

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. resume	[Personally Identifiable Information] [partial] (1 page)	07/00/1996	b(6)

COLLECTION:

Clinton Presidential Records
Staff Secretary
Todd Stern
OA/Box Number: 8116

FOLDER TITLE:

Chron Files: Wednesday, July 31, 1996

2019-0774-S

rs3328

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

DATE: 7/31

Chroy —

TO: George

FROM: Staff Secretary

FYI - Any comments
to Jordan Tamaqui in
Speechwriting.

Phil Caplan

**PRESIDENT WILLIAM J. CLINTON
TALKING POINTS FOR DNC
GREEK AMERICAN LEADERSHIP COUNCIL DINNER
JEFFERSON HOTEL
AUGUST 1, 1996**

96 JUL 31 P 7 10
cop-oo-

Acknowledgments: Don Fowler, Marvin Rosen, Richard Sullivan, Philip Christopher, Nikos Mouyaris (**Nee-kous Moo-yar-ess**), Angelo Tsakopoulos (**Saw-cop-oo-los**) [Chairs, Greek American Leadership Council].

Greek American Community: Americans of Greek descent achieved the American Dream because of their values: family, faith and community; taking responsibility and working hard. In government -- Gov. Mike Dukakis, Sen. Paul Sarbanes, Sen. Olympia Snowe, former Sen. Paul Tsongas, Rep. Ron Klink, George Gekas [geekus], Mike Bilirakis [bil-ee-rak-ees]; Arts and Athletics -- Maria Callas, John Cassavetes, Olympia Dukakis, Pete Sampras. Greek Americans have contributed to the diversity that is America's strength, added richness and warmth to the American quilt.

Cyprus: Recently undertaken an initiative on Cyprus. Earlier this month I sent my Ambassador to the United Nations, Madeleine Albright, and my Special Envoy, Dick Beattie, to Cyprus to begin discussions which we hope can lead to a comprehensive settlement there.

Four years ago: economy was drifting: slow job growth; quadrupled deficit; domestic division; uncertain leadership in the world.

Three ideas: American Dream for all who are willing to work for it; get people working together to solve our problems despite diversity; ensure America remained strongest force for peace and freedom.

Basic bargain: Opportunity -- Responsibility -- Community

The Record: We promised to cut deficit in half and create 8 million new jobs. Gingrich: "I believe this will lead to a recession next year." Armey: "Clearly, this is a job-killer." Dole: "Do not kid anybody. Nobody is going to cut spending around here." Gramm: "we are buying a one-way ticket to a recession." Kasich: "This plan will not work. If it was to work, then I'd become a Democrat." We'll save him a seat at the United Center!

Results: Today, we've cut it by more than half -- created 10 million new jobs. Combined rates of unemployment and inflation lowest in 28 years. 4.4 million new homeowners. 200 trade agreements. Investments in technology and education. Progress in other areas as well.

Crime: New Approach. 100,000 cops on the street . . . Tough punishment . . . Brady/assault weapons. No hunter lost gun -- 60K felons, fugitives, stalkers. Violence

Against Women Act . . . Crime down 4 years in a row.

Welfare: New Approach. Opportunity and Responsibility. Tough on work/fair to kids. 67 Welfare Reform experiments in 40 states. 75% under new rules. Now, 1.3 Million fewer on welfare -- child support up by 40%.

Family and Character: New Approach. Responsibility to support families: FMLA; V-Chip; tobacco, protect environment.

The Choice: Voters are lucky -- no mystery. If you want GOP budget, Medicare, environment, education cuts -- law of the land 6 months after GOP wins.

The Future: We have to do more: minimum wage, Kassebaum-Kennedy, retirement and pensions.

Opportunity/Education -- 13th and 14th years; 10K deduction/\$1,500 tax credit; Every classroom on Internet by 2000; Balanced Budget.

Responsibility/Crime: cop killer bullets; crime victims amendment; School uniforms, curfews, truancy.

Community/Strengthen Family -- extend Family Medical Leave Act, flex-time, TV violence.

THE PRESIDENT HAS SEEN

7/31/96

LAW OFFICES

CAPLIN & DRYSDALE
CHARTERED

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CARL R. KRAVITZ*
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WRITER'S DIRECT DIAL NUMBER

202-862-5025

July 25, 1996

Via Telecopy

Mrs. Hillary Rodham Clinton
First Lady
The White House
Washington, DC 20500-2000

Dear Hillary:

Let me mention two points. First, the continuing Republican effort to combat the gender gap points up a notion I mentioned to you some weeks ago. It would be highly desirable to have a group of prominent women, including Members of Congress but also some others not directly connected to the White House, comprise a sort of truth squad to deal with the Dole campaign's effort on this score. Mike Curry is excellent whenever he responds to a particular point there, but in the nature of things, he cannot deal with all; and the Administration's record and positions on women's issues is so immensely better than the Republicans' that it deserves powerful emphasis. The group I envision would, beyond answering Dole's particular points, make the affirmative case for the Administration.

Second, all we read of the tax program Dole is concocting suggests that it is shot through with the introduction of new loopholes or the reintroduction of old ones. (Paying for it will also be a point of major vulnerability, but I assume that OMB will take care of that for you.) In your new Acting Assistant Secretary for Tax Policy at Treasury, Don Lubick, you have one of the country's very best and most experienced tax policy people. If I were there, I would have him on the case - and rely heavily on his recommendations - when Dole stops floating trial balloons and commits himself to a particular program.

With warmest wishes.

Sincerely,

Tom
Thomas A. Troyer

THE PRESIDENT HAS SEEN

713119

July 30, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed

SUBJECT: Length of Residency for Legal Immigrants

UP
Is there anything we
could do now to decrease
the number of people
coming in with people
any other authority to do
this?
Bc

As you assess the legal immigrant bans in the current welfare reform bills, you should know that the overwhelming majority of immigrants affected by these bans have been U.S. residents for 5 years or longer, and are generally eligible to become citizens if they choose to.

I have attached a table that summarizes the residency status of legal immigrants who apply for SSI. It is based on Social Security Administration data between September 1980 and December 1993 (the latest figures I could find). The key table is the third column, "Lawfully Admitted" (the "Color of Law" column applies to asylees and refugees generally not affected by the bans).

There are two categories of SSI for legal immigrants -- aged and disabled. As the attached table shows, at least 50% of legal immigrants receiving SSI for the aged and 65% of legal immigrants receiving SSI for the disabled have been U.S. residents for 5 years or longer -- before they even apply for assistance. More than a third have been here 10 years or longer before they apply for assistance.

These figures actually understate the average length of time that SSI recipients have been here, for two reasons: First, these averages are based on the time of application; the average residency for recipients currently on the rolls would be even longer. Second, the figures do not reflect the more stringent deeming rules which took effect in January 1994, when the deeming period was extended from three years to five years. Only a very small percentage of legal immigrants (10-15% in the attached table) are able to qualify for SSI while the deeming rules are in effect. The largest number apply in the year immediately after the deeming rules lapse. The attached table shows a surge in the 4th year. Under the five-year deeming rules that have been in effect since January 1994, that surge is now taking place in the 6th year of residency. My guess is that up to 75% or more of current SSI recipients have been here more than 5 years. We don't have statistics for AFDC and Food Stamps, but since these programs also involve deeming, the figures should be similar to the attached table.

These figures mean that in practice, the bans could already prove to be largely prospective -- since 50-75% of current recipients have been here long enough to become citizens, and are likely to choose citizenship in order to continue receiving assistance.

ATTACHMENT 1

Table 8. Number of current alien recipients who applied since September 1980; by legal status, program category, length of time between residency and SSI application: December 1993

<u>Aged</u> Months	All persons	Color of Law	Lawfully Admitted
<u>Total</u>	<u>385,240</u>	<u>77,080</u>	<u>308,160</u>
0-11 months	61,080	50,960	10,120
12-23 months	14,200	5,750	8,450
24-35 months	13,910	3,920	9,990
36-47 months	105,640	2,370	103,270
48-59 months	27,210	1,700	25,510
60-71 months	20,300	1,240	19,060
72-83 months	15,150	740	14,410
84-95 months	13,930	570	13,360
96-107 months	13,130	580	12,550
108-119 months	11,440	530	10,910
120-131 months	11,140	360	10,780
132-143 months	9,780	300	9,480
144+ months	61,320	1,050	60,270
unknown residence	7,010	7,010	0

50% apply
in 1st 5 years

50% apply
after 5 years

<u>Disabled</u> Months	All persons	Color of Law	Lawfully Admitted
<u>Total</u>	<u>249,570</u>	<u>73,480</u>	<u>176,090</u>
0-11 months	35,530	26,860	8,670
12-23 months	18,520	10,370	8,150
24-35 months	17,000	6,610	10,390
36-47 months	25,910	4,320	21,590
48-59 months	17,700	3,860	13,840
60-71 months	14,300	3,170	11,130
72-83 months	12,120	2,710	9,410
84-95 months	12,240	2,440	9,800
96-107 months	10,980	2,070	8,910
108-119 months	11,750	2,010	9,740
120-131 months	10,870	1,860	9,010
132-143 months	10,350	1,560	8,790
144+ months	48,910	2,280	46,630
unknown residence	3,390	3,360	30

35% apply
in 1st 5 years

65% apply
after 5 years

Bobby E. McAdams, II
11200B Barnswallow Place
Waldorf, MD 20603
301-843-4880

96 JUL 30 P2:26

JIM DORSKIND:

Please Coordinate
the reply.

July 29, 1996

President of the United States
1600 Pennsylvania Avenue
Washington, DC 20050

Dear President Clinton:

My name is Bobby E. McAdams, II and I am 11 years old and I am from the Washington, DC metropolitan area. The reason that I am writing to you, is to let you know I would like to participate in your campaign to promote family/children's programming on a local or national level. I know how television has an impact on children and I would like to do all I can to help. I recently participated in "Stand for Children" on the Mall as I was the youngest co-host on the children's stage alongside Melissa Manchester. I am dedicated to children's causes because I am a child myself!

I am the youngest child actor nominated for the 1996 NAACP Image Award for my portrayal of "Mouse" in New York Undercover. Last year I got to travel with Mr. Warren Littlefield of NBC and a group of other people who were with the network promoting family programming on Capital Hill. My credits include the role of "Trevor Aimes" on the show Minor Adjustments, where I play a kid of the '90s, and "Jason Nawls" of NBC's Homicide along with several commercials. I will be looking forward to being a member of the Disney family this fall season.

I look forward to hearing from you and I will be more than proud to help!

Sincerely,

Bobby E. McAdams II

Bobby E. McAdams, II
Child Actor

dcm

Enclosure: [3]

picture, bio, and promotional tape

Withdrawal/Redaction Sheet

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Bobby E. McAdams, II
Screen Actors Guild
Linda Townsend Management
Phone: 301-567-0531/Fax: 301- 839-3408

DOB: (b)(6)
 Age Range: 9-11

SSN#:
 Size: 12 Regular

Height: 4'11"
 Weight: 77lbs.

Hair: Brown
 Eyes: Brown

Experience on Camera-
Series Regular

Minor Adjustments
 (1995 Season NBC, 1996 Season UPN)

Witt Thomas Productions

Trevor Aimes

Guest Roles:

Homeboys In Outer Space
 Four In One/Quadruphobia
 New York Undercover
 Homicide: Life on the Street
 Kids Club
 Kid'riffic

UPN/Disney (Pilot)
 ABC/Disney (Presentation)
 Universal Pictures/Fox TV
 NBC Television
 Home Team Sports
 Jones Intercable

Demetrius
 Damon
 Randy Benton(Mouse)
 Jason Nawls
 Celebrity Guest
 Bobby

Guest Appearance:

Stand For Children
 Beck-O-La Productions
 Big Help-A-Thon
 Entertainment Tonight
 Black Entertainment Television
 Extra!

Nickelodeon TV

Celebrity Guest
 Celebrity Guest
 Celebrity Guest
 Celebrity Guest
 Celebrity Guest
 Celebrity Guest

Experience Commercials-

Burger King
 Toys for Tots
 AFL-CIO
 Baltimore City Zoo
 Lockheed/Martin Marietta
 US Savings Bonds
 Leh's Department Store
 Partakes Magazine
 Growing Up Wild

National Commercial
 PSA
 Fourth of July Commercial
 Commercial
 National Commercial
 PSA
 Commercial
 PSA
 Time Life Videos

Kid of the 70's
 Celebrity Guest
 Student
 Kid @ the Zoo
 Child Commentator
 Kid Journalist
 Christmas Shopper
 Newspaper Boy
 Satisfied Customer

Experience Feature Films-

Home for the Holidays

Directed by Jodie Foster

Traveler

Experience Radio-

Disney's Radio USA
 Kidstar Radio

Guest DJ
 Guest DJ

Celebrity Guest
 Celebrity Guest

Experience Theater-

The Wiz

Directed by Fredric Lee

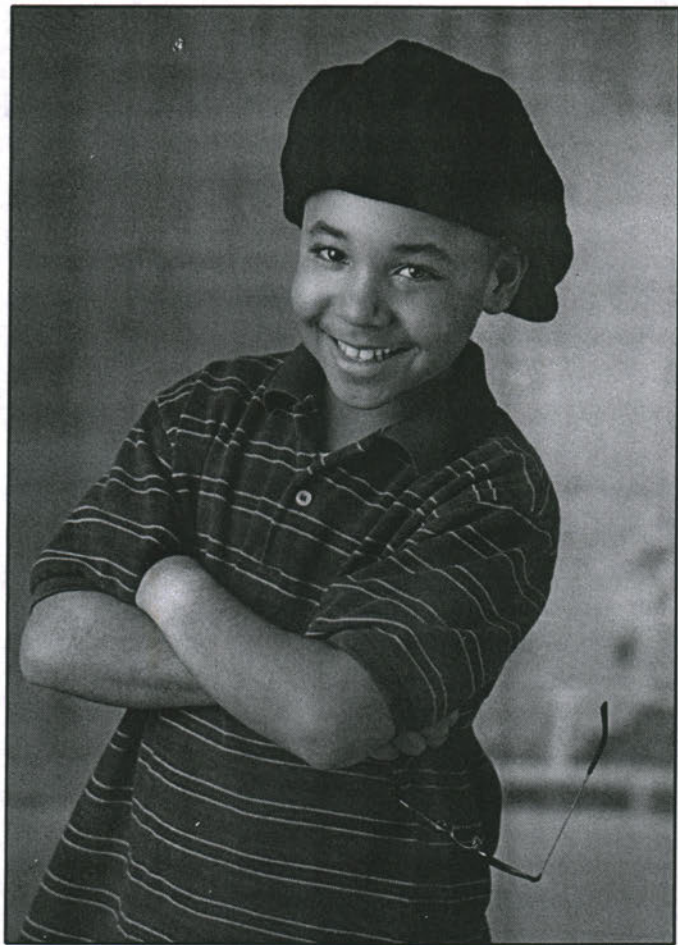
Evillene/Newt Gingrich

Experience Print- 16 Magazine (Celebrity Guest), Bop Magazine (Celebrity Guest), National Education Association, Zolo toys, Time Life Kids Software, Leh's Department Store, Elder Beerman Department Store

Training - "Young Professionals" workshop with Linda Townsend

Voice - (Alto - Tenor) with Isaiah Lurry/Michelle Fowlin

Hobbie: - Rollerblade, Football, Soccer, Drawing, Bicycle Riding, Collecting and Reading Comic Books, Baseball, and Basketball



Bobby E. McAdams, II

LINDA TOWNSEND MANAGEMENT
"THE YOUNG PROFESSIONALS"
301-567-0531
301-839-3408 FAX

BILL CLINTON

THE PRESIDENT HAS SEEN

7/31/96

~~Sosnick/Blitzer~~

~~Blitzer~~

July 24, 1996

Need a different
letter - he came for
the 1st time, not
as a contributor -
maybe or maybe not
be a supporter

BZ

Mr. Bernard Cammarata
President and CEO
T.J. Maxx Company
770 Cochituate Road
Framingham, Massachusetts 01701

Dear Ben:

Thank you for meeting with me last week at the White House. I enjoyed having the chance to talk with you.

Your support of my Administration and of Clinton/Gore '96 has been crucial to our efforts and will be increasingly important in the coming months. Thank you for being there when you are asked to help.

I deeply appreciate your involvement, and I hope you will continue to share your advice and insight.

I send my warmest regards and look forward to seeing you again.

Sincerely,

Stacy Forster
Please coordinate
reply

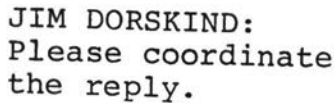
Bill Clinton

cc: Sosnick
Blitzer
Forster
Caplan

I enjoyed our visit
and

P.O. BOX 19300 WASHINGTON, D.C. 20036-9300

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2330 SIOUX TRAIL NW • PRIOR LAKE, MINNESOTA 55372
TRIBAL OFFICE: 612•445-8900 • FAX: 612•445-8906

7-31-90

Susan Totenhagen
Secretary/Treasurer

To: William J. Clinton, President of the United States

From: The Shakopee Mdewakanton Sioux (Dakota) Community

RE: Important Issues Facing Indian Tribal Governments

Date: July 30, 1996

On behalf of the Shakopee Mdewakanton Sioux (Dakota) Community and the other members of the Tribal Council, Tribal Chairman Stanley R. Crooks and Secretary/Treasurer Susan Totenhagen, the Vice Chairman Glynn A. Crooks extends formal greetings to you Mr. President in person and respectfully requests your support on the following issues:

1. **Administrative Compact Procedure.** One very important issue facing many Indian Tribes without gaming compacts is whether they will be able to conclude gaming compacts through an administrative process conducted by the Department of the Interior. Many non-compacted Tribes are requesting that Interior Secretary Babbitt issue regulations which will allow tribes to compact directly with the Interior Department when states refuse to compact on Class III games and then assert their Eleventh Amendment sovereign immunity when tribes file suit against them. This is presently the situation in Florida, California, Oklahoma, Nebraska, Washington, and in other states.

The Shakopee Mdewakanton Sioux (Dakota) Community's position is one of full support for the right of those tribes to administratively negotiate compacts in those situations. We submitted formal commentary to that effect on July 1, 1996 (copy attached) in response to Secretary Babbitt's Advance Notice of Proposed Rulemaking which was published in the Federal Register on May 10, 1996.

2. **Interior Appropriations Bill.** The Senate Appropriations Committee on July 16, 1996 approved H.R. 3662, the FY 1997 Interior Appropriations Bill. The Committee did delete the Senator Gorton amendment which would have waived tribal sovereign immunity in state and federal courts under certain circumstances. Additionally, the bill does not at this time include the Rep. Istook (R. Okla.) amendment which passed on the

cc. Herman
Denski and
Chuan

original to RM

House side and would have imposed payment and collection of state and local sales and excise taxes on any tribal member retail establishment. —

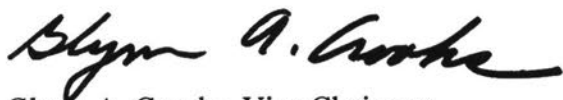
We have been informed, however, that Senator Pressler (R. S.D.) has indicated that he intends to offer this amendment when the bill reaches the Senate floor, and that he will attempt to add on real estate/property taxes on newly acquired trust lands. If this happens, we need for you Mr. President to veto this Interior Appropriations measure.

3. **Gambling Study Bill.** The Senate on July 17, 1996 passed S.704, its version of the House-passed H.R. 497, a bill that would provide for the establishment of a nine-member National Gambling Impact Study Commission. The bill directs the Commission to conduct a comprehensive legal and factual study of the social and economic impacts of gambling in the United States on federal, state, local, and Native American tribal governments. The Commission's study, to take two years, will result in a report which will be submitted to you Mr. President, Congress, State Governors, and Tribal Governments.

The Shakopee Mdewakanton Sioux (Dakota) Community's position, submitted through the Minnesota Indian Gaming Association and the National Indian Gaming Association is that we have taken a neutral position on the bill. We believe that Indian Gaming has been studied extensively already, and that our security and other internal control systems are far superior to industry standards. The Commission bill requires that the nine (9) members of the Commission be appointed, three (3) by the President, three (3) by the House Speaker and three (3) by the Senate Majority Leader. We strongly believe the Commission should include American Indians with a working knowledge of tribal gaming.

4. **Indian Child Welfare Act (ICWA) Amendments.** The Senate Indian Committee last week on July 24, 1996 passed S.1962, the ICWA Amendments of 1996 by a unanimous vote. This bill, and the companion bill, H.R. 3828, track the proposed amendments approved by the National Congress of American Indians at their June, 1996, Tulsa, Oklahoma conference. The Shakopee Mdewakanton Sioux (Dakota) Community generally supports the "Tulsa" amendments.

Respectfully Submitted and hand delivered by,



Glynn A. Crooks, Vice Chairman
Shakopee Mdewakanton Sioux (Dakota) Community



Shakopee Mdewakanton Sioux Community

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OFFICERS

Stanley R. Crooks
Chairman

Glynn A. Crooks
Vice Chairman

Susan Totenhagen
Secretary/Treasurer

July 1, 1996

BY FACSIMILE AND U.S. MAIL

George Skibine
Director, Indian Gaming
Management Staff
U.S. Department of Interior
1849 C Street N.W. MS-2070
Washington D.C. 20240

JUL 2 1996

Re: Request for Comments on Establishing Departmental Procedures
to Authorize class III Gaming on Indian Lands When a State
Raises an Eleventh Amendment Defense to Suit Under the
Indian Gaming Regulatory Act

Dear Mr. Skibine:

The Shakopee Mdewakanton Sioux (Dakota) Community ("Community") submits these comments in response to the Advance Notice of Proposed Rulemaking announced in Federal Register Notice 61 Fed. Reg. 21394 (May 10, 1996). The Community is a federally recognized Indian tribe organized pursuant to the Indian Reorganization Act, with a reservation in Scott County, Minnesota. The Community was one of the first tribes in the country to operate significant gaming establishments on tribal lands, and opened its first high-stakes bingo hall in the early 1980's. Today the Community operates a variety of gaming activities on the reservation, including one of the country's largest and most sophisticated class III gaming facilities. The Community's gaming operations are conducted pursuant to a tribal gaming ordinance approved by the Chairman of the National Indian Gaming Commission ("Commission"), see 58 FR 65406 (Dec. 14, 1993), and Tribal-State Compacts with the State of Minnesota executed on December 4, 1989 and on June 10, 1991 and subsequently approved by the Assistant Secretary -- Indian Affairs. See 56 FR 50222 (Oct. 3, 1991).

The Community knows first hand the substantial benefits that gaming offers and the positive role it has played in promoting self-determination and economic development not only for our reservation, but for countless other tribes

throughout the country as well. Since the Community first established gaming operations in the early 1980's, the revenues they have generated have become the single largest source of funds for the operation of tribal government and the provision of tribal services. Without the revenues our gaming operations generate, we would not be able to offer our members anything approaching the level of service we currently provide in such critical areas as health care, housing assistance, child care, tutoring, nutrition and infrastructure development, to name just a few. Federal funds historically have been far too inadequate to support anything but skeletal programs in these areas, and until gaming revenues became available, were the only source of income the Community had to support such programs. Equally important, the Community's gaming operations have become a principal source of employment for Indians throughout the Twin Cities area, and have thus helped to alleviate the chronic unemployment that historically has plagued virtually all Indian reservations, including ours.

As a tribe with significant class III gaming operations, the Community has a substantial interest in the subject matter of the proposed rulemaking and appreciates the Department's request for views on the measures it should take in the wake of the Supreme Court's decision in Seminole Tribe of Florida v. State of Florida, 116 S. Ct. 1114 (1996). The Community urges the Department to promulgate rules to ensure that tribes are not automatically foreclosed from conducting class III gaming merely by virtue of a State's assertion of an Eleventh Amendment defense to suit under the Indian Gaming Regulatory Act ("IGRA"). The plain language and legislative history of IGRA prove beyond question that Congress did not intend such a result. To the contrary, Congress explicitly provided in IGRA that tribes be permitted to conduct class III gaming even in the event that a Tribal-State compact could not be successfully negotiated, an outcome that will almost inevitably occur when a State declines to waive its Eleventh Amendment immunity to suit. As shown below, the Community firmly believes that several options exist -- all well within the Secretary's legal authority -- to prevent the Supreme Court's narrow decision in Seminole Tribe from undermining the carefully crafted scheme Congress established in IGRA to regulate class III gaming on Indian lands.

Following an overview of the legal landscape prior to the Supreme Court's decision in Seminole Tribe, the Community addresses the request for comments, focusing primarily on the first two questions posed by the Department.

1. Background

Before turning to the specific questions the Department has raised, the Community considers it useful first to review the state of the law regarding Indian gaming prior to the decision in Seminole Tribe. Before IGRA was enacted and the Supreme Court issued its seminal decision in California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987), lower federal courts had developed and applied what

became known as the "civil-regulatory/criminal prohibitory" test to determine whether State authority could be extended over gaming activities on Indian lands. See e.g., Seminole Tribe of Florida v. Butterworth, 658 F.2d 310 (1981), cert. denied, 455 U.S. 1020 (1982); Barona Group of Capitan Grande Band of Mission Indians v. Duffy, 649 F.2d 1185 (9th Cir. 1982), cert. denied, 461 U.S. 929 (1983). These courts held that in so-called "Public Law 280 States," which included Florida and California, state law could be applied to tribal gaming activities if it criminally prohibited the activity in question, but could not be enforced on an Indian reservation if it permitted the activity subject to state regulation.

The Supreme Court embraced the civil-regulatory/criminal-prohibitory test in Cabazon and held that tribes could conduct gaming operations free from state interference in those States that otherwise allow gaming. More broadly, the Court ruled that State authority to regulate Indian gaming enterprises was incompatible with tribal and federal interests and therefore pre-empted by the operation of federal law. In so holding, the Court endorsed the long-standing principles of Federal-Indian law that "'tribal sovereignty is dependent on, and subordinate to, only the Federal Government, not the States,'" id. at 207 (citation omitted), and that absent Congress' express consent, the reach of State law does not extend to Indian lands. Central to the Court's pre-emption analysis was its recognition of the important federal interest in promoting Indian self-government, including Congress' "'overriding goal'" of encouraging tribal self-sufficiency and economic development." Id. at 216.

Congress emphatically endorsed these principles in passing IGRA in 1988. As the legislative history indicates,

in determining what patterns of jurisdiction and regulation should govern the conduct of gaming activities on Indian lands, the Committee has sought to preserve the principles which have guided the evolution of Federal-Indian law for over 150 years. . . .

Consistent with these principles, the Committee developed a framework for the regulation of gaming activities on Indian lands which provides that in the exercise of its sovereign rights, unless a tribe affirmatively elects to have State laws and State jurisdiction extend to tribal lands, the Congress will not unilaterally impose or allow State jurisdiction on Indian lands for the regulation of Indian gaming activities.

S. Rep. No. 466, 100th Cong., 2nd Sess. 5 (1988), reprinted in 1988 U.S. Code Cong. & Admin. News 3071, 3075.

Indeed, Congress' recognition of the tribes' exclusive sovereignty over Indian gaming is at the very foundation of IGRA: "Indian tribes have the exclusive right to regulate gaming activity on Indian lands if the gaming is not specifically prohibited by Federal law and is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity." 25 U.S.C. § 2701(5) (emphasis added). Congress also reaffirmed in IGRA the important federal interest recognized in Cabazon that "a principal goal of Federal Indian policy is to promote tribal economic development, tribal self-sufficiency, and strong tribal government." 25 U.S.C. § 2701(4).

While endorsing the tribes' primacy in regulating Indian gaming, IGRA also provided States for the first time with an opportunity to play a role in the regulation of class III gaming on tribal lands. Emphasis on the word opportunity is appropriate because Congress explicitly granted States only a limited and conditional role in the regulation of class III gaming. It achieved this through the compacting process established in 25 U.S.C. § 2710(d). Under that process, a State is obliged to negotiate a Tribal-State compact in good faith unless it bans all persons throughout its territory from conducting class III gaming. Only by complying with that mandate, however, does the State preserve its opportunity to participate in the regulation of Indian gaming within its jurisdiction. Thus, absent an outright ban on gaming, which only a few States have been willing to impose, States are not free to prohibit class III gaming on Indian lands, and may engage in the regulation of such activities only pursuant to a Tribal-State compact. As the Court of Appeals characterized the effect of 25 U.S.C. § 2710(d) in State of Rhode Island v. Narragansett Indian Tribe, 19 F.3d 685, 690 (1st Cir. 1994), "[a]s a practical matter, then, a State ordinarily may regulate casino gambling on Indian lands only in pursuance of a consensual compact."

Congress did not, however, place a parallel constraint on the tribes. While it expected that tribes would conduct class III gaming pursuant to a negotiated compact in most instances, Congress did not make the existence of a compact a prerequisite for the lawful operation of such activities on Indian lands. Rather, Congress recognized that a State's unwillingness to negotiate at all or in good faith might preclude the successful negotiation of a compact, and made provision for such an eventuality in 25 U.S.C. § 2710(d)(7)(B). This section of IGRA requires the Secretary to prescribe procedures under which class III gaming will be conducted in the event a State is found to have negotiated in bad faith and fails to consent to a compact chosen by the court-appointed mediator. Faced with precisely this situation, the Secretary complied with the mandate of 25 U.S.C. § 2710(d)(7)(B)(vii) and prescribed procedures for the operation of class III gaming on the Mashantucket Pequot Tribe's lands when the State of Connecticut failed to accept a mediator's chosen compact. See 56 Fed. Reg. 24996 (May 31, 1991). 25 U.S.C. § 2710(d)(7)(b)(vii) of IGRA thus reflects an unmistakable Congressional intent that

tribes may undertake class III gaming, notwithstanding a State's intransigence and the resulting lack of a negotiated Tribal - State compact.^{1/}

These two aspects of IGRA -- Congress' grant to the States of only a limited and qualified role in the regulation of class III gaming, and Congress' unequivocal intent that tribes be able to proceed with class III gaming without state participation in certain circumstances -- should be the principal considerations guiding the Department's promulgation of rules in response to the Supreme Court's decision in Seminole Tribe.

2. The effect of the Supreme Court's decision in Seminole Tribe on the operation of other provisions in 25 U.S.C. § 2710(d)(7) when a State does not waive its Eleventh Amendment immunity to suit.

In Seminole Tribe, the Supreme Court held that the Indian Commerce Clause did not grant Congress the authority to abrogate the States' Eleventh Amendment immunity, as Congress had intended to do through the enforcement provisions of IGRA, 25 U.S.C. § 2710(d)(7)(A). The Court also held that the doctrine of Ex Parte Young did not permit a tribe to sue state officials to force a State's compliance with the good faith negotiation requirement of 25 U.S.C. § 2710(d)(3).

^{1/} For this reason, several provisions within 25 U.S.C. § 2710(d) that appear to condition class III gaming on the existence of such a compact cannot be read literally. For example, 25 U.S.C. § 2710(d)(1)(C) provides that "class III gaming activities shall be lawful on Indian lands only if such activities are . . . conducted in conformance with a Tribal-State compact entered into by the Indian Tribe and the State under paragraph (3) that is in effect." The plain language of 25 U.S.C. § 2710(d)(7)(B)(vii), however, makes clear that Congress did not intend such a result. Indeed, such an interpretation would read that provision out of the statute entirely, an outcome that violates the most basic canons of statutory construction. As a result, 25 U.S.C. § 2710(d)(1)(C) must be interpreted to authorize class III gaming if such activities are conducted in conformance with a Tribal-State compact *or regulations prescribed by the Secretary under paragraph (7)*. Similarly, IGRA's exemption from Johnson Act liability (15 U.S.C. § 1175) in 25 U.S.C. § 2710(d)(6) for class III gaming conducted under a Tribal-State compact, and IGRA's exclusion of class III gaming conducted under a Tribal-State compact from the definition of "gambling" in 18 U.S.C. § 1166, must be read to apply to class III gaming conducted pursuant to regulations prescribed by the Secretary under 25 U.S.C. § 2710(d)(7)(B)(vii) as well. The regulations the Secretary promulgates as a result of this proposed rulemaking should clarify Congress' intent with respect to each of these provisions of 25 U.S.C. § 2710(d).

As the Department considers the implications of this decision, the Community urges it not to lose sight of the narrowness of the Court's holding. The Court did not rule IGRA or any part of it unconstitutional. Rather, it held only that where a State raises an Eleventh Amendment defense to a lawsuit commenced pursuant to 25 U.S.C. 2710(d)(7)(A)(i) and (B)(i), federal district courts are deprived of subject matter jurisdiction to hear such claims. Notwithstanding the Court's decision, these sections of IGRA remain fully in force where a State consents to suit. Moreover, nowhere in the Court's opinion does it call into question the power of the Secretary to prescribe regulations to govern class III gaming in the event a State fails to consent to suit and a Tribal-State compact cannot be negotiated as a result. Indeed, the Court explicitly declined to consider "that portion of the decision below that provides a substitute remedy for a tribe bringing suit" when confronted with a State's assertion of sovereign immunity. 116 S.Ct. at 1133, n.18.^{2/} The substitute remedy to which the Court referred was immediate recourse to the Secretary under 27 U.S.C. § 2710(d)(7)(B)(vii) in the event a tribe's suit against a State was dismissed on Eleventh Amendment grounds. The Community believes that the reasoning underlying this result, as explained by Chief Judge Tjoflat, is highly persuasive:

[W]e are left with the question as to what procedure is left for an Indian tribe faced with a state that not only will not negotiate in good faith, but also will not consent to suit. The answer, gleaned from the statute, is simple. One hundred and eighty days after the tribe first requests negotiations with the state, the tribe may file suit in district court. If the state pleads an Eleventh Amendment defense, the suit is dismissed, and the tribe, pursuant to 25 U.S.C. § 2710(d)(7)(B)(vii), then may notify the Secretary of the Interior of the tribe's failure to negotiate a compact with the state. The Secretary then may prescribe regulations governing class III gaming on the tribe's lands. This solution conforms with IGRA and serves to achieve Congress' goals, as delineated in §§ 2701-02.

Congress' goal in enacting the enforcement provisions of IGRA was "to encourage States to deal fairly with tribes as sovereign governments." S. Rep. No. 466, *supra*, at 14. Promulgating regulations that will apply in the event a State does

^{2/} While the Court majority declined to consider the merits of the Eleventh Circuit's analysis at all, Justice Stevens was willing to assume its validity for the purpose of making the point that the majority's decision amounted to nothing more than an advisory opinion: "In my judgment, it is extremely doubtful that the obviously dispensable involvement of the judiciary in the intermediate stages of a procedure that begins and ends with the Executive Branch is a proper exercise of judicial power." 116 S. Ct. at 1144-45.

not consent to suit will promote that goal while at the same time ensuring that States cannot, merely by virtue of raising an Eleventh Amendment defense, frustrate Congress' clear intent that tribes be permitted to conduct class III gaming even in the absence of an agreed upon Tribal-State compact. The Community therefore urges the Department to enact regulations incorporating the Eleventh Circuit's ruling and authorizing tribes to request the Secretary to prescribe regulations for the conduct of class III gaming under 25 U.S.C. § 2710(d)(7)(B)(vii) when a suit to enforce IGRA's good faith negotiation requirement is dismissed on Eleventh Amendment grounds.

3. Whether, and under what circumstances, the Secretary of the Interior is empowered to prescribe "procedures" for the conduct of class III gaming when a State interposes an Eleventh Amendment defense to an action pursuant to 25 U.S.C. § 2710(d)(7)(B).

The preceding discussion provides the answer to this question as well. As explained above, under the Eleventh Circuit's ruling in Seminole Tribe, which the Supreme Court did not disturb, the Secretary retains authority under 25 U.S.C. § 2710(d)(7)(B)(vii) to prescribe regulations for the conduct of class III gaming whenever a State interposes an Eleventh Amendment defense to a suit under IGRA's enforcement provisions.

Additional authority for the promulgation of such regulations can be found elsewhere in IGRA as well. Pursuant to 25 U.S.C. § 2706(b)(10), "the Commission -- shall promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this Act." This is an extremely broad grant of discretionary authority to the Commission, and to the Secretary as well by virtue of the Commission's status as an entity organized within the Department of the Interior and thus ultimately under the authority of the Secretary. As a consequence, the Commission would be well within its authority -- wholly independent of the power granted to the Secretary in 25 U.S.C. § 2710(d)(7)(B)(vii) - - to prescribe regulations governing the conduct of class III gaming when a State raises an Eleventh Amendment defense to an action pursuant to 25 U.S.C. § 2710(d)(7)(B).

Furthermore, the Secretary's comprehensive authority over matters of Indian affairs generally likewise provides an independent basis for promulgating regulations to govern class III gaming in circumstances where a State has invoked its Eleventh Amendment immunity. The broad regulatory authority delegated to the Secretary in 25 U.S.C. §§ 2 & 9, for example, makes clear that even in the absence of

IGRA's specific grant of authority in 25 U.S.C. § 2710(d)(7)(B)(vii), the Secretary possesses the power to prescribe procedures to regulate tribal gaming.^{3/}

Indeed, any conceivable doubts about the Secretary's authority to regulate in this area were emphatically laid to rest in the Supreme Court's Cabazon decision. As the Court recognized in Cabazon, the specific grants of authority to the Secretary in such statutes as the Indian Financing Act of 1974, 25 U.S.C. § 1451, and the Indian Self-Determination and Education Assistance Act of 1975, 25 U.S.C. § 450, were directly relevant to tribal gaming because of their promotion of the important federal interests of encouraging tribal self-government and economic self-sufficiency. See 480 U.S. at 217. Moreover, as Congress noted in enacting IGRA, the Court's conclusion in Cabazon that federal interests regarding tribal gaming pre-empted those of the States "relied heavily on the fact that the Department of the Interior, as trustee for Indian tribes, reviews tribal gaming ordinances and approves or disapproves them, as well as all joint venture and management contracts with outside firms." S. Rep. 446, supra, at 3. In short, given Cabazon's recognition of the pre-emptive federal interest in tribal gaming and the breadth of the Secretary's delegated authority as trustee of the Indian tribes even before the enactment of IGRA, it cannot be seriously questioned that the Secretary has the power to prescribe regulations over virtually any aspect of tribal gaming, including the operation of class III gaming in circumstances where a Tribal-State compact cannot be negotiated because a State has raised an Eleventh Amendment defense to an action pursuant to 25 U.S.C. § 2710(d)(7)(B).

* * *

In closing, the Community wishes to emphasize the fundamental point it made at the outset of these comments: IGRA reflects Congress' recognition that Indian tribes have the exclusive right to regulate gaming on tribal lands, subject only to federal oversight and limited state regulation if the State negotiates in good faith and concludes a Tribal-State compact. If the State refuses to negotiate in good faith, or declines to allow a court to adjudicate the question of good faith, it has voluntarily given up its right to participate in the regulation of gaming on tribal lands within its jurisdiction -- a right that it otherwise would not have absent IGRA.^{4/} The choice is the State's to make. If it chooses to negotiate in good faith and consent to suit as Congress intended, its participation in the compacting process

^{3/} The federal courts have long recognized that 25 U.S.C. §§ 2 & 9 furnish the Secretary with broad authority to manage Indian affairs consistent with the trust obligations of the United States. See e.g., United States v. Eberhardt, 789 F.2d 1354, 1358-61 (9th Cir. 1986).

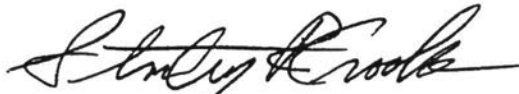
^{4/} As the Supreme Court acknowledged in Seminole Tribe, this provision of IGRA "extends to States a power withheld from them by the Constitution." 116 S.Ct. at 1124.

is guaranteed. If the State instead considers its Eleventh Amendment right too important to waive, it is certainly within its right to so decide, but it cannot then complain when the Secretary steps in to fulfill Congress' intent that regulations for the conduct of class III gaming be prescribed when a Tribal-State compact cannot be negotiated.

For the foregoing reasons, the Community reiterates its strong support for the Department's effort to move forward with rulemaking in response to the Supreme Court's decision in Seminole Tribe. As for the appropriate administrative process that should be used to develop specific procedures, and as to the substantive criteria that should be used to govern their implementation, the Community wholly endorses the positions advanced in separate comments filed today on behalf of the National Indian Gaming Association.

We thank you for this opportunity to comment on this very important matter. Please contact me or the Community's attorney, Kurt V. BlueDog, at (612) 893-1813 if we can further assist.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanley R. Crooks", written in a cursive style.

Stanley R. Crooks
Chairperson
Shakopee Mdewakanton Sioux Community

THE PRESIDENT HAS SEEN

7-31-96

THE WHITE HOUSE
WASHINGTON

96 JUL 20 P3:06

July 20, 1996

MEMORANDUM FOR THE PRESIDENT

FROM: DON BAER
MICHAEL WALDMAN
CAROLYN CURIEL

SUBJECT: NEW YORK TIMES MAGAZINE
100TH ANNIVERSARY ISSUE
SUBMISSION

St. Clair

The New York Times Magazine is celebrating the newspaper's 100th anniversary, with an issue devoted to America's future.

They have asked you to respond to three questions about the next century -- what your term will be remembered for; what Amendments to the Constitution will be enacted; and what the role of spirituality will be. Senator Dole will also submit a response.

We have drafted some proposed answers. Although the issue is not until the Fall, they are seeking a response soon. We can incorporate any edits, or redraft answers as you desire.

Unfortunately, we need to turn this around quickly. So if you could get this back to us as fast as possible, it would be very helpful. Thank you.

cc: Baer
Waldman
Curiel
Caron

**PRESIDENT WILLIAM J. CLINTON
ANSWERS FOR NEW YORK TIMES MAGAZINE
ISSUE OF SEPTEMBER 29, 1996**

Question 1: If you are re-elected, what two or three accomplishments do you think you will be best remembered for into the next century?

I hope that, more than anything, we are helping to prepare the American people to meet the challenges of the 21st Century, and to protect our values as we do so.

We are living through a time of rapid and remarkable change -- one as dramatic as the one our country experienced 100 years ago, when that generation wondered what their new century would bring. I like to say that this is an age of remarkable possibility, as we move from the industrial era to the information age. The next century, because it will be dominated by ever-more advanced technologies and growing global markets, will also present unprecedented new demands on our people for knowledge and skills.

More than anything else, I want our grandchildren to look back at this time as our generation's crucial moment to decide what kind of country and what kind of people we are going to be. And I want them to say that we made it more likely that we could harness all that is positive about this age of possibility, and that we acted on their behalf -- that we kept the American dream alive, that we came together as a nation despite our differences, that we kept America the world's strongest force for peace and freedom.

And I would want Americans, 100 years from now, to be able to look back and see that we remained true to our most enduring values: offering opportunity to all; demanding responsibility from all; staying together as a community.

That is what we have tried to do. And during the past four years, I believe our country has, in fact, begun to grapple with our tough choices. We have created 10 million new jobs. We have cut the deficit more than in half, so that is now at its lowest level since 1981. We have begun to mend many of the tears in our social fabric evident over recent decades: Crime has dropped for four years in a row. There are 1.3 million fewer people on welfare today than on the day I took office. All of these are signs that we are putting our national house in order. And I hope they will be taken as portents of more progress to come in the new century.

All these are signs that we are putting our national house in order. But we must continue to make progress. It is very important that we have a clear sense of the challenges that lie ahead.

When I think about opportunity, I think about how we can give all our people the capacity to prosper in the growing economy. Throughout our history, our country has always expanded the education it offered, to keep pace with changing times, whether it was the land grant colleges, making 12 year of public education mandatory, or the GI Bill. I believe that the next step must be to make the 13th and 14th years of education -- the first

two years of college -- as much a universal standard as a high school degree became in the years following World War II. That is why I have proposed tax cuts to enable every young person in America to go to at least two years of college, and to enable older workers to get the training they need throughout a lifetime.

When I think about community, I think about sustaining our efforts to fight crime, especially the crime committed by young people. We took a new approach to crime -- combining tough punishment with community-based policing, putting 100,000 police on the street and taking guns off the street. The success of community policing rests on the active involvement of neighbors, organized through block-watch associations and citizen groups. These victories against crime will not last, however, if we do not address the rising tide of youth violence. The early years of the new century will be ugly indeed if a generation of children continue to kill children, and hundreds of thousands of young people raise themselves on the streets. More police and tougher sentences will not be enough. Every member of our society, especially parents and neighbors, will have to take responsibility to teach our children values and discipline.

And when I think about community, I think about the efforts we must make to strengthen our families -- because families are where we pass on the values that sustain us as a country. As this century draws to a close, families are under intense and increasing pressure. In this intensely competitive economy, parents find it harder than ever before to spend enough time with their children, and to protect them from mass media and other

influences that can warp their values. So I want this to be a time when we come together as a community to give parents more control over their lives and the lives of their children. That is why, for example, we are going to require TVs to have the V-chip, so that parents can control the forces that come into their living rooms. And that is why, in the coming years, we should extend the Family Medical Leave Act, so parents can take time for parent-teacher conferences and routine medical appointments. In the new century, our people should be able to be both good parents and good workers.

Finally, I believe we will look back at this moment and see that the United States led the world toward a new era of peace and security. As I have said many times, our nation has had to choose twice before during this century whether to turn inward or reach outward. Now, in the wake of the Cold War, we face new realities and new threats. New technologies and the rapid movement of information, money and people across borders bring us closer together and enrich our lives. But they also make us all more vulnerable to rogue states, crime, drugs and terrorism. We must face the threats to our generation, just as previous generations faced the threats to theirs. So far, our nation has chosen to advance our vision of free markets, a strong military, and support for democracy around the world. And so far, support for this general policy has been strong and bipartisan -- just as it was after World War II. I want us to be able, in the first half of the 21st century, to avoid the mistakes and the horrors of the first half of this century. This is a moment of peace and prosperity; we should use this moment to create the framework for a century of peace.

Question 2: By the year 2096, what three amendments to the Constitution are most likely to have been added?

I hope that the next amendment to be added is a Victim's Rights Amendment, which I recently endorsed. After carefully studying all the alternatives, I became convinced that the only way to safeguard fully the rights of victims is to amend the Constitution to guarantee that victims receive notice of public court proceedings; that they have an opportunity to present their views to the court on such matters as bail sentences, and plea bargains; that they get restitution from the criminal; and that they receive notice if the criminal is released or escapes from custody. The Constitution today protects the rights of the accused, but not the rights of victims. If we wish to create a level playing field, we must give victims an equal place in the Constitution. I am convinced that we will do so within the next few years, and with bipartisan support.

I do not know what other amendments will follow this one -- because no one can know what pressing problems the nation will face over the next century that cannot be addressed through other means. I do not support amending the Constitution lightly. It is a sacred document, which should be changed only with caution and after much deliberation. We should not do by constitutional amendment what we can do by legislation -- such as balancing the budget. Neither should we guarantee rights that are already guaranteed -- such as the right of schoolchildren to express their religious convictions in an appropriate manner. We should save the amendment process for these times when a crucial interest of the

American people is going unprotected, and the Congress and President can do nothing within their usual powers to remedy the situation. I hope that these times do not often occur in the next one hundred years -- and so I hope that our most fundamental law will look in 1996 much as it does today.

Question 3: What will be the role of spirituality in the lives of Americans in the 21st Century?

We can only dimly imagine what the 21st Century will look like, how we will live, and how we will work. Nonetheless, I fully expect Americans to remain among the most religious people on earth. For despite 220 years of occasionally tumultuous change, our deep faith in God has been a constant source of strength for our people.

How we worship is as varied as our people; our nation includes followers of every faith and nearly every religious sect on earth. But faith guides all our families in similar ways, giving children a sense of values and their earliest and most important rules for life.

Our history is filled with our struggle to live up to those values. Our Framers appealed to the supreme being when they declared our independence. Religious liberty is enshrined in the First Amendment to the Constitution. Religion was a source of moral fervor when we abolished slavery and began the work to protect human and civil rights. It was a wellspring for the modern civil rights movement. It continues to be the source of our most

basic shared values.

The job of living up to those values is not done. Humans are imperfect; we will always have to strive to achieve what President Lincoln called "the better angels of our nature." We need our religious grounding more than ever, as we seek to find unity in our differences, as we try to treat one another with civility and decency, as we try to teach our children right from wrong.

The Scriptures [Romans 12:2] tell us: "Do not be conformed to this world, but be transformed by the renewing of your mind that you may prove what the will of God is, that which is good and acceptable and perfect." I have no doubt that our people, who enjoy the greatest religious freedom anywhere, will continue to seek their higher and better selves through their connection with God, and that America always will be a better place because of it.