

NLWJC - KAGAN

EMAILS RECEIVED

ARMS - BOX 069 - FOLDER -004

[11/06/1997-11/07/1997]

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 6-NOV-1997 22:03:38.00

SUBJECT: Civil rights enforcement package

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

This is the latest draft of the OMB introduction to the civil rights package. The package states its four components are compliance, ADR, information and data improvements across the lead agencies. The package is now a \$56 million increase -- a 13.2% increase over the FY 1998 enacted level (a 10.6% real increase).

The major specific initiatives are still the improvements at EEOC (6 month goal, more ADR), HUD audit enforcement (a \$14 million project), and compliance at OFFCP.

Raines is slated to sit down with OMB staff Wednesday of next week to review this.

I've asked for and received from the agencies more project ideas in the areas of compliance, mediation, data collection, and technology they would make. As of today, I have new projects in these areas but they don't ask for much more money-- from HHS another \$5.5 million, from Education another \$2.2 million, EEOC \$1.2. DOL and DOJ should get their's in tomorrow. Of course, if we just gave the agencies what they asked for in their budget requests it was about \$80 million.

PIR (the english guy) called to say they were sitting in on the Raines meeting and wanted to discuss our package prior. Regards, Tom =====
ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D90]MAIL46789790H.316 to ASCII,
The following is a HEX DUMP:

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CIVIL RIGHTS CROSSCUT DIRECTOR'S REVIEW OVERVIEW

In June 1997, President Clinton launched his President's Initiative on Race (PIR), a campaign to improve race relations in the post-civil rights era by encouraging Americans to "learn together, talk together and act together to build one America" and to "help educate Americans about the facts surrounding issues of race". The seven-member Board agreed at its first meeting July 14 to focus its first initiatives on education and economic opportunity issues. President Clinton and Vice President Gore participated in a second Board meeting on September 30, where the President reiterated his commitment to looking for practical steps that will move the country forward toward common goals. He called on the PIR to consider publishing a compendium of local efforts that address promising practices of diverse communities in successfully promoting tolerance and models of behavior.

This crosscut review has three sections. The first section asks for decision on funding for the six principal civil rights enforcement agencies and the U.S. Commission on Civil Rights. The six enforcement agency proposals discussed in the issue papers comprise a \$56 million "Presidential Civil Rights Initiative", discussed below. The second and third sections are informational only. The second section discusses enforcement programs for which funding decisions are not requested, and programs that have been considered "civil rights" related, but are non-enforcement in nature; decisions for these programs will be made in the context of agency reviews. The third section discusses Administration efforts in a variety of areas that may be considered race-related.

The Domestic Policy Council's Civil Rights Working Group Efforts. The Domestic Policy Council (DPC) and HTF Division staff have been engaged for several months in meeting with both civil rights advocacy group leaders and agency officials to hear their recommendations for improving Federal civil rights efforts. The advocates recommended a range of ideas including improved White House coordination of civil rights policies and stronger enforcement of civil rights laws by and in the Federal Government. All agreed strongly that a coordinated approach to civil rights policies, with a full-time senior person in the White House responsible for civil rights issues, could assist in numerous ways, including: identifying civil rights priorities and focusing resources incrementally in key areas which could aide the Assistant Secretaries in defending their budgets during the appropriations process; focusing the need for Cabinet Secretaries to play a more visible role in advancing the Administration's civil rights agenda; giving strategic attention to Presidential appointments and the timing of major initiatives; and coordinating the fight against discrimination by Federal agencies.

The DPC also conducted a series of meetings with Federal civil rights agencies including the Equal Employment Opportunity Commission (EEOC), the Department of Justice's Civil Rights Division, and the civil rights offices of Education, HHS, Labor, and HUD. These agency meetings were held to discuss ideas for assisting the Administration obtain its civil rights enforcement budgets from the appropriators.

Presidential Civil Rights Initiative. DPC and HTF Division staff believe increased resources are necessary to implement many of the proposals for agencies to conduct business more effectively and efficiently. A Presidential announcement would highlight a \$56 million “Civil Rights Initiative” to assist the key civil rights enforcement agencies:

- to improve compliance;
- to implement greater use of alternative dispute resolution techniques;
- to invest in information systems upgrades; and
- to develop better data collection capabilities.

The increased funding would be more than a symbolic statement about the President’s commitment to civil rights; it would provide the enforcement agencies with badly needed resources. For example, EEOC could invest in technology and implement greater use of mediation to quickly resolve complaints without significant increases in staffing. OFCCP would continue its streamlining and compliance assistance initiatives. And our recommendation for HUD is to develop a targeted, audit-based enforcement initiative that would raise the Nation’s and communities’ awareness of the extent of housing discrimination through focused and publicly released audit results and subsequent enforcement action. Detailed agency proposals are discussed in the subsequent issue papers. The funding levels for each agency are shown in the table below:

Presidential Civil Rights Initiative (Budget Authority, in millions of dollars)					
Agency	FY 1998 Enacted	FY 1999 OMB Guidance	FY 1999 RMO Recomm	Presidential Initiative	Delta: Recomm. Less Guidance
EEOC	240	236	270	+30	+34
HUD	30	34	44	+14	+10
DOJ	65	67	70	+5	+3
OFCCP	62	69	67	+5	-2
Education	62	63	64	+2	+1

HHS	20	20	20	+0	+0
Total:	479	489	535	+56	+46

Civil Rights Information in the President's Budget. Both the advocates community and the civil rights agencies discussed the need for better and more available data on civil rights programs. During President Clinton's first term, there was no discussion on civil rights programs in the annual budget presented to Congress. For the FY 1998 Budget, a brief discussion on overall funding for civil rights activities in housing and employment was included in the short "Highlights of the Federal Budget" document in "Chapter VI, Expanding Economic Opportunity". This contrasts sharply to fuller analyses of civil rights activities that had been an integral part of the President's Budget through FY 1987. The "Special Analysis J" section (see Appendix A) listed budget authority for principal federal civil rights activities and descriptions of the coverage and scope of voting rights, equal employment opportunity, fair housing and equal credit, activities of the U.S. Commission on Civil Rights, and non-discrimination in Federally assisted programs. When the FY 1988 budget was consolidated into a single document, the production of most special analyses ceased. With the resurrection of the Analytical Perspectives component of the President's Budget in _____, all of the previous analysis were again included, with the exception of civil rights activities. OMB may want to include a civil rights section in the FY 1999 Budget as part of an Administration effort to highlight government-wide program and financial information for civil rights activities.

Summary of Civil Rights Enforcement Funding. Most of the Federal dollars that go toward civil rights objectives are provided to agencies for enforcing Federal civil rights statutes. In January 1997, at the request of Wade Henderson of the Leadership Conference on Civil Rights, the Housing, Treasury, and Finance Division developed a post-budget crosscut table of FY 1998 spending for civil rights programs. The President proposed \$608.6 million for Federal civil rights programs, a \$51.7 million or 9.3 percent increase in budget authority over FY 1997. Funding increases were proposed for nearly every civil rights agency, spreading scarce Federal resources over a broad group of agencies and programs. The average increase in enforcement programs was 8.3 percent, with increases ranging from 3 percent for the EEOC to between 10 and 30 percent for Education's civil rights programs, Labor's OFCCP, HUD's fair housing activities, and the U.S. Commission on Civil Rights. Non-enforcement programs were proposed to increase 15.6 percent, primarily reflecting a 38 percent increase in SBA's minority and women small business programs.

This crosscut reviews only the six key civil rights enforcement agencies, plus the U.S. Commission on Civil Rights. Despite the \$503.5 million proposed in FY 1998 for the six principal agencies, Congress is likely to provide \$465.7 million, equal to the FY 1997 enacted level, and \$37.8 million, or 7.5 percent, below the President's request for FY 1998 (see Attachment A). For FY 1999, OMB is proposing \$537.2 million for key enforcement activities, a 4.4 percent increase over the President's FY 1998 request and a

13.2 percent increase over the FY 1998 enacted level. Using a 2.3 percent GDP deflator, the real increase for OMB's recommended level over the FY 1998 budget request is 2 percent, and the real increase over the FY 1998 enacted level is 10.6 percent. Individual agency increases range from 33 percent for fair housing activities, to 8 percent for EEOC and level funding for Education's Office of Civil Rights.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 08:39:02.00

SUBJECT: Re: Revised Q&A/TP on the tests

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

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

TEXT:

As I was thinking about this last night, one thing that these do not address are the provisions in the 2nd NAS study that have to do with whether the tests are free from bias, address the needs of LEP and disabled kids, and whether they can be used for "tracking, graduation, or promotion," etc. Does it make sense to include a mention of these in the TP's, or do the caucuses and advocates view this language as such a thin reed that its counterproductive?

William R. Kincaid
11/06/97 09:50:48 PM
Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Michael Cohen/OPD/EOP
cc: Tanya E. Martin/OPD/EOP
Subject: Revised Q&A/TP on the tests

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

TEXT:

Unable to convert ARMS_EXT:[ATTACH.D93]MAIL481713011.316 to ASCII,
The following is a HEX DUMP:

**Questions and Answers on Tentative Agreement on National Tests
November 7, 1997**

Q: Earlier the Administration had indicated the President would veto this bill if it required further authorization from Congress to move forward with testing. But some suggest that this compromise basically kills the national test to clear the way for Fast Track. Has the President given up on a national test?

A: Absolutely not. The agreement allows us to proceed with development of the 4th and 8th grade national tests that the President has proposed. It also allows us to pilot test the items for these tests next fall. This is a delay of a few months, but it's one we can live with. At the same time, we will go forward with a National Academy of Sciences study of ways to link state tests to each other and to NAEP, an existing national sample test, that reflects high national standards. Both aspects of the agreement make progress toward a single goal: ensuring that all students, across the country, are measured by the same high standards.

Q: The legislation looks like a victory for test opponents. What did the Administration get out of this agreement?

A: This agreement is a solid victory for high standards. Under the compromise, the final appropriations bill drops the general prohibition on national tests contained in the House-passed bill, which the Administration threatened to veto, and allows us to proceed with development of the 4th grade reading and 8th grade math tests. The bill shifts control over test policies and development to the independent, bipartisan, National Assessment Governing Board (NAGB), as the Administration had proposed. It provides \$16 million dollars to support the testing plan. And it allows for pilot testing of test items to begin next fall. At the same time, the bill provides for a potentially valuable study of ways to link state tests to each other and to NAEP, an existing national sample test, that reflects high national standards. This agreement puts us on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.

Q: Is further development of the national tests dependent on the findings of the National Academy of Sciences study? What is the timeline for this study?

A: The Academy will be asked to make an interim report by June 15, 1998 with a final report submitted by Sept. 1. Further development of the national tests is not contingent on the findings of the NAS study. NAGB can go forward with test development activities leading up to pilot testing right now. Pilot testing is postponed until after September 30, but does not depend on the completion or findings of the National Academy study.

Automated Records Management System
Hex-Dump Conversion

Q: Does the compromise require further authorization to move beyond the pilot testing stage?

A: The compromise allows for test development in FY 98, and pilot testing after September 30. It is silent on the subject of further congressional action.

Q&A on Pilot Testing Date

Q: It sounds as if the Administration and Hill negotiators spent all day yesterday haggling over two dates: September 1 and September 30. What was at stake and were you satisfied with the resolution?

A: We had an agreement with Mr. Goodling to allow pilot testing to begin September 1. Mr. Goodling changed the date to September 30, but after reviewing the legislative language, we determined that this would not interfere with our plans in any way, because as a practical matter we would not have begun pilot testing in the first few weeks of the school year.

**Talking Points on Tentative Agreement on National Tests
November 7, 1997**

- This is a win-win agreement -- a genuine bipartisan victory for high standards.
- The agreement allows continued, timely development of new national tests in 4th grade reading and 8th grade math, as called for by the President in his State of the Union Address. As provided for by the Senate, control of test policies and development will be transferred to the National Assessment Governing Board (NAGB).
- At the same time, the National Academy of Sciences, in consultation with NGA, NCSL, and NAGB, will study how tests already developed by commercial publishers and states may be used to measure student performance against each other and against national standards. In addition, the Academy will study the technical quality and other aspects of test item development.
- The Academy will be asked to make an interim report by June 15, 1998 with a final report submitted by September 1. Further development of the national tests is not dependent on the findings of the NAS study. NAGB can go forward with test development activities leading up to pilot testing right now. Pilot testing is postponed until after September 30, 1998, but does not depend on the completion or findings of the National Academy study. This timeline represents a delay of a few months, but it's one we can live with.
- The agreement allows for test development in FY 98, and pilot testing after September 30. It drops the general prohibition on national tests that the Administration threatened to veto, and does not include any requirement for congressional authorization to proceed with national tests.
- As a result of this agreement, we are now on the road to high national standards, and to measuring whether these standards are being met. We will finally have high expectations for all our students and real accountability for all our schools.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 09:34:21.00

SUBJECT:

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

TEXT:

David Ogden called you back 514-8633

**PRESIDENT CLINTON ANNOUNCES NEW LAW ENFORCEMENT
AND EDUCATIONAL INITIATIVES TO COMBAT HATE CRIMES**
November 10, 1997

Today President Clinton convenes a White House Conference on Hate Crimes designed to call national attention to the problem of hate crimes. The President will announce initiatives to increase enforcement of hate crime laws and to promote educational strategies to address the problem. The President will announce support for bipartisan legislation to expand the principal federal hate crimes statute to include gender, sexual orientation, and disability. Recognizing that much of the effort to prevent and combat hate crimes must occur at the community level, the President will announce the creation of a nationwide network of local hate crime working groups centered around the country's United State Attorney's offices.

Expansion of Federal Hate Crimes Law. The President will announce the Administration's support for legislation to expand the principal federal hate crimes statute. This law currently prohibits hate crimes only on the basis of race, color, religion, or national origin. The Clinton Administration's proposed amendment would extend the law to prohibit hate crimes based on gender, sexual orientation, and disability. The President has garnered bipartisan support for this legislation, realizing that hate crimes are not a partisan issue. Senators Kennedy and Specter are expected to introduce this legislation shortly after the Conference.

Recognizing that most hate crimes are and should be prosecuted and investigated at the local and state level, the Administration supports several limiting principles that would reduce the number of cases actually investigated and prosecuted by the federal government. These limiting principles will be contained in the legislative language itself and in internal guidance to federal investigators and prosecutors.

Creation of a Network of Local Hate Crime Working Groups. The President will announce that each U.S. Attorney will either establish a local hate crime working group in his or her district, or if such a body already exists, actively participate in the group. These working groups--essentially federal-state-local partnerships-- would include representation from the U.S. Attorney's office, the FBI, state and local law enforcement, state and local prosecutors' offices, and advocacy groups. In addition to addressing law enforcement strategies, the groups will seek to educate the public about hate crimes. A National Hate Crimes Working Group, located at the Main Justice, would coordinate the work of all the working groups across the country. As part of this coordinating function, the National Hate Crimes Working Group would distribute, on an ongoing basis, information on promising practices.

Additional FBI Agents for Hate Crimes Enforcement. The President will announce support for the assignment of over 40 FBI agents and prosecutors to the task of hate crimes

enforcement. The allocation of this substantial number of federal investigators and prosecutors reaffirms the Clinton's Administration's commitment to getting tough on hate crimes.

Hate Crimes Training for Law Enforcement. In addition to committing substantial resources to hate crime law enforcement, the President will announce the development of a model law enforcement training curriculum on hate crimes that can be incorporated into programs at local and state law enforcement training centers. This curriculum includes three course segments -- one for law enforcement officers, one for investigators, and one for others in the law enforcement field. This curriculum will be available for use across the country in 30 days.

Make 'em Pay Initiative. The President will announce an initiative to assist victims of hate crimes and discrimination in housing to seek monetary damages from the perpetrators. The Department of Housing and Urban Development has created a unit that will bring civil suits on behalf of residents of public and private housing who have suffered hate crimes and other discrimination. This initiative will be accomplished through the reallocation of existing resources.

Improved Reporting of Hate Crimes Statistics. Recognizing the need for greater collection of statistics on hate crimes, the President will announce the addition of questions about hate crimes in the National Crime Victimization Survey, an annual survey conducted by the Department of Justice's Bureau of Justice Statistics to measure levels of crime through a national sampling of victims of crime. At present, this survey does not include questions about hate crimes. Beginning in 1998, the Department of Justice will include questions related to hate crime in NCVS. The survey will inquire whether the victim believes the incident was bias-motivated and why. Expanded questioning regarding hate crimes will also be a part of a pilot project to take place next spring to improve the NCVS.

Educational Initiatives Directed toward Children . The President will also announce two new educational initiatives. First, the Departments of Justice and Education have proposed a manual for educators on preventing youth hate crime that encourages schools to confront hate-motivated behavior among students; promotes development of comprehensive, programmatic responses to prejudice and violence; and makes educators aware of resources that can be used for this purpose. The Departments intend to send this resource guide to every school in the country. Second, the Department of Justice has created a new website, "Hateful Acts Hurt Kids," addressing prejudice, discrimination, and related issues in an interactive, graphic format designed for children in kindergarten through fifth grade, as well as their parents and teachers. This site will be available for viewing at the Conference.

THE CLINTON ADMINISTRATION: DRAWING A LINE AGAINST HATE CRIMES

The Clinton Administration: Fighting Hate in Our Communities

- On October 22, 1997, a federal grand jury returned a one count indictment in *United States v. Bybee*, charging Greg Bybee with violating one count of federal civil rights statute. On December 27, 1996, the victims, a Native American and African American interracial couple, were assaulted and threatened with a firearm by the defendant at the home of the female victim's father on an Indian reservation in Boise, Idaho.
- In Richland, Mississippi, four members of a neo-Nazi skinhead organization, pled guilty to conspiracy and interfering with the housing rights of an interracial couple by throwing a molotov cocktail at their trailer home.
- Three defendants, one of whom is a racist skinhead and a member of the white supremacist group "South Bay Nazi Youth," were convicted of a civil rights conspiracy after they drove through the streets of Lubbock, Texas, hunting African-American men, luring them to the conspirators' car and shooting the men at close range with a short-barreled shotgun. One victim died, one was seriously wounded in the face and another had a finger blown off.
- In Livingston, Texas, six defendants pled guilty to civil rights charges for beating randomly selected African-American men with a rifle and a rodeo belt buckle, and punching them repeatedly as they tried to escape. The defendants had been angered at seeing other black men in the presence of white women. The adult defendants were given prison sentences ranging from 20 to 43 months.
- In Livermore Falls, Maine, two defendants were sentenced to almost 6 years and almost 7 years following their guilty pleas to civil rights charges after threatening four Latino victims, chasing them by car from the store, and firing shots at the victims' fleeing car, wounding one victim in the arm.

[Source: Department of Justice, Civil Rights Division, 10/97]

Fighting Hate Crimes Through Tough Law Enforcement

Vigorously Prosecuting Hate Crimes Under the Civil Rights Statutes. Several distinct federal statutes provide jurisdiction to prosecute hate crimes -- crimes where the perpetrator selects his victim on the basis of certain characteristics such as race, color, religion, and national origin. Since 1989, over 500 defendants in more than half of the 50 states have been convicted on federal criminal civil rights charges for interfering with various federally protected rights of minority victims. Virtually all defendants charged in these cases have been convicted. President Clinton's Justice Department has vigorously prosecuted hate crime incidents,

particularly where the defendants were members of organized hate groups, such as the Ku Klux Klan, The Order, and various skinhead gangs.

Enhanced Penalties For Hate Crimes. As part of the historic 1994 Crime Act, the President signed the Hate Crimes Sentencing Enhancement which provides for longer sentences where the offense is determined to be a hate crime. In 1996 alone, 27 cases received enhanced sentences.

The Bureau of Alcohol, Tobacco and Firearms (ATF) Provides Expertise in Arson and Explosives Investigations to Help Fight Hate Crimes Throughout America. While enforcing explosives and arson laws over which it has jurisdiction, ATF has participated in the investigations of bombing and arson incidents at predominantly gay bars such as the incidents reported in Atlanta. For example, in the bombing of the gay nightclub, which occurred on February 21, 1997, the ATF joined the FBI in a task force headed by the U.S. Attorney.

Gun Regulation Helps Stem the Flow Of Firearms that can Fuel Hate Group Activity. Many organized hate groups use guns to carry out violent offenses covered by hate crime statutes. Treasury bureaus work to intercept gun shipments into the U.S. and to regulate the illegal sale and possession of firearms by potential perpetrators of hate crimes and other offenses.

Targeting Ignorance:

Focusing on Youth Attitudes that Create Hate Crimes. The Department of Education is supporting efforts at the local level to develop and implement innovative effective strategies for preventing and reducing incidences of crimes and conflicts motivated by hate in localities directly affected by hate crimes. The Department has funded programs aimed at reducing violent behavior among youth motivated by hate or bias.

Understanding the Problem of Hate Crimes:

Gathering Information on the National Scope of the Problem. The FBI Uniform Crime Report collects the only national data on hate crimes through the Uniform Crime Reporting (UCR) Program, and has established guidelines for the collection of such data, and criteria for a finding of prejudice. In 1996, 11,355 law enforcement agencies across the country participated in the data collection efforts, representing 84 of the nation's population. From these departments alone, there were 8,734 reported incidents of hate crimes in 1996. [FBI, Uniform Crime Report -- Crime in the United States 1996, 1997]

Studying Anti-Gay Hate Crimes. The National Institute of Mental Health (NIMH) has funded the first large-scale study of the mental health consequences of hate crimes. The preliminary principal findings of this research are that hate crimes based on sexual orientation appear to have more serious psychological effects on lesbian and gay men than do other non-bias motivated crimes. The study also provides information about the prevalence of anti-gay hate crimes, the

rate at which these crimes are reported to the police, and the prevalence of other harassment and discrimination against gay men and lesbians.

Prosecuting Hate Crimes Aimed At Our Houses of Worship:

Fighting Hate Crimes Aimed at Houses of Worship. The President fought for and signed the Church Arson Protection Act of 1996, which facilitates prosecutions of racially motivated arsons and other acts of desecration against houses of worship.

Creating the National Church Arson Task Force. President Clinton established the National Church Arson Task Force in June 1996 to oversee the investigation and prosecution of these cases, in response to an outpouring of national concern over arsons at houses of worship around the country. The NCATF has brought together the FBI, ATF, Justice Department prosecutors, and the Community Relations Service, in partnership with the state and local law enforcement officers and prosecutors. Well over 200 ATF and FBI investigators have been deployed in these investigations. In addition, the NCATF has coordinated with other agencies, such as the federal Emergency Management Agency and the Department of Housing and Urban Development, in the federal government's efforts to promote arson prevention and in providing resources for church rebuilding.

- Many of the 508 incidents investigated have been solved, mainly by a combination of federal and state arrests and prosecutions. Since January 1995, arrests of 240 suspects have been made. The 240 arrests have led to over 100 convictions, including the first convictions under the 1995 Church Arson Prevention Act, 18 U.S.C. 247, as amended. This rate of arrest (35 %) for crimes that may have been motivated by hate or bias is more than double the 16 % rate of arrest for arsons in general. As of June 1997, Federal, state, and local prosecutors have successfully convicted 110 defendants in connection with fires at 77 houses of worship since January 1995.[Treasury]

Working with Communities Against Hate

Bringing Communities Together to Fight Hate. The Department of Justice's Community Relations Service often becomes involved when a hate crime incident threatens harmonious racial and ethnic relations. When a hate crime takes place, the Service uses mediation to provide representatives of community groups and local governments with an impartial forum to restore stability through dialogue and discussion. It conducts training conferences on hate crime prevention and response for state and local law enforcement and other governmental agencies, academic institutions and civic, business and community organizations. The Community Relations Service assists local government and organizations in appropriate contingency planning to ensure that marches, demonstrations and similar events occur without exacerbating racial and ethnic tensions.

Fighting Intolerance in our Schools and Communities. The Clinton Administration also supports several desegregation centers. These centers have provided training and technical assistance on hate and bias crimes, and have developed model programs and practices. The desegregation centers and policies and have identified programs that are working in schools to prevent the behavior that leads to hate crimes.[Department of Education, 10/97]

**WHITE HOUSE CONFERENCE ON HATE CRIMES
QUESTIONS AND ANSWERS
NOVEMBER 10, 1997**

Q: What is a hate crime?

A: As a general matter, a hate crime, also known as a bias crime, is a crime that is committed against a person or property that is motivated, in whole or part, by the offender's bias against the victim's race, color, religion, gender, national origin, sexual orientation, disability, or familial status. However, it is important to understand that hate crimes are defined by various federal and state criminal statutes, and these statutory definitions differ in their particulars from jurisdiction to jurisdiction. The principal federal hate crimes statute, for example, is limited to crimes committed because of the victim's race, color, religion or national origin; it does not include crimes committed because of the victim's gender, sexual orientation, or disability.

Q: Is the President supporting an expansion of the definition of a hate crime? Is he supporting changes to current federal law?

A: I have called a conference on hate crimes for November 10, 1997. One of the issues that will be considered at the conference is whether the statutory definition of the principal federal hate crimes statute should be expanded.

Q: What policy announcements will you make at the Hate Crimes Conference?

A: I will make significant policy announcements regarding law enforcement and prevention, including initiatives regarding FBI resources, training for law enforcement officials, and statistical reporting.

Q: Is the Hate Crimes Conference part of the Race Initiative?

A: The Hate Crimes Conference addresses the same basic ideas behind the Race Initiative. In both cases, I would like to create a dialogue so that people can discuss the issue and learn about their differences. While the Hate Crimes Conference coincides with the Race Initiative in many ways, the Hate Crimes Conference encompasses more than racial differences but also differences in religious beliefs, sexual orientation, gender, and disability. Members of the President's Initiative on Race are actively participating in the Hate Crimes Conference as well as at some of the 45 or so satellite sites across the country.

Q: Is the Oklahoma City bombing case a hate crime? Is the President speaking out on hate crimes now because of the McVeigh and Nichols trials?

A: It would be inappropriate for me to comment about the Oklahoma City bombing case,

since Mr. McVeigh's case is on appeal and the Nichols trial is currently pending. However, this is an issue I have always felt strongly about. I believe that hate crimes are a scourge on our society as a whole, and that we need to get tough on hate.

Q: Is the bombing of an abortion clinic a hate crime?

A: It depends on the circumstances. If the bombing is motivated by the perpetrator's gender-based bias, then the crime could violate a hate crimes statute if the statute defines hate crimes to include this type of conduct when it is motivated by gender bias. The principal federal hate crimes statute currently does not prohibit conduct motivated by gender-based bias.

Q: Why are there disparities in the hate crimes statistics reported? Why don't we know whether the number of hate crimes committed is going up or down?

A: Hate crimes statistics vary widely because hate crimes are under reported. There are several reasons why this happens. First, hate crimes reporting by state and local law enforcement agencies is voluntary under current law. Second, many of the most likely targets of hate crimes also are the least likely to report incidents to the police. For example, 60% of the victims of anti-gay incidents who reported their incidents to private tracking groups did not report the incidents to the police, in many cases because of a fear of mistreatment or unwanted exposure. Third, state and local jurisdictions often have disincentives to classify and compile statistics relating to hate crimes. Tracking hate crimes may require law enforcement agencies to do additional investigative work to determine the motivation behind crimes. Nonetheless, the number of hate crimes actually reported to the FBI has increased over the past several years, from 2,771 in 1991 to 7,947 in 1995.

HATE CRIMES -- BACKGROUND PAPER

Some Federal Statutes Relating to Hate Crimes

- 18 U.S.C. § 245, the principal federal hate crimes statute, prohibits the use of force or threats of force against individuals because of their race, color, religion or national origin and because of their participation in one of the following six “federally protected activities:” (1) enrolling in or attending public school or college, (2) participating in or enjoying any service, program, facility or activity provided or administered by any State or local government, (3) applying for or enjoying employment, (4) serving as a juror in state court, (5) traveling in or using any facility of interstate commerce, and (6) enjoying the goods or services of a place of public accommodation.
 - Section 245 has significant limitations : (1) the statute does not prohibit conduct that is based on gender, sexual orientation, or disability, and (2) it does not apply unless the victim is engaged in one of the enumerated federally protected rights at the time of the offense.
- 42 U.S.C. § 3631, enacted in 1968 as part of the Fair Housing Act, prohibits housing-related violence based on race, color, religion, national origin, gender, disability, or familial status.
- The Hate Crimes Statistics Act directs the Attorney General to collect statistics on crimes based on race, religion, sexual orientation, disability, or ethnicity.
 - The Act contains no requirement that jurisdictions report hate crimes, nor does it provide funding as an incentive to encourage reporting by state and local jurisdictions. As a result, statistics collected pursuant to the Act are incomplete.
 - In addition, the Act does not require the collection of gender-based hate crimes.
- The Sentencing Enhancement Act, passed as part of the 1994 crime bill, authorizes the imposition of enhanced sentences for federal crimes found to have been motivated by race, color, religion, national origin, sexual orientation, gender, or disability. The Act became effective in November 1995.

Hate Crimes Statistics

- Hate crimes statistics are maintained by the FBI, by some state and local law enforcement agencies, and by several private organizations. The number of hate crimes reported to law enforcement officials has increased over the past several years, but because of under-reporting and other factors it remains uncertain whether the total number of hate crimes committed in the United States is going up or down. In any event, the numbers are large.
- The FBI has released reports on hate crimes statistics, based on reporting from state and local agencies, each year since 1991. In 1991, 2771 state and local agencies reported a total of 4,558 bias motivated incidents to the FBI. In 1995, 95845 state and local agencies reported a total of 7947 such incidents to the FBI. The fact that many jurisdictions, including several large jurisdictions, report to the FBI that they have no hate crimes leads many to conclude that the FBI's statistics present an incomplete picture of the national situation.
- Several private groups track hate crimes. Some track all types of hate crimes, while others focus their efforts on tracking hate crimes against certain constituencies, such as gays and lesbians, Jews, Arab-Americans, Muslim-Americans, Asian-Americans, etc. Statistics kept by these groups tend to differ significantly from statistics kept by the FBI. First, some victims of hate crimes report their experiences to a group but not to the FBI. Second, several of the groups count incidents of verbal harassment as hate crimes even though such incidents do not constitute crimes in most states.
- All of the reporting systems are plagued by under reporting, for which there are several reasons.
 - First, many of the most likely targets of hate crimes also are the least likely to report incidents to the police. For example, 60% of the victims of anti-gay incidents who reported their incidents to private groups did not report the incidents to the police, in many cases because of a fear of mistreatment or unwanted exposure. Similarly, many hate crimes victims in immigrant communities do not report incidents to the police because they fear reprisals or deportation.
 - Second, state and local jurisdiction often have disincentives to classify and compile statistics relating to hate crimes. Tracking hate crimes may require law enforcement agencies to perform additional investigative work to determine the motivation behind crimes. In addition, some local political leaders may believe that it would exacerbate racial tensions or harm their jurisdictions' reputations to acknowledge that crimes committed in their cities or towns were motivated by bias.

Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 10:54:27.00

SUBJECT: 1-Pager on Today's Jobs Report

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

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

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

TO: Elliot J. Diringer (CN=Elliot J. Diringer/OU=CEQ/O=EOP @ EOP [CEQ])
READ:UNKNOWN

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

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

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

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

TO: Michael V. Terrell (CN=Michael V. Terrell/OU=CEQ/O=EOP @ EOP [CEQ])
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TO: John Podesta (CN=John Podesta/OU=WHO/O=EOP @ EOP [WHO])
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TO: Peter R. Orszag (CN=Peter R. Orszag/OU=OPD/O=EOP @ EOP [OPD])
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READ:UNKNOWN

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

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

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

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

TO: Ann F. Lewis (CN=Ann F. Lewis/OU=WHO/O=EOP @ EOP [WHO])
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TO: Jeanne Lambrew (CN=Jeanne Lambrew/OU=OPD/O=EOP @ EOP [OPD])
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TO: Christopher C. Jennings (CN=Christopher C. Jennings/OU=OPD/O=EOP @ EOP [OPD])
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TO: Katherine Hubbard (CN=Katherine Hubbard/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

TO: Nancy V. Hernreich (CN=Nancy V. Hernreich/OU=WHO/O=EOP @ EOP [WHO])
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TO: Lawrence J. Haas (CN=Lawrence J. Haas/OU=OMB/O=EOP @ EOP [OMB])
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TO: D. Stephen Goodin (CN=D. Stephen Goodin/OU=WHO/O=EOP @ EOP [WHO])
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TO: Ben A. Freeland (CN=Ben A. Freeland/OU=WHO/O=EOP @ EOP [WHO])
READ:UNKNOWN

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

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

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

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

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

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

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

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

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

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

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

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

UNEMPLOYMENT DOWN, JOBS UP, AND WAGES RISING AGAIN: KEEP AMERICA ON RIGHT TRACK, PASS FAST TRACK

November 7, 1997

Automated Records Management System
Hex-Dump Conversion

TODAY, THE LABOR DEPARTMENT ANNOUNCED THAT THE UNEMPLOYMENT RATE FELL TO 4.7 PERCENT LAST MONTH, MORE THAN A QUARTER OF A MILLION JOBS WERE CREATED, AND WAGES CONTINUED TO RISE. With the economy as strong as its been in a generation, now is not the time to turn around President Clinton's three-part economic strategy; now is the time to press ahead with reducing the deficit, investing in our people, and tearing down foreign barriers to American goods. The House of Representatives must pass fast track to keep America's economy on the right track.

- **UNEMPLOYMENT DOWN TO 4.7 PERCENT -- ITS LOWEST LEVEL IN 24 YEARS.** The October unemployment rate was 4.7 -- its lowest level since 1973. The unemployment rate has been below 6 for 38 consecutive months and at or below 5 for 7 months now with no signs of inflationary pressures. In 1992, the unemployment rate was 7.5 . [Source: BLS.]
- **280,000 NEW JOBS LAST MONTH -- 13.5 MILLION NEW JOBS UNDER PRESIDENT CLINTON.** During the Clinton Administration, the economy has added 13.5 million new jobs -- a faster annual rate of job growth (2.5 percent per year) than *any* Republican Administration since the Roaring 1920s. The economy has added 2.8 million jobs over the past year. [Source: Based on data from the Bureau of Labor Statistics, Current Employment Statistics survey.]
- **REAL WAGES RISING AGAIN.** After stagnating or declining for years, real wages are rising again. Over the past 12 months, wages have risen 4.2 percent -- that is far faster than the 2.2 percent inflation rate over the past year. [Source: BLS.]
- **STRONG PRIVATE-SECTOR JOB GROWTH.** Last month, the economy added 282,000 private-sector jobs. Since President Clinton took office, the private sector of the economy has added 12.5 million new jobs -- with 2.5 million jobs added in the past year. Under President Clinton, 93 percent of the 13.5 million new jobs under President Clinton have been in the private sector -- that's a higher percentage than any Administration since Truman. [Source: Based on data from BLS.]
- **TURNING THE CORNER IN BASIC AMERICAN INDUSTRIES.** After losing 667,000 jobs in construction during the previous four years, 1.1 million new construction jobs have been added since January 1993 -- that's a faster annual rate than any other Administration since Harry S Truman was President. After losing 35,000 jobs in the auto industry during the Bush years, we have 136,000 new auto jobs since President Clinton took office. [Source: Bureau of Labor Statistics, Current Employment Statistics survey.]

WITH AMERICA'S JOBS MACHINE RUNNING AT FULL SPEED, WE MUST PRESS AHEAD WITH THE PRESIDENT'S THREE-PART ECONOMIC STRATEGY OF OPENING FOREIGN MARKETS, INVESTING IN OUR PEOPLE, AND CUTTING THE DEFICIT.

- **CONGRESS MUST PASS FAST TRACK.** The House of Representatives will vote on whether or not to provide the President "fast-track" trading authority -- the same authority every President since Ford has had. Today's numbers show that President Clinton's three-part economic strategy is working. Exports are up more than 50 percent since President Clinton took office, helping to create millions of high-paying jobs. To continue to keep America's economy strong, we need to continue to open markets abroad. A vote against fast track is a vote against high-paying export

jobs.

Automated Records Management System
Hex-Dump Conversion

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 11:24:04.00

SUBJECT: Re: hud

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

CC: Stacie Spector (CN=Stacie Spector/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

TEXT:

fine w/ me.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 11:26:09.00

SUBJECT: Govenors/ FICA/ CR

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

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

TEXT:

Governors Carper and Chiles staff just called me. Their bosses are in town, asked them to call ASAP to ask the possibility of getting a limited FICA exemption added to the Continuing Resolution. I checked in with Barry White, who said that the firm agreement with the leaderships is that the CRs will only have those things necessary to keep the programs running, and that we may have a series of one-day CRs this week as negotiations continued. I relayed this to Martha and Karen.

FYI -- they suggested a new way of doing a FICA exemption -- a clause that would say
"no FICA/FUTA liability until the IRS rules." Kind of an interesting idea.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 13:05:24.00

SUBJECT: Same Sex Schools

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

READ:UNKNOWN

TEXT:

Is there any chance we would be ready to announce our position on same sex schools in NY on Thursday, 11/13?

I assume not -- but Rahm wanted me to check.

Please let me know.

Thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-NOV-1997 13:19:47.00

SUBJECT: Cuomo

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

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

TEXT:

Jackie Lalling at HUD who has worked on Make 'em pay asks whether the Secretary shouldn't be on the President's panel because make 'em pay is such an important piece of the conference.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 13:25:47.00

SUBJECT: Cabinet memo 11-7-97

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

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

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

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

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

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

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

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

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

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

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

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

READ:UNKNOWN

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

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

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

TEXT:
AGRICULTURE
Today - nothing public

AIDS POLICY
Today - the Director is in Chicago speaking to an AIDS Foundation meeting;
ed board meeting with Chicago Tribune

ONDCP
Today - the Director attends drug elimination grants event with VP

EDUCATION
Today - the Secretary attends Blue Ribbon schools event with Mrs. Clinton
Monday - the Secretary attends Hate Crimes Conference

ENERGY
Next Week - the Secretary will be traveling to the Caspian next week
Today - the Secretary speaks to National Conference of State Legislators;
announce Safeguards and Securities at sites around the country

EPA
Today - nothing public

HHS
Today - the Secretary is in Indiana speaking about Breast Cancer

INTERIOR
Today - the Secretary is in Arizona at Bureaus of Reclamation memorial
service

JUSTICE
Today - nothing public

OMB
Today - nothing public
Monday - the Director speaks to Wall Street Journal Lunch group; attends
Hate Crimes Conference

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 13:59:14.00

SUBJECT: Elena, please examine re: fingerprinting

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

HHS's rewrite after yesterday's meeting contained changes to preamble language only. Please examine below the changes to both the rule and the preamble which I have made to I think better reflect yesterday's conversation.

Section 271.42 Which reductions count in determining the caseload reduction factor?

(a) Each State's estimate must factor out any caseload decreases due to Federal requirements or State changes since FY 1995 that affect an individual's eligibility for assistance. These include:

(1) Changes in eligibility rules that directly affect a family's eligibility for benefits (e.g., more stringent income and resource limitations or time limits); and

(2) Procedural changes that have the effect of significantly delaying or denying eligibility (e.g., documentation requirements that create obstacles to the receipt of assistance).

A State need not factor out documented effects of enforcement mechanisms which are used to enforce existing eligibility criteria (e.g., fingerprinting or other verification techniques).

Preamble language for Section 271.42

Thus, we propose to give States credit for caseload reductions except when those caseload reductions arise from two kinds of changes in eligibility:

(1) changes in eligibility rules that directly affect a family's eligibility for benefits (e.g., more stringent income and resource limitations or time limits); or (2) changes in procedural conditions of eligibility that also have a direct and significant effect on caseloads by delaying or denying eligibility (e.g., documentation requirements that create extra obstacles or delay receipt of benefits).

Under this approach, we would not give States credit for caseload reductions due to new procedural requirements where such requirements served simply as an obstacle that had the effect of keeping eligible families from seeking or receiving assistance. We would allow States to get caseload reduction credit where new procedural requirements (such as fingerprinting or other verification techniques) resulted in the

identification of families that were ineligible under existing eligibility rules. In making this distinction, States could report the actual number of cases identified as fraudulently seeking benefits or as well as cases identified through they could use a sample to determine what percentage of cases which were deterred because they were ineligible (and not accurately reporting their circumstances). Unless a State provided documented evidence that cases were diverted from the rolls due to fraud or misreporting, we would exclude all cases diverted from the rolls by procedural requirements from the State's caseload reduction credit.

Through this policy approach, we are seeking to achieve the balance identified by Congress: that a State should receive credit for moving families off welfare, but should not be able to avoid its accountability for work as a result of any changes that restrict program eligibility.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Mary L. Smith (CN=Mary L. Smith/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-NOV-1997 14:02:01.00

SUBJECT: Request for Cuomo to be on President's panel

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Jackie Lawing (sp) from HUD called, and suggested that Secretary Cuomo be on the President's panel discussion. I would suggest not --for several reasons including time constraints and the fact that we do not have a panelist representing the housing issue. Do you want me to call them or will you?

Quality Commission Update. On November 20, we have tentatively scheduled an event for you to accept the Quality Commission's "Consumer Bill of Rights" and announce your support for a Federal legislative approach (not necessarily an Administration-specific bill) that ensures that the protections are real. In addition, we are working with HHS to determine if they can come up with executive actions that illustrate our commitment to apply the Commission's recommendations to Federal government programs. A great deal of public attention to the consumer protections issue has been raised lately, largely as the result of memos associated with the Republican Leadership (Senator Lott, Senator Nickles, Congressman Arney) that call on their business and insurer allies to oppose Federal legislation in this area. A quote that suggests that these industries "get off your butts and get off your wallets" has been attributed to Senator Lott and Congressman Arney has been labeling any effort in this area to be "Clinton II." While their strategy may be paying dividends with their target audience, the publicity around the memos has not served the Leadership well. This is particular the case since 85 Republicans have joined Congressman Norwood (R-GA) in supporting legislation that goes far beyond what Quality Commission will recommend to you. Having said this, the concern of the business community about premium increases is growing, and we are going to have to position ourselves carefully on this issue.

Medicare Commission Update. This week Senator Daschle announced that Senator Kerrey and Senator Rockefeller will serve as his appointments to the Medicare Commission. Apparently he decided to go ahead and make this announcement and forego any potential trade for one appointments. Neither Congressman Gephardt nor the Republicans have announced or even finalized their decisions for the Commission.

Children's Health Outreach Initiative. As you know, three million children are now eligible and not enrolled in Medicaid. Many more children will be eligible but not enrolled in the new children's health insurance program (CHIP). We have been meeting with HHS, NEC and the First Lady's office to develop ideas for a major children's health outreach initiative. Possible policy options could include: simplifying Medicaid eligibility rules; distributing a model single application form for both programs; giving states access to existing but now restricted funds for outreach; and making it easier to enroll children at schools and child care referral centers.

We are also considering other private sector outreach initiatives, such having businesses who market to parents promote enrollment. Finally, we hope to form a public/private steering committee that would continue to develop and encourage innovative outreach efforts. This committee could include representatives from HHS, NGA, Americorps, America's Promise, prominent non-profit foundations, provider groups, children's advocacy groups. If you and/or the First Lady are interested, we could design a possible event to announce this initiative.

Confirmation Update on Nancy-Ann Min DeParle and Dr. Satcher. We have been working hard to encourage Senator Lott and other Republicans to allow for final confirmation votes for Nancy-Ann Min DeParle to become HCFA Administrator and Dr. David Satcher for Surgeon General. It appears that there is growing fear among Republicans that the Kyl Medicare private

contracting amendment could backfire on them in this upcoming election year. As a result, we are becoming increasingly confident that they will soon agree to vote on her confirmation. As for Dr. Satcher, John Hilley continues to push Senator Lott to move on a final vote on the Surgeon General as well. As of this writing, while we are increasingly optimistic, we have no assurance they will vote on his confirmation before the Congress adjourns.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 15:12:22.00

SUBJECT: Charter Bill Passed

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

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

READ:UNKNOWN

CC: Neera Tanden (CN=Neera Tanden/OU=WHO/O=EOP @ EOP [WHO])

READ:UNKNOWN

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

READ:UNKNOWN

CC: Tanya E. Martin (CN=Tanya E. Martin/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: Robert M. Shireman (CN=Robert M. Shireman/OU=OPD/O=EOP @ EOP [OPD])

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

The charter schools bill endorsed by the President passed the House this afternoon with a big bipartisan vote. There were no major amendments.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Essence P. Washington (CN=Essence P. Washington/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-NOV-1997 15:29:01.00

SUBJECT: INS Restructuring Review Meeting

TO: Jeffrey P. Morales (CN=Jeffrey P. Morales/O=OVP [UNKNOWN])
READ:UNKNOWN

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

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

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

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

TO: Charles F. Ruff (CN=Charles F. Ruff/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: 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

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

TEXT:

INS Restructuring Review Meeting will be held Thursday November 13th at 2:00 PM in room 472 in the Old Executive Office Building.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 15:29:14.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

REMINDER: Mary Berry Mtg. at 3:30 in Maria's office

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-1997 15:29:54.00

SUBJECT: Immigration Discussions

Jana Sidley with Bonnie Campbell's office just called and said that as you are negot

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

FYI--I don't know how this plays out in the current negotiations on 245i,,
but wanted to be sure you knew about this.

----- Forwarded by Maria Echaveste/WHO/EOP on 11/07/97

03:13 PM -----

Audrey T. Haynes

11/07/97 12:35:34 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc:

Subject: Immigration Discussions

Jana Sidley with Bonnie Campbell's office just called and said that as you are negotiating the Immigration provisions, there is an exemption in 245i for immigrant women who are victims of domestic violence which allows them to stay in the country while they are applying for citizenship.....they want to make sure these provisions will continue, if not it will gut the immigrant portion of the VAWA. I have the name of the attorney at Justice that knows most about this if you need more information.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Thomas L. Freedman (CN=Thomas L. Freedman/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 7-NOV-1997 15:54:25.00

SUBJECT: Cuomo

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

TEXT:

I talked to Cuomo's staff and they said its fine for him not to be on the panel.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 16:01:26.00

SUBJECT: Re: Same Sex Schools

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

READ:UNKNOWN

TEXT:

Thanks -- I will try to keep the day open (sadly, it's the only open day left in November) and we will be ready with a back up in the likely event that same sex schools are not ready to go.

Please let me know if you get a better sense of timing on this.

thanks.

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 16:04:03.00

SUBJECT:

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

READ:UNKNOWN

TEXT:

Barry White called to see if you were coming to OMB Mtg. in 260; it's starting

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Stacie Spector (CN=Stacie Spector/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 7-NOV-1997 16:15:34.00

SUBJECT: possible attendees for thinkers dinner

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

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

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

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

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

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

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

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

TEXT:

Here is a draft working list of possible attendees for a possible dinner that we discussed this past Wednesday. More names will be coming in tomorrow and Monday when I get more call backs. But this should help us begin brainstorming, please email additional ideas that you have. These names have not been vetted, there will be additional diversity added, and more variety when I have additional information next week, and you all have weighed in.

Please forward to anyone I may have left off the distribution list. Thank you.===== ATTACHMENT 1 =====

Work/Family Dinner

Criteria: 12 - 24 people
Business, Labor, Authors, Thinkers

Generalists:

Walter Cronkite family man, married over 50 years, been in peoples living rooms forever.

Madelyn Hochstein Runs the "trend" research at Yankelovich has done a lot of work in the area of work/family, work and women.

Congresswoman Pat Schroeder - Chair, New Century/New Solutions working with a foundation that is working on the issues in a civil society.

Fran Rogers Work Family Directions (runs a \$50 million for profit company that helps businesses design and implement policies that support work and family -- Boston)

Kathleen Christiansen, Ph.D. Program Officer at the Sloan Foundation directing all projects on Work and Family.

Ellen Galinsky Helped on the Brain Conference here. President of Families/Work Institute a non-profit consulting on Work/Family.

Dana Freedman consulting Corporate Family Solutions. Runs a for profit company with companies on Work/Family issues.

Judy Lichtman President of Women's Legal Defense Fund, originator of Family and Medical Leave Act.

Bill Galston University of Maryland

Jerry Jasinowski National Association of Manufacturers

Ms. Bernice Weissbourd President of Family Focus a national organization representing the emerging family support movement. Offer many of the social supports that were once provided by a network of stable extended families within a community.

Labor Leaders:

Jim Murray State Fed. Pres of Montana, coalition builder, retired, Indiana Steelworkers, established training center with Business people and Steelworkers, in Midwest region to retrain workers as the steel industry began to change, he is nationally known by AFL-CIO, local leader dealing with real families and workers.

Sue Shellenbarger Wall Street Journal Work and Family section writer.

Scholars:

Michael Sandel Harvard Professor, political philosopher, public speaker, has participated in debates along side Cornell West on New Markets.

Ron Tahaki University of Berkeley, Professor of History

Lottie Bailyn MIT Sloan School of Management-T. Wilson Professor of Mgmt. She has recently completed a preliminary project on how work is organized through a work/family lens.

Al Kahn Columbia University, School of Social Work. His work is focused around work/family issues in this country and international comparative work.

Johnetta Cole President of Spellman University

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 16:16:06.00

SUBJECT:

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

TEXT:

Call John Morton, DOJ ASAP at 514-9343

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 16:22:35.00

SUBJECT: Senior Staff Coverage for Veteran's Day

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

READ:UNKNOWN

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

READ:UNKNOWN

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

READ:UNKNOWN

TEXT:

Please let me know. Thanks.

----- Forwarded by Laura Emmett/WHO/EOP on 11/07/97 04:30
PM -----

Brooks E. Scoville

11/07/97 04:16:51 PM

Record Type: Record

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

cc:

Subject: Senior Staff Coverage for Veteran's Day

As per Jason's email yesterday, I am collecting information on Senior Staff office coverage for Veterans Day, Tuesday, November 11. The Chief of Staff has requested a complete list of senior staff (Assistants to the President and Deputy Assistants to the President only) who will be working the holiday, as well as the names of those senior staff on call and how they can be reached.

Please submit your names to me no later than 10 am on Monday, November 10. We will be submitting this information to the Chief of Staff Monday afternoon.

Also, remember to provide the WHCA Signal Switchboard with information of how the senior staff who will be out of town may be reached.

Thank you.

Message Sent

To:

Lori L. Anderson/WHO/EOP

Carolyn E. Cleveland/WHO/EOP

STEELE_E @ A1 @ CD @ LNGTWY

Cynthia M. Jasso-Rotunno/WHO/EOP
SHAMIR_R @ A1 @ CD @ LNGTWY
Kevin S. Moran/WHO/EOP
Mary Morrison/WHO/EOP
Stacey L. Rubin/WHO/EOP
Lisa J. Levin/WHO/EOP
Lisa M. Williams/WHO/EOP
Marjorie Tarmey/WHO/EOP
Laura Emmett/WHO/EOP
Gay L. Joshlyn/OPD/EOP
CEARLEY_V @ A1 @ CD @ LNGTWY
Patricia A. McHugh/WHO/EOP
Scott R. Hynes/OVP @ OVP
Virginia N. Rustique/WHO/EOP
Edward F. Hughes/WHO/EOP

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

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

CREATION DATE/TIME: 7-NOV-1997 17:12:09.00

SUBJECT: Labor-H-Bill on Floor! -- Bill 6-2857

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

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

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

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

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

TEXT: