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AMERICAN LIFE LOBBY INC.

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File - Crime

January 18, 1983

Mr. Edwin L. Harper
Assistant to the President
for Policy Development
The White House
Washington, D. C. 20500

Dear Ed:

Between the defeat of cloture on S1630, the Criminal Code Recodification, and the introduction of S2572, the Mini Criminal Code Recodification, I wrote you several times requesting that you and your staff meet with the groups who opposed S1630. Nothing, not even a phone call, came of my repeated requests until two hours before introduction of S2572.

The President has vetoed H.R. 3963 meaning that no significant anti-crime legislation was enacted in the 97th Congress.

I again suggest and request that the groups, who opposed S1630 and S2572 as originally drafted, meet with you, your staff and Justice Department officials to come up with a tough anti-crime bill - based on Senate Amendment 1351 and S2572 as it passed the Senate that we can all support-- before it is introduced.

Anti-crime legislation, particularly tougher sentencing (see enclosed article "1000 Rally For Tough Criminal Sentencing"), is good policy and politics. Lets get together this time.

Sincerely,

Gary L. Curran
Gary L. Curran
Legislative Consultant

GLC/sm



A.L.L. "... for God, for Life, for the Family, for the Nation"

The Roper Committee has five major priorities: Eliminating the use of voluntary drugs and alcohol as a mitigating circumstance in a first degree murder; giving a jury the choice only between death or life with no parole in a first degree murder; allowing coconspirators in a first degree murder to face the death penalty; making a victim impact statement mandatory before sentencing and revising the parole commission to give the governor more say in parole.

"We want to make parole something that is earned in an extraor-

1,000 Rally for Tough Criminal Sentencing

Roberta Roper, left, addresses the crowd on the statehouse grounds. Right, Grace Bellofatto, holding a poster, bows her head during an invocation.





By Gerald Martineau—The Washington Post

The crowd, undeterred by biting cold, stood and sat for 75 minutes listening to speakers demanding tougher criminal sentencing.

1,000 Rally in Annapolis Seeking Tougher Criminal Sentencing Laws

MARYLAND, B1

known as "Roper Legislation," stood to the side saying that realistically it will be difficult to accomplish many of their goals during this session.

"This is the kind of thing that you need two or three years to get much passed," said Del. Dennis C. Donaldson (D-Prince George's), whose daughter Patty knew Stephanie Roper in high school. "But this is a way to start."

Del. Thomas C. Mooney (D-Prince George's), a cosponsor of some of the Roper legislation, saw the situation as analogous to the Mother's Against Drunk Driving (MADD) group that pushed successfully for legislation last year. "When they first came down, people said they wouldn't get much done either," Mooney said. "But they made their voice heard and eventually made progress. That's what these people are doing."

Meantime, the key man in the passage of any legislation, Del. Joseph E. Owens (D-Montgomery), chairman of the House Judiciary Committee, sat in the quiet of a nearby restaurant, saying he would, "take a look at the bills." Owens is

dinary case, not a right," Roberta Roper said.

The organizers of the rally, cognizant of the legislature's wariness about the legislation, went out of their way to say repeatedly that the group is not, as committee chairman Vic Pietkiewicz put it, "A vengeance-seeking lynch mob."

Pietkiewicz also told the crowd that the committee will soon present to the legislature a petition signed by 91,000 people favoring the legislation the committee is proposing. Kurt Wolfgang, the committee's legislative adviser, said the committee would meet with key legislators, including Owens, during the next few weeks.

When Owens' committee, along with the Senate Judicial Proceeding Committee, meets in joint session to hear testimony on the bills beginning next month, they will undoubtedly be faced by many of the people at tonight's rally who will remember Roberta Roper's final words to the crowd:

"We will make sure that something good will come of this tragedy. The sadness is that for Stephanie and those of us who have suffered, the price we have paid will have been too high. But please remember what Stephanie wrote in her journal—'One person can make a difference and each one of us should try to.'"



Telegram

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Send the following message, subject to the Telegraph Company's conditions, rules and regulations, which are on file with regulatory authorities.

TELEGRAM

January 18, 1983

Edwin Meese III
Counsellor to the President
The White House
Washington, D. C. 20500

The American Life Lobby strongly endorses Messrs. Harvey, Olson, Straw, Bolan, MacKay and Dolan for recess appointments under Article II Section 2 of the Constitution of the United States to the Board of the Legal Services Corporation.

You and the Reagan Administration have committed yourselves to eliminating the Legal Services Corporation burden from the taxpayer. The above named persons will carry out your commitments. Don't retreat from your opposition to the Legal Services Corporation.

(Mrs.) Judie Brown
President
American Life Lobby Inc.
6 Library Court S.E.
Washington, D. C. 20003



Assistant Attorney General

Washington, D.C. 20530

February 22, 1983

M E M O R A N D U M

TO: Michael Uhlmann
Special Assistant to
the President

FROM: Jonathan C. Rose *JCR/DTM*
Assistant Attorney General
Office of Legal Policy

SUBJECT: Omnibus Crime Bill

Pursuant to your conversations with Bob McConnell, I am enclosing a copy of the omnibus crime bill which we hope to have the President submit to the Congress. Because of the voluminous nature of this package, copies are still being assembled. If you will advise Bob as to the total number of copies you will need for distribution purposes, he will endeavor to have them delivered to you by noon Wednesday.

The quickest way of assessing the scope of the package is to review the "capsule summary" section following the table of contents. In addition to brief summaries of the bill's provisions, the capsule summary indicates the source of the proposal, e.g., S. 2572. As you will note, virtually all significant provisions of the bill are taken from measures supported by the Administration during the 97th Congress. Major exceptions to this are the new position on insanity defense in Title V, the diversion control amendments in Title VII, and the Hobbs Act overturning the Supreme Court's Enmons decision amendment in Title XI.

As Bob has advised you by telephone, it is imperative that we get this bill to the Hill as quickly as possible in order to control the initiative on anti-crime legislation. Chairman Thurmond and Senator Laxalt met last week to discuss strategy for criminal justice legislation and are anxious to start processing legislation. In the House, similar time sensitive pressures are building.

We continue to feel that clearance on this proposal through the Cabinet Council on Legal Policy is the preferable means of processing it. I believe we should strive for submission to the Congress by March 1, however, and hope you will advise us regarding an alternative processing procedure if the Cabinet Council approach is unfeasible. In the meantime, we are available to meet with you at your convenience to discuss this proposal and our strategy for it in more detail and to answer any questions you may have.

Attachment



U.S. Department of Justice

Office of Legal Policy

Assistant Attorney General

Washington, D.C. 20530

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Special Assistant to
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Title V - New version of insanity defense reform proposal which is very similar to Chairman Thurmond's "consensus" insanity defense reform proposal, S. 2902 of the 97th Congress. Modification of the old "M'Naghten" test.

Proposal for reform of Federal Intervention in State Criminal Proceedings
Title VI - Habeas corpus reform proposal submitted by the White House last year and introduced as S. 2903.

Title VII - Increased penalties for narcotics trafficking that were incorporated in S. 2572. Also contains new amendments needed to strengthen the ability of the Drug Enforcement Administration to prevent diversion of legitimate controlled substances into illegal channels.

Title VIII - Justice Assistance Act developed by the Department of Justice and Counselor to the President Meese. Reflects many improvements over the comparable provision of the "mini-crime bill," H.R. 3963, which was disapproved in January.

Title IX - Surplus federal property amendments approved by the Senate last year as part of S. 2572.

Title X - Death penalty bill favorably reported by the Senate Judiciary Committee during the 97th Congress as S. 114. This bill was endorsed by the Department of Justice during the last Congress.

Title XI - Incorporates provisions from three bills endorsed by the Department during the 97th Congress: S. 1785 (re labor racketeering), S. 1630 (re labor bribery) and S. 2189 (re labor extortion). The labor extortion provision is the old issue as to whether the Hobbs Act can be used to prosecute violence related to collective bargaining disputes.

Title XII - Bank Secrecy Act amendments approved by the Senate in S. 2572.

Title XIII - Federal Tort Claims Act amendments introduced as S. 1775 and supported by the Administration.

Title XIV - Fourteen miscellaneous parts to improve federal laws relating to crimes of violence:

The first ten were included in S. 2572 as approved by the Senate:

- Part A - Murder-for-hire and violent crimes in aid of racketeering activity;
- Part B - Solicitation to commit a crime of violence;
- Part C - Felony-murder rule;

Part D - Minimum mandatory sentence for use of a firearm during a federal crime of violence;

Part E - Additional minimum mandatory sentence for use of armor-piercing bullets during a federal crime of violence;

Part F - Kidnapping of federal officials;

Part G - Crimes against family members of federal officials;

Part H - Addition of crimes of maiming and sodomy to Major Crimes Act;

Part I - Destruction of motor vehicles; and

Part J - Destruction of Energy facilities.

Part K - Assaults upon federal officials, was included in the "mini-crime bill;"

Part L - Escape from custody resulting from civil commitment, is new. It would fill a gap in federal law by making it an offense to escape from federal custody where such custody was pursuant to a judicial civil commitment order;

Part M - Extraterritorial jurisdiction over crimes of violence, is taken from S. 1630 which the Department of Justice supported last year from legislation long supported by the Department of Justice;

Part N - Extradition amendments, is taken from S. 1940 as approved by the Senate with Administration support.

Title XV - Ten miscellaneous parts to improve federal laws related to serious non-violent crimes:

Part A - Product tampering, is from the "mini-crime bill," H.R. 3963, but is revised to remove Administration concerns;

Part B - Child pornography, is from S. 2572;

Part C - Warning the subject of a search warrant, is new. It would fill the gap in existing obstruction of justice laws by making it an offense to warn a person that a search warrant is to be executed upon the person's property thereby frustrating law enforcement efforts.

Parts D through I are taken from S. 1630 which the Department of Justice supported:

Part D - Program fraud and bribery;

Part E - Counterfeiting of state and corporate securities and forging of endorsements or signatures on United States securities;

Part F - Receipt of stolen bank property;

Part G - Bank bribery;

Part H - Bank fraud;
Part I - Possession of contraband in prison;

Part J - Gambling on Indian reservation, is new. It would subject Indian reservations to the requirements of state law with respect to gambling, so as to avoid such reservations becoming a haven for gambling activities in contravention of the policy of the state in which the reservation is located.

Title XVI - Seven miscellaneous parts making various procedural improvements in federal criminal laws:

Part A - Prosecution of Certain Juveniles as Adults, is taken from S. 2572 as approved by the Senate last year;

Part B - Wiretap Amendments, is taken from S. 2572;

Part C - Expansion of Venue for Threat Offenses, is taken from S. 1630 which the Department supported;

Part D - Injunctions against fraud, is taken from S. 1630;

Part E - Government Appeal of Post-Conviction New Trial Orders, was recently cleared by OMB and submitted to the Congress as an independent proposal;

Part F - Witness Security Program Improvements, is taken from S. 2572;

Part G - Clarification of Change of Venue for Certain Tax Offenses, is new. It would clarify the circumstances under which the defendants in tax prosecutions for certain offenses and in which the mail was used would have the right to obtain a change of venue.

In summary, virtually all of the provisions of this bill have been through the full OMB clearance process either during the 97th Congress or this year. The only exceptions are the new insanity defense position in Title V, the diversion control amendments in Title VII and those four parts of the miscellaneous title mentioned above.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

DATE: 2-28-83

TO: MIKE UHLMAN

FROM: *Frank Seidl*
FRANK SEIDL

Attached is the revised transmittal statement reflecting the changes you made. As mentioned, we will be giving a copy of this to Mike Horowitz early tomorrow morning, as well as to the Justice Department (McConnell) for their reaction by 12:00 noon.

Attachment

OMB FORM 38
REV AUG 73



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

February 28, 1983

MEMORANDUM FOR RICHARD DARMAN

FROM: Joseph R. Wright

SUBJECT: Draft Presidential Statement for Transmittal of
Omnibus Department of Justice Criminal Reform
Legislative Proposal

In response to your request, OMB has prepared a draft statement for the President to use in transmitting the Justice Department's omnibus criminal reform bill to the Congress. Our draft message reflects comments by Mike Uhlmann, who has also asked the Justice Department to prepare a draft Presidential message. Our draft message, which is attached, has been sent to the Justice Department for review at Mike's request. We have asked for Justice's comments by 11 A.M. on March 1, 1983.

For your information, OMB has circulated pertinent portions of Justice's draft legislation to interested agencies, with views requested no later than the close of business on March 3, 1983.

We would like to underscore that the task of going through 360 pages of text is not a job that we can effectively do in a very short time. Both we and OPD think that it is essential to take sufficient time to do a thorough analysis of the bill.

Attachment

TO THE CONGRESS OF THE UNITED STATES:

I am forwarding for referral to the appropriate Committees of the Senate and the House of Representatives a legislative proposal entitled, the "Comprehensive Crime Control Act of 1983."

As you know, my Administration has made major efforts to fight crime in America. Shortly after taking office, I directed the Attorney General and other Federal law enforcement officials to improve the efficiency and coordination of Federal law enforcement, with special emphasis on drug-related crime. To a substantial extent, this has been accomplished through the work of the Cabinet Council on Legal Policy, chaired by the Attorney General, as well as through the leadership provided by the White House Office on Drug Abuse Policy. As a result of these efforts, the Federal Government has for the first time a truly comprehensive, fully coordinated law enforcement policy.

Of even greater importance, this Administration is attacking crime at its source by providing increased resources to Federal law enforcement agencies for the apprehension, conviction, and incarceration of those who choose to violate Federal criminal laws. Last October, for example, I announced a national strategy designed to cripple organized crime and to put drug traffickers out of business. We established twelve additional interagency task forces in key areas of the country -- modeled on the Task Force that has been operating very successfully for some time in South Florida -- to work with State and local law enforcement officials to shut down organized criminal enterprises. We established a National Center for State and Local Law Enforcement Training to assist and train State and local officials in combatting syndicated crime. We also took many other actions,

all of which were intended to bring the full resources of the United States Government to bear on the critical problem of crime in this country.

Our efforts are beginning to bear fruit. During fiscal year 1982, for example, the Customs Service seized over 11,000 pounds of cocaine, an increase of nearly 300 percent over the previous year. Seizures of other illicit drugs were up, as well. The South Florida Task Force continues to perform splendidly in closing off what had been the principal point of entry of illegal drugs into the United States. I have every reason to believe that these and other administrative actions that we have taken will continue to result in increased apprehensions and convictions of persons who violate Federal law.

Administrative action, however successful, is by itself not sufficient. If we are to restore the balance between the forces of law and the forces of crime and ensure that criminals are convicted and, once convicted, are put and kept behind bars, fundamental legislative changes are essential.

During the 97th Congress, the Senate passed S. 2572, the Violent Crime and Drug Enforcement Improvements Act. Among its principal provisions, this legislation would have made major and urgently needed changes in our laws concerning bail, criminal forfeiture, and sentencing. Unfortunately, S. 2572 was not enacted. Instead, at the close of the last Congress, a seriously flawed, and possibly unconstitutional bill, H.R. 3963, was presented to me. In withholding my approval of that bill earlier this year, I reaffirmed my strong personal commitment to the fight against crime and stated that I looked forward to working with the 98th Congress to secure passage of substantive criminal law reform.

The legislative proposal that I am transmitting to the Congress today provides a thorough and comprehensive reform of those aspects of Federal criminal law that have proven to be the most substantial obstacles in the fight against crime. Many of our proposals were considered by the 97th Congress. Others are new. Each is important in ensuring that crime in America is eradicated.

Our proposal is summarized in some detail in the materials accompanying this message. I do, however, want to highlight six especially critical reforms:

- o Bail. Our bill would make it much more difficult than it is now for a defendant who is likely to be a threat to his community to be released on bail pending trial.
- o Sentencing. The bill would change the sentencing system to ensure that sentences would be determinate and consistent throughout the Federal system, with no parole possible.
- o Exclusionary rule. Under our proposal, evidence in a criminal case that may have been improperly seized, which is now excluded from evidence, would be admissible upon a showing that the officer making the seizure acted in good faith.
- o Criminal forfeitures. Our bill would make it easier for Federal prosecutors to seize and dispose of assets used in criminal enterprises.
- o Insanity defense. The bill would replace the current Federal insanity defense with a narrower defense applicable only to a person who is unable to appreciate the nature or wrongfulness of his acts.
- o Narcotics enforcement. Our proposal would substantially increase the penalties for trafficking in drugs and would strengthen the regulatory authority of the Drug Enforcement

Administration with respect to the diversion of legitimate drugs into illegal channels.

The bill contains many other important provisions, as well, concerning labor racketeering, capital punishment, consumer product tampering, and extradition, to name only a few. These proposals, taken together, will provide Federal law enforcement officials with important new tools with which to combat crime and will help once again to make our streets safe for all our citizens.

We cannot tolerate further delay in an area of such crucial concern to so many Americans. We must act now. Accordingly, I urge prompt and favorable consideration of our legislative proposal.

The White House

OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM

DATE: 3/2/83 ACTION/CONCURRENCE/COMMENT DUE BY: 3/3/83 NOON

SUBJECT: Draft Presidential Statement for Transmittal of Omnibus Department
of Justice Criminal Reform Legislative Proposal

	ACTION	FYI		ACTION	FYI
HARPER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DRUG POLICY	<input type="checkbox"/>	<input type="checkbox"/>
PORTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	TURNER	<input type="checkbox"/>	<input type="checkbox"/>
BARR	<input type="checkbox"/>	<input type="checkbox"/>	D. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>
BLEDSON	<input type="checkbox"/>	<input type="checkbox"/>	OFFICE OF POLICY INFORMATION		
BOGGS	<input type="checkbox"/>	<input type="checkbox"/>	HOPKINS	<input type="checkbox"/>	<input type="checkbox"/>
BRADLEY	<input type="checkbox"/>	<input type="checkbox"/>	PROPERTY REVIEW BOARD	<input type="checkbox"/>	<input type="checkbox"/>
CARLESON	<input type="checkbox"/>	<input type="checkbox"/>	OTHER		
DENEND	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FAIRBANKS	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
FERRARA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GALEBACH	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GARFINKEL	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
GUNN	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
B. LEONARD	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
LI	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
MONTOYA	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
ROCK	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
ROPER	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
SMITH	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
UHLMANN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
ADMINISTRATION	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

MIKE UHLMANN/CARLTON TURNER FOR ACTION
 May I please have your comments by noon Thursday.

Judy Johnston 3/2

Please return this tracking sheet with your response

Edwin L. Harper
 Assistant to the President
 for Policy Development
 (x6515)

WHITE HOUSE STAFFING MEMORANDUM

NOON THURSDAY
March 3, 1983

DATE: March 1, 1983

ACTION/CONCURRENCE/COMMENT DUE BY: _____

SUBJECT: Draft Presidential Statement for Transmittal of Omnibus Department of Justice Criminal Reform Legislative Proposal

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	GERGEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MEESE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HARPER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BAKER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	JENKINS	<input type="checkbox"/>	<input type="checkbox"/>
DEAVER	<input type="checkbox"/>	<input type="checkbox"/>	MURPHY	<input type="checkbox"/>	<input type="checkbox"/>
STOCKMAN	<input type="checkbox"/>	<input type="checkbox"/>	ROLLINS	<input type="checkbox"/>	<input type="checkbox"/>
CLARK	<input type="checkbox"/>	<input type="checkbox"/>	WHITTLESEY	<input type="checkbox"/>	<input type="checkbox"/>
DARMAN	<input type="checkbox"/> P	<input checked="" type="checkbox"/> ISS	WILLIAMSON	<input type="checkbox"/>	<input type="checkbox"/>
DUBERSTEIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	VON DAMM	<input type="checkbox"/>	<input type="checkbox"/>
FELDSTEIN	<input type="checkbox"/>	<input type="checkbox"/>	BRADY/SPEAKES	<input type="checkbox"/>	<input type="checkbox"/>
FIELDING	<input checked="" type="checkbox"/>	<input type="checkbox"/>	ROGERS	<input type="checkbox"/>	<input type="checkbox"/>
FULLER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>BAKSHIAN</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Remarks:

Please forward comments/edits on this transmittal to my office by Noon Thursday, March 3.

Thank you.

Richard G. Darman
Assistant to the President
(x2702)

Response:



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

MAR 1 1983

MEMORANDUM FOR: RICHARD DARMAN

FROM: JOE WRIGHT *[Signature]*

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- o Narcotics enforcement. Our proposal would substantially increase the penalties for trafficking in drugs and would

Administration with respect to the diversion of legitimate drugs into illegal channels.

The bill contains many other important provisions, as well, concerning labor racketeering, capital punishment, consumer product tampering, and extradition, to name only a few. These proposals, taken together, will provide Federal law enforcement officials with important new tools with which to combat crime and will help once again to make our streets safe for all our citizens.

We cannot tolerate further delay in an area of such crucial concern to so many Americans. We must act now. Accordingly, I urge prompt and favorable consideration of our legislative proposal.

The White House