

Crime bill bogs down amid disagreements on guns, money



WASHINGTON (AP) — A crime bill proposal by the key Democrats in House-Senate negotiations omits the ban on assault-style weapons and leaves other controversial matters up to the conferees, government sources said Monday.

The committee is scheduled to resume Tuesday after almost a six-week delay. Rep. Jack Brooks, D-Texas, and Sen. Joseph Biden, D-Del., who head the House and Senate judiciary committees, distributed their joint proposal Monday to fellow conferees.

While some provisions were removed because House and Senate Democrats want them eliminated, others were left out because of lack of agreement, according to a source who has worked on the bill.

The latter issues include guns, specific money for programs, and how prison funding will be distributed, the source said.

Brooks has said he is "adamantly opposed" to the assault-style firearms ban, which he called a "punitive vendetta." The ban was included in the Senate's crime

bill and approved by the House separately from its crime bill, on a 216-214 vote.

Rep. Charles Schumer, D-N.Y., a co-author of the House-passed bill, said he would reintroduce a version of that bill in the conference committee, which has not met since June 16.

According to congressional sources, the Brooks-Biden proposal:

- Opts for the House version of legislation that would send third-time felons to prison for life if the third conviction came in federal court. This would limit the felonies to violent- and drug-related offenses, and would allow some prisoners over 70 years old to be released early under certain conditions.

- Includes a House-passed provision allowing 13-year-olds to be prosecuted as adults for some violent offenses.

- Contains a death penalty for major drug traffickers even if a person's death cannot be directly attributed to the trafficker. This was passed by the House and Senate.

- Drops a Senate provision that would make federal offenses out of numerous gang activities, ranging from

conspiring to join a criminal street gang to committing murder for that gang.

- Makes no mention of a provision to make federal crimes out of virtually all gun-related violent crimes, or a provision, passed by both houses, that bans transferring a handgun or ammunition to minors.

- Lets conferees decide how to distribute billions for state and local prisons. Senate-passed legislation would require recipients to have already imposed such rules like requiring all prisoners to serve at least 85 percent of their sentences. House-passed legislation would distribute the money to all states while setting aside a portion as bonus money for those with such rules.

- Omits the House-passed Racial Justice Act, which would allow statistics to be used as evidence of racial discrimination in death penalty cases. Co-author Rep. Don Edwards, D-Calif., has said he would raise this issue at conference.

- Cuts \$300 million the Senate authorized for federal courts to cover the increased workload the bill would generate.

Klan can display cross at Christmastime

CINCINNATI (AP) — The Ku Klux Klan has the right to display a cross at Christmas outside the Ohio Statehouse, a federal appeals court ruled Monday, rejecting claims it would create a conflict between church and state.

The state Attorney General's office said it would appeal the 6th U.S. Circuit Court of Appeals ruling to the U.S. Supreme Court.

The Klan is likely to seek another permit for a cross this Christmas season, its lawyer said.

"I think the decision of the court ... is clearly a victory for the First Amendment, for the free exercise of religion and the concept that a public forum, once opened, can't be closed to the views of people who may be regarded as hostile to the establishment," said Benson Wolman, an American Civil Liberties Union lawyer who represented the Klan.

The court rejected the state's argument that allowing the wooden cross on Capitol Square in Columbus violated the constitutional separation of church and state by creating the appearance the state was endorsing a religion.

"In a public forum, the religious content of private speech is absolutely irrelevant for First

Amendment purposes," Judge James Ryan wrote in the unanimous three-judge opinion. "The Klan's display of a ... cross is private speech."

The panel based its ruling on its 1993 opinion in a Michigan case. That opinion said the Constitution allows a private organization to display a religious symbol — a menorah in that case — on a public square as long as all private groups are afforded equal access to the public forum.

Capitol Square has been used for rallies and speeches by groups as diverse as the Klan and the United Way, and for holiday displays that have included Christmas trees and menorahs.

The Klan sued after the board, which oversees use of the state-owned square, refused its request to display a cross during December.

The opinion upheld U.S. District Judge James Graham in Columbus, who ruled that because a private party sought to display the religious symbol, a reasonable observer would not perceive it as government endorsement of religion.

After that ruling, and after the state lost emergency appeals, a Klan cross was erected on the square on Dec. 21. The cross was knocked down three times in the next 24 hours.

Bar manager wins look-alike contest; credits Hemingway sweater, beard

KEY WEST, Fla. (AP) — For a bar manager, a little extra weight and a wool sweater was all that was needed to win the Papa Hemingway Look-Alike contest at Key West's Hemingway Days.

John Petersen beat out 82 other Hemingway wannabes late Saturday to earn a one-week stay at a local resort during next year's festival, a \$100 tab at the infamous Sloppy Joe's Bar, a box of Hemingway cigars, five cases of beer and a front-end auto alignment.

"I'll be back every year now as a judge, but at least I don't have to wear the sweater any more," Petersen said, referring to the cream-colored, wool turtleneck garb many contestants don during the competition.

He also said he gained weight and let his beard grow to win the contest after five years of trying.

Hemingway Days, which came to a close Sunday, was created 14 years ago by Key West resident Michael Whalton to honor the Pulitzer Prize-winning author.

Hemingway lived and wrote on the island throughout most of the 1930s. Some of his classics, produced while in residence, include *For Whom the Bell Tolls*, *To Have and Have Not*, and *The Snows of Kilimanjaro*.

"It just seemed like the right thing to do," said Whalton, adding that about 8,000 visitors participated in at least one activity during the week-long festival. "He wrote some of his best works while he lived here. We thought it would be the ideal way to pay tribute to the man who really brought Key West to the literary front."

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