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CRIME

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MEMORANDUM FOR THE PRESIDENT

FROM: ATTORNEY GENERAL JANET RENO *JR*
LABOR SECRETARY ROBERT B. REICH *BR*
HOUSING AND URBAN DEVELOPMENT SECRETARY
HENRY G. CISNEROS *Henry*

SUBJECT: Strengthening Youth Employment Linkages in the Crime
Bill: Needed Steps to Help Prevent Violence

DATE: February 3, 1994

In response to your request, this memorandum outlines our ideas for preventing crime by improving the labor market prospects of at-risk youth and ex-offenders. We propose to:

(1) Add a very targeted employment program designed to prevent crime by addressing the needs of at-risk youth and young ex-offenders in high-crime, high-poverty inner city and rural areas. This program would be modeled in part after the Labor Department's Youth Fair Chance program. Funding: at least \$1 billion over five years.

(2) Include or enhance specific employment-related features, where appropriate, in existing provisions of the Senate-passed crime bill. As examples, aftercare services to include job training and placement could be required as a component of drug treatment grants, and the education and training components of bootcamps and alternative sentencing arrangements could be strengthened to complement shock incarceration.

Bleak employment prospects among disadvantaged youths demand that the battle against crime proceed on several fronts. Those who commit crimes must be caught and punished; at the same time, prevention programs, including ones which make employment a reasonable, available alternative for at-risk youth, must be undertaken to break the cycle of poverty, crime and violence (see Appendix). Experience with employment-related programs demonstrates that they are effective at fighting crime. For example, Job Corps participation reduces the incidence of serious crime and work experience combined with job training in prisons has been shown to lower recidivism. As you said in the State of the Union, young people must have "something to say yes to" or the battle against crime will not be won.

Create a Crime Prevention Youth Employment Program

We propose a program that would build upon the targeting and neighborhood-centered approaches of the Labor Department's Youth Fair Chance program (Representative Maxine Waters is a strong supporter of Youth Fair Chance). The new program would be designed to be highly leveraged, would focus on violence prevention and be targeted on neighborhoods with a substantial number of at-risk youth and young ex-offenders, and would include employment components aimed at developing meaningful job paths. The initiative would be financed from the Crime Control Fund.

The current Youth Fair Chance program is targeted directly at inner-city and rural areas with poverty rates of 30 percent and higher. Within these high-poverty areas, all youth and young adults age 14 to 30 can be served regardless of family income, thus avoiding stigma. The Youth Fair Chance program saturates neighborhoods of roughly 25,000 people with a comprehensive program, aiming to directly expand and alter the opportunities of youths in those areas (about 6,750 individuals age 14 to 30 live in each neighborhood).

The Youth Fair Chance model provides a framework upon which many initiatives can be added; our proposal would expand upon the model in several ways.

- o There would be an even more intense focus on high-crime areas with substantial numbers of at-risk youth and youthful ex-offenders. Because at-risk youth, young offenders, and gang members are frequently concentrated in public housing and assisted housing projects, this initiative targets resources to these communities, in addition to other sites.
- o Through grant criteria and other means, the program would insist that grantees develop programs that include access to legitimate private sector jobs. This would involve a variety of strategies, such as mentoring or microenterprise.
- o An employment component such as a youth conservation corps or public service employment would be added.
- o The requirement that local governments involve the full, larger community in the effort to leverage federal funds would be strengthened. Collaboration between the local areas, the private sector, community-based organizations and nonprofits would be stressed.
- o Educational linkages would be beefed up, and would include a strong role for community colleges, as well as incorporating the successful work-based learning approach used in San Jose's Center for Employment and Training program (CET).

Incorporate other Employment-Related Provisions into the Crime Bill

As passed by the Senate, and in the provisions which the House has already passed, the crime bill contains a number of grant programs which have some focus on preventing crime by keeping young people out of the criminal justice system or seeking to prevent recidivism by those who do enter. We have identified a number of these programs which could benefit from strengthened or additional employment-related provisions. The approach is to design programs that offer the carrot of real economic opportunity to complement the stick of punishment. Our proposals would be flexible to meet the diverse needs of various populations and communities, and would leverage the federal government's contribution to get states, localities and the private sector to do more.

For example, in order to better address recidivism, we propose expanding the existing boot camp provisions in the Senate bill to strengthen the aftercare services following shock incarceration. The aftercare services would include necessary education, job training and placement designed to help ex-offenders obtain meaningful employment. Moreover, the education and training components in the boot camps themselves should be enhanced. The education and training components both in the boot camps and during the aftercare period should be premised upon approaches that have proven successful, such as the Job Corps.

Other crime bill programs, such as the Residential Drug Treatment, Drug Court, Youth Development Center, and Juvenile Drug Trafficking and Gang Prevention provisions, also would benefit from improved aftercare requirements or other specific employment linkages.

The Secretary of Labor is sending a separate memorandum that will include additional proposals for incorporating employment linkages into the crime bill.

Conclusion

The combination of strengthening existing crime bill provisions by adding employment linkages and a stand-alone prevention-through-employment program would improve the crime bill by better tuning the balance between crime control and crime prevention. It provides further evidence of our "tough and smart" approach to the serious problems of crime and violence in our communities.

Appendix 1. Deteriorating Economic Conditions and Rising Crime

A major factor underlying the nation's rising crime problem has been the growing concentration of poverty and the erosion in the economic position of disadvantaged youths.

The 1990 Census suggests an increasing concentration of poverty in the United States. Between 1980 and 1990, the number of census tracts with 40 percent or higher poverty rates almost doubled, as did the population living in such high-poverty tracts. These areas are very likely to have high crime rates; for example, a recent study indicated that between 1986 and 1989, the rates of violent crime in public housing in Washington, D.C., Los Angeles, and Phoenix were more than double that for these respective cities as a whole.

In particular, during the last twenty years, the economic and social well-being of disadvantaged American youths and young adults -- those with limited education or skills who are from poor families and impoverished neighborhoods -- has deteriorated substantially.

- o The real wages of the young and less-educated plummeted, breaking the historic pattern of rising earnings for American workers at all skill levels. In the early 1990s the real wages of recent male high school graduates were more than 20 percent below those of the previous generation; the decline in pay of young high school dropouts has been even more extreme.
- o More disadvantaged young men and young women are "idle," not in school, working, or looking for work. Approximately 50 percent of out-of-school young Americans (those age 16 to 24 years) without a high school degree are currently not employed. And more than 70 percent of young black high school dropouts are currently not employed. Many of these out-of-school youths are persistently out of work and have the potential for being permanently lost to the legitimate economy.
- o At the same time, the proportion of young men in trouble with the law has increased dramatically. Almost 700,000 young men from 16 to 34 years of age were incarcerated in 1989. Richard Freeman of Harvard estimates that approximately 50 percent of 18 to 34 year old, black male, high school dropouts had criminal records in the late 1980s. No other developed country faced such levels of crime among its youth.

It also bears mentioning that ex-offenders frequently lack legal employment, in part because little effort is made at facilitating their transition into the labor market. Freeman found that youth jailed in the mid-1980s had a far greater chance of future unemployment than comparable young people with similar educations and work histories but who had not been in prison.

CRIME

PRESIDENT CLINTON ON CRIME (since Memphis, 11/13/93)

REMARKS AT EAST LOS ANGELES CHURCH SCHOOL

Los Angeles, California

November 21, 1993

I talked to people who are worried about the violence and the crime, about the pressures on the families and the dangers for the children. And I want you to know that every night when I go to bed in the White House, I think of the children of this country, of their future, of the dangers and the problems, of the hopes and the dreams. We are working now in Washington to pass a bill which will make a big step toward making our streets safer, something that Mayor Riordon ran on when he ran for mayor. If the bill passes, the crime bill which has now passed both houses of the Congress, we may be able to give our cities in this country up to 100,000 more law enforcement officers to protect people, to keep crime from occurring in the first place.

All these things will help, but in the end, my fellow Americans, we have to take our communities back community by community, neighborhood by neighborhood, block by block, family by family, child by child. Our disregard for life in this country is seen coast to coast.

What we want America to look like is what we see here today: the faces of these children safe and secure, learning and whole, looking towards the future, believing in their lives, living by their values. That's what we want America to look like. So I tell you we are doing everything we can to try to give you the tools you need to make your community safer, but we have to make up our mind that we will no longer tolerate children killing children, children having guns and being better armed than police officers, neighborhoods unsafe. We can do better, and we're going to have to do it for all of our people without regard to race or income or region. You deserve as much. And we have to do it.

REMARKS AT EVENT FOR SENATOR DIANNE FEINSTEIN

San Francisco, California

November 21, 1993

You know, sometimes I feel like I'm in a time warp. We live in a wonderful country, but there are a lot of kids in trouble, and you've got streets where the gang members are better armed than the policemen and innocent people are getting shot in the crossfire.

You listen to these debates on the Crime Bill, the kinds of things we're trying to do, and it sounds like some people are just literally in another world. Well, I've got to give the Senate and the House credit. They passed the Brady Bill, they passed the Crime Bill that will give the cities of our country the actual means to reduce the crime rate. Don't let anybody kid you that more police officers properly deployed won't reduce the crime rate -- not just catch criminals, but reduce the crime rate. There is no question that it will work.

This will make a difference, this Crime Bill. But it makes a difference also that there are boot camps as opposed to prisons for youthful offenders to give them a chance to do something constructive with their lives, and it makes a difference that the Brady Bill passed.

SATURDAY RADIO ADDRESS
November 27, 1993

The Crime Bill has been passed in both Houses. It will put more police officers on the street -- up to 100,000 of them; build more prisons; establish boot camps for young, first-time offenders. It will ban assault weapons.

We're making progress in the fight against crime. Just before the Congress left, it adopted legislation requiring a five day waiting period before anyone can purchase a handgun, so there can be a check for someone's age, mental health history, and criminal record. This action was a national victory in the fight against crime and violence, and a very personal victory for Jim and Sarah Brady. Their family, touched by violence, who turned tragedy into crime by fighting for seven long years to pass this important legislation to protect the rest of us from individuals who shouldn't be permitted to possess or use handguns.

We have to be concerned that, in both our cities and our rural areas, the value of life has been cheapened, that too many children are killing children with weapons of destruction that are even more efficient and sophisticated than the police -- who are supposed to protect the people -- have.

REMARKS TO THE ANNUAL CONFERENCE OF
THE DEMOCRATIC LEADERSHIP COUNCIL
The Sheraton Washington
Washington, DC
December 3, 1993

We recognized in this organization a long time ago that if people didn't feel a certain level of basic security, it was very difficult for them to make the changes we need to make. If you want to challenge people to seize opportunities and to assume more responsibility, if you want people to be able to live with, basically, the chaotic nature of the world in which we find ourselves -- a very exciting world if you can figure out to win in it -- there has to be some sense that the basic fabric of society is being maintained, that there is some order, some security, some discipline which we need to observe.

That is why this crime and violence issue is so important. Huge increases in violent crime in many communities in this country. Police at an increasingly disadvantageous issue -- now over three violent crimes for every police officer in the country, where it used to be the reverse, three police officers for every crime just 30 years ago. And all the stories you know about children killing children, or young teenagers being better armed than police officers.

We know there are some things that work. We know -- the DLC does, we've been advocating this for years -- that community policing works. Mayor Lanier, in Houston, just proved it in the ultimate way, by getting over 90 percent of the vote. I was trying to think of who else could get 90 percent of the vote for anything. It tells you how passionately people care about this public safety issue.

We are trying our best in these difficult budget times to get a crime bill out that will produce 100,000 new police officers. But they must be properly trained and properly deployed. That is a challenge for you in the DLC. It is a challenge for us as Americans to make sure not only that we pass a bill in Congress that provides the police officers, but that when they get down to whatever town or city they're in, that they are properly trained and properly deployed. Community policing works. You can lower crime, not just by catching more criminals, but because it actually helps to prevent crime from occurring in the first place. It really matters.

There are some other things we ought to do in that crime bill, too, and I'll just mention two. We need to provide alternative punishments for youthful offenders so that we can use the prison space we have to keep people who shouldn't get out for as long as they should stay in. The boot camp proposals are in this crime bill, another DLC idea that we have advocated for years and years, something that I tried to do at home when I was a governor. And it's an important part of the bill.

There are two other things in the bill. Senator Kohl, from Wisconsin, has put an amendment in to ban the ownership of handguns by young people under 18, and to limit access to them to properly control circumstances by minors. And it passed overwhelmingly.

Then there was an amendment by Senator Feinstein to ban several assault weapons and to specify a number of hunting weapons that cannot be restricted at all because they're hunting rifles and they are things that people use for sporting purposes. I think it is a good, balanced amendment and I hope it will be in the final provision of the crime bill.

REMARKS DURING CREATIVE ARTISTS AGENCY RECEPTION
Beverly Hills, California
December 4, 1993

We have to face the fact that millions and millions and millions of our fellow Americans are caught, not only in an economic under class, but almost in an outer class totally apart from the life that the rest of us take for granted. And it is because they are the ones who have been hardest hit by the combined force of a loss of economic opportunity, the destruction of community support, and the erosion of family itself. And the vacuum that is created has been filled for all too many of them by organized violence, organized around guns and gangs and drugs with no offsetting forces.

Some of that has been aggravated by the fact that there are not sustaining forces in our culture, which tend to offset that. As I told the ministers in Memphis a few weeks ago at the Church of God in Christ Convention, when they invited me into the pulpit where Martin Luther King gave his last sermon, there are problems this nation has that cannot be fixed by the passage of a law, or by an official decree from the President of the United States. They require us to change from the inside-out and to change family by family, community by community.

I have a good friend with whom I grew up at home who wrote me of a conversation she had with some other people who were bemoaning the fate of all these kids in trouble, and this person said, well, how in the world are we going to

save these kids? And my friend said, we're going to save them the same way we lost them, one at a time. If you think of that -- if you think of that, society is largely organized around work and family. We have too many people today living in this world without either. And nature, and to be sure they represent nature, abhors a vacuum. And that vacuum is being filled by all kinds of forces which are fundamentally destructive of those people ever becoming what they ought to be.

Now, we are trying to deal with that as much as we can through public policy -- through the Brady Bill and through Senator Feinstein's effort to ban assault weapons. And I met your distinguished police chief for the first time tonight, even though I've been bragging on him for years now. Through the effort to provide another 100,000 police officers in properly-trained, properly-deployed in community policing settings throughout the country, because that will actually diminish crime and provide alternative role models for young people.

There are a lot of other things we are trying to do. But I am telling you, the fact is it is awfully hard to put lives back together in an environment in which there are no lives organized fundamentally by work, by family, and by other community organizations that shape values and behavior.

When impulses govern the lives of young people who cannot even fully understand the implications of what it means often to pick up a gun and pull the trigger; and when madly we permit many of these children, who themselves were never even given the fundamental basics of self-esteem and self-control and respect for others, weapons that make them better armed than the police who are supposed to be patrolling their streets.

But the fundamental problem is what has happened to all of them inside, and what does not happen to them day by day. One hundred and sixty thousand kids in this country stay home from school every day because they are afraid of being shot or not knifed on the way to school or in the schoolhouse.

Now, what's all that got to do with you? First of all, you have the capacity to do good -- culturally to help to change the way we behave, the way we think of ourselves. You have, clearly, many of you, reinforced the awareness of our obligations to our environment and we have begun to change in fundamental ways. Look at the way we changed our ideas about smoking in recent years. Culturally, not because laws made us do it but because as a people we just decided to move in a different direction....

But you think of it.... How is our life organized? We spend most of our time working. We spend a lot of free time, most of us, with our families. We have other ties to a community which shape our values, our conduct, our priorities, what we do with our money, how we think about our obligations. But what might be entertaining to us -- a violent, thrilling movie or television program, a torrid but fundamentally amoral use and manipulation of people in what may be for us just an entertaining 30 minutes or an hour. If it's 10 or 11 hours a day of relentless exposure into the minds of people who have never been taught to understand the consequences of their action, never had any kind of internal structure motivated and driven by seeing their parents go to work everyday and having a regular relationship with family and having other institutions, then

these things can unintentionally can set forth a chain reaction of even more impulsive behavior, even more inability to deal with conflict in nonviolent ways and to pass up the aggressive influences and impulses that all of us feel but most of us learn at some point in our lives not to act on. And it all gets worse if the void left by the loss of family and work and other institutions is filled by gangs and guns and drugs.

So, what I ask you for tonight is not to wear a hair shirt and say, mea culpa, I wish I hadn't done this, that or the other thing, but to recognize that what may be one person's moment of entertainment, even exhilaration, that's taking your mind off the pressures of the day, can, when multiplied by 1,000, have a cumulative impact that at the very least does not help to bring a whole generation of people back from the brink. I'm telling you, if we don't find a way to deal with this, the rest of these endeavors ultimately will fail. We will not be able to make a strength out of our diversity. We will not be able to restore the ladder from poverty to the middle class that can be climbed through work and education. We will not be able to put our people back together again and use our money on education and opportunity instead of crime and jail.

So what I ask you to do is to join a partnership with me, not to stop entertaining or even titillating, not to stop frightening or thrilling the American public, but to examine what together you might do to simply face the reality that so many of our young people live with, and help us as we seek to rebuild the frayed bonds of this community; as we seek to give children nonviolent ways to resolve their own frustrations; as we seek to restore some structure and some hope and some essential dignity and purpose to lives that have been dominated by chaos of worse.

We must do this. Make no mistake about it. No society, no society can prosper allowing huge pockets of people to go on forever without the opportunity to work; allowing huge pockets of children to go on without the opportunity to get a decent education; allowing huge sections of cities to be no-man's lands, where the law of the automatic assault weapon controls. We cannot do well if we permit that to happen...

For 30 years the American family has been under assault. The assault attacked black families first because they were most vulnerable economically. The same thing is now happening to other families. More and more children are born out of wedlock. More and more children are being born without parents, more and more children being abandoned, more and more kids growing up in violent neighborhoods. The racial differences were largely determined first because of economic vulnerability. But now it is happening to everybody. So 30 years of family assault, 20 years where most working people had stagnant wages, 20 years of developing huge pockets where no one had a job. There have always been poor people in this country, but most of them have always been able to work. Twelve years in which we exploded public debt by consuming in the present instead of investing more in the future. These things happened over a long period of time.

And so I ask you, while you entertain the rest of us, let us together do something to rebuild the bonds of community; to restore the spirit of these children; to give people a chance to build whole lives around solid values so that they, too, will

have internal structures that will permit them the luxury of the diversion some of us call entertainment.

We must rebuild this country fundamentally. And we have to have the support of people who can shape our culture to do it. It is our job, and if we do it, we will be proud we did.

REMARKS TO PRESS POOL
The Blair House
December 8, 1993

Q Give us your reaction, sir, to the shootings on Long Island -- in the shootings.

THE PRESIDENT: First of all, it's a terrible human tragedy and my sympathies go out to all the families involved.

I will say, I think we have to note that the gun that was used contained, apparently, two 15-round clips that were expended while this man, in a manic state was walking down the subway isle. And one of the reasons we ought to pass the crime bill is that Senator Feinstein's amendment to limit assault weapons would make those 15-round clips illegal. They're not necessary for hunting or sports purposes, and it simply -- allows you to shoot and wound more people more quickly.

So, I hope that this will give some more impetus to the need to act urgently, to deal with the unnecessary problems of gun violence in the country.

The second thing I would say is that while no one believes that there is anything we can ever do to solve every problem of someone who snaps mentally and does something terrible like this, and we have to acknowledge that honestly, there are a lot of things that we're going to have to do in this country to get violence under control that relate to rebuilding our communities and healing across racial lines and economic lines. But we need to start with public safety. Put those 100,000 police officers on the street. Pass this ban on assault weapons and these multi-round clips. And let's get about the business of making the country safer.

Q-- requirement for licensing and testing to purchase a gun?

THE PRESIDENT: Well, that was recommended to me, as you know, by the Mayor-Elect of New York and the Mayor of Los Angeles, and I've asked the Attorney General to review it and make a recommendation to me on it. I think I should wait to hear from her on it. It is interesting that -- how we regularly have requirements, for example, for getting and driving cars that don't apply to the use of guns that -- when I was a boy and first started to hunt, you know, one of the first things I was told was you have to learn how to use a gun safely and responsibly. And it's something I think we ought to look at. But I want to ask the Attorney General for an opinion before I discuss it further.

REMARKS IN MEETING WITH MAYORS AND CHIEFS OF POLICE
The Indian Treaty Room
December 9, 1993

I believe that this nation is really prepared in a way that it has not been before, at least in my experience, to do something about violent crime; to do something about all of its causes; and to try to come together across the lines of region and party and the size of the units in which we live to deal with these things that are tearing the heart out of our country.

I think the rapid change of opinion and movement on the Brady Bill at the end of the last session is an example of that. I think the size of the margin by which Senator Feinstein's amendment was added to the crime bill in the Senate to ban 35 kinds of assault weapons was evidence of that. And so I think we are prepared to begin.

The first thing is that it is important that we get a good crime bill out early when the Congress comes back. And we'd like your help in defining what that is.

The Senate and the House versions are different. The most clearly manifest difference is that the Senate version has more money in it, and therefore would enable us to fund in this crime bill the full 100,000 extra police officers that I have supported since I began running for President.

As you point out in your report, it will take some time to train and deploy those people, but I know that it makes a difference. I think the margin of Mayor Lanier's reelection is evidence that people know that if you properly deploy trained personnel, not just -- it just doesn't serve to catch criminals quicker, but because of the relationships they develop in the community and their visibility, it actually reduces crime. I think there should be some alternative punishments for youthful offenders -- boot camps and perhaps other things. I think that is very important.

Beyond that, we ought to talk about what else we do and where we go. But I want to emphasize that this -- even with intense commitment in this city, you have to do the things that are before you. You have to get done what you can do at the moment, and then move on to what's next on the agenda. So I think it is imperative that we move on the crime bill and the 100,000 police officers in the street and the boot camps as soon as we can when the Congress comes back.

I also think we ought to recognize that we don't have all the money in world, and we don't want to spend a lot of money on things that will be of marginal significance. I was glad to see you advocating this paper. I've just been skimming it over -- that we ought to give attention to drug treatment as well as drug enforcement, that we needed to deal with supply and demand in an evenhanded way. We need some more investment to do that.

The last point I want to make is that this is the first step, but only the first step we have to take in restoring the conditions of civilized life to a lot of our cities. The reason a lot of these things are happening is that there has been a simultaneous decline of work, family and community -- the things that really organize life for all the rest of us. And we are going to have to rebuild them all.

And it is not going to happen overnight, because these deteriorations have happened over a period of decades. But people can sense whether you are going in the right direction or the wrong direction, and I think we have to work together to change the direction. I am confident that we can.

There are also maybe some things we can do administratively. And you have the people here who want to hear from you about that, and we want to go forward with that.

And finally I want to say that I think we ought to set up an ongoing relationship so that you can continue to work with us, get input and help us to work through some of the difficult decisions that are always required when you move from the level of speaking to doing. And so we would like very much to have some sort of ongoing mechanism that this administration can relate to from the membership of this group.

Lastly, let me say that I'm grateful for the participation here, not just of the mayors but of the several police chiefs. It's good to see all of you here. I think we can do something. I think the American people are tired of hurting, and tired of feeling insecure, and tired of the violence, and it makes such a huge gap between what we say, and what we do, and how we want to live and how we are forced to live. And it's affected now so many more people beyond the immediate victims of crime. It's changing everyone's life in ways that are quite destructive. We have to move. And I think we're prepared to move. And I think with this document you've given us a good basis to begin.

SATURDAY RADIO ADDRESS

The Oval Office
December 11, 1993

This morning I want to talk to you about crime and violence and what we can all do about it.

On Tuesday evening in Garden City, New York, a gunman shot and killed five rush hour commuters on the Long Island Railroad, and wounded 20 others.

On Thursday night in California, there was a memorial service for 12-year old Polly Klaas. She'd been kidnapped from her bedroom two months ago. Her little body was found last Saturday.

These tragedies are part of the epidemic of violence that has left Americans insecure on our streets, in our schools, even in our homes. The crime rate has hit every American community from our oldest cities to our smallest towns to our newest suburbs.

As a suburban California woman, the mother of a 10-year old girl, said a few days ago, "There's no safe place to go. There's no place that's safe."

If our nation is to find any meaning in these tragedies, we must join together to

end this epidemic of violent crime and restore the fabric of civilized life in every community. There is now some hope amidst the horror because decent people are fighting back against crime.

Just before Thanksgiving I signed the Brady Bill into law. It requires a five-day waiting period before anyone can purchase a handgun so there can be a check of someone's age, mental health and criminal record. The Brady bill became law because you, the American people, were stronger than the gun lobby.

On Thursday, together with Attorney General Janet Reno, FBI Director Louis Freeh and Drug Policy Coordinator Lee Brown, I met with mayors and police chiefs from 35 cities. They told me they need more police on the streets, a ban on assault weapons and action to keep drugs and guns away from vulnerable young people. And I intend to give the folks on the front lines the resources and the support they need to win the fight against crime.

I call upon Congress when they return in January to pass promptly a strong crime bill that will put 100,000 more police officers on the street, prohibit assault weapons and provide fundings for more boot camps for first-time offenders.

I want to put 100,000 new police officers on the streets of our communities so they can walk their beats and work with neighborhood people. Putting more police on the streets will do more to reduce crime than anything else we can do.

The ban on assault weapons and the restrictions on semi-automatics are important because they'll stop criminal gangs from being better armed than the police. And these restrictions would have prevented the gunman on the Long Island Railroad from having two 15-round clips of ammunition that enabled him to maim and kill so many people with such deadly speeds. Assault weapons and 15-round clips have nothing to do with hunting or sports. They just let criminals shoot people more quickly. A recent study in one of our major cities showed that the increasing death rate among young people hit with gunshots was due almost entirely to the fact that the weapons themselves were more likely to be semi-automatic and, therefore, more deadly.

Boot camps have been endorsed by every major law enforcement organization in America. They give first offenders a second chance to learn some discipline. And they open more space in the prisons for hardened, violent criminals.

Now that Congress is home for the holidays, tell your senators and representatives to pass a strong crime bill so your family can be safer. You know, the new year begins just three weeks from today. I'd like to suggest a new year's resolution for every senator and every representative: let's pass the crime bill as soon as you return.

There's so much more we're doing and more we need to do. Under the leadership of Dr. Lee Brown, our drug policy director and the father of community policing, we're strengthening enforcement and prevention. We're increasing the focus on hard core users who fuel the crime and violence and the tragic waste of human lives.

Next summer, in our National Service program, AmeriCorps, thousands of young people will help with community policing, escort older people and board up abandoned buildings so they can't be turned into crack houses. The young people in the Summer of Safety will be an inspiring example for Americans of all ages to work together to make our streets safer by acting on our finest values.

Let's face it -- drugs and guns and violence fill a vacuum where the values of civilized life used to be. Work and family and community are the principles, the institutions, upon which the great majority of Americans are building their lives. We need to restore them, and the sense of hope and discipline that will give every man and woman, every boy and girl the opportunity to become the people God intended them to be.

In recent weeks, I've spoken to leaders from the religious community and the entertainment community about the obligation we all share to fight violence with values. Last week I was proud to hear that the Inner City Broadcasting Corporation of New York, which owns five radio stations throughout the country, will no longer play songs that advocate violence or show contempt for women. And I understand that two stations in Los Angeles -- KACE, owned by former Green Bay Packer Willie Davis and KJLH, owned by Stevie Wonder -- have also adopted this policy.

Whether we're ministers or moviemakers, businesspeople or broadcasters, teachers or parents, we can all set our sons and daughters on a better path in life so they can learn and love and lead decent and productive lives.

In this holiday season, as we rejoice in the love of our families and hold our children a little closer, we should also strengthen the bonds of community. We can make our neighborhoods and our nations places of shared responsibility, not random violence. The tragedies of this week remind us that there is no place to hide. The lessons of our history remind us that Americans can accomplish anything when we work together for a common purpose.

As we begin this season of celebration and rededication, let's remember the words of Theodore Roosevelt, a great president who was once a police commissioner, too: "This country will not be a good place for any of us to live in, unless we make it a good place for all of us to live in."

REMARKS AT RECEPTION FOR SENATOR MOYNIHAN
The Waldorf Astoria Hotel
New York, New York
December 13, 1993

The economic opportunities that once beckoned people to our cities have long gone for many middle-class people who didn't have a lot of education. When you lose both family and work -- the two things that most of us organize our lives around -- you create a vacuum in any society. And, as with any other vacuum, nature abhors it; it will be filled. People cannot live in total chaos. Some alternative organizations will take root. And what has happened in our country is that in places which we have permitted to be without family and work, where the

community organizations have folded up tent and left behind them, where very often only the churches are there standing alone against the deluge, and the people in the social services overpowered, and the police outmanned, what happens is that gangs take root as a form of social organization and drugs take root not just as a form of self-destruction, but as an economic endeavor.

And then, as an enforcement mechanism, violence comes along in even greater amounts. And now, because we have permitted by a flight of -- in my view -- collective insanity, even teenagers to be better armed than police in most of our big cities, you see a dramatic increase just in the last decade in the death rate of young people who are shot. Why is that? Because they're more likely to be shot by assault weapons like the kind that was used on the Long Island Railroad a few days ago.

A study came out right after that horrible incident, chronicling one of our biggest cities in the Middle West, saying that 100 percent of the increase in the death rate from gunshot wounds among teenage boys was due to the use of assault weapons with rapid cartridges so they had more bullets in their bodies. it wasn't very complicated.

So I would argue to you we have, first of all, seen a vacuum develop. It happened over a generation and anybody that tells you it can be turned around with a lot of words or even good actions in a moment is wrong. There are good people out there now standing against the tide doing their best. I call to your attention the article on the cover of the New York Times Sunday Magazine yesterday about that brave policeman. If you haven't read it, you ought to go read it; talking about how one person still can make a difference in restoring some sanity and safety and reinforcing values in people's lives...

I don't want to get into a lot of programs tonight. We got the Brady Bill done. We've got the crime bill coming up. It really does make a difference how many police are on the street if they are well trained. We have to do more on the drug front. We have to deal with health care in part, because this crime and violence is a public health problem. But I don't want to talk so much about programs. It is just to ask you to leave here tonight, if you are really going to give your money to re-elect this man, which you must do because he is a national treasure -- you should leave here tonight determined to do what you can to create a political constituency to make it possible for him to make the ideas that have been popping in his mind for a generation real in the lives of our people.

In other words, what I'm asking you to do tonight is you don't have to agree that whatever we decide to do on the assault weapons ban is right around the edges, or whatever. But you should leave here tonight far more intolerant than you came here of some of the conditions which obtain in this country. Last winter Senator Moynihan wrote, and I quote, "We have been redefining deviancy so as to exempt much conduct previously stigmatized." We have been, quote, to use his phrase -- "defining deviancy down" below the threshold of acceptability. Then he said in more blunt language, "We're getting used to a lot of behavior that is not good for us."

Why aren't we free enough to know that we have got to invest in policies that will

promote work over welfare and family over solitude, and community over division? We know better than this. And we have just become so callous because basically, this country has worked pretty well for the rest of us. But I'm telling you, it's coming back on the rest of us.

REMARKS IN CONFERENCE CALL WITH MAYORS

The Oval Office
December 20, 1993

Today I'm proud to announce that the six of you on this phone, along with the leaders of 68 other cities and towns all across the country, will receive the first grants to put more police on the street and expand community policing.

The Justice Department received applications from more than 1,000 communities across our nation, and the proposals we got for community policing from your police departments were truly outstanding. I know these grants are simply a down payment on our pledge to put 100,000 new police officers on the streets. It's just the beginning. As soon as Congress comes back in 1994 I want them to send me a crime bill that finishes that job and puts 100,000 more police on the street, expands boot camps and drug courts like the one the Attorney General started in Miami, gets handguns out of the hands of minors, and bans assault weapons.

Earlier this month, as all of you know, I signed the Brady Bill which broke seven years of gridlock on this issue. And we just can't afford to wait any longer for the crime bill. In the meanwhile I'm excited about what you're doing because we know community policing works. It worked for our Drug Director, Lee Brown, in Houston and New York, and it's working all across the country.

So I want to just thank all of you very much and say that I wish I could be there with you today. I wish I could see your police officers, and I hope you'll tell them all that help is on the way and we'll do our best to be there for you, to be good partners with you. And I know I'm speaking for the Vice President, the Attorney General and Lee Brown in saying we'll stay after this until the job is done.

BILL SIGNING OF THE NATIONAL CHILD PROTECTION ACT

White House
Washington, DC
December 20, 1993

The holiday season is a time for sharing the warmth of human contact with families and friends, and making this a joyous and safe time for children everywhere is important. That makes this legislation, the National Child Protection Act, especially significant. With it we can give a great gift -- a much improved system for protecting our children from being abused or harmed by those to whom we have entrusted them. Not unlike the Brady bill, this law creates a national data base network. This one can be used by any childcare provider in America to conduct a background check to determine if a job applicant can be trusted with our children and, if not, to prevent that person from ever working with children. For the first time, we'll have a system in place to protect the many millions of American children who receive care and supervision in formal day care

and in other settings from other organizations. This law will give us the tools we need to safeguard children from those who have perpetrated crimes of child abuse or sex abuse or drug use or those who've convicted of felonies. It's very important that we give working parents peace of mind about childcare. The majority of mothers with young children now work outside the home. Six million children are placed in formal day care settings every day. Balancing work and family is hard, and parents are worried about their personal security and the security of their children in an increasingly violent world. Like the Brady bill and the Crime bill, which I hope and believe will pass soon, this act will help us to take our streets, our neighborhoods, the institutions we rely on back for American values and American children. There's nothing more important that our government could be doing now.

SATURDAY RADIO ADDRESS January 1, 1994

After seven years of gridlock, Washington finally awoke to the growing fear of violence on our streets, when Congress passed and I signed the Brady Bill. All over America, beyond Washington, people are beginning to take more responsibility for themselves, for their children, and for their communities, working to save jobs, improve schools, and make our streets safer. In 1994, we must resolve to do even more to help the middle class with more jobs and with income growth, to help the poor who are trapped in whole neighborhoods where there's no work, few stable families, and where violence is the norm. There's still a great deal to do. So, in 1994, let us resolve to improve the health security, the personal security, and the job security of the American people who work hard and play by the rules. With all the changes sweeping our nation and the world, let us resolve to make these changes our friends and not our enemies. ...

I want Congress to pass the crime bill without delay. Our proposal will put 100,000 more police officers on the street, expand boot camps for young offenders, get handguns out of the hands of minors, ban assault weapons, and have stiffer sentences for violent repeat offenders.

In 1993, I met a lot of Americans who made a vivid impression on me and whose impression caused me to redouble my determination to face the problems which our country has too long ignored. I met a young man in California who changed schools to go to a safer school, but whose brother was shot standing in front of him in the safer school as they tried to register.

The stories of real people inspire the struggles and the efforts that drive my administration. We've got to keep working to rebuild the American economy, to revive the middle class life and middle class values in America, and to restore our sense of community. We have to recognize that all these problems are interrelated. You can't just solve one without the other. We have to remember that these problems developed over a long period of time; they can't be solved overnight. We have to remember that government can't do everything alone; everyone must play his or her part. But we must remember, too, that we can make a difference and we can do better.

U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR
WASHINGTON, D.C.

94 FEB 4 P8:08

MEMORANDUM FOR THE PRESIDENT

FROM: Labor Secretary Robert B. Reich *for*

SUBJECT: Additional Employment-Related Proposals to Incorporate
Into the Crime Bill

DATE: February 4, 1994

To fill out the suggestion for incorporating youth employment initiatives in the crime bill -- which Attorney General Reno, Secretary Cisneros, and I are forwarding to you -- I offer the following specific possibilities. Let me know which if any you'd like us to pursue.

- o Cops-on-the-beat could be used as intermediaries and mentors for disadvantaged youth who hope to connect with the labor market.
- o The Juvenile Drug Trafficking and Gang Prevention Grants program could be modified to specifically authorize funds for targeted community service employment projects and to include an educational and training component. These grants should be targeted to high-crime, high-poverty areas and linked to other employment programs.
- o The Boot Camps, Alternative Punishments for Young Nonviolent Offenders, Regional Prison Grants Program, and Grants for Community-based Violent Juvenile Facilities provisions could be amended to include an expansion of the Labor Department's Federal Bonding Program. Ex-offenders and other high-risk job applicants often fail to obtain positions because their criminal backgrounds prevent them from receiving commercial bonding. The Federal Bonding Program provides fidelity bonding insurance coverage to this group. The program has proven successful; the average default rate is only 2 percent. Any expansion in the program would have to be done carefully so that the default rate would remain low.
- o Grants for Community-Based Violent Juvenile Facilities could be extended in part depending on whether proposals include successful education and job training components such as the Job Corps, as well as comprehensive aftercare and job placement services that facilitate the transition of juveniles back to their communities.

CRIME
0525

- o Similarly, the selection of sites under the Regional Prison Grants Program could depend in part on whether the installation proposes to use a portion of its facility for alternative education and job training programs with demonstrated effectiveness.

The Labor Department is continuing to analyze the crime bill for other areas where employment-related provisions could be incorporated.

file *Bruce*
Cornel Violence



CONFIDENTIAL: Please review prior to the 3 p.m. meeting today.

TO: Distribution List
FROM: Carol H. Rasco
SUBJ: Violence
DATE: December 2, 1993

Attached are two memos given to me by Bruce Reed last evening. The first one by Bruce and Jose Cerda brings you up to date on the potential crime bill conference issues. As you can tell from this memo, we are not ready to have a discussion with the Attorney General today on the administration position for conferencing the crime bill; further research is needed as the information becomes available to us for review. Bruce and Jose are working with OMB and the Justice Department in this ongoing review.

The second memo is about the violence/media issues in relation to the President's trip to California this weekend which is the topic I understand we now want to cover with the Attorney General this afternoon. The attachment to this memo as noted by Bruce is from the report the interagency group will be submitting toward the end of the month.

As far as the relationship of today's meeting to the broader crime/violence/personal safety/family values/etc. issues and potential initiative(s): At the meeting recently called and held by Roy Neel in the Roosevelt Room, DPC staff presented a set of talking points/principles for this multi-faceted agenda as well as an outline for a series of events. As the DPC staff and I understood the conclusion of that meeting, a smaller group called by Roy would begin the process of scheduling those events which would finalize the decision as to a "summit" or variation on the summit idea. None of us have been called to further meetings on the matter so we are somewhat in limbo as to what is next expected. If we need to present a new scenario, then we need to know. This broader initiative is NOT an appropriate topic for the 3 p.m. meeting today, however. We need to get the matter resolved in-house to the White House first as to direction, etc. I would recommend we discuss it fully at the 8:45 a.m. meeting on Friday morning if possible.

In regard to the very brief agenda I have attached for this afternoon's 3 p.m. meeting I should add that I have had a call from Peter Edelman who was also backed by a "I prefer to remain anonymous Justice Official" with the message that both HHS (due to Shalala's and Elders' comments to date on TV violence) and Justice support the White House leading a group to oversee the negotiations with the networks/other media on the violence issues. Justice official does not want AG to know that sentiment was expressed.

Distribution list:

McLarty
Gergen
Stephanopoulos
Gearan
Reed
Cook

Media/violence issues
3 p.m. McLarty's office

Attending:
McLarty
Gergen
Stephanopoulos
Gearan
Rasco
Reed
Cook

*Reno: Single contact for Crime Bill
Network-by-network
Stress positives
Reno be bad guy, BC be good guy
Talk in terms of Brady - we can change
Canadian code*

Attorney General Reno *David - networks*
Heymann, Justice Dept. *Carol - working group*
Acheson, Justice Dept. *GS/BR - crime bill*

*Reich - work w 15-30 yr-old blacks
Webb will coordinate Crime Bill*

Purposes of meeting:

1. Review any negotiations to date between White House and any media as well as between Justice and media on violence issues.
2. Formalize a structure with a White House head through which all these discussions will pass.

AGENDA

30 minutes maximum for the meeting

Opening: McLarty

The purpose of the meeting is to pull together our collective knowledge on administration contacts and/or actual negotiations with various media on the issue of violence and violence reduction as well as fixing a coordinating structure for future negotiations. Call on Gergen for update from White House and Attorney General for update from Justice; Bruce Reed is following this issue and may have points to add.

Gergen, others from White House?
Attorney General

Coordinating body: McLarty

Depending on what is learned from the preceeding conversation, a group with

(a) White House representation (Gergen? Reed? others?),

(b) Justice representation,

(c) as well as perhaps representation from HHS and/or Education (since those Departments have the other two co-chairs of the Interagency Violence Working Group currently finalizing their recommendations for presentation; the working group does have a media subgroup)

should be formulated to coordinate on the Administration's work/negotiations with the media on violence issues.

With the formation of this working group, the meeting is adjourned.

THE WHITE HOUSE

WASHINGTON

December 1, 1993

MEMORANDUM FOR CAROL RASCO

FROM: BRUCE REED
JOSE CERDA III

SUBJECT: CRIME BILL CONFERENCE

While the details of the final crime bill that passed the Senate have not yet been fully analyzed by DPC, OMB or Justice, we would like to make preliminary recommendations on how we should approach the crime bill conference and the FY 95 budget process.

1. We should push for immediate action as soon as Congress returns. Not everyone will want immediate action on the crime bill. But for our purposes, delay means that our important new crime programs will not be authorized -- and not appropriated in the FY 95 budget process. The President should make clear that he wants the bill on his desk by March 1st.
2. We should insist on the Senate's comprehensive approach to crime legislation. Some members of the House (i.e., Don Edwards, Craig Washington, John Conyers) will continue to push for the House's approach of passing a series of crime prevention grant programs. This is unacceptable from the Administration's perspective. Since the campaign, the President has supported a comprehensive and balanced crime bill. We may not support every detail in the crime bill, but it does include a mix of programs and penalties that the President has previously endorsed -- more cops, boot camps and drug courts; reasonable gun controls; and, where appropriate, increased penalties, including the death penalty. Decoupling these items sends the signal that the President is backing away from his support for a tough crime bill -- and it will give the Senate, House Republicans and moderate House Democrats ammunition to embarrass the Administration on crime.
3. We should support the creation of the Violent Crime Reduction Trust Fund. One way or another, Congress is sure to codify the President's federal employee reduction and spend the money. By supporting the fund, we can at least guarantee that this money is spent on our priority crime programs that have been otherwise underfunded.

Additionally, the authorization levels in the crime bill do not comport with the spending levels in the Violent Crime Reduction Trust Fund. That is to say, the Fund is smallest in the first year and grows to more than \$8 billion by the fifth year. On the other hand, crime bill authorizations are greatest in the first year and shrink by the fifth year.

Thus, the Fund itself actually gives the Administration some flexibility in deciding what authorizations are funded as well as when they are funded.

4. Only the President's priorities should be fully funded: more cops, more boot camps, more drug courts, Safe Schools, and some money for the Police Corps and a criminal aliens initiative. We should pursue full funding for the President's stated priorities. They are:

Community Policing: The Senate bill authorizes a total of \$8.995 billion over the next five years to hire 100,000 new police officers and expand community policing. A separate House bill authorizes the \$3.45 billion originally proposed by the Administration. The President has stated repeatedly that he wants to keep his pledge of 100,000 cops. We should insist on the Senate provision, and fully fund it.

Boot Camps: The House passed a \$200 million boot camps bill, while the Senate increased funding for boot camps to \$3 billion and allowed the money to be used for state prisons for violent offenders. We should support the Senate version of this bill, which gives us more flexibility, and expect conferees to reach agreement in the \$2-3 billion range. This is another signature Clinton idea, and one of the most popular provisions in the crime bill. Having some money to give to the states for prisons in this account will help us fend off charges in the future for not increasing federal prison construction.

Drug Courts: The Senate bill authorizes a combined total of \$1.2 billion for "Drug Court" programs consisting of three components, over which the Attorney General has coordinating authority: grants for drug testing of state prisoners (\$300 million); grants for drug treatment in state prisons (\$300 million); and grants for "Certainty of Punishment" programs -- including boot camps -- that allow us to intervene earlier with alternative forms of punishment for young offenders (ages 18-22). The House passed these provisions separately at the same funding levels. Again, we should fund these provisions to the maximum extent possible, spreading the funding out if necessary. These funds will provide important increases that support the drug strategy to be released with the budget in February.

Safe Schools: We should work to make sure that the Administration's \$300 million Safe Schools proposal is the one adopted in conference. This would allow us to keep the money at the Department of Education, which we prefer, but still spend the money out of the Fund.

Police Corps: The Senate passed the Police Corps at an authorization of \$450 million. The House did not pass it. We would support including the Police Corps and funding it with at least \$25 million a year -- the same amount incorporated in last year's budget. The President has already signed off on preserving the Police Corps, but at lower funding levels than the hundreds of millions authorized in the Senate bill.

Criminal Aliens: Language allowing the AG to spend money on criminal alien initiatives was included in the crime bill, and we should use whatever money is left for this purpose. We would defer to you and Donsia on what resources are required here.

5. We should seek to reduce or delay spending on programs that are not high Presidential priorities, but we do not think it realistic to expect the conferees to go along. Here are our recommendations on how to handle these items.

Regional Prisons -- The Senate crime bill includes \$3 billion for 10 regional prisons, a proposal that passed as part of last Congress' crime bill. We have several problems with this program. First, most states aren't likely to send their prisoners to these Federally-run facilities. To be eligible, states would have to ensure that offenders were on average serving 85% of their sentence -- but the current average for states is 37%. Second, the Justice Department would be stuck with the future operating costs for these prisons. Justice is already having a problem finding the money to staff and operate the 26 federal prisons scheduled to come on line in the next 2 years.

There is little chance of striking this provision from the bill, especially if we intend to get any Republican support. House Democrats may try, but this is the most important provision in the bill to Republicans.

In the short term, we can put off funding regional prisons by pointing to the monies we will allocate to boot camps and state prisons for violent offenders. In the federal system, we can point to the 26 prisons due to come on line. And over the long term, we may not have to build all 10 regional prisons if the states balk as expected.

Violence Against Women Act -- The Senate crime bill includes approximately \$1.8 billion in authorizations for the Violence Against Women Act, which the President supports and vowed to sign during the campaign. The House has passed this legislation as a separate bill. We suggest perhaps reducing some of the funding or putting it off until the Fund grows a year or two down the line.

Other Authorizations -- Other large spending increases that we cannot commit to, at least not in the first year, include: \$500 million for facilities to detain violent youth; \$100 million for anti-gang programs; and \$250 million for rural law enforcement efforts; and the many other smaller amounts authorized. A list of all the authorizations is attached.

6. We should push hard to keep the assault weapons ban in the bill. Chairman Brooks may insist on dropping the assault weapons ban to get a crime bill, but the President should continue to speak out to keep it in. Sooner or later we'll get an assault weapons ban, and in the meantime we should hold Republicans feet to the fire.

7. Aside from the death penalty, where the President is already on record, avoid making the more controversial elements of the crime bill a point of public focus. Justice, OMB and DPC need to go through the details of the crime bill and recommend positions on some of the more controversial elements of the crime bill that have gotten considerable play in the press. But we shouldn't waste any political capital or shine any public light on these provisions -- no matter what our position is.

There are several reasons for this. First and foremost, whether they are enacted or dropped, most of these provisions will have little impact. Adding or not adding 12 new minimums to the federal books is not likely to have much impact. (Especially since the AG recently changed Justice's prosecution guidelines to give its attorneys the discretion they need to avoid unnecessary mandatory sentences.) Second, the House -- and Senator Biden -- are likely to push for the most egregious provisions in the crime bill to be dropped in conference anyway (e.g., the three-time loser amendment, federalizing most gun crimes, etc.). And third, the American public is tired of seeing liberals and conservatives die on their swords for provisions that won't make their communities any safer. The President has succeed in communicating a popular anti-crime message that rejects the false choice between punishment and prevention. There is no reason for us to engage the Administration in Washington's left-right crime debate. It is a dead end.

December 1, 1993

MEMORANDUM FOR CAROL RASCO

FROM: BRUCE REED

SUBJECT: PRESIDENT'S TRIP TO HOLLYWOOD; TV VIOLENCE

I have been working with Carolyn Curiel on the substance of the President's speech to the entertainment industry. She expects to have a draft ready tomorrow afternoon. It won't break much policy ground, but it will include a direct challenge to Hollywood to take responsibility and work with us to be part of the solution to crime and violence. It will not include the threat of censorship if they don't.

So far as I can determine, Justice is not preparing to move forward on any legislation about TV violence (although you never know). The Attorney General testified in favor of legislation to limit violence during certain programming hours. But the White House Counsel's office told me there are unresolved constitutional questions about these approaches, including a recent circuit court decision striking down an FCC rule against adult programming during daytime hours.

In any event, the industry has volunteered and is eager to work with the Administration to play a positive role in speaking out against violence. We'll get more and better things done more quickly by pushing them to take responsibility than by fighting this in the courts.

The industry is thinking big. According to Jay Kriegel of CBS, the four major networks have reached tentative agreement to air a dramatic anti-violence program in a prime time "roadblock" (all four networks at once) early next year. They have not yet been able to agree on the content of the program, or the date it will air (could be February, could be June). They are also planning a far-reaching national campaign to accompany the program, including a national teach-in the day after it airs (with 2 million companion workbooks distributed to schoolkids) and a coordinated effort by churches nationwide to make violence the subject of services the following Sunday. They also envision launching national efforts with major sports figures, the legal profession, doctors, etc. This doesn't even count what individual networks will do to piggyback on the roadblock program -- it will be a kind of violence sweeps week. If nothing else, Americans may decide to give up crime and violent behavior because they'll be so sick of hearing about it on TV.

Kriegel will fax us a memo on Thursday which details the networks' plans. I'll get you a copy. He recommends that we challenge the industry to work with us, and then bring industry leaders to the White House for an event as soon as they've agreed on something.

I've attached the draft recommendations on violence and the media from the interagency group, but there's nothing the President can use. The bully pulpit will have to do.

adopted limits on the amount of commercials aired in connection with children's programming on either broadcast stations or cable television systems, and has directed the FCC to review television station license renewal applications to determine whether the licensee has aired programs addressing the informational and educational needs of children.

While the FCC regulates some aspects of the cable industry, cable systems, unlike broadcast stations, are not licensed by the FCC. Instead, cable systems are franchised by state and local authorities, and these authorities and the FCC share regulatory authority. The courts are only beginning to address the extent of the government's authority to regulate cable programming. Some courts have indicated, however, that cable can be considered less "pervasive" than broadcast television, in that receiving cable requires the affirmative act of subscribing to cable, and because "lock boxes" provide a greater degree of parental control over what cable programming is available in the home.

Pending Regulatory Proposals

On March 25, 1993, the Foundation to Improve Television petitioned the Commission to develop rules to curb excessive amounts of dramatized TV violence in order to alleviate its harmful effects on children. The proposal included restrictions on such programming between the hours of 6 a.m. and 10 p.m. The FCC has not yet acted on the petition.



LEGISLATION

Past

Congress has been holding hearings and expressing concern about the effects of television violence since the early 1950s, but has been hesitant to seriously consider further action until recently. The 1990 Television Violence Act gave the networks an anti-trust exemption permitting them to formulate a joint policy on television violence.

Pending Legislative Proposals

In the most recent Congress, several bills addressing television violence have been introduced:

- S.1383, the "Children's Protection for Violent Programming Act" (Hollings and Inouye), would limit violent video programming to hours when children "are reasonably likely to comprise a substantial part of the audience." Premium and pay-per-view cable broadcasts would be exempt, as would news, documentaries, educational shows and sporting events. The FCC would define "violent video programming" and select the hours when it would be prohibited.

- S.943, the "Children's Television Violence Protection Act" (Durenberger), would require broadcasters to air warnings to accompany program showing violence or "unsafe gun practices." Warnings would not be required between 11:00 p.m. and 6:00 a.m., and the FCC could exempt news broadcasts, sporting events, educational programming and documentaries. The bill defines violence as "any action that has as an element the use or threatened use of physical force against the person of another, or against one's self, with intent to cause bodily harm to such person or one's self."
- S.973 and H.R. 2519, the "Television Violence Report Card Act" (Senate -- Dorgan and Conrad, House -- Durbin), directs the FCC to evaluate and rate TV programs "with respect to the amount of violence contained in these programs" and publish these ratings.
- S.1556 (Levin) would require stations to keep copies of commercials for 30 days and provide them to the public upon request. If a complaint were received, the commercial would be kept for a year. A log of complaints would have to be kept and made available to the public on request.
- H.R. 2837, the "Television and Radio Program Violence Reduction Act" (Bryant), would require the FCC to prescribe standards requiring broadcasters to "reduce the broadcasting of all video and audio programming which contains violence." The FCC could exempt news broadcasts, sporting events, educational programming and documentaries. "Violence" would be defined as per S. 943.
- H.R. 2888, the "Television Violence Reduction Through Parental Empowerment Act" (Markey, Dingell, Fields, Margolies-Mezvinsky, Oxley, Slattery, Hastert, Cooper, Gillmor, Synar, Shepherd, Glickman, Schenk, Towns), would require that domestic and imported television sets be equipped with devices -- nicknamed "V Chips" -- which would permit viewers to block (1) any selected channel, program, time slot or (2) "all programs with a common rating."
- H.R. 2756, the "Parents Television Empowerment Act of 1993" (Kennedy), would require the FCC to establish a toll-free number for collecting public comments, suggestions and complaints concerning programs violent programming. The FCC would publish a quarterly summary of these complaints. In its annual report to Congress, the FCC would have to evaluate whether the broadcasting industry had effectively responded to the complaints.
- H.R. 2609, "The Presidential Commission on TV Violence and Children Act" (Schumer and Roukema), would establish a Presidential Commission on TV Violence and Children chaired by the Surgeon General

November 12, 1993

and the Attorney General. The Commission's final report would be due one year after its formation.

Note: Attorney General Reno has testified that S.1383, S.943 and S.973 are all constitutionally sound.

RECOMMENDATIONS

The government together with the major media has played an important role in successfully combating many social problems. A few decades ago, the stars of movies, television, and music were frequently seen with a cigarette in one hand and a martini in the other. The media, spurred on by federal legislation, played an important role in public education campaigns to address tobacco and alcohol over-consumption problems. Cigarette advertisements were banned in 196X, and alcohol advertisements face several restrictions, but much of the shift in norms was voluntary on the part of the movie and television industries. Government's role was to sound the alarm to the health risks and make speeches requesting greater media responsibility.

Today, a similar effort offers enormous potential for government and the media to play a cooperative role in changing social norms and behaviors to lessen the harm of violence in America. In the past decade the media have worked effectively with government agencies to address drug abuse, drunk driving, teen pregnancy, and to spread the word about the danger presented by HIV/AIDS. These themes have been presented in public service announcements, woven into story-lines for drama and comedy programs, featured in movies, and presented in news features and news specials.

In recent months, representatives of media corporations tell us, partly in response to the attention Congress and this administration have placed on the subject, violence will be the next major topic for their social issue messages. One of this administration's the objectives should be to find ways to turn these promises into commitments.

However, a full scale anti-violence campaign by the major media will have little effect if it is overwhelmed by continued repetition of messages that present violence as a solution to life's problems, or a means to financial or sexual reward. This administration's pronouncements and policies must seek progress in reaching both goals; reducing the level of harm caused by violent images in the media, and working with the media to address the problem constructively.

Four Strategies

Several committees in the Senate and House have looked into these issues. Several bills have been drafted, and a great many more proposals have been discussed on

the hill, in the press, in academia, or in the executive branch. In the recommendations section we present all of these options and discuss the relative merits of each. To give some structure to this discussion we have delineated the following four strategies:

- 1) Limit the supply of violent images that reach young people including actions by government, the media, parents or others to change media content or children's access to it.
- 2) Limit the demand for violent images by young people by providing better alternatives including social, athletic, and cultural activities as well as efforts to support good non-violent programming.
- 3) Limit the harm of media violence by fortifying young people's ability to view television in context including media literacy curricula in the schools and encouragement for parents to take an active role in providing context in the home.
- 4) Encouraging and supporting the media's efforts to take positive action possibly including help in identifying target populations who are most at risk and the messages that will have the greatest impact.

A Bias for Private Responsibility

Within each of these strategies, the administration can choose the level of activism in defining the government's role. This can range from the most active, proposing legislation or regulation, to the least active, making speeches encouraging the media to take responsibility for the problem.

The Attorney General has stated a preference for a less active role for the government if the industry will take effective measures. The more than implied threat was that the government would take on an active role if the media failed to present their plan.

Four Strategies

- 1) Limit the supply of violent images that reach young people. This could include:
 - a) Government restrictions on the types of programming that could be broadcast at certain times. DOJ has stated "safe haven" guidelines may not violate the 1st Amendment. The industry disagrees.
 - b) Efforts to give greater information to viewers and parents to help them make better choices. These include ratings of the violence in the media by the industry, by panels of viewers, by experts, or by the government. This relies on parental action that cannot be assumed in all families.
 - c) Technological aids such as a V-chip that would give parents the ability to screen out either specific programs or all programs designated as violent by a government or an industry rater. The industry has great 1st Amendment concerns here as well.
- 2) Limit the demand for violent images by young people. This could include:
 - a) Better alternatives to the electronic "baby-sitter" including better childcare and afterschool programs.
 - b) Greater support for cultural diversity. Giving greater support to popular culture that expands beyond the corporate monopolies.
- 3) Limit the harm of media violence by fortifying young people's ability to view television in context. This could include:
 - a) Media literacy curriculum in the schools, preferably as part of a larger non-violence curriculum.
 - b) Media literacy assistance in the home, giving parents greater encouragement to be involved in their children's viewing, potentially involving the media in teaching critical viewing skills.
- 4) Encouraging and supporting the media's efforts to take positive action. This could include:
 - a) Greater recognition and support for efforts taken to date or in process.
 - b) Help in identifying target populations who are most at risk and the messages that will have the greatest impact. This could include PSAs, storyline treatments, and programs teaching alternative dispute resolution skills, firearm non-use, and good parenting skills.

THIS SECTION IS NOT YET WRITTEN

CRIME

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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

For Immediate Release
August 11, 1993

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BIDEN JOINS IN ANNOUNCING ANTI-CRIME PLAN

WASHINGTON, D.C. -- Senator Joseph R. Biden, Jr. (D-DE), Chairman of the Senate Judiciary Committee, today joined President Clinton, Attorney General Janet Reno, and law enforcement organizations from across the country in support of a comprehensive anti-crime plan.

The plan would add 100,000 new law enforcement officers, expand "community policing" programs, boost state and local law enforcement efforts, broaden the federal death penalty, limit death row inmate appeals, assist anti-crime/anti-drug efforts in schools, include the Brady bill and an assault weapons ban, and mandate state and local notification of the release of violent criminals under federal supervision.

"Last year Bill Clinton came to Delaware and promised to support a comprehensive crime bill, and today he is living up to that promise," said Biden. "For five years I have worked on passing a crime package tough enough to have a real impact, but the forces of gridlock blocked those efforts. The measure we are presenting today provides our law enforcement community with the tools it needs to get the criminals off the streets and into prison. I am pleased finally to be able to say the President and his Attorney General are strongly behind it."

Key elements of the plan include:

- o 100,000 new law enforcement officers, including a five-year community policing "cop on the beat" program to put 50,000 police officers on the street;
- o Programs to aid state and local law enforcement, to improve prison-based drug treatment capabilities, and to create boot camps for young, nonviolent offenders;
- o The death penalty for nearly 50 federal offenses, including murder of a law enforcement officer, drive-by shootings, and rapists who murder;
- o The Brady bill and an assault weapons ban, both of which have been independently introduced in the Senate;

- o New criminal offenses and enhanced penalties for violent crimes, gun crimes, and drug trafficking; and
- o \$100 million for grants to schools to develop anti-crime, anti-gang, and safety measures and to develop education and training programs for the prevention of crime, violence, and drug and alcohol abuse.

A key component of the anti-crime plan is the Biden federal habeas corpus reform package. The provision would, for the first time, limit prison inmates to a single federal habeas appeal and require that the petition be filed within a six month period. At the same time, it would assure all indigent capital defendants representation by counsel who meet specific, rigorous experience and qualifications standards. The measure will significantly promote finality of state sentences without compromising the fairness of the habeas review process.

Biden worked with district attorneys and state attorneys general from around the country, including Delaware Attorney General Charles M. Oberly III, to develop the habeas corpus reforms.

Senator Biden will introduce a comprehensive anti-crime bill in line with the plan announced today after the Senate returns in September.

###

PROPOSED BIDEN CRIME BILL – MAJOR PROVISIONS

COMMUNITY POLICING

Authorizes five-year, \$3.4 billion community policing "cop on the beat" program to put 50,000 police officers on the street – a key component of the President's "100,000 police" initiative. Authorizes \$100 million for college scholarships to students who commit to 4 years service as police officers; provides additional educational scholarships for in-service officers.

STATE & LOCAL LAW ENFORCEMENT

Authorizes \$2.5 billion for state and local law enforcement for FY 1994 – for policing, rural anti-crime and drug prevention efforts, juvenile justice, corrections, and drug treatment in the criminal justice system.

PRISONS AND BOOT CAMPS

Authorizes \$700 million for 10 regional prisons with drug treatment facilities for violent drug criminals and \$150 million for 10 military-style boot camp prisons for nonviolent offenders. Mandates that state and local law enforcement be notified of release of drug and violent criminals to federal supervision.

DRUG TESTING AND DRUG TREATMENT FOR OFFENDERS

Authorizes \$200 million for "Drug Court" programs that require drug testing, drug treatment and alternative punishments for young drug offenders; authorizes \$100 million for in-prison drug treatment programs; mandates drug testing of federal offenders on post-conviction release.

DEATH PENALTY

Provides the largest-ever expansion of federal death penalty to cover 47 offenses, including murder of a law enforcement officer, drive-by-shootings, and rapists who murder.

HABEAS CORPUS REFORM

Limits inmates to a single federal habeas corpus appeal, subject to a first-ever 6 month time limit. Provides indigent capital defendants with qualified counsel.

TERRORISM

Provides death penalty for terrorists and increases penalties for terrorist bombings. Provides Attorney General with special authority to develop terrorist informants, creates new penalties for providing material support to terrorists, and provides implementing legislation for aviation and maritime terrorism treaties.

SAFE SCHOOLS

Authorizes \$100 million for grants to schools to fund anticrime and safety measures and to develop education and training programs for the prevention of crime, violence and drug and alcohol abuse.

GANGS

Strengthens federal penalties for employing children to distribute drugs. Imposes additional penalties for crimes committed by gang members or on behalf of criminal street gangs. Authorizes \$100 million for youth gang enforcement and prevention grants.

INCREASED PENALTIES

Provides 56 new criminal offenses or penalty increases, covering violent crimes, drug trafficking and gun crimes. Enhances penalties for, among other crimes, the use of semiautomatics, gun possession by convicted criminals and drug dealing in "drug-free" zones.

VICTIMS OF CRIME

Permits victims to speak at the sentencing of their assailants. Prohibits diversion of victims' funds to other federal programs.

SEXUAL VIOLENCE AND CHILD ABUSE

Develops a national criminal background check system for child care providers – the "Oprah bill" – and imposes the death penalty for the fatal sexual exploitation of a child; requires convicted child sex offenders to register their addresses with state law enforcement agencies.

CRIME

THE CLINTON ADMINISTRATION PLAN TO EXPAND COMMUNITY POLICING AND REDUCE GUN VIOLENCE

It is time for America to make a serious commitment to community policing, to having people back on the beat, working the same neighborhoods, making relationships with people in ways that prevent crime How will the federal government provide 100,000 more police officers? First of all, by getting the crime bill passed.

Bill Clinton
Detroit, Michigan
October 17, 1992

The first duty of government is to keep its citizens safe. The Clinton Administration is offering a number of initiatives to prevent crime and reduce gun violence:

- * Expand community policing in cities and towns across America by putting up to 100,000 more officers on the streets.
- * Keep handguns out of the hands of criminals by passing the Brady Bill, which will require a five-day waiting period before purchasing a handgun, and taking other measures on assault weapons that will begin to end the arms race in our streets.
- * Provide community boot camps, which give young people discipline, training, and a better chance to avoid a life of crime, and provide criminal addicts with drug treatment.
- * Pass a crime bill that increases penalties for gun offenses, reforms habeas corpus procedures to raise counsel standards and limit appeals, and imposes federal death penalties for killing a federal law enforcement officer and other heinous crimes.

PUTTING 100,000 MORE OFFICERS ON THE STREET

A first step we can take to reduce crime in America is to put more police on the streets, walking the beat and working with neighbors as partners against crime. The Clinton Administration's anti-crime initiative will expand community policing throughout the nation. This innovative way of thinking about policing has already helped reduce crime in several communities across the country. From New York to St. Louis to Los Angeles, police departments are using this approach to put more police on the streets.

The Clinton Administration has launched a government-wide effort to put 100,000 more officers and public safety personnel on the street:

Supplemental Appropriations: Congress passed and the President signed into law on July 2 an FY93 supplemental appropriations bill that included \$150 million in community policing grants to hire and rehire police officers. This competitive grants program will become available to states and localities in early September, and will put more than 2,100 new police on the streets over the next three years.

Policing and Public Safety: The cornerstone of the President's community policing plan to put police on the street is the Policing and Public Safety program that will be part of this year's crime bill. An expansion of the Cop-on-the-Beat legislation introduced by Rep. Charles Schumer (D-NY), the Justice Department program will challenge communities to implement community policing by providing grants, training, and technical assistance for police officers. The program is authorized at \$3.4 billion over the next five years, which will help communities put up to 50,000 new officers on the street. The Administration will make full funding for this program a priority.

Police Corps: This four-year, \$100 million program will give college scholarships and police training to as many as 4-5,000 students who are willing to make a four-year commitment to serve their communities as police officers. As Governor of Arkansas, President Clinton instituted the nation's first state Police Corps program.

Safe Schools Initiative: Schools should be a safe haven for children, free of weapons, drugs, and crime. Education Secretary Richard Riley has introduced emergency Safe Schools legislation, based on a proposal by Rep. Schumer and others, that will enable local education authorities to hire security personnel and pay for police officers who include schools as part of their community policing "beat". The Administration's budget request includes \$475 million for Safe Schools over the next five years, which would fund up to 4,000 sworn and non-sworn officers.

Community Partnerships Against Crime: Some of the nation's worst pockets of crime are concentrated in neighborhoods with public housing. To help make public housing safer, Housing and Urban Development Secretary Cisneros is transforming his department's Drug Elimination Grant Program into a more effective program called Community Partnerships Against Crime (COMPAC). The Administration's budget request includes more than \$700 million over the next five years to put as many as 5,000 sworn and non-sworn officers to work in law enforcement, security, and community policing in public housing.

National Service: Up to one-quarter of the slots in the national service plan Congress is expected to put on the President's desk in September will be available for young people who choose to pay their country and their communities back through public safety and law enforcement. The program could put up to 25,000 young people to work as non-sworn personnel for local police departments, crime prevention groups and other public safety

efforts. The President hopes to put the first National Service participants to work by the summer of 1994.

Empowerment Zones and Enterprise Communities: The economic plan which the President signed into law August 10 will create jobs in depressed urban and rural areas around the country by targeting growth incentives and investments into nine Empowerment Zones and 100 Enterprise Communities. The Administration's budget request includes up to \$500 million for up to 6-7,000 officers to do community policing in these areas, because businesses can't create jobs where the streets are not safe. While the Empowerment Zone proposal passed as part of budget reconciliation, the Appropriations Committees have not approved the Administration's budget request.

Troops-to-Cops: As we downscale the military in the aftermath of the Cold War, we need to put our best trained, most talented men and women to work keeping America safe here at home. To help police departments tap into the pool of talented military personnel, Secretary of Labor Robert Reich will make as much as \$10 million from the Defense Diversification Program available to retrain up to 1,500 veterans who are leaving the military for jobs with state and local police departments.

Paying for Public Safety: Funding for these policing programs is included in the Administration's budget baseline for FY 1994-98. If additional funds are required for these and other Administration initiatives, the Administration will continue to pursue additional budget cuts, including ones the Administration sought but has not yet achieved in Congress this year. It is expected that Congressional leadership and the National Performance Review will identify additional savings. Community policing programs assume some state/local match.

REDUCING GUN VIOLENCE

The Clinton Administration is committed to passing the Brady Bill, and reducing the wave of gun violence that is plaguing America.

Brady Bill: This legislation -- named for former Reagan press secretary James Brady, and championed by his wife Sarah -- will impose a five-day waiting period for handgun purchases, and require background checks so that we can help keep handguns out of the hands of criminals. The Brady Bill passed both houses of Congress last session with bipartisan support.

Assault Weapons: Recent attacks on children at a swimming pool in Washington, D.C., and on a law firm in San Francisco have underscored the need for Congress to consider legislation addressing the sale and availability of semiautomatic assault weapons -- the guns of choice for drug- and gang-related crime.

Presidential Action: Today, the President will sign Presidential Memoranda to suspend the importation of assault pistols, which are not covered under the existing assault weapons import ban, and to toughen enforcement of compliance procedures in issuing federal firearms licenses to gun dealers.

COMMUNITY BOOT CAMPS FOR YOUNG OFFENDERS AND DRUG TREATMENT FOR CRIMINAL ADDICTS

In Arkansas, Governor Clinton pioneered the use of community boot camps, which provide young people the discipline, education, and training they need for a better chance to avoid a life of crime. The Administration will work with Congress to convert closed military bases and other appropriate facilities into a system of boot camps. Director of the Office of National Drug Control Policy Lee Brown and Attorney General Janet Reno will work to ensure that we use the criminal justice system to provide criminal addicts with drug treatment.

FEDERAL DEATH PENALTY

The Administration will ask Congress to pass crime legislation that provides the death penalty for nearly 50 offenses -- including killing a federal law enforcement officer and killing state officers in the course of cooperative investigations with federal agencies.

HABEAS CORPUS REFORM

Senator Biden has introduced breakthrough habeas reform legislation, with strong support from district attorneys, state attorneys general, and the Administration. The legislation will, for the first time, limit inmates to filing a single, federal habeas corpus appeal within a six-month time limit. At the same time, the legislation will also assure that all indigent capital defendants will be represented by counsel who meet specific, rigorous experience and qualification standards.

-- FOR INTERNAL USE ONLY --

**QUESTIONS AND ANSWERS ON CLINTON INITIATIVES
TO EXPAND COMMUNITY POLICING AND REDUCE GUN VIOLENCE**

Q. Why has it taken so long to announce a crime bill?

A. The Administration and the Congress have been focussing like a laser beam on the economy, and on passage of the President's economic plan last week. In the coming months, the President will continue to press for deficit reduction, but also for essential investments he promised the American people in his campaign last year. Today's event underscores his commitment to putting 100,000 officers on the street and fighting crime.

The centerpiece of this effort will be a community policing title in the House-Senate crime bill, which the House and Senate Judiciary Committees are preparing for introduction in September. The crime bill will be a modified version of last year's conference report, which died last fall under threat of Presidential veto.

Q. Will the House and Senate introduce the same bill?

A. We intend to work with the House and Senate through the month of August to resolve as many issues as possible and introduce largely similar bills by early September. Last week, Senator Biden introduced landmark habeas corpus reform legislation -- with strong support from district attorneys, state attorneys general, and the Administration -- that will, for the first time, limit inmates to filing a single, federal habeas corpus appeal within a six-month time limit, and assure that all indigent capital defendants will be represented by counsel who meet specific, rigorous experience and qualification standards. By reaching agreement on this issue, Senator Biden has removed one of the major stumbling blocks from last year's bill.

Q. Why hasn't the Administration introduced its own bill?

A. The President was supportive of last year's crime bill and wants to build on that proposal. Members of the House and Senate have worked hard during the past two congress to pass this sweeping crime legislation, and there's no reason not to pick-up where they left off. With a President who will fight to pass a crime bill, there's no reason not to break the gridlock that has surrounded the crime issue.

Q. What modifications to last year's bill is the Administration seeking?

A: First, the Administration wants to incorporate its program to increase police presence and expand community policing into the crime bill. We believe this must be a central element of any crime bill, and that's why we've expanded Rep. Schumer's Cop-on-the-Beat program to include the hiring and rehiring of law enforcement officers.

Second, the President has supported modifying last year's habeas provisions, and Senator Biden's recently introduced legislation represents an important step forward on habeas reform that should be included in the crime bill. Last year's habeas provisions were adamantly opposed by most district attorneys and state attorneys general; Senator Biden's revisions have their strong support as well as other improvements.

The Administration may also suggest other revisions. For instance, has expressed concern about the inclusion of new mandatory minimums into the crime bill. We will work with Chairmen Biden, Brooks and other Members of Congress to revisit this issues and others during the August recess.

Q. Will the Brady Bill be included in the crime bill?

A. Legislative strategy for this legislation will be set by the congressional sponsors and congressional leadership. The President strongly supports the Brady Bill, and is committed to passing it, either as part of the crime bill or on its own if necessary.

Q. Will a ban on assault weapons be included in the crime bills to be introduced this fall? And which assault weapon ban does the Administration support?

The President and Attorney General remain committed to passing the toughest assault weapons ban which Congress will give them. To this end, we support the efforts of all those in Congress -- particularly Senators Biden, Metzenbaum, Feinstein, and Rep. Schumer -- to pass a ban on assault weapons and look forward to working with them.

Q: How does the upcoming Biden-Brooks bill differ from last year's conference report? Aren't they essentially the same?

A: While many non-controversial provisions in last year's crime bill are likely to remain the same, there will be two important points of departure: (1) the inclusion of a bold, new community policing initiative to put up to 50,000 more police on the streets; and (2) Senator Biden's breakthrough habeas compromise.

Equally important, however, are the change in circumstances under which a crime bill is being considered. For the past two Congresses, the House and Senate have pursued different crime bills -- both of which were opposed by the President. Today, we are sending a very clear signal that Chairmen Biden and Brooks will introduce similar crime bills from the outset -- with the strong support of the President and Attorney General.

Q: How does your approach/plan differ from the Republicans' recently introduced crime bill?

A: There will be differences -- as well as similarities -- between our bill and that of the of the Republicans. But, as Senator Biden has stated, we want to try and work with our Republican colleagues, and it is our hope that they want to do the same. As a result of partisanship and politicking, important crime bills have failed repeatedly during the past few years. We can't afford for that to be the case anymore, and we hope that Republicans will work with us in passing a crime bill as soon as possible so that our effort to put more police on the streets will not be delayed.

Q: There have been press reports that the White House and the Attorney General have had disagreements on putting 100,000 cops on the street and on passing last year's crime bill. Is this true?

A: No. The White House and Justice Department have worked closely for several months now -- as well as with Chairmen Biden and Brooks -- to develop this crime initiative. Today's event shows that we all stand firmly behind this effort.

Q: Where are the early intervention programs to which Attorney General Reno often refers? They weren't in last year's crime bill -- will they be in the new version of last year's bill?

A: While the crime bill includes a series of important intervention strategies -- such as a major anti-gang initiative and a program to promote Certainty of Punishment when young offenders first encounter the criminal justice system -- the bill does not, by itself, address every facet of the crime problem. We make crime prevention a key component of most everything we do.

That's why the President has proposed initiatives such as Safe Schools, COMPAC and Empowerment Zones and Enterprise Communities, and called upon much of his cabinet to support anti-crime efforts. That's also why the President has proposed full funding for Head Start, reforming welfare and other important social investments that will increase opportunity for all Americans and help to reduce crime.

Q: What exactly do the gun-related Presidential directives do?

A: The Presidential directives signed by the President today guarantee that the Administration is doing all it can under the letter of law to stop the flow of assault weapons and prevent the arbitrary awarding of federal firearms licenses. We would like to do more in both of these areas, but we will need Congress' support to do that.

First, the Presidential directive regarding assault pistols closes the loophole in the current ban on the importation of assault weapons. Under the current ban, the "sporting purposes" test is used to ban cheap "Saturday Night Specials" and so-called assault rifles. Defined as pistols -- not rifles -- Assault pistols are required to meet the "sporting purposes" test designed to keep out cheap handguns, not assault weapons. Thus, despite their similarity to assault weapons, they are able to be imported.

By signing this directive, the President will be able to keep imported assault weapons off the street, but Congress must pass a ban on the domestic manufacture of assault weapons to truly reduce the availability of these weapons.

The second directive simply ensures that we are doing all we can under current law to make sure that federal firearms licenses (FFL) -- which waive certain provisions of law regarding the sale of firearms -- are being issued to legitimate gun dealers. Quite frankly, under previous administrations, FFL compliance was not a priority for the Treasury Department, and we want to reverse that policy. This administration wants to do all that it can to guarantee that federal firearms licenses are awarded to qualified applicants, and that licensees are complying with all the necessary requirements.

While this directive reverses the policies of previous administrations, it also does not fully reform federal firearms licensing procedures, and the Administration will be asking Congress to consider legislation to do more in this area.

Q. How are you going to pay for these initiatives?

A. Funding for these policing programs (see handout) is included in the President's budget baseline for FY94-98. If additional funds are necessary for these and other Administration initiatives, the Administration will continue to pursue additional budget cuts this fall, including those the Administration sought but has not yet achieved in Congress this year.

These include, for example, administration proposals not yet approved by Congress to cross-check veteran health claims against private health insurance policies (\$300 million savings over 5 years); impose general aviation fees, which passed the House but was dropped in the reconciliation conference (\$213 million savings over 5 years); and assess fees on state banks for inspections by the Federal Reserve (\$339 million savings over 5 years).

It is expected that additional savings will come through the National Performance Review.

THE WHITE HOUSE
WASHINGTON

9:30 AM

8/11

Remarks

DATE: 08/11/93

TO: DAVID GERGEN
GEORGE STEPHANOPOULOS
MARK GEARAN
HOWARD PASTER

FROM: JOHN D. PODESTA
Assistant to the President and
Staff Secretary

The attached has been forwarded
to the President.

FYI - Legis. Affrs. at Justice has
cleared these remarks.

DRAFT

**STATEMENT BY PRESIDENT CLINTON ON
ANNOUNCEMENT OF CRIME PLAN
August 11, 1993**

I am proud to stand with my friends Jack Brooks, Joe Biden and their colleagues, who have worked so hard on this issue for so long. I am also pleased to stand with representatives of the nation's leading prosecutorial groups, with whom we have worked to fashion our approach to crime. And it gives me particular pleasure to stand with some of the brave men [and women] who risk their lives every day for the greater good.

The first duty of government is to keep citizens safe. But today Americans are not safe. We no longer have the freedom from fear that is essential to security and prosperity.

The past four years have seen 90,000 murders. Last month, in our nation's capital, twenty four people were murdered in one week. When our children must pass through metal detectors to go to school, when our parents are imprisoned in their own apartments behind triple locked doors, when we cannot walk the streets of our own cities without fear, we have lost an essential element of our civilization.

It's time to put aside partisan bickering and put our best efforts to work on a crime plan for all our people. For too long, some politicians have treated crime with cynicism. It's time to get serious.

Today I am proud to stand with the chairs of the House and Senate Judiciary Committees and announce a sweeping federal plan to fight crime.

Our crime plan is tough. It is fair. It will put cops on the beat and criminals in jail. It expands the federal death penalty. It lets criminals know that if they are guilty, they will be punished. And it lets law abiding citizens know that we are working to give them the safety they deserve.

First, it addresses the most pressing need in the fight against crime: there simply aren't enough police on the beat. This plan is designed to keep the pledge that I made during the campaign to put 100,000 more cops on the beat. Thirty years ago, there were three cops for every violent crime. Today there are three violent crimes for every police officer.

Like so many of the best ideas, community policing has been spawned in the laboratories of experimentation in our states and cities. Then Commissioner Lee Brown, now my drug director, sent some 3000 additional police officers onto the streets of New York, launching community policing in every precinct. For the first time in 36 years, crime rates went down in every category. It has worked from Boston to Saint Louis to Los Angeles.

The crime bill that will be introduced next month will include \$3.4 billion to fund

up to 50,000 new police officers to walk the beat. And it will also create a Police Corps, which will give young people money for college, train them in community policing, and ask them to return to their communities to serve as police officers in return for their education.

This will add to the numerous community policing initiatives my administration has already undertaken. For example, earlier this year, I signed a jobs bill that will make \$150 million available right away to communities to hire or rehire police officers. And I'm happy to report that the Labor Department will allocate \$10 million to retrain newly discharged troops to become police officers. After defending our freedom abroad, they will now help to preserve it at home.

Second, we must end the insanity where it is often easier to buy -- or sell -- a handgun than to obtain a driver's license. The Brady Bill, which requires a waiting period before the purchase of a handgun, is common sense. As I have said before to Congress: pass the Brady bill, and I will sign it. We cannot let the pleadings of special interest groups, no matter how well organized, prevail over the national interest.

The effort to keep guns out of the hands of criminals cannot wait for legislation. Today I am signing two presidential directives that fight gun violence.

I am ordering that the rules governing gun dealers be reviewed to make sure that

only legitimate gun dealers are in the business of dealing guns.

And I am ordering the Treasury Department to take the necessary actions to suspend the importation of foreign-made assault pistols, such as the Uzi, which have become the weapons of choice for many gangs and drug dealers. Too many weapons of war are making their way onto our streets.

Let me also say that our effort against crime will not be complete if we do not ban assault weapons. No other nation would tolerate roving gangs, stalking the streets, better armed than the police. Neither should we.

Finally, if we are to take back our streets from the gangs and drug dealers, we must do what the previous administration could not do: enact a crime bill.

The legislation that will be introduced by Chairmen Biden and Brooks will build on an idea we pioneered in Arkansas -- community boot camps for young offenders. These boot camps will give young people the discipline, training, and treatment they need for a second chance at an honest life.

But when it comes to hardened, violent criminals, society has the right to impose the most severe penalty. As I said during the campaign and during my tenure as governor, I support the death penalty. This legislation will reform procedures by limiting

death row inmates to a single habeus corpus appeal within a six month time limit -- but also guaranteeing them a high standard of legal representation. And it will provide the death penalty for nearly 50 federal offenses -- including killing a federal law enforcement officer.

This is just the beginning of our administration-wide effort to restore the rule of law on our streets. To do this, we will work with thousands of law enforcement officials around the country, the men and women who risk their lives to protect their fellow citizens.

And we in Washington must work together, too. For too long, crime has been used to divide Americans. But crime isn't a symbol; it's all too real. I call on Democrats and Republicans, together, to work with us and the law enforcement community to craft the best response to crime.

Last week, we broke 12 years of gridlock in cutting spending and reducing the deficit. Now let us break gridlock again and pass our crime plan. It's time for Washington to stop talking tough about crime, and start taking tough action to fight it.

HANDGUN CONTROL

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

Crime Bill file
Richard M. Aborn
President

May 11, 1993

Mr. Mark D. Gearan
Deputy Chief of Staff
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mark:

I want to thank you and Mack McLarty for taking time out of your busy schedules last week to meet with us. We deeply appreciate the President's commitment to the Brady Bill and we look forward to further discussions on how best to ensure its swift passage. In the meantime, however, I want to pass along a package of proposed administrative actions for your consideration and review.

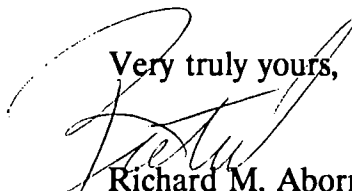
As the recent Waco tragedy makes clear, it is all too easy for average citizens to accumulate a deadly arsenal of guns and ammunition. Given the current state of our gun laws, Waco was a disaster waiting to happen. If such tragedies are to be averted in the future, we must act swiftly and decisively. Fortunately, as the attached memorandum makes clear, there is much that can be done under ATF's existing authority to better regulate assault weapons and the sale of firearms. And that extends to new regulations affecting the sale of replacement parts for machine guns.

The enclosed recommendations were drafted by our affiliate, the Center to Prevent Handgun Violence, of which I am also President and Sarah is also Chair. The Center, among other things, examines existing regulations that affect the distribution of guns and makes suggestions for alterations or additions where needed. The administrative changes we are suggesting would not eliminate the need for new legislation, but they would greatly strengthen existing efforts aimed at keeping guns out of the wrong hands. Taken as a whole, they would make a major contribution to reducing gun violence and preventing future standoffs with law enforcement.

If you are interested in pursuing this, we would welcome an opportunity to discuss these matters with you further.

It was a pleasure to meet you and I look forward to hearing from you on both the enclosed and on the Brady Bill.

Very truly yours,


Richard M. Aborn

EXECUTIVE SUMMARY

PROPOSALS FOR THE CLINTON ADMINISTRATION TO IMPLEMENT NEW GUN CONTROL INITIATIVES WITHOUT PASSING NEW LEGISLATION

The Bureau of Alcohol, Tobacco and Firearms (ATF) has existing regulatory and law enforcement authority which can be used to implement new gun control initiatives. The following proposals could, and should, be undertaken without seeking additional authority from Congress.

1. CRACK DOWN ON ASSAULT WEAPONS

- A. Severely restrict the domestic manufacture and sale of the "Streetsweeper" assault shotgun, and other non-sporting shotguns, under the National Firearms Act.
- B. Ban the importation of semiautomatic assault pistols such as the UZI, which were never affected by the Bush import ban on assault rifles.
- C. Plug loopholes in the current assault rifle and shotgun import ban by denying importation of military-style rifles with "thumbhole" stocks and pistol-grip shotguns like the SPAS-12.
- D. Enforce the 1990 ban on domestic assembly of assault rifles and shotguns using imported parts.
- E. Plug the loophole in the current machinegun ban which makes it easy for individuals to get "replacement parts" to illegally convert a semiautomatic assault weapon into a machinegun.
- F. Require manufacturers to include model information in production figures reported to ATF as a means of calculating production figures for semiautomatic assault weapons.

2. CRACK DOWN ON "KITCHEN TABLE" GUN DEALERS

- A. Revoke federal firearms licenses when a dealer does not open his/her store to the public as required.
- B. After granting a license, give local police the opportunity to tell ATF when a dealer does not open his/her store to the public as required.
- C. Require a "self-audit" from dealers, demonstrating that they have operated a bona fide gun business, as a requirement for license renewals.

3. CRACK DOWN ON GUN DEALERS WHO ARE FELONS

- A. Require fingerprint checks and photo IDs of applicants for dealer licenses to facilitate more extensive background checks.
- B. No longer permit licensees who have been convicted of felonies to retain their licenses during the appeals process.

4. PLACE SENSIBLE RESTRICTIONS ON DEALERS

- A. To more effectively combat interstate gun trafficking, require gun purchasers to produce more substantial proof of identity, including a photo ID, proof of residence in the state of purchase and a local telephone number.
- B. Require dealers to implement adequate security measures to deter gun theft.
- C. Require retail sales by licensees to be reported to manufacturers to facilitate faster and more accurate gun tracing.
- D. Enforce restrictions on dealers by temporarily suspending licenses when license revocation and/or criminal prosecution are not appropriate.

The Center to Prevent Handgun Violence is a 501(c)(3) advocacy organization, based in Washington, D.C., which develops and implements educational, legal action and research programs to serve the public nationwide. Handgun Control, Inc. is the lobbying affiliate of the Center.

**PROPOSALS FOR THE CLINTON ADMINISTRATION
TO IMPLEMENT NEW GUN CONTROL INITIATIVES
WITHOUT PASSING NEW LEGISLATION**

May 11, 1993

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PROPOSALS FOR THE CLINTON ADMINISTRATION TO IMPLEMENT NEW GUN CONTROL INITIATIVES WITHOUT PASSING NEW LEGISLATION

The Bureau of Alcohol, Tobacco and Firearms (ATF) has broad authority to issue regulations pursuant to 18 U.S.C. § 926(a). See NRA v. Brady, 914 F.2d 475 (4th Cir. 1990). During the 1980's, ATF used that authority from time to time. For example, ATF made firearms licenses valid for three years instead of one year by regulation in 1983 (T.D. ATF-138). In 1984, ATF permitted dealers to sell firearms at gun shows. (T.D. ATF-191). ATF should now strengthen the enforcement of federal firearms law by adopting new regulations and policies. The following proposals could, and should, be undertaken without seeking additional authority from Congress.

1. CRACK DOWN ON ASSAULT WEAPONS

A. Severely restrict the domestic manufacture and sale of the "Streetsweeper" assault shotgun, and other non-sporting shotguns, under the National Firearms Act.

The National Firearms Act, 26 U.S.C. § 5801, et seq., (hereinafter "NFA") was enacted in 1934 to place severe restrictions on "gangster" weapons such as machineguns, sawed-off rifles and shotguns, and silencers. In 1968, the Gun Control Act amended the NFA to cover other ultrahazardous weapons.

Among the weapons regulated by the NFA after 1968 are those defined as "a destructive device."

"The term 'destructive device' means...any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which the Secretary or his delegate finds is generally recognized as particularly suitable for sporting purposes."

26 U.S.C. § 5845(f)(2), emphasis added. (The Gun Control Act has a similar definition of "destructive device" in 18 U.S.C. § 921(a)(4)(B).)

The "Streetsweeper" is a revolving-cylinder shotgun which can fire twelve shotgun blasts in less than three seconds without reloading. According to ATF, David Koresh's arsenal included at least two Streetsweepers. Twelve-gauge shotguns like the Streetsweeper have a bore of .729 inches. Pursuant to the definition of "destructive

device" in the NFA, ATF must declare twelve-gauge shotguns which fail the sporting purposes test to be restricted by the NFA.

Because the Streetsweeper has already failed the sporting purposes test for purposes of importation under 18 U.S.C. § 925(d)(3), clearly it should also fail that test for the purposes of the NFA. The USAS-12 shotgun is also a twelve-gauge, and also failed the sporting purposes test for importation, Gilbert Equipment Company v. Higgins, 709 F.Supp. 1071 (S.D.Ala. 1989), aff'd without opinion, 894 F.2d 412 (11th Cir. 1990). Thus, it should also be restricted as a "destructive device" under the NFA.

In addition, ATF should declare that other military-style shotguns which have a pistol grip, like the Maverick Bullpup, are also non-sporting, and therefore, subject to NFA restrictions. The ATF working group report on imported assault rifles has already determined that a pistol grip on a rifle is one of the "physical features and characteristics designed for military applications which distinguishes it from traditional sporting rifles":

"The vast majority of military firearms employ a well-defined pistol grip that protrudes conspicuously beneath the action of the weapon. In most cases, the "straight line design" of the military weapon dictates a grip of this type so that the shooter can hold and fire the weapon. Further, a pistol grip can be a aid in one-handed firing of the weapon in a combat situation. Further, such grips were designed to assist in controlling machineguns during automatic fire. On the other hand, the vast majority of sporting firearms employ a more traditional pistol grip built into the wrist of the stock of the firearm since one-handed shooting is not usually employed in hunting or competitive target competitions."

Report and Recommendation of the ATF Working Group on the Importability of Certain Semiautomatic Rifles, July 7, 1989.

This is just as true for shotguns as it is for rifles. The serial murderer who recently terrorized the Mount Pleasant area of Washington, D.C., reportedly used a pistol grip shotgun. Clearly, this feature made it easy for the murderer to fire one-handed from his moving car.

If the Streetsweeper and other non-sporting shotguns are declared to be "destructive devices" under the NFA, all manufacturing and sales would have to stop until such manufacturers and dealers are licensed under the NFA (which is much tougher and more expensive than under the 1968 Gun Control Act). Current civilian owners could keep their guns, but any interstate transportation of these NFA weapons would require prior approval from ATF. In order to transfer such an NFA weapon, the transferee would have to undergo a full background check and pay a \$200 transfer tax. The transferor would have to register the weapon with ATF.

B. Ban the importation of semiautomatic assault pistols such as the UZI, which were never affected by the Bush import ban on assault rifles.

Section 922(l) of the Gun Control Act prohibits the importation of firearms, except as provided by Section 925(d), which sets out four exceptions to the general rule. The third of these exceptions, Section 925(d)(3), provides that a firearm shall be imported if it "is of a type that...is generally recognized as particularly suitable for or readily adaptable to sporting purposes...."

Following the massacre of schoolchildren with a semiautomatic AK-47 rifle in Stockton, California, ATF banned the importation of 43 types of semiautomatic assault rifles. In separate actions, ATF also banned the importation of two assault shotguns, the Streetsweeper and the USAS-12.

However, ATF has never banned the importation of assault pistols. While the Uzi carbine was banned, the Uzi pistol has continued to be imported into the United States. While the Heckler & Koch HK-94 rifle was banned, the nearly-identical pistol version of this firearm, called the SP-89, continues to be imported. While the Australian Automatic Arms SAR rifle was banned, the nearly-identical Australian Automatic Arms SAP pistol was not. While the Sterling Mark-6 assault carbine was banned, the Sterling Mark-7 assault pistol was not.

The current policy makes no sense. None of these assault pistols are used in hunting or organized target shooting. Clearly, they are not "suitable for or readily adaptable to sporting purposes." Their importation should be banned.

C. Plug loopholes in the current assault rifle and shotgun import ban by denying importation of rifles with "thumbhole" stocks and pistol-grip shotguns like the SPAS-12.

Despite the import ban on semiautomatic assault rifles and assault shotguns, several non-sporting long guns continue to be imported into the United States.

ATF is allowing the importation of semiautomatic assault rifles which have been altered to use a "thumb-hole" stock instead of a pistol grip. Many of these thumb-hole stocks are little more than pistol grips with a slim strip of wood connecting the grip and the stock. These thumb-hole stocks are no more "suitable for sporting purposes" than the pistol grips they replace. Like pistol grips, these thumb-hole stocks enable one-handed firing of the weapon in a combat situation.

Following the assault rifle import ban, quite a few assault rifles were altered to use a thumb-hole stock to circumvent the import ban, and were subsequently imported into the United States, including semiautomatic versions of the Uzi carbine, AK-47, Galil, FN-FAL, HK-91, and Daewoo K-1. These models should be banned from importation.

ATF has also failed to ban the importation of pistol-grip shotguns such as the Franchi SPAS-12, which are military/police weapons, totally unsuited for sport. (See above for discussion of pistol-grip shotguns.) According to Jane's Infantry Weapons, the SPAS-12 was specifically designed with special features for use as a riot gun rather than as a sporting shotgun, "since the requirements for a riot gun are rather different from those needed by a sports shooter." Jane's Infantry Weapons, 1992-93, (Jane's Information Group, Inc.)(1992) at 253.

D. Enforce the 1990 ban on domestic assembly of assault rifles and shotguns using imported parts.

Section 2204 of the Crime Control Act of 1990 made it unlawful for any person to assemble from imported parts any semiautomatic rifle or any shotgun which is identical to any rifle or shotgun which does not meet the "sporting purposes" test for importation. 18 U.S.C. § 922(r). In order to enforce this provision, in 1991 ATF published proposed regulations for public comment. 56 Fed. Reg. 411 (August 19, 1991). ATF's proposal would prohibit the domestic assembly of any nonsporting semiautomatic rifle or any nonsporting shotgun which would not qualify for importation as a sporting firearm under 18 U.S.C. § 925(d)(3) if two or more components required for the designed function of the weapon were imported. However, no final regulation has ever been issued. ATF should issue a final rule which is broader than the proposed rule and bans domestic assembly of any nonsporting rifle or shotgun using any imported parts.

E. Plug the loophole in the current machinegun ban which makes it easy for individuals to get "replacement parts" to illegally convert a semiautomatic assault weapon into a machinegun.

According to affidavits from ATF Special Agents, the Branch Davidian cult in Waco, Texas, illegally converted at least 100 semiautomatic assault weapons into machineguns. A loophole in current law made it easy.

It is illegal to sell or possess an unregistered machinegun. It is also illegal to sell or possess "any part designed and intended solely and exclusively...for use in converting a weapon into a machinegun." 18 U.S.C. § 922(o) and 26 U.S.C. § 5845(b). But it is not illegal to sell or possess replacement parts for a machinegun.

According to one ATF affidavit in the Waco case, upon investigating one of the companies which sold machinegun parts to Koresh, "the company maintained their inventory of these parts as 'replacement parts' so they fell easily within a loophole in the Federal law which prohibited ATF from seizing the parts. Special Agent Mutz stated that the company had all the necessary parts to convert AR-15 rifles and semi-automatic AK-47 rifles into machineguns if their customers had the upper and lower receivers for those firearms...." Koresh bought dozens of these upper and lower receivers from other gun companies.

Pursuant to § 926(a), ATF (through the Secretary of the Treasury) has authority to promulgate "such rules and regulations as are necessary to carry out the provisions" of the Gun Control Act. One of those provisions is a ban on possession and sale of machineguns made after May 19, 1986. 18 U.S.C. § 922(o). Machineguns lawfully possessed before that date must be registered and are taxed pursuant to the provisions of the NFA. 26 U.S.C. § 5801, et seq. ATF also has regulatory authority to carry out the terms of the NFA. 26 U.S.C. § 7805(a).

In furtherance of the statutory ban on new machineguns, ATF should issue a regulation providing that machinegun replacement parts may be sold only to buyers who have a NFA license to possess the machinegun for which the parts are intended. Such a regulation would ensure that replacement parts are not used to manufacture new machineguns in violation of the law.

F. Require manufacturers to include model information in production figures reported to ATF as a means of calculating production figures for semiautomatic assault weapons.

Under current law, manufacturers are required to maintain records of all firearms manufactured, including type, model, caliber or gauge and serial number. 27 C.F.R. § 178.123(a). ATF also requires manufacturers to prepare an annual report of firearms manufactured and to furnish it to ATF on Form 4483-A. This form requires a breakdown of guns by type, but not model.

Nothing in the current statutory scheme would bar ATF from also requiring reporting of the model of each gun produced. This would permit ATF to easily calculate the number of semi-automatic assault weapons being produced. Since ATF's 1989 decision to suspend the importation of semiautomatic assault weapons was premised upon their increasing use in criminal activity, there is a clear policy rationale for collecting domestic production information about assault weapons.

2. CRACK DOWN ON "KITCHEN TABLE" GUN DEALERS

Greater enforcement efforts should be directed at putting licensees out of business who are not conducting a bona fide business in guns. Of the current 286,000 licensees, approximately 15,000 operate storefront gun shops and approximately 5,000 operate retail gun sections in sporting goods or department stores. Automatic Record Checks of Firearm Purchasers: Issues and Options, Office of Technology Assessment at 14. Because a dealer's license is so easy to obtain, it is often exploited by individuals who want to avoid legal restrictions that apply to people not licensed to sell guns, e.g., to engage in interstate gun transactions with other licensees. For most licensees, the license does not act as a permit to "engage in the business" of selling firearms, as that phrase is defined in 18 U.S.C. § 921(21)(C), because they do not intend to engage in that business. In short, the easily-obtained dealer license operates as a massive loophole in federal law.

ATF is unable to police 286,000 licensed gun dealers effectively. During fiscal year 1990, ATF conducted 8,471 dealer compliance inspections, representing less than three percent of all licensed dealers. These inspections identified 7,477 violations. This number of violations is disturbing and suggests that the threat of ATF inspection and license revocation is not a credible deterrent.

A. Revoke federal firearms licenses when a dealer does not open his/her store to the public as required.

One way cut down the number of "kitchen table" dealers is to enforce the "business premise" requirement for a federal license, as set out in 18 U.S.C. § 923(d)(1)(E). According to ATF's interpretation of this requirement, upheld in NRA v. Brady, 914 F.2d 475 (4th Cir. 1990), licensees operating out of their homes must open that portion of their homes in which they do business to their clientele. In addition, ATF Form 7 requires a specification of the licensee's hours of operation.

It ought to be relatively easy to determine whether the licensee has lied about business hours on the federal form. Brief visits to the licensee's business address could be used to determine whether the licensee has a business premise open to his/her clientele during the business hours specified on the Form 7. If the licensee has misrepresented his/her business hours on Form 7, this would be grounds for revocation of his/her license. Because they involve no review of licensee records or inventory, the checks would not be subject to the licensee inspection restrictions in 18 U.S.C. § 923.

B. After granting a license, give local police the opportunity to tell ATF when a dealer does not open his/her store to the public as required.

ATF might not have enough manpower to perform thousands of spot checks on "kitchen table" dealers. But many local police agencies would be willing to help ATF with these spot checks, if given the opportunity.

ATF should coordinate a program to encourage spot checks. Lists of licensed dealers, and their required business hours, would be given to interested local police chiefs. An affidavit form would also be distributed. If local police find that a dealer is not open to the public during required business hours, police would fill out the affidavit and send it to ATF. This affidavit would initiate a license revocation proceeding.

C. Require a "self-audit" from dealers, demonstrating they are bona fide, as a requirement for license renewals.

In order to be licensed, a dealer must have "premises from which he conducts business subject to license under this chapter." 18 U.S.C. § 923(d)(1)(E)(emphasis added). The "business subject to license under this chapter" is described in the statutory definition of "dealer"; that is, as a person "who devotes time, attention, and labor to

dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms...." 18 U.S.C. § 921(11) and (21)(D). Renewal of licenses should be contingent upon demonstration by the licensee that he/she has conducted business as defined by the statute.

When dealers apply for license renewal, they should be required to fill out a "self-audit," which would state how many rifles, shotguns and handguns the dealer had bought and sold each year during the previous three years. This would give ATF a good indication whether the dealer is in fact a bona fide gun dealer for purposes of the Gun Control Act. Applicants who cannot demonstrate "a regular course of trade" would be denied renewal.

3. CRACK DOWN ON GUN DEALERS WHO ARE FELONS

A. Require fingerprint checks and photo IDs of applicants for dealer licenses to facilitate more extensive background checks.

Before issuing a license to sell firearms, ATF should review applicants through an extensive background check to determine if they are members of a class already prohibited by federal law from possessing firearms. Under 18 U.S.C. § 923(d)(1)(B), ATF has the authority to refuse licenses to those prohibited from transporting, shipping or receiving firearms in interstate commerce under 18 U.S.C. § 922(g) and (n). The Bureau's regulations authorize ATF to execute background checks by providing that "[u]pon receipt of a properly executed application for a license...the regional director (compliance) shall, upon finding through further inquiry or investigation, or otherwise, that applicant is qualified, issue the appropriate license." 27 C.F.R. § 178.47(a) (emphasis added).

It is not clear, however, what kind of background check is currently executed by the Bureau. Press reports regarding the possession of dealer licenses by convicted felons, (see e.g. "Sales Put L.A. Under the Gun," Los Angeles Times, May 19, 1992), suggest that the Bureau's background checks do not even adequately screen for criminal history. ATF presently requires neither fingerprinting of applicants nor photo IDs, both of which would aid in ensuring that checks for criminal records are sufficiently comprehensive. Both fingerprinting and photo IDs could be required under ATF's existing statutory authority to ask applicants for "information necessary to establish eligibility for licensing." 18 U.S.C. § 923(a).

ATF's power to impose these requirements is strongly supported in National Rifle Association v. Brady, 914 F.2d 475 (4th Cir. 1990). In that case, the Court decided that the statutory grant of authority to the Secretary of Treasury in 18 U.S.C. § 926 to promulgate regulations which are "necessary" to carry out the purposes of the Gun Control Act "almost inevitably confers some measure of discretion to determine what regulations are in fact 'necessary.'" Id. at 479. Surely ATF has similar discretion to

determine what kind of identification is "necessary" to establish licensing eligibility under 18 U.S.C. § 923(a).

Whenever the license applicant is a corporation, partnership or association, the fingerprinting, photo ID and background check should be required of all principals. This would include, at minimum, the officers, directors and major shareholders of a corporation, the managing partners of a partnership and the officers of an association. Application of these requirements to such persons is already authorized by 18 U.S.C. § 923(d)(1)(B), under which a license is to be denied to corporations, partnerships or associations if "any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association" is a member of a prohibited class.

B. No longer permit licensees who have been convicted of felonies to retain their licenses during the appeals process.

Under 18 U.S.C. § 925(b), a licensee "who is indicted for a crime punishable by imprisonment for a term exceeding one year, may, notwithstanding any other provision of this chapter, continue operation pursuant to his existing license...during the term of such indictment and until any conviction pursuant to the indictment becomes final." Under ATF's current interpretation of this provision, a licensee convicted of a felony can continue to sell guns under his/her license until all appeals of the conviction are complete, which could, of course, be several years. This can, and should, be changed.

ATF's interpretation of "final conviction" does not conform to the concept of finality in other parts of the criminal code, enacted subsequent to the Gun Control Act. For example, the 1984 Sentencing Reform Act states that a judgment of conviction is final notwithstanding that it can later be modified, corrected or appealed. 18 U.S.C. §§ 3562(b), 3572(c), 3582(b). This is consistent with the general presumption that a conviction is valid until reversed on appeal, it being the defendant's burden to demonstrate that it was contrary to law. Glasser v. United States, 315 U.S. 60, 80 (1942). Given this presumption, on policy grounds, it makes no sense to allow licensees convicted of serious crimes to continue to sell firearms during protracted appeals.

4. PLACE SENSIBLE RESTRICTIONS ON DEALERS

A. To more effectively combat interstate gun trafficking, require gun purchasers to produce more substantial proof of identity, including a photo ID, proof of residence in the state of purchase and a local telephone number.

In order to purchase a handgun, the buyer must be a resident of the state where the handgun is sold. Interstate gun runners frequently falsify their residence in order to purchase handguns in states with weak gun laws. ATF has indicated that a driver's

license is sufficient identification for the non-licensee purchaser. ATF Ruling 79-7. In some states, however, it is easy to obtain a driver's license, showing a phony in-state address, in order to make "cash and carry" purchases. In these states, it is possible to obtain a driver's license without proving actual residence in the state.

ATF has broad statutory authority to determine the form and content of required records. See 18 U.S.C. § 923(g)(1)(A). It clearly has the authority to modify Form 4473 to require sufficient personal identification and proof of residence of the purchaser. It should require two forms of personal identification, including a photo ID, proof of residence in the state (e.g. a recent utility bill), and a local telephone number.

B. Require dealers to implement adequate security measures to deter gun theft.

As ATF itself has acknowledged, theft of guns from licensed dealers is a serious problem. In the last few years, there has been a surge in such thefts in urban areas, including the Washington metropolitan area. One report indicated that since August 1989, nearly 1500 guns had been taken from more than 60 gun stores and pawnbrokers in Virginia and Maryland. (See "Gun store burglary feared a sign of more to come," Washington Times, March 4, 1992, B3.) It goes without saying that stolen guns inevitably fuel the interstate black market.

Because gun dealers sell the single most dangerous consumer product, they should be required to implement security measures commensurate with that danger. Many do so only after they are victimized. For example, a California dealer decided to remove his guns from their display cases after hours and lock them up only after 20 handguns had been stolen in the most recent of several burglaries of that dealer. (See "Gun theft sparks safety measures," Santa Cruz Sentinel, July 30, 1991.) It recently was reported that a handgun used to kill four people in Montgomery County, Maryland had been stolen from an Appomattox, Virginia gun shop when a glass display case was broken into after hours. (See "Gun That Killed 4 Was Stolen in Va.," The Washington Post, October 14, 1992, D1.) Clearly some gun dealers use security measures less effective than the average jewelry store.

The authority of ATF to promulgate anti-theft regulations was established in National Council to Control Handguns v. Blumenthal, No. 77-1574 (D.D.C. Oct. 24, 1978). Licensees should be required to practice sound security measures, including locking up their inventory in a secure vault after hours.

C. Require retail sales by licensees to be reported to manufacturers to facilitate faster and more accurate gun tracing.

The tracing of guns used in crime is a critical ATF service to state and local law enforcement. Under the current system, tracing can be cumbersome and time

consuming. After receiving the trace request, ATF must call the manufacturer and importer and various wholesalers before ultimately contacting the retailer. Studies have indicated that there are an average of three commercial transactions before the gun is sold to the retailer. ATF must await an answer from one licensee before contacting the next.

Tracing could be made more efficient and successful if every licensee were required to report every transaction to the original manufacturer or importer, in addition to keeping a record of the transaction at his/her place of business. ATF could then obtain the entire transaction history of a gun by simply contacting the manufacturer or importer. Contact with each licensee in the chain of title would be unnecessary.

Although 18 U.S.C. § 923(g)(1)(A) and § 926(a) restrict the transfer of reports or information from licensees to ATF or to another federal or state entity, these limitations do not limit the Bureau's authority to require that information be transferred from one licensee to another. Indeed, § 926(a) specifically protects ATF's tracing authority by providing that "[n]othing in this section expands or restricts [ATF's] authority to inquire into the disposition of any firearm in the course of a criminal investigation." Regulations requiring transfer of licensee dispositions to manufacturers and importers would make the exercise of ATF's tracing authority more effective and therefore is authorized by existing law.

D. Enforce restrictions on dealers by temporarily suspending licenses when license revocation and/or criminal prosecution are not appropriate.

ATF currently lacks the flexibility to address effectively the full range of possible gun dealer violations. Apart from criminal prosecution, the only remedy ATF currently uses is license revocation, which requires evidence of a "willful" violation of the law. 18 U.S.C. § 923(e). In 1980, ATF Director Dickerson suggested that new regulations be promulgated providing for temporary suspension of a dealer's license for violations which do not justify revocation. Oversight Hearings on Bureau of Alcohol, Tobacco and Firearms before a Subcommittee of the Committee on Appropriations, 96th Cong., 2d Sess. 174-75 (1980). ATF certainly has the statutory authority to issue such regulations under the general grant of authority in 18 U.S.C. § 926(a) to prescribe regulations "as are necessary to carry out the provisions of this chapter" and under the interpretation given that provision in NRA v. Brady, *supra*, which gives deference to ATF's determination of what is "necessary".