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OA/ID Number: 19977
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Folder Title:
Crime Bill Debate [2]

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. background paper	re: Crime Bills Sponsored by Rep. Newt Gingrich (30 pages)	01/26/1994	Personal Misfile
002. background paper	re: Newt Gingrich on Crime (4 pages)	01/27/1994	Personal Misfile
003. background paper	re: Sen. Phil Gramm - Record on Crime (6 pages)	01/29/1994	Personal Misfile

COLLECTION:

Clinton Presidential Records
Communications
Subject Files
OA/Box Number: 19977

FOLDER TITLE:

Crime Bill Debate [2]

2009-1305-F

jp3653

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

GINGRICH: BILLS SPONSORED
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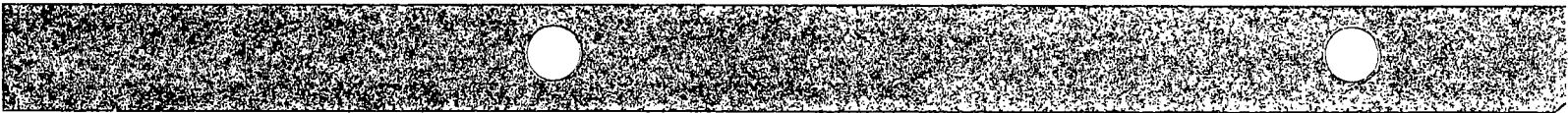
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Gramm

On boot camps:

(1993)

"We have two different approaches to crime and punishment. One is the Democratic approach, which basically is an approach that says let us treat people up to 28 years of age as youthful offenders; let us have boot camps; and then let us put into our prisons a lot of social services...I am not opposed to those things. I think, obviously, given our ability to fund them, they are an important part of the puzzle; but they are only part of the puzzle." [2]

"I support our Democratic colleagues in getting drug treatment for people in prison -- who could be against that -- and for having a boot camp for violent offenders." [3]

"My proposal is that we fund both the social approach of the Democrats...and in addition we need to build real prisons for real criminals...A combination of the two will allow us to break the back of violent crime in America and God knows we need to do that." [4]

On funding for cops:

(1992)

"Despite all the talk about money in this bill not one penny is appropriated by this bill. Not one penny will be provided for law enforcement or for anything else by this bill." [5]

On three-strikes:

(1992)

"I stood right here on the floor and sent an amendment to the desk asking for life imprisonment without parole for three-time losers...The amendment was adopted. But when this (conference) bill came back that amendment was dropped...until those of us who are not victims of crime become as outraged as the people who are, we are never going to deal with this problem." [6]

On the conference report:

(1992)

"Now what is wrong with this conference report? Not everything in it is bad. But what is wrong with it is that it contains the same half-hearted efforts that have been losing the war against crime and violence in this country for many years." [7]

"Once a week we should (vote on the crime bill) and do it every week until a true, tough anti-crime bill is the law of the land." [7]

exempt in North Dakota or Kansas from crime, criminal activities or drugs. So I think you will find a lot of bipartisan support.

We have to get tough in the right sense-not mean, but tough. We have to mean what we say. So if we pass a law, we know we can go out and say, looking somebody in the eye and say we have done something, and if somebody commits a crime, if somebody is going to go to prison, they are going to serve their time. My view is that certainly will give a lot of assurance to a lot of people who are having a lot of thoughts about criminal activity in America today.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I want to congratulate our colleague from North Dakota for an excellent statement. I think his personal experience is a stark reminder to all of us in this very special place that, while generally we are isolated from most of the tragedies that befall the people of our country, we are not totally isolated. As someone far wiser than I once said, until those of us who are not victims of crime are as outraged about it as those who are victims, we are not going to solve this problem.

Our dear colleague from North Dakota has been a victim, and I think his experience-I thank God that he has a quick-witted, tough wife, and maybe a guardian angel in addition-I think his experience is something that reminds all of us that our Nation demands that we do something about this problem.

Madam President, I want to talk a little bit about where we are, and what the issues are. And I will offer a proposal that perhaps could bring us all together to move forward on funding a major crime initiative; in fact, the most significant one, I believe, that we would have ever adopted.

First of all, let me remind my colleagues that 3 days ago I offered an amendment to enforce the President's Reinventing Government Initiative by freezing the level of Federal employment and by reducing that level, in compliance with President Clinton's objective to reduce the number of people in the Federal bureaucracy, by 252,000 over the next 5 years. That amendment was adopted here in the Senate overwhelmingly. Over 80 of our colleagues voted for it.

It then went to the House, and today in an extraordinary vote on a motion to instruct conferees by the ranking Republican on the Ways and Means

Committee, Mr. ARCHER, the House, by an overwhelming vote, voted to instruct conferees to accept the amendment. And, something equally important, the Congressional Budget Office scored the amendment today as saving \$21 billion over the next 5 years by setting into law a mechanism whereby any time we exceed the employment caps set out in the President's Reinventing Government Program, we have a freeze on hiring until we are in compliance with the provisions of the amendment that was adopted last week.

That produced the \$21.8 billion that Senator BYRD offered as an amendment to fund the crime bill. So I wanted to begin by reminding my colleagues that the source of the cornucopia of money that we are now talking about using to fight crime was the amendment that was adopted here last week which put a cap on the Federal employment and mandated a mechanism that will save \$21.8 billion.

We have two different approaches to crime and punishment. One is the Democratic approach, which basically is an approach that says let us treat people up to 28 years of age as youthful offenders; let us have boot camps; and then let us put into our prisons a lot of social services.

Madam President, I am not opposed to those things. I think, obviously, given our ability to fund them, they are an important part of the puzzle; but they are only part of the puzzle. What is missing is what is contained in the Republican amendment, which says let us build 10 regional prisons; let us fund those prisons; let us build them now; let us enter into a partnership with the States whereby we say that the States can put violent repeat offenders into these prisons that will be operated jointly by the State governments and by the Federal Government to get violent criminals off of the streets.

There has been a movement by the administration that I believe we are going to reverse here on the floor of the Senate today. The President came into office, offered a budget to cut prison construction by \$580 million, and

then immediately the administration and the Attorney General started talking about prison overcrowding.

We are not going to reverse minimum mandatory sentencing here on the floor of the Senate today. In fact, we are going to adopt more minimum mandatory sentencing. We are going to adopt minimum mandatory sentencing for gun violations. I want 10 years in prison, without parole, for possessing a firearm during the commission of a violent crime or a drug felony. I want 20 years in prison for discharging the firearm with intent to do bodily harm. I want life imprisonment, without parole, which means for the rest of your life, for anybody who kills somebody with a firearm during the commission of a violent crime or a drug felony, and I want the death penalty in aggravated

cases.

I believe we are going to adopt an amendment that I will offer with others, which is a "three-time loser" provision. That is, if you are convicted of three violent crimes, or three major drug felonies, or any combination of three violent crimes or drug felonies, you have become a predator criminal and the time has come to protect society against you, and you are going to get life imprisonment. And we are going to put you in jail and keep you there.

We open our newspapers every day, and we turn on our television sets every night, and it is the same story: Some violent, brutal murder is committed by somebody who should have been in prison, somebody who has been apprehended, convicted and sentenced; yet, they are walking the streets because we have a revolving door in virtually every State prison system in America.

I believe that our bleeding Nation demands that we lock up this revolving door; that we provide the resources to put violent criminals in jail and keep

them in jail. When you are talking about the lady who was brutally murdered in a carjacking near here and dragged for a mile and a half, or whether you are talking about Michael Jordan's father, or any other of a thousand violent crimes that we read about every day and see on television every day, they all have one thing in common: All of these people should have been in jail. If they had served out their terms, these people would have been behind bars, and the people that we love and care about would have been alive.

I support our Democratic colleagues in getting drug treatment for people in prison-who could be against that-and for having a boot camp for violent offenders. I do not call a criminal who is 28 years old a youthful offender. They are some of the most violent people in our society. But that is their approach.

The distinguished Senator from West Virginia has proposed using the mechanism of my amendment to fund that. I do not object to it. My proposal is that we adopt the Byrd amendment. I am hoping that I can convince people on my side to adopt the Byrd amendment and then to offer our amendment to build real prisons, so that we have a place to put violent criminals.

Under our bill, we would build these 10 regional prisons. They would house violent repeat offenders. For the States to participate in this program, they would have to adopt truth-in-sentencing provisions so that in my State, Texas, if somebody is sentenced to 20 years in prison, they would have to serve the sentence-not 4 years, not 20 months, not 5 years. In order to participate in the program, we would require that the States apply this to

all violent criminals, and we would allow them to jointly use the Federal regional prisons. I believe that that is the kind of provision we need.

So my proposal-and I will be talking to the Senator from Utah and others-is simply this: Given the willingness of Senator BYRD to, in essence, adopt my amendment which cuts existing spending by \$21.8 billion, my proposal is that we fund both the social approach of the Democrats, where we treat people in prison for drug abuse, where, as an alternative to incarceration for first time, nonviolent offenders, we have boot camps. But in addition to that, we need to build real prisons for real criminals. Someone who kills somebody in this country ought to go to prison.

Today, the average murderer is serving 5 years and 6 months. Is it any wonder that we have violent crime in America everywhere when someone who goes out and brutally rapes somebody spends only 3 years in prison because of prison overcrowding and because of a lenient court system?

We need minimum mandatory sentencing. We need to grab these violent criminals by the throat and not let them go; we need to get a better grip. The way to do that is to build prisons and put people in them. That is what I think we need to do, and I urge my colleagues to allow us to take both approaches. We have the capacity to do it. The problem is big enough. Let us use the carrot of rehabilitation that our Democratic colleagues have offered, but let us use the stick of minimum mandatory sentencing and guaranteed incarceration for violent criminals and the death penalty, which is what we offer. I think a combination of the two will allow us to break the back of violent crime in America-and God knows we need to do that.

I yield the floor.

[pS15009]

Mr. DOLE. Madam President, I understood the Senator from Massachusetts was going to be recognized. He has no problem with my taking 1 or 2 minutes.

Mr. KERRY. No. I am delighted to yield to the Republican leader.

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>

They are sick and tired of the streets being unsafe.

The Sergeant at Arms of the House of Representatives was shot in the mouth a few days ago near his home and robbed. Such as that should not occur. A staff member of Senator Shelby from Alabama was recently murdered only blocks from the Capitol. There have been other serious crimes around this Capitol. There are other serious violent crimes all over this country.

People are afraid to walk the streets. It is disgraceful.

I was in Africa some years ago and we happened to be out about 12 o'clock one night. A lady was walking along the streets and I turned and I said, "Is it safe for people to walk these streets this time of night?" They said it is perfectly safe, and that violent crime was practically unheard of in that town. Here in the United States, own citizens should also feel safe walking the streets of their communities.

We are supposed to be a civilized nation. We are not acting like it. We are disgusted with what is going on here in the way of crime. The people are demanding, I say they are demanding, that something be done. President Bush wants something done. We want something done. Let us get together and pass that tough crime bill that I introduced yesterday along with 28 cosponsors.

=====

Mr. GRAMM. Mr. President, it was 986 days ago today, 986 days ago today, that President Bush sent his crime bill to Congress and asked us to do something to provide relief for our bleeding Nation. To this day we have not acted.

Our dear colleague has talked about a bill that has been brought up today as a conference report. Before I talk about what that bill does and does not do, I want to give people a little bit of background as to why we are here. We have been trying to deal with the crime issue and we held a press conference yesterday saying that today we were going to offer a new, tough crime bill as an amendment to pending legislation today or this week. As a result, the Democrat leadership has brought back last years conference report and that is now before us.

I would like my colleagues to simply take note of the following facts. This conference report is going to be vetoed if it is passed here, and I have my grave doubts that it will be passed. The President is going to veto this bill because this bill strengthens the rights of criminals. This bill repeals decisions that have been made by the Supreme Court that have strengthened law enforcement and as a result unless God palsies the President's hand, which I do not expect Him to do on this issue, the President will veto this bill if it goes to the White House.

Second, despite all the talk about money in this bill not one penny is appropriated by this bill. Not one penny will be provided for law enforcement or for anything else by this bill.

This bill authorizes expenditure of money, but it does not appropriate money. Only an appropriation bill can do that, and no matter what we do on this bill today not one more penny will be provided for anything until an appropriation is passed.

Now why am I against this bill, which is called a crime bill in one of the great misuses of the English language in my 13 years in Congress?

Well, let me tell you why I am opposed to it. Without getting into these technical terms about habeas corpus and exclusionary rule, let me just speak English here for a minute.

Last year, when we considered the crime bill, on the floor of the Senate, standing at this exact desk, I sent an amendment to the desk asking for 10 years in prison without parole for selling drugs to a minor, no matter who your daddy is and no matter how society has done you wrong. I sent an amendment to the desk and asked for 10 years in prison without parole for somebody who sells drugs to a minor or who uses a minor in the distribution of drugs.

I also asked for mandatory life imprisonment without parole for somebody who is so callous of the health, happiness, and lives of our children that they would do it a second time.

Mr. President, that amendment was adopted by the Senate. What happened when the bill went to conference? The amendment was dropped.

I stood right here on the floor and sent an amendment to the desk asking for life imprisonment without parole for three-time losers. Now what does that mean? That means if a hoodlum goes out and rapes somebody, or some hoodlum goes out and sells drugs to a minor, or some hoodlum goes out and kills somebody, after the third conviction, we should have concluded that this person is preying off the health and happiness of our citizens and we ought to put them in jail for life where they belong.

The amendment went to the desk. The amendment was adopted. But when this bill came back, that amendment had been dropped.

I had drafted an amendment asking for 10 years in prison without parole for carrying a firearm during the commission of a violent crime or a drug felony, 20 years for discharging the firearm, the death penalty for killing somebody with intent, and mandatory life imprisonment for other murders committed with a firearm. Mr. President, a variation of that amendment was adopted by the Senate, but when the bill went to conference that amendment was dropped.

Now what happened is that in many cases similar provisions were adopted in the House. The House of Representatives has not been soft on crime, as the word is used. But what has happened is that when these tough provisions have left the House and left the Senate and gone to conference, the provisions that were committed to grabbing criminals by the throat, and not letting them go to get a better grip, have consistently been dropped.

Mr. President, I said when we debated this issue the last time that until those of us who are not victims of crime become as outraged as the people who are victims of crime, we are never going to deal with this problem. In fact, in many ways, we live here in an isolated environment. We come to work every day, people who come to the office buildings must go through a metal detector, the garages are guarded, and in a sense we have been in this isolated island while the rest of the country has been ravaged by crime.

But, Mr. President, since we last voted on this bill, crime has come to our very doorstep. The man in charge of the Capitol Police on the House side of this great historic building was shot in the face the other night by a criminal who was trying to rob him. Senator Shelby's staffperson, going home just blocks from the Capitol,

was shot in the head and killed. A Senator's wife was dragged down the street here with a pistol stuck in her face.

Mr. President, the tragedy is this has been happening to the Nation for years. It has only started in the last few months to happen to us.

Now what is wrong with this conference report? Not everything in it is bad. But what is wrong with it is that it contains the same half-hearted efforts that have been losing the war against crime and violence in this country for many years. It is too much dominated by the thinking that believes criminal behavior is a social problem.

Mr. President, I do not know what is going to happen to this conference report. The leadership on the majority side of the aisle feels obviously that they have gained an advantage by stopping us from offering our bill today. This conference report before us is not going to become law. Everybody knows it, it cannot be amended.

But I want my colleagues to understand, no matter what happens to this conference report, once a week, every week, except the week where we are up against a deadline to pass the tax bill, but other than that week, once a week, every week for the remaining time that this Congress is in session, I believe we should vote on the crime bill. Once a week we should do it and do it every week until a true, tough anticrime bill is the law of the land.

I know the leadership of this body understands that that is going to happen and nothing should change that until we are all there with our smiling faces and the President takes out his pen and signs a true anticrime bill.

I think it is important that this issue be dealt with.

Let me make one final point, and I will sit down.

In trying to push the process forward, what our distinguished leader on this issue, the Senator from South Carolina, has done is, rather than going back to last year's original bill with all the controversial matters in it, he has wisely put together a new bill that has provisions that have been adopted either by the House or by the Senate.

So the bill we introduced yesterday is basically made up of provisions that have already been adopted in one House of Congress or the other. In a spirit of compromise, it has authorized all of these spending programs. Now [*S2824] no money is provided, but it simply says someday we hope it will be and that is in this bill.

And, quite frankly, I am for most of this, though there are some items in here that have no business being in a crime bill in my opinion. But I want to try to get on with passing that bill. But what I am not willing to do is to pass bills that strengthen the rights of criminals. It is time that we started to concentrate on our obligation to protect the rights of our law-abiding citizens.

The bill we introduced yesterday contains the provision that Senator Shelby has introduced, which is the death penalty for the District of Columbia. And I have news for the District of Columbia; we are going to adopt and impose the death penalty in the District of Columbia, and we are going to do it this year.

The Constitution is very clear that control over the District and the making of

law in the District is the exclusive jurisdiction of the Congress. We are going to use that power this year to adopt the Shelby amendment, hopefully, as part of a true, tough anticrime bill.

I yield the floor.