

Am
Ce
Letter



Barbara Roberts
Letter

THE WHITE HOUSE
WASHINGTON

November 21, 1994

The Honorable Barbara Roberts
Governor of Oregon
Salem, Oregon 97310-0370

Dear Barbara:

Thank you for your letter and for sending me a copy of Oregon's action plan for teen pregnancy prevention. I am very interested in your efforts to confront this crisis and appreciate your suggestions and ideas.

Together, we can help our nation's young people to make smart, safe choices for the future.

Sincerely,

Bill

BARBARA ROBERTS
GOVERNOR



085323



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310-0370
TELEPHONE: (503) 378-3111
TDD (503) 378-4859

October 24, 1994

The Honorable William J. Clinton
President of the United States
Old Executive Office Building
Washington, DC 20501

Dear Mr. President:

I am very pleased to send you the summary of Oregon's action plan for teen pregnancy prevention, called "STOP" (Sex, Teens & Oregon's Plan.)

Because of your long-standing commitment to teen pregnancy prevention and the issues of women's reproductive health, I know you have a special interest in this topic. I believe we have come up with an exciting blue-print for action.

Copies of this plan have been sent to all of the nations's governors, along with a copy of the letter to you from Governor Dean and myself.

Thanks again for your ongoing commitment to help the young people of this country.

Sincerely,

Barbara Roberts
Governor

BR/as

BARBARA ROBERTS
GOVERNOR



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310-0370
TELEPHONE: (503) 378-3111
TDD: (503) 378-4859

TEEN PREGNANCY PREVENTION NEWS CONFERENCE October 20, 1994

This is an exciting day for me because, once again, Oregon is providing real leadership to the nation in tackling a critically important problem: The prevention of teen pregnancy.

The story of teen pregnancy is told in tragic numbers.

In America every year, enough teens give birth to fill a city the size of Denver, Colorado. The direct economic costs, from the need to provide medical care to low birth weight babies to public assistance costs for teen moms, is a staggering \$30-billion a year, nationally. That's why the National Governors Association adopted my teen pregnancy prevention resolution as a new, high priority policy direction.

In Oregon in 1992, more than 7,600 adolescents between ages 10-to-19 became pregnant and of that number 5,200 gave birth. And there were 157 pregnancies among girls age 10-to-14!

To make matters worse for these children who have children... and for the rest of society...teen pregnancy becomes part of a tragic and repetitive cycle of school drop-outs, alcohol and drug abuse, delinquency, sexual abuse, unemployment, welfare and poverty. And all too frequently a second pregnancy occurs and the pattern is repeated in the next generation.

Some new and very disturbing statistics from the University of Oregon's Fiscal Choices Project state that in 1992, there were more than 2,900 pregnancies among 10-to-17 year olds, and of that number, 1,873 births occurred. The direct costs to Oregon taxpayers was \$76 million.

And the study also says if the state of Oregon had already reached its 1999 Benchmark goal of reducing teen pregnancies in half, taxpayers would have saved \$42-million in 1992. The sooner we reach our goal, the sooner the financial savings - and human savings will be realized.

This report and every other report in this nation, demonstrates the tragedy of teen pregnancy.

We must act.

And Oregon is prepared to do just that.

(more)

PARENTS

Most teens we talked to overwhelmingly told us that it is their parents whom they want to turn to for information and guidance about sex and sexuality. This plan helps parents take that responsibility. This action plan is designed to help educate parents so they can educate their own children.

The plan calls for production of a videotape instructing parents on how to talk to their kids about sex and sexuality and other important, difficult topics. We will work to make this video available in every public library and every video store in Oregon.

TEENS

And obviously, part of the responsibility for teen pregnancy prevention rests with teens themselves. We're going to give kids the tools to say, "No" to sex and help them understand the importance of delaying parenthood.

We'll also give our youth the opportunity to design programs to reach their peers.

But at the same time, we **MUST** give teens who choose to be sexually active, the information, the access and the support they need to obtain and use birth control services responsibly.

COMMUNITIES

And, let me make clear, communities are not just by-standers in this effort. They have a responsibility and a stake in this plan. We must have their active participation and financial support in helping deliver a strong, pervasive message about delaying parenthood.

We will call on every segment of every community to create locally designed efforts to help our children make the right choices.

STATE GOVERNMENT

And the state government has responsibilities as well.

The first is to finance this plan and the efforts that can help us reach our Benchmarks.

My new budget does just that, with an investment of \$12-million in new money. I urge the next governor and legislature to follow through on this critical commitment.

I also call for the creation of an institute for young women where professional and working women from across the state will work with and mentor adolescent women of all backgrounds.

In addition this plan recommends that the next governor have a top level policy advisor on teen pregnancy prevention on his staff. The focus at that level is the only way we will reach success. The plan also urges the state to even more actively enforce child support laws, period. If men become fathers in Oregon they better understand that financial responsibility is part of the deal, regardless of the age of the mother or marital status.

(more)

GOVERNOR BARBARA ROBERTS NEWS RELEASE



Contact: Paul Hanson, (503) 378-6496

October 20, 1994

FOR IMMEDIATE RELEASE

GOV. ROBERTS RELEASES TEEN PREGNANCY PREVENTION ACTION PLAN

(Salem)...Governor Barbara Roberts released a teen pregnancy prevention action plan today, calling it, "The most comprehensive, bold and thoughtful blueprint on teen pregnancy prevention in Oregon's history."

The Oregon plan, "STOP" (Sex, Teens & Oregon's Plan) was developed by a task force headed by the governor's Senior Policy Advisor, Allie Stickney. "STOP" is the culmination of months of meetings and discussions across Oregon with thousands of teenagers, parents, civic, business and religious leaders.

"In January I said my office would lead a crusade to help Oregon reach its goal of reducing the rate of teen pregnancy in half by the year 2000," Governor Roberts said, "This action plan takes clear and decisive steps in this crusade."

The teen pregnancy rate in Oregon, among 10-to-17 year old females is currently at 17.9 per 1,000. The state has set a goal of cutting the rate to 8-pregnancies per 1,000 by the end of this century.

A recent research study by the University of Oregon found the 1992 pregnancy rate among 10-to-17 year old females cost Oregonians \$76-million in direct costs for medical care and public assistance.

The rate of teen pregnancies nationally is estimated to cost American taxpayers \$30-billion annually in public assistance and medical costs.

Roberts says "STOP" is a long term, broad based approach to reach young people before they are sexually active; to address the connections between sexual abuse and teen pregnancy and to speak frankly to teens who are already sexually active.

(more)



HR-27. PREVENTION OF TEEN PREGNANCY

27.1 PREAMBLE

THE NUMBER OF TEENAGERS AND ADOLESCENTS IN THE UNITED STATES WHO BECOME PARENTS HAS REACHED TROUBLING PROPORTIONS. EACH YEAR MORE THAN 1 MILLION TEENAGERS BECOME PREGNANT. EACH YEAR MORE THAN 500,000 YOUNG WOMEN BETWEEN THE AGES OF TEN AND NINETEEN GIVE BIRTH. THIS COUNTRY SPENDS \$25 BILLION EACH YEAR TO SUPPORT FAMILIES BEGUN BY TEENAGERS.

THERE IS ALSO A HUMAN COST TO YOUNG MOTHERS AND THEIR CHILDREN OF THIS EPIDEMIC. TEEN MOTHERS ARE MORE LIKELY TO BEAR CHILDREN WITH LOW BIRTH WEIGHTS. TEEN MOTHERS ARE LESS LIKELY TO FINISH SCHOOL, AND ARE LIKELY TO HAVE A LOWER-PAYING JOB THAN THEIR COUNTERPARTS WHO HAVE NOT BECOME PARENTS. CHILDREN OF TEEN PARENTS ARE AT GREATER RISK OF DOING POORLY IN SCHOOL. MANY FATHERS OF CHILDREN BORN TO ADOLESCENT GIRLS ARE MEN IN THEIR TWENTIES WHO ASSUME NO ONGOING RESPONSIBILITY FOR THEIR CHILDREN.

27.2 RISK FACTORS

CERTAIN RISK FACTORS MAKE IT MORE LIKELY FOR A YOUNG WOMEN TO BECOME PREGNANT AND GIVE BIRTH. SOLUTIONS MUST ADDRESS THESE RISK FACTORS.

- LOW INCOME. TEEN MOTHERS TEND TO COME FROM LOW-INCOME FAMILIES.
- HISTORY OF ABUSE. MANY TEEN MOTHERS HAVE A HISTORY OF BEING PHYSICALLY AND/OR SEXUALLY ABUSED.
- LOW SELF-WORTH. ADOLESCENTS WHO HAVE FEWER OPTIONS FOR THEIR FUTURE AND SUFFER FROM LOW SELF-ESTEEM ENGAGE IN MORE HIGH-RISK BEHAVIORS THAN THEIR COUNTERPARTS AND ARE MORE LIKELY TO BECOME TEEN PARENTS,

27.3 PREVENTION AS PART OF THE SOLUTION

BECAUSE TEEN PREGNANCY IS A COMPLEX ISSUE, SOLUTIONS MUST BE COMPREHENSIVE. PROGRAMS TO REDUCE TEEN PREGNANCY MUST DO MORE THAN EXPEND FUNDS ON ALREADY-PARENTING TEENS. WE MUST INVEST FUNDS

S T O P SEX, TEENS & OREGON'S PLAN

**An Action Plan for Teen
Pregnancy Prevention**

Governor Barbara Roberts

October 1994



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM, OREGON 97310-0370
TELEPHONE: (503) 378-3111
TDD (503) 378-4859

Dear Oregonians:

There are few things more important to the future health of this state than giving all children a chance to be born to parents ready and able to care for them. By reducing the incidence of adolescent pregnancy in Oregon we can give young children a better chance of growing up in a stable household and give young people a better chance of reaching adulthood without the overwhelming responsibility of parenthood.

In 1992, more than 7,500 Oregon teens became pregnant. If we are to make progress in reducing those numbers, then we must focus on prevention of pregnancy. That is what this plan does. I invite you to read it and use it often as a guide. It is oriented toward activities that communities can undertake. In many cases, it builds on what communities are already doing.

The plan's strategies are based on the input of thousands of Oregonians — parents, teens, citizens from community agencies, schools, communities of color, government, religious organizations, the medical community, and law enforcement. During the last six months, several significant activities have allowed us to hear from these citizens on this important subject.

1. I led a discussion with students across the state through the Oregon ED-NET satellite network. I spoke with more than 2,000 school students in every portion of the state, soliciting their viewpoints on a range of questions related to teenage sexuality and teenage pregnancy.

Following the ED-NET telecast, students were asked to fill out a written questionnaire developed by my office. More than 700 students responded to our survey. A copy of that survey is enclosed with this summary

2. We held discussion meetings with community members in 35 of 36 Oregon counties, also through the Oregon ED-NET television network. Communities gave me suggestions and ideas about how to deal with this complex topic and then developed three key strategies that could be used in their own communities.
3. A series of on-site community meetings were held by Allie Stickney, my Senior Policy Advisor on Teen Pregnancy Prevention, Donna Noonan, Adolescent Pregnancy Coordinator for the Oregon Health Division, and Connie Carley, Regional Director for the Oregon Commission on Children and Families. They visited Gold Beach, Grants Pass, Cottage Grove, Salem, Redmond, La Grande, Hood River, Portland and Tillamook. Individuals in all communities provided input, ideas and feedback, as well as developed lists of what they saw as chief community strengths.

4. We sponsored a statewide forum on teen pregnancy prevention. I chaired this day, attended by over 300 people from over 70 different communities. U. S. Secretary of Health and Human Services Donna Shalala spoke to the group by satellite. Conference participants met in small groups to design strategies to deal with differing aspects of the teen pregnancy issue.

Feedback and strategies from all of these events are contained in the appendix of the full plan.

Thank you for the work you do every day in your community to make life better and safer for young people. My passionate hope is that by reducing teen pregnancy, by openly helping young people deal with issues related to sex and sexuality, we will make sure their life script is not already written in their teen years.

To do nothing to help adolescents, knowing that each of us can help, is too painful to contemplate. Which is why, rather than writing another report, we've embarked upon this action plan. I strongly hope that you will join us.

Sincerely,

A handwritten signature in black ink that reads "Barbara Roberts". The script is fluid and cursive, with the first name "Barbara" and last name "Roberts" clearly legible.

Governor Barbara Roberts

I. EXECUTIVE SUMMARY

The Issue

Each year, more than 7,500 Oregon teens become pregnant. The majority who become parents are low income, without jobs or a diploma. More than half of those who receive welfare benefits in Oregon are or were teen parents.

The Goal

Oregon's Benchmark goal is to cut the teen pregnancy rate in half by the year 2000, from the current rate of 17.9 pregnancies per 1,000 females ages 10-17 to eight pregnancies per 1,000 females of the same age.

The Recommendations

Statewide Responsibilities

- **Send a Public Message:** Undertake an ongoing, coordinated public awareness campaign with a message of postponing parenthood. Public messages via the media will be combined with a coordinated campaign with school systems, medical providers and community organizations, complete with campaign logo, literature, and messages.
- **Create Hope by Building Skills:**
 - 1) Establish an institute for young women where professional and working women from across the state work with and mentor adolescent women of all backgrounds;
 - 2) Design school-to-work programs to link young people in their middle school years with a range of career paths;
 - 3) Expand existing funds for parenting teens to facilitate job placement/career development.

- **Make Birth Control More Available:** Expand existing networks of family planning providers through grants for services to sexually active adolescents.
- **Provide Accurate Sexuality Information:** Assure accurate, confidential information available to teens anywhere in the state via a toll-free, around the clock, staffed hot line; establish resource centers in storefront locations in rural communities to help young people, parents and community members get updated information on human sexuality and family life issues.
- **Keep the Focus on Teen Pregnancy Prevention:** Have a top level advisor to the Governor to work with the executive and legislative branches of state government to continue the priority focus on teen pregnancy prevention.
- **Enforce Child Support Payments:** Expand enforcement of child support payments through licensing mechanisms, including driver's license revocation or denial for those who have not met child support obligations.

School-based Responsibilities

- **Teach the Teachers:** Provide training in family life education to teachers in all disciplines beginning with schools where teens are at high risk of teen pregnancy.
- **Require Family Life Education Skills:** Expand Oregon's list of required skills for students to include basic education, communication

and decision making skills in human sexuality.

- **Expand School-Based Health Centers:** Enlarge the network of health centers to serve more adolescents, the most medically underserved population in Oregon. Recommend that contraception be directly available to sexually active students in order to prevent pregnancy.

Teen-based Responsibilities

- **Use Peer Educators:** Train 2,000 peer educators across the state to provide information to middle school students on postponing sexual involvement, as well as accurate information on birth control and sexually transmitted diseases.
- **Implement Youth-Designed Programs:** Grant funding to youth-designed pilot projects aimed at reducing adolescent pregnancy. Let young people determine the most effective way to reaching teens at risk of parenthood.

Parent- and Family-based Responsibilities

- **Educate Parents:** 1) Provide parent education to all students in Oregon as part of the health education curriculum; 2) Produce a video on parenting skills, including discussions

on sexuality, to be distributed to every video outlet in Oregon.

- **Interrupt the Teen Parent Cycle:** 1) Expand home visiting programs for parents of newborns to guarantee contact with a caring adult and basic parent education for all teen parents; 2) Expand collaboration between Head Start and teen parent programs to specifically serve children of teen parents; 3) Require that all services to parenting teens place priority emphasis on preventing second pregnancies, with expanded attention to and provision of birth control.

Elements of Teen Pregnancy Prevention

Strategies to reduce teen pregnancy must:

- be long-term;
- be comprehensive in scope;
- be integrated with other strategies;
- reach young people before they are sexually active;
- consider interrelated risk factors;
- rely on more than one strategy;
- address the connection between sexual abuse and teen pregnancy.

II. TEEN PREGNANCY REDUCTION: AN OREGON PRIORITY

“I got pregnant when I was 16, which I didn't want to. I always had been the type of person thinking, ‘Okay, I'm going to do good, and eventually I'll have a career in my life, I'll get married, and I'll have children.’ My life didn't turn out that way.”

— Lives of Promise, Lives of Pain/Quint. Musick, Ladner. 1994, pg.34

What does teenage pregnancy have to do with you? The impact of teenage childbearing is staggering. Half of all families on welfare are families started by teens. Oregon spends close to \$200 million* dollars per year to provide welfare benefits, health care coverage and food stamps to families started by teens.

The cost to young lives also is staggering. And it is young women who are most often left with the financial and emotional responsibility of parenting. The consequences are well documented.

Young women who become parents at an early age face a predictable future with less education, less income and fewer opportunities than their counterparts who are not parents. The lives of young people, especially young women, are forever shaped by the responsibilities of parenting, forced to forgo opportunities otherwise open to them. The children of adolescent mothers face, on the average, a greater chance of medical problems as infants and a lesser chance of success in school.

The phenomenon of teenage pregnancy and childbearing is not new. Teenage women have often given birth and taken on the responsibilities of motherhood and parenting. Motherhood was expected when young women were married in their teen years.

In the last 25 years, a new reality has emerged. More and more teens have become sexually active at earlier ages, putting increasing numbers of them at risk of pregnancy. The average age of marriage has increased along with the

percentage of parenting teens who are unmarried. Abortion has become a legal option for teenagers, with a declining percentage of pregnant teens choosing that option.

The state of Oregon has recognized the seriousness of the issue of teen pregnancy. In 1990 Oregon developed a series of benchmarks to measure progress in areas critical to the well-being of Oregonians. The Oregon Benchmarks identify teen pregnancy

and teen birth reduction as Urgent Benchmarks. Postponing teenage childbearing beyond the adoles-

cent years potentially could save the state close to \$80 million* dollars a year, based on current spending. Reducing the incidence of teen pregnancy will help the state achieve the promise contained in the Benchmarks — a state whose citizens enjoy the benefit of good jobs, a safe and balanced environment and good health. None of those things is possible if we fail to create healthy families and a positive future for our children.

Governor Barbara Roberts announced in January 1994 that reducing teen pregnancy would be a major focus for the remainder of her term, setting in motion a process for devising long-term solutions for this complex issue. Consensus is strong that prevention is the key to long-term solutions. By focusing resources on preventing teen pregnancy, local communities and the state will eventually be able to reallocate the money now spent on already pregnant or parenting adolescents.

The Oregon Benchmarks identify teen pregnancy and teen birth reduction as Urgent Benchmarks.

“I know that if I ever needed birth control of any sort, I would not be able to get it because my parents are against it and I would have no way of purchasing it so I would just take my chances — like most teenagers do — because that is their only choice left.”

— An Oregon Teen

The issue of teen pregnancy reduction is complex. The dynamics of economic status, race and class, as well as self-esteem, family structures and personal values are all intertwined. It involves adults facing the reality that teens are sexual beings. It involves personal decisions young people make at a time in their lives when childhood and adult issues are intersecting. Young people are faced with making adult decisions while they inhabit bodies that are changing, minds that are expanding, and emotions that are new and powerful. To further complicate the issue, many teens who become parents have been sexually abused as children, with the power to make their own sexual decisions already taken away from them in the past.

At the same time, many of the most promising solutions to teen pregnancy reduction are built on straightforward

principles, such as giving young people love, stability, a safe environment, hope, a belief in themselves for the future — and the information, education and services necessary for them to be responsible. These are not magical solutions, beyond our reach. Communities and the state together need to commit the investment of time and money to create more options for young people and equip them to deal with the adult world.

Because the solutions to the issue of teen pregnancy are found in family, school, and community life, efforts must be long-term and comprehensive. The efforts will be expensive in both time and money. But the alternative is not acceptable. Oregon must create opportunities for its youth so that young people, both young men and women, have an investment in postponing parenthood.

III. OREGON TEENS RESPOND TO GOVERNOR ROBERTS' QUESTIONNAIRE ABOUT TEEN PREGNANCY ISSUES

The questionnaires were handed out to more than 2,000 teens from 95 middle and high schools across the state after they talked with Governor Roberts about teen pregnancy and its prevention. These sessions were held May 16 using the Ed-Net interactive telecommunications system. More than 700 teens from 44 schools around the state returned the questionnaires to the governor's office.

Students were given ten questions that asked about being a teenager, sexual activity and pregnancy. Several of the questions were open-ended and allowed for more than one answer, giving totals greater than 100% and a sizable "other" category.

The following are the answers to the questionnaires:

What is hard about being a teenager today?

Peer Pressure	32%
Stress, general pressures	19%
Drugs and alcohol	9%
School	7%
Trying to fit in	7%
Pressure from parents	6%
Not respected because of age	6%
Job/Money	5%
Responsibilities	5%
Violence	4%
AIDS/Sexually Transmitted Disease	3%
Gangs	3%
Future of economy/ environment	2%
Trying to be a teen parent	2%
Other	19%

(Note: this was an open-ended question)

How do you think teens should learn about sex?

Parents	68%
School	52%
Teachers	12%
Family Members	9%
Friends	7%
Other*	26%

* This includes teen parents, doctors, the media, church, or learning on their own.

(Note: this was an open-ended question)

Do you think teen pregnancy is a problem? Why or why not?

Yes	82%
No	9%
Yes and No	9%

The vast majority feel teen pregnancy is a problem for the teen, the baby and society. Most of the teens who say it isn't a problem are teen parents who feel they are doing a good job, or are teens who don't know any teen parents.

Should we just teach kids to say no to sex?

No	64%
Yes	22%
Undecided	6%
Other	5%

Most teens feel that teens will rebel to a "just say no" message, and that they need to be taught how to say no, why to say no, and all the consequences of a sexual relationship. Most also feel that they should be taught everything about birth control, pregnancy and sexually transmitted diseases so they can make informed decisions about sex.

Do alcohol and drugs affect teens getting pregnant?

Yes	83%
No	7%
Other	5%

Teens feel that using alcohol and drugs can lead to unintended sex, rape, sex without birth control and multiple partners. A small portion feel that alcohol and drugs have nothing to do with teen pregnancy, or that they are just an excuse to have sex or "accidentally" get pregnant.

Does the media (radio, television, movies, popular songs, etc.) have an effect on teens becoming pregnant?

Yes	64%
No	24%
Other	4%

Most teens feel that the media plays a very influential role by promoting sex, sexuality and unrealistic consequences of sex relationships. Others feel that it plays no role, or they know it is not real life.

Many sexually active teens don't use birth control, why?

Embarrassed to buy/use it	29%
Do not want to use it	17%
It is too difficult to obtain	16%
Do not understand how to use it	15%
Do not think they will get pregnant	14%
Afraid parents will find out	12%
It is too expensive	8%
It is a pain/bother to use	8%
It ruins the mood/doesn't feel good	5%
Do not use it when having sex	5%
It is not convenient	4%
They want to get pregnant	4%
They don't care if they get pregnant	4%
Cannot remember to take/use it	3%

It is "un-cool" to use it	3%
It would harm their health	2%
Partner refuses to use it	1%
Other	9%

This open-ended question had the widest variety of responses, with several answers being nuances of broader answers, such as convenience, access or awkwardness of using birth control. The 9% giving other responses say they do not believe birth control works, they are morally against birth control, their parents forbid it, or teens who do not use birth control are stupid and irresponsible.

Should birth control be available in schools?

Yes	69%
No	17%
Undecided	5%

A large majority of teens feel that sexually active teens will use birth control if it is easier to get, reducing teen pregnancy and sexually transmitted diseases.

What is the best way to help prevent teen pregnancy?

Educate on sexuality and birth control	51%
Make birth control very accessible	26%
Other	26%

This open-ended question drew a wide range of suggestions, with the majority of teens favoring education at an early age with all available information. More than a quarter of the teens feel easy access to birth control will make a big difference. Other solutions include spending time with teen parents or having them say what it's really like to be a teen parent; teaching parents how to talk to their children; giving teens more/better things to do; lowering the price of condoms; limiting financial incentives for teen parents; stopping promotion of sex through the media; and increasing public awareness about teen pregnancy.

**For a copy of the full plan contact:
Governor's Office
254 State Capitol
Salem, Oregon 97310-0370
Telephone: (503) 378-3111**

11. 22. 94

W. A. Jenkins —
CHIEF OF STAFF TO THE PRESIDENT

CHIEF OF STAFF TO THE PRESIDENT

AARP Rec 94 NOV 21 A 9:31

Heath Cove

Се (НУС) / СРНО



Madelyn Hochstein
President, DYG, Inc.
New York, New York

Gene Wright
Survey Design & Analysis Dept.
AARP Research Division

November 7, 1994

THE STORY OF HEALTH CARE REFORM AS TOLD BY THE AMERICAN PUBLIC

Methods. This report is based on the latest data on the public's reaction to the failure of health care reform legislation in 1994. We rely on focus groups interviews conducted in two cities (Phoenix and Chicago) in October 1994; the AARP survey of the 50+ population, conducted the same month; and external polls conducted in September and October of this year. These recent data are integrated with trends identified from two rounds of focus group sessions conducted in four cities each over the past year; AARP surveys of national adult samples conducted last November, as well as January, February, June, and August of this year; a national survey of AARP members conducted in August 1994; and careful monitoring of national surveys conducted by other organizations over the past year.

It should be kept in mind that focus groups are qualitative in nature and are designed to answer the question "why?," and not "how many?;" the results provide insight and hypotheses, but are not representative and, hence, projectable to the entire population.

I. What Happened?

As far as public opinion is concerned, the debate over health care reform largely passed the public by (the "Rip Van Winkle" effect). There was little knowledge about the Clinton plan, and even less about other plans, and little gain in knowledge over the course of the year. Only a quarter of the public knew "a great deal or a good amount" about health care reform by mid-July, which represents almost no change since December 1993 (Los Angeles Times Poll, July 23-26, 1994).

Focus Group discussions, while not hard data, do highlight dramatically just how unaware and unknowledgeable the public was, even during the height of Congressional debate. When asked to explain what happened in Congress with regard to health care reform, participants stared at the moderator, almost stunned at the question and a little awkward and embarrassed about not being able to answer. Only among the 50 to 64 year olds in Chicago (somewhat

better off and better educated) were we able to have an at all enlightened telling of the recent history of health care reform.

The Focus Groups suggest an almost impressionistic sense of what happened. Clinton proposed a plan; there were others plans proposed (although participants were not clear about whose plans those were or even if they were developed in Congress); there was opposition from some members of Congress and small business owners; nobody explained any of the plans (or why they were being opposed) to the public; and, in the end, nothing happened. However, written as it is above gives public understanding too ordered and logical a cast; the real feeling that comes from listening to people talk about events of just one or two months ago is that it all passed them right by, that they just awakened from a long sleep during the health care reform debate; this from a public that in focus groups just last spring were awaiting the Congressional debate on health care reform with great interest and anticipation.

Focus Group participants felt strongly that they were not given nearly enough information about the plans being discussed -- who the plans would benefit, how they would work, what the changes and trade-offs were likely to be and, of paramount importance, how much the plans would cost and who and how they would be paid for. Participants describe themselves as mostly in the dark, and, indeed, as discussed below, they cite this lack of knowledge as a primary reason why public support for health care reform fell apart. "We just didn't know enough and we got scared" was a common statement in the groups. Much of what the public thought they knew was in fact wrong, a function both of deliberately spread mis- and disinformation and of natural assumptions by the public, on the basis of their cynicism and mistrust in government.

Group participants are pretty sure there was a Clinton plan and they are certain it was "no good". For most, they felt they "knew" that the Clinton plan was very, very complex (with its length of 1200 to 1300 pages as evidence of complexity) and that it tried "to change everything." There was some certainty that the Clinton plan called for "socialized medicine", government run health care and near total loss of choice of doctors and hospitals.

Beyond Clinton, group participants could not name another sponsor of a plan (with the possible exception of Kennedy) or what was in any plan but there was a common feeling that any plan would raise taxes and take away choice.

Survey data show that public attentiveness to the health care reform debate in Congress actually peaked in September 1993 (at 83 percent) before Congress even started debating this issue, and declined steadily to 73 percent in July 1994, just at the time when Congress was most intensely engaged in debating health care reform plans (Times Mirror Poll, October 6-9, 1994).

The health care reform debate consisted of two aspects, both of which left the public "cold" and uninvolved: policy formulation and advocacy, on the one hand, and the "political" debate (who's winning -- or, rather -- who's losing?), on the other.

There is a strong correlation between how well the public thinks that the President Clinton is doing in his job, and the extent to which they approve of his health care reform plan: support for his plan rises and falls with his overall approval rating. There is also a correlation between the extent to which the public thinks the country is heading in the right direction and the President's job approval rating. Congress reads the public opinion polls and is less deferential to the president, the lower his job approval rating with the public; as far as health care reform is concerned, the less the public supports the Clinton plan, the freer members of Congress are to oppose it.

During the focus groups, the topic of how President Clinton is doing was introduced. The discussions presaged the current upturn in his approval ratings. The prevailing feeling in the groups was that he had not accomplished anything or very little but that he was trying. The strongest criticisms were around foreign policy (he was perceived to be doing nothing right on any foreign front).

Most interesting was the view, held by many, that his lack of accomplishment was not his fault, that he was a victim of the "old guard" and the system in Congress and politics. There was a strong feeling that entrenched politicians (Congress) resent Clinton's youth and don't want to turn power over to the next generation. Moreover, participants believe that is a big part of why Republicans and Democrats have been so obstructionist. Interestingly, this view appears strongest among those 65 and older and some in this age group even feel sorry for the President.

This feeling about the "old guard" may well be a major part of the anti-incumbent sentiment sweeping the country in this pre-election period. The Focus Groups reveal a belief among participants that longevity and tenure in office leads to corruption and pursuit of self-interest rather than the power to get things done. Therefore, committee heads, in particular, are ridiculed and reviled as interested only in "lining their own pockets". In the Phoenix groups the term "pork" was used frequently in talking about Congress; when pressed, participants distinguished between real projects that brought jobs to a Congressman's district and "pork which does not result in benefits for a community but in 'lining their own pockets' ". But there was also greater sympathy for projects which would benefit them directly than for projects in other districts/states (e.g., the value of the Salt River Dam, in contrast to the money wasted on helping people rebuild homes in the flood plain after the Mississippi River flood). Focus Group participants in Chicago, where they surely know their pork, suggested what we have termed a "Pork-O-Meter" that applies a standard by which "pork" can be measured: namely, the number of people who stand to benefit from a public project. If the number is small, it's "pork;" if the number is large, then it is not.

Group participants report that they get their information about how Congress works, "pork", etc., from the media (mainly newspapers although Talk Radio plays a role). In these groups, there was the feeling that Congress is not really operating differently from the way it did in the past, but that media coverage of how Congress works has increased greatly, and that it is media coverage that is fanning the flames of anti-Congress, anti-incumbency sentiment. In this situation, the opposition's negative information played much the stronger (and more

effective) role -- fear was much stronger than hope: by spreading mis- and disinformation, opponents raised fears of limited choice and increased government control. Another source of fear among the public was their lack of knowledge, as we saw expressed in our recent Focus Group sessions. Lacking positive information, the vacuum was filled by negatives.

Against the backdrop of a high level of satisfaction among the middle class with their current insurance coverage (and quality of care), as well as a limited sense of vulnerability (in the short run), the possibility that things might get worse as a result of reform plans was sufficient to arouse opposition to health care reform plans. Thus, opposition to health care reform had a much easier job, compared with the advocacy effort.

The Focus Group participants were especially eloquent in their explanations of how they and their friends reacted to the little they thought they knew about the debate. Their comments suggest that Americans simply got scared; many of the group participants used the word "panicked." They openly acknowledged that not knowing or understanding what was proposed and debated drove their fears. And they clearly did not like what little they knew, most of which was incorrect. As noted above, participants repeatedly referred to the proposals as government-run plans that take away choice. In addition, there is the murky but troublesome perception among participants that the aim of the plans was mainly to provide health care and insurance to people who do not now receive it, the uninsured. This bothered participants because they felt that this did not address their own concerns about health care and that there was nothing in the plans for them; indeed, they felt that the plans would end up costing them more through taxes while diminishing the quality of their care, primarily through the loss of choice.

Participants were mystified by and rejected the idea that bringing the uninsured into the system, covering more people, would reduce costs; they see more people as more cost. An often repeated comment was "how is he (Clinton) or they (Congress) going to give more and spend less?"

In sum, the collapse of public support appears directly traceable to lack of information about what was in the plans and to fears based on misinformation and misunderstanding that (1) it will cost me more (though taxes); (2) the government will run health care which means inefficiency, waste, fraud, again, more cost and reduction of the quality of my care; and (3) the loss of choice of doctor and hospital which, again, means poorer quality care. Several participants said "Look, I wanted lower costs and better quality and it looked like we were going to get worse quality and higher costs. Who would want that?"

II. Who's to Blame?

The President. The public faults the President for: proposing such a complex plan; designing it in secret; failing to consult with Congress and to engage in a serious bipartisan effort; and failing to communicate clearly to them how he would pay for his plan and how it would affect them.

Polling data show that support for President Clinton's plan "peaked" at the two times of greatest public attentiveness -- his health care reform speech in September 1993 which introduced his plan to the public, and his State-of-the-Union address in January 1994. In the month following each speech, public support for his plan suffered the sharpest single-month drops.

The Focus Groups reveal a range of criticisms of the President's plan and his role in the debate, although he and Mrs. Clinton are credited at the same time for "trying". Mrs. Clinton emerges, at least for the Focus Group participants, as having demonstrated her vast intelligence (in these groups as in the past, she is seen as more intelligent than the President), having made an honest effort. Also as in past groups, some feel she should not have any role in government or policy making and some fault her ideology which is assumed to be very liberal. Here too, whether they like her philosophy or not, participants credit her more than the President for having an ideology; many feel he lacks a "moral compass", "core values" and that this explains his perceived waffling on issues and contributes to why he does not get things done.

While the public clearly rejects Clinton's (misunderstood) plan, an important insight emerges from the Focus Groups, especially the Phoenix groups, that serves to temper public blame of President Clinton. There appears to be a building sense in the country that the Presidency is not the center of power, that the real policy-making power lies in Congress and group participants referred to the President as a "figurehead" repeatedly. This view, in turn, helps to get the President off the hook for what went wrong with health care reform; if he is somewhat powerless, it is less his fault. While no polling data have been collected to provide hard evidence of this view of the presidency, the groups suggest the hypothesis that the public is re-defining the role of the presidency.

The Media. Stuart Altman's "post-mortem" comment in a September issue of the New York Times is perhaps the most apt characterization of the content of media treatment of health care reform: "You in the press went from pumping up the problems to pumping up the problems of the solutions." The focus of the media was, over the entire past year, on the politics of health care reform, treating it in the "campaign horse-race" mode in terms of who's winning and (especially) who's losing -- and focusing primarily on the Clinton plan. The media failed to give the public information of the kind they most wanted and would find most useful in reaching a decision on health care reform -- how reform proposals would affect them and their families. The content analysis of press coverage of health care reform between September 1, 1993 and November 30, 1993, conducted by the Kaiser Family Foundation, the Times Mirror Center for the People, and the Columbia Journalism Review revealed that only 17 percent of the coverage concerned the effect of reform on individuals and their families; a majority of the newspaper and television stories focused either on the politics of health care reform (31 percent) or on the impact of reform on the structure of the health care system (21 percent) (Los Angeles Times, March 26, 1994). Although further data are not available, this situation did not change in subsequent coverage of this topic.

Participants in the Focus Groups were easily able to articulate what they wanted to know: how much will it cost me, what happens to my situation (coverage, costs), is choice preserved or not? Participants cite the news media, especially local newspapers, as the

source of their information on health care reform. Yet, while they complain that they were not well informed at all, they do not blame the media directly.

Congress. Congressional Republicans were the group most often blamed by the half of the public who were disappointed that Congress did not pass health care reform legislation this year (by twice as many as blamed insurance companies); only 3 percent blamed the Clinton administration and 1 percent blamed the Democrats in Congress (Times Mirror Poll, October 6-9, 1994). The Newsweek Poll of September 8-9, 1994 found the health insurance industry garnering the most blame (21 percent), followed by the Republicans in Congress (18 percent), with only 9 percent each blaming the President and Mrs. Clinton, and 4 percent blamed the Democrats in Congress.

The public got increasingly negative about Congress near the end of its efforts to pass health care reform legislation: The numbers of those who thought that Congress was moving in the wrong direction increased from 32 percent at the end of the first week in August to 45 percent in mid-August to 52 percent just after Labor Day (USA Today/CNN/Gallup Poll, September 6-7, 1994).

The Focus Groups clearly underscore the public's focus on Congress as the central villain in the health care reform debacle. The groups suggest that, today in America, Congress (not even government generally) is the issue. Criticism of Congress appears to derive from a number of sources: the emerging view noted above that the real power is in Congress not the Presidency, the perception that Congress can no longer act on anything at all (reinforced by the health care reform debate and seen as contributing to the lack of action on health care) because of entrenched leadership interested only in re-election and lining their pockets and because Congress has grown out of touch with what people want.

With regard to health care reform specifically, the feeling expressed in the Focus Groups is that Congress was whip-lashed by the special interests that, on the one hand, shaped their goals for reform (universal access) and, on the other, blocked action (AMA, pharmaceutical

companies, the insurance industry). While the public may be relieved that nothing passed, it is not praising Congress. Health care reform is just another example of a Congress unable to act, driven more by internal power games and self-interest of the entrenched "old guard" committee heads rather than bipartisanship. The group discussions suggest a high degree of support for term limits and reveal (as does polling data) that the public views Congress much more negatively than they view the President.

Of course, this view of Congress also serves to fuel generalized anti-government sentiment. DYG tracking studies show a precipitous drop in public support for a major role for government with strongly growing interest in minimizing government. One Focus Group participant captured the public feeling by saying: "once we supported government because we had money and felt that whatever government did for others, it also provided us, the middle, the working people with benefits; that's no longer true, there are no benefits for us from government." The group this fellow was in, the most enlightened group we spoke with, then went on to point out that health care reform was an example of no benefits for them.

There are indications that this anti-government sentiment on the part of the public applies to state government as well with regard to state health care reform, as found in our recent Washington state poll, where far more people liked what was being done on state health care reform than who was doing it (the state government).

Interest Groups. Opponents of health care reform clearly won the battle (especially powerful were the small business and health insurance lobbies). Notable was the failure of big business to support reform that was clearly in their own interest, in spite of the concessions (e.g., coverage of early retirees) that they wrung from Clinton, who in courting big business further alienated small business. Advocacy groups were too wrapped up in the policy discussion and failed to communicate effectively with the public (admittedly, they had a much more difficult task than did the opposition).

While Focus Group participants were much less vocal about the role of special interests than

in the past, their comments reveal that the mis- and disinformation put out directly to the public by the various groups, most notable via "Harry and Louise", and put out to the media and reported without challenge worked very effectively. Interestingly, while the content of negative and wrong messages was well known, group participants did not trace it to its source; no one appeared to remember "Harry and Louise" or any of the other advertising.

III. What Now?

The problems that gave rise to health care reform efforts remain and will steadily worsen: the number of uninsured is rising (currently at 39.7 million, and may hit 40 million by the time the new Congress convenes); price increases continue; corporations continue downsizing and increasingly use temporary and contract workers who receive no benefits; and employers whittle away the health insurance they provide to their full-time employees.

The Focus Group discussions suggest that the public understands this. In fact, the groups shed light on the quandary currently receiving so much press attention, namely, that despite improved economic indicators, the public does not seem to feel better about the economy or credit President Clinton for progress on the economy. Focus Group participants explained it this way. The indicators may be better but real people are fearful because: the new jobs aren't very good jobs -- many are low wage or part-time or contingent/contractual and do not provide benefits, especially health care coverage; downsizing continues, leaving many who are now employed constantly wondering if they will be next; young people (participants' children and grandchildren) are having an especially hard time finding good jobs and wages and health care coverage (through employers or privately).

Although about three-quarters of the public say they are either "very satisfied" or "somewhat satisfied" with their current health insurance, there are signs of both short-term and long-term vulnerability. In our recent 50+ survey, 30 percent of the respondents (or a member of their family) have been unable to afford good health insurance; 18 percent have been denied health insurance coverage because of pre-existing conditions; and 22 percent remained in a job they wanted to leave because they could not afford to lose their health insurance.

Most Focus Group participants over 65 thought that the President's plan and other plans included coverage for long-term care although no one was sure what it was. There was a strong feeling that long-term care should be provided for in any plan but that it probably never would be because of the high cost.

Comparison of the current Focus Groups to those of last spring and one year ago suggests that older Americans (those over 50 and even over 65) are becoming more comfortable talking about the long-term care need. In the recent groups, the fear of needing long-term care and its costs was volunteered by the participants, even those over 65, much more readily than in the past. The concerns voiced were very much like those we have heard in past groups: the impersonal, cold, and often poor care provided in nursing homes and its prohibitively high cost; the desire to remain at home but with the expectation that "family" won't be able to provide care (and a strong reluctance to ask for it, in any case); the belief that long-term care insurance is out-of-reach for most people and confusion over whether Medicare provides coverage; the degrading and frightening process for spending down or transferring assets to qualify for Medicaid payment for nursing-home care. Interestingly, those age 50 to 64 talked less about long-term care for older relatives and more about it for themselves than they had in the past.

Long-term, there are greater concerns, as data from our recent 50+ survey show. Asked about their situation 10 years from now if there are no major changes in the health care system, substantial majorities of older Americans are "very concerned" about being able to afford the cost of long-term care, including nursing home (70 percent); becoming ill or incapacitated (67 percent); being able to afford good health insurance (66 percent); being able to pay the costs of health care not covered by health insurance or government benefits (64 percent); not being able to get health insurance because of pre-existing conditions (63 percent); or losing insurance coverage provided by an employer or former employer because they can no longer afford it (57 percent).

The public's basic views on health care reform are, in October 1994, largely where they were in June of this year, and, indeed, by and large where they were for the entire previous year: for major change in the health care system.

The public splits evenly (about 45 percent to 45 percent) on whether they were pleased or dissatisfied that Congress failed to pass a health care reform bill this year (Times Mirror Poll, October 6-9, 1994, and NBC/Wall Street Journal Poll, October 14-18, 1994)). Nearly two-thirds said that knowing that a candidate for Congress had worked to pass health care reform legislation would make them more likely to vote for that Congressional candidate (NBC/Wall Street Journal Poll, October 14-18, 1994).

Various polls indicate that approximately two-thirds of the public want Congress to act next year on health care reform and will be disappointed if they do not (NBC/Wall Street Journal Poll, October 14-18, 1994; CBS News/New York Times Poll, September 8-11, 1994; The Harris Poll, September 18-21, 1994). Seven out of ten Americans still see the country as having major problems or a crisis in health care (CBS News/New York Times Poll, September 8-11, 1994; USA Today/CNN/Gallup Poll, September 6-7, 1994). And the same number (approximately two-thirds) continue to support major change, defined as fundamental change or completely rebuilding the health care system (CBS News/New York Times Poll, September 6-7, 1994; The Harris Poll, September 18-21, 1994), a level of support that was also found in our recent poll of the 50+ population (Gallup for AARP, October 1994).

Overwhelming majorities (between two-thirds and three-quarters) of Americans still want universal coverage (USA Today/Gallup, September 6-7, 1994; Newsweek Poll, September 8-9, 1994; CBS News/New York Times Poll, September 8-11, 1994) and the higher figure was matched by older Americans interviewed in our recent poll (Gallup for AARP, October 1994).

The Focus Groups revealed a high level of relief that nothing got done on health care reform this year, not because participants don't want anything done (some don't, most do), but because there is a feeling that whatever would have gotten done would not have been the right thing and, because no one understood what was being discussed, passage of anything, no matter what, would have only resulted in fear and backlash.

Most participants in the groups assumed that health care reform would be back on the national agenda, if not next year, certainly after the 1996 presidential election, but felt it would and should be back next year.

The Focus Groups suggest that, while the public still supports doing something about health care, they suspect that the President and Congress have learned from reactions this time around and the goals will be different and more in keeping with public concerns. As noted above, the concerns have not changed since the beginning of public focus on this issue. Simply put, for the average American, the issue is first and foremost about costs, the high and rising cost of health care and the threat that this poses to their families and their wallets. Rising premiums, cut-backs in employer payments toward insurance, cut-backs in Medicare coverage and rising premiums, the extraordinary cost of prescription drugs -- these are the front-line threats accompanied by fears about inability to get coverage -- exclusion due to prior medical conditions, insurance portability, the rising cost of insurance, and the like.

The groups confirm the polling data that show on-going support for universal coverage, but with some real constraints on what is meant by universal (not the "undeserving," such as illegal immigrants). The groups also suggest that there is more lip-service than real commitment to universal coverage, since willingness to pay to expand coverage to all was evidenced by only a very few and only after attempts to get rid of waste, fraud, and abuse have been exhausted. As in the past, the need for some form of price controls on health care providers was discussed with some vigor, despite the sharp anti-government sentiment.

The groups suggest that the debate of the past year (or in the case of the public, the few snippets of the debate they caught) and the disinformation have added a new element to public goals -- preservation of choice. The choice issue has now definitely been elevated to front and center as a result of widespread beliefs that the Clinton (and other) plans called for vastly restricted choice.

The Focus Groups provide a good deal of insight on the process the public would like to see used to move health care reform ahead. Indeed, it may well be that the year's effort on health care reform did not accomplish much on the substantive side in terms of educating and helping the public work through what they really want, but that it did teach a great deal about the process side and that the public is further along on process than it is on substance. Based on the participants in recent Focus Groups, the guidelines for process include incremental reform; moving slowly; aiming for less complexity; not trying to reform the whole system; experimenting first on a smaller scale -- it was suggested that a state (such as Hawaii) be taken as a demonstration model and allowed to implement a new system for a period of time to see what happens; better informing the public and including real people in the deliberations; tackling the things that affect the majority and the tax-payers first.

IV. Early Readings on Medicare Cuts and the Budget Deficit

While not the main focus, during the recent Focus Groups we did explore participants' feelings about the need for deficit reduction and proposed cuts in Medicare to achieve reduction. The deficit appears to be a "real" issue. The concern is that the high deficit is hurting economic recovery and that interest payments are a drain on resources that could be more productive elsewhere. There is also a moral tone to concerns about the deficit -- "It's time to pay the piper."

While it may be time to pay up, group participants do not want Medicare to be cut. It is not an exaggeration to say that Focus Group participants were horrified to learn that 1995 would bring Congressional attempts to make significant cuts in Medicare as part of serious attempts at deficit reduction. The very strong feeling among 50 to 64 year-olds, as well as those 65

and older, was that deficit reduction should come from cutting fraud, waste, abuse, spending on the "undeserving" (welfare "queens," illegal immigrants), and foreign aid. Also very strong was the belief that, in the end, Medicare would not suffer cuts of any significance due to "gray power" -- the voting clout of older Americans.

V. Lessons Learned

It is as though 1994 were a "dress rehearsal" for health care reform: the public was just not ready for the official opening of the health care reform production. The optimistic view holds that perhaps the public (as well as the president and Congress) have learned some things from this dress rehearsal: that it's difficult to do reform; it must be done more cooperatively; and there must be better communication with the public. On the other hand, even if the dress rehearsal had gone smoothly and positively this year on the part of all the major players (president, Congress, media, etc.), there is no assurance that the public would come to the official opening of health care reform if it were to happen next year.

There is no clear sign that the public, in spite of favorable views on health care reform, as reflected in the polls, are as yet committed to a solution of even those problems they say exist; no sign that they are willing to confront and make the trade-offs necessary to make progress on this vital issue (perhaps they have actually regressed); no sign that they will be better informed the next time around and any better able to ward off negative attacks based on mis- and disinformation.

Keeping in mind this admonition, the lessons learned from the health care reform debate of the past year are perhaps best posed as a set of challenges for AARP and other advocates of health care reform.

The Legislative Challenge. Advocates must be willing to stick with the health care reform effort for the long-run, accepting the likelihood that they might fail next year, as well. The best that can be expected is incremental reform (mainly insurance reform) that might lay the groundwork for comprehensive reform. The worst that can be expected is what has been

termed “ ‘triple negative health care reform’ -- Congress might do nothing to expand coverage, might impose strict limits on spending for Medicare and Medicaid and might hold back states trying to adopt comprehensive health programs” (New York Times, October 10, 1994).

Even if this worst-case scenario is avoided, the legislative challenge is how to make elements of incremental reform add up to comprehensive reform, and not make the situation worse. Accepting the “long-haul” perspective, the struggle for health care reform must be viewed as a series of battles, many of which we may well lose. The public can be expected to advance and retreat several times more, if we accept Daniel Yankelovich’s “7-Stage Model” of public opinion formation.

The Communications Challenge. Advocates for health care reform must learn to anticipate and to counter the opposition, and on the “values” turf on which the latter are so effective. The advocates’ messages must be more “value-laden” and less “policy-laden,” (this includes negative advertising by advocates as well as by opponents, where necessary) and seek to deploy countervailing values to at least put the public in a situation of values conflict.

We must communicate in terms of health care reform’s impact on the public (about how individuals and their families would be affected by reform proposals). The public’s view of health care is essentially a personal view. Few people hold (or can entertain) a “systems” view or even a “policy” orientation; many cannot handle concepts of anything new or different, such as “Medicare for all,” even those already on Medicare, not to mention those who are not, as we saw repeatedly in our Focus Groups. Hence, communication of policy details will not work with the broad public. Communications must be thematic, values-oriented, and personalized, and they must neutralize the public’s fears that things could be worse for them under health care reform.

Compounding the communications challenge is the possible existence now of two tracks in public opinion on health care reform -- those who have "regressed" to the denial thinking of two years ago (adopting the view that all we have to do is to get rid of waste, fraud, and abuse to cut health care costs), and those who are more in touch with the realities of the problem but who reject what they think the 1994 plans were about because these did not address their needs and, instead, raised their fears. The former group will need consciousness raising; the latter, reassurance that any plans offered provide them with demonstrable benefits.

The Educational Challenge. It should, however, be noted (on the basis of our Focus Group experiences over the course of the entire past year) that, although the public is not "policy-oriented" and cannot consume policy communications, they are able to deal with policy questions from their own personal perspectives, when policy issues are presented to them within a format in which they can relate to these on the basis of their personal perspectives. This poses a challenge to us to find formats that encourage, enable, and facilitate this kind of interaction and exchange of views.

The Challenge of Overcoming the Negative Mood of the Public. The public mood sets the context or parameters within which future health care reform efforts must operate. Present indications are that the mood is getting even more negative and that public disbelief and distrust in government is growing. If this climate persists or worsens, this may prevent serious health care reform from succeeding.

The Challenge of Defending Social Security and Medicare Against Entitlements Cuts. There are indications from our recent focus groups with the 50+ population that this age group is very concerned about this issue when they are told of the situation. Whereas people did not understand the health care reform debate (because it was not sufficiently "personalized" for them), older Americans do understand Social Security and Medicare -- on a personal and experiential level. While they are not aware of threats to these programs, they are readily alarmed when they are told of such threats, and their reactions are immediate

and visceral. Whereas there was great difficulty in moving them to contact Congress in support of health care reform, it will be easy to mobilize older Americans in support of “their” Social Security and Medicare. (It will be easy to “scare” them, but this may pose an issue for AARP because it will contribute to the public’s negative mood.)

Polls have shown that the younger population, as well, is highly supportive of Social Security and Medicare, but it is not clear that they can be mobilized to defend these programs against cuts.

DATA SOURCES

Focus Groups

Four Focus Groups were conducted in mid-October among Americans age 50 and older with incomes just above or below the median for their age group. The groups were held in Phoenix, Arizona, and Chicago, Illinois. In each city, one group consisted of 50-64 year-olds, and seniors (age 65+) made up the other group. In each group there was a mix of men and women and Democrats, Republicans, and Independents.

These recent Focus Groups are a continuation of a series of some 20 other health care reform Focus Groups that were conducted for AARP over the past year.

Surveys

(Note: all of the following surveys are national adult samples except the AARP poll, which was a national sample of the population age 50 and older.)

AARP, October, 1994.

CBS News/New York Times Poll, September 8-11, 1994.

The Harris Poll, September 18-21, 1994.

Los Angeles Times Poll, July 23-26, 1994.

NBC News/New York Times Poll, October 14-18, 1994.

Newsweek Poll, September 8-9, 1994.

Times Mirror Poll, October 6-9, 1994.

USA Today/CNN/Gallup Poll, September 6-7, 1994.

In addition to these recent surveys, we utilized information gleaned from six national health care reform surveys conducted by AARP over the past year which interviewed nearly 8,000 Americans, as well as information from numerous external polls that contained questions about health care reform.

THE WHITE HOUSE
WASHINGTON

November 21, 1994

NSC:

RE: #7762, Note from Sen. Nunn
on the Center for Democracy
and Haiti

Is the language on the attached
letter to Senator Nunn still OK
to be sent?

Todd Stern

THE WHITE HOUSE

WASHINGTON

Dear Mr. Chairman:

Thank you for your note recommending the Center for Democracy as an appropriate organization to assist us in working with the Haitian parliament.

The Center has played a valuable role during the last three years in keeping the parliament engaged in efforts to restore democracy. Those who have worked with Allen Weinstein and his colleagues during this period have the greatest respect for their knowledge and commitment.

As we move into a new phase in our policy toward Haiti, we will be looking to many non-governmental and private voluntary organizations to assist in all aspects of our support for the Haitians as they rebuild their country's institutions and infrastructure. I appreciate your endorsement of the Center for Democracy, and we will keep it in mind as we develop our support programs for political institution-building in Haiti.

Sincerely,

The Honorable Sam Nunn
United States Senate
Washington, D.C. 20510

STROM THURMOND, SOUTH CAROLINA
JOHN W. WANNER, VIRGINIA
WILLIAM S. COFFIN, MAINE
JOHN MCCAIN, ARIZONA
TRENT LOTT, MISSISSIPPI
DAN COATS, INDIANA
BOB SMITH, NEW HAMPSHIRE
DIRK SCOTT THURMOND, IDAHO
LAUREN BARNETT, NORTH CAROLINA
KAY BAILEY HUTCHINSON, TEXAS

ARNOLD L. MUNARO, STAFF DIRECTOR
RICHARD L. REYNARD, STAFF DIRECTOR FOR THE MINORITY

THE PRESIDENT HAD SEEN

9/23/94

United States Senate

COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6010

94 SEP 22 P 5 : 33

September 22, 1994

MEMORANDUM

TO: The President

FROM: Sam Nunn

SUBJECT: Role of "The Center for Democracy" in Working with the
Haitian Parliament

The Haitian parliament is going to play a key role -- for better or for worse -- in the future of democracy in Haiti. I strongly recommend that you utilize The Center for Democracy, a non-profit organization located here in Washington, in working with the Haitian parliament on its current problems and tasks, on the upcoming parliamentary elections, and on the parliament's subsequent role in the Haitian government.

I have drawn on the expertise of the Center, regarding Haiti as well as other matters, for several years and have no reservation in commending the Center to you. Its President, Allen Weinstein, and its Haiti specialist, Caleb McCarey, have worked extensively with all factions of the Haitian parliament and with the Haitian private sector since August 1991, under contract with AID. When U.S. assistance to Haiti was suspended in October of 1991, the Center continued its work there, in coordination with the UN and the U.S. Embassy, using private funding.

I believe the Center for Democracy has the expertise and experience to make a major contribution to fostering democracy in Haiti. I know that Allen Weinstein and his colleagues are fully prepared to devote themselves to such an undertaking. I hope you will ask them to do so.

The Center's address is 1101 15th Street, N.W., Suite 505, Washington, D.C. 20005. The phone number is (202) 429-9141, and the fax number is (202) 293-1768.

CC TONY LACE
LEON

THE PRESIDENT HAS SEEN 11/21

THE WHITE HOUSE
WASHINGTON

November 17, 1994

MR. PRESIDENT:

The attached is a decision memo from Abner Mikva recommending that the five-month perjury sentence of Ernest Krikava, a 70-year old Nebraska hog farmer, be commuted. The commutation would convert Mr. Krikava's five-month home confinement into 100 hours of community service, as well as commuting his little remaining prison time to time served. It would not alter the remaining 31 months of supervised release.

The media have portrayed this as the hard-luck case of a struggling farmer selling hogs to feed the rest of his starving herd. What happened is that Mr. Krikava had trouble repaying a \$250,000 loan taken out in 1990; entered into an agreement with the bank requiring him to pay the bank 50% of the proceeds of his hog sales; circumvented this requirement; and then misled the court.

Because Mr. Krikava was trying, however misguidedly, to save his herd; because he has suffered considerably already; and because the Judge in the case has indicated support for commutation, Ab, Leon and other White House staff believe commutation on the specified terms is appropriate.

Approve ☒

Disapprove ☐

Discuss ☐

John Podesta
Todd Stern

THE PRESIDENT HAS SEEN 11/21

THE WHITE HOUSE
WASHINGTON

November 16, 1994

94 NOV 16 P4: 48

MEMORANDUM FOR THE PRESIDENT

THROUGH: LEON E. PANETTA
CHIEF OF STAFF TO THE PRESIDENT

FROM: ABNER J. MIKVA *AM/olm*
COUNSEL TO THE PRESIDENT

SUBJECT: Ernest Krikava Commutation Petition

I. ACTION-FORCING EVENT

Mr. Ernest Krikava is a Nebraska hog farmer who is serving a five-month prison sentence for perjury. He currently is scheduled to be released from prison to home confinement on November 28, 1994 -- four days after Thanksgiving. This memorandum recommends granting his commutation petition before Thanksgiving with the following terms: (1) commute the remainder of his prison term to time served; (2) convert his five-month home confinement term to 100 hours of community service; and (3) leave the remaining 31 months of his period of supervised release unaltered.

II. BACKGROUND

In 1990, Mr. Krikava took out a \$250,000 loan to expand his hog operations. After months of difficulties with the loan payments, Mr. Krikava entered into a repayment agreement with the bank. The agreement required Mr. Krikava to pay the bank 50% of the proceeds of any hog sales. Mr. Krikava, over a period of months, circumvented this provision by making sales under his sister-in-law's name and keeping all of the proceeds. In a subsequent bankruptcy proceeding, Mr. Krikava lied on two occasions about the improper sales. As a result of his false statements, Mr. Krikava's bankruptcy was involuntarily converted to a liquidation and he was forced to sell his farm to satisfy his debts. He was later convicted by a jury of two counts of perjury.

Mr. Krikava was sentenced to ten months in prison, the minimum prison sentence for perjury permitted under the Sentencing Guidelines. Consistent with the Guidelines, the judge then converted the sentence to five months in prison, five months home confinement, and three years of supervised release (which includes the five months of home confinement). Mr. Krikava has served four and a half months of his prison term and is scheduled for release to home confinement on November 28, 1994.

III. RECOMMENDATION

White House staff recommend granting Mr. Krikava's commutation request.*/ There is strong public sentiment in favor of commuting his sentence, as well as extensive and ongoing media interest that has covered his crime in a very sympathetic light - as a struggling farmer whose crime was selling hogs to feed the rest of his starving herd.

Mr. Krikava is a 70-year-old farmer with no previous criminal record. Mr. Krikava has indicated that he did not undertake his actions with malevolent intent; he believed, perhaps misguidedly, that his actions were necessary in order to feed his herd and to save his livelihood. In addition to his incarceration, Mr. Krikava has paid a heavy personal price for his crime. In January, 1994, not long after he had been sentenced to prison, his wife became ill and died. Mr. Krikava also was forced to sell his farm, which had been in his family for three generations, in order to satisfy his debts. Because his farm was subdivided when it was sold, it will be difficult, if not impossible, for Mr. Krikava to buy it back.

Significantly, Judge Urbom, Mr. Krikava's sentencing judge, has written and made statements in support of a Presidential decision to commute Mr. Krikava's sentence. Judge Urbom's letter to the Pardon Attorney at the Justice Department states:

"An appropriate sentence could have been fashioned, I think, if I had had the authority to do so, without an imprisonment feature. It would have met the goals of sentencing adequately if it had taken the form of probation with a substantial period of home detention or jail time on work release, plus a fair amount of community service."

The Judge added, in a recent interview on the "Today Show" featuring the Krikava story, that he would have preferred not to have sentenced Mr. Krikava to prison time since he is a first offender.

*/ The Deputy Attorney General recommends denial of Mr. Krikava's commutation petition. The Justice Department's report states that Mr. Krikava "engaged in a pattern of fraudulent acts against his creditor bank, sought the protection of the bankruptcy court against the secured claims of the bank, and then lied on two occasions to prevent the court from being able fairly to consider his case." (Report provided as an attachment.)

For the aforementioned reasons, we recommend that you commute Mr. Krikava's prison sentence to time served; convert his home confinement to 100 hours of community service; and leave the remaining 31 months of supervised release in place.

IV. DECISION

- () Grant the commutation petition: Commute Mr. Krikava's five-month prison term to time served; substitute 100 hours of community service for the five months of home confinement; and leave intact the remaining 31 months of supervised release.

(sign) _____

- () Deny the petition.

(sign) _____

- () Take no action.

- () More information.

Attachment



Office of the Deputy Attorney General
Washington, D.C. 20530

August 22, 1994

MEMORANDUM FOR: The Honorable Lloyd N. Cutler
Special Counsel to the President

FROM: Jamie S. Gorelick *Jamie S. Gorelick*
Deputy Attorney General

SUBJECT: Recommendation to Deny Executive Clemency for Ernest Krikava

Attached is a report recommending that executive clemency in the form of commutation of sentence be denied for the following person:

94 06 0597 Ernest Charles Krikava

I concur in the Pardon Attorney's recommendation.

Attachment

REPORT TO THE PRESIDENT
ON PROPOSED DENIAL OF EXECUTIVE CLEMENCY FOR
ERNEST CHARLES KRIKAVA

Offense: Perjury in relation to a bankruptcy case.

Sentence: Five months' imprisonment, followed by three years' supervised release, with a special condition of five months' home confinement.

Date: November 10, 1993.

District: Nebraska.

Relief sought: Commutation of sentence.

Summary of essential facts:

In March 1992 petitioner and his wife, owners and operators of a hog farm near Pawnee City, Nebraska, filed a joint voluntary petition in bankruptcy under Chapter 12 of the bankruptcy code.¹ Their son, co-owner of the farm, also filed a voluntary petition on the same day, and the cases were consolidated for joint administration. In March they filed with the bankruptcy court a joint Statement of Financial Affairs, signed under penalty of perjury, that falsely stated that there had been no sales or transfers of their property outside the ordinary course of business during the year preceding the bankruptcy filing. In May, at the initial meeting of creditors, petitioner falsely testified under oath that there had been no sales or transfers of livestock in the 12 months preceding his bankruptcy filing.² In

¹Chapter 12 provides for adjustment of debts of a family farmer with regular annual income. 11 U.S.C. §§ 1201-1231.

²In response to a question by the court-appointed Chapter 12 trustee whether petitioner had "transferred any portion of your estate outside of the ordinary course of business within the last 12 months," petitioner responded "No." In response to questions by the attorney for the Community National Bank of Seneca, Kansas, a secured creditor, petitioner confirmed that since September 17, 1991, there had been no "known sales or transfers of livestock . . . in or out of the ordinary course of business." He also denied that during that period he had sold or transferred livestock for someone else, that anyone else had sold or transferred livestock for him, and that he had sold or

fact, from late September 1991 through February 1992, on at least eight occasions, petitioner had sold a total of approximately 300 hogs at locations where he did not usually sell his hogs, in the name of his wife's sister (who had no ownership interest in the hogs and who had not contributed in any way to their production).³

Petitioner's method of selling the hogs circumvented a repayment agreement he had with the Community National Bank (CNB) in Seneca, Kansas, for \$256,500 in loans. Petitioner, his wife, and his son had borrowed the money during April through October 1990,⁴ reportedly to expand their operation, and secured the loans with their real and personal property, including livestock, crops, and equipment. From the outset they were unable to make required loan payments on time or in full, although through September 1991 they paid approximately \$66,700 towards their loans.⁵ After several unsuccessful attempts by CNB to obtain a plan from petitioner and his wife to bring their loan payments current, in July 1991 CNB and the Krikavas entered into an agreement providing that all checks from the sales of hogs would

transferred livestock to relatives in the last year. During the course of the questioning, petitioner was specifically asked about his obligation to turn over proceeds of hog sales to his secured creditor, and his wife was asked whether any livestock was sold by anyone else for her and whether she had transferred livestock to family members. Petitioner also falsely denied the livestock sales in other bankruptcy proceedings.

³Since approximately 1978 petitioner had been selling his hogs in his own name at the Farmland buying station near DuBois, Nebraska, where he was well known. However, in September 1991, he began selling his hogs to other buyers in different cities, as follows: In September 1991, he sold 60 hogs to the Weichman Pig Company in Fremont, Nebraska, for \$9,612; in October 1991 he sold between 30 and 35 hogs at the Humboldt Hog Market in Humboldt, Nebraska, for \$3,388; on four occasions from October 1991 through January 1992 he sold a total of 122 hogs to the IBP buying station in Council Bluffs, Iowa, for a total of \$11,182; and on two occasions in January and February 1992 he sold a total of 83 hogs through Johnson Commission Company in Omaha, Nebraska, for a total of \$7,669. In each case payment for the hogs was made by a check payable to petitioner's sister-in-law, which she deposited to her account and funneled to petitioner and his wife by a personal check.

⁴Of this amount, \$176,000 was loaned to petitioner and his wife in April 1990, and they acted as guarantors for \$50,000 loaned to their son at that time and another \$10,500 loaned to him in June 1990. In October 1990, petitioner and his wife borrowed an additional \$20,000. These loans were taken out in order to refinance a \$180,000 loan that petitioner and his wife had from another bank, which was secured only by equipment and livestock. According to the United States Attorney, petitioner was frequently behind on the original loan, and chose to refinance rather than to pledge additional collateral as suggested by the bank.

⁵For example, the first payment on the initial loans of \$226,000 to the Krikavas was two months late, and payments were virtually always late thereafter, despite the fact that petitioner had borrowed additional money. His first payment on the subsequent \$20,000 loan was five months late, and the first payment on the \$10,500 loan to petitioner's son was eight months late.

be deposited in their account, and that 50 percent of the proceeds of hog sales would be applied to the loan and 50 percent would be available to them for "operations and personal use."⁶ Six sales were handled in accordance with the agreement, but in September, petitioner began to sell the hogs in his sister-in-law's name, circumventing the repayment agreement with CNB and CNB's security liens.

As a result of their false statements in the bankruptcy court, the Krikavas' bankruptcy was involuntarily converted to a Chapter 7 liquidation in August 1992.⁷ Ultimately, the Krikavas' farm was sold as a result of the bankruptcy proceedings,⁸ and an officer of CNB reports that the loans were fully paid through the liquidation.

Petitioner, his wife, and his son were charged with making a false statement to the bankruptcy court on their Statement of Financial Affairs and with lying under oath at the creditors' meeting. Petitioner's wife and son pleaded guilty to lying at the meeting. Mrs. Krikava, who died in January 1994, was sentenced to three years' probation, with the special conditions of six months' home confinement and 300 hours' community service. Petitioner's son was sentenced to three years' probation, with the special conditions of six months' home confinement and 100 hours' community service.⁹

⁶CNB, believing that the normal operation of the Krikavas' farm could not clear their loan delinquencies, had sought to have the Krikavas refinance their loans with another bank or sell down their herd to raise the necessary money to bring their loans current by April 1991. The United States Attorney's office reports that the expansion of petitioner's operations was not accompanied by an increase in labor, which resulted in inadequate care for the hogs. The deficiency in the care of the hogs in turn caused a reduction in hog production and in hog weight, resulting in lower returns for the farm. Petitioner nonetheless steadfastly refused to adopt a plan to sell down the herd to a more manageable size, and, indeed, bought more hogs during this period.

⁷In Chapter 7 proceedings, a sale of property can be forced on the debtor, whereas under Chapter 12 a sale of property cannot be forced.

⁸The United States Attorney's office reports that petitioner's farm was sold only after his son refused to allow the bankruptcy trustee on the property to conduct an inventory.

⁹Because petitioner's wife and son pleaded guilty to only one count, their sentencing range was six to 12 months, lower than petitioner's range. At a range of six to 12 months, the Sentencing Guidelines permit the minimum term to be satisfied by probation combined with a substituted period of intermittent confinement, community confinement, or home detention, or by at least one month's imprisonment and a period of supervised release with a condition of community confinement or home detention for the balance of the minimum term. U.S.S.G. §5C1.1(c).

Petitioner was convicted by a jury of two counts of perjury in the bankruptcy proceeding. He was sentenced on November 10, 1993, at the bottom of the sentencing range under the Sentencing Guidelines (10 to 16 months),¹⁰ and home detention was substituted for half the prison term.¹¹ The home detention was made a special condition of the three-year period of supervised release that the court also imposed. At sentencing petitioner sought a downward departure from the sentencing range, relying on the following claims: (1) he had acted to avoid the greater harm of loss of his farm and livelihood; (2) he had been coerced by CNB's withholding of hog sale proceeds, which assertedly caused both the Krikava family and the hogs to starve; (3) he had not harmed CNB, which was fully secured by other collateral and was assertedly benefitted by the preservation of the farming operation; and (4) the goals of sentencing would be satisfied without incarceration. The court rejected petitioner's request for a departure, stating, "I did not downwardly depart in either Carol Krikava's case or Kevin Krikava's case and I shall not do so in this case."¹² Petitioner's motion for a new trial was denied, and his conviction and sentence were affirmed by the Eighth Circuit in April 1994.¹³ He filed a petition for a writ of certiorari on July 19, 1994, which is still pending.

¹⁰In calculating petitioner's sentence, the court granted petitioner a two-level reduction in the offense level for acceptance of responsibility (over the strong objection of the government). It further determined that the two counts of perjury of which petitioner was convicted arose out of separate proceedings and therefore could not be grouped in determining the offense level. Grouping of counts results in a lower sentencing range, whereas the refusal to group, connoting a determination that separate harms are involved, results in an incremental punishment for the additional count or counts. U.S.S.G. §§2J1.3(d), 3D1.4. The judge's calculation of the sentence was affirmed on appeal.

¹¹Under the Sentencing Guidelines, a sentence in this range may be satisfied by a period of imprisonment of at least half the lower end of the range, followed by a period of community confinement or home detention of up to one-half the minimum term. U.S.S.G. §5C1.1(d).

¹²The court may impose a sentence outside the sentencing range if it finds "that there exists an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration" by the Sentencing Commission in formulating the Sentencing Guidelines. 18 U.S.C. § 3553(b); U.S.S.G. §5K2.0. The judge's decision not to depart, given a valid reason to do so, is not reviewable on appeal, except to confirm that the judge was aware he had the authority to depart.

¹³United States v. Krikava, 21 F.3d 433 (opinion at 1994 U.S. App. LEXIS 8111) (8th Cir. 1994). On appeal, petitioner challenged the sufficiency of the indictment and the evidence, the admissibility of evidence offered by the government, and the legality of the sentence. Concerning his sentence, he claimed that the court improperly enhanced his sentence as a result of grouping the counts and improperly refused to depart downward, and that his sentence was disproportionate to the sentences of his wife and son. Execution of petitioner's sentence was stayed pending appeal.

Petitioner reported to prison on June 30, 1994, and is projected for release in November 1994. Now 70 years old, he has no other criminal record. He suffered a heart attack in 1991, but reportedly has fully recovered.

Grounds for clemency and official comments:

Petitioner seeks clemency because he and his son are starting their hog operation again and, he states, "[i]f my time has to be taken out it will hinder and damage the operation. This sentencing will not help me anything and it will not help the public anything." Petitioner admits that he sold the hogs out of trust under another's name and that he testified in the bankruptcy proceedings that he had not made any transfers out of the ordinary course of business, but he claims that he did so "to raise money to feed the other hogs to continue the farm operation." He further claims that he has already been punished for his actions by virtue of having his bankruptcy case converted to a Chapter 7 liquidation, and that he has had a heart attack and lost his wife as a result of his legal problems.

Petitioner's case recently has been the focus of substantial attention in the national news media, including extensive and continuing coverage on the Fox Network's program, "A Current Affair." As a result, numerous persons from around the country have written and telephoned in support of clemency for him. Several United States Senators and Congressmen also have expressed interest in his case.¹⁴

The United States Attorney strongly opposes clemency, because of petitioner's failure to accept responsibility for his conduct, his failure to meet his financial obligations despite being able to do so, and his lack of candor. The United States Attorney points out that CNB tried to help petitioner and his family develop a plan to repay their considerable, overdue indebtedness, but the Krikavas were unwilling to cooperate. He further notes that while petitioner "claims that he had to cheat in order to feed his hogs . . . all he really had to do was sell down the herd or convert other assets to cash."¹⁵ He concludes that petitioner is undeserving of clemency because he received the minimum sentence allowed by law and further reduction of his sentence "conveys the impression that this conduct is condoned."

¹⁴Senators Dole, Kassebaum, and Kerrey submitted a joint letter and Senator Exon submitted a separate letter requesting expeditious handling of the case. Senator Kerrey also telephoned to express his support for clemency. In addition, this office received letters from Senator Campbell and Representatives Slattery and Bereuter requesting review of petitioner's case and sentence.

¹⁵In his bankruptcy filing petitioner disclosed total assets of \$906,225 and total liabilities of \$498,736. More than half his assets, however, consisted of real estate, which he apparently was unwilling to sell to satisfy his debts.

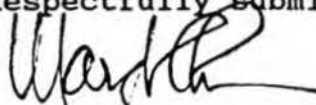
The sentencing judge, the Honorable Warren K. Urbom, notes that the sentence was "the least sentence permitted" by the Sentencing Guidelines. Terming the sentence "not extreme," he points out that petitioner "was not sentenced for selling hogs to save the lives of other hogs. He was sentenced for lying twice about it under oath." Nonetheless, the judge notes that, had he had the authority, "[a]n appropriate sentence could have been fashioned . . . without an imprisonment feature," suggesting that "probation with a substantial period of home detention or jail time on work release, plus a fair amount of community service" would have "met the goals of sentencing adequately." He, however, specifically states that a sentence less than that imposed on petitioner's son and wife would not be appropriate. The judge concludes that a commutation that would encompass these features "would be reasonable," but notes that commutation is "not necessary to achieve justice" in this case.

Reasons for denial:

Over a six-month period, petitioner engaged in a pattern of fraudulent acts against his creditor bank, sought the protection of the bankruptcy court against the secured claims of the bank, and then lied on two occasions to prevent the court from being able fairly to consider his case. His claims of benign motivation for his crimes have been rejected by the courts and, while they may bear on his reason for selling the hogs, do not explain his acts of perjury.¹⁶ Further, they are inconsistent with other facts that indicate a financial motive both for selling the hogs and for lying about it. Nor does petitioner express remorse for his crimes, or, indeed, appear even to accept that what he did was wrong.

Under these circumstances, I believe that a grant of any measure of clemency would denigrate the seriousness of the offense. Further, because petitioner does not show remorse or recognize the seriousness of his criminal conduct, a grant of clemency would likely be viewed as an exoneration of petitioner. While some might consider probation to be a more appropriate sentence, petitioner received the minimum sentence allowed by law, and does not raise any equitable issues that distinguish him from many other defendants. Because petitioner's sentence is neither unjust nor inappropriate, I advise you to deny his petition.

Respectfully submitted,



Pardon Attorney

Date: August 11, 1994

¹⁶It bears emphasis that petitioner was not convicted for selling the hogs out of trust, but rather for lying about it later. Further, even as an explanation for selling the hogs, his claimed motivation is not completely logical.

Newsweek

October 17, 1994 : \$2.95

VIRGINS
Why Kids Are Waiting

I'd rather be golfing.
To HRC —
per our conversation
on Port-pies

B

638377 © RPP, Inc.

He's Back

Saddam's Dangerous Game



THE WHITE HOUSE

WASHINGTON

94 NOV 18 P 6 : 00

November 18, 1994

MEMORANDUM FOR THE PRESIDENT

FROM: HAROLD ICKES
Deputy Chief of Staff

SUBJECT: Summary of Weekly Cabinet Reports
November 18, 1994 through December 2, 1994

CABINET-WIDE ACTIVITY

GATT

The Cabinet is actively engaged in promoting GATT. Next week, Cabinet Members will continue to conduct editorial board interviews, radio interviews, meetings with the business community, and phoning Members of Congress.

DEPARTMENT SUMMARIES

Department of the Treasury

- **Supreme Court:** The Supreme Court has scheduled oral argument in Coors v. Bentsen for November 30. Coors, Inc. is challenging the Federal Alcohol Administration Act which prohibits statements of alcohol content on malt beverage labels. At issue is whether this prohibition violates the First Amendment right to commercial free speech.

Department of Commerce

* **National Institute of Standards and Technology (NIST):** Today, NIST announced the next four focused program areas for cost-shared support under the Advanced Technology Program. The 47 awards total up to \$137 million over five years and will be given in the areas of biotechnology, medicine, software, manufacturing, industrial chemistry, materials and electronics. This announcement is a follow-up to the \$170 million in ATP awards the Secretary announced October 24.

- **Nine Month NAFTA Trade Figures:** Today, Commerce released trade figures for the month of September. Included in these figures are statistics indicating the progress made via NAFTA nine months after implementation. The nation's trade deficit rose slightly to \$10.1 billion in September from \$9.7 billion in August.
- **Census Report on School Enrollment:** On Monday, November 21, Census will release the report "School Enrollment -- Social and Economic Characteristics of Students: October 1993."

Department of Labor

- **October Unemployment Numbers:** The monthly unemployment numbers will be announced on Friday, December 2.
- **School-to-Work:** On Monday, November 21, the School-to-Work Urban/Rural Opportunities grants are tentatively scheduled to be announced by Secretary Reich and Deputy Secretary Kunin. Twenty high-poverty communities will receive grants under the program.

Department of Transportation

- **National Transportation Safety Board Recommendations on Commuter Airline Safety:** The National Transportation Safety Board (NTSB) issued a report with several recommendations regarding commuter airline safety. DOT agreed with the NTSB recommendation that commuter airlines operate under the same, higher standard as the larger carriers. A major proposal requiring pilots of smaller aircraft to receive the same training provided to pilots of larger aircraft will be issued shortly. In the past several years, the Federal Aviation Administration (FAA) has imposed requirements for de-icing, drug and alcohol testing, and enhanced equipment on commuter operators.
- **General Motors C/K Pickup Investigation.** On November 15, DOT announced plans to proceed with a December 6 public meeting regarding the investigation of an alleged safety defect in certain GM pickup trucks. GM has filed a suit seeking to bar the Department from proceeding.
- **Decision on Request to Flag U.S. Vessels Foreign.** American President Lines (APL) received permission from the Maritime Administration (MARAD) to operate six vessels currently under construction under foreign registry. MARAD has set requirements to ensure that the U.S. Government will have access to the ships in times of national emergency.

- **Tentative Agreement in the Soo Line Strike.** The United Transportation Union (UTU) and the Soo Line Railroad have reached a tentative agreement to end the UTU strike. The agreement is based on the recommendations of the Presidential Emergency Board and covers crew size, wages, and health coverage.

Department of Justice

- **COPS Announcements:** By the first week of December, the Department will be ready to announce the Director of the COPS program as well as the new officers available for hire under the program.
- **Guantanamo Cubans Case:** On November 21, the Department will file its opening brief in Cuban American Bar Association v. Christopher. The District Court recently barred voluntary repatriations without access to counsel and ordered the federal government to refrain from denying access to counsel. The Court of Appeals granted an emergency stay to allow the voluntary repatriations to continue. In the brief to be filed on November 21, the Department will argue that plaintiffs had no standing to request and the District Court had no power to bar the voluntary repatriations. It will also argue that attorneys should continue to have no right of access to the migrants on Guantanamo.
- **Missouri School Desegregation Case:** By November 23, the Department will ask to participate in oral argument and lay out its position in support of the respondents in Missouri v. Jenkins, a school desegregation case. The Department will support the Court of Appeals holding that educational programs designed to remedy prior segregation should not be terminated until a showing is made that the harm from prior segregation has been eliminated. The civil rights community is on the opposite side of the governors in this high profile case.

Health and Human Resources

- **Health Spending Announcement:** On Monday, November 21, the Department will release the Health Care Financing Administration's report on national health expenditures for 1993 which shows that growth in spending for health in the United States slowed from 1991 through 1993. It will also show that in 1993, spending was at its third slowest rate of growth since 1960. This slow growth in health spending, however, has been accompanied by even slower slow growth in the Gross Domestic Product (GDP). Therefore, health spending continues to consume steadily increasing shares of the nation's output. The share of GDP for health care rose from 13.6 percent in 1992 to 13.9 percent in 1993. Health spending rose from \$820.3 billion in 1992 to \$884.2 billion in 1993. The federal government was the fastest growing payer of health care, paying 31.7 percent of the nation's health care bill in 1993.

- **Health Care and Welfare Waivers:** The Department is entering the final stages of discussion with Indiana regarding the State's welfare reform waiver application. Significant elements of the proposal include two-year time-limited benefits and a family cap. The program would affect approximately 9,000 Indiana welfare recipients. Discussions also continue with South Carolina and Ohio on their health care reform waivers. The Health Care Financing Administration is currently working with South Carolina and Ohio to resolve outstanding issues, and the Department may announce approval of South Carolina's proposal by the week's end.
- **Human Embryo Research Funding:** On December 1 and 2, the Advisory Committee to the National Institutes of Health (NIH) director will review an outside advisory panel's recommendations embryo research. The panel will then make recommendations to NIH Director Harold Varmus, who will make a final decision on whether to fund this research and what limits to place on it. White House staff are reviewing this issue.
- **Tobacco Press:** *60 Minutes* has prepared a segment on tobacco company research and whether cigarette content is manipulated. The program interviewed FDA Commissioner David Kessler and filmed Dr. Gary Giovino of CDC's Office of Smoking and Health briefing Dr. Kessler on smoking data. The segment is likely to run either this Sunday or next.

Department of Education

- **New Congress:** Secretary Riley is anticipating a new set of education issues in the new Congress. In particular, Rep. Bill Goodling, the likely chair of the House Education Committee, has stated he may revisit the Elementary and Secondary Education Act, and will closely monitor the Department's implementation of Goals 2000 and civil rights policies.
- **Interviews:** Secretary Riley will be interviewed by *Parade Magazine* today. Also today, Deputy Secretary Kunin will be interviewed by the *New York Times*. They are expected to be asked about educational issues in the new Congress, including school prayer.
- Secretary Riley will begin coming into the office next week, off-the-record, for a few hours each day. He does not have any events scheduled before December 15.

Department of Interior

- **Fairy Shrimp:** On Monday, November 21, Secretary Babbitt will be in Sacramento with Reps. Bob Matsui and Vic Fazio to make announcements regarding the fairy

shrimp -- a potentially Endangered Species. They will announce that a challenge to fund an independent scientific effort to study the problem of the number of fairy shrimp in the area has been met by developers. The study will fund an extensive survey of fairy shrimp to better understand the shrimp populations. No public money will be expended on the study; a partnership between developers and foundations will pay for the effort.

Department of Energy

- **Announcement of R&D Cooperation with the Pulp & Paper Industry:** On Tuesday, November 22, Secretary O'Leary will announce at a press conference the potential results of a major research and development collaboration with the Department and the industry. Joining the Secretary will be industry CEOs that helped to develop the industry vision. Several months ago, the Department urged the industry to develop an industry-wide R&D program that would channel funds to address urgent energy challenges. If the industry developed such a program, the Department committed to target Departmental programs designed to prevent pollution and save energy towards the paper industry.
- **Emissions Trading Announcement:** Today, Secretary O'Leary will participate in an announcement with two large investor owned utilities and an environmental group that represents the first trade of different types of emissions between companies. A western utility will transfer acid rain-causing emissions to an Eastern utility which will donate the pollutant to a non-profit organization. This donation brings the company a tax benefit that it has committed to invest in additional energy efficiency initiatives. The eastern company will transfer excess tons of global warming pollutant which they will accumulate as a result of committing to the Department of Energy that it will reduce its emissions of greenhouse gases in 2000 to 1990 levels. This represents the first such transaction of its kind. The announcement should attract significant media attention.

Environmental Protection Agency

- **Air Toxics Rules:** Next week, EPA will issue two proposed rules and six final air toxic standard rules which will regulate toxics that pose serious health risks to communities. The standards, required under the Clean Air Act, affect industries such as hazardous waste treatment facilities, chromium electroplates, shipbuilders, gasoline distributors and wood furniture manufacturers. The standards were developed in close cooperation with industry, state and environmental groups.
- **Pesticides:** On Monday, November 21, Administrator Browner will announce a proposed rule to amend federal PCB regulations to make them less costly and

burdensome, while protecting public health and the environment. . The update of EPA's rules for dealing with the PCB toxin -- the first in 16 years -- will reduce costs by \$2 to \$6 billion a year.

Department of Agriculture

- **Affirmative Action Story:** ABC's *20/20* will run a feature tonight regarding affirmative action in the federal government. Karl Mertz, the USDA employee whose Equal Employment Opportunity (EEO) responsibilities were taken away from him after he made statements that he could not support USDA EEO policies, was interviewed for the segment. Mertz has since been returned to his EEO duties, pending formal actions by the federal Office of Special Counsel and USDA. (Mertz's reinstatement was made a conservative *cause celebre* by Senator Helms during the USDA reorganization legislative fight in the last Congress.)

Department of State

- **Bosnia:** The U.S. announcement that our naval assets would no longer participate in enforcement of the Bosnian arms embargo sparked a week of heavy criticism from the Europeans, especially from the French who believe this is a prelude to a complete unravelling of the embargo. At the November 14 ministerial meeting in The Hague, the French succeeded in including language in the communique suggesting that our modifications to Operation Sharp Guard participation were illegal and in violation of the UN Security Council obligations.
- **Ireland:** Prime Minister Reynolds resigned November 17, after the Labor Party withdrew from his coalition government, leaving his party in a caretaker role until a new government can be formed. It is not yet clear whether the parties will be able to form a new coalition or whether general elections will be called in mid-December. There is concern that an election campaign would drain momentum from the peace process; Anglo-Irish negotiations on a framework document for all-party peace talks would likely be suspended until well into next year.

Department of Defense

- **Army Readiness:** The Army announced three of its reinforcing combat units report significant levels of decreased readiness. The three divisions reported reduced readiness in the area of training, largely due to the withholding of funds in the fourth quarter. In the absence of Operations and Maintenance funds in the fourth quarter, money was diverted from training accounts to cover the cost of contingency operations.

Secretary Perry disclosed the status to Congress in a letter to Chairman Murtha on November 15. Despite the status of these individual units, overall our force is ready and we have stated publicly that the current status is temporary

- **Haiti:** U.S. forces currently number 11,650 personnel in Haiti. Secretary Perry will spend Thanksgiving Day in Haiti with the troops. This week he stated that despite calls to remove all U.S. troops from Haiti by Thanksgiving, the Administration's policy continues to be to keep our presence in the island nation, but reduce troop strengths to about 9,000 by the end of the month. Redeployments will continue during December 1-15 when about 2,300 personnel will be redeployed. Boutros Boutros-Ghali this week named U.S. Lt. General Schroeder as the UN choice to command UN forces in Haiti.
- **Guantanamo:** The Haitian migrant count at Guantanamo is just under 6,000. The Cuban migrant count is 22,935 at Guantanamo and 8,713 in Panama. The tensions present at the Guantanamo camp are primarily among the 700 seeking to return to Cuba, not with the larger population.

THE PRESIDENT HAS SEEN
11/21

Leon/Eushay

• Nation A12
• World A9

A8

Saturday, November 19, 1994

News Editor: John Strobel, 525-8058

Mass tax cut by Bentsen

ways to deal with a
it will be in Republican
e first time in 40 years.
e comments were the ad-
s strongest indication
that a middle-class
tax cut is a top op-
tion as President
Clinton begins in
coming weeks to
make final decisions
on the administra-
tion's 1996 budget.

Rep. Richard Ar-
mey, R-Texas, in-
coming House ma-
jority leader, said, "I
e Clinton administra-
d support for our 1994
budget initiative. The
merican family today

pays more in taxes than food, shel-
ter and clothing combined, and we
look forward to working with the
White House to remedy that."

During his 1992 election cam-
paign, Clinton promised tax relief
for the middle class, but he aban-
doned the pledge after saying fed-
eral deficits looked worse than he
thought.

Bentsen said any tax relief of-
fered by the administration would
be offset either by spending cuts or
higher taxes elsewhere to ensure
that the budget deficit does not
grow larger and crowd out private
demands for capital.

"No one wants higher interest
rates and slow growth if it's the
price for a slightly smaller tax bur-
den," Bentsen said.

As the FBI's ammo ran low, director did end run

Lobbied Congress, won extra \$75.8 million

By Michael J. Sniffen

Associated Press

WASHINGTON — Bluntly criticizing
the administration that appointed him,
FBI Director Louis Freeh says he lob-
bied Congress this year for more mon-
ey than President Clinton requested
because FBI agents did not have
enough ammunition for target practice.

Explaining in an annual report to his
employees "why I strayed from admin-
istration requests and sought more
funding for the FBI," Freeh cited the
"shocking" inadequacy of body armor
supplied to agents and
the "sheer lunacy" of
lacking bullets for tar-
get practice.

He said he had talked
the administration out
of cutting 540 FBI
agents shortly after he
became director in Sep-
tember 1993, and this
year confronted a fiscal
1995 budget from Clin-
ton that had no money to hire new
agents. Freeh called that "intolerable"
because the bureau has not had a reg-
ular class of new agents in nearly two
years.

This past summer, "I went to mem-
bers of Congress time and time again"
for more money, reminding them that
violent crime and drug trafficking
were growing and "that Congress itself
had given the FBI the responsibility
for enforcement against a range of new
federal offenses," Freeh said.

His personal lobbying in Congress
won a \$2.2 billion FBI budget 75.2



Freeh



AP photo

shed away a tear during her mental competency hearing.

last January whether he
ath penalty.
was vital to have Smith
ly because "the closer
examination, the clear-
answers will give."
said he would rule
and would also give
e to decide whether to
lead insanity or plead

guilty but mentally ill.
For nine days Smith told the nation
that her sons were taken by a carjack-
er. Then she confessed, investigators
said, and led them to the sunken car.
Since her arrest, she has been held
at a women's prison near Columbia.
She was under a suicide watch during
the first few days, but that has ended,
a prison spokeswoman said.

ular class of new agents in nearly two years.

This past summer, "I went to mem-
bers of Congress time and time again"
for more money, reminding them that
violent crime and drug trafficking
were growing and "that Congress itself
had given the FBI the responsibility
for enforcement against a range of new
federal offenses," Freeh said.

His personal lobbying in Congress
won a \$2.204 billion FBI budget, \$75.8
million more than Clinton requested.
The FBI will add 640 agents to return
to its peak of 10,475, each with 1,000
rounds of practice ammunition a year.
New body armor is being developed.

Freeh made these other points:

■ "It was long FBI policy to simply
transfer to a make-work job or back-
water those who did not have the abil-
ity to lead or carry out the heavy re-
sponsibilities borne by each FBI
employee." No other director admitted
this well-known practice - described
in the memoirs of ex-agents as "send-
ing someone to Butte."

Now, those who can't do the work
"will be out. The FBI is not going to
have a broken-wing brigade of people
who won't do their jobs," Freeh wrote.

■ He openly criticized the Clinton
White House for an incident that oc-
curred just before he took office. Asso-
ciate White House counsel William
Kennedy III called the FBI "with in-
structions to investigate alleged wrong-
doing by employees in the White
House travel office."

Kennedy was reprimanded earlier by
Clinton's chief of staff for pressuring
the FBI. "It was an unfortunate inci-
dent and an example of matters that
we will avoid at all costs," Freeh
wrote, noting that Clinton had assured
him the FBI's independence and exclu-
sion from politics would be protected.

■ Describing his strict new standards
of conduct for FBI employees, Freeh
disclosed he had to report a top FBI
executive for careless handling of gov-
ernment property.

The executive: Louis Freeh.

"I lost a cellular telephone issued to
me by the FBI. I asked that the matter
be reported to the deputy attorney
general, who imposed the standard
penalty on me: a letter of censure."

• federal version of Prop 187

per for
vers to
servic
prefer
es."
nversa-
Senate
ole, R
er-to-be
Wilson
at they
dled
ed "as



the 187 initiative.
In his wide-ranging remarks,
Wilson again denied interest in
seeking the 1996 presidential
nomination. He said that Repub-
licans should pass authority
over welfare to the states rather
than attempting to rewrite
the program in Washington,
urged Congress to pass the new
world trade agreement later
this month and denounced the
Mexican government's criticism
of Proposition 187

Leon - sum m. Thi

THE NEW CONGRESS: Presidential Warnings From Voters, Friends and Foes

THE PRESIDENT

White House Tries to Clarify Its Stand on School Prayer

Continued From Page A1

the latest sign that he was indecisive and had not overcome a tendency to try to please everyone.

"I don't know what he believes," Senator Tom Harkin said about the President's position on prayer. Senator Harkin, a liberal Democrat from Iowa and one of Mr. Clinton's most loyal supporters in 1992, added: "It's another indication. What does he stand for? What is it now?"

Representative James P. Moran, a moderate Democrat from Virginia, was also critical. "He was trying to be accommodating, but he probably got some feedback that made it clear this is probably a murky area

summit. Asked at a news conference on Tuesday about Mr. Gingrich's statement that he would pursue a constitutional amendment to reintroduce prayer in public schools, Mr. Clinton said: "I want to reserve judgment. I want to see the specifics." He said he would "be glad to discuss it with" Republicans and added, "I certainly wouldn't rule it out."

Some senior White House officials said privately today that they were dismayed by Mr. Clinton's comments. Janet Reno, the Attorney General, also sought to soften Mr. Clinton's comments, telling reporters today, "We continue to exercise the greatest caution in looking at any proposal with the thought that we must protect the religious freedom of the many different faiths in this country."

In separate interviews, Mr. Mikva and William Galston, a deputy domestic policy adviser, tried to better explain Mr. Clinton's remarks. "The President was simply trying to reflect the fact that on some pieces of the issue, there are indications he could support a compromise," Mr. Mikva said. "The President believes in a moment of silence. He signed a bill as Governor of Arkansas on that. What he is saying is that he wants to find a common ground."

Asked whether that common ground included a constitutional amendment, Mr. Mikva said, "Some of the Republicans are talking about the absolute need for a constitutional amendment, and I don't think the President's there."

Mr. Galston said: "The President is on record going back many years as being opposed to mandatory prayer and to situations that create coercion for individuals. That is a very bright line, and as a country, we do not pass it. He has been opposed to every constitutional amendment he's seen on the subject."

Yet Mr. Galston refused to rule out that Mr. Clinton might back an amendment down the road. Asked

CASEBOOK

The Supreme Court and S

ENGEL V. VITALE, 1962

The court ruled that organized prayer in the public schools violated the First Amendment's prohibition against the establishment of religion. The issue was a nondenominational prayer to be recited at the beginning of each school day, proposed by the state school districts for adoption by the state school districts.

SCHOOL DISTRICT OF ABINGTON TOWNSHIP V. WHEAT, 1985

The Court found that state-ordered recitation of Bible readings in public school classrooms violated the First Amendment. It added that religion can be taught as a subject in public schools.

WALLACE V. JAFFREE, 1985

The Justices struck down an Alabama state law that required a moment of silence in public school classrooms. The law made it clear, the Court said, that it was a endorsement of religion, to encourage the student to pray.

LEE V. WEISMAN, 1992

The court found that inclusion of a prayer at the opening of a public school ceremony in Providence, R.I., was unconstitutional. It was unconstitutional, wrote Justice Anthony M. Kennedy, for the government to involve itself in a religious activity that was a choice but to participate.

Some Democrats see new signs of Clinton's indecision.

in which to tread," he said. "He can't be ad hoc-ing all these things. There has to be a vision that these things fit into."

A more liberal Democrat, Representative Charles E. Schumer of Brooklyn, who has long supported a moment of prayer in schools, said Mr. Clinton should not assume he can win over Republicans by accommodating Mr. Gingrich on the issue. "They're gunning for him," Mr. Schumer said. "So I would think on an issue like school prayer, if he were to meet them 60 percent, they'll move the goal post and say, 'No, that's not good enough.' They're not looking to compromise with him, and he's got to be aware of that."

The flap over prayer came up while the President was in Indonesia at the just concluded Asian trade

why he believed that the President's comments had been misinterpreted, he said, "If you don't know the President's record and history in this area, then his words are open to a variety of interpretations."

Arthur J. Kropp, the president of People for the American Way, a civil liberties group that attacked Mr. Clinton for his comments on prayer, said in an interview that "we would not oppose 60 seconds of silence" if the President offered that as his alternative.

Even so, Mr. Kropp said Mr. Clinton's comments were damaging. "It was a big mistake to let Gingrich run around town and say the President was openminded about this constitutional amendment when a constitutional amendment was clearly wrong," he said. "He made Gingrich look like he was even more powerful, like he was setting the agenda."

While Mr. Clinton, a southern Baptist, has long supported voluntary school prayer, he had not seriously discussed a constitutional amendment before this week. In July 1992, during the Presidential campaign, Mr. Clinton expressed concern that prayer in school could be coercive.

But the President's remarks were a legislative must.

All rules in the First Amendment against religion less.

In an article published in the Albany Times Union, the do-

At Immigration, Disarray and Defeat

By JOEL BRINKLEY

Special to The New York Times

WASHINGTON, Sept. 10 — The Immigration and Naturalization Service does not bother to collect as much as \$23 million a year in fees, easy money that could be gathered with just a letter here or a phone call there. That is because, officials say, the agency cannot afford to hire the accounting clerks to write those letters and make those calls.

Yet each month the immigration service finds a way to allow dozens of its inspectors to take round-trip, all-expenses-paid cruises to places like Nassau in the Bahamas and Cozumel, Mexico, often accompanied by friends or family members whose expenses are also paid by the cruise lines. The inspectors' job is to check the passengers' travel documents on the return trip.

It is a curious division of re-

dollars on the black market. Year after year, dozens of employees are arrested for taking bribes or related crimes. Yet even when corruption cases repeatedly expose glaring weaknesses in the system, the agency usually neglects to correct them.

Deportation officers seldom deport anyone. Most deportations that do occur are carried out on an honor system. Deportees are asked to turn themselves in on a certain day. In New York, for example, only about 4 percent actually show up.

More than four million aliens come to the immigration service each year with simple and perfectly legal requests for green cards, work authorizations or other permits, but, as one senior manager put it, "we make people suffer." At I.N.S. offices throughout the country, telephones go unanswered, mail goes unopened, and immigrants stand in daylong lines that often lead them to surly, untrained workers who cannot answer their questions. Even Attorney General Janet Reno complains that sometimes when she calls the immigration service she cannot get through.

For its inquiry The Times interviewed more than 100 agency employees and visited immigration service offices in Chicago, El Paso, Los Angeles, Miami, New York, Phoenix and San Francisco, among other cities. The employees ranged from entry-level workers to senior officers at headquarters in Washington. Most were selected by their supervisors, presumably because the supervisors thought these employees would present the agency's best face. What the employees offered, however — with a candor that is rare in government — was a grim one.

"We have no mission, no tools, no leadership, so where are we?" complained Juan Bustos, a deportation officer in San Francisco.

Patrick E. Kane, acting director of the Phoenix office, said, "We're dabbling in everything and we aren't really doing anything."

Robert E. Crebbs, a special agent in San Francisco, lamented, "There's overwhelming apathy from top to bottom."

And A. D. Moyer, district director in Chicago, said: "A lot of people have gone out of their way to make this a cold, rude, insensitive and inefficient agency. The mentality of this organization leaves a lot to be desired."

Ruth Anne Myers worked for the immigration service for 33 years, and in June, just four days after she retired as director of the Phoenix office, she reflected on the agency's latest budget crisis.

"It's a mess," she said, shaking her head, "and I don't know if we've ever been in a bigger mess."

All of this fosters a numbing fatalism. As a senior examinations officer in Miami put it, "No matter what we do, good or bad, it makes no difference."

The Task

Impossible Job, Few Advocates

The service's mission, broadly stated, is to keep illegal aliens out of the country and admit legal immigrants in an efficient, orderly manner. To accomplish those goals it has about 19,000 employees and will spend \$1.6 billion this year. About one-third of that is from fees the agency collects from immigrants.

Its budget has nearly tripled and its work force has grown by 50 percent since 1986, but in that time the agency's workload has markedly increased, too.

Last year the agency admitted almost one million new residents and naturalized several hundred thousand others. It also handled more than three million requests for work permits, border passes or other documents.

In addition, the agency apprehends more than one million aliens each year as they try to enter the country illegally. Theoretically, the I.N.S. is also responsible for finding and deporting almost four million others who are here. And it must be ready to scramble whenever unexpected immigration emergencies flare, like those in Haiti and Cuba.

With all that and more, agency officials say, the I.N.S. is overwhelmed. In fact, the service's performance has usually been so lacking that others in Government have generally preferred to look the other way and dispose of the problem with a simple explanation: the task is impossible; there is no way the United States can control its vast, open borders.

As a result, the I.N.S. has remained, in the words of a former Commissioner, Gene McNary, "the agency nobody cared about — dumped on, dirty-faced kids."

The occasional official who does take an interest finds that a large part of the problem is the I.N.S. itself. "I tell you, 90 days over there, and you don't know whether to laugh or to cry," said Don Wortman, a former senior official at several Federal agencies who served on a Federal panel that studied the I.N.S. three years ago.

Most members of Congress see no political benefit in trying to improve the agency. After all, "in the immigration business, you're never right," said Chris Sale, the Deputy Commissioner. "Half the people always think you're wrong, depending on which half of the people you're dealing with."

An Unpopular Cause

As a consequence, the immigration oversight committees remain among the least popular in Congress. The Senate subcommittee has only three members, the minimum number, because "we could only find three senators who were willing to be on it," said Jerry Tucker, its longtime staff director. Only two other Senate subcommittees are as unpopular — the one that oversees the Federal deficit and the one that looks after the Internal Revenue Service. The House immigration subcommittee is among the smallest in that chamber, too.

But now, for the first time, the rest of Government may have to take an interest. Politicians from the border states are in open rebellion over Federal immigration policy, denouncing it as a failure. Several of those states are suing the Federal Government, saying millions of illegal aliens are draining their resources. And from Florida to California this year, immigration has become a fiery issue in election campaigns.

"Our immigration crisis demands action, and it demands it this year!" Gov. Pete Wilson of California, a Republican, declared in June.

Representative Anthony C. Beilenson, Democrat of California, said as the lawsuits were being filed this spring, "All of a sudden, immigration sort of arrived, or ripened and blossomed as a national issue."

Doris M. Meissner, the Commissioner of Immigration and Naturalization, is well aware that she runs a deeply troubled agency. "In the current climate," she said, "I don't think we can continue to get by with some of those outdated and traditional behaviors."

Ms. Meissner was a senior manager at the immigration service in the early 1980's and after that worked as an immigration expert at a research institute in Washington. When she took office last October, the Clinton Administration and Congress made it clear that they expected her to rescue the agency. Very quickly she outlined an aggressive strategy for change, and she is now reorganizing the management structure. It was "dysfunctional" when she took office, Ms. Meissner said.

Even with that change and many others planned, Ms. Meissner has come to a disquieting realization. The agency's problems remain so numerous, so deep and so daunting that many of her own employees openly question whether she or anyone else can turn things around.

"These are huge challenges," she said in an interview. "I know the jury's still out."

Attorney General Reno echoed that. "It is very difficult to create a functional agency," she said, "while at the same time addressing all the emergencies that constantly beset it," like the Cuban refugee crisis. "I don't think Doris and I are satisfied yet, but I am proud of what they have done."

Chaos at the Gates

First of five articles

sources — no staff to collect millions but just enough to perform a courtesy service for the cruise industry. Yet it is a classic example of the mismanagement that plagues the immigration service, perhaps the most troubled major agency in the Federal Government.

An investigation by The New York Times has found that the Immigration and Naturalization Service, an arm of the Justice Department, is a badly dysfunctional, hobbled by understaffing, underfinancing, conflicting mandates from Congress and widespread mismanagement failures, it is an agency in disarray. It lurches from one immigration emergency to the next, its employees demoralized, its mission unrealized.

On the most mundane level, the agency cannot even find a way to open its mail and answer its phones. On a more serious one, it does not make a concerted effort to find and deport most aliens with criminal records.

Even its own officials, inured to failure, consider the agency ill-equipped to handle its ever-rising demands.

"Lots of people are burned out, fed up, not willing to go on," said Walter D. Cadman, district director in Miami.

Among the findings by The Times, emerging from interviews with scores of I.N.S. employees nationwide, were these:

No agency of the Government is more vulnerable to corruption than the I.N.S., where front-line workers, paid little more than the minimum wage, give out green cards and other coveted documents that are worth thousands of

Insider's View of the I.N.S.: 'Cold, Rude and Insensitive'

By DEBORAH SONTAG
with STEPHEN ENGBERG

Special to The New York Times

WASHINGTON, Sept. 14 — Jamie Gorelick's baby sitter, a Colombian immigrant, could barely wait until the day she would be sworn in as a United States citizen. But when the notice of her swearing-in ceremony arrived, her heart sank. The ceremony had already taken place.

The baby sitter missed a second and then a third swearing-in because subsequent notices from the Immigration and Naturalization Service also arrived too late. So, anxious and confused, she turned last spring for help to her boss, who happened to be the Deputy Attorney General.

Ms. Gorelick oversees the immigration agency, but she said she had called the I.N.S. "just as myself." Transferred from number to number, she lingered on hold "for what seemed like forever," she said, until she was finally disconnected. She tried again and reached an answering machine. She left her name, home phone number and a request for assistance.

But the immigration service never returned the Deputy Attorney General's call.

With that brief encounter, Ms. Co-

Chaos at the Gates

Last of five articles.

relick got a taste of how the I.N.S. often treats its principal clients, for illegal immigrants, criminal aliens and corrupt brokers do not consume the bulk of its time. Rather, the agency expends most of its effort serving more than four million people from around the world who each year make simple and perfectly legal requests for benefits, from working papers to citizenship.

Every one of these clients pays a fee, generating \$576 million this year, or a third of the agency's budget. Yet immigration officials acknowledge that the agency often fails to provide them with humane, efficient service, leaving people like Ms. Gorelick's baby sitter (who eventually did get sworn-in) unnecessarily anguished.

"We're a monopoly, yet we make people suffer," said Phil Waters, the acting director of the agency's San Francisco office. "It's crazy. People are paying good money to get service from the Government, and we're not giving it."

Every day, across the country, immigrants' phone calls go unanswered and their letters sit unopened. Their files get lost, and their cases get improperly entered in anti-

quated databases. And often, because they get only a busy signal or a recording by phone, immigrants stand for hours, sometimes even overnight, in lines that snake through office buildings and parking lots.

In an interview, Attorney General Janet Reno said she had not quite believed a friend in Miami told her that it was impossible to reach the agency by phone. So she tried calling the Miami number herself — and could not get through.

With 19,000 employees and 65 nearly autonomous offices around the world, the immigration service is not a monolith. Every day, some immigration officers rise above their daily tribulations and hobbling constraints to offer compassionate, intelligent service. And any agency that serves almost five million clients a year is going to offend some of them and make mistakes with others.

But the I.N.S. mishandles far more cases than its share because the agency is organized in a way that allows some barely trained employees to bark at the clients, turn a deaf ear to their complaints or mishandle their requests.

"A lot of people have gone out of their way to make this a cold, rude, insensitive and inefficient agency," said A. D. Meyer, director of the immigration district in Chicago.

The I.N.S. is charged with two missions that many people inside and outside the agency find to be in conflict. On the one hand, the agency polices the borders and airports, arrests criminals and expels illegal immigrants. On the other, it provides services to an overwhelming majority who travel or already live here legally.

Of these two sides of the agency's personality, law enforcement has always dominated. In fact, making arrests at the border has always been the road to advancement. As a result, many legal aliens have long complained that some immigration agents treat them like criminal suspects. This attitude, coupled with the inefficiency that riddles the agency, often causes headaches and worse.

"The I.N.S. is completely like a Soviet bureaucracy," said Leonid Zagalsky, 39, a Russian immigrant in New York. "Every sign starts with the word 'no.' No smoking. No standing. No sitting. No asking questions. You cannot reach a human being by phone. And when you go, you stand for many humiliating hours in line only to reach a semi-human who answers your measly question by talking in a cabalistic language: 'I-95, dash, point 6, dash, B-52.'" (Mr. Zagalsky was referring to the agency's complex numbered forms.)

Many of the agency's own employees, interviewed in roundtable discussions at district offices across the country, openly ridiculed some of the agency's efforts to serve its clients. And almost without exception the employees said nothing had improved for them since Bill Clinton took office — in client service or any of the agency's other fields of responsibility.

"There've been changes, but it's not really better," Mr. Waters said. "We're falling even farther behind."

But the Commissioner of Immigration and Naturalization, Doris M. Meissner, said that she and others were struggling to improve. They are trying, for example, to promote the idea that immigrants should be treated with "humanity and respect," as Ms. Gorelick said. Mrs. Meissner has directed officials to stop calling immigrants "aliens" and to practice "enforcement with a heart."

T. Alexander Aleinikoff, who became the agency's general counsel in March, said, "I go around telling people: 'This is not the Deportation and Detention Service. This is the Immigration and Naturalization Service.'"

But as with all the agency's problems, the leaders are dealing with an internal culture that may be difficult to change.

One senior official at headquarters, for instance, rolled his eyes at the idea that "illegal alien" was no longer an acceptable term. He asked, "What are we supposed to call them, 'out-of-status visitors'?"

The System

10 Years In the Wrong Line

On their first days on the job, immigration employees learn that efficiency is usually the goal, not the reality. They confront mountains of paper files, and they inherit backlog upon backlog. In the meager training courses that only some of them attend, many only skim the surface of the very complicated laws they will administer. And they are taught to be vigilant about the deceitful practices of immigrants.

Overworked and guarded, they can make mistakes. And when they do, it can take months to correct them, if not years. Michael and Corazon Graves of Newark, Calif., believe they are paying a high price for what they see as the agency's willful refusal to correct its own error. In essence, an immigration official mistakenly told them to wait in the wrong line, and that line was 10 years long.

On May 13, 1982, an immigration examiner in San Francisco approved Mr. Graves's petition to sponsor his stepdaughter, a Filipino, for an immigrant visa. With that, he placed the stepdaughter, Maria Isabel Cruz, at the end of a long waiting list for prospective Filipino immigrants.

In 1992, the year Ms. Cruz and her three sons were finally due to arrive, Mr. and Mrs. Graves completed an addition to their home for them. Half a world away, Ms. Cruz thought her final interview, with United States consular officials in Manila, would be little more than a formality.

She was wrong. She emerged from the interview in tears, her mother said. The consular officials denied her a visa because the I.N.S. had made a mistake in approving the original petition. A stepfather, it turned out, cannot sponsor a stepchild who was married before the age of 18, as Ms. Cruz was. The Graves were unaware of this fine point of immigration law, and the examiner who approved their petition had either failed to read it thoroughly or had not known this herself.

The Graves should have been advised in 1982 that only Mrs. Graves, who is 50, had the right to sponsor her child. But they were not, and so they were told 10 years later to start from the beginning, returning to the bottom of another decade-long waiting list.

"We were in a state of shock," said Mr. Graves, a carpenter.

He hired a lawyer, who requested humanitarian parole for Ms. Cruz. That would have allowed her to enter the country and wait here for her visa. The parole was denied, in a letter from the district director in Thailand, who acknowledged that "the facts presented are certainly unfortunate."

Crying, Mrs. Graves said, "Sometimes I wonder, 'Will I still be alive by the time my daughter gets her papers?'"

Record Keeping

Filed Away In a Hodgepodge

The I.N.S. lost Jusuf Becovic's file in 1992 but refused to acknowledge it for almost two years. Every few weeks, Mr. Becovic's lawyer, Diane George, would call about the file, and an agency employee would say they were still searching for it. Finally, Mr. Becovic, a building superintendent in Manhattan, sued the agency.

After 10 months of litigation in Federal court and the intercession of two Congressional offices, the agency created a new file for Mr. Becovic, a Montenegro-born immigrant, and his wife, Hatidza. With that, he and his wife were finally able to renew their work authorization.

"For two years, I had to keep it secret from my company" that his work card had expired, Mr. Becovic said. "I would be fired."

Problems like this have their roots in a record-keeping system that combines 44 million paper files with a hodgepodge of more than a half-dozen outdated computer systems that cannot talk to each other.

Despite almost 20 years of consultants' studies, promises and plans, the I.N.S. still

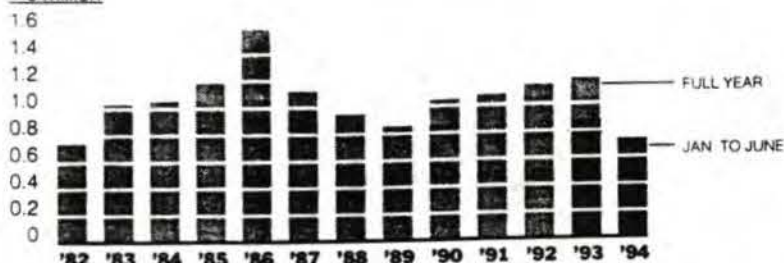
KEEPING TRACK

At the Border

NEW TACTICS...

The Border Patrol considers the number of aliens apprehended after crossing the border a measure of its effectiveness. In 1993, the Border Patrol in El Paso tried a new tactic: preventing aliens from crossing instead of catching them after they crossed. Apprehensions dropped by 72 percent. At right are the Border Patrol sectors of the Southwest and the apprehensions of illegal aliens in El Paso as well as the total of all others over the last two years. The figures are for fiscal years, ending in September.

1.8 million



CALIF.

San Diego

ARIZ.

Yuma

Tucson

N.M.

El Paso

TEXAS

Marfa

Del Rio

Laredo

McAllen

MEXICO

... AND THEIR EFFECT

At left are the total nationwide apprehensions at the border. In the first half of 1994, aided by the success of the operation in El Paso, agents made 17 percent fewer apprehensions than in the same period last year.

Sources: Border Patrols, Immigration and Naturalization Service

The New York Times

When a year ago, Mr. Reyes was reassigned to El Paso, and he found the Border Patrol office there running out of control. Thousands of illegal aliens were streaming across the Rio Grande without constraint. Border Patrol officers were chasing them through the streets, backyards and parking lots. Often the officers grabbed El Paso residents by mistake and demanded proof that they were citizens.

There had been brawls and shootings, accusations of abuse, and loud public protests. The city had risen up in outrage, and a federal judge had ordered the patrol to stop questioning people based solely on their appearance.

"The sector was in trouble," Mr. Reyes said. Officials in Washington said they had asked him to calm things. He decided a radical new approach was needed. Just as he had in McAllen, the now chief planned to redeploy his men along the river — close the border for 30 days, except at the legal crossing points. This time he called it "Operation Blockade."

The Pitch

'They Thought I Was Crazy'

Mr. Reyes sent a proposal for "Operation Blockade" to Mr. Kruhm in Washington, along with a request for \$525,000 in pay for the expected overtime and for fence repairs.

"They turned me down flat," Mr. Reyes said.

Mr. Kruhm said: "We had no funding for that in the program. We'd started that year with a \$10 million deficit."

Another senior I.N.S. officer who spoke on the condition that his name not be used recalled the thinking among officials in Washington this way: "They were saying: 'Why in the hell does he want to do this? We don't have any money.'"

"As far as I was concerned," the official said, "nothing was going to happen."

Stories differ about what happened next. A senior official said Mr. Reyes had then called an officer he knew in the immigration service's financial office to see if he could come up with the money on his own. The financial officer offered him about \$300,000 in end-of-the-budget-year money that had to be spent.

Mr. Reyes said that account was "factual and accurate," and he added that Mr. Kruhm was openly irritated when he heard about it.

But Mr. Kruhm says that's not true. "I got the money for him," he insisted.

Whatever the truth, after the money arrived, Mr. Reyes briefed his officers, and they made it clear that they did not like their new orders.

"They thought I was crazy," Mr. Reyes said. "But I told them: 'I'm not interested in apprehensions. I'm not interested in generating numbers. I'm interested in controlling the border.'"

Mr. Reyes said he had also made headquarters "promise that I would not be penalized if I didn't have big apprehension numbers."

The Blockade

A Sunday Surprise Sets Off Ripples

The new strategy went into effect last year on Sunday morning, Sept. 19. Every Sunday, more than 10,000 Mexicans waded across the river to El Paso so they could show up for work the next morning. But when the Mexicans looked across the river that Sunday, they saw a Border Patrol vehicle stationed every 100 yards or so along the entire border. More than 400 agents were waiting for them, stretching from one end of the town to the other and beyond.

They couldn't get through. The border was closed and would stay closed.

The next day, merchants in downtown El Paso began complaining that sales were down; the Mexicans were not coming in to shop. Many other city residents were upset because their employees had not shown up for work.

But within a few days the residents of El Paso began to see other effects. The police reported that the number of auto thefts and petty crimes had fallen. Merchants reported that shoplifting had dropped off. And everyone noted that city streets were largely free of beggars and windshield washers.

At the same time, many of the Mexican workers who had been crossing the border illegally because it was so easy started applying for border-crossing permits. As the permits were granted, the Mexicans — most of them maids and gardeners and in other service jobs — began returning to work, and merchants said sales started to pick up again.

'Mexico Was Calling'

"By the end of the week," said Al Giugni, district director for the I.N.S. in El Paso, "it had grown bigger than life itself. Radio and television and newspaper people were talking about nothing else. And they did polls." Though unscientific, the results were consistent: all of the polls showed public approval of 80 percent to 95 percent.

Chaos at the Gates

TODAY A Border Patrol success story fell on deaf ears in Washington.

SUNDAY Immigration agency is mismanaged; its ranks, demoralized.

MONDAY The corruption virus: It spread through the Washington office.

YESTERDAY The most wanted: A poor record of deporting criminal aliens.

TOMORROW

Cold, rude and insensitive: The agency ill serves its clients.

But to the Border Patrol in El Paso, Washington seemed unimpressed.

"The embassy in Mexico was calling," Ms. Sale, the Deputy Commissioner, said. "We got beaten up for not consulting the Mexican Government first. The Mexicans didn't like the name Operation Blockade, and certainly there were persons in the State Department who'd have been happier if it didn't happen."

At the time, the Administration was trying to win Congressional approval of the North American Free Trade Agreement, and the State Department was trying to be especially considerate of Mexican interests.

As a result, "we were asking a lot of questions" of Mr. Reyes, Mr. Kruhm added, "and I'm sure the people in El Paso felt we were not supporting them."

In calls to Mr. Reyes, officials familiar with the conversations said, his supervisors told him the operation was jeopardizing the trade agreement and causing other problems as well. During one conference call, two officials said, Mr. Reyes finally became exasperated and asked, "Are you telling me to call this off?"

If so, he went on to say, then he was going to hold a news conference and give out the name of the official at headquarters who had ordered him to do it.

Mr. Kruhm said: "He could have said that, but he was under a lot of pressure then. We were all under a lot of pressure."

The Aftermath

Changing a Name, And Some Minds

Even though he was getting little support from headquarters, when the 30 days were up Mr. Reyes decided to maintain the new border deployment permanently. He did make one concession. Since the Mexicans disliked the name Operation Blockade, he adopted another one, the one he had used for that first operation in McAllen: "Hold the Line."

Whatever their feelings in the early days, the officials at headquarters have given Mr. Reyes some new personnel this year to help him maintain the operation. And no matter how the service's leaders felt about Operation Blockade a year ago, it is clear that Mr. Reyes has brought changes in thinking at headquarters today.

"The operation was initiated by the chief," Mr. Kruhm says, "but now we have initiated similar operations in other areas, in South Texas. There was no fanfare, but they worked. They were very effective."

There has been another change, too.

"We are now trying to get away from using apprehensions as a measure of effectiveness," Mr. Kruhm said. "We really aren't getting anywhere when we go to Congress and say we made a million apprehensions last year."

"I think we should be saying how many people we prevented from coming in."

A Success at the Border Earned Only a Shrug

By JOEL BRINKLEY

Special to The New York Times

Continued From Page A1

EL PASO — Silvestre Reyes, chief of the Border Patrol here, accomplished something no other officer of the Immigration and Naturalization Service ever had. He got the border in his sector under control. Not just for a brief, flashy demonstration, but permanently.

El Paso had been the nation's second-busiest border crossing for illegal aliens. Every day, 8,000 or more people waded across the Rio Grande, then melted into the city's Hispanic neighborhoods. But in September 1993, Mr. Reyes devised a new border-control tactic. He positioned 400 of his officers right on the border, forming a blockade of sorts. It brought illegal immigration to a virtual halt.

The strategy has been in effect for a year now, and the border here remains generally quiet. With that, Mr. Reyes is dispelling the widely held belief that the nation's borders cannot be controlled without Draconian, police-state tactics.

His tactic may not work as effectively everywhere, but to the residents of El Paso, Chief Reyes is a hero. And in other immigration service offices around the country, em-

able about being put in this position. It was like a Laurel and Hardy movie: 'This is a fine mess you've gotten us into, Ollie.'

Chris Sale, the Deputy Commissioner, demurs. "That was not a message we deliberately sent," she said, "but I can see now that would occur."

Ms. Sale was acting commissioner at the time because the Clinton Administration had not yet appointed someone to lead the agency. During the first days of Mr. Reyes's operation, she said, "those of us in Washington, frankly politically leaderless, needed to make sure that we didn't end up in a situation that anyone at a policy level would regret."

Casting Doubt on the Old Way

There were other considerations. Mr. Reyes's approach threw into question the fundamental Border Patrol strategy of the last several decades: Let aliens cross the border, then try to catch them. That way, the Patrol could demonstrate to Congress that it was catching more and more aliens every year and request ever larger budgets.

The Mexican Government, meanwhile, had long been contending that anything impeding on the free migration of Mexican laborers was an affront to the nation's sovereignty. New Mexican political commentators were calling the El Paso operation another example of American "xenophobia."

Soon, Mexico filed a diplomatic protest, and that upset the State Department. As a result of that and other complaints, "I still have pockmarks on my rear end from being chewed out," said Doug Kruhm, acting chief of the Border Patrol.

Several I.N.S. officials said some of the service's leaders had tried to persuade Mr. Reyes to call off the operation. "When it came right down to it," a senior official said, "they were uncomfortable with the idea of controlling the border."

Ms. Sale and Mr. Kruhm deny that.

"There were a lot of questions," Mr. Kruhm said. "It could have been a real mess. But I don't personally remember anyone saying, 'Let's back off of this.'"

Still he added, at one point Washington, trying to save money, told Mr. Reyes, "Maybe you'll have to pull it in some — not do so much."

Applause for a 'Celebrity'

Today, almost a year later, Mr. Reyes is a celebrity of sorts among immigration experts, who see his work as a model for the service. And officials from other border states, some of them angry because illegal immigration increased in their areas after the border in El Paso was closed, are demanding that the I.N.S. apply his strategy in their districts, too.

The Border Patrol maintains offices all along the border, administratively separate from the immigration service's district offices but co-equal with them. And now Congress is giving the I.N.S. money for new

Border Patrol agents so the service can replicate Mr. Reyes's "extremely effective border patrol model" in other areas, as a House report puts it. In fact, several Government officials said they saw the El Paso operation as the immigration service's only real success in recent years.

Now some officials at I.N.S. headquarters are taking credit for the operation.

"All Silvestre Reyes did was put into effect what was already being discussed in concept here," Mr. Puleo said with a dismissive tone.

"Puleo said that?" Mr. Reyes responded. "That's an irony. I'm really surprised, especially since I kept getting hammered at the time."

The Idea

Stopping Trouble Before It Starts

Mr. Reyes, 49, is the grandchild of Mexican immigrants who fled the war and violence in Mexico 80 years ago. Silver, as he is known, grew up the eldest of 10 children in a suburb of El Paso. After college, he served in Vietnam, and when he returned home, he took several Civil Service exams. As he tells it now, the Border Patrol was the first Federal agency to call.

He rose through the patrol's ranks and was named head of the McAllen sector in 1984, becoming the Border Patrol's first Hispanic sector chief. And it was in McAllen, in the lower Rio Grande Valley, that Mr. Reyes got the idea for his new border strategy.

There, as elsewhere, Mexicans poured across the border every day. Border Patrol officers caught as many as they could and logged the apprehensions. After that, they packed the Mexicans onto buses and drove them back across the border. Many returned the next day.

But in about 1988, Mr. Reyes started noticing that many of the aliens were coming from Central America, and they had to be sent home by plane. That quickly grew expensive. So instead of seizing the illegal aliens Mr. Reyes decided to keep them out of the country in the first place.

A Wall of Officers

To do that he redeployed his men right on the border — "the line" in Border Patrol parlance.

"I figured that if we blocked the line," Mr. Reyes explained, "it would back up the aliens on the Mexican side and start causing them problems over there."

He named his operation "Hold the Line," and it worked. "But I didn't have the resources to keep it up," he said.

The normal strategy, grabbing people after they crossed the border, allowed Mr. Reyes to keep as many, or as few, agents on duty at one time as the budget permitted. But "Hold the Line" required a constant presence of hundreds of agents, so the overtime expenses grew ruinous. He called the operation off after six weeks.

Chaos at the Gates

Fourth of five articles.

employees who despair of a lack of leadership at headquarters see Mr. Reyes as a glimmer of hope.

"There's no strategic vision coming out of Washington, but that fellow in El Paso, he kind of revolutionized the thinking," said an assistant district director in the Los Angeles office. "He showed Washington that you can control the border."

But as the success of Mr. Reyes's strategy became clear a year ago, his superiors in Washington did not seem to see it that way. Rather than encourage or congratulate him, they greeted Mr. Reyes's achievement with skepticism at best, hostility at worst, depending on whose version is believed.

"We got caught behind the curve," grumbled James A. Puleo, who, as an executive associate commissioner in Washington, was one of Mr. Reyes's supervisors. The operation's surprising success raised questions by others in Government — irritating Mr. Puleo and others at I.N.S. headquarters because they were not immediately able to answer them.

Mr. Reyes said: "Their general attitude was, they were uncomfortable



Illegal immigration is under control in El Paso, but the achievement is not universally cheered.

THE NEW YORK TIMES, WEDNESDAY, SEPTEMBER 14, 1994

selling dope under a phony name, we have to prove who they are and that they are an alien."

A recent visit to the deportation screening program at New York City's jail on Rikers Island illustrated just how labor intensive each case is, especially given that many inmates do not tell the truth and that the agency's own computer system is so often unreliable.

On a foggy morning in July, an immigration agent interviewed a Colombia-born inmate who had once pretended to be Ecuadorian. A 33-year-old with spiky hair, the inmate told the agent that, first, he was innocent of promoting prostitution and, second, he had a green card locked away with his wallet. The agent asked him if any relatives knew his green card number.

"We try to find a relative because often a computer screws up," said the agent, who would speak only anonymously. "We have to check with mom to get the correct information."

After that, the agent interviewed a 17-year-old Trinidadian, an illegal alien serving four months for attempted robbery. Tall and thin and scared, he blinked as his eyes welled with tears when he suddenly realized he faced deportation.

The young man insisted that his parents still lived in Trinidad, hoping the agent would not try to telephone them. But the agent had already spoken to the teen-ager's mother that morning, in Queens. "She was happy to tell me that he had overstayed his visa," the agent said. "She said, 'Please, send him home.' You'd be surprised how often parents contact us and say, 'Please, deport him: and save his life.'"

In all likelihood, immigration officials will release this young man, either on his own recognizance or on a bond of several thousand dollars. If he is subsequently ordered deported, that, as the system works, he will have a choice: turn himself in or remain here illegally.

The Honor System Many Fugitives, Few Pursuits

The Immigration and Naturalization Service conducts most deportations on an honor system. It mails deportees notices asking them to turn themselves in on a given day. But so few surrender that deportation officers sarcastically refer to the notice as a "run letter." In New York, about 96 percent of those receiving the letter run.

Nationally, the agency has a docket of about 90,000 fugitives who failed to show up for either their court hearings or their scheduled deportations. Immigration officials say most are able to evade the system because the agency lacks the resources to go after them. Some deportation officers, however, bitterly noted that their supervisors had allowed others to spend the agency's paltry resources on apartment building raids while criminal aliens remained at large.

A few immigration districts, like Boston, assign squads to search for fugitives, but most only sporadically send officers out on what the agency calls a "leg and baggage" — "bagging" a fugitive who then, theoretically, packs his baggage.

'Wall of Shame'

"Every now and then, we like to have each officer pick from his docket and have a chance to get out," said Tony Marian, an assistant district director in San Francisco. "But with 4,000 cases an officer, it's a losing proposition."

In that office, Bob Magee, a deportation officer, keeps a strip of 11 mug shots on his bulletin board. He calls it his "wall of shame." Are these the toughest criminals he has deported recently? No, Mr. Magee said, they are all the aliens he has deported in the last year.

To expedite the deportations, the immigration service began an "institutional hearing program" eight years ago. The idea is to hold deportation hearings in state prisons before inmates are released rather than after, as in immigration courts. But the program has met with only limited success because lawyers and judges are reluctant to make the trek to the far-flung prisons where the states scatter the inmates.

Still, the agency believes that the hearing programs are the key to exerting some control over the problem of criminal aliens. And it is negotiating with the states to make the system work better, following the model of a recently improved program in New York. But critics of the I.N.S. distrust the prison hearings, saying the aliens have limited access to counsel.

The critics also note a contradiction: the agency is eager to speed up deportations, yet it does not have a nationwide system that allows inmates to waive their right to a hearing and return to their homeland immediately.

The Revolving Door One Deportation After Another

Born in the northeast Mexico state of Tamaulipas, Mr. Garza, who now lives with his mother here in Gilroy, moved to the United States at the age of 2. That was 40 years ago, and now George, as he calls himself, is thoroughly Americanized. He speaks better English than Spanish, with a singsong inflection but no accent. He refers to Gilroy, "the garlic capital of the world," as his home.

Mr. Garza started getting into trouble early. By the time he was 18 he had been arrested 10 times and spent a term at a correctional ranch. From that point on, addicted to heroin, he thieved, burgled and sold drugs to support his habit. He often bungled his crimes. One time he stole a leather jacket from a department store and got caught only because, tags dangling, he courteously held the door for a security guard.

"George is a stone-cold burglar but not a very good one," said Sergeant Crumrine, who said he has arrested Mr. Garza at least 10 times.

Mr. Garza was first found deportable in 1974, when a judge ruled that a string of burglary convictions reflected "moral turpitude." But Mr. Garza lasted just 10 days in Mexico. Within a year of his return to the United States, he ended up back in state prison. On his sentencing, a local assistant district attorney noted: "This man is an incurable heroin addict. Although he is an alien, deportation would solve nothing since he would only return illegally."

Released, Released, Held, Released

With every new deportation, Mr. Garza walked out the border gate, lingered a few hours in Mexicali or Nogales, Mexico, and then marched back through inspections. It is unlikely that an inspector ever received word from a deportation officer to look out for him, officials said. That is not procedure.

Each time Mr. Garza returned, he fell into the agency's net only after he landed back in prison. In 1988, while he was serving time for parole violations, the immigration service opened Mr. Garza's most recent deportation proceeding. But a general immigration judge released him on \$5,000 bail because of his "good work history." Between sentences, Mr. Garza had held down jobs as a furniture deliveryman, painter and factory worker.

Mr. Garza never showed up for his subsequent deportation hearing, but he had a good excuse. He was back behind bars again. This time, immigration officials placed a detainee on him at the Santa Clara County Jail in California. Still, officials at the jail released him, probably because they had a shortage of beds or because the agency did not pick him up promptly.

And that was that. The agency dropped his case.

Then, this summer, Juan Bustos, a deportation officer in San Francisco, inherited 1,000 cases from an officer who had been transferred. He stumbled upon Mr. Garza's thick file, which was so disorganized that Mr. Bustos did not realize that he had been deported so many times.

But he did shake his head. "What's wrong here?" he said. "This guy should be picked up."

But Mr. Bustos rarely gets permission to leave the office. And Gilroy, a two-hour drive south of San Francisco, lies outside the radius of his deportation activities. So, as Mr. Garza's file shows, Mr. Bustos sent a memorandum to the Border Patrol station in Salinas, Calif., asking that office to "assign this case for location."

Mr. Bustos suspected that the Border Patrol would do nothing. He was, he said, just covering his behind.

Porous Deportation System Gives Criminals Little to Fear

By DEBORAH SONTAG

Special to The New York Times

GILROY, Calif. — Jorge Luis Garza Gorena, a beefy man with tattoos like scrollwork, was first deported to Mexico 20 years ago. But within a week Mr. Garza, a thief, burglar and heroin addict, had walked back across the border, smiling at an immigration inspector as he falsely declared himself a United States citizen.

Over the next 15 years, immigration officers deported Mr. Garza five more times. And five more times he easily returned, flashing his California driver's license at inspectors who had no access to his records. Then, in 1989, after a bureaucratic slip-up, the Immigration and Naturalization Service lost track of Mr. Garza altogether, sticking his bulging case file into a drawer stuffed with lost causes.

In early August, it took The New York Times about four hours to find Mr. Garza in this Central Valley town, relying only on the information in his I.N.S. file. It would have taken less time if a reporter had looked first in one of the most obvious places — Mr. Garza's mother's house on Forrest Street, as noted in the file.

Mr. Garza fits the profile of the alien whom immigration officials most want to deport: the career criminal. At 42, he has spent half his life behind bars. His record includes at least 10 felony and 12 misdemeanor convictions, mostly for burglary, theft and drug possession. He is a multiple, flagrant violator of immigration laws. And yet, while technically on the lam, he lives in this country freely.

Chaos at the Gates

Third of five articles

That is because the immigration agency, plagued by inefficiency, has not even begun to address the vast task of getting convicted criminal aliens out of the country.

Keeping track of people like Mr. Garza is a challenge for the agency. Expelling them is an even more elu-

Continued on Page B9, Column 1

sive goal. Preventing criminal aliens from returning, officials said, is the final Sisyphean task.

Illegal aliens convicted of crimes in this country are deportable just by dint of their illegal immigration status; legal immigrants can be deported if they commit almost any drug crime, most violent crimes, money laundering, firearms sales or felonies loosely defined as "crimes of moral turpitude."

Convicted criminals make up a minuscule fraction of this nation's 20 million immigrants and only about 5 percent of those who are eligible for deportation. Since the 3.75 million other candidates for deportation are mostly industrious immigrants, convicted criminals are the agency's focus — by order of Congress.

But of an estimated 200,000 or more convicted criminal aliens, the agency deported only about 20,000 last year.

Mr. Garza was not one of them. As his mother mopped the kitchen floor, he fidgeted with his Ray Ban glasses and described the immigration agency's repeated pursuit of him through six deportations as little more than a nuisance. From the first time officers pushed him out the border gate at Calexico, Calif., he knew he had to come back, he said. He simply did not know how to survive in his homeland.

"One of the things about me," he explained, "I was always a good thief. Those were my means of support. But in Mexico, you don't do that. I couldn't get away with it."

Mr. Garza said he lived in real dread of only one official: Sgt. Dan Crumrine of the Gilroy Police Department, an unrelenting lawman known on the streets as "Deadeye." By comparison, he said, immigration agents were mere "mosquitoes."

Mr. Garza understood that by granting an interview he ran the risk of calling the immigration agency's attention to his whereabouts. But he said he felt that the risk was minimal.

"After all the funds and all the time that immigration wasted, I guess they finally just got tired of hassling me," Mr. Garza said. "I haven't heard from them for years."

The Priority Focusing Efforts On Criminals

I.N.S. officials attribute many of the agency's difficulties to the nation's fundamental ambivalence about immigration, a profound empathy tempered by a fear of being overwhelmed.

But much of that empathy vanishes when it comes to criminal aliens. And the mandate from Congress and the governors of the major immigrant states could not be clearer: get rid of them.

Yet, as Mr. Garza's case shows, even high-priority immigration programs suffer from the poor financing, mismanagement and faulty oversight that cripple every aspect of the agency's work.

Eight years ago, Congress formally directed the agency to make criminal aliens a primary target. Since then, the number of criminals deported has increased twentyfold. But a majority of deportable criminal aliens still do not have to worry about an imminent return home.

Immigration officials acknowledge that they seldom visit city and county jails and almost never check with parole or probation offices.

Immigration agents, for example, never interview any of the prisoners in the 49 counties of Northern California, between Bakersfield and the Oregon border. And in the El Paso area alone, where the local immigration office plans to begin screening probationers soon, about 7,000 candidates for deportation have been ignored until now.

Imprisoned but Not Deported

While the I.N.S. does pay more systematic attention to state prisons, agents miss many foreign-born inmates in them as well. And many of the inmates they do find are released from prison before their immigration cases have been processed. Then they are virtually free to disappear. About 11,000 "aggravated felons" — convicted mostly of drug crimes and violent crimes — had absconded from the system by 1990, the last year the agency counted.

Once criminal aliens disappear, the agency deploys few officers to chase them. With overwhelming caseloads, the nation's 284 deportation officers rarely get a chance to leave their desks, much less to search for fugitives and remove them from the country.

"We are not successful where removal is concerned, by and large," said Doris M. Meissner, the Commissioner of Immigration and Naturalization.

Many who are deported re-enter the country easily. They face stiff penalties — up to 15 years in prison — and each year the Justice Department prosecutes about 1,000 criminal aliens who have returned. But so many get away with it that in California many criminal aliens once they have come back, even resume reporting to their state parole officers.

The Problem In Custody, Out of Custody

The immigration agency does not know the size of the criminal alien population, or what proportion are illegal aliens. Congress ordered a census of criminal aliens in 1990. But a senior immigration official said the agency never did it because it would have taken three years and cost \$2.2 million, money that had not been allocated.

All the agency knows for sure is that Federal and state prisons hold about 90,000 foreign-born inmates and that most of them are deportable after they complete their sentences.

Immigration agents concentrate their energies on finding these aliens, since they are already in government custody. But they consider it a daunting task to reach even them, since there are more than 4,700 penitentiaries in the country and only 33 I.N.S. district offices.

For years, the immigration agency has been negotiating with the states to funnel all foreign-born inmates through a handful of prisons for interviews and hearings.

To prepare their cases against criminal aliens, immigration agents must personally interview them and investigate their stories.

"Remember that people don't usually get arrested selling crack with their Dominican passport in their pocket," said Charles Ferrigno, chief of the criminal alien division in New York's immigration office. "If they're

Chaos at the Gates

TODAY The most wanted: A poor record of deporting criminal aliens.

SUNDAY Immigration agency is mismanaged; its ranks, demoralized.

YESTERDAY The corruption virus: It spread through the Washington office.

TOMORROW A Border Patrol success story fell on deaf ears in Washington.

THURSDAY Cold, rude and insensitive: The agency ill serves its clients.

112

7

The Lessons

Simple Safeguards Have No Takers

Over the years, the immigration service has responded sluggishly, if at all, when confronted with broad evidence of security weaknesses.

In one instance, Maria Bellardo Hughs, an I.N.S. employee in Miami, exploited a flaw in the agency's procedures that allowed her to sell green cards for permanent residence to Colombian drug dealers. She was indicted in 1986 and has yet to be apprehended. A few years later, Christopher Matos, a New York immigration official, exploited the same flaw and accepted \$100,000 in bribes from, among others, Colombian drug dealers.

That prompted the Justice Department's Inspector General in 1990 to warn the agency explicitly about the loophole. The agency has still not taken remedial action.

Mr. Chase, the agency's director of internal audit, was chagrined by this instance and others brought to his attention by a reporter. His small office has only five investigators with many other responsibilities. Nonetheless, he said, he would immediately begin a broad study of previous corruption arrests to identify and eliminate systemic weaknesses.

"These are things that I.N.S. managers should do without any prodding from a journalist or anyone else," he said. At the same time, he added, "The vulnerabilities are still there, and as a member of I.N.S. senior management, I don't feel very good about that."

There are more examples. In 1985, Tyson Jolliffe, head of computer security at headquarters in Washington, was convicted of selling green cards. He had taken advantage of a gaping security hole in the agency's primitive computer system: any authorized user could alter files, and no record was left showing who had done what.

The next year, Mr. Connery, who was chief of internal investigations from 1980 to 1986, publicly called on the agency to fix the problem. But an "audit trail" system that tracks the work of each person using the computer was not installed until after Patricia MacKey, a supervisor in the Miami office, was arrested in 1992. She was charged with changing the computer records of as many as 1,600 aliens who had bought fraudulent green cards from her.

Even now, no one is using the new audit trail system to look for corruption because, the agency says, no staff members can be spared for that.

More than 10 years ago, Mr. Connery pressed the I.N.S. to stop relying on rubber stamps to validate many vital document because they are so easily copied and misused. The agency's examinations branch promised to do so, he said, but the \$250,000 set aside to buy mechanical stamping devices was lost in one of the agency's perennial budget crises.

Today the agency continues to use rubber stamps, and when William Tait, a deputy assistant director in the San Francisco office, was charged in June with selling green cards, I.N.S. officials said he had used a duplicated rubber stamp in his scheme. Investigators believe he may have received \$1 million since the early 1980's.

Ms. Meissner, the Immigration Commissioner, said the repeated failure to learn from the corruption cases was "absolutely unacceptable."

She and her aides attributed some of the agency's failures to a reorganization mandated by Congress in 1989.

That year, the immigration service's internal affairs unit was disbanded and replaced by an Office of Inspector General, which was charged with ferreting out job-related misconduct throughout the Justice Department. As the new Inspector General began making corruption arrests, the agency's leaders had no one assigned to follow up. Finally the agency set up its own office of internal audit in 1992.

"There was a gap," Mr. Chase said.

But Mr. Connery said the chronic indifference to security was deeply rooted in the agency's culture, dating back decades.

"They need a program, a massive program, to stop this thing," said Mr. Connery, who was head of investigations at the New York office until he retired in 1992.

John Britton, the Miami Border Patrol agent who initiated the case against his colleague, Ms. MacKey, cited a lack of will. "There doesn't seem to be any motivation from the top to counteract the problem," he said. "After an arrest, the attitude is: 'It's an embarrassment. Let's ignore it.' Until it happens again."

THE NEW YORK TIMES, MONDAY, SEPTEMBER 12, 1994

One Broker's Slide Into Bribery

By STEPHEN ENGELBERG

Special to The New York Times

SPRINGFIELD, Va. -- When Norberto Escobar and his wife, Ivette, hung out their shingle as immigration brokers in October 1990, they knew little about United States immigration laws. For a time, Mrs. Escobar had worked in another broker's office. Mr. Escobar had recently lost his job selling cars.

Their company, Best Services, was a modest venture, run from their home at first. The Escobars said they had taught themselves the rudiments of the law from a handbook published by the American Immigration Lawyers Association. And so they set to work guiding fellow Salvadorans through the labyrinth of immigration service forms.

Across the country, thousands of people like them provide immigration advice at rates far below those charged by lawyers. (An application for political asylum, for example, might cost \$2,500 if done by a lawyer; Mr. Escobar charged \$700.)

Many brokers offer legitimate services. But they also are prominent in corruption cases, both as bribers and as vendors of fraudulent documents. They are unlicensed and do not face the kind of bar association oversight that lawyers do.

Mr. and Mrs. Escobar said they had begun paying bribes to compete with Osvaldo Vera, another broker who used bribes to get work cards for his clients in just a few hours. Usually there is a two-month wait.

In the bribery schemes that beset the Washington office of the I.N.S., the brokers profited the most. While the employees were typically making \$100 per work card, the middlemen were charging immigrants \$500 to \$700.

When the investigations were over, Mr. Escobar, Mr. Vera and four other brokers working the Washington district stood convicted of bribing Federal employees. Their prison sentences ranged up to five years. Mrs. Escobar was not charged.

Price Tag: Coming to America

Immigration service and Justice Department officials said recent investigations and arrests had shown these to be common street prices for the illegal purchase of various immigration documents or benefits

Allowing illegal aliens to cross the border



A car full \$25,000



A van full \$30,000



A tractor-trailer truck full \$100,000



Certificate of Naturalization
\$40,000-
\$50,000

30

The Promotion

Trusted Employee Already Tainted

Although it is not one of the nation's immigration hot spots, the district office that serves the District of Columbia and Virginia is one of the nation's busiest. And like his counterparts in the service's 32 other districts, William J. Carroll, the director, continually pleads with headquarters for more people.

In 1990, Mr. Carroll put in another urgent request for help, on the eve of a new, Congressionally created program that gave immigrants from El Salvador temporary legal status. His staff, he warned, could not process the tens of thousands of Salvadorans who would show up.

Headquarters thought he was exaggerating. Phyllis A. Howard, the assistant district director for examinations in the Washington office, recalled being told by senior officials, "Just get the job done."

On Jan. 1, 1991, the first of nearly 30,000 applicants began streaming to temporary I.N.S. offices set up in church basements and community centers, spending hours in line in the winter cold. And as the district's senior managers struggled with the chaos, they all but forgot one of the district's sleepy sub-offices, at 1521 Danville Street in Arlington, a few miles from the main office.

Just as the Salvadoran program was beginning in January 1991, the Danville Street

Chaos at the Gates

TODAY The corruption virus: It spread through the Washington office.

YESTERDAY An agency is mismanaged; its ranks, demoralized.

TOMORROW The most wanted: A poor record of deporting criminal aliens.

WEDNESDAY A Border Patrol success story fell on deaf ears in Washington.

THURSDAY Cold, rude and insensitive: The agency ill serves its clients.

office supervisor left, and the next most senior employee, Bertha Mae Brown, was temporarily promoted to supervise the remaining two employees. Mrs. Brown had worked for the agency for 24 years. She seemed a natural choice.

"I trusted her," Mrs. Howard said.

Jewelry, Perfume and Cash

But court papers show that even before the promotion a Ghanaian immigration broker had enticed Mrs. Brown into corruption. He began by inviting her to lunch. Soon, the records show, she was granting legal status to Ghanaians who did not qualify.

Mrs. Brown's two subordinates, Carol Adams and Nazarea Holmes, struck their own deals with brokers. On one occasion, Mrs. Brown told investigators, she passed a cash-filled envelope from a broker to Ms. Holmes. About that time she was named a Washington district "employee of the month."

The brokers showered gifts on the three women at Danville Street, including sweaters, a video recorder, a leather coat and a television set delivered to the office in a large paper bag. Mrs. Brown later admitted that she had received gold jewelry, perfume, a trench coat, \$6,500 in cash and two trips to Atlantic City.

Mrs. Brown reported to Lynn Nelson-Paretta, the deputy district director. Ms. Nelson-Paretta supervised the sub-office and seven other major programs in the district and said she had visited Danville Street "maybe once a month." After a few months, she shifted responsibility to Mrs. Howard, who also visited the office no more than once a month.

"We didn't have time to think, 'How can we cross-check?'" Ms. Nelson-Paretta recalled. "All energy was devoted to getting the job done, the people processed."

The Bribes

A Contagious Temptation

As the bribes flowed at Danville Street, the brokers also began to corrupt the district's main office. A broker who specialized in Latin American clients testified that in November 1990 he had begun paying one clerk there, Saundra Thomas, \$100 for each work card she would slip him. To her, that was no small sum. Mrs. Thomas's take-home pay barely topped \$250 a week.

Work cards are prized by illegal aliens. Employers generally accept them without question, and they allow an alien to obtain a driver's license or Social Security card. In Virginia, they can be used to buy guns. Mrs. Thomas was put to work producing the cards, in Room 446 of the district's main office.

Although supervisors two floors below visited once or twice a day, Mrs. Thomas and the other clerks were left alone in the small room for long hours, surrounded by throngs of immigrants and brokers. At hand was the card machine and unlimited boxes of plastic laminate.

The cards were supposed to be given only to immigrants whose applications had been approved by more senior examiners. But the office had no system for making sure that the cards the clerks produced matched the applications.

"Everything was coming in fast, the controls weren't there, and there were opportunities," said Mrs. Howard, the supervisor.

As the months passed, the bribery proved contagious. Brokers compromised employees almost as soon as they were hired. One clerk began accepting \$2,000 every week. Another took her first \$100 bribe one month after starting work.

Everything began to unravel that May. An investigator in the Washington district office got a tip that something was amiss at Danville Street. The Justice Department's Inspector General was called in.

The case broadened in December when five aliens applied for Social Security at a local office. They presented I.N.S. work cards that, improbably, were numbered in sequence, arousing the suspicions of a Social Security worker who called an investigator at the Washington district.

The aliens were arrested, and soon afterward, Mrs. Howard said, she rushed to the computer and started comparing the names of people who had received work cards with the stack of approved applications. Her heart sank. There were many more cards than applications. "Then I really felt like a fool," she said.

The Justice Department's Inspector General sent an undercover agent to Danville Street in the guise of a University of Maryland student intern. Within a few weeks, a Justice Department official said, the agent was being solicited for bribes as well.

One Justice Department official who saw the agent's daily reports said they made sobering reading. "The middlemen were coming in and out of the office all the time," he said, "bringing money, flowers, cards, booze, gifts and free lunch."

The arrests were made from July of 1992 to December of 1993. Five employees pleaded guilty; three were tried and convicted. Sentences ranged from probation to 21 months in prison. More than a half dozen brokers were also prosecuted for paying the bribes; their sentences ranged from probation to 30 months in prison.

The Accountability

Bonuses Paid Like Clockwork

When the inquiry was over, the prosecutor handling it praised Mr. Carroll, the district director, for his role in bringing the corrupt

employees to justice. To Mr. Carroll, that cooperation is what he should be judged on.

In fact, at the Washington district office today, none of the senior managers believe they should be held responsible for the behavior of their subordinates. They see the bribery cases as random and unavoidable, and they heap the blame on Mrs. Brown, the temporary supervisor at Danville Street, who served four months in prison and was fined \$2,000. In fact, however, only two of those arrested worked under Mrs. Brown; five of the eight worked in the main district office.

"It's like tuning up your car," Mr. Carroll said. "You do everything, but it blows up. You've bought a lemon. Are you, the owner of the car, responsible? Somebody's responsible, but not you."

The issue of accountability was joined in a round-table discussion with reporters and 14 Washington district employees in mid-July. Toward the end of the morning, Mrs. Howard and Ms. Nelson-Paretta were describing the difficulties of managing so many programs at once. Across the table James Goldman, chief of investigations, began to wince.

"If seven police officers in New York were arrested in one precinct, the captain and the senior management would be out," Mr. Goldman declared to a suddenly silent room. "Who is responsible for corruption in the workplace? The precinct commanders."

As his colleagues looked back at him, Mr. Goldman went on, "Whenever people start making excuses for corruption, I would be very wary and leery of it."

That debate has echoed since 1980, when the immigration service mounted its first serious assault on corruption by hiring Walter Connery, a former New York City police detective, as chief internal investigator. Since then, agency officials said, hardly any senior managers have been denied bonuses, pay increases or promotions as a result of corruption cases among their staffs.

"If you take a whack out of their salary, they'd pay attention," Mr. Connery said. John F. Chase, director of the agency's office of internal audit, agreed, adding, "No one's ever held accountable."

None of the senior managers in Washington suffered salary cuts in the aftermath of the case. To the contrary, in 1993, the year several of the employees were arrested, Mrs. Howard, Mr. Carroll and Ms. Nelson-Paretta all received the \$600 to \$1,500 bonuses awarded to I.N.S. managers who are rated "outstanding" or who have performed special tasks. All three hold the same jobs today.

On her own, Mrs. Howard changed procedures in her office to avert further corruption. But when asked if anyone from headquarters had sought information about those changes, so that other offices might benefit from what she had learned, Mrs. Howard didn't hesitate to say, "No."

At I.N.S. headquarters, Mr. Chase said in a recent interview, "I did not know that specific fixes had been made" at the Washington district office.

In Immigration Labyrinth, Corruption Comes Easily

By STEPHEN ENGELBERG

Special to The New York Times

ARLINGTON, Va., Sept. 11 — Up and down the East Coast, the word quickly spread through immigrant communities. Come to the Northern Virginia offices of the Immigration and Naturalization Service. Bring cash. Buy the right to live or work in the United States.

Smooth-talking middlemen took care of the details, bribing immigration service employees with gold jewelry, free vacations and cash-filled envelopes passed hand to hand in the aisles of a nearby department store. Ghanaians, Lebanese and Salvadorans, among others, flocked to what quickly became a multicultural bazaar. Most came from the Washington area, but others drove hundreds of miles and scribbled phony local addresses.

Immigration service clerks, some whose take-home pay was as low as \$250 a week, were eager to participate. "Money talks," one told a self-styled immigration "broker" who had recruited hundreds of Salvadoran clients. Another employee said she needed \$50,000 to buy a house in Florida.

For two years, the bribery proliferated like a virus. "We let it happen," one employee involved in the case said in a recent interview. "There was no supervision to tighten down on us, and we let it go real wild."

Finally the Justice Department began an undercover investigation, and by the time prosecutions were completed six months ago, eight employees of the Washington district office stood convicted of accepting bribes. Altogether,

Continued on Page B10, Column 1

Chaos at the Gates

Second of five articles

The Card Game

Immigration service and Justice Department officials said recent investigations and arrests had shown these to be common street prices for the illegal purchase of various immigration documents.



Green card
\$5,000-\$6,000



Employment
Authorization card
\$500



Border Crosser card
\$350

The New York Times

the I.N.S. said, they had fraudulently given more than 4,000 people permission to work and sold legal residency to 1,000 more immigrants who did not qualify.

The scale of these abuses, documented in court records and described by some of those involved, has never come to public attention before now. Even the agency's senior managers were largely unaware of the case and its lessons. And the immigration service has still done almost nothing to avert similar problems in other offices.

The corruption in Arlington was not an isolated case. Every year dozens of I.N.S. employees are arrested on similar charges. But an investigation of major cases during the past decade by The New York Times has found that the agency has repeatedly failed to shore up security weaknesses, even when corruption arrests have exposed them over and over again.

The immigration service is an arm of the Justice Department, and it accounts for 21 percent of the department's staff. Yet Justice statistics show that 54 percent of the arrests within the department for corruption and job-related misconduct during the last three years have been in the I.N.S. — 76 of them since 1992.

Immigration officials insist that only a tiny minority of the agency's 19,000 employees succumb to temptation. Still, present and former officials acknowledge that the agency's lax supervision makes dishonesty far more tempting than it should be. An employee weighing whether to take a bribe knows the "door is wide open," said James Durcy, senior investigator of corruption cases from 1980 to 1990.

The immigration service's senior managers are well aware that they have a serious corruption problem. The Commissioner of Immigration and Naturalization, Doris M. Meissner, who took office 11 months ago, acknowledged in an interview that the agency's low pay, antiquated computer systems and far-reaching power over immigrants' lives can give a potentially dishonest employee both motive and opportunity. There is, she said, "a climate for abuse that doesn't exist in those other agencies."

Entry-level employees — some earning barely more than the minimum wage — grant coveted benefits to immigrants willing to pay any price to stay in the United States. Ms. Meissner noted that a few keystrokes on a computer or some misplaced files are all it takes to change a person's life forever.

The routine, unchecked flow of undocumented aliens across the borders makes it even harder for the agency to stanch corruption within its ranks. "There is this overwhelming attitude of: 'So many get through anyway, there's nothing to do about it. So why shouldn't I get some money out of it?'" said Robert E. Crebbs, a special agent in San Francisco.

Immigration service employees are constantly aware that no one is looking over their shoulders as they make decisions. Richard J. Hankinson, the Justice Department's Inspector General from 1990 until June, told Congress last year that this lack of scrutiny "serves to eliminate one of the traditional deterrents to crime: fear of getting caught."

Senior managers are hardly ever held accountable for corruption on their watch. Indeed, the top officers in the Washington district got bonuses for their work in 1993, the year several of the bribery arrests were made.

As Anthony D. Lazalde, a deportation officer in San Francisco, put it, "You can commit bloody murder and get away with it."

Corruption in Justice Department Divisions

Justice Department employees prosecuted for corruption or related on-the-job misconduct during fiscal years 1992, 1993 and the first nine months of fiscal year 1994 followed by the total number of employees in each division.

AGENCY	EMPLOYEES PROSECUTED	TOTAL EMPLOYEES
Immigration and Naturalization Service	76	19,000
Bureau of Prisons	34	25,688
Federal Bureau of Investigation	12	24,597
Drug Enforcement Administration	6	7,100
U.S. Marshals Service	4	3,900
Executive Office of U.S. Attorney	4	267
Justice Management Division	2	1,250
Justice Department lawyers	1	7,785
Executive Office for Immigration Review	1	592

Source: Department of Justice

THE NEW YORK TIMES, MONDAY, SEPTEMBER 12, 1994

The Leadership

Little Guidance, Less Control

The Commissioner of immigration presides over an empire — more than 19,000 employees in 62 offices throughout the country and 3 overseas. To manage such a collection is difficult at best. But the service's own district leaders say they are not being managed at all. Most say they never speak to their supervisors in Washington, and this communication failure contributes to almost every one of the agency's other problems.

"You feel like the Lone Ranger out here, you're so out of touch," said Mr. Kane, the acting director in Phoenix.

Mr. Cadman, head of the Miami office, said: "We get no guidance. We have a feeling we're adrift, in limbo."

And Mr. Moyer, head of the Chicago office, said, "I didn't speak to my boss for two and one-half years."

James A. Puleo, an executive associate commissioner in Washington, was responsible for supervising all of the districts from January 1993 until last July. "I agree with them; that the system doesn't work very well," he said of his district leaders. "But I only have an illustrious staff of two. I don't want them up to chat about nothing."

Ms. Meissner, the Commissioner, said the new management structure would alleviate the problem, and Mr. Moyer said he had already seen some improvement from his Chicago vantage point. But that will not necessarily clear up another complaint, this one by Richard K. Rogers, head of the Los Angeles office: that "absolutely no one is held accountable" for his work.

Expense-Paid Cruises

The leadership vacuum can breed embarrassments, like the messy problem of en route inspections.

The I.N.S. is responsible for checking passengers arriving on cruise ships, usually as they step off the ship. But some cruise lines prefer to have the inspector carry out the work during the cruise, as a convenience to passengers. So dozens of times each week, immigration inspectors from ports around the country sail to Mexico, the Caribbean or more distant points, with little work to do on the outbound trip, and then carry out the inspections on the way back.

The Justice Department's Inspector General's Office looked into the practice and found that on some of the inspectors' trips, "family members and friends accompanied them for free or on discounted fares." The inspectors traveled free, too. In addition, the report said, if an inspector had other costs, such as taxi fares, hotels, meals, etc., the ship's purser would reimburse the inspector directly. Most were one-day cruises, but some lasted five days. While on board, some inspectors charged the cruise lines for overtime.

All of this, the Inspector General's Office concluded in its report last spring, "creates a conflict of interest." And "since an inspector can fine a cruise line \$3,000 for each undocumented alien discovered," the Inspector General wondered whether all these gratuities "could result in more lenient inspections." But perhaps the most startling finding in the report was that while I.N.S. management officials knew in a general sense that some inspectors were doing inspections en route, they were unaware of the additional fringe benefits.

"This wasn't something I knew about," said Mr. Cadman, head of the Miami office.

"But it's wrong, flat wrong."

The agency's leaders were informed of the Inspector General's preliminary findings on May 21, 1993. But nothing was done about them for more than a year. A few weeks ago Mr. Cadman said he had given his staff no new instructions about accepting gratuities, and during a round-table discussion with eight Miami office employees, all of them said they had not heard about the report.

"There has been no notice of it," one said. She had carried out an en route inspection the day before.

Mr. Cadman said, "I'm waiting for headquarters to set a policy."

At headquarters, Mr. Puleo deplored the practice of taking family members along and declared: "The directive on that went out a year ago. We stopped it." But asked for documentary evidence, Mr. Puleo said through a spokesman that he had misspoken. Actually, nothing had been done.

Guidelines forbidding the acceptance of gratuities were finally issued only after a reporter asked about them this summer.

The Money

Millions Owing, No One to Collect

Year after year, budget crises ripple through the I.N.S. The agency repeatedly overestimates the fees it will collect from immigrants and visitors, fails to plan for the inevitable immigration emergencies, then loses track of much of the money it does have. Finally the agency finds itself with another shortfall, and that hobbles every effort to start new programs or fix old problems.

"Budgeting over there," said Mr. Tinker of the Senate immigration subcommittee, "is an Alice in Wonderland kind of thing."

After Congress passed major immigration laws in 1986 and 1990, the agency grew so quickly that "the infrastructure collapsed," said Ms. Dale, the Deputy Commissioner.

But financial management at the agency has long been sloppy. In 1980, the Senate Judiciary Committee demanded a management study before it would appropriate any money. In 1990, the General Accounting Office said the agency's budget process was "deplorable." Today, the Office of Management and Budget labels the financial controls at the I.N.S. "high risk," meaning they "warrant top-level attention at the agency and by the Congress."

Kenneth W. Rath has been a senior I.N.S. financial officer since 1991, and he now heads

Chaos at the Gates

TODAY The immigration service is mismanaged; its ranks, demoralized.

TOMORROW The corruption virus: It spread through the Washington office.

TUESDAY The most wanted: A poor record of deporting criminal aliens.

WEDNESDAY A Border Patrol success story fell on deaf ears in Washington.

THURSDAY Cold, rude and insensitive: The agency ill serves its clients.

that office. Critical audit after critical audit has landed on his desk. "I was the guy who was hired to sit on that stack of audit reports," he said, "and I've solved those problems."

But around the country, other I.N.S. officials laughed at that. They noted that about the time Mr. Rath made that remark this summer, his office announced that the agency was once again \$60 million short.

That led to the annual rite of midyear budget cuts in every office. "We just had to

cancel our contract with the convention center, where we were holding naturalization ceremonies," said Mr. Cadman, the Miami director. "We couldn't pay the rent."

Part of the problem is downstairs in Mr. Cadman's own mail room. Because of budget shortages, the office does not have enough people to open the mail — 1,500 letters a day. Many of the envelopes contain checks and cash — application fees that could be fed into the I.N.S. budget. "Right now," the records and information supervisor for the office said, "we're opening mail from a month ago."

Even when the office does get around to opening the letters, Mr. Cadman said, the volume of mail is so great that if a letter does not have the immigrant's file number on it, "we can't deal with it."

"It goes in a box," he said. "We have a million letters like that in boxes. We don't know what to do with them."

The paradox is that the agency may hold the solution to many of these problems in its own hands. It lies in another critical audit from the Justice Department, one that landed on Mr. Rath's desk a few months ago.

Airlines and cruise ships collect \$6 from each passenger arriving in the United States, and they are supposed to turn that money over to the I.N.S. But the Justice Department found that the agency was failing to collect the fees from 22 airlines and six cruise lines — a loss of as much as \$22 million a year.

Mr. Rath explained: "I can't say that's wrong because I don't know. But there are only two people down there monitoring this in accounting."

The agency has the authority to subpoena records from the carriers and call witnesses. But to collect the money, usually just a bit of research along with a letter or phone call is enough.

Mr. Rath conceded that the sensible solution might simply be to put more clerks in that office, considering the money they could easily collect. But he said that was easier said than done. "When you ask Congress for funding for support personnel, it's not very glamorous," he said, adding with a wave of the hand, "it's the first thing they cut."

On Capitol Hill, Representative Romano L. Mazzoli, a Kentucky Democrat who heads the House immigration subcommittee, was visibly stunned by that notion. He almost bellowed as he said: "We'd leap across the committee table to give them those people and 10 more! We're not stupid. But they've never asked."

The carrier fees are only one example of the millions of dollars the agency is owed that it fails to collect. The I.N.S. also loses track of the bonds that many immigrants post to guarantee that they will appear for hearings. When an immigrant does not show up, the bond money is forfeited to the immigration service. But in many offices no one looks at the bonds again — and finally they expire.

"We don't have anybody assigned to that," Phil Waters, acting director of the San Francisco office, acknowledged with a shrug. "The only time we go back and look at some of the bonds is if somebody asks."

Nationwide, the Justice Department found, the immigration service failed to collect about \$38 million in bond money in the last six years.

All of that, Mr. Rath said matter-of-factly, "is an inevitable result of the management situation we have." But in Phoenix, Ms. Myers thinks explanations like that are too facile.

"This kind of thing goes on year after year, but nobody's ever held accountable," she said, her voice rising with anger. "Nobody loses his job. Nobody gets demoted. Everyone gets their bonuses. Now here we are again in 1994 and we're \$60 million short. It's so depressing."

does not have a unified computer record-keeping system. It maintains only one very basic central index system, and even that is incomplete.

Over the last two decades, different branches of the agency have cobbled together their own computer networks, as have a few of the 33 district offices. But none of these networks can communicate with the others. So an agency worker checking an immigrant's record in one system has no way to know whether there are other records in another system — showing, for instance, that an applicant for residency has a criminal history.

"If we had automation, we would double or triple our work," said Robert Reed, a supervisory special agent in Los Angeles. In his office, agents still use manual typewriters and carbon paper.

The automation problem slows nearly every service the agency tries to offer. Officials across the country say they waste hours hunting through paper files and the various computer systems to settle immigrants' cases. That in turn lengthens the endemic backlogs — like the 480 days it takes to become a citizen in San Francisco, according to the American Immigration Lawyers Association. Ordinarily, it should not take more than a few months.

The agency's central index system in particular contains much information that is incorrect or incomplete.

Last year, California and several other states asked the I.N.S. to review the files on 3.6 million immigrants applying for welfare and other benefits. It turned out that about 18 percent of these people, or 650,000, were not even listed in the central index, an omission that should have meant that they were in this country illegally. Before denying them benefits, however, the states pushed for more information, and found out that nearly all were here legally.

Ms. Meissner acknowledges the computer problem and says she has persuaded the Clinton Administration to remedy it. On Aug. 30, the agency signed a \$300 million contract for new computer equipment, the largest such contract in the agency's history. By 1996, the immigration service hopes to merge all its data into three integrated computer systems.

But this is not the first time the agency has tried to solve the problem, nor the first contract it has signed for new computer equipment. Longtime I.N.S. employees wonder whether these plans will turn out any better than the agency's many failed efforts of the past.

Attitudes

Unpleasantness As the Norm

Immigration officers learn to be hardened in their first days at the agency's academy in Glynco, Ga.

During basic training, "we historically have told our employees that it's our job to keep them out and our job to keep them from getting benefits," said Tom Farris, an assistant district director in Chicago.

The training inculcates an intrinsic suspicion of immigrants, some I.N.S. officers say. This often translates into rudeness and even vindictiveness, Mr. Farris acknowledged. It can create an atmosphere in some immigration offices that Maria Valencia, a Filipino immigrant in Virginia, described as a "sea of unpleasantness."

While not totally out of place for law-enforcement officers on the border, this attitude creates problems when displayed by examiners reviewing routine applications. It has prompted many critics of the agency and even friends of it to suggest that it should be split in two — a service side and a law-enforcement division. But Ms. Meissner says she believes that the agen-

THE NEW YORK TIMES, THURSDAY, SEPTEMBER 15, 1994

Vincent Ricardel for The New York Times

The Commissioner of Immigration and Naturalization, Doris M. Meissner, said she was struggling to improve her agency's treatment of immigrants.

Chaos at the Gates

SUNDAY Immigration agency is mismanaged; its ranks, demoralized.

MONDAY Corruption virus: It spread through the Washington office.

TUESDAY The most wanted: A poor record of deporting criminal aliens.

YESTERDAY A Border Patrol success story fell on deaf ears in Washington.

TODAY Cold, rude and insensitive: The agency ill serves its clients.

cy's "cultural cleavage" can be bridged.

Some local offices are already trying to do that. The agency's 33 district directors run fiefdoms. They make their own rules, often quite different from one place to the next, and set the tone. In Chicago, Mr. Moyer is the host of a weekly television show in Spanish about immigrants' rights. He says he has found it trying, but possible, to buck the entrenched mentality.

"When I first got here to Chicago, we had agents who would brag about their weekend raids on Spanish-language movie theaters, and how all the Mexicans would be jumping out of the balconies," Mr. Moyer said. "I have worked hard to try to correct that. We do no more neighborhood raids. Our enforcement is as strong as exists, but we go about it differently."

In Baltimore, the district managers say they demand that immigrants be treated with respect. So it was no coincidence that Wiltrude Rasmussen, a Baltimore deportation officer, took a closer look at the seemingly straightforward deportation case of Adilio Diaz.

A 25-year-old Salvadoran, Mr. Diaz applied for political asylum in 1987. He settled in Maryland and hired a lawyer, Guillermo Diaz-Fontana, who kept assuring him that his case was going well.

Nothing could have been further from the truth. His lawyer, who later pleaded guilty to Federal fraud charges, had already lost the asylum case, and Mr. Diaz had already been ordered deported. He just didn't know it. So one day in December 1990, Mr. Diaz, who said he had paid his lawyer about \$1,250, arrived at the Baltimore I.N.S. office, hoping to be told he could have a green card. He left in handcuffs.

When Mr. Diaz's new lawyer, Alison Brown, of the Washington firm of Maggio & Kattar, filed a motion to reopen the case, the I.N.S. did not oppose it; the deportation officer, Mrs. Rasmussen, said she was already suspicious of the first lawyer. The

judge reopened Mr. Diaz's case, and, at 6 P.M. on Dec. 22, Mr. Diaz was released from a prison in rural Maryland, 120 miles from his home. He had no money because the Government had issued him a check for his cash — only about \$6, in any case — and the banks were closed.

Officially, the agency had no further responsibility for Mr. Diaz. But David Talley, supervisor of the detention unit, said: "I couldn't put him out on the street that way. It just seemed cruel."

So Mr. Talley drove Mr. Diaz home, a five-hour round trip, just in time for Christmas with his family.

Mr. Diaz still lives in suburban Washington and works at a skilled job as a rug repairman. His lawyer, Ms. Brown, said the case offered an important lesson.

"It goes to show," she said, "that you can be a human being, that you can handle enforcement of the immigration laws without an attitude that every alien must be thrown out."

212

THE PRESIDENT HAS SEEN

11/21/94

Leon (Eustice)
Stm Series
with Munt & M
on this as part of
during - Munt & M

Leah/Rushin/Wonker
This guy is a right little
to see him in the news is
a good thing for

WHITE HOUSE
WASHINGTON

Christopher Ashby
17 Side Hill Road
Westport, Connecticut 06880

Dear Kit:

Thanks for your two letters and for sharing the story about the Daily News headline. I appreciate what you said about our policy on Haiti and on Iraq. I also appreciate your thoughts on future preference.

Thanks, especially, for the update on Georgetown soccer. I know you must be very proud of Anson. I wish I could see one of their games sometime. Unbelievable!

Dick's address is 209 Bayside Drive, Hot Springs, 71913. You said your agenda was stolen. Some days I know how you feel!

Finally, thanks for letting me know about your interviews. I'm glad they went well and hope the others upcoming do too. Hillary sends her best, and we hope to see you soon.

Sincerely,

RM

CHRISTOPHER C. ASHBY

November 4, 1994

Dear Bill,

Last Saturday, Georgetown beat St. Johns, who was ranked #10 in the nation. This meant they won the Big East for the first time in their history, and hopefully will get one of the 32 slots for the NCAA tournament. The game was one of the most exciting sporting events I have ever seen. St. Johns came into the game with one tie in conference play, Georgetown with one loss. Therefore, a tie would have been a win for St. Johns. The game ended in a 1-1 tie. They then played two fifteen minute overtimes, no sudden death. Georgetown scored with 49 seconds left in the second overtime. A real thriller.

This coming weekend we will be there again, this time for Tiffers last home game at Georgetown against William and Mary, and Patrick's thirteenth birthday. That should be a thriller in itself.

Last Monday I met with Frank Newman of Treasury, Jeff Gartner of Commerce, Strobe Talbott at State, and Laura Tyson. I must say, Veronica Biggins did a terrific job at fixing me up with some interesting folks. These people are all quite impressive. They seem to understand the relationship between economic activity and foreign policy, although probably less so at the State Department and the NSC than other places. They are doing a great job of expanding exports, but other aspects of economic and commercial diplomacy do not seem as well managed. I noticed that the creation of a Middle East development bank did not fly with the Arabs. There was a great quote from one of the Saudi delegates, "We are all for peace between the Palestinians and Israel, we just don't want to pay for it."

I was told that there is no one the NSC with an economics or commercial background, although there are some joint appointments with members of the National Economic Council. Coordination seems to be done by ad hoc committee, and it appears to get done pretty well. I am going back to meet with Mickey Kantor, Bob Ruben, and a couple of others from the State and Treasury Departments. Hopefully I will learn more.

If you remember, when I first mentioned to you that I would like to work in your administration, you asked what I wanted to do. I responded that I didn't know what you needed done, but if I was qualified to do it, that is what I wanted to do. I am beginning to see that the coordination of economic aspects of foreign policy is an area that our government has not really had to do in previous administrations, and perhaps you can use some help there. I hope to be able to talk to you when I have finished these other interviews, and discuss this further.

I know you are off to Indonesia next week. I envy you. I have not been back since we left in '79, but I hope to some day. I'm sorry you weren't able to visit West Jerusalem, it is fascinating. Good luck on your trip, and good luck on Tuesday. I think you are going to do pretty well.

Best Regards
Kit

CHRISTOPHER ASHBY

17 Side Hill Rd.
Westport, CT 06880

President Bill Clinton
The White House
1600 Pennsylvania. N.W.
Washington, D.C. 20500-2000

Dear Bill,

Last Tuesday as I was waiting on the train platform to go to work, when I noticed the headline of the New York Daily News. It said,, "Clinton 2, Bullies O." Of course, I don't actually read the Daily News, I read the New York Times so I can grouse about it. However, about 3 times as many people read the Daily News, and it reflects the average New Yorker's thinking. The reason this headline struck me was that it was the first I had seen in this sort of Brooklyn macho format which they often use, that was positive about you. I have a hunch in every Irish and Italian bar in Brooklyn and Queens that evening they were saying, " I guess he showed them."

The point of all this is to add my congratulations to the rest I am sure you have received, but also to say, in the words of Henry Higgins, "I think you've got it." Haiti is close to a miracle. You can't invade North Carolina without taking a few casualties, and it is miraculous that we haven't taken any in Haiti. The first fire fight with the Marines that killed ten Haitian police was incredible lucky. If what I read is correct, the Marines were standing on the street when it t broke out, and none of them were hit. Alister Cooke called the marines the "worlds last pure warriors" , and throughout our history they have been both lucky and good. By the way, November 10th is the Marine Corps birthday. The birthday ball at Headquarters Marine Corps is the best I ever attended. If they ask you to be the guest speaker, it may be worth considering. At any rate, you went into Haiti without public or Congressional support, you accomplished you're objectives in the face of intense criticism, and you won. Congratulations.

Iraq was classic. There are different theories on this, but I think it is better to be predictable than not. If the other side knows what your reaction will be to a given action, it takes the risk out of it. Iraq now knows what your reaction will be to another stunt like that. I can think of no advantage to us to removing the oil export prohibition. Even the Russians have got to start understanding that the alliances they made during the cold war are not that important to maintain. It must be difficult for them. They are not sure what is left after 50 years of effort.

The other day I was speaking with a colleague at work. His demographics are, he is 43, college grad, married with two children, Jewish, lives in the New Jersey suburbs, voted for Perot. We were talking about you, and I was giving him my now usual speech about the unpublicized accomplishments, the fact that Republicans continually cut taxes and not spending because that is too difficult, and that we really don't want Newt Gingrich deciding the national agenda. He made an interesting comment, he said, "I'm still waiting for someone to remind us who we are." He went on to say that our approach to Bosnia, Somalia, Haiti, et al is not supposed to be the same as the Europeans or anyone else. We are different. The debate about "our interests" has left something out. Future preference means we do things that may not be in our short term benefit, in order to benefit others at some time in the future.

You may not have notices in the sports pages that Georgetown soccer is on a roll. They beat Connecticut last weekend and American U on Wednesday. Yesterday they beat Syracuse. They are leading the Big East, and for first time in their history are nationally ranked (23rd right now).

Two weeks ago we went to Providence to watch the game with Providence College, and then spent the weekend with Denise and Bob Dangremond. Eric was home from Cornell and we had a really nice time. I don't think you get much opportunity to see your old friends, but please know that we are all thinking of you and support what you are trying to accomplish.

Last week I met with Veronica Biggins. A real sharp lady. Next weekend we will be in Washington for the St. Johns game. Then on the 31st, she has arranged for interviews with Frank Newman, Strobe Talbott and Laura Tyson. Wish me luck.

Please say hello to Hillary for me. By the way, could you send me Dick Kelly's address. My agenda was stolen a few weeks ago, and I lost his address along with the rest of my life's organization.

Best Regards
Kit

THE PRESIDENT HAS SEEN 11/21

THE WHITE HOUSE
WASHINGTON

94 NOV 17 P2:29

November 16, 1994

MEMORANDUM FOR THE PRESIDENT

THROUGH: LEON PANETTA

FROM: HAROLD ICKES (u)

SUBJECT: President of the Association of Democratic State
Chairs

As you know, there is an Association of Democratic State Chairs of which Jim Brady of Louisiana is currently the President. He has held that position for two terms and is running for an unprecedented third term. He is apparently close to Senator Breaux. I am told that he is a lawyer, and resides primarily in Washington, D.C. even though he continues to act as Chairman of the Louisiana Democratic State Committee.

A number of people have questioned whether he is the best person to lead the Association for the next two years, especially going into the 1996 election year. Apparently no one is prepared to challenge him at this point. If, however, a slate were put together which included a new National Chairman, Finance Director, etc., the President of the Association could be part of such a slate.

One person to consider is Bill Press, the State Chairman of California which might send a strong signal given the importance of California both in the primary as well as in the general election. This, however, would depend upon who is the next National Chairman, especially if he/she were from California.

Let's discuss when you get back.

agm