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THE WHITE HOUSE

WASHINGTON

October 18, 1984

MEMORANDUM FOR FRED F. FIELDING

FROM:

JOHN G. ROBERTS 

SUBJECT:

Enrolled Bill H.R. 6248 --
Armed Criminal Act of 1984

Richard Darman has asked for comments by 5:00 p.m. today on the above-referenced enrolled bill. As you are aware, the provisions of this bill have already been enacted into law as Chapter XVIII of Title II of H.J. Res. 648, the Continuing Resolution, signed by the President on October 12, 1984 (Public Law 98-473). There is, accordingly, no legal purpose to be served by signing this bill. Justice recommends disapproval, contending that signing the bill would create needless confusion. I suspect vetoing it will also create needless confusion, and I do not think it matters much whether the President signs or not. On balance, I suppose the President should not act gratuitously, and therefore I agree with the OMB and Justice recommendation of disapproval. The proposed disapproval memorandum appropriately notes that the President is declining to approve this bill solely because it duplicates existing law and is unnecessary.

Attachment

THE WHITE HOUSE
WASHINGTON

October 18, 1984

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Enrolled Bill H.R. 6248 --
Armed Criminal Act of 1984

Counsel's Office has reviewed the above-referenced enrolled bill, and has no legal objection to the Justice and OMB recommendation that the President withhold his approval. I also have no objection to the proposed memorandum of disapproval. This situation is of course bizarre, and frankly it probably makes no difference whether the President signs this bill or not.

FFF:JGR:aea 10/18/84
cc: FFFielding/JGRoberts/Subj/Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

- O - OUTGOING
- H - INTERNAL
- I - INCOMING

Date Correspondence Received (YY/MM/DD) 1/1

Name of Correspondent: Richard Darman

MI Mail Report User Codes: (A) _____ (B) _____ (C) _____

Subject: Enrolled Bill H.R 6248 - Armed Criminal Act of 1984

ROUTE TO:	ACTION	DISPOSITION		
Office/Agency (Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response Code	Completion Date YY/MM/DD
<u>CUHOU</u>	ORIGINATOR	<u>841018</u>		<u>1 1</u>
<u>CUAT 18</u>	Referral Note: <u>D</u>	<u>841018</u>	<u>S</u>	<u>841018</u> <u>5:00</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>
	Referral Note:	<u>1 1</u>		<u>1 1</u>

ACTION CODES:

- A - Appropriate Action
- I - Info Copy Only/No Action Necessary
- C - Comment/Recommendation
- R - Direct Reply w/Copy
- D - Draft Response
- S - For Signature
- F - Furnish Fact Sheet
to be used as Enclosure
- X - Interim Reply

DISPOSITION CODES:

- A - Answered
- C - Completed
- B - Non-Special Referral
- S - Suspended

FOR OUTGOING CORRESPONDENCE:

- Type of Response = Initials of Signer
- Code = "A"
- Completion Date = Date of Outgoing

Comments: Justice Report Attached

Keep this worksheet attached to the original incoming letter.
 Send all routing updates to Central Reference (Room 75, OEOb).
 Always return completed correspondence record to Central Files.
 Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 10/18/84 ACTION/CONCURRENCE/COMMENT DUE BY: 5:00 p.m. TODAY

SUBJECT: ENROLLED BILL H.R. 6248 - ARMED CAREER CRIMINAL ACT OF 1984

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	OGLESBY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	VERSTANDIG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HERRINGTON	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
HICKEY	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McFARLANE	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
McMANUS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

May we have your comments by 5:00 pm TODAY. Thank you.

Approve _____ Disapprove _____

Note: If you recommend disapproval, please edit attached statement.

RESPONSE:

Richard G. Darman
Assistant to the President
Ext. 2702

1984 OCT 18 AM 11:26



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 18 1984

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 6248 - Armed Career Criminal Act of 1984
Sponsors - Rep. Wyden (D) Oregon and 6 others

Last Day for Action

October 23, 1984 - Tuesday

Purpose

To provide enhanced penalties for certain persons who possess firearms after three previous convictions for burglaries or robberies.

Agency Recommendations

Office of Management and Budget

Disapproval (Memorandum of disapproval attached)

Department of Justice
Department of the Treasury

Disapproval
No objection (Informally)

Discussion

-- Background and Description of Enrolled Bill

Under current law, it is a Federal criminal offense, punishable by a fine of up to \$10,000 and imprisonment of up to two years, for a felon convicted in either a United States court or a State court to receive, possess, or transport firearms. The enrolled bill, which passed both Houses by voice vote, would enhance the penalty available under this statute in the case of a person who has been convicted three previous times in either Federal court or State court of robbery or burglary. Such a person would be subject to imprisonment of at least fifteen years and a fine of up to \$25,000. Parole or a suspended sentence would not be available.

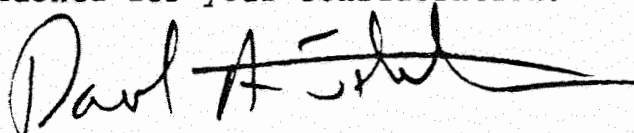
-- Department of Justice Views

The Justice Department recommends disapproval. In its enrolled bill views letter, Justice notes that provisions identical to this enrolled bill were included in chapter XVIII of title II of H.J. Res. 648, the continuing resolution that you approved on October 12, 1984, (P.L. 98-473). (Title II of H.J. Res. 648

generally contained the bulk of the Administration's "Comprehensive Crime Control Act," in addition to other important criminal law reforms.) The Department believes that to reenact language that became law only a few days ago would create unnecessary confusion. Justice is also concerned that approval of this bill, which under the circumstances has no practical significance, would detract from the landmark importance of the Comprehensive Crime Control Act.

-- Recommendation

I concur in the recommendation of the Justice Department and recommend that you withhold your approval of H.R. 6248. A memorandum of disapproval is attached for your consideration.

A handwritten signature in black ink, appearing to read "David A. Stockman", with a long horizontal flourish extending to the right.

David A. Stockman
Director

Enclosures

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 6248, the "Armed Career Criminal Act of 1984."

This legislation would generally enhance the penalties under existing law applicable to a felon who has been convicted three times in a United States or State court of robbery or burglary and who receives, possesses, or transports firearms.

Although I certainly support the aims of H.R. 6248, I note that identical provisions were contained in the Administration's "Comprehensive Crime Control Act," which I approved on October 12, 1984, as part of P.L. 98-473. That legislation -- marking the culmination of much hard work and effort on the part of members of my Administration and the Congress -- is the most comprehensive revision of Federal criminal statutes to be enacted in many years.

Inasmuch as H.R. 6248 merely duplicates existing law, it is unnecessary. Accordingly, I decline to approve it.

THE WHITE HOUSE

Ninety-eighth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the twenty-third day of January,
one thousand nine hundred and eighty-four*

An Act

To amend title VII of the Omnibus Crime Control and Safe Streets Act of 1968 to provide enhanced penalties for certain persons possessing firearms after three previous convictions for burglaries or robberies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Armed Career Criminal Act of 1984".

SEC. 2. Section 1202(a) of title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. App. 1202(a)) is amended by adding at the end "In the case of a person who receives, possesses, or transports in commerce or affecting commerce any firearm and who has three previous convictions by any court referred to in paragraph (1) of this subsection for robbery or burglary, or both, such person shall be fined not more than \$25,000 and imprisoned not less than fifteen years, and, notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under this subsection, and such person shall not be eligible for parole with respect to the sentence imposed under this subsection."

SEC. 3. Section 1202(c) of title VII of the Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. App. 1202(c)) is amended—

(1) by striking out the period at the end of paragraph (7) and inserting a semicolon in lieu thereof; and

(2) by adding at the end the following:

"(8) 'robbery' means any felony consisting of the taking of the property of another from the person or presence of another by force or violence, or by threatening or placing another person in fear that any person will imminently be subjected to bodily injury; and

"(9) 'burglary' means any felony consisting of entering or remaining surreptitiously within a building that is property of another with intent to engage in conduct constituting a Federal or State offense."

Speaker of the House of Representatives.

Vice President of the United States and



Office of the Assistant Attorney General

Washington, D.C. 20530

16 OCT 1984

Honorable David A. Stockman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Stockman:

In compliance with your request, I have examined a facsimile of the enrolled bill, H.R. 6248, "To amend Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 to provide enhanced penalties for certain persons possessing firearms after three previous convictions for burglaries or robberies, and for other purposes." For the reasons set out below, the Department of Justice vigorously recommends against Executive approval of this bill.

In summary, this bill provides enhanced penalties for the existing offense of possession of a firearm by a convicted felon. Identical language was included in the Comprehensive Crime Control Act as Title XVIII of Public Law 98-473 signed by the President on October 12, 1984. To re-enact language made public law last Friday would create needless confusion and cause unnecessary printing expense. Re-enactment could also create the erroneous impression that this measure is of some practical significance thereby detracting from the landmark importance of the President's Comprehensive Crime Control Act of 1984, P.L. 98-473.

By way of a statement of disapproval, it is unnecessary to say more than that this bill has already been enacted as Title XVIII of Public Law 98-473. Again, the Department of Justice recommends against Executive approval of this bill.

Sincerely,
(Signed) Robert A. McConnell

Robert A. McConnell
Assistant Attorney General

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 19, 1984

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 6248, the "Armed Career Criminal Act of 1984."

This legislation would generally enhance the penalties under existing law applicable to a felon who has been convicted three times in a United States or State court of robbery or burglary and who receives, possesses, or transports firearms.

Although I certainly support the aims of H.R. 6248, I note that identical provisions were contained in the Administration's "Comprehensive Crime Control Act," which I approved on October 12, 1984, as part of P.L. 98-473. That legislation -- marking the culmination of much hard work and effort on the part of members of my Administration and the Congress -- is the most comprehensive revision of Federal criminal statutes to be enacted in many years.

Inasmuch as H.R. 6248 merely duplicates existing law, it is unnecessary. Accordingly, I decline to approve it.

THE WHITE HOUSE,

October 19, 1984.

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