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SENTENCES & TIME
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U.S. Department of Justice
Office of Justice Programs



Bureau of Justice Statistics Selected Findings

Number 4

April 1995, NCJ-153858

Prison Sentences and Time Served for Violence

By Lawrence A. Greenfeld
BJS Statistician

Since the mid-1970's, legislatures around the Nation have sought to reduce discretion in both the sentencing process and the determination of when the conditions of a sentence have been satisfied. Determinate sentencing, use of mandatory minimums, and guidelines-based sentencing are illustrations of approaches that limit discretion and increase the predictability of penalties.

A majority of State prisoners today serve presumptive sentences. 90% of State inmates can estimate their probable release date, and their discharge from prison is less likely than in the past to be determined by a parole board decision. In 1977, 72% of those released from State prisons had served an indeterminate sentence, and a parole board decided their release. In 1992, by contrast, less than 40% of prison releases were determined by a parole board.

Interest in truth-in-sentencing reflects continued attention to discretion and to the relation between sentences and time served. Truth-in-sentencing is generally meant to describe a close correspondence between the sentence imposed upon those sent to prison and the time actually served prior to prison release.

Data collected from States by the Bureau of Justice Statistics (BJS) indicate that violent offenders released from State prisons in 1992 served 48% of the sentence they had received — an average of 43 months in confinement, both jail and prison, on an average sentence of 89 months. The

Violent offenders are persons convicted of homicide, kidnaping, forcible rape, sexual assault, robbery, assault, or other crimes involving the threat or imposition of harm upon the victim, including extortion, intimidation, reckless endangerment, hit-and-run driving with injury, or child abuse.

finding that just under half the sentence will be served in confinement was confirmed through analysis of self-reports of a national sample of State prisoners. An examination of prison release practices for violent offenders in 31 States reveals wide disparity across the States in sentence length but substantially less disparity and greater consensus on the duration of time spent in confinement.

These findings are drawn from BJS data collection programs, including the annual National Corrections Reporting Program (NCRP) and the 1991 sample survey of State prisoners. (See *Sources of data*, page 3.)

Admissions, releases, and prisoners present

Prison releases

Participating NCRP States, representing about 8 out of 10 violent offenders released from prisons nationwide in 1992, provided sufficient information to examine the relationship between the sentence received and time served prior to first release.

Released violent offenders in 1992 served
48% of their sentence

Type of offense	Average sentence	Average time served*	Percent of sentence served
All violent	89 months	43 months	48%
Homicide	149	71	48
Rape	117	65	56
Kidnaping	104	52	50
Robbery	95	44	46
Sexual assault	72	36	49
Assault	61	29	48
Other	60	28	47

*Includes jail credit and prison time.

Little variability was found in the percentage of sentence served for different types of violent crimes. For most violent crimes, offenders served just under half of the sentence imposed. Those convicted of rape were found to serve the highest percentage of their sentences, 56%.

serve. During the course of a prison stay, various credits against a sentence may be earned (such as good time) or reductions in sentence length may occur (such as sentence rollbacks in crowding emergencies), changing the percentage of sentence actually served.

Years	Prison releases		
	Average sentence	Average time served	Percent of sentence served
1988	95 months	41 months	43%
1989	91	42	46
1990	94	44	47
1991	92	44	48
1992	89	43	48

Prisoner status	Average sentence	Average time served	Percent of sentence
Admissions, 1992	104 months	62 months	60%
Prisoners, 1991	216	100	46
Releases, 1992	89	43	48

During the most recent 5-year period, data for released violent offenders indicated that the percentage of their sentence spent in prison remained relatively stable.

Estimating hypothetical impacts of changing the percentage of sentence served

Prison admissions

Another measure of the time served relative to a sentence is derived from those admitted to prison. NCRP obtains estimates of the minimum time to be served by those admitted to State prisons. From 1988 to 1992, sentences received and preliminary estimates of length of stay for violent offenders admitted to State prisons have shown a consistent percentage of the sentence to be served:

Thinking about truth-in-sentencing requires at least the knowledge of two numbers — sentence length and the actual or predicted length of stay. Since the desired goal of truth-in sentencing is to increase the percentage of sentence served over current practice, it is possible to estimate what sentences and what time served would be necessary to achieve increased correspondence between the two. Such estimates would, of course, be speculative because policies or practices implemented by jurisdictions seeking to change the percentage of sentence served may simultaneously modify both sentence length and time served.

Years	Prison admissions		
	Average sentence	Average time to be served	Percent of sentence to be served
1988	113 months	66 months	58%
1989	107	65	61
1990	105	63	60
1991	105	64	61
1992	104	62	60

If the current average sentence remained the same for violent offenders and a policy were adopted requiring that 85% of the current sentence should be served, the predicted time served would increase the current length of stay—

- for admissions, 28 months
- for prisoners present, 84 months
- for releases, an average 33 months longer in prison.

Admissions in 1992 had average sentences of 104 months, and correctional authorities predicted that they would stay for 60% of that time. Releases that same year had average sentences that were 15 months shorter and their length of stay was 19 months less; releases served 48% of the sentences they received.

Percent of sentence served	Estimated time to serve		
	Prison admissions	Prisoners present	Prison releases
Current	62 months	100 months	43 months
65%	68	140	58
70%	73	151	62
75%	78	162	67
80%	83	173	71
85%	88	184	76
90%	94	194	80
95%	99	205	85
100%	104	216	89

Estimated percentage of sentence served or to be served by admitted, current, and released prisoners

Prisoner self-reports and records obtained for those released from prison tell a similar story — just under half the sentence received will be served in confinement. Estimates for admissions, however, may differ from the other estimates for two reasons: admissions reflect current policies and legislation affecting the use of prison, and less is known at admission about how long inmates will actually

Based upon current time served in prison, what would sentences need to be to achieve higher percentages of sentence served?

Percent of sentence served	Estimated sentence		
	Prison admissions	Prisoners present	Prison releases
Current	104 months	216 months	89 months
65%	95	154	66
70%	89	143	61
75%	83	133	57
80%	78	125	54
85%	73	118	51
90%	69	111	48
95%	65	105	45
100%	62	100	43

An alternate approach would be to hold constant the current average lengths of stay and change sentence lengths, attempting to ensure a particular ratio of time served to sentence. As shown above, by setting the sentence as 85% of the current time served, estimated sentence lengths would decrease —

- for admissions, 31 months
- for prisoners present, 98 months
- for releases, an average 38 months.

How States differ in the percentage of sentence served

Among the NCRP States, released violent offenders in 1992 had an average sentence of 89 months and an average time served of 43 months; these violent prisoners had served 48% of their sentence prior to discharge from prison. The reporting jurisdictions can be divided into three groups according to whether they were above, at, or below the national average percentage of sentence served.

Above average About 40% of releasees were in States that had percentages of sentence served that were at least 10% (5 percentage points) above the national average of 48%. For these States, the average sentence was 72 months and average time served was 44 months, or 61% of the imposed sentence.

Average Just under 30% of releasees were in States that had approximately the national ratio of time served to sentence with average sentences of 102 months and time served of 47 months, or 46% of the sentence.

Below average The remaining 30% of releasees were in States that provided release records in which the percent of sentence served fell at least 10% (5 percentage points) below the national average with sentences averaging 125 months and time served of 42 months. Discharged violent offenders in these States had served 34% of the sentence they had received.

Prison releases

States with a percent of sentence served —	Average sentence	Average time served	Percent of sentence served
Above average	72 months	44 months	61%
Average	102	47	46
Below average	125	42	34

These data indicate that all three groupings of States had similar time served among violent offenders released from prison regardless of the sentence received or the percentage of sentence served. In other words, States have a much greater consensus on the duration of incarceration for violent crime than could be inferred from simply examining the sentences imposed or the percentage of sentence served.

Sources of data

In 1992, 38 States and the District of Columbia participated in the National Corrections Reporting Program, covering 93% of State prison admissions nationwide (431,000 records) and 86% of State prison releases (348,000 records). While the length of the sentence received was gathered for both groups of prisoners, time served (including jail credits) was only obtainable for those released from prison. For those admitted to prisons in 1992, States provided a prediction of the expected minimum time to be served.

In 1991 BJS conducted a representative sample survey of State prisoners and obtained estimates from prisoners of the likely time to be served. Approximately 14,000 inmate interviews were conducted in 45 States.

The categorization of violent offenses is the same for both the NCRP and the survey of State prisoners. Beginning in 1982, a three-digit offense coding system was devised by BJS, in consultation with State departments of corrections, to provide a uniform approach. A users guide provided to the States indicated how BJS categorized particular offenses.

NCRP datasets, available for public use through the National Archive of Criminal Justice Data, preserve the original source offense codes as well as the assigned BJS offense codes. BJS has expanded its codes over the years to take into account groups of offenses entering common use and to provide increased detail on other offenses. These revisions have been provided to the participating States.

Most analyses in this report used data on sentence length, jail credits, and time served in prison from published BJS reports. The analysis comparing States on the percent of sentence served used individual-level records supplied by the States. Differences in the methods used may introduce small differences in the estimates.



***U.S. Department of Justice
Office of Justice Programs***

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Tue 10-10-95 03:13PM

To: Anne Walker
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Subject:

Following is a 1-page fact sheet and 4-page Executive Summary for "Spouse Murder Defendants in Large Urban Areas," NCJ-153256. Use Internet web address <http://ncjrs.aspensys.com/spouse.html> to download ASCII or portable document format (PDF) files of these and the full report. If you don't get all 6 pages or want a copy of the full 31-page report, call the BJS fax-on-demand system at 301-251-5550 or the BJS Clearinghouse at 1-800-732-3277 to get hard copy mailed or expressed to you. Questions: call the author, Patrick A. Langan, 202-616-3490 (after hours 410-997-2920).

Total pages including cover page: 06

Bureau of Justice Statistics Fact Sheet

Advance for release at 5 p.m. EDT, Wednesday, October 11, 1995

Husbands convicted more often than wives for spouse murder

Husbands are convicted more frequently than wives for killing their spouses, according to a Bureau of Justice Statistics (BJS) study released today. Wives more often were acting in self-defense, the report said.

In a sample of homicide cases in 75 of the nation's most populous counties, state court judges or juries during 1988 acquitted 6% of the husband defendants, compared to 31% of the wife defendants. Jury trials ended in acquittal for 27% of wives, but none of the husbands.

Moreover, convicted husbands were more likely to receive a term of imprisonment (94% of the husbands vs. 81% of the wives), and the average prison sentence for husbands was much longer (16½ years for husbands vs. 6 years for wives).

Among the defendants in the study, 59% were husbands and 41% were wives, including common-law and separated spouses, but not divorced couples.

In 44% of wife defendant cases, there was evidence the husband had assaulted the wife at the time of the killing. In 10% of wife defendant cases, evidence was present that the wife had assaulted the husband prior to the killing. Assaulted wives were convicted (by either guilty plea or trial verdict) 56% of the time. The comparable conviction rate for unprovoked wives was 86%; for unprovoked husbands, 88%.

"In many instances in which wives were charged with killing their husbands, the husband had assaulted the wife, and the wife then killed in self-defense," noted one of the report's authors, Patrick A. Langan, Senior Statistician at BJS. "That might explain why wives had a lower conviction rate than did husbands."

Fifty-one percent of the husbands charged with murdering their wives were black; 45% were white. Sixty-one percent of the women charged with murdering their spouses were black; 39% were white. In 97% of the spouse murders, both spouses were the same race.

The likelihood of a conviction and of a prison sentence if convicted were about the same regardless of the defendant's race. Seventy-eight percent of white defendants and 80% of black defendants were convicted. Among convicted defendants, 93% of whites and 88% of blacks were sentenced to prison.

The arrest charge in over two-thirds of the cases was first-degree murder, but in over half of the convictions, the offense was negligent or non-negligent manslaughter.

About 66% of the husbands who killed their wives had been drinking, compared to 37% of the wives. Twenty-two percent of the husband defendants had been using drugs, compared to 3% of the wife defendants.

Eleven percent of the husbands who killed their wives had a history of mental illness, compared to 15% of the female defendants.

Fifty percent of the husbands used a firearm in the murder, compared to 58% of the wives. Nineteen percent of the husbands used a knife, compared to 37% of the wives.

Three percent of the husbands and 6% of the wives were charged with contract killings.

Of all the spouse murders sampled and disposed of, 13% were not prosecuted, 43% were concluded with guilty pleas, 37% ended in trial convictions and 7% resulted in acquittals.

Thirty percent of the wives and 13% of the husbands either were not prosecuted or were found not guilty after being tried.

The study, "Spouse Murder Defendants in Large Urban Counties" (NCJ-153256), was based upon a systematic sample of cases disposed of during 1988 in the 75 most populous counties, which account for a little more than half of murders in the nation's 3,100 counties. Consequently, survey results summarized in this report are from the courts where the majority of the nation's murder trials are held. This case processing study is the most geographically comprehensive study on the topic.

"Although the survey covers murder cases processed seven years ago," Langan noted. "BJS knows from long experience with surveying courts that changes in case processing are quite gradual. The report's results are, therefore, likely to be applicable today."

Single copies of this fact sheet and the report's executive summary may be obtained by facsimile transmission by dialing 301/251-5550. The published full report (order number NCJ 153256) and the summary (NCJ 156831) are available from the BJS Clearinghouse, Box 179, Annapolis Junction, Maryland 20701-1079. The telephone number is 1-800/732-3277. Fax orders to 410/792-4358.

The full text of both reports and this fact sheet is available in electronic form at the following sites:

- (1) on the Internet in both ASCII and portable document format at <http://ncjrs.aspensys.com/spouse.html>
- (2) on the BJS section of the National Criminal Justice Reference Service Bulletin Board using a computer modem: call 1-301/738-8895 and use 8-N-1 setting.

Packets of additional sources of information on domestic violence may be obtained from the BJS Clearinghouse at 1-800/732-3277.

Contact: Patrick A. Langan, 202/616-3490
After hours: 410/997-2920



U.S. Department of Justice
Office of Justice Programs

Bureau of Justice Statistics Executive Summary

September 1995, NCJ-156831

Spouse Murder Defendants in Large Urban Counties

By Patrick A. Langan, Ph.D.
BJS Statistician
and John M. Dawson
former BJS Statistician

Following are highlights from *Spouse Murder Defendants in Large Urban Counties*. The full report may be ordered using the form on page 4.

Number of spouse murder defendants and their demographic characteristics

In 1988 the justice system in the Nation's 75 largest counties disposed of an estimated 540 spouse murder cases. Husbands charged with killing their wife outnumbered wives charged with killing their husband. Of the 540, 318 — or 59% — were husband defendants and 222 — or 41% — were wife defendants.

Blacks comprised 55% of the 540 defendants, and whites comprised 43%. Among husband defendants 51% were black and 45% were white. Among wife defendants 61% were black and 39% were white. In 97% of the murders, both spouses were the same race.

Ages of spouse murder defendants ranged from 18 to

87. The average age was 39. The average age of husband defendants was 41; of wife defendants, 37 years.

Arrest charge

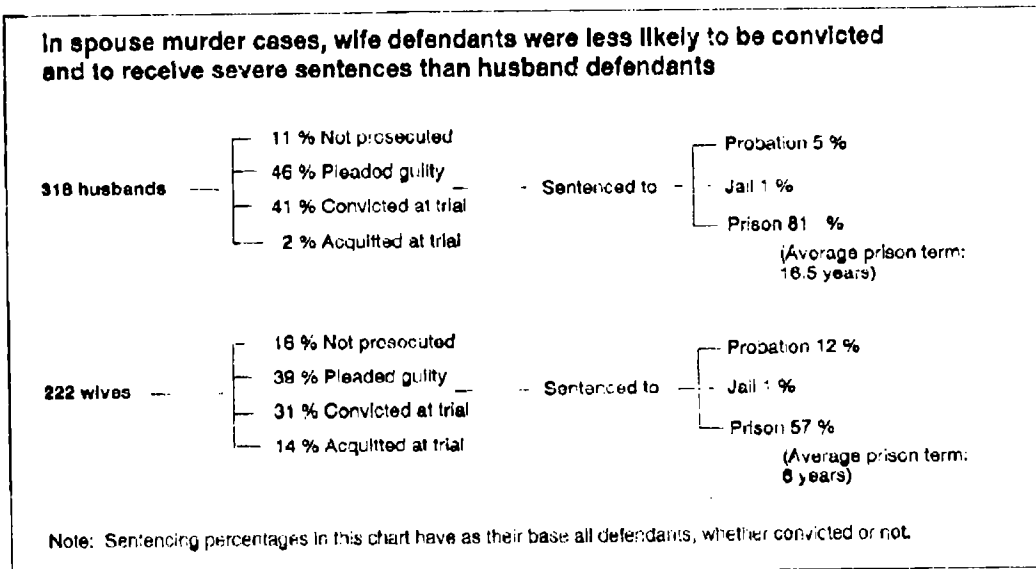
First-degree murder was the most frequent charge at arrest, accounting for 70% of defendants. In descending order of seriousness, charges were distributed this way across the 540 spouse murder defendants:

- 70% first-degree murder
- 24% second-degree murder
- 6% nonnegligent manslaughter

How the justice system disposed of spouse murder cases

Cases were disposed of in one of three ways:

- (1) the prosecutor declined to prosecute; or



- (2) the defendant pleaded not guilty, stood trial, and was either acquitted or convicted; or
- (3) the defendant pleaded guilty.

Of the 540 spouse murder defendants, 232 — or 43% — pleaded guilty to killing their spouse, and 238 — or 44% — pleaded not guilty and stood trial. The remaining 70 persons — or 13% — were not prosecuted.

Outcome for spouse murder defendants who pleaded not guilty and stood trial

Of the 238 who pleaded not guilty, 63% were tried by a jury and the remaining 37% were tried by a judge. Together, judges and juries acquitted 16% of the 238 spouse murder defendants and convicted 84% — or 199 persons — of killing their spouse.

Bench trials (trials before a judge) had a higher acquittal rate than jury trials: 26% of bench trials ended in acquittal, versus 11% of jury trials.

Defendants convicted of killing their spouse

Of the 540 spouse murder defendants, 431 (or 80%) were ultimately convicted of killing their spouse. Their conviction was the result of either pleading guilty (232 persons) or being convicted at trial (199 persons).

While most persons arrested (70%) for spouse murder were charged with first-degree murder, most persons convicted (52%) of spouse murder had negligent or non-negligent manslaughter as their conviction offense.

Sentences for defendants convicted of killing their spouse

Of the 431 defendants convicted of killing their spouse, 89% were sentenced to a State prison, 1% were sentenced to a county jail, and the remaining 10% received a sentence of straight probation (no prison or jail confinement).

An estimated 12% of the 431 convicted spouse murderers received a sentence to life imprisonment and 1% received the death penalty.

Excluding life and death sentences, the average prison term imposed was 13 years.

Wife defendants less likely to be convicted

Wife defendants had a lower conviction rate than husband defendants —

- Of the 222 wife defendants, 70% were convicted of killing their mate. By contrast, of the 318 husband defendants, 87% were convicted of spouse murder.

- Of the 100 wife defendants tried by either a judge or jury, 31% were acquitted. But of the 138 husband defendants tried, 6% were acquitted.

- Of the 59 wife defendants tried by a jury, 27% were acquitted. But of the estimated 91 husband defendants tried by a jury, none was acquitted.

Convicted wife defendants sentenced less severely

An estimated 156 wives and 275 husbands were convicted of killing their spouse. Convicted wives were less likely than convicted husbands to be sentenced to prison, and convicted wives received shorter prison sentences than their male counterparts —

- 81% of convicted wives but 94% of convicted husbands received a prison sentence.

- On average, convicted wives received prison sentences that were about 10 years shorter than what husbands received. Excluding life or death sentences, the average prison sentence for killing a spouse was 6 years for wives but 16.5 years for husbands.

- Among wives sentenced to prison, 15% received a sentence of 20 years or more (including life imprisonment and the death penalty); among husbands, it was 43%.

Victim provocation more often present in wife defendant cases

According to information contained in prosecutor files, more wife defendants (44%) than husband defendants (10%) had been assaulted by their spouse (threatened with a weapon or physically assaulted) at or around the time of the murder.

Self-defense as possible explanation for wives' lower conviction rate

In certain circumstances, extreme victim provocation may justify taking a life in self-defense. Provocation was more often present in wife defendant cases, and wife defendants were less likely than husband defendants to be convicted, suggesting that the relatively high rate of victim provocation characteristic of wife defendant cases was one of the reasons wife defendants had a lower conviction rate than husband defendants. Consistent with that,

of the provoked wife defendants, 56% were convicted, significantly lower than either the 86% conviction rate for unprovoked wife defendants or the 88% conviction rate for unprovoked husbands.

No explanation for why State prison sentences were, on average, 10 years shorter for wife defendants than husband defendants

Wives received shorter prison sentences than husbands (a 10-year difference, on average) even when the comparison is restricted to defendants who were alike in terms of whether or not they were provoked —

- The average prison sentence for unprovoked wife defendants was 7 years, or 10 years shorter than the average 17 years for unprovoked husband defendants.

Victim's race unrelated to outcomes

The victim was black in 55% of cases and white in 43%. The likelihood of a defendant being convicted of spouse murder was about the same whether the murder victim was white or black. Among spouse murder defendants whose victim was white, 81% were convicted. Among those whose victim was black, 79% were convicted.

Likewise, the sentence was unrelated to the victim's race. The likelihood of a convicted spouse murderer receiving a prison sentence was about the same whether the murder victim was white or black: the convicted spouse murderer was sentenced to prison in 93% of cases where the victim was white, not significantly different from the 87% of cases where the victim was black. The length of the prison sentence imposed on a convicted spouse murderer was generally unrelated to whether the murder victim was white or black —

- For conviction for first-degree murder, the average prison term (excluding life and death sentences) was 29 years in white-victim cases, not significantly different from the 32 years in black-victim cases
- For conviction for second-degree murder, the average prison term (excluding life sentences) was 19 years in white-victim cases, significantly longer than the 13 years in black-victim cases. However, 23% of convicted second-degree murder defendants in black-victim cases received a sentence of life imprisonment, compared to 8% of defendants in white-victim cases.
- For conviction for nonnegligent manslaughter, the average prison term (excluding life sentences) was 8 years in white-victim cases, not significantly different from the average 6 years in black-victim cases.

Defendant's race unrelated to outcomes

The likelihood of conviction, and of a prison sentence if convicted, and the length of the prison sentence were about the same whether the spouse murder defendant was white or black —

- 78% of white defendants were convicted, not significantly different from the 80% of black defendants.
- Among convicted spouse murderers, 93% of white defendants were sentenced to prison, not significantly different from the 88% of black defendants.

Processing time

Three measures of processing time were taken from the day of the murder — to arrest, to indictment, and to final disposition. Most spouse murder defendants were arrested on the same day the killing occurred. Average time to indictment was 4 months. Average time to final disposition was almost exactly 1 year.

For husbands tried by a jury, 12½ months was the average elapsed time from the day of the murder to the conclusion of the jury trial. For wives tried by a jury it was significantly longer, about 18½ months.

Methodology

This study is based upon a systematic sample of murder cases disposed of in the 75 most populous counties in 1988. A case was considered disposed if the prosecutor screened it out, if the defendant pleaded guilty, or if the defendant went to trial and was either convicted or acquitted. The 75 are where a little over half of all murders in the Nation occur.

Spouse murder defendants in the sample were drawn from State prosecutor files in 33 of the 75 counties. The counties were widely scattered, from Los Angeles and San Diego, Denver and Dallas, to Philadelphia and Dade County (Miami). For each defendant, data collectors filled out a lengthy questionnaire and prepared a brief narrative from file information. Prosecutor files include such items as the police arrest report, investigator reports, and information on how the case was disposed. Questionnaires and narratives are the sources of data for this report.

The same database used in this report was previously analyzed by John M. Dawson and Barbara Boland (*Murder in Large Urban Counties, 1988*, BJS Special Report, NCJ-140614, May 1993) and by John M. Dawson and Patrick A. Langan (*Murder in Families*, BJS Special Report, NCJ-143498, July 1994).

1993 JUSTICE DEPARTMENT ACCOMPLISHMENTS

MAKING AMERICA SAFE

- *More Police on the Streets*
 - The Justice Department is implementing the President's 1993 Jobs Bill, which provided \$150 million to local governments to hire new police officers. The first round of financial awards to police departments, totaling \$50 million, was completed by the Justice Department in December. The Justice Department awarded the money to those communities in greatest need and to those police departments that made the greatest commitment to community policing.
 - The Justice Department has successfully advocated the inclusion of significant funding for additional police in the Crime Bill. The current Senate version of the Crime Bill includes \$8.995 billion to hire 100,000 new police officers.

1993 Department of Justice Accomplishments

- Firearms Controls

- The Justice Department successfully advocated the passage of the Brady Bill.
- The Justice Department participated in the issuance of a Presidential directive banning the import of assault pistols and tightening regulations on the licensing of firearms dealers.
- The Justice Department supported in Congress the Crime Bill provision that would ban assault weapons and large capacity ammunition magazines.
- The Justice Department advocated in Congress the Crime Bill provision that would prohibit the possession of handguns and handgun ammunition by anyone under 18 years of age.
- The Justice Department supported in Congress the Crime Bill provision that would ban the M-39 bullet, the handgun ammunition that can pierce police body armor.

1993 Department of Justice Accomplishments

- The Justice Department advocated in Congress the Crime Bill provision that would prohibit firearms possession by anyone convicted of a crime involving domestic violence or anyone under a restraining order for activity such as stalking.
- Investigation and Prosecution
 - The Justice Department initiated new cooperative relationships with state and local prosecutors. The Attorney General directed the new United States Attorneys to work closely with local law enforcement and prosecutors to maximize the impact of law enforcement resources.
 - The Department of Justice announced its National Violent Crime Strategy. The goal of the strategy is to apprehend violent, repeat offenders and incarcerate them for the remainder of their crime-committing lives. This Strategy is the centerpiece of the Department's effort against crime across the country. The key elements of the National Violent Crime Strategy:

1993 Department of Justice Accomplishments

- First, under the leadership of the United States Attorneys, Violent Crime Coordinating Groups will be formed in each U.S. Attorneys district in America. These Coordinating Groups will include all primary investigative and prosecutorial agencies in the district -- federal, state and local.
- Second, each Coordinating Group will, from the ground up, identify local needs and priorities.
- With the assistance of the Justice Department's Criminal Division, the Coordinating Groups will then develop specific Operation Plans for each district. Operational Task Forces will carry out these plans. As part of this Strategy, existing task forces that are ineffective will be eliminated. The existing task forces that do work will be integrated with the Strategy.
- The National Violent Crime Strategy will forge coalitions of all relevant federal, state and local law enforcement agencies. The Strategy will draw on the particular strengths of each enforcement

1993 Department of Justice Accomplishments

agency. United States Attorneys will bring the federal government's strengths to the bear. These strengths include:

- Effective investigative procedures, including Title III electronic surveillance; investigative grand juries; and immunity.
- The reach of federal resources and processes across state and local jurisdictional boundaries.
- Support resources, including the Witness Protection Program, money for undercover drug buys, informant payments, and rewards; and expert technical services.
- Pretrial detention, which may not be regularly available to state and local law enforcement agencies.
- Federal immigration laws, will can be used to arrest and detain illegal aliens that are participating in organized criminal activities, such as gangs.

1993 Department of Justice Accomplishments

- Effective federal laws, including penal statutes that target continuing criminal enterprises, sentencing laws that guarantee convicts will serve 85 percent of their prison time; and asset forfeiture laws.

- The National Violent Crime Strategy will focus especially on gang violence. This focus is appropriate because gang activity is one of the greatest causes of the dramatic increase in violence and fear in our neighborhoods.

- Swift and Sure Punishment
 - In 1993 the first priority of Justice Department law enforcement efforts became seeking the incarceration of violent, repeat criminal offenders for the remainder of their crime-producing lives.

 - The Bureau of Prisons building program, now underway at 36 prison sites, will provide space for an additional 40,000 prisoners, an increase of 50 percent over current capacity.

1993 Department of Justice Accomplishments

- The Justice Department advocated in Congress the Crime Bill provision to establish boot camps for young offenders, where these offenders can be confined, learn discipline, and receive other appropriate treatment and training.

- Crime Prevention
 - The Department of Justice's community policing programs will help coordinate services provided by schools, health care workers, and other social and family service workers in neighborhoods.

 - The Department of Justice participated in the establishment of the Empowerment Zones and Enterprise Communities Initiatives. The Department's various funding programs, including the Weed and Seed program, will be devoted to the success of Empowerment Zones and Enterprise Communities.

 - The Department of Justice began a youth violence initiative, called the Cities Project. The Cities Project involves the collaboration of federal

1993 Department of Justice Accomplishments

agencies and four cities to develop effective community plans to combat crime and violence.

- The Department of Justice advocated and provided financial support for the establishment of Drug Courts, which provide alternative forms of punishment for first-time, non-violent offenders who are addicted to drugs.

- The Justice Department's Office of Juvenile Justice and Delinquency Prevention promoted and funded programs to reach the serious and violent juvenile offender, including programs which combine treatment and rehabilitation with accountability and graduated punishments.

- Other Anti-Crime Initiatives
 - The Department of Justice successfully advocated the passage of the "Oprah Winfrey Bill," which established a national database of child abusers that can be used to check the backgrounds of child care workers.

 - The Justice Department supported the Violence Against Women Act.

1993 Department of Justice Accomplishments

- The Department of Justice advocated the Crime Bill provision which would permit victims of federal crimes to make statements when their victimizers are sentenced.

ILLEGAL DRUGS AND DRUG ABUSE

- The Department of Justice worked to implement the 1993 Interim Drug Control Strategy. This strategy places emphasis on prevention and treatment, better use of interdiction resources, more coordinated and effective law enforcement, and continued cooperation with American partners in drug source and transit nations.
- On the international law enforcement front, the Department of Justice's top priority was to focus limited law enforcement resources where they will have the greatest impact on the international drug trade.
- The Department's approach was to strengthen the counterdrug institutions in two groups of countries: First, those countries that are the source of illegal narcotics and, second, the countries through which illegal narcotics are smuggled. The Department's strategy has three key components:

1993 Department of Justice Accomplishments

- First, the Department provided our international allies with the tools to match their political will to battle drug traffickers. The Department worked work closely with countries to improve their ability to conduct major counternarcotics investigations, operations and successful prosecutions. The Department promoted professionalism in law enforcement and respect for individual rights by helping to train the police forces, prosecutors and judges of these countries.
- Second, the Department's international counterdrug efforts focused on the disruption and dismantling of drug kingpin organizations.
- Third, the Department utilized its intelligence-gathering capabilities against the international drug kingpins. The Department's goal was to effectively gather, coordinate and exploit intelligence about international trafficking organizations.
- On the domestic law enforcement front, the Department of Justice sought to establish cooperative working relationships with local law enforcement agencies through a series of integrated task forces. These task forces are intended to help

1993 Department of Justice Accomplishments

ensure that all our law enforcement activities are carefully coordinated. The task forces will also guarantee that all levels of domestic American law enforcement have ready access to current intelligence on drug trafficking organizations operating within their respective jurisdictions.

- The Department of Justice also encouraged and supported the use of community policing as a way of disrupting established patterns of drug trafficking.
- The Department's law enforcement efforts targeted those aspects of the drug trade that cause the greatest damage and disruption to neighborhoods. The Department focused especially on drug-selling gangs, which employ violence and create an atmosphere of fear and intimidation, as well as on criminal enterprises that use children to sell drugs or that sell drugs to children.
- The Justice Department's revised its counterdrug strategies to take advantage of the fact that most hard-core drug abusers wind up at one time or another in the criminal justice system. The Department of Justice will therefore use the criminal justice system as a means to coerce drug treatment or abstinence.

1993 Department of Justice Accomplishments

- The Department of Justice sought to reduce the lure of American job opportunities by enforcing employer sanctions laws. The Department's program targets industries likely to employ illegal aliens; the program fines against employers who repeatedly hire unauthorized workers. An essential part of the Department's program is the automation of the employment verification process. In 1993, more than 12,000 unauthorized workers located as a result of INS employer sanction activities were apprehended by the INS.
- In 1993 the INS deported 20,251 criminal aliens, an increase of 10.7 percent over the previous year.
- The Attorney General and Mexican Attorney General Jorge Carpizo met in 1993 and agreed to work on a pilot project focusing on transferring Mexican inmates who will undergo rehabilitation programs and are prepared to be reintegrated into their communities. A Department of Justice working group is now establishing criteria for prisoner eligibility. These criteria include age, nature of offense, time left to serve, and chances of rehabilitation. A preliminary list of several thousand potentially eligible federal prisoners has already been compiled. The Justice Department working group is also working to establish a monitoring system to

1993 Department of Justice Accomplishments

determine what actually happens to the prisoners once they are returned to Mexico.

- The INS completed the design and began the development of a criminal alien data system. The system will enable INS to identify known deportable aliens for state and local police by expanding the use of fingerprint data. This system will be integrated with established police communications system and will be available free of charge to local police.
- The INS began development of a Criminal Alien Tracking Center. The Center will monitor aliens through the criminal justice system so that deportation proceedings are arranged while aliens are serving time in prison.
- The INS and the Bureau of Prisons began an aggressive program to expand the Institutional Hearing Program in the five states that have the largest concentration of incarcerated illegal aliens. This program will help ensure that criminal aliens are deported immediately upon release from prison.
- The INS began a complete review of the asylum system to provide timely and fair adjudications of asylum claims.

1993 Department of Justice Accomplishments

- The Department of Justice no longer considers drug testing and drug treatment incidental aspects of serving a prison sentence or probation.
- As part of this strategy, the Justice Department worked to encourage the creation of drug courts. These courts will find other ways to punish minor, non-violent drug offenders by diverting them to treatment programs as a condition for avoiding criminal proceedings.
- Under the Justice Department's strategy, prison drug treatment programs will be provided as incentives for more favorable conditions of confinement or earlier release dates.
- The Department of Justice strategy insists that drug treatment be accompanied by swift and certain sanctions whenever an offender relapses or fails to comply with the conditions of treatment.

IMMIGRATION REFORM

- The Department of Justice developed and prepared for announcement in 1994 a Southwest Border Enforcement Plan. The Plan will implement an entirely new strategy of border law enforcement, including the deployment of the equivalent of 620 new agents, the use of force-enhancing advanced technology, and the concentration of resources along the most vulnerable parts of the border.
- The Department of Justice developed a comprehensive anti-smuggling initiative, including enhanced criminal justice sanctions allowing the INS to pursue vigorously organized smuggling activity in the United States; a communications strategy with source countries to deter smugglers; and a coordinated process to apprehend and prosecute smugglers.
- The Justice Department placed special focus on preventing the admission of potential terrorists into the United States by establishing computer linkages between the INS and the State Department.

1993 Department of Justice Accomplishments

- The INS began programs to encourage and promote citizenship through public education programs and to develop naturalization partnerships with community organizations. These efforts will assist INS in helping newcomers meet citizenship requirements.

CIVIL RIGHTS LAW ENFORCEMENT

- The Justice Department sought to enforce the Voting Rights Act in court and thus preserve the gains in minority representation made during recent redistricting. The Department also sought to investigate and prosecute acts of voter intimidation. In all, the Department participated in 15 voting rights cases.
- The Department of Justice made a top priority the enforcement of laws banning lending discrimination. The Department worked with the Department of Housing and Urban Development and financial regulatory agencies to develop and implement an effective enforcement program. Working with the Federal Trade Commission, the Department achieved a major voluntary compliance agreement with Shawmut Bank to end mortgage lending discrimination practices.

1993 Department of Justice Accomplishments

- The Department brought a record 120 lawsuits alleging violations of the Fair Housing Act. The Department's program to detect unlawful housing discrimination by using "testers" greatly increased the effectiveness of the Department's anti-housing discrimination efforts.
- The Justice Department successfully supported legislation to combat violence and unlawful obstruction at abortion clinics. The Department also worked to formulate an effective federal response to clinic access incidents.
- The Department of Justice began a vigorous program to enforce the Americans with Disabilities Act. The Department's program begins by advising businesses and governments how to comply with the law. Those who fail to comply will face enforcement litigation by the Department. In 1993 the Department filed four lawsuits under the Act and successfully resolved more than 100 complaints. The Department's lawsuits included the first case to provide disabled workers with equal retirement and disability benefits and the first lawsuit against dentists who refused to treat AIDS patients.
- The Department of Justice mounted challenges to gender discrimination by state-financed schools, including The Citadel and the Virginia Military Institute.

1993 Department of Justice Accomplishments

- The Justice Department won a major victory in the United States Supreme Court establishing the principle that it is not necessary to prove psychological injury in a sexual harassment case.

- The Department of Justice enacted a new Nondiscrimination Policy. The Policy is intended to accomplish these goals:
 - Discrimination on the basis of race, color, religion, sex, national origin, disability, and sexual orientation is clearly prohibited in the Department of Justice and all of its divisions and bureaus, including the Federal Bureau of Investigation, the Drug Enforcement Administration, and the United States Marshals Service.

 - All persons seeking employment or security clearances from the Department of Justice will be judged solely on the merits of their character and qualifications.

 - Sexual orientation will not be relevant to a person's ability to obtain, or retain, a job in the Department of Justice.

1993 Department of Justice Accomplishments

- Sexual orientation will not be relevant to a person's ability to receive, or maintain, a security clearance from the Department of Justice.
- Each of the divisions and bureaus of the Department of Justice will adopt rules and regulations necessary to implement the new Nondiscrimination Policy. The Federal Bureau of Investigation and its Director, Louis Freeh, fully support the new Policy. The FBI is now developing rules to implement it. These rules will recognize legitimate security concerns by permitting investigation of any matter that would reasonably subject an applicant or employee to coercion. The rules will make clear, however, that the veil of legitimate security concerns will not be allowed to mask improper and discriminatory conduct.
- The Department's Civil Rights Division charged 96 defendants with violating federal criminal civil rights statutes; 23 of these defendants were involved in incidents of racial or religious violence. The Department aided in winning the conviction of two Los Angeles police officers who beat Rodney King. The Department also brought charges against a Tennessee judge for sexually assaulting female employees, North Carolina police officers for abusing the homeless, and a Border Patrol agent for shooting a Mexican national at the border.

ENVIRONMENTAL LAW ENFORCEMENT

- The Department of Justice sought to carry out the President's Wetlands Initiative through increased enforcement actions to protect ecologically sensitive areas.
- The Justice Department gave priority to working with Native Americans to protect their sovereignty, water, fishing and other rights.
- The Department of Justice worked with other nations to write and implement laws to protect the global environment, including enforcing the environmental protections in the NAFTA side agreements.
- The Justice Department initiated litigation to protect national environmental treasures such as the Everglades National Park, the Grand Canyon, and Zion National Park.
- The Department of Justice worked to implement ecosystem management initiatives in the Pacific Northwest to preserve and restore salmon and other species through integrated planning.

1993 Department of Justice Accomplishments

- The Justice Department worked to reauthorize important environmental laws, including Superfund, the Clean Water Act, the Safe Drinking Water Act, the General Mining Law of 1872, and the Federal Insecticide, Fungicide and Rodenticide Act.
- The Department's Environmental Division won more than \$1 billion in civil penalties, defendant cleanups, cost recoveries, and damages. This included the largest awards ever under the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Resource and Conservation Restoration Act.

ANTITRUST LAW ENFORCEMENT

- The Department of Justice implemented a balanced approach to the enforcement of antitrust laws. This approach permits appropriate consolidations and joint ventures that are intended to, and appear likely to, promote commerce and competitiveness and benefit consumers. The Department's approach will prohibit such business ventures that are not intended, or are likely to, inhibit commerce and competitiveness.

1993 Department of Justice Accomplishments

- The Justice Department issued policy statements providing guidance to hospitals and other health care providers seeking to engage in mergers, joint ventures and other cooperative arrangements.
- The Department of Justice reemphasized civil enforcement of antitrust laws by initiating 30 new investigations of conduct that potentially could harm consumers, including coordinated behavior among competitors and monopolization and vertical maintenance restraints imposed by single firms.
- The Justice Department obtained a record \$42.2 million in fines from 83 criminal cases against 112 hard core antitrust defendants for such violations as price fixing, bid rigging and market allocation agreements.

HEALTH CARE FRAUD

- The Department of Justice initiated a program, in cooperation with the Department of Health and Human Services, to prosecute cases of health care fraud. The Department's activities included criminal indictments, civil lawsuits and administrative sanctions.

GOVERNMENT OPENNESS AND INTEGRITY

- The Justice Department issued a new Freedom of Information Act policy and guidelines requiring that all federal agencies provide the broadest possible range of information to the public.
- The Department of Justice initiated a new policy requiring the expeditious handling and, whenever appropriate, the public disclosure of results of Office of Professional Responsibility investigations. This includes investigations of complaints of misconduct on the part of Justice Department attorneys and investigators.
- The offices of the United States Attorneys obtained charges against 541 defendants for public corruption. Of those defendants tried to date, 469 have pleaded guilty or been convicted. The Department's Criminal Division obtained the conviction of former United States Congressman Albert G. Bustamante of San Antonio, Texas, on charges of conducting the affairs of his congressional office through a pattern of racketeering activity consisting of bribery and accepting an illegal gratuity.

JUDICIAL APPOINTMENTS

- The Justice Department has managed the nomination of 48 judicial nominees and the confirmation of 20 of these nominees. These nominees have garnered the strongest ratings ever from the American Bar Association. The Clinton Administration has nominated more judges in its first year than any other modern Administration. (By way of comparison to the President's 48 nominations, President Bush nominated only 23 judges during his first year in office.)
- These nominations reflect America's diversity. The Administration's 29 appointments of women, African Americans and Latinos represent 60 percent of his first-year nominations. (By way of comparison, in President Reagan's first year only 6 percent of his nominees to the federal bench were women or minorities; the comparable figure for President Bush's first year was 26 percent.)

CIVIL JUSTICE REFORM

- The Department of Justice initiated efforts to make laws -- especially those laws that affect citizens directly -- simpler and more understandable.

1993 Department of Justice Accomplishments

- The Justice Department started a comprehensive effort to increase access to justice by making legal services more available to poor and middle income Americans.
- The Justice Department began programs to reduce costs and delay in civil litigation, including the promotion of alternative dispute resolution programs.
- The Department of Justice worked to address court reform issues, including jurisdictional questions affecting state and federal courts.



U.S. Department of Justice
Office of the Associate Attorney General


Deputy Associate Attorney General

Washington, D.C. 20530

March 9, 1993

MEMORANDUM

TO: David Dreyer
White House Communications Office

FROM: Surell Brady 
Deputy Associate Attorney General

SUBJECT: Department of Justice Contacts in Los Angeles

As you requested, I am forwarding herewith a list of Department of Justice activities related to the federal civil rights trial and contingency planning. I have also indicated the contact persons within DOJ's components for each activity. Would you please use me as your first point of contact for any of these activities. I will be happy to provide any additional information you may need.

Attachment

cc: Stuart M. Gerson
Acting Attorney General

Webb Hubbell
Office of the Attorney General

DEPARTMENT OF JUSTICE
ACTIVITIES IN LOS ANGELES
RELATED TO FEDERAL CIVIL RIGHTS TRIAL
MARCH 1993

Trial in U.S. District Court

- Joint handling by Civil Rights Division in Washington, D.C. and U.S. Attorney's Office in Los Angeles: Two attorneys from Civil Rights Division and two attorneys from U.S. Attorneys Office in California.
- Civil Rights Division:
 - Jim Turner (202) 514-3828
 - Acting Assistant Attorney General
- U.S. Attorney's Office:
 - Terree Bowers (213) 894-2434
 - U.S. Attorney

Trial Security

- Security for judge, attorneys, defendants and jurors provided by U.S. Marshals Service
- Security within the Roybal Federal Courthouse in Los Angeles handled jointly by U.S. Marshals Service and Federal Protective Service

U.S. Marshals Service:

Director Henry Hudson (202) 307-9001

U.S. Marshal for Los Angeles:

Craig Meacham (213) 894-6820

Federal Protective Service: District Supervisor

Hugo Pastore (213) 894-0290

Community Relations

- Liaison and mediation provided by Community Relations Service. Includes day-to-day contact with:
 - Los Angeles City government
 - Los Angeles Police Department
 - Los Angeles County Sheriff
 - Compton Police Department
 - Compton, Inglewood and Los Angeles chapters of NAACP
 - Los Angeles County Youth Gang Services Office
 - Japanese-Americans Citizens League
 - Korean Young Adult team
 - Rebuild L.A. Merchant-Community Action team
 - Chinatown Service Center
 - Parents of Watts
- Community Relations Service:
 - Acting Director Jeff Weiss (301) 492-5929
 - Regional Director Julian Klugman (415) 744-6565

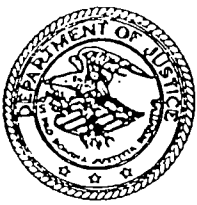
Federal Financial Assistance

- Operation Weed and Seed funds available for law enforcement and community rebuilding.

Bob Samuels (202) 616-1152
Weed and Seed Office

- HUD-transferred funds available for technical assistance and training for community policing in public housing projects.

Acting Director Jack Nadol (202) 307-0623
Bureau of Justice Assistance



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY, MAY 2, 1993

BJS
202-307-0784

BUREAU OF JUSTICE STATISTICS PUBLISHES DRUG REPORT

WASHINGTON, D.C. -- The Bureau of Justice Statistics (BJS), a Department of Justice agency, today released a comprehensive, 224-page statistical description of drugs, crime and drug control efforts.

The publication, "Drugs, Crime, and the Justice System: A National Report," discusses the drug-crime link, the extent of drug use, illicit drug trafficking, the history of domestic drug control, public opinion, testing, policy and other aspects of the nation's drug problems. It looks beyond enforcement and corrections, examining the justice system's role as an integral part of education, prevention and treatment.

The report uses a non-technical news magazine format with color graphics and maps designed to inform the general public, policymakers, the news media, criminal justice practitioners, drug treatment providers, educators and students.

It contains numerous statistics and research findings from federal, state, and private sources, including easily accessible data from many federal agencies, such as Health and Human Services, State, Treasury, the Drug Enforcement Administration,

-MORE-

the Federal Bureau of Investigation, the U.S. Marshals Service, the Bureau of Prisons and more.

Single copies of the BJS report (NCJ-133652) as well as other BJS statistical information and publications may be obtained from the National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850. The telephone number is 1-800-732-3277.

Data from the tables and graphs used in many BJS reports can be made available to news organizations in spreadsheet files on 5¼" and 3½" diskettes by calling (202) 307-0784.

MEMORANDUM

TO: INTERESTED PARTIES
FR: BERMAN, MEEGHAN (EXT. 7845)
RE: SENIORS AD ON CNN
APRIL 29, 1993

For those who have seen the ads criticizing the President's alleged "Senior Citizens Tax" presently on CNN, please keep in mind:

- * The ads were created by right-wing direct mail fundraiser Richard Viguerie's United Seniors' Association.
- * According to the New York Times, the United Seniors' Association's mailings are little more than "fright letters" trying to "wheedle a fast buck out of America's seniors... [by scaring] them half to death."

The newspaper continues, "United Seniors has no lobbyist in Washington and no expert on aging. It's little more than a gaggle of fund-raisers and direct-mail specialists. Much of the money is plowed back into more mailings. Each year hundreds of thousands of dollars are channeled back to Mr. Viguerie's for-profit companies as rental for his mailing lists."
[New York Times, 11/30/92]
- * The ad encourages watchers to call 1-800-2SAYNOTAX in order to send a \$9.95 Western Union telegram to Congress opposing President Clinton's so-called "Senior Citizens Tax".
- * The ad claims that President Clinton is proposing:
 - a) a "70% Senior Citizens tax"; and
 - b) a "50% increase on Medicare Part B premiums".
- * In fact, President Clinton's plan affects only the wealthiest one-fifth of Social Security recipients who currently pay taxes on those benefits. The plan would raise from 50% to 85% the level of Social Security benefits included as taxable income for seniors with incomes above \$25,000 for individuals or \$32,000 for couples. It would not affect the four out of every five older Americans who currently pay no taxes on their Social Security income.
- * None of the new Medicare savings in the President's economic program would come out of the pocket of beneficiaries. The commercial's alleged "50% increase on Medicare Part B premiums" has already been written into law through 1995.

The only contribution older Americans are being asked to make in Medicare Part B comes from the President's proposal to lock in current law. However, beginning in 1996, the President's proposal would cap the Part B premium so that older Americans wouldn't have to pick up an ever-increasing share of the tab.
- * In fact, as the reforms in the President's plan slow the growth of medical costs for Medicare beneficiaries, older Americans will actually save \$3 billion in their out-of-pocket coinsurance costs over five years.

FYE
682

Justice
Nominations

Clinton's Quota Queens

By CLINT BOLICK

"New Democrat" Bill Clinton has taken a sharp left turn by appointing two civil rights ideologues to major posts. Yesterday he named University of Pennsylvania law professor Lani Guinier, a Carter civil rights alumna and for nine years a lawyer with the NAACP Legal Defense and Education Fund, to the top post as assistant attorney general for civil rights. Previously he nominated Norma Cantu, the Southwestern Regional Counsel for the Mexican American Legal Defense and Educational Fund (MALDEF), as assistant secretary for civil rights in the Department of Education.

Ms. Guinier and Ms. Cantu are far from household names, but the duo has the litigation experience and mental firepower to profoundly alter the civil rights landscape. Both have blazed the outer frontiers in their respective areas of voting law and education.

Ms. Guinier sets the standard for innovative radicalism. In a 1989 Harvard Civil Rights-Civil Liberties Law Review article, she decries "fundamental flaws in our democracy," urging that "certain social goods—health care, day care, job training, housing—must be recognized as basic entitlements." In the same article, she proclaims that anti-discrimination laws mandate "a result-oriented inquiry, in which roughly equal outcomes, not merely an apparently fair process, are the goal," and calls for racial quotas in judicial appointments.

But for this new vanguard, quotas are only a starting point. In a 1991 Virginia Law Review article entitled "No Two Seats: The Elusive Quest for Political Equality," Ms. Guinier argues that proportional legislative representation for minority groups, which the Voting Rights Act of 1965 presently is construed to guarantee, is not enough. Instead, she demands equal legislative outcomes, requiring abandonment not only of the "one person, one vote" principle, but majority rule itself.

The current voting rights quota system, she complains, is inadequate since it only "protects the right to be 'present,' whereas the right to control government policy is reserved to those who can organize a majority." The solution, she urges, is to eliminate the "winner-take-all" features of any majoritarian electoral or legislative voting process in which the minority is identifiable, racially homogenous, insular, and permanent.

Ms. Guinier would invoke the Voting Rights Act in such circumstances to eliminate "one person, one vote" procedures and the requirement of winning electoral or legislative majorities. Instead, she would cre-

ate an "aggregating device" with which "voluntary minority interest constituencies could choose to cumulate their votes to express the intensity of their distinctive groups interests."

In the election context, this means 1) eliminating single-member legislative districts, 2) giving each voter the same number of votes as open seats, 3) allowing voters to spread out their votes among candidates or "cumulate" them, and 4) eliminating the majority threshold for election. In a contest for nine legislative seats, for instance, a candidate could win with just over 9% of the votes under this complex formula.

In the legislative arena, "simple-minded notions of majority rule," Ms. Guinier asserts, "interact with racial block voting to make statutorily protected groups perennial legislative losers." Wherever this is true, she contends, the Voting Rights Act should require new procedures to ensure "a fairer distribution of political power." Though her proposals in this context are amorphous, they include cumulative voting and elimination of majority thresholds to ensure "each group has a right to have its interests satisfied a fair proportion of the time."

Whether or not these proposals have merit as public policy, Ms. Guinier clearly believes they are compelled by the Voting Rights Act, which she would be charged with enforcing as assistant attorney general. Ms. Guinier would graft onto the existing system a complex racial spoils system that would further polarize an already divided nation.

Likewise, Ms. Cantu brings to her civil rights post in the Department of Education a zeal for social engineering both old and new. In Austin, Ms. Cantu argued (unsuccessfully) that a community that has desegregated its schools cannot phase out forced busing until residential integration is achieved. Since residential racial balance almost never occurs in most communities, the logical extension of her argument is—surprise!—busing as a permanent part of the American landscape. In the past few years, Ms. Cantu and her allies have turned their attention to "funding equity" suits in which courts are called upon to equalize spending among school districts.

The appointments of Ms. Guinier and Ms. Cantu would place the powerful federal civil rights arsenal in the hands of ideologues. It also would blur the lines between advocacy groups and government agencies, as they were in the pre-Reagan years, when the executive branch subordinated law enforcement to its ideological agenda.

If these nominations are part of Mr. Clinton's payback to extreme left-wing elements of the Democratic Party, the price

may prove too high. Republicans learned in the midterm Senate elections in 1990 (but forgot two years later) that voters, white or black, don't like quotas. White voters often view quotas as a barrier to opportunity, while few blacks or other minorities view them as beneficial in their individual circumstances.

Mr. Clinton owes his election in no small part to the disappearance of the "Q" word from the political lexicon in 1992. If he persists in entrusting the civil rights law enforcement apparatus to the likes of Ms. Guinier and Ms. Cantu, the in-your-face civil rights agenda they no doubt will promote may ultimately prove the most incendiary of political miscalculations.

Mr. Bolick is litigation director at the Institute for Justice in Washington, and author of "Grassroots Tyranny: The Limits of Federalism" (Cato Institute, 1993).

TT

File
DOTUS TAXES

MEMORANDUM

TO: ANN WALKER

FROM: ROB SWEENEY

Three of the last five presidents have been required to pay back taxes that the IRS determined were "due and owing."

**All of the former presidents paid more than the Clintons:
Richard Nixon paid \$280,000; George Bush paid \$198,000; and
Ronald Reagan, who paid \$20,000.**

*file POTUS
Taraes*

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April 11, 1994, Monday, BC cycle

SECTION: Money Report. Market Moving. Domestic Money.

LENGTH: 364 words

HEADLINE: CLINTONS PAY \$ 14,615 IN BACK TAXES AND INTEREST

DATELINE: WASHINGTON, APRIL 11

BODY:

President Clinton and his wife Hillary paid \$ 14,615 in back taxes and interest Monday after their aides and lawyers discovered unreported income from commodities investments in 1980, officials said.

At a White House briefing, the Clintons' personal attorney told reporters the president and first lady had failed to report a capital gain of \$ 6,498 from 1980 commodities trading by Mrs Clinton.

The federal tax on this gain was \$ 3,315; the state tax was \$ 514. But the interest over the past 14 years added up to \$ 10,134 and \$ 652, respectively, lawyer David Kendall said.

"The Clintons are today paying these taxes plus accrued interest," Kendall said. "The Clintons do not know how the error occurred but accept responsibility for it," he added.

A source familiar with the records who requested anonymity said he thought the capital gain had simply been "overlooked" by the Clintons at the time it happened.

Mrs Clinton earned nearly \$ 100,000 on an initial \$ 1,000 investment in one of her accounts in the commodities market in the late 1970s, while her husband was attorney general and later governor of Arkansas.

That highly successful account was with the Springdale, Arkansas, office of commodity brokerage firm Ray E. Friedman and Co, also known as Refco.

She made the unreported \$ 6,498 gain in an account run by Stephens Inc. of Little Rock, the source familiar with the records said. Her initial investment with Stephens was \$ 5,000, and Stephens initiated trades with three commodities brokers.

Figuring the losses and the gains from all three brokers, she closed the Stephens account with \$ 10,489 in May 1980.

Asked why officials had found the discrepancy in taxes just now, the senior official said aides to the Clintons began going over their tax records in the "last week or so". Your questions caused us to focus on these records," he said.

Kendall said three of the last five presidents have been required to pay back taxes "that the IRS determined were due and owing," and all of them paid more than the Clintons. He said they were Richard Nixon, who paid \$ 280,000; George Bush, who paid \$ 198,000; and Ronald Reagan, who paid \$ 20,000.

LANGUAGE: ENGLISH

LOAD-DATE-MDC: April 12, 1994



***U.S. Department of Justice
Office of Justice Programs***

***Bureau of Justice Statistics
633 Indiana Avenue, N.W.
Washington, DC 20531***

Fri 06-28-96 10:24AM

To: Anne Walker
for Research
, Washington, DC 20500-

Phone No.: 202-456-7845

From: Bureau of Justice Statistics

Phone No.: 202-307-0765
FAX: 202-307-5846

Subject:

Following is the 8-page press release for "Probation and Parole Populations in the U.S., 1995". If you don't get 8 pages, please call the BJS fax-on-demand system at 301-251-5550, press 1, then 18 for document number, then follow the voice prompts.

Questions: office hours 202-307-0703, after hours 1-888-582-5828 (when beeper answers punch in your area code and phone number, then #).

Total pages including cover page: 09



Department of Justice

ADVANCE FOR RELEASE AT 5 P.M. EDT
SUNDAY, JUNE 30, 1996

BJJ
202/307-0703

PROBATION AND PAROLE POPULATION REACHES ALMOST 3.8 MILLION

WASHINGTON, D.C. -- There were almost 3.8 million adult men and women on probation or parole at the end of 1995, an increase of about 119,000 during the year, the Department of Justice announced today. The 3.2 percent increase was slightly lower than the 3.4 percent average annual growth rate since 1990.

There were more than 3,090,000 adults under federal, state, or local jurisdiction on probation on December 31, 1995, and more than 700,000 on parole.

The number of adults in the United States under some form of correctional supervision--including those held in local jails and state and federal prisons--totaled more than 5.3 million, which was 2.8 percent of all adults in 1995. The number on probation rose by 4 percent during the year, the number on parole by 1 percent and the number in jail or prison by 6 percent. Since

(MORE)

- 2 -

1980 the total number under correctional supervision has almost tripled, growing at an average annual rate of 7.4 percent.

Probationers include adult offenders whom courts place in community supervision instead of incarceration. Parolees include those adults conditionally released to community supervision after serving a prison term. They are subject to being returned to jail or prison for rule violations or other offenses.

Half of all offenders on probation in 1995 were on probation for a felony. A quarter were on probation for a misdemeanor. One in every six probationers had been convicted of driving while intoxicated or under the influence of alcohol. Nearly all of the offenders on parole (94 percent) had served a felony sentence.

Three-quarters of probationers and parolees were required to maintain regular contact with a supervisory agency. The other offenders were not required to have regular contact (9 percent) or had failed to report and could not be located (9 percent).

Texas had the largest number of residents on probation and parole, with more than 518,000 under community supervision,

(MORE)

- 3 -

followed by California with nearly 379,000. At the end of 1995, almost 3.9 percent of all adults in Texas (3,892 offenders per 100,000 resident adults) were on probation or parole.

Thirteen states reported that fewer than 1 percent of their adult populations were on probation or parole. North Dakota and West Virginia had the lowest probation and parole supervision rate (511 offenders per 100,000 adults), followed by Kentucky (546) and Mississippi (574).

During 1995 five states reported increases of at least 10 percent in their probation populations and 10 reported similar increases in their parole populations. Arkansas, with a 14.2 percent rise in its probation population, and Colorado, with a 22.8 percent rise in the its parole population, led the nation.

Seven states and the District of Columbia reported a decrease in the number of adults on probation, led by Alaska (down 11.6 percent), the District of Columbia (down 9.2 percent) and Maryland (down 7.7 percent).

Women made up about 21 percent of the nation's probationers and 10 percent of the parolees.

(MORE)

- 4 -

Approximately 64 percent of the adults on probation were white, and 34 percent were black. Fifty percent of parolees were white, 49 percent black. Hispanics, who may be of any race, represented 14 percent of probationers and 21 percent of parolees.

The data were collected and analyzed by Allen J. Beck, Jodi M. Brown and Darrell K. Gilliard, Bureau of Justice Statistics (BJS) statisticians. Additional criminal justice statistical information may be obtained from the BJS Clearinghouse, Box 179, Annapolis Junction, Maryland 20701-0179. The telephone number is 1-800/732-3277. Fax orders to 410/792-4358.

BJS's home page address on the Internet is:

<http://www.ojp.usdoj.gov/bjs/>

#

BJS96143

After hours contact: Allen Beck on 888/582-5828

Adults on probation, 1995

Region and jurisdiction	Beginning probation population, 1/1/95	During 1995		Ending probation population, 12/31/95	Percent change in probation population during 1995	Number on probation on 12/31/95 per 100,000 adult residents
		Entries	Exits			
U.S. total	2,981,400	1,501,588	1,381,838	3,090,628	3.7%	1,593
Federal^{a,b}	42,309	18,601	22,404	36,506	--	20
State	2,939,091	1,482,988	1,359,232	3,052,120	3.8	1,573
Northeast	526,375	232,686	214,444	544,820	3.5%	1,402
Connecticut	53,453	37,135	38,081	54,507	2.0	2,201
Maine ^c	8,838	:	:	8,641	†	923
Massachusetts	46,870	34,611	37,601	43,680	-8.4	941
New Hampshire	4,323	3,432	3,408	4,347	.6	509
New Jersey	125,289	59,376	57,552	127,123	1.5	2,125
New York	163,813	45,061	35,175	173,499	8.0	1,276
Pennsylvania	99,524	39,784	32,465	106,823	7.3	1,156
Rhode Island	18,179	9,813	9,314	18,678	2.7	2,483
Vermont	8,878	3,494	2,848	7,322	9.7	1,872
Midwest	642,924	341,567	316,851	671,094	4.4%	1,472
Illinois ^c	104,664	63,862	61,723	109,489	4.6	1,258
Indiana ^c	83,555	:	:	83,555	--	1,936
Iowa	15,902	10,456	9,779	18,579	4.3	783
Kansas ^c	17,266	11,831	7,726	16,547	-4.1	884
Michigan ^c	142,640	66,000	62,338	148,377	4.0	2,110
Minnesota ^c	81,872	55,911	57,131	83,778	2.0	2,490
Missouri ^c	38,295	21,887	18,453	40,585	11.8	1,030
Nebraska	18,639	15,485	14,697	19,427	4.2	1,627
North Dakota	2,036	1,474	1,219	2,291	12.5	486
Ohio ^c	90,190	68,077	59,558	99,603	10.4	1,201
South Dakota	3,874	4,393	4,643	3,824	-6.5	693
Wisconsin ^c	45,801	20,191	19,584	47,269	3.0	1,254
South	1,214,375	618,343	573,402	1,254,817	3.3%	1,846
Alabama ^c	31,284	4,696	4,498	31,416	.4	980
Arkansas	19,606	8,431	5,656	22,381	14.2	1,220
Delaware	15,507	7,395	6,555	16,347	5.4	3,036
District of Columbia	11,306	4,733	5,777	10,262	-8.2	2,334
Florida ^c	247,014	146,989	133,585	255,550	3.5	2,367
Georgia ^c	140,694	69,102	67,228	142,453	1.3	2,689
Kentucky	11,417	5,582	5,500	11,499	.7	398
Louisiana	33,604	11,431	11,282	33,753	.4	1,068
Maryland	76,940	35,530	41,441	71,029	-7.7	1,884
Mississippi	9,042	3,511	2,958	9,595	6.1	496
North Carolina	90,418	49,804	42,301	97,921	8.3	1,815
Oklahoma ^c	26,285	14,195	13,029	27,866	6.0	1,161
South Carolina	40,005	16,643	14,482	42,166	5.4	1,545
Tennessee	34,896	20,431	18,594	36,733	5.3	931
Texas	396,276	200,365	181,144	415,497	4.9	3,119
Virginia	24,089	19,394	19,219	24,264	.7	485
West Virginia ^c	5,982	111	153	6,085	1.6	433
West	555,417	290,392	254,535	581,589	4.7%	1,397
Alaska	2,899	960	1,296	2,563	-11.6	819
Arizona ^c	34,365	15,514	10,728	32,532	-5.3	1,076
California	277,655	142,560	133,229	286,986	3.4	1,259
Colorado ^c	39,065	25,042	21,840	42,010	7.5	1,519
Hawaii	13,088	6,620	6,385	13,323	1.8	1,518
Idaho	5,770	6,110	5,711	6,189	6.9	757
Montana	5,656	2,022	1,833	5,845	3.3	822
Nevada	9,410	6,043	5,377	10,076	7.1	890
New Mexico	8,063	7,727	7,514	8,276	2.6	698
Oregon	38,086	13,397	11,758	39,725	4.3	1,595
Utah	7,714	4,136	3,372	8,478	9.9	664
Washington ^c	110,279	58,476	43,640	122,306	10.9	3,048
Wyoming	3,367	1,785	1,852	3,300	-2.0	960

Note: Counts are subject to revision. Final counts will be published in *Correctional Populations in the United States, 1995*.

:Not available.

†Less than 0.05%.

--Not calculated.

^aDefined as persons received for probation directly from court.

^bThe decrease resulted from a review of the statistical database by the Administrative Office of the U.S. Courts, which identified and closed cases that had been coded incorrectly.

^cBecause of nonresponse or incomplete data, the population on December 31, 1995, does not equal the population on January 1, 1995, plus entries, minus exits.

^dData are for 12/31/94. See explanatory notes.

Region and jurisdiction	Beginning parole population, 1/1/95	During 1995		Ending parole population, 12/31/95	Percent change in parole population during 1995	Number on parole on 12/31/95 per 100,000 adult residents
		Entries	Exits			
U.S. total	690,371	411,369	391,298	700,174	1.4%	361
Federal ^{a,b}	61,430	29,491	22,552	59,136	--	30
State	628,941	381,878	368,746	641,038	1.9	330
Northeast	173,882	77,451	67,082	184,122	5.9%	474
Connecticut	1,148	1,934	1,847	1,233	7.6	50
Maine ^c	40	1	2	41	2.5	4
Massachusetts ^d	4,755	3,727	3,702	4,839	-2.4	100
New Hampshire ^d	835	702	762	785	-6.0	92
New Jersey	41,802	17,186	11,589	47,411	13.4	783
New York	53,832	27,158	25,422	55,588	3.2	409
Pennsylvania	70,355	25,814	22,935	73,234	4.1	799
Rhode Island	525	597	529	593	13.0	79
Vermont	592	320	294	618	4.4	141
Midwest	82,478	62,155	56,698	87,364	5.9%	192
Illinois	26,695	22,708	19,860	29,541	10.7	339
Indiana	3,409	5,310	5,120	3,599	5.8	83
Iowa	3,696	1,665	1,826	3,535	-4.4	167
Kansas	6,291	3,741	3,938	6,094	-3.1	325
Michigan	12,846	9,078	8,062	13,862	7.9	197
Minnesota	1,904	2,581	2,368	2,117	11.2	63
Missouri ^e	12,592	5,352	5,278	13,023	3.4	330
Nebraska	771	718	828	661	-14.3	55
North Dakota	94	209	189	114	21.3	24
Ohio	6,453	5,332	5,203	6,582	2.0	79
South Dakota	662	590	564	688	3.9	132
Wisconsin ^e	7,065	4,873	3,462	7,548	6.8	200
South	253,731	101,722	111,741	243,309	-4.1%	368
Alabama	7,235	1,525	1,525	7,235	0	228
Arkansas	5,224	4,108	4,477	4,855	-7.1	265
Delaware	1,029	40	259	810	-21.3	150
District of Columbia	6,574	2,702	2,580	6,696	1.9	1,523
Florida ^d	20,573	3,769	9,649	13,746	-33.2	127
Georgia ^d	17,505	10,862	9,479	19,434	11.0	368
Kentucky	4,380	3,256	3,379	4,257	-2.8	147
Louisiana	17,112	9,793	7,877	19,028	11.2	613
Maryland	14,795	11,821	10,968	15,748	6.4	418
Mississippi ^f	1,519	840	847	1,510	- .6	78
North Carolina	20,159	11,530	13,188	18,501	-8.2	343
Oklahoma	2,804	861	909	2,356	-9.5	98
South Carolina	6,077	1,522	1,702	5,897	-3.0	216
Tennessee	9,383	3,357	3,859	8,851	-5.4	224
Texas	108,563	24,425	29,899	103,089	-5.0	774
Virginia	9,649	10,766	10,227	10,188	5.6	204
West Virginia	1,380	645	817	1,108	-19.7	79
West	118,850	140,550	133,225	126,243	6.2%	303
Alaska	412	439	392	459	11.4	111
Arizona	4,351	5,893	5,835	4,109	-5.6	136
California	85,082	118,948	112,223	91,807	7.9	403
Colorado	2,463	3,021	2,460	3,024	22.8	109
Hawaii	1,650	668	629	1,689	2.4	182
Idaho ^g	931	539	678	862	-7.4	106
Montana	710	431	388	755	8.3	119
Nevada	3,529	1,787	1,856	3,460	-2.0	306
New Mexico	1,078	815	775	1,118	3.7	94
Oregon	14,264	6,180	5,405	15,019	5.3	641
Utah	2,417	1,818	1,504	2,731	13.0	214
Washington	1,650	75	850	875	-47.0	22
Wyoming	313	156	134	335	7.0	87

Note: Counts are subject to revision. Final counts will be published in *Correctional Populations in the United States, 1995*.

--Not calculated.

^aDefined as persons received for probation supervision upon release from prison. Includes supervised release, parole, military parole, special parole, and mandatory release.

^bThe decrease resulted from a review of the statistical database by the Administrative Office of the U.S. Courts, which identified and closed cases that had been coded incorrectly.

^cBecause of nonresponse or incomplete data, the population on December 31, 1995, does not equal the population on January 1, 1995, plus entries, minus exits.

Number of adults under community supervision or incarcerated, 1980-95

Year	Total estimated correctional population	Community supervision			Percent of U.S. adults under supervision
		Probation	Parole	Incarcerated ^a	
1980	1,840,400	1,118,097	220,438	501,886	1.1%
1985	3,011,500	1,968,712	300,203	742,579	1.7%
1990	4,348,000	2,670,234	531,407	1,146,401	2.3%
1991	4,535,800	2,728,472	590,442	1,216,664	2.4
1992	4,762,800	2,811,611	658,601	1,292,347	2.5
1993	4,944,000	2,903,061	676,100	1,364,881	2.6
1994	5,147,100	2,981,400	690,371	1,475,329	2.7
1995 ^b	5,357,800	3,090,626	700,174	1,567,000	2.8
Percent change,					
1994-95	4%	4%	1%	6%	
1980-95	191	176	218	212	
Annual average change,					
1990-95	4%	3%	6%	6%	
1980-95	7	7	8	8	

Note: Counts for probation, prison, and parole are for December 31 of each year. Jail counts are for June 30. Because some persons may have multiple statuses, the sum of the number of persons incarcerated or under community supervision overestimates the total correctional population. Percent of adults under supervision was computed using the U.S. adult resident population on July 1 of each year.
^aThe incarcerated population count consists of inmates in the custody of jail and prison authorities.
^bIncarcerated total was estimated and rounded to the nearest 1,000.

Community corrections among the States, yearend 1995

10 States with the largest 1995 community correction populations	Number supervised	10 States with the largest percent increase	Percent increase	10 States with the highest rates of supervision, 1995	Persons supervised per 100,000 adult U.S. residents ^a	10 States with the lowest rates of supervision, 1995	Persons supervised per 100,000 adult U.S. residents ^a
Probation:							
Texas	415,497	Arkansas	14.2%	Texas	3,119	Kentucky	398
California	286,986	North Dakota	12.5	Washington	3,048	West Virginia	433
Florida	255,550	Missouri	11.8	Delaware	3,036	Virginia	485
New York	173,499	Washington	10.9	Georgia	2,699	North Dakota	486
Michigan	148,337	Ohio	10.4	Minnesota	2,490	Mississippi	496
Georgia	142,453	Utah	9.9	Rhode Island	2,483	New Hampshire	509
New Jersey	127,123	Vermont	9.7	Florida	2,367	Alaska	619
Washington	122,306	North Carolina	8.3	Connecticut	2,201	Utah	684
Illinois	109,489	Colorado	7.5	New Jersey	2,125	South Dakota	693
Pennsylvania	106,823	Pennsylvania	7.3	Michigan	2,110	New Mexico	698
Parole:							
Texas	103,089	Colorado	22.8%	Pennsylvania	799	Maine	4
California	81,807	North Dakota	21.3	New Jersey	793	Washington	22
Pennsylvania	73,234	New Jersey	13.4	Texas	774	North Dakota	24
New York	55,568	Rhode Island	13.0	Oregon	641	Connecticut	50
New Jersey	47,411	Utah	13.0	Louisiana	613	Nebraska	55
Illinois	29,541	Alaska	11.4	Maryland	418	Minnesota	63
Georgia	19,434	Louisiana	11.2	New York	409	Mississippi	78
Louisiana	19,028	Minnesota	11.2	California	403	West Virginia	79
North Carolina	18,501	Georgia	11.0	Georgia	368	Ohio	79
Maryland	15,748	Illinois	10.7	North Carolina	343	Rhode Island	79

Note: The District of Columbia as a wholly urban jurisdiction is excluded.
^aRates are computed using the U.S. adult resident population on July 1, 1995.

Characteristics of persons under community supervision, 1995

	Probation	Parole
Number of persons supervised	3,080,626	700,174
Sex		
Male	79%	90%
Female	21	10
Race		
White	64%	50%
Black	34	49
Other	2	1
Hispanic origin		
Hispanic	14%	21%
Non-Hispanic	86	79
Supervision status		
Active	78%	78%
Inactive	8	11
Absconded	10	6
Out-of-State	2	4
Other	2	1
Type of offense		
Felony	54%	--
Misdemeanor	26	--
Driving while intoxicated	17	--
Other infractions	3	--
Sentenced to incarceration		
More than 1 year	...	94%
1 year or less	...	6

Note: Percentages based on reported data only. Detail may not add to total because of rounding.
 †Less than 0.05%.
 --Not reported.
 ...Not applicable.

Explanatory notes

The 1995 Probation and Parole Data Surveys provide a count of the total number of persons supervised in the community on January 1 and December 31, 1995, and a count of the number entering and leaving supervision during the year. These surveys cover all 50 States, the District of Columbia, and the Federal system.

The State of Indiana, 7 local agencies in Michigan, 2 in Ohio, and 1 in Washington did not provide data. For Indiana, data from 1994 were used but will be updated when available. For the other nonreporting agencies, the 12/31/94 population count was used as the 1/1/95 count and the 12/31/95 count.

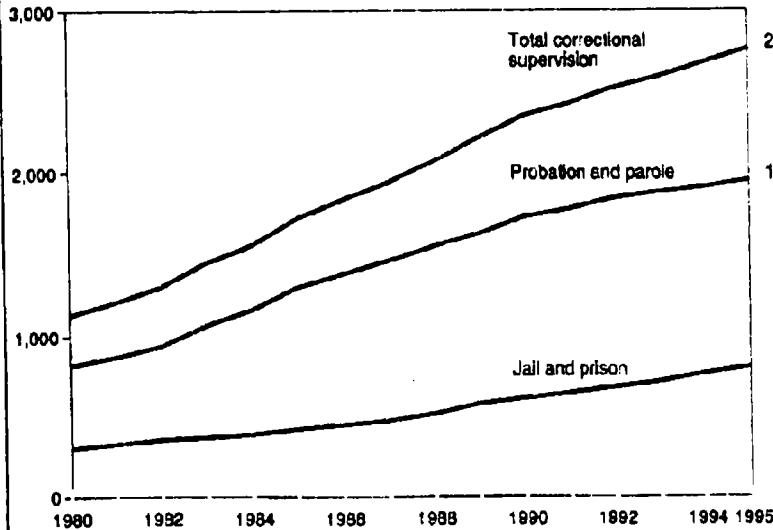
Probation —

The 1995 Probation Data Survey was sent to 273 respondents — 38 central State reporters and 235 separate State, county or court agencies. States with multiple reporters were Alabama (3), Arizona (2), Colorado (9), Florida (15), Georgia (2), Idaho (2), Michigan (114), Missouri (2), New Mexico (2), Ohio (52), Oklahoma (3), Tennessee (3), Washington (24), and West Virginia (2).

Parole —

The 1995 Parole Data Survey was sent to 56 respondents — 52 central reporters, 2 Interstate Compact reporters, the California Youth Authority, and 1 municipal agency. States with multiple reporters were Alabama (2), California (2), West Virginia (2), and Idaho (2).

Number of persons under supervision per 100,000 adult U.S. residents



2,762 On December 31, 1995, 2.8% of all adults in the United States were under some form of correctional supervision.

1,954 1.0% of all adults were supervised in the community on probation or parole.

808 Jails and prisons held 808 adults for every 100,000 U.S. adult residents.

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dpc legislative bulletin

democratic policy committee

SUPPLEMENT H

H.R. 3355 (S. 1607), Violent Crime Control and Law Enforcement Act of 1993

CONFERENCE REPORT

DPC Staff Contact:: Lauren Griffin (202-224-3232)



Democratic Policy Committee
United States Senate
Washington, D.C. 20510

George J. Mitchell, Chairman
Thomas A. Daschle, Co-Chairman

Summary

The *Crime Bill* conference report is similar in many ways to **H.R. 3355 (S. 1607)**, the Senate *Crime Bill*, which passed in November. The conference report includes the crime trust fund, the funding mechanism which originated in the Senate bill. In addition, the conference report takes a balanced approach to fighting crime, focusing resources on police, prisons (punishment), and prevention. This anti-crime and violence package is a significant first step toward a safer and more secure America.

Major Provisions

Funding

Violent Crime Reduction Trust Fund. Creates the Violent Crime Control Trust fund which will provide \$30.2 billion in funds over six years for the crime control programs included in this legislation. The savings from the President's proposed cuts in Federal employees over the next six years — locked in by reductions in the budget caps — will provide the funding for the trust fund.

Inclusion of this trust fund will provide the resources necessary to pay for the programs authorized by this act. Thus, Americans can be assured that real assistance is forthcoming. Indeed, there will be more police on the streets; there will be more prison space for violent offenders; there will be drug court programs for non-violent drug offenders; and, more importantly, there will be the many preventive programs which will deal with youth violence, which will help make our schools and neighborhoods safe again.

Police

Community Policing. Provides an \$8.8 billion community policing program to put 100,000 police officers on the street. This fulfills the President's pledge of 100,000 new police officers.

Police Corps. Authorizes \$400 million from the General Treasury for college scholarships to students who commit to four years service as police officers, and for educational scholarships for in-service officers.

State and Local Law Enforcement. In addition to the two programs above, provides grants to assist with State and local crime fighting, including:

- \$245 million for rural anti-crime and drug efforts;
- \$130 million for technical automation grants for law enforcement agencies;
- \$150 million for implementation of the Brady Law;
- \$1 billion for the Edward Byrne formula grants to assist States in their efforts to combat drugs;
- \$40 million for DNA testing and research; and,
- \$200 million for State courts, prosecutors, and public defenders.

Federal Law Enforcement. Provides \$2.6 billion to strengthen Federal law enforcement for Federal crime and drug fighting efforts, including:

- \$250 million for the hiring of additional FBI agents;
- \$150 million for the hiring of additional DEA agents;
- \$1 billion for INS and Border Patrol to assist in enforcing our immigration laws;
- \$50 million for the United States Attorneys;
- \$578 million for the U.S. Department of the Treasury;
- \$300 million for the U.S. Department of Justice; and,
- \$200 million for Federal Courts.

Prisons/Punishment

Three Strikes. Requires life imprisonment for those convicted a third time of a crime of violence or drug trafficking. Allows for possible release for inmates over 70 after serving 30 years if determined no longer dangerous.

Prisons and Boot Camps. Authorizes \$6.5 billion to States for prisons, boot camps, and other incarceration alternatives to ensure that additional prison cells will be available to put and keep violent offenders behind bars. Authorizes an additional \$2.2 billion from the General Treasury (non-trust fund sources) for prisons and boot camps.

Requires 40 percent of the funding to be set aside and conditioned on States adopting truth in sentencing laws, which require that second offenders serve 85 percent of their sentences.

Death Penalty. Extends the death penalty to cover approximately 60 offenses, including murder of a law enforcement officer, drive by shootings, and carjackers who murder.

Drug Court Programs. Authorizes \$1.3 billion for "Drug Court" programs which require drug testing, drug treatment, alternative punishments, job training and counseling, and other preventative measures for non-violent offenders with substance abuse problems. Participants who fail random drug test will be subjected to graduated sanctions, including prison terms.

Prevention

Violence against Women Act. Authorizes \$1.8 billion over six years for the *Violence Against Women Act*, including \$1 billion to aid police, prosecutors, and victim advocates in combatting violence against women; \$325 million for battered women's shelters; \$220 million for rape education in secondary schools and community prevention programs; and \$3 million for a national family violence hotline.

- provides civil rights remedy for victims of gender motivated violence;

- revises rules of evidence to expand protections for the victims of sexual violence and harrassment;
- creates a Federal remedy for interstate incidents of domestic abuse; and,
- requires protective orders issued in one State for the purpose of keeping a violent spouse away be recognized and enforced in other States.

Ounce of Prevention Programs. Establishes the Ounce of Prevention Council — composed of the Attorney General, the Secretaries of the Departments of Education, Health and Human Services, Housing and Urban Development, and Labor, and the Director of the Office of Drug Policy — to coordinate and integrate new and existing crime prevention programs; and, authorizes \$100 million for the Council.

The Youth Employment Skills Program (Y.E.S.). Provides job training and work opportunities to young adults in areas with high crime and unemployment rates.

Requires participants to avoid crime and drug use, to have regular attendance and satisfactory work, to pay child support, and to stay in school or make education a priority if they have not completed high school; and, authorizes \$650 million for the Y.E.S. program.

Midnight Sports Leagues. Provides midnight sports leagues for young adults who live in communities with high youth unemployment rates, high youth crime rates, high drug use, or high levels of school dropouts; and, authorizes \$40 million for the sports leagues and \$50 million for the U.S. Olympic Committee to develop supervised sports and recreation programs in high crime areas.

Model Intensive Grant Programs. Authorizes \$895 million for up to 15 chronic high intensive crime areas to develop model comprehensive crime prevention programs. It also encourages the cooperation of community members, including non-profit organizations, law enforcement organizations, and State and local agencies, in designing these programs which would focus on relieving conditions which encourage crime and provide lasting alternatives to involvement in crime.

Boys and Girls Clubs. Authorizes \$30 million to establish boys and girls clubs in low income housing communities to provide a safe environment for children to participate in structured after school activities; and, provides \$10 million to encourage police officers to live in these communities.

Community Schools. Allows community organizations to open schools afterschool, weekends, and summers for safe havens programs to provide children with positive activities and alternatives to the street life of crime and drugs; and, authorizes \$630 million for these programs.

Local Partnership Act. Authorizes \$1.8 billion for direct funding to localities around the country for anti-crime programs including, education, job training, and substance abuse programs.

Gang Prevention. Authorizes \$125 million for programs aimed at reducing gang membership by providing young people with positive alternatives to gangs.

Community Economic Partnership. Provides \$300 million for lines of credit to community development corporations to stimulate business and employment opportunities for low-income, unemployed and underemployed individuals.

Police Partnerships. Authorizes \$20 million in grants to law enforcement agencies for the creation of partnerships with child and family support agencies to fight crimes against children and address the needs of children exposed to violence; creates youth councils to assist in combatting crimes.

Triad. Provides \$6 million for partnerships between senior citizen groups and law enforcement officials to combat crimes against the elderly.

Visitation Centers. Authorizes \$30 million for supervised visitation centers for divorced or separated parents, with a history of domestic violence, to visit their children.

Firearms

Assault Weapons Ban. Bans the manufacture, transfer, or possession of deadly, military-style assault weapon. Specifies a list of 19 banned weapon types, replicas, and duplicates. Prohibits the manufacture, transfer, or possession of large capacity ammunition feeding devices.

Ban on Transfers of Guns to Juveniles. Prohibits the transfer of a gun to a juvenile, as well as the possession of a gun by a juvenile

Increases the penalty of transferring a gun to a juvenile when the transfer is made with the knowledge that the juvenile will use the gun to commit a crime of violence

Domestic Abusers. Prohibits gun sales to, and possession by, persons subject to family violence restraining orders.

Gun Licensing. Strengthens Federal licensing standards for firearms dealers.

Background

S. 1607, the *Violent Crime Control and Law Enforcement Act of 1993*, passed by a vote of 95-4 on November 19, 1993. On April 21, 1994, the House passed its version of the bill, **H.R. 4092**, by a vote of 285-141.

Senate Conferees were appointed on May 19, 1994. House and Senate Conferees met on June 16, July 26, and July 27, and agreed to file the conference report on July 28.