

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 062 - FOLDER -003**

**[06/17/1997 - 06/18/1997]**

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 19:07:28.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Make sure you get DOJ sign off on tobacco punitive piece, page Bruce if you need him

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Melissa Y. Cook ( CN=Melissa Y. Cook/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:17-JUN-1997 11:49:09.00

SUBJECT: LRM #MYC110 -- OPM Report on Federal Employee Family Friendly Leave Act

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

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

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

CC: Raymond P. Kogut ( CN=Raymond P. Kogut/OU=OMB/O=EOP @ EOP [ OMB ] )  
READ:UNKNOWN

TEXT:

You should have already received (or you will shortly receive) OPM's report to Congress on the Federal Employee Family Friendly Leave Act. I want to draw to your attention two things about this LRM. First, the report discusses in a few places the definition of "family member" (especially pages 4 and 13), and I want to make sure the discussions are acceptable to you. Second, the report mentions in a number of places Executive Orders that have been issued, and I want to make sure that they were factually correct.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: James A. Brown ( CN=James A. Brown/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:17-JUN-1997 14:17:28.00

SUBJECT: "Tort" Paragraph in Amtrak letter.

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

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

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

TEXT:

Jim Jukes thought that you might be interested in a paragraph touching on "Tort Reform" in draft Transportation letter we are circulating on Senator Hutchison's Amtrak reform bill (due to be marked up on Thursday). I have faxed you a copy with the the passage marked (it is on the second page). Please let us know if DOT's proposed language is acceptable. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 17:33:11.00

SUBJECT: Focus Group #1

TO: Cynthia A. Rice ( CN=Cynthia A. Rice/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: 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

TEXT:

Wednesday, June 18 4:00 pm rm 476 OEOB

Gordon Ambach, Council of Chief State School Officers  
Helen Blank, Children's Defense Fund  
Claudia Wayne, National Center for the Early Childhood Workforce  
Jeanne Brooks-Gunn, National Center for Children in Poverty, Columbia University  
Janet Wise, National Indian Child Care Association  
Sharon Lynn Kagan, Bush Center for Child Development in Social Policy, Yale University  
Ellen Clippinger, National School Age Care Alliance  
Townley Hritz, National Headstart Association

Joan Lombardi- HHS  
Moniquin Huggins- HHS  
Shannon Rudisill- HHS

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 17:06:24.00

SUBJECT: Meeting Details with ADAPT

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

READ:UNKNOWN

TEXT:

----- Forwarded by William H. White Jr./WHO/EOP on  
06/17/97 05:01 PM -----

William H. White Jr.

06/17/97 04:40:11 PM

Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Sarah A. Bianchi/OMB/EOP, Marjorie Tarmey/WHO/EOP, Deborah B.  
Mohile/WHO/EOP, Cheryl M. Carter/WHO/EOP  
Subject: Meeting Details with ADAPT

Final Details:

Internal Pre-Meeting this Friday at 12:30 PM in 211.  
Meeting with ADAPT on Wednesday (6/25) at 2:00 PM in 180.

Message Sent

To:

---

Maria Echaveste/WHO/EOP  
Christopher C. Jennings/OPD/EOP  
Diana Fortuna/OPD/EOP  
Jeanne Lambrew/OPD/EOP  
Nancy A. Min/OMB/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cheryl M. Carter ( CN=Cheryl M. Carter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-JUN-1997 11:19:00.00

SUBJECT: Distilled Spirits Council

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

READ:UNKNOWN

CC: Peter O'Keefe ( CN=Peter O'Keefe/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TEXT:

I just got an urgent message from Tim Dudgeon with Distilled Spirits regarding a letter that went to Reed Hundt from Attorney General Reno asking him to act. Dudgeon's call has a very urgent tone and he is concerned that the AG's letter to Hundt is the WH's answer to their letter to POTUS. We need to talk about this asap...please call me at 62682.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Marjorie Tarmey ( CN=Marjorie Tarmey/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-JUN-1997 08:29:20.00

SUBJECT: Women's Procurement

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

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

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

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

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

TEXT:

the mtg re Women's Procurement with Maria Echaveste is set for Friday at  
10:00

Friday, June 20 at 10:00 am in Maria Echaveste's office 2nd floor West Wing

Please confirm you attendance

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer M. Palmieri ( CN=Jennifer M. Palmieri/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-JUN-1997 16:39:51.00

SUBJECT: Segal's Welfare to Work Conference

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

READ:UNKNOWN

TEXT:

I spoke to our friends at Welfare to Work yesterday about their hopes/plans for an "on the road" welfare to work event in August. Eli would like to do a meeting tomorrow at 1:00 pm to talk about options.

Can you do a meeting at 1:00 pm tomorrow on this?

It's going to be in Ann Lewis' office.

Please let me know.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 20:39:02.00

SUBJECT: Reminder: this Friday I will be in California

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

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

TO: Elisabeth Stock ( CN=Elisabeth Stock/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Paul J. Weinstein Jr. ( CN=Paul J. Weinstein Jr./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:

I've accepted an invitation originally extended to Bruce to appear on a panel organized by the California Leadership Forum on "From Welfare Dependency to the Work Ethic" with two members of the California legislature and some think tank types.

I leave Thursday afternoon -- by then I'll give you info on how to reach me (I'll take a Skypager this time). Be back first thing Monday.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 16:27:14.00

SUBJECT: Meeting with ADAPT

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

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

TEXT:

----- Forwarded by Diana Fortuna/OPD/EOP on 06/17/97  
04:28 PM -----

William H. White Jr.  
06/17/97 03:09:39 PM  
Record Type: Record

To: Maria Echaveste/WHO/EOP  
cc: See the distribution list at the bottom of this message  
Subject: Meeting with ADAPT

Following up your lovely conversation with ADAPT this morning, we are organizing two meetings:

Internal Pre-Meeting will take place this Friday at 12:30 in room 211, with OPL, DPC, NEC, and HHS.

Meeting with ADAPT will take place on Wednesday afternoon, June 25.

(I will confirm room and time later today.)

Message Copied

To: \_\_\_\_\_  
Christopher C. Jennings/OPD/EOP  
Diana Fortuna/OPD/EOP  
Sarah A. Bianchi/OMB/EOP  
Marjorie Tarmey/WHO/EOP  
Deborah B. Mohile/WHO/EOP  
Jeanne Lambrew/OPD/EOP  
Cheryl M. Carter/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 11:40:45.00

SUBJECT: FYI - from "SALON" magazine on the internet

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

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

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

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

Jordan Tamagni ( CN=Jordan Tamagni/OU=WHO/O=EOP [ UNKNOWN ] )  
READ:UNKNOWN

TEXT:

How to be a great POTUS

Bulldog Washington reporter David Corn  
unearths the White House's latest thoughts on  
getting President Clinton into the history books.

To: Erskine Bowles, White House Chief of Staff  
From: Domestic Policy Council  
Re:The Great Things Project

in January, POTUS said: "Great presidents don't do great things. Great presidents get a lot of other people to do great things." As you know, we have adopted that as our working motto. (We still stand by our suggestion that the phrase "Getting you to do great things" be added to the presidential stationery.) The volunteerism conference in Philadelphia was a success -- despite the almost instant reappearance of graffiti on inner city walls -- but we believe we must push forward. Consequently, we have come up with several "great things" initiatives that we propose POTUS act on immediately.

Apart from the public approbation we feel sure POTUS will receive, the strategy minimizes any potential political downside: The initiatives cost the Treasury nothing. They require no legislation. They do not offend any political constituency. Nor do they threaten any special interests.

Build Your Own School It is estimated that \$500 billion is needed to repair the nation's schools. POTUS should call on schoolchildren across the

country to rebuild their own schools. After all, don't they still teach shop? Principals could even provide class credit for time spent repairing schools. (Suggested supplementary reading: "Self Reliance," by Henry Thoreau.)

Clothes Do Make the Man At the volunteer conference, we noticed that many corporations that support volunteerism provide employees with T-shirts that bear such slogans as "AT&T Cares." That gave us an idea. When corporations fire workers, they should provide them with a new suit of clothes. This will help those who are dismissed go on job interviews. Labor Department studies show that when someone wears new clothes, he or she has an enhanced sense of confidence. So, by providing downsized employees with a new suit, corporations can help them find a new job. Mandatory clothing retrofitting is unlikely to pass Congress. Instead, the president should use the bully pulpit to persuade corporate America to provide job-interview-friendly clothing to the downsized.

Pro Bono Life Saving While it may not have been apparent during the debates over health-care reform, many doctors are civic-minded. POTUS should call on them to offer one free medical treatment a week to an individual who could not afford it. A psychiatrist would provide a free hour of counseling to a suicidal patient. A kidney transplant specialist would perform one free operation -- on a child of course -- who has been waiting for a new organ. In a related move, POTUS should press drug companies to donate recently expired drugs to financially troubled hospitals and moderate-income citizens. According to FDA records, when most drugs expire, their potency is still above 95 percent. Our thinking: Isn't it better to give someone a drug working at 95 percent than nothing at all?

We Can All Get Along POTUS wants to "heal the breach." Part of the racial problem in this country (according to Vernon Jordan) is that white people and black people rarely socialize together. They do not know one another. To address this, POTUS should propose a tax credit for inter-racial socializing. If you go out for dinner, go to the movies or go bowling with someone of a different race, you can deduct 50 percent of the money spent on the activity. We see this as a social policy equivalent of High Occupancy Vehicle "diamond" lanes. OMB estimates the cost, assuming we exclude spectator sports like basketball, will be less than a \$1.5 billion over five years.

Sharing the Shelter Roughly 10 million Americans are on welfare. Another 10 million Americans have more than one home. The math is undeniable. POTUS should call on multiple-home owners to open up their vacation houses to the less well-off on a sort of time-share basis. This can be promoted as a

cultural exchange between income-variated Americans. (One proposed name: the "Movin' On Up" program.)

End Campaign Contribution Dependency As We Know It We think we have found a way to address the widespread impression that big companies have a "special relationship" with candidates based purely on dollars. POTUS should call for a voluntary system in which funders can only contribute if they also volunteer to do mundane campaign work. Give a \$1,000, and you have to stuff 1,000 envelopes. Or have your employees make 5,000 calls for a \$5,000 donation. (We are still developing an appropriate formula of activity-per-dollar.) Imagine, for example, Dwayne Andreas going door-to-door with campaign leaflets! That would lessen the gap between the "little people" who canvas neighborhoods at all hours of the day and night and the elite group that achieves influence only through money. (Suggested slogan: "Donating to democracy is a privilege. You have to work for it.")  
June 17, 1997

David Corn is Washington editor of the Nation and a frequent contributor to Salon.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 17:05:55.00

SUBJECT: Meeting with ADAPT

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

READ:UNKNOWN

TEXT:

FYI

----- Forwarded by William H. White Jr./WHO/EOP on  
06/17/97 05:00 PM -----

William H. White Jr.

06/17/97 03:09:39 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

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

Subject: Meeting with ADAPT

Following up your lovely conversation with ADAPT this morning, we are organizing two meetings:

Internal Pre-Meeting will take place this Friday at 12:30 in room 211, with OPL, DPC, NEC, and HHS.

Meeting with ADAPT will take place on Wednesday afternoon, June

25.

(I will confirm room and time later today.)

Message Copied

To:

Christopher C. Jennings/OPD/EOP

Diana Fortuna/OPD/EOP

Sarah A. Bianchi/OMB/EOP

Marjorie Tarmey/WHO/EOP

Deborah B. Mohile/WHO/EOP

Jeanne Lambrew/OPD/EOP

Cheryl M. Carter/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jennifer M. Palmieri ( CN=Jennifer M. Palmieri/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-JUN-1997 17:13:09.00

SUBJECT: Welfare To Work Event

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

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

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

TEXT:

Eli Segal just called me. He cannot meet tomorrow and instead gave me his ideas of what he has in mind for a POTUS out of town event.

Later in the week Stephanie and I will be calling a meeting to discuss upcoming conferences (welfare to work, child care, hate crimes and race town halls).

I am happy to proceed with the 1:00 pm meeting in Ann's office tomorrow. Otherwise, we could wait and discuss welfare to work in the larger meeting on conferences.

Please let me know how you would like to proceed.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 12:29:13.00

SUBJECT: Meeting w/Sylvia Mathews

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

TO: Elisabeth S. Steele ( CN=Elisabeth S. Steele/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

TO: Robert S. Kapla ( CN=Robert S. Kapla/OU=CEQ/O=EOP @ EOP [ CEQ ] )  
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: Maria Echaveste ( CN=Maria Echaveste/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

TO: Thurgood Marshall Jr. ( CN=Thurgood Marshall Jr./O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

TEXT:

The meeting scheduled for tomorrow at 11:00am to discuss the structure of the Policy Council (Race Advisory Board) will be in the Roosevelt Room.

Sylvia Mathews  
Maria Echaveste  
Goody Marshall  
Elena Kagan  
Katie McGinty  
Jose Cerda  
Gene Sperling (or Representative)  
NSC  
Dawn Chirwa

Rob Weiner  
Chris Edley

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 12:42:05.00

SUBJECT: ADAPT

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

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

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

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

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

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

TEXT:

Looks like Maria will tell ADAPT we will meet with them next Wednesday.  
Hence I am trying to schedule a premeeting. ADAPT says they want Bruce  
and Gene there, but obviously we'll discuss.

----- Forwarded by Diana Fortuna/OPD/EOP on 06/17/97  
12:40 PM -----

William H. White Jr.  
06/17/97 11:56:29 AM  
Record Type: Record

To: See the distribution list at the bottom of this message  
cc: Marjorie Tarmey/WHO/EOP, Cheryl M. Carter/WHO/EOP, Sarah A.  
Bianchi/OMB/EOP, Jeanne Lambrew/OPD/EOP  
Subject: ADAPT Protesting at Depart of Labor

We sent a letter to ADAPT last night inviting them to participate in a  
meeting with the President on September 10, 1997. They said only one page  
came through the fax. Instead of calling to ask to resend, they instead  
are at the Department of Labor demanding to meet with Alexis. I've talked  
with Lee Satterfield, sent her Maria's letter to ADAPT, and am working to  
get Maria to call them.

Message Sent

To: \_\_\_\_\_  
Maria Echaveste/WHO/EOP  
Diana Fortuna/OPD/EOP  
Craig T. Smith/WHO/EOP  
Christopher C. Jennings/OPD/EOP

Elena Kagan/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 11:56:47.00

SUBJECT: ADAPT Protesting at Depart of Labor

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

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

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

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

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

TEXT:

We sent a letter to ADAPT last night inviting them to participate in a meeting with the President on September 10, 1997. They said only one page came through the fax. Instead of calling to ask to resend, they instead are at the Department of Labor demanding to meet with Alexis. I've talked with Lee Satterfield, sent her Maria's letter to ADAPT, and am working to get Maria to call them.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert N. Weiner ( CN=Robert N. Weiner/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-JUN-1997 16:00:50.00

SUBJECT: Immigration briefs

TO: MALLEY\_R ( MALLEY\_R @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (NSC)

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

I have about 2 inches of court filings related to NJB and Barhona-Gomez, the cases presenting the retroactivity and cap issues under IIRIRA. I intend to read them. If anyone else has a burning desire to do so, please let me know, and I will have a copy made.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Marjorie Tarmey ( CN=Marjorie Tarmey/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-JUN-1997 14:55:42.00

SUBJECT: Procurement

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

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

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

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

TEXT:

You should have received, through interoffice, a paper prepared by Amy Millman re procurement. Maria wanted you to have it for the mtg on Friday. I meant to attach a memo so you would know why you were receiving it and from whom. We have very efficient interns.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 10:11:35.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Title Nine Briefing is starting

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-JUN-1997 10:07:08.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Title Nine Briefing starts at 10:05- starting now

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Jonathan Prince ( CN=Jonathan Prince/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-JUN-1997 18:47:09.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Prince: I talked to Edley. Call me. 65692

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mark Hunker ( CN=Mark Hunker/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-JUN-1997 08:14:40.00

SUBJECT: Final Briefing Memo?

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

READ:UNKNOWN

TEXT:

Please send me a copy of the final paper.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cheryl M. Carter ( CN=Cheryl M. Carter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:18-JUN-1997 13:17:18.00

SUBJECT: Distilled Spirits "Hot"

TO: Rahm I. Emanuel ( CN=Rahm I. Emanuel/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

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

CC: Peter O'Keefe ( CN=Peter O'Keefe/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Richard L. Hayes ( CN=Richard L. Hayes/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:18-JUN-1997 08:04:52.00

SUBJECT: Meeting with Chris Edley

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

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

TEXT:

What time and where is the meeting today with Chris to begin discussing the policy process for the race initiative? I would like to attend.  
Thanks.



**A. Welfare Reform -- US Conference of Mayors Resolution**

**Overall:**

The resolution agrees with our goal of reforming welfare with an emphasis on work, and supports many of our specific policies, such as creating a \$3 billion welfare to work program, enacting a targeted welfare-to-work tax credit, and restoring benefits to legal immigrants. It also voices concerns about the end of the entitlement to assistance, the level of budget cuts in the welfare law, and whether there will be enough jobs for welfare recipients in many cities. It goes beyond the policy in the President's budget by supporting restoration of food stamp benefits for legal immigrants (we restored SSI and Medicaid, but not food stamps) and including SSI for non-disabled elderly legal immigrants, as well as the disabled.

**Possible suggestions for improvements:**

1. **Drop Item 2, which is an unnecessarily negative description of the welfare law. They will probably resist.**
2. **We could ask them to drop references to improvements we were not able to secure in the budget agreement -- but it is not critical, and they will rightfully protest, so I would not recommend asking. These items are: restore food stamps to legal immigrants; restore SSI to elderly non-disabled legal immigrants; restore food stamps to childless adults who can't find work; repeal other food stamp cuts (i.e., shelter deduction, standard deduction, vehicle asset limit).**

**B. Education Resolution --U.S. Conference of Mayors Resolution**

**Overall:**

1. **This poses no problems for us and is basically fine as is. The primary focus of the policy is on the role of Mayors in education partnerships. It essentially provides encouragement for mayors to carve out a role for themselves in education, working in partnership with local superintendents, regardless of whether the mayor has a formal governing role in K-12 education. In this context, it calls for Mayors to promote: the adoption of academic standards, business partnerships, school -to -work efforts, technology, and school safety initiatives. It also supports specific efforts with regard to reading programs, technology, school construction, and community schools/after schools programs. These are all consistent with the President's Call to Action.**
2. **The resolution also focuses on a handful of federal programs: Title 1, School-to-Work, school construction, technology, and after-school programs. This is an important but limited set. It would be helpful if the resolution also**

supported:

- **The President's Call to Action for American Education overall, or, specifically,**
  - **America Reads**
  - **The President's call for national standards and tests in 4th grade reading and 8th grade math. These tests can be very powerful tools for raising expectations for urban students, and for promoting accountability.**
3. **I understand the Education Department's Office of Intergovernmental Affairs has been working with Mayor Menino's office, and may have already secured his support for adding America Reads (which is patterned after Read Boston) and, possibly, the Call to Action.**

**C. Health Care -- U.S. Conference of Mayors Resolution**

Overall:

We do not have any major problems with the mayors list. However, we should note that while the mayors office is endorsing Hatch-Kennedy in response to the problem of uninsured children, the President has not supported this legislation in the context of the balanced budget negotiations. We believe it is important for the mayors and others to emphasize the \$16 billion already in the budget agreement and to help ensure that these dollars are invested to cover as many children as possible. Supporting additional funding for children's health care at this time, we believe could possibly undermine the budget agreement, and in particular the \$16 billion for children's health care.

Finally, we want to note that the resolution calls for the Administration to support legislation to provide reimbursement for annual mammography screening. The President's budget already proposes to waive copays and deductibles for annual mammography screening.

**D. Crime -- U.S. Conference of Mayors Resolutions**

Overall:

Generally, the resolution praises the COPS program and how it has been administered by the Department of Justice. The resolution also calls for two changes: (1) for Congress to restore appropriations for the 15 percent of the COPS funds that can be used for non-hiring purposes; and (2) for the Administration and Congress to extend COPS grants to cities beyond their 3 years of funding in cases of fiscal hardship. The Administration is generally supportive of this resolution. We have supported the flexible use of COPS monies and are about to waive the \$75,000 per-cop cap for cities that seek funding this year. However, we have not yet embraced extending COPS grants into future years.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 13:04:13.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Car #12 is at WB to go to Justice Dept.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 17:37:36.00

SUBJECT: pending Supreme Court decisions

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

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

READ:UNKNOWN

TEXT:

Please read the notes below. I've asked Bill Marshall to coordinate with Kent Markus with respect to the Brady decision. The latest rumor is that decisions will all come down by June 26. That leaves three decision dates left: tomorrow, June 23 and June 26.

Elena-- Bill asked that you either stop by the "war room" or be available to clear statements on the days that decisions come down on religious freedom, Brady, and right to die.

Thanks.

----- Forwarded by Leanne A. Shimabukuro/OPD/EOP on  
06/18/97 05:31 PM -----

Michelle Crisci

06/18/97 01:44:34 PM

Record Type: Record

To: Leanne A. Shimabukuro/OPD/EOP

cc:

Subject: Time and Room

Chuck Ruff and Rahm would like to set up a "war room" for the next few days in order to organize the statements. -Bill Marshall set up this time and place- who should be there? I was thinking about you, Jose, Elena, Barry Toiv and someone in Waldman's office. Who else? Let me know when you get a chance. Thanks

----- Forwarded by Michelle Crisci/WHO/EOP on 06/18/97  
01:35 PM -----

William P. Marshall

06/18/97 12:06:46 PM

Record Type: Record

To: Michelle Crisci/WHO/EOP

cc:

Subject: Time and Room

Please ask everybody meet in my office (486) at 10:30 tomorrow (June 18), next Monday (June 23), and next Thursday (June 26). Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 20:08:26.00

SUBJECT: Other stuff

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:

We're all set for MADD Board of Directors briefing Friday. Any interest in dropping by to kick it off at 10:00 am? Draft agenda below.

Re. Cloning -- Leg Affairs, OSTP and I have started to meet with key Hill staff. Given the likely course the debate would take if the bill moves, we will need to think hard about whether to push for the bill's consideration. House Science majority doesn't expect to be able to move the bill through committee without dropping sunset and expanding it to cover some, if not all, embryo research. Morella's staff has asked us to talk to Ehler's and try to work out an acceptable bill. But House Commerce will have joint jurisdiction, and the expectation is that that committee would tackle the embryo debate head on, and that the Republican leadership would have the same agenda. Bottom line, any bill coming out of the House will have broad ban on embryo research -- something we don't want to confront (as you know, Bond would push for the same result in the Senate).

Instead of pushing for passage, we may want to simply have Ehlers and/or others (ideally a moderate dem) introduce a bill we can live with to put down a marker, but not push for full consideration in House or Senate. Hilley's up to speed; we'll keep you posted as we do a couple more meetings this week.

MADD mtg. agenda (draft)  
White House Briefing  
for  
Board of Directors  
Mothers Against Drunk Driving

June 20, 1997  
10:30 - 11:30 a.m.  
Indian Treaty Room

10:00 a.m. Welcome and Introductions  
(Domestic Policy Council staff)

10:05 a.m. Dr. Ricardo Martinez  
Administrator  
National Highway Traffic Safety Administration

10:30 a.m. Ms. Aileen Adams  
Director, Victims of Crime program

Department of Justice

11:00 a.m.

Mr. (?) Hoover Adger  
Deputy Director  
Office of National Drug Control Policy

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Robert B. Johnson ( CN=Robert B. Johnson/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:18-JUN-1997 08:21:03.00

SUBJECT: Outreach feedback

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

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

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

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

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

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

TO: Thurgood Marshall Jr. ( CN=Thurgood Marshall Jr./O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

TO: Ananias Blocker III ( CN=Ananias Blocker III/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

TO: Beverly J. Barnes ( CN=Beverly J. Barnes/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

TO: Doris O. Matsui ( CN=Doris O. Matsui/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

TEXT:

We are trying to get a report in to the POTUS regarding feedback on the speech. Please submit a concise one or two paragraph report by COB today on what you have been hearing. Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 16:16:17.00

SUBJECT: Additional notes from POTUS comments

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

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

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

TEXT:

In considering research (and involvement of CEA, BLS, BEA, BJS, etc.) for the race initiative, please consider the comments noted in the second paragraph of the attached e-mail.

Thanks.

----- Forwarded by Andrew J. Mayock/WHO/EOP on 06/18/97  
04:13 PM -----

Beverly J. Barnes  
06/17/97 02:59:18 PM

Record Type: Record

To: Ann F. Lewis/WHO/EOP, Andrew J. Mayock/WHO/EOP  
cc:  
Subject: Additional notes from POTUS comments

In a conversation with the advisory board members on the return trip, the President said he wanted staff to start right away collecting a compendium of "best practices" (not his phrase), and that he wanted that list to be made available on the web site. He also wanted the web site to be configured so individuals who have ideas to submit could add them to the web site.

He also said we need to determine quickly what scientific research need to be conducted and get it underway. He said the media responded positively when he broached this topic and the university officials (including representatives of the National Science Foundation) already had offered their services. The President posed one possible topic for study: How the lack of diversity affects white Americans.

I don't know what is possible or what is already in the works, but I thought you should know about his ideas.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 18:20:17.00

SUBJECT:

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

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

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

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

TEXT:

Rahm and Chuck Ruff would like to set up meetings to prepare statements for the remaning of the court cases coming down in the next four days. If you have any questions please call Michelle at 62531.

Bill Marshall's office -486 OEOB  
10:30 am

Thursday-June 19th

Monday-June 23rd

Thursday-June 26th

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 19:46:16.00

SUBJECT: Voucher Q&A for press conference

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

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

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

TEXT:

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D44]MAIL41312786G.116 to ASCII,  
The following is a HEX DUMP:

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## Education/Private School Vouchers

Q: Recently columnist William Raspberry, long a public schools loyalist, has said the time has come to try out vouchers where the public schools are failing. Earlier this year, one of your former advisors, Bill Galston, called for a national experiment on the effectiveness of private school vouchers. Given the numerous horror stories of how public schools are failing students in our cities today, do you remain opposed to private school vouchers?

A: **We can and should work to provide our students with the safe and disciplined public schools and the world class education they deserve. I was so proud last week when we released the results of the international math and science tests for the 4th grade. Our students tied for the 2nd in the world in science, and scored above the international average in math. If we keep working at it, we can create a generation of students who are among the best educated in the world.**

Many of our urban public schools are doing a fine job, and they deserve our support. However, where schools are failing, we need to take tough action and fix them, by getting rid of watered-down curriculum and retraining the teaching staff. If the school still doesn't respond, then it should be closed down and reopened with a new staff that will get the job done.

Moreover, every family should have the right to choose which public school their child will attend. I have challenged every state to pass a charter school law that allows parents and teachers to start new public charter schools that stay open only as long they do a good job. In fact, I have proposed nearly doubling the charter school start-up program (to \$100 million next year) to help start 3,000 charter schools over the next several years.

While I support public school choice, I continue to oppose federally funded tuition vouchers for private elementary and secondary schools. I also oppose state funded and locally funded vouchers. Vouchers take money away from public schools, and controversy over vouchers distracts communities from the hard work of improving our schools.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 11:07:00.00

SUBJECT: Child Care

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

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

TEXT:

I spoke (off the record) with Joan Lombardi. (Nicole, I called her when I learned that HHS is coming to our meeting tomorrow with no specific ideas, just priorities, and that they can't put anything on paper yet.)

Joan says that they met with the Secretary who agreed with their priorities, which led Joan to believe that Mary would start developing options. She hasn't for two reasons. First, she is completely overwhelmed by reconciliation. Second, the Department is worried about getting out in front of the budget process. However, they have to come up with options for the budget by around July 9. Anyway, Joan says that we just need to yell at HHS tomorrow and tell them we need specific options within two weeks. Otherwise, they'll continue to drag their feet. She does think that we need to have tomorrow's meeting.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 12:01:41.00

SUBJECT:

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

TEXT:

Bruce is on his way to tobacco mtg. rm 180

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 17:17:46.00

SUBJECT: Grandfathering Medicaid for children losing SSI

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Nicolette Highsmith ( CN=Nicolette Highsmith/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

TEXT:

I just heard that Senate Finance didn't do the Medicaid grandfathering of kids losing SSI under the new definition -- which was part of the budget agreement. And it got struck in the House. Bad news -- disability community is very concerned. I assume our next best hope is to get Chafee and/or Conrad to do something on the floor (I don't know why they didn't in committee; they are supposedly champions of this group). In the meantime, we need to keep talking about this in our communications.

Cynthia, I think we need to talk to Chafee and Conrad about this.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Kathleen M. Wallman ( CN=Kathleen M. Wallman/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:18-JUN-1997 16:48:12.00

SUBJECT: securities litigation

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

TO: Jeffrey A. Frankel ( CN=Jeffrey A. Frankel/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

TO: KAGAN\_E ( KAGAN\_E @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (OPD)  
READ:UNKNOWN

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

TO: Timothy L. Newell ( CN=Timothy L. Newell/OU=OSTP/O=EOP @ EOP [ OSTP ] )  
READ:UNKNOWN

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

TO: William B. English ( CN=William B. English/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

TO: Daniel C. Tate ( CN=Daniel C. Tate/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

TEXT:  
Here is a version that reflects some input from Paul Carey. If you have comments, please tell me as soon as you can because I will be out on Thurs. and Fri.

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

TEXT:  
Unable to convert ARMS\_EXT:[ATTACH.D1]MAIL44161686E.116 to ASCII,  
The following is a HEX DUMP:

FF575043C5040000010A02010000000205000000290E000000020000A51FAADC4A0AC658B91281  
D110D2E9B445434B725C17BEF22FC7291D162E59BC24C5EA43C8FDF58DA2DD24B571B713819014  
BE9F0A43328A799FAA90F0022F03CA98DB710A6A140C4F8C380C141917E11FB9705A9C5C7F1D05  
789FE7A AFF046823A0E116BFF4CACBE337656915C3AC66FA80D5B20DCDCED905C784B0DD606F4D  
D9710384EFE1231A4ED7CCBCA57FC36DF6D1332EBF64AC541A58B74716C36E1CDEC3BA2C34B4EF  
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863A9B9E2D125BBBDE9992C1730A28D9D75516D4F1A6C03949F2AF0784A1A67B1720647A31926F  
732BB187EE82E71F8531C680E9BF53E6F2658C9AFCFC0075111B949B9380A20A2D3C665CCC2D5C  
B6727FF5C94B5DD13DD8962E2952BE5D032ECABDB66895DCAB21A1A0A95F21F9E257916D308BA0

**TALKING POINT  
REGARDING SECURITIES LITIGATION LEGISLATION**

**Background**

At the urging of a number of Silicon Valley companies, Congresswoman Anna Eshoo has introduced legislation to preempt private securities fraud class actions brought under state law. Only “nationally marketed” securities would be covered by this preemption measure.

You likely will be asked whether you have decided whether the Administration will support the Eshoo bill. An interagency group has been meeting under the auspices of the NEC and Counsel’s Office to develop a recommendation to you. The group is reviewing the evidence and studies on national uniform standards; there is weight on both sides. Among the recent studies is a report from the SEC, which you requested, that concludes that it is premature to consider further federal legislation on securities litigation.

The interagency group is considering not only the option of taking a position for or against the bill, but also intermediate options, short of supporting the bill, that could stake out a position in favor of some preemption to achieve some measure of uniformity among the states in litigation standards. But the bill is not moving at the moment; no hearings have been scheduled in the House yet and no bill has been introduced in the Senate. Thus, there is no urgency in the sense of legislative scheduling to your announcing a position now.

**Suggested Talking Point:**

- The issue of national uniform standards for securities fraud class actions is an important issue and we are continuing to look at it carefully as I said we would do in my letter responding to Congresswoman Eshoo. We have benefited from your thoughtful input in that process. We are not on a specific timetable to complete the review. We will watch the legislation carefully as the process unfolds.

Prepared by Wallman 3/21/97, updated 6/17/97



Draft Draft

Right to Die --- Vacco v. Quill

I am very pleased with today's Supreme Court decision against physician-assisted suicide. The decision is a victory for all Americans--it prevents us from going down a very dangerous and troubling path in this difficult and often agonizing issue.

With today's decision, the Court voices its concern that there is a significant distinction between assisting in death and allowing death to occur. Not only is this an important legal distinction, it is also a distinction of deep moral and ethical implications.

I have a great deal of sympathy and a profound respect for those who suffer from incurable illnesses, and for their families. I have had a number of family members die from painful and protracted illnesses. Even so, I have always expressed my strong opposition to physician-assisted suicide. I believe that it is wrong, and have always believed it to be wrong. It is not right to force patients who might already have impaired judgment into a position where they might have to make serious and irreversible judgments about their own health care needs.

Today's decision indicates that the dangers and consequences of allowing physician-assisted suicide far outweigh the good that it might do in some cases. The issue is unavoidably heartrending, and we must never ignore the agony of terminally ill patients, but the Supreme Court made the right decision today. The risks and consequences of physician-assisted suicide are simply too great.

Draft      Draft      Draft

Right to Die -- lose

Vacco v. Quill

I am deeply disappointed with today's Supreme Court decision in favor of physician-assisted suicide. The decision is a defeat for all Americans--it allows America to go down a very dangerous and troubling path in this difficult and often agonizing issue.

There is a critical distinction, one of deep legal, moral, and ethical implications, between assisting in death and allowing death to occur. Unfortunately, the Court failed to view this distinction as a deciding factor.

I have a great deal of sympathy and a profound respect for those who suffer from incurable illnesses, and for their families. I have had a number of family members die from painful and protracted illnesses. Even so, I have always expressed my strong opposition to physician-assisted suicide. I believe that it is wrong, and have always believed it to be wrong. With today's decision, patients who might already have impaired judgment might be placed in a position where they have to make serious and irreversible judgments about their own health care needs.

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Automated Records Management System  
Hex-Dump Conversion

## **Crime Meeting Agenda June 18, 1997**

### **Juvenile Justice Bill Update**

- \* Update on Senate markup? What is our position on new Chairman's mark?
- \* Justice/WH Leg: update on negotiations/ amendments.
- \* Kohl-DeWine child support amendment.

### **Events/ Announcements**

#### **Brady Case**

- \* President's statement: WH/Justice/Treasury team will meet on day of decision to quickly review decision and clear statement.
- \* Day of decision: statement should reflect updated Brady #s (250,000 sales blocked)
- \* Schumer bill: Are we comfortable with his approach? (Schumer bill requires FFLs to submit forms to CLEOs who are still doing background checks.)
- \* List of chiefs supporting continued checks-- where are we?

#### **Youth Crime Gun Interdiction Report/Expansion Announcement**

- \* When should we do this event?
- \* Treasury: report has gone to print-- when will it be ready?
- \* Expansion to more cities: Treasury briefed OMB last week with estimate that expansion to 15 more cities in FY 1998 will cost approx. \$40 million.

Treasury and OMB currently working to find several million \$ in-house to start up expansion. We will still need to ask for appropriation.

- \* Senate Treasury-Postal Approps set to mark up next Thursday.

#### **Gang Tracking Network**

- \* DOJ: What is the status of this project?

#### **Crack Cocaine**

- \* Deadline for report back to President is June 29 (Sunday). Should we target release for Friday, June 27 (last day before Congress goes into one-week recess)?
- \* ONDCP and Justice still have not reached consensus.

#### **Federal Law Enforcement Commission**

- \* Contained in final version of the Disaster Relief bill. Strategies for how to address this?

#### **Cop Killer Bullets/Taggants Reports**

- \* Treasury: Where are these reports?

#### **Victims Legislation**

- \* Justice: Is this being sent to Hill next week?

Automated Records Management System  
Hex-Dump Conversion



Draft Draft

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Draft      Draft      Draft

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Virginia N. Rustique ( CN=Virginia N. Rustique/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:18-JUN-1997 18:40:05.00

SUBJECT: REMINDER: Child Care Mtg. TOMORROW

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Janet has a conflict. Can she please catch up with someone Friday afternoon or Monday?

----- Forwarded by Virginia N. Rustique/WHO/EOP on  
06/18/97 06:35 PM -----

Laura Emmett

06/18/97 06:21:00 PM

Record Type: Record

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

cc:

Subject: REMINDER: Child Care Mtg. TOMORROW

There will be a child care mtg. on Thursday June 19 at 11:00 am in room 211 to discuss child care legislation. Thank you.

Attendees

Elena Kagan

Melanne Verveer

Janet Murguia

Jen Klein

Nicole Rabner

Cynthia Rice

Anne Lewis

Ken Apfel (Or substitute)

Mark Mazur

Joan Lombardi

Melissa Skolfield

Mary Bourdette

Ann Rosewater

Message Sent

To:

Jennifer L. Klein/OPD/EOP

Nicole R. Rabner/WHO/EOP

Katharine Button/WHO/EOP

Janet Murguia/WHO/EOP

Virginia N. Rustique/WHO/EOP  
Cynthia A. Rice/OPD/EOP  
Mark J. Mazur/CEA/EOP  
Jill M. Pizzuto/OMB/EOP  
Kenneth S. Apfel/OMB/EOP  
Anne H. Lewis/OPD/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 12:58:37.00

SUBJECT: Senate Finance Committee on Privatization

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Diana Fortuna ( CN=Diana Fortuna/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: Keith J. Fontenot ( CN=Keith J. Fontenot/OU=OMB/O=EOP @ EOP [ OMB ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

This morning, Sen. Conrad moved to strike the privatization provisions of the Senate Finance Committee mark, which would deem Texas approved and allow up to 10 more states to privatize.

Conrad's motion to strike won.

Then, clearly there was some back room dealing as other subjects were debated.

Then, D'Amato who had voted w/Conrad before, asked for a vote to reconsider Conrad. The chairman offered to change his mark to take out the other states. The vote to reconsider won on a party line vote.

End result: the Finance Committee deems Texas approved but does not allow other states to privatize.

We worked hard to provide official and unofficial documents to help Conrad's efforts. John -- I'll send a package over to you for your information.

On other matters, Moseley-Braun's effort to not count teens in the 20% of caseload in vocational education cap passed, but Nickles insisted he wanted to work with her in drafting to ensure it doesn't weaken the work requirements. Moseley-Braun apparently told him it didn't, which isn't really true (The law requires teen parents to be in school to get assistance. This wouldn't change that. This would not count those teens as being in "vocational education" -- which would allow more adults in vocational education to be counted as "working.")

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Cheryl M. Carter ( CN=Cheryl M. Carter/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:18-JUN-1997 13:31:10.00

SUBJECT: Distilled Spirits Council

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

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

CC: Peter O'Keefe ( CN=Peter O'Keefe/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

Things continue to heat up on this issue...I'm sending over copies of letters and press releases of interest from FCC Commissioners for your information. Please take the time to review because you will see that Distilled Spirits thinks the letter from Reno to Hundt is the President's response to them. They are waiting on a response from POTUS to their letter asking him to convene a meeting.

Open Agenda meeting at FCC is tomorrow. And so far two of the Commissioners have come out opposed to consideration of this issue.

----- Forwarded by Cheryl M. Carter/WHO/EOP on 06/18/97  
01:18 PM -----

Cheryl M. Carter  
06/17/97 11:18:41 AM  
Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Peter O'Keefe/WHO/EOP  
Subject: Distilled Spirits Council

I just got an urgent message from Tim Dudgeon with Distilled Spirits regarding a letter that went to Reed Hundt from Attorney General Reno asking him to act. Dudgeon's call has a very urgent tone and he is concerned that the AG's letter to Hundt is the WH's answer to their letter to POTUS. We need to talk about this asap...please call me at 62682.



RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 08:23:39.00

SUBJECT: Principals meeting

TO: Cristian J. Santesteban ( CN=Cristian J. Santesteban/OU=CEA/O=EOP @ EOP [ CEA ]  
READ:UNKNOWN

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

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

TEXT:

As you've all probably figured out, it won't be today. Probably next Tuesday aft or Wednesday. Melissa will be calling around to your principals' schedulers.

What follows should be a revised version of the options. ellen

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 In Missouri it is 30 days, which may be too short to actually encourage the plaintiff to try to collect; in Connecticut it is one year, which may be too long., 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

Proposal 1 - Procedural changes, coupled with a breachable cap for small businesses

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.

Cap punitive damages at the lesser of twice compensatories or \$250,000 for firms that have 10 or fewer employees and annual revenues of \$1 million or less. The jury would not be told of the cap, and the judge could award damages in excess of the cap (but only up to the amount awarded by the jury) upon a finding that the capped amount was insufficient to punish or deter.

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 - Allocation of punitive damages between plaintiff and state

Authorize the jury to impose punitive damages without any cap on large businesses; small business punitives would be capped as in Proposal 1

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

(for both small and large businesses) 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 and most firearms)

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: Darby E. Stott ( CN=Darby E. Stott/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:18-JUN-1997 17:18:30.00

SUBJECT: REMINDER

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

READ:UNKNOWN

TO: LUZZATTO\_A ( LUZZATTO\_A @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (NSC)

READ:UNKNOWN

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

READ:UNKNOWN

TO: Christopher J. Lavery ( CN=Christopher J. Lavery/OU=WHO/O=EOP @ EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: DAVIS\_W ( DAVIS\_W @ A1 @ CD @ LNGTWY [ UNKNOWN ] ) (NSC)

READ:UNKNOWN

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

READ:UNKNOWN

TO: Jake Siewert ( CN=Jake Siewert/OU=OPD/O=EOP @ EOP [ OPD ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TO: Natalie S. Wozniak ( CN=Natalie S. Wozniak/OU=NSC/O=EOP @ EOP [ NSC ] )

READ:UNKNOWN

TEXT:

The briefing material for the Denver press conference is due tomorrow night. Let me know if this is a problem.

thanks

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:18-JUN-1997 13:52:18.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

pls call waldman x62272