

Paul Michel

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Re career criminal bill - he brought me up to date--and it appears they are going to hold hearings next Thursday the 10th. Lucky I happened to stop by today!

Paul talked about their problems with administration, with the meeting with the President as the pivot.

He began by recalling that when Lowell Jensen had appeared at the hearing, his originally submitted written testimony had included an endorsement of the bill, but that he withdrew it in his oral testimony and they couldn't use it. Chief among the reasons was "the problem of busting the budget."

"But the subtlety of the issues was whether the bill was in the spirit of Reaganism, since it increased government involvement in this kind of law enforcement."

"Because of that issue, particularly, we pressed ahead with our efforts to meet with the President. And we got a meeting for the 13th of November."

"In order to make sure that the meeting would be as productive as possible we had a preliminary meeting with Ed Meese on the 12th."

He describes the meeting with Reagan. Reagan and Specter sat in chairs side by side on either side of the fireplace. There were two sofas facing each other running out from the fireplace. On the sofa nearest Reagan sat Attorney General Smith and Paul Michel. On the sofa nearest Specter sat Fred Fielding, Ed Meese and Max Friederdorf. Max said nothing substantive and only participated in the hellos and goodbyes and side comments.

"Specter talked for about 10 minutes, without interruption explaining the ideas behind the bill and what it would do. The Attorney General agreed that it was a good idea, that it followed up the recommendations of his Task

Force on Violent Crime and that it would have a practical, not just symbolic, impact."

"There were two reservations expressed by the AG. One involved the availability of prison space. He said I'm told that there is overcrowding. Arlen said "I'm told there is not." There was a difference of opinion that Fred Fielding also said the prison were overcrowded. (That was all he said during the meeting.) Second, said the AG, OMB would object to the cost of the bill. It was pretty clear to me that the AG was in favor of it. Now, I hear, he may be backsliding. There is a group inside the Justice Department--the career group, not the political appointee--who say it's not the proper field for the federal government, to get involved with little robbers and burglars. So that may be giving him some second thoughts. But the AG was favorable, saying that the bill was desirable would be in keeping with the task force and would have an impact."

"Then Meese spoke up forcefully and said he liked the bill, that he was very much in support of the bill."

"The President made comments indicating that he was quite favorably inclined."

"The last person to weigh in with a new point--after the discussion had gotten a little repetitious --was Meese who said something like: 'this bill more than anything else would give us something concrete to carry out the work of the Task Force on Violent Crime, to implement our whole approach to what we should do in a society of violent crime. In practical terms the big dollar items in the Task Force like building prisons will fall by the wayside and the symbolic ones may strengthen morals, but they won't prevent crime. This bill will actually prevent crime.'"

After Meese, the President said--and I don't want even to paraphrase it--but the essence of it was 'I'd like to do it.' And he said to Meese and

Smith, 'Can't you go back and double check on the matter of room in the federal prisons.' He seemed to say also, 'Can't you convince OMB that it won't break the bank.' The implication was that can if OMB doesn't protest violently that the President will probably endorse it."

"The meeting took 30-35 minutes all told."

He talked about what had gone on since.

"At the President's suggestion I have been in touch with OMB and the Prison system on the matter of how many prison beds would be available. The Attorney General and Fred Fielding said that according to their figures, the prisons were overcrowded and Arlen said that according to our figures they were not. Actually they are both right. If you consider all the prison population, there is overcrowding. But if you consider only the maximum security prisons, where our criminals could go, there is room.' It also turns out that this that this extra room is also appearing." ^{dis?}

"On November 24, Arlen wrote a letter to the Attorney General demonstrating the feasibility of our bill. It addressed the issue which was left after the meeting with the President: Is even a pilot program feasible?"

"One main argument is that there have been 1500 Cubans in the Atlanta penitentiary. They are being released gradually. And that will make 1000-1200 beds available between now and 2 years from now."

There have been various meetings and letters and phone calls this week, the culmination of which is that the top Justice Department officials will meet Monday to decide whether to support Spector or not."

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"Inside Justice there is some opposition/expanding federal jurisdiction into new areas. The career justice officials think the government ought not to be involved in such grubby things as robberies."

"Their decisions will decide whether the Administration--probably Lowell Jensen--will testify for it... We don't know what will happend. They could

come and endorse it. They could come and not endorse it. They might not even come. Who knows?"

"There are two people we have to convince, OMB and the AG and his immediate subordinates. Justice will make up its mind Monday or Tuesday--we hope favorably. With OMB, it depends on whether they take a short run or a long run view. With the Cubans leaving, a pilot program is no problem. But if it's a 10-20 year perspective, the 500 in the pilot program will expand to 1000--and they are all in for life. If OMB sees thousands of prisoners down the line, they will think they have to build prisons, if it takes 5 years to build a prison, then they will have to start in 4 years or so. They may just say let's not go down that road at all. If OMB adopts that long run view, then we are in deep trouble. If they adopt the short run view, they'll go with our letter."

He then talked about ways you can deal with prison bed problem. "The one we mentioned to the President" Paul said "is 'double celling'--two prisoners to a cell. They don't like to do that with maximum security prisons, but we could do it." AS mentioned that in his letter to the AG, too.

Paul also talked about other ways to reduce number of people in prison, taking least bad criminals and putting them in less secure prisons "bumping", and release earlier into community rehabilitation programs.

"Our position is that just the Cubans alone mean that we will have prison cells becoming available at a faster rate than we will need them over the next couple of years."

He gave me the letter AS sent to AG. Paul sent copies of it--with other materials he gave me--to Ed Harper at OMB and Rudy Giuliani (Jensen's boss) at Justice.

I asked him if he had pipeline into admin meetings or was pretty much out of that side of it. "I have been worried about it. Even though they received

their packets on Monday, I found out that on Thursday neither Harper nor Juliani had read them. The career guys have renewed their war, saying this area is too dirty and will smudge their white shirts. We asked Juliani for our day in court if arguments surfaced that we had not addressed. And they said we could have it. I'm trying to educate them by giving them the documents to read. You can't tell what goes on in the meetings and the phone calls. And you can't be there for those, but you can make sure they have the documents. The trouble is you don't know whether they ever read them or not--thoroughly or even the first couple of pages."

He gave me 'the Juliani packet.'