my Administration's overall efforts to promote employment opportunities for persons with disabilities.

I direct the Task Force to conduct a study on the role of Medicare and Medicaid in covering assistive technologies that encourage employment of individuals with disabilities. The study should:

(a) examine current Medicare and Medicaid coverage of assistive technology devices and the cost of providing such coverage. Assess the current coverage criteria under Medicare and Medicaid with comparisons to the private insurance market. Review and evaluate other past and on-going research on Medicare and Medicaid coverage of assistive technologies;

(b) seek input from the disability community to identify the types of medically necessary assistive technologies that facilitate independent living and employment. Develop criteria for identifying such devices;

(c) determine whether provision of assistive technologies may substitute for other Medicare and Medicaid health care services such as personal care services and, if so, provide an estimate of the potential savings;

(d) analyze Medicare and Medicaid medical necessity guidelines to determine whether they can support employment while continuing to meet the health care focus of the Medicare and Medicaid programs. As we move toward an increased employment of persons with disabilities, there is a need to study the intersection of the concepts of disability, medical necessity, and employment;

(e) determine an appropriate delineation of responsibility for coverage of assistive technologies between publicly financed health care and employers by evaluating employers' responsibilities under the Americans with Disabilities Act, section 504 of the Rehabilitation Act, and the Assistive Technology Act; and

(f) make recommendations for administrative and legislative changes to the Medicare and Medicaid programs, including an estimate of costs, to encourage coverage of medically necessary assistive technologies that also support employment of persons with disabilities.

This memorandum does not create any right or benefit, substantive or procedural, enforceable by a party at law against the United States, its officers or employees, or any other persons.

William J. Clinton

Remarks to the Michigan State Bar Association in Detroit, Michigan

September 21, 2000

Thank you very much, ladies and gentlemen, and thank you for that warm welcome. Thank you, President Butzbaugh, for that introduction, even though you almost took my speech off with you. [*Laughter*]

And I also want to thank your incoming bar vice president, Reginald Turner, because he was a White House fellow, and I know he's chairing your Access to Justice Task Force now. And I was glad he was out there. Thank you. And I want to acknowledge the presence here of your attorney general, Jennifer Granholm, and the president of the Legal Services Corporation, John McKay, and Judge Harold Hood, the first State bar commission chair on gender, race, and ethnic bias issues. That's very important. I thank you.

I'd also like to say that my longtime friend Mayor Archer was here and had to leave, but his wife, Trudy Archer, is here. And I thank you, Trudy, for staying around. You've heard me speak a lot before, and you didn't have to do that. I thank you.

When the mayor heard I was going to be in Michigan today, he told me you were here, and you were interested in these access-to-justice issues. And he told me that I was coming to the bar association. [*Laughter*] We've been friends, as I said, a very, very long time. He and Hillary used to work together in the ABA, back when he was a judge and before I was President, on the participation of women and minorities in the bar. So I've known Dennis for many years, and we share

a common interest in a lot of the things that you're concerned about now.

I would like to begin by congratulating those who were honored for 50 years of service in the legal profession. A tremendous amount has been done in the last half century to increase access to justice, from the establishment of our modern civil rights laws to the creation of Legal Services Corporation, to the acceptance of public interest practice, to the growing numbers of women and minorities in the profession. And Michigan lawyers clearly have been on the forefront of those efforts. I already mentioned the role Mayor Archer played in the ABA when he was on the Supreme Court.

I'd like to mention two of those honored tonight: Leonard Grossman has given a lifetime service for civil liberties; and Judge Damon Keith, who I had the honor to know before I was President, for his life of service in civil rights.

Tonight I would like to talk about a couple of issues that I think are profoundly important to the question of access to justice and the future of one of its cornerstones, the Legal Services Corporation.

We're all here because we believe equal justice is the birthright of every American, but there remains a crying need for the work of the Legal Services Corporation to make that principle a reality for all citizens, including that little baby. I don't mind having babies cry in my speech. [*Laughter*] The only thing I hate about babies crying is, it reminds me how old I am. [*Laughter*]

The Legal Services Corporation has been important to my family for a long time. In the 1970's, when President Carter was in office, he appointed Hillary to the Legal Services Corporation Board, and she served as its youngest chair. And in all these years we have cared a great deal about it. Every budget I have submitted as President has requested more funding for legal services, but every budget passed by Congress—that's the good news, but every budget I have passed by Congress has drastically slashed my request, and funding has declined by 25 percent since 1996, when plainly, the number of people in our country who need access to legal services and who can't afford them has substantially increased.

Again this year the Congress is proposing to flatline or cut the budget that I have asked to be increased by $36 million. So if any of you know anybody in Congress and you can get me another vote or two, I'd appreciate it.

Now seriously, this is not some sort of abstract concept or, as some Members of Congress, I think, honestly believe, just sort of a luxury our democracy can do without. It is tens of thousands of Americans who seek a lawyer and can't consult with one because they don't have the money for it. Hard-working people in rural communities or inner cities, many of whom have never even seen a lawyer. It is a profound failing in our system of justice when we don't provide legal services but we continue to maintain we are all equal before the law.

Obviously, you think lawyers make a difference, or you wouldn't be one. And I ask you again, this—for most of our history, since legal services came into being, this has not been a partisan issue. And I would hope it would not be again. Our country will have a $211 billion surplus this year. We can afford $36 million more for legal services.

But I'd also like to talk about the responsibilities of the profession, because the Government can't do all of this alone. Since antiquity, lawyers have been expected to give of their time and talent pro bono. It is essential for our democracy and the future of this profession that everyone who needs a lawyer can get one and that everyone who might one day need a lawyer trusts the system will work in that event for him or her.

Over the last decade our strong economy has actually increased pressure, as you know, to bill more hours and cut back on pro bono work. Surveys tell us that lawyers at the Nation's highest grossing firms are now averaging just 36 hours a year in pro bono work. That is down dramatically from the 56 hours averaged in 1992 and well below the 50 hours recommended by the ABA.

I know this bar association has been a leader in responding to these pressures and meeting the desperate needs for counsel. You created one of the largest and best State bar access programs in the entire Nation. And I thank you for that. I hope you will continue to advocate this position with others

in other States who run law firms or work with young lawyers. Pro bono work is good experience and good for the standing of the profession in the community. It is also vital for our democracy.

I can't help saying, in light of all the publicity that the death penalty cases have received lately, this issue is more important than ever. The Governor of Illinois declared a moratorium on executions in Illinois because there were so many questions about whether innocent people had been convicted.

Many States have failed to adequately fund their public defender systems; others have failed to fund them at all. In one of our largest States, two attempts to pass public defender systems were actually vetoed. And we have to do more. There is a very important piece of legislation in the United States Senate today, sponsored by the Republican and Democratic Senators from Vermont, Senators Leahy and Jeffords, and others, which would provide funding for DNA testing and for adequate assistance of counsel in all capital cases. And I hope that the bar will support that objective.

Now, let me just say, I couldn't speak before a group of lawyers, especially in Michigan, without mentioning what I think is another threat to equal justice under the law and to access to justice, and that is the Senate slowdown in the consideration and confirmation of my nominees to our courts.

Let me say, I know this is a controversy which has been building for some years, which to some extent, predated my service as President. This was a very important issue to me not only because I've been a lawyer and the attorney general of my State but because I used to teach law, criminal law, criminal procedure, admiralty and antitrust, and most importantly, constitutional law. And when I became President, I made a commitment to myself that I would appoint members to the Federal judiciary that were broadly reflective of our country in terms of gender and race and other different background experiences, that would meet the highest standards of the American Bar Association, and that would be essentially nonpolitical, that would be fair and not overly result-oriented in dealing with cases.

The judges that I have appointed have gotten more top ABA ratings than those of any President in 40 years. And independent analyses have demonstrated that they have not been in their decisionmaking particularly ideologically driven, unlike the judges that previous Presidents have appointed.

Now nevertheless, even making allowances for the fact that in election years there's normally a slowdown if the President is of one party and the Senate is of another, if you look at the whole record, the Senate majority has been far less forthcoming with me than Democratic Senates were with Presidents Reagan and Bush, even though their nominees were, on average, not as highly rated by the ABA as my nominees.

A blue ribbon panel, moreover, recently found that during the 105th Congress, nominations of women and minorities tended to take 2 months longer to be considered than those of white males, and minorities were rejected twice as often, having nothing to do with their ABA ratings, I might add.

The Senate has 42 nominations before it right now; 34 of those people have never even had a hearing; 20 of them have been nominated to fill empty seats that have been declared judicial emergencies, places where our legal business is not getting done and, therefore, access to justice is not fully guaranteed. Two of those judicial emergencies are on the sixth circuit, here in Michigan, where one-fourth of the seats are vacant.

But you'd never know it from how the Senate has acted, or refused to act. Judge Helene White, who ought to be Judge Keith's successor, has waited for a hearing for 3½ years, longer than any nominee in history. She is here tonight, I think, and I want to thank her for hanging in there, through an ordeal that no one should have to endure. Stand up. [*Applause*] Thank you.

Kathleen McCree Lewis has been waiting a year for her hearing. She would be the first African-American woman on the sixth circuit. The ABA unanimously gave her its highest rating. Now, if both the Senators from this State would push for a hearing, we might still get both of them confirmed, and we could certainly get one of them confirmed.

This is wrong, and what you need to know is that the sixth circuit is not alone. Look

at the fourth circuit, in the southeastern part of our country. It has the highest percentage of African-Americans of any Federal circuit in the country. One-third of its judgeships are vacant, and although it has the largest percentage of African-Americans of any circuit, it has never had a single African-American or, indeed any person of color as a judge.

For years—I mean, for years and years—I have sent up one qualified nominee after another. There are now, still, two well-respected African-Americans whose nominations are pending from that circuit, Judge James Wynn from North Carolina, and Roger Gregory of Virginia. Those seats are also judicial emergencies, but neither nominee has even gotten a hearing.

Now as I said, in election year, there's always been some slowdown, but if you look at the statistics here over the last 5 years, this Senate has been far less forthcoming on these nominees than the Democratic Senates were with Republican Presidents who were my predecessors. And these people are very highly qualified, which leads to only one conclusion, that the appointments process has been politicized in the hope of getting appointees ultimately to the bench who will be more political. This is wrong. It is a denial of justice, and I hope the bar will speak out against it strongly.

Otherwise, I don't have strong feelings about it. [*Laughter*] Thomas Jefferson once said that, "Equal justice is a vital part of the bright constellation that guides our political fates and our national life." I want to thank you, all of you, for your devotion to that goal, for making the law an honorable profession, and for believing in equal access.

I want to especially thank those who have given a lifetime and more, in 50 years of service, to the law of the land. I hope that with all the prosperity and progress our country enjoys, with all of the social indicators moving in the right direction, we will not let the indicator of justice move in the wrong direction. I hope that you will continue to stand for equal access, work for it, and urge others to follow your example.

Thank you very much, and God bless you.

NOTE: The President spoke at 7:05 p.m. in the Willow Room at the Atheneum Suites Hotel. In his remarks, he referred to Alfred M. Butzbaugh, president, Michigan State Bar Association; Judge Harold Hood, chair, Michigan Supreme Court Task Force on Racial/Ethnic Issues in the Courts; Mayor Dennis W. Archer of Detroit; Leonard Grossman, board member, Guild Law Center for Economic and Social Justice; Judge Damon J. Keith, former Judge, U.S. Court of Appeals for the Sixth Circuit; and Gov. George H. Ryan of Illinois.

Remarks at a Michigan Victory 2000 Reception in Livonia, Michigan

September 21, 2000

The President. Thank you. If Jennifer had just given me credit for the Sun coming up in the morning, I would have been sure I was at a Republican rally. [*Laughter*] I mean, look up here. I'm basically here as an affirmative action prop so the men wouldn't be too outnumbered.

I want to thank Jennifer Granholm for her introduction, for her service, for holding the flag of the Democratic Party high in Michigan. And for her, there will be life after the attorney general's office. I'll guarantee you that.

I want to thank Dianne Byrum for running for Congress. You get a two-fer if she's elected. You'll have a great Member of Congress, a great successor to Debbie Stabenow, and you'll help make John Conyers chairman of the Judiciary Committee. I want to thank Matt Frumin for running for Congress and for proving that Democrats can tie and wear bow ties. I've never been able to do that. See, look at Orson Porter down there laughing. He wears a bow tie every day, and I still can't do it, and I'm 54. [*Laughter*]

I want to thank Marty Robinson for running for the supreme court. She's out here somewhere. We thank her. I want to thank Carolyn Cheeks Kilpatrick for being a great Representative and a great personal friend to me in these years that she has served.

And I don't know what to say about John Dingell. But when I was at the Congressional Black Caucus dinner the other night—I mean about John Conyers—I want to say something about John Dingell, but I'm going