

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Ron Klain to Panetta re: Racial Justice Act--Briefing and Strategy (2 pages)	07/17/94	P5
002. memo	Klain to Panetta re: The Racial Justice Act (4 pages)	07/14/94	P5
003. memo	Klain and Jo Ann Harris to Attorney General re: Racial Justice Act (4 pages)	07/10/94	P5

COLLECTION:

Clinton Presidential records
 Domestic Policy Council
 Bruce Reed (Crime)
 OA/Box Number: 8413

FOLDER TITLE:

Racial Justice Act

rs15

RESTRICTION CODES

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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).

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DRAFT Q & A
RACIAL JUSTICE ACT

[President gives his statement on the urgency of the crime bill. No mention of RJA.]

Q. Mr. President, what do you plan to do about the Racial Justice Act, which appears to stand in the way of action on the crime bill?

A. The American people have been waiting six years for their government to pass a crime bill. I'm against anything that would hold it up any further.

Q. Hasn't your Administration been trying to work out a deal with the Black Caucus to include a modified version of the Racial Justice Act?

A. The House and Senate have passed a tough, smart, serious crime bill. It includes every major crime initiative I promised in my campaign and I've worked for in my administration: 100,000 cops, an assault weapons ban, more money for boot camps and prisons, prevention programs that give young people something to say yes to -- all of it paid for by cutting the federal bureaucracy. Before the July 4th recess, the conferees asked me for more time to resolve any remaining issues, and I gave it to them. But we can't wait any longer. We need to pass the bill and get those cops out on the street.

Q. Do you expect members of the Black Caucus to support the crime bill without the Racial Justice Act?

A. Every member of Congress ought to support this crime bill. It's the most sweeping crime bill any Congress has ever considered. It rejects the false choice between prevention and punishment that has held us back for so long, and it will do an enormous amount of good for all the honest, decent people who are giving up so much of their freedom because they live in fear of crime.

Q. Will you support the Racial Justice Act at a later date?

A. I have one priority, and that's passing this crime bill now, so we can begin to put more police on the street, put serious violent repeat offenders behind bars, give our young people alternatives to a life of crime.

Q. Are you for the Racial Justice Act or against it?

A. What I'm for is a crime bill on my desk -- not next month, not next year, now.

Q. Are you doing because you're afraid of a Republican filibuster?

A. I've been fighting two years for this, and I just think we can't wait any longer. I'm not going to let anything stand in the way of giving people back the right to feel safe.

Q. Don't you think the death penalty is administered unfairly?

A. I support the death penalty. I supported it when I was a governor, and I support it today. I know it's a difficult decision to make. But some crimes are so heinous that it's justified.

SUBSTITUTE GRAPHS FOR PAGE 3 OF "MARK" LETTER:

"Finally, the Mark contains no provision regarding fairness in the imposition of the death penalty. No person should be punished more severely because of the color of their skin -- nor should any person be punished less severely because of the color of their victim's skin.

"For some weeks, my administration has worked to develop a way to attack discrimination where it exists without impacting generally on the fair and effective imposition of the death penalty. In extensive discussions on this issue -- with interested Conferees, other members of Congress, civil rights leaders, the criminal defense and prosecutorial bars, and the law enforcement community -- we have been unable to find common ground on a way that in their collective judgment would satisfactorily address these two concerns. Given the urgent need for this Crime Bill, and the many important and beneficial provision in it, I believe that we cannot delay action further on account of this issue. Thus, I call on the Conferees to move ahead now, and adopt a final bill, without any such provision.

"In an effort to continue this dialogue, I will appoint a "blue-ribbon" Commission to further study this issue and make recommendations in this area. At the same time, I will direct the Attorney General to ensure that as we expand the federal penalty in implementing this legislation, we develop and promulgate procedures to guard against discrimination."

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7/19/94 (4:13pm)

RJA CALLS -- INTERNAL TRACKING SHEET

(Base is 35 Democratic "Yes" Votes; Need 25 of 27 Listed Below)

A. Democrats Assigned to the White House (8)

- | | |
|----------------------|------------------------|
| ①. Max Baucus: | No? |
| ②. Robert Byrd: | No (JRB, 7/19) |
| ③. Dale Bumpers: | No? |
| 4. Byron Dorgan: | OK |
| 5. Dianne Feinstein: | Unclear |
| ⑥. David Pryor: | No (CoS, 7/19) |
| ⑦. Harry Reid: | Probably no (PG, 7/19) |
| 8. Harris Wofford: | Yes |

Shelby
DeCon
Hollings
Byrd
Graham
Nunn
Johnston

B. Democrats Assigned to Attorney General (13)

- | | |
|-----------------------|---|
| 9. Jeff Bingaman: | Likely yes (AG, 7/18) |
| 10. Richard Bryan: | No contact yet (AG, 7/18, 19) |
| 11. Kent Conrad: | Likely yes, reviewing text
(AG, 7/18) |
| 12. Dennis DeConcini: | Unclear (AG, CoS, 7/18) |
| 13. Jim Exon: | Yes, but not firm (AG, 7/19) |
| 14. Wendell Ford: | Yes (AG 7/18) |
| ⑮. Bob Graham: | AG to see (7/19); No (JRB,
7/19) |
| ⑯. Howell Heflin: | No (Staff to RE, 7/19) "Not
likely to help" (AG, 7/18) |
| ⑰. Fritz Hollings: | No (AG mtg, 7/19) |
| 18. Bennett Johnston: | Thinking about (AG, 7/19);
No (JRB, 7/19) |
| 19. Joe Lieberman: | Likely yes (AG, 7/18) |
| ⑳. Sam Nunn: | No contact yet; Probable no
(JRB, 7/19) |
| ㉑. Richard Shelby: | Won't call back (AG, 7/19);
No (JRB, 7/19) |

C. Republican RJA Supporters: Best Targets (3)

- | | |
|-----------------------|-------------------------------|
| 22. John Chaffee: | Supports AWB, Voted yes in 91 |
| 23. Dave Durenberger: | Opposes AWB, Voted yes in 91 |
| 24. Jim Jeffords: | Supports AWB, Voted yes in 91 |

D. Republican RJA Supporters: Harder Targets (3)

- | | |
|--------------------|--|
| 25. Bill Cohen: | Opposes AWB, Voted no in 91;
Vote for RJA was for civil
rights; votes w/GOP on crime |
| 26. Mark Hatfield: | Supports AWB, Voted no in 91;
Strongly opposes death pen;
Unlikely to help pass Bill |
| 27. Bob Packwood: | Supports AWB, Voted no in 91;
Unlikely to break w/Dole |

PRINCIPAL REMAINING CRIME BILL ISSUES

1. Conference Timing

- a. Brooks' pace; Biden's frustration
- b. Conveying a "drop-dead" time

2. Racial Justice

- a. Update on calls
- b. Strategy for Wednesday meeting
 - i. Administration leadership
 - ii. Mitchell lead for Senate
 - iii. Edwards/Conyers response
 - iv. Public roll-out of decision
- c. CBC outreach
- d. Administrative actions/timing

3. Assault Weapons

- a. Brooks w/ Schumer-Synar
- b. Administration role in resolution
- c. Continue whip of Southern Dems

4. Prisons

- a. House vs. Senate differences
- b. Reverter issue

5. Trust Fund Flexibility

- a. Mitchell, Byrd Position vs. House Authorizers, CBC
- b. Possible compromises/our role in resolution

July 19, 1994

MEMORANDUM FOR LEON PANETTA

FROM: RAHM EMANUEL

Subject: Senate Filibuster of Crime Bill

As you know, the Racial Justice Act was rejected by the Senate 58-41 in a non-binding vote this Spring. Senator Shelby did not vote.

In order to break a filibuster of the Crime Bill in the Senate, we would have to get the votes of all 35 Democrats who voted for both RJA and the ban on assault weapons, plus the 6 Republicans who voted for RJA, and 19 out of 21 other Democrats (20 Democrats who originally voted against RJA plus Shelby).

Out of that pool of 21, we currently have the following count:

YES:	4
LEAN YES:	1
UNDECIDED:	4
LEAN NO:	1
NO:	5
NO CONTACT (Dems Only):	4
NEEDS FURTHER CONTACT:	2

The attached list of targeted Senators includes the 20 Democrats who voted against RJA, plus Shelby, and the 6 Republicans who voted for RJA. We have been focusing on the 21 Democrats and have not attempted to contact the six Republican targets to date.

In addition, please find a list of Senate Republicans who voted for the ban on assault weapons.

SENATE TARGETS FOR CLOTURE

BAUCUS	UNDECIDED	
BINGAMAN	YES	
BRYAN	UNDECIDED	
BUMPERS	NO CONTACT	<i>NO</i>
BYRD	NO	
CONRAD	UNDECIDED	<i>YES</i>
DECONCINI	NEEDS FURTHER CONTACT	
DORGAN	UNDECIDED	
EXON	YES	
FEINSTEIN	NEEDS FURTHER CONTACT	
FORD	YES	
GRAHAM	NO CONTACT	<i>NO</i>
HEFLIN	NO	
HOLLINGS	NO	
JOHNSTON	NO CONTACT	<i>NO</i>
LIEBERMAN	LEANING YES	
NUNN	NO CONTACT	
PRYOR	LEANING NO	
REID	NO	
SHELBY (DID NOT VOTE)	NO	
WOFFORD	YES	
CHAFEE*	No Contact (Voted yes in 1991)	
COHEN	No Contact (Voted no in 1991; votes w/ GOP on crime)	
DURENBERGER	No Contact (Voted yes in 1991)	
HATFIELD*	No Contact (Voted no in 1991; opposes death penalty; likely no)	
JEFFORDS*	No Contact (Voted yes in 1991)	
PACKWOOD*	No Contact (Voted no in 1991; unlikely unlikely to go vs. Dole)	

* Republicans who voted for both RJA and AWB

SENATE REPUBLICANS WHO VOTED FOR THE BAN ON ASSAULT WEAPONS

BROWN

CHAFEE

COATS

DANFORTH

HATFIELD

JEFFORDS

KASSEBAUM

LUGAR

PACKWOOD

ROTH
