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Crime Bill II - '95 [1995] - House Votes [6]

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Governmental Studies Program
THE CENTER FOR PUBLIC MANAGEMENT
John J. DiIulio, Jr., *Director*

CPM BULLETIN

In conjunction with the March 1, 1995 release of *Fine Print: The Contract with America, Devolution, and the Administrative Realities of American Federalism* by John J. DiIulio, Jr. and Donald F. Kettl, one participant in the panel discussion of the report, Richard P. Nathan, had this to say on block grants:

Nixon's block grants and the ones Reagan got enacted bundled categorical grants into block grants in functional areas in which states and localities were primarily responsible for the direct provision of services to citizens--for example job training, social services, public health services, and community development. Nixon specifically argued that domestic programs that transfer income to poor people should be made more national--in particular welfare and health care--in order to treat people equally in the nation and in order to share fiscal burdens widely.

Reagan tried but failed to convert welfare for families, Aid for Families with Dependent Children (AFDC), into a block grant under his "swap and turnback" plan in exchange for having the national government take over medicaid.

Now, the new Republican majority on Congress is marching down the Reagan road with a vengeance in its grant blocking, but they are being coy about it and not making it a highlight on their program. Republican leaders in the House of Representatives have talked about capping and blocking welfare (AFDC), food stamps, foster care, school lunches, and medicaid.

This is a distinction with a difference! All five of these programs provide aid to individuals, families, and children on an open-ended basis. If a person or family qualifies, they receive aid.

Turning entitlement programs into block grants and closing the open end raises an issue for federalism and American government that will have huge ramifications. This issue is likely to come to the fore in a fairly low-key way in the budget resolution later this year. The decisions made on this issue could produce more profound changes in American government than would be the case if the Balanced Budget Amendment is ratified.

"We are one country," said Madison in 1787. Turning our backs on the most needy citizens in this backhanded way on the eve of the twenty-first century by grant blocking would be a momentous break with history. When another recession hits, if inflation takes off again, or if the courts direct states to provide certain kinds of care for children and others among the needy, some states could be sent into a fiscal tailspin they couldn't handle by themselves. Hence, down the road we may be setting ourselves up for a time when once again we have to take hurried, emergency rescue efforts like those of the New Deal without the time and opportunity to think them through carefully. These questions of governance must be considered now.

Richard P. Nathan is Director of the Nelson A. Rockefeller Institute of Government at the State University of New York, Albany and provost of the Rockefeller College of Public Affairs and Policy at the university. He is a lifelong student of federal grants who served in the Executive Office of the President in the first term of the Nixon administration and was one of the principal authors of Nixon's brand of "New Federalism."

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.



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Message From The Executive Director

"I realize it's a bit chancy, but nevertheless, worth the experiment."

Congressman Henry Hyde (R-Illinois)
Chairman House Judiciary Committee

These are words from the new committee chair, made March 6th, while speaking at a NAPO Conference in Washington, D.C. He was trying to justify his party's attempt to gut the COPS Program of the 1994 Crime Bill, which will bring 100,000 new cops to America. He and others want to replace it with block grant funding made available to local governments to be utilized for "law enforcement or public safety purposes."

Now, do you suppose that your city fathers will really use the money for additional police out on the street, or instead for civilian crime analysts, administrative assistants, meter monitors, and other various support personnel? The temptation for these people would be too great to resist. It is for that very reason that the Crime Bill, lobbied by virtually every national police organization in the country, specifically had placed into the bill strong language which would ensure that the money would be used solely for additional police. The hard work and effort of so many to finally produce a crime bill from Washington D.C., which, by the way, took almost six years, is now facing the threat of disaster. Block grants will not guarantee more cops on the streets of Minnesota or anywhere else.

My research shows that for federal fiscal year 1995, Minnesota will receive 248 new police officers under the COPS Program. Over the following four years, it could receive in excess of 1,800 additional officers. If block granting is approved,



DENNIS J. FLAHERTY

those future officers in our state are, at best, in jeopardy.

We have seen, just recently, how devastating block grants can be in Minnesota, when the Commissioner of Public Safety decided to reallocate federal dollars, that for years have been used for drug interdiction efforts, and, instead, funnel them for treatment and prevention efforts.

Now it appears, after work by many of us, that we have been successful in preventing that. But the point still remains: Giving that kind of discretion to any bureaucrat at any level of government is just flirting with disaster.

The block grant scheme,

unfortunately, has passed the House and now rests in the hands of the Senate. Recently, I called upon our two senators to urge them to retain the COPS Program and to vote against anything short of a guarantee that these federal dollars translate into cops and cops only. There is no reason for them not to, since the funding in the Crime Bill for this provision is not additional tax dollars, but, instead, savings from staff reductions primarily from the Defense Department. I urge that you also drop a note and tell our senators that we need the cops on the streets and that they should find something else with which to play politics. Under the guise of "public safety" God only knows how many municipal projects could be funded. The Crime Bill allocated \$11.3 billion for COPS; the version that just passed the House allocates \$10 billion.

Congressman Hyde, known for his conservative stand on public policy issues, sure seems pretty liberal with this chunk of dough. But what the heck, \$10 billion dollars, "chancy, but nevertheless, worth the experiment." Tell our U.S. senators to experiment with something else.



Pat: "Were you lucky at the races yesterday?"

Mike: "Sure and I was. I found a quarter after the last race so I didn't have to walk home."



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

February 10, 1995

Honorable Henry Hyde
Chairman, Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

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

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

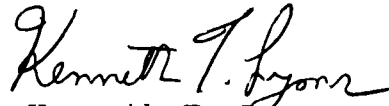
Specifically, the LESC steadfastly believes that the current COPS program, which directs \$8.8 billion directly to localities to hire 100,000 police officers, must be retained intact. The LESC opposes the use of block grants, which would dilute the impact and decrease the accountability of the current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

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Kenneth T. Lyons".

Kenneth T. Lyons
National President, IBPO
Chair, LESC

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	re: Reverse Side of Paper; [Personally Identifiable Information] [Partial] (1 page)	00/00/0000	b(6)

COLLECTION:

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

FOLDER TITLE:

Crime Bill II - '95 [1995] - House Votes [6]

2009-1305-F
jp3611

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

CLINTON LIBRARY PHOTOCOPY

AG has met personall with reps from all the groups....

IACP -- no formal position...meeting between the 7th and 10th with board to discuss; bureacratic program, block grant better; eeo requirement applies to anybody, even if block grant. match, however, is the biggest problem for the IACP...too many strings...chiefs can't control their budget....worked for LEAA.

FLEOA -- against block grants, for more rank-and-file folks, hate the cut bureaucrats talk. Federalization an issue.

MCC -- Feb. 20th meeting in Honolulu. need to get the message to chiefs, only hearing from Republicans.

NOBLE -- Feb. 23rd and 25th in LA. for prevention.

PERF -- match a problem. PERF for prevention. Soft match good need more help on this. Gil working the chiefs.

NSA -- tempting carrot. Sheriffs want block grants. Sheriffs have done really well. With block grants we lose the community policing emphasis -- NSA committed to that. Need the signal from the President. Match is a problem...

Police Foundation -- for prevention, for community policing. LEAA gave law enforcement a bad name.

- Core Bill Intro

- (1) buy-out who's w/us + not
- (2) Who's gettable
- (3) Timing of Votes
- (4) Background

We want to work w/you; but
you need to know where committed
to 100,000 - no \$; we'll fight; +
we need your support

- AG Role

Openy

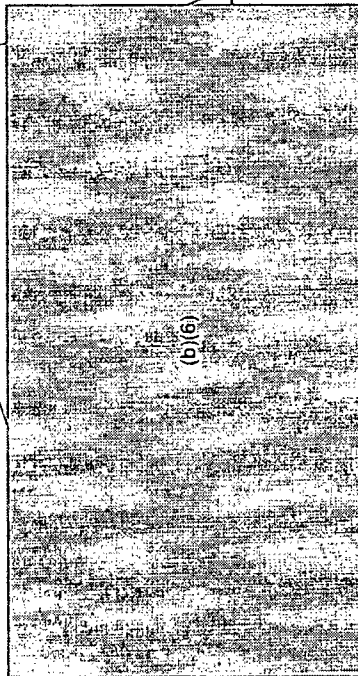
- Thanks on assault
+ crime
- Gavel, but worth it
- Budget Accomplish
- Galle 6-years of
Gridlock.

- Committed on
more than assault,
prisoners, cops, 3 strike
etc.

- ~~Be~~ IR new, let's
do it.
But no reason
to go back

CLINTON LIBRARY PHOTOCOPY.

[1007]



(b)(6)

Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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002. memo	From Jose Cerda; re: Meeting with Leon Panetta & Attorney General; [Personally Identifiable Information] [Partial] (3 pages)	02/01/1994	b(6)
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COLLECTION:

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

FOLDER TITLE:

Crime Bill II - '95 [1995] - House Votes [6]

2009-1305-F
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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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

- ✓1. Robert Scully
President
National Association of Police Organizations

(b)(6)

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- ✓2. Beth McGee
Communications Director
National Association of Police Organizations

(b)(6)

- ✓3. Melinda Lund
Legislative Director
National Sheriffs' Association

(b)(6)

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

(b)(6)

- ✓5. Jim Pasco
Director Member Services
Fraternal Order of Police

(b)(6)

- ✓6. Don Cahill
National Legislative Chairman
Fraternal Order of Police

(b)(6)

- ✓7. Steve Brown
Legislative Representative
Fraternal Order of Police

(b)(6)

- ✓8. Mark Spurrier
Legislative Director
Major Cities Chiefs

(b)(6)

[002]

9. Chief Mike Gambrell
Major Cities Chiefs

(b)(6)

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10. Vic Oboyski
President
Federal Law Enforcement Officers Association

(b)(6)

11. John Pitta
Vice President
Federal Law Enforcement Officers Association

(b)(6)

12. Ira Harris
Executive Director
National Organization of Black Law Enforcement Executives

(b)(6)

13. Hubert Bell
President
National Organization of Black Law Enforcement Executives

(b)(6)

14. Chuck Wexler
Executive Director
Police Executive Research Forum

(b)(6)

[002]

15. Martha Plotkin
Communications Director
Police Exec. Reserach Forum

(b)(6)

16. James Joseph Doyle III
National Troopers Coalition

(b)(6)

17. Dan Rosenblatt
Executive Director
International Association of Chiefs of Police

(b)(6)

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

(b)(6)

19. Arthur Reddy
Legislative Director
International Union of Police Associations

(b)(6)

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

(b)(6)

21. Rae Hamilton
Police Foundation

(b)(6)

22. Alfred Deen
Police Foundation

(b)(6)

23. Gail Hoffman
Department of Justice

(b)(6)

24. Joe Brann
Department of Justice

(b)(6)

25. Bill Johnson
Legal Counsel
National Association of Police Organizations

(b)(6)

[002]

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

06-Apr-1995 02:00pm

TO: (See Below)

FROM: James E. Duke
 Office of Mgmt and Budget, TCJS

SUBJECT: Reductions To VCRTF From House Passed Tax Bill

The bill that passed the House last night, H.R. 1327, referred to as the "Tax Fairness and Deficit Reduction Act of 1995" contained the provisions adopted by the House Budget Committee [Kasich's H.R. 1219] to reduce the Violent Crime Reduction Trust Fund (VCRTF) by \$6B in BA and \$5B in Outlays over five years. The bill makes the following changes:

Budget Authority (\$ in billions)

	Current	H.R.1327	Change
1996	4.287	3.367	- 0.930
1997	5.000	3.915	- 1.085
1998	5.500	4.326	- 1.174
1999	6.500	5.089	- 1.411
2000	6.500	5.089	- 1.411
		Total	- 6.000

Outlays (\$ in Billions)

1996	2.334	1.827	- 0.507
1997	3.936	3.082	- 0.854
1998	4.904	3.840	- 1.064
1999	5.639	4,415	- 1.224
2000	6.225	4.874	- 1.351
		Total	- 5.000

These amounts will bring the balance of the VCRTF to a level that is \$6 billion below total crime act authorizations (\$24B vs. \$30B).

Distribution:

Date: 02/15/95 Time: 02:10

Washington) -- Here is the roll call by which the House passed

(Washington) -- Here is the roll call by which the House passed a bill providing ten (b) billion dollars in block grants over five years to local governments to fight crime. The measure, which passed on a vote of 238-to-192, would replace programs to hire 100-thousand new police and to fund crime-prevention efforts.

A ``yes'' vote is a vote to approve the bill.

Voting yes were 220 Republicans and 18 Democrats.

Voting no were 9 Republicans, 182 Democrats and one independent.

An X indicates the member did not vote.

There are no vacancies in the 435-member House.

ALABAMA=

Republicans Bachus, Y; Callahan, Y; Everett, Y.

Democrats Bevill, N; Browder, N; Cramer, N; Hilliard, N.

ALASKA=

Republicans Young, Y.

ARIZONA=

Republicans Hayworth, Y; Kolbe, Y; Salmon, Y; Shadegg, Y;

Stump, Y.

Democrats Pastor, N.

ARKANSAS=

Republicans Dickey, Y; Hutchinson, Y.

Democrats Lincoln, Y; Thornton, N.

CALIFORNIA=

Republicans Baker, Y; Bilbray, Y; Bono, Y; Calvert, Y; Cox, Y; Cunningham, Y; Doolittle, Y; Dornan, Y; Dreier, Y; Gallegly, Y; Herger, Y; Horn, Y; Hunter, Y; Kim, Y; Lewis, Y; McKeon, Y; Moorhead, Y; Packard, Y; Pombo, Y; Radanovich, Y; Riggs, Y; Rohrabacher, Y; Royce, Y; Seastrand, Y; Thomas, Y.

Democrats Becerra, X; Beilenson, N; Berman, N; Brown, N; Condit, Y; Dellums, N; Dixon, N; Dooley, N; Eshoo, N; Farr, N; Fazio, N; Filner, N; Harman, N; Lantos, N; Lofgren, N; Martinez, N; Matsui, X; Miller, N; Mineta, N; Pelosi, N; Roybal-Allard, N; Stark, N; Torres, N; Tucker, N; Waters, N; Waxman, N; Woolsey, N.

COLORADO=

Republicans Allard, Y; Hefley, N; McInnis, Y; Schaefer, Y.

Democrats Schroeder, N; Skaggs, N.

CONNECTICUT=

Republicans Franks, Y; Johnson, N; Shays, N.

Democrats DeLauro, N; Gejdenson, N; Kennelly, N.

DELAWARE=

Republicans Castle, Y.

FLORIDA=

Republicans Bilirakis, Y; Canady, Y; Diaz-Balart, Y; Foley, Y; Fowler, Y; Goss, Y; McCollum, Y; Mica, Y; Miller, Y; Ros-Lehtinen, Y; Scarborough, N; Shaw, Y; Stearns, Y; Weldon, Y; Young, Y.

Democrats Brown, N; Deutsch, N; Gibbons, N; Hastings, N; Johnston, N; Meek, N; Peterson, N; Thurman, N.

GEORGIA=

Republicans Barr, Y; Chambliss, Y; Collins, Y; Gingrich, Y; Kingston, Y; Linder, Y; Norwood, Y.

Democrats Bishop, N; Deal, Y; Lewis, N; McKinney, N.

HAWAII=

Democrats Abercrombie, N; Mink, N.

IDAHO=

Republicans Chenoweth, Y; Crapo, X.

ILLINOIS=

Republicans Crane, Y; Ewing, Y; Fawell, Y; Flanagan, Y;
 Hastert, Y; Hyde, Y; LaHood, Y; Manzullo, Y; Porter, Y; Weller, Y.
 Democrats Collins, N; Costello, N; Durbin, N; Evans, N;
 Gutierrez, N; Lipinski, N; Poshard, N; Reynolds, X; Rush, N; Yates,
 Y.
 INDIANA=
 Republicans Burton, Y; Buyer, Y; Hostettler, Y; McIntosh, Y;
 Myers, Y; Souder, Y.
 Democrats Hamilton, N; Jacobs, N; Roemer, N; Visclosky, N.
 IOWA=
 Republicans Ganske, Y; Latham, Y; Leach, Y; Lightfoot, Y;
 Nussle, Y.
 KANSAS=
 Republicans Brownback, Y; Meyers, Y; Roberts, Y; Tiahrt, Y.
 KENTUCKY=
 Republicans Bunning, Y; Lewis, Y; Rogers, Y; Whitfield, Y.
 Democrats Baesler, N; Ward, N.
 LOUISIANA=
 Republicans Baker, Y; Livingston, Y; McCrery, Y.
 Democrats Fields, N; Hayes, N; Jefferson, N; Tauzin, Y.
 MAINE=
 Republicans Longley, Y.
 Democrats Baldacci, N.
 MARYLAND=
 Republicans Bartlett, Y; Ehrlich, Y; Gilchrest, Y; Morella, N.
 Democrats Cardin, N; Hoyer, N; Mfume, N; Wynn, N.
 MASSACHUSETTS=
 Republicans Blute, N; Torkildsen, N.
 Democrats Frank, N; Kennedy, N; Markey, N; Meehan, N; Moakley,
 N; Neal, N; Olver, N; Studds, N.
 MICHIGAN=
 Republicans Camp, Y; Chrysler, Y; Ehlers, Y; Hoekstra, Y;
 Knollenberg, Y; Smith, Y; Upton, Y.
 Democrats Barcia, N; Bonior, N; Collins, N; Conyers, N;
 Dingell, N; Kildee, N; Levin, N; Rivers, N; Stupak, N.
 MINNESOTA=
 Republicans Gutknecht, Y; Ramstad, Y.
 Democrats Luther, N; Minge, N; Oberstar, N; Peterson, N; Sabo,
 N; Vento, N.
 MISSISSIPPI=
 Republicans Wicker, Y.
 Democrats Montgomery, Y; Parker, Y; Taylor, Y; Thompson, N.
 MISSOURI=
 Republicans Emerson, Y; Hancock, Y; Talent, Y.
 Democrats Clay, N; Danner, Y; Gephardt, N; McCarthy, N;
 Skelton, Y; Volkmer, N.
 MONTANA=
 Democrats Williams, N.
 NEBRASKA=
 Republicans Barrett, Y; Bereuter, Y; Christensen, Y.
 NEVADA=
 Republicans Ensign, Y; Vucanovich, Y.
 NEW HAMPSHIRE=
 Republicans Bass, Y; Zeff, Y.
 NEW JERSEY=
 Republicans Franks, Y; Frelinghuysen, Y; LoBiondo, Y; Martini,
 Y; Roukema, Y; Saxton, Y; Smith, Y; Zimmer, Y.
 Democrats Andrews, N; Menendez, N; Pallone, N; Payne, N;
 Torricelli, X.
 NEW MEXICO=
 Republicans Schiff, Y; Skeen, Y.
 Democrats Richardson, N.

NEW YORK=

Republicans Boehlert, Y; Forbes, Y; Frisa, Y; Gilman, Y; Houghton, Y; Kelly, Y; King, Y; Lazio, Y; McHugh, Y; Molinari, Y; Paxton, Y; Quinn, N; Solomon, Y; Walsh, Y.

Democrats Ackerman, N; Engel, N; Flake, N; Hinchey, N; LaFalce, N; Lowey, N; Maloney, N; Manton, N; McNulty, Y; Nadler, N; Owens, N; Rangel, N; Schumer, N; Serrano, N; Slaughter, N; Towns, N; Velazquez, N.

NORTH CAROLINA=

Republicans Ballenger, Y; Burr, Y; Coble, Y; Funderburk, Y; Heineman, Y; Jones, Y; Myrick, Y; Taylor, Y.

Democrats Clayton, N; Hefner, N; Rose, N; Watt, N.

NORTH DAKOTA=

Democrat Pomeroy, N.

OHIO=

Republicans Boehner, Y; Chabot, Y; Cremeans, Y; Gillmor, Y; Hobson, Y; Hoke, Y; Kasich, Y; LaTourette, Y; Ney, Y; Oxley, Y; Portman, N; Pryce, Y; Regula, Y.

Democrats Brown, N; Hall, N; Kaptur, N; Sawyer, N; Stokes, N; Traficant, Y.

OKLAHOMA=

Republicans Coburn, Y; Istook, Y; Largent, Y; Lucas, Y; Watts, Y.

Democrats Brewster, Y.

OREGON=

Republicans Bunn, Y; Cooley, Y.

Democrats DeFazio, N; Furse, N; Wyden, N.

PENNSYLVANIA=

Republicans Clinger, Y; English, Y; Fox, Y; Gekas, Y; Goodling, Y; Greenwood, Y; McDade, Y; Shuster, Y; Walker, Y; Weldon, Y.

Democrats Borski, N; Coyne, N; Doyle, N; Fattah, N; Foglietta, N; Holden, N; Kanjorski, N; Klink, N; Mascara, N; McHale, N; Murtha, N.

RHODE ISLAND=

Democrats Kennedy, N; Reed, N.

SOUTH CAROLINA=

Republicans Graham, Y; Inglis, Y; Sanford, Y; Spence, Y.

Democrats Clyburn, N; Spratt, N.

SOUTH DAKOTA=

Democrats Johnson, N.

TENNESSEE=

Republicans Bryant, Y; Duncan, Y; Hilleary, Y; Quillen, Y; Wamp, Y.

Democrats Clement, N; Ford, N; Gordon, N; Tanner, Y.

TEXAS=

Republicans Archer, Y; Armey, Y; Barton, Y; Bonilla, Y; Combest, Y; DeLay, Y; Fields, Y; Johnson, Sam, Y; Smith, Y; Stockman, Y; Thornberry, Y.

Democrats Bentsen, N; Bryant, N; Chapman, N; Coleman, N; de la Garza, N; Doggett, N; Edwards, N; Frost, N; Geren, Y; Gonzalez, N; Green, N; Hall, Y; Jackson-Lee, N; Johnson, E. B., N; Laughlin, Y; Ortiz, N; Stenholm, Y; Tejeda, N; Wilson, N.

UTAH=

Republicans Hansen, Y; Waldholtz, Y.

Democrats Orton, N.

VERMONT=

Others Sanders, N.

VIRGINIA=

Republicans Bateman, Y; Bliley, Y; Davis, Y; Goodlatte, Y; Wolf, Y.

Democrats Boucher, N; Moran, N; Payne, N; Pickett, N; Scott,

N; Sisisky, N.

WASHINGTON=

Republicans Dunn, Y; Hastings, Y; Metcalf, Y; Nethercutt, Y;
Smith, Y; Tate, Y; White, Y.

Democrats Dicks, N; McDermott, N.

WEST VIRGINIA=

Democrats Mollohan, N; Rahall, N; Wise, N.

WISCONSIN=

Republicans Gunderson, Y; Klug, Y; Neumann, Y; Petri, Y; Roth,
Y; Sensenbrenner, Y.

Democrats Barrett, N; Kleczka, N; Obey, N.

WYOMING=

Republicans Cubin, Y.

APNP-02-15-95 0212EST

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

13-Feb-1995 12:40pm

TO: (See Below)

FROM: Ronald E. Jones
 Office of Mgmt and Budget, LRD

SUBJECT: Final SAP on Block Grants As Sent This AM

February 13, 1995
(House)

H.R. 728 - Local Government Law Enforcement
Block Grants Act of 1995
(McCollum (R) FL)

The President has stated he will veto any effort to repeal or undermine the 100,000 police commitment.

H.R. 728 would repeal the President's program to put 100,000 more police on the street in community policing, and replace it with an ill-defined block grant that would not guarantee a single new police officer on the beat. Block grant monies would not go directly to law enforcement agencies, and could be used for any purpose that generally reduces crime or improves public safety. Although, all components of public safety are important, the Administration strongly believes that there is a national interest in increasing police presence and expanding community policing.

The Administration also strongly opposes the bill's indiscriminate elimination of virtually all of the crime prevention programs enacted last year. At a time when our Nation's children are as vulnerable to gangs, guns, and drugs as ever, H.R. 728 proposes to eliminate the after school programs, safe havens, and drug prevention initiatives that offer our youth positive alternatives to crime, and that reinforce the difference between right and wrong.



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

FACSIMILE TRANSMITTAL COVER SHEET

DATE:

Bruce Reed 456-7431
Rham Emanuel 456-6423
Jose Cerda 456-7028

TO:

FACSIMILE NO.

TELEPHONE NO.

FROM:

Ron Klain

FACSIMILE NO.

514-1724

TELEPHONE NO.

514-2107

NUMBER OF PAGES INCLUDING COVER SHEET:

17

COMMENTS:

November 22, 1994

MEMORANDUM FOR THE ATTORNEY GENERAL AND CAROL RASCO

COPY TO: PAT GRIFFIN, JACK QUINN, RAHM EMANUEL, BRUCE REED,
MARTHA FOLEY, JAMIE GORELICK, JOHN SCHMIDT

FROM: RON KLAIN *RM*

SUBJECT: CRIME BILL "REDUX"

By now, we are all aware of the Republican proposal to revisit last year's hard-won Crime Bill. The purpose of this memorandum is to respond to Carol Rasco's request that I outline some of the choices we face in dealing with this GOP initiative, and offer some ideas about how to deal with these challenges.

INTRODUCTION: THE REPUBLICAN STRATEGY

Based on my conversations with key staff people, and a review of the draft House GOP Bill, we know the basic outline of the GOP strategy on revisiting the Crime Bill:

- They intend to move fast on the Crime Bill -- it will be one of their very first items;
- As made clearer below, their major substantive goals are abolishing the 100,000 cops program; wiping out the prevention programs; and adding "tougher" provisions on habeas reform, exclusionary rule, and criminal sentencing;
- The GOP leadership does not intend to push a repeal of the Assault Weapon Ban -- but they are probably unable to prevent their "back-benchers" from launching such an effort.

Other matters, however, remain unresolved -- and pose interesting complications:

- They are divided over whether they want to produce a bill that the President will (or must) sign -- or whether they looking to taunt him into a politically-difficult veto;
- Senate Republicans do not appear to be fully signed on to the House GOP plan -- preferring, for example, provisions that are more favorable to Governors; and
- How the GOP leadership will accommodate the press for action on an assault weapons repeal -- perhaps moving it as a separate bill intended to be vetoed -- remains unsettled.

Still, they have a basic game plan that is clear: they will attempt divide our remaining forces on the Hill with a tough-on-crime bill that slashes prevention, while also quietly taking away one of our best victories, the 100,000 cops program.

To counter this, we will need a clear and strong response. It will need to emphasize that we want to build upon last year's bill -- strengthening and improving it -- without going backwards.

And above all, our strategy needs to be cognizant of the fact that there are only two possible outcomes: the President will have to sign the bill that Congress sends him, or veto it:

- If the President sign this bill, it will outrage our core constituency in the Congress -- if this is where we are headed, posturing for their benefit along the way makes little sense (and instead, we should be looking now for ways to close the gap between us and the GOP on this issue).
- If, on the other hand, the President ends up vetoing the bill, then the fight will be over why he vetoed it -- requiring that we be highly disciplined in the early stages in saying what will or will not oppose. We cannot needlessly give the GOP the opportunity to say that the President is vetoing a "tough on crime" bill for "soft on crime" reasons.

The inevitability of this choice drives where we should stand on certain issues -- for example, on defending the most hotly assaulted prevention programs.

THE REPUBLICAN BILL

While Senate Republicans are still working, House Republicans have already produced a draft bill. Summaries and spending charts are attached; ironically, its price tag of \$29 billion is about the same as the "bloated" 1994 Crime Bill that they deemed so vastly overfunded.

The major features of the House Republican bill are:

- (1) Elimination of the 100,000 cops program, to be replaced by a "Law Enforcement Block Grant," that localities can use to hire cops, pay overtime, buy police equipment, beef up school security, or fund citizen watch groups;
- (2) Elimination of most of the crime prevention programs, with some of the funding (about \$1 billion) moved into the "Law Enforcement Block Grant," and another chunk (\$2 billion) reallocated to prisons;

- (3) Tough habeas corpus and exclusionary rule reform, designed to sharply limit death row appeals, and broaden the use of illegally seized evidence in courts;
- (4) Federalization of all crimes committed with guns, coupled with stiff mandatory minimum sentences for those offenses;
- (5) Tougher truth in sentencing standards for states that want prison grants, along with limits on prisoner lawsuits; and
- (6) Various other provisions on victims rights and criminal alien deportation (that we generally support).

All of the above are fairly obvious and self-explanatory, except perhaps the first -- the elimination of the 100,000 cops program.

The Republicans' goal here is purely political and tactical: to take away the clearest, best "Clinton achievement" on crime, and to deprive the President of the opportunity to award communities all over this country their share of the 100,000 new police officers.

Their method is fairly clever: by moving police hiring funds into a new block grant, Republicans are selling the mayors on the idea that they will get all the cops money we would give them -- but with no requirement that it be matched, or that the funds be used to hire police.

Thus, many mayors will support the GOP package in lieu of the 1994 Crime Bill, because the burden on the mayors is lesser (no match), the funds more flexible, and the total funding roughly equal to what they actually expect to see appropriated for COPS and crime prevention. Police groups may also support the GOP, as they prefer having more money for overtime and equipment for existing cops, rather than our plan to hire new police. Many Democratic Members of Congress, will, in the absence of leadership from us, go the way of the Mayors. Moderate Republicans were pushing this idea last year; they, too, are very likely to line up behind it now.

In sum, the 100,000 cops program is substantially at risk from the Republican proposal. Our only chance to save it is a strong, public, confrontational "line in the sand" message from the President of the following sort:

"Congress passed the 100,000 cops program last year, and I signed it: that is my 'contract with the American people.' I will fight against -- I will veto -- any bill that repeals my guarantee of 100,000 new police on our streets."

To wage this fight, we will need to attack the Republicans hard for playing politics with the 100,000 cops and for passing out "pork" to mayors -- focusing our efforts on saving the COPS program, as opposed to all of the crime bill programs (i.e., crime prevention).

The natural tendency of the press corps will be to play the fight as the Republicans "tough on crime" vs. Democrats "fighting for prevention" -- they will be inclined to "miss" our stand for the police program, and describe us as fighting for prevention only. In response, to save the COPS program, our rhetoric must focus clearly on that program -- and to make it clear that we are pushing the tougher on crime position on that issue.

This will be hard. We will have few Congressional Democrats, few mayors, few police groups, on our side. But if we really care about saving this program, it will take a focused and disciplined effort to be successful.

REPEAL OF THE ASSAULT WEAPON BAN

One issue not included in the Republican bill is a repeal of the assault weapon ban: their leadership wants to get the focus off this issue, which divides their party as it does ours. But notwithstanding the desire of the GOP leadership to make this issue go away, we all know that a large share of their rank-and-file -- and some of their key constituencies -- are going to demand action on repealing the gun ban.

We can expect floor amendments in the House and Senate to repeal the gun ban -- and those measures will probably pass in both chambers, given their new line-ups. While some Senate Democrats may be inclined to filibuster to save the gun ban, this particular use of that device might play into Republican hands.

Given that, we are probably looking at an assault weapon repeal making it to Conference -- with the Republicans forced to choose between including it in their Crime Bill (which presumably gives the President a solid basis for vetoing the bill), or sending it as a separate bill to the President (which the NRA views as a sell-out). Rep. Gingrich favors this second course -- i.e., let the Members vote, and make the President veto it, without allowing the assault weapon issue to derail the GOP Crime Bill -- but where it will come out, is still unclear.

OUR STRATEGIC POSTURE

In light of all of this, it seems to me that we have four strategic options:

- (1) Avoid Intensive Engagement. The President could stay above the fray, saying that he supports last year's Crime Bill but does not object to Congressional efforts to improve it -- largely, staying out of the fight. This strategy would envision the President signing the Bill that Congress passes (assuming that this Bill does not include an assault ban repeal).

- Pro
- Does not involve taking new positions -- avoids alienating Congressional Democrats because we do not affirmatively back changes in the Crime Bill;
 - "Looks presidential" -- the President stays above the fray;
 - Allows the President to sign a bipartisan, tough-on-crime bill in the end.
- Con
- If not quite a betrayal, Congressional Democrats will view this as an abandonment -- a repeat of our 1993 "hands off" approach to crime bills;
 - Means that a repeal of 100,000 cops program and all prevention programs is assured;
 - Concedes this issue and the Crime Bill to the GOP.

- (2) Support "Going Forward," Contest "Going Back". A second approach would be to welcome Republican efforts to build on last year's Crime Bill, but to vigorously oppose -- even with a veto threat -- proposals that would tear down what has been accomplished. Specifically, I would propose two "lines in the sand" -- a veto threat of any bill that would: (1) eliminate the guarantee of 100,000 new cops; and (2) eliminate the assault weapon ban.

- Pro:
- Best chance for saving the 100,000 cops program;
 - Shows the President standing up for his core beliefs and his core achievements;
 - Stands behind last year's achievements;
 - If the bill passed by Congress preserves 100,000 cops and the gun ban, the President has a "win" when he signs the new Crime Bill.

- Con:
- Congressional liberals will resent selective use of Presidential power -- they will want all crime bill programs protected by veto threat;
 - May provoke bitter confrontation with Republicans -- they may call our "bluff" just to see if the President will veto a "tough on crime" bill;
 - Conservative democrats will probably resent another high-profile focus on assault weapons.

- (3) Vigorous Defense of Last Year's Bill. The third strategy is a broader version of the second -- to extend the "forward only, no going back" formulation to the whole of last year's crime bill, including the prevention programs.

Pro: • Provides a strong, full defense of "what we believe in" -- looks principled;
• Best chance of support from elite media;
• Most appealing to our base in Congress -- and to Mayors and local officials.

Con: • This leaves us defending some unpopular programs;
• It makes it very hard for moderates -- both Democrats and Republicans -- to rally behind us;
• It is certain to provoke a bitter confrontation with Republicans in Congress.

- (4) Offer New Crime Legislation Building Upon Last Year's Bill. This final possibility is consistent with the second; i.e., we could draw some "lines in the sand" about what we will oppose, while also proposing a new bill that would indicate some ideas about how to "move forward."

Pro: • Allows us to be "for" something, and not just "against" their proposal;
• Gives us a vehicle to rally Congressional moderates and Mayors to our cause;
• Makes the ultimate product from Congress (which would probably reflect a mix of our stuff and the GOP bill) a "win" on a new bill that the President wanted, rather than a repeal of last year's bill.

Con: • Any compromises proposed in the bill (e.g., prevention cuts) will be seen as selling out;
• Our centrist bill may lack Congressional support: it will be too conservative for Democrats, too liberal for Republicans;
• Anything we do just moves the Republicans further to the right in an effort to "outbid" us.

My personal view is that we should combine "(2)" and "(4):" the President should say that he will fight any bill that goes backwards (including a veto threat on COPS and assault weapons), while offering a constructive proposal for moving ahead.

OUR NEW BILL

Attached is a very, very rough outline of a possible new Crime Bill -- one that builds upon the foundation of last year's bill. Also attached are comparison charts of (a) last year's bill to (b) the GOP 1995 Bill, and to (c) our possible 1995 bill.

Among the major features of our bill would be:

- Law Enforcement: We would keep the 100,000 cops program; double the Police Corps program; add 4,000 new police for schools that want cops in the halls; and allow local governments to use crime prevention funds to pay their share of the local match for police hiring grants.
- Prisons: We would require states that want prison grants to abolish parole and have pre-trial detention for violent offenders. We would provide \$700 million to build facilities to house violent juveniles.
- Prevention: Ten crime prevention programs would be combined into one crime prevention block grant; we would simplify the after-school programs; and mandate a review of crime prevention programs for further streamlining. (Prevention funding would be cut by \$1 billion to fund the new spending proposed above).
- Habeas Reform, Exclusionary Rule: We would provide alternatives to the Republican proposals in these areas.
- Anti-Gang Efforts: In addition to the violent juvenile incarceration plan, we would also hit at gangs with new penalties and new authorities to prosecute violent kids as adults.
- Victims' Rights, Criminal Aliens: We would meet the Republican proposals in both of these areas.
- Drug Court Improvements: While preserving Drug Courts, we would allocate half of the funding for drug prosecution -- at present, all of the funding is for drug treatment.
- Terrorism, Public Corruption, Sexual Assault: Unlike the Republican bill, our bill would have provisions attacking all three of these problems.

Again, a brief outline is attached (we have a longer, 20-page outline available as well), along with comparison charts and costing figures. Note that by allowing local communities to use crime prevention funds to pay for their "COPS match," our bill may neutralize the appeal of the GOP's new block grant program to the mayors.

COMMUNICATIONS PLAN

Assuming internal agreement on a proposed strategy, and some version of the legislation outlined above, we would begin to quietly rally Hill Democrats and moderate Republicans to our effort; next we would reach out to police groups, elected officials (mayors, governors), and prosecutors.

Once necessary consultations are moving along, we would undertake the following communications plan to "roll out" our new positions and proposals:

- Early December: At the ceremony announcing the head of the COPS program and grants for the next 4,000 police officers (under COPS AHEAD), the President would draw the "line in the sand" -- a pledge to fully fight any effort to repeal the 100,000 cops program to the assault weapon ban.
- Mid December: The President would unveil his proposed 1995 Crime Bill at a White House event. We would solicit officials from both parties to attend in support.
- Mid December: At this point, we would be ready for the President to receive the U.S. Attorney "Kids and Guns" plans, reminding the public that enforcement of the Crime Bill is underway -- and that the Bill contained many useful provisions.
- Early January: By early next year, we will be ready for the President to announce awards of 3,000 police to smaller towns under COPS FAST. (About 12,000 of the 100,000 cops will have then been awarded.) He would use this event to reiterate the "line in the sand" and his support for his new Crime Bill.
- Late January: From the White House, the Attorney General would brief on the status of Crime Bill implementation. The briefing would emphasize accomplishments to date on COPS, on enforcement of laws like "three strikes," and on the bill's other provisions.
- State of the Union: The new Crime Bill would be part of the President's proposed 1995 legislative agenda. He would call on Congress to join him in a bipartisan effort to build upon the success of the 1994 bill -- without going backwards on the achievements of that legislation.

Again, many more events and possibilities can be added. But the goal is clear: to assert ourselves strongly and affirmatively on this issue -- defending our achievements of last year while also building upon them in the year ahead.

OUTLINE OF THE "SAFER STREETS ACT OF 1995"

The following is an outline of possible anti-crime legislation for next year:

I. STATE AND LOCAL LAW ENFORCEMENT

This title would strengthen aid to state and local law enforcement by: (1) launching an expanded Police Corps program, with funds transferred from crime prevention; (2) providing 4,000 new police to be sent to schools that want officers; and (3) protecting under federal law all state and local cops who are aiding in federal investigations. (State and local law enforcement would also be aided by a new provision, in Title IX, to allow crime prevention funds to pay for the "local matching share" of police hiring grants.) This section would also exempt law enforcement agencies from the mandatory retirement laws.

II. VICTIMS' RIGHTS

This title would require all violent criminals to be ordered to make full financial restitution to their victims. Such orders of restitution would be mandatory in all cases.

III. ANTI-GANG AND YOUTH VIOLENCE ACT

This proposal steps up the attack on gangs and youth violence, by: (1) authorizing severe penalties for violent crimes committed as part of a criminal street gang; (2) lowering the threshold to age 13 for discretionary transfer to adult prosecution for violent felonies; (3) adding serious juvenile drug offenses as predicate offenses under the Armed Career Criminal Act; and (4) adding other provisions to crack down on violent juvenile offenders.

IV. ANTI-SEXUAL ABUSE AND CHILD PORNOGRAPHY ACT

This title would amend federal law to make it clear that cases involving importation of child pornography by computer are also covered. It would also provide for HIV testing of sexual abuse defendants (with disclosure of the test results to the victim).

V. PRISONS AND CORRECTIONAL FACILITIES

This title would contains several provisions to improve on last year's Crime Bill:

- Tougher Truth in Sentencing: The bill would limits one-half of all prison grant funds to states that abolish parole, and have pre-trial detention for violent offenders.
- Violent Youth Incarceration: Like the Republican bill, this bill would re-allocate \$700 million from crime prevention programs to prison programs. But in this bill, these reallocated funds would be used for constructing special prison facilities to house violent juveniles.

- 2 -

- Limits on Prisoner Lawsuits: The bill would impose further limits on prisoner lawsuits that establish population caps for prisons.
- No Frills in Prison: The bill would also prohibit the use of federal grant funds to support any facilities with inmate accommodations beyond "bare bones" -- beyond those facilities essential to sound correctional management and legal requirements.

VI. HABEAS CORPUS REFORM

This title would contain the habeas corpus reform provisions endorsed by the administration last year -- provisions developed in cooperation with the National District Attorneys Association and the State Attorneys General. In brief, these reforms would limit death row inmates to a single habeas petition -- to be filed within strict time limits -- while providing such inmates with competent counsel to assist in preparing this single filing. The goal is to make the death penalty appeals process faster, without sacrificing fairness.

VIII. DRUG CONTROL AND DRUG COURT IMPROVEMENTS

This title would: (1) authorize civil penalties and injunctive relief against sellers of drug paraphernalia; and (2) improve the process for taking assets seized from drug dealers and transferring them to law enforcement. The title would also improve the Drug Courts program by: (1) devoting half of all funds to the prosecution of drug offenders -- not just for rehabilitation programs, and (2) providing funding to support rehabilitation programs in which supervision is provided by prosecutors, in addition to judge-supervised programs.

IX. CRIME PREVENTION IMPROVEMENTS

This title would improve and simplifies last year's Crime Bill in several respects:

- Consolidation into Block Grants: The bill consolidates 10 separate programs from last year's bill into a single block grant crime prevention program. Total prevention funding is trimmed by \$1 billion to fund the expanded Police Corps; Cops in Schools; and the new Youth Incarceration Program. After the consolidation, only six crime prevention programs would remain: the Block Grants, Violence Against Women, After-School Programs, Drug Courts, Drug Treatment in Prisons, and the Local Partnership Act.
- Cops on the Street: The bill also allows local governments to use block grant funds (or funds under the Local Partnership Act) for putting more police on the streets.
- Simplified After-School Program: Last year's two after-school programs would be consolidated into a single, simple program to keep schools and churches open after school and on the weekends.

- 3 -

- Further Consolidation: The bill would also direct the President's Prevention Council, chaired by the Vice President, to study all federal crime prevention programs, to determine where further consolidation is possible.

IX. TERRORISM

The bill would contain a number of provisions to crack down on terrorism, including: (1) broader jurisdiction over terrorists off-shore; (2) a repeal of restrictions on FBI investigations of those who provide material support to terrorists; (3) new jurisdiction over terrorist offenses on foreign ships; and (4) procedures to make the deportation of alien terrorists easier and faster. [This would need to be harmonized with the Anti-Terrorism legislative package that is being developed.]

X. PUBLIC CORRUPTION

This title would incorporate important reforms to strengthen federal public corruption laws. The Senate has passed these provisions in its 1993 Crime Bill.

XI. CRIMINAL ALIENS

This provision will increase the penalty for smuggling aliens into the United States -- and make it easier to deport those aliens who commit crimes here.

XII. DEATH PENALTY IMPROVEMENTS

This section would strengthen the death penalty procedures enacted in the Crime Bill. It would also make "use-of-a-firearm" an aggravating factor in death penalty cases.

XIII. EXCLUSIONARY RULE REFORM

This section would insure that there can be no judicial tampering with decisions that provide law enforcement with a "good faith" exception to the exclusionary rule for cases involving reasonable reliance on a warrant.

XIV. GENERAL CRIMINAL JUSTICE IMPROVEMENT PROVISIONS

This title will include a wide array of provisions designed to strengthen our attack on violent crime.

CRIME BILL COMPARISON:
VCCA vs. '95 GOP BILL vs. '95 ADMINISTRATION BILL

ISSUE	VCCA	1995 REPUBLICAN BILL	1995 ADMINISTRATION BILL
POLICE			
Putting More Police on the Street	Puts 100,000 cops on the streets of America for community policing; evenly divided between large and small towns.	Replaces the community police hiring program with a new "law enforcement block grant," eliminating any assurance that any new police will be hired.	Retains & boosts 100,000 cops program by allowing local governments the option of using prevention monies for local police hiring match.
Combatting Gangs	Continues Byrne Grant funding of gang task forces and coordinates federal law enforcement agencies in fighting gangs.	No Provision	Creates federal jurisdiction over certain gang-related crimes.
Increasing Law Enforcement to Promote the Security of Our Children	Creates a permanent task force of federal law enforcement agents to assist in the most difficult missing and exploited children cases.	Allows block grants to be used for school safety programs.	Allows block grants to be used for school safety programs and also funds hiring of 4,000 additional police to patrol in and around schools.
Enhancing Police Recruitment	Allows established community organizations to help recruit qualified applicants to their local police departments.	Abolishes the Police Recruitment program.	Retains the Law Enforcement Recruitment program and realigns it under the crime prevention block grant.
Police Corps	Creates a scholarship and training program similar to ROTC that provides incentives for qualified college students to work in law enforcement after graduation.	No Provision	Doubles the five year funding of the Police Corps.
Exclusionary Rule	No Provision	Provides that evidence shall not be excluded from use if it was obtained in circumstances justifiably believed to be in conformity with the fourth amendment and does not allow evidence to be excluded unless exclusion is expressly authorized by statute or a rule prescribed by the Supreme Court.	Codifies the exception to the search and seizure rule for cases involving reasonable reliance on a warrant.

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ISSUE	VCCA	1995 REPUBLICAN BILL	1995 ADMINISTRATION BILL
PUNISHMENT			
Habeas Corpus Reform	No Provision	Creates time limits for state habeas filing; authorizes appellate judges to issue certificates of probable cause for appeal in federal habeas cases; requires a circuit judge-issued certificate of probable cause for appeal before the case may proceed; provides state courts discretion to deny habeas applications despite failure to exhaust state remedies; creates a filing time limit for collateral remedy in federal courts; establishes counsel appointment, qualification, and compensation standards for state capital cases; creates limits on stays of execution and successive petitions; establishes standards for the scope of federal habeas review.	Establishes time limits for federal habeas filing; creates statutory standards for federal habeas review; limits second and successive federal habeas petitions; creates "actual innocence" claims standards in federal habeas review of capital cases; establishes counsel appointment, qualification, certification and compensation standards for state capital cases; equalizes funding for prosecution and defense in federal habeas litigation in capital cases; and authorizes grant funds to aid states in meeting increased counsel requirements for capital cases.
Death Penalty Procedures	Establishes procedures to effectuate about 50 new and existing capital offenses.	Calls for reforms in federal death penalty procedures.	Improves and strengthens federal death penalty procedures.
Increasing Prison Space	Locks up criminals by providing approximately \$8 billion in new funding for prison and boot camp construction.	Shifts over \$2 billion from prevention programs to prison grants.	Adds \$750 million more for prisons to hold violent juvenile offenders.
Encouraging Truth-in-Sentencing	Conditions 1/2 of funds on meeting Truth-in-Sentencing requirements.	Tightens standards for the general Truth-in-Sentencing grant program and limits program eligibility.	Requires abolition of parole and mandatory pretrial detention of dangerous defendants as conditions for Truth-in-Sentencing incentive grants.

ISSUE	VCCA	1995 REPUBLICAN BILL	1995 ADMINISTRATION BILL
Stiffening Punishment for Young Offenders	Sends a clear message to young would-be criminals by providing funds to states and localities for punishment of young offenders; allows children down to age 13 to be tried as an adult for certain violent crimes; and creates supplemental penalties for gang-related crimes.	No Provision	Broadens the range of offenses for which juveniles may be tried as adults; makes serious juvenile drug offenses subject to the Armed Career Criminal Act; creates new severe penalties for gang-crimes; and eases restrictions allowing the use of juvenile criminal records on first adjudication of a serious violent crime or drug trafficking law.
Serious Punishment for Sex Crimes	Increases federal penalties and defines available restitution for sex crimes.	No Provision	Requires HIV testing of sex offenders and investigates tougher penalties for HIV positive sex offenders.
Victims' Rights of Allocation and Restitution	Provides for victim's right of allocution in sentencing.	Expands victims' right to mandatory restitution to all offenses under federal criminal code.	Expands victims' right to mandatory restitution to all offenses under federal criminal code (same).
Drug Courts	Eases the load on state criminal justice systems by providing over \$1 billion in funding for states, state courts, local courts, local governments, and tribal governments to create drug courts for non-violent offenders.	Repeals Drug Courts.	Allows up to half of drug court money to be used for specialized drug prosecution courts and allows prosecutors to supervise drug court type programs.
Toughening Drug Laws	Increases penalties for using children to distribute drugs near schools and playgrounds; increases penalties for selling drugs near public housing; and creates new penalties for advertising illicit drug transactions.	No Provision	Enhances penalties for lesser drug crimes by authorizing civil penalties for drug paraphernalia violations.
Supporting State and Local Prosecutors	Aids overburdened state and local prosecutors by providing about \$50 million community-based justice programs.	Abolishes Community-Based Justice Grants for Prosecutors	Retains this program of aid to prosecutors.
Meaningful Gun Laws	Bans the manufacture, transfer, and possession of certain assault weapons; continues funding for the Brady Law; and creates new offenses for the possession of a handgun by a juveniles.	Calls for mandatory sentencing for certain crimes in which a gun is used.	No Provision
Stopping International Child Pornography Trafficking	Establishes tougher penalties for persons engaging in international trafficking in child pornography.	No Provision	Tightens loopholes in U.S. Code to crack down on importation of electronically depicted child pornography.

ISSUE	VCCA	1995 REPUBLICAN BILL	1995 ADMINISTRATION BILL
Cracking Down on Terrorism	Aids federal prosecutors by extending the statute of limitations for certain terrorism offenses and allows the admittance to the U.S. of aliens with reliable information about terrorist organizations.	No Provision	Repeals restrictions on Material Support of Terrorism Investigations; reforms procedures for removal of alien terrorists to avoid compromising federal terrorism cases; and clarifies U.S. criminal jurisdiction in the extended territorial sea.
Battling Hate Crimes	Creates stiffer penalties for hate crimes.	No Provision	Makes procedures and standards for hate crimes sentencing enhancement consistent with other sentencing enhancement factors.

PREVENTION

General Crime-Prevention Initiatives	Authorizes over many new crime prevention grant programs, totalling \$7 billion administered by different federal agencies.	Cuts nearly \$5 billion from prevention programs and shifts resources to prison and law enforcement grants.	Combines ten separate prevention programs into this block program (see below) and reduces crime prevention funding by \$1 billion.
Crime-Prevention and Coordination	Funds various proven crime-prevention programs and coordinates other programs authorized by the VCCA	Abolishes Prevention Council.	Mandates Crime Prevention Council to examine consolidation of prevention programs.
After School Programs	Creates two new programs to fund after school programs for young people.	Abolishes these programs.	Consolidates the two into a single youth supervision/early intervention program; streamlines procedures.
Local Crime Prevention Block Grants	Establishes a formula block grant program for local governments for specific crime prevention purposes.	Transfers funding from this program into the new law enforcement grant program.	Retains this program and consolidates several VCCA prevention programs in this block grant.

IMMIGRATION

ISSUE	VCCA	1995 REPUBLICAN BILL	1995 ADMINISTRATION BILL
Getting Tough on Illegal Aliens	Stiffens penalties for alien smuggling, failing to depart or reentering after deportation, and passport and visa violations.	No Provisions	Increases penalties for alien smuggling.
Deportation of Criminal Aliens	Creates new deportation procedures for criminal aliens.	Calls for new deportation procedures for criminal aliens.	Calls for new deportation procedures for criminal aliens (same).

Crime Bill Comparisons
Total Authorized Funding
(Dollars in thousands)

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Violent Crime Control and Law Enforcement Act of 1994		Taking Back Our Streets Act of 1995	
Title	Total Authorization	Title	Proposed Changes Total Authorizations
DEPARTMENT OF JUSTICE			
Public Safety and Policing			
Community Policing: "Cops on the Beat"	\$8,800,000	Community Policing: "Cops on the Beat"	(\$8,800,000) 0
		Law Enforcement Block Grants	10,000,000 \$10,000,000
Prisons			
Correctional Facil./Viol. Offender Incarceration Grant	7,895,000	Correctional Facil./Viol. Offender Incarceration Grants	(7,895,000) 0
		Truth in Sentencing Grants	10,499,600 10,499,600
Certain Punishment for Young Offenders	150,000		
Incarceration of Undocumented Criminal Aliens	1,800,000		
			150,000 1,800,000
Crime Prevention			
Crime Prevention Grants (misc.)	1,222,300	Crime Prevention Grants (misc.)	(1,222,300) 0
Substance Abuse Treatment in Federal Prisons	112,500		
Substance Abuse Treatment for State Prisoners	270,000		
Treatment of Tuberculosis in Correctional Institutions	5,000		
			112,500 270,000
			5,000 5,000
			1,010,200 1,010,200
Violence Against Women	1,010,200		
Drug Courts	1,000,000	Drug Courts	(1,000,000) 0
		Criminal Alien Tracking Center	13,000 13,000
Criminal Aliens & Immigration Enforcement	1,191,400		
			1,191,400 1,191,400
Other Law Enforcement	241,000		
			241,000 241,000
Federal Law Enforcement	644,000		
			644,000 644,000
Police Corps & Law Enforcement Off. Trng. and	200,000		
			200,000 200,000
State and Local Law Enforcement	1,527,700		
			1,527,700 1,527,700
Senior Citizens Against Marketing Scams	20,000		
Subtotal, Department of Justice	26,089,100	Subtotal, Department of Justice	1,595,300 27,684,400
OTHER DEPARTMENTS:			
Courts			
Education & Training for Federal Judges:	700		
Additional Appropriations	200,000		
			700 700
			200,000 200,000
Education/HHS			
Family & Comm. Endeavor Schools Grant Program	810,000	Family & Comm. Endeavor Schools Grant Program	(810,000) 0
HHS/HUD/Interior			
Prevention Grants	2,468,000	Prevention Grants	(1,894,500) 573,500
Interior/Transportation			
Capital Improvement to Prevent Crime	35,000		
			35,000 35,000
Nat'l Commission on Crime Control & Prevention	1,000		
			1,000 1,000
State Justice Institute			
Equal Justice of Women in the Courts: Training Gra	600		
			600 600
Treasury			
Gang Resistance Education & Training Projects	45,000	Gang Resistance Education & Training Projects	(45,000) 0
Rural Drug Enforcement Training: FLETC	5,000		
Additional Appropriations	550,000		
			5,000 5,000
			550,000 550,000
Subtotal, Other Departments	4,115,300	Subtotal, Other Departments	(2,749,500) 1,365,800
Total, Crime Bill	30,204,400	Total, Crime Bill	(1,154,200) 29,050,200

January 10, 1995

MEMORANDUM FOR THE ATTORNEY GENERAL AND CAROL RASCO

FROM: RON KLAIN 
SUBJECT: CRIME BILL STRATEGY

With the first Congressional hearing on the 1995 Crime Bill just about one week away (January 18), we still lack closure on an overarching strategy for dealing with this legislation. Here is my latest attempt, building upon my previous memorandum (November 22), to offer a proposed strategy.

REPUBLICAN STRATEGY and TIMETABLE

The Republicans in both the House and the Senate are moving ahead toward early February floor action on a revised Crime Bill; Committee action will start later this month. While there is a chance that this early Republican effort will entail only a subset of the crime issues (both Hatch and Hyde have talked about a preliminary Crime Bill that addresses only habeas reform and death penalty procedures), we need to be prepared for dealing with the full-scale Republican proposal within the next few weeks.

To refresh your recollection, the Republican Crime Bills (now introduced in both the House and Senate, and substantially similar), change the 1994 Crime Act, by:

- (1) Eliminating the 100,000 cops program, to be replaced by a "Law Enforcement Block Grant," that localities can use to hire cops, pay overtime, buy police equipment, beef up school security, or fund citizen watch groups;
- (2) Eliminating most of the crime prevention programs, with some of the funding (about \$1 billion) moved into the "Law Enforcement Block Grant," and another chunk (\$2 billion) reallocated to prisons;
- (3) Adding tough habeas corpus and exclusionary rule reform, designed to sharply limit death row appeals, and broaden the use of illegally seized evidence in courts;
- (4) Federalizing all crimes committed with guns, coupled with stiff mandatory minimum sentences for those offenses;

- (5) Toughening truth in sentencing standards for states that want prison grants, along with limits on prisoner lawsuits; and
- (6) Adding various other provisions on victims rights and criminal alien deportation (that we generally support).

As you can see, it is no exaggeration to say that the President's program to put 100,000 more police on the streets is in substantial danger. And, as I pointed out in my November 22nd memo, there is a substantial risk that constituency groups who supported us last year -- Mayors, county officials, law enforcement officers -- will not be with us this time.

PROPOSED REVISED STRATEGY

As you may recall, in November, I proposed a strategy of:

- (1) Promising to work with the Republicans on "going forward," but vigorously opposing any efforts to "go backward;"
- (2) Thereby supporting a 1995 Crime Bill, but threatening to veto proposals to repeal the assault gun ban or the 100,000 cops program; and
- (3) Offering our own version of a 1995 Crime Bill as an alternative to the Contract Bill.

While I still would prefer to see us pursue this course, based on the negative reaction it received, I have prepared this alternative strategy instead. Under this new plan, we would:

- (1) Drawing a tough line around core principals. The President would make a public statement that he strongly opposes any efforts to repeal the tough penalties, assault weapons ban, or 100,000 cops program included in the Crime Bill. There will be no going back on these achievements.
 - We would criticize their plan for Block Grants in lieu of 100,000 cops as "Super Pork;"
 - We would seek a close alliance with law enforcement on the three core points (protecting penalties, the gun ban, and the COPS program) outlined above.
- (2) Taking a lower-key administration stand on the 1995 Bill. DoJ would submit for clearance a formal statement on the legislation. (This will be ready by Friday.) In it, we would announce our support for some elements of the new Crime Bill (e.g., victims' rights, alien deportation, tougher truth in sentencing), our opposition to other proposals (such as cuts in prevention and exclusionary rule reform), and our very strong opposition to any efforts to cross the "tough line" discussed above.

- (3) Authorizing DoJ to engage on the 1995 Bill -- but keeping the President out of the fight. With (1) and (2) in hand, DoJ would take the lead in engaging on the bill -- but the White House would largely be spared involvement.
- The Attorney General would begin meeting with pivotal House and Senate moderate Republicans.
 - We would conduct strategy meetings with House and Senate Democratic leaders.
 - We would attempt to rally constituency groups and key outside leaders in our cause.
- (4) Continuing to implement the 1994 Act. We would continue to implement the Crime Act, which will continue to build support for its current formulation. Events and announcements consistent with sound implementation of the Bill would be conducted.
- (5) Highlighting Crime Fighting as Part of the President's Middle Class Agenda. While the day-to-day engagement on the Crime Bill would be left to the Attorney General and other surrogates, the President would step up his public profile on the crime issue, by doing more "crime events" and by emphasizing crime fighting as part of the middle class agenda:
- We have already submitted eight possible Presidential events for the next eight weeks;
 - Several of the events relate to the 1994 Crime Bill, without putting the President directly into the 1995 debate (e.g., swearing-in police paid for by the Crime Bill);
 - Other events will not be Crime Bill related -- for example, issuing executive orders, meetings with federal prosecutors, and the like.
- Our middle class message cannot be complete without an aggressive Presidential focus on this leading concern of middle class Americans.

ANALYSIS OF PROPOSED STRATEGY

The above strategy is a middle ground between a more aggressive approach (on the one hand), and two more limited options (on the other).

A. More Aggressive Posture

The more aggressive approach would have more appeal to liberals in Congress, by putting our defense of prevention on an equal plane with our defense of the rest of the Bill. It would also be a frontal assault on the whole idea of an additional Crime Bill, as unnecessary in light of the 1994 Bill.

Of course, the most aggressive approach is a full-scale stand for principle, and most likely to have elite opinion support. And, as long as we care little about the final product emerging from the Hill -- or care little about having the President veto a highly-popular bill -- this is an issue on which we could side with Congressional liberals whom we will cross on other matters.

But this more aggressive approach is untenable in terms of winning in the current Congress, and out of step with the middle class agenda. Moreover, it would require far more extensive Presidential involvement to have any prospect of success.

B. More Limited Defense

On the other hand, if we were single-mindedly concerned with protecting the 100,000 cops program, than a more limited approach would be better; this approach would invest all of our resources in protecting the 100,000 cops, and would not make an effort to defend the prevention programs as well.

Such an approach would address the natural tendency of the press corps to play the fight over any Crime Bill as the Republicans being "tough on crime" vs. Democrats "fighting for prevention" -- they will be inclined to "miss" our stand for the police program, and describe us as fighting for prevention only. In response, to save the COPS program, we could focus our rhetoric clearly on **that** program -- making it clear that **we** are pushing the tougher on crime position on that issue.

However, by doing so we would abandon the crime prevention programs that we fought so hard to get, so quickly after we won them. We would be accused of lacking principles or convictions. And if we give the COPS program heightened emphasis in our effort to fight for both it and prevention, we may achieve some of what this, more stark strategy, aims at as well.

C. Remaining Detached

Finally, we could stay above the fray, saying that we supports last year's Crime Bill but do not object to Congressional efforts to improve it -- largely, staying out of the fight. This strategy would envision the President signing the Bill that Congress passes (assuming that this Bill does not include an assault ban repeal).

On the plus side, this approach does not involve taking new positions -- and thereby avoids alienating Congressional Democrats because we do not affirmatively back any changes in the Crime Bill. And it "looks presidential," because the President stays above the fray.

But if not quite a betrayal, Congressional Democrats will view this as an **abandonment** -- a repeat of our 1993 "hands off" approach to crime bills -- and it means that a repeal of 100,000 cops program and all prevention programs is assured.

Finally, and perhaps more unsatisfactorily, this approach concedes the crime issue and the Crime Bill to the GOP -- and ends with an embarrassing reversal, when the President ultimately signs the Crime Bill that Congress passes.

RECOMMENDATION

I recommend that we pursue the policy outlined above, and that a Justice Department working group be assembled to implement this strategy -- subject to coordination with the White House Domestic Policy, Legislative, and Communication offices.

August 30, 1994

MEMORANDUM FOR HAROLD ICKES, CAROL RASCO, RAHM EMANUEL,
PAT GRIFFIN, MARCIA HALE, AND BRUCE REED

FROM: RON KLAIN *rk*

SUBJECT: CRIME BILL: PRE- AND POST-SIGNING EVENTS

What follows is a plan of events for the next 30 days, aimed at demonstrating momentum and seriousness of purpose in implementing the Crime Bill.

The events are largely DoJ and White House events; other agencies may, too, be able to add some ideas. I have tried to propose very little use of the President's time, knowing that it will be limited; if the Vice President has some time available, events for him can be added.

Events Being Planned

The following is a schedule of events that we are beginning to plan, subject to approval:

9/09: Immigration/Border Control (San Diego)

The Attorney General and INS Commissioner will visit the border to explain the Crime Bill's benefits for border control.

9/09: First Regional Crime Bill Forum (Los Angeles)

This would be the first of four regional forums, where the AG will meet with local mayors, police chiefs, officials, prosecutors, community leaders, and the like, to solicit their views on Crime Bill implementation, and offer our thoughts. We are hoping that Mayor Riordan will host this one.

9/10: Rural Crime Bill Forum (Missouri)

The second forum would focus on the Crime Bill's impact in rural areas. We want Sen. Danforth to host.

9/12: AmeriCorps Community Policing (N.Y.C.)

This is a National Service event in Central Park, where the AG will address community policing volunteers.

9/12: Third Regional Crime Bill Forum (N.Y.C.)

Another forum in the series. We would envision Mayor Guiliani hosting, with Rep. Schumer having a key role.

9/12: Media Tour (N.Y.C.)

The AG would give Crime Bill implementation interviews to major magazines, and the TV networks. Also, special press for womens' magazines (re: violence against women) is planned.

9/13: Final Regional Forum (Southeast)

The final regional forum will be at a site to be determined in the Southeast (either in Ga. or Fla.).

9/14: National Press Club Speech (D.C.)

The AG will speak at the National Press Club, to outline our implementation plans, and to discuss what she has learned at the regional forums.

9/16: Border Control Event (Arizona)

Similar to the event a week earlier in California.

9/19: Crime Bill Pre-Signing (D.C.)

This begins the three-day series of events surrounding the Crime Bill signing. We would propose for this day:

- An AG "thank you" reception at the Justice Department. Guests will include individuals who were helpful, Congressmen and Senators, U.S. Attorneys, police groups, other organizations, and the like.
- A meeting between the President and all of the U.S. Attorneys, at the White House, to discuss implementation of new federal penalties, like "three strikes;"
- An Oval Office address to the nation, in prime time, regarding the Crime Bill.

9/20: Crime Bill Signing (D.C.)

Events on this day will include:

- The signing itself, to be held at the White House.
- Perhaps another event, designed to give prominence to Congress;
- A nationally-televised "town meeting" on crime, in which the President, VPOTUS, and key cabinet officers (Reno, Bentsen, Brown, etc.) would participate.

9/21: Crime Bill Post-Signing (D.C./Travel)

Events on this day will include:

- A national version of the regional Crime Bill forums, to be held at DoJ (or the WH), in which hopefully the President, the AG, and other Cabinet officials would participate;
- Travel by many principals to police swearing-ins, at locations all around the USA.

9/26: Violence Against Women Announcement (D.C.)

The AG would announce, with federal prosecutors, a directive immediately implementing some of the Crime Bill's key "violence against women" provisions, including increased penalties for repeat sex offenders and mandatory restitution for victims.

9/30: COPS Director Announcement (D.C.)

The President and AG would announce, in a Rose Garden ceremony, the director of the COPS program.

10/4: First 2,000 Cops Awarded (D.C.)

Just three days after the money is available, the President and the AG would announce awards for the first 2,000 of the 100,000 new cops. These will be given to about 150 cities and towns.

We believe that these events will achieve the goals outlined above, and demonstrate that the administration is serious and purposeful about implementing this important bill.

Events Not Yet Scheduled

We have several more events that we are trying to plan, but have not yet scheduled. These include:

- **Presidential Directive/AG Response on Racial Justice**

We still need to plan when the President will sign his directive on racial justice -- and the timing of DoJ's new procedures in response to that directive.

- **Racial Justice Commission**

Moreover, we need to set up and announce the study Commission we have promised.

- **Ounce of Prevention Council**

At some point, the President should convene the first meeting of the Ounce Council, and name the Vice President as its chair.

- **"Real" Cop Policing Forum**

Finally, DoJ is trying to arrange, by satellite if possible, a forum where street-level police officers could comment on Crime Bill implementation. The idea would be that we should hear not just from chiefs, or officials -- but also from the folks in the trenches.

Other events that might fit in this time frame would be the announcement of a person to head implementation of the Violence Against Women grant programs, announcement of an Advisory Group to assist that program, and possibly other events as well.