that have no great use other than to kill people. But the backers of the repeal want us all to believe that we are defenseless without assault weapons in our homes or, better still, on our persons.

The NRA leadership that is egging on Republican sponsors of the repeal likes to argue that these weapons are not used with much frequency against authorities—which, even if this were true, is no good reason to return them to general

circulation. But these weapons are disproportionately involved in fatal shootings. D.C. Police Chief Larry Soulsby, among others, is a strong supporter of the ban. He happens to believe that assault weapons are not only life-threatening but also more efficient killers than the other firearms on the streets.

Police officers and other authorities make it clear time and again that they do not oppose the ownership and use of firearms for hunting, sport and home protection. But they continue to say that assault weapons have no place in this mix. Is that too difficult to accept? Can't Americans live without assault weapons on sale? Perhaps a few of them can live a little longer.

Today's vote will list the names of those election-bound members of the House who would bring back the weapons that no civilians need but that criminals prefer. Let the clerk call the roll.

Fitting Punishment in Annapolis

THE BILL INTRODUCED in the Maryland General Assembly would have been a gold mine for personal injury lawyers, not least Peter G. Angelos, the Baltimore Orioles owner whose fortune has been made representing asbestos victims. This bill, which originated in his law offices, would also have made it easier for clients of Mr. Angelos to win huge punitive damage awards—money that juries can assess against companies in cases of the kind that the Angelos firm handles. In itself, nothing was wrong with seeking such a bill, even though the proposal would have undone the fair and reasonable punitive-damage standards that were established in Maryland four years ago.

But the measure's chief sponsor was Sen. John A. Pica of Baltimore, a lawyer who was employed by Mr. Angelos until three months ago and whose name appears on the law firm stationery that Mr. Angelos was using as recently as two weeks ago to urge asbestos victims to lobby for the bill. And the strongest advocate for the bill in the Senate Judicial Proceedings Committee was Sen. Norman R. Stone Jr., also of Baltimore, a lawyer who has worked for Mr. Angelos since

1993. He also is sponsor of a bill that would add more Circuit Court judges to hear backlogged asbestos lawsuits filed by the Angelos firm.

No conflict here, say the two senators, because they truly believe that Maryland's current law sets too high a barrier against punitive damages. Besides, they note, Mr. Angelos had vowed that his firm's share of any punitive damages would be donated to two Baltimore hospitals. Their view might carry more weight had the senators disclosed their connections loudly and clearly from the outset. Fortunately, the Senate Judicial Proceedings Committee came to the rescue with a 5 to 4 vote to kill the bill.

The personal injury lawyers' lobby will be back, no doubt, but for now they will have to live with the current reasonable law. It allows punitive damages if "clear and convincing" evidence shows that the defendant has acted intentionally and maliciously. But given the way this year's bill was being pushed, quite another law should be considered. This one would make it easier to punish any lawmakers who don't disclose their connections in adequate detail before they push bills that could fill their own pockets.

Weather

Today: Partly sunny, windy. High 46. Low 32. Wind west 12-22 mph.
Saturday: Partly sunny, windy. High 48. Low 30. Wind west 12-22 mph.
Yesterday: Temp. range: 37-49.
Wind chill: 21. Details on Page D2.

The Washington Post

FINAL

Inside: Weekend
Today's Contents on Page A2

119TH YEAR No. 108

FRIDAY, MARCH 22, 1996

Printed May Vary in Areas Outside
Metropolitan Washington Area (See A4)

25c

GM, UAW Reach an Agreement

Union to Vote Today
On Ending Strike
That Idled 176,000

By Warren Brown
and Frank Swoboda
Washington Post Staff Writers

General Motors Corp. and the United Auto Workers reached an agreement yesterday to end the 17-day strike against two Ohio brake plants that idled hundreds of thousands of workers and shut down GM's North American auto operations.

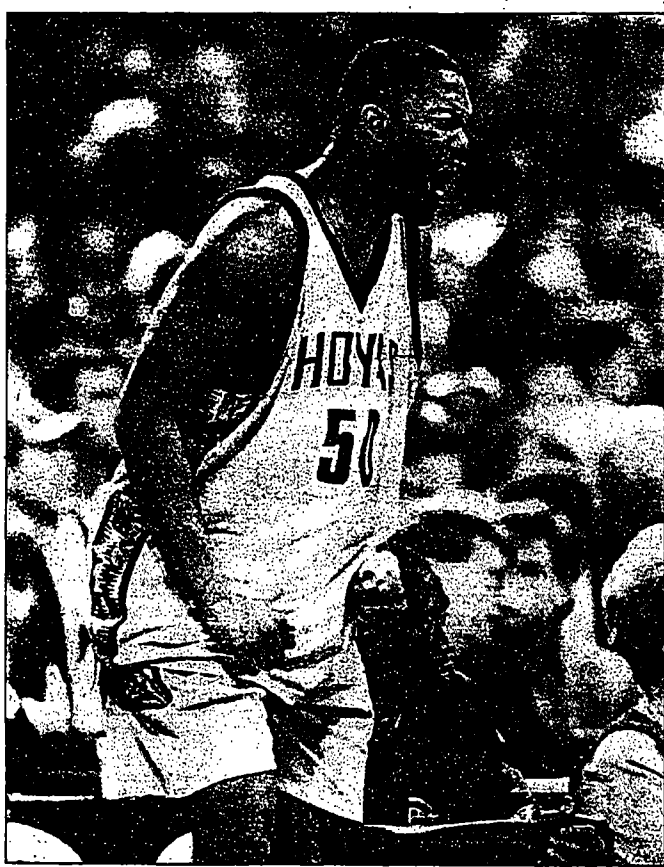
Neither side would disclose details of the settlement until workers ratify it, but essentially it reiterates the terms of the existing contract, according to company and union sources.

The 3,000 workers at the two GM brake plants in Dayton are scheduled to vote on the agreement today, and brake production could resume immediately. Production at Baltimore's Broening Highway mini-plant is expected to resume if the agreement is approved.

The strike began March 5 with a local union dispute over GM's plans to "outsource" 128 future jobs to a nonunion supplier without notifying the union. The strike's effects were felt by the company's North American assembly plants and their suppliers. GM laid off 175,800 workers in the United States, Mexico and Canada, and thousands of others.

See GM, A18, Col. 1

Workers for Safeway and Giant approve labor contract. Page F1



SOMETHING TO SHOUT ABOUT

Georgetown center Othella Harrington cheers his teammates to victory in the NCAA tournament last night, before fouling out. On Saturday Hoyes play No. 1 Massachusetts, which beat Arkansas. Story on Page C1.

Hill Conferees Clear Major Farm Changes

Bill Would Curtail Subsidies, Crop Rules

By Guy Gugliotta
Washington Post Staff Writer

Senate and House conferees agreed yesterday on a \$47 billion farm bill that sweeps away a half-century of subsidy programs, ending most restrictions on what crops farmers may plant and how much of their land they can use.

The seven-year bill, headed for likely passage in both chambers of Congress next week, marked a major achievement for Republican lawmakers intent on reorienting U.S. agriculture away from Depression-era programs toward a more free market approach.

"For the first time farmers are going to have consistency," said House Agriculture Committee Chairman Pat Roberts (R-Kan.), author of the new program. "It is restoring individual decision-making to the farmer."

At the same time, however, Democrats led by Sen. Patrick J. Leahy (Vt.) won significant concessions from their GOP counterparts, strengthening conservation and environmental programs, reauthorizing food stamps and establishing a \$300

million fund for rural America to promote economic development.

The conferees appeared to answer many objections raised by the Clinton administration, and Agriculture Secretary Dan Glickman said in a statement that despite "a lot of problems," he would "with reluctance... recommend to President Clinton that he sign this bill." If Clinton signs it, the bill would go into effect virtually at the moment spring planting begins.

Farmers had been without guidance since the end of last year when the most recent farm program expired. Under the new legislation, grain farmers will not have to pay attention to restrictions on what crops they can grow and will likely be able to take better advantage of high corn and wheat prices and record demand for exports.

The hope, enunciated by GOP lawmakers for more than a year, is that the new plan will forever end the domestic practice of controlling supplies of critical commodities and give American farmers the opportunity to sell as much as they can produce in burgeoning world markets.

See FARM, A6, Col. 1

House passes immigration bill, minus some key provisions. Page A10

Assault-Gun Ban's Ricochet

Issue Entangles Dole, GOP in Election Politics

By John F. Harris and Helen Dewar
Washington Post Staff Writers

President Clinton accused congressional Republicans yesterday of taking "the side of the Washington gun lobby" in trying to overturn the ban on assault weapons—a rhetorical blast that showed how he hopes one of his more controversial achievements of 1994 can be a re-election asset in 1996.

Clinton did not mention Senate Majority Leader Robert J. Dole (R-Kan.) by name, but Dole's vague and defensive comments later about whether and when he would schedule a vote on the bill—he pledged last year to do so—made it plain that he was the real target. The day's maneuvering revealed how nearly every major item of legislative business is becoming a proxy for the impending Clinton-Dole general election battle.

Now that he has the nomination assured, Dole must face the political

70 percent or more of the public favors keeping the ban. With the House set to pass the repeal today, will Dole keep his pledge and schedule a Senate vote? "I haven't considered it," he told reporters at a news conference. "It's not a priority."

If the assault weapons bill highlights the perils of running for president as a legislative leader, Dole has been busy trying to prove that his platform on Capitol Hill can also be put to advantage. Over the past two days, Dole has embraced subjects as diverse as missile defense systems and Everglades alligators in an effort to use pending legislative items to highlight his differences with Clinton.

Yesterday, Dole joined with House Speaker Newt Gingrich (R-

See BAN, A4, Col. 1

Stadium Backers Clinch Victory in Md. Legislature

By Charles Babington
and Manuel Perez-Rivas
Washington Post Staff Writers

ANNAPOLIS, March 21—Making last-minute promises to pour millions of dollars into schools and other projects, Maryland Gov. Parris N. Glendening won legislative support today to build two professional stadiums in the state, arguably the biggest victory of his 14-month-old administration.

The finale of the long-running debate was particularly wrenching

for Montgomery County delegates, five of whom voted for the stadiums in a tacit agreement with Glendening to receive \$36 million to build schools this year. Legislative leaders made no effort to hide the vote-dealing, one noting, "It comes out to \$7 million for each vote."

The House of Delegates voted 81 to 57 to reject a measure that would have eliminated public financing for the \$200 million stadium the state will build in Baltimore for the former Cleveland Browns. Delegates then voted 80 to 59 to

defeat a proposal to block \$22 million in state spending for parking lots at the \$170 million Washington Redskins stadium that team owner Jack Kent Cooke plans to build in Landover.

The votes, which followed more than two hours of debate, clear the way for construction to begin on both projects. The Maryland Senate narrowly approved the stadium funding plans last week.

Glendening (D) hailed the return of the National Football League—absent from Maryland since the

Baltimore Colts moved to Indianapolis in 1984—and said, "Responsible members of the House ignored the political rhetoric which has characterized much of the debate on this issue and voted their conscience based on what is good for the State of Maryland." The stadiums, he said, will generate jobs, tax revenue and public enthusiasm.

Grading was underway this morning at the Redskins stadium site near the Capital Beltway, and a judge today rejected opponents' request to delay the project.

See STADIUM, A21, Col. 1

INSIDE

'Mad Cow' Fears

Britain's beef industry was with a major crisis as a new report yesterday suggested a possible link between "mad cow disease" and a fatal human ailment.

Page A27

g in Bosnia

Just months after arriving in Bosnia, U.S. military are preparing for an outpost possibly, withdrawal.

Page A27

Sanctions Bill

A key House committee voted to impose sanctions on foreign companies that do business with the oil industries of Iran or Libya.

Page A31

U.S. Skaters Win

Todd Eldredge won the gold medal, Rudy Galindo the silver medal, the best showing by U.S. men since 1981.

SPORTS, Page C1

D.C. Layoff Rules

In a switch, D.C. Mayor Marion Barry vetoed a measure that would make it easier and cheaper to lay off unionized city workers.

METRO, Page D1

Shocked Into Self-Defense

Crime on Capitol Hill Spurs a Call to Arms

By Robert E. Pierre
Washington Post Staff Writer

Suzanna Moore, a 25-year resident of Capitol Hill, has never been robbed. Her home hasn't been burglarized. Her car hasn't been stolen. But crime is rising in her Northeast Washington neighborhood, and she says D.C. police can't protect her.

So she plans to buy a shotgun. "If someone breaks into this house, I will shoot them," said Moore, who was among 100 Capitol Hill residents who attended a community meeting Tuesday night to discuss legal weapons residents can use for self-defense.

During the two-hour meeting, D.C. police officers and sales representatives for personal-safety products made presentations about tear

gas, pepper sprays, personal alarm devices and small batons. But much of the discussion focused on shotguns and rifles, which are legal in the District if the barrels are at least 16 inches long for rifles, 21 inches for shotguns. Owning a handgun is illegal in the District, unless it was acquired before 1976, when the ban took effect.

"There's no safe place anymore," said Sally Byington, a meeting organizer, who does not advocate gun ownership. She does, however, understand why friends and neighbors have decided to buy weapons. District police, Byington said, are stressed, overworked and short-handed.

Police officials acknowledged that thefts and robberies have increased

See GUNS, A21, Col. 1



Suzanna Moore plans to buy a shotgun: "If someone breaks into this house, I will shoot them."

Taiwan's Real Drama: Democratic Evolution

By Keith B. Richburg
Washington Post Foreign Service

TAIPEI, Taiwan, March 21—A few days ago, a remarkable spectacle took place in a hotel ballroom here as Taiwan's presidential election campaign wound down toward this weekend's vote. One candidate, Lin Yang-kang, was holding forth for a roomful of reporters, and in rapid succession he accused the popular incumbent, President Lee Teng-hui, of being corrupt, a dictator and even a former communist.

The accusations themselves were not

new, since this hard-fought campaign has been marked by wildly unfounded allegations and high-flying rhetorical excess.

What was astonishing was that Lin's news conference could take place at all, in a country that less than a decade ago was under martial law, where such insults to the chief of state surely would have brought a lengthy prison term, or worse.

Perhaps even harder to imagine would be such an event soon in China, just across the narrow Taiwan Strait, where the Communist Party retains strict control and where far milder criticism of the regime—even advocating a multi-party

election campaign like the one now under way here—would probably bring swift and sure punishment.

But such is the measure of Taiwan's nine-year-old "Quiet Revolution"—a transition that turned a single-party dictatorship, after four decades, into one of Asia's liveliest democracies—that accusations such as Lin's can now pass largely unnoticed in the noisy cacophony of campaign stump speeches, sound trucks and television commercials.

A colorful, boisterous, kinetic kind of democracy has emerged with more than

See TAIWAN, A28, Col. 1

Budget Fight Masks Big Drop in Deficit

4-Year Decline in U.S. Red Ink Cuts Borrowing, Enhances Growth

By John M. Berry
Washington Post Staff Writer

While President Clinton and congressional Republicans keep blaming one another for the failure to strike a deal to balance the budget several years from now, the actual budget deficits have been coming down.

Yesterday, for instance, the Treasury Department reported spending and revenue figures for February showing that the deficit for the first five months of fiscal 1996 was \$15.2 billion lower than for the same period last year. All the political rhetoric has obscured the fact that year-to-year spending increases have dropped significantly while solid economic growth and higher taxes passed in 1993 have boosted revenue.

Earlier this week, the Clinton administration estimated that the deficit for all of the fiscal year ending Sept. 30 will be \$145.6 billion, down from \$163.5 billion last year and half the \$292 billion peak four years ago.

A number of private analysts have similar deficit projections for this year with a few forecasting an even smaller amount of red ink. And while the Congressional Budget Office has not had time to analyze fully the president's latest budget proposal, deputy director James Blum said the administration's estimate for this year is "in the ballpark."

The shrinking deficits mean that the federal government is borrowing steadily less money from the public to finance its operations. That is particularly clear when the deficits are compared with the size of the U.S. economy.

In 1992, the deficit was equal to 4.9 percent of the gross domestic product, but will be down to 2 percent this year, according to current estimates. The roughly \$150 billion difference is money available this year for investment in the private economy that will boost economic growth in the future.

The reality is that despite the lack of a deal between Clinton and the Republicans to balance the budget in

See DEFICIT, A18, Col. 1



The Wrong Issue in Bosnia

American troops are only three months into their peacekeeping mission in Bosnia and Europeans are already urging them to stay beyond the December withdrawal date set by President Clinton. Much civilian reconstruction work will remain to be done after December if there is to be a lasting peace in Bosnia, but that was known from the start. It is far from clear at this point that an extended American military presence is warranted. Opening that issue now serves no useful purpose and could even invite further delay in already lagging civilian efforts to reinforce the peace.

Rather than talk about prolonging the American troop commitment, it would be more constructive to make the best use of the troops' presence in the next nine months.

Withdrawals by the various military forces involved in the Balkan war have gone more smoothly than anticipated. Some NATO troops can temporarily be assigned missions originally designated for international civilian police monitors, like escorting war crimes investigators and preventing looting and arson in areas being evacuated by Bosnian Serb forces.

The formation of an international civilian po-

lice force has been set back by funding and bureaucratic delays. The United States has contributed by sending only 33 of the 200 police officers it promised. Carl Bildt, the former Swedish Prime Minister entrusted with coordinating civilian efforts in Bosnia, has been slow to assume his responsibilities and would like to see NATO troops bear most of the burden of subduing local lawlessness.

That was not the plan. NATO's military mission was defined narrowly to guard against the kind of mission expansion that wrecked international peacekeeping efforts in Somalia and to assure that American troops could extricate themselves after a reasonable time. Under the Dayton accord, once NATO forces had separated the warring armies and stilled the siege guns for a year, civilian peacekeepers, and the Bosnian factions themselves, would be responsible for building a lasting peace.

It may well be true, as a new Pentagon intelligence report suggests, that Bosnia could spin apart again when NATO forces depart if there is not expanded aid for economic and political reconstruction. Dwelling now on whether the NATO withdrawal deadline should be extended will not help get that urgent reconstruction work done.

Keep the Assault-Weapons Ban

For more than a year, Republican leaders in Congress have looked for the right moment to try to repeal the ban on assault-style weapons enacted in 1994. The law commands overwhelming public support, so there has not been an especially convenient time. Now the Republicans have abruptly scheduled a vote in the House today, without any hearings or votes by the Judiciary Committee or its relevant subcommittees, in the hope that supporters of the ban do not have time to rally their forces. The leadership's action is an outrageous attempt to placate the gun lobby and must be defeated.

The floor vote was bound to happen sooner or later. Speaker Newt Gingrich promised the National Rifle Association in 1994 that he would overturn the assault-weapons ban after it was passed by only one vote in the House. Opponents see the ban as contrary to the right to bear arms, but that is a specious argument. The law bars the manufacture, import and sale of 19 specific assault-weapons models that are used almost exclusively by criminals, gangs and drug dealers. The ban is supported by the National Association of Police Organizations and other police groups. According to the Bureau of Alcohol, Tobacco and Firearms, it has already cut

the number of assault weapons involved in crimes.

If it passes in the House, the repeal is likely to be defeated in the Senate and certain to be vetoed by President Clinton if it ever gets to the White House. For Bob Dole, the Senate majority leader and likely Republican Presidential nominee, the measure poses an awkward but crucial test of leadership. Mr. Dole has also promised to seek the repeal, and he repeated the pledge while courting conservatives in his Presidential campaign. But he also seems to realize that repealing it would undercut his attempts to portray himself as a centrist.

Supporters of the repeal may well win in the House, but even if they do, opponents should try to make it by as small a margin as possible so that it is clear that a veto by President Clinton cannot be overridden. The freshmen Republicans, in particular, ought to give serious thought to supporting local law enforcement officials instead of the National Rifle Association.

In the year of a Presidential campaign, the Republican Party should not become so beholden to the gun lobby and its campaign contributions that it arrogantly ignores what has been learned about law enforcement and the spread of guns.

Every Word a Prayer

By Pearl Abraham

I am third in a family of nine, which means that every year, sometime before sundown on the eve of Rosh ha-Shanah and again before Yom Kippur, I have at least three phone calls to make and six to receive. In the tradition of honoring elders, the younger siblings call the older ones, but it happens that an older sibling gets to the phone first and then there is some joking about who should call whom. It remains important, however, that the children call the parents and not the other way around. In any case, on these two days every member of our family will speak with every other member, and not for a minute or two either. These calls take time.

I wish for you whatever it is you wish for yourself, my older brother says, not knowing precisely what it is I want to accomplish as a secular writer in this world.

There is the call to my parents in which I receive more blessings than I give. My father appeals for blessings to the wives of the patriarchs — Sarah, Rebecca, Rachel and Leah — and winds down with his own wishes for me. My mother also finishes with personal hopes. As people with great faith in God, family and community, they are better than I at shaping

Pearl Abraham is the author of "The Romance Reader," a novel about growing up in a Hasidic home.

these wants into the vocabulary of prayer. I use the formal pre-written statements, which are answered with "Amen" and "God willing."

This year, my sisters make use of

Blessings and other rituals of the new year.

a calling feature that enables three of us to talk together. One sister is putting a second round of honey cookies in the oven. I ask for the recipe; suddenly I, too, want to bake.

I stand at the window. It is early September and already the light has changed; the sun is lower. It glows golden on the brick across the way, and on the street people hurry to the synagogue. I stand watching, wanting just this; it is enough to stand and see. There is a breeze; the leaves on the city trees rustle. The air suddenly feels like fall; the new year has come. My brothers are tying their caftans and hurrying to the synagogue. My sisters light candles. Their sons sway beside their fathers. Their daughters fill bowls with golden honey.

I turn back to my desk. What will I do on this night and in the next two days? What you do, it is said, determines what you'll do all year. Last year, I stayed at my desk most of the

day and then went running, and for the rest of the year I lived at my desk and on the run. This year, I want to do better. I want to spend more time with those who are important to me. I want to fill each day with life and work and play, in balance.

I sit and read holiday liturgy and finish a novel — it is good to finish things on this day. I reread an essay by D. H. Lawrence on "Why the Novel Matters" and one by Joseph Conrad that compares writing a novel to the act of creation. And I believe. I believe that reading this literature, standing at the window and noting the light, sitting at my desk and writing — that all of this is prayer. In pure prayer, there is no goal; one prays simply to worship God, to marvel at His creations. First in your prayer should come praise, the Talmud says. One Talmudist argues that a request is a form of praise. One does not, after all, beg from a pauper.

After prayers, when I am finished at my desk, there is the meal, the pomegranate, the apple dipped in honey, each representing a hope, a request. But first one praises the fruit, God's creation; then one tastes; finally comes the recitation: May this be a sweet year.

The pomegranate is cut open, exposing the seeds, small and round and red, which symbolize, some say, the 316 good deeds written in the Torah. I pick a seed, taste its juice, a tiny squirt, and know it's true: God is in the details. □

Abroad at Home

ANTHONY LEWIS

Why The Cruelty?

BOSTON

A government agency with a history of abuse is called to account by the courts. The government's answer is to immunize the agency from legal challenges to its policies and practices.

The scenario sounds like one from Singapore or some other authoritarian country. We know it can't happen here. But it can, and it will, if an immigration bill now nearing completion in Congress is passed and signed by President Clinton.

The immigration measure has dozens of harsh features. But its most stunning provision would forbid any court in the United States except the Supreme Court to enjoin the Immigration and Naturalization Service from continuing a practice that is against the law or the Constitution.

The exception for the Supreme Court is essentially meaningless. It does not have the time or the means to hold the detailed fact-finding hearings in which other courts in recent years have found racial discrimination and other kinds of lawlessness on the part of the I.N.S.

The idea of immunizing a government agency from being called to account in the courts goes against what most Americans have thought was the theme of our system: government under law. To do it for one of the most troubled of all Federal agencies, the I.N.S., is a step so extreme that it is hard to believe it is happening. But it is.

Congress turns vindictive on immigration.

Republicans in Congress have drafted a conference report on immigration bills passed by the House and Senate that includes the court-stripping provision. Their version of the legislation may reach the floor this week.

Public attention has focused on a House amendment that would bar children of illegal immigrants from public schools. But other sections of the final compromise already agreed to by Republican members would also have drastic consequences.

Gov. George Pataki and other New York officials have expressed deep concern at provisions of the recently enacted welfare reform law that would make immigrants ineligible for some Federal programs. The immigration bill, as drafted by the Republican conferees, would go farther.

One provision — among too many even to list — would make retroactive the welfare bill's restrictions on the use of various public programs by legal immigrants. The restrictions would now apply to people lawfully admitted during the last five years.

For example, a woman who came to the United States legally three years ago, who is pregnant and has been abandoned by her husband, leaving her desperate, could be barred from prenatal care and Medicaid.

An especially harsh section of the bill applies to people who come to this country seeking asylum from persecution. President Clinton's counterterrorism bill, approved last spring, included a section drastically limiting asylum procedures. The Senate, when it considered the immigration bill, voted to make that change less harsh. The Republican conference report sets up a new, stringent procedure.

A refugee who reaches our shores with false papers or none — as has often been the case since Jews fled Nazi Germany — would have to persuade an immigration officer that she has a "credible fear of persecution." If turned down, she could get review by an immigration judge. That would have to take place within 24 hours, if possible, but in any case within seven days. The review could be by telephone or a video connection. The refugee would have no right to a lawyer, even at her own expense — and in any event there would hardly be time to get one. The I.N.S. decision could not be reviewed by any court.

Not only in the drastic asylum provision but in petty matters the bill would turn the screw on immigrants. For example, aliens paroled into this country — many Cubans are in that category — would be forbidden after one year to have a driver's license.

Altogether, it is an extraordinarily vindictive piece of legislation. The question is why. Why should Congress choose this moment, a time of prosperity, to turn against our traditions and beat up on refugees and lawful immigrants?

Perhaps the Gingrich Republicans in the House, frustrated in their desire to wreck environmental protections, are working their feelings out against a target they think is politically weak. But the issue is not really immigration. It is our faithfulness to American values of law and fairness. □

THE NEW YORK TIMES
MONDAY, SEPTEMBER 23, 1996

Drugs, Guns and Just Don't Do It

After dwelling for weeks on the economy, Bob Dole has begun attacking President Clinton on drugs and crime. As a tactical matter, Republicans may be right to try to add to Mr. Dole's central proposal, a 15 percent tax cut that has failed to excite voters. Mr. Clinton, however, has moved shrewdly to pre-empt criticism on these two social issues no less than everywhere else. The Republican candidate's poor gun-control record makes it unlikely that he can reclaim the crime issue for his own. As for drugs, both Mr. Clinton and Mr. Dole are right to call for more leadership, and right to accuse each other of ignoring the problem until fairly recently.

A debate about two such emotional issues is certainly welcome. Crime has been generally on the decline, especially in many big cities, but there is much that can still be done to help local police departments combat crime and curb the use of guns. The rise in drug use among American teenagers over the last few years is also a cause for concern. Drugs are less prevalent than they were in the 1980's, and substantially less than in the 1970's, but a national survey showed recently that 10.9 percent of teen-agers used drugs at least monthly in 1995, up from 5.3 percent in 1992.

When Mr. Clinton took office, drug programs seemed like they would be a good place to cut spending, especially in the new era of budget stringency. That was before the upsurge in drug use among teen-agers. As a result, funding is now headed back up to record heights. What is missing is an elevated discussion about priorities. Two-thirds of the money spent by the Federal Government is still concentrated on interdiction, including stepped-up border policing and aid to drug crackdowns in other countries. Unfortunately, neither Mr. Dole nor Mr. Clinton is calling for a redirection of efforts to promote education, prevention programs and treatment in communities where drugs flourish.

For Mr. Dole to accuse President Clinton of responsibility for the increase in drug use is no surprise, but surely it is a stretch. True, some

experts say that after the favorable trends of the last two decades, many Americans have become complacent about the danger of drugs. In addition, a survey by the National Center on Addiction and Substance Abuse at Columbia University has found what its chairman, Joseph A. Califano Jr., calls "an air of resignation" among parents who came of age in an era of greater tolerance toward drugs.

These attacks, however, are not so much about drugs as about Mr. Dole's attempts to invigorate the character issue. They allow the Republican campaign to run commercials recycling Mr. Clinton's clumsy comments about not inhaling and joking that he would inhale if he had the chance to try marijuana again. Mr. Clinton's comments never inspired much confidence, but neither has Mr. Dole's clunky repetitions of "Just don't do it!"

Mr. Dole's legislative record on guns, meanwhile, undercuts his campaign effort to depict himself as tough on crime. The former Republican Senator has done little to take guns out of the hands of criminals. It was hardly a surprise that the Fraternal Order of Police, a 270,000-member union that had never before endorsed a Democrat, came out for Mr. Clinton last week, following earlier endorsements by the National Association of Police Organizations and the International Union of Police Associations.

Mr. Clinton's solid record on guns includes standing up to the gun lobby to help enact the assault weapons ban and the Brady bill, which requires a waiting period for handgun purchases. As the Senate's Republican leader, Mr. Dole was in a position to help but instead voted against the Brady bill and opposed the assault weapons ban. Lately, he has withdrawn his support for repealing the ban on assault weapons, but he has not matched Mr. Clinton's unequivocal pledge to veto repeal legislation.

Crime and drugs are highly charged subjects that involve asking voters which candidate they trust in their hearts to come down on the right side of the issue. Americans would do better to evaluate the records that both candidates have compiled.

WHITE HOUSE LEADERSHIP CONFERENCE ON YOUTH, DRUG USE, AND VIOLENCE

THE CLINTON ADMINISTRATION'S ANTI-DRUG AND ANTI-CRIME ACCOMPLISHMENTS: MEETING THE CHALLENGE TO MAKE COMMUNITIES AND SCHOOLS SAFE AND DRUG FREE

At last we have begun to find a way to reduce crime, forming community partnerships with local police forces to catch criminals and prevent crime. This strategy, called community policing, is clearly working. Violent crime is coming down all across America....We have got to keep more of our young people out of trouble, with prevention strategies not dictated by Washington, but developed in communities....To reduce crime and violence we have to reduce the drug problem. The challenge begins in our homes, with parents talking to their children openly and firmly. It embraces our churches and synagogues, our youth groups and our schools.

President Clinton, January 23, 1996 State of the Union Address

Over the past 3 years, the Clinton Administration has made tremendous progress in bringing crime and drug abuse under control. The violent crime and murder rates across the country are falling, thousands of criminals have been prevented from buying guns, and more police are on the streets. Cocaine use—the source of most of the country's drug-related crime—has dropped dramatically in recent years, and Americans' expenditures for illicit drugs have declined 23 percent in the last 5 years.

At the same time, however, we are witnessing both a troubling change in young people's attitudes toward drugs and an increase in violent juvenile offenses. President Clinton is committed to reversing these trends and continuing the United States' progress. This commitment makes the President stand up for America's children, families, and communities and lead the effort to accomplish the following:

- Break the vicious cycle of drugs and violence by getting hardcore drug users off the streets and giving local communities the resources they need to fight drugs;
- Stop drugs at their source, before they get to the Nation's borders;
- Put more police on the streets and keep guns out of young people's hands;
- Ban deadly assault weapons and take career criminals off the streets; and

- Prevent drug use by teaching children about the dangers drugs pose and deglamorizing drug use in the minds of every child.

RECORD OF ACCOMPLISHMENT

Providing a Comprehensive Drug Strategy for the Nation

To provide a comprehensive drug strategy for the Nation, the Clinton Administration has accomplished the following:

- Made the **National Drug Policy Director** a full Cabinet level position;
- **Refused full certification to Andean source countries**, which resulted in the arrest of six Cali Cartel top leaders;
- Dedicated a **United Nations address** to solving the international drug crisis, announced a freeze on assets of companies cooperating with the Cali drug cartel, and called for worldwide cooperation in stopping money laundering and narcotics flow;
- Provided to States and localities resources to make prevention and treatment available with expanded **drug courts, boot camps, and treatment in the criminal justice system**;
- Expanded **drug treatment** for hardcore drug users to help end the cycle of violence and drug abuse;
- Issued a Presidential Directive to develop a **Comprehensive Drug Testing Program** for the Federal criminal justice system and urged States and localities to adopt a similar program;
- Initiated a **National Drug Media Literacy Campaign** for parents, youth, and communities;
- Developed a **Comprehensive Marijuana Strategy** targeting youth;
- Issued the **first Heroin Strategy** to develop international cooperation against heroin; and
- Strengthened the Nation's borders by increasing the number of **Border Patrol Agents** and initiating **Operation Hard Line** through the U.S. Customs Service.

Making Our Nation's Streets and Communities Safer Through Effective Anti-Crime Measures

To make our Nation's streets and communities safer through effective anti-crime measures, the Clinton Administration has accomplished the following:

- Broke 6 years of Congressional gridlock by signing the **toughest and smartest Crime Bill** ever, with bipartisan support and endorsements from every major law enforcement organization in the United States. This historic legislation accomplished the following:
 - Created the Office of Community Oriented Police Services (COPS), which is putting **100,000 new community police officers** in cities, towns, and rural areas. In just over 1 year, funding for more than 31,000 new police officers was provided;
 - Banned **19 of the deadliest assault weapons** and their copies, but specifically protected more than 650 legitimate sporting weapons;
 - Provided the **death penalty for drug kingpins and murderers of law enforcement officers**;
 - Increased penalties for **sex offenders** and imposed a registration requirement for violent sexual offenders;
 - Included the **Violence Against Women Act**, the first national effort to reduce violence against women, which triples funding for **battered women's shelters** and already has provided **\$26 million in State grants** to bolster law enforcement, prosecution, and victims services;
 - Created a nationwide, **24-hour Domestic Violence Hotline** that provides immediate crisis intervention, counseling, and referrals;
 - Targeted career violent offenders with a **"Three Strikes and You're Out"** policy that keeps them behind bars for life after the third offense;
 - Provides \$7.9 billion in funding for **more prison cells** to help States ensure that violent offenders serve their full sentences; and
 - Created the **Community Schools Program**, which promotes constructive alternatives for young people after school, in the evening, on weekends, and during the summer to prevent involvement in and the victimization by crime;
- Fought for and signed the **Brady Bill**, which has prevented more than 60,000 convicted felons, fugitives, stalkers, and other prohibited purchasers from buying handguns;
- Granted awards totaling **\$88 million to assist States in automating and updating their criminal history record systems** to prevent the sale of firearms to convicted felons and other prohibited purchasers;
- Launched the **Anti-Violent Crime Initiative**, which has led to the arrest and conviction of many of the United States' most violent criminals;

- Provided grants to fight gang activity and youth violence through the U.S. Department of Health and Human Services' **Youth Gang Initiative Program**;
- Provided up to \$1 million to each of 10 urban police departments, through the **COPS Youth Handgun Initiative**, to expand or enhance community policing and enforcement efforts to comprehensively address the rise of youth firearms violence;
- Initiated a **"One Strike and You're Out"** program to directly support public housing so drug dealers and violent offenders are no longer able to terrorize residents in their homes;
- Initiated **Operation Safe Home**, in which Federal law enforcement agencies are working with public housing residents and managers to increase the arrest and conviction of violent and drug-related suspects so public housing developments can be safer places;
- Initiated the **SafeFutures Program**, which demonstrates the importance of public/private partnerships in providing a continuum of services and sanctions for juveniles;
- Implemented **Tribal Strategies Against Violence**, a Federal-tribal partnership initiative designed to empower Native American communities to develop strategies to reduce the incidence of family violence, child abuse, and juvenile delinquency; and
- Implemented a **multisite demonstration** of communitywide approaches to youth gang prevention, intervention, and suppression; funded gang prevention programs in **Boys & Girls Clubs** across America; and established a **National Gang Center**, a resource center for youth gang research and statistics.

Making Our Schools Safe, Disciplined, and Drug Free

To make our schools safe, disciplined, and drug free, the Clinton Administration has accomplished the following:

- Strengthened and expanded the **Safe and Drug-Free Schools and Communities Act**, which enables schools and school districts to develop and implement violence and drug programs; more than 97 percent of our school districts use these funds to keep violence and drugs and alcohol away from students and out of schools.
- Issued a Presidential Directive to enforce the **"Zero Tolerance"** measures outlined in the Gun-Free Schools Act.
- Supported **School Athlete Drug Testing** before the Supreme Court, sending the message to parents and students that drug use will not be tolerated in our schools.
- Pushed for passage of the **Safe Schools Act**, the first Federal legislation to assist schools in their efforts to create safe schools.

- Encouraged schools to adopt **School Uniform Policies**, which promote discipline and respect, and developed a manual to be distributed to 16,000 school districts to assist them in establishing these policies.
- Won passage of the **Improving America's Schools Act**, which gives schools more flexibility and opportunity to provide activities geared toward violence and drug prevention.

Providing Opportunity and Hope to Our Communities

To provide opportunity and hope to our communities, the Clinton Administration has accomplished the following:

- Enlisted all Federal agencies in supporting American values and fighting drugs by creating **9 Empowerment Zones and 95 Enterprise Communities** that will revitalize and strengthen distressed neighborhoods and fight drugs;
- Signed the **National Service Act**, creating the AmeriCorps program, which has already permitted nearly 50,000 young people to serve their community and finance their education;
- Launched the **Safe Neighborhood Action Plan** in 14 cities to work with local law enforcement property owners, residents, and local governments to develop a unified strategy to reduce crime and enhance safety and social services in urban neighborhoods;
- Awarded \$75 million in 1994 to create 75 **Family Investment Centers** that provide supportive services such as child care, employment training, and counseling at public housing developments;
- Launched a **Youth Step-Up** apprenticeship initiative to provide youth living in public housing developments with a ladder from hopelessness to self-sufficiency through work and training on construction jobs;
- Created the **Pulling America's Communities Together (PACT)** program, which supports coordination between the Federal and local levels to pull together violence prevention resources;
- Developed an automated system called **PAVNET (Partnership Against Violence Network)** to provide local communities and schools with information on effective violence prevention strategies and programs;
- Launched the **Campus of Learners** to transform public housing developments into living and learning centers through education, technology, and job training; and
- Fought to maintain \$280 million funding for the **U.S. Department of Housing and Urban Development Drug Elimination Program**, which funds all the crime prevention and law enforcement activities at public housing developments across the Nation.

Strengthening Families and Helping Children To Develop Into Productive Citizens

To strengthen families and help children to develop into productive citizens, the Clinton Administration has accomplished the following:

- Proposed and signed into law the **Family Preservation Act**, which enables families to work with communities to strengthen parenting skills and prevent removal of children to foster care;
- **Improved and expanded Head Start** to enhance quality; allow more full-day, full-year programming; improve training; begin activities for children ages 0 to 3; and provide Head Start services to residents in public housing developments;
- Helped provide all children with the care and security they deserve by increasing **child care funding** in every budget proposal and increasing **adoption and foster care funds** by nearly \$600 million from 1994 to 1995;
- Signed the National Highway Safety System Designation Act of 1995, which requires States to adopt a **Zero Tolerance** standard for drivers under age 21;
- **Gave parents greater control** over what their children watch on television by requiring "V-chips" to be installed in all new television sets;
- Proposed targeted measures to **cut off children's access to tobacco** and to reduce the appeal of tobacco products;
- Enacted **School to Work legislation**, which creates apprenticeship experiences to connect schools and employers and help young people more consistently transition from school to work;
- Signed historic **Immunization legislation** to ensure that all American infants and toddlers receive necessary immunization;
- Increased **paternity establishment and collection of child support payments**;
- Granted **AFDC (Aid to Families with Dependent Children) waivers in 35 States** to help families become economically self-sufficient and free from welfare dependency; and
- Signed the **Family and Medical Leave Act**, allowing parents to spend critical time with their children without the risk of losing employment.

THE BRADY LAW

The Brady Law is the cornerstone of law enforcement's efforts to stop people who plainly should not have access to handguns from obtaining them.

The law provides for a 5 day waiting period on a federal firearms licensee's transfer of a handgun to a prospective purchaser, during which a criminal records check is made.

The Brady Law permits states to use alternate criminal records checks systems, as long as they meet the minimum standard established by the Brady Act.

The law prevents handgun purchases by eight types of persons: (1) persons under felony indictment; (2) convicted felons; (3) fugitives from justice; (4) persons adjudicated mentally defective persons or committed to a mental institution; (5) illegal aliens; (6) persons dishonorably discharged; (7) persons who have renounced their U.S. citizenship; (8) persons under a restraining order related to domestic harassment.

(Transfers of handguns to juveniles, except under limited circumstances of parental supervision, are prohibited under the Youth Handgun Safety Act, part of the Violent Crime Control Act of 1994. Federal firearms licensees are prohibited from selling handguns to a person under 21.)

The Brady Law has stopped *more than 60,000 felons, fugitives and other prohibited purchasers* from buying handguns over the counter during the last two years.

This statement was made by Secretary Rubin and Attorney General Reno on the second anniversary of the implementation of the Brady Law, February 28, 1996. It includes all eight categories of prohibited purchasers.

ATF estimated the total number of handgun purchasers in Brady states by using the number of queries to the FBI database that is used by law enforcement when doing background checks connected with firearms transactions (Interstate Identification Index, III). There were 27 states covered by Brady in February 1994, and 25 Brady states as of December 1995.

3/1/94 through 12/31/94: an estimated 1,489,852 Brady State purchase attempts
1/1/95 through 12/31/95: an estimated 1,656,755 Brady State purchase attempts

ATF in conjunction with other law enforcement agencies has developed estimates of the national denial rate: 2.5% for 1994, and 1.5% for 1995.

3/1/94 - 12/31/94: $2.5\% \times 1,489,852 = 37,246$ estimated purchase denials

1/1/95 - 12/31/95: $1.5\% \times 1,656,755 = 24,851$ estimated purchase denials

TOTAL estimated purchase denials since Brady implementation: 62,097

The Brady law stops felons from buying handguns. The Brady Bill has already stopped 44,000 convicted felons from buying guns.

President Clinton referred to this figure in the State of the Union address.

To estimate the number of Brady denials based on a felony conviction, ATF extrapolated from the results of the One Year Progress Report: Brady Handgun Violence Prevention Act, prepared by ATF and the Department of the Treasury. The survey provided the results of a survey of 30 law enforcement jurisdictions from around the country, and found that of the total number of purchase denials, 71.3% were denials based on a felony conviction. That rate was applied to the total estimated purchase denials since Brady implementation to estimate the number of felons prevented by Brady checks from buying a handgun from a federal firearms licensee.

$71.3\% \times 62,097 = 44,274$ felons denied legal access to handguns by Brady checks

The denial rate estimates developed by ATF represent the consensus of State officials involved in implementing Brady around the country.

They are within range of or conservative relative to denials rates found in a variety of surveys:

- March 1994, ATF, 16 jurisdictions/9 states: *5.3% denial rate.*
- February 1995, ATF, 30 jurisdictions/27 states: *3.5% denial rate.*
- February 1995, CBS News, nationwide: *2% denial rate.*
- February 1995, International Association of Chiefs of Police (IACP) and Handgun Control, Inc., 115 jurisdictions/27 states: *3.34% denial rate.*
- January 1996, Handgun Control, Inc., 22 jurisdictions/15 states: *3.17% denial rate.*
- January 1996, GAO, 20 jurisdictions/12 states, *4.3% denial rate.*

NOTE: None of these surveys are considered statistically valid; thus none of the aggregate denial rates are accepted as a definitive national denial rate.

The ATF national denial rate estimate is consistent with data contained in a survey of state officials to be released in spring 1996 by the Department of Justice's Bureau of Justice Statistics (BJS). The Survey of State Procedures Related to Firearms Sales was designed to describe the process and procedures in reviewing firearms purchase applications followed in each of the states. However, some states volunteered information concerning numbers of applications and denial rates.

-- April (?) 1996, BJS, 7 states: *1.4% average denial rate.*

State level actual rejection rate data is presently available for only 7 Brady states: Alaska, Arkansas, Montana, Nevada, Ohio, Oklahoma, Wyoming. (See attached chart.)

The states that provided this data did so voluntarily in connection with the Department of Justice's Bureau of Justice Statistics' (BJS) Survey of State Procedures Related to Firearms Sales, to be released in April (?) 1996; the information provided by the states has not been verified or analyzed by the Bureau of Justice Statistics.

ATF has prepared estimates of the number of handgun purchase denials by state, applying the estimated national rejection rates for 1994 (2.5%) and 1995 (1.5%) to the number of firearms transaction inquiries to the FBI Interstate Information Index database from each state. *But the state by state denial rate estimates, based on an estimated national denial rate applied to the number of firearms transaction queries from each state, are not attached and it is recommended that they not be used.* While ATF's 2.5% and 1.5% estimates thus far appear to be substantially accurate, as applied to the national number of attempted handgun purchases, they may be significantly inaccurate when applied to an individual state. If empirical data becomes available for that state, there could be a significant discrepancy between the estimated and actual denial rates (either higher or lower) which could then be used to attack the integrity of the initial estimates (especially in the state in question). For instance, in some cases, the denial rates are higher (Oklahoma, 2.7%) and in some cases lower (Montana, .8%) than the national denial rate estimate. *As stated above, the average denial rate derived from the states that provided empirical data is 1.4%, very close to ATF's 1995 national denial rate estimate of 1.5%.*

Additional national Brady denial rate information will become available, but probably not before early 1997.

The Department of Justice's Bureau of Justice Statistics (BJS) has commissioned a survey of firearms check statistics that covers 500 Brady jurisdictions in all the states. The selection of jurisdictions is intended to provide a statistically valid sample. Data on 1996 is expected to become available in early 1997. The Treasury Department is examining whether some additional implementation information may be available before then.

The Brady Law is preventing violent felons from purchasing handguns -- violent criminals do try to buy handguns from gun stores.

In October 1995, a convicted murderer tried to buy three handguns in Dekalb County, Georgia. Before the Brady Act, he had purchased at least eight other guns without being challenged. (ATF)

In April 1994, a person under indictment for felony cocaine charges, who had a previous conviction in Kansas for a "terroristic threat" offense was stopped from purchasing a handgun by a Brady check in Lexington, Kentucky. (ATF)

The Brady Law is preventing illegal gun traffickers from buying handguns to supply crime guns to the streets of our cities.

In April 1995, a convicted heroin dealer and fugitive trying to buy a gun in Blair County, Pennsylvania. Prior to Brady, he had purchased at least seven other guns without challenge and traded them to support his crack cocaine addiction.

In Boston, Massachusetts, a suspect arrested and indicted on gun trafficking charges informed ATF that the Brady Law prompted him to cease his illegal conduct. The suspect had flooded Boston with illegally sold handguns originally purchased in the Atlanta area between December 1993 and February 1994.

The Brady Law is preventing persons under restraining orders for domestic harassment and stalking from purchasing handguns.

In February 1996, for example, a Brady check helped the Wichita County Sheriff stop a handgun sale to a man who had battered and threatened to kill his ex-wife and children. He was under a restraining order.

In March 1994, the Brady Law prevented an accused stalker in Prairie Village, Kansas from purchasing a handgun. The prospective purchaser, who was under a restraining order, had also represented his state of residence as Missouri, not Kansas, on the Brady form.

The main purpose of the Brady Act is to prevent certain categories of persons from obtaining firearms from licensed dealers. But the Brady Law is also resulting in prosecution and incarceration of dangerous criminals that are apprehended as a result of Brady checks.

The Brady law does not require state chief law enforcement officers carrying out the Brady law to report purchase denials to state or federal law enforcement authorities. Federal prosecutions occur when state law enforcement officials with access to Brady check information voluntarily refer that information to appropriate federal law enforcement authorities. *State and local officials are being encouraged by ATF to refer possible violations involving dangerous criminals to ATF.*

In August 1995, a Brady check in Great Falls, Montana helped ATF and local authorities arrest a convicted 5-time felon wanted in two states after he attempted to buy two handguns. He now faces federal charges including falsifying the Brady check form.

A convicted murderer apprehended by ATF and local authorities in October 1995 as he tried to buy three handguns in Dekalb County, Georgia, has since been convicted of violating federal firearms laws and awaits a prison sentence of up to ten years.

A convicted heroin dealer and fugitive trying to buy a gun in Blair County, Pennsylvania, apprehended by ATF and local authorities in April 1995 as a result of a Brady check is now serving two years in prison on various charges.

We know that there have been many cases in which Brady checks have revealed outstanding warrants for serious felonies. In these instances, the defendant may be apprehended and prosecuted on the outstanding charge, but the fact that the individual was found through a Brady check may not be reflected in the case file or the prosecutor's database.

By denying criminals handguns from licensed dealers, the Brady Law makes it harder for criminals to get handguns, and some will be stopped because of that.

Restrictions on buying from federal firearms licensees raise prices in the unregulated secondary market -- all sales by unlicensed individuals, including private sales, gun

shows, and the illicit gun markets. This price effect will not entirely prevent criminals and juveniles from obtaining guns, but can be expected to deter some sales to dangerous people.

Brady checks are one aspect of law enforcement's efforts to stop criminals from obtaining handguns. The Brady Act stops access to handguns by felons and other prohibited persons through lawful commercial channels. ATF and prosecutors are building on the impact of the Brady Act by stepping up enforcement efforts against suppliers in the black market in firearms: illegal gun dealers, illegal gun traffickers, and straw purchasers who buy for felons, juveniles, and other dangerous persons.

Illegal gun sellers:

On February 6, 1996, the license of a North Dakota Federal firearms licensee was revoked for willful violations of the Gun Control Act, including transferring hand guns after receiving notice from the chief law enforcement officer that the firearms should not be transferred because of Brady Law prohibitions.

On April 8, 1996, a federal grand jury convicted Chalmette Jewelry, Inc., and two individuals for violations of federal firearms laws, including sales of firearms to convicted felons, persons under indictment, and persons under the age of 21. The two individuals face up to 75 years' imprisonment and \$2,000,000 in fines each. (ATF special agents also perfected criminal cases against 28 of these prohibited individuals and straw purchasers.) Chalmette Jewelry, Inc. averaged over 6,000 firearms sales per year, and was the largest firearms dealer in New Orleans, Louisiana.

Illegal gun traffickers:

On March 2, 1995, two individuals in Ohio pled guilty to several violations of federal firearms laws. They and others had conspired to and trafficked over 500 firearms to Michigan, New York, Boston, and New Jersey. The case began with 26 guns recovered in Detroit in connection with crimes of violence or narcotics violations; ATF traced these guns back to the traffickers.

On March 6, 1996, the tenth of twelve defendants was sentenced to 46 months in custody for participation in a conspiracy to illegally traffick firearms from Phoenix, Arizona, to California. The defendants illegally trafficked approximately 500 firearms before ATF special agents successfully intercepted 102 firearms destined for Los Angeles. California authorities have recovered an additional 100 of the trafficked firearms. The majority of these firearms were recovered in gang related investigations, including homicide, armed robbery, drive-by shootings, narcotics and weapons related offenses.

Straw purchasers:

On January 4, 1996, ATF special agents arrested an individual for illegally straw purchasing a 9 mm pistol from a federal firearms licensee in Danville, Virginia. The firearm was straw purchased for a juvenile. Approximately 2 hours after the firearm was purchased, the juvenile and others (not the straw purchaser) robbed a grocery store in Danville, Virginia; the store manager was murdered with the straw purchased pistol. The juvenile was prosecuted in State court as an adult and received life imprisonment. The straw purchaser is being prosecuted in federal court.

Law enforcement leaders support the Brady Law.

Statements made on the second anniversary of Brady Act implementation:

"It is clear on this second anniversary of the Brady Act that the waiting period has prevented thousands of criminals from obtaining firearms and has saved lives," said Gilbert G. Gallegos, National President of the Fraternal Order of Police (FOP).

"Members of the FOP continue to be impressed with the cooperation between the ATF and local law enforcement in implementing the Brady Act."

International Association of Chiefs of Police (IACP) President David Walchak noted, "The IACP strongly pushed for Congress to pass legislation allowing for a five-day waiting period to conduct thorough background checks on all prospective handgun purchasers. The IACP continues to strongly support the Brady Act."

The more thorough the criminal records checks are that state chief law enforcement officers are able to make, the more effective the Brady Law becomes. To strengthen the criminal records information to which states have access, the Department of Justice is providing \$100,000,000 in grants to states for improvements in criminal records systems.

There are four grant programs that support Brady, 1) NCHIP (National Criminal History Improvement Program), 2) ASAP (Advanced State Award Program), 3) FIST (The Firearm Inquiry Statistics program), and 4) The Edward Byrne Formula grant program. ASAP and FIST are supported under NCHIP funds.

NCHIP

The National Criminal History Improvement Program (NCHIP) implements the grant provisions of both the Brady Act and the National Child

Protection Act of 1993. NCHIP provides direct grants and no-cost technical assistance to states to assist them in improving their record systems and in developing linkages with the national system. The authorization for the NCHIP program is \$220 million.

To date, \$75 million has been made available to assist states under the NCHIP program. These funds have been made available as direct grants to states to improve criminal history records and participate in the national system. Every state has received an award, and, consistent with the legislation, "priority" awards were made to the five "least advanced" states (Maine, Mississippi, New Mexico, Vermont, and West Virginia). Additional funding will be made available in 1996 as appropriated.

The majority of funds are being used to cover costs of state and local personnel and to purchase necessary equipment. Less than 1 % of funds will be used for travel or meetings.

Over half the states are using NCHIP funds to purchase or upgrade Automated Fingerprint Identification (AFIS) systems and livescan devices. This will permit more accurate identification of offender records and linkage through the national system. NCHIP funds in almost half the states are being used for database enhancement with an emphasis on capturing full case dispositions.

The NCHIP program has also provided onsite technical assistance to states and sponsored conferences to assist the states in developing record improvement programs.

ASAP

The Advanced State Award Program (ASAP) provides funding to states that are already participating in the national criminal history record database known as the Interstate Identification Index (III).

ASAP will make **\$5 million** available to support state efforts to access data on persons who fall under prohibited categories, other than felony convictions, and are therefore ineligible to purchase firearms. This includes, for example, persons subject to court orders prohibiting domestic violence, persons with a history of mental commitment and drug abusers. *18 states applied by the January 31 deadline and awards will announced in April 1996.*

FIST

The Firearm Inquiry Statistics (FIST) program is assisting states to manage firearm inquiry records and will develop national data on firearm inquiries.

FIST is a voluntary program involving an extensive sample of state and local agencies (all state record agencies and 500 local agencies). The program includes both Brady and Brady Alternative states. Consistent with federal law, no identifying information will be transferred to the Bureau of Justice Statistics (BJS).

BJS has developed and provided software to participating agencies at no cost. The software will help manage Brady inquiry data and simplify submission of data to BJS. Preliminary statistical data may become available by Summer 1996. Anecdotal evidence indicates that the vast majority of denials are based on prior felony convictions. The next largest categories of denials are persons under a court restraining order and fugitives from justice. When complete, the data will indicate the number of denials that are appealed and/or reversed.

unlikely

Edward Byrne Memorial Grant program

Funds to support state efforts to improve criminal records are also available under the Edward Byrne Formula grant program. That program requires that 5% of funds be expended for improvement of criminal justice records. The BJS NCHIP program is being coordinated with the BJA-administered Byrne program to minimize duplication of state effort.

The Brady Law is constitutional.

The Department of Justice has continued to defend the Brady Law against constitutional challenges in the district and circuit courts. In 1995, the Ninth Circuit, the first court of appeals to rule on the issue, upheld the constitutionality of the Brady Act. The Second Circuit also recently upheld the Act in its entirety. Only the Fifth Circuit, which left intact many of the provisions of the Brady Act, including the 5-day waiting period, has struck down the provisions of the Act requiring action by state chief law enforcement officers. An additional appeal is pending in the Tenth Circuit.

10101
There have been reports of substantial numbers of people being denied purchase of handguns due to unpaid parking tickets, however the practice does not appear to be a widespread phenomenon. We do not believe that federal laws can be interpreted to provide a basis for such denials.

In the event that officers err, Congress provided the means in the Brady Act for purchasers to get erroneous denials corrected -- either appeal to the chief law enforcement officer, or file a lawsuit. The Treasury and Justice Departments are also working together to provide definitions of the prohibited categories established by the Gun Control Act of 1968. *ATF is in the process of re-stating to the law enforcement community the statutorily enumerated grounds for handgun purchase denials.*

The Interstate Stalking Punishment and Prevention Act

September 23, 1996

- Part of the DOD Authorization bill, the Interstate Stalking Punishment and Prevention Act expands protection against stalkers and builds upon action taken in the 1994 crime bill.
- Prior to the 1994 crime bill, if a victim with a protection order against a stalker moved out of state she had to reapply for a separate protection order in her new home state, a process which in many states required notifying the stalker of the victim's new whereabouts.
- President Clinton's 1994 Crime Bill effectively made protection orders obtained in any state applicable nationwide and made it a federal crime for a stalker with a protection order against him to cross state lines in pursuit of his victim.
- This legislation now makes crossing state lines to stalk another person a federal crime *whether or not the victim obtained a protection order*. Prior to this expansion, cross-state stalking against victims who had not yet obtained protection orders was a federal crime only if the offender had an intimate relationship with the victim, or after violence had taken place.
- Now, stalkers will be in violation of federal law in all cases where they cross state lines in pursuit of their victim -- whether or not there had been an intimate relationship between the stalker and his victim and whether or not actual violence has yet taken place.
- Penalties under these anti-stalking provisions can range from up to 5 years in prison for harassment, to life in prison for bodily injury or worse.
- The legislation was co-sponsored by Senator Kay Bailey Hutchison (R-TX) and Congressman Ed Royce (R-CA).
- *How does one violate this statute?* By crossing state lines with the intent of harming, harassing, injuring or killing another person and, in the course of, or as a result of such travel, placing that person in reasonable fear of death, or of serious bodily injury, or in fear of death or serious bodily injury being caused to a member of that person's immediate family.

What Russian Crisis?

By Michael McFaul

NO matter the outcome of Boris Yeltsin's coming heart surgery, uncertainty about his ability to serve out his second term has jump-started planning and plotting to succeed him. On Saturday, his security adviser, Aleksandr Lebed, called for the President to step down until he has recovered, the implication being that Mr. Lebed would be happy to fill in.

While the list of candidates poised to compete is rather obvious, the context that will shape future power struggles is less well understood. Russia's political landscape has changed substantially since the July presidential election.

First, the path to executive power has become much better defined. All serious hopefuls are assuming that the next Kremlin ruler will come to power through the ballot box and not by some other method. All are either morally committed to the democratic process, strategically optimistic that it is the easiest way to obtain power, or too weak to pursue another path. This shared commitment did not exist only a few months ago.

Second, politics in Russia is no longer polarized between Communists and anti-Communists. From 1990 to 1996, the struggle between two fundamentally different systems shaped every national election. Polling data from the July election showed unequivocally that voters were not choosing between two candidates but between two systems. Thus Mr. Yeltsin could maintain negative approval ratings throughout the campaign and

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still win in a landslide. Most Russians did not want to go back to Communism, but forward to something else.

The Communist leader, Gennadi A. Zyuganov, has created a new organization, the National Patriotic Union, to distance himself from more orthodox Communists. He does not want to be portrayed as an outside threat, but rather as someone who can reform the system from within. Similarly, potential leaders in the Government, including Prime Minister Viktor Chernomyrdin and

Big personalities rise as ideology fades in Moscow.

Mayor Yuri Luzhkov of Moscow, realize that the anti-Communist card cannot be played again.

The ideological void makes alliances more fluid. In August, Mr. Zyuganov used his considerable power in the Parliament to insure the overwhelming approval of Mr. Chernomyrdin's Government, and the two men have been meeting regularly since then. Similarly, the line between reformers and nationalists has become blurred. Who is the nationalist and who is the liberal when Mr. Luzhkov declares that the Ukrainian city of Sevastopol must be returned to Russia, while Mr. Lebed pursues peace in Chechnya?

Third, since Russia does not have interest-based ideological parties, personalities — rather than liberals, conservatives or social democrats — are ascendant. (This is already apparent in gubernatorial races this fall.) Big personalities like Mr. Lebed will gain, while gray ones like

Mr. Chernomyrdin suffer.

One factor that has not changed since the July elections is the divide between the winners and losers in Russia's transition to the market. The 30 million voters who supported Mr. Zyuganov in July may no longer believe in Communist restoration, but they are still suffering from actions of the current Government, and thus oppose it. They are unlikely to back anyone identified with the status quo — Mr. Chernomyrdin, Mr. Luzhkov or Mr. Yeltsin's chief of staff, Anatoly Chubais. Mr. Lebed's battles with his Government colleagues make him the heir apparent to this protest vote.

The new atmosphere bodes ill for those associated with Mr. Yeltsin, even with their unlimited financial support and monopoly over television. But the importance of their remaining in power has also diminished. With the battle between Communism and capitalism over, the greatest threat to market development in Russia is not a Communist comeback, but instability, democratic collapse, and authoritarian rule. That no one seems ready to challenge Russian democracy means that the stakes of future struggles, electoral or otherwise, will be much lower than those of previous Moscow dramas. □

Archeology Is Destiny

By Adam Goodheart

TO many Arabs, Israel's opening of the narrow tunnel along the western retaining wall of the Temple Mount was another example of Israelis' disrespect for Muslim holy places and intransigent rule over East Jerusalem. To many Jews, it was a symbol of their right to control their God-given capital. But both Jews and Arabs would do well to take a closer look at the tunnel — not at the symbolism that now obscures it, but at the ancient stones themselves, witnesses to more than 2,000 years of Jerusalem's history.

The retaining wall — part of the structure revered as the Western Wall — was built by Jewish rulers in the first century B.C., with large, elegantly beveled stones. The ruins can't really be called beautiful, not if you expect the esthetic purity of a Greek temple. There are too many alterations and additions: a vaulted Roman pool, a medieval synagogue, a Saracen gate. The retaining wall is broken midway by an eighth-century Arab arch, which once supported a bridge to the Dome of the Rock and which, in turn, supports the foundations of a 12th-century chapel built by Christian crusaders.

Some might view the jumble as evidence of Jerusalem's violent history, in which one brutal conqueror supplanted another. Romans destroyed the Jewish temple and yielded in turn to the Arabs. After the Christian knights stormed Jerusalem in 1099, the streets ran with the blood of its Muslim and Jewish defenders.

It's possible to read the ruins in another way: as testimony to a history built by many cultures and faiths. No matter what the sins of the past,

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Jerusalem is now a hopelessly tangled hybrid. Remove the Roman vaults, and a Christian convent would collapse. The Arab arch cannot be separated from the Jewish wall.

King Herod, who constructed the Western Wall, was an observant Jew who also set up temples to the Greek and Roman gods and served as president of the Olympic Games. The Muslims who built the Dome of the Rock not long after Mohammed's death invited exiled Jews to resettle Jerusalem; rabbis in the eighth century praised the Dome's construction. Even the city's name derives, linguists believe, from a pagan Syrian god, Shalem, the evening star.

But some Israelis insist on sole Jewish control of Jerusalem. Prime Minister Benjamin Netanyahu vows never to negotiate sharing or dividing the city with the Palestinians, despite the fact that the 1993 peace accord

Jerusalem belongs to no one group.

provided for such discussions.

Yasir Arafat, in turn, protested the tunnel as part of "the Judaization of Jerusalem," as though the city were not already irrevocably Jewish, an identity inseparable from its Muslim identity. Arabs continue to oppose nearly all archeological exploration of the Temple Mount area, denying Jews the right to probe their own history.

Any resolution of Jerusalem's status that settles exclusive control on one group will be not simply unjust but untrue to its past. The tunnel along the Temple Mount should remind everyone that the walls and archways beneath the holy places — Jewish, Roman, Muslim, crusader — are all carved from the same honey-colored limestone, the bedrock of Jerusalem. □

THE NEW YORK TIMES,

TUESDAY, OCTOBER 1, 1996

Mexican Justice

President Ernesto Zedillo has promised to enforce the laws of Mexico fully and impartially, even with top officials of his Institutional Revolutionary Party, or PRI. The future of political and economic reform requires the fair administration of justice. But Mr. Zedillo and his party have repeatedly delivered a good deal less than that.

The latest example came last week when a PRI majority prematurely terminated a congressional investigation into possible crimes or misconduct by Raúl Salinas de Gortari, the brother of former President Carlos Salinas de Gortari.

The Zedillo administration can undo some of the damage by insisting that its attorney general vigorously prosecute the charges against Raúl Salinas in the courts. But the administration's own record in prosecuting other politically sensitive cases is not encouraging. Unless Mr. Zedillo acts more boldly the culture of impunity will prevail, and continue to thwart efforts at reform.

Raúl Salinas is now in jail facing charges of murder and illegal enrichment. But since his arrest on the murder charges 19 months ago, his case has moved slowly. The Government's attempt to prove that he masterminded the assassination of a top ruling party official has stalled. The corruption charges were brought later, largely as a result of Swiss and American investigations of Mr. Salinas's large offshore bank accounts. Mexican efforts to uncover the sources of his enrichment have lagged.

These investigations are highly sensitive, since they could potentially involve some of the country's

most prominent businessmen and politicians. The congressional inquiry into Raúl Salinas's conduct as a top official of the Government's food distribution company was seen by many Mexicans as an attempt to force the pace of the wider investigation.

Mexicans now wonder if the multi-party congressional inquiry was shifted offstage to the closed world of the attorney general's office and the courts because it was drawing so much public attention to currently powerful figures.

By appointing an opposition party member as his attorney general, Mr. Zedillo initially raised hopes that his administration would aggressively prosecute politically sensitive cases like that of Raúl Salinas. But that optimism has been dashed by the Government's repeated prosecutorial failures and omissions.

The Zedillo administration rejects its predecessor's conclusion that a lone gunman murdered the former presidential candidate Luis Donaldo Colosio, but has yet to convict anyone else of the crime. It has failed to pursue high-profile criminal cases involving the governors of two Mexican states. That record creates little confidence it will take on the powerful ruling party interests involved in the Raúl Salinas corruption case.

Unless the rule of law is applied equally to all Mexicans, neither democracy nor free and transparent markets can take root. That is the powerful lesson of the unraveling of Carlos Salinas's presidency. If Mr. Zedillo fails to apply it consistently, his own hopes for reform could falter as well.

Progress on Gun Control

The continuing budget resolution just approved by Congress contains a sensible piece of gun-control legislation aimed at preventing spouse-beaters and child-abusers from purchasing or owning guns. President Clinton and the measure's chief sponsor, Senator Frank Lautenberg of New Jersey, deserve credit for standing firm against a last-minute Republican effort to weaken this worthy measure.

The bill plugs a big hole in existing gun laws. Although the laws bar convicted felons from possessing or buying guns, they did not successfully block the possession of guns by people convicted of spousal or child abuse, since those acts of domestic violence often are prosecuted as misdemeanors.

Legislation containing the domestic-violence gun ban passed the Senate in July, but was blocked

by the Republican House leadership in an apparent cave-in to the National Rifle Association. The Senate approved the measure again in mid-September by an overwhelming vote of 97 to 2.

Mr. Gingrich and the Republican Congressional leadership then concocted a far weaker version of the bill that would have exempted from the gun ban any abuser convicted in a trial before a judge, as opposed to a jury. That exemption would have allowed the vast majority of spouse-beaters and child-abusers to have guns. Mr. Gingrich and his colleagues finally backed down, but only after the White House and Mr. Lautenberg made plain they would hold up the budget deal if necessary to pass a strong bill — and would hold those trying to weaken the bill publicly accountable.

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