

proposed disposition or use of such property" mean, if it doesn't refer to going concern value? Rehnquist asked.

One example would be valuation for auction purposes, Durkay said. He cautioned the justices to "remember how much ground Section 506(a) has to cover," apparently referring to the fact that the statute applies in a wide variety of bankruptcy contexts.

In Kennedy's hypothetical situation involving the laundromat, could the court use cash flow valuation? Stevens inquired. Why shouldn't that be used here? he added.

The secured creditor could find a buyer for the laundromat, but there's no going concern value for a truck, Durkay stated.

On another matter, Ginsburg repeated her prior inquiry about distinguishing between the results under Sections 1325(a)(5)(B) and (C)—that is, between retention or surrender of property.

It's the same truck, and it has no more value because it has been retained, Durkay asserted.

Creditor's Rebuttal

On rebuttal, Phillips maintained that Scalia's question as to the meaning of "pro-

posed disposition or use" disposed of the case. Debtor's counsel didn't explain the use of the property, Phillips asserted.

But property use doesn't automatically lead you to retail value, Scalia commented.

The question, according to Phillips, is what would it cost to purchase the property in the open market.

Why not use appraisal value? Stevens asked.

And what about the amount you have to pay as a commission to sell the property? O'Connor added, as time ran out.

ARGUED CASES AWAITING DECISION

Forty-two argued and submitted cases heard by the Supreme Court await decision. The court will reconvene Monday, May 12, and is expected to announce decisions in some of the argued cases during that week. All opinions of the court are published in full text by Law Week on the day they are announced.

A summary of all argued and submitted cases awaiting decision is given below. The summary includes for each case: the Supreme Court docket number and caption of the case; the court whose decision is being reviewed; a citation to, or date of, the lower court's opinion or order; a brief statement of the principal questions presented by the case; a citation to the Law Week summary of the case; and the date of the oral argument.

84 Orig. U.S. v. Alaska.

What lands underlying tidal waters off Arctic coast of Alaska, if any, are part of federal reservations and thus exempted from operation of Submerged Lands Act, which generally grants to states lands under tidal waters within three miles of their coastlines? What is location of Alaska coastline from which three-mile belt is to be measured? (Argued 2/24/97)

95-1474 Idaho v. Cocur D'Alene Tribe of Idaho. CA 9 (42 F.3d 1244).

May federal court hear action against state officers for injunctive and declaratory relief when such relief requires adjudication of state's title to, and will deprive state of all practical benefits of ownership of, disputed waters and submerged lands? Can president, acting without express congressional authority, convey title of beds and banks of navigable waters to Indian tribe, thereby defeating state's entitlement to such lands under equal footing doctrine of Constitution? 65 LW 3061 (Argued 10/16/96)

95-1988 Camps Newfound/Owatonna Inc. v. Harrison. Maine. Maine SupJdCl (655 A.2d 876).

Is Commerce Clause violated by Maine statute that deprives "benevolent and charitable" non-profit institutions of otherwise available property tax exemptions if they are conducted or operated principally for the benefit of persons who are

not residents of Maine? 65 LW 3062 (Argued 10/9/96)

95-1184 Glickman v. Wileman Brothers & Elliott Inc. CA 9 (58 F.3d 1367).

Does it violate First Amendment for secretary of agriculture, pursuant to marketing orders issued under 1917 Agricultural Marketing Agreement Act, to require handlers of California peaches, nectarines, and plums to fund generic advertising programs for those commodities? 65 LW 3055 (Argued 12/2/96)

95-1425 Hughes Aircraft Co. v. U.S. ex rel. Schriber. CA 9 (63 F.3d 1512, 64 LW 2161).

LIST OF REFERENCES TO CASES AWAITING DECISION

Agriculture—Nos. 95-1184, 95-1918
 Bankruptcy—No. 96-454
 Cities and Counties—Nos. 96-243, 96-542
 Civil Rights—Nos. 96-292, 96-318, 96-542
 Courts and Procedure—No. 96-270
 Criminal Law and Procedure—Nos. 95-1478, 95-1503, 95-1649, 95-1726, 95-9075, 96-203, 96-262, 96-667, 96-5658, 96-6133, 96-6298, 96-6867
 Elections—Nos. 95-1425, 95-1455, 95-1460, 95-1508, 95-2024
 Health Care—Nos. 95-1858, 96-110
 Mass Media—No. 96-511
 Native Americans—No. 94-1474
 Pensions and Benefits—Nos. 95-1594, 96-79, 96-491
 President—No. 95-1853
 Prisons and Jails—Nos. 95-1352, 96-318
 Product Safety and Liability—Nos. 95-1764, 96-270
 Racketeering—No. 96-663
 Railroads—Nos. 96-320, 96-491
 Religion—No. 95-2074
 Schools and Colleges—Nos. 96-552, 96-553
 Securities and Exchanges—No. 96-842
 Ships and Shipping—Nos. 95-1621, 95-1764, 96-272
 States—Nos. 84 Orig., 94-1474, 95-1478, 95-1503, 96-651
 Taxation—Nos. 94-1988, 95-1594, 95-1918
 Telecommunications—No. 96-511
 United States—No. 95-1340
 Wills and Estates—No. 96-79

Did courts below err in asserting jurisdiction over this action under qui tam provisions of False Claims Act? Is injury to public fisc essential element of cause of action under False Claims Act? 65 LW 3075 (Argued 2/25/97. For summary of oral argument, see 65 LW 3610.)

95-1465 Edwards v. Balisok. CA 9, 11/22/95.

Is 42 USC 1983 action, alleging that Fourteenth Amendment's Due Process Clause was violated by prison disciplinary procedures by which plaintiff was denied good time credits, barred by holding in *Heck v. Humphrey*, 512 U.S. 477, 62 LW 4594 (1994), that challenge to fact or duration of confinement must be brought as habeas corpus petition? 65 LW 3061 (Argued 11/13/96)

95-1425 and 95-1460 Abrams v. Johnson, and U.S. v. Johnson. DC SGa (922 F.Supp. 1556).

Does district court's congressional districting plan for Georgia comply with one person, one vote requirement? Is court-ordered plan that reduced number of majority black districts from three to one retrogressive, and does it dilute black voting strength in violation of Sections 2 and 5 of Voting Rights Act? Does district court's congressional districting plan for Georgia depart from state districting policies to greater extent than necessary to cure constitutional violations? Did court err in refusing to grant evidentiary hearing to provide opportunity to challenge court's plan? Did court err in denying private intervention to defend constitutionality of Georgia's Second Congressional District, given failure of state defendants and United States to appeal court's finding that district was unconstitutional? 65 LW 3058, 3059 (Argued 12/9/96)

95-1455 and 95-1508 Reno v. Bossier Parish, La., School Board, and Price v. Bossier Parish, La., School Board. DC DC (907 F.Supp. 434).

May evidence of violation of Section 2 of Voting Rights Act, which permits challenge of voting qualification or prerequisite to voting or standard, practice, or procedure in any political subdivision when it "results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color," be considered as evidence of discriminatory purpose under Section 5 of VRA, which requires proof that proposed electoral change does not have purpose and will not have effect of denying or abridging right to vote on account of race in order to obtain preclearance thereunder? May evidence probative of discriminatory purpose be excluded from consideration in preclearance?

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ance action under Section 5 solely because election plan at issue is not retrogressive? Did district court clearly err in finding no discriminatory purpose on basis of factors it considered in this case? Is voting change that clearly violates Section 2 of Voting Rights Act entitled to preclearance under Section 5 of statute? 65 LW 3059 (Argued 12/9/96)

95-1478 and 95-1503: *Prinz v. U.S.*, and *Mack v. U.S.* CA 9 (66 F.3d 1025, 64 LW 2169, 57 CrL 1553).

Is Commerce Clause or Tenth Amendment violated by provisions of Brady Handgun Violence Prevention Act that require state and local law enforcement officials to make "reasonable effort[s]" to determine whether prospective handgun buyers are disqualified by law from purchasing handgun, to destroy records relating to handgun transfer if it is determined that transferee's receipt or possession of handgun would not be legal, and, upon request of transferee, to provide written reason for determination that receipt or transfer of handgun would be illegal? 65 LW 3057 (Argued 12/3/96. For summary of oral argument, see 65 LW 3425.)

95-1594: *De Buono v. NYSA-ILA Medical and Clinical Services Fund*. CA 2 (74 F.3d 28, 64 LW 2494).

Is New York's tax on gross receipts from patient care services and other operating income of all hospitals in state preempted by Employee Retirement Income Security Act insofar as tax is applied to income of medical centers owned and operated by ERISA plans? 65 LW 3074 (Argued 2/24/97)

95-1621: *Harbor Tug and Barge Co. v. Papai*. CA 9 (67 F.3d 203).

Can injured land-based worker sue for seaman remedies after administrative law judge has formally determined that he was Longshore and Harbor Workers' Compensation Act worker and not seaman at time of injury? Is claimant's status as seaman or not to be determined by his work history with his employer at time of injury, or by his entire work history? 65 LW 3073 (Argued 1/13/97)

95-1649 and 95-9075: *Kansas v. Hendricks*, and *Hendricks v. Kansas*. Kan Sup Ct (912 P.2d 129, 58 CrL 1513).

Does Kansas Sexually Violent Predator Act, which provides for civil commitment and long-term care and treatment of person who is found beyond reasonable doubt both to be suffering from mental abnormality that has resulted in that person's commission of sexually violent offense and to present continuing danger to society, violate substantive component of Fourteenth Amendment's Due Process Clause, as interpreted in *Foucha v. Louisiana*, 504 U.S. 71, 60 LW 4339 (1992), by failing to require that person sought to be confined have mental illness? Does act violate constitutional ban against double jeopardy? Does act violate constitutional ban against ex post facto laws? Does act fail to provide equal protection? 65 LW 3057, 3058 (Argued 12/10/96)

95-1726: *U.S. v. LaBonte*. CA 1 (70 F.3d 1396, 64 LW 2463, 58 CrL 1245).

Does Sentencing Commission's implementation of career offender guidelines, Guideline Section 4B1.1 as amended by Guidelines Amendment 506, which directs sentencing judges to determine career offenders' offense levels on basis of sentences authorized before statutory penalty enhancements are applied, conflict with its obligation under 28 USC 994(h) to assure that federal Sentencing Guidelines specify sentence of imprisonment "at or near the maximum term author-

ized" for career offenders? 65 LW 3058 (Argued 1/7/97)

95-1764: *Saratoga Fishing Co. v. J.M. Marlinac*. CA 9 (69 F.3d 1442, 64 LW 2283).

May second or subsequent purchaser of vessel recover from vessel's manufacturer, in maritime product liability action, damages for loss of property added to vessel by prior purchaser that was caused by product defect? 65 LW 3073 (Argued 2/18/97)

95-1783: *Clinton v. Jones*. CA 8 (72 F.3d 1354, 64 LW 2441).

Must litigation of private civil damages action against incumbent president arising from acts that allegedly occurred before he entered office, be deferred in all but most exceptional cases until he president leaves office? May district court, as proper exercise of judicial discretion, stay such litigation until president leaves office? 65 LW 3061 (Argued 1/13/97. For summary of oral argument, see 65 LW 3497.)

95-1858: *Vacco v. Quill*. CA 2 (80 F.3d 716, 64 LW 2620).

Does Fourteenth Amendment's Equal Protection Clause permit state to ban physician-assisted suicide while allowing terminally ill, mentally competent patients to refuse artificial life support? 65 LW 3008 (Argued 1/8/97)

95-1918: *Arkansas v. Farm Credit Services of Central Arkansas PCA*. CA 8 (76 F.3d 961, 64 LW 2545).

Does doctrine of intergovernmental tax immunity prohibit state from taxing income and sales of production credit associations, statutorily designated as "federal instrumentalities," when 12 USC 2077 specifically addresses issue of taxation of production credit associations? Should case have been dismissed by district court for lack of subject matter jurisdiction, in light of Tax Injunction Act, 28 USC 1341? 65 LW 3002 (Argued 4/21/97)

95-2024: *Lawyer v. Dept. of Justice*. DC MFla (920 F.Supp. 1248).

Does redistricting plan for Florida senate district violate Equal Protection Clause by achieving race-conscious result? Did district court, in approving redistricting plan for Florida senate district, apply legal standard set forth in *Miller v. Johnson*, 63 LW 4726 (US Sup Ct 1995)? Did district court's redistricting by use of mediation, by branches of Florida state government represented by attorneys in closed door caucuses, violate separation of powers and federalism? 65 LW 3023 (Argued 2/19/97)

95-2074: *Boerne, Texas v. Flores*. CA 5 (73 F.3d 1352, 64 LW 2472).

Is Religious Freedom Restoration Act, which forbids substantial governmental burden on exercise of religion unless it furthers compelling governmental interest by least restrictive means, within Congress' power under Section 5 of Fourteenth Amendment to enforce amendment "by appropriate legislation"? Does RFRA violate separation of powers doctrine, First Amendment's Establishment Clause, or First Amendment's Free Exercise Clause? 65 LW 3039 (Argued 1/19/97. For summary of oral argument, see 65 LW 3577.)

95-2079: *Boer v. Boer*. CA 5 (82 F.3d 90, 64 LW 2670).

Does Employee Retirement Income Security Act preempt state community property laws that afford inheritance right, to heirs of predeceased non-employee spouse of pension plan participant, to recover pension plan benefits from participant's estate and surviving spouse? Does ERISA

preemption of state laws extend to pension benefits "rolled over" into individual retirement account under 26 USC 401 et seq.? 65 LW 3114 (Argued 1/15/97)

96-110: *Washington v. Glucksberg*. CA 9 (on banc) (79 F.3d 790, 64 LW 2553).

Does state law that imposes criminal penalty on anyone who "aids another person to attempt suicide" deny liberty interest of mentally competent, terminally ill adults in choosing time and manner of death in violation of Fourteenth Amendment's Due Process Clause? Does state law that honors refusal of life-sustaining medical treatment but not request for life-ending medical intervention violate Equal Protection Clause? 65 LW 3136 (Argued 1/8/97. For summary of oral argument, see 65 LW 3481.)

96-203: *Johnson v. U.S.* CA 11, 3/19/96.

Was perjury conviction properly affirmed under plain error rule of Fed.R.Crim.P. 52(b) when, although trial court, without objection, had resolved issue of materiality itself rather than submitting it to jury, evidence of allegedly false statements' materiality was overwhelming? 65 LW 3209 (Argued 2/25/97)

96-243: *Suitum v. Tahoe Regional Planning Agency*. CA 9 (80 F.3d 359).

Must property owner sell transferable development rights and apply for planning agency approval of sale in order to ripen takings claim that was based on agency's refusal to permit her to build home on her residential lot? 65 LW 3169 (Argued 2/26/97)

96-263: *Edmond v. U.S.* CA Armed Forces, 6/27/96.

Are judges of military courts of criminal appeals inferior officers within meaning of Appointments Clause? If so, is there authority to appoint them in general residual appointment authority even though Congress has specifically provided for another method of appointment for such judges that admittedly does not satisfy Appointments Clause? 65 LW 3211 (Argued 2/24/97)

96-270: *Amchem Products Inc. v. Windsor*. CA 3 (83 F.3d 610, 64 LW 2711).

Does settlement class of over 250,000 individuals who were occupationally exposed to asbestos fail to satisfy requirements for class certification under Fed.R.Civ.P. 23 because of disparate factual and legal issues and conflicting interests attending asbestos-related injury claims? 65 LW 3175 (Argued 2/18/97. For summary of oral argument, see 65 LW 3593.)

96-272: *Metropolitan Stvedore Co. v. Rambo*. CA 9 (81 F.3d 840).

May court of appeals order nominal award of benefits under Longshore and Harbor Workers' Compensation Act "fashioned expressly" to postpone indefinitely statutory one-year period following last payment of compensation under act, after which LHWCA awards may not be modified? 65 LW 3177 (Argued 3/17/97)

96-292: *Johnson v. Fankell*. Idaho Sup Ct, 4/23/96.

Is there federal right to immediate appellate review of state trial court's denial of qualified immunity for 42 USC 1983 defendants? 65 LW 3170 (Argued 2/26/97. For summary of oral argument, see 65 LW 3617.)

96-318: *Richardson v. McKnight*. CA 6 (88 F.3d 417, 65 LW 2074, 59 CrL 1364).

Are corrections officers employed by private, for-profit corporation that operates prison pursuant to government contract entitled to assert

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defense of qualified immunity from prisoner's 42 USC 1983 action alleging mistreatment? 65 LW 3315 (Argued 3/19/97. For summary of oral argument, see 65 LW 3657.)

96-320 Metro-North Commuter Railroad Co. v. Buckley. CA 2 (79 F.3d 1333, 64 LW 2657, 11 IER Cases 897).

Is railroad employee's claim for damages for negligent infliction of emotional distress and for medical monitoring costs, based on fear of developing asbestos-related diseases as result of long-term, on-the-job exposure to asbestos, cognizable under Federal Employers' Liability Act even without clinical proof of current physical injury? 65 LW 3176 (Argued 2/18/97)

96-451 Associates Commercial Corp. v. Rashly. CA 5 (en banc) (90 F.3d 1036, 65 LW 2108).

When debtor proposes to retain secured creditor's collateral under cramdown powers of Chapter 13 of Bankruptcy Code, is amount required to be paid on account of creditor's secured claim limited to value that secured creditor could have obtained if it had sold collateral at foreclosure? 65 LW 3296 (Argued 4/16/97. For summary of oral argument, see 65 LW 3737.)

96-491 Inter-Modal Rail Employees Ass'n v. Atchison, Topeka and Santa Fe Railway Co. CA 9 (80 F.3d 348).

Do allegations by employee-beneficiaries of health and welfare benefit plan, that their employer's parent company forced their employer to discharge them and to contract out their jobs to another employer in furtherance of conspiracy to interfere with their right to receive health and welfare benefits, state cognizable cause of action under Section 510 of Employee Retirement Income Security Act? 65 LW 3302 (Argued 3/17/97)

96-511 Reno v. American Civil Liberties Union. DCEP (929 F.Supp. 824, 64 LW 2794).

Is First Amendment violated by provisions of 1996 Communications Decency Act that criminalize use or allowing use of telecommunications device for knowing transmission of "indecent" communications to minor, and use or allowing use of "interactive computer service" to send or display communication to minor depicting or describing sexual activities in "patently offensive" manner? 65 LW 3318 (Argued 3/19/97. For summary of oral argument, see 65 LW 3641.)

96-512 McMillan v. Monroe County, Ala. CA 11 (88 F.3d 1573, 59 CrL 1391).

Is sheriff of county final policymaker for county in matters of law enforcement for purposes of county liability under 42 USC 1983? 65 LW 3356 (Argued 3/18/97)

96-552 & 96-553 Agostini v. Felton, and Chancellor of New York City Board of Education v. Felton. CA 2 8/30/96.

Should Supreme Court reconsider its holding in *Aguilar v. Felton*, 473 U.S. 402 (1985), that municipal petitioners may not, consistent with First Amendment's Establishment Clause, provide federally funded remedial and educational services through petitioners' professional employees to eligible students on site of parochial schools that such students attend? Is Fed.R.Civ.P. 60(b) proper vehicle for obtaining relief petitioner seeks? 65 LW 3329, 3330 (Argued 4/15/97. For summary of oral argument, see 65 LW 3705.)

96-551 Gilbert v. Hornar. CA 3 (89 F.3d 1009, 65 LW 2083).

Does suspension without pay of public employee always require pre-suspension hearing? 65 LW

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3361 (Argued 3/24/97. For summary of oral argument, see 65 LW 3674)

96-663 Klehr v. A.O. Smith Corp. CA 8 (87 F.3d 231).

When does civil claim under Racketeer Influenced and Corrupt Organizations Act accrue, for purposes of four-year statute of limitations, against defendant that has committed predicate acts both prior to, and within, four years prior to being sued? Do affirmative, continuing acts of fraud, including continuous false advertisements coupled with active concealment of fraud, equitably toll limitations period in civil RICO case whether or not plaintiffs have exercised reasonable diligence to discover their claim? 65 LW 3377 (Argued 4/21/97)

96-667 U.S. v. Hyde. CA 9 (92 F.3d 779).

Does defendant have absolute right to withdraw his guilty plea after district court has accepted it but before district court has decided whether to accept or reject accompanying plea agreement? 65 LW 3374 (Argued 4/15/97)

96-842 U.S. v. O'Hagan. CA 8 (92 F.3d 612, 65 LW 2119).

Did defendant's trading of securities on material, non-public information that he misappropriated in breach of his fiduciary duties violate Section 10(b) of 1934 Securities Exchange Act and Rule 10b-5 thereunder? Did SEC validly exercise its rulemaking authority under Section 14(e) of 1934 act in promulgating insider trading rule relating to tender offers, Rule 14c-3? Did defendant's trading in securities on material, non-public information that he misappropriated in breach of his fiduciary duties violate mail fraud statute even if his conduct did not violate securities laws? 65 LW 3448 (Argued 4/16/97. For summary of oral argument, see 65 LW 3721.)

96-858 Lambrix v. Singletary. CA 11 (72 F.3d 1500).

Is holding in *Espinosa v. Florida*, 505 U.S. 1079, 60 LW 3877 (1992)—that sentencing judge's proper reweighing of aggravating factors is insufficient to cure constitutional defects in

sentencing jury's consideration of those factors—new rule that, under *Teague v. Lane*, 489 U.S. 288 (1989), cannot be applied retroactively to overturn habeas corpus petitioner's conviction that became final before *Espinosa* was announced? 65 LW 3332 (Argued 1/15/97)

96-883 Bracy v. Gramley. CA 7 (81 F.3d 684, 59 CrL 100).

Is habeas petitioner who was convicted of capital offense and sentenced to death in trial before judge who admittedly accepted bribes in other contemporaneous criminal cases entitled to discovery to support his claim that he was denied right to trial before impartial judge? 65 LW 3483 (Argued 4/14/97)

96-6298 Lindl v. Murphy. CA 7 (en banc) (96 F.3d 856, 65 LW 2196, 59 CrL 1549).

Did court of appeals correctly conclude that Congress, in 1996 Antiterrorism and Effective Death Penalty Act, failed to specify extent to which statute's habeas corpus revisions are to apply retroactively to pending habeas cases, and, if so, did court correctly interpret U.S. Supreme Court's retroactivity jurisprudence to depend upon proof of actual reliance interests and to create presumption that habeas-curtailling statutes apply retroactively? 65 LW 3483 (Argued 4/14/97)

96-6867 O'Dell v. Netherlands. CA 4 (en banc) (95 F.3d 1214, 60 CrL 1062).

Did decision in *Simmons v. South Carolina*, 512 U.S. 154, 62 LW 4509 (1994), which recognized that when prosecutor seeks to establish future dangerousness before capital sentencing jury, due process entitles defendant to rebut by presenting information regarding his parole ineligibility, constitute "new rule" within meaning of *Teague v. Lane*, 489 U.S. 288 (1989), that cannot be retroactively applied to prior state court convictions? Does decision in *Simmons* fall within second exception to *Teague*, which allows for retroactive application of procedural rules that protect fundamental fairness and accuracy of criminal proceedings? 65 LW 3452 (Argued 3/18/97)

CASES DOCKETED

Cases Recently Filed

Listed below are cases recently placed on the Appellate Docket of the Supreme Court. Each entry gives the number and caption of the case, the date it was filed with the court, the procedure followed in seeking review if other than certiorari, the court below, a citation to the lower court's opinion when given by the petition or otherwise available, and the general subject matter of the case. Citation to the filing of a case on the Supreme Court's Appellate Docket should be to this list. The list of cases docketed follows:

96-1691 Orr v. Yuhas. 4/22/97, CA 3 (104 F.3d 612, 65 LW 2492). Bankruptcy—exclusion of IRA from bankruptcy estate—ability to liquidate IRA at will.

96-1692 Speer v. Crown Clothing Corp. 4/21/97, CA 1 (102 F.3d 625, 73 FEP Cases 347). Employment discrimination—age—intent—traveling salesman.

96-1693 Nebraska v. Reeves. 4/23/97, CA 8

(102 F.3d 977). Criminal law and procedure—habeas corpus—capital case—felony murder—guilt phase jury instructions on lesser included offenses.

96-1694 N.M. Dept. of Taxation and Revenue v. Conoco Inc. 4/23/97, NM Sup Ct (931 P.2d 730). Taxation—state corporate income tax—exclusion of dividend income.

96-1695 Attala County, Miss. v. Teague. 4/22/97, CA 5 (92 F.3d 283). Elections—districting for county supervisors—Voting Rights Act—sufficiency of evidence.

96-1696 Dagi v. Chris Motors Corp. 4/22/97, CA 11. Motor vehicles—federal odometer fraud—intent—removal.

96-1697 Gates v. San Luis Obispo County Calif. 4/21/97, Calif Ct App 2d Dist, pro se. Health care—medical malpractice—disclosure of confidential medical records.

96-1698 Institut Pasteur v. Cambridge Biotech Corp. 4/17/97, CA 1 (104 F.3d 489, 65 LW 2508). Bankruptcy—assumption of executor contracts by debtor in possession—benefit-of-bargain test.

96-1699 David v. Mosley. 4/23/97, CA 4. Civ

DRAFT STATEMENT BY THE PRESIDENT

I am disappointed in today's Supreme Court's decision which rules part of the Brady Law unconstitutional. The Brady Law has kept ^{250,000} 186,000 felons, fugitives, and mentally unstable persons from purchasing handguns. And I will do everything in my power to make sure that we continue to keep handguns out of the hands of criminals.

Today's ruling should not mean an end to Brady background checks. Twenty-seven states -- nine more than when the Brady Law first passed -- now conduct background checks as a matter of state law and will continue to do so.

We expect that the majority of law enforcement agencies in the remaining states will continue to conduct background checks-- not because they are required by federal law-- but because that is good law enforcement policy. I have directed Attorney General Reno and Treasury Secretary Rubin to contact police departments across the country today, to make sure they know that Brady background checks can continue to be done on a voluntary basis.

But we should not stop there. [I challenge Congress to quickly pass legislation to prohibit a federally-licensed gun dealer from selling a handgun unless a law enforcement official has certified that a background check will be conducted.] Our goal is clear: no background check, no handgun.

We recently received encouraging news from the Justice Department that last year we saw the largest drop in violent crime in more than three and a half decades. Murders dropped a stunning 11 percent in 1996. Our strategy of more police, tougher punishments, and fewer guns in the hands of criminals is making a difference. But we cannot let up. The safety of our communities and of all Americans is better assured when Brady background checks are conducted.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June xx, 1997

STATEMENT BY THE PRESIDENT

I am deeply disappointed with today's Supreme Court decision to strike down the Line-Item Veto. The decision is a defeat for all Americans -- it deprives the President of a valuable tool for eliminating waste in the Federal budget and for enlivening the public debate over how to make the best use of public funds.

Starting with Ulysses S. Grant, Presidents of both parties have sought the Line-Item Veto -- and with good reason. Most of our nation's governors have some type of Line-Item Veto authority. I was pleased to work with Congress to secure a passage of the Line-Item Veto law last session. By permitting the President to cancel discretionary spending, new entitlement authority, and certain types of tax provisions that benefit special interests at the expense of the public interest, it would enable Presidents to ensure that the Federal Government is spending public resources as wisely as possible.

Since taking office in 1993, we have reduced the budget deficit by 77%. The historic bipartisan budget agreement reached last month will ensure that we finish the job. Presidents should have the Line-Item veto to help keep the budget in balance and ensure that we put our public funds to the best possible uses.

I have asked the Department of Justice to study the opinion closely and provide me with recommendations as to how, under the Constitution, we enable Presidents to have this authority to cut waste and protect the interests of the American taxpayer.

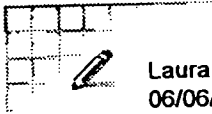
THE WHITE HOUSE**Office of the Press Secretary****For Immediate Release****June xx, 1997****STATEMENT BY THE PRESIDENT**

I am very pleased with today's Supreme Court decision that rejected the challenge to the line-item veto. The decision is a victory for all Americans -- it preserves for the President a valuable tool for eliminating waste in the Federal budget and for enlivening the public debate over how to make the best use of public funds.

Starting with Ulysses S. Grant, Presidents of both parties have sought the Line-Item Veto -- and with good reason. Most of our nation's governors have some type of Line-Item Veto authority. I was pleased to work with Congress to secure a passage of the Line-Item Veto law last session. By permitting the President to cancel discretionary spending, new entitlement authority, and certain types of tax provisions that benefit special interests at the expense of the public interest, it would enable Presidents to ensure that the Federal Government is spending public resources as wisely as possible.

Since taking office in 1993, we have reduced the budget deficit by 77%. I was pleased to work with Congress to secure a historic agreement to balance the budget. The line-item veto will help to keep the budget in balance, and provide us with added discipline by ensuring that, as tight budgets increasingly squeeze our resources, we put our public funds to the best possible uses.

I look forward to using it wisely.



Laura K. Capps
06/06/97 06:51:45 PM

Record Type: Record

To: Michelle Crisci/WHO/EOP

cc:

Subject: communications decency act

Draft statement on Supreme Court decision (6/5)

Today the Supreme Court ruled that the Communications Decency Act is not constitutional. We will study their opinion closely. It is critical that we solve the problem that the authors of the Communications Decency Act identified. I believe there is an alternative way to achieving this goal that is beyond legal reproach and gives parents and teachers the control they need and deserve.

The Internet is an incredibly powerful medium for freedom of speech and freedom of expression that should be protected. It is the biggest change in human communications since the printing press, and is being used to educate our children, provide valuable health care information, and allow citizens to keep in touch with their government.

But there is material on the Internet that is clearly inappropriate for children. As a parent, I understand the concerns that parents have about their children accessing inappropriate material. If we are to make the Internet a powerful resource for learning, we must give parents and teachers the tools they need to make the Internet safe for children. *children friendly*

Therefore, in the coming days, I will convene industry leaders and groups representing teachers, parents and librarians. We can and must develop a solution for the Internet that is as powerful for the computer as the v-chip will be for the television, and that protects children in ways that are consistent with America's free speech values. With the right technology and rating systems - we can help ensure that our children don't end up in the red light districts of cyberspace.

Draft Draft

Right to Die --- Vacco v. Quill

I am very pleased with today's Supreme Court decision against physician-assisted suicide. The decision is a victory for all Americans--it prevents us from going down a very dangerous and troubling path in this difficult and often agonizing issue.

With today's decision, the Court voices its concern that there is a significant distinction between assisting in death and allowing death to occur. Not only is this an important legal distinction, it is also a distinction of deep moral and ethical implications.

I have a great deal of sympathy and a profound respect for those who suffer from incurable illnesses, and for their families. I have had a number of family members die from painful and protracted illnesses. Even so, I have always expressed my strong opposition to physician-assisted suicide. I believe that it is wrong, and have always believed it to be wrong. It is not right to force patients who might already have impaired judgment into a position where they might have to make serious and irreversible judgments about their own health care needs.

Today's decision indicates that the dangers and consequences of allowing physician-assisted suicide far outweigh the good that it might do in some cases. The issue is unavoidably heartrending, and we must never ignore the agony of terminally ill patients, but the Supreme Court made the right decision today. The risks and consequences of physician-assisted suicide are simply too great.

Draft Draft Draft

Right to Die -- lose

Vacco v. Quill

I am deeply disappointed with today's Supreme Court decision in favor of physician-assisted suicide. The decision is a defeat for all Americans--it allows America to go down a very dangerous and troubling path in this difficult and often agonizing issue.

There is a critical distinction, one of deep legal, moral, and ethical implications, between assisting in death and allowing death to occur. Unfortunately, the Court failed to view this distinction as a deciding factor.

I have a great deal of sympathy and a profound respect for those who suffer from incurable illnesses, and for their families. I have had a number of family members die from painful and protracted illnesses. Even so, I have always expressed my strong opposition to physician-assisted suicide. I believe that it is wrong, and have always believed it to be wrong. With today's decision, patients who might already have impaired judgment might be placed in a position where they have to make serious and irreversible judgments about their own health care needs.

The dangers and consequences of allowing physician-assisted suicide far outweigh the good that it might do in some cases. The issue is unavoidably heartrending, and we must never ignore the agony of terminally ill patients, but the Supreme Court made the wrong decision today. The risks and consequences of physician-assisted suicide are simply too great.

PRESIDENT WILLIAM J. CLINTON
PRESIDENTIAL SCHOLARS
TALKING POINTS
June 27th, 1997

Acknowledgments: [Sec. Riley is in Ireland]; Mike Smith Dept. Sec. of Ed. Chairman of the White House Commission on Presidential Scholars, Stuart Moldaw [Mahl-daw]; Thank you to the sponsors of National Recognition Week.

Special hello to Daniel Clayburgh from Grand Forks, North Dakota. Dan became an expert in sandbagging and dike patrolling during the terrible floods in April. I'm happy to hear that this weekend Daniel gets to go to the much anticipated high school prom -- which was postponed due to the floods. Dan we're glad to have you here and hope you have fun.

I'd also like to say hello to the two scholars from Arkansas: Melanie Morris from Benton High School in Benton (she's a National Merit Scholar and also has a blue belt in the martial arts) and Louis McAlister from Maumelle who attends Little Rock Central High. Louis is the co-chair of a school club called "Accept No Boundaries" at Central High. "Accept No Boundaries" is dedicated to fighting prejudice by giving students a forum for discussing race, religion, ethnicity and culture. This fall I will go to Louis' school to celebrate the 40th anniversary of Central High's integration.

This is a hopeful time for our nation as we have entered a period of unprecedented opportunity. Our economy is strong. Crime and welfare rolls have dropped steeply. We are on the leading edge of emerging technologies. People are living longer, fuller lives. America is leading the world toward peace and freedom and progress, but you know well that we, too, have our challenges.

It is often our young people -- people your age -- who teach the rest of us how to best listen and learn from one another. I hope that all of you will join in the efforts that Louis McAlister and others have begun as we try to engage in dialogue about our differences. By talking and learning from one another we will begin to break down the barriers that come between us, particularly as we grow older and more set in our ways. It is up to all of you to start the discussion, to be the generation that tears down, rather than strengthens, the powerful walls of prejudice and ignorance.

In a democracy, citizenship is not a spectator sport. You just heard me speak about our political system and some specific ways in which it can and should be improved. The fundamental way to strengthen our democracy is inspire and involve all of our people. Too many people take it for granted and choose to remain outside of the process. You are here this week to learn about Washington and the way that government functions. It is my hope that you will take back with you an understanding of this White House, this Capitol, this democratic system as one which belongs to you, while asking in return for your interest, your vote, and your civic involvement.

“To whom much is given, much is required.” All of you here represent excellence in education and the arts. In today’s Information Age, education is the key to a prosperous future as a nation. In your hands you hold that key - - (and judging from where you sit today) you are already using it wisely. I trust that you will go out into the world, make the most of the technological opportunities that we now have and the endless body of knowledge for us to draw upon, take with you the invaluable lessons learned from your parents and teachers and be our leaders of the next century.

Good luck and God Bless.

cf

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SP1030

6/19/96 5:30 P.M.

**PRESIDENT WILLIAM J. CLINTON
REMARKS TO PRESIDENTIAL SCHOLARS
CONSTITUTION HALL
WASHINGTON, D.C.
JUNE 20, 1996**

**C O P Y
from ORM**

7/2/96

Acknowledgments: Sec. Riley; Rebekah Close [student introduces you/ Spartanburg H.S., Spartanburg, S.C.]; Stuart Moldaw [Chmn. W.H. Comm. on Pres. Schol.] and all Commissioners. From Ark.: Martin Beally [Beelee/Sherwood/Ark. School of Math. and Sciences] and his counselor, Marlene Bush; Caroline Rothert [Rawthert/Hot Springs/Lakeside H.S.], and her history teacher, Carla Mouton [Moo-tah]. Parents. Teachers.

I'm very proud to be with you today. I know how much hard work went into getting to this moment. ~~I hope this week you've taken some time to explore this city: To walk through the Capitol, to stand in the shade of the Lincoln Memorial, to read the Constitution.~~

~~Come to Washington, and you will be reminded of all that we stand for, and all that we have accomplished in~~

~~220 years. You will also be reminded of how much~~

~~Do. But we have to do. What we have to do~~
~~more we have to do. No more than a mile from here~~

there are hard-working people struggling to make ends meet. There are young people who haven't had the same opportunities as you to make the most of their God-given potential.

~~So~~ when you come to Washington, you will understand a simple truth about this country: The quest to realize the promise of American life is never finished. Our way of life depends on the relentless hope that if we work hard and play by the rules we can build better futures for ourselves and our children.

~~Being an American comes with responsibilities.~~ And
~~foremost among these is the~~ commitment to pass our
values and ever-greater opportunities on to the next
generation -- to see to it that the American Dream never
dies.)

You know this because each of you brought along a
teacher who passed something priceless on to you: Gave
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life, helped you understand chaos theory -- something I
wish I'd known more about before I came to
Washington. Maybe, one day, you ^{must} ~~will~~ pass that gift on
to another generation. This is how one generation keeps
faith with the next.

~~It's my job -- the job of my generation -- to keep faith with you, too.~~ This may be more important than ever before, for we live in a time of great change. The revolution in information and technology is transforming our lives. We are moving into an era where most people will be working with their minds far more than their hands, and many of them will be working in businesses and industries that haven't even been invented yet.

From the day I came to Washington, it has been my mission to make sure that our country will do well in the next century: That we continue to be the world's strongest force for peace and freedom...

that we continue to be a beacon within our own land for the ideals that have made this country great, that we continue to see to it that every person has a chance to live out his or her dreams.

We spent a lot of time here working to put our economic house in order. We put in place a comprehensive strategy for economic growth. We cut the deficit by more than half -- and proposed a 7-year balanced budget to finish the job. We signed a record 200 trade agreements, so we could tap the full potential of the new global economy. We made key investments in research and technology.

But we also knew we had to make investments in our people. Nothing is more important to our success in the 21st century than preparing our people for a lifetime of learning. As long as we have a well-educated citizenry, as long as we have people who can learn whatever they need to learn whenever they need to learn it and who understand that this is related to the work of citizenship, this country will do just fine.

Ed, O, Ewin, Hean → EW — Hi Stan, Hi Experts — 620000 — Team Lit Chair — Infants

That is why we have worked hard to help schools set high standards and have high expectations. We have worked to bring back the basics and to keep schools safe and drug-free. I have challenged the states to dismantle the barriers that discourage the most talented people from becoming teachers...

to find ways to reward the best teachers, and to find a fair process to make it easier to remove those who do not measure up.

Through our Technology Literacy Challenge, we are working to give every child access to a computer, good software, trained teachers, and the Internet. This spring, the Vice President and I helped kick off NetDay in California where school, business, and civic leaders have already wired nearly 50 percent of the schools. Now there are NetDays taking place around the country. An alliance of educational groups -- teachers, parents, administrators -- has joined together to make sure America's teachers can keep up with the likes of this group here today.

They call themselves 21st Century Teachers and this fall they will mobilize 100,000 teachers to help 500,000 other teachers learn to use technology to teach.

~~And we must push open the doors to college even further -- our future depends on it. Fifteen years ago, the typical worker with a college degree made 38 percent more than a worker with a high school diploma. Today, that typical college-educated worker makes 73 percent more. Two years of college means a 20 percent increase in annual earnings. Over their lives, people who finish two years of college earn \$250,000 more than their high school counterparts. Higher education is the key to a successful future in the 21st century.~~

College available to all → 2 College
Our goal, then, must be to make the 13th and 14th
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this challenge, my Administration has put in place an ^{12th} ^{AmeriCorps}
unprecedented college opportunity strategy: Student
loans directly to the people who need them.

AmeriCorps, which by next year will have given over
65,000 young people the chance to earn their way
through college by serving their country. Pell Grant
scholarships for deserving students -- more every year
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I'm sure many of you parents here today have spent
long days and even longer nights trying to figure out
you are going to pay for your child's college. So we
have proposed to go even further:

Expanding work-study so 1 million students can work their way through college by the year 2000. Letting people use money from their IRA to help pay for college. A \$1000 honor scholarship for the top 5 percent of high school graduates. I have called on colleges to keep costs down. And I have called on Congress to pass a \$10,000 tax deduction to help families pay for education after high school -- at two-year colleges, four-year colleges, any post-high school education.

I spoke earlier about our responsibility to all Americans. For all of you here, this age of possibility will actually be an age of probability ...

in large measure because of the excellent education you celebrate today and the one you will go on to when you begin college next fall. But America's mission must be to ensure that all our people have the opportunity to live out their dreams.

So that is why earlier this month I proposed a tax credit of up to \$1,500 a year for the first year of post-high school education. This tax credit will make a sizeable dent in the tuition for 4-year colleges and universities. And it will make all the difference in the world for students who want to enroll in community colleges, where the average tuition is \$1,200 a year. This tax credit will be available for a second year to any student who maintains a B average.

This way, everybody who is willing to work for it can have -- at a minimum -- access to two years of community college. These scholarships are called "Hope Scholarships" and they will make hope real for millions of Americans who want to make the most of their lives.

Let me say: This proposal is founded on our basic beliefs. First, it is fiscally responsible. The Hope Scholarships are paid for by budgeted savings in my balanced budget plan. One of our most fundamental values is that we do not leave our children a legacy of reckless debt. And second, these scholarships are there only for those who live up to America's basic bargain: We'll help create opportunity if you take responsibility. We'll provide them -- but you have to work for them.

That's another value this country was built on.

So, congratulations. I look forward to seeing you tomorrow when the Olympic Torch arrives at the White House on its journey to Atlanta. I hope you'll take a moment to think about what that torch represents. It is the light of civilization. And the light of civilization is sustained by education. The better educated we are, the brighter it will burn. We are counting on you to keep that flame alive -- steady and strong -- into the next century.

Thank you and God bless you.

Copies
Sent to
Michael
Waldman

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Come to Washington, and you will be reminded of all that we stand for, and all that we have accomplished in 220 years. You will also be reminded of how much more we have to do. No more than a mile from here there are hard-working people struggling to make ends meet. There are young people who haven't had the same opportunities as you to make the most of their God-given potential.

So when you come to Washington, you will understand a simple truth about this country: The quest to realize the promise of American life is never finished. Our way of life depends on the relentless hope that if we work hard and play by the rules we can build better futures for ourselves and our children.

Being an American comes with responsibilities. And foremost among these is the commitment to pass our values and ever-greater opportunities on to the next generation -- to see to it that the American Dream never dies.

You know this because each of you brought along a teacher who passed something priceless on to you: Gave you a book that changed the way you look at the world, described our Revolution in a way that brought it to life, helped you understand chaos theory -- something I wish I'd known more about before I came to Washington. Maybe, one day, you will pass that gift on to another generation. This is how one generation keeps faith with the next.

It's my job -- the job of my generation -- to keep faith with you, too. This may be more important than ever before, for we live in a time of great change. The revolution in information and technology is transforming our lives. We are moving into an era where most people will be working with their minds far more than their hands, and many of them will be working in businesses and industries that haven't even been invented yet.

From the day I came to Washington, it has been my mission to make sure that our country will do well in the next century: That we continue to be the world's strongest force for peace and freedom...

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That is why we have worked hard to help schools set high standards and have high expectations. We have worked to bring back the basics and to keep schools safe and drug-free. I have challenged the states to dismantle the barriers that discourage the most talented people from becoming teachers...

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Our goal, then, must be to make the 13th and 14th years of education as universal as the first 12. To meet this challenge, my Administration has put in place an unprecedented college opportunity strategy: Student loans directly to the people who need them.

AmeriCorps, which by next year will have given over 65,000 young people the chance to earn their way through college by serving their country. Pell Grant scholarships for deserving students -- more every year in my budget.

I'm sure many of you parents here today have spent long days and even longer nights trying to figure out you are going to pay for your child's college. So we have proposed to go even further:

That's another value this country was built on.

So, congratulations. I look forward to seeing you tomorrow when the Olympic Torch arrives at the White House on its journey to Atlanta. I hope you'll take a moment to think about what that torch represents. It is the light of civilization. And the light of civilization is sustained by education. The better educated we are, the brighter it will burn. We are counting on you to keep that flame alive -- steady and strong -- into the next century.

Thank you and God bless you.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 6/19 ACTION/CONCURRENCE/COMMENT DUE BY: 6/19 4:00 pmSUBJECT: Presidential Scholars Remarks

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	McCURRY	☐	☒
PANETTA	☒	☐	McGINTY	☐	☐
McLARTY	☐	☐	NASH	☐	☐
ICKES	☒	☐	QUINN	☐	☐
LIEBERMAN	☒	☐	RASCO	☒	☐
RIVLIN	☒	☐	REED	☒	☐
BAER	☒	☐	SOSNIK	☒	☐
CURRY	☐	☐	STEPHANOPOULOS	☒	☐
EMANUEL	☐	☐	STIGLITZ	☐	☐
GIBBONS	☐	☐	STREETT	☐	☐
HALE	☐	☐	TYSON	☐	☐
HERMAN	☒	☐	WALLEY	☐	☐
HIGGINS	☒	☐	WILLIAMS	☐	☐
HILLEY	☒	☐	<u>Waldman</u>	☒	☐
KLAIN	☐	☐	<u>Toiv</u>	☒	☐
LAKE	☐	☐	<u>Spurling</u>	☒	☐
LINDSEY	☐	☐	<u>Simon</u>	☒	☐
			<u>Balderson</u>	☒	☐

REMARKS:

Comments to David Shipley x 67289

RESPONSE:

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VICE PRESIDENT	☒	☐	McCURRY	☐	☒
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McLARTY	☐	☐	NASH	☐	☐
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LIEBERMAN	☒	☐	RASCO	☒	☐
RIVLIN	☒	☐	REED	☒	☐
BAER	☒	☐	SOSNIK	☒	☐
CURRY	☐	☐	STEPHANOPOULOS	☒	☐
EMANUEL	☐	☐	STIGLITZ	☐	☐
GIBBONS	☐	☐	STREETT	☐	☐
HALE	☐	☐	TYSON	☐	☐
HERMAN	☒	☐	WALLEY	☐	☐
HIGGINS	☒	☐	WILLIAMS	☐	☐
HILLEY	☒	☐	<u>Waldman</u>	☒	☐
KLAIN	☐	☐	<u>Toiv</u>	☒	☐
LAKE	☐	☐	<u>Spurling</u>	☒	☐
LINDSEY	☐	☐	<u>Simon</u>	☒	☐
			<u>Balderson</u>	☒	☐

REMARKS:

Comments to David Shipley x 67289

RESPONSE:

DRAFT 6/18/96 6:00 P.M.

PRESIDENT WILLIAM J. CLINTON
REMARKS TO PRESIDENTIAL SCHOLARS
CONSTITUTION HALL
WASHINGTON, D.C.
JUNE 20, 1996

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Acknowledgments: Sec. Riley, student tk [introduces you]. From Arkansas: Martin Beally [Bee-lee/Sherwood/Arkansas School of Mathematics and Sciences] and his counselor, Marlene Bush; Caroline Rothert [Raw-thert/Hot Springs/Lakeside H.S.], and her history teacher, Carla Moulton [pronounce tk].

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Thank you and God bless you.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 20, 1996

REMARKS BY THE PRESIDENT
TO PRESIDENTIAL SCHOLARS

Constitution Hall
Washington, D.C.

2:05 P.M. EDT

THE PRESIDENT: Thank you very much, Rebekah. You did a terrific job. I hope you weren't nervous; you couldn't tell. (Laughter.) And I know your parents are here and your teachers are very proud of you, and all the other Presidential Scholars who are here. I want to thank Stuart Moldaw and all the members of the Commission who have the difficult job of picking presidential scholars. I want to thank Secretary Riley for the wonderful work he has done as our Secretary of Education, for our many years of personal friendship.

Rebekah did such a good job, we forgive you for your shameless South Carolina pride in mentioning the South Carolina scholars. (Laughter.) You have given me leave to mention that there are two presidential scholars here from Arkansas. (Laughter and applause.) Martin Beally from Sherwood, and Caroline Rothert are from my home town of Hot Springs. So I congratulate them. (Applause.)

I also want to thank Alison Tupay for singing the Star Spangled Banner on the spot. She did a great job, I think. (Applause.)

More than anything else -- I'm going to see the scholars tomorrow when we send the Olympic Torch off, but I love this moment. And I was jealous that the Vice President got to go to the Medal ceremony yesterday. This has been sort of a crazy week around here. I was hoping maybe one of the scholars could explain chaos theory to me and I could apply it to what I'm trying to do. (Laughter.)

But I love this program. I believe in it so strongly. And I wanted to have a chance just to meet with not only the scholars, but to see the parents and the family members, the teachers, the mentors, the people who helped these young people come to this point. And the most important message I have I'll just say and get out of the way -- I wanted to say congratulations

to the scholars, but I mostly wanted to come here to thank the families and the teachers who have made these young people's lives possible and better. If every American would follow the example you have set, this country would not have many problems and we would have an unlimited future. And I thank you so much for what you've done. (Applause.)

To the young people, I would say this is an historic hall we are meeting in, Constitution Hall. When I was not much older than you -- you'll be embarrassed that I can remember this date so long ago -- on June 24, 1967, I had the highest seat up there, I couldn't afford a better one, to hear Ray Charles sing in Constitution Hall. (Laughter.) And I was so excited -- he was so magnificent, I was so excited, I literally carried -- the reason I remember the date is I carried the ticket stub in my billfold for 15 years afterward. (Laughter.) And I never forgot the concert.

Not all that long before then, the great American singer, Marian Anderson, was denied the right to sing in Constitution Hall because of her race. And the father of my Deputy Chief of Staff, Harold Ickes, then the Secretary of the Interior, arranged for her to sing on the steps of the Lincoln Memorial, the same place that not so many years later Martin Luther King would deliver his famous address.

So this whole area in here is full of America's history. And it reminds us -- I hope all of you really get a chance to look around and sort of soak it in. It reminds us of all this country has done and meant. It reminds us of how far we have come. It reminds us of the continuing struggle we have to live up to the ideals of our Constitution. It also will remind you, if you look closely, that there are still hardworking people struggling to make ends meet within a mile of where we're now sitting, or in the case of the young people, standing. There are young people within a mile of this place who have not had the same opportunities that the young people we honor here today have had. So it is the story of America.

We celebrate our achievements, we declare our loyalty to the Constitution and the values it embodies, and we must rededicate ourselves to making sure that the American Dream never dies for every person who's willing to work for it. Every person here, as I said, is indebted -- of the young people who have been honored -- to the teachers who have helped them, the parents who supported them, to others who helped along the way. And I believe it is the job of every generation to make sure that the next generation has a chance to live out their dreams. That really is the mission of our administration.

I came to Washington at a time of profound change for this country. We were moving from an industrial age into an age dominated by information and technology. The great computer genius, Bill Gates, says that the digital chip is the most significant advance in communications in 500 years -- since Gutenberg printed the first Bible in Europe.

We know that we have left the Cold War behind, and we're moving into a global society in which we see ideas and information and money and technology and people move around the world in unimaginable speed and variation, compared to just a few years ago. We know that the

young people standing on this stage -- many of them will actually do work that has not even been invented yet. Within 10 or 15 years, some of them will be doing things that no one has even imagined yet.

So we are moving into a period really unlike any in the history of our country before, when there will be more opportunity for people to live out their dreams than ever before. And the real challenge, I believe, is to make sure that every person has a chance -- not a guarantee, but a chance -- to live out those dreams; that we do it in a way that brings us together as a country, instead of dividing us.

We are, today, more a nation of immigrants than at any time since the beginning of this century that we're about to leave. Just look around this room. Look at them. We see the kaleidoscope of America. And it is a constant, urgent task that we find ways to unite this country around our basic values and not let ourselves be divided.

Just yesterday I had Governor Riley's successor as the Governor of South Carolina and a number of other governors here and other officials to talk about this recent wave of church burnings that has swept the country in the last year and a half. That is the exact opposite of what this country has always stood for. And it is an example of what is happening in much worse form around the world, where people are tempted to give into their old demons and define themselves by what they're not rather than what they are and what they can become. And we cannot afford that in this country.

We must all be intolerant of that. We cannot be divided by religion or race, and we can never, never, never believe that in America it is permissible to take action against someone in their place of worship. It is wrong, and we must stand against it. (Applause.)

I appreciate what Rebekah said about the commitment of this administration to education. I know that one reason it's so strong is that I wouldn't be here without mine. I lived with my grandparents. They started teaching me to read when I was two or three. I still own one of the little readers they started me on. It was printed in 1946, I think. I grew up -- my grandparents, my grandfather just barely got out of grade school. My stepfather, who raised me, dropped out right before he got his high school diploma. I was the first person in my direct line to graduate from college.

And if it hadn't been for my education and the gifts that others gave me along the way to help me with it, I never would have become President or had the opportunity to serve my country in the way that I have. I now know that there is something fundamentally different about the role of education in this time than in any other time. Always throughout our history, education has given individuals more opportunity. When we made a commitment to mass education after World War II, including making college education available to veterans who served through the G.I. Bill, it helped to build an enormous middle class and to lift this country up, all of us.

Now, we're in a third stage where education can either be the fault line dividing our country or the bridge by which we all walk into the 21st century. Because now it is not enough as it was 50 years ago in the G.I. Bill, or even 30 years ago, to have a huge number of people with a college education creating economic opportunities for everybody else in a mass-production, industrial society.

For at least 15 years, and actually probably more, our country has become more stratified, more unequal, divided more than anything else by the level of education of adults in the work force, so that you have this paradoxical situation where in the last three and a half years -- when we've been able to cut the deficit in half and take our exports to an all-time high, create opportunities for 3.7 million new people to have their own homes and see our country produce nearly 10 million new jobs, 9.7 million new jobs -- we know in spite of all, that about half of the American work force has not gotten a raise after you adjust for inflation, and that, compared to 15 years ago, the people in the bottom half are basically working a longer work week, having less time to spend with their children and not really keeping up with inflation.

There are exceptions to all these statements, but the general rule still holds. The fundamental problem is that in a global economy, where we're all competing with everybody else, everywhere else -- including people who work and live in some counties where incomes that no one could live a month on in America -- that we have to raise the skill levels of our people so that education has to become more democratic -- small d -- democratic, more widely available and more advanced than ever before. It must.

And that is what has driven the work that Secretary Riley and I and others have done in this administration -- to try to lift the quality and standards of education, but also to make it more broadly available. There are some things that we can do here. And we have tried to do them. We have tried to make available funds for states to come up with their own plans to meet the national education goals, to have high standards and high expectations, and to get free from some outdated rules and regulations. The Secretary's cut the rules of the Department of Education by nearly 50 percent. We have put more poor children into Head Start.

Perhaps most important of all over the long run, we've tried to expand the availability of college. In the last 12 years before I came here, college education was the only thing that increased in cost more rapidly than health care. And a lot of people are -- a man who was laughing I assume has just educated two or three kids already in college. (Laughter.) And he's laughing to keep from crying, probably. (Laughter.)

This is something -- this is a problem with serious implications for our country. If you look at the 1990 census -- and pretty soon we'll be doing another in 2000 that will affect the lives these young people will have -- you see an utterly stunning fact, that for the first time since we have been really working on the census, you can see clearly in a profile of America after the census in 1990, that American workers, particularly younger American workers, that have at least two years of education after high school tend to get jobs where they are pretty secure in their jobs. If they lose their job, they're pretty good about getting another one. And they tend to get jobs

that have a decent income with pretty good prospects for growth. Those that have less than that tend to be stuck in jobs where they can't change jobs very easily and they usually lose ground to inflation. And the younger you are, the more profound those trends are likely to be.

Now, that means that we have to do some things to open college to more people. We've tried to expand the Pell Grant program, for example. We changed the college loan program. And I want to thank Secretary Riley for something that I believe 10, 20 years from now will be viewed as one of the most revolutionary changes we've made -- we started making loans directly to the colleges so that the students could get them with less hassle, pay them back at lower cost, and then pay them back according to a whole range of options, including their ability to repay the loan. So that if, for example, if you take a job as a school teacher or a police officer or a nurse, and you're not getting rich, and you have a big college loan burden, you still will be able to always pay those loans off because they can be limited to a percentage of your income. And it's changed a lot for people. It's made things more available.

By next year we'll have 65,000 young people who will have helped to pay their way through college through the AmeriCorps program, earning money to go to college by doing community service. And I see one of our board members is from the state of New Hampshire, a state that has one of the most active AmeriCorps programs in the country, where they really are doing remarkable things to solve problems and pay their way through.

Now, we've tried to do -- we've got two other big initiatives here on the plate that I think are quite important, and I just want to mention them because I want to encourage all of you to support these things and to embrace them. The first is, we're determined to see that every classroom and library in America hooked up to the Internet by the year 2000, every single one. And I think it will make a real difference. (Applause.)

We started this effort in California, where we had a lot of private sector support, and we wired about 20 percent of the schools in one day, and they're already up to 50 percent of the schools now in California. Now, in many other states this whole movement is taking off and working like wild fire. But we also need to make sure that in addition to being hooked-up we've got good software, available hardware for all the students -- and sometimes for the parents, as well, to participate -- and trained teachers that are being given the support they need.

There is now an alliance of educational groups, teachers, parents and administrators that have joined together to make sure that we have enough teachers to keep up with the connections. They call themselves the 21st Century Teachers, and this fall they're going to mobilize a voluntary effort, 100,000 teachers to help 500,000 other teachers master the technology so that they can make the most of it for our young people. This has enormous potential to make educational gains more widely available in poor rural areas, in under-served urban areas, in places where finances have been a real problem. We can use technology in a way that will lift the quality of education and the availability of it if we do it right.

The other thing I think we have to do is to make our goal a national goal, that college will be accessible to all Americans and that the norm will be that everybody would at least do two years after high school. That should become the rule. That should become what we all accept. We now have both economic and social evidence that we need to do that. So, in addition to the college loan and in addition to expanding the Head Start program, I have asked the Congress to make the first \$10,000 of college tuition tax deductible to every family in the country for both young people and adults. (Applause.)

I have asked Congress to broaden eligibility for families to invest in IRAs and then let people withdraw from their IRA tax-free if it become necessary to help finance their children's education or their own re-education as the case may be. And a few weeks ago at Princeton I asked -- and, by the way, I figured out a way to pay for all this in our balanced budget. This will not increase the deficit. I asked the Congress, in effect, to make access to two years of college universal by giving families a \$1,500 tax credit for the first two years of community college. The average tuition in this country at community college is \$1,200 a year. So that would, in effect, make two years of community college available to every American family, because we would have a tax credit that you could actually see. In effect, the government was helping to fund tuition -- free for everybody the first year, given to everybody the second year that has at least a B average. I think after the second year you ought to ask people to make the most of their education if the taxpayers are going to fund it.

But it seems to me that these are the kinds of things we ought to do in Washington if we want America to grow together. And when I look at these young people behind me and I think of every young person in this country, that we need to make sure that we reach them when they're young and we keep them in school and we give them something to hope for, this is a way of our being able to say to the poorest kids in this country, if you hang on you can at least do this. This is something we will give you if you hang on.

Now, the rest of it is obviously up to the rest of you and your counterparts all across America. But I really believe that if we can both raise the quality and the range and reach of education, we can make sure that we grow together as a country instead of being split apart. I cannot tell you how important this is.

One of our counties, the biggest county in this country, Los Angeles County, has already, today, children in it from 150 different racial and ethnic groups -- in one county. And still this country is thriving, it's doing well.

I'm just about to leave for a meeting of European leaders, and all over the world they'll ask me, how did you have 9.7 million new jobs in America in the last three years. You know how many -- the largest seven economies in the world have created a total of 10 million jobs in the last three and a half years, 9.7 in the United States. And that's something you can be proud of. (Applause.)

But if you want this country to grow together, if you want these children to have the kind of future when their children are this age, to see America leading the world for peace and freedom, then we have got to recognize that education for everybody, more of it and better, is the central most important thing we can do to make sure that we go into the 21st century able to meet our challenges and protect our values.

And all of you, because of this experience -- all these Presidential Scholars because they're now Presidential Scholars, and all of you who helped them along the way because you're their family members or you're their teacher -- you can have a unique amount of influence in your communities to make sure that we all rededicate our efforts not to leave any child behind, not to leave any stone unturned in opening all the opportunity we can. There is no stopping this country in the 21st century if we do that one thing, if we give everybody who will work for it the chance to live out their dreams. If that is our shared commitment, our best days are still ahead. And 20 years from now they will be celebrating a whole new generation of Presidential Scholars in a nation that is stronger and better and closer to the ideal of America than we are today.

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

END

2:25 P.M. EDT

THE WHITE HOUSE

6/26

LAURA -

Here are some
suggested Tpts for
POTUS re: Presidential
Scholars. Acknowledgments
are included. Secy Riky
is in Ireland. Dep.
Secy Mike Smith may
attend.

Education would also
like us to thank the
sponsors of Nat'l Recognition
Week.

call me if you have
Q's - Kris

Talking Points for the President
East Room Meeting with Presidential Scholars
Friday, June 27, 1997

205-0501 Say

- * I am delighted to welcome the 1997 Presidential Scholars to the White House. I am a strong believer in the Presidential Scholar program.
- * Congratulations on your great achievements -- the nation is proud of you. You represent excellence in education and the arts, and you have shown us what we can accomplish when young people reach for high standards.
- * You have also been chosen for your leadership and service to your schools and communities. You have volunteered your time and talents to so many worthy causes. I have called for a renewal of volunteerism and community spirit in America, and you exemplify that spirit.
- * I want to thank Stuart Moldaw, chairman of the White House Commission on Presidential Scholars, and the other commissioners. They had a tough job, selecting the 141 Scholars out of all the fine students who were nominated. I also want to thank everyone who is supporting National Recognition Week.
- * Allow me to say a special hello to the two Scholars from Arkansas:
 - Melanie Morris from Benton High School in Benton. Actually, I'm scared not to recognize Melanie – she has a blue belt in the martial arts. She's also a National Merit Scholar.

-- Louis McAlister from Maumelle who attends Little Rock Central High.

Louis is the co-chairperson of "Accept No Boundaries," a school club dedicated to fighting prejudice. The club gives students a forum for discussing race, religion, ethnicity, and culture. I have asked all Americans to engage in a great and frank conversation about race relations, and this is the kind of activity that can help move us forward. I will conduct a town meeting at Central High in the fall on the 40th anniversary of that school's integration.

- * I also want to recognize Daniel Clayburgh from Grand Forks, North Dakota. Dan helped to fight the terrible flooding there. He says he has become an expert in sandbagging and dike patrolling. (Two weeks ago, I released the first installment in federal grants to help flood-damaged towns in the Dakotas and Minnesota. Grand Forks is receiving \$50 million in this first installment).
- * I also want to pay tribute to the family members, teachers, and mentors who came to Washington with you this week. You wouldn't be Presidential Scholars -- and I wouldn't be President -- if it weren't for the love of our families and the dedication of our teachers. If every American followed the example of the parents and teachers who have supported you, all of our young people would have bright, unlimited futures.

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