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Crime Bill

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64

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6

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January 3, 2000

Crime
Bill

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: JOHN PODESTA

Happy New Year, Buon Anno, Happy Y2K and Welcome to the New Millennium. Before we plunge full-speed into our agenda for the year 2000, on behalf of the President, I wanted to take a moment to thank all of you for your hard work and dedication in support of our efforts to keep America's prosperity and priorities moving in the right direction. Your work everyday in support of the President's agenda for a strong economy, quality education, safe communities, and a clean environment continues to reflect the uncommon commitment of this White House staff.

This past weekend's millennium activities are just the latest demonstration of the excellent staff work that makes this White House so special. All the events went off in spectacular fashion -from the opening ceremonies on Friday to the President's prayer at National Cathedral yesterday - thanks to the leadership of Ellen Lovell, Capricia Marshall and all the offices involved. Please know that the President, First Lady and I appreciate the fact that many of you sacrificed holiday and family time to help us plan and carryout what was arguably the most spectacular weekend of public events in the history of the White House.

I also want to offer special thanks to John Koskinen and the Y2K Team for ensuring that the nation experienced no ill effects from the Y2K computer turnover. In Washington, it is all too common that people work long and hard, and nothing ever happens. That is usually a very frustrating thing. But for once we can all be happy that the Y2K team worked long and hard to make sure nothing happened - and they reached their goal. We would never have achieved such a smooth transition without their months of planning, testing and hard work and the cooperation of all of you.

Now, we must turn to the future. In the coming weeks the President will chart a course for the final year of this Administration and, more importantly, for the beginning of a new century. Thanks to your hard work, America begins the new millennium with the strongest economy and social cohesion in recent history. In his upcoming State of the Union Address and budget, the President will unveil a roadmap for continuing on this journey and for making sure more Americans can get on board. He will also challenge the Congress to complete our unfinished business: passing a patient's bill of rights, a common sense gun bill, school construction funding, new hate crimes legislation, and increasing the minimum wage.

As you all know, the President intends to make this final year a year of accomplishment for the American people. We have achieved much, but there is much more to be done, and it will require the same commitment you have shown during the past seven years. I know you will rise to that challenge.

Again, thank you for your tireless efforts. Best wishes to you and your family for a happy and healthy New Year.

THE WHITE HOUSE

WASHINGTON

July 12, 1999

Hillary and I join with all those gathered at Indiana University in expressing our deepest sympathy to the family and friends of Won-Joon Yoon and in praying for their strength and comfort.

This ceremony of healing and unity is a powerful and moving response by the Bloomington community to the violence that ended the lives of Won-Joon Yoon and Ricky Byrdsong and that injured and terrorized so many others. During the past year, Americans have been shaken by similar violent acts that struck at the heart of what it means to be an American and at the values that define us as a nation. Now is the time for us to take strong and decisive action to fight hate crimes, and I have pledged to work with the Congress to pass the Hate Crimes Prevention Act. I know you stand with me in this effort.

It is also more important than ever that we strive to teach our young people to have tolerance and respect for one another and to understand that the more we appreciate one another's diversity, the more we reaffirm the fundamental values that we have in common. I thank each of you for raising your voice against hatred and intolerance and for reminding all your fellow Americans that our diversity is not a cause for division but rather is one of our nation's greatest strengths.

Hillary and I are keeping the Yoon family and all those who have been touched by this tragedy in our thoughts and prayers. We hope you will be sustained by the knowledge that, even as we grieve together, we also recommit ourselves to do everything possible to prevent another such tragedy.

Bill Clinton

DEMOCRATIC ★ NATIONAL ★ COMMITTEE

David Wilhelm, Chairman

PHOTOCOPY
PRESERVATION

THE DEPARTMENT OF VOTER PARTICIPATION, TRAINING, AND PUBLIC LIAISON

FAX COVER SHEET

DATE: 8/19/94 TIME: _____

TO: Ben Johnson

PHONE #: 456-6218

NUMBER OF PAGES (INCLUDING COVER): 2

FROM: Sherry Moorhead

SUBJECT: _____

COMMENTS: _____

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PHOTOCOPY 08/19/94

Vol II Issue 33
08/18/94

NATIONAL RAINBOW COALITION

Dennis Rivera, Chairman

Rev. Jesse Jackson, President & Founder

Jesse Jackson Jr., Field Director/Editor

CONCERNS

IT'S STILL A CRIME (BILL)

WDC--On Thursday, August 11, by a majority of 225-to-210, the House voted against a **RULE governing floor debate** on the crime bill. Democrats were stunned by the loss! The vote--with 11 members of the Congressional Black Caucus (CBC) voting in the majority--prevented the bill from coming before the House for a full debate and a vote on the legislation. Fifty-eight (58) Democrats voted against the President. The small number of moderate Republican defections (only 11 Republicans voted with the President) surprised the Democratic leadership.

The 10 Democratic CBC members voting against the bill were Clay, Fields, Hilliard, Lewis, Rangel, Scott, Stokes, Washington, Waters and Watt. Republican Gary Franks voted with the majority, but for totally different reasons than the 10 Democrats. Forty-eight (48) White Democrats opposed the bill, most of whom were conservatives and opposed the bill because of provisions banning 19 assault weapons, and/or the bill's prevention components--which they described as "pork."

CBC members were placed in a dilemma. They supported the ban on assault weapons, and \$8 (of the \$33) billion that was designed for prevention programs--i.e., education, drug prevention, recreation, jobs programs for young adults and community policing. CBC members were angered because Democratic congressional leadership, and the White House, refused to *negotiate* on the death penalty; because they were morally opposed to the addition of 60 new federal death penalty offenses; and the exclusion of the racial justice provision passed by the House. The racial justice provision would have statistically monitored the death penalty to see if it was being used in a racially discriminatory manner, and helped with appeals of those sentences. The CBC attempted to negotiate a compromise on racial justice only to find itself abandoned by the White House, which withdrew its support when it found itself in trouble in the Conference Committee, and a threat by 17 Senators to filibuster the bill if it included the racial justice provision.

The need for the racial justice provision is clear. According to Rep. Rangel (D-15-NY), in the last two years alone, 11 people have been sentenced to death in the U.S.--all have been Black. Of the 236 people executed since 1977, 200 were Blacks convicted of murdering Whites, even though Whites and Blacks are *victims* in roughly equal numbers. Prior to 1972, more than half of the people condemned or executed were African American, even though the Black population is just 12 percent.

There was intense lobbying against the bill by the NRA--they oppose the ban on assault weapons--and an obstructionist Republican leadership who said that the bill was soft on punishment and additional police.

It is clear that this bill is racially motivated, driven emotionally by the fear of crime--portrayed as Black--and a feeling that more cops and jails will solve the (violent Black crime) problem.

What was even more interesting, however, was the President's

political response to this legislative defeat. *More Democrats* than CBC members voted against the President. *More Roman Catholic legislators* voted against the President than did Blacks. *More moderate Democratic Leadership Council (DLC)* members--the organization that Bill Clinton helped to form--voted against him. Did he invite David Wilhelm, Chairman of the DNC, to the White House and urge him to whip up grassroots Democrats against Democratic legislators? *Noooh*. Did he go to a Roman Catholic Church and call priests to the White House to send a message to Roman Catholic legislators? *Noooh*. Did he call Al Fromm, Executive Director of the DLC, to the White House and sic him on the DLC members who abandoned his ship? *Noooh*. Then what did he do?

President Clinton decided to pit Black preachers against 10 Black politicians. He went after Black people through the Black churches and Black clergy in order to put political pressure and whip the strayed "sheep" in the CBC back into the fold. *First*, he went to a Black church in the DC metropolitan area and "preached." In his sermon, he raised passage of the crime bill to a higher level, claiming it was "the will of God" that it be passed. He invited the nation's ministers to come forward and support it. *Second*, he invited 25 African American clergy to the White House and commissioned them to go forth and preach the Gospel of Crime in an attempt to undermine the **MORAL OPPOSITION and CONSCIENTIOUS OBJECTION** of 10 members of the CBC.

The NRC joins with these 10 CBC members in a conscientious objection to the current crime bill. **TODAY**, call your representatives in Congress at 202-224-3121 and the President at 202-456-1111 to express your opposition!

VOTING RIGHTS UPDATE

Yesterday, three Texas majority-minority CDs, two Black and one Latino--Craig Washington's soon-to-be Sheila Jackson Lee's (19-D), Eddie Bernice Johnson (D-30) and Gene Green's (29-D) respectively--were declared unconstitutional by judges appointed by presidents Reagan and Bush. The judges said the districts "bear the odious imprint of racial apartheid....They were scientifically designed to muster a minimum percentage of the favored minority or ethnic group; minority numbers are virtually all that mattered in the shape of those districts." Follow the court's logic--**Gene Green is a White Democrat!**

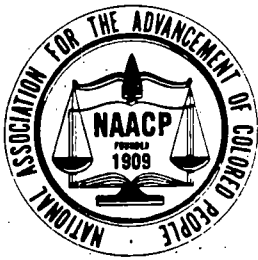
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NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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DR. BENJAMIN F. CHAVIS, JR.
Executive Director

August 2, 1994

Re: Violent Crime Control and Law Enforcement Act

Dear Representative:

We are writing to you today on a matter of great urgency regarding the Violent Crime Control and Law Enforcement Act (H.R. 3355).

Within the next few days you will be asked to consider the House-Senate Conference Report on the crime bill. Although the National Association for the Advancement of Colored People (NAACP) strongly supports fair and effective measures to address our national crime problem, for the reasons set forth below, we urge you to oppose the crime bill in its present form. **We respectfully urge House members to oppose the procedural motion for floor consideration of the crime bill; if the motion is approved, we urge you to oppose the final bill.**

The NAACP is well aware that crime is a national problem of particular concern to the African American community. African Americans are disproportionately the victims of violent crime, and we have a particularly high stake in achieving affirmative solutions to the crime problem. The NAACP has worked diligently in support of legislative efforts to address some of the most pressing crime problems facing the nation. We applaud House and Senate conferees for including in the final crime bill support for more police and community policing efforts, significant crime prevention initiatives, and a limitation on the manufacture and sale of assault weapons.

However, the final crime bill is fundamentally flawed when examined in the light of the principle of equality under the law for all persons in the United States. As you may know, the crime bill as reported by the conferees extends the federal death penalty to over fifty new crimes. Yet, there is mounting evidence which strongly suggests that race plays a significant role in capital prosecutions and sentences. For example, a 1990 General Accounting Office (GAO) report found a "consistent pattern of evidence indicating racial disparities in the charging, sentencing and imposition of the death penalty..." Eighty-two percent of the studies the GAO reviewed revealed that "those who murdered whites were more likely to be sentenced to death than those who murdered blacks."¹

¹United States General Accounting Office, Report to the Senate and House Committees on the Judiciary, Death Penalty Sentencing: Research Indicates Pattern of Racial Disparities (1990).

More recently, a staff report of the House Judiciary Subcommittee on Civil and Constitutional Rights examined death penalty prosecutions under the Anti-Drug Abuse Act of 1988 [21 U.S.C. 848 (e)-(q)]. This report found that almost 90% of the 37 death penalty prosecutions under the federal statute have been against African American or Hispanic defendants. However, 75% of those convicted for non-capital offenses under the same statute have been white.²

These racial disparities in the prosecution of drug-related crime are deeply disturbing since they cannot be justified by an across-the-board review of the facts in these cases. We believe that United States Attorneys prosecuting federal cases for drug-related homicides are exercising their discretion in a manner that has the effect of discriminating against African American and Hispanic American defendants. This problem will be compounded by the conferees approval of applying the death penalty in non-homicidal drug-related crime.

To address the problem of racial discrimination in death penalty sentencing, the NAACP strongly supported inclusion of the Racial Justice Act (RJA), a modest antidiscrimination provision, in the final crime bill. However, Senate opposition to the Racial Justice Act proved daunting; and fear of a Senate filibuster caused conferees to delete even a watered-down version of the RJA from the final crime bill. As an alternative to adoption of the RJA, and in an effort to get a crime bill we could endorse, the NAACP supported the efforts of several conferees to delete the death penalty provisions of the crime bill. Regrettably, both proposals were rejected by conferees.

The issue of racial discrimination in death sentencing is especially troubling to the NAACP. The history of the NAACP is replete with examples of our efforts to end discriminatory application of the death penalty, and of our efforts to ultimately end the practice of state-sponsored executions. We supported the Supreme Court's 1972 decision in Furman v. Georgia, which invalidated virtually every death penalty statute in the country, in part, because of the 14th Amendment's guarantee of equal protection of the laws and due process; and we noted that several Justices cited evidence of racial bias in their written opinions. Given our opposition to the death penalty, it goes without saying that the NAACP did not welcome its resurrection in 1976 in the Supreme Court's decision in Gregg v. Georgia.

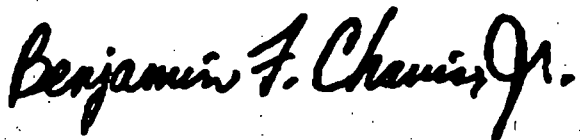
The NAACP's concerns about racial discrimination in death sentencing, however, have been well-documented. In that regard, the evidence of racial discrimination in death penalty sentencing considered by the GAO and others is sufficiently persuasive to, at minimum, justify a closer look at the concerns we have raised before additional death penalties are adopted by Congress.

The failure of conferees to include the Racial Justice Act in the final crime bill or the unwillingness to delete the proposed death penalties from the bill places Congress in the unjustified position of condoning racial discrimination in the criminal justice system.

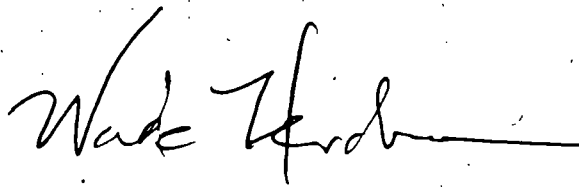
²Staff of House Judiciary Subcommittee on Civil and Constitutional Rights, 103rd Cong., 2d Sess., Racial Disparities in Federal Death Penalty Prosecutions 1988-1994 (1994).

For these reasons, we urge House members to oppose the rule for consideration of the crime bill; if the rule is adopted, we urge members to oppose the final bill. Thank you for consideration of our views.

Sincerely,



Dr. Benjamin F. Chavis
Executive Director/CEO
National Association for the
Advancement of Colored People



Wade Henderson
Director
NAACP Washington Bureau

August 2, 1994

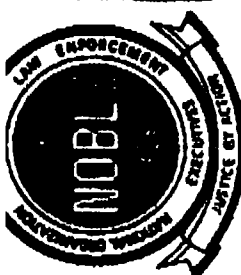
MEMORANDUM FOR ALEXIS HERMAN

From: Chris Lin
Subject: Crime Bill

In an effort to avert further delays on the rules vote for the Crime Bill, we have been asked to focus our efforts on particular CBC Members. They are as follows:

Dixon	225-7084
Lewis	225-3801
Dellums	225-2661
Mfume	225-4741
Rangal	225-4365
? Towns	225-5936

The message that we want to convey is that by delaying the vote on the rules, these members will be allying themselves with conservative Southern members (who are opposed to the assault weapons ban). The end result will be a more conservative bill with less money for prevention.

Fax
FILE
NOBL

N



Date 3 Aug 94 Time _____
Number of pages _____ including this cover page
To BEN JOHNSON
Company WHITE HOUSE STAFF
Voice number (202) 456-2930
Fax number (202) 456-6218

From IRA HARRIS

National Organization of Black Law Enforcement Executives
4609 Pinecrest Office Park Dr. 2nd floor
Alexandria, VA 22312-1442

Voice number (703) 658-1529

Fax number (703) 658-9479

Note _____
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IRA HARRIS
Executive Director

A. TONY FISHER
Associate Director

MITCHELL WARE, Esq.
Legal Counsel

August 2, 1994

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
10th and Constitution Avenue, N.W.
Washington, DC

Dear Attorney General Reno:

On July 28, 1994, the Crime Bill was reported out of Congressional Conference. We interpreted this legislative action as having moved the Bill one step closer to final passage. On July 17, 1994, during our NOBLE National Annual Conference, we passed a resolution supporting the Crime Bill overall with specific emphasis on retaining the Racial Justice Act. Although, disappointedly, the Racial Justice Act was omitted from the Bill in the Conference Report, we are convinced that the comprehensive legislation providing for additional police officers and training, the assault weapons ban as well as grants for many American cities to fund health and educational crime prevention programs, is a monumental milestone in assistance to local jurisdictions in reducing crime.

Accordingly, we at NOBLE are fully supporting the passage of the Crime Bill as reported out of the Congressional Conference Committee. We are hopeful that your office will assist in later pursuit of the Racial Justice issue, but in the meantime, we must have a Crime Bill. We are conveying this message to our membership and encouraging their individual efforts, through their local representation, to get the job done.

We must pass this bill.

Sincerely,

Ira Harris
Executive Director

**NATIONAL ORGANIZATION
BLACK LAW ENFORCEMENT EXECUTIVES**

RESOLUTION

RESOLUTION OF ENDORSEMENT OF PRESIDENT CLINTON'S HEALTH CARE INITIATIVE CONTAINING SUBSTANCE ABUSE BENEFITS FOR ALL AMERICANS

WHEREAS EVERY AMERICAN SHOULD HAVE AN IRONCLAD GUARANTEE THAT THEIR HEALTH INSURANCE WILL NEVER BE TAKEN AWAY;

WHEREAS EVERY AMERICAN SHOULD HAVE HEALTH INSURANCE THAT WILL NOT RAISE THEIR RATES WHEN THEY GET SICK, THAT THEIR CHILDREN WILL HAVE THE OPPORTUNITY TO GROW HEALTHY, AND THAT THEY WILL NEVER BE DENIED COVERAGE;

WHEREAS EVERY JOB SHOULD COME WITH HEALTH BENEFITS, AND THE UNITED STATES HAS A STRONG TRADITION OF HEALTH BENEFITS AT WORK -- A TRADITION OF WORK AND REWARD;

WHEREAS NINE OUT OF TEN PEOPLE WHO HAVE PRIVATE INSURANCE RECEIVE IT FROM THEIR EMPLOYERS;

WHEREAS REAL REFORM WILL BUILD ON THE AMERICAN TRADITION AND GIVE A GUARANTEE OF PRIVATE HEALTH INSURANCE TO EVERY AMERICAN;

WHEREAS THERE IS A DRUG PROBLEM IN AMERICA TODAY THAT CAN NOT BE SOLVED BY LAW ENFORCEMENT ALONE;

WHEREAS TREATMENT OF SUBSTANCE ABUSE MUST BE THE KEY TO REDUCING DRUG USE, AND SUBSEQUENTLY REDUCING CRIME AND REDUCING VIOLENCE;

WHEREAS THE PRESIDENT CLINTON'S HEALTH CARE INITIATIVE CONTAINS TREATMENT FOR SUBSTANCE ABUSE WHICH WILL REDUCE THE COST TO SOCIETY OF DRUG ABUSE;

WHEREAS PRESIDENT CLINTON AND CERTAIN MEMBERS OF CONGRESS ARE FIRMLY COMMITTED TO PASSING HEALTH CARE REFORM LEGISLATION THIS YEAR WHICH INCLUDES UNIVERSAL COVERAGE AND A SUBSTANCE ABUSE BENEFIT THAT GUARANTEES PRIVATE HEALTH INSURANCE FOR EVERY AMERICAN;

THEREFORE NOBLE URGES CONGRESS TO ADOPT A PLAN WITH UNIVERSAL COVERAGE AND SUPPORT THE CONGRESSIONAL LEADERSHIP'S EFFORTS TO ACHIEVE THIS GOAL.

7/17/94

John L. Pritchard

**NATIONAL ORGANIZATION
BLACK LAW ENFORCEMENT EXECUTIVES**

RESOLUTION

DOMESTIC VIOLENCE

Whereas, the National Organization of Black Law Enforcement Executives has been in the forefront of training and proactive Model Policy Development on Domestic Violence, In this regard NOBLE has trained over 5,000 law enforcement officers and executives on Domestic Violence Policy Development; and

Whereas, when compared to children raised in non-abusive homes, children who have witnessed abuse, or who have been abused themselves are more likely to abuse a spouse or a child when they themselves become adults; and

Whereas the Bureau of Justice Statistics, reported in January, 1994, one of every 185 women - a total of 572,032 - is a victim of domestic abuse every year.

Whereas, battering is the single major cause of injury to women - more frequent than auto accidents, muggings and rapes combined; and

Whereas, 20% of all murders in the country are committed within the family and 13% are committed by spouses; 95% of which are assaults by men; and

Whereas, the National Organization of Black Law Enforcement Executives believes the law enforcement community, Prosecutor's office and judicial system working harmoniously can and must do more to prevent, and reduce the cycle of violence that starts in the home. Every police officer has had the unfortunate experience of seeing the despair, pain and the horror on the faces of children as they witness their parents in conflict.

Now, therefore be it resolved, since it is our goal to help find the most appropriate policing techniques and coordinate our efforts with other law enforcement agencies and advocacy groups to reduce the cycle of family violence, NOBLE calls for all law enforcement associations, organizations and agencies to:

(a) endorse legislation in those states that currently do not have mandated arrest laws for violation of protective orders, such as restraining orders and pro-arrest policies for family violence. (b) mandate written reports for all domestic violence calls, (c) mandate a minimum of eight (8) hours entry level domestic violence training and four (4) hours in service training for all police officers, (d) ensure that each victim receives referral materials with respect to counseling, advocacy group information and other intervention options to include local laws and their procedures, (e) all police agencies develop a comprehensive domestic violence policy that includes A through D. (f) the National Organization of Black Law Enforcement Executives urges full funding and passage of "Violence Against Women Act" included in the crime bill,

Be it further resolved that NOBLE establishes herein, "The Domestic Violence Policy Committee" Whose role on a continuing basis will be to review current policies, programs, research and police responses to recommend state of the art changes and training improvements. The results of this committee's review and recommendations will give criminal justice professionals a comprehensive agenda suggesting legislation and outlining methods to improve society's response to domestic violence.

7/17/94

DATE

John Pritchard

PRESIDENT

NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES

Resolution

Crime Bill

Whereas, the National Organization of Black Law Enforcement Executives is involved in and concerned with the passage of federal crime legislation; and

Whereas, the 103rd Congress is presently trying to reconcile the differences between crime bills passed by the House of the Senate; and

Whereas, any crime bill that is passed will invariably impact urban and minority communities greatly;

Therefore

Be it resolved, that NOBLE firmly supports the Racial Justice Act, a provision in the House crime bill that would allow defendants to use statistics to challenge a death sentence as racially discriminatory;

and Be it Resolved, that NOBLE fully supports the ban on assault weapons, as contained in both the House and Senate crime bills;

and Be it Resolved, that NOBLE fully opposes the "Three Strikes and You're Out" provision as currently drafted and contained in both the House and Senate Crime bills, but would support a version that focuses solely on perpetrators of violent crimes; and

Be it Resolved that NOBLE fully supports the addition of 100,000 law enforcement officers to state and local agencies around the country to increase the law enforcement presence on our street; and ensure that these officers are hired and trained in a non discriminatory way, and that the appropriation do not adversely affect the federal enforcement community.

Be it Resolved that in the Crime Bill the Police Corp, which will provide unique opportunities for young people to attend college and after four years of law enforcement service, grants will be excused. This will increase the level of education in police departments and significantly increase minority representation in law enforcement.

NATIONAL ORGANIZATION OF
BLACK LAW ENFORCEMENT EXECUTIVES

RESOLUTION

Gun Violence Prevention Act Of 1994 – BRADY II

Whereas, the United States is facing an epidemic of gun violence, losing more than 38,000 lives a year to homicides, accidents, and suicides; and

Whereas, gun violence has struck most severely in the African-American community, with homicide now being the number one cause of death for black males, aged 14 to 19; and

Whereas, the nation's large urban centers suffer from an influx of guns purchased in states and localities with less strict gun laws; and

Whereas, current law allows a thriving illegal market to exist from which guns flow unchecked to criminals and young people through straw purchases, use of false ID's, theft, and the actions of irresponsible gun dealers; and

Whereas, the United States current system for governing Federal Firearms Licensees encourages abuse, resulting in more than 280,000 FFL's most of whom do not partake in the regular, legitimate sale of guns; and

Whereas, efforts by the Bureau of Alcohol, Tobacco and Firearms (ATF) to trace crime guns are hampered or prevented due to the lack of regulation of secondary handgun transfers; and

Whereas, nearly 1500 Americans are killed each year due to accidental shootings; and

Whereas, under current law, people convicted of violent misdemeanors or who currently have a protective order against them may still purchase a handgun; and

Be it Resolved, that NOBLE fully supports the crime prevention initiatives contained in the House crime bill, and encourages the Congress to pass more prevention initiatives involving the community in the process; and

Be it further Resolved, that NOBLE fully supports the Violence Against Women Act which will help focus our society's orientation and law enforcement's response to spousal abuse in a manner that will curb the violence now being perpetrated; and

Be it finally Resolved that NOBLE will fully support and work for passage of a crime conference bill and report which embodies these principles.

7/17/94
DATE

John L. Pritchard
PRESIDENT

Washington Bureau
National Association for the Advancement of Colored People
1025 Vermont Avenue, N.W., Suite 1120
Washington, D.C. 20005
(202) 638-2269/fax (202) 638-5936

INTEROFFICE MEMORANDUM

-- ACTION ALERT --

TO: NAACP Members

**FROM: Dr. Benjamin F. Chavis, Jr.
Wade Henderson, Bureau Director**

DATE: May 10, 1994

RE: Federal Crime Bill – House/Senate Conference

**** IMMEDIATE ACTION NEEDED ****

Last week, the House of Representatives passed its version of a controversial crime bill (Violent Crime Control and Law Enforcement Act) by a vote of 285 to 141 (see enclosed articles). The House vote came after two weeks of heated floor debate about violent crime that pushed the bill's total cost to almost \$28 billion. The Senate bill, which the NAACP strongly opposes, passed in November with a cost of \$22.3 billion. A conference between members of the House and Senate will soon meet to work out differences between the two bills.

It is well-known that both the Senate and House crime bills have over 50 new death penalty provisions, substantial increases in funds for prison construction, and new harsh penalties which the NAACP opposes. On the positive side, both bills would put more police on the street and provide drug treatment which we support.

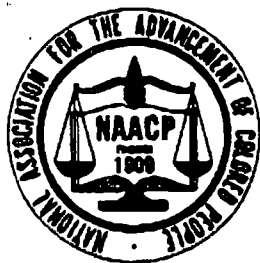
The House crime bill also contains the Racial Justice Act, as well as money for important youth and community programs which we support. The NAACP strongly supported the Racial Justice Act. Its adoption was a major victory for civil rights advocates.

Unfortunately, either crime bill – because of their substantial expansion of federal crimes -- will likely result in more African Americans being incarcerated with longer

sentences. Moreover, election year political pressure for tough measures is pushing the crime bill in the wrong direction. Without your immediate action, there is a real likelihood that the final crime bill will drop the Racial Justice Act and other provisions of greatest concern to the NAACP, while keeping those provisions we strongly oppose.

The NAACP believes that any final crime bill must contain the following provisions: 1) The Racial Justice Act -- this provision in the House bill would allow defendants, primarily African Americans, to use statistical evidence to help challenge a racially discriminatory death penalty; 2) The \$7 billion "crime prevention package"; and 3) The ban on assault weapons.

NAACP members are urged to contact their Senators and Representatives in support of the positions listed above. Congressional offices can be reached by calling the U.S. Capitol switchboard at (202)225-3121.

**NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**

4805 MT. HOPE DRIVE • BALTIMORE, MD 21215-3297 • (410) 358-8900

DR. BENJAMIN F. CHAVIS, JR.
Executive Director

April 18, 1994

Dear Representative:

We write to express our views on two particularly important proposed amendments to the Violent Crime Control and Law Enforcement Act (H.R.4092) which will soon be considered on the House floor.

Our respective organizations are deeply committed to effective crime control measures, fairness in the criminal justice system and to the equal protection of the law for all persons in the United States. As a result, we strongly oppose the McCollum Amendment which would substitute the so-called "Equal Justice Act" for the Racial Justice Act provisions in H.R.4092. Second, we oppose the Hyde Amendment to strike habeas corpus from the crime bill and also support an amendment which will be offered by Rep. Butler Derrick (D-SC) which will assure adequate right to counsel protection in death penalty cases.

Racial Justice Act

The Racial Justice Act (RJA) is a modest civil rights remedy for racial bias in death penalty cases. The RJA simply allows an individual who believes, based upon a careful review of the case, that his or her death sentence is the product of wrongful racial discrimination, to use statistical and other evidence to prove discrimination in their case. The RJA would allow the same types of evidence that has been used for decades in other civil rights cases to be used in racially-tainted death penalty cases.

The Racial Justice Act would not end the death penalty. An individual who proves that racial discrimination wrongly influenced the death sentence he received would not be released from prison. Instead the individual in most instances would receive a life sentence. Given the severity of the death penalty, the Racial Justice Act in H.R. 4092 represents little more than minimal protection against an otherwise racially-tainted death sentencing process.

However, the Equal Justice Act, would make it almost impossible to prove discrimination in all cases of sentencing disparity. By prohibiting the use of statistical

evidence to prove discrimination, it would place the criminal justice system outside of the normal rules for claims of discrimination in employment, housing and voting rights.

The substantial expansion of the federal death penalty in H.R. 4092 makes passage of the Racial Justice Act an absolute necessity.

A recent House Judiciary Civil and Constitutional Rights Subcommittee report confirms this view.¹ The report suggests that United States Attorneys prosecuting federal cases for drug-related murder are exercising their discretion in potentially abusive ways against African Americans and Hispanic Americans. For example, nearly 90% of the defendants prosecuted capitally under the 1988 Drug Abuse Act have been either African American or Mexican American. Moreover, all ten of the death penalty prosecutions approved recently by the Department of Justice have been against African Americans.

However, 75% of those convicted for non-capital offenses under the same statute have been white, with only 24% of the non-capital defendants being black. These racial disparities in the prosecution of drug-related crime are deeply disturbing since they cannot be justified by an across-the-board review of the facts in these cases. In fact, the problem will be compounded by the House's overwhelming approval of the death penalty in non-homicidal drug-related crimes.

Moreover, numerous studies, including a report released by the General Accounting Office in February 1990 have documented the unacceptable role that race plays at every stage of the death penalty process at the state level.² In state death penalty cases, the race of the victim appears to be more important than the prior criminal record of the defendant, or the actual circumstances of the crime.

Every member of the House of Representative who voted to expand the federal death penalty has the obligation to assure basic fairness in the way the death penalty is being imposed.

Habeas Corpus

We strongly support the *habeas corpus* provisions currently in H.R. 4092 as the best way to ensure fairness, while at the same time streamlining *habeas corpus* litigation.

¹ Staff of House Judiciary Subcommittee on Civil and Constitutional Rights, 103rd Cong., 2d Sess., *Racial Disparities in Federal Death Penalty Prosecutions 1988-1994* (1994).

² United States General Accounting Office, *Report to the Senate and House Committees on the Judiciary, Death Penalty Sentencing: Research Indicates Pattern of Racial Disparities* (1990).

Under current law, the doors of the federal courthouse are virtually closed to claims that the Bill of Rights has been violated in a state criminal case.

In addition, defendants in capital cases -- unfortunately mainly people of color who are indigent -- frequently have appointed lawyers who are incompetent, racist, drunk, lazy, or simply ignorant of the law in this very complex area.

The Hyde motion to strike the bill's *habeas* provisions will perpetuate the current regime's injustices, abuses, and delays. Especially when an astounding 40% of capital cases are overturned in *habeas corpus* for prejudicial constitutional error, it is time for Congress to provide an effective *habeas* remedy.

If the Hyde motion to strike prevails, it is absolutely essential that the Derrick Amendment pass. This amendment keeps the doors of the federal courthouse open to claims of innocence and serious constitutional error, while also ensuring that defendants in capital cases will have competent, adequately paid lawyers.

We urge you to oppose the McCollum Amendment to the Racial Justice Act and to support *habeas corpus* in H.R. 4092. We believe that these measures are so fundamental to basic civil rights protection in the administration of justice that if both provisions are not retained in the final package, we will be urging members to vote against H.R. 4092. Thank you for the consideration of our views.

Sincerely,

Dr. Benjamin F. Chavis, Jr.
Executive Director
National Association for the Advancement
of Colored People

Barbara R. Arnwine
Executive Director
Lawyers' Committee for Civil Rights
Under Law

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INTEROFFICE MEMORANDUM

-- ACTION ALERT --

TO: NAACP Members

FROM: Wade Henderson
Director
Washington Bureau

DATE: February 17, 1994

RE: Federal Crime Bills – House and Senate Action

IMMEDIATE ACTION NEEDED: The NAACP strongly opposes the Senate crime bill which passed in November '93. The NAACP instead supports an alternative House crime bill (H.R.3315), introduced by Rep. Craig Washington (D-TX), which offers a more effective, prevention-oriented response to the violent crime problem confounding the nation. Unfortunately, the "get tough" political climate surrounding the national crime debate is pushing House members to support swift passage of the Senate bill.

NAACP members are urged to contact their Representatives in support of H.R.3315, the Washington crime bill. House offices can be reached by calling the U.S. Capitol Switchboard at (202) 225-3121.

Background

Violent crime has increased in the United States despite two decades of "get tough" crime bills and a quadrupling of the prison population. From 1983 1992, for example, violent crime rose by 40%, despite a 102% increase in the prison population.

The fear of violent crime has become a driving force in shaping the national debate on federal crime control legislation. In the wake of the elections of 1993, in which local elections in New York, New Jersey and Los Angeles, were deeply affected by

voter response to the crime issue, both Republicans and Democrats have rediscovered the political potency of the crime debate.

On November 19, 1993 the United States Senate passed a comprehensive crime control bill -- The Violent Crime Control and Law Enforcement Act of 1993 -- which can best be described as a "get tough" response to the crime problem affecting the nation.

Anti-crime policies in recent decades have focussed on quick fixes such as new prisons and mandatory minimum sentences in which many constitutional protections have been eroded in the name of public safety. Simultaneously, economic and social programs which could significantly bring down crime have largely been ignored. However, because most violent crimes that affect our neighborhoods are covered only by state and local laws, few provisions of the Senate crime bill will have little real impact on controlling crime, but instead will only exacerbate the racial disparities and inequities that already exist within the criminal justice system.

The NAACP has identified four provisions of the Senate crime bill that are especially problematic: 1) The Senate bill would establish over 50 new federal death penalties; 2) The bill would establish a \$22.3 billion "Violent Crime Reduction Trust Fund" which has significant, unexplored cost implications for federal, state and local governments. Although funding is directed to come from Vice President Gore's plan to "reinvent government", once initial funds have been spent, additional funding will come from such discretionary programs as Job Corp, youth mentoring and violence prevention courses in schools, all of which have been proven to be long-term deterrents to crime; 3) The Senate bill would initiate mandatory life imprisonment for third time felons -- "Three Strikes and You're Out". This proposal is so over-broad as to include persons who have not committed genuinely violent crimes; and 4) The Senate bill would mandate the prosecution of 13 year-old juveniles as adults if they are charged with certain violent federal crimes. The mandatory nature of this provision is unprecedented.

Although there are several provisions of the Senate bill that the NAACP supports, on balance the bill poses a serious threat to the civil rights of African Americans and other persons under the Constitution. A more pointed definition comes from respected criminologist, Professor Norval Morris of the University of Chicago: "The whole law-and-order movement that we have heard so much about is -- in operation -- anti-black and anti-underclass. Not in plan, not in design, not in intent, but in operation."

Moreover, "the Senate crime bill's death penalty provisions and the new mandatory minimum sentences carry the strong likelihood of a disproportionate, negative impact on African Americans and Latinos without offering any real increase in public safety or addressing the root causes of crime," said Dr. Benjamin Chavis, NAACP Executive Director.

The Washington Bill

Rep. Craig Washington (D-TX) and other progressive House members including the Congressional Black and Hispanic Caucuses, have sponsored a viable alternative to the Senate crime bill. The Washington bill (H.R.3315) -- the Crime Prevention and Criminal Justice Reform Act -- emphasizes prevention and early childhood intervention as keys to effective crime control. H.R.3315 has several provisions that are particularly noteworthy:

- * **Children** -- H.R.3315 provides initiatives that stress the importance of preventing crime, violence, drugs and gang-related activity in the public schools. Realizing that any intervention must include positive alternatives, the bill also promotes night-time sports activities and accompanying opportunities for counseling, job training and education.

- * **Gun Control** -- H.R.3315 restricts the sale and use of some of the most dangerous automatic assault weapons on the streets today; it prohibits the manufacture and possession of "Saturday night specials"; it adopts a proposal initiated by Governor Douglas Wilder of Virginia to limit handgun purchases within a 30-day period; and it allows gun manufacturers to be held liable for the harm caused by their weapons.

- * **Racial Discrimination in the Justice System** -- H.R.3315 prohibits the use of the death penalty in a racially discriminatory manner and allows defendants to make those claims in federal courts; allows federal courts to enforce the Bill of Rights in state criminal cases through habeas corpus; eliminates mandatory minimum sentences while returning to federal judges appropriate discretion in sentencing; and eliminates sentencing disparities in some drug convictions that reflect a racial bias.

- * **Asset Forfeiture** -- H.R.3315 strengthens due process protections against unfair asset forfeiture laws and practices like those being challenged by the NAACP Florida State Conference in NAACP v. Volusia County.

- * **Research** -- H.R.3315 creates a national Commission to examine "root causes" of violent crime, and recommend a national strategy to combat violence and drug abuse.

The Washington bill (H.R.3315) is the nation's best hope for fair and effective crime control legislation. "Violent crime is an American dilemma about which all citizens have a deep concern, but after years of trying what has not worked, it is now time to examine our national crime control priorities," said Dr. William F. Gibson, Chairman, NAACP National Board of Directors. "The NAACP supports the more reasonable approach to crime control taken in the House of Representatives over the past several weeks. Hopefully, House/Senate conferees can work out their differences so that a responsible anti-crime bill can be presented to the American people."

Blacks Relent on Crime Bill, But It Leaves a Bitter Taste

By STEVEN A. HOLMES

Special to The New York Times

WASHINGTON, Aug. 17 — In the official Congressional Directory, Representative John Lewis notes that he received a degree from the American Baptist Theological Seminary and lists his profession as "civil rights leader."

Mr. Lewis's self-description helps explain his abiding antipathy toward violence, including what he has long considered to be the state-sponsored violence of capital punishment. For that reason, Mr. Lewis, Democrat of Georgia, voted last week to block an Administration-backed crime bill that would have greatly expanded the number of Federal offenses that would be subject to the death penalty.

But today, looking sad and saying little, Mr. Lewis stood in front of the White House and announced — along with another member of the Congressional Black Caucus, Representative Charles B. Rangel of Manhattan — that he was changing his mind and would vote to allow the House to take up the measure.

The opposition of some black Democrats to the death penalty is so strong that 10 of the 38 black Democrats in Congress voted against the measure that would have allowed the House to consider the crime bill, even though it included millions of dollars in social programs they say their communities sorely need. The measure was defeated 225 to 210.

"I grew up with strong feelings against capital punishment," said Mr. Lewis, who says he vividly remembers a segregated South where black men were often executed both inside and outside the judicial system. "I think it's barbaric and should have been outlawed many years ago. It represents a period of our past and is not worthy of a great nation."

But Mr. Lewis is also politically astute, and, as a deputy House whip, a member of the Democratic leadership. A defeat of the crime bill would wound the President, encouraging the perception that he was too weak to get a legislative priority passed in the House even though it is controlled by his own party.

Later in the day, Representative Cleo Fields, another black Democrat, also announced that he would switch his vote and allow the bill to be voted on by the House.

Mr. Lewis, who once headed the Student Nonviolent Coordinating

**Black lawmakers
abhor the death
penalty but fear a
harsher crime bill.**

Committee and marched with the Rev. Dr. Martin Luther King Jr., said, "It's been one of the most difficult decisions I've had to make in the eight years since I've been here. It was much easier to march across the bridge in Selma or go on the freedom rides. Everything then was clearly black and white."

Crime bills are tough votes for black lawmakers. Blacks are far more likely than whites to be victims of violent crime, and some polls have found that they are more afraid than whites of being murdered or mugged. But blacks have consistently been less willing than whites to approve of capital punishment.

Long-Awaited Aid

This year a tricky vote on a crime bill became even tougher when the \$33 billion measure was sweetened with more than \$7 billion for crime-prevention programs, including millions for the kind of Federal aid for inner cities that black Democrats have been demanding — and generally not getting — for many, many years.

That money — and the prospect that an even more Draconian crime bill could be enacted, with less money for social programs and without a ban on 19 different types of assault weapons — was enough to induce 28 of the 38 black Democrats to vote last Thursday to allow the bill to be considered by the full House.

But for some of them, the money was not enough to outweigh their loathing of a bill that would expand the number of Federal crimes punishable by death from a handful to more than 50, including offenses like terrorism, drive-by shootings and drug trafficking.

Recent reports have shown that an overwhelming majority of defend-

ants on death row for Federal crimes are black. The last Federal execution took place in Iowa in 1963.

"To suggest that it's just a matter of how much funding it would take to get somebody to change his mind, I think is an insult," said Representative Robert C. Scott of Virginia, another of the recalcitrant black Democrats. "You wouldn't ask an opponent of abortion to look at a bill with the greatest expansion of abortion in the history of the United States, and argue that he ought to vote for it because it's got some highway funding in it."

Going After Votes

In recent days, the White House, which has been accused by some on Capitol Hill of taking the caucus too much for granted, fought to turn around some of the black Democrats who had voted against it.

On Monday, Mr. Rangel suggested that he would change his vote if religious leaders thought that the morally right thing to do would be to let the House vote on the measure. On Tuesday, the White House released a statement by 40 black members of the clergy supporting the crime bill.

Mr. Fields, who met with the President on Tuesday, said he was changing his mind because he had received assurances from Attorney General Janet Reno that the Justice Department would insure that there was no racial bias in deciding when to seek the death penalty.

Purely political considerations may have played a part in persuading Mr. Lewis and Mr. Rangel to change their minds. Mr. Rangel, for instance, is facing a primary challenge from City Councilman Adam Clayton Powell 4th, who says that the incumbent's vote against the bill indicates how out of touch he is with the feelings and fears of his constituents.

And Mr. Lewis saw the Administration shopping for votes among Republicans and conservative Democrats by proposing to reduce the money for social programs, making him fear that his opposition might result in a bill that he would consider to be even worse.

"I was seeing proposals moving further and further to the right," he said in a telephone interview. "What was in the making was something worse than you have now."

Leaders Say Health Care Delay May Last Till Labor Day in House

By ROBIN TONER

Special to The New York Times

AI

WASHINGTON, Aug. 17 — House Democratic leaders today acknowledged that they had no clear idea when they could begin work on health care legislation, but said it might be after Labor Day, a prospect that dismayed many advocates of a health care overhaul.

Representative Richard A. Gephardt, the majority leader, told members in a closed Democratic caucus today that the Congressional Budget Office had yet to complete its analyses of the House's health care bills, and that the House could, therefore not begin to act on them.

Mr. Gephardt told members that if, as expected, the budget office was still not finished when the House completes its work on the crime bill this week, they might be sent home, according to participants in the caucus.

With this newest delay on the horizon, some advocates of health care restructuring said they worried that the mood and the momentum for a comprehensive bill were waning in the House as the clock winds down to the elections in November. "I've said repeatedly the one thing the leadership doesn't have to give away is time," said Representative Pete Stark of California, chairman of the Ways and Means Subcommittee on Health. "Members go home for two weeks, it gives people a lot of time to complain."

The majority leader maintained that there was still the possibility of moving faster on health care legislation if the budget office reports back in the next two weeks. But he was clearly exasperated when reporters asked him when the debate might begin. "The answer to the question of 'when' has been, is and for some time will be, 'I don't know,'" he said. "I can say that 40 or 50 ways, but that's the answer. I don't know and I know of no one who knows."

Participants at the caucus said Mr. Gephardt told them to stay flexible because they might be called back before Labor Day. The House will not officially adjourn, which is widely seen as an effort to keep pressure on the Senate and the budget office to continue working on the legislation.

But Mr. Gephardt acknowledged in the caucus that the House might not take up the bill until after Labor Day.

Continued on Page A21, Column 1

according to participants, saying that if that occurs, members would stay in session through the weekend of Sept. 9 to try to complete action before Yom Kippur begins on Sept. 14.

In an interview tonight, the majority leader said it was simply impossible to get a hard prediction from the budget office on when it would be finished. The analysis, he said, "is an interactive process," with the authors of the various bills under scrutiny given the opportunity to make changes and have those changes analyzed in turn. The budget office is analyzing several plans, including the leadership's, a Republican alternative and a new measure from a group of bipartisan moderates.

The latest delays in the House heightened the anxiety of members committed to passing major health legislation this year even as they shared the leadership's frustration with the budget office.

"Delay is something that does not work to our advantage," said Representative Ben Cardin, Democrat of Maryland and a leadership ally on health. Representative Ron Wyden, Democrat of Oregon, said, "It's going to push the calendar very hard."

'Perception of Disarray'

Representative Pat Williams, a Democrat of Montana who is active in health issues, said that while the actual "legislative days" lost were insignificant, the "helter-skelter nature of the scheduling is harmful, because of the perception of disarray."

Republicans have scoffed that the real reason for the delay is that Democrats do not have the votes for their

The momentum for sweeping changes on insurance could be lost.

plan. But Democrats insist they cannot even begin to count heads and make their case until the budget office evaluates the financial impact of competing plans, expected to be at the heart of the debate.

There are several broad political concerns: All along, Democratic strategists have worried that sending members home for the August recess before voting on a bill would expose them to further lobbying and feed their jitters at a critical time. Moreover, some Republicans have mounted a concerted campaign to argue that there is no reason to "rush through" health legislation.

According to the polls, their arguments are finding an increasingly receptive audience, with many Americans now saying it makes sense to slow down and "do it right," thus easing the pressure to act.

Finally, some Democratic strategists say, there is the unknown impact of the Senate's action, which could be largely complete by the time the House gets down to work. This could help with the Democratic effort in the House, if the Senate upholds

some form of new requirement that employers help pay for their workers' insurance if coverage goals go unmet.

But some strategists in the House say it could make the effort to pass the far more sweeping Gephardt bill more difficult, if the Senate waters down the plan proposed by Senator George J. Mitchell, the majority leader.

There was a distinct gloom today among some of the members most involved in the health care debate.

Representative Jim McDermott, Democrat of Washington and a leader of the liberal wing of the Democratic caucus on health issues, said, "I sat and answered my own phones for a while last night, and people were saying they don't want the Gephardt bill, they don't want the Mitchell bill, and by the way they don't want crime either. So the opposition is pretty well organized."

He added, "Each day makes it less and less likely that we'll have real reform." And Representative Jim Cooper, an advocate of the bipartisan plan, said, "The clock is a very tough adversary." He said it was his impression that it would take "a couple of weeks" for the budget office to finish work on the plans.

John Rother, legislative director for the American Association of Retired Persons, which has endorsed the Democratic leadership's bills in both houses, said, "Our polling still shows strong public support for each of the key elements of the Gephardt legislation. But Congress has been hearing mostly from those who want exceptions, exemptions and delay for financial reasons."

Mr. Rother added, "The fate of the bill in the House probably rests with how vocal the majority that supports the bill is during the next two weeks."

More national news,
pages B10 and B11.

THE NEW YORK TIMES, THURSDAY, AUGUST 18, 1994

THE WHITE HOUSE
Office of Media Affairs

FOR IMMEDIATE RELEASE

August 16, 1994
Contact: Keith Boykin
(202) 456-7150

STATEMENT BY AFRICAN-AMERICAN RELIGIOUS LEADERS

Washington -- The White House today released the following statement by African-American religious leaders supporting the crime bill.

"In the words of an African proverb 'It takes an entire village to raise a child.' We believe there is no more important responsibility of society than to raise its children to become upstanding adults. Parents and families must shoulder the burden of this duty, but all of society -- including government -- must pitch in. That is why we support the President's crime bill.

While we do not agree with every provision in the crime bill, we do believe and emphatically support the bill's goal to save our communities, and most importantly, our children.

We believe and support the \$8 billion in the bill to fund prevention programs such as grants for recreation, employment, anti-gang and comprehensive programs to steer our young people away from crime.

We believe in drug treatment to help get federal and state inmates out of the cycle of dependency.

We believe in programs to fight violence against women.

We believe in banning assault weapons, and preventing these deadly devices from falling into the hands of criminals and drug dealers.

We believe in putting 100,000 well-trained police officers on the streets of our most violence-plagued communities and urban areas.

We believe that 9-year-olds like James Darby of New Orleans, who was killed by a stray bullet only days after writing a plea to President Clinton to stop the violence, must have the opportunity to live and learn and grow in safe, decent communities.

For all these reasons, we support the crime bill and we urge others to join us in this crusade."

Charles Adams
National Progressive Baptist Convention, President
Detroit, Michigan

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AME Denomination
Los Angeles, California

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Third Baptist Church
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Bishop E. Lynn Brown
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Full Gospel AME Zion Church
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The Alliance for Rights and Responsibilities
Washington, D.C.

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AME ZION Church
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United Methodist Church
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Rev Jerry Drayton
New Bethel
Baptist Church
Winston-Salem, N.C.

Rev. Walter Fauntroy
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Washington, D.C.

Bishop Louis Ford
Church of God in Christ
Chicago, Illinois

Bishop William Graves
Christian Methodist Episcopal Church
Memphis, Tennessee

Rev. Joe Hardwick
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National Baptist Convention USA
Baton Rouge, LA

Rev E. Edward Jones
Galilee Baptist Church
Shreveport, LA

Rev. Odell Jones
Pleasant Grove Baptist Church
Detroit, Michigan

Rev. William A. Jones Jr.
Bethany Baptist Church
Brooklyn, NY

Rev W. B. Lewis
President North Carolina General State Baptist Convention
Raleigh, NC

Bishop S.C. Madison
United House of Prayer
Washington, D.C.

Bishop Haskell Mayo
African Methodist Episcopal
Fourth Episcopal District
Chicago, Illinois

Rev. Randall McCaskill
Concerned Black Clergy of Philadelphia, President
Philadelphia, Pennsylvania

Dr. John Miles
Morning Star Missionary Baptist Church
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Rev Dr. Frank Pinkard
Evergreen Baptist Church
Oakland, CA

Bishop Norman Quick
Church of God in Christ
New York, New York

Dr. W. Franklyn Richardson, General Secretary
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MT.Vernon, NY

Joseph L. Roberts Jr.
Ebenezer Baptist Church
Atlanta, GA

Bishop J.H. Sherman
Church of God in Christ
Charlotte, North Carolina

Rev. Dr. E.E. Stafford
Mt. Tabor Baptist Church
Los Angeles, CA

Rev. Charles Stith
Union United Methodist Church
Boston, Massachusetts

Bishop Frederick Talbot
African Methodist Episcopal
Arkansas/Oklahoma

Dr. M.T. Thompson
Berkeley Mount ZION Baptist
Berkeley, CA

Wyatt T. Walker
Canaan Baptist Church
New York, NY

Bishop George W. Walker Sr.
AME Zion Denomination
New York, NY

Bishop L.T. Walker
Church of God in Christ
Little Rock, Arkansas

Dr. Kenneth Whalum
Olivet Baptist Church
Memphis, Tennessee

Rev. Frederick Williams
Episcopal Church of the Intercession
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Galilee Baptist Church
Shreveport, LA

Rev. Odell Jones
Pleasant Grove Baptist Church
Detroit, Michigan

Rev. William A. Jones Jr.
Bethany Baptist Church
Brooklyn, NY

Rev W. B. Lewis
President North Carolina General State Baptist Convention
Raleigh, NC

Bishop S.C. Madison
United House of Prayer
Washington, D.C.

Bishop Haskell Mayo
African Methodist Episcopal
Fourth Episcopal District
Chicago, Illinois

Rev. Randall McCaskill
Concerned Black Clergy of Philadelphia, President
Philadelphia, Pennsylvania

Dr. John Miles
Morning Star Missionary Baptist Church
Kansas City, Missouri

Rev. James E. Milton
Southern Baptist Church
Cincinnati, OH

Rev. Joe Hardwick
Praises of ZION Baptist Church
Los Angeles, CA

Rev Calvin A. Harper
Morning Star Baptist Church
Cincinnati, OH

Bishop Fred James
AME Denomination
Washington, DC

Dr. T.J. Jemison, President
National Baptist Convention USA
Baton Rouge, LA

Rev E. Edward Jones
Galilee Baptist Church
Shreveport, LA

Rev. Odell Jones
Pleasant Grove Baptist Church
Detroit, Michigan

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Rev. James E. Milton
Southern Baptist Church
Cincinnati, OH

Rev Dr. Frank Pinkard
Evergreen Baptist Church
Oakland, CA

Bishop Norman Quick
Church of God in Christ
New York, New York

Dr. W. Franklyn Richardson, General Secretary
National Baptist Convention USA
MT.Vernon, NY

Joseph L. Roberts Jr.
Ebenezer Baptist Church
Atlanta, GA

Bishop J.H. Sherman
Church of God in Christ
Charlotte, North Carolina

Rev. Dr. E.E. Stafford
Mt. Tabor Baptist Church
Los Angeles, CA

Rev. Charles Stith
Union United Methodist Church
Boston, Massachusetts

Bishop Frederick Talbot
African Methodist Episcopal
Arkansas/Oklahoma

Dr. M.T. Thompson
Berkeley Mount ZION Baptist
Berkeley, CA

Wyatt T. Walker
Canaan Baptist Church
New York, NY

Bishop George W. Walker Sr.
AME Zion Denomination
New York, NY

Bishop L.T. Walker
Church of God in Christ
Little Rock, Arkansas

Dr. Kenneth Whalum
Olivet Baptist Church
Memphis, Tennessee

Rev. Frederick Williams
Episcopal Church of the Intercession
New York, NY

Bishop Milton Williams
AME Zion Church
Washington, DC

Leaders Say Health Care Delay May Last Till Labor Day in House

By ROBIN TONER
Special to The New York Times

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WASHINGTON, Aug. 17 — House Democratic leaders today acknowledged that they had no clear idea when they could begin work on health care legislation, but said it might be after Labor Day, a prospect that dismayed many advocates of a health care overhaul.

Representative Richard A. Gephardt, the majority leader, told members in a closed Democratic caucus today that the Congressional Budget Office had yet to complete its analyses of the House's health care bills, and that the House could therefore not begin to act on them.

Mr. Gephardt told members that if, as expected, the budget office was still not finished when the House completes its work on the crime bill this week, they might be sent home, according to participants in the caucus.

With this newest delay on the horizon, some advocates of health care restructuring said they worried that the mood and the momentum for a comprehensive bill were waning in the House as the clock winds down to the elections in November. "I've said repeatedly the one thing the leadership doesn't have to give away is time," said Representative Pete Stark of California, chairman of the Ways and Means Subcommittee on Health. "Members go home for two weeks, it gives people a lot of time to complain."

The majority leader maintained that there was still the possibility of moving faster on health care legislation if the budget office reports back in the next two weeks. But he was clearly exasperated when reporters asked him when the debate might begin. "The answer to the question of 'when' has been, is and for some time will be, 'I don't know,'" he said. "I can say that 40 or 50 ways, but that's the answer. I don't know and I know of no one who knows."

Participants at the caucus said Mr. Gephardt told them to stay flexible because they might be called back before Labor Day. The House will not officially adjourn, which is widely seen as an effort to keep pressure on the Senate and the budget office to continue working on the legislation.

But Mr. Gephardt acknowledged in the caucus that the House might not take up the bill until after Labor Day.

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according to participants, saying that if that occurs, members would stay in session through the weekend of Sept. 9 to try to complete action before Yom Kippur begins on Sept. 14.

In an interview tonight, the majority leader said it was simply impossible to get a hard prediction from the budget office on when it would be finished. The analysis, he said, "is an interactive process," with the authors of the various bills under scrutiny given the opportunity to make changes and have those changes analyzed in turn. The budget office is analyzing several plans, including the leadership's, a Republican alternative and a new measure from a group of bipartisan moderates.

The latest delays in the House heightened the anxiety of members committed to passing major health legislation this year even as they shared the leadership's frustration with the budget office.

"Delay is something that does not work to our advantage," said Representative Ben Cardin, Democrat of Maryland and a leadership ally on health. Representative Ron Wyden, Democrat of Oregon, said, "It's going to push the calendar very hard."

'Perception of Disarray'

Representative Pat Williams, a Democrat of Montana who is active in health issues, said that while the actual "legislative days" lost were insignificant, the "helter-skelter nature of the scheduling is harmful, because of the perception of disarray."

Republicans have scoffed that the real reason for the delay is that Democrats do not have the votes for their

The momentum for sweeping changes on insurance could be lost.

plan. But Democrats insist they cannot even begin to count heads and make their case until the budget office evaluates the financial impact of competing plans, expected to be at the heart of the debate.

There are several broad political concerns: All along, Democratic strategists have worried that sending members home for the August recess before voting on a bill would expose them to further lobbying and feed their jitters at a critical time. Moreover, some Republicans have mounted a concerted campaign to argue that there is no reason to "rush through" health legislation.

According to the polls, their arguments are finding an increasingly receptive audience, with many Americans now saying it makes sense to slow down and "do it right," thus easing the pressure to act.

Finally, some Democratic strategists say, there is the unknown impact of the Senate's action, which could be largely complete by the time the House gets down to work. This could help with the Democratic effort in the House, if the Senate upholds

some form of new requirement that employers help pay for their workers' insurance if coverage goals go unmet.

But some strategists in the House say it could make the effort to pass the far more sweeping Gephardt bill more difficult, if the Senate waters down the plan proposed by Senator George J. Mitchell, the majority leader.

There was a distinct gloom today among some of the members most involved in the health care debate.

Representative Jim McDermott, Democrat of Washington and a leader of the liberal wing of the Democratic caucus on health issues, said, "I sat and answered my own phones for a while last night, and people were saying they don't want the Gephardt bill, they don't want the Mitchell bill, and by the way they don't want crime either. So the opposition is pretty well organized."

He added, "Each day makes it less and less likely that we'll have real reform." And Representative Jim Cooper, an advocate of the bipartisan plan, said, "The clock is a very tough adversary." He said it was his impression that it would take "a couple of weeks" for the budget office to finish work on the plans.

John Rother, legislative director for the American Association of Retired Persons, which has endorsed the Democratic leadership's bills in both houses, said, "Our polling still shows strong public support for each of the key elements of the Gephardt legislation. But Congress has been hearing mostly from those who want exceptions, exemptions and delay for financial reasons."

Mr. Rother added, "The fate of the bill in the House probably rests with how vocal the majority that supports the bill is during the next two weeks."

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THE NEW YORK TIMES, THURSDAY, AUGUST 18, 1994

Blacks Relent on Crime Bill, But It Leaves a Bitter Taste

By STEVEN A. HOLMES
Special to The New York Times

WASHINGTON, Aug. 17 — In the official Congressional Directory, Representative John Lewis notes that he received a degree from the American Baptist Theological Seminary and lists his profession as "civil rights leader."

Mr. Lewis's self-description helps explain his abiding antipathy toward violence, including what he has long considered to be the state-sponsored violence of capital punishment. For that reason, Mr. Lewis, Democrat of Georgia, voted last week to block an Administration-backed crime bill that would have greatly expanded the number of Federal offenses that would be subject to the death penalty.

But today, looking sad and saying little, Mr. Lewis stood in front of the White House and announced — along with another member of the Congressional Black Caucus, Representative Charles B. Rangel of Manhattan — that he was changing his mind and would vote to allow the House to take up the measure.

The opposition of some black Democrats to the death penalty is so strong that 10 of the 38 black Democrats in Congress voted against the measure that would have allowed the House to consider the crime bill, even though it included millions of dollars in social programs they say their communities sorely need. The measure was defeated 225 to 210.

"I grew up with strong feelings against capital punishment," said Mr. Lewis, who says he vividly remembers a segregated South where black men were often executed both inside and outside the judicial system. "I think it's barbaric and should have been outlawed many years ago. It represents a period of our past and is not worthy of a great nation."

But Mr. Lewis is also politically astute, and, as a deputy House whip, a member of the Democratic leadership. A defeat of the crime bill would wound the President, encouraging the perception that he was too weak to get a legislative priority passed in the House even though it is controlled by his own party.

Later in the day, Representative Cleo Fields, another black Democrat, also announced that he would switch his vote and allow the bill to be voted on by the House.

Mr. Lewis, who once headed the Student Nonviolent Coordinating

Black lawmakers abhor the death penalty but fear a harsher crime bill.

Committee and marched with the Rev. Dr. Martin Luther King Jr., said, "It's been one of the most difficult decisions I've had to make in the eight years since I've been here. It was much easier to march across the bridge in Selma or go on the freedom rides. Everything then was clearly black and white."

Crime bills are tough votes for black lawmakers. Blacks are far more likely than whites to be victims of violent crime, and some polls have found that they are more afraid than whites of being murdered or mugged. But blacks have consistently been less willing than whites to approve of capital punishment.

Long-Awaited Aid

This year a tricky vote on a crime bill became even tougher when the \$33 billion measure was sweetened with more than \$7 billion for crime-prevention programs, including millions for the kind of Federal aid for inner cities that black Democrats have been demanding — and generally not getting — for many, many years.

That money — and the prospect that an even more Draconian crime bill could be enacted, with less money for social programs and without a ban on 19 different types of assault weapons — was enough to induce 28 of the 38 black Democrats to vote last Thursday to allow the bill to be considered by the full House.

But for some of them, the money was not enough to outweigh their loathing of a bill that would expand the number of Federal crimes punishable by death from a handful to more than 50, including offenses like terrorism, drive-by shootings and drug trafficking.

Recent reports have shown that an overwhelming majority of defend-

ants on death row for Federal crimes are black. The last Federal execution took place in Iowa in 1963.

"To suggest that it's just a matter of how much funding it would take to get somebody to change his mind, I think is an insult," said Representative Robert C. Scott of Virginia, another of the recalcitrant black Democrats. "You wouldn't ask an opponent of abortion to look at a bill with the greatest expansion of abortion in the history of the United States, and argue that he ought to vote for it because it's got some highway funding in it."

Going After Votes

In recent days, the White House, which has been accused by some on Capitol Hill of taking the caucus too much for granted, fought to turn around some of the black Democrats who had voted against it.

On Monday, Mr. Rangel suggested that he would change his vote if religious leaders thought that the morally right thing to do would be to let the House vote on the measure. On Tuesday, the White House released a statement by 40 black members of the clergy supporting the crime bill.

Mr. Fields, who met with the President on Tuesday, said he was changing his mind because he had received assurances from Attorney General Janet Reno that the Justice Department would insure that there was no racial bias in deciding when to seek the death penalty.

Purely political considerations may have played a part in persuading Mr. Lewis and Mr. Rangel to change their minds. Mr. Rangel, for instance, is facing a primary challenge from City Councilman Adam Clayton Powell 4th, who says that the incumbent's vote against the bill indicates how out of touch he is with the feelings and fears of his constituents.

And Mr. Lewis saw the Administration shopping for votes among Republicans and conservative Democrats by proposing to reduce the money for social programs, making him fear that his opposition might result in a bill that he would consider to be even worse.

"I was seeing proposals moving further and further to the right," he said in a telephone interview. "What was in the making was something worse than you have now."