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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Domestic Policy Council

Series/Staff Member: Jose Cerda

Subseries:

OA/ID Number: 5873

FolderID:

Folder Title:

Event - Crime Bill Announcement, 8-11-93 [August 11, 1993] [3]

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The President's Anti-Crime Legislation:

Police, Punishment & Prevention

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The President's Anti-Crime Legislation:

Police, Punishment & Prevention -- An Overview

We don't feel safe in our own neighborhoods. Our children fear being attacked at school. The police are frequently outgunned by drug dealers. Senseless, random acts of violence seem to occur more and more frequently everyday. Career criminals are returned to the streets to violate the citizenry again and again. And we don't do what we can to lead young people and those addicted to drugs away from the path of crime and violence.

Crime and violence threaten America's future. Our economic prospects are on the upturn and we can now look to the day when all Americans will have health care coverage. Still, there can be no doubt that improvements in our economic and physical health will never be fully enjoyed if we must live every day in fear of crime and violence.

The President's crime legislation focuses on three key approaches to fighting crime and violence, which working together, amount to the needed multi-front blitz on crime which Americans rightfully expect. The legislative centerpieces are police, punishment & prevention.

Police: Making Our Streets Safer

More cops on the street; more cops walking the beat, working with citizens to prevent and solve crimes -- it's that simple. We need to add 100,000 new police officers to the streets of our cities. We need to dedicate our law enforcement resources to solving crimes, punishing crimes and preventing crimes. Police officers are the key to all three.

Central to the President's plan is maximizing "community policing" -- officers working with the community to proactively address neighborhood problems which contribute to crime and disorder. It should be easy and commonplace for responsible citizens concerned about crime to work in partnership with their local police.

And those cops deserve our maximum support. We can not expect our law enforcement officers to risk their lives on a daily basis without doing everything we can to protect them. We can increase the safety of our police by making sure that they don't get outgunned. Put simply, there is no sporting reason for anyone to own an assault weapon. Period. We are past the point at which those who would like assault weapons to be available for public sale should be permitted to jeopardize the safety of our society and its police officers. Assault weapons should be banned.

Moreover, retribution for those who kill our police officers must be swift and severe. We should adopt laws and make it known as widely as we can that if you kill a federal law enforcement officer, you will face the death penalty. Our law enforcement community needs and deserves that kind of backing.

Punishment: Sending a Signal to Criminals

All the good work done by the law enforcement community is lost if we don't punish those who devastate our neighborhoods. With strict sentences for violent criminals and prisons to put them in, all Americans will be safer.

We must make sure that offenders who commit violent act after violent act get locked up for good. Americans are exhausted and repulsed by the perpetual violence which surrounds them. Congress should pass a "3 strikes and you're out" law which says that if you are caught committing violent crimes on three separate occasions, you have permanently abandoned your right to ever be released from prison.

Other "truth in sentencing" provisions, and firm sentences (with a "safety-valves" to deal with extraordinary circumstances), will send the message that we will not let crime pay. And, there are some crimes which are so heinous that the ultimate penalty -- the death penalty -- is both necessary and appropriate.

We must provide the funds to the states necessary for them to build the prisons in which to lock up those who prey on the public. We can never allow criminals who ought to be in jail, to freely commit more violent crimes because we lack the prison space in which to put them. Prisons are expensive and it is unfortunate that we must spend our tax dollars to lock people up, but we must not hesitate to do so.

Finally, we should recognize that different kinds of prisons are appropriate for different kinds of crimes. Non-violent offenders should be put in boot camps. There, they can be punished and they can also learn skills and discipline rather than learning more about crime. Boot camps provide necessary punishment along with the opportunity to get the attention of youthful offenders on the wrong track and steer them in the right direction.

Prevention: Something To Say Yes To

Just as certainly as we must punish those who break our laws and wreak havoc in our cities, we must also take whatever steps we can to stop crime before it happens. Those who have no hope, no job, no other answer, who know no other way are often drawn to crime and violence. All Americans deserve hope and opportunity; need to know that there is a better answer than crime, and must have the opportunity to go another way.

If we are going to steer young people away from crime and gangs we must provide them with "something to say yes to": after school programs, summer youth activities, and employment, sports and recreation opportunities that can take the place of gangs. We can bring community groups, law enforcement officials, and struggling young Americans together in an effort to keep kids off the path to crime.

The Administration's Youth Employment and Skills (YES) Crime Reduction proposal is a perfect example of this kind of program. When implemented, YES would saturate high-crime, high poverty neighborhoods with employment opportunities. We believe that neighborhood youths and young adults will say "YES" to jobs and no to crime. And we must work with existing businesses in these areas to encourage them to stay, expand, and hire young people from the community.

We must all take steps to guarantee that our schools are safe and healthy places to work and learn. Gun-free, drug-free, violence-free schools are necessary to making sure that students can focus on the books, not their fear. And, we must take firm and direct steps to better protect our children from those who sexually exploit children.

Steps must also be taken to reduce the tide of violent crimes against women in this country. Protecting women from domestic violence, and expanding prevention programs that diminish the frequency of attacks against women must be priorities.

We can also prevent crime by better regulating access to guns and ammunition and tightening the procedures surrounding gun dealer licensing. Laws which will keep guns out of the hands of convicted felons, ban large capacity ammunition feeding devices, and prohibit the sale of handguns to kids will all work in tandem to reduce gun violence.

Finally, we must again recognize that we will never control crime until we control substance abuse. We must get the hard core drug users -- the 20% of cocaine users who consume over 2/3 of available cocaine -- off the streets and into treatment. Effective, innovative programs, like drug courts use the power of the criminal justice systems to force addicts to kick their drug habits. Through education, we can show our young people that substance abuse leads nowhere but to destruction. And we must provide those young people real work alternatives to drug dealing when they are trying to follow the rules in crime infested areas.

Paying for Police, Punishment & Prevention

Paying for these initiatives won't be easy. But failing to enact them will be much, much more expensive. The cost to society of a failure to act -- a cost measured not just in dollars and cents, but also in murders, rapes and assaults which need not have occurred -- is a cost we can not bear.

By reinventing government and focusing our priorities, we can make the necessary money available to achieve these goals. With the savings realized by the elimination of 250,000 federal government jobs, we can set up a multi-billion dollar Crime Control Trust Fund. And by putting those savings in the Crime Control Trust Fund, we can make the money available for the police, punishment and prevention proposed in the President's anti-crime legislation.

Police - Overview

The Administration's commitment to putting more police on the streets is central to the President's anti-crime legislation. Providing communities with the resources to be able to hire more cops in their neighborhoods, the ability to select from a motivated group of law enforcement recruits, and the federal laws which they need to provide them maximum backup and protection, together create a package of proposals designed to allow us to catch and punish criminals and to prevent crime.

Community Policing. The President's anti-crime legislation will put 100,000 new police officers on the street, walking the beat, working with citizens to prevent and solve crimes. When police officers work with their community to proactively address neighborhood problems, the "community policing" model is operating effectively.

Police Corps. We can do more to train our current and future police officers, and make them better police officers. By providing college scholarship funds for individuals committed to joining police departments after graduation, we will develop a new group of well-educated police officers annually available for recruitment to police departments across the country. Frequently analogized to the ROTC, program participants would be required to participate in police training activity during summers of their college education. In addition, the Administration supports funding for educational efforts by existing law enforcement personnel seeking to improve their skills and capabilities.

Firearms. Over the last five years, 415 law enforcement officers were feloniously killed, 91% of them with a gun -- 73% of which were handguns. It is too easy for criminals to get guns, and all too often, our police are outgunned on the streets. A ban on assault weapons, a ban on the sale of handguns to minors, and new efforts to tighten gun dealer licensing will all contribute to efforts to keep guns out of the hands of those who shouldn't have them -- out of the hands of those who use guns to commit crimes.

100,000 New Police Officers -- Community Policing

- More cops on the streets. This simple idea embodies the Administration view that crime fighting is about punishment and prevention.
- Putting 100,000 police officers in Community Policing is the foundation of the Administration's anti-crime legislation, combining increased police presence with the development of partnerships with communities to create safer neighborhoods.
- These new police officers will be funded without new taxes, but instead will be paid for through reductions in the federal bureaucracy. The savings achieved by cutting 250,000 federal employees from the payroll over the next five years will have a crime-fighting payoff.
- Community policing will put more officers on our streets who know their neighborhoods and know how to work with residents to reduce and control crime.
- Federal funding for this initiative will be linked with a locality's need and its commitment to actively build public safety partnerships with public and private agencies that address the underlying conditions related to crime.
- Most of the money will be used to hire, rehire and redeploy 100,000 police officers. A smaller, but significant portion of the money will be used to implement community policing, training, and related activities. Over time, the federal support will decrease as communities take over these programs for themselves.
- We've already made a downpayment on the 100,000 new officers with grant awards made this year under a similar, smaller (\$150 million) program. \$76 million has already been awarded to 108 jurisdictions for use in hiring over 1000 new officers. More grants will be made this Spring, but only one in ten applications can be funded without the passage of crime legislation.
- Adopting the Administration's community policing program will allow us to put thousands more police in jurisdictions all over the country, not just a few.

Police Corps

- The President has indicated time and again that he wants crime legislation which is both tough and smart. Proposals designed to make sure that we are smart about the way we fight crime include the development of a police corps and the funding of Law Enforcement Scholarships.
- We expect our police officers to not only shoot straight, but to think straight, too. We must do all that we can to have our law enforcement officials not only equipped with the weaponry and technology they need, but also with the education and skills which will maximize their ability to fight crime.
- By providing college scholarship funds for individuals committed to joining police departments after graduation, we can develop well-educated police officers who have focused for years on training for that job.
- The police corps, frequently analogized to the ROTC, would require program participants to participate in police training activity during the summers of their college education.
- The police corps will develop a new group of well-educated police officers annually available for recruitment to police departments across the country.
- In addition, we should fund the Law Enforcement Scholarships proposal to provide educational opportunities for in-service officers seeking to improve their skills and abilities.
- Finally, we should also use Law Enforcement Scholarships to provide law enforcement related summer and part-time employment for high school students.

Firearms - Overview

Just as the "choice" between prevention and punishment is a false one, the argument about whether to regulate guns or punish those who misuse them is an oversimplification of an enormous problem. Gun violence is growing 2 1/2 times as fast as violent crime not involving guns. Unfortunately, our young people are those most likely to be victims of gun crimes. Over the last five years, 415 law enforcement officers were feloniously killed, 91% of them with a gun -- 73% of which were handguns. We must crack down on gun violence.

The Brady Law. The Brady Bill is now law, with all 50 states conducting background checks as of February 28. Now, we strongly support the funding of grants for the improvement of state criminal history records, so that the national instant check system can become a reality. And, we support the provision in the Senate bill which would expand the categories of persons prohibited from obtaining a firearm to those convicted of domestic abuse and those under restraining orders stemming from domestic abuse situations.

Ban Assault Weapons. There is simply no reason that a person should be permitted to walk into a gun shop and purchase an assault weapon. With their regular use in crime and their devastating capabilities, an outright ban should be adopted as soon as possible.

Gun Dealer License Reform. We must continue the Treasury Department's effort to adopt certain common sense procedures for the licensing of federal firearms dealers. Requiring them to submit a photograph and fingerprints at the time of license application, requiring them to comply with state and local law, giving the Treasury Secretary adequate time to check their backgrounds, requiring the quick reporting of stolen or lost guns, and requiring readier access to their records are simple, reasonable steps. We should also raise the dealer license fee to cover the costs of conducting dealer background checks. These reforms will help limit federal firearms licensees to those who are serious about operating as a responsible business, and will therefore improve oversight and regulation by the BATF.

Stop Rearming Felons. We also support a change in federal law which would close the existing loophole which permits the rearming of felons. Those states which chose to automatically restore a convict's civil rights are making it too easy for felons to legally buy guns. In addition, they are interfering with the application of recidivist penalty statutes, like "3-strikes" laws, because by the combined operation of current federal and state laws, strikes are being wiped off the scoreboard. Federal law should control the circumstances under which state convictions will count in the application of federal gun restrictions and recidivist sentencing laws.

Ban on Handgun Sales to Minors. With gun violence most severe among our young people, new steps must be taken to keep guns out of the hands of children. Those under 18 should not have guns except in limited, carefully defined circumstances involving parental authority and legitimate usage.

Gun Dealer License Reform

- There are more gun dealers in American than gas stations. That's the case because for years, we've given a "Federal Firearms License" -- a gun dealer license -- to just about anybody who asked for one.
- It is estimated that of the over 284,000 Federal Firearms Licensees (FFL's), over 70% of them are not "engaged in the business" as required by law.
- The Treasury Department's effort to substantially tighten up federal firearms licensing deserves strong support.
- The Senate bill contains requirements that licensee applicants submit photo and fingerprints, FFL's comply with state and local laws, FFL's provide immediate notification of the theft or loss of merchandise, BATF have additional time to respond to license applications, and BATF have greater access to FFL's records.
- The Administration hopes to further improve on the Senate language by adding provisions to increase the FFL fee to \$600 per year, increase the penalty for falsification of FFL records, and add authority for BATF to revoke licenses upon the felony conviction of an FFL.
- Finally, raising the dealer license fee to \$600 will cover the actual cost of conducting checks on prospective gun dealers and will permit increased regulatory oversight of existing dealers

Assault Weapons Ban

- The level of gun violence in our society is simply unacceptable. We must build on the Brady Law to reduce gun violence. The Administration strongly supports enactment of legislation that would prohibit the sale, manufacture and possession of semi-automatic assault weapons and large capacity ammunition-feeding devices.
- Because of their tremendous firepower, assault weapons are the weapons of choice for drug traffickers, street gangs and paramilitary extremist groups. It is wrong to send our police officers out to fight criminals who are better armed than they are. These firearms have no legitimate sporting purpose and have turned our communities into war zones.
- For example, last year a gunman carrying two TEC-DC9s and more than 500 rounds of 9mm ammunition walked into a San Francisco law firm and opened fire. Eight people were killed and six were wounded. His TEC-DC9 was a copycat model of the Intratech TEC-DC9 already banned under California law.
- Trace studies of the Bureau of Alcohol, Tobacco and Firearms (BATF) indicate that assault weapons are much more likely to be used in crime than other firearms. For example, while it has been estimated that assault weapons comprise only 1.5 to 3 percent of the firearms in the United States, 6.7 percent of firearms traced to crimes by the BATF in 1992 were assault weapons, 6.8 percent of 1991 traces were assault weapons and 7 percent of 1990 traces were assault weapons.
- The assault weapons provision in the Senate Crime Bill offers a national, sensible approach to restricting these weapons by banning them by name and by certain characteristics, thereby preventing the manufacture of copycat models.
- Legitimate hunting and sporting weapons would not be banned, and we seek the support of sportsmen and others who lawfully own guns to join us in the campaign to reduce gun violence.

Criminal Sentencing - Overview

Americans are fed up with the fact that even when violent criminals are caught, they are all too often returned to the streets to victimize again. Tougher and smarter sentencing procedures are needed to make sure that those who deserve to be in prison, don't get out before they should -- and that sentences are appropriate for the crime committed.

Three strikes and you're out. Anyone committing serious, violent felonies on three or more occasions should go to prison for the rest of his or her life. Period. A relatively small number of criminals commit a large percentage of crime in this country. The Congress should adopt a law which will allow us to lock up, for good, those federal offenders who have committed repeated, violent crimes. Those who abuse our citizenry time and again should lose the opportunity to ever return to society -- and they must be punished so that all may see what happens to those who would victimize others over and over again.

Criminal Sentences. We support mandatory minimum sentences for violent and gun offenders, as they provide the certainty of punishment which society rightfully expects for those who commit serious crimes. But this important tool should be used in a targeted, judicious manner to make sure that these sentences apply only to those who deserve such stiff sentences. It is also important that there be a "safety valve" which permits very limited sentencing flexibility in the case of non-violent, low-level, first time offenders. Such individuals must be punished, but the taxpayers should not be asked to house them for the long, mandatory minimum sentences reserved for the most serious threats to society.

Truth in sentencing. The federal government should use its clout to prod states towards making criminals serve the time to which they are sentenced. And clearly, states which get tough with violent predators and make them serve their real sentences are going to need to build more prisons. We want to support states with laws which honestly reflect the prison terms those committing violent crimes in their states will serve by favoring them when it comes time to give out federal grant money for incarcerating violent offenders.

Death Penalty. Heinous murders within the jurisdiction of the federal criminal justice system should be punished by death. Those who ruthlessly kill others must be treated as severely as they have treated their victims. The death penalty should be available for the killing of a federal law enforcement officer or witness. Terrorists and escaped prisoners who wantonly murder those who get in their way should know that they will face the ultimate penalty. The Congress should make the death penalty available for use in the egregious circumstances when it is necessary and appropriate.

"Three Strikes and You're Out"

- A small number of violent, repeat offenders, commit a great deal of the crime in this country. Those offenders must be locked up for good.
- The Administration's "Three Strikes and You're Out" bill sends a strong message that those who repeatedly commit serious violent crimes against others will be punished severely.
- Our proposal imposes life imprisonment on a person who commits a serious violent felony against another under federal law, after having been previously convicted of two or more serious violent felonies (under either federal or State law). The bill is aimed at those offenders who fail to get the message and change their conduct even after repeated convictions for violent offenses. Individuals with such criminal histories should be put away for good.
- The proposal is both tough and smart: It targets those truly dangerous offenders in our society without sweeping so broadly as to include persons convicted of crimes that, although serious enough to warrant significant sentences, should not result in mandatory life imprisonment.
- Our proposal limits its coverage to "serious violent felonies," such as murder, rape, sexual abuse, kidnapping, and using a gun in drug crimes.
- Under the plan, "life" is real life, because there is no reliable method for determining the point at which a particular individual becomes safe enough for release. Any doubt as to whether such persons are safe to come back into our communities should be resolved on behalf of the innocent public, not the violent felon.
- In addition, we already know that the behavior of some offenders -- such as those who sexually molest children -- may not change, regardless of the offender's age.
- Although not a cure-all, this proposal, along with other Administration crime-fighting efforts -- such as truth-in-sentencing, community policing, more money for prisons, and prevention programs -- can go a long way toward curbing violent crime in our communities.

The Death Penalty

- The most vicious and heinous crimes in our society deserve the application of the death penalty.
- Because of its final nature, the greatest possible care must be taken to be certain that it is meted out in as fair and even-handed a manner as possible - but concerns about fair application must not be permitted to thwart its use.
- We support the expansion of the death penalty to certain appropriate crimes not currently covered by the federal death penalty, like the killing of a state or local law enforcement official assisting in a federal investigation.
- We also favor the adoption of procedures which will enable federal prosecutors to seek the death penalty for a wide range of crimes that have lacked death penalty eligibility because of missing procedural requirements -- and will insure that this penalty is used fairly, justly, and in appropriate cases only.
- We particularly support the use of the death penalty for those who murder as part of their commerce in drugs, but have concerns about the constitutionality of the application of the death penalty to non-homicidal drug crimes.
- The tide of violence in this country requires the use of all tools available to return us to the rule of law. The death penalty is a critical one of those tools.

Criminal Sentences

- **Mandatory minimum sentences are being attacked from the left as too harsh, from the right as too few, and from the sentencing commission as unnecessary.**
- **The fact is, some mandatory minimum sentences, particularly in cases involving guns and violence, perform a useful purpose in the criminal sentencing scheme when judiciously applied -- but they should not be permitted to obliterate the Sentencing Guidelines.**
- **Mandatory minimum sentences provide tough, certain, non-parolable punishment for serious offenses, and have been crucial in inducing cooperation from defendants whose sentence can be lowered from the mandatory minimum only through their "substantial assistance" to prosecutors. Thus, in addition to guaranteeing adequate punishment for certain offenders, mandatory minimum sentences are an important tool in building cases.**
- **The indiscriminate application of mandatory minimum sentences can lead to a waste of precious resources, filling a cell with low level, non-violent offender which could house a more dangerous criminal.**
- **In addition, there are circumstances in which mandatory minimum sentences can sweep too broadly and ignore differences between individuals with different levels of culpability. In drug cases, for example, mandatory minimum penalties typically are a product only of the type and quantity of drugs involved. The same five, ten or twenty year mandatory minimum can apply whether the defendant was a leading architect of the crime, or simply a peripheral player.**
- **We believe that mandatory minimum sentences designs should include a "safety valve" to deal with non-violent, low level offenders with little or no record. In this way, tough sentencing provisions are combined with smart sentencing provisions to make sure that we are punishing most those who deserve the most punishment.**

Prisons - Overview

The Administration is committed to the principle that violent offenders should not be released from prison due to lack of bedspace. Accordingly, we must be certain that adequate space exists to house those who deserve to be in prison.

Certainty of Punishment for Young Offenders. All too often, young offenders learn that the consequence for committing a crime is to be put on probation. In other circumstances, young non-violent offenders are thrown in with our most hardened criminals where they learn the "right way" to commit crimes. We must provide alternatives to these approaches, like boot camps, so young offenders can learn that there is a certainty of punishment, while also seeing that there is a way to straighten out their lives. Other alternative "shock incarceration" approaches should also be available. Many youthful, first-time offenders will respond to a short but intensive period of confinement followed by a longer period of intensive community supervision if we make such programs available.

Helping States with Prisoners. The best way to ensure that states have the prison space they need is to provide them grant funds that allow them to meet needs unique to their own circumstances. We oppose the regional prison provision of the Senate crime bill as too cumbersome: it will lock up fewer violent offenders at a greater cost (and more slowly) than the Administration's proposal of grant funds to states.

Truth In Sentencing. For lengthy prison sentences to be a deterrent to crime, people committing crimes must, in fact, serve lengthy prison sentences. For our criminal justice system to have credibility with the citizenry, criminals must serve the terms to which they have been sentenced. While some flexibility in the actual time served is a useful prison management tool, its value should not be totally outweigh the importance of requiring criminals to serve out their sentences. Grant money for states to build and operate more prisons should, in part, be contingent on their demonstration of progress towards truth in sentencing within their state. The successful use of truth in sentencing at the federal level demonstrates why states should be strongly encouraged to adopt a similar approach.

Certainty of Punishment for Young Offenders

- All too often, young offenders learn that the consequence for committing a crime is to be put on probation. That's it. In other circumstances, young non-violent offenders are thrown in with our most hardened criminals where they learn the "right way" to commit crimes.
- By providing an intermediate sanction between probation and traditional incarceration, young offenders can learn that there is a certainty of punishment at the initial stages of a criminal career. That lesson learned my nip a new criminal career in the bud.
- Some alternative sanctions include: shock, weekend, and home incarceration, electronic monitoring, restitution and vocational programs, community service, intensive supervised probation and other innovative, non-traditional options which ensure swift and certain punishment.
- "Boot Camps" are one such alternative which provide prosecutors and the courts with a viable sentencing solution for young offenders. Frequently called "shock incarceration" programs, boot camps place young offenders in a quasi-military program similar to a military basic training program that instills discipline, routine, and respect for authority.
- Why boot camps? Many youthful, first-time offenders will respond to a short but intensive period of confinement followed by a longer period of intensive community supervision. These offenders benefit from a military-style atmosphere that instills self-discipline and provides physical conditioning that was lacking in their lives. These same youths need exposure to relevant educational and vocational training, drug treatment, and general counseling services to develop life skills, values, and preparation for employment. Finally, the costs involved are less than that of a long prison sentence.
- To date, 28 state prison systems are operating 43 boot camp programs with more states planning to follow. While they have their critics, the early data suggests that boot camps are more effective than prison in reducing recidivism and cost of incarceration. It also seems clear that boot camps work best when coupled with intensive post-release services and supervision which ensures these young people every opportunity to get their lives on the right track.

Assisting States with Prisoners/Truth in Sentencing

- It is critical to the credibility of our criminal justice system that those convicted of crime serve the time to which they are sentenced. This requires both adequate prison bedspace and "truthful" sentencing laws and practices.
- The best way to ensure that states have the prison space they need is to provide them grant funds that allows them to meet needs unique to their own circumstances. Funds should not be earmarked for bricks and mortar if operational funds are needed and vice versa.
- The regional prison provision of the Senate crime bill is too restrictive, forcing the states to adopt a specific corrections approach which may make no sense for them.
- Providing grant funds to states will lock up more violent offenders more quickly than any regional prison plan. There are currently 13,000 state prison beds which can't be filled because of a lack of operating capital. Federal funds could fill these beds long before any regional prison could be built.
- The Administration proposal would lock up 10,000 violent offenders before the first convict could be housed in a regional prison -- the Administration proposal would, indeed, lock up nearly 10,000 prisoners next year. The regional prisons plan could not have 10,000 prisoners housed until the year 2000.
- In addition, for lengthy prison sentences to be a deterrent to crime, people committing crimes must serve the terms to which they have been sentenced. While some flexibility in the actual time served is a useful prison management tool, its value should not be permitted to totally outweigh the importance of requiring criminals to serve out their sentences.
- We believe that grant money for states to build and operate more prisons should, in part, be contingent on their demonstration of progress towards truth in sentencing within their state. In addition, new prison bedspace made possible by federal grant funds will also encourage states to adopt "3 strikes and you're out" laws to imprison violent career offenders.

Young People Committing Crimes

- Youthful offenders, more than ever, are committing the crimes which plague our society. More particularly, our young people are victimizing each other.
- We must be firm with those youths who commit violent crimes, for they are not acting like children and do not deserve to be treated like children.
- We support lowering to 13 the age at which one can be tried as an adult in the federal courts, but we oppose the provision in the Senate bill which would require those 13 and up charged with certain federal offenses to be tried as adults.
- We also believe that there should be a rebuttable presumption that those 15 years and up committing certain violent federal crimes -- like the crimes which count as strikes in the Administration's "3 strikes" proposal -- should be tried as adults.
- Getting guns out of the hands of kids is another way to cut down on the violent crime committed by young people.
- We must adopt the "Youth Handgun Safety Act", passed separately by both the House and the Senate, which would help keep guns out of the hands of kids who shouldn't have them by banning the sale to and possession of handguns by minors except in limited authorized circumstances.
- We also support the availability of new grant funds and new prosecutorial tools in order to better address youth gangs, from both the prevention and enforcement perspectives.

Criminal Street Gangs

- Violence among young people in our country is most visible in the form of street gangs. Frequently, taking on these sophisticated and brutal organizations takes special tools. New federal legislation can provide another tool for dealing with gangs.
- We support the adoption of a new federal law to take on gangs, but would limit it to those gangs that commit crimes in more than one state.
- This new federal law recognizes that fighting gangs is a special kind of crime-fighting. It clearly sets out a special, limited set of "gang crimes" and what it means to "participate in a street gang".
- Many of the new gang crimes carry severe sentences which demonstrate that the government means business -- that we don't intend to continue to tolerate the intimidating and often wanton behavior of street gangs.
- Coupled with the new gang statute, the Youth Handgun Safety Act, which prohibits transfer of a handgun to or possession of a handgun by a minor, except in carefully proscribed circumstances, will help reduce the violence meted out by young offenders -- violence which all too frequently victimizes other young people.
- In addition, we support lowering the age at which violent offenders can be tried as adults in federal court, so that young people who don't act like children, won't necessarily be treated like children.
- And in addition to new tools for punishing gang activity, we support the targeted use of grant funds. Programs like the Gang Resistance Education and Training Project (GREAT) will help prevent gang participation and provide our young people "something to say yes to."

The Federalization of Crimes

- As we search for solutions to the crime problem, we often forget that state and local law enforcement personnel are frequently better prepared to deal with certain types of crime -- especially street crime -- than are federal law enforcement agencies.
- In our desire to adopt new approaches to the crime problem, we must proceed with caution as proposals to federalize more and more crime are around us.
- The "D'Amato Violent Crime Control Act", which federalizes almost all violent and drug crimes committed with any firearm which had at some point in time moved in interstate commerce stands as an example of the over-federalization of crime.
- The fact is, state and local law enforcement authorities are far better equipped to investigate and prosecute crimes like those in the D'Amato proposal than are federal agents.
- There are also another half dozen proposals pending in Congress federalizing various crimes from participation in a criminal street gang to traveling to commit spousal abuse, to various kinds of fraud.
- While in many cases we support these changes as constructive new approaches to crime fighting, we must recognize, and be honest about the fact, that proposals to federalization of street crime must be carefully considered before they become law.

Crime Prevention - Overview

- Some insist that there is a correct answer to the question whether the right approach to crime is prevention or punishment. The answer, of course, is that both are the "right" approach and neither can work without the other.
- The Administration strongly endorses a broad range of new and ongoing preventive policies, from initiatives closely associated with law enforcement, such as community policing, to efforts aimed more toward empowering communities and individuals, like job and job training opportunities.
- And, when we think about the cost of crime prevention programs, we must always think about the cost to the victim of not having that prevention program in place.
- The Administration supports a youth violence prevention initiative that keeps our streets safe for youth and offers young people real hope and better alternatives through youth services and educational, job training, and employment placement opportunities. Prevention strategies aimed at young people are an essential component to reducing youth involvement in crime -- as victim or perpetrator.
- Components of the youth violence prevention initiative are: the Community Policing program, the "Ounce of Prevention" program, Community Schools Youth Services and Supervision Grants, Olympic Youth Development Centers, Safe Schools, GREAT (the Gang Resistance Education and Training Project), Juvenile Drug Trafficking and Gang Prevention Grants, and the Youth Employment and Skills (YES) Crime Reduction Program.
- The Administration's Youth Employment and Skills (YES) Crime Reduction proposal, when implemented, would saturate high-crime, high poverty neighborhoods with employment opportunities. We believe that neighborhood youths and young adults will say "YES" to jobs and no to crime.
- The Administration also supports a range of other crime prevention programs, including the Community Policing Program, Police Partnerships, Correctional Job Training, substance abuse treatment for crime-committing addicts.
- Other Administration crime prevention measures include: the Empowerment Zones/Enterprise Communities initiative, the Job Corps, the National Service program, COMPAC (the Community Partnership Against Crime), the Family Preservation and Support Program, Head Start, and Weed and Seed.
- President Clinton has said we have to give young people something "to say yes to." These Administration prevention programs accomplish that goal.

The Youth Employment and Skills ("YES")

Crime Reduction Program

- A major factor underlying the nation's crime problem has been the growing concentration of poverty and sharp erosion in the economic position of disadvantaged youth and young adults.
- The President's "YES" initiative is a highly targeted program to reduce and prevent crime by improving the labor market prospects of at-risk youth and young adults in high crime and significantly economically distressed areas.
- By making employment an attractive and viable alternative for, and improving the aspirations and long-term career prospects of, youth and young adults in targeted neighborhoods, the cycle of poverty, crime and violence can be broken. The key program design features include:
 - Careful targeting to disadvantaged youth and young adults living in high crime, high poverty neighborhoods, including publicly assisted housing;
 - Use of a saturation approach with neighborhood-wide interventions, intensive programming and a wide range of services to address the employment related needs of participants;
 - Tying participation to good behavior, such as completing school, paying child support and avoiding involvement in criminal activity or substance abuse;
 - Emphasizing private sector job placement, while also supporting some public sector employment linked to placing participants in private sector positions; and
 - Leveraging other federal, state, local, and private sector resources with matching commitments from the community.
- As the President said in the State of the Union address, young people must have "something to say yes to".

Drug Courts

- Adequately funded and administered drug treatment and coerced abstinence programs are critical to breaking the drug and violent crime cycle that has so heavily burdened our criminal justice system.
- When we can strip hard core drug users of their addiction to controlled substances we can also end their virtual addiction to crime.
- Substance abuse treatment must be central to our crime fighting effort.
- Drug courts have proven promising and successful in a number of jurisdictions. The Attorney General, who has been a pioneer in developing alternative methods for dealing with drug offenders within the criminal justice system, has led the way in the adoption of these kinds of programs.
- The Attorney General's experience in Florida -- augmented by data from approximately 20 other cities -- reveals that drug courts can be successful in preventing drug offenders from becoming more dangerous criminal and can help them turn toward productive lives in society.
- We support a basic program which includes an intensive supervision of the participants by the court, drug testing and treatment, and the prompt application of a series of graduated sanctions for failure to comply with the conditions of the program.
- The program can be administered on a pre-trial diversion basis, as a post-conviction probation program, or in combination.
- Funding should be provided to assist state and local governments establish and run drug court and other non-incarcerative drug treatment programs.

Violence Against Women

- Action must be taken to stop and/or more severely penalize those criminals who prey, intentionally, upon women. New federal laws and programs can help prevent some attacks and improve after the fact restitution for the victims of others.
- The proposed Violence Against Women federal cause of action for gender-motivated violence is both fair and smart. It's fair because it addresses those situations in which victims are without redress due to inadequate state remedies, and allows victims improved access to federal courts. It's smart because it does not clog federal dockets by automatically labelling whole categories of offenses as gender-motivated; proof of the perpetrator's animus is a prerequisite to recovery.
- We should also be focusing on the interstate incidents of criminal abuse and violence against women, recognizing the federal criminal justice system's role in such matters. We should create appropriate new federal offenses in this area, such as fleeing across state lines in violation of a "stay away" or protection order.
- Finally, we should increase funding to reduce and prevent violence against women. By putting money into enforcement, training, and other prevention approaches, we can effectively respond to crime and prevent many crimes from ever taking place. Included among the programs we support are:
 - State grants (\$870 million over three years) to: expand and strengthen victim services and programs, such as rape crisis centers, battered women's shelters, and rape and family violence programs; train law enforcement officers to more effectively identify and respond to violent crimes against women; and expand law enforcement units specifically to target violent crimes against women.
 - Victim Counselors (\$1.5 million) to help victims and witnesses in sex and domestic violence cases.
 - Safe Colleges, targeting \$20 million to rape and violence prevention and education on college campuses.

Safe Schools

- With the passage of time, our children are becoming more frequent victims of crime and more frequent perpetrators of crime. We need to take affirmative steps to deal with both problems. We must make our schools safe places to learn.
- In some of our neighborhoods, the only public institutions still functioning are the schools. They are the last anchors -- the one place where we have a chance of grabbing hold of children before they give up, drop out, and go wrong.
- The President's "safe schools" initiative will provide grant funds to high crime school districts aimed at preventing crime and helping our children cope with crime. By dealing with school crime, violence, and discipline problems, we can enhance school safety and promote improved access to learning.
- If we do not take these steps, we are sending the worst possible message to our young people. 82% of all of the people in America's prisons are high school dropouts. The surest and fastest way to create an angry, violent, 19-year old dropout is to indicate early on that we don't treasure our schools and the learning that can go on there enough to make them safe.
- Our schools will also be safer when we adopt the "Youth Handgun Safety Act", contained in the Senate bill, and passed earlier by the House, in order to keep guns out of the hands of children. With gun violence growing 2 1/2 times as fast as violent crime generally, and with young people 15 times more likely than older Americans to be victims of gun crimes, it is critical that we keep guns out of the hands of violence prone juveniles.
- Finally, we must be firm with those of our children who commit crimes. While we support lowering to 13 the age at which one can be tried as an adult in the federal courts, we oppose the provision in the Senate bill which would indiscriminately require those 13 and up charged with certain federal offenses to be tried as adults. We do, though, support the move to create a rebuttable presumption that those 15 and up committing certain violent offenses should be tried as adults.

Paying for the Fight Against Crime

- The Administration anti-crime program is, appropriately, an ambitious one. It will cost money, but it will cost us even more to let things continue in the direction they're going.
- We propose to make a swap -- taking away money for the salaries of federal employees and spending it instead in the fight against crime.
- By reducing the federal bureaucracy by over 250,000 employees over the next five years, we will have the money we need to fight crime.
- As the federal government is cut, the savings will be put in a Crime Control Trust Fund, to be used only for crime fighting programs.
- Over the course of five years, the fund will hold over \$22 billion dollars, with \$2.4 billion dollars available right away, this year, for anti-crime efforts.
- The more money we save from cutting the federal bureaucracy, the more money we will have to spend on anti-crime programs.
- Some are concerned about cuts in the Byrne Memorial Fund formula money. Yet that \$350 million dollar cut in crime-fighting funds has been replaced by \$2.4 billion dollars -- 7 times the original amount of money originally available in this area.
- By making crime the budget priority it should be, we can fund the programs we should -- we can focus on both punishment and prevention as we need to if we're going to take on the crime problem in this country.

The President's Anti-Crime Legislation:

Police, Punishment & Prevention

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The President's Anti-Crime Legislation:

Police, Punishment & Prevention -- An Overview

We don't feel safe in our own neighborhoods. Our children fear being attacked at school. The police are frequently outgunned by drug dealers. Senseless, random acts of violence seem to occur more and more frequently everyday. Career criminals are returned to the streets to violate the citizenry again and again. And we don't do what we can to lead young people and those addicted to drugs away from the path of crime and violence.

Crime and violence threaten America's future. Our economic prospects are on the upturn and we can now look to the day when all Americans will have health care coverage. Still, there can be no doubt that improvements in our economic and physical health will never be fully enjoyed if we must live every day in fear of crime and violence.

The President's crime legislation focuses on three key approaches to fighting crime and violence, which working together, amount to the needed multi-front blitz on crime which Americans rightfully expect. The legislative centerpieces are police, punishment & prevention.

Police: Making Our Streets Safer

More cops on the street; more cops walking the beat, working with citizens to prevent and solve crimes -- it's that simple. We need to add 100,000 new police officers to the streets of our cities. We need to dedicate our law enforcement resources to solving crimes, punishing crimes and preventing crimes. Police officers are the key to all three.

Central to the President's plan is maximizing "community policing" -- officers working with the community to proactively address neighborhood problems which contribute to crime and disorder. It should be easy and commonplace for responsible citizens concerned about crime to work in partnership with their local police.

And those cops deserve our maximum support. We can not expect our law enforcement officers to risk their lives on a daily basis without doing everything we can to protect them. We can increase the safety of our police by making sure that they don't get outgunned. Put simply, there is no sporting reason for anyone to own an assault weapon. Period. We are past the point at which those who would like assault weapons to be available for public sale should be permitted to jeopardize the safety of our society and its police officers. Assault weapons should be banned.

Moreover, retribution for those who kill our police officers must be swift and severe. We should adopt laws and make it known as widely as we can that if you kill a federal law enforcement officer, you will face the death penalty. Our law enforcement community needs and deserves that kind of backing.

Punishment: Sending a Signal to Criminals

All the good work done by the law enforcement community is lost if we don't punish those who devastate our neighborhoods. With strict sentences for violent criminals and prisons to put them in, all Americans will be safer.

We must make sure that offenders who commit violent act after violent act get locked up for good. Americans are exhausted and repulsed by the perpetual violence which surrounds them. Congress should pass a "3 strikes and you're out" law which says that if you are caught committing violent crimes on three separate occasions, you have permanently abandoned your right to ever be released from prison.

Other "truth in sentencing" provisions, and firm sentences (with a "safety-valves" to deal with extraordinary circumstances), will send the message that we will not let crime pay. And, there are some crimes which are so heinous that the ultimate penalty -- the death penalty -- is both necessary and appropriate.

We must provide the funds to the states necessary for them to build the prisons in which to lock up those who prey on the public. We can never allow criminals who ought to be in jail, to freely commit more violent crimes because we lack the prison space in which to put them. Prisons are expensive and it is unfortunate that we must spend our tax dollars to lock people up, but we must not hesitate to do so.

Finally, we should recognize that different kinds of prisons are appropriate for different kinds of crimes. Non-violent offenders should be put in boot camps. There, they can be punished and they can also learn skills and discipline rather than learning more about crime. Boot camps provide necessary punishment along with the opportunity to get the attention of youthful offenders on the wrong track and steer them in the right direction.

Prevention: Something To Say Yes To

Just as certainly as we must punish those who break our laws and wreak havoc in our cities, we must also take whatever steps we can to stop crime before it happens. Those who have no hope, no job, no other answer, who know no other way are often drawn to crime and violence. All Americans deserve hope and opportunity; need to know that there is a better answer than crime, and must have the opportunity to go another way.

If we are going to steer young people away from crime and gangs we must provide them with "something to say yes to": after school programs, summer youth activities, and employment, sports and recreation opportunities that can take the place of gangs. We can bring community groups, law enforcement officials, and struggling young Americans together in an effort to keep kids off the path to crime.

The Administration's Youth Employment and Skills (YES) Crime Reduction proposal is a perfect example of this kind of program. When implemented, YES would saturate high-crime, high poverty neighborhoods with employment opportunities. We believe that neighborhood youths and young adults will say "YES" to jobs and no to crime. And we must work with existing businesses in these areas to encourage them to stay, expand, and hire young people from the community.

We must all take steps to guarantee that our schools are safe and healthy places to work and learn. Gun-free, drug-free, violence-free schools are necessary to making sure that students can focus on the books, not their fear. And, we must take firm and direct steps to better protect our children from those who sexually exploit children.

Steps must also be taken to reduce the tide of violent crimes against women in this country. Protecting women from domestic violence, and expanding prevention programs that diminish the frequency of attacks against women must be priorities.

We can also prevent crime by better regulating access to guns and ammunition and tightening the procedures surrounding gun dealer licensing. Laws which will keep guns out of the hands of convicted felons, ban large capacity ammunition feeding devices, and prohibit the sale of handguns to kids will all work in tandem to reduce gun violence.

Finally, we must again recognize that we will never control crime until we control substance abuse. We must get the hard core drug users -- the 20% of cocaine users who consume over 2/3 of available cocaine -- off the streets and into treatment. Effective, innovative programs, like drug courts use the power of the criminal justice systems to force addicts to kick their drug habits. Through education, we can show our young people that substance abuse leads nowhere but to destruction. And we must provide those young people real work alternatives to drug dealing when they are trying to follow the rules in crime infested areas.

Paying for Police, Punishment & Prevention

Paying for these initiatives won't be easy. But failing to enact them will be much, much more expensive. The cost to society of a failure to act -- a cost measured not just in dollars and cents, but also in murders, rapes and assaults which need not have occurred -- is a cost we can not bear.

By reinventing government and focusing our priorities, we can make the necessary money available to achieve these goals. With the savings realized by the elimination of 250,000 federal government jobs, we can set up a multi-billion dollar Crime Control Trust Fund. And by putting those savings in the Crime Control Trust Fund, we can make the money available for the police, punishment and prevention proposed in the President's anti-crime legislation.

Police - Overview

The Administration's commitment to putting more police on the streets is central to the President's anti-crime legislation. Providing communities with the resources to be able to hire more cops in their neighborhoods, the ability to select from a motivated group of law enforcement recruits, and the federal laws which they need to provide them maximum backup and protection, together create a package of proposals designed to allow us to catch and punish criminals and to prevent crime.

Community Policing. The President's anti-crime legislation will put 100,000 new police officers on the street, walking the beat, working with citizens to prevent and solve crimes. When police officers work with their community to proactively address neighborhood problems, the "community policing" model is operating effectively.

Police Corps. We can do more to train our current and future police officers, and make them better police officers. By providing college scholarship funds for individuals committed to joining police departments after graduation, we will develop a new group of well-educated police officers annually available for recruitment to police departments across the country. Frequently analogized to the ROTC, program participants would be required to participate in police training activity during summers of their college education. In addition, the Administration supports funding for educational efforts by existing law enforcement personnel seeking to improve their skills and capabilities.

Firearms. Over the last five years, 415 law enforcement officers were feloniously killed, 91% of them with a gun -- 73% of which were handguns. It is too easy for criminals to get guns, and all too often, our police are outgunned on the streets. A ban on assault weapons, a ban on the sale of handguns to minors, and new efforts to tighten gun dealer licensing will all contribute to efforts to keep guns out of the hands of those who shouldn't have them -- out of the hands of those who use guns to commit crimes.

100,000 New Police Officers -- Community Policing

- More cops on the streets. This simple idea embodies the Administration view that crime fighting is about punishment and prevention.
- Putting 100,000 police officers in Community Policing is the foundation of the Administration's anti-crime legislation, combining increased police presence with the development of partnerships with communities to create safer neighborhoods.
- These new police officers will be funded without new taxes, but instead will be paid for through reductions in the federal bureaucracy. The savings achieved by cutting 250,000 federal employees from the payroll over the next five years will have a crime-fighting payoff.
- Community policing will put more officers on our streets who know their neighborhoods and know how to work with residents to reduce and control crime.
- Federal funding for this initiative will be linked with a locality's need and its commitment to actively build public safety partnerships with public and private agencies that address the underlying conditions related to crime.
- Most of the money will be used to hire, rehire and redeploy 100,000 police officers. A smaller, but significant portion of the money will be used to implement community policing, training, and related activities. Over time, the federal support will decrease as communities take over these programs for themselves.
- We've already made a downpayment on the 100,000 new officers with grant awards made this year under a similar, smaller (\$150 million) program. \$76 million has already been awarded to 108 jurisdictions for use in hiring over 1000 new officers. More grants will be made this Spring, but only one in ten applications can be funded without the passage of crime legislation.
- Adopting the Administration's community policing program will allow us to put thousands more police in jurisdictions all over the country, not just a few.

Police Corps

- The President has indicated time and again that he wants crime legislation which is both tough and smart. Proposals designed to make sure that we are smart about the way we fight crime include the development of a police corps and the funding of Law Enforcement Scholarships.
- We expect our police officers to not only shoot straight, but to think straight, too. We must do all that we can to have our law enforcement officials not only equipped with the weaponry and technology they need, but also with the education and skills which will maximize their ability to fight crime.
- By providing college scholarship funds for individuals committed to joining police departments after graduation, we can develop well-educated police officers who have focused for years on training for that job.
- The police corps, frequently analogized to the ROTC, would require program participants to participate in police training activity during the summers of their college education.
- The police corps will develop a new group of well-educated police officers annually available for recruitment to police departments across the country.
- In addition, we should fund the Law Enforcement Scholarships proposal to provide educational opportunities for in-service officers seeking to improve their skills and abilities.
- Finally, we should also use Law Enforcement Scholarships to provide law enforcement related summer and part-time employment for high school students.

Firearms - Overview

Just as the "choice" between prevention and punishment is a false one, the argument about whether to regulate guns or punish those who misuse them is an oversimplification of an enormous problem. Gun violence is growing 2 1/2 times as fast as violent crime not involving guns. Unfortunately, our young people are those most likely to be victims of gun crimes. Over the last five years, 415 law enforcement officers were feloniously killed, 91% of them with a gun -- 73% of which were handguns. We must crack down on gun violence.

The Brady Law. The Brady Bill is now law, with all 50 states conducting background checks as of February 28. Now, we strongly support the funding of grants for the improvement of state criminal history records, so that the national instant check system can become a reality. And, we support the provision in the Senate bill which would expand the categories of persons prohibited from obtaining a firearm to those convicted of domestic abuse and those under restraining orders stemming from domestic abuse situations.

Ban Assault Weapons. There is simply no reason that a person should be permitted to walk into a gun shop and purchase an assault weapon. With their regular use in crime and their devastating capabilities, an outright ban should be adopted as soon as possible.

Gun Dealer License Reform. We must continue the Treasury Department's effort to adopt certain common sense procedures for the licensing of federal firearms dealers. Requiring them to submit a photograph and fingerprints at the time of license application, requiring them to comply with state and local law, giving the Treasury Secretary adequate time to check their backgrounds, requiring the quick reporting of stolen or lost guns, and requiring readier access to their records are simple, reasonable steps. We should also raise the dealer license fee to cover the costs of conducting dealer background checks. These reforms will help limit federal firearms licensees to those who are serious about operating as a responsible business, and will therefore improve oversight and regulation by the BATF.

Stop Rearming Felons. We also support a change in federal law which would close the existing loophole which permits the rearming of felons. Those states which chose to automatically restore a convict's civil rights are making it too easy for felons to legally buy guns. In addition, they are interfering with the application of recidivist penalty statutes, like "3-strikes" laws, because by the combined operation of current federal and state laws, strikes are being wiped off the scoreboard. Federal law should control the circumstances under which state convictions will count in the application of federal gun restrictions and recidivist sentencing laws.

Ban on Handgun Sales to Minors. With gun violence most severe among our young people, new steps must be taken to keep guns out of the hands of children. Those under 18 should not have guns except in limited, carefully defined circumstances involving parental authority and legitimate usage.

Gun Dealer License Reform

- There are more gun dealers in American than gas stations. That's the case because for years, we've given a "Federal Firearms License" -- a gun dealer license -- to just about anybody who asked for one.
- It is estimated that of the over 284,000 Federal Firearms Licensees (FFL's), over 70% of them are not "engaged in the business" as required by law.
- The Treasury Department's effort to substantially tighten up federal firearms licensing deserves strong support.
- The Senate bill contains requirements that licensee applicants submit photo and fingerprints, FFL's comply with state and local laws, FFL's provide immediate notification of the theft or loss of merchandise, BATF have additional time to respond to license applications, and BATF have greater access to FFL's records.
- The Administration hopes to further improve on the Senate language by adding provisions to increase the FFL fee to \$600 per year, increase the penalty for falsification of FFL records, and add authority for BATF to revoke licenses upon the felony conviction of an FFL.
- Finally, raising the dealer license fee to \$600 will cover the actual cost of conducting checks on prospective gun dealers and will permit increased regulatory oversight of existing dealers

Assault Weapons Ban

- The level of gun violence in our society is simply unacceptable. We must build on the Brady Law to reduce gun violence. The Administration strongly supports enactment of legislation that would prohibit the sale, manufacture and possession of semi-automatic assault weapons and large capacity ammunition-feeding devices.
- Because of their tremendous firepower, assault weapons are the weapons of choice for drug traffickers, street gangs and paramilitary extremist groups. It is wrong to send our police officers out to fight criminals who are better armed than they are. These firearms have no legitimate sporting purpose and have turned our communities into war zones.
- For example, last year a gunman carrying two TEC-DC9s and more than 500 rounds of 9mm ammunition walked into a San Francisco law firm and opened fire. Eight people were killed and six were wounded. His TEC-DC9 was a copycat model of the Intratech TEC-DC9 already banned under California law.
- Trace studies of the Bureau of Alcohol, Tobacco and Firearms (BATF) indicate that assault weapons are much more likely to be used in crime than other firearms. For example, while it has been estimated that assault weapons comprise only 1.5 to 3 percent of the firearms in the United States, 6.7 percent of firearms traced to crimes by the BATF in 1992 were assault weapons, 6.8 percent of 1991 traces were assault weapons and 7 percent of 1990 traces were assault weapons.
- The assault weapons provision in the Senate Crime Bill offers a national, sensible approach to restricting these weapons by banning them by name and by certain characteristics, thereby preventing the manufacture of copycat models.
- Legitimate hunting and sporting weapons would not be banned, and we seek the support of sportsmen and others who lawfully own guns to join us in the campaign to reduce gun violence.

Criminal Sentencing - Overview

Americans are fed up with the fact that even when violent criminals are caught, they are all too often returned to the streets to victimize again. Tougher and smarter sentencing procedures are needed to make sure that those who deserve to be in prison, don't get out before they should -- and that sentences are appropriate for the crime committed.

Three strikes and you're out. Anyone committing serious, violent felonies on three or more occasions should go to prison for the rest of his or her life. Period. A relatively small number of criminals commit a large percentage of crime in this country. The Congress should adopt a law which will allow us to lock up, for good, those federal offenders who have committed repeated, violent crimes. Those who abuse our citizenry time and again should lose the opportunity to ever return to society -- and they must be punished so that all may see what happens to those who would victimize others over and over again.

Criminal Sentences. We support mandatory minimum sentences for violent and gun offenders, as they provide the certainty of punishment which society rightfully expects for those who commit serious crimes. But this important tool should be used in a targeted, judicious manner to make sure that these sentences apply only to those who deserve such stiff sentences. It is also important that there be a "safety valve" which permits very limited sentencing flexibility in the case of non-violent, low-level, first time offenders. Such individuals must be punished, but the taxpayers should not be asked to house them for the long, mandatory minimum sentences reserved for the most serious threats to society.

Truth in sentencing. The federal government should use its clout to prod states towards making criminals serve the time to which they are sentenced. And clearly, states which get tough with violent predators and make them serve their real sentences are going to need to build more prisons. We want to support states with laws which honestly reflect the prison terms those committing violent crimes in their states will serve by favoring them when it comes time to give out federal grant money for incarcerating violent offenders.

Death Penalty. Heinous murders within the jurisdiction of the federal criminal justice system should be punished by death. Those who ruthlessly kill others must be treated as severely as they have treated their victims. The death penalty should be available for the killing of a federal law enforcement officer or witness. Terrorists and escaped prisoners who wantonly murder those who get in their way should know that they will face the ultimate penalty. The Congress should make the death penalty available for use in the egregious circumstances when it is necessary and appropriate.

"Three Strikes and You're Out"

- A small number of violent, repeat offenders, commit a great deal of the crime in this country. Those offenders must be locked up for good.
- The Administration's "Three Strikes and You're Out" bill sends a strong message that those who repeatedly commit serious violent crimes against others will be punished severely.
- Our proposal imposes life imprisonment on a person who commits a serious violent felony against another under federal law, after having been previously convicted of two or more serious violent felonies (under either federal or State law). The bill is aimed at those offenders who fail to get the message and change their conduct even after repeated convictions for violent offenses. Individuals with such criminal histories should be put away for good.
- The proposal is both tough and smart: It targets those truly dangerous offenders in our society without sweeping so broadly as to include persons convicted of crimes that, although serious enough to warrant significant sentences, should not result in mandatory life imprisonment.
- Our proposal limits its coverage to "serious violent felonies," such as murder, rape, sexual abuse, kidnapping, and using a gun in drug crimes.
- Under the plan, "life" is real life, because there is no reliable method for determining the point at which a particular individual becomes safe enough for release. Any doubt as to whether such persons are safe to come back into our communities should be resolved on behalf of the innocent public, not the violent felon.
- In addition, we already know that the behavior of some offenders -- such as those who sexually molest children -- may not change, regardless of the offender's age.
- Although not a cure-all, this proposal, along with other Administration crime-fighting efforts -- such as truth-in-sentencing, community policing, more money for prisons, and prevention programs -- can go a long way toward curbing violent crime in our communities.

The Death Penalty

- The most vicious and heinous crimes in our society deserve the application of the death penalty.
- Because of its final nature, the greatest possible care must be taken to be certain that it is meted out in as fair and even-handed a manner as possible - but concerns about fair application must not be permitted to thwart its use.
- We support the expansion of the death penalty to certain appropriate crimes not currently covered by the federal death penalty, like the killing of a state or local law enforcement official assisting in a federal investigation.
- We also favor the adoption of procedures which will enable federal prosecutors to seek the death penalty for a wide range of crimes that have lacked death penalty eligibility because of missing procedural requirements -- and will insure that this penalty is used fairly, justly, and in appropriate cases only.
- We particularly support the use of the death penalty for those who murder as part of their commerce in drugs, but have concerns about the constitutionality of the application of the death penalty to non-homicidal drug crimes.
- The tide of violence in this country requires the use of all tools available to return us to the rule of law. The death penalty is a critical one of those tools.

Criminal Sentences

- **Mandatory minimum sentences are being attacked from the left as too harsh, from the right as too few, and from the sentencing commission as unnecessary.**
- **The fact is, some mandatory minimum sentences, particularly in cases involving guns and violence, perform a useful purpose in the criminal sentencing scheme when judiciously applied -- but they should not be permitted to obliterate the Sentencing Guidelines.**
- **Mandatory minimum sentences provide tough, certain, non-parolable punishment for serious offenses, and have been crucial in inducing cooperation from defendants whose sentence can be lowered from the mandatory minimum only through their "substantial assistance" to prosecutors. Thus, in addition to guaranteeing adequate punishment for certain offenders, mandatory minimum sentences are an important tool in building cases.**
- **The indiscriminate application of mandatory minimum sentences can lead to a waste of precious resources, filling a cell with low level, non-violent offender which could house a more dangerous criminal.**
- **In addition, there are circumstances in which mandatory minimum sentences can sweep too broadly and ignore differences between individuals with different levels of culpability. In drug cases, for example, mandatory minimum penalties typically are a product only of the type and quantity of drugs involved. The same five, ten or twenty year mandatory minimum can apply whether the defendant was a leading architect of the crime, or simply a peripheral player.**
- **We believe that mandatory minimum sentences designs should include a "safety valve" to deal with non-violent, low level offenders with little or no record. In this way, tough sentencing provisions are combined with smart sentencing provisions to make sure that we are punishing most those who deserve the most punishment.**

Prisons - Overview

The Administration is committed to the principle that violent offenders should not be released from prison due to lack of bedspace. Accordingly, we must be certain that adequate space exists to house those who deserve to be in prison.

Certainty of Punishment for Young Offenders. All too often, young offenders learn that the consequence for committing a crime is to be put on probation. In other circumstances, young non-violent offenders are thrown in with our most hardened criminals where they learn the "right way" to commit crimes. We must provide alternatives to these approaches, like boot camps, so young offenders can learn that there is a certainty of punishment, while also seeing that there is a way to straighten out their lives. Other alternative "shock incarceration" approaches should also be available. Many youthful, first-time offenders will respond to a short but intensive period of confinement followed by a longer period of intensive community supervision if we make such programs available.

Helping States with Prisoners. The best way to ensure that states have the prison space they need is to provide them grant funds that allow them to meet needs unique to their own circumstances. We oppose the regional prison provision of the Senate crime bill as too cumbersome: it will lock up fewer violent offenders at a greater cost (and more slowly) than the Administration's proposal of grant funds to states.

Truth In Sentencing. For lengthy prison sentences to be a deterrent to crime, people committing crimes must, in fact, serve lengthy prison sentences. For our criminal justice system to have credibility with the citizenry, criminals must serve the terms to which they have been sentenced. While some flexibility in the actual time served is a useful prison management tool, its value should not be totally outweigh the importance of requiring criminals to serve out their sentences. Grant money for states to build and operate more prisons should, in part, be contingent on their demonstration of progress towards truth in sentencing within their state. The successful use of truth in sentencing at the federal level demonstrates why states should be strongly encouraged to adopt a similar approach.

Certainty of Punishment for Young Offenders

- All too often, young offenders learn that the consequence for committing a crime is to be put on probation. That's it. In other circumstances, young non-violent offenders are thrown in with our most hardened criminals where they learn the "right way" to commit crimes.
- By providing an intermediate sanction between probation and traditional incarceration, young offenders can learn that there is a certainty of punishment at the initial stages of a criminal career. That lesson learned my nip a new criminal career in the bud.
- Some alternative sanctions include: shock, weekend, and home incarceration, electronic monitoring, restitution and vocational programs, community service, intensive supervised probation and other innovative, non-traditional options which ensure swift and certain punishment.
- "Boot Camps" are one such alternative which provide prosecutors and the courts with a viable sentencing solution for young offenders. Frequently called "shock incarceration" programs, boot camps place young offenders in a quasi-military program similar to a military basic training program that instills discipline, routine, and respect for authority.
- Why boot camps? Many youthful, first-time offenders will respond to a short but intensive period of confinement followed by a longer period of intensive community supervision. These offenders benefit from a military-style atmosphere that instills self-discipline and provides physical conditioning that was lacking in their lives. These same youths need exposure to relevant educational and vocational training, drug treatment, and general counseling services to develop life skills, values, and preparation for employment. Finally, the costs involved are less than that of a long prison sentence.
- To date, 28 state prison systems are operating 43 boot camp programs with more states planning to follow. While they have their critics, the early data suggests that boot camps are more effective than prison in reducing recidivism and cost of incarceration. It also seems clear that boot camps work best when coupled with intensive post-release services and supervision which ensures these young people every opportunity to get their lives on the right track.

Assisting States with Prisoners/Truth in Sentencing

- It is critical to the credibility of our criminal justice system that those convicted of crime serve the time to which they are sentenced. This requires both adequate prison bedspace and "truthful" sentencing laws and practices.
- The best way to ensure that states have the prison space they need is to provide them grant funds that allows them to meet needs unique to their own circumstances. Funds should not be earmarked for bricks and mortar if operational funds are needed and vice versa.
- The regional prison provision of the Senate crime bill is too restrictive, forcing the states to adopt a specific corrections approach which may make no sense for them.
- Providing grant funds to states will lock up more violent offenders more quickly than any regional prison plan. There are currently 13,000 state prison beds which can't be filled because of a lack of operating capital. Federal funds could fill these beds long before any regional prison could be built.
- The Administration proposal would lock up 10,000 violent offenders before the first convict could be housed in a regional prison -- the Administration proposal would, indeed, lock up nearly 10,000 prisoners next year. The regional prisons plan could not have 10,000 prisoners housed until the year 2000.
- In addition, for lengthy prison sentences to be a deterrent to crime, people committing crimes must serve the terms to which they have been sentenced. While some flexibility in the actual time served is a useful prison management tool, its value should not be permitted to totally outweigh the importance of requiring criminals to serve out their sentences.
- We believe that grant money for states to build and operate more prisons should, in part, be contingent on their demonstration of progress towards truth in sentencing within their state. In addition, new prison bedspace made possible by federal grant funds will also encourage states to adopt "3 strikes and you're out" laws to imprison violent career offenders.

Young People Committing Crimes

- Youthful offenders, more than ever, are committing the crimes which plague our society. More particularly, our young people are victimizing each other.
- We must be firm with those youths who commit violent crimes, for they are not acting like children and do not deserve to be treated like children.
- We support lowering to 13 the age at which one can be tried as an adult in the federal courts, but we oppose the provision in the Senate bill which would require those 13 and up charged with certain federal offenses to be tried as adults.
- We also believe that there should be a rebuttable presumption that those 15 years and up committing certain violent federal crimes -- like the crimes which count as strikes in the Administration's "3 strikes" proposal -- should be tried as adults.
- Getting guns out of the hands of kids is another way to cut down on the violent crime committed by young people.
- We must adopt the "Youth Handgun Safety Act", passed separately by both the House and the Senate, which would help keep guns out of the hands of kids who shouldn't have them by banning the sale to and possession of handguns by minors except in limited authorized circumstances.
- We also support the availability of new grant funds and new prosecutorial tools in order to better address youth gangs, from both the prevention and enforcement perspectives.

Criminal Street Gangs

- Violence among young people in our country is most visible in the form of street gangs. Frequently, taking on these sophisticated and brutal organizations takes special tools. New federal legislation can provide another tool for dealing with gangs.
- We support the adoption of a new federal law to take on gangs, but would limit it to those gangs that commit crimes in more than one state.
- This new federal law recognizes that fighting gangs is a special kind of crime-fighting. It clearly sets out a special, limited set of "gang crimes" and what it means to "participate in a street gang".
- Many of the new gang crimes carry severe sentences which demonstrate that the government means business -- that we don't intend to continue to tolerate the intimidating and often wanton behavior of street gangs.
- Coupled with the new gang statute, the Youth Handgun Safety Act, which prohibits transfer of a handgun to or possession of a handgun by a minor, except in carefully proscribed circumstances, will help reduce the violence meted out by young offenders -- violence which all too frequently victimizes other young people.
- In addition, we support lowering the age at which violent offenders can be tried as adults in federal court, so that young people who don't act like children, won't necessarily be treated like children.
- And in addition to new tools for punishing gang activity, we support the targeted use of grant funds. Programs like the Gang Resistance Education and Training Project (GREAT) will help prevent gang participation and provide our young people "something to say yes to."

The Federalization of Crimes

- As we search for solutions to the crime problem, we often forget that state and local law enforcement personnel are frequently better prepared to deal with certain types of crime -- especially street crime -- than are federal law enforcement agencies.
- In our desire to adopt new approaches to the crime problem, we must proceed with caution as proposals to federalize more and more crime are around us.
- The "D'Amato Violent Crime Control Act", which federalizes almost all violent and drug crimes committed with any firearm which had at some point in time moved in interstate commerce stands as an example of the over-federalization of crime.
- The fact is, state and local law enforcement authorities are far better equipped to investigate and prosecute crimes like those in the D'Amato proposal than are federal agents.
- There are also another half dozen proposals pending in Congress federalizing various crimes from participation in a criminal street gang to traveling to commit spousal abuse, to various kinds of fraud.
- While in many cases we support these changes as constructive new approaches to crime fighting, we must recognize, and be honest about the fact, that proposals to federalization of street crime must be carefully considered before they become law.

Crime Prevention - Overview

- Some insist that there is a correct answer to the question whether the right approach to crime is prevention or punishment. The answer, of course, is that both are the "right" approach and neither can work without the other.
- The Administration strongly endorses a broad range of new and ongoing preventive policies, from initiatives closely associated with law enforcement, such as community policing, to efforts aimed more toward empowering communities and individuals, like job and job training opportunities.
- And, when we think about the cost of crime prevention programs, we must always think about the cost to the victim of not having that prevention program in place.
- The Administration supports a youth violence prevention initiative that keeps our streets safe for youth and offers young people real hope and better alternatives through youth services and educational, job training, and employment placement opportunities. Prevention strategies aimed at young people are an essential component to reducing youth involvement in crime -- as victim or perpetrator.
- Components of the youth violence prevention initiative are: the Community Policing program, the "Ounce of Prevention" program, Community Schools Youth Services and Supervision Grants, Olympic Youth Development Centers, Safe Schools, GREAT (the Gang Resistance Education and Training Project), Juvenile Drug Trafficking and Gang Prevention Grants, and the Youth Employment and Skills (YES) Crime Reduction Program.
- The Administration's Youth Employment and Skills (YES) Crime Reduction proposal, when implemented, would saturate high-crime, high poverty neighborhoods with employment opportunities. We believe that neighborhood youths and young adults will say "YES" to jobs and no to crime.
- The Administration also supports a range of other crime prevention programs, including the Community Policing Program, Police Partnerships, Correctional Job Training, substance abuse treatment for crime-committing addicts.
- Other Administration crime prevention measures include: the Empowerment Zones/Enterprise Communities initiative, the Job Corps, the National Service program, COMPAC (the Community Partnership Against Crime), the Family Preservation and Support Program, Head Start, and Weed and Seed.
- President Clinton has said we have to give young people something "to say yes to." These Administration prevention programs accomplish that goal.

The Youth Employment and Skills ("YES") **Crime Reduction Program**

- A major factor underlying the nation's crime problem has been the growing concentration of poverty and sharp erosion in the economic position of disadvantaged youth and young adults.
- The President's "YES" initiative is a highly targeted program to reduce and prevent crime by improving the labor market prospects of at-risk youth and young adults in high crime and significantly economically distressed areas.
- By making employment an attractive and viable alternative for, and improving the aspirations and long-term career prospects of, youth and young adults in targeted neighborhoods, the cycle of poverty, crime and violence can be broken. The key program design features include:
 - Careful targeting to disadvantaged youth and young adults living in high crime, high poverty neighborhoods, including publicly assisted housing;
 - Use of a saturation approach with neighborhood-wide interventions, intensive programming and a wide range of services to address the employment related needs of participants;
 - Tying participation to good behavior, such as completing school, paying child support and avoiding involvement in criminal activity or substance abuse;
 - Emphasizing private sector job placement, while also supporting some public sector employment linked to placing participants in private sector positions; and
 - Leveraging other federal, state, local, and private sector resources with matching commitments from the community.
- As the President said in the State of the Union address, young people must have "something to say yes to".

Drug Courts

- Adequately funded and administered drug treatment and coerced abstinence programs are critical to breaking the drug and violent crime cycle that has so heavily burdened our criminal justice system.
- When we can strip hard core drug users of their addiction to controlled substances we can also end their virtual addiction to crime.
- Substance abuse treatment must be central to our crime fighting effort.
- Drug courts have proven promising and successful in a number of jurisdictions. The Attorney General, who has been a pioneer in developing alternative methods for dealing with drug offenders within the criminal justice system, has led the way in the adoption of these kinds of programs.
- The Attorney General's experience in Florida -- augmented by data from approximately 20 other cities -- reveals that drug courts can be successful in preventing drug offenders from becoming more dangerous criminals and can help them turn toward productive lives in society.
- We support a basic program which includes an intensive supervision of the participants by the court, drug testing and treatment, and the prompt application of a series of graduated sanctions for failure to comply with the conditions of the program.
- The program can be administered on a pre-trial diversion basis, as a post-conviction probation program, or in combination.
- Funding should be provided to assist state and local governments establish and run drug court and other non-incarcerative drug treatment programs.

Violence Against Women

- Action must be taken to stop and/or more severely penalize those criminals who prey, intentionally, upon women. New federal laws and programs can help prevent some attacks and improve after the fact restitution for the victims of others.
- The proposed Violence Against Women federal cause of action for gender-motivated violence is both fair and smart. It's fair because it addresses those situations in which victims are without redress due to inadequate state remedies, and allows victims improved access to federal courts. It's smart because it does not clog federal dockets by automatically labelling whole categories of offenses as gender-motivated; proof of the perpetrator's animus is a prerequisite to recovery.
- We should also be focusing on the interstate incidents of criminal abuse and violence against women, recognizing the federal criminal justice system's role in such matters. We should create appropriate new federal offenses in this area, such as fleeing across state lines in violation of a "stay away" or protection order.
- Finally, we should increase funding to reduce and prevent violence against women. By putting money into enforcement, training, and other prevention approaches, we can effectively respond to crime and prevent many crimes from ever taking place. Included among the programs we support are:
 - State grants (\$870 million over three years) to: expand and strengthen victim services and programs, such as rape crisis centers, battered women's shelters, and rape and family violence programs; train law enforcement officers to more effectively identify and respond to violent crimes against women; and expand law enforcement units specifically to target violent crimes against women.
 - Victim Counselors (\$1.5 million) to help victims and witnesses in sex and domestic violence cases.
 - Safe Colleges, targeting \$20 million to rape and violence prevention and education on college campuses.

Safe Schools

- With the passage of time, our children are becoming more frequent victims of crime and more frequent perpetrators of crime. We need to take affirmative steps to deal with both problems. We must make our schools safe places to learn.
- In some of our neighborhoods, the only public institutions still functioning are the schools. They are the last anchors -- the one place where we have a chance of grabbing hold of children before they give up, drop out, and go wrong.
- The President's "safe schools" initiative will provide grant funds to high crime school districts aimed at preventing crime and helping our children cope with crime. By dealing with school crime, violence, and discipline problems, we can enhance school safety and promote improved access to learning.
- If we do not take these steps, we are sending the worst possible message to our young people. 82% of all of the people in America's prisons are high school dropouts. The surest and fastest way to create an angry, violent, 19-year old dropout is to indicate early on that we don't treasure our schools and the learning that can go on there enough to make them safe.
- Our schools will also be safer when we adopt the "Youth Handgun Safety Act", contained in the Senate bill, and passed earlier by the House, in order to keep guns out of the hands of children. With gun violence growing 2 1/2 times as fast as violent crime generally, and with young people 15 times more likely than older Americans to be victims of gun crimes, it is critical that we keep guns out of the hands of violence prone juveniles.
- Finally, we must be firm with those of our children who commit crimes. While we support lowering to 13 the age at which one can be tried as an adult in the federal courts, we oppose the provision in the Senate bill which would indiscriminately require those 13 and up charged with certain federal offenses to be tried as adults. We do, though, support the move to create a rebuttable presumption that those 15 and up committing certain violent offenses should be tried as adults.

Paying for the Fight Against Crime

- The Administration anti-crime program is, appropriately, an ambitious one. It will cost money, but it will cost us even more to let things continue in the direction they're going.

- We propose to make a swap -- taking away money for the salaries of federal employees and spending it instead in the fight against crime.

- By reducing the federal bureaucracy by over 250,000 employees over the next five years, we will have the money we need to fight crime.

- As the federal government is cut, the savings will be put in a Crime Control Trust Fund, to be used only for crime fighting programs.

- Over the course of five years, the fund will hold over \$22 billion dollars, with \$2.4 billion dollars available right away, this year, for anti-crime efforts.

- The more money we save from cutting the federal bureaucracy, the more money we will have to spend on anti-crime programs.

- Some are concerned about cuts in the Byrne Memorial Fund formula money. Yet that \$350 million dollar cut in crime-fighting funds has been replaced by \$2.4 billion dollars -- 7 times the original amount of money originally available in this area.

- By making crime the budget priority it should be, we can fund the programs we should -- we can focus on both punishment and prevention as we need to if we're going to take on the crime problem in this country.