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Why NAPO ought for t ıe Crime B'l

by Tom Scotto

For more than six years, the National Association of Police Organizations (NAPO), representing over 165,000 sworn law enforcement officers and 3,000 police unions and associations throughout the country, lobbied Congress for strong anti-crime legislation.

NAPO lobbied in conjunction with the nine other national law enforcement organizations that comprise the Law Enforcement Steering Committee including the Fraternal Order of Police, the National Troopers Coalition and the National Sheriffs' Association.

As the president of NAPO and the Detectives' Endowment Association of New York City, I firmly believe law enforcement needs the help and resources contained in the 1994 Crime Law.

Every day across America we put our lives on the line to fight the war on crime. Too often we do so with limited manpower, substandard technology and outdated laws.

No single piece of legislation can change all that, but I am convinced that the Crime Law recently signed by President Clinton will be a step in the right direction.

The new legislation contains initiatives that will be of great help to federal, state and local law enforcement in their quest for safer streets.

More resources for police officers, community policing, prisons and prevention programs are just some of the important programs to get more funding.

A TOUGH FIGHT

The Crime Bill fight was not easy. You may remember the procedural vote on the rule to proceed on the Crime Bill that failed in the U.S. House of Representatives this past August.

The day after the vote failed, President Clinton came to the NAPO Convention in Minneapolis and joined with us to make a stand for the Crime Bill.

The turning point for the Crime Bill passage came at the NAPO Convention when the hundreds of NAPO delegates joined with the president in calling upon the American people to call their members of Congress to voice their outrage on the vote on the rule. Callers insisted Congress not adjourn until the measure passed.

NAPO passed a unanimous resolution urging Congress to immediately complete action on the Crime Bill and our members besieged Capitol Hill with phone calls and letters. Ten days later the U.S. House of Representatives passed the previously blocked legislation and the Senate followed suit later that week.

President Clinton signed the *Violent Crime Control and Law Enforcement Act of 1994* on September 20 with hundreds of law enforcement officers in attendance.

Most legislation is passed by Congress without the experts in a particular field having input into the process. This is not true about the 1994 Crime Law.

Throughout this lengthy process, law enforcement always had a seat at the table. We met frequently with Senator Biden, Representative Brooks, Attorney General Reno as well as many other current and former policy makers, and political leaders.

It wasn't easy, but law enforcement can claim this victory as our own. When we were being abandoned by some on Capitol Hill, we stuck by this historic legislation and pushed it on to victory.

But the battle continues. We need to take our political clout from the Crime Bill win and use it to pass other pro-law enforcement laws.

The Crime Bill: what we'll get

- Funding for 100,000 additional police officers
- Funding to states for prison construction and boot camps
- Registration of sexually violent offenders
- Additional funding for federal law enforcement
- Assault weapons ban
- Three Strikes and You're Out
- Funding for rural law enforcement
- Violence Against Women Act
- Funding for crime prevention, educational programs
- Increased penalties for immigration crimes
- More penalties for violent/drug crimes by gang members

Tom Scotto is president of the National Association of Police Organizations (NAPO) and the Detectives Endowment Association of New York City. For more information on NAPO call 202-842-4420.

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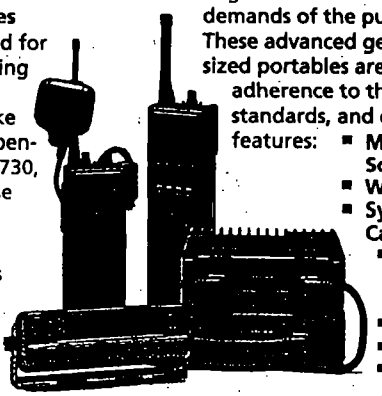

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FACT SHEET

No. 104-6

February 10, 1995

Law Enforcement Block Grants

This DSG Fact Sheet deals with H.R. 728, Local Government Law Enforcement Block Grants Act – a part of the Republican "Contract With America" – that the House is scheduled to consider on Monday.

H.R. 728 represents the most controversial element of the House GOP "Contract" crime package. The bill dismantles the core of the crime bill enacted last year by eliminating the program to put an additional 100,000 state and local cops on the beat, and by eliminating virtually all of the crime prevention programs in the new law. Instead, the measure establishes a new block grant program "for reducing crime and improving public safety," similar to the block grants administered by the Law Enforcement Assistance Administration, which was eliminated in the Reagan Administration.

The Congressional Budget Office estimates that the bill will reduce total outlays for police and crime prevention programs by $2.3 BILLION over five years compared to current law, and will reduce required state and local anti-crime spending by $2.4 BILLION.

The bill is opposed by most major police organizations and by President Clinton.

A key vote is expected on an amendment by Reps. Conyers and Schumer to increase the bill's total authorization by $2.5 BILLION, and to earmark $7.5 BILLION for community-policing block grants and $5 BILLION for crime prevention block grants.

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DSG Publications Contact:
Kit Judge (484-1422)

Section I

Background & Summary

Responding to Americans' number-one concern, Congress last year passed the most comprehensive crime bill in U.S. history, which the President signed in September – the Crime Control Act of 1994 (PL 103-322). This measure toughened punishment, and provided states and localities with the funds to increase the number of state and local police and for crime prevention programs.

The new law authorized $30.2 BILLION over the next six years, with more than 75% of the funds dedicated to law enforcement and prisons, and about 25% for prevention efforts to stop crime before it starts.

The centerpiece of the 1994 law is the $8.8 BILLION in grants to put 100,000 new police on the streets, combined with funds for programs aimed at preventing youth violence. In FY 1995, $1.3 BILLION was appropriated for community policing grants – many of which already have been made to big cities and rural communities. Thus far, grants have been made to more than 8,000 communities to put 17,000 more cops on the beat.

As part of its "Contract With America," House Republicans introduced H.R. 3, Taking Back Our Streets Act. That measure proposes to reorder significantly the funding priorities in the recently-enacted Crime Control Act. The GOP "Contract" bill would eliminate the current community policing program and most of the funds authorized for crime prevention programs, and replace them with a new $10 BILLION block grant program for local law enforcement.

The Law Enforcement Assistance Administration (LEAA), established in 1968, similarly provided block grants to localities to improve public safety. The block grant program, however, was terminated in the first Reagan Administration after revelations of waste and fraud by local recipients of the federal funds.

Summary

H.R. 728 eliminates the current community policing grant program (for which $7.5 BILLION is authorized in FY 1996 through FY 2000), eliminates most of the funds provided last year ($3.9 BILLION) for crime prevention programs. The bill replaces them with a new $10 BILLION block grant program for local law enforcement.

State and local governments could use the new block grant for any program to "reduce crime and improve public safety" – including programs to hire new police, purchase equipment for police and sheriffs departments, enhance school security, establish crime prevention programs, and establish drug courts to supervise non-violent offenders with drug abuse problems.

Under the measure, local governments would not have to provide any local funds to match federal funds, whereas the 1994 Crime Control Act requires a 25% local match of federal funds. The bill contains a variety of provisions intended to ensure that these federal funds are spent appropriately, including requiring a local advisory board to review the application, requiring grants be put in an audited trust fund, and requiring a public hearing to determine how the funds should be spent.

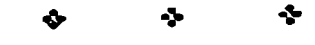
The bill would not affect grants that already have been distributed in FY 1995, even those that are committed over three years.

In creating the new block grant program, the bill eliminates most of the crime prevention programs included in the 1994 Crime Control Act. For example, the measure eliminates funding for Local Partnership Grants, In-School & After-School Programs for young people, and the Local Crime Prevention Block Grant for localities to use for a wide variety of prevention programs, ranging from midnight basketball to establishing Boys Clubs in low-income housing. In fact, the only prevention programs not eliminated are grants to combat violence against women and drug treatment for federal and state prisoners.

Group Positions

The bill is supported by the National Association of District Attorneys.

The bill is opposed by the following police organizations: National Association of Police Organizations, Fraternal Order of Police, International Brotherhood of Police Officers, Major Cities Chiefs, National Association of Police Executives, National Organization of Black Law Enforcement Executives, National Troopers Coalition, Police Executive Research Forum, Police Management Association, Federal Law Enforcement Officers Association, National Black Police Association, National Sheriffs Association, and the Police Foundation. It is also opposed by the ACLU, National Legal Aid and Defenders Association, National Association of Criminal Defense Lawyers, National Council of La Raza, Child Welfare League of American, Children's Defense Fund, and the National Association of Social Workers.



Section II

Basic Provisions

The section describes the basic provisions of H.R. 728, Local Government Law Enforcement Block Grants Act. The measure eliminates the current community policing grant program (for which $7.5 BILLION is authorized in FY 1996 through FY 2000), eliminates most of the funds provided last year ($3.9 BILLION) for crime prevention programs, and replaces them with a new $10 BILLION block grant program for local law enforcement. The Congressional Budget Office estimates that the bill will reduce overall outlays for police and crime prevention programs by $2.3 BILLION over the next five years.

Law Enforcement Block Grants

The bill eliminates the current community policing grant program – intended to put more "cops on the beat" – in the 1994 Crime Control Act ($7.5 BILLION has been provided for fiscal years 1996 through 2000) and most of the crime prevention programs in the 1994 Crime Act (approximately $3.9 BILLION over fiscal years 1996 through 2000). The bill replaces these programs with a new $10 BILLION block grant program for law enforcement. (H.R. 667, Violent Criminal Incarceration Act, assumed the savings from this bill would go to increase grants for state and regional prisons.)

The bill authorizes $2 BILLION in each of the fiscal years 1996 through 2000 for this new block grant program. State and local governments could use the new block grant for any program to reduce crime and improve public safety, including programs to do the following:

- Hire, train, and employ new law enforcement officers and related support personnel;
- Pay overtime to presently employed law enforcement officers and related support personnel for the purpose of increasing the number of hours worked by such personnel;
- Purchase equipment, technology, and other material that is directly related to basic law enforcement functions;
- Pay for enhanced school security measures, such as police patrols at schools and metal detectors;

- Establish crime prevention programs that may involve law enforcement officials and that are intended to discourage criminal activity, such as citizen neighborhood watch programs, or prevent juvenile crime;

- Establish or support drug courts (which provide intensive judicial supervision over non-violent offenders with substance abuse problems);

- Establish early intervention and prevention programs for juveniles to reduce or eliminate crime; and

- Enhance the adjudication process for juvenile crime.

(The community policing grant program in the 1994 Crime Control Act is targeted specifically to increase the number of police involved in community-oriented policing – including being out "on the beat." By contrast, under this bill, the law enforcement block grant does not have a similar focus on community policing.)

Under the bill, each state would receive at least 0.25% of the total amount appropriated each year, with the rest of the funds allocated among the states based on the average annual number of violent crimes. Localities within each state would receive funds based on the number of violent crimes and their population. The bill contains special provisions for small localities that do not report on the number of violent crimes. (Under the 1994 Crime Control Act, the community policing grants are generally distributed competitively based on the quality of the applications, with 50% of the grants reserved for small municipalities with populations of less than 150,000.)

The bill does not require local governments to match federal funds, as the 1994 Crime Control Act does.

To receive grants under the program, local governments must have a local advisory board – made up of someone from the police department, sheriff department, prosecutor's office, court, and a local non-profit, educational, religious, or community group – review the application to be sent to the Justice Department. Local governments receiving these grants must hold at least one public hearing regarding the use of these funds. Under the bill, the local government must establish a trust fund for these grants, and these funds must be used to supplement, but not supplant, state or local funds for these activities. In addition, local governments would have to return funds not spent within two years, and could not use funds for tanks, fixed wing aircraft, limousines, real estate, or yachts.

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This bill would not affect grants that already have been distributed in FY 1995, even those that are committed over three years.

Eliminating Crime Prevention Programs

In creating the new law enforcement block grant program, the bill eliminates most of the crime prevention programs included in the 1994 Crime Control Act ($3.9 BILLION over five years). In addition, H.R. 667, Violent Criminal Incarceration Act, eliminated $1 BILLION for the Drug Court program. (The only prevention programs not eliminated by these two bills are grants to combat violence against women and drug treatment for federal and state prisoners.)

The measure eliminates funding for 17 prevention programs, including:

- **Local Partnership Grants** – Eliminates $1.6 BILLION in grants to local governments for education, job, and substance abuse programs to prevent crime. These programs would be tailored by local governments to meet the particular needs of their areas;

- **In-School & After-School Programs** – Eliminates $810 million in grants for a variety of after-school and summer programs for youth, involving education, tutoring, job preparation, and athletics, and school based programs to provide social services in school to improve the academic and social development of at-risk children;

- **Model Intensive Grant Programs** – Eliminates $626 million for up to 15 model programs for intensive community services in high-crime areas to test a variety of new prevention strategies to determine which approaches are most successful in preventing crime in areas with consistently high rates of violent crime and chronically high rates of poverty;

- **Local Crime Prevention Block Grant** – Eliminates $380 million in block grants for localities to use for a wide variety of prevention programs, ranging from midnight basketball to establishing Boys Clubs in low-income housing;

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- **National Community Economic Partnership** – Eliminates $770 million for grants and loans to community development corporations that provide economic development projects that primarily benefit low-income individuals and communities;

- **BATF Gang Prevention Program (GREAT)** – Eliminates $45 million to fund projects in which the Bureau of Alcohol, Tobacco, and Firearms work with local law enforcement and schools to educate young people to prevent them from joining gangs;

- **Police Recruitment** – Eliminates $24 million for programs to improve police recruitment; and

- **Prosecutors** – Eliminates $50 million to increase the number of community-based prosecutors.

CBO Cost Estimate

This measure is an authorization bill and is not covered by spending limitations in the Budget Act or any budget resolution because it does not directly result in expenditures. The Congressional Budget Office (CBO) estimates that if Congress appropriates the full amount authorized in the bill, outlays would be $2.3 BILLION less through FY 2000, than under current law. In many cases, however, Congress does not appropriate the full amount contained in authorization measures.

CBO estimates that, because the bill deletes the current requirement that state and local governments match the federal funds, the costs to states and local government would be reduced by $2.4 BILLION through FY 2000.

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Section III

Arguments For & Against the Bill

This section describes the arguments being made by supporters and opponents of H.R. 728, Local Government Law Enforcement Block Grant Act (see note at end of section).

Arguments FOR the Bill

Supporters argue that the bill represents an important step to help all local governments throughout the country confront crime. Most importantly, the bill gives localities the necessary funds and flexibility to tailor their crime program based on the needs of the local community, rather than imposing federal directives on cities and towns.

Through the bill's block grant, cities and towns across the nation will have the funds necessary to design a strategy that could combine increased law enforcement and crime prevention in a manner best suited for their own communities. By providing a block grant – rather than requiring localities to apply for specific grants that may not be appropriate for their communities – the bill takes into account the fact that the crime problem varies from state to state, and community to community.

While giving cities and towns the needed flexibility, the bill still requires that localities are fiscally accountable for the uses of these block grants. The bill requires a local advisory board made up of a wide variety of community leaders to oversee the programs, requires community involvement in deciding how the funds are to be spent, and imposes a specific ban on wasteful uses, such as limousines and tanks, which were a problem in the past. Localities also must put federal grants in a trust fund to ensure that taxpayers' dollars are not used for items currently paid for by the local government, must spend the federal funds within two years, and must use government-approved accounting and auditing procedures. Through these tough fiscal accountability requirements, all Americans can be sure that their tax dollars are being carefully targeted on important anti-crime programs.

Congress must appreciate that communities face many different types of crime, and the "cops-on-the-beat" program and prevention programs enacted last year simply failed to take that into account. Community policing is not widely practiced, and so many localities were simply unprepared financially and logistically to initiate such an approach to policing. Further, many communities were unable to meet the 25% match requirement, and

Arguments FOR the Bill (cont.)

were left watching more affluent communities benefit from last year's programs. Thus, because the community policing grants were not designed with all communities in mind, many simply did not apply for these community policing grants. In addition, while prevention is an important element in dealing with crime, there is little evidence as to which prevention programs have widespread success. Given the failure of these Washington-designed programs, it must be left to individual communities to develop the appropriate crime remedies to meet their needs.

This legislation represents a total commitment by the Federal Government to assist all localities in dealing with crime – without getting in their way. The bill gives maximum flexibility to localities, while ensuring that funds are specifically used to fight crime through a combination of crime prevention and better policing. Indeed, the bill provides more funds and greater flexibility for the vast majority of localities than was provided in last year's bill, and thus avoids the mindless "one-size-fits-all" approach.

Arguments AGAINST the Bill

Opponents of the bill charge that the measure guarantees absolutely nothing in the way of increasing the number of police on the streets, wipes out fiscal responsibility, and will actually cut spending for police and crime prevention. Instead, it will waste $10 BILLION of taxpayers money with no specific goals up front, and with no specific results to show in the end – all in the name of "flexibility".

The bill permits spending for "reducing crime and improving public safety" – categories so broad that there is absolutely no doubt grants will simply disappear into municipal budgets across America – with no guarantee that there will be any more police on our streets. Police will be competing with every other agency that has some relation with "public safety," even agencies involved in street lighting improvement and tree removal. In essence, the bill ignores the demonstrated effectiveness of the community policing approach evidenced in jurisdictions throughout America, and does nothing to ensure that there are significant efforts to stop crime before it starts.

Just like the old Law Enforcement Assistance Administration (LEAA) program that provided block grants for law enforcement, this program does not contain provisions sufficient to ensure fiscal responsibility. The old LEAA was plagued with horror stories of

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Arguments AGAINST the Bill (cont.)

wasteful spending, with funds thrown away on fancy computer equipment ill-suited for law enforcement, radio equipment that did not work, employment for politicians friends and relatives, and foolish consulting fees. The waste was so bad that the LEAA block grant was terminated in the first Reagan Administration. None of the so-called "accountability requirements" in this bill will prevent similar horror stories from happening again.

Incredibly, the bill cuts funding for both cops and crime prevention. Overall, compared to funding for the community policing and prevention programs in last year's bill, CBO estimates that the bill would cut funds for these programs by $2.4 BILLION – meaning less for police on the street, and less money to prevent kids from committing crimes before they start.

In contrast, current law will guarantee 100,000 new cops on the street to fight violent crime, and put into place real crime prevention programs that get kids off the streets and into the classroom, thus targeting the crime problem from all angles. These funds are carefully targeted at those communities most in need, rather than blindly distributing funds to all localities, regardless of their need. Further, localities must now match federal funds, so at the end of the federal program local governments will be prepared to pick up the full cost of permanently increasing their police force. Instead, this bill will simply make local government permanently dependent on federal funds for crime programs by requiring no matching local funds.

Like a slick, Madison Avenue pitchman, this bill promises everything to everyone, but in the end it delivers nothing to anybody. It would be a tragic mistake to repeal a program guaranteed to put 100,000 new police officers on the street, and instead replace it with a plan to pass out $10 BILLION of taxpayers funds with no real assurance that any specific improvement in public safety will result, and no assurance that a single new cop will be hired.

Note: The arguments presented above are not DSC's arguments nor do they represent a DSG evaluation of the bill. As indicated, they are the arguments that supporters are making on behalf of the amendment and that opponents are making against it. DSG attempts only to summarize the arguments on both sides as cogently as possible.

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Section IV

Anticipated Amendments

This section lists all anticipated amendments to H.R. 728, Local Government Law Enforcement Block Grants Act, noticed as of press time Friday.

REP. CONYERS and SCHUMER will offer an amendment to increase the bill's total five-year authorization by $2.5 BILLION (equal to the amount the bill cuts total police and prevention funding from the 1994 Crime Control Act), and which would split the bill's single annual authorization for block grants into two separate block grant authorizations for law enforcement programs ($1.5 BILLION per year) and prevention programs ($1.0 BILLION per year).

Under the amendment, law enforcement block grants could be used only for community-based policing activities (the amendment restores the "cops on the beat" and other community policing language from the 1994 Crime Control Act). Crime prevention program block grants under the amendment could be used for: supervised academic, sports, or after-school, summer, and vacation-period programs that provide children with alternatives to gangs, drugs, and violent crime; substance abuse prevention and treatment programs; increased security in and around schools, parks, and other recreation areas where youth programs are located; violent youth gang activity prevention and suppression programs; and neighborhood programs intended to discourage, disrupt, or interfere with crime, including neighborhood watch and citizen patrol programs. (Staff Contacts: Sherille Ismail, ext. 56906, and Tom Diaz, ext. 57087)

REP. CONYERS and SCHUMER, if the above amendment is defeated, will offer two separate amendments as follows:

- An amendment to increase the bill's total five-year authorization by $2.5 BILLION and split the bill's single block grant annual authorization into two separate block grant authorizations for law enforcement and prevention programs; and

- An amendment to specify that the block grant may be used only be used for community-based policing activities, and for the crime prevention activities described above.

(Staff Contacts: Sherille Ismail, ext. 56906, and Tom Diaz, ext. 57087)

Fact Sheet No. 104-b

SECTION IV. ANTICIPATED AMENDMENTS

REP. CONYERS will offer an amendment to set aside $1 BILLION per year of block grant funding for the crime prevention programs enacted last year as part of the Crime Control Act. (Staff Contact: Sherille Ismail, ext. 56906)

REP. WATT (N.C.) will offer an amendment similar to the Conyers amendment, except that it would also allow the bill's funding to be used for other local crime prevention programs approved by the Justice Department, and it would require that any program funded through the $1 BILLION set-aside include a procedure for evaluating the impact of the program on reducing crime. (Staff Contact: Tina Hone, ext. 51510)

REP. SCHIFF will offer an amendment to allow local governments to use the bill's local law enforcement block grants for enhancing security measures at <u>any</u> facility or location the local government considers to be at risk for crime, including in and around schools. (The bill as reported specifically permits the use of block grants for certain security measures in and around schools, but not for other facilities.) The amendment also strikes bill language which specifies the types of school anti-crime measures for which funds may be used, thereby giving local governments greater flexibility in enhancing school security. (Staff Contact: Lisa Hecker, ext. 56316)

REP. KENNEDY (Mass.) may offer an amendment which would permit the bill's law enforcement block grants to be used for the "Community-Based Justice Grant Program" enacted as part of the 1994 Crime Control Act, under which funds would be provided to help local prosecutors, school officials, police, probation officers, and youth and social service professionals identify and prosecute young violent offenders. (Staff Contact: Jonathan Miller, ext. 55111)

REP. WISE will offer an amendment to permit the bill's local law enforcement block grant funding to be used for grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, which provides grants to state and local law enforcement agencies for a wide variety of programs to control violent crime and drug abuse, and to improve the criminal justice system. (Staff Contact: Debbie Hershman, ext. 52711)

REP. SCHROEDER will offer an amendment which would permit the bill's local law enforcement block grant funding to be used for enhancing health care clinic security to protect against "violence directed against the free exercise of constitutional rights." Under the amendment, block grant funding could be used for overtime pay for law enforcement officers, security assessments, and, when recommended by law enforcement officials, the purchase of materials (including bulletproof glass and security cameras) to enhance the physical safety of clinics. (Staff Contact: Andrea Camp, ext. 54431)

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REP. SERRANO will offer an amendment to allow the use of block grant funding for community crime prevention activities for at-risk children conducted by community-based organizations, and for community-based after-school crime prevention programs that involve local law enforcement officials. The amendment requires that at least 10% of all block grant funding received by local governments each year be distributed for prevention programs supported by community-based non-profit organizations.

The amendment also broadens participation on the local advisory boards mandated by the bill by requiring that such boards include a representative from each of the following local organizations: a nonprofit youth-serving organization; a school board or teacher organization; a nonprofit health and social service provider; a nonsectarian religious organization; and an organization composed of young people. (The bill requires only that a single representative of a local nonprofit, educational, religious, or community group be included). (Staff Contact: Rebecca Murphy, ext. 54361)

REP. JACKSON-LEE may offer an amendment which requires that block grant funding provided to local governments each year be "equitably apportioned" between the three types of eligible uses specified by the bill (local law enforcement support, enhanced school security measures, and crime prevention programs). The amendment explicitly prohibits local governments from spending 100% of its grant on any single category of eligible programs. (Staff Contact: Heather Mizeur, ext. 53816)

REP. JACKSON-LEE will offer an amendment to set aside $100 million of local law enforcement block grant funding each year for the following three youth crime prevention programs, which were enacted last year as part of the Crime Control Act – Urban Recreation grants, BATF Gang Prevention program ("GREAT"), and Community Youth Academies (residential educational programs for at-risk youth). (Staff Contact: Heather Mizeur, ext. 53816)

REP. MENENDEZ will offer an amendment which would require local governments that receive law enforcement block grants under the bill to use at least 50% of such grants for hiring, training, and employing law enforcement officers who will engage in community-based policing activities. (Staff Contact: Jodi Christiansen, ext. 57919)

REP. SCHROEDER will offer an amendment which would require the Justice Department to reserve $25 million in FY 1996 and $40 million in FY 1997 for use by the National Institute of Justice (NIJ) to help local

governments [illegible] equipment. The amendment also permits the NIJ to continue research and development efforts on new technologies that can help enhance the safety and effectiveness of local law enforcement. (Staff Contact: Andrea Camp, ext. 54431)

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REP. SCOTT may offer an amendment to increase the bill's total funding for local law enforcement and crime prevention block grants by $2.5 BILLION (equal to the amount the bill cuts total police and prevention funding from the 1994 Crime Control Act). Under the amendment, the bill's funding for block grants would be increased by $500 million per year between FY 1996 and FY 2000. (Staff Contact: Bobby Vassar, ext. 58351)

REP. SCOTT will offer an amendment to require that 1% of all block grant funding authorized by the bill each year be set aside for evaluation of the effectiveness of the bill's programs on controlling and reducing crime. (Staff Contact: Bobby Vassar, ext. 58351)

REP. ACKERMAN will offer an amendment to require state and local governments receiving law enforcement block grants under the bill to provide a hiring preference to former members of the Armed Forces who were involuntarily separated or released from active duty on or after October 1, 1990, and who wish to become law enforcement officers with state and local law enforcement agencies. (Staff Contact: Maura Nicolosi, ext. 52601)

REP. MARTINI will offer an amendment to require each local government receiving law enforcement block grants under the bill to provide non-federal matching funds of at least 10%. Under the amendment, these matching funds would have to be deposited in the same local trust fund in which federal block grant funds are deposited, and used only for eligible purposes. (The bill includes no local matching requirement.) (Staff Contact: Jay Webber, ext. 55751)

REP. MENENDEZ will offer an amendment which provides that local governments would be eligible for law enforcement block grants in any single year only if the local government's expenditures on law enforcement in the preceding year is no lower than 90% of its expenditures in the year before. (The amendment is intended to ensure that local governments don't use block grant funding to supplant local funding of law enforcement efforts.) (Staff Contact: Jodi Christiansen, ext. 57919)

REP. WISE will offer an amendment to make state law enforcement agencies eligible for law enforcement block grants under the bill. (Staff Contact: Debbie Hershman, ext. 52711)

REPS. REED, WYNN, BALDACCI, and SANDERS may offer an amendment to permit the bill's local law enforcement block grant funding to be used by state police units that provide protection to rural areas that don't have their own local police force. (Staff Contact: Agnieszka Fryszman, ext. 52735)

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THE IACP VIEWS ON CRIME AND OTHER PUBLIC SAFETY LEGISLATION

The International Association of Chiefs of Police believes it important that crime remains a non-partisan, non-political issue. In meetings over the weekend of February 10th and 11th, the association's leadership considered a variety of legislative initiatives. Listed below are the positions adopted or reaffirmed by the Executive Committee.

ADA REVISIONS

The passage of the Americans with Disabilities Act (ADA) in 1990 placed new responsibilities on the way state and local governments must deal with disabled employees, disabled potential employees and the disabled citizens those governments serve. Many of these new responsibilities are needlessly difficult and/or expensive to administer. To remedy this situation, the IACP supports limited exemptions to the ADA in at least two specific areas:

First, in the area of Title II employment requirements, employers should be exempted from the requirements of the title for all employees who perform public safety functions, such as fire fighting and law enforcement. The employing agency should be allowed to establish its own hiring and retention standards in light of its communities requirements. By not being allowed to perform pre-employment physical or mental evaluations until a conditional offer of employment has been made, agencies are forced to undergo wasteful spending on background investigations on candidates who ultimately will be found to be disqualified.

Second, in the area of services to be provided to citizens by law enforcement agencies, exceptions should be made from the universal applicability of accessibility and equipment requirements for correctional facilities. Specifically, availability of limited, specialized facilities should be sufficient to comply with the law. Additionally, an immunity from liability should be provided for state and local agencies that unintentionally fail to provide equal services to the abled and disabled. State and local agencies , which traditionally have enjoyed the benefit of a court imposed "sovereign immunity" from liability, should not be exposed to suits if they inadvertently failed to provide the same services.

ADEA EXEMPTION

With the expiration of the public safety exemption to the Age Discrimination in Employment Act (ADEA) on December 31, 1993, state and local law enforcement as well as fire fighting agencies, have been thrown into confusion as to how to determine the level of fitness required of their employees. Different courts have handed down opposing opinions regarding fitness testing. To remove the uncertainty, the IACP supports a permanent exemption from the ADEA for state and local police and fire fighting departments. Chairman Fawell of the House Subcommittee on Employer-Employee Relations has introduced HR 849, which the association, in conjunction with other labor and management public safety associations and employers, supports. This legislation would provide state and local municipalities the option of reinstating maximum hiring ages and mandatory retirement ages.

ASSET FORFEITURE

Criminals who engage in drug trafficking and money laundering face the risk of having the proceeds of their illegal activities or the instruments used to commit the crime, forfeited to the law enforcement agencies that apprehend them, after appropriate administrative or judicial proceedings. Recent media accounts of alleged abuses and a series of lower court decisions have created interest in reexamining how and when assets may be forfeited. The IACP will not support any weakening of the most valuable tool law enforcement has in combating drug trafficking and money laundering. Any adjustment made to current asset forfeiture provisions as a result of recent court decisions must not weaken this tool.

ASSAULT WEAPONS

As there are no legitimate sporting or hunting purposes recognized for certain semi-automatic, military style guns, the IACP supports efforts to eliminate the staggering proliferation of these weapons that police face each day. Therefore, IACP will strenuously resist any attempt to repeal or diminish the assault weapons ban provided for by the Violent Crime Control and Law Enforcement Act of 1994.

BRADY LAW

Last year, the IACP strongly pushed for Congress to pass legislation to allow for a five-day waiting period to conduct thorough background checks on all prospective handgun purchasers. The IACP continues to strongly support the BRADY Law.

BYRNE GRANTS

The Byrne Funding Program has proven itself an invaluable resource for cooperative federal, state and local anti-crime policing strategies, such as multijurisdictional drug task forces and D.A.R.E. training. The IACP urges Congress to maintain current funding levels for the Byrne Memorial grant program by fully appropriating amounts specified for the program in Title XXI of the Violent Crime Control and Law Enforcement Act of 1994, through the trust fund and by providing an additional direct appropriation to supplement those funds at the required level.

COSTS OF CRIMINAL ALIENS

The IACP recognizes that states face ever escalating costs for the processing and confinement of criminal aliens. States should be reimbursed fully for the actual cost of incarcerating criminal aliens in the United States. Current funding levels are inadequate.

DECERTIFIED POLICE OFFICERS

Currently, an officer who loses certification in one state for misconduct or criminal activities, can easily circumvent employment screening in other states by misrepresenting prior service records. To combat this type of unethical officer, often referred to as "Rogue" or "Gypsy" cops, the IACP seeks the establishment of a national clearinghouse of decertified police officers where prior service records can be accessed and reviewed by potential police department employers.

DEPORTATION OF CRIMINAL ALIENS

As vital, limited criminal justice dollars are being expended to incarcerate criminal aliens, IACP fully supports the expedited deportation of criminal aliens.

DIGITAL TELEPHONY

As telecommunications technology has advanced, the IACP has recognized the need for continued access for law enforcement agencies to execute court-ordered wiretaps. The IACP urges Congress to support the Telecommunications Carriers Law Enforcement Cooperation Act (P.L.103-414), passed in the 103rd Congress, by appropriating sufficient funds to accomplish the research technology necessary for the purposes of the Act, to ensure continued access for court-ordered "wiretaps."

ENVIRONMENTAL CRIMES TRAINING

From illegal dumping to public littering, environmental crimes have received much more emphasis in the law enforcement community. Because of its potential impact, the IACP supports the provision by the federal Environmental Protection Agency of training for law enforcement officers regarding recognition and investigation of environmental crime.

EXCLUSIONARY RULE

Time and time again, courts have thrown out vital evidence discovered by law enforcement officers during "good faith" investigations, and allowed guilty parties to walk away from criminal convictions. IACP supports the good faith exception to the Exclusionary Rule which codifies the Supreme Court decision in the Leon case and extends the rationale to warrantless situations to all law enforcement agencies with no exceptions. This exception would allow evidence to be admitted in criminal proceedings when obtained in "good faith".

FCC - RADIO SPECTRUM ISSUE

The Federal Communications Commission is currently in the process of auctioning off portions of the radio band frequencies to commercial users. Congress should pass legislation directing the FCC to reserve sufficient frequencies to reduce congestion on current public safety communication systems, to facilitate wireless transmission of high resolution images and other data provided by NCIC 2000, and generally to improve inter-agency and inter-governmental radio communications by Federal, State, and local law enforcement and public safety agencies. The IACP seeks Congressional action that will ensure the necessary radio spectrum needs for law enforcement for public safety purposes.

FLSA REFORM

Before 1985, when the U.S. Supreme Court decided Garcia v. San Antonio, the Fair Labor Standards Act (FLSA) was not applied to employees of state and local governments. After the decision however, those employees became subject to the FLSA. The difficulties created by this coverage arise because the definitions and classifications developed under the FLSA were intended for private sector employees. It is clear that FLSA and its definitions and classifications were not written with law enforcement in mind. The IACP supports targeted changes in the FLSA in two specific areas.

The first area of concern is with the definition of what constitutes an "exempt" employee (i.e. an employee who is"exempt" from FLSA and thus not eligible for overtime; typically an individual considered to be a salaried employee) and the problems created by the application of definitions intended for private sector exempt employees being applied to public sector exempt employees.

The second area of concern with FLSA is what the Department of Labor considers to be "compensatable hours" to non-exempt or hourly employees. Many departments have been forced to pay large overtime awards to employees who were thought to be performing reasonable off-duty actions associated with a law enforcement position, but were later held to actually be "on department time."

FUNDING

The IACP opposes any reduction in the total level of funding for the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322). The IACP recognizes the need for and continues to support programs which place additional police officers on the streets of America. The IACP supports programs which provide direct funding to all state, local, and tribal law enforcement agencies, regardless of size, for policing efforts which may include community policing, prevention programs, and such other anti-crime initiatives as best determined by law enforcement agencies applying for said funds as the most efficient and effective use of said funds. Match requirements tend to impair the ability of local agencies to fully participate in funding programs. The IACP believes every effort should be made to maximize waiver opportunities or to develop innovative alternatives to matching fund requirements.

HABEAS CORPUS REFORM

A prisoner has the right to apply to federal court to challenge what he or she considers an illegal imprisonment. Many prisoners abuse this right be filing frivolous and repetitive suits with the federal courts, clogging the dockets and delaying proceedings on other important matters. IACP supports provisions to limit the number and timing of appeals a prisoner can make in federal courts to challenge his or her imprisonment in state or federal prisons or sentence of death.

JUVENILE CRIMINAL PENALTIES

IACP supports legislative proposals that would treat serious juvenile drug offenses as armed career criminal act predicated, the prosecution of juveniles who commit serious violent crime as adults, amending juvenile justice laws to make the criminal records available of juveniles who commit serious violent crime, and mandatory prison sentences for persons who use minors in drug trafficking or who sell drugs to minors.

POLICE CORPS

IACP continues to oppose the Police Corps program, Title XX of the Violent Crime Control and Law Enforcement Act of 1994, as an inefficient and ineffective use of limited funds to combat crime and train young people to become career law enforcement professionals.

POLICE OFFICERS' BILL OF RIGHTS

The Police Officers Bill of Rights proposal amounts to a federal intervention into state and local law enforcement agencies management of internal investigations concerning actions and professional conduct of its employees. The IACP opposes any special and/or additional protection for law enforcement officers. Officer's rights should be no greater than those of other private and public sector employees. The IACP opposes S.334 (The Law Enforcement Officer Bill of Rights) introduced by Senator McConnell.

RISS

Regional Information Sharing Systems have proven to be a valuable asset for state and local law enforcement agencies. The IACP strongly supports the continuation of federal funding at current levels for these programs.

SUPPORT FOR FEDERAL LAW ENFORCEMENT

Federal law enforcement plays a central role in anti-crime efforts. From technical assistance to federal task force, federal law enforcement greatly assists state and local agencies. Therefore, the IACP will resist any reduction in the funding or staffing levels for federal law enforcement agencies and encourages Congress to augment existing funding levels.

TOW TRUCK REGULATION

From securing vital evidence at a crime scene to controlling parking and traffic patterns, state and local law enforcement requires a certain level of regulation over local towing of vehicles. Section 601 of the F.A.A Authorization Act of 1994 (P.L.103-305) has created questions as to whether or not state and local law enforcement agencies can continue to regulate tow truck operators working within their jurisdictions. By the act, Congress attempted to preempt state and local restrictions concerning trucking routes, services and prices of all trucks that carry property. Clarifying legislation is required to show the intent of Congress.

Jose Cerda
Room 224 OEOB

THE WHITE HOUSE

ice of the Press Secretary

February 11, 1995

PRESS BRIEFING
BY
ATTORNEY GENERAL JANET RENO,
DRUG CONTROL DIRECTOR LEE BROWN
ASSOCIATE ATTORNEY GENERAL JOHN SCHMIDT,
AND CHIEF JOE BRANN

The Briefing Room

11:00 A.M. EST

ATTORNEY GENERAL: This morning President Clinton spoke to the nation about the continuing plague of crime and drugs and violence, and the terrible impact it is having on our families and our children. Every day in the newspaper we see another story, watch television, see a child killed or a child killing, another life cut too short. The public has seen too much of this, and they have demanded that we take dramatic action to do something about it.

President Clinton heard America's call for help. Just over a year ago he challenged Congress to break the partisan gridlock and pass the crime bill -- a crime bill to put 100,000 new police officers on the streets of this nation, to make three strikes and you're out the law, to give law enforcement a fighting chance by banning assault weapons, and to fund effective prevention programs that police supported throughout this country. Thanks to the President's strong leadership and the support of a bipartisan majority of Congress, these proposals are now the law of the land.

Today the administration is moving ahead full-speed to make the promise of the 1994 Crime Act a reality. Our COPS program has awarded grants to over 7,500 communities throughout America. Small towns, large cities have been given authority to hire more than 17,000 police officers. Nineteen types of assault weapons have been banned from the gun stores of America. And our children, our most important resource, have schools, recreational centers, and mentors to go to instead of street corners and allies and gang leaders. And all of this is being done in a simple, nonpartisan, nonbureaucratic fashion.

Unfortunately, some members of Congress want to go back and undo the progress of the 1994 Crime Act. To those who advocate that course I have one thing to say: Congress should not move backward, must not move backward in the fight to control crime in this country. With so much progress at stake, it would be wrong to renege on the promise of the 1994 Crime Act. To law enforcement professionals, to state and local officials and ordinary citizens who want to be safer in their homes, in their schools and on the streets, we must not turn the clock back on crime and revert to the old ways of political rhetoric, rather than concrete action.

The public should know that several of the crime bills currently being considered by Congress seek to undo the bipartisan successes of the Crime Act. They will scrap the President's 100,000 cops initiative and replace it with a plan that won't guarantee even one new cop on the beat. They'll abolish proven prevention programs that are supported by police across the country. And they'll make prison funds so restrictive that very few states will be able to build new prisons in the foreseeable future.

MORE

This is not what America wants, or needs. There is still much to be done to make America's communities safe. Now is the time to put new crime-fighting ideas on the table; ideas that build on the success of the 1994 Act. In these areas, such as speeding up death penalty appeals and ensuring victims' rights, we can work together. But as the President told the country today, we owe it to the American people to move forward, not backward, and build upon the successes of the 1994 Crime Act. And we must not, and we will not, turn back.

I'd now like to ask John Schmidt, the Associate Attorney General who has been responsible for the implementation of the Crime Act in the Justice Department, to say a few words.

ASSISTANT ATTORNEY GENERAL SCHMIDT: The one point I would like to emphasize is the really incredible level of demand from communities all over the country for funding under the community policing program. Under the two initial programs we set up, COPS AHEAD, which is for communities of 50,000 and over; COPS FAST for communities of 50,000 and under, we have in hand, in the office now, applications for about 40,000 new officers. That's two programs, both of which had tight deadlines, both of which were set up on a basis where there would be no waivers of any of the program requirements. That is really an incredible figure.

As the Attorney General indicated, we have been able to fund about 7,500 communities -- about half of all the communities in this country. However, in most cases, we've not been able to give them all that they asked for. We've been able to fund about 17,000 officers. That is further, faster than I think anyone would have thought we would have ever been able to come. But we still have a long way to go. Everyplace that I go and everyone we hear from around the country in communities is telling us they want this program to continue, they want us to go forward until we reach the goal of 100,000 new officers around the country.

To say just a word about how we are going to go forward from this point on, I want to ask Chief Joe Brann, who is now the Director of the COPS program, to say a couple of words.

CHIEF BRANN: Thank you, John.

As John indicated, the COPS program is working; it's working very effectively across the country. This is not just about hiring police officers, however. There's a lot of flexibility built into the COPS program, the kinds of funding mechanisms that we're addressing here.

Specifically, we're going to be, shortly, dealing with another round of grant applications that deal with, or address our minority or MORE program which relates to making officer redeployment effective. The purpose behind this is to, in fact, address equipment needs, technology needs, overtime needs, civilianization kinds of opportunities that exist in law enforcement organizations to help them take existing police officers who are there currently in these organizations and move them out onto the street where they'll be more effective.

I think another critical aspect of this is -- and that should not be ignored at all -- is that this advances community policing. This is what the public wants. This is what the law enforcement community knows and recognizes as an effective crime-fighting strategy. It has been proven to be effective. We know that. We're trying to advance this nationally.

There's also flexibility here in dealing with the needs of local agencies to come up with the local match requirement. We have waiver processes in place. We were not able to under the COPS

FAST and COPS AHEAD programs, we were not able to provide waivers for those particular programs. It was announced in advance because these were expedited hiring processes. We would not be providing waivers there, but we have under other phases. We will be looking at that in the future. We intend to remain flexible on this and work with the local agencies.

I think most importantly, though, the message that I would want to send is this: I'm a 26-year cop. I've worked the streets. I've been a police chief. And for those of us in the law enforcement community, we are tired of seeing politicians in Washington playing politics with public safety. It's time to bring this to a halt. This crime bill is working. It's working very effectively. It's got broad support across the country, and we need to maintain it.

Thank you.

Q Just for the record, Attorney General, could you please restate why the principle of giving that money directly to communities, to cities, is such a bad idea?

ATTORNEY GENERAL RENO: We think the money should be given directly to police departments, to sheriff's offices, to state highway patrols across the nation because they are the police agency that is most responsible. I mean, they are the agency, the only agency responsible for policing in their jurisdiction. And we think the money should go to funding police officers, but to providing the additional flexibility for grants for automation that will free police officers' time to come to the streets for community policing, that will provide support for overtime for a particular project. All that flexibility is in it. But it is designed primarily to put community police officers on the streets. It's monies that go directly to the police agency. It's working now.

Both mayors and police chiefs have told me that it is one of the most effective federal programs they have seen. Why break it if it's working well?

Q But aren't you saying you don't trust local officials to use this money wisely?

ATTORNEY GENERAL RENO: No, what we're saying is that we trust police departments --

Q -- by the block grant program?

ATTORNEY GENERAL RENO: The block grant program you don't know what it's going to do. And what we're trying to do is to say the major effort -- there are other efforts such as with prevention. There are various programs that go both to communities and to counties and in some instances to states. And they can be designed according to the differing needs of prevention. Everyone agrees that there is a need for community police officers. Judged by the grant applications that we have received, the overwhelming demands that I'm getting from mayors and chiefs of police, this gets the money not to the state, not to the county, not to the city, but to the police departments. It cuts out administrative expenses in between. It gives police departments the flexibility to design programs for their community.

I have seen so many different forms of community policing adjusted because police departments had the flexibility to design the program according to their needs. It has flexibility in their for overtime, for equipment, for automation. This is the type of program that goes directly to the source of the -- to the agency responsible for this function. And I think it can work.

Q General Reno, would the President also veto any attempt to repeal the assault weapons ban?

ATTORNEY GENERAL RENO: Yes.

Q Could we ask, in connection with that, you laid out the provisions of the original crime bill. He said he will veto on 100,000 policeman, police officers, assault weapons; what about three strikes you're out and preventive programs -- where does he draw the line?

ATTORNEY GENERAL RENO: I haven't heard anything about anybody attempting to repeal three strikes you're out, but the President feels very strongly about that. And he feels equally as strongly about the prevention programs. We will work with all concerned to make sure that the prevention programs spelled out in the bill are carried forward.

Q Attorney General, could I ask a question, please, on abortion and whether or not the Cabinet is solidly behind Mr. Foster still given the new revelations, if you will, that come out every day?

ATTORNEY GENERAL RENO: I have not been involved in that process, but from what I have seen, his credentials are very impressive and I support the President.

Q I should know the answer, but over what time period would the 100,000 police be -- with the timetable for --

ATTORNEY GENERAL RENO: I'll ask Joe to give you the precise time schedule on it.

CHIEF BRANN: The bill itself provides it will be done over six years. I would say that we're definitely ahead of schedule, by the fact that we've, in a very short period of time, in four to four and half months, have provided the funding for approximately 17,000 officers.

Q Attorney General Reno, could I follow along Jerry's question about the confirmation of the new surgeon general? Could you tell us what the status of the FBI background check on him is right now? Has it been finished?

ATTORNEY GENERAL RENO: No, I can't.

Q General Reno, just another question on another subject, affirmative action. Has the administration come up with its final position on where it stands on affirmative action and attempts to roll some of that back?

ATTORNEY GENERAL RENO: I think what we need to do is to continue to focus on each case, look at the case, and do everything possible to end discrimination and the vestiges of discrimination in this country, while at the same time, looking at the broader picture and making sure that we apply the law as it exists in this country.

Q Well, would the administration be open to changing that law?

ATTORNEY GENERAL RENO: I think it's important, again -- I've heard so much discussion about changing the law. The basic thrust of affirmative action is to end discrimination. I don't think any American supports discrimination, and I think that's what we're about. And I don't think there's any intent on the part of this administration to change that.

THE PRESS: Thank you.

END 11:15 A.M. EST

Progressive POLICY INSTITUTE

POLICY BRIEFING

February 16, 1995

"BLOCKING" DEVOLUTION:

Why Block Grants are the Wrong Approach to Devolution—and Three Progressive Alternatives

By Ed Kilgore and Kathleen Sylvester

In their struggle to find legislative expression for some of the hazier elements of the Contract with America, Republicans in the 104th Congress are seizing upon "block grants" to states and localities as a cure-all technique, applicable to welfare, crime, and perhaps even health care.

In theory, block grants represent a procedural reform in the administration of federal-state or federal-local programs—a broad consolidation that gives the ultimate managers of domestic programs flexibility to meet national purposes without micromanagement by Congress or the federal bureaucracy.

In practice, however, the block grant label can be deceptive. Some past consolidations, such as the Social Services and Community Development Block Grants, did not supply the sweeping flexibility the name connotes. Conversely, the block grants being proposed by the current crop of congressional Republicans fail to articulate the national purposes that justify federal involvement in the first place.

Even in their ideal form, block grants do not supply a strategy for "devolution" of federal power as their proponents, who seek to link this procedural reform to voter mistrust of Washington, often imply.

Turning federal programs into block grants makes them easier to administer, but does not accomplish any clarification of federal and state roles, or of the national and local concerns that justify them. If a given domestic program is to become a purely state function, why maintain any federal funding, and if it's not, why should the federal government have no say over how the money's spent? Block grants ignore these questions and simply freeze current fiscal relationships among levels of government, as though they were dictated in the Federalist Papers.

Previous experience, especially during the Reagan Administration, would indicate that block granting a program may undercut the stated purpose of increasing flexibility. Large block grants designated for general purposes are easy targets for budget cutters, yet still vulnerable to federal prescriptions.

More fundamentally, true devolution should aim at giving citizens maximum power at the expense of government bureaucracies at every level. Block grants simply reallocate power among bureaucracies.

In the peculiar form advocated by congressional Republicans, block grants make little or no sense. They represent a "reform" in search of a rationale and a brain-dead devolution lacking any purpose or definition. The following two examples make the point.

Welfare Block Grants—Retreat from Reform

On January 6, after a day-long meeting with Republican governors, GOP congressional leaders announced a tentative agreement to "reform" welfare through a series of block grants to the states that would eliminate the entitlement status of low-income programs and supply total flexibility in the administration of these programs. Expenditures would be frozen at current levels for five years.

This tentative Republican agreement dramatically illustrated the inherent shortcomings and internal contradictions of the block-grant method of devolution. The welfare debate that took shape last year benefitted from a wide-ranging discussion of the proper object of reform—putting welfare recipients to work, improving their education and skills, or discouraging illegitimacy—and the best means for securing reform, including the roles of the federal government, the states, community organizations, private job placement services, and civic and community organizations.

Unfortunately, the Republican proposal to turn AFDC and related programs into block grants short-circuits the national debate on welfare reform, and simply shifts the welfare problem—both its definition and its solution—to the states, with limited federal funding. States thus lose any real incentive to change the welfare system. Indeed, because the proposal abandons existing requirements that states match federal funds, there is even less incentive for reform than under the current system, because reform costs money.

Welfare block grants are attractive to congressional Republicans precisely because they avoid any national decision on a controversial issue that divides the GOP—the object of welfare reform—while ensuring the one outcome all Republicans can agree on—reducing federal welfare spending to help pay for Republican tax cut and defense spending promises. *Actually reforming welfare* is

apparently less important than maintaining Republican unity and political advantage.

It is not clear, however, that the welfare block grant stratagem will succeed, in large part because some congressional Republicans do feel strongly about a national commitment to certain principles about welfare—if not a coherent strategy—whether or not their colleagues agree.

The House Ways and Means Committee has dutifully agreed to a series of welfare block grants while insisting that funding be conditional on the welfare measures contained in the Contract with America: no payments for children of unmarried minor mothers; no payments for legal immigrants awaiting citizenship; and a two-year time limit on cash assistance without work. The draft Ways and Means bill also requires states to put 20 percent of welfare recipients into work by the year 2003, though the definition of "work" is exceptionally vague.

In unveiling this new "compromise," Clay Shaw, a Florida Republican who chairs the subcommittee of jurisdiction, made a comment that should have triggered alarm bells in Republican state capitals:

> Some governors have asked for block grants from the federal government that come with no "strings." As I have said before and say again today, this we cannot do. As your elected representatives in Washington, you have sent us here to be stewards of your federal tax dollars. We simply cannot fulfill our role as stewards by signing a blank check to anyone, even our nation's governors.

In effect, the House Ways and Means Committee has approved block grants that really aren't block grants, because they come with strings. These strings, however, do not articulate any clear vision for welfare reform—nor any federal commitment to make sure it happens. The only principle consistently supported by congressional Republicans is to limit federal welfare spending; and some candidly view block grants as a way station to additional future cuts or even abandonment of federal responsibility. As such, these "block grants" represent a retreat both from welfare reform and from clear principles of devolution.

Crime Block Grants—Throwing Good Money After Bad

In terms of tradition, prior involvement, and current fiscal commitment, intrastate law enforcement and crime prevention are the most local of domestic government functions. If principles of federalism have any meaning at all, new federal intrusions into this area should be carefully rationalized to demonstrate a clear national purpose.

Last year's crime bill contained three separate new sets of federal policies affecting local law enforcement and crime prevention, with varying degrees of

associated federal funds: (1) a *community policing initiative* designed to place 100,000 new police officers on the streets, and, more indirectly, to influence police departments to reorient their crime-fighting strategies from rapid response to community policing; (2) a host of *crime prevention grants*, ranging from early youth intervention programs to support for inner-city civic organizations; and (3) *state prison construction grants* made conditional on state adoption of tougher sentencing laws.

The Contract with America promised to re-open the crime bill for a variety of purposes, including the elimination of the new prevention programs typically characterized by Republicans as "pork-barrel social programs." Once under Republican control, the House Judiciary Committee quickly took up a crime bill re-write, and replaced both the community policing initiative and the crime prevention grants with a new $10 billion crime block grant for cities and counties. The block grant proposal passed the full House in mid-February.

The debate within the Judiciary Committee on the block grant concept was illuminating. Committee Democrats cited a familiar litany of abuses—purchases of airplanes, real estate, and even a tank—associated with the last flexible set of crime-fighting grants to states and localities, the Law Enforcement Assistance Act. Committee Republicans blithely supported amendments to prohibit use of block grant funds for—airplanes, real estate, and tanks! As with the welfare block grants, the committee offered no articulation of a national purpose to justify federal involvement—only a definite willingness to make negative prescriptions. The highly prescriptive state prison construction grants championed by Republicans remained intact.

The community policing section in last year's crime bill was clearly designed to establish national policy by endorsing effective crime-fighting strategies and to supply limited federal funds to spur redeployment of local police resources. The array of crime prevention grants, too, was aimed at a new national emphasis on identifying at-risk individuals and communities and addressing their problems early on. Disagreement with the premise of either set of provisions is entirely legitimate, and would dictate amendment or repeal. *But it makes no sense at all to replace both programs with a single block grant.* If community policing or crime prevention grants are, as Republicans often argue, "pork," then replacing them with a huge new block grant literally throws good money after bad.

A Test for Program Consolidations

The GOP welfare and crime block grant proposals reflect an assertion that any consolidation of federal programs is a positive step towards devolution. We strongly disagree.

The best test for any consolidation of federal programs is this: Does the consolidation *clarify* the national purpose underlying federal assistance, and then give state or local governments latitude—and accountable standards—in meeting that purpose? Or does it *obscure* the national purpose, and simply transfer money from one layer of bureaucracy to another?

The Republican welfare block grant proposal essentially abandons any clear expression of national purpose on welfare reform. That is true even if certain negative prescriptions disqualifying legal aliens or minor mothers of illegitimate kids are sneaked in through the back door, reducing the much-touted state flexibility without elucidating positive objectives or results.

The crime block grant proposal is even stranger. After all, the ink is barely dry on the legislation creating the new categorical programs that the block grant would replace. Thus the block grant represents a massive increase in federal spending in the most local area of domestic government, with absolutely no justification through an expression of national purpose, other than a vague sense that voters are upset about crime and that the Contract with America promises some response.

Progressive Alternative #1—Devolution through Performance-Based Grants

One alternative that does meet the test of a constructive consolidation of federal programs is the performance-based grant, which supplies flexibility to state or local administrators in exchange for achieving defined results that embody the national purpose justifying the use of federal funds.

The best existing example of a performance-based grant is the so-called "Oregon Option," a broad waiver recently negotiated among federal, state, and local officials governing human resources programs in Oregon. Federal officials have agreed to suspend most federal restrictions on how state and local officials can use federal funds. In return for this flexibility, state and local officials have agreed to meet a set of specified outcomes.

The Oregon model clarifies the national purpose underlying federal funds by requiring a results-oriented human services policy. The Oregon plan focuses on prevention rather than remediation of problems, delegates responsibility and decisionmaking powers to those on the front lines, and rather than budgeting more money, re-directs the current funds in a more efficient way.

Oregon officials have pledged to deliver results based on the state's own "benchmarks" reached through a public consensus-building process that defined goals important to Oregon citizens: healthy children, stable families, and a highly trained and competitive workforce. In return for the flexibility to combine federal

funds and implement many policy changes without federal waivers, state and local officials have agreed to meet a series of defined "performance measures."

More specifically, Oregon will define success in welfare programs not by the number of clients served—currently the sole basis for federal funding—but by the results obtained: the percentage of AFDC clients who get jobs, the percentage who are able to establish child support; the average length of time families stay on welfare; the percentage of AFDC households headed by teen parents; and the basic skill levels of AFDC participants in job preparation activities.

The President's FY 1996 budget proposes a shift to performance-based grants in a variety of domestic program areas, including housing and community development, public health, pollution control, and transportation. If these proposals are developed and aggressively promoted in Congress, performance-based grants can serve as the most useful progressive alternative to Republican block grants.

On one critical issue outside the Administration's set of suggested performance-based grants, The Progressive Policy Institute has developed its own proposal. We support a work-based model for welfare reform that would effectively transform federal income maintenance and education and training grants into a performance-based system rewarding states for placement and retention of recipients in private-sector jobs.

Progressive Alternative #2—Devolution by "Swapping" Divided Functions

A second progressive alternative to the block grant is the "swap," an approach that shifts currently divided responsibilities—policy, administrative, and fiscal—to one level of government in a coordinated, revenue-neutral fashion. Swaps are based on the theory that some functions of government should be funded *and* implemented by a single level of government—the level best-suited to take on those responsibilities. This approach is also based on the sound belief that unified control of specific domestic government services promotes accountability, by clarifying the level of government responsible for this or that function.

Swaps are not a new idea. Arguments for swaps were well articulated in the early 1980s by reports from the Robb-Evans Commission, and the Advisory Commission on Intergovernmental Relations and more recently by David Osborne in PPI's *Mandate for Change*. Alice Rivlin, director of the Office of Management and Budget, proposed a thoughtful scheme for "sorting out" government functions in 1992. The National Governors' Association has suggested a variety of swap concepts, including one in which the federal government would take over both health and income maintenance responsibilities for the "Social Security population" (the aged, blind, and disabled) with the states assuming similar obligations for the "AFDC population" (non-elderly people with low incomes).

Even so, the politics of swaps make them difficult to achieve. President Reagan proposed a "swap" in his 1982 State of the Union Address, to the surprise of many congressional Republicans. Under the Reagan plan, Washington would have taken full responsibility for Medicaid and the states, in return, would have taken over welfare programs, including Aid to Families with Dependent Children and food stamps, along with a variety of other intergovernmental programs. The plan died quickly, mainly due to congressional hostility or indifference in both parties, but also because state officials were suspicious that the Reagan Administration was more interested in "dumping" the costs associated with programs to be assumed by the states than in balancing these "turnbacks" with full federal assumption of Medicaid.

In some respects, functional swaps are like an exchange of hostages: If they do not proceed simultaneously, and on roughly equal terms, the trust necessary to complete the exchange will break down. As with the Republican block grant proposals, which are clearly fueled by the need to generate quick federal spending cuts to pay for tax cuts and defense spending increases, swap proposals driven by short-term federal budget concerns rather than long-range federalism considerations are doomed to failure.

Swap proposals assume that federal officials are willing to completely withdraw from specific areas of domestic government. However good the policy in the abstract, so long as Congress and the President cannot resist the political pressure to intervene on any domestic concern that agitates focus group participants, devolution by swap will prove difficult if not impossible.

Progressive Alternative #3—Devolution to Citizenry

The most meaningful form of devolution, and the only form immediately responsive to the current mood of voters, is to bypass government bureaucracies at all levels and directly empower Americans to solve their own problems.

PPI has recently proposed two closely-related reforms that aim at devolution to the citizenry: the GI Bill for American Workers, and the Job Placement Voucher for welfare recipients.

Embraced in concept by the President, the GI Bill for American Workers would, among other reforms, scrap the current system of 70 categorical grant programs for education and training of dislocated workers *and replace it* with a flexible voucher that would stimulate and tap a growing market of public and private providers of re-employment services.

The proposal would also help workers set up tax-favored Individual Retirement Accounts that could be drawn upon to upgrade skills, and would promote greater use of National Direct Student Loans by workers who could then

pay off the cost of college or postsecondary training with a percentage of future income.

Similarly, the Job Placement Voucher concept is aimed at breaking down welfare bureaucracies and stimulating a competitive market of job placement and support services. Part of the PPI's "work first" plan for welfare reform, the proposal would encourage states to provide welfare recipients with vouchers redeemable by public agencies, private firms, community enterprises, or employers, so long as they are used to place and keep the individuals in question in private jobs.

A third major avenue for devolution to citizenry is to strengthen the ability of non-government community organizations to address critical social problems while drawing on the energy and creativity of the people most affected. National Service, embodied in part by the AmeriCorps created by Congress at the President's urging in 1993, is one very promising approach for experimenting with non-governmental mechanisms for domestic service delivery while empowering participants through post-service benefits. To the extent that some congressional Republicans, including Speaker Gingrich, have announced strong opposition to AmeriCorps specifically and national service generally, progressives must challenge them to square this reflexive position with their alleged support for devolution of domestic government and empowerment of citizens.

Of equal importance, domestic programs aimed at fighting poverty and social pathology in low-income urban and rural areas must be re-focused to help citizens in these areas solve their own problems. Federal policy should shift from promoting paternalistic bureaucracies and tax-lured outside investment to an approach that builds on the real if hidden assets of impoverished citizens and their communities. Microenterprises, community banks, and individual development accounts could all help devolve power over community development while enlisting citizens in self-help measures that actually work.

Beyond Focus-Group Federalism

Implicit in the progressive critique of block grants, and in the three models of devolution we suggest as alternatives, is that *different domestic problems require a different deployment of resources among levels of government, and in some cases, beyond government*. There is no "cookie cutter" method of devolution that will work in every area. The national purpose justifying federal funds and the governance capacity of federal, state, and local governments will vary across program and issue lines.

Block grants as pursued by Republicans in the 104th Congress are based on a one-size-fits-all approach to devolution, and a resolute unwillingness to define national purposes or to assess governance capacities. As such, the GOP approach

is a cynical device that "blocks" real devolution. It also reflects the same "focus-group federalism" that created the chaotic system that devolution would reform: the knee-jerk tendency to design a federal response to any concern of voters, whether or not it makes sense or can promote either national or local purposes.

In many areas where federal and non-federal roles are fairly clear, performance-based grants can produce a useful combination of desired outcomes and administrative flexibility to achieve them. In a few isolated cases, swaps can be designed that will promote both efficiency and accountability. And in every area of domestic government, steps can be taken to devolve power to citizens, bypassing bureaucrats at every level.

But true, thorough, and lasting devolution will require a serious comprehensive evaluation of domestic government to more clearly define national and local purposes and more adequately assess the strengths and weaknesses of each level of government in each area.

After all, our system of federalism has never been static. The roles of the various levels of government have been defined and redefined by national crises: the Great Depression, three wars against foreign powers, and the civil rights struggle. The current crisis of governance requires reconsidering the relationships in that system again.

This reconsideration involves a series of questions for each area of domestic government:

Who can best do the job? The federal government has advantages in areas such as social insurance and regulating matters that cross state borders. Important redistributive functions, such as basic funding levels for income-support programs, must reside with the federal government. States and localities are better at delivering services. Any sorting out should also take into account the capacities of the various levels of government.

Who has a compelling interest in doing the job? States and localities have already honed their capacity for economic development because it expands their revenue bases. States dare not allow themselves to fall too far behind their more aggressive neighbors for fear of losing their tax bases. Localities have an interest in providing education and police protection because their voters demand services.

How can equity be assured? Poorer states and localities cannot compete on equal terms with the wealthier jurisdictions. The federal government should provide some balance by offering special financial assistance to the poorest states; states should also provide financial aid to localities with weak revenue bases or extraordinary needs. Revenue capacity, revenue effort, and service demand must all be taken into account.

Where will the money come from? The most difficult issue to resolve will be financing. If the federal government were to devolve certain functions or roles to the states, there would be an irresistible federal impulse to claim any savings for new programs or deficit reduction. Any power shift must assure that states or localities have fiscal capacity to do the job well.

Which level of government is best suited to ask citizens what they want? When states and local governments make decisions about priorities, citizens join in the process. At the state and local levels, citizens decide all the time what they value enough to pay for: They support or reject ballot initiatives; they approve or disapprove tax increases and bond issues earmarked for specific programs; and they lobby their legislative bodies.

These key questions can be asked in each area of domestic government, or can be asked comprehensively—across all areas of domestic government. PPI has called on President Clinton to hold a Federalism Convention in 1995 to begin a comprehensive evaluation. Governors Mike Leavitt, a Utah Republican, and Ben Nelson, a Nebraska Democrat, have announced an intention to hold a Conference of the States to launch the same process—with or without federal participation.

Whether or not a "big screen" discussion of devolution ensues, those who seek to promote an agenda for devolution must keep the "big picture" in clear view. True devolution cannot be advanced by a Congress obsessed with short-term federal budget savings, or even by governors struggling to regain control over state budgets stretched thin by congressional micromanagement. It is the *taxpayers' budget*—the sum total of federal, state, and local taxing, spending and borrowing, their effect on the economy, and the services and empowerment they buy, that offers the only proper context for devolution.

The authors of the Federalist Papers would agree. So should those who consult them now.

Ed Kilgore is senior fellow and Kathleen Sylvester is vice president of domestic policy of the Progressive Policy Institute.

Send to:
Michele Cavataio
401-3093

Office of Policy Development
United States Department of Justice
10th and Constitution Ave. NW
Washington, D. C. 20530

TO: Jose FAX: ( )

FROM: Grace Mastalli VOICE: (202)
FAX: (202) 514-8639

Total Pages (excluding this cover): 3

Additional Message:

CRIME BILL MARKUP -- AMENDMENTS ADOPTED
HOUSE JUDICIARY COMMITTEE
1/27/95

HR 665 -- Victim Restitution Act

- McCollum amendment to add lost wages to list of compensable expenses related to participation in the case against the defendant. Passed by voice.
- Motion to report passed by voice.

HR 666 -- Exclusionary Rule Reform

- Reed amendment to replace the bill with a codification of Leon. Rejected 21-13.
- Watt amendment to substitute text of 4th amendment for the bill. Rejected 21-12.
- Motion to report passed 19-14.

HR 668 -- Criminal Alien Deportation

- McCollum to change name of "criminal alien tracking center" to "criminal alien identification system" and to remove reference to authority of Attorney General to use components to assist in operation of this identification system. Passed by voice.
- Moorhead amendment to allow political subdivisions of a state to apply for reimbursement for costs of incarceration of undocumented criminal aliens. Passed by voice.
- Berman amendment to direct federal reimbursement of state costs of incarceration of undocumented criminal aliens, not subject to availability of appropriations, as of October 1, 1996. Passed 20-14.
- Schiff amendment to make eligible for deportation criminal aliens who are convicted of a crime for which a sentence of one year or more may be imposed. Current law apparently requires that the criminal alien actually receive a sentence of at least one year. Passed by voice.
- Committee will continue marking up this bill on 1/31.

CRIME BILL MARKUP - AMENDMENTS ADOPTED
HOUSE JUDICIARY COMMITTEE
1/31/95

HR 668 -- Criminal Alien Deportation (continued from 1/27)

- Lofgren amendment to require that criminal alien deportation proceedings are conducted in a language that the subject understands, and that the proceeding determines if the person involved in the proceeding is in fact the alien named in the notice for the proceeding. Passed by voice.

- Motion to report passed 22-8.

HR 667 -- Violent Criminal Incarceration Act

- Canady amendment that conditions eligibility for receiving grants under the bill upon the recipient state providing assurances that "to the extent practicable, inmate labor will be used to build and expand correctional facilities."

- Jackson-Lee amendment to add "boot camp facilities" to the list of facilities that may be constructed with the bill's grant money. Passed by voice.

- Two McCollum amendments (considered en bloc) to include section from HR 3 prisons title that was unintentionally left out of HR 667 and to make several technical changes. Passed by voice.

- Barr amendment, amended by Lofgren amendment, to require state grant recipients to provide assurances that funds will be shared with local governments. Passed by voice.

- Chabot amendment to prohibit strength training by prisoners in federal prisons. Passed 18-9.

- Committee will continue marking up this bill on 2/1.

CRIME BILL MARKUP -- AMENDMENTS ADOPTED
HOUSE JUDICIARY COMMITTEE
2/1/95

HR 667 -- Violent Criminal Incarceration Act (continued from 1/31)

- Goodlatte amendment to change exception to truth in sentencing requirement, originally drafted to allow for state governor to release inmates over age 70, to allow for release of "geriatric" inmates without reference to a specific age. Passed by voice.

- Lofgren amendment to allow, as an additional exception to truth in sentencing requirement, state governor to release prisoners "whose medical condition precludes the prisoner from posing a threat to the public." Passed by voice.

- Bryant amendment to provide that grant eligibility will be conditioned upon assurances by state recipient that the veteran status of inmates will be determined and that veteran inmates will receive benefits to which they are entitled. Passed by voice.

- Motion to report passed 23-11.

HR 729 -- Habeas Corpus and Death Penalty

- Gekas technical amendment relating to flaw in death penalty procedures language. Passed by voice.

- Motion to report passed 24-10.

U.S. Department of Education
Office of the Deputy Secretary
600 Independence Avenue, S.W.
Washington, D.C. 20202

DATE : 2/2/95

TO: José Cerda

ORGANIZATION:

PHONE : 456-5568 **FAX :** 456-7028

FROM : Michele Cavataro

PHONE : 401-1029 **FAX :** 401-3093

MESSAGE :

Please Send Around Again! List Fax #

Name	Organization	Phone # / FAX
Bill Modzeleski	ED/OESE	260-1856 260-7767.
Isabelle Garcia	NEA - GR	(Fax 822-7331 822-7741)
Charles H. Ginsburgh	IACP (Fax 703/836-4543)	ph 703/836-6767
Jennifer Ferrante	NCJA	347-4900 Fax 508-3859
J. A. Simering	Great Cities	393-2427 FAX 393-2400
James H. Williams	NEA	822-7570 FAX 822-7775
Adele Robinson	NASBE	703-684-4000 fax 703-836-2313
Leo Muir	AFT/UFT	212 598 9287
Cliff Kracht	Public Education Assn.	202 466-7820 FAX: 466-7826
Carolyn Hinckley	PTA	
Lucy Billings		
Caroyn Henrich	National PTA	FAX (202) 331-1406 ph (202) 331-1380
Lovely Billups	Am Fed of Teachers	FAX 202-879-4537 202-879-4444
JANICE FORD GRIFFIN	JOIN TOGETHER	(617) 437-1500 fax 617-437-9394 EMAIL: HN2151@handsnet.org

January 30, 1995

Dear Representative:

As educators, policymakers, and children's advocates, we the undersigned organizations, share your concern about the increasing rise of violence by and against children and youth. Now more than ever, we are working together at the local, state and national levels to prevent violence by and against young people. We recognize through experience and research that violence is a multi-faceted problem which needs to be attacked on many fronts. The prevention of violence must be a focus of any violence-reduction strategy.

The bipartisan-passed Violence and Crime Control Law Enforcement Act of 1994 includes prevention programs and we oppose efforts to repeal them now. Law enforcement is critical, and we support partnerships between law enforcement, education, and social services agencies. Metal detectors and security personnel, while worthwhile, should not be the sole line of defense against violence in schools. Such measures do not always deter violence either inside or outside the school house doors.

Prevention is also cost-effective. The cost of incarcerating a youth in Illinois is roughly $37,000 a year while the cost of educating the same youth is about $5,600. Financially, it is more beneficial for the state and locality to spend funds on improving educational services, before and after-school activities, and programs directly related to violence. Many districts are choosing to spend their funds on prevention programs because they believe that the investment in prevention far outweighs the financial and societal costs of dealing with violence after it occurs.

As you continue to shape crime control legislation, we urge you to include prevention efforts as part of the overall strategy to deter violence. We would be happy to share with you examples of exemplary state and local programs.

Sincerely,

National Parent Teacher Association
National Association of State Boards of Education
Council for Exceptional Children
National Association of Elementary School Principals
Council of Chief State School Officers
National Association of Secondary School Principals
American Federation of Teachers
National Association of Child Advocates
National Education Association
Youth Law Center

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- Committee will continue marking up this bill on 2/1.

CRIME BILL MARKUP -- AMENDMENTS ADOPTED
HOUSE JUDICIARY COMMITTEE
2/1/95

HR 667 -- Violent Criminal Incarceration Act (continued from 1/31)

- Goodlatte amendment to change exception to truth in sentencing requirement, originally drafted to allow for state governor to release inmates over age 70, to allow for release of "geriatric" inmates without reference to a specific age. Passed by voice.

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LEAA: A Panoply of Horror Stories

As Congress considers a bill (H.R.3) that abolishes the 100,000 cops program, and replaces it with a massive block grant program, it should recall its last effort of this sort; when, in 1968, it enacted the Omnibus Crime Control and Safe Streets Act which established the Law Enforcement Assistance Administration (LEAA). The primary purpose of this program was "to stimulate and upgrade law enforcement." The LEAA set out to achieve this goal through a block grant program in which large sums of money were passed onto the States to do as they wish to achieve this objective -- just as H.R.3 proposes to do now.

Will Congress Learn From History?

LEAA, especially in its earliest incarnation -- and the one most like H.R.3 -- was a miserable and costly failure. It became known for its "inefficiency, waste, maladministration and ... corruption" rather than for improving policing and public safety.

Over the life of LEAA, tens of millions of dollars were spent on helicopters, airplanes, fancy cars, radios and surveillance equipment -- often without technical or performance standards, competitive bids or needs assessments. Ridiculous studies were conducted and consultants made a windfall with no resulting product.

In what should be a haunting warning to today's advocates of H.R.3, in 1972, the Attorney General of Alabama stated that soon after the inception of the LEAA block grant structure "it became apparent that what had appeared to be a law enforcement officer's dream for badly needed help was becoming merely a politician's dream for the biggest pork barrel of them all."

The lesson from the LEAA experience was that limited federal resources should be targeted on what works. However, undeterred by the lessons of recent history, the Taking Back Our Streets Act of 1995, H.R. 3, proposes to establish the same block grant structure as the old LEAA!

Title IV would repeal the Public Safety Partnership and Community Policing Act ("COPS") program enacted by title I of the Violent Crime Control and Law Enforcement Act of 1994, and replace it with a formula grant program supporting any crime reduction purpose. The only limitation on the expenditure of these funds would be a local government's creativity in labelling a particular expenditure as serving the purpose of "reducing crime" or "improving public safety" -- in short, no limitation at all.

In fact, current House Judiciary Committee Member and original cosponsor of HR 3, James Sensenbrenner (R-WI), provided some of the most compelling horror stories of LEAA when he rose

to speak in opposition to reauthorization of LEAA in 1979. For example, Sensenbrenner cited as wasteful a $293,700 LEAA grant "to assess the need for a looseleaf encyclopedia on law enforcement." And yet, under H.R.3, such expenditures could resume without any checks or controls.

Interestingly, Sensenbrenner also criticized the 1979 reauthorization for eliminating a minimal matching requirement (10%) then required under LEAA because he believed it would "encourage applications for projects which would not be continued or financed locally." But, again, H.R. 3 does just that - by eliminating any matching requirement in the Crime Bill policing program. Rep. Sensenbrenner was right in 1979 when he said that it was "time for the sun to set on LEAA," -- but he will be wrong when he pushes in 1995 to bring it back in another incarnation.

During that same debate, the current Chairman of the House Judiciary Committee, Henry Hyde (R-IL), announced his opposition to continuing the LEAA as it then operated because of its potential for abuse. Hyde noted that one LEAA grant had been used to buy a $1.3 million fingerprint computer that remained in its crate in Joliet, Illinois for four years until it became obsolete. But, ironically, the bill Hyde now supports, H.R.3, could make such wasteful spending possible again.

Specific Examples: Will History Repeat Itself?

The following examples of wasteful and unaccountable spending under the LEAA demonstrate the dangers of adopting H.R.3 and of reliving history. Each of these examples below really happened under LEAA -- and nothing in H.R.3 would prevent these excesses from being repeated if that bill is passed.

- **In 1968, a Sheriff in Louisiana purchased an armored vehicle -- a tank -- with LEEA funding. The sheriff said he needed the tank for "crowd control."**

- In Indiana, $84,000 in LEAA block grant funds went toward the purchase of a $140,000 aircraft which the State police stated was to be used exclusively for crime control purposes. In fact, the aircraft was principally used to transport the Governor and his family to points around the country, including a trip to Washington, D.C. to pick up a sample of moonrock.

- In Alabama, among a number of LEAA-funded projects approved by the State was a "police cadet" academy which at a cost of $117,247 which served as a source of payments to the sons, friends, and relatives of high State officials.

- A House Government Operations Committee investigation concluded that "the block grant programs have been a bonanza

for hardware suppliers, particularly those who manufacture police radio equipment. The bonanza results not merely from the high volume of sales but also because lax procedures and, in some cases, unethical conduct at State and local levels have allowed much equipment to be purchased without competitive bidding in many cases and sham bidding in others."

- One State used $27,000 in LEEA funds to pay a national accounting firm for a manual that was little more than a copy of existing Government publications.

- A 1972 investigation of the LEAA by the House Government Operations Committee discovered that millions of block grant dollars forwarded to local governments by the LEAA were in bank deposits or applied to investments, and not at work fighting crime. Some local governments even invested their block grant funds in U.S. Treasury bills, loaning back to the Federal Government, at prevailing interest rates, funds upon which the Federal Government was already paying interest.

- One city used LEAA funds to buy a "police patrol car." The Chevrolet Impala had no police markings, siren, or flasher, and it was subsequently discovered that the car had been acquired "primarily for the use of the Mayor."

- In the first three years of LEAA, nearly 33 cents of every State planning dollar was spent on outside consultants, according to one study of a five-state sample.

- The Philadelphia prison system spent $265,000 of LEAA funding on an Addictive Disease Treatment Project that resulted in a two page report with just one paragraph discussing the impact of the project.

- The city of New Orleans spent $200,000 in LEAA block grant funds to purchase land.

- A Baltimore criminal justice worker stated that the block grant program under LEAA "smelled to me. I was stunned at the irresponsibility of putting this amount of money in the cities without any supervision. The idea that money makes change is nonsense. The program hasn't done much."

- South Carolina spent nearly half of its block grant funds for riot-control purposes. A close examination reveals that most of these grants went to rural towns with populations of less than 1,000. Nine cities of populations under 128,000 people were fully outfitted and trained with civil disorder squads. A South Carolina Law Enforcement official said that following the first year of LEAA grant spending, "South Carolina law enforcement agencies had enough anti-riot equipment to start another Civil War."

THE WHITE HOUSE

WASHINGTON

January 30, 1995

Chief John Whetsel and Colleagues
International Association of
Chiefs of Police
515 North Washington
Alexandria, Virginia 22314

Dear Friends:

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.

But the toughest and smartest provision of the crime bill -- what distinguished it from past federal crime bills and resonated with the American people -- was our program to put 100,000 more police on our streets and expand community policing. That's why, even as we cut the deficit, I made state and local law enforcement a top priority and fought for nearly $1.5 billion for policing.

When I spoke at the IACP convention this fall, I said that the Crime Bill represents a solemn trust between the American people and us. We agreed that we needed to work 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, nonbureaucratic, nonpolitical manner -- and to get the funds out to the front lines as soon as possible. Now 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.

Sincerely,

Bill Clinton

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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Bill Clinton

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WASHINGTON

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President
International Union of
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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.

Sincerely,

Bill Clinton

JOIN TOGETHER

A NATIONAL RESOURCE FOR COMMUNITIES FIGHTING SUBSTANCE ABUSE

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March 8, 1995

Dear Colleague:

As I am sure you know, Congress is proposing major changes in the way substance abuse prevention and treatment programs are funded in this country. Join Together surveyed over 3,000 community substance abuse coalition leaders during the week of February 7, 1995 to gage what impact these proposed changes would have on communities. By February 22, 1995, we had heard from 1,250 leaders -- police, mayors, school administrators, treatment professionals, state government officials, coalition directors and many others.

To all of you who responded -- thank you. Your views on crime and substance abuse prevention are strong, with large majorities predicting increases in substance abuse and related crime -- and less service -- if proposed changes occur. This special newsletter highlights what you told us.

We presented the findings of this report to Attorney General Janet Reno in a meeting on February 14, 1995. We also shared the report with Dr. Lee Brown, director of the President's Office of National Drug Control Policy in a press conference in Pasadena, California on February 22, 1995. In addition, we have held briefings with the national media, including reporters from USA Today and US News & World Report. We will continue to circulate your views to leaders at the national level.

If you want your voice heard in this debate, you must take personal action. Whatever your views, write to your State Representative and Senators. Find others with similar views and encourage them to write as well. Thirty members of one coalition wrote to their new member of Congress about the importance of prevention and treatment. She now wants to meet with them to learn more about what the coalition does and how she can help. Informing your two Senators of your views is particularly important now since much of the decision-making about prevention and treatment has moved from the House to the Senate.

Good luck with your efforts.

Sincerely,

David L. Rosenbloom
Director

JOIN TOGETHER is funded by a grant from THE ROBERT WOOD JOHNSON FOUNDATION to the BOSTON UNIVERSITY SCHOOL OF PUBLIC HEALTH.

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Community Leaders Speak Out on Crime and Substance Abuse Prevention

Results of a Join Together Survey

JOIN TOGETHER
A NATIONAL RESOURCE FOR COMMUNITIES FIGHTING SUBSTANCE ABUSE

Survey Findings

Leaders of community coalitions fighting substance abuse have very strong views about the policy changes now being debated in Washington. To gauge the impact of proposed funding changes, Join Together sent a three question survey to 3,100 community leaders closest to the actual drug and crime problems across the nation on February 7, 1995. The results show that those who work with illicit drug and alcohol issues every day disagree with policy makers in Washington who think drug and crime prevention programs can be cut without doing harm to America's communities.

Here is what 1,250 leaders told us:

Survey Highlights

More than 1,200 community leaders predict that drug use and related crime will dramatically increase in their towns if federal funds for drug and crime prevention are substantially reduced. These community leaders include police, school administrators, prevention and treatment providers and youth serving agency directors throughout the nation. These leaders also told Join Together:

- **Federal funds should not be released without guidelines on how states and localities may use the money.**
- **If total dollars are cut, services for youth will decline, not increase, as there will not be savings from eliminating costly bureaucracy.**
- **Local groups will be forced to compete with each other for funds in a way that will wind up hurting everyone.**
- **If block grant set aside requirements for prevention are eliminated, prevention programs will decrease.**

If federal funds for crime and drug prevention programs are decreased:

- **More than 92% of the respondents predict that the number of people who use illicit drugs in their communities will increase; and**
- **More than 95% predict that drug and alcohol-related crime in their communities will increase.**

There is almost no support at the local level for the contention that eliminating federal bureaucracy or combining many programs into block grants will lead to more service with fewer dollars. A majority of respondents —76 %— disagree with plans to create block grants for youth programs with very few strings attached. In fact, only 14% believe there will be more services available for youth in their communities if this happens because costly bureaucracy will be eliminated. And 92% agree that there will be fewer services in their counties if total dollars are decreased. Further, 79% predict there will be fighting and competition for the funds, which will wind up hurting everyone.

Local leaders predict that prevention programs, especially those aimed at high-risk populations, will decrease if the existing 20% set aside for prevention is eliminated. Thirty seven percent of the respondents predict that money will be shifted into treatment. A substantial minority believe some of the money will be shifted to entirely different purposes.

Following are the responses from each of the three survey questions posed.

Consequences of Reducing Federal Drug and Crime Prevention Funds

Respondents were asked: "What would happen in your community if federal funds for crime and drug prevention programs are substantially reduced?" Three different outcomes were listed and respondents were asked to check if they strongly agree, agree, disagree or strongly disagree with each. The answers leave very little doubt about where community leaders stand. See chart below.

We found that 80% of all respondents strongly agree that "important community programs will be eliminated." It is not surprising, therefore, that 76% strongly disagree that "not much will happen" if federal prevention programs are substantially reduced.

Respondents were asked if "the private sector and charity groups will make up the difference" of substantial reductions in federal drug and crime prevention support. Only 4% strongly agree or agree. And 96% strongly disagree or disagree that private and charity groups will step in with additional funding.

A substantial majority of the respondents predict dire consequences as a result of cuts in federal crime and drug prevention support. In fact, 92% predict that "over the next few years, the number of people using illicit drugs will increase." Only 7% believe the number of illicit drug users will stay the same. Less than 1% believe the number of illicit drug users will decrease if federal crime and drug prevention money is reduced and used for some other purpose.

Similar majorities believe that "drug and alcohol-related crime" will increase in their communities over the next few years if federal drug and crime prevention funds are cut back. A full 95% of the respondents predict an increase in drug and alcohol-related crime, while 4% think it will remain the same and only 1% predict drug and alcohol-related crime will decrease.

Consequences of Reducing Federal Drug and Crime Prevention Funds

What would happen in your community if federal funds for crime and drug prevention programs are substantially reduced?

	Strongly agree	Agree	Disagree	Strongly disagree
Important community programs will be eliminated.	80%	17%	2%	1%
Not much will happen.	3%	3%	18%	76%
The private sector and charity groups will make up the difference.	1%	3%	39%	57%

	Increase	Decrease	Stay the same
Over the next few years, the number of people using illicit drugs will:	92%	1%	7%
Over the next few years, drug and alcohol-related crime will:	95%	1%	4%

Consequences of Shifting to Block Grants

There is a great deal of discussion in both the Executive branch and the Congress about shifting money for drug and alcohol prevention and treatment into broader block grants with few "strings" on how states and localities may use the money. The proposals are still quite fluid and it is difficult to predict the exact policy options that will emerge. Nevertheless, Join Together thought it important to survey local leaders about the consequences of expanding existing block grants or creating new ones.

Consequences of Shifting to Block Grants

There is discussion of a Youth Development Block Grant that would eliminate existing programs like the Drug-Free Schools and CSAP to send money directly to counties to fund youth-related programs, including prevention. This money would be allocated by a county group of public and private agencies. The total available nationwide will be less than the amount currently spent.

	Strongly agree	Agree	Disagree	Strongly disagree
Counties should get the money directly with no strings attached.	10%	14%	36%	40%
Public and private groups in my county will be able to work together to use the money well.	9%	28%	45%	18%
There will be fighting and competition for the money, which will wind up hurting everyone.	41%	38%	18%	3%
There will be fewer services in my county for youth if total dollars decline.	69%	23%	5%	3%
There will be more services for youth in my county because costly bureaucracy will be eliminated.	3%	11%	50%	36%
Prevention and treatment will have to compete for funds.	59%	34%	6%	1%

The questionnaire described one of the proposals now being discussed as the basis for understanding the likely impact of a shift toward more block grants. The statement was: "There is discussion of a Youth Development Block Grant that would eliminate existing programs, like the Drug-Free Schools and the Center for Substance Abuse Prevention, to send money directly to counties to fund youth-related programs, including prevention. This money would be allocated by a county group of public and private agencies. The total available nationwide will be less than the amount currently spent."

Respondents were asked to indicate whether they strongly agree, agree, disagree or strongly disagree with several statements that relate to this policy shift. For instance, we asked respondents to rate their agreement with the following: "Counties should get the money directly with no strings attached." Only 10% of the local leaders in the survey strongly agree with this statement. Meanwhile, 14% agree, 36% disagree and 40% strongly disagree. The strength of opposition to direct local funding without strings was very surprising, particularly since the overwhelming majority of the groups in the Join Together survey base would be eligible to participate in block grant distributions. The consistency of

responses to other statements on the questionnaire provide an understanding of why so many local leaders are opposed to having somewhat less federal money arrive with "no strings."

Most importantly, respondents almost unanimously reject the idea that fewer dollars will buy the same or more service because bureaucracy will be eliminated and flexibility will insure wiser use. A full 69% strongly agree with the statement: "There will be fewer services in my county for youth if total dollars decline." And 86% disagree or strongly disagree that "there will be more services for youth in my county because costly bureaucracy will be eliminated." Only 14% of the respondents believe block grants will increase service to youth because costly bureaucracy will be eliminated.

Respondents to the survey are divided on how well groups will be able to work together to make good use of the flexibility that may be provided in new block grants. Of all the respondents, 9% strongly agree with the statement: "Public and private groups in my county will be able to work together to use the money well." Another 28% of the respondents agree, to some extent, with this statement, while 45% disagree and 18% strongly disagree.

Meanwhile, 41% of the respondents strongly agree with the statement: "There will be fighting and competition for the money which will wind up hurting everyone." An additional 38% agree, to some extent, with this statement. Only 3% are more optimistic; they strongly disagree with the statement, and 18% disagree to some degree.

Leaders of community groups throughout the country predict that block grants "without strings" will force prevention and treatment groups to compete with each other for funds. That's why 93% either strongly agree or agree with the statement: "Prevention and treatment will have to compete for funds."

Consequences of Eliminating the Existing 20% Requirement

The current substance abuse services block grant from the federal government to state drug and alcohol agencies requires that 20% of the money be used for prevention programs in accordance with a state prevention plan. States are now required to use block grant funds to address several additional national priorities for high-risk populations, such as people with AIDS or tuberculosis.

Discussion is underway about whether some or all of these "set asides" should be eliminated in favor of giving states more flexibility. The Join Together survey assessed the views of community

leaders to see what they think will happen if the requirements are lifted.

We asked: "Currently, 20 percent of each state's federal block grant for alcohol and drugs must be used for prevention. What would happen in your community if that requirement is eliminated?" It is important to note that respondents gave the same answers, regardless of their geographic location or whether they work in prevention or treatment programs.

We found that 91% of the respondents predict that if the 20% requirement for prevention is eliminated, money for prevention will decrease; and 89% predict that money for high risk populations will decrease. Conversely, 37% of all respondents believe that money for treatment will increase if the 20% prevention requirement is lifted. A majority of respondents, 63%, think money for treatment will decrease or stay the same. Therefore, a substantial number believe that if the money is sent without restrictions, some of it will be shifted away from both treatment and prevention.

Methodology

The above findings are based on responses from 1,250 community leaders representing 50 states who responded by February 22, 1995. While the overall conclusions were consistent across states, respondents in some states predicted more local cooperation in using block grant funds than those from other states.

Respondents were asked to identify the type of position they hold. They included treatment, prevention, law enforcement, and other local officials and people from the non-profit and private sectors who are active in anti-substance abuse coalitions. There were no significant differences in the answers based on the type of work of the respondents.

The survey was mailed on February 7, 1995, to 3,100 individuals who have been identified through previous Join Together surveys as leaders of community-based anti-drug or alcohol groups.

Consequences of Eliminating the Existing 20% Requirement

Currently, 20 percent of each state's federal block grant for alcohol and drugs must be used for prevention. What would happen in your community if that requirement is eliminated?

	Increase	Decrease	Stay the same
Money for prevention will:	1%	91%	8%
Money for prevention programs for high-risk populations will:	3%	89%	8%
Money for treatment will:	37%	34%	29%

Survey Findings

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