

# Bush crime bill faces well-deserved death

by Leo F. Scanlon

A Bush administration attempt to push gun control legislation in order to secure congressional support for an expanded death penalty and sweeping increases in federal police powers, is facing an early, and well-deserved defeat. The scheme was aimed at building support for those provisions of the administration's crime bill—restrictions on federal *habeas corpus* proceedings, expanded use of federal death penalty sentences, and a broadside attack on procedures which exclude illegally obtained evidence from trial—which doomed the package in the last legislative session. The administration hoped to win backing for this tyrant's brew by offering to support the controversial Brady Bill, a major defeat for the "gun lobby," which would effectively put the scalp of the National Rifle Association (NRA) up on the wall.

Unfortunately for Messrs. Bush, Attorney General Richard Thornburgh, and White House counsel C. Boyden Gray, the reports of the demise of the NRA are at least somewhat premature, as the organization has just concluded a tumultuous convention which strongly rejected the Brady Bill and the politicians supporting it (including Ronald Reagan himself), and promised a vigorous grass-roots fight and show of force on the issue. The administration now has nothing to offer its opponents except the police state provisions of its crime bill, and these won't go down any better this session than they did in the last.

## Gun control traded for death penalty

The Brady Bill is a simple proposition which calls for a federally mandated seven day waiting period between the time a person requests to purchase a handgun, and the time he takes delivery of the weapon. Advocates of the waiting period scheme say it will allow local police to conduct records checks and screen out felons and other persons legally prohibited from owning a gun. Local police point out that they don't have the time to do this. Attorney General Thornburgh told a Cable News Network interviewer that "the state of the criminal records maintained by the states and by the federal government is such that that record check would not be adequate to determine whether an individual is a felon in a particular case." Thornburgh went on to deliver an even more damning indictment of the scheme as he pointed to the obvious flaw: "Eighty-three percent of the handguns used by felons are not purchased at a sporting goods store or any over-the-counter operation. They would be unregulated and

subject to no scrutiny by bills such as the Brady Bill."

Nonetheless, Thornburgh sent a letter to the House Judiciary Subcommittee on Crime and Criminal Justice, which promised support for the measure, "if Congress acts favorably on the President's comprehensive crime bill." The White House even prevailed on NRA life-member Ronald Reagan to make a dramatic announcement supporting the bill, with his former press secretary James Brady (the bill's namesake) at his side.

## British-model police state in the wings

This swarmy performance by the Bush administration is appropriate to the degenerate quality of the so-called "Crime Bill" it is supporting. In addition to the well-advertised death penalty and *habeas corpus* reform measures, the bill proposes to blast a hole in the exclusionary rule—which prevents the use of illegally obtained evidence at trial. Again, the anti-constitutional maneuver has the patina of "gun control" in order to make it palatable to other elements of the political spectrum.

There presently exists a "good faith" exception to the exclusionary rule, which allows police to admit evidence seized during a valid search, even if it was not described in a warrant, as long as the search itself was conducted in good faith. The Thornburgh Justice Department wants to overturn this notion completely, and substitute a British-modeled "inclusionary rule" which would allow police to admit evidence obtained "not in good faith" if it is a firearm.

"What we are calling for is an 'inclusionary rule' with respect to one specific kind of evidence," Thornburgh told CNN. "And this in fact is the rule in the United Kingdom. There is no exclusionary rule in that country which gave us our system of laws. . . . What we're proposing is an inclusionary rule for firearms offenses, as I say it comports to what the rule is in the United Kingdom, it's one that served them well over the years."

While it is an unfortunate fact that much of U.S. criminal law did come from Britain, the Attorney General has conveniently forgotten that the U.S. also has a Constitution, which Britain does not. The U.S. Constitution expressly prohibits such charming British practices as fabricating and planting false evidence, the very crimes the state will inevitably commit once such "inclusionary rules" are established. These prohibitions are not designed to defend criminals, they are designed to defend the citizen against the over-reaching type of government being built by the Bush administration.

The British legal establishment is even now embroiled in a crisis triggered by revelations about the "Birmingham Six," a group of men labeled "IRA terrorists," who were convicted and jailed for 16 years on the basis of evidence constructed entirely by the police and the courts. The increasing dependence on conspiracy laws, secret informants, and fabricated evidence have nothing to do with law enforcement, but everything to do with a police state.