

THE WHITE HOUSE
WASHINGTON

January 19, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
JOSE CERDA

SUBJECT: CRIME BILL CONFERENCE:
OUTSTANDING ISSUES AND RECOMMENDATIONS

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to
President
1/24/93
J. Edgar
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I. BACKGROUND

The White House and the Justice Department have reached substantial agreement at the staff level on a series of recommended positions for the Administration to take going into conference on the crime bill. Webb Hubbell provided the attached summary from the Justice Department, and the key issues are summarized below. We are also working with the Department of Labor and the National Economic Council on the question of job creation and training as it relates to the crime bill. Secretary Reich will send you options within the next few days on behalf of Labor, HUD and Justice.

The Senate is eager for a quick conference on the crime bill. Chairman Brooks says he wants direction from the Administration, but needs to accommodate the demands of his committee members for additional votes on habeas reform, the death penalty, and other issues before going to conference. The House leadership wants Brooks to move quickly, and we should reinforce that message. The longer it takes to conference, the harder it will be to maintain bipartisan support and avoid the return of gridlock.

* (The State of the Union address is an opportunity to urge quick passage of a crime bill, and define the upcoming crime debate. We hope that you will use it to stress the crime-fighting programs you favor (more cops, boot camps, and drug courts; an assault weapons ban; safe schools; etc.); challenge all Americans to set an example for their children by staying off drugs, work as partners with the police, and take personal responsibility for making their neighborhoods safe; and finally, promise Americans a criminal justice system that sends violent criminals to jail and keeps them there.

II. MAJOR ISSUES

A. "Three Strikes and You're Out" for Violent Offenders

White House and Justice recommend that you support some version of the "three-strikes-and-out" provision in the Senate crime bill, targeted to violent repeat offenders. The Senate provision would apply to individuals with three federal and/or state drug or violent crime felony convictions, which are punishable by a maximum prison term of 10 years or more, so long as the third conviction is in federal court. Justice believes this is a sound approach, and will work with conferees to ensure that the final version is well-targeted.

Governors across the spectrum from Mario Cuomo to George Allen have made three-strikes-and-out the central crime plank of their State of the State addresses. Voters in Washington approved it overwhelmingly in November, and legislatures in California, Virginia, New York, and elsewhere are expected to enact versions of it this spring. The idea is sweeping the country because Americans believe that keeping violent criminals behind bars is the single most effective step we can take to reduce violent crime -- and they're right: 6% of violent offenders commit 70% of all violent crimes.

We recommend that you support a version of three-strikes-and-out in the crime bill, and call for it in the State of the Union. It will send a clear signal that you want action on all fronts, from tough punishment as well as crime prevention.

B. Regional Prisons/Truth-In-Sentencing

The Senate crime bill authorizes \$3 billion for grants to states for boot camps and state prisons, and another \$3 billion for 10 federally-run regional prisons (2,500 inmates each) for violent state offenders and criminal aliens. The regional prison slots come with a catch: to qualify, states would have to certify that violent felons (those punishable by a maximum prison term of 5 or more years) are serving at least 85% of their sentences, and that state sentences for violent crimes are at least as rigorous as their federal counterparts.

It will be difficult to keep regional prisons out of the bill. They are a "must have" provision for Republicans, and attract enough support from Representative Schumer and other Democrats to have been included in the final 1992 crime bill conference report.

White House and Justice believe that the best way to preempt the current regional prisons proposal -- and help states deal with the legitimate problem of violent, repeat offenders -- is to add a truth-in-sentencing condition to the original Democratic proposal on grants to states for boot camps and state prisons. As with the "three-strikes-and-out" provision, Justice believes that they can craft legislative language that is sufficiently narrow to focus on only the most serious violent offenders. The broad Republican version of truth-in-sentencing is a massive unfunded mandate on the states; we can design a carefully targeted

alternative that will give the states a better deal, though they will still consider it an underfunded mandate.

C. Federalizing Gun and Other Crimes

The Senate crime bill creates a number of new federal crimes, most of which are primarily symbolic. Justice would like to oppose one in particular: a D'Amato amendment that federalizes most gun crimes by making a federal crime of all murders committed with a firearm, and of the use, possession, or carrying of a firearm during the commission of a state violent crime or drug offense. These provisions are excessively broad, and we recommend that you oppose their inclusion in the crime.

The Senate bill also creates new federal crimes in the area of criminal street gangs, parental accountability for juvenile crimes, and domestic violence. Justice does not recommend that you oppose these new federal crimes, but would like to modify the language to ensure that federal law enforcement efforts supplement -- not supplant -- local law enforcement efforts.

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D. Mandatory Minimums

The Justice Department worked closely with Senator Biden's staff and others to try to keep new mandatory minimum sentences out of the crime bill replacing specific sentencing floors with language directing the Sentencing Commission to provide for an "appropriate enhancement" for a particular crime. They had little success.

But the Senate crime bill does include a "safety valve" that will allow non-violent, first-time offenders, who are being sentenced under three of the most popular federal drug-related mandatories, to be sentenced under the sentencing guidelines rather than receiving mandatory minimum sentences. This narrow provision represents a bipartisan compromise between Senators Simon, Kennedy, Hatch and Thurmond, as well as the Attorney General and the Sentencing Commission. Along with the Attorney General's recent loosening of the Justice Department's prosecutorial guidelines, this provision will give her more than enough flexibility in dealing with mandatory minimums. White House and Justice recommend that you support the safety valve provision.

Justice would like you to go further by categorically opposing new mandatory minimums, and directing the Sentencing Commission to enhance sentences instead. We disagree. We do not believe that mandatory minimums are as serious a problem at the federal level as they are at the state level. In July, 1993, GAO issued a report (based on a review of 900 cases in 8 judicial districts) showing that in 70 percent of drug cases carrying mandatory minimums, defendants were sentenced to stiffer sentences pursuant to the sentencing guidelines than they would have been under the mandatory minimum. The GAO's

review also revealed that in only about 5 percent of federal drug cases was a mandatory minimum sentence imposed that was longer than the punishment proscribed by the sentencing guidelines.

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Moreover, the strategy Justice recommends will only draw attention to the Administration's forthcoming nominations to the Sentencing Commission, who are bound to be highly controversial in any case. Most of the prospective nominees interviewed by the Justice Department are outspoken critics of the sentencing guidelines. The combined effect of these steps -- prosecutorial guidelines from the Attorney General advising U.S. Attorneys not to seek tough sentences for certain crimes, Sentencing Commission nominees who want to give judges broad discretion, and an effort to take tough sentences out of the crime bill and leave them up to those same nominees instead -- will be to make this Administration look like it's easing up on crime at the very time it ought to be cracking down.

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We recommend that rather than setting out to weaken tough sentences in the crime bill, the Justice Department focus its efforts on not federalizing crimes that don't belong in federal court. The most far reaching new mandatory minimums in the crime bill is part of the D'Amato amendment, which would set mandatory sentences for virtually all gun crimes. We believe the Administration should leave the other minimums to the conferees to decide. We can't take a principled stand against new minimums if we're going to support "three strikes and out."

E. Assault Weapons and Other Gun Issues

The Senate crime bill includes a tough assault weapons ban, a ban on the possession of handguns by minors, and several critical changes to strengthen the federal firearms licensing system, including requiring gun dealers to comply with all state and local laws and to report lost or stolen inventory to ATF.

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White House and Justice recommend that you strongly support all of these provisions and insist on their inclusion. Dole said on Meet the Press this month that the Republicans would accept an assault weapons ban if we would accept their tough prison and sentencing provisions. Biden and Schumer have supported the same deal. We believe that is a good deal for us, especially if we can work something out with the Republicans on truth-in-sentencing and prisons.

An assault weapons ban will still be an uphill struggle in the House, but it's a fight well worth having. The crime bill conference debate shouldn't be about whether we're for prevention vs. punishment, or whether or not we support tough measures for repeat offenders. It should be about whether or not the Republicans will accept common-sense gun measures that are long overdue and have broad public support, and whether or not Republicans will block a \$22 billion crime bill to placate the NRA.

II. OTHER ISSUES

A. 100,000 Cops Title

The Senate crime bill authorizes a total of \$8.995 billion over the next five years to hire 100,000 new police officers and expand community policing. Eighty-five percent of these funds would be used to hire new police officers for deployment in community policing, and fifteen percent would be used for programs to help department re-orient their emphasis to more pro-active community policing (i.e., specialized training, new technologies that help keep cops on the beat, and community crime prevention programs).

18 White House and Justice recommend endorsing the Senate version and insisting on 100,000 cops. We will need to make a few minor changes, based on what we learned in developing and administering the \$150 million Police Hiring Supplement. After the phenomenal response to the \$150 million program (more than 4,000 applications), Justice wants to amend the policing title to turn grants for smaller jurisdictions (under 100,000) over to the states. We would like to try to reserve at least 60% of the program's resources for larger jurisdictions. (The House would set aside 60% of the program's funds for cities under 100,000; the Senate splits the police monies evenly between cities with populations over 150,000 and those under 150,000.) We also recommend giving the Attorney General increased flexibility in awarding the 15 percent of the funds that do not go toward the actual hiring of personnel.

19 Finally, we will seek some miscellaneous changes, such as: making sure we have the ability to give Empowerment Zones priority designation; allowing overtime costs during the first year of a grant, when new police personnel are in training; and allowing priority designations for projects that involve the recruiting of departing military personnel as police officers. We will also follow up on Rev. Jesse Jackson's suggestion that encouraging police (and other potential role models) to move into marginal neighborhoods can have the same kind of impact as putting more police on the street. We will seek to include a provision that allows us to give priority to cities that make a concerted effort to lure people back into the neighborhoods they serve.

20 Much like the gun provisions in the crime bill, the full burden of passing an effective policing title that put 100,000 more police on the street is on the Administration. It is quite likely that members will try to reduce the size of the police program in conference -- as Congress did with the supplemental appropriations bill. We recommend that you strongly support and insist on your version of the policing program.

B. Violent Crime Reduction Trust Fund

As you know, Senators Byrd, Mitchell, Sasser, Biden, Hatch, Dole, Gramm and others reached agreement on an amendment to codify your 252,000 federal workforce reduction,

transfer these savings into a newly-created Violent Crime Reduction Trust Fund (VCRTF), and reduce the discretionary caps by an equal amount. The total amount of money available for crime bill authorizations under the amendment would be \$22.268 billion over the next 5 years. Recognizing that the creation of the VCRTF is essential to achieving a crime bill conference report, you have already elected to include it in the FY 1995 budget.

White House and Justice recommend supporting the VCRTF in conference. We will need to make one change in conference, to adjust authorization levels so that expenditures in the early years correspond with the savings coming into the VCRTF.

C. Jobs and the Crime Bill

Pursuant to your conversation with Secretaries Reich and Cisneros and the Attorney General, Domestic Policy and the NEC have met with appropriate agency staff to discuss what job-related provisions could be included within the context of the crime bill. The Secretaries intend to submit a joint memorandum to you soon. Here are the options they are currently considering.

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Youth Fair Chance: Labor will recommend that you support a \$1 billion Youth Fair Chance Initiative that has a specific emphasis on crime and violence. The Youth Fair Chance program focuses on youth growing up in high-poverty areas by saturating neighborhoods of about 25,000 people with funds for school-to-work programs for in-school youth and job training for out-of-school youth. Additionally, grant recipients must commit to a number of complementary initiatives such as expanding sports recreation programs and public/private partnerships. The only real difference between the current Youth Fair Chance and that which Labor is proposing is that, instead of high-poverty areas, we could target high-crime areas; and, instead of a \$25 million program funded by Labor, it would be a \$200 million a year program funded out of the Violent Crime Reduction Trust Fund.

We have some concerns about this proposal. First, although we like the concept, OMB has already oversubscribed the Violent Crime Reduction Trust Fund for FY 95, and it will be difficult to make the case in conference that we are negotiating in good faith if everyone knows that we've already spent the money. Second, for this new program to be an eligible expense through the VCRTF, we would need to enact separate authorizing legislation that would have to go through the House Education and Labor Committee. This not only would delay crime bill action, it would prompt a root cause vs. punishment debate that Republicans would welcome in an election year.

Jobs Linkages to the Crime Bill: A second option is to use the Job Corps model in boot camps and other alternative sentences for juvenile offenders. The House already passed such a non-binding amendment to one of the crime bills that passed the House, and it could be expanded and strengthened in conference.

We especially like this option, which bolsters both your anti-crime and job creation efforts. For example, while boot camps -- like the one you pioneered in Arkansas -- have been successful, they have not met the ambitious expectations put forth by their original proponents. One of the ways to improve boot camps is to build on the positive impact they have on participants by continued "after shock" and increased job opportunities. Continued supervision in the form of electronic monitoring combined with Job Corps programs is an excellent example of such an effort. Currently Justice and Labor are examining other crime bill and jobs programs to see what else can be done in this area. We should be able to make these changes in conference without generating intense GOP opposition.

Separate Jobs Bill: Another option would be to push for a targeted FY 94 supplemental appropriations bill -- offset by recisions -- after the crime bill is signed. The bill could include immediate funding for your priority crime programs -- cops, drug courts, boot camps -- as well as a jobs initiative such as the Youth Fair Chance Initiative and Maxine Waters' proposed 17-30 Black male initiative. Having already made our way through the crime bill debate, we would be in the position of putting a crime spin on a jobs bill, instead of putting a jobs spin on a crime bill.

D. Other Agencies

Agencies such as Treasury, HHS and Education have various technical concerns that we are trying to address, such as duplication of already existing programs and assuring proper coordination between agency efforts. We are committed to working with the agencies to remedy as many of these technicalities as possible at the staff level.

5/21/94

THE WHITE HOUSE

WASHINGTON

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February 9, 1994

MEMORANDUM FOR SENIOR STAFF

FROM: Mark Gearan *mg*
SUBJECT: Drug Strategy Talking Points

Attached are some talking points prepared by the Office of National Drug Policy on the drug strategy that the President announced today. Please contact me if you have any questions about this material.

1994 NATIONAL DRUG CONTROL STRATEGY

- The 1994 Strategy targets the problem of hardcore drug use and the violence that surrounds it. This is the heart of the Nation's current drug crisis.
 - It proposes a new \$355 million treatment initiative to get 74,000 hardcore addicts off the street and into treatment where they belong.
 - It calls for passage of a tough and smart crime bill that will help treat at least an additional 64,000 addicts in the criminal justice system.
 - It calls for passage of the Health Security Act to make the first-ever guarantee of drug treatment services available to the more than 58 million Americans who have no coverage at all for some time each year.
 - The Strategy's goal: to reduce hardcore drug use by an average annual rate of 5%.
- The Strategy strengthens our drug prevention efforts and maintains the strong "no use" message required to keep our kids from experimenting with drugs in the first place.
 - It proposes an increase of \$191 million in school-based drug and violence prevention -- Safe and Drug-Free Schools.
 - It rejects the legalization of illegal drugs as a potential answer to the drug problem.
 - It calls for a national meeting of substance abuse prevention experts to help turn around kids who have a new-found interest in certain illegal drugs.
 - The Strategy's goal: to reduce the number of casual drug users at an average annual rate of 5%.
- The Strategy recognizes the need to empower communities with an integrated plan of education, prevention, treatment and law enforcement -- and explicitly rejects the false choice between law enforcement and treatment programs.
 - It proposes a dramatic increase in community policing programs to help neighborhood residents take back their streets.
 - The overall FY 95 budget proposes an increase of more than 300% for state and local law enforcement.
 - The Strategy goes hand-in-hand with the Administration's other community-based efforts -- such as National Service and Empowerment Zones and Enterprise Communities -- to ensure that crime, drugs and violence are addressed at the grass roots level.
- The Strategy expands our international drug control efforts by not simply waiting for drugs to come to our border, but by going right to the source countries where illegal drugs are produced.

TALKING POINTS ON 1994 DRUG STRATEGY

- Today, the President and Lee Brown unveiled the Administration's 1994 Drug Strategy and the largest federal drug budget ever -- \$13.2 billion. It's a realistic, balanced strategy that -- after years of rhetoric -- focuses on the most difficult facet of America's drug problem -- hardcore drug use.

DEMANDING THAT HARDCORE DRUG USERS BE TREATED

- Treating America's drug problem must start with an aggressive effort to break the cycle of hardcore drug use. This won't be easy, but we can't continue to ignore it. Hardcore drug users fuel the demand for drugs in this country and put the great strains on our society in the forms of increased crime and health costs, reduced productivity, homelessness, higher welfare costs and more.
- Heavy drug users consume a majority of the nation's illegal drug supply. Although hardcore users account for only about 20% of all cocaine users, they consume about two-thirds of the available cocaine.
- Most important, hardcore drug use is linked -- directly and indirectly -- to a disproportionate amount of crime and violence. One study found that more than 50% of hardcore drug users not in treatment were engaged in recent illegal activity, and another study revealed that 53% of the murders in New York during a six-month period were drug-related.
- It makes sense to treat hardcore drug users. Not only have countless studies shown that drug treatment reduces criminality, but treatment also has been shown to save money. According to the National Institute on Drug Abuse, for every \$1 spent on treatment, \$7 is returned to society in the form of reduced public spending (\$3) and increased productivity (\$4).
- That's why the 1994 Strategy calls for \$355 million to be spent on a new initiative to treat 74,000 hardcore drug users -- the largest such proposal to date. And that's why the 1994 drug strategy calls for passage of crime legislation that will treat at least an additional 64,000 hardcore users in the criminal justice system.
- If we're going to reduce the harm these addicts impose on society, we must **demand** that they get off the streets and into treatment -- and we'll help them do that. But if hardcore users don't get the message -- we'll use our courts, jails and prisons to make sure they do.

SENDING A STRONG "NO USE" MESSAGE TO OUR KIDS

- After years of a general decline in casual drug use, recent surveys indicate that the use of certain drugs (marijuana, LSD and inhalants) may be on the rise -- along with an increase in the feeling that drugs are "cool" and not that dangerous. We must let our

kids know that nothing could be further from the truth. Our kids must know, in no uncertain terms, that drugs are not only dangerous -- but illegal.

- Recent studies have also shown an alarming level of violence in our schools and suggest that there is a strong link between kids who bring guns to school and drug use. Not only must our kids get a strong "no use" message on drugs, but we must take the opportunity to tell them about the dangers of guns and gangs, too.
- To combat the increasing levels of drug use and violence in our schools, the Strategy redoubles in-school prevention efforts and proposes a \$191 million increase in the Administration's proposed Safe and Drug-Free Schools and Communities Act.
- Increased funding is not enough. We must do everything we can to prevent crime, drug use and violence -- government can't solve this problem alone. Families must take responsibility for their children. Individuals need to take personal responsibility for their own actions. And communities need to challenge their citizens to stand up for common decency, and refuse to accept the unacceptable anymore.

REJECTING THE FALSE CHOICE BETWEEN LAW ENFORCEMENT AND TREATMENT

- Although the 1994 Strategy places a new emphasis on reducing the demand for drugs, it does so without reducing our commitment to law enforcement. In fact, the Strategy includes a 4% increase in drug-related criminal justice expenditures -- and an overall increase in anti-crime spending of 21%, or \$3.2 billion.
- The Administration's overall budget for crime also gets money to those on the front lines -- state and local enforcement. The FY 95 budget proposes increasing aid to state and local law enforcement by more than 300%.
- The 1994 Strategy calls for improvement of our international drug control programs -- a controlled shift from a total emphasis on interdiction to a more balanced approach: working with source countries that have the political will to go after the kingpins and cartels who grew rich from supplying our people with drugs. The Strategy says we're not going to wait for you at the border, we're coming after you at the source.

MAKING THE TOUGH FUNDING CHOICES

- Despite tough fiscal times, the 1994 Strategy is backed by the necessary funds. It includes large increases for treatment of hardcore drug users (14.3%), increased drug education and prevention (28%), and efforts to target international drug trafficking organizations (21.7%).
- The FY 1995 budget demonstrated real fiscal discipline: it cut spending in 7 of the 14 departments; cut more than 300 federal programs; and terminated more than 100 programs. Still, the 1994 Strategy proposes the largest federal drug budget ever -- increasing drug-related spending by almost 9%, or more than \$1 billion.

January 27, 1994

MEMORANDUM FOR CIRCULATION

FROM: RAHM EMANUEL

Subject: Proposed Communications Strategy and Schedule for Crime

I. INTRODUCTION

The strong positive response to the President's discussion of crime in the State-of-the-Union suggests that the President has an opportunity to make the issue "his." This memo outlines a communications strategy with the goals of (1) passing the Crime Bill; and (2) identifying the President with the issue of crime and violence.

The President has succeeded in redefining the debate on crime. No longer is it prevention v. punishment. Instead, the issue of crime and violence has been changed to punishment and values (learning the difference between right and wrong.)

Polls show that the issue of crime, along with health care and the economy, tops the public's list of concerns. In addition, polls show that a majority of Americans feel that the moral fabric of our society is disintegrating. Therefore, by redefining the issue of crime in terms of punishment and values, we get the best of both worlds.

II. LEGISLATIVE CALENDAR

The next eight weeks until the congressional conference report is issued are critical. Legislatively, our goal is the passage of the Crime Bill. However, the Crime Bill is a means to a further end. The Crime Bill is also a vehicle to communicate to the public a set of strongly-held values that the President embraces, as well as the President's tough stance on crime and criminals.

The legislative schedule, which serves as our window of opportunity, is as follows:

February '94	- House committee and sub-committee action
Early-Mid March	- House Crime Bill
Late March	- Conference
March 28-April 10	- Recess
Mid April	- Crime Conference Report

III. COMMUNICATIONS MESSAGE

Our communications strategy should initially focus on the 6-10 week window while the House considers the crime bill(s). Our principal goal in this period is to identify the President with the crime issue. We must both present the President as tough on crime, and define the his values.

To this end, the President should focus on three key parts of the crime package: "three strikes you're out;" 100,000 police officers; and the ban on assault weapons. The first thematic bloc should be on 3-Strikes-You're-Out (punishment/tough on crime); then, more broadly, to cops (punishment); and then close with guns (values). Throughout, the President should be stressing his values: family, church, community, responsibility.

These three components demonstrate that the President is serious about fighting crime and restoring the moral fabric of our society. In particular, the 100,000 police officers provision is Clinton's signature on the Crime Bill.

Considering the fact that Newt Gingrich is attacking the President's crime proposals as too weak, Democratic House members should highlight the fact that Gingrich's crime proposals have never included funds for more cops.

IV. SCHEDULING

We should consider some events that underscore the "values" orientation of the State-of-the-Union. These events fall into two categories: over-the-top events that address the big picture of crime and societal values; and smaller events that underscore the three key components of the President's crime proposal (listed above). The over-the-top events must be scheduled by April 1, 1994. The smaller events should be ongoing over time.

A. OVER THE TOP EVENTS: THE PRESIDENT'S VALUES

The goal of these events is to identify the President with the issue of crime.

- National Town Hall on Crime: In a select city, the President could hold a televised, national "town hall" on crime and violence. We should start working with one of the networks to set this up. ABC News has indicated interest in a town hall on violence and crime. It would be smart to do this over the February recess, when Members of Congress are at home.
- Police Academy: The President could speak to a police academy class. This speech would give the President the opportunity to both highlight the 100,000 cops provision, and also talk about values. In this speech, the President would highlight the importance of police officers, not only in terms of deterring crime, but also in terms of strengthening communities. The police

officers have a responsibility to be role models, to reach out to kids, and to try to instill in them a sense of right and wrong.

- Interview/Essay for Mass Publication: The President could give an interview to or write an essay on crime and violence in America for a mass publication such as Reader's Digest, TV Guide, or Parade Magazine.
- Counter-Scheduling: The President should go into the lion's den, so to speak, by giving a speech to a group of manufacturers of bullets.
- Open Letter to NRA: The President should write an open letter to NRA members, as a fellow sportsman, calling on them to support the ban on semi-automatic weapons. This letter could be submitted to a magazine as an advertisement.
- Church Sermon: The President could deliver a sermon to a church congregation.

B. ONGOING EVENTS: THE PRESIDENT'S PROPOSAL

The role of these events is to highlight the three major components of the President's crime bill: "3 Strikes," 100,00 cops, and assault weapons.

1) COPS

- Community Policing: The President could spend the day in a city that has community policing. Some ideas for this day include visiting a police station, walking a police beat, and addressing to cops involved in the program.
- Neighborhood Safety: The President could accompany the mayor and neighborhood watch-group participants on a block patrol, or he could visit a victims rights group.
- Surprise Visit to Police Precinct: The President should do a surprise visit (not on schedule) to a police precinct.
- Hero Cops: We should bring in hero cops to the White House at every opportunity (e.g., for Thursday photo shoots). It's not big national news, but huge locally.
- Murdered Cops: Cops are killed by violent criminals too frequently. The President should attend a funeral of a police officer who is murdered on the job. In addition, we should invite the spouses of murdered cops to the White House for a speech by or session with the President.

- Radio Address: The President should broadcast one of his Radio Addresses from a police precinct.
- Boot Camp: The President could visit a boot camp.

2) VALUES

- Boys & Girls Club: Visit a boys and girls club or some other "take back the streets" initiative in a housing project in a major city. This could be the opportunity for straight talk about responsibility and right and wrong.
- Teen Pregnancy: The President could visit a teen pregnancy prevention program, and speak to young people about responsibility and family.
- CDC Study on Violence: The Centers for Disease Control will release a study on causes of death, which will show the toll of violence. The President could make a statement, followed by the head of CDC, or Shalala, who would release the study and takes questions (could be in the briefing room, or in front of an audience).
- NBA Role Models: NBA players are holding a conference on February 12 in Minnesota. They could come to the White House the day before the conference begins. As role models to kids, the players could deliver a message of responsibility, education, and family values.

3) GUNS

- Mr. Toys for Guns: We could invite Ferdinand Mateo (Mr. Toys for Guns) to the White House. This meeting would be similar to the meeting with Mark Klaas last month.

4) MISCELLANEOUS

- Cabinet Crime Fighters: Bring in the crime fighters (Reno, Lee Brown, Freeh) to report on unified, administration-wide crime effort.
- Petaluma, California: Visit Petaluma, California next time in the state.
- Conference Committee Kick-Off: The conferees should be brought in for a speech on crime.

V. CONCLUSION

In short, we want to accomplish the following beyond the passage of the Crime Bill: (1) identify the President as tough on crime by highlighting specific components of his crime bill

proposal; (2) identify the President as a person of deeply-held values, a moral leader for this country. To achieve these goals, we need to schedule as many of the above events as soon as possible.

This memo deals primarily with the President's schedule, which should be developed immediately. There is, of course, a whole other surrogate schedule that needs to be developed. Members of Congress, Mayors, Police Chiefs, and the Cabinet should all be dispatched to talk about the President's agenda on crime.

December 15, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: JOHN PODESTA
TODD STERN

SUBJECT: Gun Licensing Provisions in Crime Bill

Background

The Simon Bill. In March, Senator Simon introduced S. 496 to raise the fees and toughen the federal licensing provisions on gun dealers. The fee provisions of that bill would have required dealers to purchase a three-year license at a cost of \$750 per year; the current yearly license is \$10. The \$750 number was designed, in effect, as a user fee that would cover ATF's cost of conducting background checks and inspections of gun dealers. The bill never moved.

Treasury-Postal Amendment. In July, Simon offered an amendment to the Treasury-Postal Appropriations bill that would have increased the yearly fee to \$375. It was rejected as non-germane 68-30.

Simon Amendment to the Crime Bill

Fees. Senator Simon's amendment to the Crime Bill -- a compromise with the NRA that was accepted in the bill -- toughens federal licensing provisions but omits any fee increase. A much smaller fee increase -- supported by the NRA -- was instead included in the Brady Bill. It increases the fee to \$200 for a three-year license (\$67/year), renewable in three-year increments for \$90 (\$30/year).

Simon and others (including Senators Bradley and Murray) are still eager to legislate a larger fee increase and will be looking for an appropriate vehicle in the upcoming session.

Licensing Provisions. The licensing provisions of the Simon Amendment in the Crime Bill would do the following:

- (i) require prospective gun dealers to certify that they are in compliance with state and local laws before a federal license is issued;

(ii) require ATF to distribute a list of federal licensees to state and local law enforcement agencies;

(iii) allow ATF 60 days rather than the current 45 to act on an application;

(iv) require dealers to report the theft or loss of guns to ATF within 48 hours;

(v) require dealers to respond to requests for information from Treasury within 48 hours;

(vi) require license applicants to submit fingerprints and a photo with their application;

(vii) allow Treasury to inspect a dealer's records when a gun used to commit a crime is traced back to that dealer.

Once conferees have been named to the Crime Bill conference, Senator Simon would like a letter from you to them supporting inclusion of his Amendment in the conference report.

cc: George Stephanopoulos
Carol Rasco
Bruce Reed

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THE WHITE HOUSE

WASHINGTON

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ATTN: Brad Bucholz 927-7772
Jim Pasco

SENATOR PAUL SIMON
ILLINOIS



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United States Senate
WASHINGTON, D.C. 20510-1302
(202) 224-2162

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FOREIGN RELATIONS
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TO:

Judd Stern

456-2215

FROM:

Susan Kaplan

PHONE:

224-5573

DATE: 12/15/93

WED
DAY OF WEEK

TIME



Number of Pages
(including this cover page):

10

MESSAGE:

WASHINGTON

CHICAGO

SPRINGFIELD

CARBONDALE

0001/0008

91229966 01 TO 94662219

FROM JUDICIARY COMM. USS

12-19-93 02:33PM

MEMORANDUM

TO: John Podesta and Todd Stern
FROM: Susan Kaplan and Amy Isbell
RE: GUN DEALER LICENSING
DATE: December 15, 1993

=====

Attached is a summary of Senator Simon's provisions that were included in the Senate crime bill by unanimous consent. These provisions represent a compromise version of S. 496, Senator Simon's gun dealer reform legislation introduced in February. We drafted S. 496 in consultation with ATF. Essentially, it is their "wish list" on gun dealers. Senator Bennett worked closely with Simon and the NRA to negotiate the compromise version that was included in the crime bill.

While an increase in the fee was not included in the Simon amendment, ATF feels the amendment is very significant and both the Conference of Mayors and Handgun Control support several of the provisions.

Of particular importance to ATF is a requirement that gun dealers certify that they are in compliance with state and local law. This provision is included in the recommendations submitted to the President by the U.S. Conference of Mayors and is part of Handgun Control, Inc.'s omnibus proposal. Also of note is the requirement that ATF send a list of local gun dealers to the appropriate state and local law enforcement officials. The U.S. Conference of Mayors endorsed this proposal and Mayor Daley, in particular, has stressed the need for this provision on a number of occasions. Another provision supported by both the Mayors and Handgun Control would require gun dealer applicants to submit fingerprints and photograph with their application.

Finally, Handgun Control, in addition to supporting the above provisions, also included the following provisions (which are already part of the Simon amendment) in their new omnibus proposal: extending the time granted ATF to conduct a background investigation of applicants, requiring applicants to comply with ATF's requests for trace information, and requiring dealers to report the loss or theft of firearms to ATF and local authorities.

Because the NRA has signed-off on the Simon-Bennett amendment, we

anticipate that it will remain in the Crime bill. However, a letter to Congress from President Clinton in support of the proposal would obviously be helpful.

ATTACHMENTS: summary, gun dealer licensing reform amendment
vote count, Simon amendment to the Treasury, Postal and General Government Appropriations bill. This amendment would have established a user fee to cover the operating costs of ATF's licensing and compliance programs

GUN DEALER LICENSING REFORM AMENDMENT

Proposed by Senator Paul Simon

1. Require that gun dealer applicants be in compliance with State and local laws, and that they certify that they are in compliance with such laws before a Federal license is issued.

This provision would strengthen the licensing provisions of the Gun Control Act by requiring, as a prerequisite to the issuance of a new license, that the business to be conducted is not prohibited by any state or local law applicable in the jurisdiction where the applicant's premises are located. Under current law, even if ATF knows a dealer will not be in compliance with state and local law, a license must still be issued.

2. Require the ATF to distribute a list of Federal licensees to the appropriate State or local law enforcement agency.

This provision can help to ensure that licensees are indeed operating in compliance with state and local laws. The provision can also help to encourage cooperation between law enforcement and law-abiding gun dealers.

3. Allow ATF 60 days, rather than the present forty-five days, to act on an application for a Federal firearms license.

Current law requires the Secretary of the Treasury to approve or deny applications for federal firearms licenses within 45 days of receipt of such applications. If action is not taken within such period, an applicant may seek mandamus to compel the Secretary to act. The 45-day period has proven to be unrealistic since the time needed to conduct a thorough background check of an applicant and to determine whether the applicant meets all of the eligibility requirements may well take longer than 45 days. In order to ensure that licenses are only issued to qualified applicants, our amendment would expand the 45-day review period to 60 days.

4. Require licensees to report the theft or loss of firearms to the Bureau within 48 hours of the theft or loss.

Under current law, ATF has the responsibility to enforce 18 U.S.C. § 922(j) which makes it unlawful to receive, conceal, store, or dispose of any stolen firearm. There is not, however, a requirement for licensees to report the theft or loss of firearms to ATF. Our amendment would require theft and loss reports which will enable ATF to make more timely investigations of violations of the statute.

5. Require licensees to respond to requests for information by the Secretary within 24 hours of receiving the request.

Effective gun tracing often necessitates that licensees submit information on firearm sales by phone. While most licensees cooperate with ATF's phone requests, some

licensees have refused to respond to such requests. Our bill would resolve the problem by requiring licensees to provide trace information by telephone.

6. Require that applicants for a federal firearms license submit fingerprints and a photograph with their application.

Current law requires individuals to whom National Firearms Act weapons (e.g. machine guns) are transferred to be identified by photographs and fingerprints to ensure that the weapons may be lawfully received and possessed. Ironically, there is no similar requirement for individuals engaged in the business of selling such weapons. This legislation would impose such a requirement on individuals doing business in these types of weapons, as well as all other firearm dealers prior to licensing.

7. Allow the Secretary of the Treasury to inspect a licensee's records pertaining to a firearm used in a crime when that firearm is traced back to that licensee.

When crime weapons are traced back to a gun dealer, it may simply be bad luck, or it might be more serious: it may signal problems with the gun dealer's record keeping, inadequate security precautions, or even criminal behavior. In any case, shouldn't ATF be allowed to make a determination? If the problem is simply poor record keeping or inadequate security, an ATF officer conducting an on-site record-keeping investigation can help to correct the problem and educate the licensee. If criminal behavior motivated the sale, ATF can take the necessary steps to stop the flow of the dealer's inventory to criminals. This provision gives the ATF the discretion to conduct an inspection relating to the particular gun that has been traced to a particular dealer.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 30, nays 68, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—30

Akaka
Biden
Bingaman
Boxer
Bradley
Byrd
Chafee
Danforth
DeConcini
Dodd

Feinstein
Glenn
Graham
Harkin
Hollings
Inouye
Kennedy
Kerry
Kohl
Lautenberg

Metzenbaum
Mikulski
Mitchell
Moseley-Brann
Moynihan
Murray
Pall
Rockefeller
Sarbanes
Simon

NAYS—68

Baucus
Bennett
Bond
Boren
Breaux
Brown
Bryan
Bumpers
Burns
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
Dole
Domenici
Dorgan
Durenberger
Eron
Faircloth

Feingold
Ford
Gorton
Gramm
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Jeffords
Johnston
Kassebaum
Kempthorne
Kerry
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Mathews

McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Riegle
Robb
Roth
Sasser
Shelby
Simpson
Smith
Specter
Stevens
Thurmond
Wallop
Warner
Wellstone
Wofford

NOT VOTING—2

Cohen

Pryor

The PRESIDING

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committee meeting

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Mr. SIMPSON.
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SENATOR PAUL SIMON



FAX Cover Page

United States Senate

WASHINGTON, D.C. 20510-1302
(202) 224-2152

COMMITTEES:
LABOR AND HUMAN RESOURCES
JUDICIARY
FOREIGN RELATIONS
BUDGET



TO:

JOSÉ CERDA

456-7028

FROM:

AMY / SUSAN KAPLAN

PHONE:

224-5573

DATE:

____/____/____

DAY OF WEEK

TIME



Number of Pages
(Including this cover page):

MESSAGE:

gun dealer amendment

(12/15/93)

OLD

Susan Kaplan?

ATK

Brnd Bucholz

Susan Kaplan

927-7772

DRAFT

GUN DEALER LICENSING REFORM AMENDMENT
Proposed by Senator Paul Simon

1. Allow the Secretary of the Treasury to inspect a licensee when a firearm used in the commission of a crime is traced back to that licensee.

Under existing law, a warrant is required to conduct more than one inspection of a federal firearms licensee to ensure compliance with the record-keeping provisions of the Act during any twelve-month period. This restriction on inspections enables unscrupulous licensees to conceal violations of the law.

When crime weapons are traced back to a gun dealer, it may simply be bad luck, or it might be more serious: it may signal problems with the gun dealer's record keeping, inadequate security precautions, or even criminal behavior. In any case, shouldn't ATF be allowed to make a determination? If the problem is simply poor record keeping or inadequate security, an ATF officer conducting an on-site investigation can help to correct the problem and educate the licensee. If criminal behavior motivated the sale, ATF can take the necessary steps to stop the flow of the dealer's inventory to criminals.

It should be noted that, prior to the amendment of the Gun Control Act in 1986, there was no limit on the number and types of warrantless inspections which could be conducted of firearms licensees, and such inspections had been upheld by the Supreme Court (*U.S. v. Biswell*, 406 U.S. 311 (1972)). Furthermore, the Bureau, which also has jurisdiction over federal alcohol regulations, has unlimited authority to inspect liquor wholesalers. The laws for gun dealers should be consistent with that standard.

2. Require that gun dealer applicants be in compliance with State and local laws, and that they certify that they are in compliance with such laws before a Federal license is issued.

section may change

This provision would strengthen the licensing provisions of the Gun Control Act by requiring, as a prerequisite to the issuance of a new license, that the business to be conducted is not prohibited by any state or local law applicable in the jurisdiction where the applicant's premises are located. Under current law, even if ATF knows a dealer will not be in compliance with state and local law, a license must still be issued.

3. Require the ATF to distribute a list of Federal licensees to the appropriate State or local law enforcement agency.

This provision can help to ensure that licensees are indeed operating in compliance with state and local laws. The provision can also help to encourage cooperation between law enforcement and law-abiding gun dealers.

4. Allow ATF one-hundred-twenty days, rather than the present forty-five days, to act on an application for a Federal firearms license.

Current law requires the Secretary of the Treasury to approve or deny applications for federal firearms licenses within 45 days of receipt of such applications. If action is not taken within such period, an applicant may seek mandamus to compel the Secretary to act. The 45-day period has proven to be unrealistic since the time needed to conduct a thorough background check of an applicant and to determine whether the applicant meets all of the eligibility requirements may well take longer than 45 days. In order to ensure that licenses are only issued to qualified applicants, our amendment would expand the 45-day review period to 120-days.

5. Require licensees to report the theft or loss of firearms to the Bureau within 24 hours of the theft or loss.

Under current law, ATF has the responsibility to enforce 18 U.S.C. § 922(j) which makes it unlawful to receive, conceal, store, or dispose of any stolen firearm. There is not, however, a requirement for licensees to report the theft or loss of firearms to ATF. Our amendment would require theft and loss reports which will enable ATF to make more timely investigations of violations of the statute.

6. Require licensees to respond to requests for information by the Secretary within 24 hours of receiving the request.

Effective gun tracing often necessitates that licensees submit information on firearm sales by phone. While most licensees cooperate with ATF's phone requests, some licensees have refused to respond to such requests. Our bill would resolve the problem by requiring licensees to provide trace information by telephone.

7. Require that applicants for a federal firearms license submit fingerprints and a photograph with their application.

Current law requires individuals to whom National Firearms Act weapons (e.g. machine guns) are transferred to be identified by photographs and fingerprints to ensure that the weapons may be lawfully received and possessed. Ironically, there is no similar requirement for individuals engaged in the business of selling such weapons. This legislation would impose such a requirement on individuals doing business in these types of weapons, as well as all other firearm dealers prior to licensing.

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S.L.C.

DRAFT

AMENDMENT NO. _____

Calendar No. _____

Purpose: To amend chapter 44 of title 18, United States Code, to strengthen Federal standards for licensing firearms dealers and heighten reporting requirements, and for other purposes.

IN THE SENATE OF THE UNITED STATES—103d Cong., 1st Sess.

S. 1488

To control and prevent crime.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. SIMON

Viz:

1 At the appropriate place insert the following:

2 **TITLE _____—FIREARMS**

3 **SEC. ____01. FIREARMS LICENSURE AND REGISTRATION TO**
4 **REQUIRE A PHOTOGRAPH AND FINGER-**
5 **PRINTS.**

6 (a) **FIREARMS LICENSURE.**—Section 923(a) of title
7 18, United States Code, is amended in the second sentence
8 by inserting “and shall include a photograph and finger-
9 prints of the applicant” before the period.

⑦

DRAFT

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S.L.C.

2

1 (b) REGISTRATION.—Section 5802 of the Internal
2 Revenue Code of 1986 is amended by inserting after the
3 first sentence the following: "An individual required to
4 register under this section shall include a photograph and
5 fingerprints of the individual with the initial application."

6 **SEC. ____02. COMPLIANCE WITH STATE AND LOCAL LAW AS**
7 **CONDITION TO LICENSE.**

8 Section 923(d)(1) of title 18, United States Code, is
9 amended—

10 (1) by striking "and" at the end of subpara-
11 graph (D);

12 (2) by striking the period at the end of sub-
13 paragraph (E) and inserting "; and"; and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 "(F)(i) the business to be conducted under the
17 license is not prohibited by State or local law in the
18 place where the licensed premise is located; and

19 "(ii) the applicant certifies that—

20 "(I) the business complies with, or within
21 4 weeks after the application is approved the
22 business will comply with, the requirements of
23 State and local law applicable to the conduct of
24 the business; and

WE ARE WORKING WITH ATF
TO CRAFT SOME BETTER
LANGUAGE FOR THIS SECTION

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3

1 “(II) the applicant has notified local au-
2 thorities, in a manner to be determined by the
3 Secretary, of the filing of the application.”.

4 **SEC. ____03. ACTION ON FIREARMS LICENSE APPLICATION.**

5 Section 923(d)(2) of title 18, United States Code, is
6 amended by striking “forty-five-day” and inserting “120-
7 day”.

8 **SEC. ____04. INSPECTION OF FIREARMS LICENSEES' INVEN-**
9 **TORY AND RECORDS.**

10 Section 923(g)(1)(B) of title 18, United States Code,
11 is amended—

12 (1) by striking “or” at the end of clause (ii);

13 (2) by striking the period at the end of clause

14 (iii) and inserting “; or”; and

15 (3) by adding at the end the following new
16 clause:

17 “(iv) when a firearm involved in a criminal in-
18 vestigation is traced to the licensee.”.

19 **SEC. ____05. REPORTS OF THEFT OR LOSS OF FIREARMS.**

20 Section 923(g) of title 18, United States Code, is
21 amended by adding at the end the following new para-
22 graph:

23 “(6) Each licensee shall report the theft or loss of
24 a firearm from the licensee's inventory or collection, within

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S.L.C.

4

1 24 hours after the theft or loss is discovered, to the Sec-
2 retary and to appropriate local authorities.”.

3 **SEC. ____06. RESPONSES TO REQUESTS FOR INFORMATION.**

4 Section 923(g) of title 18, United States Code, as
5 amended by section ____06, is amended by adding at the
6 end the following new paragraph:

7 “(7) Each licensee shall respond immediately to, and
8 in no event later than 24 hours after receipt of, a request
9 by the Secretary for information contained in the records
10 required to be kept by this chapter as may be required
11 for determining the disposition of 1 or more firearms. The
12 requested information shall be provided orally or in writ-
13 ing, as the Secretary may require.”.

in the
course of
a bona
fide
criminal
investigation

14 **SEC. ____07. NOTIFICATION OF NAMES AND ADDRESSES OF**
15 **FIREARMS LICENSEES.**

16 Section 923 of title 18, United States Code, is
17 amended by adding at the end the following new sub-
18 section:

19 “(1) The Secretary of the Treasury shall notify appro-
20 priate State and local government agencies of the names
21 and address of all persons in the State to whom a firearms
22 license is issued.”.

(3)

MEMORANDUM

TO: John Podesta and Todd Stern
FROM: Susan Kaplan and Amy Isbell
RE: GUN DEALER LICENSING
DATE: December 15, 1993

=====

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The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 30, nays 68, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—30

Akaka	Feinstein	Metzenbaum
Biden	Glenn	Mikulski
Bingaman	Graham	Mitchell
Boxer	Harkin	Mosley-Braun
Bradley	Hollings	Moynihan
Byrd	Inouye	Murray
Chafee	Kennedy	Pell
Danforth	Kerry	Rockefeller
DeConcini	Kohl	Sarbanes
Dodd	Lautenberg	Simon

NAYS—68

Bancus	Feingold	McCain
Bennett	Ford	McConnell
Bond	Gorton	Murkowski
Boren	Gramm	Nickles
Breaux	Grassley	Nunn
Brown	Gregg	Packwood
Bryan	Hatch	Presler
Bumpers	Hatfield	Reid
Burns	Heflin	Riegle
Campbell	Helms	Robb
Coats	Hutchison	Roth
Cochran	Jeffords	Sasser
Conrad	Johnston	Shelby
Coverdell	Kassebaum	Simpson
Craig	Kempthorne	Smith
D'Amato	Kerrey	Specter
Daschle	Leahy	Stevens
Dole	Levin	Thurmond
Domenici	Lieberman	Wallop
Dorgan	Lott	Warner
Durenberger	Lugar	Wellstone
Eron	Mack	Wofford
Faircloth	Mathews	

NOT VOTING—2

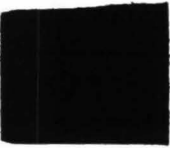
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Mr. SIMPSON.
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THE WHITE HOUSE
WASHINGTON

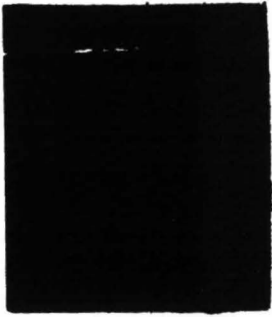
DATE: 12/23/93



TO: DAVID GERGEN
GEORGE STEPHANOPOULOS
BRUCE REED
MARK GEARAN
DEE DEE MYERS

FROM: **JOHN D. PODESTA**
Assistant to the President and
Staff Secretary

The attached has been forwarded
to the President.





DEPARTMENT OF THE TREASURY
WASHINGTON, D.C.

SECRETARY OF THE TREASURY

December 22, 1983 93 DEC 22 P7:34

MEMORANDUM FOR THE PRESIDENT

FROM: Lloyd Bentsen *L.B.*
SUBJECT: Progress Report on Gun Dealer Licensing

This memorandum is in response to your directive addressing the subject of gun dealer licensing. Your memorandum directed the Department of the Treasury and the Bureau of Alcohol, Tobacco and Firearms (ATF) to take whatever steps necessary, to the extent permitted by law, to ensure compliance with the present licensing requirements of the Gun Control Act of 1968. Additionally, you directed me to report progress on the implementation of these initiatives within 90 days and annually thereafter.

Subsequent to my receipt of your memorandum, I directed ATF to develop a course of action addressing each of the strategies which you enumerated and to periodically report to me their progress. Attached is ATF's original proposal to implement your firearms initiatives, and the initial progress report on the implementation of their proposal.

These initiatives are already having a measurable impact on the Federal firearms licensing system. For the first time in years, the total population of Federal firearms licensees has actually decreased. While the numbers remain unacceptably high, we are confident that when all of these initiatives are implemented, we will continue to see a decrease in the Federal firearms licensee population. These initiatives will ensure that only those persons who have a reasonable expectation of engaging in a firearms business will be issued a Federal firearms license.

Attachments

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS



PROGRESS REPORT ON IMPLEMENTING THE PRESIDENT'S DIRECTIVE ON GUN DEALER LICENSING



Recently, the President issued a memorandum to the Secretary of the Treasury stating that the Secretary will direct the Bureau of Alcohol, Tobacco and Firearms (ATF) to take whatever steps are necessary, to the extent permitted by law, to ensure compliance with present firearms licensing requirements. The memorandum listed a series of specific initiatives that should be addressed and directed the Secretary to report progress on the implementation of the initiatives within 90 days and annually thereafter.

The following is a synopsis, as of October 31, 1993, of the actions that have been implemented or are in the process of being implemented.

The Firearms and Explosives Licensing Center (FELC) has begun conducting computer queries with State departments of motor vehicles to verify the drivers license numbers of all applicants for a Federal firearms license (FFL). This will enhance our ability to accurately identify applicants for an FFL.

The FELC has implemented the use of an automated address verification system (CODE 1) which will allow ATF to identify applications for an FFL that use non-existent addresses for proposed business premises.

Application for firearms license, ATF Form 7, is currently being modified to require additional information, including fingerprints, photographs, past places of residence, diagrams of proposed premises, zoning requirements, lease agreements and any restrictive covenants. The modified form is presently in review. It is anticipated that the target date of 12/31/93 for completion of the redesign will be met.

ATF will require the submission of the redesigned Form 7 for all FFL renewals until all licensees have provided ATF with the information required by the revised Form 7.

ATF is in the process of modifying ATF F-8, Renewal of Firearms License. The new form will be completed by 12/31/93.

A separate application and license for collector of curios and relics have been developed. The application and license will make it clear that the license may not be used to deal in firearms.

A liaison program with various State/local regulatory and enforcement agencies has been established. Each Compliance area office has established contact with the various licensing, revenue, and local law enforcement offices within their jurisdiction to enhance our efforts in ensuring compliance with the Gun Control Act of 1968.

Liaison with State and local agencies will be maintained to assist in verifying that an applicant for a license has the requisite business premises.

- ATF has initiated and maintained working relationships with numerous State/local enforcement and regulatory agencies. A Memorandum of Understanding (MOU) has been drafted to aid in the reduction of firearms licensing and trafficking problems and is being transmitted to the participating governors along the Eastern seaboard for signature.**

ATF has developed a program with a goal of conducting full field investigations of all FFL renewal applications located in designated high crime areas, to ensure compliance with licensing requirements.

Proposals have been submitted to the Bureau of Justice Assistance to secure grants to State and local agencies to assist ATF in investigating applicants for an FFL.

November 10, 1993

MEMORANDUM FOR THE PRESIDENT

**FROM: BRUCE REED
 JOSE CERDA III**

SUBJECT: OPTIONS TO ADDRESS GUN VIOLENCE

In the wake of recent congressional progress on the Brady Bill and assault weapons, we have prepared an overview of further measures you may wish to consider to address gun violence. In the short run, we urge you to keep the focus on the measures we are still fighting to pass: the Brady bill, an assault weapons ban, and the Kohl bill to ban handgun for minors.

Moreover, it remains important not to suggest that gun control, by itself, is an adequate response to the Nation's crime problem. To break the epidemic of violence, we must emphasize the need not only for fewer guns, but also for more police, more boot camps and state prisons, a criminal justice system that protects those who play by the rules and punishes those who don't, and a society that expects parents to take responsibility for their children and citizens to take responsibility for their actions.

For your information, tomorrow the Treasury Department will send to you the Federal Firearms Licensing report ordered by the directive you signed in August. The report will outline what actions ATF has taken and intends to take in the near future to comply with your directive. ATF staff has indicated that they will not publicly release the document because they expect resistance from the NRA, and would prefer to fight these issues on a case-by-case basis -- as opposed to pre-releasing their "playbook".

I. Executive Actions

A. Ban the Street Sweeper and other Combat Shotguns

In 1984, ATF banned the importation of the Street Sweeper/Striker 12 shotgun, which was designed in South Africa as a military, security and anti-terrorist weapon. In 1988, ATF banned the USAS-12, a similar combat shotgun. Both of these weapons are now domestically produced and would be banned as part of the Feinstein-DeConcini-Metzenbaum assault weapons ban.

In September of this year, Handgun Control petitioned ATF to classify these domestically produced combat shotguns as "destructive devices" subject to the restrictions and controls in the National Firearms Act (NFA). ATF assembled a working group to study this proposal and recently concluded that it can, in fact, restrict these shotguns as "destructive devices." The Agency is now deciding on implementation procedures for this re-classification, which we could announce any time soon.

B. Surplus Military Firearms

While much attention has been paid to the importation of assault pistols, there has been little focus on a new and potentially more serious problem -- the importation of large numbers of surplus military rifles and handguns from Eastern Bloc countries and China.

Prior to 1968 the United States was the dumping ground for millions of surplus military firearms and other cheaply made and inexpensive firearms. The Gun Control Act of 1968 (GCA) banned the importation of firearms unless they met the sporting purposes test, and the importation of surplus military firearms was banned altogether. In 1984, Congress weakened the GCA to allow the importation of surplus military firearms that qualify as curios and relics. At the time, the amendment's sponsor, Senator Dole, argued that this change to the GCA would apply to only a small number of firearms.

Until recently, the curio and relic exception had been a minor problem. Not only was it illegal to import surplus military firearms between 1969 and 1984, but the Arms Export Control Act (AECA) prohibited the importation of rifles and handguns -- of any type -- from virtually all communist countries. However, after the passage of Dole's 1984 amendment, the importation of surplus military firearms started to increase, and their prices started to drop. The opening up of trade with Eastern European countries has made millions of World War II era firearms eligible for importation into the United States -- mostly bolt action or fixed magazine semiautomatic rifles and semiautomatic handguns. With the breakup of the former Soviet Union, most former European communist countries have been removed from the list of restricted countries under the AECA. So has China. ATF estimates that in this year alone, some 95,000 surplus military firearms have been imported into the United States, the number of firearms that could enter the country under already existing importation permits has jumped into the hundreds of thousands, and the prices of these weapons has dropped to or below their pre-1969 levels.

In addition, the State Department's relaxing of the AECA has resulted in the increased importation of cheap -- but powerful -- handguns that do not technically classify as military surplus firearms. The Chinese are exporting large quantities of semiautomatic pistols used by their military forces -- most of which sell for less than \$100. This year, some 25,000 of these handguns have been imported and importation permits covering as many as 100,000 are pending.

You have two non-legislative options to address this problem. First, you could direct ATF to change the regulations on curio and relic classification. Curios and relics are defined by law to mean firearms of interest to collectors which are (a) 50 years old, (b) certified by

museum directors to be of interest, or (c) of value because they are novel and are associated with some historical figure, period or event. At the rate these arms are being imported, they can no longer be regarded as collectors items.

Ordering ATF to amend these regulations would require a 90-day comment period -- and would not address the problem of inexpensive handguns. As an alternative, you could order the State Department to suspend the importation of these weapons under the AECA. Under this statute you have broad authority to control the importation of firearms in furtherance of world peace, security and the foreign policy of the United States. Our State Department is not on the record on this issue, but we expect that they would need to review the foreign policy implications of limiting trade with the former Soviet Union and China.

II. Non-Controversial Legislative Options

Once the crime bill and the Brady Bill have passed Congress, the Administration could offer a gun violence package that might include any of the following measures, which are relatively non-controversial. We can also continue to push an assault weapons ban until both houses of Congress agree.

A. Federal Firearms Licensing Reform

The Administration has already committed to federal firearms licensing (FFL) reform. The Vice President's National Performance Review called for legislation raising the basic \$10 FFL fee to cover actual costs, and Lee Brown's Interim Drug Strategy called for an increase in the basic FFL fee as well as for putting a stop to the practice of allowing gun dealers with FFLs to circumvent state and local gun laws. More recently, you stressed the need for FFL reforms during your meeting with Jim and Sarah Brady.

The presidential directive you signed in August called for tougher enforcement of compliance requirements under present law -- such as by improving background checks on prospective dealers, requiring dealers to obtain more reliable identification from purchasers, and scrutinizing multiple handgun sales reports. These reforms were long overdue. To date, ATF has licensed approximately 284,000 gun dealers, and new applications come in at the rate of approximately 60,000 a year. The policies of previous Administrations and congressional action to weaken ATF's enforcement authority over guns have prevented the agency from doing all that it can to address the issue of gun proliferation and violence. Additionally, the \$10 FFL fee does not even come close to covering the cost of processing and investigating FFL applications -- in fact, it costs less to get an FFL than to join the NRA.

Senators Simon and Moynihan have introduced legislation to reform gun dealer licensing (Moynihan's bill also includes his proposed bullet tax, which is discussed later in this memorandum). Generally, proposed FFL reform would do the following: (1) raise the basic fee from \$10 per year to \$750 per year; (2) require dealers to certify that they are in compliance with state and local laws; (3) drop the 45-day requirement for action on FFL

applications; (4) allow ATF to investigate a dealer more than once a year if necessary; (5) require dealers to report a shortage in a firearm shipment, or lost or stolen inventory to ATF; (6) require dealers to comply with ATF firearms trace requests; and (7) require common carriers to obtain identification from individuals who receive a firearm shipment.

Although Senator Biden has asked Democratic Senators to keep gun legislation off the crime bill, Senator Simon may offer his FFL reforms -- perhaps without the basic fee increase -- as an amendment to the crime bill. Simon's staff has been negotiating with the Republican staff and the NRA -- who want this issue to go away -- but no deal has been struck. Earlier this year, Simon offered his FFL reforms as an amendment to the Treasury appropriations bill and lost by a large margin.

B. Armor-Piercing Bullets

Last spring, the Department of Defense considered importing a new bullet, the M39B, but decided against this action after the Attorney General and the White House asked them to reconsider. Police groups had visited with you and expressed concern that DOD's use of the M39B would result in black market availability of this new armor-piercing bullet.

Under current law, ammunition that can be used in a handgun and whose cores are made entirely from one or more of a list of prohibited materials -- including tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium -- are defined as armor-piercing and are thus prohibited. But the 9mm caliber M39B has a conventional lead core and relies on a steel metal jacket that constitutes a disproportionate amount of the total bullet's weight to penetrate soft body armor. ATF studied the M39B bullet, comparing it to 20 other conventional full metal jacket bullets, and discovered that while the average handgun bullet's jacket rarely constituted more than 23 percent of its total weight, the M39B's jacket comprised almost half (40.5 percent) of its total weight. You should not let this loophole in the ban on armor-piercing bullets go unaddressed.

The FBI and ATF are promoting two different solutions to the problem. ATF has suggested banning handgun bullets whose jackets have a weight of more than 25 percent of the total bullet weight. This is the easiest and least controversial way of addressing the problem. The FBI has advocated a much more ambitious -- but controversial -- approach: developing a performance standard that would ban all armor-piercing bullets. This proposal has the advantage of covering not only the M39B, but other armor-piercing bullets that might get around the ban in the future. Either approach requires legislation.

C. High-Capacity Ammunition Feeding Devices

To ensure that criminals are not better armed than our police we need to ban not only assault weapons, but the high-capacity ammunition feeding devices that preclude the need to re-load these weapons. Your Crime and Drugs campaign position paper supported such a ban, and it should be part of any assault weapons ban that you support.

Last Congress, Representative Schumer attached a ban on ammunition clips with more than 7 rounds to the crime bill during committee consideration. The number 7 represented the least stringent ban imposed by any state that had acted to limit the number of rounds in a clip. However, this ban was deleted from the bill by the same amendment that struck the assault weapons ban. This year, Senator Metzenbaum and Representative Schumer have included a ban on clips with more than 10 rounds as part of their assault weapons legislation -- the same language is also included in the Feinstein-DeConcini-Metzenbaum amendment currently being considered by the Senate.

D. Disability Relief and Definition of State Conviction

Federal law prohibits convicted felons from possessing firearms. However, they may apply to ATF for disability relief, which restores their gun rights. ATF spends about \$4 million a year on investigations to grant relief. In a number of cases over the years, these people who got their gun rights back went on to commit and be convicted of other crimes. Last year and this year, Representative Schumer and others succeeded in defunding this provisions. We can continue to defund this provision on a year-to-year basis or amend the Gun Control Act (GCA) to terminate this program.

A definitional issue also arises as to what constitutes a state felony conviction for purposes of Federal law. More specifically, when can a person become "unconvicted" under state law and, therefore, ineligible for prosecution under Federal law for possessing a firearm. To deal with this issue, Representative Schumer has also advanced legislation that would permanently preclude anyone convicted of a violent or drug felony from possessing a firearm, and would restore gun rights for other offenders only if the state did a complete background check and investigation, and decided it was in the best interest of the public to do so.

E. Machine Gun Replacement Parts

The possession and sale of machine guns made after 1986 is banned by Federal law. Machine guns bought and sold after that date can still be bought and sold, but they must be registered and are taxed pursuant to the National Firearms Act (NFA).

This machine gun ban can be circumvented, however, by purchasing machine gun replacement parts and using them to convert semiautomatic assault weapons into fully automatic weapons. Although it is also illegal to sell or possess parts designed "solely" to convert a weapon into a machine gun, there are no limits on the sale or possession of replacement parts for a machine gun. It is believed that the Branch Davidians were able to accumulate more than 100 machine guns as a result of this loophole.

Narrow legislative language requiring that machine gun replacement parts be sold only to buyers who have an NFA license should close this loophole.

THE WHITE HOUSE
WASHINGTON

DATE: 11/01/93

TO: MACK MCLARTY
DAVID GERGEN
GEORGE STEPHANOPOULOS
HOWARD PASTER
MARK GEARAN
BRUCE REED
FROM: JOHN D. PODESTA
Assistant to the President and
Staff Secretary

The attached has been forwarded
to the President.

THE WHITE HOUSE

WASHINGTON

November 1, 1993

MR. PRESIDENT:

Senator Kerry called me this evening to say that he had spoken with you in Boston and that you had asked him to send you his recommendations for a crime package. He later messengered the attached package which recommends an increase in spending of an additional \$23 billion above the Biden crime bill levels. He recommends paying for this by declaring a national emergency (i.e. add the additional spending to the deficit). I would normally circulate this for comment before forwarding it to you, but the Senator was clear that he believed that it was your desire that you receive it directly, which I am respecting. Senator Kerry said that he intends to raise this in the Democratic Caucus tomorrow.

I'll send copies to Mack, David, George, Howard and Bruce Reed.

A handwritten signature in black ink, appearing to be 'JP' or 'John Podesta', written in a cursive, stylized manner.

John Podesta

United States Senate

WASHINGTON, DC 20510

MEMORANDUM

TO: President William J. Clinton

FROM: Senator John F. Kerry

DATE: November 1, 1993

Thank you for your generous availability during your visit to Boston. As I mentioned to you, I believe you must place crime more at the center of your governmental and political agenda, with dramatic initiatives that demonstrate beyond doubt the commitment and the ability of your Administration to restore social order and reasonable peace. Otherwise is to invite growing disorder, racial conflict and political defeat. The Crime Bill now on the table is woefully inadequate.

1. Crime and fear continue to dominate the unofficial politics of the country. Nothing else explains Riordan's victory in Los Angeles and Guiliani's potential victory in New York. Polls of "most important issues facing the country" shift with press attention and publicity. But polls of "most important issue affecting your community," or "your life," show crime as most important year in and year out.

2. Crime and violence are rapidly completing what Congressman John Lewis calls the social "disintegration" of the Black lower class. Inner-city dwellers are being destroyed. Every year, in America we are raising more and more children without human ties.

3. Americans of all races -- but particularly the middle-class and other aspiring immigrants who carry the age-old values of the laboring and the middle-classes -- family, work, morality, peace and prosperity -- are filled with horror and increasing deep resentment. They have utterly lost confidence in the ability or determination of the government to protect them. They move out (from Baltimore, Cleveland, Detroit, Washington, DC, St. Louis and California as a whole); they hire private police (1.5 million private police versus 535,000 public police); they buy guns (hundreds of thousands were sold legally in California this last year); 13 states now have laws now mandating the issuance of carry permits for any citizens without a physical, mental or legal disability.

4. It is impossible to over-estimate the cynicism and resentment of politics and politicians that result. What mother, huddled in a housing project, can believe we care about her when we can send troops to bring to peace to Somalia but can find no police for her? What suburbanite is not filled with horror when he or she

hears of a carjacking in a nearby mall, or an intruder to a California slumber-party who kidnaps a teenaged girl after tying up her friends? For thirty years, the political system has taken not one serious initiative against this growing menace. Does not our own lassitude suggest that we think the situation hopeless, that we believe that those who live in the inner city or in poverty are just that way, and that our only policy is to let them kill each other?

5. One substantial reason for your own election was Mr. Bush's demonstrated inattentiveness to domestic security (his biggest single drop in the polls was in the week of the Los Angeles riots), coupled with your own promise to add 100,000 police, indeed it was this pledge that Mrs. Clinton said on a visit to New York proved you were "new kind of Democrats." You cannot renege on this promise, nor postpone to some indefinite future.

6. Your present Crime Bill provides in Title I for about 20,000 police (not 50,000, as the press is beginning to discover). The Senate Police Corps provisions, not duplicated in the House Bill, would give you 80,000 more officers; but the Administration has made no provision for funding them (or any portion of the ~~Bill~~ crime package). One hundred thousand cannot be considered as more than a downpayment on what we will need. Your own cited statistic that each policeman today must face ten times as much violence as his predecessors in the 1950s implies that we need many more. It is evident that, at least, several hundred thousand are needed additionally and quickly, for crime prevention, as well as for crime control. Nor is there adequate provision in this bill for coordinating our federal, state and country prison systems, or for creative use of ex-military personnel and military facilities so as to provide the space for those who deserve to be confined.

7. The latest uniform crime reports released by the FBI two weeks ago show a shocking drop in the clearance rates for the most serious crimes, especially homicide. Basically, in the 63 largest cities -- a part of the country where 42 million people live and tens of more millions work -- the chances are about even that a killer will even be arrested, and about 1 in 3 that he/she will be sentenced to serve as much as one year in prison. Half of our murders are now committed by strangers. This is a national emergency with real national security implications. Should any foreign threat take the lives of this number of Americas, we would not argue whether or not we need armies and munitions to defend ourselves. We would spend whatever it takes. We will know how much that is after we have solved the problem.

8. The Bush Administration focused its priorities on enforcement and interdiction, both at the federal level. You have focused your rhetoric on prevention and treatment, at the local level, although to date, this has not been reflected in your budgets. In truth, prevention programs that deal with children up

front through anti-drug efforts in schools, and through providing local, structured, community clubs and evening sports programs for young people are critical anti-crime interventions that will not take place without federal support. By tying these needed programs to the anti-crime effort, rather than as part of a "stimulus package," or other job related package, you have a better chance of breaking through with those in Congress who resist new federal spending of any kind.

9. The following attached is a plan which represents my view of minimal systemic approach which will have an impact. It would cost an additional \$5 billion or so a year beyond the amount currently in the Biden crime bill, which requires you to find \$1.1 billion a year beyond the amount currently in the budget -- but not yet funded.

10. In funding a real federal response to crime, you have the following choices:

A. Cut other programs to fund it, beginning with the rescission process.

B. Raise dedicated taxes, which could include taxes on ammunition and gun licenses.

C. Declare a national emergency waiving the budget act.

I recommend that you declare a national emergency, thereby raising the overall national commitment to anti-crime efforts and making it more difficult for Congressional opponents of the Administration to prevent you from moving ahead with a real anti-crime plan.

NECESSARY RESOURCES FOR A REAL ANTI-CRIME PROGRAM
SENATOR JOHN KERRY
NOVEMBER 1, 1993

BACKGROUND: BUDGET FACTS

THE PREVIOUS ADMINISTRATION MADE ANTI-CRIME EFFORTS A GREATER BUDGETARY PRIORITY THAN THE CURRENT ADMINISTRATION.

The Clinton Administration budgeted an overall 8 percent increase for criminal justice funding in 1993, and a 6.5 increase in the anti-drug budget (these increases overlap to a substantial degree). The overall budget request was for a \$776 million increase in anti-drug efforts.

By comparison, over the four years of the Bush presidency, overall anti-drug spending increased by an average of \$900 million each year, and by an average of 20 percent.

The Bush-era budgets provided larger percentage budget increases in essentially every category of fighting crime each year than did the first Clinton-era budget.

ELEMENTS OF AN URGENT COMPREHENSIVE PLAN

The administration should offer a comprehensive plan for reclaiming our communities. The five most important short-term components of this plan should embrace: (1) sufficient resources to guarantee adequate community policing throughout the country, including the Police Corps; (2) emergency and, in some cases, temporary measures for incarceration and detention so that anyone who should be jailed is; (3) proposals for bail modification combined with speedy trial capacity to avoid any flight of drug dealers or other criminals who encourage people to treat our system with disregard; (4) emergency court capacity to provide swift and certain punishment; and (5) treatment on demand for drug addiction. In addition to these five key components, there must be further proposals for diversion for certain youth with adequate counseling or boot camp availability; high school equivalency requirements for parole or release; a major federal grant program to provide incentives for state action and cooperation with bail, gun law and other requirements; a set of emergency inner-city resources to schools for tutoring, counseling and evening hours.

RATIONALE FOR A REAL ANTI-CRIME PROGRAM

PROGRAMS ALREADY IN CRIME BILL, BUT INADEQUATELY FUNDED.

1. ADEQUATE NUMBER OF COMMUNITY POLICE ARE NEEDED FOR CRIME SUPPRESSION/PREVENTION. Cops on the beat are the first casualty of police department cutbacks, as police are pulled first into "emergency response" to respond to crimes after they have taken place. The critical functions of CRIME SUPPRESSION/CRIME PREVENTION

are lost. The Administration needs to meet its commitment of 100,000 new community police without delay. FIVE YEAR COST: \$6.8 billion for community police, using formula of declining federal share over five years.

2. DRUG TESTING AND TREATMENT FOR YOUTHFUL DRUG OFFENDERS. Drug addiction rates are higher than they have ever been, for both cocaine and heroin. Most violent crime is drug-related. Only through testing and treatment can we begin to address the problem of incarcerated juveniles immediately returning to using drugs and committing violent crimes upon release. The Administration has adopted this strategy in its rhetoric, but not in its budget. Today, only one in four drug-addicted prisoners receives testing and treatment. Additional 600,000 per year need to be treated. FIVE YEAR COST: \$3.6 billion.

3. A SYSTEMIC APPROACH TO INCARCERATION AND DIVERSION, IN WHICH THE FEDERAL GOVERNMENT WORKS WITH THE STATES AND LOCALITIES TO ENSURE THAT VIOLENT OFFENDERS ARE NOT PREMATURELY RELEASED, AND NON-VIOLENT OFFENDERS RECEIVE TREATMENT AND BOOT CAMP TRAINING. State prisons are overcrowded, creating the problem of early release of violent offenders. The federal government offers states no systemic help for managing prison populations. Regional prisons, modular prisons, boot camps, drug treatment, and diversion programs are necessary to provide a systemic means of preventing early releases that today endanger communities. FIVE YEAR COST: \$4.2 billion.

4. JUVENILE OFFENDER AND JUVENILE CRIME PREVENTION PROGRAMS. The largest category of violent offenders today, including murderers, are juveniles aged 15-19. The largest group of victims of crime are their peers. Teenagers in violent-prone communities need to be served in two ways, neither of which are today available in most areas -- (a) secure facilities that segregate the 60,000 most violent criminals from other teenagers; and (b) Boys and Girls clubs (or similar local community centers with structured activities and adult leadership aimed at teenagers), at a level of some 30,000 clubs, to serve some one million at risk children. (This is an essential component of crime prevention) FIVE YEAR COST: \$2.3 billion.

5. POLICE CORPS. Urban police departments have shrunk over the past thirty years, as the demands on each officer have radically increased. Even with 100,000 additional community police, police departments face unprecedented challenges. Creation of a police corps of 80,000 police who rotate through departments after college as part of a national service plan provides an essential "boost" to demoralized, overworked, and sometimes corrupt urban police departments. FIVE YEAR COST: \$5.4 billion.

6. SAFE SCHOOLS AND MISCELLANEOUS PROGRAMS IN CRIME BILL. Current crime bill has \$300 million for safe schools over five

years. Current bill has \$500 million for rural drug enforcement and other miscellaneous programs in bill. Most people who have looked at these programs say these are amounts are probably minimally adequate. FIVE YEAR COST: \$800 million.

PROGRAMS NOT IN CRIME BILL WHICH REQUIRE FUNDING

1. **DRUG TREATMENT.** The single most urgent program not in the crime bill is drug treatment for those not in the criminal justice system. The Administration has promised this at the level of rhetoric, but its actual increases in budgeting for drug treatment are barely distinguishable from the Bush Administration. The Congress has already passed an open-ended authorization for drug treatment. What is missing are necessary appropriations at the level of another \$1.1 billion a year, to treatment 50% of addicts who are (a) treatable and (b) want treatment, for heroin and cocaine addiction. FIVE YEAR COST: \$5.5 billion.

2. **ANTI-VIOLENCE CRIME GRANTS, MID-NIGHT SPORTS, RAPE PREVENTION, AND ENHANCED RECORDKEEPING.** The House crime bill introduced by Congressman Washington contains proposals for "anti-violence crime grants," "mid-night sports programs," "rape prevention," and improvement of local and state law enforcement criminal record keeping, with a combined cost of about \$430 million per year. These are each fundamentally community-oriented crime prevention programs and would help restore the balance between prevention and enforcement/prosecution. FIVE YEAR COST: \$3.5 billion.

3. **REGIONAL EMERGENCY ANTI-CRIME TEAMS.** Serious consideration needs to be given to some form of regional emergency anti-crime reaction teams, as a variant or alternative to either national guard or other federalization of law enforcement. In some localities, such as Washington, D.C. recently, or Los Angeles after the 1992 riots, local law enforcement cannot do the job without help from outside. Federal assistance for regional law enforcement units, with a local match, to be deputized by state and local officials for short-term emergency response, would provide an essential back-stop when violence becomes greater than local law enforcement can handle. FIVE YEAR COST: \$375 million.

CONTROLLING THE AVAILABILITY OF GUNS AND AMMUNITION TO VIOLENT CRIMINALS THROUGH TAXING LICENSES AND AMMUNITION.

Nationally, 68% of all murders are committed with firearms. Handguns were used in 80 percent or more of these firearms-related murders. Limiting the availability of handguns, particularly to teenagers, would save lives. There are many gun-control proposals currently available for consideration by the Congress that would help. But most effective would be proposals to tax gun-dealer licenses and ammunition. These taxes could generate substantial revenues to offset the cost of anti-drug and anti-crime measures.

BUDGET SUMMARY

A. PROGRAMS IN CRIME BILL NOW

BIDEN BILL:

\$5.9 BILLION OVER FIVE YEARS (\$1.145b/year)

\$3.4 billion 50,000 community police
 \$1.2 billion drug court/drug testing and treatment
 for 200,000 youthful drug offenders
 \$.3 billion prisons (boot camps for 42,000 inmates, drug
 treatment for 110,000 prisoners or incarceration of
 26,000 violent drug offenders

 \$.1 billion juvenile offenders; secure facilities for
 3,000 violent juveniles, 3300 Boys and Girls Clubs
 serving 120,000 at-risk children
 \$.9 billion; \$.3b for safe schools; .2 b for Police
 Corps, .05 for rural drug enforcement and
 miscellaneous programs

RECOMMENDED HIGHER LEVELS FOR BIDEN/FUNDED PROGRAMS:

\$23.0 BILLION OVER FIVE YEARS (\$4.6b/year)

\$6.8 billion 100,000 community police
 (priority hiring of 40,000 former U.S. military)
 \$3.6 billion drug court/drug testing and treatment
 for 600,000 youthful drug offenders
 \$4.2 billion prisons (boot camps for 150,000 inmates,
 drug treatment for 200,000 prisoners and
 incarceration of 30,000 violent drug offenders)
 \$2.3 billion juvenile offenders; secure facilities for
 60,000 violent juveniles, 30,000 Boys and Girls
 Clubs serving 1 million at-risk children
 \$6.1 billion; \$.3b for safe schools; 5.4 b for Police
 Corps (80,000 police), .05 for rural drug
 enforcement and miscellaneous programs

TOTAL APPROPRIATIONS NEEDED FOR PROGRAMS NOW IN CRIME BILL
 (CATEGORY A): \$9.2 billion over two years (\$4.6 billion per year)*
 *spend out on police corps only \$1 billion first two years;
 increase to \$1.5 billion/year over last three years)

ADDITIONAL APPROPRIATIONS NEEDED FOR PROGRAMS NOW IN CRIME BILL
 BEYOND AMOUNT ALLOTTED IN BUDGET (CATEGORY A): \$6.91 billion over
 two years (\$3.455 billion per year)

B. ADDITIONAL APPROPRIATIONS FOR OTHER NECESSARY PROGRAMS NOT COVERED IN CRIME BILL AS OF TODAY

DRUG TREATMENT. \$2.2 billion over two years (expanding drug treatment to cover 450,000 additional addicts per year).

According to April, 1993 report by Senator Biden, the system could expand this quickly. In the April, 1993 report, based on expert opinion, Biden recommended an increase in FY 1994 of \$1.1 billion over FY 1993 funding, from the current level of \$2.4 billion to \$3.5 billion. (Such funds as may be appropriated are already authorized for this purpose for these years)

ANTI-VIOLENCE CRIME GRANTS. \$380 million over two years. Federal grants to states and localities for the training of additional personnel, technical assistance, data collection, and other equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes, and specifically for training law enforcement officers to identify crimes of sexual assault and domestic violence and enlarging victim services programs.

REGIONAL EMERGENCY REACTION TEAMS. (Would be alternative to National Guard request of DC Mayor Kelly rejected by President Clinton) \$150 million over two years. Establishes regional units, with local match, of specially trained police force regional teams seconded from local departments, called up on a temporary basis to assist state and local law enforcement agencies in combatting crime. Members would be deputized by state officials so that they could make arrests and proceed under state law.

MIDNIGHT-SPORTS PROGRAMS. \$6 million over two years. Federal grants to serve youths and young adults from neighborhoods with a substantial drug, crime, teenaged pregnancy, and unemployment programs for midnight sports, job counseling, job training and education, matched by 50% non-federal funds.

RAPE PREVENTION. \$120 million over two years. Federal grants to provide anti-rape education programs, to operate rape telephone hotlines, to develop treatment programs for sex offenders, and to prepare educational material on sexual assault and prevention.

IMPROVING CRIMINAL RECORDS. \$200 million over two years. Federal grants to create computerized criminal history record systems and to improving existing systems, to improve accessibility to a national instant check background system (for handgun purchases and other law enforcement purposes).

TOTAL REQUESTED APPROPRIATIONS FOR ADDITIONAL PROGRAMS IN CATEGORY B: \$3.056 billion over two years (\$1.528 b per year).

TOTAL REQUESTED APPROPRIATIONS FOR PROGRAMS IN CATEGORY A (THE CRIME BILL): \$9.2 billion over two years (\$4.6 billion per year)

GRAND TOTAL REQUESTED APPROPRIATED FUNDS (A+B): \$6.128 billion/year, an increase of \$4.983 billion over budget.

GUIDE TO CHARTS

CHART ONE: CRIME CLOCK. Violent crimes are taking place in America every 22 seconds, with a murder every 22 minutes.

CHART TWO: Since 1988, violent crime rates are up 19 percent.

CHART THREE: Murder is up 11 percent.

CHART FOUR: Rape is up 14 percent.

CHART FIVE: Aggravated assault is up 19 percent.

CHART SIX: Robbery is up 19 percent.

CHART SEVEN: There are six hundred thousand more violent crimes⁴ a year in the U.S. today than there were eight years ago.

CHART EIGHT: There are four thousand more murders a year in the U.S. today than there were eight years ago.

CHART NINE: Drug overdoses are increased to 105,000 per quarter, higher than they have ever been.

CHART TEN: Heroin overdoses are dramatically increasing, to levels higher than they have ever been.

CHART ELEVEN: Cocaine overdoses remain at record levels.

CHART TWELVE: Illegitimacy rates have dramatically increased over the past 25 years for all races.

CHART THIRTEEN: The largest category of murder offenders are teenagers aged 15 to 19.

CHART FOURTEEN: Violent crime rates have dramatically increased over the past twenty years.

CHART FIFTEEN: Clearance rates for violent crimes range from 65% for murder, to 56% percent for aggravated assault, 52% for forcible rape, and 24% for robbery.

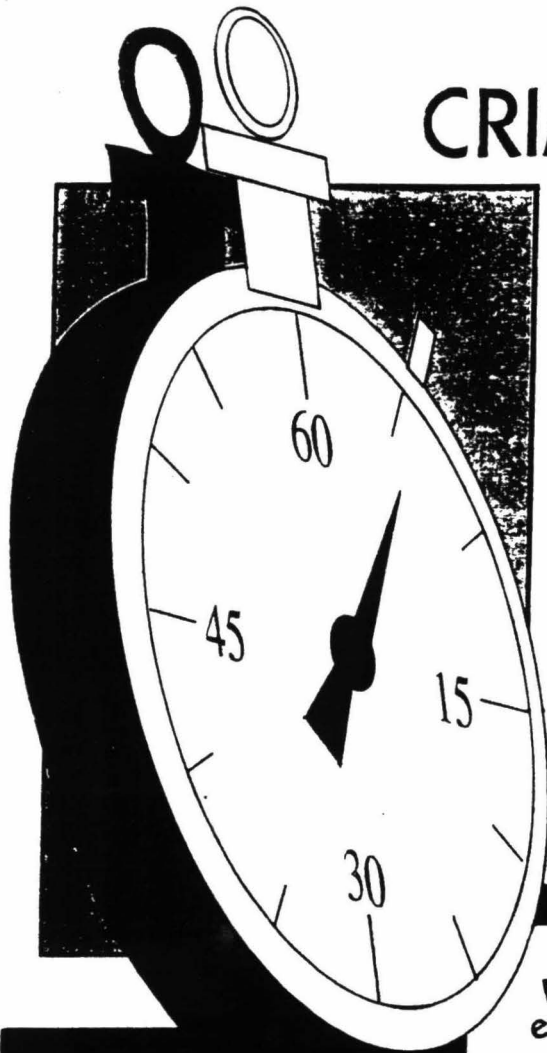
CHART SIXTEEN: Clearance rates for property crimes are almost never cleared. (20% for theft, 14% auto theft, 13% for burglary)

CHART SEVENTEEN: Clearance rates in cities of 250,000 and over and 1 million and over are less than 40% for violent crime and less than 15% for property crime.

CHART EIGHTEEN: Total federal government expenditures on local law enforcement have declined from \$2.3 billion in 1974 in constant dollars to about \$700 million today.

CHART 2.1

CRIME CLOCK 1992



one
CRIME INDEX OFFENSE
every 2 seconds

one
VIOLENT CRIME
every 22 seconds

one
PROPERTY CRIME
every 3 seconds

one
MURDER
every 22 minutes

one
FORCIBLE RAPE
every 5 minutes

one
ROBBERY
every 47 seconds

one
AGGRAVATED ASSAULT
every 28 seconds

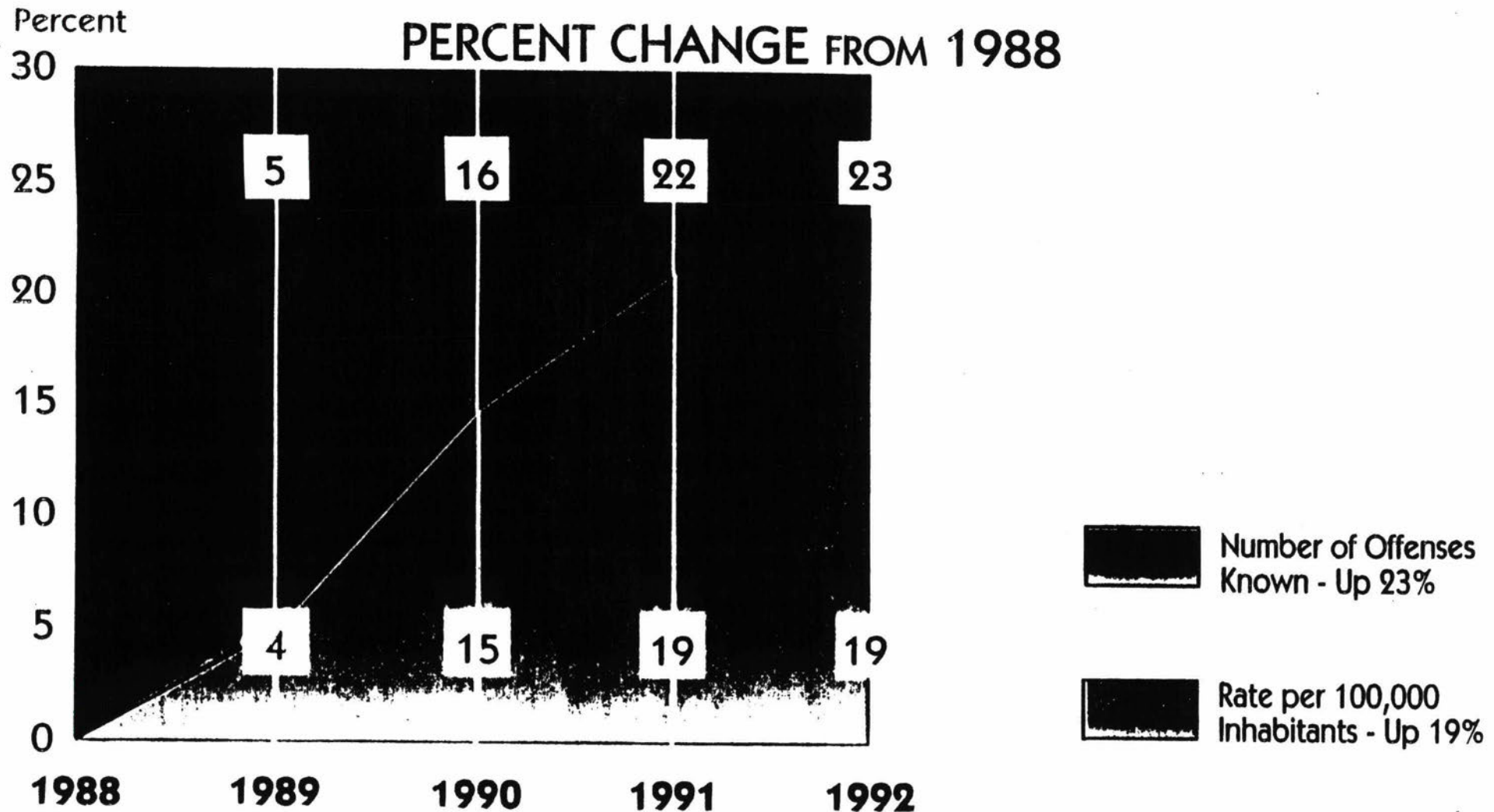
one
BURGLARY
every 11 seconds

one
LARCENY-THEFT
every 4 seconds

one
MOTOR VEHICLE THEFT
every 20 seconds

The Crime Clock should be viewed with care. Being the most aggregate representation of UCR data, it is designed to convey the annual reported crime experience by showing the relative frequency of occurrence of the Index Offenses. This mode of display should not be taken to imply a regularity in the commission of the Part I Offenses; rather, it represents the annual ratio of crime to fixed time intervals.

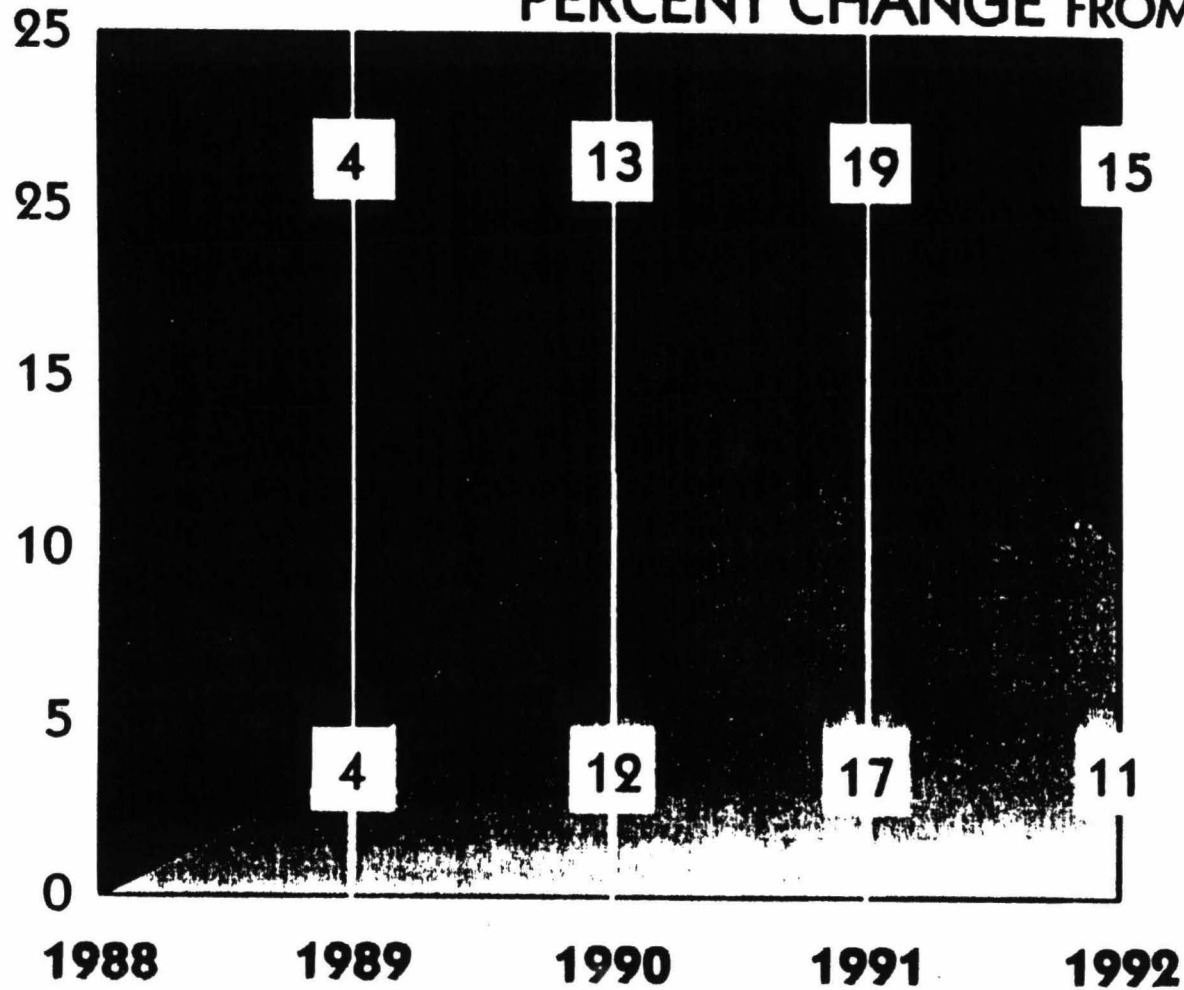
VIOLENT CRIME



MURDER

Percent

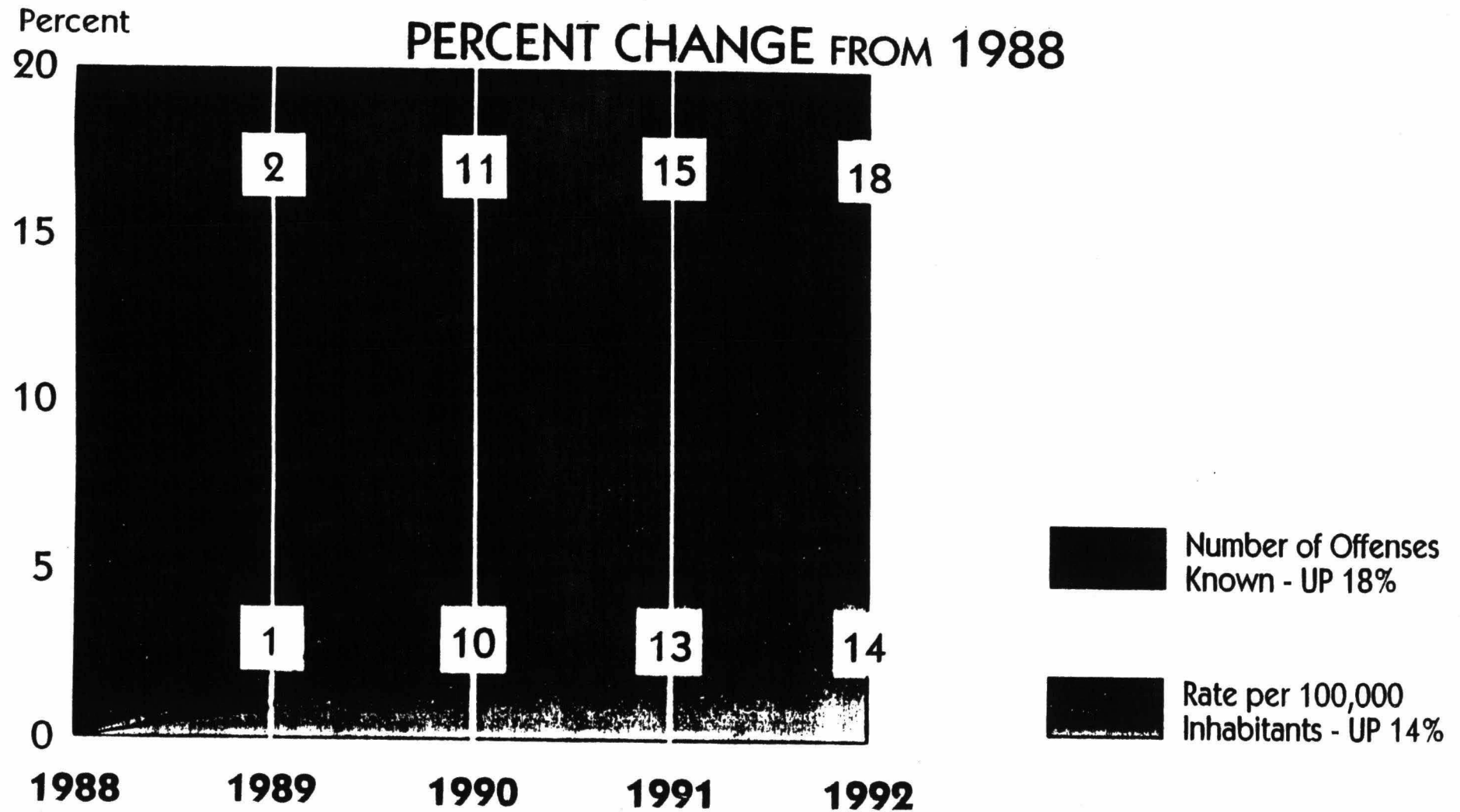
PERCENT CHANGE FROM 1988



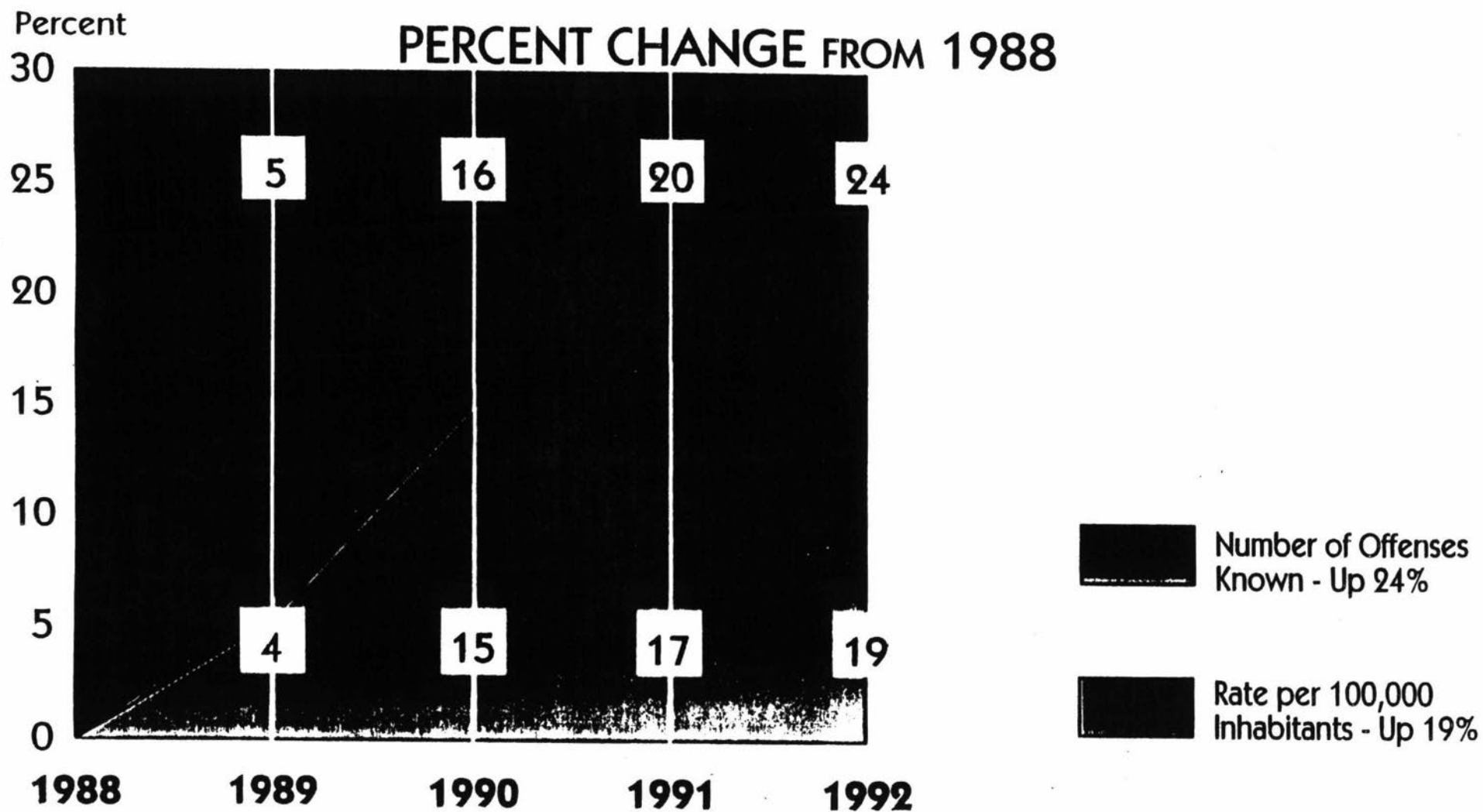
Number of Offenses
Known - Up 15%

Rate per 100,000
Inhabitants - Up 11%

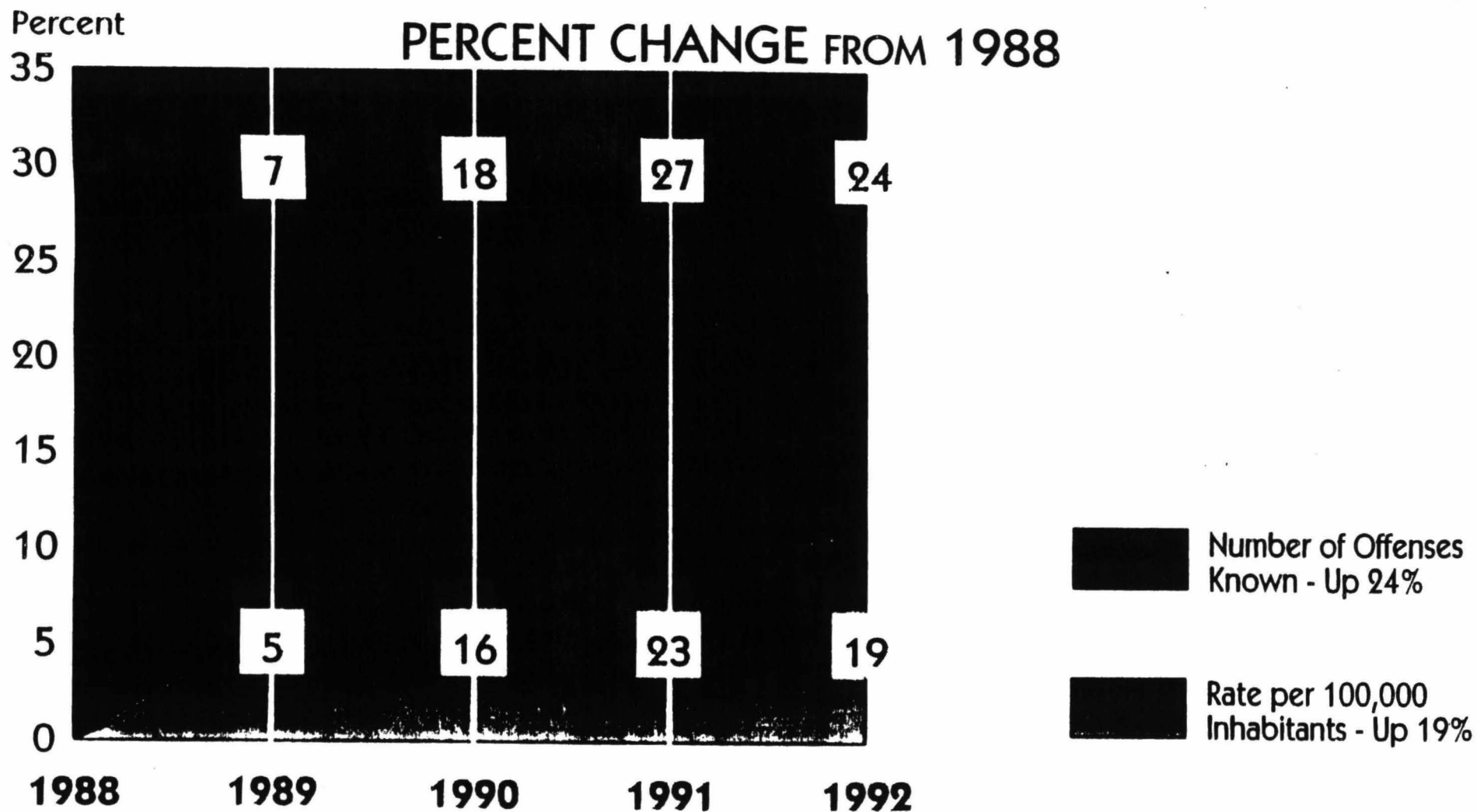
FORCIBLE RAPE



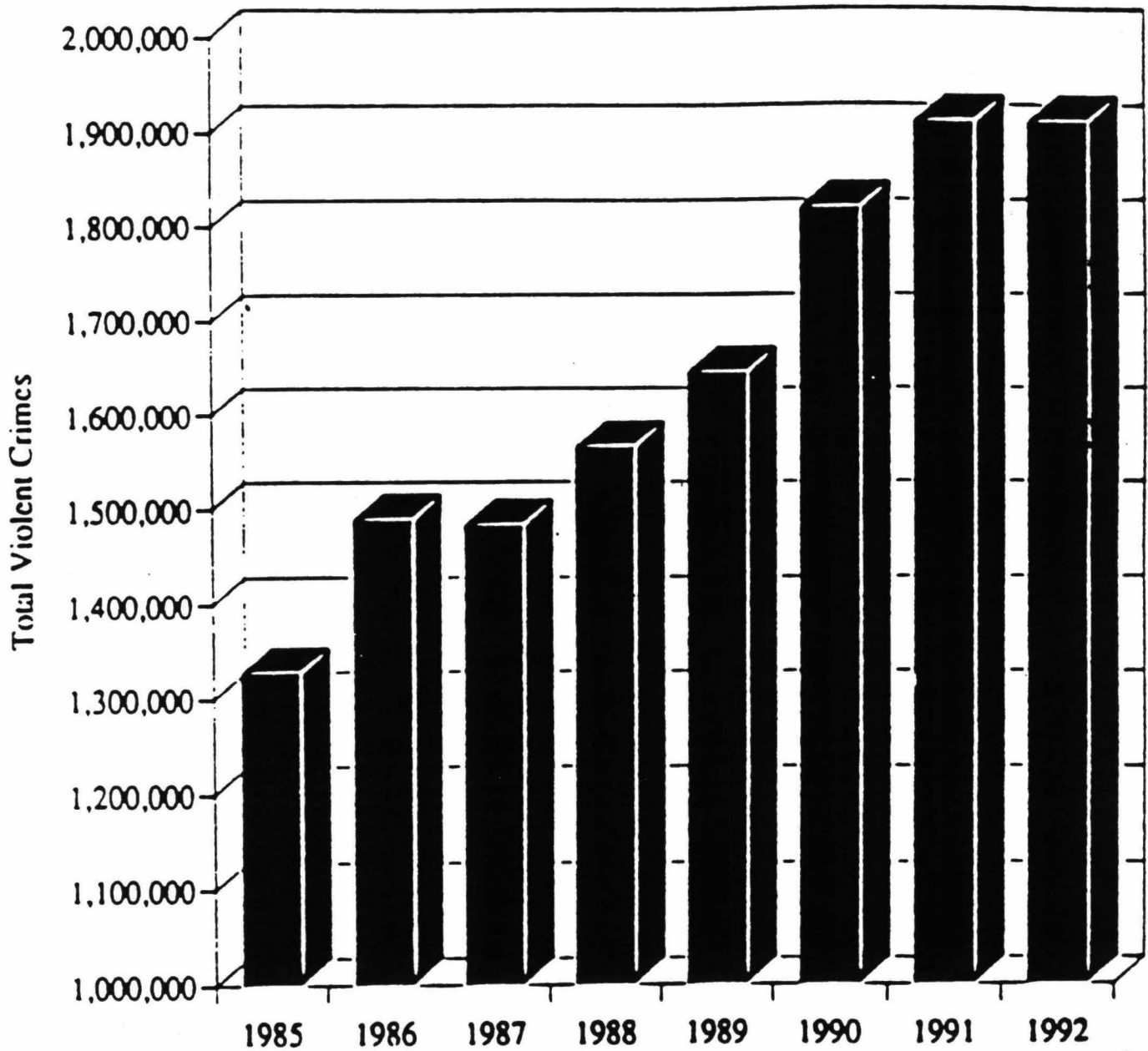
AGGRAVATED ASSAULT



ROBBERY

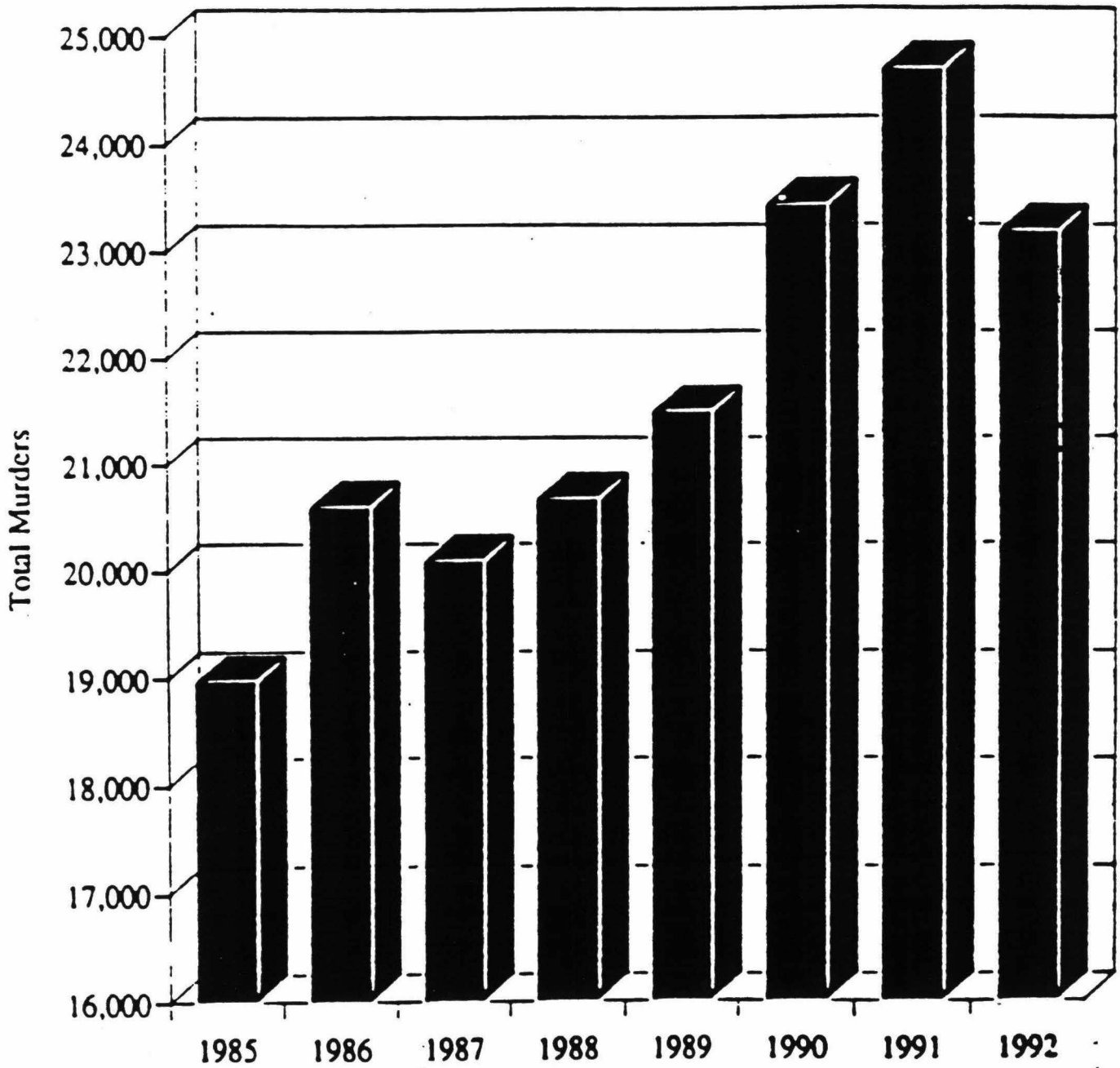


Record Levels of Violent Crime



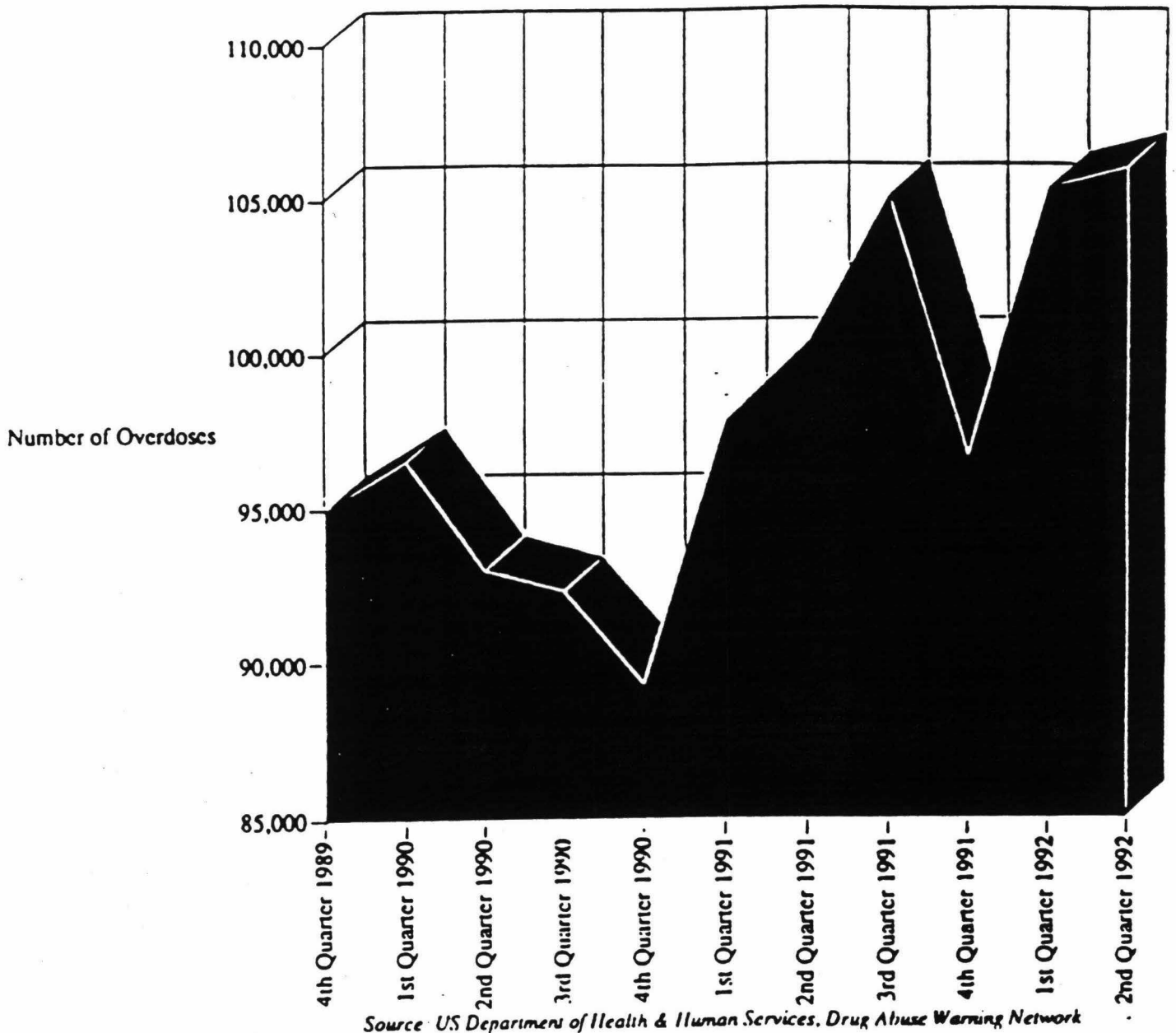
Source: Federal Bureau of Investigation, Uniform Crime Report

The Rise of Murder

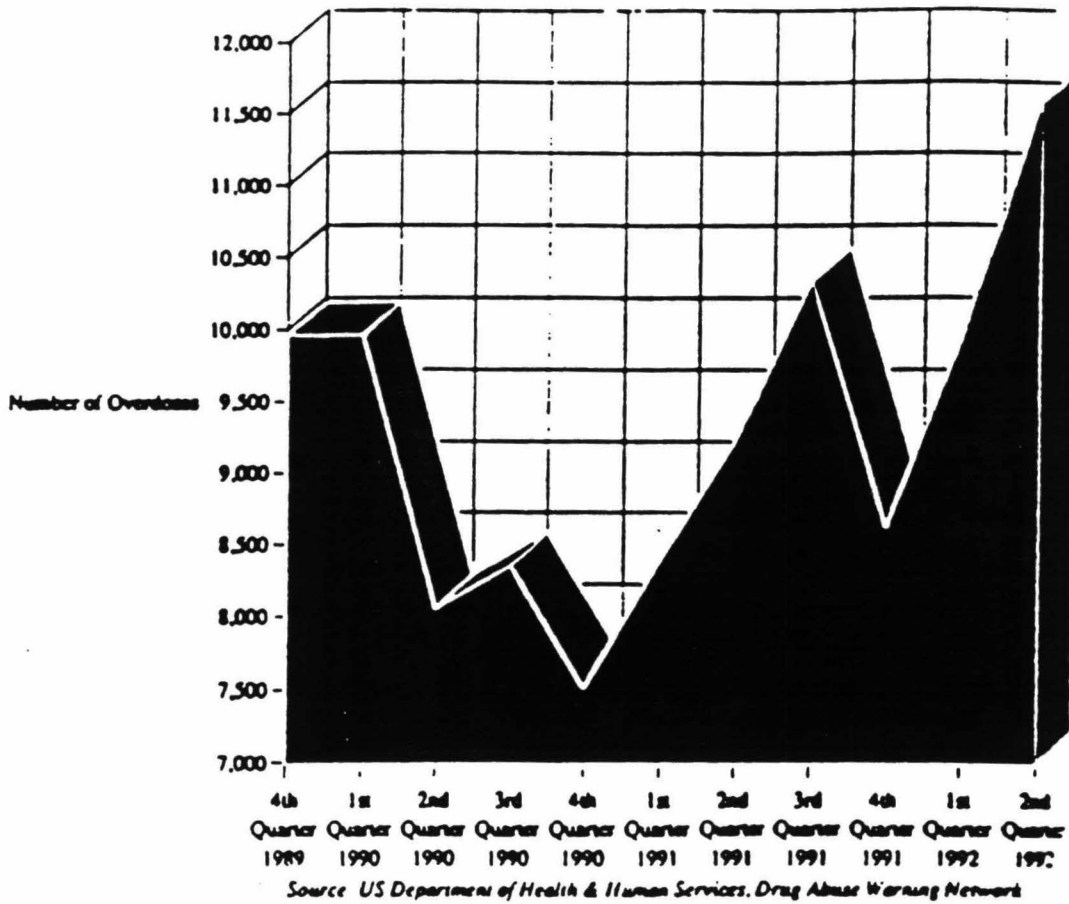


Source: Federal Bureau of Investigation, Uniform Crime Report

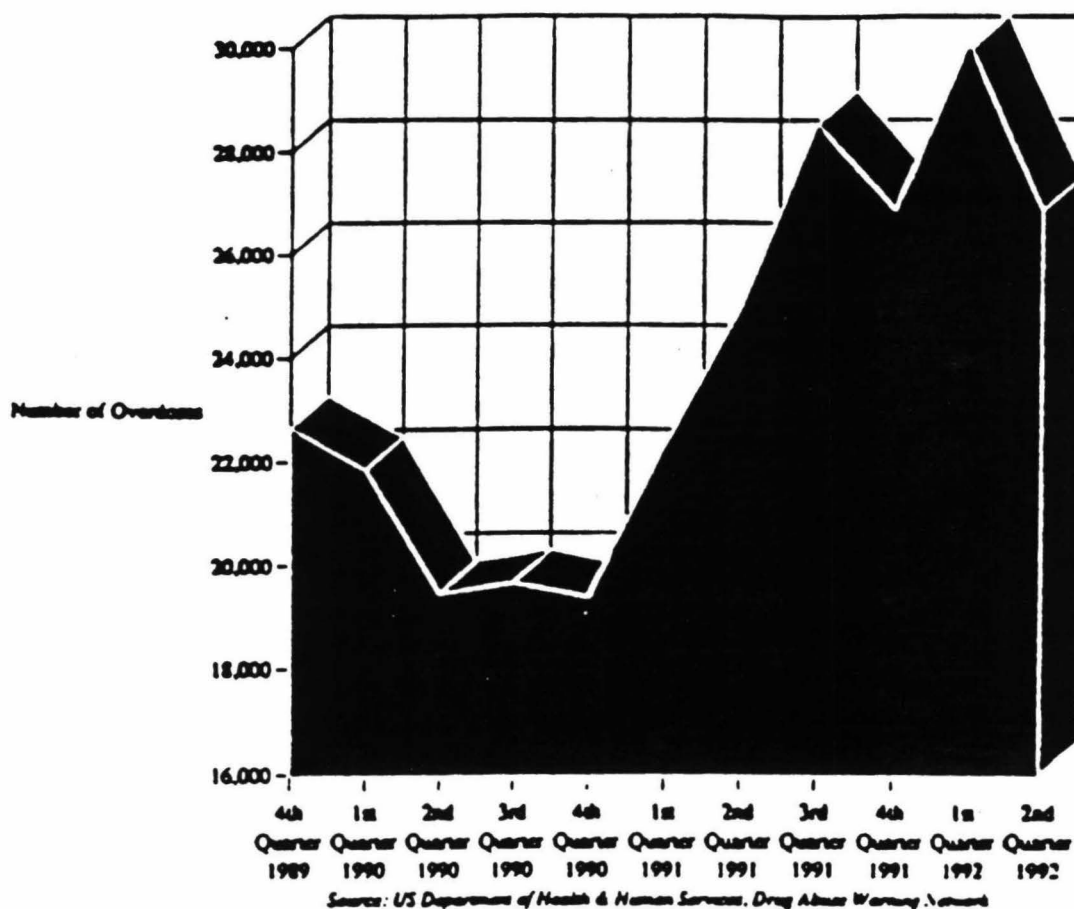
Drug Overdoses: More Than When the Strategy Began



Heroin Overdoses: More Than When the Strategy Began



Cocaine Overdoses: More Than When the Strategy Began



Illegitimacy Rates

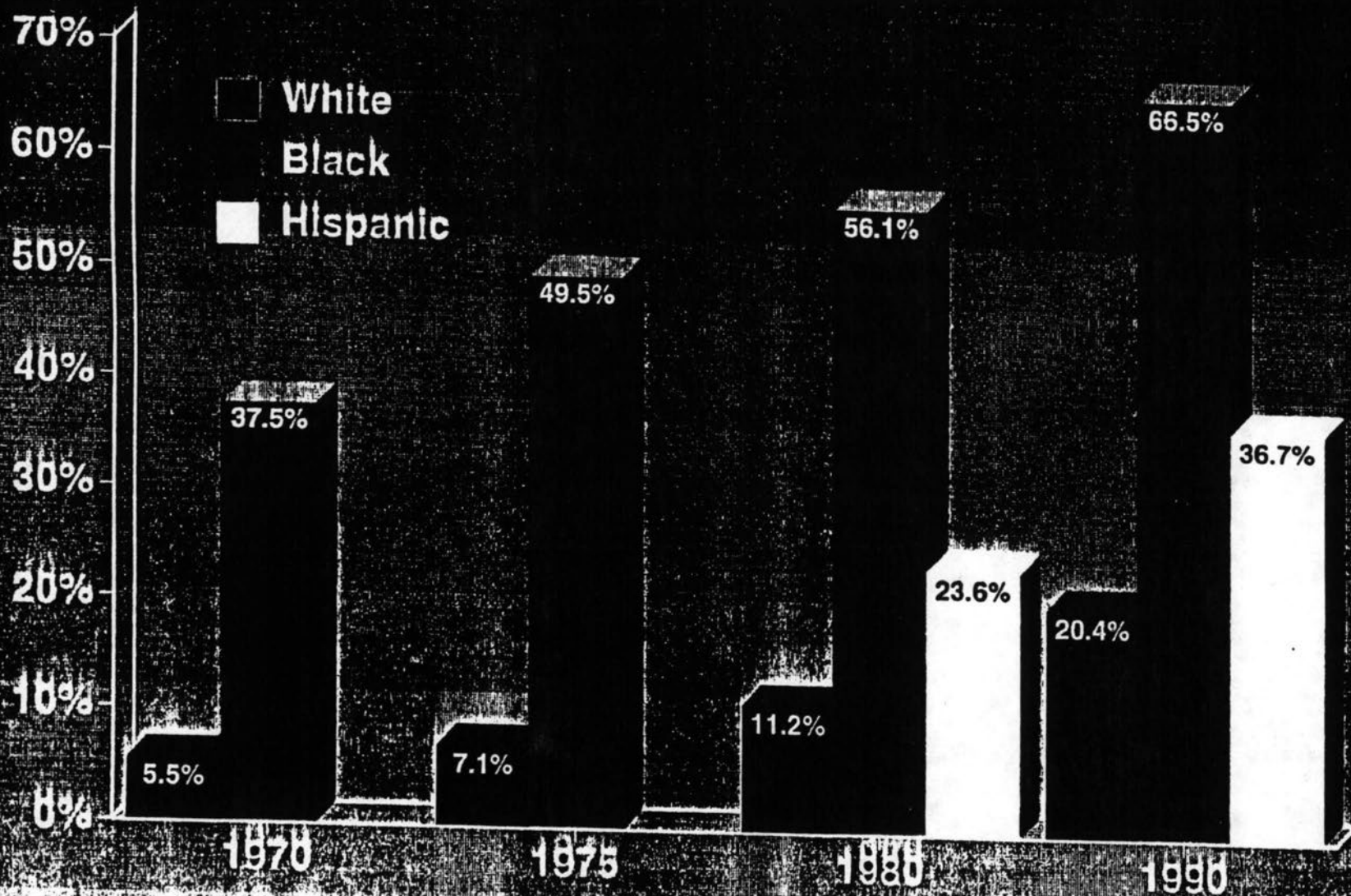


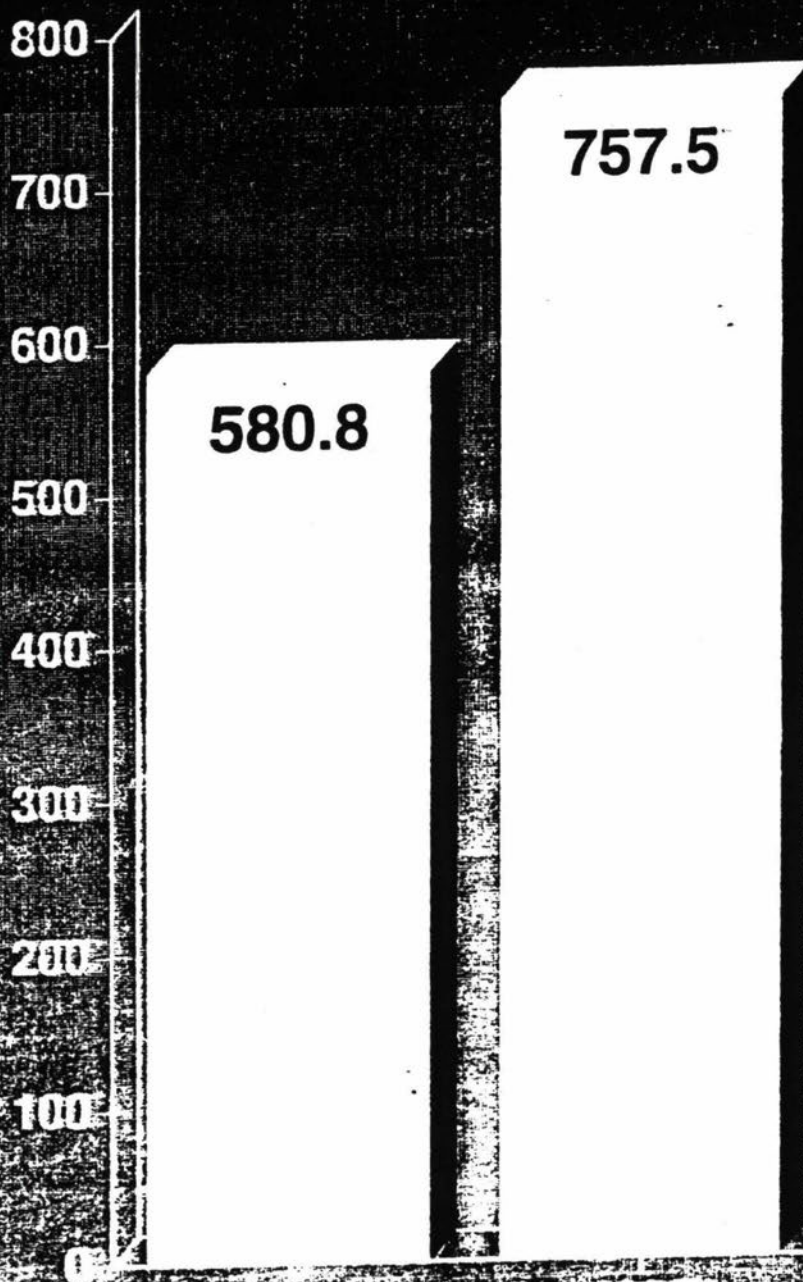
Table 2.5—Age, Sex, and Race of Murder Offenders, 1992

Age	Total	Sex			Race			
		Male	Female	Unknown	White	Black	Other	Unknown
Total	25,180	15,867	1,696	7,617	7,427	9,497	401	7,855
Percent distribution	100.0	63.0	6.7	30.3	29.5	37.7	1.6	31.2
Under 18 ¹	2,343	2,178	150	15	868	1,389	58	28
18 and over ¹	14,154	12,650	1,497	7	6,237	7,498	322	97
Infant (under 1)								
1 to 4								
5 to 9	4	3		1	1	1	1	1
10 to 14	263	228	33	2	117	133	9	4
15 to 19	4,249	4,029	208	12	1,493	2,622	100	34
20 to 24	3,929	3,611	316	2	1,494	2,339	83	13
25 to 29	2,614	2,335	278	1	1,125	1,391	66	32
30 to 34	1,805	1,530	274	1	887	873	37	8
35 to 39	1,262	1,070	191	1	631	589	33	9
40 to 44	848	718	130		458	357	24	9
45 to 49	568	494	73	1	339	211	13	5
50 to 54	319	256	63		186	122	8	3
55 to 59	219	191	28		118	97	2	2
60 to 64	148	129	19		91	52	3	2
65 to 69	115	96	19		64	50		1
70 to 74	67	58	9		41	25	1	
75 and over	87	80	6	1	60	25		2
Unknown	8,683	1,039	49	7,595	322	610	21	7,730

Violent Crime Rates

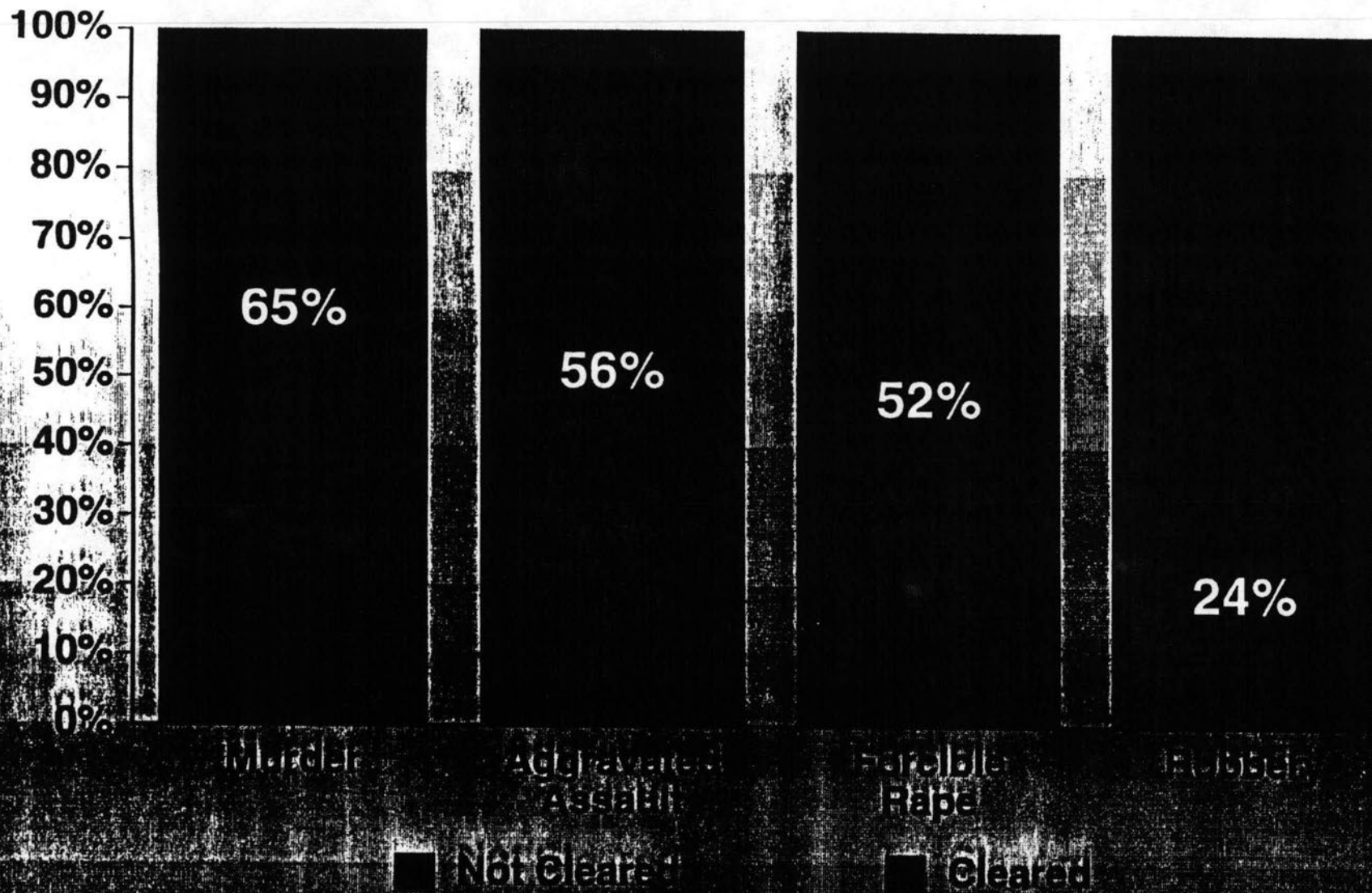
(per 100,000 persons)

?



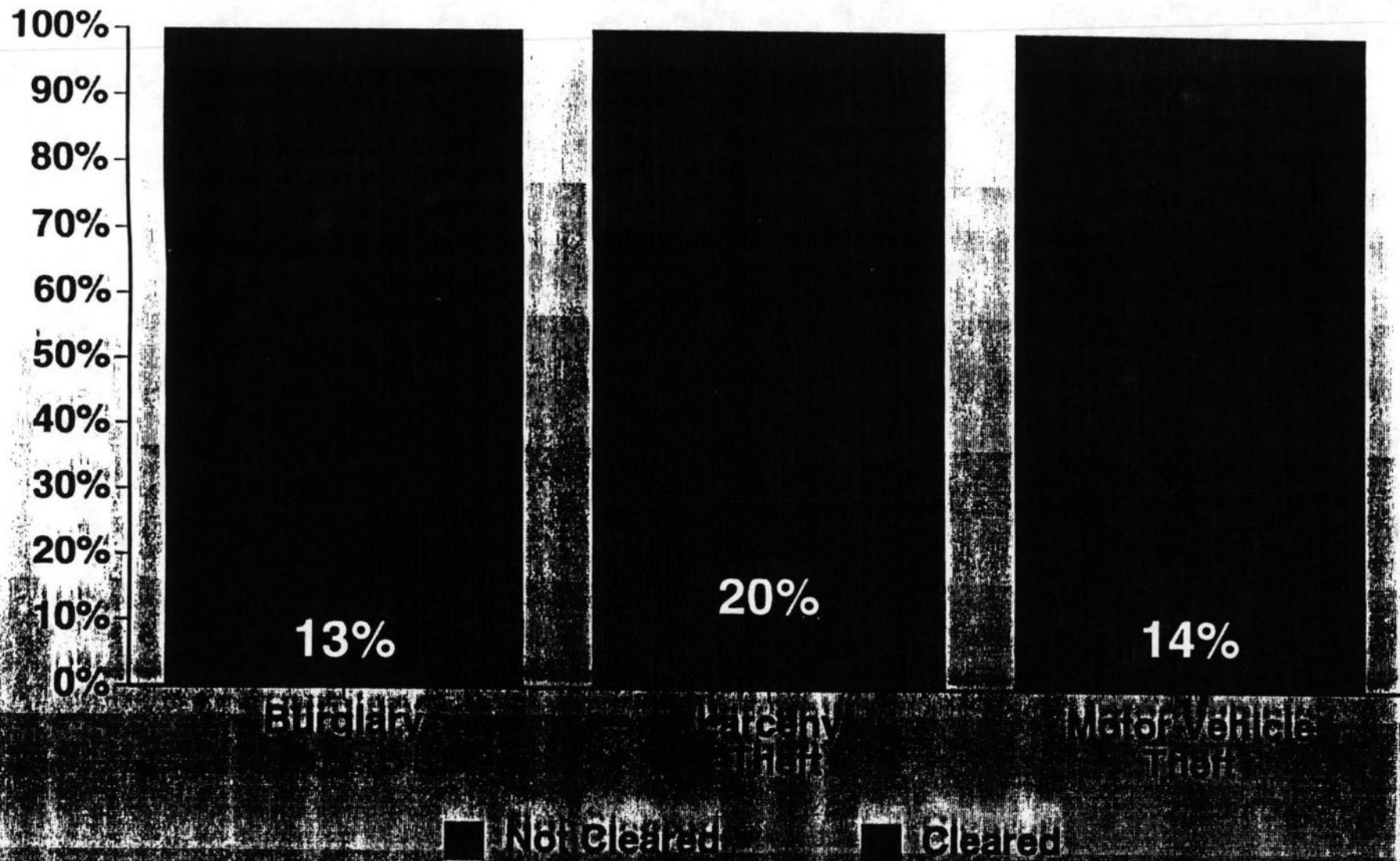
Crimes of Violence Cleared by Arrest

1992



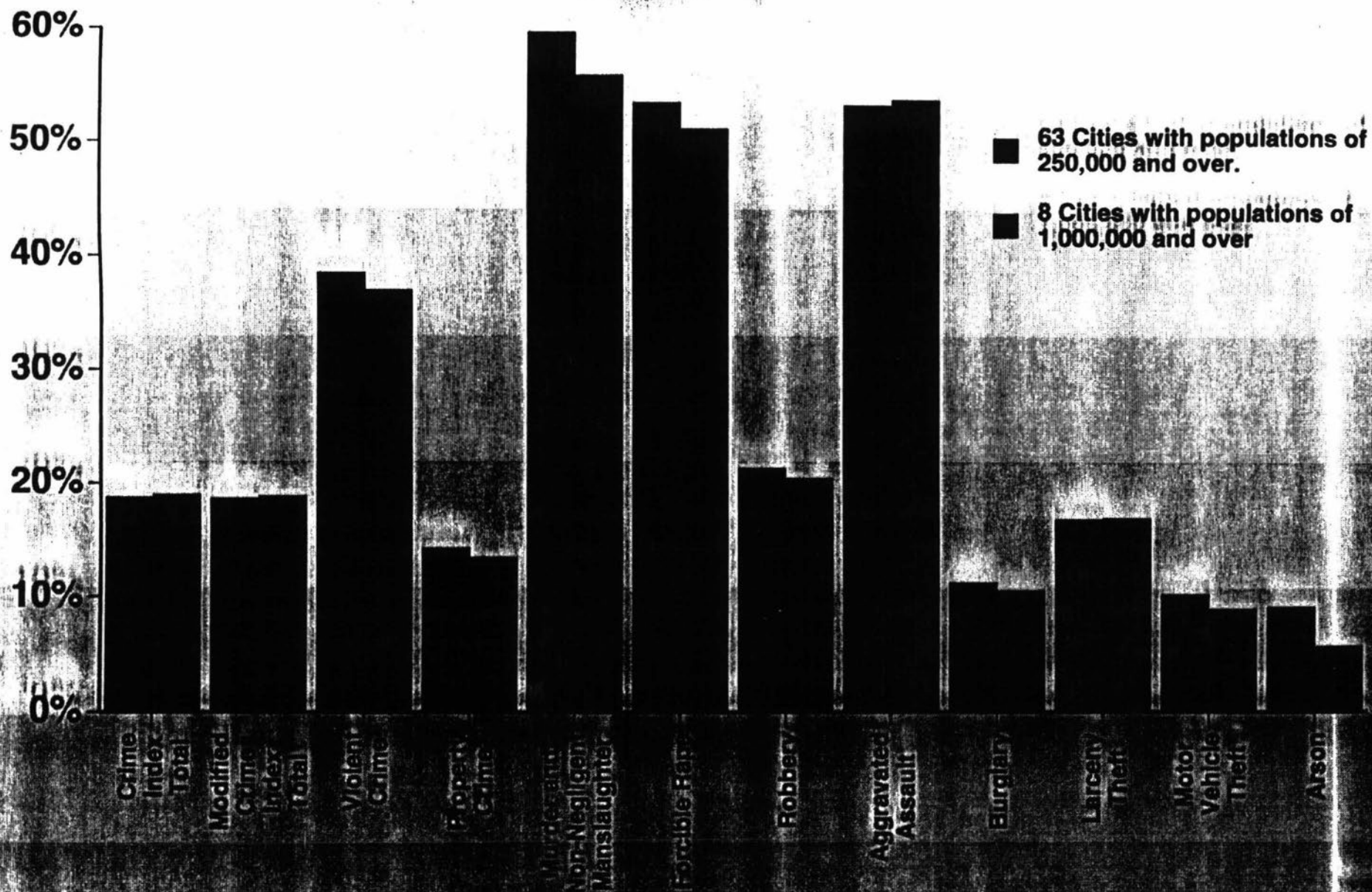
Crimes Against Property Cleared by Arrest

1992

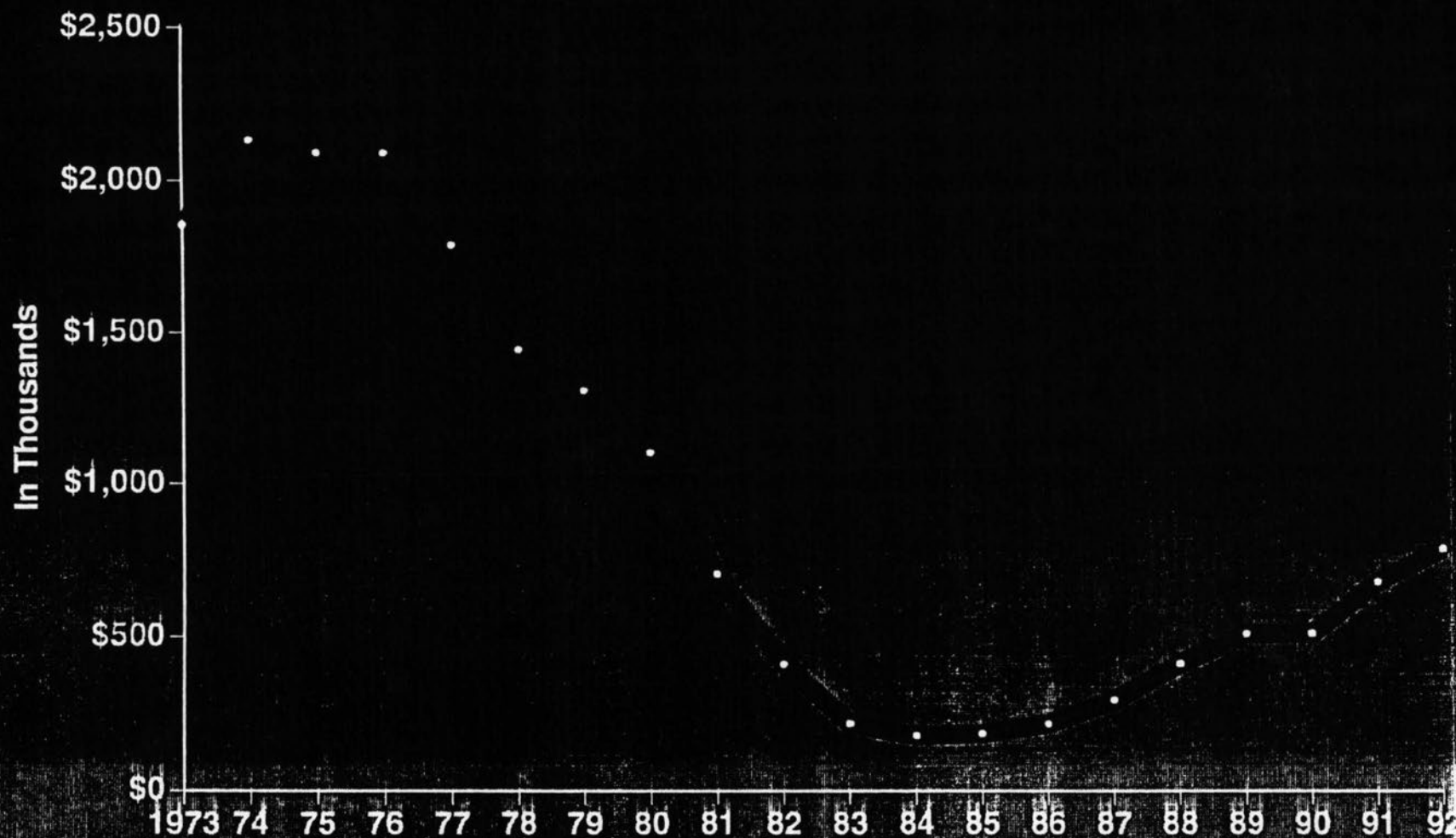


Percent of Known Offenses Cleared by Arrest

1992



Total Federal Government Expenditures on Law Enforcement at State & Local Levels (in constant 1992 dollars)



A1
THE NATION

An Angry, Volatile Electorate Keeps Politics of Protest Alive

By Dan Balz
Washington Post Staff Writer

On the eve of a round of state and municipal elections, including high-profile contests in New York, New Jersey and Virginia, voters are sour, scared and searching for common sense.

"The public is very angry and volatile and almost unpredictable in race after race," said Housing and Urban Development Secretary Henry Cisneros, a former mayor. "The only common thread is that people want to vote against somebody—and it's a matter of who they want to vote against worse."

Tuesday's voting will include mayoral contests in New York, Detroit, Miami, Minneapolis, St. Paul, Boston, Houston, Atlanta,

Cleveland and Seattle. Virginia and New Jersey voters will elect governors. And in a number of other states, voters will be asked to decide important ballot initiatives, from school choice in California to taxes in Washington to gay rights in Cincinnati.

This mix of local races and issues makes generalizations difficult, but political analysts see some patterns:

■ Incumbency continues to carry a heavy burden, but voters seem equally disenchanted with challengers in the most competitive races. Together, that means a combative, demanding environment for candidates.

"The public is cynical and angry and less inclined to believe that the solution to get-

See ELECTIONS, A16, Col. 4

Y2

Politics of Protest Still a Factor Months Into Clinton Presidency

ELECTIONS, From A1

ting rid of an incumbent is to buy the challenger," said Bill Carrick, a Democratic consultant.

New Jersey Gov. Jim Florio (D) and New York Mayor David N. Dinkins (D) are fighting to overcome voters' unhappiness with their performance the last four years, while in Virginia, Democratic gubernatorial candidate Mary Sue Terry has had trouble shaking off the legacy of 12 years of Democratic control.

But voters have equally negative views of challengers. There used to be an axiom that politicians with negative ratings above 40 percent were unelectable. If that were true this year, it would be difficult for anyone to win any of the three premier contests.

In New York, for example, roughly 40 percent of voters view Dinkins and Republican-Liberal challenger Rudolph W. Giuliani unfavorably. In New Jersey, negative response to Florio is about 40 percent, while Republican Christine Todd Whitman's rating is just below 40 percent. In Virginia, 38 percent of voters have an unfavorable opinion of Terry and 36 percent see Republican George F. Allen negatively.

Celinda Lake, a Democratic pollster, said the standards of measuring a politician's vulnerability has changed with the climate of voter cynicism.

"If you looked at job performance ratings and reelection ratios [the percentage of voters who say an incumbent deserves reelection], we'd say you're in serious trouble if you're not at 50 percent," Lake said. "Now we're saying it's a miracle if you're at 50 percent. What it means is everyone's potentially in trouble."

But even if Dinkins and Florio lose, they have given hope to embattled incumbents who will run next year. Florio, in particular, may become a model showing that controversial leadership is no more risky than status quo or cautious leadership.

■ "Security"—personal and economic—is the new buzzword used to bundle the issues voters most want politicians to address.

Economic insecurity, which helped drive president George Bush from office last year, has returned and intensified again after a brief period of optimism that accompanied President Clinton into office. Although the economy has picked up, recovery has been uneven region by region. As a result, workers still are worried about losing their jobs—and a majority of Americans believe the country is off track.

But the crime issue, driven by fear of guns and random violence in cities and schools, has become

equally dominant in the minds of voters—and has taken on more prominence this fall because of the elections in big cities.

"Crime, in the space of 90 days, has gone from the sleeper issue of 1994 to the common wisdom of Washington," said Bill McInturff, a Republican pollster.

■ The politics of protest, which fueled Clinton's victory last year and spawned Ross Perot's movement, are still very much alive 10 months into the Clinton presidency.

"This is still a very unhappy electorate, and it's also an electorate

"All the forces that impelled people to be unhappy with the status quo in 1992 are still present and in some cases more deeply felt."

— Geoff Garin, Democratic pollster

that isn't sure which way to turn for help," said Geoff Garin, a Democratic pollster working for Florio. "All the forces that impelled people to be unhappy with the status quo in 1992 are still present and in some cases more deeply felt."

Tim Hibbitts, an Oregon-based pollster who tracks trends in the Northwest, said the most important political development out West occurred last week: the Canadian election, in which the Reform Party, a regional protest party based in western Canada that shares some characteristics with the Perot movement, won 52 seats in Parliament.

Arguing that western U.S. voters remain especially alienated from government, Hibbitts said: "We still have the potential for a regionalistic, nationalistic, nativist movement in the western regions."

■ Voters want politicians to get back to basics.

"As much as anything, [the attitude of voters is] 'Get our house in order,'" said Democratic pollster Peter Hart. "You look from coast to coast, from Los Angeles to New York and from Virginia to New Jersey and it's... 'We've got to make things work.'"

"This is not a good cycle to be a visionary or a cosmic thinker," said Carrick, who is working for Boston's acting mayor, Thomas Menino. "People want somebody to deal with fundamental issues. [They're saying] 'We want you to fix the mess.'"

■ Voters reward results as well as mayors who challenge orthodoxy benefit.

Dinkins is struggling because of the perception that he hasn't been up to the challenge of solving the city's problems. Florio has yet to prove to voters that his \$2.8 billion tax increase made the economy better.

Where politicians have delivered, they are being rewarded. Houston Mayor Bob Lanier promised to put more police on the streets, did so, cut crime and has no opposition this year. Cleveland Mayor Michael White (D) has bridged racial lines—and challenged party orthodoxy—and is in strong shape politically.

Republicans hope a Giuliani victory in New York, in the wake of the election of Richard Riordan (R) in Los Angeles in June, will hasten the decline of Democratic liberalism in the cities.

"There are, here and there, real signs that in urban America the Republican Party could be more competitive for the first time in a long time," said former housing secretary Jack Kemp. "If the center right can have a positive, progressive, inclusive, empowerment strategy, as many candidates are learning to do, they can be competitive and win elections."

■ Negative politics are back in style.

The New York race has been marked by a flurry of negative ads that continue into the final weekend. In New Jersey, Florio and Whitman have hammered one another for weeks. Whitman called Florio "perhaps the worst governor New Jersey ever had," while Florio has accused her of being a tool of the National Rifle Association. Virginia's candidates for governor have run a series of attack ads, while Lt. Gov. Donald S. Beyer Jr. (D) has been attacking rival Michael P. Farris (R) for links to the religious right.

As part of this trend, female candidates are as vulnerable to attack as men. Not long ago, male politicians were wary of attacking female opponents, fearing they would be accused of being bullies. But the experience of Whitman in New Jersey and Terry in Virginia shows the climate has changed.

"You used to have to tone your attacks," said Ed Goetas, who is polling for Whitman. "Now it's no-holds-barred."

■ Last, campaigns matter.

Florio was considered politically dead a year ago, while Terry was seen as a shoo-in last summer. "There is the idea that voters are fed up, but a bad candidate can be more important than the mood," said Frank Luntz, polling for Giuliani. "Mary started with a Whitman show" blowout. C-

Staff research contributed.

hair
at car
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et wiped
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expected to
areas, which
urban crescent.

2/2

**STATEMENT BY PRESIDENT CLINTON ON
ANNOUNCEMENT OF CRIME PLAN
August 11, 1993**

I am proud to stand with my friends Jack Brooks, Joe Biden and their colleagues, who have worked so hard on this issue for so long. I am also pleased to stand with representatives of the nation's police and prosecutors, with whom we have worked to fashion our approach to crime. And it gives me particular pleasure to stand with some of the brave men [and women] who risk their lives every day for the greater good.

The first duty of government is to keep citizens safe. But today Americans are not safe. We no longer have the freedom from fear that is essential to security and prosperity.

The past four years have seen 90,000 murders. Last month, in our nation's capital, twenty four people were murdered in one week. When our children must pass through metal detectors to go to school, when our parents are imprisoned in their own apartments behind triple locked doors, when we cannot walk the streets of our own cities without fear, we have lost an essential element of our civilization.

It's time to put aside partisan bickering and put our best efforts to work on a crime plan for all our people. For too long, some politicians have treated crime with cynicism. It's time to get serious.

Today I am proud to stand with the chairs of the House and Senate Judiciary Committees to announce a sweeping federal plan to fight crime.

Our crime plan is tough. It is fair. It will put cops on the beat and criminals in jail. It expands the federal death penalty. It lets criminals know that if they are guilty, they will be punished. And it lets law abiding citizens know that we are working to give them the safety they deserve.

First, it addresses the most pressing need in the fight against crime: there simply aren't enough police on the beat. This plan is designed to keep the pledge that I made during the campaign to put 100,000 more cops out on the street. Thirty years ago, there were three cops for every violent crime. Today there are three violent crimes for every police officer.

Like so many of the best ideas, community policing has been spawned in the laboratories of experimentation in our states and cities. Then Commissioner Lee Brown, now my drug director, sent some 3000 additional police officers onto the streets of New York, launching community policing in every precinct. For the first time in 36 years, crime rates went down in every category. It has worked from Boston to Saint Louis to Los Angeles.

The crime bill that will be introduced next month will include \$3.4 billion to fund up to 50,000 new police officers to walk the beat. And it will also create a Police Corps, which will give young people money for college, train them in community policing, and ask them to return to their communities to serve as police officers in return for their education.

This will add to the numerous community policing initiatives my administration has already undertaken. For example, earlier this year, I signed a jobs bill that will make \$150 million available right away to communities to hire or rehire police officers. And I'm happy to report that the Labor Department will allocate \$10 million to retrain newly discharged troops to become police officers. After defending our freedom abroad, they will now help to preserve it at home.

Second, we must end the insanity of being able to buy -- or sell -- a handgun more easily than obtaining a driver's license. The Brady Bill, which requires a waiting period before the purchase of a handgun, is common sense. As I have said before to Congress: pass the Brady bill, and I will sign it. We cannot let the pleadings of special interest groups, no matter how well organized, prevail over the national interest.

The effort to keep guns out of the hands of criminals cannot wait for legislation. Today I am signing two presidential directives that fight gun violence.

I am ordering that the rules governing gun dealers be reviewed to make sure that only legitimate gun dealers are in the business of dealing guns.

And I am ordering the Treasury Department to take the necessary actions to suspend the importation of foreign-made assault pistols, such as the Uzi, which have become the weapons of choice for many gangs and drug dealers. Too many weapons of war are making their way onto our streets.

Let me also say that our effort against crime will not be complete if we do not eliminate assault weapons from our streets. No other nation would tolerate roving gangs, stalking the streets, better armed than the police. Neither should we.

Finally, if we are to take back our streets from the gangs and drug dealers, we must do what the previous administration could not do: enact a crime bill. The legislation that will be introduced by Chairmen Biden and Brooks will build on an idea we pioneered in Arkansas -- community boot camps for young offenders. These boot camps will give young people the discipline, training, and treatment they need for a second chance at an honest life.

But when it comes to hardened, violent criminals, society has the right to impose the most severe penalty.

As I said during the campaign and during my tenure as governor, I support the death penalty. This legislation will reform procedures by limiting death row inmates to a single habeus corpus appeal within a six month time limit -- but also guaranteeing them a high standard of legal representation. And it will provide the death penalty for nearly 50 federal offenses -- including killing a federal law enforcement officer.

This is just the beginning of our administration-wide effort to restore the rule of law on our streets. To do this, we will work with thousands of law enforcement officials around the country, the men and women who risk their lives to protect their fellow citizens.

And we in Washington must work together, too. For too long, crime has been used to divide Americans. But crime isn't a symbol; it's all too real. I call on Democrats and Republicans, together, to work with my Administration, with Chairmen Biden and Brooks and with the law enforcement community to craft the best and most effective crime bill possible.

Last week, we broke 12 years of gridlock in cutting spending and reducing the deficit. Now let us break gridlock again and pass our crime plan. It's time for Washington to stop talking tough about crime, and start taking tough action to fight it.

ASSAULT PISTOL IMPORTATION STATISTICS

Pending applications to import assault pistols - NONE

Outstanding permits to import assault pistols -

1 permit authorizing the importation of up to 10,000 Uzi
pistols (permit expires August 26, 1993)

1 permit authorizing the importation of up to 1,000 H&K SP89
pistols (permit expires February 22, 1994)

Assault pistols imported in 1992 -

Uzi	500
H&K SP89	1,500
Spectre	500

THE CLINTON ADMINISTRATION PLAN TO EXPAND COMMUNITY POLICING AND REDUCE GUN VIOLENCE

-- DRAFT --

We ought to have 100,000 more police on the street. Thirty years ago there were three police officers in this country for every serious crime. Today there are three serious crimes for every police officer . . . It is time for America to make a serious commitment to community policing, to having people back on the beat, working the same neighborhoods, making relationships with people in ways that prevent crime . . . How will the federal government provide 100,000 more police officers? First of all, by getting the crime bill passed.

Bill Clinton
Detroit, Michigan
October 17, 1992

The first duty of government is to keep its citizens safe. The Clinton Administration is offering a number of initiatives to prevent crime and reduce gun violence:

- * Expand community policing in cities and towns across America by putting 100,000 more officers on the streets.
- * Take guns out the hands of criminals by passing the Brady Bill, which will require a five-day waiting period before purchasing a handgun, and taking other measures on assault weapons that will slow down the arms race in our streets.
- * Provide community boot camps for first-time non-violent offenders, which give young people discipline, training, and a second chance to avoid a life of crime, and require criminal addicts to undergo drug treatment.
- * Pass a comprehensive crime bill that increases penalties for gun offenses, reforms habeas corpus procedures to raise counsel standards and limit appeals, and impose federal death penalties for killing a federal law enforcement officer and other heinous crimes.

PUTTING 100,000 MORE OFFICERS ON THE STREET

The centerpiece of the Clinton Administration anti-crime plan is community policing, an innovative approach that has helped reduce crime in several communities across the country. From New York to St. Louis to Los Angeles, police departments are moving toward community policing to put more police on the streets, walking the beat and working with neighbors as partners against crime.

The single greatest step we can take to reduce crime in America is to put more police on the street. In New York City, Police Commissioner Lee Brown put more than 3,000 new police on the streets and implemented community policing programs in all 75 precincts -- and for the first time in 36 years, crime went down in every index category.

The Clinton Administration has launched a government-wide effort to put more officers on the street:

Supplemental Appropriations: In June, Congress passed and the President signed into law an FY93 supplemental appropriations bill that included \$150 million in community policing grants to hire and re-hire police officers. These monies will become available to states and localities in early September, and will put over 2,100 new police on the streets over the next three years.

Cop-on-the-Beat Grants: The cornerstone of the President's community policing plan is a Cop-on-the-Beat grant program that will be part of this year's crime bill. Based on legislation introduced last session by Rep. Charles Schumer (D-NY), the Justice Department program will challenge communities to implement community policing by awarding grants for hiring or re-hiring more police officers and training them in community policing methods. The Cop-on-the-Beat program will seek an authorization of \$2.2 billion to 3.4 billion over the next five years, which will help communities put 30,000 to 50,000 new officers on the street.

Police Corps: This four-year, \$100 million program will give college scholarships and police training to 4-5,000 students who are willing to make a four-year commitment to serve their communities as police officers. As Governor of Arkansas, President Clinton instituted one of the nation's first Police Corps programs.

Safe Schools Initiative: Schools should be a safe haven for children, free of weapons, drugs, and crime. Education Secretary Richard Riley has introduced emergency Safe Schools legislation that will enable local education authorities to hire security personnel and pay for police officers who include schools as part of their community policing "beat". The Administration's budget request includes \$475 million for Safe Schools over the next five years, which would fund up to 4,000 sworn and non-sworn officers.

Community Partnerships Against Crime: Some of the nation's worst pockets of crime are concentrated in neighborhoods with public housing. To help make public housing safer, Housing and Urban Development Secretary Cisneros is transforming his department's Drug Elimination Grant Program into a more effective program called Community Partnerships Against Crime (COMPAC). The Administration's budget request includes some more than \$700 million over the next five years to put as many as 5,000 sworn and non-sworn officers to work in law enforcement, security personnel, and community policing in public housing.

National Service: Up to one-quarter of the slots in the national service plan Congress is expected to put on the President's desk in September will be available for young people who choose to pay their country and their communities back through public safety and law enforcement. The program could put up to 25,000 young people to work as non-sworn officers for local police departments, or for crime prevention groups and other public safety efforts. The President hopes to have the first National Service Officers on the streets by the summer of 1994.

Empowerment Zones and Enterprise Communities: The economic plan which the President signed into law August 10 will create jobs in depressed urban and rural areas around the country by targeting growth incentives and investments into nine Empowerment Zones and 100 Enterprise Communities. The Administration's budget request includes up to \$500 million for up to 7,000 officers to do community policing in these areas, because businesses can't create jobs where the streets are not safe. While the Empowerment Zone proposal passed as part of budget reconciliation, the Appropriations Committees have not approved the Administration's budget request.

Troops-to-Cops: As we downscale the military in the aftermath of the Cold War, we need to put our best trained, most talented men and women to work keeping America safe here at home. To help police departments tap into the pool of talented military personnel, Secretary of Labor Robert Reich will make as much as \$10 million from the Defense Diversification Program available to re-train up to 1,500 veterans who are leaving the military for jobs with state and local police departments.

REDUCING GUN VIOLENCE

The Clinton Administration is committed to reducing the wave of gun violence that is taking down police officers and killing children across America. As the President told Congress in February, "We have a duty to keep guns out of the hands of criminals. If you pass the Brady Bill, I'll sign it."

Brady Bill: This legislation -- named for former Reagan press secretary James Brady, and championed by his wife Sarah -- will impose a five-day waiting period for handgun purchases, and require background checks so that we can help keep guns out of the hands of criminals. The Brady Bill passed both houses of Congress last session with bipartisan support.

Assault Weapons: Recent attacks on children at a swimming pool in Washington and a law firm in San Francisco have underscored the need for Congress to consider legislation addressing the sale and availability of semiautomatic assault weapons -- the guns of choice for drug- and gang-related crime.

Executive Action: Today, the President will sign Presidential Memoranda to suspend the importation of assault pistols, which are not covered under the existing assault weapons import ban, and to toughen enforcement of compliance procedures in issuing federal firearms licenses to gun dealers.

COMMUNITY BOOT CAMPS FOR FIRST-TIME NON-VIOLENT OFFENDERS AND DRUG TREATMENT FOR CRIMINAL ADDICTS

In Arkansas, Governor Clinton pioneered the use of community boot camps for first-time non-violent offenders, which provide young people the discipline, education, and training they need for a second chance to avoid a life of crime. The Administration will seek to convert closed military bases into a network of 10 joint state-federal boot camps. Director of the Office of National Drug Control Policy Lee Brown and Attorney General Janet Reno will work to ensure that we use community boot camps -- and other components of the criminal justice system -- to require criminal addicts to undergo drug treatment.

FEDERAL DEATH PENALTY

The Administration will ask Congress to pass crime legislation that provides the death penalty for nearly 50 offenses -- including killing a federal law enforcement officer and killing state officers in the course of cooperative investigations with federal agencies.

HABEAS CORPUS REFORM

Senator Biden has introduced habeas reform legislation, with strong support from district attorneys, state attorneys general, and the Administration. The legislation for the first time limits inmates to filing a single, federal habeas corpus appeal within a six-month time limit. At the same time, the legislation also assures that all capital defendants will be represented by qualified counsel who meet specific, rigorous experience and performance standards.

PAYING FOR PUBLIC SAFETY

Funding for these policing programs is included in the Administration's budget baseline for FY 1994-98. If additional funds are required for these and other Administration initiatives, the Administration will continue to pursue additional spending cuts, including ones the Administration sought but has not yet achieved in Congress this year. Congressional leadership as well as the National Performance Review are expected to recommend additional budget cuts and management savings in September. Community policing programs assume some state/local match.

3:45 w/ Podesta
4:30 w/ Berger

WHITE HOUSE STAFFING MEMORANDUM

DATE: August 10 ACTION/CONCURRENCE/COMMENT DUE BY: August 10 1pm

SUBJECT: Assault Pistols

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

REMARKS: THIS IS FOR ACTION TOMORROW & WILL GO TO PRESIDENT EARLY AFTERNOON.

RESPONSE: COMMENTS TO TODD.

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

THE WHITE HOUSE

WASHINGTON

33 AUG 10 10:46

August 10, 1993

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
JOSE CERDA III

SUBJECT: PROPOSED PRESIDENTIAL MEMORANDA BANNING ASSAULT
PISTOLS AND REFORMING FEDERAL FIREARMS LICENSING

I. ACTION-FORCING EVENT: On Wednesday, you are scheduled to announce on your plan to put 100,000 more police on the streets as well as the broad outline of a crime bill to be taken up by Congress in the fall. We have prepared two gun-related Presidential Memoranda that you could sign that same day: (1) to suspend the importation of assault pistols and initiate proceedings to evaluate whether their importation should be permanently banned; and (2) to call for tougher enforcement of compliance requirements in the issuance of federal firearms licenses.

II. BACKGROUND/ANALYSIS: These proposed Presidential Memoranda are intended to address your campaign commitment to limit the availability of assault weapons and help keep firearms out of the hands of criminals. They were developed in consultation with Treasury and Justice.

The Assault Pistols Memorandum directs the Secretary of the Treasury to act to suspend temporarily import permits pending reevaluation of whether they are "generally recognized as particularly suitable for or readily adaptable to sporting purposes." The Secretary has exclusive authority to make this determination and has broad discretion.

The criteria for meeting the "sporting purposes" standard were developed 25 years ago, under the Gun Control Act of 1968, and were designed to keep our cheap, concealable "Saturday Night Specials," which were the most popular crime gun of the day. Today assault type pistols are the gun of choice, but because of their large size, weight, and caliber, they qualify for importation under the 25-year old system -- even though none of these pistols appears to have any legitimate sporting purposes. This Memorandum calls on Treasury to reassess its approach.

The Bush Administration imposed a similar ban on imports of assault rifles in 1989, which led to a pronounced drop in use. However, neither ban will solve the problem altogether, because they do not touch the majority of assault weapons that are domestically produced.

Note that when the Bush administration banned assault rifles, litigation ensued. The previous administration prevailed, but issuing this Memorandum may again provoke a lawsuit.

The Federal Firearms Licensing (FFL) Memorandum directs the Secretary of the Treasury to take the steps necessary, to the extent permitted by law, to ensure that federal firearms dealers are complying with present requirements. Under the previous Administration, the Bureau of Alcohol, Tobacco and Firearms (ATF) did little to limit the issuance of permits to legitimate gun dealers. The whole point of the licensing procedure -- to screen the qualified from the unqualified -- has been undermined by the generally easy availability of these licenses to almost everyone.

Today, there are approximately 284,000 gun dealers licensed by ATF -- with an estimated 60,000 new applications being approved each year. Obtaining a license essentially waives certain legal restrictions on the buying and selling of guns that would normally apply -- such as federal laws restricting interstate gun transactions.

This Memorandum will reverse the previous Administration's policy of non-enforcement by: improving background checks in screening applicants, requiring better identification from potential licensees and licensees' customers, increasing scrutiny of licensees' multiple handgun sales, and other similar reforms.

While these basic reforms are long overdue, more meaningful changes to the current licensing procedure will require new legislation.

III. RECOMMENDATION: We recommend that you sign the proposed Memoranda.

IV. DECISION:

☐ Approve ☐ Approve as amended ☐ Reject ☐ No Action

August 11, 1993

MEMORANDUM FOR THE SECRETARY OF THE DEPARTMENT OF THE TREASURY

SUBJECT: GUN DEALER LICENSING

A major problem facing the nation today is the ease with which criminals, the mentally deranged, and even children can acquire firearms. The gruesome consequences of this ready availability of guns is found in the senseless violence occurring throughout the country with numbing regularity. While there is not one solution to the plague of gun-related violence, there is more than sufficient evidence indicating that a major part of the problem involves the present system of gun dealer licensing, which encourages a flourishing criminal market in guns.

The Gun Control Act of 1968 established a licensing system for persons engaged in businesses of manufacturing, importing and dealing in firearms. These licensees are allowed to ship firearms in interstate commerce among themselves, and are required to abide by State laws and local ordinances in their sale of firearms to non-licensees. They are also prohibited from selling firearms to felons, certain other classes of persons, and generally to out of state persons. This Act also established a comprehensive recordkeeping system and authorized the Secretary to conduct inspections to ensure compliance with the Act. The statutory qualifications for a licensee are that the applicant is at least 21 years of age, is not a felon or other person prohibited from possessing firearms, has not willfully violated the Gun Control Act, and has premises from which he intends to conduct business. The license fee for a basic dealer's license is only \$10 a year.

The minimal qualification standards of the statute, coupled with policies of neglect and opposition to legitimate regulatory efforts by past Administrations, leave us with a situation where in some ways we have made it easier to get a license to sell guns than it is to get and keep a driver's license. Today there are in excess of 287,000 Federal firearms licensees, and a great number of these persons probably should not be licensed. The Bureau of Alcohol, Tobacco and Firearms (ATF) estimates that only about 30 percent of these are bona fide storefront gun dealers. ATF estimates that probably 40 percent of the licensees conduct no business at all, and are simply persons who use the license to obtain the benefits of trading interstate and buying guns at wholesale. The remaining 30 percent of licensees engage in a limited level of business, typically out of private residences. While the Federal statute creates no minimum level of business activity to qualify for a license, many of the licensees in this category operate in violation of State and local licensing, taxing, and other business-related laws. Since the overall purpose of the Gun Control Act was to assist State and local gun control efforts, at the very least we need to coordinate the Federal licensing process with the appropriate State and local agencies.

This Administration is committed to doing more to prevent this criminal market in illegal guns from continuing to flourish. Since all new firearms used in crime have at some point passed through the legitimate distribution system, Federal firearms licenses represent the first line of defense in our efforts to keep guns out of the hands of criminals.

Accordingly, you have informed me that you will direct the Department of Treasury and ATF to take whatever steps are necessary, to the extent permitted by law, to ensure compliance with present licensing requirements, such as:

- (a) improving the thoroughness and effectiveness of background checks in screening dealer license applicants;
- (b) revising the application process to require the applicant to supply all information relevant to establishing qualification for a license, and to require more reliable forms of identification of the applicant, such as fingerprinting, to assist in identifying an applicant's criminal or other disqualifying history;
- (c) making the "premises" requirement of the statute more meaningful by increasing field checks and the use of other procedures to verify compliance;
- (d) increasing the scrutiny of licensees' multiple handgun sales reports and providing automated access to multiple sales report information by serial number for firearms trace purposes;
- (e) requiring dealers to obtain more reliable identification from purchasers;
- (f) reviewing sanctioning policies to determine the feasibility and desirability of adding the option of license suspension for certain violations;
- (g) expanding the use of cooperative agreements with State and local law enforcement agencies to address licensing and trafficking problems;
- (h) expanding ATF's capabilities to utilize effectively the firearms transaction records of out-of-business licensees for tracing purposes through the use of automation and other technology.

Acting pursuant to your statutory authority, you shall make such determinations and issue orders, regulations and rulings, as appropriate, to achieve the objectives stated in this memorandum.

I further direct that you initiate these actions as soon as possible and report your progress implementing these and other measures consistent with the foregoing to me within 90 days and annually thereafter.

All Executive agencies shall, to the extent permitted by law, cooperate with and assist you in carrying out the objectives of this memorandum. You shall consult with the Attorney General, the Director of the Office of National Drug Control Policy, and other Executive agencies as necessary to coordinate and implement the objective of this memorandum. To the maximum extent possible, the Attorney General, through the Office of Justice Programs, Bureau of Justice Assistance, will expand support to State and local agencies working with ATF on joint projects relating to licensing and trafficking in firearms. Nothing in this memorandum shall be construed to require actions contrary to applicable provisions of the law. You are hereby authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON

August 11, 1993

MEMORANDUM FOR THE SECRETARY OF THE DEPARTMENT OF THE TREASURY

SUBJECT: IMPORTATION OF ASSAULT PISTOLS

A category of pistols commonly referred to as assault pistols has increasingly become the weapon of choice for drug dealers, street gang members, and other violent criminals. These pistols, generally characterized by their bulky military-style appearance and large magazine capacity, include domestically manufactured TEC-9's and MAC-10's as well as imported models like the Uzi pistol and the H&K SP-89. Their popularity appears to stem from their intimidating appearance and their considerable firepower.

These weapons have been used to harm and terrorize many Americans, particularly our children, in recent years. As a result, it is no longer possible to stand by and witness the deadly proliferation of these weapons without acting to protect our communities.

Although addressing the domestic production of these weapons requires a change in the statute, which I support, existing law already bans the importation of firearms unless they are determined to be particularly suitable for or readily adaptable for sporting purposes. I am informed that shortly after enactment of the Gun Control Act of 1968, the Treasury Department adopted a factoring system to determine whether handguns were importable pursuant to this standard. The system entails the examination of the firearm against a set of criteria, with points being awarded for various features. A minimum score is required before importation is approved. The criteria and weighted point system were designed to address the crime gun of the day, the cheap, easily concealable "Saturday Night Special." Under this 25-year old system, small caliber, easily concealable handguns score few points and are banned from importation. However, assault-type pistols -- the new crime gun of the day -- because of their large size, weight and caliber, easily score the necessary points to qualify for importation even though none of these pistols appears to have any legitimate sporting purpose. Accordingly, it is time to reassess how the present regulatory approach can be made more effective in achieving the legislative directive to preclude importation of firearms that are not particularly suitable for or readily adaptable for sporting purposes.

I hereby direct you to take the necessary steps to reexamine the current importation factoring system to determine whether the system should be modified to ensure that all non-sporting handguns are properly denied importation. You have advised me that the Bureau of Alcohol, Tobacco and Firearms (ATF) will issue a notice of proposed rulemaking in the near future that will propose changes to the factoring system to address the assault pistol problem. You have further advised me that effective immediately action on pending applications to import these weapons will be suspended, and that final action on any application will be delayed until this review process is completed.

Nothing herein shall be construed to require actions contrary to applicable provisions of law. You are hereby authorized and directed to publish this memorandum in the Federal Register.

WILLIAM J. CLINTON