

NLWJC - KAGAN

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]11/05/1997 - 11/06/1997]

***THE CLINTON ADMINISTRATION:
DRAWING A LINE AGAINST HATE CRIMES***

The Clinton Administration: Fighting Hate in Our Communities

- On October 22, 1997, a federal grand jury returned a one count indictment in *United States v. Bybee*, charging Greg Bybee with violating one count of federal civil rights statute. On December 27, 1996, the victims, a Native American and African American interracial couple, were assaulted and threatened with a firearm by the defendant at the home of the female victim's father on an Indian reservation in Boise, Idaho.
- In Richland, Mississippi, four members of a neo-Nazi skinhead organization, pled guilty to conspiracy and interfering with the housing rights of an interracial couple by throwing a molotov cocktail at their trailer home.
- Three defendants, one of whom is a racist skinhead and a member of the white supremacist group "South Bay Nazi Youth," were convicted of a civil rights conspiracy after they drove through the streets of Lubbock, Texas, hunting African-American men, luring them to the conspirators' car and shooting the men at close range with a short-barreled shotgun. One victim died, one was seriously wounded in the face and another had a finger blown off.
- In Livingston, Texas, six defendants pled guilty to civil rights charges for beating randomly selected African-American men with a rifle and a rodeo belt buckle, and punching them repeatedly as they tried to escape. The defendants had been angered at seeing other black men in the presence of white women. The adult defendants were given prison sentences ranging from 20 to 43 months.
- In Livermore Falls, Maine, two defendants were sentenced to almost 6 years and almost 7 years following their guilty pleas to civil rights charges after threatening four Latino victims, chasing them by car from the store, and firing shots at the victims' fleeing car, wounding one victim in the arm.

[Source: Department of Justice, Civil Rights Division, 10/97]

Fighting Hate Crimes Through Tough Law Enforcement

Vigorously Prosecuting Hate Crimes Under the Civil Rights Statutes. Several distinct federal statutes provide jurisdiction to prosecute hate crimes -- crimes where the perpetrator selects his victim on the basis of certain characteristics such as race, color, religion, and national origin. Since 1989, over 500 defendants in more than half of the 50 states have been convicted on federal criminal civil rights charges for interfering with various federally protected rights of minority victims. Virtually all defendants charged in these cases have been convicted. President Clinton's Justice Department has vigorously prosecuted hate crime incidents,

particularly where the defendants were members of organized hate groups, such as the Ku Klux Klan, The Order, and various skinhead gangs.

Enhanced Penalties For Hate Crimes. As part of the historic 1994 Crime Act, the President signed the Hate Crimes Sentencing Enhancement which provides for longer sentences where the offense is determined to be a hate crime. In 1996 alone, 27 cases received enhanced sentences.

The Bureau of Alcohol, Tobacco and Firearms (ATF) Provides Expertise in Arson and Explosives Investigations to Help Fight Hate Crimes Throughout America. While enforcing explosives and arson laws over which it has jurisdiction, ATF has participated in the investigations of bombing and arson incidents at predominantly gay bars such as the incidents reported in Atlanta. For example, in the bombing of the gay nightclub, which occurred on February 21, 1997, the ATF joined the FBI in a task force headed by the U.S. Attorney.

Gun Regulation Helps Stem the Flow Of Firearms that can Fuel Hate Group Activity. Many organized hate groups use guns to carry out violent offenses covered by hate crime statutes. Treasury bureaus work to intercept gun shipments into the U.S. and to regulate the illegal sale and possession of firearms by potential perpetrators of hate crimes and other offenses.

Targeting Ignorance:

Focusing on Youth Attitudes that Create Hate Crimes. The Department of Education is supporting efforts at the local level to develop and implement innovative effective strategies for preventing and reducing incidences of crimes and conflicts motivated by hate in localities directly affected by hate crimes. The Department has funded programs aimed at reducing violent behavior among youth motivated by hate or bias.

Understanding the Problem of Hate Crimes:

Gathering Information on the National Scope of the Problem. The FBI Uniform Crime Report collects the only national data on hate crimes through the Uniform Crime Reporting (UCR) Program, and has established guidelines for the collection of such data, and criteria for a finding of prejudice. In 1996, 11,355 law enforcement agencies across the country participated in the data collection efforts, representing 84 of the nation's population. From these departments alone, there were 8,734 reported incidents of hate crimes in 1996. [FBI, Uniform Crime Report -- Crime in the United States 1996, 1997]

Studying Anti-Gay Hate Crimes. The National Institute of Mental Health (NIMH) has funded the first large-scale study of the mental health consequences of hate crimes. The preliminary principal findings of this research are that hate crimes based on sexual orientation appear to have more serious psychological effects on lesbian and gay men than do other non-bias motivated crimes. The study also provides information about the prevalence of anti-gay hate crimes, the

rate at which these crimes are reported to the police, and the prevalence of other harassment and discrimination against gay men and lesbians.

Prosecuting Hate Crimes Aimed At Our Houses of Worship:

Fighting Hate Crimes Aimed at Houses of Worship. The President fought for and signed the Church Arson Protection Act of 1996, which facilitates prosecutions of racially motivated arsons and other acts of desecration against houses of worship.

Creating the National Church Arson Task Force. President Clinton established the National Church Arson Task Force in June 1996 to oversee the investigation and prosecution of these cases, in response to an outpouring of national concern over arsons at houses of worship around the country. The NCATF has brought together the FBI, ATF, Justice Department prosecutors, and the Community Relations Service, in partnership with the state and local law enforcement officers and prosecutors. Well over 200 ATF and FBI investigators have been deployed in these investigations. In addition, the NCATF has coordinated with other agencies, such as the federal Emergency Management Agency and the Department of Housing and Urban Development, in the federal government's efforts to promote arson prevention and in providing resources for church rebuilding.

- Many of the 508 incidents investigated have been solved, mainly by a combination of federal and state arrests and prosecutions. Since January 1995, arrests of 240 suspects have been made. The 240 arrests have led to over 100 convictions, including the first convictions under the 1995 Church Arson Prevention Act, 18 U.S.C. 247, as amended. This rate of arrest (35 %) for crimes that may have been motivated by hate or bias is more than double the 16 % rate of arrest for arsons in general. As of June 1997, Federal, state, and local prosecutors have successfully convicted 110 defendants in connection with fires at 77 houses of worship since January 1995.[Treasury]

Working with Communities Against Hate

Bringing Communities Together to Fight Hate. The Department of Justice's Community Relations Service often becomes involved when a hate crime incident threatens harmonious racial and ethnic relations. When a hate crime takes place, the Service uses mediation to provide representatives of community groups and local governments with an impartial forum to restore stability through dialogue and discussion. It conducts training conferences on hate crime prevention and response for state and local law enforcement and other governmental agencies, academic institutions and civic, business and community organizations. The Community Relations Service assists local government and organizations in appropriate contingency planning to ensure that marches, demonstrations and similar events occur without exacerbating racial and ethnic tensions.

Fighting Intolerance in our Schools and Communities. The Clinton Administration also supports several desegregation centers. These centers have provided training and technical assistance on hate and bias crimes, and have developed model programs and practices. The desegregation centers and policies and have identified programs that are working in schools to prevent the behavior that leads to hate crimes.[Department of Education, 10/97]

DRAFT April 1, 2010 (3:34PM)

November 4, 1997

MEMORANDUM FOR THE PRESIDENT

FROM: MARIA ECHAVESTE
BRUCE REED

CC: THE VICE PRESIDENT

SUBJECT: WHITE HOUSE CONFERENCE ON HATE CRIMES

On November 10, you will host the White House Conference on Hate Crimes at George Washington University. This memorandum outlines the purpose and structure of the conference, and the policy initiatives that we recommend you announce at the conference.

Purpose and Structure of the Conference

The White House Conference on Hate Crimes has three purposes. First, it will call national attention to the serious problem of hate crime in this country and, by highlighting positive community responses, promote unity in addressing the problem. Second, it will demonstrate the Administration's commitment to "draw the line" on hate crimes through combined law enforcement, education, and prevention strategies. Finally, this conference is the Race Initiative event for the month of November.

The conference will highlight the role of law enforcement and prosecutors at the state, local, and national level. The conference also will explore how the public and private sectors can join together in combating hate crime through law enforcement, community efforts, and educational strategies.

Breakfast in the East Room. The Conference will begin with a breakfast in the East Room for the approximately 350 participants. The Attorney General will introduce you, and you will make brief welcoming remarks.

Morning Session. The morning session will begin with welcoming remarks by Maria Echaveste and Stephen Trachtenberg, President of George Washington University. The Vice-President will then speak briefly. The following two persons will introduce you and the Vice President:

- Chuennee Sampson, student, Duke University, North Carolina. As an African-American

high school student in Crown Heights, NY, Ms. Sampson became a peer trainer with the Anti-Defamation League (“ADL”). She helped start the *Students Against Violence Everywhere* (“SAVE”) while in high school. Ms. Sampson has experienced racial and ethnic violence throughout her life. As a middle-school student in Brooklyn, skinheads threw bottles at the bus that brought her to school. While at Duke University, Ms. Sampson has continued to work with children. Ms. Sampson volunteers at a middle school and works with learning centers in low-income areas.

- William Johnson, Retired Police Officer, Boston Police Department. Mr. Johnson has worked extensively in the hate crimes unit in Boston, and has recently won an award for his involvement.

During your remarks, we propose that you announce several significant new law enforcement and prevention initiatives, including a proposal to expand the principal federal hate crimes statute, 18 U.S.C. §245. These initiatives are detailed later in this memorandum.

Following your remarks, you will moderate a panel discussion with the Attorney General, the Secretary of Education, and eight other participants. Each of the eight participants listed below will give brief opening remarks:

- Peter Berendt, Principal, Mamaroneck Avenue Elementary School, Mamaroneck, New York. Following a series of hate crimes in the community, Mr. Berendt convened the *E Pluribus Committee* to address the underlying diversity issues facing the school community. His school currently is engaged in a multi-year comprehensive diversity awareness program.
- Tammie Schnitzer, Billings, Montana. Ms. Schnitzer is a Jewish woman who was the victim of an anti-Semitic hate crime in Billings, Montana. When Ms. Schnitzer saw that the hate crimes in Billings were targeted toward only the Jewish residents, Ms. Schnitzer galvanized the entire community by encouraging, Jews and non-Jews alike, to display menorahs in the windows of their homes. Ms. Schnitzer’s extraordinary efforts were the subject of a television movie, *Not in This Town*;
- Hon. Sheila Kuehl, President Pro Tempore, California State Assembly. Ms. Kuehl is the first openly gay or lesbian member of the California State Assembly and the author of legislation to prohibit discrimination against gay and lesbian students in California public schools. Ms. Kuehl also has been an outspoken advocate condemning violence against women. As a young actor, Ms. Kuehl appeared in the television series *The Many Loves of Dobey Gillis*;
- Raymond Delos Reyes, sophomore, Franklin High School, Seattle, Washington. Mr. Reyes has worked with the ADL’s Children of the Dreams program. In March, Mr. Reyes traveled to Israel with the ADL’s program. Mr. Reyes is a member of the Peer mediation Training Program and the Filipino Club;
- Samuel Billy Kyles, Pastor, Monumental Baptist Church, Memphis, Tennessee. Mr. Kyles is an outspoken advocate of civil rights and plays an important role in the religious

community's efforts to erase hate crimes. Mr. Kyles is a member of Ecumenical Minister's Task Force. He also was a close friend of Dr. Martin Luther King and was with Dr. King during the last hours of his life;

- Arturo Venegas, Jr., Chief of Police, Sacramento Police Department, Sacramento, California. Mr. Venegas helped to develop the Sacramento Police Department's model program to deal with hate crimes in the community. Mr. Venegas has participated in innovative law enforcement strategies to combat hate crimes;
- Grant Woods, Arizona Attorney General. As a Republican, Mr. Woods has coordinated bipartisan support for hate crimes enforcement. He was a strong advocate for one of the first and strongest hate crime bills in the country. Mr. Woods also was the most visible Republican proponent of the Martin Luther King Holiday; and
- Stephanie Tubbs Jones, District Attorney, Cuyahoga County, Cleveland, Ohio. As an African-American district attorney in a major American city, Ms. Jones has first-hand prosecutorial experience with hate crimes.

Afternoon Session. The afternoon session will consist of seven breakout sessions of approximately fifty participants each. Each of these sessions will address a different aspect of hate crimes and will be moderated by a Cabinet Secretary or a senior government official. The topics and moderators of the breakout sessions are:

1. Hate Crimes in Schools (K-12): Prevention and Response (Secretary Riley);
2. Hate Crimes on Campus: Prevention and Response (Franklin Raines);
3. Law Enforcement Response to Hate Crimes (Attorney General Reno);
4. Understanding the Problem: Improving Hate Crime Statistics (Deputy Attorney General Holder);
5. Hate Crimes in Public and Private Housing (Secretary Cuomo);
6. Community Responses to Hate Crimes (Secretary Glickman); and
7. Counteracting Organized Hate (Secretary Slater).

Following the breakout sessions which will permit the extensive interaction and participation of all Conference attendees, the Attorney General will host a panel, consisting of the six other moderators of the breakout groups. This panel discussion will highlight the issues and ideas that surfaced during the breakout sessions. Following the panel discussion, the Attorney General will make concluding remarks.

Satellite Sites. Currently, we have approximately 45 official satellite sites. These satellite sites will view your remarks and announcements, along with the panel discussion you will moderate, from the morning session. Following the viewing of the satellite feed from the Conference, the satellite hosts have planned customized programs to complement and augment the Conference. Some members of your Race Advisory Board will participate at satellite sites. Accordingly, the attendees in these satellite sites will be able to participate actively with the experts assembled at their site.

Policy Announcements to be Made at the Conference

We recommend that you make the following policy announcements at the Conference.

I. LEGISLATION

- You can announce the Administration's support for legislation to expand the principal federal hate crimes statute, 18 U.S.C. § 245, to include gender, sexual orientation, and disability. Currently, Section 245 prohibits hate crimes only on the basis of race, color, religion, or national origin. For the three new categories, this option would require proof of a Commerce Clause nexus as an element of the offense. This Commerce Clause hook is drafted in a way intended to satisfy constitutional concerns in the least restrictive manner possible. Senator Kennedy, along with Senator Spector, is expected to introduce this legislation.

There is some concern that the addition of gender would greatly expand the number of cases that would require investigation by federal agents. In order to address this concern, the Administration supports several limiting principles that would reduce the number of cases actually investigated and prosecuted by the federal government, including limiting the new categories of cases to those involving bodily injury and providing guidance to federal investigators and prosecutors to limit the number of cases to those involving gender-based motivation of a weight sufficient to implicate a strong federal interest in prosecution.

II. PROSECUTION AND ENFORCEMENT

- **Creation of a Network of Local Hate Crime Working Groups.** You can announce the formation of, or federal participation in, local hate crime working groups across the country. Each U.S. Attorney will either establish a local working group in his or her district, or, if such a body already exists, actively participate in the group. These working groups would be federal-state-local partnerships that would be the primary mechanism for evaluating and addressing the hate crime problem of the local community. Members of the working groups would be the U.S. Attorney's offices, the FBI, state and local law enforcement, state and local prosecutors, and advocacy groups. In addition to addressing law enforcement strategies, the groups would seek to increase enforcement of hate crime laws, to maximize reporting of hate crimes, and to educate the public about hate crimes. There will also be a National Hate Crimes Working Group, located at the Department of Justice in Washington, D.C., that would have the role of coordinating the work of all the working groups across the country. As part of this coordinating function, the National Hate Crimes Working Group would distribute, on an ongoing basis, information regarding promising practices that are occurring out in the field to address the

problem of hate crimes.

- **Assignment of New Hate Crime Resources.** You may announce that the Administration will assign new resources for hate crimes enforcement. The Administration will assign significant additional FBI agents and prosecutors to hate crime cases. In addition, the Administration plans to create a Civil Rights Analytical Center at the FBI.
- **Encourage hate crimes training for law enforcement.** You can announce the development of a model law enforcement training curricula on hate crimes which can be incorporated into programs at local and state law enforcement training centers. This curriculum includes three course segments -- one segment directed to law enforcement officers, one segment to investigators, and one general segment for others in the law enforcement field. This curriculum would be available within 60 days for implementation at law enforcement training facilities across the country.

III. STATISTICS REGARDING HATE CRIMES

- **Adding Hate Crime Questions to the National Crime Victimization Survey ("NCVS").** The NCVS is an annual survey conducted by the Department of Justice's Bureau of Justice Statistics to measure levels of crime through a national sampling of victims of crime. At present, it does not include questions about hate crime. Beginning in January of 1998, the Department of Justice will include questions related to hate crime as part of its annual survey of victims of personal crimes and vandalism. The survey will inquire whether the victim believes the incident was bias-motivated and why. In addition, the Department of Justice will be conducting extended versions of the NCVS in eleven cities across the country from January through April of next year, including expanded questioning regarding hate crimes.

IV. EDUCATIONAL INITIATIVES

- **Teacher's resource guide for hate crimes awareness and Hate Crimes Internet Site.** You can announce the development of a manual for educators on preventing youth hate crime. The Department of Justice and the Department of Education have drafted a guide for teachers that encourages schools and school districts to confront hate-motivated behavior among students; promotes development of comprehensive, programmatic responses to prejudice and violence; and provides educators with various resources to undertake such responses. You can announce that the Attorney General and the Secretary of Education will send a copy of the manual to each of the country's 16,000 school districts by December 1. You can also announce the availability of a website, "Hateful Acts Hurt Kids," linked to the Department of Justice website. This site will

address prejudice, discrimination, and related issues in an interactive, graphic format designed for children in kindergarten through fifth grade, their parents, and teachers. This site will be available for viewing at the Conference.

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Automated Records Management System
Hex-Dump Conversion

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address prejudice, discrimination, and related issues in an interactive, graphic format designed for children in kindergarten through fifth grade, their parents, and teachers. This site will be available for viewing at the Conference.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 11:22:41.00

SUBJECT: Etheridge update

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

----- Forwarded by Bruce N. Reed/OPD/EOP on 11/05/97
11:23 AM -----

Bruce N. Reed

11/05/97 11:22:07 AM

Record Type: Record

To: Jason S. Goldberg/WHO/EOP

cc:

Subject: Etheridge update

Glickman and I are doing everything we can to give Etheridge what he wants. Glickman thinks we've worked out Etheridge's peanut problem. On tobacco, we can meet most of his concerns, and we're looking for a way to meet all of them. The major hurdle is whether we can commit to eliminate something called the duty drawback program, which makes it possible for US tobacco companies to get back the duty they pay on imported tobacco they put into cigarettes for export. Etheridge wants to eliminate this program as part of fast track. Glickman thinks we can agree to cap the program, but that eliminating it altogether might cause problems with other tobacco-state members who represent manufacturers. (USTR shares this concern.)

Glickman's tobacco people and I will meet with Etheridge this afternoon to see if we can work it out. Etheridge tells me he has a group of members he might be able to swing with this decision (about half a dozen Democratic members from tobacco country are uncommitted), but he won't tell us who they are, because he doesn't want to jeopardize other deals those members may be cutting as well.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 16:23:45.00

SUBJECT: Timing of Reg Publishing

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

TEXT:

I spoke to OMB about logistics of the reg publishing. How about this for timing:

The President announces both regs on the 17th. On the 17th, the DOL reg will be on public display (published on the 18th) and we will have just sent the TANF reg to the Fed Register (to be displayed on the 19th and published on the 21st).

As long as we've sent the reg to the Federal Register, we can talk about it as much as we want. Sally would have to do some special pleading to have such a long reg delivered on Monday published by the end of the week, but OMB thinks it can be done.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 09:31:28.00

SUBJECT: Fast track, Etheridge, and leaners.

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 asked about the undecided and "leaning no's" on fast track who might have tobacco interests. I do come up with 7-8 conceivably who would be interested in tobacco-- Clayton, Goode, Etheridge, Hefner, McIntyre, Watt, Sisisky, Clement.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 13:08:01.00

SUBJECT: Americorps reauthorization

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: .

Gomperts says they have a green light from Hilley to introduce the AmeriCorps reauthorization as soon as Congress leaves, which he thinks could be in a few days. He wants to have the bill introduced in Congress quietly right before they leave, so as to get a bill number, etc. I told him that might create a problem with the radio address we have reserved on the 21st -- i.e., it would rob us of the announcement of the reauthorization. Do you concur?

He feels very strongly about this, though, and they will push this. He says it will greatly hamper their effort to get reauthorization moving during the recess -- to schedule hearings, seek endorsements. He said they will introduce the bills very quietly, and suggested we could substitute the announcement of their "Seniors in Schools" program at the radio address, as well as talking about the reauthorization.

(By the way, Silverman got a service event on the schedule in Sacramento on Saturday, the 15th, but it's not clicking. There's no real AmeriCorps presence there, and the President is supposed to do some environmental project there called the Bay Delta which Steve hoped would have service links, but doesn't seem to. We're still trying.)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 20:32:27.00

SUBJECT: NPR Report

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:

David Frank at ED said that NPR had a Claudio Sanchez story on tonight that said based on today's agreement that there would be no national test, irrespective of the conclusions of the National Academy Study.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 10:37:41.00

SUBJECT: Accomplishments Doc

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

CC: Neera Tanden (CN=Neera Tanden/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 21:24:19.00

SUBJECT: Lau decision

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

fyi -- This decision (Lau v. Nichols, 414 U.S. 563, 1974) came up in the CA bilingual meeting this week. In answer to Elena's question, it was a Douglas decision, joined by Brennan, Marshall, Powell, and Rehnquist(!). There were three opinions concurring in the result: Stewart, joined by Burger and Blackmun; White; and Blackmun, joined by Burger. The claim was based on equal protection and Title VI, but the decision was based on Title VI alone (did not reach the 14th Amendment grounds).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer L. Klein (CN=Jennifer L. Klein/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 5-NOV-1997 15:34:32.00

SUBJECT: Rubin's Child Care Working Group

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:

It seems to me that it will be extremely difficult for the Child Care Working Group to finish its work before the State of the Union, given the difficulty of even choosing the members and finding times for CEOs to meet. It also occurs to me that this might not matter -- because the group will focus not on what the Federal government should do, but instead on what businesses themselves can do. What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 18:14:00.00

SUBJECT: Talking Points on Etheridge draft letter

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:

Talking Points

The letter is a written commitment by the President that:

1. Tobacco needs an independent source of funding and farmers are entitled to a a dedicated source of revenue that will ensure the economic stability in their communities, compensation for negative effects from the settlement, protecting the viability of their investments, and costs associated with the tobacco program.
2. Commitment to the quota system. Tobacco farmers need a stable price and that Congress is the appropriate place to have price set. .
3. Tobacco farmers deserve a share of the world market share of the American tobacco farmers and will work with Congress to guarantee a share.
4. Immunity for farmers to share in with tobacco manufacturers from legislation.
5. Work with members to reform "Duty Drawback" so the system does not provide an economic incentive to purchase foreign tobacco.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 14:25:17.00

SUBJECT: Charter Bill timing

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

CC: Jonathan H. Schnur (CN=Jonathan H. Schnur/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

TEXT:

According to ED, the bill is expected to come up again in the House tomorrow morning. Efforts are underway to reach a time agreement, but it's an open rule and currently there are lots of amendments expected, some of them goofy, but so far nothing that seems likely to threaten to upset the bill. No word yet on whether GOP's will try to win back some of last night's defeat through amendments, etc.

Also, we hear that they are likely to move slowly on a charter bill in the Senate, with hearings, etc. next year.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 17:10:35.00

SUBJECT: Crime Victimization Report

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

BJS is planning the release for the 12th. It is not likely that they would switch the date. John Hogan is looking into whether or not there is any flexibility and we should know tomorrow.

Managers (Goodling???) and the Administration agree that it is important to have high, voluntary national standards in the basic skills of reading and math, and to measure whether students are meeting these standards, and to provide that information to students, parents and teachers.. The Administration has proposed voluntary national tests in order to measure student achievement related to national standards. However, every state already administers a number of tests, and many are concerned that an additional, national, test would be an unnecessary burden..

To address this concern, the National Academy of Sciences will be commissioned to conduct a study of the feasibility of equating existing state and commercially available tests with each other and with the National Assessment of Educational Progress. The purpose of this study is to determine whether it will be possible to use existing tests administered by states and local school districts, to compare individual student performance with existing, challenging national content and performance standards. The purpose is also to determine if the same tests can be used to compare the performance of students in different states and communities, on different tests, to each other. The NAS shall report the results of this study to (_____) no later than June 30, 1997.

The NAS will conduct this study in consultation with the National Governors' Association (NGA), the National Conference of State Legislatures (NCSL), NAGB, the Congress and the White House. While the NAS study is being conducted, NAGB will oversee the development of voluntary national tests in 4th grade reading and 8th grade math, which will be based on the same content and performance standards as are used for NAEP, and which are linked to NAEP to the maximum extent possible. However, no pilot testing of items for the national test may be conducted until the NAS report is delivered as scheduled on June 30, 1997.

The Administration and the Congress (House Committee???) will work together to incorporate the findings from the NAS study into the reauthorization of NAEP and NAGB. The Administration agrees that, where it is feasible and practical to validly and reliably equate test scores and link performance levels on State assessments and commercially available standardized tests with the National Assessment of Education Progress, than these tests are a suitable substitute for its proposed national test. To the extent that NAS study demonstrates ways in which existing tests can be equated with each other and with NAEP, or ways in which existing tests can be modified in order to facilitate such equating, the Administration and (the House Committee?) intend to work together to implement these recommendations through the reauthorization of NAEP.

[Do we want/need to say something about Goodling's point that the committee will give President opportunity to have our testing proposal considered during the NAEP reauthorization?]

[I'm working on Hispanic and Black Caucus language possibly to be added]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 10:42:09.00

SUBJECT: Meet the Press

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

READ: UNKNOWN

TEXT:

----- Forwarded by Laura Emmett/WHO/EOP on 11/05/97 10:49 AM -----

Mark D. Neschis
11/05/97 10:39:27 AM
Record Type: Record

To: Laura Emmett/WHO/EOP
cc:
Subject: Meet the Press

Hi...the President is taping a special edition of Meet the Press on Saturday. If you' could please put together some tough q's and a's on any domestic policy issue you think might come up in the interview, I would appreciate it.(i.e. tobacco, education).

Please get them to me by Thursday at 4pm. My phone number is 6-5649

thanks,

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 17:49:10.00

SUBJECT: Latest AP story on Wash Post Web site

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:

----- Forwarded by William R. Kincaid/OPD/EOP on 11/05/97
05:36 PM -----

Missy_Kincaid @ ed.gov
11/05/97 04:13:00 PM

Record Type: Record

To: Allison Balderston, William R. Kincaid
cc:
Subject: Latest AP story on Wash Post Web site

Senate Kills Education Accounts

By Robert Greene
AP Education Writer
Wednesday, November 5, 1997; 3:29 p.m. EST

WASHINGTON (AP) -- Standardized reading and math tests will be given to American schoolchildren under a tentative agreement reached Wednesday by President Clinton and congressional Republicans. But the tests may not be the ones Clinton wanted.

Clinton agreed with House Republican leaders on a compromise that would delay test availability until 2000. But he cautioned that more work would be needed to make the deal final. And the chief House negotiator, Rep. Bill Goodling, R-Pa., said a number of details remained to be worked out.

Clinton said the agreement should accomplish his goal of ensuring that fourth-graders are tested in reading and eighth-graders in math using identifiable national standards.

"My concern was to have some sort of clearly accepted standard of excellence that all our children would be expected to meet in reading and math," Clinton told reporters after meeting at the White House with Goodling, chairman of the House Education and Workforce Committee.

Under the agreement, the government may continue limited development of the voluntary national tests it wanted to give starting in 1999. However, no field trials of the new tests would be allowed.

Instead, the independent National Academy of Sciences would conduct a study to determine whether existing state tests and widely used commercial tests can be adapted and compared for the same purpose.

Clinton said that should ease Goodling's concern that the tests would needlessly duplicate existing measures that have identified which students and schools have troubles. The millions of dollars spent on testing should be spent on training teachers and other activities, he says.

``We've basically gotten all the information we need,'' Goodling said.

``We know that we have problems, and we know where the problems are. Ours has to be an effort to try to solve those problems.''

The administration says there are no assurances that state standards are as rigorous as the proposed national ones. Also, many of the existing commercial tests rate students against a moving average score

instead of a fixed standard.

The study should take six months. It would have to be complete before the administration could implement its tests if existing ones cannot be adapted. But no congressional authority would be needed.

The testing proposal, the lead item on Clinton's education agenda, met

fierce opposition in the House and had a growing core of opponents in the Senate.

Conservatives fear the tests will lead to more federal control of education, and the black and Hispanic caucuses in the House contend they will be used to discriminate against minorities.

Part of the agreement puts control of the test development in the National Assessment Governing Board, a bipartisan group created by Congress.

Senate Democrats were cautious but supportive. Many of the elements were proposed by Sen. Jeff Bingaman, D-N.M., an administration ally

on testing. Bingaman said the deal should satisfy everyone as long as the study is not used to delay or obstruct the voluntary tests.

``If all sides stick to this compromise, it will be a tremendous victory for parents, teachers, students and all those who care about the quality of education in this country,'' he said.

An agreement, if accepted on the Hill, removes the only obstacle to passing an \$80.2 billion spending bill for the Education, Labor and Health and Human Services departments.

More than a month late, the bill includes spending increases for medical research, education aid, including Pell Grants for college students and Head Start.

Clinton was eager to deal, Republican aides said, as he tried to get support for legislation that would enhance his power to negotiate free-trade agreements.

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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 <01IPNNLDOWY800TYWD@PMDF.EOP.GOV>; Wed, 05 Nov 1997 16:15:14 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IPNNLC5GFK00VHTO@PMDF.EOP.GOV>; Wed,

05 Nov 1997 16:15:12 -0500 (EST)

Received: from vader.ed.gov ([165.224.216.253])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)

with ESMTP id <01IPNNKST32E0007J0@STORM.EOP.GOV>; Wed,
05 Nov 1997 16:14:47 -0500 (EST)

Received: from smtpgwyl.ed.gov (smtpgwyl.ed.gov [165.224.216.37])
by vader.ed.gov (8.8.7/8.8.4) with SMTP id QAA27659; Wed,

05 Nov 1997 16:11:51 -0500 (EST)

Received: from ccMail by smtpgwyl.ed.gov

(IMA Internet Exchange 2.12 Enterprise) id 0006FD0C; Wed,
05 Nov 1997 16:14:42 -0500

=====
END ATTACHMENT 1

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 20:29:41.00

SUBJECT: Re: Timing of Reg Publishing

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Remind me to call Alexis tomorrow. I promised Sally I would

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 5-NOV-1997 19:06:24.00

SUBJECT: immigration legislative update

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

CC: Julie A. Fernandes (CN=Julie A. Fernandes/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:

As of this evening:

Central Americans-- Looks like this is back on DC Approps, which the Senate has yet to pass. Kennedy is holding the Central Americans piece to add Haitians and NJB. He is also trying to get a relaxed suspension standard (from "extreme hardship" to "hardship") for the ABC class, but will probably pull back on this. Peter is hoping yesterday's letter will give us some leverage with the CBC and Hispanic Caucus when the House votes on the DC bill. Timing on DC still unclear.

245(i)-- The CJS conference is meeting tomorrow at 9:00am. The Senate (Gregg) is supposedly still holding firm on a permanent extension. Despite the strong House vote on motion to instruct last week, House conferees will be looking to compromise through some sort of grandfather provision. The current thinking is that a limited clean extension (2-5 years) of 245(i) is preferable to a grandfathering provision-- which we might be able to get after the extension expires. INS has been working with Abraham to get numbers on how much revenue would be lost through grandfathering.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Virginia N. Rustique (CN=Virginia N. Rustique/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 5-NOV-1997 09:32:30.00

SUBJECT: POTUS in the Oval; briefing will begin momentarily/va

TO: MICHELLE (Pager) #CRISCI (MICHELLE (Pager) #CRISCI [UNKNOWN])
READ:UNKNOWN

TO: BARBARA A. (Pager) #CHOW (BARBARA A. (Pager) #CHOW [UNKNOWN])
READ:UNKNOWN

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

TO: BRUCE N. (Pager) #REED (BRUCE N. (Pager) #REED [UNKNOWN])
READ:UNKNOWN

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

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-NOV-1997 20:21:57.00

SUBJECT: Putting DOL Reg to Bed

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

TEXT:

We are ready to put the DOL reg to bed. I have followed up on all the issues we've discussed, and see nothing to hold it up any further. It will be sent to the Federal Register late Friday or early Monday, available for public viewing on the 17th, and published on the 18th.

Call me if you have any questions.

**Questions and Answers on Agreement with Rep. Goodling on National Tests
November 6, 1997**

Q: Published reports this morning indicate that the compromise over the test has fallen apart? Is that accurate?

A: No. As is common in these kinds of negotiations, sometimes the last mile is the hardest to walk and last night there were some difficult discussions. But things are clearly on track today and we expect to have a final resolution of this matter shortly.

Q: Earlier the Administration had indicated the President would veto this bill if it required further authorization from Congress to move forward with testing. But some news reports suggest that this compromise basically kills the national test to clear the way for Fast Track. Has the President given up on a national test?

A: Absolutely not. The agreement allows us to proceed with development of the 4th and 8th grade national tests that the President has proposed. It also allows us to pilot test the items for these tests next fall. This is a delay, but its one we can live with. At the same time, we will go forward with Mr. Goodling's excellent idea to have the National Academy of Sciences study ways to link state tests to each other and to NAEP, an existing national sample test. Both aspects of the agreement make progress toward a single goal: ensuring that all students, across the country, are measured by the same high standards.

Q: Is further development of the national tests dependent on the findings of the National Academy of Sciences study? What is the timeline for this study?

A: The Academy will be asked to make an interim report in June, with a final report submitted by Sept. 1. Pilot testing can take place after September 1, but that step is not dependent upon the completion or findings of the National Academy study. We do fully expect the National Assessment Governing Board to incorporate interim and final findings of the Academy study into testing plans.

Q: Does the compromise require further authorization to move beyond the pilot testing stage?

A: The general prohibition contained in the House-passed appropriations bill has been dropped; the compromise language is silent on the question of further authorization beyond next year.

Updated Talking Points on Goodling Agreement
November 6, 1997

- This is a win-win agreement -- a genuine bipartisan victory for both sides of this debate.
- The agreement allows continued, timely development of new national tests in 4th grade reading and 8th grade math, as called for by the President in his State of the Union Address. As provided for by the Senate, control of test policies and development will be transferred to the National Assessment Governing Board (NAGB).
- At the same time, as Mr. Goodling has advocated, the National Academy of Sciences, in consultation with NGA, NCSL, and NAGB, will study how tests already developed by commercial publishers and states may be used to measure student performance against national standards. In addition, the Academy will also study the Department of Education's test development activities to date.
- The Academy will be asked to make an interim report in June, with a final report submitted by Sept. 1. Pilot testing can take place after September 1, but that step is not dependent upon the completion or findings of the National Academy study. Test development activities leading up to pilot testing can continue. So this represents a delay, but its one we can live with.
- The general prohibition on the tests contained in the House-passed appropriations bill has been dropped; the compromise language is silent on the question of the need for further authorization.
- As a result of this compromise, we are now on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 6-NOV-1997 17:17:36.00

SUBJECT: America Reads

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:
fyi -- reading bill might move. Charters may still come up tonight.

----- Forwarded by William R. Kincaid/OPD/EOP on 11/06/97
05:16 PM -----

Robert M. Shireman
11/06/97 01:01:46 PM
Record Type: Record

To: William R. Kincaid/OPD/EOP, Jonathan H. Schnur/OVP @ OVP, Michael
Cohen/OPD/EOP
cc: Neera Tanden/WHO/EOP, Leslie S. Mustain/OMB/EOP
Subject: America Reads

The authorization bill may move in the House, with some modest changes to the "tutorial assistance grants," which was the major sticking point. The Dems have tentatively given the go-ahead (they're asking for a voice vote). We'll have a positive message, showing how it does what we proposed (and more).

**WHITE HOUSE CONFERENCE ON HATE CRIMES
QUESTIONS AND ANSWERS
NOVEMBER 10, 1997**

Q: What is a hate crime?

A: As a general matter, a hate crime, also known as a bias crime, is a crime that is committed against a person or property that is motivated, in whole or part, by the offender's bias against the victim's race, color, religion, gender, national origin, sexual orientation, disability, or familial status. However, it is important to understand that hate crimes are defined by various federal and state criminal statutes, and these statutory definitions differ in their particulars from jurisdiction to jurisdiction. The principal federal hate crimes statute, for example, is limited to crimes committed because of the victim's race, color, religion or national origin; it does not include crimes committed because of the victim's gender, sexual orientation, or disability.

Q: Is the President supporting an expansion of the definition of a hate crime? Is he supporting changes to current federal law?

A: I have called a conference on hate crimes for November 10, 1997. One of the issues that will be considered at the conference is whether the statutory definition of the principal federal hate crimes statute should be expanded.

Q: What policy announcements will you make at the Hate Crimes Conference?

A: I will make significant policy announcements regarding law enforcement and prevention, including initiatives regarding FBI resources, training for law enforcement officials, and statistical reporting.

Q: Is the Hate Crimes Conference part of the Race Initiative?

A: The Hate Crimes Conference addresses the same basic ideas behind the Race Initiative. In both cases, I would like to create a dialogue so that people can discuss the issue and learn about their differences. While the Hate Crimes Conference coincides with the Race Initiative in many ways, the Hate Crimes Conference encompasses more than racial differences but also differences in religious beliefs, sexual orientation, gender, and disability. Members of the President's Initiative on Race are actively participating in the Hate Crimes Conference as well as at some of the 45 or so satellite sites across the country.

Q: Is the Oklahoma City bombing case a hate crime? Is the President speaking out on hate crimes now because of the McVeigh and Nichols trials?

A: It would be inappropriate for me to comment about the Oklahoma City bombing case,

since Mr. McVeigh's case is on appeal and the Nichols trial is currently pending. However, this is an issue I have always felt strongly about. I believe that hate crimes are a scourge on our society as a whole, and that we need to get tough on hate.

Q: Is the bombing of an abortion clinic a hate crime?

A: It depends on the circumstances. If the bombing is motivated by the perpetrator's gender-based bias, then the crime could violate a hate crimes statute if the statute defines hate crimes to include this type of conduct when it is motivated by gender bias. The principal federal hate crimes statute currently does not prohibit conduct motivated by gender-based bias.

Q: Why are there disparities in the hate crimes statistics reported? Why don't we know whether the number of hate crimes committed is going up or down?

A: Hate crimes statistics vary widely because hate crimes are under reported. There are several reasons why this happens. First, hate crimes reporting by state and local law enforcement agencies is voluntary under current law. Second, many of the most likely targets of hate crimes also are the least likely to report incidents to the police. For example, 60% of the victims of anti-gay incidents who reported their incidents to private tracking groups did not report the incidents to the police, in many cases because of a fear of mistreatment or unwanted exposure. Third, state and local jurisdictions often have disincentives to classify and compile statistics relating to hate crimes. Tracking hate crimes may require law enforcement agencies to do additional investigative work to determine the motivation behind crimes. Nonetheless, the number of hate crimes actually reported to the FBI has increased over the past several years, from 2,771 in 1991 to 7,947 in 1995.

HATE CRIMES -- BACKGROUND PAPER

Some Federal Statutes Relating to Hate Crimes

- 18 U.S.C. § 245, the principal federal hate crimes statute, prohibits the use of force or threats of force against individuals because of their race, color, religion or national origin and because of their participation in one of the following six “federally protected activities:” (1) enrolling in or attending public school or college, (2) participating in or enjoying any service, program, facility or activity provided or administered by any State or local government, (3) applying for or enjoying employment, (4) serving as a juror in state court, (5) traveling in or using any facility of interstate commerce, and (6) enjoying the goods or services of a place of public accommodation.
 - Section 245 has significant limitations : (1) the statute does not prohibit conduct that is based on gender, sexual orientation, or disability, and (2) it does not apply unless the victim is engaged in one of the enumerated federally protected rights at the time of the offense.
- 42 U.S.C. § 3631, enacted in 1968 as part of the Fair Housing Act, prohibits housing-related violence based on race, color, religion, national origin, gender, disability, or familial status.
- The Hate Crimes Statistics Act directs the Attorney General to collect statistics on crimes based on race, religion, sexual orientation, disability, or ethnicity.
 - The Act contains no requirement that jurisdictions report hate crimes, nor does it provide funding as an incentive to encourage reporting by state and local jurisdictions. As a result, statistics collected pursuant to the Act are incomplete.
 - In addition, the Act does not require the collection of gender-based hate crimes.
- The Sentencing Enhancement Act, passed as part of the 1994 crime bill, authorizes the imposition of enhanced sentences for federal crimes found to have been motivated by race, color, religion, national origin, sexual orientation, gender, or disability. The Act became effective in November 1995.

Hate Crimes Statistics

- Hate crimes statistics are maintained by the FBI, by some state and local law enforcement agencies, and by several private organizations. The number of hate crimes reported to law enforcement officials has increased over the past several years, but because of under-reporting and other factors it remains uncertain whether the total number of hate crimes committed in the United States is going up or down. In any event, the numbers are large.
- The FBI has released reports on hate crimes statistics, based on reporting from state and local agencies, each year since 1991. In 1991, 2771 state and local agencies reported a total of 4,558 bias motivated incidents to the FBI. In 1995, 95845 state and local agencies reported a total of 7947 such incidents to the FBI. The fact that many jurisdictions, including several large jurisdictions, report to the FBI that they have no hate crimes leads many to conclude that the FBI's statistics present an incomplete picture of the national situation.
- Several private groups track hate crimes. Some track all types of hate crimes, while others focus their efforts on tracking hate crimes against certain constituencies, such as gays and lesbians, Jews, Arab-Americans, Muslim-Americans, Asian-Americans, etc. Statistics kept by these groups tend to differ significantly from statistics kept by the FBI. First, some victims of hate crimes report their experiences to a group but not to the FBI. Second, several of the groups count incidents of verbal harassment as hate crimes even though such incidents do not constitute crimes in most states.
- All of the reporting systems are plagued by under reporting, for which there are several reasons.
 - First, many of the most likely targets of hate crimes also are the least likely to report incidents to the police. For example, 60% of the victims of anti-gay incidents who reported their incidents to private groups did not report the incidents to the police, in many cases because of a fear of mistreatment or unwanted exposure. Similarly, many hate crimes victims in immigrant communities do not report incidents to the police because they fear reprisals or deportation.
 - Second, state and local jurisdiction often have disincentives to classify and compile statistics relating to hate crimes. Tracking hate crimes may require law enforcement agencies to perform additional investigative work to determine the motivation behind crimes. In addition, some local political leaders may believe that it would exacerbate racial tensions or harm their jurisdictions' reputations to acknowledge that crimes committed in their cities or towns were motivated by bias.

**Q&A for Presidential Initiative to Improve the Safety of Imported Fruits and Vegetables
October 10, 1997**

Q: What did the Administration propose with regard to food safety?

A: I proposed legislative and executive actions that will further improve the safety of fresh fruits and vegetables, especially those imported into the U.S. The legislation will require the FDA to halt imports of fruits, vegetables, or other food from any foreign country whose food safety systems and standards are not on par with those of the U.S. I will back up this legislation by providing the necessary funds in my FY99 budget to enable FDA to expand dramatically its international food inspection force so that it can make good use of this new authority.

In addition, I directed the Secretaries of Health and Human Services and Agriculture to take additional steps to improve the safety of both imported and domestic fruits and vegetables. Specifically, I asked the Secretaries to issue within one year guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those, foreign and domestic, seeking to sell produce in the U.S. market.

Q: Why is your Administration proposing these actions?

A: There have been dramatic changes in the produce department of the grocery store. Thirty years ago, most produce sections only had around a dozen items year round, increasing to as many as 50 in the summer. Today, the chances are that there are 400 or more items in the produce section and they are there all year round. Last year, 38 percent of the fruit and 12 percent of the vegetables Americans ate were imported.

We have changed as well. Americans are eating more fresh fruits and vegetables than ever before, and our nation's health experts tell us we will live longer, better quality lives as a result. Our environment is also changing. We are finding "new" exotic bugs such as cyclospora and *E. coli O157:H7* on our food that once were not there.

We must ensure that these changes do not increase the risk to American consumers of foodborne illnesses. Although raw produce -- including that imported from foreign countries -- is now safe, experts have suggested ways to make further improvements, and my actions accord with their recommendations.

Q: Are you saying that imported produce is unsafe?

A: There is no data indicating that imported fruits and vegetables are more unsafe than domestic products. But some recent outbreaks of foodborne illness have been traced back to imports and it is important that foreign fruits and vegetables be held to the same safety standards as American products. The steps we are taking today are adding additional layers of protection. I am making sure that there are no gaps in our food safety system -- that high safety standards apply to imported as well as domestic food, and to fruits and vegetables as well as to meat, poultry, and seafood.

Q: Will foreign countries have to comply with Good Agricultural and Manufacturing Practices if they want to export fruits and vegetables to the U.S.?

A: We expect that exporting countries will develop similar practices that address potential food safety problems in their countries for one simple reason: they want to be able to sell food in our market, and they want that food to be safe.

We do not know whether a country that does not comply with the new guidance will be able to import fruits and vegetables into the United States. The answer to this question depends on the exact content of the guidance, as well as on intricate legal determinations regarding equivalency between different countries' food safety systems. What is clear is that the FDA will have to cut off imports from countries that do not comply with existing legal standards applicable to domestic produce.

Q: Doesn't this legislation impose trade barriers to food imports at a time when you are saying you want to lower them? Is this legislation consistent with free trade?

A: This legislation is consistent with free trade and all our treaty obligations. We have no obligation to open our borders to imports that pose a greater risk than domestic products to American consumers. As long as we are not imposing any greater requirements on foreign countries -- as long as we are only holding them to our standards -- we are acting consistently with our trade policy.

Q: Are these actions meant to provide political cover with respect to the food safety issue because it has become a part of the Fast Track trade debate?

A: No. This is a part of my broad food safety agenda -- my longstanding commitment to ensuring that Americans' food supply is the safest in the world. It does not relate to Fast Track.

Q: What makes you think this new legislation can be effective? Do you seriously think you are going to be able to put FDA inspectors in every country abroad?

A: My proposed legislation would give the FDA the same kind of responsibility that the USDA already has for meat and poultry. The USDA system has worked well to ensure that countries with inferior safety standards can't import their meat and poultry. The FDA should be able to run a similarly effective system that inspects food safety systems and standards abroad and prevents imports from countries that do not provide the protections that the U.S. does.

Automated Records Management System
Hex-Dump Conversion

HATE CRIMES IN SCHOOLS (K-12): PREVENTION AND RESPONSE

Moderator: Richard W. Riley, Secretary of Education

Government Official: Gerald N. Tirozzi, Assistant Secretary for Elementary and Secondary Education

SPEAKERS:

RICHARD W. RILEY

Secretary of Education

Secretary Riley, a former two-term Governor of South Carolina, has received wide acclaim for his progress in American education. He was nominated by President Clinton in 1992 and was unanimously confirmed. Secretary Riley reformed South Carolina's state school system by bringing together a diverse coalition of business people, educators and parents. In the first 21 months of the Clinton Administration, Secretary Riley was able to build bipartisan coalitions to get many educational initiatives passed. These initiatives include college loan expansion, laws to help local school districts ensure that children learn in safety and security, programs that develop links between schools and the work place, and challenging standards for learning. Secretary Riley has helped refocus the nation's attention toward new and creative thinking while emphasizing continuing education. Riley was elected governor in 1978, and reelected in 1982, after the people of South Carolina voted to amend the state constitution to enable Riley to be the first person in South Carolina history to run for a second term.

GERALD N. TIROZZI

Assistant Secretary for Elementary and Secondary Education

Before his appointment in January of 1996, Dr. Tirozzi served as Connecticut's Commissioner of Education for eight years. During that time, he played a major leadership role in developing and implementing the Connecticut Mastery Test, which received national recognition as an assessment model to promote high academic standards and expectations. He has served on the boards of Jobs for the Future, the National Board of Professional Teaching Standards, the Education Commission of the States and the Educational Testing Service.

JACK LEVIN

Professor, Northeastern University, Boston, Massachusetts

Dr. Levin has co-authored 18 books and more than 100 articles on hate crimes and violence affecting different groups. He is the Director of the Program for the Study of Violence and Conflict at Northeastern University in Boston, where he teaches courses in prejudice and violence, criminal homicide, and social psychology. He has appeared on numerous television programs and has been a keynote speaker to community groups, universities, and companies around the United States.

MARIANNE YARED MCGUIRE

Member, State of Michigan Board of Education, Detroit, Michigan

Ms. McGuire has been actively involved in education and community issues. She has given presentations on Arab culture and heritage; planned and conducted seminars on peace, justice and feminist issues; and worked in political campaigns of candidates who strongly support economic justice and civil rights. Before being elected to the Michigan State Board of Education, Ms. McGuire held a diverse number of positions related to education. Ms. McGuire has co-authored a high school Arabic literature curriculum for Detroit public schools.

HATE CRIMES ON CAMPUS: PREVENTION AND RESPONSE

Moderator: Franklin D. Raines, Director, Office of Management and Budget

*Government Official: David A. Longanecker, Assistant Secretary for Postsecondary
Education*

Judith A. Winston, Executive Director, President's Initiative on Race

SPEAKERS:

FRANKLIN D. RAINES

Director, Office of Management and Budget

Mr. Raines was nominated to be Director of the Office of Management and Budget by President Clinton and was confirmed by the United States Senate on September 6, 1996. Before becoming Director of OMB, Mr. Raines was Vice Chairman of Fannie Mae located in Washington, D.C. Mr. Raines was in charge of Fannie Mae's legal, credit policy, finance, and corporate development functions. Before joining Fannie Mae, Mr. Raines was a general partner in municipal finance at the investment banking firm Lazard Freres & Company in New York City. Mr. Raines also served as Assistant Director of the White House Domestic Policy Staff from 1977 to 1978. Mr. Raines has served as a member of the board of directors of several major corporations, foundations and public service organizations. He has also distinguished himself by serving on a number of Federal and State public policy advisory groups regarding tax equity, education, poverty and welfare reform.

DAVID A. LONGANECKER

Assistant Secretary for Postsecondary Education

Appointed by President Clinton in 1993, Mr. Longanecker serves as the Department's senior officer overseeing the federal government's investment in colleges, universities, trade schools, and their students. He is charged with administering the Department's postsecondary programs, including an \$11 billion annual budget for student financial aid, and a \$1 billion budget for institutional aid. Previously, Mr. Longanecker served as executive director of the Colorado Commission on Higher Education. Mr. Longanecker has written extensively on postsecondary education.

JUDITH A. WINSTON

Executive Director, President's Initiative on Race

Ms. Winston was appointed to the President's Initiative on Race on July 14, 1997. Before that, Ms. Winston served as General Counsel and Acting Under Secretary to the U.S. Department of Education since 1993. She also has served as Executive Assistant and Legal Counsel to the Chair of the Equal Employment Opportunity Commission and as Special Assistant to the Director of the Office for Civil Rights. As Executive Director of the President's Initiative on

Race, Ms. Winston will work to coordinate a year-long effort to educate the nation about racism at all levels and to develop concrete solutions.

ELIZABETH MICHELLE HALBERT

Student, Eastern Illinois University, Charleston, Illinois

Ms. Halbert is currently a sophomore at Eastern Illinois University in Charleston, Illinois.

During her freshman year of college, Ms. Halbert was Coordinator of a "Not In Our Town" Forum. This is a movement that fights against racism and promotes zero tolerance. Recently, Ms. Halbert was asked by the City of Bloomington Human Relations to attend a Preventing Hate Crime: A Multi-Disciplinary Approach Conference in Chicago. She gave a presentation on her experiences with "Not In Our Town" initiatives. Ms. Halbert was also awarded the Emerging Leader Award and Woman of Distinction Award her freshman year.

ERIC JACKSON

Chief, University of North Texas Police, Denton, Texas

Chief Jackson was appointed chief of police at UNT in 1986 and is responsible for a department consisting of 27 police officers and 27 civilian employees. The UNT police department oversees all functions of UNT's campus of 25,000 students and 2,700 faculty and staff. Chief Jackson is a diversity facilitator for the National Coalition Building Institute and is a volunteer mediator for the Center for Dispute Resolution of Denton County. As a facilitator for the National Coalition Building Institute, he has participated in numerous workshops dealing with the effects of prejudice, oppression and the need for a community response to racism and hatred. Chief Jackson has also written several articles on law enforcement and diversity issues.

LAW ENFORCEMENT RESPONSE TO HATE CRIME

Moderator: Attorney General Janet Reno

Government Official: Raymond W. Kelly, Under Secretary for Enforcement, Treasury

*William Yeomans, Acting Deputy Assistant Attorney General, Civil
Rights Division, DOJ*

SPEAKERS:

JANET RENO

Attorney General

Janet Reno is the first woman Attorney General of the United States of America. She was nominated by President Clinton on February 11, 1993, and sworn in on March 12, 1993. In 1973, Ms. Reno accepted a position with the Dade County State Attorney's Office. She quickly succeeded in organizing the juvenile division within the office. In 1978, Governor Reubin Askew appointed Ms. Reno as State Attorney for Dade County. She was elected to the Office of State Attorney in November 1978 and returned for four more terms. During her tenure as State Attorney, Ms. Reno established a career criminal unit that worked with federal officials and local law enforcement to arrest and convict career criminals and sentence them to substantial prison time. Ms. Reno also helped establish the Miami Drug Court, which has been a model for other courts around the country. As Attorney General, Ms. Reno has focused on reducing crime by incarcerating serious, repeat offenders; focusing on prevention and early intervention to keep children away from gangs, drugs and violence; and enforcing civil rights laws to ensure equal opportunity for all Americans.

RAYMOND W. KELLY

Under Secretary for Enforcement, Treasury

Formerly the New York City Police Commissioner, Mr. Kelly has direct supervisory authority over the Department's enforcement bureaus, including the U.S. Customs Service, the U.S. Secret Service, the Bureau of Alcohol, Tobacco and Firearms. From October 1994 to March 1995, Mr. Kelly served in Haiti as director of the International Police Monitors of the Multinational Force, helping to establish Haiti's interim public security force. He received a Commander's Medal for Public Service, and a public commendation from the President. Mr. Kelly rose through the ranks of the New York City Police Department, before becoming Commissioner in 1992. His leadership was critical in the successful investigation of the World Trade Center bombing. In 1993, he was recognized as New York State's Law Enforcement Official of the Year.

CARLA M. ARRANAGA

Hate Crimes Coordinator, Los Angeles District Attorney's Office, Los Angeles, California

Ms. Arranaga is responsible for the prosecution of all adult felony hate crimes in Los Angeles.

During her 3 years as Coordinator of the Hate Crimes Division, she added a Hate Crime Detective to every police department and established the first tracking system for hate crimes and incidents. Ms. Arranaga also provides sensitivity training and education on hate crimes law to the LA Police, Sheriff's and Probation Departments, and coordinates outreach and assistance to community-based organizations such as the Gay and Lesbian Community Services Center, the Human Relations Commission, and the Anti-Defamation League.

CHARLES A. MOOSE, Ph.D.

Chief of Police, Portland Police Bureau, Portland, Oregon

Charles Moose, a Portland police officer since 1975, has provided the city of Portland with a commitment to continue the implementation of community policing. He is determined to continue seeking innovative solutions to neighborhood crime problems. Mr. Moose is a member IACP Civil Rights Committee, Governor's Drug and Violent Crime Advisory Board and the National Crime Prevention Council.

UNDERSTANDING THE PROBLEM: IMPROVING HATE CRIME STATISTICS

Moderator: Eric H. Holder, JR., Deputy Attorney General

*Government Official: Harlin W. McEwen, Deputy Assistant Director, Criminal Justice
Information Services Division*

SPEAKERS:

ERIC HOLDER

Deputy Attorney General, Department of Justice

Mr. Holder began his career at the Department of Justice as part of the Attorney General's Honors Program. He was assigned to the newly formed Public Integrity Section in 1976 where he investigated and prosecuted official corruption on the local, state, and federal levels. In 1993, President Clinton nominated Mr. Holder to become the United States Attorney for the District of Columbia. As U.S. Attorney, Mr. Holder created a new Domestic Violence Unit, a community prosecution pilot project, supported a renewed enforcement emphasis on hate crimes so that criminal acts of intolerance will be severely punished, revitalized the Victim/Witness Assistance Program to better serve those individuals who are directly affected by crime, and developed "Operation Ceasefire," an initiative designed to reduce violent crime by getting guns out of the hands of criminals. On April 14, 1997, President Clinton nominated Mr. Holder to be the Deputy Attorney General. He was confirmed by a Senate vote of 100 to 0. Deputy Attorney General Holder has been actively involved in the organization Concerned Black Men. This group reaches out to the youth of the District of Columbia and seeks to help solve the many problems they face.

HARLIN W. MCEWEN

Deputy Assistant Director, Criminal Justice Information Services Division, FBI

Sworn in last February by FBI Director Louis J. Freeh, Mr. McEwen has worked to improve the link through which the concerns of the law enforcement community reach the FBI. In his current position, Mr. McEwen is responsible for data collection on crimes, including hate crimes.

From 1985 to 1988, Mr. McEwen served as Deputy Commissioner of the New York State Division of Criminal Justice Service and Director of the Bureau of Municipal Police where he was responsible for overseeing the training of all police officers in New York State. Immediately prior to his appointment at the FBI, he served as the Chief of the Ithaca, New York Police Department for 7 years.

ABRAHAM H. FOXMAN

National Director, Anti-Defamation League, Washington, D.C.

Mr. Foxman has been Director of the ADL since 1987 and continues to speak out against violence, both domestic and foreign. Mr. Foxman, an Holocaust survivor, was appointed to the President's United States Holocaust Memorial Council. Mr. Foxman appears frequently on national news programs and has been at the forefront of issues concerning Black/Jewish dialogue, the fight against terrorism, and church/state and religious tolerance. Mr. Foxman is a renowned leader in the fight against hate crimes, particularly those involving anti-Semitism. Mr. Foxman regularly confers with elected officials and community leaders on problems of ethnic hatred, violence, and terrorism.

KAREN K. NARASAKI

Executive Director, National Asian Pacific American Legal Consortium, Washington, D.C.

Ms. Narasaki serves on the Executive Committee of the Leadership Conference on Civil Rights as the Chairperson of its Compliance/Enforcement Committee and is Chairperson of the National Network Against Anti-Asian Violence. Ms. Narasaki has appeared numerous times on national news programs. The National Asian Pacific American Legal Consortium advances the legal rights of Asian Pacific Americans through litigation, advocacy, public education and public policy development. It is also a leading expert on anti-Asian violence.

CHRISTINE QUINN

Executive Director, NYC Gay & Lesbian Anti-Violence Project, New York, New York

Before being appointed as Executive Director, Ms. Quinn was Chief of Staff for City Council member Tom Duane and worked for the Association for Neighborhood Housing & Development where she organized efforts for more equitable and inclusive housing programs for low-income New Yorkers.

HATE CRIMES IN PUBLIC AND PRIVATE HOUSING

*Moderator: Andrew Cuomo, Secretary of Housing and Urban Development
Government Official: Mercedes Marquez, Deputy General Counsel for Civil Rights and
Fair Housing*

SPEAKERS:

ANDREW CUOMO

Secretary of Housing and Urban Development

Prior to being appointed Secretary of Housing and Urban Development, Secretary Cuomo served as Assistant Secretary for Community Planning and Development at the Department of Housing and Urban Development. As Assistant Secretary, Cuomo had the responsibility for a \$10 billion portfolio covering a wide variety of community and economic development, affordable housing, and homeless programs. Cuomo focused on expanding resources available for economic development and job creation, implementing strategies for reducing homelessness, and administration of the Empowerment Zone and Enterprise Community Initiative. Prior to entering federal service, Cuomo became the youngest Commission Chairman in the history of the City of New York when he was named to lead the New York City Commission on the Homeless. The Commission's recommendations were accepted by Mayor David Dinkins and have received national recognition as a model approach to homeless problems. In 1986, Cuomo founded H.E.L.P., which is the nation's largest private provider of transitional housing for the homeless. Cuomo also founded the Genesis Project for the purpose of developing innovative approaches to urban revitalization.

MERCEDES MARQUEZ

Deputy General Counsel for Civil Rights and Fair Housing

Ms. Marquez has been practicing law, specifically in the area of civil rights, for 12 years. Ms. Marquez represented over 2,000 African-American and Latino tenants in what became the first published decision regarding the use of Title VIII in the private gentrification context. She continued this work at Litt & Stormer, where she won in excess of ten million dollars in damage awards from slumlords for tenants who live in abominable conditions. She has also represented clients of color, families with children, and female victims of sexual harassment. Ms. Marquez has spent the last five years focusing on race discrimination in public housing. She has ensured that hundreds of families have the same rights as private renters. Ms. Marquez is also a fair housing consultant to several groups in California.

DOROTHY ENOMOTO

Hate Crimes Unit, Human Rights Commission, Sacramento, California

In 1996, Dorothy Enomoto initiated the creation of a Hate Crimes Unit within the Human Rights Commission to address increased hate crimes in Sacramento. She is the first African American woman to hold the title of Deputy Director of California Department of Corrections. From 1989-1996, she served on the NAACP Executive Board in Sacramento. Ms. Enomoto serves on the Human Rights Fair Housing Commission in Sacramento. She was Co-Valedictorian with Dr. Martin Luther King at Booker T. Washington High School in Atlanta.

SANDRA HENRIQUEZ

Executive Director, Boston Public Housing Authority, Boston, Massachusetts

Ms. Henriquez is the Chief of Public Housing for the City of Boston. Previously, Ms. Henriquez served at the Boston Housing Authority from 1977 to 1983. She is a member of the Citizens Housing and Planning Association and the Council of Large Public Housing Authorities. Ms. Henriquez returned to public housing after working for Maloney Properties, Inc., a private firm specializing in the delivery of property management services to resident-controlled and non-profit housing. Ms. Henriquez is also a member of the National Association of Housing and Redevelopment Officials.

JACK WATSON

President, Orchard Manor Resident Management Corporation, West Virginia

Mr. Watson has lived in public housing for the past 20 years and is President of the Orchard Manor Resident Management Corporation. Mr. Watson is disabled and unable to work. He is actively involved in his resident community, which consists of 60 percent Caucasian and 40 percent African American. Mr. Watson has dealt with racial problems that exist in his community as well as problems that exist between residents and management. He advocates that all segments of the community work together in order to combat hate crimes.

COMMUNITY RESPONSES TO HATE CRIMES

Moderator: Daniel R. Glickman, Secretary of Agriculture

Government Official: Nancy E. Gist, Director, Bureau of Justice Assistance, DOJ

Rose Ochi, Director, Community Relations Service, DOJ

SPEAKERS:

DANIEL R. GLICKMAN

Secretary of Agriculture

Prior to being sworn in as Secretary of Agriculture, Secretary Glickman served in the U.S. House of Representatives for 18 years. Secretary Glickman spent two decades on the House Agriculture Committee and led the way in such areas as expanding trade for agriculture goods and food safety. Secretary Glickman has also helped to downsize the Department as part of the Clinton Administration's Reinventing Government/National Performance Review. By 1999, the USDA will have saved \$4.1 billion under Secretary Glickman's leadership. As Secretary, Mr. Glickman has focused on areas such as food safety, expanding export opportunities, rural development, protecting natural resources, and maintaining a nutritional safety net for those in need. Under Secretary Glickman's leadership, USDA is dramatically improving food safety for all Americans, farm income has increased, national school lunch and breakfast programs had the first major reform in fifty years, and rural Americans are raising their standard of living.

NANCY E. GIST

Director, Bureau of Justice Assistance, DOJ

As Director of the Bureau of Justice Assistance, Ms. Gist is responsible for administering DOJ's largest criminal justice grant agency, whose appropriations this year exceed \$1.6 billion. Under Ms. Gist's leadership, the BJA has developed a fully automated grant application and award system. The BJA has also conducted an open solicitation which invited state, local, and tribal governments, and agencies to propose strategies that address selected criminal justice issues. Earlier this year, BJA produced the nationally distributed "Policymaker's Guide to Hate Crimes." Before joining the Department of Justice, Ms. Gist served for ten years as Deputy Chief Counsel of the Massachusetts Committee for Public Counsel Services.

ROSE OCHI

Director, Community Relations Service, DOJ

Ms. Ochi is the first Asian-American woman to be appointed at the Assistant Attorney General level. She represents the President and the Attorney General before Congress, state and local governments and the general public. Ms. Ochi has been the Director of the Community Relations Service since March 1997. Ms. Ochi has also worked as the Criminal Justice Planning Director for the Office of the Mayor and the City of Los Angeles. Ms. Ochi designed

numerous programs including community policing, domestic violence prosecution, drug enforcement, treatment and prevention, gang and violence reduction, community mobilization, juvenile justice reform, and crime control.

BARBARA WAXMAN FIDUCCIA

ADA Project Coordinator, California Family Health Council, San Jose, California
Ms. Fiduccia is currently developing the National Disabled Women's Policy Project for the Center for Women Policy Studies. For the past 20 years, Ms. Fiduccia has specialized in disabled women's health issues. She is currently the director of the Americans with Disabilities Act Project for the California Family Health Council. Ms. Fiduccia worked closely with California State Senator Lockyer to include disability as a protected class in SB98-California Hate Crimes Statute.

WADE HENDERSON

Executive Director, Leadership Conference on Civil Rights, Washington, D.C.
Prior to accepting his position with the Leadership Conference, Mr. Henderson was the Washington Bureau Director of the National Association for the Advancement of Colored People (NAACP). He directed government affairs and the national legislative program. Mr. Henderson was the NAACP's advocate on the Civil Rights Act of 1991 and the Assault Weapons Ban. Mr. Henderson has encompassed many civil rights issues, but he works principally in criminal justice reform, fair housing policy, welfare reform, civil rights enforcement, affirmative action policy and human rights. Mr. Henderson began his career as a legislative counsel and advocate of civil rights at the ACLU.

KERRY LOBEL

Executive Director, National Gay and Lesbian Task Force, Washington, D.C.
Before being appointed as Executive Director of the National Gay and Lesbian Task Force, Ms. Lobel was the lead organizer for the Women's Project in Little Rock, Arkansas. While at the Women's Project, Ms. Lobel focused on bias violence, women and AIDS, women in prison and domestic violence. Ms. Lobel has also been the editor of Naming the Violence: Speaking About Lesbian Battering (Seal Press, 1986). As Executive Director of NGLTF, Ms. Lobel has been at the forefront of almost every initiative for lesbian and gay rights.

DR. JAMES J. ZOGBY

President, Arab American Institute, Washington, D.C.
Dr. Zogby has been a member of a number of Presidential delegations to the Middle East and is an expert on Middle East issues, U.S.-Arab relations, and the history of the Arab American community. He is a member of Middle East Watch, a human rights organization, and has appeared before U.S. House and Senate committees. In the late 1970s, Dr. Zogby co-founded and served as Executive Director of the American-Arab Anti-Discrimination Committee.

COUNTERACTING ORGANIZED HATE

Moderator: Rodney E. Slater, Secretary of Transportation

*Government Official: James E. Johnson, Assistant Secretary of Enforcement, Treasury
(Co-Chair Church Arson Task Force)*

SPEAKERS:

RODNEY E. SLATER

Secretary of Transportation

Mr. Slater began his career as Assistant Attorney General of Arkansas. From 1985 to 1987, Mr. Slater was Executive Assistant for Economic and Community Program in Little Rock, Arkansas. Mr. Slater was also a member of the Arkansas State Highway Commission. Prior to joining the Department of Transportation, Mr. Slater served as Administrator of the Federal Highway Administration in Washington, D.C., from 1993-1997.

JAMES E. JOHNSON

Assistant Secretary of Enforcement, Treasury (Co-Chair Church Arson Task Force)

Before his appointment as the Treasury Department's Assistant Secretary for Enforcement, Mr. Johnson served as Assistant United States Attorney for the Southern District of New York City and as Deputy Chief of the Criminal Division of the U.S. Attorney's Office in New York City. Mr. Johnson has also served as Assistant Director of the White House Security Review, conducted by the Treasury's Office of the Under Secretary for Enforcement. As Assistant Secretary of Enforcement Mr. Johnson assists in oversight of day-to-day operations of the Treasury's law enforcement bureaus which include the United States Secret Service; the Bureau of Alcohol, Tobacco and Firearms; the United States Customs Service; and the Federal Law Enforcement Training Center.

T.J. LEYDON

Mr. Leyden spent 15 years as a very active member of the white supremacist movement as a skinhead until his reformation in 1995, due to his concern for his children. A former marine, Leyden recruited heavily among his fellow soldiers, until he received a discharge for misbehavior.

Afterwards, he spent time pamphletting junior high school campuses with hate material. He admits to stabbing three individuals, and severely beating countless others. He now works with the Simon Wiesenthal Center's Museum of Tolerance, speaking across the country about his experience in the movement, and he hopes to see an end to bigotry.

KENNETH S. STERN

Program Specialist on Anti-Semitism & Extremism, American Jewish Committee

Mr. Stern is a program specialist on anti-Semitism and extremism for the American Jewish

Committee. Mr. Stern has written numerous books, articles and legal publications. Some include, Loud Hawk, a widely acclaimed book on prejudice against American Indians, and Holocaust Denial, a comprehensive book concerning anti-Semitic libel. Mr. Stern was also counsel on the American Jewish Committee's brief in Wisconsin v. Mitchell, the landmark hate crimes case decided by the United States Supreme Court. Mr. Stern's program on campus bigotry has led to meetings with over two-hundred college and university presidents and numerous appearances on national television and talk radio shows.

TOPICS FOR BREAKOUT GROUPS

April 1, 2010

There will be seven breakout groups with approximately 50 participants each.

1. Hate Crimes in Schools (K-12): Prevention and Response (Riley)
2. Hate Crimes on Campus: Prevention and Response (Raines)
3. Law Enforcement Response to Hate Crime (Reno)
4. Understanding the Problem: Improving Hate Crimes Statistics (Holder)
5. Hate Crimes in Public and Private Housing (Cuomo)
6. Community Responses to Hate Crimes (Glickman)
7. Counteracting Organized Hate (Slater)

BREAKOUT SESSION AGENDA

HATE CRIMES IN SCHOOLS (K-12): PREVENTION AND RESPONSE

Moderator: Richard W. Riley, Secretary of Education

Government Official: Gerald N. Tirozzi, Assistant Secretary for Elementary and Secondary Education

Speakers:

- **Jack Levin, Professor, Northeastern University, Boston, Massachusetts**
- **Marianne Yared McGuire, Member, State of Michigan Board of Education, Detroit, Michigan**

MODERATOR QUESTIONS

- Provide an overview of the problem of hate/bias crimes in schools.
- What actions can schools and parents take to help prevent students from engaging in hate/bias crimes?
- What should schools and parents do about hate/bias crimes that have occurred?
 - Problem of failure of schools and students to report
- What kind of training or assistance is needed to help schools and parents deal with hate/bias crimes?
- What programs or activities have proven successful in preventing hate/bias crimes?
- What actions has the federal government taken and what actions should it take to help prevent hate/bias crimes in elementary and secondary schools?

BREAKOUT SESSION AGENDA

HATE CRIMES ON CAMPUS: PREVENTION AND RESPONSE

Moderator: Franklin D. Raines, Director, Office of Management and Budget
Government Official: David A. Longanecker, Assistant Secretary for Postsecondary Education

Judith Winston, Executive Director, President's

Initiative on Race

Speakers:

- **S. Eric Jackson, Chief, University of North Texas Police, Denton, Texas**
- **Elizabeth Halbert, student, Eastern Illinois University, Charleston, Illinois**

MODERATOR QUESTIONS

- Provide an overview of the problem of hate bias crimes at colleges and universities.
- What actions can schools take to help prevent students from engaging in hate/bias crimes?
- What should schools do about hate/bias crimes that have occurred?
 - Problem of failure of schools and students to report
- What kind of training or assistance is needed to help schools deal with hate/bias crimes?
- What programs or activities have proven successful in preventing hate/bias crimes?
- What actions has the federal government taken and what actions should it take to help prevent hate/bias crimes at colleges and universities?

BREAKOUT SESSION AGENDA

LAW ENFORCEMENT RESPONSE TO HATE CRIME

Moderator: Janet Reno, Attorney General

**Government Official: Raymond W. Kelly, Under Secretary for Enforcement, Treasury
William Yeomans, Acting Deputy Assistant Attorney General,**

Civil Rights Division, DOJ

Speakers:

- **Carla Arranaga, Hate Crimes Coordinator, Los Angeles District Attorney's Office, Los Angeles, California**
- **Charles Moose, Ph.D., Chief of Police, Portland Police Bureau, Portland, Oregon**

MODERATOR QUESTIONS

- Provide an overview of the problem of responding to hate/bias crimes from the perspective of law enforcement.
- What actions can law enforcement officials take to help prevent people from engaging in hate/bias crimes?
- What should law enforcement officials do about hate/bias crimes that have occurred?
 - Problem of failure to report
- What kind of training or assistance is needed to help law enforcement deal with hate/bias crimes?
- What programs or activities have proven successful in preventing hate/bias crimes?
- What actions has the federal government taken and what actions should it take to help prevent hate/bias crimes with respect to the role of law enforcement?

BREAKOUT SESSION AGENDA

UNDERSTANDING THE PROBLEM: IMPROVING HATE CRIME STATISTICS

Moderator: Eric H. Holder, Jr., Deputy Attorney General, Department of Justice
Government Official: Harlin W. McEwen, Deputy Assistant Director, Criminal Justice
Information Services Division

Speakers:

- **Abe Foxman, National Director, Anti-Defamation League, DC**
- **Karen Narasaki, Executive Director, National Asian Pacific American Legal Consortium, DC**
- **Christine Quinn, Executive Director, NYC Gay & Lesbian Anti-Violence Project, New York, New York**

MODERATOR QUESTIONS

- Provide an overview of the difficulties of collecting data and the obstacles to reporting hate/bias crimes.
 - Barriers to reporting
- What actions can law enforcement officials, victims, and communities take to help improve data collection?
- What can be done to improve the problem of the failure to report hate crimes that have occurred?
 - Reporting by law enforcement
 - Cultural difficulties to reporting, e.g., language barriers
- What kind of training or assistance is needed to help identify and classify hate/bias crimes?
 - The problem of underreporting
- What programs or activities have proven successful in improving data collection of hate crimes?
- What types of analyses have been done with respect to hate crime trends?

- What actions has the federal government taken and what actions should it take to help improve reporting and data collection of hate/bias crimes?

BREAKOUT SESSION AGENDA

HATE CRIMES IN PUBLIC AND PRIVATE HOUSING

Moderator: Andrew M. Cuomo, Secretary of Housing and Urban Development

Government Official: Mercedes Marquez, Deputy General Counsel for Civil Rights and Fair Housing

Speakers:

- **Dorothy Enomoto, Hate Crimes Unit, Human Rights Commission, Sacramento, CA**
- **Sandy Enriquez, Executive Director, Boston Public Housing Authority, Boston, Massachusetts**
- **Jack Watson, President, Orchard Manor Resident Management Corporation, Charleston, West Virginia**

MODERATOR QUESTIONS

- Provide an overview of the problem of hate/bias crimes in public and private housing.
- What actions can be taken to help prevent people from engaging in hate/bias crimes in housing?
 - Distinguish between neighborhood disputes and hate crimes
- What should be done about hate/bias crimes that have occurred in public and private housing?
 - Desegregation
- What kind of training or assistance is needed to help respond to and prevent hate/bias crimes in public and private housing?
- What programs or activities have proven successful in preventing and responding to hate/bias crimes in the housing context?
 - Model programs in urban setting, rural setting, etc.
- What actions has the federal government taken and what actions should it take to help prevent and respond to hate/bias crimes in the housing context?

BREAKOUT SESSION AGENDA

COMMUNITY RESPONSES TO HATE CRIMES

Moderator: Daniel R. Glickman, Secretary of Agriculture

Government Official: Rose Ochi, Director, Community Relations Service, DOJ

Nancy Gist, Director, Bureau of Justice Assistance,

DOJ

Speakers:

- **Wade Henderson, Executive Director, Leadership Conference on Civil Rights, DC**
- **Kerry Lobel, Executive Director, National Gay and Lesbian Task Force, DC**
- **Barbara Waxman Fiduccia, ADA Project Coordinator, California Family Health Council, San Jose, California**
- **Jim Zogby, President, Arab American Institute, DC**

MODERATOR QUESTIONS

- Provide an overview of the problem of coordinating community response to hate/bias crimes.
- What actions can a community take to help prevent people from engaging in hate/bias crimes?
 - Addressing under served groups
 - Responding to new and emerging victimization
- What should be done by communities about hate/bias crimes that have occurred?
- What kind of training or assistance is needed at the community level to help respond to and prevent hate/bias crimes?
- What community programs or activities have proven successful in preventing and responding to hate/bias crimes?
 - Model programs in urban setting, rural setting, etc.
- What actions has the federal government taken and what actions should it take to help communities prevent and respond to hate/bias crimes?

BREAKOUT SESSION AGENDA

COUNTERACTING ORGANIZED HATE

Moderator: Rodney E. Slater, Secretary of Transportation
Government Official: Jim Johnson, Assistant Secretary of Enforcement, Treasury (Co-Chair Church Arson Task Force)

Panel Description:

This panel will explore the growth and activities of organized hate groups, their use of modern technologies and interstate travel to commit and coordinate violent acts, and the use of the Internet to recruit new members.

Speakers:

- **Ken Stern, Program Specialist on Anti-Semitism & Extremism, American Jewish Committee, New York, New York**
- **T.J. Leydon, former skinhead**

MODERATOR QUESTIONS

- What is the nature and magnitude of the organized hate group problem? Is it resurging? In addition to existing organized hate organizations such as the KKK and Skinheads, are there other groups, including new foreign-based racial hate groups, emerging?
- What is the difference between hate crimes and hate speech? What actions can be taken to help prevent this organized spread of hate, particularly within constitutional limitations?
- What kind of training or assistance is needed to help respond to and prevent this rise of organized hate activities? What can parents, teachers, and communities do to prevent young people's involvement in these activities?
 - What are special concerns concerning hate on the Internet?
- What programs or activities have proven successful in preventing and responding to the efforts of organized hate groups?
- What actions has the federal government taken and what actions should it take to help prevent and respond to organized hate activities?

**WHITE HOUSE CONFERENCE
ON HATE CRIMES**

NOVEMBER 10, 1997

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**WHITE HOUSE CONFERENCE
ON HATE CRIMES
CABINET BRIEFING**

NOVEMBER 10, 1997

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