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Reno sees clear sailing for crime bill

By Susan Meddis
USA TODAY

On the eve of a crucial House vote, Attorney General Janet Reno foresees passage of legislation she believes will cut crime and the growing fear of crime.

"If we all work together, we can fashion a crime bill that can have a real impact, and I'm very optimistic of that," Reno said Tuesday.

She also said there are no show-stopper provisions in the bill that might doom it — nothing comparable to President Clinton's insistence that health-care legislation contain universal coverage provisions.

"We haven't had to face that," she said. "I think we can work through all of these issues."

The bill's ban on assault-style firearms, a continuing source of controversy among federal lawmakers, remains a key element.

"That's going to be one of the critical issues that we face, and we're going to be willing to support it every step of the way."

On another controversial subject, Reno said the Justice Department will continue to focus on charges by some people of racial bias in capital punishment.

The administration agreed to exclude a provision in the bill allowing use of statistics in an attempt to show racial discrimination in death-penalty cases. But Reno pledged the department would take "whatever steps are possible and appropriate to address this issue" in federal cases.

Reno indicated the centerpiece of the crime bill continues to be money for community policing, including a provision to hire 100,000 law enforcement officers nationwide. "The bill really goes to the heart of policing," she said.

In community policing, officers generally are taken out of patrol cars and put on walking beats.

The theory is that the better police know neighborhoods, the better they can prevent crime rather than react to it.

Reno, prominent in administration efforts to publicize and pass the bill, said she was deeply involved in the bill's evolution.

"I wanted to make sure that when we promised something we had the dollars to deliver," she said.

"My role has been to try and make sure that it is a sound, substantive bill that's balanced and thoughtful."

Benefits of the crime bill

The crime bill awaiting final passage by Congress carries money for every state to hire police officers, build prisons, fight violence against women, provide drug treatment for prisoners and carry on crime-prevention programs. States also will be eligible to apply for money in the bill designated for drug courts, criminal records-keeping, youth training, anti-gang activities, sports leagues and youth organizations. Figures for the District of Columbia were not available. What the bill earmarks for each state: (Money figures are in millions of dollars.)

	Police officers	Prisons	Law grants	Violence on women	Drug care in prisons	Prevention	Total
Ala.	1,700	\$58	\$38.3	\$23.0	\$4.4	\$21.0	\$150
Alaska	600	\$12	\$14.8	\$8.0	\$2.3	\$1.2	\$54
Ariz.	1,600	\$44	\$39.9	\$18.0	\$4.2	\$16.0	\$144
Ark.	1,200	\$28	\$26.0	\$16.0	\$3.4	\$13.0	\$100
Calif.	10,200	\$475	\$292.7	\$139.0	\$20.0	\$105.0	\$
Colo.	1,500	\$35	\$33.5	\$21.0	\$4.0	\$10.0	\$134
Conn.	1,500	\$32	\$30.0	\$21.0	\$4.0	\$6.0	\$130
Del.	650	\$14	\$7.9	\$8.9	\$2.4	\$1.5	\$60
Fla.	4,600	\$230	\$104.5	\$64.0	\$10.0	\$40.0	\$410
Ga.	2,500	\$77	\$52.9	\$35.0	\$6.0	\$27.0	\$225
Hawaii	800	\$12	\$12.8	\$11.4	\$2.7	\$2.3	\$70
Idaho	800	\$12	\$16.2	\$10.3	\$2.6	\$3.8	\$68
Ill.	4,100	\$175	\$94.1	\$58.0	\$9.0	\$39.0	\$360
Ind.	2,200	\$48	\$42.6	\$31.0	\$5.0	\$16.0	\$195
Iowa	1,300	\$20	\$26.5	\$18.8	\$3.6	\$7.5	\$118
Kan.	1,200	\$25	\$23.1	\$17.0	\$3.5	\$7.0	\$110
Ky.	1,600	\$30	\$35.2	\$23.0	\$4.2	\$19.0	\$140
La.	1,800	\$64	\$49.3	\$24.0	\$4.5	\$31.0	\$155
Maine	800	\$10	\$20.5	\$11.8	\$2.7	\$3.0	\$72
Md.	2,000	\$73	\$42.5	\$27.0	\$4.8	\$10.0	\$175
Mass.	2,300	\$89	\$57.7	\$33.0	\$6.8	\$13.0	\$206
Mich.	3,400	\$110	\$80.6	\$48.0	\$7.6	\$35.0	\$300
Minn.	1,800	\$27	\$36.3	\$25.7	\$4.8	\$11.0	\$180
Mo.	2,100	\$63	\$39.6	\$28.0	\$5.0	\$18.0	\$180
Miss.	1,300	\$22	\$26.9	\$17.0	\$3.5	\$21.0	\$110
Mont.	700	\$9	\$13.5	\$9.0	\$2.5	\$3.0	\$60
Neb.	900	\$15	\$17.8	\$13.0	\$3.0	\$4.0	\$83
Nev.	850	\$20	\$17.5	\$11.5	\$2.7	\$2.7	\$75
N.H.	900	\$9	\$9.2	\$11.5	\$2.7	\$1.4	\$70
N.J.	2,800	\$77	\$70.2	\$41.0	\$6.6	\$16.0	\$250
N.M.	900	\$26	\$24.5	\$13.0	\$3.0	\$10.0	\$
N.Y.	6,100	\$300	\$187.7	\$87.0	\$13.0	\$63.0	\$540
N.C.	2,600	\$70	\$61.9	\$36.0	\$8.0	\$21.0	\$230
N.D.	630	\$8	\$11.2	\$9.0	\$2.4	\$2.0	\$55
Ohio	3,900	\$94	\$86.0	\$65.0	\$8.5	\$37.0	\$345
Okla.	1,400	\$34	\$32.5	\$20.0	\$3.9	\$14.0	\$125
Ora.	1,400	\$26	\$33.5	\$16.0	\$3.7	\$8.0	\$
Pa.	4,200	\$83	\$92.2	\$59.0	\$9.0	\$33.0	\$370
R.I.	750	\$14	\$11.0	\$10.0	\$2.8	\$2.0	\$
S.C.	1,600	\$56	\$37.1	\$21.5	\$4.0	\$16.0	\$140
S.D.	850	\$9	\$15.2	\$9.0	\$2.4	\$3.0	\$
Tenn.	2,000	\$58	\$36.5	\$27.0	\$5.0	\$20.0	\$180
Texas	6,000	\$215	\$151.5	\$82.0	\$12.0	\$60.0	\$525
Utah	1,000	\$15	\$21.0	\$13.0	\$3.0	\$6.0	\$88
Vt.	800	\$9	\$11.5	\$8.7	\$2.3	\$1.2	\$54
Va.	2,400	\$41	\$51.8	\$34.0	\$5.7	\$15.0	\$215
Wash.	2,000	\$45	\$46.5	\$28.0	\$5.7	\$13.0	\$
W.Va.	1,000	\$12	\$31.3	\$14.0	\$3.0	\$9.0	\$88
Wis.	2,000	\$27	\$40.5	\$28.0	\$5.0	\$14.0	\$
Wyo.	600	\$10	\$11.8	\$7.6	\$2.3	\$1.4	\$50

Source: The White House

Crime rate squeezes judges

The number of judges is increasing, but not at nearly the same rate as the dramatic increases in the crime rate, the number of law enforcement personnel and prison populations.

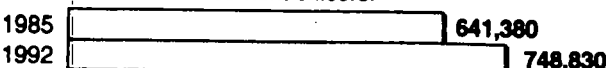
Number of judges up 9%

Judges who presided over felony cases:



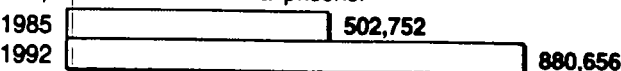
Law enforcement personnel up 17%

Number of law enforcement officers:



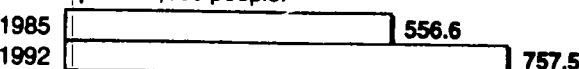
Prison population up 75%

People in state and federal prisons:



Crime rate up 36%

Crimes per 100,000 people:



Source: FBI's Uniform Crime Reports

USA TODAY

WEDNESDAY, AUGUST 3, 1994 • USA TODAY

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NEED CIVIL RIGHTS**ATTORNEY GENERAL JANET RENO**

Remarks: Civil Rights in America

SECTION

(2/5)

- **Lending Discrimination**

The Department of Justice is devoting substantial resources to an intensive nationwide investigation into mortgage lending discrimination by financial institutions. Recently, the Justice Department won a comprehensive consent decree in a case against an Atlanta bank. This case, along with others still to be brought, will help end race discrimination in the provision of home mortgages.

- **Equal Employment Opportunities**

In employment litigation, the Clinton Administration has already asserted its position in key areas. Shortly after I was sworn in as Attorney General, we reaffirmed our support of a 1982 consent decree to remedy discrimination against African Americans and women in the Birmingham, Alabama municipal work force. Just a few weeks ago Solicitor General Drew Days argued the so-called Retroactivity Cases before the Supreme Court. Our position is that Congress intended the Civil Rights Act of 1991 to apply to cases that were pending on the date of enactment. And an attorney from the Solicitor General's Office followed by arguing against an unreasonably strict standard in sexual harassment cases.

**ATTORNEY GENERAL JANET RENO****Remarks: Civil Rights in America**

I intend to put special focus on pattern and practice cases, where we can make large gains for groups still suffering from employment discrimination. The Justice Department will therefore pursue a greater number of cases involving gender discrimination and discrimination against minority groups. I also want to explore the more subtle and often overlooked problems in employment discrimination, including the glass ceilings encountered by so many women and minorities.

On the legislative front, I support the Equal Remedies Act, which will remove damage caps on gender and disability so that equal remedies are available to all victims of discrimination, without regard to the specific category of injury suffered. I am also committed to working with Congress to overturn the Supreme Court's decision in St. Mary's Honor Center v. Hicks, which substantially increase the burden required of plaintiffs in a Title VII action.

- **Housing Discrimination**

The Clinton Administration is committed to serious and meaningful changes in the enforcement of Fair Housing and nondiscrimination laws. Several weeks ago Associate Attorney General Webb Hubbell traveled to Vidor, Texas with Henry Cisneros, the Secretary of Housing and Urban Development. During the last eight months in Vidor, the only African American tenants to rent apartments in a public housing complex have

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been forced out by threats of violence -- some delivered by teenagers clad in sheets.

Under Bill Clinton, these atrocious practices will not be tolerated.

I also intend to rely more heavily on the disparate impact theory for housing discrimination cases -- a theory now accepted by nine circuits yet ignored in recent years by the Justice Department. We also want to increase our use of testers in uncovering housing discrimination.

committed to vigorous enforcement of Voting Rights Act...

► **The Voting Rights Act**

committed to defending const. of Ab. Amer. maj. cong. dist.

The Justice Department will stay closely involved in the remand of Shaw v. Reno, where the trial court will decide the constitutionality of the second African American majority congressional district created in North Carolina. We have also filed an amicus brief in Hays v. Louisiana, defending the creation of a second African American majority congressional district in Louisiana. In the first week of this Supreme Court term, the Solicitor General's Office argued the case of Holder v. Hall, maintaining that a county's practice of electing a single commissioner, rather than a multi-member commission, can be challenged under Section Two of the Voting Rights Act. The Department of Justice has also:

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Committed to elim. language barriers to voting

- won a suit against Dade County, Florida for distributing voter information in English and not Spanish;
- arranged for Los Angeles to provide bilingual poll workers in the recent Mayoral election;
- refocused on various language and voting problems in two New Mexico counties; and
- filed lawsuits against three Georgia counties to remedy their exclusion of African Americans from serving as poll workers. One of these lawsuits has already been settled favorably.

*to be used for voting rights
in the future
by the Attorney General
and the Department of Justice*

I strongly believe we need more emphasis on enforcing violations of Section Two. Only two Section Two cases were brought in all of nineteen ninety-two. That is just not enough. I want to build on efforts such as the filing last month of United States v. Jones, a lawsuit against an Alabama county based on evidence that illegal votes were cast to prevent the election of a third African American to the county commission.

I will also use my review power under Section 5 of the Voting Rights Act to object to voting changes that discriminate against African-Americans. Recently I have objected

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to the county supervisor redistricting plan for Monroe County, Mississippi, the school district plan for Bossier Parish, Louisiana, and a proposal to selectively annex areas into the City of Foley, Alabama.

In addition, the Clinton Administration is committed to enforcing effectively the rights of language minorities to bilingual assistance under Section Two Hundred and Three of the Voting Rights Act. And we will use Section Twelve of the Act to protect voters and potential voters against intimidation aimed at communities of racial minorities.

Finally, we will pursue legislative correction of Presley v. Etowah County Commission, where the Supreme Court held that reducing the powers of a newly-elected African-American county commissioner was not a voting change. And the Clinton Administration will continue to work with Congress to ensure that the hard won gains of African Americans at the ballot box are not thwarted by post-election discrimination.

In short, the protection of groups that have historically faced exclusion and discrimination in the political arena is critical to fulfilling the promise of our Constitution -- and so too the promise of the Clinton Administration.

► **Educational Opportunities**

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Remarks: Civil Rights in America

The Clinton Administration will also pay renewed attention to the guarantee of equal educational opportunities. Already, we have intervened on behalf of women who want to be admitted to The Citadel, and we are continuing our effort to admit women to the Virginia Military Institute. Our amicus brief urged a Maryland federal court to uphold a particular race-based student scholarship program at the University of *Banneker Schl.* Maryland. And we argued successfully that an Iowa court should uphold the constitutionality of Title Nine.

I am also committed to reviving the Educational Opportunities section, allowing the Justice Department to monitor more closely the progress of school desegregation. School districts will only be able to escape court supervision when they have demonstrated that vestiges of prior discrimination have been eliminated in all critical areas of school operation.

► **Americans with Disabilities Act**

I am prepared to meet the Justice Department's newest challenge: The fair and vigorous enforcement of the Americans with Disabilities Act. We have already achieved our first consent decree in an ADA case, allowing people without drivers licenses -- such as those with severe vision impairments -- to pay by check using alternative forms of

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identification. We have also filed three lawsuits against dentists who refused to treat patients infected with HIV.

► **The Right to Choose**

Under the Clinton Administration, the Justice Department will protect the right of American women to choose. I firmly believe we can safeguard this right while allowing others to exercise their first amendment rights.

The Justice Department supports Congressional legislation to prevent the use of force, threats of force, or physical obstruction to prevent women from visiting medical clinics. This legislation will give the Justice Department an important new weapon against acts such as the murder of Dr. David Gunn outside a Florida clinic.

The Justice Department is also defending before the Supreme Court the position that the RICO statute can be used to prevent interference with the constitutional right to choose. We are also maintaining in the Tenth Circuit that, even after the Supreme Court's decision in Bray, it is possible to make out a violation of federal law that will support an injunction against those who block access to clinics.

THE WHITE HOUSE
WASHINGTON

file

October 4, 1993

MEMORANDUM FOR THE ATTORNEY GENERAL

From: Ann Walker, Director of Communications Research
Dan Meyer, Research Staff

Subj: EDITORIAL AND BACKGROUND BRIEFINGS, SAN DIEGO UNION-TRIBUNE

I. EDITORIAL BRIEFING

Overview. The *San Diego Union-Tribune* is the product of a merger (in February, 1992) of the city's longstanding papers, the *Union* and the *Tribune*, both of which were owned by the Copley News Service. The paper has a reputation for being conservative and "right of center." They are strong supporters of international free trade issues.

Editorial Issues Covered.

- o The *Union-Tribune* endorsed President Bush.
- o An analysis of the San Diego Union-Tribune's editorial statements since September 1, 1993, indicate that the paper's interests center on:

Municipal politics (20% of the editorials) -- San Diego has recently lost a mayor due to criminal activities within the city government. Mayor Roger Hedgecock, a former associate of Governor Pete Wilson, was convicted on 13 counts stemming from illegal campaign contributions. The paper argued forcefully for campaign finance reform in the wake of the conviction.

NAFTA (13%) -- editorials reflect the City's general view that free trade will profit southern California and will, in fact, alleviate the strains of illegal immigration.

Federal or state criminal issues (13%) -- the potential merger of FBI/DEA activities have dominated recent editorials and front page reporting of justice issues.

Miscellaneous Issues -- federal political reform (12%), the economy (12%), educational standards (10%), foreign policy (10%), and immigration, health care, and the environment (each with 3% of the total). Immigration has been less of an issue recently than it was over the summer. But it is interesting to note that the NAFTA debate in southern California is linked to immigration concerns. Free trade is seen as a means to alleviate Mexican unemployment; which in turn will provide jobs for those seeking work above the border.

Reno Nomination. The Attorney General's nomination was applauded for the selection of someone who "had no ties to Washington." An February 13, 1993 editorial announced that, "Reno has racked up an impressive record in one of the nation's toughest jurisdictions. Miami's notorious Dade County is a breeding ground for drug dealers, organized crime, and other dangerous criminals. By all accounts, Reno has been an aggressive prosecutor whose personal integrity is beyond question."¹

Clinton Administration. Early in the Administration, the *Union-Tribune* was supportive of the Administration's "fiscal courage" while maintaining a distinct wariness toward reforms such as the integration of gays into the military.² When the Administration was criticized last spring, the paper rebuked the criticism with a call to "give Clinton a chance." Marking the first 100 days, the editors surmised,

"[i]n response to criticism that his administration has been tottering a bit lately, the president declared this week that "the term is four years. It's not three months." That fair enough. The 100-day anniversary is, after all, an arbitrary snapshot of a president's performance. Bill Clinton still has ample time to honor the promises he took to Washington, provided he stands by the centrist agenda that got him elected."³

¹ *Something different, Justice Candidate has no ties to Washington*, SAN DIEGO UNION-TRIBUNE, February 13, 1993, at B10.

² The favorable *Clinton's fiscal courage*, SAN DIEGO UNION-TRIBUNE, January 31, 1993, at G3 and *Cut Government Waste*, SAN DIEGO UNION-TRIBUNE, January 31, 1993, at G3 is offset by the generally negative *Leery of Clinton's choices*, SAN DIEGO UNION-TRIBUNE, January 28, 1993, at B12 and *Gays in the military, Clinton and commanders on collision course*, SAN DIEGO UNION-TRIBUNE, January 27, 1993 at B8.

³ *Clinton's First 100 Days Retreat from the center has eroded trust*, SAN DIEGO UNION-TRIBUNE, April 29, 1993 at B12.

This editorial was followed with a reminder to "lighten up, Clinton's only been in office four months."

- o Recent non-editorial reporting within the pages of the *Union-Tribune* has highlighted the Attorney General's role in immigration reform and policy, the war on urban crime, and the restructuring of the federal government. The Attorney General's early endorsement of the Vice President's recommendation to merge drug enforcement entities was reported in a positive light. And, indeed, the *Union-Tribune* quoted Jack Quinn, the Vice President's chief-of-staff, as saying the idea came from the Attorney General in the first place. The paper did note the Attorney General's more general disapproval of the Justice Department acquiring offices from other departments and agencies. When a clarification was issued from Justice on September 10, 1993, the editorial page and the front page reported the statement as a "distancing" of Justice from the Vice President's plan. There is confusion over this position; it will be the focus of a question during the interview.⁴

Justice Consolidation. The *Union-Tribune* has formally advocated the consolidation of all federal law enforcement entities under the Attorney General. They have proposed the elimination of redundant office within Justice and the folding of Customs, Secret Service, Law Enforcement Training Center, and the Bureau of Alcohol, Tobacco, and Firearms under the AG's cognizance⁵.

Waco Hostage Incident. The Waco incident was met with moderation and a call for "reasons, not blame." In its two most significant Waco editorials, the *Union-Tribune* postured itself as a supporter of law enforcement and the Attorney General, even though it was highly critical of the Administration:

⁴ See *Reno Undecided on DEA-FBI merger*, SAN DIEGO UNION-TRIBUNE, September 10, 1993, at A13; *Reno strongly in favor of merging drug agency with FBI*, SAN DIEGO UNION-TRIBUNE, September 9, 1993, at A13; Valerie Alvord, *Federal workers take Gore plan in stride*, SAN DIEGO UNION-TRIBUNE, September 6, 1993, at B1.

⁵ *Fight on a new front, Consolidate federal drug enforcement agencies*, SAN DIEGO UNION-TRIBUNE, August 26, 1993, at B12; *Protecting turf, A merger thwarted by bureaucracy*, SAN DIEGO UNION-TRIBUNE, September 7, 1993, at B6.

"Regardless of any errors in judgement she may have had, Reno deserves tremendous credit for shouldering full responsibility for the catastrophe. Her forthright answers . . . were a courageous contrast to the duck-and-cover response of White House officials. They were quick to pin all accountability on the Justice Department and the FBI. And even though President Clinton was briefed in advance on the FBI's plan to escalate the Waco siege, he was content after it went terribly awry to let Reno field the tough questions."⁶

Crime and Justice. The *Union-Tribune* editorialized that the trial of the four officers who beat Rodney King was "double jeopardy."⁷ The paper's position with respect to urban crime reflects much of the "Law and Order" concerns of a readership viewing Los Angeles from the outside looking in. On the issue of Jan Demjanjuk, the *Union-Tribune* has been less supportive of the Attorney General, when the Justice Department "grudgingly" decided not to block the return of Demjanjuk, the editors responded:

"Attorney General Reno defiantly declared this week that "we're not dropping the fight." She says the Justice Department will go all the way to the U.S. Supreme Court to try to get Demjanjuk permanently booted out of the country. . . [t]his is a rather perverse irony, for it was the Justice Department that falsely accused Demjanjuk of being Ivan the Terrible when it had evidence to the contrary. That the Justice Department intends to prolong Demjanjuk's ordeal only compounds the grave injustice it has done to him."⁸

Immigration. The Administration's immigration policy has been generally applauded. Furthermore, the paper has been quick to ascertain the linkages between illegal immigration and free trade:

⁶ *Waco post-mortem, It's time to find reasons, not blame*, SAN DIEGO UNION-TRIBUNE, April 21, 1993, at B8. For a view of the readership's reaction to the resolution of the Waco incident see *FBI is supported and condemned for end to Waco cultist standoff*, SAN DIEGO UNION-TRIBUNE, April 24, 1993, at B11. (Attached with editorials.)

⁷ *Re-trying of four officers is, indeed, double jeopardy*, SAN DIEGO UNION-TRIBUNE, April 17, 1993, at B9; this editorial was preceded by *Restraint is urged in reacting to verdict in Rodney King case*, SAN DIEGO UNION-TRIBUNE, April 16, 1993, at B7.

⁸ *Demjanjuk's ordeal, Cleveland man may return home*, SAN DIEGO UNION-TRIBUNE, September 4, 1993, at B6.

"Although there have been suggestions recently that social benefits attract illegal immigrants, jobs are the real incentive that draws Mexicans to the United States. Even in our present sluggish economy, there are far more job opportunities in the United States than in Mexico right now. . . [t]he Immigration Reform and Control Act of 1986 recognized that economic reality and made sanctions against employers the key to discouraging the hiring of illegal immigrants. Unfortunately, employer sanctions have never been enforced adequately and therefore have not reduced the economic incentive for illegal immigration."⁹

The paper tends to be cynical about border patrol efforts and has been scathing in its appraisal of "Operation Blockade" on the U.S.-Mexican border.¹⁰ ("Operation Blockade" is the current attempt by the Border Patrol to tighten border access south of San Diego and in parts of Texas.) The *Union-Tribune* has declared support for a national I.D. program and is adamant toward the need for a crack-down on alien smuggling.¹¹ Asylum policy has also been a target for criticism. The paper has editorialized that our granting of asylum is more a matter of formality, than an act of critical review. It is interesting to note, however, that the *Union-Tribune's* portrays illegal aliens as the victims of, and not the culprits behind, the collapse of American borders.¹²

⁹ *NAFTA and immigration, Trade Agreement is the best long term solution*, SAN DIEGO UNION-TRIBUNE, September 26, 1993, at G2.

¹⁰ *Misnamed and futile, Blockade solves no immigration problems*, SAN DIEGO UNION-TRIBUNE, September 30, 1993, at B12.

¹¹ *A national ID system would discourage illegal immigrants*, SAN DIEGO UNION-TRIBUNE, August 29, 1993, at G2; *Controlling immigration, Clinton plan should discourage abuses*, SAN DIEGO UNION-TRIBUNE, July 29, 1993, at B12; *Our lax asylum laws, reform of fundamental flaws are necessary*, SAN DIEGO UNION-TRIBUNE, July 14, 1993; *Turn the tide, crack down on alien smuggling*, SAN DIEGO UNION-TRIBUNE, June 22, 1993, at B6; *Reform U.S. asylum policy*, SAN DIEGO UNION-TRIBUNE, June 10, 1993, at B12; and *Shrill voices, politicians bash illegal immigrants*, SAN DIEGO UNION-TRIBUNE, May 9, 1993, at G2.

¹² *Are Mexican immigrants the heroes of their time?*, SAN DIEGO UNION-TRIBUNE, February 21, 1993, at G3; but this editorial was preceded by *There's a difference between migrants and immigrants*, SAN DIEGO UNION-TRIBUNE, February 18, 1993, at B9.

II. BACKGROUND BRIEFING

Overview. The old *Union* was the Copley family's first paper, established by James S.'s father, Colonel Ira C. Copley, in 1905. The combined distribution of the Copley News Service is about 600,000 papers, nationwide. The recent history of the paper parallels the rise of San Diego from a small Navy town in the early 1970s to the second largest city in the State of California in the early 1990's. The character of *The San Diego Union-Tribune* is as descriptive of the City as the *Globe* is of Boston, Massachusetts.

Professional Reputation. The *Union-Tribune's* national reputation is well established, primarily with the *Los Angeles Times* and the *New York Times*, in one specific area -- criminal and unethical activities committed by members of the United States Navy. The leading papers in New York, Los Angeles, and Chicago use the *Union-Tribune* as a "source" for such articles regarding the Navy. The paper's "waterfront" beat extends from the naval base at San Diego to PacFleet HQ in Hawaii and, on occasion, to the club halls of Las Vegas. It was the *Union-Tribune* that scooped the Tailhook events of 1990. It has also expressed an interest in the investigation surrounding the beating death of naval sailor Allen R. Shindler in Japan.

Internal Issues. In recent years, the *Union-Tribune* itself has been the subject of reporting. The negative publicity has centered on the rather heavy-handed labor tactics of the Copley News Service and the perceived paternalism the paper's owners and management have taken of women on the staff. This paternalism has been coupled with a series of sexual harassment cases reaching back into the late 1980's. In both 1991 and 1992, the paper was the defendant in harassment cases.

- o In December, 1991, editorial writer Lynne Carrier reached an out-of-court settlement with the newspaper in her suit on the actions of editors Neil Morgan and editorial supervisor Douglas Joseph Holley. Holley, by the way, went on to work for Texas Governor Ann Richards. Editor Sandra Dolbee of the old *San Diego Union* was accused of making "sexually suggestive comments, unwelcome pet names, and ongoing requests for dates" from reporter Lillian Mei-Mei Wang. The Copley Press Inc. was named in the suit -- which was brought after the accuser was severed in anticipation of the *Union* and *Tribune* merger.
- o The *Los Angeles Times* has been highly critical of the *Union-Tribune's* policies towards women as exemplified by their policies regarding the coverage of the riots in South Central Los Angeles. The *Union-Tribune's* own newsroom circulated a petition following the riots announcing that "to our disappointment, we discovered this newspaper separates reporters by gender instead of skill."

The *Times* continued the article with the observation that, "[s]exism within newsrooms is a longstanding issue, but it is rarely raised in such blunt fashion. According to the petition, "more than one editor" said point blank that women were not going to be sent to Los Angeles because of their sex." The *Times* obtained rebuttal statements from *Union-Tribune* editor Gerald Warren and executive editor Karin Winner.

- o The paternalism has run in tandem with some tough labor policies. In April, 1991, Administrative Law Judge Gerald A. Wacknow ruled that "Union-Tribune Publishing Co. officials must reinstate [Nancy Tetrault] who was the victim of an "inquisition" and unjustly fired because of her union activities." The singling out of Tetrault occurred during a long and acrimonious fight between the Copley News Service and the Newspaper Guild. The Guild called for a boycott of the Union and Tribune and the resulting rally at the Stardust Hotel featured both Ed Asner and the President of the United Farm Workers, Cesar Chavez. On February 3, 1993, Chavez's "verbally attacked" the conservative *Union-Tribune* publisher Helen Copley.¹³

Personalities. Helen K. Copley, 66, the publisher, is chairman and chief executive officer of the closely held Copley News Service, based in La Jolla California. *Forbes Magazine* ranked her fortune 75th amongst America's wealthiest (at \$865 million) in 1989. Copley publishes about twelve local and regional papers.. Her son, David C., is president of Copley Press and heir to the publishing concerns. Though only 38, he suffered a heart-attack in 1991.

- o The Copley's are prominent patrons of the arts. Helen donated \$2.5 million to the San Diego Symphony in 1990. Symphony Hall has been renamed "Copley Symphony Hall" in her honor. Family philanthropy is channeled through the James S. Copley Foundation, which was established after the death of Helen's husband James in 1973.

¹³ Kevin Brass, *Union-Tribune Panned for Keeping Women from Riots*, LOS ANGELES TIMES, May 11, 1992, at F2; H.G. Reza, *Court Reverses Firing of Union-Tribune Worker*, LOS ANGELES TIMES, April 23, 1991, at B2; H.G. Reza, *Newspaper Guild Calls for a Boycott of Union-Tribune*, LOS ANGELES TIMES, February 3, 1990, at B2. During the labor troubles, pro-Union forces pipe-bombed a Copley Newspapers vending machine outside the Viewpoint Plaza Industrial Center in Kearny Mesa. See LOS ANGELES TIMES, February 11, 1989, at 12.

- o Current editor Gerald L. Warren was assistant press secretary for Richard Nixon and recently commented of the Clinton Administration, "[t]he thing that bothers me . . . is that they seem to be trying to extend the campaign into the Presidency. I worry about the Clinton people being ready to go because I remember the frantic rush we [in the Nixon Administration] were in to fill the sub-Cabinet. We had Nixon's big policy book to go by, we had Kissinger and Moynihan working away in the basement -- Amazing! -- but the work is so much harder than you anticipate. You have to start so fast, with empty bookcases and no user's manual." ¹⁴

¹⁴ R. W. Apple Jr., *Generations of Transitions*, New York Times, January 19, 1993 at A15.

July 8, 1993

MEMORANDUM FOR THE ATTORNEY GENERAL

From: Ann Walker, Director of Communications Research
Dan Meyer, Research Staff

Subj: EDITORIAL AND BACKGROUND BRIEFINGS, THE LOS ANGELES TIMES

I. EDITORIAL BRIEFING

Overview. Ronald J. Ostrow's questions and tone in the *Los Angeles Times* piece (July 7th) about you is indicative of the reception awaiting in Los Angeles. It is also in the paper's tradition to have the Washington Bureau survey the field before editorial board meetings. Jack Nelson, the Washington Bureau Chief, is a professional and will have briefed the board in advance of your arrival.

- Reflecting the political spectrum of southern Californian political life, the *Times* alternates between liberal and conservative views on issues the *Globe* approaches singularly from a liberal perspective. Unlike the Irish-Catholic, social conservatives of the *Globe*, the western conservatives of the *Times'* readership are cut from pure Republican cloth. Their defection to the Perot and Clinton tickets in the last election was an indication of then-President Bush's deviation from *their* beliefs, as embodied in the 1980 Presidential Election.
- The *Los Angeles Times* is a liberal-to-moderate paper. As both southern California Florida are the most socially diverse regions in the nation, their diversity determines unique media markets. This phenomenon leads the *Times* to advocate liberal solutions to the area's problems.

Attitude Toward the Clinton Administration. Though the *Times* questioned the helpfulness of the Perot Campaign and reported the endorsements of other papers, it failed to endorse the Clinton Presidency outright. Many of its editorials were balancing acts attempting to weigh one set of ideas against another, but without resolution. Their post-election editorial merely pronounced that, "American has asked for change."

- Reporting since the inauguration reveals a fairly balanced presentation of the Administrations actions and views.

♦ David Lauter and Diane Haithman have written favorable press on the White House staffing, the nominations process, and the tentative news of your

appointment.

- ♦ Melissa Healy and Paul Richter's coverage of environmental policy has also steered a safe course between the contending parties in the timber debate. In matters of public polling, the paper is quick to mitigate pro-Administration reports of the President's relationship with the press with further negative polling on the President's handling of the same.
- ♦ The political polls writer, Thomas B. Rosensteel, writes in a somewhat cynical tone.
- ♦ One area of news coverage that tends to exhibit a higher emphasis on policy is immigration. Robert L. Jackson has reported the Haitian issue and done so by covering all his bases. But in his selection of sources, one finds a bias against the Administration's policy.
- The *L.A. Times* Washington Bureau is well connected on the Hill and privy to leaks — official and unofficial — from the White House. The measure of Washington connectivity, the "off-record cites," is high in *Times* articles about the Administration.

Los Angeles Staff.

- Jim Newton covers the Los Angeles Police Department and federal law enforcement agencies in the southern California region.
- The California-based writers include a triad of columnists — Jack Smith, Bruce Horowitz, and Dick O'Reilly.
- Metro Editor Craig Turner is the source of the *Times* editorials on inner city conditions — crime, immigration, and urban development.
- Art Seidenbaum controls the content of the paper's editorial section
- Of particular notoriety is Robert Jackson, who is both the Washington bureau's investigative report and reporter for Criminal Justice. If Jackson is not on hand in Los Angeles, his presence will be felt through the Washington Bureau Chief or his representative.

D.C. Bureau. The eyes and ears of the *Times* in Washington, D.C. lie with Bureau Chief Jack Nelson, who has an impressive reputation for news scoops and has honed the bureau into one of the sharpest, most politically-well-connected organizations of its kind. His team includes:

- Ron Ostrow, the Justice Department expert, and Jim Gertstenzang, the White House correspondent are considered among "the best in the business." Though both these men are based in Washington, they may be recalled to LA for the meeting.
- The same may also apply to David Savage, the Supreme Court reporter.
- Ronald Richter, a reporter with the Washington office, writes frequently on the politics of the Clinton Administration.
- If present, Sarah Fritz, who covers the Congressional beat, may ask questions directed at the nominations process and the legislative role in the Attorney General's agenda at Justice.

Justice Department. Your appointment to Attorney General was received positively. The *Times*' reporting stressed the fact that you were "long on management expertise and integrity — two qualities that have been sorely missed at the Justice Department." FN¹ In the same article from the Metro Desk, the *Times* asserted that your highest priorities were:

- to end to the misuse of Justice "to advance a conservative agenda on abortion, civil rights, the environment and crime with little regard for the laws or rights establish by the courts and Congress." FN
- to "cure the systemic" ills of the Justice Department evinced by the former Attorney General's prosecution of the savings and loan scandal, the BCCI case, and the Atlanta-banking connections to Iran-Contra. FN
- to settle the status of FBI Director William S. Sessions.

The *Times* also proposed two other areas of inquiry — civil rights and immigration law — for a resuscitated Justice Department. Given the proximity of Los Angeles to the U.S.-Mexico and the recent trials of the officers and youths that beat both Mr. Rodney King and Mr. Reginald Denny, questions can be expected on both civil rights and immigration law.

Death Penalty. The *Times* has argued eloquently for an end to capital punishment in California: "We continue to oppose allowing the state the power to take a human life, even that of a murderer."FN

Abortion. The *Times* supports a women's right to choose, but argues for this by citing public opinion polls. Their position includes a strong emphasis on family planning and the flow of information to the woman as the most important priorities. FN

¹ "FN" denotes the absence of the source citation. All quotes are from *Times* editorials unless otherwise stated.

Gun-Control. In its frequent editorials on inner city crime, the *Times* has often advocated gun control.

Narcotics. The course of the "Drug War" has met with both initiative and cynicism on the pages of the *Times*. Los Angeles District Attorney Gil Garcetti was applauded for his emphasis on both drug treatment and law enforcement in the arena of drug policy. Noting the parallels between Garcetti's proposal and your efforts in Miami, Florida, the *Times* closed by asserting that, "Reno, in her position as the nation's chief prosecutor, is right to question the federal overemphasis on interdiction and law enforcement. She is exploring strategies that would give greater weight to treatment." FN This editorial asked for more federal funding of existing programs in Los Angeles.

Gang Violence. The growth of organized crime within the ranks of urban youth is a topic of grave importance to Los Angeles. Following the riots in South Central Los Angeles, a surge of efforts by private groups to reconcile gang activity with the community. The *Times* has supported these efforts. Likewise, they warily endorsed the national gang summit in Kansas City last May. Noting the "Watts Truce" as the origin of the effort to co-opt gang members into more constructive endeavors, the *Times* remarked, "the national gang summit held recently in Kansas City could reduce the violence if participants take what they learned back to their homeboys . . . [p]utting down the weapons, however, may not prove as contagious as picking them up." FN The importance of your role was summarized in a reference to the request by the gang leaders for "increased federal attention to police brutality cases. That request, too, is reasonable, given the limited prosecutions. In Washington, United States Attorney General Janet Reno already has assigned higher priority to those cases." FN

Terrorism. Your actions toward Sheik Rahman were reported in the *Times* with a slant toward the civil liberties issue.

Immigration. The choice of Doris Meissner for Commissioner of the INS received a warm approval on June 25th; "Meissner seems well-equipped to run INS at this challenging time. She has hands on experience — gained as a top INS executive, and acting commissioner, during the Reagan Administration. And she has done her homework on the big immigration questions while Director of Immigration Policy at the Carnegie Endowment for International Peace." FN The immigration issue moves through every level of public discourse in Orange County. Capturing the issue at the most fundamental level, the *Times* responded to a Grand Jury's call for a three year moratorium on immigration on early June:

" The Orange County Grand Jury's frustration with illegal immigration is understandable and shared by many in Southern California, including this newspaper. But its recommendation that the federal government declare a three-year moratorium on immigration into this country is unrealistic. It is also unfortunate. On the local level the report, issued Wednesday, has stirred resentment among immigration advocates in Orange County's large Latino and Asian communities. They point out that the report's claim that illegal immigrants cost the county \$200 million a year is unsubstantiated by serious

research and overlooks immigrants' contributions to the economy. Orange County is striving to avoid the ethnic tensions that plague Los Angeles, and this report won't help.

In the meantime, it is reassuring to note that the National Security Council has brought its sophisticated intelligence-gathering resources and experience at coordinating government agencies to bear against the international rings trying to smuggle immigrants into this country from China. The NSC can help the U.S. immigration and Naturalization Service — neither the best-equipped nor the most sophisticated of federal law enforcement agencies — to keep a closer watch on smuggling activities, which have received much public attention since a shipload of Chinese illegal immigrants landed off New York." FN

The proximity of the U.S.-Mexican border and the inability of the I.N.S. to control port landings by illegal alien merchants are the issues that coax the *Times'* conservatism to the surface of editorial comment. Their concerns are best represented by an editorial that appeared on June 11th:

"The U.S. Supreme Court has upheld the Bush Administration's unfortunate policy of forcibly repatriating Haitian refugees without allowing them to formally ask for political asylum. But though the policy has been ruled legal, its fundamental unfairness is transparently obvious. The sooner it ends the better. It is hard to argue with the court's strict reading of laws and treaties. And it is difficult to counter the humane arguments Bush used when he ordered the repatriations begun in 1992, after an influx of refugees from Haiti resulted from a military coup that overthrew popularly elected President Jean-Bertrand Aristide. Because many of the refugees were fleeing in dangerously overcrowded boats, Bush argued that repatriations could save lives by discouraging further voyages. No doubt they did, to some degree. But just as surely they forced some Haitians to remain in or return to a country where Aristide supporters were being killed with impunity. At best, Bush's decision it was only a temporary and unsatisfactory solution to the refugee exodus and Haiti's political crisis. It remains that.

To the shame of the U.S. government, the policy meant Haitian refugees were denied treatment equal to that of refugees from Cuba, China and other oppressive regimes. Clinton, who rightly criticized Bush's Haitian policy during his campaign, should focus on putting an end to the Haitian exodus not by turning back refugees but by helping return Aristide to power and helping restore a viable democracy in Haiti." FN

But the *Times'* view of immigration is more complex with the human flow is qualified by concerns over human rights. After the Supreme Court's ruling on the status of Haitian refugee's, the editors deferred to the Bench's pronouncements on "laws and treaties" before moving into the paper's position that the repatriation of the refugees was counterintuitive to the empathy one should feel for those force to "return to a country were Aristide supporters were being killed with impunity." FN

In a rare indictment of the Administration, the *Times* closed the editorial by concluding that,

"[t]o the shame of the U.S. Government, the policy meant Haitian refugees were denied treatment equal to that of refugees from Cuba, China, and other repressive regimes. Clinton, who rightly criticized Bush's Haitian policy during the campaign, should focus on putting an end to the Haitian exodus not by turning back refugees but by helping to return Aristide to power and helping restore a viable democracy in Haiti." FN.

Savings and Loans. The savings and loan collapse in California has left the state divided over who is at fault. The case of Glendale Federal Bank has raised calls for intervention by the Attorney General. The editorial was prominent enough, and recent enough, to be printed in full:

"If President Clinton wants to do something for California, he ought to have Atty. Gen. Janet Reno review a case involving Glendale Federal Bank. The nation's fifth-largest thrift suffered a major setback the other day that could cost taxpayers \$3 billion to \$4 billion if Uncle Sam has to bail out the company. And it would be an utterly unnecessary bailout.

It all began in 1981 when the federal government was searching for some alternative to a costly taxpayer takeover of a failing Florida savings and loan. Glenfed agreed to absorb the institution -- but only with the understanding that the government would allow special accounting practices so that Glenfed could take on the bad debt from the Florida thrift. But in 1989 Congress passed the Financial Institutions Reform, Recovery and Enforcement Act. This was an across-the-board measure that, in effect, revoked the very accounting practices previously allowed. The consequences for Glenfed were catastrophic: The bank dropped below required capital levels and is now staring at raising \$350 million by June 30 to stay afloat. Glenfed sued the government for breach of contract. It won one case but on Tuesday, in the U.S. Court of Appeals, lost another.

Unless Washington somehow intervenes, the bank could be forced into federal receivership. That would be absurd: Though badly battered by the severe downturn in real estate valuation, Glenfed is a viable institution that plays a huge role in this area's economy. The Clinton Administration should step in." FN

Nominations. The Times has made an effort to piece the fog surrounding the media's reporting of the Baird, Guinier, and Ginsburg nominations.

- **Zoe Baird.** The editors approved of Baird's actions in pulling her name for consideration — though they centered their editorial on what the incident revealed about our immigration laws and the American perceptions of class differences. The child care issue also played a central role in their editorial. Immigration was derided as an issue where we "pretend to want to limit the illegal entry of foreigners . . . [b]ut we never send out enough immigration officers to enforce the law." The existence of a recognized class of working women and the lack of child care to support their needs was also highlighted. Finally, the Baird nomination was cast as evidence of America's class system and the rage it can incite among those who do not have the means to afford the systems of care

available to others.

- **Kimba Wood.** The editors strongly disapproved of the circumstances surrounding the dropping of Judge Wood's from the nomination process for Attorney General. The incident was seen as evidence of the Administration's ignorance toward immigration issues. It also raised the specter of a "litmus test" for woman nominees to federal positions. FN
- **Lani Guinier.** Like much of the media, the *Times* coverage of the Guinier nomination interpreted the President's actions as indicative of the decision-making process that underlay the nominations process.
- **Ruth Bader-Ginsburg.** The Bader-Ginsburg nomination was editorialized as a "solid choice" for the seat of retiring Associate Justice, Byron White. FN

Mayor Riordan. The *Times* quickly fell in behind the efforts of Mayor-elect Richard Riordan in June to court fiscal assistance from both Sacramento and Washington, D.C. Riordan is viewed by the *Times* as a civic-activist and the city's best chance of establishing the municipal/state/national relationship that will bring aid — fiscal and expert — to the flailing governmental efforts to end Los Angeles' decay. FN

Federal Matters.

- **Travel Office.** Though the Chief of Staff has formally terminated the media "loose ends" of the Travel Office investigation, there may still be staff writers who will question your role in the inquiry. The *Times* was quick to highlight your concerns in May when it stated, "[t]he White House asked the FBI to look into possible illegal activities by the fired employees — a request that Attorney General Janet Reno has suggested was made inappropriately." FN
- **Waco.** The incident surrounding David Koresh at Waco, Texas is old news. But the fact the two of Secretary Bentsen's choices for the three-member review committee were from Southern California may push the issue back into the discourse during your trip. Los Angeles' Police Chief Willie L. Williams needs little briefing, he is the former police chief of Philadelphia and replaced Daryl Gates in 1992..

○ Less trumpeted on the Waco panel was Edwin O. Guthman, 70, the Gannett Foundation Professor of Journalism at the University of Southern California. Guthman, former National Editor of the *Los Angeles Times*, was also an editor of the *Philadelphia Inquirer* during the MOVE incident of the early 1980s. The Pulitzer Prize-winning professor was Bobby Kennedy's press spokesman when the latter was Attorney General. He occasionally writes for *the Times* — most recently as a co-author with C. Richard Allen, deputy

director of the White House Office of National Service.FN While in Philadelphia, he pioneered the clean-up of that city's police force. If not invited to the Editorial Board meeting, he surely still has ties to the other editors — Guthman's writings revolve around the legacy of service imparted to the nation by Bobby Kennedy and exhibit not only journalistic concerns, but also a depth of knowledge about the challenges of urban reform.

○ Overall, the *Times* was approving of your actions at Waco, Texas. The editors remarked that "any effort to shift basic responsibility from the Koresh Cult to the government is simply ridiculous and must be rejected."FN

◆ **William Sessions.** On July 2, the Justice Department correspondent, Ronald J. Ostrow, filed a piece on the upcoming replacement of FBI Director William S. Sessions. The *Times* has reported that "the search . . . is focusing on federal Judge Louis J. Freeh of New York. . . . Attorney General Janet Reno, asked Thursday at the National Press Club why the issue was taking so long, said, 'Because it's a very complex matter.' The timetable, she said, is 'consistent with complexity.'" FN

THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Ann Walker, Director of Communications Research

RE: *The Tennessean* Editorial and Background Briefings

EDITORIAL BRIEFING

Overview *The Tennessean* is owned by the Gannett Newspaper Company. The editorial board is comprised of the President and Publisher Craig Moon, Managing Editor for Opinion Sandra Roberts, Managing Editor C.W. Johnson and two editorial writers.

Although published in Nashville, *The Tennessean* enjoys a state-wide readership. The paper has earned a reputation for excellence in serial reporting. Recently, *The Tennessean* was the recipient of an award from the Education Writers' Association, for a series on busing and desegregation.

As a long-time supporter of Vice President Al Gore (a former reporter for the paper) *The Tennessean* was an early and enthusiastic voice for the Clinton - Gore ticket. In fact, the newspaper has earned a reputation for staunchly endorsing both Democrats and moderate to liberal causes and policies.

Editorial Coverage

Whitewater/Madison Although *The Tennessean* joined the chorus of news outlets calling for the President and First Lady to "fully disclose" all of their knowledge about the Whitewater affair, the paper endorsed the idea that the government and the citizenry should not lose sight of more important matters. In a March 27 editorial, the newspaper stated:

"The administration needs to get about the business of the nation. The President's push for national health care reform has scored some points in Congress in recent days, but he needs to continue to put his own muscle behind that effort. The economy, crime, education and foreign policy all demand his time . . . there is no reason why this mess should engulf the Clinton White House and the nation's agenda."

Department of Justice Resignations While generally supportive of your tenure as Attorney General, *The Tennessean* has examined the departures of Philip Heymann and Webster Hubbell as indicative of a Justice Department in need of "strong leadership." In a March 21 editorial, the paper pronounced that the Department seemed to be "reeling" following the departures of Mr. Hubbell and Mr. Heymann. The editorial went on to state:

"Every administration that has ever come into power requires some shaking up, and some shaking out . . . President Clinton would be wise to fill the vacancy (Mr. Hubbell's) with someone other than an FOB."

Crime *The Tennessean* has endorsed the major crime initiatives proposed by the administration (i.e. three-strikes-you're out and combining drug treatment with tough prison sentencing). Furthermore, the paper has been a vocal advocate for strict gun control laws. In an editorial dated March 13, the newspaper defied the position of a large number of its readers by calling for strict state gun-control measures:

"Even those citizens who want to go armed should recognize the need to license guns on a yearly basis. With a four-year permit, or even a two year permit, law enforcers have little chance to keep up with gun owners."

In the same piece, *The Tennessean* came out against a popular initiative that would have allowed statewide permits to carry concealed weapons.

In an editorial expressing remorse for the "tragic slaying" of two young Japanese students, the paper decried the loss of community in America:

" . . . as most Americans know, American crime doesn't discriminate; it can hit young and old, Caucasian, Asian, black, Hispanic, men or women. Crime can hit in a city or a small town." (March 31, 1994)

The Media and Youth Violence The paper has applauded your efforts on behalf of America's youth and expressed concern for the impact of crime on children. On March 14, the newspaper attacked "television advertising that targets young audiences, making them think its cool to drink alcohol."

According to *The Tennessean*: "Tennessee schools are in the fight of their lives to teach children that guns aren't an answer to their problems." In the same editorial, the newspaper endorsed programs designed to educate young people about the dangers of drugs, alcohol and weapons.

Abortion The state of Tennessee is in the midst of a debate over a 48-hour waiting period on teens seeking abortions. In a March 12 editorial, *The Tennessean* came out in favor of a State Circuit Court holding that the waiting period was "unfair."

According to the editorial: "(the judge) gave teenagers what they needed . . . protection not punishment." The paper affirmed that the matter should be left to patients and physicians, not legislators.

The newspaper has saluted "pro-life Governor McWerter" for a 7% drop in teen pregnancy. In a March 5 editorial, the paper voiced support for the Adolescent Pregnancy Initiative, a program designed to educate poor teens in rural areas about the dangers and difficulties faced by teen parents and their children.

Health Care and Welfare Reform *The Tennessean* is a reliable supporter of President Clinton's reform policies. In a March 18 editorial, the paper embraced "universal coverage" as the "cornerstone" of health care reform. It requested members of Congress to remember the "37 million uninsured Americans," when debating health care initiatives.

On the subject of welfare reform, the paper has not taken a strident position. In a March 1 editorial, *The Tennessean* endorsed the concept of reform, but did not critique the myriad of proposals before Congress.

Voting While supportive of efforts to make voting more convenient, *The Tennessean* is careful to warn state and federal legislators against voter fraud. On March 18, the paper endorsed the President's Motor Voter Law and a Tennessee law to expand the period of time in which a citizen could vote, but came out for safeguards to protect "the integrity of the process."

James Earl Ray Controversy In a recent editorial, *The Tennessean* called for "further exploration" into allegations made by a former waitress in Memphis, concerning the assassination of Dr. Martin Luther King, Jr. The woman claims that James Earl Ray, the convicted assassin, is innocent and her former boss Loyd Jowers is the murderer.

The paper, while skeptical of the allegation, called for an inquiry into the veracity of Betty Spates' story. On March 31, the newspaper stated that the federal government might need to examine the recent allegations.

June 8, 1993

MEMORANDUM FOR THE ATTORNEY GENERAL

From: Ann Walker, Director of Communications Research
Dan Meyer, Research Staff

Subj: EDITORIAL AND BACKGROUND BRIEFINGS, THE BOSTON GLOBE

I. EDITORIAL BRIEFING

The Boston Globe typically opens up its editorial board meetings to both reporters and columnists. As such, the following individuals may be present. Bold-type indicates that an individual will more than likely ask questions and an asterisk indicates a reporter or columnist who has been critical of the Administration.

William O. Taylor	Chairman of the Board and Publisher
Richard C. Ockerbloom	President
John S. Driscoll	Editor
Benjamin B. Taylor	Executive Vice President
Matthew V. Storin	Executive Editor
Loretta McLaughlin	Editor, Editorial Page

Stephen E. Taylor	Vice President
William B. Huff	Treasurer
Godfrey W. Kauffman, Jr.	Vice President, Circulation
Oliver H.P. Rodman, Jr.	Vice President, Advertising
Frank E. Grundstrom, Jr.	Vice President, Human Resources
Gregory L. Thornton	Vice President, Employee Relations

Helen W. Donovan	Managing Editor
Thomas F. Mulvoy, Jr.	Managing Editor, News Operations
Alfred S. Larkin, Jr.	Managing Editor, Administration
Gregory L. Moore	Deputy Managing Editor, Daily
Thomas E. Ashbrook	Deputy Managing Editor, Sunday
H.D.S. Greenway	Senior Associate Editor

2. The Politics of the Boston Globe Editorial Board

Although the Boston Globe is the most liberal of the nation's major papers, the members of its Editorial Board are not simply knee-jerk liberals. In general, its staff can be seen as divided into two opposing groups: (1) a group of older Catholics who are more liberal on economic issues and more conservative on social issues, and (2) a

younger and more diverse group which is motivated by social liberalism and is often more moderate on economic issues.¹

¹ Though a supporter of the President, one of the most cynical critics of the Administration has been **Susan Trausch**. See Susan Trausch, *The Waiting's Over; Now It's Time For Action*, BOSTON GLOBE, January 21, 1993, at 19 (A skeptical approach to the inaugural euphoria that warned, "[d]emanding changed is so much easier than crafting it. Thinking that somebody else could do it better is more appealing than working with a person who can't work miracles.") and Susan Trausch, "Not Above the Law," Boston Globe, January 22, 1993, at 13. (A diatribe against Zoe Baird that closed with "I want an attorney general with a little more vision and smarts . . . Send her home, Mr. Chairman. She deserves it, and the country deserves better.").

Trausch's peer, Thomas Oliphant, has cut closer to President Clinton. A consistent critic of accountability within the White House, Oliphant's columns are tough. See Thomas Oliphant, *Blame Clinton, Not Baird*, Boston Globe, January 24, 1993, at 75. (On the Baird nomination, Oliphant asserted, "[h]ow much Clinton new is unimportant because his aides new everything, thanks to Baird's forthrightness. In this context, it was no sin for her to want to be attorney general. It would be unfair to argue that she had any responsibility . . . [t]hat is Clinton's job, and it's one reason it pays 200 grand a year plus expenses . . . [t]he embarrassment should be Clinton's, never hers."

Derrick Z. Jackson's early attacks on President Clinton echo with Oliphant's temper. The day after the Inaugural, Jackson rained on the festivities in the opening salvos of the attempt to reform the Armed Services, "[o]utrage from gays and lesbians over Clinton's lack of action prompted his aides to say he would probably sign the executive order. But even if he signs it, this episode means that yesterday's inauguration is less a cause for celebrating the end of the crude Reagan-Bush era than the start of a more sophisticated battle by Clinton's voters to hold President Put the People First to his word." Derrick Z. Jackson, *President Forget-What-I-Said*, Boston Globe, January 21, 1993, at 19.

More a social critic, Bob Kuttner used the Baird nomination to critique the feminist movement: "Zoe Baird epitomizes the double-edged character of the feminist revolution of which Hillary Clinton is now the national symbol. At the epicenter of Hillary Clinton's several circles is the Children's Defense Fund. And a top priority for that worthy organization is universal child care. But ironically, one of the main political reasons why socially financed day care has stayed off the political agenda is that society's richest and most powerful people are doing fine without it." Bob Kuttner, *The Baird Case: A Two-Class Child-Care System*, Boston Globe, January 22, 1993, at 14.

To round out the pitbulls, Globle column-doyen Mike Barnicle is featured regularly in the Metro/Regional section and writes with ink saturated with bile. Attacking the president's mother,

You will probably be attacked from the right as too liberal (for your support of Prof. Lani Guinier, for example) and from the left as caving in to the center (for your advocacy for the death penalty despite your personal opposition to capital punishment, for example). The following is a list of prominent opinion reporters and the types of questions that they are likely to ask: **Derrick Z. Jackson** has been tough on the President's initial reticence towards gays in the Armed Services; **Susan Trausch** urged a more aggressive agenda immediately following the Inaugural; **Mike Barnicle**, a prominent columnist in the "Metro/Regional" Section, is the conservative naysayer on the staff; and **Bob Kuttner** and **Thomas Oliphant** spear-headed Globe criticism of the Baird nomination.

3. Issues Likely to be Discussed²

the Vice President, and Clinton supports with cheap satire, Barnicle is Boston's equivalent of Chicago's Mike Royko. For an example of his writing, see Mike Barnicle, Star-Spangled Bummer, Boston Globe, January 21, 1993, at 29.

² Commentary in the Boston area about the U.S. Justice Department has been fairly positive. At the time of Janet Reno's nomination, the Globe played to the tough, socially conservative readership among the working class Catholics and Irish by promoting the Attorney General's statement at she wanted to "ensure that career criminals, dangerous offenders and drug traffickers get strict and certain sentences that put them away and keep them away." John W. Mashek, Clinton Chooses Florida Prosecutor for Justice Post, Boston Globe, February 12, 1993, at 1.

In the same edition, however, Micheal Kranish underscored rumours of Attorney General Reno's soft approach toward municipal corruption. As Boston has seen its share of local scandal, Kranish may be a tough inquisitor. See, Michael Kranish, Media-wise But Honest, This Choice is a Survivor, Boston Globe, February 12, 1993, at 13; Frank Phillips, Ex-AG Indicted; Conflict Charged, Boston Globe, May 22, 1993, at 1; and Gerard O'Neill (editor), Beacon Hill's Money Game, Boston Globe, May 23, 1993, at 1.

Related to the Attorney General's collegiate ties, it is important to not the freakish death of Medford student Terrence W. Quinn at Cornell University on January 18, 1993. Though Quinn's death was an accident and not related to Justice Department concerns, the Cornell connection may cause some reporters to play on the public interest angle. Quinn climbed down a chimney of the Psi Upsilon House and wedged himself just above the flu. He died of asphyxiation sometime during the night. He was intoxicated.

As many regional newspapers played upon conjecture when the Attorney General asked for the resignation, en banc, of all U.S. Attorneys, the Massachusetts Law Weekly concluded of A. John Pappalardo, "Pappalardo, a registered Independent who was

a. Successor to Mr. Justice White.³ The Globe sees Clinton as having an opportunity to "slow the court's conservative slide," but they note that "White's career reminds us that there are no ideological guarantees" (3/20/93). Dick Lehr, the Globe's justice reporter, has written glowingly of Federal Appeals Judge Stephen G. Breyer (a hometown favorite). As a moderate, Judge Breyer appeals to the socially conservative, Catholic segment of the Globe readership.

b. The Professor Guinier nomination. The Globe strongly supported Professor Guinier, saying that "President Clinton was right to nominate Lani Guinier" and that "the Senate Judiciary Committee would have been the proper place to consider her qualifications to hold the office" (6/4/93). Given your support of Prof. Guinier, the Globe is likely to ask if you were left out of the loop, or if your views were disregarded.

c. Waco. The Globe's editorial page was relatively tough on you on various aspects of your handling of the Waco incident. They argue that "Neither Attorney General Janet Reno nor the FBI has provided a single compelling reason for

appointed on an interim basis after Wayne A. Budd left office for a high ranking post in the now-defunct Bush Administration, was heard boasting late last month that he had received a call from Washington, "informing me that [Reno's] announcement does not apply to me." . . . The stay of Pappalardo's professional execution may be short-lived, however. A number of candidates are lobbying heavy to succeed him . . ." Hearsay, Pappalardo Can You Hear Me?, Mass. Law. Wkly., April 5, 1993, at 30.

Likewise, the selection of Philip B. Heymann as the number two at Justice met with strong praise in the Globe, "Heymann's credentials are so well established that many senators sitting on the Judiciary Committee . . . are familiar with not only his work at the Justice Department but with his studies of the FBI and the Drug Enforcement Administration and other academic work." Gregg Krupa, Choice for Deputy Attorney General Lauded as Legal Scholar, Prosecutor, Boston Globe, April 3, 1993, at 9.

³ Although a transplant from San Francisco, rumoured Supreme Court candidate Chief Judge Stephen G. Breyer is a "hometown favorite" in Boston. In both the Globe and the Massachusetts Lawyer's Weekly he has been acclaimed for his ability to establish a consensus-based, "collegial environment," on the bench and in conference. This is one of the characteristics President Clinton has indicated is important in determining the suitability of nominees. See Bench Conference: Chief Judge Stephen G. Breyer, 1st Circuit Court of Appeals, Mass. Law. Wkly., February 22, 1993, at 28 and Dick Lehr, Play-safe Strategy Seen on Court Pick, Boston Globe, May 28, 1993, at 3.

abandoning the course of patience" (4/21/93). They also disputed your claim that the FBI had evidence of abuse of the children (4/24/93).

d. Sessions. The Globe says that Sessions "has grown progressively weak and ineffective" (5/2/93). They conclude that "he should leave the stage." While the Globe had not editorialized about how the White House went around your office to contact the FBI about the White House Travel Office, it seems like an obvious question.

e. Abortion. While the Boston Globe is consistently liberal on abortion, the most important part of the issue for your meeting is likely to be what your office can do about anti-abortion protestors at clinics. They strongly support such measures: "the Supreme Court ruling barring federal judges from using an anti-Klan law against anti-abortion protesters is likely to encourage further harassment" (1/23/93). Furthermore, they applaud a state Clinic Access Bill "which would establish specific penalties and fines for blockading clinic doors" (6/1/93).

f. Gun control. The Globe strongly supports gun control. It applauded Clinton's mention of the Brady Bill in his State of the Union message (3/6/93), and it argues that the root cause of the problems at Waco is the addition of guns to religious fervor (3/2/93).

g. Hate Crimes. The Globe has come out in favor of laws against hate crimes, arguing that they "focus on criminal conduct, not speech" (2/20/93). They argue that "harms inflicted because of race, religion or sexual orientation are more serious concerns than other harms." They do not see these laws as restricting free thought or expression; they see them as simply limiting the actions that might flow from those thoughts. The Globe has come out strongly in favor of free speech in other cases (such as that of Professor Leonard Jeffries at CUNY) (5/17/93).

h. Crime and Drugs.⁴ A rise in inter-city crime followed economic stagnation in

⁴ Local crime policy has sought to magnify the efforts of Massachusetts police with the support of the community. As the recent race riots in South Boston reaffirm, the city and its outlying areas face problems akin to those in Philadelphia, Baltimore and Miami.

The City of Lawrence's efforts to include the citizens in the maintenance of public safety has been acknowledged as a significant force in the recent reduction of crime by 24.8 percent. See Efrain Hernandez, Jr., Lawrence Police, Hailing a Drop in Crime, Credit Community Approach, Boston Globe, January 21, 1993, at 32.

Similarly, Governor William Weld's appointed to the District Attorney's position in Suffolk County, Ralph C. Martin II is a vocal advocate for juvenile programs that build the civic elan

the Northeast. The Globe has editorialized on the need for greater crime control and has highlighted successful community-public safety programs. Reporters covering the crime beat may well ask the quintessential question, "What is the federal doing to support local efforts at crime control?"

4. Local Issues Frequenting the Globe's Agenda.

a. Political corruption. The Boston Globe ran a week-long front page "Spotlight" feature (5/23 - 5/27) on a "hidden world of tropical junkets, easy cash and sweet deals" regarding improprieties of leading Democratic State Legislative officials including Senate President William Bulger and Speaker of the House Charles Flaherty. In addition, Republican Governor William Weld has come under fire for connections to lobbyists and for the DWI arrest of one of his chief deputies Ron Kauffman, the former Political Director of the Bush White House. These issues may lead to questions about your motivation in the rotation of U.S. Attorney's and the perceived affect of that policy on the investigation into Congressman Rostenkowski's (D- IL) alleged ethical improprieties

b. Racial tensions. On May 6th, a 200 person race riot broke out at South Boston High, injuring two students, two police officers and Mayor Raymond Flynn. Racial tensions in the Boston area have not simmered down much since the 1970's busing riots, detailed in the book Common Ground. You should be aware that residents of South Boston see these problems more as "turf battles," rather than racial issues. In their view, minorities are the same as other outsiders, including whites from Beacon Street, Cambridge and other parts of the Bay Area.

c. Replacement of U.S. Attorney for the District of Massachusetts. Although your call for letters-of-resignation from the U.S. Attorneys nationwide met with skepticism elsewhere, the polarization of Massachusetts politics between a Republican governorship and Democratic municipalities leaves the slant of questions on this issue ambiguous. There are a few conservatives at the Globe who may raise the issue, but by and large, other issues will predominate.

d. Senator Ted Kennedy. Kennedy, who faces a possibly tough reelection fight in 1994, is a likely topic of questions because of his prominence on the Senate Judiciary Committee.

5. Conclusions

The Boston Globe prides itself on being a leading member of the "Fourth Branch" of government - at the gubernatorial and national level. Its reporters are adept at investigative journalism and exhibit the feistiness required in such a capacity. The

necessary to prevent the entrance of young men and women into a life of crime. See John Ellement, District Attorney Says Jail Only One Plan For Juvenile Offenders, Boston Globe, January 25, 1993, at 13.

readership of the Globe views the Attorney General as the "head lawyer" in the nation. As such, question regarding the role of lawyers in society and the integrity of judicial process are fair game.⁵ But they also respect the Attorney General's record in Florida and look for support in Boston's fight for the public safety of its neighborhoods.

⁵ For the Globe's support for "legal service," see Dick Lehr, *Young Lawyer Chooses to Serve*, Boston Globe, April 26, 1993, at 15. (A highly supportive piece on the intentions of Boston University law student Long Hoang Nguyen's intention to join Greater Boston Legal Services upon graduation. He was the recipient of the National Association of Public Interest Law's "For Equal Justice Fellowship.") The woes of the Boston legal profession have also been well documented in the pages of the Globe. See Dick Lehr, *Firms Rally Around Troubled Warner & Stackpole*, Boston Globe, May 9, 1993, at 61. (A neutral report of the Justice Department's white-collar crime investigation into the activities of Warner & Stackpole's real estate law department.) and John H. Kennedy, *Trouble in the Firm*, Boston Globe, April 20, 1993, at 21. (A suspicious and somewhat critical account of the sexual harassment charges against Harrison A Fitch, managing partner of New England's largest minority-run business law firm - Wiley, Richlin & Tourse.) Note also the recent collapse of Widett, Slater & Goldman, P.C. after a 29-lawyer defection reported in Sidebar: Briefly, Nat'l L.J., May 10, 1993, at 3. Given the perceived instabilities in the legal profession, the Attorney General may be called on to comment upon the state of the bar.

THE WHITE HOUSE

WASHINGTON

July 8, 1993

MEMORANDUM FOR THE ATTORNEY GENERAL

From: Ann Walker, Special Assistant to the President
Director of Communications Research
Copy: Caroline Aronovitz
Subj: THE *Los Angeles Times* EDITORIAL BOARD BRIEFING

Overview. Ronald J. Ostrow's questions and tone in the *Los Angeles Times* piece (July 7th) about you is indicative of the reception awaiting in Los Angeles. It is also in the paper's tradition to have the Washington Bureau survey the field before editorial board meetings. Jack Nelson, the Washington Bureau Chief, is a professional and will have briefed the board in advance of your arrival.

- Reflecting the political spectrum of southern Californian political life, the *Times* alternates between liberal and conservative views on issues the *Globe* approaches singularly from a liberal perspective. Unlike the Irish-Catholic, social conservatives of the *Globe*, the western conservatives of the *Times*' readership are cut from pure Republican cloth. Their defection to the Perot and Clinton tickets in the last election was an indication of then-President Bush's deviation from *their* beliefs, as embodied in the 1980 Presidential Election.
- Therefore, the *Los Angeles Times* is classified a liberal-to-moderate paper. As both southern California and Florida are the most socially diverse regions in the nation, they possess unique media markets. This phenomenon often leads the *Times* to advocate liberal solutions to the area's problems.

Attitude Toward the Clinton Administration. Though the *Times* questioned the helpfulness of the Perot Campaign and reported the endorsements of other papers, it failed to endorse the Clinton Presidency outright. Many of its editorials were balancing acts attempting to weigh one set of ideas against another, but without resolution. Their post-election editorial merely pronounced that, "American has asked for change."

- Reporting since the inauguration reveals a fairly balanced presentation of the Administrations actions and views.

- ◆ David Lauter and Diane Haithman have written favorable press on the White House staffing, the nominations process, and the tentative news of your appointment.

- ◆ Melissa Healy and Paul Richter's coverage of environmental policy has also steered a safe course between the contending parties in the timber debate. In matters of public polling, the paper is quick to mitigate pro-Administration reports of the President's relationship with the press with further negative polling on the President's handling of the same.

- ◆ The political polls writer, Thomas B. Rosensteel, writes in a somewhat cynical tone.

- ◆ One area of news coverage that tends to exhibit a higher emphasis on policy is immigration. Robert L. Jackson has reported the Haitian issue and done so by covering all his bases. But in his selection of sources, one finds a bias against the Administration's policy.

- The *L.A. Times* Washington Bureau is well connected on the Hill and privy to leaks — official and unofficial — from the White House. The measure of Washington connectivity, the "off-record cites," is high in *Times* articles about the Administration.

Los Angeles Staff.

- Jim Newton covers the Los Angeles Police Department and federal law enforcement agencies in the southern California region.
- The California-based writers include a triad of columnists — Jack Smith, Bruce Horowitz, and Dick O'Reilly.
- Metro Editor Craig Turner is the source of the Times editorials on inner city conditions — crime, immigration, and urban development.
- Art Seidenbaum controls the content of the paper's editorial section
- Of particular notoriety is Robert Jackson, who is both the Washington bureau's investigative report and reporter for Criminal Justice. If Jackson is not on hand in Los Angeles, his presence will be felt through the Washington Bureau Chief or his representative.

D.C. Bureau. The eyes and ears of the *Times* in Washington, D.C. lie with Bureau Chief Jack Nelson, who has an impressive reputation for news scoops and has honed the bureau into one of the sharpest, most politically-well-connected organizations of its kind. His team includes:

- Ron Ostrow, the Justice Department expert, and Jim Gertstenzang, the White House correspondent are considered among "the best in the business." Though both these men are based in Washington, they may be recalled to LA for the meeting.
- The same may also apply to David Savage, the Supreme Court reporter.
- Ronald Richter, a reporter with the Washington office, writes frequently on the politics of the Clinton Administration.
- If present, Sarah Fritz, who covers the Congressional beat, may ask questions directed at the nominations process and the legislative role in the Attorney General's agenda at Justice.

Justice Department. Your appointment to Attorney General was received positively. The *Times'* reporting stressed the fact that you were "long on management expertise and integrity — two qualities that have been sorely missed at the Justice Department." FN¹ In the same article from the Metro Desk, the *Times* asserted that your highest priorities were:

- to end to the misuse of Justice "to advance a conservative agenda on abortion, civil rights, the environment and crime with little regard for the laws or rights establish by the courts and Congress." FN
- to "cure the systemic" ills of the Justice Department evinced by the former Attorney General's prosecution of the savings and loan scandal, the BCCI case, and the Atlanta-banking connections to Iran-Contra. FN
- to settle the status of FBI Director William S. Sessions.

The *Times* also proposed two other areas of inquiry — civil rights and immigration law — for a resuscitated Justice Department. Given the proximity of Los Angeles to the U.S.-Mexico and the recent trials of the officers and youths that beat both Mr. Rodney King and Mr. Reginald Denny, questions can be expected on both civil rights and immigration law.

¹ "FN" denotes the absence of the source citation. All quotes are from *Times* editorials unless otherwise stated.

Death Penalty. The *Times* has argued eloquently for an end to capital punishment in California: "We continue to oppose allowing the state the power to take a human life, even that of a murderer."FN

Abortion. The *Times* supports a women's right to choose, but argues for this by citing public opinion polls. Their position includes a strong emphasis on family planning and the flow of information to the woman as the most important priorities. FN

Gun-Control. In its frequent editorials on inner city crime, the *Times* has often advocated gun control.

Narcotics. The course of the "Drug War" has met with both initiative and cynicism on the pages of the *Times*. Los Angeles District Attorney Gil Garcetti was applauded for his emphasis on both drug treatment and law enforcement in the arena of drug policy. Noting the parallels between Garcetti's proposal and your efforts in Miami, Florida, the *Times* closed by asserting that, "Reno, in her position as the nation's chief prosecutor, is right to question the federal overemphasis on interdiction and law enforcement. She is exploring strategies that would give greater weight to treatment." FN This editorial asked for more federal funding of existing programs in Los Angeles.

Gang Violence. The growth of organized crime within the ranks of urban youth is a topic of grave importance to Los Angeles. Following the riots in South Central Los Angeles, a surge of efforts by private groups to reconcile gang activity with the community. The *Times* has supported these efforts. Likewise, they warily endorsed the national gang summit in Kansas City last May. Noting the "Watts Truce" as the origin of the effort to co-opt gang members into more constructive endeavors, the *Times* remarked, "the national gang summit held recently in Kansas City could reduce the violence if participants take what they learned back to their homeboys . . . [p]utting down the weapons, however, may not prove as contagious as picking them up." FN The importance of your role was summarized in a reference to the request by the gang leaders for "increased federal attention to police brutality cases. That request, too, is reasonable, given the limited prosecutions. In Washington, United States Attorney General Janet Reno already has assigned higher priority to those cases." FN

Terrorism. Your actions toward Sheik Rahman were reported in the *Times* with a slant toward the civil liberties issue.

Immigration. The choice of Doris Meissner for Commissioner of the INS received a warm approval on June 25th; "Meissner seems well-equipped to run INS at this challenging time. She has hands on experience — gained as a top INS executive, and acting commissioner, during the Reagan Administration. And she has done her homework on the big immigration questions while Director of Immigration Policy at the Carnegie Endowment for International Peace." FN The immigration issue moves through every level of public discourse in Orange County. Capturing the issue at the most fundamental level, the *Times*

responded to a Grand Jury's call for a three year moratorium on immigration on early June:

" The Orange County Grand Jury's frustration with illegal immigration is understandable and shared by many in Southern California, including this newspaper. But its recommendation that the federal government declare a three-year moratorium on immigration into this country is unrealistic. It is also unfortunate. On the local level the report, issued Wednesday, has stirred resentment among immigration advocates in Orange County's large Latino and Asian communities. They point out that the report's claim that illegal immigrants cost the county \$200 million a year is unsubstantiated by serious research and overlooks immigrants' contributions to the economy. Orange County is striving to avoid the ethnic tensions that plague Los Angeles, and this report won't help.

In the meantime, it is reassuring to note that the National Security Council has brought its sophisticated intelligence-gathering resources and experience at coordinating government agencies to bear against the international rings trying to smuggle immigrants into this country from China. The NSC can help the U.S. immigration and Naturalization Service — neither the best-equipped nor the most sophisticated of federal law enforcement agencies — to keep a closer watch on smuggling activities, which have received much public attention since a shipload of Chinese illegal immigrants landed off New York." FN

The proximity of the U.S.-Mexican border and the inability of the I.N.S. to control port landings by illegal alien merchants are the issues that coax the *Times'* conservatism to the surface of editorial comment. Their concerns are best represented by an editorial that appeared on June 11th:

"The U.S. Supreme Court has upheld the Bush Administration's unfortunate policy of forcibly repatriating Haitian refugees without allowing them to formally ask for political asylum. But though the policy has been ruled legal, its fundamental unfairness is transparently obvious. The sooner it ends the better. It is hard to argue with the court's strict reading of laws and treaties. And it is difficult to counter the humane arguments Bush used when he ordered the repatriations begun in 1992, after an influx of refugees from Haiti resulted from a military coup that overthrew popularly elected President Jean-Bertrand Aristide. Because many of the refugees were fleeing in dangerously overcrowded boats, Bush argued that repatriations could save lives by discouraging further voyages. No doubt they did, to some degree. But just as surely they forced some Haitians to remain in or return to a country where Aristide supporters were being killed with impunity. At best, Bush's decision it was only a temporary and unsatisfactory solution to the refugee exodus and Haiti's political crisis. It remains that.

To the shame of the U.S. government, the policy meant Haitian refugees were denied treatment equal to that of refugees from Cuba, China and other oppressive regimes. Clinton, who rightly criticized Bush's Haitian policy during his

campaign, should focus on putting an end to the Haitian exodus not by turning back refugees but by helping return Aristide to power and helping restore a viable democracy in Haiti." FN

But the Times' view of immigration is more complex with the human flow is qualified by concerns over human rights. After the Supreme Court's ruling on the status of Haitian refugee's, the editors deferred to the Bench's pronouncements on "laws and treaties" before moving into the paper's position that the repatriation of the refugees was counterintuitive to the empathy one should feel for those force to "return to a country were Aristide supporters were being killed with impunity." FN

In a rare indictment of the Administration, the *Times* closed the editorial by concluding that, "[t]o the shame of the U.S. Government, the policy meant Haitian refugees were denied treatment equal to that of refugees from Cuba, China, and other repressive regimes. Clinton, who rightly criticized Bush's Haitian policy during the campaign, should focus on putting and end to the Haitian exodus not by turning back refugees but by helping to return Aristide to power and helping restore a viable democracy in Haiti." FN.

Savings and Loans. The savings and loan collapse in California has left the state divided over who is at fault. The case of Glendale Federal Bank has raised calls for intervention by the Attorney General. The editorial was prominent enough, and recent enough, to be printed in full:

"If President Clinton wants to do something for California, he ought to have Atty. Gen. Janet Reno review a case involving Glendale Federal Bank. The nation's fifth-largest thrift suffered a major setback the other day that could cost taxpayers \$3 billion to \$4 billion if Uncle Sam has to bail out the company. And it would be an utterly unnecessary bailout.

It all began in 1981 when the federal government was searching for some alternative to a costly taxpayer takeover of a failing Florida savings and loan. Glenfed agreed to absorb the institution -- but only with the understanding that the government would allow special accounting practices so that Glenfed could take on the bad debt from the Florida thrift. But in 1989 Congress passed the Financial Institutions Reform, Recovery and Enforcement Act. This was an across-the-board measure that, in effect, revoked the very accounting practices previously allowed. The consequences for Glenfed were catastrophic: The bank dropped below required capital levels and is now staring at raising \$350 million by June 30 to stay afloat. Glenfed sued the government for breach of contract. It won one case but on Tuesday, in the U.S. Court of Appeals, lost another.

Unless Washington somehow intervenes, the bank could be forced into federal receivership. That would be absurd: Though badly battered by the severe downturn in real estate valuation, Glenfed is a viable institution that plays a huge role in this area's economy. The Clinton Administration should step in." FN

Nominations. The Times has made an effort to piece the fog surrounding the media's reporting of the Baird, Guinier, and Ginsburg nominations.

- **Zoe Baird.** The editors approved of Baird's actions in pulling her name for consideration — though they centered their editorial on what the incident revealed about our immigration laws and the American perceptions of class differences. The child care issue also played a central role in their editorial. Immigration was derided as an issue where we "pretend to want to limit the illegal entry of foreigners . . . [b]ut we never send out enough immigration officers to enforce the law." The existence of a recognized class of working women and the lack of child care to support their needs was also highlighted. Finally, the Baird nomination as cast as evidence of America's class system and the rage it can incite among those who do not have the means to afford the systems of care available to others.

- **Kimba Wood.** The editors strongly disapproved of the circumstances surrounding the dropping of Judge Wood's from the nomination process for Attorney General. The incident was seen as evidence of the Administration's ignorance toward immigration issues. It also raised the specter of a "litmus test" for woman nominees to federal positions. FN

- **Lani Guinier.** Like much of the media, the *Times* coverage of the Guinier nomination interpreted the President's actions as indicative of the decision-making process that underlay the nominations process.

- **Ruth Bader-Ginsburg.** The Bader-Ginsburg nomination was editorialized as a "solid choice" for the seat of retiring Associate Justice, Byron White. FN

Mayor Riordan. The Times quickly fell in behind the efforts of Mayor-elect Richard Riordan in June to court fiscal assistance from both Sacramento and Washington, D.C. Riordan is viewed by the *Times*' as a civic-activist and the city's best chance of establishing the municipal/state/national relationship that will bring aid — fiscal and expert — to the flailing governmental efforts to end Los Angeles' decay. FN

Federal Matters.

- **Travel Office.** Though the Chief of Staff has formally terminated the media "loose ends" of the Travel Office investigation, there may still be staff writers who will question your role in the inquiry. The Times was quick to highlight your concerns in May when it stated, "[t]he White House asked the FBI to look into possible illegal activities by the fired employees — a request that Attorney General Janet Reno has suggested was made inappropriately." FN

● **Waco.** The incident surrounding David Koresh at Waco, Texas is old news. But the fact the two of Secretary Bentsen's choices for the three-member review committee were from Southern California may push the issue back into the discourse during your trip. Los Angeles' Police Chief Willie L. Williams needs little briefing, he is the former police chief of Philadelphia and replaced Daryl Gates in 1992..

○ Less trumpeted on the Waco panel was Edwin O. Guthman, 70, the Gannett Foundation Professor of Journalism at the University of Southern California. Guthman, former National Editor of the Los Angeles Times, was also an editor of the *Philadelphia Inquirer* during the MOVE incident of the early 1980s. The Pulitzer Prize-winning professor was Bobby Kennedy's press spokesman when the latter was Attorney General. He occasionally writes for *the Times* — most recently as a co-author with C. Richard Allen, deputy director of the White House Office of National Service.FN While in Philadelphia, he pioneered the clean-up of that city's police force. If not invited to the Editorial Board meeting, he surely still has ties to the other editors — Guthman's writings revolve around the legacy of service imparted to the nation by Bobby Kennedy and exhibit not only journalistic concerns, but also a depth of knowledge about the challenges of urban reform.

○ Overall, the *Times* was approving of your actions at Waco, Texas. The editors remarked that "any effort to shift basic responsibility from the Koresh Cult to the government is simply ridiculous and must be rejected."FN

● **William Sessions.** On July 2, the Justice Department correspondent, Ronald J. Ostrow, filed a piece on the upcoming replacement of FBI Director William S. Sessions. The *Times* has reported that "the search . . . is focusing on federal Judge Louis J. Freeh of New York. . . . Attorney General Janet Reno, asked Thursday at the National Press Club why the issue was taking so long, said, 'Because it's a very complex matter.' The timetable, she said, is 'consistent with complexity.'" FN

THE WHITE HOUSE

WASHINGTON

October 12, 1993

MEMORANDUM FOR WEBSTER HUBBELL

From: Ann Walker, Director of Communications Research
Dan Meyer, Research Staff

Subj: SACRAMENTO BEE EDITORIAL AND BACKGROUND BRIEFINGS

EDITORIAL BRIEFING

Overview The Sacramento Bee is owned by the McClatchy newspaper chain and is considered a liberal paper. It endorsed the Clinton candidacy in 1992. The Bee places special emphasis on the linkage between the government and the governed. In addition to standard editorials the political editor, John Jacobs, regularly runs his own by-lined columns. He plays a central role in the formation of the general editorial positions taken by the board.

Editorial Coverage

NAFTA The Bee's two recent NAFTA editorials, September 13th and October 2nd, reaffirmed support for the accord while simultaneously voicing concern for the NAFTA's future. Criticizing the NAFTA opposition within the California congressional delegation, the paper argued that:

"opponents decry NAFTA as just a commercial deal that will benefit only business. That's unfair. A Mexico strengthened by more investment will be more stable; U.S. exports and export-related jobs will expand as Mexico's high tariffs are removed; and as more jobs are created, more Mexicans will choose to stay at home rather than cross the border . . . [o]nly [the President] can apply heat where it's needed to line-up defectors, like Boxer and Feinstein, who need to be reminded that their President needs them now just as, one day, they'll need him. That's hardball politics, but if Clinton's not willing to play, he's as shortsighted as he is timid."¹

¹ *NAFTA in Limbo*, SACRAMENTO BEE, September 13, 1993, at B12. (Full text faxed under same cover).

John Jacobs used his column to support NAFTA and to highlight California's potential gains from free trade, and to deride the California congressional delegation for not supporting the agreement. On October 2nd, the editor's broadened the debate by favoring the President's export strategy reducing controls on high-technology.²

Health Care The Bee has generally been supportive of the Administration. Following the President's address to Congress on health care, the paper stated that,

"Clinton focused well on the idea of shared responsibility, particularly for those who profit from the system . . . his invocation of a special sense of duty to the community as a whole applies just as well to people such as himself and the coterie of advisers he has brought to Washington — those who have benefited from the best schools and many other opportunities that equal opportunity affords, and who feel a responsibility to give something back . . . [with respect to health care reform] Clinton defined . . . a struggle over real people who are suffering real losses in the system . . . [i]f Congress loses sight of this human element in the months ahead, the risk is great that Clinton's hopes for reform will end in still more political gridlock."³

After Mrs. Clinton appeared before Congress earlier this month, the Bee editorialized, "[n]o First Lady since Eleanor Roosevelt has risked so much of her personal capital in support of a particular issue. None has ever played so substantive a role in her husband's administration . . . her poise, intelligence and energy deserve the admiration of the public."⁴

Attorney General The Bee has consistently supported the Attorney General. On February 13, 1993, the editors joined the many other newspapers that endorsed the Attorney General and defined her mission as,

² *Toward an Export Strategy*, SACRAMENTO BEE, October 2, 1993, at B6.

³ *Clinton Defines Himself*, SACRAMENTO BEE, September 26, 1992, at F4. See also discussion, *infra*, on John Jacobs, political editor.

⁴ *Hillary on the Hill*, SACRAMENTO BEE, October 2, 1993, at B6.

"restoring public confidence that the law is a servant of the people and an instrument of progress toward justice, and not their enemy. It's a tall order, but Janet Reno seems to have the stature in more ways than one."⁵ When the Attorney General addressed Justice department employees for the first time, the Bee printed the exact text and announced it as a fundamental change in the orientation of American criminal justice.⁶

Support for the Attorney General was also evident in the discussion surrounding her dismissal, en masse, of U.S. attorney's appointed during the twelve years of Reagan-Bush:

"[she] has a perfect right to demand resignations from U.S. Attorneys appointed by George Bush, [but] for more than a decade, the attorney general has been more a political operative for the president than an independent law enforcement officer. By allowing O'Connell to finish his work on the Nathanson case, Clinton and Reno would send a signal that they mean to change that." The Nathanson case has prompted editorial activity throughout California. His conviction was viewed as a federally-lead victory over corruption in Sacramento.⁷

Iraqgate The Bee was critical of the Justice Department's handling of the case involving the Banca Nazionale del Lavoro and the appearance of impropriety with regards to American diplomacy in the Gulf. Using the Attorney General's actions as a prod to Congress for revival of the independent counsel act, the editors' stated,

"Reno has now concluded that employees of the Atlanta branch of an Italian bank were solely responsible for making \$5 billion in illegal loans to Baghdad, and that there was no evidence of wrongdoing by the Bush Administration . . . U.S. District Judge Marvin Shoob didn't buy that, nor should Congress and the public."⁸

⁵ *Clinton's Third Choice*, SACRAMENTO BEE, February 13, 1993, at B6.

⁶ *Janet Reno's New Tone*, SACRAMENTO BEE, April 11, 1993 at F4.

⁷ *Janet Reno's First Ethics Test*, SACRAMENTO BEE, March 30, 1993, at B4. The Bee took its lead on *United States v. Nathanson* (ED Ca. 1993) 813 F. Supp 1433 from the *Los Angeles Times*. The Nathanson Case was the focus of special reporting in Paul Jacobs and Mark Gladstone, *Nathanson Gets Nearly 5 Years for Extortion*, LOS ANGELES TIMES, August 25, 1993, at A3.

⁸ *Last Rites for "Iraqgate,"* SACRAMENTO BEE, August 30, 1993, B14 discussing the outcome of *United States v. Drogoul* 1 Fed 3d 1546 (11th 1993) and *Illinois ex. rel. Harris v. Board of Governors of Federal Reserve Board* 751 F. Supp. 1323 (N.D. Ill 1991).

Crime The President's Omnibus Crime Bill of 1993 has been endorsed by the Sacramento Bee. While noting the similarity of the crime bill to other less noteworthy ones of past years, the Bee stated,

"[t]here will always be politics and posturing in this field, but this plan has substance as well . . . this is a persuasive package, most particularly because it would give states and local governments \$3.4 billion over the next five years to put 50,000 more cops on the street. Because the budget caps discretionary spending, that money will have to come from other discretionary programs. [And] if Congress is serious about federal efforts to reduce crime, additional funding for cops is essential — and likely to make a great deal more difference than adding still more penalties to sentencing guidelines that are already among the most severe in the modern world. Combined with Attorney General Janet Reno's worthy effort to shift some emphasis in drug control from punishment to treatment of drug abusers, the nation's crime policy may at last be inching from posturing back toward effectiveness and reason."⁹

Drug War The Bee agreed with the Attorney General's remarks to a national drug conference in May:

"[The Attorney General's] doubts about the cost effectiveness of the nation's multibillion-dollar drug war are not the first to be raised on the issue, but to date they surely are the most significant. . . none of those questions suggest that interdiction or drug-law enforcement ought to be abandoned. Indeed, there's concern that reduced payments to South American governments . . . may seriously weaken their ability to resist guerrillas and terrorists. Still, it's clearly time to recognize that the heavy emphasis on interdiction and the criminal model — what politicians love to call being "tough on drugs" and that former President Bush often seemed to regard as a personal crusade — needs to be re-examined."¹⁰ In response, U.S. Attorney General Janet Reno and a growing number of other law enforcement officials are calling for a shift of focus from arrest and incarceration to prevention and treatment. They're right."¹¹

⁹ *Toward Reasoned Crime Control*, SACRAMENTO BEE, August 13, 1993, at B6.

¹⁰ *Questions About Drug Policy*, SACRAMENTO BEE, May 17, 1993, at B14.

¹¹ *Is the Drug War Racist?*, SACRAMENTO BEE, August 15, 1993, at F4. The *USA Today* reporting that prompted this editorial raised inquiry across the country. See *Drug War, Racist or not, "just plain stupid,"* USA TODAY, July 30, 1993 at 10A and Sam Vincent Meddis, *Reno Targets Children as Front-End Solution*, USA TODAY, July 30, 1993; Sam Vincent Meddis, *Drug War Claiming "Entire Generation" of Young Black Males*, USA TODAY, July 27, 1993.

Justice Department & Anti-Trust The decision by a federal appeals court in favor of Massachusetts Institute of Technology in the tuition-fixing suit was heralded as a victory for "kids." The Bee's argument against the Justice Department was based on the relationship between the reduction of "bidding wars" between colleges and the availability aid "strictly on the basis of need."¹² Favorite anti-trust targets of the Bee are the spin-offs of the AT&T break-up in 1980.¹³

Curbing Asset-Seizure Agreeing with a series of reports in the San Jose Mercury News, the Bee voiced concerns that asset seizures fell disproportionately on the poor. Heralding the legislature's failure to renew the asset seizure law, the editors quipped, "[w]hen the police profit from the booty they take from drug dealers, the distinction between fighting crime and feeding off it becomes lost. With the expiration of the law, police in California will still be able to seize the assets of criminals, but in most cases they will have to obtain a criminal conviction first. That's a necessary protection for the innocent and a sufficient guarantee that the real criminals won't get to keep¹⁴ the profits of their illegal activity."¹⁵

John Jacobs, Political Editor John Jacobs, political editor of the Bee, writes with a special authority second only to the editors as a group. His periodic columns are highly anecdotal, but focused on issues central to the public and private debate in Sacramento. His views are centrist and his work returns repeatedly to the importance of the connection between the President and the public. This was articulated with renewed emphasis on October 5, 1993,

"[w]hen Ross Perot called for electronic town hall meetings during his presidential campaign last year, he never could have imagined how Bill Clinton would grab the idea and turn it into a kind of national psycho-therapy session, with Clinton as lead therapist."¹⁶

¹² *Justice Loses, Kids Win*, SACRAMENTO BEE, October 3, 1993, at F4 discussing *United States v. Brown University et al.* D.C. Civil No. 91-03274 (3rd Cir. 1993).

¹³ *One, Two, Many Ma Bells*, SACRAMENTO BEE, September 4, 1993, at B6 discussing the need to carry the outcome of *United States v. American Telephone and Telegraph* (D.C. Cir. 1980) 498 F. Supp. 353.

¹⁴ *Ounce of Prevention*, SACRAMENTO BEE, August 22, 1993, at F4.

¹⁵ *Curbing Asset-Seizure Abuse*, SACRAMENTO BEE, September 26, 1993, at F4.

¹⁶ John Jacobs, *Reconnecting the Presidency*, SACRAMENTO BEE, October 5, 1993, at B6.

Quoting the President, Jacobs further refined the concept of "connection":

"I don't think of it as psycho-therapy, but I do think the psychology of this is very important. A nation is more than a piece of land or even a written constitution. A nation is what Abraham Lincoln called the "mystic cord" . . . I think this is a time when people need to know . . . that at least the person who gets up every day and goes to the Oval Office and makes a bunch of decisions is connected to them somehow."¹⁷

This concept of "connection" is often combined with an emphasis on "responsibility" or "duty" to the community.¹⁸

The lawyerly analogy to Jacob's interest in the President is what legal feminists have begun to identify as "the voice" in public debate. By stressing the humanistic values of narrative, these authors seek to legitimize the legal system by reconnecting to those subjected to the law. This line of legal reasoning was first advocated by Professor Carol Gilligan in her collection, *In Another Voice: Feminist Perspectives on Social Life and Social Sciences* (1975). Jacobs looks for the official's linkages, or lack of linkages, to the people he or she serves. On the issue of NAFTA, Jacobs has underscored the singularity presented by both NAFTA and health care reform. These two initiatives countervail the congressional trend toward partisanship that began in 1964 and continues unabated to the present.¹⁹

Jacobs understands the dislocating realities of global economics and their inevitability with, or without, NAFTA. He also recognizes that California will profit from the agreement and, ironically, that the California delegation is hardly supportive of the initiative:

¹⁷ *Id.*

¹⁸ John Jacobs, *First Victory For "New Democrats,"* SACRAMENTO BEE, September 23, 1993, at B6.

¹⁹ John Jacobs, *Blowing Cool on Clinton,* SACRAMENTO BEE, September 2, 1993, at B6.

"Many voters don't understand international trade issues or how increased trade can produce high-paying jobs. Advocates have not done a good job of selling it, and it's easy to play to voter's fears of job losses . . . Mexico has already lowered some of its tariffs, and California exports there have soared. A Commerce Department report shows that state exports to Mexico grew 190.5 percent between 1987 and 1992, from \$2.3 billion to \$6.6 billion, almost all of it in manufacturing, and most of that in computers and electronics. Even protectionist Democrats should be able to calculate what those figures mean."²⁰

²⁰ John Jacobs, *Democrats Split on NAFTA*, SACRAMENTO BEE, September 30, 1993, at B6. See also editorial, *Labor Day Jitters*, SACRAMENTO BEE, September 6, 1993, for the *Bee's* view of labor's current prospects (Entire texts faxed under this cover.) When compared to the Administration's state-by-state analysis, the figures cited analysis Jacobs' figures match perfectly. The fact sheet has been attached for your reference.

July 13, 1993

MEMORANDUM FOR WEBSTER HUBBELL

From: Ann Walker, Director of Communications Research
Dan Meyer, Research Staff

Subj: EDITORIAL AND BACKGROUND BRIEFINGS, THE MIAMI-HERALD

I. EDITORIAL BRIEFING

Overview. When compared to peer publications, the *Miami Herald* issues editorial positions on matters of justice with greater frequency and urgency. The convergence of immigration, environmental, and inner-city crime as subjects of interest to the metropolitan readership makes these issues of special interest to the editorial board and the columnists.

Attitude Toward the Clinton Administration.

- **Mayor Xavier L. Suarez.** The Mayor recently used the *Miami Herald* as a bully pulpit to deride the appointment of David Gergen as Counselor to the President and to assert that the only way the President can regain his populist roots is to reduce the budget deficit.
- **Judge Ruth Bader-Ginsburg.** Held to be a "safe" choice by the President.
- **Professor Lani Guinier.** The Herald lauded the President's decision to withdraw the Guinier nomination and asked that chose a successor that restates, clarifies, and embodies ideas for the aggressive enforcement of civil rights.
- **Justice Department.** The *Miami Herald* praised the Attorney General for the reappointment of Robert Martinez as U.S. Attorney for South Florida. The bipartisanship of the reappointment was especially pleasing to the editors. Martinez's retention was held to "take the sting" out of the forced resignation of the U.S. Attorneys. In the editorial, the paper was adamant that Jay Stephens should be held over as U.S. Attorney for the District of Columbia to finish the Rostenkowski probe.
 - ♦ **Attorney General.** The *Herald* went wild over the appointment of a Floridian to Justice. The editors announced to the readership that the appointment gave Janet Reno the tough task of restoring morale, independence, and vision to the Justice Department.
 - ♦ **INS District Chief.** The activist approach of Walter Cadman has received the strong approval of the Herald.

South Florida Staff.

- **David Lawrence, Jr.**, Publisher and Chairman.
 - **Roberto Suarez**, President.
 - **Jim Hampton**, Editor.
 - **Douglas C. Clifton**, Executive Editor.
 - **Martha Musgrove**, Associate Editor.
 - **Tony Proscio**, Associate Editor.
 - **Saundra Keyes**, Managing Editor.
 - **Pete Weitzel**, Senior Managing Editor.
-
- **James McCartney**, columnist. Focused on immigration, McCartney wrote a piece on June 14, 1993 on the need for an international solution to immigration problems that threaten ethnic violence.
 - **Kathleen Krog**, columnist. Especially interested in environmental issues, Krog's Viewpoints column on April 22, 1993 noted the ecological damage done to both the Everglades and Biscayne Bay by Hurricane Andrew and man in coincidental concert.
 - **Ramon Maestra**, columnist. Maestra writes with an eye to socio-political theory. Used Waco and the beating of German tourists in Miami to call for a reform of the criminal justice system in his column on April 23, 1993.
 - **Joanne Jacobs**, columnist. The Jacobs op-ed piece of April 14, 1993 outlined the recent surge of vigilante justice in Southern Florida and asserted that TV-Movie violence was the cause of the American glorification of violence through its criminal record.
 - **Don Shoemaker**, columnist. Shoemaker's op-ed pieces on immigration emphasize the inevitability of immigration and burgeoning minorities in a global economy. Proposes accepting the new paradigm and promoting the "mosaic" instead of the "melting-pot" analogy to immigration.

Immigration. In a call for strong state laws to protect the environment last April, the *Herald* derided Tallahassee for drafting statutes that will promote negotiation and litigation rather than enforcement. The *Herald* subsequently praised the President's intention to sign the bio-diversity treaty on April 26, 1993.

- **Latin America.** With regards to Latin American immigration, the *Herald* urged the President in early April to extend "temporary protected status" to Latinos facing deportation to Central and South America.
- **Haiti.** With regards to Haitians, the paper supported the ban on HIV-infected refugees, but the subsequently called for special treatment for the Guantanamo refugees who were interdicted at sea. The editors backed the federal court order requiring adequate medical care for the refugees at the U.S. Naval Base in Cuba.

- **Naturalization.** The Herald has been a strong advocate for aggressive naturalization programs — ones that include comprehensive orientation sessions — as have been proposed by the San Francisco think-tank, Latino Issues Forum.

Environment. US District Judge Elizabeth Kovachevich's recent opinion permitting the Lykes Brothers cattle and citrus firm to close public accesses to Fisheating Creek drew sharp rebuke from the *Herald*. The editor's called for the Justice Department, as counsel for the Army Corps of Engineers, to seek reversal of the District Court's decision in the case.

- **Everglades.** As indicated in today's *Washington Post*, the Interior Department, the sugar industry, and the State of Florida have reached a "statement of principles" regarding the management of the Everglades. These negotiations arose in response to the lawsuit filed by the U.S. Government which was settled by an agreement with the State of Florida in 1991. Former U.S. Attorney Dexter Lehtinen litigated the issue in U.S. v. Southern Florida Water Management District 922 F.2d 704. Several special interest groups appealed. This agreement ends that litigation and "tentatively ties" the sugar industry, through the Fangul family of Palm Beach, to a sequence of payments (\$232 to \$332 million) over 20 years. These payments flow to a "restoration fund" to finance:

- ♦ the removal of phosphorous pollution from the Everglades;
- ♦ the removal of some of the levees and canals currently diverting freshwater from the marshes.

Much like the timber solution in the northwest, the Everglades agreement has draw criticism from both industrialists and environmentalists. The right sees the compromise as costing jobs; the left has dubbed it the "Munich of environmentalism."

- **Editorial Position.** The *Herald* has repeatedly called on the legislature to provide the taxing authority for the condemnation of private lands and compensation of the owners thereof to meet the end federal litigation over the Everglades. Karen Krog and Martha Musgrove have championed this cause in their op-ed pieces.

Trial, Four Los Angeles Officers. The similarity of the Florida case involving Miami Police Officer William Lorenzo to the case emerging from the beating of Mr. Rodney King has prompted many calls for analogous treatment of the two cases. The *Herald*, while backing the wisdom of the split-decision in the Los Angeles case, editorialized that the Lozano trial's movement to five different venues was unnecessary and that it should be returned to Miami. Note that Mr. Lozano is an Hispanic-American and that fact distinguishes the case in the minds of Miami's Hispanic community.

Local Justice. Editorials on prison shortages and judicial integrity have appear this spring with strong opinions from the editor's on the responsibilities of public figures.

- **Federal Justice in Florida.** The U.S. Congress's slow progress in filling four court vacancies in South Florida and failure to pay 35 new bankruptcy judges prompted a stinging editorial on May 2, 1993. Cites the fiscal crisis of the federal judicial system as an aggravating factor in Florida's credit crisis.

- **Prison Conditions.** Governor Lawton Chiles and the legislature were heavily criticized for leaving on recess without solving the prison census problem.
- **Stolen VCR.** Florida's Fourth District Court of Appeal Judge, Eugene Garret, was attacked for his theft of a VCR from a discount store. When the Florida Supreme Court removed Judge Garret, the editors praised the action.
- **Municipal Corruption.** In mid-April, the *Herald* speculated that former Miami Beach Mayor Alex Daoud would plead guilty to federal bribery and obstruction of justice charges. In the editorial, the *Herald* called on the Justice Department to release the names and deeds of the co-conspirators.



Department of Justice

file

ADVANCE FOR RELEASE AT 5 P.M. EST
SUNDAY JULY 10, 1994

BJS
202-307-0784

WIVES ARE THE MOST FREQUENT VICTIMS IN FAMILY MURDERS

WASHINGTON, D.C. -- Wives are the most frequent victims of fatal family violence, according to a study of family murder made public today by the Justice Department.

In a study of more than 8,000 homicides in large urban counties, the Bureau of Justice Statistics (BJS) said 16 percent involved murder inside the family, in four out of ten of them a spouse killed a spouse. Offspring were killed by their parents at twice the rate that offspring killed their parents.

A male was the assailant in about two-thirds of family murders. However, among black marital partners, wives killed their husbands at about the same rate as husbands killed their wives--47 percent of the black spouse victims were husbands and 53 percent were wives. Among white victims murdered by their spouses, 38 percent of the victims were husbands and 62 percent were wives.

(MORE)

Most murders inside the family happened at night--62 percent. Alcohol was often part of the fatal scenario. Nearly half of the killers and a third of their victims had been drinking at the time of the family homicide.

The study, based on murder cases disposed of in 1988 in the 75 largest U.S. counties, determined that family murder victims were related to their assailants as follows:

Husband or wife of murderer . .	40.9%
Offspring	20.9
Parent	11.7
Sibling	9.4
Other type of family member . .	17.1

Other data developed in the study included:

--Six percent of family murderers killed more than one person. Among spouse murderers, 2 percent committed multiple murders and among persons who murdered their own mother or father (or both parents), it was 13 percent.

--Fourteen percent of family murderers had a history of mental illness. Among spouse murderers, 12 percent had such a

(MORE)

history, and 25 percent of persons who murdered their mother or father had a history of mental illness.

--Fifty-six percent of family killers had a history of arrests or convictions. Among those who killed a spouse, 51 percent had a prior criminal record (not necessarily for spouse abuse), and among defendants who killed one or both of their parents, 67 percent had been previously arrested or convicted.

--Seventy-six percent of the family murderers were convicted of murder or some other crime, 6 percent were acquitted, 9 percent were not prosecuted, 4 percent were dismissed by the court, 3 percent were found not guilty by reason of insanity and the remainder were still pending.

--Eighty percent of the spouse murderers were convicted of murder or some other crime, 6 percent were acquitted, 7 percent were not prosecuted, 4 percent were dismissed by the court, 1 percent were found not guilty by reason of insanity, and the remainder were pending.

(MORE)

--Seventy percent of defendants charged with killing their parents were convicted of murder or some other crime, 6 percent were acquitted, 6 percent were not prosecuted, 5 percent were dismissed by the court, 9 percent were found not guilty by reason of insanity, and the remainder were pending.

--Eighty-eight percent of convicted family murderers were sentenced to prison with an average sentence of 13 years. Corresponding figures for convicted spouse murderers were 89 percent prison and an average sentence of 13 years, for convicted parent murderers, 95 percent prison and a sentence average of 13 years.

--Thirteen percent of convicted family murderers received a sentence to life imprisonment. For convicted spouse murderers, it was 13 percent and for convicted parent murderers, 18 percent.

--Seventy-nine percent of those younger than 12 years old who had been killed by a parent had been previously abused by their assailant.

(MORE)

--Eleven percent of all victims who were 60 years old or older were killed by a son or a daughter.

Single copies of the BJS special report, "Murder in Families" (NCJ-143498), as well as other BJS statistical reports 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.

#

August 2, 1994
Publication: LB-39H-Judiciary

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.



Bureau of Justice Statistics Special Report

Murder in Families

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

A survey of murder cases disposed in 1988 in the courts of large urban counties indicated that 16% of murder victims were members of the defendant's family. The remainder were murdered by friends or acquaintances (64%) or by strangers (20%). These findings are drawn from a representative sample survey of State and county prosecutors' records. The survey covered disposed charges against nearly 10,000 murder defendants, whose murder cases accounted for over 8,000 victims.

Other findings include:

- Among murder victims 6.5% were killed by their spouses, 3.5% by their parents, 1.9% by their own children, 1.5% by their siblings, and 2.6% by some other family member.

- A third of family murders involved a female as the killer. In sibling murders, females were 15% of killers, and in murders of parents, 18%. But in spouse murders, women represented 41% of killers. In murders of their offspring, women predominated, accounting for 55% of killers.

- Among black marital partners, wives were just about as likely to kill their husbands as husbands were to kill their wives: 47% of the black victims of a spouse were husbands and 53% were wives. Among white victims murdered by their spouse, wives were much less likely to be the killers: 38%

July 1994

The United States has over 3,000 counties, but more than half of all murders occur in just 75 of them, the Nation's most populous jurisdictions. This report taps a rich source of murder data — prosecutors' files in a sample of these large urban places — for detailed information on the nature and extent of a particular type of murder: those that occur within families. In addition the report uses these files to document how urban criminal justice systems respond to family murder.

This study was possible as a result of the generous cooperation of urban prosecutors and their staffs in jurisdictions throughout the Nation. On behalf of BJS, I want to express my sincere appreciation.

Lawrence A. Greenfeld
Acting Director

of the victims were husbands and 62% were wives.

- Forty-five percent of family murder victims were female, compared to 18% of nonfamily murder victims.

- When a mother killed her own child, the offspring she killed was more likely to be a son than a daughter: 64% sons versus 36% daughters. But when a father killed his own child, the offspring he killed was about as likely to be a daughter as a son: 52% daughters versus 48% sons.

- When a son killed a parent, his victim was about as likely to be the mother as the father: 47% mothers versus 53% fathers. But when a daughter killed a parent, her victim was more likely to be the father than the mother: 81% fathers versus 19% mothers.

- In murders of persons under age 12, the victims' parents accounted for 57% of the murderers.

- Eleven percent of all victims age 60 or over were killed by a son or daughter.

- No significant difference in conviction rate separated family murder defendants (76%) from nonfamily murder defendants (72%).

- Convicted family murder defendants (88%) were as likely to receive a prison sentence as convicted nonfamily murder defendants (91%).

- Firearms were used in the killing of 42% of all family murder victims, compared to 63% of all nonfamily murder victims.

- Seventy-four percent of murder defendants had a prior criminal record of arrest or conviction for a crime. A substantial percentage of murder victims, 44%, also had a prior criminal record. However, 19% of family murder victims had a prior record, compared to 51% of nonfamily murder victims. Also, 56% of family murder defendants, compared to 77% of other murder defendants, had a prior record.

Compared to other murder victims, family murder victims were —

More often

- female than male:
45% versus 18% (table 2)
- under age 12:
19% versus 2% (table 2)
- age 60 or older:
12% versus 6% (table 2)
- killed during the daytime:
39% versus 25% (table 5)
- killed in the victim's own home:
82% versus 22% (table 5)

Less often

- identified alcohol users:
33% versus 51% (table 3)
- unemployed:
7% versus 16% (table 3)
- identified as involved in criminal activity such as drug offenses about the time of the murder:
2% versus 26% (table 5)
- killed by a firearm:
42% versus 63% (table 5)
- armed: 15% versus 20% (page 5)
- killed by multiple assailants:
9% versus 19% (table 6)
- identified as having a past record of arrest or conviction:
19% versus 51% (table 7)
- were involved in murders in which both the defendant and the victim had a prior criminal record:
14% versus 43% (table 8)

**Compared to other murder defendants, defendants in family murders —
More often**

- were age 30 or older:
57% versus 32% (table 2)
- had a history of mental illness:
14% versus 3% (table 3)
- committed a daytime murder:
38% versus 24% (table 5)
- committed the murder in the defendant's own home:
64% versus 10% (table 5)

Less often

- were under age 30:
43% versus 68% (table 2)
- were identified as alcohol users:
48% versus 68% (table 3)
- were unemployed:
29% versus 37% (table 3)
- had a victim of the same sex:
34% versus 80% (table 4)
- were identified as involved in criminal activity such as drug offenses at the time of the murder:
11% versus 46% (table 5)
- used a firearm:
43% versus 64% (table 5)
- had a record of arrest or conviction:
56% versus 77% (table 7)
- were involved in murders in which both the defendant and victim had a prior criminal record:
15% versus 44% (table 8)

The survey

Survey data were compiled from State prosecutor files and were based on a representative sample of all murder cases disposed in large urban counties in 1988. The murders were committed in 1988 or earlier. The Nation's 75 largest counties (as defined by number of arrests and population size) formed the population from which 33 counties were systematically sampled for the survey.

Within each of the 33 sampled counties, a criminal case was eligible for sampling if (a) one or more defendants in the case were charged with murder, and (b) at least one murder defendant in the case was disposed by a court in 1988. The sample ultimately drawn consisted of 2,539 sample murder cases against 3,119 defendants and involving 2,655 victims. When statistically weighted, the 3,119 defendants in the sampled cases represented 9,576 murder defendants in the Nation's 75 largest counties, and the 2,655 victims represented 8,063 victims in the 75 largest counties. To put the sample size into perspective, the estimated 8,063 victims accounted for 39% of the nationwide total of 20,860 murder victims in 1988.

Murder includes (1) intentionally causing the death of another person without extreme provocation or legal justification, (2) causing the death of another while committing or attempting to commit another crime, and (3) nonnegligent or voluntary manslaughter. Murder excludes negligent or involuntary manslaughter, and attempted murder, which is classified as aggravated assault. Murder also includes accessory to murder, aiding and abetting a murder, and facilitating a murder. When the term *murder* is used in this report without qualification, it includes nonnegligent manslaughter. *Defendant* in this report refers to a person arrested for murder and presented by the police for prosecution.

Victims

Murder cases disposed in the 75 largest counties in 1988 involved an estimated 8,063 victims (table 1). Sixteen percent of victims had a family relationship to at least one defendant in the case. The most frequent specific relationship was that of spouse; the least frequent, sibling. Nonfamily victim-offender relationships

Table 1. Murder victims and defendants in the 75 largest urban counties, by victim-assailant family relationship, 1988

Relationship of victim to assailant	Murder victims		Murder defendants	
	Number	Percent	Number	Percent
All	8,063	100.0%	9,576	100.0%
Nonfamily	6,755	83.8%	8,292	86.6%
Family	1,308	16.2	1,284	13.4
Spouse	528	6.5	531	5.5
Offspring	285	3.5	258	2.7
Parent	154	1.9	150	1.6
Sibling	123	1.5	121	1.3
Other	218	2.6	224	2.3

Note: *Sibling* includes step-sibling.
Parent includes grandparent and step-parent.
Offspring includes grandchild and step-child.
Spouse includes common-law spouse.

Other includes cousin, in-law, extended family, and other family.
Detail percentages may not add to total because of rounding.

Table 2. Sex, race, and age, by the family relationship of murder victims and defendants, 1988

Relationship of victim to assailant	All	Sex		Race			Age				
		Male	Female	White	Black	Other	Under 12	12-19	20-29	30-59	60 or over
Victims											
All	100%	77.8%	22.2%	43.5%	54.2%	2.3%	4.8%	10.9%	35.6%	41.8%	7.0%
Nonfamily	100	82.2	17.8	44.4	53.3	2.3	2.1	12.2	38.5	41.1	6.1
Family	100	55.5	44.5	39.0	58.6	2.4	18.8	3.9	20.3	45.3	11.6
Spouse	100	40.2	59.8	41.2	56.4	2.4	0	0	27.9	65.0	7.1
Offspring	100	55.8	44.2	32.6	65.6	1.8	78.5	10.9	7.7	3.0	0
Parent	100	57.2	42.8	54.8	45.2	0	0	0	.9	56.7	42.4
Sibling	100	73.0	27.0	33.5	64.5	2.0	8.7	2.0	43.3	42.6	3.3
Other	100	74.9	25.1	34.1	61.0	4.9	4.6	8.2	19.1	47.5	20.6
Defendants											
All	100%	89.5%	10.5%	36.2%	61.9%	1.8%	.1%	21.8%	42.5%	31.4%	4.2%
Nonfamily	100	93.2	6.8	35.7	62.6	1.8	.1	23.1	44.5	28.4	3.8
Family	100	65.5	34.5	39.7	58.0	2.3	0	13.0	29.7	50.5	6.8
Spouse	100	59.3	40.7	41.8	56.1	2.2	0	.9	21.9	66.1	11.1
Offspring	100	45.4	54.6	34.5	64.5	1.0	0	17.2	36.4	40.3	6.0
Parent	100	81.6	18.4	49.8	50.2	0	0	38.2	30.7	29.4	1.7
Sibling	100	84.9	15.1	32.2	65.8	2.0	0	16.9	36.7	46.4	0
Other	100	83.5	16.5	38.1	56.1	5.9	0	18.0	35.9	41.3	4.9

Note: See table 1 note for definitions of the family relationships.

characterized 84% of the victims, who were a stranger, acquaintance, or friend to the defendant or defendants.

Defendants

Murder cases disposed in the 75 largest counties in 1988 involved an estimated 9,576 defendants. Thirteen percent had a family relationship to at least one of the victims in the case. Nonfamily victim-offender relationships characterized 87% of defendants who were a stranger, acquaintance, or friend to the victim.

Family murder defendants and their victims comprised almost 15% of all victims and defendants recorded in the murder cases in 1988. Husbands and wives were the most likely to be involved in family murders. Spouses were 4 in 10 of all defendants and victims involved in a family murder:

Relationship of victim to assailant	Family murder victims and defendants	
	Number	Percent
All	2,592	100.0%
Spouse	1,059	40.9
Offspring	543	20.9
Parent	304	11.7
Sibling	244	9.4
Other	442	17.1

The second most frequent type of family murder, with offspring as victims and parents as assailants, were 21% of the total. (See the box on page 6 describing murders by parents of their children.) Those cases in which offspring were assailants and parents were the victims comprised 12% of all family murder victims.

As among victims, most of the nonfamily murder defendants (93%) and most of the family murder defendants (66%) were male (table 2). Offspring murder was the only murder category in which females predominated as killers. In offspring murders, the mother accounted for 55% of the defendants.

Sons, more often than daughters, were the defendants in the murders of parents: 82% versus 18%. Compared to defendants in other types of family murder, offspring accused of killing their parents were the youngest of the assailants, two-thirds being under age 30.

Husbands killed wives more frequently than wives killed husbands. Overall, husbands comprised about 60% of the assailants in spouse killings. The predominance of husbands as the defendant, however, varied by race. In black murders, wives were about as likely as husbands to be charged with the murder of their spouse. Of the 283 black-on-black spouse killings, 53% of the assailants were husbands, compared to 62% of the 218 white-on-white spouse killings. For Asian, Native

Table 3. Alcohol use at the time of the murder, history of mental illness, unemployment, and homelessness, by the family relationship of murder victims and defendants, 1988

Relationship of victim to assailant	Alcohol use at the time of the murder	History of mental illness	Unemployed	Homeless
Victims				
All	47.4%	.5%	13.8%	1.1%
Nonfamily	50.9%	.4%	15.8%	1.3%
Family	32.7	.9	7.4	.2
Spouse	49.6	1.5	12.8	.5
Offspring	5.7	1.3	0	0
Parent	25.4	0	4.4	0
Sibling	34.9	0	17.7	0
Defendants				
All	64.4%	4.3%	35.3%	1.6%
Nonfamily	68.0%	2.7%	36.6%	1.7%
Family	47.6	14.3	29.1	1.2
Spouse	54.4	12.3	25.0	1.6
Offspring	29.8	15.8	28.9	0
Parent	28.4	25.1	33.6	2.3
Sibling	53.9	17.3	34.9	3.3

Note: See table 1 note for definitions of the family relationships. "Alcohol" is coded only if present in the person.

American, Pacific Islander, or Alaska Native spouses, in all 11 spouse murders the husband killed the wife.

Drinking, unemployment, and mental illness

About half of the nonfamily murder victims and a third of the family murder victims consumed alcoholic drinks before the crime (table 3). Compared to victims in other types of family murder, victims in spouse murders were the most likely to have been drinking (49.6%). Sixty-eight percent of nonfamily defendants and 48% of family murder defendants were drinking at about the time of the murder.

Parents who were murdered were, apart from offspring murder victims, the least likely to be unemployed.

Family murderers were more likely than nonfamily murderers to have a history of mental illness (14%). Those who killed their parents were particularly likely to have such a history (25%).

Sex of offender and victim

Defendants in family murder cases were much less likely to be accused of murdering someone of the same sex (34% of defendants) than were defendants in murder cases not involving family members (80%) (table 4). When the sex of the victim and offender is considered, spousal murder, which by definition includes a man and a woman, provides the primary source of the difference between family and nonfamily murder. If spousal murder is excluded from consideration, murderers and victims were of the same sex in 65% of family murders.

Table 4. Murder defendants with a victim of the same sex, by their family relationship, 1988

Relationship of victim to assailant	Percent of defendants with a victim of the same sex		
	All	Male	Female
All	73.7%	79.5%	21.9%
Nonfamily	79.9	84.1	25.9
Family	34.3	40.6	17.8
Spouse	0	0	0
Offspring	41.7	48.1	36.3
Parent	48.4	52.8	19.1
Sibling	69.3	73.6	45.1

See table 1 note for definitions of the family relationships.

Female defendants were more likely than male defendants to have murdered a person of the opposite sex. When a mother murdered her own child, the offspring she killed was more often a son (64%) than a daughter (36%). Among fathers who murdered, 48% of their victims were a son and 52% were a daughter. When a daughter killed a parent, the victim was more likely to be a father (81%) than a mother (19%). Among sons who murdered a parent, 53% of the victims were a father. When a sister murdered a sibling, 55% of the victims were a brother. Among brothers who killed a sibling, 74% of the victims were a brother.

Guns used as the murder weapon

Over 60% of the nonfamily murders and over 40% family murders were committed with a gun. Compared to victims in other types of family murder, victims in spouse murders were the most likely to have died from a gunshot (53%). Offspring were the least likely to be shot to death: 1 in 5 offspring murdered by a parent died from a bullet wound.

Armed victims and victim-precipitated murders

Nineteen percent of murder victims were armed with a gun, knife, or other deadly weapon. A smaller percentage of family

murder victims (15%) than nonfamily murder victims (20%) were armed.

Relationship of victim to assailant	Percent of victims	
	Armed	Precipitated the incident
All	19.4%	19.1%
Nonfamily	20.4	19.5
Family	14.9	17.1
Spouse	15.2	22.6
Offspring	7.9	8.1
Parent	23.0	18.8
Sibling	11.7	20.3

Some armed victims used the deadly weapon to provoke the defendant. Others provoked the defendant with a nonlethal weapon or their fists or by pushing the defendant. Altogether, 19% of the victims in some way provoked the defendant. The provocation did not vary significantly between family (17%) and nonfamily murders (20%).

Multiple victims and assailants

Victims in murders of family members were about half as likely as nonfamily murder victims to have had multiple assailants (table 6). However, similar percentages of defendants in both types of murder (family murders, 6% and other murders, 5%) were charged with killing more than one person. Compared to defendants in other types of family murder, defendants accused of killing their offspring or their parents were the most likely to have multiple victims. These murders were also the most likely to involve multiple assailants.

Table 6. Multiple victims and assailants, by their family relationship, 1988

Relationship of victim to assailant	Percent	
	Victims with multiple assailants	Defendants with multiple victims
All	17.5%	5.0%
Nonfamily	19.1	4.8
Family	8.7	6.0
Spouse	4.8	1.7
Offspring	13.0	11.7
Parent	13.9	12.7
Sibling	8.1	5.7

Note: See table 1 note for definitions of the family relationships.

Table 5. Murder committed with a firearm, during daytime, or at home, by victim-assailant family relationship, 1988

Relationship of victim to assailant	Percent of murder cases		
	Firearm as murder weapon	Time and place of murder	
		Daytime	Home
Victims			
All	59.8%	27.1%	32.0%
Nonfamily	63.3	24.9	21.7
Family	41.6	38.5	81.5
Spouse	53.3	38.6	86.5
Offspring	19.6	43.4	88.0
Parent	34.8	36.4	95.6
Sibling	37.1	46.6	71.9
Defendants			
All	61.0	25.6	17.5
Nonfamily	63.9	23.7	10.0
Family	42.6	37.5	63.8
Spouse	52.5	38.8	76.1
Offspring	20.6	46.3	75.4
Parent	33.9	33.8	58.8
Sibling	38.3	45.3	62.0

Note: See table 1 note for definitions of the family relationships.

Criminal history

A little over half of the defendants in family murders, but over three-quarters of defendants in nonfamily murders, had been arrested in the past (table 7). Defendants were more likely to have a criminal history than their victims. Nevertheless, 44% of murder victims (51% nonfamily and 19% family murders) had a prior history of arrest or conviction.

Whether the victim had a criminal history, the killer had such a history in most cases. The likelihood of the killer's having a prior record was greater when the victim also had a record (table 8). Victims with a prior criminal record accounted for 44% of all victims; 83% of these victims were killed by someone with a prior criminal history. (See note in *Methodology* for calculation of percentage of defendants with a prior record.) For family murder victims the percentages were lower: 21% had a criminal record and 69% of these victims were killed by someone with a prior record. Among the murderers of family victims without a criminal record, 42% had such a history.

Age of victim and victim-assailant family relationship

When a person under age 12 is murdered, a family member is the best suspect, according to survey results; family members accounted for 63% of child murder victims.

Table 7. Criminal history of murder victims and defendants, by their family relationship

Relationship of victim to assailant	Percent with any prior arrest or conviction
Victims	
All	43.7%
Nonfamily	51.2
Family	19.3
Spouse	34.5
Offspring	2.1
Parent	11.7
Sibling	27.4
Defendants	
All	73.8%
Nonfamily	76.7
Family	56.0
Spouse	51.4
Offspring	45.4
Parent	67.2
Sibling	71.0

Note: See table 1 note for definitions of the family relationships.

Table 8. Criminal history of murder victims and offenders within the same case, by their family relationship, 1988

Relationship of victim to assailant	Percent of victims and defendants with a criminal history			
	Neither	Both	Victim only	Defendant only
Victims				
All	23.2%	36.9%	7.5%	32.2%
Nonfamily	16.9	43.4	7.9	31.8
Family member	45.7	14.3	6.4	33.6
Defendants				
All	23.1%	38.2%	8.8%	29.9%
Nonfamily	16.3	43.9	9.2	30.5
Family member	50.5	15	7.1	27.3

Note: See table 1 note for definitions of the family relationships. Percentages of victims or defendants with a criminal history differ slightly from table 7 because of missing data.

Age of victim	Percent of murder victims	
	All	With a family relationship to assailant
All	100%	16%
Under 12	5	63
12-19	11	6
20-29	35	9
30-59	42	18
60 or older	7	27

However, a family member is an unlikely suspect in murders of persons in their teens. Among victims age 20 or older, the likelihood increased that a family member was the killer as the victim's age increased.

A family member was involved in the murder of 27% of the murder victims age 60 years or older. Among all murders of persons in the oldest group, offspring as the killer accounted for 11%. Among murders of family members age 60 or older, the most frequent assailant category was not the spouse, as for younger adult victims, but the victim's offspring. The assailant was an offspring in 42% of family member victims age 60 or over and a spouse in 24%. The most frequent family member category varied by victim age:

Age of family victim	If family murder victim, most likely assailant	Percent of family murder victims with most likely assailant
All	spouse	40%
Under 12	parent	91
12-19	parent	59
20-29	spouse	55
30-59	spouse	57
60+	offspring	42

Murder weapons used against young children and elderly parents

When parents killed their offspring under age 12, they rarely used a firearm or knife. Firearms or knives were responsible for the deaths of 7% of offspring victims under 12. When sons and daughters killed their parents age 60 or older, in most cases they did not use a firearm or knife. Firearms or knives accounted for 44% of family murder victims age 60 or over.

Victims who were children under age 12

A parent was the assailant in the majority (57%) of family murders involving victims under 12.

For all murder victims under age 12, death was often preceded by child abuse. In 57% of cases, the assailant had abused the murder victim under age 12. Among offspring murder victims who were under age 12, before their death 79% had suffered abuse by the assailant.

Rape or sexual assault preceded the death of 6% of murder victims under age 12. These crimes occurred less often when the assailant was a parent, accounting for 1% of offspring murder victims under age 12.

Circumstance	Among all victims	Offspring victims Any age	Offspring victims Under age 12	All victims under 12
Included felony sexual assault	2%	1%	1%	6%
Assailant had abused the victim	3%	62%	79%	57%

Strangulation, blunt instrument, and pounding by fists or feet were among the more frequent methods of death when firearms or knives were not used.

Age of offspring	Percent of offspring victims	
	All	Those killed with firearm or knife
All ages	100%	26%
Under 12	78	7
12-19	11	93
20-29	8	100
30-59	3	100

Age of parent victims	Percent of parent victims	
	All	Those killed with firearm or knife
All ages	100%	72%
30-59 years	58	91
60 or older	42	44

Arrested for murder or manslaughter

The family relationship of the defendant to the murder victim made little difference in whether the defendant was charged with first-degree murder or a less serious type of homicide (table 9). When a family member was victim, 73% of the defendants were charged with first degree murder, compared to 74% of the defendants charged with murdering a stranger or acquaintance. Compared to defendants in other types of family murder, defendants in offspring murders were the most likely to have had voluntary or nonnegligent manslaughter as the most serious arrest charge.

Time to arrest and disposition

In more than half of the family murder cases but about a third of the cases of other types of victims, the arrest occurred on the day of the crime (table 10). Spouses and siblings were identified as the murderer more quickly than parents or offspring. Overall, family murder cases required less time to disposition than other types of murder cases: prosecution was completed within 6 months for 34% of family murder defendants versus 29% of nonfamily murder defendants.

Table 9. Level of murder charges filed against persons arrested for murder, by victim-assailant family relationship, 1988

Relationship of victim to assailant	Percent of murder defendants whose most serious conviction charge was:		
	First-degree murder	Other murder	Voluntary or nonnegligent manslaughter
All	73.5%	24.2%	2.3%
Nonfamily	73.7	24.6	1.8
Family member	72.6	21.5	5.9
Spouse	69.4	24.2	6.4
Offspring	63.1	22.8	14.1
Parent	75.2	24.8	0
Sibling	82.4	15.5	2.0

Note: See table 1 note for definitions of the family relationships. "First degree murder" refers to premeditated murder or felony murder; "other murder" refers to nonpremeditated murder; "voluntary or nonnegligent manslaughter" refers to intentional killing without malice.

Parental murder of offspring under age 12

Prosecutors' files contained information on reasons a parent murdered an offspring under age 12. One or more reasons were given for 62 of the total 84 offspring murder victims under age 12. The following presents reasons and the number of victims:

- Unspecified forms of child abuse (18)
- Victim's behavior such as crying or misbehavior (15)
- Parent's emotional instability or retardation (9)
- Unwanted newborn baby (8)
- Unintended consequence of the commission of another crime (lethal conflict between the parents) (6)
- Neglect (5)
- Difficulty handling responsibility of child rearing (3)
- Child held hostage (1)

With five of the victims counted under two or three methods, specific methods and the number of victims were as follows:

- Beating (35)
- "Shaking baby syndrome" (10)
- Arson (6)
- Newborn disposed of in toilet or trash can (6)
- Drowning in bathtub (6)
- Firearm (5)
- Suffocation/strangulation (5)
- Neglect (dehydration, starvation, and failure to use infant heart monitor) (4)
- Stabbing (3)
- Starvation (2)
- Other methods, including poisoning with carbon monoxide, lethal doses of drugs, running over with a car, boiling, and putting in freezer (5)

Of the five victims who were shot to death, three died because the assailant accidentally fired his gun while committing another crime; therefore, two offspring victims under age 12 were intentionally killed with a firearm.

Examination of the details concerning the method of killing covered all but 3 of the victims. By far the most frequent method of murder was beating: punching with fists, kicking, throwing, pushing, slapping, hitting with belts, hammers, and wooden brushes, striking body against furniture (shower head, walls).

Table 10. Time to arrest and disposition for murder cases, by victim-assailant family relationship, 1988

Relationship of victim to assailant	Percent of murder defendants:	
	Arrested on the day of the crime	Whose prosecution ended within 6 months of crime
All	34.8%	29.1%
Nonfamily	31.7	28.6
Family member	54.2	33.7
Spouse	62.3	35.8
Offspring	49.3	23.5
Parent	37.2	42.1
Sibling	55.3	34.0

See table 1 note for definitions of the family relationships.

Justice system response to family murder

The criticism is sometimes made that police, prosecutors, and judges treat family violence less seriously than violence between strangers and other unrelated persons.* The urban county data provide

Delbert S. Elliott, "Criminal Justice Procedures in Family Violence Crimes," in Lloyd Ohlin and Michael Tonry (eds), *Family Violence* (Chicago: University of Chicago Press, 1989), p. 428.

little support for such criticism. In several important respects, the criminal justice outcomes of family-murder defendants were about the same overall as those of other murder defendants. Where differences in the overall case outcome existed, the more detailed statistical testing of data removed the characteristic of nonfamily-family as a possible source of those differences.

Compared to other murder defendants, those in family-murder cases —

- Were as likely to be charged with first-degree murder (table 9)
- Were no more likely to have their cases diverted, rejected for prosecution, or to be acquitted, and were less likely to be dismissed by the court (table 11)
- Were as likely to have their cases result in a conviction for some crime, and specifically, as likely to be convicted of murder (table 12).

Table 11. Outcome of prosecution of murder defendants, by victim-assailant family relationship, 1988

Relationship of victim to assailant	Percent of murder defendants by type of outcome of prosecution							
	Diverted	Rejected	Dismissed	Acquitted	Convicted at trial	Pleaded guilty	Insanity acquittal	Other*
All	.8%	8.4%	7.0%	7.3%	33.9%	38.8%	.5%	3.2%
Nonfamily	.7	8.4	7.5	7.6	33.9	38.2	.2	3.4
Family member	.9	7.9	3.8	5.8	33.5	42.8	2.8	2.4
Spouse	.6	6.5	3.5	6.1	37.4	42.1	1.2	2.5
Offspring	1.0	11.3	3.0	5.6	37.4	35.6	3.9	2.3
Parent	.8	4.8	5.5	5.9	22.8	47.6	9.0	3.7
Sibling	2.2	10.4	0	8.1	21.7	51.9	4.7	1.0

Note: See table 1 note for definitions of the family relationships.

*Includes murder defendants who died or whose individual cases had not been disposed.

Table 12. The most serious conviction offense of murder defendants, by victim-assailant family relationship, 1988

Relationship of victim to assailant	Percent of murder defendants convicted of:		Percent of convicted defendants, by the most serious conviction offense						Percent of convictions for less than the most serious arrest charge
	Any crime	Murder	All	First degree murder	Other murder	Voluntary/nonnegligent manslaughter	Other violent	Other	
All	72.6%	62.8%	100%	25.6%	30.9%	29.9%	9.9%	3.7%	61.8%
Nonfamily	72.1	62.4	100	25.9	32.0	28.7	9.4	3.9	61.3
Family member	76.3	64.8	100	23.6	24.3	37.1	12.4	2.6	64.6
Spouse	79.5	71.2	100	21.4	25.6	42.6	8.0	2.4	62.0
Offspring	72.9	52.4	100	16.5	27.8	27.5	28.2	0	77.7
Parent	70.4	65.4	100	35.6	17.2	40.2	4.7	2.3	55.4
Sibling	73.7	66.7	100	10.6	28.0	52.0	6.5	2.9	77.3

Note: See table 1 note for definitions of the family relationships.

At sentencing, as compared to other defendants, convicted family murder defendants, including those initially charged with murder of a family member but convicted of some other offense, were not significantly less likely to receive —

- a prison sentence: 88% versus 91% or
- a sentence to life imprisonment: 13% versus 16% (table 13).

Compared to nonfamily murder defendants, however, convicted family murderers were —

- more likely to receive a less severe sentence, probation: 7.1% versus 2.7%
- given shorter prison sentences: 12.8 years, on average, versus 14.7.

Analyzing differences between sentences for family murder and other types of murder

These findings of more probation sentences and shorter prison terms do not necessarily reflect greater tolerance of family violence by justice system officials. Numerous differences between family murder and other murder might possibly account for less severe sentencing for family murder. To test that possibility, regression analysis was applied to the data.

Table 13. Sentences received by murder defendants convicted of murder or other crime, by victim-assailant family relationship, 1988

Relationship of victim to assailant	Percent of convicted murder defendants defendants sentenced to:				Mean prison term ^c
	Prison		Jail	Probation ^b	
	Total ^a	Life			
All	90.7%	15.6%	6.0	3.3%	14.4 years
Nonfamily	91.1	16.0	6.2	2.7	14.7
Family member	88.4	12.8	4.5	7.1	12.8
Spouse	88.9	12.7	1.8	9.3	13.0
Offspring	85.1	8.1	10.8	4.1	12.6
Parent	95.2	17.8	4.8	0	12.9
Sibling	82.0	6.5	5.9	12.1	9.3

Note: See table 1 note for definitions of the family relationships.

^aIncludes those sentenced to life or death.

^bIncludes straight probation only. Probation with incarceration is reported as a sentence to prison or jail.

^cExcludes sentences to life or death.

This analysis accounts for the simultaneous effects on sentencing of the following factors:

- offense seriousness (degree of murder)
- nature of conviction (trial or guilty plea)
- defendant criminal history
- age of defendant
- number of victims
- victim precipitation
- county (place-to-place variability in sentencing can be substantial)
- race and sex of both victim and defendant.

Results showed that sentencing differences are not statistically significant (.05-level) once differences in case characteristics are taken into account.

Regression analysis did not confirm differences in sentencing severity between family and nonfamily murders because defendants in family murders less often had characteristics that are associated with the more severe sentences.

As indicated in the discussion and tables describing family murders, for example —

— Voluntary or nonvoluntary manslaughter is the least severely punished category of murder. A greater percentage of the family-murder defendants had voluntary or nonnegligent manslaughter as their most serious conviction offense.

— Having a prior arrest or conviction is associated with receiving a prison sentence and with longer terms of confinement. A smaller percentage of family-murder defendants had such a criminal history.

— Convicted murder defendants under age 30 were less likely to be sentenced to probation. A smaller percentage of family-murder defendants were younger than 30.

— Family murder convictions were less likely than nonfamily murder convictions to have resulted from a trial. Conviction based on trial rather than guilty plea increases the likelihood of any of the more severe sentences (life or long prison term).

Methodology

Sample selection

The 33 counties in the sample were selected to be representative of the nation's 75 largest counties. The ranking of counties in which the 75 largest were identified was based on a combination of crime data (1980 and 1984 Uniform Crime Report Part I arrests) and population data (1980 population from the Census Bureau's City County Data Book). Rankings reflected the size of the prosecutors' offices. The original sample plan identified 34 counties, one of which ultimately declined to participate.

The following are the 33 counties whose prosecutors' offices participated in the study reported here:

Arizona
Pima
California
Los Angeles
Orange
Kern
San Diego
Riverside
Colorado
Denver
Arapahoe
Connecticut
New Haven
Florida
Dade
Orange
Broward
Illinois
Cook
Louisiana
Orleans
Massachusetts
Middlesex
Maryland
Prince Georges
Michigan
Wayne

Missouri
St. Louis
New Mexico
Bernalillo
New York
Kings
Monroe
New York
Queens
Ohio
Franklin
Montgomery
Oklahoma
Oklahoma
Pennsylvania
Philadelphia
Allegheny
Tennessee
Shelby
Texas
Dallas
Tarrant
Travis
Washington
King

A total of 2,539 murder cases were sampled. These cases were a sample of about half of all murder charge cases disposed in the sampled 33 counties in 1988. Not eligible for sample selection were nonmurder defendants or any whose most serious charge was attempted murder, negligent or involuntary manslaughter, or vehicular homicide. In counties with 200 or fewer disposed murder cases in 1988, all were selected for inclusion in the sample. In counties with more than 200, a systematic sample of 200 was chosen. Only 6 of the 33 counties had more than 200 murder cases.

Virtually all cases meeting the 1988-disposition criterion were disposed for all defendants in the case. Of the more than 3,100 defendants on whom data were obtained, only 13 had not yet had their cases adjudicated at the time the survey was carried out in 1990. Another 25 defendants had died of suicide or other causes.

Nonavailability of cases

The survey goal to track murder cases across justice system stages was not met in nine counties. In one of the nine, legal restrictions barred access to cases rejected by the prosecutor. In the remaining eight counties some of the sampled cases could not be located.

To an unknown degree, these data access problems help explain why no case from the nine was coded as "rejected by prosecutor." Though there is no reason for all of the unavailable cases to be rejections in all nine counties, assuming that all such cases were rejections results in an estimated rejection rate of 12%, instead of 8%, as shown in table 11. Other outcomes would have been similarly affected. The percentage of defendants tried and convicted would have been 33% instead of 34%; the percentage pleading guilty would have been 37% instead of 39%; and the percentage receiving an incarceration sentence of more than 1 year would have been 62% instead of 65%.

Computation of estimates from sample data

Case weights were applied to statistics on the sampled cases to expand them to estimates for the universe of the 75 largest counties, the key assumption being that cases not sampled were similar to the cases sampled. A case weight was the inverse of the probability that a case would be in the survey. That probability was the product of the probability that a given county would be chosen and the probability of selection of that case in that county. Case weights were adjusted to compensate for the loss of one nonparticipating county.

Statistically weighted, the 3,119 defendants in the sample cases represented 9,576 murder defendants in the Nation's 75 largest counties. The 2,655 victims represented 8,063 victims in the 75 largest counties.

Coding of circumstances and victim/killer relationships

Information about a murder case usually included details about the relationship between the victim and the defendant, and the circumstances that existed at the time of the murder. The rules for describing relationships and circumstances were those used by local police in reporting murder cases to the FBI. These rules were developed by the FBI for publication of its Supplemental Homicide Reports. The reporting rules include a set of codes to describe the principal victim-assailant relationship and the circumstances in which they were involved at the time the murder occurred.

In the survey reported here, however, provision was made for coding as many as three kinds of relationships and three kinds of circumstances. For example, if the victim was the assailant's brother and was also the assailant's drug supplier, both a family relationship and a drug relationship would be recorded. Likewise more than one type of circumstance might have existed at the time of the murder. Altogether, 79 separate relationship codes and 85 circumstance codes were available for coding cases.

Among all pairs of victims and assailants found in the prosecutor's murder files, a majority required only a single relationship or circumstance code. The percentages requiring more are shown below:

Number of codes used	Percent of victim and assailant pairs in coding of:	
	Relationships	Circumstances
2	8.4%	40.0%
3 or more	.3	8.6

Response rates

Except as noted below, this report focused exclusively on characteristics that were successfully obtained in a high percentage of sample cases ("response rate").

The case records identified age, race, sex and ethnicity for nearly all defendants (approximately 98%). The same was true of victims, except that victim age was available in only 16% of cases.

Also obtained in nearly all cases were the relationships between victims and defendants and the circumstances preceding the homicide, as well as the arrest or indictment charge, and whether the defendant was convicted, and if so, the conviction offense. In incarceration or probation cases, the length of the term of sentence was usually known.

Defendant criminal history was available in three-quarters of the cases, but victim criminal history was obtained in only a third of the cases. The juvenile portion of the criminal history information was probably less complete than the adult portion.

Victim and offender information compiled both on drug use at the time of the offense and on drug use history were not presented in the report because of concerns about data credibility. Drug use, for example, was far below what previous surveys have documented. Also, the data show drug use to have been more common among victims than defendants, a finding that did not seem believable. Consequently, survey data on drug consumption and type of drug consumed were not used.

Source of percentages of defendants who had a criminal record and whose victim also had a criminal record

Overall

44% of victims had a criminal record (from table 8: 36.9%+7.5%).

83% of these victims were killed by someone with a prior record (36.9/44.4)

Family murders

21% of victims had a criminal record (14.3%+6.4%)

69% of these victims were killed by someone with a prior record (14.3/20.7)

78% of victims had no criminal record (45.7%+33.6%)

43% of these victims were killed by someone with a prior record (33.6/78.3)

Comparison with other BJS murder data collections

Selected data reported here can be compared with other BJS publications that contain information on murder cases.

Conviction rate

The 73%-rate of conviction reported in table 12 is higher than the 66% reported for murder defendants in the National Pretrial Reporting Program (NPRP). See Table 13 in *Felony Defendants in Large Urban Counties, 1988*, BJS, NCJ-122385, April 1990. The NPRP studied a sample of felony cases obtained from court records in 40 of the 75 largest counties in the Nation. Those cases were followed to disposition or for up to a maximum 1 year.

The following two reports give data for cases accepted by the prosecutor. The comparable conviction rate in this report would be 79%, rather than 73%, after deducting the cases rejected for prosecution (table 11).

The Offender-Based Transaction Statistics (OBTS) program reported a 76%-conviction rate among murder cases that were prosecuted in 14 States. See table 4 in *Tracking Offenders, 1988*, BJS, NCJ-129861, June 1991. The OBTS uses arrest records, disposition information, and data from fingerprint cards that are submitted by local law enforcement agencies to State criminal information repositories. This 76%-conviction rate is not measurably different than the 79% estimate in this report.

Conviction rates of murder cases filed in court are reported for a selection of 10 counties in table 2 in *The Prosecution of Felony Arrests, 1988*, BJS, NCJ-130914, February 1992. The local prosecutors in those 10 counties provided the data. The rates in those counties, among murder cases disposed during 1988, ranged from 57% to 84%. Four of ten had rates higher than the 79% reported here.

Number of murder convictions

Table 12 showed 63% of murder defendants convicted of murder, for a total of approximately 6,000 convictions. The comparable number in the National Judicial Reporting Program for the 75 largest counties in the United States during 1988 is approximately 5,000, which is not measurably different than the 6,000 estimate reported here. See table 2.1a in *National Judicial Reporting Program, 1988*, BJS, NCJ-135945, December 1992. However, the 63% of defendants convicted of murder is higher than the comparable 48% reported by the NPRP.

Sentences to prison, jail or probation

The NJRP and NPRP reports include the sentences received by those convicted of murder, comparable to table 14 of this report. All three studies show that of such defendants, more than 90% were sentenced to a prison term, fewer than 5% were sentenced to jail, and about 3% were sentenced to probation without any incarceration. The OBTS, however, reported these percentages as 81%, 11%, and 5% respectively. Table 11 above shows 18% receiving a life sentence, while NJRP showed 26%.

Standard errors

Data collected in this murder study were collected from a sample rather than a complete enumeration. Because counties and cases were sampled, a sampling error (standard error) is associated with each number in the report. In general, if the difference between two numbers is greater than twice the standard error for that difference, we can say that we are at least 95 percent confident that the two numbers are in fact different; that is, the apparent difference is not simply the result of surveying a sample rather than the entire population.

Similarly, if the difference between two numbers is greater than 1.6 standard errors, we are at least 90 percent confident that the two numbers are different. In this report, the term "statistically significant" was used to denote a difference in which we have at least 90 percent confidence. Except where explicitly indicated otherwise, all differences discussed in this report had a confidence level at or above 90 percent.

Typical reasons why a standard error may be large relative to the difference it pertains to include: (1) the measurements or observations being compared (a sex difference in average prison sentence length) is highly variable from one case to another, and (2) a small sample size.

Standard errors for selected key variables in the report are presented below.

Related reading

Data used in this report were previously used in the John M. Dawson and Barbara Boland, *Murder in Large Urban Counties, 1988*, BJS Special Report, NCJ-140614, May 1993.

The data presented in this report may be obtained from the National Archive of Criminal Justice Data at the University of Michigan, 1-800-999-0960. The name of the dataset is Murder in Large Urban Counties, 1988 (**ICPSR 9907**). The data are available in either dBASE or SAS format.

John M. Dawson and Patrick A. Langan wrote this report. Tom Hester edited and produced it, assisted by Priscilla Middleton. Marilyn Marbrook, assisted by Jayne Robinson, administered the final production.

July 1994, NCJ-143498

**Estimates of 1 standard error for text
table column 2 page 3**

Relationship of victim to assailant	Family murder victims and defendants	
	Victims	Defendants
All	724.0	880.5
Nonfamily	105.0	109.4
Family	634.9	786.8
Spouse	66.1	65.1
Offspring	31.2	26.7
Parent	23.1	22.6
Sibling	21.6	21.1
Other	23.8	24.8

Estimates of 1 standard error for table 2

Relationship of victim to assailant	Sex		Race			Age				
	Male	Female	White	Black	Other	Under 12	12-19	20-29	30-59	60 or over
Victims										
All	0.7%	0.7%	2.8%	3.0%	0.3%	0.5%	0.7%	1.0%	1.2%	0.4%
Nonfamily	0.8	0.8	2.8	3.0	0.4	0.2	0.8	1.1	1.2	0.4
Family	2.1	2.1	3.4	3.6	0.6	2.6	0.7	2.1	2.7	1.4
Spouse	3.2%	3.2%	5.3%	--	0.8%	0	0	2.7%	2.6%	1.9%
Offspring	5.2	5.2	5.0	--	1.4	4.0	2.1	2.8	2.3	0
Parent	6.4	6.4	5.7	--	0	0	0	0.4	6.2	6.3
Sibling	6.2	6.2	7.7	--	1.5	4.4	1.6	7.9	7.5	2.8
Other	4.3	4.3	5.1	--	2.6	2.2	3.0	4.0	5.7	4.2
Defendants										
All	0.6%	0.6%	2.6%	2.8%	0.3%	0.3%	0.9%	0.7%	0.9%	0.3
Nonfamily	0.5	0.5	2.7	2.9	0.3	--	1.0	0.8	0.9	0.4
Family	2.1	2.1	3.1	3.2	0.6	0	1.7	1.8	2.0	1.0
Spouse	3.3%	3.3%	5.0%	5.1%	0.8%	0	0.5%	--	3.2%	1.6%
Offspring	3.9	3.9	4.9	5.2	0.8	0	4.0	4.2	4.5	3.0
Parent	4.7	4.7	5.2	5.2	0	0	6.3	4.7	5.4	1.4
Sibling	6.0	6.0	7.6	7.5	1.6	0	5.4	7.4	7.8	0
Other	3.6	3.6	4.8	4.9	2.8	0	4.0		4.7	1.8

--Standard error was not calculated.

Estimates of 1 standard error for table 3

Relationship of victim to assailant	Alcohol use at the time of the murder	History of mental illness	Unemployed	Homeless
Victims				
All	1.6%	0.1%	--	0.3%
Nonfamily	1.9	0.1	--	0.3
Family	2.6	0.3	--	0.2
Spouse	3.2%	0.7%	7.7%	0.4%
Offspring	1.7	0.7	0	0
Parent	7.4	0	2.5	0
Sibling	9.4	0	1.6	0
Defendants				
All	1.9%	0.4%	3.0%	0.3%
Nonfamily	1.9	0.3	3.2	0.4
Family	3.5	1.6	3.2	0.5
Spouse	5.7%	2.5%	4.1%	1.0%
Offspring	7.1	3.7	7.0	0
Parent	8.9	5.2	9.9	1.7
Sibling	9.6	5.2	10.4	2.7

--Standard error was not calculated.

Estimates of 1 standard error for table 4

Relationship of victim to assailant	Percent of defendants with a victim of the same sex	
	Male	Female
All	0.8%	1.9%
Nonfamily	0.8	2.5
Family	2.2	3.5
Spouse	0	0
Offspring	6.3%	7.7%
Parent	7.5	8.0
Sibling	6.1	21.3

Estimates of 1 standard error for table 5

Relationship of victim to assailant	Percent of murder cases		
	Firearm as murder weapon	Time and place of murder	
		Daytime	Home
Victims			
All	1.6%	1.2%	0.8%
Nonfamily	1.6	1.3	0.8
Family	3.0	2.4	1.6
Spouse	4.3%	3.1%	2.1%
Offspring	3.7	5.2	2.9
Parent	6.2	5.7	1.5
Sibling	7.3	8.6	6.4
Defendants			
All	1.5%	1.2%	0.7%
Nonfamily	1.5	1.4	0.5
Family	3.0	2.4	1.7
Spouse	4.4%	2.8%	2.1%
Offspring	3.6	5.6	4.0
Parent	5.9	5.2	5.7
Sibling	7.3	8.5	6.7

Estimates of 1 standard error for text table page 4

Relationship of victim to assailant	Percent of victims	
	Armed	Precipitated the incident
All	0.7%	0.8%
Nonfamily	0.8	0.8
Family	1.8	1.9
Spouse	2.7%	3.0%
Offspring	1.5	1.5
Parent	5.7	5.9
Sibling	4.8	6.9

Estimates of 1 standard error for table 6

Relationship of victim to assailant	Percent	
	Victims with multiple assailants	Defendants with multiple victims
All	0.8%	0.4%
Nonfamily	0.9	0.4
Family	1.3	1.0
Spouse	1.4%	0.6%
Offspring	3.3	3.1
Parent	4.6	3.4
Sibling	4.7	2.4

Estimates of 1 standard error for text table column 2 page 5

Age of victim	Percent of murder victims with a family relationship to assailant
All	0.7%
Under 12	4.6
12-19	1.1
20-29	1.0
30-59	1.0
60 or older	2.8

Estimates of 1 standard error for table 8

Relationship of victim to assailant	Percent of victims and defendants with a criminal history			
	Neither	Both	Victim only	Defendant only
Victims				
All	2.0%	2.2%	0.8%	2.2%
Nonfamily	2.1	2.5	0.9	2.6
Family	3.6	2.2	1.6	3.8
Defendants				
All	1.9%	2.2%	0.9%	2.0%
Nonfamily	1.9	2.4	1.0	2.3
Family	3.6	2.3	1.8	3.4

Estimates of 1 standard error for text table column 2 page 5

Age of family victim	If family murder victim, most likely assailant	Percent of family murder victims with most likely assailant
All	spouse	3.3%
Under 12	parent	3.1
12-19	parent	9.7
20-29	spouse	6.0
30-59	spouse	3.4
60+	offspring	7.0

Estimates of 1 standard error for table 7

Relationship of victim to assailant	Percent with any prior arrest or conviction
Victims	
All	2.4%
Nonfamily	2.7
Family	2.4
Spouse	5.2%
Offspring	1.2
Parent	7.2
Sibling	10.8
Defendants	
All	1.0%
Nonfamily	1.1
Family	2.5
Spouse	3.3%
Offspring	4.5
Parent	6.6
Sibling	7.7

Estimates of 1 standard error for text table column 3 page 5

Circumstance	Among all victims	Offspring Any age	Under age 12	All victims under 12
Included felony sexual assault	0.2%	0.8%	1.0%	1.7%
Assailant had abused the victim	0.4%	4.8%	5.2%	5.4%

**Estimates of 1 standard error for text
table column 1 page 6**

Age of offspring	Percent of offspring victims	
	All	Those killed with firearm or knife
All	0	4.1%
Under 12	4.0	2.6
12-19	2.1	4.7
20-29	2.8	0
30-59	2.3	0

Age of parent victims	Percent of parent victims	
	All	Those killed with firearm or knife
All	0	6.8%
30-59 years	6.2	4.0
60 or older	6.3	10.9

Estimates of 1 standard error for table 9

Relationship of victim to assailant	Percent of murder defendants whose most serious conviction charge was:		
	First- degree murder	Other murder	Voluntary or nonnegligent manslaughter
All	4.5%	4.4%	0.3%
Nonfamily	4.6	4.6	0.3
Family	3.9	3.6	1.1
Spouse	3.6%	3.8%	1.8%
Offspring	6.5	5.3	3.9
Parent	6.6	6.6	0
Sibling	6.2	6.1	1.6

Estimates of 1 standard error for table 10

Relationship of victim to assailant	Percent of murder defendants:	
	Arrested on the day of the crime	Whose prosecution ended within 6 months of crime
All	1.1%	2.3%
Nonfamily	1.0	2.3
Family	2.1	3.1
Spouse	2.8%	4.2%
Offspring	6.0	4.7
Parent	6.4	5.3
Sibling	7.3	7.6

Estimates of 1 standard error for table 11

Relationship of victim to assailant	Percent of murder defendants by type of outcome of prosecution							
	Diverted	Rejected	Dismissed	Acquitted	Convicted at trial	Pleaded guilty	Insanity acquittal	Other*
All	0.2%	2.2%	0.6%	0.6%	1.9%	2.4%	0.1%	0.4%
Nonfamily	0.2	2.1	0.6	0.6	1.9	2.4	0.1	0.3
Family	0.4	2.6	1.0	1.1	2.7	3.5	0.8	1.5
Spouse	0.4%	3.3%	1.2%	1.6%	3.9%	4.5%	0.6%	1.6%
Offspring	0.8	3.7	1.3	2.0	4.4	5.3	2.3	1.7
Parent	0.3	2.1	3.5	2.2	4.9	7.0	3.0	3.1
Sibling	1.7	5.4	0	3.3	5.8	8.0	2.1	0.4

Estimates of 1 standard error for table 12

Relationship of victim to assailant	Percent of murder defendants convicted of:		Percent of convicted defend- ants, by the most serious conviction offense		Percent of convictions for less than the most serious arrest charge
	Any crime	Murder	First degree murder	Voluntary/ nonnegli- gent man- slaughter	
All	2.7%	2.1%	2.4%	1.7%	1.4%
Nonfamily	2.7	2.1	2.4	1.7	1.4
Family	3.2	2.8	3.0	2.3	2.6
Spouse	4.3%	3.7%	3.6%	3.3%	3.7%
Offspring	4.8	4.1	4.0	5.0	4.2
Parent	6.0	5.9	7.9	4.8	7.7
Sibling	6.5	7.1	5.2	9.3	9.1

Estimates of 1 standard error for table 13

Relationship of victim to assailant	Percent of convicted murder defendants defendants sentenced to:			Mean prison term
	Total	Prison	Probation	
All	0.7%	0.7%	0.4%	0.5 years
Nonfamily	0.6	0.6	0.4	0.5
Family	1.4	1.4	1.2	0.9
Spouse	2.0%	1.7%	1.8%	1.3
Offspring	2.9	3.5	1.4	1.8
Parent	2.5	1.1	0	1.1
Sibling	6.4	6.4	5.9	1.3