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001. letter	Victor Oboyski to POTUS re selection of ONDCP director (partial) (1 page)	05/03/1993	P6/b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
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FOLDER TITLE:

Law Enforcement Information Binder #2, Steven Hilton [Binder] [2]

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RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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FLEOA

Divider Title: _____

Federal Law Enforcement Officers Association (FLEOA)

**Victor Oboyski, Jr.
President**

**192 Oak Street
Amityville, NY 11701**

Phone: (516) 264-0260

368-6117

**Membership: 9000
Established: 1977**



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

"A Professional Association for Federal Law Enforcement Officers"

Representing Members of the:

Dept. of Agriculture — OIG — Special Agents
US Forest Service — Special Agents
Dept. of Commerce — Office of Export Enforce. — S A
Office of Inspector General — Special Agents
National Marine & Fisheries Serv. Law Enf. — S A
Dept. of Defense
US Army — CID — Special Agents
Defense Investigative Service — Special Agents
Defense Criminal Investigative Service — S A
Naval Investigative Service — Special Agents
US Air Force — OSI — Special Agents
Dept. of Education — Investigation — S A
Dept. of Energy — OIG — Special Agents
Dept. of Health & Human Services — S A
Dept. of Housing & Urban Devel. — Inves. — S A
Dept. of Interior — OIG — Special Agents
US Fish & Wildlife Services — Law Enforce. — S A
Bureau of Indian Affairs — S A & Police
US Park Police — Park Police Officers
Bureau of Land Management — Special Agents & Rangers
Dept. of Justice — US Attorneys — C I & Attorneys
Drug Enforcement Administration — S A
Federal Bureau of Investigation — S A
INS — Special Agents & Border Patrol
US Marshals Service — Marshals & Dep Marshals
Parole & Prob. Service — Parole & Prob. Officers
Dept. of Labor — OIG — Special Agents
Office of Labor Racketeering — S A
Dept. of State — Diplomatic Sec. Ser. — Special Agents
Investigation — Special Agents
Dept. of Trans. — Investigation — Special Agents
US Coast Guard — Intel. Officers & S A
Federal Aviation Admin (FAA) — Investigators
Dept. of Treasury
B A T F — Special Agents
US Customs Service — Office of Enforcement — Special Agents
Customs Investigators
Internal Affairs — Special Agents
Internal Revenue Service
Criminal Investigation Division — S A
Inspection Service — Inspectors
US Secret Service — S A & Police
Environmental Protection Agency
Office of Criminal Investigations — Special Agents
Office of Inspector General — Special Agents
General Services Administration
Office of Investigations — Special Agents
National Archives — Criminal Investigators
Nuclear Regulatory Commission — Special Agents
US Capitol Police — Police Officers
US Postal Service — Inspectors & Postal Police
US Printing Office — Special Agents
Veteran's Administration — Investigations — S A

NATIONAL OFFICERS:

President
VICTOR OBOYSKI, JR.
Executive Vice-President
JOHN PITTA
First Vice-President
THERESA C. MURRAY
Treasurer
ROGER P. TARDIE
Corresponding Secretary
RICHARD GALLO
Recording Secretary
ALLAN B. PAYNE
General Counsel
KATHLEEN P. MAHON
Legislative Consultant
JULES BERNSTEIN

April 21, 1993

BY HAND

Steve Hilton
Deputy Director
Office of Public Liaison
Room 122
Old Executive Office Bldg.
Washington, D.C.

Dear Mr. Hilton:

On behalf of the members of the Federal Law Enforcement Officers Association (FLEOA), I want to thank you for giving us the opportunity to meet and briefly discuss with you some of the issues affecting the federal law enforcement community.

FLEOA was founded fifteen years ago in order to provide federal law enforcement officers with legal and legislative representation. Today, FLEOA has over seven-thousand five-hundred members from over fifty federal law enforcement entities. These include managerial, supervisory and rank-and-file employees. As you can see by the list located on the left hand margin, FLEOA represents officers from a wide variety of federal agencies and departments. Ninety-five percent of FLEOA's members are federal criminal investigators. FLEOA is the largest association that exclusively represents all federal law enforcement officers and special agents.

Joining me in meeting with you will be FLEOA's Executive Vice-President John Pitta and Legislative Consultant Jules Bernstein. FLEOA's General Counsel is Kathleen Mahon. She is also lead counsel in the law firm that provides legal representation to our members.

Since the date that President Clinton assumed office in January, a number of broad-based issues affecting federal law enforcement have either continued to be unresolved or have arisen anew. This is partially due to the focus that was placed on the economy, health care and the budget deficit during the 1992 presidential campaign, as well as other factors. And while those issues are of major concern to the majority of Americans, law enforcement also continues to rank as a principal national concern.

To be sure, the Clinton campaign was recognized for supporting the Brady bill, more treatment for drug offenders and adding 100,000 more police officers on the streets of America. But on the whole, little attention has yet to be given to the many issues of crime and drug control, including passage of a long-needed crime bill. And while some effort has been directed towards funding State and local law enforcement, as yet there has been little overall attention given to federal law enforcement.

In the hope that the appointment of Janet Reno as Attorney General will help to focus greater attention on law enforcement issues, I have listed below several matters that presently are of major concern to federal law enforcement officers:

- **Pay Reform** - OPM was mandated by Congress to submit, not later than January 1, 1993, a plan for a separate pay and classification system for federal law enforcement. The motivation for this requirement was that Congress recognized that Federal law enforcement officers were grossly underpaid when compared with their State and local counterparts. Nevertheless, the OPM plan has not yet been released and is apparently being held up at OMB. Many years of meetings, surveys and studies have been conducted on this issue, but now there is foot-dragging in violation of an express congressional mandate. This situation should be remedied promptly, and achieving pay comparability for federal law enforcement officers with their State and local counterparts should then be addressed.
- **Cutbacks in Government Spending** - The 1994 government-wide pay freeze and increase by one percent in the amount the yearly COLA is lowered has caused much concern among FLEOA members. Added to the monetary impact that these cuts will have over the course of a law enforcement officer's career, there is also the general concern of how far the administration is willing to go in order to cut government spending. Salaries, benefits and the ability of federal law enforcement agencies to attract the

best and the brightest are all at stake.

- **Reducing the Government Work Force** - The administration is proposing to reduce the government workforce by 100,000 by 1995, with ten percent coming from the ranks of management. Although a large portion of the reduction will be coming from the Defense Department civilian workforce, cuts in law enforcement personnel are planned. At the same time the administration is proposing 100,000 more "cops on the beat." Is this an indication that federal law enforcement will be assuming a lesser role in the administration's anti-crime and drug policy? Reductions in the federal law enforcement workforce will affect each agency differently, but the overall ability of federal law enforcement to keep pace with the rising crime rate and the continuing enactment by Congress of laws establishing new federal crimes, such as carjacking, will be put in jeopardy.
- **Possible Consolidation of Agencies** - Rumors have been circulating over the possibility that some federal law enforcement agencies are slated to be consolidated. Some of the rumors have DEA merging with the FBI, ATF merging with DEA, INS border enforcement merging with Customs border enforcement, all enforcement agencies merging under the Attorney General, etc. Some of the rumors have a basis in fact. It is known that both DEA and the FBI have been drafting proposals for the possible merger of the two agencies. There is no way to stop the rumor mill, but having the administration set some policy and openly address the issues would help.
- **Top Law Enforcement Appointments** - A number of federal law enforcement agencies are presently being hindered due to the lame duck nature of the leadership of these agencies. The problems associated with the confirmation of an Attorney General have contributed to the delay in the appointments that must be made within the Department of Justice. Although the administration has many more appointments to make, appointments of the top federal law enforcement agency heads should be a priority in light of earlier delays. With the 1994 agency budget proposals being placed on the table, lame duck leadership only adds to the anxiety many special agents have over the future of their agencies.

Some of the foregoing issues were in existence prior to President Clinton taking office. However, since taking office and calling for the reinventing of government, President Clinton has raised concerns over the future direction of federal law enforcement. Also, how will budget reductions and streamlining affect the efficiency and the ability of the federal law enforcement agencies in carrying out their mission?

In any government bureaucracy, change is difficult at best. It is the nature of the beast. Those within the bureaucracy do not like change, nor want it, and will do their best to resist it. Sometimes change takes years to complete and even then there are those who will talk about the way things use to be.

The undertaking that the Clinton administration is proposing in changing the way government functions is monumental. It will need all the help it can get. FLEOA recognizes that real change is needed. For example, the turf wars among the law enforcement agencies must end. Further, there are many overlapping jurisdictions and duplication of effort in the area of federal law enforcement. FLEOA wants to assist President Clinton and the administration in any way it can in addressing and resolving the many issues facing federal law enforcement today.

To begin this process FLEOA is suggesting that President Clinton conduct a Law Enforcement/Anti-Crime Summit. We believe that the President should hear first hand about the many diverse issues affecting federal, State and local law enforcement agencies and departments. This would assist him in formulating an anti-crime policy at the national level and addressing the needs of law enforcement at all levels in combating crime.

In closing, John Pitta, Jules Bernstein and I look forward to working with you and the new administration. Again, I want to thank you for giving us the opportunity to meet and discuss with you the concerns of the federal law enforcement community.

Yours truly,

A handwritten signature in dark ink, appearing to read "Victor Oboyski", written over a faint, larger signature.

Victor Oboyski
National President

April 22, 1993

Mr. Clinton's Invisible Drug Policy

President Clinton has yet to develop a national drug policy. He hasn't appointed a drug czar, and key positions in Health and Human Services remain vacant. Most alarmingly, the President's anti-drug budget follows the same approach as President Bush's did. It proposes to spend significantly more for law enforcement than for prevention and treatment, which didn't work under George Bush and won't work under Bill Clinton.

Even Federal judges are protesting the inadequacy of Washington's policies. Last week two senior Federal judges said they would refuse drug cases because they've found that harsh mandatory sentences and the emphasis on punishment over treatment have failed to dent the problem.

Why is the White House unresponsive? Administration officials say the Federal budget had to be prepared before they could develop a comprehensive drug policy. They also say that Hillary Rodham Clinton's proposal for reforming national health care could provide for drug treatment. If so, that could revolutionize the country's drug policy, possibly even guarantee treatment on demand. But given the controversy surrounding health care reform, the President will be lucky to get any health care package through Congress quickly. Sweeping changes could take years to go into effect. What about a faster shift in priorities?

The silence from Mr. Clinton, who declared during the Presidential campaign that he favored drug treatment on demand, broadcasts a message

potentially more damaging than Mr. Bush's inadequate policies did. At least the former President railed against drug abuse and surrounded his war on drugs with urgent-sounding rhetoric.

Mr. Bush emphasized reducing the supply of drugs. Billions were spent on interdicting drugs at the border and destroying drug crops in Latin America, to minimal effect. Why devote 64 percent of the \$13 billion drug budget to law enforcement, as Mr. Clinton now proposes, and only 36 percent to prevention and treatment? The allocation should be reversed, or at least changed to half and half.

Despite a stubborn recidivism rate, treatment remains the best chance addicts have. Many do wean themselves from drugs, with help. The problem is, because of limited resources only about a third of an estimated six million addicts get help. Not all want treatment, but many more want it than receive it.

The Federal Government provides up to 38 percent of the cost of most drug care, with the rest coming from state and local governments and private sources. Clearly, if more Federal money were available, more addicts could get care. It would help even if the President shifted priorities to treatment within existing resources.

Mr. Clinton cannot solve the plague of drug addiction; no President can. But certainly it is within his power to get his Administration moving on this problem and to shift the money from old remedies that do not work to new ones that might.

April 26, 1993

MEMORANDUM

TO: STEVE HILTON
FROM: DORIS MATSUI *jm*
RE: FEDERAL LAW ENFORCEMENT OFFICERS ASSOC.
MEETING - APRIL 22, 1993

I met with Jules Bernstein, Victor Oboyski, and John Pitta of FLEOA last Thursday.

They obviously want to have a good relationship with the administration. Previously, since they are bipartisan, they did have a good relationship with the previous administration. They want to focus on working together and have some good ideas in this regard.

Several issues and concerns were expressed. All of these issues are expressed in the letter of April 21, 1993. In addition to these issues, they brought forth a couple of interesting requests.

1. A law enforcement summit (similar in nature to the economic summit). There is a great deal of concern that the public does not understand that cops are concerned just as much and maybe even more about the underlying conditions that bring forth crime. In vivid detail, these officers expressed their frustration especially where children are concerned. They know all too well that the abuse, neglected 3 year old can become the 10 year old with a gun. Their idea is to bring all the relevant law enforcement agencies together, along with social service agencies and hospitals that deal with the effects of crime. An education process that they hope will result in a more coordinated and enlightened effort.

2. Law enforcement memorial reading of names of dead officers. They want the President to come. The date is May 13.

3. The Everett Hatcher Memorial Service in NYC. This event takes place on May 12. The flyer is attached. I expect that they want you to forward this to scheduling. The President may be in NYC that day, so might be able to do a drop-in.

Everett Hatcher was an African American DEA agent who was killed in the line of duty.

Pol'u



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

"A Professional Association for Federal Law Enforcement Officers"

Representing Members of the:

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US Forest Service — Special Agents
Dept. of Commerce — Office of Export Enforce. — S A
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National Marine & Fisheries Serv. Law Enf. — S A
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Dept. of Health & Human Services — S A
Dept. of Housing & Urban Devel. — Inves. — S A
Dept. of Interior — OIG — Special Agents
US Fish & Wildlife Services — Law Enforce. — S A
Bureau of Indian Affairs — S A & Police
US Park Police — Park Police Officers
Bureau of Land Management — Special Agents & Rangers
Dept. of Justice — US Attorneys — C I & Attorneys
Drug Enforcement Administration — S A
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Office of Labor Racketeering — S A
Dept. of State — Diplomatic Sec. Ser. — Special Agents
Investigation — Special Agents
Dept. of Trans. — Investigation — Special Agents
US Coast Guard — Intel. Officers & S A
Federal Aviation Admin (FAA) — Investigators
Dept. of Treasury
B A T F — Special Agents
US Customs Service — Office of Enforcement — Special Agents
Customs Investigators
Internal Affairs — Special Agents
Internal Revenue Service
Criminal Investigation Division — S A
Inspection Service — Inspectors
US Secret Service — S A & Police
Environmental Protection Agency
Office of Criminal Investigations — Special Agents
Office of Inspector General — Special Agents
General Services Administration
Office of Investigations — Special Agents
National Archives — Criminal Investigators
Nuclear Regulatory Commission — Special Agents
US Capitol Police — Police Officers
US Postal Service — Inspectors & Postal Police
US Printing Office — Special Agents
Veteran's Administration — Investigations — S A

April 21, 1993

BY HAND

Steve Hilton
Deputy Director
Office of Public Liaison
Room 122
Old Executive Office Bldg.
Washington, D.C.

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Joining me in meeting with you will be FLEOA's Executive Vice-President John Pitta and Legislative Consultant Jules Bernstein. FLEOA's General Counsel is Kathleen Mahon. She is also lead counsel in the law firm that provides legal representation to our members.

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Yours truly,

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Victor Oboyski
National President

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The Eighteen Eleven

Professional Journal of the Federal Law Enforcement Officers Association

November/December 1992

Volume 114, No. 5

Oboyski and AG Barr Hold Face To Face Discussion on Critical Issues

On Tuesday, October 13, 1992, Attorney General William Barr met with FLEOA National President Victor Oboyski to discuss twelve issues of critical interest to Federal law enforcement.

FLEOA's Executive Vice President John Pitta, its General Counsel Kathleen Mahon and its Legislative Consultant Jules Bernstein accompanied Oboyski to the meeting.

The issues raised with the Attorney General along with the positions of both the Federal Law Enforcement Officers Association and the Attorney General are as follows:

ISSUE #1: — The restrictions on the Justice Department's billing rates and work hours when the Department approves retention of outside legal counsel.

FLEOA's Position — FLEOA believes that when the Justice Department approves retention of outside legal counsel to represent Federal law enforcement officers in civil cases, setting a cap on attorney billing rates (\$99.00/hour) and a cap on attorney's time (120 hours) is unreasonable. In certain highly publicized cases involving the defense of Government officials higher rates have been provided and there have been no limitations placed on hours. To provide Federal law enforcement officers with inadequate representation in civil cases in which the Government may be liable is unfair. The policy establishing these caps should be changed, so a more appropriate standard of "fair and reasonable rates" for all circumstances and all geographic areas can be put in place.

Attorney General's Position — One of my concerns has been that Government employees and especially Assistant US Attorneys and law enforcement officers should be fully and adequately represented by the Government. I am prepared to look into the situation that FLEOA has described to see whether a more flexible and equitable solution can be achieved.

ISSUE #2 — Adequacy of the Justice Department's programs for Federal Law Enforcement Officers who suffer major trauma.

FLEOA's Position — FLEOA believes the Government needs a more coherent and consistent policy for protecting and representing law enforcement officers who face trauma situations such as shootings, accidents, etc. FLEOA's experience indicates that present policies are unclear and applied ineffectively and inconsistently. Given this, is it possible for you to review present policies, determine their effectiveness and make necessary changes?



Reprinted with permission from Department of Justice
William P. Barr, Attorney General

Attorney General's Position — I have asked for a study of these situations and am looking forward shortly to receiving a response from my staff. I believe that the review of how shooting incidents are handled and how law enforcement officers are treated is very important. Let me also state that I am interested in recommendations on this issue from FLEOA.

ISSUE #3 — Concerns about the Justice Department not routinely charging those who respond violently to Federal officers with assault and/or attempted murder.

FLEOA's Position — FLEOA is concerned that there is no coherent Government policy for routinely bringing assault and/or attempted murder charges against those who respond violently to Federal officers.

Attorney General's Position — This comes as something of a surprise to me since a memo from my predecessor, Attorney General Rich-

ard Thornburgh, directed US Attorneys to prosecute such cases. If those instructions are not being followed I would like to be made aware of such situations so they can be corrected.

ISSUE #4 — Legal coverage of Federal agents serving on Task Forces, executing local warrants and/or investigating state and local crimes.

FLEOA's Position — FLEOA is concerned over the absence of legal coverage for criminal investigators who execute local warrants and/or investigate State and local crimes as members of Federal-State Task Forces.

Attorney General's Position — I believe that under these circumstances Federal law enforcement officers should be fully protected. Accordingly, I will proceed to see whether there are legal impediments to providing such protection and will seek a legal opinion from the Department of Justice Legal Counsel, if necessary. Should legislation be required to deal with this situation, you may rest assured I will seek it.

ISSUE #5 — The Henthorne decision which calls on the Justice Department to release federal law enforcement officer personnel files to defense counsel in criminal cases.

FLEOA's Position — FLEOA is concerned about the implications of the Henthorne decision in the Ninth Circuit which authorizes and directs the release of law enforcement officer's personnel files to defense counsel in criminal cases.

Attorney General's Position — I am opposed to routine produc-

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The Eighteen Eleven

Professional Journal of the Federal Law Enforcement Officers Association

January-February, 1993

Volume 115, Number 1

Where is Pay Reform?

By Victor G. Oboyski
National President

WHERE IS PAY REFORM STALLED? WHAT IS LIKELY TO HAPPEN?

In this issue of *The 1811* I was hoping to review the Office of Personnel Management's (OPM) plan to establish a separate pay and classification system for Federal law enforcement officers. According to the law, OPM's plan was supposed to be given to Congress not later than January 1, 1993. However, no such plan has made it to Capitol Hill.

It has been reported that OPM's proposals for a separate pay and classification system now sit in the Office of Management and Budget (OMB) in order to give the new administration an opportunity to review them. While OPM has stated to me they know of no such reason why the proposals are in OMB, common sense would dictate that any plans to change or reform pay and classification systems for federal employees would have to be approved by the new directors of the Office of Management and Budget and the Office of Personnel Management. In addition, the Clinton Administration is currently putting together an economic package for the country which most likely will include changes in the Federal budget. This certainly would put proposals to change Federal law enforcement pay and classifications in a holding pattern somewhere in OMB.

WHAT WE KNOW ABOUT CLINTON'S POSITION

On July 27, 1992 FLEOA sent questionnaires to Presidential candidates George Bush and Bill Clinton. Their responses were printed in the September/October 1992 issue of *The 1811*. Question #4 in that list of questions was:

"The Federal Law Enforcement Pay Reform Act of 1991 recommended a separate pay and classification system for Federal Law Enforcement. It has given the Office of Personnel Management till January 1, 1993 to come up with recommendations. What kind of a reform pay and classification system would you support?"

To this, Democratic Candidate Governor Clinton responded: "As president I will consider the recommendations of the Office of Personnel Management and support changes that are both fair to our Federal law enforcement officers and feasible given the government's fiscal constraints."

WHAT OPM HAS TOLD US ABOUT ITS RECOMMENDATIONS

On November 18, 1992, John Pitta (Executive Vice President), Jules Bernstein (Legislative Consultant) and I attended the Ninth Meeting of the OPM Director's Advisory Committee on Law Enforcement and Protective Occupations in Washing-

ton, D.C. The purpose of the meeting was for OPM to present its preferred options on pay and classification reform before they are sent to OMB.

Most of the presentation was made by OPM Task Force Director Phyllis Foley who stated OPM's preferred options on the basic pay structure included:

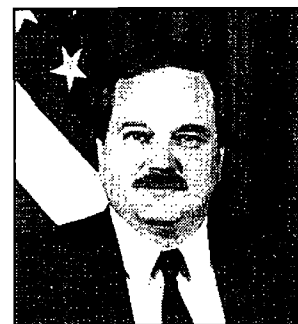
- Continuation of existing law enforcement pay enhancements;
- Incorporating existing pay enhancements into a separate law enforcement pay schedule linked to the General Schedule;
- Banding GS pay levels into enforcement pay levels for the lower levels;
- Keeping annual pay adjustments and local comparability payments the same as the General Schedule; and,
- Granting blanket authority to hire above the minimum rate where needed to compete in the marketplace.

As for OPM's preferred options for job evaluation, Ms. Foley stated OPM favored:

- Developing a new, simpler job evaluation system based upon factors directly related to law enforcement such as: hazards, physical requirements, instantaneous decision-making on use of deadly force, education, scope of arrest authority, etc. and,
- Rank-in-person system.

Ms. Foley also explained how and why OPM proposed to define "law enforcement officer" for the new pay and job evaluation system as it did. She stated the OPM staff proposed to include in its definitions all employees receiving current law enforcement pay enhancements (6 (c) employees) with the exception of Bureau of Prisons (BOP) support personnel. This means that all those covered by the current law will be included in any new legislation, except BOP support personnel.

In addition, said Ms. Foley, the OPM staff would propose adding to the definition of "law enforcement officer" employees whose primary duty is to keep the peace and protect life and property through a patrol function and who are subject to mandatory medical qualifications and physical standards, have arrest authority and carry firearms. This would mean that most police officers and some Park Rangers would be covered and added to any new legislation.



Victor G. Oboyski

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Law Enforcement

THE Eighteen Eleven

Professional Journal of the Federal Law Enforcement Officers Association

The Eighteen
Eleven
Volume 115
Number 3
June-July 1993

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FLEOA-PRESIDENT CLINTON MEET AT WHITE HOUSE

By Victor G. Oboyski
National President



FLEOA National President Victor G. Oboyski (left) stands with President Clinton (center) and FLEOA National Vice President John Pitta (right) after the announcement of Lee Brown's appointment as the nation's drug enforcement czar, April 28th, 1993.

On April 28, 1993 FLEOA's Executive Vice-President John Pitta, Legislative Consultant Jules Bernstein and I attended the White House Rose Garden ceremony where President Bill Clinton announced the appointment of Dr. Lee Brown as the Director of the Office of Drug Control Policy. After the announcement John, Jules and I had the opportunity to meet and talk directly with President Clinton.

In our conversation with the President, on his 99th day in office, the events that had taken place in Waco were discussed. President Clinton stated that while he was a presidential candidate, he would take early morning jogs with ATF Special Agent Conway LeBleu at the

"President's Message" continued on page 2



FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION

"A Professional Association for Federal Law Enforcement Officers"

Representing Members of the:

Dept. of Agriculture — OIG — Special Agents
US Forest Service — Special Agents
Dept. of Commerce — Office of Export Enforce. — S A
Office of Inspector General — Special Agents
National Marine & Fisheries Serv. Law Ent. — S A
Dept. of Defense
US Army — CID — Special Agents
Defense Investigative Service — Special Agents
Defense Criminal Investigative Service — S A
Naval Investigative Service — Special Agents
US Air Force — OSI — Special Agents
Dept. of Education — Investigation — S A
Dept. of Energy — OIG — Special Agents
Dept. of Health & Human Services — S A
Dept. of Housing & Urban Devel. — Inves. — S A
Dept. of Interior — OIG — Special Agents
US Fish & Wildlife Services — Law Enforce. — S A
Bureau of Indian Affairs — S A & Police
US Park Police — Park Police Officers
Bureau of Land Management — Special Agents & Rangers
Dept. of Justice — US Attorneys — C I & Attorneys
Drug Enforcement Administration — S A
Federal Bureau of Investigation — S A
INS — Special Agents & Border Patrol
US Marshals Service — Marshals & Dep. Marshals
Parole & Prob. Service — Parole & Prob. Officers
Dept. of Labor — OIG — Special Agents
Office of Labor Racketeering — S A
Dept. of State — Diplomatic Sec. Ser. — Special Agents
Investigation — Special Agents
Dept. of Trans. — Investigation — Special Agents
ast Guard — Intel. Officers & S A
Aviation Admin (FAA) — Investigators
Treasury
... F — Special Agents
US Customs Service — Office of Enforcement — Special Agents
Customs Investigators
Internal Affairs — Special Agents
Internal Revenue Service
Criminal Investigation Division — S A
Inspection Service — Inspectors
US Secret Service — S A & Police
Environmental Protection Agency
Office of Criminal Investigations — Special Agents
Office of Inspector General — Special Agents
General Services Administration
Office of Investigations — Special Agents
National Archives — Criminal Investigators
Nuclear Regulatory Commission — Special Agents
US Capitol Police — Police Officers
US Postal Service — Inspectors & Postal Police
US Training Office — Special Agents
Veteran's Administration — Investigations — S A

NATIONAL OFFICERS

President
VICTOR OBOYSKI, JR.
Executive Vice-President
JOHN PITTA
First Vice-President
THERESA C. MURRAY
Treasurer
ROGER P. TARDIE
Corresponding Secretary
RICHARD GALLO
Recording Secretary
ALLAN B. PAYNE
General Counsel
KATHLEEN P. MAHON
Legislative Consultant
TS BERNSTEIN

May 3, 1993

The Honorable William Clinton
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear President Clinton:

I wish to commend you on the selection of Dr. Lee Brown as the Director of the Office of National Drug Policy. Dr. Brown's academic and law enforcement background will prove to be distinct assets in his ability to form a comprehensive and realistic drug policy for our nation. FLEOA plans to endorse Dr. Brown's nomination and is looking forward to working with him and his staff in the future.

I was particularly moved by your remarks to FLEOA's Executive Vice President John Pitta and me in the White House Rose Garden last Wednesday in referring to your personal acquaintanceship with ATF Special Agent Conway LeBleu who was gunned-down in Waco, Texas. As the former Attorney General of Arkansas you know that the loss of life of a law enforcement officer in the line of duty affects all those who work within the criminal justice system. When the loss is personal, it hits home even harder.

In 1989 I lost a personal friend and someone I greatly admired. DEA Special Agent Everett "Hatch" Hatcher, an African American from New York City, was killed in February of 1989 while working an undercover assignment. Hatch and I had served in the military together in the late 60's and we remained friends throughout our Federal law enforcement careers. His loss was a great personal tragedy for me.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. letter	Victor Oboyski to POTUS re selection of ONDCP director (partial) (1 page)	05/03/1993	P6/b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Deanne Benos (Subject File)
OA/Box Number: 21328

FOLDER TITLE:

Law Enforcement Information Binder #2, Steven Hilton [Binder] [2]

2012-0726-S

kc899

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Since his death, each May Federal law enforcement holds the "Everett Hatcher Memorial Service", in New York City. The service is in memory of all those Federal law enforcement officers and special agents who lost their lives in the line of duty. This year's service will have special significance in light of the four brave agents who died recently in Waco.

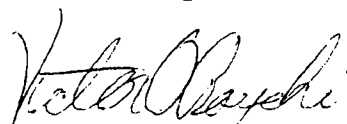
On behalf of the members of FLEOA, I would consider it an honor if you could attend this year's service on May 12, 1993. The service is scheduled to begin at 10:45 A.M. at St. Andrews Church, which is located behind the U.S. Courthouse in downtown Manhattan. I have been told there is a possibility that you will be in New York City on that date. If so, it would mean a great deal to the Federal law enforcement community if you were to attend.

The scheduling of the service that day could be changed to accommodate your plans. Last year there were over four hundred Federal agents in attendance. Many more are expected this year.

If it is impossible for you to attend, would it be possible for you to send us a statement expressing your heartfelt sorrow over the loss of Agent LeBleu and his comrades outside Waco? Your statement would be read to all those in attendance during the service. Unfortunately, eight other Federal law enforcement officers lost their lives in the line of duty during 1992. All of them were brave heroes who made the ultimate sacrifice for their country.

Finally, I wish to thank you again for your unwavering support of the dedicated women and men of the ATF and FBI who did their absolute best in the worst circumstances imaginable.

Yours truly,



Victor Oboyski
National President
20 Waterside Plaza
Suite 21G
New York, New York 10010
Office (212) 791-9089

P6/(b)(6)

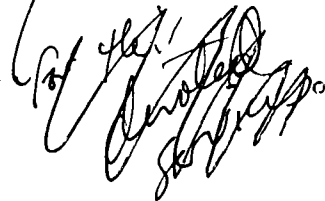
cc: Steve Hilton
Doris Matsui,

TO: The Federal Law Enforcement Officers Association
The Everett Hatcher Memorial Service
New York City
May 12, 1993 10:45 am

regret
I am ~~sorry~~ that I am ~~not able to~~ be with you today at the Everett Hatcher Memorial Service ~~to~~ *am privileged to* honor the men and women of law enforcement who have given their lives to protect ~~the lives of others in~~ *unstable* their communities and our country. ~~Tomorrow, in Washington D.C., I will honor the fallen heroes at a candlelight vigil in memory of their courage at the National Law Enforcement Officers Memorial.~~ *This service annually of law enforcement*

These
The devotion and duty that characterizes all law enforcement officers is realized most fully in those who give the ultimate sacrifice of their lives to the cause of justice. Everett Hatcher, and all those who have died, served their country and their communities bravely and with distinction.

To their friends and family gathered today, and to all those across the country who have lost loved ones in the line of duty, I extend my deepest sympathy and appreciation.



Contact: Dana Wyckoff
Office of Public Liaison
Room 122 x2930

To: The Federal Law Enforcement Officers Association
The Everett Hatcher Memorial Service
New York City - May 12, 1993

I regret that I am unable to be with you today at the Everett Hatcher Memorial Service. This ceremony honors the men and women of law enforcement who have given their lives to protect their communities and our country. Tomorrow, in Washington D.C., I am privileged to honor these fallen heroes at a candlelight vigil in memory of their courage at the National Law Enforcement Officers Memorial.

The devotion to duty that characterizes all law enforcement officers is realized most fully in those who give the ultimate sacrifice of their lives to the cause of justice. Everett Hatcher, and all those who have died, served their country and their communities bravely and with distinction.

To their friends and family gathered today, and to all those across the country who have lost loved ones in the line of duty, I extend my deepest sympathy and appreciation.

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This marker identifies the place of a tabbed divider. Given our digitization capabilities, we are sometimes unable to adequately scan such dividers. The title from the original document is indicated below.

NAPO

Divider Title: _____

National Association of Police Organizations (NAP0)

**Robert T. Scully
Executive Director**

**750 First Street, NE
Suite 935
Washington, D.C. 20002**

**Phone: (202) 842-4420
(800) 322-NAP0
Fax: (202) 842-4396**

**Membership: 160,000
Established: 1978**

Office of Public Liaison Routing Slip

File

Date: 8/9/94

From: Danny

TO:

Alexis Herman _____

Amy Zisook _____

Ben Johnson _____

Bob Jones _____

Chris Lin _____

Dan Wexler _____

Dana Wyckoff _____

Debbie Fine _____

Suzanna Valdez _____

Doris Matsui _____

Flo McAfee _____

Jeff Schulman _____

Marilyn Yager _____

Mike Lux _____

Ruby Moy _____

Steve Hilton X _____

Wendy Nishikawa _____

THE ATTACHED IS FOR YOUR:

INFORMATION: _____

ADVICE: _____

ACTION: _____

COMMENTS:

MEMORANDUM FOR RICKI SEIDMAN

FROM: DANNY WEXLER
SUBJECT: NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS
DATE: AUGUST 8, 1994

CC: Steve Hilton

=====

Attached is a copy of our request for the President to address members of the National Association of Police Organizations (NAPO) at their convention in Minneapolis, Minnesota next week. As you know the President is scheduled to speak to them via satellite on Monday, August 15.

I have learned that NAPO cannot afford to pay for the satellite and would like to have a videotaped message.

Is this possible? We would need to tape the message by this Thursday, August 11.

☐ ACCEPT

☐ REGRET

☐ PENDING

TO: Ricki Seidman
Assistant to the President for Scheduling and Advance

FROM: Alexis Herman
Assistant to the President for Public Liaison

REQUEST: For the President to address members of the National Association of Police Organization (NAPO) during their 16th Annual Convention

PURPOSE: To provide the opportunity for the President to acknowledge the extensive support and the efforts of Bob Scully and his organization has done on our behalf.

BACKGROUND: NAPO has been an active supporter of the Administration in the passage of both the Brady bill as well as the President's anti-crime legislation. Throughout the campaign, NAPO had been our primary supporter among police organizations and the first police organization to endorse President Clinton.

With regards to our outreach work with law enforcement organizations, it is important that the President participate in this convention. Last year, there was only mid-level staff participation at NAPO's convention; invitations were turned down by the President, Vice President and the Attorney General.

DATE AND TIME: The conference will be held during August 13-15. The actual date and time of the President's participation is flexible. NAPO will work with us on this.

DURATION: One hour.

LOCATION: Marriott City Center in Minneapolis, Minnesota.

PARTICIPANTS: Approximately 500 NAPO delegates representing each of their member unions and associations throughout the country including statewide and city organizations -- e.g., the President of the Los Angeles Police Protective League.

OUTLINE OF EVENTS: To be determined.

REMARKS REQUIRED: To be prepared by the Communications department.

MEDIA COVERAGE: Open press.

Police NAPO
COPY

June 20, 1994

MEMORANDUM FOR DAVID STRAUSS

From: Steve Hilton
Subject: National Association of Police Organizations (NAPO)

Last week, the attached letter was brought to my attention. You should know that NAPO was the original police organization to support the President during the campaign and has continued to support the administration through some of our toughest fights -- including, the economic package, the Senate and House versions of the crime bill as well as H.R. 4296, the assault weapons ban. It is important to maintain our relations with this group.

We understand if NAPO's request was turned down because of a scheduling conflict. If this is not the case, we would appreciate you reconsidering this request.

Thank you for your attention to this matter.

cc: Alexis Herman

Steve Hilton
Deputy Assistant
White House Liaison
122 Old Executive Ofc Bldg
The White House
Washington DC 20500-

October 23-27, 1994

6th Annual
Pension
and Benefits
Seminar

National Association of
Police Organizations, Inc.
750 First Street NE, Ste. 935
Washington, DC 20002-4241



ATTENDEE REGISTRATION FORM

ORGANIZATION NAME: _____

ADDRESS: _____

CITY, STATE, ZIP: _____

OFFICE PHONE#: _____ FAX# _____

ATTENDEES:
(name & titles)

SPOUSE ATTENDING?
(give name)

HOW MANY
GOLFERS?

- | | | |
|----------|-------|-------|
| 1. _____ | _____ | _____ |
| 2. _____ | _____ | _____ |
| 3. _____ | _____ | _____ |
| 4. _____ | _____ | _____ |

(If additional space is needed, attach second sheet)

Enclosed is _____ for _____ registrations at \$250.00 each for the 6th Annual Pension & Benefit Seminar. Make check payable to: NAPO Pension & Benefits Seminar.

Send with registration to:

NAPO Pension & Benefits Seminar, Attn: Jacki, • 750 First Street NE, Suite 935, • Washington, D.C. 20002-4241

If you have any questions, contact Jacki at (202) 842-4420

6th Annual NAPO Pension and Benefit Seminar

Making the Right Police Pension Moves in the '90s

What to Watch • What to Prepare • What to Avoid

October 23-27, 1994 • MGM Grand Hotel, Casino & Theme Park, Las Vegas, Nevada

Once again, the National Association of Police Organizations (NAPO) zeroes in on issues that affect public safety officers the most. In Washington, the Administration and Congress have moved into the second session of the 103rd Congress with the goal of cutting the deficit and re-building the infrastructure of the country by holding the line on wages, cutting benefits and tapping public safety pension systems.

The developing global economy offers new and intriguing investment opportunities as well as opportunities for financial disaster! Is the time to invest in real estate now? Is the stock market still your best investment?

The 6th Annual Pension and Benefits Seminar sponsored by NAPO will help you develop strategies and tactics to forestall federal or local damage to your pension system and benefit package. It will also give you new insights to help you make the right investment decisions.

This Seminar will provide you with the most recent information on universal health care coverage and the latest developments with the American's With Disabilities Act. It will offer the best advice to pursue the right agenda for your members in the months and years ahead.

Register now to learn the latest in trends, taxes and traps. Learn what and who to watch, what to prepare for, and what to avoid.

Last year's seminar attracted over 200 participants representing 55 pension systems with a combined worth of more than 150 billion dollars. Don't miss out on this excellent conference at the new MGM Grand the world's largest Hotel, Casino, and Theme Park in Las Vegas.

Robert T. Scully, Executive Director
National Association of
Police Organizations

Why You Should Attend!

A four-day seminar to help you develop winning strategies and tactics. A distinguished battery of presenters/moderators will tell you how to:

- Neutralize Management's Take-Aways
- Keep and Enhance Your Present Benefits
- Maximize Investment Opportunities
- Seize the Bargaining Initiative
- Improve/Expand Benefits for Your Members
- Arm Yourself Against the Take-Away Trend
- Protect Yourself Against Pension Fund Raiding

Who Should Attend:

- Trustees of Law Enforcement and Public Safety Pension Systems
- Trustees of Law Enforcement and Public Safety Defined Contribution Plans
- Public Safety and General Pension System Members
- Leaders of Law Enforcement and Public Safety Associations
- Retirement Administrators of Pension and Welfare Funds
- Attorneys for Labor and Pension Systems
- Pension, Benefit and Insurance Committee Members
- Fund Investment Officers
- Members of the FOP, IBPO, IUPA, NTC, FLEOA and others

LAST YEAR'S SEMINAR DREW RAVE REVIEWS

"Law enforcement pension trustees and union leaders who are interested in protecting future pension benefits should not miss this seminar."

Bob Hermann, *Safety Member, Los Angeles County Retirement System & Chairman, Board of Retirement*

"The speakers were outstanding, the exchange of information extremely helpful. I look forward to attending the 1994 program."

Tony Garvey, *Trustee, New York City Police Pension Fund & President, NYC Police & Lieutenants Benevolent Association*

"This was the most informative public safety pension and benefit seminar I've ever attended."

Derrick Royal, *Trustee, Detroit General and Police & Fire Pension Systems*

"I believe every pension trustee and every police union leader should attend this conference if you want to understand the basics of pension fund investments."

Skip Murphy, *Board Member, San Diego County Employees Retirement System*

"NAPO is to be congratulated on bringing together police union leaders and law enforcement pension trustees to discuss this most important topic the future of pensions."

Larry Eddington, *Board Chairman, Dallas Police & Fire Retirement System*

EXPERTS PROVIDE INFORMATION YOU CAN USE

Outstanding Presenters Scheduled

James B. Waters, Jr., Executive Director
Chicago Policemen's Annuity & Benefit Fund

Mr. Ashe, Trustee
San Francisco Employees Retirement System

Robert Hermann, Trustee
Los Angeles County Employees Retirement System

Kevin Lynch & Terrance Ahern, Principals
The Townsend Group, Cleveland, Ohio

Patrick White, Trustee
Ohio Police & Firemen's Disability & Pension Fund

Edmund Burke, Principal
Becker, Burke Associates

Larry Eddington, Board Chairman
Dallas Police & Fire Retirement System

Thomas Zdrodowski, Executive Secretary
Detroit General and Police & Fire Pension Systems

Thomas J. Scotto, Trustee
New York City Police Pension Fund & President,
Detectives Endowment Association of NYC

Dennis P. Brennan, Managing Partner
Brennan & Domenici Associates, Inc.

Larry Reech, Trustee
State of Louisiana Municipal Police Employees
Retirement Association

Charles "Chuck" Valdez, Trustee
California Public Employee's Retirement System

Howard Bicker, Executive Director
State of Minnesota Investment Board

Skip Murphy, Board Member
San Diego County Employees Retirement System

Gary Mattingly, General Manager
LA Fire & Police Retirement System

Anthony J. Garvey, Trustee
New York City Police Pension Fund &
President, NYC Police & Lieutenants Benevolent Association

Edward Heckrotte, Chairman
Investment Committee & Trustee,
City of Baltimore Employees Retirement System

Wendell Winko, III, Trustee
City of Jacksonville Police & Fire Retirement System

John J. Gallahue, Executive Director
Massachusetts Bay Transportation Authority Pension System

Larry Doss, Vice Chairman
Board of Trustees Houston Police Officers Pension System

Harry Greenberg, Esquire
Solomon, Richman & Greenberg

Carol Broad, Principal
Institutional Property Consultants

Micolyn M. Yalonis, Vice President
Callan Associates

Robert Sugarman, Esquire, Partner
Sugarman & Susskind

Personalized Napo Travel Service

NAPO's official travel agency, Tiffany Travel of Sherman Oaks, California will cheerfully make all your travel arrangements. Call (800) 527-3392 and ask to speak with Lottie.

Hotel Reservations

NAPO has arranged for a block of accommodations, (\$72.00 single or double occupancy) at the MGM Grand Hotel, Casino & Theme Park in Las Vegas, Nevada. Attendees are responsible for making their own hotel reservations by calling (800) 929-1111. Be sure to ask for the NAPO group rate. The cut-off date for hotel reservations is September 21, 1994. After that date, rooms will be confirmed on an availability basis. PLEASE, MAKE YOUR RESERVATIONS BEFORE THE CUT-OFF DATE!

Busier Program. . .

**Cocktail Receptions, Lunch,
Golf Tournament Provides Plenty
of Time for Networking**

SUNDAY, OCTOBER 23, 1994

4:00 - 6:00 PM Registration
6:30 - 8:30 PM Cocktail Reception

MONDAY, OCTOBER 24, 1994

7:00 - 8:00 AM Final Registration
7:00 - 8:00 AM Continental Breakfast
8:00 - 9:00 AM The Impact Of The North American Free Trade Agreement upon pension fund investing & returns.
9:00 - 10:00 AM Emerging Markets: Is The Pacific Rim still a safe bet?
10:00 - 11:00 AM What price returns: How much risk is prudent in attempting to capture returns exceeding a fund's actuarial assumptions?
11:00 - 12 Noon Emerging and Innovative Investment Trends for the 90's and beyond.
6:30 - 7:30 PM Cocktail Reception

TUESDAY, OCTOBER 25, 1994

7:00 - 8:00 AM Continental Breakfast
8:00 - 9:00 AM Corporate Bonds: What should constitute institutional quality today; some managers are advocating "B" grade bonds as safe investments.
9:00 - 10:00 AM Actuarial Assumptions and Unfunded Liabilities.
10:00 - 11:00 AM Taking Advantage of Today's Real Estate Opportunities: Will waiting for the market to significantly improve before investing minimize potential returns?
11:00 - 12 Noon Master Custodial Services in the 90's and beyond.
12 Noon - 1:30 PM Luncheon Session
The Pension Plan's Exceptional Investment Returns: To whose benefit, City Hall or the plan's beneficiary's - Whose money is it anyway?
6:30 - 7:30 PM Cocktail Reception

WEDNESDAY, OCTOBER 26, 1994

7:00 - 8:00 AM Continental Breakfast
8:00 - 9:30 AM Corporate Governance: How active should plan sponsors be in influencing corporate board decisions and what is the downside, if any?
9:30 - 11:00 AM E.T.I.'s: Do they belong in a police pension portfolio?
11:00 AM - 12 Noon Your Plan's Health Benefits & The Clinton Administration's proposal: Can they co-exist?
6:30 - 7:30 PM Cocktail Reception

THURSDAY, OCTOBER 27, 1994

8:00 - 9:00 AM Continental Breakfast
9:00 - 11:00 AM Work Shop - ERIP (Early Retirement Incentive Programs) & DROP (Deferred Retirement Option Plan)
12:30 - 6:00 PM Golf Tournament

Registration Fee

Early registration is \$250.00 per person if received by September 16, 1994. After that date, registration is \$300.00 per person. Please complete the attached form on the reverse side. Spouses of paid attendees are welcome at all sessions and functions, however, spouse must register at this time. Participation by spouses is covered by the registration fee. All commercial organizations, (private firms) wishing to attend must pay the standard fee of \$1700.00 per person.

Cancellations/Refund Policy

NAPO will refund the registration fee upon written request received prior to October 13, 1994, less a \$50.00 processing fee. Refunds will not be given after that date.

Commercial registrations will be refundable, less a \$50.00 processing fee upon written request prior to October 7, 1994. However, NO REFUND will be given after that date.

11/12/94



NAPO News Service

Representing America's Finest

National Association of Police Organizations, Inc.

750 First Street, N.E., Suite 935 • Washington, D.C. 20002-4241

(202) 842-4420 • (800) 322-NAPO • (202) 842-4396 FAX

President
THOMAS J. SCOTTO
President, Detective
Endowment Association
of New York City
New York, NY

NAPO WASHINGTON REPORT

Executive Director
ROBERT T. SCULLY

May 13, 1994

Legislative Counsel
JULES BERNSTEIN
LINDA LIPSETT

Executive Vice President
TONY LOIZZO
Senior Vice President
Dade County PBA
Miami, FL

Recording Secretary
O.J. HOLT
President, Central
Coast Chapter, PORAC
San Jose, CA

Treasurer
ROBERT SHEEHAN
President, Hillsborough
County PBA
Tampa, FL

Sergeant-at-Arms
MARTIN McKEAN
Executive Secretary,
Ohio PBA
Berea, OH

Executive Secretary
B. D. "BUD" STONE
Past President PORAC
Berkeley, CA

U.S. HOUSE OF REPRESENTATIVES PASSES CRIME BILL

As the House of Representatives returned from Easter recess to begin debate on anti-crime measures, hundreds of law enforcement officers from across the country joined President Clinton on April 14 at a rally for swift passage of the pending legislation.

NAPO participated in the White House crime bill rally which also served as a backdrop for an awards ceremony where President Clinton honored dozens of law enforcement officers from across the country. Following the crime rally, NAPO joined other members of the Law Enforcement Steering Committee, a non-partisan coalition of ten national law enforcement organizations, several Mayors, Congressional representatives and House Speaker Thomas Foley (D-WA) at a press conference urging the House of Representatives to pass a crime bill quickly.

NAPO President Tom Scotto spoke at the press conference at the Capitol and called upon Congressional members to "...put partisan politics aside and give law enforcement the resources we need to fight crime."

After the press conference, NAPO members, including two busloads of officers from the Detectives' Endowment Association of New York City, New York City Transit Police Benevolent Association and the New York City Housing Police Benevolent Association, lobbied members of the U.S. House of Representatives.

One week later, the U.S. House of Representatives approved an omnibus crime bill, H.R. 4092, by a vote of 285-141. The House crime bill provisions include the following:

- * \$3.5 billion to hire 50,000 additional state and local police officers.
- * \$13.5 billion to states for prison construction, \$10.5 billion will go to states based on their incidence of violent crime. The bill would allot another \$600 million for boot camps.
- * \$1.4 billion for drug court programs to rehabilitate first-time or non-violent drug offenders.
- * \$7 billion for prevention programs including the "ounce of prevention" program

and a youth jobs program.

- * Three Strikes and You're Out.
- * Violence Against Women Act.
- * Ban on juvenile possession of handguns.
- * Death penalty for numerous crimes.

NAPO Executive Director Bob Scully has monitored closely this legislation to ensure that law enforcement's interests are represented in the House Crime Bill.

NAPO worked to defeat the Private Security Officers Safety Act of 1993, legislation offered by Representative Matthew Martinez (R-CA) as an amendment to the crime bill. This bill would have a negative impact on the working conditions of professional law enforcement personnel. In addition, the public safety of the country would be compromised as private security guards do not have the same broad mandate to protect the public that police do.

Unfortunately, the Police Corps program, opposed by NAPO and most national law enforcement organizations, has been included in the House crime bill. Another issue that NAPO opposes is the Racial Justice Act, which would allow a defendant to use sentencing statistics to challenge a death sentence as racially discriminatory. We are working for deletion of this controversial measure.

A conference committee is scheduled to meet and produce a final crime bill within the next two weeks. Once a crime bill conference report is agreed upon, it must return to both Houses of Congress before it goes to the President. It is unlikely that a crime bill reach the President before Memorial Day, the original deadline set by the White House for completion.

AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)

A hearing on the ADEA exemption for public safety officers, H.R. 2722, was held by Senator Howard Metzenbaum's Subcommittee on Labor on April 19. Senator Metzenbaum (D-OH), an opponent of the ADEA exemption, has no intention of moving the legislation in the Senate any further.

However, the ADEA exemption was added to the House crime bill as part of a block of non-controversial amendments by House Judiciary Chair Jack Brooks (D-TX). Senator Metzenbaum has threatened to filibuster the entire crime bill if the exemption remains in a conference version. We expect the Administration to remain neutral on this issue thus it is important that the Senate Conferees hear from law enforcement.

NAPO strongly encourages all member organizations to contact one or more of the following Senators, who are likely Conferees, at the Capitol switchboard (202) 224-3121. Please urge the Senator to support the House position and allow the ADEA provision, H.R. 2722, to remain in a conference report.

Senator Joseph Biden	(D-DE)
Senator Edward Kennedy	(D-MA)
Senator Dennis DeConcini	(D-AZ)
Senator Patrick Leahy	(D-VT)
Senator Howell Heflin	(D-AL)
Senator Strom Thurmond	(R-SC)
Senator Orrin Hatch	(R-UT)
Senator Alan Simpson	(R-WY)
Senator Charles Grassley	(R-IA)

ASSAULT WEAPONS PROHIBITION

As you may know, an assault weapons ban was included in the Senate-passed crime bill, but not in the House legislation. As soon as the House completed work on its crime bill, Representative Charles Schumer (D-NY) immediately took up the issue of assault weapons, hoping to have it included in a crime bill conference report.

NAPO Vice President Tony Loizzo from the Dade County (FL) Police Benevolent Association testified in support of the Schumer legislation, H.R. 4296, before the Subcommittee on Crime and Criminal Justice on April 25. In his testimony, Loizzo raised a concern about the impact the measure would have on retired officers. Two days later, language was added to exempt retired law enforcement officers from restrictions on carrying their former service revolver and magazines accommodating over 10 rounds.

In addition, Bob Scully received a letter from President Clinton thanking NAPO for our strong support of the assault weapons legislation and stating his support for the law enforcement exemption to apply both on and off duty.

NAPO participated in several press conferences last week with President Clinton, Attorney General Reno, Treasury Secretary Bentsen, other national law enforcement organizations, and assault weapon victims. One of the assault weapons victims was the mother of Los Angeles Police Officer Christy Lynn Hamilton who was slain by a teenager with an AR-15 this past February.

The assault weapons legislation passed on May 5 by an extremely narrow margin of two votes. This is another legislative victory for law enforcement and NAPO members definitely made the difference with some Members of Congress. For example, a press release from Representative Susan Molinari (R-NY) stated that she made up her mind after speaking with NAPO President Tom Scotto and New York City Police Commissioner Bill Bratton.

The House assault weapons measure is almost identical to the Senate provision thus ensuring its inclusion in the crime bill conference report.

TAX SIMPLIFICATION ACT

House Ways and Means Committee Chair Dan Rostenkowski has tax legislation, H.R. 3419, pending before the full House from 1993 that contains sections 415 and 457. We are in a holding pattern right now, but are convinced that sections 415 and 457 will be favorably considered and incorporated in some measure before the end of the 103rd Congressional session. We will keep you posted of any new developments.

SOURCE TAX

The Senate has once again approved a measure to stop source taxes. Twice before the Senate has voted to stop states from taxing retirees who have moved out of their borders, but the House never passed the bills. Many retirees have been shocked to learn that some of the states where they worked want to tax their annuities after they've moved away.

Senator Harry Reid (D-NV) attached his amendment on source taxes to the bankruptcy reform bill, S.540, which recently passed the Senate. The House Judiciary Committee, chaired by Representative Jack Brooks (D-TX), will take the next action on this legislation.

NAPO GAINS ILLINOIS GROUP

NAPO has recently won the right to represent the Illinois Police Association, a statewide law enforcement organization of nearly 3,000 rank and file police officers. With the addition of the Illinois Police Association, NAPO now represents 5,500 sworn law enforcement officers in the state of Illinois and over 160,000 nationwide.

NAPO LEGISLATIVE CONFERENCE

NAPO's annual Legislative Conference is scheduled for May 21 - 24 in Washington. The Legislative Conference will address federal legislation and other issues of concern to law enforcement. If you have an issue that you would like to see addressed, please contact the NAPO office at (202) 842-4420.

Robert T. Scully
Executive Director



U.S. Department of Justice

Office of Policy Development

Police
POBR

Assistant Attorney General

Washington, D.C. 20530

January 3, 1994

MEMORANDUM

TO: Thomas F. McLarty, III
Chief of Staff
The White House

FROM: Eleanor D. Acheson *EDA*
Assistant Attorney General

SUBJECT: The Police Officers' Bill of Rights Legislation

The National Association of Police Organizations (NAPO) has requested Administration support for the enactment of federal legislation to provide state and local law enforcement officers with specific procedural rights in connection with their employing agencies' noncriminal disciplinary investigations and proceedings. The following background and analysis is provided in response to your staff's request for information on this issue from the legal, political, and policy perspectives.

BackgroundHistory of Congressional Action

Since 1970, more than 75 pieces of federal legislation to extend due process protections to law enforcement officers have been introduced. In recent Congresses, several different bills, generally referred to as the "Police Officers' Bill of Rights" (POBR) have been considered. During the 102nd Congress, despite Bush Administration objections, the Senate adopted the Police Officers' Bill of Rights Act of 1991 as part of the Senate crime bill, S. 1241. A similar proposal was rejected by the House Judiciary Committee and subsequently the Senate version was deleted from the House Conference Report crime bill.

by the Attorney General. This year NAPO worked with several other police labor and management organizations and Congressional supporters to draft a revised POBR bill in hope of again seeing it included in a Senate passed crime bill. However, due to the controversial nature of the provision even its supporters made no serious effort to add POBR to S. 1607 during the Senate's crime bill deliberations. The Senate passed bill also omitted any related study requirement.

Major Provisions of the POBR

The POBR would protect law enforcement officers from arbitrary, vindictive and discriminatory disciplinary proceedings by imposing a series of restrictions on any questioning that could lead to a "disciplinary action," including "suspension, demotion, reduction in pay or other employment benefit, dismissal, transfer, or similar action taken . . . as punishment for misconduct." Among other things, the bill's requirements include that --

(1) the questioning must be conducted "at a reasonable hour," and "preferably" when the officer is on duty in the absence of "exigent circumstances";

(2) the questioning must take place at the office of the investigators or the place where the officer reports for duty unless the officer consents in writing to questioning elsewhere;

(3) the officer must be informed before questioning of the name, rank, and command of the questioner;

(4) all questioning must be done through a single investigator;

(5) the officer must be informed in writing of the nature of the investigation prior to any questioning;

(6) questioning must be conducted only for a "reasonable period of time" and with "reasonable" breaks;

(7) no threat, harassment, promise, or reward is permitted to induce the answering of any question;

(8) all questioning must be fully recorded or transcribed, and a copy of the recording or transcript must be made available to the officer; and

(9) the officer is entitled to the presence of counsel or another person of his choosing during any questioning.

In addition, the person in charge of the investigation is required to inform the officer in

writing of the results of the investigation and any recommendations for disciplinary action, and to fully disclose to the officer all "transcripts, records, written statements, written reports and analyses, and video tapes" that are exculpatory or that are to be introduced at a disciplinary hearing or used in support of disciplinary action.

Review of State Law and Other Protections

Under state law and/or collective bargaining agreements, many of the approximately 500,000 law enforcement officers in the United States enjoy procedural protections against arbitrary, vindictive, and discriminatory discipline imposed by police management.

Currently, most officers in jurisdictions permitting comprehensive collective bargaining secure these rights through contracts with the city or state. Other states offer protections through court interpretations of due process rights, and local communities offer procedures through ordinances as well as collective bargaining agreements.

Based upon a preliminary review, it appears that as many as seventeen states may have enacted state statutes to provide officers with some specific procedural rights. Some of these states -- including Indiana, Kentucky, New Mexico, West Virginia, and Nevada -- prohibit collective bargaining, especially for public employees, and thus rely on statutory provisions to ensure due process during disciplinary proceedings. However, a number of states that permit collective bargaining also have adopted statutory provisions granting due process rights to police officers, including Florida, Illinois, and California. Other states that appear to have adopted state bills of rights for police officers are Arkansas, Delaware, Louisiana, Maryland, Rhode Island, Virginia, and Wisconsin. Some of these, like Arkansas, provide for local discretion. Utah and Minnesota as of January 1992 had passed bills to conduct studies about whether to adopt police officers' bills of rights. The existing state statutes guarantee many of the due process rights contained in the proposed federal legislation.

Constitutional, Legal, and Policy Issues

Constitutional Issues

Enactment of a POBR proposal similar to that passed as part of the Senate crime bill in 1991, would probably be held to be within Congress's constitutional authority. The due process clause of section 1 of the Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." Section 5 of the Fourteenth Amendment empowers Congress to enforce section 1 "by appropriate legislation." Pursuant to section 5, Congress may prohibit or require State actions if it concludes that such prohibitions or requirements are reasonable means of protecting the constitutional rights protected by section 1.² Section 5 legislation thus may impose

² Katzenbach v. Morgan, 384 U.S. 641, 652-53 (1966).

limitations on the States' discretion that are broader than the judicially enforceable limitations contained within section 1.

The provisions of the POBR would be held to be within Congress's section 5 authority so long as they can be described as "'plainly adapted' to furthering th[e] aims" of the due process clause.¹ The procedural requirements of the 1991 senate crime bill would generally appear to satisfy this standard, although individual provisions might fail to pass constitutional muster. For example, one provision [section 819(j) of S. 1241], which limits the States' ability to require law enforcement officers to disclose their personal assets, might be held to be outside the section 5 authority because it does not appear to relate to procedural due process.

Legal and Policy Concerns

The NAPO supported POBR proposal raises a number of policy concerns. Anecdotal evidence suggests that there are very real problems in a number of jurisdictions which have not implemented adequate procedural protections for officers in disciplinary actions. However, it is not clear that federal intervention of the scope or nature proposed by NAPO is warranted or in the best public interest at this time.

Establishing a federal code of procedure for the investigation and adjudication of disciplinary matters involving state and local law enforcement officers at a time that many states are actively considering the need for such protections, while constitutional, raises numerous questions of federalism and preemption. This is particularly true since no comparable requirements are imposed on, nor deemed appropriate for, federal law enforcement agencies and because some states and localities have affirmatively rejected similar proposals.

There is some evidence to support the contentions of POBR opponents that in the aggregate the bill's requirements could impede effective police supervision and discipline. For example, the written notice rule and other requirements would tend to bar a supervisor from informally calling in an officer to counsel or talk with him or her when a question was raised about his or her conduct. The use of undercover methods of investigation in relation to possible disciplinary violations would appear to be entirely precluded. Moreover, some of the specific requirements are modeled after state laws and/or collective bargaining provisions which have been cited in federal police brutality prosecutions and public corruption investigations as having deterred or prevented the employing police agency from looking into early indications of problems and from taking appropriate disciplinary action. It is possible that enactment of the proposed POBR accordingly could result in a need for substantially greater reliance on federal civil rights prosecutions as the mechanism for enforcing police discipline.

¹ Katzbach, 384 U.S. at 652.

Political Support and Opposition

Support for a federal POBR is grounded in NAPO and other rank and file police organizations, including the International Brotherhood of Police Officers (IBPO), International Union of Police Associations (IUPA), and the Fraternal Order of Police (FOP). Opponents include police management organizations such as the International Association of Chiefs of Police (IACP), National Sheriffs Association (NSA) and groups representing state and local government interests, such as the National League of Cities (NLC), U.S. Conference of Mayors, National Public Employers Labor Relations Association, and the National Conference of State Legislatures (NCSL).

On the Hill, POBR has a number of key supporters most notably Senate Judiciary Committee Chairman Biden. Despite his previous support for and sponsorship of this legislation, Senator Biden did not include the measure in the crime bill in order to avoid a fight over it. This decision surprised many in the House who thought that the strategy for passing the POBR was to have it in the Senate crime bill and then take it in conference because they did not believe it would pass on its own in the House.

Staff for Senator Biden and Representative Schumer reported this week that they had heard of no post Senate crime bill activity directed toward moving this legislation.

Recommendation

Based upon our preliminary review it does not appear appropriate to support enactment of federal legislation mandating such detailed and restrictive procedures for the conduct of internal, noncriminal investigations of State and local law enforcement officers. In general, this may be an area better left to state and local discretion. In the alternative, consideration might be given to developing and supporting less intrusive strategies for guaranteeing fair and effective internal affairs investigations and protecting law enforcement officers from false accusations and abusive conduct.

U.S. Department of Labor

Chief of Staff to the
Secretary of Labor
Washington, D.C. 20210



MEMORANDUM FOR MACK MCLARTY
CHIEF OF STAFF

FROM: KITTY HIGGINS *Kitty*
SUBJECT: Police Officers' Bill of Rights

As per your request, the Department of Labor is currently reviewing the Police Officers' Bill of Rights. While we have not yet thoroughly studied the bill, the Department is initially concerned that the bill would create a financially burdensome mandate on state and local government. We are also checking on whether the bill will interfere with state and local collective bargaining agreements.

In conjunction with your meeting with the National Association of Police Organizations, the police officers' group has asked us to withhold a final judgement until they have an opportunity to brief us in early January. We have agreed to delay our determination, but we wanted to get our preliminary thoughts to you.

Please feel free to call us if we can be of any further assistance.

cc: Marilyn Yager

file NAO



NAPO News Service

Representing America's Finest

National Association of Police Organizations, Inc.

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NAPO WASHINGTON REPORT

Executive Director
ROBERT T. SCULLY

Legislative Counsel
JULES BERNSTEIN
LINDA LIPSETT

March 31, 1994

President
THOMAS J. SCOTTO
*President, Detective
Endowment Association
of New York City
New York, NY*

Executive Vice President
MIKE PETCHEL
*President, Phoenix
Law Enforcement
Association
Phoenix, AZ*

Recording Secretary
O.J. HOLT
*President, Central
Coast Chapter, PORAC
San Jose, CA*

Treasurer
ROBERT SHEEHAN
*President, Hillsborough
County PBA
Tampa, FL*

Sergeant-at-Arms
MARTIN McKEAN
*Executive Secretary,
Ohio PBA
Berea, OH*

HOUSE CRIME BILL SUFFERS SETBACK

Prompt action during the past month by the House Judiciary Committee has resulted in fourteen anti-crime measures totalling \$22 billion. The House anti-crime measures will be wrapped into an omnibus crime bill similar to the Senate-passed bill, H.R. 3355, and sent to the House floor for a vote.

This quick Judiciary Committee action was followed by a return to the days of Congressional gridlock. Late on March 23, after a list of amendments to the crime bill was initially agreed upon, several Republican leaders claiming the list was not as expansive as they would have liked, threatened to block further proceedings on the House crime bill. This effectively tabled any further action until after the Easter recess.

When Congress returns mid-April, the Rules Committee will meet again to decide which amendments will be in order for consideration on the crime bill. Hopefully, a rule will be agreed to so the House can consider the anti-crime legislation as expeditiously as possible. After the House votes out a crime bill, the bill will go to a Conference Committee where it will be merged with the Senate-passed bill into a crime bill conference report. The conference report will have to be voted on again by both Houses of Congress before it can go to the President's desk.

Among the recent House-passed anti-crime measures are:

*Three strikes and you're out -- this version has a narrower definition of violent crime than does the Senate-passed bill.

*State prison grants -- provide grants to states to help build new prisons or expand existing ones.

*Trying juveniles as adults -- allow individuals 13 and older to be tried as adults for a number of violent crimes.

*Mandatory minimum reform -- allow judges to drop mandatory penalties for first-time, non-violent drug offenders.

*Death row appeals -- Overhaul the rules for death row inmates, generally allowing one appeal within one year of the final state appeal.

*Crime prevention --10 prevention programs including drug courts and community crime prevention.

*Death penalty crimes -- establish dozens of new federal crimes subject to the death penalty.

NAPO would like to see a final crime bill that closely reflects the Senate-passed measure and will continue to monitor the crime bill's progress through the House of Representatives to ensure it reflects law enforcement's concerns.

NAPO was alerted of a last minute movement to attach the Martinez Private Security Officers Quality Assurance Act, H.R. 1534, to the crime bill. As you know, NAPO strongly opposes this legislation as detrimental to law enforcement. The Martinez bill was placed in a package of non-controversial crime prevention measures that would be difficult for Congress to vote against if allowed as an amendment.

NAPO, along with IBPO and FOP, have been lobbying members of the Rules Committee to oppose any inclusion of this legislation. (See attached letter).

Last week there was significant development on the **AGE DISCRIMINATION in EMPLOYMENT ACT (ADEA)**. The previous exemption from the provision of ADEA expired on December 31, 1993.

As you will recall, H.R. 2722 has been blocked in the Senate since last November due to objections from Senator Metzenbaum (D-OH) who is subcommittee chairman with jurisdiction over the bill in the Senate. We have been working in a large coalition to get Senator Metzenbaum to allow hearings and a vote on the measure by the full Senate and Senator Metzenbaum set a preliminary hearing date for April 19.

As a parallel strategy, we have had discussions with House Judiciary Committee Chair Jack Brooks regarding the addition of H.R.2722 as an amendment to the crime bill. Chairman Brooks agreed to allow the ADEA provisions to be added by the Rules Committee as a possible amendment to the crime bill. This would place ADEA, assuming the crime bill's passage, as part of a crime bill conference report. However, as stated above, there has been no full House action on the crime bill as yet.

When Senator Metzenbaum found out about our attempt to pursue the issue through the

crime bill, he strongly objected claiming it was an attempt to subvert his committee's authority.

NAPO will continue to work with the ADEA coalition to have H.R. 2722 included as part of the crime bill and will keep you posted on our progress.

EDDIE BYRNE BLOCK GRANT PROGRAM

As you probably are aware, the Fiscal Year 1995 Budget eliminates the Eddie Byrne Block grant program, currently funded at \$358 million for Fiscal Year 1994. NAPO is vigorously opposed to the elimination of this important program and has been lobbying to reinstate the funding in the budget. (See attached letter).

Attorney General Janet Reno in remarks to the Senate Committee on Appropriations last week stated, "...in recognition of concerns about continuation of the Multi-Jurisdictional Task Forces funded through the Byrne formula grants, we have identified \$125 million in the Administration's 1995 budget request that can be used to fund them." Clearly, that is better than nothing, but it is still \$233 million short. NAPO will continue to work for continuation of full funding for the Byrne grants.

POLICE OFFICERS' BILL of RIGHTS

NAPO Executive Director Bob Scully continues to speak with Administration officials and is awaiting final word from the Administration. Scully is working to line up a couple potential sponsors in the U.S. House of Representatives pending White House approval. NAPO expects introduction of POBR legislation within the next month and will keep you posted. 

LET'S STOP KIDS KILLING KIDS

As mentioned in the last Washington Report, NAPO has been working in a broad-based coalition on a week-long campaign against youth violence scheduled for April 25 - May 1, 1994.

The centerpiece of the campaign is a one-hour television special which will be broadcast simultaneously on CBS and FOX on Tuesday, April 26 at 8:00 p.m. EST. This program will be used to stimulate discussions by families, schools, religious groups, and other organizations.

Activities for the week are being organized on a local level by members of the national organizations involved in this coalition. Thursday, April 28 is the activity day for: *Violence and the Law: Enforcement and Prevention*. Please find attached a press release on the program, a list of participating organizations and a few guidelines for how you can participate locally. Please call Beth McGee at the NAPO office at (202) 842-4420 with any questions.



NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.

Representing America's Finest

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President

THOMAS J. SCOTTO

*President, Detective
Endowment Association
of New York City
New York, NY*

Executive Director

ROBERT T. SCULLY

March 24, 1994

Legislative Counsel

JULES BERNSTEIN
LINDA LIPSETT

Executive Vice President

TONY LOIZZO

*Senior Vice President
Dade County PBA
Miami, FL*

Recording Secretary

O. J. HOLT

*President, Central
Coast Chapter, PORAC
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Treasurer

ROBERT SHEEHAN

*President, Hillsborough
County PBA
Tampa, FL*

Sergeant-at-Arms

MARTIN McKEAN

*Executive Secretary,
Ohio PBA
Berea, OH*

Executive Secretary

J. D. "BUD" STONE

*Past President PORAC
Berkeley, CA*

The Honorable John Joseph Moakley
Chairman, House Committee on Rules
H-312 Capitol
Washington, DC 20515-6269

Dear Representative Moakley:

I am writing on behalf of the National Association of Police Organizations to voice my opposition to inclusion of H.R. 1534, the Martinez Private Security Officers Quality Assurance Act, as an amendment to the House anti-crime legislation.

The National Association of Police Organizations (NAPO), representing over 157,000 sworn police officers and 3,000 unions and associations throughout the country, strongly opposes this legislation.

Many municipalities across the United States are currently engaged in the subcontracting of law enforcement duties and functions to private security companies in order to reduce costs. As you might imagine, this has had quite an adverse impact upon the employment conditions of law enforcement officers.

Furthermore, the training requirements for private security officers contained in this legislation are minimal and are substantially lower than the requirements that law enforcement officers must go through before certification.

Again, I urge you to oppose any attempt to add H.R. 1534 to the list of amendments to be offered to the House anti-crime legislation.

Thank you for your consideration.

Sincerely,

Robert T. Scully
Executive Director

c.c. House Rules Committee members



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March 3, 1994

President

THOMAS J. SCOTTO
*President, Detective
Endowment Association
of New York City
New York, NY*

The Honorable Gary A. Condit, Chairman
Subcommittee on Information, Justice, Transportation, and Agriculture
B349C Rayburn House Office Building
Washington, DC 20515

Executive Director

ROBERT T. SCULLY

Legislative Counsel

JULES BERNSTEIN
LINDA LIPSETT

Executive Vice President
TONY LOIZZO

Senior Vice President
*Dade County PBA
Miami, FL*

Dear Chairman Condit:

Recording Secretary
O. J. HOLT

*President, Central
Coast Chapter, PORAC
San Jose, CA*

I would like to submit the following letter for the record of the Subcommittee's hearing on the Eddie Byrne Block Grant Program yesterday.

On behalf of the National Association of Police Organizations (NAPO)

Treasurer
ROBERT SHEEHAN
*President, Hillsborough
County PBA
Tampa, FL*

representing 155,000 police officers and 3,000 police associations and unions throughout the country, I want to express my deep concern about the Administration's intention to eliminate the Eddie Byrne Block Grant Program. While I salute President Clinton for his leadership on putting 100,000 more police officers on our nation's streets, I am most distressed that this important federal program is going to be eliminated.

Sergeant-at-Arms
MARTIN McKEAN
*Executive Secretary,
Ohio PBA
Berea, OH*

As you realize, the Administration's Fiscal Year 1995 Budget eliminates the Eddie Byrne Block Grant program, currently funded at \$358 million for Fiscal Year 1994.

Executive Secretary
B. D. "BUD" STONE
*Past President PORAC
Berkeley, CA*

A police officer for 26 years in the Detroit Police Department, I know that crime-fighting works best when left to state and local agencies. However, the funding from the Eddie Byrne program is the states' single largest resource.

Countless programs and task forces all across the country will be in serious jeopardy if the Byrne grants are cut. I have heard from my members, police officers from all across the country, who are very upset that they will be losing the funding for their D.A.R.E. programs in schools and their many inter-jurisdictional drug and gang task forces. Many of these programs exist solely on these federal block grants and without the funding, will simply disappear.

I do not believe that a pledge to replace the majority of this important grant program is sufficient. I urge the Administration and Congress to reconsider the concerns of law enforcement and to promptly reinstate this important program.

Sincerely,

Robert T. Scully
Executive Director

c.c. Members of the Subcommittee on Information, Justice, Transportation and Agriculture

MONDAY, APRIL 25
 Physicians and Nurses on Violence
 TUESDAY, APRIL 26
 Families Talk About Violence
 WEDNESDAY, APRIL 27
 Focus on Schools:
 Listening to Kids



THURSDAY, APRIL 28
 Violence and the Law:
 Enforcement and Prevention
 FRIDAY, APRIL 29
 Heroes
 SATURDAY, APRIL 30 / SUNDAY, MAY 1
 Prayers for Non-Violence

America Focuses on Youth Violence and Its Prevention / April 25 - May 1, 1994

For Immediate Release
 March 15, 1994

Contact: See cover page

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 Governor Carroll A. Campbell, Jr., Chairman
 National Puerto Rican Coalition
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 National Rainbow Coalition
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 Union of American Muslim Communities
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 Religious Action Center
 U.S. Conference of Mayors
 Mayor Jerry Abramson, President

LET'S STOP KIDS KILLING KIDS: A WEEK-LONG CAMPAIGN AGAINST YOUTH VIOLENCE IN CITIES ACROSS AMERICA

Washington, D.C. -- A broad based coalition of 70 national educational, religious, local government, law enforcement, medical, legal, civil rights, media, community service, and family advocacy organizations have announced a week-long campaign against youth violence scheduled for April 25 - May 1.

The week of activities in cities across America will focus on the tragic consequences of youth violence for families and communities; alternative ways for kids to deal with frustration and anger; and resources and support services available to kids and their families.

"Everywhere in America youth violence has reached crisis proportions. We have come together to demand that America find a way to stop our kids from killing other kids," said Jerry Abramson, Mayor of Louisville, who is President of The U.S. Conference of Mayors and a member of the National Steering Committee for Let's Stop Kids Killing Kids Week.

The centerpiece of the campaign will be a one-hour television special, "Kids Killing Kids," which will be broadcast simultaneously on CBS and FOX on Tuesday, April 26 at 8 p.m. EST. This program will be used to stimulate discussions by families, schools, religious groups, and other organizations about the prevention of youth violence.

"For the effort, the power of network television will be effectively combined with the local activities of an unprecedented number of organizations," added Abramson, "We intend to raise awareness in cities across America about the tragic impact of violence and the use of guns among kids."

- more -

While the program has been planned by the 70 national organizations, all activities for the week are being organized at the local level by mayors, governors, educators, law enforcement officials, hospitals, and community service groups. Each day's activities are related to specific themes:

Monday, April 25 - Physicians and Nurses On Violence

Tuesday, April 26 - Families Talk About Violence

(Broadcast of "Kids Killing Kids" on CBS and FOX)

Wednesday, April 27 - Focus on Schools: Listening to Kids

Thursday, April 28 - Violence and the Law: Enforcement and Prevention

Friday, April 29 - Heroes

Saturday/Sunday, April 30 - May 1 - Prayers for Non-violence

"This week represents an all-out effort to reach kids every way we can," said Abramson. "We will get our anti-violence message to them through those who should have the most influence in their daily lives -- parents, teachers, religious leaders, the media, and their peers."

#

LET'S STOP KIDS KILLING KIDS STEERING COMMITTEE

Mayor Jerry Abramson, President, U.S. Conference of Mayors
Virginia Trotter Betts, President, American Nurses Association
Rev. Dr. Joan Brown Campbell, General Secretary, National Council of Churches
Governor Carroll A. Campbell, Jr., President, National Governor's Association
Benjamin F. Chavis, Jr., Executive Director, NAACP
Horace B. Deets, Executive Director, American Association of Retired Persons
Thomas R. Donahue, Secretary/Treasurer, AFL-CIO
Dr. James M. Dunn, President, Baptist Joint Committee on Public Affairs
Marian Wright Edelman, President and Founder, Children's Defense Fund
Dr. Jeremiah Floyd, Associate Executive Director, National School Boards Association
Keith Geiger, President, National Education Association
Antonia Hernandez, President and General Counsel, Mexican American Legal Defense Fund
R. William Ide, III, President, American Bar Association
Dr. Jesse Jackson, President and Founder, National Rainbow Coalition
Coretta Scott King, President, Martin Luther King, Jr. Center for Nonviolent Social Change
Thomas Koerner, Deputy Executive Director, National Association of Secondary School Principals
Daphne Kwok, Executive Director, Organization of Chinese Americans
Rev. H. Michael Lemmons, Executive Director, Congress of National Black Churches, Inc.
Msgr. Robert N. Lynch, General Secretary, National Conference of Catholic Bishops
Gary Marx, Senior Associate Executive Director, American Association of School Administrators
Dr. Robert E. McAfee, President-elect, American Medical Association
Sister Catherine McNamee, President, National Catholic Education Association
Junc Million, Director of Public Information, National Association of Elementary School Principals
Eric Munoz, Chairman, National Puerto Rican Coalition
Brad Sales, Director of Communications, BEST Foundation
Lucille S. Salhany, Chairman, FOX Broadcasting Company
Rabbi David Saperstein, Director Religious Action, Union of American Hebrew Congregations
Robert T. Scully, Executive Director, National Association of Police Organizations
Randy Senzaki, National Director, Japanese American Citizens League
Albert Shanker, President, American Federation of Teachers
Dr. Ronald J. Sider, President, Evangelicals for Social Action
Howard Stringer, President, CBS Broadcasting Group
Jack Valenti, President and CEO, Motion Picture Association of America
Chuck Wexler, Executive Director, Police Executive Research Forum
Raul Yzaguirre, President, National Council of LaRaza

let's stop



MONDAY, APRIL 25

Physicians and Nurses on Violence

TUESDAY, APRIL 26

Families Talk About Violence

WEDNESDAY, APRIL 27

Focus on Schools:

Listening to Kids

THURSDAY, APRIL 28

Violence and the Law:

Enforcement and Prevention

FRIDAY, APRIL 29

Heroes

SATURDAY, APRIL 30 / SUNDAY, MAY 1

Prayers for Non-Violence

America Focuses on Youth Violence and Its Prevention / April 25 — May 1, 1984

PARTICIPATING ORGANIZATIONS

AFL-CIO

American Academy of Otolaryngology/Head & Neck

American Association of Retired Persons

American Bar Association

American Federation of Teachers

American Medical Association

American Psychiatric Association

Annenberg Washington Program

Baptist Joint Committee on Public Affairs

Boys and Girls Clubs of America

CBS Broadcast Group

Center to Prevent Handgun Violence

Children's Defense Fund

CityKids Foundation

Concerned Women for America

Council of the Great City Schools

Enterprise Foundation

FOX Broadcasting Company

Girls Incorporated

Inter Varsity Christian Fellowship

Kidsnet

Mexican American Legal Defense & Educational Fund

Motion Picture Association of America

National Alliance for Non-Violent Programming

National Association of Broadcasters

National Association of Counties

National Association of Manufacturers

National Association of Police Organizations

National Association of Social Workers

National Catholic Education Association

National Conference of Catholic Bishops

National Council of LaRaza

National Education Association

National Institute for Dispute Resolution

National Puerto Rican Coalition

National Religious Broadcasters

National Sheriffs Association

National Victim Center

Newspaper Association of America Foundation

Physicians for a Violence Free Society

Police Executive Research Forum

Union of American Hebrew Congregations

United States Catholic Conference

U.S. Conference of Mayors

American Academy of Family Physicians

American-Arab Anti Discrimination Committee

American Association of School Administrators

American College of Emergency Physicians

American Jewish Congress

American Nurses Association

American for Democratic Action

Association for Independent Television Stations

BEST Foundation

Business Roundtable

Center for Criminal Justice Studies

Child Welfare League of America

Church of Scientology International

Communitarian Network

Congress of National Black Churches

Criminal Justice Policy Foundation

Evangelicals for Social Action

Fraternal Order of Police

International Brotherhood of Police Officers

Japanese American Citizens League

Martin Luther King, Jr. Center for Non-Violent

Social Change

NAACP

National Assembly/National Collaboration

for Youth

National Association of Elementary

School Principals

National Association of Secondary

School Principals

National Collegiate Athletic Association

National Council of Churches

National Crime Prevention Council

National Governors Association

National League of Cities

National Rainbow Coalition

National School Boards Association

National Teens, Crime, & Community

Program Center

Organization of Chinese Americans

Points of Light Foundation

Public Affairs Council

United Methodist Church General

Board of Church & Society

WAVE, Inc.

THURSDAY, APRIL 28
**VIOLENCE AND THE LAW:
ENFORCEMENT AND PREVENTION**

The common thread for Thursday is "The Law" -- whether an analysis of current laws and violations of law, ways to better enforce existing laws or new ways to use the law to prevent violence. Separate or joint activities could be sponsored by bar associations, police, prosecutors, State Attorneys General, or criminal justice agencies.

1. STATISTICAL ANALYSIS

What is the current incidence of gun-related acts by young people? What data exists about the guns involved and how they were obtained? What are the trends regarding the use of guns to commit acts of violence, the availability of guns and their sources? The police are probably best able to gather such data for the local area.

2. GUN AVAILABILITY

Are there any estimates about the number of guns in the community? How many guns are accessible to kids? How many guns are stolen each year from homes and dealers? What are the specific types of guns being used by kids? How many guns are confiscated annually from kids by the police?

3. CURRENT LAW

What is the current law regarding gun purchases, possession and usage by young people? How is the law being enforced? Are there steps that could be taken by the police, prosecutors or courts to enforce existing laws more effectively? Do these agencies believe that modifications or new laws are needed?

4. SOURCES OF GUNS

How do young people get guns?

- a. **Parents** - What is the law regarding the obligation of parents regarding the safe storage of guns and the potential liability of parents who allow guns to be accessible to teenagers? What data exists regarding the use by teenagers of their parents' guns?

- b. **Street Sales** - What is known about the availability of guns to kids through street sales? What efforts are being made to crack down on these channels?
- c. **Gun Traffic** - Where do these illegal sellers get their guns? What information exists about the source of guns used in your city by teenagers? Do they tend to come from one or a few states? What data exists regarding the movement of guns from these states to yours?
- d. **Gun Dealers** - What is the obligation of licensed gun dealers regarding sales of guns to teenagers? What is the consequence of "dummy" sales when the dealer knows or should have known that the minor is the real purchaser?

5. GUN AMNESTY AND/OR BUY-BACK

Police could conduct Gun Amnesty programs under which guns can be turned in at local precincts or stations with no questions asked and no legal action taken, or Gun Buy-Backs where money or goods are offered to those who turn in guns, with no questions asked.

6. CRIME STOPPERS

Increase publicity for existing Crime Stopper programs that use confidential phone numbers and rewards for reports of suspects wanted for crimes. Focus might be placed on those wanted for gun-related crimes and for trafficking in guns. Initiate a Crime Stoppers program in your community if one does not already exist.

7. ACTIONS

- a. Announcement of stepped-up enforcement efforts by local police, prosecutors, courts.
- b. Announcement of increased efforts to monitor and interrupt the interstate traffic in guns through interstate cooperation and multi-state task forces and work with DEA.
- c. Efforts to increase monitoring of local gun dealers;
- d. Program to urge parents with guns to store them in a secure location where children do not have access;

- e. Efforts by lawyers/bar associations to assist victims of violent acts to sue those responsible for supplying the gun, for example, parents who left guns accessible to kids, individuals or dealers who were negligent in allowing guns to be taken or stolen, or dealers who sold guns improperly to minors.

April 21, 1994

**Age Discrimination in Employment
H.R. 2722**

Purpose of H.R. 2722

This bill allows state and local governments to use age as a basis for hiring and retiring law enforcement officers and firefighters. For those states and localities that did not have an age limitation in effect on March 3, 1983, the maximum age for such public safety workers would be 55 years of age.

The bill also provides that the EEOC shall conduct a study and prepare guidelines regarding tests that can be used by public safety departments in lieu of age to determine the ability of workers to do the job.

Agency Comments

Attempts by the EEOC to develop a consensus Administration position in opposition to the age requirements resulted in comments from primarily two agencies. Both the Department of Treasury and the Office of Personnel Management noted that a policy supporting the elimination of age restrictions for public safety workers would be inconsistent with the Federal policy. The Federal government currently requires that its law enforcement officers, firefighters, and air traffic controllers retire when they reach the age of 55.

OMB estimates that approximately 128,000 Federal employees are currently subject to the Federal government's age restriction requirements.

Legislative State of Play

The bill was approved by the House on November 8, 1993. There is no companion bill in the Senate. At the request of Congressman Owens (D-NY), the bill was included as part of the en bloc amendments to the crime bill.

Senator Metzenbaum recently held a hearing to discuss his bill (S. 1984) which prohibits the use of age as a basis for hiring and retiring **Federal**, State, and local public safety officers. Metzenbaum has expressed grave concern about the use of age limitations and threatened at the hearing to filibuster the crime bill if necessary to prevent the age discrimination provisions from being included in the final crime bill.

Options

With the possible exception of Treasury (they are still considering the possibility that opposing age restrictions for state and local public safety officials may force us to change the Federal policy also), we are very close to developing an Administration position in opposition to the age restrictions. Given the fact that we are so close to a position, we could seek out a member of the Senate to introduce a stand alone bill that the Administration could

support on the Hill. Unfortunately, Treasury's concerns about overturning the Federal government's age restrictions prevents us from supporting Metzenbaum's bill.

Seeking out a member to introduce a stand alone bill opposing age restrictions for State and local law enforcement officers and firefighters would give us a chance to take credit for our pro civil rights-related position. However, not including Federal public safety officers may not be enough to satisfy Metzenbaum's concerns.

Alternatively, we could work to strike the age discrimination provisions from the crime bill. This approach is much more confrontational and is likely to upset Congressman Owens who has oversight responsibility for the EEOC. The EEOC is not anxious about entering into such a confrontation on this issue.

EXECUTIVE OFFICE OF THE PRESIDENT

18-Apr-1994 12:55pm

TO: (See Below)

FROM: Jose Cerda, III
Domestic Policy Council

SUBJECT: HR 2722

This morning I attended an interagency meeting to determine the Administration's position on H.R. 2722, a bill which would amend the Age Discrimination in Employment Act to make permanent the exemption for state and local public safety personnel (i.e, cops and firefighters). Edley plans to clear EEOC testimony by the close of business today that includes the Administration's opposition to H.R. 2722 -- and further stated that any appeals to this position should be lodged directly with Leon Panetta.

There are three decisions -- two substantive and one very political -- that need to be made before the Administration takes a position on this legislation, and I am afraid OMB's clearance process has really only addressed one of these.

1 - The immediate policy concern is should the Administration support legislation to make permanent the exemption for public safety personnel from the ADEA, which expired this past December. From a civil rights policy perspective, it makes sense not to. Cops and firefighters shouldn't have to retire at an arbitrary age; they should continue to hold their jobs so long as they are physically able to do so. The AARP has been the primary advocate for this position.

But Mayors, Cities, Cops and Firefighters -- and Rep. Major Owens -- believe developing such test, etc., is too burdensome for public safety personnel -- and that the current system works just fine. They all want the exemption to continue and have formed a coalition that worked to pass HR 2722 on the suspension calendar last fall. Owens has now quietly attached this same legislation to the House crime bill. The Administration did not issue a SAP when HR 2722 passed the House floor, and our crime bill SAP does not directly address HR 2722's inclusion.

2 - The next policy concern -- which to some extent is an intergovernmental one too -- is what are the implications of our supporting/opposing HR 2722 for federal law enforcement. Currently, federal law enforcement is also exempt from the ADEA and -- if we oppose a public safety exemption from ADEA at the state and local level -- how can we support one at the federal level. Thus, supporting HR 2722 now means we will likely have to change our federal policy at some point later. Treasury is concerned about

this, but is being overruled by Edley. There is no indication that Justice law enforcement types have fully focused on this issue.

3 - The political concern that I'm afraid no one has focused on is -- What is the impact of announcing a decision on this while crime and health care are in flux. The Mayors, Cities and Cops are driving the crime bill's completion this week, and AARP is crucial to health care.

Given the policy and political concerns outline in #2 and #3, I think it makes sense to continue to stay above the fray on this issue. I would suggest that EEOC's testimony should speak to the facts and state that the Administration is continuing to study the issues, gather more data, etc. However, this is a significant political decision, and I thought you should all be informed about it.

Thanks,
Jose'

Distribution:

TO: Carol H. Rasco
TO: Bruce N. Reed
TO: Donsia Strong
TO: Carola McGiffert
TO: Marcia L. Hale
TO: Alexis M. Herman

CC: Dawn M. Friedkin
CC: Christiana L. Lin
CC: Rosalyn A. Miller

EXECUTIVE OFFICE OF THE PRESIDENT

18-Apr-1994 05:38pm

TO: Christopher F. Edley, Jr

FROM: Jose Cerda, III
Domestic Policy Council

SUBJECT: HR 2722

Chris,

Couldn't reach you by phone so I sent an e-mail. I've checked with Ron Klain and Bruce (per Carol's request), and they don't see the benefit of taking on position on HR 2722 that directly conflicts with our efforts to pass a crime bill this week. They especially don't understand what's driving this decision. Aren't we in effect working against one of the top three presidential priorities just to make an outgoing EEOC chairman and senator happy? Why can't EEOC simply speak to the facts, the study -- its strengths and weaknesses, as I understand it -- and say the Administration is still developing its position, etc. Will opposing HR 2722 bring down the crime bill? -- probably not. Will it complicate our efforts? -- definitely yes. Given this situation, why go out on a limb?

Can you pass along these DPC concerns to the Director before you send up the testimony. If given these concerns, he still wants to oppose HR 2722 -- we'll obviously go along with OMB. But if he shares these concerns, we'd hope that he would not oppose HR 2722 outright. Since Carol is out of town, he might want to phone Bruce directly if he has any questions about our comments.

Thanks,
Jose'

EXECUTIVE OFFICE OF THE PRESIDENT

18-Apr-1994 05:58pm

TO: (See Below)
FROM: Karen L. Hancox
Office of Legislative Affairs
SUBJECT: RE: HR 2722

Chris:

The Leg. Affairs - House side - agress with Jose. Why muck around in this issue when the critically important crime bill is on the floor. We have no burning reason to come out in opposition to this bill at this time.

KH

Distribution:

TO: Jose Cerda, III
CC: Carol H. Rasco
CC: Bruce N. Reed
CC: Donsia Strong
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CC: Dawn M. Friedkin
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