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[02/04/1999]

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Christopher Jennings to Elena Kagan re: [partial] (1 page)	02/04/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[02/04/1999]

2009-1006-F

bm91

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]

MEMORANDUM FOR BRUCE REED
ELENA KAGAN
MIKE SMITH
BARBARA CHOW

FROM: Mike Cohen

SUBJECT: Proposal to Expand Flexibility and Reward Performance

Now that we have clearly staked out a position to strengthen accountability in ESEA, I think we also must advance a related proposal to expand flexibility as well. Toward this end, I've sketched out a proposal that would provide new and significant flexibility in the use of federal funds to high poverty school districts, in exchange for increased performance. The core of the proposal is a performance partnership between the federal government and somewhere in the neighborhood of 100 high poverty urban and rural school districts. In this partnership, school districts that first demonstrate significant and sustained improvements in student achievement would be able to combine funds from a number of federal education programs and use them to support a local improvement strategy. The performance partnership would be a three-year agreement between the district and the Education Department, though the districts would continue to enjoy this high level of flexibility as long as they continue to make satisfactory gains in student achievement. More specifically, here is how I envision this program working:

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We would want the districts to describe their education improvement strategy, in order to help pick the most promising approaches, or perhaps to help us ensure that we pick a set of

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Measuring Performance and Success. The key performance indicators for each district would be student performance on measures of achievement, using state and/or local testing programs. We would require tests in reading and math, and a few other core indicators such as the high school graduation rate. Districts would be free to add additional measures that reflect local priorities. As part of the final selection process, the Secretary would negotiate with each district the performance gains that would be required over a three year period, in order to continue in the partnership. In order to make adequate progress, the district would have to demonstrate increases in achievement overall as well as reductions in the gaps between racial, ethnic and income groups, or between the highest and lowest achievers. And we must insist on disaggregated data, at the district and student level, in order for us to provide the kind of flexibility I am envisioning here. This is consistent with the approach we have discussed in the design of a reward-for-performance program for states and local districts.

Districts would be required to comply with our package of accountability measures -- school report cards, ending social promotion, intervening in failing schools and phasing out the use of unqualified teachers. We would also continue to monitor other performance indicators for each district, related to the underlying purposes of specific funding programs.

Rewarding Performance. We would reward improved performance in three ways. First, entering the performance partnership and gaining added flexibility is largely a reward for prior success. Second, continued flexibility is dependent upon continuing success. District's would be given added flexibility for three years, and would lose it if it failed to make adequate progress during that period. And if a district's performance actually dropped during that period, the Secretary could discontinue the partnership sooner if circumstances warranted.

Third, we ought to provide discretionary money as an additional reward for performance. We can link this to the basic plan we already have already developed for rewarding performance, so that after 2-3 years of additional flexibility, those school districts with the greatest gains would be eligible for bonus funds. Under our current proposal for rewarding performance, we would have \$200 million per year, starting in 2003, for rewards to urban districts and states. The districts would get half of the funds. We could use this pot of funds as the pool for rewarding partnership districts making outstanding gains.

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wouldn't be cheap. I have not costed this out in any detail yet, but it is worth noting that our Zones proposal started at \$200 million for the first year, and would initially fund some 15-20 school districts. Our bonus fund would make \$100 million available to about 50 districts.

Expanded Flexibility: Combining Funds from Different Programs. Districts participating in this partnership would be permitted to combine funds from different programs into a "responsible block grant." That is, they could take funds they receive under any ESEA program,-- including Title 1, Safe and Drug Free Schools, Class Size Reduction, the new Reading Excellence Act, the Obey-Porter Comprehensive School Reform program, Eisenhower (or whatever teacher quality grant program we develop), Technology Literacy Challenge, 21st Century Community Learning Centers, and Bilingual Education,-- and use them to support the local improvement strategy that they described in their initial application and that is responsible for the success they have already achieved. Districts would not be required to track dollars to specific programs. We *might* want to give them additional flexibility with regard to the allocation of funds to specific schools, though there are also down sides to this.

In effect, the deal we strike with the district recognizes that if they have already shown they can make significant achievement gains, we are going to let them use our funds to support their own approach and priorities, even if they are different from ours. In their initial application, the district would tell us what approach works for them, and how they would use federal funds to help them carry it out more effectively. They would still have to address the purposes of the underlying program, but with greater ability to make tradeoffs among them than at present, in order to boost student achievement. Thus, if the district's plan called for a greater emphasis on after-school programs and less on computers, this would effectively allow them to spend more federal funds on after-school programs and less on computers. Or if the district believed it was more important to reduce class size in grades four, eight and ten in order to support an end to social promotion the right way, they could do that--as long as it yields the student achievement results they have agreed to.

Since we would normally require states to monitor indicators reflecting underlying program purposes (e.g., ratio of multimedia computers to kids, class size in grades 1-3) we would need to figure out some way to take local priorities into account in this process with respect to the level of progress we would expect to see on some indicators.

Concluding Thoughts

I see a number of advantages to this approach. It balances our strong accountability message, and underscores that we are for accountability and flexibility, sensibly linked. The focus on high poverty local districts helps underscore our commitment to closing performance gaps. The overall focus on local school districts helps in a number of additional ways. It blunts the Republican argument that they are for local control and we aren't. By creating a large-scale demonstration program, it gives us a way to more effectively respond to the push for block grants and preserve the basic structure of federal education programs. Yet it will help us with mayors

such as Daley and Menino, who like our agenda but really do want block grants. It should also help keep the local school boards and administrators closer to us, when they are otherwise tempted by block grant proposals.

This proposal may cause concern in the education community or among our allies in Congress, who may feel this goes too far down the road to block grants. While I don't share that assessment, there are ways this proposal could be modified to address those concerns, while retaining the overall approach. For example, existing programs could be combined into categories (e.g., kid and equity oriented programs such as Title 1 and Bilingual Education in one category, capacity-building programs such as professional development and technology in another, with district's able to combine funds within but not across categories).

Finally, this emphasis on local school districts leaves out the states, for now. The states will be less important in the reauthorization battles than the local districts will, in light of the Republican interest in bypass states and getting money right to the classroom. Further, we could still address the states in a number of ways. Since they are almost certain to get the Ed-Flex bill the governors are working so hard for, we could argue that their flexibility needs are already addressed. We could still work on a state-level approach to rewarding performance with bonus funds, as we have previously discussed. Or, if necessary we could develop a companion state-level performance partnership proposal, though if we went in this direction we would want to be sure that we don't let states undermine our own efforts to allocate funds to high poverty communities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth R. Newman (CN=Elizabeth R. Newman/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-1999 08:28:13.00

SUBJECT: school construction

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

can we get guidance from you all on school construction? thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Vicky Stroud at Wdcb04 <"IMCEACCMail-Vicky+20Stroud+20at+20Wdcb04"@ed.gov>

CREATION DATE/TIME: 4-FEB-1999 10:36:46.00

SUBJECT: RE: Weekly Education Strategy Meeting

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

TO: Shirley S. Sagawa (CN=Shirley S. Sagawa/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: David L. Stevenson (CN=David L. Stevenson/OU=OSTP/O=EOP [OSTP])
READ:UNKNOWN

TO: Amy Weiss (CN=Amy Weiss/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Broderick Johnson (CN=Broderick Johnson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Barbara Chow (CN=Barbara Chow/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

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

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

TO: Charles R. Marr (CN=Charles R. Marr/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

CC: MaryEllen C. McGuire (CN=MaryEllen C. McGuire/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

CC: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

CC: Jason H. Schechter (CN=Jason H. Schechter/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

CC: Mindy E. Myers (CN=Mindy E. Myers/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

CC: Sonyia Matthews (CN=Sonyia Matthews/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TEXT:

Cathy,

Mike is out on travel (California) and Diane Rogers is out sick today.
Let me know if they want someone to attend from here.

Thanks,

Vicky

_____ Reply Separator

Subject: Weekly Education Strategy Meeting

Author: "Cathy_R._Mays@opd.eop.gov" [SMTP:Cathy_R._Mays@opd.eop.gov] at
USDOED

Date: 2/3/99 4:51 PM

We will be having the weekly Education Strategy meeting tomorrow, February
4, at 5:15 p.m. in Bruce Reed's office, 2 Floor, West Wing.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Vicky Stroud at Wdcb04 <"IMCEACCMail-Vicky+20Stroud+20at+20Wdcb04"@ed.gov>

CREATION DATE/TIME: 4-FEB-1999 10:51:21.00

SUBJECT: RE: Weekly Education Strategy Meeting

TO: Shirley S. Sagawa (CN=Shirley S. Sagawa/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: David L. Stevenson (CN=David L. Stevenson/OU=OSTP/O=EOP [OSTP])
READ:UNKNOWN

TO: Amy Weiss (CN=Amy Weiss/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Broderick Johnson (CN=Broderick Johnson/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TO: Barbara Chow (CN=Barbara Chow/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

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

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

TO: Charles R. Marr (CN=Charles R. Marr/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

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

CC: MaryEllen C. McGuire (CN=MaryEllen C. McGuire/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

CC: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

CC: Jason H. Schechter (CN=Jason H. Schechter/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

CC: Mindy E. Myers (CN=Mindy E. Myers/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

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

CC: Sonyia Matthews (CN=Sonyia Matthews/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TEXT:

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Let me know if they want someone to attend from here.

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Vicky

_____ Reply Separator

Subject: Weekly Education Strategy Meeting

Author: "Cathy_R._Mays@opd.eop.gov" [SMTP:Cathy_R._Mays@opd.eop.gov] at
USDOED

Date: 2/3/99 4:51 PM

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4, at 5:15 p.m. in Bruce Reed's office, 2 Floor, West Wing.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Fred DuVal (CN=Fred DuVal/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-1999 10:55:52.00

SUBJECT:

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

READ:UNKNOWN

CC: Jeanne Lambrew (CN=Jeanne Lambrew/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

CC: William H. White Jr. (CN=William H. White Jr./OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Are you tracking the Mississippi CHIP issue. I understand HCFA may turn it down. Obviously I wanted to make sure notifications were appropriately handled, particularly on the Congressional (Lott) side. This was discussed last night at Deputies and Maria asked me to coordinate with you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1999 11:04:14.00

SUBJECT: Hutchison

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

TO: J. Eric Gould (CN=J. Eric Gould/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

TEXT:

Only 25 cosponsors? No problem.

Fight Flares Over State Tobacco
Settlements
01:45 a.m. Feb 04, 1999 Eastern

By Steve Holland

WASHINGTON (Reuters) - A bipartisan group of 25 senators introduced legislation Wednesday that would block the federal government from taking a share of the money that states obtained through settlements of tobacco lawsuits.

``These settlements belong to the states,'' said a leader of group, Texas Republican Sen. Kay Bailey Hutchison. ``Because of the possible threat of federal seizure, many states, including Texas, are unable to plan and to spend the money for the benefit of their citizens.''

Forty-six states two months ago reached a \$206 billion settlement with the main tobacco companies, partly to compensate them for smoking-related spending in Medicaid, a health program for the poor that is jointly funded by states and the federal government.

The federal government believes it has a claim to a portion of any Medicaid reimbursement. President Clinton's five-year budget projections, released this week, assume the federal government will take \$18.9 billion in state funds through 2004.

The legislation, written by Hutchison and Florida Democratic Sen. Bob Graham, would prevent that. It would prevent the federal government from cutting Medicaid payments to states as a way of recouping federal Medicaid payments made earlier for treating smokers' ailments.

State governments are angry that the federal government now wants to come in and take some of the proceeds from lawsuit settlements that they fought hard over.

``The federal government never offered states any help when they were pursuing cases against the tobacco industry,' said Graham.

He urged the federal government to go ahead with plans to file a federal lawsuit against tobacco companies to gain receipt of billions of dollars in federal dollars spent treating smoking-related illnesses.

``It shouldn't look for a free ride from the states,' he said.

White House domestic policy chief Bruce Reed said the White House would oppose the Hutchison-Graham legislation because it 'would completely give up the federal share of the states' tobacco settlement -- without any commitment by the states to use these monies to prevent youth smoking, protect tobacco farmers, improve public health, or assist children.'

Reed said an average of 57 percent of the money states get back are for costs borne by the federal government.

``The administration believes that these funds should be spent on purposes related to tobacco, public health and children,' Reed said.

He said the White House would work with the states and Congress to enact tobacco legislation that resolves the federal claim to settlement funds in exchange for a commitment by the state to use the federal share to support these priorities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1999 11:40:20.00

SUBJECT: Q&A

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

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

TEXT:
Here's the Q&A. This INS plan is going to cause us greater heartburn in the future.

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

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D84]MAIL476320839.036 to ASCII,
The following is a HEX DUMP:

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**INS Criminal Aliens
Question and Answer
February 4, 1999**

Q. Today, the *Washington Post* reported that the INS is considering a plan to release criminal aliens -- including drug offenders, and aliens smugglers -- into the community due to lack of detention space. Is this true?

A. Recent changes in the law has caused the number of people that INS must detain to skyrocket -- and despite the fact that this Administration has dramatically increased the number of criminal aliens removed to their country of origin, and increased detention space --- serious problems have arisen with INS' capacity to hold criminal aliens. The INS has worked with the Congress to find an acceptable answer to this problem but has not yet been able to come up with a satisfactory solution. As a result, INS is exploring a variety of options to solve this problem.

It should be clear that INS' primary concern for any plan is the impact on public safety. Among the options being considered are removing additional people to their country of origin, and alternatives for detention for those who do not pose a threat to the community.

In addition, the INS is looking into separate plans for each local facility to detain the highest risk aliens and release those that present the lowest risk to the community. This plan is still being developed and is not final. Reports of releasing criminals is premature.

INS is focused on protecting the community as its first priority and satisfying the requirements set out in the law.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: MaryEllen C. McGuire (CN=MaryEllen C. McGuire/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-1999 11:53:29.00

SUBJECT: AmeriCorps Conference Call

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

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

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

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

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

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

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

TO: JGompert (JGompert @ cns.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

CC: Twest (Twest @ cns.gov @ inet [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Just a reminder that our next biweekly conference call on AmeriCorps Visibility will be this coming Monday, February 8th at 4:00pm. Call 757-2100 code 4129.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1999 12:24:43.00

SUBJECT: Q&A

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

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

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

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

TEXT:
BR/EK:

This is a disaster. I think any guidance we give Joe and the press office should be unequivocal in saying that we have no intention of releasing criminals into our communities. Our budget includes new funds (about \$22 million, not enough to cover the need). And we have supported legislation to delay the implementation of this detention requirement that we could push for again as a temporary, if inadequate, solution. But we should immediately shut down any notion that we're entertaining releasing criminals...jc3

----- Forwarded by Jose Cerda III/OPD/EOP on 02/04/99
12:19 PM -----

Leanne A. Shimabukuro
02/04/99 11:59:47 AM
Record Type: Record

To: Jose Cerda III/OPD/EOP
cc:
Subject: Q&A

This was keeping me occupied the last hour or so. We should be concerned about this.

----- Forwarded by Leanne A. Shimabukuro/OPD/EOP on
02/04/99 12:00 PM -----

Leanne A. Shimabukuro
02/04/99 11:40:01 AM
Record Type: Record

To: Laura Emmett/WHO/EOP, Elena Kagan/OPD/EOP
cc:
Subject: Q&A

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Question and Answer
February 4, 1999**

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INS is focused on protecting the community as its first priority and satisfying the requirements set out in the law.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1999 13:22:22.00

SUBJECT: Equal Pay Wage Collection

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI -- OMB has decided to extend the deadline for responding to OFCCP's request to collect wage data for three months, and, in the meantime, work with us in exploring options of how wage data could be collected. I told OMB that seems fine. If you have a problem with that, let me know.

In addition, Josh Gotbaum is supposed to sit down with the women's groups next week and listen to their complaints about the lack of wage data and listen to what they have to say about OFCCP's pending request.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Christopher Jennings to Elena Kagan re: [partial] (1 page)	02/04/1999	P6/b(6)

COLLECTION:

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

FOLDER TITLE:

[02/04/1999]

2009-1006-F
bm91

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

CREATION DATE/TIME: 4-FEB-1999 13:54:49.00

SUBJECT: Re:

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

READ:UNKNOWN

TEXT:

P6/(b)(6)

[001]

We are on top of this. This has gone through Bruce, Larry Stein, and John Podesta.

We are advising Mississippi that we may have a small amount of flexibility on the crowd out issue, but will not change the timeframe that kids have to be without insurance to be eligible. Preliminary feedback was that the state might find this to be acceptable; if they do not, however, we have decided that we cannot move anymore without needing to change the crowd-out policy that every CHIP program to date has had to comply with. (For this reason, we have decided not to give everything the state wants.)

HHS, Leg Affairs, and OMB seem fine with this. I am assuming that HHS has their intergovernmental affairs people well integrated. However, as is obviously the case, this is more of a Lott problem than anything else and Rich T. is on top of it. I asked Jeanne Lambrew to notify Fred D. of these facts. If he has any other questions, perhaps he might want to call me directly.

cj

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sean P. Maloney (CN=Sean P. Maloney/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-1999 13:57:31.00

SUBJECT: Judy Shepard

TO: Philip G Dufour (CN=Philip G Dufour/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

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

TO: Lisa A. Berg (CN=Lisa A. Berg/O=OVP @ OVP [UNKNOWN])
READ:UNKNOWN

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

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

TO: Nancy V. Hernreich (CN=Nancy V. Hernreich/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TEXT:

Judy Shepard (Matthew Shepard's mom) called me today to say she was coming to Washington on February 18-19. She asked to have lunch on the 19th, and I invited her to come to the Mess. Thought I'd pass it along in case anyone thinks there's an opportunity to do something more with her while she's here. (Looking ahead, she'll be in Wyoming through March 1st, then in Saudi Arabia through March 20th or so; then, back to Wyoming for the first defendant's trial). On a related note: as some of you know, her husband and she taped a Dateline NBC interview a couple weeks ago that will be aired tomorrow night.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jeffrey A. Shesol (CN=Jeffrey A. Shesol/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-1999 14:50:35.00

SUBJECT: radio address on gun shows -- draft 2/4 2:30pm -- comments to Jeff Shesol

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

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

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

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

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

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

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

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

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

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

CC: mawaldman (mawaldman @ aol.com @ inet [UNKNOWN])
READ:UNKNOWN

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

TEXT:

Draft 02/04/99 2:30pm
Jeff Shesol

PRESIDENT WILLIAM J. CLINTON
RADIO ADDRESS ON GUN SHOWS
THE WHITE HOUSE
February 6, 1999

Good morning. Six years ago, I determined that Washington had to

get off the sidelines and join the frontlines in the fight against crime. I committed my administration to recovering our streets from violence, to reclaiming our neighborhoods as safe havens for families. Since then, we have pursued a new strategy of law enforcement based not on tough talk but on tougher penalties, better prevention, and the substantial, visible presence of community police.

Our strategy is showing remarkable results. Since 1993, crime rates in America have fallen to the lowest point in a quarter century. Property crime is down; violent crime has dropped 20 percent in the last six years; and the murder rate is the lowest in 30 years. Americans can take pride in streets that are safer; but, mostly, they can take comfort in lives that are more secure.

There are many reasons that crime is on a sharp decline. Chief among them is our ability to keep guns out of the hands of criminals. Gun trafficking and gun-related crime are on the wane; and it is no wonder: according to a recent report by the Justice Department, the background checks we required in the Brady law have put a stop to [nearly a quarter million] handgun purchases. Thanks to Brady, we turn away [118] felons a day, sending them home empty-handed instead of well armed. And the Insta-Check system that took effect last November is allowing us to conduct even more checks -- in even less time.

Retail gun stores, sporting goods stores, licensed gun dealers -- they are all working to keep guns out of the hands of felons and fugitives. But there is a loophole in the law, and criminals know how to exploit it: They go to gun shows. Last year, there were more than 4,400 gun shows across America. I come from a state where these shows are very popular. I have visited and enjoyed them over the years. I know they are the first place where many parents teach their children how to handle firearms safely.

But at the same time, and at too many gun shows, criminals are buying guns with no questions asked. That's because the law permits some dealers -- one quarter to one half of the vendors at a typical gun show -- to skip the background checks required by Brady. That is a dangerous loophole. It is wide enough that criminals reach right through it, grabbing, collectively, thousands of firearms that disappear without a trace.

Last fall, I asked the Attorney General and the Secretary of the Treasury -- who join me here today -- to report on the problem and to come up with solutions. I now have their report. It is sensible -- and sobering. It shows conclusively that gun shows are a forum for gun traffickers -- a cash-and-carry convenience store for weapons used to maim and to kill.

We must close this loophole. America cannot allow its gun shows to become illegal arms bazaars, where law-breakers shop side-by-side with the law-abiding. That is why I strongly support the recommendations of Attorney General Reno and Secretary Rubin. We should extend Brady checks and gun tracing records to any and all open markets where large numbers of firearms are sold. And we should vigorously and fairly enforce the rules.

To toughen enforcement of the existing law, my balanced budget includes new funds to hire new agents of the Bureau of Alcohol, Tobacco and Firearms. These agents will help arrest violent criminals and gun traffickers, and will shut down illegal purchases of firearms. My budget also increases the funding for firearms prosecutions, and expands our

successful efforts to keep guns out of the hands of violent youth. In these efforts, I am thankful for the leadership of Senator Lautenberg and Congressman Blagojevich [bla-GOYA-vitch], men of great dedication who also join me here today. They are working hard to make this the law of the land: No background check, no gun, no exceptions.

I look forward to working with members of both parties in the coming months. Together, we can strengthen the laws that serve us so well, and, in doing so, build a stronger America for the 21st Century. Thanks for listening.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karin Kullman (CN=Karin Kullman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 5-FEB-1999 15:12:30.00

SUBJECT: Americorp Event

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Just wanted to give you all a brief download on the plans for next week's Americorps event.

Date: Wednesday, February 10

Time: 1:50pm - 2:50pm

Location: Ritchie Coliseum, University of Maryland campus

They are planning to have approximately 1,700 people in attendance, to include about 300 Americorps members (plus 100 more on the stage), students from the University of Maryland and other local colleges, students from Maryland high schools, Americorp VIPs (partners, etc.), and Congressional Members and staff.

Basic messages will be: 1)talk about budget requests for Americorp funding this year and plans to go to 100,000 members a year by 2002; 2)kick-off the national recruitment campaign "A Call to Service"; and 3) highlight POTUS's commitment to service.

Program:

President Mote of the University of Maryland

Rep. Steny Hoyer

Sen. Sarbanes (T)

Sen. Mikulski (T)

Gov. Glendening (T)

Harris Wofford

MTV PSA

3 Americorp Member (testimonials -- similar to the MTV video -- total of 1 -2 minutes)

POTUS

There will also be a pre-program, which currently includes:

Lt. Gov. Kathleen Kennedy-Townsend

Eli Segal

Judy McGrath, President, MTV Network

Univ. of MD Pep Band

The backdrop will likely be a large Americorp symbol, with verbage still TBD, and the 100 Americorp members. The cutaway will likely be students and a sign that says "Getting Things Done!".

That's it for now!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Rebecca L. Walldorff (CN=Rebecca L. Walldorff/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-1999 15:39:13.00

SUBJECT: Legislative Rollout next meeting

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

TO: Carolyn T. Wu (CN=Carolyn T. Wu/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT:

The next Legislative Rollout meeting will be on Wed Feb 10 at 4PM in the Roosevelt Room. Please email me with questions/conflicts.

Thanks!

Rebecca

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Caroline R. Fredrickson (CN=Caroline R. Fredrickson/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-1999 16:04:07.00

SUBJECT: conference call with Bill Corr

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

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

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

TEXT:

Are you all free 10:30 for a quick conference call on recoupment?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1999 16:13:35.00

SUBJECT: Re: Q&A

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

That answer needs to be a little stronger, if you want to stop the bleeding. "Reports of releasing criminals are premature" will not put the story to rest.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Amy Weiss (CN=Amy Weiss/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-1999 16:35:53.00

SUBJECT: States reach tentative agreement on dividing \$5.15 billion

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

States reach tentative agreement on dividing
\$5.15 billion

RALEIGH, N.C. (AP) - Tobacco states reached a tentative agreement Thursday on dividing a \$5.15 billion trust fund for farmers that would be financed by the major cigarette makers.

The distribution plan will use the 1998 basic quota system set by the U.S. Department of Agriculture, said North Carolina Attorney General Mike Easley and other officials.

``It's the most equitable way and what our farm groups want here. All states come out pretty much even with that,' ' Easley said.

Kentucky Gov. Paul Patton said Phil Carlton, the lawyer for four largest U.S. tobacco companies, would prepare a final draft of the proposed agreement, and the states' representatives would meet again to discuss it.

About 70 people met behind closed doors at a Raleigh hotel to work out the distribution plan.

North Carolina, the largest flue-cured tobacco state, and Kentucky, the biggest burley tobacco producer, would receive the biggest shares under the proposal - 38.34 percent and 29.97 percent, respectively, sources who spoke on condition of anonymity said.

The sources said Tennessee would get 7.65 percent; South Carolina, 7.01 percent; Virginia, 6.65 percent; and Georgia, 5.91 percent.

The other tobacco quota states will receive less than 5 percent, based on their 1998 basic quotas. Maryland and Pennsylvania tobacco farmers are not part of the quota system, and their shares of the settlement still must be worked out, the sources said.

The private trust fund was created last month by tobacco-growing states and cigarette makers following last fall's \$206 billion settlement between the tobacco industry and 46 states. The fund was created to aid tobacco farmers expected to be squeezed by the higher cigarette prices and curbs on tobacco promotion that are part of the deal.

The trust fund will be financed by contributions over 12 years by Philip Morris Cos., R.J. Reynolds Tobacco Co., Lorillard Tobacco Co. and Brown & Williamson Tobacco Corp. The payments could begin as early as April.

Burley's share of the basic quota was 44 percent in 1998; flue-cured tobacco farmers got the other 56 percent, according to the U.S. Farm Service Agency. Using that formula to divide the trust fund money, burley states would get \$2.256 billion and flue-cured states, \$2.892 billion.

Burley-tobacco states and states that grow flue-cured tobacco entered Thursday's meeting at odds over how to divide up the trust fund money. Each backed formulas that favored their crop.

Danny McKinney, chief executive officer of Burley Tobacco Growers Cooperative in Lexington, Ky., said each state must work out how to distribute the money to the farmers and how much goes to quota owners, tenants who work tobacco acreage and lessees.

``When it leaves here and goes back to the state level, that's when the civil war starts,'' he said. ``It's going to get pretty hateful pretty darn quick.''

Major tobacco states involved in setting up the trust fund were Virginia, North Carolina, South Carolina, Georgia, Tennessee and Kentucky. Other involved were Maryland, West Virginia, Indiana, Florida, Alabama and Ohio.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1999 17:34:21.00

SUBJECT: Release of NAEP reading scores next Wednesday

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

READ:UNKNOWN

TEXT:

----- Forwarded by Bruce N. Reed/OPD/EOP on 02/04/99
05:35 PM -----

Jonathan H. Schnur

02/04/99 05:17:10 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP

cc: Michael Cohen/OPD/EOP, Tanya E. Martin/OPD/EOP

Subject: Release of NAEP reading scores next Wednesday

Bruce --

(from Jon and Tanya)

The Education Department and the National Center for Educational Statistics are planning to release new NAEP reading scores this coming Wednesday morning, February 10th, showing some small but statistically significant gains in reading since 1994. The gains are clearest in 8th grade, but there are also some slight but uneven gains in the 4th and 12th grades. They will release national scores next week, and state-by-state scores later in the spring.

The president is scheduled to do an Americorps event Wednesday as well. We asked Education if the date of the announcement could be moved in the event there was interest here in involving the president -- but Education says the date cannot be changed.

If you'd be interested in the president doing this event, we can try to push back harder on the Education Department to move the date. Otherwise, we can explore VP participation in the announcement (the VP might be able to do it that day) or just have Riley go ahead and do it.

The message of the event could be that this new data shows that we are turning the corner on education -- but need to accelerate progress by moving forward on the president's agenda to end social promotion, increase accountability, reduce class size, etc. If the president did this event, Mike thinks it is might be possible to release the Education Department's social promotion report in order to focus some of the press coverage on the president's agenda. What do you think?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1999 18:00:36.00

SUBJECT:

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Do we have an appropriate policy or announcement ?

----- Forwarded by Ann F. Lewis/WHO/EOP on 02/04/99 05:47
PM -----

Fred Duval 02/04/99 01:30:07 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Ann F. Lewis/WHO/EOP

cc:

Subject:

I would like to pitch the idea of doing the radio address on the 20th on education and doing it with Democratic Governors in attendance. They are meeting that afternoon and education will top their agenda. I anticipate the GOP Govs will be pushing their local education theme while they are here - and I fully expect a GOP Gov to do their radio response on the 20th.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1999 19:17:17.00

SUBJECT: CBS did thing on disabled going to work -- don't know if we got credit for

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1999 19:41:39.00

SUBJECT: Tobacco Farmers and OMB

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

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

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

TEXT:

I talked to Josh about possible language for our letters back to members that would commit us to help farmers in regards to the negative effects of the lawsuit. Below is what we came up with. I propose we put something like this in our letters back to Robb, Etheridge, McIntyre, etc. I think I should check with Robb and Etheridge's guy, and farmer representatives, and see if this does move the ball a bit in our direction.

Per our discussion:

The President recognizes that tobacco farmers and their communities must be protected from the effects of any and all tobacco litigation. As was done in the settlement with the state attorneys general, we believe that in connection with any judgment or settlement of Federal claims there should be established a fund to protect them from the unintended consequences of that lawsuit. The Administration commits that, as the Federal litigation proceeds to judgment or settlement, that the Administration will make sure that adequate funds are set aside by legislation to ensure the financial security of tobacco farmers and their communities. We would of course develop this legislation in close consultation with you and other members of Congress, and with representatives of tobacco farmers, their families, and communities.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Clara J. Shin (CN=Clara J. Shin/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 4-FEB-1999 19:45:59.00

SUBJECT: crime section

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I was hoping to track down DPC's comments on the crime section of the Race Report. Maria would like to circulate the comments memo and discussion points tonight in preparation for tomorrow's meeting. We are waiting on DPC's comments to do so. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 4-FEB-1999 21:20:19.00

SUBJECT: Re: Q&A

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

READ:UNKNOWN

TEXT:

I'm sorry I didn't respond sooner to your email-- I accidentally overlooked it. I think we need to find out a lot more about the specifics of this policy and what we're doing in our budget on detention. I'm expecting INS to send over more detailed information on this plan. I agree with Jose' that it seems an untenable position to release possibly violent criminals out onto the street due to space problems.

I had some difficulty reaching some people who could be useful on this earlier today. I will get in touch with them and try to pull together more information to get a better picture on where things stand. It sounds like it might be necessary to haul in INS for a meeting on this soon to figure out what other options exist.

Elena Kagan
02/04/99 01:20:47 PM
Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP
cc:
Subject: Q&A

I agree. how should we get into this? what should we do?
----- Forwarded by Elena Kagan/OPD/EOP on 02/04/99 01:22 PM -----

Leanne A. Shimabukuro
02/04/99 11:40:01 AM
Record Type: Record

To: Laura Emmett/WHO/EOP, Elena Kagan/OPD/EOP
cc:
Subject: Q&A

Here's the Q&A. This INS plan is going to cause us greater heartburn in the future.

**INS Criminal Aliens
Question and Answer
February 4, 1999**

Q. Today, the *Washington Post* reported that the INS is considering a plan to release criminal aliens -- including drug offenders, and aliens smugglers -- into the community due to lack of detention space. Is this true?

A. Recent changes in the law has caused the number of people that INS must detain to skyrocket -- and despite the fact that this Administration has dramatically increased the number of criminal aliens removed to their country of origin, and increased detention space --- serious problems have arisen with INS' capacity to hold criminal aliens. The INS has worked with the Congress to find an acceptable answer to this problem but has not yet been able to come up with a satisfactory solution. As a result, INS is exploring a variety of options to solve this problem.

It should be clear that INS' primary concern for any plan is the impact on public safety. Among the options being considered are removing additional people to their country of origin, and alternatives for detention for those who do not pose a threat to the community.

In addition, the INS is looking into separate plans for each local facility to detain the highest risk aliens and release those that present the lowest risk to the community. This plan is still being developed and is not final. Reports of releasing criminals is premature.

INS is focused on protecting the community as its first priority and satisfying the requirements set out in the law.

President Clinton: Closing the Loophole on Gun Shows
February 6, 1999

Today, President Clinton will release a report from Treasury Secretary Rubin and Attorney General Reno, recommending actions the Administration can take to ensure that firearms sold at gun shows are not exempt from federal firearms laws. The President will accept their recommendations and also announce an increase of nearly \$30 million in his FY 2000 budget to enhance firearms enforcement and prosecutions for gun law violations, including those committed at gun shows.

Findings of the Report. In response to a directive by the President last November, the Treasury and Justice Departments reviewed 314 gun show-related investigations involving more than 54,000 firearms, and spanning a wide range of federal firearms violations. Their review found the following:

Number of gun shows. In 1998, there were an estimated 4,442 gun shows. Most gun shows were sponsored by state and local firearms collectors organizations, though some shows were promoted by individual collectors and business people. Ten states sponsored gun shows the most frequently: TX (472); PA (250); FL (224); IL (203); CA (188); IN (180); NC (170); OR (160); OH (148); and NV (129).

Typical gun show. The typical gun show costs about \$5 to attend and draws an average of between 2,500 and 5,000 people. Vendors rent tables for a fee ranging from \$5 to \$50, and the number of tables varies from as few as 50 to as many as 2,000. Federally-licensed firearms dealers (FFLs) make up about 50 to 75 percent of these vendors, with unlicensed gun sellers representing the remaining 25 to 50 percent. Unlicensed gun sellers -- who are assumed to be selling from their personal collections -- are not required to conduct background checks or keep records of gun sales. Large quantities of firearms are also sold in less formal and smaller public markets, such as flea markets.

Guns sold. The types and variety of firearms sold at gun shows include both new and used handguns, semiautomatic assault weapons, shotguns, rifles, and curio and relic firearms (novel and older firearms). Additionally, vendors often sell large capacity magazines, machine gun parts, and a wide variety of other paraphernalia (knives, ammunition, military artifacts, books).

Forum for illegal sales and trafficking. The review makes clear that gun shows provide a forum for illegal firearms sales and gun trafficking. Felons buying and selling firearms were involved in more than 46 percent of the 314 gun show investigations reviewed, and in more than a third of these investigations the firearms involved were subsequently used in serious crimes, including homicides. Other gun law violations observed at gun shows included: selling firearms without a federal gun license (more than 50 percent of the cases reviewed); dealers selling firearms "off the books" -- or without conducting a background check or keeping a record (about 20 percent of cases); selling guns to prohibited purchasers, such as felons or juveniles (15 percent of the cases); and violations of the federal ban on the sale and transfer of machine guns (20 percent of cases). Finally, more than a third of the investigations involved more than 50 firearms, and at least one investigation involved up to 10,000 firearms.

The Report's Recommendations. To close the gun show loophole that allows countless firearms to be sold on a "no questions asked" basis, the President will endorse all of the report's recommendations and support legislation, to be introduced by Senator Frank Lautenberg and Representative Rod Blagojevich, that will make them the law of the land. These recommendations include:

- (1) **Defining gun shows** to include not only specialized gun events, but flea markets and other markets outside of licensed firearms shops at which 50 or more firearms are offered for sale by 2 or more persons;
- (2) **Requiring gun show promoters to register** and notify the Bureau of Alcohol, Tobacco, and Firearms (ATF) of all gun shows;
- (3) **Requiring Brady background checks** on all firearms transferred at gun shows, with the assistance of federally-licensed dealers;
- (4) **Reporting information on firearms sold** -- such as manufacturer, model, and serial number -- to ATF's National Tracing Center, so that guns sold at gun shows cannot disappear without a trace;
- (5) **Reviewing the law's definition of what it means to be "engaged in the business,"** so that we can better identify and prosecute illegal gun traffickers;
- (6) **Increasing resources to combat the illegal trade of firearms at gun shows;** and
- (7) **Educating gun owners about their responsibilities under the law,** so that when they sell or dispose of firearms they do not fall into the wrong hands.

New Resources for Firearms Enforcement. Consistent with the report's findings and recommendations, the President's FY 2000 budget includes over \$28 million in new funds to enhance the enforcement of federal firearms laws, including:

\$12.6 million for more than 100 new ATF agents to support investigations at gun shows, arrest violent criminals and gun traffickers, and crack down on illegal gun sales;

\$5 million for more than 40 additional federal prosecutors to conduct intensive firearms prosecution projects targeting violent felons who possess guns, armed drug traffickers, and illegal gun markets; and

\$11.2 million to expand the number of local law enforcement agencies engaged in comprehensive gun tracing through the President's Youth Crime Gun Interdiction Initiative.

**Gun Shows Radio Address
Questions and Answers
February 6, 1999**

Q: If there are over 4,000 gun shows each year, and only 314 ATF investigations, are you overstating the gun show problem?

A: No, we are not. Today's report makes a very strong case that gun shows have provided a forum for illegal gun sales and firearms trafficking. The 314 gun show investigations reviewed in the report involved tens of thousands of firearms and led to very serious crimes, including homicide. Specifically, in just these 314 cases, we uncovered:

- more than 54,000 firearms of all sorts, with the largest case involving up to 10,000 firearms and a third of the cases involving at least 50 guns each;
- felons buying and selling firearms;
- guns bought and sold at gun shows being used in serious crimes;
- persons selling firearms without a license;
- gun dealers selling firearms "off the books" -- that is, without conducting a background check or keeping a record; and
- the transfer of firearms to juveniles, felons and other persons prohibited by law from buying a gun.

Q: Doesn't the report essentially recommend regulating every private and secondary sale of a firearm?

A: No, it does not. The report does recommend defining gun shows broadly and including any place -- such as a flea market -- where 50 or more guns are sold by at least 2 people, and this will cover many previously unregulated gun sales. But the report does not put any restrictions on the private sale of individual firearms by unlicensed persons, though it encourages these gun owners about their responsibilities under the law.

Q: Instead of new legislation, why doesn't the Administration simply enforce existing laws more effectively?

A: Although we intend to enforce existing laws more vigorously, and the President's FY 2000 budget includes nearly \$30 million in new funds for that purpose, current federal law only regulates federally licensed gun dealers (FFLs). Non-licensees and private

collectors -- who are not formally engaged in the business of selling firearms -- are generally allowed to transfer firearms at a gun show without conducting a background check or keeping records. The legislative recommendations presented in today's report will close this loophole.

Q: Isn't this really a problem for the States? What are the States doing about gun shows?

A: Gun shows are a problem for the federal government and the states. More than half of the states impose no prohibition whatsoever on the private transfer of firearms among unlicensed persons and do not regulate the operation of gun shows. Other states only impose restrictions on the private sales or transfers of firearms similar to the federal law, such as prohibiting the transfer of firearms to felons, juveniles, the mentally disturbed, etc. Thus, today's recommendations will make a big difference in the many areas where there are currently almost no restrictions on the sale of firearms at gun shows.

Brady/NICS

Q: How many Brady background checks have been performed since the National Instant Criminal Background System (NICS) took effect on November 30, 1998?

A: Since its implementation on November 30, 1998, the NICS has handled over 1.5 million Brady background checks. Of these, about 790,000 of these were handled by the FBI and resulted in the denial of over 16,200 illegal gun sales to felons, fugitives, and other prohibited purchasers. The remaining 700,000 were processed by states that have agreed to serve as NICS points-of-contact. We do not, at this time, have information on the number of denials at the state level.