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THE WHITE HOUSE  
WASHINGTON

April 10, 1975

TO: PHIL BUCHEN

FROM: JIM CONNOR

Per our conversation.



## CRIME THEME

As suggested earlier in this book, the crime theme appears to be one on which the President might concentrate. This paper sketches out some of the aspects of a crime message, analyses the political implications, and describes a strategy for passing the legislation.

Almost every poll shows a high degree of concern with crime. This is not surprising in view of the increasing incidents of violent crime and the media attention paid to it. The President is in an excellent position to establish himself in the lead on this issue. Developing a suitable program and selling it are the keys. The program should be simple and understandable, forceful and yet not possess the aura of "law and order" or racism. One such program might include.

Mandatory sentences (~~and repeat crime~~) for use of a gun in commission of a crime).

Mandatory sentences (three-five years) for the "professional" criminal, i. e. those convicted of (violent) crimes for the third time.

Assistance to state and local governments to expand their judicial system (judges, prosecutors and public defenders) to speed up the process and to deal with the greater workload that will result from mandatory sentences which will eliminate much plea bargaining.

Assistance to state and local governments to establish an adequate prison system to deal with the influx of mandatory sentence prisoners.

Obviously the two key changes proposed here, mandatory sentences for use of a gun and for repeat crime, would have to involve state legislation. The technique of implementing the changes would be:

- modification of Federal code to conform to standards.
- modification of LEAA program to stress fund availability to those states which change their criminal codes to conform to standards
- Presidential address to joint state legislative sessions and other state and local forums urging them to adopt changes and to get the Congress to work quickly to pass his legislative proposals.

The advantages of the above approach are:

- it deals with the gun control issue in a way which would appeal to the NRA lobby and yet which would not be perceived as ignoring the problem of guns.
- as James Q. Wilson has shown, it is an intellectually and statistically defensible approach.
- It is simple to explain. No matter what one thinks of rehabilitation or deterrence, it is hard to argue that habitual criminals should not be kept off the streets.

By taking the lead on this issue, the President can:

- identify himself concerns and fears held by very large parts of the population.
  - demonstrate an ability to take decisive action.
  - place the Democrats in an extremely difficult situation.
- If they try to outbid him on the issue, they risk losing their civil libertarian left. If they oppose him, they risk being on the wrong side of public opinion. If they pass his program, he will have scored a major public triumph.

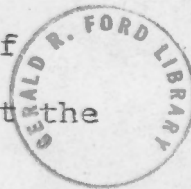


## ELEMENTS OF A PROGRAM

### I. Introduction:

The proper framing of the President's anti-crime program is crucial. It must be made clear:

- (1) that crime is everybody's problem;
- (2) that it (crime) is becoming intolerably destructive of the quality of life for Americans of all regions and races;
- (3) that the antiquated "law-and-order" rhetoric was and is empty--it sets us against one another; it invites us to be careless of our heritage of civil liberty; and, it offers no practical program suggestions;
- (4) and, finally, it must be emphasized that we can do certain things to reduce crime, and the costs of crime to victims, consistant with the American traditions of fairness and the presumption of innocence. We begin with the assumption that the goal is to reduce the occurrence of a selected set of criminal incidents (robberies, sexual assaults, and burglaries for openers); then, perhaps, larceny from the person and grand theft. We further assume that our proposals must be things that government can actually do in the here and now--at bearable costs in resources. (See the enclosed Wilson article.)



II. The core of the program is taking legislative steps to insure that all persons with a second conviction for a particular felony (or seeking to plead guilty to a second felony) will serve a modest minimum prison term--to keep a man for 18 months we have to sentence to about three years--to have him serve three years we have to sentence to about six years. First offenses involving use of a firearm would also carry mandatory sentences. As it is clear that most crimes are committed by repeaters (J. Q. Wilson) there will be a reduction in the crime rate simply through incapacitation. In addition, some recent research strongly suggests that the increasing probability of sanctions being imposed does deter crime (Gordon Tullock). The fact seems to be that for many unskilled persons crime (with the present low risk of doing time) is in fact more profitable than selling their modest capacities for modest wages. In such a cost-benefit context crime, with its excitement and relatively big rewards for time and effort expended, has an unfair competitive edge over gainful employment or training (anti-poverty style) for employment. The edge must be eliminated.

And there is an additional good (and politically appealing) reason for moving toward modest mandatory sentences. The horrendous sentencing discretion presently exercised by judges gives rise to differences in treatment of similar offenders which are often capricious and increasingly perceived as unfair to the point of scandal. (Marvin Frankel, Willard Gaylin.)



III. In order to implement this program, three sorts of changes in our criminal justice machinery must begin taking place:

- (1) We must increase our judicial capacity--both by creating more judgeships and by simplifying and shortening the trial process. This will be necessary because under a system of mandatory sentences the number of guilty pleas can be expected to decline dramatically. We must be able to give trials to more people. (This also entails increased prosecutorial resources and provision for defense attorneys.) The ultimate bill (which will, of course, come due to the states) will not be trivial, but reform of the trial can help keep costs down.
  
- (2) We must modestly expand and improve detention facilities. More places will be needed, and improved security (especially protecting inmates from their fellows) is required at many places. Some economies can be achieved by putting rehabilitation programs on a voluntary basis (Norval Morris), but again there are non-trivial costs.
  
- (3) We must have more police. Roger Starr once remarked that "police are most successful in catching criminals



when they stumble over them committing another crime." The more patrolling the more stumbling-- there are refinements to this point, but it is basic. Accepting that most crimes are committed by repeaters, and that most repeaters are eventually caught (J. Q. Wilson), it makes a great deal of difference whether the repeater is caught at act 2 or at act 10 after his first conviction. Once again there are costs to the states.

IV. What can the President do to encourage the states to begin moving in these directions?

- (1) Start cleaning the federal procedural house by proposing legislation which would limit federal collateral (habeas corpus) attack on final state judgments. Direct review (appeal or petition for "cert") <sup>to</sup> by the U. S. Supreme Court is sufficient to vindicate constitutional rights. The present habeas corpus mess is very costly and demoralizing (Macklin Fleming).
- (2) Reorganize LEAA so that its grants are targeted primarily on the three crucial structural variables courts, prisons, and police.
- (3) Take this program, in person, to joint sessions state legislatures.





V. Where should we go from here in testing these ideas?

(1) You (or you and I) should try them out on a few others whose opinions the President respects. (I don't know where Phil Areeda is at the moment, he would be good in such conversations.)

(2) I (or you and I) should talk to Jim Wilson at length.

(3) If the general approach survives that far, we should discuss the matter with the Attorney General. (Gun control could be cranked in along the way if this is thought desirable.)

(4) I presume there would have to be a Domestic Council presentation, but I would want to be damn well prepared by that point.

(5) At what point do we find out if the President is interested?



ROBIN BEARD  
6TH DISTRICT, TENNESSEE

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(615) 388-2133

May 27, 1975

*Be  
sure  
Ken  
has  
earlier  
+ this.*

Philip W. Buchen, Esquire  
Counsel to the President  
The White House  
Washington, D. C. 20500

Dear Mr. Buchen:

In Congressman Beard's absence during the Memorial Day recess, I am taking the liberty of responding to your May 21st letter to the Congressman concerning his crime control measure.

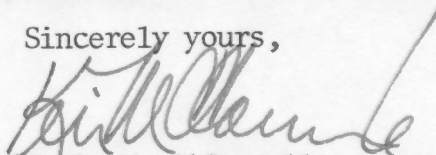
I know the Congressman will be glad to know that his views on the subject of crime control through mandatory sentencing of individuals committing violent crime will be reflected in the various options considered by the President in his forthcoming crime message.

Further, the Congressman is most anxious to work with President Ford towards the common goal of reducing crime in this Nation.

Should your staff desire any additional information, I hope that you will feel free to contact this office.

With kind regards.

Sincerely yours,



Kevin M. O'Connell,  
Counsel to  
Congressman Robin L. Beard

KMO:kom



THE WHITE HOUSE

WASHINGTON

July 7, 1975

MEMORANDUM FOR: JIM CANNON  
THROUGH: PHIL BUCHEN *P.W.B.*  
FROM: KEN LAZARUS *KL*  
SUBJECT: "Saturday Night Specials"

This is to suggest that the draft memorandum to the President on the referenced subject include at the bottom of page 2 prior to the caption "Discussion", the following paragraph:

"Note: ATF and Justice are currently drafting language changes in the bill and/or section-by-section analysis to authorize the transfer of a small number of highly concealable yet expensive weapons between licensed collectors only. This approach would suffer none of the infirmities noted above and may be acceptable to Senator Hruska. The results of this effort and Senator Hruska's reaction to it will be available at our meeting on the subject."

ATF and Justice will have this draft language available tomorrow, and I shall discuss the matter with Senator Hruska tomorrow afternoon. Therefore, it might be best to schedule a meeting on the subject on Wednesday.



THE WHITE HOUSE  
WASHINGTON

*Cannon*

July 3, 1975

MEMORANDUM FOR: Jim Lynn  
Jack Marsh  
Max Friedersdorf  
Bob Hartmann  
Phil Buchen ✓

*copy sent to  
Lazarus*

FROM: Jim Cannon

The attached is self-explanatory.

I would appreciate your observations, comments and recommendations by 5:00 p.m., Monday, July 7.



July 3, 1975

## MEMORANDUM FOR THE PRESIDENT

FROM: Jim Cannon

SUBJECT: "Saturday Night Specials"

Two issues have developed in the course of our efforts to draft legislation implementing the portion of your Crime Message recommending the prohibition of the manufacture and sale of "Saturday Night Specials."

I. "Saturday Night Specials" -- Definition

As you know, the Gun Control Act of 1968 prohibits, among other things, the importation of handguns not suitable for sporting purposes (i.e., so-called "Saturday Night Specials"). Under the regulations implementing the statutory prohibition, "Saturday Night Specials" are defined on the basis of concealability, quality and safety. Cost is not a factor. Thus, the prohibition applies not only to cheap (i.e., inexpensive), poorly constructed handguns, but to certain expensive, highly concealable handguns as well.

With only minor exceptions, the draft bill which the Department of Justice and the Bureau of Alcohol, Tobacco and Firearms have forwarded for clearance adopts the definition developed under the 1968 Act.

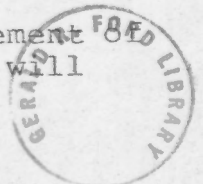
As you will recall, during the Congressional leadership meeting prior to the transmittal of your Crime Message, a brief discussion was had on this issue. At that time, Senator Hruska spoke very strongly of his concern that cost be a central element in your definition of "Saturday Night Special."

The issue raised for your consideration is whether the definition of "Saturday Night Special" should be modified in order to introduce the element of cost.

The arguments pro and con may be summarized as follows:

PRO:

- Unless the definition incorporates the element of price, it is unlikely that Senator Hruska will introduce the bill.



- An adjustment in definition can still be consistent with your announced intention to eliminate commerce in cheap, easily concealable handguns.
- The chance for success of the entire gun control package would likely be enhanced by this change.
- Very expensive, albeit easily concealable, handguns are not generally the type of weapons involved in street crime.

CON:

- Such a change would, no doubt, be interpreted by the press and political opponents as a retreat from current law, since current law prohibits the importation of some small yet expensive handguns.
- The establishment of a maximum cost test would create a major loophole in the law which would allow persons to import, manufacture and/or sell highly concealable, poor quality and/or unsafe weapons at high prices. Moreover, a cost test would appear to discriminate against the poor.
- Aside from the aesthetic interests of gun buffs, small yet expensive weapons have no valid sporting purpose.
- The Bureau of Alcohol, Tobacco and Firearms reports that a meaningful cost test would be difficult to administer.

OPTIONS:

1. Redraft the definition to include the element of cost.

[Recommendations]

2. Go with the Justice/ATF draft.\*

[Recommendations]

DECISION:

Option 1 \_\_\_\_\_  
Option 2 \_\_\_\_\_

---

\* If you decide to go with the current draft, you may wish to bring Senator Hruska in for a meeting prior to sending the legislation to the Congress.



## II. "Saturday Night Specials" Buy-Back

It has been suggested that your bill authorize Treasury to purchase all "Saturday Night Specials" held by manufacturers or dealers on the effective date of the legislation. The Bureau of Alcohol, Tobacco and Firearms estimates that there are approximately 100,000 "Saturday Night Specials" in the pipeline at any given moment, with an average value of \$25.00 per weapon. Thus, a program to purchase manufacturer and dealer inventories could cost the Federal government \$2.5 million.

The arguments pro and con may be summarized as follows:

### PRO:

- This proposal is entirely consistent with the thrust of your Crime Message to remove "Saturday Night Specials" from circulation.
- Compensating manufacturers and dealers for inventories rendered useless by a new law is certainly equitable and, arguably, required by law.
- Absent such a program, the Administration could be accused of contributing to massive dumping of "Saturday Night Specials" by manufacturers or dealers attempting to clear their shelves at the last minute.
- The program is relatively inexpensive.

### CON:

- Technically, this is a new spending program.
- Adoption of this program could create pressure to extend the buy-back feature to persons other than dealers and manufacturers owning "Saturday Night Specials" (at a cost of anywhere from \$25 million to \$250 million).
- Compared with the 10 to 15 million "Saturday Night Specials" already in circulation, an additional 100,000 is but a drop in the bucket.



OPTIONS:

1. Endorse the buy-back program.  
[Recommendations]
2. Do not endorse the buy-back program.  
[Recommendations]

DECISION:

Option 1 \_\_\_\_\_  
Option 2 \_\_\_\_\_





**September 2, 1975**

**To: Robert Longood**

**From: Phil Buchen**



REDRAFT -- with Chapman &  
Lazarus changes

I want to talk today about a topic that has been deep in your deliberations -- crime. It touches the lives of every Californian and every American.

Not long ago, I received a letter from a mother of two children who has been robbed six times, twice this summer.

The situation has gotten so bad, she says, that when she leaves for work every day she carries her television, clock radio and other household valuables with her in the trunk of her car to keep them from getting stolen.

"I now live in fear," she says. "I can't leave my home and go to the store or work. I can't leave the house vacant.

"What," she asks, "does one do for protection of your life and your freedom?"

Americans everywhere are asking that question. They are asking it of every officer of government who has sworn an oath to protect and defend a Constitution dedicated to the protection of life, liberty and the pursuit of happiness, and which seeks to ensure domestic tranquility.

That Constitutional charge, to all of us who serve in government, is today under increasing assault:



-- When the very lives of Americans are hostage to an epidemic of murders now numbering 20,000 victims a year;

-- When the liberties of every American are curbed because they cannot walk the streets of their community in safety or feel secure in their homes;

-- When the pursuit of happiness is diminished by violence, and the threat of violence, that cast a daily shadow over the lives of ordinary citizens in their daily pursuits.

I do not come before you to suggest easy answers. The best minds in the Nation who have devoted themselves to the problem of crime now recognize that no easy solutions are at hand.

The consensus today is that the "solutions" of the past have not worked. There is a growing recognition that the first thing we must understand is that we do not fully understand.

Crime, its origins, its prevention and the rehabilitation of those convicted of crimes raise tangled and complex issues that will not yield to simple answers.

The individual and social costs of crime cannot be ignored. It involves tens of thousands of personal tragedies, the unproductive use of resources and the danger of creating deep fractures within our society.



-3-

A problem of such dimension requires urgent and immediate attention. It requires coordinated action at every level of government. And most of all, it demands reasoned and concentrated thought.

Most crimes fall solely within the jurisdiction of state and local governments. It is to you, the States, that we must look primarily if we are to reverse the tidal wave of violent crime that is upon us. But the Federal Government also has a major role to play. It can provide leadership by the example it sets in the enforcement of federal laws, and by assisting the states in programs aimed at nation-wide law enforcement problems. I have already recommended such measures to the Congress in my message on crime.

We must not permit ourselves to become immersed in the fruitless rhetoric of the past. You have all heard it before:

Those speaking for maximum guarantees of due process, for improvements in jail conditions or for rehabilitation of offenders are called 'soft on crime.'



Those who call for strong measures to increase the protection of citizens from the rise in crime are called 'redneck' 'hardhat' or other derogatory terms.

The plain truth is, we are all Americans and we share in all these problems of crime together.

If we are to find sensible, rational solutions, we need to stop calling each other names. Let's fight crime, not each other.

That is, I realize, easier said than done. It is hard to break free of the patterns of the past. But we can do it.

As a beginning, I suggest that we seek common ground, something we can all agree on. If we can find a new beginning point, we can begin to banish the old emotions and the dangerous rhetoric that has separated us in our common quest for answers.

In my message to Congress on crime last June, I proposed such a new beginning. I said then -- and I repeat now -- that our first concern must always be with the innocent victims of crime.

That is not to say that we should not also improve the quality of our criminal justice system. There is much in that system -- both state and federal -- that is unfair. In the recent past, there has been a great emphasis on improving the rights of the accused. No one can quarrel with the aim to assure that our criminal justice system



is administered fairly and justly. We cannot ignore it, and I have made a number of recommendations for that purpose in my crime message. But our most urgent concern must be for the protection of innocent victims.

These are not mutually exclusive goals. We do not, and shall not, have to abandon our concern for justice to protect the innocent victims. But our most urgent priority now must be for our citizens who find their lives, their safety and their property in increasing jeopardy by a rising tide of lawlessness and violence.

A step in that common direction is to be found in taking the initiative against violent crime. Murder, rape, armed robbery, break-ins -- these are the kinds of crimes that upset and outrage law-abiding citizens.

The most violent weapon in violent crime is the firearm. One squeeze of a finger and the victim is dead, injured or crippled for life. Triggering a bullet is an irreversible act, for both the criminal and the victim alike.

In my recent recommendations to reform the Federal Criminal Justice System, I proposed mandatory minimum sentences for persons who commit Federal offenses involving the use of a dangerous weapon.



This legislation would deny probation to any person convicted of a serious crime who had used firearms in the act of committing that crime.

Such a law would have two edges: it would discourage the use of firearms by the criminally inclined and it would place those not thus restrained into jails and out of the community.

I have also proposed legislation to prohibit the manufacture, assembly or sale of cheap handguns -- Saturday Night Specials -- and the strengthening of the laws aimed at cutting off illegal commerce in handguns.

I have also directed the Treasury Department to double its investigative efforts in the nation's ten largest metropolitan areas and to immediately employ and train an additional 500 firearms investigators in this effort.

However, the use of firearms by criminals is principally a problem at the state and local level.



I therefore commend the members of this legislature for their current efforts to shape a sound piece of legislation whose purpose is to deter the use of firearms by criminals.

Getting the violent criminal -- especially the career criminal -- off the street is by no means a comprehensive program of crime control. But it does open the way toward greater public acceptance of such a program.

As long as Americans fear for their safety and that of their loved ones, as long as they read accounts in their newspapers of fellow citizens victimized by those who have been previously apprehended or convicted of violent crime, for just that long will public anger, fear and apprehension stand in the way of comprehensive programs geared at the prevention of crime and the rehabilitation of offenders.

The Federal government cannot by itself end crime in the streets. But it can and it will assist the States and local governments to mount a more effective attack on the problem. And it will cooperate with the efforts of States and local governments in that effort.





To that end, I have recommended that the annual funding for the Law Enforcement Assistance Administration be increased from \$1.25 billion to \$1.3 billion. The additional funds over five years will enable the agency to emphasize programs aimed at reducing crime in heavily populated urban areas. It is in these areas that the problem of violent street crime has reached epidemic proportions.

The LEAA "High Impact" program, which is designed to help cities and counties with high crime rates, has had encouraging success. This additional authorization will permit LEAA to build on that success.

If Congress enacts this and other features of the program to combat crime which I have recommended including criminal code reform and a Federal program of victim compensation. I am confident that we will measurably strengthen the attack.

No overnight success is in prospect. But a sound beginning in the right direction can ensure steady progress.

Those of us at all levels of government must work toward that goal. Together, we can make domestic tranquility a goal realizable in our time.

Let us begin the quest.

###



SACRAMENTO

Original - shows deletions

①

I want to talk today about a topic that has been deep in your deliberations. It touches the lives of every Californian and every American. -- crime.

Mother of two children

Not long ago I received a letter from a woman who has been robbed six times, twice this summer.

The situation

It has gotten so bad, she says, that when she leaves for work every day she carries her television, clock radio and other household valuables with her in the trunk of her car to keep them from getting stolen.

"I now live in fear," she says. "I can't leave my home and go to the store or work. I can't leave the house vacant.

"What," she asks, "does one do for protection of your life and your freedom?"

Millions of Americans everywhere are asking that question. They are asking it of every officer of government who has sworn an oath to protect and defend a Constitution dedicated to the protecting life, liberty and pursuit of happiness.

to all of us who demand government

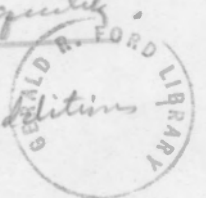
That Constitutional ~~mandate~~ is today under increasing assault by:

CHARGE, ~~to~~ to all of us

and which seeks to erode the domestic tranquility.

\* misuse of word

Note: underlining indicates D.C. addition not in re-draft



*too strong: 20,000 victims out of 200 million*

*when very*  
--the lives of every American are hostage ~~to~~ *an epidemic* ~~when the number~~ *TO AN EPIDEMIC*  
of homicides in the Nation has ~~climbed to~~ *Now 20,000* 20,000 a year; *Victims*

*when*  
--the liberties of every American are ~~being~~ *become* curbed ~~when~~  
~~men, women and children~~ *they* cannot walk the streets of their community in  
safety; *or* ~~or~~ *feel secure* ~~in their homes;~~ *in their homes;*

*when the*  
--~~and~~ pursuit of happiness is reduced to empty phrase *Diminished by*  
~~and the threat of violence~~ *that* ~~when the threat of violence~~ *cast* a daily shadow  
over the lives of ordinary citizens ~~going about~~ *in* their daily pursuits of  
~~work, school or recreation.~~

*To suggest*  
I do not come before you today ~~with~~ *to suggest* easy answers. The  
best minds in the Nation who have ~~addressed~~ *Devoted* themselves to the problem  
of increasing crime *now* recognize that ~~solutions will be difficult.~~ *No easy solutions are at hand.*

~~The~~ *TH* consensus today is that the solutions of  
the past have not worked. There is ~~a~~ *total a consensus* recognition that the first thing  
we must understand is that we do not *Fully* understand.

Crime, its ~~origins~~ *origins*, its prevention and the rehabilitation  
of those convicted of crimes ~~is a~~ *is a* tangled and complex issue<sup>s</sup> that will not  
yield to simple answers.



A willingness to recognize that we do not ~~not~~ know, ~~now~~ however, should never come to mean that we need not act.

The individual and social costs of crime cannot be ignored. It involves tens of thousands of personal tragedies, the ~~waste~~ unproductive use of resources and the ~~is~~ danger of ~~do~~ creating deep fractures within our society.

A problem of such ~~do~~ dimension requires urgent and ~~now~~ immediate attention. It requires coordinated action at every ~~do~~ level of government ~~to~~. And most of all, it demands ~~do~~ reasoned and concentrated thought.

*1* ~~We~~ must not permit ourselves to become immersed in the fruitless rhetoric of the past. You have all heard it before:

~~if you~~ Those speaking for due process, for improvements in jail conditions or for rehabilitation of offenders are called 'soft on crime.'

Those who call for measures to increase the protection of citizens from the rise in crime are called 'redneck' 'hardhat' or other derogatory terms.

*share in all these* ~~are all~~ ~~the~~ ~~problems~~ ~~of~~ ~~crime~~ together. The plain truth is, we are all Americans and we of crime

If we are to find ~~sensible~~ sensible, rational solutions, we need to stop calling each other names. Let's fight crime, not each other.



That is, I realize, easier said than done. It is hard to break free of the patterns of the past. But we can do it.

As a beginning, I suggest that we seek common ground, something we can all agree on. If we can find a new beginning point, we can begin to banish the old emotions and the dangerous rhetoric that ~~has~~ <sup>has</sup> separated us in our common quest for answers.

In my message to Congress on crime last June, I proposed such a new beginning. I said then -- and I repeat now -- that our first concern must always be with the innocent victims of crime.

That was not said to unleash the awesome powers of the state against every person brought before a court.

It was said out of a simple recognition that angry and frightened citizens are of no mood to entertain any proposals for long-~~lx~~ lasting reform of our criminal justice system when their lives, their safety and their property are placed in ~~ever~~ increasing jeopardy by a rising tide of lawlessness and violence.

All laws must take into primary consideration the sensibilities of the lawful. For a period in our past, that was forgotten. For too long, laws over-emphasized the rights of the criminal defendant rather than the victim of crime.





In my recent recommendations to reform the Federal Criminal Justice System, I proposed mandatory minimum sentences for persons who commit Federal offenses involving the use of a dangerous weapon.

I have also proposed legislation to prohibit the manufacture, assembly or sale of cheap handguns -- Saturday Night Specials -- and the strengthening of the law aimed at cutting off illegal commerce in handguns.

I have also directed the Treasury Department to double its investigative efforts in the nation's ten largest metropolitan areas and to immediately employ and train an additional 500 firearms investigators in this effort.

However, prosecution of most crimes fall solely within the jurisdiction of States and local governments. It is to you, the States [and your several jurisdictions] that we must look primarily if we are to reverse the tidal wave of violent crime that is upon us.

I therefore commend the members of this legislature for their current efforts to ~~enact~~ shape a sound piece of legislation whose purpose is to deter the use of firearms ~~ix~~ by criminals.

A

to p. 7

Choking

B

to p. 7



This legislation would deny probation to any person convicted of a serious crime who had used firearms in the ~~XXXXXX~~ act of committing that crime.

Such a law would have two edges: it would discourage the use of firearms by the criminally inclined and it would place those ~~who~~ not thus restrained into jails and out of the community.

Getting the violent criminal off the street is by no

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means a comprehensive program of ~~criminal~~ crime control. But it does ~~offer~~ open the way ~~to~~ toward greater public acceptance of such a program.

As long as Americans fear for their safety and that of their loved ones, as long as they read accounts in their newspapers of ~~other~~ fellow citizens victimized by those who have been previously apprehended or convicted of violent crime, for just that long will public anger, fear and apprehension stand in the way of comprehensive programs geared at the prevention of crime and the rehabilitation of offenders.

We cannot attack the roots of crime until we attack the consequences of crime. The two problems are inseparable. The only issue, therefore, is attacking the problem where ~~it~~ we can begin to unravel it.

A  
3  
B

*What about the career criminal?*

*Why not. In fact this whole para. makes no sense as it is written*





We do not have and we do not want a police state. But neither must we choose between the rights of defendants and the rights of citizens. It is not a question of choice, ~~but~~ but of priority.

The Federal government cannot by itself end crime in the streets. But it can and it will assist the States and local governments to mount a more ~~powerful~~ effective ~~an~~ attack on the problem. And it will cooperate with the efforts of States and local governments in that effort.

R To that end, I have recommended that funding for the Law Enforcement Assistance Administration be increased from \$1.25 billion to \$1.3 billion. The additional funds over five years will enable the agency to emphasize programs aimed at reducing crime in heavily populated urban areas. I s It is in these areas that the r problem of violent street crime has reached epidemic proportions.

The LEAA "High Impact" program , which is designed to help cities and counties with high crime rates, has had encouraging success. This additional authorization will permit LEAA to build on that success.



If Congress enacts this and other features of the program to combat crime I have recommended, I am confident that we ~~wexx~~ will strengthen measurably the attack.

~~xx~~ No overnight success is in prospect. But a sound beginning in the right direction can ensure steady progress.

Those of us at all levels of government must ~~shexexix~~ work toward that goal. Together, we can make ~~x~~ domestic tranquility a goal realizable in our time.

Let us begin the quest.

###



Crime Law Enforcement  
Comm.

THE WHITE HOUSE

WASHINGTON

September 22, 1975

MEMORANDUM FOR: PHIL BUCHEN ✓  
JACK MARSH

FROM: KEN LAZARUS *kl*

SUBJECT: Presidential Law Enforcement  
Commission

You will recall that earlier this summer we met with Don Baldwin, Don Santarelli and several other representatives of various police and prosecutor associations to consider a proposal that the President establish a commission to solicit law enforcement views regarding possible improvements in the administration of our system of criminal justice.

Although I cannot suggest that we support the proposal as advanced by Baldwin, et al., I believe it presents the germ of an idea which could have some real utility. The purpose of this memorandum is to explore some preliminary ideas and to solicit your guidance for further action.

Problem

The President's Crime Message is beginning to wear a bit thin as a response to the increasing trends of crime in the country. Thus, it would be helpful to develop some additional options in the crime control area.

The principal problem presented by the Baldwin proposal is its lack of balance in two distinct respects. First, it only concentrates on one component of the law enforcement community -- the police. It disregards the courts and corrections components. Secondly, it proposes public members but disregards the need for "political", i.e., ideological, balance which is a practical necessity when such a group is composed of public members.



The establishment of a customary commission to consider long-range solutions to the problem of crime would hold little promise for meeting the immediacy of the crime dilemma and would ultimately result in the usual hodge-podge of watered-down ideas which necessarily result from conflicts between various segments of the criminal justice system and from the ideological conflicts which develop between members. Additionally, there is simply no need for another group to study the fundamental aspects of law enforcement and the administration of justice -- the Standards and Goals project now being funded by the Department of Justice meets the need for comprehensive oversight. Finally, a crime commission on the model of President Johnson's program in 1967 would probably not be perceived by the public as being responsive to the problem at hand.

### Concept

Although there would appear to be no present need for a commission to examine possible long-range solutions to the dilemma of crime in America, there would be utility in establishing a trilogy of Presidential Task Forces to examine possible steps which could be taken immediately to reduce the level of crime in the country.

To meet the problems presented by the Baldwin proposal, the President could establish three separate task forces -- police, courts and corrections -- to solicit the views of active professionals in these fields. This would eliminate the need for ideological balance, e.g. liberal and conservative academicians, but would cover the full spectrum of law enforcement. By creating separate task forces on each component of the criminal justice system, we would obviate the frictions which necessarily arise as the police blame the courts who then fault the corrections system in attempting to identify failures in the enforcement of our laws.

### Support

The general concept outlined above has the support of a number of individuals and groups. Certain details would have to be ironed out but these could be handled without much difficulty if you decide the matter should be pursued.



Dick Obenshain of the RNC, Senators Byrd, Roth, McClellan, Hruska, Buckley and Griffin and Congressmen Rhodes, Flowers and Fish have expressed their support for the idea. Additionally, the Attorney General's office (Doug Marvin), OMB (Paul O'Neill) and LEAA (Pete Velde) have reacted postively. Within the White House, Dick Parsons of the Domestic Council and Robin West of Personnel have indicated they believe the idea has merit.

### Options

A number of options would have to be considered in developing this proposal including:

A. Membership. The membership of these task forces would, of course, be critical in shaping the direction and tone of their recommendations. In order to ensure that we are not hoisted by our own petard, it will be necessary to select a group of responsible people who will present a series of practical recommendations. Additionally, the actual appointment process would have to be accelerated to meet the timing problem discussed below.

B. Mandate. The charter of these task forces could be in the form of an executive order or memorandum. Regardless of the form, it should provide some real guidance in focusing attention on short-range improvements in administration, regulation and legislation. Direct Federal improvement could be proposed. Improvements on the state and local level could be presented for appropriate referral. The ultimate goal should be crime reduction.

C. Timing. Two timing issues should be considered. The first is the question of the duration of the task forces. In view of the fact that these groups would be subject to the provisions of the Advisory Committee Act, we should contemplate a minimum time frame of 3-4 months. Secondly, consideration should be given to the most propitious date for the eventual presentation of the reports of the task forces. My preliminary view in this regard is that we should point toward the early Spring of 1976.



D. Presidential Involvement. Presidential participation in this type of effort would dramatize the Administration's concern with the crime problem, elevate the importance of the work of the task forces and maximize any political utility inherent in the proposal. In order to identify the President with the effort, it would probably be necessary to have him meet with the membership at least twice during the course of the effort.

E. Financing. I have discussed with LEAA the possibility of three small grants to finance a project of this sort. There would be no difficulty in arranging for total funding in the neighborhood of \$300,000-\$500,000.

#### Recommendation

At this stage, I would recommend that you raise the idea in a preliminary way with Don Rumsfeld, Bob Hartmann and Jim Cannon at the Senior Staff Meeting. Assuming your reaction and those of other senior members of the staff are positive, Dick Parsons and I could coordinate with personnel at Justice, OMB and the White House Personnel Office to consider details and prepare an options paper for the President by the middle of next month.



THE WHITE HOUSE

WASHINGTON

October 22, 1975

*Rumsfeld*

MEMORANDUM FOR: DON RUMSFELD

FROM: BARRY ROTH *BR*

SUBJECT: Carrying of Weapons by  
Private Bodyguards

Referencing your inquiry, the carrying of weapons by private bodyguards is controlled by the laws of the individual states and frequently the cities as well. There is no national licensing system that would preempt Sammy Davis' bodyguard from having to comply with this myriad of different provisions. The only thing he can do is check with local police officials in advance of travel or on arrival to determine whether he can carry his weapon, and what are the relevant restrictions. To minimize the burden of this, he might wish to apply for licenses in the localities he knows that he will be traveling to most frequently.

The carrying of weapons overseas is even more complicated. Many foreign governments, e.g., Canada and Great Britain, have only reluctantly allowed the Secret Service to carry weapons while protecting the President and Vice President. Again, the bodyguard will have to inquire in advance of travel in a particular country.

Attached is a compilation of the various state laws concerning gun permits which might be of some assistance to the bodyguard. I would be pleased to call him or do otherwise as you wish.

bcc: Phil Buchen ✓



*Crime*

THE WHITE HOUSE  
WASHINGTON

October 29, 1975

Dear Senator Curtis:

On behalf of President Ford, I thank you for your letter of September 29, 1975, in which you and your colleagues joined in commending the President's Crime Message, as well as in offering suggestions concerning the area of "document fraud". I can assure you that the President shares your concern for immediate and thorough action in relieving both the taxpayer and the Federal Government of the heavy burdens that result from the type of criminal activity outlined in your letter.

As I am sure you are well aware, the "Criminal Justice Reform Act of 1975", S. 1, was just recently reported to the Senate Judiciary Committee from the Senate Subcommittee on Criminal Laws and Procedures. Section 1301 of the bill is entitled "Obstructing a Government Function by Fraud" and addresses the issue of "document fraud" by making it a Federal criminal offense if an individual "intentionally obstructs or impairs a government function by defrauding the government in any manner". Such an offense is made a "Class D" felony, and Subsection (c) of that same law provides Federal jurisdiction "if the government function is a federal government function".

The Administration fully supports the spirit and intent of this measure incorporating features of S. 2131, and inasmuch as the full Senate Judiciary Committee will be considering the bill in the immediate future, the President urges your cooperation and assistance in this process to ensure that the final outcome will mirror our common objectives.

As you have stated in your letter, the costs to the American public and to the government of this type of fraud are too great to be ignored. Our laws must provide a basis for the containment and correction of "document fraud".





You can be assured that the President will appreciate your attention to this problem.

With best wishes,

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Carl T. Curtis  
United States Senate  
Washington, D. C. 20510

cc: Senator Henry Bellmon  
Senator Pete Domenici  
Senator Paul Fannin  
Senator Jake Garn  
Senator Robert Griffin  
Senator Clifford Hansen  
Senator Jesse Helms  
Senator Paul Laxalt  
Senator William Roth  
Senator John Stennis  
Senator Strom Thurmond  
Senator Milton Young

