

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Domestic Policy Council

Series/Staff Member: Jose Cerda

Subseries:

OA/ID Number: 5873

FolderID:

Folder Title:

Crime Bill - Decision Memos [3]

Stack:

S

Row:

98

Section:

2

Shelf:

9

Position:

3

Thursday 7 a.m.
August 5, 1993

MEMORANDUM FOR CAROL RASCO
FROM: BRUCE REED
SUBJECT: CRIME BILL UPDATE

We spoke with Biden's and Brooks's chief counsels late last night. Here's where things stand (pending further conversations between Biden and Gergen):

* Biden appears willing to put off a crime bill announcement or press conference until next week if he gets a date certain from the White House. He and Brooks need a definite deadline in order to nail down a House-Senate deal. There will be no press conference today, but we need to give Biden a date today if we're going to avoid one tomorrow.

* As of last night, Biden had not yet decided whether to drop in a bill before the recess.

* The two key remaining issues between Brooks and Biden involve one habeas provision and the larger question of whether to put Brady and guns on a separate track. Brooks is opposed to pulling out guns; Biden isn't sure. We should not pressure Brooks to separate Brady. It's not clear where this deal is going yet, or whether that's the best deal for us. Pulling out Brady will keep Handgun Control off our backs, but it could make it harder to pass the crime bill (in the House) and Brady (in the Senate). They may end up separating Brady in the House but not the Senate. Brooks' and Biden's staffs will be meeting all day; we'll keep you posted as we hear reports.

* Schumer has reportedly calmed down considerably. Brooks spent a lot of time reassuring him that he would get credit for the cops provisions; Phil Heymann met with him to talk about mandatory minimums. Schumer's staff has been in the loop from the start, but I think Schumer got worried when Biden was racing to drop a bill that he wouldn't get enough credit.

* The Republicans introduced a \$7.5 billion crime bill yesterday. It includes \$2 billion for cops, \$3 billion for prisons, a \$100 million/year Police Corps, far-right habeas provisions, and more. They said they would pay for it with offsetting cuts in the federal bureaucracy. (We will need to decide whether we need to show offsets to pay for ours, even though most of the money is in the baseline.)

* I told Adam Walinsky that his Police Corps would be in our bill, but at a lower spending level. He was not as angry as he would otherwise have been, but as predicted, he was still angry (although two years ago, he was prepared to accept the \$25m/yr figure in conference). This is such a fun issue.

July 29, 1993

MEMORANDUM FOR HOWARD PASTER

FROM: BRUCE REED

RE: ANOTHER CRIME BILL UPDATE

ALSO: BRADY MEETING WITH THE PRESIDENT

As I understand it, Chairman Brooks and Chairman Biden would prefer to introduce the crime bill next week, but would be willing to hold off announcement of the bill until the following week (the first week of recess) in order to accommodate the President and reconciliation.

David Gergen, George Stephanopoulos, Carol Rasco, and others like the idea of a White House event to announce the crime bill in the first week of the recess. We are trying to reserve a date early in that week. It may be difficult to get many members to stay in town till then, but it would be nice to get the subcommittee chairs and a couple of Republicans.

A meeting with the Bradys that same day (perhaps immediately after the event) seems entirely appropriate. To underscore the President's commitment to fighting gun violence, we have prepared two executive orders he could sign that day to ban the import of assault pistols and reform federal firearms licensing procedures. That won't be enough to please the Bradys, who would rather see the Brady Bill move forward on its own, but obviously they should be invited to the event and singled out for recognition by the President.

I still strongly advise against inviting the Bradys to meet with the President before that date. Doing so would embarrass him and further complicate our efforts to get the crime bill introduced in one piece.

The bill is 98% complete. Despite a week of pleading from all levels of the White House, the Attorney General has still not sent her final decision memos on the Police Corps and semiautomatic weapons. (Justice insists the memos will arrive today.) We will need a Presidential decision, and if necessary a meeting, to dispense with these side issues, which could

complicate passing the bill.

The Attorney General wants the crime bill to include her own version of the Police Corps, which is fine with Brooks (who would be happy to kill the Police Corps altogether) but a problem in the Senate, where Biden is likely to defer to Kennedy (who insists on the original Walinsky version). Sasser and Specter introduced the Walinsky version yesterday as a stand-alone bill. The President told us weeks ago that he didn't want to make this a big issue, because he believes Walinsky will get what he wants in the end anyway. The A.G. wants him to revisit that decision.

Her other concern is more significant. She wants the President to endorse Metzenbaum's semiautomatic assault weapons ban -- as part of the crime bill. The President supported a ban in the campaign, but never endorsed a specific version. Metzenbaum's bill is good policy, but raises a few problems for the crime bill. First, Brooks doesn't want to include any assault weapons ban, and would strip it out even if we were able to persuade him to include it in the first place. Second, Biden believes he can't pass the Metzenbaum provision, and prefers DeConcini's less stringent assault weapons measure, which passed by only one vote last time. To complicate matters further, the Senate Judiciary Committee is holding a hearing on assault weapons next Tuesday, August 3 -- in the midst of your efforts to win DeConcini's vote for the economic package. No one from the administration has been invited to testify, but the Attorney General has made known her support for Metzenbaum.

We don't need any more controversial provisions to weigh down this crime bill. We would rather see the President sign the gun-related executive orders, and call on the Attorney General and the Treasury Secretary (who, after all, has jurisdiction over gun bans) to develop the administration's own ambitious strategy to deal with assault weapons and gun violence. We're going to need new legislation on guns down the road anyway, to deal not only with semiautomatic weapons but also with armor-piercing bullets and the emerging problem of military surplus guns being dumped on the U.S. market from China and the former Soviet Union.

Moreover, we think it's important that Brooks and Biden introduce the same bill. That might make the long wait for a crime bill worth something.

We'll keep you posted.

To: Chris Edley
11:45pm Mon. Nov 1, 92



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Bootleg

Note to Chris Edley

From: Chris Brown

Subject: Your edits to crime package per e-mail

1. Thanks.
2. Really.
3. Done. I have attached to this note the old version of the talking points for your reference.
4. Added comment on DOJ request. Didn't break out locality pay, however, as I thought it was unnecessary to bring a new concept/idea to a paper dealing with crime.
5. Done
6. Did not have room for additional column, and felt that with clarification of bullet #2, the message was clear.
7. Done



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

Note to Chris Edley

From: Chris Brown *CB*

Subject: Crime Bill Information and Talking Points

Attached are DPC/OMB talking points on a possible crime bill agreement and three tables and summary bullets describing the various crime bill scenarios. The tables describe funding in the planning ceiling baseline, total crime bill authorizations, and an expanded authorization proposal.

Necessary Conditions on Possible Crime Bill Agreement

The following conditions should be met if the Administration is to sign on to a crime bill compromise.

1. Dole and Hatch should agree that they will let the Senate take up the Brady bill clean of non-Brady amendments, and will join Mitchell and Biden on motions to table non-Brady amendments.

2. There should be bipartisan agreement to support our October package of procurement reform, NPR savings and rescissions --- and if necessary, support us next year as well. If Congress will not pass the cuts and savings we need to pay for crime-related spending, there should be bipartisan agreement to support funding it through an emergency declaration, without finding offsetting domestic discretionary cuts or revenue increases.

3. Dole and Hatch should agree that there will be an express provision and authorization for boot camps, and that any additional prison authorizations must have flexibility to allow grants to states for state prisons as well as grants for regional prisons.

4. There should be bipartisan understanding that our commitment to fund crime programs will extend only to those specific authorizations we agree to -- such as cops, drug courts, and boot camps/prisons -- not every authorization in the crime bill.

5. Dole and Hatch should agree not to take up habeas reform this year.

Summary of Crime Proposals

- Planning ceiling baseline includes \$3.8 billion to fund crime bill activities. Funds Cops (50,000 cops plus 30,000 imputed from non-DOJ programs), a small Police Corps demonstration, and a Criminal Records Upgrade Program (Brady bill).
- Original Biden crime bill is at least \$2.2 billion over planning baseline over 6 years (1994-99). Difference is due to numerous additional authorizations included in the bill which are not supported by the Administration.
- Proposed further crime bill increases are at least \$6.1 billion over planning baseline over 6 years. Difference is largely due to increased authorization levels (compared to Biden bill) for Cops, boot camps, and Drug Courts.
- The President's funding commitment was for up to \$5 billion over the next 6 years, contingent on enactment of the savings and reforms associated with procurement reform and other NPR reforms. This commitment effectively moves crime investments outside our planning baseline to the head of the domestic investment queue.

Table I: Crime Bill Funding in Planning Baseline

(\$ in millions)

	FY1994	FY1995	FY1996	FY1997	FY1998	FY1999	Total
Policing/Cops on the Beat	175 _/1	650	650	650	650	650	\$3,425
Police Corps	25	25	25	25	25	25	\$150
Criminal Records Upgrade (Brady)	25	50	50	25	25	25	\$200
CRIME BASELINE	\$225	\$725	\$725	\$700	\$700	\$700	\$3,775

_/1 \$150 million is unobligated balances carried over from 1993 Supplemental. \$25 million is new funding within DOJ's 1994 appropriations.

COMMENTS

- * Includes \$3.8 billion over 6 years (\$725 million in 1995) to fund crime bill related activities.
- * DOJ 1995 request is approximately \$1 billion over the planning baseline. Policing/Cops, Police Corps, and Criminal Records Upgrade programs are fully funded in the DOJ request.
- * Cops - Provides \$3.4 billion over 6 years (\$650 million in 1995) for grants to States and localities to promote and enhance community policing activities and hire additional police officers. Funds approximately 50,000 new police officers by 1999. When coupled with law enforcement related initiatives in DoEd., HUD, and National Service, just over 80,000 new law enforcement personnel (by 1999) are funded in the planning baseline.
- * Police Corps - Provides college scholarships to would-be police officers in exchange for a commitment to service as a State or local police officer. Following their education, the candidates join their sponsoring police departments as new recruits. The Police Corps program, while training officers, does not directly fund new police. However, since the Federal assistance acts as a subsidy for State and local police department education and training, the program can "loosely" be interpreted as putting new cops on the street. \$25 million annually funds a demonstration Police Corps program. (Note: Sen. Kennedy supports program; House is not enthusiastic.)
- * Criminal Records Upgrade - Related to the Brady Bill. Provides grants to States to upgrade criminal records and establish a computer infrastructure to link with the FBI's criminal records databases. Necessary for background checks for gun purchasers. Initiative currently receives some funding through DOJ's Anti-Drug Abuse grants.

Table II: Authorization in Senate Crime Bill (S. 1488)

(\$ in Millions)

	FY1994	FY1995	FY1996	FY1997	FY1998	FY1999	Total
Programs							
Policing/Cops on the Beat	200	650	650	650	650	650	\$3,450
Habeas Corpus Reform	--	ss	ss	ss	ss	ss	
Youth Violence/Anti-Gang Grants	--	100	ss	--	--	--	\$100
Sex Violence/Child Abuse (Oprah)	--	20	20	20	--	--	\$60
S & L Law Enforcement							
DNA ID - State & FBI Grants	--	15	15	15	15	15	\$75
Community Partnerships	--	15	20	25	--	--	\$60
Racial Bias Study	--	2	2	2	2	2	\$10
Police Officer Provisions							
Police Corps	--	100	100	ss	ss	ss	\$200
Scholarships & Family Support	--	35	35	35	35	35	\$175
Drug Court Programs							
Drug Testing & Treatment	--	200	200	200	--	--	\$600
Alt. Punishments for Youth	--	200	200	200	--	--	\$600
Prisons							
Drug Testing & Treatment (Fed.)	ss	ss	ss	ss	ss	ss	\$0
Boot Camps	--	200	--	--	--	--	\$200
Rural Crime Enf. & Training, Etc.	--	52	52	52	--	--	\$156
Safe Schools Assistance	100	100	100	--	--	--	\$300
SUBTOTAL →	\$300	\$1,689	\$1,394	\$1,199	\$702	\$702	\$5,986

Note: 'ss' represents "such sums as may be necessary."

COMMENTS

- * Exceeds DOJ's planning ceiling by at least \$2.2 billion over 6 years (\$1.0 billion in 1995).
- * Policing/Cops and Police Corps are the only crime bill authorizations supported in the planning baseline. Policing/Cops is fully funded and Police Corps is funded at \$25 million (authorized at \$100 million) in planning baseline.
- * Other Programs Supported by President - The President has also voiced strong support for boot camps and "Drug Courts".
 - > Boot Camps - No funds in planning baseline for \$200 million authorization which would expand the use of military-style boot camps for non-violent and first time offenders.
 - > Drug Courts - No funds in planning baseline for \$1.2 billion authorization which combines the "carrot" of intensive supervision (parole/probation) and mandatory drug treatment and testing -- with the "stick" of a certain prison term if the individual again strays from the straight and narrow. The program targets young, first-time, and non-violent offenders.
- * DoEd and HHS are upset that the bill contains authorizations for new DOJ programs that seem to encroach on their "turf". Most notable are the "Safe Schools" (DoEd) and Community Partnerships (HHS).
- * With a few minor exceptions, these are newly authorized programs not previously tested.

Table III: Expanded Authorization levels (Biden/Dole(?)/DPC)

(\$ in millions)

	<u>FY1994</u>	<u>FY1995</u>	<u>FY1996</u>	<u>FY1997</u>	<u>FY1998</u>	<u>FY1999</u>	<u>Total</u>
Policing/Cops on the Beat	200	1,000	1,000	1,000	1,000	1,000	\$5,200
Boot Camps	--	400	400	400	400	400	\$2,000
Drug Courts	--	500	500	500	--	--	\$1,500
Other Authorizations in Biden Bill	100	439	344	149	52	52	\$1,136
EXPANDED CRIME BILL —>	\$300	\$2,339	\$2,244	\$2,049	\$1,452	\$1,452	\$9,836

COMMENTS

- * Total 6 year funding levels are consistent with "ranges" of funding set forth in DPC memo to the President outlining increased crime bill levels. Annual program levels are estimated, however, as details are not available.
- * Exceeds planning ceiling by at least \$6.1 billion over 6 years (\$1.6 billion over in 1995).
- * Cops - \$1.8 billion over planning baseline over 6 years (\$350 million over in 1995). Funds approximately 60,000 police officers. Coupled with law enforcement related initiatives in DoEd, HUD, and National Service, about 100,000 new law enforcement personnel are funded.
- * Boot Camps - No funds for program in DOJ's planning baseline. \$2 billion over planning baseline over 6 years (\$400 million in 1995).
- * Drug Courts - No funds for program in DOJ's planning baseline. \$1.5 billion over planning baseline over 6 years (\$500 million in 1995)

ISSUES FOR MEETING ON MAY 19

The Problem: The Crime Bill authorizations supported by the views letter total over \$36 billion:

--	Police	\$9.0 billion
--	Enforcement	\$3.5 billion
--	Prevention	\$7.0 billion
--	Prisons	\$7.5 billion
--	Immigration	\$7.5 billion
--	Viol Agnt Wom	\$1.0 billion
--	Other	\$1.0 billion

The Options:

- (1) Support all of above authorizations; fund only \$23 billion;
- (2) Support all of above authorizations; fund only \$29 billion (with a sixth-year);
- (3a) Authorize only \$23 billion; fund the full amount authorized;
- (3b) Authorize only \$29 billion; fund the full amount authorized;
- (4) Treat the two major immigration programs (incarceration reimbursement and border agents (total cost: \$5.5 billion)) specially:
 - (a) Authorized, but no trust fund funding;
 - (b) Authorized for trust fund, but no dollar amount specified;
 - (c) Authorize some for fund; authorize rest subject to non-fund appropriations;
 - (d) Other options.And the deal with the balance of the bill (\$31 billion) pursuant to the above options.

Issues:

- While authorizations can exceed Trust Fund amount to some extent, that excess cannot undermine our credibility;
- Immigration aside, it is difficult to support less than \$29 billion in authorizations;
- Supporters of non-immigration Crime Bill programs will fear Option 4(b), as it puts their programs at risk of being "eaten" by large immigration expenditures;
- Conferees may well go to \$29-\$30 billion, even without our support.

INTERNAL DRAFT ONLY

05/19/94
02:53 PM

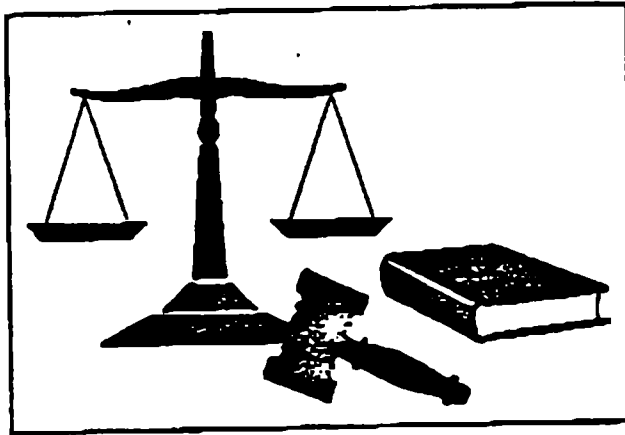
**Violent Crime Control and Law Enforcement Act
H.R. 3355
(Dollars in thousands)**

Program	Senate Bill		House Bill		Administration's Recommendation
	Authorized	Total Cost	Authorized	Total Cost	
Policing.....	\$9,495,000	\$10,245,000	\$3,950,000	\$4,700,000	\$9,120,000
Enforcement.....	1,958,500	2,641,543	1,405,000	1,994,220	3,511,543
Prevention.....	850,000	950,000	7,181,000	7,256,000	6,711,000
Prisons.....	7,760,000	7,911,196	14,400,000	14,451,393	7,565,974
Immigration and Naturalization.....	13,000	5,963,800	...	7,173,765	7,624,100
Violence Against Women.....	1,944,500	2,004,500	716,100	716,100	1,022,005
Miscellaneous Studies.....	11,800	20,400	6,150	7,250	23,200
Other.....	1,323,750	1,827,571	185,500	747,860	1,219,441
Total, Crime Bill.....	23,356,550	31,564,010	27,843,750	37,046,588	36,797,263
Total, State Funding.....	18,537,250	19,527,250	26,617,600	27,584,640	25,242,840
Total, Department of Justice Funding.....	4,333,700	11,477,331	128,200	8,363,998	10,072,189
Total, Other Federal Funding.....	485,600	559,429	1,097,950	1,097,950	1,482,234

U.S. DEPARTMENT OF JUSTICE

OFFICE OF LEGISLATIVE AFFAIRS

FACSIMILE COVER SHEET



TO:

Bruce Reed

FAX NO:

456-2739 3028

FROM:

Sheila Anthony

PHONE:

514-2141

DATE:

1/24

NO. OF PAGES:

1

(EXCLUDING COVER)

COMMENTS:

Do you know who's working
on policy from HUD?Please call tomorrow.ThxSheilaAlso - any omissions??

Interagency Working Group - Crime Bill

	<u>Policy</u>		<u>Legislative Affairs</u>	
White House	George Stephanopolous Bruce Reed Jose Cerda Rahm Emmanuel	456-7105 456-6515; F 456-7739 456-6515 456-2531	Pat Griffin Lorraine Miller *Karen Hancox	456-2230; F 456-6220 456-6620; F 456-2604 456-6620; F 456-2604
DOJ	Phil Heymann--DAG Webb Hubbell--ASG Grace Mastalli--OPD Harry Litman--OPD	514-2101 514-9500 514-4608 514-2250	Sheila Anthony, Asst. AG Jeff Robinson, Deputy Joe Graupensperger, Special Counsel	514-2141; F 514-4482 514-4047; F 514-9149 514-3951; F 514-9149
HUD	7		William Gilmartin, Asst. Sec. *Preston Lee, Deputy	708-0005 Fax 708-3794
HHS	Peter Edelman	690-8157 Fax 690-7595	Jerry Klepner, Asst. Sec. *Sarah Walzer, Special Asst.	690-7627 Fax 690-7380
Education	Madeline Kunin Bill Modzeloski	401-1000 401-3030	Kay Casstevens, Asst. Sec. *Tom Wolanin, Deputy	401-1030 Fax 401-1438
Treasury	Ron Noble Faith Hochberg	622-0240 622-0200	Mike Levy, Asst. Sec. *Erik North, Deputy	622-1900 Fax 622-0534
Labor	Isaac Shapiro	219-8271 Fax 219-7971	Geri Palast, Asst. Sec. *Vince Trivelli, Deputy	219-6141 Fax 219-5288
OMB	Chris Edley Ken Swartz Jim Jukes	395-3121; F 395-4639 395-4892; F 395-7238 395-3458; F 395-3109		

002/002

DOM. POL

DOJ OLA

202 514 4482

01/24/94 20:03



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 15, 1993

TO: See Attached List

FROM: Sheila F. Anthony *SFA*
Assistant Attorney General
Office of Legislative Affairs

SUBJECT: Crime Bill Coordination

The "core group" appointed to coordinate crime legislation and communication among the White House, Justice Department and other participating Departments, agencies, and policy groups includes:

- 1) Howard Paster -- 456-2230, Tracey Thornton -- 456-6493, Lorraine Miller -- 456-6620, White House Legislative Affairs;
- 2) George Stephanopoulos, Senior Policy Adviser to the President 456-7105, Rahm Emmanuel, Deputy Director, White House Communications -- 456-1125;
- 3) Goody Marshall, Office of the Vice President -- 224-8391;
- 4) Sheila Anthony, Office of Legislative Affairs, Department of Justice -- 514-2141 -- fax 514-4482;
- 5) Jeffrey Robinson, Deputy Assistant Attorney General for Legislative Affairs, Department of Justice -- 514-4047;
- 6) Julie Anbender, Deputy Director, Public Affairs, Department of Justice -- 616-2777.

We request that all Hill and other intergovernmental contacts on policy, strategy, message, or any other issue having to do with crime, prison, or gun legislation be coordinated first through the core group.

The core group will institute telephone conference calls, in lieu of meetings, on Monday and Wednesday mornings at 8:30 and on Thursday afternoon at 4:30, initially. When and if needed as the legislation moves into markup and on the floor, we will confer on a daily basis.

DISTRIBUTIONWhite House

Mack McLarty
Roy Neel
David Gergen
John Podesta
Howard Paster
George Stephanopoulos
Marcia Hale
Alexis Herman
Christine Varney
Maggie Williams
Mark Gearan
Dee Dee Myers
Rahm Emanuel
Ron Klain
Thurgood Marshall, Jr.
Bruce Reed
Jose Cerda
Suzan Johnson Cook
Jody Greenstone
Lorraine Miller
Tracey Thornton
Keith Mason
Steve Hilton
Liz Bernstein

Justice

Attorney General Reno
Phil Heymann
Webb Hubbell
Sheila Anthony
Carl Stern
Eleanor Acheson

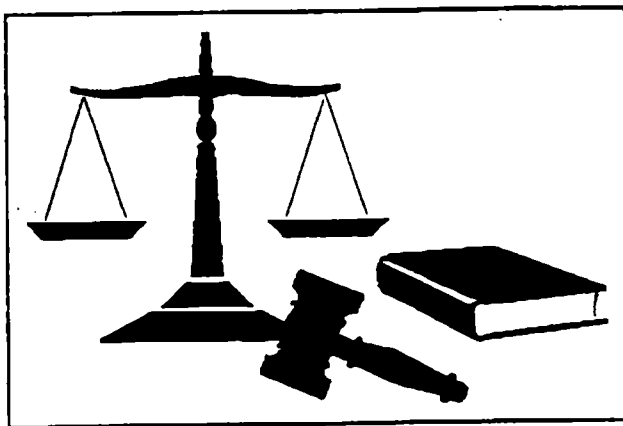
Others

Leon Panetta, OMB
Peter Edelman, HHS
Lee Brown, ONDCP
Madeline Kunin, Education

U.S. DEPARTMENT OF JUSTICE

OFFICE OF LEGISLATIVE AFFAIRS

FACSIMILE COVER SHEET



TO: Jose Cerda
W.X.

FAX NO: 456 - 7739

FROM: Sheila Anthony

PHONE: 514-2141

DATE: 10-15-93

NO. OF PAGES: 2 (EXCLUDING COVER)

COMMENTS: _____



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

October 15, 1993

TO: See Attached List

FROM: Sheila F. Anthony *SFA*
Assistant Attorney General
Office of Legislative Affairs

SUBJECT: Crime Bill Coordination

The "core group" appointed to coordinate crime legislation and communication among the White House, Justice Department and other participating Departments, agencies, and policy groups includes:

- 1) Howard Paster -- 456-2230, Tracey Thornton -- 456-6493, Lorraine Miller -- 456-6620, White House Legislative Affairs;
- 2) George Stephanopoulos, Senior Policy Adviser to the President 456-7105, Rahm Emmanuel, Deputy Director, White House Communications -- 456-1125;
- 3) Goody Marshall, Office of the Vice President -- 224-8391;
- 4) Sheila Anthony, Office of Legislative Affairs, Department of Justice -- 514-2141 -- fax 514-4482;
- 5) Jeffrey Robinson, Deputy Assistant Attorney General for Legislative Affairs, Department of Justice -- 514-4047;
- 6) Julie Anbender, Deputy Director, Public Affairs, Department of Justice -- 616-2777.

We request that all Hill and other intergovernmental contacts on policy, strategy, message, or any other issue having to do with crime, prison, or gun legislation be coordinated first through the core group.

The core group will institute telephone conference calls, in lieu of meetings, on Monday and Wednesday mornings at 8:30 and on Thursday afternoon at 4:30, initially. When and if needed as the legislation moves into markup and on the floor, we will confer on a daily basis.

DISTRIBUTIONWhite House

Mack McLarty
Roy Neel
David Gergen
John Podesta
Howard Paster
George Stephanopoulos
Marcia Hale
Alexis Herman
Christine Varney
Maggie Williams
Mark Gearan
Dee Dee Myers
Rahm Emanuel
Ron Klain
Thurgood Marshall, Jr.
Bruce Reed
Jose Cerda
Suzan Johnson Cook
Jody Greenstone
Lorraine Miller
Tracey Thornton
Keith Mason
Steve Hilton
Liz Bernstein

Justice

Attorney General Reno
Phil Heymann
Webb Hubbell
Sheila Anthony
Carl Stern
Eleanor Acheson

Others

Leon Panetta, OMB
Peter Edelman, HHS
Lee Brown, ONDCP
Madeline Kunin, Education

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

15-Oct-1993 11:44pm

TO: Bruce N. Reed
TO: Jose Cerda, III

FROM: Carol H. Rasco
 Economic and Domestic Policy

SUBJECT: Sheila's slight

I can assure you there will be a memo for Howard on Monday with a cc to everyone in the White House whom Sheila cc'd; I won't demand DPC be represented but he will know for sure how I feel. If I wrote it now it would destroy this home computer that belongs to the White House and since it will probably end up in the newspaper I will maintain dignity for the DPC since some folks in the administration haven't maintained it. This is the most blatant hit we've taken and I will not let it pass. However, I will let my anger subside somewhat. Thanks for sending it on out to me; had I not seen it until Monday a.m. there would be no dignity left for me nor the DPC!

N T
N T

E X E C U T I V E O F F I C E O F T H E P R E S I D E
E X E C U T I V E O F F I C E O F T H E P R E S I D E

16-Oct-1993 12:29pm

TO: (See Below)

FROM: Carol H. Rasco
 Economic and Domestic Policy

SUBJECT: please see attached memo

TO: Howard Paster

FROM: Carol H. Rasco

SUBJ: Crime Bill Coordination

DATE: October 15, 1993

My first reaction to the receipt of the memo from Assistant Attorney General Anthony this evening was one of shock. I thought the Clinton Administration was one promoting collaboration, continuity and cooperation; certainly in our "war room" efforts to date that has been the operational premise. To exclude the policy staff which worked on the development of the crime program and legislation is a serious oversight. I can only assume upon reflection that neither you nor others from the White House listed on the "core group" were consulted as the list was formulated, as I am sure if you had been consulted you would have at least had the courtesy to notify me as to the reason for the exclusion of the Domestic Policy staff.

I realize you have felt the coordination was not occurring as it should on this issue and that is exactly why after you discussed it with me that the DPC staff convened the meeting on the matter earlier this week. I also felt your suggestion in the meeting to appoint DOJ as responsible for the "core group" was entirely proper. Both because you and I had discussed this issue of coordination prior to the meeting and your name is listed first for the core group, I have addressed this memo to you. Further, because I consider this an internal matter, I will distribute it to only the White House portion of the distribution list.

I felt letting this matter pass without comment - when the time

for action is so short and the issue of the crime legislation so critical to the President's agenda for meeting the needs of America - would be a serious act of omission on my part. I hope this manner of "coordination" is not a trend in operational procedures for the future.

Thank you.

cc: White House distribution list for 10/15/93 memo referenced above

Distribution:

TO: Howard Paster
TO: Thomas F. McLarty
TO: David R. Gergen
TO: George Stephanopoulos
TO: John Podesta
TO: Mark Gearan
TO: Rahm Emanuel
TO: Bruce N. Reed
TO: Jose Cerda, III

CC: Neel, Roy M.
CC: Charles W.(Bill) Burton

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

16-Oct-1993 12:39pm

TO: Bruce N. Reed
TO: Jose Cerda, III

FROM: Carol H. Rasco
Economic and Domestic Policy

SUBJECT: Guess who called me this a.m.?

Gergen called me just before noon...he was stunned having just read the Anthony memo. He said his reaction was calm compared to Podesta's. He and I agreed to work together to get the situation corrected. I told him I had just in the last hour prior to his call finished the professional version of a memo I originally hammered out last night.....the original memo is I hope floating around in that great black hole known as computer "delete"....Gergen and I agreed that he and I along with Podesta and the two of you are minimums to add to the core group. I decided not to demand in the memo to add someone but to see if Howard would offer, otherwise I demand. I only wish you all could have seen me after about an hour of seething last night when I then realized that by damn, I wasn't even on the distribution list for the memo!!!!!!!!!!!! That added a few choice sentences to the memo for sure...phrases like wondering if I smelled retaliation for people miffed they had not been adequately consulted, does Justice know whom the real President is, etc.

Anyway, I tried to call Paster at office and home a bit ago, didn't reach him and decided to send the memo knowing some people get email, others don't. I'm going by the office tonight and will print out one for Howard and leave on his desk. I'm certain Gergen is calling him too.

In closing let me simply say that about 1 a.m. today if I had been in the presence of a few certain folks we would definitely needed the provision of more cops as provided in the WHITE HOUSE, BILL CLINTON crime bill!

I'm smiling now, we'll see how this plays out.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

18-Oct-1993 09:27am

TO: Jose Cerda, III

FROM: Carol H. Rasco
 Economic and Domestic Policy

SUBJECT: As Bruce puts it...Cops and Robbers

I meant to copy you on the attached to Bruce....the latest in the scenario.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

18-Oct-1993 09:03am

TO: Bruce N. Reed

FROM: Carol H. Rasco
 Economic and Domestic Policy

SUBJECT: RE: Cops and Robbers

I should have thought to send a fax of all those messages to your house....anyway, I didn't get up here Saturday to leave the memo in hard form for Howard as the time I was coming was preceeded by a slight rear ending experience in my car and I then proceeded to a hospital to be checked. Anyway, the car is fine and Carol spent yesterday not in West Virginia giving a speech but nursing a sore neck and top of head but I am fine.....anyway, Mary-Margaret had to come up here last night and print out something and I delivered Howard's memo then...he was here and we talked. He said he approved the list, that we shouldn't hold it against Sheila at all. He said he has used only legislative folks on every strategy team since arriving here, it is no slight, if they are going to talk policy they call in the policy folks...I told him that had not been my observation to date he said it's the way he's been doing it. At that point he said he'd give it all some thought, my sense is he truthfully doesn't feel the need to add anyone and will be hell to get along with if forced....he said an example of how he calls on policy people frequently is that he intends to ask you more than likely to go see Schumer this week, the guy wants to talk to someone who really knows crime issue and hates Justice folks...I haven't seen Gergen this a.m., will see what he has to say. In the meantime, it was interesting that last night I got this urgent beep from Gail Hoffman who said as a result of a meeting on TV violence on Friday (where Galston was in attendance) and the TV networks executives to meet with Janet they had set up at Justice for Reno to do it this a.m. (they move FAST over there when it's glitzy perhaps?!)...Gail said they were EAGER to coordinate this effort with me after my comments the other day about cooperation....weird, eh? They must plot as to which issues they want to "coordiante" on? Anyway, stay tuned...oh, and you and Jose should only have seen some of those first memos I wrote sitting there at almost midnight...the best was when I realized I wasn't even on the distribution list!

See you tomorrow.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

18-Oct-1993 10:23am

TO: Carol H. Rasco

FROM: Jose Cerda, III
Domestic Policy Council

CC: Bruce N. Reed

SUBJECT: Cops and Robbers

Carol,

I can't tell you how much better I felt when I came in on Sunday morning and read your e-mails. I left Friday night thoroughly depressed. During the past five years, I have seen the Democrats bungle the crime issue over and over again, and it pains me to see a President so interested -- and in a position to do so much -- but members of his staff repeatedly "off the reservation" on the issue. As I have told Bruce, I have little confidence in Howard's relegating DPC to a "consulting" role. Here's why:

(1) As recently as last week Howard was telling Schumer's staff that he was working on a meeting with the President and the Bradys, and that the President would publicly state his willingness to separate Brady from the crime bill at this meeting. Add this to the fact that Howard has not raised a finger to help pass the crime bill and to his shifting crime bill responsibilities to Sheila and DOJ, and you've got to wonder whether Howard wants this bill to pass at all;

(2) Although 80 percent of the crime is non-controversial, the 20 percent that is controversial will drive the debate. We will win or lose votes based on whether or not we've sold the bill as sufficiently "tough" to the conservatives and moderates -- and as adequately "fair" to the liberals. Neither WH or DOJ legislative affairs has engaged in this sales job. We have a bill that is both tougher and fairer than last year's, and we ought to be couching it in these terms. If we are silent and reactive (Democratic traditions on the crime issue), the Republicans will do their best to paint the bill as "soft", and -- if they succeed -- no last minute lobbying by Howard will help.

Anyway, thanks for sticking up for us again.

One final note: in my weekly report I mentioned going to St. Louis tomorrow to speak to a group of about a hundred police chiefs about the President policing innitiative. Now that I'm not one of the "core crime types" -- can I go? I've had Cookie do the paperwork and send it over to you. If you prefer that I stay and battle the forces of evil here in Washington, that's no problem. I've told the group that the crime bill's consideration may prevent me from going, and that I wouldn't be able to confirm until the night before.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

18-Oct-1993 11:11am

TO: Jose Cerda, III

FROM: Carol H. Rasco
 Economic and Domestic Policy

CC: Bruce N. Reed

SUBJECT: RE: Cops and Robbers

You should plan to go to St. Louis...I am going to operate on the assumption whether reality or not that (and I agree with your assessment on the matter of Howard's real intent for the core group) the core group is simply legislative strategy implementation and that we will continue to speak out, work, etc. As to any Hill contacts though, we should innundate Sheila and crew with paper, calls, etc. on our activities. I can be S0oooooo tacky, eh?

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

18-Oct-1993 05:38pm

TO: Carol H. Rasco

FROM: Bruce N. Reed
Domestic Policy Council

CC: Jose Cerda, III

SUBJECT: schumer mtg.

You should have received a copy of Howard's memo asking me to "do them a favor" by meeting with Schumer. Naturally, I'm delighted to help Howard in any way I can, after all he's done for us on this bill. In fact, I think we should do Howard a really BIG favor by sending not just me and Jose up to meet with Schumer, but you and/or Gergen as well. That would make Schumer feel very important (which he is) -- and show Howard that we don't take this issue lightly. It would also send a clear signal to the Hill about who they should talk to about crime.

And of course, we would want to let Sheila know about the meeting ... maybe from the car phone on the way up there.

Do you want to come, or should I ask Gergen -- or both?

JOSE --

I talked to Howard, who told me it was Panetta's idea to use CDBG funds. Panetta said it was the Pres's idea, and that he feels that the Byrne grant program is backed up and we couldn't get the money out the door fast enough.

I asked Panetta how we were supposed to earmark CDBG money. He laughed and said that's Henry Cisneros' problem. I asked how we were supposed to publicly distinguish b/w CDBG money for cops and for swimming pools. He laughed and said HUD has to be very strict with the cities in getting their plans and holding them to it.

I'm afraid it may be too late to change BC's mind on this. Here's what I recommend:

1. We work with Bruce Katz to make the CDBG money iron-clad for new cops.
2. We look into the Byrne program and find out whether this is really a problem, and if so, why.

I don't know who put this idea in BC's head -- Cisneros or Panetta, I imagine. In this place, you can't leave the room for a moment.

Don't be discouraged -- it's still a victory, it still means 10,000 cops -- and if we put the money thru CDBG, maybe we'll have an easier time hanging onto the \$500m appropriation for cops/Justice. Besides, we have more friends at HUD than DOJ, and all our HUD friends believe in fighting crime.

I told Howard that BC wants a mtg with police on the crime bill. He said we need to figure out how to deal with Brooks.

Thanks, and congratulations. It's a great triumph.

Bruce

THE WHITE HOUSE
WASHINGTON

DATE: 08/03/93

DAVID GERGEN
GEORGE STEPHANOPOULOS
HOWARD PASTER
ELI SEGAL
BRUCE REED

NOTE FOR:

The President has reviewed the attached, and it is forwarded to you
for your:

Information ☒

Action ☐

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

THE WHITE HOUSE
WASHINGTON

August 3, 1993

MEMORANDUM FOR THE PRESIDENT

FROM:

JOHN PODESTA *JP*
TODD STERN *TS*

SUBJECT:

Police Corps/Crime Bill

Attached is a memo from the Attorney General on the police corps together with memos from Bruce Reed/Jose Cerda and Eli Segal commenting on it. Since the police corps will be a section of the crime bill, the police corps issue must be resolved in order to ready the crime bill for announcement as early as next week.

Here's the situation in a nutshell. There are three basic Police Corps alternatives:

- Can't move up to Eli's plan (1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)*
- (1) The full Adam Walinsky proposal, at a cost of \$200 million per year. This is not feasible financially.
 - (2) A scaled-back Walinsky plan, at a cost of \$25 million per year, as proposed in our FY 94 budget. Reed/Cerda favor this alternative at this time.
 - (3) A Justice Department "community police corps" proposal, at a cost of \$5 million per year.

On the merits, Reed/Cerda do not disagree with the Attorney General, and hold out the possibility of moving in her direction when the House and Senate bills go to conference. (Although the plan is to introduce identical bills, they are sure to be amended in different ways in the two houses, which will make a conference highly likely.)

Reed/Cerda also note that it might be possible to develop the police corps in the context of National Service (and consequently drop it from the crime bill in conference), although Eli's memo makes clear that there are still open questions as to (i) whether the National Service program could adequately fill that role and (ii) whether doing so be good for National Service.

Reed/Cerda (option 2) seems to make the most sense right now. Option 1 is too expensive and, as the Attorney General says, we need cops on the street, not just in school. On the other hand, option 3 won't work at this time. Although Jack Brooks would prefer it, since he is not a police corps fan, it would create big problems in the Senate, where Senator Kennedy supports Walinsky and Senator Biden defers to Kennedy. The best that we can hope to do for now is to try to persuade Kennedy and Biden to accept our scaled-back Walinsky proposal.

In short, White House staff recommend option 2 for now, holding open the possibility of moving in conference toward the AG's proposal or toward a National Service model, if that proves feasible.

Agree ☒

Disagree ☐

Discuss ☐

Correll
#2 Plus some emphasis
in case Scire is going
to ask - Correll is going
my 10,000 out of it. get
desires - That's better
than AG's proposal



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

93 JUL 30 AM : 36

July 29, 1993

DRAFT DECISION MEMORANDUM FOR THE PRESIDENT

FROM:

JANET RENO
ATTORNEY GENERAL

SUBJECT:

Police Corps

The following compares the positions of Adam Walinsky and the Department of Justice on the police corps concept.

Adam Walinsky's Proposal

Mr. Walinsky proposes to provide a scholarship to each police corps participant of up to \$12,500 per year with a cap of \$40,000 over four years. The participant would then be required after graduation from college to serve as a police officer for four years. Police corps participants must commit to only four years of service. (Participants in the first two years of operation need only commit to two years.) It takes four years for an officer to become a seasoned member of the police force. \$5,000 per year per graduate for up to five years would be paid to law enforcement agencies as a hiring incentive. Monies would be targeted for 16 weeks of training in addition to whatever law enforcement related education the person chose in college. After expenditure of these dollars, we would not have police officers on the street to show for it. Communities would still have to come up with the funds to hire them. This would be a huge burden, as the national average for salary, benefits, training and equipment for a new police officer is approximately \$50,000.

Department of Justice Proposal

The Department would prefer to use our limited resources to provide direct grants to communities to enable them to actually hire new police rather than just sending them to school. We need police on the streets now. Police groups have advised that there is no lack of well-educated candidates to become police officers. If the goal is to produce a better educated police force, scholarships for career officers would be a more effective means of achieving this goal if we had the money.

We do not have enough money to achieve your promise of putting 100,000 police officers on the street, but in case you want to provide money for scholarships, an alternative police corps proposal has been developed by the Department of Justice, in consultation with the Domestic Policy Council staff. This version would cost \$25 million over five years, provide scholarships to aspiring police officers, and build partnerships between educational institutions and law enforcement agencies to address local needs. It would also assure qualified participants of jobs upon graduation.

Another option would be to augment the police corps concept already incorporated into the National Service program legislation.

You should also know that virtually every major national police organization opposes Mr. Walinsky's police corps proposal.

In summary, I think the facts stated above relating to each approach to police corps strongly suggest that the Administration support for the Department of Justice or National Service version of police corps.

DECISION

Option A:

Support the Department of Justice Police Corps Proposal:

☐ Approve ☐ Approve as amended ☐ Reject ☐ No Action

Option B:

Support the National Service Police Corps Proposal:

☐ Approve ☐ Approve as amended ☐ Reject ☐ No Action

Option C:

Support the Adam Walinsky Police Corps Proposal:

☐ Approve ☐ Approve as amended ☐ Reject ☐ No Action

THE WHITE HOUSE
WASHINGTON

July 30, 1993

93 JUL 30 P5:34

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
JOSE CERDA III

SUBJECT: FINAL DECISIONS ON THE CRIME BILL

As outlined in a previous memorandum to you, we believe that the crime bill should include a down-sized Police Corps, not the Justice Department's new Community Police Corps. But whether you accept our suggestion or Justice's -- the most important thing is not to let this or any other issue slow down or jeopardize quick introduction of a crime bill.

Last week, Senator Biden and the National District Attorneys Association finally reached an agreement on the crime bill's habeas provisions. The State Attorneys General are also on board. We are prepared to proceed with the announcement of a joint Biden-Brooks crime bill the first week of the August recess. The bill will include: (1) a community policing title that will put 50,000 new police on the street over the next five years; (2) boot camps; (3) federal death penalty; (4) habeas corpus reform; (5) the Brady Bill; and (6) the Police Corps.

We have reached agreement with the Justice Department, OMB and House and Senate Judiciary Committee staff on a bold community policing initiative that will be the centerpiece of the crime bill. It provides grants to cities and states to put 50,000 new police officers on the street over the next five years. The other 50,000 of your 100,000 pledge will come from (1) the FY 1993 supplemental appropriations bill you signed last month, which included \$150 million for community policing; (2) National Service, which will make up to one-fourth of its slots available for law enforcement and crime prevention efforts; (3) HUD's COMPAC program for public safety in public housing; (4) the Education Department's Safe Schools Initiative; (5) a joint Labor-Defense Troops-to-Cops initiative; and (6) community investment funds targeted to Empowerment Zones.

The one remaining policing issue is the nature of the Police Corps. All parties (except Adam Walinsky and the staunchest Police Corps proponents) agree that the Police Corps is not the most cost-effective way to put new police on the street, and that its funding should be scaled back. We recommend that funding for the Police Corps be scaled back to \$25 million per year, as you proposed in your FY 1994 budget. The Justice Department wants to cut funding still further, to \$5 million a year, and fundamentally change the nature of the program.

In the attached memorandum, the Attorney General has outlined three options on the Police Corps. Here is our assessment.

1. Justice's Community Police Corps

The Justice Department substitute would create a Community Police Corps that would provide grants to a handful of local police departments to allow them to offer scholarships to prospective police recruits as well as to current officers. Chiefs of Police, police unions and cities would prefer such a locally-based proposal. But Justice has yet to persuade Senator Kennedy and the Police Corps' many other friends in Congress to support the DOJ substitute, and Walinsky is already campaigning vehemently against it. Senators Sasser and Specter re-introduced the Walinsky version as a stand-alone bill this week.

2. Walinsky's Police Corps

We think the Attorney General's concerns about the nature of the Police Corps could still be addressed in conference -- the only time Police Corps proponents are likely to agree to changes. We will face an uphill battle if we try to scale back funding for the Police Corps and replace it with our own version at the outset. The Walinsky version passed the House and Senate with bipartisan support last year, and you endorsed it in the campaign. We also fear that unless Kennedy and Biden can be persuaded to support the Justice substitute, we will squander the only good thing to come of having to wait so long for a crime bill, which is that we have an unprecedented opportunity to introduce the same bill in both houses. It could also increase pressure on the two chairmen to differ on more volatile issues, like habeas.

3. National Service Trust Fund

Over the long term, you could resolve this issue by developing a small, but high-profile, Police Corps through the National Service program. One-third of National Service funds are dedicated for certain priority projects to be administered by the National Service Corporation, including professional corps like teachers, nurses and police. The essential elements of the Justice Department's Community Police Corps could be implemented more quickly and in far more communities through National Service -- without further congressional action or funding.

Eli Segal has always been supportive of a public safety component in National Service. Moreover, a national Police Corps would give the National Service program the visible symbol it needs to capture the American people's attention.

We recommend announcing the crime bill the first week of the August recess with the Walinsky language, and addressing the Attorney General's concerns either in conference -- or better yet, by developing a Police Corps proposal through the National Service program that will not require further congressional action.

THE WHITE HOUSE

WASHINGTON

July 31, 1993

MEMORANDUM FOR JOHN PODESTA

FROM: Eli J. Segal *ELJ*

SUBJECT: National Service and Police Corps
(Attorney General Reno's memo of July 30)

Introduction

The Attorney General's memorandum concerning the Police Corps prominently discusses national service. While I am not an expert on the police, it is clear to me that before any decision is made regarding national service and law enforcement, both the President and the Attorney General should be briefed on the options for law enforcement within national service. This memorandum summarizes my understanding of the possibilities; I am happy to work further with the Department of Justice and the Domestic Policy Council. Rana Sampson, a White House Fellow working at the DPC and a former police officer, has worked closely with us and is our point person in this area.

The opportunities for national service to contribute to law enforcement fall into two categories.

Non-sworn police work

Because the national service initiative is oriented primarily toward pre- and non-professional service, most openings will be for non-sworn police aides. In cities like San Diego and New York, such "national service officers" have already made a real impact, assisting in community policing and freeing other officers to become beat cops.

While there will be considerable opportunities for such placements under the legislation, the number of law enforcement placements will depend on the emphasis established by regulation. If national service were very heavily focused on law enforcement, it could generate 50,000 such non-sworn placements over three years, with correspondingly fewer placements in education, the environment and health. (I do not know whether such NSOs would appropriately count toward a 100,000 goal.) There is no need for a decision now, but it will be helpful for our planning purposes to know how strong an emphasis on law enforcement placements is desirable.

Professional police officers

There will be limited opportunities for police officers through the national service initiatives: only one-third of the program funds may be dedicated to positions paying more than twice the minimum wage, and in such instances, the Federal government will not pay any salaries or benefits. The national service program, then, could offer one or two years of loan repayment (at \$4725 a year) and training to prospective police officers.

National service would allow for a much cheaper version of the Walinsky police corps. I imagine that our educational award would provide a modest inducement for college graduates to become police officers (if that is important), and that the training would provide some aid for localities in defraying the costs of hiring (whether enough, I do not know). National service, however, cannot require a commitment or offer an award greater than two years; that may present an insurmountable obstacle to the program's working.

Once again, if these placements are feasible, the President could decide to put a heavy emphasis on achieving them. Over three years at full funding, national service could supply as much as \$500 million for these purposes, or enough for 30,000 two-year terms. The cost would be fewer placements as teachers and fewer innovative national programs.

THE WHITE HOUSE
WASHINGTON

DATE: 11/22

NOTE FOR: *Bruce Reel, George, Berger*
mark

The President has reviewed the attached, and it is forwarded to you
for your:

Information

☒

Action

☐

*Bruce — will you
follow up*

Tom

Thank you.

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
(x2702)

cc:

THE PRESIDENT HAS SEEN

11-22-93

THE WHITE HOUSE

WASHINGTON

November 10, 1993

11/10/93 P1:23

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
JOSE CERDA III

SUBJECT: OPTIONS TO ADDRESS GUN VIOLENCE

*You have made
of a good approach here -
put together the e letters
have a meeting on when
to go from here*

In the wake of recent congressional progress on the Brady Bill and assault weapons, we have prepared an overview of further measures you may wish to consider to address gun violence. In the short run, we urge you to keep the focus on the measures we are still fighting to pass: the Brady bill, an assault weapons ban, and the Kohl bill to ban handgun for minors.

Moreover, it remains important not to suggest that gun control, by itself, is an adequate response to the Nation's crime problem. To break the epidemic of violence, we must emphasize the need not only for fewer guns, but also for more police, more boot camps and state prisons, a criminal justice system that protects those who play by the rules and punishes those who don't, and a society that expects parents to take responsibility for their children and citizens to take responsibility for their actions.

For your information, tomorrow the Treasury Department will send to you the Federal Firearms Licensing report ordered by the directive you signed in August. The report will outline what actions ATF has taken and intends to take in the near future to comply with your directive. ATF staff has indicated that they will not publicly release the document because they expect resistance from the NRA, and would prefer to fight these issues on a case-by-case basis -- as opposed to pre-releasing their "playbook".

*11/20
Kaiser's
Yes*

I. Executive Actions

A. Ban the Street Sweeper and other Combat Shotguns

In 1984, ATF banned the importation of the Street Sweeper/Striker 12 shotgun, which was designed in South Africa as a military, security and anti-terrorist weapon. In 1988, ATF banned the USAS-12, a similar combat shotgun. Both of these weapons are now domestically produced and would be banned as part of the Feinstein-DeConcini-Metzenbaum assault weapons ban.

In September of this year, Handgun Control petitioned ATF to classify these domestically produced combat shotguns as "destructive devices" subject to the restrictions and controls in the National Firearms Act (NFA). ATF assembled a working group to study this proposal and recently concluded that it can, in fact, restrict these shotguns as "destructive devices." The Agency is now deciding on implementation procedures for this re-classification, which we could announce any time soon.

Good!
Let him know

B. Surplus Military Firearms

While much attention has been paid to the importation of assault pistols, there has been little focus on a new and potentially more serious problem -- the importation of large numbers of surplus military rifles and handguns from Eastern Bloc countries and China.

Prior to 1968 the United States was the dumping ground for millions of surplus military firearms and other cheaply made and inexpensive firearms. The Gun Control Act of 1968 (GCA) banned the importation of firearms unless they met the sporting purposes test, and the importation of surplus military firearms was banned altogether. In 1984, Congress weakened the GCA to allow the importation of surplus military firearms that qualify as curios and relics. At the time, the amendment's sponsor, Senator Dole, argued that this change to the GCA would apply to only a small number of firearms.

Until recently, the curio and relic exception had been a minor problem. Not only was it illegal to import surplus military firearms between 1969 and 1984, but the Arms Export Control Act (AECA) prohibited the importation of rifles and handguns -- of any type -- from virtually all communist countries. However, after the passage of Dole's 1984 amendment, the importation of surplus military firearms started to increase, and their prices started to drop. The opening up of trade with Eastern European countries has made millions of World War II era firearms eligible for importation into the United States -- mostly bolt action or fixed magazine semiautomatic rifles and semiautomatic handguns. With the breakup of the former Soviet Union, most former European communist countries have been removed from the list of restricted countries under the AECA. So has China. ATF estimates that in this year alone, some 95,000 surplus military firearms have been imported into the United States, the number of firearms that could enter the country under already existing importation permits has jumped into the hundreds of thousands, and the prices of these weapons has dropped to or below their pre-1969 levels.

In addition, the State Department's relaxing of the AECA has resulted in the increased importation of cheap -- but powerful -- handguns that do not technically classify as military surplus firearms. The Chinese are exporting large quantities of semiautomatic pistols used by their military forces -- most of which sell for less than \$100. This year, some 25,000 of these handguns have been imported and importation permits covering as many as 100,000 are pending.

You have two non-legislative options to address this problem. First, you could direct ATF to change the regulations on curio and relic classification. Curios and relics are defined by law to mean firearms of interest to collectors which are (a) 50 years old, (b) certified by

museum directors to be of interest, or (c) of value because they are novel and are associated with some historical figure, period or event. At the rate these arms are being imported, they can no longer be regarded as collectors items.

Ordering ATF to amend these regulations would require a 90-day comment period -- and would not address the problem of inexpensive handguns. As an alternative, you could order the State Department to suspend the importation of these weapons under the AECA. Under this statute you have broad authority to control the importation of firearms in furtherance of world peace, security and the foreign policy of the United States. Our State Department is not on the record on this issue, but we expect that they would need to review the foreign policy implications of limiting trade with the former Soviet Union and China.

2000
10/10/00

II. Non-Controversial Legislative Options

Once the crime bill and the Brady Bill have passed Congress, the Administration could offer a gun violence package that might include any of the following measures, which are relatively non-controversial. We can also continue to push an assault weapons ban until both houses of Congress agree.

A. Federal Firearms Licensing Reform

The Administration has already committed to federal firearms licensing (FFL) reform. The Vice President's National Performance Review called for legislation raising the basic \$10 FFL fee to cover actual costs, and Lee Brown's Interim Drug Strategy called for an increase in the basic FFL fee as well as for putting a stop to the practice of allowing gun dealers with FFLs to circumvent state and local gun laws. More recently, you stressed the need for FFL reforms during your meeting with Jim and Sarah Brady.

Must do

The presidential directive you signed in August called for tougher enforcement of compliance requirements under present law -- such as by improving background checks on prospective dealers, requiring dealers to obtain more reliable identification from purchasers, and scrutinizing multiple handgun sales reports. These reforms were long overdue. To date, ATF has licensed approximately 284,000 gun dealers, and new applications come in at the rate of approximately 60,000 a year. The policies of previous Administrations and congressional action to weaken ATF's enforcement authority over guns have prevented the agency from doing all that it can to address the issue of gun proliferation and violence. Additionally, the \$10 FFL fee does not even come close to covering the cost of processing and investigating FFL applications -- in fact, it costs less to get an FFL than to join the NRA.

Can we
link to
100.17
leg. 31

Senators Simon and Moynihan have introduced legislation to reform gun dealer licensing (Moynihan's bill also includes his proposed bullet tax, which is discussed later in this memorandum). Generally, proposed FFL reform would do the following: (1) raise the basic fee from \$10 per year to \$750 per year; (2) require dealers to certify that they are in compliance with state and local laws; (3) drop the 45-day requirement for action on FFL

applications; (4) allow ATF to investigate a dealer more than once a year if necessary; (5) require dealers to report a shortage in a firearm shipment, or lost or stolen inventory to ATF; (6) require dealers to comply with ATF firearms trace requests; and (7) require common carriers to obtain identification from individuals who receive a firearm shipment.

Although Senator Biden has asked Democratic Senators to keep gun legislation off the crime bill, Senator Simon may offer his FFL reforms -- perhaps without the basic fee increase -- as an amendment to the crime bill. Simon's staff has been negotiating with the Republican staff and the NRA -- who want this issue to go away -- but no deal has been struck. Earlier this year, Simon offered his FFL reforms as an amendment to the Treasury appropriations bill and lost by a large margin.

B. Armor-Piercing Bullets

Last spring, the Department of Defense considered importing a new bullet, the M39B, but decided against this action after the Attorney General and the White House asked them to reconsider. Police groups had visited with you and expressed concern that DOD's use of the M39B would result in black market availability of this new armor-piercing bullet.

Handwritten note:
On 9/11/97, the FBI
has

Under current law, ammunition that can be used in a handgun and whose cores are made entirely from one or more of a list of prohibited materials -- including tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium -- are defined as armor-piercing and are thus prohibited. But the 9mm caliber M39B has a conventional lead core and relies on a steel metal jacket that constitutes a disproportionate amount of the total bullet's weight to penetrate soft body armor. ATF studied the M39B bullet, comparing it to 20 other conventional full metal jacket bullets, and discovered that while the average handgun bullet's jacket rarely constituted more than 23 percent of its total weight, the M39B's jacket comprised almost half (40.5 percent) of its total weight. You should not let this loophole in the ban on armor-piercing bullets go unaddressed.

The FBI and ATF are promoting two different solutions to the problem. ATF has suggested banning handgun bullets whose jackets have a weight of more than 25 percent of the total bullet weight. This is the easiest and least controversial way of addressing the problem. The FBI has advocated a much more ambitious -- but controversial -- approach: developing a performance standard that would ban all armor-piercing bullets. This proposal has the advantage of covering not only the M39B, but other armor-piercing bullets that might get around the ban in the future. Either approach requires legislation.

C. High-Capacity Ammunition Feeding Devices

To ensure that criminals are not better armed than our police we need to ban not only assault weapons, but the high-capacity ammunition feeding devices that preclude the need to re-load these weapons. Your Crime and Drugs campaign position paper supported such a ban, and it should be part of any assault weapons ban that you support.

Handwritten initials:
JG

Last Congress, Representative Schumer attached a ban on ammunition clips with more than 7 rounds to the crime bill during committee consideration. The number 7 represented the least stringent ban imposed by any state that had acted to limit the number of rounds in a clip. However, this ban was deleted from the bill by the same amendment that struck the assault weapons ban. This year, Senator Metzenbaum and Representative Schumer have included a ban on clips with more than 10 rounds as part of their assault weapons legislation -- the same language is also included in the Feinstein-DeConcini-Metzenbaum amendment currently being considered by the Senate.

D. Disability Relief and Definition of State Conviction

Federal law prohibits convicted felons from possessing firearms. However, they may apply to ATF for disability relief, which restores their gun rights. ATF spends about \$4 million a year on investigations to grant relief. In a number of cases over the years, these people who got their gun rights back went on to commit and be convicted of other crimes. Last year and this year, Representative Schumer and others succeeded in defunding this provisions. We can continue to defund this provision on a year-to-year basis or amend the Gun Control Act (GCA) to terminate this program.

A definitional issue also arises as to what constitutes a state felony conviction for purposes of Federal law. More specifically, when can a person become "unconvicted" under state law and, therefore, ineligible for prosecution under Federal law for possessing a firearm. To deal with this issue, Representative Schumer has also advanced legislation that would permanently preclude anyone convicted of a violent or drug felony from possessing a firearm, and would restore gun rights for other offenders only if the state did a complete background check and investigation, and decided it was in the best interest of the public to do so.

E. Machine Gun Replacement Parts

The possession and sale of machine guns made after 1986 is banned by Federal law. Machine guns bought and sold after that date can still be bought and sold, but they must be registered and are taxed pursuant to the National Firearms Act (NFA).

This machine gun ban can be circumvented, however, by purchasing machine gun replacement parts and using them to convert semiautomatic assault weapons into fully automatic weapons. Although it is also illegal to sell or possess parts designed "solely" to convert a weapon into a machine gun, there are no limits on the sale or possession of replacement parts for a machine gun. It is believed that the Branch Davidians were able to accumulate more than 100 machine guns as a result of this loophole.

Narrow legislative language requiring that machine gun replacement parts be sold only to buyers who have an NFA license should close this loophole.

*Metzenbaum
Schumer
Feinstein
DeConcini*

DeConcini

III. Controversial Legislative Options

A multitude of other more controversial gun violence proposals are worth considering, but will require a lengthier public education campaign to pass.

A. Restricting Multiple Gun Purchases

Some gun advocates would like to build on their victory in Virginia last year limiting gun purchases to one a month. They believe such a restriction is a simple, common sense idea that can be easily sold to the American public and want to push for a similar federal restriction on multiple gun purchases -- perhaps one gun per visit, if not one a month. However, the NRA strongly opposed Governor Wilder's efforts to pass this legislation and succeeded in watering it down. We can expect them to fight us on similar legislation at the federal level.

B. Gun License to Demonstrate Proficiency

The Attorney General and others have spoken about the need for a uniform firearms license that is awarded only to those who go through some type of firearms training and who demonstrate proficiency in handling a firearm. We don't let just anyone who can buy a car drive one -- why should we let anyone who is eligible to buy a gun use it. Although such a proposal makes intuitive sense, this is an ambitious proposal that would take considerable effort and time to develop and pass legislation.

attorney general

C. Ban All Handguns

Handguns are the firearm most often used in crime, and many members of Congress and gun control advocates have argued that -- if you really want to get serious about gun violence -- all handguns and/or their ammunition should be banned or banned unless they meet a "sporting purposes" test. Local units of government that have enacted such controls have had their actions upheld by the Supreme Court. Recently, you were asked about your position on Senator Chafee's handgun ban and replied that it may be too broad. A handgun ban would extremely controversial.

D. Expand the Category of Persons Prohibited From Possessing a Firearm

Representative Torrecelli recently introduced legislation expanding the category of persons prohibited from possessing a firearm to include persons with a history of domestic violence and those currently under a restraining order. This proposal makes much sense and may not be as controversial as some of the other gun options listed here. But it may be too soon to gauge the level of support or opposition for this measure.

E. Bullet/Gun Tax

Current law provides for an excise tax of 10 percent on pistols and revolvers and 11 percent for other firearms and ammunition. These receipts, which totaled \$164 million last

year, are earmarked for the Pitman-Robertson Wildlife Restoration Act and do not get deposited in the General Revenue Fund.

Many gun control advocates have called for a sharp increase in the tax on guns, arguing that gun taxes should be treated just as any other "sin tax," and that revenues raised by a gun tax could help offset the costs of gun violence on our health care system. We believe this issue is best addressed in the context of how to finance health care reform.

Senator Moynihan has made a separate, but powerful, argument for the need to increase the tax on handgun ammunition. He has promoted legislation to raise the existing tax on selected calibers of handgun ammunition to 1,000 percent and to impose recordkeeping requirements with respect to the disposition of ammunition by dealers. (He has previously proposed an outright ban on this ammunition.) Moynihan's argument for such a tax increase is based on the premise that we can't realistically control the estimated 200 million firearms on the street today, but that we can control the supply of ammunition for these guns through taxation. A narrow ban on specific forms of handgun ammunition may be feasible, although still a tough political battle.

ATF has mixed feelings about this proposal, and they have reconvened their National Firearms Strategy Panel to further examine the Senator's proposal. They hope to make recommendations to the Director of ATF at the end of November, and we have asked that they share their analysis with Domestic Policy.

F. Strict Liability for Gun Violence

Some gun control proponents have advocated legislation that would allow people who are injured by firearms to sue gun manufacturers and importers for damages in federal court. The District of Columbia passed legislation imposing strict liability on assault weapons, but gun control opponents in the Congress succeeded in repealing this law.

G. Consumer Product Safety Commission

Senator Metzenbaum has proposed legislation to authorize the Commission to regulate the risk of injury associated with firearms. Although this legislation very clearly makes the philosophical statement that gun violence should be treated as a greater public safety issue, it would be extremely controversial and is sure to cause disagreement within the Executive Branch.

*Added a new
could be used
to fund the
National Firearms
Strategy Panel*

THE WHITE HOUSE
WASHINGTON

DATE: 2/5/94

TO: The Vice President, Carol Rasco,
Bruce Reed, Ron Klain, Rahm,
Mark G., Jose Cerda

FROM: **JOHN D. PODESTA**
Assistant to the President and
Staff Secretary

FYI

052505

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

94 FEB 4 P8:08

MEMORANDUM FOR THE PRESIDENT

FROM: Labor Secretary Robert B. Reich *for*

SUBJECT: Additional Employment-Related Proposals to Incorporate
Into the Crime Bill

DATE: February 4, 1994

To fill out the suggestion for incorporating youth employment initiatives in the crime bill -- which Attorney General Reno, Secretary Cisneros, and I are forwarding to you -- I offer the following specific possibilities. Let me know which if any you'd like us to pursue.

- o Cops-on-the-beat could be used as intermediaries and mentors for disadvantaged youth who hope to connect with the labor market.
- o The Juvenile Drug Trafficking and Gang Prevention Grants program could be modified to specifically authorize funds for targeted community service employment projects and to include an educational and training component. These grants should be targeted to high-crime, high-poverty areas and linked to other employment programs.
- o The Boot Camps, Alternative Punishments for Young Nonviolent Offenders, Regional Prison Grants Program, and Grants for Community-based Violent Juvenile Facilities provisions could be amended to include an expansion of the Labor Department's Federal Bonding Program. Ex-offenders and other high-risk job applicants often fail to obtain positions because their criminal backgrounds prevent them from receiving commercial bonding. The Federal Bonding Program provides fidelity bonding insurance coverage to this group. The program has proven successful; the average default rate is only 2 percent. Any expansion in the program would have to be done carefully so that the default rate would remain low.
- o Grants for Community-Based Violent Juvenile Facilities could be extended in part depending on whether proposals include successful education and job training components such as the Job Corps, as well as comprehensive aftercare and job placement services that facilitate the transition of juveniles back to their communities.

- o Similarly, the selection of sites under the Regional Prison Grants Program could depend in part on whether the installation proposes to use a portion of its facility for alternative education and job training programs with demonstrated effectiveness.

The Labor Department is continuing to analyze the crime bill for other areas where employment-related provisions could be incorporated.

94 FEB 4 P7:51

MEMORANDUM FOR THE PRESIDENT

FROM: ATTORNEY GENERAL JANET RENO *JR*
 LABOR SECRETARY ROBERT B. REICH *BR*
 HOUSING AND URBAN DEVELOPMENT SECRETARY
 HENRY G. CISNEROS *Henry*

SUBJECT: Strengthening Youth Employment Linkages in the Crime
 Bill: Needed Steps to Help Prevent Violence

DATE: February 3, 1994

In response to your request, this memorandum outlines our ideas for preventing crime by improving the labor market prospects of at-risk youth and ex-offenders. We propose to:

- (1) Add a very targeted employment program designed to prevent crime by addressing the needs of at-risk youth and young ex-offenders in high-crime, high-poverty inner city and rural areas. This program would be modeled in part after the Labor Department's Youth Fair Chance program. Funding: at least \$1 billion over five years.
- (2) Include or enhance specific employment-related features, where appropriate, in existing provisions of the Senate-passed crime bill. As examples, aftercare services to include job training and placement could be required as a component of drug treatment grants, and the education and training components of bootcamps and alternative sentencing arrangements could be strengthened to complement shock incarceration.

Bleak employment prospects among disadvantaged youths demand that the battle against crime proceed on several fronts. Those who commit crimes must be caught and punished; at the same time, prevention programs, including ones which make employment a reasonable, available alternative for at-risk youth, must be undertaken to break the cycle of poverty, crime and violence (see Appendix). Experience with employment-related programs demonstrates that they are effective at fighting crime. For example, Job Corps participation reduces the incidence of serious crime and work experience combined with job training in prisons has been shown to lower recidivism. As you said in the State of the Union, young people must have "something to say yes to" or the battle against crime will not be won.

Create a Crime Prevention Youth Employment Program

We propose a program that would build upon the targeting and neighborhood-centered approaches of the Labor Department's Youth Fair Chance program (Representative Maxine Waters is a strong supporter of Youth Fair Chance). The new program would be designed to be highly leveraged, would focus on violence prevention and be targeted on neighborhoods with a substantial number of at-risk youth and young ex-offenders, and would include employment components aimed at developing meaningful job paths. The initiative would be financed from the Crime Control Fund.

The current Youth Fair Chance program is targeted directly at inner-city and rural areas with poverty rates of 30 percent and higher. Within these high-poverty areas, all youth and young adults age 14 to 30 can be served regardless of family income, thus avoiding stigma. The Youth Fair Chance program saturates neighborhoods of roughly 25,000 people with a comprehensive program, aiming to directly expand and alter the opportunities of youths in those areas (about 6,750 individuals age 14 to 30 live in each neighborhood).

The Youth Fair Chance model provides a framework upon which many initiatives can be added; our proposal would expand upon the model in several ways.

- o There would be an even more intense focus on high-crime areas with substantial numbers of at-risk youth and youthful ex-offenders. Because at-risk youth, young offenders, and gang members are frequently concentrated in public housing and assisted housing projects, this initiative targets resources to these communities, in addition to other sites.
- o Through grant criteria and other means, the program would insist that grantees develop programs that include access to legitimate private sector jobs. This would involve a variety of strategies, such as mentoring or microenterprise.
- o An employment component such as a youth conservation corps or public service employment would be added.
- o The requirement that local governments involve the full, larger community in the effort to leverage federal funds would be strengthened. Collaboration between the local areas, the private sector, community-based organizations and nonprofits would be stressed.
- o Educational linkages would be beefed up, and would include a strong role for community colleges, as well as incorporating the successful work-based learning approach used in San Jose's Center for Employment and Training program (CET).

Incorporate other Employment-Related Provisions into the Crime Bill

As passed by the Senate, and in the provisions which the House has already passed, the crime bill contains a number of grant programs which have some focus on preventing crime by keeping young people out of the criminal justice system or seeking to prevent recidivism by those who do enter. We have identified a number of these programs which could benefit from strengthened or additional employment-related provisions. The approach is to design programs that offer the carrot of real economic opportunity to complement the stick of punishment. Our proposals would be flexible to meet the diverse needs of various populations and communities, and would leverage the federal government's contribution to get states, localities and the private sector to do more.

For example, in order to better address recidivism, we propose expanding the existing boot camp provisions in the Senate bill to strengthen the aftercare services following shock incarceration. The aftercare services would include necessary education, job training and placement designed to help ex-offenders obtain meaningful employment. Moreover, the education and training components in the boot camps themselves should be enhanced. The education and training components both in the boot camps and during the aftercare period should be premised upon approaches that have proven successful, such as the Job Corps.

Other crime bill programs, such as the Residential Drug Treatment, Drug Court, Youth Development Center, and Juvenile Drug Trafficking and Gang Prevention provisions, also would benefit from improved aftercare requirements or other specific employment linkages.

The Secretary of Labor is sending a separate memorandum that will include additional proposals for incorporating employment linkages into the crime bill.

Conclusion

The combination of strengthening existing crime bill provisions by adding employment linkages and a stand-alone prevention-through-employment program would improve the crime bill by better tuning the balance between crime control and crime prevention. It provides further evidence of our "tough and smart" approach to the serious problems of crime and violence in our communities.

Appendix 1. Deteriorating Economic Conditions and Rising Crime

A major factor underlying the nation's rising crime problem has been the growing concentration of poverty and the erosion in the economic position of disadvantaged youths.

The 1990 Census suggests an increasing concentration of poverty in the United States. Between 1980 and 1990, the number of census tracts with 40 percent or higher poverty rates almost doubled, as did the population living in such high-poverty tracts. These areas are very likely to have high crime rates; for example, a recent study indicated that between 1986 and 1989, the rates of violent crime in public housing in Washington, D.C., Los Angeles, and Phoenix were more than double that for these respective cities as a whole.

In particular, during the last twenty years, the economic and social well-being of disadvantaged American youths and young adults -- those with limited education or skills who are from poor families and impoverished neighborhoods -- has deteriorated substantially.

- o The real wages of the young and less-educated plummeted, breaking the historic pattern of rising earnings for American workers at all skill levels. In the early 1990s the real wages of recent male high school graduates were more than 20 percent below those of the previous generation; the decline in pay of young high school dropouts has been even more extreme.
- o More disadvantaged young men and young women are "idle," not in school, working, or looking for work. Approximately 50 percent of out-of-school young Americans (those age 16 to 24 years) without a high school degree are currently not employed. And more than 70 percent of young black high school dropouts are currently not employed. Many of these out-of-school youths are persistently out of work and have the potential for being permanently lost to the legitimate economy.
- o At the same time, the proportion of young men in trouble with the law has increased dramatically. Almost 700,000 young men from 16 to 34 years of age were incarcerated in 1989. Richard Freeman of Harvard estimates that approximately 50 percent of 18 to 34 year old, black male, high school dropouts had criminal records in the late 1980s. No other developed country faced such levels of crime among its youth.

It also bears mentioning that ex-offenders frequently lack legal employment, in part because little effort is made at facilitating their transition into the labor market. Freeman found that youth jailed in the mid-1980s had a far greater chance of future unemployment than comparable young people with similar educations and work histories but who had not been in prison.