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THE WHITE HOUSE

WASHINGTON

September 19, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
JOSE CERDA III

SUBJECT: CRIME BILL INTRODUCTION

Senator Biden and Chairman Brooks are finally set to introduce the crime bill this week. Last week, we met with the Attorney General, David Gergen, George Stephanopolous, Howard Paster, John Podesta and others to finalize the series of agreements necessary to take up the crime bill. All parties agree that the Administration's public focus should be on community policing and gun legislation.

Further, George has agreed to contact Speaker Foley and Senator Mitchell to secure dates for floor consideration this fall. The Attorney General will continue to educate Members and outside groups on the bill's various provisions, especially habeas. We will have to give Biden and Brooks some latitude to pass the crime bill in their respective chambers. But Justice and White House staff have met with House and Senate staffers to resolve as many differences as possible. In a meeting with David Gergen, Bruce Reed and Sheila Anthony on Thursday, Senator Biden asked that we review a few of these details with you before introduction.

A. Brady and Assault Weapons

In the House, a clean version of the Brady Bill will be included as part of the crime bill. Chairman Brooks strongly believes that he needs Brady in the crime bill to hang on to liberal Democrats concerned with the bill's other provisions (i.e., death penalty). Senator Biden believes that Brady is best considered as a stand-alone bill in the Senate where it lacks the votes to beat a filibuster. Leaving out Brady improves the crime bill's chances in the Senate, and -- if Brady fails -- allows us to increase public pressure on those voting against Brady.

For our part, we have made it very clear to both chairmen that -- as long as Brady is passed this fall -- each house should pursue whatever strategy it deems best. But if the crime bill stalls in both houses, Brady should be considered alone before Congress adjourns.

Passing an assault weapons ban will be much tougher, though well worth the fight. Brooks will not include it in his bill, and the ban is not likely to pass the House floor. Members committed to the ban -- such as Biden and Schumer -- are torn between trying to pass a porous ban that does not cover subsequent copies of those assault weapons banned, or pushing for a more stringent ban that stands very little chance of passing. We have told the Hill that we will take the toughest ban Congress can pass, without favoring any one approach, and that we intend to give the issue a public push.

B. Death Penalty and Habeas Corpus Reform

The Administration has committed to supporting Senator Biden's habeas compromise with the prosecutors. This compromise will help deflate some -- but not all -- of the controversy surrounding the habeas debate. Opposition will be voiced by both the far left and far right who are unhappy with the bill. For instance, we can expect California Attorney General Dan Lungren to generate opposition among Republicans on the Hill.

In the House, Brooks is facing opposition to the Biden-Reno compromise from anti-death penalty Members, particularly the Black and Hispanic Caucuses, and he will need to amend the Biden-Reno compromise to get it out of his committee. Biden wants our assurances that if we get forced to choose between the Biden-Reno version and a House compromise, we will stand by the Biden-Reno version -- even if it means offending the Black Caucus.

The Attorney General has done an exemplary job in reaching out to both conservatives and liberals on this issue. Her continued efforts in this area are crucial to making habeas a non-issue in passing the crime bill.

C. Funding

Senator Biden has agreed to scale back the authorization levels in his bill and to delete funding for less central elements. DPC, Justice and OMB have pushed for the crime bill to represent more realistic spending levels for some time. For his part, Biden would like a commitment from the Administration that we will do our best to fund the priority programs -- community policing, boot camps and prisons, drug courts, etc. The overall funding level for the crime bill is now a total of \$5-6 billion over five years.

Biden is also concerned about authorizing money for the policing title for FY 94 if we are not likely to get those funds in the soon-to-be completed appropriations process. He suggests that we ask for supplemental funds next spring or adjust the authorizations to hit full steam in FY 1995 instead. OMB has found a way to fully fund the community policing provisions out of the Justice baseline and a \$200 million offset in the Byrne program.

D. Mandatory Minimums

At the Attorney General's request, both Biden and Brooks have deleted any new mandatory minimums from the crime bill. And, barring a bipartisan compromise with Senators Hatch and Thurmond, everyone has agreed that the issue of mandatory minimums is best considered afterwards, outside of the crime bill context.

E. Community Policing

Both Biden and Brooks have accepted the community policing title drafted by Justice and DPC and are incorporating it as Title One of the crime bill. This title authorizes \$3.4 billion over five years to help communities put as many as 50,000 more police on the street. Eighty-five percent of these monies will go towards hiring (and re-hiring) police officers "for deployment in community-oriented policing," while the remaining fifteen percent will fund problem-solving training, community crime prevention, agency coordination efforts and other innovative crime prevention programs that are utilized by departments embracing the community policing philosophy.

Since the announcement of your crime plan, some critics have suggested that 50,000 police officers will not have any impact by the time they are spread out over all of America's cities. These critics have not yet seen the text of your plan and believe that you are trying to merely increase police presence. We should not let this assertion go unchallenged.

First, a small number of new officers can make a difference in any department. The average police department in America today consists of less than 20 officers, and as few as five new officers engaged in community outreach and long-term problem solving can have a huge impact.

Second, policing monies will be awarded to communities based on the strength of their community-based policing plans and their public safety need. Specifically, communities will have to submit long-term strategies that explain how many officers they want, for what purpose, how the community intends to eventually fund these officers, and how this plan ultimately reorients a department to community policing. These strategies will also have to reflect consultation with community groups, public and private agencies, and coordination with other government entities and initiatives. Thus, potential impact can be assessed by the Attorney General before grants are made.