

**NLWJC - KAGAN**

**EMAILS RECEIVED**

**ARMS - BOX 067 - FOLDER -008**

**[10/16/1997-10/17/1997]**

# Withdrawal/Redaction Sheet

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	SSN (Partial); DOB (Partial); Phone No.'s (Partial) (2 pages)	10/16/1997	P6/b(6)
002. email	Personal (Partial) (1 page)	10/17/1997	P6/b(6)

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**COLLECTION:**

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

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**FOLDER TITLE:**

[10/16/1997 - 10/17/1997]

2009-1006-F

jm34

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**RESTRICTION CODES**

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

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

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

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

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

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

RR. Document will be reviewed upon request.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 12:33:50.00

SUBJECT: Next Race Initiative Meeting

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

TO: edley ( edley @ law.harvard.edu @ INET @ LNGTW [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TO: Sidney Blumenthal ( CN=Sidney Blumenthal/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: Michael Wenger ( CN=Michael Wenger/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

TO: Michael J. Sorrell ( CN=Michael J. Sorrell/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

TO: Nelson Reyneri ( CN=Nelson Reyneri/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: Lin Liu ( CN=Lin Liu/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

TO: Claire Gonzales ( CN=Claire Gonzales/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

TO: Jacinta Ma ( CN=Jacinta Ma/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

TO: Judith A. Winston ( CN=Judith A. Winston/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

TO: Michele Cavataio ( CN=Michele Cavataio/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

READ:UNKNOWN

CC: Marjorie A. Black ( CN=Marjorie A. Black/OU=PIR/O=EOP @ EOP [ PIR ] )  
READ:UNKNOWN

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

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

CC: Suzanne Dale ( CN=Suzanne Dale/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: Mona G. Mohib ( CN=Mona G. Mohib/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

CC: Trooper Sanders ( CN=Trooper Sanders/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

TEXT:

There will be a meeting on Monday at 10am in the Roosevelt Room to discuss various outstanding issues. Please let me know if you will not be able to attend.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 12:41:31.00

SUBJECT: Immigrant benefit definition that I need DPC views on

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: 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:

Elena, I need your call on this issue in the next day or two, if at all possible.

HHS would like to release ASAP its interpretation of what the welfare law means when it says that "non-qualified aliens" are not eligible for "federal public benefits." It has taken them forever to get to this point, but now they are ready. The pressure to get this out is that DOJ wants to issue its "interim verification guidelines" on how to interpret all the welfare law's benefit restrictions for immigrants. HHS is not the only agency affected by this, but it is the primary one, so other agencies are looking to HHS to take the lead. There has been no movement to have DOJ do a common definition.

I think what HHS wants to do makes sense, but it does keep certain benefits open for illegal immigrants, so I need to flag that for you. OMB has signed off on it.

Welfare Law

The question arises because the welfare reform bill states that "an alien who is not a qualified alien [for example, an illegal immigrant] is not eligible for any Federal public benefit . . . ." The law defines "public benefit" to mean (among other things):

"any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household or family eligibility units by an agency of the United States or by appropriated funds of the United States."

The law specifies exceptions to this ineligibility for emergency Medicaid services, immunizations, treatment of communicable diseases and some other items.

HHS' Interpretation Minimizes Administrative and Health Burden of the Term  
HHS' representatives said that they set about interpreting this language to minimize the administrative burden on the programs and the public

health impact of the law.

They said that the term "public benefit" as used in the law is ambiguous and requires interpretation. They get some help interpreting the term from Section 432, which requires the Attorney General to "promulgate regulations requiring verification that a person applying for a Federal public benefit... is a qualified alien and is eligible to receive such benefit." This implies that a "benefit" is something that requires an "application." And an application requires provision of information for the purpose of determining eligibility.

Therefore, to minimize administrative burden, HHS thinks that no program that currently does not verify eligibility should begin doing so. So programs that have no eligibility requirements, or which do not verify eligibility as a matter of course, are not "public benefits" for the purposes of welfare reform.

#### HHS Programs That Aren't Public Benefits By This Definition

Under this definition, Community Health Centers, the maternal/child health block grant, substance abuse grants, Administration on Aging, HUD homeless shelter assistance and some other aging programs would not be "public benefits" and would be available to non-qualified aliens.

#### HHS Programs That Are Public Benefits By This Definition

Other programs would clearly be "public benefits" under this definition, and denied to non-qualified aliens: TANF, Medicaid and Medicare, Indian Health Service programs, LIHEAP and Ryan White, among others.

It does not appear that Labor or DoEd programs would be affected by this definition. Housing is partially grandfathered by the law.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 13:28:00.00

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: Joshua Gotbaum ( CN=Joshua Gotbaum/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: Jill M. Pizzuto ( CN=Jill M. Pizzuto/OU=OMB/O=EOP @ EOP [ OMB ] )  
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: 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: 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: 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:

Yes, we are having our weekly Health Care Strategy meeting today at 4:00 p.m. in Bruce's office.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 13:52:22.00

SUBJECT: President's Committee on Mental Retardation on Children's SSI

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

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

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Bill White of Public Liaison and I just learned that the President's Committee on Mental Retardation wants to issue a report in the next few days saying that SSA is mishandling its redeterminations of children's eligibility for SSI under the new standard. The draft report pretty much repeats all the criticisms that the advocates have been making -- SSA's review process is not reliable, questionable, suspect; employees are unprepared and overworked; we should have a moratorium on case reviews; and SSA's interpretation of the statute itself should be reviewed.

The President's Committee is housed at HHS, but its committee members are presidential appointees who are experts in mental retardation. Several have ties to the Kennedy family; the Committee itself was begun by President Kennedy. They have apparently already voted to issue a report.

Since Ken Apfel is in the middle of the 30-day review of these issues that he promised at his confirmation hearing, Bill and I have suggested to the Committee's executive director that perhaps a meeting with Ken would be an alternative to issuing a public report. He's going to get back to us. A second alternative that we have not yet suggested is that the report could simply recommend the items Ken should be looking at in his review, without repeating the litany of criticisms of SSA.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 14:38:25.00

SUBJECT: Meeting with National Coalition of (Gay and Lesbian) Anti-Violence Project

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

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

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

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

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

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

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

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

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

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

CC: 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

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

TEXT:

Maria, Bruce and I will be meeting with the leadership of the National Coalition of (Gay and Lesbian) Anti -Violence Projects on Monday. October 20, 1997 at 12 noon in room 472 OEOB to discuss the issue of hate crimes against gays and lesbians. The Coalition represents the leadership of all the gay and lesbian anti violence groups across the country. They are here for the twice yearly board meeting and will be meeting with Deputy Attorney General Eric Holder later in the day on Monday. They had originally requested to meet with the Vice President. As the Hate Crimes Conference approaches, this is obviously an important issue. You are invited to attend.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 15:11:27.00

SUBJECT: President's Committee on Mental Retardation on Children's SSI

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:

Let me know if you think we should forward this to Sylvia, given her attendance at that meeting with Eunice Kennedy Shriver. (Perhaps you'd prefer to wait till we have some resolution.)

----- Forwarded by Diana Fortuna/OPD/EOP on 10/16/97  
03:12 PM -----

Diana Fortuna

10/16/97 01:52:12 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP,  
Jacob J. Lew/OMB/EOP

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

Subject: President's Committee on Mental Retardation on Children's SSI

Bill White of Public Liaison and I just learned that the President's Committee on Mental Retardation wants to issue a report in the next few days saying that SSA is mishandling its redeterminations of children's eligibility for SSI under the new standard. The draft report pretty much repeats all the criticisms that the advocates have been making -- SSA's review process is not reliable, questionable, suspect; employees are unprepared and overworked; we should have a moratorium on case reviews; and SSA's interpretation of the statute itself should be reviewed.

The President's Committee is housed at HHS, but its committee members are presidential appointees who are experts in mental retardation. Several have ties to the Kennedy family; the Committee itself was begun by President Kennedy. They have apparently already voted to issue a report.

Since Ken Apfel is in the middle of the 30-day review of these issues that he promised at his confirmation hearing, Bill and I have suggested to the Committee's executive director that perhaps a meeting with Ken would be an alternative to issuing a public report. He's going to get back to us. A second alternative that we have not yet suggested is that the report could simply recommend the items Ken should be looking at in his review, without repeating the litany of criticisms of SSA.

Message Copied

To: \_\_\_\_\_

William H. White Jr./WHO/EOP

Barry White/OMB/EOP

Keith J. Fontenot/OMB/EOP  
Richard E. Green/OMB/EOP  
Laura Emmett/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 15:20:58.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Sylvia's office JUST called to invite you to a 3:30 Mtg. on Needle Exchange in Sylvia's office

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 15:48:00.00

SUBJECT: Re: President's Committee on Mental Retardation on Children's SSI

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

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

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

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

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

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

TEXT:

FYI, it looks like the President's Committee on Mental Retardation has decided that a meeting with Ken would be more productive than issuing a report.

Diana Fortuna

10/16/97 01:52:12 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Cynthia A. Rice/OPD/EOP,  
Jacob J. Lew/OMB/EOP

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

Subject: President's Committee on Mental Retardation on Children's SSI

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review process is not reliable, questionable, suspect; employees are unprepared and overworked; we should have a moratorium on case reviews; and SSA's interpretation of the statute itself should be reviewed.

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Message Copied

To: \_\_\_\_\_

William H. White Jr./WHO/EOP

Barry White/OMB/EOP

Keith J. Fontenot/OMB/EOP

Richard E. Green/OMB/EOP

Laura Emmett/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 15:51:40.00

SUBJECT: Weekly Tobacco Strategy Meetings

TO: Charles F. Stone ( CN=Charles F. Stone/OU=CEA/O=EOP @ EOP [ CEA ] )  
READ:UNKNOWN

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

TO: Sherman G. Boone ( CN=Sherman G. Boone/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: Paul R. Carey ( CN=Paul R. Carey/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: Barbara D. Woolley ( CN=Barbara D. Woolley/OU=WHO/O=EOP @ EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

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

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

TO: Jerold R. Mande ( CN=Jerold R. Mande/OU=OSTP/O=EOP @ EOP [ OSTP ] )

READ:UNKNOWN

TO: Mary L. Smith ( CN=Mary L. Smith/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

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

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

CC: Dan J. Taylor ( CN=Dan J. Taylor/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

CC: Jennifer D. Dudley ( CN=Jennifer D. Dudley/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 NOT be having a Tobacco Strategy Meeting next week. Our next meeting will be on Thursday, October 30, at 2:45 in Room 211, OEOB. These meetings will now be held EVERY OTHER THURSDAY.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 16:12:21.00

SUBJECT: radio address

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

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

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

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

CC: Jonathan H. Schnur ( CN=Jonathan H. Schnur/O=OVP @ OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

TEXT:

Attached is draft text for the radio address, with suggested changes from Mike, Tanya, Jon Schnur and me in bold. June Shih in speechwriting is doing a major revision and plans to recirculate soon.

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D95]MAIL413695884.216 to ASCII,  
The following is a HEX DUMP:

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29187470EF7184ECF26BEC59DBF966606F7175D907DE8AF2102C3E387371F022ED427A1C619D1E  
1FF0FD3C0FFA92997773AA3D3B4149C5BB39FA038FCA3D8070DDEFB5352A1F254039ADC517C6F1  
D9E1872DFEFB3F477EA45E8913170ADEE3F5D993580F9DCDE839F4F2E8A204235054B5AF76C3E  
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CD9FB803B6FC1FED5FE937A32A710EABAA82DE085D87CE7F83B70667E2B411A67B536010AC8165  
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04000000550B0000004E000000320500000055070000004E0000008005000000984C006F006300  
61006C002000430061006E006F006E0020004C00420050002D0038002000490049004900520000

Draft 10/16/97 noon

**PRESIDENT WILLIAM J. CLINTON  
RADIO ADDRESS ON SCHOOL REFORM BILLS  
OCTOBER 17, 1997**

Good Morning. This week, Hillary and I have been visiting our neighbors in South America. We've savored the hospitality and uniqueness of every country we've visited. But as we've traveled from Caracas to Brasilia to Buenos Aires and places in between, we've also had the chance to see that much more unites the people of the Americas than separates us. All of us cherish the same ideals: Freedom and equality, family and community, peace and democracy.

And we all believe that providing all children with a world-class education is the best way to ensure they fulfill their God-given promise in the 21st century. I was struck by how the people of each country had taken this principle to heart. Earlier this week, I saw how government, business and community leaders had worked together to build a school that had become an oasis of hope for children in one of Rio De Janeiro's poorest neighborhoods.

It was a powerful reminder of the transforming effects of education, of how we in the United States must continue to make sure that politics stops at the school house door. Because we worked across party lines this summer, we've already opened the doors of learning wider than ever before for Americans of all ages, passing the single largest increase in education spending since the G.I. Bill fifty years ago.

But we cannot rest. When I return to Washington, I will call on Congress to continue working with me to **on two bipartisan measures** to strengthen our public schools.

**The first measure will help start more innovative charter schools in neighborhoods across our country, providing more choices for students and their families within public education. Since I became President the number of charter schools has grown from 1 to 700. This legislation would take us the next step, helping to reach my goal of opening some 3,000 charter schools by early in the next century.** Charter schools empower parents, educators and community leaders to create schools that best meet the needs of their children while also meeting the highest levels of public accountability.

**We must also rededicate ourselves to improving existing schools, and urgently work to fix those schools that are failing to educate our children. These schools need to revitalize their classrooms, encourage teachers and inspire students. That's why I'm also supporting a bipartisan provision that will help low-achieving, low-income schools transform themselves through proven reforms -- everything from intensive reading instruction to rigorous teacher training to after-school enrichment. I believe virtually every problem facing our schools has been solved by at least one community in America. This bill will help all of us share these solutions with the schools that need them most.**

This fall, we have an important opportunity to strengthen and reaffirm our commitment to our public schools and our children. Let us all work together to make sure every child masters the basics and meets the highest standards of academic achievement, that every principal and every teacher is empowered to introduce innovation into the classroom, that every parent can take an active role in his or her child's education, and that every **public** school across America is

**Automated Records Management System  
Hex-Dump Conversion**

accountable for its performance. Our children are counting on us. Thanks for listening.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mickey Ibarra ( CN=Mickey Ibarra/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:16-OCT-1997 16:20:04.00

SUBJECT: Vaccinations

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

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

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

Suzanne Dale ( CN=Suzanne Dale/OU=WHO/O=EOP [ WHO ] )  
READ:UNKNOWN

TEXT:

When do you expect to have the Vaccination announcement material ready that Sylvia asked us to push out the door to our elected officials ASAP? We need to get it to OPL to do the same to their constituencies also.

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

CREATOR: Stephen C. Warnath ( WARNATH\_S ) (CPC)

CREATION DATE/TIME:16-OCT-1997 16:56:51.83

SUBJECT: FYI

TO: Elena Kagan ( KAGAN\_E ) Autoforward to: Remote Addressee  
READ:NOT READ

TO: Jose Cerda III ( CERDA\_J ) Autoforward to: Remote Addressee  
READ:NOT READ

TO: Leanne A. Shimabukuro ( SHIMABUKUR\_L ) Autoforward to: Remote Addressee  
READ:NOT READ

CC: Bruce N. Reed ( REED\_B ) Autoforward to: Remote Addressee  
READ:NOT READ

CC: Paul J. Weinstein, Jr ( WEINSTEIN\_P ) Autoforward to: Remote Addressee  
READ:NOT READ

TEXT:

A heads-up:

The INS will announce on Monday the release of guidelines that for the first time requires sponsors of certain immigrants to meet minimum income requirements and for them to be financially responsible for immigrants that they sponsor. An immigrant's sponsor will be required to demonstrate an income level of at least 125% of the poverty level. The mechanism for establishing this will be a new legally-binding affidavit of support that will be effective December 19, 1997. This new requirement is mandated by the 1996 Immigration bill.

As background you should know that the Administration supported making the sponsorship requirement legally binding. Also, we worked during the negotiations of the legislation to reduce the income level required for sponsorship to 125% from much higher levels that would have created significant barriers to legal immigration for family reunification. (Even now, I believe that INS has internal statistics showing the 125% threshold will have a sizable and disproportionate impact on the ability of U.S. citizen families from Mexico to sponsor their relatives for legal immigration.)

The usual preparations for roll-out are proceeding with briefings scheduled, press conference and statement, etc.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Lawrence J. Haas ( CN=Lawrence J. Haas/OU=OMB/O=EOP [ OMB ] )

CREATION DATE/TIME:16-OCT-1997 17:09:30.00

SUBJECT: OMB briefing on Energy and Water line-item veto

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

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

TO: FOLEY\_M@A1@CD@LNGTWY ( FOLEY\_M@A1@CD@LNGTWY [ UNKNOWN ] ) (WHO)  
READ:UNKNOWN

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

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

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

TO: Mickey Ibarra ( CN=Mickey Ibarra/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: Michele Jolin ( CN=Michele Jolin/OU=CEA/O=EOP@EOP [ CEA ] )  
READ:UNKNOWN

TO: Ron Klain ( CN=Ron Klain/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

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

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

READ:UNKNOWN

TO: Stephen B. Silverman ( CN=Stephen B. Silverman/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: John L. Hilley ( CN=John L. Hilley/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: Lynn G. Cutler ( CN=Lynn G. Cutler/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

TO: Sidney Blumenthal ( CN=Sidney Blumenthal/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Kris M Balderston ( CN=Kris M Balderston/OU=WHO/O=EOP@EOP [ WHO ] )

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

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

CC: June G. Turner ( CN=June G. Turner/OU=WHO/O=EOP@EOP [ WHO ] )  
READ:UNKNOWN

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

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

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

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

CC: Suzanne Dale ( CN=Suzanne Dale/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: Debbie B Bengtson ( CN=Debbie B Bengtson/O=OVP@OVP [ UNKNOWN ] )  
READ:UNKNOWN

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

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

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

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

TEXT:

This is not public information, but -- the President plans to use his line-item veto authority on the Energy and Water appropriations bill on Friday, October 17, probably in the early afternoon.

Back by popular demand, OMB will hold a briefing for senior White House staff on the items in question on Friday, at 9:30 a.m. in the Roosevelt Room. T.J. Glauthier, OMB's "PAD" in this area, will probably lead the briefing -- although Frank Raines will be there if he can. This is your opportunity to learn what the President is doing, so you can give an appropriate heads-up to your constituency.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 17:31:20.00

SUBJECT: latest radio draft

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

fyi

----- Forwarded by William R. Kincaid/OPD/EOP on 10/16/97  
05:30 PM -----

June Shih

10/16/97 05:26:10 PM

Record Type: Record

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

cc:

Subject: latest radio draft

please get back to me as soon as possible. need to get to South America tonight

Message Sent

To:

---

Ann F. Lewis/WHO/EOP  
Michael Cohen/OPD/EOP  
William R. Kincaid/OPD/EOP  
Paul E. Begala/WHO/EOP  
Sylvia M. Mathews/WHO/EOP  
Michelle Crisci/WHO/EOP

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

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

TEXT:

Unable to convert ARMS\_EXT:[ATTACH.D36]MAIL47024688W.216 to ASCII,  
The following is a HEX DUMP:

Draft 10/16/97 noon

**PRESIDENT WILLIAM J. CLINTON  
RADIO ADDRESS ON SCHOOL REFORM BILLS  
OCTOBER 17, 1997**

Good Morning. This week, Hillary and I have been visiting our neighbors in South America. We've savored the hospitality and uniqueness of every country we've visited. But as we've traveled from Caracas to Brasilia to Buenos Aires and places in between, we've also had the chance to see that much more unites the people of the Americas than separates us. All of us cherish the same ideals: Freedom and equality, family and community, peace and democracy.

And we all believe that providing all children with a world-class education is the best way to ensure they fulfill their God-given promise in the 21st century. I was struck by how the people of each country had taken this principle to heart. Earlier this week, I saw how government, business and community leaders had worked together to build a school that had become an oasis of hope for children in one of Rio De Janeiro's poorest neighborhoods.

It was a powerful reminder of the transforming effects of education, of how we in the United States must continue to make sure that politics stops at the school house door. Because we worked across party lines this summer, we've already opened the doors of learning wider than ever before for Americans of all ages, passing the single largest increase in education spending since the G.I. Bill fifty years ago.

But we cannot rest. When I return to Washington, I will call on Congress to continue working with me to strengthen our public schools. I pledge to do everything I can to make sure two bipartisan school efforts become law. The first will bring more innovative charter schools to more communities across our country, boosting charter school funding to \$100 million so that we can open some 3,000 new schools by the end of the century. Charter schools empower parents, educators and community leaders with the freedom to create the schools that best meet the needs of their children while also meeting the highest levels of public accountability.

**But sometimes, charter schools aren't always the best answer to a community's education needs. Often, a school just needs a little extra help to implement the specific reforms they need to revitalize their classrooms, encourage teachers and inspire students. That's why I'm also supporting a bipartisan bill that will help low-achieving, low-income schools transform themselves through proven reforms -- everything from intensive reading programs to teacher training to after-school tutoring. I believe virtually every problem facing our schools has been solved by at least one community in America. This bill will help all of us share these solutions with the schools that need them most.**

This fall, we have an important opportunity to strengthen and reaffirm our commitment to our public schools and our children. Let us all work together to make sure every child masters the basics and meets the highest standards of academic achievement, that every principal and every teacher is empowered to introduce innovation into the classroom, that every parent can take an active role in his or her child's education, and that every school across America is accountable for its performance. Our children are counting on us. Thanks for listening.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 18:11:45.00

SUBJECT: I will be at DOL all Friday morning in Welfare to Work policy meeting

TO: Elena Kagan ( CN=Elena Kagan/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

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Page me if you need me.

1) Tomorrow morning's meeting is one of the interagency policy group to discuss a 10 page summary of the proposed draft regulations. I have reviewed the document; it is fine and reiterates the program's strong local role. I have given a copy to Emily.

2) If the policy group approves this 10 pager, then DOL will use it to consult with outside groups.

3) By next Thursday, after consultation with outside groups, DOL will officially submit its draft reg to OMB and us for review. They have given the policy committee their draft to date.

I gave Rob Weiner of counsel's office materials to review today in case we will need him during the regulatory process to help us argue for PIC-focussed regs. So far things look good.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	SSN (Partial); DOB (Partial); Phone No.'s (Partial) (2 pages)	10/16/1997	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[10/16/1997 - 10/17/1997]

2009-1006-F  
jm34

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 18:15:49.00

SUBJECT: Civil Rights Enforcement list

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

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

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

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

TEXT:

Here is the list of people that will attend the 2:00pm Civil Rights meeting in Room 211

----- Forwarded by Marjorie Tarmey/WHO/EOP on 10/16/97  
06:04 PM -----

Brian E. Smith  
10/16/97 06:10:34 PM  
Record Type: Record

To: Marjorie Tarmey/WHO/EOP  
cc:  
Subject: Civil Rights Enforcement list

Civil Rights Enforcement

Friday 2:00 pm Room 211

[001]

RESPONSE	NAME	ORGANIZATION	TELEPHONE #	SS #	DOB
YES	Arnwine, Barbara	Lawyer's Committee on Civil Rights			P6/(b)(6)
YES	Coles, Matthew	Gay and Lesbian Civil Rights Project			P6/(b)(6)
YES	Davis, Martha F	NOW / Legal Defense and education Fund			P6/(b)(6)
YES	Jones, Elaine	NAACP			P6/(b)(6)
YES	Henderson, Wade	Leadership Conference on Civil Rights			P6/(b)(6)
YES	Murphy, Laura	ACLU			P6/(b)(6)
YES	Pollack, Michelle	AARP			P6/(b)(6)
YES	Siemering, Ann	AARP			P6/(b)(6)
YES	Stachelberg, Cynthia	Human Rights Campaign			P6/(b)(6)
YES	Norton, Helen Louise	NOW / Legal Defense and Education Fund			P6/(b)(6)

NO  
NO

Kreiter, Nancy  
Greenberger, Marsha

P6(b)(6)  
National Women's Law Center

P6(b)(6)

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 18:47:05.00

SUBJECT: Draft Border Memo

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

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

TEXT:  
EK:

Here a draft of a short memo recommending that the President support our border coordination process, not the General's. It's just a cover piece -- no real options or substance. Let me know if you need anything else on this.

Also, I understand CR met with the AG, and she expressed her concern on various issues -- border, Drug Blueprint, etc. CR told her that you and he would send a memo to POTUS setting the record straight.

Finally, as if it couldn't get any more exciting on this front, I found out today that despite OMB's strong objects (and DPC's support of their position), ONDCP sent the Drug Blueprint document out to hundreds of folks in the field. Deich is not happy and believes it violates the Raines/McCaffrey agreement to keep the document in-house and in draft form until the budget process was completed. I'm not sure what will happen on this, but can't help but think that GMC is starting to step on lot of toes at once...

Jose'

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

TEXT:  
Unable to convert ARMS\_EXT: [ATTACH.D33]MAIL43058688C.216 to ASCII,  
The following is a HEX DUMP:

FF5750430A050000010A020100000002050000003513000000020000CA8A526E5200B4B80FD581  
4ED85F6C574C15747457373D388FB949F0C92CE016DCCA6DBE36663631760D7DE440000D246769  
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--- D R A F T ---

MEMORANDUM FOR THE PRESIDENT

FROM BRUCE REED  
CHUCK RUFF

RE: ONDCP's Recommendations for the Southwest Border Region

Attached please find a memorandum from General McCaffrey outlining recommendations on how to improve the Administration's drug interdiction efforts along the Southwest border. Although we share the General's concerns, we do not support his recommendations at this time -- and do not believe this issue should be tasked to the Drug Policy Council for resolution. We have several reasons for this.

First, the Treasury and Justice Departments have strong reservations about ONDCP's recommendations. In fact, less than a month ago, we met with Secretary Rubin, Attorney General Reno and General McCaffrey to discuss coordination of border-related issues. At that time, General McCaffrey was preparing to send a report to Congress on the Southwest border that made the same recommendations as the attached memorandum. Secretary Rubin and the Attorney General expressed their opposition to this report being sent to Congress without their input, and General McCaffrey agreed to hold the report.

Rubin and Reno -- who oversee the various enforcement agencies that carry out the drug, crime, trade and immigration laws along the border -- do not necessarily agree with the General's characterization of the border situation or with his proposed recommendations. Perhaps their largest concern is that the assigning of a single, federal official at each point of entry to coordinate drug interdiction will negatively impact or conflict with our immigration and trade policies.

Second, several other border-related issues are currently being discussed in the White House and among the agencies -- and will need to be resolved over the next few months. For instance, the Commission on Immigration Reform recently released its final report recommending that the Immigration and Naturalization Service (INS) be disbanded and its responsibilities -- including border enforcement -- parceled out to various agencies. Also, Members of Congress have introduced INS reform plans and included appropriations language requiring the Administration to do the same by early next year.

Lastly, at our recent meeting with Secretary Rubin, the Attorney General and General McCaffrey, we proposed that all of border consolidation issues

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should be coordinated by a White House-led working group because of all the cross-cutting issues involved -- drugs, crime, immigration and trade. We have already met internally and concluded that such a group would be led by DPC; include Counsel's Office, OMB, NSC and NPR; and specifically reach out to all of the impacted agencies. We are prepared to initiate these meetings immediately and -- at OMB's request -- expect to have some initial recommendations before the year's end and before the budget process is concluded.

Thus, we would recommend that you support our broader effort to coordinate border issues.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:16-OCT-1997 19:03:36.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Sylvia wants to talk asap re: latest draft of radio address; I have a copy  
@ your desk



**M E M O R A N D U M**

*Automated Records Management System  
Hex-Dump Conversion*

**TO: ELENA KAGAN**  
**FROM: TOM FREEDMAN, MARY L. SMITH**  
**RE: SUMMARY OF HATE CRIME CONFERENCE**  
**DATE: OCTOBER 16, 1997**

---

**SUMMARY**

This memo gives you an overview of the White House Conference on Hate Crimes which will be held on November 10. The Conference is mostly in fine shape, but there are some issues that need vetting. The legislative options are listed in Section III.D of this memo. The Department of Justice is coming over for a meeting on Monday, October 20, at 11 a.m. to discuss which legislative option, if any, to pursue. DOJ would like a firm answer from the White House as to whether the Administration should pursue a particular legislative option or merely broad policy principles. When DOJ present the options to the Attorney General, they would like to brief her on the White House's position.

As for the format of the Conference, it is expected that the Attorney General will make opening remarks in the morning, following which remarks the participants would take part in break-out groups of approximately 30 each. Some of the suggested topics for the break-out groups are listed below. The topics center around areas such as education, data collection, law enforcement, and community responses to hate crimes. In the afternoon, the President would make an announcement regarding hate crimes based on legislative and non-legislative proposals. Following or before the President's remarks, one participant from each of the break-out groups would report back on what was discussed.

Below is a summary of some of the areas of the conference, including (1) suggested location; (2) topics of breakout groups; and (3) the President's announcements.

**I. SUGGESTED LOCATION**

The suggested location is George Washington University.

**II. SUGGESTED TOPICS FOR BREAKOUT GROUPS**

There will probably be seven breakout groups with approximately 30 participants each.

1. Role of the Schools (K-12) in preventing and responding to hate crimes

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2. Role of Colleges and Universities in preventing and responding to hate crimes
3. Role of Law Enforcement in responding to hate and bias crimes
4. Coordinated Response of Law Enforcement, Victims, and Communities in improving collection of statistics regarding hate crimes
5. Hate Crimes in Public and Private Housing: Causes and Prevention Strategies
6. Responding to the needs of victims of hate and bias crimes
7. Research and Evaluation: What Works in Preventing Hate and Bias Crimes
8. Community Responses to hate and bias crimes

### **III. PRESIDENTIAL ANNOUNCEMENTS**

There are basically four main areas in which the Department of Justice is tackling hate crimes: (1) outreach to the community; (2) statistical collection; (3) educational initiatives; and (4) possible legislation.

#### **A. OUTREACH: HATE CRIMES WORKING GROUPS**

- DOJ is proposing federal-state-local partnerships that would coordinate the prosecution of hate crimes. Members of the working groups would be the U.S. Attorney's offices, the FBI, state and local law enforcement, state and local prosecutors, schools, and advocacy groups. In addition to prosecuting hate crimes, the groups would seek to increase enforcement of hate crime laws, to maximize reporting of hate crimes, and to educate the public about hate crimes.
- FBI has proposed seeking additional funding in the FY99 budget to add approximately 193 new FBI agents to investigate hate crimes.

#### **B. STATISTICS REGARDING HATE CRIMES**

- DOJ is also exploring several possibilities to improve the collection of statistics regarding hate crimes.

#### **C. EDUCATIONAL INITIATIVES**

- Northeastern University's Center for Criminal Justice Policy Research reports that approximately 65% of violent hate crimes are committed by boys and young men under the age of 20.
- The Department of Education's Office of Civil Rights is working with the National Association of Attorneys General to develop a manual that will catalog all of the various resources that are available to assist school administrators and teachers in addressing bias crimes and racial and ethnic

tensions in school settings.

- Middle-school curriculum entitled “Healing the Hate” (already developed by Educational Development Corporation and funded jointly by DOJ and Department of Education) should be disseminated to schools.
- Middle-school curriculum on hate crimes should be placed on the Department of Education’s website.
- Given the statistics that suggest that a large portion of hate crimes are committed by school-age males, DOJ could work with Education’s National Center for Educational Statistics to explore mechanisms for collecting information on hate-based violence in schools.
- Elevate awareness of hate-based violence in the educational community through a PSA campaign, conferences, workshops, articles, and the Internet.

#### **D. PROPOSED LEGISLATION**

DOJ has proposed five legislative options for amending 18 U.S.C. § 245, the principal federal hate crimes statute, to expand federal hate crimes jurisdiction to include bias crimes committed because of the victims’s sexual orientation, disability, and gender.

##### **Option 1**

- Option 1 is the most far-reaching of the five options. It would add sexual orientation, gender, and disability as protected categories. It would require proof of a Commerce Clause nexus in the least restrictive manner.
- Concerns about Option 1 are that it would federalize most rapes and would greatly increase the federal resources needed to prosecute these hate crimes. The FBI estimates that the proposed bill could require \$38.5 million per year to hire 219 additional agents. However, others at DOJ believe that the additional cost to the FBI would be substantially less than the estimate.
- Supported by the Civil Rights Division, Office of Policy Development, the Office of Intergovernmental Affairs, the Office of Legislative Affairs, the Violence Against Women Office, and the Office of Victims of Crime.

##### **Option 2**

- Option 2 also would add sexual orientation, gender, and disability as protected activities.

Unlike Option 1, however, Option 2 would require proof of a highly restrictive Commerce Clause nexus for hate crimes based on religion, gender, sexual orientation, or disability. Specifically, Option 2 would require that the defendant “travel[ed] across a State line in connection with the offense.” This interstate travel requirement is similar to interstate travel requirements contained in the criminal provisions of the Violence Against Women Act and in a former version of 18 U.S.C. §247, the religious hate crimes statute.

- Option 2 could greatly limit the number of gender-based incidents that would satisfy its strict Commerce Clause element. It is possible then that Option 2 could add gender as a protected category without overwhelming the resources of the FBI and DOJ. However, the interstate travel requirement contained in Option 2 likely would have the effect of excluding the great majority of bias incidents committed because of the victim’s sexual orientation, gender, or disability.

### **Option 3**

- Option 3 presents a middle ground between Options 1 and 2. Option 3 would require proof of the strict “interstate travel” Commerce Clause nexus for gender-based hate crimes, but would require proof of only the broader Commerce Clause nexus of Option 1 for crimes based on religion, sexual orientation, or disability. The advantage of Option 3 is that it would give DOJ broad jurisdiction over hate crimes based on sexual orientation and disability and more limited jurisdiction over hate crimes based on gender, thereby avoiding much of the limited resources problem with Option 1.
- One concern of Option 3 is that it would distinguish between treatment of hate crimes based on gender and treatment of hate crimes based on sexual orientation or disability without any clear constitutional or policy basis for doing so. Option 3 also probably would encounter political opposition from women’s groups that want gender added on the same terms as other categories.

### **Option 4A**

- Option 4A would add gender, sexual orientation, and disability as protected categories and would apply the broad Commerce Clause element from Option 1 to all three categories. However, unlike Option 1, Option 4 would attempt to address the resource issue by including statutory language requiring proof of gender-based animus, making it clear that not every rape or sexual assault was a gender-based hate crime covered by the statute.
- Option 4 is controversial in that some groups argue that all rapes have an inherent element of gender bias. Furthermore, the exclusion of rapes and other sexual assaults that lack additional indicia of gender-based bias may be inconsistent with the federal

interest in prosecuting certain gender-based crimes. For instance, a serial rapist, even one who rapes in many states, might evade federal prosecution as long as he didn't say or do anything that evinced a gender-bias over and above the bias inherent in rapes themselves.

- Option 4 might not significantly reduce the FBI's investigative burden as compared to Option 1. The FBI might have to investigate to determine whether evidence of animus was present.

#### **Option 4B**

- Option 4B is the same as Option 4 except that it apply the proof of animus restriction to religion, sexual orientation, and disability, as well as gender.
- Supported by the Attorney General's Advisory Committee (comprised of U.S. Attorneys), the Executive Office of the United States Attorneys, and the Federal Bureau of Investigation..

#### **Option 5**

- Option 5 would add sexual orientation and disability as protected categories, but it would omit gender-based hate crimes altogether.
- Option 5 would almost surely face even stiffer political opposition than Option 3 or 4. The coalition of outside groups is adamant that gender be included. In addition, Senator Kennedy's staff has indicated that he will not introduce a bill that does not include gender.
- Supported by the Criminal Division.

#### **Option 6**

- Merely support broad policy principles that gender, disability, and sexual orientation should be included in an appropriate and constitutional fashion.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 08:40:46.00

SUBJECT: SAP for HR 2646, Education Savings Act for Public and Private Schools

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

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

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

TO: Robert G. Damus ( CN=Robert G. Damus/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

TO: Robert M. Shireman ( CN=Robert M. Shireman/OU=OPD/O=EOP@EOP [ OPD ] )  
READ:UNKNOWN

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

TO: Alexander T. Hunt ( CN=Alexander T. Hunt/OU=OMB/O=EOP@EOP [ OMB ] )  
READ:UNKNOWN

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

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

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

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

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

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

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

READ:UNKNOWN

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

TEXT:

Reminder, we're looking for any comments on the SAP stating the veto recommendation by Secs. Riley and Rubin by noon today. A copy of the SAP, which was based on their October 9th letter, follows.

-----

16, 1997

October

Rules)

(House

H.R. 2646 - Education Savings Act for Public and Private Schools  
(Archer (R) Texas and Gingrich (R) Georgia)

If H.R. 2646 is presented to the President, the Secretaries of Education and the Treasury would recommend that he veto the bill because it is bad education policy and bad tax policy.

Every American child deserves a high quality elementary and secondary education. Targeting limited Federal resources to build stronger public schools will help ensure that all our Nation's children receive the education they need to become productive citizens. H.R. 2646 would divert needed resources from these schools.

H.R. 2646 would disproportionately benefit the most affluent families and provide little benefit to lower- and middle-income families. Families in the highest income bracket that saved the maximum amount permitted by H.R. 2646 would receive more than twice the benefit of families in the lowest tax bracket that saved the same amount. Moreover, the bill would not create a significant incentive for families to increase their savings for educational purposes; it would instead reward families, particularly those with substantial incomes, for what they already do.

\* \* \* \* \*

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Karen Tramontano ( CN=Karen Tramontano/OU=WHO/O=EOP [ WHO ] )

CREATION DATE/TIME:17-OCT-1997 08:47:52.00

SUBJECT: Child Care Conference

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

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

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

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

TEXT:

I received word yesterday that we will be announcing a business council out of the child care conference. I urge that we change the name -- given labor's historical and present record of establishing labor/management child care centers, calling a council "business" would very much disturb labor leaders -- any other name would work better --

also, can we make the connection between quality child care and child care workers -- who are among the lowest paid and receive no benefits -- especially since I understand we will be announcing a national registry -- child care workers hear this as the only thing we say about workers who care for children is that they are criminals -- we need to balance this with some affirmative statements about workers and a policy statement about their wages, working conditions and benefits because they are horrible. We we talk about child care "providers" I fear we are thinking institutionally and not about workers -- they are the bulk of the providers.

Thank you for your consideration in this regard.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 10:07:34.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

REMINDER: Interview w/ Neera Tanden in 222 @ 10:15

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 11:13:44.00

SUBJECT: Question on race meeting

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:

Harris Wofford's chief of staff (John Gomperts, a good guy) was about to call Judy Winston so that Harris could sit down with her and brainstorm on the race initiative. Now that Gomperts knows of our interest, he would be happy to meet with us instead, or to meet with Winston and us together. Any preference, to make this more of a DPC thing first, vs. bringing Winston in right away?

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 11:30:22.00

SUBJECT: Service-race link

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Here's some interesting stuff, via John Gomperts of the Corporation for National Service.

1. Apparently Martin Luther King day was designated as a day of service under a 1994 law pushed by Harris Wofford when he was a Senator -- "a day on, not a day off." King was pro-service and made a famous service quote: "Everybody can be great because everyone can serve." So every year, the service world (there is one) organizes all kinds of service events on January 15. The Martin Luther King Commission is apparently designated in the law, along with the Corporation, to implement this. (MLK Commission is apparently somewhat adrift.)

Better yet, the Corporation has \$250,000 in demo money to fund little \$2,000 to \$5,000 mini-grants for local groups to organize local days of service. This is the 2nd year they've done these grants. They got 500 applications, many more than last year. And they will be ready to announce the grants in about two weeks. (I assume they could hold this if we wanted, although not for too long.) Harris was hoping that the President would participate in the MLK day of service this January, and could plug the Corporation's reauthorization then.

2. Harris has been approached by Dexter King (King's son) and a service organization called "Do Something" about something called the Kindness and Justice Curriculum. Corp. doesn't know much about it yet, but it might be service learning of some sort. They want to make it part of the MLK holiday celebration. They are also approaching Tom Kean.

3. Harris & co. are focusing more on AmeriCorps and less on service learning in their thinking on the race-service link so far. Two prominent AmeriCorps programs -- CityYear and Public Allies -- focus very consciously on race as part of the service experience, and could speak at a town hall. There is a guy named Alan Khazei at CityYear who is a thinker/statesman on service. You could have thinkers talk and then young people from different backgrounds talk about their experience serving together, the good and the bad.

4. The Corp. will have a new study soon on problems in racial diversity in AmeriCorps and how to do better. Gomperts says they really wouldn't want to release this report, but perhaps something could be done as an offshoot. I'll try to find out more about it. AmeriCorps is apparently very diverse, and that can create issues.



**BIPARTISAN SUPPORT FOR EXPANDING CHOICE IN PUBLIC  
EDUCATION AND FIXING FAILING SCHOOLS**

October 17, 1997

*Now I ask you -- and I ask all our nation's governors; I ask parents, teachers, and citizens all across America -- for a new nonpartisan commitment to education -- because education is a critical national security issue for our future, and politics must stop at the schoolhouse door.*

*President Clinton, State of the Union Address, February 4, 1997*

In his weekly radio address today, the President praised two initiatives in Congress where Democrats and Republicans have come together in support of needed improvements in public education. One bill would expand and strengthen President Clinton's public charter schools program, by accelerating progress towards the President's goal of developing 3,000 new charter schools by the year 2000, and encouraging states and local school districts to provide these innovative public schools with more flexibility together with greater accountability. Another measure would help schools implement school-wide reforms based on effective, proven models. These initiatives show how we can improve our schools, and turn around low-performing schools, without abandoning public education: strengthening schools with proven practices or providing students and their families with more high-quality choices in public education.

**CHARTER SCHOOLS HAVE EXPERIENCED TREMENDOUS GROWTH UNDER PRESIDENT CLINTON'S LEADERSHIP.** As a result of the President's continuing leadership, there has been a dramatic growth in the number of charter schools. When President Clinton took office, there was one charter school in operation nationwide and only two states with a charter law. This year, over 700 charter schools are expected to be in operation. Similarly, the number of states with charter laws continues to grow -- 29 states, and the District of Columbia have passed legislation authorizing the establishment of charter schools.

This growth has been fueled by the President's proposal of a public charter schools program, which was enacted in 1994 as part of the reauthorization of the Elementary and Secondary Education Act. With the President's leadership, the charter school program has grown from \$6 million in FY 1995 to \$51 million in FY 1997. The President has requested \$100 million from Congress in FY 1998 to provide support for 1,000 charter schools.

**A BIPARTISAN BILL TO EXPAND CHOICE WITH PUBLIC ACCOUNTABILITY.** Recently House Education Committee Democrats and Republicans reached across party lines to approve suggested amendments to the Public Charter Schools Program in a bill co-sponsored by Rep. Riggs (R.-Calif.) and Rep. Roemer (D-Ind.). This bill would give a priority for awarding new charter schools grants to states which are creating larger numbers of charter schools with increased control over financial decision-making and that are clearly held accountable for results. The bill also incorporates the President's goal of increasing the number of charter schools to 3,000 by the year 2000. Similar legislation is expected to be introduced shortly in the Senate by Sen. Coats (R.-Ind.) and Sen. Lieberman (D.-Conn.). The President endorsed these bipartisan efforts, and Administration staff will continue to work with members of both parties as the legislation moves through Congress.

**BIPARTISAN SUPPORT FOR REFORMS THAT WORK:** To help strengthen all public schools, especially those with high concentrations of poverty, today the President also announced his support for a bipartisan initiative led by Congressman David Obey (D., Wisconsin) and John Porter (R., Illinois). The initiative would help schools adopt research-based models for school-wide improvements that have demonstrated track-records of success at improving student achievement, through proven strategies such as high standards for all students, intensive help in the basic skills in the early grades, strong parental involvement in school decision-making, challenging curriculum often implemented with the effective use of learning technologies, and effective training for teachers. At funding levels included in the House Education Appropriations bill, the initiative would fund \$50,000+ competitive grants to at least 2,000 schools to adopt research-based models of comprehensive school reform, such as those supported by New American Schools.

**THESE INITIATIVES SHOW THE KIND OF INNOVATION THAT RESULTS WHEN WE WORK TOGETHER TO IMPROVE -- NOT ABANDON -- OUR PUBLIC SCHOOLS.** Charter schools are examples of genuine public education reform -- they provide a mechanism for change with real public accountability for promised results. Likewise, the reform models to be made available through federal grants would provide a proven mechanism for turning failing schools into successful ones. These initiatives would help increase the options for creating and maintaining high-quality schools within the public school systems that the vast majority of American children attend.



**Q: What Makes the Charter Schools Bill Such a Good Example of Bipartisan Cooperation?**

**A:** The bill, which amends the ESEA Public Charter Schools Program, was initially sponsored by Rep. Riggs, chairman of the Early Childhood, Youth and Families Subcommittee. Among other provisions the bill incorporates the President's goal of increasing the number of charter schools to 3,000 by the year 2000. Prior to committee action the bill was substantially improved in response to concerns raised by the Department of Education, and Rep. Roemer joined Rep. Riggs as a co-sponsor. The bill was approved last week by the House Education Committee on 24-8 bipartisan vote, including ten Democrats and fourteen Republicans. We think this is a great example of the kind of progress we can make when Democrats and Republicans come together across party lines to help our kids. Administration staff will continue to work with the sponsors to strengthen the legislation.

**Q: What About the Obey-Porter Comprehensive School Reform Provisions -- Why Do they Represent a Good Example of Bipartisan Cooperation?**

**A:** These provisions represent strong leadership of Rep. Obey, ranking member of the House Appropriations Committee, working together with Rep. Porter, the subcommittee chairman. They feel strongly that schools across the country have been missing a great opportunity to benefit from research-proven approaches to reforming entire schools that have been developed in recent years. Many of these models have been developed with support from the New American Schools, a non-profit established under the Bush Administration but heavily supported by President Clinton, as well as from the generous gift by Mr. Annenberg. After a strong debate on the House floor, the provisions were amended to address the concerns of some conservative members and the provision was approved as a part of the House Education Appropriations bill. Again, members put aside partisan differences to support an initiative that will make a concrete difference in hundreds, and perhaps thousands of schools across the country.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 15:57:23.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

REMINDER SBA 8A Mtg. @ 4:00 in Roosevelt Room

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 17:01:16.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

REMINDER: Race & Health Mtg. w/ Jennings, Corr @ 5:00 in rm 211



Possible Non-Budgetary Policies re: Fathers

In the context of the race initiative, policies to promote the role of fathers in the lives of their children could be proposed either 1) as an appeal to the values of family that is shared across racial and ethnic lines in our nation; or 2) as a recognition that African American and Hispanic children are more likely to live without their fathers.

- 1) “Appeal to Parenting” Public Service Campaign: President and/or First Lady could appear in a public service campaign urging parents to be emotionally and financially responsible for their children. The Families, inc. film and television production company in New York has written to the First Lady to ask for her and the President’s participation. The producers are reaching out to as many high profile parents, including: The President and the First Lady; The Vice President and Mrs. Gore; Mayor Guiliani and his wife; Michael Jordan and his wife; Patrick Ewing and his wife; Sylvester Stallone and his wife; Denzel Washington and his wife. (The proposal has not yet been vetted.)
- 2) “Don’t Drop the Ball” Public Service Campaign: Work with the National Football League to expand nation-wide a public service announcement campaign conducted in Florida featuring pro-football players with their children with the slogan “Don’t Drop the Ball: Support Your Children.” (The Florida campaign was organized by the child support enforcement unit of the Florida State Department of Revenue. There have not yet been any discussions with the National Football League.)
- 3) Involve Fathers in Children’s Education: Call upon schools to send report cards to noncustodial as well as custodial parents, to follow upon the report recently released by the Vice President and Secretary Riley that shows that children whose fathers are involved in their education do better in school. (This was one of the recommendations of the May 1996 conference on fathers chaired by the Vice President. We need to check to ensure that we have not already recommended this.)
- 4) Congressional Task Force for the Promotion of Fatherhood: The President could do a roundtable or other event with the bipartisan Congressional Task Force for the Promotion of Fatherhood, formed this June and chaired by Rep. Mike McIntyre (D-NC) and Rep. Joseph Pitts (R-PA). Both Speaker Gingrich and Minority Leader Gephardt are members. The mission of the task force is “to confront the growing problem of father absence, and ...seek to increase the number of children growing up with committed fathers.” The task force will promote fatherhood by arranging public awareness campaigns, educating Members about the problems of fatherless homes in America, organizing conferences and forums, and by encouraging television stations, local leaders, and community groups to promote fatherhood.

# Withdrawal/Redaction Marker

## Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	Personal (Partial) (1 page)	10/17/1997	P6/b(6)

### COLLECTION:

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

### FOLDER TITLE:

[10/16/1997 - 10/17/1997]

2009-1006-F

jm34

### RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 18:41:40.00

SUBJECT: 6 month service summit update memo

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

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

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

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

TEXT:

Steve Silverman is putting the finishing touches on our service summit 6 month update memo. He will forward it to you for review. I think his draft will be to the President from himself, me, and Bibb Hubbard, via Sylvia and you. He is always pushing me to get my name on memos; I really don't care, so if you aren't comfortable with that formulation it's fine with me.

It's a short cover memo with 2 attachments, most of which you've seen:

[REDACTED] P6/(b)(6)

[REDACTED] P6/(b)(6) so I've sent him edits. But not sure if he'll reflect them all.

[002]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME:17-OCT-1997 19:11:17.00

SUBJECT: Labor and Child Care

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

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

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

TEXT:

Karen Tramontano makes two good points in her memo. It seems to me easy to make the connection between quality and child care providers -- it's implicit in the policy aspect that encourages them to use Pell grants to get more education, etc; we just need to be more conscious to make it explicit.

About the "Business Council" Is this modeled after the Colorado effort ? Is that what they called it ? I wonder if we could find a more inclusive name like "Leadership Council " --mostly business with one labor leader, maybe one other ??

I do realize- I think - that the purpose is to get business to take responsibility to do more. But we don't mean to send the signal that labor is irrelevant or of no value. . Here is an area where they are eager to be supportive partners with us in achieving the common goal --increasing access to child care . I hope we can give a positive response .