

NLWJC - Kagan

DPC - Box 011 - Folder 002

Crime - Early Release Act

Crime - early release legis
and
Days
~~Crime~~ - Southwest border



Jose Cerda III

05/18/98 08:18:11 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michelle Crisci/WHO/EOP
cc: Julie A. Fernandes/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP
Subject: Two Crime/Drug SAPs

Rahm/Bruce/Elena:

While these are only suspensions that will pass overwhelmingly, and our SAPs are often ignored, I can't believe that they don't have the potential to come back and haunt us.

Jose'

----- Forwarded by Jose Cerda III/OPD/EOP on 05/18/98 08:17 PM -----



Jose Cerda III

05/18/98 08:14:24 PM

Record Type: Record

To: Michael Deich/OMB/EOP, Jacob J. Lew/OMB/EOP, Peter G. Jacoby/WHO/EOP
cc: Michelle Crisci/WHO/EOP, Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP
Subject: Two Crime/Drug SAPs

Michael/Jack:

I know that tomorrow's suspension calendar for the House is hardly the most pressing thing around here right now, but I suggest we don't "take the bait" being offered to us by the R's -- and oppose two bills that will pass overwhelmingly. They are:

(1) H.R. 3718 -- We should send no SAP on this bill to prevent federal judges from releasing prisoners early. While this is a bad piece of legislation, we have a strong record in this area and shouldn't send up a SAP in simple opposition that might undermine our record. Besides, according to Peter, this is not likely to move in the Senate anytime soon, so we'll have some time to think about our position.

(2) H.R. 3809 -- Can't we find a way to be more supportive for Custom's role in fighting Drugs at the Southwest Border? Opposing this bill because it undermines collective bargaining and calls for more overtime, while a legitimate concern, only feeds the R's argument that we're not serious about fighting drugs at the Border. Besides, you may want to double-check w/Rahm, but last I heard the President was very eager for us to focus more on the border, drugs, technology, and I'm not sure he'll want to oppose the R's Drug-Free Borders Bill.

Let me know what you think.

Crime - early release
act



Jose Cerda III

05/18/98 10:20:45 AM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michelle Crisci/WHO/EOP
cc:
Subject: HR 3718 - Early Release from Prison

fyi...jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 05/18/98 10:22 AM -----

James J. Jukes

05/18/98 10:16:06 AM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: Ingrid M. Schroeder/OMB/EOP
Subject: HR 3718 - Early Release from Prison

Heads up -- We have not yet received Justice's input for a SAP on this bill, which is scheduled for House floor action tomorrow. We understand that Justice's Office of Legal Counsel is developing constitutional arguments that will be the basis for opposition. We will most likely circulate a draft SAP this afternoon with a very short deadline for comments. See the attached article for background.

----- Forwarded by James J. Jukes/OMB/EOP on 05/18/98 10:01 AM -----

From: Ingrid M. Schroeder on 05/18/98 09:33:12 AM

Record Type: Record

To: James Boden/OMB/EOP@EOP, Steven M. Mertens/OMB/EOP@EOP
cc: James J. Jukes/OMB/EOP@EOP
Subject: HR 3718 - Early Release from Prison

Justice advised informally that they want to oppose this bill and are in the process of putting together a SAP for our circulation later today.

1 of 1 items

CQ's WASHINGTON ALERT 05/18/98

SOCIAL POLICY: EARLY PRISON RELEASE

Schedule highlights

(SCHEDULE 05/18/98)

Item Key: 19

SOCIAL POLICY: EARLY PRISON RELEASE

By Russ Freyman, CQ Staff Writer

The House is expected this week to consider a measure (HR3718), introduced by Majority Whip Tom DeLay, R-Texas, that aims to stem early releases of felons from federal prisons.

The bill has already been offered on the House floor, and was adopted 367-52 as an amendment to broader judicial overhaul legislation (HR1252) in April. It is scheduled to be considered tomorrow under suspension of the rules, an expedited floor procedure usually reserved for non-contentious legislation.

The measure would essentially eliminate the power of federal judges to release convicted felons because of the facility's conditions. On the House floor, DeLay blamed activist judges for allowing the average violent offender to serve only 40 percent of his or her sentence.

Some Democrats objected to the DeLay language, saying it was too broad and would not allow non-violent felons to be released and that the measure would eliminate judicial discretion on a prisoner's early release because of abuse by officials.

Democrats also objected on the floor that the measure would abrogate consent decrees reached between courts and prisons. Such agreements usually occur to correct civil rights violations in federal prisons due to poor conditions and overcrowding. Democrats say the bill would restrict already agreed-upon remedies.

Despite the Democratic criticism, a GOP leadership aide said he was not worried about any waning of minority support because to oppose the bill would be "an indefensible vote back home."

Message Sent To:

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