

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 019 - FOLDER -005**

**[11/07/1997 - 11/09/1997]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email attachment	Memo to Judith A. Winston et al. from Scott Palmer. Subject: Proposed Messages and Agenda for November 19 Advisory Board Meeting [partial] (4 pages)	11/07/1997	P6/b(6)
002. email attachment	Memo to Judith A. Winston et al. from Scott Palmer. Subject: Proposed Messages and Agenda for November 19 Advisory Board Meeting [partial] (4 pages)	11/07/1997	P6/b(6)
003. email	Phone No. (Partial) (1 page)	11/09/1997	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[11/07/1997-11/09/1997]

2009-1006-F  
bm67

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 15:29:54.00

SUBJECT: Immigration Discussions

Jana Sidley with Bonnie Campbell's office just called and said that as you are negot

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI--I don't know how this plays out in the current negotiations on 245i,,  
but wanted to be sure you knew about this.

----- Forwarded by Maria Echaveste/WHO/EOP on 11/07/97

03:13 PM -----

Audrey T. Haynes

11/07/97 12:35:34 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc:

Subject: Immigration Discussions

Jana Sidley with Bonnie Campbell's office just called and said that as you are negotiating the Immigration provisions, there is an exemption in 245i for immigrant women who are victims of domestic violence which allows them to stay in the country while they are applying for citizenship.....they want to make sure these provisions will continue, if not it will gut the immigrant portion of the VAWA. I have the name of the attorney at Justice that knows most about this if you need more information.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 20:44:11.00

SUBJECT: Tobacco Q and A

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

As Jerry reports that Rep. Waxman et. al. are snooping around about the tobacco letter, here are some draft Q and A's in case we get asked about it.

Q. Didn't the President sell out health interests by promising to protect tobacco farmers as part of the Fast Track dealmaking?

A. No. The President has consistently said that we need a comprehensive plan with five key elements to control smoking in this country: increasing the price of cigarettes to reduce youth smoking; affirming the ability of FDA to regulate tobacco products; holding the industry responsible for its advertising and requiring broad document disclosure by industry; reducing second-hand smoke and expansion of cessation programs and medical research; and the protection of tobacco farmers. The letter the President sent simply reaffirms his commitment to protect farmers as part of his comprehensive plan to dramatically reduce teen smoking. It does not reflect any change in his plan.

Q. What does the letter commit the Administration to do?

A. The letter expresses the President's determination to work with Congress to make sure that farmers and their communities are not unfairly damaged by tobacco legislation. Specifically, the President expresses his : (1) continued confidence in the quota program; (2) agreement that American farmers should be treated fairly in American cigarette companies' sales abroad and domestically; (3) endorsement of the concept of an independent source of funds for tobacco programs, and that the cigarette excise tax was one source for covering administrative costs of the program; (4) agreement that farmers should also get legal immunity if cigarette companies receive it in tobacco legislation; and (5) promise to work to reform the "duty drawback" program so it doesn't injure domestic farmers.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 10:58:22.00

SUBJECT: NCSL resolution

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:

NCSL is today voting on a resolution re: FLSA and have asked us for our views (intergovernmental affairs is there). It is clearly counter to our FLSA position and we are telling them we oppose it.

The resolution opposes using the FLSA to define what is work and what is training, and instead proposes a different standard ("welfare to work programs of duration of 12 months or less that are providing a real benefit to recipients should be exempt from FLSA").

It also, incidentally, "urges the federal government to exempt states from the requirement to pay FICA and FUTA to welfare recipients in community work experience."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 12:04:29.00

SUBJECT: Pulling the bill

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:

I heard that they are pulling the bill till Saturday.

It sounds like our farmer groups are putting out a bunch of calls.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 14:58:43.00

SUBJECT: Peanuts and the Everglades

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

In case these pop up on your radar screen-- USDA says they are involved with a letter that may need a Presidential signature on peanut programs. I suggested they keep working with Bob Kyle.

Also they say something may be going on with the Everglades-- a deal with enviros and sugar.

Finally, Berman's office wants to know if we care/know about tomatoes.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 09:58:44.00

SUBJECT: Accomplishments doc, q's and a's, and 2-pager on announcements at hate cri

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I will also bring you a printed copy asap. Mary===== ATTACHMENT 1

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D49]MAIL40986301F.316 to ASCII,  
The following is a HEX DUMP:

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**PRESIDENT CLINTON ANNOUNCES NEW LAW ENFORCEMENT  
AND EDUCATIONAL INITIATIVES TO COMBAT HATE CRIMES**  
**November 10, 1997**

Today President Clinton convenes a White House Conference on Hate Crimes designed to call national attention to the problem of hate crimes. The President will announce initiatives to increase enforcement of hate crime laws and to promote educational strategies to address the problem. The President will announce support for bipartisan legislation to expand the principal federal hate crimes statute to include gender, sexual orientation, and disability. Recognizing that much of the effort to prevent and combat hate crimes must occur at the community level, the President will announce the creation of a nationwide network of local hate crime working groups centered around the country's United State Attorney's offices.

**Expansion of Federal Hate Crimes Law.** The President will announce the Administration's support for legislation to expand the principal federal hate crimes statute. This law currently prohibits hate crimes only on the basis of race, color, religion, or national origin. The Clinton Administration's proposed amendment would extend the law to prohibit hate crimes based on gender, sexual orientation, and disability. The President has garnered bipartisan support for this legislation, realizing that hate crimes are not a partisan issue. Senators Kennedy and Specter are expected to introduce this legislation shortly after the Conference.

Recognizing that most hate crimes are and should be prosecuted and investigated at the local and state level, the Administration supports several limiting principles that would reduce the number of cases actually investigated and prosecuted by the federal government. These limiting principles will be contained in the legislative language itself and in internal guidance to federal investigators and prosecutors.

**Creation of a Network of Local Hate Crime Working Groups.** The President will announce that each U.S. Attorney will either establish a local hate crime working group in his or her district, or if such a body already exists, actively participate in the group. These working groups--essentially federal-state-local partnerships-- would include representation from the U.S. Attorney's office, the FBI, state and local law enforcement, state and local prosecutors' offices, and advocacy groups. In addition to addressing law enforcement strategies, the groups will seek to educate the public about hate crimes. A National Hate Crimes Working Group, located at the Main Justice, would coordinate 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 on promising practices.

**Additional FBI Agents for Hate Crimes Enforcement.** The President will announce support for the assignment of over 40 FBI agents and prosecutors to the task of hate crimes

enforcement. The allocation of this substantial number of federal investigators and prosecutors reaffirms the Clinton's Administration's commitment to getting tough on hate crimes.

**Hate Crimes Training for Law Enforcement.** In addition to committing substantial resources to hate crime law enforcement, the President will announce the development of a model law enforcement training curriculum on hate crimes that can be incorporated into programs at local and state law enforcement training centers. This curriculum includes three course segments -- one for law enforcement officers, one for investigators, and one for others in the law enforcement field. This curriculum will be available for use across the country in 30 days.

**Make 'em Pay Initiative.** The President will announce an initiative to assist victims of hate crimes and discrimination in housing to seek monetary damages from the perpetrators. The Department of Housing and Urban Development has created a unit that will bring civil suits on behalf of residents of public and private housing who have suffered hate crimes and other discrimination. This initiative will be accomplished through the reallocation of existing resources.

**Improved Reporting of Hate Crimes Statistics.** Recognizing the need for greater collection of statistics on hate crimes, the President will announce the addition of questions about hate crimes in the National Crime Victimization Survey, 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, this survey does not include questions about hate crimes. Beginning in 1998, the Department of Justice will include questions related to hate crime in NCVS. The survey will inquire whether the victim believes the incident was bias-motivated and why. Expanded questioning regarding hate crimes will also be a part of a pilot project to take place next spring to improve the NCVS.

**Educational Initiatives Directed toward Children .** The President will also announce two new educational initiatives. First, the Departments of Justice and Education have proposed a manual for educators on preventing youth hate crime that encourages schools to confront hate-motivated behavior among students; promotes development of comprehensive, programmatic responses to prejudice and violence; and makes educators aware of resources that can be used for this purpose. The Departments intend to send this resource guide to every school in the country. Second, the Department of Justice has created a new website, "Hateful Acts Hurt Kids," addressing prejudice, discrimination, and related issues in an interactive, graphic format designed for children in kindergarten through fifth grade, as well as their parents and teachers. This site will be available for viewing at the Conference.

***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]

**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.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 16:05:04.00

SUBJECT: News from the land of skinheads

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

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

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

TEXT:

Conference plans to get tough on hate  
 crime

at NIC Increased funding and legislation to be addressed  
 meeting, aired Monday

Andrea Vogt/The Spokesman-Review

White House Washington's and Idaho's representatives to the  
 Conference on Hate Crimes are armed with requests.

Monday at NIC's Todd The conference, which will be broadcast live  
 law enforcement Hall, is expected to include announcements of new  
 crimes. and prevention initiatives to get tough on hate

Coalition Against NIC Interim President Ronald Bell and Northwest  
 invited to attend Malicious Harassment director Bill Wassmuth were  
 and will bring the following recommendations:

and the activities of  More federal funding for monitoring hate crimes  
 hate groups.

police diversity programs  Increased federal funding and personnel for  
 enforcement agencies to and seminars to train state and local law  
 identify hate crimes.

penalties for malicious  Federal legislation creating criminal and civil  
 harassment committed across state lines.

nationwide to study the new In addition, the group is urging universities

Gonzaga Institute for Action Against Hate.

drafting the concept,  
the causes of hate and  
research, data,

According to a Gonzaga University subcommittee  
the institute will create several new courses on  
ways to combat it, as well as a clearinghouse for  
experts and information on hate crimes.

Stewart, spokesman for

"This is a terribly important issue," said Tony  
the Kootenai County Task Force on Human Relations.

and secretary of  
state and local  
civil rights, youth,

The president, vice president, attorney general  
education will be joined by members of Congress,  
officials and 350 leaders from law enforcement,  
education and religious communities.

10:30 a.m. in

The conference will be broadcast from 8:15 a.m. to

welcome to attend. Local

NIC's Todd Hall in the library. The public is  
legislators also have been invited.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 11:09:33.00

SUBJECT: Charter Schools on House Floor now

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: Wayne Upshaw ( CN=Wayne Upshaw/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

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

CC: Robert M. Shireman ( CN=Robert M. Shireman/OU=OPD/O=EOP @ EOP [ OPD ] )  
READ:UNKNOWN

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

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 11:24:04.00

SUBJECT: Re: hud

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Stacie Spector ( CN=Stacie Spector/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

fine w/ me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 15:54:25.00

SUBJECT: Cuomo

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

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

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

TEXT:

I talked to Cuomo's staff and they said its fine for him not to be on the panel.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 13:05:24.00

SUBJECT: Same Sex Schools

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

READ:UNKNOWN

TEXT:

Is there any chance we would be ready to announce our position on same sex schools in NY on Thursday, 11/13?

I assume not -- but Rahm wanted me to check.

Please let me know.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 12:24:36.00

SUBJECT: Re: Govenors/ FICA/ CR

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by Cynthia A. Rice/OPD/EOP on 11/07/97  
12:25 PM -----

Bruce N. Reed

11/07/97 12:19:19 PM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Re: Govenors/ FICA/ CR

Thanks. I still prefer no FICA FUTA liability period, so the IRS doesn't have to rule. If Congress had done that with FLSA a year ago, we wouldn't have been put in this box.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 13:19:47.00

SUBJECT: Cuomo

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

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

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

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

TEXT:

Jackie Lalling at HUD who has worked on Make 'em pay asks whether the Secretary shouldn't be on the President's panel because make 'em pay is such an important piece of the conference.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 21:02:02.00

SUBJECT: Weekly Item

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

EK:

I know I can't master the weekly immigration item like Shima, but here goes...

Immigration -- Central Americans/Haitians: House and Senate Republicans essentially concluded their negotiations over the legislative package intended to provide relief to certain Central Americans. Republicans came to terms on the 2 remaining issues -- eliminating unskilled worker visas and providing relief to certain Haitians. Instead of eliminating the entire unskilled workers visa category, the Republicans have agreed to cut them in half (from 10,000 to 5,000) and to reduce diversity visas by 5,000 as well (from 50,000 to 45,000).

With respect to the Haitians, the Republicans have decided not to include them in the current bill, and this presents us with a new challenge. Although we worked with the Black Caucus and others this week to try and have Haitians incorporated into the legislation, the Republicans balked. As a result -- and as of late Friday night -- Senator Mosley-Braun has put a hold on the DC appropriations/Central Americans bill and is asking the Administration for a commitment not to deport certain Haitians until she and others have time to pass additional legislation (or about 4 to 6 months, by her estimate).

Working with NSC and Justice, we have already started to discuss what options the Administration may have to provide relief to certain Haitians. But there are important legal and policy issues we need to consider further, and it seems unlikely that we will be able to give Senator Mosley-Braun a specific commitment before the Senate reconvenes Saturday. For instance, as with the Central Americans, there is an argument that -- as a matter of foreign policy -- you have the authority to delay enforcing the deportation of certain Haitians. However, the foreign policy rationale for invoking this authority seems weaker right now for the Haitians than it did for all of the Central Americans. Thus, NSC would like more time to make a better case for the Administration.

Another possibility is that the Attorney General -- knowing that Congress may provide relief to certain Haitians -- can exercise prosecutorial discretion and not deport those Haitians. For the Attorney General to exercise such discretion, however, the Haitian proposal needs to be much further along. Specific legislation needs to be introduced. Support from

both parties' leadership needs to be clearly articulated. And timing of the legislation needs to be more definite. Currently, Senator Mosley-Braun only seems to have loose commitments from Senators Mack and Abraham.



**National Testing:** Friday night the House passed the Labor-HHS Appropriations Bill, which included a compromise on national testing that we worked out with Mr. Goodling. The compromise allows test development to proceed under NAGB's control, prohibits pilot testing of the test items and field testing of the tests, as well as test implementation, during FY98. It also contains Goodling's National Academy of Science feasibility study to determine of existing state and commercially available tests can be linked to NAEP and to each other, as well as two addition NAS studies on the technical quality of the test items, and on a set of test use and misuse issues of concern to the Black and Hispanic Caucuses.

Pilot testing is now scheduled for the Fall of 1998; the tests will be field tested in the Spring of 1999 and will be ready for implementation in Spring of 2000.

**Charter Schools:** On Friday the House also passed charter schools legislation that you had previously endorsed. The bill provides incentives to states to issue more charters, to provide charter schools with greater flexibility coupled with strengthened accountability, and to ensure that charter schools receive a fair share of state funding. In addition, the Education Department sponsored a national charter schools conference that drew over 800 participants, including charter schools operators, teachers, and others associated with the charter schools movement. The conference gave participants the opportunity to become familiar with Education Department resources, to share lessons and strategies with each other, and to provide advice to the Education Department on the implementation of the Charter Schools program.

**Vouchers/Coverdell:** Earlier this week, the House defeated a bill which would have permitted local school districts to use Chapter 2 block grant funds for vouchers for low income students. The vote was 228 to 191, with 35 Republicans voting against the bill. In the Senate, proponents of the Coverdell proposal to permit tax-free IRA's for K-12 education were unable to end a filibuster for the second time. The vote was 56-44.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 11:47:35.00

SUBJECT: Comments on November 19 Race Advisory Board Meeting

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here's my initial take on this. What do others think? I have not looked at today's version of Scott's memo, only yesterday's, but it doesn't sound like they differ much.

----- Forwarded by William R. Kincaid/OPD/EOP on 11/07/97  
11:45 AM -----

Scott R. Palmer  
11/07/97 09:57:31 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP, Robert M. Shireman/OPD/EOP, William R. Kincaid/OPD/EOP, Julie A. Fernandes/OPD/EOP  
cc: Lin Liu/PIR/EOP  
Subject: November 19 Race Advisory Board Meeting

Attached is the latest version of the memo I sent to you yesterday concerning the possible agenda for the November 19 Meeting of the President's Advisory Board on Race. Not much has changed from the version that I sent to you yesterday, but I wanted to keep you all informed. I also wanted to urge each of you to let me know of any comments or suggestions that you have as soon as possible. We are getting very close to the time when we have to move forward. Also, feel free to give me a call at X5-1047 if you have any questions. Thanks.

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

**ONE AMERICAN IN THE 21<sup>ST</sup> CENTURY**

*The New Executive Office Building  
Washington, DC 20503  
202/395-1010*

**DRAFT (11/7/97)**

**MEMORANDUM**

**TO:** Judith A. Winston  
Lin Liu  
Education Team

**FROM:** Scott R. Palmer

**SUBJECT:** Proposed Messages and Agenda for November 19 Advisory Board Meeting

**DATE:** November 7, 1997

While it is still a work in progress, this memorandum attempts to present our latest thinking on the November 19 Advisory Board meeting, which will focus primarily on the value of diversity in higher education. It presents suggested messages that we intend will emerge from the Advisory Board meeting, a proposed agenda for the meeting, possible presenters, and other ideas for your consideration. An asterisk beside the name of a potential participant indicates a top choice; an italicized name indicates that the potential participant has been contacted to see if he/she would be available if the agenda develops in a certain way and he/she is invited to address the Board; a redlined name indicates that the potential participant is available. Please provide me with any comments or suggestions as soon as possible.

**I. Messages to Emerge From Advisory Board Meeting**

**A. Primary Message: "The Value of Diversity in Higher Education"**

*Colleges and universities that promote diversity can greatly contribute to improving race relations in the 21st Century and to creating a stronger, more just, and more united American community.*

**Minority participation in higher education has increased dramatically in the last several decades. Studies indicate that this increased racial diversity can yield substantial educational benefits for all students. By bringing together students of different backgrounds, colleges and universities are teaching students critical lessons about how to live and work together, and they are exposing students to new perspectives that enrich the learning environment. Increased minority participation in higher education can also help**

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email attachment	Memo to Judith A. Winston et al. from Scott Palmer. Subject: Proposed Messages and Agenda for November 19 Advisory Board Meeting [partial] (4 pages)	11/07/1997	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[11/07/1997-11/09/1997]

2009-1006-F

bm67

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

overcome racial disparities in society by providing quality education to traditionally underserved groups.

**ONE AMERICA IN THE 21<sup>ST</sup> CENTURY**  
In order to realize these benefits of diversity, institutions must be committed to change. There are many colleges and universities across America that have developed and are continuing to develop policies and programs that can foster these benefits of diversity. At its November 19 meeting, the Advisory Board will discuss the value of diversity in higher education and will identify existing programs, policies, and partnerships that are promoting the value of diversity on campuses across America.

**B. Secondary Message: "Continuing Discrimination and Civil Rights Enforcement"**

*While America has made great progress in race relations, racial discrimination still exists in various sectors of society, and it manifests itself in ways that are sometimes blatant but more often subtle and hard to detect. Enhanced enforcement of existing civil rights laws can help eliminate these continuing vestiges of discrimination.*

**II. Proposed Agenda (including suggested panels and presenters) [Please note that the times are only tentative and will undoubtedly have to be adjusted.]**

8:00 am                      Doors open

9:00 am - 9:45 am        Chairman opens meeting and recognizes William Kirwan, President, University of Maryland, who will make some brief welcoming remarks.

Reports from Chairman and Executive Director; Chairman recognizes invited guests and distinguished attendees.

Brief opening statements from Board members concerning recent activities (e.g., Hate Crimes Conference)

Chairman introduces Primary Agenda Item: "Value of Diversity in Higher Education."

9:45 am - 10:15 am    Panel #1: "Perspectives on the Value of Diversity in Higher Education" [3 panelists]

- Panelist #1: President of Prestigious College/University ("Here is why diversity is essential to the educational experience...").  
Options include:

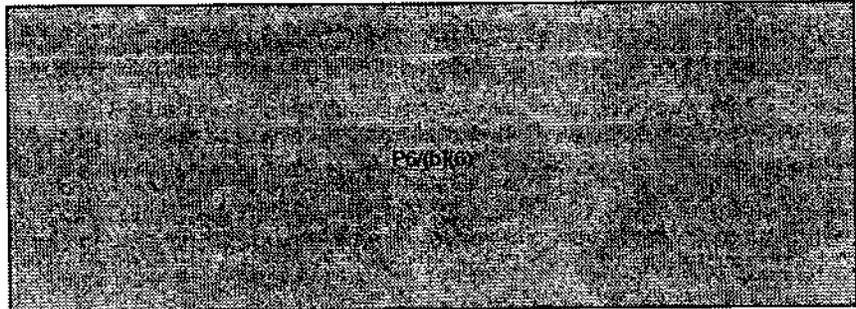
- 1.
- 2.
- 3.
- 4.



**ONE AMERICA IN THE 21<sup>ST</sup> CENTURY**  
Panelist #2: Business Leader (“The business community demands college graduates who understand the value of diverse perspectives and who have learned how to function in diverse environments...”).

Options include, but are not limited to:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.



- **Panelist #3: Student Leader or Faculty Member** (“Let me tell you why I (have learned a lot from/can teach more effectively in) a diverse environment...”). Options are being developed.

- 1.
- 2.
- 3.

10:15 am - 10:45 am Board discussion with Panel #1

10:45 am - 11:15 am **Panel #2: “Evidence on the Value of Diversity in Higher Education: What Works on Campus” [3 panelists]**

- **Panelist #1: Researcher/Faculty From Racially Diverse Institution** (“Evidence shows that racial diversity can yield positive educational outcomes, especially for white students, but only where the campus works to create a supportive environment and opportunities for positive cross-racial interactions ...”). Options include, but are not limited to:

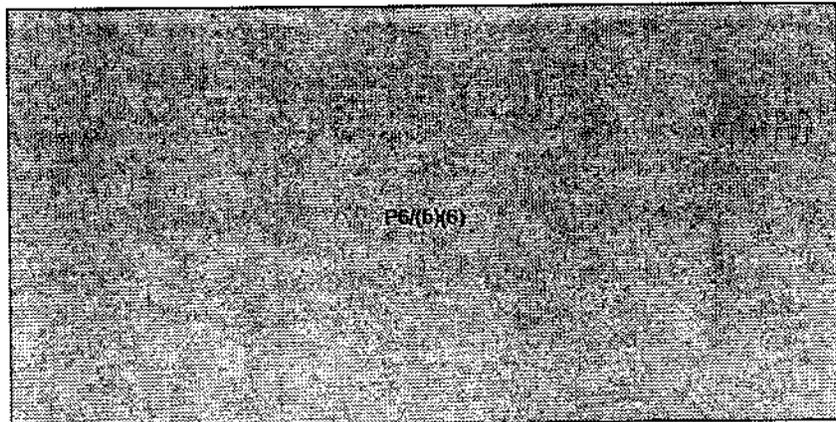
- 1.
- 2.
- 3.
- 4.
- 5.



- **Presenter #2: President of HBCU, HSI, or Tribal College** (“My

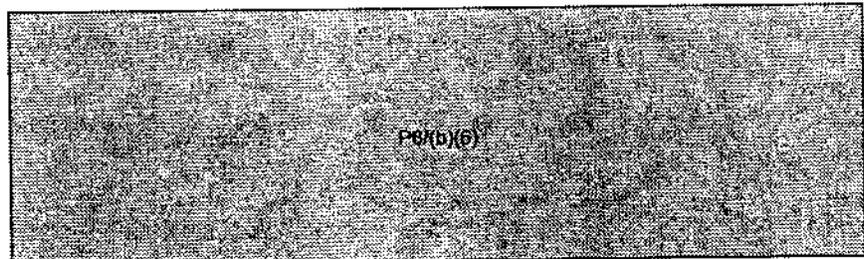
colleague spoke of the importance of institutional commitment and supportive learning environment in promoting the benefits of diversity, ..., minority serving institutions have been showing that commitment for years with positive results for minority students, and we can teach the larger higher education community a great deal... (In addition, we too appreciate the value of diversity, and we have created partnerships with other institutions to capture that value...)." Options include:

- 1.
- 2.
- 3.



- **Panelist #3: Faculty/Students Heading Concrete Diversity Program** ("We want to give you a specific example of a program promoting positive cross-racial experiences for all students...") Options include, but are not limited to:

- 1.
- 2.
- 3.



11:15 am - 11:45 am Board discussion with Panel #2

11:45 pm - 1:00 pm **Lunch:** Each Advisory Board member will anchor a table and lead a discussion with a small group (<10) of faculty, staff, students, and/or community leaders about issues related to diversity in higher education. Participants will come from the Washington, D.C. region or from the University of Maryland community. This gives us a chance to be sure that diverse perspectives are adequately represented. **(The University of Maryland has volunteered to help us identify and confirm table**

participants.)

1:00 pm - 1:30 pm **ONE AMERICA IN THE 21<sup>ST</sup> CENTURY**  
Reports from lunch discussions

2:00 pm - 2:30 pm **Panel #3: "Methods for Promoting Inclusion/Diversity in Higher Education" [ 2 or 3 panelists]**

- **Panelist #1: Prominent Higher Education Leader Discussing "The Tool of Affirmative Action"** ("We have heard powerful evidence today about the value of diversity in higher education. Let me explain why one, though only one, important tool to promote that diversity must be so-called affirmative action..."). Options include, but are not limited to:

- 1.
- 2.
- 3.

(b)(6)

- **Presenter(s) #2 (and #3): Higher Education Leader(s) Discussing Other Tools to Promote Inclusion** (including so-called pipeline programs) ("Affirmative action is an important tool to promote diversity, but it is only one such tool. Let me tell you what else we are doing to promote inclusion..."). Options include, but are not limited to:

- 1.
- 2.
- 3.
- 4.

(b)(6)

2:30 pm - 3:00 pm Board discussion with Panel #3

3:00 pm - 3:30 pm Advisory Board action statement(s) concerning value of diversity and importance of strategies to promote diversity.

Board discussion of Secondary Agenda Item: "Continuing Discrimination and Civil Rights Enforcement;" Board recommends increased support for enforcement.

Board wrap up, including statement of December meeting topic on

primary/secondary education and the importance of so-called pipeline  
programs to promote diversity in higher education.

## ONE AMERICA IN THE 21<sup>ST</sup> CENTURY

3:30 pm - 4:00 pm Press availability

### III. Details of Other Ideas

- We recommend asking other college/university presidents beyond those participating, and perhaps other groups of participants as well, to provide supporting essays to the Advisory Board concerning the value of diversity in higher education. (Most presidents, if not all, have already written such pieces.) This will provide a sense of national support behind the presidents who are speaking. It also will help us promote increased participation.
- If possible and beneficial, we recommend that invited guests (i.e., members of the Cabinet) sit in with the Advisory Board at each meeting to promote involvement in the Initiative.
- We recommend that the meeting be more interactive by having a working lunch with invited attendees. Our vision is that each Advisory Board member will anchor a table along with presenters, students, faculty, and staff and discuss concrete questions that we provide, such as "The Campus Environment: What are colleges doing right to foster an appropriate environment for positive cross-racial interactions? What could be improved?" After lunch, one participant from each table (or each Advisory Board member) would report back to the Board and the audience with a list of responses to each question. (This idea is modeled from a recent event in Fairfax County.)

SRP

Draft Comments on Nov. 19 Race Panel meeting (11/6 memo draft)

Messages:

IA. 1st ¶, 3rd sent. -- The lessons that a diverse education teaches students about “how to live and work together” need to be made very concrete and very compelling, something that could convince skeptics that it is in the interest of all students to be educated in a diverse environment because it better prepares them for an increasingly diverse workforce and marketplace. There are large and growing regions of the country where an ignorance of minority cultures is a handicap to effective participation in business and government. An education in a diverse setting can help students prepare for the new economy. Moreover, an education in a diverse environment can be more rigorous, as students are given the opportunity to shape and defend their opinions in the classroom with students who may have very different perspectives.

2nd ¶, last sent. -- Board should work to identify programs, policies, and partnerships “that are fostering diversity, and promoting the value of diversity” on campuses across America -- not just “promoting diversity.” In fact, maybe better than “Promoting the value of diversity,” would be “exploring the value of diversity,” or “helping students appreciate and benefit from diversity;” “promoting the value of” sounds a little boosterish.

Panels:

Panel #1 -- Value of Diversity -- Overall, this seems to be heading in the right direction. However, it might make sense to have the “evidence/research” presenter appear on this panel.

Panelist #3 -- Which is more powerful? -- a student or a professor? And what kind of professor? Undergraduate or law professor? Should there be a student and a professor, and extend this one a little more -- make it more clearly a focal point.

Panel #2, -- Evidence on the Value of Diversity -- This panel lacks a clear theme. 1st, you have someone talking about *research evidence* on the value of having diverse *student/faculty populations*. Then you have someone from an HBCU/HSI talking about/representing the benefits of diverse *types* of institutions (less so about diverse student populations), but not from a research perspective. Then you have someone back on the topic of diverse student populations, not talking about research evidence but about programs to *help students appreciate and benefit from diversity*.

Panelist #1 -- Title should really be “researcher who has studied the educational impact of racially diverse institutions.” As opposed to the student or faculty member from the first panel giving a concrete example of how this plays out in the classroom, this panelist is to review research findings.

It might make sense to add this panelist to the first panel, and make the first panel more of a feature, but then I’m not sure what you do with the latter two panelists.

Lunch -- looks ok.

Panel #3: -- This may work ok, but I would definitely include more than one presenter talking about tools beyond affirmative action -- maybe one broad-based school-university partnership (cooperation on improving teaching and learning, info to kids about postsecondary options, maybe guarantees of admission/financial aid), plus something more individual student-centered that features mentoring/upward-bound type activities. Also, is Rudenstine/Harvard the way to go on the presenter on Affirmative Action? Maybe, but maybe not.

Other Ideas-- Looks ok.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 13:48:39.00

SUBJECT: Re: REMINDER: Weekly Reports!

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

READ:UNKNOWN

TEXT:

FYI-

----- Forwarded by Laura Emmett/WHO/EOP on 11/07/97 01:56 PM -----

Cynthia A. Rice  
11/07/97 01:46:14 PM  
Record Type: Record

To: Laura Emmett/WHO/EOP  
cc:  
bcc:  
Subject: Re: REMINDER: Weekly Reports!

We don't have anything for this week. Thanks.

Laura Emmett  
11/07/97 01:45:42 PM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc:  
Subject: REMINDER: Weekly Reports!

Reminder: items are due to me today by 5:00. Thank you.

Message Sent

To: \_\_\_\_\_  
Sarah A. Bianchi/OPD/EOP  
Michael Cohen/OPD/EOP  
Diana Fortuna/OPD/EOP  
Thomas L. Freedman/OPD/EOP  
Christopher C. Jennings/OPD/EOP  
William R. Kincaid/OPD/EOP  
Jennifer L. Klein/OPD/EOP  
Jeanne Lambrew/OPD/EOP  
Cathy R. Mays/OPD/EOP  
Jonathan Prince/WHO/EOP  
Nicole R. Rabner/WHO/EOP  
Cynthia A. Rice/OPD/EOP

Christa Robinson/OPD/EOP  
Leanne A. Shimabukuro/OPD/EOP  
Paul J. Weinstein Jr./OPD/EOP  
Jose Cerda III/OPD/EOP  
Mary L. Smith/OPD/EOP  
Elisabeth Stock/OVP @ OVP  
Tanya E. Martin/OPD/EOP  
BALDERSTON\_A @ A1 @ CD @ LNWTWY  
Essence P. Washington/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 13:46:42.00

SUBJECT: press briefing

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

READ:UNKNOWN

TEXT:

I thought it went well, yes? You projected a high knowledge level. I'm looking into the question whether there are more organized hate groups now...

## ARMS Email System

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 11:51:06.00

SUBJECT: Etheridge Update

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

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

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

## TEXT:

The letter is leaving Caplan's office and waiting for the President to sign it. I've told Etheridge where it was.

I talked to Clayton's person, Francesa, she had been a little upset to Dallas about tobacco. I walked through our commitments. She said it was a question of whether Clayton was "going to run for office again" and said she was leaning no. She said Bruce had been great, but he didn't need to call Clayton.

Etheridge's guy says Sisiky and Scoot are looking better.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 13:17:26.00

SUBJECT: fyi

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

TEXT:

----- Forwarded by Diana Fortuna/OPD/EOP on 11/07/97  
01:17 PM -----

Emily Bromberg  
11/07/97 01:08:27 PM  
Record Type: Record

To: Karen Tramontano/WHO/EOP, Bruce N. Reed/OPD/EOP, Cynthia A.  
Rice/OPD/EOP, Diana Fortuna/OPD/EOP  
cc:  
Subject: ncs1

This morning NCSL passed a resolution calling for an FLSA exemption that goes way beyond and FICA/FUDA fix. Although we had 9 states who said they'd oppose the resolution (and we only needed 3), none of them actually spoke up, so the resolution passed. I doubt this will matter much, but you should know that we lobbied hard.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 18:56:27.00

SUBJECT: The Millenium

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI. The Millenium people just called to ask for an issues meeting Wednesday with Ellen Lovell (do you have any you want to give them?) and then asked who was going to the cabinet meeting on Wednesday from DPC.



## **Improving the Equal Employment Opportunity Commission**

For the last several months the DPC, joined by the NEC, OMB, PIR, OPL and the Counsel's office, has led a review of the primary federal offices involved in civil rights enforcement. The goal of the review has been to promulgate a coherent package of reforms for EEOC and for the civil rights offices at DOJ, HUD, HHS, Education and DOL. As the lead civil rights agency, with a current budget of \$240 million, EEOC has been a key focus of the review. The agency has seen an increase in the number of filings from 62,135 in FY 1990 to a projected 80,000 in FY 1997. Congress has denied the Administration's full requests for funding in recent years and provided marginal or no increases in resources.

The EEOC has been criticized by both civil rights advocates and Republican opponents in Congress for inefficiency and delay in resolving cases. Our review suggests the increased use of three tools for improving the performance of the agency: expansion of the mediation program as swiftly as possible; increased use of technology to increase speed of case resolution; and additional staffing for the purpose of cutting the average time it takes to resolve a case to six months by the year 2000. Taken together these reforms could lessen contentiousness between employee and employer, improve agency efficiency, and reduce case backlog. The recommendations are currently under review in the OMB budget process.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 18:17:24.00

SUBJECT: Olivia told Sally decision on trade Monday am. Cynthia 62846

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

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jordan Tamagni ( CN=Jordan Tamagni/OU=WHO/O=EOP [ UNKNOWN ] )

CREATION DATE/TIME: 8-NOV-1997 16:15:48.00

SUBJECT: Hate Crimes Draft

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

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

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

TO: Rahm I. Emanuel ( CN=Rahm I. Emanuel/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

TEXT:

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D80]MAIL471395115.316 to ASCII,  
The following is a HEX DUMP:

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Draft 11/8/97 4:00pm

**PRESIDENT WILLIAM J. CLINTON  
REMARKS FOR THE WHITE HOUSE  
CONFERENCE ON HATE CRIMES  
THE EAST ROOM  
November 10, 1997**

Acknowledgments: VP Gore; AG Reno; Sec. Riley; Sec. Cuomo; Members of Congress; President Trachtenberg; Chuenee [shah-NAY] Sampson, Duke University student; people at satellite-linked conferences all over the country.

America is the world's most diverse democracy, bound together by a basic belief in the dignity of every human being -- and a basic respect for the laws that honor our values and keep our people safe. Respect for the law -- and the responsibility to reject violence -- are the glue that hold our society together. Our families can only thrive if they are free from the fear of crime or violence of any kind. And we must do everything we can to give them that security.

That is why we decided to hold the White House Conference on Hate Crimes. All over the world we see what happens when racial and ethnic animosity join forces with lawlessness, tearing countries and peoples apart. But, as Chuenee [shah-NAY] Sampson reminds us, even in America we hear too many stories like the 13-year-old African American boy who was nearly beaten to death when he rode his bicycle through the wrong neighborhood ... the gay American who was murdered as he walked home from a dinner party ... the Asian American who lost her store to a firebomb hurled by a racist ... or the Jewish American whose house of worship was desecrated by swastikas.

**These violent acts are not just despicable examples of bias and bigotry -- they are crimes. They strike at the heart of what it means to be American, because they are the antithesis of the values that define us as a nation: Freedom. Equality. Respect for the law. And respect for one another.**

Last year, I called on all Americans to begin a great national conversation on race -- and to come together across all our differences into one America. Part of what I hope we can achieve is a national affirmation of what we all know to be true: violence motivated by prejudice and hatred hurts us all -- and we must fight it on every front.

First, we must make sure our nation's laws protect all of our citizens. Our laws already punish crimes committed against people on the basis of race, religion, and national origin. But we must go even further. Today I am proposing to expand the principal federal hate crimes law to include crimes committed because of the victims' sexual orientation, gender, or disability. All Americans deserve protection from hate. And as President Harry Truman said 50 years ago when he became the first President to address a civil rights organization, "when I say all Americans, I mean all Americans." I am especially pleased that Senators Specter and Kennedy will soon introduce legislation to achieve this goal -- legislation I will fight to make the law of

the land.

Second, we must make sure our civil rights laws are consistently and vigorously enforced. Under Attorney General Reno's leadership, the Justice Department has taken aim at hate crimes with more prosecutions and tougher punishments. Today I am instructing every United States Attorney in the country to establish working groups to develop enforcement strategies, share best practices, and educate the public about hate crimes. The National Hate Crimes Network will marshal the resources of federal, state, and local law enforcement, community groups, and anti-violence advocates -- and it will give us another powerful tool to fight hate crimes.

I am also pleased to announce that we will assign over 40 more FBI agents and prosecutors to work on hate crimes enforcement. And the Justice Department will soon make its own hate crimes law enforcement training curriculum available to police departments around the country. Finally, the Department of Housing and Urban Development will launch an important new initiative to help victims of hate crimes sue their attackers for the harm they cause.

When it comes to enforcing civil rights laws, we need strong leadership. I nominated Bill Lann Lee to head the Civil Rights Division of the Department of Justice because he will provide that leadership. The son of Chinese immigrants, Bill Lee has seen the damaging force of discrimination, and he has dedicated his career to fighting for equal rights, without regard for ideology or political party. I urge Congress to give Bill Lee a fair vote by the full Senate. Partisan politics should not stand in the way of confirming the best qualified candidate -- and they must never stand in the way of the enforcement of our civil rights laws.

Third, we know that for many reasons, too many hate crimes go unreported -- and an unreported hate crime is an excuse to ignore the problem. I am pleased to announce that for the first time, the National Crime Victimization Survey used by the Justice Department to measure nationwide crime levels will include questions about hate crimes. This small addition will yield large results, giving us a better measure of the number of hate crimes, increasing what we know about how they occur, and encouraging victims to report hate crimes.

Finally, and perhaps most important, we must teach our children that to be an American means to respect the basic dignity of every human being. That is why I am so pleased that the Department of Education and the Justice Department are developing a comprehensive guide for educators to teach tolerance and mutual respect in our schools. And the Justice Department will launch a website to teach younger students about prejudice.

*With these steps, we are drawing the line against hate crimes, and sending a message that we will not tolerate disrespect for our laws, for our people, or for our ideals.*

And now I am looking forward to hearing from you about what you are doing to get tough on hate crimes.



Draft 11/8/97 1:00pm

**PRESIDENT WILLIAM J. CLINTON  
REMARKS FOR THE WHITE HOUSE  
CONFERENCE ON HATE CRIMES  
THE EAST ROOM  
November 10, 1997**

Acknowledgments: VP Gore; AG Reno; Sec. Riley; Sec. Cuomo; Members of Congress; President Trachtenberg; Chuenec [shah-NAY] Sampson, Duke University student; thousands of people around the country who are joining at satellite-linked conferences all over the country.

America is the world's most diverse democracy, bound together across all of our differences by a belief in the basic dignity of every human being -- and a basic respect for the laws that reflect our ideals and preserve our civil society.

All over the world we see what can happen when racial and ethnic animosity join forces with lawlessness, and tear countries and peoples apart. And even in America, we hear too many stories of violence motivated by hatred. Stories like the 13-year-old African American boy who was nearly beaten to death when he rode his bicycle through the wrong neighborhood ... the gay American who was murdered as he walked home from a dinner party with his partner ... the Asian American business owner who lost her store to a firebomb hurled by a racist.

**These violent acts are not just despicable examples of bias and bigotry -- they are crimes. They strike at the heart of what it means to be American, because they are the antithesis of the values that define us as a nation: Freedom. Equality. Respect for one another. And respect for the law.**

To fight hate crimes -- and to fight the fear and prejudice that produce them -- we must take action -- at every level of government and every community, in every home and every heart.

First, we must make sure our nation's laws protect all of our citizens. Our laws already punish crimes committed against people on the basis of race, religion, and national origin. But we must go even further. Today I am proposing to expand the principal federal hate crimes law to include crimes committed because of the victims' sexual orientation, gender, or disability. All Americans deserve protection from hate. And as President Harry Truman said 50 years ago when he became the first President to address a civil rights organization, "when I say all Americans, I mean all Americans." I am especially pleased that Senators Spector and Kennedy will soon introduce legislation to achieve this goal -- and I will support it and fight to make it the law of the land.

Second, we must make sure our civil rights laws are consistently and vigorously enforced. Under Attorney General Reno's extraordinary leadership, the Justice Department has taken aim at hate crimes and the people who commit them, with more prosecutions and tougher punishments. Today I am instructing every United States Attorney in the country to establish

national network of hate crimes working groups to marshal the resources of federal, state, and local law enforcement, community groups, and anti-violence advocates. These working groups will develop enforcement strategies, share best practices, and educate the public -- and they will give us a powerful new tool to fight hate crimes.

I am also pleased to announce that we will assign over 40 more FBI agents and prosecutors to work on hate crimes enforcement. And the Justice Department will soon make its model hate crimes law enforcement training curriculum available to police departments and communities around the country. Finally, the Department of Housing and Urban Development will launch an important new initiative to help victims of hate crimes sue their attackers for the harm they cause.

When it comes to enforcing civil rights laws, we need strong leadership. I nominated Bill Lann Lee to head the Civil Rights Division of the Department of Justice because he is eminently qualified to provide that kind of leadership. The son of Chinese immigrants, Bill Lee has seen the damaging force of discrimination, and he has dedicated his career to fighting for equal rights, without regard for ideology or political party. I urge Congress to give Bill Lee a fair vote by the full Senate. Partisan politics should never stand in the way of confirming the best qualified candidate -- and they must never stand in the way of the enforcement of our civil rights laws.

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Finally, and perhaps most important, we must teach our children a simple lesson that to be an American means to respect the basic dignity of every human being. That is why I am so pleased that the Department of Education and the Justice Department are developing a comprehensive resource guide for educators to teach tolerance and mutual respect in our schools.

And the Justice Department will launch a website for elementary school children called "Hateful Acts Hurt Kids," to teach younger students about prejudice.

*With these steps, we are drawing the line against hate crimes, and sending a message to the people who commit them that we will not tolerate disrespect for our laws, our people, or our ideals.*

And now I am looking forward to hearing from all of you about what you are doing to get tough on hate crimes.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 8-NOV-1997 17:02:25.00

SUBJECT: EEOC Caseload Data

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

If we get to 6 months average charge/complaint inventory within a year and half:

Est.	FY 2000	FY'97 Est. FY 2001	FY'98 Est.	FY 1999	
Total Pending Charge/Complaint 50,515		79,448	68,019	68,689	62,854
Charge/Complaint 4.5 Inventory (months)	8.1	9.3	8.0	6.0	
Caseload per available 84.7 41.4 investigator	85.5	72.9	54.8		

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Nicole R. Rabner ( CN=Nicole R. Rabner/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME: 8-NOV-1997 19:36:07.00

SUBJECT: ADOPTION TALKING POINTS

TO: Rahm I. Emanuel ( CN=Rahm I. Emanuel/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

TEXT:

This evening (Saturday evening) the Senate passed an adoption bill, with the strong urging of the Administration. The House had passed its bill last spring, with strong, formal support by the President. The Congress is working to resolve the differences of the two bills and pass legislation before the Congressional recess. Attached are internal talking points outlining the President and First Lady's commitment to the issue and record of accomplishment.===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D66]MAIL476607110.316 to ASCII,  
The following is a HEX DUMP:

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## INTERNAL TALKING POINTS: ADOPTION LEGISLATION

- With the strong urging and support of the President and the First Lady, the Congress is working to pass historic, bipartisan legislation on adoption before the congressional recess.
- Last spring, the House of Representatives passed the Adoption Promotion Act of 1997, sponsored by Representatives Camp and Kennelly, with the strong support of the President.
- On Saturday evening, November 8, 1997, with the strong urging of the Administration, the Senate passed by unanimous consent the Promotion of Adoption, Safety, and Support for Abused and Neglected Children Act, sponsored by Senators Chafee and Rockefeller.
- With the close involvement of the Administration, the House of Representatives and the Senate are working to resolve the differences in their two bills and pass an adoption bill before the recess to ensure that a bill reaches the President's desk this year.
- The pending legislation builds on the commitment of the President to at least double the number of children from the child welfare system who are adopted or placed in permanent homes by the year 2002. It incorporates recommendations made by the Administration's *Adoption 2002* report to provide states with financial incentives to increase the number of children adopted and to make other changes in federal law that will make adoption easier and move children more quickly out of foster care and into permanent homes.
- The President and the First Lady are committed to improving our nation's child welfare system for the thousands of children who come to rely on it because their own homes jeopardize their health or well-being. Today, approximately 500,000 of America's children live in our nation's foster care system.
- The President and the First Lady have worked hard on this legislation. Last December, the President directed the Secretary of Health and Human Services to conduct wide consultations and report to him with specific recommendations for legislative and administrative strategies to move children more rapidly from foster care to permanent homes and to meet the goal of at least doubling adoptions and other permanent placements by the year 2002.
- Issuing the Executive Memorandum on adoption in a radio address, the President said, "With this effort we're saying no child should be trapped in the limbo of foster care; no child should be uncertain what the word "family" or "parent" or "home" mean, particularly when there are open arms waiting to welcome these children into safe and strong households, where they can build good, caring lives." [December 16, 1997]
- On Valentine's Day, 1997, the President received the formal recommendations for legislative and administrative action -- in a report called *Adoption 2002* -- in an Oval Office ceremony. There, he committed to (1) making sure that children's health and safety are the paramount

concerns of the child welfare system; (2) meeting the goal of doubling the number of adoptions each year by working with states to set state-by-state annual targets and to provide assistance for innovative strategies; (3) proposing legislation to give bonuses to states for each adoption over the prior year's total, with larger bonuses for adoptions of children with special needs; (4) working with Congress to shorten the time a child in foster care waits for a court hearing; (5) establishing national awards for excellence in promoting adoption; and (6) redoubling efforts to make sure that no child of one race is deprived of a loving home when a child of another race is prepared to give it.

- Committing to aggressive legislative and administrative action, the President said "Putting this plan into place today will mean that we are ensuring that no child will languish in foster care." [February 14, 1997]
- The Adoption Promotion Act of 1997, which the House of Representatives passed last spring and the President's strongly supported, reflects the President's priorities. The Senate bill currently under consideration also reflects the President's priorities and commitment to improving our nation's child welfare system. The Administration is very hopeful that a bill will reach the President's desk this year.
- If passed, this legislation would build on the President's strong record on promoting adoption. For example, the President has:

Made adoption more affordable for families by signing into law the Small Business Job Protection Act of 1996, which provides a \$5,000 tax credit for families adopting children and a \$6,000 tax credit for families adopting children with special needs;

Broke down racial and ethnic barriers to adoption by signing the Multi-Ethnic Placement Act in 1994 and by strengthening it through the Small Business Job Protection Act of 1996 to ensure that the adoption process is free from discrimination and delays on the basis of race, culture and ethnicity; and

Provided supports for child protection and adoption by signing the into law the Family and Medical Leave Act in 1993, which enables parents to take time off to adopt a child without losing their jobs or health insurance and ensuring that the welfare reform law maintained the guarantee of child protection and adoption, and did not reduce funds for child welfare, child abuse, foster care and adoption service.

- November is National Adoption Month. Last week, the President issued an proclamation, which urged, "**As a Nation, we have before us an opportunity to make a real difference in the lives of our most vulnerable children. As we observe National Adoption Month, we reaffirm our commitment to adoption as a new beginning for thousands of children, and we celebrate the many American families who have embraced these children by accepting the rewards and responsibilities of adoption.**" [November 4, 1997]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-NOV-1997 16:58:44.00

SUBJECT: November 19 Race Advisory Board Meeting

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Elena--

Just left you a voice mail -- I hope we (or at least you and others within DPC) can connect on this so we can get some feedback to the race initiative folks soon, and probably that ought to be Monday. Julie F. and I have talked about this and it looks to us like they still have a ways to go before some pieces of this will make sense.

Thanks.

-- Bill

----- Forwarded by William R. Kincaid/OPD/EOP on 11/09/97  
04:55 PM -----

Scott R. Palmer  
11/07/97 09:57:31 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP, Robert M. Shireman/OPD/EOP, William R. Kincaid/OPD/EOP, Julie A. Fernandes/OPD/EOP  
cc: Lin Liu/PIR/EOP  
Subject: November 19 Race Advisory Board Meeting

Attached is the latest version of the memo I sent to you yesterday concerning the possible agenda for the November 19 Meeting of the President's Advisory Board on Race. Not much has changed from the version that I sent to you yesterday, but I wanted to keep you all informed. I also wanted to urge each of you to let me know of any comments or suggestions that you have as soon as possible. We are getting very close to the time when we have to move forward. Also, feel free to give me a call at X5-1047 if you have any questions. Thanks.

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D5]MAIL478616212.316 to ASCII,  
The following is a HEX DUMP:

# ONE AMERICAN INITIATIVE ON RACE

*The New Executive Office Building  
Washington, DC 20503  
202/395-1010*

DRAFT (11/7/97)

## MEMORANDUM

TO: Judith A. Winston  
Lin Liu  
Education Team

FROM: Scott R. Palmer

SUBJECT: Proposed Messages and Agenda for November 19 Advisory Board Meeting

DATE: November 7, 1997

While it is still a work in progress, this memorandum attempts to present our latest thinking on the November 19 Advisory Board meeting, which will focus primarily on the value of diversity in higher education. It presents suggested messages that we intend will emerge from the Advisory Board meeting, a proposed agenda for the meeting, possible presenters, and other ideas for your consideration. An asterisk beside the name of a potential participant indicates a top choice; an italicized name indicates that the potential participant has been contacted to see if he/she would be available if the agenda develops in a certain way and he/she is invited to address the Board; a redlined name indicates that the potential participant is available. Please provide me with any comments or suggestions as soon as possible.

### I. Messages to Emerge From Advisory Board Meeting

#### A. Primary Message: "The Value of Diversity in Higher Education"

*Colleges and universities that promote diversity can greatly contribute to improving race relations in the 21st Century and to creating a stronger, more just, and more united American community.*

**Minority participation in higher education has increased dramatically in the last several decades. Studies indicate that this increased racial diversity can yield substantial educational benefits for all students. By bringing together students of different backgrounds, colleges and universities are teaching students critical lessons about how to live and work together, and they are exposing students to new perspectives that enrich the learning environment. Increased minority participation in higher education can also help**

# Withdrawal/Redaction Marker Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email attachment	Memo to Judith A. Winston et al. from Scott Palmer. Subject: Proposed Messages and Agenda for November 19 Advisory Board Meeting [partial] (4 pages)	11/07/1997	P6/b(6)

**COLLECTION:**

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

**FOLDER TITLE:**

[11/07/1997-11/09/1997]

2009-1006-F  
bm67

### RESTRICTION CODES

**Presidential Records Act - [44 U.S.C. 2204(a)]**

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

overcome racial disparities in society by providing quality education to traditionally underserved groups.

# ONE AMERICA IN THE 21<sup>ST</sup> CENTURY

In order to realize these benefits of diversity, institutions must be committed to change. There are many colleges and universities across America that have developed and are continuing to develop policies and programs that can foster these benefits of diversity. At its November 19 meeting, the Advisory Board will discuss the value of diversity in higher education and will identify existing programs, policies, and partnerships that are promoting the value of diversity on campuses across America.

**B. Secondary Message: "Continuing Discrimination and Civil Rights Enforcement"**

*While America has made great progress in race relations, racial discrimination still exists in various sectors of society, and it manifests itself in ways that are sometimes blatant but more often subtle and hard to detect. Enhanced enforcement of existing civil rights laws can help eliminate these continuing vestiges of discrimination.*

**II. Proposed Agenda (including suggested panels and presenters) [Please note that the times are only tentative and will undoubtedly have to be adjusted.]**

8:00 am                      Doors open

9:00 am - 9:45 am        Chairman opens meeting and recognizes William Kirwan, President, University of Maryland, who will make some brief welcoming remarks.

                                     Reports from Chairman and Executive Director; Chairman recognizes invited guests and distinguished attendees.

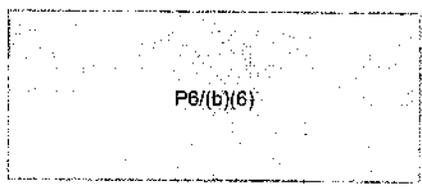
                                     Brief opening statements from Board members concerning recent activities (e.g., Hate Crimes Conference)

                                     Chairman introduces Primary Agenda Item: "Value of Diversity in Higher Education."

**9:45 am - 10:15 am    Panel #1: "Perspectives on the Value of Diversity in Higher Education" [3 panelists]**

- Panelist #1: President of Prestigious College/University ("Here is why diversity is essential to the educational experience...").  
Options include:

- 1.
- 2.
- 3.
- 4.



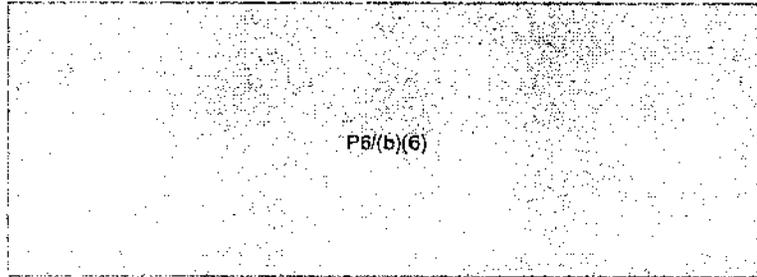
[ 002 ]

# ONE AMERICA IN THE 21<sup>ST</sup> CENTURY

Panelist #3: Business Leader (“The business community demands college graduates who understand the value of diverse perspectives and who have learned how to function in diverse environments...”).

Options include, but are not limited to:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.



- Panelist #3: Student Leader or Faculty Member (“Let me tell you why I (have learned a lot from/can teach more effectively in) a diverse environment...”). Options are being developed.

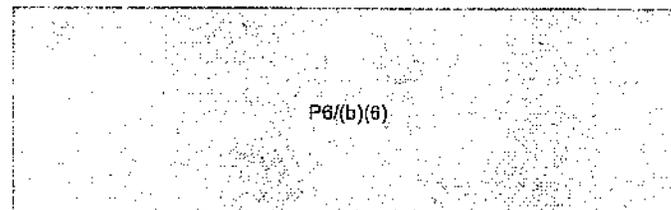
- 1.
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10:15 am - 10:45 am Board discussion with Panel #1

10:45 am - 11:15 am Panel #2: “Evidence on the Value of Diversity in Higher Education: What Works on Campus” [3 panelists]

- Panelist #1: Researcher/Faculty From Racially Diverse Institution (“Evidence shows that racial diversity can yield positive educational outcomes, especially for white students, but only where the campus works to create a supportive environment and opportunities for positive cross-racial interactions ...”). Options include, but are not limited to:

- 1.
- 2.
- 3.
- 4.
- 5.

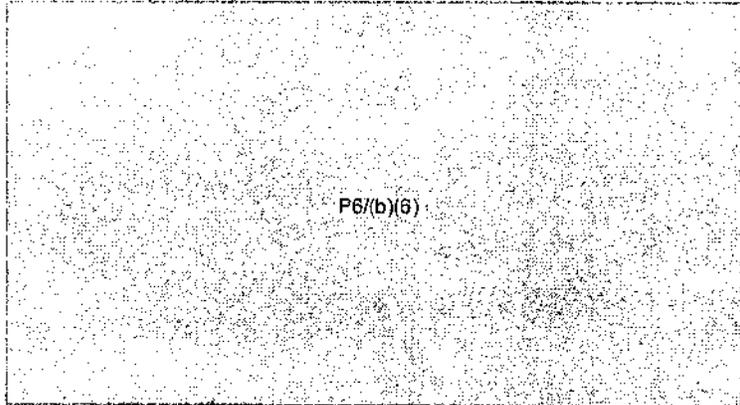


- Presenter #2: President of HBCU, HSI, or Tribal College (“My

# ONE AMERICA IN THE 21<sup>ST</sup> CENTURY

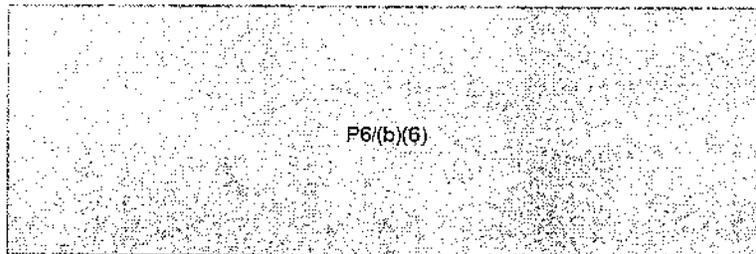
colleague spoke of the importance of institutional commitment and supportive learning environment in promoting the benefits of diversity, ..., minority serving institutions have been showing that commitment for years with positive results for minority students, and we can teach the larger higher education community a great deal... (In addition, we too appreciate the value of diversity, and we have created partnerships with other institutions to capture that value...)." Options include:

- 1.
- 2.
- 3.



- Panelist #3: Faculty/Students Heading Concrete Diversity Program ("We want to give you a specific example of a program promoting positive cross-racial experiences for all students...") Options include, but are not limited to:

- 1.
- 2.
- 3.



11:15 am - 11:45 am Board discussion with Panel #2

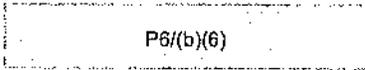
11:45 pm - 1:00 pm Lunch: Each Advisory Board member will anchor a table and lead a discussion with a small group (<10) of faculty, staff, students, and/or community leaders about issues related to diversity in higher education. Participants will come from the Washington, D.C. region or from the University of Maryland community. This gives us a chance to be sure that diverse perspectives are adequately represented. **(The University of Maryland has volunteered to help us identify and confirm table**

participants.)

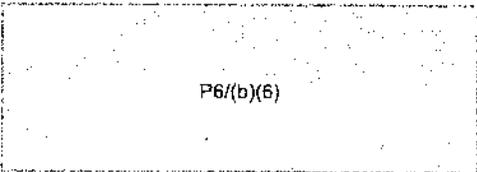
1:00 pm - 1:30 pm **ONE AMERICA IN THE 21<sup>ST</sup> CENTURY**  
Reports from lunch discussions

2:00 pm - 2:30 pm **Panel #3: "Methods for Promoting Inclusion/Diversity in Higher Education" [ 2 or 3 panelists]**

- Panelist #1: Prominent Higher Education Leader Discussing "The Tool of Affirmative Action" ("We have heard powerful evidence today about the value of diversity in higher education. Let me explain why one, though only one, important tool to promote that diversity must be so-called affirmative action..."). Options include, but are not limited to:

1.  P6/(b)(6)
- 2.
- 3.

- Presenter(s) #2 (and #3): Higher Education Leader(s) Discussing Other Tools to Promote Inclusion (including so-called pipeline programs) ("Affirmative action is an important tool to promote diversity, but it is only one such tool. Let me tell you what else we are doing to promote inclusion..."). Options include, but are not limited to:

1.  P6/(b)(6)
- 2.
- 3.
- 4.

2:30 pm - 3:00 pm Board discussion with Panel #3

3:00 pm - 3:30 pm Advisory Board action statement(s) concerning value of diversity and importance of strategies to promote diversity.

Board discussion of Secondary Agenda Item: "Continuing Discrimination and Civil Rights Enforcement;" Board recommends increased support for enforcement.

Board wrap up, including statement of December meeting topic on

primary/secondary education and the importance of so-called pipeline  
programs to promote diversity in higher education.

# ONE AMERICA IN THE 21<sup>ST</sup> CENTURY

3:30 pm - 4:00 pm Press availability

### III. Details of Other Ideas

- We recommend asking other college/university presidents beyond those participating, and perhaps other groups of participants as well, to provide supporting essays to the Advisory Board concerning the value of diversity in higher education. (Most presidents, if not all, have already written such pieces.) This will provide a sense of national support behind the presidents who are speaking. It also will help us promote increased participation.
- If possible and beneficial, we recommend that invited guests (i.e., members of the Cabinet) sit in with the Advisory Board at each meeting to promote involvement in the Initiative.
- We recommend that the meeting be more interactive by having a working lunch with invited attendees. Our vision is that each Advisory Board member will anchor a table along with presenters, students, faculty, and staff and discuss concrete questions that we provide, such as “The Campus Environment: What are colleges doing right to foster an appropriate environment for positive cross-racial interactions? What could be improved?” After lunch, one participant from each table (or each Advisory Board member) would report back to the Board and the audience with a list of responses to each question. (This idea is modeled from a recent event in Fairfax County.)

SRP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jordan Tamagni ( CN=Jordan Tamagni/OU=WHO/O=EOP [ UNKNOWN ] )

CREATION DATE/TIME: 9-NOV-1997 19:00:17.00

SUBJECT: Revised Draft

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

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

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

TO: Rahm I. Emanuel ( CN=Rahm I. Emanuel/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

CC: Ruby Shamir ( CN=Ruby Shamir/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Michelle Crisci ( CN=Michelle Crisci/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

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# Withdrawal/Redaction Marker

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Phone No. (Partial) (1 page)	11/09/1997	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[11/07/1997-11/09/1997]

2009-1006-F  
bm67

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
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- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-NOV-1997 10:56:07.00

SUBJECT: VP Speech for Conference

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

TO: Mary L. Smith ( CN=Mary L. Smith/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 Thomas L. Freedman/OPD/EOP on 11/09/97  
10:53 AM -----

Thomas M. Rosshirt @ OVP  
11/09/97 10:27:00 AM  
Record Type: Record

To: Thomas L. Freedman/OPD/EOP  
cc:  
Subject:

Remarks for Vice President Al Gore  
White House Conference on Hate Crimes  
November 10, 1997

Some 27 centuries ago, the Greek poet Homer described hatred as “a little thing at first, [which] thereafter grows until [it] strides the earth with [its] head striking heaven.” We have seen in our own century many awful examples of hatred, born of prejudice and arrogance, destroying lives and fracturing nations. We are here today to open and advance a discussion of this perilous threat as it affects America today: through the appalling profusion and persistence of hate crimes.

Hate crimes are as pervasive as they are perverse. They target homes and houses of worship. They feature arson, assault, and murder. They exempt no race, region, or religion.

And they are vicious. Hate crimes are much more likely to involve assault, lead to physical injury, and require hospitalization. And they are much more likely to be perpetrated against a complete stranger -- because in hate crimes, the perpetrators attack for the sole and sick purpose of punishing people for being “different.”

The act of attacking people for being different should send a shiver through the soul of America. We are a nation of expanding diversity, founded and sustained and distinguished among the nations of the world by our commitment to the equality of human beings, and to the protection of their inalienable rights. Any attack by some Americans against the rights of other Americans on the basis of race, color, religion, gender, disability, national origin, or sexual orientation is an attack on America itself.

That’s why President Clinton has taken unprecedented action to curb hate crimes. The President pushed for, and signed, the Hate Crimes Sentencing Enhancement, that lengthens sentences for hate crimes. We have vigorously prosecuted hate crimes under federal civil rights statutes. We have deployed the expertise of the ATF in investigating bomb and arson incidents; we have established, within the FBI, a Hate Crime Unit, and begun collecting national data on hate crimes. We have begun to study the psychological effects of hate crimes, assembled a task force to investigate and prosecute cases of church arson, and deployed the Department of Justice Community Relations Service to cool the hot sparks of hate crimes before they can burst into flame and engulf an entire community. We have also begun working with schools to prevent the kind of behavior that leads to hate crimes.

We are proud of our record in fighting hate crimes, but we are not finished. We must press on to repudiate and discredit acts of hatred and bigotry in our own communities, and teach future generations of Americans never to hate or discriminate. This is a lofty goal, but if we hope to live together in peace, diversity and democracy, how can we aim for anything less?

We are lucky -- in this pursuit -- to be able to turn to the leadership of a man who witnessed -- growing up -- the awful effects of hatred and prejudice, and turned decisively in the

opposite direction. I am honored to introduce one of the most tolerant, big-hearted, open-minded men in America -- a President with boundless faith in the goodness of human beings, and in the promise of America. Ladies and Gentlemen: President Bill Clinton.



**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 is a crime committed against a person or property that is motivated by 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 currently 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: What policies did the President announce at the Hate Crimes Conference?**

A: The President announced several initiatives to ensure effective law enforcement, including the creation of working groups in every U.S. Attorney's district in the country to improve coordination among local, state, and federal prosecutors; the addition of new FBI agents and prosecutors to work on enforcement of hate crimes laws; the development of model curriculum for training law enforcement officers to deal with hate crimes; and the establishment of a new program at the Department of Housing and Urban Development to ensure that perpetrators of housing-related hate crimes pay money damages to their victims. The President also announced support for expanding the principal federal hate crimes statute to prohibit hate crimes based on gender, sexual orientation, and disability.

**Q: What specific changes to current federal law is the President supporting?**

A: The President announced his support for new federal legislation, which will soon be introduced by Senators Kennedy and Specter, to expand the principal federal hate crimes statute. The current statute prohibits any use of force that is based on a person's race, color, religion, or national origin and that is intended to interfere with certain specified federally protected activities. The proposed legislation would make illegal any act of force based on these prohibited characteristics and leading to bodily injury, even if the act did not interfere with federally protected activities. Further, the proposed legislation would prohibit any hate crime causing bodily injury that is based on sexual orientation, gender, or disability, as long as there is a connection with interstate commerce.

**Q: How many hate crimes are there each year? Are hate crimes increasing?**

A: In 1991, there were 4,558 reported incidents of hate crimes; in 1995, there were 7,947

reported incidents of hate crimes; and in 1996, there were 8,759 reported incidents. But these statistics almost certainly under-report hate crimes to a significant extent, and the rise in the number of reported incidents may be due to improvements in reporting, rather than to increases in crime. There are two reasons for thinking that current statistics under-report hate crime. First and most important, submission of hate crimes data to the FBI is voluntary, and many law enforcement agencies do not submit data at all or submit incomplete data. In addition, many victims of hate crimes fail to report the incidents because of fear, humiliation, or language difficulties. 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.

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

A: The Hate Crimes Conference addresses many of the ideas that the President will consider as part of the Race Initiative -- in particular, the enormous harms caused by intolerance and prejudice. The Hate Crimes Conference, however, addresses not only 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 50 or so satellite sites across the country.

**Q: What is the Administration doing about hate on the Internet?**

A: It is important to distinguish between hate crime and hate speech. Speech on the Internet is protected by the Constitution. The Clinton Administration is not regulating the Internet. However, there are many organizations such as the Anti-Defamation League that are working in cooperation with software companies such as America Online to develop programs for use by parents to be able to protect their children by filtering out hate sites.

**Q: Didn't the Clinton Administration overreact to the church arson problem?**

A: No. President Clinton established the National Church Arson Task Force (NCAFT) in June 1996 to oversee the investigation and prosecution of arsons at houses of worship around the country because federal authorities noticed an increase in the number of arsons reported toward the end of 1995, especially at African American churches in the South. Since January 1995, there have been 240 arrests and over 100 convictions, though not all the incidents were racially motivated. The Clinton Administration identified a serious crime problem and responded swiftly to it, ensuring close coordination among law enforcement agencies and effective prosecutions.

**Q: Why isn't the President increasing penalties for hate crimes?**

A: The Clinton Administration has already increased penalties for hate crimes in the Sentencing Enhancement Act, passed as part of the 1994 crime bill, which 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.

### **Proposed Legislation**

**Q: Why is this legislation needed?**

A: The legislation is needed for two compelling reasons. First, the problem of hate crimes based on sexual orientation, disability, and gender are serious, and are currently not covered under federal law. Second, the Department of Justice has been hindered in its efforts to prosecute racial hate crimes because of the need to show that the victim was engaged in a federally protected activity such as enrolling in or attending any public school or college. This amendment will ensure that all Americans are protected under federal law from any hate crimes causing serious bodily injury.

**Q: Why is federal hate crimes legislation necessary at all? Shouldn't this really be a matter for local prosecutors?**

A: The federal government has an important supporting role to play in prosecuting hate crimes. As a matter of longstanding practice, federal officials defer to state prosecutors to make the initial determination whether to bring a hate crimes case. But the problem of hate crimes is serious enough to warrant providing the federal government with authority to act if local prosecutors fail to respond adequately. And the proposed legislation will ensure that the federal government has this necessary authority.

**Q: Won't this expansion of the new federal hate crimes statute require extra resources?**

A: **Any new criminal law requires new resources to enforce it, and this one is no exception. The Administration will work to ensure that its new responsibilities are carried out as efficiently as possible.**

**Q: Doesn't providing protections based on sexual orientation legitimize the gay lifestyle?**

A: No. Whatever their views about homosexuality or about providing antidiscrimination protections to gays and lesbians, all people of good will should agree that people should not be subject to physical attack based on their sexual orientation. People in this country have a fundamental right to be safe and to live without fear of violence. This statute ensures that people will receive this protection.

**Q: Won't the addition of gender to the federal hate crimes legislation federalize all rapes?**

**A:** No. The bill does not make every rape a federal crime. In addition to the violent act, there must be evidence of bias toward the victim because of the victim's gender and a showing that the offense implicates interstate commerce. Prosecutors may be able to prove these elements in some rapes: for example, in the case of a serial rapist who travels from state to state, and whose conduct, including language used and mutilation, suggests a gender bias. But most rape cases will not be covered under the proposed federal hate crimes statute. The Department of Justice will develop internal guidance on this issue to ensure that federal prosecutors do not use the statute inappropriately.

Automated Records Management System  
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Miguel M. Bustos ( CN=Miguel M. Bustos/O=OVP [ UNKNOWN ] )

CREATION DATE/TIME: 9-NOV-1997 16:06:50.00

SUBJECT: Hate Crimes

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

READ:UNKNOWN

TEXT:

I have asked Richard to add Susan Liss, VP's Dep. COS, to the manifest for the POTUS's Hate Crimes Briefing on monday. PLease let me know ASAP.

----- Forwarded by Miguel M. Bustos/OVP on 11/09/97 04:08 PM -----

Richard Socarides @ EOP 11/08/97 02:46:48 PM

Record Type: Record

To: Miguel M. Bustos/OVP

cc:

Subject: Re: HATE CRIMES

talk to dpc folks; they are manifesting the breifing. Elana Kagan 65565

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 9-NOV-1997 10:56:07.00

SUBJECT: VP Speech for Conference

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

READ:UNKNOWN

TO: Mary L. Smith ( CN=Mary L. Smith/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 Thomas L. Freedman/OPD/EOP on 11/09/97  
10:53 AM -----

Thomas M. Rosshirt @ OVP

11/09/97 10:27:00 AM

Record Type: Record

To: Thomas L. Freedman/OPD/EOP

cc:

Subject:

Tom:

Here is a draft of the VP's remarks for the hate crimes conference. To respond -- you can email me back, page me through signal, or fax me at home at [REDACTED]

[003]

Thanks,

T.M

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

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