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FROM: JOSEPH H

DATE: 4/29

PAGES (Including Cover) 11

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CA Prop 187 Info.

CAPITOL JOURNAL GEORGE SKELTON

Missteps by Both Strain Ties Between Davis, Bustamante

SACRAMENTO

So much for the "Clinton-Gore model" working in Sacramento. It doesn't and never has.

Lt. Gov. Cruz Bustamante had been touting his relationship with Gov. Gray Davis as a Triple-A league version of the teamwork between President Clinton and VP Al Gore. Happy, cooperative partners—albeit one of them a very junior member. Loyal and respectful.

Then came Thursday, April 15. Suddenly Bustamante began acting like a minority opposition leader, rather than the first lieutenant governor in 24 years who is from the same party as the governor.

Davis set off his junior partner by seeking court mediation of the Proposition 187 case—a decision that hit home personally for Bustamante, the grandson of immigrants and the first Latino to be elected lieutenant governor in 128 years.

To back up: 59% of the voters approved Prop. 187, which sought to deny public benefits to illegal immigrants. A federal judge tossed out most provisions. Gov. Pete Wilson appealed. Davis, who opposed 187, could have dropped Wilson's appeal or continued it. Many Latino leaders wanted him to drop it, thereby killing much of 187. (Some parts have become federal law.) But Davis felt he couldn't ignore the electorate. So he asked the appeals court to mediate a compromise and it has agreed to.

It wasn't just that Bustamante opposed Davis' decision. It's how he did it—out on the Capitol steps, for reporters, right after the governor's announcement, very articulately. Short and to the point:

"During the campaign and in his inaugural ceremony, Gray Davis said he was going to 'end the era of wedge issue politics.' . . . I didn't think he meant 'pending appeal' or 'pending mediation.'"

Two weeks have gone by, and Bustamante has not backed off. If anything, he has escalated his attacks on Davis' decision.

"He's a big boy," Bustamante said in an interview Tuesday. "He's the governor. He can do whatever the hell he wants to do. It's not for me to decide. But once he makes his decision—after all the games and the strategies—the public policy ends up affecting real people."

Indeed, there probably has not been a bigger real rift between a governor and a lieutenant governor in anybody's lifetime around here. And this is a Capitol where governors and lieutenant governors never have been cozy.

Unlike vice presidents who owe their jobs to the president, lieutenant governors run and get elected on their own. The powerful governor and his powerless understudy operate separately, without a natural allegiance.

In truth, lieutenant governor is a job that shouldn't even exist. If a governor leaves in mid-term—and the last time that happened was 46 years ago—why not just turn over the office to the next highest-ranking elected official of the same party? Maybe the attorney general. Save a lot of money and grief.

But Bustamante, as other lieutenant governors naively had before him, really thought he could be a "partner" with the governor and "influence" public policy. Maybe he still can, but it's going to be even harder now.

Basically, the Gore-Clinton model means that one guy chooses and the other cheers. Bustamante forgot that. Davis never forgets.

The first big mistake, however, was Davis'. As a former lieutenant governor himself, he should have been sensitive enough to grant Bustamante's request for a meeting to lobby him on his 187 decision.

"I do believe I could have made the case," Bustamante asserts. "Why would you want to mediate a [lower court] victory?"

When Davis finally invited Bustamante to come see him, the governor already had reached his decision. It also was not a one-on-one meeting. It was a group heads-up to key Democrats only one hour before the governor's public announcement. And by that time, Bustamante had read a leaked version in a newspaper.

So he boycotted the governor's little meeting. And that was Bustamante's mistake.

Now Davis aides are firing shots. "Here's a guy who could have been the Al Gore of the Davis administration and instead has chosen to be the Jesse Jackson," says one gubernatorial advisor.

"Becoming the chief public defender of illegal aliens is a curious way for a self-described moderate to introduce himself to the California electorate."

Says Bustamante: "I can't go home and look at my kids . . . my mother . . . my community and say that while I was here, I honored the lieutenant governor's position by staying silent on this issue . . . 187 was like illegitimizing the Latino experience. . . ."

"You would think [the governor] would give me, especially, a pass on something like 187. You would think. We are going to agree on so many other things down the road."

No. In the Clinton-Gore model, there are no passes.

LAT 4/29/99

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Monday, April 19, 1999

CAPITOL JOURNAL

Davis' Move Serves Both Backers and Foes of Prop. 187

By GEORGE SKELTON

POLITICS & GOV'T



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SACRAMENTO--Call Gov. Gray Davis a wimp. Say he's indecisive and gutless. Characterize his action on Proposition 187 as a gimmick. Go ahead, you'll have lots of company.

Myself, I think Davis made the only move he realistically could have. It probably will turn out to be good politics and also good public policy.

Indeed, he did a favor for Latino leaders and liberals--Prop. 187's hard-core opponents--although many have been moaning about his surprise decision to seek court mediation of the case. They had pressured him simply to drop the state's appeal, but there never was much chance he'd do that.

If all this goes the way I suspect--based on conversations with the governor and people close to him--the anti-187 forces will achieve all they logically could have hoped for. And the vast majority of California voters will get what they really wanted: A strong statement against illegal immigration and a cutback in taxpayer-funded services for people here illegally--without innocent kids being kicked out of school.

"We have an opportunity," Davis contends, "to resolve this issue in a way that's faithful to the electorate, avoids costly litigation and puts this behind us without divisive campaign rancor."

* * *

Let's review the background: Voters overwhelmingly approved Prop. 187 by 59% to 41% in 1994. An anti-187 coalition challenged the initiative's constitutionality. A federal judge tossed out key provisions, including one barring illegal immigrant children from public schools. Gov. Pete Wilson appealed, assuming the case ultimately would go to the Supreme Court. Davis then had to decide whether to continue

Davis' Move Serves Both Backers and Foes of P...



the appeal or drop it. If he dropped it, the anti-187 side would have won.

Davis was conflicted. He opposed Prop. 187. The measure is an ugly symbol for many Latinos, who are among his staunchest supporters. On the other hand, it did pass by a landslide. A governor, Davis argues, is duty-bound to all the voters.

Davis never regarded dropping the appeal as a practical option. For one thing, that would have prompted another suit by pro-187 forces challenging his move. But more important, as he declared in announcing his decision: "Few things make people more cynical about government than when politicians substitute their personal judgment for the demonstrated will of the electorate."

What liberals and Latinos fail to grasp, Davis says, is that if he killed Prop. 187 before the courts rendered a verdict, another divisive initiative very likely would emerge and pass.

Davis pollster Paul Maslin, who recently surveyed California voters, says: "The numbers now are exactly what they were in 1994. If they had to vote again, it would be 60-40."

He also describes Prop. 187 as the angry voters' "poster boy" for initiatives that get passed and then eviscerated.

Adds a close Davis associate: "Our friends are trying to say, 'Wait a minute, Pete Wilson's out of office. No way could this thing go back on the ballot.'"

"But Pete Wilson did not put this thing on the ballot. This was as close to a citizens' movement as you can get. Wilson jumped on this horse about 40 feet from the finish line."

* * *

Davis, however, also was reluctant to follow in Wilson's litigating footsteps. He didn't want to be the one who asks the Supreme Court to review its 1982 decision entitling illegal immigrant children to public educations. "I'm not kicking kids out of school," he has told people privately.

Pollster Maslin, moreover, says the one provision of the anti-illegal immigration measure that bothers voters is the school ban.

As for the rest of Prop. 187, much of it already has been enacted into federal law by welfare and immigration reforms, seemingly unbeknownst to most people. Illegal immigrants now are barred from public health care, except in emergencies. They're also denied most social services, including welfare. Davis believes the court suit participants can negotiate what's still unresolved. This includes college tuition breaks and arrangements for turning in suspected illegal immigrants.

If they cannot agree to scuttle the school ban, he's thinking, then somebody else can sue. Not him. "The Supreme Court has spoken clearly--and I believe persuasively--on the need to educate every child," the governor says.

But before all this can turn out as Davis envisions, the many litigants--mainly Latino activists on one side and government entities on the other--must seriously negotiate. The dirty truth is, none supports Prop. 187 so their task should

Davis' Move Serves Both Backers and Foes of P...

be easy. But the governor must deliver something for the voters and be able to convince them their demands were heeded.

This time, Davis didn't take the centrist course as much as he did the pragmatic path.

Search the archives of the Los Angeles Times for similar stories about: PROPOSITION 187 (ILLEGAL IMMIGRATION), ILLEGAL ALIENS -- CALIFORNIA, MEDIATION, UNITED STATES -- COURTS, CALIFORNIA -- LAWS, GRAY DAVIS, CALIFORNIA -- POLITICS, ILLEGAL ALIENS -- FEDERAL AID, ILLEGAL ALIENS -- STATE AID. You will not be charged to look for stories, only to retrieve one.

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TO A FRIEND

(Published April 16, 1999)

CHEER: Gov. Gray Davis' decision to seek a settlement of the suit challenging the constitutionality of Proposition 187 nicely balances his two competing duties: to represent the will of the people, as state law requires, and to put the anti-immigration mood of the early 1990s squarely behind us.

In most respects, Proposition 187 is now irrelevant. Several of its bars on public benefits to illegal aliens have been put into federal law, and its provisions dealing with public schools are plainly unconstitutional under a previous U.S. Supreme Court decision. It should now be possible to settle the remaining issues without doing damage to either the voters' intent of sending "a message" or their more recently expressed desire to end the divisive mood of the past. In this case, Davis' choice of the middle ground is an act of statesmanship.

JEER: As he shifted from giving patients the means to end their own lives to personally administering lethal drugs, Dr. Jack Kevorkian's right-to-die crusade became more arrogant and extreme than anything this society can countenance. Saying as much, a Michigan jury convicted him of murder for his "mercy killing" -- videotaped and aired on CBS's "60 Minutes" -- of a terminally ill patient.

The judge slapped Kevorkian, 70, with a stiff jail sentence of 10 to 25 years. The more moderate advocates of physician-assisted suicide, who favor the kind of sensible, patient-protecting safeguards that Kevorkian eschewed, should consider themselves fortunate that Dr. Death will no longer be able to practice. He had made himself a liability for the movement he championed.

CHEER: Foes of President Clinton frequently argued last year that failing to impeach him would send the signal that the president was above the law. U.S. District Judge Susan

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Webber Wright has now exposed that nonsense, as well as Clinton's hair-splitting whine that his testimony had been "legally accurate" even if false.

Clinton was always subject to the same legal requirements as any other citizen, and Wright has fittingly cited him for contempt of court for "giving false, misleading and evasive answers" in his deposition in the Paula Jones civil suit. Wright said she took no pleasure in holding a president in contempt, but that she had to treat Clinton like other civil defendants. She got it just right.

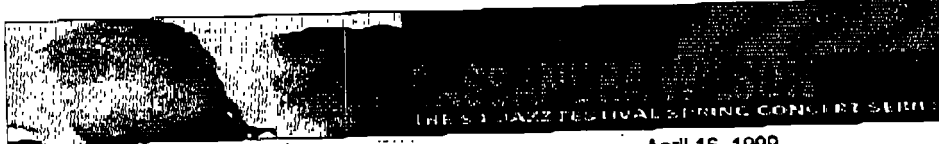
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Let 187 fuss fade away

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Let 187 fuss fade away

EXAMINER EDITORIAL WRITER

Lawsuit over anti-illegal-immigrant proposition could end soon

under governor's plan for mediation in U.S. appellate court

GOV. DAVIS has chosen an ingenious way of dealing with the legal dispute he inherited over the enforcement of Proposition 187, the initiative approved by California voters in 1994 to deny public health care, welfare payments and education to illegal immigrants. Instead of carrying on interminably with former Gov. Wilson's fight to uphold the measure's constitutionality, Davis will seek an early settlement of the issues in mediation before the U.S. Court of Appeals for the Ninth Circuit.

In deciding on this course, the new governor - who always opposed 187 - rejected urgings by anti-Prop. 187 allies that he flatly abandon his administration's legal defense of the "will of the people."

The proposition was ruled unconstitutional by a federal judge acting on a lawsuit brought by Hispanic organizations and others. Wilson appealed. The governorship has changed hands, but the state constitution says the governor cannot refuse to enforce the measure unless an appellate court has labeled it unconstitutional.

Much of Prop. 187 appears to be legally dead or superfluous anyway. A provision to deny public schooling to children of undocumented aliens conflicts with a 1982 U.S. Supreme Court ruling throwing out a similar law in Texas. Other parts denying welfare and health benefits to illegal immigrants are superceded by similar prohibitions in the federal welfare reforms of 1996. There is little of practical effect left in 187 for backers and opponents to fight about. Davis calls on adversaries (including advocates of 187 who are not currently parties to the litigation but seek to join it) to be "reasonable" in ending the dispute.

April 16, 1999

San Francisco Examiner
EXAMINER SECTIONS

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Let 187 fuss fade away

The best reason for nursing the litigation to a quiet, and quick, end in court mediation is to say a final goodbye to a painfully divisive chapter in California public life. Davis is right to seek an end to what he calls an "era of wedge-issue politics."

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OFFICE OF THE GOVERNOR

****AS DELIVERED****

PR99:083

FOR IMMEDIATE RELEASE

April 15, 1999

CONTACT: Michael Bustamante
916/445-4571**GOVERNOR DAVIS' STATEMENT ON PROPOSITION 187
AS DELIVERED**

SACRAMENTO – Governor Gray Davis today made the following statement regarding Proposition 187:

"As most of you know, I opposed Proposition 187. I don't like it because it pits Californians against one another. And I believe it hits hardest at children, who are truly innocent in all of this.

"If this were a piece of legislation, I would veto it. But it is not. It is an initiative, passed by nearly 60 percent of the people of California in a process specifically designed to go over the heads of the Governor and the Legislature.

"While I believe that some of the provisions of Prop. 187 are unconstitutional, I'm a Governor, not a judge. I have taken an oath of office to enforce all the laws of California and all the laws of this nation no matter how much I might personally disagree with those laws.

"I also firmly believe that elected officials should respect the will of the voters when they have spoken. If officials choose just to selectively enforce the laws they like, our system of justice will not long endure.

"Few things make people more cynical about government than when politicians substitute their personal judgment for the expressed will of the voters.

"That point was made abundantly clear 21 years ago when the voters adopted a constitutional amendment, Article III, Section 3.5 of the state Constitution, which plainly says an administrative agency has no power to refuse to enforce a statute unless an appellate court has determined it to be unconstitutional.

(MORE)

Statement on Proposition 187

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"Now, many people have argued that the choice before me is to appeal Judge Pfaelzer's decision on Prop. 187 or not to appeal it. But a great many things have transpired over the last five years that affect the legal status of Prop. 187.:

First -- Congress passed and the President signed into law a series of welfare reform bills.

Second -- Congress passed the Illegal Immigration Reform Act and the President signed it into law.

"These many laws effectively put into federal law many of the provisions of Proposition 187, particularly as they relate to the denial of welfare and health services other than emergency medical care.

Thirdly -- A federal district court judge, Pfaelzer, has ruled many part of Prop. 187 unconstitutional although she has ruled parts of it constitutional.

"The significance of these intervening events greatly influenced my decision. Because it is my duty both to defend the will of the electorate and to put divisive wedge issues behind us, I have to asked the Ninth District Court of Appeals' Mediation Services to convene the parties under the direction a court mediator.

"It is my belief that this well-established procedure, which settled 600 cases last year alone, will resolve the dispute over Proposition 187 entirely without a lengthy court battle.

"I believe this process will work, in part because many of the plaintiffs wrote the Attorney General earlier this year asking to enter into settlement discussions and because the proponents of Proposition 187 have asked to intervene repeatedly in this litigation.

"Moreover, I have asked all the parties to mediate this dispute in an appeal conference with the hope that we can avoid costly litigation and put this matter behind us. I am also asking the Attorney General, in light of the existing federal injunction against Prop. 187, to review the legal status of the many executive orders issued by Governor Wilson to implement 187 and report back to me on that legal status as well as his opinion as to what course of action if any I should take towards those executive orders.

"Let me make one thing clear now: In choosing the course of action I have chosen, I surrender no legal option available to me as Governor. If any party does not approach this process honestly and with an open mind, I will not hesitate to use my authority.

"I believe this is the most responsible course of action for California, with an excellent chance of success and avoiding protracted, costly legal litigation. I believe both the plaintiffs to this lawsuit and the proponents of Prop. 187 will act responsibly. But if I have to -- to ensure that the will of the electorate is respected and to put this divisive wedge issue behind us -- I am prepared to knock heads to reach an agreement.

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From Associated Press

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SAN FRANCISCO--A federal appeals court granted Gov. Gray Davis' request Monday for mediation in the dispute over Proposition 187, the divisive 1994 measure barring illegal immigrants from attending public school or receiving other state benefits.

The decision means a mediator will try to get both sides to reach a compromise over Proposition 187. Mediation is not binding.

Proposition 187, which bars illegal immigrants from receiving public schooling and nonemergency health care, was approved by 59% of voters, but virtually all of it has been blocked by the federal courts.

Davis, a Democrat, opposed Proposition 187. His predecessor, Republican Pete Wilson, backed it.

Sidestepping a politically fraught issue, Davis proposed that the dispute be submitted to mediation, a process that is typically used to resolve matters such as attorney fees and other disputes that involve money.

On Monday, the U.S. 9th Circuit Court of Appeals' chief mediator said the case was selected for the court's mediation program.

A judge ruled last year that the core provisions of Proposition 187 amount to an attempt to regulate immigration, an area that is the exclusive responsibility of the federal government. In addition, the ban on public schooling was found to conflict with a U.S. Supreme Court ruling that struck down an identical prohibition in Texas.

1 Search the archives of the Los Angeles Times for similar stories about: APPEALS, COURT RULINGS, MEDIATION, GRAY DAVIS, PROPOSITION 187 (ILLEGAL IMMIGRATION), ILLEGAL ALIENS -- CALIFORNIA, ILLEGAL ALIENS -- EDUCATION, WELFARE PROGRAMS -- CALIFORNIA. You will not be charged to look for stories, only to retrieve one.

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Cynthia A. Rice

04/16/99 09:39:12 AM

Record Type: Record

To: Irene Bueno/OPD/EOP

cc:

Subject: Statements on Prop 187

Here are a few other docs I found that may be useful

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PRESIDENT CLINTON AND VICE PRESIDENT GORE Working on Behalf of the Hispanic Community

Economy Balanced the Federal Budget. In 1992, the budget deficit was \$290 billion, a record dollar high. This year, the budget will be in surplus for the first time in 30 years.

Saving Social Security First. President Clinton is committed to saving Social Security for the 21st Century. The President will fight any attempt to break the budget rules and drain the surplus. His commitment is unwavering: every penny of any future surplus must be reserved until a bipartisan plan to save Social Security is enacted.

Nearly 17 Million New Jobs. Under President Clinton, more new jobs have been created in 5 1/2 years than were created during the entire 8 years of the Reagan Administration (16.7 million under Pres. Clinton vs. 16.0 million under Pres. Reagan).

Declining Unemployment. The unemployment rate for Latinos has dropped from 11.3 percent in January 1993 to 7.5 percent in August 1998.

Income of Median Hispanic Households Up \$2,553 in Past Two Years. In 1997, the income of the median Hispanic household, adjusted for inflation, increased from \$25,477 in 1996 to \$26,628 in 1997 -- an increase of \$1,151 or 4.5 percent. Over the past two years, the income of the typical Hispanic household has risen \$2,553 -- or nearly 11 percent -- the largest two-year increase in Hispanic income on record.

The Lowest Inflation in More than 30 Years. Since 1993, the inflation

rate has averaged just 2.5 percent -- the lowest average inflation rate since the Kennedy Administration. Over the past year, the Consumer Price Index has increased only 1.6 percent.

Strong Private Sector Growth. The private sector of the economy has grown 3.9 percent annually --the fastest rate of private-sector growth since the Johnson Administration.

Tax Cuts For Low-Income Working Families. President Clinton's 1993 Economic Plan provided tax cuts to 15 million hard-pressed working families by expanding the Earned Income Tax Credit (EITC). The average family with two kids who received the EITC received a tax cut of \$1,026. In 1997, the EITC lifted more than 1.2 million Hispanics out of poverty.

Largest Hispanic Poverty Drop In Two Decades. Last year, the Hispanic poverty rate dropped from 29.4 percent to 27.1 percent -- the largest one-year drop in Hispanic poverty since 1978. Since President Clinton took office, Hispanic poverty has dropped from 30.6 percent to 27.1 percent. While this marks significant progress, President Clinton will continue to fight for policies that help to raise incomes and reduce poverty.

Minimum Wage Increased. The President raised the minimum wage to \$5.15 an hour -- directly benefitting 1.6 million Hispanic workers.

Fighting for Paycheck Equity. The President has called on Congress to pass legislation to strengthen laws prohibiting wage discrimination. In 1996, the median earnings of Hispanic women represented 57 percent of the median earnings for men.

Two and a Half Times More Small Business Loans to Hispanic Entrepreneurs. Between 1993 and 1997 the SBA approved nearly 15,000 loans to Hispanic entrepreneurs under the 7(a) and 504 loan programs. Last year alone, the Small Business Administration granted more than 3,300 loans, worth \$615 million, to Hispanic small business owners, two and a half times the number of loans granted in 1992.

Supporting Minority Business Communities and Increasing Access to Capital. Building on the efforts of the SBA, Vice President Gore unveiled aggressive plans to increase lending and business services to the African American and Hispanic business communities nationwide. The SBA has set a goal of providing an estimated total of \$1.86 billion in loans to African American small businesses over a three-year period and \$2.5 billion worth of loans to Hispanic-owned businesses by the year 2000. In addition, the Vice President announced an unprecedented agreement between SBA and the "Big Three" U.S. automakers to increase subcontracting awards to minority businesses by nearly \$3 billion over the next three years -- a 50 percent increase over current levels.

Ensuring Minority Business Owners Have a Fair Opportunity to Compete. The President signed the Transportation Equity Act for the 21st Century into law on June 9, 1998. The Act protects the Disadvantaged Business Enterprise (DBE) Program, a program that ensures that minority and women-owned businesses have an opportunity to compete for transportation

projects. The Administration helped defeat an amendment to the House version of this bill that would have eliminated the DBE Program. In a different measure, the President also approved the creation of a new program to target assistance to minority-owned businesses in industries that continue to reflect the effects of discrimination. As a result, thousands of minority-owned businesses will be able to compete more effectively for government contracts. Expanding Investment in Urban and Rural Areas. Thanks to President Clinton and the 1993 Economic Plan, 125 Empowerment Zones and Enterprise Communities have been created, programs that are spurring economic development in distressed communities. And the President's FY99 budget provides \$150 million a year for 10 years to fund 15 new urban Empowerment Zones (EZs) and \$20 million a year for 10 years to fund five new rural EZs. Additionally, the President's FY99 budget includes \$400 million -- nearly triple the FY98 appropriation -- for a new Community Empowerment Fund (CEF) that is expected to leverage an estimated \$2 billion in private-sector loans to help communities invest in businesses and create jobs.

Expanding Access to Capital with Community Development Financial Institutions (CDFI). The President has expanded access to capital through the creation of the Community Development Financial Institutions Fund, which supports banks and other entities that specialize in lending and investing in underserved communities. The President's FY99 Budget includes a \$45 million increase in CDFI funding (from \$80 million to \$125 million) to allow the Fund to provide additional support for these institutions, including through an expanded training and technical assistance initiative.

Working on Behalf of Minority Farmers. The U.S. Department of Agriculture (USDA) is working to strengthen programs and increase outreach targeted to underserved communities, including increasing its lending to minority and women producers. In the past five years there has been a 74 percent increase in direct lending to these groups -- from \$46.5 million in FY93 to \$81 million in FY97. Additionally, the Administration is committed to righting any past wrongs by federal employees and has worked with the Congress in crafting language contained in the Agriculture Appropriations bill that would waive the two-year statute of limitations on discrimination complaints against USDA's farm and housing loan programs. This waiver would allow compensation to be provided to many minority farmers who were victims of discrimination by USDA from the early 1980's through the 1990's.

Increasing Homeownership. The Clinton Administration launched a program to increase the homeownership rate of Hispanics in the U.S. through advertising, education and counseling programs and working with lending institutions to better serve the Hispanic community. Progress has been made, four million Hispanics, or 44 percent, now own their homes.

Expanding Low-Income Housing Tax Credit by 40 Percent. In 1993, President Clinton fulfilled his promise to permanently extend the Low-Income Housing Tax Credit, spurring the private development of low-income housing and helping to build 75,000-90,000 housing units each year. President Clinton now proposes to expand the credit by 40 percent. Over the next five years, this expansion will mean an

additional 150,000 to 180,000 quality affordable rental units. Put Forth a "Play-by-the-Rules" Homeownership Initiative and a Homeownership Zones Initiative. The FY99 budget proposal for the Neighborhood Reinvestment Corporation includes \$25 million for a new initiative that would make homeownership more accessible to families who have a good rental history but have difficulty purchasing a home, 10,000 lower-income and minority families who are currently renting would benefit from this initiative. In addition, the President's FY99 budget includes \$25 million for Homeownership Zones, abandoned housing and distressed neighborhoods that communities could reclaim using this funding. Funds could be used for property acquisition, demolition, site preparation, housing construction or rehabilitation, homeownership counseling, relocation, and activities to further fair housing and homeownership.

Fighting for Equal Opportunity

Building One America. The President has led the nation in an effort to become One America in the 21st Century: a place where we respect others' differences and, at the same time, embrace the common values that unite us. AFL-CIO Executive Vice President Linda Chavez-Thompson served on the Advisory Board to the President's Initiative on Race, which the President charged with overseeing this effort. The President, the Administration and the Advisory Board were actively involved in public outreach efforts -- including holding numerous public meetings and town halls -- to engage Americans across the nation in this historic effort. One of the critical elements of the President's Initiative on Race was identifying, highlighting and sharing with the nation promising practices -- local and national efforts to promote racial reconciliation. The Advisory Board presented their final report to the President on September 18, 1998, and recommended that conversations on race continue.

An Administration That Looks like One America. The President appointed the most diverse Cabinet and Administration in history. Secretary of Energy Bill Richardson and Small Business Administrator Aida Alvarez are members of the President's Cabinet. Federico Pena and Henry Cisneros previously served in the President's Cabinet.

Judicial Appointments. Seven percent of all judicial appointments are Hispanics including the Honorable Jose Cabranes, Judge, Second Circuit U.S. Circuit Court and the Honorable Hilda Tagle, Judge, Southern District of Texas, U.S. District Court.

Senior Level Administration Appointments. President Clinton has appointed more Hispanics to senior level positions than any President in American history. Eight percent of Presidential appointments, including boards and commissions, are held by Latinos. These Presidential appointees include Overseas Private Investment Corporation (OPIC) President George Munoz; Norma Cantu, Assistant Secretary for Civil Rights at the Department of Education; Saul Ramirez, Jr., Department of Housing and Urban Development Deputy Secretary; Eduardo Gonzalez, Director of the United States Marshals Service; Eluid Levi Martinez, Commissioner of Bureau of Reclamation at the Department of

Interior; Ida L. Castro, Director of the Women's Bureau of the U.S. Department of Labor and Chair-designee for the Equal Employment Opportunity Commission; Patricia T. Montoya, Commissioner-designee for Children, Youth & Families at the Department of Health and Human Services; and John U. Sepulveda, Deputy Director-designee at the Office of Personnel Management. White House appointees include: Assistant to the President and Deputy Chief of Staff Maria Echaveste; Assistant to the President and Director of Intergovernmental Affairs Mickey Ibarra; and Deputy Assistant to the President and Deputy Director for Legislative Affairs Janet Murguia.

Ordered an Assessment of Affirmative Action Programs. The President ordered a comprehensive review of the government's affirmative action programs which concluded that affirmative action is still an effective and important tool to expand educational and economic opportunity to all Americans. This review of federal affirmative action programs has helped to ensure that these programs are fair and effective and that they can survive legal challenges. As a result, programs that benefit Hispanics, including students, working men and women, and business owners, remain in effect and are more likely to be upheld by the courts.

Increasing Civil Rights Enforcement. On Martin Luther King, Jr., Day, January 19, 1998, Vice President Gore announced the Administration's proposal for the largest single increase in funding to enforce existing civil rights laws in nearly two decades. Through new reforms and heightened commitment to enforcement, the Administration will seek to prevent discrimination before it occurs and to punish those who do discriminate in employment, education, housing and health care, and against those with disabilities. The Clinton Administration's FY99 budget contains \$602 million for civil rights enforcement agencies and offices -- an increase of \$86 million over last year's funding.

Increasing Funding for the Equal Employment Opportunity Commission (EEOC). The cornerstone of the improved civil rights enforcement effort is a \$37 million increase (15 percent) for the EEOC. Through increased use of mediation, improved information technology and an expanded investigative staff, the EEOC will reduce the average time for resolving private-sector complaints from over 9.4 months to 6 months and cut the backlog of cases from 64,000 to 28,000, by the year 2000.

Opposed California Prop. 209 and Similar Measures. The Clinton Administration strongly opposes state and local initiatives to eliminate affirmative action programs that expand opportunities for Hispanics and others. The Administration opposed Proposition 209 in California and filed amicus briefs opposing Prop. 209, which currently prohibits state affirmative action programs. The Clinton Administration opposed a similar initiative in Houston, which was defeated and is currently opposing an initiative in Washington that is similar to Prop. 209. In all these cases, representatives of the administration have spoken out strongly against these initiatives as unfair and a barrier to equality.

Ensuring Election Fairness. The Clinton Administration defended racially fair redistricting plans against claims that they were

unconstitutional and prevented election day discrimination against minority voters and voter intimidation and harassment by monitoring polling place activities in a record number of states and counties. Continued enforcement efforts to ensure that citizens who rely on Spanish have the same opportunities to participate in voting-related activities as English-speaking voters.

Oppose English-Only Legislation. Strongly opposed legislation to make English the official language of the United States which would have jeopardized services and programs for non-English speakers and jeopardized assistance to the tens of thousands of new immigrants and others seeking to learn English as adults. **Increasing Voter Registration.** During 1995 and 1996, the National Voter Registration Act or "Motor Vote" law registered nearly 14 million new voters and made voting easier for millions more. Notably, 1996 saw the highest percentage of voter registration since 1960. [FEC, 6/97] **Opposed California Prop. 187.** Opposed California's Proposition 187, which would have made illegal immigrants ineligible for public school education at all levels and ineligible for public health care services.

Working for Fair Housing. To respond to the increase in reported cases of serious fair housing violations, HUD will double the number of its civil rights enforcement actions by the year 2000. HUD has also committed \$15 million to 67 fair housing centers around the country to assist in fighting housing discrimination this year. In addition, the President's budget proposes \$10 million for a targeted enforcement initiative that will use paired testing -- identical applicants of different races or genders approaching Realtors or landlords -- to detect and eliminate housing discrimination.

Defended Fairness. The Clinton Administration has filed more cases between 1993 and 1997 to enforce fair housing laws than any other Administration (more than 500 cases). For instance, this Administration desegregated a Vidor, Texas, public housing complex and ordered a Mississippi bank to implement remedial lending plans for minority customers who were unfairly denied loans by the bank.

Eliminated Discriminatory "Redlining" Practices. The Clinton Administration negotiated agreements with health care agencies to eliminate discriminatory "redlining" practices denying home health care services based on residential location.

Working to Ensure a Fair and Accurate Census. The Clinton Administration is working to ensure that Census 2000 is the most accurate census possible using the best, most up-to-date scientific methods as recommended by the National Academy of Sciences. According to the Census Bureau, the 1990 Census missed 8.4 million people and double-counted 4.4 million others. Nationally, 5 percent of Hispanics were not counted in the 1990 census. While missing or miscounting so many people is a problem, the fact that certain groups -- such as children, the poor, people of color, city dwellers and people who live in rural rental homes -- were missed more often than others made the undercount even more inaccurate. A fair and accurate Census is

a fundamental part of a representative democracy and is the basis for providing equality under the law. The President is determined to have a fair and full count in 2000.

Immigration

Fairness for Immigrants. The President worked with Congress to correct the most egregious impacts of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. As a result, almost a million people will be able to proceed with legalizing their immigration status under the former standards of immigration law and not the new, stricter and more burdensome standards enacted in 1996. **Restoring Food Stamp Benefits for Legal Immigrants.** In June 1998, the President signed the Agricultural Research Act into law, which restores food stamp benefits to 250,000 elderly, disabled, and other needy legal immigrants, including 75,000 children, who lawfully resided in the U.S. as of August 22, 1996, and lost assistance as a result of cuts in the 1996 welfare law that had nothing to do with welfare reform. It restores benefits to Hmong immigrants from Laos who aided our country during the Vietnam War and extends the period during which refugees and asylees may qualify for Food Stamps while they await citizenship. This law funds a significant part of the President's 1999 budget proposal to restore food stamp benefits to 730,000 legal immigrants, but the President's budget proposal would go further by covering families with children regardless of the date they entered the U.S. This restoration builds on the President's success last year in restoring SSI and Medicaid to 420,000 legal immigrants whose benefits were also terminated in welfare reform (see below).

Reversing Unfair Cuts; Protects Legal Immigrants Who Become Disabled and Those Currently Receiving Benefits. The Balanced Budget Act of 1997 restored \$11.5 billion in SSI and Medicaid benefits for legal immigrants whose benefits were also terminated in welfare reform. This law protects those immigrants now receiving assistance, ensuring that they will not be turned out of their apartments or nursing homes or otherwise left destitute. And for immigrants already here but not receiving benefits, the BBA does not change the rules retroactively. Immigrants in the country as of August 22, 1996, but not receiving benefits at that time who subsequently become disabled will also be fully eligible for SSI and Medicaid benefits. When the President signed the 1996 Welfare Reform Law, he pledged to go back and change provisions that have nothing to do with welfare reform, such as the cutting off benefits to legal immigrants. Critics said the changes would never be made. However, in 1997 and again in 1998, the President followed through on his pledge -- and won many of the changes he sought in the 1996 law.

Strengthening the Naturalization Process. The President has made naturalization a top priority of the Immigration and Naturalization Service in order to continue fostering legal immigration while combating illegal immigration. For instance, over one million individuals were naturalized in 1996. The Administration continues to work to streamline and improve the naturalization process so that eligible individuals who have played by the rules can become full partners in America. In FY99, the Administration is seeking an infusion of new resources to reduce the

backlog of naturalization applications and improve customer service.

Defended Immigrant Rights. The Administration defeated legislative efforts which would have significantly eroded health care for immigrants. The bipartisan agreement strengthened the sponsorship requirement while preserving the basic ability of families to reunify.

Education

Made the Largest Investment in Education in 30 Years. Maintaining his longtime commitment to education, the President enacted the largest investment in education in 30 years -- and the largest investment in higher education since the G.I. Bill -- by signing the 1997 Balanced Budget Act.

Put Forward a Hispanic Education Action Plan. The Hispanic dropout rate is 2.5 times the rate for African Americans and 3.5 times the rate for white non-Hispanics. The Administration is reaching out to Hispanic youth, encouraging them to stay in school, graduate from high school, and go on to college so that they can compete successfully for good jobs and take advantage of promising career opportunities. As part of these efforts, the Clinton Administration put forth a \$600 million Hispanic Education Action Plan. This initiative will provide the investments needed to help Hispanic students master basic skills and become proficient in English. It will also assist schools in implementing reforms to reduce dropout rates, enable adults to receive basic skills training and participate in English-as-a-second-language programs, and offer assistance to colleges and universities that serve large numbers of Hispanic students.

Increased Funding for Hispanic-Serving Colleges. This year (FY98), the Administration enacted an 11 percent increase for Hispanic-Serving Institutions (HSIs), colleges and universities with at least 25 percent Hispanic enrollments.

Established a Hispanic Advisory Commission. In 1994, the President issued an Executive Order on Educational Excellence for Hispanics which established an advisory commission to oversee the improvement in education for Hispanics and would work to ensure that Hispanic-Serving Institutions will have more input regarding educational goals and issues of concern to Hispanics. The Commission's report identified contributing factors impacting attainment of educational excellence, corrective policy actions, and plans for program development and funding.

Implemented the Student Diversity Partnership Program. Partnered with Hispanic Association of Colleges and Universities, National Association for Equal Opportunity in Higher Education, an Indian Science and Engineering Society and the Center for the Advancement of Hispanics in Science and Engineering Education to implement the Student Diversity Partnership Program. This program will ensure an adequate supply of diverse and qualified scientists and engineers for the 21st century. In addition, the White House recently awarded Presidential Awards for Excellence in Science, Mathematics and

Engineering Mentoring Grants to both individual mentors and institutions that foster mentoring, helping to ensure that America's future scientists and engineers come from all of the nation's racial and cultural segments of the population.

AmeriCorps College Support. Since 1993, more than 100,000 people have had the opportunity to serve through AmeriCorps, with Hispanics comprising 13 percent of all participants (1996 data). This year alone, nearly 50,000 young people will take advantage of the opportunity to serve and will earn an award of up to \$4,725 to pay for college or repay student loans.

Expanding Investments In Youth Education And Training. One of the President's top priorities is fighting efforts by Congress to eliminate both the Summer Jobs Program, which provides jobs to roughly 530,000 disadvantaged young people, and the new Youth Opportunity Area Initiative, which would help provide job training and help finding jobs for up to 50,000 youth in the poorest communities nationwide. The Summer Jobs programs provides an estimated 25 percent of the summer jobs held by African American 14-15 years olds and at least 16 percent held by Hispanic 14-15 year olds. The Youth Opportunity Area Initiative program provides high school dropouts between the ages of 16 and 24 with academic and job-skills training, as well as apprenticeships building and rehabilitating affordable housing.

Expanding College Opportunity with Tuition Tax Credits, Education IRAs, and Largest Increase in Pell Grants in 20 Years. The President is making the first two years of college universally available with \$1500 HOPE Scholarship credits and a 20 percent tax credit helps offset tuition costs for college or lifetime learning. The expanded IRA allows penalty- and tax-free withdrawals for education. And, in the coming school year, nearly 4 million students will receive a Pell Grant of up to \$3,000, 30 percent larger than when the President took office. In the 1995-96 school year, 54 percent of all Hispanic students enrolled full-time in college received a Pell Grant.

Increased Bilingual Education by 35 Percent. Last year (FY97) in the Balanced Budget Agreement, the President secured a 35 percent increase in bilingual and immigrant education. The bilingual education funding will help school districts teach English to more than a million limited-English proficient children, as well as provide some 4,000 teachers with the training they need to do their jobs better. The Immigrant Education program will help more than a thousand school districts provide supplemental instructional services to 875,000 recent immigrant students. And, the President's FY99 budget proposal includes an increase of \$33 million for Bilingual and Immigrant Education.

Helping More Children in Elementary and Secondary Schools. In 1994, President Clinton reformed Title I -- the major elementary and secondary program for disadvantaged children -- clearing away barriers that had prevented limited-English proficient children from getting help. Now Hispanics are 32 percent of the children served in Title I.

Modernizing Our Schools. The President is working to pass federal tax

credits to help rebuild, modernize, and build over 5,000 public schools nationwide.

Reducing Class Size. The President is pressing Congress to enact his proposal to reduce class size to a national average of 18 students in grades 1-3, by helping local schools hire an additional 100,000 well-prepared teachers. Research shows that minorities, and low-income students in particular, benefit academically from smaller classes.

Teaching Every Child to Read by the 3rd Grade. More than 1000 colleges have committed work-study students to tutor children in reading, and thousands of AmeriCorps members and senior volunteers are organizing volunteer reading campaigns. In addition, the President is working to enact an early literacy bill such as the America Reads Initiative that will provide more tutors after school, improve the teaching of reading in our schools, and help parents help their children learn to read.

Greater Access to Education Technology. The President has made an unprecedented commitment to bringing technology into the classroom and has called for technology training for teachers and expanded access for teachers and students to computers in the classroom. As a part of this effort, the Clinton Administration secured an e-rate (discounts worth over \$2.5 billion every year) for schools, libraries, rural health clinics and hospitals to connect to the Internet.

Proposing Education Opportunity Zones. The President proposed \$1.5 billion, over five years, to bolster reform efforts by high-poverty urban and rural school districts that demonstrate both a commitment to, and a track record in, improving educational achievement. Funds will be used to improve accountability, turn around failing schools, recognize outstanding teachers, deal with ineffective ones and expand public school choice. Added investments in these communities will accelerate progress and provide successful models of system-wide, standards-based reform.

Working to Pass the High Hopes for College Initiative. The High Hopes for College Initiative will inspire more young people to have high expectations, to stay in school and study hard, and to go to college. The Clinton Administration is working to pass this initiative which makes a long-term investment -- starting with \$140 million in FY99 -- to promote partnerships between colleges and middle or junior high schools in low-income communities. The President's High Hopes program will provide one million at-risk middle school students (over five years) the mentoring and tutoring needed to raise education expectations and eliminate barriers to college.

Children and Families

Eliminating Racial and Ethnic Health Disparities. President Clinton has announced a \$400 million initiative to end racial and ethnic health disparities. The effort sets a national goal of eliminating the longstanding disparities by the year 2010 in six key health areas: infant mortality, diabetes, cancer screening and management, heart disease, AIDS and immunizations. There are major health disparities

among Hispanics. Latinos are nearly twice as likely to develop diabetes than non-Latinos and Latinos have two to three times the rate of stomach cancer as white Americans. The President announced a five-step plan -- led by Surgeon General and Assistant Secretary for Health Dr. David Satcher -- to mobilize the resources and expertise of the Federal government, the private sector, and local communities.

Focused Health Efforts. Established the Office of the Minority Health Research and Alternative Medicine at the National Institutes of Health. Helped communities develop culturally-competent systems of care for children with serious emotional disturbances through the Comprehensive Mental Health Services for Children and Families program. Negotiated agreements with hospitals and nursing homes to eliminate barriers to equal access for minorities based on language.

Fighting to Pass a Strong, Enforceable Patients' Bill of Rights. President Clinton has called on the Congress to pass a strong, enforceable patients' bill of rights that assures Americans the quality health care they need. The bill should include important patient protections such as: assuring direct access to specialists; real emergency room protections; continuity of care provisions that protect patients from abrupt changes in treatment; a fair, timely, and independent appeals process for patient grievances; and enforcement provisions to make these rights real.

Protected and Strengthened Medicare. The Balanced Budget Act extended the life of the Medicare Trust Fund for at least a decade; expanded choices in health plans; and provided beneficiaries new preventive benefits. Six percent of all beneficiaries currently enrolled in Medicare are Hispanic. The President has also put forth a new proposal that will provide greater access to health insurance for Americans ages 55 to 65, including an option to buy into Medicare.

Extended Health Care to Millions of Children with the Children's Health Insurance Program (CHIP). Because of the President's leadership, the Balanced Budget included \$24 billion to provide real health care coverage to up to five million more children, the largest children's health care budget increase since Medicaid was created in 1965. Minority children make up a disproportionate number of the over 10 million uninsured children. African American children make up 25 percent and Hispanic children make up 30 percent of all uninsured children -- more than twice their percentage of the overall population. The Administration is actively reaching out to communities to target and enroll eligible, uninsured children in CHIP.

Protecting Families. The Family & Medical Leave Act (FMLA) enables workers to take up to 12 weeks unpaid leave to care for a new baby or ailing family member without jeopardizing their job. Millions of workers have already benefited from FMLA since its enactment. The President also proposed expanding the Family & Medical Leave Act to allow workers up to 24 hours per year of unpaid leave for parent-teacher conferences or routine medical care for a child.

Increased WIC -- \$1 Billion Higher. Under President Clinton,

participation in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) has expanded by 1.7 million -- from 5.7 million in 1993 to 7.4 million women, infants, and children in 1998, with funding rising from \$2.9 billion to \$3.9 billion. The President's budget proposes \$4.1 billion in WIC funding to serve 7.5 million women, infants, and children in 1999, fulfilling his goal of full participation in WIC. Research shows that every \$1 increase in the prenatal care portion of the WIC program cuts between \$1.77 and \$3.90 in medical expenses in the first 60 days following childbirth. In 1996, 30 percent of the infants who benefited from WIC were Hispanic.

Expanded Head Start By Nearly 60 Percent -- Over \$1.5 Billion Higher Per Year. Since 1993, President Clinton has expanded Head Start by 57 percent, from \$2.8 billion in FY93 to \$4.4 billion in FY98. Of the estimated 830,000 children now enrolled in Head Start, 26 percent of the children are of Hispanic origin. The President's FY99 Budget increases Head Start funding by \$313 million, which would mean Head Start funding would be 68 percent higher in 1999 than in 1993. The President is on track to meet his goal of having one million children enrolled in Head Start.

Proposed the Largest Single Investment in Child Care in the Nation's History. The President's \$21 billion child care proposal will give child care subsidies to millions of children and increase tax credits for three million working families to help them pay for child care.

Providing After-School Opportunities for Up to Half a Million Children a Year. Last year, the President fought for, and won, a \$40 million expansion of the 21st Century Community Learning Centers program. Building on the success of this program, the President's FY99 budget includes a \$200 million major expansion, which will provide safe and educational after-school opportunities for up to 500,000 school-age children in rural and urban communities across the country.

Fighting Crime

White House Conference on Hate Crimes. President Clinton hosted the first White House Conference on Hate Crimes, which examined laws and remedies that can make a difference in preventing hate crimes, highlighted solutions that are working in communities across the country, and continued the frank and open dialogue needed to build One America. The President announced significant law enforcement and prevention initiatives to get tough on hate crimes, including: support for legislation to expand the federal hate crimes law to cover crimes based on sexual orientation, gender, or disability; the creation of a network of local hate crime working groups; the addition of approximately 50 FBI agents and federal prosecutors to enforce hate crimes laws; improved collection of data on hate crimes; and the production of materials to educate the public -- especially youth -- about hate crimes.

Enhanced Penalties for Hate Crimes. As part of the historic 1994 Crime Act, the President signed the Hate Crimes Sentencing Enhancement Act

which provides for longer sentences where the offense is determined to be a hate crime.

Falling Crime Rates. Violent crime is down six years in a row, the longest period of decline since 1960. Juvenile crime, which had been exploding, has declined 2 years in a row. Property and violent crime victimization rates are at their lowest levels in nearly 25 years.

Putting 100,000 New Police on the Streets and Providing COPS Grants to Underserved Areas. The President's Crime Bill, through the Community Oriented Policing Services (COPS) program, has already funded nearly 80,000 new officers. As a part of the COPS Program, the President announced new grants to increase police presence and community policing in underserved neighborhoods. Under this initiative, 18 cities will share \$106 million to hire 620 new community policing officers. The pilot cities were selected following an analysis of crime, demographic and economic data.

Promoting Community Prosecutions. The President's FY99 budget includes \$50 million for grants to promote community prosecution, which builds on effective community policing strategies. The funds will enable local prosecutors across the country to play a more active role in crime fighting by spending more time in their neighborhoods, both helping to solve crimes and preventing them before they happen.

Safe and Clean Environment

Environmental Justice and Redevelopment. The Clinton Administration issued an Executive Order on Environmental Justice to ensure that low-income citizens and minorities do not suffer a disproportionate burden of industrial pollution. The Administration identified pilot projects to be undertaken across the country to redevelop contaminated sites in low-income communities, turn them into useable space, create jobs and enhance community development.

Issued Toughest New Air Quality Standards in a Generation. The Clinton Administration issued new air quality standards for smog and soot that will prevent 15,000 premature deaths a year and improve the lives of millions of Americans who suffer from respiratory illnesses.

Cleaning Up Toxic Waste Sites and Redeveloping Brownfields. This Administration has cleaned up twice as many Superfund sites in less than six years as previous administrations did in twelve. To date, the Administration has awarded 228 Brownfields grants, for over \$42 million, to states, cities, towns, counties, and tribes. These grants have leveraged nearly \$1 billion for redevelopment of industrial sites and created over 2,000 jobs.

Providing Safe Drinking Water. The President proposed and signed legislation to strengthen the Safe Drinking Water Act to ensure that our families have healthy, clean tap water. The Administration required America's 55,000 water utilities companies to provide regular reports to their customers on the quality of their drinking water.

Reducing the Threat of Global Warming. The Administration negotiated an international treaty to reduce greenhouse gas emissions in an environmentally strong and economically sound way. The President's has proposed a five-year \$6.3 billion package of tax incentives and research investment to reduce greenhouse gas emissions through energy efficiency and clean energy technologies.

Protecting Our Natural Treasures. The Clinton Administration has protected or enhanced nearly 150 million acres of public and private lands, from the red rock canyons of Utah to the Florida Everglades. And the Administration has recently reached agreements to protect Yellowstone from mining and save the ancient redwoods of California's Headwaters Forest.

American Leadership

Democracy for Cuba. The Clinton Administration increased efforts to promote a peaceful, democratic transition in Cuba by keeping pressure on the Castro government for change while reaching out to the Cuban people. The President has strengthened international consensus on the need for action to promote human rights and democracy. Responding to the Pope's historic visit to Cuba, the Clinton Administration authorized humanitarian measures to alleviate the Cuban people's suffering, helping them to prepare for a democratic future and increase contact.

Support Our Closest Neighbors. The Administration took decisive action in assembling a financial support package for Mexico. The President's leadership prevented a prolonged financial crisis in Mexico and its spread to other Latin American countries. In addition, the President traveled to Latin America and launched hemispheric negotiations for Free Trade Area of the Americas.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

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REMARKS BY THE PRESIDENT AT 10TH ANNUAL CONVENTION OF THE NATIONAL ASSOCIATION OF HISPANIC PUBLICATIONS

The National Press
Club

Washington, D.C.

7:35 P.M. EST

THE PRESIDENT: Thank you very much. I feel a lot better than I did when I got here. (Laughter.) Thank you so much. Thank you, Andres Tobar. Thank you Louis Rossi. Thank you, Federico Pena.

Secretary Pena gave me a beautiful introduction, and it illustrates Clinton's first law of politics. Whenever possible, be introduced by someone you have appointed to high office. (Laughter.) I thank him for the outstanding job he has done at the Transportation Department, and for being our friend and leader. (Applause.)

I want to congratulate you on your 10th annual convention, on the opening of your office here in Washington under Executive Director Marlene Romero. (Applause.) There are so many Hispanic Americans I want to thank, but I want to say a special word of thanks to Raul Luis Ageta (ph) for his leadership and his guidance and his advice. (Applause.) I know that you have leaders of several Hispanic organizations here with you tonight. Commander Jake Alreed (ph) and the members of the G.I. Forum. (Applause.) I think the chairman of the EEOC is here, Gil Casaez (ph). He's done a terrific job. (Applause.)

I wanted to tell you that -- I know Secretary Cisneros spoke yesterday, and he was to be here tonight, but his son is having a Cub Scout meeting -- (laughter) -- and Henry is the den leader. (Laughter.) So we are trying to practice family values in our administration, and he's doing what he should be doing. (Laughter and applause.)

Let me also tell you before I get into the remarks that I was going to make tonight. You know, when I gave the State of the Union address I said, and I believe, the major choice before America is not whether we're going to have big or smaller government, but whether we're going to work together to solve the problems and meet the challenges and seize the opportunities that we have as a people. The choice is whether we're going forward together or whether we think Americans can really do their best out there on their own. And I believe we need to work together. And I asked the Congress to work with me.

I want you to know that just a few minutes ago the Congress passed a continuing resolution so that there's no question now of the government shutting down, and we'll be able to go on. (Applause.) And now I hope very much we can go back to work and pass all the remaining budgets for this year and pass that seven-year balanced budget in a way that is fair to all Americans. (Applause.)

I also want you to know that the United States Senate has just voted overwhelmingly to ratify the START II treaty with Russia. And let me tell you what that means. That means that when the Russians follow suit -- and I talked to President Yeltsin today and I told him

that I thought the Senate would ratify it tonight, he said he would do his best to see that the Russian parliamentary body, the Duma, would do the same. When START II is ratified, between START I and START II, we will have reduced nuclear weapons two-thirds below their Cold War high -- two-thirds of the nuclear weapons threatening the world will be gone. (Applause.)

So I want to thank the United States Senate and the United States Congress for working together with us on this, and as I said, I very much hope that this is a sign of even more of that kind of work to come.

I wanted to say just one other thing, too, about the appointments issue. When I came here to Washington, I found that in strange corners I was criticized for trying to develop an administration that looked like America, that I had this idea that you could have diversity and excellence and we didn't have to sacrifice one for the other. (Applause.)

You heard Secretary Pena say that we have appointed a record number of Hispanics, and I might add, African Americans and women to the federal bench. (Applause.) And just this week, I nominated a distinguished Richard Diaz (ph) from California to the United States Court of Appeals for the Ninth Circuit -- a very important court and will do very well. (Applause.)

And I wanted to say that what I'm very proud of is that this batch of judges together have the highest ratings from the American Bar Association in terms of their qualifications of any President's appointments since the ABA has been rating them in over 20 years now. So you don't have to sacrifice excellence to get diversity, to give everybody a chance to serve. And that is very important. (Applause.)

I would like to talk just a few moments tonight -- I know you're all here and you're having a good time and I want to get down here and shake hands, and I only have about one speech a week in me like the State of the Union -- (laughter) -- but I would like to talk about the things that I discussed in the State of the Union in terms of what they mean for Hispanics in America.

I do believe that as we move from the Industrial Age and the Cold War into the Information Technology Age and the global village that we are going into an age of possibility where, for Americans who can take advantage of it, there will be more possibilities for people to live out their dreams than in any time in the history of our country.

I also know that we face some stiff challenges. An awful lot of Americans, including an awful lot of Hispanic Americans, because of all these changes, are having to work harder and harder and harder just to keep up and are worried about the security of their families -- will they be able to provide health care; will they have a pension when they retire; will they be able to educate their children; will they be able to get education if they need it in their middle years. These are serious challenges.

I am encouraged that the family values that the Hispanic community has always embodied are reasserting themselves. It's a good thing that the crime rate and the welfare rolls and the poverty rolls and the teen pregnancy rate are all down, and that overall drug use in America is down. That's all good, but it is troubling that random violence among adolescence under 18 and random drug use and even cigarette use is now up among young people under 18.

So that's a challenge -- we have to find a way to reach these children and get them back into the mainstream of American life, and give them the dreams that so many of us grew up with. And that's really what I was trying to talk about in the State of the Union.

You can see all the progress that's been made by Hispanic Americans in the corporate sector, in the classrooms. We see more Hispanic TV news anchors, reporters, publishers, authors, doctors, lawyers, lawmakers. But every child deserves to have a dream and to have a chance to live out that dream. And I think this community has a special role to play in seeing that America meets the challenges of today and tomorrow, because you know all about hard work and personal responsibility and family values. But you also know that we will do better if we work together than if we just leave everybody out there to fend for themselves. And that is the central message of this time. (Applause.)

I said at the State of the Union, and I repeat, I think this country faces seven great challenges: the challenge to strengthen our families; the challenge to renew our education for the next century; the challenge to provide economic security for every family that's out there working for it; the challenge to break the back of crime and violence so that crime becomes the exception, not the rule in America again; the challenge to protect our environment; the challenge to guard our world leadership for peace and freedom; and the challenge to make our government work for all the people again.

Think what this means, all these challenges, to the Hispanic community. Strong families are the foundation of your culture. But every child is vulnerable to the lure of television that no child should watch, to the temptation of cigarettes that shorten our lives -- 1,000 kids a day will have their lives shortened because they're starting to smoke at an age when it is illegal -- to the draw of the gangs and the drugs and all these things. We all have to set better examples. But we deserve help, too. We deserve help.

That's why I fought so hard on the telecommunications bill, for example, to have the requirement that all cable television stations have a v-chip in them so that parents can decide whether their young children shouldn't watch certain programs. That's not censorship, that's parental responsibility. That's why I fought so hard for a welfare reform bill that would be both pro-work and pro-family. I have no problem with requiring people who can work to work, they should work. The welfare system was never meant to be a system which essentially said to people you can move out of your house and have children out of

wedlock and the government will support you. But if we're going to require people to work, we have to remember that the responsibilities of parenthood are still the most important responsibilities in our society. So people must be able to succeed as parents, as well as workers. That is my test for welfare reform. (Applause.)

Education has been the key to advancement of virtually everybody standing in this room tonight, and our education system in many ways is getting better and better. But it's not quite hooked-up to the future as it should be. The Vice President and I are determined to see that every classroom and every library in every school in America is hooked-up to the information superhighway by the year 2000. And it will help open the doors of the future for Hispanic children as never before. You're going to have children in isolated rural areas in south Texas within four or five years able to do research out of library in Australia, or China, or India, and learn things they never could have learned before. Because we have to bring the miracles of technology to the poor as well as the rich, to the rural as well as the urban, to all Americans. That is a vision worth achieving in our schools. (Applause.)

I would also point out to you that even though the college going rate is going up, among poor Americans the college going rate has flattened out -- in some cases it's declining -- because of the cost of a college education. No young American should ever not go to college because of the cost. That is my goal. Never. Never. (Applause.)

And we are working to increase the scholarships to have everyone able to get a college loan -- is a college loan that you would only pay back as a percentage of your income so that no matter how much you borrow, you can never be bankrupt after you got out of school. (Laughter.) You would have to pay it back, but there would be a limit as a percentage of your income. Now, I am proud of the fact that we have given more loans, but we have cut the college default rate in half. If you make it possible for people to repay and then you require them to do so, you can educate more people and cut the college default rate. That's what we ought to be doing in this country. (Applause.)

And let me also say, I know that it's popular today to bash bilingual education and to get into all this language business. Everybody knows that English is the language of the United States, but we do well by encouraging people to take other languages. My daughter just finished her Spanish exam, and I'm glad she's taking Spanish. And I wish more people would. (Applause.)

And when children come to this country, whatever their native language, we want them to begin to learn immediately. We want them to develop a facility in English. We want them to keep their native tongue, and we want them to learn while they're doing it. That is all we have ever said. That is all anyone has ever asked. We don't need to make this issue a divisive issue for the American people. (Applause.)

If you think of the question of economic security, this

affects the Hispanic community more than anyone else. The minimum wage is going to be at a 40-year low within a year if we don't, in terms of what it will purchase, if we don't raise it. It is unconscionable. For two years, I have been trying to get a raise in the minimum wage. It is time to do it. If we say people ought to work, how can we let people work and live in abject poverty? It is wrong, it is not necessary, and we should not do it. (Applause.)

Let me say, we're also trying to make sure that people get the wages they're entitled to. Between 1993 and 1995, the wage and hour division of the Labor Department, headed by Maria Ecevesta (ph) -- (applause) -- restored more than \$77 million in illegally withheld wages to workers in the garment industry, restaurants, hotels, motels and agriculture -- many of them Hispanic. I believe America needs a raise, and we ought to start with a minimum wage. And we ought to do that because it is the right thing to do. I believe it very strongly. (Applause.)

I also believe very, very strongly that we can give people greater security when they know that their jobs have the capacity to get a pension system that they can take then from job to job, when at least they ought to be able to have access to health insurance that they can't lose when they change jobs, or if someone in the family gets sick. That's why you have insurance -- because someone might get sick. But you have people all over America who are losing their health insurance because somebody got sick; that's why you have it in the first place.

Surely, at least, even though we could not agree on comprehensive health care reform last year, surely, surely, we can agree to at least protect people who are in hard-working families when they change jobs or when one of their children get sick from losing health insurance. (Applause.)

Let me just say one other thing about security. I think if we're going to have security we have to have very firm, firm laws that protect the workplace in America. Federico said I opposed Proposition 187; I did. I thought it was a bad policy. (Applause.) I didn't want to see children thrown out of schools, sick people thrown out of hospitals. But I do not believe that people who are not here legally should be in the workplace, and a lot of them are being exploited today -- exploited in unconscionable ways because we do not enforce laws that are on the books for legal immigration. I am for legal immigration. I am not for punishing children. But I think we have to take a strong stand against people who are not in the workplace legally, because they are being abused, and the whole American wage and hour system and the integrity of work is being abused by the people who do that. And we ought to stand against it.

And those of you who believe in immigration, who believe we are a nation of immigrants, I ask you to help me do that, so that we can preserve the support of the United States for a good, strong, legal immigration system that continues to bring us together across our diverse cultures. (Applause.)

I want to say just one thing about the crime problem. I was in Louisville, Kentucky, the day after the State of the Union. And I went into a poor neighborhood where we had put a community-policing program into effect -- the city did with some help from the federal government. And I saw poor people who never before had any feeling of rapport with the police department actually working on a daily basis with the police -- not to catch criminals so much as to prevent crime.

We now know that the way to drive the crime rate down is for neighbors to work with neighbors to work with police departments. They even set up a citizens police academy in Louisville, where people in the poorest neighborhoods could go down and learn how the police department is organized, how much money was being spent on what, how many police officers there were, how long it took them to get to the neighborhood, how they could be deployed. And it was a beautiful thing to see -- all these people who lived in very difficult circumstances felt empowered as citizens because they were literally helping to run the law enforcement program of their community. The policeman was not some outsider who was a source of fear, he was a friend and a partner. And they were driving the crime rate down.

But as long as children can be shot dead on the street from drive-by shootings, as long as children can be enlisted into gangs, and because they're young, taught by cruel older people to use weapons on the theory that they wouldn't be punished or hurt as badly, this country is never going to be what it ought to be. We must go back to the days when crime is the exception, not the rule. That ought to be our goal and our standard, and we should work until we get there. (Applause.)

I thank the Hispanic community for the support we received for NAFTA, for the support we received for the Summit of the Americas, for the support I received in probably the most controversial -- perhaps one of the two or three most controversial decisions of my administration, to try and reach out and give some support to the reformers in Mexico to keep the economy from collapse so that we could continue to be good partners and good friends. (Applause.)

Secretary Pena is about to go to Chile to try to implement some of the agreements we made at the Summit of the Americas. These are important things. I ask you -- this is something I want to ask you to do. I think Hispanic Americans just instinctively know that we cannot go into the future as an isolated country; that a part of our community has to be not only American families and communities, people in the private sector and the charities and the churches and the synagogues and the government working together -- we also have to have relations with other countries.

I think you know that. And I ask you to remind our fellow Americans when they say, well, why would they spend any money on any of that foreign stuff, that foreign aid is only one percent of our budget -- only one percent -- that our engagement with other countries is a very small percent of all of our tax dollars.

But I will just give you a few examples. One of the

reasons that seven members of the Cali Cartel were arrested is because the United States and Colombia were partners -- because they trusted us, we trusted them, we worked together. Those people had to put their lives on the line. We don't have to do that to get that done.

If we had no NAFTA, if we had no Summit of the Americas, if there were no larger vision about how to relate to the United States, why should anybody cooperate with us in other areas? If I bring a terrorist, suspected terrorist back from South Asia, and a poor country in South Asia goes out and arrests somebody out of a neighborhood and sends that terrorist back here to stand trial in America, why should they do that unless they feel that we share the same values and the same interests and the same future?

If I ask the Russians to work with me and to absolutely end the threat of nuclear annihilation which is where we're going, why would they do that unless they feel we have a shared future. I think Hispanics know that kind of instinctively.

This is a big deal for America. We have to be reaching out to the rest of the world because people still trust us. Why in the world were we asked to go to Bosnia, after we, through NATO, had actually bombed there to enforce the previous agreements? Because people know if we give our word, we'll keep it. Because they know we don't want any territory, we don't want to control any people. All we want is for people to live by certain rules of decency and to treat their people with decency and to be freedom loving. (Applause.)

And, finally, let me say we're trying to give you the government up here you deserve, one that costs less and works better. And I said in the State of the Union and I'll say again, the era of big government is over. Your government today is the smallest it's been since Lyndon Johnson was president. By the end of next year -- this year, '96, -- it will be the strongest it's been since John Kennedy was president. We are downsizing the government.

But having a small government is not the same thing as having a weak government. It can be smaller, it can be less bureaucratic. We can be giving more power to state and local governments, more power to people in the private sector, more power to groups that can solve social problems at the grass-roots level. But we don't need to walk away from America's challenges.

We still have an obligation, I believe, through the Medicaid program, to help poor children and families with children with disabilities, and elderly people who need to be in nursing homes. I believe that's our obligation. We still have an obligation to help people make the most of their own lives through education. We have to do more on that. We're going to have -- you know, the average person in a four-year school today is 26 years old. That's the average age. In the community colleges of this country, it's older. The average person who's 18 years old today will have to go back and get a better education even if they go onto college and get a degree. This will become the work of a lifetime. We have to stay together.

If this is going to be the age of possibility for every American, for every Hispanic child to live out his or her dreams, we have got to say, all right, the era of big government is over, but we are not about to go back to the time when everybody was fending for themselves and everybody was on their own.

Families work because people work together. People move to cities and towns because they could do more together than they could if they were living apart. And the same is true of our country. I think you know that. Impart your wisdom, your feeling, your conviction to the rest of America so that we can go forward together.

Thank you and God bless you all. (Applause.)

Q Say hi to Hillary! (Applause.)

THE PRESIDENT: Thank you. Thank you.

MS. HILLGREN: Wait one minute. And now I understand that he noticed his picture was not up there, and now your picture will go up because you are now a member. (Applause.)

THE PRESIDENT: I just have one question. Does this mean I get to ask questions, instead of answer them? (Applause.) Because if it does, I've got a wonderful backlog built up. (Laughter.)

Thank you very much. And let me say I want to come down and shake hands, and then I know you've got a busy evening and I thank you for letting me leave early. But I've got a little family values to tend to. This has been a long day in my family, and I'm going to take care of my wonderful wife and my daughter. So I'll see you. Thank you. (Applause.)

END

8:05 P.M. EST

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

July 19, 1995

REMARKS BY THE PRESIDENT
IN SATELLITE FEED TO LA RAZA CONVENTION
IN DALLAS, TEXAS

2:16 P.M. EDT

Thank you, Irma Flores Gonzalez, for that warm introduction. And thank you, ladies and gentlemen, for your warm welcome.

I'm glad to see so many of my friends out there, and I want to say a special hello to your president, Raul Yzaguirre, and Irma's predecessor, Dr. Audrey Alvarado. The First Lady sends her regrets at not being able to be with you today. I hope you won't be too disappointed that I'm going to be her stand-in. I'm also sorry I can't be with you in person, as I was last year in Miami.

Just a little over an hour ago, at the National Archives here in Washington, I announced the results of our administration's review of federal affirmative action programs, and my convictions about what we ought to do with affirmative action. I made it clear that an essential part of our search for common ground in the exercise of our freedom is an unwavering commitment to genuine equal opportunity for all Americans. Affirmative action is simply a tool in the pursuit of that enduring national interest -- equal opportunity.

Hispanics are making huge strides in ways we cannot have even imagined just a generation ago. I don't want any Hispanic child in America to feel that his or her race is an impediment to full achievement. Every child has a right to the American Dream, and all of us have a responsibility to nourish that dream.

But until this country has achieved equality of opportunity, until we have stamped out discrimination, we will still need the remedy of affirmative action. It must be done the right way -- it must be flexible; it must be fair; and it must work. Let me be clear: our administration is against quotas. We're against guaranteed results. But we do need to guarantee genuine equality of opportunity for all Americans. (Applause.)

We want to support the programs that are working, and we want to get rid of the ones that aren't. If you ask me in a sentence what we need to do I'd say we need to mend, but not to end affirmative action. We ought to stay with our principles and fix whatever practices we need to fix.

Our study showed that, indeed, affirmative action has been an effective tool in expanding opportunity for those who have suffered discrimination -- in the Army, in education, in small business loans, in employment by federal contractors, in the set-aside programs. We have seen again and again that when affirmative action is done in the right way it has helped more minorities and women to pursue the American Dream. People like Paul Gutierrez in Omaha, who owns Midwest Maintenance; Ernest Gonzalez of West Babylon, New York, who owns a chemical distribution company; Santos Garza of Bethesda, Maryland, who owns a security company.

After 25 years of experience, we know that these programs can work, but we also know that there have been some problems with them.

So it is time to take a good look at what's working and what isn't. That's why I announced the series of steps that we'll take to change and to improve our approach to affirmative action. First, we want to crack down on those who take advantage of other people who deserve the program through their own fraud and abuse. We'll still offer new businesses a leg up, but we're going to make sure the set-asides go to the businesses that need the most.

Second, we're going to comply with the Supreme Court's decision in the Adarand case last month. That means focusing set-asides to regions and business sectors where the serious problems of discrimination are clear and provable. I have directed the Attorney General and the agencies to move forward with this expeditiously. The Adarand decision did require us to improve the way in which we do affirmative action, but I want all of you to understand, it did not dismantle set-asides. In fact, a huge majority of the Supreme Court, seven of the nine justices, reaffirmed the need for good affirmative action because of the continuing evidence of discrimination in our national life.

The stricter standards of Adarand have been met by state and local governments who were ordered several years ago to adhere to these standards. And the best state and local set-asides that have been challenged have met the standards and survived the challenge.

The third thing we need to do is to help disadvantaged people and distressed communities wherever they are, and regardless of their race or gender. That's what we tried to do in the empowerment zone program. And that's why I've asked Vice President Gore to develop a proposal to use our contracting in the government to support businesses that locate themselves in truly distressed areas, or that hire many of their workers from these areas.

The truth is that there are whole pockets of America that have been left behind in the free enterprise system. And we need to give people incentives to invest in those areas and those people, not as a substitute for affirmative action, but as a supplement to it. We need to do this. Most of these areas will be disproportionately minority, but not all of them will be. I am convinced we have got to focus on getting people who are in these isolated areas, whether they're in rural or urban areas, the benefits of the American Dream. We cannot grow the American economy in the 21st century if we continue to have pockets of abject poverty where people are dying to go to work.

I have also directed all our agencies to apply four standards of fairness to all our affirmative action programs. First, no quotas or any inflexible numerical straitjackets in theory or in practice. Second, no illegal discrimination of any kind, including reverse discrimination. Third, no preferential treatment for people who are not qualified. And, finally, when a program has met its goal it must be retired. Any program that doesn't meet these four principles must be eliminated or reformed.

Affirmative action has been good for America. That doesn't

mean it's always been perfect; it doesn't mean it should go on forever. It should be retired when its job is done, and I am resolved that that day will come. But you and I know that job is not done yet, and we do not need to abandon affirmative action.

It is my firm belief that our diversity can be America's greatest strength in the 21st century. We're going into an information age. We have to be prepared to compete and win in the global economy, with all of its different cultures. And we are so well positioned in this country, with well over 150 different racial and ethnic groups, with opening opportunities to women as well as men -- but we have to say to ourselves honestly, we are not where we need to be. And we're going to need everyone pulling together if our country is going to move into the 21st century in good shape. So we can't back away from our commitment to expand equal opportunity and to require responsibility from every single American.

You know, I ran for President to do two things: First, to restore the American dream of opportunity and the American value of responsibility; and second, to bring the American people together again, so that we could move into the next century together. I have learned in the past two and a half years that we can't do one without the other. We can't solve our economic problems or our social problems unless we do them together and unless we come together. We all have to bring the American people together.

That's really the bottom line of this debate about affirmative action. You and I and all Americans have to sit down and find a way to bridge the great divides in our society. We have to find a way to honor our diversity in the context of our shared values, our shared interests and our shared commitments to both equal opportunity and a high standards of qualification and performance. If we do this, we'll be stronger; we'll be better prepared as a nation to meet the challenges that lie ahead.

By the year 2010, Latinos will be the largest minority group in our country. Your voices and your talents are absolutely critical to lead us into the new century. You're already doing that in many ways, in daily life and in public service.

We should all be grateful for the work that all of you do, but I want to mention one of your number in particular, New Mexico Congressman Bill Richardson. He did a great job in Haiti. (Applause.) He did a great job in North Korea. (Applause.) And I know -- I know how proud all of you are, and I can hear by your applause, at the work he did, the brilliant work he did to help to bring home the two Americans who were wrongfully imprisoned in Iraq. He is a great American and every American should be grateful to him for what he did. (Applause.)

Just last week at the Southwest Voter Registration and Education Dinner, Vice President Gore announced my intention to honor another great American, Willie Valasquez, with the Presidential Medal of Freedom. (Applause.) I am honored to honor the memory of a man who

gave all of us so much. For too long, Latinos were deprived of the chance to serve in the highest levels of government. This was a loss for your community and a loss for our nation. We are a rich country, but not so rich that we can afford to waste the talents of so many of our best people. Willie Valasquez knew this, his memory and legacy are alive in every corner of our administration.

And as we continue to move forward together, you know that we have more to do. But there are, already, more than two times as many Hispanic appointees in our administration than in the previous two administrations. In addition to Henry Cisneros at HUD and Frederico Pena at the Department of Transportation -- (applause) -- there are so many others who are contributing to our country and our future.

Let me just make one other point in closing, and then I know you have a question or two. You have to help us as a country make sure that this affirmative action program is not used as one more way to divide middle class and working poor Americans. (Applause.)

The real problem that is driving this new debate on affirmative action is a problem you know well. The ground is moving under America. Look at the last two and a half years. I have instituted a new economic strategy that has helped to bring us seven million jobs. We have an enormous increase in the number of new businesses, the highest on record. We have more new millionaires than ever before. The stock market is at an all time high. Corporate profits are high. But you know what? More than half the American people are working harder today for the same or lower wages they were making two and half years ago. More than half of our people still feel insecure about their jobs, their health care, their retirements, their ability to educate their children. Now, these are things that we have to face.

I know Secretary Dick Riley has already talked with you about the need to strengthen our commitment to education. But before I go on that, I want you to focus on this. A lot of this heat on affirmative action is being generated by people who want to blame minorities, who want to blame women's groups and who want to blame the federal government and this administration for the economic distress of the middle class. It's been building for decades and we have a strategy to do something about it. Affirmative action -- it did not cause the economic problems of middle class America. (Applause.) And affirmative action alone will not solve all the economic problems of women and racial minorities in this country.

So what we have to do is to say, let's look at affirmative action on its own merits. Let's realize we're all stronger when we grow together. But let's also recognize that we have to have a strategy to lift this country up. Don't let the people who are pursuing policies that will drive us down and drive us apart prevail by preying on the legitimate anxieties of middle class Americans to get this country moving for them again.

That all begins with a commitment -- a renewed commitment

-- to education. This issue is so important to all of us here that I just want to take one minute to echo and amplify what Secretary Riley said to you. Affirmative action without a commitment to education won't work. School is where young people learn the skills to pursue middle class dreams. It's where middle class values are taught and where parents can know that the teachers will reinforce things like responsibility, and honesty, and trustworthiness, and hard work, and caring for one another and for our natural environment; where good citizenship can be taught and where it can be modeled.

A good education has always been key to unlocking the promise of tomorrow. And today, more than ever, those without it are being left behind. That's why, under our plan, we can balance the budget and increase educational investment by \$40 billion in proven programs that work, from expanding Head Start to more affordable and repayable college loans.

The plan of the Republican majority in Congress will balance the budget, all right, but it cuts education by \$36 billion, right at the time when we need to be doing more to prepare our young people to take their productive places in the global economy. It does not make sense. It also doesn't make sense for them to cut funds on the fight on crime, cut our investments in safe and drug-free schools. There are a lot of things that don't make sense.

So, as we work in the coming months to balance the budget, I hope you'll help me do it in the right way. If we take a little longer and we don't give huge tax cuts to people who don't really need it, we can invest in middle class Americans and in poor Americans who were determined to work their way into the middle class.

You and I know it would be self-defeating to cut our investments in education. Cutting education today would be like cutting defense budgets at the height of the Cold War. Our national security depends upon our ability to educate all of our people, to give them the tools they need to make the most of their own lives.

Our mission -- yours and mine together -- must be to build a bridge to the future so that every American can cross it. We have to give every Latino and every other American the power they all need to make the most of their own lives and to give their children better lives. That's what's behind my commitment to education. That's what's behind my economic strategy. I want our children's generation to inherit an America with as much new opportunity as the one into which I was brought into. If people take the kind of responsibility you have taken to make our country better and we do the right things here, we will be better.

I thank you for your service to your community. I thank you for your service to your country. I ask you to stay at it; stand up for the proposition that all of us are going forward together.

Thank you, and God bless you all. (Applause.)

Q Mr. President, we have three important questions we want to ask. I will ask the first one.

A recent NCLR report shows that Hispanic women are the lowest-paid workers in the country and there is substantial evidence that Latinos experience discrimination on the basis of both national origin and gender. In light of your speech earlier today, how do you see the administration addressing the needs and interests of Hispanic women?

THE PRESIDENT: Thank you.

First of all, I'd like to talk a little bit about our survey. In our Working Women Count Campaign, conducted by Secretary Reich at the Department of Labor, with the able assistance of Hermalinda Pompa of the Women's Bureau, we circulated a questionnaire to working women. Two hundred and fifty thousand Hispanic women replied. They told us they were interested in paying benefits and having the ability to both work and to care for their children, and in making sure that women could be valued and treated properly and fairly in the workplace.

We are determined to do what we can to advance this cause. First of all, we want to make sure Hispanic women understand the rights and opportunities to which they're entitled as working Americans. And we have translated into Spanish, for example, information on the family leave law, information on the sexual harassment laws, information on pregnancy and other employment discrimination practices. I think that is very important.

But secondly, and even more important, we have to pursue and economic agenda that will help Hispanic women. We, first of all, have to raise the minimum wage. (Applause.) There are 300,000 Hispanic women in this country who would make an average of more than \$1,800 more than they're making now and put another \$1 billion into the American economy if we raised the minimum wage. And if we don't raise the minimum wage, next year, in terms of its real buying power, the minimum wage will fall to a 40-year low.

One of the real big fights we're having up here in Washington today is the fight between my vision of a smart-work, high-wage future and the alternative vision of a high-profit, but hard-work and low-wage future. I think it's clear which one is in the best interest of the American people. We ought to start with raising the minimum wage.

The second thing we need to do is to pass the G.I. Bill of Rights for America's workers, which includes consolidating all the various government training programs into one big pool and then giving people who are unemployed or under-employed the right to a voucher worth \$2,600 a year for two years, which they can take to the local community college or anyplace else if they want to get retraining and education after they have left high school and when they're in the work force. That is a very important proposal we have made that has achieved --

gotten too little attention. I think we have a chance to pass it and we ought to do so.

The third thing that we ought to do in my opinion is to concentrate tax relief on middle income families and on child-rearing and education costs. That will help Hispanic women enormously.

The fourth thing we need to do is to pass the welfare reform bill that has been proposed in the United State Senate by Senator Barbara Mikulski, Senator Daschle and Senator Breaux, which focuses on giving people who are on welfare the child care they need to that they can be able to go to work, they can be required to work -- (applause) -- and we can end welfare as we know it by helping people be good parents. (Applause.)

So these are just some of the things that I think we ought to do, and I hope you'll help me implement it. We have to win this budget fight. All this is going to play out in the context of the budget fight. Our budget fight is good for growing Americans. It's good for children. It's good for middle class people. It's good for people who want to work their way out of poverty. And we have to win it.

Q Thank you Mr. President. This is Raul Yzaguirre. Let me first state how gratified we are to learn of your posture on affirmative action. And we support and we stand by you on that posture and that position. (Applause.)

You will, however, recall that your administration received some criticism early on for its appointments and its appointment record with respect to Hispanic Americans. Since then, there have been gains and some losses, particularly within the White House itself. Furthermore, there is a perception that you have not enjoyed the benefit of frequent consultation with Latino community leaders on key issues of importance to the Latino community. Will you commit today to begin to practice affirmative action for Hispanics within your own administration -- (applause) -- and particularly in the White House itself? And further, what steps are you prepared to take to improve the quantity and the quality of your consultations with the Hispanic community. (Applause.)

THE PRESIDENT: Well, first of all, let's deal with the facts as they exist. Our administration has appointed more Hispanics than any administration in history, more than twice as many as either of the previous two, and several hundred. We also have a major domestic policy considerations in the hands of Secretary Cisneros and Secretary Pena.

I've also had the privilege, as you know, to have the regular counsel of the head of the EEOC, Gil Casellas; Norma Cantu at the Department of Education; Maria Echaveste at the Department of Labor; Nelson Diaz at HUD; George Munoz at Treasury, Aida Alvarez at HUD, Fernando Torres-Gil at HHS, Katherine Archuleta at Transportation and Joaq Otero at Labor, among others.

And at the White House, as you know, we have lost some people, but we still have an awful lot of talented Latinos on our staff. In fact, one of them made history this afternoon. Carolyn Curiel personally helped me craft my affirmative actions speech. She had more to do with drafting it than anybody else. And she is the first person of color, and more importantly, the first Latino in the history of our country to write speeches for the President. And it may be that the one she wrote today will go down as one of the two or three most important I have ever delivered. (Applause.) In the White House, as you know, she's joined by Rick Hernandez, Janet Maguida, Ray Martinez, Liz Montoya, Suzanne Ramos, Suzanna Valdez, Vicki Rivas-Vasquez, Aracel Ruano, and others.

Now, I want to answer you two questions here.

Number one, I am always looking for more good people for important appointments to boards and commissions and other things. But I want to point out again, if you look at my record on judges, I have appointed more than three times as many Hispanic judges in the first two years of my presidency as Presidents Reagan, Bush and Carter combined did in the first two years of their presidency. And in only two years, I have appointed more judges than any other administration in history. So I think my record is pretty good on that. (Applause.) I do want to continue to do better. And I do believe that there is more we can do.

Now, on the consultation issue, I really think that's one I really need to put back on you because my perception is that we have reached out, and we have consulted, and we have had a lot of good meetings that were more than just briefings, but were really asking for input.

If you don't believe that's true, then what I think you ought to do is make a proposal to me and let me see if I can accommodate it so that we can give you and all the people you represent and the people that you work so hard for and do such a wonderful job for the feeling that they do have an open door and a listening ear at the White House. Because, in the end, that is maybe the most important thing.

I have to keep working on these appointments because that empowers people who, in turn, send ripples all across the country. A lot of these judges, for example, will serve for 20 or 30 or more years and will make decisions that will, together, affect millions and millions of people in positive ways.

But while I am here, your feeling of access and involvement and participation in this administration is perhaps the single most important thing that I can give you. So I want to say again, I would like to invite you to make a proposal about how you think we should do it, what the right way to do it is. I will do my best to accommodate it and, in any case, we will make sure that people feel that we are moving this issue forward. (Applause.)

Q Mr. President, we accept your invitation, and you will

have a proposal on your desk Monday morning. (Applause.)

We have one last question of extreme urgency and importance to many of the people in this room today that we'd like to ask. You have spoken out, Mr. President, eloquently against the forces of hate that led to the Oklahoma City bombing and the need for greater civility in public debates.

We could not agree with you more. We live in a time of almost unprecedented immigrant bashing which we, in our community, view as a manifestation of these forces of hate. All Latinos, including the majority of us who are native-born citizens, feel we are targets of this riding tide of hate. You clarified this morning the need for all of us to come together in a united front. How do you plan to include those of us who are immigrants, those of us that look like immigrants in this plan to unite America? (Applause.)

THE PRESIDENT: Well, first of all, let me say that I think there is a rising tide of -- it's sort of the same -- I view the immigration issue rather like the affirmative action issue. In the case of affirmative action, I think there were legitimate questions raised about the way the programs work and whether they need reform. There were even some who asked honestly whether affirmative action was the right or wrong thing for America. And then there were a whole lot of people that were using affirmative action to drive a political wedge in this country as a false excuse for the problems of the American middle class and the economic anxieties broadly felt by Americans.

I think the immigration issue has sort of flared up again, in my judgment, driven by two factors. One is the general economic anxiety of Americans and the feeling that we are at an all-time high in the number of immigrants we let in every year, and that that may be depressing wages and causing economic difficulties.

But I think the far more important problem is the sense that this country has been very undisciplined in its handling of illegal immigration in ways that have cost the taxpayers an awful lot of money and undermined our sense that our laws matter. And so, I think we need to have the same attitude about immigration that I have about affirmative action.

This is a country of immigrants. The fact that we have so many immigrants in this country and that they come from so many different places, from so many different racial ethnic and religious backgrounds is a mother lode of opportunity for us. The fact that Hispanics are fast-moving to become our largest minority population is a God-send, given the fact that for the next 20 to 30 to 50 years our greatest opportunity for growth and trade will be in Mexico, Central and South America, and in the Caribbean. So I see this as a positive force.

And I think we have to do several things. Let me just mention some of the things we are trying to do. I think we have to examine our immigration policies in a factual, calm, nonpolitical way just as we try to do with affirmative action. I think we need to do

whatever we can to reduce the burden of illegal immigration without unduly hurting innocent children.

As you know, I opposed Proposition 187 in California. I was unsuccessful, but I did my best -- (applause.) And I did it because I thought it was unfair to children and counterproductive and self-defeating. On the other hand, I noticed that the post-election polls showed that significant percentages of Hispanic Americans voted for it -- not a majority, but a significant percentage. And I think the reason is that a lot of people don't like having people who deliberately violate our laws spend our tax money. I think that is a very -- it is very hard to defend that practice and I don't intend to defend it.

So I have tried to keep America open as an immigration-friendly society while toughening our ability to enforce our own immigration laws and to deport people who are here illegally, especially those who come in contact with the criminal justice system. I also believe, however, it's very important that legal immigrants be encouraged to pursue their citizenship and that we do what we can to accelerate it.

I would like to look at this note here. We naturalized in 1994 half a million people. That's a 50-percent increase over 1992. And we're trying to break that record this year. I have directed the INS to get an extra almost \$10 million to help to process people for naturalization. We're trying to get volunteers. We're doing everything we can in that regard. And I have repeatedly spoken out against immigrant bashing and negative feelings.

So I think that what we need to do is to have a sensible approach to immigration. It needs to be open. It needs to be nondogmatic and nonbigoted. We need to be firm but reasonable in the way we deal with the problem of illegal immigration. And we need to try to get as many of our immigrants who want to do so to become citizens as quickly as possible so that the American people will all see that this is a part of the process of American history which is a good one for our country. (Applause.)

Q Mr. President, we thank you very much. And you'll have our proposal on Monday. And we're here to help you with advice if you need us. Thank you very much.

THE PRESIDENT: I always need it. I thank you. For the members of the Hispanic community who gave me advice and had input on the affirmative action speech, let me thank you especially. This was a very important day for America. I hope that what I said and the way it was said will reach the hearts and minds of the vast majority of the American people. I believed it very deeply. And I thank all of you who have had any input on that directly or indirectly.

Thank you very much. (Applause.)

END

2:48 P.M. EDT

5/3/99

PROPOSITION 187

- Q: On April 15, 1999 California Governor Gray Davis decided to seek mediation to resolve the legal challenges to Proposition 187, which bars undocumented immigrants from receiving public education and nonemergency health care services rather than to decide to appeal or not appeal the case. On April 26, 1999, the Ninth Circuit United States Court of Appeals granted the Governor's request for mediation. What is the Administration's view of Governor Gray's decision to seek mediation to resolve the legal challenge to Proposition 187?
- A: When the California voters considered Proposition 187 in 1994, the Administration strongly opposed this proposition because it would deny education and vital health services to children. Since Proposition 187 is currently pending before the U.S. Court of Appeals and the Administration is not a party in this case, it is not appropriate for the Administration to comment on pending litigation. However, the Administration hopes that the important and complicated issues raised in this case will be resolved soon.



Cynthia A. Rice

04/16/99 09:26:13 AM

Record Type: Record

To: Irene Bueno/OPD/EOP

cc:

Subject: Prop 187

No comments from the President or Lockhart on the topic yesterday. Here are the press stories I found. Note Davis' comment: "I'm a governor, not a judge. I have taken an oath to enforce all the laws of our state and our nation, regardless of my personal views on those laws," Davis said.

The materials in the AP file were compiled by The Associated Press. These materials may not be republished without the express written consent of The Associated Press.

April 15, 1999, Thursday, AM cycle

SECTION: Domestic News

LENGTH: 230 words

HEADLINE: Governor asks appeals court to mediate immigration dispute

BYLINE: By NOAH ISACKSON, Associated Press Writer

DATELINE: SACRAMENTO, Calif.

BODY:

Gov. Gray Davis asked a federal appeals court Thursday to mediate a dispute over a ballot measure - bottled up in court for five years - that seeks to cut off schooling to illegal immigrants.

Approved by 59 percent of voters in 1994, Proposition 187 has not been implemented. A federal court found the measure unconstitutional last year, but then-Gov. Pete Wilson appealed that decision.

Davis, a Democrat who opposes Prop 187, could have thwarted the initiative by refusing to pursue Wilson's appeal.

Instead, Davis asked the U.S. 9th Circuit Court of Appeal's mediation panel

to resolve the proposition.

"I'm a governor, not a judge. I have taken an oath to enforce all the laws of our state and our nation, regardless of my personal views on those laws," Davis said.

The initiative would exclude illegal immigrants from public schools and eliminate non-emergency health and welfare services for which they remain eligible. It also would require public agencies and employees to report suspected illegal immigrants.

The question of whether to continue the appeal has developed into the most significant political quandary of the early months of Davis' administration.

He was faced with the dilemma of pursuing the appeal and angering Hispanics and other opponents to the proposition, or letting the appeal drop and anger those who voted in favor of the measure.

LANGUAGE: ENGLISH

LOAD-DATE: April 15, 1999

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The Hotline

April 15, 1999

SECTION: IN THE STATES

LENGTH: 297 words

HEADLINE: CALIFORNIA: DAVIS WILL DEFEND 187 -- CAREFULLY

BODY:

Hoping not to "damage his carefully nurtured alliance with Latino voters," San Francisco Chronicle's Gunnison reports that Gov. Gray Davis (R) will announce his plans to "defend" the controversial Prop 187 in a federal court. The gov. will "detail how he will resolve the legality of the measure, approved by voters in 1994 to halt public services to illegal immigrants" in a press conference. Sources said Davis "will take the case to mediation at the 9th Circuit Court of Appeals, a low-profile method of dealing with the issue, which could lead to a settlement." Davis had told reports last week, "The question is not whether I want to appeal it, but whether I have to appeal it

in keeping with my constitutional obligation." The announcement comes as Davis "seeks stronger ties to Mexico," where 187 "generated enormous resentment. At Davis' invitation, President Ernesto Zedillo is scheduled to travel to (CA) next month and speak to the (CA) Legislature." Policy dir. for the Greenlining Institute, Robert Gnaizda warned: "(It) will be seen as sign that those who put him in office are way down on the list. ... I think it's shocking, frankly." On the Latino and Asian communities, Gnaizda said, "I don't think he (could) recapture (their) support, no matter what else he did." But Davis' backers "insist that there are no simple answers to the issue, and that this has been no easy legal decision for the governor."

The issue is "particularly sensitive" to Dems "as they view the 2000 presidential election." As Gov. George W. Bush (R), the GOP's "presidential frontrunner who has strong Latino support, has already said he would fight Proposition 187-type legislation in Texas" (4/15).

LANGUAGE: ENGLISH

LOAD-DATE: April 15, 1999

United Press International

April 15, 1999, Thursday, BC cycle

SECTION: Regional News

DISTRIBUTION: California

LENGTH: 230 words

HEADLINE: Fed mediation sought for Prop. 187

DATELINE: SACRAMENTO, April 15

BODY:

Gov. Gray Davis is seeking federal mediation to end the legal battle over Proposition 187, which voters approved in 1994 to halt state-provided services to illegal immigrants. The initiative hasn't been implemented because of legal challenges and a U.S. District Court decision that found most of its parts unconstitutional. Former Gov. Pete Wilson, who championed Proposition 187, appealed the ruling to the 9th U.S. Circuit Court of Appeals in San Francisco. The issue was passed on to Davis in January, and fellow Democrats pressured him

to drop the appeal on behalf of a law that he personally opposes. But the governor announced to reporters today he cannot drop the appeal and thwart a law passed by almost 60 percent of the voters. Instead, Davis says he'll try to honor the people's will and settle a "divisive issue" by asking the appeals court to convene a special mediation conference on Proposition 187. He says he's been advised that stakeholders have agreed to the mediation process in hopes of avoiding further long and costly litigation. Davis noted that many of the initiative's provisions, particularly those denying welfare and emergency medical care, have been put into federal law through welfare reform and immigration legislation. ---

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LANGUAGE: ENGLISH

LOAD-DATE: April 16, 1999

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The New York Times

April 15, 1999, Thursday, Late Edition - Final

SECTION: Section A; Page 28; Column 6; National Desk

LENGTH: 260 words

HEADLINE: Political Briefing;
California's Governor Is Facing Quandary

BYLINE: By B. Drummond Ayres Jr.

BODY:

Gov. Gray Davis of California is in a political quandary.

A Democrat elected last fall with heavy Hispanic support, he must decide within the next few days whether to appeal a Federal court decision that declared Proposition 187 unconstitutional. That proposition, enacted in 1994 at the strong urging of Gov. Pete Wilson, Mr. Davis's Republican predecessor, shut off benefits to illegal immigrants.

In California, most illegal immigrants are Hispanic. They saw the measure as unusually harsh -- as did most other Hispanic residents in the state, not the least being those able to vote.

For years, many Hispanic-Americans voted Republican. But last fall, they voted heavily Democratic, contributing significantly to the defeat of Dan

Lungren, Mr. Davis's Republican opponent. That vengeful switch has not been lost on Mr. Davis, who knows as well as anyone that Hispanic residents make up more than a third of California's population, with the percentage growing daily.

The other important figure that he must keep in mind is that Proposition 187 did not pass with just Republican backing. It also had heavy Democratic support.

Mr. Gray also must consider whether pressing an appeal might damage California's ties with Mexico. Trade with Mexico has become a major factor in the state's economic well being.

Finally, there is the question of whether Mr. Davis is duty-bound as Governor to appeal a Federal court ruling that struck down a state law. If legal experts conclude that he must, he just might find political refuge in that conclusion.

LANGUAGE: ENGLISH

LOAD-DATE: April 15, 1999

The San Francisco Chronicle

APRIL 15, 1999, THURSDAY, FINAL; CONTRA COSTA EDITION

SECTION: NEWS; Pg. A17

LENGTH: 760 words

HEADLINE: Davis' Low-Key Plans to Defend Prop. 187 in Court

BYLINE: Robert B. Gunnison, Chronicle Sacramento Bureau

BODY:

Governor Gray Davis today will announce plans to defend Proposition 187 in a federal court, but in a way he hopes will not damage his carefully nurtured alliance with Latino voters.

The new Democratic governor has scheduled a press conference to detail how he will resolve the legality of the measure approved by voters in 1994 to halt public services to illegal immigrants.

Sources said Davis will take the case to mediation at the 9th Circuit Court of Appeal, a low-profile method of dealing with the issue, which could lead to a settlement.

In recent days, Davis has signaled that he had little choice as governor but to defend the measure he opposed but was backed by 59 percent of voters. It was overturned by a federal judge in Los Angeles in 1998.

"The question is not whether I want to appeal it, but whether I have to appeal it in keeping with my constitutional obligation," Davis told reporters last week.

After Proposition 187 was invalidated, the decision was appealed by former Governor Pete Wilson, who strongly backed the measure. Wilson left office, however, before the case was argued.

That left Davis with a politically explosive choice: pursue the full appeal and antagonize minority voters who opposed Proposition 187, or drop the case and anger voters who overwhelmingly backed it.

What the ever-careful Davis has decided, sources said, is to take the case to a mediation panel where a settlement might be easy to reach because both the governor and the other party in the lawsuit, the League of United Latin American Citizens, each oppose the initiative.

Davis had until May 5 to decide whether to continue to appeal the legality of the ballot initiative, which would have kept the children of illegal immigrants out of California schools, and barred undocumented residents from receiving most state health services.

Davis' announcement comes as he seeks stronger ties to Mexico, where the proposition generated enormous resentment. At Davis' invitation, President Ernesto Zedillo is scheduled to travel to California next month and speak to the California Legislature.

The issue also puts Davis in danger of angering Latino voters who helped him defeat Republican Dan Lungren in November and elect Cruz Bustamante as his lieutenant governor. Bustamante and Assembly Speaker Antonio Villaraigosa, D-Los Angeles, the state's two highest Latino elected officials, have both argued against an appeal.

In recent days, many Latino leaders worried that an aggressive appeal by Davis would alienate voters.

"(It) will be seen as sign that those who put him in office are way down on the list," said Robert Gnaizda, policy director for the San Francisco-based Greenlining Institute. "I think it's shocking, frankly."

Particularly alienated, Gnaizda said, will be the Latino and Asian communities. "I don't think he (could) recapture (their) support, no matter what else he did," he said.

"There will be very dramatic efforts to court the minority community once he decides to appeal."

The issue is particularly sensitive to Democrats as they view the 2000 presidential election.

Texas Governor George W. Bush, the Republican presidential frontrunner who has strong Latino support, has already said he would fight Proposition 187-type legislation in Texas.

Davis' backers insist that there are no simple answers to the issue, and that this has been no easy legal decision for the governor.

By dropping the appeal, they argued, Davis could actually fan the flames of Proposition 187 by reviving other anti-immigration initiative efforts; or anti-immigration groups could sue Davis himself for failing to uphold the law.

Pollster Mark DiCamillo, director of the Field Institute, said 187 was approved at a time when "there was a strong vein of sentiment to send a message that illegal immigration was getting out of hand . . . and to register a strong feeling that the elected officials weren't paying attention."

But pre-election polls also showed that Californians who voted for it "weren't really supportive of every tenet of Prop. 187," said DiCamillo. Indeed, an overwhelming majority fully expected it to be challenged in the courts.

He said that, while economic times are far better today than they were when the measure was approved, state voters clearly wanted to send the message. "It was clearly to do something about illegal immigration -- and it did shake things up," he said. Today, were state voters asked if they thought it was a good thing, they "would probably say yes," he said.



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FOR IMMEDIATE RELEASE

April 15, 1999

CONTACT: Michael Bustamante
916/445-4571

GOVERNOR DAVIS' STATEMENT ON PROPOSITION 187

SACRAMENTO – Governor Gray Davis today made the following statement regarding Proposition 187:

"As most of you know, I opposed Proposition 187. I don't like it because it pits Californians against one another. And I believe it hits hardest at children, who are truly innocent in all this.

"If this were a piece of legislation, I would veto it. But it's not. It's an initiative, passed by nearly 60 percent of the voters through a process specifically designed to go over the heads of the Legislature and the Governor.

"While I believe that some of the provisions of Prop. 187 are unconstitutional, I'm a Governor, not a judge. I have taken an oath to enforce all the laws of our state and our nation, regardless of my personal views on those laws.

"I also firmly believe elected leaders should respect the will of the people when they have spoken. If officials choose to selectively enforce only the laws they like, then our system of justice will not long endure.

"Few things make people more cynical about government than when politicians substitute their personal judgment for the demonstrated will of the electorate.

"The voters made that point more than 20 years ago when they approved Article III, Section 3.5 of the state Constitution. It plainly says an administrative agency has no power to refuse to enforce a statute unless an appellate court has determined it to be unconstitutional.

Statement on Proposition 187

Page 2-2-2-2

"Now, many people have argued that the only question before me is whether to appeal or not to appeal the federal trial court decision on Prop. 187. But a great many things have occurred that affect the legal status of Prop. 187 since it was passed five years ago:

"First -- Congress passed and the President signed into law federal welfare reform legislation.

"Second -- The federal Illegal Immigration Control Act was passed and enacted.

"Together, these measures essentially put into federal law many provisions of Prop. 187, particularly as it relates to the denial of welfare and emergency medical care.

"And third -- A federal court has invalidated certain portions of Prop. 187.

"The significance of these intervening developments greatly influenced my decision. Because it is my duty both to defend the will of the people and to put this divisive wedge issue behind us, I have decided to ask the Ninth District Court of Appeals' Mediation Services to convene an Appeal Conference under

the direction of the court's mediator.

"It is my hope and belief that this well-established procedure will resolve the dispute over Proposition 187 entirely and avoid years of costly litigation.

"I believe this process will work, in part because the plaintiffs have already written to the Attorney General seeking to enter into settlement discussions and because the proponents of Prop. 187 have sought to intervene in this case.

"Moreover, I'm advised by the Attorney General that both the plaintiffs and proponents have agreed this week to mediate this dispute in an Appeal Conference and thereby seek to end this long and costly court battle.

"Let me make one thing clear however: In choosing this course of action I surrender none of the options available to me as Governor. If any party does not approach this process honestly and with an open mind, then I will not hesitate to exercise my authority.

"I believe this is the most responsible course for California. I believe both the plaintiffs and proponents of Proposition 187 will act responsibly. But if I must – to ensure that the will of the electorate is respected and that we get beyond this divisive issue – I will knock heads."

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MALDEF NEWS

Mexican American Legal Defense and Educational Fund
834 South Spring Street, 11th Floor • Los Angeles, CA 90014
213.629.2512 • Fax 213.629.3120

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MALDEF PRESS STATEMENT

MALDEF URGES GOVERNOR DAVIS TO DISMISS 187 LAWSUIT **Attorneys for Plaintiffs in Case Will Review Governor's Mediation Offer**

(Los Angeles, April 15, 1999) Moments after speaking with Governor Davis on Proposition 187 litigation, attorneys from the Mexican American Legal Defense and Educational Fund (MALDEF), who represent plaintiffs in the case, said they will carefully review whatever offer the Governor is prepared to make to resolve the lawsuit. Attorneys noted that no discussion regarding the Governor's views on resolution of the case had been initiated by the Governor's office with plaintiffs' attorneys before the press conference held by the governor earlier today. They pointed out that no particular offer has been presented to any member of the litigation team handling this case.

It would be premature at this point to say that attorneys for the plaintiffs can agree to any kind of mediation proposed by the Governor because specific details are not available. However we are prepared to meet with any of the designated agents from the Governor or the Attorney General who are defendants in this case.

We strongly feel that the Governor has the authority to dismiss the case, and that if he feels the proposition is unconstitutional, he must dismiss. We also believe that any questions of constitutionality will be addressed through the mediation process and the eventual outcome will be dismissal of the case.

If, as the Governor has stated, federal law subsumes Proposition 187, he does not need to continue to defend 187, and we can end this process today. We want to remind the Governor that one of his legal options is to dismiss the case, an action which we continue to strongly recommend that he take.

###

Why The Governor Should Stop Defending Proposition 187

On March 17, 1998, Judge Mariana Pfaelzer of the United States District Court for the Central District of California issued her final ruling in the cases challenging Proposition 187, striking down most of the initiative. Not surprisingly, Governor Pete Wilson, longtime champion of Proposition 187, quickly filed an appeal of Judge Pfaelzer's ruling with the Ninth Circuit Court of Appeals.

Even though Pete Wilson has been succeeded by Gray Davis as governor and as the main defendant in the Proposition 187 cases, the appeal filed by Wilson is still pending. The parties are in the middle of briefing the issues raised on the appeal. In February 1999, however, the Ninth Circuit stayed the cases temporarily to see whether Wilson's departure makes settlement of the cases possible or even likely. As a result, the state of California is considering suggestions by several parties that it settle the cases and dismiss, in whole or in part, its appeal of Judge Pfaelzer's decision. Both sides reported to the Ninth Circuit on progress toward settlement on April 5; in the report, the parties requested 30 additional days to determine if full or partial settlement is possible.

There are strong legal and policy reasons why the appeal should be dropped.

Gov. Davis is not required to continue to defend the proposition. There is no legal reason for Governor Davis to continue the appeal. There is nothing in California law that would require him to continue to defend the Proposition. As Governor and party to the law suit, he is free to dismiss the appeal and allow the ruling of the district court to become the final word on Proposition 187.

Denial of education is unconstitutional. Section 7 of Proposition 187 would deny children who cannot prove that they are citizens or legal immigrants any right to attend public school (K-12), and would require schools to verify the status of parents and children and to report any persons suspected of being undocumented. This provision directly violates the Supreme Court's 1982 decision in Plyler v. Doe, which held that minor children cannot be denied an education on the basis of immigration status.

Denying education is economically short-sighted and cruel. Denying education punishes children for the acts of their parents. Yet, as the Supreme Court recognized in Plyler, most of these "undocumented" children will eventually become legal residents and citizens of the nation they grow up in - the United States. They will be expected to contribute to our society and economy; they have little hope of doing so without any chance for even a basic education.

Denying children public education threatens public safety. Law enforcement experts recognize that children who are out of school become easy targets for crime, and, in some cases, become perpetrators of petty crime. These public safety effects can be prevented simply by keeping all kids in school. Even the 1996 Congress, while enacting many federal-law provisions that parallel or copy provisions of Proposition 187, explicitly stated that it had no intention of overturning the principle established in Plyler.

Proposition 187 is unnecessary to effectuate the will of the people. The court in Gregorio T. expressly recognized that Proposition 187 acts as an immigration measure, an issue over which California has no power or authority. The power to enact immigration laws belongs to the federal government. Congress has now spoken on this issue when it enacted welfare reform laws and immigration reform measures, some parts of which mirror what proposition 187 would require.

Federal law governs benefits. In enacting welfare reform and immigration law reform, Congress drew lines regarding which benefits immigrants are entitled to receive, and created protections regarding verification. It recognized, for example, that immigrants are entitled to basic protections, protections that Proposition 187 purports to take away. Proposition 187 conflicts with federal welfare reform laws and is thus unconstitutional.

It is a waste of taxpayer money to defend an unconstitutional measure. The state of California will be forced to pay the attorneys who have sued millions of dollars. If the Ninth Circuit holds in favor of the plaintiffs, that charge will continue to increase. Because Proposition 187 is unconstitutional on its face, and conflicts with new federal rules governing benefits, the state cannot win.

Pete Wilson's defense of Proposition 187 was a political tool, part of wedge politics designed to divide California and inflame anti-immigrant and anti-Latino sentiment. An important part of creating a new California – one of increased racial harmony and cooperation – is to reject the divisiveness, epitomized by Proposition 187, of the past.

04/18/99 FRI 15:10 FAX 12-210020200 10 33 8-10 10.004 1.0007

Why Article III, Section 3.5 of the California Constitution Does Not Prevent Governor Davis From Dropping the Appeal on Proposition 187

What the Provision States

Article III, section 3.5 of the California Constitution bars an "administrative agency" from "declar[ing] a statute unenforceable, or refus[ing] to enforce a statute, on the basis of it being unconstitutional unless an appellate court has made a determination that such statute is unconstitutional." Nothing in the section's language or history suggest that it requires the duly elected governor to pursue any course of action in legal challenges to state law.

The provision was added by initiative in 1978. According to the California Supreme Court, it "was placed on the ballot by unanimous vote of the Legislature in apparent response to this court's decision . . . in which the majority held that the Public Utilities Commission had the power to declare a state statute unconstitutional." Reese v. Uzer, 46 Cal. 3d 996, 1002 (1988). In the 1978 ballot argument in favor of the provision, the proponents argued that the measure would "insure that appointed officials do not refuse to carry out their duties by usurping the authority of the Legislature and the Courts." Arg. In Favor of Prop. 5 (June 1978) (emphasis added), quoted in Reese, 46 Cal. 3d at 1102 n.7.

Thus, nothing in section 3.5 or in the history of its passage remotely suggests that it has any effect on the decision of the state's elected chief executive not to pursue an appeal that he decides would be unnecessary and wasteful.

The Court's Ruling Protects Against Any Implementation of Proposition 187

Some have suggested that Governor Davis must pursue the appeal of the decision striking down Proposition 187 in order to ensure that it is enforceable; otherwise, these uninformed individuals suggest section 3.5 would require state agencies to continue to enforce the initiative. That is absolutely false.

The word of the federal court is supreme; no state agency or official has the right or power to defy a federal court order. The United States Constitution firmly establishes the supremacy of federal law. See U.S. Const. Art. VI. Moreover, since the United States Supreme Court decision in Marbury v. Madison in 1803, the power and right of the federal courts to review the constitutionality of legislation has been firmly established. The federal court has enjoined any implementation of most of Proposition 187; no California official can defy that order. Any official attempting to do so would face the same fate and historical judgment as southern governors and others who attempted to defy the Brown decision in the 1950s and 1960s.

Finally, state courts have themselves concluded that Article III, section 3.5 presents no impediment to complying with a trial court's order as to all parties before it. Where the party is a class of persons, as in the challenge to Proposition 187, a trial court's order must be followed as to all members of the class. Section 3.5 only prevents the application of a trial court decision in a

case that is not a class action to persons other than the named parties. "When a superior court issues a writ directed to an administrative agency to not enforce a statute because it is unconstitutional as it relates to an individual petitioner, or class of petitioners, the administrative agency must obey that mandate." Fenske v. Public Employees Retirement System Bd. Of Admin., 103 Cal. App. 3d 590, 595 (Dist. Ct. App. 1980) (emphasis added).

The federal court's class action order striking down Proposition 187 is enforceable as to all Californians regardless of whether or not the state pursues its appeal.

An Obligation to Appeal Would Be Foolish and Unlawful

California has never followed any rule that it must defend any challenged law on appeal. In the litigation against Proposition 187 itself, Governor Pete Wilson opted not to seek Supreme Court review of the decision upholding the preliminary injunction against the initiative. Had there even been an arguable obligation to appeal every adverse decision, Pete Wilson would certainly have used it to justify appeal to the Supreme Court.

Other states have chosen voluntarily to stop defending and enforcing laws that are obviously unconstitutional even without any court order. Examples include outdated anti-miscegenation laws, laws on restrictive covenants, and anti-sodomy laws. California itself has been less than vigilant in enforcing and defending another recent initiative, Proposition 215, the medical marijuana law.

Governors are expected to balance the costs and utility of defending state laws, including the likelihood of success, against the interests in favor of defending laws. They are expected to decide what is in the state's best interest after considering all factors. Indeed, continuing to defend a law that a governor believes firmly to be unconstitutional could expose the governor and the state to sanctions under federal law for pursuing frivolous litigation. See Fed. R. Civ. P. 11.

Nothing in state law requires any governor to give up his right and duty to reach a deliberative decision about the wisdom of a legal strategy of appealing the striking of a state law.

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PERSPECTIVE ON PUBLIC POLICY;
END THE POLITICS OF VITRIOL AND DIVISION OVER IMMIGRATION;
FURTHER PURSUIT OF THE MISGUIDED PROPOSITION 187 WON'T BUILD THE MUTUAL TRUST
THAT CALIFORNIA NEEDS NOW.

BYLINE: ANTONIO R. VILLARAIGOSA, Antonio R. Villaraigosa (D-Los Angeles) is
Speaker of the, California Assembly

BODY:

As public officials ushering in the new millenium, our challenge is to envision the New California and ask our fellow Californians to embrace what can be. It is a step that requires us to take a courageous leap of faith. We can leap together, and we can prosper together, but only if our laws and our human relationships uphold dignity, justice and respect for one and all.

This respect can only come through trust. And this trust can only be built by tempering the factors that tear us apart. Factors like Proposition 187.

The political fallout from the divisive politics created by Proposition 187 is still being felt in California. While a federal court invalidated many provisions of the measure, an appeal brought in the federal courts by former Gov. Pete Wilson was still lingering when Gov. Gray Davis took office in January. Faced with the unpleasant quandary of having to continue the appeal of Proposition 187 or drop the lawsuit altogether, Davis last week made the wrong choice. Although the governor and I agree that Proposition 187 is divisive and misguided, we have landed on opposite sides of the fence on how to resolve the issue.

Proposition 187 reflected the fears and anxieties of a rapidly changing society reeling from an economic downturn. In the early 1990s, middle-class aerospace workers abruptly lost their jobs, and the lucky ones began anew as retail clerks. Bank accounts were emptied, and dreams were downsized. Meanwhile, the neighborhood was taking on a whole new look as people of color moved to the suburbs and outlying areas.

These circumstances gave rise to a climate of scapegoating that peaked with Proposition 187 in 1994. Frustrated voters were deliberately misled into believing they could end illegal immigration with an angry electoral gesture. Thankfully, the 1998 election proved to be a more constructive venue for a dialogue on the culture wars. When we asked voters last November to embark down a path of unity in the new era, avoiding the wedge-issue politics that had

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been cynically used to divide California earlier in the decade, they responded by electing, for the first time in 16 years, a Democratic governor. They also increased the Democratic majorities in the Senate and the Assembly. The voters spoke and their voices were resounding: End the politics of vitriol and division. Focus on improving the quality of life for all Californians by improving schools, increasing access to health care and ensuring a better life for future generations. Togetherness versus divisiveness. Moderation versus extremism.

On Thursday, Gov. Davis and his advisors decided that he was legally obligated to continue the appeal of Proposition 187 but called for a formal mediation process instead of immediately forging ahead in court. While his interest in finding a middle course is laudable in the abstract, the alleged legal obligation upon which he based it is questionable.

The governor pointed to Article III, Section 3.5 of the California Constitution in making his decision. However, it prohibits "administrative agencies," not elected officials, from "declaring a statute unenforceable, or refusing to enforce a statute, on the basis of it being unconstitutional" until an appellate court says it is unconstitutional. This section of the Constitution was approved by the voters in 1978 in reaction to a controversial decision made by the Public Utilities Commission, an appointed administrative agency. The intent of the provision was as clear at the time, as it is now, and the governor is clearly not an appointed administrative agency.

I believe Proposition 187 was impractical, immoral and extremely bad public policy. I have strongly opposed it since the onset. The measure, although easily passed by the voters, was a cynical attempt to exploit ill will toward a disempowered segment of the population. While appearing to specifically target Latinos, this measure jeopardized the health and welfare of all immigrants from all nations, especially the children. Worse yet, it jeopardized everybody's health and welfare. Contagious diseases afflicting undocumented residents do not respect geographic, economic or ethnic boundaries; failing to treat them invites epidemics. And children categorically barred from attending school become a burden on society, no matter where they're from; failing to educate them invites ignorance, poverty and crime.

It is clear to me that Proposition 187 cannot solve our illegal immigration problem, but it surely would exacerbate other serious problems were it ever to be enforced.

In 1996, Congress passed and President Clinton signed into law federal welfare reform and the federal illegal immigration act. These measures federalized certain provisions of Proposition 187, thus upholding the will of the electorate while recognizing the basic inalienable rights afforded every man, woman and child in California and the nation.

Last year, a federal judge wisely voided most of Proposition 187--the decision that prompted the Wilson appeal--but nonetheless upheld its most reasonable provision, the one barring the use of falsified documents in the naturalization process. That deals with an actual crime. Going to a hospital for treatment or to school for an education should never be a crime.

After conferring with legal scholars, I believe that the governor is not required to continue with Wilson's appeal of the federal judge's decision on

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Proposition 187. The opinion was based on U.S. appellate and Supreme Court precedents, and continuing the appeal is not only a waste of taxpayer dollars and state time, but will be ultimately pointless.

California is the Ellis Island of our generation. Our shores hold magnetic appeal to immigrants seeking a better life for their families. Our economy depends on immigrant labor. Our society is enriched by immigrants' contributions.

Our collective duty and promise is undermined if we deny schooling and medical care to immigrant children. Not only does this harm these children, but, ultimately, what purpose does fostering illiterate and unhealthy children serve for the rest of us? We should accept that and enact policies that recognize our moral obligations. It is time to end the wedge-issue politics.

Our challenge, then, is to find ways to harmonize our laws with our commitment to justice, against the backdrop of a changing society. We must move forward, working to unite all Californians. We must accept the magnitude of the task and work collaboratively toward a solution that promotes the best interests of one and all.

GRAPHIC: PHOTO: Antonio R. Villaraigosa

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April 15, 1999

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916/445-4571

**GOVERNOR DAVIS' STATEMENT ON PROPOSITION 187
AS DELIVERED**

SACRAMENTO – Governor Gray Davis today made the following statement regarding Proposition 187:

"As most of you know, I opposed Proposition 187. I don't like it because it pits Californians against one another. And I believe it hits hardest at children, who are truly innocent in all of this.

"If this were a piece of legislation, I would veto it. But it is not. It is an initiative, passed by nearly 60 percent of the people of California in a process specifically designed to go over the heads of the Governor and the Legislature.

"While I believe that some of the provisions of Prop. 187 are unconstitutional, I'm a Governor, not a judge. I have taken an oath of office to enforce all the laws of California and all the laws of this nation no matter how much I might personally disagree with those laws.

"I also firmly believe that elected officials should respect the will of the voters when they have spoken. If officials choose just to selectively enforce the laws they like, our system of justice will not long endure.

"Few things make people more cynical about government than when politicians substitute their personal judgment for the expressed will of the voters.

"That point was made abundantly clear 21 years ago when the voters adopted a constitutional amendment, Article III, Section 3.5 of the state Constitution; which plainly says an administrative agency has no power to refuse to enforce a statute unless an appellate court has determined it to be unconstitutional.

(MORE)

Statement on Proposition 187

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"Now, many people have argued that the choice before me is to appeal Judge Pfaelzer's decision on Prop. 187 or not to appeal it. But a great many things have transpired over the last five years that affect the legal status of Prop. 187.:

First -- Congress passed and the President signed into law a series of welfare reform bills.

Second -- Congress passed the Illegal Immigration Reform Act and the President signed it into law.

"These many laws effectively put into federal law many of the provisions of Proposition 187, particularly as they relate to the denial of welfare and health services other than emergency medical care.

Thirdly -- A federal district court judge, Pfaelzer, has ruled many part of Prop. 187 unconstitutional although she has ruled parts of it constitutional.

"The significance of these intervening events greatly influenced my

decision. Because it is my duty both to defend the will of the electorate and to put divisive wedge issues behind us, I have to asked the Ninth District Court of Appeals' Mediation Services to convene the parties under the direction a court mediator.

"It is my belief that this well-established procedure, which settled 600 cases last year alone, will resolve the dispute over Proposition 187 entirely without a lengthy court battle.

"I believe this process will work, in part because many of the plaintiffs wrote the Attorney General earlier this year asking to enter into settlement discussions and because the proponents of Proposition 187 have asked to intervene repeatedly in this litigation.

"Moreover, I have asked all the parties to mediate this dispute in an appeal conference with the hope that we can avoid costly litigation and put this matter behind us. I am also asking the Attorney General, in light of the existing federal injunction against Prop. 187, to review the legal status of the many executive orders issued by Governor Wilson to implement 187 and report back to me on that legal status as well as his opinion as to what course of action if any I should take towards those executive orders.

"Let me make one thing clear now: In choosing the course of action I have chosen, I surrender no legal option available to me as Governor. If any party does not approach this process honestly and with an open mind, I will not hesitate to use my authority.

"I believe this is the most responsible course of action for California, with an excellent chance of success and avoiding protracted, costly legal litigation. I believe both the plaintiffs to this lawsuit and the proponents of Prop. 187 will act responsibly. But if I have to – to ensure that the will of the electorate is respected and to put this divisive wedge issue behind us – I am prepared to knock heads to reach an agreement.

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