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[07/23/1997 - 07/24/1997]

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	07/23/1997	P6/b(6)
002. email	Phone No. (Partial) (1 page)	07/23/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
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[07/23/1997-07/24/1997]

2009-1006-F

bm29

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]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- 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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan Prince (CN=Jonathan Prince/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-JUL-1997 10:57:01.00

SUBJECT: Edley and Brownstein

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

For all my ostensible world wide wizardry, it's good old reliable Lexis-Nexis that delivers the goods.===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Document ID: C:\WORK\WP\RACE.NXF

Copyright 1997 Globe Newspaper Company
The Boston Globe

July 20, 1997, Sunday, Second Edition

SECTION: NATIONAL/FOREIGN; Pg. A2

LENGTH: 907 words

HEADLINE: Clinton's race dialogue turns contentious;
Presidential initiative comes under fire as too little, too late, and delivered in the wrong forum

BYLINE: By Ann Scales, Globe staff

DATELINE: CHICAGO

BODY:

Writer and scholar Henry Louis Gates says there has never been a US president more comfortable around people of other races than President Clinton.

But comfort is no shield against criticism. "So far, what has it gotten us?" asked Gates, the W.E.B. DuBois professor of the Humanities at Harvard University.

As Clinton wades into a national conversation on race, speaking last week to two black organizations for the first time since calling for the dialogue, the perilous nature of his undertaking is surfacing.

John Hope Franklin, the historian he appointed to lead his advisory panel on race, caused the first ripple by criticizing the president for using the NAACP convention in Pittsburgh for his first speech on race since he announced the initiative in San Diego during a commencement speech at the University of California.

On Thursday, after speaking to the NAACP, Clinton flew to Chicago for a speech to the National Association of Black Journalists, whose annual meeting ends today.

The ripple had turned to waves by the time Clinton was finished with both speeches.

speeches. Observers, including some of his strongest supporters, said he failed to articulate a vision that advanced the conversation. Others criticized him for failing to address the issue of affirmative action and for not even using the term in either speech other than in response to a question from a black journalist.

Gates said he believed Clinton's omission of affirmative action from the speeches was intentional. "I think he thinks that the term has an unfortunate negative history. I don't think he's interested in reminding people of the disparities that we have in this country that were caused by race and class. "It's unfortunate, because I think we need more affirmative action, not less affirmative action," he said.

But Christopher Edley, a Harvard Law School professor who is a consultant for the president's race initiative, said: "I don't view it as having been an oversight. As much as one tries, one can't talk about everything in every speech."

Even so, Edley said, "neither of these speeches served to add a great deal on the dialogue track. Neither of the speeches wrestled with the hardest racial issues dividing us."

Though the affirmative action issue was not part of his remarks, Clinton strongly defended the policy in response to the reporter's question after his Chicago speech.

He said he was "stumped" on how to stem the "shocking consequences" of declining enrollment among minorities in professional schools as a result of such programs being ended in California.

He said the Justice Department was reviewing steps it could take to legally promote "an integrated educational environment in higher education" in states where declining enrollments have resulted from ending such programs.

"It is an urgent matter of concern to me," he said.

Despite moments in both speeches that were applauded by his black audiences, Clinton's usual ease in the company of blacks didn't seem on display in the second speech. He fidgeted during the question-and-answer session with black journalists. Aides said he was tired.

But as he was preparing to speak to the NAACP, the Associated Press was reporting that Franklin was saying that he was not particularly happy with the audience for Clinton's first major speech on race.

"The white side has been in control of virtually everything, so they're the ones who need educating on what justice and equality mean," said Franklin, who accompanied Clinton to Pittsburgh but not Chicago.

Franklin's sentiment was echoed later in the day by the Rev. Jesse Jackson, who sat in the front row during Clinton's speech at the journalists' convention

In an interview, Jackson suggested that "just talking to blacks or whites at the working-class level is not going to do it. Working-class whites can't even protect themselves from downsizing and out-sourcing."

In Clinton's defense, Edley pointed out that the initiative was announced at the University of California at San Diego, "which can hardly be called a black

event." He added, "We will obviously be pursuing this initiative before audiences of every kind."

Gates, who participated in a panel discussion Friday at the journalists' convention titled, "Shades of Black: One Community, Many Voices, Conflicting Perceptions," said later that Clinton's effort to discuss race would be "simplistically rendered" if each ethnic group is portrayed as a monolith.

He also said nothing will be accomplished "unless they stop talking about the black community like it's a monolith and all of these other ethnic groups like they are a monolith."

"What are we going to do, join hands and sing 'We Shall Overcome' at the end of the year? That ain't going to cut it. Been there, done that," Gates said.

So far, he added, the initiative seems based "on a civil rights analysis from the 1950s and 1960s, and that world doesn't exist anymore," Gates said. "It's not that racism isn't . . . rampant. . . . It's that classism and racism have been compounded together in a crucible so it's hard to know where one starts and where one stops."

Edley said the race effort has two tracks - a policy track that tightly parallels the dialogue track. In his first foray, Clinton was strong on policy and less so on the "historical and moral challenges of integration," Edley said. "We moved forward on one, but only reiterated themes on the other."

GRAPHIC: PHOTO, HENRY LOUIS GATES

LANGUAGE: ENGLISH

LOAD-DATE: July 22, 1997
CLIENT: EDLEY
LIBRARY: NEWS
FILE: CURNWS

YOUR SEARCH REQUEST IS:
CLINTON AND RACE AND BROWNSTEIN AND AFRICAN

NUMBER OF STORIES FOUND WITH YOUR REQUEST THROUGH:
LEVEL 1... 33

□

Copyright 1997 Times Mirror Company
Los Angeles Times

July 21, 1997, Monday, Home Edition

SECTION: Part A; Page 5; National Desk

LENGTH: 1054 words

HEADLINE: WASHINGTON OUTLOOK;
CLINTON SEEKS DIALOGUE ON RACE, BUT HE MUST GO BEYOND SAME OLD TALK

BYLINE: RONALD BROWNSTEIN

BODY:

The news flash from last week's first meeting of President Clinton's advisory board on race is that America is a racist country. Deeply, broadly racist. Perhaps irredeemably racist.

Board member Angela Oh, a Los Angeles lawyer, set the tone early on when she said the panel should not waste its time documenting the extent of discrimination because it was so widespread. "I don't need the data," she said. "I don't think any of us need the data; we know it's there."

John Hope Franklin, the prominent African American historian who chairs the board, then raised the ante. Racism, he said, pervaded American life: "Our whole country, our whole practices are suffused with it," he said. "Hardly an aspect of American life has escaped the baneful touch of this awful thing called racism. . . . Wherever you go, you are going to see this."

The closest to a dissenting note came from Judith Winston, the general counsel at the Education Department who was just appointed the panel's executive director. "Most Americans are not and do not consider themselves racist," she said, before quickly adding that we have nonetheless "internalized . . . racist concepts and stereotypes."

Racism is America's original sin, the great blot on our egalitarian ideals. But it's also possible to read American history as an imperfect, contradictory, but persistent effort to overcome it.

However slowly, the trend line has been to enlarge the circle of freedom. Eventually, America did end slavery, overturn state-sponsored segregation and provide equal access to the ballot. Thirty years ago, two-parent black families earned only two-thirds as much as similar white families; today they earn 87% as much. In 1958, only 4% of whites said they approved of interracial marriage; today the figure is 61%, according to the Gallup Poll.

"It is impossible to live in America in 1997 and not recognize . . . an enormous amount of progress has taken place," said Linda Chavez, president of the neoconservative Center for Equal Opportunity.

You can argue this round or flat, but mostly you will argue this to impasse. Surely America is not a colorblind society; just as surely as it has made gains on many fronts. The real point is that this is the wrong argument. Clinton set out to open a new dialogue on race. But there's no quicker way to inflame old antagonisms than to base the dialogue on the assertion that American society is drenched in racism "wherever you go."

"That's not a dialogue," said one Democrat, "that's a monologue."

The president once understood this. When Clinton came out of a meeting with black community leaders in the home of Rep. Maxine Waters (D-Los Angeles) just days after the Los Angeles riots in 1992, he didn't talk about a society "suffused" with racism; he talked about the importance of increasing access to credit so that more people in South-Central could own their own homes and businesses. Throughout the day, his focus was on grass-roots "empowerment" through programs that linked opportunity and responsibility.

What Clinton recognized then was that the best way to attack race-related problems was to focus less on the polarizing divisions of race than on the underlying problems themselves. Candidate Clinton emphasized race-neutral programs--such as education or health care reform--that nonetheless offered tangible benef

its to minorities. The aim was to move beyond a ritualized debate over racism and reparation toward practical measures that could help the needy of all races--and draw broader public support than an approach that targeted benefits solely by race.

In office, Clinton has only imperfectly implemented this idea. The left complains that he failed to guarantee universal health care or ensure public-service jobs for welfare recipients facing time limits. Conservatives carp at his increasingly reflexive defense of affirmative action. But he can also claim progress in fulfilling his original vision.

Clinton has increased access to capital for minorities through invigorated enforcement of fair-lending and community-reinvestment laws and subsidies for community development banks. He's boosted cities with billions of dollars to hire more police and launch empowerment zones. He's signed increases in the minimum wage and tax relief for the working poor, and this year's budget will provide increased health care coverage for uninsured children and tax breaks for hiring former welfare recipients.

This agenda may not be equal to the challenge, but it's the right battlefield. In the landmark Bakke affirmative action case 19 years ago, the late Supreme Court Justice Harry Blackmun memorably declared, "In order to get beyond racism, we must first take account of race." Today's imperative reverses his logic: To deal with the problems of race, we must go beyond race. At a time when society is skeptical of new government initiatives, and federal power is divided between the parties, the only plausible agenda for racial progress is one that aims to help all those already trying to help themselves--white and minority alike.

In contrast, Clinton's advisory panel appears intent on viewing all issues through the prism of race. But in an America growing ever more diverse, that's a blueprint for social division and political irrelevance. With that compass, it's not hard to imagine the panel producing conventionally liberal recommendations on issues such as crime and social spending that Clinton quietly disowns.

The best service Clinton can offer on race is to articulate an agenda that encourages Americans to emphasize their common interests and values--not their racial differences and historic grudges. His decision to focus his speech to the NAACP last week on the importance of demanding high standards from all students marks an important step in that direction.

But to truly inspire a new dialogue on race, Clinton will need to push further. Jim Sleeper, author of the provocatively titled upcoming book, "Liberal Racism," frames the larger challenge well: "Our best leaders," he writes, "are those who show their neighbors, every day, how to leave subgroup loyalties at the doors of classrooms, jury rooms, hiring halls and loan offices."

That's far better advice than anything Clinton's advisory panel has offered so far.

GRAPHIC: GRAPHIC-DRAWING: JEFF DANZIGER / For The Times

LANGUAGE: English

LOAD-DATE: July 21, 1997

===== END ATTACHMENT 1 =====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-JUL-1997 16:33:27.00

SUBJECT: Indian law enforcement directive

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Did you ever get a chance to talk to Michael Deich about this? Justice is calling and I would like to give them an update. Thanks.

Crime Meeting Agenda July 23, 1997

Juvenile Justice Bill Update

- * Senate Markup-- continuing this afternoon and tomorrow.
- * Update on amendments.
- * Leahy amendment and COPS/Prosecutors amendment

Brady Follow Up

- * DPC will hold follow up meeting with WH, Treasury, Justice on next steps.
- * Housing reg issue

Crack Cocaine

- * Follow up on yesterday's leak.

Sex Offenders

- * Wetterling: McCollum's bill on Wetterling attached to House Commerce-Justice approps bill. Contains language similar to our federal and military sex offender directive.

- * Possible sex offender announcement:

- 1) Directive on federal and military sex offenders
- 2) POTUS letter to Governors
 - Note: AG sent letter to Governors on registry on June 16
 - States entering info into national registry: AZ, GA, OK, SC, TX, WY
- 3) Transmit legislation to Hill on Interstate Index compact-- facilitates exchange of criminal histories for non-criminal justice purposes (e.g., employment of day care workers, bus drivers)

Taggants Report

- * Treasury: When is this going to the Hill?

International Crimes

- * Justice: what is this bill and what is proposal for rollout?

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Youth Crime Gun Initiative

- * Press rehash
- * DPC to form work group to follow up

Crack Cocaine

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Wm G. White (CN=Wm G. White/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 23-JUL-1997 20:47:13.00

SUBJECT: SEN. CRAIG WILL NOT OFFER HYDE EXTENSION AMENDMENT

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ: UNKNOWN

CC: Barbara E. Washington (CN=Barbara E. Washington/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Richard J. Turman (CN=Richard J. Turman/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Joshua Gotbaum (CN=Joshua Gotbaum/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Barbara Chow (CN=Barbara Chow/OU=WHO/O=EOP @ EOP [WHO])

READ: UNKNOWN

CC: Mark E. Miller (CN=Mark E. Miller/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Barry T. Clendenin (CN=Barry T. Clendenin/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Nani A. Coloretti (CN=Nani A. Coloretti/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

TEXT:

HHS staff just called to inform us that Senator Craig will not be offering the expected Hyde Extension amendment to the Senate Appropriations Committee mark-up of the L/HHS bill. So it appears that your review and clearance on the HHS draft substitute amendment will no longer be required.

Thanks for your assistance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan Prince (CN=Jonathan Prince/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-JUL-1997 09:53:22.00

SUBJECT: Call me if you're in there. 65692; thanks.

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-JUL-1997 15:59:57.00

SUBJECT: Active Affirmative Action cases

TO: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Alphonse J. Maldon (CN=Alphonse J. Maldon/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Andrew J. Mayock (CN=Andrew J. Mayock/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Beverly J. Barnes (CN=Beverly J. Barnes/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Ann F. Walker (CN=Ann F. Walker/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Thurgood Marshall Jr (CN=Thurgood Marshall Jr/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Robert B. Johnson (CN=Robert B. Johnson/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Ananias Blocker III (CN=Ananias Blocker III/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Susan M. Liss (CN=Susan M. Liss/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TO: Tracey E. Thornton (CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Richard L. Hayes (CN=Richard L. Hayes/OU=WHO/O=EOP @ EOP [WHO])

July 23, 1997

MEMORANDUM FOR DISTRIBUTION

FROM: DAWN CHIRWA

SUBJECT: Active Affirmative Action Cases

As I promised at our meeting last week, following is brief background on and status of the four main active court challenges to affirmative action.

I. Adarand Constructors, Inc. v. Pena -- Remand

After being reviewed and decided upon by the Supreme Court, Adarand was remanded back to the district court in Colorado to review the Department of Transportation's affirmative action program at issue (the subcontracting compensation (SCC) program) under a "strict scrutiny" standard. After reviewing the case under this heightened standard, the district court found that the SCC program is unconstitutional and enjoined the Department of Transportation from further use of the program. Although the SCC program is distinct from Transportation's Disadvantaged Business Enterprise (DBE) program -- SCC is a relatively small, direct federal procurement program while DBE is a much larger procurement program funded by the federal government but administered through the states -- the court provided the plaintiff with declaratory relief against the DBE program by ruling that it is also unconstitutional. The court did not, however, specifically enjoin Transportation's use of the DBE program.

More specifically, the court found that statutory provisions underlying both the SCC and the DBE programs which presume that members of certain racial groups are socially and economically disadvantaged did not pass constitutional muster under a strict scrutiny analysis. The court determined that although there was a compelling government interest for such affirmative action programs, the social and economic presumptions failed the narrow-tailoring prong of strict scrutiny.

Since the district court did not specifically enjoin the use of the DBE program, Transportation has made clear that it will continue to implement the program in Colorado unless and until the program is enjoined. In response, Adarand filed a preliminary injunction motion asking the court to enjoin the DBE program as well as the SCC program. A hearing on this motion will be held July 25th.

The July 25th preliminary injunction hearing has become further complicated by that fact that the Court denied Justice's request to participate as a party. This request was necessary since Adarand's preliminary injunction motion was filed only against the State of Colorado -- which

actually awards contracts and expends federal funds through the DBE program -- and did not include Transportation (which represents the United States' interests) as a party. Justice expects to appeal the denial, but it is not likely that this appeal will be decided in time for Justice to participate in the hearing on the 25th. Justice is hopeful, however, that it will eventually be allowed to intervene in the case and join with the State in appealing the district court's decision.

II. Dynalantic v. The Department of Defense

This case is a constitutional challenge brought by Dynalantic, a small business, against SBA's 8(a) program. Dynalantic challenged the Department of Defense's placement of a certain procurement contract within the 8(a) program, effectively excluding Dynalantic from bidding on the contract since Dynalantic is not eligible to participate in 8(a). Among other things, Dynalantic claimed that 8(a) is unconstitutional because of the underlying presumption that members of certain racial minorities are socially disadvantaged and therefore presumed eligible for the program while non-minorities do not have the benefit of this presumption.

When the case was first brought in the District Court of the District of Columbia, Justice defended the case by arguing that Dynalantic lacked standing to bring the case -- in effect saying that Dynalantic should not be allowed to sue since, by that time, Defense had withdrawn the procurement contract at issue from the 8(a) program and submitted it to an open bidding process.

Although the district court agreed with us, the D.C. Circuit Court ruled recently that Dynalantic does have standing to bring this case and can challenge the constitutionality of the 8(a) program.

The case has been sent back to the district court where Justice anticipates defending 8(a) against a substantive attack. The case will be heard by Judge Sullivan who ruled in our favor on the standing argument. As part of its litigation strategy, Justice may point to our ongoing procurement reform as proof that federal procurement programs, including 8(a), can be brought into compliance with Adarand.

III. Piscataway v. Taxman

This case arose after the Piscataway district's school board decided to eliminate a position within the business department of the district's high school. Faced with two teachers -- one white and one black -- who were equally qualified and similarly situated with respect to seniority, the board decided to retain the black teacher in favor of the white teacher on affirmative action grounds. Although this was the first time since its inception that the school board had invoked its affirmative action policy as the basis for a hiring decision, the board stated that affirmative action was warranted in this case in order to preserve a racially diverse business department within the high school.

Taxman filed suit and won at the district level and the school board appealed to the Third Circuit. In 1992, while the case was still at the district court level, the Justice Department joined the case on Taxman's behalf. On appeal, however, Justice sided with the school board and

submitted a brief defending a school's ability to use affirmative action -- both in hiring and lay-off situations -- for purposes of promoting racial diversity. The Third Circuit treated Justice's change in position as a request to be dismissed from the case, dismissed the United States and ruled in favor of Taxman on the merits. In doing so, the Third Circuit held that non-remedial affirmative action is impermissible under Title VII.

The school board then asked the Supreme Court to hear the case and the Court, in turn, requested the views of the United States before deciding whether to hear the case. In response, Justice argued that the Court should not hear this case because it was not an appropriate vehicle for the Supreme Court to decide the important question of whether Title VII permits non-remedial affirmative action in a hiring context. First, the school had not adequately built a record that demonstrated a need for racial diversity within this one department in the high school. Second, this case arose in a lay-off situation and the vast majority, indeed virtually all, affirmative action programs are used when making hiring and promotion decisions. Justice argued that for these reasons the case was not suitable for the Court to decide a broad issue of national significance. Most civil rights organizations agreed with our position and none filed a brief on behalf of the school board at that stage.

As you are all aware, the Supreme Court decided recently that, despite our urging the Court not to hear the case, it will review the Third Circuit's decision in Piscataway in its next term. We are working with Justice to determine what action on our part is appropriate in light of this event.

IV. Proposition 209 Challenge

A group of civil rights organizations and individuals filed a constitutional challenge to Proposition 209 the day after the referendum passed. These plaintiffs were successful at the district court level with their argument that Prop. 209, in amending the constitution to prohibit the State from using "preferences" based on race or gender, establishes a higher political-process hurdle for women and racial minorities to overcome when they seek programs which benefit them than non-minorities face when they seek similar programs. The United States joined the plaintiffs' challenge as amicus curiae on similar constitutional grounds.

A three-judge panel of the Ninth Circuit has rejected the plaintiffs' and our constitutional arguments and denied our request to enjoin the implementation of Prop. 209. However, the plaintiffs and we have requested a re-hearing of the case before the entire Ninth Circuit and are awaiting a decision on this request.

- 4 -

To:

Sylvia Mathews
Maria Echaveste
Elena Kagan
Judy Winston
Minyon Moore
Ben Johnson
Gene Sperling
Cheryl Mills
Rob Weiner
Thurgood Marshall, Jr.
Ann Lewis
Ann Walker
Mickey Ibarra
Jose Cerda
Doris Matsui
Richard Hayes
Beverly Barnes
Richard Socarides
Andrew Mayock
Tracey Thornton
Alphonse Maldon
Susan Liss
Janet Murguia
Andy Blocker
Peter Jacoby

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-JUL-1997 19:35:38.00

SUBJECT: Call Holly/Rich Tarplin's staff (690-7485) ASAP re: Hyde language; tomorro

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

CYNTHIA (Pager) #RICE (CYNTHIA (Pager) #RICE [UNKNOWN])

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-JUL-1997 15:05:02.00

SUBJECT: topic for July 31, Brady meeting

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

FYI. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 07/23/97
03:04 PM -----

Phyllis Kaiser-Dark

07/23/97 03:03:56 PM

Record Type: Record

To: James Boden/OMB/EOP, Jose Cerda III/OPD/EOP

cc:

Subject: topic for July 31, Brady meeting

This meeting is being pulled together since it has come to light that interpretations of the Prince opinion could do serious damage to the Federal regulatory apparatus. This meeting is to think about policy implications and next steps.

If you need further explanations, please feel free to call Mike Fitzpatrick, x51247.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Phone No. (Partial) (1 page)	07/23/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[07/23/1997-07/24/1997]

2009-1006-F
bm29

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]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- 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]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Wm G. White (CN=Wm G. White/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 23-JUL-1997 19:49:13.00

SUBJECT: Draft HHS Language on Hyde Restrictions to Medicaid Payments to HMOs

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ: UNKNOWN

CC: Barbara E. Washington (CN=Barbara E. Washington/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Richard J. Turman (CN=Richard J. Turman/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Joshua Gotbaum (CN=Joshua Gotbaum/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Barbara Chow (CN=Barbara Chow/OU=WHO/O=EOP @ EOP [WHO])

READ: UNKNOWN

CC: Mark E. Miller (CN=Mark E. Miller/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Barry T. Clendenin (CN=Barry T. Clendenin/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Nani A. Coloretti (CN=Nani A. Coloretti/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

READ: UNKNOWN

TEXT:

Barbara Chow asked us to share the draft HHS language below with you on the Hyde Amendment in the L/HHS Appropriations bill for your clearance. HHS would like to give this language to Senator Harkin's staff so that he may offer it during tomorrow's Senate Appropriations Committee markup of the L/HHS bill. It would serve as a counter-proposal to an expected Amendment to be offered by Sen. Craig, which HHS believes will be similar to one offered by Rep. Wolf in the House. In the House L/HHS SAP, the Administration opposed the Wolf Amendment because we thought it could "curtail the availability of State-only and privately funded abortion services."

HHS believes that the language below is an acceptable alternative that would clarify the Hyde Amendment prohibition so that it would only apply to Federal funds appropriated in the L/HHS bill.

Rich Tarplin's staff would like to get this language to Harkin's staff tonight in time for tomorrow morning's (7/24) 10:00 a.m. mark-up of the bill. They are seeking OMB and your clearance before they give it to Harkin's staff.

Please call Holly Bode on Rich Tarplin's staff at 690-7485 or at home [redacted] with clearance or questions. My office number is 5-7791 and I can be reached at home at [redacted]

[001]

DRAFT HHS LANGUAGE:

"None of the funds appropriated under this Act shall be expended for any abortion, except when such a procedure is necessary to save the life of the woman or when the pregnancy is the result of rape or incest.

None of the funds appropriated under this Act may be used to purchase health benefit coverage that includes coverage for abortions unless the Federal contribution and the state funds eligible for matching under Title XIX are limited to those abortion services necessary to save the life of the woman or when the pregnancy is the result of rape or incest."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Wm G. White (CN=Wm G. White/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 23-JUL-1997 20:34:00.00

SUBJECT: Draft HHS Language on Hyde Restrictions to Medicaid Payments to HMOs

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ: UNKNOWN

CC: Barbara E. Washington (CN=Barbara E. Washington/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Richard J. Turman (CN=Richard J. Turman/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Joshua Gotbaum (CN=Joshua Gotbaum/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Barbara Chow (CN=Barbara Chow/OU=WHO/O=EOP @ EOP [WHO])

READ: UNKNOWN

CC: Mark E. Miller (CN=Mark E. Miller/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Barry T. Clendenin (CN=Barry T. Clendenin/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

CC: Nani A. Coloretti (CN=Nani A. Coloretti/OU=OMB/O=EOP @ EOP [OMB])

READ: UNKNOWN

TEXT:

As a follow-up to my earlier e-mail, here is the Wolf Amendment language that was rejected by the House Appropriations Committee. HHS expects Sen. Craig to offer something similar in the Senate Appropriations Committee tomorrow. The draft HHS language would serve as a substitute to it.

"None of the funds appropriated under this Act shall be expended to pay for any abortion or to assist in the purchase, in whole or in part, of health benefit coverage that includes coverage of abortion.

The Limitation established in the preceding section shall not apply to an abortion ---

(1) if the pregnancy is the result of an act of rape or incest; or
(2) in the case where a woman suffers from a physical disorder; physical illness, or physical injury that would, as certified by a physician, place the woman in danger of death unless an abortion is performed."

----- Forwarded by Wm G. White/OMB/EOP on 07/23/97 08:27 PM -----

Wm G. White

07/23/97 07:49:37 PM

Record Type: Record

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Phone No. (Partial) (1 page)	07/23/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([Kagan])
OA/Box Number: 250000

FOLDER TITLE:

[07/23/1997-07/24/1997]

2009-1006-F

bm29

RESTRICTION CODES

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

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

RR. Document will be reviewed upon request.

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- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- 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]

To: Elena Kagan/OPD/EOP
cc: See the distribution list at the bottom of this message
Subject: Draft HHS Language on Hyde Restrictions to Medicaid Payments to
HMOS

Barbara Chow asked us to share the draft HHS language below with you on the Hyde Amendment in the L/HHS Appropriations bill for your clearance. HHS would like to give this language to Senator Harkin's staff so that he may offer it during tomorrow's Senate Appropriations Committee markup of the L/HHS bill. It would serve as a counter-proposal to an expected Amendment to be offered by Sen. Craig, which HHS believes will be similar to one offered by Rep. Wolf in the House. In the House L/HHS SAP, the Administration opposed the Wolf Amendment because we thought it could "curtail the availability of State-only and privately funded abortion services."

HHS believes that the language below is an acceptable alternative that would clarify the Hyde Amendment prohibition so that it would only apply to Federal funds appropriated in the L/HHS bill.

Rich Tarplin's staff would like to get this language to Harkin's staff tonight in time for tomorrow morning's (7/24) 10:00 a.m. mark-up of the bill. They are seeking OMB and your clearance before they give it to Harkin's staff.

Please call Holly Bode on Rich Tarplin's staff at 690-7485 or at home [redacted] P6/(b)(6) with clearance or questions. My office number is 5-7791 and I can be reached at home at [redacted] P6/(b)(6).

[002]

DRAFT HHS LANGUAGE:

"None of the funds appropriated under this Act shall be expended for any abortion, except when such a procedure is necessary to save the life of the woman or when the pregnancy is the result of rape or incest.

None of the funds appropriated under this Act may be used to purchase health benefit coverage that includes coverage for abortions unless the Federal contribution and the state funds eligible for matching under Title XIX are limited to those abortion services necessary to save the life of the woman or when the pregnancy is the result of rape or incest."

Message Copied

To: _____
Nani A. Coloretti/OMB/EOP
Joshua Gotbaum/OMB/EOP
Barry T. Clendenin/OMB/EOP
Richard J. Turman/OMB/EOP
Mark E. Miller/OMB/EOP
Barbara E. Washington/OMB/EOP
Barbara Chow/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ellen S. Seidman (CN=Ellen S. Seidman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-JUL-1997 18:07:42.00

SUBJECT: Re: Update on possible Amtrak language as part of reconciliation

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

----- Forwarded by Ellen S. Seidman/OPD/EOP on 07/23/97
06:07 PM -----

Ellen S. Seidman
07/23/97 06:06:00 PM
Record Type: Record

To: James J. Jukes/OMB/EOP

cc:

Subject: Re: Update on possible Amtrak language as part of
reconciliation

Are these caps on compensatory damages? In which case the issue probably has something to do with arcane statutes like the Death on the High Seas Act, or are they on punitives? either way, I think we need to understand better what's happening. From the perspective of what we've been talking about on products and tobacco, we seem more concerned about a punitives cap, but there's something really weird about a compensatories cap, particularly since, as I understand it, we're proposing to eliminate such a cap for commercial airlines (DOT letter that passed by my desk yesterday.) If the caps only relate to employees, that's probably a very different matter. ellen

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-JUL-1997 14:01:00.00

SUBJECT: FYI draft Presidential statement on the ADA anniversary

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

I've just more or less signed off on this for the DPC, but thought you might be interested.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate
Release
24, 1997

July

STATEMENT BY THE PRESIDENT
COMMEMORATING THE SEVENTH ANNIVERSARY
OF THE AMERICANS WITH DISABILITIES ACT

□&Saturday, July 26 marks the seventh anniversary of one of our nation□,s most significant civil rights laws -- the Americans with Disabilities Act (ADA). This landmark law has been opening doors and bringing down barriers for 49 million Americans with disabilities. The law, which passed with bi-partisan support, prevents discrimination on the basis of disability in employment, public services, public accommodations, transportation and telecommunications.

To make the law succeed, my Administration has been reaching out to all Americans to educate them about their rights and obligations under the law. That is why today I am unveiling a public service announcement that stresses the significance of this important law and tells listeners where to turn for more information.

The ADA is a wide ranging law that covers millions of Americans with disabilities, from people who are deaf or blind, to people with mental or mobility impairments. It not only benefits those with permanent disabilities, but also millions of Americans who experience temporary disabilities, as I did earlier this year.

Although I used a wheelchair for only a short period after

injuring my knee, I learned how small barriers, such as a step, a curb or a narrow doorway can stand in the way of an opportunity. It was an experience that taught me, as it has taught millions of others, that access benefits everyone. While my experience can never truly make me understand the discrimination people with disabilities face, I nonetheless gained a deeper appreciation for why the law is needed.

This Administration has made ADA enforcement a high priority. We have emphasized the need for businesses and governments to comply voluntarily, but have not hesitated to take legal action against those who flout their obligations.

Across America, barriers in communication, architecture and attitude have been tumbling. But communities and businesses must do more to ensure that all Americans, regardless of their disability, can live and learn, work and play alongside their fellow Americans.□8

Individuals seeking more information about the ADA, can call 1-800-514-0301 or 1-800-514-0383 (TDD).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kris M Balderston (CN=Kris M Balderston/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-JUL-1997 21:41:11.00

SUBJECT: Regional Administrators

TO: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

eric.dodds (eric.dodds @ gsa.gov @ INET @ LNGTWY [UNKNOWN])
READ:UNKNOWN

TEXT:

The Administration's 150 political Regional Administrators will be in 450 OEOB on Wednesday, July 30th from 9 to 5 for their annual WH brfg. The POTUS and FLOTUS will be addressing the group during the day. This would also be a great opportunity to meet the administrators and brief them on the DPC's initiatives for the upcoming year. We would like to invite you to address the group from 10-50 to 11.10 am on July 30th.

This group has been phenomenal in amplifying our message throughout the country. You may remember that this was the group that helped us set up 100 satellite sites for the 0-3 conference. They stand ready to help us on other initiatives.

Hope you can make it.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ellen S. Seidman (CN=Ellen S. Seidman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-JUL-1997 18:07:13.00

SUBJECT: Update on possible Amtrak language as part of reconciliation

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

What, if anything, do you know about these liability provisions? I'll also send you my reply. ellen

----- Forwarded by Ellen S. Seidman/OPD/EOP on 07/23/97
06:06 PM -----

James J. Jukes

07/23/97 03:37:09 PM

Record Type: Record

To: William P. Marshall/WHO/EOP, Ananias Blocker III/WHO/EOP, Ellen S. Seidman/OPD/EOP, Dorothy Robyn/OPD/EOP

cc: Mark J. Schwartz/OMB/EOP, James A. Brown/OMB/EOP

Subject: Update on possible Amtrak language as part of reconciliation

Bill/Andy -- This pertains to the voicemails I left you.

Ellen -- FYI re the torts angle.

Dorothy -- FYI.

----- Forwarded by James J. Jukes/OMB/EOP on 07/23/97
03:35 PM -----

Mark J. Schwartz

07/23/97 03:27:15 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: See the distribution list at the bottom of this message

Subject: Update on possible Amtrak language as part of reconciliation

Senate Democrats are getting to close to working out a deal with Senate Republicans on the contours of an Amtrak reform bill to be included in reconciliation. The current proposal on the table from the Senate Republicans to Senate Democrats is as follows (I have only summarized the larger issues):

LIABILITY: (This dispute has killed reform the last few years and has pitted trial lawyer groups against freight railroads). Amtrak would be subjected to state law caps for tort liability (these vary state to state). There would also be a global cap of \$150 million per incident. This global cap would apply to both freight railroads and Amtrak. Democratic staff seems to think that the final deal may have a global cap at a higher number (maybe \$250 million per incident).

LABOR: (Current law provides up to six years of pay to employees who lose jobs in downsizing of Amtrak). The six year protection currently provided by statute, would be reduced to one year. If there were a bankruptcy the one year protection would be eliminated. (Rail labor is now meeting with Senator Kerry to discuss their objections.)

CONTRACTING OUT: The current ban prevents Amtrak from contracting out any work other than food and beverage. The ban would be repealed one year after enactment of the legislation. The subject would still be subject to negotiations under the Railway Labor Act.

LIQUIDATION: The proposal would have an expedited liquidation procedure (that is, Amtrak would be liquidated if certain performance targets and reforms were not satisfied). This procedure would require a vote of the House and Senate to approve liquidation, but no Presidential approval. The liquidation would be recommended to the Congress by a temporary Amtrak Reform Council.

We have tried to talk to many of you on the e-mail list here about the problem of Justice's concerns about constitutionality of the reform proposal. Although the Administration is on record about the labor and liability issues through letters sent to Sen. Commerce Committee last month, a DOJ letter objecting to the Senate reform proposal was prepared prior to Commerce committee mark up last month, but was not sent. DOJ has very serious concerns about the make up of a Reform Council or a revamped Board of Directors and may seek to bring their objections to the attention of the negotiators. Jim Jukes/LRD will be following up on this after consulting with all of you for your thoughts on this subject.

5-1090 if you have any questions.

Message Sent

To: _____

Charles E. Kieffer/OMB/EOP
Lisa M. Kountoupes/OMB/EOP
Charles Konigsberg/OMB/EOP
Robert G. Damus/OMB/EOP
Barry B. Anderson/OMB/EOP
Philip R. Dame/OMB/EOP
Susanne D. Lind/OMB/EOP
Steven D. Aitken/OMB/EOP
Anita Chellaraj/OMB/EOP
Joseph J. Minarik/OMB/EOP
David E. Tornquist/OMB/EOP
Daniel M. Tangherlini/OMB/EOP
Patricia E. Romani/OMB/EOP

Message Copied

To: _____

Janet Himler/OMB/EOP
Larry R. Matlack/OMB/EOP
Charles Konigsberg/OMB/EOP
Jill M. Blickstein/OMB/EOP
James J. Jukes/OMB/EOP
James A. Brown/OMB/EOP
Kenneth L. Schwartz/OMB/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-JUL-1997 09:09:48.00

SUBJECT: Welfare memo

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

CC: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

FYI -- Emily Bromberg has asked to see the memo before it goes to Staff Secretary.

Terry Edmonds just wants a copy of what goes in.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-JUL-1997 11:23:19.00

SUBJECT: COS Scheduling Meeting this Week

TO: Christa Robinson (CN=Christa Robinson/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Paul J. Weinstein Jr. (CN=Paul J. Weinstein Jr./OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

FYI

----- Forwarded by Cathy R. Mays/OPD/EOP on 07/23/97
11:22 AM -----

Jason S. Goldberg

07/23/97 11:19:26 AM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: COS Scheduling Meeting this Week

We will have a COS meeting tomorrow, Thursday July 24, at 3:00 p.m.

Message Sent

To:

-
- Mary Morrison/WHO/EOP
 - Phillip Caplan/WHO/EOP
 - Craig T. Smith/WHO/EOP
 - Christopher J. Lavery/WHO/EOP
 - KERRICK_D @ A1 @ CD @ LNGTWY
 - Sylvia M. Mathews/WHO/EOP
 - John Podesta/WHO/EOP
 - Sara M. Latham/WHO/EOP
 - Victoria Radd/WHO/EOP
 - Angus S. King/WHO/EOP
 - Douglas B. Sosnik/WHO/EOP
 - Rahm I. Emanuel/WHO/EOP
 - SPERLING_G @ A1 @ CD @ LNGTWY
 - Bruce N. Reed/OPD/EOP
 - MCHUGH_L @ A1 @ CD @ LNGTWY
 - Michael D. McCurry/WHO/EOP
 - Stephanie S. Streett/WHO/EOP
 - Nancy V. Hernreich/WHO/EOP

John L. Hilley/WHO/EOP
Cheryl M. Carter/WHO/EOP
Michael Waldman/WHO/EOP
Maria Echaveste/WHO/EOP
June G. Turner/WHO/EOP
Kevin S. Moran/WHO/EOP
Michelle Crisci/WHO/EOP
Russell W. Horwitz/OPD/EOP
Cathy R. Mays/OPD/EOP
Lori L. Anderson/WHO/EOP
Melissa Green/OPD/EOP
Marjorie Tarmey/WHO/EOP
Ron Klain/OVP @ OVP
Debbie B Bengtson/OVP @ OVP
MILLISON_C @ A1 @ CD @ LNGTWY
Kimberly H Tilley/OVP @ OVP
Marjorie Tarmey/WHO/EOP
Jodie R. Torkelson/WHO/EOP
Teresa Wildman/WHO/EOP
Raymond E. Donnelly III/WHO/EOP
Elisa Millsap/WHO/EOP
Jeffrey A. Forbes/WHO/EOP
Suzanne Dale/WHO/EOP
Elisabeth S. Steele/OVP @ OVP
Laura K. Capps/WHO/EOP
Terri J. Tingen/WHO/EOP
Christa Robinson/OPD/EOP
Beverly J. Barnes/WHO/EOP
Laura S. Marcus/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Andrew J. Mayock (CN=Andrew J. Mayock/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-JUL-1997 18:47:11.00

SUBJECT: Task List from Affirmative Action Meeting

TO: Peter G. Jacoby (CN=Peter G. Jacoby/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Alphonse J. Maldon (CN=Alphonse J. Maldon/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Andrew J. Mayock (CN=Andrew J. Mayock/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Beverly J. Barnes (CN=Beverly J. Barnes/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Emil E. Parker (CN=Emil E. Parker/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Ann F. Walker (CN=Ann F. Walker/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Thurgood Marshall Jr (CN=Thurgood Marshall Jr/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Gene B. Sperling (CN=Gene B. Sperling/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Robert B. Johnson (CN=Robert B. Johnson/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Ananias Blocker III (CN=Ananias Blocker III/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Susan M. Liss (CN=Susan M. Liss/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

TO: Tracey E. Thornton (CN=Tracey E. Thornton/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Richard L. Hayes (CN=Richard L. Hayes/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Doris O. Matsui (CN=Doris O. Matsui/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Mickey Ibarra (CN=Mickey Ibarra/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Robert N. Weiner (CN=Robert N. Weiner/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Minyon Moore (CN=Minyon Moore/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Cheryl D. Mills (CN=Cheryl D. Mills/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Sylvia M. Mathews (CN=Sylvia M. Mathews/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

Below is the task list from our past two affirmative action meetings. Please let me know if something is incorrect or missing from the list, and if we can assign more things to Dawn. Also please reply to this e-mail with the date you expect to complete your assigned projects.

Thank you.

Emil: Looking into FY98 funding for EEOC (consulting with Richard and Michael D.)
Dawn: Summarizing affirmative action cases [completed]
Dawn: Looking into how to "ramp-up" civil rights at DOJ
Dawn: Providing leg affairs with summary on Administration affirmative action efforts
Richard/Susan: Developing comprehensive enforcement strategy memo
Tracey: Developing legislative strategy memo
Goody/Ann L: Developing near-term surrogate strategy memo/outline for race initiative
Rob: Drafting letter from EBB to Cabinet secretaries re. benchmarking [completed]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:23-JUL-1997 10:00:04.00

SUBJECT: Elena's trip to PA/IL

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

----- Forwarded by Laura Emmett/WHO/EOP on 07/23/97 10:03
AM -----

Cathy R. Mays

07/23/97 09:57:37 AM

Record Type: Record

To: Laura Emmett/WHO/EOP

cc:

Subject: Elena's trip to PA/IL

I need to know if she had any expenses -- let me know. I don't think she did.

July 23, 1997
(6:30 PM DRAFT)

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
CYNTHIA RICE

SUBJECT: NEXT WEEK'S SPEECH ON STATE WELFARE REFORM EFFORTS

On Monday, July 28th, you will speak to the National Governors' Association in Las Vegas. We are planning for this to be a major statement on welfare reform one year after you signed the new law into effect and four years after you began to reform welfare by granting waivers to the states. We will follow this speech with a Welfare to Work Partnership event on August 12th with several hundred business leaders in St. Louis who will accept your challenge to hire welfare recipients.

We hope in the NGA speech to provide a statement of the principles and values that have guided welfare reform. We will discuss the importance of work and responsibility, of requiring both parents to support their children, and also of teaching teenagers that staying in school and avoiding parenthood are the right things to do. We will talk about the new role of welfare workers: not to dole out checks, but to assist welfare recipients in meeting the challenge of joining the workforce. And we will talk about the need to support work -- to make sure it pays better than welfare -- through the minimum wage, EITC, child support, and investments in health care, child care, and transportation.

We also hope in the NGA speech to turn the spotlight on the states: to underscore the successes -- but also point out some of the shortcomings -- of state welfare reform efforts. We will emphasize that while we have much to be proud of, we cannot rest on our laurels. We must seize the opportunity to use savings from declining caseloads and the growing economy to put even more people to work. Many states are investing new funds in child care, transportation, and other welfare-to-work efforts; others are diverting savings to other parts of their budgets. We plan to praise those who are doing the right thing, and scold, though not by name, those who are not. Overall, we hope in this speech to send a signal that we intend to hold states accountable for their actions.

Finally, we plan to include an update on education standards in the speech, probably referring to the announcements you will have made on Friday of the big city school districts that have agreed to adopt the new tests.

The State of the States

As you know, welfare reform began long before last August, with the waivers we granted to 43 states to allow them to impose tough work requirements and time limits and provide incentives to make work pay better than welfare. Under the new law, nearly 90 percent of these states have chosen to continue or build upon their waivers. Many of these states have intensified their efforts, either expanding small demonstration projects state-wide or leveraging additional financial or community resources for welfare to work efforts. Other states are simply in a holding pattern, postponing changes because of political conflict (i.e., New York and California) or for other reasons. Here's a summary of some of the interesting trends we've uncovered.

Child Care: Efforts to expand child care are widespread. Because of the additional \$4 billion we secured in the welfare law, all states are receiving more federal funds, which they must match with their own dollars. About half the states are increasing their spending beyond what is needed to match the new federal funds. Some states are adding quite a bit more: Wisconsin is adding \$160 million, Illinois is adding \$100 million, and Florida is adding \$23 million in new funds and shifting \$60 million from the welfare block grant to child care. A new paper by the Progressive Policy Institute praises Illinois, Michigan, and Washington for establishing "seamless" child care systems which provide subsidies for all workers below a certain income, whether they've been on welfare or not. (There's a growing concern that some states are short-changing the working poor by giving former welfare recipients priority for child care subsidies. Creating a universal, income-based system avoids that problem.)

Transportation: Several states have developed strategies to ensure welfare recipients have the transportation they need to get to work. Kentucky is now implementing an initiative to ensure that transportation is available in all areas of the state. Connecticut is earmarking \$2.2 million of its TANF funds for new transportation services for welfare recipients. New Jersey has announced a \$3.7 million initiative to move *Work First New Jersey* participants to work. In May, the Department of Transportation worked with NGA to award planning grants to help 24 states develop transportation strategies to support their welfare to work efforts.

Welfare to Work Programs: Nearly all state welfare-to-work programs include the traditional elements: job search, training, education, community work experience, and placement in unsubsidized jobs. But now 22 states are using welfare checks to subsidize private jobs, although mostly on a small scale. Eighteen states have "upfront diversion" programs which provide job search assistance or emergency cash grants to help prevent people from going on welfare. Several states (Ohio, Florida) provide tax incentives to companies that hire welfare recipients. In many states, the governor and other elected officials are reaching out to the business community to forge new partnerships. In Nevada, the state has set a goal for new casinos to set aside 10 percent of all positions for former welfare recipients.

Diverting Welfare Savings for Other Uses: Not all states are investing welfare savings in child care, transportation, or other welfare to work efforts. One state, Ohio, is actually cutting child care spending and is using some of its savings from lower welfare caseloads for tax cuts. In Connecticut, the governor proposed to use federal TANF dollars to replace existing state social service spending. In Texas, the state spent less than one-third of its surplus from declining caseloads on welfare to work programs; the rest was used on state programs previously funded by state dollars.

Child Support Enforcement: As you know, we have made progress in child support enforcement, increasing collections by 50% from 1992 to 1996. Last year's welfare law included tough new measures to help states track deadbeat parents across states lines. To date, however, HHS has determined that only 16 states have enacted all the state laws needed to put these tough new measures into place (the updated number may be higher, because HHS staff are receiving materials from recently completed state legislative sessions.). One state -- Idaho -- has not enacted any of the new child support provisions required by the new federal law. Moreover, nine states -- including California, which has 22% of the nation's welfare caseload -- will likely not make this October's deadline to put in place new child support computer systems. We think that in your speech you should underscore the need for prompt state action in these areas.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:23-JUL-1997 19:20:55.00

SUBJECT: New Teen Parent Study out Tomorrow

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Elisabeth Stock (CN=Elisabeth Stock/O=OVP @ OVP [UNKNOWN])

READ:UNKNOWN

Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

I asked Elizabeth to check into the updated MDRC findings on Ohio's LEAP program for teen parents, which will be released tomorrow. The results are somewhat better than the findings from the recent New Chance study, but nothing to cheer about. Here's what she found:

FINDINGS:

LEAP showed modest success in increasing school attendance, employment and reducing AFDC receipt. By contrast, the teen mothers in New Chance were not more likely to hold jobs or leave welfare.

LEAP did not increase high school graduation and had very little impact on teens who had already dropped out of school before entering the program.

PROGRAM DIFFERENCES BETWEEN LEAP AND NEW CHANCE:

New Chance provided extensive services to participants through community-based programs. LEAP did not provide additional services to participants, but rather created incentives for participants to attend school, by providing monetary sanctions and bonuses.

New Chance was a voluntary program, while LEAP was a mandatory requirement that applied to all teen parents in Ohio who had not completed high school.

New Chance served only teen parents who had already dropped out of school. LEAP served both in-school and out-of-school youth, and most of its success was concentrated among participants who were enrolled in school at the time of random assignment.

Q+As.

HHS is updating their old Q&As for tomorrow. We haven't seen them yet, but are told to expect the same basic message as usual: we look forward to reviewing the report in detail; we're encouraged by many of the findings; mixture of carrots and sticks seems to be the right tact to take; but we know this is an extremely difficult problem and we have a long way to go...etc.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 10:47:51.00

SUBJECT: Hoekstra hearing today on Corporation/AmeriCorps

TO: Janet Murguia (CN=Janet Murguia/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Stephen B. Silverman (CN=Stephen B. Silverman/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Barry J. Toiv (CN=Barry J. Toiv/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Just FYI, this morning the Corporation is being raked over the coals at a hearing on the Hill by Rep. Hoekstra, one of their traditional opponents. Apparently it will focus on management issues rather than some of the political stories that came up around the time of the summit. Criticisms will be that the Corporation is not auditable and that their trust fund can't account for \$20 million. They don't expect much bad press beyond the traditional Wash. Times article, but they will update me if it goes worse than that.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 12:09:42.00

SUBJECT: juvie markup update

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Michelle Crisci (CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Jose Cerda III (CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

A deal was cut last night --without consultation with Justice-- and the bill was favorably reported out of the Judiciary Committee this morning. The vote to report out bill was 12-6 with Feinstein and Torricelli voting in favor.

The only amendment voted on was the Specter prevention/intervention amendment which failed.

Accepted amendments:

* separation of juveniles and adults in custody.

* expansion of the purpose areas of the prosecutor funding in the bill (\$50 million) to allow for probation officers, and activities such as Operation Night Light in Boston.

* Grassley amendment on drug-free schools which originally would have kicked kids out of school for drugs and tobacco. Supposedly this is a substantially watered-down version but Justice has not yet seen.

* revocation of bill's provision to repeal the old prevention programs authorized in title V. Committee staff has promised to work with Kohl to insert prevention language in current appropriations bill. (Approps has \$75 million for our new DOJ anti-truancy initiative, which could be used to fund afterschool programs.)

No vote on Brady for juveniles. Hatch was planning to offer a second-degree to delay implementation until insta-check goes into effect. But this shouldn't have stopped the amendment from being offered in committee. Biden's amendments on prevention and increased funding for prosecutors were also held for floor.

Justice will be sending over a summary of markup later today.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ruby Shamir (CN=Ruby Shamir/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-JUL-1997 10:18:38.00

SUBJECT: Welfare To Work

TO: Robin J. Bachman (CN=Robin J. Bachman/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: David S. Beaubaire (CN=David S. Beaubaire/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Laura K. Capps (CN=Laura K. Capps/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elisa Millsap (CN=Elisa Millsap/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Christa Robinson (CN=Christa Robinson/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Suzanne Dale (CN=Suzanne Dale/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Catherine Moore (CN=Catherine Moore/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Douglas B. Sosnik (CN=Douglas B. Sosnik/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Kevin S. Moran (CN=Kevin S. Moran/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Heather L. Davis (CN=Heather L. Davis/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Mary Morrison (CN=Mary Morrison/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Angélique Pirozzi (CN=Angélique Pirozzi/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Jennifer M. Palmieri (CN=Jennifer M. Palmieri/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Elisabeth Stock (CN=Elisabeth Stock/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

TO: Terri J. Tingen (CN=Terri J. Tingen/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Michael Waldman (CN=Michael Waldman/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

There will be a message meeting tomorrow (7/25) at 3pm in Ann Lewis' office for the upcoming Welfare to Work event. Kate Carr from Welfare to Work will be there as well. Please confirm your attendance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard Socarides (CN=Richard Socarides/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-JUL-1997 12:27:54.00

SUBJECT: NC4299: Wells Fargo extends benefits

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

----- Forwarded by Richard Socarides/WHO/EOP on 07/24/97
12:27 PM -----

rwockner @ netcom.com
07/23/97 04:24:00 PM

Record Type: Record

To: Richard Socarides

cc:

Subject: NC4299: Wells Fargo extends benefits

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* by you from the originating news organization. *

LOS ANGELES TIMES, July 23, 1997 (Excerpt)

On Account of Image

Wells Fargo Has New Ads Up Its Sleeve

By DON LEE, Times Staff Writer

...

Expanding Benefits

Wells Fargo Bank and Union Bank, the state's second- and third-largest banks, respectively, will join Bank of America in offering health and dental benefits to gay and heterosexual partners of employees starting in January.

The move by the three San Francisco-based banks was prompted by that city's ordinance penalizing city contractors who do not offer domestic-partner benefits. BofA, the nation's third-largest banking firm and the state's biggest, in March became the first major U.S. bank to announce such a program, extending benefits not only to domestic partners and their children, but also to adult siblings, parents and grandparents who are dependents.

Neither Union nor Wells went that far. Wells has yet to disclose eligibility standards for domestic partners, but Union defined a domestic partner as an adult of the same or opposite sex who has lived with the employee for at least six months and is exclusively committed to and financially interdependent with that person.

Both Union and Wells said they were taking the step to retain and attract talented workers. Most companies that provide the coverage have

found that only 1% to 3% of employees sign up. The low participation is in part because the benefits are taxable.

Times staff writer Don Lee can be reached by e-mail at don.lee@latimes.com

=====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ILKZDCN928001W9N@PMDF.EOP.GOV> for Socarides_R@a1.eop.gov; Wed, 23 Jul 1997 16:25:55 -0400 (EDT)

Received: from storm.eop.gov (storm.eop.gov) by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01ILKZD8145S00165D@PMDF.EOP.GOV> for Socarides_R@a1.eop.gov; Wed, 23 Jul 1997 16:25:49 -0400 (EDT)

Received: from netcom8.netcom.com ([192.100.81.117]) by STORM.EOP.GOV (PMDF V5.1-7 #6879) with SMTP id <01ILKZCSKV8003EPR@STORM.EOP.GOV> for Socarides_R@a1.eop.gov; Wed, 23 Jul 1997 16:25:33 -0400 (EDT)

Received: (from rwockner@localhost) by netcom8.netcom.com (8.6.13/Netcom) id NAA29041; Wed, 23 Jul 1997 13:24:21 -0700

=====
END ATTACHMENT 1

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 12:46:47.00

SUBJECT: Incentives

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Peter's timeframe is o.k. with me. Set deadline of Tuesday?

----- Forwarded by Elizabeth Drye/OPD/EOP on 07/24/97

12:46 PM -----

Peter R. Orszag

07/24/97 11:58:04 AM

Record Type: Record

To: Elizabeth Drye/OPD/EOP, Elena Kagan/OPD/EOP

cc:

Subject: Incentives

What's our deadline for putting together some paper following last night's meeting? Today and tomorrow are relatively full with other issues for Gene, and it would be great to have the weekend to write something up and share it with CEA and Treasury.

Let me know.

Thanks,

Peter

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kay Casstevens (CN=Kay Casstevens/O=OVP [UNKNOWN])

CREATION DATE/TIME:24-JUL-1997 09:21:10.00

SUBJECT: tobacco amendment

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Barbara Chow (CN=Barbara Chow/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

CC: Paul R. Carey (CN=Paul R. Carey/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

Kay Casstevens (CN=Kay Casstevens/O=OVP [UNKNOWN])

READ:UNKNOWN

TEXT:

Hi Elena. Yesterday on the Senate floor, Harkin and others offered an amendment to the Ag appropriations bill to provide full funding for the FDA's efforts to prevent youth smoking. (The offset for the \$34 million was obtained by increasing the tobacco marketing assessment, which the sponsors said would be ultimately borne by the purchasers of tobacco, ie not the tobacco farmer.) The amendment lost 52-48, with 11 Democrats voting against it (including folks like Moseley-Brau, Landrieu, Moynihan, Inouye and Reid) They are going to take a revote today. Harkin and other sponsors contend that without this amendment, the Greensboro case outcome is nullified. The sponsors are hoping that someone in the White House would call some of the Ds above and persuade them that this amendment is worth fighting for. I'm not sure who is following this issue in the White House, but I thought you and Bruce might be interested. I have some material I will fax you on it. Let me know if there are others I should contact. Thanks. Kay

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 13:09:02.00

SUBJECT: Medicaid bucket

TO: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

HHS may want to raise the bucket as part of the technicals discussion Ron wants to have. Here's the story: for many months, HHS could only see their way clear to a partial fix of the bucket. Just as we were about to give up on this, Clay Shaw wrote a letter saying congressional intent was a 100% fix of the bucket. This caused HHS to go back to the drawing board (for months). They now see a way to do a 100% fix, but their legal theory conflicts with OMB counsel's theory, and for the moment it's stuck there.

So HHS wants to throw into the technical mix the possibility that Congress could clarify this issue, and they may raise it at our conference call tomorrow. OMB doesn't disagree. I don't see any downside, other than if we have to use a chit for it. But Haskins is on our side here, so it may not use a chit.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mona G. Mohib (CN=Mona G. Mohib/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-JUL-1997 16:47:16.00

SUBJECT: DOJ/Interior Justice Issue

TO: Robert N. Weiner (CN=Robert N. Weiner/OU=WHO/O=EOP @.EOP [WHO])
READ:UNKNOWN

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TO: William P. Marshall (CN=William P. Marshall/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Michael Deich (CN=Michael Deich/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TEXT:

Lynn would like to set up a meeting this Tuesday, July 29 in her office. She suggested the times of 8:15 am, 11:30 am and 2:30 pm. Please let me know what times do not work for you in order to help actually set up the meeting.

I also can be reached at 6-2896.

Thank you. Mona

Draft

URBAN SCHOOL SYSTEMS ACROSS AMERICA JOIN MOVEMENT FOR NATIONAL STANDARDS AND TESTS IN THE BASIC SKILLS

In a speech to the National Association of Elementary School Principals, President Clinton announced today that 13 urban school districts -- with the support of local school boards, superintendents, and teachers organizations -- will participate in voluntary national tests in 4th grade reading and 8th grade math that reflect high national standards. These tests will be administered for the first time in the Spring of 1999.

GROWING NATIONWIDE SUPPORT FOR NATIONAL STANDARDS AND TESTS:

Thirteen urban school systems, including the three largest (New York City, Los Angeles, and Chicago) and six of the seven largest, have pledged to participate in the President's voluntary national testing initiative. Located in ten states, together, they represent XXX percentage of the nation's 4th and 8th graders. The commitment of these large school systems demonstrates that support for the President's call for national standards and tests is truly nationwide. Students from Ft. Lauderdale to Seattle, from New York to Los Angeles, from El Paso to Chicago, will be prepared to meet the same basic skills in reading and math, and students, schools and school systems can and will be judged against common standards, and on the same measures. For the first time, parents, teachers and the public in these communities will know how well students perform compared to national standards in reading and math, international benchmarks in math, and to students in other cities and states throughout the nation.

HIGH STANDARDS FOR ALL STUDENTS: With this announcement, urban educators and communities send a clear signal that students in inner city schools can and should be held to, and measured against, the same challenging standards that are being set for all students throughout the nation. Rejecting the notion that students from disadvantaged backgrounds cannot learn to the same standards as more advantaged students, these communities recognize that setting high standards in the basic skills for all students is a prerequisite for improved teaching and learning. Research and experience shows that students can meet high standards, and that low expectations lead to low achievement. While this step alone will not improve teaching and learning for students in urban schools, it will guide and catalyze efforts to strengthen curriculum, provide training to teachers, increase parental and community involvement, and support the necessary investments at the local, state and national level to improve our schools.

A CHALLENGE TO EDUCATORS: USE TESTS FOR IMPROVEMENT AND ACCOUNTABILITY: President Clinton challenged local educators to use the test information to improve teaching and learning and to strengthen accountability. The U.S. Department of Education will make available information that describes the knowledge and skills students must master in order to meet the national standards. Each year once the tests are given, the test items will be released to the public to further clarify what students must know and be able to do to meet the standards. Educators should use this information as well as the state or local standards set for their students to take steps such as upgrading the curriculum, strengthening teacher preparation

and professional development, and promoting parental and community involvement and learning.

The President also challenged educators to use these test to strengthen accountability, by incorporating the results into school and school district report cards, by reporting the performance of subgroups of students (such as by race, gender and other background characteristics), and by providing needed help to low performing students and schools.

A CHALLENGE TO THE NATION: PROVIDE STUDENTS AND SCHOOLS WITH THE HELP THEY NEED President Clinton challenged the nation to support students in urban areas and throughout the nation so they can reach high standards in the basics, and continue to learn for a lifetime. He called on the Congress to [whatever we need to say about taxes, and to enact his proposal to promote early literacy and to recruit and prepare teachers for urban and poor rural areas.

A map highlighting the cities that are signing up will be attached

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 17:55:27.00

SUBJECT: joel klein, antitrust

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

He has some antitrust concerns. Can you give him a call (514-2401)? He says he understands we don't want to scuttle the whole thing, but he has some suggestions on how to improve it. I told him we'd start including him in our economic group too.

We should probably at least say they can't do price-fixing...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 12:55:40.00

SUBJECT: call NOW NOW. Bruce on phone, wants to conference. Cynthia 62846

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 19:25:11.00

SUBJECT: Gov. Locke (D-WA)

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Jerold R. Mande (CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [OSTP])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Governor Locke's general counsel called me to let us know the Governor will send a letter to the President Monday urging him to voice his support soon for the settlement with little modification. Locke's GC wanted to know where the President will be to minimize any difference between the governor and the President. I told him the President has only reached one conclusion re. black market.

I don't think this pending letter creates any problems, do you?

Also, the GC and I both are wondering if any other elected officials besides AGs have taken positions on the settlement. Do you know of any?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 14:02:42.00

SUBJECT: Let's go to 2:00 together. Pick me up in my office? Cynthia

TO: ELENA (Pager) #KAGAN (ELENA (Pager) #KAGAN [UNKNOWN])

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Peter R. Orszag (CN=Peter R. Orszag/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 11:58:10.00

SUBJECT: Incentives

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

What's our deadline for putting together some paper following last night's meeting? Today and tomorrow are relatively full with other issues for Gene, and it would be great to have the weekend to write something up and share it with CEA and Treasury.

Let me know.

Thanks,
Peter

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:24-JUL-1997 18:07:40.00

SUBJECT: tomorrow's schedule

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Tomorrow you were supposed to have lunch w/ Cliff Sloan at 12:30, but now there is going a 12:45 meeting with the state tobacco programs, Bruce & Shalala. It is going to be on anti-tobacco advertising campaigns. Do you want to keep your lunch or go to the tobacco meeting?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Diana Fortuna (CN=Diana Fortuna/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 16:31:36.00

SUBJECT: Boys Nation/radio address event memo

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

Below is OPL's first cut of the event memo, much of which is based on what I gave them. I have already told Dan Wexler to fix the first paragraph (i.e., don't describe these as "private sector scholarships", mention the summit, etc.) Wexler will put your name on the memo along with Maria's. There are still a lot of typos to be cleaned up, but I thought you would want to see it at this point. I will plan on attending the briefing; I hear you may or may not attend.

July 24, 1997

1997 BOY'S NATION MEETING AND RADIO ADDRESS TAPING

DATE:	July 25, 1997
LOCATION:	East Room
TIME:	5:35 pm
FROM:	Maria Echaveste

I. PURPOSE

You will announce new private sector scholarships to make it possible for more young people to participate in the civic life of their communities through service. You will be joined by the members of Boys Nation and representatives of supportive civic organizations as you discuss the importance of citizen service.

II. BACKGROUND

As you know, for more than 50 years, the American Legion Auxiliary has provided a unique opportunity for teenage boys to learn firsthand how our system of government works through the Boys State and Boys Nation programs. Almost one million teenage boys have participated since the first Boys State, and thousands have attended Boys Nation since

it began.

In this weeks radio address, you will announce that over 1,600 high school students have won scholarships of at least \$1,000 as part of the first year of the National Service Scholars program.

These scholarships recognize students with outstanding records of community service. You first called for this program in a speech at Penn State in May 1996, challenging communities to raise at least \$500 for their local high schools, which the federal government would then match. In the first year, a host of leading community organizations stepped forward to raise local scholarships, including the Kiwanis, Rotary, Lions, Dollars for Scholars, Seventh Day Adventists, Veterans of Foreign Wars, the American Legion, Elks, Women's Clubs, Masons, Soroptomists, and Junior Leagues. The Miss America Foundation committed to provide scholarships in every state.

Sallie Mae provided the matching funds for every public high school in D.C. The Minnesota state legislature voted to fund the match for all high schools in that state. Each high school principal is invited to nominate a junior or senior for the scholarship. (It is interesting to note, in the context of Boys Nation, that 70% of the 1,683 scholarship winners are girls.)

You will urge all 20,000 high schools in the nation to participate next year. Congress appears fairly supportive of this program. The House Appropriations Committee recently voted to appropriate the full \$10 million cost of taking it nationwide. (A House floor amendment then cut all AmeriCorps programs in half, but the House is expected to reverse this in conference.) The Senate did not include it, but appears likely to agree to it in conference. The Corporation for National Service found funds internally for the \$800,000 cost of this year's program. In fact, it had set aside \$3 million for this purpose, which would have funded 6,000 scholarships, but the program got a late start.

In addition the Boys Nation participants, representatives of civic groups along with five scholarship winners will be in the audience. Our hope is that civic organizations will publicize this event in their newsletters and drum up even more support for this program next year.

You will also talk about how we are continuing to move forward to reach the goals of the Philadelphia summit on service. You will announce that service and religious organizations have responded positively to your summit challenge that we would provide 50,000 new AmeriCorps scholarships over the next 5 years to organizations that offer young people the

chance to serve. Already, 77 organizations have answered that challenge by offering to sponsor 10,000 new AmeriCorps members.

Other progress includes: the Vice President's May announcement of a new partnership of civic organizations that will mentor families seeking to leave welfare for work; Eli Segal's Welfare to Work Partnership that is mobilizing businesses to hire welfare recipients, your announcement last month that Kaiser Permanente will commit \$100 million to provide health coverage for uninsured children in California; and federal agencies' efforts to implement the more than 40 commitments they made at the summit, including mentoring and tutoring and launching new partnerships with corporations and nonprofits.

Following your remarks you invite the Boys Nation President, Sterling Dowling from Orangeburg, South Carolina and the Vice President, Jason Cipriano from Hamstead, New Hampshire to the stage. They will present you with a Boys Nation shirt.

Lastly, one of this years counselors, Adam Ake (Boy's Nation, 1992) , was the 1997 class honor graduate at West Point. You met Adam earlier this year when you attended the West Point Commencement on May 31. You pinned on Adam's lieutenant bars during a reception at the Superintendents house. Adam received extensive media attention based on the fact that his father is serving a ten-year prison term in Alaska. Adam won a Rhode Scholarship as well as a Truman Scholarship and a Marshall Scholarship. He is the first West Point cadet to win all three. He will attend Oxford in the fall.

III. PARTICIPANTS

Ron Engel, Director/Coordinator, Boys Nation
Jack Mercier, Director of Activities, (35 years of service to the program and was

counselor to your section in 1963).

George Blume, Legislative Director, (27 years service)

96 Boys Nation Senators (list attached)

30 American Legion/Boys Nation Staff

5 Scholarship winners and civic groups to be added

IV. PRESS PLAN

Closed Press. The ABC, CNN, AP, C-SPAN, CBS, NBC, Mutual, UPI, USA, American Urban Radio Network, and Standard News radio networks will carry the address live to their collective thousands of stations across the country on Saturday at 10:06 AM EDT.

The White House will also release a photograph to news organizations.

V. SEQUENCE OF EVENTS

- o You will be briefed in the Blue Room.
- o WHCA will announce you into the East Room.
- o Your proceed to the stage. On stage will be (to be added).
- o You take a seat and tape the radio address.
- o After the radio address, the stage participants will exit the stage and take a seat in the front row.
- o You proceed to the podium and make remarks.
- o After your remarks you invite the Sterling Dowling, the Boys Nation President and Jason Cipriano, the Boys Nation Vice President to the stage. They will make brief remarks and present you with a Boys Nation shirt and a copy of the legislation passed during the week.
- o You proceed to the Blue Room for a receiving line.
- o After the receiving line, you proceed to the North Portico for a group photo.
- o You depart

VI. REMARKS

To be provided by speechwriters.

July 24, 1997

EDUCATION STANDARDS ENDORSEMENT EVENT

DATE: July 25, 1997
LOCATION: Gateway Marriott, Crystal City, VA
BRIEFING TIME: 9:45 am - 10:15 am
EVENT TIME: 10:30 am - 11:55 am
FROM: Bruce Reed

I. PURPOSE

To announce fifteen new cities that are supporting your proposal for national standards in education.

II. BACKGROUND

You will be making remarks before the National Association of Elementary School Principals (NAESP) at their annual convention. The Executive Director of NAESP, Sam Sava will be presenting you with the Distinguished Leadership in Education Award. Past recipients of this award have been Secretary Riley, George Bush, Bill Bennett and Stephen Bickel, CEO of VALIC a corporate partner.

The NAESP consists of school leaders in every state, the District of Columbia, and American schools overseas. Approximately 450 principals will be in attendance, and the NAESP will distribute a copy your remarks to all 30,000 elementary and middle school principals across the country. You have been invited to address this group every year of your presidency, but have not been able to attend. The First Lady met with this group last year.

You will be announcing the support of Atlanta, Broward County (Ft. Lauderdale), Chicago, Cincinnati, Detroit, El Paso, Fresno, Houston, Long Beach, Los Angeles, New York City, Omaha, Philadelphia, San Antonio, and Seattle for national standards.

In each of these cities, a partnership including the superintendent, school board and teachers' union has endorsed the school system's participation. In almost all cases, especially where the mayor plays a major role in education, (e.g., Chicago and Philadelphia) the mayor is fully informed and supportive.

Despite their participation in the testing initiative, the superintendents have also expressed particular concern about our decision to limit the 4th grade reading test to English only. Almost every city has a large Hispanic population, and all of them test Limited Proficient English students in their native language. As we have with Hispanic groups such as MALDEF, we have told the superintendents that we will work to explore ways to address their concerns, without committing to changing our position.

Mike Cohen along with the Department of Education and the National Science Foundation staff will meet later in the day with the urban educators to discuss this issue, as well as other ways in which the federal government can assist the cities in preparing students to meet the national standards in reading and math.

III. PARTICIPANTS

Briefing Participants:

Secretary Riley
Rahm Emanuel
Bruce Reed
Mike Cohen
Jordan Tamagni

Event Participants:

Secretary Riley
Yvonne Allen, Incoming NAESP President, Principal of Whiteville Elementary School,
in Whiteville, Tennessee
Stan Paz, Superintendent of El Paso School District
Sam Sava, NAESP Executive Director

Seated in the Audience:

Members of Congress (Frank Riggs and Matt Martinez)
NAESP Board of Directors
Elementary school principals
Superintendents and other representatives from the endorsing cities.
President Louise White and President Elect Ginny Markell of the National PTA

IV. PRESS PLAN

Open Press.

V. SEQUENCE OF EVENTS

- You will briefly meet the Board of Directors of the NAESP.
- You will then take a group photo with the education representatives from each city endorsing standards at this event. (Fourteen photos total.)
- You will then be announced onto the stage accompanied by program participants.

- Incoming NAESP President Yvonne Allen will make welcoming remarks and introduce Secretary Riley.
- Secretary Riley will make remarks and introduce Stan Paz.
- Stan Paz will make remarks and introduce you.
- You will make remarks.
- *At the completion of your remarks you should remain by the podium. Yvonne Allen will introduce the NAESP Executive Director Sam Sava, who will present you with the Distinguished Leadership in Education Award, which is a 10 inch engraved bell.*
- You will then work a ropeline of school principals and depart.

VI. REMARKS

Remarks Provided by Jordan Tamagni in Speechwriting.

VII. ATTACHMENTS

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cynthia A. Rice (CN=Cynthia A. Rice/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 18:51:59.00

SUBJECT: Note from Women's Office

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

What should I tell them? Senator Murray and her staff have called you and you've told them that we are not going to be able to help?

----- Forwarded by Cynthia A. Rice/OPD/EOP on 07/24/97

06:51 PM -----

Robin Leeds

07/24/97 05:22:28 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc: Marjorie Tarmey/WHO/EOP, Cheryl M. Carter/WHO/EOP, Sondra L. Seba/WHO/EOP

Subject: Family Violence Option clarification

Hi Cynthia. Just wanted to find out where we are on crafting a response to the advocates on the FVO clarification. Please let me know what you think and if there will be a chance for us to strategize further today or tomorrow. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 18:30:00.00

SUBJECT: September Strategic Planning

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

TEXT:

This should have gone to you instead. Can you go?
----- Forwarded by Bruce N. Reed/OPD/EOP on 07/24/97
06:30 PM -----

June G. Turner
07/24/97 05:47:56 PM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: September Strategic Planning

There will be a meeting Saturday (July 26) morning in the Roosevelt Room at 11:00 am to discuss September Strategic planning.

Attendees:

- Sylvia Mathews
- John Podesta
- Crait Smith
- Vicki Radd
- Sandy Berger
- Jim Steinberger
- Doug Sosnik
- Rahm Emanuel
- Gene Sperling
- Bruce Reed
- Stephanie Streett
- John Hilley
- Maria Echaveste
- Ann Lewis
- Don Baer
- Ron Klain
- Kim Tilley
- Todd Stern

Message Sent

To:

Craig T. Smith/WHO/EOP
Ann F. Lewis/WHO/EOP

Donald A. Baer/WHO/EOP
Sara M. Latham/WHO/EOP
Stephanie S. Streett/WHO/EOP
Maria Echaveste/WHO/EOP
Victoria Radd/WHO/EOP
Douglas B. Sosnik/WHO/EOP
Rahm I. Emanuel/WHO/EOP
Bruce N. Reed/OPD/EOP
John L. Hilley/WHO/EOP
Debbie B Bengtson/OVP @ OVP
Kimberly H Tilley/OVP @ OVP
Todd Stern/WHO/EOP

Message Copied

To:

Mary Morrison/WHO/EOP
Kevin S. Moran/WHO/EOP
Ruby Shamir/WHO/EOP
Marjorie Tarmey/WHO/EOP
Terri J. Tingen/WHO/EOP
Michelle Crisci/WHO/EOP
Cathy R. Mays/OPD/EOP
Virginia N. Rustique/WHO/EOP
Carolyn E. Cleveland/WHO/EOP
Christopher J. Lavery/WHO/EOP

Participants in Friday, July 24, 12:45pm Tobacco Meeting:

Purpose: To hear from state and local officials who have been fighting on the front lines, and to hear from experts on anti-smoking "counter-advertising" campaigns.

1. **Gregory N. Connolly**, D.M.D., M.P.H. of Massachusetts.

Gregory Connolly is **Director of the Massachusetts Tobacco Control Program**. Massachusetts, along with California, has received national recognition for reducing tobacco use, especially among young people, by enacted a tobacco excise tax that has generated funding for a statewide counter advertising campaign. Dr. Connolly is also credited with passage of the 1986 federal law on smokeless tobacco, and was awarded the Surgeon General's Medallion for National Leadership by Dr. C. Everett Koop in 1987. He has testified before Congress on numerous occasions, and appears regularly on major national news shows.

2. **Donna Grande**, M.G.A. of Arizona.

Donna Grande is **Director, of Full Court Press** in Arizona -- a 5 year, \$3.5 million, program funded by the Robert Wood Johnson Foundation, to develop a successful prototype to reduce youth smoking by 10 percent. From 1991-1996, Ms. Grande ran Project ASSIST in Arizona.

3. **Sally Herndon Malek**, M.P.H. of North Carolina.

Sally Herndon Malek is **Manager of Project ASSIST** in the North Carolina Department of Health. She has been with the project since its inception. Sally serves as Chair of the Association of State and Territorial Health Officers' (ASTHO) Tobacco Prevention and Control Network.

4. **Randy Schwartz**, M.S.P.H. of Maine

Randy Schwartz is **Director of Community and Family Health**, with the Maine Bureau of Health, and has run Project ASSIST in Maine since it began in 1991. Mr. Schwartz has worked with numerous federal, state, and local tobacco control efforts.

5. **Peter Zollo** of Illinois

Peter Zollo is **President** and Co-founder of **Teenage Research Unlimited** the first market research firm to specialize exclusively in teenagers. Peter has worked extensively on teenage cigarette smoking cessation and the development of counter-advertising. He is on the Columbia University School of Public Health, Tobacco Counter-Marketing Panel, and has conducted research and consulted for the State of Massachusetts in its counter-advertising campaign.

ASSIST

NCI's American Stop Smoking Intervention Study for Cancer Prevention (ASSIST) project, represents a joint effort among NCI, the American Cancer Society, and health departments in 17 states. During the first 24 months of the project (1991-1993), each state conducted a detailed site analysis and needs assessment. Following a careful review of these findings, each state developed its own comprehensive 5-year smoking control plan. In the intervention phase (1993-1998), each state has been implementing their plan. State programs rely on proven interventions in work sites, health care settings, schools, community groups, and mass media. Detailed guidelines and extensive training has been continually provided to ensure that all interventions used in ASSIST are consistent with current scientific knowledge. While prevention and cessation services are an integral component of any comprehensive effort, in ASSIST emphasis is placed on the strategic use of media and the adoption and implementation of those smoking control policies that support nonsmoking as the accepted community norm. ASSIST also relies on a coalition based model. To date, more than 2,000 community organizations have

July 24, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: BRUCE REED
CYNTHIA RICE

SUBJECT: NEXT WEEK'S SPEECH ON STATE WELFARE REFORM EFFORTS

On Monday, July 28th, you will speak to the National Governors' Association in Las Vegas. We believe your speech is an opportunity to make a major statement on welfare reform one year after you signed the new law into effect and four years after you began to reform welfare by granting waivers to the states. You are scheduled to follow this speech with a Welfare to Work Partnership event on August 12th with several hundred business leaders in St. Louis who will accept your challenge to hire welfare recipients.

We thought that in the NGA speech you could provide a statement of the principles and values that have guided welfare reform. You could discuss the importance of work and responsibility, of requiring both parents to support their children, and also of teaching teenagers that staying in school and avoiding parenthood are the right things to do. You could talk about the new role of welfare workers: not to dole out checks, but to assist welfare recipients in meeting the challenge of joining the workforce. And you could talk about the need to support work -- to make sure it pays better than welfare -- through the minimum wage, EITC, child support, and investments in health care, child care, and transportation.

We also thought that in the NGA speech you could turn the spotlight on the states: to underscore the successes -- but also point out some of the shortcomings -- of state welfare reform efforts. You could emphasize that while we have much to be proud of, we cannot rest on our laurels. Instead, states must seize the opportunity to use savings from declining caseloads and the growing economy to put even more people to work. Many states are investing new funds in child care, transportation, and other welfare-to-work efforts; others are diverting savings to other parts of their budgets. We thought you could praise those who are doing the right thing, and scold, though not by name, those who are not. Overall, we hope in this speech that you could send a signal that we intend to hold states accountable for their actions.

Finally, you could include an update on education standards in the speech, probably referring to the announcements you will have made on Friday of the big city school districts that have agreed to adopt the new tests.

The State of the States

As you know, welfare reform began long before last August, with the waivers we granted to 43 states to allow them to impose tough work requirements and time limits and provide incentives to make work pay better than welfare. Under the new law, nearly 90 percent of these states have chosen to continue or build upon their waivers. Many of these states have intensified their efforts, either expanding small demonstration projects state-wide or leveraging additional financial or community resources for welfare to work efforts. Other states are simply in a holding pattern, postponing changes because of political conflict (i.e., New York and California) or for other reasons. Here's a summary of some of the interesting trends we've uncovered.

Child Care: Efforts to expand child care are widespread. Because of the additional \$4 billion we secured in the welfare law, all states are receiving more federal funds, which they must match with their own dollars. About half the states are increasing their spending beyond what is needed to match the new federal funds. Some states are adding quite a bit more: Wisconsin is adding \$160 million, Illinois is adding \$100 million, and Florida is adding \$23 million in new funds and shifting \$60 million from the welfare block grant to child care. A new paper by the Progressive Policy Institute praises Illinois, Michigan, and Washington for establishing "seamless" child care systems which provide subsidies for all workers below a certain income, whether they've been on welfare or not. (There's a growing concern that some states are short-changing the working poor by giving former welfare recipients priority for child care subsidies. Creating a universal, income-based system avoids that problem.)

Transportation: Several states have developed strategies to ensure welfare recipients have the transportation they need to get to work. Kentucky is now implementing an initiative to ensure that transportation is available in all areas of the state. Connecticut is earmarking \$2.2 million of its TANF funds for new transportation services for welfare recipients. New Jersey has announced a \$3.7 million initiative to move *Work First New Jersey* participants to work. In May, the Department of Transportation worked with NGA to award planning grants to help 24 states develop transportation strategies to support their welfare to work efforts.

Welfare to Work Programs: Nearly all state welfare-to-work programs include the traditional elements: job search, training, education, community work experience, and placement in unsubsidized jobs. But now, according to a new survey by NGA, 36 states are using welfare checks to subsidize private jobs, although mostly on a small scale. Twenty-seven states have "upfront diversion" programs which provide job search assistance or emergency cash grants to help prevent people from going on welfare. Several states (Maryland, Pennsylvania, Florida) provide tax incentives to companies that hire welfare recipients. In many states, the governor and other elected officials are reaching out to the business community to forge new partnerships. In Nevada, the state has set a goal for new casinos to set aside 10 percent of all positions for former welfare recipients.

Diverting Welfare Savings for Other Uses: Not all states are investing welfare savings in child care, transportation, or other welfare to work efforts. According to the Progressive Policy Institute, Ohio is actually cutting state spending on child care and is using some of its savings from lower welfare caseloads for tax cuts (the state protests that, with the infusion of federal dollars, it is still spending more overall on child care than before). In Connecticut, the governor proposed and the legislature enacted a plan which uses federal TANF dollars to replace existing state social services spending. In Texas, the state spent less than one-third of its surplus from declining caseloads on welfare to work programs; the rest was used on state programs previously funded by state dollars.

Child Support Enforcement: As you know, we have made progress in child support enforcement, increasing collections by 50% from 1992 to 1996. Last year's welfare law included tough new measures to help states track deadbeat parents across states lines. To date, however, many states have not enacted all the state laws needed to put these tough new measures into place. According to HHS, one state -- Idaho -- has not enacted any of the new child support provisions required by the new federal law. Moreover, nine states -- including California, which has 22% of the nation's welfare caseload -- will likely not make this October's deadline to put in place new child support computer systems. We think that in your speech you should underscore the need for prompt state action in these areas.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cathy R. Mays (CN=Cathy R. Mays/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:24-JUL-1997 16:48:42.00

SUBJECT: Meeting with Tom Jolly -- Distilled Spirits

TO: Elena Kagan (CN=Elena Kagan/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: Laura Emmett (CN=Laura Emmett/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Tom Jolly will be here at 3:30 p.m. tomorrow, accompanied by Tim Dudgeon and Fred Meister. I have notified CoS office that this meeting has been set.