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CRS Issue Brief

Crime Control: The Federal Response

Updated October 15, 1992

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Crime Control: The Federal Response

SUMMARY

Crime control efforts at the Federal level traditionally have been concerned with problems of national scope transcending State boundaries or with the maintenance of law and order in areas subject exclusively to Federal jurisdiction. However, in the mid-1960s Congress established the Law Enforcement Assistance Administration (LEAA) to make grants to State and local governments for law enforcement assistance. The creation of LEAA ushered in a new era of Federal involvement in crime control. Although the program was phased out after a 12-year life and an expenditure of roughly \$7.5 billion, the concept of direct Federal aid for local law enforcement has in recent years enjoyed renewed support in Congress.

Congress has passed four omnibus crime control bills in the last decade. The Comprehensive Crime Control Act of 1984 (P.L. 98-473) overhauled the Federal sentencing system and revised bail and forfeiture procedures along with other Federal practices. Anti-drug abuse statutes

passed in 1986 (P.L. 99-570) and in 1988 (P.L. 100-690) included enhanced penalties for drug-related crimes and provisions for funding of State and local drug enforcement. The most recent measure, the Crime Control Act of 1990 (P.L. 101-647), authorized \$900 million for the Federal Drug Control Grant Program, codified a Crime Victims' Bill of Rights in the Federal justice system, and expanded coverage under the Public Safety Officers' Death Benefits Program.

In the 102d Congress, the Senate passed an omnibus anti-crime proposal on July 11, 1991. The House passed its own anti-crime legislation on Oct. 22, 1991. A House-Senate conference committee reached agreement, and the House passed the compromise measure on Nov. 27, 1991. On the same day, a Senate vote on cloture failed, and the bill was carried over. A second cloture motion failed on Mar. 19, 1992. A third motion failed on Oct. 2, 1992, and the 102d Congress adjourned without passing major anti-crime legislation.

ISSUE DEFINITION

Crime control efforts at the Federal level traditionally have dealt with problems of clearly national scope or maintenance of routine law and order in areas subject exclusively to Federal jurisdiction. Examples of the first are the policing of the Nation's borders to prevent entry and internal distribution of contraband (such as narcotic drugs) and the regulation of interstate and foreign commerce in commodities associated with criminal activities (such as firearms), as well as the prevention of espionage and terrorism. Examples of the second are the enforcement of criminal laws in Federal installations (e.g., Post Offices, Federal courthouses, and other Federal buildings). Also, since the late 1960s, a number of Federal grant programs have supplied funds and technical assistance to the States and localities for various law enforcement and criminal justice purposes. In addition, most major Federal law enforcement agencies cooperate with and assist, where appropriate, State and local enforcement agencies. A continuing concern for Congress is the balance of Federal-State involvement in crime control.

BACKGROUND AND ANALYSIS

Federal v. State Responsibility for Law Enforcement

Under the Federal system in the United States, the States and localities traditionally have held the major responsibility for prevention and control of crime and maintenance of order. For most of the Republic's history, "police powers" in the broad sense were reserved to the States under the Tenth Amendment to the Constitution. Many still hold that view, but others see a string of court decisions in recent decades as providing the basis for a far more active Federal role.

Perhaps the most significant factor behind the growth of Federal police powers has been a broader interpretation of the Constitution's "commerce clause" (U.S. Constitution, Art. I, Sec. 8, Cl. 2), which explicitly gives Congress power to regulate interstate and foreign commerce. A series of court decisions in this century has established that the impact of *intrastate* commerce on *interstate* commerce may justify a more inclusive approach. In addition, both Congress and the Court have shown an apparent willingness to view certain kinds of crime, or disorder on a large scale, as threats to commerce in and of themselves.

Since the 1960s, the law and order issues that most often have generated debate over the appropriate limits of the Federal role are financial assistance for State and local law enforcement and regulation of firearms. (For a discussion of firearm regulation, see CRS Issue Brief 89093, *Gun Control*.) In considering legislation that established the grant program administered by the Law Enforcement Assistance Administration (P.L. 90-351) and its forerunner, the Office of Enforcement Assistance (P.L. 89-197), some Members of Congress and analysts expressed concern that the Federal "power of the purse" would lead to a national police force.

The lack of significant opposition to local law enforcement assistance provisions in 1986 and 1988 anti-drug measures and the 1990 Crime Control Act suggests that such concern has diminished. This change in attitude might be explained by a

widespread perception that the illicit traffic in dangerous drugs has become a national problem of overriding concern.

One indication of growth in Federal involvement in crime control is the trend in annual spending under the budget category "administration of justice." Since 1965, it has risen from \$535 million to an estimated \$11.7 billion in FY1992, an increase of 2,087%. The Administration has requested \$15.7 billion for that category for FY1993.

Federal Assistance to State and Local Governments

During the 1960s the FBI Uniform Crime Reports showed that crime rates in the United States were increasing rapidly, and "law and order" and "crime in the streets" were key issues in the 1964 Presidential campaign. President Lyndon Johnson, in his first message to Congress in 1965, called for the establishment of a blue ribbon panel to probe "fully and deeply into the problems of crime in our nation." Johnson's requests led to the creation of the President's Commission on Law Enforcement and the Administration of Justice and to passage of the Law Enforcement Assistance Act of 1965 (P.L. 89-197; 79 Stat. 828). The latter established an Office of Law Enforcement Assistance in the Department of Justice and charged it with funding demonstration projects for the development of new methods of crime control and law enforcement.

In February 1967, the President's Commission issued its report, *The Challenge of Crime in a Free Society*, and recommended that the Federal Government provide more financial assistance to State and local governments for law enforcement purposes. The Commission found that "crime is a national, as well as a State and local phenomenon." Subsequently, President Johnson proposed an expanded program of grants to State and local governments, to be administered by the Department of Justice. In urging the passage of such legislation, he warned that "the Federal Government must never assume the role of the Nation's policeman. True, the Federal Government has certain direct law enforcement responsibilities. But these are carefully limited to such matters as treason, espionage, counterfeiting, tax evasion and certain interstate crimes."

Congress responded in June of 1968 by passing the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351; 82 Stat. 197). Title I of the Act established a Law Enforcement Assistance Administration (LEAA) to make grants to State and local governments for planning, recruitment, and training of law enforcement personnel; public education relating to crime prevention; building construction; education and training of special law enforcement units to combat organized crime; and the organization, education, and training of regular law enforcement officers, special units, and law enforcement reserve units for the prevention and detection of riots and other civil disorders. The Act also established a National Institute of Law Enforcement and Criminal Justice to make grants for training, education, research, and demonstration for the purpose of improving law enforcement and developing new methods for the prevention and reduction of crime.

The enactment of the Safe Streets Act and the creation of LEAA ushered in a new era of Federal assistance to State and local governments for crime control. The grant programs significantly expanded the central government's involvement in local law enforcement. Although the program was criticized and ultimately phased out after a 12-year life and an expenditure of roughly \$7.5 billion, support for the concept of direct

Federal aid for law enforcement and crime control resurfaced and grew during the 1980s as Congress sought solutions to the Nation's drug problems.

LEAA's history is controversial. The block grant funding mechanism was criticized because it prevented the agency from exercising tight controls over the money sent to the States. Critics charged that funds were misused and that the program had no visible impact on crime. With the exception of one downturn in crime statistics in 1972, the reported violent crime rate continued to rise throughout the 1970s and 1980s. Although the program had been authorized through FY1983, budget reductions beginning in 1980 resulted in its virtual elimination. Four of its highly specialized functions remained to be administered by a successor agency, the Office of Justice Assistance, Research, and Statistics (OJARS).

Broader Federal assistance was restored when the Reagan Administration requested authority, in 1983, to establish a more modest grant program. Since then, additional expansion of the Federal role occurred with congressional passage of four omnibus crime control bills. First was Chapter IV (the Justice Assistance Act) of the Comprehensive Crime Control Act of 1984 (P.L. 98-473). It created the Office of Justice Programs, headed by an assistant Attorney General, to coordinate the activities of the Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention. The Anti-Drug Abuse Act of 1986 (P.L. 99-570) established a program of matching formula grants to State and local law enforcement agencies; the Anti-Drug Abuse Act of 1988 expanded this program, the "Edward Byrne Memorial State and Local Law Enforcement Assistance Programs." Despite Reagan Administration opposition to such expansion, Congress appropriated \$150 million for FY1989 for these programs. The Crime Control Act of 1990 (P.L. 101-647), authorized \$900 million. The FY1992 appropriation is \$475 million.

Recent Major Enactments

Comprehensive Crime Control Act of 1984

In 1966, Congress created the National Commission on Reform of the Criminal Laws. Headed by California Governor Edmund G. Brown, Sr., the Commission issued a report that took the form of a new draft of the Federal Criminal Code. The Comprehensive Crime Control Act of 1984 was the culmination of a bipartisan effort to implement this report. The bill finally approved was somewhat limited, a compromise that overhauled the Federal sentencing system, revised the bail statutes to permit pretrial detention of those considered dangerous to the community, tightened the legal definition of insanity, required mandatory minimum sentences for career criminals, increased the maximum fines for serious drug offenses, gave Federal prosecutors new authority to seize the assets of drug traffickers, and established a victim compensation program in the Department of Justice. Controversial provisions related to the death penalty, Federal exclusionary rule modification, and *habeas corpus* revision ultimately were dropped. Similar proposals have been reintroduced several times but continue to be a source of contention.

Anti-Drug Abuse Act of 1986

The Anti-Drug Abuse Act of 1986 (P.L. 99-570) was a far-ranging measure containing 15 titles and relating to almost every aspect of Federal efforts to prevent and control the abuse of drugs. It stiffened penalties for violations of the Controlled Substances Act (P.L. 91-513), providing for mandatory minimum sentences in certain cases. It also contained provisions aimed at money laundering and expanded authority for seizure and forfeiture of assets derived from criminal activities. Other provisions related to international narcotics control and demand reduction efforts. It authorized \$230 million annually for 3 years for State and local drug enforcement assistance. Overall, it raised existing authorization ceilings by \$1.7 billion; final FY1987 appropriations for drug control were over \$4 billion.

Anti-Drug Abuse Act of 1988

The Anti-Drug Abuse Act of 1988 (P.L. 100-690) was signed into law on Nov. 18, 1988. This legislation built on the Anti-Drug Abuse Act of 1986 and, like its predecessor, contained provisions relating to virtually every facet of the Federal effort to curb the abuse of narcotics and other dangerous drugs. The 10 main titles concerned (1) new and increased penalties for drug trafficking offenses (including the death penalty for killings committed by drug "kingpins" and for the drug-related killing of a law enforcement officer), and general increases in funding for drug law enforcement; (2) the organization and coordination of Federal anti-drug efforts, including the creation of a new agency headed by a cabinet-level director (a so-called "drug czar"), subject to Senate confirmation; (3) the reduction of drug demand through increased treatment and prevention efforts; (4) the reduction of drug production abroad and of international trafficking in illicit drugs; and (5) sanctions designed to put added pressure on drug users ("user accountability"). The measure raised FY1989 authorization ceilings by \$2.7 billion; actual appropriations brought the total Federal anti-drug budget for FY1989 to approximately \$6.5 billion.

Crime Control Act of 1990

The Crime Control Act of 1990 (P.L. 101-647) was an omnibus measure that, like some previous anti-crime proposals, was stripped of several of its more controversial provisions such as those pertaining to the Federal death penalty, *habeas corpus* revision, Federal exclusionary rule application, and firearms control. The legislation authorized \$220 million in Federal matching grants to assist States in establishing more effective prison programs, including alternatives to traditional incarceration. It established a grant program to develop and implement multidisciplinary child abuse investigation and prosecution programs and permitted alternatives to live-in-court testimony in a proceeding involving an alleged offense against a minor. The measure contained child pornography provisions requiring more stringent recordkeeping and enhanced penalties. It codified a Crime Victims' Bill of Rights in the Federal justice system, and increased the funding level for victim compensation and assistance. Other provisions authorized a \$20 million rural drug initiative, expanded the Public Safety Officers' Death Benefits program to include a one-time benefit for officers permanently disabled in the line of duty, authorized the hiring of additional FBI and DEA agents, added 12 new chemicals to the list of precursor chemicals regulated under the Chemical Diversion and Trafficking Act, created a National Commission To Support Law

Enforcement, and raised the authorization for the Federal drug enforcement grant program to \$900 million.

Action in the 102d Congress

Legislative Background

On March 12, Senator Joseph Biden, Chairman of the Senate Judiciary Committee, introduced the Violent Crime Control Act of 1991 (S. 618). Biden's bill would impose the death penalty for a number of new offenses, limit *habeas corpus* petitions, codify existing law pertaining to the exclusionary rule, and increase penalties for criminals who commit firearm offenses. The measure would authorize \$1 billion in aid to State and local law enforcement agencies. It also contains provisions relating to terrorism, drive-by shootings, violent drug-crime regional prisons, youth violence, rural crime and drugs, drunk driving, and victims of crime. On June 6, 1991, Senator Biden offered a new bill, S. 1241, which he characterized as being substantially the same as S. 618 except for the addition of a new version of the "Brady Handgun Bill," a measure that passed the House on May 8, 1991 (see Issue Brief 89093, *Gun Control*).

The Administration's proposal, the Comprehensive Violent Crime Control Act of 1991 (H.R. 1400 Michel /S. 635 Thurmond, Dole), was introduced in the House and Senate respectively on March 12 and 13, 1991. This legislation would restore the death penalty for certain crimes already on the books and would authorize it for new crimes, such as those involving drug kingpins and terrorist murders of American nationals. The measure would revise Federal *habeas corpus* procedures, create a "good faith" exemption to the Federal exclusionary rule, and increase penalties for certain Federal firearms offenses. Also, it includes provisions relating to juvenile offenders, gangs, terrorism, victims' rights, sexual violence, and child abuse.

Senate debate on the anti-crime bills began on June 20, 1991. A motion to substitute the Administration's proposal for the Biden bill was defeated, and an amended S. 1241 passed the Senate on July 11, 1991. The House Judiciary Committee reported its bill, H.R. 3371, on Oct. 7, 1991. This measure was passed, as amended, on Oct. 22, 1991. A House-Senate conference agreed to a compromise that passed the House on November 27. On the same day, with the threat of a veto by President Bush looming, a Senate vote for cloture failed, and the measure was carried over to the second session of the 102d Congress. A subsequent cloture motion failed on Mar. 19, 1992. A third cloture motion failed to secure passage on Oct. 2, 1992, and the 102d Congress adjourned without enacting major anti-crime legislation.

Analysis

Three policy issues of continuing congressional interest are the application of the death penalty, *habeas corpus* procedures, and the Fourth Amendment exclusionary rule. All three were initially addressed in code revision bills dating back at least to 1973 when the first recodification effort began. Because they are controversial, provisions related to the three have been dropped from succeeding anti-crime packages, including the one passed in the 101st Congress. Similar proposals were introduced once again in the 102d Congress, but they were not enacted.

Death penalty proposals that were under consideration would have permitted its imposition for certain crimes and according to specified procedures. Some of the proposed procedural changes were designed to eliminate current constitutional frailties in certain existing Federal death penalty provisions. Proponents of procedural requirements limiting the use of capital punishment argued that they were necessary to ensure due process of law and to prevent the imposition of the death penalty in a racially discriminatory pattern. Opponents responded that such limitations created unnecessary burdens on the operation of the criminal justice system.

Federal *habeas corpus* provides a statutory procedure for State and Federal prisoners to challenge the constitutionality of their incarceration. Federal *habeas corpus* has traditionally been considered a safeguard of fundamental rights. However, many criticize the current breadth of these protections, arguing that they cause delay in the administration of justice and blur the connection between the crime and the punishment. Measures dealing with *habeas corpus* differed with respect to the scope of the modification of this protection. Some of the proposals would have established special procedures for Federal *habeas corpus* petitions applicable in State capital punishment cases. Others would have abolished Federal *habeas* for State prisoners.

The Federal exclusionary rule is a judicially created rule that prohibits the use of evidence gained in violation of Fourth Amendment protections against unreasonable searches and seizures in criminal proceedings. Proponents of the exclusionary rule suggest that in a constitutional system the police, as well as the citizenry, are obliged to obey the law. Opponents argue that the rule rewards the criminal at society's expense. A corollary issue concerns proposals for the modification of the exclusionary rule. Some proposals would have codified or extended the "good faith" exception ruled constitutional by the Supreme Court. Others would have required a more rigid application of the rule.

In addition, some proposals urged an increased Federal preemption of law enforcement activities previously within the domain of State Governments. For example, a Senate amendment to the Violent Crime Control Act of 1991 (S. 1241) would have made it a potential Federal offense to use, possess, or carry a firearm or destructive device during a crime of violence or drug trafficking punishable under State law if the weapon had ever crossed State boundaries. (This amendment was omitted from the conference agreement on the bill, H.R. 3371). In contrast, other proposals, such as those involving *habeas corpus* and exclusionary rule revision, would have limited the Federal courts' authority to review State procedures.

(For further information, see CRS Issue Briefs 87013, *Drug Control*; 89093, *Gun Control*; and 92061, *Prisons: Policy Options for Congress*.)

LEGISLATION

H.R. 11 (Rostenkowski)

Revenue Act of 1992. Would establish procedures for the designation of 50 tax enterprise zones: 25 urban enterprise zones and 25 rural development investment zones. Eligible programs would include projects and activities under the Anti-Drug Abuse Act of 1988, including public and assisted housing. (Funding authorized under this bill may also fall under the provisions for the Weed and Seed program.) Substance abuse treatment programs for individuals under criminal justice supervision would also be eligible. Introduced Jan. 3, 1991; referred to Committee on Ways and Means. Reported to House (H. Rept. 102-631) June 30, 1992. Passed House, amended, July 2. Referred to Senate Committee on Finance July 21. Reported by Committee without written report Aug. 3, 1992.

H.R. 18 (Hughes)

Habeas Corpus Reform Act of 1991. Limits the period of time for filing a petition for a writ of habeas corpus in the appropriate district court. Provides that successive applications for a writ of habeas corpus be dismissed unless the applicant shows that the factual basis of the claim could not have been discovered by the exercise of reasonable diligence before the applicant filed the prior application; that the claim relies on a new rule announced by the Supreme Court after the prior application was filed; or that the failure to raise the claim in the prior application was due to action by State officials in violation of the U.S. Constitution. Requires States to provide for counsel to indigents charged with offenses for which capital punishment is sought, to indigents who have been sentenced to death and who seek appellate review in State courts, and to indigents who have been sentenced to death and seek *certiorari* review by the U.S. Supreme Court. Introduced Jan. 3, 1991; referred to Committee on Judiciary.

H.R. 1400 (Michel)/S. 635 (Thurmond, Dole)

Comprehensive Violent Crime Control Act of 1991. Omnibus, 11-title bill. Establishes procedures necessary to carry out the Federal death penalty for offenses for which it already is allowed and to extend the possibility of the penalty to murder committed in violation of certain Federal statutes other than the drug control statutes which currently permit it; also allows the penalty for drug kingpin offenses even when death has not occurred. Contains provisions designed to ensure equal justice in the application of the death penalty. Creates restrictions on the use of Federal *habeas corpus* petitions by State prisoners and requires deference in Federal proceedings to the results of full and fair State court determinations. Narrows the application, in Federal criminal proceedings of the Federal exclusionary rule, admitting evidence obtained in "good faith" with or without a warrant. Contains various provisions related to firearms, including one to double the mandatory penalty enhancements for use of a gun in committing a Federal crime of violence or a drug felony if the gun is a certain type of semiautomatic. Restricts commerce in large-capacity ammunition feeding devices. Establishes higher penalties for obstruction of justice offenses against court officers and jurors. Makes changes in existing law provisions regarding the records of Federally prosecuted juveniles; repeals a statute that authorizes the pre-judgment probation for certain drug offenders and that requires the expungement of records for such an offender who is under 21; broadens the option of adult prosecution for serious juvenile offenders and gang leaders; enlarges scope of Armed Career Criminal Act to include certain juvenile offenders. Contains other provisions designed to expand victims' rights, curb sexual violence and child abuse, and to deter terrorism. H.R. 1400 introduced Mar. 12,

1991; referred to Committee on Judiciary. S. 635 introduced Mar. 13; referred to Committee on Judiciary.

H.R. 3371 (Brooks, Schumer)

Violent Crime Prevention Act of 1991. As reported, contains 31 titles. Reinstates the death penalty for about 50 crimes, including espionage, treason, and major drug offenses committed by a drug kingpin as part of a continuing criminal enterprise. Codifies the good faith exception to the Federal exclusionary rule. Increases penalties for the criminal use of firearms. Adopts the Senate version of the "Brady bill." Contains House bill's provisions to expedite Federal *habeas corpus* proceedings involving State prisoners under sentence of death. Increases penalties for violent crimes and drug trafficking. Authorizes total appropriations of approximately \$3.5 billion for FY1992-1996. Directs the Attorney General to develop a strategy to coordinate gang-related investigations by Federal law enforcement agencies. Contains titles pertaining to Protection of Youth, Victims of Crime, Motor Vehicle Theft Prevention, Protection for the Elderly, Rural Crime, Financial Institutions Fraud Prosecutions, Consumer Protection, Savings and Loan Prosecution Task Force, Parental Kidnapping, and Safe Schools. Introduced Sept. 23, 1991; referred to Committees on Judiciary and on Ways and Means. Reported by Judiciary, amended (H.Rept. 102-242, Part I), Oct. 7. Reported by Ways and Means, amended, (H. Rept. 102-242, Part II) Oct. 9. Passed House, amended, Oct. 22. Passed Senate, with text of S. 1241 substituted, Nov. 21. Conference report (H.Rept. 102-405) accepted by House, Nov. 27. Senate vote on cloture failed Nov. 27, 1991; subsequent vote on cloture motion failed Mar. 19, 1992.

S. 265 (Thurmond)

Protection Against Terrorism Act of 1991. Establishes procedures for the imposition of the death penalty for terrorist murders. Provides for the removal from the country of alien terrorists. Introduced Jan. 24, 1991; referred to Committee on Judiciary.

S. 266 (Biden, DeConcini)

Comprehensive Counter-Terrorism Act of 1991. Establishes procedures for the imposition of the death penalty for terrorist murders committed abroad and in the United States. Provides for enhanced penalties for international terrorist acts. Introduced Jan. 24, 1991; referred to Committees on Judiciary and on Environment and Public Works.

S. 339 (DeConcini)

Outlaw Street and Motorcycle Gang Control Act of 1991. Provides for enhanced penalties for the misuse of firearms and explosives. Expands the seizure and forfeiture authority of the Bureau of Alcohol, Tobacco, and Firearms. Authorizes the establishment of a National Center for Outlaw Street and Motorcycle Gang Analysis. Introduced Jan. 31, 1991; referred to Committee on Judiciary.

S. 618 (Biden)

Violent Crime Control Act of 1991. Superseded by S. 1241, described by Senator Biden as essentially the same as S. 618 (introduced Mar. 12, 1991) except for the addition of a new version of the "Brady Bill" developed by Senators Mitchell, Kohl, and Gore.

S. 1241 (Biden)

Violent Crime Control Act of 1991. Omnibus, 49-title bill. Major provisions are as follows. Authorizes \$1 billion in aid to State and local law enforcement agencies. Authorizes the death penalty for a variety of Federal offenses including the murder of a Federal law enforcement agent or a State law enforcement agent working with a Federal officer. Anti-terrorism provisions authorize the death penalty for terrorist murders committed at home or abroad and permit the FBI to investigate and arrest those who finance and arm terrorist groups. Makes drug-related drive-by shooting a Federal offense, punishable by up to 25 years in prison and by death if death results. Bans importation of semiautomatic firearms covered by the bill's definition of "assault weapon" (certain specified models). Authorizes \$400 million to create a "police corps" by funding scholarships for qualified college students who commit to 4 years' service as police officers. Requires States to establish a police officers' bill of rights that provides standards for internal investigations. Authorizes additional funding for DEA, FBI, Border Patrol, and INS agents, as well as for additional Federal prosecutors; also authorizes additional sums for public defenders, the Marshals Service, and the courts. Limits death row prisoners to one *habeas corpus* petition; requires States to provide competent counsel in capital cases. Increases penalties for use of a gun in committing a Federal drug trafficking crime or crime of violence. Authorizes funds for the creation of a Federally run system of 10 regional prison facilities to treat Federal and State prisoners addicted to drugs. Authorizes \$150 million for the creation of 10 military-style boot camps for the treatment of certain drug offenders under the age of 25. Establishes a new grant program (administered by the Department of Justice) designed to reduce the formation or continuation of juvenile gangs. Expands the rural drug enforcement program established under the Crime Control Act of 1990. Creates a new \$300 million (for each of 5 fiscal years) program to provide emergency Federal assistance to areas in which drug trafficking or abuse or drug-related violence reaches levels determined to warrant it. Increases existing penalties for drunk driving in areas subject to Federal jurisdiction. Creates two national commissions, one to develop a plan for combatting crime in American society and the other to study and recommend changes regarding Federal, State and local law enforcement agencies. Eliminates the cap on the crime victim fund, includes a Victims' Bill of Rights, and requires that defendants pay crime victims' expenses. Authorizes a new civil remedy to evict drug dealers from crack houses. Codifies the standard for admissibility of evidence established by the Supreme Court decision in *U.S. v. Leon*. Expands existing statutory authority for a demonstration program to require periodic testing for drug use of all Federal offenders on post-conviction conditional release. Contains provisions of H.R. 7, the Brady Handgun Violence Protection Act (See Issue Brief 89093), but also establishes a program of grants to the States for the improvement and automation of their central criminal record system. Requires Federal and State court clerks to notify IRS and Federal and State prosecutors when a defendant charged with a drug offense, a Racketeer Influenced and Corrupt Organizations Act (RICO) violation, or money laundering posts bail in cash. Instructs the Attorney General to devise a voluntary vehicle theft protection program. Contains provisions for protection of the elderly and for the registration of persons convicted of child abuse. Introduced June 6, 1991; placed on calendar. Passed Senate, amended, July 11, 1991. Contents substituted for those of H.R. 3371; passed by Senate Nov. 21, 1991.

S. 1303 (Mitchell, DeConcini)

Outlaw Gang Control Act of 1991. Substitute for S. 339. Provides a "generic" definition of "outlaw gang" or "gang." Enhances the penalties for the misuse of firearms

and explosives. Expands the seizure and forfeiture authority of the Bureau of Alcohol, Tobacco, and Firearms. Authorizes the establishment of a National Center for Outlaw Street and Motorcycle Gang Analysis in the Bureau of Alcohol, Tobacco, and Firearms. Introduced June 17, 1991; referred to Committee on Judiciary.

S. 1313 (Biden)

Rural Crime and Drug Control Act of 1991. Authorizes \$50 million for FY1992 for rural law enforcement agencies. Raises the base allocation under Section 1501(a)(2)(A) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to \$250,000. Directs the Attorney General to establish Rural Drug Enforcement Task Forces in each of the Federal judicial districts. Provides additional Federal agents to support law enforcement in rural areas. Authorizes an additional \$45 million for the DEA to hire, equip, and train not less than 350 agents and support personnel to expand DEA investigations of drug activity in rural areas. Increases the penalty for trafficking "ice." Directs the Secretary of Health and Human Services to establish a program to provide grants to hospitals, community health services, migrant health centers, and health entities of Indian tribes and tribal organizations to assist in developing and implementing projects that provide, or expand the availability of, substance abuse treatment centers. Establishes a grant program administered by the Department of Health and Human Services for rural substance abuse prevention. Provides for the prosecution of clandestine laboratory operators. Introduced June 18, 1991; referred to Committee on Judiciary.

S. 1335 (Kasten)

Strategy to Eliminate Crime in the Urban and Rural Environment Act of 1991. Requires the Director of the National Institute of Justice to conduct an assessment of the nature and extent of rural crime in the United States. Doubles the existing penalties for crimes committed against any individual aged 65 or over. Contains new provisions regarding the admissibility of evidence in cases of child abuse, sexual violence, and violence against women. Creates a Law Enforcement Community's Bill of Rights. Establishes a Victims' Bill of Rights, including victim restitution, and elimination of the "cap" on the crime victims' fund. Provides for increased penalties on criminals who are convicted of crimes committed while participating in street gangs. Establishes death penalty procedures similar to those in S. 147, the Federal Death Penalty Act of 1991. Requires mandatory minimum penalties, without release, for drug traffickers and for those who involve juveniles in drug use or drug trafficking. Revises Federal *habeas corpus* procedures and provides for a "good faith" exemption to the Federal exclusionary rule. Mandates work for every Federal prisoner in order to defray the cost to the taxpayer of keeping the convicted offender in prison. Introduced June 20, 1991; referred to Committee on Judiciary.

S. 1337 (Specter, Seymour)

Anti-Gang Violence Act of 1991. Authorizes \$18 million for FY1992 to the Bureau of Alcohol, Tobacco, and Firearms for the creation of a new Anti-Gang Unit. Provides additional agents and support staff for the new unit. Enhances the penalties for possession of a firearm by drug traffickers or perpetrators of other violent crimes. Amends Title 18 U.S.C. to make theft from a federally licensed gun dealer a Federal offense. Provides enhanced penalties for drug dealers who employ juveniles to traffic in drugs. Authorizes up to \$1 million to the National Institute of Corrections to provide technical assistance to States to facilitate the separation of gang members in State prisons. Authorizes an additional \$5 million to the Department of Justice's Office

of Justice Programs for Anti-Drug Abuse Grants for States and local task forces which have developed programs coordinating the efforts of law enforcement agencies, schools, and community organizations to combat youth gang crime and drug activity. Expresses the sense of the Senate that the President establish a National Commission on Gang Intervention. Provides the Attorney General with discretion to direct proceeds under the Assets Forfeiture Fund to the U.S. Attorney's office for general narcotics prosecutions or specialized task forces. Introduced June 20, 1991; referred to Committee on Judiciary.

S. 2305 (Thurmond)

Crime Control Act of 1992. Omnibus, 15-title bill containing principally provisions in the House- or Senate-passed version of H.R. 3371, the conference agreement on which was approved by the House, but not the Senate. Major titles include the Federal death penalty, *habeas corpus*, the Federal exclusionary rule, firearms, juveniles and gangs, terrorism, sexual violence, child abuse, victims' rights, equal justice act, funding, grant programs and studies, illegal drugs, and public corruption. New provisions include those to authorize the death penalty for aggravated murders in the District of Columbia and additional funding for prison construction. Introduced Mar. 3, 1992; referred to Committee on Judiciary.

CONGRESSIONAL HEARINGS, REPORTS, AND DOCUMENTS

- U.S. Congress. Committee of Conference. Violent Crime Control and Law Enforcement Act of 1991; report to accompany H.R. 3371. Washington, U.S. Govt. Print. Off., 1991. 211 p. (102d Congress, 1st session. House. Report No. 102-405.)
- U.S. Congress. House. Committee on the Judiciary. Hate Crimes Statistics Act; report with additional and dissenting views to accompany H.R. 1048, including cost estimate of the Congressional Budget Office. Washington, U.S. Govt. Print. Off., 1989. 10 p. (101st Congress, 1st session. House. Report No. 101-109.)
- Omnibus Crime Control Act of 1991; report with additional and dissenting views to accompany H.R. 3371, including cost estimate of the Congressional Budget Office. Washington, U.S. Govt. Print. Off., 1991. 406 p. (102d Congress, 1st session. House. Report No. 102-242, Part I.)
- U.S. Congress. House. Committee on the Judiciary. Subcommittee on Criminal Justice. Organized criminal activity by youth gangs. Hearings, 100th Congress, 2d session. Washington, U.S. Govt. Print. Off., 1989. 299 p.
- Oversight hearings on organized crime strike forces. Hearings, 101st Congress, 1st session. June 20, 1989. Washington, U.S. Govt. Print. Off., 1989. 269 p.
- U.S. Congress. Senate. Committee on Governmental Affairs. Subcommittees on General Services and Federalism and the District of Columbia. Federal-State-local solutions to crime and drug abuse. Hearings, 101st Congress, 1st session. Washington, U.S. Govt. Print. Off., 1989. 371 p.

U.S. Congress. Senate. Committee on the Judiciary. Comprehensive Crime Control Act of 1983; report on S. 1762. Washington, U.S. Govt. Print. Off., 1983. 797 p. (98th Congress, 1st session. Senate. Report No. 98-225.)

----- Criminal Code Reform Act of 1981; report to accompany S. 1630. Washington, U.S. Govt. Print. Off., 1981. 1569 p. (97th Congress, 1st session. Senate. Report No. 97-307.)

----- Criminal Code Reform Act of 1979; report to accompany S. 1722. Washington, U.S. Govt. Print. Off., 1979. 1507 p. (96th Congress, 2d session. Senate. Report No. 96-533.)

----- Criminal Code Reform Act of 1977; report to accompany S. 1437. Washington, U.S. Govt. Print. Off., 1977. 1203 p. (95th Congress, 1st session. Senate. Report No. 95-605, Part I.)

CHRONOLOGY

- 02/10/92** --- Senator Joseph Biden, Jr. released an "alternative" anti-drug proposal that would provide for \$100 million more for law enforcement than the Administration's proposal.
- 01/27/92** --- The Bush Administration released its new National Drug Control Strategy that called for a funding increase to \$12.7 billion in 1993.
- 11/20/91** --- The nomination of Acting Attorney General William P. Barr to Attorney General was confirmed by the Senate.
- 03/03/91** --- Attorney General Richard Thornburgh hosted a Summit Conference on Violent Crime.
- 02/06/91** --- Senator Joseph Biden, Jr. subsequently released a strategy alternative.
- 01/31/91** --- The President released an updated National Drug Control Strategy that called for a \$1.2 billion increase in spending on the war against drugs.
- 11/29/90** --- The Crime Control Act of 1990, S. 3266, was signed into law (P.L. 101-647).
- 01/25/90** --- The President released an expanded \$10.6 billion national drug control strategy.
- 09/05/89** --- President Bush announced the release of the first National Drug Control Strategy to be developed by the new Office of Drug Control Policy.
- 05/15/89** --- President Bush announced his proposed comprehensive plan to combat violent crime, a four-part program to strengthen current laws, enhance enforcement and apprehension of criminals, facilitate prosecution, and expand Federal prison capacity (subsequently S. 1225 and H.R. 2709).

- 11/18/88** --- The Anti-Drug Abuse Act of 1988 (P.L. 100-690) was signed into law.
- 10/27/86** --- President Reagan signed an omnibus drug control bill, the Anti-Drug Abuse Act of 1986 (P.L. 99-570), passed late in the 99th Congress.
- 10/12/84** --- President Reagan signed H.J.Res. 648, the Comprehensive Crime Control Act of 1984, the culmination of more than a decade's effort to make changes in parts of the Criminal Code.
- 04/15/82** --- The Law Enforcement Assistance Administration was terminated; its remaining programs placed under the direction of the Attorney General.
- 08/17/81** --- The Attorney General's Task Force on Violent Crime issued its final report, which contained 64 recommendations to the Attorney General on ways in which the Federal Government could combat violent crime.
- 01/04/73** --- The Criminal Justice Codification, Revision, and Reform Act (S. 1), a measure based on the recommendations of the Brown Commission, was introduced in the Senate. (Code revision measures were reintroduced in subsequent Congresses.)
- 01/07/71** --- The National Commission on Reform of Federal Criminal Laws (Brown Commission) submitted its Final Report to Congress and the President.
- 06/19/68** --- The Omnibus Crime Control and Safe Streets Act of 1968 was signed into law (P.L. 90-351).
- 11/08/66** --- The bill creating the National Commission on Reform of Federal Criminal Laws, known as the Brown Commission, was signed into law (P.L. 89-801).

FOR ADDITIONAL READING

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President's Commission on Organized Crime; report to the President and the Attorney General. The impact: Organized crime today. Washington, April 1986.

U.S. Library of Congress. Congressional Research Service. Crime Control Act of 1990 (P.L. 101-647): Summary, coordinated by Harry Hogan. Jan. 11, 1991. [Washington] 1991. 25 p.

CRS Report 91-69 GOV

----- Drug control: Federal financial assistance to State and local governments through the Byrne program, by Keith Bea. Jan. 29, 1992. [Washington] 1992. 60 p.

CRS Report 92-119 GOV

- Exclusionary rule: Brief overview of the Federal Fourth Amendment rule, by Charles Doyle. Revised Dec. 10, 1991. [Washington] 1991. 26 p.
CRS Report 91-866 A
- Federal *habeas corpus*: Background and issues, by Charles Doyle. Jan. 10, 1991. [Washington] 1991. 44 p.
CRS Report 91-24 A
- Federal sentencing guidelines, by Suzanne Cavanagh. June 24, 1991. [Washington] 1991. 18 p.
CRS Report 91-499 GOV
- Juvenile justice and delinquency prevention: Background and current issues, by Suzanne Cavanagh and David Teasley. Aug. 11, 1992. [Washington] 1992. 18 p.
CRS Report 92-633 GOV
- Youth gangs: An overview, by Suzanne Cavanagh and David Teasley. June 9, 1992. [Washington] 1992. 16 p.
CRS Report 92-491 GOV
- Von Hirsh, Andrew, ed. Doing justice: The choice of punishments. New York, Hill and Wang, 1976. 179 p.
- Wilson, James Q., ed. Crime and public policy. San Francisco, ICS press, 1983. 334 p.
- Thinking about crime. New York, Basic Books, Inc., 1975. 179 p.



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Parliamentarian
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Executive Director
Daniel N. Rosenblatt
Arlington, VA

November 25, 1991

The Honorable Joseph R. Biden, Jr.
Chairman
Senate Committee on the Judiciary
Washington, D.C. 20510-6275

Dear Mr. Chairman:

I have always felt it important that our federal legislators hear from representatives of the law enforcement community on critical issues facing the country in a clear and timely manner. It is out of this concern that I, as President of the International Association of Chiefs of Police, write to you at this vital time. Members of the Senate and House of Representatives have conferred the Crime Bill and it is now awaiting ratification by both chambers in preparation for sending it on to the President for his signature.

The Conference Report addresses many issues of concern to the law enforcement community. Some of these elements are reflective of IACP's longstanding legislative agenda and we are pleased to see them incorporated into this proposal. Key among them are: a national waiting period for the purchase of a handgun; expansions of death penalty provisions in federal law; additional funding support for state and local law enforcement; and, increased support for federal law enforcement efforts. The Conference Report also incorporates many salutary provisions such as anti-gang violence programs; rural crime initiatives; expansion of aid to victims of crime; establishment of funding for emergency crime areas; and, measures designed to protect our children from abuse.

The net effect of the changes of these provisions in the Conference Report will benefit the public at large as well as those who are charged to protect them.

Senator Biden
November 25, 1991
Page Two

As you know, Mr. Chairman, IACP has been on record as supporting the President's Crime Bill. It is important to note that we also have advocated other provisions not contained in that measure. While we support the Conference Report, we recognize that it does contain some elements that could be strengthened. We hope to have the opportunity in the months ahead to work with you and representatives of the Administration to address these issues.

I appreciate having this opportunity to share my views with you and look forward to working with you in the future on these and other issues of mutual concern.

Sincerely,



C. Roland Vaughn, III
President



GRAND LODGE FRATERNAL ORDER OF POLICE

520 SOUTH HIGH STREET, SUITE 205 • COLUMBUS, OHIO 43215-5685 • (614) 221-0180 • FAX (614) 221-0815

November 26, 1991

DEWEY R. STOKES
NATIONAL PRESIDENT

Honorable Joseph Biden
Chairman, Senate Judiciary Committee
United States Senate
Washington, D.C. 20510

Dear Chairman Biden:

I have had the opportunity to review the contents of the compromise reached by the House and Senate conferees who met on November 24 regarding HR 3371, the Omnibus Crime Control Act of 1991. On behalf of the 230,000 members of the National Fraternal Order of Police (NFOP), the largest organization of law enforcement professionals in this country, I am pleased to advise you of our support for the conference agreement.

Clearly, the legislative process is the art of the possible triumphing over perfection. The NFOP certainly would have preferred certain language not presently found in the conference agreement such as the Senate provisions on habeas corpus reform, the "Police Officers' Bill of Rights," and semi-automatic assault weapons as well as the House language on "good faith" warrantless searches by police. However, the conference agreement also has much to recommend it, including the so-called "Brady" language on handgun purchases, reinstatement of the federal death penalty for a variety of federal crimes, the establishment of a police corps program, and the funding of vitally needed local anti-crime initiatives nationwide, just to name a few.

Those of us charged with enforcing the laws of this nation need good legislation to help us do our job, not endless finger-pointing and jockeying for some temporary partisan political advantage. Although the NFOP is prepared to continue to work for enactment of legislation in the areas not adequately covered in the conference agreement, let us move forward on that which is attainable. Accordingly, I call on the Congress to adopt, and for the President to sign, this bill. It is the toughest anti-crime legislation to emerge from Congress in recent memory and should become law.

With kind personal regards, I remain

Sincerely,

Dewey R. Stokes
National President

NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest



President
ROBERT SCULLY
Vice President, Detroit
Police Officers Assn.
Detroit, MI

1920 L Street, N.W. • Washington, D.C. 20036 • (202) 223-6515 • FAX: (202) 296-7220

Legislative Counsel:
JULES BERNSTEIN
LINDA LIPSETT

November 25, 1991

BY HAND

The Honorable Joseph R. Biden, Jr.
United States Senate
221 Russell Senate Office Building
Washington, D.C. 20510-0802

Dear Senator Biden:

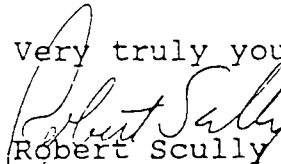
I am writing on behalf of the 135,000 rank-and-file police officer members of the National Association of Police Organizations ("NAPO"), to express our support for prompt enactment of the Crime Bill as reported out of Conference on Sunday.

First, let me say that NAPO has followed the development of the Crime Bill closely during this congressional session and believes the version which has been reported out of Conference to be tough anti-crime legislation which goes a long way toward meeting the acknowledged need for substantial improvements in America's criminal justice and crime detection and prevention systems. While we do not agree with each and every provision of the Conference version, and especially regret the deletion in Conference of the Senate-passed Assault Weapons Ban and Law Enforcement Officers Bill of Rights, we believe that the Bill's positive response to the need for overall improvement in law enforcement far overshadows any possible disagreement over individual provisions.

Further, as we have said repeatedly in the past, we do not believe that so critical a national priority as the battle against crime should be mired in political partisanship. Hence, the sooner the current Crime Bill is enacted, the sooner the many reforms and innovations that it contains can be implemented.

As a significant body of law enforcement officers who risk life and limb daily to protect the American public, we urge you to enact this badly needed anti-crime legislation immediately.

Very truly yours,


Robert Scully
President

RJS/ngn

cc: John Bentivoglio



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Past President and
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Charles D. Reynolds
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Executive Director
Daniel N. Rosenblatt
Arlington, VA

November 25, 1991

The Honorable Joseph R. Biden, Jr.
Chairman
Senate Committee on the Judiciary
Washington, D.C. 20510-6275

Dear Mr. Chairman:

I have always felt it important that our federal legislators hear from representatives of the law enforcement community on critical issues facing the country in a clear and timely manner. It is out of this concern that I, as President of the International Association of Chiefs of Police, write to you at this vital time. Members of the Senate and House of Representatives have conferenced the Crime Bill and it is now awaiting ratification by both chambers in preparation for sending it on to the President for his signature.

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Senator Biden
November 25, 1991
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I appreciate having this opportunity to share my views with you and look forward to working with you in the future on these and other issues of mutual concern.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. Vaughn", with a long horizontal flourish extending to the right.

C. Roland Vaughn, III
President



Mothers Against Drunk Driving

511 E. John Carpenter Fwy., Suite 700 • Irving, Texas 75062-8187 • Telephone (214) 744-MADD • FAX (214) 869-2206/2207

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Executive Director

November 25, 1991

The Honorable Joseph H. Biden, Jr.
Chairman
Committee on the Judiciary
United States Senate
SD-224 Dirksen Senate Office Building
Washington, D.C. 20510-6275

Dear Senator Biden:

Mothers Against Drunk Driving is pleased to note the inclusion of the "Drunk Driving Child Protection Act" as an element of the conference agreement on H. R. 3371. As you well know, this legislation, which enhances the penalties for drunk driving on federal property when a minor child is in the vehicle, was included in the Senate-passed anti-crime package as Title XVIII of S. 1241.

The Drunk Driving Child Protection Act will send a clear signal to the states as regards to their own penalties for drunk driving when minor children are involved. Drunk driving is a crime. Drunk drivers chose to commit this crime, but children who have no option but to get in a car with an impaired father, mother or guardian are its innocent victims. Once again, you have demonstrated leadership in proposing and passing legislation sensitive to the needs of the victims of the crime of drunk driving.

Mothers Against Drunk Driving looks forward to the passage of H. R. 3371 and the implementation of the Drunk Driving Child Protection Act.

Sincerely,

Milo Kirk
President

NATIONAL NETWORK FOR VICTIMS OF SEXUAL ASSAULT

(703) 671-0691

November 25, 1991

The Honorable Joseph Biden
Chairman, Committee on the Judiciary
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

We are writing to thank you for your help in ensuring that the crime bill conference report includes provisions important to victims of crime.

We are particularly grateful for your help in preventing House amendments to the Victims of Crime Act which would have made serious cuts in federal funding for crime victim assistance. Those cuts could have resulted in reduced services to victims of crime at a time when violent crimes against American women and children are at an all-time high.

We look forward to Congressional passage of the crime bill; and, to a more secure and stable future for crime victim assistance efforts as a result of your work.

Sincerely yours,

Mary Ann Lergen
Mary Ann Lergen
Executive Director

MAL/ds

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FAX: (202) 466-7826



POLICE EXECUTIVE
RESEARCH FORUM

DARREL W. STEPHENS
EXECUTIVE DIRECTOR

November 26, 1991

Senator Joseph R. Biden, Jr.
Chairman
Senate Committee on the Judiciary
Dirksen 224
Washington, DC 20510-6275

Dear Senator Biden:

On behalf of the members of the Police Executive Research Forum (PERF), I would like to thank you for your efforts on the Crime Bill. PERF members represent the largest jurisdictions in this country, serving more than 30 percent of the nation's population. They are overwhelmed by the crime-related violence and decay they see destroying their communities. We applaud attempts by you and your colleagues to do something about it.

The Crime Bill provisions that mandate a waiting period between the purchase and receipt of a handgun and support for state and local law enforcement agencies, in particular, are signs to law enforcement that Congress is ready to help police do their jobs.

It is true that PERF members do not support every provision of this comprehensive package, but on balance we believe the passage of this bill will advance law enforcement's commitment to protecting our nation's citizens. While there are issues raised by the Crime Bill that can be more adequately addressed in the future, PERF supports passage of this legislation and appreciates your efforts to meet law enforcement's needs.

Sincerely,

Darrel W. Stephens
Darrel W. Stephens
Executive Director

mp/

Crime Bill Comparison

<u>Provision</u>	<u>Conference Report</u>	<u>Bush Bill</u>
Brady Bill	Yes, five day waiting period	No provision
Death Penalty		
— Total # of offenses	53 crimes	46 crimes
— Murder of police	Yes	Yes
— Drug Kingpins	Yes	Yes
— Drive-By-Shooting	Yes	No
— Rape/Murder	Yes	No
— Law Enforcement	Authorizes \$1 billion in aid to State and local law enforcement agencies	No provision
Police Corps	Grants college scholarships to students who commit to 4 years service as police officers and provides in-service education opportunities	No provision
Habeas Corpus	Limits death-row prisoners to one habeas corpus petition, within one year	Effectively eliminates federal court review of state criminal convictions
Victims of Crime	Expands aid to victims of crime; gives victims chance to speak at trial	No provision
Gun-Related Penalties	Toughens penalties for gun use during violent crime, including death penalty for gun murders	Some additional penalties for gun-related offenses, but no death penalty
Violent Drug-Crime Prison	Establishes 10 regional prisons to hold drug criminals	No provision
Boot Camps	Uses military bases for 'boot camp' programs	No provision
Anti-Gang Program	Increases penalties and authorizes anti-gang program	No provision
Rural Crime and Drugs	Provides aid to rural law enforcement and for drug treatment and prevention	No provision
Drug Emergency Areas	Provides \$300 million to cities hardest hit by the drug crisis	No provision
Drunk Driving	Boosts penalties for drunk driving when a child is present in the vehicle	No provision
Child Abuse	Establishes background checks for day care workers; death penalty for child abuse murders	No provision
Exclusionary Rule	Permits 'good faith' exception with a warrant	Permits 'good faith' exception for warrantless searches

Crime Conference Report

THE BRADY BILL

Imposes a five day waiting period for the purchase of handguns, until a national "instant check" system is developed. Requires police background checks of gun purchasers, to keep guns out of the hands of criminals.

DEATH PENALTY

Provides the largest—ever expansion of the federal death penalty, covering 53 offenses. Included in the bill: murder of a federal law enforcement agent; killing the President; murder in the course of rape; murder for hire; drive-by—shootings. Also, imposes the death penalty on "drug kingpins."

GUN PENALTIES

Provides new minimum penalties for offenses committed with guns, for gun possession by felons, and for the theft of guns.

AID TO LOCAL LAW ENFORCEMENT

Authorizes new aid for local police departments and prosecutors for anti—drug law enforcement efforts (\$1 billion).

GANG VIOLENCE

Launches new anti—gang program, including expanded juvenile courts, police programs, and prevention (e.g., Boys/Girls clubs in housing projects).

VICTIMS OF CRIME

Expands aid to crime victims, and permits them to speak at the sentencing of their assailants.

POLICE CORPS

Creates an ROTC—style program to provide college scholarships for students willing to serve as police officers upon graduation. Also, provides educational benefits for existing police officers.

RURAL CRIME

Launches new rural anti—crime program, with aid and training for rural police departments, and additional federal drug agents for rural areas.

TERRORISM

Creates new penalties, including death, for terrorist acts. Also, authorizes more funding for U.S. anti—terrorism agencies.

HABEAS CORPUS REFORM

Limits death row inmates to a single federal appeal, which must be filed within one year, in states providing legal assistance to inmates.

PRISONS AND BOOT CAMPS

Authorizes 8,000 new prison cells to hold drug criminals. Also, converts 10 closed military bases into "boot camps" for youthful offenders.

FEDERAL LAW ENFORCEMENT

Authorizes hundreds of new FBI, DEA, Border Patrol agents, and U.S. Attorneys to combat crime and drug trafficking.

EXCLUSIONARY RULE REFORM

Codifies current law, providing a "good faith" exception to the exclusionary rule where police officers have a warrant.

WHITE COLLAR CRIME

Increases penalties for insurance fraud; mandates new S&L prosecution task force; establishes new penalties for credit card and telemarketing fraud.

INCREASES PENALTIES

Increases existing penalties for repeat drug offenses, assault, manslaughter, crimes against the elderly, and for violent crimes.

COERCED CONFESSIONS

Bars the use of coerced confessions at trial.

CHILD ABUSE

Provides a national system of background checks for workers in day care center. Also, imposes death penalty for child abuse murders.

The Formula For Controlling Gun Crimes

<u>Provision</u>	Brady Bill	+	Bush's Bill	=	Conference Report
Waiting Period for handgun purchases	Yes		No		Yes
Background checks on handgun buyers	Yes		No		Yes
Stops criminals from getting guns	Yes		No		Yes
Increases penalties for using guns	No		Yes		Yes
Increases penalties for stealing guns	No		Yes		Yes
Increases penalties for felons who buy or possess guns	No		Yes		Yes

CRIME BILL COMPARISON

<u>Provision</u>	<u>Conference Report</u>	<u>Bush Bill</u>
Brady Bill	Yes, five day waiting period	No provision
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--Total # of offenses	53 crimes	46 crimes
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--Drug Kingpins	Yes	Yes
--Drive-By-Shooting	Yes	No
--Rape/Murder	Yes	No
Law Enforcement	Authorizes \$1 billion in aid to State and local law enforcement agencies	No provision
Police Corps	Grants college scholarships to students who commit to 4 years service as police officers and provides in-service education opportunities	No provision
Habeas Corpus	Limits death-row prisoners to one habeas corpus petition, within one year	Effectively eliminates federal court review of state criminal convictions
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Provision**Conference Report****Bush Bill**

Violent Drug-
Crime Prison

Establishes 10 regional
prisons to hold drug criminals

No provision

Boot Camps

Uses military bases for "boot
camp" programs

No provision

Anti-Gang Program

Increases penalties and
authorizes anti-gang program

No provision

Rural Crime and
Drugs

Provides aid to rural
law enforcement and
for drug treatment
and prevention

No provision

Drug Emergency
Areas

Provides \$300 million
to cities hardest hit by
the drug crisis

No provision

Drunk Driving

Boosts penalties for drunk
driving when a child is
present in the vehicle

No provision

Child Abuse

Establishes background checks
for day care workers; death
penalty for child abuse murders

No provision

Exclusionary Rule

Permits "good faith" exception
with a warrant

Permits "good faith"
exception for warrantless
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CRIME BILL CONFERENCE REPORT

NOVEMBER 26, 1991

- A. LAW ENFORCEMENT SUPPORT**
- B. NEWSPAPER COVERAGE**
- C. SHORT SUMMARY OF BILL**
- D. COMPARISON WITH BUSH'S BILL**

CRIME BILL COMPARISON

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Victims of Crime	Expands aid to victims of crime; gives victims chance to speak at trial	No provision
Gun-Related Penalties	Toughens penalties for gun use during violent crime, including death penalty for gun murders	Some additional penalties for gun-related offenses, but no death penalty

<u>Provision</u>	<u>Conference Report</u>	<u>Bush Bill</u>
Violent Drug-Crime Prison	Establishes 10 regional prisons to hold drug criminals	No provision
Boot Camps	Uses military bases for "boot camp" programs	No provision
Anti-Gang Program	Increases penalties and authorizes anti-gang program	No provision
Rural Crime and Drugs	Provides aid to rural law enforcement and for drug treatment and prevention	No provision
Drug Emergency Areas	Provides \$300 million to cities hardest hit by the drug crisis	No provision
Drunk Driving	Boosts penalties for drunk driving when a child is present in the vehicle	No provision
Child Abuse	Establishes background checks for day care workers; death penalty for child abuse murders	No provision
Exclusionary Rule	Permits "good faith" exception with a warrant	Permits "good faith" exception for warrantless searches

CRIME CONFERENCE REPORT

The Brady Bill

Imposes a five day waiting period for the purchase of handguns, until a national "instant check" system is developed. Requires police background checks of gun purchasers, to keep guns out of the hands of criminals.

Death Penalty

Provides the largest-ever expansion of the federal death penalty, covering 53 offenses. Included in the bill: murder of a federal law enforcement agent; killing the President; murder in the course of rape; murder for hire; drive-by-shootings. Also, imposes the death penalty on "drug kingpins."

Gun Penalties

Provides new minimum penalties for offenses committed with guns, for gun possession by felons, and for the theft of guns.

Aid to Local Law Enforcement

Authorizes new aid for local police departments and prosecutors for anti-drug law enforcement efforts (\$1 billion).

Gang Violence

Launches new anti-gang program, including expanded juvenile courts, police programs, and prevention (e.g., Boys/Girls clubs in housing projects).

Victims of Crime

Expands aid to crime victims, and permits them to speak at the sentencing of their assailants.

Police Corps

Creates an ROTC-style program to provide college scholarships for students willing to serve as police officers upon graduation. Also, provides educational benefits for existing police officers.

Rural Crime

Launches new rural anti-crime program, with aid and training for rural police departments, and additional federal drug agents for rural areas.

Terrorism

Creates new penalties, including death, for terrorist acts. Also, authorizes more funding for U.S. anti-terrorism agencies.

Habeas Corpus Reform

Limits death row inmates to a single federal appeal, which must be filed within one year, in states providing legal assistance to inmates.

Prisons and Boot Camps

Authorizes 8,000 new prison cells to hold drug criminals. Also, converts 10 closed military bases into "boot camps" for youthful offenders.

Federal Law Enforcement

Authorizes hundreds of new FBI, DEA, Border Patrol Agents, and U.S. Attorneys to combat crime and drug trafficking.

Exclusionary Rule Reform

Codifies current law, providing a "good faith" exception to the exclusionary rule where police officers have a warrant.

White Collar Crime

Increases penalties for insurance fraud; mandates new S&L prosecution task force; establishes new penalties for credit card and telemarketing fraud.

Increased Penalties

Increases existing penalties for repeat drug offenses, assault, manslaughter, crimes against the elderly, and for violent crimes.

Coerced Confessions

Bars the use of coerced confessions at trial.

Child Abuse

Provides a national system of background checks for workers in day care centers. Also, imposes death penalty for child abuse murders.

The Formula For Controlling Crime

Provision Brady Bill + Bush's Bill = Conference Report

Waiting Period for handgun purchases	Yes	No	Yes
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Background checks on handgun buyers	Yes	No	Yes
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Stops criminals from getting guns	Yes	No	Yes
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Increases penalties for using guns	No	Yes	Yes
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Increases penalties for stealing guns	No	Yes	Yes
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Increases penalties for felons who buy or possess guns	No	Yes	Yes
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Death penalty for <u>all</u> Federal gun murders	No	No	Yes
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