

Originally Processed With FOIA(s):

1998-0004-F[1]; 2002-0208-F

FOIA Number:

S

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the George Bush Presidential Library Staff.

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files

OA/ID Number: 29152
Folder ID Number: 29152-002

Folder Title:
Crime/Gun Control (1989) [2]

Stack:	Row:	Section:	Shelf:	Position:
G	15	25	1	4

Withdrawal/Redaction Sheet (George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Paper	Re: Assault Weapons (7 pp.)	4/12/89	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Crime/Gun Control (1989) [2]

Open on Expiration of PRA
(Document Follows)
By JP (NLGB) on 5/12/05

Date Closed: 12/2/2004	OA/ID Number: 29152-002
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

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

PRM. Removed as a personal record misfile.

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

- (b)(1) National security classified information [(b)(1) of the FOIA]
- (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information.

For Discussion
April 12, 1989

ASSAULT WEAPONS

I. BACKGROUND

The current debate over "assault weapons" is being conducted against the background of three important realities.

A. Firearms have been widely held by individual American citizens and are likely to remain so.

- o Roughly half of all U. S. households possess one or more guns. These guns fall into three broad categories:
 - Fully automatic weapons (machine guns) which have been subject to federal registration since 1934, and which are now prohibited from being imported or manufactured domestically for sale to private citizens. The existing stock of these guns is approximately 191,000. These weapons are rarely, if ever, used in the commission of crimes. Most are in the hands of collectors.
 - Semiautomatic weapons. Treasury estimates that there are 20-30 million such guns held by private U.S. citizens, the overwhelming majority of which are used for hunting or sporting purposes.

Approximately 2-3 million are so-called "assault weapons" which have a high capacity magazine, a military-style appearance, and are often semi-automatic versions of fully automatic weapons.
 - Manually operated weapons (bolt action, lever action, pump action rifles and shotguns, and ordinary revolvers). Estimates of the number of these guns range from 130-180 million.
- o In total, there are an estimated approximately 160-200 million guns in private hands in the U.S today. About 40-50 percent of these weapons are handguns. However, of the so-called assault weapons, approximately 90 percent of these are rifles.

B. Recent years have witnessed an explosive growth in sales of so-called "assault rifles."

- o Since 1985, partially as a result of declining prices driven by inexpensive imports, mostly from the People's Republic of China, and the fascination with such weapons, both imports and domestic production have risen.

- Imports of "assault rifles" have soared:

1985	4,000
1986	4,500
1987	40,000
1988	45,000
1989	A marked expansion of permits

- Domestic production during the period 1985-87 of "assault type rifles" exceeded 100,000.

C. Regulation and sales of firearms in the U.S. is highly decentralized and basically governed at the state and local level.

- o There are at the present time 237,686 licensed gun dealers (individuals or businesses which sell five or more weapons a year).
- o There are over 1,000 companies that manufacture guns in the country and over 1,100 importers.
- o State and local laws vary widely with respect to the licensing of guns, laws related to carrying weapons, possessing weapons, etc.

II. PROBLEMS

In successfully addressing the problem of assault weapons there are several challenges:

- A. Defining an assault weapon in such a way that satisfactorily differentiates such weapons from semiautomatic guns that are widely used for hunting and sporting purposes is extremely difficult.
- b. Keeping guns out of the hands of criminals has proven elusive.
 - o The best recent studies indicate that upwards of 80 percent of the weapons used by criminals in the commission of felonies are obtained either by theft, purchase on the black market (from someone other than a licensed dealer), or through a friend or relative.

- C. The most promising approaches to reducing the illegal activities involving these guns are expensive.
- o Enhanced law enforcement to apprehend and prosecute violators of firearms laws and the costs associated with incarcerating convicted felons for longer periods of time are extremely expensive.
 - o The cost of building prison facilities runs approximately \$50,000 per bed.

III. OBJECTIVES

Three objectives seem paramount in the quest for addressing the highly emotional issue of assault weapons:

- A. Finding a sensible middle ground that acknowledges the legitimate concerns of law abiding gun users, many of whom are members of the National Rifle Association, and of law enforcement authorities.
- B. Taking decisive action to deal with a growing concern that is widely held by Americans that public safety is seriously threatened by increased numbers of "assault weapons."
- C. Taking actions that have a reasonable prospect of significantly diminishing the increased threat to public safety.

In short: be balanced, be decisive, and be effective.

There are three basic approaches to meeting these objectives.

IV. LIMITING WEAPONS

There are a variety of possible measures to limit the importation, manufacture, or sale of "assault weapons."

- A. On March 14, Treasury suspended imports of five types of semiautomatic weapons using existing law which permits Treasury to prohibit imports of weapons not considered "particularly suitable for, or readily adaptable to sporting purposes."

Last week the President authorized extending the current suspension to 24 other semiautomatic imports to cover the remaining approximately 20 percent of "assault rifle" imports.

This suspension could be made permanent at the conclusion of Treasury's investigation of these weapons which should be concluded in approximately three months.

- B. While the suspension is in effect, the President could request domestic manufacturers to follow the lead of Colt Industries and suspend or eliminate the production for domestic private use of "assault rifles" similar to those that are prohibited for importation.

Note: U.S. gun manufacturers would still continue to manufacture for use by the U.S. military, law enforcement authorities, or for export.

- C. The administration could seek legislation to prohibit the importation, manufacture or sale of assault weapons.

The most controversial approach, proposed by Senator Metzenbaum, would ban by name certain existing weapons and ban by reference other weapons determined as similar in design or function. This approach would grant broad discretion to the Secretary of the Treasury in making such determinations on future weapons.

There are three other less restrictive approaches:

1. Rather than propose a specific list of prohibited weapons request that administration officials meet with representatives from the House and the Senate, law enforcement authorities, and hunting and sporting associations to develop a definition that will define "assault weapons" in a way that does not include guns "particularly suitable for, or readily adaptable to sporting purposes."

The objective of this exercise would be to produce both an acceptable definition and a set of procedures for making determinations on weapons in the future.

2. Support the Deconcini approach of specifying a limited number of weapons, widely recognized as "assault weapons" such as the AKS-47, but not giving any discretionary authority to expand the list without additional legislation.
3. Seek legislation to prohibit the possession or sale of large capacity magazines (20 rounds or 10 rounds) by private citizens. This seeks to avoid the definitional problems associated with particular weapons, while getting at the detachable magazine feature of most "assault rifles."

V. LIMITING ACCESS TO WEAPONS BY FELONS

A second general approach involves seeking to keep weapons out of the hands of criminals.

- A. Accelerate the National Identification System Review. The Anti-Drug Abuse Act of 1988 requires the Attorney General to develop a system for the immediate and accurate identification of felons attempting to purchase firearms. The Attorney General has one year to prepare a plan for implementing this system.

The President could request the Department of Justice to accelerate the review called for by the McCollom Amendment so that it could be ready for consideration this summer.

- B. Encourage all states to adopt procedures similar to those that exist in Illinois, Virginia, and some other states that impose waiting periods or use other devices to facilitate accuracy in determining whether an individual seeking to purchase a weapon from a licensed gun dealer fits one or more of the prescribed disqualifying characteristics:

1. Convicted of a crime punishable by imprisonment for a term exceeding one year;
2. Currently under indictment;
3. A fugitive from justice;
4. Addicted to a controlled substance or a user of a controlled substance;
5. An illegal alien;
6. Adjudicated a mental defective or have been committed to a mental institution;
7. Dishonorably discharged from the armed forces;
8. Renounced one's U.S. citizenship.

The central difficulty with these approaches is that there is a good deal of evidence to suggest that most felons obtain their weapons other than from licensed gun dealers. Even if one could develop and implement an identification system that involved all licensed gun dealers, it would effectively address only a small part of the problem.

VI. ENHANCED ENFORCEMENT, PENALTIES, AND ACCOUNTABILITY

A third general approach involves measures to strengthen current laws, enhance enforcement, and hold perpetrators of violent crimes accountable for their actions.

This approach would have the greatest likelihood of affecting behavior. It also has the consequence of requiring additional resources (either new ones or diverting existing ones from other endeavors) to apprehend, prosecute, and incarcerate offenders.

- A. Strengthen enforcement resources at the Departments of Treasury and Justice.
 - o The 1989 enacted budget for Treasury's Bureau of Alcohol Tobacco and Firearms (ATF) includes \$118 million for firearms compliance and enforcement programs, a 20% increase over 1988.
 - o The 1990 budget sustains this rapid buildup providing \$124 million for ATF firearms programs.
- B. Ensure quick and full prosecution.
 - o In 1989, 940 additional staff and \$69 million was added to the prosecutorial arm of the Justice Department. Of these new staff, 470 are for additional assistant U.S. Attorneys to prosecute violations of Federal law.
 - o The Attorney General has been requested to hire these new attorneys as quickly as possible and employ them to try firearms cases as appropriate.
- C. Direct the Department of Justice not to plea bargain away mandatory minimum sentences for firearm violations. Establish a climate that every person will clearly understand, if you use a gun to commit a crime, you will do a minimum of five years in jail.
- D. Tie grants to states to changes in state laws to establish mandatory minimum sentences for violent or drug-related crimes committed with a firearm.
 - o Award state and local drug grants only to states whose mandatory minimum sentences for crimes committed with firearms are consistent with federal minimum sentencing standards.

- o States would be given two or three years to bring their laws into compliance with this stipulation before grants would be affected.
- E. Strengthen the current Federal firearms forms (Form 4473) by doubling the current penalty for writing false information to up to ten years imprisonment and up to \$10,000.
 - o Impose a five year prohibition on purchasing firearms for anyone convicted of a crime punishable by a prison term of six months or more.
- F. Enact procedures for imposing currently existing Federal death penalties. This involves adding the language the Supreme Court (Furman v. Georgia) says is necessary for a death penalty not to violate the eighth amendment.
- G. Enact exclusionary rule reform providing for a good faith exception for police officers in warrantless search situations.
- H. Enact habeus corpus reform that would streamline and simplify the appellate process for convicted felons.
- I. Commend and encourage state prison construction.
 - o States have already funded over 79,000 new bedspaces to be constructed by 1994.
 - o The states are also considering constructing 70,000 additional bedspaces.
- J. Expand federal prison capacity.
 - o The Administration has proposed adding over 25,000 federal prison bedspaces during 1989-1993 to meet the increased requirements necessitated by stricter application of Federal laws.
 - o In 1989 \$1.37 billion will fund 5,160 new bedspaces and 1,600 new staff. The FY 1990 budget proposes \$1.564 billion, a 14% increase over 1989, to fund 7,845 new bedspaces and 1,500 new staff.
 - o In addition, the administration could allocate an additional \$115 million for new federal prison construction from the \$135 million drug asset forfeiture fund.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02a. Memo	From Roger Porter to John Sununu Re: Assault Weapons Legislation (2 pp.)	4/12/89	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Crime/Gun Control (1989) [2]

Open on Expiration of PRA
 (Document Follows)
 By (NLGB) on 5/12/05

Date Closed: 12/2/2004	OA/ID Number: 29152-002
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

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

PRM. Removed as a personal record misfile.

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

- (b)(1) National security classified information [(b)(1) of the FOIA]
- (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information

THE WHITE HOUSE

WASHINGTON

April 12, 1989

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER *RBP*
SUBJECT: Assault Weapons Legislation

Congressional action on assault weapons legislation is, like in other policy areas, something of a moving target. The best intelligence I have been able to gather suggests the following:

Senate

There are four bills currently pending. Two are important. The first is the Metzenbaum bill, S. 386. Senator Simon, chair of the Subcommittee on the Constitution of the Senate Judiciary, has scheduled a markup on this legislation for April 21. It is likely too controversial to secure passage, particularly with the problems it faces in committee as well as on the floor.

The second was introduced today by Senator Deconcini. It would ban a number of assault weapons by name, but not provide discretionary authority to extend the list without additional legislation. It would also require that persons who possess such weapons on the date of enactment would be required to maintain proof of legal ownership issued by the firearms dealer.

The law enforcement steering committee comprising a number of law enforcement groups have drafted legislation to ban and control assault weapons. They can be expected to work with Metzenbaum, Simon, and Deconcini to develop a compromise bill. The compromise bill, which will ban some assault weapons, and in some way restrict all assault weapons, will be referred to full committee by a 4-2 margin with Simon, Metzenbaum, Kennedy, and Deconcini supporting and Hatch and Specter opposing.

The full committee will take up that compromise bill at the next markup currently scheduled for mid-May and report it to the floor. With strong law enforcement support and considerable public pressure that some legislation is needed, this bill would have an excellent chance of passage. Opponents would likely attempt to add crippling amendments, such as the death penalty, in an effort to defeat it and embarrass its proponents.

House

Any legislation to amend the Gun Control Act must come from the Subcommittee on Crime of the House Judiciary Committee. The subcommittee has a 6 to 4 ratio of Democrats to Republicans.

Bill McCollum, the ranking Republican, is the key to getting an assault weapons bill out of subcommittee. If McCollum opposes the legislation, the chairman, Bill Hughes, can only count on four other votes -- Larry Smith of Florida, Ed Feighan of Ohio, Ron Mazzoli of Kentucky, and John Conyers of Michigan. Rick Boucher of Virginia, the sixth Democrat, has a rural district and has received substantial financial assistance from the NRA. He probably will go along with McCollum, Larkin Smith of Mississippi, Mike DeWine of Ohio, and George Gekas of Pennsylvania.

Hughes has held hearings on assault weapons, but has not yet scheduled a markup. He is working closely with the law enforcement groups and whatever legislation he seeks to report will probably be consistent with law enforcement thinking on this issue.

The NRA is counting on Judiciary's chairman, Jack Brooks, to hold the legislation at the full committee level. Sam Gibbons, who chairs the trade subcommittee of Ways and Means has held hearings on his bill which addresses imported weapons only. His bill probably will not get out of committee.

While chairman Brooks may hold the house bill in committee, the Senate version could well go to the House attached to some fast track legislation.

What happens depends heavily on public attention to the issue and on the position that the President takes toward any assault weapons legislation.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02b. Paper	Re: Assault Weapons [same as doc 01] (7 pp.)	4/12/89	P/5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Crime/Gun Control (1989) [2]

**Open on Expiration of PRA
 (Document Follows)
 By JF (NLGB) on 5/12/05**

Date Closed: 12/2/2004	OA/ID Number: 29152-002
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

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

PRM. Removed as a personal record misfile.

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

- (b)(1) National security classified information [(b)(1) of the FOIA]
- (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information.

For Discussion
April 12, 1989

ASSAULT WEAPONS

I. BACKGROUND

The current debate over "assault weapons" is being conducted against the background of three important realities.

A. Firearms have been widely held by individual American citizens and are likely to remain so.

- o Roughly half of all U. S. households possess one or more guns. These guns fall into three broad categories:

- Fully automatic weapons (machine guns) which have been subject to federal registration since 1934, and which are now prohibited from being imported or manufactured domestically for sale to private citizens. The existing stock of these guns is approximately 191,000. These weapons are rarely, if ever, used in the commission of crimes. Most are in the hands of collectors.
- Semiautomatic weapons. Treasury estimates that there are 20-30 million such guns held by private U.S. citizens, the overwhelming majority of which are used for hunting or sporting purposes.

Approximately 2-3 million are so-called "assault weapons" which have a high capacity magazine, a military-style appearance, and are often semi-automatic versions of fully automatic weapons.

- Manually operated weapons (bolt action, lever action, pump action rifles and shotguns, and ordinary revolvers). Estimates of the number of these guns range from 130-180 million.
- o In total, there are an estimated approximately 160-200 million guns in private hands in the U.S today. About 40-50 percent of these weapons are handguns. However, of the so-called assault weapons, approximately 90 percent of these are rifles.

B. Recent years have witnessed an explosive growth in sales of so-called "assault rifles."

- o Since 1985, partially as a result of declining prices driven by inexpensive imports, mostly from the People's Republic of China, and the fascination with such weapons, both imports and domestic production have risen.

- Imports of "assault rifles" have soared:

1985	4,000
1986	4,500
1987	40,000
1988	45,000
1989	A marked expansion of permits

- Domestic production during the period 1985-87 of "assault type rifles" exceeded 100,000.

C. Regulation and sales of firearms in the U.S. is highly decentralized and basically governed at the state and local level.

- o There are at the present time 237,686 licensed gun dealers (individuals or businesses which sell five or more weapons a year).
- o There are over 1,000 companies that manufacture guns in the country and over 1,100 importers.
- o State and local laws vary widely with respect to the licensing of guns, laws related to carrying weapons, possessing weapons, etc.

II. PROBLEMS

In successfully addressing the problem of assault weapons there are several challenges:

- A. Defining an assault weapon in such a way that satisfactorily differentiates such weapons from semiautomatic guns that are widely used for hunting and sporting purposes is extremely difficult.
- b. Keeping guns out of the hands of criminals has proven elusive.
 - o The best recent studies indicate that upwards of 80 percent of the weapons used by criminals in the commission of felonies are obtained either by theft, purchase on the black market (from someone other than a licensed dealer), or through a friend or relative.

- C. The most promising approaches to reducing the illegal activities involving these guns are expensive.
- o Enhanced law enforcement to apprehend and prosecute violators of firearms laws and the costs associated with incarcerating convicted felons for longer periods of time are extremely expensive.
 - o The cost of building prison facilities runs approximately \$50,000 per bed.

III. OBJECTIVES

Three objectives seem paramount in the quest for addressing the highly emotional issue of assault weapons:

- A. Finding a sensible middle ground that acknowledges the legitimate concerns of law abiding gun users, many of whom are members of the National Rifle Association, and of law enforcement authorities.
- B. Taking decisive action to deal with a growing concern that is widely held by Americans that public safety is seriously threatened by increased numbers of "assault weapons."
- C. Taking actions that have a reasonable prospect of significantly diminishing the increased threat to public safety.

In short: be balanced, be decisive, and be effective.

There are three basic approaches to meeting these objectives.

IV. LIMITING WEAPONS

There are a variety of possible measures to limit the importation, manufacture, or sale of "assault weapons."

- A. On March 14, Treasury suspended imports of five types of semiautomatic weapons using existing law which permits Treasury to prohibit imports of weapons not considered "particularly suitable for, or readily adaptable to sporting purposes."

Last week the President authorized extending the current suspension to 24 other semiautomatic imports to cover the remaining approximately 20 percent of "assault rifle" imports.

This suspension could be made permanent at the conclusion of Treasury's investigation of these weapons which should be concluded in approximately three months.

- B. While the suspension is in effect, the President could request domestic manufacturers to follow the lead of Colt Industries and suspend or eliminate the production for domestic private use of "assault rifles" similar to those that are prohibited for importation.

Note: U.S. gun manufacturers would still continue to manufacture for use by the U.S. military, law enforcement authorities, or for export.

- C. The administration could seek legislation to prohibit the importation, manufacture or sale of assault weapons.

The most controversial approach, proposed by Senator Metzenbaum, would ban by name certain existing weapons and ban by reference other weapons determined as similar in design or function. This approach would grant broad discretion to the Secretary of the Treasury in making such determinations on future weapons.

There are three other less restrictive approaches:

1. Rather than propose a specific list of prohibited weapons request that administration officials meet with representatives from the House and the Senate, law enforcement authorities, and hunting and sporting associations to develop a definition that will define "assault weapons" in a way that does not include guns "particularly suitable for, or readily adaptable to sporting purposes."

The objective of this exercise would be to produce both an acceptable definition and a set of procedures for making determinations on weapons in the future.

2. Support the Deconcini approach of specifying a limited number of weapons, widely recognized as "assault weapons" such as the AKS-47, but not giving any discretionary authority to expand the list without additional legislation.
3. Seek legislation to prohibit the possession or sale of large capacity magazines (20 rounds or 10 rounds) by private citizens. This seeks to avoid the definitional problems associated with particular weapons, while getting at the detachable magazine feature of most "assault rifles."

V. LIMITING ACCESS TO WEAPONS BY FELONS

A second general approach involves seeking to keep weapons out of the hands of criminals.

- A. Accelerate the National Identification System Review. The Anti-Drug Abuse Act of 1988 requires the Attorney General to develop a system for the immediate and accurate identification of felons attempting to purchase firearms. The Attorney General has one year to prepare a plan for implementing this system.

The President could request the Department of Justice to accelerate the review called for by the McCollom Amendment so that it could be ready for consideration this summer.

- B. Encourage all states to adopt procedures similar to those that exist in Illinois, Virginia, and some other states that impose waiting periods or use other devices to facilitate accuracy in determining whether an individual seeking to purchase a weapon from a licensed gun dealer fits one or more of the prescribed disqualifying characteristics:

1. Convicted of a crime punishable by imprisonment for a term exceeding one year;
2. Currently under indictment;
3. A fugitive from justice;
4. Addicted to a controlled substance or a user of a controlled substance;
5. An illegal alien;
6. Adjudicated a mental defective or have been committed to a mental institution;
7. Dishonorably discharged from the armed forces;
8. Renounced one's U.S. citizenship.

The central difficulty with these approaches is that there is a good deal of evidence to suggest that most felons obtain their weapons other than from licensed gun dealers. Even if one could develop and implement an identification system that involved all licensed gun dealers, it would effectively address only a small part of the problem.

VI. ENHANCED ENFORCEMENT, PENALTIES, AND ACCOUNTABILITY

A third general approach involves measures to strengthen current laws, enhance enforcement, and hold perpetrators of violent crimes accountable for their actions.

This approach would have the greatest likelihood of affecting behavior. It also has the consequence of requiring additional resources (either new ones or diverting existing ones from other endeavors) to apprehend, prosecute, and incarcerate offenders.

- A. Strengthen enforcement resources at the Departments of Treasury and Justice.
 - o The 1989 enacted budget for Treasury's Bureau of Alcohol Tobacco and Firearms (ATF) includes \$118 million for firearms compliance and enforcement programs, a 20% increase over 1988.
 - o The 1990 budget sustains this rapid buildup providing \$124 million for ATF firearms programs.
- B. Ensure quick and full prosecution.
 - o In 1989, 940 additional staff and \$69 million was added to the prosecutorial arm of the Justice Department. Of these new staff, 470 are for additional assistant U.S. Attorneys to prosecute violations of Federal law.
 - o The Attorney General has been requested to hire these new attorneys as quickly as possible and employ them to try firearms cases as appropriate.
- C. Direct the Department of Justice not to plea bargain away mandatory minimum sentences for firearm violations. Establish a climate that every person will clearly understand, if you use a gun to commit a crime, you will do a minimum of five years in jail.
- D. Tie grants to states to changes in state laws to establish mandatory minimum sentences for violent or drug-related crimes committed with a firearm.
 - o Award state and local drug grants only to states whose mandatory minimum sentences for crimes committed with firearms are consistent with federal minimum sentencing standards.

- o States would be given two or three years to bring their laws into compliance with this stipulation before grants would be affected.
- E. Strengthen the current Federal firearms forms (Form 4473) by doubling the current penalty for writing false information to up to ten years imprisonment and up to \$10,000.
- o Impose a five year prohibition on purchasing firearms for anyone convicted of a crime punishable by a prison term of six months or more.
- F. Enact procedures for imposing currently existing Federal death penalties. This involves adding the language the Supreme Court (Furman v. Georgia) says is necessary for a death penalty not to violate the eighth amendment.
- G. Enact exclusionary rule reform providing for a good faith exception for police officers in warrantless search situations.
- H. Enact habeus corpus reform that would streamline and simplify the appellate process for convicted felons.
- I. Commend and encourage state prison construction.
- o States have already funded over 79,000 new bedspaces to be constructed by 1994.
 - o The states are also considering constructing 70,000 additional bedspaces.
- J. Expand federal prison capacity.
- o The Administration has proposed adding over 25,000 federal prison bedspaces during 1989-1993 to meet the increased requirements necessitated by stricter application of Federal laws.
 - o In 1989 \$1.37 billion will fund 5,160 new bedspaces and 1,600 new staff. The FY 1990 budget proposes \$1.564 billion, a 14% increase over 1989, to fund 7,845 new bedspaces and 1,500 new staff.
 - o In addition, the administration could allocate an additional \$115 million for new federal prison construction from the \$135 million drug asset forfeiture fund.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Paper	Re: Assault Weapons (4 pp.)	4/18/89	P5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Crime/Gun Control (1989) [2]

Open on Expiration of PRA
 (Document Follows)
 By JL (NLGB) on 5/12/05

Date Closed: 12/2/2004	OA/ID Number: 29152-002
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

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

PRM. Removed as a personal record misfile.

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

- (b)(1) National security classified information [(b)(1) of the FOIA]
- (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information

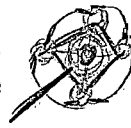
For Discussion
April 18, 1989

ASSAULT WEAPONS

I. Recent Developments

Meetings with Senate and House Republicans and discussions with Senators McClure, Specter, Deconcini, and representatives of the NRA indicate the following:

A. Senate Democrats are now coalescing around the Deconcini approach which represents a scaled down version of the Metzenbaum bill.

1. The Deconcini approach does not require registration of existing assault weapons, merely that the owner of such a weapon secure a copy of the Form 4473 that he filled out when purchasing the weapon. 
2. It does not give the Secretary of the Treasury open-ended discretion to expand the list of weapons prohibited from importation or domestic manufacture for sale to private individuals.
3. The NRA adamantly opposes the Deconcini approach and believes that the language in his bill would allow future expansion of the list of prohibited weapons.
4. The approach is viewed as more moderate than Metzenbaum and is likely to attract the support of some moderate Republicans such as Arlen Specter.

B. Most Senate and House Republicans believe the best approach substantively and politically is a comprehensive anti-crime package whose centerpiece is enhanced enforcement, penalties and much expanded prison construction.

1. They believe that such an approach, including a death penalty provision, will effectively counter the Metzenbaum-Deconcini approach.
2. They view banning or prohibiting "assault weapons" as a fruitless exercise given the difficulty of producing an acceptable "assault weapon" definition.
3. Most would reluctantly support some type of limitation on the size of magazines used on semiautomatic weapons.

- C. The NRA remains intransigent in opposing any move to ban or prohibit "assault weapons", believing that it is the camel's nose under the tent, that the Constitution says nothing about "sporting purposes," and that there is no way to administer such a law fairly.
1. They believe that Senator Deconcini is committing political suicide and that his bill is an indication that he does not intend to run again in Arizona.
 2. They would reluctantly go along with a provision banning large magazines.
 3. They note that Florida is about to pass a bill banning large magazines, that other state legislatures have not acted, and that the California legislation banning certain assault weapons was opposed by all but one Republican in the Assembly and the Senate.

II. Our Current Position

- A. The Administration has not supported any "assault weapon" legislation on the Hill, although the Bureau of Tobacco, Alcohol, and Firearms has provided technical assistance to Senator Deconcini in drafting his bill and in determining the list of weapons that it includes.

The Deconcini list includes five general types of imported "assault weapons" and four general types of domestically manufactured weapons.

- B. On March 14, Treasury suspended imports of five types of semiautomatic weapons using existing law and then earlier this month extended the suspension to 24 other semiautomatic imports.
- C. Treasury is examining these imports to determine whether they are "particularly suitable for, or readily adaptable to sporting purposes." This examination should be completed in another 60 days.

III. Options with Respect to Assault Weapons

A central question is what position to take with respect to banning or prohibiting assault weapons. We have basically four options:

A. Propose a comprehensive crime package that would include strengthened enforcement, the death penalty, the exclusionary rule, habeas corpus reform, etc. and not include any provisions dealing with banning assault weapons.

1. We would indicate that we were not taking a position on what to do with assault weapons until after completion of the Treasury examination of the currently suspended imports.
2. It is likely that BATF will recommend that some imported weapons be prohibited as not meeting the "sporting purposes" test.

This will place Secretary Brady in a difficult position with respect to whether to approve this recommendation.

If certain weapons are banned for importation, it is difficult to argue that they are acceptable for domestic production and sale.

3. Not banning assault weapons now would be applauded by the NRA and have the strong support of conservative Republicans.

B. Embrace some form of a Deconcini type approach that would ban a limited number of "assault weapons," not provide for an expansion of the list without further legislation, and require that current owners of such weapons secure a copy of a 4473 form indicating they have no disqualifying characteristics.

1. This would be viewed favorably by those who are deeply concerned about the proliferation of so-called "assault weapons" and are looking for some dramatic symbolic step.
2. It would be viewed as a major reversal of position by gun owners as represented by the NRA.
3. Whether such a limited approach could be sustained throughout the Congressional deliberations on the issue is questionable. Drawing the line would be extremely difficult.

C. Establish a bipartisan commission consisting of Administration officials, Senate and House members, representatives of law enforcement agencies, and the NRA to

develop within sixty (60) days an acceptable definition of an assault weapon.

1. All parties from the Treasury, to congressional experts (such as Bill McCollum), to the NRA are skeptical that such a diverse group can produce such a definition.
2. The NRA has privately indicated that they would refuse to participate in such an exercise.

D. Propose limiting large magazines that are typically used in semiautomatic assault weapons.

1. This would implicitly acknowledge the difficulty of defining semiautomatic guns that are assault weapons and those that are not.
2. It would involve taking action that is consistent with many state laws limiting the size of magazines for hunting purposes.
3. The existence of millions of magazines that are already in private hands would make enforcement extremely difficult.
4. Conservative congressional Republicans and the NRA would not oppose such an approach.

All four approaches would envision submitting an anti-crime package of measures to strengthen law enforcement efforts and penalties. Given fiscal constraints the credibility of such a package might be strained given the limited number of additional resources that could be part of such a package.

4/3/89
10:00 A.M.

NATIONAL EMERGENCY CRIME REDUCTION ACT

THE PROBLEM

Over the past decade, Congress, state legislatures and local governments have made wholesale changes to laws prohibiting drug trafficking and use, mainly by increasing the lengths of prison sentences. Unfortunately, courts have been unable to use these new, longer, and in many cases supposedly mandatory, sentences, since we have not followed our tough rhetoric with sufficient action.

Simply put, our prisons -- federal and state -- are seriously overcrowded and cannot house additional prisoners.

(figures)

In turn, this has overburdened police, prosecutors and the courts, as criminals who should be behind bars are arrested over and over again in a never ending cycle.

(figures on re-arrests)

If we put criminals in jail the first time we get our hands on them, the police, the prosecutors and the courts will be free to concentrate on actually reducing the amount of crime.

REQUIREMENTS PLACED ON STATES

At the same time, states must work with us in attacking this emergency. Therefore, they would be required to adopt, if they haven't already, the tough federal criminal sanction of XX years and up to a \$XXXXXX fine for the use of a firearm in the commission of a crime.

Make no mistake, criminal use of firearms is increasing.

(figures)

In the 1988 Drug Bill, we included a new program aimed at stopping the sale of guns to criminals. As it now stands, even states and localities with waiting periods don't check criminal conviction records for all gun purchasers. Police are just too busy fighting crime.

The new program will require an on-the-spot check of all gun purchasers -- 100% of them. It will work much like the purchase of an item with a credit card. A machine now reads your credit card and tells the merchant if the card is real and if there is credit remaining.

What we propose is to add biometric identification -- say a thumbprint or a magnetic strip with unalterable codes -- to all drivers licenses. There is a group already meeting on this. We make it a formal panel and tell them to give us a final plan within three months. States would then begin issuing new drivers licenses in one year, and change all licenses with four years.

As an aside, this new identification system will also aid police by allowing them to conduct instantaneous criminal checks through computers installed in squad cars.

States would also be required to transfer information on all felony convictions to the federal government, so it can be placed into this new computer system.

If the states want to house prisoners in the new prison facilities, this -- at a minimum -- is what we expect from them.

GUN PURCHASE INFORMATION

Additionally, we want to toughen the current system of purchasing firearms. Now, someone comes in off the streets, fills out a form and says "no" to eight questions, and then buys a firearm. Criminals simply lie on the form and walk out with the gun. Therefore, we will double the penalty for giving incorrect information along with following up with the computer check.

As well, we need to stop people like Patrick Purdy -- who has had several brushes with the law but no felonies -- from buying firearms. So, we add a new category. If you are convicted of a crime for which you can be given a six month prison term, you will not be allowed to purchase a firearm for the next five years. Stay clean, we'll restore the privilege. Stay in the shadowy corners of major crime -- you'll never get to legally purchase a firearm.

Then we bring the drug problem, and its related violence, home to those most responsible -- the drug user. The law now says if you are using illicit drugs, you cannot legally purchase a firearm. That is true if the drug is marijuana, crack cocaine or heroin. The trouble is that for most drug users, there is no easy check to determine if they are violating the law at the time of purchase. Therefore, we will change the law to say if you get convicted on any drug offense -- including simple possession, you lose your right to firearms.

While this may sound too strict, it is actually less stringent than current law, but should be far more effective in ending drug abuse, and its related violence.

Finally, the form also excludes those who have been "adjudicated mentally defective" and those who have ever been "committed to a mental institution" from buying a gun.

Most of the well publicized multiple murder cases involve an assailant who has had contact with the mental health profession. We will establish a task force of mental health, police, prosecutor and court professionals to review the standard and determine if there is a more effective way to screen out those who should be excluded from gun ownership due to a mental health condition.

ENHANCED PENALTIES, PROSECUTION AND DETENTION

We have also reviewed problems associated with deterring crime, as well as convicting and holding on to criminals. While prisons will go a long way toward solving the crisis, more must be done.

First, we add a federal death penalty for the most heinous crimes. Just last year we enacted the death penalty for killings by drug lords. We must expand this ultimate sanction to crimes which are equally vile.

Along with it, we propose to make the use of a firearm in the commission of a capital crime an aggravating circumstance, something which must be found to exist before the death penalty can be imposed.

A real problem is about to explode, and we need to act now before it happens. Some of the fully-automatic firearms -- the machine guns -- that were left in Vietnam are now showing up in the possession of members of the Columbian drug cartels. These weapons have been seen in other areas -- particularly Central America -- and we don't need them here.

Therefore, anyone caught smuggling these weapons into the United States while trafficking drugs will be given life with no parole or death.

We will also change the federal bail law so that "safety of the community" and "prevention of crime" are given equal footing with "assuring the appearance of the accused at trial." There is simply too much crime being committed by individuals who have already been arrested of a crime. As we said earlier, if we have our hands on a hardened criminal, we ought to keep a hold on him.

As for early releases -- the Willie Horton cases -- we will finally allow sentencing judges to have a veto over the early release of violent criminals and require a hearing at which the victims may be heard.

Two matters that we have proposed before, but which were defeated in by efforts to protect the criminal, are also included. Currently, the Exclusionary Rule allows evidence which was obtained in good faith to be thrown out of court on technicalities. We simply cannot allow guilty, violent criminals to be set free on technicalities.

Finally, those convicted of crimes are clogging our court systems with a seemingly never ending series of appeals. Changes in the Habeas Corpus statutes will allow constitutionally protected rights of appeal, while prohibiting the large number of frivolous appeals now being filed.

AMENDMENTS TO GUN CONTROL ACT

This all brings us to what is on the minds of many Americans -- what about all of these military style assault weapons? A little demonstration is probably in order.

This firearm is a Ruger Mini-14 semi-automatic hunting rifle. As you can see, it has a walnut stock, a scope and a five-round box magazine. We think very few Americans favor banning this type of firearm.

On the other hand, there is alarming concern over this weapon. As you can see, it has a collapsable butt, plastic stock, a bi-pod support and a thirty-round banana clip. Many Americans want some controls on this type of weapon.

Unfortunately, this, too, is a Ruger Mini-14. It has had the walnut stock replaced with plastic and a supporting bi-pod simply screwed on. The only real difference is the five round magazine has been replaced with the thirty-round banana clip.

That, in a nutshell, is the difficulty in defining assault rifles. Yet it's that difference that we need to address.

We proposed regulating these magazines -- or clips -- for the first time. We want them treated as firearms, for they make one firearm change into something entirely different in a matter of seconds.

The proposal treats what we'll call "normal" detachable magazines as regular firearms. They well need to have a serial number stamped on them and purchasers will be run though the new computer system, just as if it were the whole firearm. Felons and others would be prevented from possession.

Banana clips, those holding twenty to thirty five rounds, would be classified the way automatic firearms -- machine guns -- use to be. A federal permit, total background check, fingerprinting and notification of the local police would all be required.

The mega-sized detachable magazines -- those over 35 rounds -- would be banned from further production, just as machine guns now are.

We are also concerned with a type of shotgun now being sold. It's called the "Street Sweeper." It has a shortened barrel and a detachable magazine that holds twelve shells. Again, this high number of rounds of ammunition is inconsistent with legitimate uses of firearms. Therefore, any shotgun magazine capable of holding in excess of eight shells will also be banned. Good bye Street Sweeper.

4/3/89
10:00 A.M.

NATIONAL EMERGENCY CRIME REDUCTION ACT

I. PRISON CONSTRUCTION

- A. Construction by the Federal government of regional prisons with a total cumulative capacity of at least 70,000 new beds.
- B. States and the U.S. Bureau of Prisons to pay costs of operation determined by prison population.
- C. Possible reduced "minimum standards" guidelines to reduce costs of prison construction and operation.
- D. Construction financed by specified asset sales and program terminations.

II. REQUIREMENTS PLACED ON STATES

- A. Mandatory minimum sentences (equal to or greater than the current federal statutes) for those convicted of using a firearm in the commission of crime.
- B. 1) Federal Task Force on standardized identification (already in place) required to issue uniform method for biometric identification within 3 months of enactment.
2) States required to begin using new identification for drivers licenses and state-issued non-drivers identification cards within one year and replace current drivers licenses and non-drivers identification cards within four years.
- C. Transfer of felony conviction records to proper federal authorities under schedule and in a manner determined by the U.S. Attorney General.
- D. Failure to adopt the above excludes a state from housing prisoners in new regional prison facilities.

III. CHANGES IN FORM 4473

- A. Double current penalty for writing false information on a Form 4473 to up to ten years imprisonment and up to \$10,000.
- B. New five year prohibition on purchasing firearms for those convicted of a crime punishable by a prison term of six months or more.
- C. Substitute "convicted of a drug offense" for "unlawful user of, or addicted to" marijuana, or a depressant, stimulant, or narcotic drug.

- D. Create Federal Task Force from mental health, police and court professions to create a new standard in lieu of current "adjudicated mentally defective or ... ever committed to a mental institution."

IV. ENHANCED FEDERAL PENALTIES, PROSECUTION AND DETENTION

- A. Reinstate general federal death penalty.
- B. Use of a firearm in a capital offense is to be automatically considered to be an aggravating circumstance.
- C. Penalty for smuggling an automatic firearm into the United States while engaged in drug trafficking will be life with no parole or death penalty.
- D. Reform federal bail statutes to give "safety of the community" and "prevention of crime" equal status with "assuring the appearance of the accused at trial" as a basis for granting bail and setting bond for persons previously convicted of specified crimes.
- E. Reform federal parole laws to give the sentencing judge veto power over release by the Parole Board of any person convicted of specified crimes of violence, and to require a hearing at which the victims may be heard.
- F. Exclusionary Rule.
- G. Habeas Corpus.

V. AMENDMENTS TO GUN CONTROL ACT

- A. New detachable box or drum magazines, for center fire rifles and pistols, having a capacity of up to 20 rounds of ammunition, to be classified as Title I "Firearms."
- B. New detachable box or drum magazines, for center fire rifles and pistols, having a capacity of 20 to 35 rounds of ammunition, to be classified as Title II "Any Other Weapons."
- C. All detachable box or drum magazines, for center fire rifles and pistols, having a capacity of over 35 rounds of ammunition, to be classified as Title II "Machine Guns," with notice to local police.
- D. All detachable box or drum magazines, for shotguns, having a capacity of over eight rounds of ammunition, to be classified as Title II "Machine Guns."
- E. Transfer of existing magazines subjects the magazine to classification.
- F. Continued exemption for military and law enforcement.



Pen Yan Request

DICK THORNBURGH

DW

ATTORNEY GENERAL OF THE UNITED STATES

U. S. DEPARTMENT OF JUSTICE
WASHINGTON, D. C. 20530

(202) 633-2001

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04. Memo	From J. Michael Quinlan to Dick Thornburgh Re: Federal Bureau of Prison's Expansion Program (3 pp.)	3/30/89	5	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Crime/Gun Control (1989) [2]

**Open on Expiration of PRA
(Document Follows)**
 By JF (NLGB) on 5/12/05

Date Closed: 12/2/2004	OA/ID Number: 29152-002
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

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

(b)(1) National security classified information [(b)(1) of the FOIA]
 (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
 (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
 (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
 (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
 (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
 (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
 (b)(9) Release would disclose geological or geophysical information

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

PRM. Removed as a personal record misfile.

memorandum

DATE: March 30, 1989

REPLY TO ATTENTION OF: J. Michael Quinlan, Director
Federal Bureau of Prisons

SUBJECT: Federal Bureau of Prisons' Expansion Program

TO: Honorable Dick Thornburgh
Attorney GeneralDEPT OF JUSTICE
RECEIVED
1989 MAR 30 PM 3:48EXECUTIVE SECRETARIAT
OFFICE OF
DEPUTY ATTORNEY
GENERAL

This memorandum is a follow-up to our Monday discussion and provides a brief assessment of the Federal prison expansion program.

BACKGROUND

The Federal inmate population has increased by over 90 percent since 1981. Today, 47,352 inmates are housed in prison facilities that by contemporary correctional standards should confine about 31,000 inmates, a system-wide overcrowding average of 153 percent.

The objective of our current long-range plan is to expand the capacity of the Federal Prison System to keep pace with projected inmate population increases and to simultaneously reduce prison overcrowding to 30 percent by FY 1995.

During the past several years, the Bureau of Prisons has activated over 6,500 new prison beds and funds have already been appropriated for new prison construction projects which will ultimately provide over 13,000 new prison spaces.

Under construction at this time are four Federal Correctional Institutions in Fairton, New Jersey; Jesup, Georgia; Sheridan, Oregon; and Bradford, Pennsylvania. Within the next several months, we will begin construction of three Federal Correctional Institutions located in Schuylkill, Pennsylvania; Three Rivers, Texas; and Manchester, Kentucky and a Federal Detention Center in Puerto Rico.

The funds required to be appropriated for prison construction are substantial -- the current plan calls for a cumulative amount of approximately \$1.2 billion over the next four fiscal years (FY 1990 - FY 1993).

CURRENT ASSESSMENT

While we are making substantial progress in our prison expansion program, our current plan may be insufficient to meet the impact of several recent developments in the Federal criminal justice system.

Our expansion plans are based on a projection that the Federal inmate population will increase to 83,500 by FY 1995. The Bureau of Prisons' has worked closely with the U. S. Sentencing Commission in the area of prison population projections. Our current projection of 83,500 was developed over one year ago and represents a midpoint of several Commission projections. The Commission's highest estimate was that the Federal inmate population would increase to approximately 125,000 by FY 1997. It is highly probable that the increased sanctions included in the Anti-Drug Abuse Act of 1988 and drug enforcement initiatives now under development will result in a higher future inmate population than is currently projected.

We are also seeing some early indications that the new sentencing guidelines may be increasing the actual time served even more than originally anticipated, particularly in the drug offense categories. The bottom line is that our population projections, which have traditionally been conservative, may be substantially understated. We are currently working with the Sentencing Commission to develop new projections and plan to have them available for the development of the FY 1991 Budget this summer.

As a result of the above, it may be necessary to "upscale" our expansion program based on new higher projections. This action would most likely receive mixed reactions from the Office of Management and Budget (OMB). As you are aware, we recently revised our goal of reducing overcrowding from a previous 20 percent goal to 30 percent in response to OMB's funding concerns.

Another issue of major importance to our expansion program is the Bureau of Prisons' use of military bases. There has been recent increased receptivity in the Department of Defense to the concept of establishing minimum security Federal Prison Camps on active military bases. We are moving ahead at several bases throughout the country. This is an important development since this approach is the most cost-effective method of obtaining space for minimum security Federal offenders.

In addition, we also need access to several parcels of military land in order to construct higher security institutions such as Metropolitan Correctional Centers (MCC's) which principally house pre-trial detainees. Several land parcels (e.g. Brooklyn Naval Station, a portion of Fort Meade) are included in the recommendations of the Commission on Base Closures and Realignments. However, the long time-frames included in this legislation do not coincide with our urgent needs. Consequently,

several years without success.

Based upon past experience, it is clear that our objectives regarding some of the military bases cannot be accomplished through normal, routine channels.

I would appreciate the opportunity of meeting with you to discuss potential strategies addressing the issues noted above. We have developed an executive level presentation regarding prison overcrowding and our expansion program. This briefing was given to former OMB Director Miller in the Attorney General's Command Center and was also presented to the National Drug Policy Board at the White House. I suggest that you might be interested in seeing this presentation as an overview of our current expansion program. I have attached the Executive Summary of our budget request and a listing of the major prison construction projects which comprise our current expansion program. This general background material may be of interest to you. I will await your further direction.

Attachments

U.S. Department of Justice
Federal Bureau of Prisons

FY 1990 Congressional Budget Estimates



Federal Prison System

FY 1990 President's Budget

Executive Summary

The Federal Prison System (FPS) is requesting \$1.6 billion and 19,431 positions in FY 1990, an increase of \$213.8 million and 2,441 positions over the 1989 appropriation anticipated. The principal theme of the FY 1990 Budget is the continuation of the Bureau of Prisons' capacity expansion program.

Population Growth/Overcrowding

The Federal inmate population has grown by over 21,700 inmates since January 1981; an unprecedented increase of 91 percent in eight years. The current population of approximately 45,500 inmates is housed in prison facilities that by contemporary correctional standards should confine about 29,000 inmates. Today, Federal prisons are overcrowded by a system-wide average of more than 50 percent with some individual institutions overcrowded by more than 100 percent.

While the growth in the inmate population is placing extreme pressures on the Federal Prison System, it represents clear and convincing evidence of the accomplishments of the nation's Federal law enforcement program. Of particular note is the fact that the percentage of the total inmate population incarcerated for drug offenses has been steadily rising. In 1981, it was 25 percent. Today, it is 43 percent and continuing to increase.

The current level of prison overcrowding coupled with substantial growth in the future prison population could create a crisis of major proportions in the Federal criminal justice system. This potential catastrophe has been directly addressed by the Attorney General and the President through the establishment of a major objective for the Federal Bureau of Prisons. Simply stated, the objective is to expand the capacity of the Federal Prison System to keep pace with projected increases in the inmate population and to simultaneously reduce prison overcrowding to 30 percent by FY 1995.

Future Population Projections

It should be noted that the Federal inmate population projection has been revised since preparation of the President's FY 1989 Budget. The previous projection of approximately 72,000 inmates by FY 1995 was a preliminary forecast made before the completion of the U.S. Sentencing Commission's analysis of the impact of the new sentencing guidelines and the Anti-Drug Abuse Act of 1986. The Bureau of Prisons has worked closely with the Commission in the development of new projections and has revised its FY 1995 projection upwards to 83,500 inmates, an estimate which we believe is still conservative since it does not include the impact of the Anti-Drug Abuse Act of 1988.

Alternatives to Confinement

The Federal Criminal Justice System has traditionally made extensive use of alternatives to confinement. In 1988, approximately two-thirds of the 125,500 Federal offenders were under supervision in the community. The principal alternative to incarceration continues to be probation. The Federal Prison System has also sought to expand alternatives to institutional confinement of prisoners. Since 1982, the community treatment center population was expanded by 2,650 offenders from 950 to 3,600 inmates. This increase has reduced significantly the potential institution based population. In addition, during

1988, 1,200 offenders were placed on special curfew parole status and FPS implemented the limited use of electronic monitoring for those offenders who do not present a threat to society.

Capacity Added and in Progress

With the support of this Administration and the Congress, the Bureau of Prisons has increased capacity by 6,500 beds since 1981. Funding currently available for the construction of new prisons, the acquisition of surplus facilities for conversion to minimum security camps, and the expansion of existing institutions will add about 13,700 beds when completed.

During 1988, the Bureau of Prisons partially activated a new Federal Correctional Institution in Marianna, Florida and recently completed construction on a Metropolitan Detention Center in Los Angeles, California. Under construction are the Federal Correctional Institutions in Fairton, New Jersey; Jesup, Georgia; Sheridan, Oregon; and Bradford, Pennsylvania. Within the next several months, we will begin construction of three Federal Correctional Institutions located in Schuylkill, PA; Three Rivers, TX; and Manchester, KY. Also, the Bureau of Prisons has selected a site for a Federal Detention Center in Puerto Rico and is considering several sites for a new Northeast and Southeast Federal Correctional Institution and a Metropolitan Detention Center in the Northeast. It should be noted that the Attorney General has approved the transfer of funds from the Assets Forfeiture Fund at the end of 1989 for the construction of a South Central Federal Correctional Institution.

Nevertheless, without continuation of the capacity expansion program during 1990 and in subsequent years, the Federal Prison System will be 90 percent overcrowded in 1995.

Capacity Expansion - Cost Effective Approaches

The Bureau of Prisons has taken several steps to insure that new prison construction is as cost effective as possible. These actions include the use of Federal surplus property, donation of land to the government at no cost and the use of already proven prison designs and new construction techniques. The design of Federal correctional facilities and use of new security technology is also responsible for prison staffing requirements that are less than occur in most state correctional systems.

In addition, there has been recent increased receptivity in the Department of Defense to the concept of establishing Federal Prison Camps on active military bases. This is an important development since this approach is the most cost-effective method of obtaining space for minimum security Federal offenders. It is necessary, however, to implement new cost containment approaches; particularly for medium security Federal prisons which constitute the majority of the institutions to be constructed in the future.

Consequently, in order to contain new prison construction costs as well as future operating expenses, the Bureau of Prisons is planning several prison design changes which are reflected in the FY 1990 request. Briefly stated, a complex of several correctional facilities of different security levels (e.g., a U.S. Penitentiary, a Federal Correctional Institution and a Federal Prison Camp) would be constructed at one site. In addition, the design capacity of

medium security Federal Correctional Institutions will be increased from the current level of approximately 500 to a capacity of over 900. This will be accomplished by modestly increasing the cell size and initially designing two-thirds of the prison's cells for two inmates each.

The Bureau of Prisons continues to believe that the design standard for maximum security prisons should be a single inmate in a single cell. However, our experience over the past several years has demonstrated that the Bureau of Prisons can safely operate medium security prisons with a majority of the cells housing two inmates each.

FY 1990 Capacity Expansion Request

We are requesting funds in FY 1990 for the construction of two "Federal Correctional Complexes" and the expansion of seven existing institutions.

Also, the Bureau of Prisons is seeking authority to undertake a leasing program for two new Federal Correctional Institutions. These prisons would be financed and constructed with private resources, leased on an annual basis, and staffed and managed by the Bureau of Prisons.

In addition to our plans to construct new prisons for sentenced offenders, the Bureau of Prisons continues to assist the U.S. Marshals Service in housing pre-trial detainees. We have developed close cooperation between both agencies through joint planning efforts.

The U.S. Marshals Service (USMS) first attempts to meet its detention responsibilities by contracting with local jails through the use of Intergovernmental Agreements and the Cooperative Agreement Program (CAP). The USMS has identified several geographic locations where they anticipate that local contracts will be insufficient to meet their pre-trial detention requirements. For these locations, the USMS has requested that the Bureau of Prisons provide detention facilities through the construction of new Metropolitan Detention Centers, and the expansion or establishment of detention units at existing Federal prisons. The Bureau of Prisons has revised its five-year facilities expansion plan to incorporate all such detention requirements identified by the USMS. For FY 1990, this includes a new Miami Metropolitan Detention Center and detention units at two existing facilities.

In summary, the Bureau of Prisons is requesting \$360.6 million in FY 1990 to further expand the capacity of the Federal Prison System by 7,845 beds. This includes new capacity for 6,845 sentenced Federal offenders and 1,000 Federal detainees.

Outyear Capacity Expansion Plan

In addition to the resources requested in 1990, the Federal Prison System will require an additional 12,670 beds at a cost of approximately \$813 million during the period 1991 to 1993 to keep pace with projected increases in the inmate population for both sentenced and unsentenced prisoners and to reduce prison overcrowding to 30 percent by 1995.

FY 1990 New Activations

In addition to the new construction funds required to continue our expansion

program, the FY 1990 request also includes important resources to activate new institutions. Specifically \$45.4 million and 634 positions is required to open one new medium security Federal Correctional Institution, five minimum security Federal Prison Camps on military bases and six expansion projects at existing prisons. In total, these projects will bring 2,680 prison beds "on-line" during FY 1990.

Privatization

In addition to the continued expansion of Bureau of Prisons' owned and operated prisons, we are continuing to use the services of private sector detention companies wherever appropriate. The FY 1990 Budget includes a request to conduct a "pilot" prison privatization project by contracting with a private sector firm to construct, staff and manage a 500-bed facility to house short-term sentenced aliens. It is conceivable that this proposed contract facility could be larger and jointly used by the Bureau of Prisons and by the Immigration and Naturalization Service for its criminal alien detention program.

Staffing Existing Institutions

Operating the Federal Prison System at 60 percent over its designed capacity without commensurate staffing increases has placed severe demands on staff. Prison overcrowding is commonly related to an increased potential for inmate idleness, inmate violence and inmate litigation. Failure to improve staffing systemwide can seriously compromise the security of our Federal prisons, endangering life and property. Recognizing this, the President and the Congress approved an additional 1,600 positions in 1989. The 1990 request includes 1,500 positions and \$22.5 million to continue to improve staffing in critically understaffed programs for which workload has increased in direct proportion to increases in inmate population.

Federal Prison Industries, Inc.

The final item of our FY 1990 budget request which merits emphasis regards Federal Prison Industries (FPI). The FPI is not only a wholly-owned Government corporation selling products to the Federal government, it is also a vital correctional management program. The ability to keep increasing numbers of inmates employed and productive has played an extremely important role in dealing with prison overcrowding. In this context, it is essential that FPI remain financially solvent in the years ahead. As the growth in inmate population continues, the FPI, like any other business, will not be able to accomplish the required scale of physical plant expansion from retained earnings. Part of this issue has already been addressed in the current request for FPI loan authority.

In order to further insure the financial stability of FPI in the future, the FY 1990 budget proposes that vocational training and inmate performance pay be funded in the Salaries and Expenses (S&E) Appropriation rather than by FPI.

A portion of the vocational training expenses previously had been transferred to the S&E Appropriation with Congressional support and approval. Inmate performance pay which is currently funded by FPI, is not for inmates employed by Industries but for payments to inmates who work in other prison areas such as food service and maintenance. In virtually every state correctional system,

these types of payments are paid from appropriated funds. Approval of these two proposals will play an important role in insuring the future financial soundness of FPI.

In conclusion, it is recognized that the prison expansion program is an undertaking of major dimensions, both in terms of human and financial resources. It is equally clear that failure to substantially achieve the objective could result in prison overcrowding that seriously jeopardizes the life and safety of Bureau of Prisons staff and inmates. This type of a crisis would invite court intervention and the establishment of prison population "caps", a situation which has occurred in numerous state correctional systems. The only available option at that point is to significantly reduce criminal investigations and prosecutions or provide early releases for substantial numbers of inmates; alternatives which are inconsistent with the Department's mission.

Capacity Expansion Plan

	<u>Beds</u>	<u>\$(000)</u>
<u>1990 Plan</u>		
New Federal Prisons:		
Northeast Correctional Complex.....	1,960	\$114,700
Western Correctional Complex.....	1,960	116,400
Lease Program:		
North Central FCI with a 250 bed camp....	580	0
Western FCI with a 250 bed camp.....	580	0
Expansion of Existing Institutions:		
Big Spring Housing Unit.....	240	\$4,500
Otisville Satellite Camp.....	150	6,000
Tallahassee Satellite Camp.....	150	5,300
Tyndall Housing Unit & Support Facilities.	225	6,000
Loretto Housing Unit Expansion.....	100	5,000
Danbury Satellite Camp Expansion.....	150	5,300
Lewisburg Segregation Unit.....		9,700
Detention Capacity:		
Miami, FL MDC.....	700	\$58,000
Milan Detention Unit.....	150	10,800
Atlanta Detention Unit.....	150	9,100
Acquire Existing Facilities.....	750	\$9,800
Subtotal.....	<u>7,845</u>	<u>360,600</u>
<u>1991 Plan</u>		
New Federal Prisons:		
Northeast Correctional Complex.....	1,960	\$119,700
Southeast FCI with a 250 bed Camp.....	1,160	61,100
Expansion of Existing Institutions:		
Raybrook Satellite Camp.....	150	\$5,500
Detention Capacity:		
Northeast MDC.....	350	\$37,500
Sheridan Detention Unit.....	150	10,800
Leavenworth Detention Unit.....	150	10,300
Butner Detention Unit.....	150	8,700
Subtotal.....	<u>4,070</u>	<u>253,600</u>

Capacity Expansion Plan Cont'd

	<u>Beds</u>	<u>\$(000)</u>
<u>1992 Plan</u>		
New Federal Prisons:		
Western Correctional Complex.....	1,960	\$125,700
Southeast Correctional Complex.....	1,960	114,300
Detention Capacity:		
Arizona MDC.....	600	\$57,200
Memphis Detention Unit.....	150	9,700
El Reno Detention Unit.....	150	9,800
Seagoville Detention Unit.....	150	9,800
Subtotal.....	4,970	326,500
 <u>1993 Plan</u>		
New Federal Prisons:		
Northeast FCI with a 250 bed Camp.....	1,160	\$73,800
North Central FCI with a 250 bed Camp....	1,160	71,600
Western FCI with a 250 bed Camp.....	1,160	77,100
Detention Capacity:		
Western Detention Unit.....	150	\$10,000
Subtotal.....	3,630	232,500
Total Changes (1990-1993).....	20,515	1,173,200

April 5, 1989

M E M O R A N D U M

TO: SENATOR DOLE
FROM: DENNIS SHEA
SUBJECT: PRISONS

In preparation for your upcoming White House meeting on assault weapons, I thought that the following information on prison overcrowding might be helpful to you.

Correctional Population

When evaluating the scope of the prison overcrowding problem, it is important to note the overall correctional population in the United States. According to the Department of Justice, the correctional population in the United States in 1987 was approximately 3.4 million persons. This number constituted 1.9% of the entire U.S. adult population.

Of the 3.4 million persons in the correctional population, 8% were in jail, 65% were on probation, 10% were on parole, and 17% were in prison. Many of the persons in the correctional population are placed on parole or probation simply because there is not enough federal or state prison space.

Current Prison Populations

As of December 31, 1987, there were approximately 604,000 persons in the federal and state prison systems.

Federal Prison System: According to the Federal Bureau of Prisons, the current population of the federal prison system is approximately 47,000. The current rated capacity of the system is approximately 31,000. As a result, the federal prison system is over-capacity by 16,000 inmates, or 52%.

State Prison System: The Department of Justice estimates that there were 557,000 persons in the various state prison systems as of December 31, 1987. Although each state determines prison capacity differently, the Department of Justice estimates that last year the state prison systems exceeded their capacities by 5% to 20%.

Cost of Additional Prison Space

In light of the over-capacity problem in both the federal and state prison systems, the National Governors Association has estimated that there is currently a need for an additional 70,000 prison spaces. According to the Association, each prison space will cost approximately \$50,000 to construct. The total price tag for the additional construction: \$3.5 billion.

Budget Request

The fiscal 1990 budget includes a requested appropriation of \$401 million for the construction and maintenance of federal prisons. In addition to the resources requested in 1990, the Federal Bureau of Prisons will require approximately \$813 million to further expand federal prison capacity during the period from 1991-1993.

Recidivism

The need for additional prison spaces is highlighted by the serious problem of recidivism. According to a recent study conducted by the Department of Justice, an estimated 62.5% of state inmates were rearrested for a felony or a serious misdemeanor within 3 years of their discharge from prison. The study suggested that prisoners who served longer terms generally had lower rearrest records.

United States Senate

MEMORANDUM

John, this is the package as developed by the staff group last Friday. We desperately need the opportunity to discuss the rationale and tactics!

Jim McClure

April 18, 1989 1:00 p.m.

DRAFT

NATIONAL EMERGENCY CRIME REDUCTION ACT

Purpose: To declare a National Crime Emergency, to reform existing federal and state prison systems, to authorize the construction and funding of new regional prison facilities, to enhance the enforcement of the federal firearms statutes and to increase the penalties for violations of these statutes, and to reform federal criminal procedures.

Title I. Declaration of National Crime Emergency

- A. Declare a 5-year National Crime Emergency.
- B. Declare that the public has been endangered by i) the burdensome requirements imposed by the courts upon the federal and state prison systems, ii) the lack of adequate prison space to house dangerous criminals, and iii) the failure of the federal courts to strike a fair balance between the legitimate rights of the criminally accused and the public's right to safety and security.

Title II. Prison Reform and Impact on Public Safety

Prison Overcrowding

- A. Establish that "jail cap" orders issued by federal courts as remedies to prison overcrowding unreasonably endanger the public.
- B. Authorize improved medical or health care, fines, and damages as remedial relief in lieu of inmate ceilings and "jail cap" orders.
- C. Upon application of a state, authorize the reopening of any "jail cap" order that is designed to remedy overcrowding and that is in effect on the date of the enactment of NECRA. Authorize the Attorney General of the United States to assist the respective states in such reopening proceedings in order to ensure that "jail cap" orders comply with the public safety provisions of this title.

- D. Require a plaintiff-inmate to establish that prison conditions have inflicted a "cruel and unusual" punishment upon him prior to obtaining a federal court order declaring that such conditions violate the 8th Amendment.

Report on Sentencing Standards

- E. Direct the Attorney General of the United States to prepare an annual report on sentences imposed by federal judges during the preceding year in order to enable the public to assess criminal sentencing patterns.

Mandatory Drug Testing of Prisoners

- F. Subject any individual convicted of a drug-related crime to mandatory drug-testing as a condition of parole.
- G. Require the courts to assemble a list of assets held by any individual convicted of selling illegal drugs.
- H. Adopt "conspicuous consumption" language to prevent any individual convicted of selling drugs from using, or benefitting from, previous drug trafficking profits after parole.

Prison Industries

- I. Direct the Attorney General of the United States to prepare a study of the potential effects of lessening, and possibly removing, the current legislative impediments to prison industry initiatives, especially the Hawes-Cooper restrictions on interstate commerce in prison-manufactured goods.
- J. Direct the Federal Bureau of Prisons to conduct a test case study of the feasibility of prison industry initiatives.

Title III. Prison Construction

Temporary Measures

- A. Direct the Attorney General of the United States to cooperate with the Department of Defense and to identify "emergency confinement areas" within 180 days of the enactment of NECRA.
- B. Direct the Federal Bureau of Prisons to identify specific categories of prisoners who could be reassigned to the "emergency confinement areas" within 180 days of the enactment of NECRA. Prisoners that could be reassigned include i) non-violent criminals, ii) white collar criminals, and iii) criminals who will be released within 6-12 months.

- C. Direct the Federal Bureau of Prisons to review and recommend the technology necessary to accomplish the reassignment.
- D. Direct the General Services Administration, the Department of Defense, the Department of Interior, and other pertinent federal agencies to prepare a joint study on the appropriateness of using federal lands to house prison facilities.
- E. Authorize the use of inactive (and, where appropriate, active) military installations as detention facilities for individuals convicted of drug-related crimes.

Permanent Measures -- Regional Prisons

- F. Authorize the construction of several large regional prisons for federal, state and multi-state use, with a cumulative capacity of approximately 70,000 inmates.
- G. Finance construction on a "pay-as-you-go" basis and exclusively from the following sources: i) proceeds from the sale of specified federal assets, ii) funds released as a result of program terminations, iii) asset forfeiture funds, iv) state contributions, and v) private construction and leasing arrangements. Construction costs will not be financed with existing funds appropriated to the Federal Bureau of Prisons or with funds requested by the Bureau during the normal appropriations process.
- H. Authorize the Federal Bureau of Prisons or the state of domicile, or both, to operate and manage new regional prisons.
- I. Finance operating costs of each regional prison with contributions by the Federal Bureau of Prisons and the participating states (contributions proportional to number of inmates each jurisdiction places in regional prison).
- J. Entitle state of domicile to largest share of prison spaces in each regional prison.
- K. Authorize the Attorney General of the United States to determine whether each state is taking independent measures to resolve its own prison overcrowding problem. Determination by the Attorney General that such measures are inadequate to resolve overcrowding problem on a timely basis disqualifies a state from i) eligibility as domicile of regional prison and ii) housing state prisoners in regional prison.

Permanent Measures -- Improved Construction

- L. Direct the Federal Bureau of Prisons to review existing prison construction standards and to recommend changes that will reduce construction costs, consistent with necessary security measures.
- M. Authorize the deployment of state and federal prisoners to assist with the construction of new prison facilities, consistent with necessary security measures.
- N. Require any individual convicted of any drug-related offense to pay a \$1,000 fine that will be deposited in a "Prison Construction Fund" and that will be used to defray prison construction expenses. Such fine will be in addition to any other sentence or penalty imposed.

Title IV. Standardized and Biometric Identification

- A. Require the Federal Task Force on standardized identification (already in place) to issue uniform methods for biometric identification within 3 months of the enactment of NECRA.
- B. Direct the Attorney General of the United States to determine, no later than November 1989, whether to require states to implement new biometric identification for drivers licenses and state-issued non-drivers identification cards. If the Attorney General makes a favorable determination, require states to i) implement new biometric identification for drivers licenses and state-issued non-drivers identification cards within 1 year of such determination and ii) replace current drivers licenses and non-drivers identification cards within 4 years of such determination.
- C. Require states to transfer felony conviction records to proper federal authority according to a schedule, and in a manner, determined by the Attorney General of the United States.
- D. Failure to comply with B. and C. above disqualifies a state from i) eligibility as domicile of regional prison and ii) housing state prisoners in regional prison. See "Title III -- Permanent Measures -- Regional Prisons."

Title V. Firearm Control and Integrity

Form 4473

- A. Add "convicted of a drug offense" to question concerning whether applicant is an "unlawful user of, or addicted to" marijuana, or a depressant, stimulant, or narcotic drug.
- B. Create Federal Task Force from mental health, police and court professionals to develop a new standard in lieu of current "adjudicated mentally defective or ... ever committed to a mental institution" standard.
- C. Double current penalty for intentional or materially false statement on a Form 4473 to a maximum sentence of ten years imprisonment and a maximum fine of \$10,000.

Mandatory Minimum Sentences

- D. Require states to establish mandatory minimum sentences (equal to or greater than the current federal statutes) for those convicted of using a firearm in the commission of a felony.
- E. Failure to comply with D. above disqualifies a state from i) eligibility as domicile of regional prison and ii) housing state prisoners in regional prison. See "Title III -- Permanent Measures -- Regional Prisons."

Department of Justice Report on Dealer Check

- F. Require Department of Justice to issue report on dealer check at time of purchase no later than September 1989.

Prohibition of Firearms' Purchases

- G. Create new 5-year prohibition of firearms' purchases by individuals previously convicted of a crime punishable by a prison term of 6 months or more.

Creation of Penalties and Enhancement of Existing Penalties

- H. Authorize death penalty for use of firearms during the commission of a crime.
- I. Authorize criminal penalties and mandatory minimum sentences for theft of a firearm.
- J. Enhance penalties for the use of a semi-automatic weapon during the commission of a violent crime.
- K. Enhance penalties for smuggling firearms into the United States while engaged in, or in the furtherance of, drug trafficking.

Restrictions on Plea Bargaining

- L. Prohibit the reduction of any charge involving a firearms violation and carrying a sentence of 1-year or more to a charge carrying a sentence of less than 1 year.
- M. Prohibit the dismissal of any charge involving a firearms violation and carrying a sentence of less than 1 year.
- N. Provide a limited exception to restrictions on plea bargaining for those individuals who cooperate with law enforcement officials.

Juvenile Justice

- O. Require that juveniles who commit crimes involving firearms be tried as adults.

Additional Assistant U.S. Attorneys

- P. Provide authorization and funding for additional U.S. Attorneys to assist in the prosecution of firearms violations.

Bureau of Alcohol, Tobacco and Firearms

- Q. Authorize additional funding for the Bureau of Alcohol, Tobacco and Firearms to enforce Section 924(c) of Title 18.

Title VI. Criminal Justice Reform

- A. Reinstate federal death penalty and reform federal sentencing laws to conform with Supreme Court guidelines.
- B. Modify exclusionary rule.
- C. Reform habeas corpus to simplify the appellate process and to impose time limitations on habeas applications by federal and state prisoners.

4/18

LATEST DRAFT
FROM DOLE'S
OFFICE.

FRED.

OFFICES REPRESENTED IN WORKING GROUP:

Senators Dole, McClure, Thurmond, Specter, McConnell, Gramm, Hatch, Grassley and Symms. (Offices contacted who indicated they will follow McClure lead -- Lott, Coats and Wallop.)

Congressmen McCollum, Craig, Marlenee, Gekas and LaMar Smith.

April 14, 1989 4:00 p.m.

DRAFT
FOR DISCUSSION PURPOSES ONLY

NATIONAL EMERGENCY CRIME REDUCTION ACT

Purpose: To declare a National Crime Emergency, to reform existing federal and state prison systems, to authorize the construction and funding of new regional prison facilities, to enhance the enforcement of the federal firearms statutes and to increase the penalties for violations of these statutes, and to reform federal criminal procedures.

Title I. Declaration of National Crime Emergency

- A. Declaration of a 5-year National Crime Emergency.
- B. Declaration that the public has been endangered by i) the burdensome requirements imposed by the courts upon the federal and state prison systems, ii) the lack of adequate prison space to house dangerous criminals, and iii) the failure of the federal courts to strike a fair balance between the legitimate rights of the criminally accused and the public's right to safety and security.

Title II. Prison Reform and Impact on Public Safety

Prison Overcrowding

- A. Establish that "jail cap" orders issued by federal courts as remedies to prison overcrowding unreasonably endanger the public.
- B. Require a plaintiff-inmate to establish that prison conditions have inflicted a "cruel and unusual" punishment upon him prior to obtaining a federal order declaring that such conditions violate the 8th Amendment.
- C. Authorize improved medical or health care, fines, and damages as remedial relief in lieu of inmate ceilings and "jail cap" orders.

Report on Sentencing Standards

- D. Direct [insert appropriate agency] to prepare an annual report on sentences imposed by federal judges during the preceding year in order to enable the public to assess criminal sentencing patterns.

Mandatory Drug Testing of Prisoners

- E. Subject any individual convicted of a drug-related crime to mandatory drug-testing while in prison and as a condition of parole.
- F. Require the courts to assemble a list of assets held by any individual convicted of selling illegal drugs.
- G. Adopt "conspicuous consumption" language to prevent any individual convicted of selling drugs from using, or benefitting from, previous drug trafficking profits after parole.

Prison Industries

- H. Direct the Attorney General of the United States to prepare a study of the potential effects of lessening, and possibly removing, the current legislative impediments to prison industry initiatives, especially the Hawes-Cooper restrictions on interstate commerce in prison-manufactured goods.
- I. Direct the Federal Bureau of Prisons to conduct a test case study of the feasibility of prison industry initiatives.

Title III. Prison Construction

Temporary Measures

- A. Direct the Attorney General of the United States to cooperate with the Department of Defense and to identify "emergency confinement areas" within 180 days of the enactment of NECRA.
- B. Direct the Federal Bureau of Prisons to identify specific categories of prisoners that could be reassigned to the "emergency confinement areas" within 180 days of the enactment of NECRA. Prisoners that could be reassigned include i) non-violent criminals, ii) white collar criminals, and iii) criminals who will be released within 6-12 months.
- C. Direct the Federal Bureau of Prisons to review and recommend the technology necessary to accomplish the reassignment.
- D. Authorize the use of inactive (and, where appropriate active) military installations as detention facilities for individuals convicted of drug-related crimes.

Permanent Measures

- B. Authorize the construction of 4 to 7 regional prisons for federal, state and multi-state use, with a cumulative capacity of approximately 70,000 inmates.
- C. Finance construction on a "pay-as-you-go" basis and exclusively from the following sources: i) proceeds from the sale of specified assets, ii) funds released as a result of program terminations, iii) asset forfeiture funds, iv) state contributions, and v) private construction and leasing arrangements. Construction costs will not be financed with existing funds appropriated to the Federal Bureau of Prisons or with funds requested by the Bureau during the normal appropriations process.
- D. Authorize Federal Bureau of Prisons to operate and manage new regional prisons.
- E. Finance operating costs of each regional prison with contributions by the Federal Bureau of Prisons and the participating states (contributions proportional to number of inmates each jurisdiction places in regional prison).
- F. Entitle state of domicile to largest share of prison spaces in each regional prison.

Title IV. ~~Firearm Control and Integrity~~ - Change title
Form 4473 Ex: Criminal Misuse of Firearms

- A. Add "convicted of a drug offense" to question concerning whether applicant is an "unlawful user of, or addicted to" marijuana, or a depressant, stimulant, or narcotic drug.
- B. Create Federal Task Force from mental health, police and court professionals to develop a new standard in lieu of current "adjudicated mentally defective or ... ever committed to a mental institution" standard.
- C. Double current penalty for intentional ~~or~~ ^{and} materially false statement on a Form 4473 to a maximum sentence of ten years imprisonment and a maximum fine of \$10,000.

State Eligibility Requirements

- D. Require states to establish mandatory minimum sentences (equal to or greater than the current federal statutes) for those convicted of using a firearm in the commission of a felony. (Include exception for individuals acting in self defense.)

E. Require states to transfer felony conviction records to proper federal authority according to a schedule, and in a manner, determined by the Attorney General of the United States.

F. Failure to adopt D. and E. ^{of Title III and P of Title IV} above disqualifies a state from i) eligibility as domicile of regional prison and ii) housing state prisoners in regional prison. See "Title III -- Permanent Measures."

Department of Justice Report on Dealer Check

G. Require Department of Justice to issue report on dealer check at time of purchase no later than September 1989.

Prohibition of Firearms' Purchases

H. Create new 5-year prohibition of firearms' purchases by individuals ~~previously~~ ^{a second time or more} convicted of a ^{violent} crime punishable by a prison term of 6 months or more.

Creation of Penalties and Enhancement of Existing Penalties

I. Authorize death penalty for use of firearms during the commission of a crime.

J. Authorize criminal penalties for theft of a firearm.

K. Enhance penalties for the use of a semi-automatic weapon during the commission of a violent crime.

L. Enhance penalties for smuggling firearms into the United States while engaged in, or in the furtherance of, drug trafficking.

Limitations on Plea Bargaining

M. Prohibit the reduction of any charge involving a firearms violation and carrying a sentence of 1-year or more to a charge carrying a sentence of less than 1 year.

N. Prohibit the dismissal of any charge involving a firearms violation and carrying a sentence of less than 1 year.

O. Provide a limited exception for those individuals who cooperate with law enforcement officials.

Have asked D.A. Assn. Prosecutors to draft language so it won't adversely affect their operations.

Juvenile Justice

P. Require that juveniles who commit ^{felonies} crimes involving firearms be tried as adults.

(See F above for encouragement to states to do the same.)

Additional Assistant U.S. Attorneys

- Q. Provide authorization and funding for additional U.S. Attorneys to assist in the prosecution of firearms violations.

(Specify those sections dealing w/ criminal use of firearm.)

Bureau of Alcohol, Tobacco and Firearms

- R. Authorize additional funding for the Bureau of Alcohol, Tobacco and Firearms to enforce Section 924(c) of Title 18.

Title V. Criminal Justice Reform

- A. Reinstate federal death penalty and reform federal sentencing laws to conform with Supreme Court guidelines.
- B. Modify exclusionary rule.
- C. Reform habeas corpus to simplify the appellate process and to impose time limitations on habeas applications by federal and state prisoners.

FORTNEY H. (PETE) STARK
9TH DISTRICT, CALIFORNIA

COMMITTEE:
WAYS AND MEANS
DISTRICT OF COLUMBIA
SELECT NARCOTICS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

April 27, 1989

Dear Colleague:

The "Semiautomatic Assault Weapons Act of 1989", H.R. 1190, currently has 80 bipartisan cosponsors. Two days of hearings have been held before the Judiciary Subcommittee on Crime and a hearing was held before the Ways and Means Subcommittee on Trade.

H.R. 1190 would treat 11 specific types of semiautomatic assault weapons - *the AK-47, UZI, MAC-10, TEC-9, Colt AR-15, Beretta AR-70, FN-FAL or FN-FAC, Ruger Mini-14, Steyr A.U.G., USAS 12, and the "Street Sweeper"* - in exactly the same manner as current federal law for fully automatic machine guns. The bill also addresses large capacity ammunition feeding devices of more than ten rounds.

As you may be aware, 926,000 semiautomatic 'military-style' weapons are included in the Administration's temporary suspension of importation of 29 specific types of weapons. The temporary suspension includes five types of weapons listed in H.R. 1190. We, along with the major national law enforcement organizations, continue to support the Administration's courageous action in this area.

Law enforcement estimates that should this ban be lifted, the entire stock of 926,000 weapons would be sold in less than four weeks. Of course, 46 states allow over-the-counter sales! As the reverse side indicates, *criminal misuse of these 29 types* -- including the Chinese-made AK-47 and the UZI -- *increased 73% last year*. To cosponsor H.R. 1190, call 5-4493.

Sincerely,



Vic Fazio
Member of Congress



Tom Campbell
Member of Congress



Don Edwards
Member of Congress



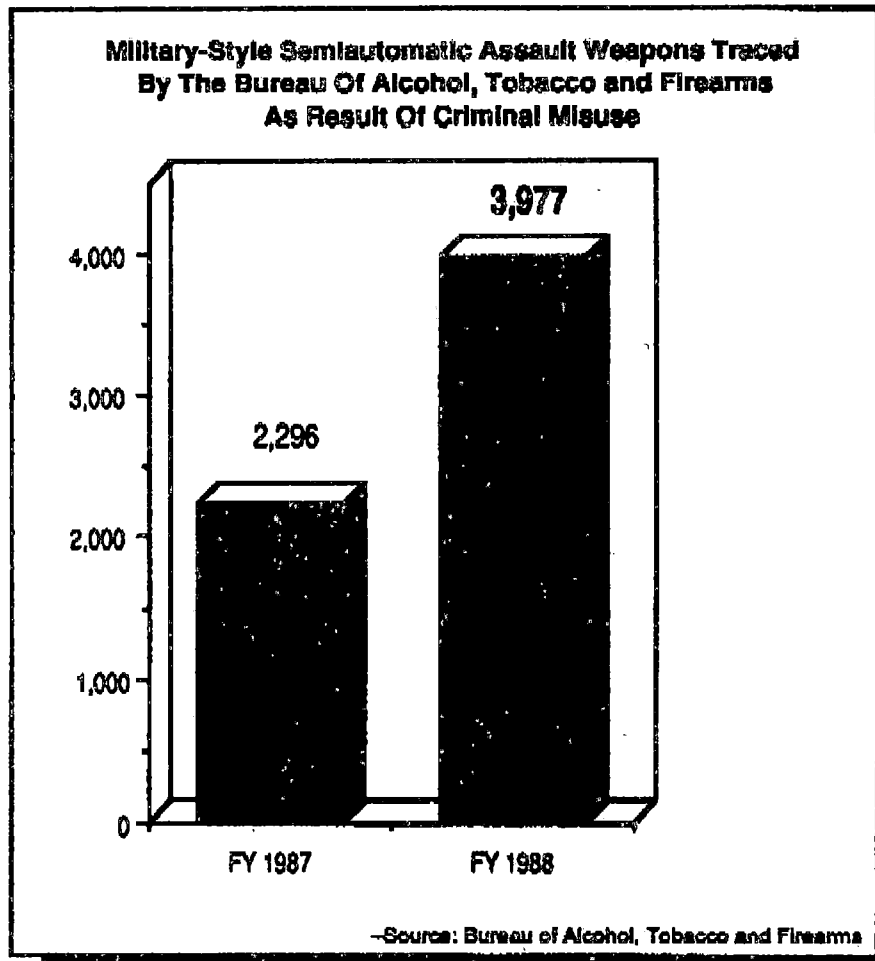
Pete Stark
Member of Congress



Rick Lehman
Member of Congress

The Bush Administration has placed 29 types of Semiautomatic weapons under temporary suspension for importation.

Criminal Misuse of These Weapons INCREASED 73% LAST YEAR...



**926,000 Semiautomatic Weapons—Including
The AK-47 And The UZI—are
Waiting To Be Imported.**

46 States Allow Over-The-Counter Sales.

CO-SPONSOR AND SUPPORT H.R. 1190

A FAX REPORT FROM THE OFFICE OF CONGRESSMAN PETE STARK

TO: GOVERNOR SUNUNU
FROM: CONGRESSMAN PETE STARK
SUBJECT: SEMI-AUTOMATIC ASSAULT WEAPONS
DATE: 4/31/89
PAGES TO FOLLOW: 2

WE CAN BE REACHED AT:

OFFICE.....202-225-5065

NOTES:

Thermedics Inc.

ADVANCED VAPOR DETECTORS FOR EXPLOSIVES

BACKGROUND

Detectors which can detect explosives vapors have been in existence since the early 1970's. The early threat was dynamite, and these detectors were designed to detect EGDN and NG, the two explosives most often found in dynamite. In order to detect the plastic explosives, an improvement in performance of over 1,000,000 fold was needed.

As the threat changed in the 1980's, the explosives vapor detector manufacturers initially claimed that their instruments could detect the plastic explosives as well. Unfortunately, these claims were unfounded. The FAA, the FBI, BAT&F, and DOE all conducted extensive tests which showed that these instruments could only detect EGDN and NG, and sometimes TNT, but never plastique. However, if the plastic explosives were stored in the presence of dynamite, then the "smell" of the EGDN and NG was transferred, and they were able to detect the contamination.

Most recently, the British Home Office and the FBI conducted full scale tests of these detectors and again showed that they were incapable of detecting plastique. Two of the companies involved, Graseby of the U.K. and Scintrex of Canada, now acknowledge in their literature that their equipment cannot detect the plastic explosives unless it is contaminated. A third company, ITI (Iontrak) of the U.K. still claim that their instrument can detect the plastics, despite overwhelming evidence to the contrary. The most recent test was carried out by the FBI in 1988; the test showed that the ITI instrument could not detect the two plastic explosives, even if the instrument took a sample right out of a bottle which contained the explosive. As a result of some of the false claims which have been made, vapor detectors have been somewhat discredited.

DEVELOPMENT OF ADVANCED EXPLOSIVES DETECTORS

In 1984, the FAA recognized the shortcomings of the current technology and began to search for superior approaches. A competitive proposal was advertised and three contracts were awarded. EGIS technology, proposed by Thermedics, showed the most promise and Thermedics was awarded the final contract to begin to develop the new generation of explosives vapor detectors for the FAA. The Department of

Thermedics Inc.

State was also interested in the problem. The FAA concentrated on a system for detecting explosives on people, and State on a portable system for screening cars, trucks, suitcases, packages and aircraft. Following extensive field trials at overseas embassies, the Department of State took the lead in 1986 and accelerated the completion of the portable version.

The technical details of EGIS have been classified by the Department of State. In principle, an air sample is collected by a portable probe. The probe is then brought to the analyzer, where the sample is checked for the presence of explosives. The system not only determines if an explosive is present, but also identifies which type of explosive it has found.

EGIS was specifically designed to detect the plastic explosives. With a sensitivity which is better than 1 part in 10^{14} , it is estimated to be over 1000 times more sensitive than a dog's nose. Since it detects the inherent "smell" emanating from the explosives, detection by EGIS does not depend on the amount of material which is present. Even an invisible fingerprint contains more than enough material to guarantee detection. Because of the possibility for inadvertent contamination by even an invisible sub-microscopic particle, the greater the effort to conceal the bomb, the easier it is to detect.

In order to defeat EGIS, no trace of the explosive vapor must be present. In fabricating a radio bomb, for example, the terrorist would have to mold the plastic into the cavities of the radio without once touching the case. Using multiple pairs of gloves, the delicate timing circuit would have to be wired up. Whenever a tool even touched the explosive, it would have to be discarded. Gloves would have to be removed using special clean-room techniques after each and every step. A single touch or a single invisible particle would destroy the entire "clean" procedure. Finally, the entire device would have to be sealed and then washed in something like a dishwasher; a highly risky process for a live and armed bomb. Afterwards, there can be no checking of the device or even making simple adjustments, since this would also destroy the sealed ultra-clean environment. Even then, the terrorist could never be sure that the bomb was not contaminated once in the entire process. In practice, it would be very difficult to construct a bomb and then be sure that it would not be detected by EGIS.

EGIS has been shown to be capable of detecting the types of bombs which are currently being used by terrorists, including bombs hidden in a radio, as well as small amounts of explosives which have been hidden inside

Thermedics Inc.

false linings of luggage.

FIELD TRIALS

Extensive field trials have been conducted on EGIS. In an early test conducted jointly by the State Department and the FBI, EGIS was shown to be capable of detecting plastic explosives hidden in cars. Two prototype units were then deployed at U.S. embassies overseas. The unit in Rome was used operationally for over 12 months. It was in use when terrorists attacked the U.S. embassy in Rome about two years ago; a car bomb exploded harmlessly on the street close to the where EGIS was being used to screen vehicles entering the embassy compound.

FAA conducted an extensive evaluation two months ago, using an advanced prototype of the final EGIS. Over 350 checked and carry-on items of passenger luggage were screened. The FAA test was designed to determine the limits of the technology as applied to airline luggage. Many of the scenarios in the five-day exercise were more challenging than those known to have actually been used against civil aviation, and included explosives hidden in electronic devices, false bottoms, etc. In addition, every attempt was made to defeat the system by scientists who were intimately familiar with its classified operating principles. Even then, the results confirmed that the technology was capable of detecting even small amounts of plastic explosives hidden in suitcases.

STATUS

EGIS has just entered full production. The first two units are being shipped in the first week of May 1989. Thermedics plans to ship about 35 machines in 1989, and has the capacity to ship 500-1000 systems in 1990. The cost is \$124,000 each for a basic unit, about one tenth of the price of TNA.

SUMMARY

EGIS was developed primarily by the Department of State, with some support from the FAA. EGIS has already gone through 5 different prototype stages and is fully engineered for mass production. Without any acceleration in production schedule, 35 units will be produced in 1989.

EGIS is a portable system which is passive and does not employ nuclear radiation. It is inherently safe and can be used on carryon baggage and people. It has already been evaluated in three extensive field trials, with the equipment being used operationally at the U.S. embassy in Rome over a 12 month period. It has been shown to be

Thermedics Inc.

capable of finding the type of radio bomb which destroyed the Pan Am flight.

CONTACTS

The following persons at the Department of State and the FBI are closely familiar with the Thermedics EGIS technology.

Gregorie W. Bujac,
Director, Security Technology Programs
U.S. State Department.
Tel: 202-647-1032

Dr. Terry Rudolph,
Head, Explosives Detection Program
Federal Bureau of Investigation.
Tel: 703-640-1111
1223

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05. Paper	Re: Shortcoming of Thermal Neutron Analysis (TNA) for Explosives Detection (3 pp.)	n.d.	(b)(2)	

Collection:

Record Group: Bush Presidential Records
Office: Chief of Staff, White House Office of
Series: Sununu, John, Files
Subseries: Issues Files
WHORM Cat.:
File Location: Crime/Gun Control (1989) [2]

Date Closed: 12/2/2004	OA/ID Number: 29152-002
FOIA/SYS Case #: 1998-0004-F[1]	Appeal Case #:
Re-review Case #: 2005-0426-S	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

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

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

PRM. Removed as a personal record misfile.

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

- (b)(1) National security classified information [(b)(1) of the FOIA]
- (b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- (b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- (b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- (b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- (b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- (b)(9) Release would disclose geological or geophysical information