

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 020 - FOLDER -002**

**[11/22/1997 - 11/25/1997]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Bruce Reed to Elena Kagan re: James Bennet [partial] (1 page)	11/24/1997	P6/b(6)
002. email	Stacie Spector to Jennifer M Palmieri et.al. Subject: work/family meeting. (6 pages)	11/25/1997	P6/b(6)

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**COLLECTION:**

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

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**FOLDER TITLE:**

[11/22/1997-11/25/1997]

Bevin Maloney  
 2009-1006-F  
 bm58

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### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barry White ( CN=Barry White/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:22-NOV-1997 17:57:36.00

SUBJECT: Alternative to the Urban Initiative

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

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

TO: Jacob J. Lew ( CN=Jacob J. Lew/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

CC: Mary I. Cassell ( CN=Mary I. Cassell/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: Janet Himler ( CN=Janet Himler/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

Barry White ( CN=Barry White/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TEXT:

I mentioned in Gene's office the other day an alternative approach to addressing the struggle to raise educational achievement in high poverty areas (urban or rural in my formulation); this came out of the Education Branch's consideration of the Education Department FY 1999 Budget submission. I had discussed this some with Mike Cohen earlier, and I had the benefit of attending one meeting with Mike and ED's Tirozzi and Johnson. Attached is a two-page draft summary of the OMB staff proposal. It would:

reinforce and support current programs, like Title I, by mainly providing sizable money awards for demonstrated progress in raising student achievement, not just providing more money for more plans for the same things schools are supposed to be doing with Goals and title I and IDEA, etc.;

reach 50-100 districts or more, depending on award size;

for current needs money, incorporate the now free-standing Obey grants in a way that supports base program goals, without generating a separate program unconnected to the Administration's flagship efforts.

pick up some ideas from the DPC/Education discussions.

We propose to discuss this approach with Education next week as part of



DRAFT November 22, 1997

### Urban/Rural High Poverty Area Educational Achievement Awards

**Premise:** High poverty school districts, in which minorities are disproportionately represented, urban or rural, may have the greatest difficulty raising educational achievement, despite the significant sums of Federal monies for this purpose which they receive. There are examples of high-poverty districts that have high-performing, high-achieving schools. Reinforcing the importance of raising educational achievement through small near term awards building toward a substantial money award for proven success could provide the impetus needed in more high poverty districts to use resources more effectively and reach the goal.

#### Proposal Summary:

- A. School District Achievement Awards. The FY 1999 Budget would propose an advance appropriation in FY 1999 for use in FY 2000 of \$500 million, with equal amounts in each outyear, to provide awards to high achieving eligible districts.
- B. Funds to meet needs now. To give eligible districts new resources now so that they can better compete successfully for awards in FY 2000, in FY 1998 the Education Department would use the \$145 million appropriated for "Obey" school reform projects to make grants covering a two year period to competitively-chosen applications from high poverty, high need districts, so that those districts can implement research-based models of proven effectiveness in helping poor and minority children reach high standards and raise their achievement levels. Winners would get a "running start" toward competing successfully for Achievement Awards.
- C. Partnering Awards for Districts that are already high-poverty and high-achieving. \$25 million, would be sought each year beginning in FY 1999 for high-poverty, high-performance districts if they will serve as technical assistance partners to districts that hope to compete for the achievement awards. (An FY 1998 round might be available from re-directed school reform or other ED funds.) This aspect would also keep these "success story" places from feeling that they were left out.

#### Design elements:

- Eligible districts for school reform grants and for Achievement Awards would be those in each State that are in the highest quintile in terms of percentage of poverty, and, of those districts, ones that are in the lowest quintile in terms of scores on State assessments. [this needs refinement with real data to see who is captured]
- Achievement Awards. Awards would be competitive grants to 50-100 eligible districts (or more), ranging from about \$3-15 million each, scaled to the size of the district. Awards would be made based on the most substantial or most significant demonstrated progress made since 1995 (the year of implementation of Title I reforms and Goals 2000)

in raising student achievement. There would be rigorous non-Federal peer review panels to recommend the Award winners.

- Allowable uses of Achievement Awards. Subject only to the requirement to use the funds to further school improvement and continue progress in raising student achievement, districts would have complete flexibility in how they use the Achievement Awards they win.
- Achievement Award duration; succeeding cycles. Award winners would be eligible to receive payments for three years, with years 2 and 3 in declining amounts. (A match is possible but isn't necessary). There would be a new round of Achievement Awards each year with each year's new \$500 million covering both the declining amounts for years 2 and 3 continuation Awards, and the first year of new Awards.
- The uses of FY 1998 school reform funds could range across the known spectrum of successful techniques, including hiring better qualified teachers and administrators, expedited removal of low performing teachers and administrators, implementing curriculum based on high standards, involving parents in accountability and assessment systems, and the like. The focus will be on things known to raise student achievement.
- Ensure integration with existing Federal school improvement funds. School reform applicants would have to make clear how the new resources will complement and build upon Title I and IDEA resources in the district, and where applicable, Eisenhower, Goals, technology challenge grant, Even Start, and perhaps other Federal resources in the district.
- States would concur with school reform grant applications, and would have to attest to how grant application further progress toward the State's Goals 2000 plan. States should also concur with Achievement Award applications. States could have to commit to not reducing their level of effort for school reform grant or Achievement Award winners.
- Future school reform funds. No FY 1999 funds would sought for school reform grants, but funds would be sought in FY 2000 and each succeeding year for successive rounds of two year grants to continue the process of helping districts compete for the succeeding rounds of Achievement Awards.

**NOTE:** The statutory structure of school reform funds in the appropriation language paragraphs clearly allows the above approach, but it is very different from the detailed report language. Negotiations with Obey and others would be necessary. Since it assures continued support for the program and makes it a key to larger successful programs, the approach should be saleable.

- Social promotion. The President is interested in moving against social promotion. A condition of consideration for both school reform grants and Achievement Awards could be demonstrated progress toward eliminating social promotions on a schedule consistent

with achieving success in meeting high standards.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Russell W. Horwitz ( CN=Russell W. Horwitz/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:23-NOV-1997 17:18:55.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

pls call sperling's office if you can;62807

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1997 16:45:17.00

SUBJECT: VAWA 245i

As all of you probably are aware, the special provisions of VAWA for battered immigr  
Additionally, Bonnie says the Justice Dept. is supportive of remedies on this issue.

If there is no plan, could we have a discussion ! thanks.

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:

----- Forwarded by Janet Murguia/WHO/EOP on 11/24/97  
04:35 PM -----

Audrey T. Haynes

11/24/97 04:30:28 PM

Record Type: Record

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

cc: Robin Leeds/WHO/EOP

Subject: VAWA 245i

As all of you probably are aware, the special provisions of VAWA for  
battered immigrant women have been undercut by recent legislation. A  
number of our congressional friends, especially those in the Congressional  
Women's Caucus, spoke of their concern about this during their one minute  
floor speeches prior to adjournment. The advocacy groups are getting  
geared-up and are wanting relief on this issue and would like for the  
White House, the groups and our congressional friends to have a united front  
in getting this "fixed" before Congress reconvenes. Bonnie Campbell and  
Janna Sidley have spoken with me about this but do not want to encourage  
the groups one way or the other until they know the White House plan.  
Additionally, Bonnie says the Justice Dept. is supportive of remedies on  
this issue. Please advise as to our plan.

If there is no plan, could we have a discussion ! thanks.

Message Sent

To:

Bruce N. Reed/OPD/EOP

Elena Kagan/OPD/EOP

Maria Echaveste/WHO/EOP

Katharine Button/WHO/EOP

Janet Murguia/WHO/EOP

John L. Hilley/WHO/EOP  
Susan M. Liss/OVP @ OVP  
Thomas L. Freedman/OPD/EOP  
Green  
Roberta W. Greene/WHO/EOP  
Mary L. Smith/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sandra Thurman ( CN=Sandra Thurman/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:24-NOV-1997 15:22:04.00

SUBJECT: World AIDS Day Directive

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I just got back into the country and wanted to check on the Directive that Todd sent you. Did you think it was ok? Josh has sent it to some folks in his shop to look at. We're finishing up the scheduling request for the President and need to know if the Directive is in or out (we very much want it to happen).

Can you give me or Todd a shout and let us know? Thank you!!

Sandy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1997 17:37:12.00

SUBJECT: Pls examine re: housing vouchers and welfare to work

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Andrea Kane ( CN=Andrea Kane/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

TEXT:

Andrea put together the attached one and a half page chart to show you two alternatives ways to link a proposal for 50,000 more housing vouchers to welfare reform. Please take a quick look and let me know if you have a preference.

Barry White seems to think that in order to have a strong tie between the new vouchers and welfare to work, the vouchers must be tied specifically to the \$3 billion welfare to work program. As much as I love Barry, I just don't agree. There is no reason why the public housing authority could not link with a welfare to work program operated by the local TANF agency instead.

One reason why Barry may prefer the link to \$3 billion program is that those dollars are targetted to hard-to-employ, long-term recipients. If we want to target vouchers to long-term recipients, we could do so without requiring that they be long-term recipients in the \$3 billion program. Or, as illustrated in our alternative, we could let the local housing authorities propose the program linkage and the individuals to be targetted in their application for vouchers.

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

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

TEXT:

Unable to convert ARMS\_EXT: [ATTACH.D29]MAIL403346720.316 to ASCII,  
The following is a HEX DUMP:

FF57504377090000010A020100000002050000005521000000020000004189E2F8224B12EA2224  
30C126FB46FDB8F2E1905ED1A07F003966936042009DE8793EDF6939A3765C2A0AD4C35AAD5F87

**HOUSING VOUCHERS LINKED TO WELFARE REFORM**  
DECISION POINTS and OPTIONS

<b>DECISION POINTS</b>	<b>B. WHITE PROPOSAL</b>	<b>ALTERNATIVE</b>
<b># of Vouchers</b>	50,000	50,000
<b>Funding Amount and Type</b>	\$300 M, Mandatory	\$300 M, Mandatory
<b>Budgetary Duration of Vouchers</b>	As long as we can get.	As long as we can get.
<b>Eligible Families</b>	WtW Participants: 70% of funds for long term recipients who also have other barriers (low basic skills, substance abuse, poor work history); 30% for recipients who have characteristics of long-term dependency.	TANF eligible families for whom housing voucher will assist transition to self-sufficiency. For further targeting: (a) applicant agency could propose targeting, and/or (b) application process could indicate or give preference to certain criteria, i.e. mobility, lack access to affordable housing, length of time on welfare.
<b>Applicant Agency</b>	Public Housing Authority (PHA), with agreement with WtW grantee and welfare agency. Governor consulted as part of WtW Plan process.	Options: (a) PHA with WtW+TANF (same as B. White) (b) PHA with local TANF agency (include WtW at local option) (c) PHA with local TANF agency or WtW grantee. [(d) allow alternative to PHA as lead applicant??]
<b>Method of Distribution</b>	Competitive, with 75% for WtW formula grantees and 25% for WtW competitive grantees. Selection criteria would need to be identified.	Competitive. Selection criteria would need to be identified.
<b>DECISION POINTS--Cont.</b>	<b>B. WHITE PROPOSAL</b>	<b>ALTERNATIVE</b>
<b>Timing of Distribution of Vouchers</b>	FY 1999, tied to 2nd round of WtW grants.	FY 1999. (Once vouchers awarded, locals manage

		ongoing allocation and reallocation to families as result of turnover or time limits if they so choose).
<b>Submission Process</b>	Part of FY 1999 WtW Plan	a) amendment/addendum to TANF Plan or b) stand-alone application
<b>Use of/Restrictions on Vouchers</b>	HUD would seek waiver authority to grant flexibility to local recipient agencies on how to structure assistance.	Same as B. White (examples include % of income paid toward rent, time limits, earned income disregard?).
<b>Federal Approval Process</b>	HUD, DOL, HHS	HUD, HHS, DOL--with mandatory review time frames (DOL might be optional depending on role of WtW grantees).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Susan M. Carr ( CN=Susan M. Carr/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:24-NOV-1997 13:01:49.00

SUBJECT: Notes of Action - Director's Review, Civil Rights Crosscut, November 12 an

TO: Lin Liu ( CN=Lin Liu/OU=PIR/O=EOP@EOP [ PIR ] )

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: Patricia E. Romani ( CN=Patricia E. Romani/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: David H. Morrison ( CN=David H. Morrison/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Kenneth L. Schwartz ( CN=Kenneth L. Schwartz/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Andrew Abrams ( CN=Andrew Abrams/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Edward M. Rea ( CN=Edward M. Rea/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Susanne D. Lind ( CN=Susanne D. Lind/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Richard P. Emery Jr. ( CN=Richard P. Emery Jr./OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: James C. Murr ( CN=James C. Murr/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: John S. Radzikowski ( CN=John S. Radzikowski/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: David L. Muzio ( CN=David L. Muzio/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Sean E. O'Connor ( CN=Sean E. O'Connor/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jill M. Blickstein ( CN=Jill M. Blickstein/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

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

TO: Lawrence J. Haas ( CN=Lawrence J. Haas/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Joseph J. Minarik ( CN=Joseph J. Minarik/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

TO: Allan E. Brown ( CN=Allan E. Brown/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

TO: Jacob J. Lew ( CN=Jacob J. Lew/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

TO: Francis S. Redburn ( CN=Francis S. Redburn/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

TO: Bruce D. Long ( CN=Bruce D. Long/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Ronald M. Cogswell ( CN=Ronald M. Cogswell/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

TO: Robert E. Barker ( CN=Robert E. Barker/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Andrew M. Schoenbach ( CN=Andrew M. Schoenbach/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Philip R. Dame ( CN=Philip R. Dame/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Justine F. Rodriguez ( CN=Justine F. Rodriguez/OU=OMB/O=EOP@EOP [ OMB ] )

READ:UNKNOWN

TO: Donald R. Arbuckle ( CN=Donald R. Arbuckle/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Wendy B. Zenker ( CN=Wendy B. Zenker/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Bernard H. Martin ( CN=Bernard H. Martin/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Alice E. Shuffield ( CN=Alice E. Shuffield/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

TO: Lisa M. Kountoupes ( CN=Lisa M. Kountoupes/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Charles E. Kieffer ( CN=Charles E. Kieffer/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Robert G. Damus ( CN=Robert G. Damus/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Clarence C. Crawford ( CN=Clarence C. Crawford/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: T J. Glauthier ( CN=T J. Glauthier/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Barry B. Anderson ( CN=Barry B. Anderson/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

TO: G. E. DeSeve ( CN=G. E. DeSeve/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: Franklin D. Raines ( CN=Franklin D. Raines/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: Susan M. Carr ( CN=Susan M. Carr/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TEXT:

1. Agency funding increases, which are part of a Presidential Initiative on Civil Rights, are approved (except for the U.S. Commission on Civil Rights, which is funded below guidance):

Issue #1 - EEOC. Recommend funding at \$270 million, \$34 million above guidance. Funding increases are for information systems upgrades, increased use of mediation programs, and staff to reduce the time it takes to process private sector charges to 6 months.

Issue #2 - Fair Housing Activities. Recommend funding at \$44 million, \$10 million above guidance. Funding increase is to develop a targeted, audit-based enforcement initiative using paired testers to raise public

awareness of discrimination and take subsequent enforcement action. There was a discussion of this proposal to gather data for individual metropolitan areas for their fights against local housing discrimination versus the need to consider alternative national measures of baselines of discrimination in housing and other areas such as employment. Sally Katzen offered OIRA's assistance in reviewing a local group's methodology and assessing its relevance to other areas of discrimination, including employment.

Issue #3 - Justice Civil Rights Division. Recommend funding at \$69 million, \$2 million above guidance, to provide adjustments to base.

Issue #4 - Labor's Office of Federal Contractor Compliance Programs (OFCCP). Recommend funding at \$68 million, \$6 million above guidance. Funding continues OFCCP's streamlining and compliance assistance initiatives.

Issue #5 - Education's Office of Civil Rights. Recommend funding at \$65 million, \$2 million above guidance. Funding would provide for investments to information technology upgrades and additional staff.

Issue #6 - U.S. Commission on Civil Rights. Recommending funding at \$9.1 million, \$2 million below guidance. Specify in passback the management reforms that need to be addressed beginning in FY 1998 and continuing through FY 1999, before increased funding is warranted.

2. The Director recommended pursuing the following particular themes in agencies' civil rights budgets:

- - increased compliance efforts by Federal agencies
- - use of tools other than enforcement and litigation to increase compliance (mediation, the role of data collection)
- - encouraging the role of the states in addressing discrimination
- - emphasizing greater use of prevention versus enforcement
- - improving statistical methods of measurement

3. Accept OMB's recommendation to include a civil rights section in the FY 1999 Budget as part of an Administration effort to highlight government-wide civil rights activities. HTF Division staff will have the lead.

4. Include a "boxed description" on civil rights in the budget.

5. Review additional funding requests solicited by DPC from the civil rights agencies, totalling some \$18 million, for potential inclusion as pending Presidential Initiatives.

6. Reconstitute a Civil Rights Working Group (CRWG) Council along the lines of the CFO Council, or the CIO Council. Civil rights agency heads could prioritize and coordinate civil rights efforts, redefining the notion of what it means to advance civil rights in the next century. This may be chaired by the DPC.

7. The President's Initiative on Race made four recommendations: Increased funding for Justice Department Coordination (this issue needs to be more fully developed, maybe by the CRWG Council).

Increased funding for Justice/Police "Brutality" issues (these have been recommended).

Increased funding for Community Relations Service (\$6 m is recommended, \$1 m over FY 1998).

Restoration of OMB's Civil Rights Budget Analysis (OMB also recommended restoration and it was agreed to).



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1997 09:58:04.00

SUBJECT: Here's Paul reply re: Andrea's travel request

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

TEXT:

so I'll have Andrea talk to Cathy

----- Forwarded by Cynthia A. Rice/OPD/EOP on 11/24/97  
10:00 AM -----

Paul J. Weinstein Jr.

11/24/97 09:56:37 AM

Record Type: Record

To: Cynthia A. Rice/OPD/EOP

cc:

Subject: Re: Travel requests

Yes. No problem. Since you still do not have your support person, why don't you ask Cathy to help her fill out the travel voucher. This should be done before we leave for Thanksgiving if we can. Also, we should pay for the whole amount.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1997 17:58:59.00

SUBJECT: My paragraphs

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

READ:UNKNOWN

TEXT:

Education [check with Mike]

1. Class size / 100,000 teachers: We are working with the VP's office and others on an ambitious initiative to reduce class sizes in the early grades by providing money to hire up to 100,000 new teachers over the next several years, perhaps paid for by reducing the federal work force by another 100,000 positions over the same period. This initiative would help states and communities respond to the recent surge in grade-school enrollment with a popular, proven reform that significantly increases the odds that a child learns to read by the end of 3rd grade. We estimate that 100,000 new teachers in grades 1-3 would reduce average class size from \_\_ to \_\_ [check with Tanya].

The initiative would have three basic elements: 1) grants to help states or communities to hire new teachers (as in the COPS program, these grants would be time-limited (3-4 years) and the federal share would be 50-75%; 2) funds for teacher training, with a particular emphasis on reading; and 3) provisions to ensure accountability, such as requiring testing of new teachers and/or ensuring a speedy process to remove bad teachers from the classroom. A serious proposal along these lines would cost \$5-10 billion over five years, depending on the size of the federal match and the target date for reaching 100,000. Reducing the federal work force by another 100,000 positions would raise twice that amount.

2. Education Opportunity Zones: As we outlined in an earlier memo on policy proposals for the race initiative, we are working with the Education Department on a school reform plan that would reward 10-15 inner city and poor rural school districts that agree to take sweeping steps: district-wide choice, public school vouchers, no social promotion, and removing bad teachers. Our goal is to challenge more districts to do what Chicago has done, and reward them for holding students, teachers, and schools accountable. Each urban grant would be worth \$10-25 million, and each rural grant would be worth up to \$2 million, for a total request in FY99 of \$320 million.

3. National Public School Choice Law: We are exploring the possibility of proposing legislation to require that states and communities allow public school choice as a condition of receiving federal education funding. Together with a strong endorsement of bipartisan charter school legislation bound to pass next year, this measure will show that we're firm supporters of choice and competition. We are also looking into the concept of a parents'-right-to-know law that would require states and communities to make key information on school performance available, so that parents can make informed choices.

Welfare

1. Welfare-to-Work Housing Vouchers: We are working with OMB and HUD on a plan to request another 50,000 new housing vouchers to help welfare recipients in public housing who need to move in order to find work and meet the work requirements. Housing mobility should be a major focus of the race initiative, and linking it to welfare reform may increase the chance of attracting congressional support. At the same time, we should reiterate our support for welfare-to-work transportation funds as part of NEXTEA.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1997 18:38:12.00

SUBJECT: Food Irradiation

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

READ:UNKNOWN

TEXT:

The most immediate thing happening on this front is a petition pending at the FDA on using the technology on meat. Friedman has said publicly that a decision is close.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1997 17:04:58.00

SUBJECT: Desperate

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

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

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

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

TEXT:

ly seeking info for the President's daily report.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1997 18:58:29.00

SUBJECT: Doggett Amendment

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:

You dropped me a note about whether the Doggett amendment passed. It did in State/Commerce, but has not been signed yet. (It formalized the US position on tobacco exports-- prohibiting promotion of tobacco overseas but allowing the government to fight discrimination specifically against US tobacco).

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1997 19:18:02.00

SUBJECT: Central Americans

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

READ:UNKNOWN

TEXT:

Scott and Maria have arranged for a meeting next Tuesday at 3pm in Rm 208 with DOJ and INS to discuss how we want to proceed with administrative relief for the Central Americans --- i.e., whether to promulgate a reg. or whether to proceed with guidance to the field, with no reg. INS/DOJ are opposed to a reg. Maria is in favor. I have yet to read the memo from the advocates, but will do so and then take it from there.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1997 18:12:04.00

SUBJECT: Class Size Data -- Grade By Grade

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

READ:UNKNOWN

TEXT:

----- Forwarded by Bruce N. Reed/OPD/EOP on 11/24/97  
06:12 PM -----

Tanya E. Martin  
11/24/97 05:11:19 PM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Michael Cohen/OPD/EOP  
cc: Thomas L. Freedman/OPD/EOP  
Subject: Class Size Data -- Grade By Grade

Grade	Average Class Size
Kindergarten	21.8
First	21.1
Second	21.1
Third	21.4
K-3	21.5

The articles on class size reduction have been copied and are on their way over.



**M E M O R A N D U M**

**TO: BRUCE REED, ELENA KAGAN**

**FROM: THOMAS FREEDMAN, MARY L. SMITH**

**RE: DOJ DEBT COLLECTION**

**DATE: NOVEMBER 21, 1997**

---

**SUMMARY**

There is approximately \$6 billion in uncollected federal criminal debt. A project that would have created a national database to oversee the collection has been terminated because it was behind schedule and plagued with problems. Only \$2 billion of the \$6 billion can reasonably be collected.

DOJ currently has two projects ongoing to address some of these issues. First, DOJ expects to award a contract in January 1998 to develop software to collect only federal **civil** debt. However, the software is being developed to include data fields for criminal debt, so that criminal debt collection can be implemented in the future. This software would be installed at the Executive Office of the U.S. Attorney, the U.S. Attorneys' Offices, Main Justice, and any DOJ field office. Second, DOJ has proposed legislation to address some of the problems the Government has in enforcing and collecting primarily federal criminal debt.

**BACKGROUND**

The National Fine Center was authorized by the Criminal Fine Improvements Act of 1987, Pl. 100-185, 101 Stat. 1279. The Criminal Fine Improvements Act of 1987 contemplated that the director of the Administrative Office of the U.S. Courts (AOUSC) would establish a single national center within the judicial branch for processing fines, restitution, and special assessments.

There is a great need for a collection service for criminal fines because many fines are not recovered. For instance, as of early 1992, DOJ estimated that the total amount of unpaid criminal debt exceeded \$1.6 billion. By late 1996, the amount of unpaid criminal debt had ballooned to nearly \$6 billion.

Once the criminal debts were collected, the National Fine Center, via the Treasury, was to make payments to either the victims (e.g. federal agencies, private corporations, banks, or individuals) or to the Crime Victims Fund. The Crime Victims Fund was established by the Victims of Crime Act, P.L. 98-473, 98 Stat. 2170. Virtually, all criminal fines, special assessments, and bail bond forfeitures are deposited into this fund, which is administered by the

Office for Victims of Crime in the Department of Justice. Ninety percent of the Crime Victims Fund is distributed to states for compensation programs such as rape crisis centers and child abuse centers that provide financial assistance to victims and survivors of victims of criminal violence.

The National Fine Center was closed on November 15, 1996. Debt collection will revert to the decentralized system employed by each federal judicial district in the country, which, in many districts, involve catalog cards or ledger books.

Part of the reason that the amount of uncollected debt is so high is that “vanity fines” stay on the books. Vanity fines are fines with no realistic expectation that they will be collected. In fact, Kathleen Hegerty at the Department of Justice estimates that two-thirds of the current \$6 billion in criminal debt is uncollectible, or, in other words, approximately only \$2 billion can reasonably be collected. In fact, one of the recommendations of a May 1995 GAO report was to establish procedures for determining the collectibility of criminal debt accounts.

Despite the uncollectibility of much of the accrued criminal debt, there is still potentially a surplus, given a few criminal defendants with large fines and penalties that do have the ability to pay such as ADM and Daiwa, the Korean bank .

## II. THE PROPOSED DOJ LEGISLATION

DOJ has drafted a bill that would improve the ability of Government attorneys to collect the approximately \$6 billion of debt owed to the United States. This legislation would require no additional cost to implement. As an initial rough estimate, DOJ expects that this legislation will improve collection of approximately \$200 million of the outstanding debt.

The bill is already drafted but needs some final vetting by DOJ.

Title I of the draft bill amends the Federal Debt Collection Procedures Act of 1990 (the “Act”) . Title II of the bill, in large part, amends Title 18 of the United States Code. The provisions in Title II are largely the same as the restitution provisions in a draft bill that DOJ proposes to transmit on victims’ rights.

- **Surcharge.** The bill amends § 3011(a) of the Act to clarify that the United States is entitled to recover a surcharge anytime it is required to bring a legal action to collect a debt. The surcharge provision is intended to compensate the United States for the cost of litigation and is in lieu of attorney’s fees.
- **Discovery.** The bill makes it clear that discovery is not limited to cases in which the United States has sought a prejudgment or postjudgment remedy.
- **Assists in determining a debtor’s ability to pay a judgment through disclosure of**

**grand jury financial information and better access to other financial information at the time of conviction and after judgment is entered.**

- **Disclosure of grand jury information regarding financial condition.** This section of the bill will modify a Supreme Court decision that did not permit a criminal government attorney (the attorney in the grand jury proceeding) to disclose financial information to the civil government attorney (the attorney responsible for enforcing the fine or restitution imposed by the court in a criminal case).
- **Investigative power.** The bill permits investigation prior to the institution of a civil action by authorizing a civil investigative demand. Such a procedure is available in other civil contexts, like antitrust and FTC investigations.
- **Provides nationwide standards for property that civil debtors can protect from seizure.**
  - **Uniform federal law exempting property.** This bill creates a uniform federal exemption law that applies to all federal debts collected under the Act. Previously, exemptions for certain property was determined by looking to state law.
- **Eliminates limitation on value of property that may be used to satisfy a debt.** Section 131 of the bill clarifies that any of the debtor's property may be seized and used for satisfaction of the judgment debt, subject to the applicable exemptions. The amendment eliminates a confusing limitation on the value of the property that may be seized and sold. The limitation currently conflicts with § 3203(h) which clearly contemplates that an execution sale will yield a surplus on occasion.
- **Installment payment order.** The bill increases the discretion of the court to fashion an appropriate remedy by permitting the court to issue an installment payment order notwithstanding that the debtor's wages are subject to an order of garnishment. A wage garnishment is limited to 25% of the disposable earnings paid by the debtor's employer. However, a debtor's salary may be only a small fraction of the debtor's total income. Furthermore, a debtor may manipulate actual salary by negotiating to receive less salary and more benefits such as living expenses.
- **Eliminates impediments to seizure of wages and bank accounts while preserving the debtor's extensive due process rights.**
  - **Waiting period for garnishment.** The bill amends § 3205(b)(1) of the Act so that the 30-day waiting period applies only to garnishment of the judgment debtor's earnings rather than other assets such as bank accounts. The amendment is necessary to prevent the fraudulent transfer of non-wage assets during a

previously afforded 30-day window of opportunity.

- **Garnishment notice by mail.** The bill permits the service of a writ of garnishment by first class mail or in any manner provided under § 3004. The amendment eliminates the delay often associated with other methods of service and reduces the burden on the United States marshals.
- **Authorizes injunctive relief to prevent the dissipation of the debtor's assets while a debt to the United States remains unpaid.**
  - **Restraining notice.** The bill adds a new enforcement procedure, the restraining notice. This provision would require a judgment debtor to preserve his nonexempt assets while the judgment remains unsatisfied. The restraining notice does not restrain the transfer or disposition of any property necessary for the support of the debtor or the debtor's dependents, or property necessary to operate the debtor's business. Service of the restraining notice freezes the debtor's property to prevent its transfer or dissipation.
- **Clarifies the court's authority to prevent the debtor from evading, hindering, or delaying debt collection efforts by the United States.**
  - **Court may aid in enforcement of judgments.** The bill makes clear that the United States may enlist the aid of the court in the enforcement of its judgments. For instance, if the debtor has placed property outside the jurisdiction of the United States by transferring funds to an offshore bank, this amendment will permit the court to issue an order directing the debtor to wire transfer the funds to the Federal Reserve Bank of New York. Similar turnover powers are authorized in the Bankruptcy Code.
  - **Enhancement of enforced collection of criminal debts.** Without this amendment, the United States cannot invoke any procedures under the Act until the defendant has been sentenced to pay a financial penalty. The new provision permits the court, after a verdict, plea agreement, or decision in favor of the United States, to order the examination of any party and to issue a restraining notice with the same effect as if the restraining notice had been issued after judgment. The ability to examine the defendant immediately after an adverse decision, coupled with a restraining notice, will assist in preventing fraudulent transfers.
- **Extends the time for undoing collusive transfers of property when made to avoid paying criminal fines and restitution. (Makes the property available to pay the debt.)**

- **Statutes of limitation for fraudulent transfer actions.** Under current law, the United States is often time-barred in seeking to set aside a fraudulent transfer because the United States could not implement an action until a debt was actually created at the time of sentencing. Even when the right to set aside the transfer is not time-barred, there are other enforcement difficulties like the jurisdiction of the enforcement transferring to the probation service during any period of probation. The bill amends the statute of limitations to mitigate these impediments to the enforcement of restitution and fines.
- **Eliminates impediments to the enforcement of criminal monetary penalties, and strengthens the rights of victims of crime.**
  - **Enforcement of criminal monetary penalties.** The bill improves the enforcement of criminal monetary penalties. The bill allows the Government to seek accelerated payment of criminal monetary penalties if the court ordered deferred payment or payment in installments, and it is later determined that the debtor has the ability to pay a greater amount.
- **Clarifies that the United States may enforce victim restitution rights under the Federal Debt Collection Procedures Act.**
  - **Restitution enforcement.** The bill conforms the restitution enforcement provisions in the Child Support Recovery Act of 1994 with those authorized for other types of restitution under the Mandatory Victim Restitution Act.
  - **Restitution not dischargeable in bankruptcy.** The bill clarifies that orders of restitution, like criminal fines, are not dischargeable in federal bankruptcy proceedings.
  - **Restitution as part of plea agreement.** The bill requires the court to order restitution as agreed to by the parties in the plea agreement. In the past, despite any agreement that the debtor has made in the plea, the court has not included this restitution as part of its order.
  - **Restitution with large number of victims.** The bill provides the court with a variety of options when the number of victims or the complexity of the victims' losses may prolong or overly complicate the sentencing process. The bill permits, among other options, the court to create a reserve fund for restitution to victims when the aggregate loss is known or agreed to by the parties in the plea agreement, but all victims cannot be identified at the time of sentencing. After all identified victims are made whole, any surplus funds remaining in the reserve fund will be deposited in the Crime Victims Fund.

- **Joint and severable liability for restitution.** The bill adopts the principle of joint and severable liability with respect to restitution among co-defendants, making each debtor potentially liable for the full amount of each victim's loss. The adoption of this basic principle of tort liability streamlines the enforcement process and promotes prompter recovery of the victim's full losses.
- **Disclosure of information to enforce restitution.** The bill permits the Government to assist victims in enforcing restitution orders by disclosing certain information about the debtor that might otherwise be protected from disclosure by the Privacy Act, 5 U.S.C. § 552(a).
- **Eliminates the need to sue student loan debtors twice before enforcing collection.**
- **Assists in stopping federal payments and privileges (such as small business loans, hunting licenses) to debtors with outstanding federal civil and criminal judgments.**
- **Sections Related to the Elimination of the National Fine Center.**
  - The bill provides that the payment of fines, restitution, special assessments, and bail bond forfeitures shall be made in accordance with procedures established by the Director of the Administrative Office of the United States Courts. This change is necessary because of the elimination of the National Fine Center.
  - The bill repeals what was widely regarded as a mandate for a National Fine Center. The new wording requires the Director of the Administrative Office of the United States Courts to maintain oversight of the management of criminal debt information.
  - The bill completes the termination of the National Fine Center by eliminating mandatory annual funding transfers to the judicial branch from the Crime Victims Fund for the operation of a National Fine Center, and by requiring the return of unspent funds from the National Fine Center. The amendment permits the Director of the Crime Victims Fund to use the funds returned to the Crime Victims Fund for the benefit of crime victims in the federal criminal justice system.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Bruce Reed to Elena Kagan re: James Bennet [partial] (1 page)	11/24/1997	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[11/22/1997-11/25/1997]

2009-1006-F  
bm58

### RESTRICTION CODES

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

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

- 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.

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

CREATION DATE/TIME: 24-NOV-1997 18:29:29.00

SUBJECT: james bennet

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

READ: UNKNOWN

TEXT:

He said he has a call into you and would like to sit down this week if you have time. I think they're writing soon. He's a good guy -- P6(b)(6) and very sympathetic to what we've done on standards and other issues.

[001]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:24-NOV-1997 09:27:09.00

SUBJECT: Re: prosecutors

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

READ:UNKNOWN

TEXT:

Here it is. jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 11/24/97  
09:26 AM -----

Jose Cerda III  
11/21/97 01:25:40 AM  
Record Type: Record

To: Bruce N. Reed/OPD/EOP  
cc:  
Subject: Re: prosecutors

BNR:

I hope this works for you. It's a bit scattershot, but includes some language on the overall rationale for community prosecutors -- as well as a bit more on what they might actually do. If this needs to put into the context of the Race Initiative, you may want to consider calling it a "Community Justice" initiative (which some places do).

Call me if you have any q's or need more. In the meantime, I'll keep working on the details of what this will look like.

Jose'

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

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

TEXT:

Unable to convert ARMS\_EXT: [ATTACH.D56]MAIL45305372L.316 to ASCII,  
The following is a HEX DUMP:

FF57504366050000010A0201000000020500000008A27000000020000A69CD8463E145FD169D6D6  
CEDAF1CB5F23659D6875595657615B4B78507E8FA5045BC6D63AA5A25FD2DBEE5821D5308BD3EA  
2001F8082A8462CB3D5F5C462ECEAA0BD56AFCC321CD2851AE7853F8411E534E829B4CFC01983C  
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759A5E3D2072410599BFDA89663D4674545A441217DEA00E78C13BED14236F8296D9E3426470FA  
D968D23270565DA396EDBA96A3CD699E3986227FD89F15BB15A1A01B4250142579FEB02057AE9C  
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31175909089CEEAC2D212D76C4921B8F3E3962F068B5A0DA1B8DAB52C4CDD9957EC1A8CC5761E2  
839757CE4203181F2937457C78D7309DBD77EF50CAFC43694328B846B217E067BB38A8C18951C9  
41DE26D7B17CFE47114AB2528543E8880953F4428899FDA8D58B112241F81B958A8BB3DBF4F52F  
D1F92C59EB8CDFADEEB24E2785E858A2B000FBEB04F1AA1D734BD98B08076289F6E3AFDDCF645A0

...We also recommend that you include \$100 million to establish and fund a new Community Prosecutors Initiative in the FY 1999 budget. The overall goal of this initiative is to improve the quality of life in targeted, high-crime areas by providing direct resources to prosecutors who commit to move beyond the "assembly line" processing of criminal cases and to work hand-in-hand with community police officers and neighborhood residents to respond to specific crime problems. New or redeployed prosecutors paid for through this initiative would:

- (1) work with police and community residents to identify, analyze and solve priority crime and "quality of life" problems;
- (2) promote priority, vertical prosecutions that respond to community crime problems;
- (3) pursue alternative enforcement methods, such as working with other government agencies to enforce housing, fire, health and safety codes;
- (4) develop new legal tools for citizens and police when conventional enforcement tools fail (e.g., the "citizen-driven search warrants" developed by Portland Neighborhood DAs to deal with low-level drug dealers in owner-occupied housing); and
- (5) generally increase responsiveness to the needs of victims and witnesses (e.g., "Neighborhood Court Watch programs to keep the community informed of court proceeding or to help the community enforce conditions of release).

We believe this "problem-oriented" -- as opposed to incident-based -- approach to prosecution is especially important in the most crime-ridden communities where, due to overwhelming crime problems and limited resources, years of ignoring basic public safety needs have resulted in breeding grounds for the most serious and violent crimes.

A handful of jurisdictions have already embraced community prosecution, including -- Boston, MA, where community prosecution is an essential component of the city's successful juvenile crime strategy; Washington, DC, where last year former US Attorney Eric Holder established a pilot program with 20 attorneys in the 5th Police District; and Portland, OR, where an offer by the business community to pay for a prosecutor to help clean-up the business district ultimately led to the hiring of "Neighborhood District Attorneys" throughout the county.

Although the existing community prosecution efforts have stirred considerable interest in the criminal justice community, they have received little if any financial support from government (e.g., a \$50 million authorization in the 1994 crime bill has gone unfunded). Moreover, most local prosecutors depend primarily -- and nearly half exclusively -- on limited county funds for their budgets. Only 17% of the roughly 2,400 prosecutors offices receive any grant funds that might allow them to pursue more innovative strategies like community prosecution.

Thus, without an infusion of federal or state funds, it is unlikely that community prosecution efforts will notably expand any time soon. That is why we recommend a \$100

million in FY 1999 funding. With this level of funding, the Administration could give sizable grants to a majority of the larger prosecutors' offices (that is, the approximately 130 offices, with median staffs of 180 persons and budgets of \$8.5 million, that serve jurisdictions of 500,000 or more persons) -- as well as a considerable number of smaller grants to the smaller, full-time prosecutors' offices (that is, the approximately 1,600 offices, with median staffs of 10 and budgets of \$250,000, that serve jurisdictions of less than 500,000 persons). Most importantly, with \$100 million the Administration could do for community prosecution what the COPS program has done for community policing. We would be taking an innovative demonstration project and elevating it to a national standard that communities throughout the country would quickly embrace as a strategy to fight crime.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Miriam H. Vogel ( CN=Miriam H. Vogel/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-NOV-1997 20:11:14.00

SUBJECT: 9am Meeting on Authors & Conservative List

TO: Ron Klain ( CN=Ron Klain/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

TO: Michael D. McCurry ( CN=Michael D. McCurry/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: John Podesta ( CN=John Podesta/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Sidney Blumenthal ( CN=Sidney Blumenthal/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Scott R. Hynes ( CN=Scott R. Hynes/O=OVP @ OVP [ UNKNOWN ] )

READ:UNKNOWN

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

READ:UNKNOWN

CC: Sara M. Latham ( CN=Sara M. Latham/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Maria would like to invite you to attend a meeting tomorrow morning with Sylvia Mathews, Ann Lewis and Judy Winston to make the final decision on the authors for the Akron town hall meeting and the following Conservative meeting.

Please come to Maria's office at 9am or send your comments to us, should you wish to make additional comments.

Thank you.



## Possible New Health Initiatives for 1998

**Consumer Protection Legislation.** There is great potential for legislative success for three health care consumer protection initiatives that are clearly associated as Administration priorities:

(1) the **Quality Commission's "Consumer Bill of Rights,"** which has been endorsed by virtually every elite validator, has strong public support, and in some ways is more moderate than a bill in the House that has already attracted over 85 House Republicans; (2) our **Genetic Anti-Discrimination legislation,** which also has attracted bipartisan support on both sides of the Hill, has been validated by an HHS report that we released earlier in the year, and that will be validated again in January with the release of a Labor Department report on concerns related to employment discrimination. This anti-discrimination legislation is particularly important given the rapid discoveries in genetics. These advances have great potential to change the way we treat and prevent diseases, but also presents dangers that this information will be increasingly used to discriminate against Americans; and (3) **Privacy Protection legislation,** which would provide strong, broadly-supported federal standards that ensure the confidentiality of medical records. Although these protections would clearly help all populations, women's health advocates are strongly supportive of the initiatives outlined above, as they would assure direct access to OB/GYNs and, by explicitly assuring all plans do not use genetic screening inappropriately, would remove one of the primary reasons why many women do not take advantage of mammography screenings.

**Medicare Reform and Program Improvements.** Although the Medicare reforms in the BBA represent some of the most significant changes to the program since its enactment in 1965, there are two reform initiatives that seem ripe for consideration -- additional anti-fraud initiatives and the income related premium ("means-testing by income). While there is very little Medicare savings left after the enactment of the BBA, we believe there are about \$2-3 billion in savings (over 5 years) in anti-fraud proposals. Another \$7-8 billion in savings are possible from an income related premium that starts around \$50,000. The presence of the Medicare Commission could argue to be the rationale to move -- or not to move -- on this issue. The argument for is that it illustrates that we are willing to address an issue for which there is growing bipartisan consensus, as demonstrated by the Senate's action earlier this year. On policy grounds, a recent study confirmed that high-income seniors use more health care than low-income seniors.

The savings from any or all of the above could be used to help defray the costs of the following three-pronged set of Medicare improvements: (1) a **Medicare buy-in for pre-65 year olds** (which is probably a necessary precursor to any thought of raising the eligibility age; it may or may not cost some significant dollars, depending on whether a decision is made to subsidize this benefit in any major way); (2) an **unprecedented step to have Medicare cover cancer clinical trials,** which has the potential to indirectly encourage the private sector to do the same and -- as a consequence -- increase investment in treatments and cures of all cancers, including prostate cancer; and (3) a **new information outreach campaign that would allow private long-term care insurance that meets certain standards to be marketed to Medicare beneficiaries.** Such an approach, which would cost very little, would both raise beneficiaries' awareness of their options and improve the long-term care options that they have.

**Tobacco Agreement and Doubling the NIH Research Budget.** There is growing momentum for an initiative to double the NIH budget. We appear to be on the cusp of a host of breakthroughs in genetics which will enable scientists to map the entire human genome and revolutionize how we understand, treat, and prevent some of our most devastating diseases. New and much more effective treatments for diseases, such as diabetes, cancer, and repair for spinal cord damage will finally be in our reach. As the baby boomers reach retirement, the costs now projected as being necessary for their care will overwhelm the Medicare Trust Fund. Therefore, breakthroughs in research are not only desirable, but could make significant contributions toward relieving these likely financial burdens. Depending on how one counts, doubling the budget could cost in the \$20 billion range over 5 years. At this point, because the discretionary caps are so tight, the only way to come close to reaching this goal is to dedicate savings from the tobacco agreement specifically towards this end.

**Other Coverage Options: Children's Health, Workers In-Between Jobs, Voluntary Purchasing Cooperatives.** Consistent with our focus on children, we could announce a public and/or private effort to help ensure that every child eligible for health insurance gets covered. Modest but important policies to promote such outreach include: bonuses (through enhanced Federal Medicaid matching dollars) for enrolling more children in Medicaid; expanding the types of places where children can be enrolled in the health insurance program; and simplifying eligibility processes. On the private side, we could either ask for or work with Governors, businesses, foundations, and community groups to educate families about their options. These efforts both remind people of our major achievements in this area as well as confirm our commitment to cover our target and cover millions of uninsured children.

In addition, since virtually all policy advisors within the Administration still believe the workers-in-between-jobs initiative remains the best policy option available, we are proposing a demo be designed around our old policy. And finally, we believe pursuing the voluntary purchasing cooperative remains a good idea as one way to help small business access and afford health coverage. For all three of these initiatives, we are looking at financing alternatives that include Medicaid savings, Medicare residual savings, and/or residual tobacco agreement savings.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karen E. Skelton ( CN=Karen E. Skelton/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-NOV-1997 12:59:21.00

SUBJECT: Cal. bilingual legislation

TO: Nelson Reyneri ( CN=Nelson Reyneri/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Speaker Bustamante says that we will know in the next two weeks whether there is agreement on the Cal. bilingual education legislation. There is a negotiating team working now, and they will meet Dec. 10 or 11. I will circulate the proposed bill and analysis to ya'll.

Karen

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sarah A. Bianchi ( CN=Sarah A. Bianchi/OU=OPD/O=EOP [ OPD ] )

CREATION DATE/TIME:25-NOV-1997 17:31:18.00

SUBJECT: race and health

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

READ:UNKNOWN

TEXT:

We decided that John Callahan was going to send us a new version of the spending updated to reflect the passbacks. But we agreed Chris would go ahead and talk to Josh about the need for more money -- outside of the grant program.

We are also going to talk to NIH about getting them to focus some of their outreach/campaign dollars on minority outreach -- as they receive the vast portion of discretionary funding.

We are talking to Bill Corr again about other things necessary to plan the event tomorrow. As always, I am sure we will be filled with confidence.

Chris and I have already talked to Julie, OPL and the race commission about pulling together an outreach meeting when we get back from Thanksgiving.

sb

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-NOV-1997 21:24:40.00

SUBJECT: Handout for tomorrow's 11:30 POTUS meeting

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

TO: Ron Klain ( CN=Ron Klain/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TO: Franklin D. Raines ( CN=Franklin D. Raines/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: DAVID.WILCOX ( DAVID.WILCOX @ MS01.DO.treas.sprint.com @ INET @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

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

TO: Alan.Cohen ( Alan.Cohen @ MS01.DO.treas.sprint.com @ INET @ LNGTWY [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TO: Jacob J. Lew ( CN=Jacob J. Lew/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TO: Janet L. Yellen ( CN=Janet L. Yellen/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

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

CC: Jill M. Blickstein ( CN=Jill M. Blickstein/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TEXT:

This draft incorporates the comments from tonight's meeting. If you have any further corrections or comments, please let me know by 9:30 tomorrow morning. Thanks.===== ATTACHMENT 1 =====

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D78]MAIL400577824.316 to ASCII,  
The following is a HEX DUMP:

**Social Security and the Unified Budget Surplus**  
**November 26, 1997**

**Overview**

*Projected budget balance, \$ billion*

	2001	2002	2003	2004	2005	2006	2007
Trust funds	115	123	131	138	153	161	172
Non-trust funds	-122	-60	-69	-55	-46	-25	-5
Unified budget	-7	63	62	83	109	136	167

Source: OMB, Mid-Session Review cycle

- Unified surplus projected for 2002 to 2026. Between 2002 and 2007, unified surplus is “working man” surplus. In 2008, non-trust component of budget shifts to surplus.
- The surpluses raise national saving, which helps to raise productivity in the future and therefore ease the burden on future workers imposed by demographic trends.

**Options**

**1. Bolster the Social Security Trust Fund**

A) Alternatives:

- Purchase Treasury securities
  - **Has same economic effects as retiring government debt**
  - **Would extend the life of the Trust Fund**
  - **Under current scoring rules, leaves surplus on the books**
- Purchase private securities
  - Would extend the life of the Trust Fund significantly
  - Market risks and “social” investing concerns
  - Would eliminate the surplus

B) Key issues

- Whether elite leaders would view as increase in national saving, or as accounting maneuver.
- Could emphasize down-payment, not complete solution. Present plan (e.g., commission or high-level group to report by January 1999) for effecting other steps.

## 2: Fund individual retirement accounts

This option would use the unified surplus to fund a set of mandatory individual retirement accounts. If creating private accounts does not affect individuals' behavior any differently than bolstering Social Security, the effect on national saving would be the same as above -- but private saving would be higher and public saving would be lower.

### A) Key elements:

- Funding tied to surplus
- Progressive as possible -- progressive match or system not linked to wages. For example: 1 percent of wages, plus lump sum per person depending on size of surplus (e.g., 1 percent of wages, plus \$500 per person).

### B) Policy issues:

- Administrative costs
- Market risk: Risk borne by individuals, not shared by society as a whole
- Pressures that could reduce national saving:  
-- Withdraw early for special needs?  
-- For employers to reduce pensions?
- Pressure to reduce future role of government
- Support for Social Security: Will private accounts undermine support for S.S.?
- Government involvement: Should some government entity manage the accounts, as under Thrift Savings Plan?

### C) Political issues

- Will approach be seen as partial privatization and split Democrats?
- How closely should the approach be tied to "Social Security"? Separation could reduce problem for Dems. But Social Security "problem" then remains.

### D) Allow withdrawals for layoffs

- Could define a new type of social security
- Pressure to be expanded for medical care, home purchases, etc.

### **3. Social Security and retirement needs exclusively**

- A) 100 percent of surplus for Social Security Trust Fund, but leave open Treasury versus private securities. 100 percent of surplus as down-payment on Social Security, with commission or bipartisan process to decide split between Treasury securities and private securities. Could be linked with broader Social Security reform effort, with reporting date by January 1999.
- B) Leave split between Trust Fund and individual accounts undecided at this point. Declare that 100 percent of the surplus would be used for helping to address demographic and retirement challenges, but leave split between Trust Fund and individual accounts to be decided by commission or bipartisan process.
- C) 50 percent Social Security, 50 percent individual accounts. Specify now that 50 percent of the surplus would be used for the Trust Fund, and 50 percent for individual accounts. Decide now or later the details of both.

### **4. Mix Social Security with other priorities**

Another approach would be to expand the potential uses of the surplus beyond Social Security and retirement. The advantage of such a broader approach is that it allows us to address other priorities; the cost is that it blurs the message.

Illustrative example: One illustrative example would be to use 50 percent of the surplus for the Social Security Trust Fund, 25 percent for tax reform (which could include individual accounts), and 25 percent for an Investment in the Future fund.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-NOV-1997 18:21:29.00

SUBJECT: conservative list

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

TO: Ron Klain ( CN=Ron Klain/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

CC: Scott R. Hynes ( CN=Scott R. Hynes/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

CC: Sara M. Latham ( CN=Sara M. Latham/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Miriam H. Vogel ( CN=Miriam H. Vogel/OU=WHO/O=EOP @ EOP [ WHO ] )



MEMORANDUM

To: Sylvia Mathews  
cc: Erskine Bowles  
Rahm Emanuel  
Mike McCurry  
Ron Klain  
Paul Begala  
Doug Sosnik  
John Podesta  
Sidney Blumenthal

Date: Nov. 20, 1997

From: M. Echaveste

Re: Outreach to Conservatives/Republicans

We plan to have a group of Conservative/Republicans meet with the President (and possibly one or more of the Advisory Committee members) in the month of December. There are several objectives to this meeting: a) reduce the criticism that the President's Race Initiative is a monologue and is not including people who may disagree with some or all of the President's vision regarding race; b) obtain constructive suggestions, if any, from the conservative perspective on how best to address the continuing effects of racism, discrimination and lack of equal opportunity for all Americans; and c) show that even within the conservative wing there are differences of opinion as to how best to address continuing problems of discrimination.

After consultation with a number of people (i.e., Gov. Keane, Chris Edley, Bill Galston, Emanuel, McCurry, Blumenthal, Mathews and Murguia), we have compiled a list of conservative/Republicans. We will only be able to select 8 to 10 to meet with the President. In order to finalize our invite list, below is a first cut in priority order, with alternates listed separately. We need your reaction and input to make sure this meeting will meet the objectives outlined above.

Initial Invite List

Jack Kemp  
Ward Connerly  
Ralph Reed  
Elizabeth Dole  
Linda Chavez  
JC Watts  
Dinesh D'Souza  
William Bennett

Alternates

Thaddeus Garrett	Ken Blackwell
Lynn Martin	Irwin Clark
Steven and Abigail Thurnstrum	
Shelby Steele	Newt Gingrich
John Dunne	
William Kristol	
Gary Bauer	
Glenn Loury	
Richard Rodriguez	
Robert Woodson	
Orlando Patterson	
Randall Kennedy	

Automated Records Management System  
Hex-Dump Conversion

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Stacie Spector to Jennifer M Palmieri et.al. Subject: work/family meeting. (6 pages)	11/25/1997	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[11/22/1997-11/25/1997]

2009-1006-F  
bm58

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

CREATION DATE/TIME:25-NOV-1997 15:23:48.00

SUBJECT: Service and race

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

READ:UNKNOWN

TEXT:

FYI, the President sent a note to Bruce and Todd Stern about an article in last week's USA Today by Andrea Stone, which was critical of progress since the service summit. He wrote, "We should send our summit update to this author -- seek to merge our race/service initiatives more."

I am following up with Ann Lewis's office to get the piece to the reporter, but I thought you'd be interested that he made the connection. The article refers to the race initiative by saying the President "now devotes his bully pulpit to other concerns [than service], such as race."

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-NOV-1997 10:32:39.00

SUBJECT: Re: AIDS Communication Strategy Meeting

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

READ:UNKNOWN

TEXT:

FYI-

----- Forwarded by Laura Emmett/WHO/EOP on 11/25/97 10:40 AM -----

Richard Socarides 11/25/97 09:29:37 AM

Record Type: Record

To: Laura Emmett/WHO/EOP

cc:

Subject: Re: AIDS Communication Strategy Meeting

No paper, unless Sandy plans to hand some out. It's a continuation of a previous meeting. Key topics will be needle exchange and upcoming report of President's Council on HIV/AIDS.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-NOV-1997 16:55:24.00

SUBJECT: Call me if you can; I have call from National Jour reporter. Cynthia 62846

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:



## Taking the Next Step on Juvenile Crime

Although Congress failed to pass juvenile crime legislation last year, it nonetheless provided funds for much of the Administration's Anti-Gang and Youth Violence Strategy. Specifically, Congress provided \$110 million in targeted block grant funding for thousands of new prosecutors and probation officers (CJS), \$40 million for new after school programs (Labor/HHS), \$195 million for a youth-focused anti-drug media campaign (Treasury/Postal) and other important resources (full funding for COPS, \$1 million for Youth Crime Gun Interdiction Initiative). Equally important, the Administration successfully negotiated an agreement with the nation's largest gun manufacturers to have child safety locks included with the sale of handguns. With these combined resources, communities will be in a better position to keep their youth from turning to gangs, guns and drugs next year.

But there are two important things we still need to do if we are going to take juvenile crime head on:

1. Crack Down on Kids and Guns. We need to extend the Brady Bill and ban violent juveniles from owning guns as adults. There is no denying that guns have fueled the surge in juvenile murders and are at the heart of our nation's youth violence epidemic. While non-gun homicides have remained essentially unchanged since 1984, the number of juveniles killing with a gun has quadrupled during that time period. Congress must pass legislation that stops crime-committing kids from buying a gun on their 21st birthday.

2. Target Juvenile Murders. While the Administration's juvenile crime legislation provided direct and flexible resources to the communities with the worst juvenile crime problems, Congress has rejected this approach. Unfortunately, that means it will be more difficult to target resources and replicate Boston's successful youth violence strategy, which has helped to dramatically cut Boston's crime rate and put a stop to juvenile gun murders. Not a single juvenile has been murdered by a firearm in Boston in more than 2 years (since July 1995).

Too much is at stake to wait for Congress to act. That is why we are launching a new initiative to do everything we can, to use every resource we have (i.e., more police, gun tracing and enforcement, increased prosecutions, safer schools and more), to translate Boston's success to New York, Chicago, Detroit and Los Angeles -- the cities with the most serious juvenile murder problem.

Targeting these cities can help substantially reduce the murder rate for juveniles. More than 80% of the counties in the country did not report a single juvenile homicide arrest, and more than 90% reported arresting only 1 or fewer juvenile murderers. On the other hand, 6 states (Florida, Michigan, Illinois, New York, Texas and California) account for more than half (56%) of all arrests for juvenile homicides, and these 4 cities (New York, Chicago, Detroit and Los Angeles) account for nearly a third of all juvenile murder arrests.



## **President Proposes Plan to Reauthorize AmeriCorps and Announces Grants for Service on Martin Luther King Day**

### **President Releases Proposal to Reauthorize AmeriCorps**

Today in his weekly radio address, President Clinton proposed legislation to improve and extend the AmeriCorps program into the next century. The legislation would also reauthorize the other national service programs run by the Corporation for National Service -- Learn and Serve America and the National Senior Service Corps.

The proposal announced by the President would extend these programs for the next five years, building on national service's successful track record and allowing millions more Americans to serve. It will give states and local communities more flexibility to administer service programs and strengthen partnerships with traditional volunteer organizations. The President urged Congress to make passage of this legislation a priority next year.

The President came into office with a vision of a national service program that would offer young people the opportunity to serve our nation in exchange for scholarship help. Today, that program -- AmeriCorps -- is a reality, and a success. Since 1993, AmeriCorps has provided educational opportunities for 70,000 people, providing a scholarship of \$4,725 in exchange for a year of service. Thousands of communities across America have learned that national service helps them meet vital needs in education, public safety, health and human services, and the environment. AmeriCorps also increases the reach of volunteers, since each AmeriCorps member recruits and trains an average of 12 unpaid volunteers.

In addition to AmeriCorps, national service programs include young people and our seniors. "Learn and Serve America" engages a million students of all ages in service-learning each year. Young people participate in community service and reflect on that experience in school through grants to states for service-learning. The National Senior Service Corps taps the experience of more than half a million older Americans to help solve community problems through programs like Foster Grandparents.

### **Grants to Communities for Day of Service on Martin Luther King Day**

The President also announced that this week the Corporation for National Service awarded grants to 70 communities totaling \$225,000 to organize community service events on Martin Luther King Day. Our newest holiday has a growing tradition of service, springing from Dr. King's deep belief in service. As he said, "Anyone can be great because anyone can serve." In 1994(ck), Congress designated Martin Luther King Day as a day of service. Around the country, more and more communities are helping to make MLK Day into a day of service -- "a day on, not a day off" -- by organizing service activities for January 19. Over 200 communities applied for these grants.

### **Update since Philadelphia service summit**

The President also noted progress since April's Presidents' service summit in Philadelphia, when corporations and others committed to service on behalf of children. The Administration has followed up with more AmeriCorps scholarships, reading tutors for children through the America

Reads initiative, mentoring efforts by federal agencies, and the new \$24 billion Children's Health Insurance Program signed into law this summer. This program, the single largest investment in health care for children since the passage of Medicaid in 1965, will give up to five million children who are now without access to health insurance a healthy start.



## Child Care Proposal

We are developing a child care proposal that will help working families afford child care, make targeted investments to improve the safety and quality of child care, particularly for infants and toddlers, and provide safe, constructive activities for school-age children. To help working families afford child care, the proposal: (1) increases funding for federal child care subsidies through the Child Care and Development Block Grant; and (2) changes the Child and Dependent Care Tax Credit by raising the percentage of child care expenses for which a taxpayer may take a credit and by increasing the income levels of taxpayers who may claim it. Currently, the credit rate is phased down from 30% for taxpayers with adjusted gross income of \$10,000 or less to 20% for taxpayers with AGI above \$28,000. We are considering a series of options, including raising the credit rate from 50% for taxpayers with AGI of \$30,000 to 20% for those with AGI above \$59,000.) We are also considering targeted investments to improve the safety and quality of care. First, the proposal adds funding to the scholarship program for child care providers, which you announced at the child care conference and which has received strong support. Second, it includes a new program that will ensure safety and healthy early learning and development for children in the critical first years. Third, the proposal provides resources for states to improve their enforcement of health and safety standards, and fourth, it funds parent education, research and technology. Finally, the proposal makes safe, constructive activities for youth during after-school hours more available by creating a new program for school age children and by coordinating existing programs.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-NOV-1997 14:07:40.00

SUBJECT: Food Safety in the News Update

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

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

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

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

TEXT:

O'Hara informs me that CNN is running its food safety hour long special this evening. We don't know what the take away message will be.

Also, the NYTs series continues to grow and slide. Current thinking is that it will begin a week from this Sunday but don't hold your breath. The first pieces are likely to cover E. coli outbreaks on produce.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Miriam H. Vogel ( CN=Miriam H. Vogel/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:25-NOV-1997 13:56:01.00

SUBJECT: Conservative List

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

TO: Ron Klain ( CN=Ron Klain/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

CC: Sara M. Latham ( CN=Sara M. Latham/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

CC: Scott R. Hynes ( CN=Scott R. Hynes/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

TEXT:

Sylvia Mathew's Office has asked that we submit the names on the "Conservative List" for the Race Mtg by 5pm today.

Please send your final comments (or questions) to me as soon as possible-- and we apologize for the short notice.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-NOV-1997 18:50:43.00

SUBJECT:

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,

Do we have an Education directive yet? The final town hall meeting before Thanksgiving is tomorrow at 11am. I know that they will want to know more about what we plan to do. I asked Mike this morning, but I haven't heard back yet.

Also, I spoke with Christa about what other role we should be playing in this process. She has hooked me up with the press and speech people, to allow us to review q&a and statements. Otherwise, I asked Minyon to let me know in what other ways we should be plugged in. Does that seem right?

Julie

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:25-NOV-1997 18:17:58.00

SUBJECT: conservative list

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

TO: Ron Klain ( CN=Ron Klain/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

CC: Scott R. Hynes ( CN=Scott R. Hynes/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

CC: Sara M. Latham ( CN=Sara M. Latham/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

CC: Miriam H. Vogel ( CN=Miriam H. Vogel/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

Attached is a copy of the conservative list that I sent you all on November 20th. Please let me know if you have any changes to make before tomorrow morning.

Thank you.