

THE WHITE HOUSE
WASHINGTON

March 11, 1996

PRIVILEGED AND CONFIDENTIAL

MEMORANDUM FOR THE PRESIDENT

FROM: JACK QUINN

RE: JUDITH HART SOCIAL SECURITY MATTER

You inquired recently about the status of the Judith Hart Social Security matter, and why the United States had opposed, in court, Judith Hart's efforts to obtain benefits. You will recall that this matter concerns whether Social Security benefits should be paid to a four year old girl, conceived after her father's death through use of frozen sperm.

We had, in fact, instructed the Department of Justice to work with the Social Security Administration to settle this issue favorably to the claimant and to set in motion, with the Department of Health and Human Services, appropriate policy changes. That instruction was not conveyed to the necessary people in a timely fashion.

After inquiring further about this, we have now been informed that the Social Security Administration will grant full pay benefits to Judith Hart. The Justice Department therefore will move the court to dismiss the case as moot. Additionally, the Social Security Administration, the Justice Department, the Domestic Policy Council, and our office will examine the legal and policy issues arising from this matter.

cc: Carol Rasco
Kitty Higgins

Jack

file

- **HUD Delivers Ultimatum to Slumlord in Cleveland:** On February 23, HUD gave a Cleveland non-profit group, NOAH, Inc. (Neighbors Organized for Action in Housing, Inc.) 72 hours to correct health and safety violations at six Cleveland-area housing developments, and no more than 30 days to correct all violations of federal housing quality standards.

OFFICE OF NATIONAL DRUG CONTROL POLICY

- **Key Department News:** General McCaffrey was confirmed by the Senate on February 29 as the Director of the Office of National Drug Control Policy. He will be sworn in privately on March 1, with a public ceremony on March 6, with the President and Justice Ginsburg.
- **White House Conference:** The White House Conference on Youth, Drug Use, and Violence will take place on March 7, at Eleanor Roosevelt High School in Greenbelt, MD. A welcoming reception will take place at the White House on the evening of March 6.

SMALL BUSINESS ADMINISTRATION

- **Deputy Administrator Nominee:** You approved Ginger Lew as his nominee for Deputy Administrator for the SBA. She will begin acting in her new position in mid-March and begin the confirmation process.

VETERANS AFFAIRS

- **Budget-Driven Reduction in Force Impacts VHA Headquarters:** February 24 marked the effective date of the Veterans Health Administration (VHA) headquarters Reduction in Force (RIF) personnel actions. VHA issued letters of *Proposed Separation* to 133 employees and *Notices of Reassignment or Change-to Lower Grade* to 118 employees on December 14, 1995. VA set up a Career Transition Center to help displaced employees identify suitable placement opportunities, and were successful in finding jobs for many.
- **VA Establishes Internet Home Page:** On February 23, VA came "on-line" with its customer service section of the VA Home Page on the Internet. The purpose for establishing an agency home page was to: 1) provide citizens access to the agency's customer service standards; 2) publicize an agency Presidential Vanguard Commitment; and 3) offer customers an outline feedback mechanism.

SOCIAL SECURITY ADMINISTRATION

- **Hart Case in Federal Court:** On February 28, the Federal district court in New Orleans heard oral argument in a case involving a child and a mother who were denied Social Security benefits because the child was conceived three months after the worker's death. The worker had his sperm frozen, and over three months after his death, Ms. Hart underwent a "gamete intrafallopian transfer" procedure under which her ova were fertilized using the

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worker's sperm and then implanted in her. This resulted in a pregnancy and the birth of Judith Hart on June 4, 1991. The plaintiff and her mother contend that the denial of survivor's benefits to a child conceived after the worker's death is unconstitutional.

- **Investigation of Death Row Inmate Receiving Social Security Benefits:** SSA is investigating the recent discovery of a prisoner on death row in California who has received Social Security disability benefits in violation of the law for up to 14 years. William Bonin was executed on 2/23/96. Upon receiving the death certificate, SSA discovered that Bonin had been receiving checks at a bank in Los Angeles (possibly totaling \$70,000 - \$75,000). Commissioner Chater has asked for an investigation, including the seizure of any assets. Preliminary review of his records indicate that information received in 1990 should have been investigated.

DEPARTMENT OF INTERIOR

- **Grazing:** Sen. Domenici has led a Republican effort to overturn the Administration's grazing program and legislate it to an elevated status among all public land uses. Sen. Baucus is the only Democrat thus far to join him. Hunters, fishermen, and other outdoors and environmental groups are opposed to the Domenici effort. Interior believes the Administration program is working, that Domenici will not move without measurable Democratic support, that the next few weeks are critical, and that the President's best interest is served by no Senate action.
- **Chesapeake and Ohio Canal:** The Department is planning several events revolving around the C&O Canal restoration. Private fundraising for restoration totals \$500,000. On March 18, MD Governor Glendening, Secretary Peña and Secretary Babbitt will create a state/federal canal interagency task force coordinating Maryland's restoration work. The First Lady may dedicate and celebrate the reopening of a portion of the C&O Canal.
- **Travel Update:** Secretary Babbitt will be travelling to Orlando, FL on March 2, to participate in the St. John's River celebration with Lt. Governor MacKay. In conjunction with the President's environmental speech in NJ, Secretary Babbitt will be travelling to Baton Rouge, LA and possibly Texas for the next leg of the "National Heritage Tours."

UNITED STATES DEPARTMENT OF AGRICULTURE

- **House Passes Farm Bill:** On Thursday, the House passed Chairman Roberts' Freedom to Farm legislation (H.R. 2854) by a vote of 270 to 155. During floor consideration of the bill, the House adopted the following amendments: an amendment that included many of the conservation provisions already incorporated into the Senate-passed version; an amendment to reform export and food assistance programs; and an amendment to provide \$200 million for the Everglades. During consideration of the bill, the House rejected Democratic motion which would have included a modified version of the Freedom to Farm program; additional