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Series: Sununu, John, Files
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OA/ID Number: 29152
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Folder Title:
Crime Legislation 1991

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Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. Report	Crime Bill (2 pp.)	9/24/91	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 Legislation 1991

Open on Expiration of PRA
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 By JP (NLGB) on 10/28/05

Date Closed: 1/4/2005	OA/ID Number: 29152-003
FOIA/SYS Case #: 1998-0004-F[2]	Appeal Case #:
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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]
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September 24, 1991

Crime Bill

As in the past, the center of gravity in the House Judiciary Committee is a considerable distance from that in the House as a whole. Last year, the Judiciary Committee's tightly drawn rule on crime bill was rejected on the floor and ultimately replaced with a rule that permitted votes on several key amendments.

This year we will likely see a rule that will permit amendments on the House floor dealing with several key provisions including:

1. Equal Justice (McCollum)

- The potentially most damaging proposal in the Democrat's bill is the so-called racial justice act which would de facto establish racial quotas and require juries to consider the race of both the victim and convicted criminal.
- The McCollum amendment would insert the equal justice provisions of the Administration's bill which codify the extensive Federal case law that bars racial discrimination in the criminal justice system.

2. General Death Penalty (Gekas)

- The House Democrats are trying to give the appearance of supporting a tough death penalty provision. They have included a death penalty provision in the Committee crime bill that covers more offenses than the Administration's bill.
- But the Democrat's bill contains troubling procedures and, with the exception of five offenses, covers only the intentional killing of a victim. This "state of mind" requirement would exclude most killings committed in the course of hostage taking and kidnapping, by explosive devices such as mail bombs, by various terrorist acts, and by stray shootings by drug gangs.
- Gekas will offer an amendment with the Senate-passed provisions supported by the Administration.

3. Drug Kingpin Death Penalty (McCollum)

- The Democrats have included a narrowly drafted death penalty for major drug kingpins. To highlight the differences on this issue Representatives Gekas and McCollum have decided to separate the drug kingpin issue from the Gekas general death penalty amendment.
- McCollum's amendment would substitute the Administration's drug kingpin provisions relating to attempted murders of judicial officers and reckless killings in the course of drug-related crimes.

4. Habeas Corpus Reform (Hyde)

- The Democrat's habeas corpus provisions would overturn certain Supreme Court decisions and expand the ability of prisoners to repeatedly appeal their convictions.
- Representative Hyde will offer language identical to the Senate passed bill which gives deference to "full and fair" adjudications by the states.

5. Exclusionary Rule Reform (McCollum)

- Both the Senate-passed bill and the House Judiciary bill attempt to codify current case law which provides a good faith exception in the case of a search with a warrant. Unfortunately, however, both bills actually narrow current law.
- McCollum will offer an amendment along the lines of the Administration's proposal for exclusionary rule reform.

Last year, we won virtually every contested floor amendment with the exception of the racial justice provisions where we fell seven votes short. It will require a strong, sustained Administration effort to win the racial justice vote.

Doing so could prove crucial in the conference committee deliberations. By winning the racial justice vote, and the other key amendments, we stand a good chance of emerging from conference with the major provisions of your crime bill intact.

SENATE AND HOUSE PASSED CRIME BILLS

Issue	Senate Passed Bill	House Passed Bill
Death Penalty	Administration's Proposal	Substantially similar to Senate
Racial Justice Act	Deleted	Deleted ! g.
Exclusionary Rule	Unacceptable attempt to codify case law.	Adopted Administration's proposal minus firearms provisions. good
Habeas Corpus Reform	Administration's proposal. good	Unacceptable because it would permit more challenges, including challenges based on new case law. ✓
Firearms	Contains DeConcini assault weapons provisions and the Dole-Mitchell compromise on Brady bill provisions.	Deleted assault weapons ban, magazine ban. Contains enhanced penalties. House passed Brady bill separately. 247-177

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02. Letter	From Richard Thornburgh to POTUS Re: Crime Bill (4 pp.)	8/2/91	P/5	

Collection:

Record Group: Bush Presidential Records
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Series: Sununu, John, Files
Subseries: Issues Files
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Office of the Attorney General
Washington, D. C. 20530

August 2, 1991

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Your crime bill (H.R. 1400) will be ripe for consideration in the House upon that body's return in September, and I thought it might be useful to examine at this time the events that have already taken place in the Senate as a background for further efforts on behalf of the bill.

In essence, we achieved four out of the five of our primary objectives in the Senate:

1. Passage of a workable federal death penalty.
2. Defeat of the so-called Racial Justice Act, which would have established racial quotas for the imposition of the death penalty.
3. Adoption of very tough habeas corpus procedures.
4. Enactment of tough mandatory minimum penalties for the misuse of firearms by violent criminals.

The major deficiency of the Senate bill is the exclusionary rule language. The provisions of the Senate bill (S. 1241) purport to freeze current law by limiting the good faith exception to the exclusionary rule in cases where warrants are used (See U.S. v. Leon 468 U.S. 897 (1984)). In fact, the language may be even narrower than present law.

Nevertheless, the Senate bill represents a significant and positive achievement, which should not be divorced from the pending House action. Just as the wide margin of victory for the Brady Bill affected the environment on gun issues in the Senate (Brady passed the House by a vote of 259-186), the Senate votes on the crime bill cannot help but affect the climate in the House. This is particularly the case with respect to the vote on habeas corpus, where your provisions were adopted by a vote of 58 to 40.

The President
August 2, 1991
Page 2

We thus face the House with a great deal of leverage. Most Congressional observers were surprised by our success in the Senate and although it is always an uphill struggle in the Democratically-controlled House, we have demonstrated that we can win on big votes.

Congressman Henry Hyde once described the House Judiciary Committee as "the Bermuda triangle of crime legislation." The validity of his observation will, no doubt, once again be confirmed. The Committee provides no reason for optimism for Republicans. However, our amendments need to be offered there in order to preserve the right to go to the Rules Committee and ask that they be made in order to be offered on the floor.

The Judiciary Committee Subcommittee on Crime and Criminal Justice and the Subcommittee on Civil and Constitutional Rights met on Wednesday of this week. The Crime and Criminal Justice Subcommittee completed action on the death penalty offenses and did offer other provisions within its jurisdiction. However, the Civil and Constitutional Rights Subcommittee failed to take any action on habeas corpus. The latter subcommittee reported out only the so-called Racial Justice Act (now called the Fairness in Sentencing Act).

It is anticipated that the full Judiciary Committee could mark-up crime legislation as early as two weeks after returning from the recess on September 9.

The Democrats will have a shadow bill that will contain many of our mandatory minimum penalties for misuse of firearms, an assault weapon ban, and weaker provisions on death penalty and habeas corpus. It will include money for drug treatment in prisons, and funding for "bootcamps," community policing and "drug emergency areas." As a defensive move to attack our habeas corpus provisions in Conference (see below) the bill will likely include "poison pills" like the so-called Fairness in Sentencing Act and the Berman amendment which would have the effect of opening every existing capital sentence to challenges on the basis of race-related claims.

The votes within the Judiciary Committee do not in any way reflect what will take place on the House floor. If given the opportunity to vote on our key amendments, we have proven that rank and file Democrats will support our crime agenda. There is thus the opportunity to forge a bipartisan majority on the crime issue.

The President
August 2, 1991
Page 3

It is on the House floor that we will have our best opportunity to incorporate the major provisions of your bill into the crime bill.

Our strategy on the House floor must be driven by what we seek to achieve in the Conference. Since we have seen that we can win votes on the House floor only to lose them in Conference, we must keep our focus on "the end game."

This is particularly important with respect to the vote on habeas corpus. The language offered on the House floor must be identical to that adopted by the Senate. We must not give the Conferees the opportunity to make any changes in the habeas corpus provisions.

Also, we must win the votes on Fairness in Sentencing and the Berman Amendment. Otherwise they will be used as leverage in Conference to remove the Senate's habeas corpus provision from the bill. The fact that we codify existing legal protection in Title X of your bill against racial discrimination in the criminal justice system will give cover to some of those members who supported the Racial Justice Act in the last Congress.

With respect to the exclusionary rule, we are in a strong position in the House. Although we must not take anything for granted, we have won strong votes in 1986, 1988, and 1990 on the good faith exception to the exclusionary rule.

While we must not assume anything with respect to the outcome on specific votes, some of the key votes in the last session may be helpful as an indication of our strength in the various issue areas.

- An amendment offered by Congressman Gekas to establish a federal death penalty and Constitution procedures was adopted 271 to 158.
- An amendment offered by Congressman McCollum to provide a death penalty for drug kingpins was adopted 295 to 133.
- An amendment to strike the Racial Justice Act provisions from H.R. 5269 by Congressman Sensenbrenner failed 216 to 204.

The President
August 2, 1991
Page 4

- An amendment offered by Congressman Douglas to establish a good faith exception to the exclusionary rule was adopted 265 to 157.

As you know, in the last Congress the House Conferees used the Racial Justice Act in the House bill as leverage to strip the death penalty and habeas corpus from the 1990 crime bill. While the Brady Bill and assault weapons provision give the Democrats some stake in producing a bill that you would sign, we should rid the Conference of any ambiguity on this subject.

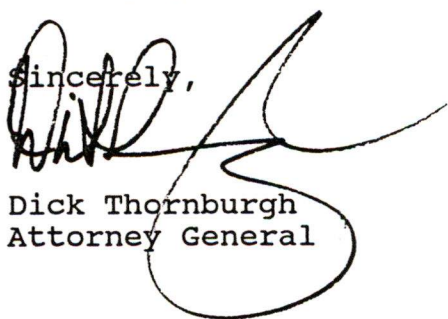
However, we will leave no doubt in the minds of the Conferees that if they weaken the major provisions of your bill, we are fully prepared to recommend a veto of the bill and immediately send it back to them for another chance to do it right the second time.

The key to our success in the House and in Conference will be to continue to work with prosecutors throughout the country to communicate the importance of your crime bill to law enforcement. The role of the White House Office of Public Liaison was critical before the Senate vote and will be equally important before House consideration.

Secondly, your role in communicating the high priority of the crime bill (particularly support for the habeas provisions and opposition to the so-called Fairness in Sentencing Act and Berman Amendments) will, as always, be essential if we are to succeed.

Please let me know if you have any questions concerning the foregoing.

Sincerely,



Dick Thornburgh
Attorney General

cc: ✓ Honorable John H. Sununu
Honorable Roger B. Porter
Honorable Frederick McClure

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
03. Report	Dole-Mitchell Crime Bill Waiting Period Amendment (2 pp.)	n.d.	P 5	

Collection:

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Dole-Mitchell Crime Bill Waiting Period Amendment

The Dole-Mitchell waiting period amendment to the crime bill passed 67-32. Its major provisions include:

- A 5 day waiting period. (The House-passed Brady bill is 7 days.);
- Requiring a background check by local law enforcement authorities during the waiting period. (The House-passed bill does not require a background check); and
- \$100 million to assist states in conducting background checks and updating and automating State criminal justice records.

Federal Government

The Dole-Mitchell amendment requires the Attorney General to:

- "Expedite" incorporation of State criminal history records into the FBI's records;
- Expeditiously develop hardware and software systems to link State criminal history check systems into the national instant criminal background check system;
- Within 6 months, (1) select the computer system for the national system; (2) determine how State criminal records systems will communicate with the national system; and (3) establish a timetable for each state to deliver its criminal records on an "on line" capacity basis to the national system;
- After 30 months (2 years after the above requirements), certify that the national system has achieved at least 80% currency of case dispositions in computerized criminal history files;
- If the Attorney General does not meet the 30 month certification directive, the Department of Justice loses 5 percent of its general administrative funds on a monthly basis; after 42 months, 10 percent of the funds are lost.

States

- The 5 day waiting period applies only to those states that do not have a waiting period of at least 5 days or a point of purchase identification system. The waiting period provisions end when the Attorney General certifies that

the national instant criminal background check system is operational. If, however, a state has not delivered its criminal records the waiting period continues to apply.

- If a state does not meet its timetable, the Attorney General may reduce by up to 50 percent, a state's allocation of funds for a fiscal year under title I of the Omnibus Crime Control Act and Safe Streets Act of 1968.

As proposed by Senator Dole, the amendment contained a provision that would preempt all state waiting period laws if, and when, the national instant criminal identification system was operational and all states were in compliance. Senator Mitchell offered an amendment to strike the preemption provision. It passed on a voice vote. Senators Simpson and Stevens, among others, were prepared to support the Dole-Mitchell amendment but changed their position when the preemption provision was stricken.

Advantages

- The amendment provides leverage for the Attorney General to prompt the states to update their criminal records and to incorporate them into a national point-of-purchase system;
- The amendment moves toward a point of purchase system to identify handguns. The waiting period provisions are temporary;
- When the national system is operational and a state has met its responsibility to update its records, the state is not required to have a waiting period for the purchase of a handgun.

Limitations

- The amendment requires us to accept a waiting period in all states until the point of purchase system is operational;
- The national system for instant background checks contemplated by the amendment may be inconsistent with the system currently under development by the Department of Justice.
- Funding for the Department of Justice may be jeopardized by the deadlines.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1800 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

Office of the
Executive Director

MEMORANDUM

(202) 828-8320

To: Charlie Black

From: Jim Baker

Re: Proposed BATF Regulation

Date: July 1, 1991

The BATF is on the verge of attempting to promulgate a regulation that would stretch a newly enacted criminal provision, 18 U.S.C. §922(r), out of all proportion. Passed as part of the 1990 crime package, that provision amended the Gun Control Act of 1968 to prohibit the assembly, *from imported parts*, of any semi-automatic rifle or shotgun which is prohibited from importation as not being particularly suitable for sporting purposes. I would appreciate your assistance in preventing BATF from attempting to expand the clear language of this statute.

The "from imported parts" language was not in the bill as originally proposed. Although the bill's language would have encompassed a ban on domestic assembly of certain firearms, Report 101-681, House Judiciary Committee, 101st Congress, 2nd Session, at 106-107 (1990) explained: "The purpose of this provision is to prevent the circumvention of the importation restrictions by persons who would simply import the firearms in a disassembled form and then reassemble them in the United States." To clarify that this intention was really part of the statute, on the House floor Congresswoman Unsoeld introduced the amendment adding the words "from imported parts." She stated that "my amendment would clarify that the ban refers to domestic assembly of non-importable firearms only." Congressional Record at H8864 (October 4, 1990). All of the ensuing debate discloses the understanding that to be in violation, one would have to import all of the parts of a firearm before the conduct would be encompassed in the statutory provision. Both opponents and supporters argued that the provision would supplement, but not expand, existing law.

2

Currently, BATF is sending letters to domestic manufacturers alleging that the assembly of firearms from domestic parts, combined with any imported parts, is a violation. Yet the clear language of the statute does not prohibit the assembly of a firearm from domestic and imported parts -- it only includes one assembled solely from imported parts. Indeed, BATF seems to be claiming that use of a domestically produced receiver -- the major part of any firearm -- is a violation if imported parts are also used.

BATF spokesmen have stated that they will be promulgating a regulation on §922(r) in the very near future. BATF should not be allowed to promulgate such a regulation. First, it has no authority to expand the language of a criminal statute which Congress has passed. Second, the statute speaks for itself, and should not be amended to a more stringent form by the agency through regulation. Such a regulation would be a political and administrative nightmare. The Congress, not a bureaucratic agency, should decide policy for Americans concerning firearm ownership.

I would appreciate it very much if you would take action to preclude the promulgation of any regulation. I would suggest that you contact John Robson, who is the boss of Mr. Nunez, Assistant Secretary of the Treasury for Enforcement, and direct that no regulation be issued. The Director of BATF reports to Mr. Nunez.

Your assistance would be greatly appreciated. Please contact me if you need further information.

Crime Bill

PROPOSED SUBSTITUTE FOR GUN CONTROL PROVISIONS OF S. 1241

The following background check/temporary waiting period proposal would replace the six gun control provisions listed on the attached page.

- o Ninety days after enactment, a waiting period of 5 business days prior to the purchase of any handgun will be required. During this waiting period, local police will use available resources to ascertain whether a prospective handgun buyer has a criminal history. The 5 day waiting period will expire in 24 months when a instant background check system is in place. States that do not comply risk loss of federal justice assistance funds.
- o An instant background check system, whose configuration will be determined by the Attorney General, will incorporate state and other records necessary to improve compliance with the 1968 Gun Control Act. It will be established within 24 months of enactment. The system will be used by licensed dealers to check the eligibility of the buyers of any firearm. No records on legitimate firearm purchasers may be kept.
- o Once the instant background check system is in place, state waiting periods will be preempted.
- o \$100,000,000 will be authorized for federal grants to states to upgrade their criminal records and improve accessibility to the instant background check system.
- o Exemption from temporary five day waiting period:
 - when the prospective purchaser presents to the gun dealer a statement issued by the local police that the firearm is needed because of a threat to the life of the buyer or the buyer's family.
- o Exemption from the background check requirement:
 - when, upon certification of the Attorney General, phone service is not available to the general locality ~~of a~~ as in some remote rural areas.

S. 1241

TITLE VII - Semi-automatic Ban

- No functional difference between 14 types of firearms banned in S. 1241 and the tens of millions of sporting and hunting semi-autos used everyday by gun owners.
- These types of firearms pose no threat to public safety and are used in only .8% of firearms-related crimes.

TITLE XII, Subtitle C - Magazine Ban and Registration

- Bans the manufacture and sale of magazines holding more than fifteen rounds on the claim it will affect criminal behavior.
- Only affects legitimate target shooters, collectors and sportsmen.
- Requires registration of all existing magazines, *creating de facto a national registry of the firearms matched to the magazines and their legitimate owners.*

TITLE XXVII - Mitchell/Brady Waiting Period

- Is nothing more than the Brady Bill with money.
- "Conditionally mandates" a background check only if a state chooses to take part of \$40 million dollars, which may not even be funded by the Congress.
- No date certain time frame for implementation of a national computerized instant check system.
- Places no requirements or standards upon law enforcement to prevent arbitrary denials of law-abiding purchasers.
- No appeals process. Those wrongfully denied would have to begin legal proceeding to prove their innocence.
- Conditions emergency waivers on law enforcement perception of a need, not an individuals need for self-protection.

TITLE XII, Section 1237 - Multiple Sales Registration

- Requires notification of multiple sales in a thirty-day period - *up from the current five days.*
- Requires one-day notification to local law enforcement agencies, while making no provisions regarding the disposition of the information. *This creates de facto registration of these gun owners by local law enforcement.*

TITLE XII, Section 1223 - Pretrial Detention for Gun Crimes

- Changes the standards for holding an individual without bail pending trial to include even minor or technical firearms violations, even though current law provides that those who may present a threat to themselves or society or are at risk of failing to appear can be held without bail pending trial.

TITLE XII, Section 1245 - Misdemeanor Forfeiture of Rights

- Expands those denied the right to own or possess a firearm forever to include misdemeanants, including various property offenses. Some police departments don't disqualify from employment the misdemeanor categories this provision encompasses.



APR 09 1991

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

MARIO M. CUOMO
GOVERNOR

April 4, 1991

Dear Mr. Riley:

This is a follow up to our conversation on April 2.

There are surely things we disagree on - the Brady Bill being the most recent. But now there seems there is one major proposition we can push together.

As you know, President Bush is again this year pushing legislation that, at best, proposes cosmetic changes to the federal criminal code. It would increase penalties for existing offenses and enact a lot of new offenses that are merely exotic new varieties of homicide, assault and robbery. All this is fine. However, again this year, the federal government will have very little real impact on crime in our communities if it doesn't stop talking cosmetics and start putting the resources to fight these crimes into the hands of the people who have to do the fighting -- our police, our prosecutors and all of the criminal justice agencies on the front lines.

In sharp contrast, here in New York, our State and local governments have been unstinting in our efforts to beef up our response to violent crime. Over the past eight years, we have brought our State Police manpower to the highest level in its history, more than doubled our prison capacity, invested in high-technology crimefighting equipment and increased overall State spending on both State and local criminal justice activities by over 100 percent.

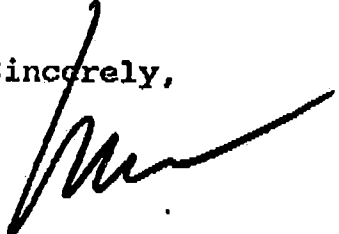
But now, we are in trouble. Like many other states, we are badly strapped for revenue. Our local governments are feeling the pinch as well. We're already hearing of municipalities in New York that are laying off police officers. And crime statistics are by no means going down.

I've seen your recent advertisements. From them, it is clear to me that the NRA shares my view that the federal government is doing far less than it should in fighting the war against crime on our streets.

Let's get real. Let's talk about street crime, the kind that terrorizes ordinary people in their homes and neighborhoods. The federal bills we're seeing don't seriously address that kind of crime. They are oblivious to its realities. And they certainly don't include the appropriations that would pay for the cops and prosecutors, the courtrooms, jails and equipment that is needed to mount a genuine assault on violent crime.

Let me propose that you join with me in sending them the message. Let us draft a joint statement calling upon the President and Congress to do something real and substantial to support our police and prosecutors. Our analysts are already at work gathering the statistics we need to make the case that the feds have had relatively little real effect on violent crime. Let us take that data and reduce it to a clear and vivid message that we can deliver forcefully and effectively at your convention on April 14.

Sincerely,



Mr. Richard Riley
President
National Rifle Association
of America
1600 Rhode Island Avenue, N. W.
Washington, D. C. 20036

PRISON FUNDING AND CAPACITY EXPANSION

Funding for the Federal Prison System (Dollars in millions)

	<u>1990 actual</u>	<u>1991 estimate</u>	<u>1992 request</u>
Buildings and facilities	1,449	374	458
Salaries and expenses	1,129	1,354	1,738
Other	<u>10</u>	<u>10</u>	<u>10</u>
Total	2,588	1,738	2,206

Buildings and facilities. The 1992 Budget requests \$315 million for construction of a new correctional complex in California and detention facilities in Houston, Texas and Philadelphia, Pennsylvania. These three new facilities will provide an additional 3,600 beds. \$142 million is requested for modernization and repair of existing facilities.

Salaries and expenses. Of the amount requested for 1992, \$120 million is for the opening of new prisons already constructed, yielding over 5,700 new bed spaces. The other major expenditure categories are inmate care (\$812 million), staffing of prisons and administration (\$373 million), contract prison space (\$92 million) and overall program management (\$76 million).

Capacity expansion. An additional \$1 billion of emergency drug funding was appropriated in 1990 for prison construction to alleviate overcrowding. This amount has been allocated to finance 15,815 new bed spaces in 25 facilities, with a two to three year lead time necessary to complete construction. This funding, combined with the ongoing construction program, will result in a more manageable rate of prison overcrowding in the 30% range by 1995 by creating over 30,000 new bed spaces.

Projected Capacity and Population Increases

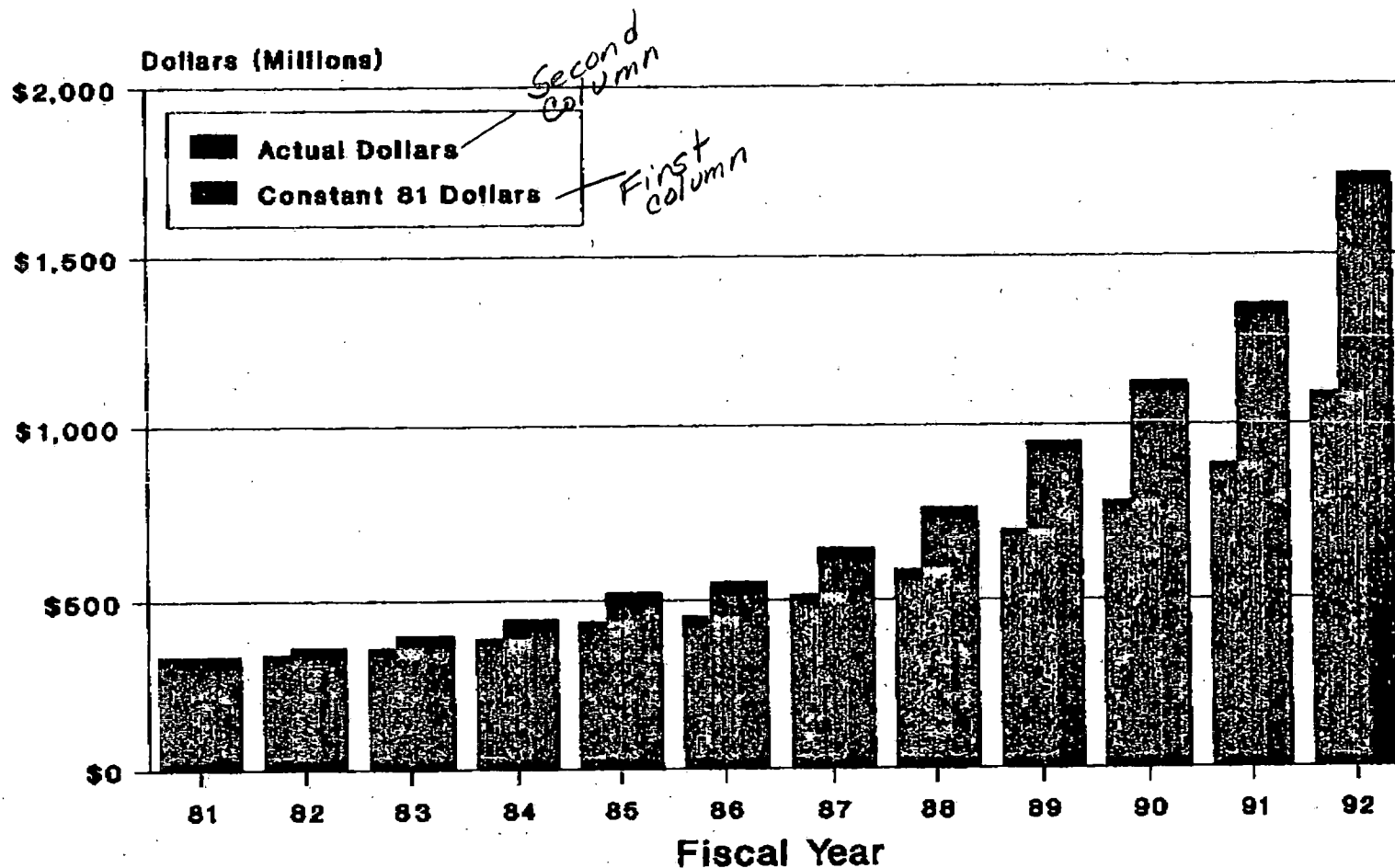
	<u>1990 actual</u>	<u>1991 estimate</u>	<u>1992 estimate</u>
Total Capacity	35,574	39,692	45,475
Population projection	56,400	64,300	71,590
Percent overcrowding	59%	62%	57%

BUREAU OF PRISONS

	<u>1987</u>	<u>Year-End</u> <u>1988</u>	<u>1989</u>	<u>1990</u>
Inmate population	43124	44907	53348	59072
Capacity	28960	28249	32494	36476
Overcrowding	149%	159%	164%	162%

<u>FY</u>	<u>New construction funds</u>	<u>New beds funded</u>
1987	\$207,195,000	3,650
1988	\$255,600,000	3,400
1989	\$512,271,000	8,120
1990	\$1,415,248,000	20,080
1991	\$290,729,000	6,175
1992	\$331,169,000	3,600

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Constant Dollars by Consumer Price Index

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Population, BOP facilities 60,371 (as of 2/7/91)

Capacity 38,072 (as of 2/7/91)

Overcrowding 159%

Budget FY92

Activations \$120,148,000 (5,933 beds)

New Construction	\$268,850,000	(budget request)
	+ 16,319,000	(1992 base)
	+ 46,000,000	(Spec. Forfeit. Fund)
	<u>\$331,169,000</u>	(3,600 beds)

Modernization & Repair \$126,424,000

YEAR-END 1990 POPULATION FIGURES FOR BOP FACILITIES

Population figures as of
exactly December 31, 1990Comparison
12/31/89

Population	59,072	53,348 (up 10.7%)
Rated capacity	36,476	32,494 (up 12.3%)

Percent over capacity 62% 64%

CCCs	3,952	
Long-term boarders	1,498	
Jail/detention ctrs	1,043	
Contract juveniles	<u>105</u>	
Total contract	6,598	5,701 (up 15.7%)

Total population (federal and contract facilities)	65,670	59,049 (up 11.2%)
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- (2) Literacy Programs--Number of Prisoners taking the high school equivalency test by fiscal year.

FY 1986.....	3,800
FY 1987.....	4,264
FY 1988.....	3,897
FY 1989.....	3,980
FY 1990.....	6,426
FY 1991.....	8,000*
FY 1992.....	10,000

FY 1991 represents an increase of 105% over FY 1988.

*This has been revised since the AG's back-up book was prepared.

- (3) Inmate Responsibility Collections:

	No. of Participants	Collections
FY 1988.....	9,881	\$8,574,351
FY 1989.....	12,605	16,226,536
FY 1990.....	17,172	13,925,895

- (4) Resources devoted to drug treatment: This came from the Monday Morning Highlights dated February 25, 1991, page 3.

FY 1989 (actual)	\$2.25 million
FY 1990 (actual)	8.00 million
FY 1991 (estimate)	9.51 million
FY 1992 (requested).....	12.25 million
Total available for FY 1992.....	21.76 million

- (5) Drug abuse treatment program increase for FY 1992 is: 100 positions, and \$11,948,000 to continue with the implementation of the drug abuse treatment initiative, which began in FY 1990, requested in the Unit Management decision unit. An additional \$300,000 is included in the Staff Training decision unit to train and certify drug abuse treatment specialists. This comes to a total of \$12,248,000.

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(7) Acquisition and Conversion of Military and other Property to Prison Use:

Facility	Opened	Rated Capacity
Big Spring, former Webb AFB.....	1979	779
Boron, former AF radar Station.....	1979	316
Duluth, former AFB.....	1983	698
Eglin, on AFB.....	1962	522
El Paso, on Ft. Bliss Army Post.....	1989	79
El Reno, former Ft. Reno Military Reservation.....	1933	1,035
Homestead, on Homestead AFB.....	1988	75
Leavenworth, former military prison..	1906	951
Lexington, former U.S. Public Health Service Facility.....	1974	1,307
Loretto, former Catholic seminary....	1984	272
Maxwell, on AFB.....	1930	810
Millington, on naval air base.....	1990	228
Nellis, on AFB.....	1990	105
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Ray Brook, former Olympic Village....	1980	520
Seagoville, served as a detention facility during WWII.....	1945	497
Seymour Johnson, on AFB.....	1989	153
Terminal Island, served as a Naval disciplinary barracks & medical facility for California Dept. of Corrections	1938	545
Tyndall, former WWII barracks.....	1988	55
Yankton, former college.....	1989	397

POPULATION GROWTH/OVERCROWDING/FUTURE POPULATION PROJECTIONS

Since January 1981, the Federal Prison System has experienced a dramatic 153 percent growth from 23,783 to 60,276 inmates (as of 1/31/91), an increase of over 36,500 inmates. Recent experience indicates that the overall rate of growth in prison populations continues to progress at a rapid pace, 11 percent over the past year.

The current Federal inmate population of over 60,000 is being housed in 65 facilities with a rated or design capacity of approximately 38,000. This represents a systemwide average overcrowding rate of 58 percent. Several individual facilities are overcrowded by more than 100 percent.

The nature as well as the number of the inmates has changed. In 1980, 25 percent of the total inmate population was incarcerated for drug law violations. Today, it is about 50 percent and we project that it will increase to over two-thirds of the total Federal inmate population by 1996. In addition, over the past twelve months alone, the population of federal inmates serving 15 year or more terms has increased by 74%.

In addition to sentenced Federal inmates, over the past several years the Bureau of Prisons has steadily increased its assistance to the U.S. Marshals Service in housing unsentenced Federal pre-trial detainees. From 1980 to 1990, the number of unsentenced prisoner days in Bureau of Prisons facilities grew almost 500 percent. The Bureau of Prisons currently houses approximately 6,000 pre-trial detainees in space designed for over 2,900 prisoners.

The FY 1991 budget projected that the Federal inmate population would increase to 95,100 by FY 1995. This projection was conservative for three reasons. First, it was based on the Judicial Conference's low growth scenario for future trends in court convictions. Second, it excluded the potential impact (still unknown) of the President's proposals to enhance penalties for firearms violations and restrict plea bargaining. Third, it did not include increased assistance to the U.S. Marshals Service in housing Federal pre-trial detainees.

Recently, the Bureau of Prisons has updated its population projections to include an increased level of support in the area of pre-trial detention. As a result, the Bureau now projects a Federal inmate population of 98,823 by 1995. Additionally, the Bureau's long-range forecast projects the federal inmate population will continue to grow and reach 125,478 by 1999.

1991	1992	1993	1994	1995	1996	1997	1998	1999
62,450	71,590	79,215	88,158	98,823	105,712	112,316	118,630	125,478

CONSTRUCTION IN PROGRESS

Under construction are the Federal Correctional Institutions in Minersville, Pennsylvania (Schuylkill County); Estill, South Carolina and Cumberland, Maryland; Federal Correction Complexes in Florence, Colorado and Allenwood, Pennsylvania; and a Federal Detention Center in Guaynabo, Puerto Rico.

Also, the Bureau of Prisons has in design three Federal Correctional Institutions (Pekin and Greenville, Illinois; and Taft, California); and is considering sites for Detention Centers in Brooklyn, New York; Miami, Florida; Washington, D.C.; and Seattle, Washington.

Finally, the Bureau of Prisons is targeting facilities in the following states to meet planned future requirements: Texas, Florida, California, Ohio, West Virginia, Tennessee, Missouri and Louisiana.

Funding currently approved and requested through 1991 for the construction of new prisons, the acquisition of surplus Federal, State, local and private facilities for conversion to prison use and the expansion of existing institutions will add about 34,400 beds when completed, allowing the Bureau's capacity to double during President Bush's first term. The 1991 CJS appropriations bill provided \$290.7 million for 6,175.

POPULATION COMPOSITION: FOREIGN NATIONALS IN BOP FACILITIES

FOREIGN NATIONALS IN BOP FACILITIES BY CITIZENSHIP

COLOMBIA	2,976	(20.5%)
MEXICO	3,663	(25.3%)
CUBA (including 2,007 Mariel Cubans)	2,978	(20.6%)
DOMINICAN REPUBLIC	787	(5.4%)
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NIGERIA	588	(4.1%)
CANADA	174	(1.2%)
HAITI	178	(1.2%)
ITALY	110	(0.8%)
PAKISTAN	94	(0.6%)
PERU	90	(0.6%)
OTHER	2,150	(14.8%)
TOTAL	14,491	(100%)

Current data reveals that 14,491 prisoners are non-citizens, representing 24% of the Bureau's total inmate population of 60,384 as of February 7, 1991.

ate punishments (i.e., something between unconditional release and imprisonment). For many more serious offenders, however, the only appropriate punishment is removal from society for an extended period of time. It is imperative, therefore, that there be sufficient space available in the Nation's corrections facilities to house serious drug offenders for the full term of their sentences. However, the complaint is sometimes heard that prisons and jails are too expensive — that a year in prison can cost more than a year in a private college. But such a comparison focuses on the wrong measures of cost. No matter how much it costs to keep drug traffickers in prison, it costs society far more to have dangerous criminals out on the street because of insufficient prison space.

State and Federal governments spent over \$6.7 billion on new prison construction during 1989 and 1990, adding more than 128,000 new beds to prison capacity. The Federal government alone dedicated \$1.5 billion to Federal prison construction in Fiscal Year 1990. An additional \$374 million was appropriated in Fiscal Year 1991 to add another 6,175 beds to the Federal system, and the Administration is seeking \$316 million in funding in Fiscal Year 1992 for an additional 3,600 beds. Cumulatively, approximately 50,000 beds are under design, construction, or in the planning stage in the Federal prison system through Fiscal Year 1996. Despite this substantial growth in new prison and jail construction, more space is critically needed. Today, more than one million persons are confined in U.S. prisons and jails. And because 92 percent of these persons are incarcerated in State and local prisons and jails, States and localities will be principally responsible for most of this expansion.

Intermediate Punishments. All those engaged in illegal drug use must be held accountable for their behavior, yet not all convicted drug offenders need to be incarcerated. All too often, criminals are not incarcerated because imprisonment is considered the only punishment and the prisons are crowded. The alternative has been unsupervised community release, the consequence of which is that convicted drug users and traffickers continue to buy and sell drugs unhindered, and eventually reenter the criminal justice system. However, intermediate punishments — which expand the range of options between incarceration and unsupervised release — can provide innovative ways to assure swift and certain punishment, which in many cases will deter further criminal acts. Further, intermediate punishments complement and enhance a State's ability to punish drug offenders in a less costly and more efficient fashion. Such punishments are *not* a safety valve to relieve prison crowding, and cannot serve as a substitute for needed prison construction. Public safety demands that serious offenders be incarcerated. Many States are employing a broad array of intermediate punishments for a range of drug offenders, especially for the casual user

PRISON FUNDING AND CAPACITY EXPANSION

Funding for the Federal Prison System (Dollars in millions)

	<u>1990 actual</u>	<u>1991 estimate</u>	<u>1992 request</u>
Buildings and facilities	1,449	374	458
Salaries and expenses	1,129	1,354	1,738
Other	<u>10</u>	<u>10</u>	<u>10</u>
Total	2,588	1,738	2,206

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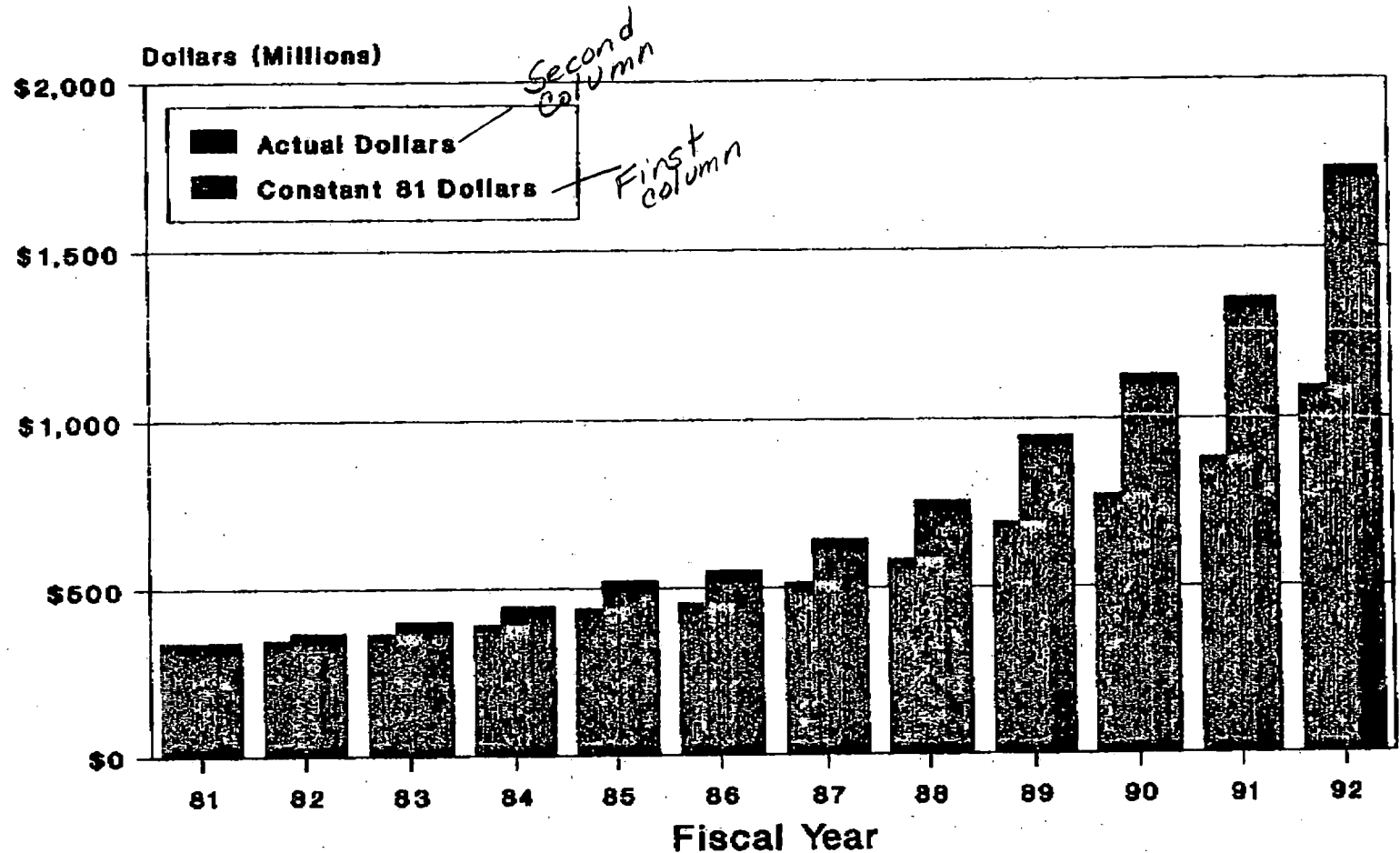
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NRA - Brady Bill/CBS ad refusal - 1-900-XXX-XXXX
Revised version 4/8/91

THE CHIEF of STAFF
has seen91
Dear NRA Member:

THE NATIONAL MEDIA WANT TO DICTATE YOUR RIGHT TO OWN GUNS.

THEY'VE EVEN ACTED TO KEEP THE NRA OFF THE AIRWAVES.

That's right, they actually denied us a chance to take a message to the American public!

While Sarah Brady and Handgun Control, Inc. get free media every day, we can't even pay to get our message across.

Is this fair? I'll let you decide.

But first, let me recount for you how the NRA is being actively discriminated against.

On April 3rd, CBS flat-out denied the NRA the opportunity to join as a paid sponsor of their "All-Star Salute to the Troops."

Even though our troops had travelled halfway around the world fighting for democracy and freedom -- including our Second Amendment Rights -- CBS outright banned the NRA from their show!

This show featured such NRA stalwarts as Charlton Heston, and a number of national entertainers who are ardent NRA supporters. We felt this broadcast was the perfect vehicle to speak out on your gun rights and offered two ads supporting the Staggers Instantaneous Check Bill vs. the Feighan-Brady Bill.

But someone at CBS in New York City decided that NRA's ads just weren't right. CBS refused our first two ads outright.

We offered a third ad which did not focus on the current "waiting period" debate. It too was rejected. It seems that our position of the Second Amendment was too "political."

Not wanting to be precluded from a national show welcoming our troops home, we submitted another ad -- this one focusing on NRA's role in training America's Olympic shooters. CBS' reaction -- "Sorry, no go." Finally, we submitted our newest gun safety ad for hunters. It was rejected as well.

Five ads. Five rejections. The message was clear. CBS was

Photo Copy Preservation

not going to let the NRA participate in this show. I was so angry, I slammed down the phone!

In all my years of fighting for America's gun owners and sportsmen, I had never come up against such blatant bias.

CBS, NBC, ABC and the rest of the national media wants the President and Congress to believe that you are in support of the Brady Bill.

And they want everyone else to think that America's gun owners have lost the battle to protect our Second Amendment Rights. This misinformation **MUST BE STOPPED!**

Because though it's going to be a close vote on the Feighan-Brady Bill, I can tell you one thing -- we haven't lost.

But only you can guarantee that we win!

I need you to tell President Bush to reaffirm his full support of the Stagers Instantaneous Check Bill and stand firm in his opposition to the Feighan-Brady Bill.

I need you to tell the President that you stand with him on this major issue. Because if the President stands firm - we win!

I also need you to get the message through that CBS, NBC, ABC and the national anti-gun media are practicing censorship and lies when they say they speak for you.

These "news" organizations -- who are actively pushing Feighan-Brady -- are reporting that the President and our lawmakers are willing to trade your Second Amendment Rights for passage of the President's crime bill.

That's not true! But some anti-gun bureaucrats within the administration are still fostering these lies.

That's why YOU must speak out!

As important as the President's support is, we still need your help to win in Congress. That's why I also need you to act immediately to tell your Congressman and Senators to support the Stagers Instantaneous Check Bill over the Feighan-Brady Bill.

Our internal polls dispute the anti-gun media. Your answers to our 1991 Truth About Gun Owners Poll showed that you're with us.

I have always been aware of the networks slant on our Second Amendment Rights, but I never realized the power of the networks to infringe on our First Amendment Rights of free speech.

THAT'S WHY IT'S UP TO US!

Photo Copy Preservation

The national networks continue to do lasting damage to YOUR RIGHTS as an American gun owner and hunter.

More than ever before you should be able to see why we need your voice and your financial support. You might ask: If the networks won't sell us ads, then why do we need your money?

The answer is simple. With media giants like CBS working against us, NRA-ILA must use alternative -- and more expensive -- avenues to get our message through. Local independent TV, Cable TV, radio, newspapers and mail are effective, but they cost almost twice as much as advertising on the national networks.

Since the NRA can't advertise on CBS, NBC or ABC I've enclosed a flyer for you to use to get our message to hunters and sportsmen all across the country.

How important is this?

Well, I speak with Senators and Congressmen every day who tell me that they are keeping a scorecard on the phone calls and 1-900 letters they are receiving on this issue.

So far, we're running neck and neck with the anti-gunners who are being driven by a multi-million dollar effort backed by the national media and Handgun Control, Inc.

IT'S TIME FOR THE NRA TO PULL AHEAD AND WIN THIS FIGHT FOR YOUR FIREARM RIGHTS.

YOU CAN MAKE THE DIFFERENCE.

That's why I'm actively counting on you to thank President Bush for his opposition to the Feighan-Brady Bill. You also must tell your Senators and Congressman that they must defeat Feighan-Brady.

Your calling 1-900-XXX-XXXX right now will clearly demonstrate that the majority of America's gun owners and hunters OPPOSE the Brady Bill.

Once again, it's important that you remind your Senators and Congressman that you expect them to stand with America's gun owners and hunters. Your call will also tell President Bush that you stand with him in refusing to accept a watered-down version of his crime bill in exchange for your Second Amendment rights.

Remember, the national media won't speak for the NRA and it won't speak for you. **YOU MUST SPEAK FOR YOURSELF!**

PLEASE DON'T LET CBS, NBC, AND ABC DETERMINE THE FUTURE OF YOUR GUN RIGHTS.

Photo Copy Preservation

You must act today to:

1. WRITE OR CALL your two Senators and Congressman in the next 48 hours and register your OPPOSITION to the Feighan-Brady Bill. The names of your officials, along with their address and phone numbers, are listed on your response document.

2. If you can't write or call your elected officials in the next 48 hours, we've set up a special 900 telephone number which will automatically be able to identify your Senators and Congressman based on your address. It will tell them how you feel about this issue. When you CALL 1-900-XXX-XXXX, "OVERNITE" letters will be sent in your name opposing the Feighan-Brady Bill and supporting passage of the Staggers Instantaneous Check Bill. A telephone charge of \$3.95 will appear on your telephone bill next month to cover the cost of this service and the "OVERNITE" letters. A letter from you will be sent to President Bush as well.

3. Finally, SEND A CHECK for \$25 to the NRA-ILA, a sum we desperately need if we are going to match the millions in free media the anti-gunners and anti-hunters are getting from CBS, NBC, ABC and The Washington Post and The New York Times.

Your contribution is vitally needed at this time.

Make no mistake. We CAN win this battle. But we can only do it with your help -- AND your voice.

Pick up the phone or write your elected official personally. Or, call 1-900-XXX-XXXX and we'll get your message to them.

Whatever action you take, please be sure it includes writing a check for \$25. Without your financial assistance at this critical time America's gun owners and hunters, could be dealt a major setback. If you can't afford \$25, please send something. -

Don't let the anti-gunners win. Don't let the anti-gun media win. Tell your legislators how you feel.

Act today. It's your freedom. It's worth fighting for!

Sincerely,

Wayne LaPierre
Executive Director

P.S. I say CBS, NBC and ABC can't be allowed to stifle the voice of millions of NRA members nationwide. I hope you agree. Today, I'm counting on you to prove me right. The time to write, call, and contribute is NOW! Write President Bush and tell your Congressman and Senators to stand with you in opposing the Feighan-Brady Bill.

Photo Copy Preservation

WE'RE COUNTING ON YOU TO ACT NOW!

TAKE DIRECT ACTION TODAY
TO ENSURE THAT THE ANTI-GUN MEDIA DOESN'T WIN

1. Write or call your two Senators and Representative to register your opposition to the Feighan-Brady Bill.
2. If you can't write or call your Senators and Representative or if you do not know their names, you may call a 900 number the NRA has established to let your elected officials know you OPPOSE Feighan-Brady. When you call 1-900-000-0000, "OVERNITE" letters will be sent in your name opposing the Feighan-Brady Bill and supporting passage of the Staggers Instantaneous Check Bill. A telephone charge of \$3.95 will appear on your telephone bill next month to cover the cost of this service and the four "OVERNITE" messages sent to your Senators, Representative, and President Bush.
3. Send the NRA-ILA a check for \$25 to help us counter the power of the national anti-gun media and curb the anti-gun hysteria brought on by the press. Your contribution will help us get our message out to millions who will stand with us in our fight to protect your Second Amendment Rights. Send your check, made payable to: "NRA Institute", and mail it to Post Office Box 1730, Washington, DC 20077-4621

THE FUTURE OF YOUR GUN FREEDOMS IS IN YOUR HANDS!

Please don't sit on the sidelines

ACT TODAY!

Mobilize your family

Mobilize your friends

CALL 1-900-000-0000

Contributions to the NRA Institute are not tax-deductible
Corporate and personal checks accepted. Please do not send cash

Response form CBS/Brady

IT'S THE NRA VS. THE NATIONAL MEDIA
ONLY YOU CAN DECIDE WHO WINS!

Please write or call your Senators, Congressman and President Bush today. Or call 1-900-XXX-XXXX and we will get your message to them:

Dear Wayne:

I agree that we cannot let the national media dictate our gun and hunting rights. To help the NRA continue to get our message across, I am enclosing a contribution of:

___\$100 ___\$75 ___\$50 ___\$40 ___\$30 ___\$25 Other \$ ____

Please make your check payable to:

NRA INSTITUTE

Corporate and personal checks are accepted.

Please do not send cash.

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Envelope teaser --

I was so angry, I slammed down the phone.
Now, it's up to you to get our message through...

Photo Copy Preservation

THE WHITE HOUSE

WASHINGTON

April 12, 1991

THE CHIEF of STAFF
has seen

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER *RBP*

SUBJECT: Brady Bill

Following our conversation yesterday, I have committed to paper the approach to the Brady Bill that we discussed. It is worded to state positively what states can do to satisfy the felon identification provisions of the Act.

Attachment

1. The felon identification provisions of this Act are satisfied if state law provides a system for point of sale identification of felons or provides a waiting period of at least 7 days.

2. For those states that do not have such a system or waiting period, the provisions of the Act are satisfied if:

- a. The transferee has a written statement, issued by the chief law enforcement officer of the place of residence of the transferee, stating that there is a threat to the life of the transferee of any member of his household; or
- b. The transferee has presented a permit to possess a handgun that meets the requirements of the Act; or
- c. The transferor has received a report from any system of felon identification established by the Attorney General that the receipt or possession of a handgun by the transferee would not violate the law.

In cases not covered by a, b, or c above, the provisions of the Act are satisfied if, prior to the sale, delivery of transfer of a handgun:

- The transferee has provided a statement containing certain designated information to the transferor; and,
- The transferor has verified the identity of the transferee; and,
- Within one day of receiving the statement of information from the transferee, the transferor has provided a copy of the statement to the chief law enforcement officer of the place of residence of the transferee; and,
- Prior to 7 days having elapsed, the transferor has received notice from the chief law enforcement officer that the officer has no information indicating that receipt or possession of a handgun by the transferee would violate the law; or
- 7 days have elapsed and the transferor has not been notified by the chief law enforcement officer that the officer has information indicating that receipt or possession of a handgun by the transferee would violate the law.

THE WHITE HOUSE

WASHINGTON

April 11, 1991

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER *RBP*

SUBJECT: The Brady Bill

THE CHIEF of STAFF
has seen

This morning you asked for more information about the specific provisions in the Brady bill. The seven day waiting period in the Brady bill applies only where the purchaser is not licensed as a manufacturer, importer, dealer or collector under section 923 of Title 18, United States Code.

There are two types of exceptions to the seven day requirement. The first is where the seven day waiting period applies, but the seven days need not pass before the handgun may be transferred to the purchaser. The four cases in which this could occur are:

1. The transferor (seller) has received notification from the chief law enforcement officer that the officer has no information indicating that receipt of possession of the handgun by the transferee (purchaser) would violate Federal, State, or local law; or
2. The transferee has presented to the transferor "a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, which states that the transferee requires access to a handgun because of a threat to the life of the transferee of any member of the household of the transferee"; or
3. The transferee has presented a permit which, (a) allows the transferee to possess a handgun, (b) was issued not more than 5 years earlier by the state in which the transfer will occur, and (c) required an authorized state official to verify that the information available to such official does not indicate that the possession of a handgun by the transferee would be a violation of law; or
4. The transferor has received a report from any system of felon identification established by the Attorney General that available information does not indicate that possession or receipt of a handgun by the transferee would violate Federal, State, or local law.

The second type of exception is where the seven day waiting period does not apply to the State at all. The seven day waiting period does not apply if:

1. The law of the State provides for a waiting period of at least 7 days; or
2. The law of the State requires that, prior to a transfer of a handgun to a person not licensed under Federal law to possess such a handgun, an authorized governmental official verifies that the information available does not indicate that possession of a handgun by the transferee would be in violation of law. An example of this type of state scheme is the point of sale felon identification system in Virginia.

THE WHITE HOUSE

WASHINGTON

April 11, 1991

Crime
MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER *RBP*

SUBJECT: Letter to National Rifle Association Convention

The draft letter to the National Rifle Association which we discussed yesterday afternoon is attached. Following our meeting I read the letter to Dick Thornburgh who thought it was consistent with our other public pronouncements on this subject and who did not have a problem with sending it.

Attachment

THE WHITE HOUSE

WASHINGTON

April 9, 1991

Dear Friends:

As we reflect on the outstanding accomplishments of our military in the Persian Gulf, it is disheartening to note that in some places in our country our military personnel may have been at greater risk had they stayed at home. This must change. It can change.

I am firmly committed to passage, this year, of Federal legislation to provide a workable Federal death penalty for the most heinous Federal crimes, habeas corpus reform, and reform of the exclusionary rule. In particular, the exclusionary rule should not operate to exclude evidence of firearms in felony proceedings. These are serious reforms which will send an unmistakable signal to criminals that they will do the time and pay the consequences for their actions. We should accept nothing less.

Our approach to crime emphasizes the criminal and individual accountability. Some in Congress insist on focusing on firearms, not criminals. In an understandable attempt to prevent felons from purchasing handguns, they back an approach that will affect all purchasers of handguns, lawful and otherwise. I do not quarrel with their goal. I do quarrel with their approach.

The focus should be on felons, not all handgun purchasers. The Attorney General is working diligently to develop a system to identify, at the point of sale, felons who attempt to purchase a firearm. My Administration will continue to fight for a point of sale identification system and for the necessary state efforts to implement such a system successfully.

As a lifetime member of the NRA, I wish you all the best for another outstanding convention.

Sincerely,

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04. Memo	From Roger Porter to John Sununu Re: Comprehensive Violent Crime Control Act and Related Legislation (2 pp.)	4/3/91	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 Legislation 1991

Open on Expiration of PRA
 (Document Follows)
 By JP (NLGB) on 10/28/05

Date Closed: 1/4/2005	OA/ID Number: 29152-003
FOIA/SYS Case #: 1998-0004-F[2]	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]
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 (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 3, 1991

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER *RBP*

SUBJECT: Comprehensive Violent Crime Control Act and
Related Legislation

In our discussion the with the Attorney General this afternoon on the Comprehensive Violent Crime Control Act, we agreed to recommend to the President the following five-point approach to crime legislation:

1. The President is firmly committed to passage of legislation providing a Federal death penalty, habeas corpus reform, and exclusionary rule reform as contained in his Violent Crime Control Act of 1991.
2. The Administration will not accept a watered-down version of the President's legislation, such as the current Democratic alternatives. If such legislation were presented to the President for his signature, his senior advisers would recommend he veto it.
3. The President supports effective provisions to identify felons attempting to purchase handguns. He considers a point of purchase identification system as the best way to achieve this objective.
4. The President supports effective provisions on assault weapons. He considers limitations on the size of magazines as the best way to achieve this objective.
5. Whatever provisions are passed with respect to the identification of felons and/or the sale of semi-automatic weapons must be part of a comprehensive crime control package incorporating the key provisions of the President's bill.

The President's senior advisers will recommend that he veto any bill relating to assault weapons or to the identification of felons attempting to purchase a handgun that is not part of legislation consistent with his Comprehensive Violent Crime Control proposal.

- o The President believes that the problem of violent crime must be met by the enactment of the strong measures embodied in his Comprehensive Violent Crime Control Act of 1991. For two years, the Congress has refused to vote on the President's proposals. Instead it has passed misdirected versions that leaders in Federal, State and local law enforcement, on a bipartisan basis, rightly rejected as being "pro-criminal" rather than pro-law enforcement.
- o In his speech before a joint session of the 102nd Congress, the President presented the challenge to enact his bill within 100 days. He again calls on the Congress to pass his violent crime bill within this period of time. If the Congress sends to the President any watered-down version of his bill, such as Democratic alternatives currently pending on the Hill, he will veto any such measure.
- o The President supports reasonable and effective measures to identify felons attempting to purchase handguns. The Administration believes that point-of-sale identification systems are preferable. It has certain concerns with the Brady Bill and will seek to address those issues in the legislative process.
- o With regard to restrictions on assault weapons, the Administration continues to believe that attempts to define and ban certain types of semiautomatic firearms are not as effective as the Administration's proposal to limit magazine capacity.
- o Whatever Congress ultimately adopts in the areas of gun control must be presented to the President as part of, or together with, his crime bill. The President will veto any such gun control measure sent to him without his crime bill.

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
05. Memo	From Roger Porter to John Sununu Re: Comprehensive Violent Crime Control Act and Related Legislation (same as doc 04 w/fax cover sheet) (3 pp.)	4/3/91	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 Legislation 1991

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THE WHITE HOUSE

WASHINGTON

April 3, 1991

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER *RBP*

SUBJECT: Comprehensive Violent Crime Control Act and
Related Legislation

In our discussion the with the Attorney General this afternoon on the Comprehensive Violent Crime Control Act, we agreed to recommend to the President the following five-point approach to crime legislation:

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3. The President supports effective provisions to identify felons attempting to purchase handguns. He considers a point of purchase identification system as the best way to achieve this objective.
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5. Whatever provisions are passed with respect to the identification of felons and/or the sale of semi-automatic weapons must be part of a comprehensive crime control package incorporating the key provisions of the President's bill.

The President's senior advisers will recommend that he veto any bill relating to assault weapons or to the identification of felons attempting to purchase a handgun that is not part of legislation consistent with his Comprehensive Violent Crime Control proposal.

URGENT

FACSIMILE TRANSMISSION SHEET

OFFICE OF THE DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C.

TO: Honorable John H. Sununu

Chief of Staff

Fax #: () 456 - 2397 Voice #: () 456 - 6797

FROM: William P. Barr

Office of the Deputy Attorney General Room #

U.S. Department of Justice, Main Justice Building

Washington, D.C. 20530

Fax #: () 514 - 0467 Voice #: () 514 - 2101

THIS TRANSMISSION CONTAINS 2 SHEETS INCLUDING THIS SHEET

Special
Note (s):We are transmitting to you on a Panafax UF-250. If any page (s)
are missing, please call sender at the above voice number for
re-transmission

#

URGENT

- o The President believes that the problem of violent crime must be met by the enactment of the strong measures embodied in his Comprehensive Violent Crime Control Act of 1991. For two years, the Congress has refused to vote on the President's proposals. Instead it has passed misdirected versions that leaders in Federal, State and local law enforcement, on a bi-partisan basis, rightly rejected as being "pro-criminal" rather than pro-law enforcement.
- o In his speech before a joint session of the 102nd Congress, the President presented the challenge to enact his bill within 100 days. He again calls on the Congress to pass his violent crime bill within this period of time. If the Congress sends to the President any watered-down version of his bill, such as Democratic alternatives currently pending on the Hill, he will veto any such measure.
- o The President supports reasonable and effective measures to identify felons attempting to purchase handguns. The Administration believes that point-of-sale identification systems are preferable. It has certain concerns with the Brady Bill and will seek to address those issues in the legislative process.
- o With regard to restrictions on assault weapons, the Administration continues to believe that attempts to define and ban certain types of semiautomatic firearms are not as effective as the Administration's proposal to limit magazine capacity.
- o Whatever Congress ultimately adopts in the areas of gun control must be presented to the President as part of, or together with, his crime bill. The President will veto any such gun control measure sent to him without his crime bill.

Exceptions to the Seven-Day Waiting Period in the Brady Bill

The Brady Bill (H.R. 7) would make it unlawful for a licensed firearms importer, manufacturer, or dealer to sell or otherwise transfer a handgun to another person who is not a firearms licensee, unless one of five conditions is met. The first condition listed in the bill is the one that is viewed by most people as the essence of this legislative proposal. It requires a transferor to wait seven days (or less if the chief local law enforcement official approves the transfer) before transferring a handgun.

The other four conditions, which are perhaps best understood as exceptions to the national seven-day waiting period requirement, would apply in only the minority of cases. These four exceptions are:

(1) Self-protection - The customer presents the dealer with a statement issued by local law enforcement within the last ten days indicating that the customer requires the handgun because of a threat to his life or to any member of his household;

(2) State permits - The customer presents to the dealer a permit, issued in the past five years by the State in which the sale is to take place, authorizing the customer to have a handgun, provided State law allows the issuing of a permit only after government verification that there is no available information indicating the possession of the handgun would be illegal;

(3) State point-of-sale systems or waiting periods - State law requires at least a seven-day waiting period or requires that a State official to verify that available information does not indicate that possession of the firearm would be illegal; or

(4) National point-of-sale system - The dealer has received a report from any system of felon identification established by the Attorney General pursuant to the Anti-Drug Abuse Act of 1988.

The presence of these four exceptions in the Brady Bill is the result of accommodations made over the last few years by its sponsors. Exceptions #3 (which applies to the Virginia system) and #4 were added in the House Judiciary Committee last year to address the argument that the seven-day waiting period was unnecessary given the feasibility of point-of-sale systems. Recognizing that it is simply a matter of time before point-of-sale systems will be in place nationwide, most supporters of the Brady Bill now see the seven-day waiting period as an interim approach.