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Folder Title:

Crime Bill II '95 [1995] - House Votes [3]

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001. memo	From Jose Cerda; re: Meeting with Leon Panetta & Attorney General; [Personally Identifiable Information] [Partial] (3 pages)	02/01/1994	b(6)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Jose Cerda
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FOLDER TITLE:

Crime Bill II - '95 [1995] - House Votes [3]

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
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Study Summary

November 14, 1994

Contact: Anna McCollister, director of public affairs, 202-789-5225

Repeal the Crime Act — 1994 legislation promised more than it will deliver

The first step toward an effective policy for reducing crime would be to repeal the Violent Crime Control and Law Enforcement Act of 1994. In a new Cato policy analysis, Cato Chairman William Niskanen says that while legislation aimed at curbing crime is popular, the effect of the 1994 Act could be insignificant at best. Niskanen says the Act's largely symbolic strikes at crime violate basic constitutional principles, have little empirical support and redirect economic resources in ways that are likely to be ineffective.

The Act

In brief, Niskanen says the Act substantially federalized criminal law, increased sentences for a wide range of crimes, banned some semi-automatic rifles, and authorized about \$30 billion in additional spending for police, prisons, and a range of exotic social programs. In so doing, Niskanen says it also tramples on constitutional, historical and common sense principles. Niskanen cites the following as examples of the Act's abuses:

- Broader federal criminal penalties and restrictions on state sentencing are inconsistent with constitutional and historical limits on the powers of the federal government.
- Provisions that allow admission of evidence of past criminal behavior, as well as those that deny a deportation hearing for convicted aliens, are a clear abuse of civil liberties.
- The ban of 19 types of semi-automatic weapons is purely symbolic, likely unconstitutional and will not reduce crime.
- Social programs financed by the Act are likely worth less than they cost.
- The Act attempts to develop a national solution to localized problems.

-- more --

The Economics of Crime

Niskanen's own research on the determinants of crime, based largely on a statistical analysis of crime rates by state in 1991, leads to the following major conclusions:

- Crime in the United States is much higher than that reported to police but has probably not increased over the past 20 years.
- An increase in police appears to have no significant effect on violent crime and a roughly proportionate negative effect on property crime.
- An increase in corrections employees appears to have no significant effect on violent crime and a small positive effect on property crime.
- Crime rates are strongly affected by demographic and cultural conditions. For example, the violent crime rate increases with the share of births to single mothers.
- The number for police and corrections employees is a negative function of the average salary of public employees, a positive function of per capita income and federal aid, and a positive function of the crime rates.

The Solution

Given the lack of knowledge about what causes crime and what works to curb it, Niskanen says the most important policy advice is to decentralize decisions on the public safety system and on crime prevention programs. If you don't know what works, don't do the same thing everywhere. Experiment with a variety of policies and be prepared to learn from the experiments in other jurisdictions.

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Policy Analysis

No. 218

November 14, 1994

Routing

CRIME, POLICE, AND ROOT CAUSES

by William A. Niskanen

Executive Summary

This paper presents a statistical analysis of the relations between crime rates and the level of public safety resources, controlling for the major conditions that affect each variable. Major findings include the following.

- Crime in the United States is much higher than that reported to police but has probably not increased over the past 20 years.
- An increase in police appears to have no significant effect on the actual rate of violent crime and a roughly proportionate negative effect on the actual rate of property crime.
- An increase in corrections employees appears to have no significant effect on the violent crime rate and a small positive effect on the property crime rate.
- Crime rates are strongly affected by economic conditions. For example, an increase in per capita income appears to reduce both violent and property crime rates by a roughly proportionate amount.
- Crime rates are also affected by demographic and cultural conditions. For example, the violent crime rate increases with the share of births to single mothers.
- The demand for police and corrections employees is a negative function of the average salary of public employees, a positive function of per capita income and federal aid, and a positive function of the crime rates.

The major policy implication of this study is that, because we have so little knowledge of how to reduce crime, we should decentralize decisions on crime prevention and control, beginning with repeal of the 1994 federal crime law.

William A. Niskanen is chairman of the Cato Institute and editor of Regulation magazine.

CATO
INSTITUTE

THE WHITE HOUSE

WASHINGTON

January 30, 1995

Mr. Bob Kliesmet
President
International Union of
Police Associations
1016 Duke Street
Alexandria, Virginia 22314

Dear Bob:

This week, the House Judiciary Committee will mark up legislation to repeal our 100,000 more police initiative and replace it with an undefined, ill-advised program. I am writing to you to express -- in no uncertain terms -- my strong opposition to this provision.

Last year, we worked hand in hand to pass the toughest, smartest crime bill ever. It included "three strikes and you're out," 60 new death penalties, nearly \$10 billion for more prison cells, a hard-fought ban on assault weapons, key support for federal law enforcement, and targeted anti-gang crime prevention. These are all valuable crime-fighting tools, and I remain strongly committed to them.

As I see it, the Crime Bill represents a solemn trust between the American people and us. We need to work together every year over the next six years to keep that trust and make the Crime Bill work. That's why my Administration has worked hard to implement the COPS program in a simple, non-bureaucratic, non-political manner -- and to get the funds out to the front lines as soon as possible. I ask you also to keep that trust, and to continue to work with us to implement and preserve the COPS initiative.

Certainly, there is plenty more that we can do in the fight against crime, and I am committed to working with you and other interested parties to do just that. But how can we have a New Covenant between our people and their government -- one that offers more opportunity in exchange for more responsibility -- if government is to back away from its key commitments to the American people. Make no mistake, I will not let the policing initiative we all worked so hard to pass be repealed.

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THE WHITE HOUSE

WASHINGTON

January 30, 1995

Charles "Bud" Meeks and Colleagues
The Law Enforcement Steering Committee
Suite 200
1001 22nd Street, N.W.
Washington, D.C. 20037

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When we met for the first time last April, I committed to work with you and your members. Together we vowed not to "break faith" with the American people in implementing the Crime Bill. To that end, my Administration has worked hard to implement the COPS program in a simple, nonbureaucratic, nonpolitical manner -- and to get the funds out to the front lines as soon as possible. Now I ask you also not to break faith, and to continue to work with us to implement and preserve the COPS initiative.

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February 6, 1995
(House)

H.R. 666 - Exclusionary Rule Reform Act of 1995
(McCollum (R) FL)

The Administration supports enactment of H.R. 666 if it is amended to apply the "good faith" exception to the search-and-seizure exclusionary rule only when a search warrant has been obtained.

With this modification H.R. 666 would be consistent with the current prevailing approach -- most courts and State legislatures have not recognized a "good faith" exception for non-warrant cases. This approach provides an appropriate incentive for officers to obtain warrants before carrying out searches and seizures.

* * * * *

(Do Not Distribute Outside Executive Office of the President)

This Statement of Administration Policy was developed by the Legislative Reference Division (Jones), in consultation with the Departments of Justice () and the Treasury (), White House Counsel (), the Domestic Policy Council (), GC (), TCJS (), HTF (), BASD (Balis), and BRCD ().

H.R. 666 was reported with technical amendments by the Judiciary Committee on February 2nd. Similar provisions are contained in Title VI of H.R. 3, the "Taking Back Our Streets Act of 1995," part of the House Republican Contract With America.

Background

The "exclusionary rule" provides that certain improperly obtained evidence is not admissible in court. In 1984, the Supreme Court established a "good faith" exception to the exclusionary rule. The exception allows evidence to be used if it was gathered with a search warrant later ruled invalid if law enforcement officials had an "objectively reasonable belief" that the warrant was valid when they obtained the evidence.

The Fifth and Eleventh Circuits have also applied a "reasonableness" standard to warrantless searches. The Justice Department advises that "this is a minority position, which has not been adopted by most courts or state legislatures."

Provisions of H.R. 666

H.R. 666 allows evidence to be admitted "if the search or seizure was carried out in circumstances justifying an objectively reasonable belief that it was in conformity with the fourth amendment" (concerning searches and seizures). H.R. 666 applies to searches with and without warrants.

The bill also prohibits the creation of exclusionary rules based on non-Constitutional violations, except by statute or by rules promulgated by the Supreme Court pursuant to statute.

Pay-As-You-Go Scoring

Per BASD (Balis), H.R. 666 is not subject to pay-as-you-go. CBO concurs.

Administration Position to Date

In a January 26th letter to the House Judiciary Committee concerning H.R. 3, the Attorney General: (1) opposed extension of the "reasonableness" standard to warrantless searches; and (2) supported the bill's limitation on the creation of exclusionary rules based on non-Constitutional violations.

Legislative Reference Division
2/6/95 -- 11:30 a.m.

THE WHITE HOUSE

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LAW/ JUDICIARY

Republican Crime Bills Take A 'Get Tougher' Approach

While GOP enthusiasm is running high, fate of proposals rests with 'middle group'

Robert T. Scully captured the potential and the uncertainty facing Republicans as they revisit one of last year's most contentious legislative battles: the \$30 billion 1994 crime bill.

"We would like to see things left as is and see if it works," Scully said during a Jan. 19 hearing on the new GOP crime bill (HR 3). As executive director of the National Association of Police Organizations, Fraternal Order of Police, Scully lobbied hard for some of the police hiring and crime prevention initiatives that Republicans are now eager to overhaul.

But amid his concern, Scully had warm words for the GOP efforts to cut back on death row appeals and make it easier to use improperly obtained evidence in court: "I think there's a real chance for some improvements."

It is less than five months since President Clinton signed the crime-fighting legislation (PL 103-322) that many Republicans branded as too soft on criminals and larded with wasteful social programs. Now, with both chambers of Congress under their control, Republicans are wagering that they have sufficient political power and popular support to reshape the law more to their liking.

Some lawmakers and lobbyists already have lined up enthusiastically for or against HR 3 and similar GOP crime proposals. Yet the fate of such bills probably rests with a middle group that is still sizing them up and calculating a new bottom line. There is clearly some interest in reworking last year's bill, but also a sense that Republicans could push too hard and run afoul of the same type of political snarls that undid many past crime efforts.

By Holly Idelson



McCollum, left, talks to Schumer at Jan. 19 hearing.

House Bill Front and Center

The immediate focus is the House anti-crime bill (HR 3), one of the 10 measures in the House GOP's "Contract With America." It seeks to shift some federal spending from crime prevention to prison construction, make it easier to impose the death penalty and create new mandatory minimum sentences for crimes committed with a gun. (Box, p. 212)

Senate Judiciary Committee Chairman Orrin G. Hatch, R-Utah, is sponsoring a similar proposal (S 3), which is moving at a somewhat slower pace.

There is ample enthusiasm for HR 3 among House Republicans, particularly on the Judiciary Committee.

"I'm certainly glad we're going to revisit the bureaucratic and budget monstrosity that became law last year," said Steve Chabot, R-Ohio, a new member of the panel.

Bill McCollum, R-Fla., a fierce critic of last year's bill, is now chairman of the Judiciary Subcommittee on Crime and is relishing the opportunity to advance his crime-fighting agenda. "We badly need to send the message, 'When you do the crime, you do the time,'" he said as he opened the Jan. 19 hearing.

Predictably, this drive agitates some Democrats and interest groups that opposed such GOP initiatives last time. "It's a second bite at the already rotten crime bill apple," says Nkechi Taifa of the American Civil Liberties Union, which strongly opposed last year's crime bill and likes the new proposals even less.

Reps. John Conyers Jr., D-Mich., and Charles E. Schumer, D-N.Y., the ranking Democrats on the full committee and crime subcommittee respectively, announced strong opposition to reopening debate on the hard won compromises in last year's package.

But some of their partners in the drive for last year's bill are at least starting out with more conciliatory signals — including the Clinton administration. Associate Attorney General John R. Schmidt told the crime panel that his department is ready to cooperate on parts of the GOP effort, such as restricting death row appeals, though it strongly opposes the bill's provisions to rework police and prevention programs.

Law enforcement groups are interested in the new penalties and legal provisions in the bill. And some state and local officials also see opportunity in the proposed rewrite — particularly a move to shift \$10 billion in federal crime-fighting aid to states and localities into flexible block grants.

These reactions suggest there is room for Republicans to assemble a winning coalition behind at least parts of their crime package. Crime bills, however, have been notoriously resistant to such legislative tailoring as members seek to attach a wide range of initiatives to bills dealing with the high-profile issue of public safety.

McCollum is hustling to prepare the bill for floor action within the 100-day deadline laid out by the House

Weekly Report, pp. 3333, 3180)

Many Democrats emphasized spending for police hiring, which had strong bipartisan support, and prevention programs, which did not. Republicans generally fought to curtail or eliminate spending on social programs to prevent crime, while also increasing the amounts available to help states build more prisons.

The final legislation provided \$8.8 billion for police hiring, \$7.9 billion for prison construction, and about \$5 billion for drug courts and social programs designed to prevent crime.

The new COP bill would change that configuration significantly, providing a smaller combined amount for police and prevention programs. It would wipe out detailed federal grant programs for police hiring, drug courts and prevention, replacing them with a \$10 billion block grant program that local officials could spend on anything aimed at improving public safety. The money saved from cuts in hiring and prevention would go toward a revised version of the prison construction program.

The proposed changes should please Republicans and others who complained that last year's grant programs constituted excessive federal interference and micromanagement in local affairs. It could potentially increase funding for police needs without alienating Republican moderates who fought to retain some spending for crime prevention in last year's bill.

But local flexibility also means no guarantees on how the money gets spent. If enough local officials invest in prevention programs, for example, it could mean fewer new officers than under current law. The House bill also would eliminate requirements that localities put up a matching share of money.

The Clinton administration and some Democratic critics have seized upon this issue of accountability. "The block grant program promises everything to everyone, but in the end it delivers nothing to anybody," Schumer said. "That money is going to disappear into municipal budgets all over this country," agreed Schmidt.

Beyond the issue of accountability, Democrats are interested in preserving commitments to their favored programs. Clinton campaigned on a pledge to put 100,000 new officers on the street and his administration does not want to see the police hiring program subsumed into a general account. Some congressional Democrats and interest groups insist that lawmakers retain a commitment to pre-

vention programs. Under the new scheme, prevention programs would compete directly with police needs for grant money — leaving advocates for both sets of programs anxious.

Yet by restructuring the money into a flexible block grant program, House Republicans may have successfully driven a wedge into the political coalition that helped secure last year's funding victories for the police and prevention grants.

The U.S. Conference of Mayors, for example, was one of the loudest voices

Asked whether Clinton would veto a crime package that repealed the assault weapons ban, Associate Attorney General John R. Schmidt replied with a prompt and firm "yes."

for the prevention funds last year. But at the recent hearing, conference President Victor Ashe, mayor of Knoxville, said the mayors' group prefers the proposed new grant program because it would give local officials more freedom.

State officials also like the block grant approach, although they want the money to pass through the states, as in the Senate crime bill, rather than passing directly to local officials, as McCollum's bill proposes.

State and local officials are less taken with GOP revisions to a federal grant program for prison construction.

Republicans would increase the amount of money available for new prisons, but with more strings attached.

To qualify for the grants, states would have to meet specific requirements regarding tough sentencing laws — requirements some state officials say would be too costly to implement. And the funds could only be spent on conventional prison space, not alternative corrections facilities.

Beyond Dollars

The Republican bill also takes up certain ideological causes that were lost or bypassed last year.

It resuscitates two issues long championed by conservatives: restricting death row appeals and creating a "good faith" exception to the so-called exclusionary rule, which generally prevents improperly obtained evidence from being used in criminal prosecutions. These

proposals have been, and remain, controversial. Yet versions of each have passed both chambers in the past and, despite sharp criticism from some Democrats, are likely to draw bipartisan support.

The prospects are dimmer for the proposal to create federal mandatory minimum sentences for serious crimes involving a gun. The measure would allow for federal prosecution of many street crimes that are now handled solely in state courts.

Many Democrats and some Republicans have turned against the idea of mandatory minimum sentences, saying they have proved too inflexible. In this case, there is also considerable opposition to such a dramatic expansion of federal criminal jurisdiction.

Jon Felde, general counsel and a crime policy analyst for the National Conference of State Legislatures, warns that the proposal will promote confusion and cynicism because the federal government is not prepared to commit the resources needed to prosecute most such crimes.

Gun Control

Gun control remains a wild card in the crime debate.

Last year, some Democratic leaders fretted that a ban on certain semi-automatic assault-style weapons would jeopardize the overall crime bill. Their fears were almost realized, and only a last-ditch flurry of pressure and concessions saved the package.

This time it is Republican leaders who are wary of the gun issue — specifically a push to rescind the controversial ban.

McCollum opposes the gun ban, but fears that including it in the crime bill revisions would complicate and imperil that legislation.

Several other GOP Judiciary members agree, but it is not sitting well with gun rights activists.

"We are not happy, and certainly our members are not happy, with the message of wait until later," said Tanya Metaska, lead lobbyist for the National Rifle Association.

But Clinton and other gun control advocates refused to abandon the provision during last year's debate and are expected to be just as fierce on the issue this year.

During the Judiciary hearing, Schumer asked Schmidt whether a crime package that included a repeal of the assault weapons ban would draw a presidential veto. The reply was a prompt and firm "yes." ■

SOCIAL POLICY

Details of GOP Crime Bill

The GOP-sponsored crime bill (HR 3) would rewrite the \$30.2 billion 1994 crime law to provide additional funding for prison construction while combining grant programs for police hiring and crime prevention into a single block grant. The bill also would add mandatory penalties and legal reforms to make it easier to carry out the death penalty. It would:

- **Police and prevention.** Erase three sets of grant programs created by the 1994 crime law: police hiring (\$8.8 billion), drug courts (\$1 billion) and social programs to prevent crime (\$4 billion). In their place, the legislation would install \$10 billion for block grants that local officials could use for programs "to reduce crime and improve public safety." The bill specifically says the money can be spent on police hiring and overtime, school security equipment and police-supervised or organized prevention programs. But the wording was changed just prior to introduction to specify that other programs not listed — potentially including some of the controversial social programs in the existing crime law (PL 103-322) — could also qualify as long as they serve the general goals of reducing crime.

- **Prisons.** Expand and revise the law's prison construction grant program. The bill would increase grant funding from \$7.9 billion to \$10.5 billion. The terms for the aid would be somewhat more stringent, however. Half the money would go for grants to states that can show that, since 1993, they have increased the percentage of convicted violent offenders sentenced to prison, the average sentence for violent offenders and the percentage of that sentence actually served. The other half would be available for states with even stronger "truth-in-sentencing" policies, such as requiring that violent offenders serve at least 85 percent of their sentences. Appropriators would have to fully fund this program each year before other programs in the crime bill could be funded. The bill also would restrict inmates' ability to file lawsuits regarding prison conditions.

- **Death penalty.** Restrict the ability of prisoners to file habeas corpus petitions, in which they challenge the constitutionality of their sentences in federal court after they have exhausted direct appeals. The bill would create time limits for prisoners to file such petitions in death penalty or other cases — generally two years for federal



cases and one year for state convictions. There are currently no specific time limits for filing such appeals.

States that agree to provide competent counsel for post-conviction death penalty proceedings would operate under additional rules. Defendants in these states would have 180 days to file a habeas corpus petition, and the courts would face deadlines to act on such appeals. The bill would tighten the requirements for appealing a district court ruling on a habeas corpus petition, and generally would

limit prisoners to one such petition.

The bill would authorize federal grants to help pay state litigation costs for habeas corpus appeals in death penalty cases. It also would alter federal death penalty sentencing procedures to make it more likely that the death penalty would be invoked. It specifies that juries or the court must order the death penalty if certain legal conditions are met regarding the evidence.

- **Exclusionary rule.** Allow prosecutors to use improperly obtained evidence, such as in searches conducted without a warrant, provided that law enforcement officials had reason to believe the search was legal. The provision is designed to limit situations in which evidence of criminal wrongdoing cannot be used in court because it is judged to have been gathered in violation of the Fourth Amendment prohibition against unreasonable search and seizure.

- **Mandatory minimums.** Impose a mandatory minimum sentence for knowingly carrying, using or discharging a gun in the course of a serious violent felony or serious drug offense. These sentences would be in addition to any penalty for the underlying crime, and would allow for federal prosecution of many gun crimes that now are handled solely in state courts. The penalties vary somewhat depending on the crime and type of gun, but generally call for at least five years for carrying a gun during a serious crime, 10 years for using it and 20 years for discharging.

- **Victim restitution.** Mandate that those convicted of a federal crime provide restitution to their victims. These orders are currently optional for federal courts in most cases.

- **Criminal aliens.** Strengthen measures in the 1994 crime law and other laws to provide for the swift deportation of aliens who commit crimes.

Holly Idelson

leadership, with markup in full committee planned for the week of Jan. 30. He and other key Republicans think the best chance for quick passage is to keep the bill as clean as possible and consider other crime-control measures later in the session.

They will be hard-pressed to maintain that discipline, however, particularly on the matter of gun control. Gun

rights advocates are anxious to repeal a ban on certain so-called assault weapons that was part of the 1994 law. They may feel their best opportunity lies within a larger crime bill that would be more resistant to floor attacks or a veto.

Where the Money Goes

Money promises to drive much of the crime bill debate, as it did in 1994. Last

year the stakes were high: \$30.2 billion in federal authorizations over six years, an unprecedented federal downpayment on the cost of fighting local violent crime.

And because lawmakers created a special budgetary "trust fund" for the programs in the crime law, they stand a far better than average chance of being fully funded by appropriators. (1994

**The Law Enforcement Steering Committee
1001 22nd St. N.W., Suite 200
Washington, D.C. 20037**

February 10, 1995

Dear Representative:

The Law Enforcement Steering Committee (LESC) is a nonpartisan coalition of national law enforcement associations which represents over 450,000 sworn law enforcement officers across the country. The LESC is an unprecedented coalition of labor, management, and research organizations dedicated to improving policing and securing public safety. The Law Enforcement Steering Committee is comprised of the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the International Brotherhood of Police Officers, the Major Cities Chiefs, the National Association of Police Organizations, the National Organization of Black Law Enforcement Executives, the National Troopers Coalition, the Police Executive Research Forum, and the Police Foundation. The LESC is firmly committed to the broad goal of protecting the nation's citizens by pursuing a wide range of public safety issues before Congress.

The Law Enforcement Steering Committee worked for over six years to secure tough anti-crime legislation on behalf of all Americans. The LESC was united in its support for last year's crime conference report, which was signed into law by President Clinton on September 13, 1994 (P.L. 103-322). The Violent Crime Control and Law Enforcement Act of 1994 provided a tough, balanced approach to fighting crime, with critical resources dedicated to putting more police on the streets, building prisons to keep convicted criminals off the streets, and securing and improving prevention programs to reduce crime. The Law Enforcement Steering Committee is united in its belief that the 104th Congress must not retreat from the key tenets of P.L. 103-322.

Specifically, the LESC steadfastly believes that the current COPS program, which directs \$8.8 billion directly to localities to hire 100,000 police officers, must be retained intact. The LESC opposes the use of block grants, which would dilute the impact and decrease the accountability of the current program. Unless the funds are allocated directly to the law enforcement agencies, funds will be diverted by local authorities for non-police purposes. Additional police personnel dedicated to community policing is essential in our efforts to taking back the streets.

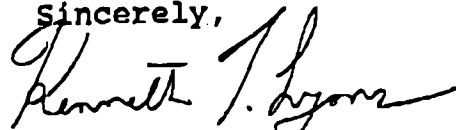
For years, many in Washington have fueled the "prevention vs. punishment" debate. The LESC rejects this reasoning and continues to support an anti-crime strategy that includes punishment and prevention. While we must pursue the resources to arrest criminals, prosecute and convict them, and put them in prison, we

must simultaneously pursue resources to prevent lives of crime and destruction.

Crime control legislation has been continually undermined by partisan politics and pressure from special interest groups. In the meantime, violence has exploded in our communities, making peace officers' jobs increasingly dangerous and frustrating. The LESC once again urges that Congress prevent partisan politics from destroying the legislative progress that occurred in 1994.

If you have any questions regarding the LESC's position, please do not hesitate to contact me as the current Chair of the Law Enforcement Steering Committee at (703) 979-0290.

Sincerely,



Kenneth T. Lyons
National President, IBPO
Chair, LESC

Sheriff Jan G. (Jim) Murphy
President
Newport, Vermont

Charles B. Meeks
Executive Director
Alexandria, Virginia



NATIONAL SHERIFFS' ASSOCIATION

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The Honorable Bill McCollum
Chairman
House Subcommittee on Crime
2266 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman McCollum:

On behalf of the 22,000 members of the National Sheriffs' Association (NSA), I am writing in support of the continuation of the COPS program enacted in the Violent Crime Control and Law Enforcement Act of 1994.

The sheriffs of the United States, with the assistance of President Clinton and the Department of Justice, have hired over 1,200 deputy sheriffs. These deputies have been hired in over 200 sheriffs' offices, moving toward increased law enforcement presence in our counties. This program of police hiring, in conjunction with community policing, will go a long way in helping to reduce crime in our counties.

Congressman, in the next few days, you will be casting critical votes that could favorably affect law enforcement and the citizens we were elected to represent. I urge you and your colleagues to preserve discretionary funding to maintain the 100,000 COPS program.

Thank you for your endeavors.

Sincerely,

Charles B. Meeks
Charles B. Meeks
Executive Director

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TO: José Cerda

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FROM: Beth McGee (NAPO)

NUMBER OF PAGES INCLUDING COVER PAGE: _____

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EN salutes its 1994 People of the Year, the makers of the Violent Crime Control Act

In a rare confluence, politicians & police professionals, Democrats & Republicans come together to hammer out the best crime legislation in a generation

Peter C. Dudenhoff
It's touted by some as the most significant anti-crime legislation in 25 years. A closer examination suggests it to be the most meaningful such achievement since the Omnibus Crime Control and Street Act of 1968. It is that, the Violent Crime Control and Law Enforcement Act of 1994 — a fact earned still loftier praise, President Clinton, among others, calling it as "the toughest and smartest crime bill in the history of the United States."
Toughest? Perhaps. (Some have even called it "Draconian.") Smartest? Questionably (and aided in this regard, doubt, by the fact that the legislation was a genuinely bipartisan effort that solid support and input

from the nation's leading law enforcement organizations). It is precisely this rare combination of "get tougher" and "get smarter" that makes the legislation so good, and earns its creators the 1994 Law Enforcement News People of the Year honors.

What makes the legislation so tough is, in part, the fact that it is so smart — and vice versa. It doesn't merely take a hard-line approach to crime — an approach that has often doomed previous attempts at Federal crime-control lawmaking, and often does little more than provide catchy campaign fodder. Nor does it attempt to subdue the crime problem by merely throwing lots of Federal money around — an approach that often serves only to build voter frustrations and spell political suicide for officials who failed to "get tough

on crime." The Crime Control Act's toughness, seen in its sweeping expansion of the Federal death penalty, its bold effort to ban assault weapons, and its increased penalties for a wide variety of serious crimes, enhanced its appeal to more conservative members of Congress, thereby enhancing its chances of passage. The smartness, borne out in a wide variety of crime prevention programs, the provisions for police manpower and education, and the extension of the Byrne Memorial grant program, among other things, gave the legislation a glitter that caught the eye of lawmakers for whom no amount of toughness was enough.

The "tough but smart" approach also made the legislation very appealing to the numerous police organizations that backed the bill from its ear-



Two of the prime movers behind the 1994 Violent Crime Control Act: Senator Joseph Biden (l.) and Representative Charles Schumer. (Wide World Photos)

liest stages, and in no small way ensured the bill's success. "In my 25 years in law enforcement, I cannot recall us looking at it in such holistic manner," observes Police Chief R. Gil Kerlikowske of Buffalo, N.Y. "Most police chiefs clearly understand the linkages between education, families, health care, and crime and delinquency. The crime bill says, 'Look, we readily admit that there are linkages and we're going to try this broad-brush approach, with tough sentencing, tough laws, increased appropriations for officers, and also the prevention aspects.'"

"I think a majority of law enforcement is very happy with how this bill was put together," echoes Robert Scully, the executive director of the National Association of Police Organizations, one of the 10 groups making up the Law Enforcement Steering Committee, which helped shepherd the bill through to passage. For Scully, the act

incorporates a three-pronged approach that he hailed as "common sense."

"There was a recognition by Congress that we have to build up local, county and state law enforcement organizations in this country. They also addressed the prison issue, and our argument that there are some people in this country who simply cannot be rehabilitated, who have to be put behind bars, or put to death. The third component is prevention, to try to give youth an alternative so they don't end up in prison. If you don't have the prevention portion, you better go out and mortgage this country to build prisons — because you're just not going to have enough of them with the money that's there now."

Not a Pretty Sight

It's been said that there are two things one should never see being made:
Continued on Page 14

1994's People of the Year: The makers of the crime bill

Continued from Page 1

a sausage and legislation. That the Crime Control Act bears out this adage is quickly confirmed by a look back at the legislation's tortuous history.

Scully recalls that NAPO worked on an omnibus crime bill for six years, since the last major legislation was painfully hammered out in 1988 (see sidebar, Page 14). In the waning days of the 102nd Congress, he and NAPO made an offer to Senator Joseph Biden, the chairman of the Senate Judiciary Committee, to try and mediate a compromise that could save that year's crime bill, which Scully said was quickly "going down the tubes." Although a marathon mediation effort ultimately proved unsuccessful, Scully says "the only reason that crime bill died in 1992 was because the Brady Bill was part of it."

The situation was changed for the 103rd Congress. The Brady Bill was separated from the larger crime bill and passed in late 1993 as a freestanding piece of legislation. The main crime bill was passed overwhelmingly by the Senate, also in late 1993, but quickly died down in the House over such knotty issues as the ban on assault weapons and a provision that would allow death-penalty appeals based on allegations of racial injustice. And, as items were tacked on to the bill during the drawn-out lawmaking process, some supporters began to retreat, often for good.

Senator Orrin Hatch (R-Utah), who will soon assume the chairmanship of the Judiciary Committee, was effusive in his praise of the crime bill when it first passed the Senate, calling it "the finest anti-crime package in history. It has the right combination of tough-on-crime provisions and prevention." But by the time the House and Senate were ready to take up the conference committee's version of the bill, Hatch was calling it "a big-spending boondoggle that isn't going to do what we want it to do." Hatch's

affirmative vote on the Senate version became a "no" when the final tally was counted.

Legislative wrangling came within a whisker of killing the bill altogether, first from an unlikely coalition of anti-gun control and anti-death penalty forces, then in separate procedural votes in the House and Senate. In the House, the bill narrowly failed to win enough votes to make it to the floor, leading many to consider it dead.

"The Democrats wanted to adopt a 'closed rule,' to bring the bill up with no amendments," recalls Jim Mazzarella, press aide to Representative Susan Molinari (R-N.Y.). "Nine times out of 10 when the rule goes down the bill is killed. This time, nobody wanted that to happen."

Mazzarella said Molinari voted against the closed rule to protest the Democrats' "heavy-handed" approach, and because provisions she had sponsored regarding sex crimes had been stripped from the House bill. Following a call from President Clinton, however, she became one of a handful of Representatives who went into action to revive the moribund measure.

Representative Charles Schumer (D-N.Y.), the chairman of the House Judiciary subcommittee on crime, who was the bill's chief sponsor in the House, went to work on winning converts within his party, while Molinari joined fellow Republicans Michael Castle of Delaware, John Kasich of Ohio and Rick Lazio of New York in negotiating amendments to the bill that their party wanted. Their efforts, and those of others, paid off when the bill emerged from conference in a form that could appeal to a bipartisan majority, with slightly less in authorized funding.

Taught by Experts

Molinari, like many other members of Congress, got an earful from law enforcement as the bill creaked toward passage. New York Mayor

Rudolph Giuliani, a former Federal prosecutor, asked her to support the measure, as did William Bratton, the city's Police Commissioner, and Thomas Scotto, the New York detective who is president of NAPO. Said Molinari, "I consider these men experts on crime, and I believe them."

Just what makes the Crime Control Act so special in the estimation of law enforcement? Certainly there are those who applaud its comprehensive, balanced approach. But beyond its scope — 33 titles jammed into more than 400 pages — the legislation also scores high marks for its specifics. "The strong anti-crime measures far outweigh the criticism of less important programs in this massive legislation," notes Robert Klicamet, president of the International Union of Police Associations. "Law enforcement personnel around the country will now have the kind of support we have been desperately needing."

The act establishes sweeping new Justice Department programs to boost police manpower and enhance police education, creates tough new Federal laws to address violence against women, takes a no-nonsense approach on guns and gun crimes, and includes funding for prison, prevention programs and more. (See sidebar, Page 15) "This is the first bill ever," said Senator Biden, "that actually had included significant commitment to local law enforcement, significant commitment to prisons, significant commitment for prevention — a formula every single, solitary criminologist in America has agreed with."

The provisions to increase police manpower — or to fund support technologies or civilianization for police departments — have already proven a huge hit within law enforcement, with scores of agencies seeking the Federal funding that is already available. The creation of the Police Corps, and of a new program to fund higher education for police, has also struck a chord, and to

The crime bill's family tree

Recent milestones in Federal crime legislation

1968

Omnibus Crime Control

and Safe Streets Act

Created the Federal Bureau of Investigation

and the Federal Bureau of Prisons

Established the Federal Bureau of Investigation

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Police groups flex their legislative muscles

me suggests echoes of the Law Enforcement Education Program (LEEP), which educated a generation of police in the late 1960's and 1970's. "This is the most important piece of legislation — a historic Government commitment to assure better education for law enforcement officers," observed Gerald W. Lynch, president of John Jay College of Criminal Justice. "It is a long way toward fulfilling what every Presidential commission has said, that officers should have a four-year degree." Law enforcement leaders have also praised legislation's stance on assault weapons, even if it is "half a loaf."

"The momentum was building — the Ameri-

can public wanted something done with guns," said Scully. "Despite all of the time, effort and money that was spent by the NRA, the American public was wise enough to see through it and still demanded that something be done about guns."

For all of the complaints about "political pork" in the legislation, Scully says the talk was more of a red herring — a "smokescreen" for the assault-weapons issue. Kerlikowske agrees.

"The prevention programs were strongly supported by most law enforcement organizations. We don't see them as pork," he notes. "Under the surface, driving so much of this crime bill was the assault-weapons issue. When Biden goes to the floor and says, 'We can rewrite

every page of this bill but the three that apply to assault weapons — I am open to negotiating on everything else,' he really laid it out very clearly."

For all its promise as a piece of legislation, the Crime Control Act was also, in its formative stages, a study in interaction between those who make the laws and those who must enforce them. Scully believes the involvement of the Law Enforcement Steering Committee "played a very important part in getting the bill passed." There was unanimous committee support for "probably 99 percent of the items in that bill," he noted.

NAPO got a chance to wield a fairly big stick in the making of the crime bill, when President Clinton called and asked to speak to the group's national convention in August. From there, said Scully, NAPO delegates went out and lobbied "every single member of Congress" in support of the bill. "The president [of NAPO] challenged Congress to do what they were sent to Washington to do, and that's to pass a tough crime bill."

The continuing interplay between politicians and police over the crime bill was a watershed, said Scully. "It truly gave law enforcement in this country a tremendous boost within Congress. They now have to sit back and not only use us to get elected, but they also have to pay attention to us as to what our people want and what the American public wants."

Turning the Tide

Will the Crime Control Act succeed in turning the tide of rising crime and violence? It is, of course, far too soon to tell, what with many external factors playing a part. For instance, there is every indication that the new 104th Congress, now dominated by the Republicans, will move to reopen debate on some of the law's provisions, strengthening some, and weakening or even eliminating others. Even if the act were left untouched, there remains the question of

whether Congress will see fit during the next six years to fund the various programs to the full extent authorized under the act.

(Supporters of the act can hold out some hope if only because two of the measure's key Republican supporters in the House, Molinari and Kasich, have now assumed positions in their party's top leadership, and thus might be unwilling to see their hard work of last year undone.)

There is also the matter of whether any Federal legislation in and of itself can reduce crime. Just as it is widely recognized that police alone cannot get the job done without help from the community and a number of other parties, so too is legislation alone — even as comprehensive an enactment as the 1994 Crime Control Act — less than equal to the daunting task at hand, without the involvement of other players and factors.

The Crime Control Act's best hope of success lies to a great extent with law enforcement professionals nationwide, along with others who have a stake in the struggle against crime. Law enforcement practitioners make it clear that they believe in the act's potential benefits and have no desire to see it fail in practice or be undone by subsequent sessions of Congress.

"I'm sure you're going to see an attempt to cut some of the funding for some of the prevention programs," said Scully. "But with the sentiment of the American public stating that they want something done about the craziness with guns in this country, I don't think you're going to see the leadership run in there and try to derail what took so many years to put together."

Kerlikowske holds out hope for a triumph of common sense. "There's apprehension about whether the appropriations will be there. But this was a long process — six years under two different administrations to get this passed. To come back and say, 'Okay, let's all start over from day one,' I don't think that makes much sense."



President Clinton (at podium) makes his pitch for the crime bill to a supportive delegates attending the convention of the National Association of Police Organizations, in Minneapolis last August.

(White House photo)

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001. memo	From Jose Cerda; re: Meeting with Leon Panetta & Attorney General; [Personally Identifiable Information] [Partial] (3 pages)	02/01/1994	b(6)
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COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Jose Cerda
OA/Box Number: 5873

FOLDER TITLE:

Crime Bill II - '95 [1995] - House Votes [3]

2009-1305-F
jp3610

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or
financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President
and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of
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concerning wells [(b)(9) of the FOIA]

TO: WAVES
FR: Jose Cerda, Rm. 222, 6-5568
RE: 3pm Meeting in Roosevelt Room w/Leon Panetta and the
Attorney General (w/possible POTUS drop-by)
DA: February 1, 1994

1. Robert Scully
President
National Association of Police Organizations

(b)(6)

2. Beth McGee
Communications Director
National Association of Police Organizations

(b)(6)

3. Melinda Lund
Legislative Director
National Sheriffs' Association

(b)(6)

4. Sheriff Pat Sullivan
Chairman National Legislative Committee
National Sheriffs' Association

(b)(6)

5. Jim Pasco
Director Member Services
Fraternal Order of Police

(b)(6)

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6. Don Cahill
National Legislative Chairman
Fraternal Order of Police

(b)(6)

7. Steve Brown
Legislative Representative
Fraternal Order of Police

(b)(6)

8. Mark Spurrier
Legislative Director
Major Cities Chiefs

(b)(6)

[001]

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9. Chief Mike Gambrill
Major Cities Chiefs
(b)(6)
10. Vic Oboyski
President
Federal Law Enforcement Officers Association
(b)(6)
11. John Pitta
Vice President
Federal Law Enforcement Officers Association
(b)(6)
12. Ira Harris
Executive Director
National Organization of Black Law Enforcement Executives
(b)(6)
13. Hubert Bell
President
National Organization of Black Law Enforcement Executives
(b)(6)
14. Chuck Wexler
Executive Director
Police Executive Research Forum
(b)(6)
15. Martha Plotkin
Communications Director
Police Exec. Reserach Forum
(b)(6)
16. James Joseph Doyle III
National Troopers Coalition
(b)(6)
17. Dan Rosenblatt
Executive Director
International Association of Chiefs of Police
(b)(6)

[001]

18. Roy Kime
Legislative Counsel
International Association of Chiefs of Police

(b)(6)

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19. Arthur Reddy
Legislative Director
International Union of Police Associations

(b)(6)

20. Sam Cabral
Secretary/Treasurer
International Union of Police Associations

(b)(6)

21. Rae Hamilton
Police Foundation

(b)(6)

22. Alfred Deen
Police Foundation

(b)(6)

23. Gail Hoffman
Department of Justice

(b)(6)

24. Joe Brann
Department of Justice

(b)(6)

25. Bill Johnson
Legal Counsel
National Association of Police Organizations

(b)(6)

[001]



Department of Justice

STATEMENT

OF

JOHN R. SCHMIDT
ASSOCIATE ATTORNEY GENERAL

BEFORE

THE

SUBCOMMITTEE ON CRIME
COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES

CONCERNING

H.R. 3
THE "TAKING BACK OUR STREETS ACT OF 1995"

ON

JANUARY 19, 1995

THANK YOU, MR. CHAIRMAN, FOR THE OPPORTUNITY TO PRESENT THE VIEWS OF THE DEPARTMENT OF JUSTICE ON H.R. 3, THE "TAKING BACK OUR STREETS ACT OF 1995."

FIVE MONTHS AGO THE CONGRESS OVERCAME MORE THAN SIX YEARS OF GRIDLOCK AND PASSED THE VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994 WITH STRONG BIPARTISAN SUPPORT. THIS LAW, WHICH INCLUDED MUCH OF THE PRESIDENT'S LEGISLATIVE ANTI-CRIME PROGRAM, WAS THE RESULT OF MUCH DEBATE AND HARD WORK OVER MANY YEARS. IN FACT, MANY OF ITS PROVISIONS ORIGINATED IN THIS VERY SUBCOMMITTEE. THE 1994 ACT HAD THE ACTIVE SUPPORT OF EVERY MAJOR LAW ENFORCEMENT ORGANIZATION IN THE COUNTRY, AS WELL AS PROSECUTORS, MAYORS, COUNTY EXECUTIVES AND OTHER LOCAL OFFICIALS OF BOTH PARTIES. AND I KNOW FROM MY OWN DISCUSSIONS AND MEETINGS ABOUT THE IMPLEMENTATION OF THE CRIME BILL ALL OVER THE COUNTRY THAT THE BIPARTISAN SUPPORT FOR THE LAW HAS ONLY INCREASED SINCE THAT TIME.

THAT SUPPORT IS BASED ON THE FACT THAT THIS \$30 BILLION, SIX-YEAR VIOLENT CRIME CONTROL ACT IS THE LARGEST, SMARTEST AND TOUGHEST CRIME BILL IN OUR NATION'S HISTORY. IT ESTABLISHED A COMPREHENSIVE CRIME FIGHTING STRATEGY DESIGNED TO TAKE CONCRETE ACTION TO DEAL WITH THE UNACCEPTABLE LEVELS OF CRIMINAL VIOLENCE IN THIS COUNTRY. IT COMBINED STRONGER POLICING AND TOUGH PUNISHMENT WITH SMART, EFFECTIVE PREVENTION -- A PROGRAM THAT LAW ENFORCEMENT OFFICIALS HAD LONG BEEN ADVOCATING. AND IT RECOGNIZED THAT THE BEST ROLE FOR THE FEDERAL GOVERNMENT IN CRIME FIGHTING IS TO

DEVELOP AND MAINTAIN AN EFFECTIVE PARTNERSHIP WITH STATE AND LOCAL LAW ENFORCEMENT WHICH IS ON THE FRONT LINE OF THE FIGHT AGAINST CRIME IN OUR COMMUNITIES.

THE VIOLENT CRIME CONTROL ACT WILL PUT AN ADDITIONAL 100,000 POLICE OFFICERS -- AN ALMOST 20% INCREASE -- INTO THE CITIES, TOWNS, AND COUNTIES OF THIS COUNTRY. IT MADE "THREE STRIKES AND YOU'RE OUT" FOR REPEAT VIOLENT OFFENDERS THE LAW OF THE LAND AND ESTABLISHED A TOUGH, ENFORCEABLE FEDERAL DEATH PENALTY. IT PROVIDED ALMOST \$8 BILLION FOR PRISONS TO LOCK AWAY VIOLENT OFFENDERS AND ANOTHER \$1.8 BILLION TO PAY COSTS OF INCARCERATING CRIMINAL ALIENS. AND IT INCLUDED OVER \$6 BILLION FOR PREVENTION MEASURES INCLUDING PROGRAMS TO COMBAT VIOLENCE AGAINST WOMEN, TO ESTABLISH DRUG COURTS TO IMPOSE MANDATORY TREATMENT ON NON-VIOLENT OFFENDERS AND TO GIVE LOCAL JURISDICTIONS FUNDS TO USE FOR THEIR OWN COMMUNITY-BASED CRIME PREVENTION PROGRAMS. BY BANNING THE MANUFACTURE AND SALE OF NEW ASSAULT WEAPONS, THE 1994 ACT WILL HELP RID OUR STREETS OF THESE DANGEROUS WEAPONS. AND, UNLIKE CRIME BILLS OF THE PAST THAT PROMISED MUCH BUT DELIVERED LITTLE, THE 1994 ACT IS PAID FOR. BY ESTABLISHING THE CRIME CONTROL TRUST FUND, THE ACT ENSURED THAT SAVINGS ACHIEVED THROUGH REDUCTIONS IN THE SIZE OF THE FEDERAL BUREAUCRACY WOULD BE USED TO FUND THE ANTI-CRIME PROGRAM.

THERE IS STILL MUCH WORK TO BE DONE TO MAKE AMERICA'S COMMUNITIES SAFE. BUT NOTHING SHOULD BE ALLOWED TO JEOPARDIZE THE IMPORTANT ACHIEVEMENTS OF THE 1994 ACT.

SINCE PRESIDENT CLINTON SIGNED THE CRIME BILL INTO LAW ON SEPTEMBER 13 OF LAST YEAR, AND THE ATTORNEY GENERAL ASKED ME TO TAKE RESPONSIBILITY FOR ITS IMPLEMENTATION, WE HAVE MOVED FORWARD EFFECTIVELY WITH THE SUPPORT OF STATE AND LOCAL OFFICIALS AROUND THE COUNTRY. IMPLEMENTATION OF THE NEW CRIME ACT IS ONE OF THE ADMINISTRATION'S HIGHEST PRIORITIES AND WE HAVE TAKEN STEPS TO ENSURE THAT THE LAW IS ADMINISTERED AS RAPIDLY AND EFFICIENTLY AS POSSIBLE. WE HAVE TRIED TO MAKE THE PROCESS AS SIMPLE AND NON-BUREAUCRATIC AS POSSIBLE -- AND TO MAKE IT TOTALLY NON-POLITICAL.

AS I TRAVEL AROUND THE COUNTRY TO MEET AND TALK WITH LOCAL LAW ENFORCEMENT AND OTHER OFFICIALS, I HAVE FOUND OVERWHELMING ENTHUSIASM FOR THE COMMUNITY POLICING PROGRAM TO PUT MORE POLICE OFFICERS TO WORK OUT IN OUR COMMUNITIES WHERE THEY CAN BE MOST EFFECTIVE.

THE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (C.O.P.S.) HAS, IN THESE 3 AND A HALF MONTHS, AUTHORIZED FUNDING FOR OVER 1,000 COMMUNITIES TO PUT ALMOST 10,000 ADDITIONAL COPS ON THE STREETS ALL ACROSS THIS COUNTRY IN URBAN, RURAL AND SUBURBAN AREAS ALIKE. THIS IS ON TOP OF THE \$150 MILLION DOLLARS IN GRANTS THAT WILL ADD 2,080 COPS THROUGH LAST YEAR'S POLICE HIRING SUPPLEMENT -- THE C.O.P.S. PILOT PROGRAM. LAST MONTH PRESIDENT CLINTON APPOINTED JOE BRANN, FORMER CHIEF OF POLICE OF HAYWARD, CALIFORNIA, TO BE THE DIRECTOR OF THE C.O.P.S. OFFICE AND HE IS WORKING ON FINALIZING THE COPS F.A.S.T. AWARDS THAT WILL WITHIN WEEKS FUND ADDITIONAL THOUSANDS OF COMMUNITY POLICING OFFICERS FOR AMERICA'S SMALL TOWNS.

OVER THE COMING MONTHS THE REMAINDER OF THE \$1.3 BILLION AVAILABLE FOR THE C.O.P.S. PROGRAM IN FY 95 WILL BE AWARDED.

OTHER PROGRAMS ARE ALSO GOING FORWARD. THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) HAS AWARDED \$41 MILLION DOLLARS TO HELP OFFSET THE COSTS OF CRIMINAL ALIEN INCARCERATION TO THE SEVEN STATES HARDEST HIT BY THIS PROBLEM. STATES ARE IN THE PROCESS OF APPLYING FOR FUNDS TO IMPROVE STATE CRIMINAL HISTORY RECORDS. REGULATIONS HAVE BEEN ISSUED TO ADMINISTER THE VIOLENCE AGAINST WOMEN, DRUG COURTS AND CORRECTIONAL PROGRAMS.

I FIND EVERYWHERE THAT WHAT PEOPLE WANT IN DEALING WITH CRIME IS CONCRETE ACTION NOT POLITICAL RHETORIC. THE COMPREHENSIVE APPROACH ADOPTED BY THE 1994 ACT ALLOWED US TO GET BEYOND THE IDEOLOGICALLY-BASED AND OFTEN DIVISIVE DEBATES OF PAST CRIME BILLS AND ATTRACT WIDESPREAD SUPPORT FROM ACROSS THE POLITICAL SPECTRUM AND FROM THE MAJORITY OF THE AMERICAN PEOPLE. WE MUST NOW GO FORWARD TO BUILD ON THIS ACCOMPLISHMENT. NOTHING WOULD BE MORE OFFENSIVE TO LAW ENFORCEMENT PROFESSIONALS, STATE AND LOCAL OFFICIALS AND ORDINARY AMERICANS ALL ACROSS THIS COUNTRY THAN A REVERSION BACK TO PARTISAN AND UNPRODUCTIVE POLITICAL BICKERING ON THE CRIME ISSUE. TO BE SURE, THERE IS MUCH ADDITIONAL WORK THAT NEEDS TO BE DONE. BUT WE SHOULD LOOK AHEAD AND GO FORWARD TOGETHER.

IN SOME RESPECTS THE "TAKING BACK OUR STREETS ACT" DOES STRIVE TO MOVE FORWARD AND BUILD UPON THIS WORK BY DEALING WITH ISSUES NOT

ADDRESSED OR NOT FULLY ADDRESSED IN THE 1994 ACT. THESE AREAS INCLUDE STRENGTHENING FEDERAL DEATH PENALTY PROCEDURES, HABEAS CORPUS AND EXCLUSIONARY RULE REFORM, INCREASED PENALTIES FOR FIREARMS OFFENSES, MANDATORY RESTITUTION FOR VICTIMS OF CRIME, STREAMLINED PROCEDURES FOR DEPORTATION OF CRIMINAL ALIENS AND LIMITING ABUSIVE PRISONER LITIGATION. WE SUPPORT STRENGTHENING THE LAW IN ALL OF THESE AREAS. WE HAVE PREVIOUSLY EXPRESSED SUPPORT FOR VERSIONS OF EACH OF THESE MEASURES AND WE WILL DO SO AGAIN IN A DETAILED VIEWS LETTER THAT WILL SHORTLY BE SUBMITTED TO THE SUBCOMMITTEE. IN THESE AREAS WE LOOK FORWARD TO WORKING TOGETHER TO IMPROVE AND STRENGTHEN THE 1994 ACT.

BUT WHILE WE SUPPORT EFFORTS TO ADVANCE OUR ATTACK ON CRIME, WE STRONGLY OPPOSE EFFORTS TO UNDO OR REPEAL THE IMPORTANT GAINS MADE IN LAST YEAR'S LAW. WHILE WE SUPPORT TAKING STEPS TO ADVANCE THE CAUSE OF CRIME CONTROL, WE OPPOSE EFFORTS TO TAKE US BACK OR REVERSE THE PROGRESS THAT HAS ALREADY BEEN MADE. SUCH AN EFFORT TO REVERSE THESE BIPARTISAN ACHIEVEMENTS THREATENS TO UNDERMINE THE ONGOING WORK OF FEDERAL, STATE AND LOCAL LAW ENFORCEMENT TO MAKE OUR HOMES AND NEIGHBORHOODS SAFER.

H.R. 3 WOULD UNDO A NUMBER OF IMPORTANT PROVISIONS OF THE 1994 LAW WHICH ARE VITAL TO LAW ENFORCEMENT IN THIS NATION SUCH AS PUTTING 100,000 MORE COPS ON THE STREET AND PROVIDING OPPORTUNITIES FOR YOUNG PEOPLE TO AVOID LIVES OF CRIME. WE STRENUOUSLY OPPOSE THE PROVISIONS OF THE BILL THAT WOULD DRAMATICALLY ALTER AND WEAKEN THE PUBLIC SAFETY PARTNERSHIP AND COMMUNITY POLICING ACT, THE

C.O.P.S. PROGRAM, AND THE ENACTED PRISON FUNDING PROGRAM, AND THAT WOULD INDISCRIMINATELY REPEAL MOST OF THE CRIME PREVENTION PROGRAMS IN THE 1994 ACT, INCLUDING THE FAMILY AND COMMUNITY ENDEAVOR SCHOOLS PROGRAM. WE BELIEVE THAT IT WOULD BE A TERRIBLE MISTAKE TO REPEAL A PROGRAM TO PUT 100,000 NEW POLICE OFFICERS INTO OUR COMMUNITIES -- A PROGRAM THAT IS IN PLACE AND ALREADY WORKING AND WORKING WELL -- AND REPLACE IT WITH A PLAN TO PASS OUT \$10 BILLION OF TAXPAYER MONEY IN A WAY THAT DOES NOT GUARANTEE EVEN ONE NEW OFFICER ON THE BEAT AND THAT IN FACT WOULD NOT ASSURE ANY SPECIFIC OR CONCRETE GAIN IN PUBLIC SAFETY. MOREOVER, WE OPPOSE REQUIRING FULL FUNDING OF THE PRISONS PROGRAM BEFORE ANY FUNDING FOR MORE POLICE MAY BE APPROPRIATED.

IT WOULD BE SIMILARLY ILL-ADVISED TO SLASH VIRTUALLY ALL OF THE BIPARTISAN CRIME PREVENTION PROGRAMS OF THE 1994 ACT. THESE PROGRAMS ACCOUNT FOR LESS THAN 25% OF THE FUNDING UNDER THE ACT. FOR EXAMPLE, THE COMMUNITY SCHOOLS PROGRAM WILL GET CHILDREN OFF THE STREETS AND INTO ACTIVITIES THAT WILL HELP THEM SUCCEED IN SCHOOL AND AS PRODUCTIVE ADULTS. PROGRAMS SIMILAR TO THIS HAVE ENJOYED SUCCESS ALL OVER THE COUNTRY. THESE PROGRAMS ARE STRONGLY SUPPORTED BY POLICE, PROSECUTORS AND PARENTS OF BOTH PARTIES WHO REALIZE THAT MORE POLICE AND PRISONS ARE NOT THE SOLE ANSWER TO THE CRIME PROBLEM FACING THIS COUNTRY. PROGRAMS TO KEEP SCHOOLS OPEN AFTER HOURS AND ON WEEKENDS AS SAFE HAVENS, GETTING DRUG OFFENDERS OFF THE STREETS OR BRINGING LAW ENFORCEMENT OFFICERS INTO SCHOOLS TO TEACH CHILDREN TO STAY AWAY FROM DRUGS ARE IMPORTANT AND NEEDED COMPLEMENTS TO PUNISHMENT AND PRISONS.

WE STRONGLY SUPPORT MEASURES AIMED AT CRACKING DOWN ON FIREARMS AND VIOLENT OFFENDERS. MANY PROVISIONS IN THE 1994 ACT -- AS WELL AS THE BRADY LAW THAT WAS ENACTED IN 1993 -- TARGETED SUCH OFFENDERS. PROVISIONS SUCH AS FIVE AND TEN-YEAR PRISON TERMS FOR FIREARMS POSSESSION BY OFFENDERS WITH ONE OR TWO PRIOR CONVICTIONS FOR VIOLENT FELONIES OR SERIOUS DRUG OFFENSES, SUPPLEMENTING THE 15-YEAR TERM PROVIDED FOR OFFENDERS WITH THREE OR MORE PRIOR CONVICTIONS OF THIS TYPE UNDER THE ARMED CAREER CRIMINAL STATUTE, PROVIDE MEANINGFUL FEDERAL ENFORCEMENT. BY CONTRAST, WE BELIEVE THAT THE PROPOSAL IN H.R. 3 TO FEDERALIZE EVERY CRIME COMMITTED WITH A FIREARM IN THIS COUNTRY IS A FALSE PROMISE THAT WILL DO LITTLE TO MAKE OUR STREETS SAFER WHILE DOING MUCH TO INCREASE THE ALREADY HIGH LEVEL OF CYNICISM ABOUT THE CRIMINAL JUSTICE SYSTEM.

FINALLY, ALTHOUGH NOT INCLUDED IN H.R.3, WE REMAIN CONCERNED ABOUT REPORTS THAT SOME MEMBERS OF CONGRESS ARE INTENT UPON REPEALING THE BAN ON SEMI-AUTOMATIC ASSAULT WEAPONS THAT WAS ENACTED AS PART OF THE VIOLENT CRIME CONTROL ACT LAST YEAR. SUCH A REPEAL WOULD JEOPARDIZE THE LIVES OF COUNTLESS POLICE OFFICERS AND CIVILIANS BY PERMITTING THE CONTINUED MANUFACTURE OF THESE WEAPONS. TO REPEAL THIS COMMON SENSE CRIME FIGHTING LAW WOULD BREAK A SOLEMN CONTRACT WITH AMERICA'S LAW ENFORCEMENT PROFESSIONALS -- AND I BELIEVE THAT LAW ENFORCEMENT PEOPLE AROUND THE COUNTRY WOULD OVERWHELMINGLY VIEW IT AS A BETRAYAL OF THEIR TRUST.

IN SUM, THERE ARE MANY PROVISIONS IN H.R. 3 THAT WOULD BE

HELPFUL TO LAW ENFORCEMENT AND TO THE NATION'S ANTI-CRIME EFFORTS BUT THERE ARE OTHERS THAT WOULD UNDERMINE AND BE COUNTER-PRODUCTIVE TO THE WORK OF OUR POLICE AND OUR COMMUNITIES WHO ARE FIGHTING SO HARD TO FIGHT VIOLENT CRIME. WE SUPPORT THOSE PROPOSALS IN THE BILL THAT WILL STRENGTHEN LAW ENFORCEMENT AND WILL WORK WITH THIS SUBCOMMITTEE AND OTHER MEMBERS OF THE CONGRESS TO CONTINUE THESE BIPARTISAN EFFORTS. BUT WE WILL STRONGLY OPPOSE ANY ATTEMPT TO REVERSE THE PROGRESS THAT HAS BEEN MADE TO PUT MORE POLICE ON THE STREETS, TO PUT MORE VIOLENT OFFENDERS BEHIND PRISON BARS AND TO ENHANCE OUR CRIME PREVENTION CAPABILITIES.

THANK YOU. I WILL BE HAPPY TO TAKE ANY QUESTIONS YOU MAY HAVE.

Snags Predicted for G.O.P. Agenda

House Turns to Line-Item Veto and Overhaul of Crime Bill

By DAVID E. ROSENBAUM

Special to The New York Times

WASHINGTON, Feb. 2 — While central elements of the Republicans' Contract With America are sailing through the House of Representatives, Speaker Newt Gingrich is cautioning that other items may face a stiffer headwind.

"I'll be quite frank with you," Mr. Gingrich said in a speech to a business association on Wednesday night. "I think term limits is going to be very hard to pass, and I think litigation reform is just going to be a brawl."

He also cautioned that the constitutional amendment requiring a balanced Federal budget, which the House passed last week, was in "serious difficulty" in the Senate.

Mr. Gingrich has often spoken in this vein since he became Speaker last month, apparently hoping to rally favorable audiences and prevent them from becoming overconfident.

The speech on Wednesday night was to the National Association of Wholesaler-Distributors, an organization of mostly small businesses among which the Republican platform is quite popular. Mr. Gingrich exhorted his audience to lobby for the Republican agenda.

Under the items of the G.O.P. contract Mr. Gingrich referred to, the Republicans would restrict the number of terms that senators and representatives could serve and would enact a package of measures meant to discourage lawsuits. Both proposals are now before House committees.

At a news conference this morning, Mr. Gingrich dispelled any sense that he was really gloomy about the prospects for his legislative program. "We are exactly on schedule," he said. "Look at the bipartisan size of the margins."

He was referring to the vote on Wednesday of 360 to 74, by which the House passed legislation to make it harder for Washington to impose requirements on states and cities without putting up the Federal money to pay for them, and to the vote of 300 to 132 by which the balanced-budget amendment was approved last week in the House.

Today, the House turned to the third item in the Republican contract, which is meant to change fundamentally the way Government works. This measure would give the President a line-item veto — the authority to strike provisions from spending bills and some tax measures passed by Congress without vetoing the entire legislation.

The line-item veto was a pet project of President Ronald Reagan, and the House will not take a final vote on the matter until Monday as a way of honoring Mr. Reagan on his 84th birthday.

The House seems certain to pass the measure. But as is the case with the balanced-budget amendment, prospects in the Senate for the line-item veto measure are less clear.

Since the founding of the Republic, Presidents have had to veto measures in their entirety or sign a whole bill into law.

Under the measure before the House, a President could delete specific expenditures and allow the rest of the bill to become law. The President would also be permitted to strike particular parts of tax bills as long as the provisions chosen did not affect more than 100 taxpayers.

To reinstate the items that were vetoed, the House and Senate would

DIARY

Developments in Washington

HOUSE Speaker Newt Gingrich told a business group that central elements of the Republicans' Contract With America were progressing well, while others are facing stiff opposition. But at a news conference, he dispelled any sense that he was really gloomy about the prospects for his legislative program, saying, "We are exactly on schedule." The House yesterday took up an element of the contract, the line-item veto, which gives the President the authority to strike provisions from spending bills and some tax measures.

House members led by Mr. Gingrich plan to exempt San Diego from the Clean Water Act's requirement to thoroughly purify sewage before piping it out to deep ocean waters, citing this effort as a symbol of their determination to abolish heavy-handed Federal regulations. But Mr. Gingrich has not mentioned that last October, with no debate, Congress passed a bill giving San Diego the right to apply for such a waiver, and that Administration officials say it will be granted.

SENATE Debate continued over a proposed constitutional amendment that would require a balanced Federal budget. A group of liberal Democrats who oppose the measure said that a poll showed Americans want to know where budget cuts would be made before Congress votes on the amendment. Republicans say it is unreasonable to expect them to provide a catalog of budget cuts.

Senator Larry Pressler, Republican of South Dakota, withdrew questions he had submitted to National Public Radio in which he sought information about the ethnic backgrounds, sexes and previous employment of its employees. Mr. Pressler wants to end Federal support for all public broadcasting, which this year is \$285 million. An aide the Senator wanted to gain "insights into whether its programming is balanced," but protests led Mr. Pressler to retract the request.

WHITE HOUSE The budget that President Clinton will submit next week will propose spending of \$1.6 trillion. It would more than offset the cost of a middle-class tax cut with savings from other parts of the budget, but it would fall short of Republican demands for a balanced budget by 2002.

have to pass specific legislation. The President could then veto that legislation, and it would become law only if Congress voted to override that veto by a two-thirds vote of both houses.

The Republican sponsors maintain that a line-item veto will allow the President to scrub the budget of pork-barrel spending and tax loopholes. The Democratic opponents mostly argue that the measure will fundamentally change the balance of power between the President and Congress.

Representative Robert G. Torricelli, a Democrat from New Jersey, asked his colleagues to imagine what Lyndon B. Johnson would have done if he had had the power to strike from bills projects in the districts of representatives who opposed the war in Vietnam, or how Richard M. Nixon might have used the line-item veto against those who threatened to impeach him over Watergate transgressions.

But Representative Peter I. Blute, Republican of Massachusetts, said the measure was essential because Congress was so undisciplined. "Let's face it," Mr. Blute declared. "Sometimes we in Congress can't help ourselves."

Disregarding their arguments about relinquishing power to the President, Democrats tried this afternoon to expand the kinds of tax measures in which the President could use the line-item veto. The amendment was defeated by a vote of 231 to 196.

In the Senate, debate continued over the balanced-budget amendment. A final vote is not anticipated for weeks.

A group of liberal Democrats in the Senate rallied around a new poll

A warning from the Speaker of the House that all is not smooth sailing.

showing that by a large margin, Americans want to know where the budget cuts will be applied before Congress votes on the amendment.

Republicans argue that it is unreasonable to expect them to provide a catalog of budget cuts for the next seven years, and that it is sufficient for them to show the country in general what direction they are headed in.

In the House, the Judiciary Committee tonight approved a plan that would wipe out President Clinton's pledge to put 100,000 police on the streets. The plan would give cities and counties an unrestricted \$10-billion block grant to "reduce crime."

The committee approved the block grant by a vote of 21 to 13, with one Democrat, Representative Rick Boucher of Virginia, voting with the Republican majority.

With its action, the committee concluded its work on overhauling last year's \$30-billion crime bill as part of the Republican contract. The full House is to consider the new anti-crime package on the floor next week.

"We have adopted a new direction in crime fighting," Representative Henry J. Hyde, the Illinois Republican who is chairman of the committee, said after the final vote. He described the new direction as putting "more responsibility and resources in the hands of local govern-

ment, which we view as the front line in the fight against crime."

Apart from the block grant, the new package gives more money for prisons, gives the police more leeway in seizing evidence, expands the crimes for which illegal aliens can be deported and makes the death penalty more likely to be enforced. It essentially eliminates money that the Democrats had set aside for prevention programs, the best known of which was midnight basketball.

Democrats complained today that the block-grant proposal was so unrestricted that it could easily be abused, with the money not being spent on true crime-fighting efforts. This was a major problem with the Law Enforcement Assistance Administration, they said, which was set up in 1968 to deal with rising crime by distributing Federal money to the states through block grants. The agency was killed during the Carter Administration.

Detailing some of the abuses under the agency, Democrats said that a local sheriff in Louisiana had bought a tank; that Indiana had bought an aircraft that was meant for police use but instead transported the governor and his family on personal trips, including one to pick up a moon rock, and that Philadelphia had spent \$265,000 for a project on treatment of drug addiction that produced a report with only one paragraph on the effect of the project.

Democrats also noted that Republicans had previously opposed block grants for crime fighting, including in the L.E.A.A. Last summer, nearly 80 percent of House Republicans voted to oppose another new program that relied on block grants to fight crime. That was the Local Partnership Act, and it became part of the crime bill that Democrats eventually pushed through Congress.

"What I cannot defend," Mr. Gingrich said on the floor at the time, "is sending a blank check to local politicians across the country for them to decide how to spend it."

In the new political inversion that has gripped the Capitol, Republicans are now arguing just the opposite.

Representative F. James Sensenbrenner Jr., Republican of Wisconsin, who criticized the L.E.A.A. grant process and now supports the block grant in the new crime bill, said that the L.E.A.A. was not a pure block grant because the Federal Government decided which programs to pay for. Under the Republican proposal, he said, cities and counties could make those decisions themselves and would be accountable to local voters if they spent the money foolishly.

To highlight what he said were the abuses of the block-grant process, Representative Charles E. Schumer, Democrat of Brooklyn, offered an amendment to the proposal that would prevent cities and counties from using the money for items like tanks, planes, limousines and yachts.

In much-needed comic relief, Mr. Hyde, the Illinois Republican who is the committee's chairman, protested that Mr. Schumer had left out submarines. Mr. Schumer added them to his list, and the amendment passed.

House Judiciary Panel Votes Block Grants in Rewriting Last Year's Crime Bill

By Kenneth J. Cooper
Washington Post Staff Writer

The House Judiciary Committee yesterday endorsed a broad new program of crime-fighting block grants to replace the funds for 100,000 police officers, specialized drug courts and prevention programs in last year's \$30 billion anticrime law.

The new legislation to provide local governments with \$10 billion in block grants, approved on a near party-line vote of 21 to 13, was the last of six crime bills the Judiciary Committee sent to the House floor for action next week. The panel put off until May consideration of gun-related legislation that would probably repeal a new ban on some assault weapons.

The separate bills were drawn from broader legislation promised last fall in the GOP "Contract With America." The Republican rewrite of the 1994 anticrime law would reorder spending priorities and address legal issues such as death row appeals, victim's rights and rules of evidence that Congress left aside in the election-year battle over the crime issue.

"I think we have adopted a new direction in crime fighting, putting more responsibility and resources in the hands of local government," Judiciary Chairman Henry J. Hyde (R-Ill.) said.

The committee also took the first abortion-related vote of the 104th Congress when it rejected, 19 to 13, along party lines, a proposal by Rep. Patricia Schroeder (D-Colo.) to allow the block grants to be used to improve security at public clinics and hospitals. Localities could still use the grants to pay for police overtime, security cameras and metal detectors at such facilities.

The GOP legislation would undo three new anticrime initiatives identified with Democrats. President Clinton championed the goal of 100,000 new officers during the 1992 campaign, while Attorney General Janet Reno has promoted drug courts of the kind she established as a county prosecutor. Prevention programs designed primarily to steer young people away

from a life of crime were pushed by Reps. John Conyers Jr. (D-Mich.) and Charles E. Schumer (D-N.Y.).

The three days of Judiciary Committee meetings replayed the partisan, polarizing debate on crime that occurred in the last Democratic-controlled Congress. Republicans and Democrats at times cast their differences as prison programs versus prevention programs, block grants versus targeted grants or local discretion versus federal control.

"It's the defining issue between the parties—whether we're going to have local or federal control," Hyde said.

Republicans noted the proposed block grants could be used for a broad range of law enforcement purposes, including police officers and the "programs intended to prevent juvenile

crime" that Democrats favor. "Let the local government decide how to spend them, whether they want midnight basketball, police cars or whatever," Rep. Robert W. Goodlatte (R-Va.) said.

But Democrats, defending the long-standing Washington practice of targeting grants to accomplish specific goals, questioned the prevailing assumption that local governments know and do best. "If they have done such a great job . . . why would we need a federal crime bill?" Schumer said.

When Hyde welcomed visiting Houston Councilman Judson Robinson, Rep. Barney Frank (D-Mass.) quipped, "And we acknowledge your superior knowledge on all matters."

Democrats also predicted loose rules governing use of the block grants

would result in wasteful and abusive spending. Schumer cited similar grants under the defunct Law Enforcement Assistance Administration that local officials used to purchase a tank, an airplane for a governor's use and real estate. Six Republicans joined all Democrats in banning such uses under a Schumer amendment.

Rep. F. James Sensenbrenner (R-Wis.) argued voters would hold local officials accountable for wise use of the crime-fighting funds. He and other Republicans complained the police hiring grants were unaffordable for communities lacking funds to match a federal grant. Since the crime bill was enacted last fall, 1,000 localities have received grants to hire 7,500 police, Justice Department officials said.

Conyers and Rep. Howard L. Ber-

man (D-Calif.) criticized the block grants for lacking a matching funds requirement. Conyers called the block grants "a 100 percent federally funded giveaway of \$10 billion." Democrats accused Republicans of being hypocritical because they rejected any targeting of the block grants but their prison-building bill specifies states incarcerate violent criminals for 85 percent of their sentences. Far from being a local model, the 85 percent rule would replicate a practice first adopted in federal prisons.

On the other hand, Clinton's community policing grants are based on successful models in Houston and other cities. Committee Democrats cited local models in California and Pittsburgh to defend their targeted grants for crime prevention programs.

Govs: Grants building block for the future

USA TODAY • FRIDAY, FEBRUARY 3, 1995

President Clinton releases his budget Monday, touching off a showdown with the GOP over shrinking the federal government, and giving states block grants instead of programs long controlled by Washington.

By William M. Welch
USA TODAY

Michigan Gov. John Engler dropped two foot-tall stacks of federal welfare regulations on a table in front of the Senate Budget Committee and said he had a better idea.

"Put me in charge," Engler said. "Block grants will solve the problem symbolized by this pile of paper."

It's the hot political idea of the moment: Get Washington out of social programs and give states chunks of "block grant" cash and the freedom to run things as they see fit.

From Congress to the White House to the GOP governors, proposals to consolidate and decentralize power are coupled with promises that states can provide services more effectively and for less money than can Washington.

But critics wonder if states really can do more with less — and if they will, since the record of some federal programs in the hands of state and local governments is mixed.

It was the failure of some states to meet problems like hunger that led the federal government to start many programs over the past 40 years.

Lack of state action on civil rights, education, poverty and even public health created demand for federal intervention.

"The federal government became involved ... because many states, particularly those in the South, exhibited a dismaying tolerance for malnourished poor children and family destitution," says Katherine McFate of the Joint Center for Political and Economic Studies, a black-issues think tank.

Even some conservatives question the governors' claims.

While Washington is the object of political scorn, state and local governments are where the growth is.

The federal government cut its civilian workforce 1.8% to just over 3 million from 1992 to 1993. But state and local gov-



By H. Darr Beiser, USA TODAY
SIMON: Fears some programs will be abolished

ernments grew 1.6%, to 15.7 million.

"States have bureaucracies too," says Clint Bolick of the Institute for Justice, a conservative public interest law firm.

"They are just as susceptible to capture and undue influence by special interests."

Federal programs placed in local hands haven't always been successes. In the 1970s, the Comprehensive Employment Training Act, or CETA, which gave local governments money to run job training programs, became synonymous with corruption.

On the other hand, most agree the Job Training and Partnership Act, a block grant created in 1981, has been far more successful than the CETA program it replaced.

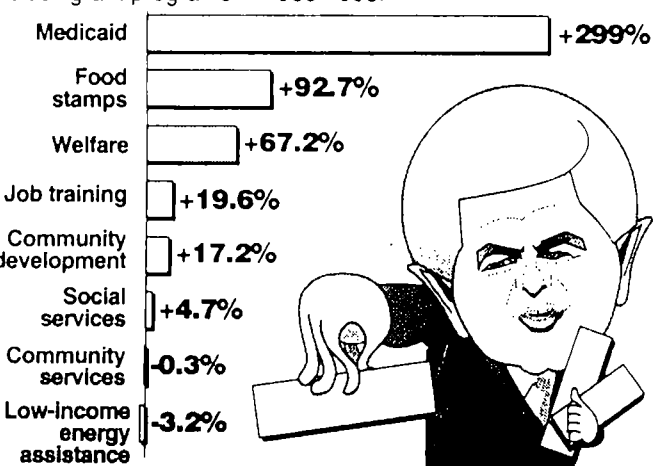
More than 300 programs are on the GOP target list, including food stamps, cash benefits, child nutrition and other welfare programs — even Medicaid, the health-care program for the poor.

President Clinton, in his new budget Monday, will propose collapsing many smaller programs, 271, into a group of grants and "partnerships" — covering such areas as job training, public health, environment and housing.

Many programs the GOP wants replaced with block

The benefits of block grants

GOP leaders are considering trying to switch the food stamp, welfare and Medicaid programs to block grants to states. How those programs have grown, compared with existing block grant programs in 1983-1993.



Source: Office of Management and Budget

By Marcia Staimer, USA TODAY

grants are "entitlements," that is, everyone who qualifies is entitled to government aid and federal money.

To replace those with appropriated grants, subject to yearly political fights, would under-

mine them, critics say. And even with flexibility, states wouldn't be equipped for hard times.

Block grants were also seen as the answer in 1981, as part of President Reagan's New Federalism. Nine block grants were created in Reagan's first year, and their record is not entirely encouraging for states.

Between 1983 and 1993, five of the grants saw little cash — including those for social services, low-income energy assistance and job training. Others saw little or no growth until the 1990s, when they got more attention under the Bush and Clinton administrations.

"The lesson that's learned is block grants ... get much less political attention as time goes on," says David Liebschutz of the Center for the Study of the States in Albany, N.Y.

Despite being out of fashion, some of the categorical social programs still have political supporters. Sen. Paul Simon, D-Ill., says few states provided adult literacy or provided special education for disabled children until prompted by Congress.

"I want to give you flexibility," Simon told Engler, "but I also want to see a job done and protect people that need protecting."

Attorney general says block grants too easily abused

By Sam Vincent Meddis and Mimi Hall
USA TODAY

Attorney General Janet Reno on Thursday joined the debate on anti-crime grants being pushed by the Republican-led Congress.

While Republicans say the grants allow local officials to set their own crime-fighting priorities, Democrats charge they could bring back the abuses that plagued a 1970s program.

"There is a real danger that the money won't get to police departments, where it counts," Reno said in a USA TODAY interview.

Police groups are mobilizing to blitz Congress with calls, hoping to prevent

changes to an \$8.8 billion program in last year's \$30.2 billion crime bill earmarked for hiring 100,000 new police officers nationwide.

"The members of the House are going to know how law enforcement feels about this," says Robert Scully of the 185,000-member National Association of Police Organizations.

A House vote on the grant program, part of Republicans' sweeping revisions to last year's crime bill, is expected within two weeks.

Thursday, the Judiciary Committee approved \$10 billion in grants for communities to use at their discretion on crime prevention, police or both. The grants would replace the \$8.8 billion for police and an additional \$6.9 billion allocated for prevention last year.

The GOP bill "is designed to allow cities and counties to fight crime as they best see fit," said Rep. Bill McCollum, R-Fla. "It is a rejection of the Washington-knows-best mindset."

But Democrats say the money could disappear into cities' general budgets or be wasted on useless equipment and programs.

They say the GOP plan is

too similar to an earlier block grant program known as the Law Enforcement Assistance Administration.

"It throws tens of billions of dollars down a rathole," says Rep. Charles Schumer, D-N.Y., main author of last year's crime bill.

A 1972 House Government Operations Committee probe of LEAA found spending that investigators called "highly irregular."

► A Louisiana sheriff bought an armored tank, saying he needed it for crowd control.

► Indiana State Police spent \$84,000 on a plane that was used mainly to fly the governor and his family around the country, including a trip to Washington, D.C., to get a moon rock.

► Alabama officials got \$117,247 for a "police cadet" academy. But the money paid the college tuition of sons and friends of state law enforcement officials.

As a prosecutor in Miami, Reno says, "We saw so much money wasted on equipment that was never used, on programs that really weren't evaluated."

Unless the money is given directly to police on the "front line" of the battle against crime, it gets siphoned off by bureaucrats for less-effective programs, Reno says. "It gets lost every step of the way."

In 1979, Republican Reps. Henry Hyde of Illinois and James Sensenbrenner of Wisconsin — both supporters of the new plan — spoke out against LEAA.

Hyde, Judiciary Committee chairman, says, "Clearly there has to be oversight to avoid a repetition of the LEAA experience."

Sensenbrenner says the GOP grant plan provides for monitoring by local boards.

"If a municipality wants to spend all its money on midnight basketball, it can do so," he said.

"But good luck when that mayor comes up for re-election."



Reuters

RENO: Ex-prosecutor saw cash wasted

WASHINGTON

Panel to rethink U.S. intelligence

A blue-ribbon commission is expected to start reshaping U.S. intelligence in the post-Cold War era. President Clinton named nine members to the commission Thursday; Congress already had appointed eight others. "While the world has changed in dramatic ways, our need to retain the advantage that U.S. intelligence provides our country remains constant," Clinton said. A sweeping report is due in March 1996. The panel is headed by former Defense secretary Les Aspin, and former Republican senator Warren Rudman of New Hampshire is vice chairman.

— Sam Meddis

REAGAN ON DECK: The Navy is naming two upcoming aircraft carriers after presidents Harry Truman and Ronald Reagan. "I personally notified Margaret Truman Daniel and Nancy Reagan of President Clinton's decision," says Navy Secretary John Dalton. "Both ladies were delighted." The USS Truman, under construction in Newport News, Va., will be commissioned in 1998. The USS Reagan is scheduled for 2002. Lawrence Korb, assistant secretary of Defense under Reagan, lists the ship among the "Cold War relics" Congress should cut.

Korb and former CIA director William Colby are leading a group of defense experts who plan today to announce opposition to Pentagon spending increases under the Republican Contract with America.

SPECIAL COUNSEL: House Speaker Newt Gingrich's interest in congressional ethics came full circle Thursday when Common Cause, the public interest group that in 1988 joined him in calling for an independent probe of then-speaker Jim Wright, urged the same treatment for Gingrich. In a letter to the House ethics committee, Common Cause President Fred Wertheimer urged the hiring of an outside counsel to look into Gingrich's book deal and "other matters," including his personal and political finances.

"A highly charged atmosphere surrounds the matter," Wertheimer wrote, adding that an outside counsel could quell "the political pressures" surrounding ethics panel members. It was Gingrich and Common Cause that prompted a far-ranging investigation of Wright that led to his resignation in 1989. Now, says House Minority Whip David Bonior, D-Mich., history should repeat itself "to lift this cloud, if possible, off of the speaker's head."

CHINA-BOUND: Former Tennessee senator Jim Sasser, a casualty of last November's Republican election sweep, will be nominated ambassador to China. The Clinton administration has told Congress that Sasser, 58, will replace Stapleton Roy, a career foreign service officer who has been ambassador to Beijing since July 1991.

CASH FOR KIDS: Reps. Henry Hyde, R-Ill., and Lynn Woolsey, D-Calif., a former welfare mom, Thursday introduced legislation calling for the Internal Revenue Service to take responsibility for collecting child support nationwide. Advocates say states' failure to collect child support — more than \$20 billion has not been collected — has swelled the nation's welfare rolls. "This is an affordable solution — a rifle shot aimed directly at a serious and burgeoning national social problem," Hyde said.



USA TODAY

REAGAN: Carrier will have his name

Feds' crime bills faulty; local officials know best

OUR VIEW Crime legislation would waste money on failed approaches. We'd be better off with no crime bill at all.

Do what works. And if you don't know, give states and localities room to experiment. But above all, be fiscally responsible.

Sound familiar? That's been the Republican mantra for years. On regulation. On welfare. On a host of federal programs.

But not on crime. The GOP majority in Congress, along with a fair share of Democrats, thinks the feds know best.

Even though 95% of crime is a state and local responsibility, the House Judiciary Committee this week began rushing through revisions of last year's whopping \$30 billion crime bill. GOP lawmakers plan to pump an extra \$2.6 billion into prison construction — \$10.5 billion in all — while wiping out \$7 billion in funds for crime prevention. In doing so, they say they're cutting wasteful pork and red tape.

But just look at the strings on their prison construction grants.

Half the money is limited to states that imprison violent criminals for 85% of their sentence. No state comes close to meeting that standard now. The other half would go to states in which violent offenders serve 10% more time than the national average. Only a third now do.

What does that mean? States will have to spend billions for new cells and to keep prisoners locked up to get grants. Cam-

paign for an Effective Crime Policy estimates that for each dollar states get, they'll have to spend \$3 to \$5. Some flexibility.

Worse, there's no evidence that the billions more spent on prisons will do much to reduce violent crime. Prison space more than doubled in the 1980s, and violent crime failed to drop. Construction companies benefit at taxpayer expense. Oink!

Are there other ways to help cut crime at less cost? Sure.

Fort Myers, Fla., reported a 28% drop in juvenile arrests after the start of its Success Through Academics and Recreational Support (STARS) program. And Hart County, Ga., saw juvenile complaint calls drop 14% after it put young first offenders in a recreation and mentoring program. Other approaches exist by the scores.

But Washington's crime-busters apparently are too busy hustling votes with tough talk to listen to those who know something about the problem — local elected officials.

A survey of such officials by the National League of Cities last week showed most put prevention programs and more police at the top of their list of crime-fighting needs; prisons were near the bottom.

If Congress really wanted to help out, it could do far more by killing the crime bill.

Congress must borrow all the money it's sending out through the crime bill. With \$200 billion federal deficits, that makes no sense. Especially for programs that haven't worked. States and localities might as well borrow the money themselves.

So, Congress, if you can't do what works, do nothing. At least taxpayers will benefit.

New crime laws vital

OPPOSING VIEW Cities and counties need federal help and leadership to fight the tide of crime.

By Bill McCollum

The Contract with America crime bills, which hit the House floor next week, recognize that most crimes are state and local, and crime-fighting decisions are best made locally, not by the federal government. This is reflected in the block-grant proposal which merges President Clinton's cops and prevention programs passed last year into a \$10 billion block-grant program which provides resources to cities and counties with high crime rates, allowing them to fight crime as they see fit. Localities could hire more police, pay police overtime, buy a new police car or provide resources to drug treatment and prevention programs.

Many communities can't qualify for monies under the '94 crime bill, and those that do must jump through bureaucratic hoops. And our bill does not soak up new taxes; it merely redirects prior funding.

The Republican initiative also recognizes the country's criminal justice system is broken, contributing to a violent crime emergency which requires national leadership to resolve. Only 6% of the criminal population is committing nearly 70% of the violent crimes and serving barely one-third

of their sentences. State prisons are overcrowded, and violent criminals are released early to commit more violent crime.

It is essential that states abolish parole for repeat violent offenders. To do this requires more new prison beds than states can afford. That is why we propose providing \$10.5 billion in federal grants to states that move to truth in sentencing by requiring repeat violent felons to serve at least 85% of their sentences. This would take the violent criminal off the streets and broadcast the deterrent message: "If you do the crime, you'll do the time."

The death penalty can only be a deterrent if it is carried out with certainty and swiftness. Death-row inmates should have a fair appeals process, but not repeated opportunities to delay their sentences as has been the case for the last 20 years. Let us end this seemingly endless appeals process.

Our criminal justice system only works when there is proper balance between the rights of the individual accused and the rights of the general public. In recent years, the scales have been tipped too heavily in favor of protecting criminals' rights. This must be corrected if we're going to restore public confidence in the system and stop the onslaught of violent crime. Once this is accomplished, crime prevention and control will again be manageable at the local level without federal involvement.

Rep. Bill McCollum, R-Fla., is chairman of the House Crime Subcommittee.