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Folder Title:

Crime Bill [2]

Stack:

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Row:

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Section:

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① ~~memo #~~
Send copy to Rahim -

~~I believe your summary memo
suggested Richi would prepare
this. You may want to head her off.~~

② Start Crime Bill File

WHITE HOUSE STAFFING MEMORANDUM

DATE: 04/27/93 ACTION/CONCURRENCE/COMMENT DUE BY: - - -

SUBJECT: CRIME BILL CONSIDERATIONS

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☒	PASTER	☐	☒
McLARTY	☐	☐	RASCO	☐	☐
~~GEARAN~~	☐	☒	RUBIN	☐	☐
PANETTA	☐	☒	SEGAL	☐	☐
EMANUEL	☐	☒	STEPHANOPOULOS	☐	☐
GIBBONS	☐	☐	VARNEY	☐	☐
HALE	☐	☐	WATKINS	☐	☐
HERMAN	☐	☐	WILLIAMS	☐	☒
LAKE	☐	☐		☐	☐
LINDSEY	☐	☒		☐	☐
MONTOYA	☐	☐		☐	☐
NUSSBAUM	☐	☐		☐	☐

REMARKS:

The attached has been forwarded to the President.

RESPONSE:

JOHN D. PODESTA
 Assistant to the President
 and Staff Secretary
 Ext. 2702

THE WHITE HOUSE

WASHINGTON

23 APR 27 P3:15

April 27, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED, DEPUTY ASSISTANT TO THE PRESIDENT
JOSE CERDA III, SENIOR POLICY ANALYST

SUBJECT: CRIME BILL CONSIDERATIONS

In structuring a proposal that meets your pledge to put 100,000 new police officers on the street, Domestic Policy has combined a series of crime-related initiatives. Inadequate funding caused us to take this piecemeal approach and to include Enterprise Zones, HUD's crime initiative, Safe Schools legislation and National Service participants in the 100,000 calculation. But the crime bill component of this plan has always been the central -- and most credible -- element of our 100,000 new police proposal.

Last year's crime bill conference report does not really include monies for hiring new law enforcement personnel. The bill's Cop on the Beat program does not allow funds to be used for new personnel, and the increase in funding for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs was enacted as part of separate legislation after the crime bill conference report failed last year. The Police Corps, as included in last year's bill, only offers scholarship assistance and provides no direct funding to put police on the streets. Moreover, given the scarcity of resources for the policing initiative, we do not believe the Police Corps is a cost effective means for increasing police force levels. Thus, without changes to the language and funding levels for these programs, the crime bill will not put more police on our streets.

So that the crime bill properly reflects your commitment to the 100,000 police pledge, we have been structuring a proposal, the Police on Our Streets Act, that would combine the Justice Department's spending for new programs and use that \$2.299 billion in budget authority to fund a single match grant program. We would then have a single direct funding source for the majority of our new police personnel.

We have spoken to Senator Biden's and Congressman Schumer's staff about such an approach, and they believe a "Police on Our Streets Act" could easily be incorporated as Title I of a new crime bill. We have not spoken to Chairman Brooks' staff about this specific proposal, but we believe he would be open to the idea. Chairman Brooks has been a critic of the large scale Police Corps included in the crime bill, and he may support scaling back the program.

A summary of the major provisions in the crime bill is attached.

CRIME BILL CONFERENCE -- SUMMARY OF MAJOR PROVISIONS

DEATH PENALTY

- Provides the largest-ever expansion of the Federal death penalty to cover 53 offenses. Included in the bill: assassination of the President; murder in the course of rape; murder for hire; drive-by-shootings.
- Provides the death penalty for killing a federal law enforcement officer and for killing state officers in the course of cooperative investigations with federal agencies.
- Provides the death penalty for "drug king pins" who are convicted of trafficking in massive amounts of drugs.

THE BRADY BILL

- Imposes a national, five-day waiting period for the purchase of handguns. Requires police background checks for gun buyers to keep weapons out of the hands of convicted criminals.
- Authorizes \$100 million for the development of a national "instant check" system for gun purchasers.

HABEAS CORPUS REFORM

- Limits time for filing a habeas petition to one year after conviction becomes final. No time limit currently exists.
- Limits the number of petitions allowed to one except for certain narrow exceptions such as newly discovered evidence or state interference. Under current law there is no limit on the number of petitions.
- Sets certain performance and qualification standards for trial and appellate counsel representing indigents.
- Before the Supreme Court adopted the Teague v. Lane doctrine in 1989, a prisoner could challenge his sentence in a habeas petition based on a favorable new court ruling that post-dated his trial and appeal. Teague significantly narrowed retroactive applications. The crime bill narrows Teague by never allowing new rules of law to be applied retroactively, but it also restores a narrower, pre-Teague definition of a new rule.

AID TO STATE AND LOCAL LAW ENFORCEMENT

- Raised the authorization level for the Byrne Memorial State and Local Law Enforcement Assistance Programs to \$1 billion. The Byrne program is the primary means of providing states and localities with federal law enforcement assistance.¹
- Other authorized appropriations for states and localities include:
 - \$150 million yearly for community policing grants;
 - \$300 million yearly for Drug Emergency Areas;
 - \$100 million yearly for Safe Schools grants;
 - \$100 million yearly for juvenile gang prevention grants.
 - \$10 million yearly for grants to states for DNA analysis;²
 - \$30 million yearly for law enforcement scholarships;
 - \$5 million yearly to provide family support services to law enforcement personnel;
 - \$15, \$20 and \$30 million over the next three years for substance abuse grants to community coalitions;
 - \$100 million yearly for grants to states and localities to drug test arrestees;
 - \$2 million yearly for grants to states to conduct racial and ethnic bias studies of their criminal justice systems;
 - \$2.5 million yearly for Midnight Basketball League grants;
 - \$100, \$100 and \$200 million thereafter for a National Police Corps;
 - a one-time \$100 million authorization to establish joint state-federal boot camps at closed military installations;
 - \$100 million yearly for drug treatment in state prisons;
 - a one-time \$700 million authorization for the construction and operation of 10 regional prisons for violent drug offenders;
 - \$10, \$15, \$20 and \$25 million for grants to state prisons for literacy programs;
 - \$50 million yearly for Rural Drug Enforcement Task Forces;
 - \$25 million yearly for Rural drug treatment and prevention programs.

TOTAL NEW SPENDING -- ALMOST \$1 BILLION YEARLY

(AND 800 MILLION IN ONE-TIME PRISON CONSTRUCTION COSTS)

¹After the crime bill failed to pass last year, this increased Byrne authorization was passed as part of separate legislation. Incorporating such an increase into a new crime bill would be redundant.

²This bill passed the House as separate legislation earlier this year.

PENALTIES FOR DRUG AND VIOLENT CRIMES

- Provides 56 new criminal offenses or penalty increases, including serious violent crime, drug trafficking and firearms offenses.
- Imposes four new mandatory federal prison sentences. They are: using minors to sell drugs in a drug-free zones; closing the loophole for the importation of small quantities of drugs; possessing or distributing drugs in a federal prison; and drug-related violations in newly created drug-free truck stops.

GANG VIOLENCE

- Launches a major new anti-gang initiative, including expanded juvenile courts, new law enforcement efforts, and gang violence prevention programs (e.g., Boys/Girls Clubs in housing projects).
- Creates a new federal offense for serious gang-related drug trafficking and violent crimes.
- Provides the death penalty for drive-by-shootings, one of the most common and serious types of gang crimes.

VICTIMS OF CRIME

- Increased federal aid to the victims of crime by removing the "cap" on the Crime Victims Fund and barred attempts by the previous administration to use the Crime Victims Fund to pay for expenses currently covered by Medicare and other federal programs.³
- Grants crime victims the right to speak at the sentencing phase of federal criminal trials, including death penalty.

RURAL LAW ENFORCEMENT

- Provides \$50 million in aid to rural law enforcement agencies.
- Establishes federal-state-local Rural Law Enforcement Task Forces in every federal judicial district with significant rural areas.

³These provisions were enacted separately when the crime bill failed last year.

- Establishes a specialized rural law enforcement training program at the Federal Law Enforcement Training Center in Glynco, Georgia.

POLICE CORPS

- Establishes an ROTC-style program to provide college scholarships to students willing to serve as police officers upon graduation.
- Provides new educational opportunities for police officers who are already on the beat and have demonstrated a commitment to a law enforcement career.

PRISONS

- Establishes 10 new regional prisons to hold up to 8,000 federal and state drug offenders.
- Creates 10 new military-style boot camps on closed military bases for first-time offenders and other non-violent drug offenders.

TERRORISM

- Provides the death penalty for terrorist murders and creates stiff new federal penalties for providing material support to terrorists.
- Implements United States' obligations under new anti-terrorism treaties by creating new federal offenses for terrorist acts committed against civil aviation and maritime targets.

GUN PENALTIES

- Provides new mandatory minimum penalties for serious gun offenses, including gun possession by convicted felons and for theft of a firearm.

FEDERAL LAW ENFORCEMENT

- Authorizes \$345.5 million for federal law enforcement agencies to add hundreds of additional FBI and DEA agents, federal prosecutors, Border Patrol officers, and other law enforcement officials to combat violent crime and drug trafficking.

Specifically, these allocations are:

- \$45 million to hire and train 350 new DEA agents;
- \$25 million to expand DEA state and local task forces;
- \$5 million for special agents to investigate violations of the Controlled Substances Act relating to anabolic steroids;
- \$9 million for FBI drug trafficking investigations;
- \$500 million to hire and train 500 new border patrol officers;
- \$10 million for the U.S. Marshals Service;
- \$15 million for BATF to hire train 100 special agents to investigate firearms violations committed by drug trafficking organizations;
- \$20 million for U.S. Courts to address case overload;
- \$12 million for federal defender services.

EXCLUSIONARY RULE

- Codifies current law providing "good faith" exception to the exclusionary rule where police have a warrant.

CHILD ABUSE

- Creates a national system for background checks for workers in day care centers.
- Imposes the death penalty for child abuse murders.

MARK

THE WHITE HOUSE

WASHINGTON

April 26, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: RAHM EMANUEL *RE*

SUBJECT: FOLLOW-UP TO MONDAY MEETING

As a follow-up to today's meeting, I wanted to put on paper some of the issues that were discussed.

I. JOBS BILL:

We agreed in concept that the jobs bill should be attached to Russian Aid. The ratio of jobs money to Russian aid money should be approximately, but not restricted to, 3 to 1.

Howard and Steve will work to market the new bill to the congressional Republicans. We need to produce a bill that is not only meaningful, but can pass.

We will continue to do political outreach in order to generate pressure from the home states of key Republicans.

II. CAMPAIGN FINANCE REFORM:

Mike Waldman and company are drafting legislation that will do the following:

- o Reduces presidential PAC contributions to \$1000.
- o Eliminates lobbyist contributions.
- o Ask the House to reduce PAC contributions to \$2500.

III. CRIME:

After initial discussions with the House and Senate, Howard will produce a call sheet for you. You will call Chairman Brooks on the Crime Bill in order to get it moving. In the meantime, Rikki will produce an analysis of the crime bill for background.

There are a number of individual initiatives relating to crime that I think we can wrap together to present an overall crime

package. If we do this effectively, we will look tough on crime, which will be helpful for '94 and '96.

The individual pieces on crime are as follows:

- o Crime Bill
- o Jobs Bill includes money for new cops
- o Announcement of a Drug Czar
- o Urban Policy has community policing program
- o Education Policy has safe schools provisions

Crime

June 21, 1993

MEMORANDUM FOR CIRCULATION

FROM: Bruce Reed
Jose Cerda

SUBJECT: Policy Options for This Week's Crime Event

We recommend that the President use this week's meeting with the National Association of Police Officers (NAPO) to tout Congressional passage of his jobs bill, which includes \$200 million for re-hiring laid-off cops -- the first downpayment on his pledge to put 100,000 new police officers on the street. He could also point to several law enforcement initiatives at several agencies that will help him keep that pledge, and announce his intention to introduce a crime bill next month which will provide the balance of the 100,000.

Although other Presidential actions would be possible this week -- including an import ban on assault pistols and an expanded ban on armor-piercing bullets -- each of them has the potential to backfire, for reasons explained below.

Congressional Passage of Cops/Jobs Bill

The Senate is expected to vote on the jobs bill at 7 p.m. Tuesday. Sen. Nichols is planning to offer a Republican amendment to strike the cops money. If that fails, the \$200 million for cops will have passed in both House and Senate versions. (Note: The Senate pays for the jobs bill with, among other things, a \$250 million rescission of FY93 community investment money that we were planning to use for community policing in empowerment zones; the House version does not.) If we want to capitalize on the Senate vote Tuesday night, we should consider scheduling the NAPO event for Wednesday.

Other Crime Initiatives

The 100,000 new law enforcement officials will come from several sources -- the crime bill, the jobs bill, national service, and other initiatives at HUD, Labor, and Education. Several of these programs have been announced, but none has received much attention.

The President could call attention to this broad anti-crime agenda, and highlight three measures in particular:

* Community Partnership Against Crime (COMPAC), a HUD program to fight crime in public housing;

- * Safe Schools, an Education Department program to help schools in high-crime areas purchase metal detectors, hire security guards and police officers, etc;
- * Troops to Cops, a Labor Department initiative to use defense conversion money to train veterans who are leaving the military to become police officers.

Support for Crime Bill

The President should also use the event to announce that he expects to endorse a crime bill next month that will include not only a major community policing initiative, but also the Brady bill, boot camps, and habeas reform and death penalty provisions updated from last year's bill.

Biden, Brooks, Justice, and the White House are in general agreement about most elements of the crime bill, and are in the midst of intense negotiations to have the bill ready for introduction next month. The one remaining snag is over habeas: Biden and Brooks are still looking for language that can attract support from local prosecutors as well as state attorneys general. A firm commitment to introduce a bill next month would reassure the Hill and the press, and help keep the bill from getting bogged down.

Other Possible Presidential Actions

We have explored other possible actions the President could take to demonstrate his commitment to fighting crime. The executive orders we proposed earlier have encountered some resistance in the agencies. We could still move forward, but at some risk. We recommend holding them for a future event.

1. Import Ban on Assault Pistols: The President could sign an executive order to ban the importation of assault pistols. This isn't a bad idea, but it is at best symbolic. Only a few thousand assault pistols are imported each year; ATF would rather we go after domestic production, which can be banned only through legislation. DeConcini, Metzenbaum, and Schumer each have introduced bills to limit domestic production of various semi-automatic weapons. The last two are particularly controversial. This week is probably not the best time to be picking sides on this issue.

2. Expand Ban on Armor-Piercing Bullets: European arms dealers have developed new ammunition that can get around the existing ban on armor-piercing bullets. Police groups were concerned that the Defense Department was considering importing such bullets for military use. The President could let NAPO know privately that Defense has decided against the idea for now. But Justice and police groups feel strongly that this issue must be dealt with quietly; they don't want to call attention to the fact that these new bullets exist.

file
CRIME

MEMORANDUM

**FOR
IMMEDIATE
ATTENTION**

TO David Gergen

FROM Mandy Grunwald

DATE June 24, 1993

I called earlier to suggest that we use the swimming pool shooting incident as a springboard to action on crime issues early next week. Since then, I've learned that you all discussed this with the President this morning and suggested he visit the swimming pool on Saturday.

I'm concerned that a visit to the pool will both step on our economic story this weekend, and engender community opposition/cynicism. Local television coverage has emphasized the anger of residents that they haven't seen any action [by the city] for two years -- since the last time someone was shot and killed.

Let me suggest an alternative approach:

1. Call the victims and/or their families: The President should begin by quietly making phone calls -- without alerting the press -- just to express his concern and outrage. A call to Mayor Kelly may be appropriate as well.
2. Call or meet with Attorney General Reno to discuss the situation and options for action This should also be done without press.
3. Hold an impromptu press conference on Monday to sign an Executive Order banning assault weapons: Let's not make this feel like something that's been planned for weeks, but the result of the President's anger at the incident this week. Use the President's statement to express his outrage at the pool shooting [and perhaps other similar stories from around the country], and the Executive Order to demonstrate swift tough action.

4. Follow-Up on Tuesday/Wednesday with whatever other action steps can be taken on crime: As I understand it, there are a range of options, from the completion of conference committee work on the increase in cops on the street, to something about banning of cop killer bullets, to the confirmation of our Drug Czar, to a safe schools [metal detectors etc.] initiative. I obviously don't know the status of each of these initiatives, but it would be great if one or more of these could be announced next week -- preferably at a location outside the White House. I think it would be possible to go to the swimming pool or even the hospital where the kids are after some of these actions have been taken.

I think these actions next week would make sense because:

- * The incident at the pool is precisely the kind of thing that outrages Bill Clinton and that he can speak so movingly about. It will give him an opportunity to demonstrate compassion, conviction, and action.
- * More cynically, with gays in the military headed for prominent news coverage again, it would be helpful to focus on a more conservative social issue.

I've talked to George, Marcia, Stan, Mark Gearan and David Dryer, and I believe Mark is going to put together a meeting at 6 pm today to discuss.

I must add that Begala is vehemently opposed to this strategy. He thinks it's crazy to add a new issue, when we already have plenty of distractions from the economy on our plate [base closings, forest summit etc.] Let's all discuss.

cc: Stephanopoulos
Gearan
Begala
Greenberg
Dryer
Hale

Carville & Begala

MEMORANDUM

TO: DAVID GERGEN
FROM: PAUL BEGALA and JAMES CARVILLE
RE: CLINTON, CRIME AND TIMING
DATE: JUNE 24, 1993

Loathe as we are to disagree with Mandy, we both believe it is unwise for the President to undertake a crime offensive at this time. Everybody believes in focus -- until it requires tough choices and real message discipline. Whether or not we go off on a crime tangent will determine whether or not we are serious about focusing on the economy.

While tempting because of the saliency of the issue, the passion with which the President addresses it, and the adrenal rush we get from the mere thought of taking on the NRA, we must resist the sirens' song of being drawn off our economic message.

There's a reason people don't know about our economic plan: we haven't told them. That's our fault. Not the media's, not the system's, not the Republicans. One of the reasons we haven't defined our plan on our terms is because we kept shifting the debate -- student loans one day, Bosnia the next, immunizations the next (not to mention haircuts and staff shakeups and travel office screw-ups almost every day).

For once in our lives, let's stick with one thing till we bore through. We have four years to convince the public we're tough on crime. For now, let's remain tied to the mast of the economic plan. Nothing that we can control must be allowed to pull us off it. Period.

At the same time, we can set ourselves up for the moment when we want to act on the crime idea by taking Mandy's advise to call the families of the children who were shot, without letting the media know the President is calling them. If the media find out BC called them, they'll think it was a stunt. Instead, let's call them for the right reasons -- and we'll probably also glean powerful ammo for the eventual fight against the gun lobby.

But for now, we urge that nothing we do in public draw us off our economic message. We are only beginning to poke our heads up from a very deep trough. Let's not do anything to sidetrack our recovery or diffuse our focus.

cc: MARK GERGEN

file CRIME

**The President of the United States
National Association of Police Organizations
June 24, 1993**

- o **Greeting.** Proud to be with Executive Committee of the National Association of Police Organizations. Praise role of police in defending streets. Thank NAPO for support in 1992. When it comes to crime -- as with all other areas -- President must not only say the right thing but also do the right thing.
- o **Historic time in Washington.** Senate is about to enact a \$500 billion deficit reduction plan designed to increase growth, get our fiscal house in order, and restore to the economy a sense of fairness, respect for work and the future. If we pass this plan, and we are well on the way, Americans can feel confident about the future. This plan is necessary and it will work.
- o **Opponents.** After five months of criticism, our Senate opponents finally offered an alternative. We were not surprised when they offered a plan that exempted the privileged in our society from contributions to deficit reduction. We were surprised that their plan looked at the deficit and blinked: Unlike our plan which cuts \$500 billion, they cut \$400 billion. And when they exempted the rich, they put a far heavier burden on the middle class than we can accept.
- o **Our plan is about growth and prosperity for communities.** Our economic plan is designed to build stronger, safer, and more prosperous communities. You can't build new businesses and create new jobs in a community where people are afraid to leave their homes. And you can't have safety and security in a community without hope and opportunity. That is why effective law enforcement is such an important priority for my administration. I firmly believe that the best law enforcement program -- and one of the best economic development programs -- is putting more police officers on the beat, patrolling our streets.
- o We have offered a new package that provides \$200 million for rehiring police officers who have been laid off and for hiring new police. This represents an increase of almost 50% in federal assistance for local law enforcement. Downpayment on our goal of hiring 100,000 more police officers all across America. We are also working to announce a tough crime bill: Brady, Boot camps, more police hires, and expanded community policing. Our goal is to be able to fund more than half of the 100,000 new police through this bill. I will need your ideas, your expertise, and your support to turn these goals into reality.

- o I want to revive our economy -- and restore our sense of community and reknit our social fabric. I know that our nation's police officers -- and our nation's people -- are appalled by incidents like the recent shooting a public pool here in Washington. My heart goes out to the families of the victims and the members of the community. We need to build an America where all our young people can grow up feeling secure and loved and valued, with a sense of hope and opportunity and infinite possibility. ad
- o When a man or woman first wears the uniform and the badge of a police officer, they take a solemn oath to uphold the law and defend their fellow citizens. The community owes them something in return -- the respect and the resources you need to do your jobs. I am committed to provide you with the resources and respect you need, for your sake and for the sake of the people you protect.

file

CRIME BILL ISSUES

On Thursday, Senator Biden and Chairman Brooks plan to introduce revised Senate and House versions of last year's crime bill conference agreement. While the bills will be largely the same, they will not be identical. The Leadership in both houses has agreed to act on these measures this fall.

Legislative text for both of these bills will not be finalized until late today or early tomorrow. At our request, the chairman have scaled back the authorization levels from last year's bill (more than \$8 billion), to a total of \$5-6 billion over the next five years. The Administration has pledged to fight for full funding of the community policing provision, but we have made no guarantees about the rest of the provisions.

Here is a brief overview of some of the issues:

- **BRADY BILL:** The Brady Bill, which mandates a national 5-day waiting period for handgun purchases (until replaced by an instant-check system), will be included in the House's version of the crime bill. The Senate will take up Brady as a stand alone bill during the crime bill's consideration. We have told the House and Senate that Brady is a must-pass provision for the President, and that he wants it any way he get it.
- **COMMUNITY POLICING:** The House and Senate have agreed to make Title I of the crime bill the President's Community Policing Initiative. This proposal -- fashioned by DPC, OMB and Justice -- authorizes \$3.4 billion to put 50,000 more police on the street "in community-oriented policing." Along with Brady, this is the most important part of the crime bill to the President. (Several other programs will help keep the President's 100,000 cops campaign pledge -- national service, Safe Schools, Empowerment Zones, Troops-to-Cops, etc.)
- **ASSAULT WEAPONS:** An assault weapons ban will not be included in the crime bill as introduced, but the President has called for an assault weapons ban and will ask for its consideration alongside the crime bill. The Senate has passed a ban before, but the House has defeated every such effort.
- **HABEAS CORPUS REFORM:** The President and the Attorney General support Senator Biden's legislation to reform the death penalty appeals process, and the Attorney General has committed to help in selling this proposal to Members and outside groups. Because the Administration wants the public debate to revolve around community policing and gun legislation, the President's and the Attorney General's public focus will be primarily on these initiatives.
- **SAFE SCHOOLS:** The House and Senate have included a Safe Schools provision similar to the Administration's proposal, which allows local educational authorities to apply for emergency funds to build metal detectors, hire police and security personnel, implement anti-violence and anti-drug curricula, and other activities. We have told Brooks and Biden that we prefer the Administration proposal to that in the crime bill.

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OTHER ISSUES:

- **MANDATORY MINIMUMS:** No new mandatory minimums will be included in the crime bill as introduced, but neither will any language be accepted to repeal or "fix" already existing mandates. We believe this issue is best addressed outside of the crime bill context.
- **BOOT CAMPS AND DRUG TREATMENT:** The President's proposed crime package also calls for more boot camps and criminal justice drug treatment and testing. We have not committed to any specific funding levels for these programs.
- **DEATH PENALTY:** Both the House and Senate bills will include 47 new death penalty categories with a uniform set of death penalty procedures for implementation. The controversial non-homicidal death penalties in last year's bill have been deleted, but are likely to be attached at a later point.
- **POLICE CORPS:** Both the House and Senate will include a Police Corps, but at different authorizations levels. The House includes a \$25 million per year Corps while the Senate's Corps will cost \$100 million in the first year and "such sums" thereafter.
- **REGIONAL PRISONS:** Last year's crime bill included a costly proposal to establish 10 region, state-federal prisons for drug offenders. OMB and Justice were very concerned with the cost of this proposal. It has been pared down significantly and changed to a federal grant program to help states establish multi-state prisons. House and Senate Republicans are sure to make prisons their defining issue during the crime bill debate.

file - Crime

**President William Jefferson Clinton
Saturday Radio Address
October 23, 1993**

Good morning.

I want to report to you on the efforts we are making here in Washington to restore a sense of order and security to the streets of our country, and the work we are doing to fight crime and restore hope for our people.

After a long struggle, we are finally seeing steady signs of hope in our economy. We have moved to really lower the deficit. We've got the lowest interest rates in 30 years, and that's bringing back business investment, housing starts, and the purchases of capital equipment.

In the past eight months... the economy has created more private sector jobs than all of those created in the previous four years.

We still have a long way to go. We must create more investment, more jobs that pay living wages, and more opportunity for students and workers to train and retrain themselves for this changing global economy. We will never make America what it ought to be unless we provide real health security for all of our citizens, a system of health care that controls costs and offers coverage that can never be taken away.

Just as important, we will never meet the challenges we face as a nation until the American people are more secure in their homes and on their streets again.

The explosion of crime and violence is changing the way our people live. It is making too many of our fellow Americans hesitant, often paralyzed, with fear at a time when we need our people to be bold. And children are dying, often at the hands of other children with guns.

It's a fact: There are more than 200-million guns on our streets and we have more federally licensed gun dealers than we have gas stations.

The fear of crime has prompted the corner grocer to shut down because he feels threatened. It has made the shopper afraid to enter a parking garage at night. It has made children think twice about going to school because classmates have been shot there. It has made parents order their children inside in broad daylight because of gunfire.

Nothing we aspire to in our country can finally be achieved unless we do something about the children who are no longer capable of distinguishing right from wrong...about the people who are strangely unaffected by the violence they do to others...about the easy availability of handguns...or about the mindless temptation of drugs.

This issue is above politics. That is why I am working closely with the leaders of the Congress and urging them to pass our comprehensive anti-crime legislation when it comes up in the Senate next week. Our bill is based on a simple philosophy and carries an even simpler message: More cops, less guns.

We ask Congress to honor the struggle of James and Sarah Brady by passing a 5-day waiting period for background checks before a person can purchase a handgun. We want to pass the Brady bill.

We want to take assault weapons off the streets... and we want to take all guns out of the hands of teenagers. We want more police officers on the streets, at least 50,000 more.

And, very importantly, we want to put more power in the hands of communities to protect themselves in partnership with the police.

We are also re-charting the way we are fighting the use of illegal drugs. With the advice of Dr. Lee Brown, the father of community policing, and the Director of the Office of National Drug Control Policy, we are increasing our focus on the hard-core user... who makes up the worst part of the drug problem and who fuels crime and violence and drives up our health care costs.

With our program we'll reach out to the youths who can be saved from living a life of crime and being a burden to our society... the ones who took a wrong turn in life. They'll be put in boot camps, where they'll learn skills and the kind of responsibility that can turn a life around.

Every time we feel the need to view strangers with suspicion... or the need to bar our homes and cars against intrusion... or we worry about the well-being of the child we sent off to grade school... we lose a little part of what America should mean.

Some of these problems were decades in the making, and we know we won't solve them overnight. But within this adversity, I do see hope.

In our Administration, with Attorney General Reno, FBI Director Freeh, and Drug Policy Coordinator Lee Brown, we have a dedicated team of crime fighters who are determined to restore security for our people. We are dedicated to restoring and expanding personal security for the people who work hard and play by the rules.

We have a comprehensive crime bill that says we need more police, fewer guns, and tougher laws. We are asking for a new direction in the control of illegal drugs to make our streets safer. And we are asking all of our people to take more responsibility for their health and their lives and for the well-being of their children.

I believe the American people have decided, simply and finally, that they do not choose to live in fear any longer, and they are prepared to reach beyond the slogans and the easy answers to support what works, to experiment with new ideas, and to take these problems on.

And if we do this together, we will make America more prosperous and more secure in the months and years to come.

Thanks for listening.

CRIME

\$

- 1.) Find it
- 2.) Procurement Reform
2-3 Bill / secv@ ?
- 3.) Recissions

-
- LP - Take out of DOJ baseline budget
- Take from other areas of savings
\$3.5 from recission to use / if enacted
↳ move from other agencies
 - Prob if we commit to \$3.5B - if not enacted - we bought into it.
 - If just find current investments - must elim
 - ↓ 220 - prison const
 - ↓ OT usage
 - ↓ Byrne anti crime
 - Next step over baseline: Biden/Brodie: 3-BL over
Then: Total elim Byrne Drug Byrns
Stop all new prison const
RDF's in
 - To get to Kenney - all that plus cuts in other areas

3 Bd - Baseline Budget

3 Bd - From Cuts / to get to Budget/Books

—

If we pass budget police - room under caps —
But if no enactment, FY '95 Bd

Bd - ↑ Social K
- Ask first: what are the needs?

Bd I can't be P- You've made me an accountant

Reed - dedicate 3.5 Bd from procurement savings
If C don't give \$, then is on them

Lee B. - Treatment on demand - fewer slots

LP = 90^{to me want to} kept & say another 2-3 Bd for Budget/Recess

Rubin - other issues
+ immigration —

Edley - immigration

CP/HP - Make Otsawgs pdge / crime bill event

- Strong argument for \$ to achieve savings

- Borden + others will always up us -
it's like Waxman on health care
let them find the \$.

Up to 5 Btl in percent price
savings to crime

(LP: danger of CBO may not score it all)

Reed Spdgs out + ressr / percent

- meet 10 Btl def ↓

- dedicate percent (up to 5 Btl)
to crime fight

get out -

H: 6 bills separated
- drops Habeas + death penalty
(S will drop Habeas but not death penalty)

Cops
Anti. Gang
Brady

National Guard

- not an EO

- 3 choice ① Do Nothing
② POWS authority to call out NG
Rec'd strongly against:
- precedent is bad
- bad signal to DE
- political diversion - DE
- 1989 Sec 112 allows DoD to work w
NG for drug interdiction

Rec'd - ① reject request of EO
② More keep up of 112
35-50 NGmen involved now
on a voluntary basis
logistical; mechanical support
DE NG Cinda thinks it'd be 85-100 people
- voluntary

Reno — direct Cabinet agencies for
coordination in the District

Take 5 agencies —

HUD — homeless

DOED — Dist

Plan a needs/resources analysis in Mayors
Comprehensive partnership in agencies

Yes to authority & support Reg.
— yet then direct agencies

HP: multiple
for of DC area

POTUS: I know all about it from
Bill Cohen's murder mystery

Can't

Ask AG + Czar — discuss getting
authorize spend of Sec 112

- Statent - letter to Mayor
 - Leg^{support}
 - Mts - AG Cza. DOD

BC No one asked CBT / notes
- NG: not armed
no bullets in guns

NG - are citizen soldiers
- they underutilized

Support legislation

{ Brown
{ AG
{ DOD

WHITE HOUSE STAFFING MEMORANDUMDATE: 10/22/93 ACTION/CONCURRENCE/COMMENT DUE BY: _____

Letter from Mayor Sharon Pratt Kelly

SUBJECT: _____

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☒	PASTER	☒	☐
McLARTY	☐	☒	RASCO	☒	☐
NEEL	☐	☐	RUBIN	☐	☐
PANETTA	☐	☒	SEGAL	☐	☐
BAGGETT	☐	☒	SEIDMAN	☐	☐
EMANUEL	☐	☒	STEPHANOPOULOS	☒	☐
GEARAN	☒	☐	TYSON	☐	☐
GERGEN	☒	☐	VARNEY	☐	☐
GIBBONS	☐	☐	WATKINS	☐	☐
HALE	☒	☐	WILLIAMS	☐	☐
HERMAN	☐	☒	_____	☐	☐
LAKE	☐	☐	_____	☐	☐
LINDSEY	☐	☒	_____	☐	☐
McGINTY	☐	☐	_____	☐	☐
MYERS	☐	☒	_____	☐	☐
NUSSBAUM	☒	☐	_____	☐	☐

REMARKS:

RESPONSE:

JOHN D. PODESTA
 Assistant to the President
 and Staff Secretary
 Ext. 2702



7:02 PM 4:00

THE DISTRICT OF COLUMBIA
WASHINGTON, D.C. 20004

SHARON PRATT KELLY
MAYOR

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

America's crime rate is on the rise. The problem steadily worsens with more heinous crimes and acts of violence being committed each day in towns and cities all across the nation. The District of Columbia, like the fifty states and four United States territories, is constantly challenged by its citizenry to get violent criminals off the street and to make neighborhoods safe.

As Mayor, it is my obligation and responsibility to pursue all avenues to stem the tide of violent crime in the District of Columbia. The urgency of this matter has prompted me to seek ways to increase the level of support and to expand the role of the District of Columbia National Guard in local law enforcement and crime prevention activities. Specifically, I want to enlist the District of Columbia National Guard for three purposes: (1) to increase its support of drug interdiction activities; (2) to conduct road blocks; and (3) to augment the local police force.

Thus, this letter is to request your support to amend the Executive Order which prevents the Mayor of the District of Columbia from directly enlisting the assistance of the District of Columbia National Guard. Unlike Governors from every state in the nation, the Chief Executive of the District of Columbia has no authority over the local National Guard. Under the laws of Maryland and Virginia, for example, Governors of those states are designated to be the Commander-in-Chief of the National Guard. The Governors of these states appoint the commanding generals; may prescribe the training of members; and may call their National Guards into active service to deal with such crises as invasion, insurrection, natural or man-made disasters, or to aid civilian authorities in the enforcement of the law.

The laws governing the District of Columbia National Guard prevent the Mayor from directly calling out the Guard. District of Columbia Code sec. 39-109 establishes the President of the United States as the Commander-in-Chief of the District of Columbia National Guard. Section 602(b) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (District of Columbia Code section 1-233(b)) prohibits the District of Columbia Government from amending District of Columbia Code section 39-109 to establish the Mayor as the Commander-in-Chief of the Guard. Further, 10 U.S.C. section 672(b) prohibits the calling out of the District of Columbia National Guard without the consent of the Commanding General of the Guard.

Under the present command structure for the District of Columbia National Guard, the President is the Commander-in-Chief, and his authority to supervise, administer and control the Guard has been delegated to the Secretary of Defense, Exec. Ord. 11485 (October 1, 1969). Only the President and the Secretary of Defense can call out the District of Columbia National Guard. Under the Executive Order, the Commanding General of the Guard reports to the Secretary of Defense or a Department of Defense official designated by the Secretary. The Executive Order also establishes consultative procedures under which the U.S. Attorney General must advise the President and the Secretary of Defense with regard to the use of the District of Columbia National Guard.

In order for the Mayor of the District of Columbia to call out the District of Columbia National Guard the following occurs: (1) the Mayor contacts the Commanding General of the Guard; (2) the Commanding General then contacts the Secretary of Defense; (3) the Secretary of Defense consults with the U.S. Attorney General regarding "alternative available... for the use of the National Guard" and "...law enforcement policies to be observed... to aid civil authorities of the District of Columbia," Section 2, Exec. Ord. 11485. If the Secretary of Defense approves the calling out of the Guard, he or she determines the nature and extent of the Guard activities that shall be conducted under the direction of the Commanding General.

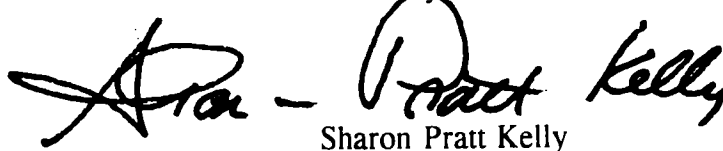
Currently, I have limited authority to ask the District of Columbia National Guard to provide drug interdiction support. After reading an article in the Nation's Cities Weekly about Sumter, South Carolina's "Operation Crackdown" and consulting with the city manager, I am convinced that having the ability to use the District of Columbia National Guard to supplement local law enforcement activities will give the city a tremendous edge in its efforts to reduce crime. Sumter's local officials, discouraged by the problems associated with crack and cocaine usage in their community, developed a program between law enforcement agencies, the Governor's Retaliation Against Illegal Drugs (RAID) Team, and National and

State Guard personnel. Two Guards were teamed up with one officer for 40 hours of continuous policing. The initial effort resulted in 83 arrests. Over 75 percent of the arrests were drug-related.

Again, I request your support to amend the Executive Order which prevents me from directly enlisting the assistance of the District of Columbia National Guard. In an effort to exhaust all possibilities in my quest to secure authority over the District of Columbia National Guard, I have also forwarded letters to key members of Congress requesting their support to amend provisions in Federal law which limit my power to call out the National Guard.

I only seek the authority that is vested in the fifty states and the four United States territories with respect to their civil defense. I urge you to give this request serious and expeditious consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon Pratt Kelly". The signature is stylized, with a large, looped "S" and "K".

Sharon Pratt Kelly

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10.24 ACTION/CONCURRENCE/COMMENT DUE BY: 10.25 9amSUBJECT: DRAFT MEMO ON NATIONAL ENAGRO/D.C.

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	PASTER	☐	☐
McLARTY	☒	☐	RASCO	☐	☐
NEEL	☒	☐	RUBIN	☐	☐
PANETTA	☒	☐	SEGAL	☐	☐
BAGGETT	☒	☐	SEIDMAN	☐	☐
EMANUEL	☐	☐	STEPHANOPOULOS	☒	☐
GEARAN	☒	☐	TYSON	☐	☐
GERGEN	☒	☐	VARNEY	☐	☐
GIBBONS	☐	☐	WATKINS	☐	☐
HALE	☒	☐	WILLIAMS	☐	☐
HERMAN	☒	☐		☐	☐
LAKE	☒	☐		☐	☐
LINDSEY	☐	☐		☐	☐
McGINTY	☐	☐		☐	☐
MONTOKA	☐	☐		☐	☐
NUSSBAUM	☐	☐		☐	☐

REMARKS:

RESPONSE:

JOHN D. PODESTA
 Assistant to the President
 and Staff Secretary
 Ext. 2702

THE WHITE HOUSE
WASHINGTON

DRAFT

October 25, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BERNARD W. NUSSBAUM *BN*
COUNSEL TO THE PRESIDENT

CLIFFORD M. SLOAN *CMS*
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: D.C. National Guard

Overview

Mayor Kelly's letter requests your support "to amend the Executive Order which prevents the Mayor of the District of Columbia from directly enlisting the assistance of the District of Columbia National Guard." She also announces her desire to use the D.C. National Guard to increase support of drug interdiction activities, to conduct roadblocks, and to augment the local police force.

We recommend the following:

- (1) Mayor Kelly's request for authority over the D.C. National Guard through amendment of an Executive Order must be declined because such a change cannot be accomplished by Executive Order. Consistent with your views on D.C. statehood, however, you may wish to support the Mayor's request for a statutory change that would give her the same authority over the D.C. National Guard in its local militia status that Governors enjoy with respect to their state Guard units.
- (2) You should not call the D.C. National Guard into service for law enforcement activities in either its federal status or in its general local militia status; you should, however, direct the Secretary of Defense and the Attorney General to work with the District to expand the District's participation in an existing federal program that uses local Guard units for federal drug interdiction support.
- (3) Your response should include other responses to help the District with its crime problem. Two possible activities would be (i) directing FBI Director Freeh to oversee a D.C. Crime Federal Task Force marshalling federal law enforcement resources to target crime in the District (including FBI, DEA, ATF, U.S. Marshals, even Park Police) and (ii) calling for an expansive Police Corps program in the District.

This memorandum will review (1) the structure of the D.C. National Guard and the reasons why a statutory change would be necessary to give Mayor Kelly the authority she desires, (2) the possible uses of the D.C. National Guard under existing law, and (3) possible non-military options for additional federal law enforcement assistance in the District.

(1) The Structure of the D.C. National Guard and Mayor Kelly's Request

(a) State National Guard Units

State National Guard units are composed of civilians who may be called into Guard service in two different statuses -- federal status, which is under the control and direction of the President, and State militia status, which is under the control and direction of the Governor. As the Supreme Court recently explained, "members of [a] State Guard unit . . . must keep three hats in their closet -- a civilian hat, a state militia hat, and an army hat -- only one of which is worn at any particular time." Perpich v. Dept. of Defense, 496 U.S. 334, 348 (1990).

(b) D.C. National Guard

Like State National Guard units, the D.C. National Guard may be called into federal status service by the President. Unlike State National Guard units, however, the D.C. National Guard's local militia status is not subject to local control. Instead, under the D.C. Code, the President is the Commander-in-Chief of the D.C. National Guard. D.C. Code Sec. 39-109. A separate D.C. Code provision, moreover, prohibits the District from changing this provision without congressional approval. D.C. Code Sec. 1-233(b).

An Executive Order in effect since 1969 delegates extensive authority over the D.C. National Guard from the President to the Secretary of Defense. Under this Executive Order, the Attorney General is also assigned the responsibility for "advising the President" regarding "the alternatives available pursuant to law for the use of the National Guard to aid the civil authorities of the District of Columbia" and for "establishing after consultation with the Secretary of Defense law enforcement policies to be observed by the military forces in the event the National Guard is used in its militia status to aid civil authorities of the District of Columbia." EO 11485.

(c) Mayor Kelly's Request For An Amendment of the Executive Order

Mayor Kelly requests an amendment of the Executive Order to give her the same authority to use the D.C. Guard in local militia status that Governors enjoy. But this goal cannot be

achieved by Executive Order. Since the authority over the Guard is vested in the President by statute, the President's authority cannot be delegated to an official over whom the President has no direct control, such as the Mayor of the District. (The Justice Department's Office of Legal Counsel has confirmed that the President's authority over the National Guard cannot be delegated to the Mayor by Executive Order.)

Mayor Kelly's letter also notes that she is seeking a statutory change to grant her authority over the D.C. National Guard. One option to be considered is support for such a statutory change. A powerful argument in favor of such a change is that it would be consistent with the White House position on D.C. statehood and autonomy.

2. Possible Uses of the D.C. National Guard Under Current Law

Under current law, the D.C. National Guard could conceivably be used in one of three contexts: (1) federal status; (2) general local militia status; and (3) local militia status, but only within the parameters of an existing program created by a federal anti-drug statute passed in 1989.

Because it would avoid breaking new ground and creating troublesome precedents, we recommend the third alternative.

(a) Federal status

Although the President has authority to order the Guard into federal service to combat "domestic violence" that local authorities are unable to control, issues of enormous difficulty and complexity would be raised by a decision to call the Guard into federal service to combat crime in D.C. Notably, Mayor Kelly's letter does not specifically request this action.

The President has authority to order the National Guard into federal service for various purposes. One such purpose is to suppress any "insurrection, domestic violence, unlawful combination or conspiracy" that "hinders the execution of the law" and deprives constitutional rights, so long as the President finds that the existing authorities are unable or are failing to protect those rights. 10 U.S.C. 333(1). Using the Guard for this purpose requires a Presidential proclamation ordering the "insurgents" to disperse. This authority was used as the basis for Guard activities in desegregating Central High School in Little Rock and combatting riots in Chicago, Baltimore, and D.C. in 1967 and 1968.

Several serious problems would be presented by use of the Guard in this federal status to respond to crime in D.C. First, use of the Guard for this generalized purpose, rather than to restore order in a confined, brief, specific engagement, would go

substantially beyond existing precedents for use of the Guard in federal service.

Second, it would commit the Guard, in their federal service, to a role of uncertain scope and duration.

Third, it would put the White House in a difficult position with regard to possible requests from other crime-plagued localities (e.g., Miami, Chicago, New York, Los Angeles, Detroit).

Fourth, it would raise questions about the Posse Comitatus Act (18 U.S.C. 1385), which prohibits use of the Army and Air Force for execution of the laws, except where expressly authorized by the Constitution or statute. Although the authority of an express provision like the "domestic violence" provision mentioned above avoids violation of the Posse Comitatus Act, it could well be argued that extended use of the military in federal status to aid law enforcement conflicts with the spirit of the Posse Comitatus Act. (Indeed, DOJ believes that, if the "domestic violence" statutory authority were used in this context, Posse Comitatus concerns might require articulating a goal or objective that would enable withdrawal of the Guard after some reasonable period of time, rather than a possible indefinite supplementation of local law enforcement.)

Because of these legal and practical problems, we recommend against use of the D.C. National Guard in its federal status.

(b) General Local Militia Status

Although the President likewise has authority to use the D.C. National Guard in its local militia status for law enforcement activities, such a use would raise similar problems. Here too, it should be noted that the focus of Mayor Kelly's letter is a request for authority permitting her to take this step herself, rather than a request for the President to take this action.

The D.C. Code includes authority for assistance to "the civil authorities in the execution of the laws." D.C. Code Sec. 39-104. Nevertheless, a Presidential determination to deploy the D.C. National Guard in local militia status to aid in law enforcement efforts would raise many of the same problems as deployment in the Guard's federal status.

First, such a deployment would go substantially beyond existing precedents.

Second, a Presidential decision to deploy the National Guard in local militia status for this purpose would create

considerable pressure on Governors in States with high-crime cities to do the same.

Third, the niceties of the President resting on local militia status, rather than federal status, would probably be lost on the public. Whatever the general authority, the symbolic significance of the President calling out the military to patrol on a regular basis in the shadow of the White House and the Capitol would be enormous.

Fourth, deployment would again be of uncertain scope and duration.

Finally, funding for local militia status is ordinarily local, and it is unclear if the D.C. budget could presently support an extensive deployment of the National Guard in its general local militia status.

Because of these problems, we recommend against deployment of the D.C. National Guard in its general local militia status.

(c) Local Militia Status Under The Existing Federal Program

Under a statute enacted in 1989, the Secretary of Defense may provide funds to a Governor for State Guard activities that further drug interdiction and counter-drug objectives. 32 U.S.C. 112. In 1989, DOJ determined that the District may participate in this "Section 112" program.

According to the D.C. National Guard, approximately 35-50 Guard members are currently participating in the program on a day-to-day basis. (The D.C. Guard has a total of approximately 3500 members -- about 2000 in the Army Guard and 1500 in the Air Guard -- of whom approximately 550 are Military Police). The D.C. Guard members currently engage in various activities including helicopter and aerial surveillance for drug interdiction; aerial transportation and support; cargo inspection; coordination, liaison, and management activities; logistical and maintenance support; and educational programs.

The D.C. National Guard believes that their activities under this existing federal program can be easily expanded and fit comfortably within the parameters of the program. The existing activities can be increased, and other activities -- such as surface surveillance and surface transportation support -- could be undertaken and funded in the existing program.

Some limitations on the existing program should be noted. A legal limitation is that the Guard activity must have some relationship to the goal of drug interdiction and counter-drug activity, but DOD has apparently construed this requirement quite liberally.

A practical limitation is that the existing program is applied on a voluntary basis -- no Guard members are compelled to participate. The Commanding General of the D.C. National Guard estimates that an expanded program could draw a total of 85-100 volunteers, but probably no more. The D.C. National Guard apparently has suggested to the D.C. government that the city use the existing Section 112 program to increase D.C. Guard involvement, but the city has responded that it wants at least 400-500 Guard members (and, specifically, would like most or all of the D.C. Guard's 550 MP's). Thus, it is possible that reliance on the Section 112 program would draw criticism that it is inadequate because the numbers are too small -- and possibly because the tasks are too confined and not sufficiently dramatic to meet Mayor Kelly's goals.

Nevertheless, this option has much to recommend it. The great advantage of relying on this program is that, as part of an existing program, it would break no new ground and create no new precedents. The President, moreover, could direct the Attorney General and the Secretary of Defense to confer with the District about strategies for increasing D.C. National Guard involvement in the program. (It should be noted that, if the D.C. National Guard extended the program to unprecedented areas, questions might be raised about expanding the program to new terrain in other jurisdictions. At least such issues would arise, however, within an existing, congressionally sponsored and funded program). To the extent that the limit of volunteers is seen as a significant obstacle, moreover, it might be worth considering if there are ways to increase the incentive for D.C. Guard members to volunteer (for example, through some kind of recognition by the President or the Attorney General).

Because it represents application of an existing, widespread program, we recommend efforts to increase D.C. Guard involvement in the federal "Section 112" program.

3. Other opportunities for federal assistance

We believe that it would also be advisable to include non-military federal assistance options in your response to Mayor Kelly's request. Such options would reflect recognition of the appalling crime plague in the District, but would also direct attention to a range of possible responses. You have already given momentum to this approach by your reference to the crime bill in response to the question about Mayor Kelly's request. It may be advisable to include specific new initiatives as well.

Two possibilities come to mind. First, you could announce that FBI Director Freeh will chair an interagency Task Force to marshal federal law enforcement efforts in the District (including the FBI, DEA, ATF, U.S. Marshals Service, and even the Park Police). Second, you could call for an expansive Police

Corps program in the District. Since such a program provides educational assistance to young people in return for service, it would also serve to underscore the Administration's goals of community and service.

One possible criticism of these suggestions should be noted. In the last few years, the federal government has frequently announced new federal anti-crime initiatives in the District -- with little apparent lasting effect. In April 1989, for instance, drug czar William Bennett said that D.C. would be a "test case" in the federal government's war on drugs. Some press accounts of a new initiative might feature a retrospective of these past efforts.

Nevertheless, the advantages of announcing new federal anti-crime initiatives in the District -- including the opportunity to take a significant step against the intolerable crime spree and to broaden the dialogue beyond military responses -- outweigh this possible disadvantage.

DRAFT

October 25, 1993

Dear Mayor Kelly:

As President, and as a ~~member~~ ^{resident} of this community, I am pleased to respond to your recent letter regarding the D.C. National Guard.

This is a painful time in the life of the District of Columbia. The majority of its citizens -- who work hard and play by the rules, who teach their children values and wish them a better life, who take pride in their neighborhoods, schools and churches -- are being terrorized by a violent minority with easy access to powerful weapons and illegal drugs. The persistent and often increasing rates of homicide and non-fatal shootings, robbery and other crimes against property, are siphoning away the humanity of this community, eroding each citizen's sense of personal security, and placing an incalculable strain on the District's resources [and those of the Federal government.] ?

There are are answers to this problem -- none ~~are~~ ^{is} easy and most involve the long-term. And while I cannot agree with every aspect of your request, I will take certain actions ~~that will be to~~ ^{to} ~~of assistance in~~ grappling with the District's crime problem. In addition to moving my anti-crime initiative through the Congress, which will make additional resources available to the District, I have directed Attorney General Reno, National Drug Control Policy Director Brown, and Secretary of Defense Aspin to meet with you promptly to review a wide range of options for concrete, additional federal actions to assist the District in combatting crime.

Your letter requests that, through Executive Order, I grant you the same authority over the D.C. National Guard in its local militia status that Governors enjoy with respect to state National Guard units in their state militia status. I have been advised by the Department of Justice, ~~however~~, that this action cannot be taken by Executive Order. Since authority over the D.C. National Guard is vested in the President by statute, the President's authority cannot be delegated to a non-Executive Branch official by Executive Order.

Your letter states that you are pursuing statutory changes that would give you the same authority over the D.C. National Guard in its local militia status that Governors enjoy with respect to state National Guard units in their state militia status.

→ pick up next sentence here

more or
the present
independent of

(Consistent with my support for statehood for the District of Columbia, I ~~would~~ support such a statutory change.) In the interim, the District can certainly make increased use of an existing Department of Defense program. As you know, the D.C. National Guard, like the National Guard in all 50 States, currently engages in support for drug interdiction activities pursuant to a federal statute (32 U.S.C. 112) and pursuant to specific approval by the Department of Defense of the Guard activities. Guard members participate in this program on a voluntary basis. I have been advised by the Department of Defense that the District's participation in this existing program can be expanded. I have asked Attorney General Reno, Drug Control Policy Director Brown, ~~and Secretary Aspin~~ to explore this option with you. Secretary Aspin,

Besides participation in the well-established Department of Defense program, the federal government is not prepared at this time to approve additional, emergency use of the D.C. National Guard to assist in law enforcement activities.

I am confident that, working with the Cabinet, we will be able to respond with recommendations that deal specifically with the District's crime problem. Moreover, the pending anti-crime bill will make ~~an additional~~ 50,000 police ~~available~~ throughout the United States, and contains various measures to control the proliferation of handguns, expand the community policing program, and contribute both to the severity and certainty of punishment in the criminal justice system.

The current level of crime, and its corrosive effect on our daily lives, cannot be tolerated. We must, and we will, prevail on this fundamental challenge.

Sincerely yours,

available or to

David - There is
possibility that
President tomorrow the
support feeling for
more than 50,000
cops.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10-25 ACTION/CONCURRENCE/COMMENT DUE BY: 10-25 2 pmSUBJECT: Baggett memo on National Guard

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	PASTER	☐	☐
McLARTY	☒	☐	RASCO	☐	☐
NEEL	☒	☐	RUBIN	☐	☐
PANETTA	☒	☐	SEGAL	☐	☐
BAGGETT	☐	☐	SEIDMAN	☐	☐
EMANUEL	☐	☐	STEPHANOPOULOS	☒	☐
GEARAN	☒	☐	TYSON	☐	☐
GERGEN	☒	☐	VARNEY	☐	☐
GIBBONS	☐	☐	WATKINS	☐	☐
HALE	☒	☐	WILLIAMS	☐	☐
HERMAN	☒	☐		☐	☐
LAKE	☒	☐		☐	☐
LINDSEY	☐	☐		☐	☐
McGINTY	☐	☐		☐	☐
MYERS	☐	☐		☐	☐
NUSSBAUM	☒	☐		☐	☐

REMARKS:

RESPONSE:

JOHN D. PODESTA
 Assistant to the President
 and Staff Secretary
 Ext. 2702

THE WHITE HOUSE

WASHINGTON

OCT 23 P5:59

OCTOBER 23, 1993

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: JOAN N. BAGGETT

SUBJECT: POLITICAL SITUATION REGARDING D.C. AND THE NATIONAL
GUARD

I. SUMMARY

Since D.C. Mayor Sharon Pratt Kelly does not have the power to call out the National Guard, she has asked you to give her the power to call on the Guard to augment D.C. police in specific activities. She has also asked Eleanor Holmes Norton to introduce legislation to give her the same power Governors have to call out the Guard, though she sees the legislative effort as taking too long to address the current situation.

II. DISCUSSION

While the Mayor met with officers from the Department of Justice and the Department of Defense, she did not vet this proposal with Representative Norton or the City Council. According to the Mayor's staff and news reports, there is broad public support in the embattled neighborhoods. However, reactions vary from ambivalent to negative among other elected officials in the city. Representative Norton has asked that you give this "slow and thorough" consideration. She is concerned that if you approve this you will be directly tied to anything that may go wrong with the operation. She points out that Mayor Barry and Kevin Chavous, who represent two of the highest crime wards, are opposed, and DC City Council Chair Clark has indicated his disappointment that he was not consulted. Representative Norton is willing to introduce legislation to give the Mayor the same power that the Governors have, but has strong concerns over the Mayor's current proposal to you. She says that Representative Bill Clay has indicated his opposition to the proposal, and she believes the Congressional Black Caucus would likely be against it as well.

I believe we should go forward with internal Administration meetings to examine the legal and political ramifications of this request and to determine if there are other examples where the guard may have been used in this manner. This will also give us time to see how some of the local politics develop around the proposal.