

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 051 - FOLDER -007**

**[05/20/1999]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Katherine Button to Gene Sperling et al re Correction (5 pages)	05/20/1999	Personal Misfile
002. email	Ron Klain to Elena Kagan re Bon Voyage? (1 page)	05/20/1999	Personal Misfile
003. email	Katherine Button to Melissa Green et al re P.S. (5 pages)	05/20/1999	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[05/20/1999]

2009-1006-F

kc164

### 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]

b(1) National security classified information [(b)(1) of the FOIA]

P2 Relating to the appointment to Federal office [(a)(2) of the PRA]

b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]

P3 Release would violate a Federal statute [(a)(3) of the PRA]

b(3) Release would violate a Federal statute [(b)(3) of the FOIA]

P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]

b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]

P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]

P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]

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

b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]

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

b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 15:51:23.00

SUBJECT: 2pm message meeting

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

READ:UNKNOWN

TEXT:

Not much was decided at today's 2pm message meeting. However, the biggest concern was finding a substantial domestic announcement for Tuesday, June 1, the President's first real day back after vacation and Memorial Day. Doug wanted NEC and DPC to look at something "that touches real people". Nothing raised at the meeting really raised to the level they are looking for.

I will continue to poll the staff for new event ideas, but I assume this will all come up either tomorrow morning or at the Chief of Staff scheduling meeting at 10:00am tomorrow. Let me know if there are any ideas you know of that you would like me to explore.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Sandra Yamin ( CN=Sandra Yamin/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:20-MAY-1999 08:47:03.00

SUBJECT: URGENT -- POTUS Letter/Harkin - DRAFT

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

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

TO: Ronald E. Jones ( CN=Ronald E. Jones/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: Caroline R. Fredrickson ( CN=Caroline R. Fredrickson/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: Jonathan H. Schnur ( CN=Jonathan H. Schnur/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: David Rowe ( CN=David Rowe/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

TO: Lisa Zweig ( CN=Lisa Zweig/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: Janet R. Forsgren ( CN=Janet R. Forsgren/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

READ:UNKNOWN

TO: Daniel I. Werfel ( CN=Daniel I. Werfel/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

TEXT:

Please provide comments to the attached letter ASAP. WHLA has requested clearance for the POTUS signature and transmittal by 11:30AM. Please provide comments and sign-off to me no later than 10:00AM TODAY Thanks.  
----- Forwarded by Sandra Yamin/OMB/EOP on 05/20/99 08:38 AM -----

Mindy E. Myers

05/20/99 12:31:53 AM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Janet Murguia/WHO/EOP@EOP, Broderick Johnson/WHO/EOP@EOP, scott\_fleming@ed.gov/inet  
Subject: POTUS Letter/Harkin - DRAFT

Attached is the draft Harkin letter prepared by Scott Fleming at Dept. of Ed. He has circulated it to the Department's General Counsel's office and OSERS who have not seen it as yet this evening.

Sandra - Can you help us vet this?

----- Forwarded by Mindy E. Myers/WHO/EOP on 05/20/99 12:22 AM -----

Mindy E. Myers

05/19/99 09:56:33 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Janet Murguia/WHO/EOP@EOP, Broderick Johnson/WHO/EOP@EOP  
Subject: POTUS Letter - Harkin

Janet is up on the Hill and asked that I give you the heads up that Sen. Harkin has requested a POTUS letter against the Frist-Ashcroft amendment and supporting the Harkin amendment regarding IDEA on the Juvenile Justice bill. Education is currently drafting the letter and substantatively, it is expected to be similar to a letter Sec. Riley sent to the Senate Leadership on May 17. I think that this is going to be a priority and we will need a quick turn around.





















May 20, 1999

Dear Mr. Leader:

As the Senate further considers the Frist/Ashcroft amendment to the pending juvenile crime bill, S. 254, I want to make very clear my strong objection to that amendment. If enacted, it would allow school personnel to suspend or expel children with disabilities from their schools for unlimited periods of time without any educational services, including behavioral interventions, for carrying or possessing a gun or other firearm to, or at, a school function. Just two years ago the Senate overwhelmingly approved the Individuals with Disabilities Education Act which gave school officials new tools to address situations of this type.

I urge the Senate to approve the Harkin amendment to make clear that nothing prevents school officials from reporting any crimes to appropriate legal authorities or precludes appropriate penalties from being imposed by law enforcement officials. Importantly, the Harkin amendment would ensure that schools provide appropriate interventions and services for all children removed from school for violent behavior and would authorize funds to cover those required services.

I am committed to ensuring that all our schools are safe, disciplined environments. A school free from the fear of violence is

essential to enabling all children to learn to high standards. But experience has shown us that simply suspending or expelling a troubled young person without responding to their behavioral and educational needs does not protect our society. We only need to remember the tragedy last year in Springfield, Oregon, where a young person who had been removed from school returned the next day armed and ready to kill.

Our response to these tragedies cannot be to deny young people the educations and interventions they need. Instead, we must act to ensure that troubled youth receive those services to help them and to protect others in their communities.

I recommend the Senate reject the Frist amendment and, instead, adopt the Harkin amendment which offers real and constructive help in averting further tragedy. In the event the Frist/Ashcroft amendment is before the conferees on this legislation, my Administration will work vigorously to see that it is dropped in conference so that a strong juvenile justice bill can quickly become law.

Sincerely,

The Honorable Trent Lott  
Republican Leader  
United States Senate  
Washington, D.C. 20510

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 19:02:56.00

SUBJECT: Lew speech

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

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

TO: Martha Foley ( CN=Martha Foley/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: Beverly J. Barnes ( CN=Beverly J. Barnes/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: Richard L. Siewert ( CN=Richard L. Siewert/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

TEXT:

Brookings will announce tomorrow that Jack is going to give an important speech on the budget on Wednesday, 5/26, at 11:00 a.m.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 11:30:43.00

SUBJECT: Meeting Today

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

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

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

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

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

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

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

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

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

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

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

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

CC: Alice H. Williams ( CN=Alice H. Williams/OU=CEA/O=EOP@EOP [ CEA ] )  
READ:UNKNOWN

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

CC: Sandra L. Via ( CN=Sandra L. Via/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

TEXT:

You are invited to participate in a meeting Bruce Reed is holding today -- a discussion of Presidential action on FMLA and Unemployment Insurance. This meeting will be held in the Roosevelt Room at 3:00 p.m. There will also be representation from the Departments of Labor and Treasury.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Katherine Button to Gene Sperling et al re Correction (5 pages)	05/20/1999	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[05/20/1999]

2009-1006-F  
kc164

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

CREATION DATE/TIME:20-MAY-1999 12:58:01.00

SUBJECT: g-show statement

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:

===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0.00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D98]ARMS26633625K.136 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A02010000000205000000780700000002000015FF878C7E581D02DD20BE  
76404D76E7F0B3C98CA11F6D15C1CC01B35E3088B813FD2088343C4091AF5D3F2FEEC6D8308075  
701F4CDA2FC8F436F54F5A2346E0A0F0C45AF71D25896172E72999F8DFE15B0276097893B20CBD  
86A7C3CCC775B0D1EA5C289EBFAD7E01712F020C8E16032B88B4ECDE9F813AF2C3B6060A9CEA3D  
37FC8FB17CBF658CDDF8CEE473E313EA0C3368F0C04585958EA2D3E0F64AFE598A4C56F8B8E63  
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7CDE6C1CEDE6CE80A48C615658646643636B211407FF4FD232E5F13C6138161BC19933FB6D1CC2

### **Statement of the President**

I applaud the Senate for its leadership this morning in voting to close the gun show loophole once and for all. In the wake of the recent school shootings, it is profoundly important that all Americans come together and do everything they can to protect our children from violence. For those of us in government that means enacting common sense laws that reflect the values of the American people. By passing measures to help keep guns out of the hands of children and criminals, the Senate is living up to this responsibility.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 11:07:06.00

SUBJECT: Possible Announcements

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

READ:UNKNOWN

TEXT:

I'm still waiting to hear if there is anything new out there in terms of announcements, but I wanted to run what I have by you. Please let us know what you would like us to push at today's message meeting.

1. Release Regulations to Safeguard Safety of the Blood Supply
  - will be ready for early June
  - submitting scheduling proposal today
2. Profiling Directive
  - I understand that this could be ready for early June, and that there has been talk about issuing it around the June 9th DOJ Conference on Police Integrity. (NOTE: This is the day POTUS is scheduled to do the NIH/Bumpers Building Dedication.)
3. Release DoEd's Guide to Ending Social Promotion
  - June
  - Is this still something we would want to do as a stand-alone Presidential event?
4. Release DoEd's Report on School Choice
  - June
5. Announce Federal Government's Model Plan for Employment of People with Disabilities
  - There is a possibility this will be announced as part of the Mental Health Conference.
  - If not, we could do this in July around the ADA anniversary.
6. Paternity Numbers
  - Cynthia and Andrea just told me we have some good paternity numbers. Maybe something around Father's Day... maybe VP event?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 09:27:07.00

SUBJECT: draft insert on school shooting in Atlanta

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

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

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

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

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

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

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

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

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

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

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

CC: Michael Waldman ( CN=Michael Waldman/OU=WHO/O=EOP @ EOP [ WHO ] )

READ: UNKNOWN

TEXT:

I have just met with my foreign policy team. But before I speak about the situation in Kosovo, I want to say a few words about school violence. As you know, in a few moments I am leaving for Littleton, Colorado to meet with the students and families of Columbine High School. The news this morning of a school shooting, this one in Rockdale County, in suburban Atlanta, is deeply troubling to me and to all Americans. We thank God that the injuries to the four students do not appear to be life-threatening. This incident should underscore how important it is that all Americans come together in the face of these events to protect our young people from violence.



THE WHITE HOUSE

Office of the Press Secretary  
(New York, New York)

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For Immediate Release

May 19, 1999

STATEMENT BY THE PRESIDENT

I commend the House Commerce Committee for its overwhelming bipartisan support for the Work Incentives Improvement Act today. By unanimously endorsing this legislation, the committee has taken an important step towards removing significant barriers to work for one of our nation's most significant untapped resources -- millions of people with disabilities. The committee's action, under the leadership of Chairman Bliley and Congressman Dingell, parallels the overwhelmingly bipartisan support that the Roth/Moynihan/Jeffords/Kennedy version of this legislation received from the Senate Finance Committee.

Americans with disabilities can and do bring tremendous energy and talent to the American workforce, but the unemployment rate for all working-age adults with disabilities is nearly 75 percent. One of the most glaring problems is that people with disabilities frequently become ineligible for Medicaid or Medicare if they go back to work. This puts people with disabilities in the untenable position of choosing between health care coverage and work. The Work Incentives Improvement Act would improve job opportunities for people with disabilities by increasing access to health care and employment services.

Justin Dart, one of the foremost leaders of the disability community, has said that the Work Incentives Improvement Act is "one of the boldest since the landmark passage of the Americans with Disabilities Act." As I indicated in my State of the Union Address, I could not agree more with him. I urge Speaker Hastert and Majority Leader Lott to move promptly to schedule votes on this important and long overdue legislation.

30-30-30

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 15:19:35.00

SUBJECT: FYI: NEC proposal re: Pensions and Employee Right to Know

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

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

CC: Andrea Kane ( CN=Andrea Kane/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

TEXT:

Andrea and I attended the NEC deputies meeting yesterday to lend support to efforts we've been working on with NEC, OMB, and NPR to foster interagency cooperation in implementing workforce one stops.

FYI -- also on the agenda was a report from the NEC-led interagency working group on pensions, recommending the Administration put forth legislation to require employers who are amending defined benefit pension plans to provide more complete information to employees comparing the benefits of the new vs. old plan. This proposal would be a compromise between a Moynihan/Weller bill, which employers consider onerous, and a Portman/Cardin bill which makes only minimal changes to current law. DOL is the lead agency.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 20-MAY-1999 09:08:09.00

SUBJECT: Clinton Education Plan Denounced

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:

Clinton Education Plan Denounced

By ANJETTA McQUEEN AP Education Writer  
WASHINGTON (AP) -- A Clinton administration  
proposal to phase out uncertified teachers and limit the  
role of teachers' aides drew a host of objections from educators  
who said more, not less, help is needed in schools. One  
Republican lawmaker said the White House was meddling in local  
school affairs.  
A \$15 billion Elementary and Secondary Education  
Act unveiled Wednesday would make participating  
school districts do away with the practice of ``emergency  
certification,'' through which teachers teach subjects such as math or  
English in which they have not been certified by the state. It  
also would end the practice of allowing teachers' aides to  
supervise classrooms on their own.  
``America's public schools are going to rise and  
fall on the quality of their teachers,'' Education Secretary  
Richard Riley said, adding that schools in poorer districts  
rely too heavily on aides to instruct students.  
Educators and lawmakers attacked the proposal.  
``Holding us accountable without providing us  
the assistance to achieve these goals puts everybody in a very  
difficult bind,'' said Mike Casserly of the Council of Great City  
Schools, adding

with better pay  
going to need  
bill.'

states and school  
failing schools, issue  
doing, set strict  
end the  
academically ready  
summer programs.

states'  
tend to get a

made in his State of  
their efforts to

administration trying to  
said Rep. Bill  
and  
version of the  
new requirements  
local school

unions support

make this  
of the American  
should not be  
classroom  
helpful. But they

that most new teachers choose suburban posts  
and working conditions over urban ones. ``We're  
substantially more help than there is in the

The plan to renew the act also would require  
districts to reduce class size, turn around  
report cards to parents on how schools are  
academic and classroom discipline standards and  
practice of promoting children who are not  
by helping them with more after-school and

The act, on average, provides about 7 percent of  
education spending. Poorer schools, however,  
larger share.

Republicans said the Clinton proposal, first  
the Union address in January, runs counter to  
ensure local control of schools.

``This is a classic example of the  
mandate national solutions to local problems,''  
Goodling, R-Pa., chairman of the House Education  
Workforce Committee, which is crafting its  
legislation. ``Without federal mandates, these  
are already being carried out by states and  
districts.'

Marshall Smith, a Riley deputy, said teachers'  
the teacher-quality proposals.

``They have given the districts room and time to  
happen by phasing it in,''' said Sandra Feldman  
Federation of Teachers, adding that the aides  
eliminated. ``Working under the supervision of a  
teacher and properly trained, they can be very

Washington-based  
said,  
qualified teachers  
three-year road

teacher  
Mary Jean

teachers' aides  
federal  
that 41  
at least half of  
present.

either lacked  
spend enough time

often two and  
About three-fourths  
teachers to teach  
teachers,  
internships or  
to prepare aides

are not teachers,' she said.

But Kati Haycock of the Education Trust, a  
nonprofit group promoting academic achievement,  
"Parents want -- and children need -- highly  
now. We can't afford ... teachers who are on a  
to certification."

States would be able to apply their various  
certifications under the Clinton proposal, said  
LeTendre, who oversees the Education Department's  
administration of funds for poor students.

In the 1996-97 school year, almost as many  
(52,714) as teachers (61,252) were funded by the  
government. Education Department surveys found  
percent of aides at participating schools spent  
their time in the classroom without a teacher

Also a third of the nation's teachers said they  
degrees in the subjects they teach or did not  
training in them.

Urban districts have some of the greatest need,  
half times the vacancies of other districts.  
of those districts have to rely on noncertified  
under emergency licenses, long-term substitute  
teachers with provisional licenses and  
apprenticeships. But nearly half offer programs  
for licensed teaching positions.

□#AP-NY-05-20-99 0728EDT

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 12:20:14.00

SUBJECT: Faith draft

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

READ:UNKNOWN

TEXT:

Elena -- keep in mind that I have shown this to no one yet, and in fact, you can help me make sure it is coherent and makes the right arguments...many thanks, as always...

7

REMARKS BY VICE PRESIDENT AL GORE  
ON FAITH AND FAITH-BASED ORGANIZATIONS  
Monday, May 24, 1999

I. SET-UP: FAITH AND AMERICA'S COMMON VALUES

Today, I want to talk about one of America's greatest strengths: the faith and religious values of our people.

This is a subject that has weighed on my mind since the awful events at Columbine High School, and the senseless shooting at heritage High School just four days ago. We must create in all of God's children -- even those who feel despised and rejected -- a clean heart, and a right spirit within. We must make it easier for all Americans to live and express their own faith to strengthen the common values we share.

That is in the best tradition of our nation. George Washington once said that Americans have an abundant reason to rejoice that in this land, every person may worship God according to the dictates of his own heart. Religious freedom is America's first freedom. We have been proud to press for it around the world.

From the beginning of our history, refugees from religious persecution have come here for safety. My mother's family, the Lafons, were French Huguenots, driven from their homeland because of their religious faith, Protestantism. They found a new home here in America. My family has never taken our freedom to worship for granted.

As America's faith traditions have flourished, they have both shaped and strengthened our common values: honesty and discipline. Character and community. Belief in the family. Belief in responsibility and in responding to the needs of others.

Today, faith is showing a new and vital power at the grassroots. Community by community, a growing movement of faith- and values-based organizations are helping to meet some of our most intractable social problems -- challenges that had confounded us for decades: turning around the drug-addicted; moving people from welfare to work; breaking up dangerous teen gangs. In many of these efforts, faith is the leaven that rises the bread -- the unique and transformative ingredient that enables people to turn their lives around.

That is why I have chosen to address this subject today. At a time when our spiritual needs have never been greater □) at a time when too many children and families want moral sustenance and strength □) faith can play a powerful role for those who choose it.

I believe America must do more to strengthen and sustain our faith-based values □) in ways that also strengthen the core freedoms enshrined in our Constitution.

## II. THE NEW POWER OF FAITH-BASED APPROACHES TO SOCIAL PROBLEMS

We should start by recognizing that today, faith is at the heart of a new movement for social action in America.

It is a movement I first encountered through the annual □&Family Reunion□8 policy conferences Tipper and I hold each summer □) where we learned how a higher example can help reconnect children with fathers who had abandoned them. In many cases, nothing else had worked -- until faith was added to the equation.

I have also seen the transformative power of faith-based approaches through the national Coalition I have led to help people move successfully from welfare to work □) the Coalition to Sustain Success.

In San Antonio, I met a woman named Herlinda Flores. Lilly had given up on finding work, and had gone on welfare. She had so many challenges to face. English was her second language. She didn□,t think she had the skills to hold a job. And she had begun to conclude that maybe she didn□,t deserve one. Then she signed up for job training at the Christian Women□,s Job Corps.

Through the Job Corps, she met a woman who mentored through prayer and bible study, and she soon began to regain her self-confidence. Faith gave her a new feeling of self-worth, of purpose □) something no other program could give her. When I met her, she told me that for the first time in years, she had applied for a position at Wal-Mart. Then she looked me in the eye, and said with pride, □&I know I□,ll get the job.□8 She did. She was recently honored as employee of the month.

In San Francisco, I met a woman named Vicki Van Fossen. Because of a severe drug addiction, she had lost custody of her two children, lost her job, and gone on welfare. The only way back was to beat her addiction, and nothing seemed to work. Then she joined a faith-based program that was part of our Coalition to Sustain Success, and finally gained the inner strength to become clean. She regained custody of her children. And she has kept a full-time job. When I asked what she could do for others in the same bind, she said, □&unfortunately, nothing -- unless they want to change first.□8 For Vicki, it was faith that enabled her to pry open the vise grip of drug addiction.

That is why, as part of the National Drug Control Strategy I announced earlier this year, we are now doing special outreach to the faith community, to enlist them in our war against drugs.

My wife Tipper sees the power of faith through her work with the homeless at Christ House, in Washington, D.C. Many at Christ House are struggling with substance abuse and mental health issues -- but there is often a spiritual void as well. So Christ House does more than provide shelter and medical care. It creates a loving, trusting atmosphere that helps

address the issues that led to homelessness in the first place. Its founder tells the story of a reporter who spent a week there, interviewing the patients. At the end of her time, she said: "What amazed me is that for all of the medical treatment, I didn't hear anyone talking about putting on bandages, or taking medication." Instead, they talk of a much deeper type of healing.

Then there is Reverend Eugene Rivers, who has been hailed for helping to take back the worst neighborhoods of Boston through faith. He remembers a hardened gangster telling him: "I'm there when Johnny goes out for a loaf of bread for mama. I'm there, you're not. I win, you lose. It's all about being there." But Reverend Rivers resolved that he would be there, too. He was, and he faced down the gangs. He did for the children of Boston what no other program had done -- what it sometimes takes God's help for all of us to manage: he loved them, no matter how beaten down, how hopeless, how despairing.

Partly because of his work, Boston went 18 months without losing a single child to gun violence. Even Boston's most hard-boiled police and prison wardens have been surprised to see the difference that faith makes.

"You couldn't function effectively without ministers in Boston," says William Bratton, Boston's former police commissioner.

Boston's Mayor, Thomas Menino, says of faith leaders: "They have a mission. They get it done."

Ron Corbett of the State's Probation Department says, "We went through a phase where we were pretty skittish about dealing with religious organizations." Based on their success in turning around the toughest prisoners, he had to admit: "we were wrong."

I believe the lesson for our nation is clear: in those specific instances where the unique power of faith can help us meet crushing social challenges that are otherwise impossible to meet -- such as drug addiction and gang violence -- we should explore carefully-tailored partnerships with our faith community, so we can use the approaches that are working best to meet our urgent needs.

In that way, we can allow faith and religious values to play a greater role in our hardest-pressed communities, in ways that benefit us all.

### III. ALLOWING FAITH IN OUR SCHOOLS, IN OUR WORKPLACE, AND IN OUR NATION

We need to do more to allow faith and values to flourish not just in our hard-pressed communities, but also in our schools, in our workplaces, and in our society at large. And I believe we can and must do so in ways that do not erode the separation of church and state.

Let's consider our schools. In Jefferson County, Colorado, I met and embraced the parents of Cassie Bernal, who died at Columbine. Her last words, as she started into the barrel of a loaded gun, were: "yes, I do believe in God."

Her faith made her strong.

When the shooting began, she was quietly reading her Bible in the Columbine library. She knew she did not have to leave her faith at the schoolhouse door.

Today, in too many communities, children and teachers are still not aware of their right to voluntarily practice their religious beliefs -- including prayer in school -- and to pursue religious activities on school grounds.

Yet studies show that children who are involved in religious activities are much less likely to use drugs. And common sense tells us that in a culture of chaotic values, children are more likely to stay out of trouble if they are spiritually grounded.

That is why, in 1995 and again last year, our Department of Education issued clear guidelines to clear up the confusion about the kinds of religious activity that are permissible in public schools and we gave those guidelines to every school district in America.

Here is what they say: students have the right to pray privately and individually in school. They have the right to say grace at lunchtime. They have the right to meet in religious groups on school grounds and to use school facilities, just like any other club. They have the right to read the Bible or any religious text during study hall or free class time. They also have the right to be free from coercion to participate in any kind of religious activity in school.

There are some who believe we need a Constitutional Amendment to allow prayer in our schools. As our guidelines demonstrate, we already have one. It's called the First Amendment.

Since we issued these guidelines, appropriate religious activity has flourished in our schools, and there has been a substantial decline in the debate and litigation that has accompanied this issue for too long.

Two years ago, we applied the same approach to the federal workplace. We clarified that federal employees may engage in personal religious expression to the greatest extent possible, consistent with workplace efficiency and the requirements of law.

We clarified that federal employers may not discriminate in employment on the basis of religion. And we clarified that an agency must reasonably accommodate its employees' religious practices.

We have also fought hard to protect and strengthen religious freedom in our nation at large. Nine years ago, a Supreme Court case called *Oregon v. Smith* diminished America's long-standing commitment to the free exercise of religion.

Those whose religion forbid autopsies had been subjected to mandatory autopsies. Those who wanted churches close to where they lived had seen churches zoned out of residential areas. Those who wanted the freedom to design their churches had seen local governments dictate the configuration of their buildings. And they could not find relief in our courts.

That is why we passed the Religious Freedom Restoration Act, to restore freedom of religion. I was disappointed that the Court struck down parts of the act two years ago, but its provisions still apply to federal agencies and institutions.

#### IV. DRAWING A CLEAR LINE: THE SEPARATION OF CHURCH AND STATE

The question now is, how do we move forward? How do we strengthen the faith and religious values that build character and community, while

protecting the First Amendment freedoms that are so essential to religious freedom itself?

Let me be clear: I believe very strongly in the separation of church and state and the careful balance that has served us well since our founding.

Our founders knew history. They could look back on centuries of religious war in Europe that tore nations apart. They resolved that religious war should never tear this nation apart and the only way to do that was to allow religious freedom. The history of the United States has proven their wisdom.

But our founders also believed deeply in faith. They created the Bill of Rights in large measure to protect its free expression.

The separation of church and state has been good for all concerned good for religion, good for government, good for those who choose not to worship at all. It is our freedom from persecution, our absolute and unassailable choice of how to worship, that keeps religion strong.

But it is our religious values that help keep our nation strong. That is why we must always reexamine that crucial balance. Have we gone too far in discouraging faith in our public discourse and personal lives? Have we gone too far in promoting faith and religious values?

In our founders' day, the greatest need was to protect the unbeliever from religious coercion. Today, we also need to ensure that believers of all faiths are free to engage in our national dialogue and our pressing social challenges -- without feeling that they must hide their religious beliefs.

#### V. FOUR PRINCIPLES FOR GOVERNMENT ACTIONS

I want to suggest four simple principles to strengthen and sustain faith and religious values in America, while holding fast to our cherished Constitutional freedoms.

First, our laws and institutions should not impede or hinder, but rather should protect and preserve our fundamental religious liberties.

Second, the government should be held to a very high level of proof before it interferes with someone's free exercise of religion.

Third, whenever possible, we should help to explain and clarify the fullest allowable expression of religious beliefs that is consistent with our Constitution.

Fourth, we must consider special measures consistent with the Constitution -- when faith proves a unique and effective role in meeting our most intractable social problems.

#### VI. NEW POLICY PROPOSALS

Today, I would like to propose several concrete actions we can take to strengthen and promote faith-based values and approaches in our nation.

The first deals with the role of faith-based organizations. The 1996 welfare reform law contained a little-known provision called Charitable Choice. It says, simply, that states can enlist faith-based

organizations to provide basic welfare services, and help move people from welfare to work.

As long as there is always a secular alternative for anyone who wants one, faith-based organizations can provide jobs and job training, counseling and mentoring, food and basic medical care □) with public funds □) and without having to alter the religious character that is so often the key to their effectiveness.

I believe we should explore a similar, carefully-tailored exception for other vital services where faith plays a unique and effective role □) such as drug treatment, homelessness, and youth violence prevention.

This extension must be accompanied by clear and strict safeguards: government must never promote a particular religious view, or force anyone to receive faith. We must ensure that there is always a high-quality secular choice available. We must prohibit direct proselytizing as part of any publicly-funded efforts. And we must establish clear accountability for results.

But we must not be afraid to embrace faith-based solutions that advance our shared values as Americans.

Next, it is currently common practice for employees at an average company to contribute to a wide range of charities, and have their donations matched by the company up to an annual limit. But rarely are faith-based programs approved for such matches, perhaps because we are just starting to realize the role they are playing. I call on the corporations of America to encourage and match contributions to faith- and values-based organizations. We need to make sure their efforts are recognized and supported, across America.

Finally, I believe we must reintroduce the Religious Freedom Restoration Act, redrafted to meet the court□,s objections.

## VII. CONCLUSION

America□,s national identity is not shaped solely by Catholic, Protestant, Jewish, Muslim or Hindu traditions. But we are a people who believe that these and other faith traditions contribute to the formation of values with which we agree to live out our common lives together.

Religion helps to give our people the character without which a democracy cannot survive.

I am a Baptist. My faith has always sustained me; I believe in serving God and trying to understand and obey God□,s will for our lives. That belief is what led me to explore my own faith in Divinity School when I returned from Vietnam. And throughout my life, it has called me to try to deepen my understanding of the human soul, and bring my actions, thoughts, and feelings into harmony with God□,s will.

I want to create the kind of America where people can practice their faith, and use religious insights to illuminate all the questions our society is asking: how do we respect one another and live in peace and safety in our neighborhoods? How do we preserve and strengthen our families? How do we teach our children to live together? How do we give hope to the hopeless, and help to the helpless? How do we protect the weak □) and teach restraint to the strong?

Mother Theresa once said, "Plant the act, reap the habits. Plant the habits, reap the virtue. Plant the virtue, reap the character. Plant the character, reap the destiny."

Religion helps to give our people the character without which a democracy cannot survive.

Through our faith and our best values, we can become what we are meant to be. We can become an America that is not just better off, but better.

In so doing, we can serve as I believe God meant us to -- as a light to this ever-shrinking world. Thank you.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Ron Klain to Elena Kagan re Bon Voyage? (1 page)	05/20/1999	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[05/20/1999]

2009-1006-F  
kc164

### 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]

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]

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.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 13:28:38.00

SUBJECT: FYI -- Bill Galston asked me to share this with you as an FYI

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

READ:UNKNOWN

TEXT:

----- Forwarded by Eli G. Attie/OVP on 05/20/99 01:27 PM  
-----

Bill Galston <wgl4@umail.umd.edu>  
05/20/99 11:14:55 AM

Please respond to Bill Galston <wgl4@umail.umd.edu>  
Record Type: Record

To: Eli G. Attie/OVP  
cc:  
Subject: Religious Freedom Restoration Act

- Rfra.wpd===== ATTACHMENT 1 =====  
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D91]ARMS283366255.136 to ASCII,  
The following is a HEX DUMP:

FF57504370040000010A0201000000020500000002F24000000020000C82BB53F2DCDC76DE4BE8C  
2023859A172E1F456FC72C6C42A18B6FA9B22186E244C3B4AC4BA765C29C166E7E50BEEBB80949  
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May 19, 1999

**MEMORANDUM FOR THE VICE PRESIDENT**

**FROM: BILL GALSTON**

**VIA: ELAINE KAMARCK**

**SUBJ: RELIGIOUS FREEDOM RESTORATION ACT**

During the speech preparation on Monday, you indicated a strong interest in the Religious Freedom Restoration Act. The purpose of this memorandum is to provide some background on this legislation, update you on its current status, and offer a proposed position and speech language for your consideration.

**Background**

From 1963 through 1990, legislation and jurisprudence concerning the free exercise of religion was guided by the Supreme Court's decision in Sherbert v. Verner. In that decision, the Court said that any law "substantially burdening" religious liberty could only be justified if it promoted a "compelling state interest." This test had the effect of forcing government to discharge a heavy burden of proof before it would be allowed to proceed with legislation that interfered with religious free exercise to any significant degree. Most faith communities were satisfied with this interpretation of the Free Exercise Clause.

In 1990, the status quo was disrupted by the Court's decision in Employment Division v. Smith. In a bitterly contested 5-4 decision with the majority's opinion by Justice Scalia, the Court set aside the compelling state interest test and said in effect that neutral laws of general applicability promoting legitimate state purposes would be presumed constitutional even when not supported by a compelling governmental interest, and even if their effect was to interfere with the religious practices of some individuals or religious groups

This decision sparked widespread outrage in faith communities. Starting in 1991, Congress convened hearings, and a broad coalition came together around the Religious Freedom Restoration Act (RFRA), which was enacted into law in 1993 with the strong support of the Clinton-Gore administration. The stated purpose of RFRA was to restore the compelling state interest test as set forth in Sherbert v. Verner and to offer opportunities for legal claims and defenses to individuals whose religious exercise is substantially burdened by government. The law prohibited government from substantially burdening religious exercise unless it can be demonstrated that the burden (1) furthers a compelling governmental interest and (2) is the least intrusive means of furthering that interest.

From the outset, worries were raised about the constitutionality of this law. There was no doubt that it was intended to overturn the Smith decision and to establish through legislation

an alternative understanding of the Constitution. This could be regarded as a violation of separation of power--that is, as a congressional usurpation of a quintessentially judicial function. That is what the Supreme Court did in City of Boerne v. Flores, handed down in 1997. The facts were as follows: the Catholic archbishop of San Antonio applied for a building permit to enlarge a church in the town of Boerne, Texas. When local authorities denied the permit, citing a local historic preservation ordinance, the Archbishop brought suit under RFRA. The Court held that RFRA was not a proper exercise of congressional authority under section 5 of the Fourteenth Amendment, on which Congress had relied in making RFRA binding on the states. Six justices concurred, though for varying reasons; three--O'Connor, Breyer, and Souter--dissented.

In the wake of the Boerne decision, the religious coalition regrouped and redrafted RFRA to neutralize the Court's constitutional objections. Rather than relying on section 5 of the Fourteenth Amendment, the revised bill--now called the Religious Liberty Protection Act (RLPA)--rests its case for enforcement powers vis-a-vis the states on the commerce and spending clauses.

After going nowhere in Congress in 1998, the RLPA has gathered momentum this year. Hearings were held before the House Judiciary Committee in March, and a markup is expected in the next few weeks. The religious coalition that supported RFRA so strongly continues to push for the revised bill.

There is a new wrinkle, however. I am told that some groups--mainly gay and lesbian rights organizations--have raised objections to RLPA on the grounds that it could enhance the ability of individuals citing religious convictions to discriminate against them and other minorities. For this reason, the ACLU has broken ranks and is demanding language in the bill specifying that religious free exercise claims cannot be used to justify discrimination. (This may be the reason why there are as yet no Democratic cosponsors for this bill in the House.) The pro-RLPA coalition, though overwhelmingly sympathetic to this concern, believes that allowing any carve-outs would open the political floodgates to a host of others--prison officials, local zoning authorities, and school administrators, for starts--that would kill the bill, and they are therefore opposing all amendments. This is the position of traditionally liberal, pro-civil rights religious groups such as Reform Jews as well as more traditionalist groups.

You should also be aware of the fact that a coalition of the principal organizations representing states, counties, and municipalities has put this bill on its list of so-called "preemption" legislation that the coalition opposes on the grounds that it makes life more difficult for state drug programs, municipal zoning ordinance, and the like.

### **Recommendation**

Despite these difficulties, I believe that you should move affirmatively in this area and that you can do so without becoming entangled in a controversy among friends. Specifically, you could say in next Monday's speech that:

(1) The free exercise of religious faith is one of the very most importance values in our entire constitutional tradition and deserves that highest possible level of protection.

(2) You disagree with the Court's Smith decision on the grounds that it needlessly and dangerously weakens protections for religious freedom against government intrusion. (For example, in the wake of Smith, courts in Michigan and Rhode Island forced the families of Jewish accident victims to endure government-ordered autopsies of their loved ones even though autopsies directly violate a basic tenet of Jewish law and there was no finding that the autopsies were necessary for compelling government purposes such as suspicion of foul play or contagious disease.)

(3) While you understand the Court's constitutional objections to RFRA, you continue to believe that corrective legislation is necessary and proper. Our tradition of civil rights makes it clear that no part of our government--federal, state, or local--has the right to act in ways that deny individuals the enjoyment of fundamental liberties, and religious free exercise is certainly one of those liberties.

(4) You support legislation, consistent with the Constitution, that requires governments to show that action restricting religious free exercise is necessary to further a compelling purpose and does so in the least burdensome way. You are convinced that this can be done in a way that is consistent with the full range of our cherished individual and civil liberties.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Barbara Chow ( CN=Barbara Chow/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:20-MAY-1999 09:40:46.00

SUBJECT: Discipline allowed under the IDEA

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:

Attached is a memo prepared by my staff regarding the Ashcroft/Frist provision. We will send you a copy of the letter shortly.

----- Forwarded by Barbara Chow/OMB/EOP on 05/20/99 09:38 AM -----

David Rowe

05/12/99 11:31:07 AM

Record Type: Record

To: Barbara Chow/OMB/EOP@EOP

cc: Barry White/OMB/EOP@EOP, Wayne Upshaw/OMB/EOP@EOP, Katrina A. McDonald/OMB/EOP@EOP, Daniel I. Werfel/OMB/EOP@EOP

Subject: Discipline allowed under the IDEA

Barbara, as you requested last night, below is a summary Danny Werfel and I put together on what a school can do to a regular ed student who brings a gun to school, compared to what a school can do to a special ed student who brings a gun or threatens to bring a gun. Again, we believe that what schools can do under current law should be the focus of any letter ED sends to the Hill opposing the Ashcroft amendment.

What a School Can Do to a Regular Ed Student Who Brings a Gun to School

The Gun Free Schools Act requires States receiving federal education funds to have a law requiring a one year expulsion of a student who brings firearms to school (these one year suspensions can be shortened at the local level, by the school district's chief administrative officer). During this suspension, the school is not required by federal law to provide services to that student.

The Gun Free Schools Act does not provide a similar punishment for other weapons, or for students who threaten to bring a gun to school. The Ashcroft amendment, on the other hand, would allow a school to suspend a disabled student indefinitely if the student brings a weapon to school, or threatens to bring a weapon.

What a School Can Do to a Disabled Student Who Brings a Weapon to School, Or Threatens to Bring a Weapon

Under the IDEA, a student can be removed from their current placement for disciplinary reasons for the same length of time as if the student was not disabled. However, under IDEA, the school would be required to ensure that: (a) certain services are provided during the removal, and (b) certain due process opportunities are provided for parents to challenge the disciplinary action.

#### Length of Removals

The IDEA contains a set of "45-day provisions," which allow schools to suspend for up to 45 days a student who brings a gun, other weapon, or illegal drugs to school. Moreover, a hearing officer can suspend a student under the same "45-day provisions" if the hearing officer determines that a student is likely to cause harm to himself or others.

If after the 45 day placement, school officials believe that it would be dangerous to return the child to their regular placement because the child would be substantially likely to injure himself or others in the regular placement, they can ask a hearing officer to order that the child remain in an alternative setting for an additional 45 days. Hearing officers can continue to order that the student remain in an interim educational setting as long this hearing and finding is provided after each 45 day period. Thus, the IDEA would not prevent a student from being removed from an original placement in perpetuity, so long as the student continues to receive services.

In addition, additional suspensions of up to 45 school days at a time may be provided for separate incidences of weapons or drug related misconduct. If a disabled student threatens to bring a weapon to school, the school could suspend that student under the "45 day likely to injure" provision.

#### Services Required Under the 45 Day Provisions

Because under the IDEA "change of placement" services kick in after 10 consecutive days of a removal or suspension, a disabled student removed under the 45 day provisions receives change of placement services after the 10th day of the student's suspension. These services are as follows:

**Educational Services:** The IEP meets to determine what educational services are needed to allow the student to meet the goals of his or her IEP. (These services could include, for instance, sending homework to the student, or providing tutoring services to the student in their interim educational placement.)

**Behavioral Services:** The IEP team needs to implement a behavioral assessment plan for the student, which provides a framework for addressing the student's behavior. This is a proactive intervention measure designed to address behavior problems ensure that the disabled student does not exhibit disruptive behavior again.

**Manifestation Determination:** The school is required to conduct a manifestation determination, in order to assess whether the behavior was a manifestation of the disability. However, under the 45 day provisions, even if the behavior is found to be a manifestation of the student's disability, the school can keep the student in the interim educational setting until the expiration of the 45 day period. Afterwards, a hearing officer can order the student to remain in the interim setting for another

45 days, as noted above.

#### Due Process Requirements under the IDEA

The IDEA provides specific due process procedures to students with disabilities that are in addition to the due process nondisabled students receive.

If a child possess a weapon or drugs at school, school officials are allowed to remove that student immediately for up to 45 days. If there was no weapon or drug related offense, but school personnel believe that a child is likely to harm himself or others, they are allowed to remove that student immediately for less than 10 consecutive days, but would have to get a hearing officer to rule on whether the 45 day provisions apply under the circumstances.

Under both cases, the child's parent is allowed to appeal a 45 day suspension or removal at any point. During this appeal, the child remains in the alternate placement for the full period of suspension unless the parents can convince a State level hearing officer that the 45 day provisions should not apply.

After the first 45 day suspension is completed, the school can continue the suspension for another 45 days if a hearing officer determines that the child, at that point, is likely to injure himself or others. In similar manner as above, the child's parents can challenge the second and subsequent suspensions. Again, the child remains in the alternate placement for the full period of suspension unless the parents can convince a State level hearing officer that the 45 day provisions should not apply.

#### Other Notable Points

If a disabled student brings a weapon to school or threatens to bring a weapon, nothing in the IDEA prohibits the school from notifying authorities about the student's action, or prevents law enforcement and judicial authorities from carrying out their responsibilities. In other words, a disabled student who breaks federal or state laws can still be arrested, and perhaps incarcerated, for their crimes.

As part of the ED-Flex Conference Committee negotiations, the committee had considered amending IDEA to provide the same 45 day provisions as above if a disabled student "possesses a weapon at school;" the language in current law only refers to cases when the student "carries a weapon to school." The Ashcroft amendment would achieve the same clarification as the proposed Ed-Flex amendment, among other things. But, note that ED has issued nonregulatory policy guidance on this issue, where they specifically state that it is the Department's position that the 45 day provisions apply in both cases under current law.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 10:48:23.00

SUBJECT: Weekly Health Care Strategy Meeting

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

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

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

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

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

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

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

TO: Daniel N. Mendelson ( CN=Daniel N. Mendelson/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

TO: David W. Beier ( CN=David W. Beier/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

CC: Gina C. Mooers ( CN=Gina C. Mooers/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

CC: Rhonda Melton ( CN=Rhonda Melton/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

CC: Joseph D. Ratner ( CN=Joseph D. Ratner/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

We will have the Health Care Strategy Meeting today, May 20, at 4:00 p.m.  
in Bruce Reed's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 15:09:58.00

SUBJECT: Re: FYI -- Bill Galston asked me to share this with you as an FYI

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I totally agree, and have recommended as much to the VP.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 19:42:24.00

SUBJECT: cleaned this up a little and added guns

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

READ:UNKNOWN

TEXT:

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D68]ARMS293142356.136 to ASCII,  
The following is a HEX DUMP:

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CF6392D14FD305CB9E86FA85C737E09D6D9F8928802D079292B39798884D4C488735FEE0F6541A  
03DD89565F3CAC8E00D44BF9EAEC6A9A72280981000F3974ED4D9C1BCE21B8841A64134F0CD84B  
5596CC51F7D28B524E198DF93AA400D965440CFE7D789CB01B82C40456199016C4BF15B88BA1F  
C869C2765040F6815A5432586E806EBD1B53D4303EFE96D1D29B22755C7FA0E670C4E8E91288C8  
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7262B8CD926315A428FC1818C2DFC226847CEB19A0B8D2CC90B5D66564459B9CB754DE1BA884C1

## Improvements to the Senate Juvenile Crime Legislation

- **Three out of four “core mandates” preserved.** Senator Hatch’s bill originally weakened all of the core protections for juveniles in state custody. The bill that cleared the Senate today preserves language in current law ensuring that juveniles are separated by sight and sound from adults while incarcerated; that they are not placed in adult jails; and that status offenders are not incarcerated. However, the bill does re-write protections against disproportionate minority confinement. A Kennedy/Wellstone amendment to drop this provision was defeated, and this issue will have to be revisited in conference.
- **Guaranteed prevention funds.** The original Hatch bill provided almost no funds for prevention. The bill that passed today sets aside 25 percent of the \$450 million Juvenile Accountability Block Grant for prevention, and authorizes a separate \$435 million for other delinquency and prevention programs.
- **No new death penalties.** The original Hatch bill made 16-year olds eligible for the federal death penalty. This provision has been dropped.
- **Onerous conditions on states deleted.** To be eligible for the new block grant funds, the original Hatch bill required states to pass new laws to prosecute juveniles (14-year olds) as adults. These hard requirements have been dropped and replaced with more reasonable conditions requiring graduated sanctions, drug testing and protection of victims rights in cases involving juvenile offenders.
- **Federalization clause dropped.** The original Hatch bill included a presumption that all juvenile crime should be federal and then referred to states as appropriate. Chief Justice Rehnquist complained bitterly last year about this provision, and it is no longer in the bill.
- **New gun provisions.** The original Hatch bill contained no provision to address gun violence. As you know, the new bill: (1) requires background checks for all gun sales at gun shows; (2) requires gun dealers to provide child safety locks with every handgun sold; (3) bans the juvenile possession of assault weapons and large capacity clips; (4) expands the Youth Crime Gun Interdiction Initiative; (5) bans the importation of large capacity ammunition clips; (6) prohibits violent juveniles from possessing guns (but in a weaker form than your own proposal); and (7) provides \$50 million for the increased federal prosecution of gun crimes.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Cohen, Mike" <Mike\_Cohen@ed.gov> ( "Cohen, Mike" <Mike\_Cohen@ed.gov> [ UNK

CREATION DATE/TIME:20-MAY-1999 10:59:52.00

SUBJECT: GOOD NEWS FROM NANCY ZIRKIN

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

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

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

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

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

TEXT:

Nancy just called me to express, on behalf of LCCR, her chagrin over the handling of LEP issues in Title 1. She also informed me that she will take MALDEF to meet with Clay after Mr. Clay introduces our bill. So we just dodged the final bullet and are on our way!

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: "Cohen, Mike" <Mike\_Cohen@ed.gov> ( "Cohen, Mike" <Mike\_Cohen@ed.gov> [ UNK

CREATION DATE/TIME:20-MAY-1999 10:29:40.00

SUBJECT: Social Promotion/Civil Rights Update

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: "'Bruce\_N.\_Reed@opod.eop.gov'" <Bruce\_N.\_Reed@opod.eop.gov> ( "'Bruce\_N.\_Reed@op

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I just talked to Nancy Zirkin about last evening's civil rights groups meeting on Title 1 and Title XI. Here's the basic update:

1. They are "fine" (not happy, but willing to live with) with our responses to the three issues they raised earlier this week, and will pursue a fix with Clay on the two social promotion issues. Nancy and I are discussing language and she will share with me what they are going to ask Clay to do. There are no surprises in this for us.
2. As a result of their collective review of our language, they have a whole new bunch of issues. Nancy, Bill (who probably has the longest list) and Wade have basically convinced the group not to ask us or Clay to address those issues before introduction.
3. The one outstanding issue in this regard is MALDEF's opposition to the Title 1 requirement to test LEP kids in English after 3 years. They want 4 years. Nancy reports that Bill Taylor is reasonably confident that he can get that back in the box by tonight.

I hope so--because I'm afraid that if he can't the pressure to have Clay make all of the language changes they want will grow between now and Tuesday.



**REMARKS BY VICE PRESIDENT AL GORE  
ON FAITH AND FAITH-BASED ORGANIZATIONS  
Monday, May 24, 1999**

**I. SET-UP: FAITH AND AMERICA'S COMMON VALUES**

Today, I want to talk about one of America's greatest strengths: the faith and religious values of our people.

This is a subject that has weighed on my mind since the awful events at Columbine High School, and the senseless shooting at Heritage High School just four days ago. We must make it easier for all Americans to live and express their own faith – to strengthen the values we share.

That is in the best tradition of our nation. George Washington once said that Americans have “abundant reason to rejoice that in this land, every person may worship God according to the dictates of his own heart.” Religious freedom is America's first freedom. We have been proud to press for it around the world.

From the beginning of our history, refugees from religious persecution have come here for safety. My mother's family, the Lafons, were French Huguenots, driven from their homeland because of their religious faith, Protestantism. They found a new home here in America. My family has never taken our freedom to worship for granted.

As America's faith traditions have flourished, they have both shaped and strengthened our common values: honesty and discipline. Character and community. Belief in the family. Belief in responsibility – and in responding to the needs of others.

Today, faith is showing a new and vital power at the grassroots. Community by community, a growing movement of faith- and values-based organizations are helping to meet some of our most intractable social problems – challenges that had confounded us for decades: turning around the drug-addicted; moving people from welfare to work; breaking up dangerous teen gangs. In many of these efforts, faith is the leaven that rises the bread – the unique and transformative ingredient that enables people to turn their lives around.

That is why I have chosen to address this subject today. At a time when our spiritual needs have never been greater – at a time when too many children and families want moral sustenance and strength – faith can play a powerful role for those who choose it.

I believe America must do more to strengthen and sustain our faith-based values – in ways that also strengthen the core freedoms enshrined in our Constitution.

**II. THE NEW POWER OF FAITH-BASED APPROACHES TO SOCIAL PROBLEMS**

We should start by recognizing that today, faith is at the heart of a new movement for social action in America.

It is a movement I first encountered through the annual “Family Reunion” policy conferences Tipper and I hold each summer – where we learned how a higher example can help reconnect children with fathers who had abandoned them. In many cases, nothing else had worked -- until faith was added to the equation.

I have also seen the transformative power of faith-based approaches through the national Coalition I have led to help people move successfully from welfare to work – the Coalition to Sustain Success.

In San Antonio, I met a woman named Herlinda Flores. Lilly had given up on finding work, and had gone on welfare. She had so many challenges to face. English was her second language. She didn’t think she had the skills to hold a job. And she had begun to conclude that maybe she didn’t deserve one. Then she signed up for job training at the Christian Women’s Job Corps.

Through the Job Corps, she met a woman who mentored through prayer and bible study, and she soon began to regain her self-confidence. Faith gave her a new feeling of self-worth, of purpose – something no other program could give her. When I met her, she told me that for the first time in years, she had applied for a position at Wal-Mart. Then she looked me in the eye, and said with pride, “I know I’ll get the job.” She did. She was recently honored as employee of the month.

In San Francisco, I met a woman named Vicki Van Fossen. Because of a severe drug addiction, she had lost custody of her two children, lost her job, and gone on welfare. The only way back was to beat her addiction, and nothing seemed to work. Then she joined a faith-based program that was part of our Coalition to Sustain Success, and finally gained the inner strength to become clean. She regained custody of her children. And she has kept a full-time job. When I asked what she could do for others in the same bind, she said, “unfortunately, nothing -- unless they want to change first.” For Vicki, it was faith that enabled her to pry open the vise grip of drug addiction.

That is why, as part of the National Drug Control Strategy I announced earlier this year, we are now doing special outreach to the faith community, to enlist them in our war against drugs.

My wife Tipper sees the power of faith through her work with the homeless at Christ House, in Washington, D.C. Many at Christ House are struggling with substance abuse and mental health issues -- but there is often a spiritual void as well. So Christ House does more than provide shelter and medical care. It creates a loving, trusting atmosphere that helps address the issues that led to homelessness in the first place. Its founder tells the story of a reporter who spent a week there, interviewing the patients. At the end of her time, she said: “What amazed me is that for all of the medical treatment, I didn’t hear anyone talking about putting on bandages, or

taking medication.” Instead, they talk of “a much deeper type of healing.”

Then there is Reverend Eugene Rivers, who has been hailed for helping to take back the worst neighborhoods of Boston through faith. He remembers a hardened gangster telling him: “I’m there when Johnny goes out for a loaf of bread for mama. I’m there, you’re not. I win, you lose. It’s all about being there.” But Reverend Rivers resolved that he would be there, too. He was, and he faced down the gangs. He did for the children of Boston what no other program had done -- what it sometimes takes God’s help for all of us to manage: he loved them, no matter how beaten down, how hopeless, how despairing.

Partly because of his work, Boston went 18 months without losing a single child to gun violence. Even Boston’s most hard-boiled police and prison wardens have been surprised to see the difference that faith makes.

“You couldn’t function effectively without ministers in Boston,” says William Bratton, Boston’s former police commissioner.

Boston’s Mayor, Thomas Menino, says of faith leaders: “They have a mission. They get it done.”

Ron Corbett of the State’s Probation Department says, “We went through a phase where we were pretty skittish about dealing with religious organizations.” Based on their success in turning around the toughest prisoners, he had to admit: “we were wrong.”

I believe the lesson for our nation is clear: in those specific instances where the unique power of faith can help us meet crushing social challenges that are otherwise impossible to meet – such as drug addiction and gang violence – we should explore carefully-tailored partnerships with our faith community, so we can use the approaches that are working best to meet our urgent needs.

In that way, we can allow faith and religious values to play a greater role in our hardest-pressed communities, in ways that benefit us all.

### **III. ALLOWING FAITH IN OUR SCHOOLS, IN OUR WORKPLACE, AND IN OUR NATION**

We need to do more to allow faith and values to flourish not just in our hard-pressed communities, but also in our schools, in our workplaces, and in our society at large. And I believe we can and must do so in ways that do not erode the separation of church and state.

Let’s consider our schools. In Jefferson County, Colorado, I met and embraced the parents of Cassie Bernal, who died at Columbine. Her last words, as she started into the barrel of a loaded gun, were: “yes, I do believe in God.”

Her faith made her strong.

When the shooting began, she was quietly reading her Bible in the Columbine library. She knew she did not have to leave her faith at the schoolhouse door.

Today, in too many communities, children and teachers are still not aware of their right to voluntarily practice their religious beliefs -- including prayer in school -- and to pursue religious activities on school grounds.

Yet studies show that children who are involved in religious activities are much less likely to use drugs. And common sense tells us that in a culture of chaotic values, children are more likely to stay out of trouble if they are spiritually grounded.

That is why, in 1995 and again last year, our Department of Education issued clear guidelines to clear up the confusion about the kinds of religious activity that are permissible in public schools -- and we gave those guidelines to every school district in America.

Here is what they say: students have the right to pray privately and individually in school. They have the right to say grace at lunchtime. They have the right to meet in religious groups on school grounds and to use school facilities, just like any other club. They have the right to read the Bible or any religious text during study hall or free class time. They also have the right to be free from coercion to participate in any kind of religious activity in school.

There are some who believe we need a Constitutional Amendment to allow prayer in our schools. We already have one. It's called the First Amendment.

Since we issued these guidelines, appropriate religious activity has flourished in our schools, and there has been a substantial decline in the debate and litigation that has accompanied this issue for too long.

Two years ago, we applied the same approach to the federal workplace. We clarified that federal employees may engage in personal religious expression to the greatest extent possible, consistent with workplace efficiency and the requirements of law.

We clarified that federal employers may not discriminate in employment on the basis of religion. And we clarified that an agency must reasonably accommodate its employees' religious practices.

#### **IV. DRAWING A CLEAR LINE: THE SEPARATION OF CHURCH AND STATE**

The question now is, how do we move forward? How do we strengthen the faith and religious values that build character and community, while protecting the First Amendment freedoms that are so essential to religious freedom itself?

Let me be clear: I believe very strongly in the separation of church and state – and the careful balance that has served us well since our founding.

Our founders knew history. They could look back on centuries of religious war in Europe that tore nations apart. They resolved that religious war should never tear this nation apart – and the only way to do that was to allow religious freedom. The history of the United States has proven their wisdom.

But our founders also believed deeply in faith. They created the Bill of Rights in large measure to protect its free expression.

They believed – and I believe – that we can protect against the establishment of religion without infringing in any way on its free exercise. That belief is at the very heart of our Constitution. And we must keep on working to make it a reality in our public life.

The separation of church and state has been good for all concerned – good for religion, good for government, good for those who choose not to worship at all. It is our freedom from persecution, our absolute and unassailable choice of how to worship, that keeps religion strong.

But it is our religious values that help keep our nation strong. That is why we must always reexamine that crucial balance. Have we gone too far in discouraging faith in our public discourse and personal lives? Have we gone too far in promoting faith and religious values?

In our founders' day, the greatest need was to protect the unbeliever from religious coercion. Today, we also need to ensure that believers of all faiths are free to engage in our national dialogue and our pressing social challenges -- without feeling that they must hide their religious beliefs.

## **V. FOUR PRINCIPLES FOR GOVERNMENT ACTIONS**

I want to suggest four simple principles to strengthen and sustain faith and religious values in America, while holding fast to our cherished Constitutional freedoms.

First, our laws and institutions should not impede or hinder, but rather should protect and preserve our fundamental religious liberties.

Second, the government should be held to a very high level of proof before it interferes with someone's free exercise of religion.

Third, whenever possible, we should help to explain and clarify the fullest allowable expression of religious beliefs that is consistent with our Constitution.

Fourth, we must consider special measures – consistent with the Constitution -- when faith proves a unique and effective role in meeting our most intractable social problems.

## VI. NEW POLICY PROPOSALS

Today, I would like to propose two concrete actions we can take to strengthen and promote faith-based values and approaches in our nation – by strengthening our faith-based organizations.

The 1996 welfare reform law contained a little-known provision called “Charitable Choice.” It says, simply, that states can enlist faith-based organizations to provide basic welfare services, and help move people from welfare to work.

As long as there is always a secular alternative for anyone who wants one, and as long as no one is required to participate in religious observances as a condition for receiving services, faith-based organizations can provide jobs and job training, counseling and mentoring, food and basic medical care. They can do so with public funds – and without having to alter the religious character that is so often the key to their effectiveness.

I believe we should explore a similar, carefully-tailored extension of this approach to vital services where faith plays a unique and effective role – such as drug treatment, homelessness, and youth violence prevention.

This extension must be accompanied by clear and strict safeguards: government must never promote a particular religious view, or force anyone to receive faith. We must ensure that there is always a high-quality secular choice available. We must prohibit direct proselytizing as part of any publicly-funded efforts. And we must establish clear accountability for results.

But we must not be afraid to embrace faith-based approaches that advance our shared goals as Americans.

There is one more step we should take. It is currently common practice for employees at an average company to contribute to a wide range of charities, and have their donations matched by the company up to an annual limit. But rarely are faith-based programs approved for such matches, perhaps because we are just starting to realize the role they are playing. I call on the corporations of America to encourage and match contributions to faith- and values-based organizations. We need to make sure their efforts are recognized and supported, across America.

## VII. CONCLUSION

America’s national identity is not shaped solely by Catholic, Protestant, Jewish, Muslim or Hindu traditions. But we are a people who believe that these and other faith traditions contribute to the formation of values with which we agree to live out our common lives together.

I am a Baptist. My faith has always sustained me; I believe in serving God and trying to understand and obey God's will for our lives. That belief is what led me to explore my own faith in Divinity School when I returned from Vietnam. And throughout my life, it has called me to try to deepen my understanding of the human soul, and bring my actions, thoughts, and feelings into harmony with God's will.

I want to create the kind of America where people can practice their faith, and use religious insights to illuminate all the questions our society is asking: how do we respect one another and live in peace and safety in our neighborhoods? How do we preserve and strengthen our families? How do we teach our children to live together? How do we give hope to the hopeless, and help to the helpless? How do we protect the weak – and teach restraint to the strong?

Mother Theresa once said, "Plant the act, reap the habits. Plant the habits, reap the virtue. Plant the virtue, reap the character. Plant the character, reap the destiny."

Religion helps to give our people the character without which a democracy cannot survive.

Through our faith and our best values, we can become an America that is not just better off, but better. And in so doing, we can serve as I believe God meant us to -- as a light to this ever-shrinking world. Thank you.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:20-MAY-1999 19:26:54.00

SUBJECT: is this close?

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

TEXT:

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D94]ARMS22461235T.136 to ASCII,  
The following is a HEX DUMP:

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## Improvements to the Senate Juvenile Crime Legislation

- **Three out of four “core mandates” preserved.** Senator Hatch’s bill originally weakened all of the core protections for juveniles in state custody. The bill that cleared the Senate today preserves language in current law ensuring that juveniles are separated by sight and sound from adults while incarcerated; that they are not placed in adult jails; and that status offenders are not incarcerated. However, the bill does re-write protections against disproportionate minority confinement. An Kennedy/Wellstone amendment to drop this provision was defeated, and this issue will have to be revisited in conference.
- **Guaranteed prevention funds.** The original Hatch bill provided almost no funds for prevention. The bill that passed today sets aside 25 percent of the \$450 million Juvenile Accountability Block Grant for prevention, authorizes a separate \$435 million for delinquency and prevention programs.
- **No new death penalties.** The original Hatch bill made 16-year olds eligible for the federal death penalty. This provision has been dropped.
- **Onerous conditions on states deleted.** To be eligible for the new block grant funds, the original Hatch bill required states to pass new laws to prosecute juveniles (14-year olds) as adults. These hard requirements have been dropped.
- **Federalization clause dropped.** The original Hatch bill included a presumption that all juvenile crime should be federal and then referred to states as appropriate. Chief Justice Rehnquist complained bitterly last year about this provision, and it is no longer in the bill.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Katherine Button to Melissa Green et al re P.S. (5 pages)	05/20/1999	Personal Misfile

### COLLECTION:

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

### FOLDER TITLE:

[05/20/1999]

2009-1006-F

kc164

### 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]