

# FOIA MARKER

**This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.**

---

**Collection/Record Group:** Clinton Presidential Records

**Subgroup/Office of Origin:** Communications

**Series/Staff Member:** Subject Files

**Subseries:**

---

**OA/ID Number:** 11660

**FolderID:**

---

**Folder Title:**

Various Clips on 1994 Crime Bill - '93 Spring to '94 Summer [Senate and House]]

**Stack:**

**S**

**Row:**

**91**

**Section:**

**2**

**Shelf:**

**1**

**Position:**

**3**

# Senate OKs Massive Anti-Crime Package <sup>AL</sup>

■ **Legislation:** The measure wins bipartisan backing.  
Sudden effort seen as response to public anxiety.

By WILLIAM J. EATON  
TIMES STAFF WRITER

WASHINGTON—In an unexpected bipartisan breakthrough, the Senate voted 94 to 4 Thursday night for a massive five-year, \$22.2-billion crime-fighting package that would put 100,000 more police on the streets, build regional prisons for violent offenders and launch a national attack on domestic violence.

Responding to rising public anxiety, senators united behind a proposal that combined President Clinton's program with major measures supported primarily by Republicans, which avoided the usual partisan warfare on crime bills.

The Senate approved the plan as the centerpiece of a crime measure that has taken on added importance in the waning days of the first session of the 103rd Congress. The House also will have to approve the legislation.

"I can say this is by far and away the most significant federal effort to deal with violent crime in America that has ever been undertaken in the U.S. Senate," said Sen. Joseph Biden (D-Del.), chairman of the Senate Judiciary Committee.

The action in the Senate came as legislation that would impose a five-day waiting period on handgun purchases cleared a major

hurdle when the House Judiciary Committee voted, 23 to 12, for approval over the objections of its chairman.

The long-pending bill, commonly called the Brady Bill, still faces

**Please see SENATE, A12**

## Continued from A1

determined opposition in Congress. But Clinton has backed it strongly and said that he hopes to sign it before Thanksgiving, when Congress is expected to adjourn until January.

Under the bipartisan compromise in the Senate, funds allocated to states and cities would be almost twice as large as the \$12.27 billion in the measure approved earlier by the Senate Judiciary Committee.

Funding for the legislation would be provided by savings resulting from a reduction of 252,000 in the federal work force over the next five years, as the President proposed in the "National Performance Review" of government efficiency directed by Vice President Al Gore.

The savings would be placed in a "Violent Crime Reduction Trust Fund" that could be tapped only to pay for the anti-crime programs in the pending bill, according to authors of the compromise, although separate appropriations legislation still would be required.

"In effect, it will decrease the number of federal employees and increase the number of police on our streets," said Senate Majority Leader George J. Mitchell (D-Me.).

The complex deal was worked out by Sen. Robert C. Byrd (D-W.Va.), chairman of the Senate Appropriations Committee, in negotiations with GOP senators Orrin G. Hatch of Utah and Phil Gramm of Texas, as well as Mitchell and Biden.

Byrd said that the package would pay for 100,000 more state and local police, instead of the 60,000 provided in the Judiciary Committee bill or 50,000 voted by the House.

Another \$3 billion would be earmarked for construction and operation of regional prisons for the most violent offenders, as proposed by Hatch, with \$1 billion more for construction of jails, boot camps and other state and local confinement facilities.

A total of \$500 million would be allocated

to build and run facilities to confine violent juvenile offenders, with another \$1.8 billion to deal with domestic violence against women.

The agreement overshadowed other action on the crime bill, including approval of an amendment offered by Sen. Dianne Feinstein (D-Calif.) to impose significantly heavier penalties on persons convicted of "hate crimes."

Responding to a request from Gov. Pete Wilson of California, Senate Minority Leader Bob Dole (R-Kan.) offered an amendment to double the federal penalties for arson that affects property, raising them to 20 years in prison with fines up to \$100,000. For arson that results in injury to a person, the maximum penalties would be 40 years in prison and fines up to \$200,000.

Feinstein and Sen. Barbara Boxer (D-Calif.) immediately endorsed the Dole proposal, and it was approved on voice vote.

The votes do not complete work on the crime bill, but senators on both sides of the aisle said they represented a major step forward. Other controversies to be settled include proposals to expand the death penalty for certain federal crimes.

In the House, the Judiciary Committee's passage of the Brady Bill came even though its influential chairman, Rep. Jack Brooks (D-Tex.) argued that its impact on crime is highly doubtful.

"The main market for the purchase and sale of handguns is the illicit market," Brooks said. "We may be simply deluding ourselves and the country if we attempt to paint this bill as the answer to violent crime or even the proliferation of handguns."

Supporters of the bill, however, contended that a waiting period had been effective in California by denying more than 15,000 ex-convicts the chance to buy handguns. The waiting period would give authorities time to check the backgrounds of would-be gun purchasers.

# Senate Approves Tougher Hate Crime Penalties

By Helen Dewar  
Washington Post Staff Writer

The Senate yesterday joined the House in approving a proposal to set stiffer penalties for violations of federal law involving "hate crimes" in which victims are targeted because of race, gender, sexual orientation or other similar characteristics.

The proposal was approved, 95 to 4, as the Senate began action on an omnibus anti-crime bill that reflects growing public concern over street violence as well as many of President Clinton's campaign promises on law enforcement.

The "hate crime" provision, sponsored by Sen. Dianne Feinstein (D-Calif.), would direct the U.S. Sentencing Commission to increase penalties now imposed under its guidelines for crimes motivated by hate or prejudice, generally lengthening prison terms by about one-third for such offenses, Feinstein said.

It would define a hate crime as one in which a defendant intentionally targets a person or prop-

erty on the basis of the victim's actual or perceived race, color, religion, national origin, ethnicity, gender, sexual orientation or disability.

It would not create any new federal crimes or federalize any state criminal laws but instead

***"Crimes based on hate and intolerance have no place."***

—Sen. Dianne Feinstein (D-Calif.)

would impose stiffer penalties for existing federal crimes and encourage states that follow federal sentencing guidelines to do the same.

"Crimes based on hate and intolerance have no place in our society," said Feinstein, noting that hate crimes are on the rise across the country and that four racially motivated fire bombings occurred within one square mile in Sacramento in the past three months. Hate crimes in Los Angeles rose 11 percent in 1992, hitting an all-time high of 736 incidents, including three murders, she added.

While there have been some expressions of concern by civil liberties advocates about whether the proposal impinges on First Amendment guarantees of free speech, the legislation parallels a Wisconsin statute that was upheld by the Supreme Court last June.

Feinstein said her proposal, like the Wisconsin law, would punish conduct rather than expression.

Identical legislation was passed by the House on a voice vote in September, virtually assuring that it will become law either as a part of an omnibus crime bill or in separate legislation.

As it moved slowly toward more contentious provisions of the crime bill, the Senate also unanimously approved a nonbinding resolution prodding the Justice Department to take a tougher stand in prosecuting a 1984 law against child pornography. Sponsors of the proposal contended that the department is interpreting the law in a way that allows many child pornographers to go free.

Voting against the hate crimes provision were Sens. Lauch Faircloth (R-N.C.), Russell Feingold (D-Wis.), Jesse Helms (R-N.C.) and Malcolm Wallop (R-Wyo.).

## Gun Control Foes Targeting Criminals

*Rifle Association Plans National Campaign to Confront Lawless*

By Dan Balz  
Washington Post Staff Writer

National Rifle Association officials said yesterday they would launch a national campaign to get tough on criminals as an alternative to gun control, and they said Tuesday's elections confirmed their approach.

To emphasize the point, the NRA hung a huge banner from the front of its headquarters building that reads: "It's the criminals, stupid," a takeoff on the Clinton campaign's dictum in 1992, "It's the economy, stupid."

"If there's one message that came through on Tuesday, it's get tough with violent criminals and confront them directly," Wayne LaPierre, the head of the NRA, said at a news conference.

LaPierre cited the victory by Gov.-elect George F. Allen (R) in Virginia and the passage of several ballot initiatives—one in Washington state calling for mandatory life sentences for third-time felons and a \$1 billion bond issue for new prison construction in Texas—as evidence that voters want politicians to confront criminals directly.

The NRA's new campaign rep-

resents an aggressive counterattack against a change in the political climate that has seen more politicians calling for some handgun controls or bans on assault weapons. Politicians also have been more willing to run directly against the gun lobby. In recent weeks, President Clinton has attacked the NRA as part of his drive to pass the Brady bill and his crime bill in Congress.

But LaPierre said Democrat Mary Sue Terry lost to Allen because voters preferred his solution to crime—eliminating parole for violent criminals—to her call for a waiting period for the purchase of handguns. The NRA worked hard for Allen's campaign.

The NRA also was an issue in New Jersey, where Gov. Jim Florio (D) ran on his assault weapons ban and criticized his opponent, Republican Gov.-elect Christine Todd Whitman, for suggesting it should be softened.

The NRA ran newspaper ads against Florio, but exit polls conducted by Voter Research & Surveys found that, by 72 percent to 28 percent, Florio was favored among those who said crime was the most important issue. However, only 14 percent cited crime as the

key issue, compared with 35 percent who said taxes and 31 percent who said jobs and the economy.

Gun owners provided the margin of victory in Whitman's close race, although she tried to distance herself from the NRA. Three-quarters of the voters said they did not own a gun, and they supported Florio by 53 percent to 47 percent. The remaining quarter of the electorate backed Whitman 62 percent to 38 percent.

LaPierre said yesterday the NRA would begin a petition drive to put on the California ballot the same "three strikes and you're out" initiative that was approved in Washington.

"One more gun law isn't going to solve the problem," he said.

LaPierre had harsh words for the Clinton administration, predicting that voters next year would endorse the NRA's approach to violent crime over the administration's, and he described as laughable the recent call of Sen. Daniel Patrick Moynihan (D-N.Y.) for a big tax increase on ammunition.

"The NRA says this is laughable," Moynihan replied yesterday. "I think that's obscene. Gunshot wounds cost about \$4 billion a year."

## Senate Approves Longer Sentences for Hate Crimes

✓ **By CLIFFORD KRAUSS**  
Special to The New York Times

WASHINGTON, Nov. 4 — Responding to a growing trend of violence against minorities and homosexuals, the Senate overwhelmingly passed a measure today that would lengthen Federal criminal sentences by an average of one-third for such offenses.

The amendment was attached to an overall crime bill whose prospects for passage could be jeopardized by such measures as an expansion of the death penalty and limits on death-row appeals.

But even if the overall crime bill is derailed, the hate crime measure will probably be enacted anyway because it has passed in identical form in the House as well as the Senate.

Democrats and Republicans tonight reached an agreement on an amendment that appeared to increase the likelihood that a crime bill would pass. The agreement would double the amount of money in the legislation to \$22.26 billion over five years from cutbacks in staffing in various Federal agencies. The amendment would provide localities with 100,000 new police officers, as well as \$3 billion for the

construction of regional prisons to house the nation's most violent inmates.

In a debate today, senators quoted the statistics of various civil rights groups that note the rise in many parts of the country of such hate crimes as white supremacist, anti-Semitic and anti-homosexual violence.

Senator Dianne Feinstein, a California Democrat who sponsored the measure, said the Los Angeles Police Department reported 165 hate crime incidents from July through September, a 19 percent increase over that of the same period last year.

The provision, which passed by a vote of 95 to 4, defines a hate crime as a criminal attack targeted on a person or his property on the basis of the victim's race, color, religion, national origin, ethnicity, sex or sexual orientation. Sentences under the measure for property damage or destruction would increase to a maximum of 10 years from 6 years, and for aggravated assault to a maximum of 41 years from 24 years.

Only Federal offenses — such as crimes committed on Indian lands or Government property, would be cov-

ered by the bill. But Senate aides said coverage could be potentially broad if it was enforced in criminal civil rights cases. It will also serve as an example to local and state governments to enact similar provisions.

"Someone who selects a victim based on hatred should be the subject to the stiffest penalties," Senator Feinstein said.

Senator Jesse Helms, Republican of North Carolina, opposed the measure, calling it "extremely vague, subject to abuse and almost impossible to enforce," and adding, "My primary concern is we are punishing free speech."

Such concerns have been expressed by some civil libertarians, but the Supreme Court upheld a similar Wisconsin law in June. That ruling made a strict distinction between punishing conduct and punishing speech.

Everything you need to  
know for your business day  
is in Business Day.  
The New York Times

# Negotiators agree on crime bill

Leslie Phillips  
and Richard Benedetto  
USA TODAY

Encouraged by the get-tough-on-crime message sent by voters this week, Senate negotiators Thursday agreed on a \$22.2 billion crime bill aimed at protecting the nation from murder and mayhem.

The plan — an amendment to a troubled but smaller bill — would put 100,000 new police officers on the street and build more prisons, exactly the kind of political ammunition every senator wants to brag about to voters back home.

Chances for passage are good — for neither Democrats nor Republicans are insensitive to public opinion. A recent USA TODAY/CNN/Gallup Poll found 84% say crime is worse now than a few years ago, and FBI statistics show violent crime is up nearly 19% in five years.

"We must take back our streets," said Sen. Joseph Biden, D-Del., Judiciary Committee chief.

"We've got to say to those who commit violent crime: The jig is up," echoed Sen. Kent Conrad, D-N.D., whose wife was mugged at gunpoint. The bargain came shortly after the House Judiciary Committee sent the Brady bill — calling for a five-day wait to buy a handgun — to the full House. The Senate will take up the Brady bill separate from the crime package. The bill, seven years in the making, also is expected to pass both bodies.

Before the compromise, Republicans and Democrats appeared to be in competition to see who could be tougher, ignoring the fact there is no money to spend.

But the compromise crafted by Sen. Robert Byrd, D-W.Va., would finance the package with budget savings from President Clinton's plan to trim 252,000 federal workers. The House passed a measure Wednesday putting 50,000 cops on the beat and is working on a measure to fund prison construction. Clinton supports more cops and prison construction and is expected to sign a bill, if the House and Senate agree on one. Despite agreement on these popular programs, ideology and politics are dividing lawmakers in other controversial areas.

Democrats, at heart, are convinced the best way to attack crime

is through prevention and rehabilitation, like drug treatment programs. "Unless we get at the root causes ... we are not going to solve the problem," said Biden.

Republicans want to lock up violent criminals and throw away the key — an idea voters seem to like. "Crime was the defining issue in mayoral elections all across the country," says Mike Brown of the U.S. Conference of Mayors.

No agreement has been reached between members of the two parties on issues such as increasing the number of crimes punishable by death, which Republicans are eager to do but Democrats are not.

Nor do the two parties agree on streamlining death-row appeals.

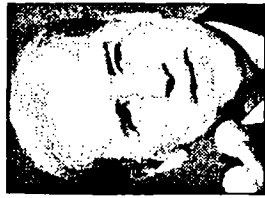
Democrats want to make it easier, Republicans want to limit appeals.

There also was disagreement over attempts to ban assault weapons, a perennial Democratic effort rebuffed by Republicans.

Analysts looking ahead to gubernatorial and congressional elections next year say crime will continue to turn candidates into tough talkers.

Thomas Mann, an analyst with the moderate Brookings Institution, says that while gun-control laws are a "good first step," stronger steps such as more community police work, tougher sentences and increased jail space are what people want now.

"It will help incumbents by allowing them to say they've done something," Mann says.



USA TODAY  
**BIDEN:** 'Take back our streets'

By Bill Nichols  
USA TODAY

LEXINGTON, Ky. — President Clinton continued his bid for grass-roots support for the North American Free Trade Agreement Thursday, saying it's "ludicrous" to suggest Tuesday's election results would make his job of selling the treaty to Congress more difficult.

In a stop at Lexmark International, a computer firm spun from IBM, Clinton bristled at suggestions Republican wins Tuesday will make House Democrats less likely to make a perilous vote for a president who has shown little ability to offer political cover.

"What in the world would that have to do with anything?" Clinton said. "That's just a Washington story. That's ridiculous. ... NAFTA wasn't an issue in any of those races."

But there is real concern within the White House staff that GOP wins in New Jersey and Virginia gubernatorial races and in the New York City mayoral race may hinder pro-NAFTA momentum.

Administration pollster Stan Greenberg was sent to Congress Thursday to tell members his polling does not indicate voters will punish them for backing NAFTA.

By most accounts, Clinton is about 35 votes short of the 218 votes needed for House passage of the treaty, which would lift virtually all trade tariffs between the United States, Mexico and Canada over 10 years.

Both sides agree the undecided vote has frozen. So the White House is employing a broad strategy to try to shake things up, show some gains and generate enough momentum to pass NAFTA Nov. 17.

Aides admit Clinton will either win narrowly or lose sizably — nervous members will run from him in droves, signaling to voters their willingness to vote for jobs back home rather than to back the president, if there are signs in the final 10 days he's going to lose.



By Ed Reinke, AP

**MAN OF MANY HATS:** President Clinton sports a cap given to him by a worker at Lexmark International in Lexington, Ky.

Clinton is trying to sweet-talk members with whatever bargaining chips he has, like presidential visits — Rep. Scotty Baesler, D-Ky., who represents this area, came on board several weeks ago and was barely a step behind Clinton when he disembarked Air Force One.

While here, Clinton noted NAFTA would end a 20% Mexican tariff on computers.

"In other words, instead of 600,000 computers, we can be selling millions there," he said.

USA NAFTA, the lobbying group for the pact, says Kentucky's trade with Mexico rose 357%, from \$43 million to \$198 million, between 1987 and 1992 — one of 13 states with 300% growth in exports to Mexico in that time period.

Also Thursday, Clinton met at the White House with another group of undecided Democrats, a personal wooing that will increase next week.

The administration is working hard to try to build in structural changes to the agreement that can move sizable blocks of votes from states with specific

fears about NAFTA.

Earlier this week, U.S. Trade Representative Mickey Kantor won concessions from Mexico to aid U.S. citrus, sugar, wine, flat glass and small appliance producers, a deal aides say could turn two dozen votes.

Finally, Clinton is desperately trying to convince U.S. workers NAFTA is not to be feared for jobs it might move to Mexico but viewed eagerly for jobs it could create at home.

NAFTA opponents say the pact will cost 500,000 jobs over three years. Clinton claims 250,000 jobs will be gained. Observers see no clear answer.

Clinton's pitch: Japan will swoop into Mexico if the United States doesn't, and passing NAFTA is a key to opening up Latin America to U.S. exports.

"I was the governor of the state that lost plants to Mexico. I used to go stand at plants on the last day they were open and shake hands with people when they walked off the job for the last time," Clinton said.

"I want you to understand this very clearly from somebody who's lived through this: This agreement will make that less likely, not more likely."

► Gore vs. Perot, 1A

# Moynihan Asks Big Tax Increase On Ammunition

By ADAM CLYMER  
Special to The New York Times

WASHINGTON, Nov. 3 — Senator Daniel Patrick Moynihan, chairman of the Senate Finance Committee, said today that he would insist that President Clinton's health-care plan include a huge increase in Federal taxes on handgun ammunition that would make some especially destructive bullets unaffordable.

The New York Democrat has often argued that the best way to attack gun violence would be to restrict the sale of ammunition, not guns themselves. He noted today that the nation has a 200-year supply of guns but only a 4-year supply of ammunition.

"Guns don't kill people; bullets do," he told the Senate as he introduced his legislation today. "It is time the Federal Government began taxing handgun ammunition used in crime out of existence."

From most lawmakers, such a proposal might seem a quixotic challenge to the gun lobby, which immediately denounced the plan as laughable.

But coming from the chairman of the Finance Committee, one of the two Senate committees with a predominant role on the health bill, a proposal to tax ammunition immediately becomes a serious issue.

Senator Moynihan said he was sure that the committee would agree with his proposal and would add the provision to the health bill before sending it to the Senate floor. "I feel very strongly, and I can't imagine one coming out of the committee without this," he said.

The Administration has plainly been reluctant to add another enemy, gun owners, to the critics of its bill, who range from insurance companies to

Continued on Page B20, Column 1

## Moynihan Urges Huge Taxes on Handgun Bullets

Continued From Page A1

small business to foes of abortion. Hillary Rodham Clinton answered sympathetically in September when questioned about taxing guns, but told lawmakers that the Administration was not including such proposals.

In a Finance Committee hearing, he won an unenthusiastic promise from Treasury Secretary Lloyd Bentsen to consider the proposal. "Obviously that is a source of revenue that could be examined, and we will consider it," the Secretary said.

Mr. Moynihan's proposal would raise the current 11 percent tax on the wholesale price of handgun ammunition to 50 percent in most cases. It would not

raise the tax on .22-caliber ammunition typically used for target shooting.

But it would raise the tax to 10,000 percent on the Winchester 9-millimeter hollow-tipped Black Talon cartridge, which is advertised as expanding "to expose razor-sharp reinforced jacket petals."

"These cut tissues in the wake of the penetrating core," the ad says.

The advertisement, in Handguns for Sport and Defense Magazine in November, said "Black talon" cartridge "penetrates soft tissue like a throwing star — very nasty; very effective; a real improvement in handgun ammo."

The manufacturer would not disclose the wholesale price, but Cameron Hopkins, editor of Firearms Industry Magazine in San Diego, said a box of 20

Black Talon cartridges would typically wholesale for about \$16, including the 11 percent tax, and retail for about \$24.

The 10,000 percent tax would push the price of a single box to almost \$150,000. The tax would not apply to people in law enforcement or the military.

Mike Jordan, manager of marketing technical services for the Winchester Ammunition Division of the Olin Corporation, said, "I wish the Congress people would attack crime as zealously as they do guns and ammunition."

He said in a telephone interview from East Alton, Ill.: "The Black Talon is a premium handgun bullet like many others — it there. It's a good bullet that performs very consistently. It was designed using the criteria for the F.B.I.

to insure that it meets their standards. Law enforcement likes this bullet."

That high tax rate would also apply to all .50-caliber ammunition, which are for very large handguns. "These bullets have no purpose other than to cause the greatest possible destruction of human life," Senator Moynihan said about the ammunition he wants to tax at 10,000. "We must effectively tax these hyper-bullets out of circulation."

For most ammunition, the price increase dictated by a higher tax would appear to be modest. Mr. Hopkins said the usual markup is about 30 percent. A box of 50 higher-grade .38-caliber cartridges may sell for about \$16, with the tax about \$1.20. The tax would increase to about \$5.90 under the Moynihan proposal.

Mr. Moynihan's bill would also raise the current \$10-a-year license for manufacturing ammunition to \$10,000.

The proposal was immediately attacked by Wayne LaPierre, executive

vice president of the National Rifle Association. He said: "I seriously doubt anyone in America believes crime is going to go down because taxes are going to go up. It shows how eggheaded this whole debate has become."

But Senator Moynihan said the issue was public health. He said that in 1989, the last year for which statistics were available, 34,776 people in the United States were shot and killed. He said it appeared that another 175,000 were wounded.

The Administration has defended its proposed 75-cent-a-pack tobacco tax as desirable both for revenue and for its public health effect in discouraging smoking. But it has plainly been reluctant to tax other, more politically powerful interests like liquor or guns.

When the issue arose on Sept. 28 at a Ways and Means Committee hearing, Representative Mel Reynolds, Democrat of Illinois, chided Hillary Rodham

Clinton for explaining that only tobacco was taxed because it was the only product that was unhealthy when used as directed. He told, "If a Tech-9 semi-automatic weapon is used as directed, it will have a severe impact on our health care system." She told him the Administration respected his proposal and would work with him, but was not including it.

Senator Bill Bradley, Democrat of New Jersey, asked her two days later about a similar proposal, with a huge increase in dealers' fees and a 25 percent sales tax on handguns and automatic weapons. "Speaking personally — and that's all I can do," she said, "I'm all for that." She spoke of a friend who was outraged that a gun dealer had opened a shop across the street from a high school and told Senator Bradley: "We will look at your proposal and be happy to talk with you about it. I'm speaking personally, but I feel very strongly about that."

THE NEW YORK TIMES, THURSDAY, NOVEMBER 4, 1993

# ate Approves Life Sentence for 'Three Felonies'

## makers Reject a Proposal to Ban Death Penalty on Crimes Committed Before Age 18

By Helen Dewar  
Washington Post Staff Writer

The Senate voted overwhelmingly yesterday to impose a mandatory life sentence on anyone found guilty in federal court of a third violent felony as lawmakers scrambled to demonstrate how tough they are on the popular issue of fighting crime.

It then rejected, 52 to 41, a proposal to ban imposition of the death penalty by state or federal courts for crimes committed while the defendant was under age 18.

The "three-strikes-and-you're-out" rule, similar to a mandatory sentencing law approved by Washington state voters in last week's elections, was approved, 91 to 1, with only Sen. Bob Packwood (R-Ore.) voting to preserve the discretion of judges and juries in imposing sentences.

It was one of about 250 amendments that senators have proposed to President Clinton's anti-crime bill. The Senate has already voted to more than double the president's initial funding request—to \$22 billion over the next five years—to hire more police and build more prisons.

While most violent crimes are tried in state and local courts, senators have been trying to address mounting public concern over these offenses by increasing penalties for the relatively few cases that wind up in federal court, usually involving crimes that occur on federal property.

Last week they stiffened penalties for arson, expanded the scope of evidence that can be considered in cases of sex offenses and child molestation cases and permitted juveniles as young as 13 to be tried as adults. Yesterday they took on the controversial issue of mandatory minimum sentences, putting themselves at odds with Attorney General Janet Reno, who has urged caution until implications of such sentences are considered more fully.

The proposal adopted yesterday, sponsored by Sen. Trent Lott (R-Miss.) would require a federal judge to impose a life sentence without parole for a third offense involving



**SEN. JOSEPH R. BIDEN JR.**

... has reservations, but votes for rule



**SEN. PAUL SIMON**

... sought death penalty ban for youths

use or threatened use of force that is punishable by a jail term of five years or more. Previous offenses could include either federal or state crimes.

"Three strikes and you're out—or rather in" prison for life, said Lott.

Senate Judiciary Committee Chairman Joseph R. Biden Jr. (D-Del.) questioned whether the proposal might inadvertently snare people for whom it was not intended, such as someone who got into three fistfights, the last one of which happened to occur at a national park. But he ended up voting for it.

Pending for further consideration today are proposals from Sens. Phil Gramm (R-Tex.) and Orrin G. Hatch (R-Utah) that would also pre-

scribe mandatory minimum sentences for crimes involving firearms and for selling illegal drugs to minors or using minors in drug trafficking activities.

The mandatory penalties for these offenses would range from 10 years imprisonment for carrying a gun during a crime to life in prison for crimes in which death resulted from use of a firearm or a second offense of drug-trafficking with minors. Hatch's proposal included some exceptions that would allow discretion in sentencing for first offenses that do not involve firearms, use of force and other aggravating factors.

The proposal to ban the death penalty for crimes committed while defendants were under age 18 was offered by Sen. Paul Simon (D-Ill.), who said the United States was one of only six countries, which also include Iran and Iraq, that allow capital punishment for crimes committed before a person became an adult.

Most Democrats voted for the rejected Simon proposal, while most Republicans voted against it. Hatch said he could have accepted the proposal if it applied only to federal trials. Among Washington-area senators only John W. Warner (R-Va.) voted against the Simon proposal.

THE WASHINGTON POST — TUESDAY, NOVEMBER 9, 1993

# Senate votes 91-1 to make '3 strikes, you're out' the law

## Crime bill aims at repeat offenders

By J. Jennings Moss  
THE WASHINGTON TIMES

The Senate voted overwhelmingly yesterday to impose a mandatory life sentence on any criminal convicted of three federal felonies for violent crimes.

The 91-1 vote, which came one week after voters in Washington state approved a similar measure, reflects a renewed political interest in getting tough on criminals.

Sen. Bob Packwood, Oregon Republican, cast the sole dissenting vote.

"People are finally getting the message here," said Sen. Trent Lott, Mississippi Republican, who sponsored the "three strikes and you're out" amendment.

Mr. Lott said 6 percent of criminals nationwide commit 70 percent of the violent crimes. A Lott spokesman was unable to provide an estimate for the number of federal felons who would be affected by the measure.

"They think they have a license to

kill," Mr. Lott said.

The amendment is part of a broad anti-crime bill the Senate has been considering since last week. So far, a large bipartisan coalition has agreed to authorize a \$22.6 billion package that includes money to put 100,000 more police officers on the nation's streets and to build more prisons.

But senators so far have avoided debating the issues that caused partisan splits in years past — such as the reform of the appeals system for those on death row and issues tied to gun control. Several of these issues will come up for votes today and tomorrow.

The House last week passed a narrower series of anti-crime measures. It passed four separate bills, which included \$3.45 billion for up to 50,000 additional police officers.

Tomorrow, House members will vote on the Brady Bill, which would mandate a five-day waiting period for handgun purchases. The waiting period was part of last year's om-

see CRIME, page A11

## CRIME

From page A1

nibus crime bill, but lawmakers in both chambers decided to make it separate this year. The Senate will take it up after it finishes the crime bill, although no schedule has been set.

Sen. Slade Gorton, Washington Republican, praised the Lott amendment, noting why it was important for voters in his state to pass the referendum calling for mandatory life sentences for those convicted of three violent state felonies.

Mr. Gorton said that before last week the average sentence for child molesters was 9½ years for the third conviction.

In the debate leading up to yesterday's Senate vote, much of the rhetoric focused on the broader need to send a strong message to criminals, the public and politicians.

"The public's demand to do something about violent crime is so urgent it's not going to be ignored," said Sen. Phil Gramm, Texas Republican. Mr. Gramm also wanted to add drug felonies to the "three strikes" rule, but some senators wanted to tone down the attempt.

Sen. Barbara A. Mikulski, Maryland Democrat, said: "What you're seeing expressed is frustration of what people are seeing in their

neighborhoods. We need to show the American people we're serious about criminals."

Some lawmakers, like Sen. Dave Durenberger, questioned the motives behind the amendment.

"There's a whole lot of political voting going on," the Minnesota Republican said. "It's easy to come out here and float an amendment that's hard to resist." Mr. Durenberger voted for the amendment.

In other action on the crime bill yesterday, the Senate voted to:

- Kill an amendment that would have barred the United States from giving the death sentence to those under age 18. The Senate voted 52-41 to table the measure. Sen. Paul Simon, Illinois Democrat and the amendment's sponsor, said the United States is one of six nations that allow execution of juveniles.

- Let prosecutors use classified information needed to deport alien terrorists but stop the information from being revealed to the terrorists.

- Cut off Social Security benefits to people declared not guilty of violent crimes by reason of insanity.

- Stop the federal kidnapping act's granting of immunity to parental kidnappers.

- Authorize \$60 million over three years to establish community centers for families that have histories of domestic violence.

## Senate Backs Life Terms for '3-Time Losers'

By WILLIAM J. EATON  
TIMES STAFF WRITER

A1

WASHINGTON—Continuing its tough stance on crime, the Senate on Monday approved mandatory life prison terms for anyone convicted in federal court of a third violent felony and refused to bar states from executing criminals younger than 18.

The sentencing provision, known as the "three-time loser" amendment, was adopted by a vote of 91 to 1, with Sen. Bob Packwood (R-Ore.) the only dissenter. A similar referendum was adopted last Tuesday by Washington state voters.

In another sign of its strong law-and-order mood, the Senate rejected, 52 to 41, a move to bar the

Please see CRIME, A7

# CRIME: Senate Refuses to Bar State Executions for Criminals Under 18

### Continued from A1

federal government or states from imposing the death penalty on persons who were younger than 18 when they committed a capital crime.

Although Sen. Paul Simon (D-Ill.) argued that it was "unconscionable" to execute juveniles, Sen. Orrin G. Hatch (R-Utah) declared: "This is a matter that ought to be left to the states, given the rising number of crimes committed by younger and younger people."

Responding to what they perceived as public anxiety over street crime, senators competed with each other to offer stiffer mandatory sentencing measures and to expand their scope to include drug dealers who hire juveniles to sell narcotics or who sell drugs to youths.

Liberal Democrats joined conservative

Republicans in voting for measures that would have divided the Senate only a year ago. Some senators said that the federal crackdown on crime is long overdue. But the change in attitude may have stemmed from last Tuesday's election results in Virginia, New Jersey and New York City, where Republican candidates viewed as tough on crime were victorious.

The actions came despite warnings from sponsors of the bills that only 5% of crime falls under federal jurisdiction, since states and cities handle 95% of all offenses.

With dozens of other amendments pending to an omnibus \$22.2-billion crime bill, Senate leaders pushed for faster action in hopes of completing work on the measure before leaving Wednesday night for a Veterans' Day recess.

Some of the most controversial issues—

including a proposed ban on the sale of assault weapons, limits on appeals by Death Row inmates and extension of the death penalty to dozens of additional federal crimes—are yet to be considered.

Even so, the Senate seemed united in sending a "tough on crime" message, voting last week to more than double President Clinton's request for grants to states and localities by voting to put 100,000 more police on the street, to build regional prisons for violent criminals and to mount a national attack on domestic violence against women.

The "three-time loser" amendment, for example, whistled through the Senate despite intense criticism by federal judges that other mandatory sentencing laws have restricted their discretion.

"This 'lifer' bill will say, once you have

done this the third time, you will spend your life in prison," said Sen. Trent Lott (R-Miss.), sponsor of the amendment. It would apply to defendants convicted for the third time of a violent felony, punishable by five years or more in federal prison, although the first two convictions could have taken place in state courts.

Within hours, however, Sen. Phil Gramm (R-Tex.) had offered an even more far-reaching agreement that would impose mandatory life sentences on persons convicted for the third time in federal court of drug-related felonies. In addition, Gramm's proposal would require federal judges to sentence anyone carrying a firearm during the commission of a violent or drug-related crime to 10 years in jail and 20 years if the weapon was fired.

If anyone was killed, the Gramm proposal would require a life sentence without parole or the death penalty in some cases. The tougher sentences were expected to get Senate approval today.

In other actions, the Senate approved by voice vote other amendments that would:

- Authorize \$60 million over three years to set up 50 child visitation centers for families with a history of domestic violence.

- Allow states to ban electronic purchases of out-of-state lottery tickets by computers or other means.

- Bar Social Security benefits to people declared innocent of violent crimes by reason of insanity.

- End immunity from the federal kidnapping law for parents who steal their own children in custody disputes.

Boston Globe Page 1

# Senate OK's bill to outlaw abortion clinic blockades

By Ana Puga  
GLOBE STAFF

WASHINGTON — In a significant victory for abortion rights supporters, the Senate yesterday approved legislation sponsored by Sen. Edward M. Kennedy that makes it a federal crime to blockade or disrupt abortion clinics.

The Freedom of Access to Clinic Entrances Act of 1993 passed by a vote of 69 to 30. It is expected to be approved by the House and could be on President Clinton's desk before the end of the year.

Abortion rights advocates predicted the bill will help quell blockades, bombings and attacks on doctors and patients at abortion clinics. But antiabortion activists said they plan to challenge it in court because it violates their constitutional right to freedom of speech.

The bill sets criminal and civil penalties for protesters who block entrances to clinics, or who harass, intimidate or attack abortion clinic patients and staff. The Clinton administration supports the legislation, which would allow the Department of Justice to bring civil suits and seek damages for victims.

"This is a victory for law and order and for abortion rights," Kennedy said. "It sends a message to those who break the law that no matter what street or town they target, their tactics of violence and destruction will not be tolerated."

The Massachusetts Democrat compromised with Sen. Bob Smith, Republican of New Hampshire, by amending the bill to set lower prison terms and fines for nonviolent protesters who blockade clinics.

Nonviolent offenders would face up to six months imprisonment for the first offense and 18 months maximum for each subsequent offense.

Violent offenders would face up to a year imprisonment for the first offense and up to three years for subsequent offenses. If the victim is injured, the attacker could face up to 10 years imprisonment. In cases of murder, the attacker could face life imprisonment.

After the vote, a cluster of women's rights leaders waited outside the Senate chambers to cheer Kennedy and the other senators who voted for the legislation, including Sen. John Kerry.

"This is a significant victory over a decade-long campaign of terror and violence," said Kate Michelman, the president of the National Abortion Rights Action League.

Yet other abortion rights activists cautioned that the bill will probably not deter all antiabortion

violence.

"This is not a cure for insanity, but it ought to make doctors and patients everywhere feel a lot safer," said Bill Hamilton, a spokesman for Planned Parenthood.

In Massachusetts, the president of the state's chapter of the National Organization for Women said the bill should help shore up protection for women in some localities where local authorities are unable or unwilling to prosecute antiabortion activists.

"This protects women against violence and against terrorism. As a country, we will not have to rely on state laws to protect the lives of women. Our rights no longer depend on our geography," said Ellen Convisser, the president of Massachusetts NOW.

Gov. Weld signed into law this month a Massachusetts measure that makes it a crime to block access to abortion clinics. The law provides for a fine up to \$1,000 and jail term up to 6 months for a first offense and a fine up to \$5,000 and jail term up to 2½ years for subsequent offenses.

Abortion rights advocates said the bill passed yesterday may help curb the violence that tends to plague clinics around the Christmas holiday and the Jan. 22 anniversary of the 1973 Supreme Court decision legalizing abortion.

Lawmakers who opposed the bill argued that it unfairly singles out antiabortion protesters for punishment, while making no reference to other kinds of demonstrators, such as gay rights or women's rights activists.

"What about those people demanding that sodomy be regarded as just another lifestyle? What about those noisy advocates of women's rights and abortion rights?" said Sen. Jesse Helms, Republican of North Carolina, speaking in support of an amendment that would have added penalties against violent pro-abortion demonstrators. Sponsored by Sen. Dan Coats, Republican of Indiana, the amendment failed.

Helms and several other Republican lawmakers noted that some gay activist groups have disrupted religious services by spitting and throwing condoms in churches.

Bob Jewitt, a spokesman for Operation Rescue, an antiabortion group that engages in civil disobedience, said his group is considering challenging the law in court. But another tactic the group might take is to support rival legislation that would target abortion rights demonstrators, he said.

"Sen. Kennedy is going to pay a dear price for going against his church," said Jewitt, referring to

# Senate OKs

## Approves stiff punishment for blockades

# abortion-clinic bill

By Mimi Hall  
USA TODAY

The Senate on Tuesday approved a controversial bill making it a federal crime to block access to abortion clinics or harass doctors.

The 69-30 vote followed a highly charged, all-day debate, in which abortion rights advocates argued that the bill is needed to combat increasing violence at clinics and abortion foes charged it trampled on the constitutionally protected right to protest.

"This is a victory for law and order and for abortion rights," said Sen. Edward Kennedy, D-Mass., who sponsored the bill. "The Senate today sent a message to those who would break the law that ... their tactics of violence and disruption will not be tolerated."

The measure, which would allow the federal government to impose stiff fines and prison sentences against clinic protesters, is expected to pass in the House when it comes up for a vote on Thursday. It has strong backing from Attorney General Janet Reno.

In the Senate, the bill won with support from some abortion foes who said they are alarmed at the growing violence at clinics, including the shooting earlier this year of two doctors who performed abortions.

"I am pro-life ... but we cannot as a society allow acts of violence to promote any cause," said Nevada Sen. Harry Reid, a Democrat.

"Violence is no response to the issue that divides us," added Sen. Dave Durenberger, R-Minn., another abortion foe backing the bill.

Other abortion foes, including the National Right to Life Committee, which opposes violence as a tactic to stop abortion, have argued the law would interfere with the right to protest and would single out abortion opponents for their

political beliefs.

"Talk about double standards," said Sen. Jesse Helms, R-N.C., noting that there are no special federal laws aimed at gay-rights activists or union workers who stage protest blockades.

But abortion rights supporters say the violence at clinics has gotten out of hand. Nine clinics have been torched or firebombed this year, and dozens of

doctors have reported death threats.

Often the demonstrations at clinics "are not peaceful protests," Kennedy said. "These attacks are more akin to assaults."

Carrying signs, passing out leaflets and "sidewalk counseling" — when protesters try to talk women out of having abortions — still would be legal under the law.

## \$100,000 reward in clinic attacks

By Mimi Hall  
USA TODAY

Reward: Up to \$100,000 for information leading to the conviction of anyone involved in arson, firebombing or serious vandalism at an abortion clinic.

Tuesday, abortion-rights advocates and the Federal Bureau of Investigation, Tobacco and Firearms announced that an anonymous donor has offered rewards of up to \$100,000 each in at least two dozen uninvolved cases of clinic violence.

Eight of the incidents — ranging from a recent Planned Parenthood clinic bombing in Lancaster, Pa., to an attack against a clinic in Shelby Bend, Ind. — occurred this year.

Planned Parenthood's Pamela Moraldo said the rewards will "those who throw the Molotov cocktails or sprayed the battery acid, we're going to find you."

ATF Director John Magee said the bureau has investigated 144 clinic arsons and bombings since 1982 and solved 67 of those cases.

Tipsters can remain anonymous by calling a toll-free hot line — 1-800-283-4867 — at ATF.

# STATESLINE

FROM USA TODAY'S NATIONAL NEWS NETWORK

## Senate prepared to endorse ban on 19 assault weapons

By Leslie Phillips  
USA TODAY

The Senate today is expected to endorse a ban on the sale, possession and manufacture of 19 types of semiautomatic assault weapons as part of a \$22 billion crime bill.

A test vote last week indicated a 1- or 2-vote margin for the amendment by Sen. Dianne Feinstein, D-Calif., underscoring the Senate's tug of war between voting against the powerful National Rifle Association and for crime-fighting measures demanded by the public.

The amendment expires after 10 years, does not apply to guns lawfully purchased before the effective date, and excludes 650 other automatic weapons.

"It's certainly irrelevant in terms of stopping violent crime," says Wayne LaPierre of the NRA. "The sad thing about this issue is it has nothing to do with ballistics. It has to do with what a gun looks like."



By John Duricka, AP  
**FEINSTEIN:** Sponsor of amendment

Even Democrats predicted the ban would be eliminated when the House and Senate meet to reconcile their respective crime bills.

Majority Leader George Mitchell, D-Maine, hoped to complete work on the Senate bill early today, but another gun control amendment threatened those prospects.

Senate Minority Leader Robert Dole, R-Kan., was ready with a plan to enforce a five-day waiting period before a handgun purchase — allowing law enforcement agencies to conduct criminal background checks on the gun purchaser. Once a computerized instant check system is in place nationwide, state laws requiring waiting periods and background checks would be pre-empted. Dole's proposal is opposed by Democrats, who argue that it denies states the choice of enforcing more comprehensive background checks.

Dole's amendment could also open the crime bill to scores of anti- and pro-gun amendments, delaying passage.

The House last week approved an independent five-day waiting period with background checks, and voted to add 55,000 new officers to police forces nationwide, and to provide drug treatment for prison addicts.

The overloaded Senate bill, by contrast, has become a catchall for get-tough proposals popular with voters frightened by neighborhood crime, but which many concede may not contribute to crime control.

The Senate also is expected to table a proposal to streamline the death row appeals process by limiting state inmates to one federal appeal — known as habeas corpus — and allowing a second appeal under extenuating circumstances.

## A plea to the president

By Robert Davis  
USA TODAY

WASHINGTON — Yoshi Hattori was living his dream — to call the USA his home away from Japan — right up to the instant he was shot to death.

On Tuesday his parents met with President Clinton, urging him to lead the effort to make the USA safer.

Clinton promised to fight gun violence, and Yoshi's mother placed an anti-handgun sticker on the president's jacket.

She also gave Clinton pictures her son took of him the day before the teen died. Yoshi, 16, an exchange student living in Baton Rouge, La., met candidate Clinton last year.

The next day, Yoshi went to the wrong house looking for a party and was gunned down by a frightened homeowner.

In a country riddled with violence and rocked by fear, the gunman was justified, a jury said.

Yoshi's parents gathered 1.7 million Japanese signatures on petitions against the easy availability of guns in the USA and urged Clinton to lead the nation to safety.

"We started this petition because we love America just like Yoshi did," says Mieko Hattori. She and her husband, Masaichi, lobby again today with the National Coalition to Stop Gun Violence, which wants to ban all handguns.

Coalition president Mike Beard says "interest and public outcry" are now at "levels needed to make a difference."

Gun violence has exploded in the USA since President John F. Kennedy was killed 30 years ago Monday. Clinton was inspired by Kennedy, and Yoshi Hattori, who was inspired by seeing Clinton, would have turned 18 on Monday.

Mieko Hattori doesn't believe in miracles but says when America is safer, "Yoshi's life will not have been wasted."

# Senators Vote A Ban on Selling Guns to Minors

By CLIFFORD KRAUSS  
Special to The New York Times

WASHINGTON, Nov. 9 — After Senators told grim tales of gang violence in their states, they passed two measures today expanding Federal authority to prosecute crimes committed by gang members and making it a Federal crime to sell a pistol to a minor.

Senate passage of the two measures by overwhelming margins was another indication that the overall \$22.3 billion crime package Senate leaders hope to pass on Wednesday would include new Federal initiatives on youth violence.

"There is a mood here," said Senator Joseph R. Biden, Democrat of Delaware, "that if someone came to the floor and said we should barb wire the ankles of anyone who jaywalks, I think it would pass."

Gun control measures are normally highly contentious, so the 99 to 1 vote to restrict the possession of handguns by juveniles was a remarkable affirmation of the growing fears that youth violence is out of control.

Congress has not enacted a significant gun control bill since the assassinations of Martin Luther King and Senator Robert Kennedy of New York in 1968.

"We are witnessing a tragedy of epidemic proportions," said Senator Herb Kohl, Democrat of Wisconsin. "A 15-year-old Madison, Wis., girl shooting her teen-age boyfriend, the drive-by shooting of a 12-year-old Milwaukee boy, a 14-year-old Milwaukee boy shooting an elderly woman who was walking her dog, an Anacostia student

Continued on Page B18, Column 4

## Ban on Gun Sales to Minors Passes Senate Easily

Continued From Page A1

shooting his 13-year-old classmate in the locker room of their junior high, a 4-year-old D.C. girl killed in the crossfire of a brutal gang shootout."

Lawmakers have also brought personal experiences to the debate, as Senator John Kerry, Democrat of Massachusetts did on Thursday. "I have had my car stolen three times," he said. "I have had my house broke into. The fear affects all the conduct that we care about when you are talking about these words: Domestic tranquility. And that fear, candidly, leads to more evil."

House leaders said they expected the handgun bill to pass the House as well, even though their chamber has killed other handgun and assault-rifle controls passed by the Senate in recent years. But the expansion of Federal authority to prosecute gang crime may meet resistance in the House.

The House has already passed a bill that would provide local and state governments with \$200 million for drug rehabilitation and recreational activities for gang members, and the Senate is moving to go much further with measures intended to create boot camps around the country for less violent offenders.

### Political Refrain

Gang violence and other crime issues has also struck a chord with voters in the New York City, New Jersey and Virginia election campaigns this fall, encouraging a widespread impres-

sion that the lawmakers must enact something meaningful before they face the voters next year.

But some lawmakers expressed concern that Senators were loading up the package with politically popular measures that are either constitutionally unsound or threatening to the coalition of liberals and conservatives needed to pass a package in both houses.

One such measure that passed today in the Senate by a vote of 58 to 42 would make murders committed with firearms that were carried across state lines a Federal crime with mandatory death penalties. The bill, sponsored by Senator Alfonse M. D'Amato, Republican of New York, would also impose stiff mandatory sentences for Federal crimes committed with firearms. A similar provision passed the Senate last year but it was killed by the House and will probably be again.

### More Prosecutors Sought

The anti-gang measure passed today by a vote of 60 to 38 would extend the reach of Federal law to apply to gang violence and make \$200 million available for various efforts to limit it. The bill would apply the tough Federal racketeering statute known as RICO to gangs, enabling the Justice Department to treat gangs as organized crime, making it easier to charge them with Federal crimes and impose longer sentences.

The measure, proposed by Senator Bob Dole of Kansas, the Republican leader, and drawn up in the final months of the Bush Administration, would provide \$100 million to hire addi-

tional Federal prosecutors for gang cases over five years. The measure would grant an additional \$100 million to states and private, nonprofit organizations for counseling programs for gang members.

"More often than not," Mr. Dole said on the Senate floor, "it is the innocent bystander, and not the gang member himself, who ends up getting caught in the crossfire."

The measure makes it a Federal crime to participate in a criminal street gang and a Federal crime to recruit other youths in a gang. The measure responds to a growing awareness that gangs are committing a greater percentage of crimes every year. The Justice Department reported that 4,881 gangs were operating in the country in 1991 with 249,324 members who committed 1,051 homicides.

Speaking in favor of the measure, Senator Richard H. Bryan, Democrat of Nevada, told the Senate of a series of recent gang slayings in Reno, including one in which a gang member sprayed a rain of gunfire into a vehicle driven by an innocent family, leaving a 3-year-old boy dead and a 5-year-old girl wounded. "The movement of drugs and gangs across state lines and their power to terrorize their communities provide the Congress with the authority to declare Federal jurisdiction and penalties," he said.

### Limited Exceptions

The provision to prohibit the sale of handguns to minors and allow minors to possess handguns only for hunting, target shooting or self-defense in extreme cases like western deserts where poisonous snakes are present. The sole Senator who voted against the measure was J. Bennett Johnston, Democrat of Louisiana, who later said, he had cast his vote incorrectly.

The measure, introduced by Senator Kohl, has been endorsed by President Clinton. Only 18 states have similar statutes, although the idea of limiting the possession of handguns by minors has been growing increasingly popular. Colorado and Utah passed such measures this fall, and now the state legislatures in Arizona and New Mexico are considering similar legislation.

"I do not expect this amendment to end youth violence by itself," Mr. Kohl said. "How can it when many of our kids come from broken homes? When many are raised in front of TV sets which teach them that violence is a normal, natural and appropriate way to act? When guns and crime and violence are seen, by some, as the only way to get ahead?"

The bill sets a maximum penalty of one year in prison for juveniles convicted of possessing a handgun, while adults convicted of selling or giving a handgun to a minor can receive up to 10 years in prison.

# e Backs Virtual Ban Handguns for Juveniles

WILLIAM J. EATON  
TIMES STAFF WRITER

WASHINGTON—Reflecting a frenetic crime-fighting mood in Congress, the Senate voted decisively Tuesday to outlaw handgun possession for virtually everyone under 18 and demonstrated surprising support for California Sen. Dianne Feinstein's proposed ban on the sale and manufacture of military-style assault weapons.

The tough juvenile gun law was among an array of measures—including some to combat gang violence and others to make gun-related offenses federal crimes—that were approved as the Senate continued its work on an omnibus crime bill intended to attack widespread violent crime in the nation.

So intense was the anti-crime sentiment that senators seemed to be competing with each other to

see who could propose the toughest penalties.

Quick passage of the gun possession amendment on a 99-1 vote may signal that a similar bill in the House also will be approved, laying the groundwork for the first major gun control measure in a quarter of a century.

Sen. Herbert Kohl (D-Wis.) drafted the amendment with the help of the National Rifle Assn., which is staunchly opposed to gun control. He explained the group's cooperation by saying: "Kids with guns don't make sense."

Under the measure, people under 18 would be permitted to own handguns only with written permission from a parent or guardian and only for use on a farm or ranch, for safety instruction or for hunting and marksmanship training.

The unexpectedly large vote on

Continued from A1

the ban came after senators discussed an emerging trend in which children carry guns to school and teen-agers are killed in drive-by shootings. Several of the lawmakers spoke of an 11-year-old girl from the gun-plagued District of Columbia who was reported to be so bereft of hope that she was planning her own funeral.

Only Sen. J. Bennett Johnston (D-La.) voted against the ban.

As the momentum and the night wore on, Feinstein scored a major coup for a freshman senator, and for gun-control backers, when the Senate refused by a narrow 51-49 margin to kill her assault weapon amendment. The vote strongly indicated that she may have enough votes for approval, despite the opposition of the NRA and some members of Congress. But the Senate quit for the night without actually voting on the amendment itself, and Senate leaders said they would take the matter up again today.

The Feinstein bill, although substantially watered down in compromises with the opposition, would ban the sale and manufacture of 14 semiautomatic assault weapons, including the AK-47 and the Colt AR-15, which was used

last month by an avowed child-hater in El Cajon to kill a woman and a 9-year-old girl.

Throughout the day Tuesday, opponents of the measure indicated that they might stage a filibuster to prevent a vote on the larger crime bill if the Feinstein amendment were approved.

But Feinstein refused to back down, saying: "Unfortunately, these [assault] weapons were designed for warfare—but the only battlefield in America is right here on the streets of our communities."

So high were emotions over the issue that as voting proceeded near midnight on a motion by Majority Leader Bob Dole (R-Kan.) to kill the amendment, senators clustered around the vote-counting clerks to watch the outcome. As the final vote was cast for Feinstein by Sen. Ben Nighthorse Campbell (D-Colo.), a rancher who is part Cheyenne Indian, she cried out: "Oh," then clenched her fists in victory.

Moments before, she engaged in a heated exchange with Sen. Larry Craig (R-Ida.), who challenged her knowledge of the gun control issue. To that, she recounted having found San Francisco Mayor George Moscone shortly after he was assassinated, and said: "Senator, I know something about what

firearms can do."

Earlier, in a development that could affect Los Angeles and several other cities in California, the Senate voted, 93 to 6, to cut off funds to cities that do not cooperate with federal authorities in locating and deporting illegal immigrants.

The vast expansion of federal authority over major crimes, including much stiffer sentences for drug dealers who exploit children to sell narcotics, drew a warning from Sen. Joseph R. Biden Jr. (D-Del.), chairman of the Senate Judiciary Committee, who said the effort could swamp federal courts with cases now handled by state and local prosecutors.

"There's no amendment on the death penalty for jaywalking, so I guess there's some restraint," Biden said sarcastically.

Despite his opposition, however, solid bipartisan majorities backed the enlarged federal role as lawmakers apparently responded to a perceived demand by voters in last Tuesday's off-year elections to get tough on criminals.

By a 58-42 vote, the Senate also approved an amendment by Sen. Alfonse M. D'Amato (R-N.Y.) that would make it a federal crime to use a gun in the commission of another crime if the gun had at any

time traveled across a state line. D'Amato said that definition would cover about 90% of all guns.

Another D'Amato provision would allow a federal death penalty to be imposed for murder with a gun and would impose a mandatory 10-year sentence for using a gun in a crime. It would impose a 20-year sentence for discharging a gun in a crime and 30 years for using a machine gun or silencer in a crime.

"It's time for real gun control," D'Amato said. "Our criminal justice system has completely failed to bring gun violence under control."

In an unprecedented extension of federal authority, the Senate also voted, 60 to 38, to give U.S. prosecutors the right to go after youth-gang members on federal charges if they commit murder, attempted murder, kidnaping, robbery or obstruction of justice or if they deal in drugs "with the intent to promote . . . a criminal street gang."

An amendment offered by Dole and Sen. Orrin G. Hatch (R-Utah), the ranking GOP member of the Judiciary Committee, would make it a federal crime to participate in a criminal gang or induce others to join. Other provisions would authorize \$100 million to hire additional prosecutors and \$100 million for grants to states and cities for

efforts to prevent street gangs or drug use by young people.

"There is no excuse, no reason that can justify the vicious crimes of violence that gang members commit on our streets," Dole said. "This amendment won't stop gang activity overnight but it is a step in the right direction."

In another expansion of federal jurisdiction, the Senate voted, 56 to 34, to make carjacking a federal crime and to authorize the death penalty if a person is killed during a carjacking.

Biden made a futile attempt to stop the tide of legislation, arguing that the federal government should provide more crime-fighting funds to states rather than take over their law enforcement roles.

Meantime, on an issue affecting illegal immigrants, the Senate approved an amendment by Sen. William V. Roth Jr. (R-Del.) that would deny any funds provided in the crime bill to cities with policies prohibiting their cooperation with the Immigration and Naturalization Service. Under his proposal, the attorney general would have six months after the bill became law to report on states and localities failing to cooperate with the INS in its efforts to enforce the immigration laws.

# Senate Approves Ban on Manufacture of Military-Style Weapons

By CLIFFORD KRAUSS  
Special to The New York Times

WASHINGTON, Nov. 17 — In a modest victory for gun control advocates, the Senate voted today to ban the manufacture of 19 types of military-style assault weapons but permit sellers to distribute guns that have already been made.

The gun control measure is so far short of an outright ban that it has an outside chance of passing in the House, which has repeatedly killed stronger bans on assault weapons. The 56-to-43 margin of victory in the Senate was another sign that the Congress is working hard to prove to the voters that it is doing something to fight crime and gang violence. There are now one million assault weapons on the street.

The measure would ban 19 semiautomatic assault weapons, including the AK-47, the Striker-12, the Beretta AR-70 and the TEC-DC9. It would also prohibit copycat guns or copies of the 19 weapons to prevent manufacturers from skirting the ban by making slight modifications, and it would ban large-capacity feeding devices that hold more than 10 rounds of ammunition at a time.

It picked up the support of several Southern and Western lawmakers because it specifically exempted 650 hunting weapons, as well as assault

## A modest step allows owners to keep their guns.

weapons that have already been manufactured. Sponsored by Senator Dianne Feinstein, Democrat of California, it passed with the support of 46 Democrats and 10 Republicans, against the opposition of 34 Republicans and 9 Democrats.

### Part of Big Crime Bill

The measure was an amendment attached to a broad crime package now moving through the Senate. The package would provide \$23 billion over five years for states and localities to deploy 100,000 new police officers and to build 10 regional high-security prisons to alleviate overcrowding in local jails and prisons.

The overall crime bill is being delayed as Republicans caucus on another provision. They are trying to decide whether to offer their own, presumably softer, version of a waiting period for the purchase of handguns to substitute for the separate measure known as the Brady Bill and to attach it to the larger crime bill. Democratic

leaders had hoped to consider the Brady bill separately to avoid entangling the anti-crime package with another contentious issue.

Attorney General Janet Reno praised the Senate's vote on assault weapons for "addressing one of the critical issues we face." At a news conference with the bill's Senate sponsors behind a table with a pile of assault rifles and assassination-style machine pistols, she said, "America feels very strongly about this legislation."

Bill McIntyre, spokesman for the National Rifle Association, promised that his group would continue to lobby hard against the measure in the House. "These kinds of bans," he said, "open the door to bans on all semiautomatic firearms whether they are used for self-defense or any other lawful purpose."

### Questions in the House

Congressional Democrats said they were unsure whether they had the votes in the House to pass the assault rifle ban, which if enacted would be the most significant gun control measure to pass Congress since the banning of mail-order sales of rifles after the Reverend Dr. Martin Luther King and Senator Robert F. Kennedy were assassinated in 1968.

"I scratch my head in amazement,

but despite the fact that there are so many killings, we're probably about 30 votes shy," said Representative Charles E. Schumer, the New York Democrat who heads the House subcommittee on crime.

But Senate supporters of the measure said they would apply whatever pressures they can muster on the House, and called on constituents to write and call their representatives. "The House better understand the power of an idea whose time has come," said Senator Joseph R. Biden, the Delaware Democrat who heads the Judiciary Committee. "It still will be an uphill fight in the House, but I think the wave is moving."

### Vote on Death Penalty

The Senate also voted today by 74 to 25 to apply the death penalty to individuals who lead criminal enterprises that distribute, manufacture or import large amounts of narcotics. The amendment, proposed by Senator Alfonse M. D'Amato, Republican of New York, passed in a similar form by a vote of 66 to 32 in 1990 but was blocked by the House.

"The drug epidemic, which cuts across all social strata of our society," Mr. D'Amato said, "is so immense that we must use every weapon we have to fight back, including the death penalty."

## Senate, 56-43, Votes for Adding Ban On Semiautomatic Guns to Crime Bill

By JOE DAVIDSON

Staff Reporter of THE WALL STREET JOURNAL

WASHINGTON—The Senate approved, 56-43, a ban on the manufacture, sale and possession of semiautomatic assault weapons.

The measure, an amendment to the pending crime bill, would ban 19 specific types of semiautomatic assault weapons and prohibit the production of copycat models. Also banned would be any magazine designed to feed more than 10 rounds of ammunition to a weapon.

To protect the interests of hunters, the legislation, sponsored by Sen. Dianne Feinstein (D., Calif.), would exempt more than 650 hunting weapons by name.

### Open Resistance to NRA

"Throughout America, families and communities are struggling just to be safe," Sen. Feinstein said. "Today, the Senate said loudly and clearly that it shares the same concern and is willing to do the right thing despite the opposition of one of the most powerful agents in America, the American gun lobby."

"This measure is not about restricting the rights of responsible people who collect or hunt," she added. "Rather, this legislation is geared solely toward stopping semiautomatic assault weapons, which can fire 30 to 50 rounds of ammunition within seconds and without warning, from further flooding onto our streets and to reduce their numbers over time."

The Clinton administration strongly supported the Feinstein amendment. Attorney General Janet Reno called it "a well-reasoned and balanced approach to the problem of the proliferation of assault

weapons on our nation's streets."

The National Rifle Association vigorously opposed the amendment, and expressed hope the measure won't become law.

"We're hopeful the Congress as a whole will, in the final analysis, reject the fallacy that gun control is crime control, and recognize that this is not a substantive way to reduce violent crime," said Bill McIntyre, an NRA spokesman.

### \$22.3 Billion for Crime Control

The Feinstein amendment is part of larger legislation that would authorize \$22.3 billion for a variety of crime-related programs. More than two-thirds of that money would be spent on law enforcement and prisons.

Funds for the crime initiative would be raised through federal work-force reductions, which could entail cutbacks in other government programs. The money would be directed to a "violent crime reduction trust fund" that wouldn't have to compete for funds with other programs. The trust fund was passed as an amendment to the crime bill. There were no hearings on the issue.

To obtain the \$3 billion in prison-construction money that the trust fund would provide, states would have to agree to certain conditions, including that they adopt pretrial detention laws and policies ensuring that state prison sentences for certain categories of crimes are "at least as long" as sentences under federal law.

The bill would provide some money for crime-prevention programs, including:

- \$1.2 billion for early intervention teams of police, social workers, educators and doctors working together to help juveniles who are at risk of becoming offenders.
- \$1.2 billion to set up state drug-court programs designed to provide treatment and an alternative to prison for nonviolent drug offenders
- \$870 million in grants to combat crimes against women, particularly in high crime areas, through such facilities as rape-crisis and battered-women's shelters.
- \$100 million in grants for a variety of drug- and gang-prevention programs.

# Growing list of federal crimes criticized

By John Bennett  
SCRIPPS HOWARD NEWS SERVICE

Congress is rapidly heaping new federal crime-control statutes on the books, including laws that overlap into areas of traditional state enforcement.

This pronounced federalizing trend is contributing heavily to an already overloaded federal court and criminal justice system nationwide.

Members of Congress, federal judges, Attorney General Janet Reno and U.S. attorneys have denounced the expansion as a costly burden to the courts.

But things aren't slowing down.

In this Congress alone, the omnibus crime bill contains an estimated 60 new federal crimes, all expected to significantly increase the

criminal justice workload.

A recent Library of Congress research report notes that omnibus crime and drug-control legislation enacted in 1984, 1986, 1988 and 1990 created at least 1,400 new federal crimes.

The Judicial Conference of the United States has repeatedly warned Congress about the consequences. The message is blunt: More federal crime statutes on an overburdened court system means that criminal and civil cases alike will suffer for lack of attention.

"It is surely the province and function of Congress to enact legislation in order to respond to particular concerns where Congress perceives a need for a federal response," the judicial conference says in a position paper.

"The Judiciary fears, however,

that this trend of federalizing traditional state crimes will in a costly and negative way alter the jurisdictional balance between the federal and state judiciaries and will fundamentally change the nature of the federal courts."

The federal judiciary has opposed a wide range of new federal crime-control laws, from carjacking and child-support enforcement over state lines to making homicides and other violent crimes federal offenses.

The issue arose again yesterday when the House Judiciary Committee debated a section of the pending Violence Against Women Act. The bill, which focuses on the problem of violence against women nationwide, contained a section that allowed victims to sue for damages if it were proved that the crime was motivated

by sexual bias.

Faced with strong opposition, Rep. Patricia Schroeder, Colorado Democrat and author of the bill, withdrew the controversial section shortly before the bill was passed out of committee.

The section drew criticism not only from lawmakers but also from the judicial conference and the Conference of Chief Justices, representing 57 chief justices of state supreme courts.

"When we begin to federalize domestic relations, I think we overstep our bounds," said Rep. Bill Hughes, New Jersey Democrat.

"The courts at the federal level are already overloaded," he said. "Here we go federalizing again. I think federalizing certain offenses is bad public policy."

# k-envoy: Israel must reassure settlers

By Martin Sieff  
THE WASHINGTON TIMES

Escalating Palestinian violence could provoke a "dangerous" reaction from Jewish settlers in the occupied territories unless the Israeli government takes greater steps to reassure them, Israel's former ambassador to Washington warned yesterday.

Zalman Shoval, the former envoy, told editors and reporters of The Washington Times that the settlers would be far more likely to strike out with retaliatory violence if they felt the government of Prime Minister Yitzhak Rabin was ignoring their security concerns.

His remarks came as Israeli and Palestinian negotiators meeting in Cairo agreed that Israeli troops would be deployed to protect the inhabitants of Jewish settlements in the Gaza Strip but would not patrol Gaza's streets.

The agreement marked a new concession from Israel, which had previously planned to maintain a military presence on the main roads. The Palestinians argued that this would appear as a continuation of the 26-year military occupation.

Israeli troops will retain access to some roads to ensure the safety of settlers traveling to Israel, Palestinian negotiator Nabil Shaath said at a news conference.

Mr. Shoval said agreements reached on Gaza would serve as models for more far-reaching arrangements over the rest of the occupied territories. It is essential, he said, to reassure the Israeli settlers that Israel's Labor-led, left-center coalition government cares about their security.

Mr. Shoval served as Israel's ambassador to Washington under the previous Likud-led government. He was replaced after the Labor Party's June 1992 election victory.

"Settler violence could be dangerous unless the Rabin government makes it much clearer than it has so far to the settlers that it is not going to regard them as some sort of renegades [and] that they are not going to be thrown to the wolves," Mr. Shoval said.

"I think the government is psychologically wrong in treating some of the settlers as outcasts," the former ambassador said. "I'm afraid I can't

tell you 100 percent that there may not be [settler] counterviolence if the present situation continues."

Mr. Shoval also said that the Likud bloc would probably not seek to return to power on a platform of scrapping Israel's Sept. 13 peace agreement with the Palestine Liberation Organization.

Instead, he said, Likud would try to convince the Israeli public that it could be better trusted to negotiate necessary revisions and to implement the agreement.

"The Likud made some changes in its tactical approach," Mr. Shoval said. "The Likud began to formulate a policy which says it is not a ques-

tion of abrogating [the agreement]; it's a question of who does Mr. and Mrs. Israel trust" to implement it.

Mr. Shoval admitted "the Likud had a hard time getting its act together" in response to the news of the Israel-PLO deal.

"Perhaps the [Likud's] first reaction of total negativity did not help in the eyes of the [Israeli] public," he said.

However, now Likud is making headway thanks to a public perception that the Rabin government did not negotiate the terms of its agreement with the PLO as competently as it should have, Mr. Shoval said.

## Senate leaders hope to get anti-crime bill moving again

By J. Jennings Moss  
THE WASHINGTON TIMES

Senate leaders last night held out hope they could break an impasse over how to debate a waiting period on handguns and then take a final vote on a sweeping anti-crime bill.

The dispute over the so-called Brady Bill that stalled the overall crime package for more than two days continued last night as lawmakers argued over the number and scope of amendments to consider.

Both sides of the gun-control debate wanted a separate vote on the Brady Bill, which would require states to impose a five-day waiting period on the purchase of handguns and is named after former White House Press Secretary James Brady.

Gun-control advocates believe they have a better chance of having the bill become law if it stands alone, while opponents think they can amend it to the point where Brady supporters would walk away from it.

Lawmakers also wanted the Senate to consider the Brady Bill separately so it would not endanger the crime package that would spend more than \$22 billion on police officers, more prisons and tougher sentences.

"The one thing citizens have a right to demand in return for their tax dollars is the right of personal security against random violence," said Senate Majority Leader George Mitchell of Maine.

Sen. Conrad Burns, Montana Republican, said Congress can do only part of the job.

"We don't want to send the wrong message to America. We have to start getting ourselves ... personally involved in this crime fight. Each neighborhood is going to have to take that responsibility," he said.

The Senate bill contains a mixture of elements beyond the 100,000 more police officers and the increased number of prisons. It says that a person convicted of three federal felonies shall be sentenced to life in prison, that the federal death penalty be expanded and that 19 types of semiautomatic weapons be banned.

Senators are likely to face strong opposition when they sit to negotiate a compromise bill with the House, which has passed four smaller crime bills that included a \$3.5 billion program to hire more police officers.

Most of the contentious issues — like the federal death penalty and mandatory minimum sentences — are not in any of the House bills. Other issues that proved the downfall of last year's bill — reforming death-row appeals rights and broadening types of evidence that can be used in courts — are not in any bill.

"We're terribly disappointed" in the Senate bill, said Rep. Don Edwards, California Democrat and a senior member of the House Judiciary Committee. "We would prefer to just stick to the House bills."

Rep. John Conyers Jr., Michigan Democrat and another senior Judiciary member, said he hoped House members on the crime conference committee would be able to kill some of the contentious items. But he said he feared the political climate might overwhelm the process.

"We're beginning to get nervous about [President Clinton's] visit to the African-American churches where he talks about crime but he supports a crime bill with the penalty, more prisons, 'three strikes and you're out,'" Mr. Conyers said.

Another key House member on the issue, Rep. Charles E. Schumer, predicted that a final crime bill would more closely resemble the Senate's version. The New York Democrat and chairman of the Judiciary subcommittee on crime, said before a conference committee can be held the House would have to vote on other crime measures.

Senators, who have described their bill as "historic" and the "toughest" crime measure to come from Congress, will be watching.

Sen. Phil Gramm, Texas Republican, said he was especially concerned about the mandatory minimum sentencing provisions and Senate methods of financing the crime reforms.

"I'm going to offer our provision every day on every bill that comes through the Senate until these provisions are the law of the land," Mr. Gramm said.

# Senate crime bill edges forward

By Leslie Phillips  
USA TODAY

The Senate Thursday inched toward passage of a monumental \$22 billion crime bill that puts 100,000 more police officers on the beat, provides for more prison construction and imposes the death penalty for 53 more crimes.

The legislation, with near unanimous support from both parties, was delayed by negotiations on the separate Brady bill — calling for a waiting period on handgun purchases.

A House-passed version of the Brady bill would end the waiting period in five years, in the hopes that a national instant background check system will be in place.

Senate Republicans want the legislation to pre-empt state and local waiting-period laws, which Democrats oppose.

The House has passed only a fraction of the Senate's crime proposals, and the two bodies likely will not work out their differences until next year.

But senators crafted a package they expect to be a political

winner, since it has a little bit in it for everyone.

"This bill is the first common-sense response to violence this Senate has approved in many decades," said Majority Leader George Mitchell, D-Maine. It "seeks to address the violent crime that makes 2 million Americans prisoners in their own home."

The centerpiece of the bill is the "community policing" that puts more officers on the street.

Democrats included:

▶ A ban on 19 assault weap-

ons, including AK-47s, Uzis, Beretta AR-70s and TEC-9s and TEC-22s. The ban was a surprising victory for freshman Sen. Dianne Feinstein, D-Calif., over National Rifle Association objections.

▶ \$1.2 billion for drug treatment in prisons.

▶ \$3 billion for boot camps for first-time offenders.

Republicans added:

▶ \$3 billion for new prisons for violent offenders.

▶ Stricter sentences on crimes committed with guns.

▶ Life without parole for a

third violent-felony conviction.

The crime bill's fate in the House is uncertain. The House has approved only \$3.5 billion for 50,000 more police officers; \$300 million for drug treatment for federal and state prisoners, and \$200 million to combat gang violence. The House also lacks the votes for the assault-weapons ban.

"They have a blimp and we have a pea-pod," said Rep. Charles Schumer, D-N.Y., who heads the crime subcommittee. "There's no way we're going to accept the Senate bill."

## Calls for spending cuts gain volume

By William M. Welch  
USA TODAY

The NAFTA showdown behind them, Clinton administration officials are focusing on their next big congressional challenge: trying to head off demands for a new round of federal-spending cuts.

Three separate bipartisan groups in the House and Senate have offered detailed plans for spending reductions beyond Clinton's deficit-reduction package passed just three months ago.

The popularity of the ideas has alarmed the administration and prompted House leaders to put off a vote, originally scheduled for today, until at Monday.

"The administration was preoccupied with NAFTA," says Rep. Barney Frank, D-Mass. "They need time to regroup."

The administration moved swiftly to spell out its differences, sending Cabinet secretaries to denounce the main threat, a package of \$90 billion in cuts over five years. It was put together by a bipartisan group of House members led by Reps. Tim Penny, D-Minn., and John Kasich, R-Ohio.

Health and Human Services Secretary Donna Shalala, in a hastily assembled conference call to reporters, denounced the Penny-Kasich plan as imposing "devastating" and "really mean-spirited" cuts for Medicare beneficiaries — even though they are directed mainly at those with retirement incomes of more than \$70,000.

Similarly, Defense Secretary Les Aspin and Joint Chiefs Chairman Gen. John Shalikashvili, in a letter to Speaker Tom Foley, D-Wash., denouncing limits on cost-of-living-increases the plan would impose on future military retirees.

The administration's biggest worry is that passage of the Penny-Kasich plan, which relies on cuts in Medicare for more than one-third of its savings, would eliminate similar revenue savings Clinton hopes to apply to his health-care reform.

The administration wants to avoid any further large-scale deficit reduction, instead preferring to use future budget cuts as a way to free up money for spending on other programs Clinton hopes to begin or enhance.

"We view it as a real danger for our health-care

### Plans would pare spending more

Three plans are under consideration in Congress to cut federal spending over the next five years to further reduce the deficit, estimated at \$255 billion. President Clinton has proposed trimming \$392 million through 37 cuts next year. The three congressional plans for added cuts:

| Reduction     | Principal target                                                                       | Sponsors                                                      |
|---------------|----------------------------------------------------------------------------------------|---------------------------------------------------------------|
| \$90 billion  | High-income elderly would pay more for Medicare, hospital costs                        | Rep. Tim Penny, D-Minn.<br>Rep. John Kasich, R-Ohio           |
| \$109 billion | Raise Medicare fees, cut defense, domestic spending, limit raises for federal retirees | Sen. Bob Kerrey, D-Neb.<br>Sen. Hank Brown, R-Colo.           |
| \$21 billion  | Big-cost items like the space station and European defense                             | Rep. Barney Frank, D-Mass.<br>Rep. Christopher Shays, R-Conn. |

Source: USA TODAY research



PENNY: Plan relies on cuts in Medicare



KASICH: Ohio Republican co-sponsors plan

reform effort, as well as for rational decision making on health care," Shalala said. "Frankly, it's a threat."

The various plans would cut from \$21 billion to \$109 billion in federal spending over five years. That's far beyond the modest \$2 billion five-year cuts Clinton has sent to Congress.

Beyond stirring administration opposition, the plans threaten committee chairmen who see pet programs endangered.

The issue arises now as a result of a commitment Clinton made last August to win the votes of Penny and other fiscal conservatives who said his deficit-reduction package didn't go far enough in slashing spending. "This is very divisive," says Rep. Mike Synar, D-Okla.

The Penny-Kasich plan would make affluent retirees pay larger Medicare premiums and up to \$2,000 of hospital costs. But the sponsors scaled back their proposal last week to soften the effect of limits on military and civilian retirees, dropping a proposal to raise the retirement age for current government employees to 65 from 62.

An \$109 billion plan is pending in the Senate, sponsored by a bipartisan group headed by Bob Kerrey, D-Neb., and Hank Brown, R-Colo.

An alternative plan proposed by a group of House liberals and moderates — headed by Frank and Rep. Christopher Shays, R-Conn. — would slash \$21 billion.

From Boston Globe Page 5

# Senators withdraw disputed crime bill amendments

By Ana Puga  
GLOBE STAFF

WASHINGTON — Eager to demonstrate that they are cracking down on crime, liberal and conservative senators alike are withdrawing potentially fatal amendments from the \$23 billion anticrime bill, which the Senate is expected to take up today.

Before senators return to consideration of the crime package, they will begin debating two proposals so controversial that they were removed from the overall package last week. One would make it a federal crime to block access to abortion clinics, and the other would limit the permissible number of death row appeals.

Sen. Edward M. Kennedy has fought to keep his clinic access bill alive, while Sen. Arlen Specter, a Republican of Pennsylvania, has doggedly defended his idea of limiting habeas corpus petitions.

But in the face of enormous public pressure to do something about violent crime, liberals such as Kennedy are giving ground to some conservative solutions, such as more prisons and stiffer sentences, while conservatives are tolerating liberal solutions they have refused to swallow in the past, like a ban on assault weapons.

Kennedy said yesterday that if the assault-weapons ban remains intact, he is likely to support the package. "This is a major improvement and is beginning to reach some of the major underlying causes of crime," he said. "But there are some troublesome provisions in there."

Kennedy supports the core of the crime bill, which provides about \$9 billion for 100,000 new police officers, \$6 billion for new prisons and boot camps, \$1.2 billion for drug treatment and \$870 million to fight violence against women.

Last week, senators rushed to demonstrate their concern about crime by offering dozens of amendments, then finally compromised by separating out Kennedy and Specter's proposals, and agreeing to consider five Democratic and five Republican amendments.

Kennedy's bill would make blocking access to an abortion clinic punishable by up to 10 years in prison if the blockade is accompanied by an assault. In cases of murder, attackers would face life imprisonment.

Women's groups are optimistic that the measure will pass. "I feel that we are going into the vote strong. Most people get that what we are trying to do is curb violent activity," said Eleanor Smeal, who

heads the Feminist Majority Foundation.

On the other hand, Specter's habeas corpus bill has run into trouble, both with liberals who do not want to limit the constitutional rights of defendants, and with conservatives who fear that his proposal would transfer too much authority from state to federal courts.

"I don't believe it looks hopeful," said Susan Lamontagne, a spokeswoman for Specter.

Within the crime bill itself, however, conservatives have apparently succeeded in expanding the death penalty and maintaining mandatory minimum sentences for drug offenders. A host of new federal crimes punishable by death may be codified, from drive-by shootings to drug-related killings with a gun.

But death penalty authorities say that because federal prosecutors are already overwhelmed, the expanded death-penalty provisions are unlikely to translate into a significant increase in the number of executions.

"This is a mindless way of appearing to be tough on crime. It won't affect very many cases," said David Bruck, an attorney who advises federal public defenders on the death penalty.

Democratic amendments stressing punishment have had more success than those emphasizing rehabilitation. Sen. Paul Simon, a Democrat of Illinois, failed to win a provision banning the death penalty for juvenile offenders, while Sen. Carol Moseley Braun, another Illinois Democrat, successfully proposed allowing juveniles 13 and older charged with violent crimes to be tried as adults.

But just as some Democrats have swung to the right in their zeal to be tough on crime, some Republicans have swung to the left. Republican support was crucial to passing the ban proposed last week by Sen. Dianne Feinstein of California on military-style assault weapons.

All sides are already looking forward to the conference committee to try to remove the provisions they least like from the package.

Sen. John F. Kerry complained yesterday that "a lot of junk" has been added to the bill by senators "posturing about who is tougher than whom." Kerry objected to the expansion of the death penalty and some of the increases in prison sentences, which he argued would punish some nonviolent offenders too severely and aggravate the problem of overcrowded prisons.

But for Kerry, the provisions such as community policing, extra prisons, boot camps and gang-prevention programs outweigh what he sees as the

negatives. "By and large the bill moves us significantly forward," he said.

## Senate Votes to Ban Attacks on Clinics

The Senate voted overwhelmingly for a law to prohibit bombings, arson and blockades at abortion clinics, and shootings and threats of violence against those who perform abortions. The vote was 69 to 30.

Twenty-eight senators who voted against Federal financing of abortions six weeks ago supported the measure, portraying it as a law-and-order matter rather than as an abortion issue.

Although the measure offers protection to anti-abortion counseling centers as well as to abortion clinics, some senators who oppose abortion insisted that the bill was unfair to their side. "This legislation seeks to silence the entire pro-life movement," said Senator Jesse Helms.

The House is scheduled to take up a similar bill later this week.

Article, page A16.

# Senate Passes Abortion-Clinic Crime Bill

By ADAM CLYMER

Special to The New York Times

WASHINGTON, Nov. 16 — The Senate voted overwhelmingly today for a Federal law to prohibit bombings, arson and blockades at abortion clinics, and shootings and threats of violence against doctors and nurses who perform abortions.

The vote was 69 to 30. Senators who voted against Federal financing of abortions six weeks ago supported the measure, seeing it as a law-and-order matter rather than as an abortion issue. Senator David Durenberger, Republican of Minnesota, called the bill an effort to restore "civility in our national debates."

Although the bill offers protection to anti-abortion counseling centers as well as to abortion clinics, senators opposed to abortion insisted that the bill was unfair to their side. "This legislation seeks to silence the entire pro-life movement," contended Senator Jesse Helms, Republican of North Carolina.

### Systematic Campaign Cited

But Senator Edward M. Kennedy of Massachusetts insisted that Federal legislation was necessary because "anti-abortion violence and blockades have been occurring across the nation as part of a coordinated, systematic campaign to intimidate abortion providers and patients, and state and local authorities have been unable to control it." In contrast, he said, those authorities had been able to police occasional violence against anti-abortion demonstrators.

The measure, which the Clinton Administration has said it "strongly supports," would allow the F.B.I. to investigate attacks on clinics and those who perform abortions and permit the Attorney General to seek injunctions.

The House is expected to adopt a similar bill on Thursday. It is not clear

whether enough time remains to enable a House-Senate conference to agree on a compromise before Congress adjourns next week, but final action in both houses seems assured by early next year.

The legislation was spurred by two events last winter, a Supreme Court decision prohibiting the use of a Reconstruction Era statute against Operation Rescue's efforts to blockade abortion clinics and the killing of Dr. David Gunn, who performed abortions in Pensacola, Fla., and had been pictured in "wanted" posters by abortion foes.

### Delayed by Other Legislation

The Senate Labor and Human Resources Committee sent the bill to the full Senate on June 23, but action was delayed by consideration of budget and

## A Federal ban on violence at abortion sites advances.

spending measures.

Last Wednesday, Senator Kennedy, chairman of the Labor Committee, threatened to offer the bill as an amendment to the crime bill, which many opponents of this measure want to support.

Pressed by Mr. Kennedy and Senator George J. Mitchell of Maine, Senator Don Nickles, an Oklahoma Republican, agreed to a procedure under which he and other opponents would not filibuster against the bill, would limit the number of amendments and would permit Senator Kennedy to offer weakening substitutes for their amendments. He did so successfully all day long before the vote for final passage of the bill.

### Right to Assemble

The most insistent complaint from foes of the bill was over the argument that the only violence outside clinics that the bill addressed was violence against supporters of abortion rights, not against foes of abortion.

Senator Bob Smith, Republican of New Hampshire, compared anti-abortion protesters to the followers of Dr. Martin Luther King, and said that as long as they were not violent, they should not be subject to serious penalties. He said protesters were "heroes yesterday, felons today."

"What's the difference?" he asked. "The difference is what you're protesting."

Senator Strom Thurmond, Republican of South Carolina, said the bill "raises the right of abortion above the Constitution," particularly the First Amendment right to assemble.

But other senators who have cast votes against abortion rights advocates felt differently. Senator Harry Reid, Democrat of Nevada, cited "the senseless murder of Dr. Gunn," and said, "There is no cause that justifies violence."

Mr. Durenberger argued: "This legislation strikes the right balance between protecting clinic patients and protecting the legitimate rights of clinic protesters. No one will be jailed for gathering in front of a clinic, picketing, praying, chanting, shouting, holding signs, waving banners or sidewalk counseling."

But he said that while he opposed the Supreme Court's view of the legitimacy of abortion, "I cannot stand here and condone the harassment, violence and blockades against women and doctors who are exercising or attempting to exercise their constitutional right, even though I may disagree with them."

Senator Barbara Boxer, Democrat of California, an abortion rights supporter who helped Mr. Kennedy manage the bill, said: "This year we have witnessed a growing, nationwide campaign of violence directed at reproductive health care clinics. What were once peaceful protests have escalated to acts of force and terror."

### Doctors Offices as 'War Zones'

She said that because of the anti-abortion movement, "American women 'have seen their doctors' offices transformed from safety zones into war zones."

Mr. Kennedy said that over the last 15 years, "more than 1,000 acts of violence against abortion providers have been documented in the United States. Over 100 clinics have been bombed or burned to the ground."

He said the problem was getting worse, citing a recent survey by the Feminist Majority Foundation, which showed that half of 281 abortion clinics that responded to a survey it conducted this summer reported violence against them in the first seven months of the year.

After the bill was passed, Mr. Kennedy told reporters, "This is a resounding victory for law and order, a clear message to those who have been terrorizing doctors and women and nurses all across the country."

### Apology for 1893 Rebellion

WASHINGTON, Nov. 16 (Reuters) — The House of Representatives on Monday joined with the Senate in approving a formal apology to native Hawaiians for the American-led overthrow of their monarchy 100 years ago. The resolution acknowledges the American role in the rebellion that overthrew Queen Liliuokalani on Jan. 17, 1893. The rebellion was led by the American minister to Hawaii and supported by the Navy and the Marines. The House approved the measure by a voice vote. The Senate passed it, 65 to 34, on Oct. 17.

# Senate Cracks Down on Violence Against Providers of Abortions

SENATE, From A1

incidents of violence, including the fatal shooting of an abortion provider in Florida last March, and by a recent Supreme Court ruling that federal civil rights laws could not be invoked to protect the clinics.

The legislation would not punish people who protest peacefully as long as they do not threaten, intimidate or obstruct access to a clinic in violation of a woman's constitutional right to an abortion, Kennedy said. "The Constitution guarantees the right of a woman to end a pregnancy, but the violence and blockades are designed to make it impossible for women to exercise that right," he said.

Opponents, while condemning violence, contended the bill went too far in suppressing legitimate protest, including what Sen. Robert C. Smith (R-N.H.) called the "constitutional right of civil disobedience" that Martin Luther King Jr. invoked in protests against racial segregation.

"The only difference is what you're protesting against.... Heroes yesterday, criminals today," Smith said.

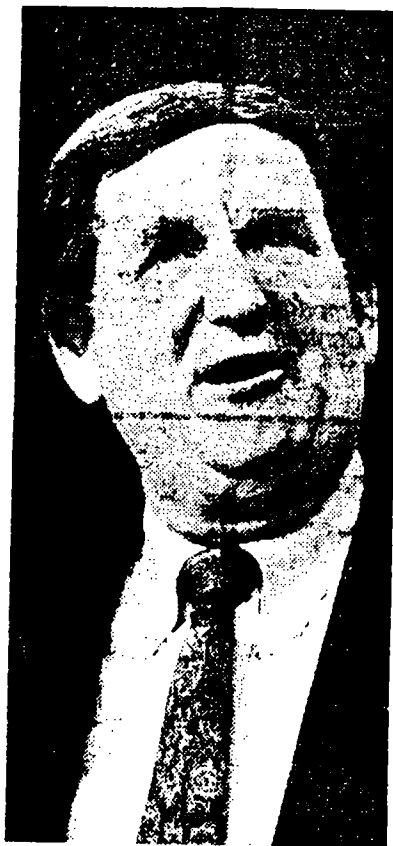
This brought an angry retort from Kennedy and Sen. Barbara Boxer (D-Calif.), who said Smith's comment was an "insult" to King's memory. King was seeking to expand rights, not block them, Kennedy said.

The bill would impose federal jail terms and fines on anyone convicted of using force, threat of force or "physical obstruction" in an attempt to prevent others from obtaining or providing services at abortion clinics and at pregnancy counseling clinics that are run by antiabortion groups.

Similar penalties would be imposed on those found guilty of intentionally damaging or destroying property of a medical facility because it provides such services.

It also would allow federal civil suits to enjoin obstruction of clinics and to obtain damages to compensate victims but permit such suits to be filed only by abortion providers or patients.

Those convicted of breaking the law could be sentenced to a maximum of one year in jail and a \$15,000 fine for a first offense and three years and a \$25,000 fine for subsequent offenses, with lesser



*"The only difference is what you're protesting against.... Heroes yesterday, criminals today."*

—Sen. Robert C. Smith (R-N.H.)

penalties if the obstruction is "non-violent." The sentence could be increased to 10 years if injury results or to life in prison if someone is killed.

Kennedy agreed to the less stringent penalties for nonviolent disruptions—up to six months in jail and \$10,000 fine for a first offense and 18 months and \$15,000 fine for subsequent offenses—in an attempt to head off a move by Smith to provide penalties of no more than 60 days in jail in cases where there was no violence.

Kennedy's compromise was approved by 56 to 40.

By 63 to 36, Kennedy used a similar maneuver to head off a proposal from Sen. Dan Coats (R-Ind.) to

apply the bill's criminal sanctions to anyone who disrupts legitimate protest at abortion clinics. It was a "killer amendment" that would have made the legislation unenforceable, according to Sen. Carol Moseley-Braun (D-Ill.).

An omnibus alternative, including many of the previously defeated amendments, was proposed by Sen. Orrin G. Hatch (R-Utah) and defeated, 61 to 38. But Hatch won approval on a voice vote of another amendment aimed at assuring similar protection to worshipers at religious services.

The clinic access bill came up unexpectedly for a vote after Kennedy insisted on including it in a package of crime-related measures, including the \$22.3 billion, five-year anti-crime bill that Senate leaders of both parties want to pass before Congress leaves for the year.

Pending last night were proposals from Sen. Arlen Specter (R-Pa.) to limit appeals of state court convictions to federal court, and from Sen. Dianne Feinstein (D-Calif.) to ban manufacture of any more semi-automatic assault weapons for domestic use and bar future sale or possession of these weapons.

Feinstein's proposal won tentative approval by 51 to 49 last week and is expected to be approved as part of the anti-crime bill today.

As part of the agreement to facilitate passage of the bill, the Senate agreed to drop from the legislation all so-called habeas corpus provisions governing appeals from state convictions to federal courts. But it agreed to let the Senate vote separately on Specter's proposal, a somewhat tougher version of the bill's original provisions to limit convicted felons to a single appeal to federal courts and to require that the appeal be filed within six months of final action in state court.

Meanwhile, two abortion rights groups and the Bureau of Alcohol, Tobacco and Firearms announced a new program to offer up to a \$100,000 reward for information leading to arrests and conviction for unsolved acts of arson and other violence at abortion clinics, the Associated Press reported.

Much of the money for the reward fund came from an anonymous donor, said Planned Parenthood, which is sponsoring the program with the National Abortion Federation.

1/2

# Abortion Clinics Given Protection

## Senate Designates Arson, Intimidation As Federal Crimes

By Helen Dewar  
Washington Post Staff Writer

**A1**

The Senate voted overwhelmingly yesterday to crack down on mounting violence at abortion clinics by making it a federal crime to obstruct access to the clinics, destroy their property or intimidate their patients.

The bill—similar to legislation that will be considered by the House later this week—was approved, 69 to 30, after the Senate rejected several proposals to scale back its provisions and penalties.

Sen. Edward M. Kennedy (D-Mass.), floor manager for the bill, said he expects the House to approve the legislation, putting it on track for possible enactment before Congress adjourns for the year next week. President Clinton has endorsed the bill.

"This is a victory for law and order and for abortion rights," Kennedy said after the vote.

Approval of the measure, a key legislative goal of abortion rights groups, came as the Senate moved toward approval of a huge anti-crime bill and two major gun control initiatives, including curbs on proliferation of semiautomatic assault weapons and a waiting period for purchase of handguns.

Eighteen Republicans joined all but four Democrats in voting for the clinic access measure. Among Washington area senators, only John W. Warner (R-Va.) voted against the bill.

The bill was prompted by shootings, arson, bomb threats and other

See SENATE, A11, Col. 1

# Yes to Independent Counsels

**L**AST OCTOBER Senate Republicans made the great mistake of blocking extension of the independent counsel statute. Then the Democrats won back control of the executive branch at whose senior officials the legislation is aimed. Now the Republicans, or enough of them, have reconsidered. Before leaving town the Senate voted 76 to 21 to revive the statute, now expired. The House is expected to do the same next year. It's a healthy development. This is a statute the country needs.

The legislation was one of many attempts in the mid-1970s to prevent recurrence of a Watergate scandal. The theory is that no administration should be expected to investigate its own alleged criminal activity at the highest levels. If sufficient credible evidence exists that a high administration official has engaged in such activity, the attorney general can—and in certain circumstances must—petition the courts to appoint an independent counsel or special prosecutor, who then assumes the power of the executive branch to investigate and prosecute the case.

The device always has had its critics. Some of the criticism has been on constitutional grounds—that the statute creates a constitutional hybrid, breaches the separation of powers and represents a much

greater weakening of the presidency than is commonly understood. In the 1980s Republicans who were the statute's targets by virtue of their steady control of the executive branch began to make a political argument as well—that the legislation was being used to criminalize political disputes, so that instead of taking the politics out of prosecutorial decisions it was putting politics in.

In fact, most investigations by independent counsels have ended in exoneration. But some have produced convictions. What finally brought the Republicans to a boil was the lengthy investigation by independent counsel Lawrence Walsh of the Reagan administration's behavior in the Iran-contra affair.

There's always a question about when to cut off a lengthy investigation. It's as much an issue when a prosecutor is politically appointed as when he is not. Mr. Walsh may indeed have taken his difficult writ to its outer bound. But the benefits of the independent counsel statute far outweigh the risks. The Clinton administration, to its enduring credit, recognized those benefits and urged last year that the law be revived even though it is to the Clinton administration that it would initially apply. The Senate came to the right position. The House should quickly do the same when Congress reconvenes.

## Good Idea in the Crime Bill

The Nov. 13 editorial "Another Bad Idea in the Crime Bill" criticized my proposal to amend the Federal Rules of Evidence to ensure that "similar offense" evidence may be admitted in sexual-assault and child-molestation cases. The Post editorial board—not I—appears to need a refresher course on the federal rules.

Under the federal rules, evidence of prior, similar offenses may be admitted at trial, even when the defendant has not been charged with those offenses. For example, the rules allow similar-offense evidence to be admitted to prove "motive," "opportunity," "intent," "knowledge" or "the absence of mistake."

Unfortunately, no federal rule explicitly authorizes the admissibility of similar-offense evidence in the sex-crime context, despite compelling public policy reasons to do so. For example, rape cases typically involve a struggle between the word of the defendant and the word of the victim. Permitting the jury to hear from sworn witnesses that the defendant has committed sexual assaults on other occasions is often critical to assessing the credibility of the victim's accusation.

The importance of admitting similar-offense evidence is even greater in child-molestation cases. These cases often hinge on the testimony of child victim-witnesses, whose credibility can be readily attacked in the absence of other corroborating evidence.

In both rape and child-molestation cases, it also is common for the victim to be too traumatized and humiliated to file a complaint and endure a full-blown criminal prosecution. Instead, victims in these cases are often will-

ing to accept the more limited role of testifying at the offender's trial for raping or molesting another person. Barring this testimony is not in the public interest.

Far from unjustly "loading the scale" against defendants accused of sex offenses, as The Post alleged, my proposal leaves intact all of those safeguards that are essential to protecting the legitimate rights of the accused. For example, the proposal does not require that evidence of prior sexual misconduct be admitted. Instead, the trial court retains the discretion to exclude such evidence if its probative value is substantially outweighed by the danger of unfair

prejudice to the defendant. Moreover, if the evidence is admitted, a defendant is free to introduce rebuttal evidence. In addition, any witness testifying about a defendant's prior misconduct would be subject to cross-examination.

My proposal also requires the pre-trial disclosure of all evidence to be offered under the new federal rules, giving the defendant a minimum of 15 days' notice of the evidence to be offered. This notice requirement will ensure that defendants have a fair opportunity to develop a response.

**BOB DOLE**  
U.S. Senator (R-Kan.)  
Washington

MONDAY, NOVEMBER 29, 1993 THE WASHINGTON POST

A-1

# Senate toughens anti-crime legislation

FROM COMBINED DISPATCHES

The Senate made its anti-crime bill even tougher yesterday by approving a federal death penalty for gun murders, voting to make gang activity a federal crime and barring minors from owning guns.

"It's time for the federal government to step in and say to the criminals: Murder someone with a gun and you will pay with your life. Now that's real gun control," Sen. Alfonse D'Amato, New York Republican, said before his amendment was passed, 58-42.

The amendment would apply to crimes committed with guns taken across state lines. It would impose a mandatory 10-year federal sentence if a gun is used in a crime, a 20-year sentence if a gun is discharged and a 30-year sentence if a machine gun or a silencer is used.

Senate Judiciary Committee Chairman Joseph Biden, Delaware Democrat, argued against the

amendment, saying it would overload the federal judicial system with crimes that are now handled by state prosecutors. But most of the other senators were in no mood to listen.

"I suspect an amendment to barbed-wire the ankles of jaywalkers would pass," he said.

Mr. Biden said he "wanted to have a 'clean' bill," unburdened by numerous amendments, but "the horse was let out of the barn two days ago" when Republicans introduced an amendment imposing tough minimum mandatory penalties for using guns in federal offenses and certain violent crimes.

Mr. Biden warned that more than 200 amendments had been offered, some of which were designed merely to "show everybody how tough we are."

Debate later bogged down last night over an amendment offered by California Democrat Dianne Feinstein to ban 19 types of assault weap-

ons.

Another amendment by Senate Republican Leader Bob Dole to make gang activity a federal crime was approved 60-38.

"The amendment would give federal prosecutors clear-cut authority to prosecute illegal gang activity by creating a new federal anti-gang statute. This amendment won't stop gang activity overnight, but it is a significant step in the right direction," Mr. Dole said.

Gangs are blamed for much inner-city violence, including drive-by shootings and murders of rival gang members and innocent bystanders.

Selling guns to minors or letting minors possess guns unless they were under an adult's supervision would also be a federal crime under another provision approved 99-1.

Sen. Orrin Hatch, the Judiciary Committee's ranking Republican, warned against passing the gun-control amendment. "If we get into

these guns provisions, we're going to have trouble passing this bill and the country will be the loser. ... We could stop, it seems to me, the most important crime bill in history," he said.

Monday, the Senate approved a mandatory life sentence for anyone convicted of a violent federal crime who had two previous convictions for violent felonies. It rejected an amendment that would have barred death sentences for anyone younger than 18 who committed a murder.

Mr. Biden would like to have the bill passed by today, before the Senate begins a five-day recess, but there are still nearly 200 amendments pending.

The key provision is a \$22 billion fund approved last week to hire 100,000 more local police and to build 10 regional prisons and military-style boot camps for young criminals.

# Senate toughens \$22B crime plan

By Leslie Phillips  
USA TODAY

Senators on high alert to voter fears of violent crime vied Tuesday to see who could hang lawbreakers from the highest tree.

"There is a mood here that if someone came to the floor and said we should barb-wire the ankles of anyone who jaywalks, I suspect it would pass," said Senate Judiciary Committee Chairman Joseph Biden, D-Del. "I think we've gone overboard already."

Yet, the Senate continued to approve by wide margins amendments to federalize state crimes and increase minimum penalties. Also under consideration was a ban on semi-automatic assault weapons.

"To have a crime bill without doing something about assault weapons ... makes no sense at all," said sponsor Sen. Dianne Feinstein, D-Calif.

The \$22 billion crime plan already passed includes 47 new crimes punishable by death, money for 100,000 extra police officers, construction of prisons for violent criminals and construction of boot camps for non-vio-

lent and first-time offenders.

The money — nearly double what President Clinton wanted — would come from savings from cutting 252,000 federal workers.

The House, working on parallel bills, will begin today debating the Brady bill calling for a five-day wait before buying a handgun.

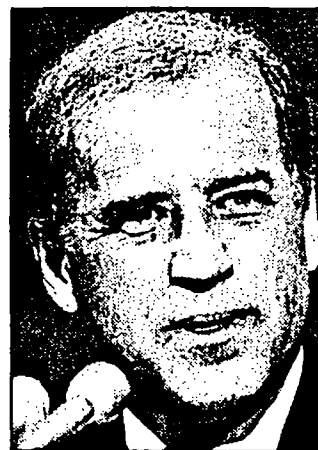
"The thing that matters most in this crime bill is getting help to local law enforcement where 96% of all crimes occur," Biden said.

But Biden strongly objected to a proposal by Sen. Alfonse D'Amato, R-N.Y., that permits states to turn over to federal prosecutors gun-related felonies to get harsher sentences.

The provision, passed 58-42, calls for 20 years minimum for firing a gun during a crime, 30 years minimum for using a machine gun or silencer and the death penalty if the crime results in a death.

"Murder someone with a gun and you will pay with your life," D'Amato said. "Now that's real gun control."

The amendment calls for life without parole for a third felony drug conviction, a 10-year minimum term for selling drugs to a minor, and life



By H. Darr Belser, USA TODAY

“

There is a mood here that if someone came to the floor and said we should barb-wire the ankles of anyone who jaywalks, I suspect it would pass.

”

— Sen. Joseph Biden, D-Del,  
Judiciary Committee chairman

without parole for a second conviction of selling drugs to a minor.

Also approved Tuesday:

► A provision that makes gang violence and gang membership a federal offense, passed 60-38. "More often than not, it is the innocent bystander, not the gang member himself, who ends up getting caught in the cross

fire," said Senate Minority Leader Robert Dole, R-Kan.

► A proposal to make carjacking a federal crime punishable by death if a victim is killed, passed 66-34.

► A ban on transferring handguns and handgun ammunition to children under 18 without parental consent, passed 99-1.

# House Approves \$3.5 Billion Bill For 50,000 More Police in Cities

By Kenneth J. Cooper  
and Helen Dewar  
Washington Post Staff Writers

The House yesterday approved a \$3.5 billion measure to put 50,000 more police on the streets that would help President Clinton keep a campaign promise to add 100,000 officers.

Initial legislative action to combat violence came the day after public anxiety about crime, always a potent political issue, helped determine the outcome of campaigns in Virginia, New York and New Jersey.

Anticrime legislation was making what has become a regular appearance before Congress, except that this time both the House and Senate planned to consider several different bills.

For the last 40 years, Congress has passed a crime bill in every two-year session except the last one, when an omnibus bill died in the Senate.

The House Judiciary Committee last week shelved a rewrite of that omnibus bill to avoid political deadlock over controversial death penalty provisions, which temporarily were set aside. Instead, the committee endorsed six separate bills designed to prevent crime.

The House approved four of those bills yesterday under a procedure reserved for noncontroversial items. Beside the "cops on the beat" bill, the others sent to the Senate would authorize \$300 million for drug treatment for inmates in federal and state prisons and \$200 million to curb gang violence.

The fifth bill, which would pro-

vide \$600 million for "boot camps" for young offenders, did not get the necessary two-thirds vote and must be taken up again. Republicans objected to the definition of young offenders eligible for boot camps as those under age 22. Rep. F. James Sensenbrenner (R-Wis.) called it a "fuzzy-minded approach to dealing with the kids that are raising such Cain in our society."

A sixth bill to promote safe schools awaited approval from the House Education and Labor Committee.

Similar components—and many more—are contained in an omnibus crime bill that Senate Judiciary Committee Chairman Joseph R. Biden Jr. (D-Del.) yesterday introduced with a floor speech.

The Senate began debate as Republicans, at the behest of Minority Leader Robert J. Dole (R-Kan.), tried to reach an agreement with Democrats on a simplified procedure for handling the measure. Dole said he hoped to reach consensus on a "core package" of anticrime measures.

Following the omnibus bill, the Senate plans to consider separate bills to impose a five-day waiting period on handgun purchases and broaden punishment for gender-based crimes against women.

The House Judiciary Committee today is scheduled to consider the five-day waiting period, named the "Brady bill" after former White House spokesman James Brady, who was wounded and disabled in the 1981 assassination attempt on President Ronald Reagan.

Rep. Charles E. Schumer (D-N.Y.), chairman of the House Judiciary subcommittee on crime and criminal jus-

tice, said the House would vote next week on the Brady bill, leaving enough time for Congress to complete final action and send the measure to President Clinton before adjournment around Thanksgiving.

Hill aides agreed there was far less prospect of final action on other anticrime legislation this year.

Biden described the House dismantling of its omnibus bill as an effective strategy to defuse opposition. "It makes sense for the House to do that," he said. "That's what I've been trying to get them to do for a month."

House debate on the five bills centered on a partisan disagreement over whether better prevention or more punishment was the more effective answer to the nation's crime problem.

Freshman Rep. Robert C. "Bobby" Scott (D-Va.) characterized the five bills as "addressing crime prevention, not waiting for crimes to occur before taking action." Schumer said the single-issue bills were "the real heart of the crime bill."

Republicans said they would have preferred a comprehensive package that included the death penalty for more crimes, limits on death row appeals, funds for regional prisons and mandatory minimum sentences.

"Today we have the 'light' crime bill, five bite-sized pieces that are less filling," said Rep. Christopher Cox (R-Calif.). Sensenbrenner dismissed them as "five little skinny bills," plopping thicker, heavier GOP bills on a table to dramatize his point.

*Staff writer Kevin Merida contributed to this report.*

# Dinnertime Democrats trade their concerns

By Jessica Lee  
USA TODAY

Ten House Democrats, all undecided about the North American Free Trade Agreement, ate what President Clinton was serving at a White House dinner Monday.

But, they weren't necessarily buying what he was selling.

"I told them that I'm leaning so hard against it, they could give my seat to somebody they might have a better chance with," said Rep. Billy Tauzin, D-La., one of Clinton's guests.

The Clinton administration and anti-NAFTA forces are battling for the 30 undecided votes that will decide the pact.

By 3 p.m. Monday, five high-ranking administration officials had tried their best arguments on another Clinton guest, Rep. Lucille Roybal-Allard, D-Calif. None succeeded.

Both lawmakers, freshman Roybal-Allard and veteran Tauzin, say they see flaws in NAFTA that threaten the livelihoods of their constituents.

► Tauzin represents Louisiana's "25,000 sugar families," from growers to distributors, who he says will lose everything if low-cost Mexican sugar enters the USA.

U.S. Trade Representative Mickey Kantor and Mexican Commerce Minister Jaime Serra Puche signed a letter barring exports of Mexican sugar to the USA.

## Few leads on Perot threat

Federal officials confirmed Monday that a death threat was made against Texas billionaire Ross Perot but weren't hopeful of nabbing a suspect.

"You've got an anonymous tip that you can't check very far," said Justice Department spokesman Carl Stern. "The Secret Service was told about it, so it can provide whatever measure of security is warranted at the debate."

He said the tip came from a man who heard the threat in a Mexican jail.

On Sunday, Perot told a rally in Tampa about the threat, saying it was tied to a Cuban crime group angered by his opposition to NAFTA.

But Tauzin refuses to accept the letter as binding.

► Roybal is also skeptical.

"We have a very low per capita income and low-skilled workers," she said of her Los Angeles district, home to thousands of recent immigrants, many Spanish-speaking.

"I've asked the administration some questions to help clarify some of my problems with the worker retraining program. I'm still waiting to hear back," she said.

# House likely to water down tougher Senate crime bill

By Leslie Phillips  
USA TODAY

The Senate returns today to a stream of tough crime-fighting measures after continuing Monday to load up a far-reaching bill with provisions to strengthen prison sentences for violent criminals.

The House, moving in more moderate and piecemeal fashion, takes up a gun-control element of its bill later this week.

Among measures approved by the Senate was one by Sen. Trent Lott, R-Miss., known as the "three-time loser" amendment. Passed 91-1, it would require a life sentence without parole after conviction of three violent federal felonies. Sen. Bob Packwood, R-Ore., was the lone dissenter.

Also under consideration was a proposal to increase mandatory sentences for drug crimes, including life without parole after three felony drug convictions.

"What we're seeing expressed here is the frustration of what people are seeing in their neighborhoods," said Sen. Barbara Mikulski, D-Md. "We need to show the American people we're serious about criminals."

But the pace of House action indicates likelihood of a difficult conference between the two bodies and possible loss of many of stricter Senate proposals. "It'll be a Slim Fast diet when it comes out of conference," said Sen. Patrick Leahy, D-Vt.

Last week, the House passed three bills increasing by 50,000 the number of police officers on the street, and requiring drug

treatment in state and federal prisons. The cost amounts to about \$3.5 billion.

These measures contrast with the expensive omnibus bill the Senate is crafting.

"The litmus test is: How does this make me look? Does it make me look tough enough?" said Diann Rust-Tierney, American Civil Liberties Union lobbyist.

Included in the Senate bill:

► A requirement suspects over age 13 in a case involving a gun be tried as an adult.

► \$3 billion to build more prisons for violent criminals if states agree to make criminals serve 85% of their sentence.

► \$3 billion to build boot camps for nonviolent criminals or first offenders.

► \$9 billion for 100,000 new police officers.

► \$2 billion to protect women from violent crime.

► Expansion of the death penalty to cover 50 crimes, including drive-by shootings.

► Stricter sentences for 60 crimes, including hate crimes, arson, and health-care fraud.

► Relaxed evidence rules for sex offense trials.

The most contentious issues — death row appeals and assault weapons bans — have yet to be addressed.

This week, the House is scheduled to vote on the Brady bill, providing a five-day wait before buying a handgun.

"There's a whole lot of political voting going on here," said Sen. David Durenberger, R-Minn. "It's easy to come out here and float an amendment that's hard to resist. I'm hopeful the House will stick to its guns and strip out" severe proposals.



AP  
LOTT: '3-time loser' amendment sponsor

Date: 10/28/93 Time: 13:17

## Democrats Try New Strategy on Crime Bill

WASHINGTON (AP) Attempting to win passage of anti-crime legislation this year, key House Democrats have dumped divisive proposals to expand the death penalty and to limit appeals state prisoners can file in federal courts.

But Republicans denounced the move today.

The Democrats replaced a sweeping anti-crime bill with seven separate measures, including President Clinton's plan to help cities put more police on the streets, expand drug treatment for prisoners and require a five-day waiting period for handgun purchases.

"Those three things will do more to make people safer on the streets than any other part of the bill," said Rep. Charles Schumer, D-N.Y., chairman of the House crime subcommittee, of the measures being considered today by the House Judiciary Committee.

But the House Judiciary Committee's ranking Republican, Rep. Hamilton Fish Jr. of New York, criticized the action, saying, "the picture I see unfolding is nothing short of this committee abdicating its legislative responsibility to construct strong anti-crime legislation." He predicted that the full house would also be eliminated from action on the crime issue.

"Instead the House will essentially go to a conference committee (with Senators) with a 'carcass of a crime bill,'" Fish said in prepared remarks. "Are we going to let the Senate and a few House members determine the contents of this year's crime bill? If so, why?"

The strategy of having narrowly focused bills instead of a catchall crime bill was designed to avoid being swamped by an estimated 300 planned amendments, a committee staffer said. Amendments cannot be attached to a bill unless they pertain to the specifics of that bill, according to House rules.

Committee Chairman Jack Brooks, D-Texas, said today he was willing to let subcommittees review such issues as adding new death penalty provisions and changing the habeas corpus appeals rules.

"But I am not willing to see important, innovative crime prevention programs like cops on the beat be deferred at a time when the American public is clamoring for us to provide more protection against violent acts."

Schumer said he expected proposals to expand the death penalty and to restrict petitions to federal courts by state prisoners would be considered by the Judiciary Committee later this year.

Many liberal lawmakers oppose the death penalty.

Conservative and liberal lawmakers have differing objections to the plan to restrict petitions by state prisoners, particularly those asking federal courts to set aside their death sentences.

Conservatives want tighter rules on habeas corpus petitions while liberals want to relax restrictions imposed in a series of recent Supreme Court decisions.

"Just because ideologues on the left and the right can't agree about some constitutional points doesn't mean we should hold the rest of the crime bill hostage," Schumer said in an interview Wednesday.

In the House, the only contentious measure is the Brady Bill, which requires a five-day waiting period and a background check on prospective handgun buyers. The bill passed the House in 1991 but died in a Republican filibuster against broader crime legislation

in the Senate.

Republican filibusters in 1991 and again last year prevented Senate passage of the crime package, which also included an expanded federal death penalty and restrictions on habeas corpus petitions.

The bills considered by the House Judiciary Committee would:

Authorize but not appropriate \$3.45 billion over six years to help cities put 50,000 more police on the streets.

Require drug treatment for federal prisoners.

Authorize \$100 million in grants for drug treatment in state prisons.

Authorize \$100 million to help local schools buy metal detectors and devise courses to teach students peaceful resolution of conflict.

Authorize \$100 million in grants to states for anti-drug and anti-gang efforts among juveniles.

Authorize \$200 million in state grants for alternative sentences such as boot camps and house arrest for youthful offenders.

While the measures would not appropriate money for the new initiatives, Clinton said this week he wanted the savings from a new round of budget cuts to be spent on the crime package. Officials estimate the cuts would total \$5.6 billion the first year.

APNP-10-28-93 1317EDT

Date: 10/28/93 Time: 18:07

## Panel Approves Crime Bills

WASHINGTON (AP) After complaining they had been excluded from the process of crafting crime legislation, Republicans voted overwhelmingly for a package of bills approved Thursday by the House Judiciary Committee.

All but one Republican, Rep. F. James Sensenbrenner Jr. of Wisconsin, joined Democrats as the panel voted 34-1 to approve five measures, including a plan to help cities put 50,000 more police on the streets in the next five years.

Committee approval of the package of anti-crime bills came after Republicans complained during hours of debate that Democrats had scuttled a more comprehensive bill that contained such divisive measures as an expanded federal death penalty.

The strategy was devised to get what Democrats consider the essential elements of a crime package through Congress before the fall recess.

These provisions include the Brady Bill, which would impose a five-day waiting period for handgun purchases to give police time to conduct background checks to prevent felons from buying the weapons.

The Brady Bill is scheduled to be considered Friday by the House Judiciary crime subcommittee.

"The number one thing this method will imply is that once and for all, Brady will be on the president's desk before we leave Nov. 22," said Rep. Charles Schumer, D-N.Y., chairman of the committee's crime panel.

He urged Republicans to "avoid the gridlock" that tied up past crime bills.

Judiciary Committee Chairman Jack Brooks, D-Texas, said subcommittees would debate the more divisive measures.,

"But I am not willing to see important, innovative crime prevention programs like cops on the beat be deferred at a time when the American public is clamoring for us to provide more protection against violent acts," said Brooks, who leaned back and puffed on a cigar as Republicans fumed.

By 34-1 votes, the committee approved bills:

Authorizing \$3.45 billion over six years for to help cities put more police on beat patrols.

Requiring drug treatment for federal prisoners.

Authorizing \$300 million in state grants in three bills covering drug treatment for state prisoners, safety in schools and anti-drug and anti-gang efforts for juveniles.

Sensenbrenner, who cast the only dissenting vote, called the Democrats' legislative maneuvering "a result of excessive partisanship."

The measures did not appropriate money. However, Clinton said he wants the savings from a new round of budget cuts to be spent on the crime package. Officials estimate they would total \$5.6 billion the first year.

By voice vote, the committee approved a bill authorizing \$200 million in state grants for alternative sentences such as boot camps and house arrest for youthful offenders.

The Democratic strategy of bringing narrowly focused measures instead of a catchall crime bill was designed to avoid the logjam of a record 300 planned amendments, a committee staffer said.

House rules prohibit attaching irrelevant amendments to a bill.

Some Republicans tried anyway.

Rep. George Gekas, R-Pa., calling the Democratic tactic ``legicide,'' tried to require jurisdictions accepting community policing money to allow the death penalty for cop killers.

Rep. Bill McCollum, R-Fla., went further, offering the entire Republican version of the more sweeping crime bill as an amendment.

Brooks ruled both irrelevant.

APNP-10-28-93 1807EDT

# House Shifts Approach on Crime Bill



By Kenneth J. Cooper  
Washington Post Staff Writer

House Democratic leaders have dismantled an omnibus crime bill and plan to push separately seven measures to fight violence, temporarily leaving aside controversial provisions related to the death penalty.

The House Judiciary Committee today is scheduled to consider six measures stripped from the omnibus bill related to community policing, drug treatment and young offenders. The crime and criminal justice subcommittee on Friday is to take up a five-day waiting period for handgun purchases.

Democratic sources said Judiciary Committee Chairman Jack Brooks (D-Tex.) decided to scrap the omnibus bill because of strong opposition to death penalty provisions from Democratic freshmen on the Judiciary Committee and members of the Congressional Black Caucus.

The omnibus bill introduced by Brooks would have expanded the death penalty to 64 federal crimes and placed restrictions on federal court appeals by death row inmates. At a crime subcommittee hearing last week, Rep. Craig A. Washington (D-Tex.) noted that African Americans and Hispanics made up 26 of 30 defendants against whom federal prosecutors have sought the death penalty under a 1988 law that made drug-related murder a capital crime. David Bruck, a Columbia, S.C., lawyer who compiled the statistics, said no state has experienced as high a level of racial disparity in death sentencing.

But it was the proposed limits on death row appeals that doomed the omnibus bill in the House. During a meeting on the legislation last week with House Speaker Thomas S. Foley (D-Wash.), Brooks was angered when freshman Democrats on the Judiciary Committee refused to accept his compromise language on the appeals, sources said.

Rep. Don Edwards (D-Calif.), chairman of the Judiciary subcommittee on civil and constitutional rights, which has jurisdiction over the death row appeals, suggested Brooks had made a practical decision. "I presume Mr. Brooks had trouble counting votes. I'm sure he would have preferred to report out his bill," Edwards said.

In other quarters, Brooks's decision was cast as a shrewd move to avoid a divisive fight and meet public demand for action against crime this year. Senate Judiciary Chairman Joseph R. Biden Jr. (D-Del.)

had planned to move separate legislation for the five-day waiting period on handgun purchases—the "Brady bill," named for James Brady, the White House press secretary who was disabled in the attempted assassination of President Ronald Reagan.

"The bottom line here is the Brady bill looks like it will be on the president's desk by the time we leave" this fall, said Rep. Charles E. Schumer (D-N.Y.), chairman of the crime subcommittee.

Rep. Bill McCollum (R-Fla.) said proposals to restrict death row appeals, broaden the federal death penalty and build regional prisons would be neglected under the new legislative procedure. "It leaves the major issues behind and may not

leave the opportunity to focus on them," said McCollum, who drafted an alternative GOP crime bill.

The six bills to be considered today would provide \$3.4 billion over five years to add 50,000 police and, over three years, \$600 million for "boot camps" for young offenders, \$300 million for drug treatment of state and federal inmates, \$300 million to promote safe schools and \$200 million to curb gang violence.

A Justice Department official did not take issue with the new approach. "Our key priority is getting more police on the streets and getting guns off of them," spokeswoman Julie Bender said.

Staff writer Michael Isikoff contributed to this report.

# '93 Crime Bill Still Faces '92 Problems

By CLIFFORD KRAUSS

Special to The New York Times

WASHINGTON, Sept. 13 — Ensnarled in Presidential election politics, a major crime bill died last year as Republicans and Democrats refused to compromise on difficult issues like capital punishment, death row appeals and gun control.

This year was supposed to be different. With Democrats controlling both the White House and Congress, many hoped the impasse would break. "It's time we put aside the divisions of party and philosophy," President Clinton pleaded last month in a ceremony announcing his commitment to push for the same crime bill that failed in 1992.

But proponents of the measure in the Senate and the House alike are expressing deep reservations about its prospects, saying the complex issues that sank the bill last year remain a source of friction, even though Republicans and Democrats agree on many essential provisions.

## Questions of Strategy

Proposals like restricting the sale of handguns or expanding the number of offenses punishable by death tend to overwhelm the widespread support for the rest of the bill. Its other provisions would, for instance, put tens of thousands more police officers on the streets, offer college scholarships to students willing to be police officers, toughen penalties on terrorism and gang violence, and provide metal detectors to schools.

While some lawmakers advocate stripping the disputed provisions from the bill to improve its chances, others are not certain that can happen.

"It will take a fairly tricky strategy to pass this," said Senator Joseph R. Biden Jr., the Delaware Democrat who heads the Senate Judiciary Committee. He called the chances of passage no better than even.

Prospects in the House, where the number of members with ideologically hardened positions is greater than in the Senate, may be even dimmer as sponsors prepare to introduce the measure in the next few days.

"Gun control gets the liberals on board but repels many conservatives," said Representative Charles E. Schumer, the Brooklyn Democrat who heads the House Subcommittee on Crime and Criminal Justice. "And the death penalty and habeas corpus have the converse affect."

## Personal Priorities

Most Democratic leaders, for instance, would like the bill to ban sales of assault weapons, a proposal that Republicans and some conservative Democrats say would conflict with the Second Amendment's guarantee of the right to bear arms. Republicans insist on a provision to limit death row inmates to a single habeas corpus appeal that would have to be filed within six months of conviction, a proposal that most Democrats fear could lead to the execution of innocent people.

Such deep philosophical divisions defy easy compromise, but the mine

field also consists of jealous Congressional power brokers competing for influence and warring special interest groups like the National Rifle Association that can mobilize potent constituencies.

Senator Phil Gramm, the Texas Republican who is a leading conservative on the crime issue, insists that the bill include more mandatory minimum sentences for offenses like selling drugs to minors, no matter how small the amount. Attorney General Janet Reno and many liberal lawmakers oppose that tack, arguing that mandatory sentences are unfair and counterproductive.

Several Southern Democrats in the Senate, particularly J. Bennett Johnston of Louisiana and Richard C. Shelby of Alabama, will also fight gun-control provisions that their liberal counterparts insist on.

In the House, Representative Don

## Will gun control kill some popular anti-crime proposals?

Edwards, the California Democrat who heads the Subcommittee on Civil and Constitutional Rights and who is his chamber's conscience on civil liberties issues, can be expected to sway dozens of liberals against the legislation if he believes that it impinges on the rights of defendants or significantly increases the number of executions. And Representative Jack Brooks of Texas, the chairman of the House Judiciary Committee, ardently opposes the strict gun control that liberals insist upon before they will agree to expand the Federal offenses punishable by death.

The divisions among Democrats will require the President to knock some heads, several Democratic lawmakers say. So far, the Justice Department has helped members of the Congressional staff draft the crime measure, but Mr. Clinton has left it up to Mr. Biden and Mr. Brooks to lead the effort.

## What to Do Next?

The two chairmen are divided over tactics. Mr. Brooks insists that a provision requiring a seven-day waiting period on handgun purchases be in the legislation, while Mr. Biden argues that the provision should be considered separately so it does not jeopardize the entire package.

Mr. Brooks, a strategist who keeps his cards close to the vest, is thought by Judiciary Committee colleagues to want the waiting-period provision in the package because he fears it would pass if taken up separately.

While the White House has been expected to work hard for the crime package, one of its major advocates, Senator Orrin G. Hatch of Utah, the ranking Republican on the Judiciary Committee, grumbled: "I haven't seen

an ounce of Administration effort. I don't think they have picked up the phone yet."

The chances for passing a crime package would be vastly improved, many lawmakers say, simply by stripping out the contentious issues.

Representative Henry J. Hyde of Illinois, a ranking Republican on the Judiciary Committee, is a proponent of that strategy. "I think the pressure from the American people is going to have a magic influence on usually contentious senators and congressmen," said Mr. Hyde, who is committed to forging a compromise bill that can pass.

## Points of Agreement

Republican senators are introducing their own crime bill, and there is much in common between it and the Democrats' version. Democrats, for example, would provide local communities with \$3.5 billion over five years to hire 50,000 new police officers, while Republicans would provide \$2 billion to hire 30,000 new officers.

Both plans call for more money to build prisons, although the Republicans are somewhat more generous. Both parties also want to apply the death penalty to terrorists and to increase the penalty for bombings. And both would toughen penalties on gangs that use minors to distribute drugs.

Mr. Hatch has suggested to Mr. Biden that they streamline the bill, and Mr. Biden has expressed interest in that.

But Democratic strategists say they doubt they can come to an agreement with Senator Bob Dole of Kansas, the Republican leader, to restrict extraneous amendments. They believe that since Mr. Dole appears to be running for President in 1996, he cannot afford to be seen blocking Mr. Gramm's efforts to toughen the bill even if such a strategy improved its chances for passage.

# House Frees Transportation Bill After Carr-Mineta Turf Fight

By Eric Pianin  
Washington Post Staff Writer

The House yesterday sided with Public Works and Transportation Committee Chairman Norman Y. Mineta (D-Calif.) in a bitter turf war with the Appropriations Committee that threatened to tie up the 1994 transportation spending bill.

The House leadership reluctantly sided with Mineta over Rep. Bob Carr (D-Mich.), chairman of the Appropriations subcommittee on transportation, who sparked the fuss by unilaterally rearranging spending priorities—including millions of dollars for special "demonstration projects"—authorized by Mineta's committee.

House rules prohibit appropriation of funds for projects that have not been approved in advance by authorizing committees. Mineta argued that Carr overstepped

his bounds by trying to appropriate such funds, and after a protracted battle he won his case. The House voted 257 to 163 to approve a rule that enabled Mineta to strike \$284 million earmarked for 57 highway demonstration projects from next year's transportation spending bill.

The House also restored \$28.4 million for expansion of the San Francisco Bay Area Rapid Transit rail system, in Mineta's state, that Carr had deleted as a retaliatory tactic.

The power struggle, while seemingly arcane, goes to the heart of the issue of who ultimately controls spending on Capitol Hill. Authorizers traditionally have complained when they thought appropriators had overstepped bounds, but rarely have the exchanges been as bitter as the one between Mineta and Carr.

Both men are new to the job of chairman, and according to Democratic colleagues, both were determined to clearly stake out their turf. "I've never seen anything like

*Both men are new to the job of chairman, and both were determined to stake out their turf.*

this," a senior House aide said. Mineta insisted that the dispute was over "process and rules," but Carr asserted, "It's about ego." Carr set off the controversy in July by

reporting out a \$13.7 billion 1994 transportation spending bill that included a little more than \$300 million for 58 projects that had not passed muster with Mineta's committee. He complained that the public works committee's formula for distributing transportation funds had been tilted toward states such as California, New Jersey, New York and Pennsylvania, which enjoy strong representation on the committee.

In coming up with his list, based on a new "investment criteria," Carr made sure that about a third of the demonstration funds went to his home state of Michigan.

Mineta complained to the House Rules Committee, seeking support for striking the offending provisions, but he was not satisfied with the response. When it appeared public works committee members would

stage a revolt on the floor, shortly before the August recess, the Democratic leadership pulled the bill.

House Speaker Thomas S. Foley (D-Wash.), who has spent weeks trying to resolve the differences, was convinced early yesterday that Carr had relented and would give up his projects to assure that a bill gets through Congress before the new fiscal year starts Oct. 1.

However, Carr balked at the last minute, touching off a floor fight. But with Foley and the House leadership generally siding with Mineta, Carr was overwhelmed. While Appropriations committee members generally sided with Carr, he suffered defections from several California Democrats, including Reps. Vic Fazio and Nancy Pelosi, who were fighting to restore funding for the Bay Area mass transit funds.

## Death Penalty for Drug 'Kingpins' Dropped From Crime Bill

By Michael Isikoff  
Washington Post Staff Writer

At the request of Attorney General Janet Reno, congressional Democrats have dropped controversial provisions from a broad anti-crime bill that would impose the death penalty on drug "kingpins" and add stiff mandatory minimum sentences for drug and gun offenses.

Reflecting popular sentiment to crack down on drugs and gun violence, those measures had been overwhelmingly approved by both chambers in the past and were included in a House-Senate conference report that failed in the waning days of the last Congress.

But the Justice Department's Of-

fice of Legal Counsel, reversing a position taken under the Bush administration, challenged the constitutionality of the drug kingpin measure. The office cited a 1977 Supreme Court decision, *Coker v. Georgia*, that struck down the death penalty for the crime of rape when no murder had occurred.

Among the most hotly debated of all death penalty proposals, the drug kingpin measure would have permitted the head of a large-scale drug organization to be executed merely for drug trafficking activities even without proof the individual caused any deaths.

"The department was concerned that imposing the death penalty in cases where no life has been taken was inconsistent with Supreme

Court decisions," said department spokesman Carl Stern.

Stern said the department's new position was purely a result of "legal analysis" and did not reflect Reno's oft-stated personal opposition to

*Justice Department aides challenged the constitutionality of the measure.*

capital punishment. The department did not object to about 50 other death penalty provisions in the bill.

But congressional aides said the department's request appeared to be part of a last-minute attempt by Reno to influence the shape of an administration-backed crime bill that has been put together largely without her input.

New versions of the measure are slated to be introduced today by House Judiciary Committee Chairman Jack Brooks (D-Tex.) and Senate Judiciary Committee Chairman Joseph R. Biden Jr. (D-Del.).

The Justice Department also asked—and Brooks and Biden agreed—to drop about a dozen provisions that would impose new mandatory minimum sentences, mostly for repeat offenders and those who use guns in the commission of a drug or violent offense.

Congressional aides described the department's request as limited while Reno completes a broader study on the effects of mandatory minimum sentences now on the books.

But Rep. Bill McCollum (R-Fla.), a sponsor of the drug kingpin proposal, described the department's requests as part of a larger administration "retreat" in the drug war. "I don't have any idea why the Justice Department would take this kind of liberal position," he said.

Challenging the department's reasoning on drug kingpins, he said: "If you sell enough drugs, you're going to kill not only one person, but many of them."

"There is plenty of constitutional basis for imposing the death penalty in those circumstances, he

# WASHINGTON

USA TODAY'S SPECIAL REPORTS FROM THE CAPITAL

## Deal offered on crime bill

Sen. Joseph Biden, D-Del., trying to get a crime bill through Congress, offered a deal Sunday to Sen. Phil Gramm, R-Texas: He would support Gramm's demands for strict sentencing requirements for crimes involving guns if Gramm would drop opposition to the Brady bill, requiring a five-day wait for purchase of a handgun. "Step up to the ball," Biden said. "Don't filibuster this time." Gramm said the waiting period was "not a big deal." Opposition to the Brady bill stopped Senate passage of a crime bill last year.

**IRAQ ATTACK:** President Clinton's order to bomb Baghdad last June after a reported plot to kill former president George Bush was based on a "circumstantial" case overstated by the White House, Seymour Hersh, a Pulitzer prize-winning reporter, writes in *The New Yorker* magazine. The most glaring weakness, Hersh wrote, was the assertion that a remote-control firing device found in a Kuwaiti car bomb had matched previous Iraqi bombs. Hersh said seven electrical and bombing experts said the devices were mass-produced and "had not been modified in any significant way." The White House called the report untrue.

**GORE'S MOTHER AILING:** Pauline Gore, mother of Vice President Gore, was admitted to a Washington hospital for a mild stroke that impaired her vision, Gore spokeswoman Julia Payne said. Mrs. Gore, 81, is in good condition.

## ELSEWHERE IN THE WORLD

### IRA bomber died in blast

A bomb planted by the Irish Republican Army in a busy Protestant shopping district in Belfast, Northern Ireland, went off sooner than planned Saturday, and police said Sunday that an IRA bomber was one of the 10 killed. The outlawed Catholic group said it bungled the attack in west Belfast, which injured a second IRA bomber and 57 others. It was the deadliest attack in Northern Ireland in six years.

The attack was condemned by leaders in Britain, Ireland and Northern Ireland, who said it would do nothing to advance a fragile peace process under way in the troubled province. Canceled: Wednesday's meeting of the Anglo-Irish Conference, the forum that gives Ireland a consultative role in Britain's administration of Northern Ireland.

**URUNDI CLASHES:** Ousted Burundi Prime Minister Sylvie Kinigi appealed for foreign military intervention to restore order and the Red Cross reported massacres in the Central African nation. Along with suppressing Burundi's infant democracy, Thursday's military coup reportedly has led to renewed fighting between the Hutu and Tutsi tribes, one of Africa's most violent ethnic rivalries. President Melchior Ndadaye, 40, the country's first freely elected leader, was killed in the coup.

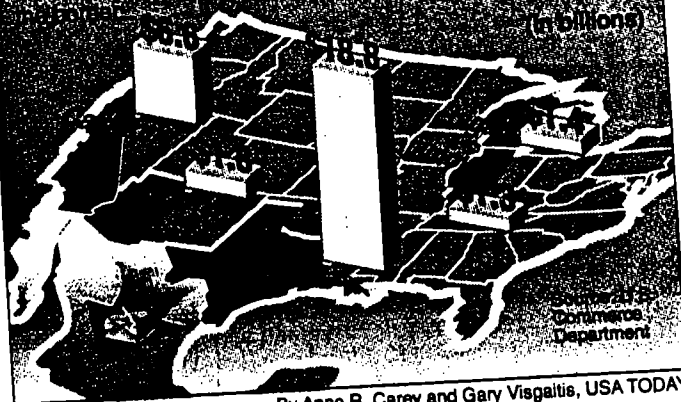
**ISRAELI SOLDIERS:** Islamic militants reportedly wearing yarmulkes shot and stabbed two Israeli soldiers to death in the occupied Gaza Strip, one of a series of violent events linked to the peace process. Military officials said the two men were shot dead after accepting a ride in a car with Israeli license plates that were stolen.

## USA SNAPSHOTS®

A look at statistics that shape the nation

### Who's exporting to Mexico

Between 1987 and 1992, U.S. exports to Mexico nearly tripled to \$40.8 billion. States exporting the most south of the border:



By Anne R. Carey and Gary Visgaltis, USA TODAY