PROJECT EXILE: A CASE STUDY IN SUCCESSFUL GUN LAW ENFORCEMENT

HEARING

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY, AND HUMAN RESOURCES

OF THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTH CONGRESS

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PROJECT EXILE: A CASE STUDY IN SUCCESSFUL GUN LAW ENFORCEMENT

THURSDAY, NOVEMBER 4, 1999

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY,
AND HUMAN RESOURCES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 2154, Rayburn House Office Building, Hon. John L. Mica (chairman of the subcommittee) presiding.

Present: Representatives Mica, Barr, Hutchinson, Ose, Mink, Kucinich, Turner, Tierney, and Schakowsky.

Staff present: Sharon Pinkerton, staff director and chief counsel; Steve Dillingham, special counsel; Mason Alinger and Carson Nightwine, professional staff members; Lisa Wandler, clerk; Cherri Branson, minority counsel; and Jean Gosa, minority staff assistant.

Mr. MICA. Good morning. I'd like to call this meeting of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources to order. I will start today's hearing by having opening statements from members of the committee. We have two panels this morning, and the topic of today's hearing is Project Exile: A Case Study in Successful Gun Law Enforcement. I will begin with an opening statement and will yield to other Members.

Today's hearing before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources will examine Project Exile, a gun law enforcement program initiated in Richmond, VA. This approach has been so successful, that it is now being replicated statewide as Virginia Exile, and also numerous cities across the Nation from Rochester, NY, to Denver, CO, are adopting programs modeled after Project Exile.

Today's hearing will examine the elements and experiences of this successful crime-fighting initiative and consider some of the benefits of implementing Project Exile approaches to gun law enforcement on a broader basis.

We will hear today from witnesses who I believe are very knowledgeable about the Richmond experience with Project Exile. At the time it began, Richmond was among the top five cities in the Nation with the highest per capita murder rates. In 1997, an assistant U.S. attorney with the support of his office began a coordinated effort with local police, State police and Federal investigators, including the FBI and the ATF, along with local and Federal prosecutors to respond to serious crime and gun violence. Project officials en-

listed support from a coalition of businesses, civic organizations, community and church leaders.

Since the project began, the results have been evident. More than 200 armed criminals were removed from Richmond streets during the first year of Project Exile alone. An entire gang responsible for multiple murders has been dismantled.

In 1998, murders were 33 percent below 1997, the lowest number since 1987. In 1999, murders are down yet another 29 percent. Today, we will hear that a key element of Project Exile has been, in fact, the ability to prosecute in Federal court cases that involve felons with guns, or drugs and guns, or domestic violence and guns.

The advantage of Federal prosecutions include stiff bond rules and tough sentences, including minimum mandatory sentences. Another innovation of Project Exile has been its outreach and advertising effort. Much of the financial support for the media has come from the private sector contributions and donations. The media message in this program is quite simple: An illegal gun will get you 5 years in Federal prison. In Richmond, and now in other areas in the State, the message is conveyed by television, radio, and billboards.

By all informed accounts, Project Exile has been successful and has saved lives. Virginia has now passed its own tough laws so that Federal prosecutions are often unnecessary. Project Exile has received bipartisan support and support from a wide range of groups seeking to protect our citizens, ranging from the National Rifle Association to Handgun Control, Inc.

By learning as much as we can about Project Exile's success, we can assist our law enforcement officers, prosecutors and communities in replicating the project's successes.

I am very pleased today that we have such a distinguished group testifying. I want to also divert a second from my prepared comments and say that we had planned this hearing for some time. It is unfortunate that we have had several horrendous incidents involving firearms, both in Hawaii, where our ranking member is from, and then yesterday in Seattle. This is most unfortunate.

I had coffee this morning and picked up this Washington Post story of crimes in the District. This is Thursday, November 4, today. And it cites the homicides in the District of Columbia. Let me just read a couple of these:

October 16th, "unidentified person was found unconscious with multiple gunshot wounds to the head." That is the first one. Another one: "An unidentified man was found unconscious in the street with gunshot wounds to the head." Another one on Morris Street, "an unidentified person was found in the back seat of a car with multiple gunshot wounds to the body." I will skip to the Northwest section. "An unidentified person was found with gunshot wounds to the chest." Then to the Southeast section, Sterling Avenue, "an unidentified person was found on the sidewalk with gunshot wound to the leg." The victim was taken to D.C. General Hospital, where he was pronounced dead.

All these are homicides. Another one on Langston Place, a 24-year-old—and most of these are young males in the most productive period of their life—found in the street with gunshot wounds to the neck, shoulder and chest. On Yuma Street, an unidentified

man was found in the street with a gunshot wound to the lower back. In the Southwest section of the city, on First Street, an unidentified man was found in a car with a gunshot wound to the head. That's just today's report from Washington.

We do know that projects like Project Exile work where you have tough enforcement. Where is the chart that we had here? If we look at New York City, which has also had a zero tolerance under the leadership of Mayor Giuliani, we see murders down some 70 percent from over 2,000 to 600, just a little over 600, an incredible success story.

So we need to find out what we need to do to make our streets safer, our communities safer. If it is projects like this, Project Exile, if it is increased mental health support, we need that. If it is tough enforcement and zero tolerance, I think the public and the Congress will demand that we take action.

I am very pleased to highlight a successful program, one, again, that brings together diverse interests, some different ends of the spectrum relating to gun control, but all determined to make a difference.

We are extremely pleased to have Mr. Charlton Heston, a recognized figure throughout the world, who is now helping to lead the effort to bring national attention to the success of Project Exile. We are also pleased to have the top prosecutor for the State of Virginia, Attorney General Mark Earley, a strong supporter of Project Exile, who is now working to institute Project Virginia Exile. Likewise we are honored to have the U.S. attorney from the Eastern District of Virginia, Ms. Helen Fahey, who supervises the office that began the project and has actively promoted its success.

On our second panel, we are also fortunate to have a frontline law enforcement official from Richmond, Deputy Chief Teresa Gooch, who has seen the success of Project Exile firsthand. The deputy chief is devoted to continuing the project's success and in saving lives each and every day.

Finally, we are honored to have a leading researcher on the topic of Federal gun law enforcement, Dr. Susan Long, and look forward to hearing about her research findings on this topic.

I am very thankful that we have many talented law enforcement officials and career attorneys who day in and day out work to promote the safety of our citizens and families. It is my hope that we can help ensure that the Federal Government and State government and other agencies work together to do whatever is needed to help resolve the problems we have in this area.

I intend to urge the Department of Justice to do much more in supporting this lifesaving initiative. There will be some questions we ask today, and one of the questions before us is why save lives only in Richmond? Why not do this in Washington, DC, our Nation's Capital? I just read the tragedy in this morning's paper. Why not across the Nation?

I would like to thank all of our witnesses for appearing today, and I look forward to hearing from each you as we explore how we can repeat the success of Project Exile and protect our communities and our families throughout the land.

[The prepared statement of Hon. John L. Mica follows:]

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OPENING STATEMENT

Chairman John L. Mica

Subcommittee on Criminal Justice,
Drug Policy and Human Resources

Hearing Held on November 4, 1999

Project Exile:
A Case Study of Successful Gun Law Enforcement

Today's hearing before the Subcommittee on Criminal Justice, Drug Policy and Human Resources will examine "Project Exile," a gun law enforcement program initiated Richmond, Virginia. The approach has been so successful that it is being replicated statewide as "Virginia Exile." Also, numerous cities across the nation -- from Rochester, New York, to Denver, Colorado -- are adopting programs modeled after Project Exile.

Today's hearing will examine the elements and experiences of this successful crime fighting initiative, and consider the benefits of implementing Project Exile approaches to gun law enforcement more broadly.

We will hear from witnesses who are very knowledgeable of the Richmond experience with Project Exile. At the time it began, Richmond was among the top five cities in the nation with the highest per capita murder rates.

In 1997, an Assistant U.S. Attorney, with the support of his office, began a coordinated effort with local police, state police, federal investigators (including FBI and ATF), and local and federal prosecutors to respond to serious crime and gun violence. Project officials enlisted support from a coalition of businesses, civic organizations, and community and church leaders.

Since the project began, the results have been evident: more than two hundred armed criminals were removed from Richmond's streets during the first year of Project Exile. An entire gang responsible for multiple murders has been dismantled. In 1998, murders were 33% below 1997, the lowest number since 1987. In 1999, murders are down yet another 29% .

Today we will hear that a key element of Project Exile has been the ability to prosecute in federal court cases that involve felons with guns, or drugs and guns, or domestic violence and guns. The advantages of Federal prosecutions include stiff bond rules and tough sentences, including mandatory minimum sentences.

Another innovation of the Project Exile has been its outreach and advertising effort. Much of the financial support for the media has come from private sector contributions and donations. The media message is simple: "**An illegal gun will get you five years in federal prison.**" In Richmond, and now other areas in the state, the message is conveyed by television, radio, and billboards.

By all informed accounts, Project Exile has been successful and saved lives. Virginia has now passed its own tough laws so that Federal prosecutions are often unnecessary. Project Exile has received bipartisan support, and support from a wide range of groups seeking to protect our citizens -- ranging from the National Rifle Association to Handgun Control, Inc.

By learning as much as we can about Project Exile's success, we can assist our law enforcement officers, prosecutors and communities in replicating the project's success.

I am very pleased that we have such a distinguished group testifying today. We are extremely pleased to have Mr. Charlton Heston, a recognized figure throughout the world, who is now leading the effort to bring national attention to the success of Project Exile. We are also very pleased to have the top prosecutor for the State of Virginia, Attorney General Mark Earley, a strong supporter of Project Exile who is now working to institute "Virginia Exile." Likewise, we are honored to have the U.S. Attorney from the Eastern District of Virginia, Ms. Helen Fahey, who supervisors the office that began the project and who has actively promoted its success.

On our second panel, we are very pleased to have a front-line law enforcement official from Richmond. Deputy Chief Teresa Gooch has seen the success of Project Exile first-hand.

Deputy Chief Gooch is devoted to continuing the project's success and in saving lives each and everyday. Finally, we are honored to have a leading researcher on the topic of federal gun law enforcement, Dr. Susan Long, and look forward to her research findings on this topic.

Finally, I am very thankful that we have many talented law enforcement officials and career attorneys who, day in and day out, work to promote the safety of our citizens and families. It is my hope that we can help ensure that the federal government and agencies do what is needed to support their efforts. I intend to urge the Department of Justice to do much more in supporting this life saving initiative. The question before us is this: **why save lives only in Richmond?** Why not do this is Washington DC, our nation's capital, and across the entire nation?

I would like to thank all of our witnesses for appearing today. I look forward to hearing from each of you as we explore how we can repeat the success of project exile and protect our communities and families.

###

Mr. MICA. I am pleased now to yield to our ranking member, the gentlewoman from Hawaii, Mrs. Mink.

Mrs. MINK. I thank the chairman for yielding me time, and I certainly want to join with him in acknowledging the importance of today's hearings, and to extend my own welcome to the distinguished witnesses that have been invited to testify at these hearings.

It is an important effort on the part of the oversight responsibilities of Congress to look at the various programs that have been put in place that are under the jurisdiction of the Federal Government, and Project Exile is certainly one of those programs that merits our attention.

As the chairman said a few days ago, Hawaii was shocked by an incident that took the lives of seven people in an otherwise quiet, benign neighborhood in the offices of the Xerox Corp. And while this has been an incident that has never occurred in Hawaii ever before, what it illustrates is that it could happen anywhere. And so the whole subject of homicides and crimes of this nature are important considerations that all levels of government must pay attention to.

The Congress has been wrestling with various legislation dealing with gun control, gun safety, and many of my constituents who write to me about the issue emphasize the importance of law enforcement. They are concerned that the control of guns are not going to eliminate criminals, we have to go against criminals. I mean, that is the little postcard that we get. So it is important that we look at it from their perspective. But it certainly does not diminish my interest and support for control legislation that still languishes in the Congress and has not come to a final enactment.

Project Exile is a program that is designed to prosecute criminals that are apprehended in the commission of a crime with a gun. It was initiated in March 1997. As of 1998, September, the project was responsible for the conviction of over 200 people, and the seizure of over 400 guns. It is credited with a 33 percent decline in Richmond's homicide rate and a 30 percent decline in the armed robberies in that city.

These are impressive numbers, and this oversight committee needs to explore the success of this achievement and examine the costs also to the Federal Government. Project Exile, after all, uses Federal law enforcement officers, Federal investigators, Federal prosecutors to process the crimes, and if convicted, the criminals go to a Federal prison.

I am reminded by the words of Chief Justice Rehnquist, who, in his 1998 year-end report, cautioned against increased Federalization of crimes. Rehnquist admonished that the threshold criteria for Federal prosecution of essentially State offenses is something that we need to caution ourselves about. Clearly that threshold argument needs to be examined by this committee.

Mr. Chairman, a recent Federal court opinion called Project Exile a substantial Federal incursion into a sovereign State's area of authority and responsibility. That is a matter which I believe is appropriate for this committee to consider in these deliberations.

We are all interested in reducing crime in our communities, in our State and throughout the country, and so any innovation such

as Project Exile, if it works and can be supported and substantiated, is a program that needs to be replicated in other areas of the country.

So, Mr. Chairman, again, I thank you for holding these hearings and look forward to the testimony by these witnesses. Thank you.

Mr. MICA. I thank the gentlewoman.

Now I am pleased to introduce the vice chairman of our panel, the gentleman who has been very active in trying to call attention to Project Exile and really responsible some time ago for encouraging the subcommittee to take up this subject and the success of this project and also to call this hearing, the gentleman from Georgia Mr. Barr. You are recognized.

Mr. BARR. Thank you, Mr. Chairman. I appreciate the distinguished panels that we have today, and the police officers that are with us today also, as an illustration of their support for this program. I know everybody in this room, not just those of us on this panel, wants to recognize the tremendous sacrifice that our men and women in blue make every single day, and we do appreciate it very much.

Mr. Chairman, sometimes we drive ourselves crazy up here in Washington trying to be rocket scientists and come up with all sorts of newfangled ideas and unusual approaches to problems and plug all sorts of things into those vast computers that we have up here to try and solve problems, and sometimes we lose sight of the forest for the trees. Project Exile illustrates that you don't need to be a rocket scientist to solve the problem of crime in our communities, you just need to use good common sense and the tools that have been available to us to prosecute, and police officers and public officials, since we have existed as a Nation, and that is our laws, in this case the criminal code of this country, and in the case of Virginia, the Criminal Code of Virginia, and the manpower existing already in our Federal prosecutors' offices, our State prosecutors' offices, our local prosecutors' offices, and our police offices in our communities.

You don't need to reinvent the wheel to solve the problem of crime in America, and that is an important message that Project Exile brings.

One of the most interesting aspects, I think, Mr. Chairman, of Project Exile, in my review of the voluminous material that has been printed about it, is the fact that it brings together people with otherwise very differing views of some of the issues that consume our time here in Washington in support of a program that actually works. It helps our children, it helps our citizens. And I speak particularly of two agencies that are both very active in their own spheres of influence, the National Rifle Association, which has been very supportive of Project Exile and other projects across America to help law enforcement officers, and Handgun Control, Inc.

The phenomenon of Ms. Fahey and Mr. Schiller in putting Project Exile into force, and Virginia Exile by Mr. Earley and the Governor, and bringing the NRA and Handgun Control in together in praising a program is something that is unrivaled in the annals of history, perhaps only by Mr. Heston's parting of the Red Sea, and it has been many years since that occurred. The bringing together of such otherwise disparate groups in praise of a program

that really works is something that I think we all ought to take a moment to think about, to reflect on, and do what we can, as you are doing here today, Mr. Chairman, through this hearing, to try and encourage the Department of Justice to use this program all across America and to encourage States, insofar as we and Mr. Earley and Governor Gilmore can through their persuasive abilities, to use and institute Project Exile in communities all across America, because it does work.

If you have a gun, you are going to do the time. As the sign in front of Ms. Fahey says, an illegal gun gets you 5 years in Federal prison. That is a very simple message, but it is a profound one. It works because the men and women here today and Mr. Schiller and others who have been so active in this program recognize that each one of them as citizens can indeed have an impact if they just use the tools available to them.

I think it is a phenomenon, Ms. Fahey, that this program works in the way that it does because you have marshalled and coordinated a comprehensive effort here in the community, and it goes beyond simply the law enforcement effort. You have brought into this effort the State authorities. You have brought into this effort, as your literature and other literature clearly illustrates, the private sector community, chambers of commerce, private organizations that have given not only of their time in support of the program, but their resources as well to publicize it, because we also know that no matter how good a project or a program is, if people don't know that it exists, its success is going to be severely limited.

So it is a phenomenal project and program that we encourage the Department of Justice to pay more attention to, to use more, because it does work. I thank you, Mr. Chairman, for bringing together these distinguished panels and those of us here today in support of this effort to exercise oversight responsibility in a way that perhaps too infrequently we have the opportunity to do, and that is in praise of a government program. Thank you.

Mr. MICA. Thank you, Mr. Barr.

I now would like to recognize the gentleman from Texas Mr. Turner. You are recognized.

Mr. TURNER. Mr. Chairman, I want to thank you for holding this hearing. Anything that any State or local government can do to prosecute more vigorously those who have illegal firearms I certainly support. And I think that when we look at this issue, we need to all keep in mind that it is best approached in a bipartisan way. Efforts to strengthen our laws, to put more policemen on the streets, these are goals that we all hold irrespective of what party we may be in. I think it is a credit to the Chair today to hold this hearing on a program that is working, that does work, and that I hope that many other States will adopt. Thank you, Mr. Chairman.

Mr. MICA. Thank you, Mr. Turner.

Mr. MICA. I would like to recognize now the distinguished gentleman from Arkansas, our second U.S. attorney and member of the Judiciary Committee on our subcommittee panel, Mr. Hutchinson. You are recognized.

Mr. HUTCHINSON. I thank the Chair and will just make a few comments because I am anxious to hear the testimony of these distinguished witnesses. I certainly agree that we in Congress should

focus on things that do not work well in government to make sure we remedy problems, but we should also focus on those things that work well, to highlight those, and I see this as an opportunity today.

I do believe that in other areas of the country, we could look to Virginia and Project Exile that has worked so well there, for guidance. But at the same time I was impressed by the testimony of U.S. Attorney Fahey who emphasized from the Department of Justice standpoint that each jurisdiction needs to determine what works best for them, and I think we do need to have that type of flexibility. So this is one example of something that works well that might work well in another part of the country. But as a former U.S. attorney in a small jurisdiction, I know there is a lot to cover, a lot to do, and I do hope that we can maintain that type of flexibility; that we can see what works best in every different area of the country and learn from each other to see how we can improve our prosecutions of violent crime.

So with that, Mr. Chairman, I look forward to the testimony of the distinguished panel.

Mr. MICA. I thank the gentleman, and now will go to our first panel. Our first panel, again, consists of Mr. Charlton Heston, president of the National Rifle Association; the Honorable Mark Earley, attorney general of the State of Virginia; and the Honorable Helen Fahey, the U.S. attorney for the Eastern District of Virginia.

First, let me inform the panel and witnesses that this is an investigations and oversight subcommittee of Congress, and in just a moment I will swear you in. We do swear in all of our witnesses.

Also, we try to ask you to limit your oral remarks to about 5 minutes. Since there are only three, we will be somewhat liberal with the time. But if you have lengthy or additional statements or data that you would like to be made a part of the record, we will do that. That will be done by unanimous consent.

At this time I would like to ask our witnesses if they could please stand and be sworn.

[Witnesses sworn.]

Mr. MICA. The witnesses, the record will reflect, answered in the affirmative, and I would like to again welcome you. Thank you each again for your participation.

We have a very distinguished first panel. The first witness really needs no introduction. As Mr. Barr said, we hope he can help us part the seas here and also lead us from exile and give us more information about his cooperative effort and support of Project Exile today.

So Mr. Heston, welcome, and you are recognized, sir.

STATEMENTS OF CHARLTON HESTON, PRESIDENT, NATIONAL RIFLE ASSOCIATION; MARK EARLEY, ATTORNEY GENERAL, STATE OF VIRGINIA; AND HELEN FAHEY, U.S. ATTORNEY, EASTERN DISTRICT OF VIRGINIA

Mr. HESTON. Thank you, Mr. Chairman, ladies and gentlemen, the Honorable ladies and gentlemen. I must begin, just take a sentence, to clarify for the Honorable gentleman from Georgia, I have

only limited control over that staff, you understand. To actually use it, I need instructions from a much higher body.

But I am also, I must confess to you, a little bit tired this morning. I had an engagement in St. Louis which did not get me to Washington, to my surprise, until 1:15 a.m. But I will try to do my best for you.

I would also like to limit—in the interest of compressing the hearing as appropriately as possible, I would like not to talk about the issues we disagree on. That is open knowledge. We know where we disagree. I would rather instead focus on what is not in dispute, indeed what is indisputable.

There is no dispute that just 150 miles from here in sleepy Richmond, VA, they cut homicides by one-half in just 1 year. They employed the awesome simplicity of enforcing existing Federal gun laws. It's called, as you know, Project Exile. The word is out now on the streets of Richmond if you are a felon caught with a gun, you will go to jail for 5 years; no plea bargaining, no parole, 5 years.

They are actually changing criminal behavior down there and saving lives. Now, that is not partisan. That is not conjecture, it's not hyperbole, that is a fact. Thanks to the fearless prosecutors whom the chairman has recognized, innocent Americans are alive today in Richmond that would have died at the hands of armed felons.

But elsewhere across this land, innocent Americans alive today will be dead tomorrow or next month or next year because this administration, as a policy, is putting gun-toting felons on the streets in record numbers.

Now, if you don't believe me or the NRA, believe the recent independent Syracuse University studies which revealed that Federal prosecutions of gun crimes have dropped by 44 percent during the Clinton-Gore administration.

Right here in our Nation's Capital, there were some 2,400 violent crimes committed with firearms last year. Guess how many of those were prosecuted? Two. Two out of 2,400 arrested.

In fact, in little old Richmond there were more prosecutions under Federal gun laws in that one State—that one city than in California, New Jersey, New York, and Washington, DC, combined. I find that a staggering statement.

Now, why does the President, I ask myself and I ask you, ask for more Federal gun laws if he is not going to enforce the ones we already have, which is 22,000? This deadly charade is killing people and will surely kill more. When political hot air is turning into cold blood, when duplicitous spin is becoming lethal, someone has got to speak up.

Why does the President ask for more police if he will not prosecute their arrests?

No lives will be saved talking about how many hours a waiting period should be, or how many rounds a magazine should hold, or how cheap a Saturday night special should be. But if you want to impact gun crime now, you must demand that Project Exile be implemented in major U.S. cities now.

I wish you luck. A lot of luck. For a year we have challenged, urged and pleaded with the Clinton administration to take $50 mil-

lion out of $14 billion budget and implement Project Exile's enforcement program nationwide. What was their response? A Justice Department spokesman told USA Today, and I quote, it's not the Federal Government's role to prosecute these gun cases. I think also of a session—Senator Sessions held a hearing last summer in which, in fact, someone from the administration, I do not know who, appeared and was asked this question: Why won't you prosecute? And I am not kidding, his answer was, well, we have come to the conclusion that if you incarcerate a felon for a crime, his place will simply be taken by another felon. I submit that is the most ridiculous statement I have ever heard offered in governmental discourse.

Deputy Attorney General Eric Holder ridiculed Project Exile as a "cookie cutter" approach to fighting crime. Cookie cutting. He called it fundamentally wrong to earmark funds for enforcing Federal gun laws. "Fundamentally" wrong, he said.

A senior official of the BATF tried to explain away the 44 percent decrease in Federal prosecutions of gun crimes by saying, well, we seek to prosecute the few sharks at the top rather than the numerous guppies of the criminal enterprise. Mr. Chairman, those guppies with guns are murdering innocent Americans who are left defenseless by a White House and a Justice Department that lack either the time or the spine to enforce existing gun laws against violent criminals.

We challenge Bill Clinton to direct Attorney General Janet Reno to call upon all of the district attorneys around this country and instruct them to take on just 10, just 10 more Federal gun cases each month. That is their job, after all. The result would be the prosecution of about 10,000, 10,000 more violent felons with guns, 10,000 potential murderers taken off the streets of America.

And we urge this body to do what the White House won't, to appropriate $50 million to implement Project Exile in major cities across the country. And if the President calls that fundamentally wrong, ask him what you call it when the odds of doing time for armed crime are no worse than the flip of a coin. Thank you.

Mr. MICA. Thank you for your testimony.

[The prepared statement of Mr. Heston follows:]

TESTIMONY OF CHARLTON HESTON
PRESIDENT OF THE
NATIONAL RIFLE ASSOCIATION OF AMERICA
BEFORE THE COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND
HUMAN RESOURCES

U.S. HOUSE OF REPRESENTATIVES

4 NOVEMBER 99

Mr. Chairman:

Please forgive my fatigue. I am extremely short on sleep, so in the interest of brevity I propose we not talk about issues we dispute. Instead let's talk about what's not in dispute.

There is no dispute that just 150 miles from here, in sleepy Richmond, Virginia, they cut gun homicides by one-half in just one year. They employed the awesome simplicity of enforcing existing federal gun law. It's called Project Exile. The word is out on the streets of Richmond that, if you're a felon caught with a gun, you WILL go to jail for 5 years. They're actually changing criminal behavior and saving lives.

That's not partisan, that's not conjecture, that's not hyperbole.

Thanks to those fearless prosecutors, innocent Americans are alive today in Richmond that would have died at the hands of armed felons.

But elsewhere across this land, innocent Americans alive today will be dead tomorrow or next month or next year ... because this Administration, AS A POLICY, is putting gun-toting felons on the streets in record numbers.

If you don't believe the NRA, believe the recent independent Syracuse University study that revealed federal prosecutions of gun crimes have dropped by 44% during the Clinton-Gore Administration.

Right here in our nation's capital, there were some 2,400 violent crimes committed with firearms last year. Guess how many of those armed criminals were prosecuted from federal referrals? Only TWO.

In fact, little old Richmond had more prosecutions under federal gun laws in 1998 than California, New Jersey, New York and Washington, D.C. -- COMBINED!

Why does the President ask for more federal gun laws if he's not going to enforce the ones we have? Why does the President ask for more police if he's not going to prosecute their arrests?

This deadly charade is killing people and surely will kill more. When political hot air is turning into cold blood ... when duplicitous spin is becoming lethal ... somebody's got to speak up.

No lives will be saved talking about how many hours a waiting period should be, or how many rounds a magazine should hold, or how cheap a Saturday Night Special should be.

But if you want to impact gun crime NOW, you will demand that Project Exile be implemented in major U.S. cities NOW.

I wish you luck. For a year we have challenged, urged and pleaded with the Clinton Administration to take 50 million dollars -- out of a 14 billion dollar budget -- and implement Project Exile's tough enforcement program nationwide.

Their response?

A Justice Department spokesman told USA Today, quote, "... it's not the federal government's role to prosecute" these gun cases.

Deputy Attorney General Eric Holder ridiculed Project Exile as a "cookie cutter" approach to fighting crime and called it "fundamentally wrong" to earmark funds for enforcing federal gun laws. FUNDAMENTALLY WRONG!

A senior official of the BATF tried to explain away the 44% decrease in federal prosecutions of gun crimes by saying, "... we seek to prosecute the few sharks at the top rather than the numerous guppies of the criminal enterprise."

Mr. Chairman, those "guppies" with guns are murdering innocent Americans who are left defenseless by a White House and a Justice Department that lack either the time or the spine to enforce existing laws against violent felons with guns.

We challenge Bill Clinton to direct Attorney General Janet Reno to call upon all of the district attorneys around the country, instructing them to take on just 10 more federal gun cases each month. That is their job. The result would be the prosecution of about 10,000 more violent felons with guns -- 10,000 potential murderers taken off the streets of America.

And we urge this body to do what the White House won't ... to appropriate 50 million dollars to implement Project Exile in major cities across the country.

And if the President calls that "fundamentally wrong," ask him what you call it when the odds of doing time for armed crime are no worse than the flip of a coin.

Thank you.

Mr. MICA. We will withhold questions until we have heard from all of our witnesses.

Our next witness is the Honorable Mark Earley, the attorney general from the State of Virginia, who has taken on advocacy of Project Exile, and I see from your biography you have a great interest in making this a success. I think you have six children; is that correct? That is a great concern for the future. Welcome, and you are recognized, sir.

Mr. EARLEY. Thank you very much, Mr. Chairman and members of the committee. It is a pleasure to be here with you today. Again, my name is Mark Earley, and I am the attorney general for the Commonwealth of Virginia. For many years, it is hard to believe, the capital of Richmond was called the murder capital of the world. And it was because of that, as your chairman has noted, that of the major cities in the United States, we bore a very unhonorable distinction, and that was having an incredible member of murders per capita in our city. In fact, it peaked in 1997 with 170 homicides.

Under the leadership of Helen Fahey, the U.S. attorney for the Eastern District of Virginia, Project Exile was implemented, and the results have been dramatic.

What is Project Exile? It is a partnership between Federal, State, and local law enforcement authorities to aggressively prosecute the illegal possession and use of guns by criminals. If you are a felon with a conviction, you will go to jail if you possess a gun. If you have been convicted of domestic abuse and you own a gun, you will go to jail. If you are a drug dealer with a gun, you will go to jail. And if you use drugs illegally, you will go to jail. These are Federal laws that have been passed that with their aggressive enforcement under Project Exile have had dramatic results. These call for mandatory prison sentences, and the average sentences are 56 months, just shy of 5 years.

Added to that stiff punishment is the fact that while awaiting trial, there is generally no bail. There is a presumption that you do not qualify for bail if you are arrested. And it is called Project Exile because if you are convicted in the city of Richmond under Project Exile for one of these crimes, you, in fact, are going to be exiled to a Federal prison far away from your community and your friends and where you are threatening the public.

Has it worked? The answer is absolutely yes. From 1998, the homicide rate in Richmond dropped a precipitous 33 percent. And we are continuing to drive down the numbers this year.

656 guns have been removed from the hands of criminals; 405 individuals have been convicted, again with an average sentence of 56 months.

Why has it worked? It is really very simple. We have separated the criminals from their guns. We have then separated the criminals from their community, and we are aggressively reminding people through a very strong social marketing campaign that an illegal gun gets you 5 years in prison.

The sign that you see on our table here this morning is also a shrink wrap that exists on several major mass transit buses in Richmond. You will hear from Deputy Teresa Gooch a lot of incidents from the Richmond City Police where they are now arresting

people for gun crimes and other crimes, and when they ask them if they have a gun, they say, "Are you kidding? I don't carry a gun in Richmond anymore because of that Project Exile." They have gotten the message.

What has been our role in the attorney general's office in the State of Virginia? Working with Helen Fahey and her staff, we have dedicated a full-time assistant attorney general to the U.S. attorney's office to prosecute these gun crimes, and it has been a remarkable partnership. We have two of our prosecutors, our assistant attorney generals, here with us this morning, Lisa McKeel and Richard Campbell, who have done an outstanding job working with the outstanding prosecutors in Ms. Fahey's office. We plan to continue that work program and working with them in the future.

Also we have had tremendous support from the local Commonwealth's attorney. The Commonwealth's attorney for the city of Richmond, David Hicks, has dedicated a full-time local prosecutor to work with the U.S. attorney's office. His prosecutor and mine have been sworn in by the U.S. attorney's office to practice in their office.

Our Governor recognized what all of you would recognize in a few short moments, and that is if this is working so well in the city of Richmond, why should it not be available to every county, city, and town in the State of Virginia, and for that matter throughout the United States?

Working under that presumption the Governor introduced basically Virginia Exile, and it was passed by the legislature overwhelmingly at the beginning of this year. It was bipartisan, supported by Democrats, Republicans and Independents alike. And now in Virginia we have laws that mirror and in some cases are tougher than the Federal laws.

Under Virginia Exile if you have a prior conviction for a violent felony, and you are convicted of possessing a firearm, you will go to jail for a mandatory 5 years. If you are convicted of possessing a firearm on school property with the intent to use it or display it in a threatening manner, you will go to jail for 5 years. And if you are convicted of possessing a firearm with illegal drugs, you are looking at no less than 5 years in prison.

We have taken a page out of the Project Exile that Helen Fahey implemented in Richmond, and we have an aggressive social marketing program around the State. We now have signs on Interstates 64, 81 and 95 as you enter the State of Virginia advising everyone that an illegal gun in Virginia will get you a mandatory prison sentence. That is now the law in Virginia as of July 1, 1999.

In short, Mr. Chairman and members of the committee, this kind of partnership with the Federal, State and local prosecutors and law enforcement authorities is having a dramatic effect, and it is having a dramatic effect for a very common-sense reason, and that is we are saying to the criminals that if you possess a gun in any sense illegally, you will go to jail. And I think the results are indisputable, and it provides a model not only for other U.S. attorneys' offices around the Nation, but certainly other attorney generals.

I will be presenting next week here in Washington to the other attorney generals and all of the heads of their criminal divisions what we are doing in Virginia. The attorney general of South Caro-

lina, Charlie Condon, and the attorney general of Texas, John Cornyn, are implementing similar programs as we speak in their States, and we hope that we can get the cooperation of attorney generals nationwide to work with their U.S. attorneys to implement the same kind of partnership. Thank you, Mr. Chairman.

Mr. MICA. Thank you, Mr. Earley.

[The prepared statement of Mr. Early follows:]

COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Mark L. Earley
Attorney General

900 East Main Street
Richmond, Virginia 23219

Statement of
Mark L. Earley
Attorney General
Commonwealth of Virginia
On
Project Exile and Virginia Exile
Before the
Subcommittee on Criminal Justice, Drug Policy, and Human Resources
House Committee on Government Reform
United States House of Representatives
November 4, 1999

Mr. Chairman and members of this distinguished committee, I am Mark Earley, Attorney General of Virginia. I am pleased to be able to address your committee today on Project Exile and Virginia Exile.

For more than a decade, the newspaper headlines read the same: "Another Murder in the City of Richmond." It was a bleak reality during the mid-90's that the capitol of the Commonwealth of Virginia had one of worst per capita murder rates in the country, peaking in 1997 with 140 murders.

The United States Attorney's Office for the Eastern District of Virginia responded by creating Project Exile.

What is Project Exile?

Project Exile is a comprehensive, multi dimensional strategy to reduce the murder rate by changing the culture of violence with aggressive and innovative means. The statutes utilized by Project Exile prosecutors are primarily those federal laws prohibiting convicted felons who possess guns, domestic violence convicts who possess guns, illegal drug users who possess guns and drug dealers who carry guns.

Has it worked?

For criminals carrying guns, the consequences have been swift, certain and severe. Homicides in 1998 were approximately 33 % below 1997, for the lowest number since 1987. So far in 1999, homicides continue to decline at an even more dramatic rate. 650 guns have been removed from Richmond streets since Project Exile's inception and 389 defendants have been convicted.

Police see the success on the street daily. Recently, a plainclothes detective reported stopping three suspects on the street. The detective detained the three and did a safety pat-down for weapons. He asked one of the three if he had any weapons. The person responded, "Are you crazy. That Exile thing will put you away for five years. I'd be an old man when I got out."

Why has it worked?

Project Exile has worked because it puts the "bad guys" away for five years and has an incredibly effective advertising campaign.

Since the federal bond statutes provide for holding a defendant without bond, most Project Exile defendants are detained until trial. This fact, coupled with the stiff, mandatory sentences many defendants receive, makes federal prosecution particularly effective.

Defendants know that a federal jail term will likely be served elsewhere in the country. This has a major impact because defendants view serving a jail sentence among friends and acquaintances as much less onerous than serving time in a prison out of state.

Using various media to get the message to criminals that illegal guns are unacceptable, a community alliance has taken root as the Project Exile Citizen Support Foundation. They have funded an ingenious advertising campaign, which

includes TV and radio commercials, billboards, and a city bus completely painted black bearing the logo: **AN ILLEGAL GUN GETS YOU FIVE YEARS IN PRISON.**

Virginia has supported the United States Attorney's Office with Project Exile in a number of important respects. In October 1998, I detailed an attorney from our office to serve in the United States Attorney's Office as a full-time prosecutor for gun-related crimes under Project Exile. Similarly, since the beginning of Project Exile, the Richmond Commonwealth's Attorney's Office has provided a prosecutor to assist in the prosecution of Exile cases and Governor Jim Gilmore has supported the program as well.

Virginia Exile

Expanding upon the success of Project Exile in the Richmond area, the Governor this year endorsed a battery of stiffer statutes which brought state law in line with its federal counterpart. Now a statewide initiative, ***Virginia Exile*** changed penalties for firearm charges as well as incorporating bail reform. These statutes took effect on July 1st. The state's laws on the possession of illegal guns are tougher than they have ever been.

Convictions under the new laws now lead to mandatory minimum sentences of five years in a Virginia prison, which cannot be suspended and cannot run concurrent with any other sentence. Additionally, the new law, like its federal counterpart, also presumes that people charged with Exile type gun crimes would not be eligible for bail while awaiting trial.

Under Virginia Exile…

- If you have a prior conviction for a violent felony and you're convicted of possessing a firearm, you're guaranteed five years in a Virginia prison.

- If you're convicted of possessing a firearm on school property with the intent to use it, or displaying the weapon in a threatening manner, you're gone for five years.

- If you're convicted of possessing a firearm and illegal drugs, you're looking at no less than five years.

Virginia Exile enhances the sovereignty of the state in prosecuting gun crimes, relieving it of its need to refer cases to federal courts. The best picture of the future cooperation between state and local governments is seen in Richmond, where the Commonwealth's Attorney and the United States Attorney now meet regularly and decide whether a case will be prosecuted in state or federal court. The emphasis is placed on which jurisdiction will be able to secure the longest sentence.

In addition to a new bumper sticker campaign, new highway signs underscore Virginia Exile across the state. Governor Gilmore has also announced nearly $1 million in Virginia Exile start-up grants for eligible localities to aid experienced prosecutors.

Federal prosecutions alone cannot put an end to the tragedy of violence in our cities. A sustained and comprehensive community effort is critical to our ultimate success. With Virginia Exile and the leadership of community-based organizations, we can overcome both the cause and the effect of the unbridled and unprecedented violence we have all seen.

Mr. Chairman, while Project Exile and Virginia Exile represent only part of the solution, the concept can send and enforce a very important message to the criminal element: an illegal gun <u>will</u> get you five years in prison, there will be no bond, no deal, no parole. There will only be prison. This is a proven strategy, and it is making a difference.

Thank you.

Mr. MICA. And I now would like to recognize the U.S. attorney for the Eastern District of Virginia, the Honorable Helen Fahey, who has helped lead Federal efforts in prosecuting and also in promoting Project Exile. First of all, welcome. You are recognized.

Ms. FAHEY. Good morning, Mr. Chairman, distinguished members of the committee. It is a pleasure for me to be here before this committee. It is also a pleasure for me to be here in the company of two former U.S. attorneys.

I would like to, if it is acceptable to the committee, to deviate somewhat from my prepared statement in part because I don't want to repeat things that have already been said by both witnesses and also by members of the committee.

Mr. MICA. Without objection, your entire statement then will be made part of the record. Proceed.

Ms. FAHEY. I would also like to ask that the entire statement of the Department of Justice be made part of the record.

Mr. MICA. Without objection, so ordered.

Ms. FAHEY. Thank you.

In 1997, when the U.S. attorney's office in the Eastern District of Virginia initiated Project Exile in Richmond, it was in response to a particular problem in a particular location. It was in response to the terrible homicide rate existing in Richmond at that time.

I can assure each of you that when we started it, we had no idea what it would grow into and how it would be received across the country. We also really had no idea how extensive it would become even in Richmond.

The goal of Project Exile was to reduce gun violence by changing the culture in Richmond using a comprehensive multidimensional strategy. The strategy included law enforcement and prosecution efforts as well as community outreach and education programs.

Project Exile is simple and straightforward in its execution and requires relatively limited prosecution and law enforcement resources. The message of Project Exile, an illegal gun gets you 5 years in Federal prison, is clear, simple, and easy to understand. For gun-carrying criminals, the consequences have been swift, sure, and severe. For the citizens of Richmond, the results have been a safer community in which to live, work and raise a family.

As Attorney General Mark Earley said, this has been a real partnership, a real cooperative effort. It has included all the Federal law enforcement agencies. It has included the police department in the city of Richmond, had has also included the State police. It has included the elected prosecutor, David Hicks in Richmond as well as the Federal prosecutors. It has involved members of the community, both the business community and the community at large. It has not been something that has just been a Federal program.

I will not go through the numbers of prosecutions, except to say over 500 people have been indicted since the program began, and there have been almost 700 guns seized.

One of the things that I really want to emphasize, because as we have gone along I have come to realize how important it has been to the success of the program, I spent 17 years as a local prosecutor prior to becoming the U.S. attorney. I was a prosecutor, and then I was the elected prosecutor in Arlington, VA. I think we all know the message that we believed that our enforcement and prosecution

of individuals was sending out to the community. The goals of prosecution were such things as punishment, rehabilitation and deterrence.

I think that we all felt, and maybe all of us in this business felt, that by prosecuting a certain individual for a certain crime, the message would get out to the community that it would not be a good idea for other individuals to commit those crimes. I think what Project Exile and what the media program part of Project Exile has done is gotten across to me and to many other people how important the message itself has been in creating the deterrence in the community and also in changing the culture of violence.

One of the most important parts of it, I think, is to get the message out all over the city, the State, and the country that illegal possession of guns will no longer be tolerated. This has required in Richmond something that except perhaps in the drug area and also drunk driving has never been done in the law enforcement area, and that is to send out this clear message. It could not be sent out just by us in law enforcement for one reason: We did not have the money. But it required a coalition of business, community, and church leaders.

Some of the business organizations were the Retail Merchants Association and the Chamber of Commerce. The coalition operating as Project Exile Citizen Support Foundation has funded a creative advertising program including TV and radio commercials; billboards; a city bus fully painted in black with the logo: An Illegal Guns Gets You 5 Years in Federal Prison; 15,000 business cards, which I notice Congressman Barr has one up there; and various print advertising.

The outreach program has been hugely successful increasing citizen reports about guns and energizing the community to support police efforts.

Through these efforts, hundreds of armed criminals have been removed from Richmond streets, violent gangs responsible for many murders have been destroyed, and the rate of gun-carrying by criminals has been cut. Officers now report drug dealers throwing down weapons before running instead of taking the risk of being caught with the weapons. And a large number of homicides have been solved with information obtained from defendants in these cases.

Most importantly, these efforts seem to be stemming the tide of violence. Homicides were down in 1998, 33 percent from 1997. So far this year they are down an additional 29 percent. As a result, the citizens not only feel safer, but are safer. Because of the demonstrated results in Richmond, the U.S. attorney's office in the Eastern District of Virginia has expanded Project Exile to the Tidewater area of Virginia and is committed to continuing Project Exile as long as the need exists.

In 1999, new legislation was passed in Virginia to make State laws more comparable to Federal laws on bond and gun offenses, and we look forward to working with Richmond's Commonwealth attorney as well as the other Commonwealth attorneys in Virginia to have appropriate gun cases prosecuted in the local courts as opposed to the Federal courts.

Other cities have taken note of Project Exile's impact on the city of Richmond. The project model has been adopted in Rochester, Philadelphia, Oakland, Camden, Atlanta, New Orleans, Denver, the State of Texas, and other areas as well.

Project Exile has proven that a comprehensive multidimensional strategy can work. With a little ingenuity it can be a very successful tool in accomplishing one of the President's priorities, reducing the gun violence on our streets.

But I would hope that Project Exile will not be viewed just as a Federal program or a program requiring just Federal prosecution. It needs to be tailored to individual districts. I think what you are seeing in the State of Virginia is what we would expect to happen all over the country. We may start out with a program that is exclusively a Federal program. We may then end up with changes in State laws to increase the penalties, and then we may have a program, which is where we expect Virginia will be, which will be both Federal prosecution and State prosecution.

But the message needs to be kept the same simple message that we have now, that an illegal gun will result in a substantial period of incarceration. Thank you.

[The prepared statement of Ms. Fahey and the information referred to follow:]

Department of Justice

STATEMENT

OF

THE DEPARTMENT OF JUSTICE

INCLUDING THE STATEMENTS OF

UNITED STATES ATTORNEY HELEN F. FAHEY
(Eastern District of Virginia)

UNITED STATES ATTORNEY DONALD K. STERN
(District of Massachusetts)

BEFORE THE

SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY
AND HUMAN RESOURCES
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

CONCERNING

FIREARMS PROSECUTIONS

PRESENTED ON

NOVEMBER 4, 1999

The Department of Justice (DOJ) appreciates this opportunity to present a statement on firearms prosecutions for consideration by the Government Reform Committee's Subcommittee on Criminal Justice. We are pleased to report on the Department's work in the area of firearms violence. Our strategic approach to violent crime and our emphasis on strong partnerships among federal, state and local law enforcement are paying sizable dividends for public safety.

The Historic Reduction in Violent Crime

Over the past seven years, we have developed and implemented several effective national strategies to reduce crime. These have included helping fund more new local law enforcement officers, preventing illegal gun sales through Brady background checks, and targeting violent crime -- including gun crime -- through strategic initiatives.

The true measure of any successful approach to combating crime is a falling crime rate. Since 1992, the nation's crime rate has dropped by more than 20 percent. In certain communities, the integrated efforts by, and coordination among, federal, state, and local law enforcement and other community leaders have produced even more dramatic drops in the violent crime rate. In Boston, Massachusetts, for example, collaboration among law enforcement and community leaders through Operation Ceasefire reduced violence by youth gangs and brought down the number of homicides 64 percent from 1995 to 1998. In Minneapolis, Minnesota, effective law enforcement and prevention efforts conducted by public-private partnerships have reduced homicides by 30 percent and summertime homicides by 75 percent. And in Richmond, Virginia, effective and coordinated law enforcement, including stepped-up enforcement of gun crimes through the program known as "Project Exile," reduced homicides by

more than 30 percent in 1998 over 1997. Nationally, homicide rates have declined to levels last seen in the 1960s.

The Reduction in Violent Crimes Committed with Firearms

There has been an even sharper decline in the number of violent crimes committed with firearms nationwide. Between 1992 and 1998, the estimated total violent crimes committed with firearms reported by state and local law enforcement agencies to the Federal Bureau of Investigation (FBI) decreased by over 35 percent. This decrease is depicted in Graph 1. See Attachment A. According to recently-released data from the FBI's Uniform Crime Reports, homicides dropped 7% during 1998, a decline apparently attributable entirely to a decrease in killings with firearms. At least one highly- respected criminologist has publicly attributed this decline in gun crime to efforts to control the availability of guns to young people, and recent law enforcement strategies. See "FBI Study Finds Gun Use in Violent Crimes Declining," New York Times, A16 (October 18, 1999), Attachment B.

Despite this progress in reducing gun violence, the Justice Department views the continued reduction of violent crime – including violent crime committed with firearms – as a top priority. The number of people killed with firearms remains unacceptably high, as more than 14,000 people were murdered with guns in our nation in 1997.

In March of this year, President Clinton issued a directive to the Attorney General and the Secretary of the Treasury to build upon the reductions in crime of the last six years by developing an integrated firearms violence reduction strategy that depends on collaboration, vigorous enforcement, innovation, and prevention. Richmond, Virginia, and Boston, Massachusetts were among the communities highlighted in the directive. These communities developed programs in which Federal, state, and local law enforcement officials have worked

with other community leaders to dramatically reduce violent crime. In carrying out this initiative, the Attorney General and the Secretary of the Treasury have called upon the law enforcement expertise and leadership of the United States Attorneys' Offices (USAOs) and the Bureau of Alcohol, Tobacco and Firearms (ATF).

All United States Attorneys (USAs) and ATF Special Agents in Charge (SACs) have now jointly developed locally-coordinated gun violence reduction plans. The USAs and SACs are engaged in collaborative strategy development processes to enhance ongoing efforts. They are seeking the participation of other law enforcement agencies that play a significant role in responding to violent crime, such as the Federal Bureau of Investigation, the Drug Enforcement Administration and, of course, state and local police and prosecutors. They are also including elected leaders and, as appropriate, private businesses, researchers, educators, social services providers, community organizations, and members of the faith community. In every jurisdiction, the key community stakeholders are being invited to participate in developing and implementing a comprehensive strategy.

In connection with the initiative, the nature and scope of the gun violence problem in each judicial district is being assessed. To address their unique gun violence problems, the USAs and SACs are examining the legal tools and firearms-related resources available in their jurisdictions for addressing firearms violence. In addition, each jurisdiction is surveying the strategies that currently exist within the jurisdiction to combat gun violence, and developing any additional strategies that would be appropriate for use in particular localities. (Each USAO received a copy of the Department of Justice's guide: "Promising Strategies to Reduce Gun Violence," which contains descriptions of 60 gun violence programs already in place across the

country which appear to be effective.[1]) Each USAO and ATF regional office has also designated an individual who is serving as a point of contact for the initiative. This point of contact will coordinate with regional counterparts, as well as with the Departments of Justice and the Treasury.

Through the continued leadership of the USAs and the ATF, we will assure that federally licensed firearms dealers comply with all applicable laws; that crime gun information developed through comprehensive tracing, mapping and analysis is used strategically to identify illegal gun markets, gun hot spots and illegal gun traffickers; and that illegal possessors, users and traffickers of guns receive appropriate sanctions. We believe that the most effective strategies necessarily involve *coordinated* efforts in which federal prosecutors and investigators team up with state and local prosecutors and investigators, as well as other community leaders, to determine what prevention and intervention methods will work best, and which available sanctions are most appropriate. Among the programs that we are asking communities to consider as they develop their own strategies are the programs featuring coordinated aggressive prosecution of gun cases that is called "Project Exile" in Richmond, Virginia, and "Operation Ceasefire" in Boston, Massachusetts. We are pleased that you will be hearing directly from United States Attorney Helen Fahey, but regret that you did not accept our offer of testimony by other United States Attorneys who are leading other effective programs. Written statements of Donald K. Stern, United States Attorney for the District of Massachusetts, and Helen F. Fahey, United States Attorney for the Eastern District of Virginia, are attached hereto. See Attachments D & E.

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[1] The report is described in the attached fact sheet. See Attachment C.

Increased Collaboration on Firearms and Violent Crime

Given the uniquely federal system of government in the United States, no crime reduction strategy can ignore the fact that the vast majority of the violent crime in our country falls within the jurisdiction of state and local agencies or that the vast majority of resources to fight crime are provided by state and local governments.

In some areas, of course, such as multi-district trafficking in drugs, weapons, or aliens, crime must be attacked primarily at the federal level. In most other areas, including where state and local governments have primary responsibility, the federal government is most helpful to the extent it provides support, leadership, statutory tools, and coordination.

The effectiveness of the current efforts to reduce gun violence, and enforce the firearms laws, was described in a front-page article that appeared in the USA Today on June 10, 1999. In response, John R. Justice, the President of the National District Attorneys Association, wrote to commend the paper, and to emphasize the critical -- and irreplaceable-- role that local prosecutors play in the fight against gun crime. See Attachments F & G.

In the past few years, federal, state and local law enforcement have collaborated in numerous violent crime task forces and specially targeted initiatives. These collaborative efforts, as exemplified by the Department's Anti-Violent Crime Initiative (AVCI), provide for greater flexibility at the district level to develop firearms and violent crime prosecution strategies in coordination with state and local prosecutors.

DOJ introduced the AVCI in 1994, broadening the national violent crime focus from one emphasizing firearms violations alone ("Triggerlock") to one that strategically targets violent crime as manifested in local communities. AVCI relies on collaboration among law enforcement, which has resulted in more prosecutions being handled in the jurisdiction best

suited to a particular case.[2] AVCI has generated an increased focus on gangs and other violent crime enterprises that frequently involve firearms violations. This expanded focus has yielded cases that are more difficult to develop but which can have a greater impact on community safety than individual firearms prosecutions. For example, successful prosecutions have been brought against major gangs such as the Latin Kings in the East and the Gangster Disciples in the Midwest.

The Justice Department is building on these successes by helping more communities develop strategies and solutions that take into account the specific elements of the gun violence problem as experienced by those communities, and the unique legal tools and resources available in different locations. Our United States Attorneys should be permitted to rigorously analyze their local crime problems and then to determine the most sensible and efficient allocation of their resources based on those problems. Because no single formula for combating gun violence works in all, or even most, settings, it would be a mistake to mandate the use of any particular formula across the country, and such an attempt might significantly hamper the ability of the United States Attorneys to combat all types of federal crime.

Indeed, an approach which attempts to treat all jurisdictions alike, or which requires a

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[2] Under the AVCI, the Attorney General asked each United States Attorney to meet with all pertinent federal, state and local law enforcement agencies in the district to form a new, or strengthen an existing, violent crime working group. Each office was asked to identify the district's most critical violent crime problems susceptible to a coordinated federal/state/local attack, the relative priority of these problems, the law enforcement programs and resources currently dedicated to the investigation and prosecution of these problems, the results achieved to date from these efforts, and any multi-district or multi-jurisdictional aspects of these problems. After they had collected the appropriate information, each office was asked to develop a single district plan to implement an appropriate prosecutive strategy for the district. The goal of that initiative was to complement, not supplant, the efforts of state and local prosecutors. The key was to develop a strong partnership in the effort against violent crime with state and local officials in the way that would be most productive.

particular formula not tailored to the individual community runs the risk of disrupting effective state/federal cooperation and providing unintended benefits to the criminal element. For example, a failure of federal and state officials to coordinate, or any effort to mandate that federal prosecutors bring certain charges, could prevent state charges that carry a higher penalty or a produce more appropriate result.

The Increase in Overall Firearms Prosecutions

The raw number of federal firearms charges brought decreased between 1992 and 1998, although not as dramatically as some critics of the Administration have suggested.[3] The decrease in federal cases does not, however, mean that criminals are avoiding prosecution or receiving substantially shorter sentences. The federal, state and local law enforcement systems are coordinating more closely, and federal prosecutors appear

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[3] Data (and charts prepared from data) derived from on exclusive reliance on either the Executive Office for US Attorney's Case Management System (CMS)'s "program category codes" or the manual "Triggerlock database" do not present an accurate picture of the number of federal firearms charges brought. Because the CMS captured only the lead program category-- such as narcotics, immigration, "Triggerlock," or violent crime (which includes, for example, bank robbery, carjacking, and Hobbs Act violations)-- assigned to each case, exclusive reliance on the program category codes in the CMS results in an under-reporting of charges. For example, in FY 1998, 5,876 defendants were charged with violating the primary federal firearms statutes, 18 U.S.C. sections 922/924, while there were only 3,807 "Triggerlock" category defendants. This difference of more than 2,000 defendants may be the result of many section 922/924 prosecutions being assigned to categories other than "Triggerlock," often as part of criminal prosecutions that involved criminal charges belonging in one of these other categories. This means that an analysis of the number of federal firearms prosecutions involving the criminal use of guns that focuses only on "Triggerlock" category cases will be incomplete. Similarly, because the CMS cannot provide a meaningful breakdown by subsections for sections 922 and 924 -- due to variations in prior docketing practices -- any reliance on a search of the CMS for subsection-specific charges will not capture all appropriate charges.

Data drawn from the Department's database through searching for firearms charges by criminal code section shows that although the number of federal charges brought have decreased since 1992, the number of section 922/924 prosecutions increased in 1998 over 1997 and 1996. Indeed, the data for the first ten months of FY 1999 show that more defendants were charged with violating section 922/924 in those ten months than in all of 1996 or 1997.

to be focusing greater attention on higher-level firearms offenders. At the same time, many states have increased enforcement efforts and/or penalties for firearms offenders.

Data from the Administrative Office of the U.S. Courts suggests that much of the decline in federal firearms prosecutions between 1992 and 1998 occurred among lower-level offenders who received sentences of probation up to imprisonment for less than 3 years, while the number of higher-level federal firearms offenders — those who received prison sentences of 5 years or more — has increased more than 34 percent. See Graph 2, Attachment H.

Between 1992 and 1996 — when most of the decline in federal firearms prosecutions occurred — state prosecutions of weapons offenders increased sharply, more than offsetting the federal decline. See Graph 3, Attachment I.

Some of the decrease in federal firearms charges is the result of decisions by federal prosecutors to use federal sentencing guideline enhancements for gun use (for example, seeking a stiffer sentence when a drug trafficker uses a gun), instead of bringing separate gun charges in the case. This was particularly the case after the United States Supreme Court's 1995 decision in Bailey v. United States that affected the government's ability to obtain convictions under 18 U.S.C. 924(c), also causing a decrease in the number of federal firearms charges.

Conclusion

Working together, we have made significant progress in the fight against violent crime -- especially that involving firearms. It would be a profound mistake to become complacent, however. We have an historic opportunity and responsibility to press our advantage. America remains one of the most violent of the industrialized countries, and we can – and must – redouble our efforts to uproot the culture of violence in our nation. Our efforts in the last seven years are clearly a prescription for success, and we look forward to furthering that success to make

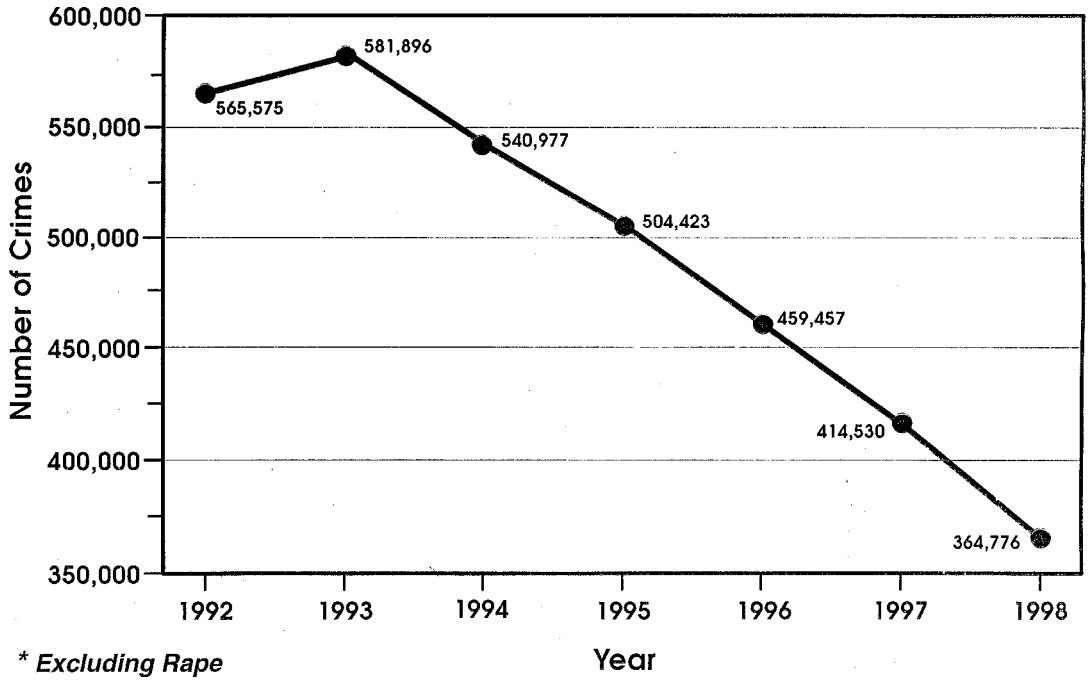
American even more secure against violent crime.

Attachments

ATTACHMENT A

GRAPH 1

Violent Crimes With Firearms*



** Excluding Rape*

Source: FBI/Uniform Crime Report Data

ATTACHMENT B

The New York Times

DATE: 10-18-99

PAGE: A16

F.B.I. Study Finds Gun Use In Violent Crimes Declining

By FOX BUTTERFIELD

In the clearest evidence yet that recent efforts to reduce gun violence through new laws and police pressure are working, a Federal Bureau of Investigation report released yesterday shows that a 7 percent drop in homicides in 1998 was entirely attributable to a decrease in killings committed with guns.

The report also indicates that a significant drop in robberies carried out with guns helped account for a 10 percent decline in robberies nationwide, the biggest decrease of any one category of crime.

Over all, the F.B.I.'s annual Uniform Crime Report found that violent crimes and property crimes each dropped 6 percent last year, the seventh consecutive year serious crime has fallen and the largest single yearly decline in the 1990's. The national homicide rate has now fallen to 6.3 per 100,000, which was the level in 1967, when crime first exploded in the United States.

Alfred Blumstein, a professor of criminology at Carnegie Mellon University in Pittsburgh, said the most important news in the F.B.I. report was the evidence that the use of guns in homicides and robberies was declining.

"These numbers suggest to me that the efforts to control the availability of guns, especially in the hands of young people, are having some effect," Professor Blumstein said.

Among these efforts are increased efforts by the Federal Bureau of Alcohol, Tobacco and Firearms to trace guns used in crimes; the tighter Federal restrictions imposed on gun purchases by the Brady Law of 1994, named after James Brady, the former White House press secretary who was wounded in the assassination attempt on President Ronald Reagan; and new gun control laws passed by numerous states, like those limiting purchasers to one handgun a month.

In addition, the police and prosecutors in many cities, including New York and Boston, have devised new strategies to cut off the supply of illegal handguns to criminals and juveniles or make them wary about carrying guns for fear of arrest.

Another good sign in the report, Professor Blumstein said, was that the percentage of homicide victims who were female dropped 11 percent in 1998, suggesting that legal and social efforts to prevent domestic abuse were working.

The report also found that the proportion of victims who knew their killers rose to 51 percent in 1998 from 48 percent in 1997, meaning that there were fewer homicides in which the victims were strangers. This is another encouraging development, Professor Blumstein said, because the random, violent street crimes that mushroomed with the crack epidemic of the late 1980's were disproportionately committed by young people against strangers.

The report said that arrests of juveniles for violent crimes fell 8 percent in 1998, compared with a 4 percent drop in adult arrests. It was an increase in juvenile crime in the late 1980's that caused crime rates to soar.

Geoffrey Canada, the president of the Rheedlen Centers for Children and Families, a nonprofit social service agency in Harlem, said the drop in crime by young people was "a reality I see."

While politicians and criminal justice experts have attributed the decline in crime to tougher police tactics or longer prison sentences, Mr. Canada said he thought much of the decrease was a result of a change in the attitudes of young people in the inner cities.

"The notion of the late 1980's and early 90's that crime was an option for young people, a way to get their sneakers or movie tickets or buy an apartment building, that whole way of thinking has changed dramatically;" Mr. Canada said.

The change has worked like a contagion in reverse, he said: "The fewer kids who do crime, the fewer will do it."

Another factor, Mr. Canada said, is that prolonged prosperity has finally provided more jobs in poor minority neighborhoods, "so people now see other people working and they get the message that work pays, crime doesn't."

James Alan Fox, the Lipman Professor of Criminal Justice at Northeastern University, cautioned that Americans may be becoming too complacent after seven straight years of declining crime.

"What goes down will go up," Professor Fox said. "If you don't continue to work hard at crime prevention, it's like going off a diet."

In fact, the police in New York City reported in June that the number of killings this year had increased 6 percent over the comparable period in 1998. Professor Fox said that trend had continued.

Statistics suggest that recent efforts to control firearms may be having an effect.

The new F.B.I. report said there were 16,914 homicides nationwide in 1998, of which 10,975 were committed with guns, down from a total of 18,210 in 1997, of which 12,346 involved guns. The reduction by 1,371 in killings involving a firearm was greater than the overall drop of 1,296.

Similarly, the report said that robberies committed with guns fell to 38 percent of all robberies in 1998 from 40 percent in 1997.

Handguns were by far the most common weapon in killings, accounting for 52 percent, while rifles and shotguns each accounted for only 4 percent of all homicides, the report said.

The predominant role played by handguns underscores the belief, held by officials in the 28 cities and counties that have filed lawsuits against the firearms industry, that America's gun violence problem is largely a handgun problem.

As has been true for as long as crime statistics have been kept, the F.B.I. report found that the South had the highest homicide rate, 8 per 100,000, compared with 6 per 100,000 for the Midwest and West and only 4 per 100,000 for the Northeast.

The F.B.I. report is based on police arrest reports. It measures the violent crimes of murder, robbery, rape and aggravated assault and the property crimes of burglary, motor vehicle theft, larceny and arson.

ATTACHMENT C

U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and Delinquency Prevention

OJJDP FACT SHEET

Shay Bilchik, Administrator

February 1999 #93

Strategies To Reduce Gun Violence

by David Sheppard, Ph.D.

Gun violence in the United States is both a criminal justice and public health problem. Gun-related crime peaked in the late 1980's and early 1990's. In 1997, the national homicide rate declined to a 30-year low of 7 murders per 100,000 U.S. residents. Despite this decline, however, homicide rates remain unacceptably high, and firearms are still the weapons most frequently used for murder (Federal Bureau of Investigation, 1998). Firearms were the weapons of choice in nearly two-thirds of all murders, and handguns accounted for over half the gun-related homicides in 1997.

The impact of gun violence is even more pronounced on juveniles and young adults. For persons between the ages of 15 and 24, the homicide rate of 15.2 per 100,000 U.S. residents is higher than the combined total homicide rate of 11 industrialized nations (Peters, Kochanek, and Murphy, 1998). Between 1984 and 1993, the firearm homicide rate for this age group increased 158 percent, which contrasts with a 19-percent decline in murders among those age 24 years and older for the same time period. In 1997, about 2,100 murder victims were below the age of 18. This level was 27 percent below that of the peak year, 1993, when 2,900 juveniles were murdered (Snyder, 1998).

As previously noted, gun violence is a public health problem. Firearm injuries, suicides, and unintentional gunshot injuries claim the lives of some 38,000 Americans each year. Firearm injuries are the eighth leading cause of death and the fourth leading cause of years of potential life lost before age 65. A teenager today is more likely to die of a gunshot wound than of all natural causes of disease (Fingerhut, 1993).

Promising Strategies

In response to this national crisis, the U.S. Department of Justice (DOJ) has developed *Promising Strategies To Reduce Gun Violence*. This report describes 60 strategies and programs that jurisdictions can use to address gun violence. *Promising Strategies* is the product of an extensive national survey of more than 400 local programs to reduce firearm violence. From that survey, 89 programs were identified as promising or innovative. In July 1998, DOJ assembled a focus group of more than 40 experts on gun violence (including mayors, researchers, police officials, and prosecutors) to review these 89 programs and strategies and provide input on the development of this report. Followup interviews and site visits were conducted to identify those programs using promising or innovative gun violence reduction strategies and those demonstrating an impact on reducing firearm violence.

The strategies and programs featured in the report focus on three points of intervention:

- Interrupting sources of illegal guns.
- Deterring illegal possession and carrying of guns.
- Responding to illegal gun use.

Strategies focusing on sources of guns include Federal and local initiatives that disrupt the flow of illegal firearms through gun tracing and monitoring of both licensed and illegal gun dealers. Strategies limiting gun sources also include educational initiatives to prevent at-risk youth from accessing firearms.

Strategies focusing on illegal possession and carrying of guns include interventions designed to take guns from adults, juveniles, and others at risk for violence, such as probationers, gang members, and drug traffickers.

Strategies focusing on illegal gun use include criminal and juvenile justice interventions designed to aggressively prosecute and sentence those who commit gun violence and those who illegally sell weapons to juveniles and adults. These strategies include court-related programs encompassing sentencing and educational options for gun-involved youth.

Communities Implementing Comprehensive Strategies

Promising Strategies describes how several communities are implementing comprehensive gun violence reduction strategies that address multiple risk factors associated with the illegal use of firearms. These communities include Atlanta, GA; Baltimore, MD; Baton Rouge, LA; Birmingham, AL; Boston, MA; Buffalo, NY; Indianapolis, IN; Minneapolis, MN; Oakland, CA; and Richmond, CA. These jurisdictions have developed comprehensive plans that focus on reducing sources of illegal guns, limiting possession and carrying of illegal firearms by those at risk for

violence, and providing appropriate sanctions for those using guns illegally.

Comprehensive gun reduction strategy sites have developed partnerships through which the community, law enforcement, prosecutors, courts, and social service agencies:

- Identify where gun violence occurs and by whom it is being perpetrated.
- Develop a comprehensive vision and plan, grounded in an understanding of the risk factors associated with gun violence.
- Create strategies to convince those who illegally possess, carry, and use guns that they can survive in their neighborhoods without being armed.

For Further Information

To obtain a copy of *Promising Strategies To Reduce Gun Violence*, call the Office of Juvenile Justice and Delinquency Prevention's Juvenile Justice Clearinghouse, 800–638–8736.

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David Sheppard is a Program Manager with the COSMOS Corporation, which is supported by an OJJDP grant.

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ATTACHMENT D

DONALD K. STERN
UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

STATEMENT FOR THE RECORD
U.S. HOUSE OF REPRESENTATIVES
SUBCOMMITTEE ON CRIMINAL JUSTICE
COMMITTEE ON GOVERNMENT REFORM

NOVEMBER 4, 1999

I have spent a good deal of the last 6 years as the United States Attorney for the District of Massachusetts, focusing on the issue of gun prosecutions, as part of the effort to reduce youth violence. I have also served as the Chair of the Attorney General's Advisory Committee of United States Attorneys. And, I am pleased to report that Federal prosecutors' partnerships with federal, state and local law enforcement agencies, as well as with others in Boston, have achieved considerable success. Indeed, over 200 different jurisdictions have come to Boston to learn about what some have referred to as the "Boston model."

First, please let me briefly set the scene -- describing what things were like in the early 90's in Boston and what they are like now. Then, I will identify three basic reasons for this success. After that, I would be pleased to respond to whatever questions members of the Committees might have.

In 1990, homicides were at an all time high in Boston. Drive-by shootings were commonplace. Parents were afraid to let their children play outside. There was a real question about the viability of the City.

These problems were symbolized by two events, now etched in the memory of Boston. The first occurred in December, 1992, when fourteen gang members invaded the Morning Star Baptist Church during the funeral of a young murder victim, who had been shot in a drive-by killing. A 21-year old man was beaten and stabbed in the Church. Then, in December of 1993, Louis Brown was murdered. Louis was a 15 year old honor student, who attended West Roxbury High School. His dream was to be this Nation's first African-American President. While on his way to an afternoon anti-gang meeting, Louis was murdered in the cross-fire between two gangs.

Things have dramatically changed. Between 1995 and 1998, homicides dropped by 64%. In 1998, there were 35 homicides in Boston, as compared with 152 in 1990. This year, thus far, the picture looks even better, with murders down even lower from where they were last year at the same time. Indeed, serious crime across the board is at its lowest level in 30 years.

And then there was that period from July 1995 through December, 1997, when not one juvenile in Boston was murdered by a gun. I repeat, not one juvenile in Boston was murdered by a gun. While we knew that this could not last forever, this time of peace underscored that we were on to something successful.

In 1990, 51 Boston young people, ages 24 and under, were murdered by a firearm. Last year, there were 16 such murders and this year, thus far, zero.

I attribute this remarkable success to three things:

1. The creation of true partnerships between local, county, state and federal officials as well as community leaders, the faith community and business leaders.

2. A willingness for those people to step out of traditional roles; and

3. A focused and targeted law enforcement strategy.

1. Build Partnerships

There is no question that the law enforcement community in Boston has its act together -- we are co-operating in ways unthinkable in years past. While we shouldn't get medals for this -- taxpayers should expect it -- you are probably not

surprised to hear that turf battles among law enforcement agencies can be fierce, even if counterproductive. For the past several years, the relationships among local, state and federal law enforcement has been a model for the country.

But this co-operative law enforcement effort would have fallen short unless there was an equally important component of developing a community-based justice system. Some of this is what's known as community policing. Helped by the additional COPS provided under President Clinton's Crime Bill, Boston, and many other communities in Massachusetts, have reoriented policing to solve problems, rather then simply react to 911 calls.

But, in Boston, the concept of community policing has been expanded to include other parts of the criminal justice system, in particular the prosecutors. Prosecutors, even federal prosecutors, now see their role as pro-actively solving problems and making things safer in the community, not just handling a conveyor belt of cases. As you know, President Clinton has asked for $200 million in his FY 2000 budget to fund the hiring of tough-on-crime prosecutors who can work on key community crime problems such as guns, gangs and drugs. Deputy Attorney General Eric Holder - who pioneered such a project in Washington, DC when

he was U.S. Attorney - is spearheading that effort for the Department.

The final part of building partnerships, and perhaps the most important, is creating working-relationships with the community -- whether it be the religious community, street workers, crime watch groups, or public housing tenant organizations. The success of Boston is due as much to these community based efforts as it is to anything law enforcement has done or can do.

2. Rethink Roles

The second reason for Boston's success is that people have been willing to step outside of their traditional roles and in some cases blur what were often thought to be bright line distinctions. Police have gotten out of patrol cars and are listening at community meetings. Prosecutors are in the neighborhoods and the schools. Probation officers have come out from behind their desks and are making home visits. They ride along in police cars so that the people they supervise know that they are out there -- watching.

Community groups are actively cooperating with the police. Ministers have descended from the pulpit and are walking the streets. And the list goes on.

3. Focus and Targeted Law Enforcement Strategy

If some of this talk of co-operation and community based justice sounds vague and soft, let me clear that up right now. The third and essential leg of the Boston strategy is aggressive, focused and targeted prosecution and law enforcement. This means determining who are the relatively small number of violent criminals in Boston and going after them with the combined fire power of local, state and federal law enforcement.

While in many cases, this will mean state prosecution, a critical part of the strategy is federal prosecution -- with long sentences and no parole. In Boston, the federal priorities in this area are three-fold.

First, we are targeting gun traffickers, those who illegally sell guns, seemingly oblivious to the deadly consequences.

Secondly, we are going after repeat violent offenders -- criminals who have racked up many convictions and seem to re-cycle through the state system.

Third, we are picking off organized violent gangs, usually for drug and fire arms offenses, but sometimes for murder.

This approach is premised on a few simple facts. Youth homicides are concentrated in neighborhoods that have probably less than 75 gangs, involving approximately 1,300 youth. Although gang turfs constitute less than four percent of the city, they account for 25 percent of Boston's serious crime.

Most youth living in these "hot spots" are well known to the criminal justice system. Indeed, 75 percent of known homicide offenders and victims had been arraigned for at least one offense.

We have made no secret of this strategy -- dubbed Operation Ceasefire. In fact, a key component is that the entire law enforcement community -- local, state and federal -- deliver a unified, clear message that unless the violence stops, gang members will be subject to an intense level of scrutiny. Gang members are explicitly told, often in face-to-face meetings, that they have a basic choice -- stop the flow of guns and stop the violence or face rapid, focused and comprehensive enforcement.

In certain instances, it means long federal sentences. One such case involved a 24 year old man who, as an adult, had 15 prior state felony convictions, almost half of which were for crimes of violence or drugs. He was stopped by a Boston officer, after handing off a gun to a juvenile. He still had a single bullet which he was brazenly tossing in his hand.

What he didn't realize is that, as a felon, the possession of ammunition violates federal law. After conviction, he was sentenced to 20 years in federal prison. At sentencing, the judge made clear that this long sentence was imposed because he was a career violent criminal. The result was widely publicized by the Boston Police Department, through word of mouth and handbills. This informal but direct publicity is important.

I note that the state recently adopted its own Armed Career Criminal Act, with a mandatory 3-year sentence with one prior drug distribution or violent crime conviction, mandatory 10-year sentence with two prior convictions, and mandatory 15-year sentence with three prior convictions. It is too soon to see how it will be implemented, but the ability of the state to prosecute some of these cases, with equivalent sentences, may have a bearing on our strategy.

As David Kennedy, a researcher at Harvard's Kennedy School who helped craft Operation Ceasefire, wrote, "gang members do not read about three strike laws or armed career criminal statutes in the *New York Times*; if they are to be reached, enforcement agencies must be forthcoming about the sanctions and consequences that result from criminal behavior and be ready to back these words with action."

So, what has worked for Boston is a balanced and comprehensive approach -- one that uses data collection, information sharing and strategic allocation of law enforcement resources. It relies on very aggressive law enforcement. Yet, at the same time, we have emphasized prevention.

Indeed, this same collaboration is now working to find jobs for those who want an alternative to gangs.

This effort, known as the Boston Jobs Project, is attempting to make youth job ready and then help them actually get a job. It is critical to the continued success and momentum we have achieved in Boston. If we trust our judgment and believe that we can identify the hard core, violent youth and prosecute them to

the fullest -- then we should also be able to identify those who have shown that they are willing to pursue an alternative course. This is one way in which we can insure that the reduction in violence in Boston is not a temporary phenomenon.

I appreciate the opportunity to provide this statement to the subcommittee.

ATTACHMENT E

PROJECT EXILE

A comprehensive, multi-dimensional program by the United States Attorney's Office, B.A.T.F., U.S. Marshal, and F.B.I., in coordination with the Richmond Commonwealth's Attorney's Office, Richmond Police Department, the Virginia Attorney General, the Virginia State Police, and the business community and citizens of Richmond to reduce gun violence and remove armed criminals from Richmond streets.

UNITED STATES ATTORNEY'S OFFICE
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

United States Attorney Helen F. Fahey
A.U.S.A. James B. Comey, Supervisor, Richmond Criminal Section
A.U.S.A. Stephen W. Miller
S.A.U.S.A. Shannon Taylor
S.A.U.S.A. Richard Campbell

November 3, 1999

PROJECT EXILE EXECUTIVE SUMMARY

For more than a decade the newspaper headlines have read the same: Another Murder in the City of Richmond; Murder Rate Rises; Gun Violence Continues. It was stark reality that the capital of the Commonwealth of Virginia was routinely among the five cities with the worst per capita murder rates in the country. In 1997 alone, 140 people were murdered, 122 of them with firearms. Even while homicide rates were dropping in many areas of the country, they were actually increasing in Richmond. The use of guns by drug dealers, the willingness of many to flaunt the law and carry weapons, and a high incidence of domestic violence, fueled this high and ever increasing murder rate.

In 1997, the U.S. Attorney's Office for the Eastern District of Virginia developed and initiated Project Exile in Richmond, aimed at reducing the senseless and unbridled violence which was plaguing the city. Project Exile is an aggressive, innovative, and creative approach to reducing the murder rate, by changing the culture of violence in Richmond through a comprehensive, multi-dimensional strategy. This strategy includes both law enforcement and prosecution components aimed at deterrence, as well as community outreach and education programs focusing on prevention.

Project Exile is simple and straightforward in its execution, and requires relatively limited prosecution and law enforcement resources. The program's focus and message is clear, concise, easily understood, and most importantly, unequivocal: **"AN ILLEGAL GUN GETS YOU FIVE YEARS IN FEDERAL PRISON."** For criminals carrying guns, the consequences have been swift, certain, and severe. For the citizens of Richmond, the results have been dramatic. They have taken back their neighborhoods, and now live in safer communities where houses can become homes, and neighbors can truly become friends.

The law enforcement and prosecution components of our strategy take full advantage of stiffer bond rules and sentencing guidelines available in federal court. In every case in Richmond where it is appropriate, felons with guns, drug dealers who use or possess firearms, and those using guns during domestic violence, are prosecuted federally. The project has fully integrated and coordinated local, state and federal (BATF/FBI) law enforcement agencies, and local and federal prosecutors. This widely-based task force accomplishes prompt identification of a potential Project Exile defendant through the use of an expedited reporting system, which has decreased processing time from several months to several days. In court, bond is routinely and successfully opposed, defendants receive speedy trials and mandatory minimum sentences are imposed. The average sentence for a Project Exile defendant is an impressive 56 months. With swift and certain justice, the project has deterred violent crime in the City of Richmond by changing criminal behavior and the culture of violence.

As of November 1, 1999, in Richmond;

1. 553 individuals have been indicted for federal gun violations;
2. 656 guns have been seized;
3. 420 persons have been arrested or are in state custody;
4. 297 arrestees (approx. 71%) have been held without bond;
5. 405 have been convicted;
6. 326 have been sentenced and the average sentence is 56 months.

The other major and essential component of the project addresses prevention. Project Exile has been an innovative community outreach and education initiative, using various media to get the message to the criminals that illegal guns are unacceptable, and will not be tolerated. More importantly, it has built a community alliance directed at the problem. A coalition of business, community and church leaders, and organizations such as the Retail Merchant's Association and the Chamber of Commerce, has been assembled to promote the project. The coalition, operating as the Project Exile Citizen Support Foundation, has funded a creative advertising campaign, including TV and radio commercials, billboards, a city bus completely painted black bearing the logo **"An Illegal Gun Gets You 5 Years in Federal Prison,"** 15,000+ business cards with the same message distributed on the street by local police, and a print advertising campaign. This outreach program has been extremely successful, increasing citizen reports about guns, and energizing the community to support police efforts.

Through these efforts, hundreds of armed criminals have been removed from Richmond's streets. Violent gangs, responsible for many murders, have been dismantled, its members now in prison. The rate of gun carrying by criminals has been significantly reduced, protecting not only the public but our police officers as well. Officers now report seeing drug dealers throwing down weapons before running from police, instead of taking the risk of being caught with a weapon. Information obtained from Project Exile defendants has been crucial to solving a large number of homicides. Most importantly, these efforts appear to be stemming the tide of violence. Homicides in 1998 were approximately 33% below 1997, for the lowest number since 1987. In the same period, armed robberies declined 30%. So far in 1999, homicides are down an additional 29% from 1998. As a result, the citizens not only feel safer, they are safer.

Because of the demonstrated results in Richmond, the U.S. Attorney's Office in the Eastern District of Virginia has expanded Project Exile to the Tidewater area of Virginia, and is committed to continuing Project Exile as long as the need exists. Other cities have taken note of Project Exile's impact on the City of Richmond. Project Exile's concepts have been fully implemented in Rochester, New York, which is already seeing success similar to that in Richmond. Other cities, such as Philadelphia, PA, Oakland, CA, Birmingham, AL, Camden, NJ, New Orleans, LA, Atlanta, GA, Denver, CO, and the state of Texas have implemented projects based on the Richmond model.

Project Exile has proven that a comprehensive, multi-dimensional strategy can and will work. It can be a vital tool in accomplishing one of President Clinton's top priorities - reducing the gun violence on our streets.

PROJECT EXILE

Project Exile is a comprehensive, multi-dimensional program by the United States Attorney's Office, B.A.T.F., U.S. Marshal, and F.B.I., in coordination with the Richmond Commonwealth's Attorney's Office, Richmond Police Department, the Virginia Attorney General, the Virginia State Police, and the business community and citizens of Richmond to reduce gun violence and remove armed criminals from Richmond streets. The project has made significant strides since it was announced on February 28, 1997, but reducing gun violence requires a coordinated community response to ensure continued success.

1. The Problem.

Gun violence has plagued Richmond for the last ten years, with Richmond consistently ranking in the top five in murder per capita rates for the country. Thus, while homicide rates were dropping across the country, in Richmond they were actually increasing. In 1997, 140 people were murdered, 122 of them with firearms. Ordinary citizens live in fear, held hostage in their own homes by the gun violence on the streets. The drain on the business community is real and economic development opportunities are lost. Business employees are in danger of being murdered in robberies. Brave police officers face this danger every day. The toll this places on us all is simply incalculable.

Different causes play a role in the grim statistics. It was a fact that criminals in this city were regularly armed and willing to use weapons. By 1997, the link between drug dealing and guns had escalated to the point that almost every drug dealer was fully armed with high powered, readily accessible firearms, and they frequently used guns to steal from competitors, deter stealing, and carry out revenge. Even without the drug connection, for a variety of reasons, the police reported a greater willingness of many on the street to carry weapons. This obviously contributes to the violence.

Behind the total statistics is also an important picture. Those being killed are not just criminals. In fact, while a large percentage of the homicide toll is connected to drugs, there is more to that story. In 1998, 80% of all homicide victims were African-American, which places a grievous toll on one particular segment of the community. Half of the victims had no prior criminal record, which demonstrates that many persons killed were unlikely to have been involved in criminal activity leading to the homicide. Finally, the average age of homicide victims in 1998 was 28.2 years.

The city also suffers direct, quantifiable economic losses from armed criminal violence. The drain on business development is real. Every survey done in the last ten years listed violent crime as a major factor slowing Richmond's economic growth. This is all the more serious because any long term solution to crime and drugs must be based on having sufficient numbers of decent paying jobs. The success of Project Exile has helped counteract the negative impact violent crime has had on Richmond's public image.

2. The Response - Project Exile.

a) Law Enforcement

Project Exile is named for the idea that if the police catch a criminal in Richmond with a gun, the criminal has forfeited his right to remain in the community. The criminal will face immediate federal prosecution and stiff mandatory federal prison sentences (often five to ten years), and will be "exiled" to federal prison.

The innovative organizational aspects for the investigation/apprehension/ prosecution parts of the project include:

1. full coordination from the officer on the beat to the federal prosecutor;

2. full coordination with the local Commonwealth Attorney's Office and the Virginia Attorney General's Office, with each office detailing a staff prosecutor to the U.S. Attorney's Office to assist in prosecutions;

3. active coordination of all police agencies (Richmond Police Department, Virginia State Police, Bureau of Alcohol, Tobacco and Firearms, and the Federal Bureau of Investigation), a simplified reporting system; and,

4. coordinated use of innovative and aggressive policing methods such as traffic checkpoints to locate drugs and guns.

When a police officer finds a gun during the officer's duties, the officer pages an A.T.F. agent (24 hours a day). They review the circumstances and determine whether a federal statute applies. If so, federal criminal prosecution is initiated.

To enhance the investigative process, Project Exile has obtained increased manpower from two Richmond Police Department officers, and two Virginia State Troopers detailed to the FBI and A.T.F. offices.

b) Prosecutions

The United States Code contains a series of statutes that can be used against the armed criminal. In summary, felons, drug users, fugitives, illegal aliens, and those convicted of domestic violence are prohibited from possessing firearms. Similarly, carrying a firearm in connection with drug dealing in violation of 18 U.S.C. § 924(c) carries a mandatory five year jail term.[1]

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[1] In addition, this provision was amended in October 1998 to broaden its applicability to mere ***possession*** of a firearm in furtherance of a drug trafficking crime or crime of violence. The amendments signed into the law also increase the mandatory prison term where the weapon is either brandished (7 years), or discharged (10 years). These amendments will substantially

Federal prosecution is particularly effective for a number of reasons. First, the project entails taking an aggressive position against bond, and this approach has been successful in taking defendants off the street. The federal bond statutes provide for holding a defendant without bond when the defendant poses a danger to the community. In this regard, for example, armed drug dealers are *presumed* to be dangerous and bear the burden of justifying release on some form of bond. Shifting this burden concerning bond has resulted in the vast majority of Exile defendants being held without bond.

Second, the federal system applies a mandatory sentencing guideline system in which a court's sentencing discretion is limited. Therefore, for a given type of firearm violation, the penalty is clear, substantial, and served in full without parole. Thus, an armed criminal is truly "exiled" from the community. In plea discussions, the federal prosecutor insists on the mandatory minimum sentences for armed criminals. If a plea agreement is not reached, the case is tried in federal court. In both jury and bench trials, the prosecution has prevailed and lengthy prison sentences have been imposed.

Finally, defendants know that a federal jail term will likely be served elsewhere in the country. This has a major impact because serving a jail sentence among friends and acquaintances is seen by the defendants as much less onerous than serving time in a prison out of state. Anecdotally, defendants have expressed more concern about where they serve their time than whether they will be going to prison.[2]

Experience since Project Exile was announced demonstrates that federal prosecutors can undertake a large scale prosecution effort of gun crimes with relatively limited personnel resources, and with a quick disposition of cases. It is estimated that an average of approximately 3 Assistant United States Attorneys and Special Assistant United States Attorneys have been utilized on Project Exile, including prosecutors detailed at various times from the Richmond Commonwealth Attorney's Office, Virginia Attorney General's Office and the Department of Justice.

c) law enforcement training

To enhance the investigative effort, the U.S. Attorney's Office has conducted several training programs. Specifically, all Richmond police officers have twice attended hour long lectures on federal firearm statutes and the procedures followed in Project Exile. Since March 1998, a more extensive lecture program has been conducted with every police officer. Training also covers related search and seizure issues.

From June - August, 1998, in connection with the Department of Justice, a new Gun Recovery

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increase the effectiveness of the statutory tools available to prosecutors of armed criminals.

[2] The media outreach effort has been using this concern to increase the effectiveness of the project. For example, the July 1998 copy for the radio traffic report sponsorships addresses the prospect of serving a prison term "way out in the country" in California, Minnesota or Texas. On the street, this is a very effective advertising line.

Initiative which included training, enforcement, and organizational measures was completed at the Richmond Police Department's Police Academy for over 100 selected officers. The Gun Recovery Initiative is aimed at improving the ability of the police to detect firearm violations and apprehend the perpetrators.

3. Public Outreach/Education

The community must understand that armed criminals are not a "police problem"; they are the community's problem. Armed drug dealers in particular terrorize parts of our city. Only if the community gets involved, and assists, will the homicide and violent crime rates be reduced.

But we cannot stop here. What is needed is greater citizen involvement and support. If only one citizen on each block called to report an illegal gun, the effect of the police force would be doubled at no cost to the taxpayers, and would go a long way toward making their own streets safe. The leaders and organizations which have begun this effort have done great work. But continued success will require much more outreach and education. Substantial support from the business community is necessary to achieve the results we now know are possible.

a) Project Exile Citizen Support Foundation

To this end, it was announced in July 1997 that several civic leaders and community groups had formed the "Project Exile Citizen Support Foundation" to support Project Exile with a variety of public outreach and education efforts through various media. The Foundation was created by Stanley Joynes, Esq., a prominent Richmond attorney who has embraced the purposes and goals of Project Exile. Mr. Joynes and his law firm, LeClair Ryan, provided free legal work to create the support Foundation, registered it as a tax exempt organization, and handled the contracting issues for the various media contracts. Primarily through Mr. Joynes' contacts, tens of thousands of dollars have been raised for the media effort, and thousands more were raised in the form of donated media time and support.

i) Media efforts

The Foundation has been instrumental in the affirmative use of the media carrying the message "**An Illegal Gun Gets You Five Years in Federal Prison**," and asking citizens to anonymously report guns on the street to the Metro Richmond Crime Stoppers telephone number. The Martin Agency, a prominent national advertising agency located in Richmond, provided substantial creative and production assistance at no cost to develop ways to get the message out to the community. The message has been distributed through billboards , a fully painted city bus which covers the entire city by changing routes each day, TV commercials, Metro Richmond traffic reports, over a million supermarket bags urging support of Project Exile, and 15,000+ business cards with the message distributed on the street by local police, and print advertising.

The media outreach effort has substantially reduced street carrying rates. In addition, primarily as a result of the citizen outreach through the media/advertising effort, more citizens are reporting guns on the street, and a large number of gun cases result from citizen calls. In the

beginning of 1997, that was the exception. There is no doubt that the use of aggressive media/advertising has significantly increased the deterrent effect of the firearms prosecutions.

For 1998-99, because of its demonstrated success, we developed a much larger media effort with a six figure budget with different creative methods/means and a spot public relations campaign, including op/ed pieces and media appearances by law enforcement officials. Funding has been provided by corporations, associations, law firms and individuals.

4. Richmond Public Schools/Firearm safety programs

Recognizing the need for a broader program to teach children about gun safety, the U.S. Attorney's Office also attempted to address the problem of firearm violence through education in the public schools. As part of Project Exile, the U.S. Attorney's Office, in cooperation with the Richmond Public Schools, arranged for a gun safety program, built around the cartoon character "Eddie Eagle," to be provided to all elementary school students (K-5) **at no cost**.

The Eddie Eagle Gun Safety Program is an accident prevention program for children in preschool through grade six that teaches children what to do if they see a gun in an unsupervised situation. Recognized by the National Safety Council, and the American Legion in granting its National Education Award, the program has been presented to approximately 10 million children nationwide since its inception in 1988. Beginning March 2, 1998, the 15,600 elementary students in Richmond's schools were given instructions that if they discovered or confronted a firearm that they were to **"Stop. Don't touch. Leave the area. Tell an adult."**. The message, the equivalent of "don't play with matches," and similar safety programs, enables children to avoid becoming victims. This professional program, developed with teaching and law enforcement professionals, includes a fast paced video, fun-filled activity books, brochures, stickers, posters, and a parent's guide to teach a plain, simple safety message. The materials, plus training assistance, were provided free of charge by the National Rifle Association. The program is scheduled to be repeated for several years. In April 1998, the Richmond City Public School Board issued a Certificate of Appreciation to the U.S. Attorney's Office for helping to bring this program to the school system. In addition, A.T.F. agents are also conducting firearm safety and awareness programs in Richmond Public Schools.

5. Metro Richmond Crime Stoppers

In many Richmond communities, the armed criminal element has so terrorized the citizens that crimes and suspicious activity go unreported. The Metro Richmond Crime Stoppers program provides a telephone number for citizens to anonymously report criminal activity with the possibility of a reward up to $1,000. Project Exile has utilized the number, and extensively publicized it, as the most efficient method to allow citizens to report armed criminals without fear of identification. The staff of the Metro Richmond Crime Stoppers will then send the report to the police department for prompt police response. In addition, the U.S. Attorney's Office participates in the monthly board meetings and has requested certain drug forfeiture proceeds to be used through the police department to enhance its operations. The U.S. Attorney's Office also made a presentation at the Virginia Crime Stoppers Association 29th Semi-Annual Training Conference on October 16, 1998 at Staunton,

Virginia. This is just one illustration of how Project Exile is coordinating existing programs to maximize the deterrent effect of the prosecutions.

6. City of Richmond's commitment to Project Exile

The goal of Project Exile is simply to make Richmond's streets safe for all of its citizens. Any Richmonder knows what a great city Richmond is to live, work, own and operate a business, raise a family, and enjoy all the community has to offer. Unfortunately, the city's image has been tarnished with regular stories in the national media about the city's high per capita murder rate. Recognizing the potential of Project Exile, the City of Richmond government has strongly supported the effort in several ways.

a) Richmond Police Department

Any law enforcement effort directed at homicides on the street relies first on the full commitment of the local police force. From its inception, Project Exile has been fully supported by Police Chief Jerry Oliver, and Deputy Chiefs Theresa Gooch and Fred Russell. The project was conceived and developed with their direct input and ideas. Without their full support in several aspects, the project could not have been successful. First, the Richmond Police Department assigned three officers full-time to the Exile task force. This has led to quick preparation of investigative reports and facilitated information exchange.

Second, the Richmond Police Department has organized several training programs for all of its officers to educate them regarding federal laws and involve them in the project. In August 1998, the Richmond Police Department completed a week long gun interdiction training program for over 100 selected officers to improve gun detection on the streets. Each Richmond Police Officer also carries a laminated card which summarizes the federal firearm statutes and provides a 24 hour pager number if questions on firearms violations arise in the field. Finally, every officer in the department has received training regarding firearms law three times at roll call meetings. A new round of roll call training began in December 1998.

Third, the department has improved its procedures for the handling and tracing of firearms. Through its Firearms Administrator, Mr. John Brooks, the Richmond Police Department insures that all firearms are traced in coordination with ATF. Mr. Brooks also insures that all firearms seizures are considered for inclusion in Project Exile.

Fourth, the Richmond Police Department has actively participated in the public outreach effort. For example, on October 27, 1997, the Police Department conducted a "Crime Prevention Expo" at which home security and safety companies, Neighborhood Watch organizations, and police officials presented information concerning crime prevention and protection. Project Exile provided information and the keynote speaker, as another means to distribute the anti-armed criminal message of the project. The department has actively assisted in Project Exile's participation in various community events in order to provide additional opportunities to ensure the project's message gets out to the community.

Project Exile is not just a "federal initiative." Rather, Project Exile is a true team effort in which the Richmond Police Department plays a large and key role. Project Exile could not be successful without the full commitment of the Richmond Police Department.

7. Commonwealth of Virginia's commitment to Project Exile

The Commonwealth of Virginia has supported Project Exile in a number of important respects. This support is indicative of the team approach taken throughout the project.[3]

i) Richmond Commonwealth Attorney's Office

Project Exile has been a cooperative program with the Richmond Commonwealth Attorney's Office since the beginning. David Hicks, the Commonwealth Attorney, has provided a prosecutor from his office to assist in the prosecution of Exile cases.

ii) Virginia State Police

Since the beginning of the project, the Virginia State Police have been a partner in the effort. The Virginia State Police have assigned state troopers to the task force of agents to expedite the preparation of investigation reports, and assist in the apprehension of armed criminals. The importance of this contribution cannot be overstated.

iii) Virginia Attorney General

In October 1998, Virginia Attorney General Mark Earley announced that an attorney from the Attorney General's Criminal Division would be detailed to serve in the U.S. Attorney's Office as a full-time prosecutor for gun related crimes under Project Exile.

8. Metro Networks traffic report sponsorship

In January 1998, Project Exile began a traffic report sponsorship campaign on twenty four local radio stations through Metro Networks to increase understanding in the community about Project Exile, and send out the message that armed criminals will be prosecuted federally and removed from our community, that the citizens can help protect their own communities by reporting armed criminals through the Metro Richmond Crime Stoppers telephone number, and that the project is working. In this campaign, each traffic report has a message that the report is sponsored by Project Exile, and following the report the announcer gave a message explaining the basic premise of the project. Subsequent messages provide a phone number which can be used to anonymously report armed criminals. This campaign has helped get the message out that armed criminals will be prosecuted federally, detained without bond, and receive mandatory sentences.

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[3] In 1999, the Virginia legislature passed new laws to make Virginia's bond and gun laws comparable to Federal laws in many areas. The new laws were effective July 1, 1999.

In April 13, 1998, a new traffic report sponsorship program began with the assistance of Metro Networks. The program included approximately 125 announcements per week on 24 radio stations which ran for one month. An expanded sponsorship program, including funding from the Chamber of Commerce, has enabled the program to continue.

9. Fox-35 Support

a) Black Achievers' program

For the last three years, Fox-35 T.V. News at Ten has sponsored a "Black Achievers" month in which members of the African-American community are recognized for their personal efforts to assist in community activities and organizations for the betterment of Richmond. Project Exile is a sponsor of this program. The U.S. Attorney's Office participated on the selection panel to review nominations for the awards. Each person selected was featured in segments on Fox-35 throughout March 1998, with the Project Exile message given as sponsor approximately 190 times. The program presents an excellent means of distributing the project's message that the community must assist in combating armed criminals, and also stresses that law enforcement is not an end in itself but a means by which our community can be substantially improved.

b) Fox-35 Corporate Invitational Golf Tournament

Richmond's local Fox Network affiliate, Fox 35, has found great value in Project Exile and has done much to promote it, including a good deal of free and discounted air time for the outreach television spots. On September 1, 1998, Fox-35 held a Corporate Invitational Golf Tournament to benefit Project Exile. Through the tournament, approximately $100,000 in commercial air time was obtained.

10. Community Pride Food Stores

On July 30, 1998, Mr. Johnny Johnson, President/CEO/Owner of the Community Pride Food Stores chain announced Community Pride's sponsorship of Project Exile. As a corporate citizen serving the needs of the communities most directly affected by armed criminal violence, Community Pride is well positioned to assist in the outreach effort. Community Pride began reaching the community through a series of ads, with slogans such as "Bag A Crook, Support Project Exile," placed on its grocery bags. It is estimated that these messages reach over 75,000 customers per week.

11. Other media coverage

Experience in Project Exile has demonstrated that getting the message out to both the criminals and the community is a continuing requirement to ensure success. As part of this effort, Project Exile has received various other news media coverage explaining the project and its success.

a) Richmond Times Dispatch/Richmond Free Press/"Hard Times"

The *Richmond Times Dispatch* has played a central role, through its coverage of federal court

proceedings, in publicizing the project and its purposes. The coverage of Project Exile related matters has been extensive, balanced, and has informed the public of the project's purposes and success. The project would not be the success it has been without professional and detailed reporting in the paper.

Similarly, the *Richmond Free Press*, a newspaper directed toward the African-American community, has provided important coverage of the project's success. This coverage is important because the African-American community has been particularly victimized by armed criminal violence. Full page ads were run in early 1999 regarding the project.

Finally, the Virginia Coalition for the Homeless' bi-weekly newspaper ran full page ads in January and February 1999 in support of the project. These ads reached many of those most affected by the problem of criminal violence.

b) National News

In July 1998, the Fox Network national news division produced a report which aired nationally on July 15, 1998. The report commented favorably on the project and its success. As a result, the U.S. Attorney's Office received inquiries from cities around the country about the project and whether it could be emulated in their localities. Such reports serve to alert other areas to the approach and possibilities for dealing with firearm violence.

As a result of the creative approach taken in Project Exile, CBS and ABC have highlighted the program in their broadcasts. The reports gave national exposure to the "good news" that Richmond's criminal violence is being substantially reduced.

d) National print media coverage

In June 1998, the project began receiving national attention through various media including the *Washington Post*, *New York Times*, the *Philadelphia Inquirer, U.S. News and World Report, Newsweek, Reader's Digest, U.S.A. Today*, *Crime Prevention News*, the *Wall Street Journal*, and the *Washington Times*, as a program that is working in dealing with violent crime. As a result, the U.S. Attorney's Office has received numerous inquiries from jurisdictions around the country and is providing information to replicate the project in those areas.

12. National organization endorsements

The coordinated approach to removing the armed criminal from Richmond's streets has received national attention beyond the electronic media. National groups crossing the political spectrum have reviewed and endorsed the project's approach.

On March 5, 1998, the U.S. Attorney's Office received a letter of endorsement from Mr. Wayne LaPierre and Ms. Tanya Metaksa on behalf of the National Rifle Association, and on March 12, 1998, from Mrs. Sarah Brady on behalf of Handgun Control, Inc. As their letters make clear, no matter what one's views are regarding the myriad issues involved in the ongoing gun control debate, all parties can agree that vigorous prosecution and sentencing of the armed criminal is not only

appropriate, but also the first step in eliminating this modern terrorist from our streets. The NRA has also made substantial donations to the Project Exile Citizen Support Foundation.

13. Success

Recent academic studies, comparing crime and punishment rates in various countries, have made clear that swift, sure, and substantial punishment of violent crime will result in a reduction of crime rates. By any measure, applying this principle, Project Exile has been an unqualified success. In a brief time period, the project has removed a large number of criminals predisposed to violence from the streets of Richmond. The project has also demonstrated substantial reductions in gun carrying by criminals. In Richmond, the homicide rate has been significantly reduced. While many factors have contributed to the reduction, there is no doubt that project Exile has been a major factor. Homicides in 1998 were down 33% from 1997 and for 1999 through 31 October, homicides are down 29% from the same date in 1998. The homicide rate in 1998 was the lowest in the city since 1987.

Any one of numerous anecdotes tells the story as well:

1. In the Spring 1998, in the execution of a search warrant, a defendant was caught with substantial quantities of drugs. What was unique was that no guns were found in the search. This was the first time anyone could remember a defendant with so much narcotics not being armed. The defendant was questioned extensively about where the guns were, with the defendant vehemently denying having any guns. Finally, somewhat exasperated, the defendant looked at the prosecutor and said "Haven't you heard man? Five years." It was clear that the advertising message, "An illegal gun gets you five years in federal prison", had gotten through to its primary target audience.

2. In another case, again in an interrogation, a drug/gun defendant patiently explained how he understood the "feds" had a special T.V. channel going into the projects to spread the message that the feds were cracking down on guns. He was referring to the T.V. commercials run at the end of 1997 on Fox-35 and several cable channels. He got the message even while overestimating the degree of the advertising.

3. In a recent case concerning the sentencing of a defendant, the defendant wrote to the U.S. Attorney complaining that the sentence he would be getting under the federal sentencing guidelines was too harsh in that it was based in part on his juvenile convictions. It was clear he had seen the outreach media message because he wrote in his letter,

> I'm writing to you in reference to my Presentence Investigation Report. My charge is possession of a firearm by a convicted felon. My sentence guideline is 77 - 96 months. In reaching my sentence guideline, the probation officer used 3 charges from my juvenile record on page 4 of my Presentence Investigation. .... in all do respect, I think going back to my juvenile record is a little too much. ***Even the bus and the billboard says five years***. ... (emphasis added)

4. In April 1998, a probation officer advised the United States Attorney's Office that he had been talking with a supervised defendant who had been engaged in drug dealing for many years. The defendant gestured to a poster on the wall with the Exile campaign message ("An Illegal Gun Gets You Five Years In Federal Prison") and said "you got that right". He explained to the probation officer that the word on the street now is that if you sell drugs, then "sell drugs but don't be carrying no gun". He said the message had gotten to the criminal element. Breaking the gun/drug link is the single most important factor in reducing street violence and murders.

5. In June 1998, a plainclothes detective reported stopping three individuals on the street who met the radioed description of three individuals wanted for a recent crime. The detective detained the three and did a safety patdown for weapons. He asked one of the three if he had any weapons. The person responded, "Are you crazy. That Exile thing will put you away for five years. I'd be an old man when I got out." None of the individuals were in fact carrying firearms.

The criminal element is clearly getting the message.

13. Future Efforts

a) Commitment to the comprehensive effort in Richmond.

Recent statistics show that the U.S. Attorney's Office for the Eastern District of Virginia now ranks second among federal districts in prosecuting federal firearm violations. The U.S. Attorney is proud of this long term commitment to addressing the problem of violent crime in the District and intends to continue the Office's focus on armed criminals.

Because success requires a sustained commitment, the federal and local authorities have pledged to continue the program as long as the need exists. Additional manpower has been assigned by the Richmond Police Department and the Virginia State Police, along with additional FBI and ATF resources requested by Deputy Attorney General Eric Holder. Richmond Commonwealth's Attorney, David Hicks, has detailed an experienced prosecutor to the U.S. Attorney's Office from the beginning of Project Exile to assist with the trial workload of the project, and in October, 1998, the Virginia Attorney General also detailed an attorney to the Richmond U.S. Attorney's Office to assist on trials. In addition, the Department of Justice, thru Deputy Attorney General Eric Holder, a strong supporter of Project Exile, has detailed attorneys on a temporary basis to assist with Project Exile cases.

b) Expansion of Project Exile to other areas

In January 1998, the U.S. Attorney's Office announced the expansion of the project to the Norfolk area. Certain areas in the Tidewater area also have high homicide rates, and it is expected that significant reductions can be achieved there as well. Since Project Exile began in the Tidewater area, 140 indictments have been brought and over 300 guns have been seized.

CONCLUSION

It is not an exaggeration to say that armed criminals can and do terrorize our cities. Senseless violence tears at the very fiber of our community, and we cannot allow that to continue. We must deal with these criminals swiftly and firmly, so that our citizens can return to a level of normalcy, where decent, law abiding people can live, work, and most importantly raise this nation's next generation of young adults.

However, federal prosecutions alone cannot put an end to the tragedy of violence in our cities. A sustained and comprehensive community effort is critical to our ultimate success. With the leadership of community-based organizations, such as those mentioned above, and with the support of those living in the community, we can overcome both the cause and the effect of the unbridled and unprecedented violence we have all seen.

7. While Project Exile is only part of the solution, it can send and enforce a very important message to the criminal element: an illegal gun will get you five years in federal prison–there will be no bond, no deal, no parole. There will only be federal prison.

This is a proven strategy, and it is making a difference.

ATTACHMENT F

USA TODAY

DATE: 6-10-99

PAGE: A1

Are gun laws enforced?

Prosecution central to the debate

Laws already on books making a dent in crime

By Dennis Cauchon
and Gary Fields
USA TODAY

Jimmy Allen Cubello, a fugitive wanted on marijuana smuggling charges since 1993, returned to the United States in March after years of lying low in the border town of Reynosa, Mexico.

The 47-year-old U.S. citizen registered to vote, got a Texas ID and renewed his driver's license — all without trouble. Then, on March 12, he tried to buy a gun at a pawnshop in McAllen, Texas. Big mistake.

The shop's owner called the FBI for an instant background check on the man who wanted to buy an $800 Beretta .40-caliber pistol. Fifteen minutes after Cubello's name appeared on an FBI computer in West Virginia, federal marshal Gene Diaz arrested the surprised fugitive in front of the store.

"He knew he was wanted, but he didn't realize the arm of the law could be so fast," recalls Diaz, who was driving near the gun store when he got a call on his cellular phone.

The enforcement of existing gun laws — such as the one that let the feds nab Cubello — is central to the fate of the gun control bill set to be debated in the House next week. The bill, which has been passed by the Senate, expands background checks to all sales at gun shows and requires child-safety locks on all new handguns.

But the National Rifle Association argues that the nation already has enough gun laws, more than 20,000 at the federal, state and local levels. The problem, the NRA says, is that the laws have not been enforced, especially by the Clinton administration.

"They want a new group of federal gun laws when they don't even enforce the ones we have now," NRA executive vice president Wayne LaPierre says. "That spells hypocrisy with a capital H."

To step up enforcement, House Republicans have been pushing a proposal that would require each of the 94 U.S. attorneys to designate at least one assistant who would concentrate on prosecuting gun violations. To sweeten the deal, the GOP would offer $50 million for salaries and expenses.

A USA TODAY examination of gun-law enforcement found that the NRA has advocated some of the most effective gun laws — notably the instant background check — over the opposition of many gun control advocates. But the NRA's accusations that the Clinton administration is soft on gun-law violators do not appear supported by the evidence.

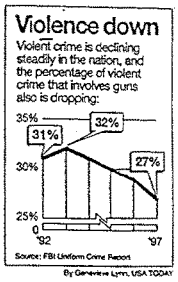
Laws with teeth

Among USA TODAY's findings:

▶ The instant background check might be the most effective piece of gun legislation ever. It not only has stopped nearly 300,000 illegal gun purchases since 1994, but it also has resulted in the arrests of hundreds of fugitives. It has essentially put teeth in a 1968 gun control law that banned felons and other potentially dangerous people from owning guns.

▶ Gun laws are enforced more vigorously today than five years ago by nearly any measure. Prosecutions are more frequent than ever before; sentences are longer; and the number of inmates in prison on gun offenses is at a record level. The number of inmates in federal prison on firearm or arson charges (the two are lumped together) increased 51% from 1993 to 1998, to 8,979.

▶ Longer prison sentences for gun offenders might have a greater effect on gun violence than efforts to ban specific types of weapons, such as assault rifles or small, cheap "Saturday night special" handguns. The NRA has been a crucial supporter of the most common



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way to punish a gun offense: extending the prison sentence when a gun is used in a crime.

Jack Levin, director of the Program for the Study of Violence at Northeastern University in Boston, says longer prison sentences imposed on firearms offenders have been a factor in the decline of violent crime. "In the '80s, we locked up larger numbers of people for drug offenses. In the '90s, we began locking up more violent people who carry firearms," he says.

The number of violent crimes nationwide (excluding rape) fell from 1.8 million in 1992 to 1.5 million in 1997. In addition, the portion of violent crimes committed with guns fell from 31% to 27% during that same period.

Gun rights advocates were crucial in creating instant background checks, which became national in November after being phased in since 1994. Most gun control advocates opposed the instant check in favor of a longer, drawn-out process that would have allowed more thorough checks and would have functioned as a waiting period.

But rather than seeing the instant check as a success that has stopped 300,000 illegal gun purchases, gun rights advocates say the system reveals lax prosecution because so few arrests are made.

Since 1968, it has been illegal for tens of millions of people to possess a gun. These "prohibited persons" include felons, fugitives, the mentally ill, drug users, illegal aliens and those dishonorably discharged from the military. In 1994, the prohibition was expanded to people who have misdemeanor domestic abuse convictions or are the subject of restraining orders in domestic disputes.

It is a federal felony punishable by up to 10 years in prison to lie on the background-check forms that are filled out by gun purchasers. But Rep. Bob Barr, R-Ga., a former federal prosecutor, says that crime has gone virtually unpunished in the federal system.

"The question is not so much what new laws can we pass, but why are we not enforcing existing laws better," Barr says.

LaPierre says the federal government should have prosecuted every case in which a person lied on the background check form, without exception. That would be 40,000 cases since November, more than the number of federal prosecutions during that period for all other crimes combined.

In response, the Justice Department and the Bureau of Alcohol, Tobacco and Firearms (ATF) say they do not have the resources to prosecute every case. Instead, their strategy is to have states pursue most gun violations while federal law enforcement handles the more serious cases.

"We've decided to prosecute smarter. We have used limited resources to go after those who are committing the most serious crimes," Deputy Attorney General Eric Holder says.

A U.S. Sentencing Commission analysis done for USA TODAY shows that lying on the background check form is prosecuted in federal court far more often than acknowledged.

From 1994 to 1998, 832 federal defendants were sentenced to prison for lying on the form, according to the Sentencing Commission. The average sentence for lying on the form was 19 months. When a defendant was simultaneously prosecuted with another crime, the average was 44 months.

Length of sentences

The prosecutions account for less than 1% of apparently illegal attempts to purchase guns. But the length of the average sentence seems to confirm that felons with more serious criminal pasts have been targeted for prosecution. A defendant with no serious criminal record would expect to get five months in prison upon pleading guilty, according to federal sentencing guidelines.

Total state and federal prosecutions for firearms offenses rose from 30,243 in 1992 to 36,370 in 1996, the most recent year for which the Bureau of Justice Statistics has complete statistics. Juvenile gun offenses, which are prosecuted mostly in local juvenile courts, are not included.

Agency is strapped

The ATF says it does not have the staff to handle every gun offense. Its 1,500 agents have been stretched thin over the past five years, investigating everything from church burnings to the explosion of TWA Flight 800. Still, the bureau brought 3,619 criminal cases involving 5,620 defendants in 1998. "How anyone can say we're not enforcing firearms laws is beyond my belief," ATF special agent Jeff Roehm says.

Of the 40,000 people who have been denied firearms since the instant check system took effect in November, 12,129 have been referred to field agents for investigations. So far, 156 cases have been turned over to prosecutors.

The investigations involve everything from obtaining fingerprints to conducting handwriting analysis. Even seemingly simple cases can take weeks.

In one case, Roehm says, the ATF declined to prosecute a black man who had been convicted of a felony 40 years ago in Mississippi. His offense: possession of playing cards that featured naked white women. "Is it worth the taxpayers' money to go after a person like this?" Roehm asks.

Three-fourths of gun purchases rejected under the Brady Law are turned down because the buyer has a felony record. But most of these crimes are old offenses and relatively minor felonies, such as writing bad checks.

The NRA has praised Project Exile in Virginia as a model of how to get felons with guns off the street by aggressively prosecuting them. But when federal prosecutors investigated the backgrounds of 100 felons who had tried to buy a gun, they didn't find violent criminals. "Our survey did not indicate a single murderer, rapist, armed robber, burglar within the last 10 to 15 years or a drug dealer of any recent vintage," says U.S. Attorney Helen Fahey of the eastern district of Virginia.

Fugitives caught

Several recent cases seem to confirm that federal prosecution for a firearms offense would be an unusual use of federal resources.

Cubello, the accused marijuana smuggler, faces a seven-to-nine-year sentence if convicted on racketeering charges for his role as the alleged middleman in smuggling 3,000 pounds of marijuana from Mexico in the late 1980s.

Cubello is scheduled for trial in a Denver federal court in September. He has not been charged with a gun crime, which would have to be prosecuted in Texas where the alleged gun offense occurred.

Jeff Edelman, Cubello's defense attorney, says his client is innocent of the marijuana charges and of any potential gun violation. Edelman says his client didn't know he was a fugitive. "How's a guy from Texas supposed to know he was indicted years ago and far away in Colorado for something he didn't do?" Edelman asks.

Another fugitive caught with the instant background check was Joseph Salisbury Jr. A landscaper from Monroe County, Mich., he was arrested May 11 at a local gun store when he tried to buy a SKS semi-automatic rifle, the Chinese version of the AK-47. Salisbury, 24, says he wanted it for hunting.

Salisbury's name showed up in the FBI computer because he was wanted for fleeing police and as somebody banned from owning a gun because of a misdemeanor domestic abuse conviction. The computer did not show that the domestic abuse conviction, for a fight with his father, had been expunged from his record after he took anger-management classes.

The Monroe County sheriff's department charged Salisbury with felony fleeing and eluding in July 1997 after he allegedly failed to pull over while being followed for 3 miles by a police car with its lights on and siren blaring.

"The whole thing is a bunch of hogwash," Salisbury says. He says he wasn't fleeing; he was just too drunk to hear the siren or see the lights. "My blood alcohol was so high they said I should be dead. But they never charged me with drunk driving. They charged me with fleeing and eluding. I'm innocent."

System worked

Monroe County prosecutor Edward Swinkey says that although he considers fleeing from a police officer a serious offense, Salisbury probably will get probation.

The system worked by stopping Salisbury from getting a gun, the prosecutor says. "If he's not responsible enough to show up in court, how can he be responsible enough to own a gun?" Swinkey says.

Asked whether Salisbury should face federal gun charges, Swinkey says: "In the real world, there's not enough police, prosecutors, or room in prison to handle all of these cases. This is a local offense, not a federal one."

ATTACHMENT G

USA TODAY - MONDAY, JUNE 14, 1999

LETTERS

Local officials effectively enforce gun-control laws

There is an additional important point to be made in connection with USA TODAY's excellent Cover Story about the gun-control issue ("Are gun laws enforced?" News, Thursday).

No matter how many more gun-control laws Congress passes, the federal government simply doesn't have the resources to deal with the gun crimes covered in those statutes — nor should it.

In the article, U.S. Deputy Attorney General Eric Holder admitted this, declaring that the feds only can go "after those who are committing the most serious crimes."

There are fewer than 100 U.S. attorneys, whose staffs already are stretched trying to cope with ever-mounting caseloads.

But there are almost 3,000 local prosecutors who are prosecuting more than 90% of the crimes in the USA, including gun laws.

The fact is, when both federal and state laws are involved in a gun violation, the federal prosecutor will defer — as he or she should — to the local prosecutor, who is better acquainted with the local situation, better staffed to handle it and frequently more experienced in prosecuting criminal cases.

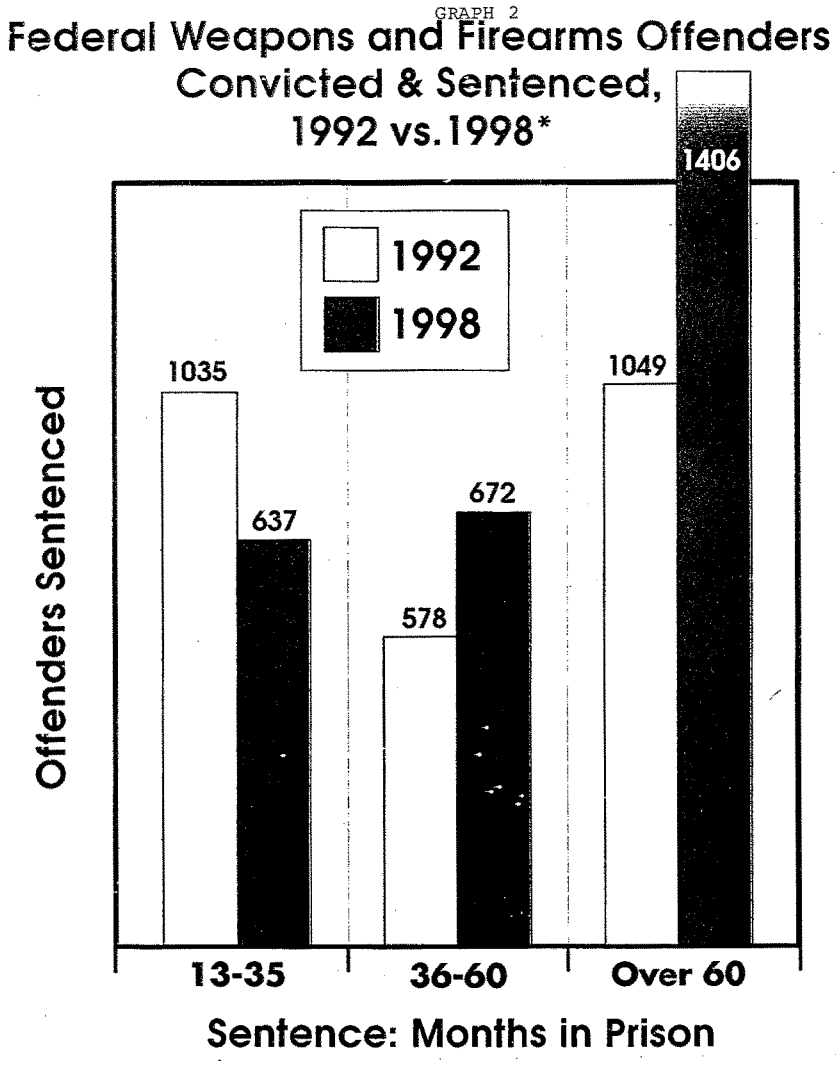
The feds move in when there's an obvious overriding federal issue, such as interstate trafficking.

The point is, contrary to the political rhetoric, gun-control laws are being enforced, prosecutions are increasing steadily and sharply, and local prosecutors are handling most of the cases and are progressively sending more violators to jail.

John R. Justice, president
National District Attorneys Association,
Solicitor, Sixth Judicial Circuit of
South Carolina, Chester, S.C.

ATTACHMENT H

GRAPH 2



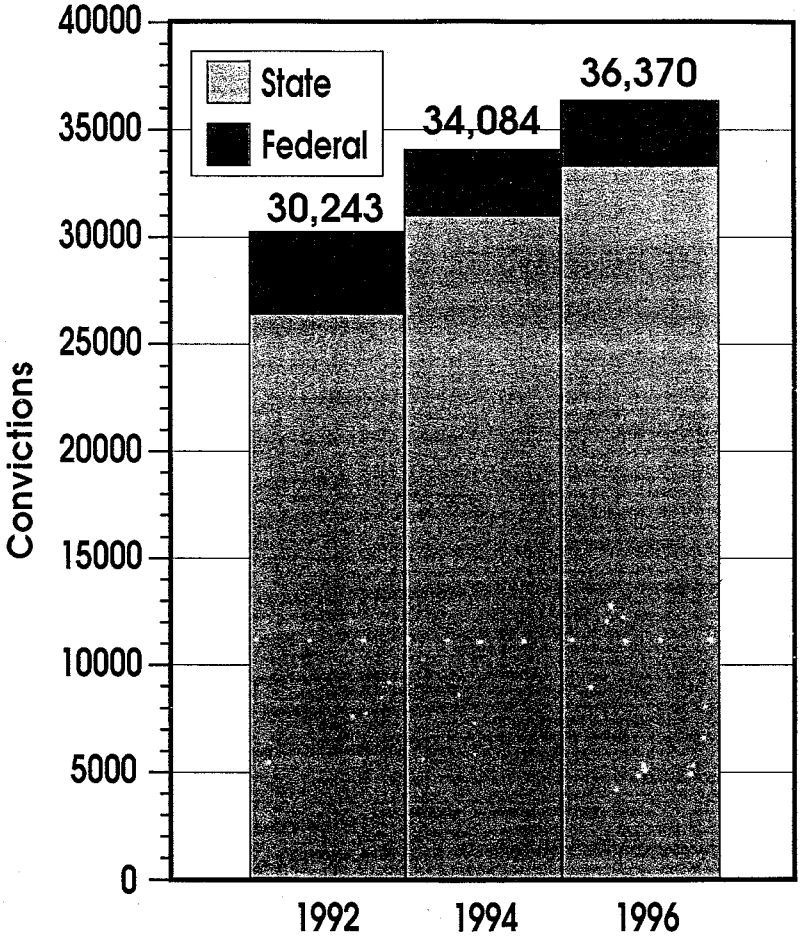
Excluding Sentences One Year or Less

Source: AOUSC annual reports, Table D-5, 1992 and 1998.

ATTACHMENT I

GRAPH 3

Total State and Federal Weapons Offenders Convicted in 1992, 1994, 1996



Source: BJS, National Judicial Reporting Program (NJRP) state estimates and Federal Justice Statistics Program (FJSP) totals, 1992 (cy), 1994 (cy), 1996 (st=cy)

PROJECT EXILE

An expedited federal prosecutive effort by the United States Attorney's Office, the B.A.T.F., and F.B.I., in coordination with the Richmond Commonwealth's Attorney's Office, Richmond Police Department, and the Virginia State Police to remove armed criminals from Richmond streets.

UNITED STATES ATTORNEY'S OFFICE
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

United States Attorney Helen F. Fahey
A.U.S.A. James B. Comey, Supervisor, Richmond Criminal Section
A.U.S.A. S. David Schiller, Senior Litigation Counsel
S.A.U.S.A. Cameron Macaulay
804-771-2186
FAX 771-2316

July 17, 1998

Approximately 12,000 business cards have been distributed on the street by the Richmond Police Department.

Front

= 5 Years
IN FEDERAL PRISON

Back

STOP THE MADNESS

Report Guns On The Street

780-1000

(Richmond Crimestoppers)

Front

An illegal gun gets you 5 years in Federal Prison.

PROJECT EXILE. REPORT ILLEGAL GUNS 780-1000

1. PROJECT EXILE EXECUTIVE SUMMARY

For at least ten years, gun violence has plagued Richmond, Virginia, and the violence has grown each year, routinely placing Richmond among the five cities with the worst per capita murder rates. In 1997, 140 people were murdered with firearms. The drug/gun link, a greater willingness of some to carry weapons, and an increasing incidence of domestic violence, primarily cause this murder toll.

In 1997, the U.S. Attorney's Office in Richmond developed and carried out an aggressive, innovative, and creative approach to this violence called "Project Exile." Taking advantage of stiffer bond rules and sentencing guidelines in federal court, all felons with guns, guns/drug cases, and gun/domestic violence cases in Richmond are federally prosecuted, without regard to numbers or quantities. The project has fully integrated and coordinated local police, state police, federal investigators (BATF/FBI), and local and federal prosecutors, to promptly arrest, incarcerate, detain without bond, prosecute and sentence the armed criminal. An expedited reporting system developed has decreased processing time from previously several months to only several days. In court, bond is routinely and successfully opposed, and they obtain mandatory minimum sentences. The project has quickly, efficiently, and successfully prosecuted a large number of gun crimes, with significant impact on criminal behavior.

In one year, as of July 17, 1998;

1. 321 individuals have been indicted for federal gun violations;
2. 385 guns have been seized;
3. 264 persons have been arrested or are in state custody;
4. 204 arrestees (or over 80%) have been held without bond;
5. 208 have already been convicted;
6. 150 have been sentenced and the average sentence is 56.3 months.

Handling these cases has been a major accomplishment in itself. The cases have required several hundred court appearances involving aggressive litigation of bond, suppression, and sentencing issues, and trials.

As part of Project Exile, the U.S. Attorney's Office has also carried out a training program for Richmond Police Department officers on federal firearms statutes and search and seizure issues. We have also worked with police management to improve case report forms. Finally, to expedite the handling of Exile cases, the police firearms office has been electronically connected to BATF to arrange immediate tracing of seized forearms.

Lastly, a major component of the project has been an innovative outreach/education effort through various media to get the message to the criminals about this crackdown, and build a community coalition directed at the problem. A coalition of business, community and church leaders, and organizations such as the Retail Merchant's Association has

been assembled to promote the project. With contributions to a support foundation totalling $40,000, and substantial in-kind matching contributions of services and media time, the 1997 media efforts carrying the message "An illegal gun will get you five years in federal prison" and asking citizens to anonymously report guns on the street to the Metro Richmond Crime Stoppers telephone number included 15 billboards, a fully painted city bus, TV commercials, 15,000+ business cards with the message distributed on the street by local police, and print advertising. The outreach program has been hugely successful, increasing citizen reports about guns and energizing the community to support police efforts.

The outreach effort has continued in 1998. In addition to the methods utilized in 1997, the Foundation also began an innovative radio campaign through sponsorship of area traffic reports. To date, with the assistance of the Greater Richmond Retail Merchant's Association, the City of Richmond, and the Greater Richmond Partnership, approximately $400,000 has been raised or committed to continue and expand this effective outreach program. Area businesses have also made substantial in-kind service donations to assist the program getting out the message. Most recently, the Richmond Chamber of Commerce has committed sufficient funding to fully implement the media plan for the rest of 1998.

Through these efforts, more than 208 armed criminals have been removed from Richmond's streets, one violent gang responsible for many murders has been destroyed, and the rate of gun carrying by criminals has been cut nearly in half. Officers now report drug dealers throwing down weapons before running instead of risking being caught with the weapons and a large number of homicides have been solved with information obtained from defendants in these cases. Most importantly, these efforts appear to be stemming the tide of violence, with homicides for the period November 1997 through May 1998, running more than 65% below the same period one year ago. As a result, the citizens feel and are safer.

Because of the demonstrated results in just one year of sustained effort, the U.S. Attorney's Office is committed to continuing Project Exile indefinitely.

MAXIMUM STATUTORY PENALTIES FOR FEDERAL FIREARM AND RELATED DRUG VIOLATIONS

STATUTE VIOLATION	PENALTIES
21 U.S.C.841 - PWID controlled substance	20 years jail/$1 million fine
21 U.S.C. 844 -possession of controlled substance	1 year jail/$250,000 fine (3 years if a prior drug conviction)
21 U.S.C.846 - conspiracy to PWID controlled substance	20 years jail/$1 million fine
18 U.S.C. 922(a)(6) - false statements to firearms dealer	10 years jail/$250,000 fine
18 U.S.C. 922(a)(5) - transfer of firearm to non-resident	5 years jail/$250,000 fine
18 U.S.C. §922(g)(1) - Possession of firearm/ammunition by convicted felon	10 years jail/$250,000 fine
18 U.S.C. 922(g)(2) - possession of firearm/ammunition by fugitive from justice	10 years jail/$250,000 fine
18 U.S.C. §922(g)(3) - Possession of firearm/ammunition by drug user	10 years jail/$250,000 fine
18 U.S.C.922(g)(9) - possession of firearm/ammunition by person previously convicted of domestic violence	10 years jail/$250,000 fine
18 U.S.C. 922(j) - possession of stolen firearm	10 years jail/$250,000 fine
18 U.S.C.922(k) - possession of firearm with obliterated serial number	5 years jail/$250,000 fine
18 U.S.C. 924(c) - carrying firearm during/in relation to drug trafficking offense	mandatory minimum 5 years jail consecutive to any other term imposed/$250,000 fine
26 U.S.C. 5861(d) -possession of sawed off shotgun	- 10 years/$250,000 fine
26 U.S.C. 5861(h) - possession of firearm with obliterated serial number	- 10 years/$250,000 fine

ENHANCEMENT: 18 USC 924(e) - if has three prior felonies (1 violent or narcotic), jail increases to 15 - life

Tougher sentences on gun use approved

THE ASSOCIATED PRESS

WASHINGTON — The House voted yesterday to impose tough mandatory sentencing for possessing or using a gun during a federally punishable crime or a drug trafficking crime.

The bill, passed 350-59, would impose an additional 10-year sentence for possessing a gun during the commission of a crime. When the gun is brandished or pointed during a crime, the mandatory minimum is 15 years and an additional 20 years is tacked on if a gun is fired during the crime.

CONGRESS

For second and subsequent offenses involving guns, the mandatory penalties are 20, 25 and 30 years for possession, pointing and firing.

"Certainly this bill is tough, but I believe it is exactly what we need in response to the menacing threat of vicious gun crime," said Rep. Bill McCollum, R-Fla., chairman of the Judiciary subcommittee on crime. "This bill is out here to send a message."

The legislation amends and toughens current law that imposes additional five- or 10-year sentences for first offenses involving the use of guns, depending on the type of firearm involved.

A8 Wednesday, February 25, 1998

Richmond Times Dispatch

SUMMARY STATISTICS FOR PROJECT EXILE CASES

Current as of July 17, 1998

Number of defendants indicted:	Year One (2/28/97 - 2/28/98)	254
	Year Two (3/5/98 - present)	57
	Total:	**321**

Number of guns removed from the street: 385

Arrests of defendants:	264
Defendants detained without bond:	204(approx. 80%)
Defendants released on restrictive bond:	60

Case Dispositions: **236**

By Guilty pleas:	21 USC 841	30
	18 USC 922(g):	101
	18 USC 922 (other)	14
	18 USC 924(c):	39
	Total:	**184**

By Trials: Bench trials 6 (5 convictions, 1 acquittal)
Jury trials 25 (19 convictions, 3 hung, 3 acquit)
Total Convictions at trials: 24
By Pre-trial Diversion agreements: 5
By Dismissal: 16

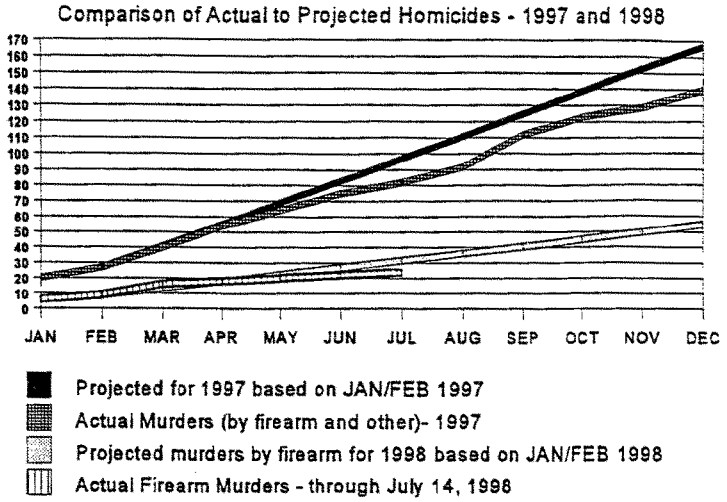
Fugitives or in state custody subject to detainer writ: 66

Sentencings: 150
Average sentence: 56.3 mos. **(Total incarceration time imposed: 8,445 months)**

150 SENTENCINGS FOR PROJECT EXILE CASES

[Dominic Stone - 10 year term]
[Rodney Jones - 1 year]
[Armand Robinson - 5 years]
[Ralph Javon Jordan - 25 years]
[William Hines - 5 years]
[Charles C. Brown - 2 ½ yrs.]
[Gerald Woodson - 4 yrs., 3 mos.]
[Leon Ballentine - 4 yrs., 3 mos.]
[Estee Washington - 4 yrs., 3 mos.]
[Rasheen Fordham - 5 years]
[Clyde White - 5 years]
[Wilbert Rogers - 4 yrs., 3 mos.]
[Raymond Massenburg - 15 yrs., 1 month]
[David Ward - 1 yr., 6 mos.]
[Marvin Owen - 2 yrs., 2 months]
[Keith Shelton - 5 yrs.]
[Jalal Quarles - 2yrs., 3 mos.]
[Charles Bullock - 3 yrs.]
[Lorraine Carter - 6 yrs., 6 mos.]
[Frizzell Belton - 10 yrs.]
[Edward Fox - 4 yrs., 4 mos.]
[Michael Turner - 5 yrs.]
[Shawn Jordan - 3 yrs., 5 mos.]
[Timothy Carrington - 5 yrs.]
[Teretha Howell - 2 yrs. probation]
[Rodney Knight - 1 yr. and one day]
[Thurman Hampton - 1 yr., 3 mos.]
[Shelia Pate - 5 yrs.]
[Andre Harmon - 5 yrs., 6 mos.]
[Ronald Hutchison - 14 yrs., 6 mos.]
[James Gilliam - 5 yrs.]
[Ramon Coates - 7 yrs., 6 mos.]
[E. Pernell - 5 yrs.]
[Ronald Jackson - 9 yrs., 2 mos.]
[Covey Andrews - 10 yrs.]
[Aaron Knight - 5 yrs., 3 mos.]
[Mark James Matheny - 3 yrs., 1 mos.]
[Jerome Bonner - 3 yrs., 10 mos.]
[Emmus Wright - 4 yrs., 9 mos.]
[Daryl Brinson-Williams - 3 yrs., 5 mos.]
[Steve Hopkins - 2 yrs.]
[David Pittman - 6 mos.]
[Jamal Glass - 5 yrs.]
[Harvey Staples - 10 yrs.]
[Larry Jackson - 17 yrs., 6 mos.]
[Jason Williams - 2 yrs., 3 mos.]
[Dean Spencer - 6 yrs., 5 mos.]
[Clayton Massenburg - 10 yrs.]
[Lanaco Roach - 1 yr., 9 mos. w/ 5K motion]
[George Oliver - 3 yrs.]
[Michael Patterson - 7 yrs.]
[Corey Woody - 2 yrs., 6 mos.]
[Sean Tolliver - 3 yrs., 10 mos.]
[Michael Lewis - 1 yr., 3 mos.]
[SamuelBlow - 1 yr.]
[James Harrison - 5 yrs.]
[Ronald Harris - 1 yr.]
[Vladyr Taylor - 5 yrs.]
[Antoine Warren - 5 yrs.]
[Craig L. Butler - 3 yrs., 6 mos.]
[Marion Lewis - 5 yrs.]
[Andre Taylor - 5 yrs.]
[Melvin Smith - 16 yrs., 3 mos.]
[Edward Covington - 7 mos., 23 days]
[Darnell Elliott - 3 yrs., 10 mos.]
[Curtis Ward - 8 yrs., 5 mos.]
[Jimmy Lance - 2 yrs., 2 mos.]
[Jamond Billie - 2 yrs., 6 mos.]
[Marc Davitt - 2 yrs., 8 mos.]
[Yakubu Ross - 7 yrs., 3 mos.]
[Darrell Washington - 5 yrs.]
[Andrew Woodson - 10 years]
[Valentino Robertson - 3 yrs., 5mos.]
[Aaron Smith - 3 yrs., 10 mos.]
[Dana Roberts - 2 yrs.]
[Robert Earl Hall - 15 yrs.]
[Larry Lynch - 2 yrs., 3 mos.]
[Occonell Robinson - 5 yrs.]
[James Scott - 5 yrs.]
[Michael Trapp - 12 yrs., 8 mos.]
[Ronald Dantzler - 10 yrs.]
[Gregory Chiles - 5 yrs., 10 mos.]

[William Brown - 10 mos.]
[Shelia Harvin - 4 years probation]
[Phillip Baltimore - 3 yrs., 10 mos.]
[Harry Allen - 10 years]
[Charles Avent - 12 yrs., 8 mos.]
[Ernest Page - 2 yrs., 3 mos.]
[Cynthia Miller - 6 mos. H.I.]
[Rickey Lamont Jones - 10 yrs.]
[Leon Coleman - 7 yrs., 6 mos.]
[Dolly Brown -3 yrs., 1 mos.]
[Timothy Frazier - 5 yrs., 10 mos.]
[Jason Limehouse - 5 yrs., 10 mos.]
[William Adkins - 6 yrs., 6 mos.]
[Lerone Young - 3 mos.]
[Martin Noriega - 4 yrs., 3 mos.]
[Jermaine Saunders - 5 yrs.]
[Eliasar Jervacio - 1 yr., 1 day]
[Edward I. Baylor - 2 yrs.]
[Bernard Bob - 20 yrs.]
[William A. Brown - 1 yr.]
[Emmanuel Dowtin - 10 mos.]
[Thomas Clayton - 3 yrs., 1 mos.]
[Edward Jackson - 5 yrs.]
[Shawn Daniels - 4 yrs.]
[Theodore Jefferson - 1 yr., 3 mos.]
[Keith Smithers - 2 yrs., 6 mos.]
[George Epps - 5 yrs., 10 mos.]
[Corey Lewis - 5 yrs., 10 mos.]
[Irwin Scott - 10 yrs., 1 mos.]
[Jerry Golding - 3 yrs., 1 mos.]
[Christopher Lewis - 1 yr., 1 day]
[Thurman Parker - 2 yrs., 6 mos.]
[Joseph A. Green - 3 yrs., 1 mos.]
[Earl Valentine - 5 yrs.]
[Freddie Perkins - 7 yrs.]
[Gary A. Dugger - 10 mos.]
[George Haden - 15 mos.]
[Leon Hunter - 3 yrs.]
[Roosevelt Powell - 3 yrs., 2 mos.]
[Rudolph Robinson - 3 yrs., 10 mos.]
[Harvey Scott - 1 yr., 6 mos.]
[Marvin Lee - 2 yrs., 6 mos.]
[Willie Martin - 5 yrs., 3 mos.]
[Zachary Tinsley - 5 yrs., 3 mos.]
[Robert J. Gunn - 5 yrs., 6 mos.]
[Orey Bennett - 3 yrs., 10 mos.]
[Carlos Austin - 5 yrs., 7 mos.]
[Thomas Thurston - 2 yrs., 6 mos.]
[Airion Agee - 6 yrs., 6 mos.]
[Hilton Lee - 6 mos.]
[Shemele McSweeney - 10 mos.]
[James E. Riley - 24 mos.]
[Raheem Shabazz - 9 mos.]
[Audwin Davis - 15 mos.]
[Charles Claxton - 6 months]
[Terrell Davis - 9 yrs., 3 mos.]
[Donald Chandler - 3 yrs., 1 mos.]
[Keith Bell - 1 yr.]
[Leochelle Johnson - 10 yrs.]
[Andre Snead - 10 yrs.]
[Dwayne Allen - 10 yrs.]
[Michael Harrison - 1 yr., 9 mos.]
[Levar Knight - 1 yr., 9 mos.]
[Otis Davis - 3 yrs., 1 mos.]
[Darren Hinton - 8 mos.]
[Jerome Gunn - 2 yrs., 10 mos.]
[Vinson Jones - 4 yrs.]
[Michael Overton - 3 yrs.]
[Michael Oneal - 9 yrs., 7 mos.]



NOTES:

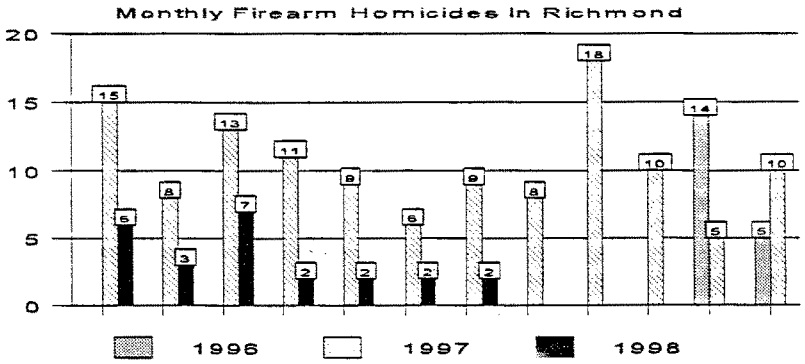
1. In 1997 the actual murder rate began to drop below the projected rate the same week the gun seizure rate began to drop below the 1996 rate.

2. Of the 140 murders in 1997, 122 were committed by firearms (87 handgun, 5 shotgun, 11 rifle, and 19 unknown type of firearm).

3. The 1998 homicide toll for January and February is the smallest in over ten years.

4. The armed robbery rate for 1998 has declined 29%.

MONTHLY FIREARM HOMICIDES IN RICHMOND - Nov. 1996 to July 14, 1998												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1996											14	5
1997	15	8	13	11	9	6	9	8	18	10	5	10
1998	6	3	7	2	2	2	2					



NOTE:

Figures current through July 14, 1998.

Richmond Times-Dispatch SUNDAY, MARCH 8, 1998 • SECTION B

City slaying level lowest in a decade

Henrico is off to its worst start

BY MARK HOLMBERG
TIMES-DISPATCH STAFF WRITER

Richmond's body count this year has dropped to a level it hasn't seen in a decade, records show.

As of Friday, the city has had 17 homicides. That's the fewest for the opening nine-week period since 1988. There had been 27 slayings at this time last year, which became the second-deadliest year in city history with 140. There were 101 homicides 1988.

Officials are holding their breath, hoping Richmond has turned the corner on its stubborn and stubborn murder rate, one of the worst in the nation.

"We don't want to jinx it," said Richmond Police Chief Jerry Oliver, who seemed to be almost afraid to talk about the sudden drop. "I think maybe, just maybe, the number of initiatives we've been working on the past couple of years are beginning to pay off."

Conversely, Henrico County is off to its worst start ever, with nine homicides this year — three times as many as last year at this time. That pace follows last year's record toll of 23 for the county.

"It's very difficult to put your finger on why the homicide rate is in fact higher," said Henrico's Lt. Lewis Shaw. The summer of drug-related slayings is up, he said, but most homicides in the county are still sparked by domestic situations and occur in homes, out of reach of police.

He cautioned against reading too much into the increase. "We're concerned about it, but people don't have a reason to fear for their safety. No one's in a panic mode."

The county has grown and has a larger population than Richmond, with increasing numbers of people working and visiting in the county, Shaw said. "We can expect to experience more problems than we've had in years past."

> *"No one's in a panic mode."*
>
> LEWIS SHAW
> HENRICO POLICE LIEUTENANT

Chesterfield and Hanover counties each have just one homicide this year, well within the normal range for those counties.

While good or bad starts aren't always precise predictors, the first nine weeks tend to reflect how the year will go, records show.

In Henrico, for example, the previous early spikes came in 1988 and 1990, when there were six homicides by March 6 of each year. Both years had unusually high totals by the end of the year — 15 in 1988 and 20 in 1990, which was the record until last year.

Richmond's deadliest start came in 1992, when there were 31 homicides by March 6, 11 of those committed by the Newtown Gang during its infamous shoot-out. The year ended with 120, which firmly established Richmond as one of the nation's murder capitals.

Richmond's previous low this decade came in 1995, when there were 18 homicides by March 6. That was the year murders dropped dramatically to 118 from the all-time high of 161 set the year before.

Last year's jump came as most major cities were seeing sharp drops in homicides and will likely put Richmond very near the top of the list for the nation's deadliest cities. Attorney General Janet Reno has taken

PLEASE SEE CITY, PAGE B6 ▶

City slaying level lowest in a decade

◀ CITY, FROM PAGE B1

ratice, placing Richmond on the list of problem cities seeking help.

"Chief Oliver believes community assistance, city police programs and zero-two punch delivered by the legislature and federal court systems have turned things around.

"We've been fortunate to take off the street some pretty dangerous people and prosecute them successfully," said Oliver, who was pleased with last week's conviction of the Chesapeake robbers-slayers and the killer of substitute judge Harold Marsh, two of last year's most high-profile and troubling homicide cases.

"Oliver also credited Project Exile, which gives five years of federal prison time to gun-toting felons, and other programs that turned up the heat on criminals and crime hot spots throughout the city. Richmond homicide detectives had a good year last year, solving 20 percent more cases than the year before.

But Oliver gave much of the credit to the citizens who are standing up to the criminals in their neighborhoods.

"We're going to keep the pressure on the bad guys," he vowed.

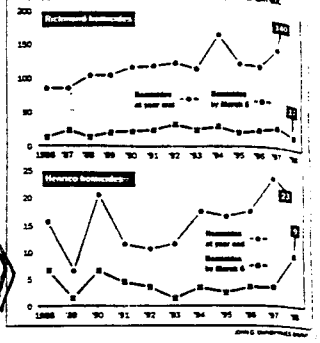
"Knock on wood, I think we're well on the way to a record-setting year on the positive end of things for a change."

Shaw with Henrico County is also optimistic. Most of this year's homicides have been solved, Shaw said, and he believes the coming days will probably more coincidence than a trend.

"We hope we won't continue to see this," he said.

A good and a bad start

In the first nine weeks of the year Richmond has had its lowest homicide rate since 1988. Henrico County, however, is off to its deadliest start — by far. Records show that the first two months tend to reflect how the year will turn out.



JOHN E. SCHAPPACHER, TIMES-DISPATCH

Richmond Times-Dispatch

RICHMOND, VIRGINIA 23293

VIRGINIA'S NEWS LEADER
A MEDIA GENERAL NEWSPAPER

TUESDAY, APRIL 28, 1998

Violent crimes drop in city

Clearance rate up; police work praised

BY GORDON HICKEY
TIMES-DISPATCH STAFF WRITER

When Richmond police recently went after a bike-riding bank robbery suspect, they got all the help they could hope for from city residents.

When the suspect crashed his getaway bike after the April 16 robbery of a Highland Park bank branch, "There was a porch full of people that pointed and said, 'He went that way,'" Deputy Police Chief Fred Russell said. It also didn't hurt that the police were conducting training exercises for several tracking dogs nearby.

Lately, things have been going like that for the police, and for the city.

The kind of help police got that day, help that was once hard to come by in Richmond, has contributed to a significant reduction in the number of crimes all across the city. The cyclist suspected of robbing the bank was captured by police, and a large number of other people suspected of committing crimes also have been arrested.

In fact, the violent-crimes clearance rate for the first three months of 1998 is up almost 18 percent over the same period last year. At the same time, the number of violent crimes being committed is way down — almost 15 percent from last year, led by a reduction in homicides from 40 to 24 through the end of March, a decrease of 40 percent.

The homicide statistics have improved since the end of March. Through yesterday, there have been 26 homicides in the city. Through the same date last year, there were 53. That is a decrease of 50.9 percent.

As of last night, there had been two homicides in the city this month; the five-year average for April is 12.8.

The statistics were met with praise and relief yesterday by the City Council's Public Safety Committee. Committee Chairman James L. Banks Jr. had nothing but praise for the police.

Banks asked why the crime statistics have taken such a turnaround from last year, and even the past five years.

Oliver said he has the same questions, doesn't have the answers but hazarded a few guesses.

"I think we have a sense of what's happening in the city," he told the committee. Among those things is Project Exile, under which police prosecute gun charges in federal court where the mandatory sentence is five years in prison.

Oliver also cited Operation Street Heat, an anti-drug crackdown aimed at specific neighborhoods, traffic checkpoints and other police activities. The highly advertised use

PLEASE SEE CRIMES, PAGE A5 ▶

Crime statistics

Overall crime in Richmond is down in 1998 due in large part to to a 15 percent decrease in violent crimes.

	'97	'98	Change
Violent crime	859	732	-15%
Homicide	40	24	-40%
Rape	13	26	+100%
Agg. assault	368	345	-6%
Robbery	438	337	-23%
Property crime	3438	3418	-1%
Burglary	793	860	+8%
Grand larceny	701	781	+11%
Petit larceny	1375	1232	-10%
Vehicle theft	537	520	-3%
Arson	33	26	-21%
Major crime	4296	4151	-3%
Simple assaults	668	729	+9%
Overall crime	4967	4880	-2%

Violent crimes fall in city

▼ CRIMES FROM PAGE A1

of a helicopter to spot drug dealers "has caused some nervousness."

He also said that his oft-used adage that when police arrest a drug dealer there is an unlimited supply of people willing to replace him still holds true.

But "the replacement is not happening at the same rate, and it's not happening with the same violence." Drug companies are being settled less with guns now. "People are throwing sacks and stones and bombers and a lot of other things."

Russell said finding out why the number of crimes being committed is down won't be easy. "When we talk about the causes, there are no simple answers. When we talk about solutions, there are no simple answers, either."

Taking on the task of finding answers will be Dr. Colleen McLaughlin, an assistant professor of surgery at Virginia Commonwealth University's Medical College of Virginia Hospitals, and Don Fagnam, director of the state statistical analysis center at the state Department of Criminal Justice Services.

McLaughlin, who has studied crime in the past, said she will apply for state and federal grants to back the study.

"Obviously, something is happening in the city," McLaughlin told the committee yesterday. "We think the numbers are real."

She said she will work with Fagnam to look for answers to why this is happening. "Richmond has an opportunity to assume a national leadership role" by figuring out what's working, replicating it and passing the information on to other cities. "We can achieve a new type of economy."

That would be a reversal from Richmond's long-standing reputation as one of the most violent cities in the country. Last year, for example, the city had 140 homicides and the second-highest homicide rate in the country.

Richmond Times-Dispatch

RICHMOND, VIRGINIA $2.00 | VIRGINIA'S NEWS LEADER A MEDIA GENERAL NEWSPAPER | SATURDAY, JULY 4, 1998

Slayings down in city

1998 homicide count is lowest since 1986

BY MARK HOLMBERG AND JIM MASON
TIMES-DISPATCH STAFF WRITERS

It's the most promising news in well over a decade: Richmond's homicide count so far this year is the lowest it has been since 1986.

Police and city officials point to better policing, new technology, innovative programs, increased citizen involvement and changing drug habits.

"Around City Hall, we've been paying attention to this drop in violent crime and have been celebrating quietly," said Richmond's new mayor, Timothy M. Kaine. "At first, we weren't sure it would last, but it has."

CITY HOMICIDES

Yearly homicide statistics for Richmond since 1986:

Year	1st 6 mos.	Total
1986	40	87
1987	44	87
1988	41	100
1989	46	102
1990	58	114
1991	43	116
1992	64	120
1993	52	111
1994	79	161
1995	54	119
1996	61	114
1997	74	140
1998	41	

For the first six months of 1998, 41 people have been slain in Richmond, compared with 74 during the same period last year. That's a 45 percent drop.

The surrounding counties haven't fared so well. Henrico, which had a record 23 homicides in 1997, has had 13 homicides so far this year. Chesterfield, which had two at the midpoint last year, has had six. Hanover has gone from one at mid-1997, to two by mid-1998.

But the overall decline in slayings for the entire Richmond metro area mirrors a trend in major cities across the nation. New York City, for example, has seen its homicide total drop by more than half in recent years.

Richmond Police Chief Jerry A. Oliver said different organizations are doing a good job teaming up on violent hoodlums.

"We're changing habits, and culture, in a way," Oliver said. "Street thugs are not as quick to have a gun on their person."

For example, he said, Project Exile has startled the criminal element that used to consider going to jail a rite of passage, Oliver said.

Under Project Exile, anyone arrested for having an illegal gun is prosecuted in federal courts, where the mandatory sentence for a gun conviction is five years in prison — usually served far from Richmond.

"They go to Elbow Bend, Iowa, somewhere," Oliver said. "It's a deterrent."

Here, he said, moms and girlfriends and

PLEASE SEE SLAYINGS, PAGE A10 ▶

Richmond Times-Dispatch

Slayings are down in city

▼ SLAYINGS FROM PAGE A1

"your home-ies" can come visit. There, he said, "you're not near your home-ies.

"Equally important, citizens are coming forward with information," Oliver said.

James B. Comey with the U.S. attorney's office here, also sees "aggressive policing at all levels" as factors in the city's homicide drop.

The federal Drug Enforcement Agency, for example, is working with local narcotics agents to bust mid- to high-level drug dealers prone to violence. They claim success with a heroin-smuggling cartel trying to set up shop in Richmond.

"In the last year, we have locked up a lot of the city's drug dealers and gun-carrying criminals," Comey said, referring to joint action by city police and federal agents.

"I also suspect we are the beneficiaries of the waning of the crack epidemic, which is belatedly happening in Richmond," he said.

Richmond's crack epidemic and skyrocketing number of homicides arrived simultaneously in 1986.

Also, Comey added, Virginia's no-parole policy that began two years ago has kept off the streets some dealers responsible for homicides.

Like Oliver and Comey, veteran Richmond police homicide Detective Ray Williams also credits Project Exile as a major reason for the drop.

"Another thing is, we're working closely with the DEA, ATF [federal Bureau of Alcohol, Tobacco and

COUNTY HOMICIDES

Homicide totals for the first six months of the year compared with the same period last year:

County	1997	1998
Chesterfield	2	6
Hanover	1	2
Henrico	14	13

Firearms] and FBI in our investigations," Williams said. "Their assistance gives us more money and more accessibility to their equipment and computers. This gives us money to pay informants in solving drug-related homicides," he said.

"Also, I've seen more community involvement in recent homicides. People are willing to come forward and cooperate with police."

Kaine also thinks Project Exile has made a difference. "There's a lot less casual use of guns than there has been," he said.

Kaine also credited an increase in the number of homicide cases that have been solved — a killer taken off the street can't kill again.

This week, a Richmond grand jury indicted Melvin "Bug" Smith Jr. on five murder charges, two of them capital murder. Information about his alleged crimes surfaced after he was locked up in Maryland last year on a Project Exile drugs-and-guns conviction: he got 16 years in prison.

"The police clearance rate is up, and that is likely a factor in the lower homicide rate," Kaine said. "The police have done a good job."

The Richmond Police Department's growing use of computers in patrol cars — called mobile data terminals or MDTs — also may figure in the drop in homicides, Kaine said.

"An officer can punch in a license plate number and get a quick read if someone's wanted. To see the crime rate dropping when we are still at midstream in implementing this technology makes me feel positive about this trend continuing."

Beyond the numbers, though, the human toll remains grim. Victims were shot in cars and at close range.

Some were slashed with knives; others were dumped in the trash or stuffed in a culvert. Several teens died before finishing puberty, and a 68-year-old man was found slain on his East End porch.

A 17-year-old boy was beaten to death and a mentally ill 15-year-old girl allegedly stabbed her 5-year-old cousin to death.

A bar fight turned fatal in Shockoe Bottom, and twice, gunmen opened fire in crowded houses.

A little more than a month ago, 27-year-old Michael Argro was beaten to death, then set on fire.

The horror of losing a loved one was heard in the voice of Ismail Shodende after his baby, 13-month-old Hassan, was slashed to death while at the baby sitter's on Feb. 12. Shodende said he believes his son cried out for him during the attack, as he would when he was hungry or tired.

"Daddy! Daddy!" the father cried as he sobbed for his dead son.

THE WASHINGTON POST THURSDAY, JUNE 18, 1998 A13

Richmond Gun Project Praised

NRA, Brady Group Laud Automatic Sentence for Armed Felons

By R.H. MELTON
Washington Post Staff Writer

RICHMOND—A program that imposes automatic five-year sentences on felons caught carrying guns is being credited by Richmond police with helping to cut dramatically the city's homicide and armed robbery rates.

The program, under which authorities generally prosecute gun cases as federal crimes—ensuring stiffer bond rules and tougher sentences—is known as Project Exile and has received high marks from two unlikely allies: Handgun Control Inc. and the National Rifle Association.

The federal prosecutor's office here is one of only a handful in the nation—Boston and Philadelphia are two others—to launch an experimental attack on gun crimes. The idea behind the program, authorities say, is to get guns out of the hands of those who are carrying them illegally, people who are most likely to use the weapons in other crimes.

In Richmond, which in recent years has had one of the nation's highest homicide rates, authorities credit Project Exile with helping to reduce gun-related homicides dramatically. Police say there were 140 gun-related homicides last year; so far this year there have been 34. Gun-related armed robberies, meanwhile, are down by a third.

On a morning talk show Sunday, NRA President Charlton Heston told a national television audience that "in less than a year, they reduced deaths, murders, in the city of Richmond by half" through the Exile project.

Handgun Control Chairman Sarah Brady, in a letter to the U.S. attorney here, said: "Your work is succeeding in getting guns out of the hands of criminals. ... The results in Richmond are impressive."

Cynthia L. Price, a Richmond police spokeswoman, said Exile has had a profound effect on the number of violent crimes and the nature of those offenses, leading to far fewer instances in which guns are drawn in anger.

"It's a great program," Price said.

So how did Exile help cut homicides and armed robberies? A cadre of aggressive federal prosecutors, including a lead attorney who earned his spurs hounding Mafia dons in New York City, determined that Richmond's number one crime problem was similar to that plaguing Washington: street-level violence fueled largely by an evidently insatiable appetite for weaponry.

They then brought to bear on city gun cases the full force of the federal government, using statutes dating from the late 1960s to seek mandatory minimum prison sentences of five years for gun-related crimes. That expedited many of the gun cases, ensuring stiffer penalties and, in many cases, eliminating parole.

In some instances, steering a local criminal into the federal system was as simple as a Richmond police officer paging the federal Bureau of Alcohol, Tobacco and Firearms to double-check for federal gun violations, such as the obliteration of serial numbers on weapons, use of a gun while possessing a controlled substance or possession of guns by fugitives.

Several federal judges here have complained that their caseloads now seem to resemble reruns of the "Night Court" television show, but city officials and community leaders delight in the lower homicide rate.

In the year that ended last week, 363 guns were seized, 191 of 251 of those arrested on gun violations were convicted, and 137 of those were sentenced to an average of 56 months in jail.

James B. Comey, the executive assistant U.S. attorney who helped craft the Exile program, said the numbers in part reflect the unusually large number of people who were carrying guns in Richmond.

"Richmond is a weird place," he said. "The world is flooded with guns here."

Comey, a tall, boyish prosecutor who spices hair-raising tales about his Mafia wiretapping days in New York, said the gun "carry" rate—the number of times police confiscate a gun when arresting suspects—has dropped from 135 a month to 67.

"It's an amazingly high carry rate," he said. "I've never seen a place like Richmond. Dealers in cities like Chicago, New York or Cleveland have access to guns, but they're not standing on a street corner with a gun!"

Of Project Exile, he added: "It's a cultural war. It's totally apolitical. It's about locking up criminals with guns."

Gun violence has long plagued Richmond, sending its homicide rate higher than the District's several years this decade, in the fall of 1994, for instance. Richmond passed its previous homicide record, outpacing every city in the country except New Orleans.

S. David Schiller, the senior litigation counsel in the U.S. attorney's office, said police have passed out 17,000 hand bills detailing the program. There are Exile billboards, television spots and even a giant black city bus that runs through the city with a message in stark, white paint: "An illegal gun gets you five years in federal prison."

A coalition of civic and merchant groups has raised $40,000 and pledged an additional $60,000 to fund the marketing efforts.

Though the Exile prosecutions have not been glamorous—"These cases are not sexy. These are nutts with guns," said Schiller—they are getting notice in other urban centers. Seventeen cities nationwide, including the District and Baltimore, are now participating in a federal pilot program to trace illegal guns, and there has been talk of extending Exile elsewhere.

"Richmond has one of the most involved programs in the country," said Joe Sudbay, a spokesman for Handgun Control in Washington. "It's a great combining of resources to combat violence."

NRA Executive Director Wayne R. LaPierre said that Exile "ought to be in every major city in the country where there's a major crime problem.

"The dirty little secret is that there is no enforcement of federal gun laws," LaPierre said. "What Exile's doing—which I think is great—is for the first time in a major American city, if a criminal picks up a gun, he'll do major time. It's a message the NRA cheers, a message police cheer.

"That's the magic of what they're doing in Richmond. The word is out on the streets of Richmond that the U.S. attorney is dead serious about stopping gun violence."

Richmond Times-Dispatch

SATURDAY, JULY 11, 1998

Response to survey mirrors the results

'Haven't felt unsafe,' businessman says

BY HEIDI JUERSIVICH
TIMES-DISPATCH STAFF WRITER

Virginia Commonwealth University's latest survey says Richmond-area residents are feeling safer today than they did a year ago, but several people interviewed at random yesterday said they haven't noticed a change.

"I wouldn't honestly say I feel any safer here than last year, because I haven't felt unsafe in Richmond," said Percy Dennis, owner of the Scarlett Thread, a retail clothing store at 1515 Hull St.

Dennis, a Chesterfield County resident, has owned the store for three years and has never experienced any crime problems.

VCU's Metro Poll was conducted by telephone between May 20 and June 10. A randomly selected sample of 1,206 residents of Richmond and Henrico, Chesterfield, and Hanover counties responded to questions about how serious they perceive crime to be in their neighborhoods.

Responding to the survey, which has a sampling error of plus or minus 3 percentage points, 52 percent of city residents polled indicated they felt crime in their neighborhoods was either "not very serious" or "not serious at all."

This is an improvement from last year, when 41 percent of Richmonders responded that they didn't see crime in their neighborhoods as a serious problem.

The poll found the same increase in confidence throughout the metro area, with the exception of Henrico County, where the percentage was slightly lower than last year.

Joel S. Williams, who owns The Hall Tree consignment shop in Carytown, said she has always felt secure in Richmond.

During the 26 years she has owned her shop, she has had a few

PLEASE SEE SURVEY, PAGE B3 ▶

▼ SURVEY FROM PAGE B1

minor incidents for which she had to call the police, but "nothing that ever ruined our good time."

Scarlett Thread owner Dennis said that he is basically pleased with law enforcement in the area and that he regularly sees a police officer on a bicycle patrolling the street in front of his shop.

However, Joanne Garrison, who was in a hurry to catch a bus at a stop in front of the Hull Street Library, wasn't so confident.

She said she had a hard time believing that most Richmonders feel safe.

"At night, I go in [the house] and I don't come back out," said Garrison, who lives in Creighton Court. "You don't know if you're going to get robbed — mistaken identity."

Clark Kromer, a lifelong resident of Richmond's Fan District, said things have gotten worse since he was younger. Years ago, he felt safe walking around at night, but not anymore.

Kromer, a private investor, said things have become more dangerous. "Plus, when you get older, you take less risks."

The VCU poll also indicated greater confidence in the Chesterfield area. Last year, 77 percent of the county's residents polled said they felt crime in their neighborhoods was not very serious or not serious at all, compared with 83 percent this year.

Larry Jones disagrees with that assessment.

"No place is as safe as it was last year," said Jones, a Richmond native who has lived in Chesterfield for most of his life.

In Hanover, the poll registered a high degree of safety confidence. This year, 92 percent of those polled didn't see crime in their neighborhoods as a serious problem, compared with 87 last year.

Jenny Johnson, a Hanover resident with children ages 7 and 11, said she feels safe in her neighborhood, which she describes as family-oriented. A police officer lives about two houses away from hers.

"If we screamed loud enough, I'm sure somebody would come," Johnson said.

Henrico County was the only metro-area region where residents polled responded with marginally less confidence. The difference was small, with 77 percent reporting crime in their neighborhoods wasn't very serious or not serious at all, compared with 78 percent last year.

Monica Teele, 29, a warehouse team leader for Investor Communications Business who has lived in Henrico for 15 years, said she's certain things have gotten worse in the area since she was younger.

"I don't really go out," Teele said. "I'd rather go and do stuff in the daytime and, in the nighttime, stay in the house because people are crazy."

She said when she first came to Henrico, she and her family used to feel comfortable sitting on their front porch as late as 2 a.m., but these days she won't go out after dark — not even in her own backyard.

"Ain't that pitiful," she said with a laugh. "Young as I am, and no life."

10 82 more feel safer

A20 THURSDAY, APRIL 16, 1998 •••

Richmond Times-Dispatch

VIRGINIA'S NEWS LEADER

Objection Overruled

Generally, the greater the reach of the federal government, the more ineffective the operation. But judging from Richmond's declining murder rate, Project Exile is a notable exception. Under federal statutes, it prosecutes criminals caught carrying guns. The penalty: a mandatory sentence of five years — minimum — in the federal pen. Yet two federal judges in Richmond are complaining publicly about the program. Judge Richard Williams and Judge Robert Payne say crime-fighting is a local responsibility.

Philosophically, they are partly correct, but pragmatism overrules them. Project Exile has indicted 254 felons caught carrying guns in the past year and seized 332 weapons. Not only are those respectable numbers, but the word is getting around. When it comes to heat, more thugs are making sure they leave home without it. And with a lower "carry rate," the number of impulse shootings is reduced. Why pick nits with Project Exile when it garners such results?

Obviously, Judges Williams and Payne don't want to see more crime committed; they only want it dealt with in local courts — perhaps by legislative remedy. But state prosecutors already have nearly the same tool the feds use so successfully. Section 18.2-308.4 of the Virginia Code says: *It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or other firearm, or display such weapon in a threatening manner while committing or attempting to commit the illegal manufacture, sale, [or] distribution [of] . . . a controlled substance.* Violation of that law supposedly carries a three- to five-year non-suspendable sentence.

So the trouble is not that laws are insufficient, but that local courts won't enforce them. Too often gun charges accompanying drug convictions are dismissed. And while more than 80 percent of Project Exile defendants are held in jail while awaiting trial, local courts usually allow drug dealers to post bond and get back on the streets. The feds hardly can be blamed for enforcing the law — especially when the locals don't.

In an ideal world, the federal government wouldn't have to help communities fight crime. In this one, the resources it can bring to bear sometimes prove beneficial. A federal court saved Richmond's streets from the notorious Newtowne Gang. The federal program, Weed and Seed, has been successful where others have not. But more to the point: Project Exile enforces a federal statute. That alone makes it appropriate for federal judges to intervene.

For the Richmond Times Dispatch story reporting the judges' criticism, see Tab 23.

HANDGUN CONTROL

ONE MILLION STRONG . . . working to keep handguns out of the wrong hands.

March 12, 1998

S. David Schiller
Senior Litigation Counsel
Assistant United States Atttorney
600 Main Street, Suite 1800
Richmond, VA 23219

Dear David:

On behalf of Handgun Control Inc., I want to congratulate on the success of Project Exile. Your work is succeeding in getting guns out of the hands of criminals and keeping guns off your streets.

As you know, HCI has had a long term commitment to both punishment of gun offenders and preventing gun violence in the first place. We have supported legislation at both the state and federal levels requiring mandatory sentences for criminal offenders who use firearms. We are gratified to know that these federal laws serve their purpose, particularly in Virginia where the state does not have mandatory sentencing guidelines. In addition, you have created a model for strong coordination and support of law enforcement at the local, state and federal levels.

Over the years, it has become clear that there is no single method to ending the gun violence epidemic. We have seen that the best approaches mirror Project Exile by including the collaboration of law enforcement and the community. The results in Richmond are impressive and we hope you will achieve the same success in the Tidewater area.

This cooperative effort is preventing gun violence and saving lives while insuring that offenders pay the price. That is what will make our communities safer. Please continue your very good work and if we can be of any assistance, please do not hesitate to ask.

Sincerely,

Sarah Brady
Chair

Handgun Control, Inc., 1225 Eye Street, NW, Suite 1100, Washington, DC 20005 • (202) 898-0792 • FAX (202) 371-9615
10951 W. Pico Blvd., Suite 100, Los Angeles, CA 90064 • (310) 446-0056 • FAX (310) 475-3147
268 Bush Street, Box 555, San Francisco, CA 94104 • (415) 433-3535 • FAX (415) 433-0374
11 South LaSalle Street, Suite 2302, Chicago, IL 60603 • (312) 920-0504 • FAX (312) 920-0807
705 12th Avenue, San Diego, CA 92101 • (619) 235-9167 • FAX (619) 233-6682

NATIONAL RIFLE ASSOCIATION OF AMERICA

Publishers of THE AMERICAN RIFLEMAN AND THE AMERICAN HUNTER

11250 Waples Mill Road • Fairfax, VA 22030 • (703) 267-1000

March 5, 1998

Mr. S. David Schiller
United States Attorney's Office
Eastern District of Virginia
Suite 1800, Main Street Centre
800 East Main Street
Richmond, VA 23219

Dear Mr. Schiller:

We have reviewed the Executive Summary for Project Exile and the impressive record that you have amassed in prosecuting felons illegally possessing firearms.

The National Rifle Association has long advocated the use of existing powerful federal criminal sentencing laws to get guns out of the hands of criminals without violating the constitutional rights of peaceable citizens. Now, under your leadership, these laws have been given teeth in the Eastern District of Virginia.

Using the letter of the law, your efforts have proven conclusively that vigorous enforcement of current mandatory sentencing laws against criminals in possession of any gun or ammunition has a significant impact on criminal behavior and ultimately, violent crime rates. Your commitment to prosecuting violations of these laws to the fullest extent of the law should be emulated all across America.

As you know, the National Rifle Association played a vital role in helping Virginia enact its 1994 anti-crime package, the highlight of which was the abolition of parole for violent criminals. Today, this comprehensive anti-crime initiative is credited with helping bring Virginia's violent crime rate to its lowest point in years. Additionally, the National Rifle Association's Keep Killers In Prison program has already stopped the early parole of two Virginia killers, and as we write, we await the outcome of our program efforts on behalf of a another victim.

On behalf of the National Rifle Association, we look forward to working with you to encourage the media, civic organizations, and all who truly care about public safety to join you in support of your laudable effort on behalf of the safety of peaceable Virginians who deserve to live, work, and raise their families free from violent criminals.

Sincerely,

Wayne R. LaPierre
Executive Vice President

Tanya K. Metaksa
Executive Director
Institute for Legislative Action

COLONEL JERRY A. OLIVER
Chief of Police
City of Richmond

Room G-35
501 North 9th Street, Richmond, Virginia 23219

February 4, 1998

Mr. S. David Schiller
Assistant U.S. Attorney
U.S. Department of Justice
600 E. Main Street
Richmond, Virginia 23219-2447

Dear Mr. Schiller:

Thank you for your letter of January 30, 1998, commending Officers Jack O'Connor, Phil Caudery, and Kevin Hoffmann. It is with pleasure that we share the successes of our officers in contributing to the Project Exile Program. Each of these officers will be commended in our Daily Bulletin, and a copy of your letter will be placed in their permanent file.

Occasionally a program comes into being that really makes a significant impact on law enforcement. Project Exile has certainly been one of these. Combining the efforts of the Richmond Police Department and the efforts and talents of you and your staff, has created an unstoppable mechanism for putting bad guys in jail... for a long time. Your success rate in prosecuting these violent people has not only removed them from society, but as the citizens recognize this, they are beginning to speak out more freely. Needless to say, more information breeds more success. Your contributions have been vital during this past year, and we thank you.

Again, many thanks for the recognition of the good work performed by our officers. We look forward to a brighter future together.

Sincerely,

COLONEL JERRY A. OLIVER
CHIEF OF POLICE

Teresa P. Gooch

Deputy Chief Teresa P. Gooch
Field Services

JAO/TPG:TEM

OFFICE OF THE
COMMONWEALTH'S ATTORNEY
JOHN MARSHALL COURTS BUILDING
400 NORTH 9th STREET
RICHMOND, VIRGINIA 23219-1998

DAVID M. HICKS
COMMONWEALTH'S ATTORNEY

(804) 698-3500
FAX(804) 225-8406

July 9, 1997

Ms. Helen F. Fahey
United States Attorney
for the Eastern District of Virginia
Main Street Centre, Suite 1800
600 East Main Street
Richmond, Virginia 23219

Dear Ms. Fahey:

Since 1978, I have prosecuted crimes occurring in South Richmond. The core urban area is an awful place and has remained that way for many years. Generally, no State or Federal crime fighting program has had any real effect on the flow of guns, drugs and death in this area.

Project Exile is different. It is having a very positive effect on the trench warfare that goes on in South Richmond between police officers and drug dealers. The streets are becoming safer, random acts of violence are down and police officers are being accorded greater respect. Further, your Federal prosecutors are available, willing and aggressive; the hammer they possess in no bonds, five year mandatory minimum sentences and a desire to take cases gives Project Exile instant credibility. Schiller's list has become a street 'term of art'.

I appreciate the help that your office is providing the Commonwealth and wanted you to know. Thank you.

Sincerely,

Learned D. Barry
Deputy Commonwealth Attorney
City of Richmond

LDB/grs

MANCHESTER COURTHOUSE
10th & Hull Streets
Richmond, Virginia 23224
(804) 780-5004

OLIVER HILL COURTS BUILDING
1600 North 17th Street
Richmond, Virginia 23219
(804)780-8950

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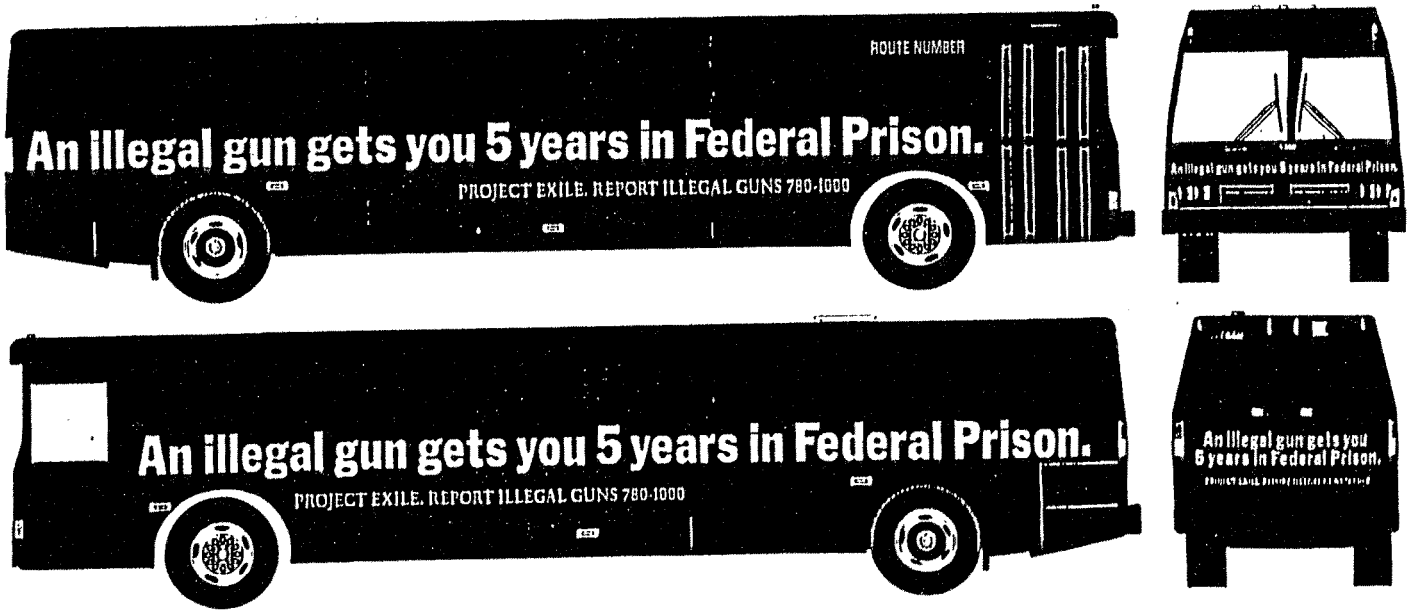
39.9'



An illegal gun gets you
5 years in Federal Prison.

Mr. MICA. Thank you, and I thank each of our witnesses for their testimony. Let me start with a few questions for our panelists.

Mr. Heston, you cited the fact that one city, Richmond, had more Federal gun enforcement prosecutions than the District of Columbia, California, and New Jersey?

Mr. HESTON. And the District combined.

Mr. MICA. Combined?

Mr. HESTON. Not just more than each of those, but more than the sum total of those cities.

Mr. MICA. So through this type of approach—and I think I had them blow up some of the information that was given to us. But this would coincide with your figures, prosecution of Federal gun laws. Two in the District.

And Mr. Holder, you said, also has basically said that he has no interest in the program, and that he is the U.S. attorney or was the U.S. attorney in the District. Was he the U.S. attorney when he made that statement?

Mr. HESTON. Yes, he was.

Mr. MICA. He was. OK.

Attorney General, in the State of Virginia, was it you or the Federal agency, the U.S. attorney's office, that initiated the program?

Mr. EARLEY. Project Exile was initiated in the U.S. attorney's office by Helen Fahey. When I became attorney general about 18 months ago, we met and talked, and Helen suggested a working relationship between our offices, and we were very open to that. We thought it was a great opportunity. And the way we worked on out was simply by detailing an assistant attorney general from our office to the U.S. attorney's office. They were sworn in as—I'm not sure what the correct terminology is, a special assistant, special U.S. attorney to help prosecute those.

Mr. MICA. So you provided two personnel from your staff who were sworn in and worked with——

Mr. EARLEY. Actually, we provided one, and the Commonwealth's attorney for the city of Richmond provided one, and we had two individuals serve in that capacity over the last 12 months.

Mr. MICA. So it was a Federal initiative and in cooperation with the State.

Could you estimate, Ms. Fahey, how much in resources this costs the Eastern District? Can you put any price tag on this as far as the cost for the program?

Ms. FAHEY. I don't think I could put a price tag on it. I think that I could say from the point of view of attorney resources, that we would estimate approximately three attorney resources, which includes the attorney from the attorney general's office as well as the Richmond Commonwealth Attorney's office, and at least one full-time assistant U.S. attorney from my office as well, obviously, as support and management-type resources.

Mr. MICA. The basic program, though, is being funded through existing resources? There is no additional Federal money coming in to support this, or State? Do you have an additional State appropriation, or is there a local contribution toward financing the project? Maybe you could answer, Attorney General.

Mr. EARLEY. Mr. Chairman, from our perspective what we did is we went through—as you know, each State has an agency which

basically is the funnel for Federal grant money, and we basically applied for a grant through the Department of Criminal Justice Services in Virginia for a full-time attorney, and so ours is being paid for by grant money. And if it were not—we would have done it anyway, but for our internal purposes it allowed us to keep our resources intact and fund this prosecutor through a grant from the State of Virginia, and it has been a very positive thing.

I will also mention in terms of attorney resources, one of the things to consider is personnel and the number. The other thing is the time. And what you have to understand in most of these Project Exile cases is that these cases generally don't go to trial. Almost all of the defendants plead. You will generally have some preliminary motions, but after that, it is a relatively efficient method of conviction.

Mr. MICA. Ms. Fahey, your organization has had no extra appropriation for this project, or have they, from Department of Justice? Or are you working out of existing budget?

Ms. FAHEY. We are working essentially out of existing resources a lot. Department of Justice did have attorneys detailed to our office at various times. But I would like to comment briefly because of some of the comments made about Eric Holder, who is both my colleague and my dear friend.

He has been extremely supportive of Project Exile in Richmond from the very beginning. He attended numerous meetings with all of the Federal law enforcement agencies to get them to put more resources in Richmond to work on the problem. He has helped get additional training money for the police department in Richmond so that they would be able to better deal with these types of cases and also to generally upgrade their general capabilities.

Mr. MICA. Do you know why he hasn't insisted on initiating a program in Washington, DC, which has been plagued by incredible violence——

Ms. FAHEY. Well, I certainly don't know——

Mr. MICA [continuing]. And has the tightest gun control laws, I think, in the Nation? It is almost impossible to own——

Mr. HESTON. Hawaii has more.

Ms. FAHEY. I think when you look at those numbers, you need to keep in mind that the U.S. attorney in the District of Columbia controls both Federal prosecution and also local prosecution. So they——

Mr. MICA. But it doesn't look like they have done either——

Ms. FAHEY. That is only Federal prosecutions——

Mr. MICA [continuing]. From a Federal prosecutorial standpoint.

Ms. FAHEY [continuing]. That doesn't include the cases that would have been prosecuted in Superior Court in the District of Columbia, because that would be—they would be the cases that would be prosecuted as violations of the D.C. Law, not Federal laws.

Mr. MICA. Well, the statistics I have, also from a chart that was given me on Federal prosecutions, show from 1993 basically to the current time, each year there has been a decrease in Federal prosecutions. And this is from whose testimony? Ms. Long, who is in our second panel, we have both graphic chart and then numerical display showing from 12,000 in 1992 criminal referrals, and that

were prosecuted going from 12,000 down to 5,600, every year just about declining, which concerns me.

Finally, let me just turn to Mr. Heston for a last question.

Mr. HESTON. Thank you.

Mr. MICA. Your organization, NRA, has been criticized because of their stance on some gun control legislation. We have a program here that is very successful, and I want to know what your organization, NRA, is doing to promote, encourage and foster a program that is as successful like this. Maybe you could comment.

Mr. HESTON. The NRA contributed early money to Project Exile and plans to continue to do so.

I would also like to seize this chance to speak to Ms. Fahey, because obviously this is not on your plate, but you are in the Department of Justice. Do you detect any kind of movement from the administration about providing the $50 million it will take to implement more extensively? We have heard silence, but no comment one way or the other.

Mr. MICA. You might want to address the question to the Chair, and I could——

Mr. HESTON. I beg your pardon.

Mr. MICA. Just for protocol. Would you like to respond?

Ms. FAHEY. I don't know specifically what the state of the budget is. The last thing I heard was that all of our budgets might be cut by 1 percent. I assume that that would mean that there would not be additional resources for any of us to prosecute gun cases. And one of the versions of the budget that I saw had a number of earmarks for some districts to prosecute additional gun cases, which might mean for a district like mine that I would actually lose resources.

Mr. MICA. I believe that was 1 percent of the increase, proposed increases.

But let me yield at this point to the gentlewoman from Hawaii, Mrs. Mink.

Mrs. MINK. Thank you.

The complete testimony which you have submitted, Ms. Fahey, has parts of it which really need to be looked at in this context of what we are discussing. There is an implication by the questions and statements that have been made thus far that the Federal Government has been less than enthusiastic in prosecuting the violent crimes committed with firearms. And the charts are pointed to as illustrative of the lessened commitment by the Federal Government. But as I read your testimony, it indicates that overall the country has experienced a very sharp decline in violent crimes committed with firearms. Is that correct?

Ms. FAHEY. That is correct. My understanding is that gun violence nationwide is down approximately 35 percent since 1992.

Mrs. MINK. So that the prosecutions would also be reduced by that percentage at the least if there are less crimes being committed during that period? Isn't that a correct assumption?

Ms. FAHEY. I think all of us would hope that the end result would be that there would be fewer violent criminals out there for us to prosecute.

Mrs. MINK. The charts that the chairman just referred to, how would you comment on the figures, if they are true, that the Fed-

eral Government is not sharpening its emphasis on violent crimes with guns and whether the charts are correct in the inference that seems to be cast here that the Federal Government is lessening its interests in prosecutions?

Ms. FAHEY. Well, I am not sure which chart Congressman Barr has in front of him, and I don't think I could possibly see that far, but I would like to comment on one thing because I am not suggesting, and I don't think anyone would suggest, that the drop in homicides in the city of Richmond is totally attributable to Project Exile. It certainly is not. It is attributable to many factors: a lot of good work by the police department, a lot of work in the community. Many, many factors.

I believe very strongly that Project Exile was a very significant factor in opening the door and allowing other things to go on in the city. But even in the city of Richmond, Project Exile was not the only thing that the U.S. attorney's office was doing to deal with the problem of violent crime.

We have taken out dozens and dozens of violent drug dealers from the streets of the city of Richmond, people who were committing multiple homicides in Richmond. That is being done all over the country in every U.S. attorney's office. That was the priority of the President. It was a priority of the attorney general. The first thing that we were asked to look at when we became U.S. attorneys was what can we do to reduce violent crime in this country, and there is no one single thing. And that is true, even in the city of Richmond, even from a Federal perspective.

Mrs. MINK. My assumption, when the Federal Government embarks, as you have done, on a unique program and tests out a particular theory, as your department has, on very, very strict enforcement of Federal laws that already exist, that this is done with the hope that it would stimulate throughout the country similar emphasis by other U.S. attorneys and in other collaborative efforts with local communities. If that is the case then, would you say that it was that type of approach that led to other communities like Philadelphia and others that have been mentioned here in embarking upon similar programs to connect Federal enforcement together with much stronger and greater local and State efforts?

Ms. FAHEY. I think that is absolutely true. We did not begin this as a program that we thought should be a national program. We started it in response to a particular problem.

As it started to appear that the program was successful, and perhaps a good idea for other areas to adopt, I think we have seen that in other areas of the country.

Mrs. MINK. So would you measure the success of Project Exile in the number of replications that you have in other districts by other U.S. attorneys, collaborating with other State attorney generals and trying to emphasize local enforcement rather than a takeover of law enforcement by the Federal Government?

Ms. FAHEY. I think every district has to look at its own particular problems, its own State's laws, its own local and Federal resources and determine what type of a program would work best in that jurisdiction.

But I feel very strongly that there should be strict enforcement of gun laws, whether it is done federally or at the local offices, and there should be a very clear message sent out.

Mrs. MINK. I have just one final question to Attorney General Earley. Do you feel, Mr. Earley, that based upon the new laws that have been enacted in Virginia that, according to your testimony, are now comparable to the Federal laws, that there will come a time when the State of Virginia will be able to take over this Project Exile and fully implement it as part of the governmental responsibilities of the State of Virginia?

Mr. EARLEY. I hope it would always remain a partnership. I think that is what has been the very successful dynamic in the city of Richmond, and I think it is what will be the successful dynamic for the State.

You know, the fact of the matter is that in America, we do have different levels of law enforcement and prosecution. We do have Federal laws and Federal prosecutors; we have State laws and State prosecutors. And we need to play to our strengths. We have some very tough Federal laws on criminals possessing guns. In many instances they are tougher than many State and local laws. And I think the beauty of Project Exile is if you can have the kind of leadership we had with Helen Fahey in Richmond in having the Federal prosecutors take the lead, it is an extraordinary catalyst in then forming a partnership with State and local prosecutors. There is no question that the Federal leadership on Project Exile in Richmond was a catalyst for change in State laws statewide in the Commonwealth of Virginia.

What is happening now in the city of Richmond after only 3 months of now having our new State Virginia Exile laws is that the Commonwealth's attorney for the city of Richmond, David Hicks, confers with the U.S. attorney and our prosecutors and their office about each particular gun case, and the question is asked: Who will prosecute this case? Oftentimes the criteria is based on where we think we can get the most severe sentence.

Any kind of homicide rate in any city is a tragedy. And I think what we have been able to demonstrate in Richmond with this partnership—and Helen is right, it is not simply one thing, but I don't think you can underestimate the power of getting criminals who carry guns off the street. And if we can determine the most effective means of prosecuting those and getting them separated from the community for the longest time, we are going to all be better off, and I think the results in Richmond have showed that.

Mrs. MINK. If the Federal laws on gun possession are so successful in reducing the felonies committed by these criminals, why would the State of Virginia not want to replicate the severity of the Federal laws in its own laws?

Mr. EARLEY. We have. That is what the Virginia Exile program that was passed last year is.

Mrs. MINK. It's comparable?

Mr. EARLEY. It is similar. There are a few differences here and there, and in a few cases the prosecutorial efforts at the Federal level we think can be still more effective. This is called Project Exile because it gets criminals who carry guns out of the community. It gets them off the street very quickly. And one of the things

that the Federal program will always have as an advantage is the ability to place people in prisons that are far away from their communities.

Mrs. MINK. Thank you, Mr. Chairman.

Mr. BARR [presiding]. I thank the gentlelady from Hawaii.

Again, I want to thank—Mr. Heston?

Mr. HESTON. Thank you, Mr. Chairman. I just wanted to make one comment. While the NRA is very proud of our involvement in Project Exile in the Richmond and now in Georgia, last year we, with the vigorous help of Mayor Rendell and Senator Specter, managed to get the beginning of such a program in the city of Philadelphia, which also has a huge crime rate.

I differ with Ms. Fahey in saying that passing gun laws will help solve crime. Passing gun laws is almost a complete failure. We have 22,000 gun laws on the books in the United States. The arrest rate is pretty good. The prosecution rate is practically zero.

To give a significant example, in the past 2 years, 6,000 young students, meaning not children but not adults, have been arrested for carrying firearms onto school campuses in almost every municipality. That is the law and properly that is a good law. Of those 6,000, over the last 2 years there have been 10 prosecutions; 10 out of 6,000.

The Federal Government must take in hand the problem of prosecuting arrested criminals. Simply the whole structure could fall apart on that simple problem.

Mr. BARR. In other words, it isn't the passage of gun laws that stops crime; it is the enforcement of gun laws that stops crime.

Mr. HESTON. With all respect to the Honorable gentlewoman from Hawaii, Hawaii—and it is a marvelously effective example—has the most stringent gun control laws in America, very possibly in the world. You have to register ammunition for a gun in Hawaii. And the tragic incident the day before yesterday demonstrates that that does not help things. It is a nice placebo you can suck your thumb and say we have all of those gun laws, perhaps we should pass a couple more, that would do it. It will not do it.

Prosecuting criminals, that is what made Mayor Giuliani's boast, his determination to reduce crime in the city of New York, that is how that worked, prosecuting criminals.

Mr. BARR. We have a vote on, Mr. Heston. I know you have an engagement with another very distinguished American, former Secretary of Defense Weinberger, and we would excuse you. Thank you for your testimony today. It is an honor to have you here. I appreciate it very much.

Mr. HESTON. Thank you very much, Mr. Chairman, honorable ladies and gentlemen and fellow citizens.

Mr. BARR. Thank you, Mr. Heston.

Mr. Earley and Mrs. Fahey, would you all be able to wait so that I could go vote quickly and come back and reconvene?

Ms. FAHEY. I would be happy to.

Mr. BARR. Thank you. We are in recess until we reconvene after that vote on the floor.

[Recess.]

Mr. MICA [presiding]. If we could have the two witnesses who are remaining from our first panel, Attorney General Mark Earley, and U.S. Attorney Helen Fahey, please return.

I believe we were going to try to proceed during the vote, and unfortunately Monday some of us missed some votes through airplane mechanical problems, so we are all trying to keep our voting record as high as we can, but we do want to keep the hearing moving and proceed with the witnesses.

I had some questions that I did not get to in my first round, and when Mr. Barr, our vice chairman, returns, we will yield to him and then any other Members as they return from votes on the floor.

One of the questions that I wanted to ask in regard to Project Exile that you described, Mr. Attorney General, was that when you were transitioning from Project Exile to Project Virginia Exile, and you said that it was necessary to also have the State pass laws, I believe some of those were implemented in Virginia were passed in June of this past year.

Could you tell us a little bit about the transition, and will we expect to see more State prosecutions as opposed to Federal prosecutions? What was the transition, and what are we going to see?

Mr. EARLEY. Well, I think, first of all, it is important to understand the context that the Project Exile that came out of the U.S. attorney's office under Helen Fahey's leadership was targeted at the city of Richmond. We have a big State in Virginia. We have over 160 various jurisdictions. We have local prosecutors in each of those jurisdictions that are independently elected. And it obviously would be, I think, unreasonable to expect the U.S. attorney's office to prosecute gun crimes in every local jurisdiction throughout the United States.

I think the kind of approach that needs to be taken is what happened in Richmond, and that is to target the major cities where you have a presence of a U.S. attorney's office and good resources and tackle where we have some of these really high out-of-control homicide rates where people are just carrying guns with criminal intent on a regular basis.

But in Virginia, we said this is so effective at reducing the homicide rate, we want our prosecutors to be able to have this ability in every jurisdiction; whether it is the city of Virginia Beach, the city of Norfolk, the city of Roanoke, or the county of Fairfax, this ought to work everywhere, and we have prosecutors everywhere. So the idea was to take this tough ability to separate guns from criminals and to put criminals away for a very definitive long period of time that we thought we ought to be able to emulate around the Commonwealth of Virginia.

So Virginia Exile was never envisioned as a way to replace the efforts of the U.S. attorney's office down in Project Exile in Richmond. I believe there is still going to be a strong need for that, and that is why we continue to have a strong partnership with them in those cities, but we want our citizens to have the protection and the benefit of that kind of law enforcement in every jurisdiction.

Mr. MICA. My other question was for Ms. Fahey. You did undertake this project as an initiative within the U.S. attorney's office

through existing resources, and obviously that was a subjective determination that was made by you in your department.

Is it not possible for others to also institute through existing resources adoption of Project Exile and focus it on areas where you have a high incidence of crime and use of illegal weapons?

Ms. FAHEY. Well, as I am sure you know, the President gave a directive to the Justice Department which was given to all U.S. attorneys that each office was to develop a gun violence reduction initiative, and that is being finalized at the present time.

Mr. MICA. When was that issued?

Ms. FAHEY. Excuse me?

Mr. MICA. When was that issued?

Ms. FAHEY. Perhaps April of this year.

Mr. MICA. And it still is not finalized?

Ms. FAHEY. Well, that does not mean that people are not doing things in their district. They are. They are finalizing the papers that have gone into the Justice Department. But they had a meeting within the last 2 days at the National Advocacy Center down in South Carolina of all of the gun enforcement coordinators from every U.S. attorney's office in the country to discuss the programs that every district has. So——

Mr. MICA. I would like our staff to get a copy of the directive, and then maybe we could get an inventory of where we are, since that was April, and we are now approaching the end of the year, and maybe we can see where the Department of Justice is on this initiative.

I did want to continue the hearing. Mr. Barr was about to start questions. I will recognize him and then we will go to Mr. Turner.

Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman. I again want to commend your office and you personally, Ms. Fahey, and those who work under you, including Mr. David Schiller, who is one of the leading attorneys to begin Project Exile in your office for your work.

I do wish we would see a little more support from main Justice and from the attorney general and deputy attorney general for this project. I think that the attorney general and the deputy could provide tremendous leadership in this instance and really help other jurisdictions.

I think the deputy attorney general's choice of words was unfortunate, as has been alluded to earlier, and as he was quoted in New York Times of February 10th of this year, calling this a "cookie-cutter" approach, somewhat derogatorily. And another Justice official Kent Marcus last year in August was quoted in the Wall Street Journal as dismissing Project Exile as an assembly line prosecution.

Now, while I certainly understand, being a former U.S. attorney myself, and as Mr. Hutchinson, also being a former U.S. attorney, indicated in his opening remarks, and as I know you understand, one of the great strengths of U.S. attorney's offices is that they have a great deal of flexibility in terms of prosecutorial discretion and how to use the resources in their offices, and that is something that has always been the strength of our U.S. attorneys system.

But by the same token, if there are projects and programs that work, let's use them. Even a cookie cutter, if it produces good cook-

ies, is something that is worthwhile. Even an assembly line, if it produces a good car, is worthwhile.

I think back to my days as a U.S. attorney, one of the most successful anticrime programs in the history of our Department of Justice is the OCDETF program, the Organized Crime and Drug Enforcement Task Force approach, instituted in the early 1980's by President Reagan and continued by every President and every attorney general since then. OCDETF, very similar to Project Exile, except on a much broader scale because it was directed from main Justice, and U.S. attorneys across the country, including in the 13 core cities, were required to institute it and be a part of it, did, I think, exactly what Project Exile is supposed to do.

I read from the Project Exile pamphlet that you all have put out, and it includes four basic aspects or basic components of Project Exile. And I will paraphrase here: Full coordination from the officer on the beat up to and including the Federal prosecutor. Full coordination with the State officials, the attorney general's office, and the Commonwealth's attorney's offices. Active coordination of all police agencies, a simplified reporting system, and, No. 4, coordinated use of innovative and aggressive policing methods.

The common term in each one of those four components or aspects of Project Exile and why it works is the word "coordination." It does somewhat mystify me why some of your colleagues at main Justice seem to take umbrage and denigrate a coordinated approach to law enforcement. That is all Project Exile is at its core. It is simply a decision by the prosecuting authorities to better coordinate in a very conscious way the resources and the process of investigating and prosecuting certain types of crime, and it works.

I really am mystified, particularly in a day when perhaps there is frequently far too much criticism of far too many programs, that we're going to the Department of Justice and saying, here is an approach that works. Please use it elsewhere. We will give you the money for it. We want you to do it. And what we get back is a high hat saying that is a cookie-cutter approach or that is an assembly line approach, and we don't want to replicate it.

I think, also, some of the arguments that there are not enough resources—and we will get into this a little bit more with the next panel—are a little bit disingenuous by people up here in Washington as well. Now, I know that we had some discussion during a previous question about a proposed 1 percent cut and the increase in an agency's budgets. The fact of the matter is, though, there has been just over the past 5 years a 50 percent increase in ATF's budget from $385 million to almost $600 million, and in the Justice budget as well. There has been over that same 5-year period from 1995 to 1999 also a 50 percent increase in the budget.

So I really don't think that arguments that there simply isn't enough money at main Justice to do these things really flies with the tremendous increases in budgets that have been afforded the Department of Justice and ATF and U.S. attorneys' offices.

I would just implore you to use whatever influence you might have with the attorney general and with the deputy attorney general to, first of all, maybe just in a very kind way ask them to not use those sorts of terms in describing a project that works tremendously well, and urge them to direct more resources to U.S. attor-

neys' offices, particularly, as Mr. Earley has said, also in major cities where we obviously have problems of violent crime and the use of firearms so that there is simply a better coordinated approach all the way up and down the line and a better coordinated process.

I mean, that is, again, at its core what Project Exile does. I cannot imagine that anybody—and if even you all disagree with it, certainly tell me—finding fault with an approach that simply says coordinate at all levels of prosecution and investigation, coordinate the reporting process and streamline it, and coordinate every aspect of these. It has worked in OCDETF with drug cases and worked with the organized strike crime forces going back to Attorney General Kennedy's days. It works with Project Exile.

So for heaven's sake, please, whatever you all can do to urge the administration to use this program to direct other major city U.S. attorneys' offices to use it, would be deeply appreciated not just by those of us in Congress, but by the people in those cities such as the citizens of Richmond, who I know from hearing from many of them deeply appreciate the efforts of your two offices and the police department in Richmond.

So thank you very much, and I do hope that you will assist us in that effort.

Mr. MICA. I thank the gentleman from Georgia.

I recognize the gentleman from Massachusetts Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman. I regret the fact that Mr. Heston apparently had to leave in our absence. I do that only because I think we caught Moses in a misstatement there. Before he left, he was going to present all the things we agreed upon and leave the things that we disagreed on, and then proceeded to do just the opposite. I had wanted to have the opportunity to share with him some of the administration's figures on fighting crime and prosecuting crime that he should be, and I suspect probably is, knowledgeable of.

And I think there has been a good two-step process here where substantial Federal resources have been given to prevent the access to firearms by prohibited persons and to incarcerate violent gun offenders. And I think that has been successful. And we have also had these partnerships that we are talking about with the various State and local authorities.

I am a little bit concerned about the Federalization of all crimes. I have always thought that a good deal of the law enforcement was particular to the States, and that their resources were properly put on that. I was interested to see a statement by John Justice, who is the President of the National District Attorneys Association, who essentially says just that, that about 90 percent of the crimes in the United States, including gun laws, are prosecuted by the 3,000 or so local prosecutors, and that is the way it should be; that the Federal Government has about 100 U.S. attorneys, and they are stretched pretty thin, and they can probably assist and help out on that, but it would seem appropriate—and I would like your comments on the idea of why are we turning this on its head and trying to push this toward the Federal Government when, in fact, it seems that it is appropriate for the States to undertake the prosecution of a majority of these crimes, and the States that have the laws, that they ought to toughen up their laws to have an illegal

gun gets you 5 years in prison. They are certainly capable of doing that and then using their resources to prosecute that. Either one of you want to touch on that?

Mr. EARLEY. I will be happy to go first. As with most things in life, this is not an either/or proposition. It is both/and.

The fact of the matter is it was a policy decision on the part of the U.S. Congress to pass a number of these tough gun laws a long time ago. Most of these laws that are being prosecuted under Project Exile were passed by the Congress in the late 1960's.

Mr. TIERNEY. I guess what I am saying, if you want to get tough on this and you like the law, apparently you want to enforce it and bang around on it, so what is holding back the States, many of whom have surpluses and a number of prosecutors, from going out there and passing these tough laws and prosecuting under State law?

Mr. EARLEY. Well, we hope they will follow the lead of Governor Gilmore in the State of Virginia in passing similar kinds of laws and enforcing them.

Mr. TIERNEY. That is not what I am hearing here. I am hearing that you want the Federal Government to step up and do the work for you.

Mr. EARLEY. Well, with all due respect, I think it is a question of simply recognizing that everybody has a role in this. It doesn't make any sense to me for anyone to suggest that the Federal Government should not prosecute the laws it has passed. Nor does it make any sense to me for anyone to suggest that the States should not be aggressively involved in prosecuting their gun laws.

Mr. TIERNEY. Let's not go there. Nobody made that statement. We certainly think the States should be aggressively enforcing their laws, and that is what I am talking about, that they should. They have far more in line of resources to do just that than the Federal Government apparently does with 100 or so U.S. attorneys that they have.

So I do think it is a cooperative effort, but I am wondering where we are putting the emphasis on this and why the States are not stepping up and enforcing these types of laws and having some Federal assistance on this, but maybe doing more of it.

The other side of that is that, you know, you look and do—prosecute it on the Federal end, of course the people that are convicted end up in a Federal prison. And in Richmond, as one of the recent Federal District Court Judges recently noted, they end up in a Federal prison close to Richmond, leaving the State prisons so freed up that they are able to then rent space in them to the Federal Government. Again, everybody is tapping into the Federal resources there, and I wonder what we're doing here.

Mr. EARLEY. Well, I think what we're doing is implementing what has also been true in the American prosecutorial system, and that is prosecuting the laws at every level. And I think that has been unique about Project Exile at the Federal level is there is, for whatever reason historically, a tremendous deterrent effect on the criminal element about the fact they could potentially be prosecuted under Federal law.

Mr. TIERNEY. And you don't think there would be such a deterrent effect if you had a similar State law as you do in Virginia? You don't think that has the same effect?

Mr. EARLEY. I would hope that it does, but I think historically you can't discount the ability of Federal prosecutions in certain major areas like organized crime, and significant drug conspiracies and drug dealing as well as violent gun crime to have a very potent effect.

Mr. TIERNEY. But are we not to really concentrate our Federal resources on just that, the categories that you just spoke, and leave the other crimes, including your garden variety crimes with the possession of a handgun, to the States to prosecute and to imprison on that basis? I think that is a point well made, that you want to really use the best resources in combination, then you take the scarcer Federal resources for those purposes and concentrate them on the more egregious crimes, and then you have the prosecutors at the State level undertake the responsibility for the others.

Mr. EARLEY. Well, at least I know in Richmond we consider the high homicide rate we had to be very egregious, and I think if you look at what concerns——

Mr. TIERNEY. I understand that. That is exactly why the U.S. attorney's office went in in that particular instance. So if you are telling me that you want to have the Federal Government play a major role in those areas in this country where it is an egregious problem, it seems to be a different message than the one that I heard, which is that you wanted them to jump in and Federalize it across the board. But I think there would be more room for discussion on that.

Mr. EARLEY. Well, you might have been out of the room. You didn't hear me say that. I think that the suggestion we have had on this panel unanimously is that these ought to be targeted in areas of the United States where you have a significant problem of gun homicides and homicides in general, which are going to be large major metropolitan areas. And Project Exile is very well suited to be prosecuted through the U.S. attorneys' offices in those areas, particularly with the cooperation and partnership like we have in Virginia with the State and local authorities.

Ms. FAHEY. I would just like to respond briefly. I don't think anyone, certainly not me, has suggested that all of these crimes be prosecuted federally or that these crimes be Federalized across the country. It would not be wise, and it is not feasible.

When we started Project Exile in Richmond, it was a response to a tragic level of violence in the city. It was a feeling that something needed to be done, and perhaps we could use the Federal system effectively to deal with the problem or to make a difference.

We could have spent a lot of time sitting around talking about what other people could or should do about the problem, but we decided as a group instead to decide what we could do about the problem in a cooperative manner and came up with what was initially exclusive Federal prosecution. But one of the things that the success of Project Exile did was to encourage the State to change the State laws so that they were more comparable to the Federal law so that more of these cases could be prosecuted in the State. And my understanding is that is taking place in other parts of the coun-

try as well. And the general message, which is vigorous enforcement of gun laws, whether it be State or Federal, gets across to the community and to the criminals.

Mr. TIERNEY. Are you now finding that your office is shifting more of the prosecutions over to the State resources?

Ms. FAHEY. The law just went into effect July 1st, so we're just beginning that process, but we're going to do it in a cooperative manner. We are going to sit down and look at every single case and decide where it would be best prosecuted for a number of reasons.

Mr. TIERNEY. What are the other reasons besides resource allocation?

Ms. FAHEY. There may be individuals that we think are linked to a drug gang that we want to keep in Federal court because we may want their cooperation for something; people who have been involved in other types of crimes which are Federal; people who have guns, but are also distributing large quantities of narcotics, those types of things.

Mr. TIERNEY. So if I am following you, then you want to keep the really more egregious cases, the ones that might have been of multiple different offenses, some of them being heavily Federal-oriented, in your ball court, but shift over the larger gun-related crimes to the State prosecution where it would seem to be appropriate.

Ms. FAHEY. We expect eventually that someone convicted of domestic violence who is in possession of a gun can be prosecuted. My understanding is that is not yet possible under State law. So it will not also be a major drug dealer. It may be some other types of situations as well.

But I think that we work together so well with all of our colleagues in law enforcement and in prosecution and in the attorney general's office that we will come up with the most effective way to handle these cases. And I don't think there has ever been a suggestion on the State's side that we should do these cases just so they don't have to pay for them. That has never been the State's goal. I think everyone looked at it as people are being murdered every day on the streets of the city of Richmond, and we all have an obligation to do what we can at a particular time, and that's what we did. I think we really have helped the city. We have helped the citizens of the city of Richmond. We have made their lives much better, and much safer. And that's very important to all of us.

Mr. TIERNEY. I think you have done a good deed there. And I think that the States are perfectly capable of taking some of the initiative, particularly after seeing the example of what happened there under the leadership of the Federal involvement. But I am still not convinced that the Federal Government has to take the lead and be that involved in every situation; that the States cannot look at the model of what you have done and start to take some initiative on their own in different situations and allocate it down under the normal participatory rate between the Federal focusing on the more egregious crimes and the State focusing on others.

Ms. FAHEY. I think that has happened in places.

Mr. TIERNEY. Thank you.

Mr. MICA. I thank the gentleman.

I now would like to recognize the gentlewoman from Illinois Mrs. Schakowsky.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman. And I thank the witnesses. I am concerned about which individuals have the discretion to divert cases from State to Federal courts. And I am looking at U.S. v. Jones, where the court itself expresses that it is concerned about the discretion afforded individuals who divert cases from State to Federal court for prosecution. Witnesses from the office of both the Commonwealth's attorney and the U.S. attorney were unable to detail the specific process by which this review and diversion occurs. A local police officer is apparently individually responsible for this task, and that does concern me.

I wondered if you wanted to respond to that, if, in fact, it is individual police officers who ultimately have that discretion.

Ms. FAHEY. No, I don't think I would describe it that way. The individual police officer who makes the stop on the street, for example, is the one who begins the process. When he finds a gun, he calls the ATF to find out whether or not the circumstances of that particular case would qualify for Federal prosecution and whether there is sufficient evidence in that case.

Ms. SCHAKOWSKY. Will that happen in every single case involving a gun?

Ms. FAHEY. Yes.

Ms. SCHAKOWSKY. So they don't filter out.

Ms. FAHEY. No. No. I mean, it is being done in every case in part so that there will be no discrimination.

Ms. SCHAKOWSKY. Why is it then that the court raised that concern and found that?

Ms. FAHEY. Well, I know that Judge Williams who wrote that opinion believes very strongly that these types of cases should be prosecuted in State court and not in Federal court for largely philosophical reasons. And so he has objected on a number of grounds to the project.

Ms. SCHAKOWSKY. Well, one of the reasons I believe that was given is that 90 percent of the Project Exile defendants are African Americans, and the court noted that the inability to explain the procedure used, "casts some doubt on the assertion that race plays no role in deciding whether a particular case is to be federally prosecuted." So that was the concern that——

Ms. FAHEY. Actually, there was no finding by the court that there was any evidence of discrimination, no finding whatsoever by the court; a lot of discussion, but no finding.

But let me talk a little bit about the numbers because I think that creates a distortion. What is not mentioned in there is that almost somewhere between 85 and 90 percent of the homicide victims in the city of Richmond are African American. It is that particular segment of the society in Richmond that is being most victimized by the gun-carrying criminals.

I have been a prosecutor for a long time. One of the complaints for many years was that law enforcement did not take crimes against minorities as seriously as it did crimes against whites. We have looked at the situation in Richmond. We have looked at who was being killed, and if you look at crime statistics, and they are not just in Richmond, they are all over the country, most homicides

are committed within a particular race. Most murders, the vast majority of murders of African Americans are committed by African Americans. Most, the vast majority of murders of whites are committed by whites. There is not anywhere near as high an interracial aspect to that as many people think.

Ms. SCHAKOWSKY. Could I interrupt you for 1 second then? Then why shouldn't Richmond jurors that also reflect that population be those that decide in those cases? In other words, they would also reflect the population of Richmond and might more accurately be jurors of peers of those individuals.

Ms. FAHEY. Well, we started the program because there was a rising homicide problem, and it was not getting better. It appeared to be related to criminals carrying guns, drug dealers with guns.

The prosecutor's office in the city of Richmond, in part because of the overwhelming level of crime in the city, did not have the resources to give the attention to these types of crimes as they needed to have to have them effectively prosecuted.

If you take an office like in the city of Richmond that has a total of 30 prosecutors, and you have 110, 130, 160 homicides a year, plus rapes, plus armed robberies, plus burglaries, they do not have the resources to put on these types of what you might call status cases.

Ms. SCHAKOWSKY. Let me express my concern here. The jury pool for Richmond itself is about 75 percent African American. The jury pool for the Richmond Division of the Eastern Division of Virginia is drawn from a broader geographical area and is, in contrast, about 10 percent African American. If you are saying that 90, 85 or 90 percent of the cases involve African Americans, it would seem to me that if we are trying to establish a jury of peers, that it might be fairer. And it does concern me that we are talking about this concentration of one racial group in terms of those that are brought to Federal court.

Ms. FAHEY. First of all, the jury composition in Richmond had absolutely nothing to do with where these cases were prosecuted, absolutely nothing.

The police chief in the city of Richmond is African American. The elected prosecutor in the city of Richmond is African American. Both of them have been heavily involved and totally supportive of this program.

I don't think if we look at the country nationwide that there is any way that we could say that any U.S. attorney's office should not prosecute a case if their jury pool would be different from the jury pool in one of the cities in which they were prosecuting cases. It would just be an absolute impossibility.

In addition to that, the vast majority of these people plead guilty. They are not jury trials.

Ms. SCHAKOWSKY. Thank you.

Mr. MICA. I thank the gentlewoman.

Do any of the other Members have any additional questions?

Mrs. MINK. Yes, I have a question.

Mr. MICA. Mrs. Mink.

Mrs. MINK. There has been comments made and questions asked about the lackadaisical attitude of the Department of Justice and the leadership of the Department with respect to coming to grips

with their responsibility to take the lead on matters affecting crimes using a gun or firearms. I wanted to just note that staff has given me a report issued by the U.S. Department of Justice called Promising Strategies to Reduce Gun Violence. I wanted to ask Ms. Fahey if she was familiar with this report or contributed to it or——

Ms. FAHEY. I am. I am not familiar in detail with all of the things that are in it.

Mrs. MINK. But you are familiar with the report?

Ms. FAHEY. Yes, I am.

Mrs. MINK. It was issued in February 1999. And do you think it accurately describes the overall efforts being made to reduce gun violence, and that it illustrates the importance that the Department of Justice gives to this whole question of Federal, State, and local responsibility to do something about guns in their communities?

Ms. FAHEY. Well, I think that that particular publication outlines all of the programs that had been initiated probably prior to the last year, year and a half, and since then, additional programs aimed at reducing gun violence have been initiated in U.S. attorney's offices throughout the country.

Mrs. MINK. Now, in the early pages of this report, profile No. 2, it discusses at great length the Boston strategy to prevent gun violence. Are you familiar with the Boston situation?

Ms. FAHEY. To some extent.

Mrs. MINK. It apparently precedes that of Richmond.

Ms. FAHEY. I am to some extent, yes.

Mrs. MINK. Do you think that program has been effective, and to what extent did the Federal Government become involved in the initiation and prosecution of that project?

Ms. FAHEY. I don't know when the Federal Government became involved in it. I know that it was a major effort for various segments of the law enforcement community and society and various agencies in Boston.

Mrs. MINK. Throughout this report, there is indication that the administration has been well into urging and promoting promising strategies to reduce gun violence, and many of the reports deal with projects that began in 1992 and carried on until the present time.

So, Mr. Chairman, in view of the fact that there has been so much criticism about the administration's lack of interest in prosecuting the matter of gun violence, I ask unanimous consent that this report be placed into the record at this point.

Mr. MICA. Without objection, the report will be cited in the record.

Mrs. MINK. Thank you.

Mr. MICA. Well, I want to take this opportunity to thank both of the remaining two panelists, the attorney general and the U.S. attorney from the Eastern District of Virginia, and to express my appreciation for your coming forward, for your leadership on this project.

We hope that it can be replicated not only throughout Virginia, but throughout the United States. We are all looking for successful answers and solutions to the problem that we have with gun vio-

lence and stopping crime and other problems that we have had in our streets, in our communities, our schools and neighborhoods.

So we will again say thank you and excuse you at this time.

Mr. EARLEY. Thank you, Mr. Chairman.

Mr. MICA. I would like to call our second panel this morning.

The second panel consists of two witnesses, Ms. Teresa Gooch, who is the deputy chief of police for the Richmond Bureau of Police. The second witness is Professor Susan Long, and Professor Long is codirector of the Transactional Records Access Clearinghouse with Syracuse University, and I believe her study was referred to in this first panel.

I want to welcome both of our witnesses and again remind you that this is an investigations and oversight subcommittee of the House of Representatives. We do swear in our witnesses, and you will be under oath when you testify. And we also will ask to you limit your remarks to 5 minutes and request that any lengthy statements or documents be submitted for the record through unanimous consent.

You are standing. Would you please raise your right hands.

[Witnesses sworn.]

Mr. MICA. The witnesses have answered in the affirmative, and we are pleased to have you both with us today. We have heard a little bit about how Project Exile was instituted in and for Richmond, and we are pleased to recognize at this time Teresa Gooch, who is the deputy chief of police with the Richmond Bureau of Police. I am sure you will be able to provide us with more information and background relating to your success story. Welcome, and you are recognized.

STATEMENTS OF TERESA GOOCH, DEPUTY CHIEF OF POLICE, RICHMOND BUREAU OF POLICE, ACCOMPANIED BY SERGEANT NORRIS L. EVANS, AND OFFICER DOUGLAS P. VILKOSKI, RICHMOND BUREAU OF POLICE; AND SUSAN LONG, PROFESSOR, CODIRECTOR, TRANSACTIONAL RECORDS ACCESS CLEARINGHOUSE, SYRACUSE UNIVERSITY

Chief GOOCH. Thank you, Mr. Chairman and members of the committee. I would like to take a brief moment to introduce you also to two officers that have accompanied me here, Sergeant Norris L. Evans and Officer Douglas Vilkoski. Both are members of the police department and have been and continue to be involved in Project Exile cases.

Mr. MICA. We would like to welcome your colleagues and thank you for recognizing them.

Chief GOOCH. And thank you for this opportunity to speak before you today.

Project Exile is a product of a desire to explore creative alternative strategies to address the difficult urban problems of gun, drugs and violent crime. The program was developed in late 1996 from a successful partnership between the Richmond Police Department and the U.S. attorney for the Eastern District of Virginia. Together with Helen Fahey, the U.S. attorney for the Eastern District, and the Richmond Police Department, we joined forces to devise a plan to prevent Richmond from experiencing another 1994.

Five years ago, a record 160 persons were murdered, and 3,500 violent crimes were reported in a city of just more than 200,000 people.

Richmond followed the nationwide trend in that its crime problem stemmed from illegal drug trafficking, particularly crack cocaine, and the violent competitive behavior associated with illegal drug sales. Guns and drugs were commonplace in many of our neighborhoods and on our street corners, and Richmond was gaining a reputation of having a very high carry rate for guns.

Thank to the tireless efforts and dedication of James B. Comey, deputy assistant U.S. attorney for the Richmond area, and David Schiller, assistant U.S. attorney and chief Federal prosecutor for Project Exile, a program was created to aggressively target and prosecute firearm-toting criminals in the city of Richmond.

From Project Exile's inception, the Bureau of Alcohol, Tobacco and Firearms was brought on board as a sponsoring Federal agency. It became the third member of our team. Agents from the local office are assigned as part of Project Exile task force to aid our officers in their investigations and to adopt cases that meet certain criteria for prosecution within the Federal courts system under 18 U.S.C. 922 and 924.

As outlined in earlier testimony from the Honorable Mark Earley and attorney Helen Fahey, there are eight basic criteria that they had to meet in order to meet the standard for the prosecution. A typical Project Exile case in the city of Richmond would involve an officer who might be assigned to a precinct beat car or to any other uniformed or plain clothes unit of their agency encountering or arresting an individual who has used or is in the possession of a firearm. If during the course of the investigation of that incident it is learned that the person meets any of the previously listed criteria, the case is referred to the Project Exile Task Force for review and possible adoption. State charges may or may not be placed against the person at that time, depending upon the circumstances of the encounter.

So this new—the prosecutorial strategy offered three distinct advantages for us. No. 1 was stiffer sentencing guidelines for those using firearms in the commission of drug offenses or crimes of violence. No. 2 was a no bail provision prior to an offender's first court appearance, and the likelihood of serving a number of years in a prison far from home and associates. So in effect they would be exiled from the Richmond community.

So other agencies soon joined our efforts. The Honorable Mark Earley, who testified earlier, assigned members of his staff to provide assistance. Our local Commonwealth attorney, David Hicks, assigned another prosecutor to the U.S. attorney's office. Other law enforcement agencies that participate include Virginia State Police and the FBI.

The Project Exile Task Force has now staffed with Federal, State and local law enforcement officers along with Federal and State prosecutors, and the Richmond Police Department has assigned three officers to help facilitate the prosecution of these cases.

We also have staff that track each case and research all firearms seized by the Richmond Police Department. And we are assisted in our efforts by, of course, the alcohol, tobacco and firearms agency.

As has already been mentioned in 1997, when the initiative kicked off, we had experienced numerous successful prosecutions. In fact, this aggressive prosecution by the prosecutors brought an end to the violence by neighborhood-based drug groups known as the "Poison Clan" and the "Dogg Pound." Richmond's city manager along with the city council and its public safety committee were instrumental in helping to devise and support not only these police strategies, but also a number of initiatives across the spectrum of city government services.

As was stated earlier, there was an aggressive marketing campaign, so word began to spread on the street about the impact of Project Exile. They were very aggressive in that marketing campaign and used numerous private funding sources to help spread the word.

So has it worked? Our city residents think so. The daughter of an elderly woman who lives in one of our city's communities thanked us recently. She said she had witnessed her mother do something the other day that she had never seen her do before: walk by herself to a corner grocery. The woman's mother had never felt safe enough to walk a few blocks, and she does now.

The attitude of Richmond's would-be criminals is changing, too. When a Richmond detective recently questioned a suspect about whether he was carrying a gun, the suspect was quick to reply: Carry a gun in Richmond? I don't think so. I don't want to go to jail for 5 years.

And as noted also, our statistics speak for themselves. In 1998, it is important to note that Richmond's overall homicide rate was the lowest since 1987. In fact, other violent crime categories decreased also. This year our homicide rate is 29 percent lower than it was even in 1998. So compared to our record year of 1994, our homicide rate has dropped nearly 60 percent.

Our efforts through Project Exile, as I have stated, have garnered regional and national recognition, and, in fact, other law enforcement agencies now pursue similar avenues of prosecution. In addition, other cities throughout the Nation are exploring this effort.

But most importantly, our efforts have gained the confidence of our community. The successes that Project Exile has enjoyed in Richmond have helped us to build confidence in the community and credibility in our police department. We view Project Exile as one of our greatest success stories during the past years. It has truly strengthened the partnerships the Richmond Police Department has forged with other agencies and with the community.

As we stated, or as Mark Earley stated earlier, we now have Virginia Exile, and the laws closely mirror the sanctions and procedures found in the Federal Code, and they will also provide other Virginia localities with aggressive policing tools needed to combat crime violence in their communities. We continue to work closely with our State and local prosecutors in pursuing aggressive prosecution in State courts while building on our successful partnership with the U.S. attorney and other members of our Project Exile team.

Thank you.

[The prepared statement of Chief Gooch follows:]

PROJECT EXILE
RICHMOND, VIRGINIA

Testimony before
U. S. House of Representatives Subcommittee on Criminal Justice, Drug Policy and Human Resources
November 4, 1999

Teresa P. Gooch
Deputy Chief of Investigative Services

(Introduction - Deputy Chief Teresa P. Gooch, accompanied by Sergeant Norris L. Evans and Officer Douglas P. Vilkoski, both members of the Richmond Police Department involved in a number of Project Exile cases.)

Project Exile is the product of a desire to explore creative alternative strategies to address the difficult urban problem of guns, drugs, and violent crime. The program was developed in 1996 from a successful partnership between the Richmond Police Department and the United States Attorney for the Eastern District of Virginia.

Together Helen Fahey, United States Attorney for the Eastern District of Virginia, and the Richmond Police Department joined forces to devise a plan to prevent Richmond from experiencing another 1994. Five years ago, a record 160 persons were murdered and 3,594 violent crimes were reported in a city of just more than 200,000 people. Richmond followed the nationwide trend in that it's crime problem stemmed from illegal drug trafficking, particularly crack cocaine, and the violent competitive behavior associated with illegal drug sales. Guns and drugs were commonplace in many of our neighborhoods and on our street corners, and Richmond was gaining a reputation of having a very high "carry rate" area for guns.

Thanks to the tireless efforts and dedication of James B. Comey, Deputy Assistant United States Attorney for the Richmond area, and David Schiller, Assistant United States Attorney and chief federal prosecutor for Project Exile, a program was created to aggressively target, and prosecute, firearm-toting criminals in Richmond.

From Project Exile's inception, the Bureau of Alcohol, Tobacco and Firearms (BATF) was brought on board as the sponsoring federal agency, to become the third member of this new team. Agents from the local office are assigned, as part of the Project Exile Task Force, to aid our officers in their investigations and to "adopt" cases that meet certain criteria for prosecution within the federal courts system under 18 United States Code 922 and 924. Such criteria include gun possession while *possessing drugs*; gun possession by a *convicted felon*; gun possession if a person is a *fugitive* from another state; gun possession if under a *felony indictment*; gun possession if a person is the

subject of a *restraining order*; gun possession by a *drug user*; gun possession if a person has been involved in prior *domestic violence*; or gun possession if the gun is known (by the possessor) to be *stolen*.

A "typical" Project Exile case would involve an officer, who might be assigned to a precinct beat car or to any other uniformed or plain clothes unit of our agency, encountering or arresting an individual who has used, or is in possession of, a firearm. If, during the course of the investigation of that incident, it is learned that the person meets any of the previously listed criteria, the case is referred to the Project Exile Task Force for review and possible adoption. State charges may or may not be placed against the person at that time, depending upon the circumstances of the encounter.

This new prosecutorial strategy offers three advantages over existing state statutes:

1) stiffer sentencing guidelines for those using firearms in the commission of drug offenses or crimes of violence,
2) a "no bail" provision prior to an offender's first court appearance, and
3) the likelihood of serving a number of years in a prison far from home and associates.

Other agencies soon joined our efforts. The Honorable Mark L. Earley, Attorney General for the Commonwealth of Virginia, assigned members of his staff to provide assistance. Our local Commonwealth's Attorney, David Hicks, assigned a full time prosecutor. Other law enforcement agencies, including the Virginia State Police and the Federal Bureau of Investigation, quickly offered support. The Project Exile Task Force is now staffed by federal, state, and local law enforcement officers, along with federal and state prosecutors. The Richmond Police Department has assigned three officers to help facilitate the prosecution of these cases and has a staff member dedicated to tracking and researching all firearms seized by the Richmond Police Department. The BATF National Tracing Center also supports these efforts.

By early 1997, successes were realized. In a period of four months (February – May), 92 persons were indicted for firearms-related crimes. More than half of these were held without bond for trial, and 55 persons were convicted and sentenced to terms in federal facilities. Project Exile strategies, in conjunction with our Department's Residential Intensive Patrol (RIP) initiatives such as "Street Heat" and similar enforcement initiatives, soon produced results. Aggressive prosecution by our Commonwealth's Attorney brought an end to the violence by neighborhood-based drug groups known as the "Poison Clan" and the "Dogg Pound." Richmond's City Manager, along with City Council and its Public Safety Committee, were instrumental in helping to devise, and support, not only policing strategies, but also a number of initiatives across the spectrum of City government services.

Word began to spread quickly, and not just "on the street." With the leadership of Dave Schiller, Assistant U. S. Attorney, and Stan Joynes, a prominent attorney, we launched an ambitious marketing campaign to educate the law-abiding public and criminal element, through the support of corporate and private sector partners such as:

Greater Richmond Retail Merchants' Association,
The Martin Agency,
Chamber of Commerce – Greater Richmond,
Greater Richmond Partnership,
The law firm of LeClair Ryan,
National Rifle Association, and
many other businesses and individuals.

The Project Exile Task Force purchased advertising time and space. We run public service announcements on radio and television. We advertise in the print media. One bus, owned by the Greater Richmond Transit Company, is painted black with the message, "An illegal gun gets you 5 years in Federal Prison" in large white letters, accompanied by the telephone number of our 24-hour hotline. The Transit Company rotates that bus among all City routes in order to expose all of Richmond's communities to the message that firearm violence in Richmond will not be tolerated. Fifteen billboards, carrying the same message and number, can be found around the metropolitan area warning those criminal minds of the consequences of using a gun in the furtherance of their violent acts. We have also distributed thousands of business cards with the same message and color scheme.

Has it worked? Our city residents think so. The daughter of an elderly woman who lives in one of the city's communities thanked us recently. She said she witnessed her mother do something the other day that she'd never seen her do before – walk by herself to the corner grocery. The woman's mother had never felt safe enough to walk just a few blocks alone before. She does now.

The attitude of Richmond's would-be criminals is changing, too. When a Richmond detective recently questioned a suspect about whether he was carrying a gun, the suspect was quick to reply – Carry a gun in Richmond? I don't want to go to jail for five years.

The statistics also speak to Project Exile's success. In 1998, it's important to note that Richmond's overall homicide rate was the lowest since 1987. In fact, in 1998, the rate of violent crime decreased dramatically in other categories as well. For instance, felonious assault decreased 18 percent and robbery saw a 20 percent decrease. This year, Richmond has experienced 56 homicides, which is a decrease of more than 29 percent as compared to last year. Compared to 1994, our homicide rate has dropped nearly 60 percent.

The first Project Exile indictment was prosecuted in early 1997. As of October 1, 1999, in just two years, there have been 544 people indicted under Project Exile guidelines, which also has resulted in the removal of 650 guns from our city's streets. About 71 percent of these were detained without bond. Three hundred seventeen defendants have been sentenced, with the average offender being "exiled" to 56 months (4 ½ years). Fewer drug dealers and users are being found carrying firearms. Thus, we are realizing a reduction in the previously high "carry rate" mentioned earlier. Consequently, gun violence has been reduced.

Our efforts through Project Exile have garnered regional and national recognition. Other law enforcement agencies in Virginia now pursue similar avenues of prosecution. Cities such as Rochester, NY; Birmingham, AL; Camden, NJ; Philadelphia, PA; Oakland, CA; Dallas, Texas, and Baton Rouge, LA are implementing similar programs in their communities modeled after that in Richmond.

But more importantly, our efforts have gained the confidence of our community. The successes Project Exile has enjoyed in Richmond have helped us to build confidence in the community and credibility in our Police Department. We view Project Exile as one of our greatest success stories during the past few years. It has truly strengthened the partnerships the Richmond Police Department has forged with other agencies and with the community.

Project Exile has provided an avenue of prosecution for firearms-related crimes not previously available under our state system. It also has prompted the Virginia General Assembly, during its recently adjourned 1999 session, to pass legislation being referred to as "Virginia Exile." These new laws closely mirror the sanctions and procedures found in 18 USC 922 and 924, and will provide other Virginia localities with aggressive policing tools needed to combat gun violence in their communities. We will continue to work closely with our state and local prosecutors in pursuing aggressive prosecution in state courts, while building on our successful partnership with the United States Attorney and other members of the Project Exile team.

Mr. MICA. I want to thank you for your testimony, and before we get to questions, we will hear from Professor Susan Long, the codirector of Transactional Records Access Clearinghouse with Syracuse University. Welcome, and you are recognized.

Ms. LONG. Thank you. Mr. Chairman and members of this subcommittee, thank you for the invitation to come today to testify about the results from our recent research study conducted by the Transactional Records Access Clearinghouse at Syracuse University on the enforcement of Federal weapons laws by the Bureau of Alcohol, Tobacco and Firearms.

By way of background, the clearinghouse, commonly known as TRAC, is a data-gathering, data research and data distribution organization at Syracuse University. I, along with David Burnham, who is a research faculty member in the Newhouse School at Syracuse, serve as the center's codirectors. My specialty is statistics, data and measurement, and I am a faculty member in the Department of Quantitative Methods at Syracuse's School of Management.

TRAC focuses its research efforts on Federal enforcement and regulatory activities. Since its founding in 1989, TRAC has sought to provide the American people with comprehensive information about the activities of Federal enforcement and regulatory agencies.

TRAC's information is based on masses of detailed data that it obtains from Federal agencies through the systematic and informed use of the Freedom of Information Act. With the use of a variety of sophisticated statistical techniques, the raw information obtained from the agencies is checked and verified. Where possible, data from one agency is compared with another for general consistency. Detailed studies on specific agencies and topical areas are carried out. We also undertake special studies concerning the accuracy and reliability of data from various government data systems and publish our findings about apparent trustworthiness of official counts that an agency issues about its activities.

As part of TRAC's series about each of the major Federal law enforcement agencies, TRAC's study on the ATF was published in August of this year. It updated an earlier TRAC study on the ATF that was done in 1996. The full study is available on TRAC's website. I refer anyone interested in more details to the full report.

In the brief time I have here, I can only highlight five key findings.

First, among all Federal agencies, ATF has long been the preeminent Federal law enforcement agency in the weapons area. It is the lead investigatory agency in most Federal firearms prosecutions, accounting for 82 percent of all referrals recorded by Federal prosecutors with weapons as a lead charge in 1992 and 75 percent in 1998.

Second, the level of criminal enforcement activity of firearms laws by the ATF is down sharply. From a peak in fiscal year 1992, ATF matters sent to Federal prosecutors declined by 44 percent, dropping from just under 10,000 in 1992 to a bit over 5,000 in 1998. A similar sharp decline is also shown when ATF referrals to State and local prosecutors, not just to the Feds, are included.

Thus, this decline in ATF criminal enforcement of firearms laws does not represent a shift from Federal to State and local enforce-

ment, but an overall decline in the magnitude of ATF enforcement activity at all levels. There is an accompanying graph and table that is in my prepared statement that I would like included in the record.

Mr. MICA. Without objection, that will be made part of the record.

Ms. LONG. ATF staffing levels are also down, although not as sharply. One factor contributing to the drop in ATF enforcement has been cutbacks in its staff. While the number of criminal investigators on the Federal payroll grew more than 20 percent between 1992 and 1998, ATF staffing declined. The number of ATF special agents, who are the ones that take the primary lead in criminal investigations, dropped by 14 percent in the last 7 years, from just under 2,100 in 1992, to just under 1,800 in 1998.

Fourth point. There is little evidence to suggest that the decline since the mid-1990's represents better targeting on more significant matters. When an agency's referrals go into a slump, administrators often assert that this is because its investigators are focusing on a smaller number of more significant matters. Targeting more serious criminals and crimes is a worthy objective; however, such conclusions are always hard to quantify.

One possible useful indicator is to examine change in the prison time that results from an agency's investigations. Under Federal sentencing guidelines, higher prison times are generally assigned to what society judges as more serious crimes. In the case of the ATF, no clear trend toward more or less serious sentences has occurred. Initially as referrals fell from their peak in 1992, prison sentences did rise. This would be consistent with a better targeting argument. However in 1996, median sentences—half got more, half got less—peaked at 57 months. In the next year the median dropped to 48 months. In 1998, it went to 46 months. Further, the actual number of defendants sentenced to prison terms of 5 years or more, including life, peaked in 1993 and has fallen sharply since then, particularly since 1996.

Fifth, and my last point, the study found wide regional variations in how the ATF enforces the law in different parts of the Nation. Median sentences resulting from an ATF investigation varied greatly around the country. Some of these variations appear to be grounded in the underlying enforcement challenges facing the agency. Arizona, for example, obviously has very different problems than Maine, but the rationale behind some contrasting results as the following are very hard to discern.

In three districts, Illinois Central (Springfield), North Carolina East (Raleigh), and North Carolina Middle (Greensboro), the median 1998 sentences were over 100 months. By contrast, the median sentences—half more, half were less—in Philadelphia East—excuse me, Pennsylvania East (Philadelphia), New York South (Manhattan), and Arizona (Phoenix) were all 36 months or less. Because the sentencing guidelines limit the sentencing discretion of judges, and very few Federal cases are decided by a jury, the sentencing variations are mostly the result of the kinds of cases the ATF agents and assistant U.S. attorneys select for prosecution in the different districts.

ATF enforcement activities also vary in different parts of the country. In terms of the level of activity in relation to population, there were at least six times more ATF referrals for criminal prosecution in a number of more rural Federal judicial districts like Oklahoma North (Tulsa), Tennessee East (Knoxville), West Virginia South (Charleston), and North Carolina West (Asheville) than in major urban centers such as California North (San Francisco), California Central around Los Angeles, Illinois North (Chicago), and New Jersey centered in Newark.

This concludes my prepared statement. I would like to have the full statement for the record because it does have a number of accompanying tables and one graph.

If anyone would like further details concerning this study as mentioned earlier, it is available in its entirety on our website at TRAC.SYR.EDU under the icon for ATF. Thank you.

Mr. MICA. Thank you. Thank you for your testimony and for providing us with this information and background for the subcommittee.

[The prepared statement of Ms. Long follows:]

PREPARED TESTIMONY
and
STATEMENT FOR THE RECORD

of

SUSAN B. LONG
Co-Director, Transactional Records Access Clearinghouse
Syracuse University
and
Associate Professor of Quantitative Methods
School of Management
Syracuse University

on

"Measuring Enforcement of Weapons Laws by the Bureau of Alcohol, Tobacco and Firearms"

before the

Committee on Government Reform

Subcommittee on Criminal Justice, Drug Policy and Human Resources

November 4, 1999

Mr. Chairman and members of this subcommittee. Thank you for the invitation to come today to testify about the results from a recent research study conducted by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University on the enforcement of federal weapons laws by the Bureau of Alcohol, Tobacco and Firearms.

By way of background, the Transactional Records Access Clearinghouse (TRAC) is a data gathering, data research and data distribution organization associated with the School of Management and the S. I. Newhouse School of Public Communications at Syracuse University. TRAC has offices at Syracuse and in Washington, D.C. I, along with David Burnham who is a research faculty member in the Newhouse School at Syracuse, serve as the center's co-directors. My specialty is statistics, data and measurement and I am a faculty member in the Department of Quantitative Methods at Syracuse's School of Management.

TRAC focuses its research efforts on federal enforcement and regulatory activities. Since its founding in 1989, TRAC has sought to provide the American people with comprehensive information about the activities of federal enforcement and regulatory agencies.[1] What are the actual day-to-day activities of agencies? What do these actions indicate about agency priorities

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[1] TRAC distributes a great deal of information via the web. From its home page at http://trac.syr.edu, anyone with internet access can view at no charge tens of thousands of pages of text, graphics, and tabular material about federal enforcement activities. Featured are special sites about the activities of the Internal Revenue Service, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, and the Bureau of Alcohol, Tobacco and Firearms. We are currently working on a new site on the Customs Service. In addition, all of the underlying data on which these studies are based are also available either on a per-request basis, or through our on-line services. TRAC offers an on-line service called TRACFED for the news media, developed with support from the Knight Foundation. For a small subscription fee reporters can directly access our databases to pull out any information they need and to conduct their own analyses through sophisticated queries, analysis and mapping tools. TRAC also offers training seminars. With the support of the Rockefeller Family Fund we are currently launching a new on-line service called FEDPROBE which will provide similar on-line querying capability of TRAC databases on a subscription basis to any individual or organization, including libraries, schools, businesses, community groups, and government agencies. TRAC's main address is: 488 Newhouse II, Syracuse University, Syracuse, New York 13244-2100, Phone: 315-443-3563 (Syracuse), 202-544-8722 (WDC), Email: trac@syr.edu.

and practices? How does the activity of an agency in one community compare with neighboring regions and the nation as a whole? How have these activities changed over time?

TRAC's information about the federal government's enforcement and regulatory effort is based on masses of detailed data that it obtains from federal agencies through the systematic and informed use of the Freedom of Information Act. With the use of a variety of sophisticated statistical techniques, the raw information obtained from the agencies is checked and verified. Where possible, data from one agency is compared with another for general consistency. Detailed studies on specific agencies and topical areas are carried out. We also undertake special studies concerning the accuracy and reliability of data from various government data systems and publish our findings about the apparent trustworthiness of the official *counts* that an agency issues about its own activities.

TRAC'S STUDY ON THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

As part of TRAC's series about each of the major federal law enforcement agencies, TRAC's study on the ATF was published in August of this year. It updated an earlier TRAC study on the ATF that was done in 1996. The full study, including over 5,000 pages of supporting graphs and tables, is available on TRAC's web site at: http://trac.syr.edu (under the icon for ATF). I refer anyone interested in more details to the full report. In the brief time I have here I can only highlight five key findings.

First, ATF is the lead investigatory agency in most federal firearms prosecutions. The Bureau of Alcohol, Tobacco and Firearms (ATF) has broad enforcement responsibilities in at least five areas: alcohol, tobacco, explosives, arson and firearms. However, when it comes to criminal investigations, the lion's share of its cases – about nine out of every ten – focus on firearms. In 1998, for example, 87% of ATF recorded referrals for prosecution to federal, state and local authorities were under its Firearms Program. Furthermore, among all federal agencies, ATF has long been the pre-eminent federal law enforcement agency in the weapons area. It is

the lead investigatory agency in most federal firearms prosecutions – accounting for 82% of all referrals recorded by federal prosecutors with weapons as a lead charge in 1992 and 75% in 1998.

Second, the level of criminal enforcement activity of firearms laws by the ATF is down sharply. From a peak in fiscal year 1992, ATF matters sent to federal prosecutors declined by 44%, dropping from 9,885 in 1992 to 5,510 in 1998. A similar sharp decline is also shown when ATF referrals to state and local prosecutors – not just to the *feds* – are included. (State and local referrals may arise, for example, through ATF's participation in joint investigations with state and local law enforcement agencies.) Thus, this decline in ATF criminal enforcement of firearms laws does not represent a shift from federal to state and local enforcement, but an overall decline in the magnitude of ATF enforcement activity at all levels. See Graph and Table 1. ATF enforcement activity in 1998, the latest period available, did show some increases over the level of enforcement registered in 1997, but this still left levels far below their 1992 peak.

Third, ATF staffing levels are also down, although not as sharply. One factor contributing to the drop in ATF enforcement has been cutbacks in its staff. While the number of criminal investigators on the federal payroll grew more than 20 percent between 1992 and 1998, ATF's staffing declined. The number of ATF special agents dropped by 14% in the last seven years, 2,072 in 1992 to 1,779 in 1998. For all kinds of full-time ATF employees there was an 8% decline. But because the pace of these declines has been much less than the decline in ATF enforcement activity, most of the enforcement decline is not attributable to simply having fewer criminal investigators.

Fourth, there is little evidence to suggest that the decline since the mid-nineties represents better targeting on more significant matters. When an agency's referrals go into a slump, administrators often assert that this is because its investigators are focusing on a smaller number of more significant matters. Targeting more serious criminals and crimes is a worthy objective, if the evidence bears out the claim. However, such conclusions are always hard to

quantify. One possibly useful indicator is to examine change in the prison time that results from an agency's investigations. Under federal sentencing guidelines, higher prison times are generally assigned to what society judges as more serious crimes.

In the case of the ATF, no clear trend towards more (or less) serious sentences has occurred. Initially, as referrals fell from their peak in1992 prison sentences did rise. This would be consistent with a *better targeting* argument. However, in 1996, the median sentence – half got more, half got less – peaked at 57 months. In the next year, the median dropped to 48 months. In 1998, it went to 46 months. Further, the actual number of defendants sentenced to prison terms of 5 years or more (including life) peaked in1993 and has fallen sharply since then, particularly since 1996.[2] See Tables 2 and 3.

Fifth, the study found wide regional variations in how the ATF enforces the law in different parts of the nation. Median sentences resulting from an ATF investigation vary greatly around the country. See Table 4. Some of these variations appear to be grounded in the underlying enforcement challenges facing the agency. Arizona, for example, obviously has very different problems than Maine. But the rational behind such contrasting results as the following are very hard to discern. In three districts – Illinois Central (Springfield), North Carolina East (Raleigh) and North Carolina Middle (Greensboro) – the median 1998 ATF sentences were over 100 months. By contrast, the median sentences – half were more and half were less – in Pennsylvania East (Philadelphia), New York South (Manhattan) and Arizona (Phoenix) were all

[2] There is the added problem of segregating out any changes in the law. For example, raising penalties available for some types of weapons violations. However, despite the recent declines in sentence length, ATF prison sentences were among the longest achieved by the major agencies. The 1998 ATF median sentence of 46 months, for example, compared with 57 months for the DEA, 25 months for the FBI, 21 months for Customs Service, 12 months for the Immigration and Naturalization Service and 5 months for the Internal Revenue Service. The median sentence for all federal agencies was 18 months. Under sentencing guidelines, weapons offenses tend to receive higher sentences than many white collar and regulatory offenses handled by other agencies.

36 months or less. Because the sentencing guidelines limit the sentencing discretion of judges and very few federal cases are decided by a jury, the sentencing variations are mostly the result of the kinds of cases the ATF agents and assistant U.S. attorneys select for prosecution in the different districts.

ATF enforcement activity also varies in different parts of the country. In relation to population, there were at least six times more ATF referrals in a number of more rural federal judicial districts like Oklahoma North (Tulsa), Tennessee East (Knoxville), West Virginia South (Charleston) and North Carolina West (Ashville) than in major urban centers such as California North (San Francisco), California Central (Los Angeles), Illinois North (Chicago) and New Jersey (Newark). See Table 5.

This concludes my prepared statement. If anyone would like further details concerning this study, as mentioned earlier, it is available in its entirety on our web site at: http://trac.syr.edu under the icon for ATF.

LIST OF TABLES ACCOMPANYING TESTIMONY

GRAPH : http://trac.syr.edu/tracatf/findings/national/atfref8598G.html

TABLE 1: http://trac.syr.edu/tracatf/findings/national/atfref8598.html

TABLE 2: http://trac.syr.edu/tracatf/findings/national/sentence9298.html

TABLE 3: http://trac.syr.edu/tracatf/findings/national/pct_sentence9298.html

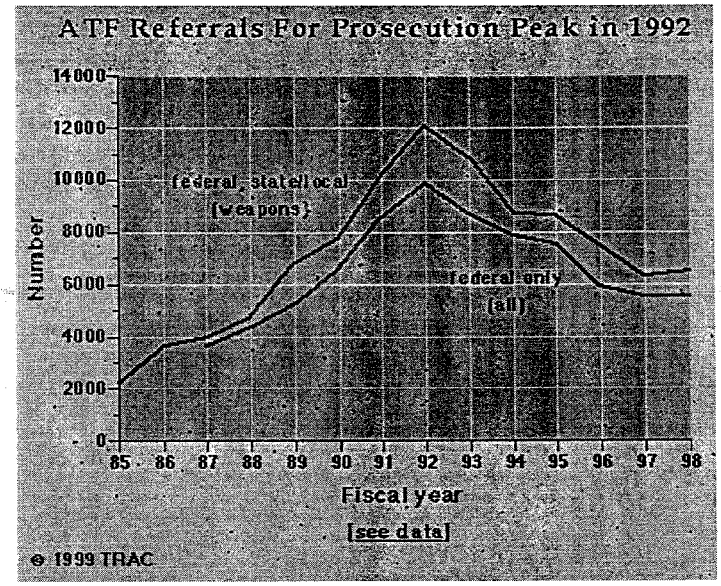
TABLE 4: http://trac.syr.edu/tracatf/findings/98/criminal/senR98.html

TABLE 5: http://trac.syr.edu/tracatf/findings/98/criminal/refR98.html

TRAC ATF

National Profile and Enforcement Trends Over Time

GRAPH



TRAC ATF

[illegible]

TABLE 1

ATF Referrals for Criminal Prosecution: 1985 - 1998

[illegible]	[illegible]	[illegible]
1985	2,486	na
1986	3,663	na
1987	3,989	3,650
1988	4,767	4,369
1989	6,823	5,273
1990	7,797	6,598
1991	10,149	8,571
1992	12,084	9,885
1993	10,818	8,697
1994	8,676	7,859
1995	8,612	7,540
1996	***6,576 (7,471)	5,938
1997	***5,376 (6,302)	5,496
1998	***5,620 (6,470)	5,510

* ATF House appropriation testimony and ATF internal case summaries; series covers firearms referrals which generally account for 90 percent or more of all ATF referrals.

**TRAC compiled from Justice Department internal data; series covers all ATF referrals to federal prosecutors.

***ATF reports two figures. The first is what they define as weapons referrals; the second covers all their referrals.

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TABLE 2

TRAC ATF

National Profile and Enforcement Trends Over Time

Prison Sentences by Length: 1992 - 1998

(See percent distribution.)

Criminal Enforcement	Defendants Sentenced (Number) Fiscal Year						
	92	93	94	95	96	97	98
All ATF Federal Convictions							
Not reported	119	73	67	67	82	86	47
No prison time	587	517	410	345	346	309	330
Less than 5 yrs	2,089	2,086	1,783	1,599	1,429	1,193	1,364
5 yrs or more	1,484	1,895	1,868	1,779	1,720	1,213	1,213
Total	4,279	4,571	4,128	3,790	3,577	2,801	2,954
*ATF Federal Weapons Convictions**							
Not reported	80	51	36	37	43	44	24
No prison time	415	352	277	209	195	168	204
Less than 5 yrs	1,617	1,504	1,247	1,095	972	784	1,025
5 yrs or more	884	1,120	1,054	994	921	696	675
Total	2,996	3,027	2,614	2,335	2,131	1,692	1,928

* Includes: 18 USC 921- 930; 18 USC 1715, 26 USC 5811 - 5812, 26 USC 5821 - 5822, 26 USC 5841 - 5842, 26 USC 5844 - 5845, 26 USC 5848, 26 USC 5871 - 5872.

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TRAC ATF

TABLE 3

National Profile and Enforcement Trends Over Time

Prison Sentences by Length: 1992 - 1998

(See numbers.)

Criminal Enforcement	Fiscal Year 92	93	94	95	96	97	98
All ATF Federal Convictions							
median prison term (months)	30	41	48	52	57	48	46
average prison sentence (months)	65	83	96	91	92	84	73
Prison sentence by length:							
Not reported	3%	2%	2%	2%	2%	3%	2%
No prison time	14%	11%	10%	9%	10%	11%	11%
Less than 5 yrs	49%	46%	43%	42%	40%	43%	46%
5 yrs or more	35%	41%	45%	47%	48%	43%	41%
Total	100%	100%	100%	100%	100%	100%	100%
ATF Federal Weapons Convictions*							
median prison term (months)	26	36	41	46	46	46	38
average prison sentence (months)	59	70	75	81	81	78	63
Prison sentence by length:							
Not reported	3%	2%	1%	2%	2%	3%	1%
No prison time	14%	12%	11%	9%	9%	10%	11%
Less than 5 yrs	54%	50%	48%	47%	46%	46%	53%
5 yrs or more	30%	37%	40%	43%	43%	41%	35%
Total	100%	100%	100%	100%	100%	100%	100%

* Includes: 18 USC 921- 930, 18 USC 1715, 26 USC 5811 - 5812, 26 USC 5821 - 5822, 26 JSC 5841 - 5842, 26 USC 5844 - 5845, 26 USC 5848, 26 USC 5871 - 5872.

Note: percents may not add to 100 because of rounding error.

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TABLE 4

Length of Prison Sentence (Months) 1998
Districts in Rank Order

Home | 94 | 95 | 96 | 97 | 98 | Graphic | Alpha | Rank

(Click on District Name for Detailed Data)

District	City	# Convicted	# Sentenced to Prison	Average Prison Sentence	Median Prison Sentence	Rank
U.S.		2,954	2,577	72.9	46.0	-
Ill, C	Springfield	17	16	99.7	112.0	1
N Car, E	Raleigh	77	74	136.1	108.0	2
N Car, M	Greensboro	27	27	127.6	100.0	3
Mass	Boston	35	28	104.7	96.0	4
N Car, W	Asheville	79	70	114.6	84.0	5
Tenn, M	Nashville	10	9	102.8	84.0	5
Ark, E	Little Rock	34	32	107.4	78.5	7
Wash, W	Seattle	19	16	82.5	77.0	8
Tenn, E	Knoxville	62	59	107.7	76.0	9
Fla, N	Pensacola	32	29	111.0	74.5	10
Ind, S	Indianapolis	22	22	90.7	74.0	11
Maryland	Baltimore	82	76	86.9	70.0	12
D. C.	Washington	3	2	66.0	66.0	13
Wisc, E	Milwaukee	17	17	90.0	66.0	13
Cal, S	San Diego	10	9	64.2	60.0	15
Fla, M	Tampa	86	79	95.7	60.0	15
Okla, W	Oklahoma City	18	17	81.7	60.0	15
Ala, S	Mobile	13	12	67.3	58.5	18
W Virg, N	Wheeling	14	14	75.9	57.5	19
Texas, E	Tyler	55	48	68.0	57.0	20
Virg, W	Roanoke	82	70	98.8	55.5	21
Iowa, S	Des Moines	10	9	72.3	54.0	22
Alaska	Anchorage	12	10	81.8	53.0	23
Conn	New Haven	22	19	63.4	53.0	23
Cal, N	San Francisco	11	8	51.5	51.0	25
Fla, S	Miami	79	70	109.0	51.0	25
Ga, M	Macon	17	17	113.1	51.0	25
Idaho	Boise	8	7	121.1	51.0	25
Iowa, N	Cedar Rapids	11	11	64.1	51.0	25
Texas, S	Houston	44	41	115.2	50.0	30
Cal, E	Sacramento	38	29	58.2	48.0	31
Miss, S	Jackson	5	5	57.8	48.0	31
Texas, W	San Antonio	85	73	66.2	48.0	31

N. Y., E	Brooklyn	87	66	73.7	46.0	34
Ohio, S	Cincinnati	63	54	61.7	46.0	34
Penn, W	Pittsburgh	13	9	49.6	46.0	34
Utah	Salt Lake City	13	13	99.2	46.0	34
Virg, E	Alexandria	179	172	65.6	46.0	34
Mo, E	St. Louis	68	67	74.1	45.0	39
Texas, N	Fort Worth	72	66	57.7	45.0	39
La, M	Baton Rouge	6	6	53.7	44.5	41
Ga, N	Atlanta	33	31	57.3	42.0	42
Oregon	Portland	45	40	67.6	42.0	42
Ill, N	Chicago	46	36	111.0	41.5	44
Ind, N	South Bend	35	28	60.6	41.0	45
N. J.	Newark	15	14	52.1	41.0	45
Wyoming	Cheyenne	19	18	49.7	41.0	45
Maine	Portland	8	7	64.6	40.5	48
Mo, W	Kansas City	28	24	82.3	40.0	49
Ken, E	Lexington	29	24	43.0	39.0	50
Ill, S	East St. Louis	16	16	43.8	38.5	51
La, E	New Orleans	23	21	57.2	37.0	52
S Car	Columbia	59	44	66.1	37.0	52
Wash, E	Spokane	27	25	47.8	37.0	52
Mich, W	Grand Rapids	20	20	46.7	36.5	55
La, W	Shreveport	11	11	63.3	36.0	56
Penn, E	Philadelphia	68	57	64.0	36.0	56
S Dakota	Sioux Falls	13	11	33.5	36.0	56
Colorado	Denver	19	15	42.8	35.5	59
Delaware	Wilmington	11	11	44.5	35.0	60
Nebraska	Omaha	27	23	43.8	35.0	60
Nevada	Las Vegas	14	11	30.8	35.0	60
N Dakota	Fargo	20	19	69.2	34.0	63
Okla, N	Tulsa	15	12	39.1	34.0	63
Mich, E	Detroit	121	106	47.3	33.0	65
N. Y., S	Manhattan	70	55	51.5	33.0	65
Cal, C	Los Angeles	28	24	60.3	31.5	67
Ala, N	Birmingham	33	31	52.8	30.0	68
Ala, M	Montgomery	3	3	29.7	30.0	68
Hawaii	Honolulu	14	13	42.4	30.0	68
Minnesota	Minneapolis	44	35	56.7	30.0	68
N Mexico	Albuquerque	21	19	55.2	30.0	68
Ohio, N	Cleveland	57	41	63.1	30.0	68
Tenn, W	Memphis	23	17	78.9	30.0	68

W Virg, S	Charleston	29	28	44.6	30.0	68
New Hamp	Concord	8	7	40.3	28.5	76
N. Y., W	Buffalo	14	11	35.0	28.0	77
Ken, W	Louisville	12	10	87.4	27.0	78
Vermont	Burlington	16	14	35.5	27.0	78
Ga, S	Savannah	17	16	48.7	26.0	80
Arizona	Phoenix	59	40	46.1	24.0	81
Kansas	Topeka	27	20	66.0	24.0	81
Montana	Billings	21	17	48.7	24.0	81
R. I.	Providence	24	19	52.4	24.0	81
Ark, W	Fort Smith	4	3	31.0	23.5	85
Penn, M	Scranton	18	15	53.9	22.5	86
Miss, N	Oxford	7	5	28.6	18.0	87
Wisc, W	Madison	5	5	15.6	15.0	88
N. Y., N	Syracuse	12	8	22.5	12.0	89
Okla, E	Muskogee	0	0	-	-	-

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TABLE 5

ATF Criminal Referrals -- In Relation to District Population 1998
(Per Capita Is Per 100 Million Population)
Districts in Rank Order

Home 94 95 96 97 98 Graphic Alpha Rank

(Click on District Name for Detailed Data)

District	City	# Referrals	Per Capita	Rank
U.S.		5,510	2,038	-
Okla. N.	Tulsa	70	7,669	1
Virg. E.	Alexandria	326	6,724	2
Tenn. E.	Knoxville	138	6,301	3
W Virg. S	Charleston	59	6,142	4
Mo. E	St. Louis	135	4,928	5
N Car. W	Asheville	108	4,649	6
Oregon	Portland	152	4,631	7
Nevada	Las Vegas	79	4,522	8
Wash. E	Spokane	57	4,499	9
N Dakota	Fargo	28	4,387	10
Wyoming	Cheyenne	21	4,367	11
Mich. E	Detroit	276	4,183	12
Montana	Billings	35	3,975	13
Delaware	Wilmington	29	3,900	14
R. I.	Providence	37	3,743	15
Vermont	Burlington	22	3,723	16
Virg. W	Roanoke	71	3,653	17
Ken. E	Lexington	70	3,573	18
Fla. S	Miami	189	3,432	19
Alaska	Anchorage	21	3,420	20
Nebraska	Omaha	56	3,368	21
Ark. E	Little Rock	48	3,270	22
Ind. N	South Bend	78	3,266	23
Tenn. M	Nashville	57	3,193	24
Texas. W	San Antonio	154	3,144	25
Fla. N	Pensacola	46	3,122	26
D. C.	Washington	16	3,059	27
W Virg. N	Wheeling	26	3,057	28
Texas. E	Tyler	83	3,048	29
Maryland	Baltimore	156	3,038	30
N Car. E	Raleigh	87	2,973	31
La. M	Baton Rouge	20	2,969	32
Ala. S	Mobile	23	2,941	33

N. Y., W	Buffalo	82	2,910	34
Ken. W	Louisville	54	2,731	35
S Dakota	Sioux Falls	20	2,709	36
Okla. W	Oklahoma City	47	2,679	37
N. Y., S	Manhattan	123	2,627	38
Texas, S.	Houston	166	2,524	39
Okla, E	Muskogee	17	2,502	40
Texas, N	Fort Worth	136	2,445	41
La, E	New Orleans	40	2,400	42
Ga, S	Savannah	30	2,323	43
Fla, M	Tampa	176	2,218	44
Penn, E	Philadelphia	115	2,200	45
Tenn, W	Memphis	32	2,199	46
N Mexico	Albuquerque	38	2,188	47
Wisc, E	Milwaukee	66	2,119	48
Ill, C	Springfield	45	2,054	49
Idaho	Boise	25	2,035	50
S Car	Columbia	78	2,033	51
Ill, S	East St. Louis	24	1,897	52
Mo, W	Kansas City	51	1,889	53
Ala, M	Montgomery	19	1,878	54
Miss, S	Jackson	31	1,802	55
Miss, N	Oxford	18	1,745	56
La, W	Shreveport	35	1,725	57
Ala, N	Birmingham	44	1,720	58
Ohio, N	Cleveland	90	1,536	59
Ohio, S	Cincinnati	79	1,476	60
Iowa, S	Des Moines	23	1,469	61
New Hamp	Concord	17	1,435	62
Ga, M	Macon	24	1,374	63
Maine	Portland	17	1,366	64
Colorado	Denver	52	1,310	65
Arizona	Phoenix	61	1,307	66
N Car, M	Greensboro	29	1,262	67
Hawaii	Honolulu	14	1,174	68
N. Y., N	Syracuse	39	1,172	69
Minnesota	Minneapolis	54	1,143	70
Ind. S	Indianapolis	40	1,139	71
Utah	Salt Lake City	23	1,095	72
Iowa, N	Cedar Rapids	14	1,079	73
Mass	Boston	61	992	74

Penn, M	Scranton	28	976	75
Ga, N	Atlanta	42	912	76
Cal, S	San Diego	26	889	77
Kansas	Topeka	23	875	78
N. Y., E	Brooklyn	64	871	79
Wash, W	Seattle	38	859	80
Ark, W	Fort Smith	9	841	81
Penn, W	Pittsburgh	28	717	82
Mich, W	Grand Rapids	23	715	83
N. J.	Newark	54	665	84
Conn	New Haven	21	641	85
Ill, N	Chicago	45	524	86
Cal, C	Los Angeles	75	457	87
Wisc, W	Madison	9	427	88
Cal, E	Sacramento	26	420	89
Cal, N	San Francisco	29	406	90

Transactional Records Access Clearinghouse, Syracuse University
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Mr. MICA. Ms. Gooch, some critics of Project Exile have dismissed the program as assembly line prosecution and said that it takes away from other prosecutions of, say, drug crimes and other crimes and illegal activities. How would you respond?

Chief GOOCH. Project Exile is one of the most successful tools that we have used in recent years. I've been a Richmond police officer for well over 20 years, and I've seen the level and rate of violent crime rise. The benefit and the opportunity presented to us through the Project Exile initiative is actually quite simple in that it has allowed us through this partnership, this multiagency partnership, to expand the capacity of our police department, of our police officer on the street.

We recognize the very real danger and impact of what used to be the high carry rate of guns by criminals on the street. Project Exile initially was an opportunity for our officers to use tools, legal tools available to them through the Federal system to have a marked impact, a direct and significant impact on the rate of violent crime.

Mr. MICA. Ms. Long, how is your operation funded? TRAC, this program, does it receive Federal funding?

Ms. LONG. No, we do not receive any Federal funds. We are a self-supporting research center, obviously with support from Syracuse for facilities, and we are supported by research grants largely.

Mr. MICA. Well, you appear to be one of the most thorough clearinghouses and sources of information about statistics on prosecution of gun laws and some of the other activities you have described. Have you had difficulty in obtaining information from the Federal Government or Federal agencies to compile your statistical information?

Ms. LONG. Yes, I could certainly say that is true.

Mr. MICA. In what manner? Have you had to go to court to try to get some of that information?

Ms. LONG. Yes, we certainly have. And I have about 30 years of experience in using the Freedom of Information Act, trying to obtain records from many agencies. And we did have to file a lawsuit against the Justice Department, which resulted in a consent decree in this past summer. This sort of capped 10 years of effort on the part of TRAC to obtain these records under several administrations.

Mr. MICA. Thank you. We don't have too much time left. We have a vote pending. I will yield the balance of time to Mr. Barr.

Mr. BARR. Thank you. And I appreciate, Ms. Gooch, you being here with two of your fellow officers, and I want to commend you and your police chief for the fine job that you have been doing. Again, as we talked about earlier, we hope that through this hearing today and your continued work and the continued work of the U.S. attorney, we will see this program and this approach, which is, you know, a basic approach that really works to simply coordinate better gun prosecutions used elsewhere in the country, and I think will benefit our citizens tremendously. So thank you very much.

Chief GOOCH. Thank you, sir.

Mr. BARR. Ms. Long, thank you, I have read your work. I appreciate the fact that it will be a part of our record. I think it is very,

very telling. It is unfortunate that you have to sue the Department of Justice to get information, but at least you did.

It is somewhat disturbing, and I note that the chairman is concerned about this also, and hopefully we will inquire into it further in other proceedings, particularly your work and what it shows regarding a very significant drop-off in ATF prosecutions of gun crimes. Notwithstanding their rhetoric that this simply means that they are going after the bigger cases, that is not the case because it is not reflected in the sentencing, for example, as you have discovered, and it is also not a result of lack of funding.

I would ask unanimous consent, Mr. Chairman, to have inserted into the record the funding figures that I used earlier regarding ATF, which shows, for example, that from 1995 to the current fiscal year, there has been a 50 percent increase in ATF funding.

Similarly, Mr. Chairman, there has been a virtually identical percentage increase in Justice Department funding of almost 50 percent during this period of time.

Now, it may be that both ATF and Justice used that money for different purposes and don't, as in the case of ATF—apparently put the money into more agents to prosecute more cases. But that's a policy decision that they have made. I don't think that there is any way, with a straight face at least, that they could argue it is a lack of resources. We have given them the resources in hundreds of millions of dollars. Now, if they choose not to use it to prosecute these gun cases, then I think we have a serious problem, but it is not a funding.

Mr. MICA. Without objection, those documents and information will be made a part of the record.

[The information referred to follows:]

BATF Firearms Prosecution Referrals Drop

The following look at BATF criminal prosecution referrals for firearms law violations is taken from the recent analysis of law enforcement data done by the Transactional Records Access Clearinghouse (TRAC) at Syracuse University.

■ BATF referrals for federal prosecution of firearms law violations have sharply declined during the Clinton-Gore Administration. BATF cases sent to federal prosecutors declined by 44% from 1992 to 1998, a drop from 9,885 to 5,510.

■ BATF firearms prosecutions peaked in 1992, the final year of the Bush Administration.

■ In 1992, BATF was the lead investigating agency in 88% of firearms prosecutions, with other agencies handled the remaining 12%. By 1998 the share handled by other agencies was 24%.

■ While the last seven years have seen 14% cutbacks in the number of BATF criminal investigators dropped by 14% and an 8% decline for all kinds of full-time BATF employees, the pace of these declines has been much less than the decline in enforcement.

■ BATF says the declines in their enforcement actions are related to improved targeting, but more focused prosecutions of "king pins" have not resulted in longer prison sentences, as would be expected. During the Clinton-Gore years, the peak BATF sentence -- a median of 57 months -- came in 1996. In 1997, the median dropped to 48 months; in 1998, to 46 months.

■ There are wide regional variations in how BATF enforces the law in different parts of the nation. In relation to population, for example, there were at least six times more BATF referrals for prosecution in a number of more rural districts like Oklahoma North (Tulsa), Tennessee East (Knoxville), West Virginia South (Charleston) and North Carolina West (Asheville) than in major urban centers such as California North (San Francisco), California Central (Los Angeles), Illinois North (Chicago) and New Jersey (Newark).

■ Median sentences also were wildly divergent. In three districts -- Illinois Central (Springfield), North Carolina East (Raleigh) and North Carolina Middle (Greensboro) -- the median 1998 BATF sentences were more than 100 months. By contrast, the median sentences in Pennsylvania East (Philadelphia), New York South (Manhattan) and Arizona (Phoenix) were all 36 months or less.

■ BATF's 1998 criminal referrals for 90 districts (1 would be the district with the most referrals per capita and 90 the least). Here is how the lawsuit localities rank:

San Francisco (90), Sacramento (89), Los Angeles (87), Chicago (86), Bridgeport, Conn. (85), Newark/Camden (84), Atlanta (76), Boston (74), Cincinnati (60), Cleveland (59), New Orleans (42), Gary, Ind. (23), Miami (19), Detroit (12), St. Louis (5).

■ In 1998 in Virginia, federal prosecutions led to 242 gun criminals being exiled to prison, more

than California (70) and New York (140) and New Jersey (14) combined. The District of Columbia, with a violent crime rate about six times higher than Virginia, send 2 gun criminals to prison.

FACT SHEET

National Rifle Association of America • Institute for Legislative Action • Research & Information Division
11250 Waples Mill Road • Fairfax, VA 22030 • 703-267-1170 • http://www.nra.org

5/25/99

Prosecutions of Federal Firearm Laws

On April 27, 1999, the White House claimed, "Since taking effect in 1994, the Brady Law has prevented over a quarter million felons, fugitives, stalkers, and other prohibited purchasers from buying handguns." (Brady imposed records checks on retail handgun purchasers and, since 11/98, all retail firearm purchasers. The Administration adheres to the pretense that Brady should be evaluated purely on the basis of the number of firearm purchases it prevents, irrespective of whether criminals already possess other firearms or are able to acquire firearms from other sources thereafter, and irrespective of whether crimes are prevented.)

Meanwhile, the Executive Office of U.S. Attorneys report that only a fraction of 1% of these "quarter million" are prosecuted for alleged violations. Statistics come from two sources.

I. Cases Reported, Executive Office, U.S. Attorneys
Requested Firearms Sections Counts Charged, Calendar Years 1996-1998

Title 18 U.S.C.		1996	1997	1998
922(d)	Providing a firearm to a prohibited person, unspecified category	17	25	10
922(d)(1)	Providing a firearm to a felon	20	13	24
922(g)	Possession of a firearm by a prohibited person, unspecified category	683	752	603
922(g)(1)	Possession of a firearm by a felon	1213	1366	1550
922(g)(2)	Possession of a firearm by a fugitive	30	30	23
922(g)(3)	Possession of a firearm by a drug addict or illegal drug user	46	69	129
922(g)(4)	Possession of a firearm by a person committed to a mental institution or an adjudicated mental incompetent	1	4	5
922(g)(5)	Possession of a firearm by an illegal alien	72	96	107
922(g)(6)	Possession of a firearm by a person dishonorably discharged from the Armed Forces	0	0	2
922(g)(8)	Possession of a firearm by a person under a certain kind of restraining order provision	3	18	22
922(g)(9)	Possession of a firearm by a person convicted of a domestic violence misdemeanor	0	21	56
922(q)	Possession or discharge of a firearm in a school zone	4	5	8
922(s)	All violations under the Brady Act, first phase	0	0	1
922(t)	All violations under the Brady Act, Instant Check phase	0	0	0
922(u)	Theft of a firearm from a Federal Firearms Licensee	52	51	25
922(v)(1)	Manufacturing, transferring, or possessing a non-grandfathered "assault weapon"	16	4	4
922(x)(1)	Transfer of a handgun or handgun ammunition to a juvenile	9	5	6
922(x)(2)	Possession of a handgun or handgun ammunition by a juvenile	27	3	8
924(c)(1)	Enhanced penalty: Use of a firearm or destructive device during crime of violence or drug-related crime prosecutable in federal court	1987	1885	1763
Brady Act	Unspecified violations	46	26	21

II. U.S. Department of Justice, Criminal Division, letter (12/24/97) to Sen. Dick Durbin (D-Ill.)

"The following statistics maintained by the Executive Office of United States Attorneys reflect the number of prosecutions since 1994 that have been initiated in which the making of a false statement in connection with the acquisition or attempted acquisition of a firearm was charged.

FY 94: 300 indicted, 253 convicted
FY 95: 219 indicted, 169 convicted
FY 96: 194 indicted, 141 convicted
FY 97: 117 indicted, 36 convicted

"It is difficult to determine the number of these prosecutions that were initiated as the result of the falsification of statements on Brady forms, as opposed to the falsification of statements on other federal firearms acquisition forms. However, as a subset of the above statistics, we have been able to determine that, at a minimum, the following numbers of prosecutions were based on false statements made on Brady forms.

FY 94: 16 indicted, 15 convicted
FY 95: 21 indicted, 21 convicted
FY 96: 39 indicted, 30 convicted"

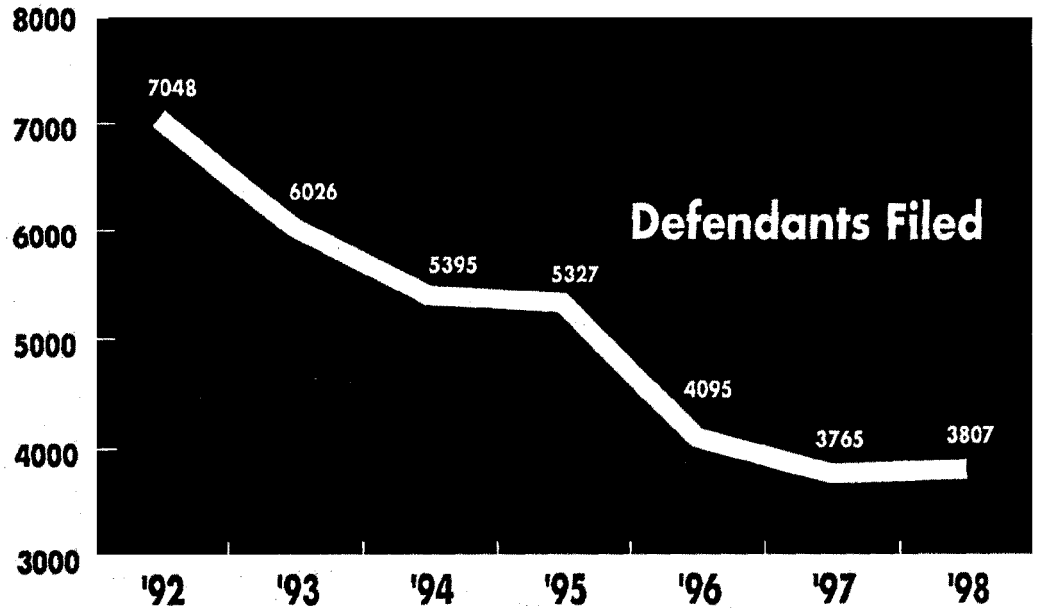
Federal Firearms Prosecutions Nationwide

	1997	1998
Possession of Firearms on School Grounds [Reported Under 922 (q)]	5	8
Unlawful Transfer of Firearms to Juveniles [Reported Under 922(x)(1)]	5	6
Possession or Transfer of Semiautomatic Weapons (Assault Weapons) [Reported Under 922 (v)(1)]	4	4

Source: Executive Office of United States Attorneys

Federal Prosecution of Criminal Use of Guns

FY 1992-1998



Source: United States Attorneys Annual Statistical Report

The Clinton-Gore Record on Gun Law Prosecutions:

- At a May 5 Senate Judiciary Committee hearing, "Republican Sen. Jeff Sessions of Alabama asked [Attorney General Janet Reno] whether there would be any improvement in sluggish federal prosecution of weapons violations.

  "'I can't promise you improvement in numbers,' she responded.

  "Her priority was controlling possession of guns, not their use." (*Washington Post*, 5/24/99)

- At a March 22 hearing of the Senate Judiciary Committee's Subcommittee on Criminal Justice Oversight and Subcommittee on Youth Violence, Senator Strom Thurmond asked, "I ... understand that Attorney General Reno rescinded or modified [the Thornburgh memo ordering US Attorneys not to drop gun charges in plea bargains]. Do you think that the change in the Thornburgh memo had the effect of reducing firearms prosecutions in the Clinton administration?"

  Former US Attorney Tom Corbett responded, "Senator, I would have to say yes to that."

- At the same hearing, ATF Andrew Vita was asked about a Clinton-Gore administration memo, this one from the Office of Management and Budget (OMB) questioning the value of the "Achilles" program for street-level gun prosecutions. Mr. Vita responded:

  > "I believe OMB's position was that there were certain examiners that considered the possibility that Achilles was a duplication of what State and local law enforcement should be doing, and that the Federal program should be directed more at curtailing the flow of firearms ... And it kind of caused us to make some adjustments in our strategies ..." (Emphasis added.)

- "... the Clinton administration needs to move beyond press-conference lip-service to tougher enforcement." (*Christian Science Monitor*, 5/25/99)

The Better Option:

- Michael Stiles, U.S. Attorney for the Eastern District of Pennsylvania, explains the causes of crimes and the solution -- better prosecution of armed criminals:

  > "... there just is no real risk attached to the conduct of the criminal deciding that he's going to put a firearm in his pocket before he goes out. There's no expectation that conduct will bring any significant jail time if caught. But with federal prosecution we will change that culture, we will change that expectation by investigating, by prosecuting, by obtaining convictions ..." (Press conference announcing new "Ceasefire" project funded under the FY 1999 omnibus appropriations bill, March 16, 1999)

Mayor Ed Rendell

There's no question to me that this program where offenders are much more likely to be convicted and much more likely to receive, under the federal sentencing guidelines, significant sentences then they are in state court will be enormously effective. In state court, we average for these type of gun violations four month prison sentences. The federal guidelines are 59-months in prison, a 51/2 year difference. Incarcerating convicted felons in possession of firearms for that length of time will save lives, it will save carnage, it will save people being maimed. It's a good thing for Philadelphia.

Project Exilte Press Conference March 16,1999
Michael Stiles
U.S. Attorney-Eastern Dis., PA

Philadelphia has had the highest murder rate by firearm in the nation. 81% versus 66% nationally. Also a terribly high rate of use of firearms in robberies, 55% versus 41% nationally. And it's my belief based on a career in law enforcement, as a judge and as a prosecutor, that at least part of the reason because presently as you heard the mayor say there just is no real risk attached to the conduct of the criminal deciding that he's going to put a firearm in his pocket before he goes out. There's no expectation that conduct will bring any significant jail time if caught. But with federal prosecution we will change that culture, we will change that expectation by investigating by prosecuting, by obtaining convictions, and the significant jail sentences we expect to change what has happened here.

We are making a federal case of it, things will be different for criminals carrying firearms and we are today giving fair warning: put your guns away before we put you away.

Lynne Abraham- Philadelphia District Attorney

We are proud to participate in this program. But at the same time we are saddened because our judges have failed to do the right thing. Not all of them certainly, but certainly the great bulk of them, in the haste to just dispose of cases they have forgotten their oaths and obligations to the innocent victims of crime and the people who are suffering because of crime in their communities.

NRA

A20 THE WALL STREET JOURNAL MONDAY, AUGUST 31, 1998

POLITICS & POLICY

Prosecutor's Strategy Scrambles Gun-Control Alliances

By DAVID S. CLOUD
Staff Reporter of THE WALL STREET JOURNAL

RICHMOND, Va.—David Schiller says he can make a federal case out of just about anything involving guns. He's right.

For the past two years, Mr. Schiller has used his powers as an assistant U.S. attorney to transfer mundane arrests by local police here to the federal court system. His zealous pursuit of almost anyone caught violating even the most obscure federal gun law has sent 200 people to prison, which Mr. Schiller's supporters say helps explain a dramatic drop in the city's homicide rate.

Now this seemingly simple idea—federalizing firearms cases—is scrambling alliances in the national gun-control debate. Mr. Schiller's campaign, dubbed Project Exile, is backed by both the National Rifle Association and some ardent gun-control advocates, including a few big-city mayors. Congress wants to implement Project Exile in other cities, but the Clinton administration is loath to divert money and attention from its own antigun initiatives to one backed by its nemesis, the NRA.

The battle over Project Exile heats up when Congress returns from its summer recess to finish work on next year's budget. Supporters will lobby hard for more money, and some Republicans see a chance to embarrass the president if the administration opposes a get-tough solution on one of Mr. Clinton's pet issues.

A career prosecutor, the 43-year-old Mr. Schiller didn't mean to get in the middle of a political storm, but his relentless evangelizing has made him a minicelebrity here and a thorn in the side of Justice Department officials in Washington.

'Lone Ranger'

"Some people think Schiller's nuts," says Richmond defense attorney David Boone. "Is he overzealous? Absolutely, but he's like the Lone Ranger: He's on a mission."

For years, Congress has been expanding the reach of federal gun laws, making it relatively easy to bring these cases. But few prosecutors took the bait until Mr. Schiller started using the little-noticed laws to prosecute not only well-armed drug dealers, but middle-aged wife-beaters who happen to keep a gun in the closet. The mandatory federal sentences are stiffer than those generally given in state courts.

Has it made a difference? Throughout the 1990s, Richmond was one of the country's most violent cities, but now things are improving. There have been 39 gun-related homicides in Richmond so far this year, 19 fewer than last year at this time. Violent crime has been falling nationwide, but Mr. Schiller claims to be altering criminal behavior on the street. "What we're finding is that a lot of dopers are now being arrested without any guns on them," he says.

Mr. Schiller and his boss, U.S. Attorney Helen Fahey, have gone to Washington repeatedly to plead with senior Justice Department officials for more prosecutors and agents, but with little success. "We could do more cases if we had more help," says Ms. Fahey, a Clinton appointee.

Kent Markus, Attorney General Janet Reno's top aide on gun violence until leaving last month to teach law, dismisses Project Exile as "assembly line" prosecutions that bleed resources from other law-enforcement priorities, such as organized crime and high-level drug trafficking. "I don't think there's any empirical evidence" that Richmond's falling murder rate is related to Project Exile, says Mr. Markus.

IMPORTANT:
Always ask if the suspect uses drugs, i.e., cocaine, heroin, marijuana.

Most suspects will deny dealing but readily admit using and that's all we need to make a federal gun case.

Federal Gun Possession Crimes:
Carrying during drug possession
Convicted felon (state or federal)
Fugitive who has fled another state
Under indictment for a felony
Subject to a restraining order
Drug user or addict
Mental defective
Illegal alien
Dishonorably discharged
Prior misd. domestic violence
Obliterated serial number
Sawed-off weapon
Stolen gun (if defendant knows)

Cue cards for cops

Mixed Views in Richmond

Richmond officials applaud Mr. Schiller's efforts, but worry about the long-term social consequences of such draconian measures. "There's got to be solutions other than Exile," said Police Chief Jerry Oliver, a supporter of the program. "As an African-American male I'm dismayed at what we have to do to maintain safety."

The NRA embraced Project Exile as the embodiment of its antigun-control doctrine: Get tough on crime, not guns. "It says with deadly accuracy that guns are for the law-abiding," asserts NRA Executive Director Wayne LaPierre, who is lobbying lawmakers to expand the program to dozens of cities. "That hasn't been said anywhere else in the country, and it is changing criminal behavior in Richmond."

Mr. Schiller disagrees with the NRA on gun control and worries that its backing for his program could overshadow its accomplishment. But the group's support was key to getting the program off the ground. At first, Richmond's conservative business community was lukewarm about it, Mr. Schiller says, because of early NRA hostility. When he asked for an endorsement, he says the NRA denounced him as an antigun zealot from the "Clinton-Reno empire."

A subsequent appeal through a friend of a friend of Mr. Schiller's brought a closer look from Mr. LaPierre. Since then, the NRA has spent more than $25,000 promoting the program, including a sizable gift to a nonprofit foundation that publicizes Project Exile's harsh consequences on radio, television and billboards. For balance, Mr. Schiller also sought out Handgun Control Inc., whose chairwoman, Sarah Brady, called Project Exile's results "impressive," though not a panacea.

Odd Partnerships

Other odd alliances are forming as well. In June, NRA President Charlton Heston joined forces with Philadelphia Mayor Ed Rendell, a pro-gun-control Democrat, to seek Project Exile funding for his city. But the Philadelphia U.S. attorney's office worries that trying Project Exile in a city with seven times more people than Richmond is impractical and might swamp the courts.

Nevertheless, last month the Senate approved an amendment by Pennsylvania Republican Arlen Specter requiring the Justice Department to spend $1.5 million on five prosecutors and 10 investigators to prosecute gun cases in Philadelphia, which averages over 400 murders a year. New Jersey Sen. Frank Lautenberg, a pro-gun-control Democrat, secured $800,000 for a similar effort in nearby Camden.

The NRA bought a full-page ad in USA Today earlier this month, prodding President Clinton to support the Philadelphia appropriation: "Instead of giving us another press conference about more gun-control laws," it said, "give us more city. Let us try crime fighting our way—the Project Exile way."

The ad annoyed Mr. Rendell, whose White House lobbying efforts received a polite but noncommittal response. Still, he says, "If it stops only six murders a year I've got to be for it. . . . The White House may distrust the NRA, but I've got to overlook that."

In Richmond, Mr. Schiller works on a shoestring. He has merchants pass out black cards warning, "An illegal gun gets you 5 years in federal prison." He hands out laminated cards to the police explaining the basics of federal gun statutes. For example, it's a federal crime to carry a weapon while possessing illegal drugs. "Most suspects will deny dealing but readily admit using," the card reads. "That's all we need to make a federal gun case."

Just ask Shuler Cox, 19 years old. He was arrested with a small amount of crack cocaine and marijuana—and a .45-caliber semiautomatic in his car. A federal jury convicted him of drug and gun charges. Now, despite an otherwise clean record, he's facing seven years in a federal penitentiary. "When I turned it, I got into the drug scene, and I just thought that having a weapon by my side wouldn't let nobody get to me," explains Mr. Cox, who nevertheless claims the gun wasn't his and is appealing.

On the other hand, some dangerous offenders are now off the streets. Melvin "Bug" Smith, a 22-year-old member of a gang called the "Bottom Group," was pulled over on a routine traffic stop and ended up getting 10 years for drug and firearm convictions. Once he was behind bars, witnesses came forward and implicated him in five murders. He was indicted on those charges by state prosecutors earlier this month.

The New York Times

Washington Final
Washington and Baltimore: highs in the upper 50's. Tonigh with lows in the low 30's. Tom partly sunny and mild, highs in 60's. Weather map is on pag

No. 51,429 Copyright © 1999 The New York Times WEDNESDAY, FEBRUARY 10, 1999 ONE DOL

Attacking Crime by Making Federal Case of Gun Offenses

By MICHAEL JANOFSKY

RICHMOND — Here on the streets of Virginia's capital, Melvin Douglas Smith was known for his luck as much as his troublemaking. For all the charges brought against him in state courts over a decade, from larceny and resisting arrest to illegal firearms and murder, none stuck. He never served a day in prison.

Then Mr. Smith's luck ran out. When a patrol officer pulled him over for a traffic violation in 1997, the officer looked in the car and found 12 grams of crack cocaine, a 12-gauge shotgun and a 9-millimeter semiautomatic pistol. The combination of guns and drugs was his undoing: Under a new program aimed at gun offenders called Project Exile, prosecutors were able to charge Mr. Smith in the tougher Federal system. He is serving 16½ years in a Federal prison.

As cities across the country sue the gun industry or buy back handguns as last resorts to get them off the streets, Project Exile is being credited for helping reverse a decade of rising crime rates in Richmond by moving gun offenses into the Federal system, where bond is less available, sentences are longer and convicts are sent out of state to serve their terms.

Officials in Richmond concede that other factors are contributing to an overall drop in violent crime. But as an experiment testing whether violent crime can be reduced by aggressively enforcing existing gun laws, Project Exile is expanding to other cities, while the National Rifle Association is promoting it as the best alternative to more restrictive gun laws.

The Justice Department, long an adversary of the rifle association over gun control, has held back from recommending Project Exile as a cure-all, and a panel of Federal judges in Richmond has criticized it as a Federal intrusion into state matters. But Philadelphia and Rochester have adopted the program, and more than a dozen other cities are considering it.

While Project Exile's precise contribution has yet to be studied, the authorities in Richmond say it helped cut their rate of homicides by

Continued on Page A12

Earshot, the Senate Delibera

New Program in Richmond Is Credited for Getting Handguns Off Streets

Continued From Page A1

firearms by 30 percent last year, to 78 homicides from 122 in 1997, one of the steepest declines in any city, when homicide rates are falling across the country.

The program has also helped the authorities solve older cases. Once Mr. Smith was sentenced, for example, witnesses no longer afraid of him came forward with enough information to charge him with six murders, including two that could bring the death penalty.

"In Richmond, there has been an intense need for people to become believers in their own community," Mayor Timothy M. Kaine said. "High crime has been our psychological downer. But Project Exile is driving the crime rate down, and that is starting to make Richmonders believers again."

Patterned after Federal efforts to fight illegal drug activities, the program evolved from a determination by the United States Attorney's office in Richmond to prosecute gun charges in Federal courts, where the consequences are more severe than in state courts, even though Federal courts generally regard gun violations as low-level crimes.

Many gun offenses can be prosecuted in Federal or state courts. But Project Exile officials in Richmond have decided that certain gun offenses, like those involved with drugs or when the person arrested is a convicted felon, will be tried in Federal court.

As another key element of Project Exile, business and civic leaders have cooperated with the Richmond police by saturating the area with radio and television messages, billboards and posters, warning that anyone caught with an illegal weapon faces a jail term of five years.

Project Exile is so well known on the street, said David E. Boone, a criminal defense lawyer here, that "the first thing I hear now when I talk to a client is, 'Can you keep this from going Exile?' A lot of them can't add two and two, but they know a gun plus drugs equals five."

Some do, anyway. S. David Schiller, an assistant United States Attorney here who conceived the program, said the first two years of Project Exile have led to the recovery of 475 illegal guns, indictments against 404 people on gun charges — more than six times the annual average — a conviction rate of 88 percent through trials and plea bargains, and an average prison term of more than four and a half years.

And Richmond police officers say the program is convincing some would-be criminals to leave their weapons at home. "We're now finding more guns in houses than on the street," said Michael J. Shamus, an acting lieutenant on the police department's Rapid Mobilization Team. "The streets are safer."

Still, not everyone is convinced that Project Exile is the appropriate means to attack the gun problem. In a recent court opinion, all three judges of the Federal District Court here characterized the program as "a substantial Federal incursion into a sovereign state's area of authority and responsibility."

And the Justice Department has remained reluctant to promote it as a national solution to gun violence.

Deputy Attorney General Eric Holder said recently that department officials "take issue with the notion that there is a cookie-cutter approach to reducing gun violence."

Mr. Holder also said the department had sent additional Federal marshals, agents and prosecutors "to make Exile a successful program."

Mr. Schiller conceded that more Federal agents had been sent to Richmond. But he insisted that the only Federal participants dedicated to Project Exile outside of the United States Attorney's office were two agents on loan from the Bureau of Alcohol, Tobacco and Firearms and one from the Federal Bureau of Investigation.

Others say the involvement of the N.R.A., which has opposed Federal gun control laws, has tempered the Justice Department's interest. The rifle association has contributed $125,000 to Richmond's efforts for advertising and marketing programs, and has lobbied Congress to get $2.5 million for programs in Philadelphia and Camden, N.J.

Mr. Schiller's boss, Helen F. Fahey, the United States Attorney for the Eastern District of Virginia, said, "I can't answer that as a fact, but I suspect it is true."

Wayne R. LaPierre Jr., the association's executive director, minced no words. "They consider these nuisance cases, and the last thing Federal judges want are armed felony cases in their courts," he said. "That's shameful. Killing people is wrong, and regardless of the N.R.A., it needs to be changed. Every cop on the street knows it."

In Philadelphia, Mayor Edward G. Rendell led the effort to establish a Project Exile after a challenge last summer by the N.R.A. to "give us one major American city" to prove that aggressive law enforcement can make a bigger difference than more laws that restrict gun ownership. Several additional investigators and Federal prosecutors enabled city officials to announce 15 indictments just days after the program, called Operation Ceasefire, began.

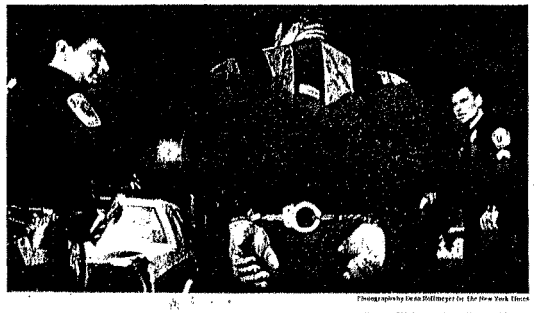
In Rochester, after a gun task force of the local, state and Federal authorities began a program in September to supplement other new crime-fighting initiatives, no homicides were reported in November and just two in December.

"I can't say that everything is attributable to our Project Exile — it's a little early for that," said Denise E. O'Donnell, the United States Attorney for the Western District of New York. "But we're very enthusiastic about the program. We are seeing our crime rates come down."

Virginia lawmakers have been so impressed with Richmond's success that they are considering legislation that would bring state gun statutes more in line with Federal laws.

Police officers on Richmond's streets seem thankful for the help, no matter who provides it. When Jerry A. Oliver was hired as Chief of Police in 1994, Richmond had had a decade of increasing numbers of homicides, peaking that year at 160.

"We desperately needed a home run, something to celebrate," he said. "As police chief, I see Project Exile as one of those programs that is working."



Photographs by Dean Dillmyer for the New York Times

Two Richmond police officers, above, arrest a driver and a passenger under a program to curb guns and drugs. The program, called Project Exile, was conceived by S. David Schiller, left, an assistant United States Attorney.

OFFICE OF THE
District Attorney
OF MONROE COUNTY
SUITE 832
EBENEZER WATTS BUILDING
ROCHESTER, NEW YORK 14614

HOWARD R. RELIN
DISTRICT ATTORNEY

TELEPHONE
716-428-5660

February 17, 1999

Mr. Wayne LaPierre
Executive Vice-President
National Rifle Association of America
11250 Waples Mill Road
Fairfax, Virginia 22030

Re: Project Exile, Rochester, New York

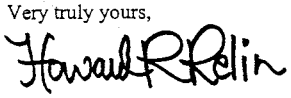
Dear Mr. LaPierre:

Rochester, New York became the second city in the United States to successfully implement Project Exile which was started in Richmond, Virginia. All of the critical law enforcement components came together very quickly because we all saw the enormous potential for reducing violence in our community. Participants include: my office, the United States Attorney's Office, Rochester Police, Monroe County Sheriff's Department, FBI, ATF, New York State Police and other local police agencies. To date, the project has exceeded our fondest hopes - homicides and robberies are down dramatically; shots fired at police are almost non-existent (two years ago we had three police officers wounded by one defendant with an illegal handgun), more than 180 illegal guns have been taken off the street; sentences in Federal Court have been the longest in our community's history (two defendants just received 13 and 17 years respectively); our federal judges and magistrates have been extremely supportive, and the community has become a safer place for everyone.

The reason that I am writing to you is because I know the NRA has taken a great interest in Project Exile and has given grants to at least two cities. I would propose that Rochester, New York be given a $150,000.00 grant for advertising on television, radio and billboards so that every person in Monroe County can fully understand the dire consequences of federal prosecution under Exile. We need such assistance desperately and it would help us have local businesses contribute as well. I have been a career prosecutor in the Monroe County District Attorney's Office, a Past President of the New York State District Attorney's Association and a present Board Member of the National District Attorney's Association. In all of my career, I have never seen a program that has had such an immediate impact on violence. The support of the National Rifle Association would show everyone in New York that your organization is

vitally concerned about community safety and violence reduction. To my way of thinking, that would be a positive message for the entire state and country. If you or any NRA representative would like to visit Rochester to see our program, I would be pleased to arrange for such a visit. Your assistance will make our community appreciate the national support necessary to stop illegal gun violence.

Very truly yours,



HOWARD R. RELIN
Monroe County District Attorney

HRR/kf

xc: Hon. Denise O'Donnell
Chief Robert Duffy
Sheriff Andrew Meloni
Superintendent of Police James McMahon

NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
410 FIRST STREET, S.E.
2ND FLOOR
WASHINGTON, DC 20003

September 3, 1999

Dear Member of Congress:

In the ongoing debate over how best to curb armed crime, the approach consistently supported by the National Rifle Association has been to vigorously enforce the law, including existing federal firearms laws.

Now, a study by the Transactional Records Clearinghouse (TRAC) at Syracuse University has provided compelling statistical evidence of the ongoing decline in federal firearms prosecutions. BATF firearms prosecutions peaked in 1992 with 9,885 cases referred for prosecution, and then began to drop. Only 5,510 cases were referred in 1998, a decline of 44% since the current administration took office. These and many more important findings of the TRAC study are discussed in the enclosed fact sheet and Los Angeles Times article.

Existing federal firearms laws have enormous potential to reduce violent crime if properly employed. Federal violations generally carry longer penalties than violations of comparable state statutes — and those sentences are more swiftly imposed, and more likely to be served in federal prisons far from the convict's friends and associates. Those factors are often cited in the success of Project Exile, an intensive firearms prosecution program originated in Richmond, Virginia and since expanded to several other cities. Project Exile's success is also documented in the TRAC study, which found that 242 cases were referred in Virginia in 1998 — more than in California, New York, and New Jersey combined.

We strongly believe that enforcement of current law and dealing effectively with criminals is directly related to the reduction of violence as well as stemming illegal gun commerce. If violent criminals are in jail, not only are they not buying guns, but they are also not in a position to harm or kill others, with or without a firearm. Tellingly, however, such prosecutions of violent street-level offenders are termed "garbage prosecutions" by one defender of the Administration's record in the enclosed Los Angeles Times article.

This important study provides all the evidence needed to document the current administration's hypocritical failure and refusal to enforce existing laws, while at the same time demanding a vast expansion of those laws. We would urge you to study these materials with care as the Congress resumes the debate over these issues, as they document our long-held contention that

this Administration has chosen to prioritize its campaign to enact new gun restrictions over its duty to enforce the gun laws that Congress enacted long ago.

If you have any questions or need additional information, please do not hesitate to contact our office at (202) 651-2560.

Sincerely,

Chuck Cunningham

Charles H. Cunningham
Director of Federal Affairs

Enclosures (2)

Los Angeles Times

SUNDAY, AUGUST 29, 1999
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California Lags in U.S. Gun Cases, Study Shows

■ **Weapons:** Researchers find that prosecutions are down and violators are serving shorter sentences. Opponents of controls say the data show better enforcement is needed.

By ERIC LICHTBLAU and MATT LAIT
TIMES STAFF WRITERS

WASHINGTON—Amid a growing national clamor for toughened gun control, a new study released Saturday shows that the number of federal weapon cases has dropped more than a third in recent years, with California lagging far behind the rest of the nation.

The study also found that criminals convicted on federal weapon-related charges are serving shorter prison sentences than in past years, which researchers said suggests that federal authorities have fallen short in their attempt to target the nation's biggest gun traffickers.

While the analysis by a research center at Syracuse University was limited to enforcement of federal weapon laws, gun control opponents immediately seized on its findings as new ammunition for their argument that federal authorities are not doing a good enough job of enforcing gun laws that are already on the books.

"We do not lack for laws. We lack enforcement of laws," National Rifle Assn. President Charlton Heston said when told of the study. The findings, he said, "are hard to refute."

But law enforcement officials took issue with the study, saying that raw statistics can be misleading.

"They're saying our numbers are down, and perhaps they are, but there are things that they aren't taking into account—for instance, better coordination with local authorities," said an official at the federal Bureau of Alcohol, Tobacco and Firearms, who asked not to be identified by name.

In the last few years, federal officials have moved more aggressively to coordinate investigations with local authorities. They have referred cases to state prosecutors when possible, especially in

Please see WEAPONS, A11

WEAPONS

Continued from A1

states, such as California, with tough gun penalties, officials said, in fact, state prosecutions are up.

As a result, when federal and state weapon cases are combined, Justice Department statistics show that the number of charges actually has risen more than 20% since 1992, said one official, who asked not be identified by name.

Law enforcement officials suggested that a number of other factors—such as understaffing and a shift in investigative priorities, rather than lax enforcement—may help explain the declining weapon caseload.

They acknowledged, however, that the study's surprising findings may be worth a closer examination, especially given the impassioned debate on gun violence triggered by a spate of deadly shootings around the country—from the hallways of a Littleton, Colo., high school to brokerages in Atlanta to a Jewish community center in Granada Hills, Calif.

Lawmakers in Los Angeles, Sacramento and Washington have been pitching new gun control proposals at a frenzied pace in recent months, only to be met with staunch resistance from the well-heeled NRA and its supporters.

The Syracuse study, conducted by a nonpartisan research center that has gone to court to gain access to federal statistics and databases, analyzed large amounts of information on the performance of the ATF, the federal government's lead enforcer in confiscating illegal weapons.

Among the study's findings:

• Weapon cases that the ATF referred for prosecution have dropped 44% in recent years. The trend reversed itself last year, but the 5,510 cases referred in 1998 still fell far below the 9,885 cases given to prosecutors in 1992, researchers found.

• California saw an even sharper drop, 53%, in ATF cases, and much of the state ranked at the very bottom of the nation's 93 federal regions, based on the size of the population. Judged by the number of cases brought per capita, three of the country's four lowest-ranking regions were in California—with the San Francisco-based region last, the Sacramento-based region second-to-last and the Los Angeles region third-to-last among the 93. In Los Angeles, the rate of 46 ATF cases for every 10 million people was nearly 80% lower than the national average.

• Felons convicted in ATF cases nationwide are being sentenced to nearly two fewer years apiece in federal prison than they were five years ago, an average of about six years in prison today compared with eight years in 1994. The average prison sentence in California—in Los Angeles the average term is five years—dropped significantly as well, with every region in the state falling well below the national average.

Many law enforcement officials say that the declining federal caseload may reflect a shift in focus toward reining in illegal gun kingpins: those involved in large-scale interstate trafficking.

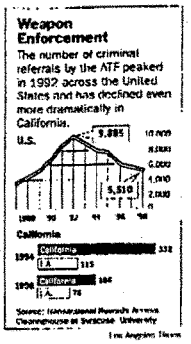
Franklin Zimring, head of the Earl Warren Legal Institute at UC Berkeley, said that ATF officials during the administrations of Ronald Reagan and George Bush racked up large numbers of weapon prosecutions by going after low-level street felons on illegal gun charges.

"These prosecutions are literally a dime a dozen. They're garbage prosecutions, and they have nothing to do with controlling illegal firearms commerce," he said.

Today, one ATF official said, "we seek to prosecute the few sharks at the top rather than the numerous guppies of the criminal enterprise." In Los Angeles in particular, the tremendous demands on resources prevent prosecutors from even bringing charges on low-level cases for guns and other offenses, said Thom Mrozek, spokesman for the local U.S. attorney's office.

But Syracuse professor Susan Long, co-director of the Transactional Records Access Clearinghouse, which put out the report, said that the data do not support the idea that authorities have targeted more serious offenders.

Prison sentences in ATF cases are going down, not up, she noted. "So are [ATF officials] really going after more serious cases? The numbers were surprising."



Nor does the sharply declining caseload appear to match the decline in crime rates from year to year or region to region, Long said.

A more likely explanation, Long said, is the ATF's drop in staffing—with a 14% decline in criminal investigators in the last seven years, according to the study.

Indeed, staff reductions became such a problem in the Los Angeles region that the ATF had to close its Long Beach satellite office, said special agent Kelly Long.

Hampered by understaffing, the Southland operation has only 80 agents in an office authorized for 128. "There were several years where we did not hire. Now we are in the process of trying to bring 200 to 300 agents in agency-wide," the agent said.

Daniel S. Hirschfeld, an aide to Los Angeles City Councilman Mike Feuer, who has written a number of gun control measures in the city, said that the study underscores the need for toughened measures at both the local and federal levels.

Without aggressive enforcement, he said, "gun laws are nothing more than ink on paper."

Lichtblau reported from Washington and Lait reported from Los Angeles.

Clinton-Gore-Reno Press For More Gun Control While Federal Gun Crime Prosecutions Plunge

Amid the Clinton-Gore Administration calls for more and more gun control laws, the evidence continues to mount that this Administration has failed miserably to enforce current law, dismissing violent gun crimes as unworthy of its time and effort.

■ **44% DROP IN REFERRALS:** BATF referrals for prosecution of federal firearms law violations have declined nearly by half during the first six years of the Clinton-Gore Administration. BATF cases sent to federal prosecutors declined by 44% from 1992 to 1998, a drop from 9,885 to 5,510.

■ **THE "PROJECT EXILE" DIFFERENCE:** With "Project Exile" in Richmond providing the momentum, in 1998, federal prosecutions in the state of Virginia led to 242 gun criminals being exiled to prison.

Unbelievably, more armed criminals were sent to prison in Virginia in 1998 than in the far more populous states of California (70) and New York (140) and New Jersey (14) combined.

The District of Columbia, which has effectively disarmed its law-abiding residents and has a violent crime rate about six times higher than Virginia, send exactly 2 gun criminals to prison for breaking federal gun laws in 1998.

■ **"KINGPIN" COPOUT:** BATF says the dramatic declines in their enforcement actions are related to improved targeting, but more focused prosecutions of gun-trafficking "kingpins" have not resulted in longer prison sentences, as would be expected.

■ **DROP IN SENTENCE LENGTH:** During the Clinton-Gore years, the peak BATF sentence—a median of 57 months—came in 1996. In 1997, the median dropped to 48 months, and in 1998, to 46 months.

■ **TARGETING GUN MAKERS, NOT ARMED CRIMINALS:** Ironically, BATF's 1998 gun crime referrals for prosecution were lowest in many of the cities that are currently bringing "junk lawsuits" against firearm manufactures for the medical and law enforcement costs of gun crime.

San Francisco ranked dead last in federal gun crime prosecution referrals, followed by Sacramento (89th), Los Angeles (87th), Chicago (86th), Bridgeport, Conn. (85th) and Newark/Camden, N.J. (84th).

(Source: analysis of law enforcement data by Transactional Records Access Clearinghouse at Syracuse U.)

CRITICISMS OF DOJ FAILURE TO PROSECUTE GUN LAW VIOLATORS

- In 1998, **federal prosecutions** in **Virginia** resulted in 242 gun criminals exiled to prison, **more than NY, NJ, CA, DC combined.**

- BATF **referrals** for federal prosecution **declined 44%** from **1992 to 1998.**

- BATF claims they are going after "**King Pins,**" yet **median prison sentence** for convictions have **decreased the past two years.**

- **Prosecutions** and **convictions** for false statements in acquiring a firearm continue to **drop** dramatically.

  Convictions: FY 94: 253
  FY 95: 169
  FY 96: 141
  FY 97: 36

- **Federal Prosecutions** for important firearms offenses **minimal:**

	1997	1998
Possession on school grounds	5	8
Unlawful transfer to juvenile	5	6
Poss. or transfer semiautomatic weapon	4	4

- **Federal Prosecutions** for **Criminal Use of Guns Decline** (1992-98)

1992	1993	1994	1995	1996	1997	1998
7048	6026	5395	5327	4095	3765	3807

- **Attorney General Reno** states: "**I can't promise you improvements in numbers**" (Senate Judiciary Hearing: May 5, 1999)

- **Richmond Homicides** decline with Project Exile (30% per year):

1997	1998	1999
139	94	53 (through October 5, 1999)

- **U.S. Homicide rates in 1998 decline** 7% from 1997 (to 6 murders per 100,000).
- RACE: 1998 National Murder Offenders: 49% white; 49% black
  1998 National Murder Victims: 50% white; 48% black

Maryland:

Murders with Guns	389
Armed Robberies	8,480
Aggravated Assaults with Guns	4,515

Washington, DC:

Murders with Guns	242
Armed Robberies	1,845
Aggravated Assaults with Guns	953

Prosecutions of Federal Gun Laws:

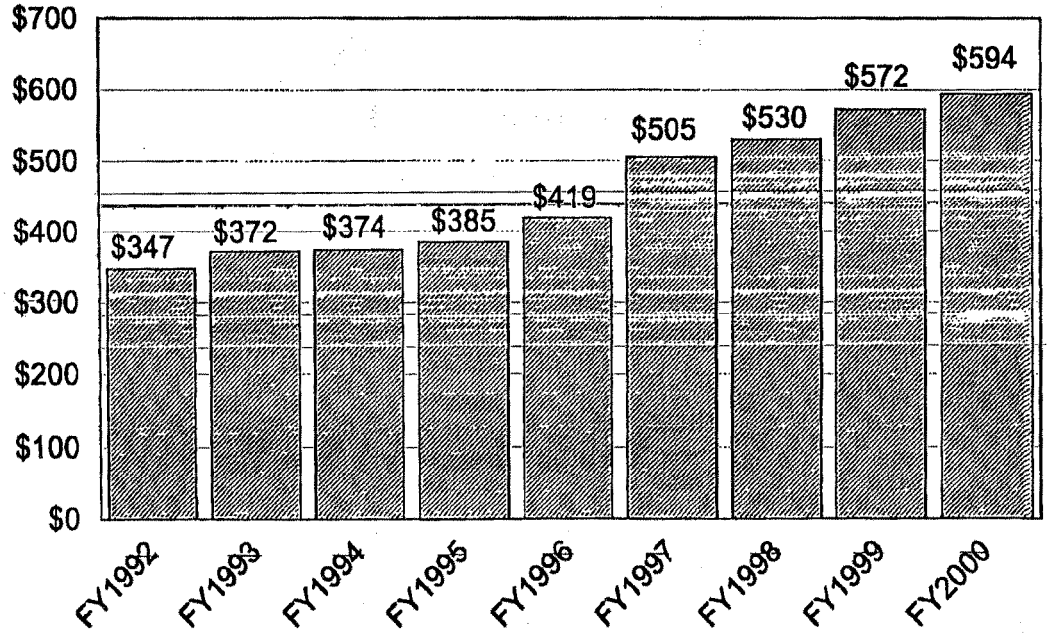
MD	76
DC	2
VA	242

MD's violent crime rate is 2.5 times higher than VA's.
DC's violent crime rate is 6 times higher than VA's.

Yet, VA had 3 times more prosecutions than MD and 120 times more than DC.

Bureau of Alcohol, Tobacco, and Firearms

Budget Authority in Millions of Dollars, FY1992-FY2000



Funding Trends for Departments of Commerce, Justice, and State, and the Judiciary
(in millions of current dollars)

Department or Agency	FY1995	FY1996	FY1997	FY1998	FY1999
Justice	12,336	14,625	16,425	17,764	18,207

Mr. BARR. And I ask unanimous consent, Mr. Chairman, that a further chart entitled Length of Prison Sentences 1998, Districts and Rank Order be included as well as a packet of material, the front page of which is entitled BATF Firearms Prosecutions Referrals Drop be included in the record.

Mr. MICA. Without objection, so ordered.

[The information referred to follows:]

Length of Prison Sentence (Months) 1998
Districts in Rank Order

(Click on District Name for Detailed Data)

District	City	# Convicted	# Sentenced to Prison	Average Prison Sentence	Median Prison Sentence	Rank
U.S.		2,954	2,577	72.9	46.0	-
Ill, C	Springfield	17	16	99.7	112.0	1
N Car, E	Raleigh	77	74	136.1	108.0	2
N Car, M	Greensboro	27	27	127.6	100.0	3
Mass	Boston	35	28	104.7	96.0	4
N Car, W	Asheville	79	70	114.6	84.0	5
Tenn, M	Nashville	10	9	102.8	84.0	5
Ark, E	Little Rock	34	32	107.4	78.5	7
Wash, W	Seattle	19	16	82.5	77.0	8
Tenn, E	Knoxville	62	59	107.7	76.0	9
Fla, N	Pensacola	32	29	111.0	74.5	10
Ind, S	Indianapolis	22	22	90.7	74.0	11
Maryland	Baltimore	82	76	86.9	70.0	12
D. C.	Washington	3	2	66.0	66.0	13
Wisc, E	Milwaukee	17	17	90.0	66.0	13
Cal, S	San Diego	10	9	64.2	60.0	15
Fla, M	Tampa	86	79	95.7	60.0	15
Okla, W	Oklahoma City	18	17	81.7	60.0	15
Ala, S	Mobile	13	12	67.3	58.5	18
W Virg, N	Wheeling	14	14	75.9	57.5	19
Texas, E	Tyler	55	48	68.0	57.0	20
Virg, W	Roanoke	82	70	98.8	55.5	21
Iowa, S	Des Moines	10	9	72.3	54.0	22
Alaska	Anchorage	12	10	81.8	53.0	23
Conn	New Haven	22	19	63.4	53.0	23
Cal, N	San Francisco	11	8	51.5	51.0	25
Fla, S	Miami	79	70	109.0	51.0	25
Ga, M	Macon	17	17	113.1	51.0	25
Idaho	Boise	8	7	121.1	51.0	25

Iowa, N	Cedar Rapids	11	11	64.1	51.0	25
Texas, S	Houston	44	41	115.2	50.0	30
Cal, E	Sacramento	38	29	58.2	48.0	31
Miss, S	Jackson	5	5	57.8	48.0	31
Texas, W	San Antonio	85	73	66.2	48.0	31
N. Y., E	Brooklyn	87	66	73.7	46.0	34
Ohio, S	Cincinnati	63	54	61.7	46.0	34
Penn, W	Pittsburgh	13	9	49.6	46.0	34
Utah	Salt Lake City	13	13	99.2	46.0	34
Virg, E	Alexandria	179	172	65.6	46.0	34
Mo, E	St. Louis	68	67	74.1	45.0	39
Texas, N	Fort Worth	72	66	57.7	45.0	39
La, M	Baton Rouge	6	6	53.7	44.5	41
Ga, N	Atlanta	33	31	57.3	42.0	42
Oregon	Portland	45	40	67.6	42.0	42
Ill, N	Chicago	46	36	111.0	41.5	44
Ind, N	South Bend	35	28	60.6	41.0	45
N. J.	Newark	15	14	52.1	41.0	45
Wyoming	Cheyenne	19	18	49.7	41.0	45
Maine	Portland	8	7	64.6	40.5	48
Mo, W	Kansas City	28	24	82.3	40.0	49
Ken, E	Lexington	29	24	43.0	39.0	50
Ill, S	East St. Louis	16	16	43.8	38.5	51
La, E	New Orleans	23	21	57.2	37.0	52
S Car	Columbia	59	44	66.1	37.0	52
Wash, E	Spokane	27	25	47.8	37.0	52
Mich, W	Grand Rapids	20	20	46.7	36.5	55
La, W	Shreveport	11	11	63.3	36.0	56
Penn, E	Philadelphia	68	57	64.0	36.0	56
S Dakota	Sioux Falls	13	11	33.5	36.0	56
Colorado	Denver	19	15	42.8	35.5	59
Delaware	Wilmington	11	11	44.5	35.0	60
Nebraska	Omaha	27	23	43.8	35.0	60
Nevada	Las Vegas	14	11	30.8	35.0	60
N Dakota	Fargo	20	19	69.2	34.0	63
Okla, N	Tulsa	15	12	39.1	34.0	63
Mich, E	Detroit	121	106	47.3	33.0	65

N. Y., S	Manhattan	70	55	51.5	33.0	65
Cal, C	Los Angeles	28	24	60.3	31.5	67
Ala, N	Birmingham	33	31	52.8	30.0	68
Ala, M	Montgomery	3	3	29.7	30.0	68
Hawaii	Honolulu	14	13	42.4	30.0	68
Minnesota	Minneapolis	44	35	56.7	30.0	68
N Mexico	Albuquerque	21	19	55.2	30.0	68
Ohio, N	Cleveland	57	41	63.1	30.0	68
Tenn, W	Memphis	23	17	78.9	30.0	68
W Virg, S	Charleston	29	28	44.6	30.0	68
New Hamp	Concord	8	7	40.3	28.5	76
N. Y., W	Buffalo	14	11	35.0	28.0	77
Ken, W	Louisville	12	10	87.4	27.0	78
Vermont	Burlington	16	14	35.5	27.0	78
Ga, S	Savannah	17	16	48.7	26.0	80
Arizona	Phoenix	59	40	46.1	24.0	81
Kansas	Topeka	27	20	66.0	24.0	81
Montana	Billings	21	17	48.7	24.0	81
R. I.	Providence	24	19	52.4	24.0	81
Ark, W	Fort Smith	4	3	31.0	23.5	85
Penn, M	Scranton	18	15	53.9	22.5	86
Miss, N	Oxford	7	5	28.6	18.0	87
Wisc, W	Madison	5	5	15.6	15.0	88
N. Y., N	Syracuse	12	8	22.5	12.0	89
Okla, E	Muskogee	0	0	-	-	-

Transactional Records Access Clearinghouse, Syracuse University
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Mr. BARR. Thank you, Mr. Chairman.

Mr. MICA. Well, I'd like to take this opportunity to thank both of you. I am going to leave the record open for 2 weeks for additional information and testimony. We may have additional questions for some of our witnesses here today.

[The information referred to follows:]

RESPONSES FOR THE RECORD FROM THE OFFICE OF THE ATTORNEY GENERAL COMMONWEALTH OF VIRGINIA

1. Federal Block Grants to Assist Project Exile and Virginia Exile
Please submit for the record the position of your office regarding the need for states to have greater flexibility and discretion in using federal grant monies for criminal justice priorities -- particularly whether Virginia favors flexible block grants over federally directed funding. Do you think that block grants, without federal red tape and unnecessary mandates, could assist states in implementing law enforcement initiatives like Project Exile and Virginia Exile? Does the Attorney General feel that sufficient federal funds and funding discretion are available to meet the needs of the Project Exile and Virginia Exile programs?

RESPONSE: A state or locality can almost always better implement a law enforcement initiative when it can determine the best use of funds as opposed to the federal government directing funding. Block grant would be preferable in this context. As far as the sufficiency of federal funds, and discretion over those funds for Project Exile, our prosecutor is paid by the state. However, 75% of the state salary is offset by a Byrne (federally-funded) grant, which covers the period from 10/1/98 through 6/30/00. Similarly, Virginia Exile, to this point has neither accepted nor sought federal assistance for the implementation of this statewide initiative.

2. Additional Reforms to Support Project Exile and Virginia Exile
As Attorney General for Virginia, what further assistance and changes would you like to see from the federal government to assist you and others in implementing effective law enforcement initiatives like Project Exile and Virginia Exile?

RESPONSE: We are satisfied with the working relationship our office has with Helen Fahey and Jim Comey in the Eastern District of Virginia's United States Attorney's Office in Richmond. The loaning of our prosecutor has been a workable, satisfactory and successful partnership between our offices. The United States Attorney's Office may have needs from the federal government in order to continue its implementation of Project Exile. Virginia Exile has not sought or made it an aim to seek funding from the federal government.

QUESTIONS FOR THE HONORABLE HELEN F. FAHEY
U.S. Attorney for the Eastern District of Virginia
U.S. Department of Justice (DOJ)

1. Considering the demonstrated success of Project Exile and the increasing interest across the country in learning more about the project and how to replicate it, why has DOJ provided almost no funding to implement this successful approach in other areas across the nation? In FY 1999, a total of $4,849 million -- **almost $5 billion, representing more funds than provided to the FBI, Federal Prison System or the Immigration and Naturalization Service** -- was appropriated to the DOJ Office of Justice Programs (OJP). OJP provides funds to state and local governments to combat crime. Why can't this Administration dedicate at least $50 million -- **1%** of its funding (an average of $1 million per state) -- to support the successful Project Exile approach to enforcing gun laws, combating violence and saving lives? How much additional federal funds has your office received specifically for Project Exile?

2. Please provide copies of all memoranda and guidance provided from the Attorney General to U.S. Attorneys since she assumed office specifically addressing the enforcement of federal gun laws.

3. On October 4, 1993, President Clinton issued a memorandum to all departments and agencies on his commitment to enhance the effectiveness of the Freedom of Information Act (FOIA). He directed departments to handle requests in a "customer-friendly manner." He stated that openness is essential to accountability and that: "The existence of unnecessary bureaucratic hurdles has no place in its implementation." The same day, Attorney General Reno issued a memorandum to all departments identifying her commitment to enhancing FOIA effectiveness as part of the Administration's Openness in Government initiative, and called upon others to do the same. On December 13, 1993, Attorney General Reno announced a new "institutional attitude" in administering FOIA as part of a new policy and new priority. She called for a strong presumption of disclosure under FOIA, "with information withheld only where it need be withheld in order to prevent foreseeable harm under an applicable FOIA exemption."

   Given the pronouncements of the President and Attorney General, why is the non-profit Transactional Records Access Clearinghouse (TRAC) at Syracuse University being denied information regarding non-classified and non-sensitive information regarding Justice Department activities? TRAC gathers, distributes and analyzes data on various activities of federal enforcement and regulatory agencies to show the American public how the federal government is doing its job. The information is vital to Congress and the public.

   To obtain information showing how the U.S. Department of Justice (DOJ) selects and manages its cases, TRAC had to file a lawsuit in the U.S. District Court for the Northern District of New York. Consequently, TRAC and DOJ entered into a Stipulation and Consent order under which DOJ agreed to release information to TRAC relative to case management data from the U.S. Attorney's district offices in Minnesota and Kentucky. TRAC has requested that DOJ release information from the databases for other districts. The Department has resisted releasing this information to TRAC stating the, "...search and production of the district data is unduly burdensome and cost prohibitive...and that the search and production of the district data would significantly interfere with the normal operations and everyday responsibility of the Case Management staff..."

   Why is DOJ refusing to grant TRAC access to this information? What is the foreseeable harm, other than a possible bureaucratic hurdle that the President has stated should not prevent the release of information? The President and Attorney General claim that openness and the release of information serves the public good and promotes accountability. Why not here? Is DOJ considering how the information might be used, or fearful that DOJ data may not reflect well on department operations? Will DOJ force TRAC to file another lawsuit, thus delaying the release and wasting valuable resources? DOJ is strongly urged to release the requested information and to dispel concerns that DOJ is not fulfilling its commitment to accountability and the American public.

   In answering the above questions, explain fully DOJ's actions in this matter and how it intends to ensure the prompt release of the requested information.

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

December 23, 1999

The Honorable John L. Mica
Chairman
Subcommittee on Criminal Justice,
Drug Policy and Human Resources
Committee on Government Reform
Washington D.C. 20515

Dear Mr. Chairman:

This is in response to your letter to United States Attorney Helen F. Fahey, in which you asked three follow-up questions to Ms. Fahey's November 4, 1999, testimony before your subcommittee. Our responses to each question are set forth below.

1. You asked about the Department's funding of Project Exile. As you know, the Attorney General has directed each United States Attorney to develop a firearms initiative that focuses on the unique gun problems in his or her district. Once fully operational, we believe these initiatives will have a great impact on firearms violence in the United States. While much can be done using base resources, the President's Fiscal Year 2000 Budget requested an increase of $5,000,000 for the U.S. Attorneys to further these firearms initiatives nationwide. Unfortunately, Congress did not provide any new funds to the U.S. Attorneys for firearms prosecutions. Rather, the Conference Committee Report directs that $7,125,000 be diverted from base U.S. Attorney resources to focus on firearms problems in specific districts.

The prosecution expenses of Project Exile in Richmond totaled approximately $300,000 in 1998 (plus three short-term detailees from the Criminal Division and the United States Marshals Service) and $365,000 in 1999. These funds came from the existing base budget of the U. S. Attorney's office in Richmond, the local District Attorney's office and funds allocated by the state from Office of Justice Programs (OJP) grant funds. Only $16,441 in 1998 and $52,500 in 1999 in additional funding was provided to the Richmond U.S. Attorney's office specifically for Project Exile. The Richmond office was fortunate in obtaining the assistance of local funding to support the initiative. Not all districts would be able to obtain this support, making an initiative like this much more difficult. Please note that in addition to prosecution resources devoted exclusively to Project Exile, through the Department of Justice, the Eastern District of Virginia also received enhanced federal law enforcement resources and technical assistance.

With respect to your recommendation that 1% of OJP's funds be allocated to Project Exile, please note that about 75% of OJP's funds are allocated to the states (based on a formula) for further allocation at the state and local levels. The statutes authorizing these programs

mandate that state and local agencies assess their public safety problems and needs, and disburse federal funds accordingly. In many cases, this funding does assist state and local officials to enforce firearms laws and engage in other initiatives that reduce firearms violence. Of the discretionary funds remaining, because of Congressional mandates to fund certain projects, there is virtually no discretion left in the two major accounts: The Edward J. Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grant program is earmarked at about 85%, and The Juvenile Justice and Delinquency Prevention Act discretionary program is similarly earmarked. The remainder of OJP's funding is spent on training and technical assistance for grant recipients, and for the continuation of multi-year projects for which commitments have already been made.

2. Among the communications to the U.S. Attorneys concerning the enforcement of federal gun laws, you requested copies of memoranda and guidance provided from the Attorney General since she assumed office. We have attached copies of two memoranda from the Attorney General to U.S. Attorneys that address the enforcement of federal gun laws. The first memorandum, dated March 1, 1994, is titled "Implementation of National Anti-Violent Crime Initiative." (We have also included two follow-up memoranda, one dated September 27, 1994, and another dated May 13, 1996.) The other attached memorandum, dated June 16, 1999, is titled "Development of an Integrated Firearms Violence Reduction Strategy."

3. You also have requested information regarding a Freedom of Information Act ("FOIA") request by Susan Long, co-director of Transactional Records Access Clearinghouse (TRAC) located at Syracuse University. We thank you for allowing the Department the opportunity to properly place into context the TRAC FOIA request, as well as the pending and previous litigation brought by Public Citizen Litigation Group on behalf of TRAC.

The Executive Office for United States Attorneys (EOUSA) has a history of providing statistical data to TRAC pursuant to the FOIA. The statistical data provided to TRAC in the past is case management information used exclusively by EOUSA and the United States Attorneys' offices (USAOs) to track, monitor and gauge the current and historical caseloads of USAOs.

In September, 1999, TRAC requested that EOUSA provide statistical data maintained in the EOUSA central databases and additional statistical data maintained by each USAO for each of the past 25 years.[1] In the spirit of cooperation and to comply with both President Clinton's and Attorney General Reno's commitment to an open government, EOUSA has agreed to provide TRAC with the statistical data maintained in the EOUSA central database in Washington, DC. At the same time, we informed TRAC on October 29, 1999, that, due to budgetary considerations and the tremendous resource burden that would be placed on EOUSA, we are unable to provide TRAC with the statistical data maintained in the USAOs throughout the nation. The total cost of producing data from each of the 93 USAOs would likely exceed $500,000. In addition, production of the district data would cause serious disruption of the normal operations and functions of EOUSA.

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[1] While we treated this request as a FOIA request, TRAC notified us by letter dated November 24, 1999, that it had not submitted a formal FOIA request in September, but was submitting such a request as of November 24, 1999.

In reaching this conclusion that the unreasonable financial and human resource burdens prohibit us from providing district data, we looked at the costs and personnel hours expended in releasing district data from two USAOs pursuant to a settlement agreement negotiated with TRAC earlier this year in resolution of litigation. As noted in your letter, TRAC had made a previous request for statistical data maintained by the United States Attorney's offices in the Western District of Kentucky and Minnesota. Due to antiquated technology and machinery, the cost of producing the district data was approximately $25,000 per district, and we anticipate that the cost of producing the remaining 91 district data bases would be roughly equivalent.

In passing the 1996 amendments to the FOIA, Congress recognized that in certain situations the burden to an agency in producing documents may be so extensive and time consuming that it would unreasonably detract from an agency's ordinary operations. See, House Report 104-795 of the Electronic Freedom of Information Act Amendments of 1996, 104th Congress, 2nd Session, September 17, 1996 at page 22. Based on the previous production of the two districts' data in response to the prior TRAC lawsuit, conservative time estimates indicate that for the 41 remaining USAOs that retain their data in the PROMIS system, approximately 8,200 hours of work would be required to search and produce the data for all districts. For the 50 remaining USAOs that retain their data in the TALON system, it would take approximately 8,000 additional hours of work. The hours required to produce the district data clearly would create a burden to the USAOs that would unreasonably detract from their important crime-fighting responsibilities.

The Department remains committed to the concept of an open government. We have willingly agreed to provide TRAC with the statistical data maintained in the central database. The cost of producing the data from the central database is conservatively estimated at $35,000. While even that cost is significant, the number of working hours required to provide the central data (approximately 600 hours of work) is considerably less than the approximately 16,000 hours required to produce the individual district data, thereby causing less disruption from EOUSA's core responsibilities of providing support and guidance to the U.S. Attorneys' offices in their fight against crime and other important tasks. The central data is only minimally different from the district data and would provide TRAC with the statistical data necessary for its stated needs.

As referenced in the questions posed, TRAC initiated and pursued litigation previously when attempting to obtain district data for two districts, Western District of Kentucky and Minnesota. An action was brought by Public Citizen Litigation Group on behalf of TRAC after it persisted in its request for certain types of unredacted statistical information including information protected by the Privacy Act such as names and addresses of defendants, law enforcement personnel, victims and witnesses. A settlement was reached and the data, redacted to protect individual privacy rights, was released.

Lastly, you should be aware that, despite the fact that the Department has spent a significant amount of money on providing information to TRAC, TRAC has up until now not been charged any fees by EOUSA for the production and release of statistical data.

We hope this information is helpful to you. For your information, we are sending a similar letter to Congresswoman Patsy Mink, Ranking Minority Member of the Subcommittee.

Sincerely,

Robert Raben
Assistant Attorney General

Attachments

Mr. MICA. But I do want to thank Teresa Gooch, the deputy chief of police of Richmond, for being with us, for sharing with us your successful program and efforts of the community, State and Federal agencies to bring a difficult situation under control.

Ms. Long, thank you for being with us and providing us background information from your studies. We may have additional questions for you. Unfortunately, we do have a vote being called at this time and just a few minutes remaining to go to the floor. But I think this has been a good hearing to review a program that couldn't be in a more timely fashion to address serious problems relating to gun violence in our streets and our communities. Hopefully, the hearing today will highlight the successes of Project Exile, and we can also prod our Federal agencies to do a little better job toward, again, looking at successful solutions to the problems we've seen again most recently.

There being no further business to come before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, this meeting is adjourned.

[The information referred to follows:]

PROJECT EXILE
AND
VIRGINIA EXILE

SOLUTIONS FOR THE GUN PROBLEM WHICH WORK

OVERVIEW

For more than a decade the newspaper headlines have read the same: Another Murder in the City of Richmond; Murder Rate Rises; Gun Violence Continues. It was stark reality that the capital of the Commonwealth of Virginia was routinely among the five cities with the worst per capita murder rates in the country. Even while homicide rates were dropping in many areas of the country, they were actually increasing in Richmond. The use of guns by drug dealers, the willingness of many to flaunt the law and carry weapons, and a high incidence of domestic violence, fueled this high and ever increasing murder rate.

In 1997, the U.S. Attorney's Office for the Eastern District of Virginia developed and initiated Project Exile in Richmond, aimed at reducing the senseless and unbridled violence which was plaguing the city. Project Exile is an aggressive, innovative, and creative approach to reducing the murder rate, by changing the culture of violence in Richmond through a comprehensive, multi-dimensional strategy. This strategy includes both law enforcement and prosecution components aimed at deterrence, as well as community outreach and education programs focusing on prevention.

Project Exile is simple and straightforward in its execution, and requires relatively limited prosecution and law enforcement resources. The program's focus and message is clear, concise, easily understood, and most importantly, unequivocal: **AN ILLEGAL GUN GETS YOU FIVE YEARS IN FEDERAL PRISON** For criminals carrying guns, the consequences have been swift, certain, and severe. For the citizens of Richmond, the results have been dramatic. They have taken back their neighborhoods, and now live in safer communities where houses can become homes, and neighbors can truly become friends.

The law enforcement and prosecution components of our strategy take full advantage of stiffer bond rules and sentencing guidelines available in federal court. In every case in Richmond where it is appropriate, felons with guns, drug dealers who use or possess firearms, and those using guns during domestic violence, are prosecuted federally. The project has fully integrated and coordinated local, state and federal (BATF/FBI) law enforcement agencies, and local and federal prosecutors. This widely-based task force accomplishes prompt identification of a potential Project Exile defendant through the use of an expedited reporting system, which has decreased processing time from several months to several days. In court, bond is routinely and successfully opposed, defendants receive speedy trials and mandatory minimum sentences are imposed. The average sentence for a Project Exile defendant is an impressive 56 months. With swift and certain justice, the project has deterred violent crime in the City of Richmond by changing the culture of violence and criminal behavior.

The other major and essential component of the project addresses prevention. Project Exile has been an innovative community outreach and education initiative, using various media to get the message to the criminals that illegal guns are unacceptable, and will not be tolerated.. More importantly, it has built a community alliance directed at the problem. A coalition of business, community and church leaders, and organizations such as the Retail Merchant's Association and the Chamber of Commerce, has been assembled to promote the project. The coalition, operating as the Project Exile Citizen Support Foundation, has funded a creative advertising campaign, including TV and radio commercials, billboards, a city bus completely painted black bearing the logo **An Illegal**

Gun Gets You 5 Years in Federal Prison, 15,000+ business cards with the same message distributed on the street by local police, and a print advertising campaign. This outreach program has been extremely successful, increasing citizen reports about guns, and energizing the community to support police efforts.

Through these efforts, hundreds of armed criminals have been removed from Richmond's streets. One violent gang, responsible for many murders, has been dismantled, its members now in prison. The rate of gun carrying by criminals has been significantly reduced, protecting not only the public but our police officers as well. Officers now report seeing drug dealers throwing down weapons before running from police, instead of taking the risk of being caught with a weapon. Information obtained from Project Exile defendants has been crucial to solving a large number of homicides. Most importantly, these efforts appear to be stemming the tide of violence. Homicides in 1998 were approximately 33% below 1997, for the lowest number since 1987. In the same period, armed robberies declined 30%. So far in 1999, homicides continue to decline. As a result, the citizens not only feel safer, they are safer.

Because of the demonstrated results in Richmond, the U.S. Attorney's Office in the Eastern District of Virginia has expanded Project Exile to the Tidewater area of Virginia, and is committed to continuing Project Exile as long as the need exists. Other cities have taken note of Project Exile's impact on the City of Richmond. Project Exile's concepts have been fully implemented in Rochester, New York, which is already seeing success similar to that in Richmond. Other cities, such as Philadelphia, PA, Oakland, CA, Birmingham, AL, Baton Rouge, LA, and Camden, NJ, are in the process of implementing projects based on the Richmond model.

Project Exile has proven that a comprehensive, multi-dimensional strategy can and will work. It can be a vital tool in accomplishing one of President Clinton's top priorities - reducing the gun violence on our streets.

PROJECT EXILE

Project Exile is a comprehensive, multi-dimensional program by the United States Attorney's Office, B.A.T.F., U.S. Marshal, and F.B.I., in coordination with the Richmond Commonwealth's Attorney's Office, Richmond Police Department, the Virginia Attorney General, the Virginia State Police, and the business community and citizens of Richmond to reduce gun violence and remove armed criminals from Richmond streets. The project has made significant strides since it was announced on February 28, 1997, but reducing gun violence requires a coordinated community response to ensure continued success.

1. The Problem.

Gun violence has plagued Richmond for the last ten years, with Richmond consistently ranking in the top five murder per capita rates for the country. Thus, while homicide rates were dropping across the country, in Richmond they were actually increasing. In 1997, 140 people were murdered, 122 of them with firearms. Ordinary citizens live in fear, held hostage in their own homes by the gun violence on the streets. The drain on the business community is real and economic development

opportunities are lost. Business employees are in danger of being murdered in robberies. Brave police officers face this danger every day. The toll this places on us all is simply incalculable.

Different causes play a role in the grim statistics. It is a fact that criminals in this city are regularly armed and willing to use weapons. By 1997, the link between drug dealing and guns had escalated to the point that almost every drug dealer was fully armed with high powered, readily accessible firearms, and they frequently used guns to steal from competitors, deter stealing, and carry out revenge. Even without the drug connection, for a variety of reasons, the police report a greater willingness of many on the street to carry weapons. This obviously contributes to the violence.

Behind the total statistics is also an important picture. Those being killed are not just criminals. In fact, while a large percentage of the homicide toll is connected to drugs, there is more to that story. In 1998, 80% of all homicide victims were African-American, which places a grievous toll on one particular segment of the community. Half of the victims had no prior criminal record, which demonstrates that many persons killed were unlikely to have been involved in criminal activity leading to the homicide. Finally, the average age of homicide victims in 1998 was 28.2 years.

2. The Response - Project Exile.

a) Law Enforcement

Project Exile is named for the idea that if the police catch a criminal in Richmond with a gun, the criminal has forfeited his right to remain in the community. The criminal will face immediate federal prosecution and stiff mandatory federal prison sentences (often five to ten years), and will be "exiled" to federal prison.

The innovative organizational aspects for the investigation/apprehension/ prosecution parts of the project include:

1. full coordination from the officer on the beat to the federal prosecutor;

2. full coordination with the local Commonwealth Attorney's Office and the Virginia Attorney General's Office, with each office detailing a staff prosecutor to the U.S. Attorney's Office to assist in prosecutions;

3. active coordination of all police agencies (Richmond Police Department, Virginia State Police, Bureau of Alcohol, Tobacco and Firearms, and the Federal Bureau of Investigation), a simplified reporting system; and,

4. coordinated use of innovative and aggressive policing methods such as traffic checkpoints to locate drugs and guns.

When a police officer finds a gun during the officer's duties, the officer pages an A.T.F. agent (24 hours a day). They review the circumstances and determine whether a federal statute applies.

b) **Prosecutions**

The United States Code contains a series of statutes that can be used against the armed criminal. In summary, felons, drug users, fugitives, illegal aliens, and those convicted of domestic violence are prohibited from possessing firearms. Similarly, carrying a firearm in connection with drug dealing in violation of 18 U.S.C. § 924(c) carries a mandatory five year jail term.[1]

Federal prosecution is particularly effective for a number of reasons. First, the project takes an aggressive position against bond, and this approach has succeeded in taking defendants off the street. The federal bond statutes provide for holding a defendant without bond when the defendant poses a danger to the community. In this regard, for example, armed drug dealers are *presumed* to be dangerous and bear the burden of justifying release on some form of bond. Shifting this burden concerning bond has resulted in the vast majority of Exile defendants being held without bond.

Second, the federal system applies a mandatory sentencing guideline system in which a court's sentencing discretion is limited. Therefore, for a given type of firearm violation, the penalty is clear, substantial, and served in full without parole. Thus, an armed criminal is truly "exiled" from the community. In both jury and bench trials, the prosecution has prevailed and lengthy prison sentences have been imposed.

Finally, defendants know that a federal jail term will likely be served elsewhere in the country. This has a major impact because serving a jail sentence among friends and acquaintances is seen by the defendants as much less onerous than serving time in a prison out of state. Anecdotally, defendants have expressed more concern about where they serve their time than whether they will be going to prison.

Since Project Exile was announced, experience demonstrates that federal prosecutors can undertake a large scale prosecution effort of gun crimes with relatively limited personnel resources, and with a quick disposition of cases. It is estimated that an average of approximately 3 Assistant United States Attorneys and Special Assistant United States Attorneys have been utilized on Project Exile, including prosecutors detailed from the Richmond Commonwealth Attorney's Office, Virginia Attorney General's Office and the Department of Justice. As of October 1, 1999, in Richmond;

a. 544 individuals have been indicted for federal gun violations;
b. 650 guns have been seized;
c. 407 persons have been arrested or are in state custody;
d. 289 arrestees (approx. 71%) have been held without bond;
e. 389 have been convicted;
f. 317 have been sentenced and the average sentence is 56 months.

c) Project Exile Citizen Support Foundation

To this end, it was announced in July 1997 that several civic leaders and community groups had formed the "Project Exile Citizen Support Foundation" to support Project Exile with a variety of public outreach and education efforts through various media. The Foundation was created by a prominent Richmond attorney whose law firm provided free legal work to create the Foundation, registered it as a tax exempt organization, and handled the contracting issues for the various media contracts. Tens of thousands of dollars have been raised for the media effort, and thousands more were raised in the form of donated media time and support.

d) Media efforts

The Foundation has been instrumental in the affirmative use of the media carrying the message "**An Illegal Gun Gets You Five Years in Federal Prison**," and asking citizens to anonymously report guns on the street to the Metro Richmond Crime Stoppers telephone number. The Martin Agency, a prominent national advertising agency located in Richmond, provided substantial creative and production assistance at no cost to develop ways to get the message out to the community. The message has been distributed through 15 billboards, a fully painted city bus which covers the entire city by changing routes each day, TV commercials, Metro Richmond traffic reports, over a million supermarket bags urging support of Project Exile, and 15,000+ business cards with the message distributed on the street by local police and print advertising.

The media outreach effort has substantially reduced street carrying rates. In addition, primarily as a result of the citizen outreach through the media/advertising effort, more citizens are reporting guns on the street, and a large number of gun cases result from citizen calls.

3. City of Richmond's commitment to Project Exile

The goal of Project Exile is simply to make Richmond's streets safe for all of its citizens. Any Richmonder knows what a great city Richmond is to live, work, own and operate a business, raise a family, and enjoy all the community has to offer. Unfortunately, the city's image has been tarnished with regular stories in the national media about the city's high per capita murder rate. Recognizing the potential of Project Exile, the City of Richmond government has strongly supported the effort in several ways.

a) Richmond Police Department

Any law enforcement effort directed at homicides on the street relies first on the full commitment of the local police force. From its inception, Project Exile has been fully supported by Richmond Police Chief Jerry Oliver, and his Deputy Chiefs. The project was conceived and developed with their direct input and ideas. First, the Richmond Police Department assigned three officers

full-time to the Exile task force.

Second, the Richmond Police Department has organized several training programs for all of its officers to educate the officers regarding federal laws and involve the officers in the project. Each Richmond Police Officer also carries a laminated card which summarizes the federal firearm statutes and provides a 24 hour pager number if questions on firearms violations arise in the field.

Third, the department has improved its procedures for the handling and tracing of firearms. The Richmond Police Department insures that all firearms are traced in coordination with ATF and insures that all firearms seizures are considered for inclusion in Project Exile.

Fourth, the Richmond Police Department has actively participated in the public outreach effort.

Project Exile is not just a "federal initiative." Rather, Project Exile is a true team effort in which the Richmond Police Department plays a large and key role. Project Exile could not be successful without the full commitment of the Richmond Police Department.

4. Media coverage

Experience in Project Exile has demonstrated that getting the message out to both the criminals and the community is a continuing requirement to ensure success. As part of this effort, Project Exile has received various other news media coverage explaining the project and its success.

a) Richmond Times Dispatch/Richmond Free Press/"Hard Times"

The Richmond Times Dispatch has played a central role, through its coverage of federal court proceedings, in publicizing the project and its purposes. The coverage of Project Exile related matters has been extensive, balanced, and has informed the public of the project's purposes and success. The project would not be the success it has been without professional and detailed reporting in the paper.

Similarly, the Richmond Free Press, a newspaper directed toward the African-American community, has provided important coverage of the project's success. This coverage is important because the African-American community has been particularly victimized by armed criminal violence. Full page ads were run in early 1999 regarding the project.

Finally, the Virginia Coalition for the Homeless' bi-weekly newspaper ran full page ads in January and February 1999 in support of the project. These ads reached many of those most affected by the problem of criminal violence.

b) National News

In July 1998, the Fox Network national news division produced a report which aired nationally on July 15, 1998. The report commented favorably on the project and its success. As a result, the

U.S. Attorney's Office received inquiries from cities around the country about the project and whether it could be emulated in their localities.

As a result of the creative approach taken in Project Exile, CBS and ABC have highlighted the program in their broadcasts. The reports gave national exposure to the "good news" that Richmond's criminal violence is being substantially reduced.

c) Local T.V.

The United States Attorney conducted a series of interviews with reporters from each of the local T.V. stations to discuss Project Exile and its success continuing the high public visibility of the project.

d) National print media coverage

In June 1998, the project began receiving national attention through various media including the Washington Post, New York Times, The Philadelphia Inquirer, U.S. News and World Report, U.S.A. Today, Crime Prevention News, The Wall Street Journal, The Washington Times,. As a result, the U.S. Attorney's Office has received numerous inquiries from jurisdictions around the country and is providing information to replicate the project in those areas.

e) Metro Traffic Reports

Project Exile began a traffic report sponsorship campaign in which each traffic report has a message that the report is sponsored by Project Exile, and following the report the announcer gives a message explaining the basic premise of the project. Subsequent messages provide a phone number which can be used to anonymously report armed criminals. This campaign has helped get the message out that armed criminals will be prosecuted federally, detained without bond, and receive mandatory sentences.

5. National organization endorsements

The coordinated approach to removing the armed criminal from Richmond's streets has received national attention beyond the electronic media. National groups crossing the political spectrum have reviewed and endorsed the project's approach. In 1998, the U.S. Attorney's Office received a letter of endorsement from Mr. Wayne LaPierre and Ms. Tanya Metaksa on behalf of the National Rifle Association, as well as a letter from Mrs. Sarah Brady on behalf of Handgun Control, Inc. As their letters makes clear, no matter what one's views are regarding the myriad issues involved in the ongoing gun control debate, all parties can agree that vigorous prosecution and sentencing of the armed criminal is not only appropriate, but also the first step in eliminating this modern terrorist from our streets.

6. Success

Recent academic studies, comparing crime and punishment rates in various countries, have made clear that swift, sure, and substantial prosecution punishment of violent crime will result in a reduction of those crime rates. By any measure, applying this principle, Project Exile has been an unqualified success. In a very brief time period, the project has removed a large number of criminals predisposed to violence from the streets of Richmond. The project has also demonstrated substantial reductions in gun carrying by criminals. In Richmond, the homicide rate has been significantly reduced. While many factors have contributed to the reduction, there is no doubt that project Exile has been a major factor. Homicides in 1998 were down 33% from 1997 and for 1999 through 18 March, homicides are down 97% from the same date in 1998. The homicide rate in 1998 was the lowest in the city since 1987.

Any one of numerous anecdotes tells the story as well:

A. In the Spring 1998, in the execution of a search warrant, a defendant was caught with substantial quantities of drugs. What was unique was that no guns were found in the search. This was the first time anyone could remember a defendant with so much narcotics not being armed. The defendant was questioned extensively about where the guns were, with the defendant vehemently denying having any guns. Finally, somewhat exasperated, the defendant looked at the prosecutor and said "Haven't you heard man? Five years." It was clear that the advertising message, "An illegal gun gets you five years in federal prison", had gotten through to its primary target audience.

B. In another case, again in an interrogation, a drug/gun defendant patiently explained how he understood the "feds" had a special T.V. channel going into the projects to spread the message that the feds were cracking down on guns. He was referring to the T.V. commercials run at the end of 1997 on Fox-35 and several cable channels. He got the message even while overestimating the degree of the advertising.

C. In a recent case concerning the sentencing of a defendant, the defendant wrote to the U.S. Attorney complaining that the sentence he would be getting under the federal sentencing guidelines was too harsh in that it was based in part on his juvenile convictions. It was clear he had seen the outreach media message because he wrote in his letter,

> *I'm writing to you in reference to my Presentence Investigation Report. My charge is possession of a firearm by a convicted felon. My sentence guideline is 77 -96 months. In reaching my sentence guideline, the probation officer used 3 charges from my juvenile record on page 4 of my Presentence Investigation. .... in all do respect, I think going back to my juvenile record is a little too much.* ***Even the bus and the billboard says five years.*** *... (emphasis added)*

D. In April 1998, a probation officer advised the United States Attorney's Office that he had been talking with a supervised defendant who had been engaged in drug dealing for many years. The defendant gestured to a poster on the wall with the Exile campaign message ("An Illegal Gun Gets

You Five Years In Federal Prison") and said "you got that right". He explained to the probation officer that the word on the street now is that if you sell drugs, then "sell drugs but don't be carrying no gun". He said the message had gotten to the criminal element. Breaking the gun/drug link is the single most important factor in reducing street violence and murders.

E. In June 1998, a plainclothes detective reported stopping three individuals on the street who met the radioed description of three individuals wanted for a recent crime. The detective detained the three and did a safety patdown for weapons. He asked one of the three if he had any weapons. The person responded, "Are you crazy. That Exile thing will put you away for five years. I'd be an old man when I got out." None of the individuals were in fact carrying firearms.

The criminal element is clearly getting the message.

11. Future Efforts

a) Commitment to the comprehensive effort in Richmond.

Recent statistics show that the U.S. Attorney's Office for the Eastern District of Virginia now ranks second among federal districts in prosecuting federal firearm violations. The U.S. Attorney is proud of this long term commitment to addressing the problem of violent crime in the District and intends to continue the Office's focus on armed criminals.

Because success requires a sustained commitment, the federal and local authorities have pledged to continue the program as long as the need exists. Additional manpower has been assigned by the Richmond Police Department and the Virginia State Police, along with additional FBI and ATF resources requested. The Richmond Commonwealth's Attorney has detailed an experienced prosecutor to the U.S. Attorney's Office and the Virginia Attorney General also detailed an attorney to the Richmond U.S. Attorney's Office to assist in trials. In addition, the Department of Justice has detailed attorneys on a temporary basis to assist with Project Exile cases.

b) Expansion of Project Exile to other areas

In January 1998, the U.S. Attorney's Office announced the expansion of the project to the Norfolk area. Certain areas in the Tidewater area also have high homicide rates, and it is expected that significant reductions can be achieved there as well. Since Project Exile began in the Tidewater area, 112 indictments have been brought, 43 individuals have been convicted and the average sentence is 64.4 months. To date, 279 guns have been seized.

VIRGINIA'S SUPPORT OF PROJECT EXILE, VIRGINIA'S STATE COMPLEMENT: *VIRGINIA EXILE*

I. Commonwealth of Virginia's commitment to Project Exile

The Commonwealth of Virginia has supported the United States Attorney's Office with Project Exile in a number of important respects. This support is indicative of the team approach taken throughout the project.

1) Virginia Attorney General

In October 1998, Virginia Attorney General Mark Earley announced that an attorney from the Attorney General's Criminal Division would be detailed to serve in the U.S. Attorney's Office as a full-time prosecutor for gun related crimes under Project Exile.

2) Richmond Commonwealth Attorney's Office

Project Exile has been a cooperative program with the Richmond Commonwealth Attorney's Office since the beginning. David Hicks, the Commonwealth Attorney, has provided a prosecutor from his office to assist in the prosecution of Exile cases.

3) Virginia State Police

Since the beginning of the project, the Virginia State Police have been a partner in the effort. The Virginia State Police have assigned state troopers to the task force of agents to expedite the preparation of investigation reports, and assist in the apprehension of armed criminals. The importance of this contribution cannot be overstated.

4) Virginia Governor

In 1998, Virginia's Governor, Jim Gilmore, also endorsed and lent his support to Project Exile. In particular, in September Gov. Gilmore hosted a dinner for many of Richmond's business and political leaders, at the governor's mansion to encourage support for Project Exile. Support by Richmond's business community has been a critical part of the success of the media outreach effort.

II. Virginia Exile

The 1999 Session of the General Assembly passed a battery of stiffer statutes in Virginia State Law which bring the state law in line with its federal counterpart. The package was dubbed *"Virginia*

Exile" and it changed penalties for firearm charges as well as incorporating bail reform in the state laws. These statutes took effect July 1, 1999. The state's laws on the possession of illegal guns are the toughest they have ever been.

Through Virginia Exile, the state will provide financial and technical assistance, and specialized training, to selected localitites to help them reduce gun-related violence and get illegal firearms off their streets. The purpose of Virginia Exile is to reduce gun violence and homicide by: 1) enabling local prosecutors and law enforcement officials to identify and aggressively prosecute using newly strengthened state law and bail procedures persons charged with illegally possessing and using firearms; and, 2) assisting localities in organizing community-based and community supported public awareness efforts aimed at deterring gun violence by highlighting the enhanced enforcement/prosecution efforts and the certainty of punishment upon conviction.

Specifically, Virginia Exile addressed four major areas:

A. POSSESSION OF FIREARM ON SCHOOL PROPERTY-Now one convicted of this offense stands subject to a five year mandatory minimum prison sentence with no opportunity for parole. The sentence may not be suspended in whole or in part and, as in the federal system, must be served consecutive to any other sentence. (Virginia Code Section 18.2-308.1)

B. POSSESSION OF FIREARM BY CONVICTED FELON- Formerly in Virginia, this offense did not carry a mandatory minimum sentence. Now, one convicted of a violent felony faces a mandatory minimum prison sentence of five years in prison with no opportunity for parole. The sentence must be served consecutive to any other sentence and may not be suspended by the court. One convicted of a nonviolent felony faces a two year mandatory minimum prison sentence which also must be served consecutive to any other sentence and may not be suspended by the court. (Virginia Code Sections 18.2-308.2, 17.1-805 (defining Acts of Violence)).

C. SIMULTANEOUS POSSESSION OF GUNS AND DRUGS-One who simultaneously possesses a firearm and controlled substance faces a mandatory minimum five year sentence and this sentence is also to be served consecutive to any other sentence and may not be suspended by the court. ***Note: This provision is a stricter law than its federal counterpart, for in order to be susceptible to a mandatory five year sentence in the federal system the defendant must possess a firearm in connection with the <u>dealing</u> of drugs, not mere possession.*** (Virginia Code Section 18.2-308.4)

D. BOND REFORM-Virginia's bail statutes were also amended to state, in pertinent part, that when a person is charged with: a) possessing a firearm while simultaneously possessing a controlled substance, b) possession of a firearm on school property or c) possession of a firearm by a convicted felon there is a ***rebuttable presumption*** that **no** conditions of bail can reasonably assure the protection of the community or the appearance of the person at subsequent hearings. The bail statues further provide that the Commonwealth's Attorney has the right to appeal, up to the Supreme Court of Virginia, any bond set over its objection. (Virginia Code Sections 19.2-119 through 19.2-124)

E. Cooperation Between State and Federal Agencies

Now that ***Virginia Exile*** laws are in effect, in Richmond, the Commonwealth's Attorney's Office and the United States Attorney's Office have formed a committee, ***The Exile Coordinating Committee***, comprised of attorneys and law enforcement personnel to review cases that fall under the Project Exile and Virginia Exile umbrellas. This committee meets regularly and considers on a case by case basis whether a case will be prosecuted in state or federal court. In the decisionmaking process, the emphasis is placed on which jurisdiction will be able to secure the longest sentence.

In other jurisdictions in Virginia, the laws of ***Virginia Exile*** may still be prosecuted aggressively and local media campaigns may be launched. Recently Governor Gilmore has made funds available to four to six jurisdictions in the state, to apply towards the hiring of specific prosecutors for ***Virginia Exile***. Factors taken into account in determining the eligible localities were the numbers of convictions in each locality for offenses specifically targeted by Virginia Exile, such as weapons possession or use, other related or designated offenses, and prior convictions of those arrested. A distinct statewide ad campaign for ***Virginia Exile*** has also been mounted and can be seen on bumper stickers on State Police vehicles as well as on billboards as one enters Virginia from other states on interstate highways. While Virginia Exile seeks to replicate the successful model developed in Richmond in other localities using the state criminal justice system, Commonwealth Attorneys from the localities receiving funds will be expected to establish partnership agreements with the federal prosecutors and federal law enforcement agencies serving their jurisdictions. Virginia Exile projects will be established on a sound footing with the state and local support they need for long-term success, while continuing to promote federal involvement and cooperation.

F. STAFFING PROJECT EXILE

The Richmond Commonwealth's Attorney's Office has a team of attorneys and their attorney on assignment to the United States Attorney's Office, committed to handling ***Virginia Exile*** cases from arrest to disposition. These attorneys appear at arraignments and bond hearings for all individuals arrested under the state gun law package and in appropriate cases, appeal bond rulings to the next higher court. A similar practice with respect to full responsibility and vertical prosecution will likely be adopted by various Virginia localities as Virginia Exile is implemented statewide.

CONCLUSION

It is not an exaggeration to say that armed criminals can and do terrorize our cities. Senseless violence tears at the very fiber of our community, and we cannot allow that to continue. We must deal with these criminals swiftly and firmly, so that our citizens can return to a level of normalcy, where decent, law abiding people can live, work, and most importantly raise this nation's next generation of young adults.

However, federal prosecutions alone cannot put an end to the tragedy of violence in our cities. A sustained and comprehensive community effort is critical to our ultimate success. With ***Virginia Exile*** and the leadership of community-based organizations, such as those mentioned above, and with the support of those living in the community, we can overcome both the cause and the effect of the unbridled and unprecedented violence we have all seen.

While Project Exile is only be part of the solution, it can send and enforce a very important message to the criminal element: an illegal gun will get you five years in prison–there will be no bond, no deal, no parole. There will only be prison.

This is a proven strategy, and it is making a difference.

SUMMARY STATISTICS

FOR PROJECT EXILE CASES

Current as of October 1, 1999

Number of defendants indicted:	Year One (2/28/97 - 2/28/98)	254	
	Year Two (3/5/98 - 2/28/99)	176	
	Year Three (3/3/99 - date)		114
	Total:	**544**	

Number of guns removed from the street: 650

Arrests of defendants: 407
Defendants detained without bond: 289 (approx.71%)
Defendants released on restrictive bond: 123

Case Dispositions: **457**

By Guilty pleas:	21 USC 841	60
	18 USC 922(g):	191
	18 USC 922 (other)	21
	18 USC 924(c):	67
	Total:	**339**

By Trials:	Bench trials	23	(16 convictions, 7 acquittal)
	Jury trials	41	(34 convictions, 5 acquit)
	Total Convictions at trials:	**50**	

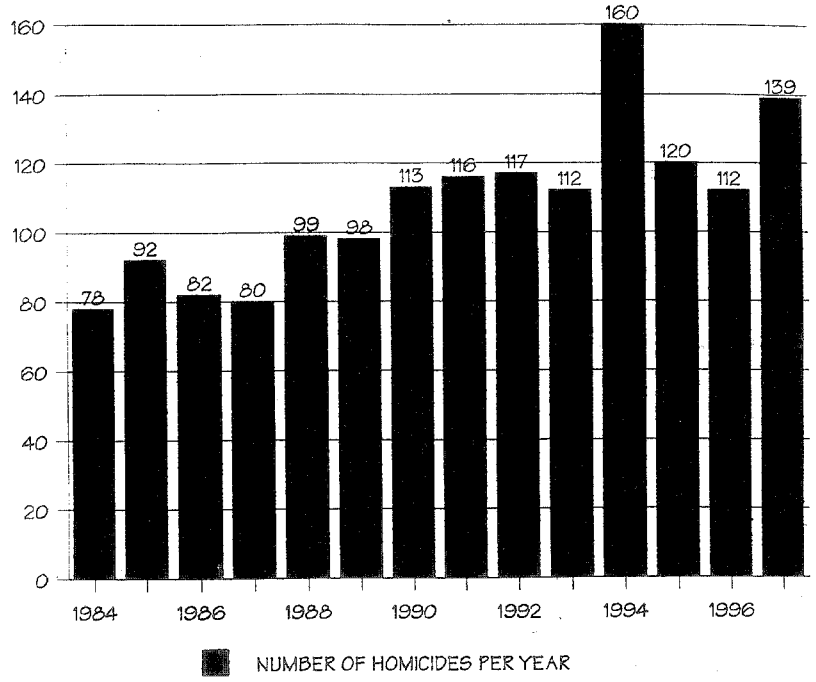
By Pre-trial Diversion agreements: 6
By Dismissal: 48

Fugitives or in state custody subject to detainer writ: 110

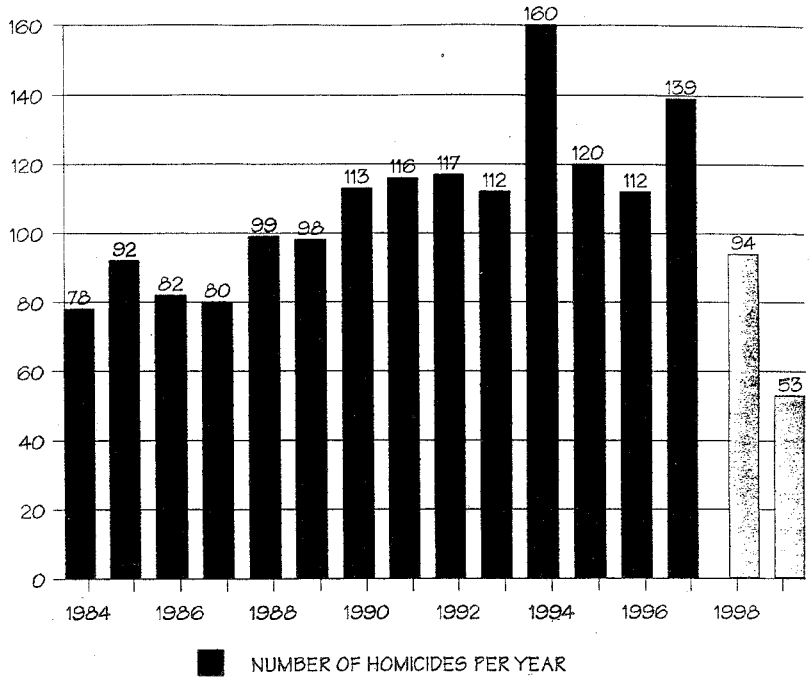
Sentencings: 317
Average sentence*: 56 mos. **(Total incarceration time imposed: 17,745 months)**

* some sentences reflect reductions in exchange for assistance

RICHMOND HOMICIDES 1984-1997

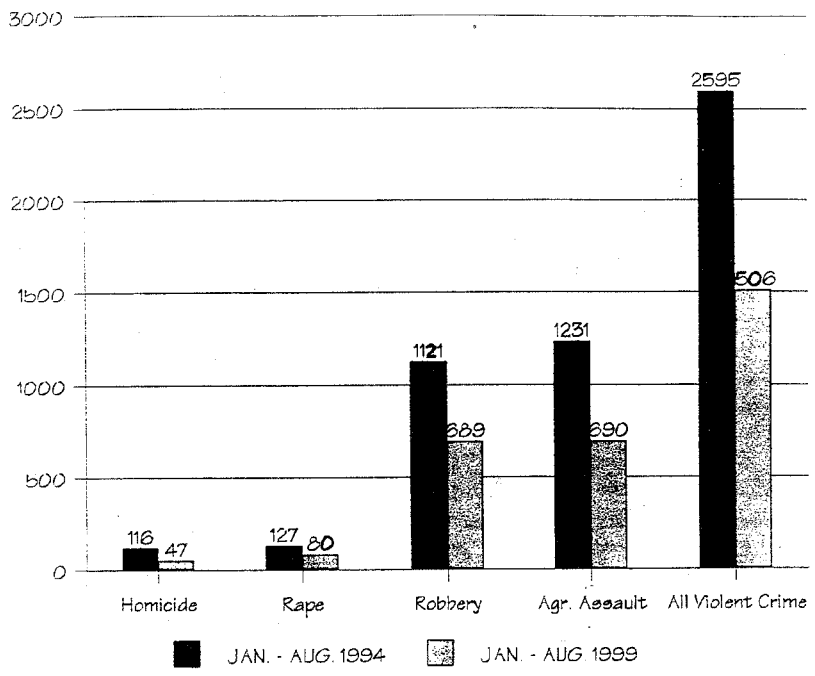


RICHMOND HOMICIDES 1984-1999*

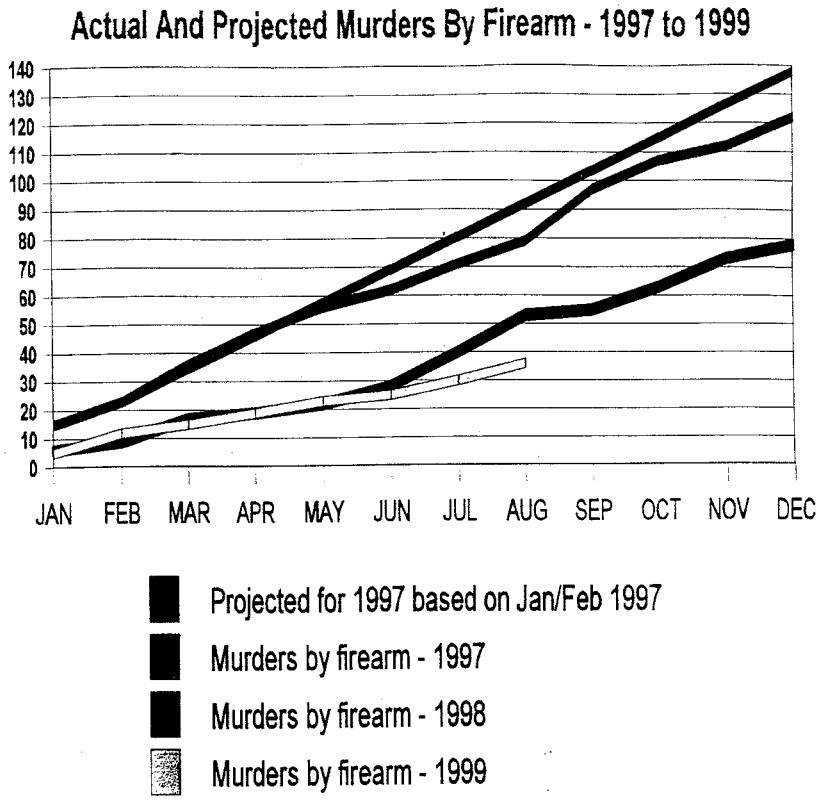


* Number of homicides through October 5, 1999

VIOLENT CRIME IN RICHMOND
1994 / 1999



* Data from Richmond Times Dispatch, Monday, October 11, 1999.

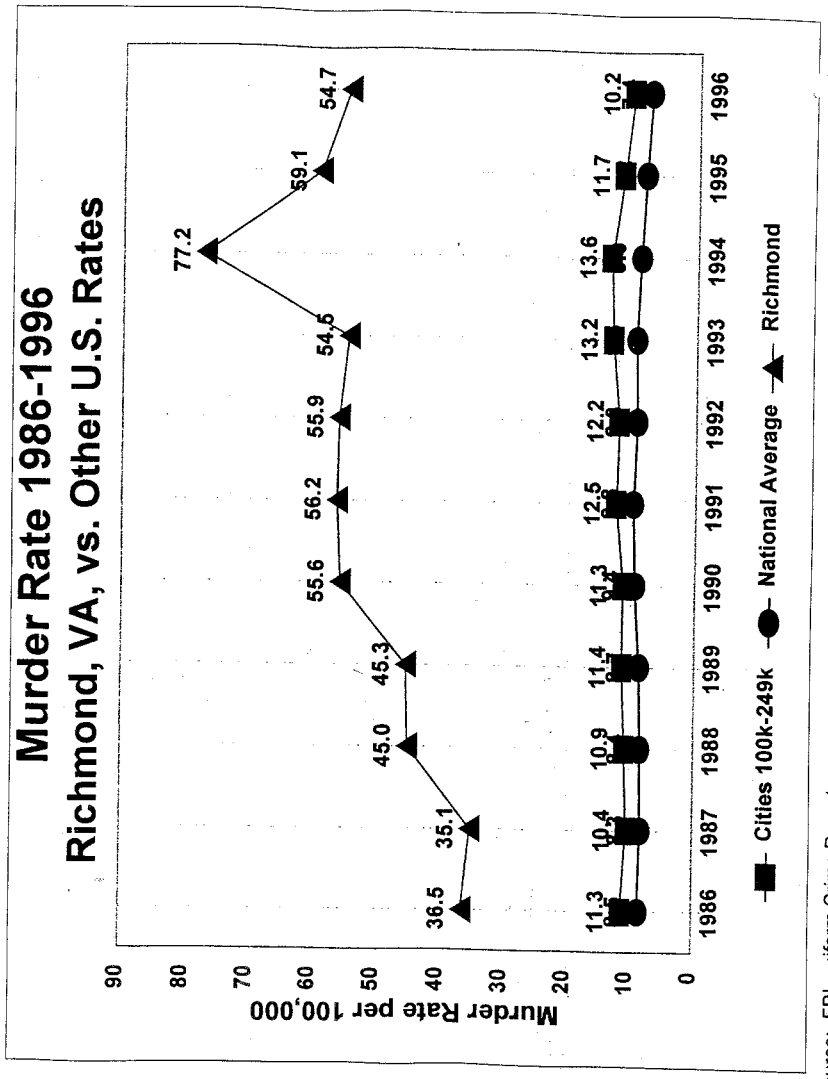


NOTES:

1. In 1997 the actual murder rate began to drop below the projected rate the same week the gun seizure rate began to drop below the 1996 rate.

2. The 1998 homicide toll for January and February was the smallest in over ten years.

3. TOTAL HOMICIDES BY FIREARM: 1997 - 122; 1998 - 78; 1999 (through 9/1/99) - 36.

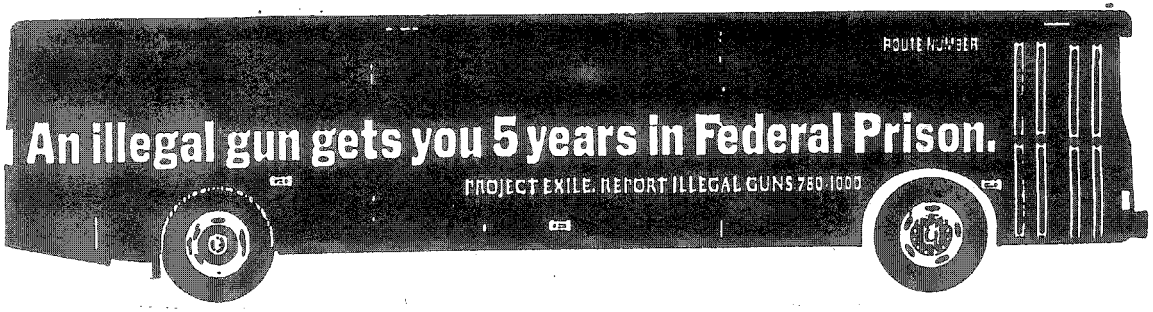


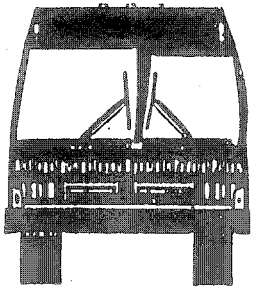
Source: FBI Uniform Crime Reports.

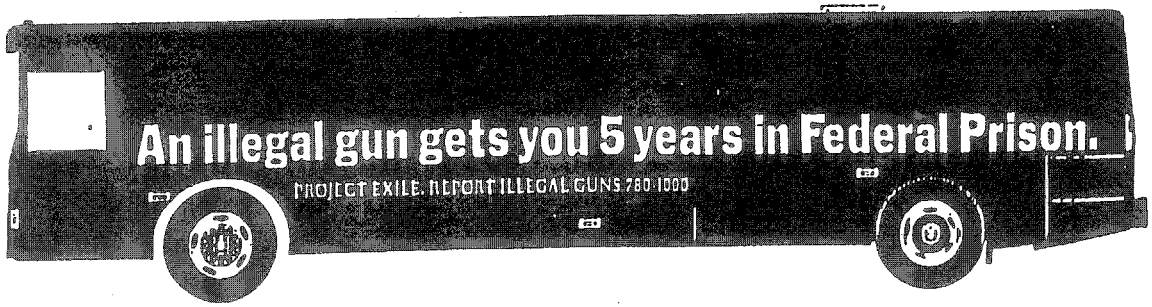
An illegal gun gets you
5 years in Federal Prison.

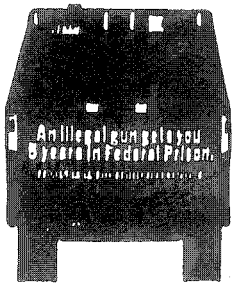
Bus wrap
Approved 7/11/91

39.9'









Front side of 1 million bags printed to be distributed at approximately 75,000 per week beginning August 8, 1998

BAG
A
CROOK

Call 780-1000 if you know someone with an illegal gun.

Approximately 17,000 of these business size cards have been distributed on the street by Richmond Police Officers

Front

An illegal gun gets you 5 years in Federal Prison.

PROJECT EXILE. REPORT ILLEGAL GUNS 780-1000

Front

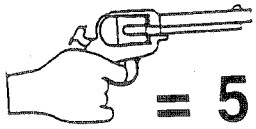
STOP THE MADNESS

Report Guns On The Street

780-1000

(Richmond Crimestoppers)

Back



= 5 Years

IN FEDERAL PRISON

Each Richmond Police Officer carries this laminated card while on duty

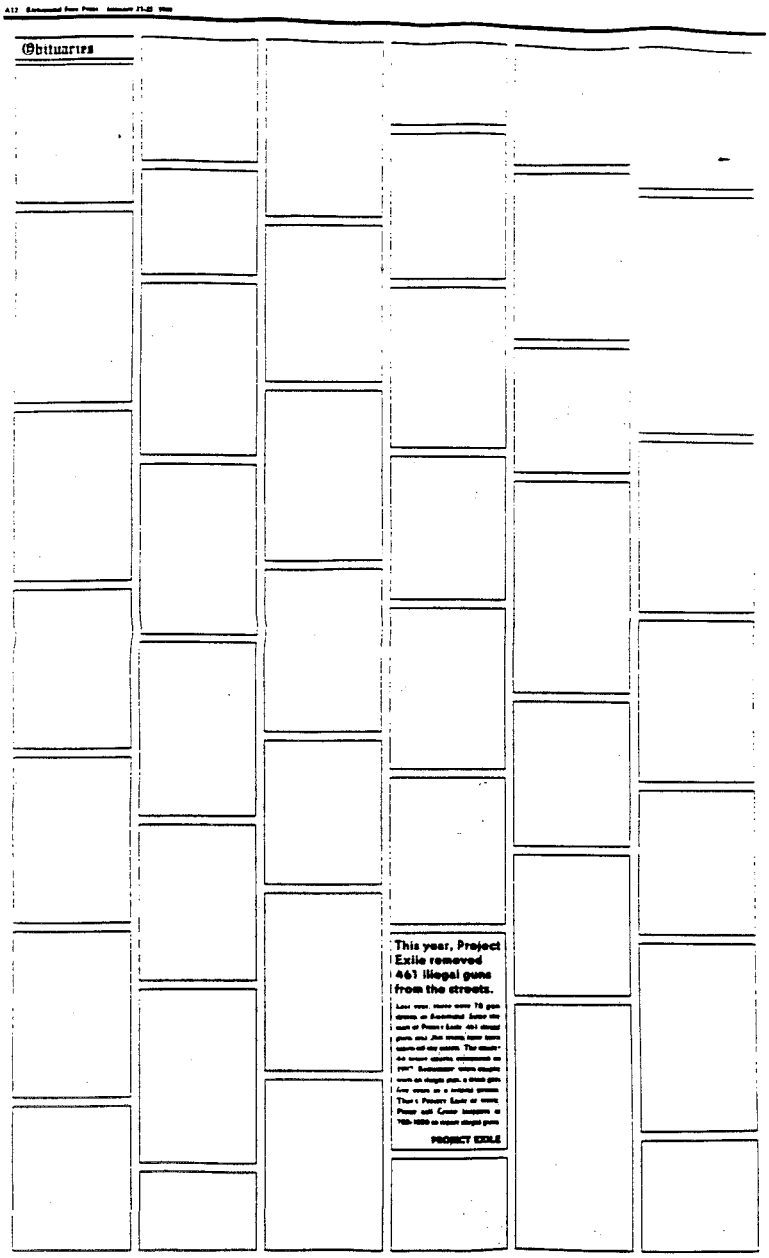
Front

Federal Gun Possession Crimes:
Carrying during drug possession
Convicted felon (state or federal)
Fugitive who has fled another state
Under indictment for a felony
Subject to restraining order
Drug user or addict
Mental defective
Illegal alien
Dishonorably discharged
Prior misd. domestic violence.
Obliterated serial number
Sawed-off weapon
Stolen gun (if defendant knows)
Call ATF at pager #: 278-7348

Back

IMPORTANT:
Always ask if the suspect uses drugs, i.e., cocaine, heroin, marijuana.

Most suspects will deny dealing but readily admit using and that's all we need to make a federal gun case.



A12 Richmond Free Press January 21-23, 1999

Obituaries

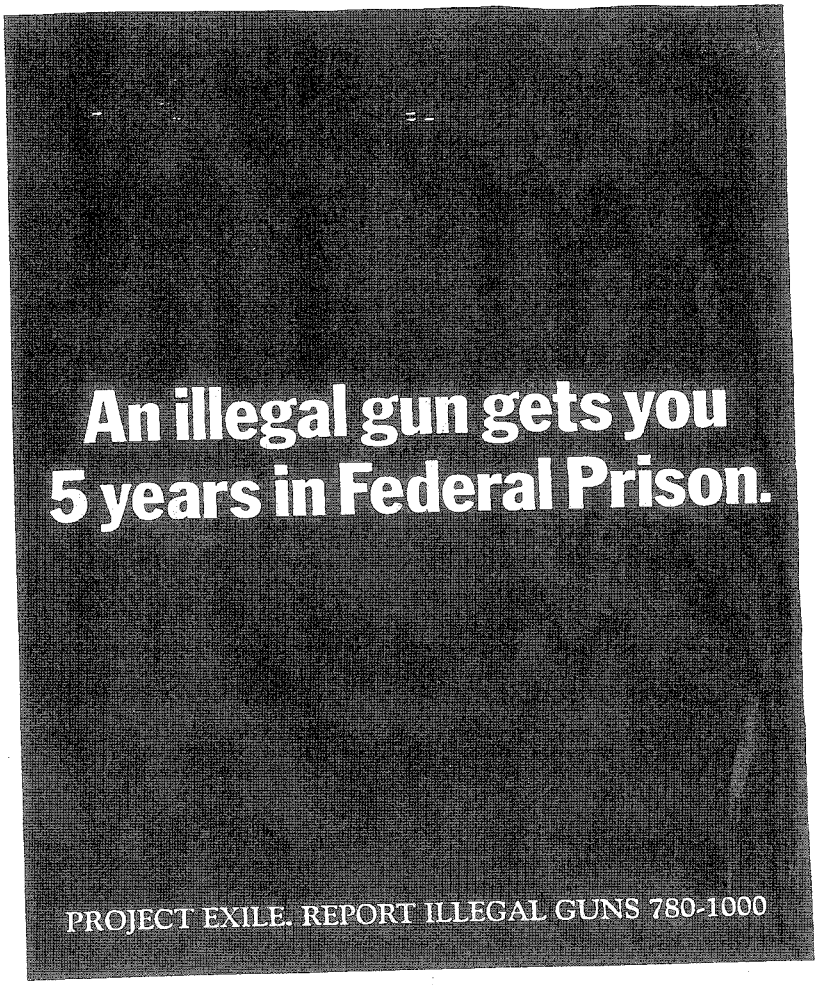
This year, Project Exile removed 461 illegal guns from the streets.

Last year, there were 78 gun arrests in Richmond. Since the start of Project Exile, 461 illegal guns and 204 arrests have been made off the streets. The result: 44 fewer shooting victims in 1998. Richmond wants illegal guns, not illegal gun arrests. Thus, Project Exile or more Project Self Center hotlines at 780-1000 to report illegal guns.

PROJECT EXILE

Full page ad run in Richmond Free Press January 21-23, 28-29, 1999

HARD TIMES



Full page ad run in the January 1999 "Hard Times", a bi-weekly newspaper publication of the Virginia Coalition for the Homeless sold on the street by the homeless

ILLEGAL GUN?

Jim Gilmore, Governor

EXILE

VIRGINIA

Va. Code Section 18.2-308.1, 308.2, 308.4

[Whereupon, at 12:10 p.m., the subcommittee was adjourned.]
[Additional information submitted for the hearing record follows:]

U.S. Department of Justice

Office of Legislative Affairs

Washington, D.C. 20530

November 23, 1999

The Honorable John Mica
Chairman
Subcommittee on Criminal Justice, Drug Policy
and Human Resources
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

During the Subcommittee's hearing concerning Project Exile and firearms prosecutions on November 4, you displayed a chart intending to show the number of federal firearms charges brought in three judicial districts: the District of Columbia, Maryland and Virginia. We would like for the Subcommittee to be fully informed on this important issue, and I write to correct the record because the statistics provided on this chart and discussed at the hearing were inaccurate.

The visual which was displayed, entitled "Prosecutions of Federal Gun Laws," inaccurately showed a total of "2" prosecutions in the District of Columbia. First, the District of Columbia has a system for prosecution that relies on both the District of Columbia and federal criminal codes. The United States Attorney's Office for the District of Columbia, which handles both local felony prosecutions and federal prosecutions, estimates that hundreds of gun cases were brought in the D.C. Superior Court system in calendar year 1998. Moreover, our data indicates that 118 defendants were charged in the United States District Court for the District of Columbia under the two primary federal criminal firearms statutes, 18 U.S.C. 922 & 924, in fiscal year 1998.

As regards the issue of federal firearms charges in Maryland, the chart showed "76" prosecutions, while our data shows that in Maryland during fiscal year 1998, 147 defendants were charged in the United States District Court under the two primary federal criminal firearms statutes, 18 U.S.C. 922 & 924. Similarly, the chart showed "242" prosecutions for Virginia, while our data shows, for fiscal year 1998, 353 defendants were charged in the Eastern District of Virginia, and 71 in the Western District, for a total of 424.

I hope this information is helpful to you and the Subcommittee. I have sent an identical letter to Congresswoman Mink, the Subcommittee's Ranking Minority Member. In addition, we are working to prepare our response to the questions you sent to Helen F. Fahey, U.S. Attorney for the Eastern District of Virginia, on November 12 as follow-up to the hearing, and we will reply to those questions soon.

Sincerely,

Robert Raben
Assistant Attorney General