

BOB DOLE  
KANSAS

## United States Senate

OFFICE OF THE REPUBLICAN LEADER  
September 15, 1989  
WASHINGTON, DC 20510

TO: SENATOR DOLE  
FROM: JIM WHITTINGHILL  
SUBJECT: GUN CONTROL

Especially with the recent shootings in Louisville, KY, the issue of gun control will no doubt be raised while you are in Kansas. NRA and other -- more radical -- gun groups have been papering the state for the past two to three months. A couple of points need to be kept in mind:

- o Joseph Wesbecker, the individual who committed the killings in Louisville, used several semiautomatic weapons, chiefly the AK 47 and a Mach 10. The AK is an imported rifle, now banned by President Bush. The Mach 10 is a domestically produced firearm which uses pistol ammunition. It is one of the "Miami Vice" guns.
- o When drafting the Senate Republican Crime Bill (the majority of which is now the President's Crime Bill), at your direction we tried to ban Miami Vice guns. They are semiautomatic, have large capacity magazines, are easily concealable and are configured slightly different than a similarly described handgun (such as the GLOCK 17 which Jack Anderson smuggled into the Capitol). These changes can include a grip forward of the normal pistol grip, ventilated barrels, etc.
- o I had over 10 meetings with different individuals, including pro-gun groups (even though they opposed the idea they really did try), gun manufacturers (Bill Ruger and his attorneys and advisors), anti-gun groups (especially Handgun Control) Administration officials (even BATF) and dozens of telephone conversations of Kansans on both sides of the issues. Without giving discretionary authority to administratively ban guns, a definition cannot be written.
- o The pro-gun folks in Kansas are opposed to both the DeConcini Bill (reported from Judiciary) and the Metzenbaum Bill. Metzenbaum bans a larger list, but the important difference is that it grants discretionary authority. DeConcini won't work because gun manufacturers will simply put a slightly different version on the streets virtually overnight.

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- o Discretionary authority isn't acceptable due to historical problems. The most bizarre was probably during the Carter Administration. Browning was having difficulty with its semiautomatic shotguns discharging multiple shells with one trigger pull -- a defect not desired by either the manufacturer or the consumer. BATF confiscated several of the shotguns and attempted to prosecute the dealers for selling machine guns. In Democratic Administrations, you can get some odd ideas at BATF. A definition would have to be so broad that millions of non-assault, non-Miami Vice guns could be administratively banned. We can't handle the criminals we have now, why create a whole new class.
- o Some suggest placing a "sporting" test to domestic guns, as is applied to imported guns. (This is the authority used to ban the imports.) It is important to note that an estimated 90% of the firearms legally owned in the U.S. are for protection -- not sport. A small caliber revolver is not much use to a deer hunter or pheasant hunter, but it could protect your home.
- o Still, if there were a way to ban Miami Vice guns, there are alternatives -- the GLOCK is as good as any to use as a standard. It is the gun of choice for police departments who are moving toward higher caliber, semiautomatic handguns. You don't need a Tech 9 or Mach 10 or Uzi to protect your home, a GLOCK will do nicely. The problem is we can't ban the first group without banning the GLOCK. (This is also the so-called plastic gun, which is a farce.)
- o On magazines, Bush bans future manufacture of those holding more than 15 rounds (current treatment of machine guns). We have proposed treating them as machine guns were prior to 1985 (background check by BATF, fingerprint, notify local police, etc.). Magazine size is really the only thing that makes a difference.

### BOTTOM LINE

- o Beginning this Fall, a new system will begin to come on line to conduct instant background checks on gun purchasers to check for felony convictions (McCollum/Dole). Later, we hope to add other excluded categories (all Dole). Wesbecker had a history of mental illness. Although never "adjudicated mentally ill" or "committed to a mental institution," he should not have been allowed to buy these guns. A 100% check and change in the definition of mental health problems could have prevented this tragedy. Banning a specific gun would not have prevented it -- he would have used something else, just as deadly, firing almost as fast (a pump fires a fraction of a second slower), killing and wounding just as many. Remember, all guns can kill, or else no one would buy them.

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- o This may sound overly pro-gun, but it's what I have told Handgun Control. "Senator Dole agrees that we could and maybe even should ban Miami Vice guns. There are alternatives for protection in the same degree. If you can write it, he'll back it." So far, no luck.

September 19, 1989

M E M O R A N D U M

TO: SENATOR DOLE  
FROM: SHEILA BURKE *SB*  
SUBJECT: MEET THE PRESS

You did a terrific job on Sunday with regard to all of the questions. In fact, I'm sure Whit will appreciate being identified as the gun expert on the staff.

There are, however, two points with respect to drugs and catastrophic which you might want to add to any future comments.

Regarding drugs, I think it is important to continue to underscore the Democrats attempts to simply add more money with little regard to whether or not it will be utilized effectively. The Bush plan has an underlying strategy that is well thought out and selectively increases funding. Perhaps the best example of the problem with the Democrat's plan is Senator Byrd's substantial addition to the ADAMHA (alcohol, drug abuse, mental health) Block Grant. The law currently restricts the use of these funds for out-patient vs. in-patient treatment. In the case of cocaine addicts, data is beginning to show that in-patient treatment has a much higher success rate, so simply adding more money does little good.

With respect to catastrophic, one of the important principles behind the financing scheme is protection of the low-income elderly. To the extent that we bail out the higher income and reduce the supplemental premium -- resulting in a reduction of benefits -- those most likely to suffer are the low-income who are unlikely to be able to afford costly medigap insurance. For this reason if no other, we should try to protect portions of the program.

M E M O R A N D U M

September 16, 1989

TO: SENATOR DOLE  
FROM: JIM WHITTINGHILL  
SUBJECT: DRUGS / MEET THE PRESS

Since the discussion is supposed to concern the adequacy of the National Drug Strategy, it is important to remember that:

- A) the Democrats wrote the section of the 1988 Anti-Drug Abuse Act which created the Drug Czar and required the report, and
- B) there were really only four things that they required to be in the report (attachment #1):
- 1) short term goals
  - 2) long term goals
  - 3) describe the balance of resources between supply and demand, and
  - 4) review state and local efforts to ensure there is cooperation between all levels of government.

While there is a list of 6 items (attachment #2) which more or less delineate the previous four, the strategy is full of short and long term goals, it describes the 70/30 balance, as well as review and establish requirements on state and locals.

As far as I can tell, the Democrats have a four point plan as well:

- Point 1) TAX
- Point 2) SPEND
- Point 3) GRIPE
- Point 4) COMPLAIN

- 2 -

The Senate Appropriations Subcommittee on Defense had already included about \$1 billion for anti-drug activities (including interdiction activities, a \$300 million transfer to the Coast Guard and the \$125 million Andes Initiative contained in the Strategy). The Hollings/Rudman/Gramm Amendment to Commerce, Justice, State Appropriations would have added another \$600 million to fund the 0.225% across-the-board cut to fund CJS anti-drug activities called for in the February Budget, the Crime Bill and the Drug Strategy. The Byrd Amendment would add \$1.22 to Hollings (0.575 across-the-board), making the cost to DOD around \$2.75 billion, more than the entire Byrd add of \$2.2 billion.

In addition, the Byrd Amendment fails to address several underlying policy and program needs. For example, the money simply cannot be absorbed in many of the programs. It adds money to a program to care for infants with AIDS (which you have always supported), but fails to allow the money to be spent on infants born with an addiction to cocaine. While nearly every expert agrees that any success we are experiencing in treatment for cocaine comes from those programs which involve inpatient treatment for periods of 18 months and more, the Byrd Amendment more than doubles the size of the ADAMHA Block Grant, which prohibits the money from being spent on the majority of these types of inpatient care programs, and allows up to 2/3 of the \$1.2 billion Block Grant increase to be spent on non-drug related mental health and alcohol treatment (again, while you have supported spending on these programs in the past, this is not the right vehicle or environment to be considering these programs).

What the Amendment really does is throw over \$2 billion at programs that cannot absorb them, fails to address underlying policy needs, and takes more than the entire \$2.2 billion Byrd add-on from Defense to pay for it, while totally ignoring the issue of specific program cuts to pay for it. The across-the-board cut is also nothing more than a blind sequester. It would, for example, require reducing troop strength by 38,000, although it may make more sense to terminate a weapon system.

It's a war on the Treasury and a war on our men and women in uniform, not a war on drugs.

#### SOME NUMBERS:

The President's FY '90 request is the following percentages above FY '89 in the indicated accounts:

Corrections	--	118%
Interdiction	--	80%
State and Local Law Enforcement	--	133%
Justice Law Enforcement	--	20%
Other Law Enforcement	--	12%
Prevention and Education	--	25%
Treatment	--	53%

(b) The Director of Central Intelligence shall, to the maximum extent possible, coordinate and assist in the development of a national drug control strategy and support to the Office of National Drug Control Policy and its Director.

(b) CERTIFICATION OF POLICY CHANGES BY DIRECTOR.—(1) The head of a National Drug Control Program agency shall, unless exigent circumstances require otherwise, notify the Director in writing regarding any proposed change in policies relating to the activities of such department or agency under the National Drug Control Program prior to implementation of such change. The Director shall promptly review such proposed change and certify to the department or agency head in writing whether such change is consistent with the National Drug Control Strategy.

(2) If prior notice of a proposed change under paragraph (1) is not possible, the department or agency head shall notify the Director as soon as practicable. The Director shall review such change and certify to the department or agency head in writing whether such change is consistent with the National Drug Control Program.

(c) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Director on a reimbursable basis such administrative support services as the Director may request.

SEC. 1005. DEVELOPMENT AND SUBMISSION OF NATIONAL DRUG CONTROL STRATEGY.

21 USC 1504.

(a) DEVELOPMENT AND SUBMISSION OF THE NATIONAL DRUG CONTROL STRATEGY.—(1) Not later than 180 days after the first Director is confirmed by the Senate, and not later than February 1 of each year thereafter, the President shall submit to the Congress a National Drug Control Strategy. Any part of such strategy that involves information properly classified under criteria established by an Executive order shall be presented to the Congress separately.

President of U.S.

(2) The National Drug Control Strategy submitted under paragraph (1) shall—

(A) include comprehensive, research-based, long-range goals for reducing drug abuse in the United States;

(B) include short-term measurable objectives which the Director determines may be realistically achieved in the 2-year period beginning on the date of the submission of the strategy;

(C) describe the balance between resources devoted to supply reduction and demand reduction; and

(D) review State and local drug control activities to ensure that the United States pursues well-coordinated and effective drug control at all levels of government.

State and local governments.

(3)(A) In developing the National Drug Control Strategy, the Director shall consult with—

(i) the heads of the National Drug Control Program agencies;

(ii) the Congress;

(iii) State and local officials;

(iv) private citizens with experience and expertise in demand reduction; and

Attachment # 1

Attachment #2

102 STAT. 4186

PUBLIC LAW 100-690—NOV. 18, 1988

Reports.

(v) private citizens with experience and expertise in supply reduction.

(B) At the time the President submits the National Drug Control Strategy to the Congress, the Director shall transmit a report to the Congress indicating the persons consulted under this paragraph.

(4) Beginning with the second submission of a National Drug Control Strategy, the Director shall include with each such strategy a complete evaluation of the effectiveness of drug control during the preceding year.

(b) GOALS, OBJECTIVES, AND PRIORITIES.—Each National Drug Control Strategy shall include—

(1) a complete list of goals, objectives, and priorities for supply reduction and for demand reduction;

(2) private sector initiatives and cooperative efforts between the Federal Government and State and local governments for drug control;

(3) 3-year projections for program and budget priorities and achievable projections for reductions of drug availability and usage;

(4) a complete assessment of how the budget proposal transmitted under section 1003(c) is intended to implement the strategy and whether the funding levels contained in such proposal are sufficient to implement such strategy;

(5) designation of areas of the United States as high intensity drug trafficking areas in accordance with subsection (c); and

(6) a plan for improving the compatibility of automated information and communication systems to provide Federal agencies with timely and accurate information for purposes of this subtitle.

(c) HIGH-INTENSITY DRUG TRAFFICKING AREAS.—(1) The Director, upon consultation with the Attorney General, heads of National Drug Control Program agencies, and the Governors of the several States, may designate any specified area of the United States as a high intensity drug trafficking area. After making such a designation and in order to provide Federal assistance to the area so designated, the Director may—

(A) direct the temporary reassignment of Federal personnel to such area, subject to the approval of the Secretary of the department or head of the agency which employs such personnel;

(B) take any other action authorized under section 1003 to provide increased Federal assistance to such areas; and

(C) coordinate actions under this paragraph with State and local officials.

(2) When considering the designation of an area under this subsection as a high intensity drug trafficking area, the Director shall consider, along with other criteria the Director may deem appropriate—

(A) the extent to which the area is a center of illegal drug production, manufacturing, importation, or distribution;

(B) the extent to which State and local law enforcement agencies have committed resources to such area.



Communications and telecommunications

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TO: SENATOR DOLE  
FROM: JIM WHITTINGHILL  
SUBJECT: CLEAN AIR / MEET THE PRESS

If you get a question on the show regarding the Clean Air Act Reauthorization, it will probably be to question whether the Baucus Bill, introduced on Thursday, indicates a weakening of support for the President's bill in Congress.

The Baucus Bill is actually the Baucus/Chafee Bill. Chafee is both ranking on Environment and a cosponsor of the President's Bill.

A couple of points need to be kept in mind. The Clean Air Act was last reauthorized in 1977, over 10 years ago. It's a divisive issue, with strong opinions on both sides of nearly every issue.

The Baucus Bill concerns only non-attainment areas (primarily ozone -- remember this is not stratospheric ozone as in the holes over Antarctica caused, in part, by chloroflourocarbons [CFCs]). It's primarily directed at automobiles, calling for more stringent controls than are included in the President's Bill. For example, it calls for tougher auto tailpipe emissions standards, that both stage 2 vapor recovery and onboard canisters be used rather than one or the other as called for in the President's Bill (the first are those vacuum like devices on gasoline pumps, the second does the same thing with a device that is in the automobile), and that ozone be reduced by 5% per year as opposed to 3% per year in the President's Bill.

However, it is expected that a chief proponent of the President's Bill in the House -- John Dingell, will offer amendments to reduce the requirements, it's just strong opinions, not necessarily a lack of support for the President's Bill.

One must also remember that the President's Bill is the only comprehensive bill -- it contains all three major issues: 1) non-attainment, 2) air toxics, and 3) acid rain. While Waxman has three bills (one on each) and Baucus has an air toxics bill, only the President has put it all in one package.

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The other point about the Baucus Bill is that it does not contain the alternative fuels provisions of the President. The Bush Bill requires 500,000 alternative fuel vehicles in the 9 worst areas by 1995, 750,000 by 1996 and 1 million by 1997. A rather glaring oversight by someone from a farm state seeking reelection this year. (The Bush Bill makes no choice between ethanol, methanol, CNG (compressed natural gas), or reformulated gasoline, but at least it's there.)

The only other question which might be asked is whether the Congress will answer the Bush promise to get a bill enacted this year. Answer: No.