

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 061 - FOLDER -011

[06/11/1997 - 06/12/1997]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Ellen S. Seidman (CN=Ellen S. Seidman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME:11-JUN-1997 18:56:59.00

SUBJECT: meeeting and options

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

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

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

TO: Timothy J. Brennan (CN=Timothy J. Brennan/OU=CEA/O=EOP @ EOP [CEA])
READ:UNKNOWN

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

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

TO: Jeff Bromme (Jeff Bromme @ 301-504-0121 @ fax [UNKNOWN])
READ:UNKNOWN

TO: John Dwyer (John Dwyer @ 514-0238 @ fax [UNKNOWN])
READ:UNKNOWN

TO: Fran Allegra (Fran Allegra @ 514-1724 @ fax [UNKNOWN])
READ:UNKNOWN

TO: Tom McGivern (Tom McGivern @ 622-1188 @ fax [UNKNOWN])
READ:UNKNOWN

TO: Donald Remy (Donald Remy @ 514-8071 @ fax [UNKNOWN])
READ:UNKNOWN

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

TO: Ellen S. Seidman (CN=Ellen S. Seidman/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: Steven D. Aitken (CN=Steven D. Aitken/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

TO: John Spotila (John Spotila @ 205-6096 @ fax [UNKNOWN])

READ:UNKNOWN

TO: Jeffrey Hunker (Jeffrey Hunker @ 482-4636 @ fax [UNKNOWN])

READ:UNKNOWN

TO: Pam Gilbert (Pam Gilbert @ 301-504-0121 @ fax [UNKNOWN])

READ:UNKNOWN

TO: Ron Matzner (Ron Matzner @ 205-6846 @ fax [UNKNOWN])

READ:UNKNOWN

TO: Ed Murphy (Ed Murphy @ 622-1294 @ fax [UNKNOWN])

READ:UNKNOWN

TO: Andrew Pincus (Andrew Pincus @ 482-0042 @ fax [UNKNOWN])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Ellen S. Seidman (CN=Ellen S. Seidman/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

The next meeting will be from 2:30 to 3:30 on Friday, in room 231. Everyone will be cleared in. Topics are: (i) negligent entrustment; (ii) small business exceptions; (iii) misuse and alteration; (iv) workers comp. We'll move quickly.

What follows are the options currently extant. Please be careful.

Joint and several

Proposal 1 - Reallocation

Joint and several if the plaintiff is fault-free

If the plaintiff is at all at fault, liability is

several, but if the plaintiff cannot collect from one or more defendant after a specified period of time the plaintiff can petition the court for reallocation of damages not attributable to the plaintiff among the remaining defendants, but no defendant less at fault than the plaintiff. may be charged with more than twice his proportionate share of damages

This would be two-way preemptive

Proposal 2A - Guaranteed recovery, two-way preemption

Joint and several liability of any defendant is than 30%

at fault (taking into account the fault of the plaintiff and settling defendants)

If any defendant is less than 30% at fault, that defendant's responsibility would be limited to a maximum of twice the defendant's proportionate share of non-economic damages except where a greater multiplier was needed to ensure the plaintiff recovery of at least 50% of the assessed non-economic damages.

Proposal 2B - Guaranteed recovery, one-way preemption

Joint and several liability of any defendant is than 10% at fault (taking into account the fault of the plaintiff and settling defendants)

If any defendant is less than 10% at fault, that defendant's responsibility would be limited to a maximum of twice the defendant's proportionate share of non-economic damages except where a

greater multiplier was needed to ensure the plaintiff recovery of at least 60% of the assessed non-economic damages.

Punitive damages

Proposal 1 - Procedural changes only

Support the provisions in S.648 providing for uniform federal standards of clear and convincing evidence and the right to request bifurcation.

Support a uniform federal liability standard for punitive damages that would not include recklessness, but (i) would not require that the conduct that is the subject of the punitive damages is the proximate cause of the plaintiff's harm and (ii) would explicitly permit circumstantial evidence of intent or malice.

This would be two-way preemption, except that it would not require states that currently do not allow punitive damages in products cases to allow such awards

Proposal 2 - Personal cap plus allocation of remaining punitive damages to state

Authorize the jury to impose punitive damages without any cap

Vest the plaintiff in a 25% share of the total punitive damages, which amount will be assumed to include attorney's fees (i.e., no additional attorney's fees will be payable out of the punitive award)

The remainder of the award would be payable to the state whose substantive law applies to the determination of punitive damages.

States would be forbidden to intervene in the proceedings at any stage.

Combine this with the procedural reforms outlined in

Proposal 1

This would be two-way preemptive except (i) it would not require states that do not allow punitive damages in products cases to allow such awards and (ii) states would explicitly be allowed to opt out of the allocation to the state, in which case prior state law with respect to caps and allocation would apply

Proposal 3 - Advisory jury opinion with judicial determination

The jury would render a solely advisory opinion on punitive damages

The actual determination of punitive damages would be made by the judge

The judge would be required to consider the factors in S.648, and would be required to explain why the judge's award differs (either higher or lower) from the jury's advice

Combine with procedural changes from proposal 1

Proposal 4 - Cap with easier breakthrough

Cap punitive damages at the greater of \$250,000 or twice compensatories (the lesser of the two for small businesses)

Do not tell the jury of the cap

Allow the judge to award punitive damages above the cap without an additional proceeding and on a simple finding that the capped amount is insufficient to punish or deter, the standard in S.648, with no consideration of specified factors

Insist that there be no legislative history suggesting this authority is to be used any more sparingly than implied by the statutory standard

Couple this with the procedural changes described in proposal 1

This would be two-way preemptive, except with respect to states that do not allow punitives in products cases at all

Statute of repose

Two-way preemption of state law (as in S.648)

18 year statute of repose (as in S.648)

Which a plaintiff may overcome by clear and convincing evidence that the product had a longer useful safe life (not included in S.648, and responsive to the victim of the hay-baler accident cited in the veto message and to accidents involving products clearly intended to be longer-lived, such as elevators)

Covering only durable goods in the workplace (narrower than S.648, retaining plaintiff rights concerning consumer goods in states without any statute of repose and responding to your concern about handguns)

With further exceptions for toxic substances, vehicles used in transportation for hire, and express warranties (as in S.648)

And with a provision that extends the statute to allow full benefit of the two-year statute of limitations after injury or discovery of harm in, for example, year 17 (not in S.648, but not expected to be a problem)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1997 18:57:02.00

SUBJECT: Weekly Strategy Meeting

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

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

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

TO: Nancy A. Min (CN=Nancy A. Min/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

CC: Angelique Pirozzi (CN=Angelique Pirozzi/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Sarah A. Bianchi (CN=Sarah A. Bianchi/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

CC: Suzanne Dale (CN=Suzanne Dale/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

CC: Melissa Green (CN=Melissa Green/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

TEXT:

We will be having the weekly Health Care Strategy Meeting tomorrow, June 12, at 4:00 p.m. in Bruce Reed's office, 2 FL/WW.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1997 12:36:05.00

SUBJECT: Pre-brief for today's race interviews

TO: Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The pre-brief for the Frisby and Trotter Group interviews will be 3:50 p.m. Please let me know whether you'll be able to attend.

June 11, 1997

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**MEMORANDUM FOR BRUCE REED
GENE SPERLING**

FROM Paul Weinstein

SUBJECT: Update on Community Development Financial Institutions
(CDFI) Fund

The following memorandum describes the current state of operations at the CDFI Fund.

Completion of the First Round

As you may be aware, the CDFI Fund has experienced some difficulties in finalizing grant agreements between recipients of first round awards and the Fund. I have been in regular contact with the Treasury Department about the importance of improving this process. I am pleased to report there has been some modest improvement. As of today, about two-thirds of the CDFI grantees have begun to draw down on the first round money. The CDFI Fund is planning on closing the rest of the agreements with CDFI grantees by the time the House and Senate Appropriations Committee begin their markup at the end of this month.

Second round applications are currently in circulation. All applications for the second round are due by June 20th. Treasury has taken several steps to insure that the mistakes and delays experienced in the first round are not repeated. This includes hiring additional people at the Fund and putting into effect controls to regularize the process.

New Initiatives Associated with the CDFI Fund

Michael Barr is leading an effort at Treasury to develop new projects for the CDFI Fund. The Department is looking into three areas. 1) Securitization. The agency is very interested in the development of a secondary market for CDFI lending. Treasury is working closely with the Commerce Department on a pilot program to fund intermediaries such as the Minnesota Community Reinvention Corporation. They are also looking at government-wide regulations that discourage CDFI securitization and are implementing an education program on secondary markets.

2) Welfare-to-Work. Treasury is also developing ideas to encourage CDFIs to invest in individuals moving from welfare-to-work. 3) Un-banked. The Department is reviewing proposals to leverage the Bank Enterprise Act awards to increase financial service availability to the un-banked.

cc: Elena Kagan
Ellen Seidman
Mark Mazur
Jose Cerda
Bob Nash

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1997 15:44:44.00

SUBJECT: mayors

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 you know, potus would like to talk about urban policy when he speaks to the mayors on 6/23. bruce-- i think you were in the scheduling meeting with the president, so you may know more than me but reports are that he wants some policy announcements if possible--more than the cops in housing stuff. are you working on something--or is gene? should we get together to talk about it?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1997 10:45:58.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Calll Sylvia at 61960 asap

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1997 18:56:54.00

SUBJECT: scheduling update

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TO: WEINSTEIN_P (WEINSTEIN_P @ A1 @ CD @ LNGTWY [UNKNOWN]) (OPD)

READ: UNKNOWN

TEXT:

6/12 Business Roundtable Annual Meeting
6/13 Tape Videos (Families, USA)
Tape Radio Address (race)
6/14 University California, San Diego Commencment
6/17 Title IX Event
Africa Trade Legislation Event
6/18 TV Rating Event (tentative)
(if not, perhaps a good day for the welfare legal immigrant
meeting)
6/19-22 Summit of the 8 Economic Conference
6/22 PRESS CONFERENCE (evening)
6/23 US Conference of Mayors, San Francisco - HUD Officer Next Door
Potential Kaiser or Lulac event in L.A. .
6/25 Annual Family Conference, TN
6/26 Speech to UN Special Session on the Environment, NY
6/27 Alternate possibility for Kaiser Satellite
Tape Radio Address on Free TV Commission
6/30 Boston Standards Event
7/2 Baseball Education PSAs - Camden Yards (likely)
7/4-14 Foreign Travel
7/25 National Association of Elementary Schools Principals
(tentative)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Collin Brown III (CN=Collin Brown III/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:11-JUN-1997 11:30:12.00

SUBJECT: HHS letter on H.R. 1818

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

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

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

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

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

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

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

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

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

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

CC: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

CC: Janet R. Forsgren (CN=Janet R. Forsgren/OU=OMB/O=EOP [OMB])
READ:UNKNOWN

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

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

CC: Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP @ EOP [OMB])
READ:UNKNOWN

TEXT:

Yesterday, you should have received a draft HHS letter on H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. The letter voiced HHS' support for Title II of the bill. Title II would re-authorize and amend the Runaway and Homeless Youth Act (see LRM MDH90).

Collin

JUVENILE HANDGUN DIRECTIVE
JUNE 11, 1997

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Q: What is the directive that the President signed today?

A: Today, the President signed a directive to ensure that the Treasury Department do everything possible to enforce the Youth Handgun Safety Act -- including requiring that federal gun dealers post signs and issue written warnings that:

(1) Make clear that it is generally illegal for any adult to transfer a handgun to a minor (under 18), or for that minor to possess that handgun, period;

(2) Make clear that transferring a handgun to a minor may be punishable by up to 10 years imprisonment;

(3) Warn that handguns are a leading contributor to juvenile violence and fatalities; and

(4) Suggest that safely storing and locking handguns can help ensure compliance with this law.

Q: What is the impact of this directive? How is it any different -- or how does it augment -- current law?

A: This directive will require, for the first time ever, that federal firearms dealers (FFLs) post signs and issue written warnings about the responsibility that gun purchasers have under current law to not transfer a handgun to juveniles -- as well as about the dangers that handguns pose to kids generally. That's an important change for two reasons.

First, for almost every gun that gets into a juvenile's hands, an adult had the opportunity -- in fact, the legal responsibility -- to stop that transfer from taking place. Today's directive puts adult gun purchasers on notice about this responsibility -- and warns them about the legal sanctions that may apply if this responsibility is ignored.

Second, the mix of kids and guns is at the heart of the nation's youth violence epidemic. Since the mid 1980s, the number of kids killing with a gun has quadrupled; the number of kids killed by guns has nearly tripled; and teenage boys today are more likely to die of gunshot wounds than all natural causes combined. Still, we do more to warn Americans about

the dangers of most household products than we do about the dangers that guns pose to our children. Today's directive represents an effort to correct this imbalance.

Q: Can you please clarify under what authority you're taking this action?

A: The authority for this directive is two-fold:

(1) 18 U.S.C. Sec. 926(a) generally provides that the Secretary of the Treasury may proscribe certain rules and regulations to carry out the provisions of the 1968 Gun Control Act as amended; and

(2) 18 U.S.C. Sec. 922(x)(1) -- or the Youth Handgun Safety Act, which was included by Senator Kohl as an amendment to the 1994 crime bill -- prohibits, in most circumstances, juveniles from possessing handguns, and adults from transferring handguns to juveniles.

Our directive finds that additional warnings are necessary to fully carry out the prohibitions of the Youth Handgun Safety Act, and calls for signs to be posted and written warnings issued to help ensure compliance with the law.

Q: What punishments are provided for in the Youth Handgun Safety Act?

A: Juveniles who violate the ban on handgun possession are subject to mandatory probation. Adults who violate the prohibition on transferring handguns to juveniles are punishable by a prison term of 1 to 10 years, depending on the circumstances. Additionally, the Administration has called for increasing both of these penalties in its juvenile crime legislation.

Q: Have you successfully prosecuted anyone under the Youth Handgun Safety Act? Do you know how many persons have been prosecuted overall?

A: No, I don't have a number on the total prosecutions. But I do have an example. I know that the U.S. Attorney's Office in Tennessee successfully prosecuted an illegal gun dealer who -- among other illegal firearms activities -- sold a pistol to a 13-year old. He's been sentenced to 33 months in prison.

Q: Do you think that this directive will really help keep handguns from juveniles? Shouldn't your directive do more than simply call for signs and warnings?

A: Of course, we believe that this directive is meaningful and will have impact. And it certainly makes as much sense to warn gun purchasers about their legal responsibilities and the dangers of handguns as it does for the many other products that are sold with similar warnings.

At the same time, there is only so much we can under existing law to keep guns out of the hands of juveniles. That's why our juvenile crime bill includes 3 key gun provisions: it increases penalties for transferring guns to juveniles; it prohibits violent juveniles from ever owning guns; and it requires that federal gun dealers provide child safety locks with every gun sold. With these additional changes in law, we will be able to do even more to keep guns away from our kids.

Q: If you're going to issue warnings about guns, why don't you just regulate them like other products through the Consumer Products Safety Commission?

A: First of all, today's directive does more than simply warn gun purchasers about the dangers of handguns; it makes clear to gun purchasers that they have responsibilities -- and that transferring a handgun to a juvenile is a crime punishable by as much as 10 years imprisonment.

Second, the Consumer Products Safety Commission does not include firearms. It is expressly prohibited from getting into matters concerning the manufacture and sale of firearms and firearms ammunition. So we simply don't have this authority.

Q. What is the Administration's position on the various Republican proposals to combat juvenile crime?

A. First of all, we are opposed to H.R. 3, the bill that passed the House. It does not come close to representing a comprehensive attack on gangs and guns. It doesn't guarantee that Boston's successful juvenile crime initiative -- Operations Cease-fire and Nite Lite -- can be replicated. It doesn't include any provisions relating to kids and guns. And it does not specifically address the high number of crime committed by juveniles when school goes out.

We're hopeful that the Senate will work with us to address these issues. The Senate Judiciary Committee is scheduled to consider legislation this Thursday, and we are communicating our concerns to them now. We will have to wait and see how the mark-up in that committee goes before we know whether or not we'll be able to support a Senate bill.

Q. What does the Administration's juvenile justice proposal do?

- A. The legislation proposed by the President in February is part of an overall Anti-Gang and Youth Violence Strategy that seeks to crack down on violent gangs, reduce youth violence, and provide our kids with positive alternatives to steer them away from gangs, guns, and drugs.

The strategy provides critical resources for state and local prosecutors to target, prosecute and convict violent youth gangs. It permits Federal prosecutors to prosecute juveniles in adult court when they commit violent crimes. It requires child safety locks for guns to prevent accidents and thefts, and extends the Brady Law so that violent juveniles can never own a gun. Finally, the Strategy also calls for at least 1,000 after school initiatives to keep kids off the streets and give them positive alternatives.

Juvenile crime legislation passed by Congress must address these key issues, too.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robin Leeds (CN=Robin Leeds/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUN-1997 14:23:32.00

SUBJECT: Title 9 policy developments

I'm still trying to connect with you to find out where we are on the policy piece. C

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

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

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

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

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

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

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1997 14:34:16.00

SUBJECT: Elena --please review these talkers

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

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

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

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

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

TEXT:

I think Ken's right that the WH/OMB staff working on food stamps (Martha Foley and Lisa Kountoupes) could use these talking points. Please review the attached -- the first page is what we prepared for Erskine with a new bullet at the end. The second page is new. Since the House Ag markup is expected to be tomorrow, I'd like to distribute these by COB today.

Thanks.

----- Forwarded by Cynthia A. Rice/OPD/EOP on 06/11/97
01:56 PM -----

From: Kenneth S. Apfel on 06/11/97 01:21:19 PM
Record Type: Record

To: Cynthia A. Rice/OPD/EOP
cc:
Subject: Re: Opposing welfare privatization in House Ag Cmte SAP

We'll add this to the letter. Also, would it be possible for dpc to do up a few talkers on why we oppose the stenholtz amendment? Martha, Lisa and others who have not been involved with this issue need something to talk from.

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D87]MAIL403235166.116 to ASCII,
The following is a HEX DUMP:

FF5750438F080000010A020100000002050000003323000000020000AAFB17879693D567185AED
566F9230CCB746BD514692C945D26C561F0A90F94D5B27A30D1C40111506803A6F1121624AFFFA
DF3C5CB8396893F32B4DD25F4821E3367CBC130FD088A1AD1F2F7DEA5843B072E081C1F06FB512
3319BC3E087307AA8ECF532F7A0641B6AF446860436AC749DB3073587228A54E1B88EC33E64E56
B38EE5AAE99137E6AED3380F1C1E1394FF4F04C034700137A3ACCB1FB69BAFA04722947EF547F5
72319B8F0C574101E911311655FBAEF35DB6930B6730D29D2ED9AAF1034C943987A7A22FF0DDB3
53BA1DE3316AB26F6E38C5AE65D8A95C89FD8EFA741C84E44A7D56424D559724C0D737E81E8249

Food Stamp Privatization
6/11/97

Talking Points

- The welfare reform bill passed by the Congress and signed by the President allowed states to privatize their cash assistance programs, but did not change the law for Medicaid or food stamps.
- The President believes states need flexibility to make welfare what it was meant to be: a second chance, not a way of life, a system that helps people draw a paycheck instead of a welfare check. That's why he signed the welfare reform law last year in the face of much opposition from many in his party.
- We're concerned that allowing a state to privatize Medicaid and food stamp operations will not be in the best interests of program beneficiaries.
- Current Medicaid and food stamp law makes clear that eligibility determination must be performed by impartial, merit-based public employees.
- We offered the state of Texas the chance to conduct a sub-state demonstration of privatization, but the state declined.
- The letter we sent Texas in May allows the state to proceed with contracting out for a statewide computer system to do integrated enrollment. The state is also free to privatize its welfare (i.e., TANF) operations.
- Now, amendments may be offered in the House that would allow states to either completely privatize welfare operations [likely GOP amendment] or to partially privatize food stamp operations [likely Stenholm amendment]. We oppose these amendments for the same reason that we opposed the original Texas proposal -- we are concerned about the effects these proposals may have on program beneficiaries.

Comparison of the Stenholm Amendment with the original Texas Proposal

Congressman Stenholm's amendment would not go as far as the original Texas proposal. The state of Texas wanted to create a state-wide system of offices, run by a private contractor, where residents would apply for Medicaid, food stamps, welfare, and other public assistance. The exact nature of this system would depend on the terms of the agreement between Texas and the contractor, but could include having private employees making the determination of eligibility and gathering information used in such eligibility determinations.

On May 13th, HHS sent guidance to the state of Texas which said that in the food stamps and Medicaid programs:

- A non-public employee may not take actions involving discretion or value judgments, including all elements of the benefit eligibility determination process that relate to the evaluation of information provided by an applicant or which bears on the eligibility decision.
- In an integrated enrollment system, most if not all activities involving personal contact with an applicant or recipient, including data entry during an interactive discussion with the applicant, have the potential to involve the use of discretion or judgment and must be performed by state merit system employees.

Stenholm's plan would allow Texas to use private contractors to obtain information from applicants and assist them in completing their applications for benefits. However, the determination of eligibility would be conducted by public sector employees.

Allows Private Contractors to:	Texas Proposal	Stenholm Proposal	Administration Position
Obtain Information from Individuals used in Determining Eligibility	Yes	Yes	No
Determine Eligibility	Yes	No	No

Stenholm's proposal also provides for approval of any contract by the Secretary of Agriculture and the state legislature, which was not part of the state of Texas' proposal.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1997 13:37:01.00

SUBJECT: collective bargaining

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

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

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

TEXT:

Hate to stomp on a great crime speech, but I think should give some update to the FOP on the collective bargaining issue. Jim Pasco, FOP, spoke with Ray Kelly at today's event who was more encouraging than usual on the issue, and this could be a good time to talk to Treasury. Also, now that there is a new Director of the Secret Service, Lew Merletti, there is a reason to bring this up now. Pasco is close to Merletti.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Nicole Elkon (CN=Nicole Elkon/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUN-1997 13:20:29.00

SUBJECT: FYI - UCSD Thurgood Marshal College Provost Resigned

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

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

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

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

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

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

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

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

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

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

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

TEXT:
FYI --

The advance team in San Diego has made me aware of the fact that the Provost of the Thurgood Marshal College, Cecil Lytle, resigned (effective immediately) late last night due to a University decision to reject the idea of having a charter high school on campus.

To quote the Union Tribune article, "Lytle said it is important to see the charter proposal in the context of the UC Board of Regents 1995 decision to end affirmative action in the undergraduate admissions, effective next spring."

I am forwarding the Union Tribune article to you all asap.

Further - Ward Connolly has decided to attend the UCSD commencement exercises. Due to his high position in the University system he will be speaking at the commencement and attending the lunch.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Collin Brown III (CN=Collin Brown III/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:11-JUN-1997 11:40:30.00

SUBJECT: Addendum to Attached Message on HHS letter on H.R. 1818: Comments Due Noon

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

READ:UNKNOWN

TO: Leanne A. Shimabukuro (CN=Leanne A. Shimabukuro/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: James Boden (CN=James Boden/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Ronald E. Jones (CN=Ronald E. Jones/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

CC: Janet R. Forsgren (CN=Janet R. Forsgren/OU=OMB/O=EOP [OMB])

READ:UNKNOWN

CC: Melinda D. Haskins (CN=Melinda D. Haskins/OU=OMB/O=EOP @ EOP [OMB])

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

HHS has asked for OMB clearance to transmit its letter on Title II of H.R. 1818 by 1pm today. For this reason, if we do not receive comments from you by noon today (6/11/97), we will assume that you have no objection.
----- Forwarded by Collin Brown III/OMB/EOP on 06/11/97
11:30 AM -----

Collin Brown III
06/11/97 11:29:44 AM
Record Type: Record

To: See the distribution list at the bottom of this message
cc: See the distribution list at the bottom of this message
Subject: HHS letter on H.R. 1818

Yesterday, you should have received a draft HHS letter on H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act of 1997. The letter voiced HHS' support for Title II of the bill. Title II would re-authorize and amend the Runaway and Homeless Youth Act (see LRM MDH90).

Collin

Message Sent

To: _____
Kenneth L. Schwartz/OMB/EOP
David J. Haun/OMB/EOP
Julie L. Haas/OMB/EOP
Wendy A. Taylor/OMB/EOP
Mary I. Cassell/OMB/EOP
James Boden/OMB/EOP
Elena Kagan/OPD/EOP
Cynthia A. Rice/OPD/EOP
Jose Cerda III/OPD/EOP
Leanne A. Shimabukuro/OPD/EOP
Peter G. Jacoby/WHO/EOP
Elizabeth Drye/OPD/EOP

Message Copied

To: _____
Ronald E. Jones/OMB/EOP
James J. Jukes/OMB/EOP
Janet R. Forsgren/OMB/EOP
James C. Murr/OMB/EOP
Melinda D. Haskins/OMB/EOP

JUVENILE HANDGUN DIRECTIVE
JUNE 11, 1997

Q: What is the directive that the President signed today?

A: Today, the President signed a directive to ensure that the Treasury Department do everything possible to enforce the Youth Handgun Safety Act -- including requiring that federal gun dealers post signs and issue written warnings that:

(1) Make clear that it is generally illegal for any adult to transfer a handgun to a minor (under 18), or for that minor to possess that handgun, period;

(2) Make clear that transferring a handgun to a minor may be punishable by up to 10 years imprisonment;

(3) Warn that handguns are a leading contributor to juvenile violence and fatalities; and

(4) State that safely storing and locking handguns will help ensure compliance with this law.

Q: What is the impact of this directive? How is it any different -- or how does it augment -- current law?

A: This directive will require, for the first time ever, that federal firearms dealers (FFLs) post signs and issue written warnings about the responsibility that gun purchasers have under current law to not transfer a handgun to juveniles -- as well as about the dangers that handguns pose to kids generally. That's an important change for two reasons.

First, for almost every gun that gets into a juvenile's hands, an adult had the opportunity -- in fact, the legal responsibility -- to stop that transfer from taking place. Today's directive puts adult gun purchasers on notice about this responsibility -- and warns them about the legal sanctions that may apply if this responsibility is ignored.

Second, the mix of kids and guns is at the heart of the nation's youth violence epidemic. Since the mid 1980s, the number of kids killing with a gun has quadrupled; the number of kids killed by guns has nearly tripled; and teenage boys today are more likely to die of gunshot wounds than all natural causes combined. Still, we do more to warn Americans about

the dangers of most household products than we do about the dangers that guns pose to our children. Today's directive represents an effort to correct this imbalance.

Q: Can you please clarify under what authority you're taking this action?

A: The authority for this directive is two-fold:

(1) 18 U.S.C. Sec. 926(a) generally provides that the Secretary of the Treasury may proscribe certain rules and regulations to carry out the provisions of the 1968 Gun Control Act as amended; and

(2) 18 U.S.C. Sec. 922(x)(1) -- or the Youth Handgun Safety Act, which was included by Senator Kohl as an amendment to the 1994 crime bill -- prohibits, in most circumstances, juveniles from possessing handguns, and adults from transferring handguns to juveniles.

Our directive finds that additional warnings are necessary to fully carry out the prohibitions of the Youth Handgun Safety Act, and calls for signs to be posted and written warnings issued to help ensure compliance with the law.

Q: What punishments are provided for in the Youth Handgun Safety Act?

A: Juveniles who violate the ban on handgun possession are subject to mandatory probation. Adults who violate the prohibition on transferring handguns to juveniles are punishable by a prison term of 1 to 10 years, depending on the circumstances. Additionally, the Administration has called for increasing both of these penalties in its juvenile crime legislation.

Q: Have you successfully prosecuted anyone under the Youth Handgun Safety Act? Do you know how many persons have been prosecuted overall?

A: No, I don't have a number on the total prosecutions. But I do have an example. I know that the U.S. Attorney's Office in Tennessee successfully prosecuted an illegal gun dealer who -- among other illegal firearms activities -- sold a pistol to a 13-year old. He's been sentenced to 33 months in prison.

Q: Do you think that this directive will really help keep handguns from juveniles? Shouldn't your directive do more than simply call for signs and warnings?

A: Of course, we believe that this directive is meaningful and will have impact. And it certainly makes as much sense to warn gun purchasers about their legal responsibilities and the dangers of handguns as it does for the many other products that are sold with similar warnings.

At the same time, there is only so much we can do under existing law to keep guns out of the hands of juveniles. That's why our juvenile crime bill includes 3 key gun provisions: it increases penalties for transferring guns to juveniles; it prohibits violent juveniles from ever owning guns; and it requires that federal gun dealers provide child safety locks with every gun sold. With these additional changes in law, we will be able to do even more to keep guns away from our kids.

Q: If you're going to issue warnings about guns, why don't you just regulate them like other products through the Consumer Products Safety Commission?

A: First of all, today's directive does more than simply warn gun purchasers about the dangers of handguns; It makes clear to gun purchasers that they have responsibilities -- and that transferring a handgun to a juvenile is a crime punishable by as much as 10 years imprisonment.

Second, the mandate of the Consumer Products Safety Commission does not include firearms. The Commission is expressly prohibited from getting into matters concerning the manufacture and sale of firearms and firearms ammunition. So we simply don't have this authority.

Q. What is the Administration's position on the various Republican proposals to combat juvenile crime?

A. First of all, we are opposed to H.R. 3, the bill that passed the House. It does not come close to representing a comprehensive attack on gangs and guns. It doesn't guarantee that Boston's successful juvenile crime initiative -- Operations Cease-fire and Nite Lite -- can be replicated. It doesn't include any provisions relating to kids and guns. And it does not specifically address the high number of crimes committed by juveniles when school goes out.

We're hopeful that the Senate will work with us to address these issues. The Senate Judiciary Committee is scheduled to consider legislation this Thursday, and we are communicating our concerns to them now. We will have to wait and see how the mark-up in that committee goes before we know whether or not we'll be able to support a Senate bill.

Q. What does the Administration's juvenile justice proposal do?

- A. The legislation proposed by the President in February is part of an overall Anti-Gang and Youth Violence Strategy that seeks to crack down on violent gangs, reduce youth violence, and provide our kids with positive alternatives to steer them away from gangs, guns, and drugs.

The strategy provides critical resources for state and local prosecutors to target, prosecute and convict violent youth gangs. It permits Federal prosecutors to prosecute juveniles in adult court when they commit violent crimes. It requires child safety locks for guns to prevent accidents and thefts, and extends the Brady Law so that violent juveniles can never own a gun. Finally, the Strategy also calls for at least 1,000 after school initiatives to keep kids off the streets and give them positive alternatives.

The Administration calls on Congress to pass juvenile crime legislation addressing these key issues.

JUVENILE HANDGUN DIRECTIVE

JUNE 11, 1997

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The Administration calls on Congress to pass juvenile crime legislation addressing these key issues.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1997 16:34:35.00

SUBJECT: flsa

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

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

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

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

Fred Duval (CN=Fred Duval/OU=WHO/O=EOP [WHO])
READ:UNKNOWN

TEXT:

no nga executive committee conference call to discuss flsa scheduled.
don't think one will be in the near future. chiles has been convinced to
hold his fire until such time that it is needed on the hill (and now does
not seem to be the time, since he's getting what he wants in committee) .

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert W. Schroeder (CN=Robert W. Schroeder/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:11-JUN-1997 10:53:36.00

SUBJECT: Re: foia

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

READ:UNKNOWN

TEXT:

Thanks. I forgot to mention it this morning. And thanks for the ride,
too.

DRAFT STATEMENT ON PRIVATIZATION FOR SAP

6/11/97 5:30 pm

The Administration understands that amendments may be offered which would allow food stamp operations to be privatized. While certain program functions, such as computer systems, can currently be contracted out to private entities, the certification of eligibility for benefits and related operations (such as obtaining and verifying information about income and other eligibility factors) remain public functions. The Administration is concerned that changes to current law would not be in the best interest of program beneficiaries, would strongly oppose such amendments.

*Automated Records Management System
Hex-Dump Conversion*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1997 09:32:05.00

SUBJECT:

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

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

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

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

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

TEXT:

The President is going to sign the Directive this morning in the Oval during the 11:00 event briefing and the photo will be released to the press office soon after.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:11-JUN-1997 00:05:32.00

SUBJECT: directive

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

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

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

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

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

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

CC: Christa Robinson (CN=Christa Robinson/OU=OPD/O=EOP @ EOP [OPD])
READ:UNKNOWN

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

TEXT:

This is the last directive I gave to Phil Caplan tonight. It contains changes to address Justice OLC's concerns. I faxed it to Justice and Treasury. I have every reason to believe this is the last version.

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

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

TEXT:

Unable to convert ARMS_EXT: [ATTACH.D53]MAIL44060016P.116 to ASCII,
The following is a HEX DUMP:

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MEMORANDUM FOR THE SECRETARY OF THE TREASURY

SUBJECT: Enforcing the Youth Handgun Safety Act

A major problem in our nation today is the terrifying ease with which our young people gain illegal or unintended access to guns. Firearms are now responsible for 12 percent of fatalities among all American children and teenagers. Criminal use of firearms by young people is a national tragedy. Between 1984 and 1994, the number of juvenile offenders committing homicides by firearms nearly quadrupled. Moreover, firearms are the fourth leading cause of accidental deaths among children ages 5-14 and are now the primary method by which young people commit suicide. A recent study supported by the Department of Justice found that slightly more than half of all privately owned firearms were stored unlocked and approximately one-third of all handguns were stored both loaded and unlocked. We must do all we can to prevent both illegal and unintended access to guns by juveniles.

To address this issue, my Administration has consistently called for toughening our laws to help reduce youth gun violence. Specifically, we have fought for and gained passage of: (1) the Brady Act, to allow local law enforcement to conduct background checks before handguns are sold; (2) the Assault Weapons Ban, to keep deadly assault weapons off the streets; (3) the Gun-Free Schools Act, to establish a policy of "zero tolerance" for guns in our schools; and (4) the Youth Handgun Safety Act, to prohibit, in most circumstances, the transfer to or possession of a handgun by a juvenile.

More recently, we proposed comprehensive juvenile crime legislation that, among other things, would continue to crack down on youth gun violence by increasing penalties for transferring a firearm to juveniles, prohibiting violent juveniles from owning firearms as adults, and requiring federal firearms licensees (FFLs) to provide a child safety lock with every gun sold. I hope Congress will enact these important measures as soon as possible.

Until Congress acts, however, there is more we can do to keep guns out of the hands of our nation's youth. Existing law already bans the transfer of handguns to minors and juvenile possession of handguns, except in specified circumstances, and grants the Treasury Department authority to prescribe rules and regulations to implement this provision. I direct you to take the authorized steps necessary to enforce the provisions of the Youth Handgun Safety Act -- and specifically, consistent with your statutory authority, to promptly publish in the Federal Register proposed regulations requiring that signs be posted on the premises of FFLs and that written notification be issued with each handgun sold to non-licensees warning that:

- (1) federal law prohibits, except in certain limited circumstances, anyone under the age of 18 from knowingly possessing a handgun, or any adult from transferring a handgun to such a minor;
- (2) violation of the prohibition of transferring a handgun to a minor is, under certain

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circumstances, punishable for up to 10 years in prison;

- (3) handguns are a leading contributor to juvenile violence and fatalities; and
- (4) safely storing and locking handguns away from children can help ensure compliance with federal law.

I also direct you to provide me with a written status report within 60 days on how you will carry out this directive.

Your implementation of this directive will help inform gun purchasers about their responsibility under federal law to keep handguns from our children. It will also ensure that gun purchasers are warned about the frequency with which handguns kill or injure our kids.

WJC

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Todd Stern (CN=Todd Stern/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME:12-JUN-1997 18:04:39.00

SUBJECT: 1997-06-12 Briefing by Sylvia Mathews and Maria Echaveste

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

READ:UNKNOWN

TEXT:

Glad to see that the you're the one who's supposed to deliver the goods.
tds

----- Forwarded by Todd Stern/WHO/EOP on 06/12/97 06:04 PM

SUNTUM M @ A1
06/12/97 03:46:00 PM

Record Type: Record

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

cc:

Subject: 1997-06-12 Briefing by Sylvia Mathews and Maria Echaveste

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 12, 1997

PRESS BRIEFING
SYLVIA MATHEWS, DEPUTY CHIEF OF STAFF,
AND
MARIA ECHAVESTE, DIRECTOR OF THE OFFICE OF PUBLIC LIAISON

The Briefing Room

1:15 P.M. EDT

MR. LOCKHART: Good afternoon, everyone. Before Mike comes out, we wanted to spend a few minutes to talk about the President's initiative on race, which he will give a speech in San Diego on Saturday, as you well know.

I'm going to invite a couple of people who've worked very hard -- long and hard -- and have done excellent work on this process. Deputy Chief of Staff Sylvia Mathews has led the process working with Maria Echaveste, the Director the Office of Public Liaison. Sylvia will walk you through who's on the board and how we

went about setting up the board, the goals of the initiative, and also some of the elements of the initiative.

So with that -- but one other note --

Q Will there be paper on it?

MR. LOCKHART: Yes, the paper is being xeroxed right now. It will be, when we're done, available in the bins.

On one logistical note, as we've told you, the advisory board will be here tomorrow. And Beverly Barnes, whom most of you know, who works with the Chief of Staff Erskine Bowles, will be handling the inquiries for the board, because I know a lot of you will be interested in talking to them. So, if you want to get in touch with the board members over the next few days, work through Beverly.

Q Got a meeting here tomorrow with them?

MR. LOCKHART: They are traveling out to San Diego with the President, and this is a get-together tomorrow.

Q What time will that be?

MR. LOCKHART: It's late in the afternoon, I think 4:30 p.m.

Q You're all going on Air Force One?

Q We can't be on the charter and be --

Q Will there be a readout here or will there be photo ops -- what's the logistics of the meeting?
□,

MR. LOCKHART: I believe we'll do a pool spray at the top of the meeting and do something here. And then I'll be on the plane going out to San Diego.

□,

Q But what about those of us -- somebody else is going on the plane but somebody is writing the story here because it's awfully late by the time you get there. Can there be a readout --

MR. LOCKHART: Yes, we'll try to do some sort of readout here.

Q For those of us who want to cover the news and then also be on the charter, is it possible to delay the charter?

MR. LOCKHART: Well, let me go and look at that, Wolf. I'll see.

Q Why does the charter have to leave so early?

MR. LOCKHART: Well, let me -- I'll go back and look at

it, okay? I will. Okay?

With that, Sylvia.

MS. MATHEWS: Thank you. The first thing I wanted to spend just a minute on are the goals and methods of the President's initiative and review that, and then talk about the elements of the initiative and then share with you the members of the President's Advisory Board.

Q Why don't we have the members first?

MS. MATHEWS: I'm happy to do it that way if you all would prefer.

The President's Advisory Board, which is -- it has a seven-person membership -- is going to be structured to advise him over the period of the -- a year-long period for the initiative. And the Chairman of the Board will be John Hope Franklin of Durham, North Carolina, who I'm sure many of you are familiar with, a retired historian and educator.

William F. Winter of Jackson, Mississippi. Governor Winter is a former Governor of Mississippi and has served in a number of capacities both inside and out of government and is in a law practice right now.

Linda Chavez-Thompson of Washington, D.C. I think many of you know her. She is the Executive Vice President with the AFL-CIO.

Robert Thomas of Coto DeCaza, California. Mr. Thomas is the President and CEO of Nissan USA.

Angela Oh, of California. Ms. Oh is a practicing lawyer in L.A. right now. She is also a person who was very involved in the L.A. riots, in part of the reconciliation efforts that occurred there -- the multiracial issues that were occurring there between African Americans, as well as the Asian and Hispanic communities, and she's been involved in that effort in her home city.

And, finally, Suzan Johnson Cook. And some of you may have met Suzan when she was a White House Fellow. Suzan is an African American female minister in New York City. Right now, she's senior pastor of what's called The Bronx Christian Fellowship in the Bronx. She was also the first female chaplain of the New York City Police Department.

The other name that I'll go ahead and announce now -- and you'll understand how it fits in the structure as I go on -- oh, I'm sorry, I skipped over Tom Kean, who I think you all are familiar with -- the former Governor.

Q Tom who?

MS. MATHEWS: Kean. And it's spelled K-e-a-n.

The other name that I will go ahead and announce now is Christopher Edley. Chris Edley is not a member of the advisory board, but what Chris is going to do is he's going to be a senior

advisor to the initiative, and he will help us with our policy development. He'll be a consultant and will come down periodically and work with our Domestic Policy Council, Elena Kagan and Jose Cerda, to organize and develop policies over the period of the year.

So those are the names, and why don't I now go to --

Q Wait a second, what's Taylor Branch's role going to be? Is he going to sort of work with the President to write his report?

MS. MATHEWS: If it's all right, can I get through the initiative and then return to the question, or -- I think that might be helpful if we could get -- we'll do it that way, then. Good.

First, under the goals: Goal number one is to articulate the President's vision of racial reconciliation, and we think that's an important thing because it is his vision of how we want to take the country into the next century and talk about what he believes and why that's right, and that will be the focus of the speech. Part of why we're doing this briefing now is so that he has that ability in the speech on Saturday.

Goal number two is to help educate the nation, both about the facts surrounding the issue of race and the history. At this point, we have a generation -- the education has two focuses to it: the past and the future. We have a situation now where many people don't know the history of the civil rights movement, or a lot of the nation's history with regards to race relations, whether it's black, white, Hispanic or Native American. Additionally, the education part is about talking about what the future is going to look like.

If you looked at the Gallup study, I think you all probably saw some very interesting statistics. While that was black-white only and the initiative is broader than that, you saw the number of people, whites, and what they thought the racial mix was. There are some misperceptions in education there on what our racial balance is now, but also I'm not sure how many people in the United States realize that in the year 2050, we'll be at about 53 percent white and then 47 percent other minorities.

The third goal is to promote a constructive dialogue. I think that's something you all have talked and heard a lot about leading up to this effort. And one thing I would add there, it's a constructive dialogue on the difficult issues. In order to have a dialogue, we need to have a dialogue on some of the positive things, like the Tuskegee apology, but we also need to talk about some of the tough issues like the kind of issues you all face every day, whether it's in your news organizations and hiring or in your communities.

The fourth goal is to recruit and encourage leadership. In order to give the effort breadth and depth, part of what we will do is try and work to get others involved, whether it's in business or in state and local government in the states throughout the nation.

And finally, the fifth goal is to find, develop, and implement solutions in critical areas, such as education, economic opportunity, housing, health care, crime and the administration of justice. And these solutions that we're looking for are for

individuals, communities, for corporations, and for state and local governments.

On the methods, just a couple of points. One is Presidential leadership. This contrasts with past issues because of the close involvement of the President. That's why he chose to do an advisory board instead of what has been viewed as a traditional commission.

Then let me just say, it has three elements really, if you think about it: dialogue, study, and action. And I can spend time, but I will wait for questions to do that.

The elements of the initiative: one, the advisory board, which we just talked about. Those people will help scope and focus the study and dialogue work that we do over the year. They will also help us with policy ideas, with outreach to the community, with working with experts, and talking to the American people.

Two, the President is going to do significant events throughout the year. I think as it has already been reported, some of those will be town halls; others of those will be events like Tuskegee, and today we're announcing that we will be going to Little Rock for the Central High anniversary.

Q When is that?

MS. MATHEWS: September -- I don't know the exact date that we're going, but we can get that for you.

The third element is the outreach and consultation of leadership, which our advisory board will help us with and our staff that we'll set up will.

And the fourth thing is the President's report to the American people. Instead of having a report from a commission, the President will be doing his own report to the American people.

Finally, something that won't be in your paper but is an important element, is that we will be selecting an executive director and a staff. The staff will be about 15 to 20 people and will be a combination of detailees, agency reps, and a few hires. That will be funded -- we're working with -- Justice is working with its appropriators right now to try and do a reprogramming of funds to do that -- to pay for that.

I think with that, I should stop and we should take questions, unless you have anything to add, Maria.

MS. ECHAVESTE: I just wanted to add that in formulating this initiative, we did engage in a process of outreach that was both wide, but also close in. Senior staff, as well as the President, talked in depth with between 25 to 35 individuals in the course of the last two and a half months. But we also spoke to over 100 people before we finalized the initiative -- getting their reaction and their thoughts about what road he should take. We have ongoing a process of contacting over 300 people around the country -- opinion leaders, constituencies, organizations, others who we hope will be part of this initiative in the course of the next year.

I think the best thing to say is that the reaction from a number of different people -- and frankly the majority -- was positive in having the President take on this initiative, but also urging the President to take on the hard issues. And that is why the initiative has taken the form that it has.

So I'll stop there.

□,

Q What is the ultimate goal? Is it integration? A total reconciliation? And what are you really striving for in English?

MS. MATHEWS: Our hope is that in a year's time that we will have ways that both policies and people can help the nation respect each other's differences, but at the same time, grow together as one. And that's it in a simple sentence, but let me just elaborate a little bit. And that's the idea that we're going to continue to become more and more racially diverse, and as we do, we need to learn that we have to start with the respect of each other's differences before we can focus on those things that are our shared values, our shared concerns, our shared problems and do it as one nation.

Q There's already been some criticism of the fact that the solutions come at the back end. There are people out there already saying what the President needs to do is talk about solutions to these problems on the street -- crime, justice, so forth -- now. And they want money as well.

MS. MATHEWS: I think two separate parts there. One is that we are going to start talking about those issues now, and as far as policy actions that will come over the time. The three different parts -- study, dialogue, and action -- are iterative, and they will feed into each other over the period of the year.

On the separate question of money -- did you want to --

MS. ECHAVESTE: I just wanted to add that this is a different time than it was, say, 25 or 30 years ago. There was a consensus, if you will, that there were legal barriers, things that the government needed to do. I would argue that at the moment, there is not a consensus that in fact racism still exists. There are many places around the country that believe that, in fact, we've solved all our problems. So before you start advocating particular solutions, there needs to be a process of shared views that, in fact, problems exist and how to address them.

Q Can you describe those problems? What is the problem that the President hopes to address with this? Is it racial prejudice and bigotry that he thinks is out of control or something of that nature?

MS. MATHEWS: I think that there are a number of different problems, and that's a part of what the initiative will show over time. We see problems in perception, and then you see there are really two categories: problems in perception and problems in reality. In the perception front, what's actually stereotypes and what's reality, and we saw, I think, a perception gap in the Gallup poll and we see that in a number of different places.

On the question of what's really wrong, the reality of how much racism does exist and how do we work to correct for that.

Q The Kerner Commission addressed all this 25 years ago or so, and a lot of people would say things have gotten a lot worse since then. How is this going to succeed where the Kerner Commission failed and the Lyndon Johnson initiative failed?

MS. ECHAVESTE: Well, I think for starters, the Kerner Commission, number one, focused only on African American and white relations. Notwithstanding that in different parts of the country we already had a multiethnic, multiracial community.

Number two, the Kerner Commission came as a result of a particular time in terms of violence and riots and that type of crisis. This is a different time.

□,

And, number three, there are issues in terms of really asking -- there are some issues that relate to economics, and there will be those critics on the left who say money is what's needed, investment in the inner-cities, but there are others that would argue that, notwithstanding the strides that have been made in terms of increasing opportunities for different minorities, that there continues to be racism even, for example, a company like Texaco, where the issue wasn't getting a job, it was actually the interactions among people and what kind of atmosphere people worked under.

So those are issues that aren't necessarily solved by money, but nonetheless have to be attacked.

Q Where is the staff going to come from? Which kind of staff are you looking for? You're reprogramming people, but from what functions?

MS. MATHEWS: From all our departments. They'll come from the Cabinet departments is where they will come from. When we talked about some of the substantive issue areas, like housing, the administration of justice, health care, Secretary Shalala in our Cabinet briefing yesterday expressed her interest in ensuring --

Q So many Cabinet -- it will be sort of a subset of the Cabinet?

MS. MATHEWS: We'll have people from all -- we have to have people from a number of the departments representing those different areas to help guide the policy development as well as the dialogue and the study.

Q I don't want to be excessively negative about this, because I understand that that's unpleasant and you're trying to do something good here and so forth, but I guess the interesting thing for a lot of us is that you keep -- the folks who talk about this keep saying, well, there was a consensus 25 years ago, there's no consensus today, and that's why we have to have this big sort of discussion to figure out what to do.

I think people who cover these issues would dispute that there was any consensus about that. Why was there a year-long battle over the Civil Rights Act in 1964? So I guess some people who have been analyzing this initiative wonder whether this idea that it's so unclear what to do, we don't know what the problems are, we have to figure it out before we can act, is kind of a way to avoid doing something; it's just a way to talk about these issues without really having to decide something and actually do something, those things that are within the President's power to do, like, for example, make certain appointments, integrate the White House staff a little bit more thoroughly than it is -- things of that sort. Do you know what I'm talking about, and could you speak to that?

MS. MATHEWS: I would be interested in the consensus point. If you want to articulate what you believe the consensus is -- that there is a race problem, that there isn't or that --

Q The idea that 25 years ago it was so clear what direction the country needed to move in cannot be the case if there were just the profound legislative battles we had over every major civil rights initiative that's ever been passed in this country -- there were tremendous pitched battles. There were fist fights on the floor, off the floor, screaming fights. So clearly there was no consensus 25 years ago, and yet legislation was passed, moved forward and so forth -- and with the President's leadership.

See, my point is -- so it isn't just that everybody jumped up and said, we need to pass the Civil Rights Act. They didn't do that.

MS. MATHEWS: I think though that we believe that we are showing leadership. The truth is that -- I think that while this is an issue that often is sailing against the political headwinds in a number of ways -- by going to California and choosing that as the place in which we make our speech, I think we're making a statement.

Already, we've seen ads that are cut. I think the President is showing leadership on the issue and we're starting to see reaction. We're going to have critics from the left and critics from the right. They're going to be passionate and they're going to be vocal. That's why this is a tough issue and an important issue.

As far as the action, part of the thing that we believe is an important thing to do -- there are the policy elements, and we have already started work. The Domestic Policy Council, under Elena Kagan and Jose Cerda, working with our council's office have started the interagency process with the Justice Department and Education on specifically looking at the ramifications of Hopwood and Prop 209. We are on our way on those things.

The other things in terms of action -- the issue of dialogue -- when we've discussed things with a number of people outside, the importance of having people talk about it and having the President show the leadership -- to have the American people talk about the tough issues that we all aren't willing to talk about on a day-to-day basis.

Q Sylvia, how did you figure out that this would be a year-long process? It seems like an awful long time for issues that are on the front burner for a lot of people right now. Why will it

take so long?

MS. MATHEWS: As I said, it will be an iterative process. And it's our expectation that policies will be announced along the way, and we will do that along the way.

As far as deciding on a year, we wanted to get the President's report out within a year.

Q Sylvia, let me just again ask you about this. If you find, as the President talks, that he doesn't build any consensus, will you then not put out policy? I mean, is this idea that he has to build the support for it first and if that isn't there, you won't build?

MS. MATHEWS: No. We will put out the policies that we believe are best.

Q And secondly, if I could, people who met with the President the other night said that he talked about looking at polling data that showed what American whites are ready for discussing. How much has this been polled by the White House or by DNC pollsters for the White House?

MS. MATHEWS: That's a question I'll have to defer.

Q Well, why? I mean, you don't know?

MS. MATHEWS: In terms of how much -- I think understanding some of the issues that -- in terms of, do people think it is a problem and that sort of thing.

Q No, did you poll?

Q Did you do polling?

□,

Q Or did Penn & Schoen or Greenberg do polling?

Q Anyone?

MS. MATHEWS: The issue in question of, do people consider this a problem.

Q No, the question is polling.

Q Just did you do --

MS. MATHEWS: Yes, yes, I'm answering the question with the issue that we examined.

Q Did they consider -- can you say how extensively and how many weeks you were polling on this?

MS. MATHEWS: Not extensively.

Q Not extensively?

MR. LOCKHART: I mean, I don't have any more exact

numbers, but in addition to our own -- I mean, we -- Sylvia and a group were --

Q Joe, by, "our own" who do you mean? Do you mean Penn & Schoen?

MR. LOCKHART: Oh, I'll get that answer for you. I mean, I don't know. But I know there was some look at sort of levels of perception on the issue. But also, there is a lot of information out there. Gallup is a very comprehensive, and we've looked at that. They came in and talked to us about that.

MS. MATHEWS: They came in and talked to us privately. There's a number of --

Q Did you fund it like the usual polling or was that from some other source?

MR. LOCKHART: I'll find out.

Q Sylvia, why did it take seven months for the President to nominate an Assistant Attorney General for Civil Rights?

MS. MATHEWS: I think in selecting a person of the quality that we believe that we have -- that we went through and examined a number of different candidates around the country to ensure that we got the best candidate.

Additionally, I think you all know that the vetting process on our candidates is an important one that we like to do before we announce the candidates. And that took a while to do. Many people in this area -- when you look at this area, it's an area where people have a lot of writings. And in order for you to do that, you need to look and examine and understand what they've written and what they've said and what they think.

Q So, basically, what you're saying is you didn't want another Lani Guinier example?

MS. MATHEWS: I think what I'm saying is, we wanted to make sure that we had a candidate that we felt was the best candidate for the job and that we believed was a person who would represent our views.

Q Sylvia, can you flesh out some more on the task force? I mean, are they going to meet regularly or are they going to all move here and work full-time? Give me some examples of what they will actually do in a real-life basis.

MS. MATHEWS: Some examples of the types of things that the task force will do -- they will, on a regular basis, communicate as a group with the executive director in helping scope the project in terms of work plans and the type of issues we need to focus on. That's one type of activity they'll do.

Another one is, they'll be participants in the President's activities abroad as he -- out in the country -- as he's doing outreach and doing things like town halls.

Q It's not a paid position that they're doing, of

course?

MS. MATHEWS: No. It is neither a paid position nor a full-time position.

Q Is it right to think of them as like a board for the executive director and the staff?

MS. MATHEWS: They are the advisory board to the President, yes. That is correct. And that's why we've called them a board.

Q Okay, but now does it -- I mean earlier it was task force -- they're like the board of directors would be for a college president or something like that. Is that a fair way of thinking about this?

MS. MATHEWS: Not being familiar with all that college presidents do, but, yes, that's a general --

Q They're going to be there giving advice and so forth. They're not actually doing study, research --

MS. MATHEWS: They will not be doing their research. That's the purpose of the staff.

Q You said you were making a statement by going to California. What statement are you making?

MS. MATHEWS: We believe that going to California -- Maria, do you want to do this one?

MS. ECHAVESTE: Yes. Going to California, as everyone knows, is a place where -- sets trends. It is the state that has a very diverse population, it is the home of Proposition 187, Proposition 209, the UC Regents. It is -- going to San Diego, generally thought of as white conservative; nonetheless, this campus happens to be among the most diverse of the UC. It's saying that we believe in taking this issue and having a dialogue about it and finding ways to confront the problems facing us.

Q Right. But the question -- when you made the statement about making a statement by going to California, it was in the context of --

MS. MATHEWS: We believe it's bold to go to California to a UC system when Prop 209 is an issue that is so relevant there.

Q So the statement is --

MS. MATHEWS: The statement is, we want to be clear that the President is -- he's expressed his view on this issue and we're going to continue to express our view on that issue and what he believes.

Q So the statement is we're opposed to Prop 209.

MS. MATHEWS: And we --

Q That's not bold -- I mean, you've said that.

MR. LOCKHART: It's broader than that. It's that this year-long initiative is not going to shy away from the controversial issues -- now, it's not going to deal with only broad, academic issues that aren't relevant to the political dialogue that's going on now. And by going to California, we're going into the place where you have one of the most active discussions going on within California, within the university system, and we're going in there and we're going to lay out what we plan to talk about for the next year.

We thought it was about the most relevant place you could go to give this, and I think there is a statement there.

MS. MATHEWS: And the future-oriented focus. The only other thing I would add is the future-oriented focus of the initiative, that the demographic changes that are occurring in the nation -- California is a place that is on the front edge of that.

Q Will he speak directly to the question of affirmative action when he speaks on Saturday in California? I mean, you've said that that's one reason he's going there. Is he actually going to talk about it?

MS. MATHEWS: It will be in the speech.

Q Can I follow? Maria, you've just mentioned the campus having a good record. As I know you know, in the last two days there's been quite a lot of racial turmoil on that campus because the Provost of Thurgood Marshall College has quit because they rejected his plan to reach out to disadvantaged blacks and Hispanics. Does that embarrass you? Does that give you pause about picking that campus?

MS. ECHAVESTE: It highlights that, in fact, the answers to what do you do in light of a UC Regents or Proposition 209 or the Hopwood case, the one response that had been considered had been, have universities make partnerships with local high schools in order to educate and prepare them for the university system, shows that UC San Diego's decision not to accept the charter high school, that those answers are not easy, but they definitely need to be considered. We don't -- shy about going there.

Q Sylvia, given the President's problems with Lani Guinier, the affirmative action review, the fact that his closest friends, like Marian Wright Edelman practically walked out on him when he did welfare reform, what makes you think that the President can succeed at this race initiative? What makes him believe that he can actually do something?

MS. MATHEWS: First, I would like to kind of go back to a little bit of the premise. On affirmative action, I think this President's stand on affirmative action, to stand up and say that he believes that amend it, not end it for affirmative action is very important. I believe that our proposed rulemaking right now on procurement that is out for comment right now will be a very important part, preserving and narrowing -- tailoring, as we've been advised by the courts to do.

So on that front -- in terms of the others that are

around him and have been around him, if you look at our Cabinet and the people from Rodney Slater to Alexis Herman to Federico Pena that have been here -- and there are a number of others that we have -- within the administration we have a large group, both in the Cabinet and here in the White House -- I think that we think that the President can succeed, I think, because he is dedicating himself to it personally.

And the other thing I would say is that there isn't a silver bullet, this isn't an easy problem. We recognize it and we recognize the difficulties that we're going to face in trying to do it. But we also believe that it is the time -- at a time when the nation is in reasonable -- is economically healthy and a time when we're on the verge of some big changes as far as our demographics, that we need to do this, and that's why we're doing it now.

Q Could you talk a little bit about the process of boiling down the list of possibilities for this panel -- what were the criteria and who were some of the people who signed off on these people, other than the President?

MS. MATHEWS: The process started with a very long list of I'd say probably about 250 names. And what we attempted to do was find people from different walks of life who could contribute both their ideas and the people that they communicate and have contact with. We wanted -- John Hope Franklin, as you all know, is 82, but Suzan Cook is very young.

We wanted to get a mix because part of the initiative will focus on youth. We wanted to get people from different backgrounds. Suzan comes from a religious background. Thomas comes from a business background. We tried to get a mix of people in terms of views and perspectives. Governor Winter is a Southern governor; Governor Kean is from the North. And what we tried to do was get a balance of people that represented a number of different things so we could have a good mix of advice going in to the President.

Q Who did you run these names by? I mean, were they among the people who met with the President the other night? Did you run the names by them, or who exactly has signed off?

MS. MATHEWS: Some of those people we consulted early on with our names.

Q So did you consider people who were just simply opposed to affirmative action or government preference policies, or does the President want people who already basically support his premises?

MS. MATHEWS: Those names were considered, but what we tried to do was put together a group that we feel could advise us on the policies and issues that we want to pursue.

Q Basically agree with the President?

Q Why bother having that board if you've already decided -- that you want these people to support what you already believe.

MS. MATHEWS: I think that what we're talking about when

we talk about affirmative action is a pretty fundamental core, one of the policy areas that we'll be looking at. So in that area -- and actually, I think the truth is, we didn't ask that question when we asked the members to serve. Do you --

Q Why not?

Q They knew their record.

□,

MS. MATHEWS: I'm answering the question of, did we have people -- is the question, do we have people on the board who support --

Q -- like a full debate. I mean, did you take -- there's plenty of prominent people who made it clear they're opposed to affirmative action. I mean, did you seek out those kinds of people, or was it clear that you want essentially people who basically agree with the President's approach to advise on more narrow questions rather than the whole spectrum?

MS. MATHEWS: On the issue of Prop 209 and affirmative action specifically, there were names on the list that are opposed to our position that we originally put together. However, on that particular issue, we did not directly ask people -- do you support that, do you not support that.

Q But you ruled out the people you knew who were opposed. Is that correct?

MS. ECHAVESTE: This commission is more --

MS. MATHEWS: It wasn't based on --

MS. ECHAVESTE: -- it's not a commission, it's an advisory board. You're thinking of a commission --

Q But you ruled out the people you knew were opposed. Isn't that correct?

MS. MATHEWS: They're going to be part of the dialogue.

Q But they won't be on the advisory board.

MS. MATHEWS: At this point, all the people -- the people that are mainly vocal against affirmative action are not a part of the advisory board.

Q Did you consult with any people like that in the process? Can you identify any people that were consulted with?

MS. ECHAVESTE: I just don't have my list of names, but we did talk to people who thought -- who had different views about how to deal with racism in this country that -- where the answer isn't in affirmative action, but economic opportunity, as a way of dealing with those issues. We did talk to people like that.

Q Sylvia, you are talking about healing racial divide. What American are you specifically hoping to target or to

bring into the fold with this whole initiative?

MS. MATHEWS: I think that it is our hope that the initiative will reach everyone. When we say "race," we are referring to whites, Hispanics, blacks, Asian Americans, and Native Americans. We believe it's very important for whites in the country to be a part of the initiative.

Q Are you looking more so to get more white people to understand there is a problem, especially since you said earlier that the majority here in America is white?

MS. MATHEWS: We're looking for both. We're looking for both people of color as well as whites to look and examine the issue and see. That's part of why in the study section we talked about stereotypes versus reality, to understand which groups have --we're going to look at which pieces are right and which are reality.

Q Is there concern that the California affirmative action will spread through the country -- it's contagious?

MS. ECHAVESTE: I wouldn't use the word "contagious"; the fact is that a lot of people all over the country are saying that affirmative action is not needed, that in fact, racism and discrimination is no longer a problem.

Q I mean, in the states and so forth, infecting the college preferences?

MS. ECHAVESTE: Absolutely.

Q Can I try a question that I asked in a briefing again? Is the President prepared to deal with the possibility that this full discussion, as often occurs in, say, employment, in workplaces, that this could exacerbate racial problems at least in the short term, and what would he be willing to do about them?

MS. MATHEWS: I think that as we discussed before, that the President is ready for a difficult discussion. I think as was reported today and has been reported before, that sometimes people's efforts on this front do create strains and stresses, and I think we're ready for taking that on. I think we've already seen the advertising that's occurred both in Washington and San Diego, which are signs. We are, as I have said, going to have critics from the left and the right. And that's because it is a very important issue that many people feel very passionately about. And we're already hearing that, and I think we're ready to take that.

Q You said you talked to some people who disagree with the administration position. Was Ward Connerly one of them? And what is your reaction to the fact that he -- while he's running these radio ads against the President -- will be there at the commencement address Saturday?

MS. ECHAVESTE: He's a UC Regent.

Q Is he somebody you talked to?

MS. ECHAVESTE: No.

Q What do you say to a lot of these civil rights leaders who are very upset that they are not on this advisory board, like Jesse Jackson, Kweisi Mfume, and people of that nature?

MS. ECHAVESTE: Part of the reaction we got when we were doing our outreach was the fact that a lot of people said, don't try to do a committee, don't try to do a group. You'll never figure out who should be on it. The fact is, the President cannot take on this issue alone and -- he is a full-time a President. And when a small advisory group that can help guide and help us identify the key issues -- what we should focus on when we're traveling around the country, what is the way to go -- and that was the decision that was made.

MS. MATHEWS: And we'll be consulting with those people. I think you all know Reverend Jackson was in last week and Kweisi Mfume was in as well this week. So the effort is not limited to the advisory board.

Q Sylvia, does the President still --

Q -- the main concern is the fact that they deal with civil rights and issues like this on a daily basis --

MS. ECHAVESTE: And they have the expertise. And we will be working with them. Think of it as -- the way we think of it is it's a year-long process in which, at different points in time, different groups of people will be convened, a conversation had, at which, certainly in the process here in the White House that we had -- there was, in fact, different views around that table that was very enlightening and eye opening.

Q Sylvia, does the President believe that the fundamental conclusion of the Kerner Commission is still accurate today; that there are two societies in this country -- one black, one white, separate and unequal?

MS. MATHEWS: I think that he would say that we have made some progress, but that there is still a long way to go. And I think the other thing that he would say is, it's not a black and white; it's a black, white, Asian American; that it's a different -- in that sense, it's also different from Kerner; that it's not just two -- it's 100. And that that's a part of why the initiative is so important at this time.

Q Was the Justice Department civil rights jobs, did that -- did you make a concerted effort to get that filled prior to the announcement this weekend? Does that explain the timing of that?

MS. MATHEWS: We've be working on that for a while. We were pleased that we were able to announce it before we go to California.

Q Can you elaborate on just what the President's role is envisioned to be? You talk quite a bit about the board here. Is he going to be -- does he see himself as a mediator, a conciliator, a moderator? What exactly is his ultimate role in this process?

MS. MATHEWS: I think the President will have a number of different roles. We will depend on his intellectual leadership as

we go through our processes with the executive staff as well as the White House staff. He will be the person that will be on the line in terms of his events -- leading dialogue in different settings, such as town halls. He also will be the President speaking to these issues in terms of like how he will do in the speech in California, which are three different ways that the President will be involved and engaged in the process.

Q Sylvia, do you all have a sense yet of what kind of venues you're going to do the town halls in, and when the first one will be?

MS. MATHEWS: No, we've had a number of requests that I think once we get -- we want to consult with the advisory board as well as the executive director. We've had a number of requests from everyone from communities to news organizations.

Q When do you anticipate -- how long a time before you do the first town hall?

MS. MATHEWS: I think that will be dependent on the President's schedule.

Q Is there some core set of beliefs that the President has at this point that he will just want to do that he thinks is right and that maybe he wants his advisory board to help him find a way to implement it -- but coming into this? And if so, can you tell us, what the core is of the beliefs he has, and in terms of -- I mean, very specifically, something that should be a piece of □,

legislation, something that could be remedied by one way or the other? Where is his ferment here going into this?

MS. MATHEWS: I think sort of two different answers to that question -- the speech. (Laughter.) We'll let Mr. McCurry -- that will come out in the speech. All right.

Thank you.

MR. LOCKHART: The Little Rock Central High visit in September 25th.

THE PRESS: Thank you.

END

1:54 P.M. EDT

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