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September 5, 1986

HOUSE DEMOCRAT DRUG ABUSE LEGISLATION

A Summary of the House Democrat Proposal

The House Democratic leadership is sponsoring an Omnibus Drug Package. It includes twelve titles representing smaller packages from each of the committees that had previously considered some aspect of the drug abuse problem. The proposed legislation authorizes funds in excess of \$3.6 billion over the next three years.

The following analysis reflects the best available understanding of the bill as of September 5, and includes preliminary Administration positions where available. Cost figures represent best estimates of new authorizations through FY 1989. Several Amendments are anticipated prior to consideration by the House in early September.

Title I (Foreign Affairs Committee) - \$48 Million

- o The International Narcotics Control Act - authorizes increased funds for foreign eradication efforts, and modifies the Mansfield Amendment which restricts foreign activities of U.S. law enforcement officials; withholds \$1 million from Mexico pending conclusion of the Camarena investigation.
--The Administration could support some provisions of this Title.

Title II (Armed Forces Committee) - \$228 Million

- o The Defense Narcotics Act of 1986 - authorizes funds for the Army, Navy, and Air Force; continues funding for Navy deployment of Coast Guard law enforcement teams.
--The Administration could support with reservations regarding the specified combination of aircraft.

Title III (Ways and Means Committee) - \$239 Million

- o The International Drug Traffic Enforcement Act - strengthens Customs' drug enforcement capability, including increased criminal and civil penalties and investigatory powers; certain trade benefits are denied to countries failing to cooperate in drug enforcement.
--The Administration could support most provisions, but should oppose trade restrictions.

Title IV (Merchant Marine Committee) - \$256 Million

- o Proposes an at-sea drug interdiction and maritime air surveillance program for the Coast Guard.
--The Administration should oppose this Title pending completion of a Drug Policy Board study of the role of Customs and the Coast Guard in air interdiction.

Title V (Banking Committee) - No Funding Required

- o The Comprehensive Money Laundering Prevention Act - similar in major respects to a Treasury proposal; deals with regulatory aspects of money laundering.
--The Administration could support with qualifications; language modifications would be required.
- o The Drug Interdiction Act of 1986 - proposes using the U.S. vote in multilateral development banks to promote drug eradication programs in foreign countries; places inflexible restrictions on ability to support loans.
--The Administration should not support this provision.

Title VI (Judiciary Committee) - \$1,581 Million

- o Comprehensive Money Laundering Act - makes money laundering a criminal offense; based on original Administration proposal.
--The Administration could support this Act, but the Senate version is broader and more acceptable.
- o The Controlled Substance Analog Act of 1986.
--The Administration could support with reservations; the definition of "controlled substance analog" should be modified; the Senate bill is based on an Administration proposal and is more acceptable.
- o The Narcotics Penalty and Enforcement Act of 1986.
--The Administration could support with reservations; minimum sentence requirements should be modified and maximum sentences raised.
- o The White House Conference on Narcotics Abuse and Control Resolution of 1986.
--The Administration should oppose this unnecessary conference.
- o The Career Criminal Amendments Act of 1986.
--The Administration could support this Act which provides long sentences for firearm users with prior drug dealing or crime of violence convictions.

- o The Drug and Alcohol Dependent Offenders Treatment Act of 1986.
--The Administration should not oppose this new authority, but should not support excessive costs.
- o The Drug Enforcement Enhancement Act of 1986 - includes block grants to States for drug enforcement with a 50/50 match requirement; includes prison construction with a 3-year cost of over \$1 billion.
--The Administration should oppose the grant provisions, and excessive funding.

Title VII (Public Works Committee) - No Funding Required

- o Authorizes States to establish criminal penalties for the use of fraudulent aircraft registrations, establishes criminal penalties for transporting drugs, and calls for a study of drug use and highway safety.
--The Administration could support with minor reservations.

Title VIII (Education Committee) - \$1,053 Million

- o The Drug Abuse Education and Prevention Act of 1986 - emphasizes federally funded drug education programs.
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Title IX (Energy and Commerce Committee) - \$181 Million

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--The Administration should oppose this Act; its "core" solution offers only more bureaucracy and its designer drug provisions conflict with the Judiciary Committee Title.

Title X (Post Office Committee) - Funding Undetermined

- o Requires OPM to establish employee assistance and education programs to combat drug abuse and to report the anticipated costs to Congress within six months.
--The Administration should oppose this Title based on its potentially excessive cost.
- o Classifies controlled substances as non-mailable matter.

Title XI (Interior Committee) - \$69 Million

- o The Indian Alcohol and Substance Abuse Prevention Act - provides assistance to Indians to improve law enforcement and to organize a drug treatment and prevention program.
- o Provides funding for equipment for Puerto Rico and the Virgin Islands.

--The Administration should oppose this unnecessary and restrictive Title.

Title XII (Government Operations Committee) - No Funding Required

- o Requires the President to propose legislation within six months to reorganize the Executive Branch to coordinate efforts to combat drug abuse.
-- The Administration should oppose any unnecessary reorganization.

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WHITE HOUSE STAFFING MEMORANDUM

DATE: 9/18/86 ACTION/CONCURRENCE/COMMENT DUE BY: C.O.B. TODAY

SUBJECT: PRESIDENTIAL MEMORANDUM TO EXECUTIVE BRANCH EMPLOYEES RE: DRUGS

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	<input type="checkbox"/>	<input type="checkbox"/>	MILLER - ADMIN.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
REGAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POINDEXTER	<input type="checkbox"/>	<input type="checkbox"/>
MILLER - OMB	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RYAN	<input type="checkbox"/>	<input type="checkbox"/>
BALL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPEAKES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BARBOUR	<input type="checkbox"/>	<input type="checkbox"/>	SPRINKEL	<input type="checkbox"/>	<input type="checkbox"/>
BUCHANAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SVAHN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CHEW	<input type="checkbox"/> P	<input checked="" type="checkbox"/> SS	THOMAS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TUTTLE	<input type="checkbox"/>	<input type="checkbox"/>
HENKEL	<input type="checkbox"/>	<input type="checkbox"/>	WALLISON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KING	<input type="checkbox"/>	<input type="checkbox"/>	<u>TURNER</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
KINGON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<u>COURTEMANCHE</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MASENG	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: Please provide any comments/recommendations on the attached memorandum directly to Ralph Bledsoe by close of business today, with an info copy to my office. Thank you.

RESPONSE:

9/18/86 *ds* *Jul Can...*

David L. Chew
Staff Secretary
Ext. 2702

THE WHITE HOUSE

WASHINGTON

DRAFT

September 15, 1986

MEMORANDUM FOR ALL EXECUTIVE BRANCH EMPLOYEES

As you know, I recently approved a comprehensive drug abuse program that has as its overriding goal a drug-free America. This is no easy task, requiring as it does the commitment and support of all Americans. I hope I can count on you, the members of our elite Federal workforce, to play a leading role in this crusade against drug abuse by setting an example for other American workers to follow.

One of our major goals is a drug-free American workplace. To achieve this goal I am counting on every one of you to send a firm message that drug use within every Federal office, shop and laboratory simply isn't tolerable. We need the kind of healthy peer pressure that will help your colleagues follow Nancy's advice and "Just Say No." Our intention is not to punish illegal drug users, but to help them kick the habit. When you see colleagues struggling with a drug habit, I hope you will encourage them to seek help from their Employee Assistance Program or from some other organization or person skilled in drug counseling and treatment. The concern and moral support of colleagues and friends can often mean the difference between rehabilitation of a valuable individual or a worsening spiral of drug abuse and despair.

Another of our goals is to increase public awareness and prevention of drug abuse. This too requires your active support. I am counting on Federal employees to help spread the word about the dangers of drug abuse. Illegal drug use is not a "victimless crime," nor is it glamorous or trendy. It victimizes all of use in productive time lost, lives shattered and families torn apart. We need to spread that message. Your agencies will soon be suggesting ways in which you can help, whether by passing out educational materials, talking to children and students, or simply sharing your own experiences and knowledge with co-workers.

My goal--our goal--is a drug-free America, and there is no better place to start than by making America's largest workforce, the Federal workforce, drug-free. By balancing intolerance for drug abuse with fair and caring treatment for individuals with a drug problem, we can take a giant step toward that goal. I hope I can count on your personal help.

THE WHITE HOUSE

WASHINGTON

September 17, 1986

MEMORANDUM FOR DAVID CHEW

FROM:

Alfred H. Kingon 

SUBJECT:

Proposed Memorandum from President to All
Executive Branch Employees

Attached is a draft memorandum from the President to all federal employees asking for cooperation in achieving a drug-free America. Would you please circulate this memo to senior staff asking for their comments and return to me. We are anxious to get this moving. Thanks.

Attachment

THE WHITE HOUSE

WASHINGTON

DRAFT

September 15, 1986

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THE WHITE HOUSE

WASHINGTON

September 23, 1986

MEMORANDUM FOR THE PRESIDENT

FROM: Alfred H. Kingon 

SUBJECT: Memorandum to All Executive Branch Employees

Attached for your signature is a memorandum to all federal employees asking for cooperation in achieving a drug-free America.

Attachment

THE WHITE HOUSE

WASHINGTON

September 23, 1986

MEMORANDUM FOR HEADS OF DEPARTMENTS AND AGENCIES

Enclosed is a message for Executive Branch employees about our new drug abuse initiatives. Please ensure that all employees in your organization receive a copy, and feel free to communicate an additional personal message of your choosing.

THE WHITE HOUSE

WASHINGTON

September 23, 1986

MEMORANDUM FOR ALL EXECUTIVE BRANCH EMPLOYEES

As you know, I recently approved several new initiatives with an overriding goal of a drug-free America. This is no easy task, requiring as it does the commitment and support of all Americans. I am asking you, as citizens, parents, friends and colleagues, to play a leading role.

As members of the nation's largest workforce, you can continue to set an example for other American workers. The large majority of Federal employees have never had trouble with illegal drugs, but our goal is a safe and drug-free workplace for all employees and the American public. I know the issue of drug testing has caused some concern, but I want to assure you that any testing program will be fair and will protect your rights as citizens. Our intention is not to punish users of illegal drugs, but to help rehabilitate them. When you see colleagues or friends struggling with a drug problem, encourage them to seek help from your Employee Assistance Program or from some other organization or person skilled in drug counseling and treatment. Together we can send a message that illegal drug use in every office, shop and laboratory simply will not be tolerated. We should encourage healthy peer pressure that will make it easier for workers to take Nancy's advice and "Just Say No."

Your efforts to increase public awareness and prevention of drug abuse are also crucial. Illegal drug use is not a "victimless crime," nor is it glamorous or a matter of personal choice. Drug abuse victimizes everyone in productive time lost, lives shattered and families and communities torn apart. We must also send this message beyond the workplace to friends and neighbors and especially to our young people.

I have called upon you many times in the past, and your support and dedication have already helped us achieve so much. Now I am asking you to get personally involved in ridding our offices, schools and homes of drugs and making them better places to live and work. I know I can count on your personal help.

DRAFT

ANNOTATED OUTLINE

REPORT OF THE WORKING GROUP ON DRUG ABUSE POLICY TO THE DOMESTIC POLICY COUNCIL

September 8, 1986

I. Summary

This section would contain a report summary, including the major findings, conclusions, and recommendations.

II. Introduction and Background

This section would contain a brief review of the drug abuse problem, the Administration's efforts since 1981, the recent actions by the President on the six goals, and the charter and establishment of the Working Group.

III. The Administration's Plan

This section would focus on actions and steps the Administration intends to take. It would include sections on each goal, with subsections on each initiative under a goal. It would include 1) statements on why each goal (and each initiative) is important, 2) the specific steps involved in each initiative, 3) what decisions are needed by the President, 4) and brief statements on the expected results from each goal/initiative.

IV. Legislative Action

This section would focus on legislative proposals, both those to be offered by the Administration, and those being proposed by Congress. Proposals would be categorized, and for each there would be references to options available to the Administration, i.e. support or non-support.

V. Funding

This section would focus on costing of the initiatives, both those offered by the Administration and any being proposed by Congress that are felt worthy of support.

VI. Communications

The final section of the Report would include a proposed plan for communications of the Administration's program.

Presentations of the Report will be given to the Council, without the President in attendance, on September 8 and 10 (and 15 if needed). It is tentatively planned that it would be given to the President on September 16. Think about how best to present the recommendations and the decision issues in a timely manner. The Administration plan would be presented first, with legislation to follow. The two would be combined for the September 16 meeting with the President.

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THE WHITE HOUSE
WASHINGTON
September 12, 1986

MEMORANDUM FOR THE PRESIDENT

FROM: ALFRED H. KINGON *AK*

SUBJECT: Death Penalty for Major Drug Traffickers

The previous decision memorandum regarding drug abuse policy did not properly reflect the decision needed on the death penalty. *Actually two decisions were required*
Our proposed legislation does not prescribe the death penalty for major traffickers. While you have previously opposed this under certain conditions, some Council members feel a stronger position may now be needed because of Congressional proposals calling for the death penalty.

The Gekas Amendment, which you have approved allowing Justice to support, was passed by the House on 9/11/86. It calls for the death penalty if there is a drug related death from continuing criminal enterprise and from knowingly causing death.

Your decision on whether to include the death penalty is needed to finalize our proposed legislation.

Death Penalty for Major Drug Traffickers:

 Include Do Not Include

check on the Gekas amendment

The other decision is whether to include in our legislative proposal the death penalty for major drug traffickers. ~~As you indicated~~ You indicated your reservations previously, but as you remember the discussion most of your administration feel that this is desirable to include ~~the~~ your Administration's resolution.



U.S. Department of Justice

22 SEP 1986

Civil Division

3774

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 22 1986

TO: Carlton E. Turner
Chairman, Drug Use Prevention Working Group
Domestic Policy Council

FROM: Richard K. Willard
RKW Chairman
Legislative Review Task Force

RE: Implementation of Executive Order 12564

The President's Executive Order establishing a drug-free federal workplace requires the head of each Executive agency to develop certain plans, programs and procedures for achieving the objective of a drug-free workforce at his or her agency. Below, I have summarized the actions required for implementation of the order.

a. The Secretary of Health and Human Services is to promulgate "scientific and technical guidelines for drug testing programs." Section 4(d) of the order allows agencies to implement drug testing programs even though HHS has not yet promulgated guidelines.

b. The Director of the Office of Personnel Management is required to provide government-wide guidance on implementation of the order including:

- Providing Federal Employee Health Benefit Plan coverage for drug users;
- Developing a model Employee Assistance Program;
- Developing training programs for supervisors in conjunction with HHS; and
- Developing a drug awareness campaign for the federal workforce in conjunction with HHS.

c. The Attorney General is to render legal advice to agencies in connection with the mandatory consultation process of the order.

d. Agency heads are required to establish plans to reach the goal of a drug free workplace which are to include the following:

- A general policy statement;
- Employee Assistance Programs for rehabilitation;
- Supervisory training to assist managers in identifying drug users; and
- Referral mechanisms for self-identified drug users and referral mechanisms for employees identified as drug users by management.

e. Agency heads are required to establish a program to test employees for illegal drug use. These programs are to include:

- testing for sensitive employees, with the scope and extent to be determined by the agency head;
- voluntary testing;
- testing for any employee upon reasonable suspicion, in connection with an accident or as part of or as a follow-up to a rehabilitation program;
- applicant testing if the agency head desires;
- 60-days notice for the initiation of a new drug testing program; and
- Other procedural protections such as recordkeeping and privacy.

It has been suggested that the Domestic Policy Council may wish to remain involved in monitoring the implementation of the Executive Order. If this recommendation is accepted, we are ready to assist the DPC process in any way you feel would be helpful.



U.S. Department of Justice

Civil Division

Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 22 1986

TO: Carlton E. Turner
Chairman, Drug Use Prevention Working Group
Domestic Policy Council

FROM: Richard K. Willard
RKW Chairman
Legislative Review Task Force

RE: Implementation of Executive Order 12564

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THE WHITE HOUSE

WASHINGTON

September 19, 1986

MEMORANDUM FOR DONALD T. REGAN

FROM: RALPH C. BLEDSOE *Ralph Bledsoe*
THROUGH: ALFRED H. KINGON *AH*
SUBJECT: Drug Abuse Program Directive

Attached is a memorandum for your signature directing Fred Ryan, in his role as Director of Public Sector Initiatives, to prepare a draft letter to the CEOs of Fortune 500 companies for the President's signature. The letter will outline our philosophy and goals for the national crusade against drug abuse, and ask these leaders to establish or continue company policies for a drug-free workplace.


This action was included in the report of the Domestic Policy Council's Working Group on Drug Abuse Policy, and was approved by the President at the Cabinet meeting on September 11, 1986.

THE WHITE HOUSE

WASHINGTON

September 19, 1986

MEMORANDUM FOR THE DIRECTOR OF PRIVATE SECTOR INITIATIVES

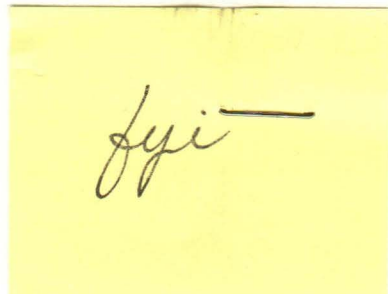
FROM: DONALD T. REGAN 
SUBJECT: The President's Drug Abuse Program

As you know, the President has approved major new initiatives designed to achieve a drug-free America. Two of these are:

- o mobilize management and labor leaders in the private sector to fight drug abuse in the workplace, and
- o encourage all citizens and private sector groups to join the First Lady's drug abuse prevention awareness campaign.

Consistent with these, please draft a letter to chief executive officers of Fortune 500 companies for the President's signature. The letter should outline the philosophy and goals of our national crusade against drug abuse, acknowledge the many management efforts already underway, and emphasize the important role corporations can assume in their community. These leaders should be asked to establish or continue company policies aimed at a drug-free workplace, and to support national and community efforts to wipe out illegal drug use.

You should coordinate the preparation of the letter with the White House Drug Abuse Policy Office, and work with Carlton Turner in handling follow-up responses. Results should be periodically reported to the President through the Domestic Policy Council.



TALKING POINTS FOR DONALD T. REGAN

CABINET BREAKFAST
Thursday, September 18, 1986

DRUGS

- o As you know, the President kicked off the new drug program last week.
- o On Monday, he signed the transmittal of our legislative proposals to Congress, and an Executive Order to achieve a drug-free Federal workplace.
- o The Senate will run with our proposed legislation, and we will work closely with them to see that our program is passed.
- o The Executive Order is encountering the expected resistance from some of the militant employee unions and their friends in Congress. However, we expect it to hold up in any court challenge, especially if we manage the implementation well, and we sell the importance of the program to employees. The President will be sending a letter to all government employees soon.
- o In the near future, OPM, Justice and HHS will be providing additional guidelines on employee drug screening and treatment, which you can use in your programs.

- o The President will be issuing a series of memoranda over the next few weeks -- as many as 12-15 -- to Cabinet members and agency heads with special tasks to carry out. For example, HHS must take steps to develop the treatment initiatives, Education and Justice are to cooperate in enforcing "schoolyard laws", ACTION is to coordinate some of the private sector initiatives, and so on.
- o But, beyond what we send you, it's now time for you also to take initiatives not only with your own Department but with your constituencies out there. The policy guidelines have been laid down now and we have to implement them. Your assistance is urgent.

CONGRESS

NOTE TO DTR: You might want to run through the legislation remaining in the Congressional session. Suggested list:

- o Appropriations/Budget/CR/Reconciliation Bills
- o Debt Limit
- o Tax Conference
- o Product Liability
- o Trade Legislation?
- o South African Sanctions
- o Contras
- o Conrail



U.S. Department of Justice

Civil Division

Office of the Assistant Attorney General

Washington, D.C. 20530

MEMORANDUM

SEP 19 1986

TO : Addresses Listed Below

FROM : *RMW* Richard K. Willard
Assistant Attorney General
Civil Division

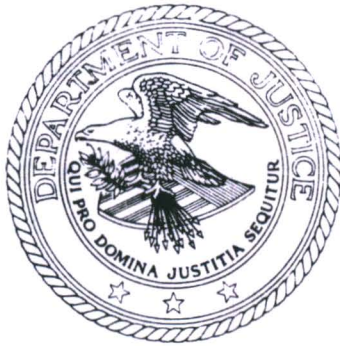
RE : Brief in the Boston Police Drug Testing Case

Last night we filed the attached amicus brief in the lawsuit challenging the drug testing program instituted by the Boston Police Department. We will be participating as amicus in other cases in the near future. Therefore, any comments you have on this brief would be appreciated.

In addition, attached is the first issue of our Drug Prevention Litigation Report. In the Report, we will periodically relate developments in litigation to which we are a party and describe other cases from around the country involving issues relating to drug testing or other drug prevention efforts.

Addressees:

Carlton Turner
Ralph Bledsoe
Robert W. Sweet, Jr
Lt. Commander Charles Kubic
Sharyn Lumpkins
Deborah L. Steelman
Barbara Selfridge
Karen Wilson
John Walters
Bruce Wood
Ronald E. Robertson
Joel M. Mangel
James E. Colbard
Sandy Keith
J. Michael Dorsey
Frank Keating
Lenore Mintz
Lee Cummings
Robert H. Brumley
Kevin P. Cummings



DRUG PREVENTION LITIGATION REPORT

ISSUE 1
September 19, 1986

U.S. Department of Justice
Civil Division

HIGHLIGHTS

New Cases	<u>Page</u>
o NTEU sues to enjoin implementation of drug prevention executive order	1
o Oil, Chemical, and Atomic Workers Union challenges constitutionality of government contractor's drug testing in lawsuits against the contractor and the Department of the Army	1
o NTEU refiles a suit challenging a U.S. Customs Service drug testing program initiated before the drug prevention executive order	2
Pending Cases	
o United States, as amicus in suit challenging Boston Police Department drug testing program, argues that Fourth Amendment not implicated in drug testing to assure fitness for duty	2
o Local New York school board moves for reconsideration of appellate court decision, holding testing program for teachers unlawful, on ground that, as such testing is covered by a collective bargaining agreement, this dispute is subject to arbitration	2

Decisions

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- o New Jersey city's drug testing of police officers and firefighters enjoined by federal district court on Fourth Amendment grounds 3
- o National Federation of Federal Employees' challenge to Army drug testing program for civilian employees dismissed on jurisdictional grounds 3
- o American Federation of Government Employees' challenge to Army civilian drug testing program dismissed on grounds of comity since NFFE suit more advanced 4

NEW CASES

- o *National Treasury Employees Union v. Reagan*, No. 86-2559 (originally D.D.C. Sept. 16, 1986).

NTEU brought this action to challenge implementation of President Reagan's drug prevention executive order which, *inter alia*, requires agency heads to establish plans for achieving a drug-free workforce through drug testing and other means. NTEU claimed (i) that the executive order violates the Administrative Procedure Act because it was not promulgated after public notice and comment; (ii) that the random drug testing program contemplated by the order would constitute a warrantless search, undertaken without probable cause of drug use, in violation of the Fourth Amendment; and (iii) that the program would violate the Civil Service Reform Act because there is no nexus between off-duty drug use and on-the-job performance.

After the case was assigned to Judge Thomas Hogan, who had earlier dismissed a challenge to the Army's civilian testing program (see *American Federation of Government Employees v. Weinberger* below), NTEU voluntarily dismissed their action and plans to refile in New Orleans.

* * *

- o *Oil, Chemical, and Atomic Workers Union v. U.S. Department of the Army and Day & Zimmermann, Inc.*, No.86-2399-S (D.Kan. Sept. 5, 1986)

Oil, Chemical, and Atomic Workers Union v. U.S. Department of the Army, Caspar Weinberger, and John Marsh, No.86-2483 (D.D.C. Sept. 5, 1986)

These two suits were brought by the OCAWU to challenge the drug testing program of a munitions manufacturer. Though neither the Department of the Army nor the Department of Defense has an official program requiring private contractors to institute drug testing, plaintiff alleges that certain Army generals had in effect required the involved contractor to establish such testing.

The action filed in Kansas, where the munitions plant is located, though alleging that drug and alcohol screening is "constitutionally impermissible," essentially claims that the Department of the Army interfered with the collective bargaining agreement between the contractor and its employees' union.

In the District of Columbia suit, plaintiff claims that the drug testing programs of various contractors were required by the Army and (i) violate the Fourth Amendment as an unreasonable search and seizure; (ii) violate the Fifth Amendment by depriving individuals of property and liberty without due process of law;

and (iii) constitutes an unreasonable invasion of privacy. Plaintiff has moved for a preliminary injunction in this action.

* * *

o *National Treasury Employees Union v. Von Raab* (E.D.La. August 12, 1986)

This action alleges that a U.S. Customs Service drug testing program covering applicants for certain Customs positions violates the Fourth Amendment as an unreasonable search and seizure. This suit is similar to one filed by NTEU in the District of Columbia in May; NTEU voluntarily dismissed that action in June after it was assigned to Judge Hogan.

PENDING CASES

o *Guiney v. Roache*, No. 86-1346-K (D.Mass. April 29, 1986)

This action by the President of the Boston Police Patrolmen's Association challenges on Fourth Amendment grounds a random drug testing program established by the Boston Police Department. The City has moved to dismiss the action, and the United States was granted leave to file an *amicus curiae* brief supporting that motion.

In its brief (filed Sept. 19, 1986), the United States argues (i) that reasonable conditions of employment used to assure the fitness of employees limit the legitimate expectations of privacy of employees, and therefore do not implicate the Fourth Amendment; (ii) that Boston's unobserved testing program does not constitute a "search" or "seizure"; (iii) that the program is a condition of employment to which employees consent; and (iv) that, if the program does involve a Fourth Amendment search, it is reasonable in light of the minimal intrusion into personal privacy and the significant governmental interests underlying the program.

* * *

o *Patchogue-Medford Congress of Teachers v. Board of Education of the Patchogue-Medford Union Free School* (N.Y. App. Div. August 11, 1986)

The Appellate Division of the New York State courts has upheld a lower court ruling barring random drug testing of public teachers as a condition of employment for obtaining tenure. The court found that, as conceded by the School Board, drug testing was not covered by a provision of the collective bargaining agreement permitting medical examinations of teachers, and

determined that drug testing constituted a search within the meaning of the Fourth Amendment. The Court further found that, absent reasonable suspicion, drug testing was not "reasonable" under the Fourth Amendment.

The School Board has moved for reconsideration of this ruling, alleging that the Board did not concede that a drug test was not a medical examination within the meaning of the collective bargaining agreement, and that this was a matter to be decided by arbitration. If true, the court would lack jurisdiction to review the matter.

DECISIONS

o *Capua v. City of Plainfield*, No.86-2993 (D.N.J. Sept. 18, 1986)

In this action, originally filed on July 30, 1986, the district court has entered an injunction barring random drug testing for the City's police officers and firefighters. A temporary restraining order had been initially entered when testing was to be commenced without notice and without any written guidelines having been established by the City. The Court's latest decision enjoining the testing reflected continuing concern with the lack of any advance notice to employees and the lack of any prescribed standards for the program, as well as the absence of protections for confidentiality. In addition, the court found that such testing violated the Fourth Amendment unless the City had "reasonable suspicion" to justify the testing in a particular case.

* * *

o *National Federation of Federal Employees v. Weinberger*, No. 86-681 (D.D.C. June 23, 1986)

In this action, NFFE challenged a mandatory, random drug testing program for civilian employees who work for the Army in critical job categories. Plaintiff claimed that (i) the program is arbitrary and capricious under the Administrative Procedure Act; (ii) the program violates various Civil Service laws; (iii) it violates the Fourth Amendment's prohibition against unreasonable searches and seizures; and (iv) the program deprives employees of property without due process of law in violation of the Fifth Amendment.

Judge Hogan denied plaintiff's motion for a preliminary injunction and dismissed the case for lack of jurisdiction. The court held that government employees challenging this program had

to exhaust their administrative remedies before the Federal Labor Relations Authority or the Merit Systems Protection Board.

* * *

o *American Federation of Government Employees v. Weinberger*,
No.86-242T (W.D.Wash. Aug. 5, 1986)

AFGE brought this action against the same Army drug testing program attacked by NTEU in the District of Columbia, advancing similar arguments. The court dismissed this action without prejudice, noting that judicial economy and convenience would not be served by permitting this litigation to go forward when the identical District of Columbia litigation was at a more advanced stage.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ROBERT T. GUINEY,)
)
 Plaintiff,)
)
 v.) Civil Action No.
) 86-1346-K
 FRANCIS M. ROACHE,)
)
 Defendant.)
)
 _____)

MEMORANDUM OF POINTS AND AUTHORITIES
OF AMICUS CURIAE UNITED STATES IN
SUPPORT OF DEFENDANTS' MOTION TO DISMISS

Respectfully submitted,

RICHARD K. WILLARD
Assistant Attorney General

ROBERT S. MUELLER, III
Acting United States Attorney

ROBERT J. CYNKAR
Deputy Assistant Attorney General

RICHARD GREENBERG
MARY GOETTEN
BRIAN G. KENNEDY

Attorneys, Department of Justice
Civil Division, Room 3529
10th & Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 633-3527

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Biehunik v. Felicetta, 441 F.2d 228 (2d Cir. 1971), <u>cert. denied</u> , 403 U.S. 932 (1971)	19,31,32
Blackburn v. Snow, 771 F.2d 556 (1st Cir. 1985)	23
Brachter v. United States, 149 F.2d 742 (4th Cir.), <u>cert. denied</u> , 325 U.S. 885 (1945)	9
Broadrick v. Oklahoma, 413 U.S. 601 (1973)	16
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California v. Ciruolo, 106 S. Ct. 1809 (1986)	5
Camara v. Municipal Court, 387 U.S. 523 (1967)	14,26

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Connick v. Myers, 461 U.S. 138 (1983) 16

Coolidge v. New Hampshire, 403 U.S.
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Craft v. United States, 589 F.2d
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Curry v. New York Transit Authority,
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Delaware v. Prouse, 440 U.S. 648 (1979) 28

Division 241 Amalgamated Transit
Union v. Suscy, 538 F.2d 1264
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Donovan v. Dewey, 452 U.S. 594 (1981) 13

Dow Chemical Co. v. United States,
749 F.2d 307 (6th Cir. 1984), aff'd,
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Duplantier v. United States, 606 F.2d
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Garguil v. Tompkins, 704 F.2d 661
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Hudson v. Palmer, 468 U.S. 517 (1984) 6

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INS v. Delgado, 466 U.S. 210 (1984) 29

Katz v. United States, 389 U.S. 347 (1967) 5,6

Keyishian v. Board of Regents, 385 U.S.
589 (1976) 16

CASES

PAGE(S)

Krolick v. Lowery, 32 App. Div. 2d
317 N.Y.S.2d 109 (1969) 17

Lefkowitz v. Turley, 414 U.S. 70
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Mack v. United States, No. 85 Civ. 5764
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Marshall v. Barlow's Inc., 436 U.S. 307
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Maryland v. Macon, 105 S. Ct. 2778 (1985) 5

Masino v. United States, 589 F.2d 1048
(Ct. Cl. 1978) 29

McDonnell v. Hunter, 612 F. Supp.
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McMorris v. Alioto, 567 F.2d
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Michigan v. Tyler, 436 U.S. 499 (1978) 14

New Jersey v. T.L.O., 105 S. Ct. 733
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O'Brien v. DiGrazia, 544 F.2d 543
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Rakas v. Illinois, 439 U.S. 128 (1978) 6

Schlagenhauf v. Holder, 379 U.S. 104
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Schmerber v. California, 384 U.S. 757
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<u>CASES</u>	<u>PAGE(S)</u>
Schneckloth v. Bustamonte, 412 U.S. 218 (1973)	17,24
Sec. & Law Enforcement Emp., Dist. C. 82 v. Carey, 737 F.2d 187 (2d Cir. 1984)	10
Shoemaker v. Handel, 795 F.2d 1136 (3d Cir. 1986)	11,12,13,25,28
Sioux Quality Packers v. NLRB, 581 F.2d 153 (8th Cir. 1978)	7
Smith v. Maryland, 442 U.S. 735 (1970)	6
Snepp v. United States, 444 U.S. 507	16
Stone v. United States, 683 F.2d 449 (D.C. Cir. 1982)	19
Storms v. Coughlin, 600 F. Supp. 1214 (S.D.N.Y. 1984)	28
Tennessee v. Garner, 105 S. Ct. 1694 (1985)	27
Terry v. Ohio, 392 U.S. 1 (1967)	7
Turner v. Fraternal Order of Police, 500 A.2d 1005 (D.C. App. 1985)	21,31
United States v. Bell, 464 F.2d 667 (2d Cir.), <u>cert. denied</u> , 409 U.S. 991 (1972)	12
United States v. Biswell, 406 U.S. 594 (1972)	14
United States v. Brignoni-Ponce, 422 U.S. 873 (1975)	28
United States v. Bunkers, 521 F.2d 1217 (9th Cir.), <u>cert. denied</u> , 423 U.S. 989 (1975)	9
United States v. Collins, 349 F.2d 863 (2d Cir. 1965), <u>cert. denied</u> , 383 U.S. 960 (1966)	18
United States v. Dionisio, 410 U.S. 1 (1973)	19

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United States v. Donato, 269 F. Supp. 921 (E.D. Pa.), <u>aff'd on the basis of opinion below</u> , 379 F.2d 288 (3d Cir. 1967)	9,14,17
United States v. Doren, 482 F.2d 929 (9th Cir. 1973)	24
United States v. Ellis, 547 F.2d 863 (5th Cir. 1977)	25
United States v. Jacobsen, 466 U.S. 109 (1984)	15,22
United States v. Martinez-Fuerte, 428 U.S. 543 (1976)	28
United States v. Matlock, 415 U.S. 164 (1974)	5
United States v. Matthews, 431 F. Supp. 70 (D. Col. 1976)	25
United States v. Mustone, 469 F.2d 970 (1st Cir. 1972)	21
United States v. Place, 462 U.S. 696 (1983)	27
United States v. Sanders, 568 F.2d 1175 (5th Cir. 1978)	10
United States v. Sihler, 562 F.2d 349 (5th Cir. 1977)	18
United States v. Skipwith, 482 F.2d 1272 (5th Cir. 1973)	12
United States v. Thomas, 729 F.2d 120 (2d Cir.), <u>cert. denied</u> , 105 S. Ct. 158 (1984)	6
United States v. Thornton, 746 F.2d 39 (D.C. Cir. 1984)	28
United States v. Weir, 657 F.2d 1005 (8th Cir. 1981)	27
Wild v. Department of Housing and Urban Development, 692 F.2d 1129 (7th Cir. 1982)	30

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Winston v. Lee, 105 S. Ct. 1611 (1985)	21,29
Wyman v. James, 400 U.S. 309 (1971)	6,15,23
Zap v. United States, 328 U.S. 624 (1946), <u>judgment vacated on unrelated issues,</u> 330 U.S. 800 (1947)	17,24
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 <u>Miscellaneous:</u>	
Administrative Rule 111	1
Bensinger, Peter, "Drugs In The Workplace: Employer's Rights and Responsibilities", The Washington Legal Foundation, 1984	2
Bensinger, Peter, "Drugs In The Workplace: Employer's Rights and Responsibilities", National Institute on Drug Abuse National Household Survey	3
BNA Special Report, "Alcohol & Drugs In The Workplace: Costs, Controls & Controversies", 1986	2
Fed. R. Civ. P. 35	8
Federal Personnel Manual, Chapter 733	8
<u>Fifteenth Annual Review of Criminal Procedure: United States Supreme Court and Courts Of Appeals 1984-1985,</u> 74 Georgetown Law Journal 499 (1986)	6
The Conference Board Research Report, "Corporate Strategies For Controlling Substance Abuse", The Conference Board, Inc., 1986	3