

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 060 - FOLDER -003

[04/28/1997-04/30/1997]

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Matthew Lorrin to Michele Jolin. Subject: Farewell. (3 pages)	04/28/1997	P6/b(6)
002. email	Trooper Sanders to Paul Weinstein Jr. Subject: Invitation. (2 pages)	04/29/1997	P6/b(6)
003. email	Richard Socarides to Elena Kagan. Subject: domestic policy/disability (1 page)	04/29/1997	P6/b(6)
004. email	Lyn Hogan to Thomas Freedman. Subject: Farewell. (2 pages)	04/30/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
 Automated Records Management System (Email)
 WHO ([Kagan])
 OA/Box Number: 500000

FOLDER TITLE:

[4/28/1997 - 4/30/1997]

2009-1006-F
ke709

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 09:49:04.00

SUBJECT: Re: computers

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

READ:UNKNOWN

TEXT:

----- Forwarded by Laura Emmett/WHO/EOP on 04/28/97 09:32 AM -----

Leanne A. Shimabukuro 04/28/97 09:23:57 AM

Record Type: Record

To: Laura Emmett/WHO/EOP

cc:

Subject: Re: computers

I will put in a request to do this. It will be at least a week before they can do it. Once I get a date, I will let you know. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 09:49:14.00

SUBJECT: Re: hate conference memo

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

READ:UNKNOWN

TEXT:

I might have gone into the President this weekend. We were finishing it on Friday. Call me when you get a moment, I have some items I need your advise on.. TThanks RS

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 09:50:19.00

SUBJECT: Domestic partners

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

THE NEW YORK TIMES, April 27, 1997

PARTNER BENEFITS HAVE A SURPRISING LACK OF TAKERS

By Barbara Whitaker

Although businesses are increasingly offering health benefits to the partners of unmarried employees, few workers are taking advantage of the plans.

Participation was expected to be about 3 percent to 4 percent of the work force where such coverage was available, but it has turned out to range from half of a percent to 1 percent, said Andrew D. Sherman, a vice president in Boston for the Segal Co., an international benefits consulting firm that has worked with many companies on their plans.

Generally, the fight for such benefits has been led by gay activists. But unmarried heterosexual couples can also qualify under some of these company policies.

Hewitt Associates, a benefits consulting firm in Lincolnshire, Ill., has seen similar participation rates for partner policies, although it found that when heterosexual couples were included, the rate sometimes reached the expected 3 percent to 4 percent.

An estimated 500 companies, including IBM, Apple Computer, Walt Disney and Levi Strauss, as well as many colleges, universities, states and municipalities, now offer health and other benefits to domestic partners.

By all accounts, the number has grown rapidly over the last two years.

According to Hewitt, about 20 percent to 30 percent of these plans include both same-sex and heterosexual couples.

At Apple, participation has run well below the 5 percent predicted when the benefits program was first offered, in mid-1992. Gustavo De La Torre, director of multicultural programs there, said that only about 45 of the company's nearly 9,600 employees were using the program.

Xerox, which offers employees \$1,000 to buy health insurance on their own for a partner or dependent, said that only 200 of about 47,000 employees, or four-tenths of 1 percent, had signed up for that program. About half the participants are domestic partners.

So companies are finding that even though the benefits can be controversial, angering some conservative groups, they are not terribly expensive.

Why aren't more employees persuaded to take the benefits? In part,

because both partners in the relationships tend to have jobs and access to health insurance on their own. That, De La Torre said, appeared to be the case at Apple.

Elizabeth Birch, executive director of the Human Rights Campaign, a Washington lobbying group on gay and lesbian issues, said there were several deterrents as well: unmarried employees generally have to pay tax on the value of their partner's benefits and lesbian and gay employees may be wary about revealing their sexual orientation to an employer out of fear of discrimination.

Clearly, cost is a big factor. The Internal Revenue Service considers benefits awarded to an unmarried partner as taxable compensation unless the partner qualifies as a "dependent," meaning that the employee provides more than half of the partner's financial support. Married couples do not owe taxes on such benefits.

"The income tax implications are a big disincentive," said Sherman, of Segal.

Jenifa Johnson, an employee of Apple Computer for 10 years, said she took advantage of Apple's health benefits for her partner for one year before canceling.

"I did not know how big the taxes were going to be," said Ms. Johnson, a project manager with a team that is developing software for Apple's Powerbook. "It ended up being about \$1,200 taken out of my paycheck," she said, in taxes based on the \$2,500 value the IRS put on her partner's benefits.

The taxes were deducted quarterly, meaning a hit of \$300 every three months.

Her partner, Bertina Bryant, now receives her own health insurance and other benefits as a high school English teacher, but she preferred the health

coverage at Apple. Ms. Johnson said her Apple coverage allows her to visit the doctor of her choice and covers chiropractic care, among other things. Ms. Bryant's school policy requires her to use a health maintenance organization; the plan does not include vision care, and her dental benefits

are half those of Apple's plan.

Because the dental plan was available separately at Apple, Ms. Johnson has continued that coverage for Ms. Bryant at a cost of about \$350 a year in additional taxes.

Taxes are not the only cost barrier. Some employees have found their companies' domestic-benefit premiums to be too expensive.

Lauren Black, who manages hardware testing and evaluation at Macworld magazine in San Francisco, found that health insurance for her partner would

cost more through her company, the International Data Group, than from the outside. Her partner, Meredith Steiner, was unemployed, having been laid off

from her job with a group raising funds to combat AIDS.

Through the company, the cost would have been \$76 a month, Ms. Black said, with an additional \$46 a month in taxes. The co-payment for each doctor's visit would have been \$5. But they found virtually the same coverage

directly from a health maintenance organization for \$59 a month, with a \$15 co-payment for each doctor's visit.

Besides cost, there was another factor. Ms. Black said she would have had

to change her choice of insurance provider because the domestic partner

benefits were available only through a different provider.

But she remains a believer in the concept. "If I was looking to change jobs or go to another company, I'd look for a company that offers domestic partner benefits," she said.

Some supporters of such benefits complain that the tax burden creates an inequitable situation in the workplace.

"It's a matter of equal pay for work," said Richard Jennings, executive director of Hollywood Supports, a group focusing on issues confronting gay people in the entertainment business. "Until the federal government starts recognizing where companies are today, people are not going to be able to take advantage of these benefits as heterosexuals can."

The disparity between married and unmarried couples is made more glaring because employers can treat their payments for health insurance as deductible business-related expenses, no matter the employee's relationship to the insured.

The Human Rights Campaign is studying the tax code to decide whether to mount some kind of challenge. "I think it would take Congressional action," Ms. Birch said.

For many employees, like Ms. Johnson and Ms. Bryant, the real value of partners' benefits is as a safety net if one of them loses a job.

Leslie Wright, a flavor analyst at the Coors Brewing Co. and a co-chairwoman of an employee group called the Lesbian and Gay Employee Resource, helped push the company to provide benefits to domestic partners, but she doesn't use them.

"My partner has full benefits with her company," Ms. Wright said. "If my partner wanted to change jobs, if I wanted to go back to school, I could feel more comfortable," because of the possibility of adding a partner to the health plan -- and perhaps passing the dependency test to be exempt from taxes.

Still, deciding whether to add a partner to a benefits plan is not just a question of dollars and cents. Ms. Birch and others say many gay and lesbian couples do not take advantage of the workplace benefits for their partners because they are afraid of employer discrimination.

"There have to be basic workplace protections at the federal level," Ms. Birch said. "Today, you can be fired in 41 states simply because you're gay, lesbian or bisexual."

To make gay and lesbian workers feel more comfortable about applying for partners' benefits, Ms. Birch said, Congress needs to pass the Employment Nondiscrimination Act, which would add workplace protections for gay and lesbian employees.

Still, advocates of such measures say that adding benefits for unmarried partners is an important milestone, even if it is lightly used.

"If anyone had said to me 10 years ago that I could offer my partner benefits, I would have been surprised," said Robert L.

"It's one step at a time."

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01II76UWIWPC0033A1@PMDF.EOP.GOV> for Socarides_R@al.eop.gov; Sun,
27 Apr 1997 12:03:28 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01II76UU7L3K004C46@PMDF.EOP.GOV> for
Socarides_R@al.eop.gov; Sun, 27 Apr 1997 12:03:26 -0500 (EST)

Received: from emout07.mail.aol.com ([198.81.11.22])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTP id <01II76U65MJQ002E5C@STORM.EOP.GOV> for Socarides_R@al.eop.gov;
Sun, 27 Apr 1997 12:02:53 -0400 (EDT)

Received: (from root@localhost) by emout07.mail.aol.com (8.7.6/8.7.3/AOL-2.0.0)

id LAA15031; Sun, 27 Apr 1997 11:57:51 -0400 (EDT)

=====
END ATTACHMENT 1
=====

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June G. Turner (CN=June G. Turner/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-APR-1997 12:19:36.00

SUBJECT: Late-Term Meeting

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

READ:UNKNOWN

TO: William P. Marshall (CN=William P. Marshall/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Elisa Millsap (CN=Elisa Millsap/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: John P. Hart (CN=John P. Hart/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Ora Theard (CN=Ora Theard/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Katharine Button (CN=Katharine Button/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TO: Anne H. Lewis (CN=Anne H. Lewis/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Debra A. Schiff (CN=Debra A. Schiff/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

Sylvia Mathews will have a late-term meeting tomorrow (Tues) at 3:00 pm in the Roosevelt Room. Please confirm your attendance.

Attending:

Sylvia Mathews
Tracey Thornton
Elena Kagan
Barbara Woolley

Anne Lewis
Melanne Verveer
Jeffifer Klein
Chuck Ruff
Bill Marshall
John Hart
Peter Jacoby

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth Drye (CN=Elizabeth Drye/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:28-APR-1997 13:26:35.00

SUBJECT: Re: defibrillation

TO: Elena Kagan (Elena Kagan @ EOP @ LNGTWY [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Yes, it's time to do another conf. call on pediatric labeling. Corr had promised to follow up with us last week.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jennifer Palmieri (PALMIERI_J) (WHO)

CREATION DATE/TIME:28-APR-1997 13:44:52.88

SUBJECT: State Legislatures

TO: Elena Kagan

(KAGAN_E) Autoforward to: Remote Adresse

READ:NOT READ

TEXT:

I am trying to get all the pending state legislature opportunities straight in my head.

As I understand it, Missouri is the only state that has a) endorsed our standards and b) is still in session. Correct? Are there other states on the horizon that might endorse (like West Virginia) -- whether or not they are in session? thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Elizabeth Drye (CN=Elizabeth Drye/OU OPD/O=EOP [OPD])

CREATION DATE/TIME:28-APR-1997 14:05:31.00

SUBJECT: Good News!

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

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

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

CC: Jennifer D. Dudley (CN=Jennifer D. Dudley/OU=WHO/O=EOP @ EOP [WHO])
 READ:UNKNOWN

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

TEXT:

Another step forward on tobacco.

----- Forwarded by Elizabeth Drye/OPD/EOP on 04/28/97
 02:06 PM -----

Toby Donenfeld @ OVP
 04/28/97 01:46:55 PM
 Record Type: Record

To: Donald H. Gips/OVP @ OVP, Elizabeth Drye/OPD/EOP, Virginia M.
 Terzano/OVP @ OVP, Heidi Kukis/OVP @ OVP
 cc:
 Subject: Good News!

Scotus-Billboards,550
 Ban on cigarette, liquor billboards upheld

WASHINGTON (AP) The Supreme Court, in an apparent victory for President Clinton's proposed crackdown on tobacco advertising, today left intact Baltimore's bans on billboard ads for cigarettes and alcoholic beverages.

The justices, without comment, turned away arguments that the city's twin bans on such ads violate free-speech rights.

A federal judge in North Carolina left that constitutional question unanswered last week when he ruled that existing federal law doesn't allow the Food and Drug Administration to restrict cigarette advertising and promotion.

But the judge also ruled that the FDA's ruling that the FDA can regulate tobacco as a drug.

President Clinton said that part of the judge's ruling on advertising and promotion would be applied.

The ruling would allow the FDA to regulate advertising at sports events, on T-shirts and billboards within 1,000 feet of schools and playgrounds, and in magazines likely to

be read by teen-agers.

Opponents of the proposal contend it runs afoul of a constitutionality test created by a 1980 Supreme Court ruling.

In it, the court said commercial speech that is truthful and not misleading may be limited only if government has a substantial interest, the limitation directly advances that interest and is no more extensive than necessary.

The Baltimore dispute dates back to a pair of 1994 ordinances that forced the removal of cigarette and alcoholic beverage ads from most city billboards.

The ordinances were aimed at reducing illegal underage drinking and smoking.

The 4th U.S. Circuit Court of Appeals upheld the bans last year, but was ordered by the Supreme Court to restudy its rulings in light of the justices' decision last May giving advertisers significantly greater protection from government regulation.

The trend of rulings by the nation's highest court in recent years is to give commercial speech enhanced protections from government regulation.

But after reconsidering each of Baltimore's bans, the 4th Circuit court again upheld both in August.

The appeals court said the bans withstood the scrutiny required under the Supreme Court's 1980 ruling, and that the May ruling did not apply to the billboard dispute.

The lower court added that measures to protect children deserve "special solicitude" by courts.

"Baltimore's interest is to protect children who are not yet independently able to assess the value of the message presented," the appeals court said. "This decision thus conforms to the Supreme Court's repeated recognition that children deserve special solicitude in the First Amendment balance."

The amendment guarantees freedom of speech.

The alcoholic-beverage ad ban was challenged by Anheuser-Busch, brewer of such popular beers as Budweiser and Michelob, and Penn Advertising of Baltimore, a billboard-leasing company.

Penn Advertising challenged the city's cigarette ad ban.

Alcoholic beverages still can be advertised in Baltimore on city buses, taxicabs, delivery trucks and stores licensed to sell such drinks. The city's ban also did not affect television, radio, newspaper and magazine advertisements.

The city's cigarette-advertising ban also permits ads on buses and taxis, stores licensed to sell cigarettes and at professional sports stadiums.

The cases are Anheuser-Busch vs. Schmoke, 96-1428, and Penn-Advertising vs. Schmoke, 96-1429.

APNP-04-28-97 1013EDT

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Received by NewsEDGE/LAN: 4/28/97 10:02 AM

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WHO ([Kagan])
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[4/28/1997 - 4/30/1997]

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer D. Dudley (CN=Jennifer D. Dudley/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:28-APR-1997 15:28:01.00

SUBJECT: Two Meetings

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:

Here are the dates and times for the two meetings about which Bruce spoke to Elena.

Tomorrow, Tuesday

1:30pm Meeting with Matt Myers and Bill Novelli
The Ward Room

Wednesday

3:00pm Meeting with Nancy Ann Min, Kevin Thurm, Harriet
Rabb, William Corr, and William Schultz
The Ward Room

S. 543 - Volunteer Protection Act of 1997
(Coverdell (R) Georgia and 7 cosponsors)

Although the Administration strongly supports community service and volunteerism, it opposes S. 543, the "Volunteer Protection Act of 1997," as written, for several reasons.

Tort law has traditionally been left to the States, and this tradition is particularly strong with respect to volunteers, nonprofit organizations and governmental entities. S.543 overrides state law concerning the liability of volunteers for negligence; and of volunteers, nonprofit organizations and governmental entities for punitive damages and joint and several responsibility for non-economic damages arising out of the actions of volunteers. The extremely broad definitions of "nonprofit organization" and of "volunteer" give this bill -- notwithstanding some of its limitations and the right of states to opt out -- a breadth of impact that is potentially very troublesome. In the absence of hearings, there has been no showing of the existence, nature or extent of any problem in the recruitment or placement of volunteers arising from provisions of state tort law, and thus no justification for this sweeping a preemption of state law.

The Administration is also particularly troubled by the legislation's one-way preemption -- state laws would be preempted if they favor plaintiffs, but not if they favor defendants -- and by Section 5 of the Bill, which would abolish joint-and-several liability for noneconomic damages (e.g., pain and suffering). This provision would unfairly discriminate against the most vulnerable members of our society -- the elderly, the poor, children, and nonworking women -- whose injuries often involve mostly noneconomic losses. Noneconomic damages are as important to victims as economic damages and must not be relegated to second-class status.

* * * * *

S. 543 - Volunteer Protection Act of 1997
(Coverdell (R) Georgia and 7 cosponsors)

Although the Administration strongly supports community service and volunteerism, it opposes S. 543.

S.543 would override state law concerning the liability of volunteers for negligence; and of volunteers, nonprofit organizations and governmental entities for punitive damages and joint and several responsibility for non-economic damages arising out of the actions of volunteers. The definitions of "nonprofit organization" and of "volunteer" give this bill -- notwithstanding its limitations and the right of states to opt out -- a breadth of impact that is potentially troublesome.

Tort law has traditionally been left to the states, and in the absence of hearings, the need for such a sweeping preemption of state law has not been demonstrated.

As with broader tort reform measures, the Administration is troubled by the legislation's one-way preemption -- state laws would be preempted if they favor plaintiffs, but not if they favor defendants -- and by Section 5 of the Bill, which would totally abolish joint-and-several liability for noneconomic damages (e.g., pain and suffering). This provision would unfairly discriminate against the most vulnerable members of our society -- the elderly, the poor, children, and nonworking women -- whose injuries often involve mostly noneconomic losses. Noneconomic damages are as important to victims as economic damages and must not be relegated to second-class status.

* * * * *

STATEMENT BY THE PRESIDENT

I commend the Sentencing Commission for moving forward with recommendations to Congress to reduce the disparity between crack and powder cocaine penalties. My Administration will seriously analyze these recommendations. That is why I have asked Director McCaffrey and Attorney General Reno to review the Sentencing Commission's recommendations to Congress and to report back to me in 45 days. I look forward to working with the Congress on this issue.

In October 1995, I signed legislation disapproving the Sentencing Commission's recommendation to equalize penalties for crack and powder cocaine distribution by dramatically reducing the penalties for crack. I believe it was the wrong approach then, and would be the wrong approach now.

Current law creates a substantial disparity between sentences for crack as compared to equal amounts of powder cocaine. I have stated before that some adjustment to these penalties is warranted. We need to ensure that federal resources target mid- and high-level drug traffickers, in line with sensible criminal justice policy. [An adjustment would also reduce the disparate racial impact of the current sentencing scheme.] That is why the legislation I signed directed the Sentencing Commission to undertake additional review of these issues and to report back with new recommendations.

The sentencing laws must continue to reflect that crack cocaine is a more harmful form of cocaine. The Sentencing Commission's new recommendations do so. Trafficking in crack, and the violence it fosters, has a devastating impact on communities across America, especially inner-city communities. In addition, any change in penalties must ensure that more dangerous offenders receive tougher sentences.

I am also pleased that the Sentencing Commission has increased penalties for methamphetamine offenses pursuant to the legislation which I signed into law last year. This law asked the Commission to toughen penalties on this emerging drug to prevent the kind of epidemic we saw in the 1980's with cocaine use. We will carefully study these new penalties.

My Administration has fought to stop drug abuse and its destructive consequences. Overall, drug use in the United States has fallen dramatically -- by half in 15 years. And cocaine use has dramatically decreased since the high point in 1985 -- the number of current cocaine users is down by 74% over the last decade. While these are encouraging figures, I am fully committed to doing more to keep bringing drug use down - - particularly among our children.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:28-APR-1997 18:32:15.00

SUBJECT: Hearing List for Week of 4/28/97

TO: Stephen C. Warnath (CN=Stephen C. Warnath/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Lyn A. Hogan (CN=Lyn A. Hogan/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Eric P. Goosby (CN=Eric P. Goosby/OU=OPD/O=EOP [OPD])
READ:UNKNOWN

TO: Tom Freedman (Tom Freedman [UNKNOWN])
READ:UNKNOWN

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

TO: Leanne A. Shimabukuro (Leanne A. Shimabukuro @ EOP @ LNGTWY [OPD])
READ:UNKNOWN

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

TO: Michael Cohen (CN=Michael Cohen/OU=OPD/O=EOP [OPD])
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TO: Sarah A. Bianchi (CN=Sarah A. Bianchi/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

TO: Christa Robinson (Christa Robinson @ EOP @ LNGTWY [OPD])

READ:UNKNOWN

TO: MAZUR_M (MAZUR_M @ A1 @ CD @ LNGTWY [EOP]) (WHO)
 READ:UNKNOWN

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

TO: Cathy R. Mays (Cathy R. Mays @ EOP @ LNGTWY [OPD])
 READ:UNKNOWN

TEXT:

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on
 04/28/97 06:34 PM -----

Alison C. Perkins
 04/28/97 06:02:48 PM
 Record Type: Record

To: See the distribution list at the bottom of this message
 cc:
 Subject: Hearing List for Week of 4/28/97

HEARING LIST 4/21/97

Date Cte. Bill

4/29 HRC SUBCOMMITTEE HEARINGS

Energy and Mineral Resources Subcommittee will hold hearings on forest health, ecology and management (USFS will not be testifying)

4/29 HRC SUBCOMMITTEE OVERSIGHT HEARING

National Parks and Public Lands Subcommittee will hold an oversight hearing on the management of Grand Staircase-Escalante National Monument

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Hearing on a GAO evaluation of draft Tongass land management plan (USFS will not be testifying)

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HR901 - To preserve the sovereignty of the over public lands and to preserve state sovereignty and private property rights in non-federal lands surrounding those public lands

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S.430 - To protect the permanent trust funds
 the State of New Mexico from erosion due to
 inflation

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 Forests and Forest Health Subcommittee will hold
 a hearing on: HR985 - To provide for the
 expansion of the Eagles Nest Wilderness,
 within the Arapaho and White River
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 Wilderness/White River National Forest
 boundary adjustment; HR1020 - White River
 National Forest/Arapaho NF boundary

adju

HR1439 - To facilitate the sale of certain land in
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 Hoopa Valley Tribe land conveyance.

*5/8 HRC SUBCOMMITTEE MARK-UP
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 CEQ and Interior testimony has already been
 cleared and transmitted to the committee).

Head

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 Committee will mark-up pending legislation

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 Subcommittee of the SENRC and the Forests and
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 contained in the FAIR Act

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 Forests and Public Land Management
 Subcommittee will hold a workshop on draft
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Hearing on the Administration's FY98 budget proposals for programs under its jurisdiction

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 SENRC Senate Energy and Natural Resources Committee
 SEOIS Senate Energy Oversight and Investigation Subcommittee
 SPHPS Senate Parks, Historic Preservation, and Recreation
 Subcommittee
 SFPLS Senate Forests and Public Land Management Subcommittee
 * New or Revised Listing

Message Sent

To:

GLAUTHIER_T @ A1 @ CD @ LNGTWY
 WARD_A @ A1 @ CD @ LNGTWY
 COGSWELL_R @ A1 @ CD @ LNGTWY
 WEATHERLY_M @ A1 @ CD @ LNGTWY
 IRWIN_J @ A1 @ CD @ LNGTWY
 HEATH_D @ A1 @ CD @ LNGTWY
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 Paul J. Weinstein Jr./OPD/EOP
 Lisa M. Kountoupes/OMB/EOP
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RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Paul J. Weinstein Jr.@EOP@LNWTWY@EOPMRX

CREATION DATE/TIME:28-APR-1997 18:42:00.00

SUBJECT: Hearing List for Week of 4/28/97

TO: Cathy R. Mays (Cathy R. Mays@EOP)
READ:NOT READ

TO: Leanne A. Shimabukuro (Leanne A. Shimabukuro@EOP)
READ:NOT READ

TO: MAZUR_M (MAZUR_M@A1@CD) (WHO)
READ:29-APR-1997 09:11:31.60

TO: Christa Robinson (Christa Robinson@EOP)
READ:NOT READ

TO: Sarah A. Bianchi (Sarah A. Bianchi@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Michael Cohen (Michael Cohen@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Laura Emmett (Laura Emmett@EOP@LNWTWY@EOPMRX)
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TO: Diana Fortuna (Diana Fortuna@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Tom Freedman (Tom Freedman@EOP@LNWTWY@EOPMRX)
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TO: Eric P. Goosby (Eric P. Goosby@EOP@LNWTWY@EOPMRX)
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TO: Lyn A. Hogan (Lyn A. Hogan@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Christopher C. Jennings (Christopher C. Jennings@EOP@LNWTWY@EOPMRX)
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TO: Elena Kagan (Elena Kagan@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: William R. Kincaid (William R. Kincaid@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Jennifer L. Klein (Jennifer L. Klein@EOP@LNWTWY@EOPMRX)
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TO: Jeanne Lambrew (Jeanne Lambrew@EOP@LNWTWY@EOPMRX)
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TO: Cathy R. Mays (Cathy R. Mays@EOP@LNWTWY@EOPMRX)
READ:NOT READ

TO: Nicole R. Rabner (Nicole R. Rabner@EOP@LNWTWY@EOPMRX)

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TO: Bruce N. Reed (Bruce N. Reed@EOP@LNGTWY@EOPMRX)
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TO: Cynthia A. Rice (Cynthia A. Rice@EOP@LNGTWY@EOPMRX)
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TO: Stephen C. Warnath (Stephen C. Warnath@EOP@LNGTWY@EOPMRX)
READ:NOT READ

TEXT:

Message Creation Date was at 28-APR-1997 18:30:00

----- Forwarded by Paul J. Weinstein Jr./OPD/EOP on 04/28/97
06:34 PM -----

Alison C. Perkins
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Anita Chellaraj/OMB/EOP

U.S. Sentencing Commission Report on Crack Cocaine

April 29, 1997

Announcement

- Today, the President released a statement commending the U.S. Sentencing Commission for moving forward with recommendations to reduce the disparity between crack and powder cocaine penalties. The President directed Director McCaffrey and Attorney General Reno to review the Sentencing Commission's specific recommendations and report back to him in 45 days.

Background

- Current federal law requires a 5-year mandatory sentence for 500 grams of powder cocaine, but imposes the same sentence for only 5 grams of crack cocaine -- a 100 to 1 ratio.
- The 1994 Crime Bill directed the Sentencing Commission to issue a report and recommendations on cocaine and federal sentencing policy. On May 1, 1995 the Commission sent to Congress proposed sentencing changes to equalize penalties at the powder cocaine level -- substantially reducing the penalties for crack cocaine possession and distribution. The Commission also proposed reducing money laundering sentences. President Clinton signed legislation which rejected these recommendations and directed the Commission to undertake additional review and submit new recommendations.
- Today's report by the Commission recommends that the triggering amount for the 5-year mandatory minimum for crack increase from the current 5 grams to between 25 and 75 grams, and decrease for powder from the current 500 grams to between 125 and 375 grams. If these recommendations become law, the resulting ratios would range between 15 to 1 and 1.66 to 1.
- The President has stated before that some adjustment to the penalties for crack and powder cocaine is warranted. Such an adjustment would ensure that federal resources target mid- and high-level drug traffickers. However, he believes that any revision to the sentencing laws must continue to reflect that crack is a more dangerous form of cocaine and that tougher sentences are appropriate for more dangerous offenders. That is why his 1994 Crime Bill included an exception to the mandatory minimum drug penalties -- the "safety valve" -- for certain first-time, non-violent, low-level drug offenders.

Clinton Administration: Fighting Cocaine and Emerging Drugs

- President Clinton has admitted the large anti-drug budget Congress has authorized. Drug use in the United States has fallen dramatically-- by 10 to 15 years. Progress 1995 to 1997
- Last year, the President signed his methamphetamine legislation into law. That law attacks this emerging drug at every level and directed the Commission to increase the penalties for methamphetamine offenses. Yesterday, the Commission strengthened penalties for methamphetamine offenses pursuant to that law.

STATEMENT BY THE PRESIDENT

I commend the Sentencing Commission for moving forward with recommendations to Congress to reduce the disparity between crack and powder cocaine penalties. My Administration will give them very serious consideration. I have asked Director McCaffrey and Attorney General Reno to review the recommendations and to report back to me in 45 days. I look forward to working with the Congress on this issue.

In October 1995, I signed legislation disapproving the Sentencing Commission's recommendation to equalize penalties for crack and powder cocaine distribution by dramatically reducing the penalties for crack. I believe it was the wrong approach then, and would be the wrong approach now.

Current law creates a substantial disparity between sentences for crack and powder cocaine. I have stated before that some adjustment to this penalty structure is warranted as a matter of sound criminal justice policy. Federal prosecutors should target mid- and high-level drug traffickers and federal resources should go towards these important prosecutions. An adjustment to the penalty scheme can ensure this allocation and make our federal efforts in fighting drugs more effective. [It would also reduce the disparate racial impact of the current sentencing scheme.] That is why the legislation I signed directed the Sentencing Commission to undertake additional review of these issues and to report back with new recommendations.

The sentencing laws must continue to reflect that crack cocaine is a more harmful form of cocaine. The Sentencing Commission's new recommendations do so. Trafficking in crack, and the violence it fosters, has a devastating impact on communities across America, especially inner-city communities. Any change in penalties must ensure that more dangerous offenders receive tougher sentences.

I am also pleased that the Sentencing Commission has increased penalties for methamphetamine offenses pursuant to the legislation which I signed into law last year. This law asked the Commission to toughen penalties on this emerging drug to prevent the kind of epidemic we saw in the 1980's with cocaine use. We will carefully study these new penalties.

My Administration has fought to stop drug abuse and its destructive consequences. Overall, drug use in the United States has fallen dramatically -- by half in 15 years. And cocaine use has dramatically decreased since the high point in 1985 -- the number of current cocaine users is down by 74% over the last decade. While these are encouraging figures, I am fully committed to doing more to keep bringing drug use down -- particularly among our children.

DRAFT
4/28/97
8:42 pm

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Current law creates a substantial disparity between sentences for crack and powder cocaine. I have stated before that some adjustment to this penalty structure is warranted as a matter of sound criminal justice policy. Federal prosecutors should target mid- and high-level drug traffickers, rather than low-level drug offenders. An adjustment to the penalty scheme will help ensure this allocation of resources and make our federal efforts in fighting drugs more effective. [At the same time, an adjustment will reduce the disparate racial impact of the current sentencing scheme.] That is why the legislation I signed directed the Sentencing Commission to undertake additional review of these issues and to report back with new recommendations.

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DRAFT
4/29/97
8:40 am

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Hex-Dump Conversion

U.S. Sentencing Commission Report on Crack Cocaine

April 29, 1997

Announcement

- Today, the President released a statement commending the U.S. Sentencing Commission for moving forward with recommendations to reduce the disparity between crack and powder cocaine penalties. The President directed Director McCaffrey and Attorney General Reno to review the Sentencing Commission's specific recommendations and report back to him in 60 days.

Background

- Current federal law requires a 5-year mandatory sentence for 500 grams of powder cocaine, but imposes the same sentence for only 5 grams of crack cocaine -- a 100 to 1 ratio. The cost of 500 grams of powder ranges from \$32,500 to \$50,000, whereas the cost of 5 grams of crack cocaine ranges from \$225 to \$750.
- The 1994 Crime Bill directed the Sentencing Commission to issue a report and recommendations on cocaine and federal sentencing policy. On May 1, 1995 the Commission sent to Congress proposed sentencing changes to equalize penalties at the powder cocaine level -- substantially reducing the penalties for crack cocaine possession and distribution. The Commission also proposed reducing money laundering sentences. President Clinton signed legislation which rejected these recommendations and directed the Commission to undertake additional review and submit new recommendations.
- Today's report recommends that the triggering amount for the 5-year mandatory minimum for crack increase from the current 5 grams to between 25 and 75 grams, and decrease for powder from the current 500 grams to between 125 and 375 grams. If these recommendations become law, the ratios would range between 15 to 1 and 1.66 to 1.
- The President has stated before that some adjustment to the penalties for crack and powder cocaine is warranted. Such an adjustment would ensure that federal resources target mid- and high-level drug traffickers. However, he believes that any revision to the sentencing laws must continue to reflect that crack is a more dangerous form of cocaine and that tougher sentences are appropriate for more dangerous offenders. That is why his 1994 Crime Bill included an exception to the mandatory minimum drug penalties -- the "safety valve" -- for certain first-time, non-violent, low-level drug offenders.

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- President Clinton has submitted the largest anti-drug budget to Congress. Overall drug use in the United States has fallen dramatically-- by half in 15 years. Between 1985 to 1995, the number of current cocaine users dropped by 74%.
- Last year, the President signed his methamphetamine legislation into law. That law attacks this emerging drug at every level and directed the Commission to increase the penalties for methamphetamine offenses. Yesterday, the Commission strengthened penalties for methamphetamine offenses pursuant to that law.

U.S. Sentencing Commission Report on Crack Cocaine
April 29, 1997

Questions and Answers

Q. What did the Sentencing Commission recommend today?

A. The United States Sentencing Commission issued a report today to Congress that included a recommendation to amend federal law to reduce the disparity between sentences for crack cocaine and powder cocaine.

The Sentencing Commission recommends that the triggering amount for the 5-year mandatory minimum for crack be changed from 5 grams to somewhere between 25 and 75 grams and that the triggering amount for the 5-year mandatory minimum for powder cocaine be changed from 500 grams to somewhere between 125 and 375 grams. In other words, they recommend a "pinch" - - reduce crack cocaine penalties a little and increase powder cocaine penalties a little to narrow the sentencing disparity. This is only a recommendation to amend federal law and Congress is not required to act on it.

Q. Why did the Sentencing Commission recommend this?

A. The Commission believes this change is necessary to ensure that federal prosecutors target mid-and high-level traffickers. The Commission contends that the current 5-gram/5-year mandatory sentence for crack does not properly target serious drug dealers who deserve such a sentence; five grams is more indicative of a retail or street dealer and not a mid-level dealer. They also contend that the information and data suggest that some decrease in powder cocaine is warranted and note the ease with which powder is converted to crack cocaine.

In addition, the Sentencing Commission is concerned about the racial impact arising from the current policy structure.

Q. What is the Administration's position on these recommendations?

A. The President commends the Sentencing Commission for moving forward on this issue from their last report. He has stated that some change in cocaine sentencing is warranted. Such a change would ensure that federal resources properly target mid-and high-level drug traffickers. However, this is a very complex issue. He wants the Attorney General and General McCaffrey to review comprehensively the Sentencing Commission's new report -- which we have just seen -- and then report back to him in 60 days.

Q. Isn't this the second time that the Commission has had to report on this issue? What is the prior history on this issue with the Commission?

A. The 1994 Crime Bill directed the Sentencing Commission to issue a report and recommendations on cocaine and federal sentencing policy. On May 1, 1995, by a 4-3 vote, the Sentencing Commission sent to Congress proposed changes to the sentencing guidelines reducing crack cocaine penalties so that there would be no disparity between crack and powder cocaine sentences -- a 1-1 ratio.

Sentencing Commission recommendations to Congress become law unless disapproved by an Act of Congress within 180 days. In this instance, the Administration sent to Congress legislation disapproving of the Sentencing Commission recommendation, which Congress passed and the President signed on October 30, 1995.

Q. What is current law?

Current federal sentencing structure pegs mandatory minimums to specific quantities of drugs distributed. The quantities differ for various drugs and in some cases for different forms of the same drug. For example, current law treats powder cocaine differently than crack cocaine by establishing a 100-1 quantity ratio between the two forms of cocaine.

Thus, a person convicted of selling 500 grams of powder cocaine, worth between \$32,500 and \$50,000, is subject to the same 5-year mandatory minimum sentences as a person selling 5 grams of crack cocaine, worth about \$225 and \$750. A person convicted of selling 5,000 grams of powder worth between \$325,000 and \$500,000, is subject to the same 10-year mandatory minimum as a person selling 50 grams of crack, worth between \$2,250 and \$7,500.

In addition, there is a mandatory minimum penalty for simple possession of crack cocaine, the only such federal penalty for a first offense of simple possession of a controlled substance.

The 1994 Crime Bill included an exception to the mandatory minimum drug penalties -- the "safety valve" -- for certain first-time, non-violent, low-level drug offenders. Thousands of defendants have benefitted from the safety valve exception.

Q. Isn't current drug law discriminatory against blacks?

Part of the motivation for the Sentencing Commission's proposed recommendations relates to a concern about the racial impact arising from the current policy structure.

In 1993, Whites accounted for 30.8 percent of all convicted federal drug offenders, Blacks 33.9 percent, and Hispanics 33.8 percent. Powder cocaine cases generally reflect this breakdown: sizeable proportions of Whites (32%), Blacks (27.4%), and Hispanics (39.3%). But a full 88.8 percent of crack cocaine offenders are black. (In contrast, methamphetamine offenders are 84.2 percent White.)

It should be noted, however, that crack penalties apply equally to similar defendants, regardless of race. Many criminal statutes, when enforced, yield a pool of defendants that are not entirely representative of the racial composition of society or even of those who break criminal laws. Moreover, there is no evidence that Congress acted with discriminatory intent in setting different penalties for different forms of cocaine.

Q. Aren't crack and powder cocaine the same drug?

A. No. There are many dangers associated to a greater degree with crack than with powder. For instance, crack is more often associated with systemic crime, such as violent street crime involving gangs, guns, and death. Because crack is easy to manufacture and use, and is relatively inexpensive compared to powder cocaine, it is more available on the street and accessible to the most vulnerable in our society. Moreover, because crack is smoked instead of snorted like powder, crack users are more vulnerable to addiction. For these reasons, crack and powder cocaine penalties should not be identical.

Q. What is the United States Sentencing Commission? Is it composed of Clinton appointees?

A. The U.S. Sentencing Commission is an independent agency in the judicial branch of government. The Commission is responsible for developing and monitoring sentencing policies and practices for the federal courts. The Commission is also charged with promulgating sentencing guidelines that prescribe the appropriate form and severity of punishment for offenders convicted of federal crimes. These guidelines are then subject to Congressional review.

The Commission's seven commissioners are appointed by the President and confirmed by the Senate. There are also two non-voting ex-officio members. At least three of the commissioners must be federal judges and no more than four can be members of the same political party.

Q. What penalty structure does the Administration support? Does the President agree with the ranges proposed in the Commission's report?

A. The President has stated before that there is too great a disparity in the current sentencing structure. He has also stated that the penalty for trafficking in (powder) cocaine should be raised.

The President would like to work with Congress to address this issue in a deliberate manner. In the meantime, the President has asked Attorney General Reno and Director McCaffrey to undertake a serious review of the penalty structure proposed by the Commission and report back to him with their recommendations in 45 days.

Q. If the President believes that the current sentencing structure is unfair, does he support lowering the penalties for crack cocaine? Does he only support raising penalties for trafficking in powder cocaine?

A. This is an extremely complex issue, but the President is open to the Commission's recommendation to "pinch" the two penalties. He believes that the sentencing structure must target mid- and high-level drug traffickers, where the federal government's resources should be focused. Changes to our penalty system should be examined if it currently encourages smaller prosecutions at the expense of prosecuting high-level drug traffickers.

Simply raising the penalties for powder cocaine violations will dramatically increase the costs to the federal government of incarceration. For example, increasing powder penalties to a 5-year mandatory minimum for 100 grams from the current 500 grams (as Senators Hatch and Abraham and others propose) could cost the government about \$500 million in the first five years in extra prison expenditures. This figure could increase to \$4.7 billion over 20 years and \$9.5 billion over 30 years. So, obviously, we will need to be mindful of the cost implications as we deliberate over what is the most appropriate sentencing structure.

Q. Aren't high crack penalties important for prosecuting dangerous and violent gang members? Doesn't the Sentencing Commission new recommendations make it easier for dangerous criminals to go unpunished or under punished?

A. The report's recommendations give the federal government all the tools it needs to go after violent and dangerous drug trafficking offenders. The mandatory minimum will continue to apply to any case involving at least 25-75 grams of crack, which is the amount a mid-level crack dealer would carry. The Commission's report does not undermine the ability to seek substantial penalties for crack cases involving even smaller amounts of crack when "penalty enhancements," are appropriate-- i.e., when there is organized drug dealing, if weapons are used, where minors are used in drug trafficking, or the drugs are sold near schools.

STATEMENT BY THE PRESIDENT

I commend the Sentencing Commission for moving forward with recommendations to Congress to reduce the disparity between crack and powder cocaine penalties. My Administration will give them very serious consideration. I have asked Director McCaffrey and Attorney General Reno to review the recommendations and to report back to me in 60 days. I look forward to working with the Congress on this issue.

In October 1995, I signed legislation disapproving the Sentencing Commission's recommendation to equalize penalties for crack and powder cocaine distribution by dramatically reducing the penalties for crack. I believe that was the wrong approach then, and would be the wrong approach now.

Current law creates a substantial disparity between sentences for crack and powder cocaine. This disparity has led to a perception of unfairness and inconsistency in the federal criminal justice system.

The sentencing laws must continue to reflect that crack cocaine is a more harmful form of cocaine. The Sentencing Commission's new recommendations do so. Trafficking in crack, and the violence it fosters, has a devastating impact on communities across America, especially inner-city communities. Any change in penalties must ensure that more dangerous offenders receive tougher sentences.

As I have stated before, however, some adjustment to the cocaine penalty structure is warranted as a matter of sound criminal justice policy. Federal prosecutors should target mid- and high-level drug traffickers, rather than low-level drug offenders. An adjustment to the penalty scheme will help ensure this allocation of resources and make our federal efforts in fighting drugs more effective. That is why the legislation I signed directed the Sentencing Commission to undertake additional review of these issues and to report back with new recommendations.

I am also pleased that the Sentencing Commission has increased penalties for methamphetamine offenses pursuant to the legislation which I signed into law last year. This law asked the Commission to toughen penalties on this emerging drug to prevent the kind of epidemic we saw in the 1980's with cocaine use. We will carefully study these new penalties.

My Administration has fought to stop drug abuse and its destructive consequences. Overall, drug use in the United States has fallen dramatically -- by half in 15 years. And cocaine use has dramatically decreased since the high point in 1985 -- the number of current cocaine users is down by 74% over the last decade. While these are encouraging figures, I am fully committed to doing more to keep bringing drug use down - - particularly among our children.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June G. Turner (CN=June G. Turner/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-APR-1997 10:16:48.00

SUBJECT: Late-Term Meeting - Change #3

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

TO: William P. Marshall (CN=William P. Marshall/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Anne H. Lewis (CN=Anne H. Lewis/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

CC: Debra A. Schiff (CN=Debra A. Schiff/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TEXT:

The late term meeting will now be at 4:00 pm on Wednesday instead of 3:30 pm. Again, I apologize for the inconvenience.

Thanks.

Attending:

Sylvia Mathews

Tracey Thornton
Elena Kagan
Barbara Woolley
Anne Lewis
Melanne Verveer
Jeffifer Klein
Chuck Ruff
Bill Marshall
John Hart
Peter Jacoby

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Trooper Sanders to Paul Weinstein Jr. Subject: Invitation. (2 pages)	04/29/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[4/28/1997 - 4/30/1997]

2009-1006-F
ke709

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: June G. Turner (CN=June G. Turner/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-APR-1997 10:28:57.00

SUBJECT: Late-Term Meeting - Change #4

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

TO: William P. Marshall (CN=William P. Marshall/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

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

TO: Anne H. Lewis (CN=Anne H. Lewis/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

TEXT:

The Late-Term Meeting is now on hold to be rescheduled. Hopefully next time we can work in everyone's schedule. Apologies, apologies.

Thanks.

Attending:

Sylvia Mathews
Tracey Thornton
Elena Kagan
Barbara Woolley

Anne Lewis
Melanne Verveer
Jeffifer Klein
Chuck Ruff
Bill Marshall
John Hart
Peter Jacoby

STATEMENT BY THE PRESIDENT

I commend the Sentencing Commission for moving forward with recommendations to Congress to reduce the disparity between crack and powder cocaine penalties. My Administration will give them very serious consideration. I have asked Director McCaffrey and Attorney General Reno to review the recommendations and to report back to me in 45 days. I look forward to working with the Congress on this issue.

In October 1995, I signed legislation disapproving the Sentencing Commission's recommendation to equalize penalties for crack and powder cocaine distribution by dramatically reducing the penalties for crack. I believe it was the wrong approach then, and would be the wrong approach now.

Current law creates a substantial disparity between sentences for crack and powder cocaine. This disparity has led to a perception of unfairness and inconsistency of our federal criminal justice system.

The sentencing laws must continue to reflect that crack cocaine is a more harmful form of cocaine. The Sentencing Commission's new recommendations do so. Trafficking in crack, and the violence it fosters, has a devastating impact on communities across America, especially inner-city communities. Any change in penalties must ensure that more dangerous offenders receive tougher sentences.

As I have stated before that some adjustment to this penalty structure is warranted as a matter of sound criminal justice policy. Federal prosecutors should target mid- and high-level drug traffickers, rather than low-level drug offenders. An adjustment to the penalty scheme will help ensure this allocation of resources and make our federal efforts in fighting drugs more effective. That is why the legislation I signed directed the Sentencing Commission to undertake additional review of these issues and to report back with new recommendations.

I am also pleased that the Sentencing Commission has increased penalties for methamphetamine offenses pursuant to the legislation which I signed into law last year. This law asked the Commission to toughen penalties on this emerging drug to prevent the kind of epidemic we saw in the 1980's with cocaine use. We will carefully study these new penalties.

My Administration has fought to stop drug abuse and its destructive consequences. Overall, drug use in the United States has fallen dramatically -- by half in 15 years. And cocaine use has dramatically decreased since the high point in 1985 -- the number of current cocaine users is down by 74% over the last decade. While these are encouraging figures, I am fully committed to doing more to keep bringing drug use down -- particularly among our children.

DRAFT
4/29/97
10:52 am

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Dennis K. Burke (CN=Dennis K. Burke/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:29-APR-1997 11:03:50.00

SUBJECT: Few minor edits

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

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

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

TEXT:
is it "in" or "of" our federal criminal justice system --- in the new 3rd
paragraph?===== ATTACHMENT 1 =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:
Unable to convert ARMS_EXT:[ATTACH.D11]MAIL428893810.116 to ASCII,
The following is a HEX DUMP:

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STATEMENT BY THE PRESIDENT

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In October 1995, I signed legislation disapproving the Sentencing Commission's recommendation to equalize penalties for crack and powder cocaine distribution by dramatically reducing the penalties for crack. I believe that was the wrong approach then, and would be the wrong approach now.

Current law creates a substantial disparity between sentences for crack and powder cocaine. This disparity has led to a perception of unfairness and inconsistency in our federal criminal justice system.

The sentencing laws must continue to reflect that crack cocaine is a more harmful form of cocaine. The Sentencing Commission's new recommendations do so. Trafficking in crack, and the violence it fosters, has a devastating impact on communities across America, especially inner-city communities. Any change in penalties must ensure that more dangerous offenders receive tougher sentences.

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DRAFT
4/29/97
10:52 am

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U.S. Sentencing Commission Report on Crack Cocaine

April 29, 1997

Announcement

- Today, the President released a statement commending the U.S. Sentencing Commission for moving forward with recommendations to reduce the disparity between crack and powder cocaine penalties. The President directed Director McCaffrey and Attorney General Reno to review the Sentencing Commission's specific recommendations and report back to him in 60 days.

Background

- Current federal law requires a 5-year mandatory sentence for 500 grams of powder cocaine, but imposes the same sentence for only 5 grams of crack cocaine -- a 100 to 1 ratio. The cost of 500 grams of powder ranges from \$32,500 to \$50,000, whereas the cost of 5 grams of crack cocaine ranges from \$225 to \$750.
- The 1994 Crime Bill directed the Sentencing Commission to issue a report and recommendations on cocaine and federal sentencing policy. On May 1, 1995 the Commission sent to Congress proposed sentencing changes to equalize penalties at the powder cocaine level -- substantially reducing the penalties for crack cocaine possession and distribution. The Commission also proposed reducing money laundering sentences. President Clinton signed legislation which rejected these recommendations and directed the Commission to undertake additional review and submit new recommendations.
- Today's report recommends that the triggering amount for the 5-year mandatory minimum for crack increase from the current 5 grams to between 25 and 75 grams, and decrease for powder from the current 500 grams to between 125 and 375 grams. If these recommendations become law, the ratios would range between 15 to 1 and 1.66 to 1.
- The President has stated before that some adjustment to the penalties for crack and powder cocaine is warranted. Such an adjustment would ensure that federal resources target mid- and high-level drug traffickers. However, he believes that any revision to the sentencing laws must continue to reflect that crack is a more dangerous form of cocaine and that tougher sentences are appropriate for more dangerous offenders. That is why his 1994 Crime Bill included an exception to the mandatory minimum drug penalties -- the "safety valve" -- for certain first-time, non-violent, low-level drug offenders.

Clinton Administration: Fighting Cocaine and Emerging Drugs

- President Clinton has submitted the largest anti-drug budget to Congress. Overall drug use in the United States has fallen dramatically-- by half in 15 years. Between 1985 to 1995, the number of current cocaine users dropped by 74%.
- Last year, the President signed his methamphetamine legislation into law. That law attacks this emerging drug at every level and directed the Commission to increase the penalties for methamphetamine offenses. Yesterday, the Commission strengthened penalties for methamphetamine offenses pursuant to that law.

U.S. Sentencing Commission Report on Crack Cocaine
April 29, 1997

Questions and Answers

Q. What did the Sentencing Commission recommend today?

A. The United States Sentencing Commission issued a report today to Congress that included a recommendation to amend federal law to reduce the disparity between sentences for crack cocaine and powder cocaine.

The Sentencing Commission recommends that the triggering amount for the 5-year mandatory minimum for crack be changed from 5 grams to somewhere between 25 and 75 grams and that the triggering amount for the 5-year mandatory minimum for powder cocaine be changed from 500 grams to somewhere between 125 and 375 grams. In other words, they recommend a "pinch" - - reduce crack cocaine penalties a little and increase powder cocaine penalties a little to narrow the sentencing disparity. This is only a recommendation to amend federal law and Congress is not required to act on it.

Q. Why did the Sentencing Commission recommend this?

A. The Commission believes this change is necessary to ensure that federal prosecutors target mid-and high-level traffickers. The Commission contends that the current 5-gram/5-year mandatory sentence for crack does not properly target serious drug dealers who deserve such a sentence; five grams is more indicative of a retail or street dealer and not a mid-level dealer. They also contend that the information and data suggest that some decrease in powder cocaine is warranted and note the ease with which powder is converted to crack cocaine.

In addition, the Sentencing Commission is concerned about the racial impact arising from the current policy structure.

Q. What is the Administration's position on these recommendations?

A. The President commends the Sentencing Commission for moving forward on this issue from their last report. He has stated that some change in cocaine sentencing is warranted. Such a change would ensure that federal resources properly target mid-and high-level drug traffickers. However, this is a very complex issue. He wants the Attorney General and General McCaffrey to review comprehensively the Sentencing Commission's new report -- which we have just seen -- and then report back to him in 60 days.

Q. Isn't this the second time that the Commission has had to report on this issue? What is the prior history on this issue with the Commission?

A. The 1994 Crime Bill directed the Sentencing Commission to issue a report and recommendations on cocaine and federal sentencing policy. On May 1, 1995, by a 4-3 vote, the Sentencing Commission sent to Congress proposed changes to the sentencing guidelines reducing crack cocaine penalties so that there would be no disparity between crack and powder cocaine sentences -- a 1-1 ratio.

Sentencing Commission recommendations to Congress become law unless disapproved by an Act of Congress within 180 days. In this instance, the Administration sent to Congress legislation disapproving of the Sentencing Commission recommendation, which Congress passed and the President signed on October 30, 1995.

Q. What is current law?

Current federal sentencing structure pegs mandatory minimums to specific quantities of drugs distributed. The quantities differ for various drugs and in some cases for different forms of the same drug. For example, current law treats powder cocaine differently than crack cocaine by establishing a 100-1 quantity ratio between the two forms of cocaine.

Thus, a person convicted of selling 500 grams of powder cocaine, worth between \$32,500 and \$50,000, is subject to the same 5-year mandatory minimum sentences as a person selling 5 grams of crack cocaine, worth about \$225 and \$750. A person convicted of selling 5,000 grams of powder worth between \$325,000 and \$500,000, is subject to the same 10-year mandatory minimum as a person selling 50 grams of crack, worth between \$2,250 and \$7,500.

In addition, there is a mandatory minimum penalty for simple possession of crack cocaine, the only such federal penalty for a first offense of simple possession of a controlled substance.

The 1994 Crime Bill included an exception to the mandatory minimum drug penalties -- the "safety valve" -- for certain first-time, non-violent, low-level drug offenders. Thousands of defendants have benefitted from the safety valve exception.

Q. Isn't current drug law discriminatory against blacks?

Part of the motivation for the Sentencing Commission's proposed recommendations relates to a concern about the racial impact arising from the current policy structure.

In 1993, Whites accounted for 30.8 percent of all convicted federal drug offenders, Blacks 33.9 percent, and Hispanics 33.8 percent. Powder cocaine cases generally reflect this breakdown: sizeable proportions of Whites (32%), Blacks (27.4%), and Hispanics (39.3%). But a full 88.8 percent of crack cocaine offenders are black. (In contrast, methamphetamine offenders are 84.2 percent White.)

It should be noted, however, that crack penalties apply equally to similar defendants, regardless of race. Many criminal statutes, when enforced, yield a pool of defendants that are not entirely representative of the racial composition of society or even of those who break criminal laws. Moreover, there is no evidence that Congress acted with discriminatory intent in setting different penalties for different forms of cocaine.

Q. Aren't crack and powder cocaine the same drug?

A. No. There are many dangers associated to a greater degree with crack than with powder. For instance, crack is more often associated with systemic crime, such as violent street crime involving gangs, guns, and death. Because crack is easy to manufacture and use, and is relatively inexpensive compared to powder cocaine, it is more available on the street and accessible to the most vulnerable in our society. Moreover, because crack is smoked instead of snorted like powder, crack users are more vulnerable to addiction. For these reasons, crack and powder cocaine penalties should not be identical.

Q. What is the United States Sentencing Commission? Is it composed of Clinton appointees?

A. The U.S. Sentencing Commission is an independent agency in the judicial branch of government. The Commission is responsible for developing and monitoring sentencing policies and practices for the federal courts. The Commission is also charged with promulgating sentencing guidelines that prescribe the appropriate form and severity of punishment for offenders convicted of federal crimes. These guidelines are then subject to Congressional review.

The Commission's seven commissioners are appointed by the President and confirmed by the Senate. There are also two non-voting ex-officio members. At least three of the commissioners must be federal judges and no more than four can be members of the same political party.

Q. What penalty structure does the Administration support? Does the President agree with the ranges proposed in the Commission's report?

A. The President has stated before that there is too great a disparity in the current sentencing structure. He has also stated that the penalty for trafficking in (powder) cocaine should be raised.

The President would like to work with Congress to address this issue in a deliberate manner. In the meantime, the President has asked Attorney General Reno and Director McCaffrey to undertake a serious review of the penalty structure proposed by the Commission and report back to him with their recommendations in 45 days.

Q. If the President believes that the current sentencing structure is unfair, does he support lowering the penalties for crack cocaine? Does he only support raising penalties for trafficking in powder cocaine?

A. This is an extremely complex issue, but the President is open to the Commission's recommendation to "pinch" the two penalties. He believes that the sentencing structure must target mid- and high-level drug traffickers, where the federal government's resources should be focused. Changes to our penalty system should be examined if it currently encourages smaller prosecutions at the expense of prosecuting high-level drug traffickers.

Simply raising the penalties for powder cocaine violations will dramatically increase the costs to the federal government of incarceration. For example, increasing powder penalties to a 5-year mandatory minimum for 100 grams from the current 500 grams (as Senators Hatch and Abraham and others propose) could cost the government about \$500 million in the first five years in extra prison expenditures. This figure could increase to \$4.7 billion over 20 years and \$9.5 billion over 30 years. So, obviously, we will need to be mindful of the cost implications as we deliberate over what is the most appropriate sentencing structure.

Q. Aren't high crack penalties important for prosecuting dangerous and violent gang members? Doesn't the Sentencing Commission new recommendations make it easier for dangerous criminals to go unpunished or under punished?

A. The report's recommendations give the federal government all the tools it needs to go after violent and dangerous drug trafficking offenders. The mandatory minimum will continue to apply to any case involving at least 25-75 grams of crack, which is the amount a mid-level crack dealer would carry. The Commission's report does not undermine the ability to seek substantial penalties for crack cases involving even smaller amounts of crack when "penalty enhancements," are appropriate-- i.e., when there is organized drug dealing, if weapons are used, where minors are used in drug trafficking, or the drugs are sold near schools.

STATEMENT BY THE PRESIDENT

I commend the Sentencing Commission for moving forward with recommendations to Congress to reduce the disparity between crack and powder cocaine penalties. My Administration will give them very serious consideration. I have asked Director McCaffrey and Attorney General Reno to review the recommendations and to report back to me in 60 days. I look forward to working with the Congress on this issue.

In October 1995, I signed legislation disapproving the Sentencing Commission's recommendation to equalize penalties for crack and powder cocaine distribution by dramatically reducing the penalties for crack. I believe that was the wrong approach then, and would be the wrong approach now.

Current law creates a substantial disparity between sentences for crack and powder cocaine. This disparity has led to a perception of unfairness and inconsistency in the federal criminal justice system.

The sentencing laws must continue to reflect that crack cocaine is a more harmful form of cocaine. The Sentencing Commission's new recommendations do so. Trafficking in crack, and the violence it fosters, has a devastating impact on communities across America, especially inner-city communities. Any change in penalties must ensure that more dangerous offenders receive tougher sentences.

As I have stated before, however, some adjustment to the cocaine penalty structure is warranted as a matter of sound criminal justice policy. Federal prosecutors should target mid- and high-level drug traffickers, rather than low-level drug offenders. An adjustment to the penalty scheme will help ensure this allocation of resources and make our federal efforts in fighting drugs more effective. That is why the legislation I signed directed the Sentencing Commission to undertake additional review of these issues and to report back with new recommendations.

I am also pleased that the Sentencing Commission has increased penalties for methamphetamine offenses pursuant to the legislation which I signed into law last year. This law asked the Commission to toughen penalties on this emerging drug to prevent the kind of epidemic we saw in the 1980's with cocaine use. We will carefully study these new penalties.

My Administration has fought to stop drug abuse and its destructive consequences. Overall, drug use in the United States has fallen dramatically -- by half in 15 years. And cocaine use has dramatically decreased since the high point in 1985 -- the number of current cocaine users is down by 74% over the last decade. While these are encouraging figures, I am fully committed to doing more to keep bringing drug use down - - particularly among our children.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jennifer Palmieri (PALMIERI_J) (WHO)

CREATION DATE/TIME:29-APR-1997 12:19:31.17

SUBJECT: Re: State Legislatures

TO: Elena Kagan

(Elena Kagan@EOP@LNGTWY@EOPMRX)

READ:NOT READ

TEXT:

how exciting -- I'll check out.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 12:36:18.00

SUBJECT: Sen. Hutchison on Senate floor now on Texas welfare matter

TO: Susan A. Brophy (CN=Susan A. Brophy/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

TEXT:
seems to be a statement--not offering an amendment

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 12:42:44.00

SUBJECT: Re: Sen. Hutchison on Senate floor now on Texas welfare matter

TO: Susan A. Brophy (CN=Susan A. Brophy/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

TEXT:

She did not offer an amendment but threatened to take Congressional action soon if the President does not approve Texas' waiver. Her mantra was that 'Texas is losing \$10 million a month -- \$50 million in the five months the request has sat on the President's desk.'

Cynthia A. Rice

04/29/97 12:34:53 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Emily Bromberg/WHO/EOP,
Susan A. Brophy/WHO/EOP

cc:

Subject: Sen. Hutchison on Senate floor now on Texas welfare matter

seems to be a statement--not offering an amendment

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg (CN=Emily Bromberg/OU=WHIO/O=EOP [WHIO])

CREATION DATE/TIME:29-APR-1997 13:04:21.00

SUBJECT: Re: State Legislatures

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

READ:UNKNOWN

TEXT:

checking it out right now but i think so.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. email	Richard Socarides to Elena Kagan. Subject: domestic policy/disability (1 page)	04/29/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[4/28/1997 - 4/30/1997]

2009-1006-F
ke709

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]

Q&A, May 2 Teen Pregnancy Prevention Event

Question: Why did you choose to honor these specific programs picked by the National Campaign to Prevent Teen Pregnancy?

Answer: Each of these people has offered tremendous leadership in the fight for teen pregnancy prevention. These honorees represent community-based prevention approaches that are making the incidences of teen pregnancy more rare and are, at the same time, strengthening the surrounding communities. The honorees' work embodies several key themes that are essential to preventing teen pregnancy: emphasizing values and self-esteem in working with adolescents; forging partnerships with the corporate sector; encouraging adult-child communication; involving youth in the discussion; emphasizing the importance of male involvement in prevention; and involving the media.

Question: What was it that Sec. Shalala announced yesterday in California?

Answer: Just yesterday, the Secretary of Health and Human Services, Donna Shalala, announced two new community grant programs to prevent teen pregnancy and promote responsible behavior. One program will be aimed at teenage girls and the other at teenage boys. Both grants grow out of Secretary Donna Shalala's new Girl Power! Campaign which is aimed at enhancing self-esteem, promoting good health, and preventing unhealthy behaviors among girls 9 to 14 years old. Each of the grant programs will total about \$1 million per year and involve public-private partnerships organized by individual communities.

The Secretary also discussed a new study, to be released later this month by HHS, that shows the percentage of teenagers who have had sex declined in the 1990s after increasing steadily for more than two decades. The decline is small -- 5 percent -- but is significant because it shows that the long-term increase in teenage sexual activity may finally be over. This data is part of a new study of child bearing and family planning covering all women 15-44.

Question: What else is in the new study?

Answer: The study -- the National Survey of Family Growth, conducted by HHS' National Center for Health Statistics -- details information on child bearing and family planning for all women between the ages of 15 and 44. The survey also found that some 76 percent of all of those who began having sex in the 1990s used contraception at first intercourse, up from 64 percent in the late 1980s. The increase in contraception at first intercourse was a result of marked increases in condom use: up from 18 percent in the 1970s to 36 percent in the late 1980s and 54 percent in 1990s. As I mentioned, a copy should be available in about a

month.

Question: How much has the teen birth rate fallen over the past several years?

Answer: HHS last October released data showing an 8 percent drop in teen birth rates from 1991 to 1995, and the latest data available though June 1996 indicates that the decline has continued. The birth rate for teenagers as of June 1996 stood at 55.6 births per 1,000 women aged 15-19 years, compared to 62.1 in 1991.

Question: Why do you site teen birth rates but not teen pregnancy rates? Have teen pregnancy rates fallen too?

Answer: Teen pregnancy rates refer to the rate at which teen become *pregnant* while teen birth rates measure the rate at which teens actually *give birth*. Teen pregnancy rates and teen birth rates have *both* fallen over the last few years. Teen pregnancy rates fell slightly from a high of 117 pregnancies per 1,000 women in 1990 to 112 per 1,000 women in 1992 (the most recent year for which data is available). The reason we more often site teen birth rates rather than teen pregnancy rates is that teen birth rates are more current. Teen *birth* rates are collected on a national level and more frequently than teen *pregnancy* rates. Teen *pregnancy* rates, on the other hand, are collected state by state and some states report more accurately and more frequently than others.

Question: What causes the difference between the teen pregnancy rate and the teen birth rate?

Answer: One third of teen pregnancies end in abortion, another 14 percent end in miscarriage, and more than half end in birth.

Question: In other words, are you saying that teen pregnancy increases the incidence of abortion?

Answer: Since 1990, abortion rates among teens have declined because fewer teens are becoming pregnant, and, in recent years, fewer pregnant teens have chosen to have an abortion. Today, one-third of teens end their pregnancies in abortion, and teens account for roughly one-quarter of all abortions performed annually. I believe there is no stronger argument for teen pregnancy prevention and family planning than the need to reduce the number of abortions in this country.

Question: Isn't abstinence alone the best way to prevent abortion? Don't family planning and sex education increase abortion?

Answer: I would be happy if every teenager abstained from having sex. I do not believe

that a couple should engage in sexual intimacy until they are ready to commit to each other and are prepared to financially and emotionally support a child. However, I think it is unrealistic, even dangerous, to ignore the fact that some teens will, in fact, have sex outside of marriage and before they are ready for it. It is for that reason, that we *must* simultaneously preach abstinence and teach teen about family planning and sex including the use of birth control. By offering teens family planning and sex education, we are working to prevent abortion.

The conflict you raise is very important because it is a conflict that arises in communities around the country and can be very damaging to a community's efforts to combat teen pregnancy. The conflict over which approach to use can become so intense and destructive to the community that a community decides to do nothing at all. Let me share with you a story about a community that overcame this conflict and ending up dramatically decreasing the number of teen pregnancies and births in their community.

In 1990, the rural community of Tillamook County, Oregon had the highest teen pregnancy rate in the state but fought bitterly over a solution, including the Board of Education voting down several proposals. Finally, the County decided to embrace a new ethic of "unity of purpose, diversity of means," allowing various segments of the community to develop their own intensive initiatives, from creating a church-based abstinence program to improving access to family planning programs. By 1994, the county teen pregnancy rate had dropped by 70 percent, becoming the lowest in the state. *This story bares out research by Dr. Kristen Moore that says teen pregnancy programs that send mixed messages to teens actually work because the teen will be exposed to all messages and will take what works for her or him, whether it be abstinence, birth control, or self-esteem raising.*

Question: Isn't teen pregnancy primarily a problem in African-American neighborhoods?

Answer: No. Teen pregnancy is a problem every, across racial and socio-economic lines. About half of all pregnant teens aged 15-19 are white. However, teen *birth rates* are higher among African-American and Hispanic teens than among white teens.

Question: What are the negative effects on a teen mother and her child?

Answer: Early parenting limits a young mother's likelihood of completing high school -- less than one-third of teens who begin their families before age 18 ever complete high school -- and increases the likelihood that young mother will end up in poverty, as well as causing other hardships. We should be especially concerned about the children of teen parents. When compared to children of older mothers, children of teen mothers have more health problems, do much worse in school,

live in home environments of lower quality, suffer higher rates of abuse and neglect, and are more likely to become teen mothers themselves.

Question: What else has the Clinton Administration done to prevent teen pregnancy?

Answer: We have done a lot. Just this past January, President Clinton launched a comprehensive effort by his Administration to prevent teen pregnancy in this country. The initiative, led by the Department of Health and Human Services, responded to a call from the President and Congress as part of the new welfare reform legislation and builds upon work already underway in the Administration. Elements of the new strategy include: implementing new efforts under welfare reform; supporting promising community-based approaches; building partnerships; improving data collection; disseminating information on innovative and effective practices; and sending a strong abstinence message.

Further, the new welfare law signed by the President on August 22, 1996 contains several provisions addressing teen pregnancy prevention: unmarried minor parents are required to stay in school and live at home, or in an adult-supervised setting in order to receive assistance; "Second Chance Homes" -- adult supervised residential homes designed to provide teen parents with the skills and supports they need to finish school, become good role models, and providers for their children -- are allowed and encouraged; \$50 million a year in new funding for state abstinence education activities is provided starting FY 1998; finally, the new law includes tough child support measurements that send the strongest possible message to young boys and girls that they should not have children until they are ready to provide for those children.

In his 1995 State of the Union address, President Clinton challenged "parents and leaders across the country ... to join together in a national campaign against teen pregnancy to make a difference." In response to his challenge, last May The National Campaign to Prevent Teen Pregnancy was formed. As I think you all know now, May 1997 marks the first anniversary of the National Campaign to Prevent Teen Pregnancy.

Since 1993, the Administration has supported innovative and promising teen pregnancy prevention strategies tailored to the unique needs of communities. HHS-supported programs already reach about **30 percent or 1,410 communities** in the United States.

The Administration Strategy is also building partnerships among national, state and local organizations, including the National Campaign to Prevent Teen Pregnancy; schools, businesses; religious institutions; federal, state and local governments; tribes and tribal organizations; parents; and teenagers, uniting

efforts to send a strong message of abstinence and personal responsibility to young people and provide them with opportunities for the future.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:29-APR-1997 14:29:03.00

SUBJECT: state legislatures

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

READ:UNKNOWN

TO: PALMIERI_J (PALMIERI_J @ A1 @ CD @ LNCTWY [EOP]) (WHO)

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

West Va and Kentucky are not in session on May 19... the rest are.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 16:31:41.00

SUBJECT: Presidential Advisory Council on HIV and AIDS

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

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

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

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

TEXT:

Please let me know what surrogates we should request.

----- Forwarded by Christa Robinson/OPD/EOP on 04/29/97
04:39 PM -----

From: David S. Beaubaire on 04/04/97 09:10:44 AM
Record Type: Record

To: Christa Robinson/OPD/EOP
cc:
Subject: Presidential Advisory Council on HIV and AIDS

I just got a note from scheduling saying this event has been regretted with a surrogate. Let me know what if anything I need to do.Thanks.

RECORD TYPE: PRESIDENTIAL (ALL-IN-1 MAIL)

CREATOR: Jennifer Palmieri (PALMIERI_J) (WHO)

CREATION DATE/TIME:29-APR-1997 16:50:24.24

SUBJECT: US Conf of Mayors

TO: Douglas B. Sosnik (Douglas B. Sosnik@eop@LN GTWY@EOPMRX)
READ:NOT READ

TO: Elena Kagan (KAGAN_E) Autoforward to: Remote Adresse
READ:NOT READ

TO: Christa T. Robinson (ROBINSON_C) (OPD)
READ:NOT READ

CC: Douglas B. Sosnik (Douglas B. Sosnik@eop@LN GTWY@EOPMRX)
READ:NOT READ

TEXT:

We are going to have a meeting on the US Conference of Mayors Drug Summit with Marcia and Rahm tomorrow at 4:00 pm in Rahm's office. Love to have you all there.

Date

DRAFT MEMORANDUM TO THE PRESIDENT

THROUGH: ERSKINE BOWLES

FROM: RAHM EMANUEL
 BRUCE REED
 ELENA KAGAN

SUBJECT: UNIONIZATION OF SECRET SERVICE UNIFORMED DIVISION

Employees of the Secret Service Uniformed Division have asked you to amend an Executive Order to allow them to unionize and engage in collective bargaining activities. Before his departure, Jack Quinn conducted an administration-wide review of this issue and had recommended a change to the existing Executive Order. The Department of Treasury is strongly opposed to this proposal.

We wanted to provide you with the arguments on each side of this issue so you can make a decision on how to proceed.

Background

Federal law gives the President authority to issue an order prohibiting the employees of any federal unit that “has as a primary function, intelligence, counterintelligence, investigative or national security work” from organizing and collective bargaining. Using this authority, President Carter issued Executive Order 12171, which precluded the Secret Service Uniformed Division from engaging in such activities. The E.O. also covered units from the Departments of Treasury, Defense, Justice, Transportation and Energy.

In March and May 1995, members of Congress (Reps. Trafficant, Frank, Conyers, and Torres) wrote to you requesting you to exempt the Secret Service Uniformed Division from the E.O., allowing them to unionize. The letters were referred to the Department of Treasury, whose officials advised the Congressmen and two interested unions that national security concerns required the ban to remain in effect. In September 1995, Judge Mikva affirmed this determination citing a policy of deference to the Treasury Department on matters relating to the security of the President and Vice President.

Last year, White House Counsel Jack Quinn received a letter from the Secret Service Uniformed Division Labor Committee of the FOP asking for reconsideration of this issue. The letter stated that, “national security concerns...are being used as a convenient way to deny the members of the Uniformed Division fundamental labor rights.” Quinn proceeded to initiate

discussions with Treasury Department officials and Uniformed Division representatives.

In a September 1996 FOP questionnaire for presidential candidates, you referred to the controversy and stated: "To make a decision on this issue in as thoughtful and expeditious a manner as possible, I have asked my counsel... to look into the competing arguments, and present a recommendation to me..."

At a later meeting with the Executive Board of the FOP, you were careful to be non-committal, but expressed sympathy for the position of the Uniformed Division employees. The Wall Street Journal has quoted you as saying at that meeting that "it would be the height of hypocrisy for me not to support [the right to unionize] for federal officers." Members of the FOP left the meeting generally encouraged.

As consideration of this matter has proceeded, labor-management relations at the Secret Service appear to have deteriorated. Gil Gallegos, National President of the FOP, and employees of the Uniformed Division have accused management of retaliating against union supporters. One incident has resulted in a lawsuit brought by the officers alleging various constitutional violations.

Treasury Arguments

The Department of Treasury offers three reasons for opposing unionization. The first reason is that the obligation to bargain could compromise its ability to provide security by decreasing its flexibility over such matters as the deployment and scheduling of officers and the selection of equipment. Treasury cites its decision to close off Pennsylvania Avenue as an example. This decision affected many employees' schedules and work assignments. Treasury argues that without a union, the Division could take this action unilaterally; without a union, the Division might first have had to bargain about the proposed change-- losing flexibility and causing delay.

A second reason Treasury opposes unionization is the fear of disclosure of information that would occur during the course of collective bargaining, which could compromise security arrangements. Treasury notes that information about security procedures and techniques-- about postings, manpower allocations, equipment and so forth-- is now provided on a "need to know" basis. If the Division were obligated to engage in collective bargaining, it would have to provide such information to union members, officials and possibly arbitrators.

Treasury's third argument is that exempting the Uniformed Division from the E.O. will place the government on a slippery slope toward exempting other covered employees or eventually eliminating the E.O. Treasury is particularly concerned that if the Uniformed Division are free to unionize, then the special agents of the Secret Service, who directly protect you, the Vice President, and your families, will request identical treatment.

Uniform Division Employees' Arguments

The primary argument in favor of allowing employees of the Uniformed Division to organize is this Administration's commitment to safeguarding the rights of employees to organize and engage in collective bargaining. This commitment should be upheld unless there is a strong countervailing interest.

A key argument generally against unionization -- that it could lead to work stoppages of essential employees -- does not apply to this situation. A federal statute makes it an unfair labor practice for a union to strike at any federal agency. Thus, the point at issue is the right to unionize, not the right to strike.

Allowing unionization will certainly limit the unfettered authority of Treasury management over workplace decisions. But unionization may not undermine the ability of the Division to provide security for a few reasons: first, with respect to a wide variety of issues such as pay and benefits, the obligation to bargain will have no effect on security. Second, with respect to more sensitive issues, bargaining often will not be required. Agencies have the ability to take certain actions involving transfers, assignments and the like-- actions implicating "management rights"-- without engaging in collective bargaining. If this authority is insufficient for Treasury, they can negotiate contract provisions similar to those found in some employment contracts, to give it certain emergency powers. (The proposed amendment to the E.O. could perhaps reserve such powers to Treasury.)

With regards to the disclosure of sensitive information -- each officer already has most of this information or could acquire it by pooling their knowledge with others. In addition, the Treasury Department could condition providing such data in collective bargaining on agreement by the union to confidentiality requirements.

In response to Treasury's "slippery slope" argument, if exempting a group such as the special agents of the Secret Service would pose a greater danger to security interest, then continued coverage of that group should be justified, regardless of whether the Uniformed Division is exempted. It is possible to make reasoned distinctions in this area, and the E.O. can and should reflect these judgments.

Four other agencies have weighed in on the "slippery slope" argument. When asked their views of exempting Uniformed Division employees from the E.O., the agencies responded as follows:

- The Department of Energy has no objections, even though it is facing a similar request to unionize from its Nuclear Materials Couriers. The Department intends to oppose unionization of these employees, but is confident that it can support this position irrespective of the decision here.

- The Department of Justice expressed no view, stating that employees of its covered units (the Drug Enforcement Agency, and the Marshal's Service) would probably not seek unionization.
- The Department of Defense also expressed no view, stating that its covered units are sufficiently different from the Uniformed Division to prevent them from "being pulled in."
- The Department of Transportation, which some years ago faced a unionization request from its Federal Air Marshals, expressed a "mild concern" of a "ripple effect," but stressed that this concern was indeed "mild."

An alternative course to amending the E.O. is to leave it as is, but ask the Treasury Department to address the concerns of Uniformed Division employees in some way which falls short of unionization. For example, Treasury could initiate improved grievance procedures or employee participation devices. So far, however, Treasury has asserted that it cannot do anything more along such lines than it has done.

You should be aware that both Treasury and the Uniformed Division employees have rejected any of our suggested compromises.

Options for Responding

- _____ Amend the E.O. to allow Uniformed Division employees to unionize.
- _____ Leave the E.O. as is, continuing the ban on unionization, but ask the Treasury Department to make reforms affecting labor-management relations.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:46:18.00

SUBJECT: Re: adoptions

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

READ:UNKNOWN

TEXT:

Apparently, Rahm talked to her about a crime-related EO, the Megan's law thing. What do you think? Personally, I'd rather do education, but if we don't have that...

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:29-APR-1997 18:46:39.00

SUBJECT: Re: adoptions

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

READ:UNKNOWN

TEXT:

Jen has talked to me and I've alerted spokespeople.

RECORD TYPE: PRESIDENTIAL (EXTERNAL MAIL)

CREATOR: Emily Bromberg@EOP@LNGETWY@EOPMRX

CREATION DATE/TIME:29-APR-1997 20:08:00.00

SUBJECT: state legislatures

TO: PALMIERI_J (PALMIERI_J@A1@CD) (WHO)
READ:30-APR-1997 10:15:07.27

TO: Elena Kagan (Elena Kagan@EOP@LNGETWY@EOPMRX)
READ:NOT READ

TO: Bruce N. Reed (Bruce N. Reed@EOP@LNGETWY@EOPMRX)
READ:NOT READ

TEXT:
Message Creation Date was at 29-APR-1997 14:27:00

West Va and Kentucky are not in session on May 19... the rest are.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-APR-1997 10:03:24.00

SUBJECT: Meeting on the Wisconsin Welfare Waiver

TO: Anne H. Lewis (CN=Anne H. Lewis/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

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

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

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

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

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

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

TEXT:

We will be holding a meeting on the Wisconsin Welfare Waiver tomorrow, Thursday, May 1, at 11:00 a.m. in Room 211 of the OEOB. Also attending will be John Monahan, Yvette Jackson and others from HHS.

Please confirm your attendance.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Joshua Silverman (CN=Joshua Silverman/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-APR-1997 10:05:41.00

SUBJECT: H.R. 867 -- Adoption

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

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

TEXT:

I've just heard of the possibility that in addition to the SAP we are thinking of putting out either a POTUS or FLOTUS statement.

Please let me know if this is going to happen so I can have McCurry pump it up in his lpm briefing.

Josh x65670

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Emily Bromberg (CN=Emily Bromberg/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-APR-1997 13:02:46.00

SUBJECT: immigration

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

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

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

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

TEXT:

As we discussed, Marcia is inclined to believe that Guiliani would attend an immigration meeting with POTUS if it is small enough (like 15 people) and if he has a high profile role. She prefers a meeting to an event in the east room, but could be convinced if Bruce likes the event idea. Bruce--if Cynthia hasn't yet expalined to you--Janet's idea was to have an event in the east room with a table up front with mayors/congressman/real people and an audiance of folks who would be cut off if our budget proposa l fails. Marcia feels uncomfortable doing a welfare event in the east room and I can see her point. Also--after talking to Marcia, I am concerned that we wouldn't be able to have enough mayors at the table with this format to make Craig happy.

To keep Craig happy we need about 5 mayors including NY (we think, we need to talk to Craig). If we did 3 members and 5 real peple that's 13. Janet--can you live with a meeting of that size? If you had 3, who would they be? We'd invite LA as one of our 5 and then maybe a FL, TX, and Seattle.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:30-APR-1997 13:34:13.00

SUBJECT: Tucson, AZ Extends DP Benefits to City Employees

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

READ:UNKNOWN

TEXT:

----- Forwarded by Richard Socarides/WHO/EOP on 04/30/97
01:32 PM -----

dcase @ mail.sdsu.edu

04/30/97 12:19:00 PM

Record Type: Record

To: Richard Socarides

cc:

Subject: Tucson, AZ Extends DP Benefits to City Employees

Arizona Daily Star, April 29, 1997

P. O. Box 26887, Tucson, AZ, 85726

(Fax 602-573-4141, print run 88,413)

(E-MAIL: letters@azstarnet.com)

Gay couples get medical benefits

By Joe Burchell

The City Council agreed to extend medical insurance benefits to gay and lesbian ``domestic partners'' of city employees yesterday but refused to do the same for unmarried straight couples.

The council voted 6-0 to approve the measure, which is expected to cost about \$27,000.

Councilman Steve Leal walked out of the room when the vote was taken.

Leal

said he didn't want to vote against the proposal, but wasn't prepared to support it yet because he said it didn't include adequate criteria for who is

eligible for city insurance coverage and didn't include heterosexual couples.

Employees who want to add same-sex domestic partners to their insurance need only sign an affidavit that they are committed to a long-term monogamous relationship.

Leal said the city needs to require more of a commitment ``than just having the same mailing address.'' He said the city should study the policies of other governments that offer insurance to unmarried couples. Last month the Board of Supervisors agreed to extend insurance benefits to all unmarried domestic partners, but delayed final action until eligibility criteria are devised.

Leal said he feels limiting insurance benefits to homosexual couples discriminates against other unmarried couples.

Mayor George Miller supported City Manager Luis Gutierrez's position that heterosexual couples have the option of getting married to qualify for dependent insurance coverage, which is an option homosexual couples don't

enjoy.

Miller said the city should approve the proposal because the amount of money is ``insignificant'' and the city later can adopt strict criteria for who is eligible.

Extending coverage to all unmarried ``domestic partners'' would cost an estimated \$127,000. At the request of Councilman Michael Crawford, the city will continue to investigate that possibility.

Beverly Gin, a leader of the group of employees who asked the council to consider extending insurance benefits to same-sex domestic partners, said her group has no position on whether straight couples should get the same consideration.

But she urged the council to act quickly on the proposal for same-sex partners so they can sign up during the next open enrollment period for city insurance plans...

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

TEXT:

RFC-822-headers:

Received: from conversion.pmdf.eop.gov by PMDF.EOP.GOV (PMDF V5.0-4 #6879)
id <01IIBGPOEH3K004U43@PMDF.EOP.GOV> for socarides_r@al.eop.gov; Wed,
30 Apr 1997 13:28:45 -0500 (EST)

Received: from storm.eop.gov (storm.eop.gov)
by PMDF.EOP.GOV (PMDF V5.0-4 #6879) id <01IIBGN0DGW004P1R@PMDF.EOP.GOV> for
socarides_r@al.eop.gov; Wed, 30 Apr 1997 13:28:43 -0500 (EST)

Received: from mail.sdsu.edu ([130.191.25.3])
by STORM.EOP.GOV (PMDF V5.1-7 #6879)
with ESMTTP id <01IIBGOX33RI000788@STORM.EOP.GOV> for socarides_r@al.eop.gov;
Wed, 30 Apr 1997 13:28:12 -0400 (EDT)

Received: from [130.191.242.121] ([130.191.242.121])
by mail.sdsu.edu (8.8.4/8.8.4) with ESMTTP id KAA19998; Wed,
30 Apr 1997 10:19:16 -0700 (PDT)

=====
END ATTACHMENT 1

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mary E. Glynn (CN=Mary E. Glynn/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-APR-1997 18:16:33.00

SUBJECT: Re: gq

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

READ:UNKNOWN

TEXT:

Great. Let's set something up for the week of May 12 . Ruth will be away next week, as will I. Give me a date and time -- preferably after the 13th -- I will bring you some clips so you can read up on her.

Thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Tracey E. Thornton (CN=Tracey E. Thornton/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:30-APR-1997 19:42:19.00

SUBJECT: Volunteer/Products Liability

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

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

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

TO: William P. Marshall (CN=William P. Marshall/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

CC: Jennifer D. Dudley (CN=Jennifer D. Dudley/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

TEXT:

Okay, now that Herman is done you can expect that the volunteer bill will no longer be filibustered and I'm not sure what's going to happen here. (We knew we were going to lose Lieberman on the cloture vote today). Have we decided anything about the Leahy alternative?

On products, the Senate Commerce Committee has its mark-up tomorrow and we don't expect anything out of the ordinary. breaux talked to rockefeller who said he plans to vote against the bill and it'll be a party-line vote. breaux is not planning to offer his alternative tomorrow.

We need to keep in mind though that the volunteer bill can be amended with products and staff of a few of the democrats are concerned that that might be the plan. I'm checking with folks now and will keep you posted.

Withdrawal/Redaction Marker

Clinton Library

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004. email	Lyn Hogan to Thomas Freedman. Subject: Farewell. (2 pages)	04/30/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System (Email)
WHO ([Kagan])
OA/Box Number: 500000

FOLDER TITLE:

[4/28/1997 - 4/30/1997]

2009-1006-F
ke709

RESTRICTION CODES

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

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

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- 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]