

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 016 - FOLDER -011**

**[09/18/1997 - 09/19/1997]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Richard Hayes to Elena Kagan et al. re: Terry Edmunds (2 pages)	09/18/1997	Personal Misfile
002. email	William Kincaid to Elena Kagan and Bruce Reed [partial] (1 page)	09/18/1997	P6/b(6)
003. email	Email to Elena Kagan from Sylvia Mathews re: Departure (1 page)	09/19/1997	P6/b(6)
004. email	Christa Robinson to Elena Kagan and Bruce Reed re: tobacco event [partial] (1 page)	09/19/1997	P6/b(6)

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**COLLECTION:**

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

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**FOLDER TITLE:**

[09/18/1997-09/19/1997]

2009-1006-F  
bm51

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### 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: Mary L. Smith ( CN=Mary L. Smith/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:18-SEP-1997 10:27:07.00

SUBJECT: DOJ's Hate Crimes Proposals (not including legislation)

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

READ:UNKNOWN

CC: Thomas L. Freedman ( CN=Thomas L. Freedman/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

We have received DOJ's hate crime proposals. With the exception of legislative proposals which Tom addressed in an earlier e-mail, these non-legislative proposals generally look pretty good. The centerpiece of DOJ's proposal is the formation, in each of the U.S. Attorney Office's districts, of a working group consisting of federal, state, and local law enforcement, as well as community leaders, to develop a comprehensive approach to hate crimes.

DOJ has proposals centered around (1) data collection, and (2) community outreach, including to the educational communities. The only proposal that might require some additional vetting is one of the educational components which envisions sending pamphlets to each of the nation's school districts with suggestions for classroom activities. I'll send you a copy of the draft memo containing the various non-legislative proposals. If you need anything else, let me know. Mary



**Q. Yesterday's New York Times reported a very favorable evaluation of the Cleveland school voucher program. The Administration is opposed to vouchers. Has this study caused you to reassess your views?**

A. No, for several reasons.

First, the New York Times article is misleading. The "evaluation" findings it reports are not from the official, independent state evaluation being conducted by Indiana University, and whose first report is not scheduled to be released for several weeks.

Second, this study actually focuses on students in only 2 of the 41 schools participating in the Cleveland voucher program -- only 15% of the students involved in the voucher program. These two schools are resource-intensive, run by avowed pro-voucher advocates, and are not typical of the other private schools participating in the program.

Further, the study relies on questionable analysis techniques. For example, it uses questionable testing procedures and fails to take into account the background or prior achievement of the voucher students.

Third, our opposition to vouchers is based as much on what happens to students who do not participate as on what may happen to the few who do. The fact is that 90% of our students attend public schools, and our primary responsibility, especially with limited federal resources, is to make sure that the public schools they attend are among the best in the world. This means concentrating our time and money on raising academic standards, improving teaching, providing schools with technology and other up-to-date learning tools, and creating charter schools and other forms of choice within the public school system. It means holding schools accountable for the results they achieve -- something fundamentally impossible to do with private schools which are, by design, unaccountable to the public. Instead, vouchers drain financial resources and energy away from our most important task -- improving our public schools.



**Q: WHAT IS YOUR RESPONSE TO TODAY'S NEW ENGLAND JOURNAL OF MEDICINE ARTICLE CRITICIZING AZT STUDIES IN AFRICA?**

**A:** First of all, in 1994, a group of international experts convened by the World Health Organization thoroughly reviewed the studies on women conducting experiments on pregnant women infected with HIV in Africa, Thailand, and other countries and determined that they are scientifically well-founded, ethical and essential to conduct to advance the fight against AIDS. Since then these studies have been reviewed by ethical committees of not only the United States and European institutions involved but, in every case, by an ethical committee from the countries in which the studies were carried out. Moreover, the women who participate in the studies are fully informed about the nature of the studies.

Due to poor economic conditions and low standards of public health care in participating countries, the women who participate in these studies are not able to afford the expensive protease inhibitors and other AIDS drugs available in the United States. These studies are taking place solely to find a treatment for AIDS that would could be extended to these nations. Unless we conduct these much needed studies we will never make the progress we need to make sure that AIDS treatments become more affordable and can be extended to all nations.

**Q: DOES THIS STUDY UNDERMINE DR. SATCHER'S CREDIBILITY AND HIS CANDIDACY TO BECOME SURGEON GENERAL?**

**A:** Absolutely not. Dr. Satcher has been extremely involved in the thorough reviews of these studies. He has been part of decisions made by the scientific and international communities that these studies are the most ethical and best way to advance the fight against AIDS. Moreover, Sidney Wolfe, the author of the New England Journal study that criticized these AZT studies recently stated that "Dr. Satcher is one of the most ethical people he has ever met." We certainly do not think that Dr. Satcher's credibility, ethical judgement, or candidacy for Surgeon General are undermined by this study.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Eli G. Attie ( CN=Eli G. Attie/O=OVP [ UNKNOWN ] )

CREATION DATE/TIME:18-SEP-1997 08:55:54.00

SUBJECT: Draft of VP talking points for today's tobacco event

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

draft 9/18/97 9am

TALKING POINTS BY VICE PRESIDENT AL GORE

TOBACCO EVENT WITH CHILDREN

VICE PRESIDENT'S CEREMONIAL OFFICE

Thursday, September 18, 1997

I'm pleased to be joined by Dr. Kessler, Dr. Koop, and Matt Myers, Executive Vice President of the National Center for Tobacco-Free Kids -- as well as so many parents, teachers, and children who are leading the charge against underage smoking.

Yesterday, the President outlined a series of tough measures to improve the tobacco settlement that was reached last June -- to take dramatic steps to reduce underage smoking, and protect the public health.

The President asked me to lead the charge in rallying both public and Congressional support for the President's plan.

This is day one -- and we're here because we need to kick-off a nationwide, grassroots effort to support the President's plan.

The President and I will be inviting key members of Congress to the White House this October \_\_\_\_, to begin serious, high-level, bipartisan talks about the legislation that is needed. We're eager to get to work, and pass tough legislation to protect our children from nicotine addiction and disease.

In the coming weeks, I'll also be meeting with representatives of industry, the state attorneys-general, and the many health and children's organizations that have a stake in this crusade.

But we also have to get a message across to America's families: we've all got to rally behind the President's plan, and do more to prevent our children from smoking as well. The fact is, smoking rates among children are going up -- and we've got to reverse that dangerous trend.

Now we're going to talk to some of the children, parents, and health advocates who have joined in the fight against smoking -- to see what they can tell us about why children smoke, and what we can do to make cigarettes less appealing to young people...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-SEP-1997 12:18:28.00

SUBJECT: today's 2:00pm gambling meeting

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:

I've given a list of today's attendees to Laura.

Background: President Clinton signed the law creating the Commission in August 1996. The the Commission has gotten off to a slow start-- first, with delays in appointments; and second, in getting an executive director. The Chairperson is Kay James, a professor at Pat Robertson University who is viewed as anti-gambling. The Commission has held two rounds of hearings this year: one in June, and one in August. The Commission has until July 1999 to submit a report to Congress.

I spoke with Bill Marshall last night about the meeting, and here are some of the things we thought might be discussed for today's meeting:

I. Process

A. Determine goal of process

1. Set overarching Administration policy on gambling issue?
2. Selective approach-- Administration selectively engages on specific issues?

B. Other process issues

1. How will we develop Administration's positions?
2. How do we want to impact and interact with the Commission?

II. Substantive issues

A. Which issues have we actively commented on/taken positions?

1. Internet gambling
2. Indian gaming
3. Others?

B. Are there other issues we may actively want to comment on?

C. Which issues can we anticipate will be difficult?



**FISCAL YEAR 1997**  
**Public Charter Schools Program Grantees-Continuations**

**ALASKA**

Juneau	State Department of Education Contact: Marjorie Menzi (907) 465-8720	\$1,516,500
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**ARIZONA**

Phoenix	State Department of Education Contact: Kathi Haas (602) 542-5206	\$3,221,226
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**CALIFORNIA**

Sacramento	State Department of Education Contact: David Patterson (916) 327-5929	\$3,399,959
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**COLORADO**

Denver	State Department of Education Contact: Bill Windler (303) 866-6631	\$2,024,372
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**CONNECTICUT**

Hartford	State Department of Education Contact: Yvette Thiesfield (860) 566-1233	\$1,286,371
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**DELAWARE**

Dover	State Department of Education Contact: Larry Gabbert (302) 739-4885	\$541,302 Supplement \$150,000
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**DISTRICT OF COLUMBIA**

Washington	District of Columbia Public Schools Contact: Richard Wenning (202) 724-4222	\$2,063,095
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**FLORIDA**

Tallahassee	State Department of Education Contact: Tracey Bailey (904) 414-0780	\$3,366,026 Supplement
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\$1,200,000

**GEORGIA**

Atlanta	State Department of Education	\$1,469,380
	Contact: John Rhodes (404) 657-7627	Supplement
\$140,000		

**ILLINOIS**

Springfield	State Department of Education	\$782,850
	Contact: Sally Vogl (217) 782-0541	

**KANSAS**

Topeka	State Department of Education	\$900,000
	Contact: Phyllis Kelly (913) 296-3069	

**LOUISIANA**

Baton Rouge	State Department of Education	\$373,711
	Contact: Bill Miller (504) 342-3603	

**MASSACHUSETTS**

Boston	Executive Office of Education	\$2,352,362
	Contact: Scott Hamilton (617) 727-1313	Supplement \$586,780

**MICHIGAN**

Lansing	State Department of Education	\$3,843,820
	Contact: Gary Cass (517) 373-4631	Supplement
\$1,099,972		

**MINNESOTA**

Saint Paul	State Department of Education	\$2,183,458
	Contact: Jessie Montano (612) 296-2181	

**NEW MEXICO**

Santa Fe	Turquoise Trail Elementary School	\$170,173
	Contact: Nycha Leia Zenderman (505) 471-7282	

**NEW JERSEY**

Trenton	State Department of Education	\$1,290,934
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\$468,421	Contact: Dalia Georgedes (609) 292-5850	Supplement
<b>NORTH CAROLINA</b>		
Raleigh	State Department of Education Contact: Grova Bridgers (919) 715-1730	\$1,490,276 Supplement \$1,000,000
<b>OREGON</b>		
Salem	State Department of Education Contact: Leon Fuhrman (503) 378-5585	\$779,948
<b>PUERTO RICO</b>		
San Juan	State Department of Education Contact: Nilda Baez De Morales (787) 765-9772	\$1,313,500 Supplement \$676,912
<b>TEXAS</b>		
Austin	State Department of Education Contact: Brooks Flemister (512) 463-9575	\$2,165,167 Supplement \$250,000
<b>WISCONSIN</b>		
Madison	State Department of Education Contact: Thomas Stefonek (608) 266-5728	\$856,548 Supplement \$500,00
<b>EVALUATION</b>		
Berkely	RPP International Contact: Beryl Nelson (510) 843-8574	\$792,510

\*\*Supplement grants were awarded earlier this year.

**FISCAL YEAR 1997**  
**Public Charter Schools Program Grantees-New Grants**

**HAWAII**

Honolulu	Waialae Charter School Contact: Amy Kwock (808) 733-4880	\$90,000
Kailua	Lanikai Elementary School Contact: Donna Estomago (808) 266-7844	\$149,635

**PENNSYLVANIA**

Harrisburg	State Department of Education Contact: Tim Daniels (717) 783-9783	\$1,333,333
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**SOUTH CAROLINA**

Columbia	State Department of Education Contact: Calvin (Chip) Jackson (803) 734-8496	\$1,447,900
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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg ( CN=Emily Bromberg/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:18-SEP-1997 10:36:03.00

SUBJECT: flsa

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

READ:UNKNOWN

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/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:

At this morning's senior staff meeting, Mickey asked Podesta and Erskine to call an FLSA meeting today or tomorrow. Apparently, Mickey told them that we don't have a position or a message. I tried explaining to him that the agencies were looking at the Shaw proposal, that the issues were complicated, and that we were meeting at a staff level to work on the issues. I also attempted to explain the strategy options, and that the Shaw proposal may just explode. I was not successful. Sorry.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William R. Kincaid ( CN=William R. Kincaid/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:18-SEP-1997 18:37:27.00

SUBJECT: Bilingual approps

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

READ:UNKNOWN

TEXT:

Wonder of wonders, according to ED, the H. and S. approps bills actually contain bilingual at the requested levels. I have made edits to the Q&A accordingly and passed along to Christa/Tanya.

Thanks.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Richard Hayes to Elena Kagan et al. re: Terry Edmunds (2 pages)	09/18/1997	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[09/18/1997-09/19/1997]

2009-1006-F  
bm51

### 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]
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- 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]
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MEMORANDUM FOR ERSKINE BOWLES

FROM: BRUCE REED  
MIKE COHEN

SUBJECT: CONFERENCE STRATEGY FOR NATIONAL TESTS

Last evening we pulled together a meeting of White House and Education Department staff to develop a conference strategy for the national testing initiative, in light of the fundamentally different positions taken by the House and Senate. This memo outlines our basic approach, which will be updated and refined regularly.

**Basic Objectives**

We must come out of the conference with a bill that provides both the authority and the funds to proceed with the testing initiative, and with the tests under the control of an independent National Assessment Governing Board. The Senate bill provides the NAGB provisions we need. However, neither bill provides the funds. The Gorton block-grant amendment in the Senate eliminated the funds for the Fund for Improving Education (the account from which test development is funded), while the Goodling amendment prohibits the use of any funds for test development.

Further, at a minimum we must aim to assemble a veto-proof margin of support for these provisions in the House. This requires picking up X votes over the 124 who initially opposed Goodling [need to double check numbers here]. In addition, in order to put the testing plan on firm footing at the state and local level, even if not necessary for sustaining a veto, we will aim generally to secure broader support for initiative within the Democratic Caucus and among moderate Republicans in the House

**Timing Considerations**

The conferees are likely to be appointed and begin work next week. In addition to the conventional practice of naming the subcommittee chairs, it is conceivable that Goodling will push to be named as well. If so, this would clearly complicate the process.

Staff from Legislative Affairs predict that this will be a long conference, with the prospect of one or more short-term CR's that will carry us through to mid-October before likely completion.

The testing issue will be one of the most difficult conference issue, along with the Gorton amendment and funding levels for several specific programs including Goals 2000, Pell, and America Reads. Outside of education, it appears that the Teamsters election will also be a difficult issue. At this point, it is too early to determine the likely interplay among these issues, the tradeoffs we may be forced to consider among them, or additional modifications to the testing initiative itself that we will need to consider. As we continue to consult with our current and most likely supporters in the House, we will have a better handle on these issues.

### **3. Communications**

Our best strategy for achieving victory is to convince the Republicans that they will pay a heavy price, again, for opposing our efforts to improve public education.

Therefore, we will work to tie the House vote on testing, the Senate block grant vote, and the anticipated DC voucher proposals together to support an overall message that the President is trying to improve public education, while Republicans are once again trying to abandon and weaken it.

We have several key opportunities to begin to hammer the message home over the next several weeks, starting with this Saturday's Radio Address and Charter Schools event. The Education Department is planning a press conference for Secretary Riley next week to amplify this message, and we are working with the Vice President's office to develop events that would enable him to carry this message as well. In addition, we will look for additional events for the President and other principals in the next several weeks

The Education Department will continue its efforts to speak to editorial boards around the country, now targeting key editorial boards in the states and districts of conferees.

We will again urge business leaders -- CEO's affiliated with the Business Roundtable, the Chamber of Commerce, and the National Alliance of Business, as well as the high tech CEO's who endorsed the President's plan last Spring -- to place op-eds in support of the tests and to seek other opportunities to visibly highlight their support. In addition, we will ask supportive Republican opinion leaders (e.g., Finn, Ravitch, Engler) to place op-eds. Both groups can be particularly helpful in framing the Senate provision as a compromise House Republicans can and should accept.

### **4. Legislative**

White House and Education Department staff, as well as Secretary Riley, will work with our friends in the House to determine how best to broaden our support on both sides of the aisle. On the Republican side, Porter, Riggs and Castle are most likely to assemble moderate support behind the Senate provisions, though it is not yet clear how they will deal with Goodling, who remains dug in. We expect our business supporters to reach out to both the House Republican leadership and targeted members who are most likely to be supportive.

On the Democratic side, we will continue to work to address concerns of Black and Hispanic Caucuses. For the Black Caucus, the issue is school construction, and the best move we can make on this front in the short-term would be to support the Daschle/Gephardt proposal. DPC and NEC both support this move, Treasury has signed off on the offsets in their bill, and the issue is now being considered in OMB.

We will continue to look for steps we can take to reduce the concerns of the Hispanic Caucus. As you know, the central issue here is our decision to give the reading test only in English. We are exploring a number of ways to address this. One would identify existing, commercially available reading tests in Spanish that are based on the same national standards as our reading

test, and would therefore be highly comparable. We are addressing a number of feasibility issues before we will be ready to discuss this option with the caucus and others in the Hispanic community. This option may not be acceptable to the Hispanic Caucus. However, it would not require Congressional approval, and therefore could not be easily blocked by Republicans. In addition, we can offer one of the new slots on NAGB to an Hispanic mayor. Further, we are working to develop some legislative options (e.g., to explicitly provide for the tests, to permit NAGB to decide whether to provide them) and to determine if there are any that could be acceptable to the Hispanic Caucus and neither lose Republican support nor precipitate an effort to add language in conference that would prohibit a Spanish language test. the levels of support and opposition they may stimulate.

#### **5. Outreach**

In addition to the steps above, we will work with our allies in the education and business communities to continue to support the President's initiatives, oppose amendments that stop them, and mobilize behind our overall message to support public education.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman ( CN=Thomas L. Freedman/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:18-SEP-1997 16:47:56.00

SUBJECT: Ag hearings/Leg watch

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

CC: Mary L. Smith ( CN=Mary L. Smith/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

We sent someone up to the Senate hearings. Here's the report:

Lugar: favored buy-out at \$8 a pound. Favored a settlement but wanted to protect farmers.

Helms: Mentioned positives of farmers and companies-- defended choice to smoke. Stressed farmers be included. Mentioned Hugh Rodham.

McConnell: Emphasized importance of farmers in Kentucky. Asked whether farmers were mentioned in settlement.

Coverdall: Emphasized danger of black markets.

Grassely: Wondered critically why President didn't have specifics on farmers proposal.

No Dems around.

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Comments you may have missed. Bliley saying he would hold hearings after recess, and that there was no chance of enacting legislation this year. Ford saying settlement would be defeated of its own weight.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-SEP-1997 16:16:54.00

SUBJECT: Re: FLSA Update

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

TEXT:

Bruce's comments --

----- Forwarded by Cynthia A. Rice/OPD/EOP on 09/18/97  
04:18 PM -----

Bruce N. Reed

09/18/97 02:48:17 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Re: FLSA Update

back to the veto pen

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-SEP-1997 13:10:32.00

SUBJECT: The Safety of Imported Foods

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Sorry I wasn't able to attend Vicky's meeting this morning on food safety and imported foods. I was tied up with the VP's tobacco event. Please let me know if I can be of help.



Briefing Information  
September 18, 1997

## **Welfare Reform and Fair Labor Standards Act/Minimum Wage**

Background: As you know, this summer we worked with the labor unions in a successful effort to defeat Republican legislation that would have weakened labor protections for welfare recipients in workfare programs. The dispute began in May when the Department of Labor issued its legal opinion that labor protections in current law apply to most people in state workfare programs. This includes the minimum wage, health and safety, and anti-discrimination protections. Governors of both parties argued strongly that this would make workfare prohibitively expensive and create excessive administrative burdens on states. They worked with Republicans on proposals to limit the application of labor laws, as well as to reduce the welfare law's work requirements to make it easier for states to comply.

They also objected loudly to having to pay payroll taxes for those on workfare, even though the Treasury Department has not yet ruled on whether FICA and FUTA taxes apply. (The Balanced Budget Act made them ineligible for the EITC, with our support.) The FICA/FUTA exemption is the only issue where we have indicated any willingness to compromise. In fact, we agreed to such an exemption as part of a last-minute compromise that fell apart for other reasons.

Since the signing of the Balanced Budget Act, the Republican leadership has called this a top priority for the remaining weeks of the session. In August, Speaker Gingrich said "the Clinton Administration, working with the unions and the bureaucrats, is trying to undermine and destroy welfare reform." Many Governors, including Carper and Chiles, remain very unhappy about this issue.

Current Status: House Ways and Means Human Resources Subcommittee Chairman Clay Shaw is quietly trying to garner bipartisan support among Governors and House members for a bill to address state concerns. The Administration has taken no position on it yet, but the confidential draft we have seen has two major problems. First, it appears to weaken labor protections. Although Shaw has stated that is not his intention, other Republicans may insist that this remain in the bill. The unions are concerned about the draft bill, but have not yet taken a position on it.

Second, Shaw's draft bill significantly weakens the welfare law's work requirements. It requires states to pay the minimum wage for work experience and community service programs, but it limits the number of work hours to what states can afford to pay, based on the amount of their welfare grant plus food stamps. The balance of a recipients' time could be spent on job search and education activities. Thus, a welfare recipient could work 10 hours a week and do 10 hours of job search. Also, there is a concern that the legislation's definition of "work experience" and "community service" may be so broad that nearly all subsidized work could be defined as such, allowing low benefit states to require less than 20 hours of work from nearly all their "working" recipients. The bill would also exempt workfare positions from FICA and unemployment taxes, which we indicated during the balanced budget negotiations that we were willing to do.

Shaw originally planned to unveil this legislation this week, but problems with the Republican caucus have pushed it back at least to next week. He apparently plans to move the measure as a separate piece of legislation.

### **Privatization of Welfare Programs**

Background: Labor unions, particularly AFSCME and SEIU, have waged a major fight against state efforts to privatize their welfare, food stamp, and Medicaid functions. Last year's welfare law allowed states to privatize the TANF welfare program without federal approval, and some are moving to do so (Wisconsin, for example). However, states can privatize food stamps and Medicaid only with permission from the federal government.

After the Administration denied the state of Texas' request to privatize food stamp and Medicaid earlier this year, the Republicans launched an effort to overturn this decision through legislation. However, we were successful in defeating this effort. Governor Bush rejected a compromise that would have allowed Texas to privatize in only part of the state.

Current Status: In contrast to the workfare fight, the Republicans have not resurrected the privatization issue so far this fall.

The Administration has requests pending from Arizona and Wisconsin to privatize food stamp and Medicaid functions. The Department of Agriculture is required by law to take some action by October 3 on the Arizona request, which affects only 20% of the state. We are discussing how to respond. There is no such deadline for Wisconsin.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	William Kincaid to Elena Kagan and Bruce Reed [partial] (1 page)	09/18/1997	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[09/18/1997-09/19/1997]

2009-1006-F

bm51

### 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: William R. Kincaid ( CN=William R. Kincaid/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:18-SEP-1997 20:59:14.00

SUBJECT:

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:

You probably already had heard about this but if not...

----- Forwarded by William R. Kincaid/OPD/EOP on 09/18/97  
08:58 PM -----

Jordan Tamagni  
09/18/97 06:31:02 PM

Record Type: Record

To: William R. Kincaid/OPD/EOP, Jonathan H. Schnur/OVP @ OVP  
cc:  
Subject: San Carlos

P6(b)(6)

[002]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-SEP-1997 13:49:53.00

SUBJECT: FLSA Update

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

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

TO: Emil E. Parker ( CN=Emil E. Parker/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

TEXT:

The word is that the Republican leadership thought the idea on the table (amending the Shaw plan to allow no prevailing wage, union organizing, or punitive damage awards) does not go far enough. They want to either:

- 1) Start anew; or
- 2) Add a new title defining a type of community work experience that is training and would not be subject to FLSA

Haskins is apparently meeting with governors staffs tomorrow to discuss.



PROP. 209/DECLINING MINORITY COLLEGE ADMISSIONS

**Question:** Are you concerned about declining enrollments of minority students in California postsecondary education?

**Answer:** These declines -- not just in California, but in Texas, as well -- are disturbing and completely unacceptable. Educational opportunity is the touchstone of the American dream, and these trends raise a serious concern that the doors of college education are being closed to minority students. In addition, diversity in education helps prepare all our students to be productive citizens in the 21st century, so these developments should concern every American.

**Question:** What is your administration doing to address this problem?

**Answer:**

- First, as the President has indicated, we will use federal law to the maximum extent we can to promote an integrated education environment in postsecondary education, not just in California, but elsewhere. In particular, we continue to support appropriate affirmative action programs, and oppose efforts like Prop. 209.
- Second, we are pressing state officials and educators to maintain and expand diversity, and offering assistance to them to do so.
  - For example, the President has encouraged states to take a look at legislation in Texas which guarantees college admission to the top 10% of the graduating class in any high school in the state.
  - In addition, Administration officials have called on colleges and universities burdened by new legal restrictions to pursue approaches such as aggressively recruiting in secondary schools with high percentages of minority students and forming educational partnerships with such schools. Many colleges in California are developing plans to this effect.
- Third, we have fought for resources to improve education and open doors to college. The budget agreement contained the biggest increase in education funding in a generation, including major increases in Pell Grant funds and college work-study, and the new Hope Scholarship and Lifelong Learning tax credit. The Administration is beginning a campaign to make sure that the parents of every middle school student, and students themselves, know that a college education is attainable if students stay in school, take tough classes, and study hard.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Peter Rundlet ( CN=Peter Rundlet/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:18-SEP-1997 10:39:13.00

SUBJECT: Minority Issues Agenda

TO: Jon P. Jennings ( CN=Jon P. Jennings/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Judith A. Winston ( CN=Judith A. Winston/OU=PIR/O=EOP @ EOP [ PIR ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: James T. Edmonds ( CN=James T. Edmonds/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Robert B. Johnson ( CN=Robert B. Johnson/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: Cheryl D. Mills ( CN=Cheryl D. Mills/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: Thurgood Marshall Jr ( CN=Thurgood Marshall Jr/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: Richard L. Hayes ( CN=Richard L. Hayes/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Robert Wexler ( CN=Robert Wexler/OU=PIR/O=EOP @ EOP [ PIR ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Joseph P. Lockhart ( CN=Joseph P. Lockhart/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: Lynn G. Cutler ( CN=Lynn G. Cutler/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

TEXT:

As I understand it, our next minority issues meeting is tentatively scheduled for next Tuesday morning (June Gayle will confirm time and place). Many of the items that we did not get through this week will be addressed next week, but please submit any additional agenda item requests to me by noon on Monday, as I will be out for most of Tuesday.

Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-SEP-1997 12:49:40.00

SUBJECT: Cabinet Memo 9-18-97

TO: Tanya E. Martin ( CN=Tanya E. Martin/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Jennifer L. Klein ( CN=Jennifer L. Klein/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

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

TO: Christopher C. Jennings ( CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TO: Thomas L. Freedman ( CN=Thomas L. Freedman/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

TO: Mary L. Smith ( CN=Mary L. Smith/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

TO: WEINSTEIN\_P ( WEINSTEIN\_P @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (OPD)

READ: UNKNOWN

TEXT:

AGRICULTURE

Today - nothing public; the Secretary leaves for Egypt and then joins the VP in Russia

ONDCP

Today - the Director has one event with Colombian officials; Deputy Director will go to SADD press conference on name change to Students against Destructive Decisions

Tomorrow - the Director will be in Denver doing ed board with Denver Post and series of press avails

ENERGY

Today - nothing public

EPA

Today - the Administrator is in Tallahassee giving speech on Climate change and meeting with Tallahassee Democrat Gazette ed board

HHS

Today - the Secretary attends back-to-school events in WI, MI and OH; today released numbers on decline in AIDS deaths

HUD

Today - the Secretary holds editorial conference call on mortgage lending; interviews with Business Week on nation's cities and climate change

Tomorrow - the Secretary will be in Ft. Wayne, IN

INTERIOR

Today - nothing public

Tomorrow - the Secretary goes to Glacier National Park - One Year anniversary of the Grande Escalante

LABOR

Today - nothing public

OPM

Today - nothing public

USIA

Today - nothing public



## DECLINING MINORITY COLLEGE ADMISSIONS

**Background:** Recently the Washington Post reported that the number of black students admitted to UCLA law school dropped by 80% in one year and is now the lowest since the early 1970s. UC Berkeley admitted just 14 black students out of a class of 792, down from 75 in 1996. And at the University of Texas, nearly 400 fewer blacks and Hispanics have been offered undergraduate admission, a 20% drop in one year. Meanwhile, white and Asian admissions are up in both states. In both states the sharp declines in minority admissions are attributed to roll-backs of affirmative action--in California, by the UC Board of Regents, and in Texas by the 5th Circuit's Hopwood decision.

**Question:** Are you concerned about recent reports of declining enrollments of minority students in postsecondary education?

**Answer:** These declines are disturbing and completely unacceptable. Educational opportunity is the touchstone of the American dream, and figures like this raise a serious concern that the doors of college education are being closed to minority students. In addition, diversity in education helps prepare all our students to be productive citizens in the 21st century, so these developments should concern every American.

**Question:** What is your administration doing to address this problem?

**Answer:** We are working on several fronts to address this issue:

- We will continue to intervene in litigation in support of appropriate affirmative action programs. The Department of Education is looking for a good opportunity to challenge the Hopwood decision, and the Department of Justice has filed a brief challenging California's Proposition 209.
- The Office for Civil Rights at the Department of Education is conducting a review of the Texas higher education system to ensure that Texas has eliminated all remnants of its former de jure segregated system.
- And, more broadly, the Administration is pressing higher education officials to pmaintain and expand diversity, and offering assistance to them to do so. For example, we have called on colleges and universities burdened by new legal restrictions to develop new and creative approaches to achieving diversity, such as aggressively recruiting in secondary schools with high percentages of minority students and forming educational partnerships with such schools.

Q Mr. President, your scholarship proposal notwithstanding, there is still an assault on affirmative action in this country. In my home state of California in the wake of Proposition 209 and last year's vote by the University of California Board of Regents, minority applications and enrollment in the UC system this year are down. There will be not one new black student enrolled at the prestigious Bolt Hall School of Law at the University of California this fall. What specific programs, scholarship program notwithstanding, do you propose to stem this tide and make sure that there is diversity in higher education in this country? (Applause.)

THE PRESIDENT: First of all, I think we need to make sure that we continue to use federal law to the maximum extent we can to promote an integrated educational environment -- (applause) -- so that we have to review, whether in the Education Department, in the Justice Department, whether there are any further actions we can take legally to promote an integrated educational environment in higher education in the states where these actions have been taken.

Secondly, I think we need to look at whether there is some way by indirection to achieve the same result. I know that the legislature in Texas, in an attempt to overcome the impact of the Hopwood decision in Texas, just passed what they call the "Ten Percent Solution," which would be to guarantee admissions to any Texas public institution of higher education to the top 10 percent of the graduating class of any high school in Texas. And because of the way the African Americans and Hispanics living patterns are in Texas, that may solve the problem. Whether that would work in California, I don't know. I haven't studied the way the school districts are organized enough. But I think we have to come up with some new and fairly innovative ways to do that.

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Thirdly, I think, on the professional schools, my own view -- I'm a little stumped here. We have to really -- we're going to have to reexamine what we can do. I don't know why the people who promoted this in California think it's a good thing to have a segregated set of professional schools. It would seem to me that, since these professionals are going to be operating in the most ethnically-diverse state in the country, they would want them to be educated in an environment like they're going to operate. I don't understand that. (Applause.)

But there may be some ways to get around it, and we're looking at it and working on it. But I think it's going to be easier to stop it from happening at the undergraduate level than at the professional school level. And we're going to have to really think about whether there is some way around it, whether it would be some sort of economic designation or something else. But we're working on that.

And finally, let me say, I think we need to continue to provide more resources, because one of the real problems we have is, even in the last five years, when we've had economic recovery, the college enrollment rates of minorities in America have not gone up in an appropriate way. And in this budget that I'm trying to get passed through Congress, we've got the biggest increase in education funding in 32 years, the biggest increase in Pell Grant scholarships in 20 years, another huge increase in work-study funds, and the tax proposal, as we structured them, would, in effect, guarantee two years of college to virtually everyone in America and help people with two more years of college.

We've got a huge dropout problem in higher education among minorities that I think is having an impact on then what happens in the graduate schools and in the professional schools. I don't think there is a simple answer. And I think, frankly, the way 209 is worded, it's a bigger problem even than the Hopwood case in Texas. But I can tell you we're working on it: first, is there anything the Justice Department or the Civil Rights Office of the Education Department can do? We're examining that. Second, is there a specific solution like the Texas "Ten Percent Solution" that would overcome it at least in a specific state. Third, come up with some more funds and some more specific scholarship programs to try to overcome it.

It's a great concern to me, and I think it is moving the country in exactly the wrong direction. And I might say, if you look at the performance of affirmative action students, it doesn't justify the action that was taken. That's another point that ought to be made.

So the one thing that I believe is, I believe that the rather shocking consequences in the professional schools in both Texas and California will have a deterrent impact on other

actions like that in other states. And I believe you will see more efforts now to avoid this. I think a lot of people who even voted for 209 have been pretty shocked at what happened and I don't believe the people of California wanted that to occur. And I think the rhetoric sounded better than the reality to a lot of voters.

So I can tell you that, while I'm very concerned about it, I think if we all work on it, we can reverse it in a matter of a couple of years. And we just have to hope we don't lose too many people who would otherwise have had good opportunities because of it. But it is an urgent matter of concern to me. (Applause.)



**CHARTER SCHOOL Qs &As**  
**\*Internal Use Only – Not For Distribution\***

**CHARTER SCHOOL ISSUES**

**Q. Why do charter schools need extra funding?**

A. The Federal start-up grants are not extra funding they provide initial start-up costs and can last a maximum of three years. The grants are designed to fill an acknowledged gap. Research has documented that the greatest challenges charter schools face are associated with initial planning and starting up. For example, charter schools that start from scratch often must pay for their facilities out of the portion of funding used in traditional systems to pay for operational costs. Federal grants help by paying for things like curriculum design or renovations that must occur before the school opens.

**Q. Aren't charter schools eroding the teacher profession by allowing uncertified teachers?**

A. Teacher certification requirements for charter schools are set by each state. Most states require that the vast majority of teachers in charter schools be certified. Charter schools sometimes hire people to teach who have professional experience that can be translated into valuable teaching. For those non-credentialed staff, charter schools must demonstrate that they will have the appropriate training and support to effectively provide instruction in the classroom.

**Q. Aren't charter schools elitist?**

A. No. Charter schools are public schools and they must be open to all students. Charter schools are being established in all types of communities -- including inner cities, suburbs, and rural areas. Recent studies show that on average, they serve roughly comparable numbers of minority students as neighboring schools, and in some states, they teach a higher proportion of minority students than are in that state's traditional public schools.

**Q. *Do you think that charter schools might draw students and resources away from public schools?***

A. These are public schools -- exciting, innovative public schools can draw people back into the public school system. In some states between 10 and 14 percent of the students in charter schools are student that were not previously enrolled public schools. These new students include former dropouts, teen mothers, and students coming back from private schools to attend charter schools. These students represent families who are also becoming reinvested in public education.

**Q. *Are charter schools adequately serving disadvantaged students?***

A. It is critical that charters schools serve a diverse population and provide help to those students who need it most. Several of the schools highlighted today have student populations that

are predominantly poor or limited English proficient -- or have higher than average percentages of student with disabilities -- and these schools are successfully educating all of their students. And there are encouraging reports that show that charter schools are serving the same or slightly higher percentages of poor and minority students than their states overall public school systems.

*Q. So, charters are serving poor and minority students, but what about students with disabilities?*

A. As public schools, charter schools are not exempt from requirements to serve special education students. This reflects one of our fundamental values in public schools -- that they should serve all children. There are wonderful examples of charter schools providing a better education to children with disabilities than the schools from which they came. It is true that data from the national survey contracted by the U.S. Department of Education showed that, except in a few states, charter schools are serving a slightly lower percentage of students in special education than their overall public school system. We think this is an important issue that the administration is working to address.

*Q. Do charter schools represent a significant reform, if they only represent 700 of the thousands of schools in this country?*

A. Charter schools are just one piece of a larger strategy of promoting high standards and accountability, but these schools can help lead the way for reforms and improvement in public education. They can provide models for successful public schools, provide new choices for parents, and stimulate healthy competition within public education. But they are part of a broader strategy. The President has urged states and school districts to adopt challenging academic standards in all core subjects, and to adopt high national standards in the basics of reading and mathematics. The President has strengthened existing federal programs and fought for new resources to improve local schools and help students reach those standards.

### **CALIFORNIA CHARTER SCHOOL ISSUES**

**Q. How do you respond to charges that charter schools are breeding grounds for religious instruction, as in the case of the recent consideration of a charter school application based on scientology?**

A. While charter schools are freed from many rules and regulations, they are not exempt from health, safety and civil rights requirements under the law. Federal law is clear that public schools cannot promote religion. As with all other public school, charter schools must be non-sectarian.

Deciding which schools to charter is solely a state and local matter. The chartering authority -- in California, its the local school district -- is responsible for evaluating the charter application to determine, among other things, whether the charter complies with federal and

state definitions of a public, non-sectarian school. If issues arise concerning any public school's non-sectarian status, the U.S. Department of Education can investigate those concerns.

*Background on scientology charter: A former special education teacher in the Los Angeles district submitted a charter application to create a K-8 school. The school would utilize a educational methodology set forth in texts written by the founder of the Church of Scientology. The district delayed a hearing on the charter application pending its review of the proposed texts -- which have been used by other area teachers for years -- and the school's connection, if any, to the Church of Scientology. According to the district official overseeing the charter process, the applicant has temporarily withdrawn the charter application.*

**Q. California has more than 130 charter schools, but only 34 of them have received Federal start-up grants. Why has California received so little Federal charter school funding?**

A. Each state receiving federal grants establishes its own process to award subgrants to the charter schools in their state. California's subgrant program focused on newer schools. California had many schools operating before it received Federal funds and the state allocated most of its funds for start-up costs. Schools that had already been operating for a year or more did not apply for, or receive, funds for start-up costs. Other states have shaped their programs differently, providing funding to larger proportions of their charter schools and, in some cases, funding older charter schools.

California's newly announced FY 1997 grant will increase its charter school funding by an additional \$3.4 million. This increase should enable California to raise the proportion of its charter schools receiving federal support.

**Q. If the country is to reach the President's goal of 3,000 charter schools, shouldn't California revise its charter law to repeal or expand its cap on the number of schools?**

A. Decisions about the number of charter schools in a particular state are clearly decisions for state legislatures. The President firmly believes that the number of charter schools nationwide should be increased -- and he has included funding of \$100 million in the FY 1998 budget to support the development of approximately 900-1000 new charter schools. The Department of Education's charter school program provides start-up funding, technical assistance and research support that we hope will enable states to increase the number of charter schools. Ultimately, Californians should look at the success of these schools and make their own decisions about how many more they want.

### **NATIONAL TESTS IN CALIFORNIA**

**Q. Is California participating in the national testing initiative?**

- A. We do not consider California to be one of the seven states (Alaska, Kentucky, Maryland, Massachusetts, Michigan, North Carolina and West Virginia) that has committed to participate in the tests.

Last April, State Superintendent of Public Instruction Delaine Eastin announced her support for the President's national testing initiative, and her intention to work to secure support for California's participation in it. Gov. Wilson and the State Board of Education (appointed by the Gov.) have indicated that they believe that the State Superintendent lacks the authority to unilaterally commit the state to participate in the tests. Superintendent Eastin agrees with this, which is why she explicitly indicated in April that she would work to secure the support of the Governor and the State Board of Education. We hope that the State Superintendent, the Governor and the State Board of Education will be able to work together to enable parents, teachers and all others involved in education to determine how well students and schools in California perform compared to rigorous national standards.

In addition last July the Los Angeles, Fresno and Long Beach school districts - in each case with the full support of the school board, superintendent, and teachers' organization -- announced their intention to participate in the President's national test, along with 12 other large city school districts around the country. We believe there may be other local school districts in California and elsewhere that also want to participate, and we would welcome the participation of any interested local school district.

- Q. **We have heard that Los Angeles and perhaps other city school systems have withdrawn from the testing initiative because the reading test will be given in English only, and there will not be a Spanish version for Hispanic students with limited English proficiency. Is this true?**

We are aware that this has been a controversial issue nationally as well as it has here in California. However, neither the White House nor the Education Department has heard from Los Angeles or any other city that it will back away from its commitment to participate in these tests.

*Note: There is in fact a rumor that L.A. will decide not to participate in the 4th grade reading test because of our decision to test in reading only in English, while continuing to participate in the 8th grade math test (which will be available in a Spanish-English version). However, there has been no public announcement of this, and there is not likely to be a public announcement or any notification to the Education Department while we are still fighting in Congress for the tests. There have been no signs that Fresno or Long Beach are contemplating a similar move.*

*In addition, note that just last week California passed legislation establishing a state testing program, at Gov. Wilson's insistence, and over the objections of many Democrats (including Delaine Eastin). He threatened to veto the state budget bill if it did not include his tests. Among the contentious issues in this debate was whether limited English proficient students would be tested in their native language. The compromise that was reached requires all students to be tested in English, and allows local school districts to also test students in their*

*native language if they have been in school for less than a year, and if an appropriate test is available.*

- Q. Earlier this week a statewide panel recommended statewide academic standards for California. The state budget also contains new legislation proposed by Gov. Wilson, requiring norm-referenced testing to begin this school year. How will these steps affect either State or local school district participation in your national testing initiative? Won't this lead to layer upon layer of standards and tests?**

First, it is good that California is on the way to adopting its own academic standards. This is a critical step to raising academic expectations, strengthening the curriculum, and increasing accountability for our schools. Other states have already done this, and it is good the California is proceeding to do this as well.

While these standards are developed in California, it is my understanding that the panel that developed them looked carefully at national standards, including those that are used to guide the development of the National Assessment of Education Progress (NAEP), and therefore are also guiding the development of national tests in 4th grade reading and 8th grade math. Therefore, I hope that when these standards are finally adopted and the state considers ways of measuring student performance, they will take a good look at the national tests I have proposed. I believe they will find that these tests can help measure students compared with state standards as well as national standards.

Second, with regard to the new testing requirements in California, I agree that there must be testing of every student, and there must be a test score for each student, not just for the school as a whole. One of the purposes of these new tests, as I understand it, is to tell how well students are doing compared to national norms. The new testing requirements take effect this school year, a year before my proposed tests will be available. However, once the new national tests are available, I believe state officials should take a careful look at them. In addition to helping parents, teachers and taxpayers know how well California students measure up against state and national standards, they will also provide information on how well students and schools perform compared with others throughout the nation. Further, the 8th grade math test will provide international comparisons as well, so that parents can tell how well their students perform compared to 8th graders in 41 other countries, in addition to students here..

*Note: The proposed state standards are supported by Delaine Eastin, and are central to her education reform plans for the state. She has worked to make sure they are aligned with NAEP and can therefore be the basis for California's participation in the national tests.*

*Much of the controversy over Gov. Wilson's recently enacted testing proposal arose from the fact that he insisted on beginning testing this school year, with commercially produced tests that could not possibly reflect the state standards. Wilson proposed these tests in part because California lacked any uniform statewide testing program, and because the plans for developing new assessments aligned to California's new standards only called for assessing a sample of students instead of all students. It is widely suspected that he insisted on the fast time line for testing in order for the test to be administered at least once before he leaves*

office.

*The Governor's insistence on testing all students against national norms, and the deliberate attempt to keep the newly developed state standards aligned with NAEP, suggests that, over time, the national tests could serve both demands better than any current commercially available test.*

*The biggest obstacle to accomplishing this is political rather than technical, and depends upon California education and political leaders finding a way to work together rather than continue to fight over testing issues. You can best help this by simply pointing out the value of the national tests in the California context, without taking sides in the political battles.*

### **PROP. 209/DECLINING MINORITY COLLEGE ADMISSIONS**

**Q. Are you concerned about declining enrollments of minority students in California postsecondary education?**

A. These declines -- not just in California, but in Texas, as well -- are disturbing and completely unacceptable. Educational opportunity is the touchstone of the American dream, and these trends raise a serious concern that the doors of college education are being closed to minority students. In addition, diversity in education helps prepare all our students to be productive citizens in the 21st century, so these developments should concern every American.

**Q. What is your administration doing to address this problem?**

A. First, we will use federal law to the maximum extent we can to promote an integrated education environment in postsecondary education, not just in California, but elsewhere. In particular, we will continue to support appropriate affirmative action programs and oppose efforts like Proposition 209.

Second, we are pressing state officials and educators to maintain and expand diversity, and offering assistance to them to do so. We have called on colleges and universities burdened by new legal restrictions to recruit aggressively in secondary schools with high percentages of minority students and to form educational partnerships with such schools. Many colleges in California are developing plans to this effect. We have also called on these university systems to review different kinds of admissions programs, such as Texas' decision to guarantee college admission to the top 10% of the graduating class in any high school in the state.

Third, we have fought for resources to improve education and open doors to college. The budget agreement contained the biggest increase in education funding in a generation, including major increases in Pell Grant funds and college work-study, and the new Hope Scholarship and Lifelong Learning tax credit. The Administration is beginning a campaign to make sure that the parents of every middle school student, and students themselves, know that a college education is attainable if students stay in school, take tough classes, and study hard.

**Q. Are you planning to petition the Supreme Court to review the Ninth Circuit's decision upholding Proposition 209?**

A. I am awaiting advice on that question from my legal counsel and the Solicitor General, and I shouldn't address that question until I receive their advice. I can say that I will do everything I can to prevent other states or cities from passing ill-considered proposals like Proposition 209.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Email to Elena Kagan from Sylvia Mathews re: Departure (1 page)	09/19/1997	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[09/18/1997-09/19/1997]

2009-1006-F

bm51

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

CREATION DATE/TIME:18-SEP-1997 11:56:10.00

SUBJECT: Reminder- Gambling meeting today at 2:00pm in room 211.

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-SEP-1997 13:36:05.00

SUBJECT: FDA's Tobacco Appropriation

TO: Daniel C. Tate ( CN=Daniel C. Tate/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Donald H. Gips ( CN=Donald H. Gips/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Toby Donenfeld ( CN=Toby Donenfeld/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

TO: Mark A. Weatherly ( CN=Mark A. Weatherly/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The conference committee acted on FDA's appropriation yesterday. While they kept the \$34 million for tobacco, they cut FDA's overall budget by an unexpected \$16 million. In effect, they funded tobacco in part by cutting drug reviews and other core FDA activities. Is there anything we can do at this point?



## BILINGUAL EDUCATION

### Background

In June 1998, Californians may face a new ballot initiative to abolish bilingual instruction for public school children in the state, requiring that most instruction be conducted only in English. The idea has support from many conservatives and some in the Latino community, as well as other minority groups, who are frustrated with what they see as an ineffective approach to learning English. However, the ballot initiative is vehemently opposed by many other Latinos, who strongly support bilingual instruction and see the initiative as an attack cut from the same cloth as Propositions 187 and 209. The measure has until October to gain sufficient signatures.

In a related controversy, the school district in Orange County, California recently received a one year waiver from the California State Board of Education allowing it to eliminate bilingual education from its curriculum and to teach limited English proficient students in English only. After a temporary stay by a state court was vacated last week by federal judge, the district will proceed with its English only policy this fall. Further legal action on the lawsuit is expected.

The Administration has strongly supported the federal bilingual education program, which funds local programs designed to provide help to kids so they can become proficient in English. The program permits a variety of different approaches to helping students master English, including both bilingual and English immersion instruction. **To help ensure that resources are available to help children learn English well, we proposed a 27% increase in bilingual education, and succeeded in including it as one of the areas protected in the balanced budget agreement.**

### Q's and A's

*Does the Administration support bilingual education?*

**The Administration strongly supports the federal bilingual education program, which funds local programs designed to help kids become proficient in English. The program permits a variety of different approaches to helping students master English, including both bilingual and English immersion instruction. To help ensure that resources are available to assist children to learn English well, we proposed a 27% increase in the program, and worked successfully to include bilingual education as one of the protected areas in the balanced budget agreement.**

*Does the Administration plan to intervene in California or campaign on behalf of bilingual education?*

**The initiative measure has not yet qualified for the ballot so this question is premature. We will be getting more information on the initiative as events develop. However, the Administration supports the approach of the federal program, which permits a variety of different strategies for English language instruction, and thinks that a range of**

**options for meeting the needs of children, based on the latest research, should continue to be available to local communities.**

September 18, 1997

## Special Education Services for Youth in Adult Prisons

**Background:** This week the House, by voice vote, adopted a Riggs- (R-CA) sponsored amendment to the Labor-HHS-Education Appropriations Bill that would effectively repeal IDEA's guarantee of special education services to youth with disabilities in adult prisons. The Amendment would prohibit the Department of Education from investigating to determine if these services are provided. It would also limit the remedies available to the Department in ensuring compliance with the law, permitting states to "opt out" of services to this population if willing to give up a very small percentage of their IDEA funds. Although adopted by voice vote, some Democrats joined the Administration in voicing strong opposition to the change.

The controversy over such services has been given a high profile by Gov. Wilson, who has angrily attacked the Department for its position that such services must be provided, even after the IDEA Amendments, and has strongly pressured Rep. Riggs to address the issue legislatively. The Speaker has also been critical of the Department's position.

**Question:** Does the Administration support the Riggs Amendment? Isn't this legislation consistent with recent congressional action in reauthorizing the IDEA?

**Answer:** The Administration strongly opposes the Amendment. The IDEA was recently amended with broad bipartisan support, and provisions relating to youth with disabilities in adult prisons were the result of extensive negotiations. The new IDEA gives States greater flexibility and discretion in serving these youth, such as limiting the individuals who are eligible for services and allowing appropriate responses to security issues. However, the new law makes it very clear that eligible youth with disabilities in correctional facilities must be served.

**Question:** Why should States be required to provide special education to youth with disabilities who are in adult prisons?

**Answer:** Congress recognized that these young people will be returning to their communities once they have served their sentences. Young prisoners with disabilities are among the least likely to be literate or to have the other basic skills they need to be able to hold a job. For these youth, education is probably the only opportunity they have at becoming productive, independent members of society.



DRAFT      DRAFT      DRAFT

## **STATEMENT OF THE PRESIDENT**

Today's study released by the Center to Prevent Handgun Violence confirms what we have known all along: that the Brady Law is helping to keep guns out of the hands of criminals and other prohibited purchasers. The study also gives us more good news about the Brady Law-- that it has worked to help disrupt illegal gun trafficking patterns, making it more difficult for gun traffickers do business.

While states are no longer required to conduct Brady background checks in light of the Supreme Court's recent decision, I am pleased that state and local law enforcement agencies around the country are overwhelmingly continuing to do these checks on a voluntary basis. Our goal remains unchanged: no background check, no handgun purchase.

Today's study also suggests that -- whether they know it or not -- those few jurisdictions that have stopped conducting background checks may be inviting traffickers to locate in their communities. I hope that these jurisdictions will review the findings in this new report and resume background checks.

I have pledged to do everything in my power to make sure that we continue to keep handguns out of the hands of criminals. Today's study further makes the case that for the safety of our communities and of all Americans, Brady background checks must continue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:19-SEP-1997 17:56:59.00

SUBJECT: Weekly

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:

===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D25]MAIL43545616S.216 to ASCII,  
The following is a HEX DUMP:

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## Education Weekly

**Legislative Issues:** The Labor-HHS appropriations conferees are expected to meet next week. In addition to securing adequate funding for your priorities, we are working to make sure that the final bill provides the funding and authority to proceed with the national tests, and does not contain the Gorton Block Grant provision. Our overall strategy involves convincing the Republicans that they will pay a heavy price, again, for opposing your efforts to improve public education. Your radio address and charter schools event on Saturday were key steps in that strategy, and will be followed in the coming days and weeks by additional events we are now developing, involving the Vice President, Secretary Riley, and others. We are also encouraging business leaders and opinion leaders like Finn and Ravitch to help make the case for the Senate provisions that place NAGB in charge of the tests. We are continuing to look for steps we can take to reduce the concerns of the Black and Hispanic caucuses, either through adjustments to the testing proposal or agreements on other issues. Our strategy on the block grant is simply to hold tight; given the close vote in the Senate and the inability of sponsors of a comparable amendment in the House to generate support, we think we can win without giving ground.

**Voucher Study:** Thursday's New York Times carried a story on a Harvard University study of the voucher program in Cleveland. Though the story provided a favorable view of the voucher program in terms of student achievement gains and parental satisfaction, the Education Department's analysis of the evaluation study points out that the study examined students in only two of the forty one schools participating in the voucher program, and that these two schools were better financed and in other ways not at all representative of the other voucher schools. Later this Fall, the Ohio Department of Education will release the results of the state-commissioned evaluation of the voucher program, which will cover all participating schools. We do not know what this study will show.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-SEP-1997 13:12:56.00

SUBJECT: We're starting Arizona priv in 211. Cynthia

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

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Victoria Radd ( CN=Victoria Radd/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:19-SEP-1997 16:16:40.00

SUBJECT: Food Safety

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

READ:UNKNOWN

TEXT:

As we discussed, here are the three "reports" that I would expect on Monday:

- (1) DPC -- improvement of FDA inspections, more funding, etc.
- (2) John Windski -- USDA (690-4653) -- Agriculture's possible contributions (including country of origin labeling). John also has information from FDA.
- (3) Peter Sher -- USTR (395-9636) -- Language for fast-track bill that would toughen negotiating instructions and add as an objective to raise standards in other countries.

I've spoken to both John and Peter to expect a call from you.

Just let me know when on Monday.

Thanks,  
V.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-SEP-1997 18:14:33.00

SUBJECT: Tuesday welfare strategy meetings

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

READ:UNKNOWN

TEXT:

I've been thinking about some suggested changes to the weekly strategy meetings (including HUD's plea to be included, which we discussed briefly on Tuesday). Here are my thoughts:

Agenda: If you still think an internal agenda prepared in advance is useful, I'll try to be more diligent about getting it to you Monday afternoon.

Location: I think whatever we do it will be hard to pare back enough to fit in Bruce's office anymore, which is a real shame. I guess we can't keep stealing all of NEC's chairs even though they steal Bruce's sodas! Bruce and Elena, will you still come if we're in 211?

Rules: Cathy argues and I agree that the general rule for non-White House attendees should be no substitutions -- i.e., if Geri Pallast can't make it, she can't send a member of her staff. Otherwise, everyone's calling in changes at the last minute. Phone-ins are acceptable.

Invitees: DOL: They've asked to add someone (Leslie Lobel) but haven't really justified why they need four people. I'm disinclined, but could investigate further.

VP: We may want engage Elaine Kamarck's replacement and encourage h to attend, since the National Performance Review is heading up two of our key initiatives -- federal hiring and the VP's "Coalition to Sustain Success." (Don Gips is invited but never comes.) I work with NPR independently, but engaging them in this meeting may help keep us informed and keep them on message.

Other Agencies: HUD and DOT have explicitly asked to be included in

Tuesday meetings, and SBA has expressed an interest in being kept more in the loop. We could do this several ways:

invite HUD and DOT  
Administration wide  
non-priority issues

Option #1: Add to the Tuesday meeting one person each from DOT, USDA, SSA, and SBA (I don't think we could without adding the others).

Advantages: will help us coordinate

Disadvantages: new agencies will raise

HHS/DOL to  
Administration wide

Option #2: Diana and I could run a weekly conference call (Wednesday morning) with these agencies and

share information.

Advantages: will help us coordinate

Disadvantages: Somewhat duplicative for

HHS/DOL

Option #3: Status quo, but Diana and I make more of an effort base with these agencies independently.

I prefer Option #2. What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: William R. Kincaid ( CN=William R. Kincaid/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:19-SEP-1997 16:42:16.00

SUBJECT: AMT issue

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

READ:UNKNOWN

TO: Michael Cohen ( CN=Michael Cohen/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:

fyi -- This week in the business section of the Post there was an article indicating that some families would be prevented from taking full benefit from the new education tax cuts because of the alternative minimum tax. NEC is checking this out further with Treasury, but it looks like out of 11 million folks who would qualify for HOPE/Lifetime Learning, and the 27 million who would qualify for the child care tax credit (some of these people may overlap), approximately 200,000 will be subject to the alternative minimum tax in FY 98 (although more will have to do the calculation to find out, which is annoying).

The sense is that this is nothing that should prevent us from doing the event, since the impact is very small in terms of percentage of beneficiaries, and we can see that we are studying the problem and will work with congress to address it.



**Children's Health Implementation.** We are pushing HHS to quickly move to disseminate information and guidance to states regarding implementation of the new children's health initiative. In the last week and a half, the Department has already released a regulation providing the state funding allotments for participating programs, distributed a question and answer document, and circulated a state plan "template," which lists the type of information states will need to provide in their applications for funding. In addition, NGA, the Congress, and the interest groups have received detailed briefings on the current status of the program. Much more needs to be done, however. We are working to distribute additional useful materials to the states, consumers, providers, and other interested parties during October, the first month the children's health program fully goes into effect. In addition we are also pursuing options for potential events to highlight information about this new program.

**FDA Reform.** After months of delay, the Senate is scheduled to take up FDA on the floor next week and is likely to pass its version of reform. This week the House Subcommittee of Jurisdiction (Commerce) reported out its version of the FDA reform legislation and it is expected to come before the full committee next week. There is a great deal of interest in signing an FDA reform bill this year since failure to enact a bill will result in the expiration of the user fees that fund new drug product reviews and have been extremely successful in expediting drug approvals.

There are two primary outstanding issues related to Administration approval of the bill. First, the Prescription Drug User Fee Act (PDUFA) trigger as proposed in the Senate undercuts the balanced budget agreement by requiring new increases that would interfere with HHS's ability to allocate resources appropriately. Second, section 404 of the bill would lower the review standard for marketing approval by precluding FDA from reviewing new medical devices for uses other than that which the manufacturer says is intended. It is our hope and expectation that these issues can be resolved prior to the bill being sent to you for signature, which we expect will be sometime in October.

**AZT Trials.** This week an article in *The New England Journal of Medicine* criticized the clinical trials of medical interventions designed to discover ways to reduce maternal-infant transmission of HIV in developing countries. Although this article did receive a significant amount of coverage, we believe it does not have "legs" as so many well respected ethicists and scientists have supported this research. More specifically, in 1994, international experts convened by the World Health Organization thoroughly reviewed the studies and determined that they are scientifically well-founded, ethical and essential to advance the fight against AIDS. You should also know that Dr. Varmus, Director of NIH, Dr. Satcher, Director of CDC, and Dr. Shapiro, Chair of the National Bioethics Advisory Commission, conducted a thorough review to assess the scientific need and the ethics of these studies.

These studies are being conducted solely to find a treatment for AIDS that can be extended to poorer nations. Because poor economic conditions and low standards of public health care in participating countries, the women who take part in these studies are not able to afford the expensive protease inhibitors and other AIDS drugs available in the United States. Unless we conduct these much needed studies, we may never develop affordable AIDS treatments that can be extended to all nations. These studies must include a placebo so that we make a comparable

analysis of their effect.

**Dr. Satcher.** Starting with your announcement last week, Dr. Satcher's candidacy for Surgeon General has received a great lift off. This week Dr. Satcher made many courtesy visits on the Hill which were very successful. Senator Frist, Senator Jeffords and many other members issued positive statements about him. Senator Lott said he saw no reason why Dr. Satcher should not be confirmed as Surgeon General. We will continue to keep the momentum up and increase the number of endorsements from Members and advocacy organizations. We are hopeful that the confirmation hearings will begin in the next couple of weeks.

**Medicare Commission.** We met this week with Erskine and others to narrow the list of candidates for the Medicare Commission. We will be sending you a memo through Gene Sperling and Bob Nash with the updated list for your consideration early next week.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jason S. Goldberg ( CN=Jason S. Goldberg/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:19-SEP-1997 17:44:51.00

SUBJECT: This Weekend

TO: Debbie B Bengtson ( CN=Debbie B Bengtson/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

TO: Paul E. Begala ( CN=Paul E. Begala/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: Todd Stern ( CN=Todd Stern/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: Russell W. Horwitz ( CN=Russell W. Horwitz/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TO: Darby E. Stott ( CN=Darby E. Stott/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

TEXT:

Erskine Bowles will be in North Carolina. I will not be in the office this weekend; I will be visiting a sick relative.

Therefor, please note that any paper that must go to Mr. Bowles can be faxed to him at 704/364-0239.

If you must reach Erskine on phone, Signal and the White House Operators have the number.

Thanks.

Jason



September 19, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: Bruce Reed  
Elena Kagan

RE: DPC Weekly Report

**1. Education: Legislative Issues** -- The Labor-HHS appropriations conferees are expected to meet next week. In addition to securing adequate funding for your priorities, we are working to make sure that the final bill provides the funding and authority to proceed with the national tests, and does not contain the Gorton Block Grant provision. Our overall strategy involves convincing the Republicans that they will pay a heavy price, again, for opposing your efforts to improve public education. Your radio address and charter schools event on Saturday were key steps in that strategy, and will be followed in the coming days and weeks by additional events we are now developing, involving the Vice President, Secretary Riley, and others. We are also encouraging business leaders and opinion leaders like Finn and Ravitch to help make the case for the Senate provisions that place NAGB in charge of the tests. We are continuing to look for steps we can take to reduce the concerns of the Black and Hispanic caucuses, either through adjustments to the testing proposal or agreements on other issues. Our strategy on the block grant is simply to hold tight; given the close vote in the Senate and the inability of sponsors of a comparable amendment in the House to generate support, we think we can win without giving ground.

**2. Education: Voucher Study** -- Thursday's New York Times carried a story on a Harvard University study of the voucher program in Cleveland. Though the story provided a favorable view of the voucher program in terms of student achievement gains and parental satisfaction, the Education Department's analysis of the evaluation study points out that the study examined students in only two of the forty one schools participating in the voucher program, and that these two schools were better financed and in other ways not at all representative of the other voucher schools. Later this Fall, the Ohio Department of Education will release the results of the state-commissioned evaluation of the voucher program, which will cover all participating schools. We do not know what this study will show.

**3. Welfare Reform: Children's SSI Terminations** -- House Ways and Means Subcommittee Chairman Clay Shaw and other House Republicans held a press conference last Wednesday to rebut claims by advocates that the children's SSI cuts are too severe. They released a new GAO report that validates SSA's new childhood disability standard, judging it to be consistent with the welfare reform law and not overly strict. They also praised a recent random sample study by SSA of 40 children whose benefits were terminated, arguing that it showed the new standard is fair. Advocates are attacking the study. SSA continues to tell the press that it is committed to a fair process and that it is following up on areas where advocates have highlighted problems. At his confirmation hearing, Ken Apfel committed to a "top-to-bottom" review of the process within 30 days after he is confirmed. Some press stories have erroneously said the review will include the new standard itself, in addition to SSA's process. As you know, in a recent meeting with disability advocates, you stated that you had asked SSA to report to you on their process within 30 days (by October 10).

**4. Welfare Reform: Child Support Enforcement Computer Systems** -- You asked whether we could do anything to help address Senator Feinstein's concerns that California and other states will lose all federal child support funds -- and eventually all TANF funds -- if they do not have a statewide child support computer system operating by October 1st. We believe we can and should help, but not by supporting Senator Feinstein's proposed six month moratorium on state penalties. We instead propose to accept the Ways and Means Committee's invitation to develop legislation which would provide us with additional penalty options, i.e., sanctions of 5-15% of federal funds, that would be tough but reasonable.

We believe strongly, as does Secretary Shalala, that supporting legislation which waives all penalties would signal to states that we are not serious about enforcing child support rules and may even encourage some states to slow their efforts to complete their systems this year. Because these systems are a fundamental underpinning of the new interstate enforcement measures in the new welfare law, we want to push states to put them in place as soon as possible. These computer requirements were enacted in 1988 as part of the Family Support Act, and the deadline has already been extended once, from 10/1/95 to 10/1/97.

We expect that a new proposal we develop this fall with the Ways and Means committee could be enacted before we would actually withhold federal funds from any state under the current law rules. States have until December 31st to inform HHS whether they've met the October 1st deadline, and then the process which follows, including appeals, will take several months. Thus, as we have told Senator Feinstein, there is for all practical purposes a six month moratorium already in place. Thus, we believe supporting a moratorium through legislation would simply signal a lack of resolve on child support enforcement and invite future pleas for clemency.

We believe that as many as eight states (California, Michigan, Illinois, Pennsylvania, Ohio, Maryland, D.C., Nevada, and Hawaii) will not meet the October 1st deadline. Experts tell us that California is probably two to three years away from having a functioning state-wide

computer system in place. In preparation for upcoming discussions with the Ways and Means Committee, we have established a work group of DPC, NEC, OMB, and HHS staff to examine policy options.

**5. Welfare Reform: Fair Labor Standards Act/Minimum Wage** -- House Ways and Means Human Resources Subcommittee Chairman Clay Shaw is quietly trying to garner bipartisan support for a bill to address state concerns about the cost of workfare programs and fulfill Speaker Gingrich's pledge to fix what he called the Administration's effort "to undermine and destroy welfare reform" by applying the minimum wage and other worker protections to working welfare recipients. Shaw's goal is to move the measure as a separate, bipartisan piece of legislation, but the latest reports indicate that he's having trouble fashioning a compromise conservative enough for House Republicans that Democrats will agree to.

Shaw's latest version appealed to Governor Carper and Chiles, but was not conservative enough for the House GOP leadership. We saw two major problems with this proposal. First, although Shaw said it was not his intention, the bill appears to weaken labor protections by using a definition of work experience and community service that doesn't make clear that they are employees. Second, Shaw's draft bill significantly weakens the welfare law's work requirements. It requires states to pay the minimum wage for work experience and community service programs, but it limits the number of work hours to what states can afford to pay, based on the amount of their welfare grant plus food stamps. The balance of a recipients' time could be spent on job search and education activities. Thus, a welfare recipient could work 10 hours a week and do 10 hours of job search. The bill would also exempt workfare positions from FICA and unemployment taxes, which we indicated during the balanced budget negotiations that we were willing to do.

**6. Welfare Reform: Privatization of Food Stamps and Medicaid Programs** -- By law, the Department of Agriculture has until October 3 to act on a new request from Arizona to privatize food stamp operations in 13% of the state. (The state is also seeking to privatize Medicaid, but HHS has no deadline for action because the welfare law's new 60-day timeclock applies only to food stamps.) USDA's options are to approve the waiver, deny it, or request more information. States can already privatize TANF operations without federal permission, and some states are moving in this direction. Wisconsin has already privatized TANF, and its request to privatize food stamps has been pending for well over a year.

As you know, earlier this year we denied Texas's request to privatize food stamp and Medicaid operations in the entire state, leading to a major fight when Congress launched an effort to overturn this decision through legislation. During negotiations on this issue, we indicated our openness to a true demonstration affecting only part of the state, but Governor Bush rejected such a compromise. The Republicans have not resurrected the privatization issue so far this fall, in contrast to the workfare/Fair Labor Standards Act fight.

One potential defect of Arizona's proposal is that the area of the state that would be subject to privatization will also be subject to major changes in the TANF program, modeled on Wisconsin's. This might make it difficult to isolate the effect of privatization from other factors. We do not know if Arizona would be willing to alter its plan to address this concern. We are discussing with USDA how it might respond.

**7. Child Care: Adoption/Child Welfare** -- On Thursday, a bi-partisan group of Senators -- including Senators Rockefeller, Chafee, Craig, Jeffords, Dewine, Bond, Coats, Levin and Landrieu -- announced an agreement on child welfare legislation, called the Promotion of Adoption, Safety and Support for Abused and Neglected Children Act (PASS). The PASS Act represents the Senate version of the House adoption legislation which passed this past Spring, which you endorsed. Through the Spring and Summer, Rockefeller had prevented speedy Senate consideration of the House bill, in order to work on more ambitious Senate legislation. The PASS Act incorporates many elements of the Administration's *Adoption 2002* initiative, including the principle of health and safety for children in foster care, financial incentives for states to meet adoption targets, clarification of the "reasonable efforts" standard, and shortened waiting times for children in foster care. The PASS Act also includes other measures, including judicial reforms and health coverage for special needs children who are adopted. Unlike the House bill, the Senate Act has budget implications, and the costs and off-sets are now under review. The First Lady spoke with Senator Rockefeller on Thursday, indicating that the Administration will quickly review the details of the Senate bill and urging Congress to work to pass an adoption bill this year.

**8. Crime: Military Surplus Guns** -- On Wednesday, Rep. McCarthy successfully struck a provision in the House Treasury-Postal appropriations bill which would have reversed current State Department guidance and allowed the importation of military surplus guns. There is no similar provision in the Senate-passed Treasury spending bill. These guns--"curios and relics"--were given or sold at very low prices to foreign governments over the last several decades through our military assistance program. Treasury estimates that there are more than 2.5 million of these weapons abroad, some of which can easily be converted into fully automatic firearms. We were able to remove a similar provision during negotiations from last year's emergency spending bill.

**9. Crime: Brady Law and Interstate Gun Trafficking** -- On Friday, the Center to Prevent Handgun Violence released a study with evidence showing that the Brady Law has worked to help disrupt illegal gun trafficking patterns. The study found that states which did not require background checks for handgun purchases prior to enactment of the Brady Law ("Brady states"), became less important as source states for gun traffickers after implementation of the law. The study's findings suggest that those few jurisdictions that have stopped conducting background checks may inadvertently be inviting traffickers to locate in their communities.

**10. Immigration: Update on Expiring Programs** -- There are three immigration programs set to expire on September 30, 1997. The Administration supports extending all three programs.

**Section 245(i):** This provision of the Immigration and Nationality Act permits aliens to remain in the U.S. and pay a \$1,000 penalty pending a final determination of their immigration status. The main beneficiaries of section 245(i) are people who are eligible to immigrate but overstay visas while their residency applications are pending at INS. Under the 1996 immigration law, all illegal aliens must leave the U.S. or suffer penalties which include their inability to legally re-enter. The Senate-passed spending bill includes an extension of this provision, but the House Committee bill does not.

**Visa Waiver Pilot Program:** This program permits visitors from qualifying countries to enter the U.S. for 90 days or less without a visa. Qualifying countries must meet several criteria including having a low visa refusal rate and extending a reciprocal privilege to U.S. citizen visitors. In 1996, over 12 million travelers from 25 countries participated in the program. The short term impact of the program lapsing would be a shortage of consular officers to handle the spike in visa applications, and the possible rescission of reciprocal privileges for U.S. citizens. A Senate reauthorization bill which would expand the program to more countries is likely to be considered next week. Earlier this month, the House Immigration subcommittee marked up a two-year reauthorization bill containing some contentious unrelated provisions. DOJ prefers a straight reauthorization of the program.

**Special Visas for Religious Workers:** This program admits certain religious workers into the U.S. for up to five years. Approximately 5,000 of these visas are issued annually. A temporary expiration of the program would delay the approval of a small number of pending applications. On Thursday, the Senate passed a bill to permanently reauthorize the existing program. The companion House legislation would reauthorize the program for three years and would require participants to have religious work experience to qualify; Justice has expressed some constitutional concerns with this version.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman ( CN=Thomas L. Freedman/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:19-SEP-1997 18:00:06.00

SUBJECT: Tobacco Planning

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: Mary L. Smith ( CN=Mary L. Smith/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

I suggest we get together to discuss the structure and next steps of a tobacco plan on Monday.

After we meet, there are at least two meetings I'd like to set up for early next week:

1. Legislative Strategy with Hilley. Small meeting with leg. affairs to discuss most effective way to get bill to floor.
2. General Strategy. Smallish meeting with Penn, Rahm, strategy types to discuss political strategy as issue moves along.

The steps after that should be half taking care of business internally (setting up regular coordination meetings, hiring a staffer, consulting with health and AG groups, drafting a memo for Erskine, etc. ), and half pushing the agenda legislatively and via events and communications.

Regards, Tom

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman ( CN=Thomas L. Freedman/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:19-SEP-1997 18:00:06.00

SUBJECT: Tobacco Planning

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: Mary L. Smith ( CN=Mary L. Smith/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

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Regards, Tom

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:19-SEP-1997 17:35:18.00

SUBJECT: Feedback from Civil Rights groups and the National Test

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

READ:UNKNOWN

TEXT:

Interesting report attached below from Norma Cantu on Wade Henderson's and Bill Taylor's apparantly divergent reactions to the Riley letter.

----- Forwarded by Michael Cohen/OPD/EOP on 09/19/97

05:28 PM -----

Leslie\_Thornton @ ed.gov

09/19/97 02:23:00 PM

Record Type: Record

To: Michael Cohen, Mickey Ibarra, William R. Kincaid

cc:

Subject: Feedback from Civil Rights groups and the National Test

FYI from Norma.

----- Forward Header

Subject: Civil Rights groups and the National Test

Author: Norma V. Cantu at WDCF01

Date: 9/19/97 10:30 AM

Hello, friends,

I spoke yesterday to Wade Henderson; Art Coleman spoke to Bill Taylor.

Both Wade and Bill understood that the Administration was committed to the national tests and would welcome continuing the conversations with the civil rights groups.

Wade: 'Point One. Yes, he had read the Secretary's letter and was surprised that we had circulated it widely. He was trying to keep the

conversation below the radar. Wade had communicated to Maria Echaveste

his disappointment that the letter signed by Secretary Riley did not recognize that the Leadership Conference was splitting off from other civil rights groups that detested testing in any form. Wade was particularly offending by the "patronizing" tone of the first few paragraphs that preached the values of school reforms. The

Conference

had already embraced high standards in their original letter, and the Administration's letter completely ignored that significant statement

by LCCR.

Point Two. Wade welcomed further discussions. He saw no value in advancing "positions" in the manner of the Caucuses "won: and the White House "lost" because disagreements between two supporters of high standards inevitably leads to the opponents of high standards "winning."

Point Three. Wade is interested in continuing the conversations about

the concerns that the LCCR group expressed in the national tests. He described the Secretary's letter as lacking any substantial concessions to the concerns raised by the first LCCR letter. (This sounded to me like posturing before going into negotiations, though.)

Bill Taylor. On the other hand, Bill sounded much more enthusiastic about Secretary Riley's letter. He was still troubled about the Reading test measuring only English-reading skills, but he thought that the letter contained many significant commitments by the Administration. He said he would welcome conversations with the Administration about the national tests and the steps the Adm. would take to address further the civil rights concerns. On the whole, he saw the letter as a very positive sign that the Adm. had heard the civil rights groups' concerns.

Norma

===== ATTACHMENT 1 =====

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 <01INTW3ZRNA8007IQO@PMDF.EOP.GOV>; Fri, 19 Sep 1997 14:26:15 -0400 (EDT)

Received: from storm.eop.gov (storm.eop.gov)  
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01INTW3Y3D5C00GV8M@PMDF.EOP.GOV>; Fri,

19 Sep 1997 14:26:13 -0400 (EDT)

Received: from vader.ed.gov ([165.224.216.253])

by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01INTW3M9LY4005638@STORM.EOP.GOV>; Fri,

19 Sep 1997 14:25:57 -0400 (EDT)

Received: from smtpgwyl.ed.gov (smtpgwyl.ed.gov [165.224.216.37])

by vader.ed.gov (8.8.5/8.8.4) with SMTP id OAA14927; Fri,

19 Sep 1997 14:23:28 -0400 (EDT)

Received: from ccMail by smtpgwyl.ed.gov

(IMA Internet Exchange 2.11 Enterprise) id 00034076; Fri,

19 Sep 1997 14:26:03 -0400

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

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Christa Robinson to Elena Kagan and Bruce Reed re: tobacco event [partial] (1 page)	09/19/1997	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[09/18/1997-09/19/1997]

2009-1006-F  
bm51

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

CREATION DATE/TIME:19-SEP-1997 10:25:41.00

SUBJECT: Re: tobacco event

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:

This is the only info. I've been able to get.

----- Forwarded by Christa Robinson/OPD/EOP on 09/19/97  
10:32 AM -----

Joshua A. King  
09/19/97 09:44:58 AM  
Record Type: Record

To: Christa Robinson/OPD/EOP  
cc:  
Subject: Re: tobacco event

I think I know your question, and he appeared from thin air while I went  
into the study.

[Redacted] P6/(b)(6)

[Redacted] P6/(b)(6)

[003]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Victoria Radd ( CN=Victoria Radd/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:19-SEP-1997 18:24:13.00

SUBJECT: Food Safety Meeting

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

READ:UNKNOWN

TEXT:

Ginny Terzano recommended that Jake Siewert be included in the meeting, in light of the VP's interest and his press knowledge of the article.

I let him know of the time and place.

Thanks,  
V.



DRAFT

## **STATEMENT OF THE PRESIDENT**

Today's study released by the Center to Prevent Handgun Violence confirms what we have known all along: that the Brady Law is helping to keep guns out of the hands of criminals. The study also gives us more good news about the Brady Law-- that it has worked to help disrupt illegal gun trafficking patterns, making it more difficult for gun traffickers to do business.

While states are no longer required to conduct Brady background checks in light of the Supreme Court's recent decision, I am pleased that state and local law enforcement agencies around the country are overwhelmingly continuing to do these checks on a voluntary basis. Our goal remains unchanged: no background check, no handgun purchase.

I have pledged to do everything in my power to make sure that we continue to keep handguns out of the hands of criminals-- including extending Brady background checks to violent juveniles who should not be able to buy a gun on their 21st birthday. Today's study further makes the case that for the safety of our communities and of all Americans, Brady background checks must continue.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michael Cohen ( CN=Michael Cohen/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:19-SEP-1997 12:46:46.00

SUBJECT: Re: weekly

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

TEXT:

Its on the top of my list, and will do asap. I haven't gotten any feedback yet from you or Bruce on the Erskine memo on conference strategy. -- cancel that--Allison is going to pick up Bruce's right now. Any comments from you?

Also--the conference strategy is to Erskine, not POTUS. Doesn't that suggest that I ought to repeat stuff in the weekly?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:19-SEP-1997 17:28:05.00

SUBJECT: INS restructuring meeting

TO: Jeffrey P. Morales ( CN=Jeffrey P. Morales/O=OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TO: Jose Cerda III ( CN=Jose Cerda III/OU=OPD/O=EOP @ EOP [ OPD ] )  
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TO: Michelle Crisci ( CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TO: WARNATH\_S ( WARNATH\_S @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (CPC)  
READ:UNKNOWN

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

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

CC: Essence P. Washington ( CN=Essence P. Washington/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

TEXT:

The DPC will host a meeting to discuss the U.S. Commission on Immigration Reform's proposal to restructure the INS on Tuesday, September 23 at 1:00pm in room 211.

Please contact Essence Washington at 67733 if you cannot attend.

Thank you.