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POLICE EXECUTIVE
RESEARCH FORUM

CHUCK WEXLER
EXECUTIVE DIRECTOR

FOR IMMEDIATE RELEASE

DATE: June 27, 1997

CONTACT: Martha Plotkin 202/466-7820 ext. 232 or Ellen Painter 202/466-7820 ext. 248

**POLICE CHIEFS WILL VOLUNTARILY CONDUCT BRADY
BACKGROUND CHECKS AFTER SUPREME COURT RULING**

Washington, DC—The Police Executive Research Forum (PERF) in response to today's Supreme Court decision on the Brady law announced that it will continue to support voluntary background checks of prospective gun purchasers. While the Court ruled that the federal government could not mandate police chiefs to make reasonable efforts to conduct background checks on people who buy handguns from federally licensed dealers, many law enforcement leaders in affected states are already organizing to do the background checks voluntarily.

According to PERF Executive Director Chuck Wexler, 22 PERF member police agencies in eight of the 22 affected states have already voiced their commitment to voluntarily continue background checks so long as the immunity provisions of the Brady law still apply to their conducting these checks, they maintain access to the national criminal record system, and no other state or federal prohibitions apply. In some states such as Arkansas, Arizona, South Carolina, Kentucky and Ohio, a state agency conducts the Brady background checks for local police agencies, which means police chiefs will be waiting to see how those state agencies decide to act, except in the few instances in which local police departments have existing ordinances to conduct the checks on their own. Chiefs are, of course, counting on the fact that the federal government still mandates federally licensed firearms dealers to submit background requests to their police agencies.

"Compared with the resource investment required to conduct a gun-related homicide investigation—not to mention the immeasurable human costs of gun violence—the

investment that police agencies must make to conduct background checks is very reasonable," remarked Chief Ellen Hanson of Lenexa, Kansas. Hanson is a member of PERF's board of directors and one of the 22 PERF member chiefs who have committed to continuing background checks even though they are no longer required to do so.

PERF joined several other national law enforcement groups in an amicus brief to the Court in support of the Brady law because they know the decision has national impact beyond the 22 "Brady states." Police chiefs know that the Brady background checks provide the kind of national approach needed to address a gun violence problem that is exacerbated by uneven responses among the states.

Evidence shows the Brady law's extraordinary success. According to the Justice Department's Bureau of Justice Statistics, in the first 28 months after Brady was enacted, more than 186,000 illegal gun sales were blocked by background checks, and it is estimated that more than 70 percent of blocked purchase attempts each month involve indicted or convicted felons.

"Police know that it makes no sense to allow felons and purchasers ineligible because of mental illness, domestic violence convictions or other gun possession prohibitions to walk into a gun shop and get a gun—no background check required," said PERF Executive Director Chuck Wexler. "Brady checks may not be a panacea for the nation's gun violence problem, but it is a tremendous step in the right direction—a step police are unwilling to abandon."

PERF is a DC-based think tank and membership organization of progressive police chiefs and criminal justice professionals who serve more than 40 percent of the nation's population. The organization is committed to improving police practices through research, national leadership and debate.

International Union of Police Associations



TO: Kyle Green FAX #: 202-456-7431
FROM: Rich Roberts, Public Information Officer PHONE: 703-549-7473
DATE: June 27, 1997
RE: Brady Decision

The Executive Committee of the International Union of Police Associations was disappointed in the Supreme Court ruling striking down the requirement that local police run background checks on prospective gun buyers. They stated that while sympathetic with the additional administrative burden that some law enforcement executives may feel is imposed by the background check requirement, it is not unreasonable as an interim measure until the federal government can implement a national system of instant checks. According to the police union leaders, it is not only in the interest of the general public safety to reduce the number of weapons available to convicted criminals, it is also in the interest of the safety of the rank and file law enforcement officers who must face those criminals on a daily basis.

They were equally pleased that the court chose to not address the issue of a waiting period and expressed the hope that by maintaining the waiting period and improving the speed with which background checks can be made, further progress can be made in reducing the availability of handguns to criminals. The I.U.P.A. Executive Committee is made up of senior union officials, all of whom are retired career law enforcement officers. All union members are active duty, full time field level law enforcement personnel.



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

June 27, 1997

Dear Law Enforcement Colleague:

Earlier today, the Supreme Court ruled that part of the Brady Handgun Control Act is unconstitutional. Although we are disappointed in the Court's decision, we must all abide by it.

All of you should understand that the Supreme Court's decision did not "strike down the Brady Act," "declare it unconstitutional" or any one of a number of broad based and inaccurate statements that you may hear. Rather, the Court simply stated that the federal government cannot require that state, county and municipal officials conduct the checks provided for under the law until November 1998, at which time the National Instacheck System (NICS) will become effective.

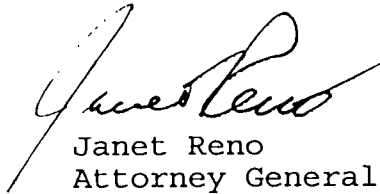
We know that the vast majority of concerned and effective law enforcement officers in this country support and conduct background checks under the Brady Act, not because they are required, but because it is good law enforcement. Therefore, this decision will likely have little impact on law enforcement. Those who wish to purchase a handgun from a licensed federal firearms dealer (FFL) must still complete a background check form under the Brady Act, and the FFL must forward that form to the chief law enforcement officer (CLEO). As before, if, after five days, the CLEO has not advised the FFL not to transfer the handgun, the FFL may sell the handgun to the purchaser.

The sole change occasioned by the Supreme Court decision is that the CLEO is no longer required by federal law to run the Brady background check. We expect and hope that the vast majority of law enforcement agencies in America will continue to run these checks voluntarily because they are saving lives, keeping guns out of the hands of criminals and generally in the best interest of law enforcement. We urge you to continue these checks.

Since the Brady Act went into effect, over 250,000 felons, fugitives and other prohibited persons have been denied handguns. We are making great strides in reducing violent crime in America and our failure to keep up these Brady background checks will seriously undermine all of our efforts in this regard.

We recognize that some CLEOs may still use the Court's decision as an excuse not to conduct Brady background checks. That would be most unfortunate for the people of this country. It is just common sense that we all keep doing whatever we can to keep guns from criminals.

Please do not let America down. Please join responsible law enforcement in continuing to serve and protect the public.



Janet Reno
Attorney General

Sincerely,



Robert E. Rubin
Secretary of the Treasury



P R E S S R E L E A S E

FOR IMMEDIATE RELEASE
June 27, 1996

CONTACT: Mary Malina
(202) 833-1460

WASHINGTON, DC—In the wake of today's Supreme Court decision to strike down the Brady Law's background check provisions, the Police Foundation, a private, independent, nonprofit organization dedicated to supporting innovation and improvement in policing, urges law enforcement agencies to continue to conduct these checks on a voluntary basis.

Police Foundation President Hubert Williams said, "The Brady Law works. Since the law went into effect on February 29, 1994, background checks have stopped nearly 250,000 convicted felons and other prohibited purchasers from buying a handgun. Every day 157 felons were stopped from buying handguns because of Brady background checks."

Prior to the enactment of the Brady Law, in 32 states, anyone including convicted felons, domestic abusers, the mentally ill, or juveniles could walk into a gun store, fill out a form, and walk out with a gun.

"For 6 years, America's law enforcement community worked tirelessly for passage of the Brady Law, and believes that background checks have reduced gun crime in America. It is our hope that law enforcement will continue to employ this important tool in its arsenal against crime and violence," said Williams.

The Law Enforcement Steering Committee

1001 22nd St., N.W., Suite 200
Washington, D.C. 20037

FOR IMMEDIATE RELEASE
June 27, 1997

CONTACT: Mary Malina (202) 833-1460 or
Walt Wallmark (202) 433-9230

WASHINGTON, DC—In the wake of today's Supreme Court's decision to strike down the Brady Law's background check provision, the Law Enforcement Steering Committee (LESC), a coalition of nine national law enforcement organizations, said it will encourage law enforcement to conduct these checks voluntarily since they have proven to be an effective tool in curbing crime.

Hubert Williams, the President of the Police Foundation and Chairman of the LESC, said, "Brady Law background checks are not an onerous burden law enforcement. Law enforcement has long been willing to conduct background checks to keep guns out of the wrong hands."

Law enforcement supports the Brady Law because it is working. Since the law went into effect on February 29, 1994, background checks have stopped nearly 250,000 convicted felons and other prohibited purchasers from buying a handgun. That means every day 157 felons were stopped from buying handguns.

"These and other statistics confirm what America's law enforcement community has always believed," said Hubert Williams, "that the Brady Law will reduce gun crime in America. The law is an important tool in law enforcement's arsenal against crime and violence."

The Brady Law has effectively ended the honor system by which guns were sold over the counter. Prior to the enactment of the Brady Law, in 32 states, any individual already prohibited from possessing a gun, including convicted felons, domestic abusers, the mentally ill or juveniles, could walk into a gun store, fill out a form and walk out with a gun.

LESC stresses that the Brady Law is sound, effective and rational public policy. It addresses one of the most serious conditions we face as a society; a level of violence that affects the safety and well being of our citizens and of the police themselves.

Founded in 1985, the Law Enforcement Steering Committee is a nonpartisan coalition of national law enforcement groups representing over 500,000 police practitioners. Comprised of the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the International Brotherhood of Police Officers, Major Cities Chiefs, the National Association of Police Organizations, the National Organization of Black Law Enforcement Executives, the National Troopers Coalition, the Police Executive Research Forum, and the Police Foundation, LESC embodies an unprecedented cooperative effort among law enforcement research organizations and police management and labor organizations.

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Please note new LESC address effective July 1, 1997:

1201 Connecticut Avenue, N.W., Suite 200
Washington, D.C. 20036

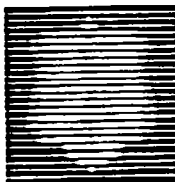
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Members

Federal Law Enforcement
Officers Association
Fraternal Order of Police

International
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Police Officers
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National Organization of
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Representing
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IACP NEWS



International Association of Chiefs of Police / 515 N. Washington Street / Alexandria, Virginia 22314-2357 / 703 836-6767

FOR IMMEDIATE RELEASE
FRIDAY, JUNE 26, 1997

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SUPREME COURT RULING ON THE BRADY LAW

ALEXANDRIA, VIRGINIA -- IACP President Darrell L. Sanders, Chief of Police in Frankfort, Illinois, issued the following statement today in the wake of the U.S. Supreme Court ruling on the Brady Law:

"Members of the International Association of Chiefs of Police have known for decades that requiring handgun purchasers to undergo background checks and waiting periods is good policing and good crime prevention.

It is this view that prompted our support for the Brady Act and we certainly have been pleased with the results that have been achieved since its enactment.

Today's Supreme Court decision strikes down the law's mandatory requirement but allows for law enforcement to continue to conduct Brady checks.

I know that police chiefs around the country will continue to conduct these checks in large numbers, wherever and whenever they can.

We look forward to working with the President and members of his Administration along with leaders in the House and Senate to find ways to encourage greater use of the important and valuable provisions of this law in the weeks and months ahead."

The International Association of Chiefs of Police is the world's oldest and largest non-profit organization of police executives. Established in 1893, the IACP has more than 16,000 members in 92 countries.

* * *



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

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FOR IMMEDIATE RELEASE
June 27, 1997

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NAPO REACTS TO SUPREME COURT DECISION CALLS FOR VOLUNTARY BACKGROUND CHECKS

WASHINGTON, DC-The National Association of Police Organizations (NAPO) voiced its concern over today's Supreme Court decision to strike down the Brady Law's background check provision, and said that it will encourage law enforcement to continue to conduct these checks on a voluntary basis.

"NAPO fought hard for background checks on handgun purchasers," said Robert T. Scully, Executive Director. "It does not create an extra burden on our law enforcement officers — it helps to save their lives, and the lives of the citizens they are sworn to protect."

"According to the Justice Department, to date, background checks authorized under the Brady Law have stopped more than 250,000 prohibited purchasers from buying handguns, including 157 felons everyday," continued Scully.

"The police of this country fight the daily battle against crime and put our lives on the line all in a day's work. NAPO calls for the continued use of background checks by all police departments affected by this ruling on a voluntary basis to help our officers in their fight against crime," said Scully.

Today's Supreme Court decision directly affects 23 states (Brady States) who have been operating background checks under the Brady Law, but does not affect 28 other states (Brady Alternates) which conduct their background checks under state laws.

The ruling appears not to have affected the "waiting period" in the 23 "Brady States" which was designed to give law enforcement officers the time they need to conduct background checks, and also serves as a "cooling off period" for handgun purchasers. The National Instant Criminal Background Check System (NICS) is scheduled to be fully operational by November 30, 1998, however, many states have not yet made their computerized criminal history records available through the Interstate Identification Index (III).

"NAPO also calls for the swift cooperation of all states to make their computerized criminal history records available through the Interstate Identification Index," said Scully.

The National Association of Police Organizations (NAPO) is a coalition of police unions and associations from across the United States that serves to advance the interests of America's law enforcement officers through legislative and legal advocacy, political action and education. Founded in 1978, NAPO now represents 4,000 police organizations and nearly 200,000 sworn law enforcement officers.

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FOR IMMEDIATE RELEASE
June 27, 1997

Contact: Chris Donnellan
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STATEMENT OF
KENNETH T. LYONS
NATIONAL PRESIDENT
INTERNATIONAL BROTHERHOOD OF POLICE OFFICERS

Today, the Supreme Court ruled one provision of the Brady Law unconstitutional. That provision is a requirement that state and local law enforcement officials make a reasonable effort to conduct a background check on handgun purchasers.

The IBPO along with other law enforcement organizations worked long and hard for passage of the Brady Bill. Police organizations know first hand that background checks work. Since the Brady Law went into effect, background checks have stopped more than 250,000 prohibited purchasers from buying handguns, including 157 felons a day.

This decision by the Supreme Court will not end background checks in every state. Today's decision will effect 23 states. The other 27 states have their own laws requiring a background check.

As President of the International Brotherhood of Police Officers, I urge local and state law enforcement agencies to voluntarily continue background checks. The reason for this request is simple. The Brady Law works! Handgun crimes have declined dramatically after passage of this law. Police officers know first hand the success of the Brady Bill.

The IBPO is an affiliate of the Service Employees International Union. It is the largest police union in the AFL-CIO representing over 40,000 police officers nationwide.



FRATERNAL ORDER OF POLICE

NATIONAL LEGISLATIVE PROGRAM

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CHAIRMAN, NATIONAL LEGISLATIVE COMMITTEE

FOR IMMEDIATE RELEASE
27 JUNE 1997

CONTACT: JIM PASCO
(202) 547-8189

NATIONAL FRATERNAL ORDER OF POLICE DOWNPLAYS BRADY DECISION

Today's Supreme Court decision overturning the Brady Law on the basis that it violates the Tenth Amendment will have very limited impact on public safety and law enforcement efforts to prevent criminals from illegally obtaining firearms.

"The battle to ensure that criminals do not obtain weapons from Federally licensed firearms dealers will go on," said Gilbert G. Gallegos, National President of the Fraternal Order of Police. "We urge the public not to be taken in by the special interests who would portray this decision as either a great victory or a great defeat for reasonable regulation of firearms. It is neither--it's just a little bump in the road to sane firearms policy."

The Fraternal Order of Police played a pivotal role in the debate and eventual adoption of the Brady Law and we remain committed to the merits of that legislation. Its passage caused many States, particularly larger, more populous States with high violent crime rates to recognize the value of what the Brady Law set out to do--keep guns out of the hands of criminals. To this end, many States have already moved to the next level of Brady--"instant check" systems--a more efficient and less costly way to accomplish the aims of the Brady Law.

Law enforcement officers are not compelled to make "Brady checks"--but they can. Several States have already committed to continue doing Brady checks, today's decision notwithstanding. The waiting period to purchase firearms is still in place, as are the rules regarding the completion of the "Brady forms." This decision, therefore, affects a very narrow population--those from smaller, less populous States with significantly less violent crime.

The Fraternal Order of Police remains committed to the intent of the Brady Law and our attorneys will be studying the decision announced today. Further action will be considered by the F.O.P. National Board at the 53rd Biennial Conference in Orlando, Florida, August 3rd-6th.

"While other organizations may try to maximize the effect of this decision for political ends through strident rhetoric, the Fraternal Order of Police maintains that it will have a very minimal real effect on public safety. We remain committed to working toward a safer America for our officers and our families, and toward reasonable measures which will help us achieve that goal," said Gallegos.

The Fraternal Order of Police is the largest organization of law enforcement professionals in the United States, with over 278,000 members.

SIGNING OF THE DRUG-FREE COMMUNITIES ACT OF 1997

Today, the President will be joined by General McCaffrey, Secretary Shalala, Members of Congress, and leaders of community anti-drug organizations to sign the Drug-Free Communities Act of 1997. At this Roosevelt Room event, the President will also reiterate his commitment to a thorough public health review of the tobacco settlement. Secretary Shalala and Domestic Policy Advisor Bruce Reed will be opening the press briefing later in the day.

DRUG-FREE COMMUNITIES ACT OF 1997

The Drug-Free Communities Act represents a targeted effort by Congress to rechannel existing federal drug-control money into community-based programs focused on preventing and treating teenage substance abuse. The measure, authored by Congressman Rob Portman (R-OH) and originally co-sponsored by Congressman Sandy Levin (D-MI), Congressman Hastert (R-IL), and Congressman Rangel (R-NY), engendered broad bipartisan support as evidenced by a 420-1 vote in the House and Senate passage by voice vote. The measure represents a significant collaboration between Congressman Portman and the Office of National Drug Control Policy which has resulted in a strong Congressional endorsement of community-based drug prevention programs.

The measure will authorize the Office of National Drug Control Policy (ONDCP) to spend up to \$143.5 million over five years (\$10 million in FY'98 with increasing amounts in each fiscal year culminating in \$43.5 million for FY 2002) to support long-term, community-based substance abuse programs that meet the following criteria:

- 1) programs must show a comprehensive approach and community-wide leadership and commitment for reducing and preventing drug abuse;
- 2) programs must develop a self-evaluation process and raise funds to match the federal grant dollar for dollar (grants are capped at \$100,000);
- 3) programs must maintain substantial volunteer involvement from youth, parents, schools, religious leaders, police officials and others; and
- 4) programs must develop and demonstrate financial support that will continue after the federal grant is expended.

The bill would establish an 11-member commission to advise the Director of ONDCP on the design and implementation of the grant program established by the bill. The members of the commission will be appointed by the President and must have a demonstrated interest and expertise in substance abuse reduction programs.

President Clinton: Building Stronger Communities by Combatting Drug Use

Historic and High Profile Anti-Drug Strategy

The largest anti-drug budgets ever. Year-in and year-out, President Clinton has proposed the largest anti-drug budgets ever, including this year's proposed \$16 billion. [ONDCP, The National Drug Control Strategy, 1997: Budget Summary, 1997]

Elevated the Drug Czar to a Cabinet Position. President Clinton is the first President to make the Director of National Drug Control Policy a Cabinet position. [U.P.I. 7/1/1993] He appointed four-star general, Barry McCaffrey, to lead our nation's fight against drugs.

Developed a comprehensive National Drug Control Strategy that will reduce illegal drug use through law enforcement, prevention, treatment, interdiction and international efforts. [Office of National Drug Control Strategy (ONDCP), National Drug Control Strategy, 1997]

Protecting Our Children from Drugs and Violence

Targeting young people with anti-drug messages. The President's proposed FY 98 budget funds a \$175 million national advertising campaign that would rely on high-impact, anti-drug television ads to educate young people on the dangers of illegal drug use. [ONDCP, The National Drug Control Strategy, 1997: Budget Summary, 1997]

Strengthened and expanded the Safe and Drug-Free Schools and Communities Act. The President's proposed FY 98 budget contains a \$60 million increase for Safe and Drug-Free Schools Program, which reaches 97% of the nation's school districts. Schools use these funds to keep violence, drugs and alcohol away from students and out of schools. [ONDCP, The National Drug Control Strategy, 1997: Budget Summary, 1997]

Proposed funding for 1,000 after-school initiatives in communities across the country. The President's Anti-Gang and Youth Violence Strategy will help keep schools open late, on weekends and in the summer so young people will stay off the streets and out of trouble.

Getting Tough on Drug-Related Crime

Putting 100,000 new community police on our streets. The President's plan represents the federal government's biggest commitment ever to local law enforcement.

Mandatory drug testing of state prisoners and parolees as a condition of parole. President Clinton fought for and signed legislation requiring states to drug test parolees so that they can send them back to prison if they get back on drugs. [Omnibus Consolidated Appropriation Act, 1997, P.L. 104-208, Signed 9/30/96]

Targeting gangs with new prosecutors and tougher penalties as part of the President's Anti-Gang and Youth Violence Strategy. The President's strategy increases penalties for selling drugs to kids and using kids to sell drugs.

Expanding drug courts. The Clinton Administration has established drug courts across the country because they have proven effective in breaking the cycles of drugs and crime. The President's FY 98 budget increases funding for this program by 150% over last year's funding. [ONDCP, The National Drug Control Strategy, 1997: Budget Summary, 1997]

Developed a comprehensive strategy to combat the trafficking and abuse of methamphetamine, one of the country's most dangerous drugs. The President fought for and signed legislation that increases penalties for trafficking in meth and those chemicals used to produce meth. [Comprehensive Methamphetamine Control Act of 1996, P.L. 104-237, 10/3/96] And the strategy worked. In the eight cities where meth use had been skyrocketing, it declined substantially in 1996. [National Institute of Justice's Drug Use Forecasting Program, 1996]

Stopping Drugs at the Border

Drug seizures are up. The Clinton Administration has increased seizures of marijuana by 50% - from 787,523 pounds in 1992 to 1,163,989 pounds in 1996. And seizures of heroin are up 32% - from 1,157 kilograms in 1992 to 1,524 kilograms in 1996. [DEA's FDSS Report, 3/11/97]

More border patrol agents than ever. There are now over 6,000 Border Patrol Agents stemming the flow of crime and drugs over the border. This represents an increase of over 70% since 1993. [Federal News Service, Prepared Testimony of Commissioner Doris Meissner, Immigration and Naturalization Services, 4/10/97]

Stopping drug smugglers. In 1996 the Clinton Administration implemented "Zorro II," an effort to shut down a cocaine trafficking partnership between the Cali mafia and a major Mexican mafia trafficking organization. The results: 156 suspects arrested; 5,500 kilograms of cocaine and 1,000 pounds of marijuana seized; and several million dollars of drug proceeds seized. [ONDCP, The National Drug Control Strategy, 1997: Budget Summary, 1997]

Part of a Strategy that's Working

Crime rates have dropped for five straight years. For five years before President Clinton took office, violent crime was *increasing* in America. The President's anti-crime strategy has helped reverse this trend --and violent crime has now *dropped* five years in a row. [FBI, Uniform Crime Report, 1/5/97]

CLINTON ADMINISTRATION OUTLINES TOBACCO SETTLEMENT REVIEW PROCESS

Today, during the signing of the Safe and Drug-Free Communities Act, President Clinton reiterated his commitment to a rigorous public health review of the proposed settlement. The President also announced that Secretary of Health and Human Services Donna E. Shalala and Domestic Policy Advisor Bruce Reed will lead the comprehensive analysis.

Public Health Review

As President Clinton said today, the Administration's preliminary analysis will be conducted by four interdepartmental review panels. Each panel will include representatives from the Domestic Policy Council (DPC) and the Department of Health and Human Services (HHS). Where appropriate, each of them will also include representatives of other federal agencies, such as the Departments of Treasury, Justice, Labor, Agriculture, Veterans' Affairs, Interior, and Defense, the General Services Administration, and the Environmental Protection Agency. The four panels will focus on four key areas:

Regulatory Issues. The regulatory panel will primarily review the elements in the proposed settlement affecting FDA jurisdiction. The panel will also examine issues surrounding environmental tobacco smoke.

Program and Budget Issues. The program and budget panel will look at proposed uses of settlement funds, including the anti-smoking advertising campaign, grassroots programs, smoking cessation, and any issues that involve research on nicotine, tobacco and health, and smoking cessation.

Legal Issues. The legal panel will examine issues around liability, enforcement, compliance, and the disposition of tobacco industry documents.

Industry Issues. The industry issues panel will examine the settlement's proposed targets, penalties and incentives; evaluate potential international impacts of the settlement; and conduct an economic analysis.

President Clinton's Plan to Reduce Youth Tobacco Use

On August 23, 1996, President Clinton announced the nation's first-ever comprehensive program to protect children from the dangers of tobacco and a lifetime of nicotine addiction. The President's program was launched with the publication of the Food and Drug Administration's (FDA) final rule on tobacco and children, and with FDA's initiation of a process to require tobacco companies to educate children and adolescents -- using a national multi-media campaign -- about the dangers of cigarettes and smokeless tobacco. The first provisions of the rule -- making 18 the age for the purchase of tobacco products nationwide and requiring photo IDs for anyone under age 27 -- became effective February 28, 1997. The President's comprehensive and coordinated plan is intended to reduce tobacco use by children and adolescents by 50 percent in seven years. This ambitious initiative will work to accomplish this objective while preserving the availability of tobacco products for adults. The proposed tobacco settlement will be evaluated within this framework to evaluate whether it meets the President's objectives.

Working Toward Our Fundamental Goal

As the President has said, protecting the public health -- and particularly our children's health -- is and has always been our primary concern. We know that nearly 3,000 young people become regular smokers each day, and nearly 1,000 of these children and adolescents will die early from their use of tobacco products. We must do everything in our power to dramatically reduce smoking by young people because they deserve a life free from the disease that comes with using tobacco.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 27, 1997

REMARKS BY THE PRESIDENT
IN SIGNING THE DRUG FREE COMMUNITIES BILL

The Roosevelt Room

12:32 P.M. EDT

THE PRESIDENT: Let me, first of all, say to you, Congressman Portman, and to Congressman Levin and Congressman Hastert, and in his absence, Congressman Rangel, and the senators who worked on this, this is a very important day for this legislation because it does reflect our commitment in Washington to behave in the way that people in communities behave when they do what works in fighting the drug problem. And I cannot thank you enough.

This is -- the fact that we did this in a bipartisan fashion, and we did it, to use Congressman Portman's words, based on trying to legislate nationally a system not only to empower people to do what we know works in some communities today already, but to give them the incentive to do more of it is I think a great thing. So I thank the congressmen for being here; I thank the members of the Cabinet for their support. I thank Jim Kopple, the President of the Community Antidrug Coalitions of America; Dick Bonnette, the Partnership for a Drug-Free America; and all the rest of you who are here.

Now, before I sign this bill, I have to make a couple of comments about -- this has been a very interesting week of momentous decisions by the Supreme Court. Today the Supreme Court issued a ruling on the Brady Bill. And since I have been so heavily identified with that for several years now, I'd like to make a few comments.

The decision struck down the requirement that local police officers conduct background checks, but left intact the Brady Bill's five-day waiting period. Since the Brady Bill passed, 250,000 felons, fugitives and mentally-unstable persons have been stopped from purchasing handguns. I don't think anyone can seriously question that it has made a major contribution to increasing the safety of the American people. And I'm going to do everything I can to make sure that we continue to keep guns out of the hands of people who should not have them.

These criminal background checks make good sense; they save lives. Now, 27 states, nine more than when the Brady Bill first passed, have state laws requiring them, and they will continue to do the background checks. Even in other states, criminal background checks will continue. The Brady law was drafted by our law enforcement community; they wanted it. Again, it was a community-based resolution of a difficult problem. So I know that these state and local law enforcement officials who asked us to pass the law will continue to do the background checks.

I've asked Attorney General Reno and Secretary Rubin to contact police departments across our country to make sure they know that the background checks can and should continue to be done by local police on a voluntary basis. And then the Attorney General and Secretary Rubin will immediately convene a meeting of law enforcement officers to review and develop recommendations, including appropriate

MORE

legislation, to ensure that we can continue to perform these background checks. It's my understanding that the Supreme Court actually made some suggestions about how we might proceed from here.

My goal is clear: No criminal background check, no handgun anywhere in America. No state should become a safe haven for criminals who want to buy handguns.

We know that -- again, I say, tremendous progress has been made. The idea that 250,000 of these sales and transfers have been stopped is a very impressive thing in just a few years, and I think it clearly contributed to the largest drop in violent crime in over 35 years last year -- murders dropping a stunning 11 percent in 1996.

So we've got to keep going on this. And even though I wish we didn't have to do this extra work, I think the framework of the Court decision makes it clear that we have done the right thing, that the five-day waiting period is legal. And let me remind you, as the Attorney General said, by November of 1998, which is not all that far away, we expect to have in place the technology and the capacity to do instantaneous background checks. Is that the date? So what we've got to do is figure out how to keep this system alive between now and November of '98. We are committed to doing it.

Let me just say another couple of words, if I might, about this legislation today and what it means to us. I think the congressmen said it's only a small part of our overall drug budget, but it clearly sends a signal that we are shifting emphasis not to diminish what we're doing on interdiction and the other work that we have to do about drugs beyond our borders, but to recognize that we will never get ahold of this problem unless we deal with the demand side here in America.

And we know that while casual drug use has plummeted over the last 15 years among adults, it has doubled among young people in just the last five years, and among 8th graders it has tripled. The fact that the percentage -- the total of people trying drugs at that age level is small is cold comfort when you look at the trends. And you ask yourself, how could these trends be running in direct contradiction to the fact that drug use is going down among people between the ages of 18 and 35. That is the real threat to our future. That is the problem we face today. And the quicker we face up to it the better off we're going to be.

A study by Columbia's Center for Addiction and Substance Abuse has shown, for example, that a young person who tries marijuana is 85 times more likely to try cocaine than peers who don't try marijuana in the first place. So a middle schooler or a high schooler who mistakenly decides that it's safe to try cocaine or heroine or LSD or methamphetamine or any of the so-called designer drugs, along with marijuana, is playing a dangerous game and we have to try somehow to do more than we have done in the past to stop this. And we know that the broadly-based community antidrug coalitions have been successful at driving down casual drug use. We know that they've been more successful than anyone else and than any other approach has been.

So what we're trying to do here is to find a way to support them, to encourage them to do more and to increase the number of such coalitions throughout our country. We know that this has got to be done person by person, family by family, community by community. That's what this legislation does. More than 4,300 communities in every state in America and our territories have organized themselves to deal with this -- to help parents, to help the teachers, the coaches, the principals, all the others who are fighting for drug-free schools and communities and a drug-free future for our children.

So this is the sort of partnership we need more of. Again, let me say I am immensely gratified by the bipartisan nature of this. I also would say if you focus on the problem, which is why juvenile drug abuse is going up while young adult drug use is going down, and the whole impact of the culture on that, I think it justifies the policy that General McCaffrey adopted that I have supported him on of having an unprecedented advertising campaign to try to get the message out to these young people. And I certainly believe it supports our juvenile crime strategy of having 1,000 after-school programs to give our young people positive things to do, because we know that a lot of the most difficult hours are those right after school closes for criminal activity and for casual drug use.

So the Drug-Free Communities Act of 1997 is not only a good thing, but I hope it is an indication of things to come.

The last point I'd like to make, just to echo what the Vice President said about the smoking issue, is I think that this settlement was a terrific achievement. It is the result of all the work that was done before then in the public health community, and the work that our administration had done. But we have to take a quick look -- I mean, a careful look at it, and we will take a careful look at it. Secretary Shalala and my Domestic Policy Adviser Bruce Reed are heading a group that will consult with the public health community, will look at it carefully, and we will offer our judgments on it.

My preliminary take is that we do not want to paralyze the capacity of the FDA to protect the American people. That, to me, is the critical thing. And that in no way minimizes the enormous achievement of the Attorneys General and the others who are involved in this in the public health community. And I have no final judgment on it. I just want to say that Secretary Shalala is going to take a serious look at it. We're going to work hard here in the White House. But if we can do more and more of these things together in a bipartisan way as we're doing today, I think this country is going to be much better off.

Thank you very much. (Applause.)

(The bill is signed.) (Applause.)

Q Mr. President, with the Supreme Court ruling today, will your administration, and can it legally, speed up the process of getting this instant background check system in place?

THE PRESIDENT: Well, that's one of the things the Attorney General and Secretary Rubin are going to tell me in the next day or two. We're going to look at what our options are. Obviously, we've been thinking about this. I think the important thing to point out is, the Supreme Court said it was constitutional for us to have a five-day waiting period; that we can have background checks, but that five of them did not believe we could require local officials to do it. They said we could have done what we've done in the past by tying federal funds of some kind to the willingness to do it, sort of a contractual arrangement.

We're going to look at what our options are and see where to go from here. But in the short run, I would just implore the officials in the 23 states that don't have their own state laws requiring this to keep on doing it, because there is no longer any serious debate here; no one who needs to get any kind of weapon has been seriously inconvenienced, and a quarter of a million people who had no business with them don't have them. It's a huge public policy success for the United States. It's a part of driving the crime rate down. And we'll come up with our options as quick as we can.

MORE

Q It sounds like you like the tobacco agreement.

THE PRESIDENT: No, I don't think you should draw any conclusion one way or the other. I like the fact that they achieved it and that it has -- and the broad dimensions of it are quite staggering. I mean, even in Washington \$368 billion is a lot of money. (Laughter.) And I think that it's a real testament to all -- to the work the Attorneys General and the other parties did. But I would say that we have an obligation to look at it very carefully from the public health point of view.

Keep in mind, whenever -- in any settlement in any lawsuit, both sides think they're better off settling than not, or they're wouldn't be any settlement. I mean, by definition. So what we have to make -- we have to be sure that the things that made the tobacco companies believe that they did the right thing to settle don't compromise the long-term interests of the public health, and especially our attempts to stop children from smoking in the first place. That's all. And we're looking at it.

But I don't think -- you know, even if I were to render a negative judgment on it after Secretary Shalala and Bruce Reed finish their review, I would still be immensely impressed with the work that the Attorneys General and the others have done. It's quite a staggering thing. It's a long way from where we were just a couple of years ago when no one thought that any progress would ever be made on this issue.

Q Mr. President, what are your specific concerns about the FDA provisions in this agreement?

THE PRESIDENT: I want to wait until I get my review. I just want to make sure that they will still be able to do what is necessary to protect the public health and children's health based on the evidence that comes before them in the intervening period. Now, there is a period of years in which they cannot actually ban nicotine. But there are a lot of other options and issues which could come before them during that period, and that's what we're looking at, to make sure their jurisdiction has not been under any --

Q Sir, how do you resolve the rhetorical battle between Republicans and Democrats with the tax bill? There seems to be a stand-off going into yesterday over the income tax --

THE PRESIDENT: Oh, I think a lot of that is -- I think the best way to resolve it is, one, for everyone to say, we want a tax bill, we want a tax cut bill. We want a tax cut bill that does not explode in the out-years, does not bring the bad old days of the deficits back to us. We want one that is faithful to the agreement that was made. And I want one that, particularly within the confines of the agreement, that helps families to raise their children and that helps to fund greater education.

But you should expect a little of this skirmishing. We're going to do more and we're going to offer our thoughts on Monday about what should be in the tax bill, and then we're going to keep working. But I'm, frankly, quite optimistic. I wouldn't -- you would expect that all the parties would advance their views in the most vigorous way possible. But I think the issue is, are we likely to have a bill that meets those criteria, and I think the answer is, yes, we are quite likely to have one.

Q You feel stronger with a line-item veto, don't you?

THE PRESIDENT: Well, I think it's the right thing to do. I was pleased that the Supreme Court didn't strike it down, although they invited the first person who gets made enough to do so.

(Laughter.) So I guess we'll be back in court on that one. But let me -- I had a when I was governor -- most governors do -- I think it should be used with great care and discipline. You have to respect the congressional process. And my experience was after having used it a few times, that the great value of it was that it was a low -- it was just another part of the framework of fiscal discipline we're trying to effect. That is, when I was a governor, after a year or two, the most important thing about it was not when it was used, but that it existed in the first place, because it helped to keep us within a framework of fiscal responsibility. That's basically what I'm interested in.

Q Mr. President, what do you think of the Supreme Court's record on sending power back to the states, now that the term is almost over?

THE PRESIDENT: Well, I need to have time to evaluate all the things. Basically, you know, we sent a lot of power back to the states since I've been President. Since I used to be there I can hardly say it's a bad idea. I think the question is, what are the terms under which the power goes back; what is the framework; can the national interests still be protected? And that's how you have to evaluate all this.

But, in general, it's just like this bill here. This bill basically empowers communities within the framework of an agreed-upon national objective. Why? Because this is not a problem we can solve in Washington. And every Republican and every Democrat who has ever looked at it says the same thing. So what these members have done is to embody what seems to me to be a common-sense principle.

So I have no problem with that. I think that a lot of the operational work of life is better done where people live, at the grass-roots level. The only question I would have on any of these things is can we still pursue the national interests. If we had no capacity coming on line in '98 -- let's take the Brady Bill, for example -- if we have no capacity coming on line in '98 to do instantaneous background checks, then I would take the -- certainly would want to take the Supreme Court up on their offer to tie the receipt of some kind of federal money at least to the willingness to continue these background checks because I think that's a national interest issue.

But, on balance, I think the operations, doing more operationally at the state and local level is a good thing.

Q Would you use the first line-item veto on the tax bill?

THE PRESIDENT: You go back and read that legislation, that was a battle over legislation -- they were very artful, the Congress was, in kind of limiting the extent to which the President can use it on a tax bill. It's different. The options on spending are broader than the options on the tax bill. So I'll have to look at that.

I hope I don't have to use it at all. I hope we just make a good agreement; that's my goal.

Thank you. (Applause.) 1250

LIST OF CHIEF LAW ENFORCEMENT OFFICERS FOR PURPOSES OF THE BRADY LAW (Public Law 103-159, November 30, 1993)

Beginning on February 28, 1994, the Brady law imposes a 5-day waiting period on the sale of a handgun by Federal firearms licensees to nonlicensees in States that do not already require a prior background check. In this regard, the law requires licensees to notify the Chief Law Enforcement Officer (CLEO) of the purchaser's residence upon the proposed sale of the handgun. The CLEO is required to make a reasonable effort to ascertain within 5 business days whether the buyer's receipt or possession of a handgun would be in violation of law.

The following list of CLEOs was developed from information provided by the law enforcement community.

Alabama

As of February 16, 1994, the Chief Law Enforcement Officer in Alabama is the County Sheriff. They will also receive the reporting on the multiple sale of handguns.

Alaska

As of February 16, 1994, the Chief Law Enforcement Officer in Alaska is the Chief of Police in areas having a Police Department or the Alaska State Troopers in areas without a Chief of Police. They will also receive the reporting on the multiple sale of handguns.

Arizona

As of February 16, 1994, the Chief Law Enforcement Officer in Arizona is the Chief of Police in incorporated areas and the County Sheriff in unincorporated areas. However, in Maricopa County, the Chief of Police, Phoenix Police Department, is the Chief Law Enforcement Officer for both the City of Phoenix and all other municipalities in the metropolitan Phoenix area, and the County Sheriff is the Chief Law Enforcement Officer for the unincorporated areas of the County. In the reporting of multiple sale of handguns the forms should be sent to the Chief of Police in incorporated areas or the County Sheriff in unincorporated areas. However, in the City of Phoenix and all other municipalities in the metropolitan areas, the forms should be sent to the Chief of Police, Phoenix Police Department.

Arkansas

As of February 16, 1994, the Chief Law Enforcement Officer in Arkansas is the Arkansas State Police. They will also receive the reporting on the multiple sale of handguns.

Colorado

As of February 16, 1994, the Colorado Bureau of Investigation will be the recipient of reporting on the multiple sale of handguns.

Georgia

As of February 16, 1994, the Chief Law Enforcement Officer in Georgia is the County Sheriff except as indicated. They will also receive the reporting on the multiple sale of handguns. (See attached letter)

Idaho

As of the February 18, 1994, the Chief Law Enforcement Officer in Idaho is the Idaho Department of Law Enforcement, Bureau of Criminal Identification. The Chief of Police in incorporated areas or the County Sheriff in unincorporated areas will receive the reporting on the multiple sale of handguns.

Kansas

As of February 17, 1994, the Chief Law Enforcement Officer in Kansas is the County Sheriff, except for the incorporated cities and towns in Johnson County where the Chiefs of Police are the Chief Law Enforcement Officers. The Kansas Bureau of Investigation will receive the reporting on the multiple sale of handguns.

Kentucky

As of February 18, 1994, the Chief Law Enforcement Officer can be either the Chief of Police in incorporated areas or the County Sheriff in unincorporated areas. They will also receive the reporting on the multiple sale of handguns.

Louisiana

As of February 16, 1994, the Chief Law Enforcement Officer in Louisiana is the Sheriff, except in Orleans Parish where the Chief Law Enforcement Officer is the Superintendent of Police for New Orleans. They will also receive the reporting on the multiple sale of handguns.

Maine

As of February 16, 1994, the Chief Law Enforcement Officer in Maine is the Chief of Police in areas having a municipal police department and the State Police in all other areas. They will also receive the reporting of the multiple sale of handguns.

Minnesota

As of February 16, 1994, the Chief Law Enforcement Officer in Minnesota is the Municipal Police Chief. However, where there is no local police agency, the County Sheriff will be the Chief Law Enforcement Officer. They will also receive the reporting of the multiple sale of handguns.

Mississippi

As of February 16, 1994, the Chief Law Enforcement Officer in Mississippi is the Chief of Police in incorporated areas and the County Sheriff in unincorporated areas. They will also receive the reporting of the multiple sale of handguns.

Montana

As of February 16, 1994, the Chief Law Enforcement Officer is either the Chief of Police in incorporated areas or the County Sheriff in unincorporated areas. They will also receive the reporting of the multiple sale of handguns.

Nevada

As of February 16, 1994, the Chief Law Enforcement Officer in Nevada is the Department of Motor Vehicles and Public Safety, Nevada Highway Patrol, Records and Identification Services. They will also receive the reporting of the multiple sale of handguns.

New Hampshire

As of February 16, 1994 the Chief Law Enforcement in New Hampshire is the Chief of Police or the County Sheriff in areas not covered by a Chief of Police. They will also receive the reporting on the multiple sale of handguns.

New Mexico

As of February 16, 1994, the Chief Law Enforcement Officer in New Mexico is the Chief of Police in incorporated areas and the County Sheriff in unincorporated areas. They will also receive the reporting of the multiple sale of handguns.

North Carolina

As of February 17, 1994, the Chief Law Enforcement Officer in North Carolina is the County Sheriff. They will also receive the reporting on the multiple sale of handguns.

North Dakota

As of February 16, 1994 the Chief Law Enforcement Officer in North Dakota is the County Sheriff. They will also receive the reporting on the multiple sale of handguns.

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Ohio

As of February 18, 1994, the Chief Law Enforcement Officer in Ohio is the Attorney General whose designated representative is the Superintendent of the Bureau of Criminal Identification and Investigation. They will also receive the reporting on the multiple sale of handguns.

Oklahoma

As of February 16, 1994, the Chief Law Enforcement Officer in Oklahoma is the Chief of Police in incorporated cities and towns, except that the County Sheriff is the Chief Law Enforcement Officer in incorporated cities and towns having no police authority of their own. The Chief Law Enforcement Officer in unincorporated areas is the County Sheriff. They will also receive the reporting on the multiple sale of handguns.

Pennsylvania

As of February 18, 1994, the Chief Law Enforcement Officer in Pennsylvania is the County Sheriff except in Philadelphia County where the Chief Law Enforcement Officer shall be the Commissioner of the Philadelphia Police Department. They will also receive the reporting on the multiple sale of handguns.

Puerto Rico

As of February 17, 1994, the Chief Law Enforcement Officer in Puerto Rico is the Police Superintendent, Firearms Bureau Chief. The Superintendent will also receive the reporting on the multiple sale of handguns.

Rhode Island

As of February 16, 1994, the Chief Law Enforcement Officer in Rhode Island is the Chief of Police. The reporting on the multiple sale of handguns will be sent to the Rhode Island State Police Detective Division.

South Carolina

As of February 16, 1994, the Chief Law Enforcement Officer in South Carolina is the South Carolina Law Enforcement Division. South Carolina Law prohibits the sale of more than one handgun during any 30-day period to a nonlicensee.

South Dakota

As of February 17, 1994, the Chief Law Enforcement Officer in South Dakota is the County Sheriff. They will also receive the reporting on the multiple sale of handguns.

Tennessee

As of February 18, 1994, the Chief Law Enforcement Officer in Tennessee is the Chief of Police in municipalities or the County Sheriff in other areas. They will also receive the reporting on the multiple sale of handguns.

Texas

As of February 16, 1994, the Chief Law Enforcement Officer in Texas is the Chief of Police in incorporated cities and towns and the County Sheriff in unincorporated areas. They will also receive the reporting on the multiple sale of handguns.

Utah

As of February 16, 1994, the Chief Law Enforcement Officer is the Utah Department of Public Safety, Bureau of Criminal Identification. They will also receive the reporting on the multiple sale of handguns.

Vermont

As of February 17, 1994, the Chief Law Enforcement Officer in Vermont is the Chief of Police or the County Sheriff, or the State Police depending on the area. They will also receive the reporting on the multiple sale of handguns. (See attached letter)

Washington

As of February 16, 1994, the Chief Law Enforcement Officer in Washington is the Chief of Police in incorporated areas or the County Sheriff in unincorporated areas. They will also receive the reporting on the multiple sale of handguns.

West Virginia

As of February 17, 1994, the Chief Law Enforcement Officer in West Virginia is the West Virginia State Police. They will also receive the reporting on the multiple sale of handguns.

Wyoming

As of February 16, 1994, the Chief Law Enforcement in Wyoming is the Chief of Police or in other areas the County Sheriff. They will also receive the reporting on the multiple sale of handguns. (See attached letter)

HANDGUN CONTROL

ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.

FAX COVER SHEET

DATE: 6/18/97

TOTAL PAGES (including this cover sheet): 3

SENT TO (FAX number): 456-7431

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ORGANIZATION: _____

Handgun Control, Inc. Federal Legislation Department

⇒ Bob Walker
President and
Director of
Legislation

⇒ Betzy Wheeler
Associate Director
of Legislation

⇒ Marie Carbone
Assistant Director
of Legislation

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MEMORANDUM

To: Federal Legislation

From: Wendy

Date: 5/30/97

Re: Brady Supreme Court decision

In anticipation of the pending Supreme Court decision, Law Enforcement Relations is prepared to broadcast fax our press release to the following law enforcement contacts:

Friends-(law enf. officials that are supportive of our issues)	423
Major Cities Chiefs-	48
Heads of State Police-	25 (Brady states only)
State Police Associations-	25 (Brady states only)
(SACOP)	
National Law Enforcement Groups-	30
(includes FOP, IACP,etc.)	
TOTAL:	551

HANDGUN CONTROL

ONE MILLION STRONG . . . working to
keep handguns out of the wrong hands.

June , 1997

Dear _____:

In February, the Justice Department reported that, since the Brady law went into effect on February 28, 1994, background checks have stopped over 186,000 convicted felons and other prohibited purchasers from buying a handgun. By any measure, the Brady Law has been a great success, but that success is now threatened by a decision handed down today by the United States Supreme Court. The Court ruled that one provision of the Brady Law -- the requirement that state and local law enforcement officials make a "reasonable effort" to conduct a background check on handgun purchasers -- is unconstitutional. The Court's decision is not a fatal blow. In the 22 states affected by today's decision (28 states now have their own laws requiring a background check), the waiting period remains intact. But in those 22 states, criminals can once again buy a gun by simply lying on a federal form. That's unacceptable. And that's why we so desperately need your help.

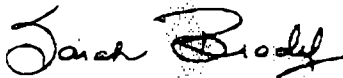
Please consider expressing your support for the voluntary continuation of background checks by state and local law enforcement agencies by:

Issuing a statement,
Holding a press conference, or
Faxing to us the pledge which appears at the bottom of the page.

I am enclosing for your review a copy of the statement which we issued earlier today, along with some fact sheets outlining some of the critical points regarding today's decision. The support of law enforcement was instrumental in enacting the Brady law, and now we need your continued support.

If you have any questions please contact Wendy Adler, Director of Law Enforcement Relations at (202) 289-5774. Please fax the pledge to Wendy Adler's attention at (202) 371-9615.

Sincerely,



Sarah Brady
Chair

Name: _____ Department: _____

____ Yes, we must stop criminals from buying handguns. It's important that police continue to do background checks on handgun buyers.

**LIST OF STATES SUBJECT TO THE FEDERAL FIVE DAY WAITING PERIOD OR
STATES HAVING ALTERNATIVE SYSTEMS AS DEFINED IN THE LAW**

As of 05-30-97

STATES WHICH MUST COMPLY WITH THE FEDERAL 5-DAY WAITING PERIOD

Alabama	16 Mississippi **	[Puerto Rico]	(23)
Alaska **	Montana **	Rhode Island	
Arizona **	Nevada	South Carolina	
Arkansas **	New Mexico	South Dakota **	
Kansas	North Dakota **	Texas **	
Kentucky	Ohio	Vermont	
Louisiana **	Oklahoma **	West Virginia	
Maine	Pennsylvania **	Wyoming **	

** In these States, the Federal 5-day waiting period does not apply to transfers of handguns to persons holding valid permits/licenses to carry handguns issued within 5 years of the proposed purchase.

STATES WHICH MEET ONE OF THE ALTERNATIVES TO THE FEDERAL 5-DAY WAITING PERIOD

19

California	--	Permit or other approval-type system
Connecticut	--	Permit or other approval-type system
Delaware	--	"Instant check"
Florida	--	"Instant check"
[Guam]	--	Permit or other approval-type system
Hawaii	--	Permit or other approval-type system
Illinois	--	Permit and "Instant check"
Indiana	--	Permit or other approval-type system
Iowa	--	Permit or other approval-type system
Maryland	--	Permit or other approval-type system
Massachusetts	--	Permit or other approval-type system
Michigan	--	Permit or other approval-type system
Missouri	--	Permit or other approval-type system
Nebraska	--	Permit or other approval-type system
New Jersey	--	Permit or other approval-type system
New York	--	Permit or other approval-type system
Oregon	--	Permit/Instant Check
Virginia	--	"Instant check"
[Virgin Islands]	--	Permit or other approval-type system
Wisconsin	--	"Instant check"

**STATES ORIGINALLY SUBJECT TO THE FEDERAL 5-DAY WAITING PERIOD
THAT NOW HAVE SYSTEMS THAT MEET THE ALTERNATE REQUIREMENTS**

9

Colorado	Beginning 03-01-94	--	"Instant check"
Georgia	Beginning 01-01-96	--	"Instant check"
Idaho	Beginning 06-27-94	--	"Instant check"/ permit (permit 5-15-95)
Minnesota	Beginning 08-01-94	--	Permit or other approval-type system
New Hampshire	Beginning 01-01-95	--	"Instant check"
North Carolina	Beginning 12-01-95	--	Permit or other approval-type system
Tennessee	Beginning 05-10-94	--	Permit or other approval-type system
Utah	Beginning 03-01-94	--	"Instant check"
Washington	Beginning 06-06-96	--	Permit or other approval-type system

Note: Louisiana status was incorrect on previous list.

Original signature of Member

105TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHUMER introduced the following bill; which was referred to the
Committee on _____

A BILL

To ensure that background checks are conducted before the
transfer of a handgun by a firearms dealer.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Brady Law Restora-
5 tion Act".

1 SEC. 2. BACKGROUND CHECK REQUESTS REQUIRED TO BE
2 SENT TO CHIEF LAW ENFORCEMENT OFFI-
3 CERS WHOSE POLICE DEPARTMENTS ARE CO-
4 OPERATING IN CONDUCTING THE CHECKS.

5 Section 922(s) of title 18, United States Code, is
6 amended—

7 (1) in each of subclauses (III) and (IV) of para-
8 graph (1)(A)(i), by striking “the chief law enforce-
9 ment officer of the place of residence of the trans-
10 feree” and inserting “a designated chief law enforce-
11 ment officer with respect to the transfer”;

12 (2) by striking paragraph (2) and inserting the
13 following:

14 “(2)(A) Upon request of a chief law enforcement offi-
15 cer of a cooperating law enforcement agency, the Sec-
16 retary shall certify the chief law enforcement officer as
17 the head of a cooperating law enforcement agency.

18 “(B) For purposes of subparagraph (A) of this para-
19 graph, a law enforcement agency is a cooperating law en-
20 forcement agency if the agency maintains a practice, upon
21 receipt of a notice provided pursuant to paragraph
22 (1)(A)(i)(III) with respect to the transfer of a handgun,
23 of making a reasonable effort to ascertain within 5 busi-
24 ness days whether receipt or possession of the handgun
25 by the transferee would be in violation of Federal, State,
26 or local law, including research in whatever State and local

1 record keeping systems are available and in a national sys-
2 tem designated by the Attorney General.

3 “(C)(i) Not later than 90 days after the date of the
4 enactment of this paragraph and periodically thereafter,
5 the Secretary shall provide to each licensed dealer a list
6 of the chief law enforcement officers certified under sub-
7 paragraph (A).

8 “(ii) From time to time, the Secretary may provide
9 to each licensed dealer, or to each licensed dealer within
10 a State, a list of chief law enforcement officers previously
11 certified under subparagraph (A) who the Secretary deter-
12 mines are no longer the head of a cooperating law enforce-
13 ment agency.”; and

14 (3) in paragraph (8)—

15 (A) by inserting “(A)” after “(8)”; and

16 (B) by adding at the end the following:

17 “(B) For purposes of this subsection, the term ‘des-
18 ignated chief law enforcement officer’ means, with respect
19 to a handgun transfer, any of the following who is a listed
20 chief law enforcement officer:

21 “(i) The chief law enforcement officer of the
22 place of residence of the transferee.

23 “(ii) The chief law enforcement officer of the
24 place of business of the transferor at which the
25 handgun transfer is to be made.

1 “(iii) The chief law enforcement officer of the
2 State in which the place of business described in
3 clause (ii) is located.

4 “(C) For purposes of this subsection, the term ‘listed
5 chief law enforcement officer’ means, with respect to a
6 handgun transferor, a chief law enforcement officer who—

7 “(i) has been identified, in the list of chief law
8 enforcement officers most recently distributed to the
9 transferor under paragraph (2)(C)(i), as the head of
10 a cooperating law enforcement agency; and

11 “(ii) has not been identified, in a list of chief
12 law enforcement officers subsequently distributed to
13 the transferor under paragraph (2)(C)(ii), as the
14 head of a law enforcement agency that has ceased
15 to be a cooperating law enforcement agency.”.



Jose Cerda III

06/20/97 06:27:23 PM

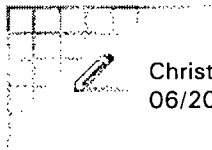
Record Type: Record

To: Christa Robinson/OPD/EOP
cc: Michelle Crisci/WHO/EOP, Leanne A. Shimabukuro/OPD/EOP, Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP
bcc:
Subject: Re: schumer bill 

Christa, et.al.:

Christa I agree. Also, I talked to a couple of the law enforcement folks and had an idea. How about we change the statement to say that the Pres. is going to direct Reno and Rubin **to sit down with law enforcement** and come back with recs ASAP, 7 days, whatever. This gives us a direct opportunity to buy the law enforcement back in (a la crime bill model), and it allows us to iron out solutions with them. Spurrier suggested to me that, if we can get ATF to get the state police on board in all of the Brady States, we may be able to temporarily fix Brady without legis. -- or until we pass legis.

Jose'
Christa Robinson



Christa Robinson
06/20/97 04:49:03 PM

Record Type: Record

To: Jose Cerda III/OPD/EOP, Michelle Crisci/WHO/EOP
cc: Leanne A. Shimabukuro/OPD/EOP, Elena Kagan/OPD/EOP
Subject: schumer bill

Just wanted to confirm that most of the cop groups don't like the Schumer bill. Cops are central to the coalition to support brady, and they will stand with us as we defend the core of the brady law, but they will not stand with us as we endorse Schumer. Why not take the first day to talk about the value of the Brady Law, the impact it will continue to have in spite of the Court's ruling, and **call on the Attorney General and Secretary Rubin to report back in x days on additional measures to ensure that background checks continue.** If we stop short of supporting the Schumer bill we will appease our law enforcement friends, and keep ourselves from getting hit with the tough questions about his legislation -- of which there are many. Clearly this also buys us some time while the court decision plays out. We could then gear up for a major event with POTUS if we wanted a few days later.

(I understand the need to do as much as possible in the first 24hrs, but unless the Schumer legislation can be improved, I don't see why we would endorse it wholeheartedly. As it stands there is a disincentive for CLEOs to do checks and punishes those that are doing the right thing by

overburdening them.)

Jose's talking to Schumer's folks, but just wanted you to be aware of the cop problem.

MEMORANDUM FOR THE PRESIDENT

FROM: RAHM EMANUEL
BRUCE REED

SUBJECT: STRATEGY IN RESPONSE TO BRADY
LAW SUPREME COURT DECISION

The Supreme Court will decide the Brady Law case within the next few months. Most experts believe that the Court will find the law unconstitutional and hold that the Federal Government cannot "require" state and local law enforcement officials to conduct criminal background checks.

The Counsel's Office is providing you a memo with their views on legislative fix options. Here are recommended actions that we think we should take in response to such a ruling.

If Court Rules Brady Law Unconstitutional

Three elements of the law would most likely still be in effect --- 1) Brady's 5-day waiting period; 2) Requirement that gun dealers obtain a statement from purchasers concerning the proposed handgun sale; and 3) Transfer by gun dealers of the statement to state or local law enforcement officers. In addition, the decision would apply only to 24 Brady states, and not to the Brady "alternative" states (where state legislatures have established an alternative system that meets federal standards).

Law enforcement officials would be able to continue to conduct criminal record checks of handgun purchasers -- but only on a voluntary basis. And most law enforcement officials believe that the vast majority of local chief law enforcement officers would continue to perform background checks.

Actions To Take In Response

We have been working with the Justice and Treasury Departments to develop a multi-pronged strategy to respond to such a decision. It is critical that we move quickly to respond to an adverse ruling by the Court. These options will permit us to stand with the Bradys and law enforcement in a united front and challenge Congress and the gun lobby to support reinstating the Brady Law.

The communications message from this strategy would be straightforward - - the majority of the Brady Law is still intact, but criminals should have no safe haven. The law should be clear: no background check, no gun sale.

Day of Supreme Court Ruling

- Presidential Statement. You would make a statement at the White House with the Bradys condemning the decision and directing the Attorney General and the Secretary of Treasury to review the decision and within a week present you with legislative options.

Law Enforcement/Bradys Event

At an event, within a short period of the ruling, you would stand with the Attorney General, Secretary Rubin, numerous law enforcement chiefs and sheriffs, Members of Congress, and the Bradys to announce the following:

- Legislation. Announce legislation addressing the Court decision and challenge Congress to pass it quickly (in addition, Treasury is currently reviewing whether any actions could be taken by Executive Order in conjunction with or instead of legislation);

A more definitive recommendation will depend upon an analysis of the Court's opinion. However, here are at least some preliminary options being considered by the Justice and Treasury Departments:

1. Condition federal crime program funding upon states and localities agreeing to abide by background check requirements. This option would provoke some resistance in the law enforcement community.
2. Federal Operation --- turn over background check operations to the FBI and ATF.
3. Regulate Firearms Dealers -- prohibit federally licensed firearms dealers from selling handguns unless a law enforcement official certifies that a background check will be conducted.
4. No Legislative Response -- Brady is currently scheduled to sunset in 1998 and be replaced with a instant background check system. Any legislation will probably not pass this Congress.

We recommend option #3. We think it is important that you respond to the decision with legislation and challenge Congress to move. It will then have to explain any inaction to

law enforcement and the American public. Under option #3, most chief law enforcement officers will conduct background checks; any who refuse will have to take responsibility for halting all handgun sales in their area. This approach sticks to a simple overall message -- no background check, no gun sale. Handgun Control supports this approach.

- Law Enforcement Pledge. Release a pledge signed by chiefs and sheriffs from across the nation vowing to continue to enforce the Brady Law.
- Reno/Rubin Letter. Release letter from Reno and Rubin to every police chief and sheriff in the country urging them to continue their public safety duty to conduct background checks on handgun purchasers. The letter would be sent electronically by Treasury to all state and local law enforcement organizations, and also sent to state attorneys general.
- ATF Letter. Release ATF Director Magaw letter to all Federal Firearms Licensees notifying them of the Court decision and informing them that their obligations under Brady remain unaffected.