Crime - Habeas Reform

EXECUTIVE OFFICE OF THE PRESIDENT

23-Apr-1996 03:45pm

TO: Todd Stern

FROM: Bruce N. Reed
Domestic Policy Council

SUBJECT: Habeas language in signing stmt

Todd --

The habeas language that Chris Cerf inserted in the statement goes into far more detail than seems appropriate here. I realize this is a controversial issue, but it is also one that could get us in trouble if we say more than necessary.

I would suggest the following edits to the habeas section:

First, we should say upfront that "I have long sought to streamline federal appeals for convicted criminals sentenced to the death penalty. For too long, in too many cases, endless death-row appeals have stood in the way of justice being served."

Second, we should drop the sentence "I am advised that one provision of this important bill could be interpreted in a manner that would undercut meaningful federal habeas corpus review and raise profoundly troubling constitutional issues." This sentence could be used against us, and doesn't add anything, since we later say we don't think it will be interpreted this way.

The rest of that graph and the next graph are fine. But I would drop the graph that begins "Section 104 limits evidentiary hearings", which looks exactly like what it is -- an abstruse and unconvincing effort to spin the courts. The more flanks we expose on the issue, the more likely our opponents will find some way to use it against us (especially since they're spending all their time blasting us with the charge that our supposedly liberal judges will be a bonanza for criminals' rights if the President is re-elected).

Thanks.